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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JUNE 5, 2013

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JUNE 5, 2013

PRESENT: M. Hunter, Chairperson
R. Anzalone
C. Correia
R. Cataggio

D. Lindsay
K. O'Donnell
R. Golden

ABSENT: S. Turner

Chairperson Hunter opened the meeting with the Pledge of Allegiance and a moment of silence for our Armed Forces and all others in harm's way. She then introduced the Board and Consultants, and publicly thanked Mark Christman for his years of service.

MINUTES

R. Anzalone made a motion to accept the minutes from the meeting of March 20, 2013.
R. Cataggio seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Cataggio made a motion to accept the minutes from the meeting of April 3, 2013. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Anzalone made a motion to accept the minutes from the meeting of May 15, 2013.
C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

Chairperson Hunter cited a letter, dated May 29th, from G. Thomasberger which included a copy of a subdivision proposal for the Town of Monroe. The subdivision is located off of Seven Springs Road. She said she had the map forwarded to D. Lindsay's office. D. Lindsay said he had reviewed the map and had several technical comments. After some discussion it was decided by the Board members that D. Lindsay should forward his comments to the Town of Monroe to help in their review process.

Chairperson Hunter then noted that she had received a letter on May 31st from Nick Cardaropoli regarding his office building at 4 Corporate Drive. This building was approved in December of 2005, and renewed in 2009. He now has someone who wants to build the same office building. It was decided that D. Lindsay will speak to the Building Department regarding this matter.

REGULAR AGENDA

1051 CORP./HAZZARD LANE - TAX MAP 207-1-10.2

Chairperson Hunter explained that this was to be a review of revised plans submitted for a proposed 3 lot subdivision located at Route 32 and Hazzard lane in Highland Mills. She then asked the applicant to give the Board a brief overview. The applicant's engineer then explained that this is a 3 lot subdivision of an 11.5 acre parcel located on New York State Route 32 just west of Quaker Road. He said they had been before the Board previously with a sketch plan. Since that time they have done a test for the septic systems. The driveways have been completed and they have provided the grading for the lots. They also received approval from the DOT for the driveway locations. He said that, at this point, the engineering is done and they are looking to have a public hearing on the project.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said that the applicant has complied with some of the original comments that he had made regarding technical issues. He said they've modified and made some changes to the plan. He noted that the applicant has shown the location of the homes as a 30' x 50' box, with the setback distances, driveways and clearing locations for the wells and septic fields. He said that in the past the Board has allowed the locations of the homes to vary by, perhaps, ten percent in either direction. He recommended that the Board have some kind of note to that effect on the plan.

With regard to water supply, D. Lindsay said that the applicant has no proof of water supply at this point in time. He recommended that the Board not grant a preliminary approval until the applicant can demonstrate that they have an adequate water supply.

D. Lindsay also noted that there should be some kind of maintenance agreement for the shared driveway. The applicant said that would be included in the deed. Chairperson Hunter noted, for the record, that the new map now shows the driveways coming out on Route 32, and no driveways on Hazzard Lane as was previously submitted.

1051 CORP./HAZZARD LANE - TAX MAP 207-1-10.2 (cont.)

Chairperson Hunter then asked K. O'Donnell for her comments. She had a question about trees that were to be labeled on the plan. The applicant explained that these were trees that were located in the areas of disturbance. He said this will appear on the next submission.

With regard to SEQRA, K. O'Donnell said that no SEQRA has been completed for this particular application yet. She said that since the DOT is an involved agency the Board will need to circulate a Lead Agency notice. She said that she could do this if it is the Board's desire to declare its intent to assume Lead Agency status. The Board would then have to wait 30 days before taking any action, unless a reply is received.

Chairperson Hunter then asked R. Golden for his comments. R. Golden wanted to be sure that the applicant understood that the Board could take no action at this time because the matter would need to be circulated for environmental review to all involved agencies. Since the DOT is an involved agency, the Board would need to send out a Notice of Intent to be Lead Agency and wait 30 days to see if there are any objections. The applicant said he understood the process.

R. Golden did have a comment with respect to the applicant's desire to obtain both preliminary and final approval at the same time. He said that because there are significant issues with water that need to be resolved he did not think that this would be an appropriate application to have both preliminary and final at the same time. He felt the Board should go forward with a preliminary approval that would be conditioned upon the water issue. He added that once the applicant has preliminary approval he would be entitled to a final approval provided that the final plan is in substantial agreement with the preliminary plan. He added that, most likely, there will be a public hearing on this issue. Chairperson Hunter asked if there needed to be a public hearing for ARB. R. Golden said that no ARB would be needed.

Chairperson Hunter then asked the Board members for their comments and questions.

R. Anzalone asked at what point the water issue would need to be verified. D. Lindsay said this would need to occur between preliminary and final approval. R. Golden added that if they get the water issue resolved before preliminary they could request preliminary and final at the same time. There was some discussion, during which the applicant said that they would be doing their water testing some time during the next week. Chairperson Hunter asked that he contact G. Thomasberger and inform him when the testing was being done.

1051 CORP./HAZZARD LANE - TAX MAP 207-1-10.2 (cont.)

C. Correia then made a motion that the Woodbury Planning Board declare its intent to be Lead Agency for this application. R. Cataggio seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Anzalone then made a motion to schedule a public hearing on this application for July 17, 2013. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Golden informed the Chair that he would not be available for this public hearing.

HIGHLAND SAND & GRAVEL- TAX MAP 203-1-8.21

Chairperson Hunter explained that this was to be a review of a submitted EAF for proposed expansion of use to include a construction and demolition recycling/processing center on property located at 911 Route 32 in Highland Mills within the R2A zoning district. She then went on to explain that on April 3, 2013 the Board declared this an Unlisted Action under SEQRA. On April 4th a letter was received from the Orange County Department of Public Works, and on April 11th a letter was received from the Orange County Department of Planning. She said a letter was also received this evening which was addressed to the Chairman of the Zoning Board of Appeals on behalf of Mary Gross-Ferraro. She then asked the applicant to give a brief overview of their proposal.

Kevin Patton, the engineer for the project, appeared and said that he was here tonight with Bill Deroger of Highland Stone and Gravel, and Bob Krahulik the attorney for the project. He then explained that the project consists of adding a construction/demolition debris processing facility to the Highland Stone quarry located off of Route 32. This facility will receive asphalt, concrete, soil and rock from ongoing construction projects and recycle it into a reusable construction aggregate. Chairperson Hunter wanted to be sure that the facility was only dealing with asphalt, concrete, soil and rock. Mr. Patton said that there would be no wood, sheetrock or any of those types of building materials received at this facility. He said the materials that would be received would constitute a product similar to Highland's current products, which are construction materials used on highway and building construction projects.

HIGHLAND SAND & GRAVEL - TAX MAP 203-1-8.21 (cont.)

Mr. Patton said they had received comments from D. Lindsay dated May 7th, and also past comments from the DEC dated March 13th. He said he had made some changes to the narrative portions of the submittal and his responses to these comments, and then wanted to briefly summarize what the changes were. There were some questions on acreage, which he will cover later. However, he said that D. Lindsay pointed out that the proposed facility includes a 1.1 acre portion that would be used for stockpiling material that has been processed, and that would be a small area for the volume noted on the report of 50,000 cubic yards of stored material. Mr. Patton said he revised the figure down to 30,000 cubic yards, which would be the maximum volume that area could store. He said they were looking at a maximum of about 50,000 cubic yards to be processed per year. They expect the volume to balance with materials coming in and going out, so having a storage area for a full year's processing really is not necessary. He added that they would prefer to store half as much as noted above.

Mr. Patton then addressed the issue of the number of total acres that would be involved in this application. He said that there was a mining permit for 147 acres, but this total is not correct. He said the DOT is reviewing this. He said the area actually owned by Highland stone consists of 150 acres. There are also 18 acres that are leased. This will need to be clarified.

Mr. Patton also said that the plan notes that the runoff from the C & D processing and stockpiling area will be directed into the quarry, which uses a system of settling ponds to clarify and control water. Right now the proposed area for the facility is a little irregular and the runoff travels in different directions. This area will be graded as part of the construction operation. They will be leveling out an area and creating a slight swale to direct the water to the quarry. This will be added to the plan.

Mr. Patton said that their O & M manual notes that noise levels are not expected to increase above ambient levels. A site specific study will be conducted soon which will simulate the operation, measuring existing noise levels and noise levels with the facility operating. He then went on to discuss some revisions that were made to the EAF at the request of the DEC so that the acreage described only included the proposed project area.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said he had prepared a six page memo in April where he listed out some of the things the Board should consider in terms of the site plan, as well as some environmental issues. He did note that the applicant would need to appear before the ZBA to resolve some threshold issues. However, the ZBA could not act until the Planning Board had completed SEQRA.

HIGHLAND SAND & GRAVEL – TAX MAP 203-1-8.21 (cont.)

D. Lindsay then explained that the applicant highlighted a section in the zoning code which allows any non-conforming use to be substituted for another non-conforming use if that use is, in the opinion of the Board, the same or not of a restrictive nature. The applicant will have to make this demonstration to the ZBA.

One of the things which D. Lindsay felt was fundamental to this whole process is to understand the whole land area that is involved, and to have a plan that shows these land areas. He went on to discuss the DEC permits, what is leased, what is owned and what is actively mined. He said this all is very confusing if there is no map that shows everything. He suggested a plan that establishes a base of what the acreages are, where the active mining area is that's permitted and what the actual mining area is now. Once this plan is prepared, the applicant can then show where the C & D facility will be located because it is important for the Board to know what uses are in the active area, and whether this is an area that's only permitted now but not active. He felt this would also be germane to the Zoning Board of Appeals review.

Chairperson Hunter then questioned the Board's Lead Agency status. R. Golden explained that, with regard to SEQRA, the Board had typed the action and sent the Notice of Intent to the ZBA. More than 30 days has passed, so the Planning Board can assume Lead Agency status. R. Golden said the Board could do this tonight, or wait until after the ZBA meeting.

K. O'Donnell pointed out that the ZBA cannot take any action on this application before the Planning Board completes SEQRA. She said the Board could assume Lead Agency and make either a Negative or Positive Declaration of significance. R. Golden agreed that the Board could assume Lead Agency. However, he did not feel that they had enough information to make a determination of significance. He said that one of the most important things the Board would need was what D. Lindsay was asking for, which is a map or plan which very clearly shows what areas are active, what areas are leased or otherwise considered to be within the mining area but not actively mined right now, and what areas are going to be involved with the C & D. The Board should know if these areas are separate or if they overlap, and whether the C & D is completely within the mined areas. He felt this information was necessary in order for the Board to proceed. He added that one of his concerns is having enough information to be able to determine whether or not there are vested rights with respect to those mined areas so he can properly advise the Board on how the new C & D facility would fit.

At this point Mr. Krahulik commented that it is not their desire to rush the determination of significance. He said he realized that they need to develop a lot more information on the map for both the Planning Board and the Zoning Board of Appeals.

HIGHLAND SAND & GRAVEL - TAX MAP 203-1-8.21 (cont.)

R. Golden explained that SEQRA is complicated when the ZBA and the Planning Board are proceeding concurrently and the matter that is before the ZBA is not a Type Two action, which is the normal procedure. He said the ZBA cannot act until the Planning Board completes SEQRA. If the ZBA closes its hearing, they will have to make a decision within 60 days unless the applicant agrees to waive this time frame. Otherwise the ZBA will not be able to act if there has not been a SEQRA determination from the Planning Board. The 60 days will run out and there will be an automatic disapproval. Mr. Krahulik said the applicant would be happy to waive the 60 days, if they get that far. He added that it has been a difficult process bringing the ZBA up to speed on the nature of this application, as they normally deal with either a use variance or an area variance. Here they are applying for a permit under a very specific section of the code.

There was some discussion regarding the number of copies of maps the applicant needed to submit, as well as the size of the copies. Some people preferred smaller maps, others wanted the larger maps.

Chairperson Hunter asked the Board members if they had any comments or questions.

R. Anzalone wanted to know if this was a year round operation, and what the daily hours of operation would be. The applicant said it is a year round operation, but at a very low level from December to March. The hours of operation that are being proposed are from 6:00 or 6:30 a.m. to 5:00 or 6:00 p.m. Mr. Patton said that right now the hours are 7:00 a.m. to 3:00 p.m. He said these are the hours of a typical construction schedule. The processing operation is expected to operate between 15 and 20 hours per week.

R. Anzalone also asked who would be checking the waste that comes in to determine what is unacceptable. Mr. Patton said it is checked by the scale operator or the operator of the processing plant. If it is material that is coming from a known customer from an ongoing project they will be allowed to bring the materials in and dump them and then they are examined. If it is a new customer with a new project the load is examined before it is dumped, and then again after it is dumped.

With regard to hours of operation, R. Golden said the Board will not be involved in dictating operation hours. However, for the purpose of their SEQRA review, they will need to know the hours of operation so they can determine noise and traffic at different times of the day. He added that if there were times when the hours of operation needed to be extended the applicant should address these so the Board can analyze the SEQRA impacts related to that as well.

At this point Chairperson Hunter cited the last paragraph of the letter from the Ferraro family which stated that Mary Gross-Ferraro wants to be listed as an interested party and kept informed of the proceedings with respect to this application. She asked R. Golden what the Planning Board's responsibility would be for this request.

HIGHLAND SAND & GRAVEL - TAX MAP 203-1-8.21 (cont.)

R. Golden said that this was not an unusual request, and that the applicant should simply add her name to the list of people who need to receive copies. This brought the total number of copies needed from the applicant to 26.

The discussion continued, after which C. Correia made a motion to declare the Woodbury Planning Board Lead Agency for this application. R. Cataggio seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- R. Anzalone – In Favor
- C. Correia – In Favor
- R. Cataggio – In Favor

JJ WOODBURY, LLC (aka GHG Woodbury) - TAX MAP 225-1-34.1

Chairperson Hunter explained that this was to be a review of a submitted site plan and special permit request for a mixed use commercial building located at 6 Locey Lane in Harriman. She then noted, for the record, that on May 14th letters were received from both the Orange County Department of Public Works and the Orange County Planning Department. Each department has information that they want included from the New York State DOT.

At this point Steve Esposito, representing GHG at Woodbury, explained that the site is located almost at the intersection of Locey Lane and 17/32. He then showed the Board the site map and explained that Locey Lane is a signalized intersection under the jurisdiction of the New York State Department of Transportation. The site is located in the IB zone, and what they are proposing is a commercial center. A commercial center is a permitted use in the IB zone, but requires a special use permit and site plan approval by the Planning Board, as well as SEQRA compliance.

Mr. Esposito then began a brief history of the application, explaining that in December of 2012 they had a pre-application meeting with the Chairman and Consultants to present the initial concept. The building is a mixed-use building of 16,000 square feet. After the meeting there were a few things the applicant needed to do before making a full application to the Board. One of the items in question was water supply. Mr. Esposito said there is an existing fire hydrant at the corner of Locey Lane and 32/17 that belongs to the Village of Harriman. The applicant contacted the Harriman Village Board back in January and has since had several meetings with them regarding receiving water service. He said that tomorrow they will be meeting with the Mayor of Harriman to, hopefully, finalize that agreement.

JJ WOODBURY ,LLC (aka GHG Woodbury) - TAX MAP 225-1-34.1 (cont)

Mr. Esposito said that they have also been in contact with the DOT about their plans because they know the DOT has plans for the whole intersection. There were a few things he wanted to go over with the Board as a result of those conversations. He noted that their site is 2.74 acres. The DOT is planning improvements for Locey Lane as well as Route 32/17. However, there are also improvements that are being proposed for the southwest end of their site. He then pointed out the two blue areas and one yellow area on the map. He said the blue areas will be taken by the DOT for their improvements, while the yellow area will be given back. The two blue areas total about .25 acre, while the yellow is .2 acre. After this land swap occurs the lot will meet and exceed the minimum lot area required in the IB zone for a commercial center.

Mr. Esposito then explained that the current concept plan is to have two restaurants. These will be located on the ends of the building and will total 4500 square feet. The balance of the building will be a mixed-use retail. Again, total square footage for the building will be about 16,000 square feet. They are proposing 107 parking spaces. He said they looked at three parking analyses: One if the whole space was retail and there were no restaurants, one evaluating the restaurants per seat, and one evaluating the restaurant per customer floor area. The maximum number of spaces proposed, 107, will meet or exceed the maximum number for those three scenarios.

Mr. Esposito then explained how the site would function. He said there is a service drive in the rear with a designated loading zone. This will be a one-way drive for trucks, which will make deliveries in the rear. They have also prepared a landscape plan in accordance with the Woodbury code. There will be two accesses off of Locey Lane, no access onto the State highway. He said their main drainage facility will be on the easterly corner of the site at the intersection of Locey Lane and 17/32. This concluded his presentation.

At this point Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay was concerned with the site configuration once the land swap takes place, as it appears that one will have to cross State property to get out onto Locey Lane. Mr. Esposito said the property in question will become part of the State right-of-way. He further explained that the reason the State is taking the property is to make improvements to Locey Lane which will include designated right and left turn lanes.

D. Lindsay then asked about the property that ran into the commuter parking lot. Mike Walker, with the applicant, explained that the existing commuter parking lot will be relocated to the end of Locey Lane, as they will be widening Route 32/17 in this area. He added the State has not moved forward with this plan because they don't have the funding.

JJ WOODBURY, LLC (aka GHG Woodbury) - TAX MAP 225-1-34.1 (cont.)

The discussion continued, after which D. Lindsay had some concerns about the traffic circulation on the site. Mr. Esposito explained where the main entrance would be located, and that it would be clearly marked using landscaping and other site features. There will also be signage. D. Lindsay was also concerned about the one-way traffic pattern. Mr. Esposito said they have discussed having two-way traffic.

With regard to parking, D. Lindsay said he had calculated for the maximum number of parking spaces, and this is what the applicant is proposing.

D. Lindsay noted that there will be a wall on the property. He suggested that the applicant provide an elevation to the Board as part of their ARB review.

D. Lindsay also had some comments regarding the drainage on the site. He recommended that the drainage be located by the curb so any snow that melts stays in the gutter.

Chairperson Hunter then asked K. O'Donnell for her comments. K. O'Donnell said that there will be a restriction that limits the site to two restaurants. Any other proposals for restaurants will need to return to the Planning Board for approval. She also noted that the restaurant area is 4500 square feet. However, this could be limited to the 2400 square feet of customer service area for parking purposes. This is what the parking is currently based on.

With regard to signage, K. O'Donnell said they have a generic sign plan that shows the sign on each building. She said if there are special requirements the applicant could return to the Planning Board for approval. She said the landscaping meets all the zoning requirements.

K. O'Donnell noted that the lighting plan shows light spilling over onto the property that the applicant will own, but does not presently own. She suggested that the lighting should stay on property that is owned by the applicant.

With regard to SEQRA, K. O'Donnell said the Planning Board can declare Lead Agency status, and classify the action as Unlisted.

Chairperson Hunter then asked R. Golden for his comments. He said that, with regard to the DOT land swap, the Board will be proceeding with an action of approval for the current land. The land swap issue is for informational purposes only. He also noted that section 310-22H of the code requires the applicant to "establish a central management agency that will be responsible for managing, improvement and maintenance of the common areas". He said this will most likely be included as a condition in the resolution.

JJ WOODBURY,LLC (aka GHG Woodbury) TAX MAP 225-1-34.1 (cont.)

R. Golden had some questions about the way the project is being proposed. He that one of the options is either all restaurant or all retail. He was not sure this would be permitted in the zone. He cited the bulk regulations for the IB district use permits which says, "commercial centers are permitted in the IB zoning district with special permit and site plan approval from the Planning Board as long as they consist of more than one of the permitted or special permit uses in the IB district". He was not sure that the applicant would be allowed only restaurants or only retail. Mr. Walker said that right now the proposal is for a restaurant on each end of the building and retail in the center. He said they understand the concern. R. Golden suggested that the applicant consult G. Thomasberger if there are any issues.

R. Golden also noted that, because this is a corner lot, it has two front yards. The code does not allow parking in the front yard. He again suggested that the applicant talk to G. Thomasberger for his interpretation of the code in the regard.

Chairperson Hunter then asked the Board members for their comments and questions.

R. Cataggio asked if there were any plans for outdoor dining. Mr. Walker said that there is a possibility of this in the future, and they are reviewing the ordinance to see what can be done. R. Cataggio also noted that there was only one trash bin at the end of the building. He suggested a second one at the other end of the building for the other restaurant. Mr. Esposito said this was a good recommendation.

C. Correia asked where the heating and air conditioning units would be located. Mr. Esposito said they would be rooftop units.

R. Anzalone was concerned about the traffic backing up on Locey Lane, as there are no turning lanes to make a right or left turn at this point. Mr. Esposito said they could discuss the timing of the traffic light with the DOT. A discussion ensued regarding the DOT proposed improvements. D. Lindsay noted that one of the improvements was to move the existing commuter parking lot to the end of Locey Lane. This will cause increased traffic during rush hours, so the DOT will have to address this intersection. However, he felt it was a good idea for this applicant to approach the DOT with regard to their proposal. R. Golden suggested that a condition of approval would be that the applicant would need to make a request that the DOT adjust the timing of the light in a way that they deem appropriate. D. Lindsay suggested that the applicant begin a dialogue with the DOT as soon as possible. Chairperson Hunter also suggested that Rob Weyant, the Highway Superintendent, be notified of this project as Locey Lane is owned by the Village and maintained by the Town.

JJ WOODBURY, LLC – (aka GHG Woodbury) – TAX MAP 225-1-34.1 (cont.)

The discussion continued, after which R. Anzalone made a motion to declare the Woodbury Planning Board Lead Agency for this application. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Golden pointed out that the Village DPW would be an involved agency. He suggested that the Board rescind the prior motion and make a motion to declare intent to be Lead Agency. Chairperson Hunter made a motion to rescind the prior motion. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

Chairperson Hunter made a motion of intent to be Lead Agency for this application. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

R. Anzalone then made a motion to declare this an Unlisted Action under SEQRA. Chairperson Hunter seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

There was no further business to conduct for this application. C. Correia then made a motion to cancel the July 3rd Planning Board meeting. R. Cataggio seconded the motion. The vote was as follows:

M. Hunter – In Favor
R. Anzalone – In Favor
C. Correia – In Favor
R. Cataggio – In Favor

There was no further business for the Board to conduct, so C. Correia made a motion to adjourn the meeting. R. Anzalone seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- R. Anzalone – In Favor
- C. Correia – In Favor
- R. Cataggio – In Favor

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary