

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, September 28, 2023

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board Members: Scott McCarthy, Charly Long, Sal Cuciti, Carl DiLorenzo, Gerry Marion, Bill Meltzer, Franco Zani, Lambros Violaris (alternate) and Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand

Minutes to Approve at September 28, 2023 meeting

August 17, 2023, and August 24, 2023

Scott asked for a motion to approve the minutes.

Motion made by Carl, 2nd by Franco.

All ayes, motion passed to approve the minutes.

Old Business

Walton: Subdivision: 1 & 25 Picnic Woods Rd: SBL #94.2-2-18.130 & 94.2-2-18.141

Review Status: Updated map circulated to board.

Potential Action: TBD

Patti (applicant's agent) said that this was part of a larger application, and the applicant has pared down the application to just a two-lot subdivision with one lot line revision. They are trying to create lot number 1, which is a 2.01-acre parcel, with the existing house and shed and new buildable lot number 2 and will be 2.04-acres in land. One of the questions at the workshop was the area of disturbance which is 0.58-acres, she did submit a revised EAF, that was submitted to reflect what the changes were. This was part of a larger application that was already approved by the Planning Board, and this is just a minor revision.

Andy said that on the previous application the area of disturbance was a concern of theirs and they reduced that, so that eliminates the need for any stormwater permits, so that concern has been addressed. He has received the revised EAF, so that's good. They have a couple of other comments, there is a drainage swale that goes along the northwest property line, there is a note on the map about maintaining that swale. Just as a way to prevent things from happening in the

future, he would prefer a drainage easement over that, but it's up to the board if they want to require it. He wants to know the location of the existing septic on lot 3. Health Department approval will be needed, but that will be a condition.

Patti said board of health approval was already submitted for lot number 2.

Andy said that was the extent of the comments.

Patti said that she sees that the well is on the map, but not the septic system and will get that added. In regards to the drainage ditches they actually cross over a few parcels, so she had consulted with the applicant's attorney to find out how they should best handle that and that is where this wording came up with all lots granting and reserving the rights into the drainage ditches and each owner, their successors are responsible for maintaining and keeping free of debris the ditches on their respective properties. She wanted to make sure that it not only encumbered this property, but the adjacent property as well and that is why the attorney suggested that it was noted that way.

Scott asked is that note on the map.

Patti said it is note 12 on the map.

Scott said that there was a question about the shed.

Patti said she spoke with the current owner about that, previously before they received approval on the last one and she didn't have a problem with the shed staying there at this point in time. She sent a picture over today and its more like a lean-to that has wood in it, so the landowner has agreed that when Gia (applicant) sells the house, they will take it down, but right now it is filled with their winter firewood, so they would prefer not to do it right now.

Scott said it can stay as long as she owns the property.

Patti said correct.

Scott asked should that be on the map also.

Dave said that the picture that Patti sent, it looks like its about to fall over.

Scott asked for a motion to set a public hearing for October 26, 2023.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed, to schedule the public hearing for October 26, 2023.

Silver Gardens: Subdivision: Argent Dr.

Mr. Gerentine said that he is looking to get SBL # for the site itself and the remaining property, they need that in order to name the road. He also is seeking an extension of the subdivision approval for 90-days and he feels that it will be the last one, he hopefully has a closing on

November 1st on this property. He would like to expedite this as much as possible, he knows that there are some easement agreements, concession of land, there are some concerns with improvements, they are getting very close.

Scott said with the section-block and lot number, the board has nothing to do with that. What is the 90-day extension for.

Mr. Gerentine said it is for the subdivision.

Dave said it will time out.

Scott asked before their next meeting.

Paul said if the board wants to approve that extension, then he will draft a resolution that will cover it based on their approval tonight.

Dave said that they have been working on all the agreements.

Paul said that they have received the easements and have reviewed them and sent comments back, he hasn't looked at the new draft yet.

Scott asked for a motion to approve the extension.

Motion made by Bill, 2nd by Franco.

5-ayes, 1-nay (Gerry Marion), 1-abstenstion (Sal Cuciti).

Motion passed to approve the 90-day extension of the subdivision.

Dave said it is the tax map that creates the SBL, so they won't do that until the map is filed, so as soon as they get the agreements in place.

Andy said some of those agreements will have to go to the Town Board for approval as well.

Public Hearings

Tanner: Special Use Permit: 3 Sheep Ln: SBL #95.2-3-7.200

Applicant is seeking a special use permit for a ground-mounted solar array.

Review Status: Public hearing set for September 28, 2023.

Potential Action: Open public hearing, close public hearing, approval resolution.

Sean (applicant's agent) said that they want to install a small ground-mounted solar array in the backyard. They are using ground screws which prevent any heavy machinery. The idea behind the trench line is to stay away from his leach field. They are looking for final approval to get the project going.

Scott said that the only issue was where the leach field was and where the array was located in relation to it.

Sean said that he remembers that from last meeting, but he was told that he didn't have to do anything.

Scott said that the board did talk about a map, but the board has nothing showing the leach field.

Gerry said if he damages his own leach field then he's going to have to fix his own leach field.

Sean said there are 4 small pegs in the front and 4 small pegs in the back.

Sal said if someone buys the house next year, it could all of a sudden become a problem. It's the board's job to do whatever is reasonable, he doesn't know if they could make the guy go to the County to see if there is a record of it.

Scott said it was a request at the last meeting he was here, to have that shown and Dave said it was possible that it was on a map.

Sean said if he would have had it shown on the map. If he puts this install in, he would be able to take it out tomorrow. That is the technology with the ground screws, if a future owner wants to remove it, they won't have any issues.

Dave said it is his opinion that the septic is in the back of the house.

Sean said it is basically the left side of the house, between the solar array and the back of the house, that is why they are coming into the middle of the house.

Scott said you have a map showing the location of the septic and leach field, submit that to the building department.

Sean said if he known he would have had that completed today.

Dave said they still have to get a building permit, so if there is damage during, they will know about it during inspections.

Carl said can it be made a condition that they show where the leach field is.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Carl, 2nd by Sal.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott said that the condition should be added that something showing where that leach field is when he goes to the building department.

Paul said prior to issuance of a building permit.

Scott said yes.

Scott asked for a motion to approve the resolution as amended.

Motion made by Bill, 2nd by Franco.

All ayes, motion passed to approve the resolution.

Minard/Poluzzi: lot line revision/subdivision: 1227 & 1215 Route 44-55: SBL #94.2-3-6.112 & 94.2-3-6.111 & 94.2-3-4

Applicant is seeking a lot line revision and subdivision.

Review Status: Public hearing set for September 28, 2023.

Potential Action: Open public hearing, close public hearing, approval resolution.

Patti (applicant's agent) said that this is a two-lot subdivision of an existing parcel located on the westerly side of 44-55 near Picnic Woods Rd. There is an existing house that will remain on 4.0-acres. She is proposing a new building lot of 2.56-acres in size and at the same time. They are doing a lot line revision and consolidation of the adjoining lands of Poluzzi (applicant), they own two parcels land one of them is 5.4-acres and the other one is 0.37-acres, they are combining those two parcels and adding another 0.3-acres from lands of Minard (applicant), for a total of 6.07-acres.

Andy said that he is looking for the area of disturbance for lot 2.

Patti said that it is about 0.5-acre. She said that for minor subdivisions the houses are not always built in the location that is shown on the map.

Andy said that the septic systems need to be built where they are located.

Patti said yes.

Andy said that the septic system controls where the house has to be. The other thing is that it would be good to know where the septic is on the other house, he assumes that it someone near the house and not on the other side of the pond.

Patti said that it is shown on the map in the northwest corner of the house and the leach field is right behind there.

Scott asked for a motion to open the public hearing.
Motion made by Bill, 2nd by Sal.
All ayes, motion passed to open the public hearing.

No public comment

Scott asked for a motion to close the public hearing.
Motion made by Franco, 2nd by Carl.
All ayes, motion passed to close the public hearing.

Dave went through part II of the SEAF with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board agrees no to small impact.

2. Will the proposed action result in a change in the use or intensity of use of land?

Board agrees no to small impact.

3. Will the proposed action impair the character or quality of the existing community?

Board agrees no to small impact.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

None in the Town of Lloyd.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Board agrees no to small impact.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board agrees no to small impact.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board agrees no to small impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board agrees no to small impact.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board agrees no to small impact.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board agrees no to small impact.

11. Will the proposed action create a hazard to environmental resources or human health?

Board agrees no to small impact.

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Franco, 2nd by Gerry.
All ayes, motion passed to approve the resolution.

Continued Public Hearings

Peppino's Food: Amended Site Plan: 304 Station Rd.: SBL #86.4-1-22.100

Applicant is seeking an amended site plan to construct a 70' X 165' building for produce storage.

Review Status: Public hearing opened on June 22, 2023.
Potential Action: TBD

Patti (applicant's agent) said that the applicant is seeking to build a 165' X 70' storage building to be placed behind the existing one. Last month the board wanted some additional information, she has submitted a response to the agricultural buffer and what they were placing in it and how. They showed the proposed light fixture, building color of the proposed addition to match the existing building, the truck turning radius and the gates on the driveway.

Scott M. said that the only question he had on the gates was the one on the far end where the road is, can that go towards the buffer because they can go around that gate and the board doesn't want them driving down that at all.

Patti said that she doesn't understand.

Scott M. said that it looks like a road.

Patti said she put the gate at the end of it, so they wouldn't be able to go any further.

Scott M. asked if someone could go around it.

Patti said it is flat, but there is no roadway, it gets low and wet around there, which is why it is wooded.

Scott M. said he understands, he was just concerned with someone trying to drive around it.

Patti said it is more appropriate to be placed there, than 90-degrees.

Andy said he had a similar concern about the other gate at the other end, he thinks it might be easier to go around that one. Is it possible that boulders could be placed there.

Scott M. said just put something there to keep them from going around the gates.

Patti said they have a fence along the driveway, so maybe they can just extend that fence out, in line with the gate and head it in a south-easterly direction.

Scott M. said that the board also mentioned the lights to make sure they are code compliant with shields.

Patti said that she reached out to the manufacturer, and they did not have a plan for this light, but they directed her to a similar light that had the same photometric plan, so she printed that out to submit.

Scott M. said it is shielded so the neighbor won't be bothered by it.

Patti said it is shielded; one is on the front of the building now.

Lambros suggested that instead of boulders that maybe another gate at a 90-degree angle in case there is any type of emergency access needed.

Patti said that is fine.

Scott Anzalone (neighbor) asked why the agricultural buffer was reduced by half. In the Town Law of what the dimensions is supposed to be. Also an undefined setback distance of what that emergency access should be. He is willing to compromise to allow that emergency access going through, but he is still confused as to why on the map it is reducing the buffer itself down to 25-feet vs reducing from the building side down to whatever footage that should be. He did request on the southern side for a minimum of 50-feet up to 100-feet from the southern border because they do have orchard below there, which is also in the process of being recultivated. They have been back and forth on the overhead door that is on the side, especially if they are going to be removing all access, parking, and the loading docks all being on the westerly side. What would the use be for the overhead door and if that is the case and if it is being used for the handicap access and he believes that the overhead door should be removed if it is not being used as an overhead door, the only for handicap access and an actual handicap door installed and not an overhead door.

Dave asked Patti if she could talk to her client about moving the red line on the map up to the tree line.

Patti said no where in the code does it say that the buffer has to be 50-feet wide. What it says is that it shall consist of an enhanced setback of at least 50-feet and the setback is for parking, structures, which is why the parking was removed in that area. It is the enhanced setback that is 50-feet and then it goes on further to say that there should be an appropriate planted buffer. At this point in time it is already wooded in those other areas and she believes that the applicant has any intentions to be putting anything in that area. The applicant has agreed that where the existing wooded line is now, they

will move the agricultural buffer to follow the existing wooded line.

Charly said it will be put on the site plan.

Scott A. said that he understands the need for emergency access, but now you are going further than just that need for the emergency access, to say hey listen we need a break out of this buffer because of this reason and they have agreed to that reason, but now it's going further.

Patti said it only leaves 30-feet between the vegetation and the building, which is not a lot of space.

Scott A. said it's not town law.

Patti said it is pre-existing site and the current use on the site is commercial not residential, it has existed for over 20 years, it pre-dates the implementation of the agricultural buffer for requirements and to date there have been no incidents of incompatibility. This use predated that agricultural buffer.

Scott A. said but now they are looking to change it.

Carl suggested that they split the difference.

Patti said she disagrees as she doesn't think that is in the best interest of the health, safety and welfare of the community, she doesn't think that 30-feet is unreasonable for a site that has been in place and has been utilizing the entire 55-feet for over 20 years, since they have received their initial site plan approval. She thinks that 30-feet they are already agreeing that they will follow the wooded line in the other areas, she doesn't think it is in the best interest of the town to make it any smaller on that side of the building.

Charly said that there is a standing rule for fire departments for height of buildings and area to conduct fire duty.

Patti said she doubts that the fire department would park a truck there.

Charly said that he can understand if there was access like doors and windows and if they had to ladder the building.

Patti said doesn't it have to be a minimum of 22 or 25 in New York State Uniform Code.

Andy said yes.

Carl asked if this was sent to the fire department for comments, as it might add clarity.

Patti said that she thinks 30-feet is the minimum that she would like.

Scott A. said that there haven't been any issues, but just because there haven't been issues, doesn't mean that you aren't trying to mitigate those in the future. They are the last farm on the road and in order to make sure that they survive, they need to make that they are protected in the way that they are afforded.

Patti said that she wants to see farming operations continue in the area as well. One of the other points that she made was that historically the 50-feet on either side of the boundary line was part of the railroad property, so the 50-feet easterly of the Anzalone's property was never farmed, it's not farmed now, has a lot of large trees in it and topographically it would be extremely challenging for them to be able to farm all the way up to the boundary line, they would have to put in a substantial retaining wall if they wanted to be able to cut all those trees out and fill it and farm it. She is just looking for something that is fair and equitable for both landowners, they both have a right to utilize their property to the greatest extent possible, while protecting each other.

Scott M. asked Scott A. what would be fair and equitable for him.

Scott A. said that the issues that they raised, he agrees with them, he is not negating any of the concerns that they have, moving forward which allows all of these things to work in harmony is to make sure that there are protections for both sides. What they have asked for they have agreed to, but it seems like the bar keeps getting pushed further and at what point does that stop. He wants to make sure that if that is what it is being used for and that's what they want it, they agree as long as it is used for emergency access. They agree that they should have access to that side of the building for those purposes. He didn't hear at any of the meetings or read in any of the minutes where the board said let's reduce that to 25-feet, he didn't hear that come as a suggestion from the board. The trees that Patti mentioned were left there as an assurance on their side that there is a buffer, but it shouldn't only be only on their side to make sure that buffer is maintained and stays that is why they are looking for some give or take to make sure that they are both protecting each other, that is only way it will work. They cannot be doing their end when the other side is not doing theirs. He feels that there should be more discussion regarding the reduction down to 25-feet and not that it is the line on the map and go with it.

Gerry asked if there was a map before all the changes were made.

Patti said that the existing condition is that it is cleared right now up to the boundary line, and she shows where the wooded line is. They are not reducing it to 25-feet, they are increasing a non-existing buffer from 0 up to 25-feet, so that they maintain a 30-foot separation distance from the building.

Scott M. asked is 22-feet the state requirement for an emergency vehicle.

Patti said the lane needs to be 22-feet wide, it doesn't say how far away it needs to be

from the structure, but obviously you cannot have the driving lane touching the building.

Scott M. asked the neighbor what they would like to see.

Scott A. said if from the fire department, from the state, from the engineers, if they are saying this is the distance that is absolutely needed, then that is something that is agreeable as long as things pointed out before like is it going to be used as a loophole to get around the building.

Charly said it would be on the plans that it would be for emergency access only.

Scott M. said that he thought they were going to take out the overhead door.

Patti said one of the comments that Andy had was in regards to handicap accessibility. There are stairs going into the building, so the only way to get that handicap access is up that ramp, so a door that will not be the overhead door will not be used for commercial purposes, but that is where the handicap access is.

Scott M. asked so they are going to go around that building, in a wheelchair and then up the ramp to get into the building.

Patti pointed out the handicap spot and said that they are going to park in the handicap spot, wheel down the concrete and then into a handicap entrance.

Charly said the overhead door is removed right, that's going to be a door.

Patti said that will be a door. Once the new building is up, they won't need the overhead door anymore, but it still has to be handicap access.

Scott A. said that he understands that the board wants the emergency access around the footprint of the building, but feels that as it goes towards the southern end as well as the entire southern border that it shouldn't be reduced, there is plenty of space, the owner already said that they are not looking to do that and would like to leave it that way, he thinks that should be changed on the map.

Charly asked what note 9 was on the map.

Patti said note 9 has the outline of what is going to be planted there and then also says that no mowing to occur within the 25-foot eastern boundary line area to be returned to naturalized state in addition to the plantings.

Joe (Property Owner) said that they have been there over 20 years and used to park next to the apple trees and they used to spray in the daytime and nighttime. In the 20 years they never had an issue, never had a complaint about it. The overhead door is going to be gone, they are going to change it to a handicap door.

Scott M. said that there is no issue with changing the buffer line to follow the tree line. There will be an updated map to show that at some point.

Patti said yes.

Scott M. asked for a motion to close the public hearing.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to close the public hearing.

180 South Street LLC: Commercial Site Plan: 180 South St. SBL: #87.3-5-14.

Review Status: Public hearing opened on 4/27/23

SEQRA Status: Unlisted Action

Potential Action: TBD

Brian (a part of the applicant's team) said that revised renderings have been submitted. As far he knows there were two issues to update the board one was the revised elevations of the building façade, and the other open item is the 24-inch CMP pipe. He asked the board what they thought about the updated elevations.

Scott said that there were two things the board wanted one was to make some modifications to the front of the building, so it didn't look like a flat frontage, the board wanted some depth to the building. The second thing was that they wanted to see elevations with dimensions on them to show them how tall the building is.

Elevation plans were shown.

Scott asked what the length of the front of the building is.

The length was calculated to be over 300 feet.

Scott said that the board made comments in regards to showing some depth. He asked Sal what he thought of the updated plans.

Sal said that he doesn't like it, and that it would be better with a straight stripe.

Scott said that he doesn't know what the overhang is all about.

Brian asked was the pattern that is shown an agreed to thing.

Bill said that the board suggested it.

Scott said that he doesn't like the overhang and has to go.

Gerry said what is the height now versus the proposed height.

Brian said that there have been different additions over the years and each has a different roof height.

Scott asked is it an extended parapet.

Brian said yes.

Scott said there is nothing really behind it.

Brian said that there are mechanical behind it.

Carl asked is it a flat roof.

Brian said no it is not. They are not going to take the whole roof off; they are going to try to piece it together.

Scott said it's going to look a lot better than it does now.

Sal said that they should break it up, with column lines that could be different colors. This is to give the building a little depth so that it's not just one box.

Bill said what about the other issue with the pipe.

Scott asked if they had found it.

Brian said that the pipe has been shown on the plan and the general bearing direction. They have gone out to the site and confirmed the pipe's location and its direction. It is the county's pipe. They have done dye tests and couldn't find the outlet into the Black Creek. The pipe is shown on the plans, and the direction it is heading towards is the septic field. They have gone out to look for the outlet, but also for any specific turns that it could make, but it was unsuccessful. They got a hold of the county and asked for any records that they might have and got a response that they were not interested in it and have no records for it. They are going to take the next steps and use ground penetrating radar to try to locate it. Once the pipe is found they will map it out.

Scott said that the board is going to need to know where the pipe goes.

Andy said that would be his recommendation.

Brian asked if there were any updates on the response to CPL's comments.

Andy said that their comments on the SWPPP have been addressed. They are still waiting for a stormwater maintenance agreement and the flood plain development permit will need to be addressed as part of the building permit application as has been previously discussed.

Brian said that they had provided the stormwater maintenance agreement and would like some guidance on who to send that agreement to.

Chuck Andola (210 South St.) said that he is concerned about this going forward, obviously the west side of the road where 9 building lots are going in will need a holding pond and that holding pond has to drain and that is the drain that they would use. There needs to be a new stormwater test done as the last time the flood plain was measured was in 2009. In 1980 when they put tanks in the ground behind the building they had to have concrete collars because the DEC was afraid that the water table would come up and float those tanks, it was dry when they did it and there is no way they could put those tanks in the ground now.

Surprise Photography: Special Use Permit: 151 Macks Ln: SBL #96.9-1-14

Applicant is seeking a special use permit to run a photography studio out of an accessory building.

Review Status: Public hearing opened on August 24, 2023.

Potential Action: Close public hearing, approval resolution.

Melissa (Applicant) said that a lot of the numbers were clarified at last week's meeting. She is aware of the letter that was submitted to the board. She has submitted photos that she hopes will clarify some questions and concerns.

Pictures were shown on screen.

Melissa said going over the letter that was submitted she has gone over the conditions. The neighborhood including Sherwood includes about 32 homes and it is not a cul-de-sac with only 9 homes. She is not the first on her street to build an accessory building, one went up on Sherwood last year and there is a house up the street using an accessory building as a business as well. There was a request regarding setting her business hours to Monday-Friday 9-4, about 85% of the year she does work within those hours, her clientele does include families, professionals and high school seniors that do work or go to school, so not able to offer a rare evening or weekend shoot is not viable for her business. There is about one weekend a year she does Christmas sessions, inside the building not visible to any neighbor and one family will be coming at a time, which does not affect traffic on the street nor her neighbors. Families need that weekend option, and it is a very rare situation where that would be that one car. Shooting will be completely indoors and will have no impact whatsoever on her neighbor's ability to enjoy their residential properties. She said that in the letter it states that, "To protect the character of the neighborhood and the neighbors request that the board to consider imposing requirements that the photography studio to be adequately screened from the neighboring properties." She feels slightly insulted that this does not suit the neighborhood, she took care in this building designing it with her home design in mind. Her street is not a cookie cutter street as there are raised ranches, farm homes, colonials, victorians, there is no set aesthetic, its not an HOA, its not a same neighborhood same house. This letter does not reflect their entire neighborhood, her two neighbors most effected by this project, one submitted a letter of support to the town that was notarized, and they continue to

support her, and they have not requested any special screening. Her neighbor at 161 Macks Lane already has a beautiful tree line that completely obstructs their view of her accessory building.

Bill asked how far off the street is the studio, he was there today and thought it was about 150-200-feet.

Sean (Project architect) said it is a little over 200-feet he believes.

Sal asked for the floor plans to be shown to see the partitions.

Sean said that there really are no partitions except for the bathroom.

Gerry said this could be converted into a 2-car garage.

Melissa said yes.

Gerry asked if someone wanted to build a detached garage in that neighborhood there is no issue with that right.

Sal said usually with the accessory buildings, a partition is shown between the storage and the accessory use, so that if the owner comes and goes then there is no impact on the accessory use and was wondering if that could be done for this one.

Scott said it is a first and second floor.

Dave said if the owner changes the use goes away.

Scott said in this case the separation is floors.

Sal said if there is a limitation on the square footage of the business, then how can that exist without a partition of some kind.

Scott said a yearly inspection, someone could go there and make sure that space is not being used as part of the square footage.

Sal said that it would work more independently, similar to where an accessory apartment would have some storage that is not associated with the accessory apartment, would be separated with a separate way to it.

Bill said there is a separate staircase that goes upstairs, and everything upstairs is the storage.

Sal said his point is if you are in the middle of a photoshoot and then your husband comes in to grab tools upstairs is he going to go through the studio.

Melissa said he would know better than to come into the space during a shoot. She usually keeps the door locked when she is shooting.

Sal said the whole building is locked.

Melissa said yes, the building does have a lock.

Sal said that is what you are saying.

Melissa said that she would lock the door. Nobody is randomly going to walk down her street and go into the building and grab something.

Scott said that they have that issue with other accessory buildings, how do you distinguish the two separations. He sees in this one its stairs he doesn't know if there is a door or not on the upstairs, he doesn't know if you up the stairs and locked it off. It doesn't really matter, it is all her use, her husband could go upstairs and use it. The square footage is right, the separation is correct.

Paul said that it is tough to enforce, but it's the nature of the use. The code is specific to the use in terms of the square footage, you do your best with the building and the structure that you are working with, and you impose conditions and if you find out that they are not complying, you take enforcement. He would not advocate for a yearly inspection because that is typically not something that code enforcement would want to be doing is getting inside of people's homes, at some point you have to trust people to follow the laws.

Bill said having personally visited the site today, he does not think screening is necessary, but that is because of how far it is from the road. The neighbors who are represented by the person who sent in the letter, two of the homes cannot see your house at all they are further down the road. The main person 161 he thinks it is their house sort of faces away from your house, they might be able to see your house if they look out the window and turn their neck, so he didn't think the sight line requires screening.

Sal said that he drove by it too and thought it looked very nice, the building looked okay, and he didn't see any problem either.

Sarah (Van DeWater & Van DeWater representing 6 of the neighbors on Macks Ln) said that she is the one that submitted the letter on behalf of her clients. She won't reiterate all the issues that they brought up there with the procedure in this application. The building is there, if you went for the site visit, the building is there. That occurred prior to site plan and special use permit approvals for some reason the permit was given after the building department knew that it needed those approvals and is against the town code. That robs her clients of the opportunity to speak on this prior to this being erected. They are doing what they can now to get some sort of thing they can be happy with some conditions, some reasonable restrictions on the operation of business, its at the end of a cul-de-sac, it is a very quiet road, they would like to see some sort of assurance that this is not going to be something that will be occurring at all hours of the night, some sort of reasonable conditions on those operating hours should be expected. She would like to point out that every application material all the applications materials this entire project was referred to as the photography studio, the assumption is that the entire building could be used

either for storage for that photography studio or for a place for it to actually occur. She points out that under the code any storage of materials or supplies for the business is also considered where the business is operating, any time Surprise uses that upstairs for storage of props or camera materials, anything like that, that's a change of use. The town will have no way to know if that occurs. It is their position that this requires an area variance to be safe, for it to be legal it should go before the Zoning Board for a variance, it is really unenforceable otherwise. One other thing that she would like to point out was that at the end of July her client submitted a FOIL request to the town, requesting any application and materials, any correspondence, any records having to do with this application, specifically the site plan and special use permit. What was notable missing from those materials was a referral to the county planning for a 239-m referral, it was not there, so unless she is wrong and that has occurred, please correct her, however if that has not this entire action would be invalidated on an article 78 because under 239-m, where approvals are sought for either a site plan or a special use permit within 500-feet of a state park or a county park, you have to make a referral at least 10-days prior to a public hearing for that to the county agency. If that has not occurred, this entire project would have to be restarted and the building is already there. To her knowledge that has not occurred, she suggests at a minimum that this board keep the public hearing open until such time that referral is made and responded to by the county or the 30-days have lapsed. They are within 500-feet of Franny Reese State Park, the property is within 500-feet, that referral needs to be made, it is a jurisdictional defect. As for the limitation of just using the first floor as the studio, that is fine, but again she reiterates that, that is an unenforceable expectation, the town will have no knowledge if that changes, so again she reiterates that this application should be submitted to the Zoning Board to make it legal, that way they have no issues if they want to store any of their goods or business materials on that second floor.

Scott asked Paul where does the board go with this.

Paul said that he agrees if they are within 500-feet of a state park, they need a referral.

Dave said he is not sure because of the residential piece but will check. The town's agreement with the county may not include the residential piece.

Sarah said this is under the town law and general municipal law 239-m, it is state law.

David C. (161 Macks Lane) said that if this building was 880-square feet, they wouldn't be here, it's not. He first saw the plans for this project in early June, went to the building department reviewed them and he asked his neighbors if they had any knowledge of this project and none of them did and so they thought that they should probably talk to somebody in the town about what's going on and one of his neighbors who is here tonight, knew the supervisor and they were able to get a meeting with him on June 14th. He was very nice to them, but they said they had two issues, one was the size of the building and the second was the fact that they really didn't want a business in their residential neighborhood. He talked to them for a while, and he had said that he had reviewed the building plans and he said that the building was 1,200 square feet. The first time he ever heard of the number 1,200 that was June 14th, talking to the supervisor. He also said that he had been a past chair of the Planning Board and he talked a little bit about what the Planning Board did and said that by a clerical error this project was categorized as a C1, but he

made sure that it would be a C2, so that there would be a hearing at the Planning Board. He said to them at that time, what they could do would be to get some type of screening for the building and he said that would be fencing or landscaping. David C. said that the building is two stories tall, and that he doesn't think that fencing work or be appropriate and they decided that it would be landscaping.

Scott said that Mr. Plavchak is the supervisor, but it is the board that will determine what needs to be done and they never determined that. Mr. Plavchak is not here and they are not at court, the board doesn't know what was said back and forth. He hears from a lot of people speaking about what happened in the past and he doesn't know, he cannot say.

Dave C. said he understands, he is just using it as an illustration, that they don't think their request for some kind of landscaping is out of order or unreasonable and he thinks that it should be considered. After the workshop meeting of last week, he did FOIL the materials that were submitted to the board members by Dave B. and in his memo to the board excerpted from the Zoning Code about the gross square foot area and how it is calculated and in essence it says that it is the sum of the horizontal area of the floor or floors of a building as measured from the exterior part of the wall and not to include building garages, porches, patios or basements. Dave B. referred to the newly submitted plans from the architect for Mrs. Surprise and indicated that those plans said that the proposed studio would be 540-square feet. He looked at the plans and on the first and second pages there is a note with cloud type of symbols around it that said that this calculation was not made using the town building code, but rather the IBC code, so that the gross floor in the cloud which is 540 square feet for the studio was not really something that was mentioned in the town zoning code. Last month he did give to the board information from Mr. McCormic (architect) as to the dimensions of the building and the first floor is 691-square feet, using the calculations based upon the town zoning code and this information is given in context with the information on the special use permit that says that the building design is a two car garage that has been adapt to an occupied use completely within the character of the residential community. A standard two car garage is 20 feet x 20 feet or 22 feet x 22 feet and that is 400 or 480 square feet, now that's a garage that is describe as being big enough for 2 cars to fit inside with additional room for storage and workspace, but not an area for a bathroom. He doesn't think that looking at this project and saying that oh it really was a 2-car garage that's being adapted it's probably within the bounds of reasonableness. With Surprise in terms of changing the character of the neighborhood, he would reiterate his comments from the last meeting that the accessory building that is being constructed is 1,240 gross square feet, the other current accessory building is 240 square feet the total of the two still equals 50% of the square feet of the principal building. He cannot believe that is the character of the neighborhood. He would also like to broadly talk a little bit about the character of the neighborhood as you know the definition of a C2 home occupation is really 30% of the principal building that is the maximum and the site plan approval zoning code has a small section devoted to compatibility and in that section it speaks about scale and scale is proportionally and proportionally is important because that really determines what a neighborhood would look like. It doesn't mean that somebody can build something atrocious and just say oh well it's already there whatever. 30% he thinks is a key number in terms of what is the character of a community. As he discussed with the board the last time, this building is way above that. He will reiterate if this building is 880 square feet, they wouldn't be here, but it is not. He also said that it is going to last 40 years, so we are talking about it being a garage, to be

honest with the board, he has attended enough of their meetings to know the future is in short-term rentals, that is where the money is, he projects that this is not going to be a garage, it's going to be a short-term rental in their neighborhood.

Jim (171 Macks Ln) said that he has lived there 30 years, it is a travesty what was put upon them, that a building permit was issued before Planning Board or Zoning Board approval. Now no one is going to tell him that the head of the building department didn't know that this was illegal. Another thing, from Sherwood Rd down all the houses are colonials, there are ranches, but this is Macks Ln extension, prior to Sherwood there are some ranches and other small houses. Again, telling the board what they were promised when they purchased their land is immaterial now. He just don't think that saying that there are ranches on that part of the street is right. The other issues that he has are the houses approved by the board of health are based on bedrooms and bathrooms on the existing original structure, there is another bathroom, are there any engineer reports done, does the Ulster County Board of Health approvals, how does this work. He is kind of confused he is at \$400,000 in taxes paid since he has been there, he had no children who went to school here and yes, he cannot see their house even though their property line and his is less than 50-feet away, but it really is a class 2, and it is a 2-story building which has to be close to 1,400-1,500 square feet. Chances are somebody is going to approve it, but it should have never been built. He doesn't know what legal obligations he has to solve this issue in the future, but he is as mad now as when he caught a long-term employee of his stealing from him, that's how mad he is.

Sean said that he just wants to address some of the square footage issues that have been brought up. One of the numbers that Dave C. quoted was 540-square feet, that is the square footage of the room that the studio is in, that is customary on building plans to be the square footage of the rooms on there, it is not trying to claim that the business space is 540 square feet, it is 651, by his calculation. His calculation is drawn from the outside the sheathing of the building to the outside of the sheathing of the building because where do you define what kind of siding it is, where do you draw the line, so he went from sheathing and gives them 651 square feet, which is well below the 888 square feet they are allowed. The distinction between what they keep saying 1,200+ square feet is that half of the building was never intended to be used for her business and still is not and he believes affidavits have been signed to that effect. They stated here, they stated for the record, they put it on the plans, they put it on for the record, there is an enforcement question here and that a question that can be brought up for any project all the time. He doesn't know you would solve that; they are saying they are not using it that way, they aren't using it that way. The business is 651 square feet, which is well below the 30% requirement. It keeps getting said that this building was erected illegally, it was not, it is fully within the zoning she is absolutely allowed to build that building with no question or review by any board, any site plan and any neighbors, it is within her rights, they built the building. If the board doesn't approve her license to put her business there, she has herself a big storage shed, there is no zoning question about that, he cannot speak to the 239 he has never heard of that he is not a lawyer, but it sounds like something that needs to be addressed. In terms of the legality of the structure the permit was issued because it is a legal building, it meets all the zoning requirements, it is allowed to be there. It is a residential building, in a residential neighborhood, it has a residential character to it. They didn't put up a steel building with a glass store front a clearly commercial building, they didn't put up some sort of steel storage shed, they put up something that matches and was taken

directly from plans from Barn Raisers of a 2-car garage. The only difference was between this building and that building is that instead of 2 garage doors they put 2 French doors in instead. In terms of the space, his vehicle is 23-feet long, garages are not 22 X 22 anymore. How many times have you seen someone's truck with the garage door over the tailgate because vehicles are just bigger now, 20 X 20 is not a 2-car garage by today's standards, so that's why it's 20 X 30. They updated the records, they were caught off guard last time he wasn't prepared to present the numbers, they have updated the records, presented the numbers and those are by the definition of the town building code, it's written on the plans.

Sarah said that she did write in her letter that the building was built unlawfully because it was built against town code. Ms. Surprise's building permit application is specifically for a photography studio not an accessory building, it was not applied for a garage, it was applied for a photography studio that use requires site plan and a special use permit approval, those had not occurred when the building permit was granted nor have, they been given yet, but the building is there. She thinks a court would agree that that is unlawfully built.

David C. said that he has attended quite a few meetings and at one meeting there was a gentleman who said don't let excellency be the enemy of good. What he would say they have here is that it is easier to ask for forgiveness than it is permission. As he said if this was an 888 square foot building, they would not be here, but it's not. It may have been built with a building permit, by what ever code it is, but that doesn't apply to a home occupation, so lets just build it and oh you have to let us use it because they let us build it. He doesn't think that is the way you want to operate as a town. If it was under the code that would be fine. In terms of character of the neighborhood he was serious about that 30%, he thinks that should be something that says that in a 2-acre zoned residential neighborhood there is some measure that you can go by when you have planning of what ever it is and the board would know what it is, not that you build it and then maybe it's good and maybe it's not.

Phillip (171 Macks Lane) said he was here at the last Planning Board meeting and at that meeting the board voted to send this to the ZBA, what happened.

Paul said that is not what occurred.

Phillip said that it was voted on to go to the ZBA to get clarification from them and then come back to the Planning Board. Did it ever go to the ZBA.

Paul said what happened is actually the reference was for the building department to look at the law and what you have is an interpretation by the building department which is allowed by the zoning code and that interpretation is that as long as the use is less than 30% of the size of the principal building then that complies with the definition of a home occupation for a class II, so that determination was made by the zoning office and that is the basis for the project still being in front of the planning board.

Phillip said it wasn't 30% back then a month ago, that's why you advised the board to have them go to the Zoning Board of Appeals.

Paul said when it was initially discussed the idea was that it was at 880 square feet and that number was more than 30%, so if that was the case then it would need to go to the ZBA for an area variance, but what the determination that the code officer, the building department made is that when you look at the space for a home occupation, you are not looking at the building, you are looking at the space that will be used for that home occupation use.

Phillip asked who was the zoning officer.

Paul said that is Dave Barton.

Phillip said on the second floor of this is there any structure up on the second floor of this building that pertains to the business.

Paul said no, the proposal is that the second floor of the building will not be used as part of the home occupation, that will be household storage for the principal use on the property which is the residence.

Phillip said if this project goes through as it is right now, how are you going to classify this building as a garage and if it is a business really, so how are you going to classify this building as far as tax assessment is concerned.

Paul said it is an accessory building.

Phillip said it is not an accessory building it is a business.

Paul said it is an accessory use and that's what the definition of a home occupation is all about, is that it is an accessory use that needs to be incidental to the principal use which is the single-family dwelling. It is still a property owned by a family that live there they just are conducting a business in a small portion of their property.

Phillip said he still doesn't understand how they got around going to the ZBA. He doesn't care what explanation he is given it makes no sense because this board voted a month ago to go to the ZBA and it never went there, it makes no sense whatsoever.

Paul said that the zoning law allows for the code officer to make an interpretation of the zoning code, he made that interpretation that changed the application.

Phillip asked did you notify anyone here that you told them you were going to do this.

Scott said at this point the board wants to hear the comments and not start a debate.

Jesse Surprise (Applicant) said that he would like to know what this law is that is keeping this open for because this is brand new information to them.

Paul said it is dependent upon the assertion that the property boundary is within 500-feet of the Franny Reese State Park, but there is a provision in the General Municipal Law that requires

referral of the application for site plan approval or special use permit to the County Planning Board prior to any kind of action by a town planning board if you are within 500-feet of certain areas including state highways and including state parks. Sometimes municipalities have agreements with counties that will exempt certain types of applications from this referral requirement but absent of an exemption of that all special use permits that are within 500-feet of a state park for example would have to go to the County Planning Department before the town planning board can take action on it. The County Planning Board has 30-days to review and comment on the application, typically with something like a single-family dwelling, minor type project an accessory building, a home occupation the county will say that's a matter of local concern and that they don't have any comments on that but you still need to make the referral and get the feedback from the county before the town board can act.

Jesse asked can it be a condition.

Paul said it is jurisdictional and there is case law where town planning board, if they issue a decision and don't refer it to the county first then the court will just say start over and have to do the referral.

Scott said that public hearing will stay open.

Paul said that the board will leave the public hearing open and they will follow all 239-m rules.

New Short-term Rentals (Public Hearings)

Strandell, Lyndsay: 97 Lily Lake Rd

Review Status: Public hearing opened September 21, 2023

Potential Action: Close public hearing, approval resolution

Lyndsay (applicant) said that there were some concerns from her neighbors about the property lines. The neighbor behind her wanted to make sure that no one would go into their woods there and potentially see their property or their porch. She has submitted photos that she has put up private property signs that are visible from her kitchen, so hopefully that deters guests. It's actually hard to get to the woods and it's covered in poison ivy, so hopefully they won't do it, but she has put up property markers. The other issue was her next door neighbors requested a privacy fence for her patio which she thought was a great idea anyways, so she ordered the fence, it's a free standing fence, its 6-feet high and its about 12-feet long, she has submitted pictures that show the 12-feet covers almost her entire patio, there is a little bit of space where people can walk and that will be going up this weekend.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd Gerry.

6-eyes, 1-abstian (Carl due to not being at workshop meeting).

Motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Sal, 2nd by Bill.
6-eyes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to approve the resolution.

Romanek, Danielle: 3-5 Bell Dr

Review Status: Public hearing opened September 21, 2023
Potential Action: Close public hearing, approval resolution

Scott asked for a motion to close the public hearing.
Motion made by Gerry, 2nd by Bill.
6-eyes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Bill, 2nd by Gerry.
6-eyes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to approve the resolution.

Youngstrom, Jean Marie: 190 Hawley's Corners Rd

Review Status: Public hearing opened September 21, 2023
Potential Action: Close public hearing, approval resolution

Scott asked for a motion to close the public hearing.
Motion made by Franco, 2nd by Bill.
6-eyes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Franco, 2nd by Sal.
6-eyes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to approve the resolution.

Rosinski, Michael: 19 Grove St

Review Status: Public hearing opened September 21, 2023
Potential Action: Close public hearing, approval resolution

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Sal.
6-ayes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Franco, 2nd by Bill.
6-ayes, 1-abstian (Carl due to not being at workshop meeting).
Motion passed to approve the resolution.

Continued Short-term Rentals (Public Hearings)

Agarwal, Impa: 114 Hawley's Corners Rd

Review Status: Public hearing opened on August 17, 2023.

Impa (Applicant) said it is a 3 bedroom, 2 bath home, they don't live there, they live in New Jersey. They come up here every other weekend, when they are not up there, they rent it out. They have a manager Jorge (local manager) for housing management and also manages the Airbnb listing.

Scott asked how far away does Jorge live.

Jorge said that he lives in Saugerties.

Scott said the distance is a little too far for an emergency response.

Board agrees.

Scott asked is there maybe someone you can who is a little closer to the property so if there is an issue they can get there right away.

Dave said there are other issues with the permit as well, including the amount of people she wants.

Scott asked how many bedrooms do you have.

Impa said 3 bedrooms.

Scott said how many people did you want to have occupy the house.

Dave said she wants 8, but 6 is good.

Scott said you are only allowed to have 6 people there.

Franco said no more than 3 cars as she is right up on the road and the driveway to the right is not hers.

Scott said that a couple of issues are the parking, 6 people that are going to be there, so the amount of space you have for the cars is limited.

Franco said if they pull in there they will be backing up on a blind curve.

Scott said on the parking part of it he would suggest that people, back into that property, so that they are pulling out nose first onto the road. Second thing was you have to mark the perimeter of your property, so that people are not going up the second driveway to the property.

Gerry asked where is the parking.

Dave pointed out the parking on the map.

Lambros asked how they typically park, is it in or out perpendicular to the road or going parallel.

Franco said perpendicular to the road.

Impa said that they have done it both ways.

Scott said as he has suggested before just for safety reasons, he would suggest maybe putting a sign up or in your rules that they have to back into the driveway and perpendicular to the road.

Impa said okay.

Scott said that should be in your house rules, so that they have that, mark out the property and clearly stated that that property is the STR, so that people don't go up that driveway beside your property.

Impa said that she will add a sign.

Lambros suggested that they ask Jorge how long of a commute he has.

Jorge said about 40 minutes.

Critchett, Dan: 7 Greatview Ln

Review Status: Public hearing opened on January 26, 2023.

Joan (5 Greatview Ln) said that she is addressing two of the things that the applicant brought up last week. One of them was that he wasn't doing short-term rentals, but that he was doing house swapping and there were some questions on whether or not house swapping was permitted use or not. There was a rental in May to West Point graduates for a week, so that was not a house swap

but a short-term rental. At the time the rental took place the deck was in an unsafe condition, the work had not been done on it. The second thing is he said that house swapping was permitted in the ordinance, so she went back and looked. The only place where it is mentioned that it might be permitted was in this interpretation, when he applied for a bed & breakfast in 2010 and was denied. That interpretation has had some people say it has the effect of law, other times they say it doesn't have the effect of law. She went to the link provided on the application for house swapping and that site requires a fee of \$295-495, so it is not free, and she thinks when the law was read last time that it had to be totally without compensation. She maintains that house swapping when you advertise it on a site and you are charging fees for it, it is not house swapping it is a short-term rental. She would also like to address his argument that the neighbors should be happy because now new restrictions would be in place. He has his own idea of what's allowed and not allowed. The board doesn't want to consider past actions, but they do indicate what's going to happen if you do give him that permit.

Scott said that he understands the concerns and comments. His personal opinion at this point is that he can only read what the law says today and by him putting in the application, he is going to compare it to what the law accepted of, so whatever he has done in the past its up to the neighbors to come back and make a complaint.

Joan said if the board is not going to address everything that happened in the past, he applied on January 1st in the time from that date there already has been two complaints submitted. One of those complaints was that he rented it to people when the deck was unsafe and those people were on the deck, she thinks that can be considered because between the time that he applied and the time that he reinstated his application, he should have been on his best behavior.

Scott said he didn't have the STR permit, so the board cannot take it from him.

Joan said he was renting even though he didn't have a permit, is that allowed.

Scott said there are a lot of people with illegal accessory apartments that are renting them out as STRs. If he does get a permit tonight and then does something wrong come back and tell the board and then he may not get a permit again.

A neighbor asked how long are the permits good for.

Scott said two years.

The neighbor said if he is granted one tonight and in the next six months, three complaints are made do you have to wait until the end of the two year period.

Scott said no, the town can take action against them.

Dave said if he has people out on his deck shoot shotguns over the river, that is a quick call and the permit is yanked.

Carl said that in the STR law it mentions that if there is a complaint and it is not correct by the date given the permit can be revoked and it can be reviewed by the Zoning Board of Appeals.

Scott said it has to be a valid complaint.

Joan said that the special use permit says that if the board finds any of these conditions exist the board cannot grant the special use permit. One of those conditions is, is this special use jeopardizing the safety of the neighborhood and its her contention that short-term rentals are. She has documented all the safety concerns and the way the law reads if you say there are any safety concerns, you cannot approve the special use permit.

Paul said that by allowing the issuance of a special use permit for STRs, the town board in adopting that legislation, essentially made a legislative finding that STRs can be operated in a way that does not adversely affect the public's health and safety.

Joan asked is there a determination to whether the house swapping is legal.

Scott said that is a separate issue and it is not before the board.

Paul said the application is for a STR.

Joan said you are saying that house swapping is not a STR.

Paul said he is not the zoning officer he doesn't make legal interpretations of the zoning code.

Dave said regardless of whether he is swapping it or receiving money for it, a short-term rental is renting or swapping it is the same use.

Paul said last week they looked at the definition of STR and that is laid out in the zoning code. Any approval given by the Planning Board for an STR the use would have to be consistent with that definition.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Bill.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Bill, 2nd Charly.

6-ayes, 1-nay (Sal), 1-abstain (Carl)

Motion passed to approve the resolution.

Motion to Adjourn.