

**PLANNING BOARD
REGULAR DECEMBER MEETING
MONDAY, DECEMBER 12, 2022
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the November 14, 2022, Regular Planning Board Meeting Minutes

Present: Brian Donnelly, Interim Chairperson
Kevin Worden, Board Member
Thomas Eldridge, Board Member

Also Present: Alex Urda, Town Engineer
Gavin Stiles, Code Officer
Nicholas Cortese, Planning/Zoning Attorney

Absent: Jamie Szenher, Melanie Pandich Board Members
Michael Boland Board Alternate

Brian Donnelly I'll call the December Planning Board meeting to order. First off, we'll do the approval of the November 14, 2022, meeting. Does anyone have any discussion? Would someone like to make a motion to accept them?

Kevin Worden: I'll make a motion to approve the minutes.

Thomas Eldridge: Second.

Brian Donnelly: Ok, we have a motion and a second, can we have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly, Interim Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

NEW BUSINESS

- **2022-PB19 -Yellow 20, LLC- Chris Stroud** – 42 Smith Hill Rd. Rear- TM#128.01-2-6- Application for site plan review for a Solar Farm in an Agricultural Zone and full EAF.

Brian Donnelly: I would like to suggest we do this later and let the other applicant's go first so they don't have to wait.

Nicholas Cortese: You can do whatever you want.

Brian Donnelly: Ok, so if the other applicants are welcomed to stay and listen to the solar project or go. So, we will go onto to Eileen Longo's application.

- **2022-PB20 – Eileen S. Longo - 20 Airport Rd. -TM#095.11-1-18-** Application for a special permit to allow more than two accessory structures in a Residential Zone & short EAF.

Alex Urda: The referenced application is for a special permit to have more than two accessories in a Residential zone.

	Dated:	Rcvd.:
Planning Board Special Permit Application w/ permissions	11/01/22	11/01/22
Letter from Applicant rcvd 11/1/22 then updated	11/02/22	11/02/22
Parcel Mapper with accessories sketched	---	---
Short EAF	10/27/22	---

Project is subject to 239 review. We have no engineering objections.

Brian Donnelly: Is the applicant here? Yes.

Kevin Worden: This is just three accessory buildings, correct?

Thomas Eldridge: This isn't one of thoughts weird zoning problems? Several different setbacks and such.

Gavin Stiles: just to allow three accessory structures, nothing weird.

Brian Donnelly: Ok, I will open the public hearing. Does anyone wish to be heard on this special permit application? There being none I will close the public hearing portion. Gavin, do you have any comments?

Gavin Stiles: I have no objections just a building permit.

Nicholas Cortese: This is a Type II Action under SEQR, no further environmental action to be take. Before we make a motion. We should go over the conditions noted in the resolution. It is the typical conditions for accessories.

1. The property shall contain no more than 3 accessory structures.
2. The accessory structures shall comply with all requirements of the Town of Chenango Zoning Code, including, but not limited to setbacks and square footage. If any proposed accessory structure does not comply with the Zoning Code, appropriate variances must be obtained from the Zoning Board of Appeals prior to the commencement of construction.

3. If the number of accessory structures on the property is reduced to two (2) or fewer for a period of 365 consecutive days, this special permit shall expire.

Brian Donnelly: Would someone like to make a motion?

Thomas Eldridge: Motion to approve the special permit with the conditions mentioned.

Kevin Worden: : Second.

Brian Donnelly: Ok, we have a motion and a second, can we have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly, Interim Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

- **2022-PB21 –Virginia Baker – 6 Councilman Rd.- TM#111.12-3-19-Application for a special permit to allow four (6) dogs in a Residential Zone & short EAF.**

Alex Urda: This is a review for the referenced application for a special permit to allow more than 3 dogs in a Residential Zone for a total of 6 dogs.

The application package included:	Dated:	Rcvd.:
• Planning Board Special Permit Application w/ Permissions	11/08/22	11/08/22
• Letter of Intent with list of dogs	---	11/08/22
• Broome County Parcel Mapper with yard	---	---
• Pictures of Dogs	---	11/08/22
• Short EAF	11/08/22	11/08/22

Project is subject to 239 review.
We have no engineering objections.

Gavin Stiles No objections.

Jerome Barry: Was present to answer questions. Said they have three Bassett's and three Chihuahua.

Thomas Eldridge: The pictures with the application was a nice touch.

Brian Donnelly: This special permit requires a public hearing. So, I will open up the public hearing for questions or comments. There being none I will close the public hearing portion and move onto the SEQR.

Nicholas Cortese: Ok, everyone knows the drill I'll read the questions and you will answer verbally with a yes for small to no impact and yes, for moderate to large impacts.

EAF SHORT FORM PART II

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Boards response- No.
2. Will the proposed action result in a change in the use or intensity of use of land? Boards response – No.
3. Will the proposed action impair the character or quality of the existing community? Boards responses- No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Boards responses- No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways? Boards responses- No.
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Boards responses- No.
7. Will the proposed action impact existing:
 - a. Public/private water supplies? Boards response- No.
 - b. Public/private wastewater treatment utilities? Boards responses- No.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Boards responses- No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna? Boards response- No.
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? Boards responses- No.
11. Will the proposed action create a hazard to environmental resources or human health? Boards responses- No.

Ok that is all of the questions; you have answered them all no. So, my presumption would be you will be making a "Negative Declaration" for this Unlisted Action. If that is

true, I just need a motion and a second to make that "Negative Declaration" for this Unlisted Action as defined under SEQR.

Kevin Worden: I make a motion to adopt a "Negative Declaration" for this Unlisted Action under SEQR.

THOMAS ELDRIDGE: Second.

Brian Donnelly Any discussion, can we have a vote.

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly Interim Chair	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

Nicholas Cortese: Before we make a motion on the special permit lets go over standard template of conditions for harboring more than three dogs. We just want the applicant to be aware.

1. No more than 6 dogs shall be harbored on the property at the same time.
2. If a court of competent jurisdiction should issue a judgment, order, or other final ruling that dogs are being harbored on the property in violation of Chapter 32 of the Chenango Town Code, as may be amended from time-to-time, this special permit shall become null and void.
3. The property owner(s) shall construct and maintain an outdoor enclosure for the dogs designed to prevent their escape. Such enclosure shall be constructed to the satisfaction of the Town Dog Control Officer.
4. If the number of dogs harbored on the property is reduced to three (3) or fewer for a period of 365 consecutive days, this special permit shall expire.

Does the Board have any other additions to what I have mentioned? If not, someone can make a motion at this time.

Brian Donnelly: Someone like to make a motion for special permit approval?

Thomas Eldridge: I make a motion to approve the special permit for six dogs with the conditions mentioned.

Kevin Worden: Second.

Brian Donnelly: Ok, we have a motion and a second, we can have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly, Interim Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

Brian Donnelly So, you are approved for six dogs with the conditions presented.

ADVISORY OPINIONS/REFERRALS

- **2022-V21 – Richard & Anita Cornell – 23 Cherry Lane – TM#112.06-1-4-** Application for an area variance to park a van camper ahead of the front line of the house in a Residential Zone & short EAF.

Alex Urda: The referenced application from the ZBA for an area variance to park a van camper ahead of the front line of the house in a Residential Zone.

The application package included:	Dated:	Rcvd.:
Application to Zoning Board with permissions	11/07/22	11/07/22
Applicant Letter of Intent	11/05/22	11/07/22
Site sketch with house shown along with camper position ---		---
Photos of proposed area for camper	---	---
Neighbors' letters stating no objections to camper	10/25/22	---
Short EAF 1	01/07/22	---

The application does not require Broome County 239 I&m review.
We have no engineering objections.

Gavin Stiles Ordinance has no objections.

Brian Donnelly: Is the applicant here, yes. Ok we have received several letters from residents in support of this variance request. Does anyone have any comments?

Thomas Eldridge: We had the same thing last month pretty straight forward.

Kevin Worden: I'll make a motion to forward a favorable advisory to the Zoning Board of Appeals

Thomas Eldridge: Second.

Brian Donnelly Ok, we have a motion and a second, we can have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly, Interim Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

Brian Donnelly So, this will go to the Zoning Board with a favorable advisory from this Board.
The Zoning Board will give their final decision on December 27, 2022.

- **2022-V22 – Amy Sickles- 44 Clark Ave.- TM#112.07-8-1-** Application for a double area variance to construct a garage addition with less than required front yard setback from 30' to 24' and 30' to 15' in a residential zone and short EAF.

Alex Urda: The referenced application from the ZBA for a double area variance to construct a garage addition with less than required front yard setbacks from 30' to 24' and 30' to 15' in a Residential Zone.

The application package included:	Dated:	Rcvd.:
• Application to Zoning Board with permissions	11/14/22	11/18/22
• Applicant Letter of Intent	---	11/18/22
• Site plan with house shown along with addition	---	11/18/22
• Floor plan for addition	---	11/18/22
• Short EAF	11/14/22	---

The application does not require Broome County 239 I&m review.

The project fronts on both Cross Street and Clark Ave.

We have no engineering objections to the variance requests.

Gavin Stiles: No objections, will require a building permit.

Thomas Eldridge: Is this one of the corner lots that require different variance. Does this fall into the ordinance that isn't fixed? With the multiple setbacks, does it fall into that?

Alex Urda: This is strictly fronts.

Gavin Stiles: Because it is an addition it is part of the principal use, so it doesn't have to mess around with all that. There is nothing weird about this variance request.

Alex Urda: It's an in-law space, isn't it?

Gavin Stiles: Yes.

Kevin Worden: Seems pretty straight forward.

Brian Donnelly: Ok, any more discussion if not we can have a motion.

Thomas Eldridge: I'll make a motion for a favorable advisory to the Zoning Board of Appeals.

Kevin Worden: Second.

Brian Donnelly: we have a motion and a second, can we have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Ms. Pandich, Board Member	Voted: Absent
	Mr. Eldridge, Board Member	Voted: Aye
	Mr. Worden, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Absent
	Mr. Donnelly, Interim Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 3 Nays -0 Absent- 3 (Boland, Szenher & Boland)

Brian Donnelly: So, it will go to the Zoning Board with a favorable advisory.

- **2022-PB19 -Yellow 20, LLC- Chris Stroud** – 42 Smith Hill Rd. Rear- TM#128.01-2-6- Application for site plan review for a Solar Farm in an Agricultural Zone and full EAF.

Alex Urda: I am still looking at the SWPPP. We caution them we had concerns on stormwater on this one. There is some SWPPP back and forth that I have to do before final that I have to do. We also talked to them at the pre meet about line of sight we would like to see. What we would expect from them. It's not up to Gavin and myself it would be the Planning Board would direct them on that. Something to discuss on what you would like to see online of sight.

Thomas Eldridge: I see there is no one here from the company.

Nicholas Cortese: That is weird.

Gavin Stiles: That is unusual.

Kevin Worden: I have questions. This is a big project.

Gavin Stiles: Frankly, I am surprised.

Nicholas Cortese: You all are familiar with the location of this project. It is on the plateau just above Morningside Heights. And would clear cut thirty acres. On that hill.

Kevin Worden: I did not get a total tree count. Is there an accurate figure.

Alex Urda: It's acres.

Kevin Worden: That's what my question was fifteen plus minus acres project disturbance area will not exceed

Thomas Eldridge: Isn't there a limit on how much land can be built on?

Nicholas Cortese: There is I'll see if I can find that for you.

Kevin Worden: There are three different areas where the size was different that different disturbances. You noticed that.

Alex Urda: The acreage didn't match the SEQR document, and it didn't match the stormwater plan.

Thomas Eldridge: They got 22.9 acres on their DEC application which is bizarre. They got 22.97 on the DEC application

Alex Urda: In the SEQR form they are showing twenty-three acres of panels with meadow underneath.

Nicholas Cortese: Lot coverage is thirty percent.

Kevin Worden: The whole parcel is sixty-nine acres.

Thomas Eldridge: If they are using thirty percent that's twenty-five acres.

Alex Urda: That's the disturbed area not the panels.

Thomas Eldridge: The amount of disturbance states twenty-two acres.

Kevin Worden: You are right the stormwater is going to be an issue. That is a big problem to remove that many trees. Did they say the number of trees to be removed?

Alex Urda: There is an allowance in the DEC Permit. If you have less than five percent of stormwater runoff that is allowable. I have never had a municipality go with that. They presented with five percent, and I said no, just so you are aware of that. We need to see more reduction at least flat line or better

Thomas Eldridge: What about erosion how are they holding the water back to mitigate the problem Is there a set amount of erosion you can have?

Alex Urda: They are supposed to have discharge points to spread it out.

Gavin Stiles: Retention areas.

Nicholas Cortese: All valid considerations. Obviously, this project has an uphill climb I presume to convince this board this is a good idea. One thing you can contemplate if we do this the same way we did the Ransom Road project. Which if you look at it objectively their application was much more button upped. Once somebody

actually comes in to talk to us about the project. Generally, the first thing, we look at is this being a Type I Action under SEQR. You may want to consider definitely up to you a "Positive Declaration" under SEQR. This would require the company to submit a full environmental impact statement. Basically, hold back the application process until the application is complete. It is not a delay tactic. It is just to present you with a very extensive document explaining every conceivable environmental impact associated with the project. And how they would plan to mitigate those potential impacts. A lot of it would be based upon what you decide are the most concerning environmental impacts potentially as it relates to the project. We talked a little about stormwater, erosion and once you see the presentation and have a chance to look through the plan. Diane did everyone get a copy of the flash drive?

Ms. Aurelio: I asked the board members which they would prefer, hard copy or flash drive. Everyone did receive a copy.

Nicholas Cortese: Make sure you study the application carefully and when we get to SEQR this is something plan and when we get to SEQR that we can discuss and contemplate going in that direction. This is not a foregone conclusion by any stretch if the imagination there are things that you can do to make sure that the environmental is taken care of. That is one of the ways potentially. At the end of the day the environmental impact statement comes back and your still not satisfied with it you can deny it unreconcilable environmental impacts can not be mitigated the way the site is. So, those are things to be thinking about and move on and continue on with this process. Certainly, in the premeeting with Alex, Gavin and myself the applicants were made aware all likely hood these would be concerns of the board. So, they are aware of it. I guess they still want to move forward with it. It would have been helpfully if they showed up tonight. May be to talk about it.

Kevin Worden: I can't believe that they didn't show up.

Thomas Eldridge: That sounds like our best course of due diligence for us for the people who live downhill from this thing. For us as individuals making that decision.

Alex Urda: Ultimately, we still do make the decision. it is about a six-month process of meetings. The shortest three months of meetings. Starts off the scoping meeting with professionals then they have so many days to respond. The fastest you would see is several months. Usually, they drag on with professional reviewing pieces. The question is when you get into the EIS if you hire professionals to review them on every aspect. That is the indication you want the project to die. I've been to a project where they hired someone working on contract with a specialist on stormwater, specialist on erosion. That is

something the applicant pays for and bills for not the town. The process is long if you go that route, I will work with Nick to give you paperwork on how it goes about. Usually, it comes back this thick. Most often then not they will give you push back on the EAF. Pretty much in the scope of an EIS it would be their intent to shorten the lengthy discussion without the EIS. To avoid the months to process. I did that for the casino, we did it in two months instead of six months. I had a book like this (holds up the applicant's binder). My fee for the environmental was around sixteen thousand that did not include traffic studies and all the other items that were involved with it. It's a hefty process if you go that route.

Kevin Worden: They do a 239 Review I would assume correct?

Brian Donnelly: Mr. Urda Your comments.

Nicholas Cortese: Absolutely they do.

Alex Urda: It is required no matter what. Our code is written that if were not within five hundred feet of anything we force it to 239 Review. Sometimes they can say they are not within five hundred feet of anything I think our code says we will submit it anyway.

Thomas Eldridge: Where does the stormwater go?

Alex Urda: Down the hill.

Thomas Eldridge: Does it go into the town's sewer retention the ditch goes down the hill.

Alex Urda: It's coming down to us in part and other areas.

Gavin Stiles: It's going to head towards the ball field.

Kevin Worden: Darin denied the drainage, I have never seen that. He must be really concerned about that. That is a trouble area over there.

Alex Urda: He and Greg are having troubles over there.

Kevin Worden: That's a troubled area over there.

Alex Urda: 8 Hickory last summer when the floods came from behind and also from Wallace Road they compounded and wiped out their foundation on Hickory.

Gavin Stiles: It knocked the guy's foundation wall down. Filled his basement like a swimming pool in about four minutes.

Alex Urda: So, the whole neighborhood there all the catch basins all the streets were flooded.

Thomas Eldridge: We have to do everything we can on our decision to make sure that the water will be mitigated properly.

Alex Urda: There is a lot they can do to make it work in the numbers. just from an engineering standpoint I think they will come back with probably something that will work fine, and we won't be able to tell they can't. There is too much background for the DEC standpoint. We will certainly look at it.

Thomas Eldridge: I am just going to ask this question; I already know the answer. How much road frontage do they need? We have a of town board members and a future town board member how much road frontage do they need?

Nicholas Cortese: It is based on the road frontage required in Agricultural.

Gavin Stiles: Two hundred forty.

Thomas Eldridge: the two forty also falls into the solar farm use?

Nicholas Cortese: Yes, because the town has a separate solar law but, it does not have performance standards really. Mostly relays on what the zoning code says for the district that is being proposed. And is a little bit outdated as solar laws goes. But until there is an appetite to amend the solar law it's whatever the zoning code regulations says about it.

Thomas Eldridge: According to the Broome County GIS and their print. The only road frontage is the end of the cul-de-sac. Is there two hundred forty feet there. Does it count all the way around or is it straight across the opening of the cul-de-sac?

Nicholas Cortese: That is a good question, I don't know the answer to that. How do you measure the cul-de-sac? Straight across or the circumference I do not know that.

Thomas Eldridge: If this person wanted to build a house on it, they could not?

Gavin Stiles: Not without a variance.

Thomas Eldridge: Which they are very hard to get lately.

Nicholas Cortese: I would start making a list of potential variances that may be necessary Gavin. Obviously, it is looks like lot coverage, but I don't know. Disturbance verses actual lot coverage, road frontage is a potential. We need to know this stuff going in what is going to take that's all.

Gavin Stiles: Frontage and lot coverage to be researched.

Kevin Worden: So, what is the next step.

Nicholas Cortese: Show up.

Kevin Worden: Next month another preliminary.

Alex Urda: You guys need to direct them on that especially on the visual stuff. It's going to be close on that radius.

Thomas Eldridge: They own the whole cul-de-sac. The own the whole thing, so if you measure across

Alex Urda: There is lot coverage and lot width.

Brian Donnelly: Did they create their two hundred forty by calling it a cul-de-sac.

Thomas Eldridge: Just on GIS their property not sure if you can measure the cul-de-sac.

Gavin Stiles: If they own everything around it, they can come off on any direction. And come across. If it was going the other way in public space but if you own everything around it.

Thomas Eldridge: I think you have to walk it.

Gavin Stiles: I'll go with you. Do you want to go?

Kevin Worden: You need them to come to a meeting.

Gavin Stiles: Yes, they're not showing a lot of interest for the business by not showing up.

Thomas Eldridge: Those Ransom Road project they had three people here to answer any questions. She was on every question we had.

Gavin Stiles: Yes, with laser pointers and everything

Nicholas Cortese: So, you know what's in front of you and know what questions you want addressed. So, the applicant can understand what the board's concerns are.

Ms. Aurelio: When do you assume Lead Agency? Do that now or the next meeting?

Nicholas Cortese: I don't have interest in this board making any decision on that now as far as I'm concerned, the application isn't remotely complete. There are a number of questions that Thomas and Kevin had. The clock does not start running until the application and until the board determines the application is complete. The board has not determined the application to be complete. That being the case obviously we will do the lead agency once we feel comfortable that the application has all the materials that are required Certainly at the very least done the visual study view shed analysis that we started at. the pre-application meeting. The board here would have to give further direction of the on the line-of-sight photographs, that is just for starters. And for sure they do not have at this point which is required. We are not taking any action on SEQR

until they present us with a complete application. Any other questions you guys have on this?

Thomas Eldridge: There is one that is colored Broome County topographic map in there that shows elevation

Nicholas Cortese: I'll tell you right now this is the first that I have seen a robust application. Previous the site plan was a single sheet drawing at a pre-application meeting that is pretty typical. You don't usually see the full-on application until they are ready to present. So, it is not surprising to me that's all I seen at this point. This is the first time I got the full application. And don't know really what's in it.

Alex Urda: You have to go in that far.

Gavin Stiles: If you poke around Broome County GIS you'll get the picture. And the usually ten-foot contours.

Kevin Worden: So, do we contact them to see if their coming to next month's meeting to put them on the agenda? What's the steps??

Nicholas Cortese: Diane did they indicate they were coming tonight?

Ms. Aurelio: Yes. I don't know what happened.

Nicholas Cortese: I suggest you follow up and ask them what happened.

Gavin Stiles: Do we have to babysit them? I mean they're the ones that want to do business. We can certainly say what happened.

Nicholas Cortese: I don't want this boards time wasted by putting on the agenda month after month and not showing up.

Brian Donnelly: The next step is for them to come and do their presentation and not waste our time by not showing up and table it.

Alex Urda: C003 is the best for the grading.

Nicholas Cortese: Not sure if this board has done something like this before. The ZBA has where the application comes in and continues to be incomplete you can just deny it Based on the failure to submit a complete application after a certain time. That would require do diligent on our part to make sure their aware the application is incomplete and present it to the board and so forth and if we don't get any response for some reasonable amount of time. The legal answer to that question and deny the application if they really want to do it. I think you do know this o about eight months ago someone had initially come to us abbreviated application how they wanted to do a project. Then they kind of

disappeared and then reappeared a couple of months ago. Not exactly sure where they're at. We'll find out as time goes on.

Gavin Stiles: May be at some point they will have to support their application again.

Nicholas Cortese: They have to financially support their application anyway. They need a deposit to be placed in escrow The town's law says they have to. That is another aspect of the application. I assume they have not cut a check for expert fees at this point.

Gavin Stiles: No.

Alex Urda: Technically I get paid out of it.

Gavin Stiles: They need to open their wallet. To pay you me and Diane and everybody has to look at this and have our time wasted. Financially support what you want to do.

Alex Urda: Generally, I can't start reviewing the SWPPP review without having the \$2500.00 for a detailed SWPPP and a small one for \$500.00. I won't start until I get paid.

Brian Donnelly: There being no further business before the board I'd like to thank Mr. Worden for all his work on this board. I don't know how many years he has been around but wish you good luck on your new board and keep us in mind.

Kevin Worden: I'll probably stop in like Dave can we have a motion to adjourn.

Nicholas Cortese: With that keep that shinny disposition and patients.

Kevin Worden: Lots of patients. Do you want this back. Unless you want me to stay around

Ms. Aurelio: I can keep it for residents if they come in. You can stay until completion.

Thomas Eldridge: Can we make a stipulation you have to stay until the end.

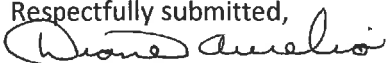
Brian Donnelly: That's reasonable.

Thomas Eldridge: Motion to adjourn.

Kevin Worden: Second.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,



Diane Aurelio

Ordinance Secretary