



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: December 3, 2024

PLACE: TOWN OF OLIVE, TOWN MEETING HALL, SHOKAN, NY 12481

1.0 CALL TO ORDER

Chairman Dibbell called the meeting to order with the Pledge of Allegiance at 7:00 pm.

2.0 ROLL CALL

PRESENT

Stephen Dibbell, Chairman
Ed Kahil
Heidi Emrich
Nick Burgher
Paul Wright
Edwin Maldonado

ABSENT

Don DiMartini

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the November 7, 2024 minutes. He wanted to clarify that on Page 3, third paragraph down the first sentence stated that he pointed out that the lot numbers needed to be reversed on the map, it was actually Ed Kahil who pointed out that correction needing to be made. Chairman Dibbell noted on Page 8, the last sentence in paragraph one, there is a typo. The word "**excerpt** the swimming pool" should be "**except** the swimming pool". He also pointed out on Page 9, third line down starts with "planand", there should be a space between the words. Chairman Dibbell asked if there were any other corrections. Heidi Emrich said on Page 2, third paragraph, second sentence, starts "Heidi Emrich and Paul Wright noticed..." it was actually Paul Wright who pointed out the reference to the variances. She said she didn't want to take credit for something that she didn't find. She noted that the same sentence then needed to be corrected to say "and **feels** that the new variances should be referenced on the new map." Heidi Emrich also felt that in the same paragraph, the fourth sentence, "She reported that the distances were rounded as follows.", should end with a colon and not a period.

With no other comments, Edwin Maldonado made a motion to accept the minutes of November 7, 2024 as amended, Nick Burgher seconded the motion and all members agreed.

4.0 PUBLIC HEARING

7:10 pm - 24-Sub-5 Luca Farinelli & Jenny Hubbard and Ronald & Antoinette Boedigheimer, 296 Sheldon Hill Road, Olivebridge, NY 12461: Lot Line Revision

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Chairman Dibbell explained the rules of the public hearing to the members of the audience and asked who was present to represent the application. Present are Luca Farinelli and Ronald Boedigheimer. Chairman Dibbell opened the public hearing at 7:11 pm and asked the applicants to explain to the members of the audience what is being proposed.

Luca Farinelli explained that they are proposing lot line adjustments where Mr. Boedigheimer will be transferring a 25' wide strip of land along the north side of his property to the lands owned by Farinelli, and there will be a 25' deep strip along the whole back side of the Boedigheimer property that will be transferred by Farinelli, as well as a 12' wide strip along the south side of the Boedigheimer property that is currently the access to the Farinelli parcel. Luca Farinelli explained that the 25' wide strip will give him access off of Sheldon Hill Road to his parcel behind the Boedigheimer property. Mr. Farinelli noted that the SBL numbers for the two properties are 53.4-1-10 and 53.4-1-1.100. Luca Farinelli explained that they have been before this board twice before and the present map has been corrected to address all of the changes the Planning Board has asked for. He pointed out that he has presented the driveway permit, and septic feasibility report as part of the application.

Chairman Dibbell opened the public comment portion of the hearing at 7:13 and asked if there was anyone in the audience wishing to comment at this time. Present is a neighbor, Molly Keith. She remarked that she understands there is nothing that they can really do about this but she wanted to be heard. She explained that the first time they heard about the proposed lot line adjustment was when they saw Mr. Farinelli, Mr. Boedigheimer, and Mr. O'Connor walking the edge of the property. She said that her husband was treated coldly when he inquired what was going on and found out they were talking about a driveway going in along the edge of their property. Mrs. Keith said that her husband went to the Town Office to inquire and was told that it wouldn't be anything to worry about since a variance was given to allow access via the 12' strip of land. She said that they had forgotten about it until they got the notice about this lot line adjustment proposal. Molly Keith explained that they wrote a letter to the Boedigheimer's to see if they could purchase a 25' strip between their property and the driveway as a buffer and they never responded, and when they went to the neighbor to talk about it they were told it was already done. Molly Keith said that they felt that the Boedigheimer's and the O'Connor's were trying to keep this transaction away from them and were very secretive. She feels it was very disrespectful and unneighborly and they should be ashamed of themselves for not having the decency and courage to have this difficult conversation with the neighbors. She feels that this will be very disruptive to her and her husband. Chairman Dibbell asked Mrs. Keith how far their house will be from the driveway. They said that it is approximately 50'.

Also present is Mary Cameron, 283 Sheldon Hill Road, she said that she is concerned about cutting down this swath of trees to build the driveway. She said that the trees enhance the area. With no other comments, Chairman Dibbell closed the public comment portion and the public hearing at 7:19 pm.

Chairman Dibbell asked the members of the Planning Board if they had any thoughts about what has been said. Edwin Maldonado said that he understands the concerns that have been voiced but the applicants are well within their rights to do this, but perhaps it could have been handled differently. Chairman Dibbell agreed with that remark but explained that it does conform with the town zoning and that is what the Planning Board is chartered to look at. John Ingram advised Mr. Farinelli that when he plans on constructing the driveway he should put ribbon up along the property lines so that there is no question where the driveway is going. Heidi Emrich agreed and advised the applicant to be very careful when plotting out the driveway and limit the number of trees being cut down.

Nick Burgher read through the eleven questions on the SEQRA Part 2 and the Planning Board answered no, or small impact may occur to all of the questions. Chairman Dibbell acknowledged that the members unanimously

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agreed that all the answers are "no or small impact" and declared it a negative declaration. Ed Kahil read aloud, and the Planning Board completed the Checklist.

Paul Wright made a motion to approve the lot line revisions, 24-Sub-5, of Luca Farinelli & Jenny Hubbard and Ronald & Antoinette Boedigheimer, with no conditions. Heidi Emrich seconded the motion. A roll call vote was taken and resulted as follows:

Steve Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Paul Wright voted in favor, Don DiMartini was absent, and Edwin Maldonado voted in favor. Chairman Dibbell completed the Resolution. The Planning Board will sign and seal the maps later in the meeting as they need to move on to the next public hearing.

7:30 pm - SP4-24 Hernandez/Beer Store, 3998 Route 28, Boiceville, NY 12412: Amend Site Plan and License change to Tavern Beer/Wine on premise

Chairman Dibbell explained the rules of the public hearing to the members of the audience and asked who was present to represent the application. Present are Keith Hernandez and Matt McDonagh. Chairman Dibbell opened the public hearing at 7:32 pm and asked the applicants to explain to the members of the audience what is being proposed.

Keith Hernandez explained that they have owned Local Goods for the past year and a half and have been operating the store in Boiceville since last October. He explained that they are selling off-premise beer and cider, as well as milk, bread, eggs, and other provisions. Mr. Hernandez said that almost every weekend someone asks if they can buy a pint before they leave. He said that they have now applied for a tavern license and propose to have a small taproom which is currently being used as a small growler filling station. Keith Hernandez said that they have actually received approval today from the State Liquor Authority (SLA), he presented a copy for the file. The license is for beer, cider and wine, no hard alcohol. Mr. Hernandez said that they see this as the place for someone to have their first beer of the evening and not their last. He explained that he and Mr. McDonagh have young families and they don't plan on keeping the store open late into the evening.

Keith Hernandez explained that they have made the requested changes to their narrative, no weddings, they have changed the days of operation that will allow them to open if they wish to, and adjusted the hours of operation.

Chairman Dibbell opened the public comment portion of the hearing at 7:34 pm and asked if there was anyone in the audience wishing to comment at this time. Heidi Emrich wonders if a different owner wanted to sell hard liquor would that fall under this same use. Chairman Dibbell feels that would fall under a different SLA license and would require different review. Mr. Hernandez said that he doesn't believe that the license would be transferrable. With no other response, Chairman Dibbell closed the public comment portion and the public hearing at 7:36 pm.

Chairman Dibbell noted that the questions for the SEQRA Part 2 were read for the previous application and asked the Planning Board members if anyone believes that any of the answers to the eleven questions would be anything other than "no, or small impact may occur" for this application? Chairman Dibbell acknowledged that the members unanimously agreed that all the answers are "no or small impact" and declared it a negative declaration.

Heidi Emrich made a motion to approve SP4-24 Hernandez/Beer Store, 3998 Route 28, Boiceville, NY 12412: Amend Site Plan and License change to Tavern Beer/Wine on premise, with the condition that alcohol served is

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limited to the current SLA license for beer/wine/cider. Edwin Maldonado seconded the motion. A roll call vote was taken and resulted as follows:

Steve Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Paul Wright voted in favor, Don DiMartini was absent, and Edwin Maldonado voted in favor. Chairman Dibbell completed the Resolution.

5.0 LOT LINE REVISION/SUBDIVISION

24-Sub-4, Allison and David Wolfe, Represented by Medenbach, Eggers and Carr, 248 Wynkoop Road, Olivebridge, NY 12461: 2-Lot Subdivision

Present at the meeting to represent the applicants is Bill Eggers, he presented a revised map dated November 19th. He pointed out that the Lot numbers were corrected to coincide with the approved septic plans. Bill Eggers noted that they have include the owners name and address for the property in the title block, and cleared up some of the bearings along Wynkoop Road. It was also noted that the issue about the clear cutting on the property was resolved, it was an error by the Building Department and a letter has been sent apologizing for the confusion. Chairman Dibbell asked the members if the application is ready for a public hearing.

Nick Burgher asked Mr. Eggers to note the source of the contours on the map. He also feels that the circle around the pole barn should be removed as it is not needed.

The Planning Board scheduled a public hearing for Tuesday, January 7, 2025, at 7:10 pm.

24-Sub-7 Ariel Siso & Jennifer Mulak, Represented by Medenbach, Eggers and Carr, 64 Chase Road, Shokan, NY 12481: 4-Lot Subdivision

Present at the meeting to represent the applicants is Bill Eggers, of Medenbach, Eggers and Carr. Mr. Eggers explained that this is a 4-lot subdivision of property located on Chase Road in Shokan, on the corner of Mountain Road. Bill Eggers said that the parcel falls on both sides of Chase Road and has existing structures on the property. He explained that the proposed Lot #1 will be approx. 18.3-acres with approx. 5-acres across Chase Road. This parcel will have all of the existing structures on it. He noted that Lot #2 will be 8.3-acres, Lot #3 will be 10-acres with a right-of-way access through Lot #2, and Lot #4 will be 4.4-acres across Chase Road. The Planning Board pointed out that Lot #3 cannot be accessed with a right-of-way, it would require 25' wide access from the road.

Chairman Dibbell asked if the contours are currently shown at 2', he asked that they be changed to 10'. Chairman Dibbell said that the Planning Board is responsible to look forward on proposals and he wonders what the intent is with the 5-acre parcel across Chase Road that is currently attached to Lot #1. He asked if it can be added to Lot #4 and keep everything together on that side of the road. Mr. Eggers said that he can ask and find out, Edwin Maldonado speculates that it is meant to offer a viewshed for the house on Lot #1. Chairman Dibbell asked Mr. Eggers to confirm with the property owners what their thoughts are regarding that piece of property. Bill Eggers suggested that it can be noted with a deed restriction that it will remain unbuildable. Bill Eggers said that he hasn't had personal contact with the owners, the work that has been done so far has been done by the firm's engineers.

Present at the meeting is Dan LeFever, a neighbor living at 283 Mountain Road. He is familiar with the history of the property and 10 Chase Road that used to be part of a larger part of the property. He explained about a drainage problem that wiped out his foundation when construction was done on 10 Chase Road. He is asking

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that the Planning Board request a full EIS to make sure that his property will not be flooded out. He said that there is a lot of hydric soil on the property and there is a pond on the property that is a federal wetland. Dan LeFever also suggests a site visit to this property.

Heidi Emrich said that proposed disturbance of more than two acres is subject to DEP storm water approval and the CWC will pay for any extra requirements. She recommends that this be looked into so there is no additional expense to the property owner and it will create a really tight storm water design. Heidi Emrich also suggested that the Planning Board think about engaging engineers to address the storm water and septic plans for this property.

Bill Eggers will need to address the storm water issues and the need for at least a 25' access to Lot #3. Chairman Dibbell also suggested that Mr. Eggers let the property owners know that the Planning Board may be using an engineer that would be paid for by the applicant.

6.0 SITE PLAN

SP5-24 Roger Davis/H & R Rock, 1228 County Route 2, Olivebridge, NY 12461: Preexisting Excavation Business

Present at the meeting is Roger Davis the owner of H & R Rock. Chairman Dibbell said that he has done a little research on this application and did a Google Earth search of the property and presented a photo of the property from 2019 and 2011. You can see where the roadway is being created on the back parcel for a driveway out on to County Route 2A. Roger Davis pointed out the rock ledge that he has been removing to gain access to the county road.

Chairman Dibbell pointed out that in the zoning the explanation for preexisting use of land is that no such preexisting use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this chapter. And, that no such preexisting use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such preexisting use.

Chairman Dibbell suspects that the operation has changed a bit over the course of time. He asked when the sawmill was added to the property. Roger Davis said that he got a Building Permit for it about two years ago and the sawmill probably two years before that. He said that it is for his personal use. Chairman Dibbell said that the sawmill should have gotten a site review at that time. He did point out that it is an allowed use in the zoning district with a special use permit.

Chairman Dibbell explained that the site plan application needs to have more detail, i.e. parking, building dimensions, utilities, signage, and lighting. Janelle Perry mentioned that the letter addressed to Charles Hummel was returned undeliverable. There was a brief discussion about this and John Ingram reported that the Town of Olive is taking Mr. Hummel to court because of the junk cars on his property.

Heidi Emrich asked about the wetlands in the area. Ruth Ingram, a friend of Roger Davis, was present and said that the DEP came out to the property and inspected it and didn't have any issues. Chairman Dibbell asked who came out to do the inspection, it was Officer Gross. The Planning Board asked to see a letter from the DEP with their findings on the property.

Roger Davis said that he is having his property surveyed so that there is no question with the neighbors where things are located. He said that he will have the surveyor put all of the buildings on the map.

Chairman Dibbell noted that most of the concerns that have been presented are relating to the noise on the property, the screener, the sawmill, and the crusher when it is being used. Roger Davis explained that the crusher is not being used on the property with the shop on it. Heidi Emrich said that it should not be included

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in the narrative if it isn't used on that property. Paul Wright asked if it is stored on the property, Roger Davis said that if he needs to do work on the crusher, he brings it to the shop and it is stored there while he works on it. Roger Davis said it is currently at the quarry in Marbletown, but he does put it on his back parcel when he is working on the driveway. It is noted that the Town of Olive does not have a noise ordinance.

The Planning Board recapped that the sketch should include all buildings on the property with dimensions, parking spaces, storage sites if items are being stored on the parcel such as logs and other materials that might kept on the property, and utilities. The applicant should also provide a letter from the DEP with regard to their findings from a site visit. Ed Kahil suggested that hours of operation should be noted in the narrative.

For the benefit of members of the audience, Chairman Dibbell said that there will be a public hearing once the applicant has provided a complete site plan/special use permit application and detailed sketch. He said that any emails that are received are sent to the members and the comments are considered.

SP6-24 Six Twenty-one Associates/Andrew Eberhardt, Lands owned by the Estate of Maurice Lane, 3852 Route 28, Boiceville, NY 12412: Parking of trucks and construction equipment

Present at the meeting is Andrew Eberhardt Sr., he explained that he has submitted this site plan/special use permit application because he is in contract to purchase the property of the estate of Maurice "Skip" Lane located off of State Route 28. Mr. Eberhardt said that the purchase of the proper is contingent on his getting approval of the special use permit. He pointed out that he has submitted a survey showing the buildings on the property.

Chairman Dibbell feels that the application could use more information, the map does not have the dimensions of the buildings or noted parking of the equipment to be stored. Mr. Eberhardt pointed out that the dimensions of the building are on the addendum that he provided with the list of equipment. Chairman Dibbell explained that it should be shown on the sketch. Nick Burgher pointed out that you aren't supposed to alter any survey map, it's against the law. He pointed out that there is always a notation on the survey map. It is suggested that since Don Brewer has done previous work on the property, he could be contacted to update his own survey map to be used as a sketch for this application. The sketch should show all buildings with dimensions and heights, parking locations, storage locations for any materials to be stored, utilities, and lighting. Andrew Eberhardt said that there is no pole lighting on the property, this was something he was concerned about because he didn't want to look across the reservoir and see a bright light. Chairman Dibbell suggested that the drawing also show any additional improvements planned for the property. Mr. Eberhardt said that the intent is just to store vehicles, equipment, and liquid waste trucks. He pointed out that the liquid waste trucks should be stored indoors, particularly at this time of year. Nick Burgher asked if there are any requirements for the storage of these trucks. Andrew Eberhardt explained that the trucks are permitted by the NYC DEP, the Ulster County Board of Health, and they are permitted in Albany County. He explained that if the property is in the watershed you can dump in a NYC Wastewater Treatment Facility. Chairman Dibbell asked where the nearest site is, Mr. Eberhardt said you can go to Pine Hill, Tannersville, Grand Gorge, and Margaretville. Andrew Eberhardt explained that they plan on using the open building that was a sawmill for storage of pipe and material, Chairman Dibbell said that this should also be noted on the map. Ed Kahil asked if they planned on having fuel storage, Mr. Eberhardt wasn't sure if they would have it on the property.

Andrew Eberhardt said that he has bought some decrepit properties in the town and have cleaned them up. There was a brief discussion on the site plan that Maurice Lane had submitted a few years ago to allow storage

of equipment he used for his business. Nick Burgher asked what zone the property is in, it is noted it is in R/R 1-acre.

Andrew Eberhardt wanted to clarify that he is the sole member of Six Twenty-one Associates LLC and his son who owns Eberhardt Excavation will be leasing the property to store his vehicles and equipment.

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Chairman Dibbell pointed out that the Planning Board is in the situation where a site plan/special use permit can be granted because of the way the town's zoning code is written. He explained that the code reads that what is allowed in a 10-acre district, "Timber harvesting, forestry management, saw mills, sand, gravel, shale and stone quarrying*", needs a special permit. Chairman Dibbell said that even though they are not doing that on this parcel they are parking the vehicles related to those types of businesses there. Ed Kahil feels that it would be less impact. Heidi Emrich and John Ingram didn't feel that this application fits that use.

Heidi Emrich asked what the house would be used for. Andrew Eberhardt said that they plan on using it as an office but that may change. There was a discussion about the vehicles to be parked on the property. Nick Burgher assumed that some of the vehicles would be the employees of the excavation business. Andrew Eberhardt said that it would be employee's cars, he has an airstream camper that he would park inside. Ed Kahil said that the proposed use is so much less than what had been there for the past 20-30 years when Skip Lane lived on the property. Andrew Eberhardt pointed out that in his narrative he explained that they will continue to improve the property by cleaning up the old camp trailers and old piles of wood mixed with steel. He said it will require an excavator to clear up the piles and get a burn permit to burn up the old wood from the sawmill.

Nick Burgher asked if the other house that shares the driveway is being lived in. Andrew Eberhardt said that it is and he has some concerns so the lawyers will be writing up a road maintenance agreement for the shared driveway. Nick Burgher asked Mr. Eberhardt if he was considering using the driveway that goes up to Upper Boiceville Road, Andrew Eberhardt didn't feel that it would be practical. He said that he has spoken to the gentleman who owns the adjoining house on 310 Upper Boiceville Road and he had concerns because Mr. Lane started his day at noon time and worked until 8:30 at night. Andrew Eberhardt said that he can update the narrative to state that they plan on using the existing road and will put in some operational times but when you own a liquid waste business the phone rings even on Saturday.

Chairman Dibbell feels that the use isn't straightforward and suggested that Mr. Eberhardt has to go before the Zoning Board of Appeals to determine if his use falls within the town code. He asked the applicant if he has referred to the town code, and suggested he look at Section 155-17, Schedule of residence and business district uses, and the 1-acre zone to determine what his use might fall under. The members looked at Section 155-17, A(2) Permitted Principal use, D(3 & 4) Permitted Accessory use and B(7). The Planning Board members decided that Andrew Eberhardt needs to go before the Zoning Board of Appeals for an Interpretation as it is not the Planning Board's role to make interpretations.

SP7-24 Ashokan Foundation, 477 Beaverkill Road, Olivebridge, NY 12461: Addition of 4 Amish style cabins for guest lodging

Present to represent the Ashokan Foundation is Joe Martignetti and Peter Cook. Mr. Martignetti explained that they would like to put up four more cabins on the property, they had previously been before the Planning Board to put in the first four cabins. Chairman Dibbell remarked that the sketches that have been provided are not of the same quality that were previously presented. Peter Cook explained some of the layout on the diagrams.

The Planning Board asked Mr. Martignetti to present a clearer detailed sketch of the proposed project. Heidi Emrich also reminded that applicants that this is the third time in as many years that the Ashokan Foundation has been before the Planning Board with an application and the board does not want to see segmented

planning on the property. She said that if this is part of a bigger plan, even if it is two or three years down the line, the Planning Board would really like to see the whole thing. It can be broken down in stages but the board can see a comprehensive goal of what the vision is for the property. John Ingram said that he has been asking the Ashokan Foundation for months to come in with a legitimate site plan of what is happening on the property. Mr. Ingram said that there have been numerous fire calls on the property for automatic alarms and there is no excuse for it. Chairman Dibbell advised that they deal with the Building Department on those issues

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and then provide a detailed site plan to the Planning Board. Peter Cook stated that they have a lot of ideas what they would like to do but nothing is set in stone. He said that they have submitted a copy of their annual report and they can provide the Capital Campaign brochure which has a map and ideas of what they are thinking about. Janelle Perry acknowledged that she has received a copy of the 2022-23 Annual Report but not the Capital Campaign brochure.

7.0 PRELIMINARY APPLICATION CONFERENCE

--Michael Fink: The Planning Board received an email from Michael Fink to discuss a possible lot line revision with neighbor on Vly Road, Olivebridge, NY 12461. Mr. Fink presented some photos of the site and explained that he is looking to swap some property with his neighbor, Ken Mironer, to allow a wider access to his property off of Vly Road. He stated that Mr. Mironer's parcel is non-conforming, Janelle Perry remarked that she had suggested to Michael Fink that Mr. Mironer can do a lot line adjustment between his adjoining properties so that both of his parcels would be confirming. Michael Fink said that Mr. Mironer is planning on doing a lot line adjustment anyway because one of his property lines goes right next to a barn on his property and he wanted to correct that. Heidi Emrich suggested that all of the lot line adjustments be done at the same time. Chairman Dibbell said that if they didn't want to do that then Mr. Mironer would need to go to the Zoning Board of Appeals to allow the creation of a non-confirming parcel.

--Ashokan Store It: Present at the meeting is Kimberly Snyder of North Engineers. She presented a few new sketches showing the proposed expansion on the property. She explained that because of the change with the property line it has been decided not to add a building in the back off of Ridge Road. Kimberly Snyder pointed out that they would be keeping the swale and will erect a retaining wall. Ms. Snyder said that they have met with the Kurt Field of the DEP and he has determined that they don't need a SWPPP or anything special on the property. A few spelling errors were pointed out, Shaokan Park Road should be Shokan Park Road and the other end of that road is not Twin Oaks Drive. The Planning Board has asked that a whole new site plan application be submitted with current dates and the updated material.

8.0 AGENDA

The board set the agenda for the next meeting, scheduled for January 7, 2025. The Planning Board will hold a public hearing for the Wolfe subdivision. If a new site plan submission is received for Ashokan Store It, and if a detailed map and additional material are received from the Ashokan Foundation, they will be put on the agenda. If any new applications or material is submitted in time, they will also be added to the January agenda.

9.0 ADJOURNMENT

Nick Burgher made a motion to adjourn the meeting at 9:36 pm, Ed Kahil seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk