

**Borough of Highlands
Planning Board
Regular Meeting
May 13, 2010**

Mr. Stockton called the Meeting to order at 7:13 p.m.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mr. Stockton made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mr. Parla, Mr. Roberts,
Ms. Peterson, Mr. Stockton

Absent: Mayor Little, Ms. Ruby

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board Engineer

**Review of Zoning Ordinance Amendment O-10-8
& Adoption of Resolution RE: Ordinance O-10-8 Recommendations**

The Board reviewed Ordinance O-10-8. Mr. Mullen explained that this was a recommendation by the Zoning Officer and is a minor modification to the regulations of the Waterfront Transitional Zone.

Mr. Stockton asked if there were any questions from the public on Ordinance O-10-8 but there were no questions or comments.

Mrs. Cummins read the title of the following Resolution for approval:

Mr. Mullen offered the following Resolution and moved its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
FINDINGS OF REVIEW OF ORDINANCE O-10-8
ZONING ORDINANCE AMENDMENTS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-10-8, which Ordinance will amend the Borough Zoning Ordinance; and

WHEREAS, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepared and transmit a report back to the Governing Body; and

WHEREAS, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed Ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, the Board conducted a review of the proposed amendment on May 13, 2010; and

WHEREAS, the Board received comments from Board Members, the Board Engineer and Attorney and various members of the public.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that Ordinance O-10-8 is consistent with the Land Use and other elements of the

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Highlands Borough Master Plan and the Ordinance does advance the purposes of planning and zoning and advances the planning objectives of the Highlands Borough Master Plan.

BE IT FURTHER RESOLVED that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

Seconded by Mr. Schoellner and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mr. Parla, Mr. Roberts,
Ms. Peterson, Mr. Stockton

NAYES: None

ABSTAIN: None

**Review of Zoning Ordinance Amendment O-10-10
& Adoption of Resolution RE: Ordinance O-10-10 Recommendations**

The Board reviewed Ordinance O-10-10. Mr. Mullen explained that this ordinance was on the agenda in December 2009 and the Board passed these recommendations on to the Council via a Resolution but the modifications were sufficient that they couldn't adopt the ordinance with these amendments without reintroducing it. So this is sort of a carryover from last year.

Mr. Stockton asked if there were any questions or comments from the public with regard to Ordinance O-10-10.

Christian Lee of 2 Navesink Avenue was sworn in and expressed his concerns and objections to his view being blocked by the proposed amendments to block 38.01. He feels that with regard to Block 38.01 that it should be reverted back.

There were no further questions or comments from the public; therefore public portion was closed.

Mr. Mullen stated that block 38.01 is on the south side of Bay Avenue and it backs up against the hill. There is a significant elevation grade change between his property and the other property and we are not increasing the height of the building. It's increasing the amount of lot coverage that one can use so he does not believe that this is a loss of view. He further explained that he feels the proposed amendments to this zone are appropriate.

Mr. Parla agreed with Mr. Mullen that there is no proposed increase in height.

Mrs. Cummins read the title of the following Resolution for approval:

Mr. Mullen offered the following Resolution and moved its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
FINDINGS OF REVIEW OF ORDINANCE O-10-10
ZONING ORDINANCE AMENDMENTS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-10-10, which Ordinance will amend the Borough Zoning Ordinance; and

WHEREAS, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepared and transmit a report back to the Governing Body; and

WHEREAS, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed Ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

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WHEREAS, the Board conducted a review of the proposed amendment on May 13, 2010; and

WHEREAS, the Board received comments from Board Members, the Board Engineer and Attorney and various members of the public.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that Ordinance 0-10-10 is consistent with the Land Use and other elements of the Highlands Borough Master Plan and the Ordinance does advance the purposes of planning and zoning and advances the planning objectives of the Highlands Borough Master Plan.

BE IT FURTHER RESOLVED that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

Seconded by Mr. Parla and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mr. Parla, Mr. Roberts,
Ms. Peterson

NAYES: None

ABSTAIN: Mr. Stockton

Discussion RE: Vacancy on the Highlands Environmental Commission

Mrs. Cummins informed the Planning Board that there is a vacancy on the Environmental Commission and the Ordinance calls for one member to be a Planning Board Member. She then asked if there were any board members that would volunteer to serve on the Environmental Commission.

Mr. Mullen volunteered.

Mrs. Cummins stated that she would sent a memo to the Council informing them that Peter Mullen has volunteered.

Mr. Serpico stated that he would look into law regarding appointment to the Environmental Commission appointment law.

**PB#2009-1 Highlander Development Group
Block 105.107 Lot 1.01
Unfinished Public Hearing**

Present: Paul Drobbin, Esq., Applicants Attorney
Dan Busch, P.E., Applicants Engineer
Mr. McOmber, Sr., Objectors Attorney

Conflict: Mr. Stockton stepped down for this hearing.

The following documents were marked into evidence:

- B-36: Schoellner March 11th Meeting Affidavit;
- B-37: Schoellner April 8 Meeting Affidavit;
- B-38: Fire Letter dated 5/3/10;
- B-39: Melick-Tully letter dated 5/10/10 for Identification Purposes Only;
- A-83: April 30, 2009 Letter from P. Drobbin transmitting Mailing Notice and Receipts;
- A-84: Aerial Truck Access Exhibit on large board dated May 13, 2010.
- A-85: D. Busch Transmittal letter;
- A-86: Overall Landscape Plan dated 4/27/10;
- A-87: Landscaping & Lighting details sheets 10 to 14;
- A-88: Aerial Truck Plan;
- A-89: Maser Letter dated 4/20/10 for Identification Purposes Only;

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O-3 Mr. Stober letter for Identification Purposes Only.

Mr. Schoellner, Vice Chairman chaired this hearing.

Mr. Drobbin stated that there are a couple of clean up items and Dan Busch, P.E. is here this evening and he is prepared to testify tonight. He stated that he wanted the affidavit of service and property owners list, affidavit of publication marked into evidence. He requested that his letter dated April 30, 2009 be marked into evidence as Exhibit A-83.

Mr. McOmber stated that he had no objection to the marking of Exhibit A-83. He stated that he believed that the applicant rested its case and he did not know there would be further testimony tonight.

Mr. Drobbin explained that he had not rested his case and that there were a number of clean up items that had to be addressed which he further explained.

Mr. Serpico stated that he did not feel that the applicant technically rested his case. He then asked if all have seen the Fire Marshalls letter dated May 3, 2010.

Mr. McOmber stated that he did have a copy of the May 3, 2010 Fire Official letter.

Dan Busch, P.E, who was previously sworn in stated the following during his testimony and response to questions from the board:

1. He met with Dave Parker, Fire Chief and prepared Exhibit A-84 in response to some of Mr. Parkers concerns. This exhibit was transmitted to the board under 4/28/10 letter.
2. He then described Exhibits A-84, 85, 86, 87, 88. He stated that this is an aerial truck access exhibit II on a large board. He explained that they have provided ability to go in either direction to get to front of buildings one and two. They added brick hard surface material at the ends of two islands that are at the edges and in circle area in middle added a paver area adjacent to the curb line. The curb in the interior island and the end islands would be mountable. There are some trees that were originally shown, now shows pavers. They also specified a tree that grows calmer and vertically so it doesn't have broad branching.
3. These exhibits show the ability for an aerial truck to make a left and be able to circle around and either reach building one or building two and building three. The exhibits show an aerial truck parked in front of building 3, which he further described the movements of access to the buildings.
4. He then described his transmittal of the revised plans.
5. Chief Parker has reviewed and approved aerial truck plan.
6. Landscaping, he described some changes.

Exhibits A-85 – A-88 and B-38 were marked into evidence. There were no objections for these exhibits.

Mr. Busch continued as follows:

7. He reviewed the May 3, 2010 Dave Parker Letter and commented on it.
8. He agrees with items #1, #3, #4, #5, #7 of the May 3, 2010 Dave Parker Letter.
9. With regard to comment #6 of the May 3, 2010 Fire Letter. The applicant agrees to comply with the code at the time of construction. He then spoke about fire engineers comments with regard to fire code.

Mr. McOmber objected to Bush's testimony regarding Fire Engineers previous testimony.

Mr. Serpico – objection sustained.

Mr. Busch continued with his testimony as follows:

8. He explained that the applicant will agree to comply with the applicable building code at the time of construction in response to Comment #6 of the May 3, 2010 Fire Letter.

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9. He did hear David Parkers prior testimony where is referred that he was trying to buy a new fire truck for the past two years.

Mr. McOmber objected to this testimony of what Mr. Parker testified to.

Mr. Drobbin then questioned Mr. Serpico about the consideration of a geotechnical letter that was put before the engineers and not the board.

Mr. Serpico – yes, we had discussed over a number of occasions that there was a member of the public who filed his own opinion letter regarding the geotechnical aspects of the project. We did not allow that into evidence until we have an opportunity for the professional engineers for both the applicant and the board to take a look at it so we can see exactly what it is all about. So based on the circumstances he has not seen in full Mr. Stobers opinion in full. T & M Associates as well as Melick-Tully, Board Geotechnical Engineer and the applicants engineer. Based upon what I have seen he thinks that it's relevant to allow it in, the report as well as the response from your side and our side, so that the board has all three matters in front of them to consider.

Mr. Serpico the marked Exhibit A-89, B39 and O-3 for identification purposes.

Mr. McOmber objected to B-39 until he gets further opportunity to review it. He feels that Mr. Stober should be able to review this letter as well as Eastpointe.

Mr. Serpico – that's fine we will have that Mellick-Tully, Geo Technical Engineer hear at the next meeting to testify. We will also make sure that Eastpointe, Mr. McOmber and Mr. Drobbin have copies of the Melick- Tully letter dated 5/10/10.

Mr. Drobbin objected to marking Exhibit O-3 into evidence until he has had a chance to cross examine Mr. Stober.

Mr. Serpico – okay.

Since I have to have the Geotechnical Engineer in next month then we have only marked them for identification and the board members have not seen the documents yet. So he would suggest that we carry these three letters until next month. We will have testimony from Mr. Stober next month and from possibly Mr. Serpico and the Boards Geotechnical Engineer. He informed the Board Secretary that she is not to distribute A-89, B-39 and O-3 to the Board Members.

Mr. Busch continued his testimony as follow:

10. He described Exhibit A-37 the anchoring of the walls and the location of them.

Mr. Drobbin stated that he has nothing further this evening as for testimony.

Mr. McOmber stated that he recommends that that any Counsel can send letters of concern to Mr. Serpico. We ought to proceed with the matter tonight and hear from the public.

Mr. McOmber then began his cross examination of Dan Busch.

Mr. Busch stated the following during his cross examination:

1. Exhibit A-84, this shows access for aerial truck with primary concern of buildings two and three. He then further described the exhibit and the parking stalls, width of driveway to be 16 feet between buildings one and two from curb to curb.
2. He does not know the width of an atlas moving van.
3. If there were a moving van then the aerial truck would not be able to occupy the same space as moving van. The aerial truck would not be able to pass the moving van.
4. No change to access to other areas on site. There is means to get behind buildings one and two, which he further explained.
5. Swale behind buildings is 18 inches to 2 feet.
6. There is one access road for the site.

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7. Fire Prevention Letter (Exhibit B-38) he agrees to comply with items 1,3,4,5,7 and not with items 2,6 and it depends for item s#8 on the current code which will they will comply with.
- 8; It was not his testimony that the tie backs for the retaining wall would go under Scenic Drive. He believes that may be Mr. Serpico's testimony.
9. Yes, it is correct that the tie backs for the retaining walls would go under Scenic Drive,
10. He does not recall how far under Scenic Drive the tie backs will go.

Mr. McOmber stated that he has no further questions for Mr. Busch.

Mr. Schoellner opened up to the public to see if there were any questions for Mr. Busch.

Lois Davis of 1 Scenic Drive asked if the tie backs under Scenic Drive would go under the Eastpointe Property.

Mr. Busch stated that it would stay under the applicants property.

There were no further questions from the public for Mr. Busch.

Mr. Serpico suggested that we should get some public comment at this time.

Jennifer Loheac, Attorney for Eastpointe Condo's. stated that she is here to read a letter written by Wendel Smith who's been handling this matter for some time. She then read his letter dated August 10, 2009 expressing serious concern about any physical damage that may be caused to the common elements of Eastpointe Condominium due to the construction of the proposed Enclave on the adjacent property. The letter requested that any land use or construction approvals be conditioned upon the prior issuance of delivering to the Borough and the Eastpointe Association proof of insurance coverage in the amount of at least one hundred million dollar, which she further explained.

Mr. McOmber requested the same type of insurance coverage for Ralph Street property owners.

Jennifer Loeheac stated that if the board desires they can make their insurance consultant available at a later time.

Mr. Drobbin questioned the August 10, 2009 Wendel Smith letter.

Mr. Serpico – it's a request through Counsel on behalf of one of the contiguous property owners. It's not evidence, it has no direct bearing on the actual construction project but it does impact the conditions that the board may impose.

Mr. Drobbin questioned the factual allegations and he wants to make sure the board does not take that into account. He will address that later.

Loise Davis of 1 Scenic Drive #207 was sworn in stated that she is the Eastpointe Condo Association Board President. She commented on the comments of the Wendel Smith letter. She explained that the Developers came to Eastpointe and made representations to them.

Mr. Serpico – no, that's hear say.

Loise Davis asked the board to please consider the conditions of the Eastpointe Wendel Smith letter.

There were no further comments from the public.

Mr. Schoellner closed that public portion.

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Mr. Serpico explained that if the Attorneys are going to sum up then obviously you are going to reserve the right to further summation based on what's testified to next month.

Mr. McOmber – yes, sir.

Mr. Drobbin – yes, sir.

Mr. Serpico – so if you want to sum just avoid the topic of the Stober letter. He also stated that this is a complex application that has gone on for over a year and a half. The board is going to deliberate on this and the board is going to want to reserve to conditionally keep this application open because if the board has questions they want the ability to recall witnesses and ask questions if Board so desires. So we are to close but we are going to leave it open conditionally. He will give that same opportunity to both Attorneys. So with that if the Attorneys want to partially sum up this evening reserving right to continue next month, they can do that.

Mr. McOmber questioned the procedure. With the exception of those three witnesses and those letters and the insurance issue, the applicant has completed his case subject to answering questions that may be raised by the board.

Mr. Drobbin – or something that may come up with regard to a condition that the board may seek to impose.

Mr. McOmber – agree

Mr. Serpico – that's standard

Mr. McOmber – with that kind of exception, the same would go for me and Counselor _____. With those exceptions, the public hearing is pretty much over.

Mr. Serpico - yes, and if something else comes up we will deal with it.

Mr. Mullen questioned again if there were any members of the public who wished to make comments on this application.

Connor Jennings of 27 Ralph Street was sworn in. Just to clarify this situation, he thought that the public portion that we just had only related to the Eastpointe letter. He is not sure that everyone in the room understood the public portion.

Mr. Serpico stated that the public portion is not closed and if anyone in the audience that wants to make a comment now is the time.

Kat Nicosia of 1 Scenic Drive was sworn in. She explained that she feels that the board is not paying attention to the Eastpointe Letter. Eastpointe is her home and she wants the insurance requirement to be mandatory to protect the residents of Eastpointe.

Mr. Schoellner replied. He stated that this board has sat here month after month and they do pay attention. We are here for the people and for the applicant.

Tony Morogiello of 1 Scenic Drive was sworn in and expressed his concern of the proposed development and impact it will have on Eastpointe Condos. He referred to comments of the Minard Report that had concerns. He does not believe that he has heard that those concerns of the 1970's Minard Report carry any wind today.

Mr. Drobbin cross examines Tony Morogiello.

Mr. Drobbin – do you recall any of the Geotechnical Engineers Testimony?

Mr. Morogiello – yes I do.

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Mr. Drobbin stated that James Serpico, Geotechnical Engineer entered six to eight exhibits into evidence and provided one and a half nights of testimony about those issues mentioned by Mr. Morogiello.

Mr. Morogiello does remember hearing Mr. Serpico's testimony but I also know that he works for the applicant. He is not an expert in engineering and does not have a degree.

Mr. Drobbin – have you done any surveying of the site or the Eastpointe site similar.

Mr. Morogiello – no

Mr. Drobbin- do you recall that the board hired its own Geotechnical Engineer from Melick-Tully.

Mr. McOmber – I am going to object.

Mr. Drobbin – you can object all you want. Do you recall Mr. Schwankert from Melick-Tully?

Mr. Morogiello – I might have heard him but I don't recall him.

Mr. Drobbin – he's the curly haired fellow that was hear a couple of times.

Mr. Morogiello – yes I do recall him but he does not recall his testimony in any great detail. I recall him confirming or agreeing to some statements. He has not reviewed any of Mr. Schwankerts reports on this matter.

Mr. Morogiello – what is the point of this?

Mr. Serpico explained that he was subject to cross examination and Mr. Drobbin is not.

Mark Steward of Monmouth Hills, Middletown, NJ was sworn in and stated that this will be impeding and altering views of Monmouth Hills. He then spoke about Monmouth Hills being a historic neighborhood.

Mr. Drobbin cross examines Mark Steward.

Mr. Drobbin – I haven't seen you here, have you been to many meetings?

Mark Steward – no

Mr. Drobbin – do you recall which meetings you were here?

Mark Steward – very early on

Mr. Drobbin – where you hear for the first hearing when Mr. Busch testified in May of 2009.

Mark Steward – I can't say for sure.

Mr. Drobbin – do you recall any testimony of any of the Applicants Architects?

Mark Steward – no.

Mr. Drobbin – do you recall reviewing any of the shadow effects or effects of these buildings?

Mark Steward – I have seen some of the documents but can't recall specifics.

Mr. McOmber then cross examined Mark Steward.

Mr. McOmber – sir, are you saying that you are from Monmouth Hills and some of the homes in Monmouth Hills overlook the Sandy Hook Bay?

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Mark Steward – yes.

Mr. McOmber – I believe you said that the view will be blocked if the application is approved.

Mr. Steward – yes.

Mr. McOmber – were you talking about shadows or were talking about someone looking out their window and not being able to see.

Mr. Steward – where many of the residents now see air, water, woods or beach; those residents would now see the buildings.

Mr. McOmber – so you not as concerned about shadows as you are with visual impact on the homes that overlook the Sandy Hook Bay?

Mr. Steward – if I read anything about a shadow effect, I ignored it for the same reason that I did here.

Mr. McOmber –so the answer would be yes?

Mr. Steward – ya.

Richard King of Monmouth Hills was sworn in. He spoke about the Waterwitch Club that is located in the Monmouth Hills area. He stated that it's a Historic District and this project will have a negative impact on this area and would destroy the character of the neighborhood, which he further described.

Mr. Drobbin cross examines Mr. King.

Mr. Drobbin – did you hear testimony about the zoning that's in place for this project?

Mr. King – I did and was here twice.

Mr. Drobbin – and then you know the applicant has made application pursuant to the zoning.

Mr. King – I do.

Mr. McOmber did not wish to cross examine Mr. King.

There were no further comments from the public. So the public portion was closed.

The Board took a ten minute recess at 8:38 p.m.

Mr. Schoellner called the meeting back to order at 8:50 p.m.

ROLL CALL:

Present: Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mr. Parla, Ms. Peterson,

Absent: Mayor Little, Mr. Stockton, Ms. Ruby

Mr. Mc Comber has a lengthy summation. He spoke about the few waivers being requested and that it's a permitted use but there are several issues to consider. The application can only be described as a high rise, high impact, high density application. We have three sixteen story buildings with underground parking. You got 282 units at two people per unit, we are talking over 500 people with a lot that holds 588 vehicles. This is a substantial application and it's all located on a portion of a 14-acre site. Not all of which can be used by the applicant because of the steep slopes. So naturally the applicant has to by force of the site gather the buildings very closely together and he believes therein lies a substantial problem. There has been testimony about the applicants site plan is consistent with the master plan. The applicants planner testified

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that the steep slope variance would not substantially impair the intent and purpose of the zone plan. He continued his lengthy summation describing his objections to the granting of approval of the subject application. He feels that the variances cannot be granted without substantially impacting the master plan, which he further described. He spoke about the buildings not being safe from fire department use.

Mr. Drobbin then began his summation. He stated that he is thankful that we have a record of the testimony in this matter which is 14 transcripts and all evidence. He stated that emotional pleas that Mr. McOmber may have is not evidence. The board must consider the evidence and everyone has taken that case seriously. The Board and its professional have been wonderful. He spoke about the period of time this case has gone on for. It was clear the objector numbers did not support change in meeting location. He spoke of the seven experts of the applicants and the board had its own engineer and specialist in Geotechnical and the Borough Fire Official. Take all evidence and deliver a favorable vote. He reviewed some the evidence that was presented during the hearings. No variances with few design waivers for steep slope, which changed based on zoning ordinance amendment. It changed from a design waiver to a variance requirements. He continued his very lengthy summation of the positive reasons to approve the application and variances. He spoke about all of the applicants professional consultants and the boards professional testimony. He then went on to described all of the positive reasons for the board to approve and grant the required variances previously known as design waivers. The record is what the professionals testified to. He stated that the thoroughness of this application has been matched by the quality and sophistication by the applicant's experts and the boards experts. The site visit was a stroke of genius which he further spoke about. He spoke about Mr. Serpico's geotechnical angers repots. Mr. Serpico testified about the man made of those results. He spoke about the site design and the fire truck access. The application was originally filed with not variances a few design waiver for steep slope. A change after the December 2009 meeting amended the zoning ordinance to relocate the steep slope relief from a design waiver to variances. The applicant then argued that the variance request was inappropriate and prejudicial under case law but in any event the applicant understood and they made an application for a variance. The board considered the application and Mr. Phillips came back and testified again about the steep slope variance and he made it clear met both the positive and negative criteria as required by the State and Municipal Land Use Law. He continued with his summation to explaining the reasons for the board to approve the application and variances. He spoke about the Fire Engineers testimony which was favorable. He then spoke about the Borough's Fire Official's review and determination that he feels confident to fight a fire at this site.

Mr. McOmber then gave a rebuttal and spoke about the fire departments need for a new fire truck.

Mr. Drobbin also gave a rebuttal.

Mr. Serpico stated that the applicants attorney has previously waived the board time requirements. So it's time to carry this to the June Meeting.

Mr. Parla offered a motion to carry this hearing to the June 10th meeting at 7:0 p.m. seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

AYES: **Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mr. Parla, Mr. Roberts,
Ms. Peterson**

NAYES: **None**

ABSTAIN: **None**

Approval of Minutes:

Mr. O'Neil offered a motion to approve the April 8, 2010 Planning Board Meeting Minutes, seconded by Mr. Mullen and approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Mullen, Mr. O'Neil, Mr. Parla, Mr. Roberts, Ms. Peterson

NAYES: None

ABSTAIN: None

Mr. O'Neil offered a motion to adjourn the meeting, seconded by Mr. Mullen and all were in favor.

The Meeting adjourned at 10:11 p.m.

CAROLYN CUMMINS, BOARD SECRETARY