

# APPROVED

HAROLD GARY  
*Chairman*  
RAYMOND COTE  
*Vice-Chair*

## BOARD MEMBERS

EMMA KOUNINE  
CARL GREENWOOD  
JOHN MOLLOY  
JAMES MEYER  
ANTHONY GIANNICO

## TOWN OF CARMEL PLANNING BOARD



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MICHAEL CARNAZZA  
*Director of Codes  
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RONALD J. GAINER, P.E.  
*Town Engineer*

PATRICK CLEARY  
AICP, CEP, PP, LEED AP  
*Town Planner*

## PLANNING BOARD MINUTES JUNE 26, 2013

**PRESENT:** CHAIRMAN, HAROLD GARY, EMMA KOUNINE, CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER

**ABSENT:** VICE-CHAIR, RAYMOND COTE , ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Szysh, Ronald & Carol	43.-1-15,16	1	Resolution	Resolution Adopted.
Albano Estates	55.14-2-26.31	1	Subdivision	Referred to the ECB.
Upper Lake Subdivision	42.1-57	1	Extension	6 Months Extension Granted.
Manzo, John	42.-1-21.1	2	Bond Return	Public Hearing Scheduled.
Carmel Centre Senior Housing (Pulte Homes) – Lots #3 & 5	55.14-1-11.1 55.14-1-11.3	2-11	Public Hearing	Public Hearing Left Open.
Minutes – 4/24/2013 & 5/8/2013		11		Approved.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Rose Trombetta

**SZYSH, RONALD & CAROL – 54 CAROLAN ROAD E. – TM – 43.-1-15,16 – RESOLUTION**

Mr. Gainer stated Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated in the resolution that is before you for a lot line approval, two conditions in the approval will not apply. A performance bond and engineering fee is not required for this lot line adjustment and they will be removed from the resolution.

Ms. Kounine moved to adopt Resolution #13-13, dated June 26, 2013; Tax Map #43.-1-15,16 entitled Szysh Subdivision (Lot line adjustment) as amended. Condition #3 and #4 will be removed. The motion was seconded by Mr. Molloy with all in favor.

**ALBANO ESTATES V – 18 MECHANIC ST – TM – 55.14-2-26.31 – 2 LOT SUBDIVISION**

Mr. Gainer had no comments.

Mr. Cleary stated at the last meeting there were some minor details that needed to be added to the plat. They have been added and the next step is a referral to the ECB.

Ms. Kounine moved to refer the applicant to the ECB. The motion was seconded by Mr. Meyer with all in favor.

**UPPER LAKE SUBDIVISION – 47 UPPER LAKE ROAD – TM – 42.-1-57 – EXTENSION OF FINAL SUBDIVISION APPROVAL**

Mr. Gainer stated all prior engineering comments have been resolved and the only open issue is the setting of a performance bond and engineering fee. The bond is set at \$61,000.00 and the engineering fee is \$3,050.00. It has been reviewed with the design engineer and finds it acceptable.

Mr. Gary asked the applicant if she accepts the fees.

Ms. Villanova replied yes.

Mr. Cleary had no objection to the extension.

Ms. Kounine asked why the extension was needed.

Ms. Villanova stated they are still waiting for approvals.

Mr. Greenwood moved to extend final subdivision approval for 180 days. The motion was seconded by Mr. Molloy with all in favor.

**MANZO, JOHN – 630 BARRETT HILL ROAD – TM – 42.-1-21.1 – BOND RETURN**

Mr. Gainer read his memo which stated in response to a request by the above applicant, a representative of the Engineering Department recently performed a field inspection of the referenced property to evaluate the current status of the site construction, for the purpose of determining whether a bond return was warranted. The original bond amount posted was \$4,800.00. The full bond amount is still being held by the Town. Based upon our inspection, all of the re-grading improvements required pursuant to the Board's Re-grading Plan approval have now been completed. On this basis, this Department recommends that the entire bond be released.

Mr. Cleary had no comments.

Mr. Gary said to schedule a public hearing.

**CARMEL CENTRE SENIOR HOUSING (PULTE HOMES) – LOTS 3 & 5 – TERRACE DR. – TM – 55.14-1-11.1&11.3 – OPEN PUBLIC HEARING**

Mr. Gainer had no comments.

Mr. Cleary stated at the direction of the planning board at the last meeting, the applicant has made a number of revisions and modifications to lots 3 & 5 site plans including the addition of a greenhouse to the recreation building. They have clarified the amenities buildings (square footage, configuration and layout) and a pocket park and play field has been added to the facility. He said there are new additional parking spaces near the tennis court. Additional landscaping is now documented on the plans, which includes the areas of the wildlife corridors and the open space conservation areas. He said there were also issues with respect to lot 4 that were part of the conversation of lots 3 & 5 and have been separately addressed by the applicant in a separate memorandum to the board in how those items are being addressed. It has come to our attention that one of those items has changed. But nevertheless, those are lot 4 items not lots 3 & 5 items. In conclusion the modified plans that are before you include the items that were just mentioned which are additional modifications to the plan.

Mr. Gary addressed the audience and stated this is a continuation of the public hearing. He said after the public hearing, some of the board members and the consultants had a meeting a spent quite a bit of time going over the concerns that were raised at the public hearing. A list was formulated and we met here at Town Hall with three ADHOC members and went over that list. He said we have done a good job with that list and I hope that we wouldn't have to go over what was previously said at public hearing. The list was discussed with the applicant. At which time; Mr. Lynch took over the conversation.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated one of the questions that was raised at the public hearing was will sprinkler systems be installed on lots 3 & 5. He said yes, there will be sprinklers on lot 5 and one on lot 3. He said there will be curbs and sidewalks. There will not be any swales along any of the roadways. He said that was removed in the 2008 submission, which NYCDEP allowed for that change. He said the bond amount for lot 3 is \$2,579,959.00 and for lot 5

it is \$872,666.00. He said there was a question about any wetland impacts being created. Lot 5 will require a wetland permit because they will be working within 100 feet of the stream corridor. He said building plans and elevations were provided for the recreation building on lot 3. At which time, he displayed and explained the drawings to the board and audience. He went on to describe the revised tennis court, greenhouse, pocket parks, playing field and raised gardens.

At which time, Mr. Lynch displayed and explained lot 5 recreation drawings of the picnic area, walking trails and pocket park.

Mr. Lynch displayed and explained the landscape mitigation plan for lot 4 showing the areas they will be installing landscaping. In essence the landscaping reconstitutes the 40 feet conservation area as well as re-establishing the woodland that existed prior to the road construction at the upper northwest corner.

Mr. Lynch displayed the landscape mitigation plan for lot 3 for the areas that were disturbed during construction (tennis court, wetland pond and along Burt property). He then displayed the landscaping plan for lot 3 showing different species of trees.

Mr. Lynch stated those were the comments that were made for lots 3 & 5.

Mr. Gary addressed the audience and stated this is an ongoing public hearing and asked if anyone in the audience wished to be heard. He reminded the audience that they have a list of everything that was said at the last meeting and it has been discussed with the applicant. He said keep in mind it is being worked on and is not at present on the Pulte homes site plan.

Mr. Spencer Tassler, a resident at the Retreat addressed the board and consultants and thanked them for listening to the residents' concerns at the public hearing and more importantly, reacted to the concerns. He said they had an opportunity to look at the revised plans and had some questions. He said there is a grassy sports court on lot 3 and asked if it is considered an amenity. He suggested that maybe they could put horseshoes, bocci court or shuffle board on the grassy area. He said it needs to be created for something active. On lot 3 the picnic area has no tables, but on lot 5 they are shown with tables. It was probably an oversight. He said that's why we asked for details on the plans because that is the only way we can enforce compliance. He said with regards to the tennis courts, we originally had two now we have one. We asked that there be restrooms near the tennis court, but that didn't happen. He suggested that if possible to switch the tennis court area and the grassy knolls area and bring the recreation building, greenhouse, raised garden to another area. He asked what will be in the greenhouse. Will it have windows, screens, outlets, racks, tools..... He said the recreation building doesn't have tables, chairs, furniture and exercise equipment. He asked how many sections will the garden area have. What kind of fence will be around the garden area have. How tall is it and will it have a lock or door? He asked if there will be railings on the walking trails and asked for benches along the walking trails. Can the walking surface be softer? Will there be a warranty for the shrubs and trees. He asked if it will be necessary for the bonds to be increased based upon all the revisions. He said lastly, we would like to recommend to keep the public hearing so if any changes are made to what was just said we will have a chance to review them.

Ms. Margo Turano who resides at Langdon Grove addressed the board and stated at the last planning board meeting Mr. Lynch answered the question with respect to the wildlife corridor. His response was it provides water for the wildlife. She said the two primary functions of these corridors are to facilitate movement and simultaneously provide cover and has been eliminated. She said the original environmental impact statement and approved plans calls for a 45 feet wide vegetated strip of land for the wildlife and it has been eliminated. She said the stormwater ponds that are there is not a wildlife corridor. She said the parking for the tennis courts is 1/5 of a mile away walking down steep slopes. She said the revised plans that have been submitted for lots 3 & 5 are deficient. The shrub masses along the property line have been completely eliminated from the irrigation system. The irrigation plan should be updated and the public should have an opportunity to review the plans before the public hearing is closed. She said presently, there is work being done on lot 3 on one of the detention ponds which is within 100 feet of a delineated wetland. This should be addressed to the ECB immediately. Lastly, she said a statement was made by the planning board at the last meeting. In essence, Pulte has a certain budget and we should not expect them to exceed that budget. She said the residents of the Retreat and the Town should be your first concern not the pocketbook of the developer.

Mr. Gary interjected and said that is not the view of the planning board. The board does not worry about any applicant's budget. We worry about what is presented as a plan and make sure that it is done. We will not tell Pulte to skimp on anything that has been presented to us and reviewed by this board. There is no skimping!!

Ms. Turano said there are issues that need to be cleared up or cleaned up such as the view from Route 6. She said if it is not on the plan, Pulte will not do it. The planting requirements that are noted on the current plan are identical to what's on lot 4 and we know how successful those proved to be. She said last year they spent over \$12,000 replacing shrubs. What is to stop Pulte from doing the same for lots 3 & 5. She said specific planting requirements must be noted on the approved plan, otherwise it will be lot 4 all over again. At which time, she presented the board with suggested planting requirements for lots 3 & 5. She asked the board to be extremely explicit in what you expect of Pulte. She said to have everything noted on the plans and allow the residents to review the final plans prior to the closing of the public hearing. Your first concern should be to the residents. Please do not allow the appearance of lots 3 & 5 from Route 6 become another lot 4. Please require Pulte to plant larger trees on lot 3 to improve the views.

Ms. Turano proceeded to discuss the increase of the homeowners' monthly fee when the number of units decreases. She said there was no consideration done for inflation and there will be a 25% increase when all 214 units are built. She reiterated to the board not to close the public hearing until the residents had a chance to review the plans.

Ms. Harriet Tassler a resident of the Retreat addressed the board and commented on the wild flower mix for areas designated on the plans. She said it may a minor matter, but we do not want to see numerous areas on lots 3 & 5 looking like the slopes on lot 4. She said we implore you to require Pulte to use a mixture that is primarily wildflower seeds or we will end up with these areas looking like the slopes of lot 4. She asked the board to keep the public hearing open until Pulte has submitted their final plans and they had an opportunity to review the plans.

Mr. Neil Carnow a resident of 2 Blair Heights addressed the board and stated he had a couple of comments. The first comment was that the emergency access road that goes around the multi-family unit is sod over 12 inches of item 4. He said the fire code of New York State requires that emergency road access be either asphalt, concrete or another approved material suitable to support a fire vehicle of a minimum of 75,000 lbs. He said I am not convinced that a sod base would meet those requirements. He said at the very least I hope that the Fire Marshall will review the construction of the proposed roadway. With respect to the second comment he requested that the board and consultants look at the parking condition relative to the number and location of spaces for the amenities. Also, the recreation facilities, except for the community room, proposed greenhouse is 30 to 40 feet below the grade elevation of the cars. You would have to traverse a walkway of 1200 feet to get to the recreation areas. The problem is many of the slopes exceed 5% and many of them exceed 8%. He said it is imperative that they have at least a vehicular access for an ambulance to get down to the recreation area or raise the level of the facilities to a point where it is reasonable for emergency personnel to assist someone. He proceeded to describe a number of ways that could be done.

Mr. Carnow asked the board and the consultants to look at the plans from the perspective of someone that needs to use them. He said we will be using these facilities. Please look at the drawings from the perspective that you are going to be living there and using these elements. He said I would like to have the staff work this problem out with the applicant and their engineer and try to come up with something to get parking at the same level as the recreation facilities.

Mr. Christopher Burtt a resident of Balla Drive addressed the board and thanked them for requiring Pulte to re-vegetate the southern corner of where the trees were cut down in 2008 and replacing them with trees which would be as large as the cut trees would be this year. He said he would like to have the trees planted outside the normal construction sequence. Usually, trees get planted after the houses are built. That could be two years from now and therefore, the 14 feet trees being proposed would grow to 16 feet in two years.

Ms. Lori Kemp an adjoiner of the project addressed the board and requested to keep the public hearing open because she was not able to submit documents and proof of her exact property line because her computer wasn't working. She asked if the public hearing is not left open, can I submit the documents at a future date.

Mr. Gary said you can submit a letter anytime you want to.

Ms. Kemp asked about the landscaping surrounding her property and conservation area.

At which time, Mr. Lynch approached the map and described the different species of trees.

Ms. Kemp requested that screening be put in by the cemetery, which is located next to their clubhouse. She said she doesn't want Pulte working anywhere near here property. She said just this past week they started to work on the detention pond causing further encroaching on my front property. She said when does it end!

Mr. Carl Dimucci a resident at the Retreat addressed the board and stated he was concerned about the main retention pond located off Terrace Drive. He asked what their plans were to complete the retention pond repairs, because the work has stopped.

Mr. Steve Bernstein a resident of Blair Heights addressed the board and stated he hoped the board and residents have the answers for all the amenities and all the corrections and hoped they could resolve this sooner rather than later.

Mr. Adrian Dessi a resident of 34 Langdon Grove addressed the board and thanked them for their efforts and fully understanding their perspective on getting this done so we could move on with our lives. However, what I am seeing again which is very disturbing is the lack of logic and reasons to the plans that Pulte keeps presenting. He asked why do we need all these walking paths that zigzag downhill. He suggested to Pulte to use logic and reason were they place amenities and think through what they are doing and let the plans show it.

Mr. Gary thanked the audience for their comments.

Mr. Jim Mullen of Pulte Homes addressed the board and stated with regards to the pitch and putt, we had a meeting at the site to discuss it and the fitness trail came up in the conversation. He thought it was a good idea but needed to speak to his superiors. He said he didn't get any support from his superiors after speaking to them because of the difficulty they had with it in 2011. He said we added the greenhouse as an amenity and have made a lot of changes to the plan since the last meeting. We are also doing the enhanced landscaping for lot 4 which a value of about \$50,000. He said my superiors and I are willing to sit down with the same group, to discuss some type of alternative to the fitness trail.

Mr. Molloy interjected and said when we had that meeting we all came to an agreement. He said I didn't realize you had to go to your superiors, so whatever was said at the meeting didn't carry any force. He asked do you have to check everything with your superiors?

Mr. Mullen replied no. He said the only thing I did not get was to change the pitch and putt to a fitness trail as it was designed in 2011. But we are willing to come up with a solution for another amenity similar to the fitness trail in that area.

At which time, a discussion ensued with regards to the proposed fitness trail and that was submitted and withdrawn in 2011 and the approved pitch and putt.

Mr. Molloy asked what is on the grass sports court.

Mr. Mullen replied it's a field.

Mr. Molloy said then why doesn't it say field.

Mr. Mullen said does it matter.

Mr. Molloy said if it's a lawn then it's not a sports court!

Mr. Mullen said it will be used for throwing frisbees, throwing a baseball or playing soccer. He said the pocket park that is on lot 5 is for the people that have townhouses, not for the people that have manor homes which is similar to a single family home, where you could

walk to your backyard and have a barbecue. The people at the townhouses do not have that, so they have a pocket park that's near their home.

Mr. Gary stated we are not here to debate the issue. But I do want to discuss the pitch and putt further. He said the approved plan with the pitch and putt shows 3 holes with a rotation, but when I visited the site there were only 2 holes and it crosses a pond. He said you need to go back to whoever installed the pitch and putt and get it the way it was originally approved.

Mr. Mullen replied I understand. He said with regards to meeting room next to the tennis court, it is not an amenity that is attached to the tennis court. It is not meant for it to be a shower area for tennis. There is a separate facility at the clubhouse.

Mr. Meyer asked about the parking at the tennis court.

Mr. Mullen stated there is public parking in front of the building.

Mr. Gary said I think we are going backwards. We are discussing something in a public hearing that's not on the plan. That's an unusual situation for a public hearing. The public should see what has been illustrated and almost designed.

Mr. Mullen stated everything is on the plans.

Mr. Cleary stated the issue needs to be addressed but the manifestation of that, the detail on the plan doesn't get approved by the public it gets approved by the planning board.

Mr. Gary stated we are here arguing about a pitch and putt and fitness trail. One of them should be there, so the public could see what it is going to look like. He said we cannot allow the public to design what will be there. That is what we are doing. They will never get what they want nor will the project get finished because we would be holding public hearings once a month for the next 12 months. That is not what public hearings are all about.

Mr. Cleary stated the issue needs to be addressed but the manifestation of that, the detail on the plan doesn't get approved by the public it gets approved by the planning board.

Mr. Gary asked the public along with Mr. Mullen to allow the project to go forward.

At which time, a discussion ensued regarding whether or not the emergency access to the tennis court is on the plan.

Mr. Greenwood stated your plan shows it to be a 12 feet wide access drive in front of the pond.

Mr. Mullen stated it then continues down to the tennis court.

Mr. Greenwood said but it does not say it is an emergency access for tennis courts or any of the public facilities. He said I don't think the 12 ft. width is enough for an ambulance. Also, at the bottom next to the tennis court and guardrail there is nowhere for an ambulance to turn around. It is a one way dead end. It's an issue and needs to be clarified.



Mr. Gary addressed Mr. Lynch and stated that is something you need to do, not this board or audience and to get it here so the people could see what it would look like.

Mr. Greenwood asked to have the grassy sports court reviewed by Mr. Carnazza as an amenity.

Mr. Molloy asked what is the difference between the land in the sports court and the land right next to it. Isn't it all just a grass field? He said you could throw a frisbee in the parking lot and it doesn't make it an amenity.

Mr. Greenwood said it is basically a yard.

Mr. Mullen said there is no definition in your ordinance of what recreation is.

Mr. Greenwood reiterated that Mr. Carnazza needs to look at it.

Mr. Mullen continued with his presentation. He said the greenhouse will be a glass structure with operable skylights for ventilation. There will electricity, water and tables. He said our plan was to have the facility built and then talk to the H.O.A. members to find out what they could use in the building.

Mr. Gary said to put it on the plan, tables, chairs, etc. and in parenthesis put to be discussed with the H.O.A.

Mr. Mullen said we will make a note of that.

Mr. Gary said the residents have some major concerns, he asked Mr. Mullen if he could address some of those concerns.

Mr. Mullen stated the detention basin work that was mentioned is authorized by the DEP. Those basins that are being worked on right now are being put in their final stages by Pulte in accordance with DEP authority. He said as far as the HOA budget, it shouldn't be before this board because you have no jurisdiction over it. But I did provide it to Mr. Tassler last October. He said it is not in this board's purview. The Attorney General of the State of New York will be reviewing it for accuracy. He said there was a question with regards to the emergency access road and if could support a fire truck. It was designed and in place with the original approved 2008 plan. At that time it was the request of the Fire Chief and the design was in accordance of what he asked us to do.

Mr. Greenwood asked Mr. Mullen to take another look at that.

Mr. Mullen said Mr. Burt asked if we could plant the trees this fall. He said we could do that. We will plant the trees in the fall. With regards to the property line issue that was brought up by Ms. Kemp, we presented a package of information to Mr. Gainer. He said that issue was discussed with his predecessor Mr. Karell. He said we have never trespassed and won't trespass because the areas are marked and we are in our boundaries.

Mr. Mike Caruso, Attorney for the applicant addressed the board and stated what has gone on tonight and over the past couple of meetings, drives home the issue that we feel at

this point and time, we respectfully request that the public hearing be closed. He said we feel that enough specificity was provided, enough design circulation and environmental and planning concerns. He said absent any new changes to these plans, again we respect that the public hearing be closed.

Mr. Gary addressed Ms. Turano and reiterated what was said with regards to saving the applicant money and the planning board process.

Ms. Turano said with all due respect I understand the planning board process, however, there are issues. We have spent numerous hours going over the plans noting what we have requested, such as changing the planting instructions. She said I don't want to come back and tell you my shrubs are dying and so on.

Mr. Gary addressed the audience and stated as long as we keep this public hearing open nothing will get done. We will continue to have these public hearings twice a month. We need to get these issues started and done. If we close this public hearing it doesn't mean we can't open it again when some of these issues are done. In my opinion, you do not get things done when you keep a public hearing open.

Mr. Molloy said he would like to see a turnaround on the road by the tennis court and more detail about the lawn court. He said if this is going to be an amenity we should know what that amenity is. He said I would like to see this plan improved for one more meeting.

Mr. Meyer agreed with Mr. Molloy. We need more details.

Mr. Greenwood also agreed. He said it needs work. The residents have provided us with more than enough information as the Chairman said to make it move forward. I have concerns with the recreation area, accessibility and parking, but we will not resolve that by going back and forth with public hearings every two weeks. We need to move forward.

Mr. Greenwood asked Mr. Mullen to contact the ambulance along with fire department to review accessibility.

Ms. Kemp approached the podium again and stated that Mr. Mullen failed to say the dates of those deeds, which date back to 1920.

Mr. Charbonneau stated if there is an issue with respect to the property line or surveys you need to submit it to the Engineering Department and I will review it with Mr. Gainer.

Ms. Kemp replied I did and obviously no one looked at it. She said I do not want anybody on my property.

Mr. Carnow approached the podium again and stated with respect to the irrigation plan, I would like to request to the board that you ask the applicant to please provide an overlay drawing for the landscaping and irrigation plan indicating the spread of the heads. He also said to please take a look at the amenity spaces, such as the pocket parks. Also, can you have the staff review the amenity access and usage conditions with respect to accessibility for the handicap?

Mr. Gary addressed the audience and stated we could either leave the public hearing open or close the public hearing and no one will be happy. The board should require the

applicant and his engineer to meet with us once a week and go over everything that was brought up and make we have a plan that has details and everything on it so that each of you could review it. He asked Mr. Mullen if he would be committed to doing that.

Mr. Mullen said that's fine.

Mr. Charbonneau addressed the board and stated if you are going to close the public hearing tonight, I suggest we have the applicant consent on record to an open ended adjournment or extension of the 45 day period in which the planning board has to act so that we are not bound by that time frame.

Ms. Turano approached the podium again and stated if you close the public hearing legally can the public have input.

Mr. Gary replied once we close the public hearing you can have input at the once a week meeting only.

Ms. Kounine stated once the public hearing is closed and Pulte is on an agenda you cannot speak, but that does not prevent you from writing letters for as long as you want.

Ms. Turano again asked if legally our input is considered after the public hearing.

Mr. Gary stated whether you could get up and talk or not you input is always legal. He said whether you could legally get up and talk, that's a different story. He also stated we could call a public hearing at any time the board so desires. What Mr. Charbonneau is saying is that we have to get the applicant to agree to not holding us to the 45 days and if the applicant doesn't agree to that then this public hearing stays open.

At which time, Mr. Gary asked Mr. Mullen if he will waive the 45 days.

Mr. Mullen stated he was concerned about that because what will the deadline be then. He said it can't be forever.

Mr. Gary said it could be 2 weeks or 4 weeks.

Mr. Mullen said I am willing to meet with you three or four times within the 45 days and if we can't meet three times then we could extend it. I don't want it be open ended.

Mr. Charbonneau stated my suggestion to the board is either you keep the public hearing open or you close it with the expressed condition that you will consent to an unlimited extension of the 45 days.

Mr. Molloy stated for the record the Town of Carmel is very lucky to have Chairman Gary. He is a person who reaches compromises and tries to bring about consensus. I have learned from him more then I learned from most people. However, sometimes I disagree with him. With that, Mr. Molloy moved to keep the public hearing open. The motion was seconded by Mr. Meyer.

Mr. Gary stated you have to hold the applicant to where he sees there is an end and in order to reach that end, he has to get down to the tasks at hand.

Mr. Charbonneau suggested to the board that the motion to allow the public hearing to remain open, be put the other way because in the event the motion fails, I am not sure what we are left with. It should be a motion to close the public hearing and at that point if the motion fails the public hearing is kept open. He said if it's a motion to keep the public hearing open and the motion fails, then we have nothing.

Mr. Molloy moved to withdraw his previous motion. Mr. Meyer withdrew his second.

Mr. Molloy moved to close the public hearing. The motion was seconded by Mr. Meyer.

A roll call vote was taken as follow:

Mr. Meyer	Against the motion
Mr. Molloy	Against the motion
Mr. Greenwood	Against the motion
Ms. Kounine	Against the motion
Mr. Gary	For the motion

Motion carries, the public hearing will remain open.

Mr. Gary stated regardless, we still want to have the weekly meetings.

Mr. Mullen replied whatever you want.

#### **MINUTES – 4/24/2013 & 5/8/2013**

Mr. Molloy moved to adopt the April 24<sup>th</sup> and May 8<sup>th</sup> minutes. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to adjourn the meeting at 9:20 p.m. The motion was seconded by Ms. Kounine with all in favor.

Respectfully submitted,

Rose Trombetta