

Meeting of the Planning Board of the Town of Lewisboro held at the Town House, 11 Main Street, South Salem, New York on Tuesday January 27, 2009 at 7:30 P.M.

Present: P. J. Rossi, Chairman  
Joseph Decaminada  
John Gusmano  
Maureen Maguire  
Jan Johannessen, Kellard Sessions Consulting, Planning Consultant  
Bruce Barber, Interim Wetland Inspector  
Margaret Clark, Esq., Special Counsel  
Janet Andersen, CAC Chairwoman  
Joe Tansey, CAC  
Aimee Hodges, Planning Board Secretary

Absent: Richard Ellrodt

The Chairman called the meeting to order at 7:30 P.M., introduced the Board and its consultants and pointed out the emergency exits.

## **I. DECISION**

### **Lawrence & Elizabeth Fryer, 15 North Lake Circle, South Salem – Cal. #6-08 W.V.**

Elizabeth Fryer was present.

Ms. Clark reviewed the draft resolution she prepared for the Board's consideration.

On a motion made by Ms. Decaminada, seconded by Mr. Gusmano the resolution Violation of Wetland and Watercourse Law, Lawrence and Elizabeth Fryer, Cal. #6-08 W.V. was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire  
Absent: Ellrodt

Mr. Rossi asked that Mr. Barber provide an explanation as to the magnitude of the changes and asked for a discussion relative to what would be required to get a revised wetland activity permit to Mrs. Fryer in the most expedited manner without affecting the process.

Mr. Barber noted that in the past the Board has issued an amended resolution reflective of the changes that had occurred or in certain circumstances the Board felt that the changes were so minor that they remanded the review and approval to the Wetland Inspector. He advised that he had just received the as-built which is a critical component in this case. The changes that have occurred this past summer were moderate in nature and he noted that there is a net decrease in impervious surfaces. In addition a stone wall was built to reduce the amount of grading and the garage which was to be removed, remains. The Board had previously indicated that should the garage remain that it never be considered future living space. He added that the NYS DEC had signed off on the changes.

The Board discussed the concerns with regard to the garage and how to memorialize their intent that this structure never becomes living space and whether the Board should retain approval authority over the amendments.

Ms. Fryer reiterated the reasons she cited during the previous meeting as to why her garage could not be converted to living space. She advised that in three days her lease would be up; the building department had completed their final inspection. This is the last piece preventing the Certificate of Occupancy from being issued allowing her to move back into her home.

It was agreed that given the Board had previously approved the wetland activity permit and the fact that there was a technical violation of their approval that the revised permit would be approved by resolution of the Board. In addition, a resolution would capture their intent to further restrict the use of the garage. In response to her hardship and to accommodate Ms. Fryer's time constraint the Board agreed to the scheduling of a special meeting on Thursday January 29, 2009 at which time they would adopt a resolution to be prepared by the Wetland Inspector. The Secretary will determine whether Onatru Farm is available.

## **II. REQUEST FOR EXTENSION OF TIME**

### **Charles & Helen Mara, 33 Conant Valley Road, Pound Ridge – Application for Wetland Activity Permit Approval – Cal. #65-03 W.P.**

Mr. Rossi noted that this is the third request for an extension to the wetland activity permit. The permit expired on January 6, 2009 but was received in the Planning Board office on December 29, 2008. He noted that there were no representatives present this evening and that he was inclined to extend it for 60 days. If there was a need for additional time he would ask that a representative was present to explain the reasoning for the requested extension and explain when this project would be completed. The approving resolution was adopted in 2005.

Mr. Barber suggested that what ever extension is granted that the Board consider a condition that the site be stabilized given his concerns during his last site visit.

Ms. Maguire noted her concern with the erosion.

The Secretary advised that the garage was complete and the property owner had requested their Certificate of Occupancy. Given that the as-built and erosion control reports had not been received, the wetland inspector was not able to inspect the site. It was further understood that the building permit for the renovations to the house had not been issued by the building department.

The Wetland Inspector was directed to visit the site and prepare a written report with regard to the stabilization of the site. It was agreed that the Board would grant an extension to March 25, 2009 which would provide sufficient time for Mr. Barber to inspect the site as well as giving the applicant's consultants time to prepare a response. The Secretary was directed to place this matter on the March 24, 2009 agenda as well as a written response to the December 24, 2008 request for an extension explaining the Board's concerns along with a copy of the code with respect to expiration.

On a motion made by Mr. Decaminada, seconded by Ms. Maguire the Board acknowledged the December 24, 2008 request and granted an extension to wetland activity permit 65-03 WP to March 25, 2009.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire

Absent: Ellrodt

**Jeffrey Hubsher, DVM & Arnold Leitner, DVM, 1310 NYS Route 35, South Salem – Subdivision, Lot Line Change with Anthony & Anne Marie Mendola, 3120 NYS Route 35, South Salem & Wetland Activity Permit – Cal. #1-02 P.B.**

Mr. Rossi advised that some correspondence from Tom Altermatt, consulting Town Engineer had been received. He explained that the applicant had submitted the final subdivision application on January 9, 2009; the preliminary subdivision plat approval expired January 13, 2009. This request for an extension is insurance in case the applicant's submission is deficient.

On a motion made by Mr. Gusmano, seconded by Mr. Decaminada the Board acknowledged the request of Dr. Jeffrey Hubsher and granted a 90-day extension of time to the Planning Board Resolution dated April 15, 2008.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire  
Absent: Ellrodt

### **III. WETLAND VIOLATION**

**Cross River Westchester Associates, 890 Route 35, Cross River – Cal. #3-08 W.V.**

There were no representatives present. The Board elected to move on to the next agenda item.

### **IV. PROJECT REVIEW**

**Sprint Spectrum, L.P., Routes 35 & 123, South Salem – Renewal of Special Permit – Cal. #7-98 P.B.**

Carole Knarich a representative of Sprint Spectrum was present.

Mr. Rossi acknowledged receipt of the January 21, 2009 correspondence from the Antenna Advisory Board which stated that they had no objections to the request to renew the existing special use permit.

Ms. Clark advised that this was a request for a renewal of an approval granted on January 12, 1999. An extension was granted in 2003; this is the second request for a five year renewal as provided for in the Board's approving resolution. It was her understanding that Board wished to understand the status of the site prior to granting the request.

Mr. Rossi advised that he would like the Town's Engineer and Planning Consultant to inspect the site prior to granting an extension to ensure that there had not been any changes to the site.

Mr. Decaminada questioned whether the Board should consider a two to three year extension given the activity on the preserve.

Mr. Rossi noted that the resolution provided an opportunity to the Board to have the ability to ask for a full review or ensure that there were no changes since the original approval. If there is prolific development of towers in Town, the Board could then determine whether a site is redundant.

In response to Mr. Johannessen's suggestion that the Board look at the proposed management plan for the preserve and determine whether there would be any conflict, Mr. Rossi stated that he believed the management plan was developed around the tower. He noted that the tower is located on its own parcel within the preserve.

In response to Mr. Decaminada's suggestion that the Town ask the applicant whether or not they would consider granting the Town an easement to use a trail, Ms. Andersen advised that the goal of the management team was to keep the trails away from the tower.

Ms. Knarich advised that there had not been or are there any plans for any changes since the last renewal in 2003. In 2003 two whip antennas were exchanged. In response to a question of Mr. Rossi, Ms. Knarich advised that if requested, Sprint would consider granting the Town an easement over their existing easement.

Mr. Rossi suggested that after the Board receives an inspection report confirming that there have not been any changes from the Town's consulting engineer and planner that the Board takes up a resolution which grants either a modified extension from what was originally approved or the extension as requested.

Ms. Clark ensured that if the Board considered a modified extension that it would not nullify the original approval.

The report would be prepared and discussed at the February 10 agenda; if all is in order a resolution would be prepared for the February 24 agenda.

**Oakridge Water & Sewer District, 400 Oakridge Drive, Vista – review of landscape plan  
– Cal. #11-06 P.B.**

Derrick Wilcox of Delaware Engineering was present representing the applicant.

Mr. Wilcox displayed and reviewed the plan advising that he had worked with Mr. Johannessen to respond to the previous comments.

Mr. Johannessen reviewed the draft resolution he prepared for the Board's consideration.

On a motion made by Ms. Maguire, seconded by Mr. Gusmano the resolution Approval of the Planting Plan and Guiderail Detail, Satisfaction of Condition #21(a), Oakridge Sewer District WWTP Upgrade, Cal. #11-06 P.B. was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire  
Absent: Ellrodt

**Michelle Estates Sewage Works Corp. (Michelle Estates Homeowners Association) – Applications for Site Plan Approval & Wetland Activity Permit Approval – Cal. 33-85 P.B.**

Joshua LaPlante of Malcolm Pirnie was present representing the applicant.

Mr. Barber reviewed his memo to the Board dated January 20, 2009 noting that the applicants had responded to his previous comments in their recent memo dated January 26, 2009.

Mr. Johannessen advised that neither he nor Mr. Coyne had any additional comments.

Mr. Johannessen reviewed the draft resolution he prepared for the Board's consideration.

On a motion made by Mr. Decaminada, seconded by Ms. Maguire the resolution Amendment to the Approved Site Development Plans, Michelle Estates WWTP Upgrade, Cal. #33-85 P.B. was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire  
Absent: Ellrodt

**V. SKETCH PLAN REVIEW**

**Homeland Towers, LLC, applicant (Sprint/Nextel/AT&T, co-applicants) (Vista Fire District, owner of record), 377 Smith Ridge Road, Vista – Applications for Special Use Permit and Wetland Activity Permit to construct wireless telecommunications facility – Confirmation of Declaration of Lead Agency Status in a Coordinated SEQR review**

Mr. Johannessen reviewed the draft resolution he prepared for the Board's consideration.

On a motion made by Mr. Gusmano, seconded by Mr. Decaminada the resolution Declaration of Lead Agency, Tower Facility at Vista Fire Department was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Maguire  
Absent: Ellrodt

**Mary Clark, Deepwell Farm Road, Lewisboro – Application for Wetland Activity Permit to construct single-family residence – Cal. #5-05 W.P.**

Arthur Clark was present with his environmental consultant Aleksandra Moch.

Ms. Moch displayed and reviewed the proposed plan to construct a single-family residence on two parcels which are to be combined. The applicant has proposed to utilize an existing dirt road which crosses a wetland as the driveway. She advised that the center of the proposed lot is wetland. She advised that they would enhance the existing channel with vegetation and install a plunge pool outside of the wetland as per the NYS DEC request. She noted the location of the proposed septic area and rain gardens which will address the stormwater. She noted the location of the proposed demarcation features.

Mr. Barber reviewed his memo to the Board dated January 21, 2009.

Ms. Andersen reviewed the CAC memo dated January 12, 2009.

The Board discussed the CAC request that the applicant consider giving the school district an easement which would connect Deepwell Farm Road to the Onatru Preserve. Mr. Rossi expressed concern that this would become a cut through. Mr. Decaminada advised that giving the school district an easement would have great ramifications to the homeowner. Ms. Maguire advised that she would need to understand whether there was a need prior to considering requesting an easement from the applicant.

Mr. Rossi agreed that it would be a good idea to get the Building Department involved in the review of the code compliance issues. After being advised by Ms Moch that the lots will only be merged in the event that this application is approved, he suggested that the applicant provide a statement in writing. He further suggested that the applicant schedule a technical meeting with the Town's consultants.

With respect to the CAC request for an easement, Ms. Moch advised that this would create an acute liability for the property owner given the constraints of the property.

Ms. Moch advised that the plans being submitted are conceptual in terms of a house; they do not wish to invest money on an architectural design right now. The proposed footprint is approximate. Ms. Moch advised that many of the items requested had been previously submitted, but would resubmit if necessary.

Mr. Rossi questioned whether they could consider a building envelope. He asked that given this is a conceptual plan that the applicant includes a possible pool site; if they are not planning any additional amenities he asked that they submit in writing that there would not be any further development beyond what is being proposed.

Ms. Moch advised that they are not planning on building a pool; the town would have to change their regulations in order for a pool to be possible.

**Vista Fire District, 377 Smith Ridge Road, Vista – Application for Wetland Activity Permit Approval for proposed additions & alterations to existing fire house – Cal. #55-08 W.P.**

Duff Price and Steven Woodstead, Commissioners of the Vista Fire District were present with the project architect Peter Helmes.

Mr. Helmes displayed and reviewed the plan to renovate the existing fire house. He noted that some of the comments in the consultant memos had been addressed in the plan displayed this evening. In response to the Town Engineer comments relative to the rain garden, Mr. Helmes advised that soil consultant Paul Jaehnig has advised that the existing soils are suitable and as such will keep the rain garden as is. He advised that the hydrodynamic separator will be installed at the lowest part of the parking lot so the water will flow in as opposed to the sheet flow into the pond. The Town's planning

consultant has been provided with the Health Department approval previously submitted to the Planning Board. The NYSDEC and ACOE applications have been submitted and are being reviewed.

Mr. Barber reviewed his memo to the Board dated January 21, 2009. He asked that Mr. Jaehnig advise as to whether the volume requirements of the rain garden are adequate.

Mr. Johannessen reviewed the comments contained within the Kellard Sessions Consulting memo to the Board dated January 22, 2009. He noted that as the applicant is removing some of the improvements in the right of way and asked that the applicant verify whether there is a requirement for a NYSDOT permit.

Mr. Helmes noted that this project had been referred to the Westchester County Planning Board during the SEQR process. In response to Mr. Coyne's comments he advised that they had added a specification note to the revised the plans which provided that any construction activity that might encounter ground water would be dewatered directly into the hydrodynamic separator unit and into the level spreader before entering the pond. Mr. Helmes advised that it would be unlikely that they would be constructing the pump station but because they were required to show it on the plan they have relocated it closer to the pond. Mr. Helmes advised that there was a gentlemen's agreement which allowed the minor encroachment by the adjacent nursery. He advised that cost would determine whether the parking lot was resealed and whether they would have a new sign. After conversations with the NYSDOT as to whether a curb cut would be required, Mr. Helmes advised that it was determined that the proposed changes were minor and did not encroach the State's right of way.

The Board discussed whether or not a referral to ACARC was required and after determining that it was not, directed the Secretary to send an invitation to the members of ACARC to attend the February 10, 2009 public hearing.

The Planning Board agreed that this application was complete and therefore would move forward with the public hearing scheduled for February 10. The applicant was directed to provide a copy of the revised plan to the Planning Board office.

## **VI. WETLAND VIOLATION**

### **Cross River Westchester Associates, 890 Route 35, Cross River – Cal. #3-08 W.V.**

The Chairman noted that representatives of the property owner were not present. The Secretary advised that the engineer for the project had acknowledged that there was a meeting scheduled for this evening. After a brief discussion Ms. Clark was directed to send a letter to the engineer, certified mail return receipt requested that this matter would be placed on a subsequent meeting date in February. If there were no representatives present, the Planning Board could enter into Executive Session without the property owner having the opportunity to present any information in mitigation of the violation.

At the completion of her services for the evening, Ms. Clark exited the meeting at 9:25 P.M.

### **Three Lakes Council, Inc., Lake Waccabuc, Waccabuc – Application for Wetland Activity Permit Approval to eradicate invasive species in lake bottom – Cal. #90-08 W.P.**

Janet Andersen in her capacity as Vice-President of the Three Lakes Council was present with Jack Sinnott, President, Jean Willis, Secretary, Paul Lewis, head of the Lake Preservation Committee, and John Lemke, Treasurer. Joe Tansey a board member of the Three Lakes Council was also present. It was noted that several members of the Three Lakes Council were also present this evening.

There was no CAC representatives present for this matter. The memo prepared by the CAC was written by Ed Wickersham and reviewed by other members not involved in the Three Lakes Council. Ms. Andersen advised that she did not participate in the CAC review and received a copy of the memo from the Planning Board office.

Ms. Andersen advised that they have discovered the weed Brazilian Elodea (*Egeria densa*) which is considered one of the ten worst invasive aquatic plants. She advised that only the male plant is found in this country and is spread not by seed but by fragments. This is the first known discovery of this plant in Westchester, only the third in New York State outside of Long Island. Although it is not known how fast it would grow in New York, in Washington and Oregon it grows approximately one foot a day and covers one hundred acres in a year. This plant is thick enough to prevent Salmon from swimming upstream and is considered very aggressive. Her best guess is that it came from an aquarium, bait bucket or fishing gear.

Mr. Barber suggested that the Board consider ways to reduce further exposure to this invasive species, i.e. education, boat and equipment inspections.

Ms. Andersen displayed a map of the affected area (approximately one quarter of Lake Waccabuc). She reviewed some of the possible options they had to gain access to the lake. She advised that their lake manager ABI performed a plant survey and noted an area where this plant was found. In addition, they found a lot of fragments, some with roots. It became very clear that this invasive species had become very well established in this area of the lake and noted on the map where it was found. In clear water this plant will grow twenty to thirty feet. She noted a deep area where there would not be plant growth and advised that there is very little growth along the north shore because it is rocky and steep. After completing more survey work and meeting with the residents it was agreed that they would suction harvest. She displayed Map 1 and reviewed the area where they would most likely harvest and explained the suction process. She noted the homes that utilize lake water as their source of water.

Mr. Rossi questioned whether this approach was the right one given that this is only the third occurrence in the State.

Ms. Andersen stated that she didn't know whether there is one perfect answer. She spoke to a conservation worker in Massachusetts who hand harvested. She advised that the top freshwater person in New York State spent three hours looking around the lake confirming the presence of this weed and to ensure that the weed was not anywhere else. She advised that if this weed spreads any further into their lake that they were in trouble. NYC DEP flew over the lake to confirm that it had not yet spread. They must remove all vegetation to ensure that there are no fragments left and advised that they would install a turbidity curtain around the area to ensure that the remnants would not spread.

Mr. Barber reviewed his memo to the Board dated January 21, 2009 noting that he had met with Ms. Andersen and Mr. Lewis. He stressed that this is a very bad weed and hoped that the first attempt to eradicate it is successful because once it spreads it would be difficult to eradicate. He noted that because some of the neighbors draw water from the lake it was agreed that they would not use herbicides. He noted that his memo contained some technical questions, but the biggest concern for him is they ensure that they get this right the first time. He wants to ensure that the lake manager takes a look at the entire operation. He is looking for an actual plan with detailed construction sequencing. The bottom line is that everyone works together as a group, NYSDEC, Lake Manager, contractor as well as himself to ensure that the work is done properly and properly sequenced.

In response to Mr. Gusmano's concern with the specs on the netting of the bags, Mr. Barber explained the process and how the bags are used. He stated that although they were not intending to dredge, they may want to incorporate the use of a silt bag that has not been considered because of the concern with fragmenting.

Mr. Gusmano questioned whether it would be a better option financially to install wells for the three homes that draw water from the lake and then blasting the water with herbicides.

Ms. Andersen advised that they are considering herbicide use as a back up. The required herbicide to eradicate this plant must be kept at the high end of the allowable range for 60 days to be effective. They would also be required to install turbidity curtain deep into the water rather than a floating curtain. You cannot swim in the water or drink it while it is being treated. She assumed that if you could not swim in the water that you could not bathe in it as well. There are at least 14 homes that draw their water from Lake Waccabuc. She expressed concern with the length of time it would take to get the permitting and approvals from the various agencies for the herbicides and advised that this was a situation that they wanted to address immediately. To address the comments received from Mr. Barber and the CAC, Ms. Andersen distributed and reviewed a response memo from the Three Lakes Council dated January 27, 2009. She stressed that they would like to start the program in May so not to impede people's enjoyment of the lake during the summer months and prior to a lot of boat traffic coming in and out of the lake. She highlighted her response to the Cornerstone memo regarding the certified lake manager and asked that she be given some latitude to have someone with a good resume and not be restricted to chose one of the two lake managers that are certified by NALMS given the cost constraints.

Mr. Barber stated he was looking for someone who had experience in this particular treatment and species.

Ms. Anderson advised that there is a lake in Orange County who treated their waters twice with herbicide, although they were considering the treatment as a back-up it wasn't necessarily the only way to treat. Regarding the comment regarding the owner of the lake bottom, she advised that the NYS DEC allowed them to put in for a permit and call themselves the operator. Any help or advice that could be given in this regard would be helpful as she did not want not to be able to get a permit because of this.

Mr. Barber advised that the NYSDEC permit considers the application and would be the authoritative entity to authorize the permit.

Ms. Andersen reviewed her written response to the CAC memo.

Mr. Rossi assured Ms. Andersen that this Board has always tried to protect the lakes and clearly this is an issue that must be corrected. Although he preferred the herbicide he understood that there were families who utilized the lake for drinking water. There are some questions to be answered and recommended that this application move forward so that the Three Lakes Council has a permit in hand so that they can begin to the work at the proper time.

Mr. Gusmano encouraged the careful monitoring all around the lake during the process.

In response to a question of Ms. Maguire, Ms. Andersen advised that this weed had not been found in the other lakes within their council. It was suggested that the applicant make the other lakes in Town aware.

The Board agreed to the scheduling of a public hearing on March 10, 2009. The applicant was directed to get all of the outstanding technical information to the wetland inspector as soon as possible. Mr. Rossi questioned how the applicant would advise those most affected when the work begins. Ms. Andersen advised that the only opposition they had received was relative to the usage of herbicides.

**Frank Curra, Main Street, South Salem – Application for Wetland Activity Permit  
Approval to construct single family residence – Cal. #91-08 W.P.**

Frank Curra was present with his engineer Peter Gregory.

Mr. Gregory displayed and reviewed the proposed site plan to construct a new two bedroom residence on an undeveloped lot on Main Street. He advised that Mr. Curra resides on the adjacent parcel located on Lake Shore Drive. They have tried to minimize the impact; and noted the disturbance within the wetland buffer area. He noted one area where there may be some disturbance to the wetland directly. He stated that the disturbance would be approximately 6600 SF in the front of the property.

Mr. Barber reviewed his memo to the Board dated January 20, 2009.

Ms. Andersen reviewed the CAC memo to the Board dated January 21, 2009.

In response to Mr. Barber's question as to how this lot was created, Mr. Gregory advised that he has documentation which indicates that this lot was created in a 1956 subdivision for Truesdale Acres. He advised that there were no plans to develop Van Norden Lane.

Mr. Curra advised that he did not own the three adjacent lots on Main Street in response to the CAC comments regarding their concern about the possible development of those lots as well.

Mr. Rossi did not believe that the Planning Board could consider the possible impacts to the three vacant parcels under different ownership.

Ms. Andersen advised that the concern was with exceptions being made here that allowed development, might make it easier for the development of the other parcels.

In response to a question of Ms. Maguire, Mr. Gregory advised that although the driveway is currently proposed as asphalt they could consider another material as well as a different configuration.

Mr. Barber questioned whether they could move the house to the rear utilizing the front flat area for septic.

Mr. Rossi questioned whether they could keep the development on one side of the wetland.

A discussion followed as to the best way to develop the parcel with the least amount of disturbance. The Board agreed that a site walk would be helpful and asked that the applicant's engineer stake out the corner property lines, house, well and septic. It was recommended that the Building Inspector review the application for zoning compliance.

## **VI. CORRESPONDENCE & GENERAL BUSINESS**

Mr. Rossi advised that he had reached out to Supervisor Brancati, Councilman DeLucia and Councilman Pavalow with respect to the status of the Cote wetland violation. He is waiting for a response.

Mr. Rossi asked that the Secretary contact Tom Altermatt regarding the status of the Levy parking lot.

Mr. Rossi acknowledged receipt of an e-mail from the Meadows with respect to the fencing. Noting that he was not aware what the original Planning Board resolution required he had asked Mr. Johannessen to review the resolution and provide the Board with a memo in terms of what could be done.

In response to a question of Mr. Decaminada, the Secretary advised that the ZBA letter dated May 11, 2006 which was recently redistributed was available in the Oakridge Gardens file.

The Board briefly discussed an upcoming educational opportunity forwarded to them by the Town Attorney.

The Board briefly discussed the recent correspondence from Anthony Eagen regarding the recent NYSDEC determination relative to the Wild Oaks WWTP Upgrade.

After discussing the recent Croke request with counsel, Mr. Barber advised that it appeared that it would be prudent to bifurcate Mr. Croke's wetland activity permit approval. The Planning Board would need to amend the resolution which would allow for phasing of the projects.

The Board agreed to schedule a site walk date at the following meeting.

## **VII. MINUTES OF January 13, 2009**

On a motion made by Mr. Decaminada, seconded by Mr. Gusmano the minutes of January 13, 2009 were adopted.

Vote: Yes: Decaminada, Gusmano, Rossi  
Abstain: Maguire  
Absent: Ellrodt

On a motion made by Mr. Gusmano, seconded by Ms. Maguire the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Aimee M. Hodges  
Planning Board Secretary