

**New Milford Zoning Board of Adjustment  
Special Meeting  
April 18, 2013**

Ms. DeBari called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:04 pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Binetti	recused
Ms. DeBari	Present
Mr. Denis	Present
Father Hadodo	recused
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes Vice Chairman	recused
Mr. Schaffenberger-Chairman	recused
Ms. Batistic- Engineer	Present
Mr. Grygiel Planner	Present
Mr. Sproviero – Board Attorney	Present

**PLEDGE OF ALLEGIANCE**

**12-01 New Milford Redevelopment Associates, LLC- Block 1309 Lot 1.02- Mixed Use Development- Supermarket, Bank and Residential Multifamily Housing.**

Karl Schaffenberger, Ronald Stokes, Joseph Binetti and Father Hadodo have already recused themselves from the application.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested a special meeting for May. The Board scheduled a tentative meeting for May 23, 2013.

Mr. Del Vecchio recalled Mr. Steck previously qualified and remained under oath.

Al Alonso 45 Clover Court, asked the planner when he was hired to prepare the planning analysis. Mr. Steck thought over a year ago. Mr. Alonso asked if it was before or after the application was filed. Mr. Steck did not recall. Mr. Alonso asked if the applicant wanted his input on a planning standpoint or did they ask him to provide testimony to support the variances. Mr. Steck responded he was hired to examine the application and to determine if he could support the variance request for a mixed use project with a Mt. Laurel component. Mr. Alonso asked why a use variance was involved. Mr. Steck said the zone permitted single family houses. Mr. Alonso asked if he was told they were looking to

obtain an inherently beneficial use standard approval. Mr. Steck said the applicant presented to him the nature of the application and it was his conclusion that it was inherently beneficial because of the Mt. Laurel component. Mr. Alonso asked if he agreed planning testimony was subjective. Mr. Steck said there was an element that was subjective, but there were certain bounds in terms of his judgment and ethics that limit flexibility. In analyzing the facts, Mr. Alonso asked if he needed to determine whether or not the negative impact was substantial or not. The planner agreed and said this was not an exact science and it required professional judgment. Mr. Alonso said he could hire a planner that would provide an opinion that was contrary to Mr. Steck's opinion. Mr. Steck said he could not speak for what his planner would say but he judged an application according to what his view was as an expert witness. Mr. Alonso asked if the Board would have to consider the testimony of the public regarding substantial negative impact. Mr. Steck stated the Board was obligated to listen to everybody and the testimony of an expert witness was different than the testimony of a citizen. Mr. Alonso questioned if Mr. Steck was asked to return, testify and present rebuttal questions and stay for the remainder of the application to hear the objecting viewpoints. Mr. Steck said no. Regarding rebuttal testimony, Mr. Alonso asked how many times he had agreed with the opposition. Mr. Steck could not think of an instance that someone offered a different opinion that forced him to change his initial observation.

Mr. Alonso said regarding inherently beneficial use standards the three scenarios to prove the D1 use variance for the positive criteria was particular suitability, inherently beneficial use and undue hardship. Mr. Alonso asked if he analyzed all three categories before performing his analysis. The planner did not analyze the undue hardship category. Mr. Alonso questioned if he reviewed Dr. Kinsey's report and read his testimony, transcripts or was he present for his testimony. Mr. Steck read the transcript of his testimony. Mr. Alonso clarified that Mr. Steck agreed with Dr. Kinsey's analysis and relied on his opinion to form his opinion. The planner said he relied on Dr. Kinsey's expertise in terms of his analysis of the local fair share housing plan and his analysis of the housing need. Mr. Alonso asked if he relied on his opinion on this use being inherently beneficial use. Mr. Steck's opinion was this was an inherently beneficial use and Dr. Kinsey agreed with his opinion. Mr. Alonso asked if he had ever seen an application with a planner for the negative criteria and one for the positive criteria. Mr. Steck thought his testimony covered both the positive and negative criteria. The planner believed Dr. Kinsey's assignment was on the analysis of the local housing plan and the need for affordable housing. Mr. Alonso said Dr. Kinsey testified his assignment was the positive criteria and another planner would testify to the negative criteria. According to the Mr. Steck, his assignment was to look at the entire application. Mr. Alonso questioned that Dr. Kinsey did not use the SICA test in his analysis. The planner said Dr. Kinsey's analysis stopped at the classification of the use being an inherently beneficial use and also addressed the magnitude of the public benefit. Mr. Alonso agreed and said Dr. Kinsey created his own standard. Mr. Steck said Dr. Kinsey used his professional judgment and did not think he invented standards. The planner further added that Dr. Kinsey had experience with COAH regulations and low and moderate income housing. Mr. Alonso asked if there was a definition of inherently beneficial use in the MLUL. The planner answered yes. Mr. Alonso said Dr. Kinsey had his own definition of inherently

beneficial use. The planner said some of the items listed by Dr. Kinsey were not itemized in the definition in the MLUL. Mr. Alonso asked Mr. Steck if he submitted a report. The planner answered he does not submit a report when he testifies unless the municipality required it. Mr. Alonso asked if a mixed use project whether inclusionary or not was listed as an example of inherently beneficial use. Mr. Steck answered no but the state statute listed a few uses and there were court cases that have labeled mixed uses as having an inherently beneficial component. Mr. Alonso asked if the residential building, supermarket or bank were recognized individually as inherently beneficial uses. Mr. Steck said they were not listed as examples in the statute. Mr. Alonso read Dr. Kinsey's definition for inherently beneficial use being difficult to site because residents, businesses and local officials did not want them next to their homes, in their neighborhoods or in the communities. Mr. Steck agreed it was in his report. Mr. Alonso thought that gave it a negative connotation. Mr. Steck had a different take on inherently beneficial uses but agreed with Dr. Kinsey that this application represented an inherently beneficial use. Mr. Alonso said he already testified that he agreed with Dr. Kinsey's analysis. The planner said in terms of the magnitude of the public benefit associated with low and moderate income housing and his analysis of the 2008 housing element. Mr. Alonso questioned uses that were difficult to site in terms of Dr. Kinsey's opinion and asked what part of his opinion he did not agree on. Mr. Steck did not agree totally with his definition of an inherently beneficial use was and did not agree that all inherently beneficial uses were difficult to site.

Mr. Alonso asked what the definition of inclusionary development in the MLUL was. Mr. Steck said there was no definition in the MLUL of an inclusionary development. Mr. Alonso stated there was a market rate component in Dr. Kinsey's definition and asked if his definition no longer applied because the market rate units had been eliminated in the project. Mr. Steck said Dr. Kinsey framed the definition for this application as it was first filed which included a market rate housing component but the planner added he could not speak for Dr. Kinsey since he has not responded to the amended application. Mr. Steck's opinion was both projects fell under the category of inherently beneficial. Mr. Alonso stated in the definition that had a market rate and affordable rate component to an inclusionary development and once the market rate component was removed it was no longer inclusionary based on Dr. Kinsey's definition. Mr. Steck agreed based on that wording. Mr. Alonso asked what the definition was in the MLUL for a mixed use inclusionary development. Mr. Steck said there was no definition in the MLUL. Mr. Alonso asked for the legal citation that supported the legal standard that Dr. Kinsey had set forth. Mr. Steck answered he used his professional judgment based on his knowledge of the law and planning standard.

Mr. Alonso asked if he agreed with Dr. Kinsey's statement that the municipality had not satisfied the constitutional Fair Share housing obligation. Mr. Steck agreed with his analysis that the fair share plan was not likely to be approved by COAH. Mr. Alonso asked what the basis was for Dr. Kinsey to determine New Milford was not in compliance. The planner answered he had knowledge of how COAH practiced and there was a survey of existing substandard housing that he felt did not comply with COAH standards. Mr. Alonso asked how COAH was operating today. Mr. Steck said they were

not operating today. Mr. Alonso asked Mr. Steck if he performed an analysis using Dr. Kinsey's four-prong test to determine whether or not the 24 units were substantial. Mr. Steck used his own analysis and added that Dr. Kinsey did not analyze this modified project. According to Mr. Steck, it was substantial because they were providing three times what would be normally calculated as the Mt. Laurel burden from the commercial use. The *Estaugh vs Haddonfield* case was discussed and Mr. Alonso asked the planner if he was aware it was an unpublished law division case from Camden County. The planner was aware of it. Mr. Alonso asked if he aware that it had no legal precedence before the Board. Mr. Steck said that was for the attorneys to argue. The case was regarding scarce vacant land and Mr. Alonso asked if this was the determination in this case. Mr. Steck agreed because according to the Master plan this was the only site.

If Dr. Kinsey provided testimony to prove positive criteria, Mr. Alonso asked why he also provided different testimony to prove positive criteria. Mr. Steck said it was necessary to apply the SICA test to analyze the public benefit associated with the application. Mr. Alonso questioned the commercial use being proposed to support the residential units. Mr. Steck answered no because most inclusionary projects had a market rate component which was the market driving force that provided the subsidy for low and moderate income housing. He added the low and moderate income housing does not get built unless the market rate engine was present. Mr. Steck said this was an application that was responding to the New Milford Master Plan and it was inseparable because there could not be one without the other. Mr. Steck said the whole nature of an inclusionary housing project was that both the engine (the driving force) as well as the benefit occurred on the same site so they were inseparable. The Board Attorney felt that was right to the point and they would use that as the standard that the nature of the inclusionary redevelopment was that the engine and the housing component were together in the same site. Mr. Alonso said one of the things the Board had to do was access the credibility of all the witnesses.

Mr. Alonso asked if he was aware that in 2011, Mr. Del Vecchio made a presentation to the Mayor and Council as part of the request to have the property rezoned for development. Mr. Steck was not present. Mr. Alonso asked if he aware the presentation had a 70,500 s.f. supermarket, pad for a bank, restaurant and an athletic field without the residential development. Mr. Steck believed he was correct. Mr. Alonso asked if he was aware that the Mayor and Council did not rezone the property and then this application was filed. Mr. Steck was aware the property was still a single-family zone that was contrary to the master plan. Mr. Alonso stated the application was filed without the athletic field and included 221 residential units. Mr. Steck was aware the first time the application was filed it included 221 residential units of housing. Mr. Alonso asked if he was aware that the Mayor and Council considered rezoning it to try to reach a compromise. Mr. Steck knew there was some discussion because they hired Dennis Kirwan to do a report. Mr. Alonso said the amended plan reduced the residential to 24 units but the supermarket and bank pad did not change. Mr. Steck believed the applicant tried to analyze the proceedings to make the adjustments in a way that would make the application more acceptable. Mr. Alonso said if it was just a Supermarket with a bank in a residential zone, the applicant would have to use the more stringent particular suitability

standard under the MEDICI test. Mr. Steck agreed. Mr. Alonso asked if he was able to convince the Board this project was an inherently beneficial use that would not be enough to grant the variance. Mr. Steck agreed.

Mr. Alonso commented that the second prong for the granting of a use variance was it would not substantially impair the intent and purpose of the zoning plan and zoning ordinance. He asked what he reviewed to have that opinion. Mr. Steck read the plans, zoning ordinance, master plan, reexamination reports and his examination of the land uses in the area. Mr. Alonso clarified that he said the existing commercial uses were outdated. Mr. Steck said one of the observations of the 2004 master plan was that some of the commercial uses were outdated. Mr. Alonso asked if they were referring to the aesthetics and streetscapes. Mr. Steck answered it said outdated which could be a lot of things and also it said there was need for design and facade improvements. Mr. Alonso said the Shop Rite could build the same supermarket in the existing location. Mr. Steck did not think a 70,500 sf modern supermarket could be built at the existing location. Mr. Alonso said the master plan spoke of age restricted housing not affordable housing. In the 2004 master plan, Mr. Steck said it spoke of age restricted housing. Mr. Steck said they were referring to a larger site of 16 acres and the site that was before them now had been subdivided and the environmental sensitive area had been removed. Mr. Alonso said there was no provision to provide an open space or recreation land as referred to in the master plan. Mr. Steck said the 2008 Housing Element and Fair Share Plan did not recommend open space but recommended an inclusionary housing site and the land use map showed it in commercial and age restricted uses. Mr. Alonso questioned if it referred to professional offices. Mr. Steck said the latest land use plan map on the website only said commercial not offices.

Mr. Alonso asked the planner why prove the case under the MEDICI standard if he was confident under the inherently beneficial standard. Mr. Steck said because both standards could be met by the applicant. Mr. Alonso asked what facts he relied on. Mr. Steck said he was relying on his understanding of the case law and the MEDICI principles. He added there was a presumption in the MEDICI case that the zoning was consistent with the master plan which was not the case here because there was single family zoning although the Master Plan did not recommend it. He further explained that the enhanced burden of proof from the MEDICI decision had to with reconciling the variance with what the public policy was in the master plan. Mr. Steck said their development was closer to the recommended public policy in the master plan because there was some commercial and residential use and an inclusionary housing component. According to Mr. Steck, they had met the enhanced burden of proof. He added the governing body should have rezoned and by filing a Fair Share Plan in 2008 he assumed the governing body thought they would have to rezone for low and moderate income housing but they did not. Mr. Alonso said the governing body had an opportunity but took an affirmative step and chose not to rezone it. Mr. Steck agreed they chose not to do it.

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Louis Flora, Counsel to the law firm of Giblin and Giblin on behalf of the objector the Borough of Oradell, asked if 8 of the proposed 24 affordable units were generated from the project itself. Mr. Steck answered yes if they adopt the third round gross share formulas of COAH. Mr. Flora asked if it would be 16 units that went towards the existing first and second rounds need. Mr. Steck said it was unclear how the court would rule and new regulations might come up. The planner added that the applicant was proposing 24 units which were more than was generated by the square footage of the retail use and bank. Mr. Flora clarified that his testimony was the applicant was providing three times the amount of units required based on the need that the project generated. Mr. Steck agreed if you accept the formulas in the gross share portion of COAH regulations. Mr. Flora commented that if they accept those formulas, the applicant would be proposing 16 units to address prior need. Mr. Steck said they were proposing a total of 24 units. Mr. Flora clarified the need for the affordable housing for the first and second rounds were 45 units. Mr. Steck agreed. Mr. Flora thought the applicant was providing with this application half of what the existing need was. Mr. Steck thought that was irrelevant because they were providing 24 low and moderate income housing and the need in the municipality exceeded that. Mr. Flora questioned if it was irrelevant because in the SICA test there needed to be a balancing with respect to the benefit that they were providing and was it irrelevant they were only providing 16 units. Mr. Steck said to date the municipality had produced no housing so it emphasized the importance in providing some of the low and moderate income housing.

Mr. Flora questioned if the 2004 Master Plan spoke of some type of inclusionary development. Mr. Steck said it talked of the goal of providing low and moderate income housing but it did not single it out as an inclusionary housing site. Mr. Flora questioned if the plan talked of professional offices not supermarkets. Mr. Steck said in that version but the land use map on the website did not say offices but commercial. Mr. Flora asked which document had a recommendation for uses at the site similar to that proposed. The planner said there was not one document that encompassed it all so there was confusion because the documents were inconsistent. Mr. Flora said with respect to the inconsistencies they never actually said they considered a development as proposed. The planner said he had never seen a master plan that was specific about a specific square footage but master plans recommend categories of use but never site specific. Mr. Flora asked outside of the map was there any verbiage that he found. Mr. Steck said the map was verbiage and had the same weight as the text.

Mr. Flora asked with respect to inherently beneficial use the applicant was premising this application upon 16 affordable housing units powering a 70,500 sf supermarket and a bank. Mr. Steck said there were 24 affordable housing units and the commercial development was powering the subsidies for the low and moderate income housing. Mr. Flora asked why they went from 40 units to 24 units. Mr. Steck answered that the applicant made the judgment to reduce the intensity of the overall development. Mr. Flora questioned if intensity was important regarding use variances. Mr. Steck said it one of the factors to be considered. Mr. Flora asked if he agreed that the intensity of a use for a shopping center was a more intense commercial use than professional offices. Mr. Steck didn't think one was more intense than the other. Mr. Flora asked if he thought a

shopping center operating from 7am – 11pm seven days a week would be a more intense use in terms of noise, light and traffic than professional office buildings. Mr. Steck answered in general there would be some noise over a greater period of time but not necessarily more traffic. He added on weekends retail would produce more traffic than offices. Mr. Flora asked if he would agree that the use proposed was a more intense use than professional offices. Mr. Steck said there would be certain times of the day that it would not be more intense but office buildings tend to be multistory and more visible than a one story building. Mr. Flora asked if the applicant was seeking a height variance. Mr. Steck responded that the supermarket had an aesthetic issue with a height variance for the towers but they could remove the peaks and be compliant and the housing required a 44' and 3 story height variance.

Mr. Flora asked what was negative criteria. Mr. Steck said it was part of the statutory proofs required to be demonstrated by an applicant for a variance. He explained part of it was the applicant had to demonstrate there was no substantial detriment to the public good and the approval would not substantially impair the intent and purpose zone plan and zoning ordinance. Mr. Flora stated they were proposing 16 units of affordable housing and his testimony was that they were providing 24 units three times as much as the project generated. Mr. Steck said they were proposing 24 units of low and moderate income housing. The planner added that he could debate whether the 8 units were generated from the commercial development but they did not know what COAH or the courts were going to do. Mr. Flora asked if it was a financial reason that they reduced the units to 24 from 40 units originally proposed. Mr. Steck assumed the applicant made the judgment that 24 units were still a substantial component of the project since the market rate units were pulled out of the project.

Mr. Flora asked if it was his testimony that this was the only site in town for this project. Mr. Steck said New Milford's Master Plan focused on this site and he felt it was a fair characterization that this was the largest vacant site in New Milford available for development. Mr. Flora asked if there were any alternatives to provide affordable housing other than new construction. Mr. Steck said there were a number of techniques that were possible such as tear down buildings and put up new buildings, group homes or the municipality could produce their own housing. Mr. Flora asked if those techniques needed inclusionary development to support them. Mr. Steck said if the municipality purchased property and built the housing itself they would not need a market rate engine.

Mr. Flora asked if he was aware that Fair Lawn was in the process of putting together a 100 percent affordable development in lieu of the inclusionary development. Mr. Steck was not aware of it but added that if New Milford wanted to rezone it they could develop a similar technique. Mr. Flora questioned if the applicant took the only vacant land, New Milford could not do that. Mr. Steck agreed.

Mr. Flora asked if he was aware there were no studies done on the traffic flow or anticipated increase traffic flow at Kinderkamack/New Milford Avenue or Elm Avenue/New Milford Avenue. Mr. Steck was not aware of any studies at those intersections. Mr. Flora asked if it would be important for him to know the amount of

traffic anticipated from those intersections. Mr. Steck relied on the expertise of the traffic expert. Mr. Flora asked if there was a study of daily traffic volumes along River Road. Mr. Steck did not think it was relevant but did not recall 24 hour counts. Mr. Flora questioned why it was not relevant. Mr. Steck understood traffic engineers looked at peak hours.

Mr. Flora asked what the site looked like now. The planner said it looked like a wooded site with some evidence of past disturbance. Mr. Flora said it would not look like a quasi industrial site. Mr. Steck said he would not see earth moving equipment or buildings because they have been removed. Mr. Flora asked about the heritage trees along River Road. Mr. Steck said they were trees allegedly designated as having special considerations. Mr. Flora asked if they were larger than traditional plantings in a new development. Most existing trees would be larger than new trees, replied Mr. Steck. Mr. Flora had concerns about the removal of trees and the screening of the trees. Mr. Steck answered that the understory of the large trees did not provide screening. Mr. Flora asked if the trees had any benefit in absorbing noise. Mr. Steck said no. Mr. Flora asked if the trees aesthetically had any benefit. The planner said yes. Mr. Flora stated the development would be removing the aesthetic benefit. Mr. Steck answered the new trees would look smaller than the existing trees.

Mr. Flora asked if there were any noise studies done concerning the operation of the shopping center. The planner was not aware of any. Mr. Flora asked if he agreed that the refrigeration equipment would run all day. Mr. Steck agreed. Mr. Flora asked if it would be appropriate to do a study on the noise levels to see if there would be a negative impact. The planner said not necessarily because of the distance of the building to the residential houses and there was a substantial distance to the high school. Mr. Flora asked when the use stopped with respect to the alleged quasi industrial use that was ongoing on the property. Mr. Steck believed the last two years the site has been relatively quiet. Mr. Flora asked if he thought the character of the existing property fits in with open space and residential uses more than a quasi industrial use. Mr. Steck said today yes and added just because a property was unused it did not mean it could be confiscated by the municipality as open space. Mr. Flora said the municipality has not zoned the property in a manner that if this application was not approved, the property would be without an economic use. Mr. Steck had not evaluated the current zoning in terms of extreme hardship. Mr. Flora asked if he read reports on the growth in the residential sector over the course of the last year. Mr. Steck did not recall that. Mr. Flora asked if he recalled an insurgent growth in the residential real estate market. The planner thought everything started to resurge after 2008. Mr. Flora asked if the proposed residential use for the site was a good thing for the owner of the property. Mr. Steck had no opinion on it.

Mr. Flora asked what the definition was for positive criteria. Mr. Steck said it was generally considered an advancement of the purpose of the MLUL or advancing the public welfare. Mr. Flora asked, regarding the MEDICI case, that mere convenience does not establish the positive criteria for commercial use. Mr. Steck agreed. Mr. Flora asked outside of mere convenience what the positive criteria for the shopping center were. According to the planner, they were advancing the goal of promoting low and moderate



income housing. Mr. Flora clarified that without this affordable housing this would not work. Mr. Steck agreed.

Ulises Cabrera, 659 Columbia Street, questioned that his testimony was there were not a lot of residential properties around the property. Mr. Steck said on the subject property there were single family homes across the street but the property did not abut single family homes. Mr. Cabrera clarified that the development would be in walking distance and beneficial for the residents. Mr. Steck said it enhanced the quality of the low and moderate income housing. Mr. Cabrera said the benefit would be mostly for the residents on the site. Mr. Steck said the benefit would be for anybody who shopped in the store, went to the bank and different people would benefit different ways. The resident clarified Mr. Dipple's testimony was that the flood events were caused by upstream rainfall events not by tidal flooding. Mr. Steck relied on the expert's analysis. The resident asked if his testimony was that land was scarce. The planner said vacant developable land was scarce in New Milford. Mr. Cabrera asked if knew what the total amount of existing open space was in New Milford. Mr. Steck said no. The resident asked what the COAH obligation was today. Mr. Steck said it was unclear because of the challenge of the COAH regulations. Mr. Cabrera asked if New Milford currently was in any COAH violation. Mr. Steck did not know.

Sabrina Wilson, 333 Milford Avenue, asked what the effect this development would have on students. Mr. Steck answered because the housing on the project had some three bedrooms there would be some school age children. Ms. Wilson asked how the traffic would affect the middle school students. The planner said students had to be careful and they should stay on the sidewalks. Ms. Wilson asked what safety precautions would be taken to make sure students would be safe. Mr. Steck said when the board analyzed the plan and looked at where people could walk, hopefully they will assure there will be sidewalks for students. Ms. Wilson asked if there would be protection for side streets. Mr. Steck hoped the children would obey the laws and stay on the sidewalks.

Anna Leone, 505 Boulevard, asked if lighting and air pollution would have an impact on nearby residents. Mr. Steck answered there would be some emissions from any land use and cars and there would be an issue of lighting that he believed could be handled adequately through the site plan process. Ms. Leone asked if he thought that lighting and air pollution would advance the public welfare. Mr. Steck believed it would not be substantially detrimental to the public welfare. Ms. Leone questioned an application in Maplewood for the redevelopment of a police building which Mr. Steck considered it to have a negative criteria because it impacted visually two private residences. The resident added that this project with a supermarket, bank and residential building would impact homes across the street, a senior citizen center and a school. Mr. Steck believed in Maplewood they misused the law by designating the site in need of rehabilitation and the building was one story taller than allowed. The resident questioned his testimony that he relied on the expert's testimony but asked if an expert could be wrong. Mr. Steck answered yes. Ms. Leone questioned if his testimony and opinion could be flawed because he based it on other expert's testimony. Mr. Steck said he might have a different opinion if the engineer miscalculated and building this project would flood the entire

area. Ms. Leone asked if it was the norm that he would take their opinion without doing some research. Mr. Steck said it was hard to be an expert in everything. The planner added he was a licensed planner and educated as a civil engineer but was not an expert in other disciplines and he relied on their expertise.

Mr. Loonam asked again about permission for entry to the property. The Board Attorney needed to finalize it with the attorney for United Water and would have a date for him next week.

Mr. Del Vecchio stated that Mr. Steck would not be available for the May 14<sup>th</sup> meeting and proposed they allow the objectors to start on the 14<sup>th</sup> and Mr. Steck would return on the 23<sup>rd</sup>. The Board Attorney agreed and told the objectors to be ready to start their case on the 14<sup>th</sup>.

As there was no further business to discuss, a motion to close was made by Mr. Rebsch, seconded by Mr. Ix and carried by all.

Respectfully submitted,  
Maureen Oppelaar