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**WORKSHOP MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, November 17, 2016**

**CALL TO ORDER TIME:** 5:30pm

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE** **Present:** Dave Plavchak, Lawrence Hammond, Fred Pizzuto, William Ogden, Peter Brooks, Carl DiLorenzo, Brad Scott (joined at 6:10pm) , Nicki Anzivina, Scott McCord, Andrew Learn; Town Engineer, David Barton, Building Department Director, Jeff Paladino; Town Board Liaison

**ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**

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**Old Business**

**Highland Assisted Living at Village View (former New Village View), Siteplan; 1, 7, & 9 Grove St, SBL#88.69-1-10, 11 & 12, in R1/4 zone.**

This project consists of an 18,310 s.f. expansion to an existing assisted living facility. The expansion will allow a total of 80 beds and not more than 13 employees per shift. There will be a total of 24 parking spaces. The proposed expansion will continue to utilize existing central water and sewer facilities.

Feb. 17, 2016

1 Grove, 7 Grove, and 9 Grove Street were rezoned from CB to R 1/4.

July 2016 - New submittal with name change (formerly New Village View) Highland Assisted Living Center at Village View.

This application is for site plan approval and lot line revision.

Stu Mesinger, AICP, the applicant’s representative, was present for the meeting.

Stu: There are two things that we would like to talk with you about tonight. We met with the ZBA and I think that we were well received and what we are thinking would be helpful here is if our ask of the variance to them is dependent on the parking waiver, so that we are not asking for a variance with the extra parking we would be asking for a variance assuming we get the waiver. It would be helpful if the Board would communicate to the ZBA in some way what your thoughts are.

The Board discussed granting a parking waiver. The parking that would be waived would not be banked for future use it would always remain green. The Board had questions about future use of the area where the proposed parking spaces are being removed from, *Could future parking go there if needed?* Stu informed the Board that a regrading plan would be needed to say for certain. (There was no definite conclusion at this time)

Andy: The grading would be similar to what we have seen before and, especially if the spaces are angled; it looks like there would be room for a few more spaces there.

Carl: Does this trigger a SWPPP?

Andy: I think they are just below the triggering of a SWPPP, but I did ask them to do a drainage analysis anyway.

Stu: We will submit a new package in response to Andy's comments dated October 21, 2016.

The Board discussed the zoning of neighboring properties.

The Board voted on granting a waiver for 9 parking spaces.

Dave Plavchak- Aye, Peter Brooks – Aye, Fred Pizzuto – Aye, Lawrence Hammond – Aye,

Carl DiLorenzo – Aye, William Ogden – Aye, Nicki Anzivina – Aye, Brad Scott – Absent.

A letter will be drafted to inform the ZBA of the waiver.

## **Site Plan Amendment**

### **Administrative Business**

The applicants of **Mountainside Woods** would like to discuss some modifications to their Bulk Regulation Table.

The applicant of the Mountainside Woods development would like to discuss the following:

1. Modifications to the Bulk Table

A. Lot Width

B. Lot Depth

C. Deck surface Area

2. Language Added to Deed Restrictions

A. Flood Plains

B. Dam Failure

David Weinberg, the applicant, was present for the meeting.

David W: As we have been progressing with this project certain minor quirks have come up. I am here tonight to see if we could modify the Bulk Table in order to accommodate some of the shifting around that we did at the end, or things that we missed as we were going through the process.

Please see the attached letter of intent.

David W: (On Lot Width) Initially the house that we were planning on was going to be 30 ft. wide, with a 10ft. side yard on one side and 15 ft. side yard on the other making the lot width 55 ft. We are still going to keep that but what has happened is that in all of our diagrams we showed all of the lots as being perfectly square but what is happening now as we are going through it, is that when we are on the inside curve, the lots are coming down a little bit narrower and it is causing us a problem where no building will fit in there. So what we are asking is to keep the same concept in which the side setbacks are still 15ft and 10ft. and the front lot width will get averaged out.

Dave P: How many lots are affected by this?

David W: There are probably..., maybe about 20. Everywhere you have a curve in the road.

The Board was okay with this request as long as the house setbacks are met.

David W: (On Lot Depth) The next issue is the lot depth. We have a 100 ft. lot depth proposed; the lot lines were put in around trees and other natural features. What we have is several lots that are 97 ½ ft. I think I figured there to be about 7 lots that are over 95 ft. but not 100 ft. So instead of coming back to ask for a variance we are asking for the lot depth to be 95 ft.

Larry: Are there any lots over 100 ft.

David W: Yes. It will average out.

The Board had no issues with this change.

David W: (On Deck and Area Surface) Originally we had a lot of discussion on decks and we all agreed that 10'x12' was reasonable. Now that models are up we are finding out, especially with the houses that have the garage extension, we are finding that the decks are too small. By eliminating the sheds in the backyard and extending the garages, this idea worked out beautifully except that the 5 or 6 foot extension on the garage creates an area, a useable area. What happened is that the 10' x 12' deck in that area becomes a little too small. Initially we did not want to have massive decks in the yards we wanted to make it proportional. It was not about impervious surfaces or having it too big because it all goes into a formula. We are asking that those decks are permitted to be larger. The house actually looks nicer and it fits better in the backyard area, so we are asking to raise the deck size up to a maximum of 200 sq. ft. from 120 sq. ft. It will not go out as far as the garage extension; it will go out an extra 2 ft.

The Board went over the deck calculations.

Dave P: By extending the deck you would not be going into the setback line.

David W: No. It would not go beyond the garage.

Bill: Are all of the buyers going for this?

David W: The purchasers of the Berkshire models are.

The Board is okay with the change of up to 200 sq. ft. as long as all of the setbacks are met.

Dave B: (On Language added into the Deed Restrictions) The changes with the wording in the deed restrictions have been passed through Terresa Bakner, the Planning Board Attorney, in fact the entire document has been passed through Terresa, and the changes are insignificant. (See attached for the proposed changes)

The requested change to the Bulk Modification Table and Deed Restrictions will go to public hearing.

### **Sign - Shamrock Liquors located at 3565 Rt. 9W SBL#88.17-9-25.100 in the WGM zone.**

Shamrock Square would like to put up a monument sign to include LED illumination. The proposed sign request is for a 13 foot high sign with 38 square foot measurement.

Nancy Forrest with GNS Group LTD, the applicant's representative, was present for the meeting.

The Board reviewed photos of the proposed monument sign. (See attached)

Dave B: In my opinion this Board has the discretion to amend the sign as needed in this zone. There is no language yet that speaks to the Walkway Gateway yet.

Peter: It looks like it is lower than the existing sign, is it?

Nancy: Yes, much lower. Safety is a big issue especially when you have two lanes north, two lanes south, center turning lanes and other lanes going off. A six foot sign is really not going to work here, you need the air space below the sign. This sign will have a nice base, not just poles sticking out of the ground, and what you try to judge is how this sign could be read at eye level from a great distance. You want the driver to have time to change a lane and safely enter the establishment. There are so many accidents caused because drivers see a sign last minute. We did not need to go as high as the other sign to be seen, we believe at 13 ft. high it is a reasonable height for motorists to see beforehand. The sign is attractive and within the square footage at 38 sq. ft.

The Board discussed which base would better fit the site, an open base or retaining wall base. They eventually decided upon the open base that is made up of 2' x 2' stone around each pole. They decided against the retaining wall base for the sake of visibility.

Brad Scott joined the meeting. 6:10pm

Peter to Dave B: Earlier you were saying that this is a sign that is higher than we would normally allow?

Dave B: Typically we only allow a 6 ft. monument sign and that is way too low for this location in my opinion.

Fred: And this sign request is for how high?

Dave B: 13 ft. and change.

Nancy: And that is with the roof structure. On the top of the sign only the letters will light. These are what are called push through letters; it is an opaque face, cut out letters pushed through and lit.

Bill: What about the red area?

Nancy: That will be lit. It is a small area; remember that this whole sign is only 38 sq. ft.

Bill: How bright will this be at nighttime? How about dimming at night?

Nancy: You have that on a digital reader board which is a whole different animal than you are talking here.

Brad: Will the tenant signs be lit up as well?

Nancy: The entire cabinet, this is one cabinet with the six tenants will all be internally illuminated.

Bill: All under one control?

Nancy: Yes. It will either be on or off.

The Board discussed the lighting on the sign, commenting that this sign will never be as bright as the sign on the gas station across the street.

Nancy: Remember this sign area is really quite small.

Carl: We should look at this as a precedent of what we are going to do with future businesses that come into this zone down the road.

Dave P: I understand what you are saying as we go forward but I think we could control that via the site plan.

Dave B: Even if this sign goes in, the property next door is allowed to build to the streetscape. If that happens, and we encourage that, this sign would come down because you would only be able to see it from the side.

Patti Brooks: Also unique to this site is that you are taking a pre-existing non-conforming sign of 25 ft. and making it more conforming.

Larry: If you had two controls you may be able to leave the top lit at night and turn the bottom off.

Nancy: That may be possible because they are separate units.

The Board would like the two switch option for the lighting and the open base for the monument sign.

A **Motion** to accept this sign for Shamrock Square was made by Fred Pizzuto, seconded by Carl DiLorenzo. All ayes.

## **OLD BUSINESS**

### **Tremont Hall Corp., Vineyard Ave, Site Plan, SBL#88.17-9-48 & 54.200, in R1/4 zone.**

The applicant would like to convert an existing vacant 9,600 square foot lumber storage building, also classified as an Adaptive Use Building, into a multi-family residential structure with 20 apartments, with associated parking and amenities.

The Board will discuss comments from the Informational Hearing held last month.

Patti Brooks of Brooks & Brooks Land Surveyors, the applicant's representative, was present for the meeting. Patti distributed a synopsis of comments which she drafted in response to the public comments made at the Informational public meeting that was held on Oct. 27, 2016.

Patti informed the Board that she is hoping that after tonight's meeting she will go away with a good idea of what the Board feels to be the pertinent areas of concerns of the neighbors and the Board. She would like to come back in January with a good plan.

The Board discussed the height of the building. What appears to be the bottom of the truss (roof line) is not, therefore making the height of the outside of building look shorter than it actually is on the inside.

The Board will make arrangement to get a tour of the inside of the building.

The Board reviewed the comments from Patti as follows:

1. **The Board** questioned the height of the building having been on the site and measuring the height at 15 feet, yet the architect shows it as 18 ft. in height:

**Answer:** We are pulling the overhang back to four feet and the way the truss was constructed with a long outrigger and then framed back it is 14 feet on the outside but meets the required height on the interior of the building.

2. **Dennis Culligan** of 7 Highland Ave.: I am curious of what percentage of the building will be used since you are talking adaptive reuse? I was hoping it would be taken down.

**Answer:** The entire building will be kept in place. The proposal is to keep the original pole barn superstructure insert a mezzanine floor, if you will the second floor, maintain the existing trusses, insulate between the existing posts with an inch and a half skin on the interior, a zip sheathing, and to install SIPS structural insulated panels on top of the existing trusses.

3. **Mr. Culligan:** Has the DOT already approved the traffic ingress and egress? I believe the speed limit is only 30 miles per hour but we all know how people drive thru here, sometimes 45-50 mph. **Eric Norberg of 144 Vineyard Ave:** I am the owner of the Inn at Twaafskill which is on the corner of Tillson and Vineyard. I have a couple of general statements, some of it has been said before. Our concern is the traffic impact. There is significant development happening within that area. With the impact of the development going in on Toc Dr. and this I think we would like to see a collective traffic analysis of what that road is readily going to accept. We are seeing significant growth so if you took the traffic studies that happened 12 months ago, traffic studies of the current impact of Mountainside Woods and the impact of this addition, I would like to see what those impacts are. **Kathy Merget:** The other part is the entrance to Vineyard that is really a big concern. I know there are a lot of people in the audience as well that live in that vicinity and we have seen some pretty doozy accidents at the bottom of Tillson and Vineyard and some very very close accidents, including some right in front of where that entrance would be, and around that corner. I think that this is something to seriously consider how you all think about this. **Megan Coder of 5 Highland Ave:** I echo others concerns about the traffic. **Deana Breault of 125 Vineyard Ave:** My property is directly across from what is the proposed entrance. I have grave concerns and echo what Kathy and Eric said about the safety. That is a really bad turn there even for me to go up there and walk on the rail trail, I go over to the trail almost every day, and at least once a week almost get hit by a car because they fly around that corner. And the area is so beautiful at that corner; I do know that the building is staying kind of contained. I do have the same concerns as everyone that is here but I think safety is really the key. Pulling out of our driveway is very dangerous and my car has been hit turning in to the driveway, it has been getting increasingly worse.

**Answer:** We have met the NYSDOT at the site and their initial finding is that a permit will not be required as it is an existing curb cut. The previous use as a lumber sales building generated more traffic throughout the entire day and generated more truck traffic due to the nature of the business. The project will be circulated to the NYS DOT during the SEQRA process.

4. **Mr. Culligan:** I did not measure it but that bridge does not look two lanes wide, the bridge over the creek, and how you would get two lanes of traffic over the bridge at one time I have no idea. The other question is; has that bridge been structurally checked? The water was over that bridge during hurricane Irene.

**Answer:** The bridge is twenty feet wide and a structural analysis will be forthcoming with the resubmission.

5. **Mr. Culligan:** It may be too soon for some of these questions. I see some contours on the map that are just west of my property it shows just one tree being removed. The barn that is being taken down is probably 8 to 10 feet above the property where the big building is. So if there is contouring I would like to know how they are not going to take all of the trees out. Those trees all act as a good wind block for those of us at the top of the hill it would be too bad to lose all of that. I have a nice break between my property and that property with all of the trees down there. The other thing is with the contour down there it will cause erosion. Some of the yards up there, mine and some others, drop down off pretty precipitously now if you take more land away down at the bottom more water is going to go down that way. **Megan Coder of 5 Highland Ave:** We have been at this property since 2009 and one of the reasons we purchased this property was just the lovely location and the privacy we have in the backyard with no neighbors. We are concerned, like our neighbors who spoke earlier with the erosion, the tree removal; I would not like to see any trees being removed. I do enjoy the rail trail very much and that is one of the perks as well using Linwood Avenue to get access to the trail. Safety and noise concern me, right now it is safe and quiet I would like that to remain intact.

**Answer:** The engineer is currently working on the plan to design boulder supported tree wells around the significant trees to protect and preserve the substantial trees on the site. These concerns will definitely be addressed during the design.

6. **Mr. Culligan:** There is also a little private road down there called Jackman Drive, is that going to be at all hooked into the parking lot?

**Answer:** No. The lane is shown on there and is shown as a right of way but it is not going to be a driveway to access the proposed apartments.

7. **Everett Erichsen** of 3 Highland Dr.: I would like to make sure that emergency services do get copies of everything because I do have a lot of questions with emergency vehicles entering from Vineyard Ave.

**Answer:** The plan will be submitted to the Fire Department for review upon completion of the design.

8. **Everett Erichsen:** I do have concerns on what, if any, restrictions will be put on this. We brought in Vineyard Commons and that was supposed to be 55 year age limit with no children and then we lowered it. Will this end up low income housing one day? This will have an effect on my block and affect my property value. I do worry about that and I ask that you please take that into consideration as well. **Eric Norberg:** of 144 Vineyard Ave. The proximity to the Rail Trail concerns us and obviously property value. In full disclosure, I sit on the Board of the Hudson Valley Rail Trail, I think all of us and I can only speak for myself not the Board, all of want to see smart positive development that is adjacent to the trail. **Pete Polizzi President of the Hudson Valley Rail Trail:** I am not against this at all; I would just like to be included with the Planning since it is so close to the rail trail. I understand they will not be crossing the rail trail but some signs may be needed.

**Answer:** The apartments are being constructed as market rate housing and not restricted to any particular demographic.

9. **Eric Norberg:** I do not think that is any secret that this parcel is probably our last bastion of trailside development so I would like to see appropriate and really thoughtful use of that land. Most important for me, and I know this is early in the process and with all fairness to the developer and to the architect, is I struggle with this adaptive reuse concept. And I struggle with the adaptive reuse concept when it comes to this building. I know there is significant argument over the height, I know there is significant argument over reuse, I did the math and it does not make any sense to me. I look at the plans and the number of units and it seems like some of the initial observations on the development were written almost to the letter to conform to what is written in the code. In the code if I look at the units it gives a very exact square footage, it gives approximate ability of saturation and it feels like this development

was then backed into that and written to explicitly take advantage of that code. I would like further interpretation of how you see adaptive reuse because how I see adaptive reuse (Eric gave an example of a project from the packet distributed by the architect). On the proposed building I struggle a bit with the observation of how that is going to look. So I would like to know more broadly; how do you interpret their matching to the code.

**Answer:** We await comment and guidance from the Planning Board attorney regarding Adaptive Re-use. I will note that Eric is correct in that I took the Town of Lloyd Zoning Code and applied the criteria to this site – I did not “back into the code” – I applied the code as prescribed.

10. **Eric Norberg:** I think that also as abutting property owners we would like to see not only the owners or existing owners but the developers better address the general future state. I have heard some vague conversations about the adjacent property, and I realize this might be two separate projects; I think we all share a concern and would like further disclosure on what those adjacent properties developments really are intended to be. And is it further to this development or is it something that is different and I think that we should take a position on that. **Kathy Merget of 140 Vineyard Ave:** I am here on behalf of myself and my husband Dennis. Our property abuts the red building and I just want to echo what Eric had just stated. We are concerned about the phases of this. We understand what may be happening with this building but what we are unclear about is this phase 1, 2, 3, 4, how many more phases are there going to be? The other part, although we are not talking about it directly tonight, is the front building. Just concerns about what happens with that if there is another phase and the fact that, I am pretty certain but correct me if I am wrong, the roadway underneath that also need to have major repairs.

**Answer:** Dave P: Right now that particular site is not in front of us at all. If that does come, and I understand the question about understanding some of the future prospective on that, we would have to go through a whole engineering study for that building. They are not even talking about the other parcel yet.

Board discussions:

Dave P: Were there any thoughts on taking the building down?

The Board discussed what Adaptive Re-use might mean in this case and are struggling with Adaptive Re-Use interpretation.

Dave P: My own interpretation is that the reason you would re-use something is to keep its historical value or historical meaning. So if you have a property on the Adaptive Re-Use list then you would be worried about the current structure. This is my opinion on that. I would think that otherwise you would worry about the footprint and the site.

Dave B: My recollection of when the code was written, 10 years ago, is that it was the site.

Peter B: I read the code and I think Adaptive Re-Use implies that you are reusing a fair amount of the building, say a “to be determined” amount, and it is not clear if in fact, and many of us seem concerned, that any part of this building will be used when you get down to the end of this. I intend to agree with Dave B., that this is a nice site for something that is different than what it is right there now. I believe this applicant is using Adaptive Re-Use as a reason to juice the density and if you came back and said it is arguably 6 or 7 units are allowed in the current zoning we would like to do a dozen, I could see that. But to say this is Adaptive Re-Use therefore there is no density requirement, therefore I heard your argument, suppose it had been a PRD and you figured out that the 20 would work, I think that is a perversion of the Adaptive Re-Use concept that is in our code.

Patti: I do not create the code but it is my job and responsibility, on behalf of my clients, to make sure that I implement the code the way it is written. And right now, not by my doing, this property is an Adaptive Re-

Use property and there was a code and a set of criteria set forth by that Adaptive Re-Use. So for somebody to say that I am being perverse in the use of it or that I am backing into the zoning code (cut off by the Board)

Dave P: Can we back up a minute to the Adaptive Re-Use definition?

Carl D has concerns that this building may not be passable under the Building code.

Jeff: I think that in the spirit of the code is instead of using the word adaptive reuse the word adaptive use.

I think the interpretation is to take the identified buildings and properties throughout the Township which were made for a specific purpose at some point, many being farm related at one time, so the code is talking about the building but look at the zoning requirements so that it could be opened up for its best potential use not re-use of the building. The reuse of the historical variable never meant anything at all. The question was can we adapt it into something else useable to the Town or property owner that would make it for its best use.

Dave P: We may get more of these type properties in the future and we want to make sure we are interpreting the code correctly

Patti: Right now we have an existing building there with an existing footprint we are not proposing to increase that footprint of that building to get more density inside of it. We are working within the footprint that is there, within the code requirements for the square footage per apartment and we are retrofitting that footprint on that same spot. Basically we are not changing the impact on the aesthetics or the overall land.

Dave P: I am with you the whole way but the only thing that bothers me about that is the footprint, where the foundation is and when the parking goes in there, I do not think this is what I would call a best case scenario of how the site lays out, because of where it is and because of the only access to it. My opinion is that I would rather see the building come down with even part of the footprint used.

Fred: What do we do if we do find out the poles are full of creosote, this is a carcinogenic.

Dave B: Then I figure it will have to be encapsulated or removed.

Bill: Can we as a Board interpret this as best use for the parcel?

Dave B: I have not spoken to Terresa Bakner about this yet.

Bill: it sounds like our goal is somehow for this building to come down.

Brad: I do not think we should cause the building to do that. It might be best for the applicant, the Town and the residents to level it and resurrect something new. If it could be interpreted that way in the code I would like to encourage them to start anew.

Peter read from the code 100-31 whose title is Adaptive Re-Use Buildings, as defined in section 100-8 which says *An existing building rehabilitated or converted to a new use while preserving and saving some of the unique features of the building that have historic value to the Town.* If you don't like that you have to change the law. According to this if it is torn down it is no longer an Adaptive Re-Use building. In this case you cannot say it is not the building it is the lot.

The Board continued discussion on how to interpret the Adaptive Re-Use code. Discussion was had about changing the code for better interpretation.

The Board discussed the property egress and had concerns with the line of site and making a left hand turn out of the driveway. Patti discussed this with Dave Corrigan of DOT about the site. Patti informed the Board that Dave Corrigan said that when you stand there it is not as bad as you think it is. He suggested cutting trees behind the wall and Patti suggested having a right hand turn only exit out of the driveway. Dave Corrigan said that he would not require that but it will have to go to siteplan review and if the Planning Board wants to require it they can.

Patti: As far as DOT is concerned it is an existing access and they way they view it the previous use there, even though it had been discontinued, generated higher traffic, more truck traffic and more traffic throughout the day, as the lumber yard it once was. So in their opinion it does not require a traffic study or even a permit because the curb cut exists and the use that we are putting in there is less intense.



Carl: That is such a high traffic area it is a through traffic area that people use when they come off of the bridge.

Patti: I do not dispute that at all, I have a hard time with the residents in the neighborhood saying they want it to be commercially developed, talking about having a music venue there with concerts that would bring 100 cars but you are worried about 20 apartments. I was part of the master plan the whole goal was to try to bring high density housing within a half mile of the hamlet so that we had people to support the downtown businesses. We are trying to put in 20 apartments, that is not a lot of apartments, within walking distance of the hamlet, I am shocked and surprised at the opposition.

Fred: I think that some of us just think it is just too dense for the site, not that it is not a good idea.

Andy: If line of sight is a concern to the Board you can ask the applicant to do an engineered profile of the line of sight.

Andrew Willingham will be going the engineering for this project and the Board will review this.

The Board discussed the square footage of the apartments. When this plan was first presented to them by the applicant the apartments were described as luxury apartments, the Board does not agree that a 700 sq ft. apartment is a luxury apartment.

The Board discussed an abutting property owned by the applicant that property is up for sale at this time.

Fred: With the rail trail being so close to the proposed building will there be any delineation between the rail trail and the apartments?

Patti: Ray Costantino reached out to Barton and Logudice and they sent over recommended signage to go there and the applicant is proposing to have shrubbery and fences for separation.

Dave P: I would like to digest more of this and have a discussion with Terresa B. on the Adaptive Re-Use.

Andy: Right now the owner has granted access from the rail trail down to the street (cut off).

Patti: It is a revocable license that will terminate immediately upon sale of the property but certainly the proposed purchaser is interested in continuing to work with the Town to make sure that the access can continue to exist.

Once Dave P. talks with Terresa he will let Patti know whether to go forward with the storm water review.

A Tri-Board Meeting has been scheduled for Wednesday, December 7, 2016 at 6:00pm.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by William Ogden. All ayes. 7:20pm