## Town of Cortlandville Planning Board

Minutes of Public Hearing & Regular Meeting - Tuesday, 1 December 2015 - 7:30 PM
Town Hall Board Room - 3577 Terrace Road - Cortland, NY

**Board Members** (\*absent)

Katherine Wickwire, Chairperson Christopher Newell Nicholas Renzi John M. Finamore John A. DelVecchio

#### **Others Present**

Bruce Weber, Town Planning/Zoning Officer Joan E. Fitch, Board Secretary John B. Folmer, Town Attorney

#### Applicants & Public Present

(See attached Attendance Sheets – pgs. 9 & 10)

### PUBLIC HEARING

# <u>Leonidas Group of Virgil, LLC, Applicant/Robert Ferris, Reputed Owner - Starr Road - TM #96.10-01-19.100 - Proposed PUD (Planned Unit Development)</u>

Chair Wickwire opened the Public Hearing at 7:30 p.m. The Planning Board Secretary read aloud the Public Hearing Notice as published in the *Cortland Standard* on 19 November 2015. Proof of Publication has been placed on file for the record.

Chair Wickwire recognized Al Kryger and Timothy C. Buhl, PE, representing the applicant who was seeking approval for the development of a 66-unit residential project (Starr Lite Ridge Residential Community) at this location. Mr. Kryger gave his background in real estate development and described what was being proposed for this 11.61±-acre parcel. (An undated Project Narrative by Engineer Buhl has been placed on file for the record, along with other materials pertaining to this development.)

The applicant's attorney, Mike Shafer, commented on "green space" for the project, and Engineer Buhl commented regarding proposed drainage on the site and also the percolation test results.

Chair Wickwire asked if there was anyone present who wished to speak regarding this matter; there were, as follows:

<u>Andrea Tobin - 46 Levydale Park</u> - Asked when digging will start, and where the water is going to go, and when the "filtration and stuff" will be in place? Engineer Buhl responded that before the ground is even disturbed, the erosion control plan will have to be set up, etc. The project will be phased. If there are going to be problems with the drainage, they will know about it beforehand.

<u>Marty Wirsie – 3658 Abdallah Avenue</u> – Asked about the swale that was being proposed and how it could potentially impact the runoff problems that they already have on Abdallah Avenue. Mr. Buhl explained how the proposed project will remedy the existing drainage problem. It is expected there will be a "zero discharge."

<u>Toni D. Williams – 1238 Isabel Drive</u> – Concerned about increase in traffic. Mr. Buhl advised that a trip generation estimate had been made, and he explained the resulting numbers. Ms. Williams thinks the added traffic exiting onto Starr Road is a hazard. Many pedestrians walking along the road, including children in strollers. Maybe road should be widened.

<u>Donna Johnson – 7 Louise Drive</u> – Concerned with number of units compared to Parti Drive. Likes idea. Asked about garages proposed and cost of units. Mr. Buhl and Mr. Kryger answered her question about garages. Yes, there will be garages. Purchase price of homes, \$140,000±; there will be some rent-to-own units.

<u>Dan Mones - 32 Abdallah Avenue</u> - Asked about multi-unit buildings and how "rent-to-own" works; Mr. Kryger explained.

<u>Tim Carmody – 27 Isabel Drive</u> – Asked about rental agreement.

Attorney Mike Shafer explained that there will be a Homeowner's Association formed, and that association will maintain the roads, etc.

<u>Tom Crompt (?) - 23 Abdallah Avenue</u> - There will be 220 cars using that street; concerned about present traffic off Abdallah. It's going to be worse. Within five years, house will not be worth what he paid for it.

<u>Marty Wirsie - 3658 Abdallah Avenue</u> – What kind of written assurance is there to make sure, if project goes "belly up," who will take care of the place? Mr. Kryger advised about the Homeowner's Association, and in response, Mr. Wirsie stated it sounded like the Town would have nothing to do with it. What if Homeowner's Association goes "belly up"? Will there be a minimum dollar amount for these units? Engineer Buhl explained how each property owner will contribute to the Association; there's a capital reserve fund that will be created. Attorney Shafer explained further; it's like a corporation.

<u>David Funk (for mother-in-law) - 19 Abdallah Avenue</u> - Also concerned about Homeowner's Association. Mr. Kryger answered his questions, as did Attorney Shafer who explained what goes into forming an Association.

<u>Michael J. Reagan – 1181 Starr Road</u> – Drivers taking risk turning onto Starr Road; had two accidents over past two years. Very concerned about traffic. He does not use public water; well is used. Will ruin the enjoyment of his own property. It takes 10 minutes to get out of h is driveway sometimes. People walking along there all the time. No shoulders there, but there's a 5-ft. deep ditch along road.

<u>Chris Tier – 34 Abdallah Avenue</u> – Stated he was also representative of elderly neighbor. Cortlandville has never addressed the flooding issue on Parti Drive and Starr Road. Are you sending water over to his house next? Flooding issue needs to be addressed first by the Town. Doesn't think drains will be sufficient. Don't need increase in traffic. Kids play in the street, and it's a racetrack. If development goes defunct, what does this do to his property value? Engineer Buhl advised that the proposed project involves the input/review of many agencies, e.g., the NYSDEC, Cortland County Health Department, Cortland County Soil & Water, Cortlandville Highway Department, County Planning, etc. Asked if there would be an increase in crime rate. Again asks what happens if "this all dissolves"? Mr. Kryger once again explained what the Homeowner's Association would be responsible for.

<u>Barbara Wood - 28 Abdallah Avenue</u> - Asked about proposed drainage and how it will be; Engineer Buhl, using his preliminary drawing, explained how this would be handled. He also explained the other details/drawings he is required to prepare.

<u>Kevin Pristash – 3607 Parti Drive</u> – A document has been received by neighborhood. Wanted to know if Board had received same. Project has been to County Planning who formulated their recommendations; commented on County's comments/vote. Drawing does not have road "up to Town spec." Also concerned about traffic and past accidents; now adding another road to this. Flooding is a big issue. Mr. Kryger responded that design details have not been completed. This Public Hearing is to consider their application for changing an R-2 District to Residential PUD. Attorney Shafer stated that the Town Planning Board will make their recommendation to the Town Board. If a positive recommendation, then the Town Board, in turn, will hold another Public Hearing. The applicant would then be required to submit a complete stormwater plan and a complete design. If the Residential PUD is approved by the Town, then it comes back to the Town Planning Board again for a full review.

<u>Anna Alteri – 3576 Parti Drive</u> – Moved away from Cortland to reside in South Carolina for ten years. One of SC homes was in a gated community with Homeowner's Association (HOA). Second home by same developer was outside of the HOA; homeowners were responsible for home upkeep, etc. Development was not kept up (entrance, landscaping, etc.) outside her property. Streets no longer kept up. Wanted people present to know that an HOA can dissolve. Mr. Kryger stated that what they are proposing will not operate the same way.

<u>Lisa Foster - 3596 Parti Drive</u> - Stated she had "typed-up" statement and then had some questions. (Secretary not provided with copy of statement.) Appreciated design of project to

place single-family homes abutting homes on Parti Drive, with multi-units being "on the other side." Also appreciated Mr. Kryger's invitation to meet with the area residents at the Red Dragon. Not opposed to development in general, but many of residents object to the density. Properties on two sides contain single-family homes; proposal is double what is in area. Does not conform to area: Abdallah, Levydale, Louise, Isabel, Starr Road, Parti Drive all consist of single-family homes. Suggested making the subject parcel "green space." Also concerned with: light pollution, even with down-lighting as a lot of the residents are "at the bottom"; noise pollution with over 200 people living in this development; increased traffic w/66 units—if two cars per unit, it's over 130 cars "zipping up and down"; increase in animals—the more dogs there are in concentrated area, the barking goes up. Hopes owner is successful in selling this property, but is looking to have a similar, single-family development. "Try to put yourself in our shoes." Too much in a tight space. Will the Board require a bond or letter of credit in case project runs out of money before it's completed? PZO Weber read from the Code re provisions for final approval, one of which was "the Town Board may require the posting of such performance guarantees as it deems necessary..." Ms. Foster then asked if the project did not get approved, will the developers go ahead and do something else (single-family or duplexes)? Mr. Kryger explained there were a minimum number of units needed in order to make the project financially viable. Ms. Foster then questioned having water-filled ponds; will they be filled with water? Engineer Buhl answered that they will, temporarily; they eventually drain out and are empty the majority of the time. She then asked how long a time does the public have to present petitions to the Board; she has 85-90 homeowners who have signed a petition against the proposed project. PZO Weber advised: 45 days from the date of this public hearing. Chair Wickwire commented that all the Planning Board does is make a recommendation to the Town Board after reviewing the preliminary plans. The Town Board then makes the decision as to whether or not this is a viable PUD. If they think it is, then the developer returns with the full design completed. Petitions should be given to the Town Board and the Planning Board.

<u>Toni D. Williams – 1238 Isabel Drive</u> – When you started looking at this property, did you ever come across the map of Perplexity Creek? How would this project impact this "natural creek?"

<u>Mark Roberts</u> – <u>21 Abdallah Avenue</u> – How will units be built/sold? Mr. Kryger stated has not gone into that kind of detail; we need to know first of we receive a PUD designation.

With everyone heard who wished to be heard, a motion was made at 9:02 p.m. by Member Finamore to close the Public Hearing. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell
Member Renzi
Member Finamore
Member DelVecchio

Motion carried.

This becomes Action #77 of 2015.

#### REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 9:03 p.m. by Chair Katherine Wickwire.

## APPROVAL OF MINUTES - 28 July, 25 August, 29 September & 27 October 2015

A motion was made by Member Renzi to approve the Minutes of the Planning Board's meetings of 28 July, 25 August, 29 September, and 27 October 2015, as submitted. **The motion was seconded by Member Finamore, with the vote recorded as follows:** 

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #78 of 2015.

## **New Business**

#### <u>Meilinda Susman, Applicant/Paradigm Properties, Reputed Owner - 3266 Walden Oaks Boulevard</u> - TM # 106.05-01-24.000 - PUD Revision

Chair Wickwire recognized Dan Clark, representing the applicant who was seeking a PUD revision as explained in her 20 November 2015 letter to this Board, a copy of which has been placed on file for the record. PZO Bruce Weber explained that the applicant is proposing to use the subject lot for a two-family dwelling, instead of the previous day care center which never materialized. He also stated a variance would be needed for the lot width requirement from the ZBA, and Site Plan approval from this Board. The Board's role at this meeting is to consider making a recommendation to the Town Board whether or not to change this lot's designation from a day care center to a two-family dwelling; the Town Board would need to make this change because it's a PUD.

With no further discussion, a motion was made by Member Newell to recommend that the Town Board make the PUD change, as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #79 of 2015.

# <u>Jeffrey Bushnell, Applicant/Tompkins Street Cortland, LLC, Reputed Owner - 255 Tompkins Street (NYS Route 13) - TM #96.09-03-02.000 - Conditional Permit for Auto Detailing Shop</u>

Chair Wickwire recognized the applicant who was seeking approval to convert a former auto parts store into an auto detailing facility. The narrative accompanying the application indicated that Mr. Bushnell would recondition the exterior/interior of vehicles. Operating hours would be Monday thru Friday, 8 a.m. to 5 p.m., and Saturday from 8 a.m. to noon.

1 December 2015

With no further discussion, a motion was made by Member Renzi to approve a Conditional Permit for Bushy's ProShine auto detailing shop, as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #80 of 2015.

## OLD BUSINESS

# Royal Chevrolet/Cortland, Inc., Applicant/Reputed Owner - 3838 NYS Route 281 (West Road) - TM #86.17-01-10.211 - Conditional Permit - Proposed Body Shop Addition

Chair Wickwire recognized Chuck Feiszli, PE, and Joe Reagan, who were seeking a Conditional Permit and Aquifer Protection District Special Permit for a proposed 11,250 SF body shop addition to their existing facility, all as shown on and described in the materials accompanying the application. Engineer Feiszli assured the Board that there would be no change in the stormwater management system, and that they would like to start construction as soon as possible.

After reviewing the materials submitted, a motion was made by Member Renzi to forward the applications for a Conditional Permit and Aquifer Protection District Special Permit for the proposed 11,250 SF Body Shop Addition to the existing facility to the Cortland County Planning Department for their review. The motion was seconded by Member DelVecchio, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #81 of 2015.

# <u>Leonidas Group of Virgil, LLC, Applicant/Robert Ferris, Reputed Owner - Starr Road - TM #96.10-01-19.100 - Proposed PUD</u>

(Reference is made to Planning Board Minutes commencing 28 July 2015 for additional details regarding this application.)

Town Attorney John Folmer advised the Board that they had 45 days to make their recommendation regarding the proposed PUD to the Town Board. Chair Wickwire thought that this Board should postpone any further action until the 29 December 2015 meeting in order review the information/comments obtained at this meeting and to get answers to the many questions raised by this Board, especially those by Member Renzi, as shown on the following page.

## COMMENTS ON THE PUD PROJECT PRESENTED BY THE LEONIDAS GROUP OF VIRGIL, LLC

By Nick Renzi, Cortlandville Town Planning Board Member - 1 December 2015

#### **Background**

The County Planning Department has reviewed all submitted materials and their report dated November 13, 2015 includes their comments and sixteen recommendations. The County Planning Board in their Resolution No. 15-32 supported the Planning Department's recommendations.

A letter from Mike Shafer dated October 30, 2015 provides comments on the original Planning Department's recommendations.

#### **Comments**

- 1. The applicant has not provided a finalized and detailed stormwater management system design.
- 2. The comments relative to the County Planning Department/Board are in many cases presented as will be done once approval is granted.
- 3. The ability of the proposed site to handle stormwater infiltration has yet to be determined and is an important part of the stormwater system design.
- The impact of the development on the surrounding properties as to flooding and traffic has yet to be defined.
- 5. The impact of the project on surrounding properties relative to privacy, property values and noise has not been addressed.
- 6. In August of 2003, the Town Code was amended to include Article XXIII titled Design and Development Guidelines. These guidelines define specific design features that should be considered and/or avoided when considering new residential developments. Pages 178-112 to 178-125 define in great detail the guidelines that should be addressed. There is no mention in any of the applicant's submittals that these guidelines have been addressed or acted upon.

#### Recommendation

My recommendation is that the applicant provides a more comprehensive submittal including the design of the stormwater management system and a detailed narrative with drawing changes that reflect on the Design and Development Guidelines.

In addition, the finalized application which would include all drawings, stormwater management system design, comments on the County's latest recommendations and comments on how the proposed project has addressed the Town's Design and Development Guidelines be submitted to Clough Harbour and Associates for their review and comments.

Member Renzi commented that required reading should be 178-54 and 178-57D of the Town Code, of which he read a portion. He asked how this Board could make a recommendation to the Town Board without getting "deeper into the development," especially regarding the Design Guidelines. Mr. Kryger then submitted drawings of the proposed homes which would not look like "row houses." Engineer Buhl stated that he can provide stormwater documents to demonstrate the design will take care of a 100-year storm. Chair Wickwire commented on the heavy density of this project, and again thought the Board needed to postpone their recommendation until the scheduled meeting of 29 December 2015. Attorney Mike Shafer reminded the Board that they were making only a recommendation based on the criteria for the PUD in the Ordinance; then it will come back before this Board for a full SWPPP, etc. Chair Wickwire countered that "We're trying to look at this and say, is this a PUD that we want to recommend to the Town Board?" Attorney Folmer then suggested that, "in the meantime, you be very careful and read the sections of the Code that outline the process that you're going through. Your recommendation to the Town Board, at this stage, is governed by the section I just pointed out... Does this conceptually fall into the category that could be a PUD?" He felt the Board needed to "(1) take into account tonight's comments, (2) review Code sections carefully so you have better idea of what it is that you're doing in this process at this point in that process, and (3) by the 29th, you should each have

1 December 2015

made an individual determination on those criteria that you can discuss that would go with your recommendation to the Town Board."

At the conclusion of this lengthy discussion, Member Renzi made a motion to postpone the proposed PUD recommendation until the 29 December 2015 meeting of this Board. The motion was seconded by Member DelVecchio, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #82 of 2015.

# Brian R. Buttner, RA, dba ADR Associates, Applicant/Arthur Bell, Jr., Reputed Owner - Lot 54, Blue Creek Road - TM #76.00-07-03.000 - Site Plan re Proposed Single Duplex Ranch-Style Homes

Chair Wickwire recognized the applicant and owner who presented a Site Plan depicting two duplex housing units on this 2.73±-acre parcel, as shown on and described in the materials accompanying the application. Mr. Buttner stated he had received new information which he distributed to the Board. The updated plan was submitted as a result of a visit from the Corps of Engineers who found a small wetland area onsite, requiring them to move what is indicated as Parcels A and B farther to the east, as shown. Parcel A, he commented, has been determined to be a legal lot by PZO Weber. The owner would like to construct a single-duplex ranch-style dwelling on each parcel. Density of the proposed development is consistent with the area, and two-family dwellings are permitted in the Ag zone, with Planning Board approval. There will be a permanent right-of-way along the east edge of Parcel A, as shown on the drawing.

Mr. Buttner explained that the duplex homes will be rented, catering to seniors and/or professional couples.

After considerable discussion, Chair Wickwire read aloud an email (12/1/15) she had received from neighborhood resident Ann McLorn. Some of her comments have been taken care of by the revised plan submitted at this meeting.

Member Renzi, read from the Department of the Army Buffalo District, Corps of Engineers, letter dated 17 November 2015 regarding the existing wetlands on this property. Since there will be no disturbance in the area, he did not think there was any problem and no Permit will be required. Member Renzi stated it would be nice to have this in writing.

At the conclusion of this extensive discussion, a motion was made by Member Newell to approve Site Plan for the proposed single duplex ranch-style homes on two lots, as requested, conditioned upon compliance with the requirements of the Cortland County Health Department, the Department of the Army Buffalo District Corps of Engineers, and that the easement shall be created as shown on the Site Plan. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #83 of 2015.

#### Zoning Text Amendment Relating to Location/Operation of Retail Petroleum Sales

Town Attorney John Folmer stated that the Town has no provision for the location of a gas station. The proposed amendment has been sent to and reviewed by the Cortland County Planning Board. The Board members received the County's Resolution No. 15-33 dated 18 November 2015 recommending approval with contingencies. Chair Wickwire commented that this Planning Board needed time to study the proposed amendment and read the County's comments.

With no further discussion, a motion was made by Member Newell to postpone any action on the proposed Zoning Text Amendment re Retail Petroleum Sales Facilities until the Cortlandville Planning Board meeting of 29 December 2015. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire Nays: None

Member Newell Member Renzi Member Finamore Member DelVecchio

Motion carried.

This becomes Action #84 of 2015.

## OTHER MATTERS

- <u>Walmart Storage Trailers</u> PZO Weber reported he had visited with the Store Manager who advised that these units should be removed as they were used to store additional inventory for "Black Friday." PZO Weber said he had requested that he be advised in the future when these units would be there.
- Route 222 Junk Board members noted the offending properties looked terrible; Chair Wickwire called their appearance "bad."
- <u>Tractor Supply NYS Route 13</u> Member Renzi noted that this facility still does not appear to be in conformance with their Site Plan, as approved. PZO Weber replied that CEO Williams had written them a letter; PZO Weber will look into this.

## **A**DJOURNMENT

At 10 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member DelVecchio, with all members present voting in the affirmative.

Joan E. Fitch, Board Secretary

E-mailed to Town Clerks, JBF, PB Members, DD, BW & DC on 1/24/16.

Attchmts.: Attendance Sheets (2 pages)

# ATTENDANCE SHEET

(T) CORTLANDVILLE

PLANNING BOARD

MEETING OF: 12/-15

(Your attendance is recorded in the meeting Minutes.)

PRINTED Name:	Representing/Regarding:	Complete Address:
CHRIS TIAR	MIXXI) DEV	34 /13/ALANS
Joanne alsi	Leonidas	3655 herydilet
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Mike Shufer	Leonidas	75 6 reen bush It
eslie Wineburg	New Development	1282 Starr Rd Cort.
Barbara Wood	Wen Development	28 Abdallal Ave.
JUDI'th Helmer	New Housing Develous	3671 ABPALLAH AVE.
on Richards	Complete Const. /Royal	131 Main St Homer NY
Genal a Zathaty	The development	3589 Parti Dr
evin PR3 tash	Nexti Dr.	3607 Parti Dr.
tmax1/ee	Party Drive	3576 Part Drive.
Frances Pizzola	Stronge	1699 Stan R. d.
Loyce Alteri	Starr 2d Proyet	3576 Parti Dr.
MICHAEL J. REAGAN	STARR PRUJEKT	1181 STARR RD.
ind Granos	Leonidas	23 Abdellet Averue
ohn + Dally Demosas	Star Rd. Project	1202 Starv Rd.
ANIOR MEANS	PANTI DR.	BEOI PHATI DA
COKADIA MICRAS	PAUTI DA	3601 PANTI Dn
Kendra Chambers		3596 Parti Driv
Mrch Chambers	Parti Dr	
Qua Foster	Parti Dr	
Rochelle toster	Parti Dr.	4
Enna Tobin	Levydale Pt.	46 Levydale
andrea tobin	Levydale Pk.	
im Tobin	Levidale Pk,	4
David Funk	ABDALLAH AVE.	19 Addallah
Christine Buson	ABDALLAN AUE.	1
NANCY NIVISON	Rt 215	3601 Rt 215 Cortlan
Ton Gallagher	HY Levydale	44 Levydale PK
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Sheil Guido	255 Tomplins St. Bushys Pershins	ald Thurwork 1 19

(T) CORTLANDVILLE

# ATTENDANCE SHEET PLANNING BOARD

MEETING OF: 12-1-15

(Your attendance is recorded in the meeting Minutes.)

(PRINTED) Name:	Representing/Regarding:	Complete Address:
Brottainy Schlenter	PaH: Or.	3602 Pact. Dr.
Tason Schlanker	Parti Dr.	3602 Parti Dr.
Charles Dract	Partin Dr	359-PArti
4AN Jase	Garring	nos San Ma
50 Matae	Juens	Ste quem laros
Doma Johnson		TLONISO Dr.
Cassie Shattuck	Parti Dr.	Carre trois
Mile Sofful	Parti Ar	
TONI DWILLDAMS	TRABEL DR	1238 TSABORDR
Dan Mones	Abdallah Ave	37 Abdallah Ave.
CARIS BOLAND	STARKED	1126 STARL RD.
Lynne Syphes	Pett ORD	3612 Porti Or
Andrew Boxa	Steer LA Market	-17/8 d 7-1
meilinda Susman	SER HOUSE	2 Thresher Al.
Dan Clerk	seil /	Freeville, my
Diana Potter	Roti Dr.	BROKDY-CONTAIN
al Thy as	Lucistas	0
MARK ROBELTS	ABRAWAH AVE	21 ASDALLAH AVE, COETHAND
TIM BUTZ	grower Frenta	Acremy 1-8.
J.11 4011	Abdallar	25 Abdallah Are Citad
Marty Wiese	Self Woodlah	3658 aprolled Que
TIM CARMONS	Self/E	27 Isphel true
Despuiffant forte	Self!	41 Levydule Park
Janel Tusomen	SEIF	33 Abdallah Ave
Tge fleren	Royal	46 those area
THE BELL	Bell Dufley	305 Mc/om RD
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# **PLANNING BOARD Meeting Only**