

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
MAY 25, 2010**

The May 25, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, James Moriarty, Gary Meixner

Absent: Dr. Edward Merker, Gloria Rosenzweig

Guests: **Town Board**/Richard Clinchy

Announcements:

The Conservation Board has two vacant seats available for a 2-year term.

Board member Dr. Edward Merker and Gloria Rosenzweig emailed the C.B. Secretary to inform her that they would not be able to attend the meeting tonight.

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Approval of Minutes:

A motion was made by Shoshana Hantman and seconded by James Moriarty to approve the minutes of the May 11, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of May 11, 2010 on pages 8 and 9.

Old Business:

A) Town Board/Conservation Board vacancies/appointments to the Conservation Board:

The Conservation Board discussed the need for two additional members on the Board in order to fulfill their duties according to the Town Code requirements.

Chairman Gary Meixner informed the Board members that he phoned the Supervisor's office several weeks ago and left a message for a return call. He commented that Supervisor Murphy returned his call recently and he updated her on the fact that the website for the town does not reflect the two vacancies on the Conservation Board.

The Chair noted that the website displays 'pending vacancies' and does not have the C.B. listed under current vacancies. He specified to the Board members that when speaking to Supervisor Murphy he explained the discrepancy on the website and advised her that the information on Cable TV needs to be revised in order to reflect the two current vacancies.

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Old Business:

A) C.B. Vacancies/Appointments.:

C.B. Secretary Ms. Davis commented that she had advised the Secretary to the Supervisor by email stating that the website needs to be amended and she noted that she copied the Supervisor. She explained that the Supervisor's Secretary Ms. Sherry returned an email to her and said that the website would be updated, but over time it has not been addressed. The Town website continues to reflect that the C.B. vacancies are 'pending' not available and there are two distinct lists.

Ms. Davis informed the Board that she spoke to someone who happens to be a landscape architect and he said that he might be interested in volunteering as a member of the Board. She explained that the potential candidate asked her to forward his information to the Supervisor's office and let them know that he is interested. She explained to the Board that she forwarded the pertinent information to the Supervisor's Secretary Ms. Sherry and copied Supervisor Murphy.

Board member Shoshana Hantman had some questions regarding the procedure involved in submitting information to the Supervisor.

Ms. Davis responded that there was no procedure per se other than the applicant could write a letter stating their interest. She advised that in order to expedite the situation she had been asked to forward the information from the business card that she was handed. She specified that she submitted all of the pertinent information, such as a phone number, address, email, etc. to the Supervisor's office and they will take care of the rest.

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Old Business:

A) C.B. Vacancies/Appointments.:

Ms. Davis explained that even though the Conservation Board needs two members immediately, the Town Board has a method of establishing new members and this begins with information being submitted to the Supervisor's office so that they can start their review process.

C.B. Secretary Ms. Davis informed the Board that there are potentially three applicants for the Conservation Board at the present time according to a conversation that she had with the Town Clerk. She reminded the Board members that Ms. Rosenzweig expressed the desire to cease her membership due to conflicts with her work schedule and as soon as a new member becomes available.

Board member Shoshana Hantman commented that the Board could use all three candidates in order to fill the vacancies and also replace Board member Rosenzweig.

Discussion ensued among the Board members with reference to acquiring some new members and the limitations of some past members who joined the Board.

Chairman Meixner had some questions pertaining to a former Board member, Jerome Jainchill who happened to live in Florida for six to nine months out of the year and therefore could not come to the meetings or participate in the review process.

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Old Business:

A) C.B. Vacancies/Appointments.:

Ms. Davis agreed and said that it is true he was not available for the C.B. meetings the majority of the year. She noted that the Town Board has been more careful in the review process in order to ensure that the applicants are also available for the meetings.

After further discussion on the matter the C.B. Secretary expressed the fact that now there would be several applicants to fill the open vacancies on the Board.

Board member Hantman informed the Board that her neighbor, Dennis Flynn might be interested in filling one of the vacancies. She mentioned that after the Town Board makes their decision then she would know whether or not the C.B. would need another member.

Chairman Meixner directed Ms. Davis to contact Board member Rosenzweig and ask her if she continues to have a conflict and would like to relinquish her membership sometime in the near future if the Town Board can fill the post. Ms. Davis agreed.

Ms. Davis said that after she speaks to Gloria she would contact the Supervisor's office and inform them of Ms. Rosenzweig's decision one way or the other and the C.B. members would be advised also.

The Board members took no further action at this time.

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Old Business:

- B)** Sussmann Mobil/Site Plan/Planning Board/Amended Site Plan/SP-2, Existing Conditions/SP-3, Site Plan "A"/SP-6, Erosion Control & Construction Staging Plan/SP-7, Site Details, (Rte. 100/across from IBM):
(JM)

The Conservation Board reviewed the above Planning Board application for Sussmann Mobil amended site plan, erosion control and construction staging 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.

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Report:

- The property is located on Rte. 100 across the street from the IBM site.
- Board member Moriarty visited the site on Sunday May 23rd and spoke to the owner Paul Sussman.
- Mr. Moriarty explained that the applicant is proposing an increase to the size of the existing building for retail purposes.
- Mr. Moriarty noted that the Environmental Assessment Form was filled out correctly.

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Old Business:

B) Sussmann Mobil/SP:

- He advised the Board that on Site Plan/SP-6 there is a massive pile of dirt that is proposed to be located at the exit of the station. He explained that a heavy rain would cause mud problems on the main road, creating a possible hazard for drivers and also he said that the location of the pile impairs visibility and site distances that are needed in that location.

Board member Hantman inquired about the length of time that the soil is left in the pile and why.

- Mr. Moriarty responded that it is usually left for one year. They scrape the topsoil off the lot, do all of the construction work and spread it back out when they do landscaping. He said that he told the applicant that sometimes it is better to just have the topsoil trucked off the property and not have that problem, and then bring it back when it is time to spread.

Board member Moriarty explained that normally the pile is located in the rear area of the site so that if something falls down or gets knocked out of place it is not a big problem and can be easily fixed, but since this is going to be on the main road it would potentially be a problem for Rte. 100 and the vehicles travelling along the highway.

Ms. Hantman agreed and mentioned that there is also a hill in that location and if someone is going 50 mph than it could be a problem.

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Old Business:

B) Sussmann Mobil/SP:

Ms. Hantman questioned the cost of moving topsoil.

Mr. Moriarty said that it depends how much volume would be needed for the job.

- Mr. Moriarty said that he recommends either storing the topsoil off site or moving it to the back of the lot. Otherwise he said that if it has to be left in that location the silt fencing would have to be extremely strong.
- On site plan detail SP-7 the applicant's plan exhibits wooden stakes with woven fabric on wire mesh. He explained that this erosion control feature should exhibit steel stakes with woven fabric and wire mesh.
- He explained that the applicant should also maintain the dirt storage area regularly, on a daily basis regardless of the location.
- Mr. Moriarty noted that if the applicant would like to keep the soil on site, then he would recommend that the stockpile could be located near the construction storage area.

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Old Business:

B) Sussmann Mobil/SP:

Chairman Meixner agreed with the statement and said that it was in the northwest corner of the parcel. He asked if there was going to be a temporary building in that area in order for the applicant to conduct business.

Board member Moriarty said that he did not see that on the plans submitted by the applicant.

Discussion ensued among the Board members and they decided to write a memo to the Planning Board stating their recommendations.

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A memo (#10-15) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil amended site plan, erosion control and construction staging plan at their meeting on May 25, 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 Board would like to note that the applicant filled out the EAF correctly.

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Old Business:

B) Sussmann Mobil/SP:

- 2) On SP-6, there is a large pile of dirt (topsoil) located at the exit of the gas station.
 - The applicant should reconsider the location of the pile of topsoil.
 - In the location noted on the plan, it would impair visibility.
 - In a heavy rain event, it would create a problem with road debris (mud onto Rte. 100).

- 3) The applicant should consider moving the pile of dirt (SP-6) off site.
 - Alternatively, the applicant could move the location of the dirt pile to the rear portion of the lot (northwest corner) next to the construction storage area.

- 4) The applicant should maintain the dirt storage on a daily basis.

- 5) In detail SP-7, the plans exhibit wooden stakes with woven fabric on wire mesh backing.
 - The applicant should increase the silt fencing by employing the use of steel stakes.

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Old Business:

B) Sussmann Mobil/SP:

The Conservation Board will continue to review the Planning Board application for Sussmann Mobil as revisions are submitted.

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The Board members took no further action at this time.

**C) Open Space Committee meeting Minutes for April 15, 2010/Page 3:
(JM)**

Board member James Moriarty had some comments and suggestions for the Board after reading the OSC meeting minutes for April 15.

Mr. Moriarty went on to say that on page 3 (not numbered on document) he was concerned about their statements and the potential for a possible health related hazard with what they may be suggesting. He explained that the OSC members are considering the use of the existing condo structures for some kind of town related activity.

He read from the last paragraph of the OSC document on page three to page four, which states the following:

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Old Business:

C) OSC Minutes/Page 3-4:

Mr. Mac Gregor created a Concept Proposal to repurpose the condos. All members received a copy for review. The proposal embraces a green environment concept, while focusing on providing an education/nature center. The condos can be repurposed at little or no cost to the Town through a consortium of community organizations. All agreed that since there are no plans in the foreseeable future to build a Community Center in Angle Fly Preserve, the Town Board should carefully consider the ideas that Mr. Mac Gregor is proposing, and allow them serve as a basis for discussion, rather than making a determination to demolish the condos. A memo to the Town Board will be drafted by Mr. Mac Gregor.

Board member Moriarty went on to say that if the OSC is pushing to use the existing structure (condo) as a town building then he would recommend the opposite.

He went on to say that from his experience in the field once a house is left like that too many factors have to be taken into consideration. He explained that the mold spores that have developed can never be adequately addressed, they are on everything, the concrete, and the wood, and everything in the building. He recommended that the only conclusion is to take everything down and never reuse the material. He noted that the material might be a health hazard.

Discussion ensued between Chairman Meixner and Mr. Moriarty with regards to how this information should be handled.

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Old Business:

C) OSC Minutes/Page 3-4:

Ms. Davis noted that it would be possible for the C.B. to send a generic memo to the Town Board and copy the OSC just to let them know what we are thinking and why. She said that she could draft a memo and work with Mr. Moriarty on the context.

Board member Hantman inquired about a testing procedure to determine if there is mold.

Mr. Moriarty said that there is testing equipment available that can be purchased at Home DePot for just about anything, i.e. mold kit, lead kit, radon kit, etc. They are very accurate he said. The procedure involves swiping the surface and sending it to the lab (smear test) and they come back with the results.

Chairman Meixner mentioned that they also have things to test the air for certain contaminants.

Mr. Moriarty responded that an individual could test the air for asbestos fibers and fiberglass fibers. He referenced that on building sites these potential hazards have to be tested every hour.

The Board members took no further action at this time.

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New Business:

- A)** Administrative Review/Team Meeting – Report for the Conservation Board meeting/Board member Hantman/Steep Slope Alteration Permit for Kenneth Kristensen/TM-26.15-1-17/repair, replace the existing retaining walls in side yard, (#4Valley Drive/Katonah): (SH)
The Conservation Board reviewed the above administrative application for Kristensen for steep slope alteration to repair, replace the existing retaining walls in side yard at their meeting.

Board member Shoshana Hantman reviewed the materials submitted with the administrative review team and gave a report to the Board.

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Report:

- The application is located at #4 Valley Drive, Katonah and the applicant's name is Kristensen.
- Ms. Hantman explained that the applicant has an existing retaining wall made with railroad ties and it is about to fall down.
- She said that the new owner proposes to install a new retaining wall made from a substance called anchor wall. She explained that it is a new material that is comprised of a pre-fabricated retaining wall.
- Ms. Hantman informed the Board that she attended the administrative review team meeting on Friday May 21st.

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New Business:

A) Administrative/Kristensen:

C.B. Secretary inquired about the need for any drainage behind the retaining wall.

Board member Moriarty responded that the anchor wall comes with the associated materials to create drainage, they are self-drained.

- Ms. Hantman said that the Engineering department asked her to come in right away, as it was an emergency. She advised that the Principle Engineering Technician showed her pictures of the site, she did not walk the property.
- She explained that the applicants would be working on the part of the wall that is near the house.

Chairman Meixner inquired about the height of the proposed wall.

- Board member Hantman responded that the anchor wall would be five or six feet in height.

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New Business:

A) Administrative/Kristensen:

Chairman Meixner noted that the plans do not exhibit the height of the wall and then mentioned the fact that he would like to know that information.

The Board took no further action at this time.

B) Administrative Review/Team Meeting – Report for the Conservation Board meeting/Board member Hantman/Wetland Activity Permit/Steep Slope Alteration Permit/Other –SMESC (Stormwater Management & Erosion-Sediment Control Permit applications), Proposed Construction Access Plan dated October 23, 2009 for Richard & Ann Marie Demm/TM-28.17-2-5/redirect stream to prevent further erosion of slope, Prepared by Keane Coppelman Engineers, PC, (#208 Rte. 100/across from Somers Manor): (SH)

The Conservation Board reviewed the above administrative application for Demm wetland activity, steep slope alteration, stormwater management, and erosion-sediment control permits to redirect a stream at their meeting.

Board member Shoshana Hantman explained that she did not review the application for Demm at the administrative review team meeting.

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New Business:

B) Administrative/Demm:

C.B. Secretary Ms. Davis said that the paperwork was submitted to the Conservation Board from the Engineering Department and she assumed that it was part of the administrative review team meeting.

Discussion ensued among the Board members with reference to the Demm application and whether or not it was administrative. They discussed the features that would necessitate a Planning Board review.

Chairman Meixner noted that the property was located across from Somers Manor on property that has extremely steep slopes. He mentioned to the Board that he did not understand why there would be no DEP permit required on the relocation of a stream.

He read from the document provided which states that the applicant wants to *secure their home and redirect the stream to prevent further erosion to the slopes.*

The Board members concurred that the applicant should address the following information.

- A site plan on stormwater management.
- A copy of the NYSDEP Permit for changing the watercourse.

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New Business:

B) Administrative/Demm:

- A copy of the letter from the DEP dated 12-23-09.
- Question concerning the nature of the project, i.e. Planning Board application.
- It appears that the Conservation Board should be reviewing this application.
- The application seems to be about 1000ft. from the reservoir.
- The C.B. would need an engineering report and wetlands expert report and site plans exhibiting erosion control and what is proposed by the applicant as the stream is 23ft.
- The Board would also like to know how the applicant would move this stream.
- The Board notes that the DEP should be an involved agency in this application.

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Chairman Meixner said that this stream has been causing problems for years, he did not understand why it would be an emergency at this time.

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New Business:

B) Administrative/Demm:

Board member Hantman read from the document and said that the applicants have been waiting for some time.

The Board discussed the information provided by Chairman Meixner and decided that a memo should be sent to the Principle Engineering Technician and the Planning Consultant Joseph Barbagallo stating their concerns and recommendations.

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A memo (#10-14) will be sent to the Principal Engineering Technician, Steve Woelfle and Planning Consultant, Joseph Barbagallo stating that the Conservation Board reviewed the above administrative application for Richard & Ann Marie Demm wetland activity, steep slope alteration, stormwater management and erosion-sediment control permit application as well as proposed construction access plan at their meeting on May 25, 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) After some discussion by the Conservation Board, it was determined that this application strongly suggests a Planning Board review.
 - A Planning Board review would involve a Conservation Board review.

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New Business:

B) Administrative/Demm:

- There should be a site plan submitted by the applicant, proposed erosion control measures and information on exactly what is proposed and how far the applicant intends to move the stream.
- 2) The C.B. members would like to review the Site Plan for the stormwater management program for the proposed administrative application.
- 3) The Board requests a copy of the letter dated December 23, 2009 from the NYCDEP signing off on this application (noted on the Summary Sheet).
- 4) The Board requests a copy of the New York State permit for changing a watercourse that the applicant would be filling out.
- The DEC should be an involved agency.
 - In order for the applicant to propose moving a stream there should be an engineering report. We would appreciate a copy of that document.

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New Business:

B) Administrative/Demm:

- In addition, a wetland expert should be involved and a report should be generated. The Board would appreciate a copy of that document as well.

The Conservation Board would appreciate a response to this memo regarding the Demm administrative application for wetland, steep slope, stormwater management and erosion-sediment control as soon as possible.

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The Board members took no further action at this time.

C) Town Board/Resolution/Referral of donation of Iris Road property, Lincolndale, Section 5.15, Block 3, Lot 11 (60 x 100ft.), for review and comment by Conservation Board, (Iris Road at intersection of Locust Drive): (GM)

The Conservation Board will discuss the above Town Board resolution for the referral of donation of Iris Road property, Lincolndale for review and comment at their next meeting.

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New Business:

C) T.B./Referral/Iris Road:

Chairman Gary Meixner will review the materials submitted, perform a site inspection of the property and give a report to the Board.

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

D) Town of Yorktown/Referral for Permit Application for Private Park & Recreational Facility for Temporary Sports Fields on Navajo Road; EAF Part 3; Associated Wetlands/Excavation Permit dated May 17, 2010; Plans on file in Yorktown Town Clerk's office, (Navajo Road): (GM)

The Conservation Board will review the above referral for private park and recreational facility for temporary sports fields on Navajo Road, EAF Part 3, associated wetlands and excavation permit for the Town of Yorktown at their next meeting.

Chairman Gary Meixner will review the materials submitted and the plans for the project at the Yorktown Town Clerk's office and give a report to the Board.

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

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New Business:

- E)** Homeland Towers/Cingular Wireless PCS, LLC/AT&T, #121 Rte. 100 – Amato dated May 13, 2010, Site Plan/Planning Board/Full EAF by Snyder & Snyder, LLP; Visual Impact Analysis and Landscape Plan dated May 2010; Prepared by VHB Engineering, Surveying & Landscape Architecture, PC, Hauppauge, NY, (#121/Rte. 100): (JM)
The Conservation Board will review the above Planning Board application for Homeland Towers, Cingular Wireless PCS, LLC/AT&T for the Amato site including visual impact analysis and landscape plan at their next meeting.

Board member James Moriarty will review the materials submitted, perform a site inspection of the property and give a report to the Board.

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

- F)** Homeland Towers/Cingular Wireless PCS LLC/AT&T/Somers-Woods Bridge/#121 Rte. 100/Site Plan/Planning Board/Partial Topographic Survey SU-1; Color Constraint Map, Soil Types CC1; Stormwater Pollution Prevention Plan dated March 2010, Prepared by Tectonic Engineering & Surveying Consultants, PC; Title Sheet T1; Plot Plan, List of Adjoiners & Notes Z1; Site Plan SP1; Partial Site Plan Z1A; Setback Map & Bulk Requirements Table Z2; Elevations Z4 & Z5; Site Detail Plan Z3; Equipment Details & Notes Z6; AT&T Equipment & Details Z7; Erosion Control & Stormwater Management Map Z8; Erosion Control Stormwater Management Details & Notes Z8A; Erosion Control & Stormwater Management Details Z9, (#121/Rte. 100): (JM)

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New Business:

F) Homeland Towers/Somers-Woods:

The Conservation Board will review the above Planning Board application for Homeland Towers, Cingular Wireless PCS LLC, AT&T, Somers-Woods Bridge, #121 Rte. 100, site plan, erosion control plan, stormwater management plan, and stormwater pollution prevention plan at their next meeting.

Board member James Moriarty will review the materials submitted, perform a site inspection of the property and give a report to the Board.

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

G) Conservation Board/Site Inspection/Rte. 100/a large number of trees have been cut down on steep slopes. What is the status of this activity. (Rte. 100/North of Plumbrook Road/South of the Reservoir): (GM)
The Conservation Board will look into the above tree cutting activity on steep slopes along the corridor of Rte. 100 at their next meeting.

Chairman Gary Meixner gave a report to the Board and will review the above situation and discuss the activity with the Principle Engineering Technician.

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New Business:

G) C.B. Site Inspection/Rte. 100:

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Report:

- The property in question is located on Rte. 100 north of Plumbrook Road and south of the reservoir on the west side of Rte. 100 (the same side as Somers Manor).
- Chairman Meixner confirmed that there were a large number of trees located on steep slopes that have been taken down in that area.
- He advised that there is an open area with a pile of wood chips.
- Chairman Meixner said that the Board would like to know the status of that activity and whether or not the applicant has a permit.

Discussion ensued among the Board members and they decided to write a memo to the Principle Engineering Technician and the Planning Board concerning this situation.

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A memo (#10-16) will be sent to the Principal Engineering Technician and the Planning Board stating that a recent site inspection was performed on the above parcel and the Conservation Board discussed the property at their meeting on May 25, 2010.

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New Business:

G) C.B. Site Inspection/Rte. 100:

The Board members reviewed the information after a verbal report took place based on an impromptu site inspection of the property and they discussed the matter among them.

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

- 1) There were a large number of trees that had been cut down on a steep slope.
 - There is a large open area with wood chips.

- 2) The Board members would like to know the status of this activity.
 - Has the resident/applicant been issued a permit?

The Conservation Board would appreciate a response to this memo as soon as possible.

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The Board members took no further action at this time.

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New Business:

- H)** Town Board Member Richard Clinchy/C.B. Discussion:
The Conservation Board members welcomed Town Board member Richard Clinchy to the meeting tonight.

Town Board member Richard Clinchy joined the meeting and Chairman Meixner asked him if he was familiar with the application that they were discussing. He said that he was not.

Discussion ensued among the Board members and Mr. Clinchy in reference to obtaining new members in order to fulfill the required number of seven serving on the Conservation Board.

Mr. Clinchy addressed the concerns of the Board and mentioned that there were several applicants applying for the volunteer positions open on the C.B. He noted that there was a very good chance that all vacancies would be filled.

Some discussion occurred relating to the fact that Board member Gloria Rosenzweig might be stepping down due to conflicts with work and the C.B. meeting. Chairman Meixner noted that Gloria mentioned leaving the Board when the Town Board was able to obtain a new member.

C.B. Secretary Ms. Davis agreed and said that she had some conversation relating to that fact with Ms. Rosenzweig. Chairman Meixner directed Ms. Davis to contact Gloria and find out her intentions and then let the Town Supervisor, Mr. Clinchy and the Board know how to proceed.

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New Business:

H) Discussion/Clinchy:

Mr. Clinchy brought up the subject of something that he had been working on with the Board that concerned a Town Board resolution that was under review by the Conservation Board. He noted that he had taken care of his part regarding notifying Supervisor Murphy.

Ms. Davis responded that the item had been dropped from the C.B. Agenda as there had been no response from the Town Supervisor's office for some time and the Board decided that they did not want to carry it on the agenda any longer.

Town Board member Clinchy informed the Conservation Board members that if they needed any assistance from him he would make himself available.

The Board members thanked him for stopping by the meeting.

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There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member James Moriarty 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 June 8, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on June 22, 2010 and July 13, 2010 respectively.

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Principal Engineering Technician
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Board
Landmark Committee