



TOWN OF WILTON
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**PLANNING
BOARD**

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Ryan K. Riper, P.E.
Director of Planning &
Engineering

Joshua Carlsson
Land Use Administrator

Mark Schachner
Planning Board Counsel

PLANNING BOARD
October 18, 2023

A meeting of the Wilton Planning Board (“the Board”) occurred on October 18, 2023, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton, NY 12831.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER:

At 6:30P.M., Chairman Rice opens the Public Hearing.

II. PUBLIC HEARINGS:

- A. Route 50 Warehouse: Lios Thinking, Inc.** Application for the Route 50 Warehouse by Lios Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

Renee Lipatas of CHA Engineering is here representing Lios Thinking, Inc.

The following Notice of Public Hearing was advertised in the Saratogian Newspaper:

PUBLIC HEARING NOTICE

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for the application for Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

SAID HEARING will be held on Wednesday, October 18, 2023, at 6:30PM at Wilton Town Hall, 22 Traver Road, Wilton, New York. At that time, all persons will be given a chance to be heard.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Renee Lipatas of CHA Engineering is here representing Liuos Thinking, Inc.

Ms. Lipatas describes the project to the Board and the public.

- They are proposing a 70 ft. by 74 ft. pre-engineered metal building on the parcel at the intersection of Edie Road and Route 50.
- This is a small company that does base camp support, as well as logistical work. They are working with CBP on the border right now. They are tied in with FEMA response efforts with large business, a joint effort and the major equipment comes from them. They bring a lot of specialty first responders to the table. More recently they worked for NYC during the COVID operation and helped them build all of their mortuary sites.
- This is a storage area for their equipment.

There was no Public Comment.

III. REGULAR MEETING:

PRESENT: Chairman William Rice, Dave Gabay, Chris Price, Chad Jerome, Tom Murphy, Jim DeLoria, Dean Kolligian, Alternate, and Shawn Lescault, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel, Josh Carlsson, Land Use Administrator, and Amy DiLeone, Executive Secretary

ABSENT: Hal VanEarden

MINUTES APPROVAL: Mr. Jerome made a motion, seconded by Mr. Murphy for the approval of the meeting minutes of September 20, 2023, as written.

Ayes: Chairman William Rice, Dave Gabay, Chris Price, Chad Jerome, Tom Murphy, Jim DeLoria, and Dean Kolligian, Alternate

CORRESPONDENCE: None other than those relating to current applications before the Board.

IV. APPLICATIONS:

A. Route 50 Warehouse: Liuos Thinking, Inc. Application for the Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

Renee Lipatas of CHA Engineering is here representing Liuos Thinking, Inc.

Ms. Lipatas: We did as you had requested at the last meeting and prepared the rendering of the proposed pre-engineered building. And in addition, we've made changes to our landscaping plan of the plantings. And we have addressed all the Boards as well as Ryan's comments since our last Meeting.

Town Counsel Mark Schachner reads the SEQRA Part II questions of the Short EAF to the Board.

All questions were answered "No" with all subsequent questions answered "No" or "Small" impact.

On a motion introduced by Mr. Price the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a Negative Declaration for SEQRA for the Application for the Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

The motion is seconded by Mr. Deloria and duly put to vote, all in favor, on October 18, 2023.

On a motion introduced by Mr. Gabay the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Preliminary Site Plan for the Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

The motion is seconded by Mr. Kolligian and duly put to vote, all in favor, on October 18, 2023.

On a motion introduced by Mr. Gabay the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Final Site Plan for the Route 50 Warehouse by Liuos Thinking, Inc. for the construction of a 5,180 sq. ft. warehouse. Conditioned upon compliance with the Town Engineer, Ryan Riper's review letter dated October 12, 2023.

Property located at/on 4310 Route 50 on 2.6 acre(s), Tax Map No(s). 141.-3-2.3; zoned C-2.

The motion is seconded by Mr. Jerome and duly put to vote, all in favor, on October 18, 2023.

B. BJ's Gas: BJ's Gas c/o Bohler Engineering: Application for BJ's Gas by BJ's Gas c/o Bohler Engineering for construction of new fuel dispensers, canopy with signage and kiosk. Property located at/on 3067 Route 50 on 93.59 acre(s), Tax Map No(s). 153.-3-86.111; zoned C-1.

Steve Wilson of Bohler Engineering is here representing BJ's Gas.

Mr. Wilson:

- Since we last saw you, we have made a few changes to the plan based on some of the Board's comments to help with concerns about the queuing circulation.
- Those included adding some striping at the entrance to basically demarcate that there are, two lanes entering site.
- Soften the radius on entering landscape, the island as well.
- We add most importantly the escape or bypass lane all the way on the side of the project.
- We also added this little bit more landscaped island through there, as you exit more just kind of to provide a visual visible cue as you are leaving, you know, it is time to go left or right. Think that those were the only changes we made to the site plan based on our last discussion

Discussion:

- Move the project to the front of the Tire Center. JC Penney did not consent to that location.
- Fire Department likes the current location.
- The Mall is not worried about the traffic flow or the location of the project.
- The egress onto Loudon Road was discussed and the Mall does not think the location of the proposed project will interfere with that in the future.
- The Ring Road is not a Town Road therefore it is not a Town issue.
- This Board has discussed these issues numerous times, the layout, the concerns of the access, queuing, and what it comes down to is it is going to be the Mall's problem.
- The location of the diesel fuel pumps needs to be confirmed.
- Signage is suggested in specific locations.

On a motion introduced by Mr. Price the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Conceptual Site Plan for BJ's Gas by BJ's Gas c/o Bohler

Engineering for the construction of new fuel dispensers, canopy with signage and kiosk. Property located at/on 3067 Route 50 on 93.59 acre(s), Tax Map No(s). 153.-3-86.111; zoned C-1.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on October 18, 2023.

C. Wilton Mall Mixed-Use PUDD: Wilton Mall, LLC c/o Macerich: Application for the Wilton Mall Mixed-Use PUDD by Wilton Mall, LLC c/o Macerich for establishing a Planned Unit Development District for a development with mixed-use; 680,000 sq. ft. of commercial use and 382 residential units (296 apartments and 86 townhomes). Property located at/on 3065 Route 50 on 101 acre(s), Tax Map No(s). 153.-3-86.2, -86.12, -86.111 & -86.112; zoned C-1.

Mike Shaffer, General Manager of the Wilton Mall and Tawny Farmer, Vice President of Development are her to represent Wilton Mall PUDD for SEQRA Review.

Presentation by Mike Shaffer and Tawny Farmer.

Town Counsel Mark Schachner reads the SEQRA Part II questions for the Full EAF to the Board.

All questions were answered “No” with all subsequent questions answered “No” or “Small” with exceptions of the following questions:

1. Impact on Land (Yes); subsequent questions answered “No” or “Small”
 - e. The proposed action may involve construction that continues for more than one year or in multiple phases “Moderate” to “Large”
14. Impact on Energy (Yes) The proposed action may cause an increase in the use of energy.
 - d. The proposed action may involve heating and /or cooling of more than 100,000 square feet of building area when completed. “Moderate” to “Large”

The proposed building is 370,000 square feet. The electrical grid exists in this area and any upgrades required to service the project would be performed by National Grid with no impact to the neighborhood or the Town.

The impact is moderate in magnitude, long-term and likely to occur; however, it is localized and will be mitigated with utility company providing necessary energy requirements and the structure will likely incorporate the use of energy saving equipment and likely energy generation with solar panels.

The Town Planning Board has evaluated the magnitude, duration, likelihood, scale, and context of the project and has decided that the potential impacts could be moderate in magnitude because it could increase the intensity of land use due to phased construction and additional use of energy. However, because the project includes features such as a required enhanced landscaping, improvements to pedestrian access, use of shielded

lights, and incorporation of erosion and stormwater control devices, the impacts are largely mitigated. Short-term impacts may occur during construction but considering the scale and context of the project area, is seen as a small impact. As a result of the project design the Town Planning Board has determined that significant adverse impacts are unlikely to occur and will not require preparation of an environmental impact statement.

On a motion introduced by Mr. Price the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a Negative Declaration for SEQRA for the Application for the Wilton Mall Mixed-Use PUDD by Wilton Mall, LLC c/o Macerich for establishing a Planned Unit Development District for a development with mixed-use; 680,000 sq. ft. of commercial use and 382 residential units (296 apartments and 86 townhomes). Property located at/on 3065 Route 50 on 101 acre(s), Tax Map No(s). 153.-3-86.2, -86.12, -86.111 & -86.112; zoned C-1.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on October 18, 2023.

D. Forest Grove, Phase 2A & B: Forest Grove, Pre-Application for the Forest Grove, Phase 2A & B by Forest Grove, LLC for Phase 2A & B to include one hundred sixteen (116) residential lots with modifications to unit types. Property located at/on Jones Rd, Putnam Ln, Bullard Ln, and Scout Rd on 49.69 acre(s), Tax Map No(s). 141.-1-35; zoned R-2.

Joe Dannible of EDP and Peter Belmonte are here to represent Forest Grove, LLC Phase 2A & 2B.

Mr. Dannible:

- We had a negative determination on SEQRA issued for the development of 321 lots. All 321 Lots have been approved by New York State DEC Department of Health, Sewer District reserve capacity for water and Sewer District, the water department as we went through the process for the subdivision, we identified that during each subsequent phase of the community, we would come back to the Planning Board to get a final approval of the phase. Show any amendments and modifications that may have occurred as we progressed through this process. Ultimately, tonight we need the Board to make a decision of approving phase two. We then move on to get the plans stamped get them stamped by DEC and DOH. File them and continue construction very similar to what we did with Phase 1-B.
- The approved plan had 92 units in phase two, the proposed plan has 116 units in phase two, the big difference associated with this is that almost the entire phase two development was one unit type. The owner and this Planning Board have said they would like to see variation in the lots as we move through progress in this project. So, we intentionally looked at that. Knowing this is the first time we are bringing the type three lots to the market and this community. We did not think it was good practice to have all 92 units in the next phase are nearly all 92 units,

one unit type that has not yet been to the market. And we listened to the Board and their desire to have variation within the design. And that is why we look at on the right side of the screen, what we are looking at over here, which is four different unit types, Types 1,2,3 & 4, all being proposed in a single phase to create that variation of lots within the community. Another element that we can discuss is on the lower side of the screen along Sagano Drive. On those yellow lots, we had extended the property, the rear property boundary, to the limits of the property on the proposed, we did not extend those property lines. That is something that was brought to my attention by the Town. One of the things of this community, every lot within this community backs up to open space. This was the only section of the community that did not backup directly to open space. Thus, why we narrowed, say narrowed, brought the rear property lines in to be consistent with what is approved in the rest of the community to assure every lot within the community had direct access from their rear yard to open space. So again, the changes to this space were deliberate and intentional. We wanted to bring again a variety of units to the market, because we wanted to appeal to a variety of demographics within the community.

- The Board asked me to come back and show you that we are not taking a lot away from this community, in fact that we are still proposing and creating one of the premier communities not only within Saratoga County, but the Capital Region.
- The areas of open space, that we are adding to the community, are creating larger tracts of permanently protected open space. Additionally, it is providing linkages from this open space area, which has been somewhat remote without any trail connections.
- Clustering, we are proposing a clustering subdivision, the comment has been brought up of throwing more lots on a similar amount of road. Again, that is intentional. This day and age reducing infrastructure reduces the use of natural resources and reduces the use of fossil fuels. By having more units on a similar amount of road, we are reducing the maintenance responsibility of the Town while still increasing the tax revenue generated by this project that through the county, some of it ends up back in the wilderness. The use of clustering reduces that infrastructure and creates open space areas, reducing suburban sprawl, where the entire 700 or so acres that we are discussing in this application would have been developed with private land and no open space would have occurred. With the proposal that we are showing we are preserving 590 of the 780 acres of land that is close to 75% or 80% of the land of this development that is being preserved and protected forever versus a conventional subdivision where no land would have been protected, no linkages would have been provided. Longer roads, more maintenance, responsibility, and more use of natural resources would have occurred as a result of not allowing the clustering and the reduced sizes of lots.
- A couple of items we wanted to bring up. Again, these have been brought to our attention. We had lots approved at 85 of frontage, we did try to reduce that and go down to 80. I think we had mixed reviews by the Planning Board, and we had a follow up with the Town after that meeting. And we did re-increase those lots, changing them around a little bit. We went back to the 85 feet of frontage and the 10-foot side yard setback consistent with the original approvals that were issued for this community.

- One of the elements that brought up was there was a lot of concern, because we have reduced the setbacks to 10 feet side and rears. Pool setbacks within the Town of Wilton are 20 feet. The building inspector was concerned that pools were not going to fit in they are going to have to be offering variances for all the pools within the community. The 75 foot 85-foot-wide lot with a 20-foot pool setback still provides 45 feet of width and roughly 50 feet of depth within the rear yard to put a pool.
- Another point, the lot depth as we have them shown is 170 feet. There has been concern about these lots backing directly up to Town land trees falling from the Town land onto the property, creating tension between homeowners in the Town and who is responsible for cleaning the tree. One of the elements that we can do if deemed appropriate by the town would be to extend the rear yards, another 10 feet. Then deed restrict that 10 feet of land from clearing may get restricted or no clearing or removal of vegetation that protects the Town from trees falling now. The Town can then easily tell the residents it is their responsibility to deal with the trees. So again, that is something else we would offer if that seemed to be the appropriate approach to go. So, I wanted to bring up those items.
- We are looking at a wooded dog park area and one acre dog park within this property for use by the HOA owners and residents. Pocket parks, one of those in some of the areas of the community have small areas for pocket parks where we will have a small park, benches, maybe some hardscape, and maybe some small playing fields. They will be scattered throughout the community, with one larger pocket park in particular.
- We anticipate the clubhouse looking to be roughly a 5000, maybe 6000 square foot clubhouse with a pool on the lower level. The upper decks of the community center would overlook the pool, which would be at a basement level.

Discussion of HOA owned lands and Town owned lands and who is responsible for the maintenance.

- Mr. Belmonte says sprawling neighborhoods are a thing of the past.
- Discussion of sidewalks and where they should belong. The Planning Board is in favor of sidewalks at least on one side of the street.
- Discussion of lot sizing.
- The use of open space is discussed.
- They are trying to maintain multiple product types and lot sizes.
- Agreement there should be a sidewalk connector between two of the sidewalks.
- The master plan and the incorporation of the new 100 lots is being discussed.
- Evolving plans and needs will be adjusted to the needs of the Board and the developer as they evolve.

Five Items to be noted in Phase 2:

- The increase in the number of units by at least 20 in Phase Two.
- Open space in the intersections is going to be maintained by the HOA.

- Make the lots a little bit deeper and deed restrict. That added space to the lots creating a no cut buffer to take some of the pressure off of the tree issue.
- The change in the mix of units from the homogeneous yellow and orange to four-unit types within Phase Two.
- We are proposing just so we are 100% clear; in front of the purple and the yellow lots we will do the sidewalks on one side of the street. In front of the red and the blue lots we will do the sidewalks on both sides of the street. Including the connector piece on Angeles Ave. The town has zero maintenance responsibility on the sidewalks. The sidewalks are maintained either by HOA in certain instances or the homeowner that owns the land in front of the sidewalks.

Discussion of 7.5ft. side lot setbacks increased to 10 ft. Not for phase two but will be discussed in future phasing.

Mr. Belmonte: May we just get the consensus of the Board that this is what they want? And if we need to bring it back at the next meeting, it is mostly just saying check, check, check. We are good.

Attorney Schachner: I think it makes a lot of sense to see something in writing. A map and narrative so that you know you are on the same page, not just figuratively.

The Board agreed it should be written up and approved next month.

E. Lands of Burke: Tom Burke: Application for the Lands of Burke by Tom Burke for amending the approved 2005 site plan for a commercial subdivision. Property located at/on 647 Route 9 on 6.67 acre(s), Tax Map No(s). 140.13-1-18; zoned H-1.

Patrick Jarosz of Gilbert VanGuilder Land Surveyor, PLLC is here to represent Tom Burke.

Mr. Jarosz: Lot line adjustment between the lands of Burke at 647 Route 9 and Prime Saratoga LLC at 655 Route 9. The sole purpose of this request is to convey the land, 2.29 acres, to the rear of 647, to the annex to 655.

Chairman Rice asks the Board if they were willing to expand the pre-existing non-conforming use of self-storage for 655 Route 9. The Board is not inclined to expand that pre-existing use.

Mr. Ripper: To move forward, we need to have a determination from the zoning officer. This subdivision would create a landlocked parcel.

Chairman Rice: Does the Board want to see the expansion of the self-storage in the Hamlet zone.

The question was thought to be irrelevant at this time because there are a number of steps to be completed prior to that question.

There is no action by the Board tonight due to the lack of an application by Prime Storage for the use and a new site.

F. Tesla Charging Stations: Tesla Inc.: Application for the Tesla Charging Stations by Tesla Inc. for installation of two Tesla preassembled super chargers, each with four charging post, eight total at the Ballard Rd Stewart's Shop. Property located at/on 227 Ballard Rd on 3.7 acre(s), Tax Map No(s). 115.14-1-23; zoned C-3.

Scott Austin of Tesla is here to represent Tesla Charging Stations.

Mr. Austin:

- What we are proposing is to install eight Tesla Supercharger posts at the Stewart shops on Ballard Road.
- We plan to use our pre-assembled supercharger units, two of them.
- Essentially, it is a supercharger station, all prefabricated on a concrete slab, it comes in on a flatbed, there's very little site prep, and they get dropped down with a crane and connect like Legos.
- These will be open to Tesla's and non-Tesla similar to Malta.
- We are including both details for our V3 station and the V 4 station, because we do not know if, if we will be installing V4 by the time this one gets constructed.
- The charge time is 20-25 minutes.
- The charging fees vary.
- There is not a negative effect on the parking.

On a motion introduced by Mr. Murphy the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Amended Site Plan for the Tesla Charging Stations by Tesla Inc. for the installation of two (2) Tesla pre-assembled super chargers, each with four (4) charging post, eight (8) total at the Ballard Rd Stewart's Shop. Property located at/on 227 Ballard Rd on 3.7 acre(s), Tax Map No(s). 115.14-1-23; zoned C-3. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Gabay and duly put to vote, all in favor, on October 18, 2023.

G. Teddy Bear Day Care Center Addition: Moniz Enterprises LLC: Pre-Application for the Teddy Bear Day Care Center Addition by Moniz Enterprises LLC for to construct a ±2,070 sq.ft. addition to the day care facility. Property located at/on 4 Mountain Ledge Dr on 0.47 acre(s), Tax Map No(s). 140.-1-69.112; zoned RB-1.

Mr. Kolligian recuses himself because he is an adjacent property owner.

Joe Dannible of EDP is here to represent Monzi Enterprises, Teddy Bear Daycare.

Mr. Dannible:

- Application for a roughly 2100 square foot addition to the Teddy Bear Day Care Center.
- It is located on Mountain Ledge Drive, which is just off Route 9 near the Saratoga Heritage Apartments and Adirondack Community College.
- It is a permitted principal use in the zone.
- The building itself sits on a roughly half acre parcel.
- The property line is slightly bigger than the existing footprint of the building 2,000 sq. ft.
- When this lot was created, they obtained all the necessary variances at the time, which included eight of them.
- This is one of the only daycare facilities and providers in Wilton. They have a successful business; they are looking to expand.
- They are looking to do an expansion off the south side of the building over an existing impervious area so that would mean no change to the stormwater requirements or need on the site.
- We are here tonight as a pre-application conference. And we are looking for recommendations as being a site that is generally a pre-existing non-conforming, that has a lot of variances.
- To make this addition, we are going to need additional variances, as we are increasing the proximity to the property lines in a couple areas, and also with parking.
- So, we are going to need to go to the Zoning Board of Appeals.

The first thing that is needed is a determination from the Zoning Officer. The application will come back to the Planning Board for a recommendation to the ZBA.

There will be no action on this application tonight.

H. Sunmark FCU at Perry Crossing: Sunmark Federal Credit: Application for the Sunmark FCU at Perry Crossing by Sunmark Federal Credit Union for the installation of a 140 sq.ft. shed in lieu of a dumpster enclosure. Property located at/on 3086 Route 50 on 1.19 acre(s), Tax Map No(s). 153.-3-90.53; zoned C-1.

Luigi Palleschi from ABD Engineering is here to represent Sunmark Federal Credit Union.

Mr. Palleschi:

- We are here tonight to amend the site plan for Sunmark.
- If you recall, there was dumpster enclosure that was proposed in the rear of the property.
- It was brought to our attention that Sunmark does not need dumpster enclosure.
- Their maintenance crew the cleaning company would take the trash out on a weekly basis and remove it off the site.

- They are looking to propose a 10 x 14 shed that would sit on top of the concrete pad.
- Instead of seeing a dumpster enclosure there, you would see a shed. This is a 10 by 14 Shed located here the colors will match the existing building that is there now, except these doors will now be painted down to match the window casings on the building itself.
- So, I know what everyone might be thinking if you look at these pictures and you see the white door and that's kind of an eyesore to me but toning that down with the brown will certainly make this shed look much better.
- The shed will be used to store maintenance equipment.

The Board was insistent that the shed shall mimic the appearance of the Sunmark building.

On a motion introduced by Mr. Murphy the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Amended Site Plan for the Sunmark FCU at Perry Crossing by Sunmark Federal Credit Union for the installation of a 140 sq.ft. shed in lieu of a dumpster enclosure. Conditioned upon the following:(1) shed shall match architecture/colors of the existing building and;(2) all trash and/or recycling bins shall be placed inside shed. Property located at/on 3086 Route 50 on 1.19 acre(s), Tax Map No(s). 153.-3-90.53; zoned C-1. There are no new or different environmental impacts requiring further SEQRA review.

V. ADJOURNMENT

Next Meeting Wednesday, November 15, 2023

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. Kolligian that the meeting of the Planning Board be adjourned at 10:00PM.

The motion is seconded by Mr. Murphy and duly put to vote, all in favor, on this day October 18, 2023.

Date Approved November 15, 2023.

Amy DiLeone, Executive Secretary