



Town of Griswold



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**GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING
GRISWOLD TOWN HALL**

**APPROVED MINUTES
JUNE 8, 2015**

I. REGULAR MEETING (7:00 P.M.)

1. Call to order:

M. McKinney called this regular meeting to order at 7:01 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Erik Kudlis, Charlotte Geer, Alternates Stewart B. Oakes, Tom Polasky, Town Planner Mario Tristany, Recording Secretary Donna Szall

Also Present: Attorney Caleb Hamel, Town Counsel

Absent: James Krueger, Alternate Elias Baron, ZEO Peter Zvingilas

3. Determination of Quorum

M. McKinney appointed S. Oakes to sit for James Krueger. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of April 13, 2015

M. McKinney asked for a motion to approve the minutes.

MOTION: Kudlis moved to approve the regular minutes of April 13, 2015. C. Geer seconded the motion. All were in favor. The motion was carried. There was discussion of which minutes were voted upon.

B. Approval of Minutes of Special Meeting of May 18, 2015

M. McKinney asked for a motion to approve the minutes.

MOTION: E. Kudlis moved to approve the minutes of the special meeting on May 18, 2105. C. Geer seconded the motion. There were 3 aye votes and 2 abstentions. The motion was carried.

There was discussion of a point of order regarding the alternate appointment. M. McKinney asked for a motion to replace T. Polasky and to have S. Oakes to sit for J. Kreuger.

MOTION: E. Kudlis so moved. C. Geer seconded the motion. All were in favor. The motion was carried. S. Oakes will be seated for J. Kreuger.

5. Matters Presented for Consideration

A. SE 02-15 H & M HOLDINGS, LLC, 2 and 4 BUSINESS PARK WAY, GRISWOLD. Requesting approval of a Special Exception to create a new development for automotive sales and service. Two lots are to be merged upon approval of this application. Property is zoned C-1

M. McKinney stated that this had gone to a public hearing. He stated that we need to determine how we will proceed. He stated town counsel is here. He asked for staff reports.

Attorney Caleb Hamel, for the commission, stated that he has drafted two motions, one to approve and one to deny. He stated that the commission can review the motions to determine how it will proceed with the application. M. McKinney stated that the commission closed the public hearing and he asked to hear each of the

draft motions.

C. Hamel reviewed the Motion to Approve. He explained the Whereas items of the motion. He stated that the official ruling determination regarding your regulation by the Commission that it included auto sales. He stated that that decision was binding and was not appealed in anyway so it is binding. He stated that the commission made the decision that this is allowed in the zone and now it will go into the details. He explained the seven (7) required findings that the Commission must agree upon the draft motion which he read for the record. He read the seven (7) special exception criteria for the record.

C. Hamel read the draft formal approval for the record with seventeen (17) draft conditions of approval that the commission can decide which conditions will be applied to this application. M. McKinney stated that the signage is determined by square footage of the building. M. Tristany stated that it is by building footage. C. Hamel explained that the landscaping conditions requiring an arborist review of the landscaping planted for five (5) years; and replacement of deficient plantings. He stated that an as-built A-2 survey be provided of the site. He explained the bond required for erosion and sedimentation controls prior to construction activity. He explained the state and local permits to be submitted prior to the certificate of zoning compliance. He explained the condition that future additions, revisions modifications are subject to Commission review and approval. He explained the condition for pavement and curbing, fencing and screening inspections. He explained the condition that final plans and Mylar plans are required for endorsement by the Commission's Chair and Secretary, and documents are required to be clearly labeled as final drawings with all revision dates and a copy of the approval motion including conditions, modifications to be included in the final plan set.

M. McKinney asked C. Hamel to go over the draft motion to deny.

C. Hamel reviewed the motion to deny. He explained that it does not address the official ruling of the Commission. He explained that it noted the defects and deficiencies of the application regarding sidewalks, insufficient landscaping for buffers, no plans provided for complete architectural and signage plans, as well as wheel stops were not provided for parking areas. C. Hamel explained that the deficiencies noted so changed the application that the public was denied its right to comment on those deficiencies.

M. McKinney asked M. Tristany that some of these items were detailed on the older plan. M. Tristany explained that the plans were reviewed in detail by CME Associates for site development, sight lines, physical improvements, drainage and infrastructure and made recommendations that were made by Boundaries, LLC to their satisfaction. M. Tristany explained that CME had some recommended changes to the landscaping 11.8 and those recommended changes were discussed with Demian Sorrentino, John Faulise and myself and were added to the site plan. He stated that the need for a review by an arborist or a landscaping professional would not be required. He read Section 11.8.2.1c deals with Landscaping Maintenance for the record. He stated that there is built in control for landscaping.

M. McKinney asked about internal sidewalks. M. Tristany stated that a sidewalk on Edmond Road or Route 138 would not be warranted explaining that there are no sidewalks now and this operation is not designed to attract foot traffic.

M. Tristany stated that wheel stops for the cars that are double parked in front for sale are there for long term; it is not a parking area where cars are a constant turnover. He stated that wheel stops in the car storage area would not be needed since cars will be moved by the business owners. M. Tristany stated that wheel stops would have no purpose in the fenced in storage area.

M. McKinney asked about the signage issue. M. Tristany stated that J. Faulise indicated in the public hearing that the signs on the building were shown as a conception drawing and he indicated that there would be a separate application to the commission for the signage. M. Tristany stated that there was a concept drawing of the ground sign showing the location of the sign but there were no details.

M. McKinney asked if it was his contention that it meets all the general landscaping criteria. M. Tristany stated yes. M. McKinney asked about the architectural drawings of the building. M. Tristany stated that it was a typical commercial building and showed a photograph to the commission; and it falls within the broad limits of our regulations and that the commission could condition that the final architectural plans by the applicant must come before the commission.

M. McKinney asked for questions from the commission. E. Kudlis had no questions. C. Kinnie stated that for the record, he missed the May 18 meeting and has not listened to the recordings, and should the commission cast a vote this evening, he will be abstaining. C. Geer stated that right now she had no questions. S. Oakes had no questions. T. Polasky had no questions.

M. McKinney asked if someone wanted to make a motion to approve or deny this application. E. Kudlis asked for discussion.

E. Kudlis stated that after listening to the abutting property owners' comments, he looked at the makeup of the neighborhood and other businesses for landscaping, condition of properties; he tried to envision this operation in that park and it was difficult for him to see that this operation would not enhance values in that area and would not hurt area residences. He stated that the landscaping in this application is adequate and is more complete on the site plan than most of the businesses in that area. He stated that the concerns for traffic that within that road and that neighborhood is that people would be going there to look at vehicles and not driving up and down the road so he did not see a need for sidewalks or how it would increase the traffic in a negative fashion to affect the residences. He stated that approving it would not cause harm the residences in the area and from a commercial point of view, businesses generate businesses. He state that in his opinion is a good application, conception designs are routine for signage and buildings and in many towns are administrative approved. It would improve the look of the area and not be detriment to the properties; he would be inclined to moving forward with in terms of an approval if other membe5rs felt the same way. C. Geer stated that it is a difficult situation and she wished we could see what it would look like. She stated that all the points made at this meeting and the last meeting were valid; and if it is built the way it looks like it will be built and with the other things going on there now, it is not a negative, will be a positive. She stated that the design for the trees and the fence would be very important and it would be done completely and it would not be an eyesore or a detriment to the value of the properties which she thinks is very important. M. McKinney asked if T. Polasky had a comment. T. Polasky recused himself from discussions. S. Oakes had no comment. C. Kinnie stated that based on the minutes and discussion at the meeting in April there was a lot of discussion on screening and that the applicant did modify that to have addition screening, larger plantings and more screening and was a good faith effort on their part. He stated that he was in agreement with E. Kudlis' comments.

Atty. C. Hamel stated that there is a small parking area in the back of the building that is gravel that does not have wheel stops. He asked that in the past, were wheel stops required for gravel parking lots. M. McKinney stated that the commission does not normally allow gravel parking lots; and in this case, because it is fenced it for vehicle storage, the commission is allowing it to be gravel. C. Hamel asked if wheel stops were required for auto sales display areas in the past. M. McKinney stated that the commission required that any display areas had to be clearly delineated on the site plan and had to stay on their property could not encroach on to state property or state or town setbacks. C. Hamel asked about the dumpster screening detail.

M. McKinney asked what the commission would like to do.

E. Kudlis stated that we should move ahead to approve this application and asked how much of this motion he should read and what exceptions or conditions into the record. C. Hamel stated that you can move to approve as drafted by counsel. M. McKinney stated that we should address the conditions. E. Kudlis stated no either internally or externally for public safety, no buffer strip on Route 138. E. Kudlis stated that the arbor vitae are a good choice for the screening. E. Kudlis stated that the five year review was not necessary because of the existing landscape regulations. E. Kudlis stated that staff can review the signs. M. Tristany stated that the signs conform to the limits in the zone and building sized and sign dimensions. E. Kudlis asked about modifications of the application and if it must come back to the commission. C. Hamel asked it was up to the commission whether it goes to the zoning enforcement officer or the commission. M. Tristany explained that any changes and modifications for a special exception must come back to the commission. M. Tristany stated that as built plans are usually required. M. McKinney asked for a motion.

MOTION: E. Kudlis moved to APPROVE Application **SE 02-15 H & M Holdings**, 2 and 4 Business Park Way, Griswold as modified. C. Hamel stated that the changes have been added to this motion; he will send it to D. Szall for publication. S. Oakes seconded the motion. M. McKinney asked for discussion. C. Kinnie stated that the date of the most recent revision of the site plan should be noted in the motion. C.

Hamel stated that this will be in the first "Whereas"; he read it for the record. M. McKinney asked for further discussion vote. There were 4 aye votes, and 1 abstention by C. Kinnie. The motion was carried.

The complete final draft motion as drafted by town counsel follows:

FINAL MOTION TO APPROVE SE 02-15 APPLICATION FOR SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOBILE SERVICE STATION

At 2 and 4 Business Park Way, Griswold

Owner: H&M Holdings, LLC and 822 Voluntown Road, LLC

Applicant: H&M Holdings, LLC

WHEREAS, the Griswold Planning and Zoning Commission ("the Commission") has received from the Applicant the above-captioned application and supporting materials ("the Application"), including a site plan last revised May 8, 2015.

AND WHEREAS, the Commission has used its own knowledge of the area in addition to reports and comments from its legal counsel Branse & Willis, its consulting engineer CME, Inc., and the Griswold Planning & Development Department;

AND WHEREAS, the Commission unanimously made an official ruling on January 12, 2015 that "automotive service stations" as used in Section 6.3.6 of the Griswold Zoning Regulations permits the sale of used vehicles;

AND WHEREAS, that ruling, which was not appealed and is a part of the record before the Commission, reflects the Commission's time-tested interpretation of the permissible uses within the C-1 zone;

AND WHEREAS, the Commission held duly noticed public hearings on April 13, 2015 and May 18, 2015;

AND WHEREAS, the Commission has given due consideration to the statements of the Applicant and its consultants, the Commission's own staff and consultants, comments from other agencies, and comments from the public;

AND WHEREAS, the Commission has considered the provisions of Sections 12 and 13 of the Griswold Zoning Regulations;

AND WHEREAS, except as noted herein, the Applicant has submitted all information and fees required by the Griswold Zoning Regulations and necessary for an adequate review of the design or potential impacts of the Application;

AND WHEREAS, the Commission recognizes that it is possible to mitigate adverse project impacts and address items of noncompliance by means of conditions and modifications;

AND WHEREAS, the Commission finds that such conditions and modifications are integral to this approval and not severable from it, and that but for such conditions and modifications it would have denied the Application without prejudice so that an acceptable development plan could be designed and submitted;

AND WHEREAS, the Commission finds that, as conditioned and modified as set forth below:

1. The proposed building and structures are designed and located on the site so that there will be adequate access for emergency vehicles;
2. The streets serving the proposed use are adequate to safely carry the vehicular traffic generated by the proposed activity, and the entrance and exit points will not create a traffic hazard or undue traffic congestion;

3. The proposed traffic access ways are adequate in width, grade, alignment, location, and visibility, but not excessive in number;
4. Adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and the interior circulation system is adequate to provide safe accessibility to all required off-street parking;
5. All parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site is in character with that generally prevailing in the neighborhood;
6. Lighting from the installation of outdoor flood or spot lighting and illuminated signs will be properly shielded so that such lighting will not adversely affect any abutting property or public street;
7. The character and appearance of the proposed use, buildings, and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of Griswold and will not adversely affect the general welfare of the inhabitants of the Town;

AND WHEREAS, the Commission finds that, as conditioned and modified as set forth below:

1. The proposed use will be in harmony with the appropriate and orderly development of the neighborhood and will not hinder or discourage the development of adjacent property nor impair the value thereof;
2. The proximity of the same or similar uses will not unduly concentrate automotive service stations, including the sale of used cars, in a particular zone or vicinity;
3. Adequate water supply, sewage disposal facilities, drainage controls, and erosion controls are provided;
4. The proposed use and its appurtenances will not unduly impact sources of public water supply;
5. The proposed use is not in undue proximity to dwellings, emergency facilities, churches, schools, public buildings, and other places of public assembly;
6. The proposed use is of appropriate size and intensity;
7. The proposed use will be in accordance with the purpose and intent of the Griswold Zoning Regulations and the Griswold Plan of Conservation and Development;

WHEREFORE, the Commission hereby **approves** the Application as depicted, **subject to** the following conditions and modifications:

1. The note on Sheet 3 of 6 reading "Sugar Maple (*Acer saccharum*) typ for 18 (4" caliper) placed 6' from edge of pavement every 25' +/- on center" shall be revised to indicate that the placement is 6' from the edge of the parking lot pavement.
2. The towing of disabled vehicles to the property is prohibited.
3. No vehicle shall be offered for sale unless it is parked within one of the thirty (30) spaces located along Voluntown Road.
4. The signage plan for this application is **not** approved. The Applicant shall submit signage plans, including dimension, color, and materials of all signs, to be reviewed and approved by the Town Planner as a minor modification to this special exception.
5. The architectural plans for this application are **not** approved. The Applicant shall submit full architectural plans to the Commission as an amendment to this special exception, subject to all requirements and standards of review of a special exception, including a public hearing.
6. Prior to the issuance of a certificate of zoning compliance, a final as-built A-2 survey shall be provided showing the location of all buildings and structures on the site.

7. Prior to the start of any construction activity on the property, the Applicant shall provide a bond for erosion and sedimentation controls in an amount determined by the Commission's engineering consultant and in a form determined by the Commission's attorney.
 8. A copy of all state and local permits granted to this development shall be submitted prior to the approval of an Application for Certificate of Zoning Compliance by the Zoning Enforcement Officer
 9. All future additions, revisions, modifications, or amendments to the plans shall be subject to the approval of the Commission as components of this approval, governed by all relevant provisions of the Griswold Zoning Regulations, and subject to the level of discretion accorded this application (except minor modifications in accordance with the Griswold Zoning Regulations), regardless of whether those additions, revisions, modifications, or amendments are made pursuant to:
 - a. The conditions and modifications of this approval;
 - b. Requirements or recommendations of any other agency of the Town of Griswold;
 - c. Requirements or recommendations of Town staff or consultants;
 - d. Requirements or recommendations of the State of Connecticut or any of its agencies;
 - e. Unforeseen site conditions encountered during the construction process.
 10. All pavement, curbing, fencing, and screening shall be inspected annually and repaired as necessary to keep them in good repair.
 11. The Applicant shall submit final plans and documents reflecting these conditions prior to the Zoning Enforcement Officer's approval or a Certificate of Zoning Compliance. These documents shall include any supplemental plans required by this motion. Such final plans and documents shall be clearly labeled as final drawings, reflect final and past revision dates, and be provided to the Commission on Mylar for endorsement by the Commission's Chairman or Secretary, and filed in the office of the Town Clerk. The full text of this motion of approval, including all conditions and modifications, shall be included in the final plan set.
- B. SE 04-15 THE CONNECTICUT WATER COMPANY, 1564 GLASGO ROAD, GRISWOLD.** Requesting approval of a Special Exception to replace an existing elevated potable water storage tank that provides domestic storage for the Country Mobile Division. Proposed replacement will not exceed the height of existing tank and shall be located 50 feet northeast of the existing tank. Property is zoned R-60.

M. McKinney asked if there was someone to represent the applicant. M. McKinney stated that there are issues with the application. S. Oakes explained that address on the application is incorrect; it should be 1564 Voluntown Road.

Nick Meder, Project Manager, Connecticut Water Company, explained that at 1564 Glasgo road has a 60 ft tall water tank which has reached the end its useful service life is tank is due for replace . He stated that 7 years ago, modifications were made but it is not cost effective to make further modifications. They are proposing replacement of the storage water take. He submitted photographs of the proposed new tank for the record. N. Meder explained that the proposed water tank is a raised tank that will remain approximately 60 ft. in height. He stated the proposed tank feeds water to Country Mobile Estates by gravity. M. McKinney asked how long the construction will last. N. Meder explained that it will be completed before December for approximately 2 or 2 1/2 months to replace the old tank with the new tank and removing the old tank it. M. McKinney asked if there will be work done to the infrastructure of the pipes down Route 201. N. Meder stated no, it will be just the tank replacement.

C. Kinnie asked Staff that since this public service structure; that it will require a public hearing. M. Tristany explained that he spoke with the town attorney specifically about this matter; and that this can

be treated as a repair since it is a replacement of an existing tank. He stated that if it was the intention to add an additional tank or a significantly higher tank; then it would require a public hearing of a special exception. M. Tristany recommended treating this as a repair. M. McKinney stated that the location will be modified. M. Tristany stated that it will be moved slightly since the old tank will provide water services during this replacement. M. Tristany asked if the old tank is glass lined. N. Meder stated no, that it is carbon steel. M. Tristany stated that the new tank has stainless steel inside. N. Meder explained that this tank is a stainless steel and will have a milled finish on the outside. M. Tristany asked the estimated value of the cost to replace. N. Meder stated that construction, site work and the tank is between \$225,000 and \$250,000.

E. Kudlis asked why it was being moved 60 feet. N. Meder stated that there is existing infrastructures near the old tank; there is an elevated section and we are taking advantage of this ground elevation saving six or seven feet.

M. McKinney stated that it will be elevated and asked if the stanchions would be higher than the old tank. N. Meder stated no, and explained that that the tank structure's height will be the same height as the existing tank which is at 336 elevation and the new tank is at 341 elevation so the overall structure will be the same height and the legs will be shorter. He showed a drawing of the tank to the commission. E. Kudlis stated that it is better looking and it will have less visual impact.

C. Geer asked how soon the old tank will be removed from the site. N. Meder stated that it would be removed with 30 days; and three months overall. She asked what will be done with the old tank. N. Meder stated that the demolition company will scrap the carbon steel tank.

M. McKinney asked M. Tristany if this application met all the other criteria of our regulations. M. Tristany stated yes. M. McKinney asked for a motion.

MOTION: C. Kinnie moved to approve SE 04-15 with the understanding that town counsel reviewed this application with staff that it did not require a public hearing; that it is looked at as a repair of an existing structure even though it is a new tank. M. McKinney stated that proper permits will be obtained. C. Kinnie stated yes. C. Geer seconded the motion. All were in favor. The motion was carried.

7. Additional Business

A. 8-24 Review of letter and attachments dated May 27, 2015 from K. Skulczyck, First Selectman

M. Tristany explained that the 8-24 Review is for two pieces of property that the town is planning to sell to adjacent property owners; the first property is at 74 Richardson Hill Road to Darryl and Pamela Schlender and 1559 Voluntown Road to Phillip and Sandra Belisle. He explained that the Connecticut General Statute 8-24 requires a review and report from the Planning & Zoning Commission is and required of municipally-owned property. He stated that these parcels were obtained for payment of back taxes which have no value to the town and the intent is to get the properties back on the tax rolls. There was discussion of this matter. K. Skulczyck explained that 74 Richardson hill Road is a non-conforming lot that cannot be built on; and the stated that the purchase price is based on the back taxes owed. He explained that 1559 Voluntown Road is the old Patryllo's property where there are some environmental issues; there is language in the offer that releases the town from being responsible for any contamination. He stated that the review will put the properties on the tax rolls.

E. Kudlis questioned the two figures for 74 Richardson Hill Road 13,000 and 17,000 figure. There was discussion of this matter. K. Skulczyck stated that the correct figure of 17,000 is the correct figure.

M. McKinney asked for a motion.

MOTION: C. Geer moved to approve this application from S. K regarding the sale of the two properties 74 Richardson Hill Road (\$17,352.71) and 1559 Voluntown Road (\$20,000) for the prices as noted. S. Oakes seconded the motion. All were in favor. The motion was carried.

6. Correspondence and Attachments

- A.** Letter dated April 29, 2015 from James Butler, Southeastern Council of Governments regarding two appointments of a representative and alternate to the Regional Planning Commission.

M. McKinney asked M. Tristany to explain. M. Tristany stated that the Council of Governments is looking for two representatives to the Regional Planning Commission which is becoming more active. There was discussion of this matter. M. Tristany stated that there is time to act on this matter.

- B.** Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Spring 2015, Volume XIX, Issue 2

M. Tristany explained that this was for informational purposes.

- C.** Written complaints regarding American Industries

M. McKinney stated that he would like to set this as an agenda item for next month's agenda to decide who shall handle this in the future. He explained that these issues will be voted at the next regular meeting when counsel for both parties can be here. There was a question from the audience if they could speak. M. McKinney explained that this can go to the First Selectman and someone who will handle this matter.

Fabiola Proulx, 23 Fairview Avenue, stated that she spoke to Administrator of the Justice Department at DEEP who told her the Zoning was responsible for enforcing this judgment. M. McKinney stated that the next step is to vote as aboard to bring it to the board of selectmen who are deemed to represent the town to take it to the next step. M. McKinney sated that we have no application pending before us so we have any jurisdiction for what is going on there. Steve Webster stated that they are breaking zoning laws by not operating from 7 at night to 7 in the morning. M. McKinney stated that the Planning and zoning does not have authority over the stipulated judgment. M. McKinney sated that we will put you on the agenda, get all the reports from DEEP and we can vote to send them.

E. Kudlis stated that a stipulated judgment is a court ordered judgment; it is not a zoning regulation. We are not a court; we cannot overturn a court decision. M. McKinney stated that we can listen to you, empathize with you; but we have no power to do anything. There was a question of enforcing the hours of operation. M. McKinney stated that the hours were stipulated years ago; the hours are not being followed and we will vote, and send it to the Board of Selectmen who will vote to take it to court representing the residents of the town.

Cathy Londe asked how American Industries got the contract. M. McKinney stated that he had no idea how. He stated that he thought that they would knock down the crushing to certain hours and they are not doing that. We will put this on next month's agenda to decide that they are in violation of the regulations; we will vote to recommend to the Board of Selectmen vote to enforce the actions in place. M. McKinney stated that within two weeks of the Planning and Zoning Meeting, the Board of Selectman will meet which is a public meeting. C. Kinnie requested that our legal representation be present at our next regular meeting. Dave Vieaux stated that he has read the minutes that Attorney Branse did not want to take them to court. M. McKinney stated that they had hoped that the berm would be built, that they would curtail their operation but that it is going very slowly. He stated that the only action he could take that it will go to court, and that it will take about 2 years to have it heard in court. D. Vieaux stated that it took OSHA 16 years to get them to comply and pay. He stated that this is online for American Industries. F. Proulx stated that the soot and dirt comes into our house even with the windows closed. Mr. Proulx stated that we have to keep our windows closed even at night. Kim M 13 Quinebaug Camp stated that we should call the television station and explained that she had to jump through hoops just to get a shed on her property. M. McKinney stated that you should call them.

M. McKinney stated that we have tried to enforce the regulations and that calls have been made to the town attorney and to the first selectman; they are in violation of these regulations; the next step would be taking them to court. There was lengthy discussion of these matters.

M. McKinney stated that we will put your complaints on the Agenda for the July meeting, bring it to a vote to send it to the Board of Selectman; and recommended that they go to the Board of Selectman meeting to send it to court. C. Londe stated that she had spoke with Lou Santos from DEEP who told her that their stack is ready to collapse.

B. Cholewa asked if the commission can help to create a noise ordinance. M. McKinney stated that she provides noise ordinance texts, write text, set a public hearing and they vote to recommend that the BOS create a noise ordinance. He told her to give those documents to M. Tristany. There was discussion of this matter including that the noise ordinance requires someone to enforce the ordinance.

M. McKinney stated that our meeting is on July13th and the BOS meets on July 28th. He asked them to bring as much information regarding the violations to the July 13th meeting.

8. Old Business

There was no old business carried over from last month.

9. New Business

M. Tristany explained that he received a letter from Kreative Properties requesting release of the bond for the property on Hopeville Road at Exit 86 on ramp. He stated that Mr. Kuzyk the property owner is also present. He stated that he sent an email to P. Zvingilas asking him to inspect the site and to take photographs. M. Tristany stated that P. Zvingilas wrote that he was satisfied with what has been done. M. Tristany stated that most of the seeing has begun to germinate. There is a section where it is a little bare and it was seeded last Wednesday. Peter Kuzyk stated that he has seeded and fertilized that section on Thursday.

M. McKinney asked how much of the bond was to be released. C. Kinnie stated that the site is all graded and seeded and given adequate rainfall it should be stable; it already has the silt fence around it. M. McKinney asked for a motion.

MOTION: C. Kinnie stated that according to P. Zvingilas in his letter that he did not see a problem based on this letter, and what the photographs show, C. K moved to release the bond in full. C. Geer seconded the motion. All were in favor. The motion was carried.

10. Reports from the Enforcement Officer

There was no report due to the enforcement officer's absence. M. McKinney we will review these at the next meeting.

11. Adjournment

M. McKinney asked for a motion to adjourn. E. Kudlis moved to adjourn at 8:40 pm. C. Geer seconded the motion. All were in favor. The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary