

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
OCTOBER 27, 2009**

The October 27, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Shoshana Hantman, Gloria Rosenzweig, Dr. Edward Merker, James Moriarty, Gary Meixner

Absent: Dr. Frank Lapetina

Guests: None

Announcements:

Board member Dr. Frank Lapetina emailed the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

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Announcements:

Board member James Moriarty emailed the C.B. Secretary to inform her that he would be late for the meeting tonight.

Approval of Minutes:

A motion was made by Gloria Rosenzweig and seconded by Gary Meixner to approve the minutes of the October 13, 2009 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty made changes to the minutes dated October 13, 2009 on pages 6 and 8.

Board member Gloria Rosezweig made changes to the minutes dated October 13, 2009 on page 8.

Board member Shoshana Hantman made changes to the minutes dated October 13, 2009 on page 14.

Old Business:

- A)** Dedication of Trailway or Area in the Angle Fly Preserve; Update; Memo; Email 10-1-09 from Dr. Merker (& forwarded from Michael Barnhart)/re: Dedication to John L. Behler & Conservation Board comment; Involved Agencies - Somers Land Trust & Open Space Committee: (EM)
The Conservation Board members discussed the above subject matter regarding the dedication of a Trailway or area in the Angle Fly Preserve to former Board member John L. Behler.

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Old Business:

A) Dedication/Angle Fly:

C.B. Secretary Ms. Davis informed the Board members that she received an email from Dr. Merker and a copy of the email from Michael Barnhart of the Open Space Committee, which she forwarded to the Conservation Board members.

The Board members reviewed the email from Michael Barnhart and they were delighted to discover that the turtle habitat that John was so fond of would be the area of his dedication. The email noted that in particular the footbridge that crosses the turtle habitat in the Angle Fly Preserve would be the site of the dedication to John Behler, former Conservation Board member.

Discussion took place concerning the proposed dedication of the footbridge crossing the turtle habitat over the Angle Fly.

Several of the Board members made some suggestions regarding the contents of the memo that would be sent to the Open Space Committee and Co-Chair Michael Barnhart.

The Conservation Board members agreed that a memo should be generated to the Open Space Committee and Michael Barnhart thanking them for their participation in the dedication of the footbridge that crosses the Angle Fly.

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Old Business:

A) Dedication/Angle Fly:

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A memo (#09-39) will be sent to the Open Space Committee stating that the Conservation Board members discussed the email from Mr. Barnhart that concerns the proposed dedication at the Angle Fly for former Board member John L. Behler at their meeting on October 27, 2009.

Mr. Barnhart confirmed that the Somers Land Trust and the Open Space Committee suggested that the footbridge across the Angle Fly be named in honor of John Behler. He explained that the proposal recommends a plaque with a picture and bio commemorating those individuals to be memorialized.

The Conservation Board members agree with the proposed dedication of the footbridge over the Angle Fly (as it is a turtle habitat) and a plaque to commemorate the individual.

The Board members would like to thank Mr. Barnhart, the Open Space Committee and the Somers Land Trust for their efforts regarding the expedition of this dedication to former Board member John L. Behler.

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The Board members took no further action at this time.

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Old Business:

- B)** Somers Realty Planned Hamlet/Site Plan/Planning Board/Preliminary Subdivision Plat & Application dated 9-14-09; Road Construction Plan dated 9-14-09, Prepared by Keane Coppelman Engineers, PC, (Rte. 6/Mahopac Avenue): (JM)

The Conservation Board reviewed the above Planning Board application for Somers Realty Planned Hamlet site plan, preliminary subdivision plat at their meeting.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board.

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Report:

- This application is located on Rte. 6 and Mahopac Avenue at Baldwin Place on the far side of Somers Commons (towards Mahopac).
- Board member Moriarty explained that the Housing Action Council had to redesign the site in order to avoid the DEP (Department of Environmental Protection) watercourses.
- He advised the Board members that the plan was difficult to read, as there was no legend or key on the plans submitted (road construction plan).

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Old Business:

B) Somers Realty Planned Hamlet/SP:

- Mr. Moriarty informed the Board that everything else seemed in order (other than those two comments). He had nothing new to add to his review of this application.

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After some discussion on the matter C.B. Secretary Ms. Davis mentioned that a memo had been sent to the Planning Board at the last meeting regarding the need for a key box (#09-36).

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The memo (#09-36) was sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Somers Realty Planned Hamlet, preliminary subdivision application to divide 79.38 acres into 3 lots at their meeting on October 13, 2009.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

The C.B. has the following concerns and recommendations:

- 1) The Board would like the applicant to create a 'key box' to explain the details on the road construction plan and the plat plans submitted.

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Old Business:

B) Somers Realty Planned Hamlet/SP:

- The road construction plan and plat plans should incorporate this *key box* to describe line designations with descriptions (which lines signify what i.e. utilities, site elevations, etc.)
- 2) The applicant should address on the plans submitted the neighboring property that is located on the south and west side of the parcel.

The Conservation Board will continue to review this application for Somers Realty Planned Hamlet as revisions are submitted.

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The Board members took no further action at this time.

C) Opengate Site Plan/Site Plan/Planning Board/Proposed Parking Lot Extension Opengate Campus/Sheet 17.06-1-3, New parking spaces (20) plus (8) relocated, Area of site activity-0.45 acres, Site Plan SP-1 dated 9-20-09; CM-1 Constraints/Soils Map dated 9-20-09; Survey of Property revised dated 12-13-04; Pre & Post Development Peak Stormwater

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Old Business:

C) Analysis & Infiltration Computations dated 9-16-09; Corporate Affidavit of Ownership; Letter of Tax Exemption, (#28 Warren Street): (CF)

The Conservation Board tabled the review of the above Planning Board application for the Opengate site plan, proposed parking lot extension, stormwater analysis and infiltration computations until their next meeting.

C.B. Secretary Ms. Davis discussed the above application with Board member Friedberg. She mentioned that another copy of the plan could probably be obtained from the office of Planning and Engineering.

Discussion ensued among the Board members regarding the application.

Ms. Davis advised that she would look into the situation and find out what could be done regarding replacement of the document.

A report will be forthcoming at the next Conservation Board meeting.

D) Wright's Court/formerly Barlow Ct./Hallic Pl./Site Plan/Planning Board dated 9-28-09, SEQR EAF – Part 1 Prepared by Kellard Sessions Consulting, PC, dated 9/09; Maintenance, Pesticides & Herbicides Program Notes prepared by Rosedale Nurseries, Inc. dated 9-09, (Scott Drive/off Rte.100): (JM)

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Old Business:

D) Wright's Court/SP:

The Conservation Board reviewed the above Planning Board application for Wright's Court site plan and maintenance program at their meeting.

Board member James Moriarty reviewed the materials submitted and gave a report to the Board.

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Report:

- Mr. Moriarty advised the Board that the property is located on both sides of Scott Drive, off Rte. 100.
- He explained that the applicant prepared maintenance, pesticides and herbicide program notes by Rosedale Nurseries, Inc., and advised that everything seemed in order.
- Board member Moriarty produced the program notes for maintenance, pesticides and herbicides dated September 2009. *The contents included the fact that all supplemental fertilizing of the lawns and plantings will be done with all natural organic fertilizers.*

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Old Business:

D) Wright's Court/SP:

- *The document further notes that the landscape as proposed will be installed and maintained effectively and attractively without the use of toxic chemical pesticides, herbicides or fertilizers.*
- Mr. Moriarty informed the Board that the application contained an EAF (Environmental Assessment Form) prepared by Kellard Sessions Consulting.
- Board member Moriarty stated that the information presented was straightforward and he had no corrections or comments.

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Chairman Meixner asked if the EAF (Environmental Assessment Form) was a complete report.

Board member Moriarty responded in the affirmative.

A brief discussion ensued among the Board members with reference to this application and some of the previous comments made by the Board.

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Old Business:

D) Wright's Court/SP:

The Board members appreciated getting the information on the maintenance, pesticides and herbicides program notes dated September 2009. They were satisfied with the contents of the document.

The Board members took no further action at this time.

- E) The Mews @ Baldwin Place/Somers Realty Planned Hamlet/Site Plan/Planning Board dated September 28, 2009; Construction of 72 units of Senior Affordable Housing; Excavation/5,500 cut/6500 fill/Activity area 4.5 acres; (Plans dated 9-23-09) Steep Slopes Plan: Erosion & Sediment Control Plan; EAF; SP-1 Existing Conditions Plan; SP-2 Layout & Landscape Plan; SP-3 Grading & Utilities Plan; SP-5 Constraints & Soils Plan; D-1 Details; (Plans dated 9-30-09) A1.1, A1.2, A2-1, First and Second Floor Plan; (Plan dated 9-20-09) A2.2, Second Floor Plan; Prepared by Insite Engineering, (Rte 6 & Mahopac Avenue): (JM)**
The Conservation Board reviewed the above Planning Board application for the Mews at Baldwin Place (Somers Realty Planned Hamlet) site plan, steep slopes, erosion-sediment control, EAF, landscape plan, grading and constraints plan at their meeting.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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Old Business:

E) The Mews @ Baldwin Place/SP:

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Report:

- Mr. Moriarty informed the Board members that this application is located on Rte. 6 and Mahopac Avenue at Baldwin Place. The name of this application has been changed to the Mews at Baldwin Place.
- He noted that the applicant is constructing 72 units of senior affordable housing on 4.5 acres of property.
- Board member Moriarty pointed out on the plan the areas that would be redesigned due to DEP watercourses.
- Mr. Moriarty went on to explain that on Plan SP-2 the bio-retention filters are well planned and the applicants propose to seed the berm and slope areas with meadow mix. He referenced the fact that there are slopes, trees and natural catch basins, which work well together on the plan as erosion control measures.
- The tree protection detail on Plan D-1 shows stakes at the dripline of the tree; the applicant should try to move those stakes out more (10-ft.) as surface roots (feeder roots) tend to go far beyond the dripline of a tree.

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Old Business:

E) The Mews @ Baldwin Place/SP:

Board member Friedberg asked what the rule on that would be, is it three to one, similar to the root ball?

Dr. Merker responded that he thought it was different.

Mr. Moriarty said that it depends on the tree, according to documentation they can go as much as 50-ft. off the dripline, which is quite a distance.

Board member Merker asked if there was something that was more rule of thumb that they could go by. He continued his thought by saying that he has seen trees dying after the houses are built.

Chairman Meixner agreed.

Mr. Moriarty responded that the applicant should try to make it 10-ft. from the dripline if possible.

- The concrete curb detail on Plan D-1 should be cape cod style curbing, which is a better choice for wildlife mobility (as there are numerous wetlands in the area).

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Old Business:

E) The Mews @ Baldwin Place/SP:

Chairman Meixner said that law should require it, especially where wetlands are concerned.

- The silt fence detail on Plan D-2 shows wood stakes with plastic cloth. The applicant should upgrade to steel stakes with fabric cloth and 6-inch welded wire mesh backing (to stabilize the fabric).

Board member Merker asked if the Town Board made that part of a new ordinance recently as was suggested by the Board.

- The anti-tracking pad on Plan D-2 as displayed at the entrance is correct in length, depth and materials. It should be built as specified according to plan in order to avoid mud being dragged onto public roads.

Board member Rosenzweig asked for clarification.

Mr. Moriarty explained that when the truck leaves the site they have mud in their wheels and these pads allow them to travel over large gravel areas (50-ft) so that they do not track dirt onto town roads.

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Old Business:

E) The Mews @ Baldwin Place/SP:

Ms. Rosenzweig mentioned that this is used during construction, not after construction, correct?

Mr. Moriarty agreed and reiterated during construction when they are leaving the site.

- The berm elevation on Plan SP-4 is inconsistent with the adjoining contours. Specifically the berm elevation is shown at 492-ft. and 486-ft. and the contour elevation is shown at 590. There is a 100-ft. or more discrepancy in elevation. This is shown six times on the plan submitted. The applicant should correct this mistake and proof read their material before submitting the plans to the town.

Discussion ensued among the Board members with reference to the submittal of applications to the Planning Board and mistakes on the maps and documents provided for review.

- The soil stockpile on Plan SP-4 shows an area of soil proposed to be piled 35-ft. by 65-ft. The applicant would need multiple piles (more than double what is proposed) during construction if the plans as presented are correct as the topsoil will have to cover the entire area when complete said Mr. Moriarty.

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Old Business:

E) The Mews @ Baldwin Place/SP:

- The soil stockpile on Plan SP-4 should be seeded with a fast growing grass.

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Board member Merker inquired about the potential depth of topsoil on any given application.

Mr. Moriarty responded anywhere from 4-inches to 6-inches.

Dr. Merker inquired about the fact that the application was called affordable senior housing. He mentioned that he did not recall the word 'senior' and thought that it was originally affordable housing.

The Board members discussed the application with regards to the area and the shopping that was so convenient for pedestrian traffic.

Board member Shoshana Hantman noted that the proximity to stores, etc. was discussed previously as an asset to the senior affordable housing.

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Old Business:

E) The Mews @ Baldwin Place/SP:

The Board members noted previous details about the site and they also asked about the changes to the plan associated with the watercourses as delineated by the DEP.

Discussion ensued among the Board members with reference to this application and they decided to write a memo to the Planning Board stating their concerns.

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A memo (#09-41) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for the Mews @ Baldwin Place (Somers Realty Planned Hamlet) site plan, construction of 72 units of Senior Affordable Housing, steep slopes, erosion-sediment control plan, and EAF, at their meeting on October 27, 2009.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

The C.B. has the following concerns and recommendations:

1) Plan D-1/Tree Protection Detail

- The tree protection detail on this plan shows stakes at the dripline of the tree.

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Old Business:

E) The Mews @ Baldwin Place/SP:

- The applicant should try to move those stakes out more (10-ft.) as surface roots (feeder roots) tend to go far beyond the dripline of a tree.

2) Plan D-1/Concrete Curb Detail

- The concrete curb detail on Plan D-1 should be cape cod style curbing.
- This is a better choice for wildlife mobility (as there are numerous wetlands in the area).

3) Plan D-2/Silt Fence Detail

- The silt fence detail on Plan D-2 shows wood stakes with plastic cloth.
- The applicant should upgrade to steel stakes with fabric cloth and 6-inch welded wire mesh backing (to stabilize the fabric).

4) Plan D-2/Anti-Tracking Pad

- The anti-tracking pad on Plan D-2 as displayed at the entrance is correct in length, depth and materials.

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Old Business:

E) The Mews @ Baldwin Place/SP:

- This feature should be built as specified according to plan in order to avoid mud being dragged onto public roads.

5) Plan SP-4/Berm Elevation

- The berm elevation on Plan SP-4 is inconsistent with the adjoining contours.
- Specifically the berm elevation is shown at 492-ft. and 486-ft. and the contour elevation is shown at 590-ft.
- There is a 100-ft. or more discrepancy in elevation and it appears six times on the plan submitted.
- The applicant should correct this mistake and be sure to proof read their material before re-submitting the plans to the town.

6) Plan SP-4/Soil Stockpile

- The soil stockpile on Plan SP-4 shows an area of soil proposed to be piled 35-ft. by 65-ft.
- The applicant would need multiple piles (more than double what is proposed) during construction as the topsoil will have to cover the entire area when complete.

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Old Business:

E) The Mews @ Baldwin Place/SP:

- The soil stockpile should be seeded with a fast growing grass.

The Conservation Board will continue to review the application for the Mews at Baldwin Place as revisions are submitted.

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The Board members took no further action at this time.

F) Sussmann Mobil Station/Site Plan/Planning Board dated October 7, 2009, Response to Town Engineer Gagne's 10-2-09 memo: (GM)

G) Sussmann Mobil Station/Site Plan/Planning Board, Memorandum dated September 23, 2009 providing additional information and responses to comments, (Rte. 100/opp. IBM): (GM)

The Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station site plan, memorandum and additional information at their meeting.

Chairman Gary Meixner reviewed the materials submitted and gave a verbal report to the Board.

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Old Business:

F)

G) Sussman Mobil Station/SP:

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Report:

- The Sussmann Mobil Station is located on Rte. 100 across from IBM. The applicant is proposing to give the building a larger footprint and change the location of some of the existing facilities.
- The Chair noted that the applicant for Sussmann Mobil Station provided responses to the Town Engineer's comments and also some additional information that they were instructed to provide.
- Chairman Meixner explained that the applicant was asked to do a traffic study by the Planning Board. He went on to say that all of this data is located in the information submitted by the applicant.
- He advised that the applicant had been directed to demonstrate a left turning lane on Rte. 100. This was proposed in order to provide an easier access into the station with the large amount of traffic that is found on Rte. 100.
- The Chair informed the Board that the applicant was also told to provide traffic studies, parking information, accident data, driveway access, site traffic considerations, conclusions, site distance, and consideration of other development traffic background growth.

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Old Business:

F)

G) Sussmann Mobil Station/SP:

- Chairman Meixner noted that the applicant submitted all of the information that he was instructed to provide by the Planning Board. He noted that overall there were no major changes in the revised site plan submitted.

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Chairman Meixner inquired about the applicant for Baldwin Place shopping center. He was wondering if they were instructed to do a traffic background growth study by the Planning Board.

Board member Moriarty responded that they did not.

Chairman Meixner said that he found no problem with the information that was submitted by the applicant and he has no comment at this time.

Discussion ensued among the Board members with reference to the above project. They also referenced gas stations in the general area and what they are required to do by law.

The Board members took no further action at this time.

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New Business:

- A)** Survey/Boards & Commissions Data Form/Somers, New York/complete:
The Conservation Board members discussed the above survey for Boards and Commissions that was forwarded to them from the Supervisor's office for processing.

C.B. Secretary Ms. Davis informed the Board that this website is being managed by what is called VTH, the Virtual Town Hall.

The Board members discussed the questions that were put forth and agreed upon the responses that would be submitted. The responses read as follows:

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The contact person is C.B. Secretary Ms. Davis:
conservationboard@somersny.com

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The mailing address is:
Conservation Board, Somers Town House, 335 Rte. 202, Somers, NY
10589

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The C.B. phone/fax:
Secretary, Rosetta Davis
914-248-7322

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New Business:

A) Survey/CB/Data Form:

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The Mission Statement/Description of Primary Responsibilities:

It is the Mission of the Town of Somers Conservation Board to promote and preserve our natural resources and cultivate good citizenship through environmental education and conducting reviews and comments on site plans and permits for wetlands, steep slopes and tree preservation.

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The Chairman is Gary Meixner.

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The Board members were listed in alphabetical order.

Charles Friedberg, Shoshana Hantman, Dr. Frank Lapetina,
Dr. Edward Merker, James Moriarty, Gloria Rosenzweig

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The C.B. meets at the Town House on the second and fourth Tuesday of the month at 7:30 PM.

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Links from the C.B. current website:

ELLA/Teatown Lake Reservation www.teatown.org
NYS Dept. of Environmental Conservation www.nysa.ccny.org

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New Business:

A) Survey/CB/Data Form:

The C.B. discussed the survey among them and decided that the document was accurate and had information that would be helpful to the public.

The Board members took no further action at this time.

B) Wright's Court/formerly Barlow Ct./Hallic Place/ Site Plan/Planning Board, Site Layout Plan dated January 18, 2002, revised October 21, 2009, prepared by Kellard Sessions Consulting, PC; Site Lighting Plan, revised October 8, 2009, prepared by Robert Newell Lighting Design, (Scott Drive/off Rte. 100/202): (CF)

The Conservation Board will review the above application for Wright's Court site plan at their next meeting.

Board member Charles Freidberg will review the materials submitted and give a report to the Board.

A report will be forthcoming at the next Conservation Board meeting.

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New Business:

C) Correspondence/Open Space Committee Minutes of their meeting dated September 17, 2009: (GR)

The Conservation Board discussed the above Open Space Committee Minutes at their meeting regarding the mention of gun hunting in Westchester County.

Board member Gloria Rosenzweig brought up the fact that on page 2, paragraph 1 of the OSC meeting minutes for September 17th under the sub-title "Hunting Update" there is mention of possible gun hunting in Westchester County at the Angle Fly Preserve.

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The document states:

Another meeting has to take place regarding the hunting requirements at Angle Fly Preserve. DEC's Bill Rudge suggested supporting bow hunting only for deer and turkey. He passed this by the Sportsman Advisory Committee and they would like turkey hunting with a gun permitted as well. This topic will be discussed at the meeting.

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Ms. Rosenzweig informed the Board members that presently, according to her knowledge, there is no gun hunting allowed in Westchester County. She specified to the Board members that she did not think that anyone should be considering the use of guns for hunting in Westchester.

Board member Rosenzweig went on to explain the dangers of hunting with a gun and she was wondering what could be done about not allowing this to take place in Somers.

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New Business:

C) Correspondence/OSC:

Several of the Board members suggested that she should write a letter regarding the use of guns in this area. They commented that if she were to write a letter and bring it to the next meeting, those who were interested would sign it.

Discussion took place among the Board members with regards to the dangers involved in gun hunting in Westchester County and some of the recent incidents that have taken place.

C.B. Secretary Ms. Davis asked Ms. Rosenzweig if she would like clarification from the OSC Secretary regarding the Minutes for September 17th and the mention of the use of guns for hunting turkeys in the Preserve.

Board member Rosenzweig responded in the affirmative.

Ms. Davis advised that she would email Denise and ask her about that subject matter and report back at the next meeting.

Ms. Rosenzweig said that would be satisfactory.

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New Business:

C) Correspondence/OSC:

The Board members took no further action at this time.

There being no further business to discuss, a motion to adjourn was made at 9:00 PM by Board member Charles Friedberg and seconded by Board member Shoshana Hantman. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on November 10, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on November 24, 2009 and December 8, 2009 respectively.

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Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Town Engineer
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Advisory Board
Landmark Committee