

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, September 17, 2013 at 7:30 p.m..

Present: Jerome Kerner, Chairman
Ronald Tetelman
Gregory LaSorsa
John O'Donnell
Robert Goett
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Margaret Clark, Esq., Special Counsel
Lawrence Praga, Esq., Planning Board Counsel
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:30 p.m. and noted the emergency exits.

I. DECISION

Sarner/Trunzo Lot Line Change, Bishop Park Road, Pound Ridge – Application for Lot Line Change from Adam and Nancy Sarner, 25 Bishop Park Road, Pound Ridge N. Y. and Stacy Trunzo, 27 Bishop Park Road, Pound Ridge, N. Y Cal. #9-12 PB

Charles Banks, Esq. was present on behalf of the applicants.

Mr. Johannessen briefly reviewed the project, stating that approximately 1,600 square feet of land would be transferred from Mr. Trunzo to Mr. Sarner and that the resolution being presented included a waiver of final public hearing.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution dated September 17, 2013 granting Final Subdivision Plat Approval/Lot Line Change concerning Sarner /Trunzo, Bishop Park Road, Pound Ridge, was adopted.

All In Favor: Mr. O'Donnell, Mr. Goett, Mr. Kerner, Mr. Tetelman, Mr. LaSorsa.

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista – Applications for Waiver of Site Development Procedures & Wetland Activity Permit Approval - Cal. #6-02 PB – Request to modify conditions of approval of the resolution dated June 12, 2012, last amended September 24, 2012

Phil Pine was present on behalf of Oakridge Gardens.

Mr. Johannessen summarized the three modifications to the resolution requested by the applicant: change from electric to propane for purposes of heating, cooking and fireplace use; minor alterations to the façade of the building; and use of a construction trailer on the property.

The architectural component which was referred to ACARC was reviewed and approved with conditions.

Mr. Johannessen stated that the proposed resolution grants the fifth amendment and modifies conditions SP18, SP28, and SP34 of the resolution dated June 12, 2012, last amended September 24, 2012.

In response to a question from Mr. O'Donnell, Mr. Pine indicated that he had spoken to Vista Fire Department and that the Fire Department has no problem with the use of propane.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution dated September 17, 2013 granting Waiver of Site Development Plan Procedures to Oakridge Gardens (Smith Ridge Housing, owner of record), NYS Route 123, Vista, was adopted.

All In Favor: Mr. O'Donnell, Mr. Goett, Mr. Kerner, Mr. Tetelman, Mr. LaSorsa.

II. NEGATIVE DECLARATION

Bacio Trattoria, 12 North Salem Road, applicant (Owner of Record: K&K Real Estate, Inc.) Site Development Plan and Wetlands Applications - Cal #9-10PB

Michael Fuller-Sirignano, Esq. represented the applicant. Edward Delaney, Bibbo Associates, was also present on behalf of the applicant.

Mr. Johannessen reviewed the application. The application includes: an addition to the existing restaurant of approximately 1,100 square feet; expansion of the kitchen and dining room; an increase in seating capacity from 28 to 56 seats; an increase in the number of outdoor seats; and expansion and reconfiguration of the parking area to 28 parking stalls.

Additional outside agency approvals have been received from: the Town Board, Zoning Board of Appeals (ZBA), Town Highway Department, Architecture/Community Appearance Review Council (ACARC), New York State Department of Environmental Conservation (NYS DEC), New York State Department of Transportation (NYSDOT), and the Westchester County Health Department (WCHD).

The applicant submitted a full Environmental Assessment Form (parts 1, 2, and 3); last revised August 31, 2013.

Mr. Delaney stated that the Negative Declaration from the Planning Board is needed in order to proceed in obtaining New York City Department of Environmental Protection (NYC DEP) approval.

On a motion made by Mr. Tetleman, seconded by Mr. LaSorsa, the resolution dated September 17, 2013 granting Negative Declaration of Significance Unlisted Action (Non-Coordinated Review) to Bacio Trattoria, 12 North Salem Road, Owner of Record: K & K Real Estate, Inc., was adopted.

All In Favor: Mr. Tetelman, Mr. LaSorsa, Mr. Kerner, Mr. Goett, Mr. O'Donnell.

III. REQUEST FOR EXTENSION OF TIME

Boniello Land & Realty, Ltd., Route 138, Goldens Bridge – 11 Lot single-family residential subdivision known as “Falcon Ridge” – Extension to Wetland Activity Permit – Cal # 50-09WP

Gus Boniello represented the applicant.

Mr. Boniello stated that all wetlands associated with the road improvements have been fully completed. The extension is being requested because one of the eleven lots requires a wetland permit for the construction of the driveway.

Mr. Boniello stated that none of the units have been started.

Mr. Johannessen stated that the road is to be dedicated to the Town; however it has not yet been dedicated. Mr. Boniello is working on providing as-builts to Kellard Sessions. Mr. Johannessen stated that there was some wetland work associated with the road, and in his opinion, it is prudent to keep the wetland permit open until the dedication of the road has taken place. Mr. Johannessen also stated that Lot 11 requires wetland buffer disturbance for the installation of the driveway.

Mr. Tetelman inquired if it was standard for the Town to take over the road before any of the units were constructed. Mr. Johannessen stated his belief that the entire portion of the road being taken over by the Town is located before the first unit. Mr. Boniello stated that all of the construction will be on private roads.

Mr. Boniello addressed questions posed by Mr. O'Donnell regarding water tanks, trails, and easements.

Mr. Boniello stated that all of the water tanks are in place.

Mr. Boniello stated that the trails have been laid out and a path will be mowed when the road is closer to dedication.

Mr. Boniello stated that the conservation easements have been filed.

On a motion by Mr. Tetelman, seconded by Mr. O'Donnell, a two-year extension of the wetland permit (Cal# 50-09WP) to August 11, 2015 was granted to Boniello Land & Realty (Falcon Ridge), Route 138, Goldens Bridge to comply with the resolution dated August 11, 2009 granting Final Subdivision Plat Approval and Wetland Activity Permit Approval.

All In Favor: Mr. Tetelman, Mr. O'Donnell, Mr. Kerner, Mr. LaSorsa, Mr. Goett.

Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem – Application for Final Subdivision Plat Approval – Cal. #8-02 PB

Michael Fuller-Sirignano, Esq. represented the applicant.

Mr. Sirignano stated that the property is currently on the market and indicated that there are interested buyers. The applicant is not in a position to build out the property. The extension of time is needed to keep the approval in place and consummate a sale.

Mr. Johannessen stated that he had been out to the site and that the roadwork had been started but not completed. All areas of disturbance have been stabilized. The front piece is paved as are the apron and DOT entrance.

On a motion made by Mr. Goett, seconded by Mr. Tetelman, a 90-day extension to December 18, 2013 was granted to Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem to comply with the resolution dated December 8, 2009.

All In Favor: Mr. Goett, Mr. Tetelman, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Deborah and Joseph Mulligan (formerly Mary E. Clark, c/o Arthur Clark), Deepwell Farm Road, South Salem, New York – Application for Wetland Activity Permit Approval – Cal. #5-05 WP

Mr. Mulligan was present.

Mr. Johannessen stated that the applicant had purchased the property from Mary and Arthur Clark. The permit associated with the project for the house and driveway expires on November 1, 2013. Mr. Mulligan is working with Westchester Modular to install the house. The building permit is ready to be released and the wetland permit is finalized. Work can commence, however additional time is required. Mr. Johannessen also noted that the outstanding civil penalty had been paid by Mr. Clark, the former owner of the property.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, a 12-month extension to November 1, 2014 was granted to Deborah and Joseph Mulligan, Deepwell Farm Road, South Salem to complete the conditions of the resolution dated September 14, 2010 granting Wetland Activity Permit Approval.

All In Favor: Mr. Tetelman, Mr. LaSorsa, Mr. Kerner, Mr. Goett, Mr. O'Donnell.

Mr. O'Donnell asked if there was a conservation easement that was part of a resolution of a prior matter. Ms. Clark stated that the Arthur and Mary Clark case was a litigation of which she was not a part; that it had been handled by the Town attorney, Mr. McGroddy, at the time. The case resolved with a stipulation of settlement.

The Board discussed the enforcement of the civil penalty that was part of the stipulation of settlement. The stipulation stated that the civil penalty was to be paid prior to the issuance of a building permit.

Mr. Praga stated because the Town was the defendant, the Town litigated the case, the Town Board entered into the stipulation, and the Town Board approved the lien language, it was his opinion that any enforcement of the stipulation was the responsibility of the Town Board, Town Attorney, and Town Building Inspector.

Mr. O'Donnell stated that in a document received by the Board containing all of the wetland fines and violations, this case did not appear on the document.

Mr. O'Donnell suggested that the Chairman ask for a resolution to this problem. Mr. O'Donnell also asked for a future discussion as to the possibility of a conservation easement and whether or not it was filed.

Mr. O'Donnell expressed his concern over the breakdown of the system and stated that with regard to violation enforcement there is a need for a review by the Town.

Mr. Johannessen stated that when the Planning Board approved original site plan for Clark, the house footprint was very generic. Mr. Mulligan submitted a specific house footprint which is substantially conforming to what was approved by the Planning Board. Mr. Johannessen stated that he intended to issue the wetland permit, having the same calendar number, and containing the same conditions, but based on the revised drawings that were submitted. Mr. Johannessen stated that he would like to reference the drawings submitted by Mr. Mulligan's engineer and the architectural drawings that have been submitted to date. It was the consensus of the Board that this approach is acceptable.

Charisma Holding Corp. d/b/a Estate Motors-Mercedes Benz, 321 Main Street (NYS Route 22), Goldens Bridge – Application for Site Development Plan Approval to redevelop the existing showroom and service car dealership – Cal. #8-09 PB

Stephen Spina, John Meyer Consulting was present on behalf of the applicant. Lewis Visconti, Estate Motors was also present.

Mr. Spina reviewed the request for an extension of time.

Mr. Spina stated that he would also be addressing Estate Motors Mercedes Benz, (Charisma Holding, Inc., owner of record), 321 Main Street (NYS Rte. 22), Goldens Bridge, - Application for Waiver of Site Plan Development Procedures – Approval to demolish two old wood frame buildings located on property, Cal# 4-13PB.

With regard to the application for Waiver of Site Plan Development Procedures, the applicant had been instructed by the Town's consultants to perform some of the Phase 1 work which was part of the original approval for Charisma Holding Corp. d/b/a Estate Motors-Mercedes Benz, 321 Main Street (NYS Route 22), Goldens Bridge - Application for Site Development Plan Approval to redevelop the existing showroom and service car dealership - Cal# 8-09PB; resolution dated October 11, 2011, granting Site Development Plan Approval to Estate Motors-Mercedes Benz, 321 Main Street (NYS Route 22).

Phase 1 work being addressed includes: the removal of an existing piece of pavement, to be replaced by a new curb; creation of a grass berm with proposed trees; the replacement of the existing chain link fence with a solid fence.

Mr. Kerner asked the applicant to address the issue of drainage on the adjacent property, stating that the October 11, 2011 resolution states that the correction of the drainage should occur before any construction takes place.

Mr. Cermele stated that he had been out to the site and had witnessed some field testing to possibly provide temporary infiltration to deal with the stormwater; however, the soils were not favorable. The WCHD had been contacted and informed the applicant that there is no ability to put an infiltration type practice in the northern portion of the site. Discussions of a partial berm with a pass-through which would allow larger storm events to flow onto the DiNicola property had previously been discussed. Kellard Sessions had suggested the use of temporary piping out to Route 22, or the installation of a portion of the proposed pipe down to the existing driveway.

The applicant was not agreeable to the suggestions made by Kellard Sessions. The plan being presented by the applicant had not yet been seen by Kellard Sessions.

The Board addressed the request for an extension of time.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, a 90-day extension to January 7, 2014 was granted to Estate Motors Mercedes Benz, (Charisma Holding, Inc., owner of record), 321 Main Street (NYS Route 22) to comply with the resolution granting Site Plan Development Approval dated October 11, 2011.

All In Favor: Mr. Tetelman, Mr. O'Donnell, Mr. Kerner, Mr. LaSorsa, Mr. Goett.

With regard to the application to demolish two homes, at a previous Board meeting the applicant had referred to a letter from the insurance company addressing the safety hazard of the two buildings. Mr. Visconti agreed to provide a copy of the letter to the Planning Board Secretary within five days.

The safety hazard presented by the two buildings was discussed. The applicant stated that the potential danger is within the houses, not an external issue. The utilities in the two buildings have been disconnected. The

buildings are locked up. An exterminator had been to the homes to address rodent problems. The applicant was asked if notification to the police or fire department was made. The applicant chose not to respond. The applicant stated that neither the Town Engineer nor the Building Inspector had been to the property, but they are welcome at any time.

Mr. Praga stated that enforcement is within the Building Department, however the Planning Board is entitled to know what actions have been taken.

Drainage options were discussed, including the possibility of the applicant doing work on Mrs. DiNicola's property to fix the drainage issue.

The applicant was instructed to meet with Kellard Sessions, and choose one solution to present to the Planning Board. This solution should show how the plan will be implemented, and indicate what quantity of water it would handle. The applicant was told that if the solution being presented involved accessing or doing work on Mrs. DiNicola's property, a letter from Mrs. DiNicola giving her approval would be required. If Mrs. DiNicola was not agreeable, the applicant must be prepared with another plan.

Christopher & Sandra Ramsay, 14 Benedict Road, South Salem – Cal. #9-11 W.V. & Cal. #61-12 W.P.

Mr. Ramsay summarized his email dated August 20, 2013 which requested the substitution of less expensive native trees for the shrubs required to be planted as per his wetland permit.

Mr. Sessions stated that he had been to the site. Mr. Sessions shared with the Board the photos he had taken. The soil piles had been removed, however some of the soil remained. Mr. Session stated that the soil must be prepared before seeding so that the soil will accept the seed. The conservation seed mix should be planted before mid-October. The sloping does not need to be enhanced. Mr. Sessions shared his opinion that the site should be stabilized and suggested that top soil be imported.

A minimum of 25 shrubs, 2-3 gallons/2-3 feet is required in addition to the seed mix.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, an extension to November 30, 2013 was granted to Christopher & Sandra Ramsay, 14 Benedict Road, South Salem to comply with the conditions of the Board in accordance with the Wetland Implementation Permit issued March 19, 2013.

All In Favor: Mr. O'Donnell, Mr. Goett, Mr. Kerner, Mr. Tetelman, Mr. LaSorsa

Homeland Towers, LLC, and New Cingular Wireless, PCS, LLC (AT&T), applicants (Francis Coyle, Jr., and Ash Tree Development, LLC, owners of record) 117 Waccabuc Road, NYS Route 138, Goldens Bridge -Applications for Special Use Permit Approval and Wetland Activity Permit Approval - Cal. #5-12 PB

Manny Vincente, Homeland Towers was present on behalf of the applicant.

Mr. Vicente stated that the Building permit had been obtained.

Ms. Clark clarified for Mr. Vicente that acceptance of the Declaration by the County Clerk satisfies the Planning Board as well.

Mr. Vicente stated that the applicant was having difficulty obtaining a bond because of the five-year requirement and that a letter of credit may have to be obtained in place of the bond.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, a 90-day extension to December 6, 2013 was granted to Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), 117 Waccabuc Road, NYS Route 138 to comply with the resolution dated December 11, 2012.

All In Favor: Mr. Goett, Mr. LaSorsa, Mr. Kerner, Mr. Tetelman, Mr. O'Donnell

IV. DISCUSSION

New Cingular Wireless PCS, LLC (AT&T), applicant (American Towers, Inc., owner of record), South NYS 35 & West Route 123, South Salem, NY – Equipment Upgrade – Cal # 5-13PB

Anthony Murando, Esq., Cuddy & Feder Law Firm, was present on behalf of the applicant.

Mr. Murando stated that, with respect to AT&T, the existing facility has nine antennas at approximately 99 feet.

The project involves upgrading the facility to keep up with new technology by replacing three of the nine antennas and associated equipment. The total number of antennas will remain at nine. The new mounts are at the same height and locations on the platform and will be painted to match the tower as per the 2004 approval. No site work is involved.

At the request of Mr. Kerner to explain the procedure for granting an exemption, Ms. Clark stated that Mr. Johannessen should draft a resolution to be voted on by the Planning Board at the next meeting. This allows the process to be finished by the Planning Board and go directly to the Building Inspector to issue the permit.

E. John Gallagher, 37 Truesdale Lake Drive, South Salem – Septic Pumping Requirement

Relief from the annual pumping/inspection requirement of Mr. Gallagher was discussed due to his installation of a new septic system.

It was the opinion of Mr. Sessions, that because annual pumping/inspection was a requirement of the wetland permit issued to Mr. Gallagher, he be held to those terms, regardless of the installation of the new system.

Mr. Kerner stated that, in his opinion, the new WCHD approved system which was inspected and is up to standard is much safer than the adjacent systems that could be over 50 years old, and of whose conditions the Board is not aware.

Ms. Andersen stated that including the pumping/inspection requirement as a condition of a wetland permit recognizes the need to mitigate in certain circumstances. Although Ms. Andersen preferred to see the pumping/inspection more frequently, she was not opposed to relaxing the requirement for Mr. Gallagher.

The Chairman discussed the possibility of relaxing inspection/pumping requirements as an incentive when a new septic system is installed to replace an older/failing system.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, , the Planning Board agreed to revise Condition 9 imposed by the Wetland Activity Permit (Cal# 87-07) dated December 12, 2007, requiring the septic tank to be pumped and inspected annually. The septic tank is hereby required to be pumped and inspected every two years, measured from the date of the last pumping and inspection, provided that the applicant shall inspect and pump the septic within two months if it has not been inspected and pumped within the last two years.

Ms. Andersen and Mr. O'Donnell expressed concern that there was no written request from Mr. Gallagher and he was not present. The request from Mr. Gallagher was received by phone. Mr. Kerner stated the policy going forward would be that such requests be documented by letter or email. Mr. O'Donnell also noted that there was no information available to the Board such as conditions, restrictions or requirements on the property and their rationale, the topography of the property, or the history of the property including compliance with existing conditions in the prior permit.

In Favor: Mr. Tetelman, Mr. LaSorsa, Mr. Kerner, Mr. Goett.

Abstain: Mr. O'Donnell

V. SEPTIC COMPLIANCE

Mr. Kerner stated that a meeting regarding septic compliance between Ms. Clark, Mr. Sessions, Peter Parsons, Town Supervisor, and himself had taken place.

Ms. Clark summarized the meeting. Ms. Clark stated that one of the issues discussed pertained to the location of the records for the properties that have septic compliance conditions, and who was responsible for maintaining the records. Mr. Parsons indicated that this person is Julie McCormick.

Ms. Clark reviewed the process. If the Planning Board does not have evidence from the property owner that their system has been pumped: a letter is sent from Ms. Clark, which in most cases triggers compliance; if there is no compliance or if the letter is ignored, the next step is issuance of a Notice to Remedy by the Wetland Inspector which gives the violator a 30-day period to comply; the last step would be to file a violation. Still in question is where the violator will appear: before the Planning Board, or the Justice Court. There will be another meeting to discuss this issue further.

Ms. Clark stated that the regulations of the Town are rigorous, but for good reason. The conditions were included in the permits because the systems are built in environmentally sensitive areas and should be maintained unless and until there are extenuating circumstances that can be brought to the attention of the Board. After sufficient discussion, there may be reason for a modification of an existing permit. All such considerations would be taken on a case by case basis.

Mr. O'Donnell noted that the Board is aware of three cases that are non-compliant and asked if there was any discussion at the meeting as to how to handle these cases. In response, Ms. Clark stated that the only discussion that took place was the general discussion that she had previously summarized.

With regard to the cases of Neuberger, Biddle, and Snyder, Ms. Clark stated that letters had gone out. Mr. Sessions confirmed that Orders to Remedy would be sent. The final step, which is in the process of being determined, is where the violation would be tried if there is no compliance as a result of the Order to Remedy. Mr. Kerner stated that his personal recommendation would be that the violation go to civil court, with the penalty levied by civil court, along with the instruction that the violator reappear before the Planning Board for a mitigation plan.

Before giving an opinion, Mr. O'Donnell stated that he would like to further investigate the cases of the Eager Beaver and Metz cases that had been sent to the court. Mr. O'Donnell then stated that the Eager Beaver case resulted in a conviction that was overturned on an appeal. Ms. Andersen stated that it was her understanding that Mr. Metz was found guilty and instructed to do some remedies that were never done or followed up on.

VI. CORRESPONDENCE AND GENERAL BUSINESS

Mr. O'Donnell raised the topic of fines associated with wetland violations. Ms. Clark stated that she has had a discussion with Town Counsel and the Town Supervisor and that there is nothing further to report at this time.

Ms. Clark exited at 9:25 p.m.

Grace Methodist Church Expansion

Mr. Johannessen discussed the Grace Methodist Church expansion with the Board. The applicant is installing a dry hydrant on the property, proposing access to the dry hydrant off of Puddin Hill Road, which is a Town road.

The Board determined that the proposed action would be processed administratively by the Town Wetland Inspector.

Lewisboro Garden Center, Smith Ridge Road (Route 123), South Salem

Mr. Johannessen stated that Jim Grant is the owner of Lewisboro Garden Center. The original project was approved by the Planning Board in 2002. There was a shed on the property at that time. The applicant would like to replace the existing shed with the same size shed, to remain on the existing gravel area, with no land disturbance.

It was the consensus of the Board that the matter be referred to the Architectural & Community Appearance Review Council (ACARC) for review.

Agricultural and Markets Law

Mr. Kerner reported that the Agricultural and Markets Law had been revised by the Town and a Public Hearing is scheduled for next week. The significant change is that the wording which specifies that Riding Academies are special use has been dropped. The Planning Board still has the right to request a Public Hearing under site plan review provisions.

Mr. Praga stated that if site plan procedures are not waived, a public hearing would be required. Mr. Praga also stated that the Planning Board would still need to review the application and plans submitted by the applicant.

Mr. O'Donnell suggested that Mr. Praga prepare a memo in response to the Agriculture and Markets law, addressing in particular the meeting of April 15, 2013.

Lewisboro Library

Mr. O'Donnell addressed the extension of time previously granted to the Lewisboro Library. Mr. Praga requested that the Planning Board Secretary provide him with the resolution and latest extension granted to the Lewisboro Library.

Wolf Conservation Center

The Board discussed the status of the Wolf Conservation Center's application for Special Use Permit.

Mr. O'Donnell stated his belief that the Wolf Conservation Center was required to make application for Special Use Permit, and that they are behind with their submission. The Board discussed what steps to take in terms of notification to the applicant.

Rudolph Petruccelli, Oseleta Road, South Salem – Application for Wetland Activity Permit Approval to construct a single-family residence – Cal #8-12PB and Cal #61-09 WP

The new Public Hearing date for Rudolph Petruccelli was set for November 19, 2013.

VII. MINUTES OF July 16, 2013 and August 13, 2013

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the minutes of July 16, 2013 and August 13, 2013 were adopted.

All In Favor: Mr. LaSorsa, Mr. Goett, Mr. Kerner, Mr. Tetelman, Mr. O'Donnell

VIII. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 9:46 p.m.

All In Favor: Mr. Tetelman, Mr. LaSorsa, Mr. Kerner, Mr. Goett, Mr. O'Donnell,

Mr. Tetelman recused himself from Executive Session.

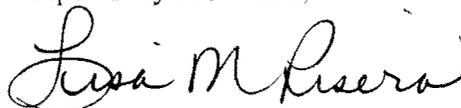
On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the Board exited Executive Session at 10:15 p.m.

All In Favor: Mr. O'Donnell, Mr. Goett, Mr. Kerner, Mr. LaSorsa.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the meeting was adjourned at 10:16 p.m.

All In Favor: Mr. O'Donnell, Mr. Goett, Mr. Kerner, Mr. LaSorsa.

Respectfully submitted,



Lisa M. Pisera
 Planning Board Secretary