

Mr. McKay: Mr. Chairman, if I may...

Chairman Wright: Yes.

Mr. McKay: What I am going to do is, I think is a good guide for the Board's discussion tonight, I have prepared a memorandum dated May 13th. The beginning of the memo discusses some of the legal type issues that the Board is going to be reviewing and then the later portion of the memo we have to discuss a certain factor finds that the Board needs to make.

So after the discussion you and I had...

Chairman Wright: Yes.

Mr. McKay: This was probably, since the Board members had been notified already, this was probably a good guide, so I bought it with me tonight for all the members to...at least have in their possession my guidelines.

Chairman Wright: Sure.

Mr. McKay: For the record, Mr. Silverberg this is a memorandum, it is legal advice gives them guidance.

Mr. Silverberg: I am sorry.

Mr. McKay: The memorandum I am giving is a copy of legal memo that they can use.

Mr. Silverberg: You are saying (inaudible – not near a microphone)

Mr. McKay: Yes.

Chairman Wright: Everyone can take a couple of minutes to read through.

(Board members reading same)

Mr. McKay: And just for the Board's information, I think you can somewhat focus on the section headings which set forth a lot of the questions, which we had discussed earlier which were part of the Public Hearing. As I indicated before, several of the questions, at least the initial questions in order that the memorandum follows, are somewhat legal in nature they concern jurisdiction, mootness, standing, and issues like that, and later on in the memo, towards the last page, it starts to list the factual type increase that the Board is going to look at when deliberating with respect to the application. The one thing that I will say is this Board tonight is sitting as a Court; you are sitting as Judges tonight interpreting the Town's Code. In order to do that, you probably have a lot of legal inquiries and what I would suggest to the Board is if it is an inquiry of the general nature I would certainly respond. If I feel that it's a specific legal inquiry that requires an executive session I will let the Board know my opinion and then the Board can determine whether or not it might want to hold off discussion on any particular issue to seek specific legal advice from me in Executive Session.

Chairman Wright: Thank you.

(Board members reading same)

Chairman Wright: Are you still going through that Mr. Keegan?

Mr. Keegan: That is fine. You can go ahead.

Chairman Wright: So let's go ahead and get started with the discussion. Just one of the things I saw coming out of it and going through some of this documentation here, I think we were asking or trying to probe in a couple of areas and one of them I think was just the overall letter itself. The opinion that Mr. Sheehan had written and whether or not that was actually an opinion because when we had seen it it was written by Mr. Mulhearn but then it was signed on the Town letterhead for the engineer; so I think we had gone through some pretty good discussion with that with Ms. Zalantis and then I think Mr. Sheehan had gone back up and addressed some of those concerns and I wanted to see if anybody had any further on that particular topic they wanted to bring up and discuss what they were thinking.

Not usually a quiet group.

Mr. Porath: I have a question whether some of the opinions that I have – I don't know if it is eligible for me to discuss them in Executive Session; just theorizing different thoughts and ideas without making some statement to form an opinion. But, I don't want to break any rules either by doing that.

Mr. McKay: Well that goes towards my opening explanation. You are in a tough spot tonight because you're really making a very legal determination, more so then you would be if you were discussing an area variance or use variance. So you are going to have legal questions. The best way that I can explain how I believe you should act, is if it is a matter of general legal principle that you have a question on, certainly feel free to ask it. I will freely discuss those things and I think if it's something that goes to the heart of the application there is something which is...which I think you need specific legal advice on with respect to this application I will let you know and perhaps you may want to reserve that issue for Executive Session.

Mr. Porath: With that, then I would ask if we can go into Executive Session.

Chairman Wright: Let me do this first. I don't want; if I can avoid it I don't want to go to Executive Session right off the bat. What I want to try and do is open up the discussion and then what we will do is, if it looks like we are going into areas where we want it or need to go into Executive Session, we will catch them, we will call them out and then we will table them and deal with them in an Executive Session. But, I think it is fair to go ahead and have as much of an open discussion as we can on this matter so that is what is why I was trying to open it up with what I thought was a topic that we had gone through and discussed in the Public Sessions. I said I thought when I went through...one of the issues I had, and just trying to understand myself is that was this letter that was written by Mr. Mulhearn, because this is one of the basis of the discussion, do we think, or what are the arguments that we think that was...was that his opinion or it was an opinion that Mr. Mulhearn had written. I am just trying to get a sense of what the Boards' take is on that.

Mr. Porath: Do you want our opinion on this?

Chairman Wright: Yes, and you can open up other areas. I am not looking to kind of, so it can be a discussion, I'm not looking to kind of forcibly discuss it. I just want to open it up and get it...

Mr. Vasti: Mr. Chairman, I believe, according to my recollection and according to what I've read in the transcript, Mr. Sheehan did get up there and state that it was his opinion.

Mr. McKay: Determination.

Mr. Vasti: Determination. Even though it was written by Mr. Mulhearn, it was on Town Building Inspector's stationary but, Mr. Sheehan did substantiate that that was his interpretation and I think he made it very clear. I do remember that, unless I'm wrong. So I think that is very clear at this point and you know...unless someone else feels differently.

Chairman Wright: One of the things that I asked him too, and it kinds of go to one of the other issues we have discussed is that did it tie closely to the original application. One of the things I was trying to get in the public discussion was how closely tied is the decision to the underlying application and does it have an impact on any determination that I have.

Mr. Keegan: I would like to say something.

Chairman Wright: Yes, sure.

Mr. Keegan: I'm absolutely at my wits end with this application business. The Counselor just referred to it as an application, or that application, you are referring to it...my understanding is this application has been withdrawn; the application is no longer of any relevance in this. We are asked; correct me if I am wrong, we are being asked to base a decision determining whether the Building Inspector made a correct decision as to whether this plant can go there or not. Not based on any application. The application has been withdrawn; it is my understanding, which is simply Mr. Silverstein, the young lady that was here the other day, said a decision had to be made as to whether or not this was a legal use of that property and no other reason. Am I correct in assuming that?

Mr. McKay: That is the basic question that you are being asked to decide; whether the interpretation of the Building Inspector was correct or not. When I speak, and I will try to do this, when I refer I'll either refer to it as Haverstraw's appeal and try to distinguish between the appeal that is pending before you and the application which would be the underlying land use application before the Planning Board. So maybe that...you can get confused on.

Mr. Keegan: Okay, so my question to you is this –

Chairman Wright: What I ask is – ask the Board, right, this is a conversation among the Board, so if you have a position...

Mr. Keegan: I don't have a position...

Chairman Wright: Okay.

Mr. Keegan: It's a question...

Chairman Wright: Sure.

Mr. Keegan: The question is based on just the legal ramifications of the decision – standing, and everything that's mentioned in the first part of this memorandum...

Chairman Wright: The only thing I have to add to that, is that is what we want, we need to make those decisions. We can refer it to Mr. McKay and kind of get some information about that. But, ultimately we will be making those decisions...

Mr. Keegan: My question is if the application no longer exists...Mr. Silverstein's office, their opinion was that we had to make this decision because this was a question that arose and even though the application has been withdrawn and everything else like that, it's still out there for us to make this decision.

Mr. McKay: That's their opinion – yes, correct.

Mr. Keegan: That's their opinion. I'm not clear on what my opinion is.

Chairman Wright: No, that's what I think we want to flush out...

Mr. Keegan: That is what I want to discuss.

Chairman Wright: If you can't form your opinion now, what issues are getting in the way of you forming an opinion on that and are there things in the record that we can go through that help drive the debate so we can...

Mr. Keegan: I would like to concentrate on the first part of this memo before we get into any particulars regarding the process and all what not.

Mr. Vasti: I have a question Mr. Chairman.

Chairman Wright: Okay.

Mr. Vasti: I don't know how many members of the Board are ready to vote tonight, and my question is, if we are ready to vote tonight can we vote tonight? Can we render a decision on the interpretation? I am ready to vote. I am ready to render my decision. I don't know how others feel. What other issues - they have every right to question and discuss it and that is why we are here.

Chairman Wright: That is fair and what I want to do is make sure that we have addressed key issues, brought them out in the discussion and that we are hitting the points that we think are important and obviously give other members of the Board an opportunity to bring up points that they are not clear on and then if at the end of that period we are ready to make a vote we can do that or if we are at least ready to have discussion we can have that. If we want to have an Executive Session with Mr. McKay, we can do that, too. But, I think we have the obligation to air out what our questions are and see so we can come up with a...

Mr. Porath: I have a question Mr. Chairman.

Chairman Wright: Sure.

Mr. Porath: Before, irregardless of the details whether the decision was correct or not or the opinion was correct or not; I think my opinion is that the first thing we have to determine was Bill Sheehan...was that letter truly an opinion or a decision and if it was an opinion based on this memo, my interpretation is that if we decide that that is not a legal decision and doesn't fall in our stature this becomes...renders this whole discussion "moot" at this point. And I would like to have us consider the fact that since the application has been withdrawn, in my opinion, his determination or opinion or whatever he wants to classify it, and I kind of, to be honest with you, I discount how he characterizes that night, I think that was a long night and I think everyone was getting tired, but irregardless of his comment that it was his decision.

Chairman Wright: Bill Sheehan's.

Mr. Porath: Bill Sheehan's, I think we should make the decision whether that was an opinion/decision is one thing and if it is an opinion and the application has been withdrawn we should decide that this irrelevant, that we should just drop this issue. That would be my opinion at this point and if we have the authority to render that document as irrelevant I think that satisfies and I think that would serve quite frankly a lot of interest it would stop and eliminate the time that this Board is spending on it. I think it would alleviate, again this is my opinion, Haverstraw's concern that a decision has been rendered, if they don't believe is in our interest, even though that's not the purpose of my thinking, but that may be the result as far as your opinion and it's kind of a common sense decision has been made.

Chairman Wright: Mr. Fox do you have an opinion on that or...

Mr. Fox: No, I would like more review on it – the whole thing, going through statutes and whatnot in reference to this taking all this collecting all this information that we do have here. It was a long meeting last time. There was a lot of information in there. I would like to go through that in detail to formulate...

Chairman Wright: So let me do this, so the one question that we are going to deal with right now is this idea of is this...is the underlying, if I haven't characterized this correctly, I'm open to suggestions, but I think we are trying to deal with this; since the underlying application is on "hold" does that impact what our thinking and so. Does anyone want to take the discussion any further or...?

Mr. Vasti: I think Ms. Zalantis made it very clear that even if the Board were to render this "moot" and Steve that is a very good point you brought up and certainly a very valid point that there is a lot of irrationality going on here if the application is withdrawn that she made it very clear that the Town of Haverstraw would still pursue this. They want closure on it. They are not going to let go of it and they've put the Board between a rock and a hard place. Even though there is no application it is obvious by Mr. Silverberg's presence here tonight that they are pursuing this actively and they want a decision made on it; forcing this Board to make a decision. They've put us in a corner through a bunch of legal definitions and other legal terms and they just want to pursue this until a decision is made one way or another. That is how I feel. I don't believe by declaring this "moot" would satisfy either our Town of Stony Point's Building Inspector's interpretation or the Town of Haverstraw because it still would be without closure and Ms. Zalantis made it clear that maybe a year from now, maybe six months from now someone would go before the Building Inspector and want to build a gasification plant and it would re-open the entire argument again on whether the Building Inspector's interpretation is correct or not.

Chairman Wright: Yes. I think along those lines too – it sounded like, that is why I think the underlying, the tie to the underlying application is important because it sounded like and I think Mr. Sheehan kind of confirmed it, is that it was a unique application, right, so anybody that would do something again would require another unique application, but this particular decision seemed to be very tightly bound to the application, to the original application.

Mr. Porath: I don't know if we can necessarily base a decision guided solely by what the action of Haverstraw is to that decision and I don't think anybody here is suggesting that by the way. They are going to take their course as they want if they see in their best interest. I think in the purpose of our interest, again I will go back to if I'm thinking that there is enough procedural and cloudiness about how this was a decision, was it an opinion, was it tied to this specific application, is it irrelevant now...I think there's enough smoke around that whole issue that I don't think it is in the interest of the Town of Stony Point to determine that that decision was rendered forevermore that that's an eligible use for there or not, I would rather see, I think we best serve by just saying you know what clean the slate. Let's do a do-over, should it come down to it and somebody else come and propose a plant and then if the Town of Haverstraw or some other party wants to challenge that, for a specific application, that's the appropriate time for a real determination to be changed. I think we starting to go down a slippery slope of talking about potential uses. It opens up the door for anybody who doesn't want anything anywhere to challenge us to kind of box us in even to consider things.

Mr. McKay: So just let me interject. What everybody has been discussing is mootness on the one hand and what the attorneys would call "res judicata", or the binding effect of what you determine on the other. So I think it would be appropriate to go at some point into Executive Session to discuss that specific mootness issue, but in summary what the Board has been questioning is whether that opinion is truly the Building Inspector's opinion and if you decide that it was and since the underlying application to the Planning Board has been withdrawn, does that render the entire appeal before you "moot" and again just to repeat it as I think Mr. Vasti had indicated, the Town of Haverstraw's counsel has indicated that in their opinion because the Building Inspector issued that decision it does have binding effect going forward. So I know that's what everybody is discussing and I don't want to limit your discussion, but at some point that's going to come to a legal discussion concerning mootness and "res judicata" effect.

Chairman Wright: Thank you. So the other thing, too that I was...feel free to introduce your own topics, but I've just written down some notes that I want to kind of clear up on my own. But, one of the things that struck me a little bit about the presentation from Haverstraw was, and I think Mr. Vasti kind of bought it out initially, was that there were technical challenges about the definitions of these words – and fair enough. But, I didn't see that, and I think again Mr. Vasti called this out, there wasn't really any experts who had provided back-up to some of that information. So it's one thing for me to say, I got the flu and if I go to the doctor he might say you got a cold and I go to an expert to tell me that I have a cold. So my thinking about what it is as an everyday layman verses a practitioner which I call our Building Inspector, I think their opinions have greater weight, although I can respect it, they have looked at some of that information. I was struck by there really wasn't any professional or technical discussions or presentations kind of backing up the wrong ordinance.

Mr. Keegan you have a point?

Mr. Keegan: Yes. I have again a question. You state in your memorandum that the Building Inspector...

Mr. McKay: If we are going to discuss...

Mr. Keegan: I am talking to Counsel.

Mr. McKay: If we are going to discuss my memo that should be in Executive Session.

Mr. Keegan: During the Hearing, the Public Hearing, Mr. Silverman's partner referenced the difference between, or referenced oxygen free and oxygen deprived; two entirely different definitions. They don't mean the same thing. My question comes back to this we have the Building Inspector believes, the Building Inspector's opinion; is this a decision that he made or is this his opinion. There is two different meanings to those words. Did he make an actual decision – yes, this plant can go there and, or I believe that the plant can go there?

Chairman Wright: That is for us to decide though. That is what we have to decide.

Mr. McKay: And the Building Inspector spoke to that specific issue. Not to give you a "none" answer, but he spoke of that issue and it's in the transcript.

Mr. Keegan: And what did the transcript say – it's my opinion.

Mr. McKay: Well let's not get hung up on the use of the word opinion verses the determination or decision. The question is, that document, that letter that was written by the attorney and signed by the, or vise versa, on Building Inspector letterhead and signed by the attorney; if that's the action of the Building Inspector, is that his decision, in this particular sentence, decision and opinion are really the same. If the Building Inspector had a different opinion, we wouldn't be here. I don't know if you want to go with the word determination, but that may be a better way to look at it. Whether it is a determination of the Building Inspector – "yes" or "no". Whether that determination has binding effect in the future "yes" or "no"; and whether the fact that the underlying Planning Board application was withdrawn renders this matter before the room "yes" or "no". The last one being a legal point.

Mr. Keegan: Are we discussing it all whether or not the Building Inspector had the authority to do this, until you mentioned it?

Mr. McKay: Sure it can and Mr. Keegan you don't necessarily have to address your questions to me; I think what Mr. Wright trying to point out is it should be a general discussion over the Board.

Mr. Keegan: One of the issues is did he have the authority to do this in the first place?

Chairman Wright: That is a fair question to ask.

Mr. Keegan: Well that is the question.

Chairman Wright: So what are your thoughts on that?

Mr. Keegan: Well, I didn't have the advantage of seeing this memo because I like looking...like you do going paragraph by paragraph, make my notes, mull it over...I just received this. So, I mean to bring up some points that I previously haven't even spent a lot of time with; I just assumed he had the authority to do this. Which is probably a poor subject!

Mr. McKay: Just so there is no confusion Mr. Keegan, it is a memo that I had given to the Board previously. It is not a new memo. It's the same one that I previously handed out.

Mr. Keegan: Oh okay. I didn't know. This...

Mr. Porath: I just want to clarify if we have the ability...I mean we can either say we accept this decision and then or we can turn it over and say no that we reject that decision. Do we have the ability to, I don't know what the legal phrase is, dismiss the opinion and say you need to do it again, given all the circumstances; if the Town of Stony Point Building Inspector wants to pursue this matter as far as a zoning matter regarding that specific site it needs to be done again because again I am going back to there is enough debate, there is enough confusion about this, there is enough debatable points on paper on the fact that we can't even have a coherent discussion as far as what we try to get around the issues I think we should send them back and let's render that opinion/decision whatever it was null-in-void, do it over, or don't do it, but throw it back to them to decide what they want to do.

Chairman Wright: So I think, I mean the way I see this, is that Mr. Sheehan had provided an opinion to Haverstraw; or it was an event that triggered that and he provided an opinion. Now things got a little tricky because the opinion that was presented was written on Town letterhead, but it was signed by Town Counsel...

Mr. McKay: Special Counsel.

Chairman Wright: And if you read it it reads like a legal brief. So when you look at it...so the question was, and this is where we were kind of stuck with, is this real...because it started all out was for technical nature was this really his opinion. So we kind of went through that a lot in our last meeting. Underlying all that though was that there was an application for the gasification plant and there was a lot of complex issues involved in that and it took a long time. Mr. Sheehan attended lots of meetings with the developers and he rendered this opinion and followed it up with the formal opinion. Then, they get another complication, the original application was withdrawn, but that letter was still out there. So Haverstraw's position - is this an opinion. Our job is to sit there, is to go through all that and say oh well - it is resolved at. Our job is to resolve all that stuff and if we get it wrong Haverstraw can go ahead and appeal it and go through an Article 78 and somebody will reveal what we do here. But, our job is to, it is on us now, to take a look at it and then make some determinations as to what the outcome is going to be.

Mr. Porath: But is it our job, given the fact that procedurally and again I will state only my opinion, in my mind there is no doubt that procedurally there were questions of how this was going to proceed, by accident or by just chance, things happen. It doesn't matter. The fact that an application that triggered the whole thing, in my opinion, is that this whole thing started unique to a specific application has been withdrawn. For us to try to make a determination that

can be far reaching on a very shaky foundation of decisions I don't think puts this...I don't think it's in the interest of this Board nor I think it is in the interest of the Town for us to kind of make a judgment call that quite frankly, I think, no matter what the call is someone is going to challenge it. I think we are perfectly within our rights to throw it back to the Building Inspector's Office and say you got to do this again if you choose to pursue this.

Mr. Vasti: But I don't see it that way. How I see it, how I understand it – it has nothing to do with the application whatsoever. We have to put that application completely out of our minds for now; whether the fact that it did exist at one time or the fact that it is now withdrawn is irrelevant. What is relevant is that Mr. Sheehan, the Building Inspector, has stated that our Building Codes are a decade or more behind the times. And our Building Codes are behind in terms of newer technologies that have come about that challenge Building Codes everyday and all over our nation and that this newer technology has a few plants in the state that are quite sparse, wide spread-out and that according to his modality of thinking, his interpretation of the existing Town of Stony Point Building Codes, that gasification plant is permissible and it should be allowed to be constructed; whether by the former applicant or future applicant that there is relevance, there is a foundation to our Building Codes that would permit this. As rudimentary as our Building Codes are in their present state, this particular technology, this particular industry, this particular business has a place in that area, in that zone and he is willing to grant the Building Permit based on the existing Town of Stony Point Building Code. This is how I see it. That is his interpretation and when I asked Ms. Zalantis if Haverstraw had a similar Building Code, she evaded the question and I kept pressing her for an answer and she evaded again. She evaded it at least six times until the point that she said Haverstraw is not before this Board. Stony Point is before this Board. And I take objection to that. I take objection to another Town interpreting our Building Code. The same way they would take objection if I interpreted their Building Code and this is my personal opinion.

Chairman Wright: I agree with a lot of what you said because again I thought that the presentation, while it had a good analysis about the legal, tying the legal definitions to some of these things didn't seem as though they could match our Building Inspector's knowledge and involvement in this discussion so I...

Mr. Keegan: I mean Mr. Sheehan, if I might...

Chairman Wright: Sure.

Mr. Keegan: Mr. Sheehan testified before this Board that he attended numerous meetings with a number of different experts. The research that I did on-line clearly decides that the D.E.C. is in favor of this particular process. But, that's not what's on the table here. I believe that the Building Inspector was on point when he said that this could be done. Certainly the Board has a jurisdiction to make that determination. With a \$550 million plant there's only...also the Code also provides for special permit use which is decided by the Town Board. You want to make this decision – fine, but a project of that dimension, that enormity in a small Town like this, my understanding it is \$550 million that is going into this project. Should be determine by the Town Board in the process because if anything at all changes here we said some future applicant can come in, if anything in the process changes, then any determination that we make...we are deciding on this factor. If they changed the fuel, if they change the temperature, if they change anything, if the emissions, if the opacity changes then they have to go through this entire process again; I don't really understand what we are doing here. I really don't.

Mr. Porath: That's why I don't...again that goes to my point. I don't personally want to vote "no" because I wouldn't forever more want to have that as evidence of prohibiting some similar use there if it was in the interest of the Town. Voting "yes" I think there is enough gray areas in this whole discussion to make that decision questionable and that is why I would rather have it just for a lack of a better word almost like the decision tabled, rendered irrelevant and re-addressed in the future should a new applicant come because I don't want to box us in that the flexibility of that site in the future.

Mr. McKay: Mr. Chairman I have a question of the Board. I see that there's somewhat of a coterie here. Some Board members want some more information, perhaps more time to think about what's been submitted to them, others seem ready to move to a final decision, some members are caught up on the jurisdiction mootness procedural matters; they are all valid concerns. Just so the Board can move forward, the question is since there is this hang-up on the procedural matters whether the Board wants to address them in Executive Session so the Board can move on or whether there is some kind of an agreement that we will address that and start to move on to the substantive merits so to speak of the appeal.

Chairman Wright: So I agree with Mr. McKay. I think there is a little bit of hesitation here because there is a concern about addressing something legally that would be better done in Executive Session so I think what we can do at this point if somebody wants to make a motion to go into Executive Session for the purposes of going into anything specifically or advise on this particular case I will take the motion.

*****MOTION: Mr. Casscles made a motion at 7:49 PM to go into Executive Session, pending litigation; seconded by Mr. Porath. Hearing all in favor; the motion was carried.**

*****MOTION: Mr. Keegan made a motion at 8:45 PM to reconvene to regular Zoning Board of Appeals meeting; seconded by Mr. Fox. Hearing all in favor; the motion was carried.**

Chairman Wright: Welcome back everybody. So I think we had a good discussion and I think where we will go now is we will look to come back on July 2nd and I think what we will want to do on July 2nd we will go through the letter from Silverberg and Zalantis dated March 15th and we will go through those things point by point. We just don't have enough time to review these things tonight. Can I take a motion and that we will go ahead and continue the discussion on July 2nd.

Mr. Vasti: I will make that motion.

Mr. McKay: Before the Board moves, we will need to speak to Mr. Silverberg about an extension. Let me think about the date. Our Public Hearing was May 16th so I believe now I have until 7/17 or so. Your office...

Mr. Silverberg: Actually there are 31 days in May and 30 in June so that would put you into (inaudible – not near microphone).

Mr. McKay: So it is fine to adjourn the matter to July 2nd. Just the Board needs to be aware we will have to actually issue, is there a July 18th meeting...

Mr. Casscles: the 19th.

Chairman Wright: 18th.

Ms. Kivlehan: It's July 18th.

Mr. Vasti: So we need more than a one day extension?

Mr. McKay: We got the one day extension already. I don't have that letter with me.

Mr. Silverberg: I will note it on the record that I have no objection to one day extension.

Mr. McKay: It's just the actual issuance of the decision. We have no problem for the next meeting...

Mr. Silverberg: I understand. I understand what you are saying and you will discuss it at the next meeting and the decision may not be issued until the 18th.

Mr. McKay: Correct.

Mr. Silverberg: We have no objection to putting it on the 18th (**inaudible – not near microphone**).

Mr. McKay: So with Mr. Silverberg's consent, the Board has until at least July 18th to make its final decision.

Chairman Wright: Okay.

Mr. Casscles: If for some reason we don't, didn't we have an extension...

(too many people talking at once)

Mr. Silverberg: Assuming there is no pending application in front of the Planning Board there is no need for a rush decision. We certainly will give the courteous to extend this decision.

Mr. McKay: (**inaudible – not near microphone**)

Chairman Wright: So we will come back on the 2nd and we will continue the discussion on the 2nd and...

Mr. Silverberg: May I ask one question – does the procedure require a court reporter there?

Chairman Wright: We wouldn't expect.

Mr. Silverberg: Okay. Then we will have ours then.

Chairman Wright: With that are there any other items, issues we need to discuss. Mr. McKay, is there anything else we need to procedurally address?

Mr. McKay: I don't think so unless the Board has some other reason to go into Executive Session otherwise I think we are good.

*****MOTION:** Mr. Fox made a motion to keep the discussion open; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

*****MOTION:** Mr. Vasti made a motion to adjourn the meeting of June 20, 2013; seconded by Mr. Porath. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan
Secretary
Zoning Board of Appeals