

**CONSERVATION BOARD
MINUTES OF MEETING
MARCH 10, 2009**

The March 10, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: Dr. Frank Lapetina, Gloria Rosenzweig

Guests: None

Announcements:

Board member Dr. Frank Lapetina announced at the last meeting that he would not be able to attend the meeting tonight.

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Announcements:

Board member Gloria Rosenzweig phoned the C.B. Secretary and informed her that she would not be able to attend the meeting tonight. She advised Ms. Davis that she would leave the report on Omnipoint Communications along with the plans for pick-up at her house.

Board member Dr. Edward Merker advised C.B. Secretary Ms. Davis that he might arrive late to the meeting tonight.

Approval of Minutes:

A motion was made by Shoshana Hantman and seconded by James Moriarty to approve the minutes of the February 24, 2009 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A)** Conservation Board Goals for 2009/C.B. Discussion//Copy Report-CB, revised January 27, 2009//the C.B. will begin working on these goals:
(CB)
Board member Charles Friedberg asked about the C.B. Goals for 2009 and the reason for this item on the agenda.

A short discussion ensued among the Board members with reference to the origination of the term 'C.B. Goals'.

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Old Business:

A) C.B. Goals 2009:

Chairman Meixner remarked that he thought it came from the Town Board.

C.B. Secretary Ms. Davis explained that this item appears on the agenda in order to call the attention of the Board members to the next step they should be taking. She reminded him of the email that she forwarded to them, which highlighted the goals that were compiled by the C.B. for 2009.

Ms. Davis went on to say that in order to accomplish one of their goals she would draft a memo to the Town Board with reference to the goal on the list regarding stormwater management as soon as she has the opportunity.

After some discussion on the matter, the Conservation Board members agreed that they have made a list of goals that they are striving to accomplish this year. They noted that most of the work would get done before the year is out and other items will take a while longer.

The Board members took no further action at this time.

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Old Business:

- B)** Conservation Board Street Map of Somers/Zoning Map from Town Clerk Pacella: (CF/FL/EM/JM/GR/GM) (SH-has cc)

The Board members acknowledged receiving the above referenced street map of the Town of Somers called a Zoning Map.

C.B. Secretary Ms. Davis explained that they were procured from Town Clerk Kathy Pacella for the Conservation Board members at their request.

Ms. Davis mentioned that she was holding onto Board member Gloria Rosenzweig's copy at her request until she is back in town.

The Board members took no further action at this time.

- C)** St. Joseph's Church/JFK High School/Site Plan/Planning Board, dated January 9, 2009, response to comments, revised EAF, Proposed Church, Gymnasium, Classrooms, Site Improvements at JFK Campus w/and w/o Plumbrook Bridge dated November 3, 2008/by Harry Baker & Associates; Stormwater Pollution Prevention Plan & Drainage Analysis incl. NYSDEC Notice of Intent (NOI) dated December 2008/by Hudson Engineering & Consulting, PC; Wetland Delineation Report dated May 5, 2008 revised December 29, 2008/prepared by Michael Nowicki, Ecological Solutions, LLC; Wetland Functional Evaluation Report dated February 27, 2008, revised December 29, 2008/prepared by M. Nowicki; West. Cty. DOH Design Data Sheet-Onsite Wastewater Treatment System & Soil Percolation test data; #Excerpts Title Search-Steward Title Ins. Co.;

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Old Business:

- C) Drawing EX-1 dated December 29, 2008/prepared by Insite Engrg, Surveying & Landscape Architecture, PC; TS-Title Sheet, General Notes dated 1-2-08 revised 12-23-08; C-1 Proposed Stormwater Mgmt dated 11-13-08 revised 12-15-08/prepared by Hudson Engrg & Consulting, PC, (Rte. 138, across from Best Plumbing) (GM has ball-field plans): (GM) Chairman Meixner informed the Board that he has completed his review of the ball-field plans for St. Joseph's Church/JFK High School and he would be returning the plans subsequently. He did not have them at the meeting tonight.

Chairman Meixner asked that this item be removed from the Conservation Board agenda.

The Board members took no further action at this time.

- D) Town Requirements/Application submittal/Required documents according to Town Code/Board member James Moriarty has the documents: (JM/CF)
Conservation Board members James Moriarty and Charles Friedberg reviewed the above documentation regarding Town requirements and applications.

As the other Board members are not currently reviewing these documents Board member Moriarty asked that this item be taken off the Conservation Board agenda.

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Old Business:

D) Town Requirements/Permits:

Board member Moriarty retained these documents.

The Board members took no further action at this time.

E) Proposed Joint Meeting w/Open Space Committee and the Conservation Board was tentatively scheduled for Thursday March 19 according to the recent email from Michael Barnhart: (CF)

The Conservation Board discussed the fact that they were not sure why the Open Space Committee wanted to have a joint meeting. Mr. Barnhart had mentioned submitting an agenda, but to date the Board has not received this document. The two dates that were originally proposed by the OSC are about to go by (2-19/3-19), however Ms. Davis pointed out that they have a meeting every month about the same time.

After some discussion on the matter at the meeting it was determined that someone from the Board should contact Mr. Barnhart and find out what the proposed joint meeting would entail.

Board member Charles Friedberg said that he would contact Mr. Barnhart and volunteered to represent the Conservation Board with reference to this task.

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Old Business:

E) Proposed Jt.Mtg/OSC:

Mr. Friedberg said that he would need information pertaining to Mr. Barnhart in order to speak to him and asked that C.B. Secretary Ms. Davis provide him with his email address and phone number.

The Board members took no further action at this time.

F) St. Joseph's Church/JFK High School/Site Plan/Planning Board,
Hydrogeologic Analysis dated January 14, 2009, Prepared by Leggette,
Brashears & Graham, Inc.: (CF)

The Conservation Board discussed the above Planning Board application for St. Joseph's Church/JFK High School site plan at their meeting.

Mr. Friedberg said that he had some comments with reference to this application, but they were not brought to the meeting. He asked that this item be tabled.

Chairman Meixner tabled the report on the St. Joseph's Church/JFK High School site plan hydrogeologic analysis until such time as Board member Charles Friedberg is available to give his report.

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

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Old Business:

- G)** Omnipoint Communication/@ Somers Commons/Site Plan/Planning Board, Title Sheet T-1 revised 1-29-09; Plot Plan & Property Owners List C-1 revised 1-27-09; Setback Plans C-2 revised 1-29-09; Site Plan & Site Detail Plan C-3 revised 1-29-09; Partial Site Plan C-3A revised 1-27-09; Elevation & Details C-4 revised 1-29-09; Equipment Plan & Details C-5 revised 1-27-09; (Somers Commons, #80 Rte. 6): (GR)
The Conservation Board members will review the above Planning Board application for Omnipoint Communication at Somers Commons, site plan at their next meeting.

Ms. Davis informed the Board that she went to Ms. Rosenzweig's house to pick up this application and report for the Board meeting tonight and it was not left outside. She phoned Ms. Rosenzweig and left a message.

Board member Gloria Rosenzweig returned Ms. Davis phone call. As she forgot to leave the documentation, she requested that this item be tabled.

Chairman Meixner said that he saw something on Cable TV with reference to the Zoning Board and a proposed application for a variance. He went on to say that he thought that before anyone could submit anything to the Zoning Board it should first be an approved lot. He noted that it was not explained to the C.B. that the applicant did not meet the zoning requirements.

C.B. Secretary Ms. Davis said that usually the Planning Board sends the applicant to the Zoning Board because they cannot continue their review unless the applicant has a variance to do the work.

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Old Business:

G) Omnipoint/Somers Commons:

Chairman Meixner thought that if the applicant were not approved for a variance from the Zoning Board then any review done on the application would be a waste of everyone's time. He said that on the application it states that everything has to meet Town requirements before it can be submitted for review.

Ms. Davis explained that maybe it appeared to be a complete application when reviewed preliminarily by the Engineering Department. However, after more careful scrutiny they found out that it would be impacting the property line and that the applicant would need a variance (as the applicant did not call this fact to their attention).

Chairman Meixner agreed and reiterated by saying that they probably submitted the application and then through the process it was discovered that they needed a variance. The people who submitted this application would have to know that they were impacting the property line he opined. He explained that what he did not understand is why the applicant did not just move the reason for the variance away from the property line (as they appear to have the room).

Chairman Meixner tabled further discussion.

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

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Old Business:

- H)** St. Joseph's Church/JFK High School/Site Plan/Planning Board, Church Floor Plans, Elevations, Rendering, Site Lighting Cut Sheet, revised 3-3-08 and 12-23-08, Prepared by DCAK Architecture, Church Floor Plans (A-101) revised 3-3-08; Church Front & Right Side Elevations (A-200) revised 3-3-08; Church Rear & Left Side Elevations (A-201) revised 3-3-08; Church Rendering (A-900) revised 12-23-08; Site Lighting Cut Sheets (SL-3) revised 12-23-08, (Rte. 138, across from Best Plumbing): (EM)
The Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School at their meeting.

Board member Dr. Edward Merker explained to the members that the plan showed the details of the Church plan. He explained that there were no Conservation Board issues to discuss or environmental concerns.

The Board members took no further action at this time.

- I)** North End at Somers/Site Plan/Planning Board/Update for Conservation Board members: (GR)
The Conservation Board will review the above Planning Board application for North End at Somers site plan at their next meeting.

Board member Gloria Rosenzweig informed the members at the last meeting that she would like to give a brief update on the site plan for this application with reference to the number of parking spaces and the proposed garage (underground).

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Old Business:

I) North End at Somers:

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

J) Somers Realty Planned Hamlet/Updated Master Plan/Site Plan/Planning Board dated April 2004, revised February 2009, and prepared by BFJ Planning (Baldwin Place/ 80 acres between Somers Commons on the east/Mahopac Ave. on the west): (EM)

The Conservation Board tabled review of the above Planning Board application for Somers Realty Planned Hamlet updated Master Plan site plan at their meeting.

Board member Dr. Edward Merker informed the members that there were issues relating to the Master Plan and also the Affordable Housing units. However, he said that there were no Conservation Board issues or environmental concerns with this submission.

The Board members took no further action at this time.

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Old Business:

- K)** Backman/Wetland Activity Permit Application/Planning Board, Section 16.10, Block 2, Lot 36.5, Site & Grading Plan; Location Plan; Details & Notes (SP-1); Elevations (A-1); First & Basement Floor Plans (A-2); Applicants propose to construct a 2-story addition (23x25-ft.), 1-basement floor, 2-car garage on piers, 2-first floor master bedroom; Wetlands Survey by Paul Jaehnig dated 1-5-09; (# 18 Shenorock Drive, Yorktown Heights; left side 250-ft. south of Overhill Road): (JM/SH)
The Conservation Board reviewed the above Planning Board application for Backman wetland activity permit, site and grading plan 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.

C.B. Secretary Ms. Davis asked if Ms. Hantman was able to go on the site visit with him.

Mr. Moriarty responded that they were not able to be available at the same time, as he had to work in the afternoon when they were going to see the property so he went alone in the morning.

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Report:

- Board member Moriarty explained to the members that the applicant wants to put an extension on the existing house. It will comprise a two-car garage with a master suite above.

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Old Business:

K) Backman/WAP:

- The entire lot is located in the wetland buffer area said Mr. Moriarty.

Board member Charles Friedberg asked for clarification reiterating that the whole property is located in the wetland buffer zone.

Mr. Moriarty replied in the affirmative.

- Board member Moriarty showed the Board the applicant's planting scheme, but opined that he did not know if they would get that far in the process.
- He went on to explain that there is an active stream flowing through the property into the lake, which flows into the reservoir.

Chairman Meixner said that it appeared to be Lake Shenorock.

- Board member Moriarty said that the applicant wants to excavate for the addition and the driveway. There is a high water table in the area in question (at 12" they hit water according to the Engineering report).

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Old Business:

K) Backman/WAP:

- He explained that the applicants would not be able to pour concrete for the foundation, etc. as it will mix with the water and cause contamination. He opined that ultimately the proposed activity may not be good for the reservoir.

Board member Charles Friedberg asked for a location of the proposed activity and inquired about Shenorock.

- Board member Moriarty explained to the Board that the NYS Freshwater Wetlands map showed a direct connect to the reservoir and the proposed activity is in the wetland buffer zone.
- Mr. Moriarty informed the Board that the ground was soft and unwalkable. He mentioned that he was given the wrong phone number for the contact information, which cost him some time.

Chairman Meixner inquired about the wet ground and asked if that was due to the time of year.

- Board member Moriarty responded that it was all moss, so the area is probably always saturated.

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Old Business:

K) Backman/WAP:

- The applicants wrote a letter and said that the reason for the work was that their mother was disabled said Mr. Moriarty. However, there were no handicap railways or ramps and there were no 36” doors which are required for handicapped.
- He went on to note that the applicant proposes a 23-ft. x 25-ft. master suite with his and hers walk in closets, a sitting room, twin sinks, a new kitchen and a new porch. They said that it was a hardship situation, but it does not sound like that is the case.
- Also, Mr. Moriarty added that the sitting room could be considered another bedroom as it has a door and closet. This would make this house a three-bedroom house, which would cause the applicants to have to look into a new septic system to accommodate the additional bedroom.
- Drawing Sheet (A-2) shows a gravel driveway, but then it says item 4 which is two different products, item 4 is just a sub-base. If that were the final driveway it will erode. They would need item 4 and then filter fabric under the gravel in order to complete the work properly.
- Mr. Moriarty said that the information shows a two-bedroom house and says that they are eliminating one bedroom and replacing it with the master suite. However, the sitting room has a door and a closet so they are in fact making it into a three-bedroom house. This is due to the fact that most building codes state that a room with a closet and a door could be called a bedroom.

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Old Business:

K) Backman/WAP:

Chairman Meixner said that according to appraisals, if it has a closet then it's a bedroom.

Board member Friedberg asked for the cross street on this application so he could locate the property on GPS.

Chairman Meixner responded 'Ryan'.

- Mr. Moriarty went on to say that on Plan (SP-1) the driveway is a low spot and right where the applicants are putting it everything drains that way. He noted that stormwater will wash into their property with any heavy rain and then towards the water in the lake and the reservoir beyond.
- He went on to say that they also propose to put there storm infiltrator drains in the wetland buffer area and very close to the high water table. He explained that if they are installed in water then they will not be able to function as drains and therefore will not be usable.
- Board member Moriarty recommended that the applicant's silt fence detail should be upgraded to steel posts and wire mesh and fabric. The site fence area is not sufficient for construction, once they start excavating it would be too tight.

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Old Business:

K) Backman/WAP:

- Mr. Moriarty explained that the applicant also shows a stockpile of excavated material that is 12-ft. high, which seems too small an amount for the proposed activity.
- Board member Moriarty mentioned that the applicant's do not show an anti-tracking pad on the plan and they will need one. He noted that they would be dragging mud onto the road.
- Mr. Moriarty went on to say that while reviewing the 'General Notes' area #8 and 14 he found them to be inaccurate. The applicant states that the excavation will be done by hand labor.
- However he noted that it is doubtful that any one can move 20-cu.yds. of dirt and 10-yds. of gravel by hand. They will have to dig 4-ft. down and then backfill. It would be extremely difficult to do by hand.
- Also, said Mr. Moriarty, the applicant has two fuel tanks on the site that are not shown on the plan. One is a propane tank on the south side and the other is an oil tank in front of the house next to the proposed front porch. Are they being removed? Why are they not shown on the plan submitted?

Chairman Meixner asked if they were oil or gas?

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Old Business:

K) Backman/WAP:

Mr. Moriarty replied propane to cook and oil to heat the house.

Board member Charles Friedberg mentioned that the stairwell should be 3-ft. for handicap, not 2-ft. 10-in.

- Board member Moriarty read from the applicant's letter (not dated) which states that the purpose of this addition is to improve and upgrade our small and awkward house to accommodate the needs of her ailing mother. The addition is designed with features necessary for the handicapped. James said that he did not see any such 'feature' in the plans submitted.

Mr. Moriarty noted that the neighbor's wrote letters on behalf of the applicant.

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After discussion by the Board, they decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#09-13) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Backman wetland activity permit application at their meeting on March 10, 2009.

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Old Business:

K) Backman/WAP:

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:

Drawing (A-2):

- 1) The drawings on Sheet (A-2) should be revised. The document proposes a gravel driveway but shows item 4.
 - Item 4 is a base only, not a final driveway as it will corrode.
 - In order to be correct the applicant would have to show item 4 then a mesh and cover it with gravel. These features are not shown on the plan.

- 2) The entire project is proposed to be located inside the wetland buffer area.
 - Site inspection showed the ground to be very soft, almost unwalkable.

- 3) The plans exhibit that the applicant is proposing a 3-bedroom house as the proposed 'sitting room' has a door and a closet.
 - This feature will necessitate the applicant upgrading the septic system.

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Old Business:

K) Backman/WAP:

Drawing (A-2):

- 4) There is an active stream flowing through the property into the lake.
 - The stream flows into the lake, which flows into the reservoir.

- 5) The applicant proposes to excavate for the addition and driveway.
 - The Engineering report reflects a high water table.
 - The applicants may not be able to pour concrete for the foundation.

Drawing (SP-1):

- 6) The garage area elevation is the lowest point and will become a funnel for street drainage.
 - The storm infiltrators are being proposed in the wetland buffer zone.
 - The storm infiltrators are located close to a high water table.
 - It appears that they will not be usable.

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Old Business:

K) Backman/WAP:

- 7) The silt fence detail should be upgraded. It should consist of steel posts with wire mesh and fabric overlay (not plastic).
 - The proposed silt fence area does not seem sufficient in size for construction and excavation.

- 8) According to the plans the stockpile area is only 12-ft..
 - The proposed 12-ft. is too small an area. It also has bad placement.
 - There appears to be no room to park cars and place material deliveries.

- 9) An anti-tracking pad is not shown on the plans submitted.
 - An anti-tracking pad should be included in the plans.

General Notes:

- 10) Site inspection showed two fuel tanks on site (propane/oil). They are not shown on the plan submitted.
 - Is the applicant leaving them on site or will they be removed?

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Old Business:

K) Backman/WAP:

- 11) The applicant states in #8 and #14 that all excavation will be accomplished by hand labor.
 - The applicant proposes to move 20-cubic yards of material by hand.
 - The applicant proposes to stock and replenish the topsoil in the same manner.
 - The applicant proposes to excavate the foundation footings without a machine.
 - The Board is of the opinion that it is unrealistic to assume that this activity will be done by hand.

The Conservation Board will continue to review the Backman wetland activity permit application as revisions are submitted.

The Board members took no further action at this time.

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New Business:

- A)** Planning Board Site Walk/March 21, 2009/Weather Permitting on Saturday at 9:00 AM/Walkers to leave Town House at 9 AM: (EM)

9:10 AM St. Joseph's Church & JFK High School
Application for Site Plan approval for property located at Rte.138 for the construction of a new church with related parking, septic system and construction of a gymnasium and athletic fields at JFK High School.

Board member Charles Friedberg announced that he would be available to attend the Planning Board site walk scheduled for March 21 at 9 AM. Dr. Edward Merker mentioned that if possible he would try to attend also.

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

- B)** Mitchell Subdivision/Site Plan/Planning Board, (Replace Drawing STD-1 from January 30, 2009), Preliminary Plat & Construction Plan STD-1 dated June 14, 2007, revised March 5, 2009, Sheet 16.09, Block 1, Lot 9, Property area 7.1004 acres, Zoning District R-40, Prepared by Bibbo Associates, LLP, #197 Tomahawk Street/Rte. 118): (JM)

C.B. Secretary Ms. Davis informed the Board members that this site plan was to replace the last drawing received from the Planning Board entitled STD-1, having to do with the preliminary plat and construction plan.

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New Business:

B) Mitchell Subdvsn:

Board member James Moriarty briefly reviewed the site plan and announced that there were no revisions regarding environmental concerns.

The Board took no further action at this time.

C) Westchester Bike Summit/document dated February 18, 2009 forwarded by Supervisor Murphy to the Conservation Board regarding a meeting taking place on April 7 sponsored by *East Coast Greenway* (registration westbikesummit@eventbrite.com for information call 914-217-5600): (EM)

This event is supported by the Westchester Community Foundation and sponsored by the *East Coast Greenway*. They are working diligently trying to piece together a 3,000-mile off-road pathway from Florida to Maine that would connect cities and towns along the eastern seaboard. Other sponsors are Westchester County and the Westchester Cycle Club.

The event will accommodate municipal officials and employees as well as the general public. It is a free event that will begin at 3PM with talks by US Representative Nita Lowey, County Executive Andrew Spano and David McKay Wilson, the Westchester Cycle Club president and the Greenway's Westchester program coordinator. The meeting will close with an hour-long forum to hear from cyclists and discuss how to carry forward the work that needs to be accomplished.

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New Business:

C) Westchester Bike Summit:

This meeting is an event that will draw together planners, public officials, employers, and cyclists to discuss how to make biking and bike commuting more a part of Westchester's transportation mix. The organizers also believe that this will help reduce Westchester's global warming, carbon footprint, and ease traffic congestion and encourage healthy lifestyles.

The summit will include a panel discussion on what Westchester community's can do to promote cycling. A second panel will focus on amenities for cycle commuters, such as secure bike storage and a third panel will look at development of the East Coast Greenway through Westchester County.

Conservation Board member Dr. Edward Merker is going to attend the meeting and give a report to the Board.

As the event is taking place on April 7th, a report will be forthcoming at the April 14 meeting of the Conservation Board.

The Board members took no further action at this time.

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New Business:

- D)** Green Committee/Town of Somers: (SH)
Board member Shoshana Hantman informed the Board members that she received an email from the Town regarding a *Green Committee* being organized in the Town of Somers. She mentioned that the email asked for reactions and ideas.

Ms. Hantman explained that she responded to them stating that one of the Conservation Board's proposed goals for this year happen to be that they are working on a project to have the Trails in Somers be both practical and recreational in nature.

Ms. Hantman advised the Board that she would like to know more about this new *Green Committee* that was being formed. She informed the Board that she would look into it.

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 James Moriarty. All members present approved.

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The next regular meeting of the Conservation Board will be held at the Town House on March 24, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on April 14, 2009 and April 28, 2009 respectively.

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