



William Smith - *Chairman*
Dave Bowman
Kyle Kordich
Roger Laime
Jean Loewenstein
John Viola
David Wallingford
Joseph Lopez (Alt)
Leonard Smith (Alt)

Town of Malta

Planning Board

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Leah Everhart - *Legal Counsel*

Meeting Minutes for August 15, 2017

The Town of Malta Planning Board held its regular meeting on Tuesday, August 15, 2017 at 6:30 p.m. at the Malta Town Hall, with Chairman, William Smith presiding.

Present: William Smith, David Wallingford, Roger Laime, Dave Bowman, John Viola, Joseph Lopez (alt) and Leonard Smith (alt).
Leah Everhart, Town Legal Counsel; Sean Doty, Town Engineer; Shelley Norton, Senior Planner;

Absent: Jean Loewenstein, Kyle Kordich

Correspondence: All correspondence is on file.

SMITH read the following agenda into the minutes:

Project #	Project Name	Project Type
17-23	Shannon-Sykela	LLA
17-25	Minogue's Farm Stand	PP
10-03 & 10-19	State Farm Ext.	SP Ext.
17-21	Arnoff Expansion	SPA
17-26	73 Knapp Road	Minor SD
17-28	142 Knapp Road	Major SD

17-23, Shannon-Sykela, Lot Line Adjustment Public Hearing 4123 4121 Silver Beach Rd

John Viola Stated he is a neighbor to this project, but has no personal interest, he feels he can be impartial.

Duane Rabideau of Gilbert VanGuilder Land Surveyors presented on behalf of the applicant Ronald Shannon of - 218.6-1-97 and William Sykela of Silver Beach Road - 218.6-1-68.2 want to adjust the lot line between their parcels. Shannon will give a .69+/- acre portion to Sykela .Shannon (4123) will decrease from 2.09 +/- acres to 1.40 +/- acres Sykela (4121) will increase from 0.47 +/- acres to 1.16 +/- acres. Both parcels will meet the requirements on the R-4 zone.

The applicant, Ronald J. Shannon, is proposing a lot line adjustment to adjust the boundaries between 4123 and 4121 Silver Beach Rd. The parcel at 4121 Silver Beach Road currently has a single-family residence. The parcel at 4123 Silver Beach Road is vacant. The proposal consists of the following:

- Lot A (Tax ID: 218.6-1-97), 4123 Silver Beach Road, decreases from 2.09± acres to 1.40± acres. Frontage of 125.73 feet maintained. Owned by Ronald & Patricia Shannon.
- Lot B (Tax ID: 218.6-1-68.2), 4121 Silver Beach Road, increases from 0.47± acres to 1.16± acres. Frontage of 100.56 feet maintained. Owned by William & Susan Sykela.

Shelley Norton reviewed staff comments dated August 9, 2017. The zoning for both parcels is R-4. The minimum required lot size in R-4 is 15,000 square feet (0.34 acres) and the minimum road frontage is 100 feet. The proposed lot line adjustment continues to meet these minimum requirements. No new lots are being created.

The lands owned by The Shannon's is bisected by Dunning Road. The applicant is proposing to adjust the boundary so that their land is no longer bisected by the road but stops at Dunning Road. The single-family residence at 4121 Silver Beach Road is on a corner lot and would gain a larger backyard behind the home along Dunning Road as a result of the lot line adjustment.

There are no proposed developments for the vacant parcel.

Should the Planning Board approve the proposed lot line adjustment, Planning staff suggests the following condition of approval:

- The approximately 0.69± acres being conveyed from 4123 Silver Beach Road to 4121 Silver Beach Road must be merged with the 4121 Silver Beach Road parcel.

Public Hearing opened at 6:36 pm

Public Hearing closed at 6:37 pm

Resolution #2017 – 35

Motion by: Viola

Seconded by: Bowman

Be it resolved that the Malta Planning Board on the 15th day of August 2017 determines that Project #17-23, Shannon-Sykela, Lot Line Adjustment, is an Unlisted Action and is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

Vote: B. Smith - Yes; Wallingford - Yes; Laime - Yes; Bowman – Yes; Viola – Yes; Lopez – Yes; L. Smith – Yes

Resolution #2017 – 36

Motion by: Laime

Seconded by: Wallingford

Be it resolved that the Malta Planning Board on the 15th day of August 2017 approves Project #17-23, Shannon-Sykela, Lot Line Adjustment, with the following condition:

- 0.69-acre+/- area conveyed from 2143 Silver Beach Road must be merged with the 2141 Silver Beach Road parcel.

Vote: B. Smith - Yes; Wallingford - Yes; Laime - Yes; Bowman— Yes; Viola – Yes; Lopez – Yes; L. Smith – Yes

17-25 BJ Farms- Minogue’s Farm Stand Project Plan Public Hearing 2421 Route 9, Malta, NY

William Boyce presented on behalf of the applicant BJ Farms. BJ Farms is proposing to locate a farm stand at Minogue's Beverage center located at 2421 Route 9 in Malta. The temporary structure is 220+/- square feet and will have no utilities. It will be available from July 1 through September 30 yearly.

Shelley Norton reviewed planning staff comments dated August 8, 2017. The applicant, William Boyce, B.J. Farms, Inc., is seeking a Project Plan for the approval of a seasonal farm stand at the site of Minogue’s Beverage Center. The applicant is proposing the sale of farm produce from a 220 ± SF stand from July 1 through September 30. Per the Form-Based Code, outdoor amenity space is required for all developments (this site is a grandfathered non-conforming project) and amenities may be seasonal or variable in nature (i.e. outdoor dining, farmer’s market, etc.), provided that they occur for a minimum duration of 3 months a year, and are designed to recur permanently. This use is considered an amenity space for the site and brings it into greater conformance with the FBC. The applicant is not proposing any gas, electric utilities or sanitary facilities and no lighting changes for this stand. The applicant is proposing to use the existing parking lot at the Minogue’s site, which provides ample parking to accommodate customers to both the farm stand and tenants in the Minogue’s building.

The project site is located in the Downtown District and is governed by Form-Based Code (FBC) zoning. The applicant has had a pre-application meeting with Planning Staff. Staff has conducted a completeness review of the concept plan and determined that it meets the requirements of the FBC and is complete for purposes of going to the Planning Board for review and holding a public hearing.

The applicant will need to obtain a vendor permit from the Town Clerk’s Office and a building permit for the farm stand. Any new signs will require a sign permit.

The Planning Board will review the application and provide non-binding comments and feedback to the applicant. Because the site is governed by the FBC, the Planning Board will not vote on the application. The Board’s role is to provide comments and suggestions, and hold the public hearing.

The applicant will consider suggestions made by the Planning Board and may incorporate them into their final submission.

Viola and Wallingford both questioned the fact that the farm stand is already in operation.

Shelley stated that the farm stand has been issued a notice of violation and has 30 days to become compliant.

L. Smith asked is the structure would remain at the site all year? The applicant responded that it would not.

Laime questioned what would happen if the Planning Board or the public responded with negative comments.

Shelley replied that if there are negative comments or any suggestions are made, the applicant can choose to incorporate those into their site, but they do not have to.

Members of the Planning Board discussed the form Based Code, but had no comments specific to the applicant. Everhart stated that any comments by the Planning Board or the public on the use whether current or prospective are non-binding to the applicant. The Planning Board should open a public hearing, if there are public comments, then the applicant can hear the comments, but they are not binding.

Public Hearing opened at 6:47 pm

Public Hearing closed at 6:48 pm

10-03 & 10-19 State Farm Site Plan Extension (Extension of Approval) 10 State Farm Place

Jonathan Roseblum and Dave Reuben presented on behalf of the applicant R2 Development Partners The applicant is requesting an extension of approval of a proposed two-story 27,425 square-foot service and office building which is intended to be a LEED-certified building. The original project was approved in 2010 in PDD #22 amendment from the Town Board. In 2016, the Town Board updated the zoning and there was no change to the PDD #22. The applicant stated that they have pursued prospective tenants diligently, and that there are online listings, leasing signs on site and multiple marketing efforts with a broker. The project is essentially “shovel ready” with utilities installed and construction drawings prepared and ready to customize for tenants and submit for building permit application. Current market conditions are the main reason tenants have not been secured. While residential and commercial sectors are making a comeback from the recession, demand for office space is recovering more slowly.

Shelley Norton reviewed staff comments dated July 25, 2017. The applicant and owner, R2 Development Partners LLC, is requesting a two-year extension of approval for the site plan at 10 State Farm Place. The owner has installed the utilities and has a building permit ready set of drawings but is still in the process of securing tenants, which is necessary before they move forward with construction.

Chairman Smith asked the Planning Board to look at the following guidelines regarding Site Plan Extensions.

According to Section 167-24F(4), an applicant has three years to complete construction and receive a certificate of occupancy. The following section, Section 167-24F(6) states that an applicant may request an extension of approval for a period of up to two years, with no limit to the number of extensions that may be requested. Section 167-24F(7) includes the following criteria that the Planning Board should consider for granting an extension of approval, which the applicant has addressed in their letter requesting an extension and which is summarized below:

(a) Whether there has been any change to the Town’s Comprehensive Plan in that area of Town; The Comprehensive Plan for this area was updated as part of a rezoning effort in 2016. The update includes language reaffirming the anticipated build out within the State Farm PDD: *“The improvements to Route 67 and I-87 Exit 12 interchange provide a significant opportunity for business expansion at the State Farm property. The plan for the build out of the State Farm property is based on the approved PDD, the location of the property, and the availability of utilities. During the past several years additional development has occurred and has included a hotel/conference center, and a building used for backup security of off-site digital records. Three additional office buildings remain to be built pursuant to the State Farm PDD.”*

(b) Whether there has been any change to the Zoning Code in that area of Town; Zoning changes to properties along Route 67 were made in 2016, but the Town Board made no changes to the State Farm PDD in the area where this development is planned.

(c) Whether a moratorium has been enacted in that area of Town;

No moratorium is in effect.

(d) Whether the applicant has used due diligence in proceeding within the previously granted time period for completion;

(e) Whether there has been a material change in the character of the neighborhood;
There has been no change to the character of the neighborhood.

(f) Whether there are any circumstances beyond the reasonable control of the applicant that have impacted on the applicant's ability to complete the project within the previously granted time period for completion.

Lopez questioned what type of tenants/ businesses they were looking for.

Rosenbaum stated they are trying to obtain a service-oriented business, not just office space.

Viola stated that he was not comfortable in continuing to grant extensions of approval with no end in sight.

Rosenbaum stated that they have had a few talks with a medical company, who is very interested, the company had some internal struggles and they expect to hear from them in a few months.

Lopez stated that he could understand some of the Board members frustration with continuous extensions; however, they have the site ready.

Laime stated that he too could understand the frustration; however, it appears that the applicant has made a real effort and commitment and has a lot of money invested.

Everhart asked if the remainder of the site was already built.

Shelley: Tonight we are here for 10 State Farm Place, they were here a few months ago and received a 1 year site plan extension for 40 State Farm Place.

Rosenblum: Stated that they spend quite a bit of money on keeping up the property.

L. Smith: It seems as though you have spent much time and money and have a commitment to maintain the property, and get a tenant.

Laime: concurred with L. Smith. No significant changes in the area, feels it is reasonable to give this extension.

RESOLUTION # 2017 – 37

Motion by: Laime

Seconded by: Lopez

Be it resolved that the Malta Planning Board on the 15th day of August 2017, approve Project #10-03/10-19, State Farm Site Plan 2 year Extension.

Vote: B. Smith - Yes; Wallingford - Yes; Laime - Yes; Bowman – Yes; Viola – Yes; Lopez – Yes; L. Smith – Yes

17-21, Arnoff Expansion, Site Plan Amendment

10 Stonebreak Road, Malta, NY 12020

Scott Lansing of Lansing Engineering presented on behalf of the applicant Arnoff Moving-Storage-Rigging and Mike Arnoff Owner M & L Properties, LLC & Tivoli Properties, LLC. The applicant is proposing to construct a 43,780 +/- SF expansion to the existing Arnoff building, on the north and west of the existing building and a detached 7,672 +/- SF truck maintenance building located in the northwest area of the property. The existing ingress and egress points on Stonebreak Road will remain unchanged. They have existing service with Saratoga Water Services and with Saratoga County Sewer District #1. The applicant has received a letter from NYS OPRHP, which states that they believe the project will have no impact on cultural resources. When the applicant did an expansion a year ago, they improved the water line from a 6 inch to a 12 inch line. They have handed out drawings which show the elevations for the building. They have provided a stormwater plan which they have submitted to the town Engineer.

Shelley Norton reviewed staff comments updated August 7, 2017. The applicant, Arnoff Global Logistics, is requesting a site plan amendment for the expansion of their existing logistics center located at 10 Stonebreak Road. The site currently contains one 94,304 SF Commercial/ Warehouse building and a 2,288 SF garage.

The PDD does not provide parking requirements; the planned use of the addition is storage space with no additional employees. The applicant has stated that the existing parking is adequate for their needs. A total of 235 parking spaces exist, six additional spaces are being built for convenience adjacent to the new truck maintenance building.

No streams, wetlands or steep slopes are located on site and it is not located in or adjacent to an agricultural district. NYSDEC Environmental Resources Mapper indicates that the project site is not located near any rare plants or rare animals. The applicant has received a letter from SHPO stating there would be no impact.

The proposed action has a disturbance area of 6.5± acres, which requires a SWPPP. Typically, coverage under NYS GP 0-15-002 is required except in cases where the water generated on site can be infiltrated on site and is not being discharged off-site. The applicant has provided it to Chazen for review.

No setbacks are identified in this PDD. The truck maintenance building appears to be approximately 90 feet from the property line at its closest point and the expansion 180 feet. The Planning Board could consider a buffer, if it felt the need. The only building design stipulation in the PDD is a maximum building height of 30 feet, building elevations should be provided. A photometric plan will need to be provided. Light levels should be 0 FC at the property lines.

Doty: Regarding stormwater a condition could be put on approval to halt work in frozen ground conditions, last year I believe we put a date on when construction needed to end, I believe it would be better to allow code enforcement to end the work when the ground is actually frozen. You also need a letter from Saratoga County Sewer District #1, stating that you will have service.

Round Lake Hose Company: We had the opportunity to walk the site and they put in extra hydrants so it is compliant for the Fire Department.

Lopez: Asked if there is there a way to minimize the tree cutting on the west side and leave a generous buffer around the site?

Arnoff: There will be at least a 20-foot buffer around the parcel, except one location where they may have to do some grading for stormwater.

Wallingford: Woodfield Estates is to the south of your parcel, I would like to make sure that there is a buffer to them.

Arnoff: Woodfield Estates development is about 20 acres south of the location that we are adding this expansion.

RESOLUTION # 2017 – 38

Motion by: Viola
Seconded by: Laime

Be it resolved that the Malta Planning Board on the 15th day of August 2017 determine that Project #17-21, Arnoff Expansion, Site Plan Amendment, is an Unlisted Action and is consistent with the Supplemental Town Wide GEIS and Statement of Findings and therefore no further SEQRA review is required.

Vote: B. Smith – Yes; Wallingford - Yes; Laime - Yes; Bowman – Yes; Viola – Yes; Lopez – Yes; L. Smith – Yes;

RESOLUTION # 2017 – 39

Motion by: Bowman
Seconded by: Viola

Be it resolved that the Malta Planning Board on the 15th day of August 2017, approve Project #17-21, Arnoff Expansion, Site Plan Amendment, with the following conditions:

- Applicant to address comments in Chazen’s letter dated _August 10, 2017.
- That the building height cannot exceed 30 feet, as stated in the PPD
- Applicant to address Planning Staff’s comments regarding conformance with the updated NYSDEC Blue Book.
- That no construction shall be allowed during frozen ground conditions if the owner does not receive stormwater coverage under NYS permit GP 0-15-002. Frozen ground cut-off date to be determined by Code Enforcement.

Vote: B. Smith - Yes; Wallingford - Yes; Laime - Yes; Bowman– Yes; Viola – Yes; Lopez – Yes; L. Smith – Yes

17-26 73 Knapp Road Minor Subdivision Public Hearing 73 Knapp Road, Malta, NY 12020

Scott Lansing of Lansing Engineering presented on behalf of the applicant Jack Development and owner Walter Sweeney The applicant is proposing to build four single-family homes on 4.62+/- acres located at 73 Knapp Road. No wetlands are present on the parcel and the applicant has applied to NYSOPRHP for a letter of determination. We have done test pits for wells and septic, we do not expect any problems. A Master Stormwater Pollution Prevention Plan (SWPPP) has been completed and was submitted with the application.

Shelley Norton reviewed staff comments dated August 9, 2017. The applicant and landowner Walter Sweeney, and Jack Development, is seeking to subdivide an existing parcel of rural vacant land of approximately 4.62 +/- acres into four new lots for development of single-family homes. The parcel is located in “Neighborhood 2 – Maltaville” area as identified in the 2005 Master Plan and zoned R-1. Residential, which allows one family dwelling uses by right.

Proposed Lots # 2 and # 3 are considered Flag Lots under the Town of Malta's zoning code definitions. Flag lots are allowed in the R-1 zoning district and have a reduced minimum lot frontage of 60" compared to conventional lots requiring a minimum of 200" feet of road frontage.

There are offsite wetlands of state and federal jurisdictions nearby (identified by a regulatory map) to which construction site runoff will discharge. The site is within a 500-foot NYSDEC Check Zone buffer; therefore, the Applicant should provide documentation or confirmation that an assessment was completed verifying that wetlands are not present on-site.

Sean: Chazen Engineering did a red flag review of the plans, you would need confirmation of no wetlands, drainage path noted on the map, it looks like there is a natural swale. You would need to widen the driveways, they must be 12 Ft. wide. Sight distance evaluations for all the driveways. The test pit seems adequate for the septic. We would need a fire flow test.

B. Smith: Asked what the length of the driveways on the flag lots?

Lansing: 200 to 250 ft. They are just under the fire department regulations for having a turn out.

Viola: How far is water and sewer?

Lansing: It is thousands of feet away.

Public Hearing opened at 7:32 pm

Greg Campbell 116 Knapp Road, Asked what are the standard days and times the construction work is allowed?

Lansing: Generally Weekdays is 7 am to 6 pm, Saturday is 7 am to 5 pm and no work on Sunday.

Dan Cooper Stated the zip code is 12118

P. Lavin of 78 Knapp Road, Asked to look at the plans – he has a concern for one of the driveways on Knapp road as it is on a s-curve and a hill. An existing house at 79 Knapp is a very blind driveway. He believes all of the driveways would be a problem

Lansing: They did a sight vision test and one of the driveways is critically limited, so they would need to place a warning sign

Wallingford asked if they had considered a shared driveway, as they would have more sight distance and less curb cuts if they shared a driveway.

Lansing stated that they had looked at a shared driveway, but felt it was neater and cleaner for each parcel to own their own driveway.

B. Smith stated that there must be proper distance between the wells and the septic.

P. Lavin of 78 Knapp Road asked if the houses would be built on speculation or do you have buyers.

Lansing replied that the houses will built as the lots are sold, we have no buyers yet.

B. Smith: We will hold the public hearing open until the next meeting.

17-28 142 Knapp Road Major Subdivision Public Hearing 142 Knapp Road, Malta, NY 12020

Duane Rabideau of Gilbert VanGuilder Land Surveyors presented on behalf of the applicant/owner Eric McMahon. The applicant, Eric McMahon, is seeking to subdivide an 80.15± acre parcel located at 142 Knapp Road into five single-family residential lots. The proposed dimensions are as follows:

- Lot #1: 200± feet of frontage on Route 67, 42.74± acres
- Lot #2: 480± feet of frontage on Knapp Road, 4.65± acres
- Lot #3: 240± feet of frontage on Knapp Road, 3.22± acres
- Lot #4: 240± feet of frontage on Knapp Road, 3.22± acres
- Lot #5: 544± feet of frontage on Route 67, 26.32± acres

Lot 1 will be the largest parcel and contain the majority of DEC wetlands. The sites will be served by private wells and individual septic systems. Lots 2, 3 and 4 will have individual curb cuts and driveways on Knapp Road. Lots 1 and 5 will have a shared curb cut on NYS Route 67 and a shared driveway for the first 100± feet and which then splits into individual driveways for each proposed home.

Shelley Norton reviewed staff comments dated August 11, 2017.

The zoning of the proposed lots is R-1, which requires that parcels intended for single-family residential uses have 200 feet of frontage and a minimum lot size of 40,000 square feet (or 0.90 acres) with a minimum 50 ft. front yard setback, 15 ft. side yard setback and 30 ft. rear yard setback. All lots exceed the R-1 minimum requirements for single-family residential.

The site contains NYSDEC wetlands and other isolated wetlands and steep slopes. The applicant is not proposing to disturb any wetlands or steep slopes. The site is located in an archeological sensitive area and may potentially have threatened or endangered species. Applicant shall provide correspondence from NYS Office of Park, Recreation, and Historic Preservation to determine the presence of cultural resources. Applicant shall provide correspondence from DEC and US Fish and Wildlife determining known locations of threatened or endangered species.

In 2016, the Town Board updated Neighborhood 2 of the Town's Comprehensive Master Plan, which identifies that the character of Neighborhood 2 should remain rural along Route 67 east of the Maltaville Hamlet. This proposed five-lot subdivision is in keeping of the vision of the Comprehensive Master Plan.

The applicant's EAF indicates that total disturbance will be approximately 5 acres, which requires a soil disturbance permit, a corresponding erosion and sediment control plan (SWPPP) and coverage under NYSDEC General Construction Permit (GP -0-15-002). Applicant has submitted a Basic SWPPP and an erosion and sediment control plan.

The proposed water sources for each of the residential lots are on-site private wells.

Each of the proposed residential lots will have individual septic systems. The applicant has included proposed placements for these systems on the plat.

The applicant's EAF indicates that total disturbance will be approximately 5 acres, which requires a soil disturbance permit, a corresponding erosion and sediment control plan (Basic SWPPP) and coverage under NYSDEC General Construction Permit (GP -0-15-002). The Applicant has submitted a Basic SWPPP and an erosion and sediment control plan including a NOI that will be submitted to the state for coverage

As noted above, the project site contains approximately 44± acres of NYSDEC and isolated wetlands. Applicant shall provide correspondence from NYSDEC/ACOE indicating validation of the delineated wetland boundary. Applicant shall also confirm that no disturbance of NYSDEC wetlands and associated buffers is proposed.

According to the County GIS mapper, the northwestern corner of this site falls within the 100-year floodplain. Applicant shall verify whether the location of the home on lot 2 is in the floodplain. If the home is in the floodplain, New York State building code requires the finished floor elevation of the home (interior) to be set at an elevation of 2 feet or higher above the base flood elevation.

Sean: These are the items I noted on the red flag engineering review:

- You will need to have fire flow adequacy.
- Lots 5 and 1 will need easement language for the shared driveway.
- Validation of wetlands map.
- Site distance for the driveway on Route 67.
- The driveway width will need to be increased to meet fire department regs.
- The test pits for septic seem ok. You would need some additional testing.
- The driveway length is long so you will need turn outs for the fire department.

B. Smith: Asked the length of the driveway on for # 1 & 5, It may need to have a turnout.

Laime asked on Lot # 1, which has most all the wetlands, all of the wetlands will remain unbuildable?

Wallingford is uncomfortable with lots 1 & 5.

Rabideau: Yes – there can be no building on the wetlands, but there is plenty of room away from the wetlands to build.

Viola: commented that the further in the woods that you build, the less fire protection.

Public Hearing opened at 7:56 pm

Karen Sadowski, 494 Route 67. Stated that she is a neighbor to this proposed subdivision wants to see the plans.

G. Campbell, 116 Knapp Road. Asked whether the parcels could be further subdivided and if there would be a way to limit construction to weekdays only

Shelley: Stated the parcels could be subdivided further; however, they must be zoning compliant in order to build anything more on the land.

Sean: Stated that the construction for these houses would not occur all at the same time, each house would be built as the lots are sold. It would not be as busy as if you were building a close subdivision. There is no public infrastructure.

Karen Sadowski: Stated the access to lots 1 & 5 is on a curve on Route 67, which is quite dangerous; the cars already do well over the speed limit on this road. The septic on lot # 5 is on a slope that goes down into Round Lake, this may present a problem.

B. Smith: We will leave the public hearing open until the next meeting.

Planning Board Business

Wallingford motioned to accept the June 20, 2017 minutes, seconded by L. Smith, motion carried.

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Laime motioned to accept the July 18, 2017 minutes, seconded by Lopez, motion carried.

Wallingford motioned to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of the Planning Board, seconded by Bowman, motion carried at 8:02 PM.

Respectfully submitted by,

Laura Kohler

Planning Board Secretary