

*TOWN OF ULSTER
PLANNING BOARD
OCTOBER 21, 2014*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 21, 2014 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan, Chairman
Anna Hayner –
Karl Allison
Larry Decker
Frank Almquist
Alan Sorensen - Planner

A motion to approve the minutes from the September meeting was made by Mr. Almquist with a second from Mrs. Hayner.

Holiday Inn – 1851 Ulster Avenue Public Hearing

A motion to open the Public Hearing was made by Mr. Decker with a second from Mrs. Hayner. Mr. Sorensen stated the subdivision will create 2 lots one will be 3.841 acres the other .056 acres. The smaller lot has an existing single family dwelling. A motion to close the Public Hearing was made by Mr. Almquist with a second from Mrs. Hayner. Mr. Sorensen recommended the Board reaffirm the SEQRA Negative Declaration and approve the subdivision. The resolution was read by Mr. Sorensen. A motion to accept the Planner's recommendation was made by Mrs. Hayner with a second from Mr. Decker with all in favor

WHEREAS, the Town of Ulster Planning Board and its consultant planner has reviewed an minor subdivision application by *Darien Lake Kingston, LLC dba Holiday Inn Express & Suites* seeking approval to subdivide a 4.347 acre lot into 2 lots as follows: Lot No. 1 consisting of 0.507-acres and containing the existing single-family residence along the northern property boundary, and Lot No. 2 consisting of 3.840-acres to contain a proposed Holiday Inn Express & Suites; and

WHEREAS, pursuant to Chapter 161 of the Town Code, the proposed 2-Lot Minor Subdivision is subject to review and approval by the Town of Ulster Planning Board, subject to it first holding a public hearing on the matter; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Application for Sketch Plan Review* by Darien Lake, Kingston LLC, dated 5/9/14;
- *Site Plan Consent Form* signed by Property Owner Frank J. Damis, dated 5/9/14;
- *SEQR FULL EAF* prepared by Dennis Larios, Project Engineer dated 5/8/2014;
- *Custom Soil Resource Report for Ulster County, NY Holiday Inn Express*, dated 5/7/2014;
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated May 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated May 2014;

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- *Preliminary Grading Plan* prepared by Brinnier & Larios, P.C. dated May 2014; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Utility Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. dated June 2014; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Utility Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Landscaping Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Fire Apparatus Access Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Floor and Roof Plans Sheets (1-5)* prepared by Newport Design Group, LLC undated;
- *Exterior Elevations* prepared by Newport Design Group, LLC undated; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Utility Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Landscaping Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Fire Apparatus Access Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Floor and Roof Plans Sheets (1-5)* prepared by Newport Design Group, LLC undated;
- *Exterior Elevations* prepared by Newport Design Group, LLC undated; and
- *Map of Subdivision* prepared by Brinnier & Larios, P.C. dated September 4, 2014.

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law by the Town of Ulster Planning Board and written comments from the UCPB were received that included required modifications; and

WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board found these were satisfied through revisions to the applicant's plan set; and

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WHEREAS, a *Map of Subdivision* was prepared by Christopher J. Zell, P.E. dated September 4, 2014 and submitted for review to the Planning Board with a recommendation to accept the Map of Subdivision by its consulting planner; and

WHEREAS, the Planning Board at its September 16, 2014 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its October 21, 2014 meeting; and

WHEREAS, a public hearing on this matter was held by the Town of Ulster Planning Board at its October 21, 2014 during which no public controversy was raised concerning the Proposed Action and subsequently closed the public hearing; and

WHEREAS, the Town of Ulster Planning Board already made a SEQR Determination of Non-Significance (Conditioned Negative Declaration) on the Proposed Action at its September 16, 2014 Planning Board meeting (SEQR Conditioned Neg. Dec. Statement attached hereto by reference).

NOW THEREFORE BE IT RESOLVED the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Minor Subdivision approval as described above to **Darien Lake Kingston, LLC – Holiday Inn Express** subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board in accordance with Section 161-16 of the Town Code.
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat;
3. Plat shall be filed in the Office of the Ulster County Clerk within sixty-two (62) days of the date upon which such plat is approved; and
4. All fees, including consultant fees, shall be paid.

Sweet Frog – 1104 Ulster Avenue

Chris Zell appeared on behalf of the application for a change of use. The applicant is proposing converting a former retail store to a self serve frozen yogurt shop. There will be no changes to the site. The wall signs will meet Town Code. The Ulster County Planning Board had two required modifications; a sidewalk and signage prohibiting left-hand egress and ingress. The owner of the property will be required to sign a Memorandum of Understanding for the sidewalks. DOT is not in favor of the signage therefore Mr. Sorensen recommends the Board override the Required Modification for the no left hand turn signage and approve the request with the condition of a Memorandum of Understanding for a sidewalk. A motion to override the County's

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recommendation for no left hand turns was made by Mr. Decker with a second from Mr. Almquist with all in favor. A short discussion on the Memorandum of Understanding followed. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Chang Kim – Applicant on behalf of SBIA II, LLC – seeking site plan amendment approval to allow a change in use in a vacant tenant space from *retail to a restaurant* on the subject site, which is located at 1100-1104 Ulster Avenue (U.S. Route 9W); and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Project Narrative* prepared by Chang Kim dated September 3, 2014;
- *Site Plan Consent Form* signed by Mark Catalinotto dated September 3, 2014;
- *Site Plan Application* by Mark Catalinotto dated September 3, 2014;
- *SEQR Short EAF* prepared by Chang Kim dated September 3, 2014;
- *Proposed Sign Details* by Brinnier & Larios, P.C. dated September 3, 2014; and
- *Site Plan* by Brinnier & Larios, P.C. dated September 3, 2014, revised September 15, 2014.

WHEREAS, the Town of Ulster Planning Board has the authority to approve the site plan amendment for this Proposed Action since it involves a change of use; and

WHEREAS, the applicant provided a Site Plan for the Proposed Action with a parking schedule for the plaza, which was reviewed by the Town’s planner with a recommendation to the Town of Ulster Planning Board to accept subject to a few minor technical revisions thereto; and

WHEREAS, the applicant’s has made the requested minor technical revisions to the Site Plan and the Town Planner has recommended the Planning Board accept the Site Plan; and

WHEREAS, The Proposed Action required further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since an increase in parking spaces on the site was required to accommodate the change in use; and

WHEREAS, The Ulster County Planning Board issued a written response that included several Required Modifications to the Site Plan as follows: 1) a set aside or the construction of a sidewalk to serve this site’s frontage, consistent with the Town’s plans for the Route 9W corridor, will need to be provided; 2) at a minimum, signage that prohibits left-hand egress and ingress from and to the site will need to be provided. Ideally, the curb cut should be modified to physically constrain left-hand turning movements from occurring altogether; and

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WHEREAS, the Town Planner concurs with the first Ulster County Planning Board and recommends the applicant enter into a sidewalk MOU with the Town of Ulster at this point in time; and

WHEREAS, upon consultation with the NYSDOT, which is the entity that controls access to U.S. Route 9W, it was determined that the UCPB's recommended modifications to site access were not warranted; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby overrides the UCPB's required modification to require the applicant to install signage prohibiting left-hand egress to the subject site; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to **SBIA II, LLC dba Sweet Frog** on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. Property owner enters into sidewalk MOU with the Town of Ulster;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

Action: A motion to accept the Planner's recommendation was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

SUNY Ulster Pfeiffer Center for Business Innovation and Technology - 101 Frank Sottile Blvd.

Chris Smailer appeared on behalf of the application for a change of use. Mr. Smailer stated SUNY Ulster would like to convert a retail space into a Center for Business Innovation and Technology. The applicant appeared before the Board last month and was referred to the Town Board for approval of a Special Use Permit. Mr. Sorensen stated this request is a Type II action so no further review is needed; he recommended the

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Board grant approval with the conditions in the resolution. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Scott Dutton – Applicant on behalf of SUNY Ulster – seeking *Site Plan & Special Permit* approval for a change-in-use to establish the SUNY Ulster Pfeiffer Center for Business Innovation (i.e. a college) on the subject site, which is located at 101-103 Frank Sottile Blvd. (CR163); and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Cover Letter* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Site Plan Consent Form* prepared by Hudson Valley Mall, LLC dated 9/5/14;
- *Site Plan Application* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *SEQR Short EAF* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Overall Site Plan for Hudson Valley Plaza* by S&R Group dated 9/5/1996;
- *Proposed Floor Plan* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Existing Conditions Photos* prepared by Scott Dutton Associates, LLC dated 9/5/14; and
- *Details/Parking Requirement Notes* prepared by Scott Dutton Associates, LLC dated 9/9/14.

WHEREAS, the Town of Ulster Planning Board has the authority to approve the Site Plan amendment for this Proposed Action since it involves a change of use; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Special Permit for this Proposed Action following the holding of a public hearing; and

WHEREAS, the Town of Ulster Town Board scheduled this matter for a public hearing for October 16, 2014 on the Special Permit use application at its September 18, 2014 meeting; and

WHEREAS, the Town of Ulster Town Board held a public hearing on this matter at its October 16, 2014 during which no public controversy was raised concerning the Proposed Action and subsequently closed the public hearing and granted the requested Special Permit; and

WHEREAS, the applicant provided a Site Plan for the Proposed Action, which was reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the Site Plan; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

WHEREAS, the Town of Planning Board, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State

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Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to **SUNY Ulster Pfeiffer Center for Business Innovation** on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

Action: A motion to accept the Planner's recommendation was made by Mr. Decker with a second from Mr. Allison with all in favor.

Peacebomb Honest Foods – Forest Hills Drive

Joseph Stote appeared on behalf of an application for site plan amendment. Mr. Stote stated he would like to relocate the proposed solar array from the side of the site to the front of the domes. Mr. Sorensen recommended the Board reaffirm the SEQRA Negative Declaration and approve the site plan amendment. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Town Board granted Site Plan Approval in April of 2012 to *Joseph Stote dba Peacebomb Honest Foods & Stuff* for the development of a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area and construction of a new access drive from Forest Hill Drive; and

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Joseph Stote dba Peacebomb Honest Foods & Stuff* seeking site plan amendment approval to relocate a proposed solar array from the northwest side of the subject site and instead situate it in front of the geodesic domes; and

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the approved Site Plan involves less than 2,500 SF of new gross floor area; and

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WHEREAS, the revised materials submitted in support of the Proposed Action includes:

- *Written Narrative* by Joseph Stote dated October 7, 2014; and
- *Site Plan* prepared by Brinnier & Larios, Engineers and LS, P.C, revised by Ashokan Architecture & Planning, PLLC w/ consent of B&L dated 10/1/2014.

WHEREAS, the Town of Ulster Town Board, as Lead Agency, determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) and issued a SEQR Negative Declaration; and

WHEREAS, the Town of Ulster Planning Board hereby finds the Current Proposed Action does not exceed any of the thresholds established during the 2012 SEQR review and finds that no further SEQR review is required; and

WHEREAS, the applicant provided revised plans for the Proposed Action, which were reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans; and

WHEREAS, The Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

NOW THEREFORE BE IT RESOLVED the Town of Ulster Planning Board reaffirms the Town of Ulster Town Board's SEQR Determination of Non-Significance (Negative Declaration); and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to *Joseph Stote dba Peacebomb Honest Foods & Stuff* to construct a 3,500 square foot (SF) geodesic dome greenhouse and geodesic dome retail store, utility area, onsite water and septic systems, solar array in front of geodesic domes and construction of a new access drive from Forest Hill Drive on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

Action: A motion to reaffirm the SEQRA Negative Declaration was made by Mr. Decker with a second from Mr. Almquist with all in favor. A motion to accept the Planner's

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recommendation was made by Mr. Allison with a second from Mr. .Almquist with all in favor.

Day Spa – 890-896 Ulster Avenue

Mr. Sorensen reviewed the request for a change of use with the Board. The request is a change of use from retail to personal service, there is sufficient parking and the signage will meet code as the applicant will be using the existing sign box. There are no exterior changes on the site. Mr. Sorensen recommended the Board grant site plan amendment. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Joe Mesuda dba JLM L.L.C. Plaza seeking site plan amendment approval to allow a change in use in a vacant tenant space from *retail to a personal service establishment* (day spa) on the subject site, which is located at 890-896 Ulster Avenue (U.S. Route 9W); and

WHEREAS, the revised materials submitted in support of the Proposed Action includes:

- *Site Plan Application* by Joe Mesuda dated October 4, 2014;
- *SEQR Short EAF* by Joe Mesuda dated October 4, 2014; and
- *Site Plan Existing Conditions* by Charlie Wesley of Unework Graphics & Design dated 10/8/2014.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since it involves a change of use; and

WHEREAS, the applicant provided a Site Plan for the Proposed Action with a parking schedule for the plaza, which was reviewed by the Town’s planner with a recommendation to the Town of Ulster Planning Board to accept the Site Plan for review purposes; and

WHEREAS, The Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to Joe Mesuda dba JLM L.L.C. Plaza on the

above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

Action: A motion to accept the Planner's recommendation was made by Mr. Almquist with a second from Mr. Allison with all in favor.

1561 Ulster Properties LLC – 1571 Ulster Avenue

Larry Boudreau appeared on behalf of the application for a retail bank building. Mr. Boudreau stated on the master plan the building was 14,000 sq ft but it has been downsized to 12,000 sq ft. Technical information as well as a full sized elevation will be submitted at a later date. The applicant would like the Board to refer the project to the Ulster County Planning Board for review. Mr. Sorensen stated that he would like to see some traffic calming measures on the site. The plan is code compliant but details will need to be submitted. He recommended the plans be forwarded to the agencies noted in the project review notes and the Ulster County Planning Board. The Board agreed to refer the project to all listed agencies.

Niagara Bottling – 605 Boices Ln

Peter Romano appeared on behalf of the application for a water bottling plan. Mr. Romano the applicant is working on detailed plans at this time. The last set of plans show clarified grading and details on utilities. The entrance has been moved to minimize the effect on the wetlands. The plans will continue to be refined as the project moves forward. All of Mr. Sorensen's comments in his project review notes will be addressed. Mr. Sorensen gave a short description of the project. Part 1 of the EAF has been submitted and Mr. Sorensen will be working with the Planning and Town Board on Part 2. The Town Board has circulated the Notice of Intent.

A motion to adjourn was made by Mr. Decker with a second from Mr. Allison with all in favor.

Respectfully Submitted,
Mary Secreto, Planning Secretary