

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

April 19, 2010

Solicitor: Christopher Brown, Esq., Dan Cahill, Esq., in attendance
Engineer: James Mott, P.E. (Mott and Associates) Robert Watkins, P.E., in attendance
Planner: Vincent Polistina, P.P. (Polistina and Associates) Craig Hurless, P.P., in attendance

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 6:30 p.m., prevailing time, Egg Harbor Township hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call:

Manuel E. Aponte, V-Chair., present	Joseph Lisa, 2 nd V-Chair., present, arr. @ 6:45 p.m.
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present
Charles Eykyn, present	Peter Miller, Township Admin., present
James Macon, Alt. #I, present	Dorothy Saslav, present.
James Garth, Sr., Chairperson, present	Frank Kearns, Alt. #II, present
Robert Levy, present	

SUBDIVISION/SITE PLAN REVIEW(S):

1. <u>SP 02-10</u>	Minor Site Plan
MetroPCS	5205/49
Zone: NB, 3.25 acre site, no water or sewer, applicant is proposing a six (6) antenna array at the height of 108' ft. on an existing 150' monopole tower. Other associated improvements include a 12' X 16' lease area to include a 10' X 16' concrete equipment platform, cable bridge and battery cabinet. CAFRA	114 Pennsylvania Avenue Waiver of Time – Not Granted

Checklist Waiver(s):

- Item #6: Name of owners of land within 200' ft and dated**
- Item #9: Certified survey**
- Item #10: Existing topography based on U.S.G.S. datum**
- Item #13: Block and Lot on Title Block**
- Item #14: Sight triangles, radii of curb line and street sign locations**
- Item #16: Location of all wetland areas**
- Item #18: Storm water management plan**
- Item #23: Landscaping plan**

* **May the record reflect:** Chairman Garth announced this item was not moving forward and has been removed from the agenda. He indicated no new date will be announced and the applicant must re-notice when prior to being scheduled again.

2. <u>SP 01-09</u>	Minor Site Plan
Thomas Family Enterprises, LLC	407/7
Zone: GC, 7.98 acre site, sewer/water, applicant proposes to convert 2,941 sq. ft. of existing mezzanine space into office space and 1,435 sq. ft. of storage area. No exterior improvements proposed.	6587 Delilah Road Waiver of Time – NO

Pinelands: C/F: #2005-0297.002, dated 3/24/10.

Checklist Waiver(s):

1. **Item #1(b): Half scale plan**
2. **Item #1(b): Plans on CD**
3. **Item #3: Key map**
4. **Item #4: Zoning district requirements**
5. **Item #6: 200' foot list certified by Tax Assessor**
6. **Item #7: Name, address, and signature of person preparing plan**
7. **Item #8: Approval signature lines**
8. **Item #9: Certified Survey**
9. **Item #10: Elevation contours extending 100' from property**
10. **Item #15: Site characteristics map**
11. **Item #16: Location of wetlands areas**
12. **Item #17: Copy of protective covenants and/or deed restrictions**
13. **Item #18: Storm water management plan**
14. **Item #19: Sewer and water report**
15. **Item #20: Methods of solid waste storage and disposal**
16. **Item #21: Location of existing and proposed wells and septic**
17. **Item #22: Project shall be designated in compliance with the site plan and zoning ordinance**
18. **Item #23: Landscaping plan**
19. **Item #24: Lighting and signage plan**

Jack Plackter, Esq., introduced himself as attorney for the applicant. He advised the total operation of the Thompson Family business moved to Delilah Road and they are seeking to convert a mezzanine space into office space.

Thomas Sidrane, New Jersey Licensed Architect, sworn in: Architect Sidrane advised he has reviewed the Township Ordinance and reports from the Board Professional's. He indicated the applicant is seeking a number of waivers because all changes are occurring inside the building. Architect Sidrane indicated there are no changes to the footprint of the building or outside.

Architect Sidrane stated the applicant purchased this building last year. He referred to **Exhibit A1:** photograph's showing before purchase and after purchase. Architect Sidrane indicated the applicant has replaced landscaping and striped the parking lot. He indicated the total building square footage is 13,000 sq. ft..

Architect Sidrane advise the Thomas Family are sheet metal and roofing contractors. He indicated last year the applicant obtained a building permit for a storage mezzanine. Thereafter, they decided they also wanted to make office space within this area also. Architect Sidrane stated there are no changes to the bulk requirements. He further noted the applicant is required to have 80 spaces based on requirements and the applicant actually has over 100 spaces.

Township Committeeman Carman asked why the applicant is seeking approval by the Board? Planner Hurlless advised the area proposed is above the threshold for administrative review requirements. Board Member Aponte stated the Planner's report (Polistina) asked for a sealed survey

has it been submitted. Planner Hurless stated it was provided. Board Member Aponte stated he would like to see the applicant revise their plans to address items within the report's of the professional. Attorney Plackter stated the applicant will revise plans.

Board fill-in Solicitor Cahill swore in both Township Professional's. Board Engineer Watkins asked if the applicant is meeting handicap space issue? Architect Sidrane stated yes. Attorney Plackter stated the applicant has no problem with meeting requirements of reports. Committeeman Carman advised the Board should waive the key map and zoning requirements to be shown on the plans. He indicated there are no external changes. Do not want to have a problem with giving businesses a hard time. He also advised the applicant is placing curb and sidewalk in.

Planner Hurless advised all planning issues have been addressed and would recommend waivers.

Motion Eykyn /Saslav to grant requested checklist waiver(s) #1-5, 7, & 9-19. Vote 8 Yes: Aponte, Carman, Eykyn, Garth, Levy, McCullough, Miller, Saslav. **1 Abstain:** Lisa

Motion Carman/Eykyn to grant requested conditional minor site plan approval. Vote 8 Yes: Aponte, Carman, Eykyn, Garth, Levy, McCullough, Miller, Saslav. **1 Abstain:** Lisa

PUBLIC HEARING(S):

1.	SDF 15-02-A2	Amended Final Major Site Plan
	Matzel and Mumford Organization, Inc.	4305/4
	Zone: R-5 Apt. Residential, 36.50± acre site,	Black Horse Pike
	_____ sewer/water, Applicant is proposing amended final site	Waiver of Time – Not Granted
	in order to revise the proposed building footprint to remaining building(s) 3,5,8,9,10 and 11. This	
	revision would increase the footprint of the buildings and remove the third (3 rd) floor of each	
	townhouse, however, the total number of units originally approved would remain unchanged (131).	
	CAFRA.	

Stephen Nehmad, Esq., introduced himself as attorney for the applicant. Attorney Nehmad advised this project is currently under construction and the applicant is developing a community in the worse of economic times, however, the applicant is still moving forward.

Attorney Nehmad advised the infrastructure is in, the base coat has been done, and most landscaping is in. He noted, however, the applicant is seeking amended site plan approval to develop a different type of house. Attorney Nehmad stated this site was approved as a three (3) story product for all 17 buildings. But as the applicant has moved forward they have found the buyers would like to see a two (2) story product versus a three (3) story. Thus he stated the applicant is seeking approval to allow for six (6) of the buildings to be two (2) story.

Attorney Nehmad stated within the R-5 Zoning district there is a design control requiring a 50' ft. separation between buildings. He indicated the applicant is seeking a waiver of this requirement to allow for a 31' ft. separation. He indicated the change is minor, but it is important to the marketing of this project.

Jason Scullo, Marathon Engineering, 922 Atlantic Avenue, Atlantic City, New Jersey, New Jersey, Licensed Engineer, sworn in: Engineer Scullo advised Marathon Engineering has been the design

engineer since inception of project. He referred to **Exhibit A1**: rendered site plan indicating the overall improvements will remain the same as approved. However, the applicant is seeking approval to go from a three (3) story unit to a two (2) story. He indicated the proposed units will be a little smaller, but they will be a little wider. He indicated the units will have the same number of bedrooms and the applicant will still develop 131 units.

Engineer Scullo stated there are six (6) buildings where the two (2) story product is proposed. He further explained that the circulation and landscaping plan will also not change. Engineer Scullo stated there is a slight amount of increase of surcharge to the storm water management but can be handled with existing system.

Engineer Scullo stated the applicant is seeking approval to all for the two (2) story buildings to be constructed at 31' ft. apart versus the 50' required by ordinance. He indicated the applicant will still provide adequate air and light. He also advised the height of the new buildings will be 28' ft. versus the 33' ft. original approved. Engineer Scullo stated the buildings will have a stone face and vinyl siding, with some units having a cedar shake vinyl too. He also advised via **Exhibit A2**: architect rendering of units that the garages have been bumped out to provide architectural enhancement.

Engineer Scullo stated the checklist waiver(s) requested were originally submitted with the previous application, therefore, they are being sought with this application.

Sam Abruzzo, Sr. project manager for K. Hovnanian Homes, sworn in: Mr. Abruzzo advised when the site was first proposed the applicant offered two (2) floor plans for the three (3) story units. However, we have heard from people coming to the site that they are looking for a more traditional plan. He indicated the two (2) story building plan will provide a more flexible floor plan. Mr. Abruzzo also, stated the three (3) story units can be intimidating for some people.

Mr. Abruzzo explained 31 units have sold, three (3) are currently under contract which leaves 97 units that are either not built or sold. Mr. Abruzzo stated the proposed changed, if approved, would effect 44 of the remaining 97 units. He also noted, that the recreation area has been constructed. Mr. Abruzzo stated he has to give consideration to every prospect and customer coming through the door. He indicated they have to be flexible and they believe what is proposed will help move the project forward.

Mayor McCullough asked if everyone within 200' ft. of these units has been notified. Attorney Nehmad stated yes. Mr. Abruzzo indicated they also met with the existing resident's in the club house and advised them of the proposed change. Mayor McCullough asked if there will be a price difference? Mr. Abruzzo stated yes, but it will not be much of a change.

Motion Aponte/Carman to open public portion. Vote 9 Yes.

May the record reflect no one came forward

McCullough/Carman to close public portion. Vote 9 Yes.

Board Planner Hurless stated the checklist items for the 200' ft. list and the north arrow should be provided. He also noted many of the checklist waiver(s) requested were previously granted. Township Committeeman Carman stated the variance(s) requested really deal with the back yards and he feels the units do meet the intent of the ordinance.

Variance Relief:

1. **§225-72D(1):Setback Distance between building #: 3,5,8,9,10 & 11 (Window to Window):50' req.; 31' prop.**
2. **§225-72D(2):No more than 16 dwelling units shall be contained in any one (1) continuous structure, and there shall be no more four (4) selling units in any unbroken building line. A setback of no less than four feet shall be deemed a satisfactory break in the building line, and further provided that the building length shall be limited to 200' ft. The applicant is requesting waiver relief from this requirement and is proposing eight (8) dwelling units with an unbroken building line, where no more than four (4) units are required.**

Motion Carman/Saslav to grant requested checklist waivers as listed within the Planner's Report. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

Motion Carman/Eykyn to grant requested Variance relief. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

Motion Eykyn/Saslav to grant requested conditional amended final major site plan approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

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| 2. | SDP 01-09
Frank Grossi
Zone: RG-2, 2.30 acre site, sewer/water, applicant seeking preliminary major subdivision approval for five (5) lot of which one (1) lot will be utilized for stormwater management purposes and four (4) lots will be utilized for the construction of four (4) single-family detached dwelling units. Pinelands: C/F #:1983-5689.002, dated 9-4-09. | Preliminary Major Subdivision
2417/24
4008 Cottonwood Avenue
Waiver of Time – Not Indicated |
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Checklist Waiver(s):

1. **Item #9: Survey with datums in NAD 83 and NGVD 88**
2. **Item #17: All significant trees (over 16" diameter at breast height)**
3. **Item #26: Open space and recreation plan**

Design Waiver(s):

1. **§94-28: Open space and recreation area**
2. **§94-44E(1)(I)[1]: Basin setback distance**
3. **§94-44E(1)(I)[5]: Side slope of basin**
4. **§225-50.6.D: Cultural resource survey**

Variance Relief:

1. **§225-7: Lot Width: 68' ft. prop.; 100' ft. req.**
2. **§225-50.6D: Cultural resource survey**

Keith Davis, Esq., introduced himself as attorney for the applicant. He indicated the applicant is seeking approval for a five (5) lot subdivision of which four (4) of which will be homes and one (1) will be for storm water management. He indicated the applicant will be making improvements to Cottonwood Avenue and the sewer will be brought to the site and will service each lot.

Robert Bruce, P.E., Somers Point, New Jersey, Licensed Engineer, sworn in: Engineer Bruce the site is located at 4008 Cottonwood Avenue and is within the RG-2 zoning district. He stated Cottonwood Avenue runs off Second Avenue and if you were to go past our site about 400' ft you would fronting West Jersey Avenue.

Attorney Davis stated the applicant is proposing a five (5) lot subdivision, with four (4) single family units with a proposed access via a Cul-de-sac. Engineer Bruce advised the Cul-de-sac will have curb and side walk and within the subdivision it will be Belgium block, however, outside along Cottonwood Avenue the curbing will be concrete

Engineer Bruce referred to **Exhibit A1:** subdivision plan advising all lots meet the requirements of the ordinance for the single-family homes, however, the applicant is seeking variance relief for the basin lot. He stated the width of the basin is a little over 70' ft., however, the applicant will meet the we will meet ordinance requirements for landscaping along the basin. He indicated because the basin has no structure this should not be an issue. Engineer Bruce further noted access to the basin lot will be provided via the Cul-de-sac so that it may be maintained. He indicated the basin lot will blend in with the existing single-family homes on other side. Engineer Bruce stated he does not see a problem with the public good if the lot width variance is granted.

Engineer Bruce stated the applicant will meet the survey datums so this checklist request can be eliminated. Attorney Davis advised the applicant did conduct a significant trees study and it will be provided. He did state, however, that the trees are shown on the plan but the size of trees were not indicated. Board Member Lisa indicated when revised plans come in they should indicate what trees will be saved.

Attorney Davis indicated the applicant will be providing an in lieu contribution for the recreation and the applicant is meeting the basin set back distance, therefore, variance relief is no longer sought. Attorney Davis advised the applicant is proposing a homeowners association that will maintain basin and the and vertical masonry wall within the basin.

Engineer Bruce advised the applicant has submitted an Environmental Impact Statement and there is nothing special found on the site other than the trees. He also added the Pinelands Commission did not ask for a Cultural Resource Survey, therefore, the applicant is seeking waiver and variance relief from this item.

Attorney Davis advised the applicant is in agreement with all comments listed within the Planner and Engineer report(s). Board Member Lisa stated the Planner's report outlines the items needed around the basin, so therefore, no waiver(s) are sought. Engineer Bruce stated he previously testified that the applicant will provide a mature area around the basin and do plantings. He did indicated that if for some reason the applicant can not then the applicant will place tree(s) around the Township where

deemed necessary.

Township Committeeman Carman stated the applicant is proposing a Home Owners Association to maintain the basin and the Board has to grant variance relief to the basin. He indicated he feels the applicant has one (1) too many houses proposed.

Attorney Davis stated Mr. Grossi originally intended to building one (1) home on this parcel. However, at the time Pinelands 3.2 acres or you had to provide an enhanced septic system. He indicated the only way to bring sewer to this site was not to construct one (1) single-family home. He stated in order to recoup the cost associated with the sewer the applicant had to propose this development.

Attorney Davis stated even though the applicant tried to meet the requirements of the zone sometimes it can not be done. He explained this basin meets with all the best management requirements based on the Pinelands Commission and it will function. Attorney Davis stated the applicant will apprise each owner that this basin is their responsibility and there will be a deed notice.

Township Committeeman Carman stated people come back to the Township and seek us to take over the basin. He indicated he can not vote on variance because of this and he can not vote on the variance because of economic requirements.

Township Administrator Miller asked if the road proposed meets the Township requirements? Engineer Bruce stated yes. Township Administrator Miller asked how deep is the sewer line to West Jersey Avenue? Engineer Bruce indicated itk will be about 10' ft. to 12' ft. He indicated if the road is damaged the applicant will have to do a full restoration. Township Administrator Miller asked why the road is not being constructed though the paper street in order to provide access to West Jersey Avenue, if the sewer is going through it? He indicated he also shares a concern with respect to variance relief for the basin. Township Administrator Miller advised that Maybe three (3) homes work better for the site.

Mayor McCullough indicated that maybe requiring a bond for twenty years is a better approach versus a Home Owners Association. Attorney Davis indicated he is not sure if the Township would accept the basin. Township Administrator Miller stated if the Township is going to accept walls then we must recalculate the bonding requirements. He indicated the formula used is the maintenance of grass and scarifying basin. Mayor McCullough indicated it appears the applicant should reduce the number of homes proposed.

Attorney Davis indicated he is aware the Board is suggesting the applicant redesign project without basin, but if the applicant were to do so then one (1) lot would require a variance for rear. Engineer Bruce indicated the applicant has 270 ft. of frontage and if three (3) lots were proposed then one (1) lot must be a flag lot. He indicated the applicant would still have to run sewer and there would be no storm water basin. He indicated storm water retention could be proposed on each lot.

Board Member Levy stated he would rather see three (3) lots with a width variance. Engineer Bruce stated two (2) of the parcels could be 100' ft. in width and then the flag lot could be 70' ft.

Motion Carman/Saslav open public portion. Vote 9 yes.

Robert Myers, 4014 Cottonwood Avenue, Egg Harbor Township, sworn in: Mr. Myers stated he lives on Cottonwood as you come down Second Avenue. He stated they appear to be building small low income housing. He indicated he is not prejudice but there are problems with it. He indicated there will be a lot of noise coming in to this area. He stated he purchased on a dead end street. Township Committeeman Carman stated the applicant has a right to come in and proposed three (3) lots. He indicated he would rather see the three (3) then five (5) proposed. Township Administrator Miller stated there are no low income housing proposed with this subdivision.

Frank Grossi, applicant/owner, sworn in: Mr. Grossi stated he is a home building and he will be the developer of project if it is developed. He advised the proposed homes will be custom homes and they will not be cookie cutter. He stated if three (3) homes are constructed they will all be different and they will sell in the \$200,000.00's. Mr. Grossi stated they will not be low income. Mr. Myers stated because of the lot sizes proposed he thought because they are smaller they would be shacks.

Engineer Bruce stated if the applicant decides to propose three (3) lots one (1) will be 16,000 sq. ft., the other will be 17,000 sq. ft. and the other lot will be 20,000 sq. ft. Mr. Myers stated once building started how long will it take to construct? Attorney Davis stated he does not believe there will be immediate action. They will more then likely wait until the market turns. Attorney Davis advised if the applicant receives Minor Subdivision Approval the applicant will have 190 days to file and the approval will be good under the permit extension act until 2012. Mr. Grossi stated it could take about five (5) months from start to finish for the construction of a home, however, it could take longer. Mayor McCullough indicated the Board can not dictate how long it will take to construct.

Board Member Kearns asked if there is sewer in this area? Daniel Lichterberger, Cottonwood Avenue Egg Harbor Township, sworn in: indicated we do not have sewer. He indicated our street is a small street and cars can not pass each other. Someone has to pull over. He also stated the streets will be damaged from the equipment. He further noted he is concerned with his front yard and his landscaping being damaged. Chairman Garth asked since the sewer is coming in from West Jersey Avenue will the applicant have to extend down? Township Administrator Miller stated the Municipal Utilities Authority requires residents to connect to sewer if it is within 200' ft. Mayor McCullough stated he will check to see if sewer can be extended. He did however, not if the applicant does not have to extend the sewer then the resident's should consider extending it to their properties.

Board Member Aponte asked if the applicant would concede to start times? Attorney Davis stated the applicant will comply with the noise ordinance and construction starts. He advised the applicant will build to be sensitive to the neighbors..

Kimberly Yoder, Egg Harbor Township, sworn in: Ms. Yoder stated she appreciates not having basin in the area. She indicated it was making her nervous. She further noted that during the snow storms and rain this winter people around us had water in their basement's. She asked what the elevations of the homes will be? Mr. Grossi stated it depend upon the house, however, each lot will be graded. Ms. Yoder stated she heard this was going to originally be Mr. Grossi' personal home? Attorney Davis stated the Pinelands gave Mr. Grossi a hard to construct one (1) home. So the applicant was

forced to propose a subdivision. Ms. Yoder asked if she will have will we have to place curb and sidewalk in now? Township Administrator Miller: stated not at this point. Ms. Yoder asked what happens if the applicant construct the home and the bottom falls out. Will there be a vacant building? Attorney Davis stated the applicant will make sure prior to the homes being constructed that there is a specific byer.

Thomas Notaro, Egg Harbor Township, sworn in: Mr. Notaro asked if Winchester will go in? Mr. Grossi stated no. He indicated he will only propose three (3) lots, therefore, the road will not go in nor will the basin.

Mr. Myers asked if Cottonwood Avenue will continue to be dead end? Township Committee Carman stated it will be at this point, however, in the future can not say the same. Township Administrator Miller stated he would like to see Cottonwood go through to West Jersey Avenue. So, in the future it may very well. He also added where the blinking light is located at the intersection of Spruce Avenue and West Jersey Avenue there is a proposal for a full signalized intersection within the year.

Motion Carman/Aponte to close public portion. Vote 9 Yes

Attorney Davis indicated the applicant has been through three (3) Technical Review Committee Meetings. Rather than going back he stated he would like to amend the major subdivision for a minor subdivision. In order to receive approval tonight.

Township Administrator Miller stated the Board will be denying the application based on the applicant seeking approval for a three (3) lot subdivision. He indicated this will be looked at favorable because the Board was not incline to approve a basin lot with a wall, nor grant variance relief for the variance and allow for a Home Owners Association.

Motion Miller/Carman to deny preliminary major subdivision application. Vote 9 yes: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

MEMORIALIZATION OF RESOLUTION(S):

1.	SD 12-07 Richard Swezeny	Minor Subdivision to 1702/128 & 129 3071 Ivins Avenue
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Motion Saslav/Eykyn to memorialize resolution granting requested checklist waiver(s), variance relief, and conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Macon, McCullough, Miller, Saslav

2.	SP 10-09 Metro PCS Pennsylvania, LLC	Minor Site Plan 2115/5 7 6 12 Steelman Lane
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Motion Saslav/Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), and conditional minor site plan approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Macon, McCullough, Miller, Saslav

3. SP 01-10 Minor Site Plan
Clear Wireless, LLC 915/1

9 Atlantic Avenue

Motion Saslav/Eykyn to memorialize resolution granting requested checklist waiver(s), variance relief and conditional minor site plan approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Levy, Macon, McCullough, Miller, Saslav

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

- a. **Ordinance No. 8 of 2010:** An Ordinance to amend the code of the Township of Egg Harbor, Chapter 94 thereof, entitled Design, Performance and Improvement Standards.

Township Administrator Miller indicated since there have been problems with ordinance requirements this ordinance had to be done all over again and it needs to be sent to Township Committee.

Motion Saslav/Eykyn to recommend Ordinance No. 8 of 2010, to Township Committee for review and approval, finding it meets the requirements of the Master Plan. Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav.

The next regular meeting of the Planning Board will be held on Monday, May 17, 2010, 6:30 p.m., prevailing time.

Motion Miller/Saslav to adjourn at 8:30 P.M. Vote: Aponte, Carman, Eykyn, Garth, Levy, Lisa, McCullough, Miller, Saslav

Respectfully submitted by,

Theresa Wilbert, Secretary

