

**PLANNING BOARD
TOWN OF BETHLEHEM**

March 18, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on March 18, 2008, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nick Behuniak, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Kathy McCarthy, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of Economic Development and Planning
Jeffrey Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Mary Phillips	Tom Cotrofeld	Chuck Radliff
Tom McGrath	Tom Andrejuk	Sandy Evans
Nicole Selke	Allcia Andrejuk	Cathy Griffin
Miles Garfinkel	Lisa Lytle	Kevin Klersy
Al & Carol Penk	Jason Sableski	Dawn Klersy
Ron Tweedie	Donna Sickler	Henry Klersy
Virginia Pietrykowski	Carl Pietrykowski	Neal and Sandra Sorell

Agenda: Mystic Woods – Public Hearing
Verstandig’s Condominiums – Public Hearing & Regular Agenda Items
Brookside Meadows

Chairman Mathusa called the meeting to order at 7:00pm and noted the presence of a quorum.

PUBLIC HEARINGS

Mystic Woods

The project was last before the Board on February 5, 2008.

A motion to indent the public hearing notice was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, March 18, 2008 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application for a subdivision, Mystic Woods, located off Orchard Street, Delmar, NY, Albany County, N.Y., as shown on map entitled:

MYSTIC WOODS, Town of Bethlehem, Albany County, NY, PRELIMINARY PLAT, dated

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

October 10, 2005, last revised December 1, 2007, map prepared by SPECTRA, Engineering, Architecture & Surveying, P.C., 19 British American Blvd., Latham, NY 12110.

John Schafer, SPECTRA Engineering, presented for the applicant. The project is proposed for a twenty-five (25) acre parcel on Orchard Street. The original zoning designation would have allowed about thirty-eight (38) to forty (40) lots. The current application proposes nine (9) lots. Part of the property borders on Five Rivers. The property was rezoned during the evolution of the project to residential large lot. The current application is consistent with that zoning. The lot sizes range from a little over two (2) acres to three plus (3+) acres. The lots will front on a new Town road and cul-de-sac. The new road will be located in the center of the property because of sight distance requirements. He said the traffic coming out of a nine (9) lots subdivision would not be heavy over the course of a day. All the utilities will be underground; the water will be attached to the existing line along Orchard Street. The sewer system will be pressurized with a grinder pump at each house. There will be two (2) detention ponds to handle the quantity and quality of the stormwater runoff. The ponds and the road will be deeded to the Town.

Mr. Schafer addressed the questions that had arisen about density. He had been advised by Mr. Lipnicky to follow the Conservation subdivision formula for calculating the density. Starting with the entire parcel acreage, subtract the constrained lands and public facilities and then divide by the minimum lot size to arrive at the allowable density. Ten point five (10.5) lots would be allowed in this project. Each house will have a cellar drain into the stormwater system. The land disturbance would happen in three (3) phases, with no more than five (5) acres at a time being involved.

Mr. Smolinsky asked if the developer would make accommodations for future sidewalks along Orchard Street. Mr. Schafer said that both Mr. Ritz and the TDE have submitted comments on the latest plans. One of the comments from Mr. Ritz spoke to the sidewalks along Orchard. They have not spoken with engineering yet. Chairman Mathusa asked if they had considered an easement. Mr. Schafer didn't think the applicant would object.

Mr. Behuniak wanted to know if the stormwater design was fully reconciled with the Engineering Department. Mr. Schafer said more details needed to be worked out.

Chairman Mathusa asked if the archeological studies had been completed. Mr. Schafer said one (1) area had been identified as sensitive. It will be noted on the plans and covenants will be put in the deeds with the area.

Chairman Mathusa opened the comment period to the audience.

Adam Shaw, 802 Elkin Ct.. He asked if the stormwater basins were intended to have standing water all the time, how large they would be and how deep they would be. Mr. Ritz said they were designed to have water in them at all times, the size was about seventy-five (75) feet by one hundred (100) feet and typically would have four (4) feet of water. He said NYS has requirements on how these ponds are to be built with a specific depth to keep the water from becoming stagnated. Mr. Shaw asked if there would be any safety measures. Mr. Ritz said the ponds were designed with a safety bench so the depth of the water was gradual. Mr. Schafer said there were two (2) levels to the ponds. Mr. Shaw asked if the State told the developer where to put the ponds. Mr. Schafer said where the ponds are located is driven by topography. He said they tried to maintain the natural topography of the land. Mr. Shaw asked if they had considered putting them further away from the homes. He said that children lived in some of the nearby properties and a pond would be attractive to them. Mr. Schafer said water runs down hill and because of the land the ponds needed to be in certain areas. Chairman Mathusa said instead of having fences, safety benches were designed into the ponds. It was done for aesthetic reasons. He said if a safety issue arose from having the ponds, a fence could be installed at a later time. Mr. Shaw said he preferred no fence but it seemed rather large to him. He thought the Town pool was the same size as the pond.

Miles Garfinkle, 27 Nathaniel Blvd. He said with the application of pesticides and herbicides he wanted to know

what mechanisms were in place to prevent runoff from going into the Phillipin Kill. Mr. Schafer said the

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stormwater pond. The water is treated in the detention pond and then eventually goes into the natural stream. The water will be going through several manmade and natural detention and filtration systems before it reaches the creek. Mr. Garfinkle asked if the detention systems would prevent a change in the runoff because the area might have had more vegetation soaking up the runoff. Mr. Schafer said there wouldn't be any more runoff into the Phillipin Kill because the state regulations require the quality and the quantity to be the same after the project as to was before the project. That is the purpose of the stormwater facilities.

Chairman Mathusa wanted the maintenance of the stormwater systems explained. Mr. Ritz said during construction and the initial phases of the project the developer will be responsible for maintaining the retention pond. Typically after the last house is built the Town takes over the maintenance of the ponds. The developer will be required to clean the facilities prior to the Town taking over the responsibility. The developer will create an operations and maintenance manual for the two (2) ponds. The houses within the subdivision will become members of a drainage district. The homes in that drainage district will have a small tax levied to pay for the maintenance of the ponds.

Chairman asked if anyone else wished to speak on this matter. There were none.

A motion to close the public hearing was offered by Ms. Powers, seconded by Mr. Smolinsky and approved by all Board members present.

The hearing closed at 7:22pm.

The Brookside Meadows project was postponed until April 1, 2008

Verstandig's Condominiums

Chairman Mathusa said the proposed project is located at 454 Delaware Avenue and was last before the Board on February 25, 2008 for an initial presentation

A motion to indent the public hearing was offered by Ms. McCarthy, seconded by Ms. Powers and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, March 18, 2008 at 7:15 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application for a Site Plan, Verstandigs Condominiums, located at 454 Delaware Avenue, Delmar, for demolition and removal of an existing residential building and retail store and construction of nine two-story residential buildings with 4 and 5 unit versions, site plan prepared by Saratoga Associates, 443 Broadway, Saratoga Springs, NY.

Mr. Buldoc presented. He said during the initial presentation, they had showed the Board the engineering work and architectural renderings. Since then they have been working on the renderings and the floor plans and they have advanced the engineering. They wanted to hear what the public had to say. They were offering a different style of living that doesn't currently exist in the Town. It would probably attract mostly empty nesters. The units would not be a scale down but have all the amenities purchasers are used to having in their homes. The high-end units would average from fifteen hundred (1,500) to twenty-five hundred (2,500) square feet. There are seven different unit styles that vary in size and amenities. They all have two (2) full baths and either two (2) or three (3) bedrooms. Gregg Ursprung from Saratoga Associates was present to answer any engineering questions.

Mr. Ursprung said the project located along Delaware Avenue is in a multifamily residential zone, which allows eight (8) units per acre. The parcel is five point two (5.2) acres, allowing for the forty units being proposed. There

will be two (2) access points onto Delaware Avenue. That reduction was an improvement over the four (4) existing

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points of entry. The circulation on the site loops around the buildings and out the other side. The parking requirement for the site is one and a half (1-½) spaces per unit for a total of sixty (60) spaces required. There are sixty-four (64) spaces proposed. One space is located in the garage for a unit and another twelve spaces are located in detached three (3) car garages. There are also some open spaces for visitors. He said that the driveway entrances are not included in that count, so there is room for the owner of the unit to park another vehicle. Drainage on the site goes from the northeast to the southwest. A drainage swale exists along the western border of the property and discharges offsite. The stormwater management system has been designed so there is no net increase in the peak runoff from the project site. All the stormwater will be stored in a detention system underneath the ground. They have received preliminary approval from NYSDOT for the entrances onto Delaware Avenue. And based on the ITE trip generation report, the projected peak traffic for the site is about twenty-one (21) vehicles per hour which is actually less than what exists there now for Verstandigs which is about thirty-three (33) vehicles per hour. They will maintain as much of the existing perimeter landscaping as possible and provide screening for the adjacent properties where needed. There will be street trees along Delaware Avenue and a new sidewalk.

Mr. Buldoc said there are two styles of structures, a five (5) unit and a four (4) unit. He showed the Board the two (2) different styles. He said the four (4) unit building would have two (2) units on each floor. The second floor units are serviced by private stairways. The five (5) unit buildings have two (2) units on the first floor and three (3) units on the second floor, which are serviced by elevators and stairways. All the first floor units have full basements and the second story units have loft areas. Each unit has a covered porch. He said the style was craftsman, which is prevalent in the area. He said the buildings would be a blend of colors and texture with brick and stone being used. The roofs on all the buildings would have architectural shingles in grey. The doors would be fiberglass stained to look like wood. The amenities include granite counter tops, hardwood floors and walk in tile showers. The outside lighting would continue in the craftsman/prairie style. The pedestrian walkway that extends from the Marlboro Street to Delaware Avenue would have low-level lighting. There should be about two (2) acres of green space on the premises.

Chairman Mathusa turned the Board's attention to the SEQR Resolution, Classification of Action and Negative Declaration that had been prepared by staff for the Verstandig Condominium project.

The Board reviewed the document.

A motion to approve the SEQR Resolution as drafted was offered by Ms. Powers, seconded by Ms. Motta and approved by all Board members present.

Chairman Mathusa opened the comment period to the audience.

Steve Piorkowski, 163 Adams Place, Delmar. He has a problem with the existing drainage from Verstandigs. He would like to open his house to the engineers because he has a lot of drainage and a wet basement. He would like them to examine that before the construction starts. He said he heard the engineer mention an entrance and an exit, he asked if it would be a one-way street. Mr. Ursprung said it would be two (2) way. Mr. Piorkowski said another concern he had since he lived there was teenagers drinking in that yard. He would suggest that they monitor that and be careful. He has seen cases of beer back there.

Marie Capone, Delaware Avenue, Delmar. She wanted to know how they could say it would have no impact on the environment. There is a creek on the property and the state should have been notified. Did they notify the state of the construction? Chairman Mathusa said they were following the environmental regulations. Ms. Capone said why don't you ask Mr. Klersy what he had to go through, he has experience, he knows what's going on.

Bob Marriott, 497 Delaware Avenue, Delmar. He strongly requested that the Board ask the developer to save some of the trees on the site, especially the blue spruces that are around the existing house. They don't need to be cut

down and replaced with what the Transportation Department refers to as twigs. They can be picked up by a tree

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moving truck and relocated on the site and retained. He also requested that rather than all the buildings be shingled with the same color shingles, that different colored shingles be used to compliment the different siding colors. There are many different colors of shingles especially browns that are on the market. If all the buildings are shingled in the same colors it's going to look like a bunch of college dormitories. Not every house in Delmar and the surrounding area has the same color shingles on it and these buildings do not need to all have the shingles on them.

Alon Dominance, 57 Lansing Drive, Delmar. He had a concern with the stormwater issues. The developer has done a good job trying to maintain pervious areas. He wanted them to consider if more could be done. Maybe some of the parking areas could be pavers that would be more pervious rather than just paved over. He said the number of residences is being increased in Delmar; it's a fairly good project because it's in Town and not increasing vehicle mileages tremendously. He wanted the developer to consider some better energy saving measures such as solar power on the roofs.

Ellie Prakken, 202 Orchard Street, Delmar. She asked if they planned on having outdoor sitting areas for the residents to use. Mr. Buldoc said that would be up the Home Owners Association but there is plenty enough room for outside spaces. He did not feel that it would be up to him because he wouldn't be an owner there. Ms. Praken asked how wide the green space was between the two (2) sets of buildings. Mr. Buldoc said it was about sixty (60) to eighty (80) feet. She said it was a nice looking project and asked the price range of the units. Mr. Buldoc said right now they were estimating the mid three hundreds (300's) and the larger units would probably be into the low four hundreds (400's). He felt they were worth the value. They won't be for everyone.

Gregg Gould, 492 Delaware Avenue, Delmar. He lives next door on the other side of the creek. As the other two (2) people have mentioned before, the runoff is a serious issue with that creek. Right now when it rains, it's about twelve (12) feet across. It's raging river; he lost a dog the other day. It went down the creek. He wants that addressed. He said the project looks very nice and Mr. Buldoc's work is beautiful. He asked if the internal road would be a Town owned road. Mr. Ritz said it would be a private road. He wanted to know if the association would need to contract their own plowing. Mr. Buldoc said yes. Mr. Gould wanted to make sure there was sufficient screening for his property from the parking lot headlights to the rear.

Mary Rudman, 154 Adams Place, Delmar. She asked if there would be dumpsters located around the development. Mr. Buldoc said that each garage would have an individual trash unit and a pick up would be set up for a once a week pickup. There would be one trash hauler. She asked if there would be smaller structures on the site besides the detached garages. Mr. Buldoc pointed out a smaller structure that was intended to be a common storage area for the association. He said there would also be a building for the water meter and some other utilities. Ms. Rudman asked the amount of lighting on the site. She said some people were concerned with the amount of lighting. Mr. Buldoc said there would be street lamps but they would be shielded to reflect down. She asked how far apart the lights would be. Mr. Ursprung pointed out their location on the plans and said the lights would be about sixty (60) feet apart and the height of the fixture was between twelve (12) to sixteen (16) feet high. He said this would be down lighting with no spillage onto the neighboring properties. The bulb would be recessed up into the fixture.

Mary Rodgers-Rizor, 17 Bennett Terrace, Delmar. She is concerned there be adequate landscape screening to buffer the adjacent properties.

Suzanne Capone, 440 Delaware Avenue, Delmar. She said the man from Saratoga Associates said this was zoned for eight (8) buildings on the site. She said there were nine (9) buildings on a map. Mr. Ursprung said that the zoning allowed eight (8) units per acre and the property is a five (5) acre site. There isn't a limitation on the number of buildings; the limitation is on the building coverage. The maximum building coverage in the zone is thirty (30) percent. The proposed building coverage on the site is twenty (20) percent. Ms. Capone said that the developer used a projected traffic study. In the course of the different meetings with the heads of departments, it was mentioned to

do an actual meter in the road study. She wanted to know if that was going to be done. She said that projections and

reality are two (2) different things. She said that backing out of a driveway onto Delaware between seven (7) and nine (9) needs God's help to get out. She said they were adding to that. The Town had been told that the majority of people that would be in Walden Fields would be empty nesters. She said if you go to Walden Fields now there are more little kids there than there are empty nesters. Ms. Capone asked if they were trying to get approved under that pre-text and pretty soon the Town would be overrun with people. Mr. Ursprung said the traffic projections were based on condominiums. Not facilities that were age restricted. He said condominiums were typically a low traffic generator and those were the rates that the traffic engineers recommend when looking at traffic impact. He said they looked at twenty-one (21) vehicles in a one (1) hour period that is about one (1) car every three minutes. Ms. Capone didn't think they were getting those numbers at the current Verstandig's and she thought it was deceptive to use that information. She thought it would be more accurate and fairer to the residents to put a traffic counter in the road. She said not only do the people have those but there are quite a few ambulance trips to Delmar Place. Mr. Ursprung said the only way to respond to that was the developer had dealt with NYSDOT and they don't have any concerns with regard to the amount of traffic that was coming out onto that road. They are the experts and the developer needs to rely on them. Ms. Capone said some input should be given to the residents. She said that Mr. Buldoc said this project was his last big hurrah. They will move on when the project is done and they will be made to live with it. She thought the residents should be given some latitude and understanding for the fact that they will not be able to get out of their driveways. Mr. Ursprung said that would be up to the Planning Board to make that decision. Ms. Capone said she would appreciate it if the Planning Board would take that extra step to insure the residents right to know because right now it looks like its one way but reality is different. She invited anyone to come into her driveway and try to get out in the morning.

Laura Tompson, 23 Bennett Terrace, Delmar. She agreed with Ms. Capone. She wanted to see a traffic counter used because she tries to get out of Bennett Terrace in the evening or in the morning and she has a terrible time. She felt the project would cause a rise in traffic. She didn't agree that Verstandigs generated thirty-three (33) cars per hour in the peak.

John Falon, 149 Adams Place, Delmar. He was grateful to hear about the down lighting. He thought it would be very helpful and the neighbors would appreciate that. He wanted to support the other neighbors that spoke to appropriate screening for the site. He also wanted them to try to save some of the trees if possible. He asked the developer to explain the type of screening and landscaping the developer would use to address privacy and lighting concerns.

Mr. Ursprung said they were proposing to save some of the vegetation along one of the borders and would supplement that with white pines. The initial height of the trees would be seven (7) to eight (8) feet tall. They would provide ample screening. On the back part of the property they would place white pines. That would be the type of screening that would be provided.

Mr. Behuniak wanted to know if the buffering would go all the way around the parcel. Mr. Ursprung said it would not be the entire way. He pointed out a section to the rear that already had a natural buffer. Mr. Behuniak asked what the natural buffer was like. Mr. Ursprung said there was mix of evergreen and deciduous trees.

Mary Rodgers, 17 Bennett Place, Delmar. She said no one had mentioned putting any buffers near her property. Mr. Ursprung said there were some wetlands in that area but he didn't think the developer would be opposed to adding some plantings in that area as well.

Dan Peters, 65 Constitution Ct., Glenmont. He was in favor of the project. He thought it was the right project in the right location and at some time he hoped to live there.

Nichol Silky, 33 Bennett Terrace, Delmar. She was concerned about sanitary sewers. She asked how the additional homes would affect the existing neighborhood and sewer structure. Regardless of the amount of cars

coming out of the Verstandigs property now, there weren't many houses on the property. She was not even sure that

sanitary sewers were a concern. Mr. Ursprung said currently there is a twelve (12) inch sewer that runs through the site. It comes into the site, cuts diagonally across the site and goes to Marlboro Road. As part of the project the sewer line would be re-routed. The Town has indicated that there is adequate capacity in the twelve (12) inch line to take the flow from this development. The Town is looking to provide the new sewer trunk line that would come through this site. So they have sized the sewer line to accommodate additional flows from upstream. It hasn't been decided how that sewer line will run into the site.

Suzanne Capone, 440 Delaware Avenue, Delmar. She asked the developer if once they start to break ground could they could put something in the record that stating the construction will start at a reasonable time. She spoke to people who live near where Mr. Buldoc has developed and they told her the construction started as early as five (5) AM. She asked for a reasonable start time to be put in writing by the Town. Mr. Buldoc said they would not start before seven (7) AM.

John Mennetto, 493 Delaware Avenue, Delmar. He said it looked like a great project. He asked if the project would be done in one complete phase or built according to sales. Mr. Buldoc said they couldn't market the project yet so they don't know if they can build it all at once. He said at the worse case scenario if they only sell thirteen (13) units they would start with three (3) structures. He said there were many regulations that cover condominiums. They need to abide by the Attorney General's offering requirements. He would love to be able to build all forty (40) at once but he couldn't build them and have them just sit there. Mr. Mennetto said he understood but based on what's going on in the real estate market, he asked if there was a demand for the product and how long could the project go on. Mr. Buldoc said they were hoping to have it completed within one and half (1 ½) to two (2) years but that will depend on the market. He said there has been a lot of interest in the project and it may sell right out. Mr. Mennetto asked if the units could turn into rentals. Mr. Buldoc said if the market bottomed out and they had units that were not sold, he didn't want to say they wouldn't rent but that is not their intention. Mr. Mennetto said he was an early riser so he was not aware of having a hard time getting out onto Delaware Avenue in the morning but he was skeptical of a study that says there are thirty-three (33) cars going into Verstandigs. He wouldn't want a study to mislead anybody, if there was anything that could be done to appease the concerns about the traffic flow it would seem like a great idea. Mr. Buldoc said that they have a large list of people that have shown interest in the project and he didn't see any of them that were families that would be rushing out the door at seven (7) AM. He said at this point the interest has come from empty nesters that are retired. From what they are seeing it shouldn't be a big impact. Mr. Mennetto said he is across from the project and wanted to know if the project would increase the residential property values in the area. Mr. Buldoc thought it would. He said he knew that people love green space but he thought that the exit areas should be kept free of vegetation for line of site.

Michael Sandison, 34 Longwood Drive, Delmar. He asked if the utilities would be buried. Mr. Buldoc said the utilities that run through the middle of the project now would be relocated to edge of the property and from that point would go underground to feed all the buildings.

June Lee, 5 Rowland Avenue, Delmar. She said they have a puddle from five (5) houses draining into their backyard because they were the low point. She wanted to remind Mr. Buldoc not to plug up their drain.

Steve Keebrick, 33 Marlboro, Delmar. He asked if a slow down occurred in the market, what area of the site would be developed first. Mr. Buldoc said they would start on the northeast side which would include two (2) four (4) unit buildings. From there they would continue westward to a one (1) five (5) unit building. Those three (3) buildings would be done. The existing house would be taken down first. There wouldn't be any construction access from Marlboro Road.

Suzanne Capone, 440 Delaware Avenue, Delmar. She stated that the developer says the interest he has received is from empty nesters but he also consented that he would consider rentals. Rentals bring a lot of traffic because there could be four (4) cars in one (1) residence. She feels that a traffic study is warranted.

Henry Klersy. He said from the evening's presentation, he didn't see anything to object to. He has nothing to worry about with the Planning Board or the Engineering Department because they take such good care of things, there isn't anything to worry about. He approves of the project. He's known Mr. Verstandig for along time and though he doesn't know Mr. Buldoc that well, he has done a nice job around Town with his buildings.

Marie Capone, 440 Delaware Avenue, Delmar. She said that the Town would need more police officers. She wanted the Planning Board attorney to give his legal opinion on the creek so if something goes wrong there is something on paper. Mr. Silliman said the Planning Board would work with the Engineering Department and address the issue. Ms. Capone wanted to know how Mr. Buldoc was going to pay for the project. She said if they try to get an IDA loan and don't get it, all the residents would have to pay for it.

Chairman Mathusa asked Mr. Buldoc to address any energy efficiency techniques he would use in the buildings. Mr. Buldoc said they were always energy conscience. They intend to fit up the buildings with the best techniques they know how. They are exploring the use of spray foam, which they have used in some of their residences. It's a green product that is very efficient at holding in the heat. It cuts about 30% of usage. They will also use high efficiency appliances; the lighting will be energy star. They are looking into sound proofing techniques available to deaden the sound between floors.

A woman from the audience asked the timing of the project. Mr. Buldoc said as soon as they receive approval for the Planning Board they would start work immediately.

Chairman Mathusa thanked the audience for the comments and questions.

A motion to close the public hearing was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

The public hearing closed at 8:35.

A motion to adjourn was offered by Mr. Behuniak, seconded by Mr. Engel and approved by all Board members present.

The meeting adjourned at 8:36 PM.