

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
AUGUST 10, 2010**

The August 10, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Eric Evans, Shoshana Hantman, Michael La Gue,  
Gary Meixner

Absent: Dr. Edward Merker, James Moriarty

**Guests:** None

**Announcements:**

Welcome new member(s) to the Conservation Board.

Board member Shoshana Hantman announced at the last meeting that she would not be able to attend the meeting on August 24, 2010.

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**Announcements:**

Dr. Michael Rubbo will be speaking at the C.B. meeting on September 14, 2010 regarding Teatown's Environmental Leaders Learning Alliance Program/ELLA.

Board member James Moriarty telephoned the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

**Approval of Minutes:**

A motion was made by Shoshana Hantman and seconded by Michael La Gue to approve the minutes of the July 27, 2010 regular meeting of the Conservation Board. All members present approved.

Board member Michael La Gue amended the Conservation Board Minutes of July 27, 2010 on page 30.

**Old Business:**

**A) Town Board/Conservation Board vacancies/appointments to the Board, welcome new member(s):**

The Conservation Board and Chairman Gary Meixner welcomed the new Board member, Mr. Eric Evans to the meeting tonight. Mr. Michael La Gue is also a new member who attended the C.B. meeting on July 27, 2010.

All of the Board members introduced themselves to each other and discussed their individual expertise. They referenced the work involved in Conservation Board reviews with regards to understand and reviewing site plans especially those involving environmental constraints.

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**Old Business:**

**A) Town Board/appointments/C.B.:**

Board member Eric Evans and Michael La Gue both specified that they are familiar with site plans and various aspects of reading plans, including landscape plans, etc.

Mr. Evans discussed concerns and problems that have been reoccurring in the field and at meetings with regards to the property available for building. He explained that the majority of the lots that exist for building at this time usually have issues of one kind or another. For example, he said that they may have environmental concerns (wetland/steep slope), ledge, road frontage issues (flag lots), or other types of constraint problems associated with their development. He noted that many of the prime parcels in this area have already been developed and all that seems to be left are sub-prime parcels of property. He remarked that he is not an expert, but he is familiar with many different types of situations associated with development.

Chairman Meixner and the Board members discussed some of the current applications that have come before them recently including the Mitchell Subdivision, Sussmann Mobil Station, Kauffman Wetland Permit, and the Mews @ Baldwin Place/Somers Realty. (More about this discussion can be found under Letter "F, G, H"/Old Business this document).

Chairman Meixner and the Board members present at the meeting welcomed the new members to the Board.

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**Old Business:**

- B)** Email from Michael Barnhart/7-28-10/re: Dr. Michael Rubbo from Teatown Lake Reservation/attendance at C.B. meeting September 14, 2010 at 8PM to discuss Environmental Leaders Learning Alliance Program/ELLA:

The Conservation Board members discussed the above subject matter regarding Michael Barnhart and Dr. Michael Rubbo attending a Board meeting as guests to speak to the C.B. with reference to environmental education and awareness.

C.B. Secretary Ms. Davis informed the Board that she contacted the two gentlemen via email and explained to them that the Conservation Board would prefer that they attend a September meeting, in particular the meeting of September 14.

Ms. Davis advised the Board that she emailed both Mr. Barnhart and Dr. Rubbo and they returned an email to her stating that the September 14 date would be convenient for them. She specified that they would be placed on the C.B. Agenda for September 14 at 8PM.

Ms. Davis explained to the new members that ELLA is an environmental learning organization and they might want to consider taking a course from them in the future.

The Conservation Board members agreed that the guests should attend the Board meeting of September 14 as directed.

The Board members took no further action at this time.

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**Old Business:**

- C) Site Inspection/Conservation Board/Guerrero/Rte. 100/a large number of trees have been cut down on steep slopes/C.B. memo #10-16/visit to Engineering office/report on status of this activity/waiting on response from the Principal Engineering Technician, S. Woelfle/Update-email 9-5, requesting information on plans (up to date), heat, hot water, bath, septic), (#213 Rte. 100/North of Plumbrook Road/South of Reservoir):  
(GM)

The Conservation Board discussed the above subject matter regarding a site walk that was conducted by Chairman Meixner and a memo written by the Board (#10-16) as well as follow up information that was obtained by the C.B. Secretary via phone and emails to the Principal Engineering Technician, Mr. Woelfle.

\*

Ms. Davis said that her email to Mr. Woelfle stated the following:

*The C.B. asked me to ask you the following regarding the proposed activity at the above address (#213 Rte. 100).*

- 1) *The plans exhibit a shower and tub. Will there be a bathroom?*
- 2) *The plans also show oil-fired hot water. Will there be hot water and heat?*
- 3) *Will there be a septic system involved in this activity?*
- 4) *Is the plan we borrowed up to date or is this an oversight?*

*Please advise  
Thank you.*

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**Old Business:**

**C) Site Inspection/Guerrero/#213 Rte. 100:**

\*

Principal Engineering Technician Steve Woelfle replied:

*No plumbing. No heating. No septic system.*

*Just a two car garage with storage. See Efrem (Building Inspector) and the building permit issued for the project. It was the applicant's original thought/proposal to possibly do items 1 and 2 but it did not work out.*

*Hopefully, this clears things up.  
Thanks.*

\*\*

C.B. Secretary Ms. Davis advised the Board members that she borrowed the plans from the Building Inspector and would return them to him (Building Department/via mailbox) immediately after the meeting.

Discussion ensued among the Board members with regards to the inception of this application and why the Board was reviewing this parcel of property. Chairman Gary Meixner and Board member Shoshana Hantman explained the appearance of a hole in the hillside on Rte. 100 across from the reservoir. The missing rock caught some of the Board members attention due to the fact that it looked like someone had removed a large piece of the stone hillside. It appeared very noticeable and was discussed at previous meetings. At some point an email was generated to Principal Engineering Technician Woelfle and the C.B. started reviewing the application at that time. This was due to the fact that the Board had been unaware of this administrative application prior to this time.

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**Old Business:**

**C) Site Inspection/Guerrero/#213 Rte. 100:**

Chairman Meixner discussed the construction activity with the Board members and explained that the applicant was originally going to build a more extensive project that would have become a Planning Board application. However, the applicant decided to keep the process simple and only build a garage without any of the amenities that he had proposed originally.

The Chair explained to the Board that this is called an administrative application and he went on to reference the new members regarding information concerning Administrative versus Planning Board review.

Chairman Meixner advised that the building (#213 Rte. 100) is proposed to be a garage with a storage area above. He noted that there had been some mention of a bathroom.

Mr. La Gue added that there also appeared to be a bridge because the applicant wants to go from his house to the new structure. It is a very steep section of property he said.

C.B. Secretary Ms. Davis informed the Board that Principal Engineering Technician Woelfle told her that the applicant did not propose a bridge. She noted that he said that the applicant was going to make a walkway from his house to the new structure (garage). He explained that the owner was going to make the second floor even with the house floor in order to allow easy access.

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**Old Business:**

**C) Site Inspection/Guerrera/#213 Rte. 100:**

Board member Shoshana Hantman thought that it would be a good idea to connect the two areas in that fashion.

Chairman Meixner advised that the applicant would need some other structure to go from the proposed garage to the hillside where the house is located.

Board member Michael La Gue agreed with the Chair.

Mr. La Gue, while looking at the plans explained that a person on the walkway would have to go over something, (as it is the edge of the area that is dug out), in order to get to the second floor of the garage. We can call it a bridge or maybe something else, but it looks like it would be a bridge he said.

Ms. Davis referenced the fact that the plans before them are the actual building plans, so whatever they see is what is going to be built. She mentioned that the plans are before them in order to clarify some of the items that are troubling the Board members with reference to this application.

Board member Eric Evans noted that there appears to be no wetland markings on the plans before them.

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**Old Business:**

**C) Site Inspection/Guerrera/#213 Rte. 100:**

Chairman Meixner responded that there were no wetlands save the reservoir on the other side of the street, across Rte. 100.

Ms. Davis advised that the plans exhibit no adjoining property owners. She went on to say that maybe they should have been noted on the plans submitted to the Board or possibly they are not needed on administrative reviews.

Mr. Evans inquired about a topographical plan.

The Chair responded that there was no topographical plan, but there are steep slopes on the parcel.

Mr. Evans advised that the C.B. concerns would then be silt fences and the plantings to be used, etc. He mentioned that the applicant happens to be an architect.

Board member La Gue commented that the garage is located in an area that is literally a cliff so somehow a structure would have to be suspended over to the hillside where the house is located. It definitely looks like a bridge would be implemented, he said.

Chairman Meixner said that it might be called a deck.

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**Old Business:**

**C) Site Inspection/Guerrera/#213 Rte. 100:**

Board member Hantman referenced the fact that the applicant as an architect and probably devised some way to connect the two areas.

Mr. La Gue agreed and said that it is probably done tastefully, but it appears to be a bridge.

Mr. Evans mentioned that the owner is an architect for building structures, but no necessarily a civil engineer for designing the groundwork. The slope could be a problem in and of itself, but it appears that the applicant is creating cliffs.

Discussion ensued among the Board members with reference to access for the driveway.

The Chair commented that the applicant might have had the right of way years ago, originally because there was a building there.

Ms. Davis noted that the driveway access is coming in from the side of the building, not the front. Therefore, the garage doors would be facing the side of the proposed building and the driveway would loop around to the road.

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**Old Business:**

**C) Site Inspection/Guerrera/#213 Rte. 100:**

Board member Evans inquired about the distance to the reservoir and asked if there were special guidelines for building around the reservoir.

Ms. Davis responded that the reservoir is located across the street and usually there should be a distance of 300 ft. unless the roadway would change that measurement.

Discussion ensued among the Board members with reference to the effects stormwater would have on the property. The Board members collectively reviewed the plans provided and continued their discussion on the proposed application.

Chairman Meixner said that the applicant might make a concrete wall in the rear of the building and make it to grade and back fill the area. He commented that it could go right up to the building.

Board member La Gue agreed.

The Chair proceeded to explain how administrative applications were handled in the past. The Board reviewed them and then all the members commented upon the application. Sometime thereafter the procedure was changed and now the administrative review team has meetings with only one member of the Conservation Board present and then they would make their decision on the application before them at the meeting. When that took place he said that the approval process for administrative applications was basically taken away from the C.B. and given to the Town Engineer.

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**Old Business:**

**C) Site Inspection/Guerrero/#213 Rte. 100:**

Chairman Meixner went on to say that the Town Engineer retired and now decisions for the Planning Board are made by Consulting Engineer Barbagallo and the Principal Engineering Technician is in charge of Administrative applications, as well as other projects taking place in Town.

After some conversation Board member Evans said that silt fences and haybales should be employed at the site.

The Board members decided to write a memo to the Principal Engineering Technician and Building Inspector stating their concerns and recommendations.

\*

A memo (#10-31) will be sent to the Principal Engineering Technician and Building Inspector stating that the Conservation Board reviewed the above Administrative application for Guerrero (#213 Rte. 100) at their meeting on August 10, 2010.

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 applicant should pay special attention to the stormwater drainage on this parcel.

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**Old Business:**

**C) Site Inspection/Guerrero/#213 Rte. 100:**

- 2) Silt fencing and haybales should be implemented.
- 3) Due to the grade and rock exposure, proper plantings should be employed to hold the soil in place.
- 4) The Board would like to see the list of plantings proposed for this site (to hold runoff from the state highway).
- 5) Did the State DOT have a comment on this application?

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The Board members took no further action at this time.

**D) CD/Acting Commissioner Edward Burroughs letter dated 6-30-10/Flooding & Land Use Planning-A Guidance Document for Municipal Officials and Planners: (EM)**

The Conservation Board tabled the above report on the CD regarding Flooding & Land Use Planning until the next meeting as Dr. Merker was not able to attend the meeting tonight.

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**Old Business:**

**D) CD/Flooding & Land Use:**

Board member Dr. Edward Merker will review the materials submitted and give a report to the Board.

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

**E) Budget Sheets/email from Barbara Sherry, Supervisor's Office/re: *Town of Somers Budget Worksheet 2011/original & six completed copies needed by August 27, 2010:* (RD)**

The Conservation Board members were shown the Budget Sheets for 2011 and the C.B. Secretary explained that they were to be filled out with the same information as that of last year (and the previous several years) by direction of Supervisor Murphy.

Ms. Davis informed the Board that the Finance Office was in need of an original budget sheet and six copies to be sent to them prior to August 27, 2010.

A brief discussion ensued among the Board members with reference to the Budget and terminology (abbreviations) mentioned in the document.

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**Old Business:**

**E) C.B. Budget 2011:**

Chairman Meixner discussed the Conservation Board Budget and attendance at the budget hearings held by the Town Board.

The members then proceeded to go through the budget page by page with brief explanations from the Chairman and Secretary.

Ms. Davis explained the use of abbreviations on page one i.e. PB (Planning Board); SSAP (Steep Slope Alteration Permit); WAP (Wetland Activity Permit); TPP Tree Preservation Permit).

She mentioned that the Town Board is not giving any increases, but it was noted on the budget that she has 29 years of employment and 23 years of overtime since the job became full time in 1988.

Chairman Meixner noted that if the Conservation Board members would like to take a related course the Town Board has offered to pay for it. Of course, it would have to be approved by them in order for this to take place, he said.

Ms. Davis said that usually the individual would have to pay for the course first and then submit the paperwork and receipt to the Town Board via voucher to be reimbursed.

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**Old Business:**

**E) C.B. Budget 2011:**

Board member Eric Evans asked if ELLA gives these courses.

Ms. Davis responded affirmatively and noted that they would be speaking to the Board at the meeting on September 14 (two meetings from now). She continued the explanation of the budget and went on to explain that cartridges are noted on a separate page, that is because the town has made a listing called *information technology*. She completed the budget sheet and noted that the last sheet was a listing of the various duties that she performs for the C.B. at no charge to the town.

Ms. Davis informed the Board that as soon as she has the opportunity she would be making six copies and delivering the document to the Finance Office for their use.

The Board members took no further action at this time.

**F) Brief Update on Projects/Sussmann Mobil Station, etc.: (GM)  
Chairman Gary Meixner explained various items associated with the Sussmann application that is now before the Planning Board. He informed the Board that there was pollution on the site from a previous owner and therefore the current owners have had to have what is called a vapor shed to help get rid of the toxins that had been there for years.**

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**Old Business:**

**F) Project Update/Susmann:**

He specified that the vapor shed would include pumping the water up from the ground and exposing it to the air (aerate). He noted that the pollution evaporates during this process and travels through a chimney where it is disbursed into the air.

Board member Evans inquired about the kind of pollutants that are in the ground, and asked if it was petroleum?

The Chair responded that he was not absolutely sure, but he believes that it was the additive that they used to put into the gasoline to raise the octane level that was leaked into the underground water table.

Board member La Gue asked if there was any soil removed from the site at that time?

Chairman Meixner responded no, there was no soil removed from the site to his knowledge. He said that many gas stations have had to incorporate this "shed" on their property. He went on to say that it is very costly due to the electricity that it uses and the duration of use which is 24 hours, 7 days a week. He mentioned that the applicants have recently been told by the state that the site is clean of contaminants and they are waiting for the paperwork to substantiate this fact.

Mr. Evans pointed out that the ground water may be clean, but it appears that now the air may be polluted.

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**Old Business:**

**F) Project Update/Sussmann:**

Chairman Meixner explained that the applicants are demolishing the existing building and constructing a new structure that will be much larger and will have a convenience store. He said that the applicants are not going any further back on their lot. There are existing stone walls that will remain and the septic system will stay in the same location. He noted that according to Planning Board information the fuel trucks have to deliver before and after certain hours in order to avoid the busy vehicular times of the day.

The Board members examined the plans and asked questions regarding certain elements of the plan.

The Chair informed the Board about the oil and grease separator on site and noted that to his knowledge the state does not require this feature on commercial sites. He commented that it would be a good idea if the town incorporated oil and grease separators at every commercial site (parking lot, etc.).

Board member Evans asked for clarification as to whether or not the town requires this feature?

Chairman Meixner responded that he was not aware of the town or the state requiring an oil and grease separator.

Discussion ensued among the Board members with reference to the applicants changing their plans and putting an office in the basement as well as the need for a variance, which was noted by the Chair that they do not need.

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**Old Business:**

**F) Project Update/Sussmann:**

The Chair mentioned that the Planning Board had spoken about the need for additional parking, etc. but it was decided that the proposed parking area was adequate for the use.

Board member Michael La Gue inquired about the setback from the road.

Chairman Meixner responded that commercial business was different then residential, they would have to check the Code Book.

The pond behind the structure looks to be completely manmade said Mr. Evans.

The Chair said that the pond was created partially due to development in the area.

The Chair discussed stormwater runoff and pollution in the town. He noted problems with the underground water near the Town House (salt) and that general area and also some pollutant associated with paving in the Lake Lincolndale area. He also mentioned that Baldwin Place had a problem with their water due to a dry cleaning chemical that was found to be leaching into the ground water.

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**Old Business:**

**F) Project Update/Sussmann:**

Board member Evans noted that the applicant seems to have good measures for the parking lot. However, other runoff should be addressed, especially in the rear of the lot where the hillside goes down to the pond he said.

Mr. Evans and Chairman Meixner discussed the application and the measures being taken by the applicant to control the stormwater. Mr. Evans mentioned he would be concerned with similar items as the Guerrero property (discussed earlier) i.e. silt fencing, stormwater drainage, and plantings on the slope.

Board member La Gue brought up the fact that there should be a certain number of parking spaces per square feet of building.

Board member Shoshana Hantman responded that the applicant had addressed that factor with the Planning Board early on in the process.

C.B. Secretary Ms. Davis reminded the Board that these applications have been pulled from the file for use by the new members, however, this situation has been going on for some time now and the applicant has addressed most of the concerns to date. She advised that next the Planning Board requested a new site plan that would come before the Board showing the proposed office in the basement.

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**Old Business:**

**F) Project Update/Sussmann:**

Mr. Evans specified that the rear area of the property would be the purview of the Conservation Board (due to the wetlands and steep slopes).

Chairman Meixner agreed and pointed out the applicant's new parking area and showed the retention pond that they are required to construct.

Board member Evans inquired about the applicant's proposed landscaping plans from the 100 ft. wetland buffer line on the southeast side to the 100 ft. wetland buffer line on the north side.

Chairman Meixner noted that the applicant is going to use the steel stakes with wire mesh and filter fabric overlay as was recommended by the Conservation Board. He advised that certain features in the plans reflect what the town has asked the applicant to provide.

Board member La Gue noted that there was a rain garden feature on the plans before them for review.

Mr. Evans commented that he always recommends silt fencing to be extended on both sides, right up to the corner. He noted that it should follow the 100 ft. wetland buffer line on the southeast side and to the north the area with the macadam feature at the end of the stone wall should all have silt fencing. He mentioned that the applicant should ensure that the proposed activity would not cause the pond to collect silt.

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**F) Project Update/Sussmann:**

The Chair advised that the Board should keep in mind that the stone wall is only 4 ft. from the property line.

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

\*

A memo (#10-33) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station, site plan at their meeting on August 10, 2010.

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 applicant should continue the staked silt fence to the north side of the property line, to the end of the stone wall (macadam feature).
  - The silt fence should extend on both sides, north and south.
- 2) The Board would like to review the revised planting plan when it becomes available.

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**Old Business:**

**F) Project Update/Sussmann:**

The Conservation Board will continue to review the above application for Sussmann Mobil Station site plan as revisions are submitted.

**\*\***

The Board members took no further action at this time.

**G) Discussion/The Mews at Baldwin Place/Somers Realty Planned Hamlet – Site Plan:**

The Conservation Board members conducted a brief review of the above Planning Board application for the Mews at Baldwin Place in order to give the new members some idea of the applications that are currently being discussed.

Board member Shoshana Hantman explained the location of the property, namely at Baldwin Place near the existing shopping center.

Chairman Meixner informed the members that formerly there was a contamination problem in that area with a chemical called toluene, which has since been cleaned up.

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**Old Business:**

**G) Discussion/the Mews:**

Board member La Gue asked if this current application has been approved.

Chairman Meixner said that they are working on it now, it should be senior affordable housing when it gets final approval. He said that the residents would be able to walk to shopping at Somers Commons.

The C.B. Secretary added that the application has been on hold because the County wanted the Town to adopt ownership of the road prior to its construction and the Town did not want that liability.

However, Chairman Meixner said that any problems that were occurring have been worked out and the applicant will be able to go forward with the development.

Board member Evans inquired about the site being serviced by a sewer system.

The Chair responded affirmatively and noted that it would travel along Rte. 6 from Peekskill.

The Board members reviewed the plans, including the soils map and the features the applicants will employ.

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**Old Business:**

**G) Discussion/the Mews:**

The Board members took no further action at this time.

**H) Kauffman Wetland Activity Permit Application/Site Plan and Mitchell Subdivision/Site Plan:**

The Conservation Board members conducted a brief review of the above Planning Board application for Kauffman wetland activity permit, site plan at their meeting tonight as an overview for the new members.

The Board members also discussed the Mitchell Subdivision, site plan proposed for Rte. 118 Somers. The zoning is 1-acre/R-40 for this subdivision, which is located on seven acres of property near Koegel Park.

C.B. Secretary Ms. Davis explained that originally, this application was one lot with an existing house and garage, which is now being turned into a four lot subdivision.

Mr. Evans asked about the Board's recommendation to eliminate one lot, lot four. He was wondering if the house on lot four could be built somewhere else.

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**Old Business:**

**H) Discussion/Kauffman/Mitchell:**

The Chair explained the plans to the new members regarding the steep slopes, wetlands, and trees and all of the environmental concerns. He noted that it could have a large impact on the wetland (it is solely in the wetland buffer area).

He commented that Board member Moriarty who reviewed this application advised that the applicant would have a difficult time controlling the runoff on the slope (towards the wetland proper) when they start building in that area. He noted that the applicant is changing the grades on lot four and making the slope steeper than already exists.

Discussion ensued among the Board members with reference to this subdivision and the proposed construction activity.

Chairman Meixner informed the Board that Town Code recommends no more than 15% for the slope on driveways. He asked if the Board members received a copy of the recent memo that was sent to the Planning Board.

Ms. Davis said that she would make sure that they get a copy.

The Board members took no further action at this time.

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**New Business:**

- A)** Postcard from Cornell University/re: Survey *Climate Change in New York State*, 607-255-3786/C.B. did not receive survey/Cornell was called 8-6-10 for copy of survey:

The Conservation Board received a postcard from the Cornell University that stated a survey was sent regarding global warming and climate change in New York.

The Board to date has not received the survey on global warming. C.B. Secretary Ms. Davis phoned Cornell and addressed the problem and they responded that the survey would be sent via fax or email. The phone call took place on August 6, 2010, but there has been no response to date.

Ms. Davis said that she would try to contact Cornell University to find out why the survey has not been sent and have them forward it to the Board.

The Board members took no further action at this time.

- B)** Code Book/Town of Somers/inserts for Conservation Board dated 7-1-10/GM/EM/RD:

The Conservation Board acknowledges receipt of the above-mentioned inserts for the Code Book, Town of Somers from Town Clerk Pacella.

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**New Business:**

**B) Code Book/inserts:**

Chairman Gary Meixner, Dr. Edward Merker and C.B. Secretary Rosetta Davis received inserts dated July 1, 2010 for the Code Books.

The Board members took no further action at this time.

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There being no further business to discuss, a motion to adjourn was made at 9:45 PM by Board member Eric Evans and seconded by Board member Michael La Gue. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on August 24, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on September 14, 2010 and September 28, 2010 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 Board  
Landmark Committee