

1

1

HEADER

2

3

4

5

6

7

8

9

10

11

12

table of contents

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

STATE OF NEW YORK : COUNTY OF ROCKLAND  
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

OTHER BUSINESS - CARLTON MEADOWS,

Applicants.

- - - - - X

7 o'clock p.m.  
August 25th, 2011  
RHO Building  
Five Patriot Drive  
Stony Point, New York

10980

HELD BEFORE THE PLANNING BOARD OF THE  
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,  
Chairman

A p p e a r a n c e s:

THOMAS MC MENAMIN, Member  
GLADYS CALLAGHAN, Member  
EUGENE KREASE, Member  
GERRY ROGERS, Member  
KARL JAVENES, Member (Not Present)  
PETER MULLER, Member (Not Present)

MARY PAGANO,  
Secretary to the Board

Reported by:  
Patricia A. Puleo,

24

NYS Certified Court Reporter  
and Notary Public

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Appearances continued: 3

FERRICK, LYNCH & MAC CARTNEY, Esqs,  
96 South Broadway  
South Nyack, New York 10960  
BY: DAVID RESNICK, Esq., Special Counsel

WILLIAM SHEEHAN, Town Building Inspector

KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,  
Planning Consultants  
Two Executive Boulevard - Suite 401  
Suffern, New York 10901  
BY: MAXIMILIAN STACH, Town Planner  
ROBERT GENESLAW, Town Planner  
(Not Present)

ATZL, SCATASSA AND ZIGLER  
Surveyors/Architects for Applicant  
234 North Main Street  
New City, New York 10956  
BY: DAVID M. ZIGLER, P.E.

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road

Stony Point, New York 10980

(845) 429-8986 FAX and Phone



1 - Proceedings -

2 (Planning Board meeting of August  
3 25, 2011.)

4 THE CHAIRMAN: Carlton Meadows is  
5 going to be first. Let's all stand for  
6 the Pledge.

7 (At this time the Pledge of  
8 Allegiance was recited.)

9 THE CHAIRMAN: Mary, please just  
10 do a roll call?

11 MS. PAGANO: Yes. Mr. McMenamin?

12 MR. MC MENAMIN: Here.

13 MS. PAGANO: Mr. Krease?

14 MR. KREASE: Here.

15 MS. PAGANO: Mrs. Callaghan?

16 MRS. CALLAGHAN: Here.

17 MS. PAGANO: Mr. Rogers?

18 MR. ROGERS: Here.

19 MS. PAGANO: Chairman Gubitosa?

20 THE CHAIRMAN: Here. Mr. Javenes  
21 and Mr. Muller are not present tonight.

22 All right, we are going to first  
23 do the reduction of the Letter of  
24 Credit for Carlton Meadows.





1 - Proceedings -

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Carlton Meadows.

MR. MANDRACIA: My name is Steve Mandracia (phonetically spelled), I am the attorney on behalf of the Applicant, for the subdivision.

I just want to hand up to the Planning Board some documents relating to this application.

First, a packet of documents relating to the Planning Board proceedings tonight and there should be a copy for everyone here.

(Indicating)

THE CHAIRMAN: Yes, this is the stuff we got at tech meeting.

MR. MANDRACIA: There is also a copy of the Letter of Credit, which is the subject of the application.

The basis of the application is that Carlton Meadows subdivision was approved back in 2001 and there was a, well currently there is a Letter of Credit filed with the Town for

25

\$138,000, which is secured by the cash







25

--- we have a letter from Larry

1                                   - Proceedings -

2                   Brissing saying that he was okay with

3                   that and the Town Board was okay with

4                   that, and the Town Engineer.

5                   Kevin?

6                   MR. MAHER: Yes.

7                   THE CHAIRMAN: Do you have

8                   anything --- well, I have the letter.

9                   MR. MAHER: Yes.

10                  THE CHAIRMAN: You are good with

11                  it, too?

12                  MR. MAHER: Yes.

13                  THE CHAIRMAN: Fine.

14                  MR. MC MENAMIN: I just want to

15                  ask one thing: Are all the

16                  improvements done?

17                  MR. MAHER: Yes, well, the only

18                  thing left to be done is the final

19                  paving.

20                  MR. MC MENAMIN: Everything, the

21                  storm drains, the drainage, the side

22                  lights, the --- everything, the fire

23                  hydrants ---

24                  MR. MAHER: Larry and I both

visited the site and I both visited the





connect the drainage to the rear of the

1 - Proceedings -

2 property, right, Kevin?

3 MR. MAHER: Yes, the retention  
4 basin is in the back.

5 MR. MC MENAMIN: That's all been  
6 built in and it is all grown in and  
7 operating?

8 MR. MAHER: Yes.

9 MR. MC MENAMIN: That's all I  
10 want I wanted to know. .

11 THE CHAIRMAN: Bill, anything?

12 MR. SHEEHAN: Yes, I didn't know  
13 --- well, I spoke to Mr. McGee about it  
14 and he wants for the Town to withdraw  
15 the Letter of Credit and so forth, and  
16 I didn't realize it was before the Town  
17 Board.

18 I came in and had a Resolution  
19 from the Town Clerk that the Town Board  
20 reduced the Letter of Credit by  
21 thirty-two thousand dollars, subject to  
22 my approval, Kevin's approval and  
23 Larry's approval.

24 So, I sent them an e-mail

basically saying that the Town Board



Road, so we can --- I mean, it's been

1                                   - Proceedings -

2                   --- I mean, we can be sitting here  
3                   another ten years; it can be ten years  
4                   before the warehouse is put down, so I  
5                   think my feeling is, how do we reduce a  
6                   Letter of Credit when it's not done?

7                   It has never been done that way  
8                   in my twenty-six years here. I don't  
9                   believe the shade trees are in or the  
10                  monuments aren't in.

11                  MR. MANDRACIA: All of the  
12                  monuments are in.

13                  MR. KREASE: The reduction is  
14                  just for the blacktop.

15                  MR. SHEEHAN: I understand that,  
16                  but my feeling would be, if all items  
17                  are done and the only thing left is the  
18                  warehouse, if that's not the case, we  
19                  still have ---

20                  MR. MC GEE: Shade trees are all  
21                  in and they have been in. You know  
22                  that. You have been up there, Mr.  
23                  Sheehan. Evidently you didn't see  
24                  them.

MR. SHEEHAN: It Larry's and



1                                   - Proceedings -

2                   Kevin's call to see how the  
3                   improvements are installed.

4                   It is none of my business, but  
5                   I'm saying, how do you reduce a Letter  
6                   of Credit for items that not in?

7                   As far as the private road, this  
8                   subdivision was approved and  
9                   gratuitously dedicated to the Town of  
10                  Stony Point.

11                  Now, if they want a private road,  
12                  everybody here knows, they have to come  
13                  back to the Planning Board and have the  
14                  subdivision map modified because it was  
15                  approved upon dedication.

16                  Now, there's a homeowners who  
17                  bought, knowing that the road would be  
18                  dedicated, so I would think that he  
19                  would have something to say about it.  
20                  He purchased the property and the  
21                  house, and if anything occurs somewhere  
22                  down the road, the Town will be ---

23                  MR. MANDRACIA: The application is  
24                  --- I mean, we are not looking for ---

we are not looking to take the

1                                   - Proceedings -

2                   subdivision away. We are looking to  
3                   leave the property subdivided ---

4                   MR. SHEEHAN: No, I'm not saying  
5                   that ---

6                   MR. MANDRACIA: And all we are  
7                   looking to do leave the property  
8                   subdivided and leave the subdivision in  
9                   place and all we are looking to do is  
10                  reduce the bond because it secures the  
11                  installation of the improvements.

12                  And the alternative to us, is  
13                  that we would have the opportunity  
14                  tomorrow to put the finishing coat on.

15                  The only problem in the  
16                  dedication and have the Town be  
17                  responsible for maintenance for the next  
18                  ten years, if in those ten years lots  
19                  the land gets developed.

20                  And the person who owns those two  
21                  lots is now the owner of that property.

22                  We have come here to complete the  
23                  Application to the Town Planning Board  
24                  to obtain a reduction of the Letter of



1                                   - Proceedings -

2                   purpose, for the thirty-two thousand,  
3                   or such other amount as deemed  
4                   necessary.

5                   The Highway Department testified  
6                   before the Town Board that they would  
7                   just as soon not accept dedication at  
8                   this point. They do not want to be  
9                   responsible. They want the owner of  
10                  the property to be totally responsible  
11                  for maintenance of the property.

12                  Everything is in, other than the  
13                  finished coat of the black top, and it  
14                  will probably stay this way for a long  
15                  time probably, and to leave a hundred  
16                  and twelve thousand dollars to be  
17                  sitting there to secure thirty-two  
18                  thousand dollars worth of improvements,  
19                  is just not right or proper and not  
20                  required.

21                  MR. SHEEHAN: And I agree. And  
22                  therefore, I said, before you do  
23                  anything, what I suggest you do is have  
24                  your engineer and the Town Engineer go



1 - Proceedings -

2 is left to be done and -- --

3 MR. MANDRACIA: They did that.

4 MR. SHEEHAN: One thirty eight?

5 MR. MANDRACIA: They're reducing  
6 it to 23 thousand.

7 MR. SHEEHAN: My apology. They  
8 made it ---

9 MR. MANDRACIA: No, it's in  
10 Kevin's letter.

11 The completion of the blacktop is  
12 thirty-two thousand. The Town Engineer  
13 and the Town Supervisor agree so,  
14 thirty-two thousand (\$32,000) is more  
15 than adequate to reduce or complete the  
16 improvements and secure the line of  
17 credit.

18 MR. MC MENAMIN: It's reduced to  
19 thirty-two thousand, and Kevin has  
20 verified that that is sufficient to  
21 complete the work ---

22 MR. MANDRACIA: That's correct.  
23 Upon his personal inspection of the  
24 property.

MR. MC MENAMIN: --- right, and



1 - Proceedings -

2 plans. So, it's a proposal, but  
3 backed up by Kevin's analysis and  
4 quantifying that the amount needed is  
5 that thirty-two thousand.

6 MR. SHEEHAN: If that's the case,  
7 I don't have a problem, but I have a  
8 problem with the amount.

9 Thirty-two thousand dollars today  
10 is not thirty-two thousand down the  
11 road.

12 MR. KREASE: That was my question  
13 that I was going to raise.

14 MR. SHEEHAN: Right, Gene,  
15 because what happens is, and I know  
16 what's going on up there, and it's  
17 fine, and I think it will be fine, but  
18 I think whatever goes on there, it  
19 will end up being a compound.

20 Normally, though, when we take a  
21 Letter of Credit we build into that  
22 Letter of Credit, if it has to go out  
23 to bid or to finish the work ourselves.  
24 Lawyers cross our end.



1                                   - Proceedings -

2                   there, built in, in case we have to do  
3                   it.

4                   The way the property is, we've  
5                   had to take it over at Jessup's Valley  
6                   (phonetically written).

7                   We took over Ryder Hill,  
8                   (phonetically written) and in both the  
9                   subdivisions those Letters of Credit  
10                  had been reduced through the Town and  
11                  the Planning Board, and the Town  
12                  Engineer --- not this one, but the  
13                  previous Town Engineer --- and as I  
14                  stated, when we went to do the  
15                  improvements, there's not enough money  
16                  to finish because they take so long to  
17                  do subdivisions anymore.

18                  Years ago it you do a subdivision  
19                  in a year or two, and they would be out  
20                  of there and the inflation wasn't that  
21                  bad.

22                  So, I don't know how long this is  
23                  going to take to build out, or if they  
24                  are going to come back with priors. If

25

they're going to come back or do it



department, but another department,

1                                   - Proceedings -

2                   which I won't name to send a letter out  
3                   for review.

4                   If some people might remember,  
5                   this is what I fought when we fought  
6                   with Ryder Hill (phonetically written).  
7                   I kept telling the Town Board, you have  
8                   to get them back in here; it is ten  
9                   years, but we got stuck with not enough  
10                  money to finish the project.

11                  Not that I think it is going to  
12                  happen here, but we have to be  
13                  consistent and follow the regulations.

14                  MR. MC MENAMIN: Isn't that a  
15                  bond?

16                  MR. SHEEHAN: We don't take bonds.  
17                  Then we would have to go after a  
18                  bonding company.

19                  If you have a bonding company,  
20                  they have a right to come in and finish  
21                  it. It is easy with a local bank.

22                  MR. MC MENAMIN: Well then, we  
23                  have to be sure we have enough money to  
24                  finish the work.

MR. SHEEHAN: Exactly.



1                                   - Proceedings -

2                   MR. BOYLE: James Boyle; we gave  
3 a proposal, a letter from the blacktop  
4 company that will blacktop the road  
5 tomorrow.

6                   With that fact, I'll blacktop the  
7 road tomorrow and it will be the Town  
8 road. It's already been dedicated and  
9 the Town will be responsible to do  
10 everything for the County.

11                   We are trying to work with the  
12 homeowner and with the Town because  
13 the Town doesn't have the money to  
14 maintain that whole subdivision.

15                   MR. MC MENAMIN: Understood, but  
16 we are talking about --- we are talking  
17 about, we now know that you have  
18 provided the information, but we have  
19 to have the understanding of feeling  
20 that our professionals in the Town have  
21 reviewed the thirty-two thousand and  
22 have declared it enough to finish the  
23 work.

24                   That is where we are right now.

MR. BOYLE: And he gave you a

- Proceedings -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

letter that says that.

MR. MC MENAMIN: Right. If you  
need another letter from Larry ---

MR. SHEEHAN: Well, if the Town  
Board put my name to it, that's the  
Town Engineer and the Superintendent of  
Highways.

I think for your own sake, you  
should have something from Larry, or I  
don't have a problem with "subject to".

MR. MC MENAMIN: But Kevin says  
the quoted price of thirty-two thousand  
is sufficient to finish the road, it  
right with current pricing available to  
current contractors.

MR. SHEEHAN: And I agree. In  
order to ---

MR. MC MENAMIN: So, you're  
saying that years from now it will not  
be ---

MR. MC GEE: Mr. Chairman, the  
----

THE CHAIRMAN: State your name

for the record.

1 - Proceedings -

2 MR. MC GEE: My name is Patrick  
3 J. McGee. I am a partner of Mr.  
4 Boyle's and the prices two years ago  
5 were higher than they are today.

6 We could have paid two years ago  
7 and Mr. Brissing asked us not to do it,  
8 because he didn't want to maintain it  
9 and he is right, and the rest of the  
10 subdivision has not been done.

11 So, we are here today saying that  
12 we have the right, as our attorney  
13 said, to go in and have it paved, pave  
14 it. Why should we incur all of the  
15 costs to maintain it?

16 We are saying okay, as a builder  
17 in Stony Point, we will maintain the  
18 road until we go to dedication.

19 What Mr. Sheehan is saying, is  
20 that it is possible in ten or fifteen  
21 years from now when you go to pave it,  
22 but the people who own the property at  
23 that time will have to come before  
24 this Board and the Town Engineer and

get all the approvals at that time when

1 - Proceedings -

2 they did do the subdivision.

3 MR. MC MENAMIN: But he's not  
4 there.

5 MR. MC GEE: Who's not there?

6 MR. MC MENAMIN: The owner of the  
7 property today is there.

8 The Town will --- I mean, he can  
9 default.

10 MR. MC GEE: But that's not right  
11 for the Town and it's not right to  
12 Mr. Brissing, I mean, we will go in  
13 tomorrow morning and do the pavement,  
14 but it's not where ---

15 MR. MANDRACIA: Suggestion; if  
16 Bill or the Board feels that they want  
17 to ask us to add ten or fifteen  
18 percent to the thirty-two thousand,  
19 that will be accepted.

20 MR. KREASE: Can I ask a question  
21 now?

22 Everything, I agree with  
23 everything we are saying here, but  
24 this proposal is from last year

prices. Prices go up and down with



- Proceedings -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

asphalt.

My only concern is the protection of the Town.

You are right, if you don't build it in ten years, it will be \$32,000. It will be alot more. It will not be enough for that.

But my question to you and the Board is, Bill, is how do we protect the Town ten years from now?

His proposal, he's willing to add something to it and I have no problem reducing it, but we are reducing it to what it would cost today, not what it will cost tomorrow.

MR. SHEEHAN: There is another fact; subdivisions take so long, but under our code, there's supposed to be a ten percent improvement cost put up on the performance model for a year after the dedication, and that's what's left of the original cost estimate.



1                           - Proceedings -

2                   thirty-eight thousand, or seven hundred  
3                   thousand; whatever that cost was, he's  
4                   supposed to put up ten percent of that.

5                   When we dedicated it, we haven't  
6                   that the Superintendent of Highways, at  
7                   the time --- all right, for example, we  
8                   just dedicated a road somewhere in the  
9                   subdivision was for ten years, and the  
10                  subdivision was ten years old.

11                  The reason for the bond is in  
12                  case something happens during the first  
13                  year we have the developers go in and  
14                  fix it.

15                  Lately, or over the last couple  
16                  of years we havent requested that  
17                  because the road has been in for a  
18                  while, for ten or fifteen years, so if  
19                  there was going to be a problem, it  
20                  would have happened during that time  
21                  frame.

22                  However, I don't see --- I think  
23                  we should reduce a Letter of Credit  
24                  less the ten percent. I don't know

25

what the original number was.

1 - Proceedings -

2 The original number, I don't know  
3 what it was.

4 MR. MANDRACIA: The road has been  
5 in place for ---

6 MR. BOYLE: Seven years; six or  
7 seven years and all the improvements on  
8 the road ---

9 MR. MC GEE: --- eight years,.

10 MR. BOYLE: It's not like it is  
11 brand new and it all going to fall  
12 apart. It's been there eight years.

13 (Several persons speaking at  
14 once.)

15 MR. MANDRACIA: So, you have the  
16 operating history ---

17 MR. MC MENAMIN: Would you guys  
18 like another month to work this out and  
19 come back and advise us? Because right  
20 now, I don't want to do it. I don't  
21 feel comfortable.

22 MR. MC GEE: No. No. I'd like to  
23 raise to the Board's attention, we  
24 also, we couldn't get the Town to give

us the lighting district that we

- Proceedings -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

presented.

We put in our own lighting;  
street lights. We are paying for our  
own lighting. All right?

The road has been in for eight  
years and all put in. We also put  
cobblestone curbs in. We offered to  
make another arrangement with another  
subdivision we did, to put in  
cobblestone curbs, but the Town  
Engineer and the Highway Department ---  
we get stopped before we even get  
started.

We are here before you right now  
for the last eight years.

We paid the bonds and everything  
else. We've kept every up, did the  
snow blowing and we continued to do it,  
so which as I said earlier, which is we  
are not putting a burden on the Town at  
all.

At this time, we have the right  
to go in and dedicate. Is that not

25

right, Kevin.



1 - Proceedings -

2 MR. MAHER: And still make the  
3 improvements.

4 MR. MC GEE: Then we're done. We  
5 top the road and then we're done.

6 So, I don't see where there's a  
7 real serious problem, after when we  
8 come before this Board, they should  
9 reduce our bond to thirty-two thousand.

10 Still, when they go five or six  
11 years --- they have to still met with  
12 the Town Engineer and the Highway  
13 Department to make sure everything is  
14 \*\*copesetic and decide.

15 It is up to the Town. So, you  
16 guys got the trump card. And Mr.  
17 Sheehan, he's going to issue twelve  
18 building permits up there and he's  
19 definitely going to make sure  
20 everything is copesedic\*\*, as well as  
21 the Town Engineer is going to inspect  
22 it, so I don't see where we have all  
23 this difficulty with everything.

24 MR. SHEEHAN: There's no

difficulty. No way the Town is going

1 - Proceedings -

2 to make the dedication of the 12 lot  
3 subdivision with one house in there.  
4 There's no way.

5 MR. MC GEE: We are not asking  
6 that.

7 MR. SHEEHAN: I'm saying to go in  
8 tomorrow and say that the Town has to  
9 take it, that's just not the case.

10 (Several people speaking at  
11 once.)

12 MR. MC GEE: Why not?

13 MR. SHEEHAN: We are not here to  
14 argue the dedication. My job is to  
15 protect the Town.

16 MR. MC GEE: I think we have done  
17 a great job and protected the Town, in  
18 building and everything, but I don't  
19 understand tonight why we have to  
20 incur the difference when we have done  
21 the work. Everything has been proven.

22 We've done the work. It's been  
23 what, nine, ten years and no problems  
24 up there. No problems there at all.

MR. SHEEHAN: The Town has to have

1                                   - Proceedings -

2                   enough money. That's the bottom line.

3                   I don't think thirty-two thousand  
4                   dollars is enough money to put the  
5                   waring course down, but that's it.

6                   MR. ROGERS: If they're willing to  
7                   compromise. They're will to put down  
8                   another fifteen percent down, with the  
9                   possibility of them coming back every  
10                  three years to review that, is that an  
11                  amicable solution for that?

12                  MR. SHEEHAN: First of all,  
13                  they've been working on it three years.

14                  Second of all, I'd like to see,  
15                  myself ---

16                  MR. MANDRACIA: Whoever owns it,  
17                  will be responsible, bound by the  
18                  decision here.

19                  MR. SHEEHAN: I understand, but it  
20                  hard to do so with a private person who  
21                  doesn't know much about the  
22                  subdivision, who buys a piece of  
23                  property and doesn't know that he has  
24                  to come back.

MR. SHEEHAN: I would like to see

1                                   - Proceedings -

2                   myself --- I have no problem with the  
3                   reduction. The only thing is, I have  
4                   to have the Town --- and I will  
5                   probably be dead or retired by the time  
6                   they dedicate. So, it will not affect  
7                   me, but I'd like to see what the  
8                   original cost estimate was and what's  
9                   ten percent of that.

10                                I guarantee it's more than  
11                   thirty-two thousand dollars.

12                               MR. MC MENAMIN: If they're  
13                   required by Town law to maintain ten  
14                   percent, what are we doing here? Why  
15                   don't we reduce it to ten percent?

16                               MR. SHEEHAN: You don't know what  
17                   that number is.

18                               MR. MC MENAMIN: Okay. I am  
19                   saying they will come back next month  
20                   with that number and we will look at  
21                   that number.

22                               MR. SHEEHAN: We have it in the  
23                   file. Kevin can get it.

24                               THE CHAIRMAN: Okay.

MR. MC MENAMIN: Come back to us



1                                   - Proceedings -

2                   next month with the number and ten  
3                   percent of whatever that number is, the  
4                   total price, I am comfortable with  
5                   that, or put twenty percent on that and  
6                   we'll approve that.

7                   It wouldn't or couldn't be more  
8                   than four hundred thousand ---

9                   MR. SHEEHAN: Oh, yes. There's  
10                  retention ponds, et cetera, et cetera.

11                  MR. MC MENAMIN: Okay. It  
12                  sounds like you have more ---

13                  MR. SHEEHAN: It is very high.  
14                  The road is not going anywhere. I  
15                  agree. If you say that ten percent is  
16                  eighty- five thousand, tops.

17                  That's high.

18                  MR. MANDRACIA: Yes, but ---

19                  MR. SHEEHAN: If you say ten  
20                  percent is eighty thousand and the  
21                  paving is thirty-two thousand, maybe  
22                  you can all meet in the middle.

23                  MR. MANDRACIA: We're willing to  
24                  go up fifteen, we will go up 20

percent, but to put an arbitrary number

1                                   - Proceedings -

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

on it ---

MR. SHEEHAN: It not arbitrary.

MR. MANDRACIA: It's arbitrary.

(Everyone speaking at once.)

MR. MANDRACIA: If there's no problem with the dedication of the road to see if the --- the road has been there for five years or more and the homeowner's been there and there is no problem the road improvements for five years, there's no issue whatsoever, so to require ten percent of the entire construction now, when all that has to be done is the blacktopping in the entire subdivision, I believe is unreasonable.

MR. SHEEHAN: It is the law.

MR. MC MENAMIN: Right. That is the law. Our hands are tied by that.

MR. SHEEHAN: The ten percent is not arbitrary.

When you come up with the cost estimate, the Planning Board approves

that at final. When they approve the

1                                   - Proceedings -

2                   subdivision map, that cost estimate has  
3                   to be approved by the Town. Now,  
4                   that's Town law.

5                   As I said, I don't know want a  
6                   whole ten percent because I don't think  
7                   it's necessary.

8                   There were building subdivisions  
9                   went up in a year or two before, but I  
10                  think you need to juggle the numbers in  
11                  my opinion.

12                  THE CHAIRMAN: Okay?

13                  MR. MC MENAMIN: Mr. Chairman, I  
14                  am not comfortable with this right now.

15                  I -- I'd like to table it for one  
16                  month. I'd like to have a new report  
17                  given to us for next month and we will  
18                  make the call. One month will not kill  
19                  you.

20                  MR. ROGERS: Yes.

21                  MR. KREASE: I'm happy with the  
22                  drop in the resolution, but that amount  
23                  bothered me, the thirty-two thousand.

24                  I'm not against them reducing it,

but the number bothers me. Again, the

1                                   - Proceedings -

2                   ten percent seems like a lot too, but  
3                   just to protect the Town, maybe we can  
4                   arrive at another number that's  
5                   reasonable to protect the Town.

6                                   Fifteen, twenty, twenty-five  
7                   percent. Maybe \$50,000; somewhere in  
8                   that area.

9                                   For now, that's my feeling. I'm  
10                  not against reduction at all, but just  
11                  a more realistic     number.

12                                  MR. MC MENAMIN: Do we need a  
13                  motion for that?

14                                  MR. SHEEHAN: I would do the roll.

15                                  MR. MC MENAMIN: I will make the  
16                  motion to table it for one month to get  
17                  a finer diagnosis on the amount. We  
18                  should reserve.

19                                  THE CHAIRMAN: Okay. Bill,  
20                  couldn't you do like a letter reducing  
21                  it, based upon or subject to whatever?

22                                  MR. SHEEHAN: No. You have to  
23                  have the number on the record. Well,  
24                  you can go whatever you want, but I

think you have to put the number in the



1 - Proceedings -

2 resolution; what you are reducing it  
3 to.

4 MR. MANDRACIA: You are going to  
5 require review.

6 THE CHAIRMAN: The bond was one  
7 thirty-eight or the Letter of Credit.

8 MR. MANDRACIA: We would agree to  
9 a forty thousand dollar bond, which is  
10 about a hundred twenty-five percent of  
11 the costs of the proposal. A  
12 twenty-five percent cushion.

13 If the Board feels the need to  
14 periodically review the amount of the  
15 bond as a condition of the I think  
16 that's ---

17 MR. SHEEHAN: How's 40 thousand --  
18 twenty-five percent, not a hundred  
19 twenty-five percent?

20 MR. MANDRACIA: I misspoke.

21 (At this time everyone is talking  
22 at one time.)

23 MR. SHEEHAN: I'm trying to give  
24 the Board a little advise.

MR. MC MENAMIN: There's a motion

- Proceedings -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

on the floor.

THE CHAIRMAN: A motion to table  
this, right?

MR. MC MENAMIN: Yes.

THE CHAIRMAN: I have a motion to  
table it.

MR. KREASE: I will second it  
because we just can't come to an  
agreement.

MRS. CALLAGHAN: I think it is a  
wise thing to do.

THE CHAIRMAN: All right. I have,  
I have a motion and a second to table  
it.

Off-the-record.

(Off-the-record discussion.)

THE CHAIRMAN: I have a motion  
and a second to table it.

Mary, poll the Board.

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

MS. PAGANO: Mrs. Callaghan?

1 - Proceedings -

2 MRS. CALLAGHAN: Yes.

3 MS. PAGANO: Mr. Rogers?

4 MR. ROGERS: Abstain.

5 MS. PAGANO: Chairman Gubitosa?

6 THE CHAIRMAN: You know what?

7 Well --- yes. We will table this.

8 MR. KREASE: Mr. Chairman, can  
9 we have a letter from the Highway  
10 Department? A letter telling us he's  
11 comfortable with some number or what  
12 number he will be satisfied with to  
13 protect the Town and also, Kevin, if we  
14 can get an up-to-date projection of  
15 what it will be in ten years, within  
16 reason?

17 MR. MAHER: I can try, but the  
18 market place for oil is volatile. Up  
19 and down.

20 MR. KREASE: I can't see oil  
21 going down in ten years.

22 MR. MAHER: But if it goes down 2  
23 or 3 dollars a barrel, that's --- right  
24 now the going price is about

eighty-five or ninety-five dollars a

- Proceedings -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

ton. That's what is Larry is paying with Tilcon.

I'm not aware of the prices for a private contractor, I just look at the original quantity, which could be around 320 tons of asphalt, and that's thirty thousand or --

MR. SHEEHAN: You don't know what the price of asphalt is?

MR. MAHER: Based on the current price, it's 95 dollars a ton.

MR. SHEEHAN: If I can make a suggestion; let Kevin and Larry get together and come up with the ten percent of the cost estimate, then come up with a middle number somewhere in there that they're happy with and I think everyone will be fine.

MR. MC MENAMIN: Right. If the legwork was done before we came here tonight and if everyone in this room is comfortable with the amount, we wouldn't have had this discussion.

Now, I had no idea what that



- Proceedings -

1  
2 amount of blacktop will be in ten  
3 years and I don't think anyone in the  
4 room can predict that.

5 That is why you have to come to  
6 us, and everyone has to be in agreement  
7 with it. If everyone in the room was  
8 comfortable with thirty-five thousand  
9 or forty thousand, there wouldn't be a  
10 discussion.

11 So, do your legwork please and  
12 come back next month and give us the  
13 agreed upon figure so that we can all  
14 feel comfortable and approve it.

15 MR. SHEEHAN: See Larry's letter  
16 --- I forgot he e-mailed it, he  
17 doesn't say a number. He just says as  
18 long as there is enough money.

19 MR. MC GEE: With all due respect  
20 to the Board, and the Town Engineer, he  
21 had already mentioned to the Board,  
22 that he, that Kevin and Larry got  
23 together and said that the thirty-two  
24 thousand was ample to top it.

As I stated before, in ten or

1                                   - Proceedings -

2                   five years when they have come in to  
3                   top the road, they have the meet with  
4                   the engineer they have to agree and get  
5                   off the thirty-two thousand.

6                   What we're doing, we are going to  
7                   maintain it.     We are going to be  
8                   doing the snow plowing, and replace the  
9                   cobblestone curbs, which it is not in  
10                  your code, and we have to do the  
11                  lighting, as well.

12                  So, we will be maintaining it and  
13                  the property owner that takes over,  
14                  they will have to maintain it.

15                  We went before the Town Board  
16                  years ago to get into the lighting  
17                  district.   We lost.

18                  We have been paying the current  
19                  rate to O and R for the street lights,  
20                  and it's on.

21                  MR. SHEEHAN:   That's because you  
22                  didn't put O and R's street lights in  
23                  there.

24                  (Off-the-record discussion).

MR. MC GEE: We are doing it and

1                                   - Proceedings -

2                   it's there and the subdivision warrants  
3                   it, and we feel comfortable, but I  
4                   don't know why the 32 thousand is  
5                   insufficient when the Town Engineer  
6                   says it was all right.

7                   We would like to get it resolved.  
8                   We want it resolved. Every time we  
9                   come here before this Board, it cost  
10                  money. You people are business people  
11                  and you know that every time we are  
12                  here, it cost money to come here.

13                  We thought we did our homework  
14                  before we came. We met with the Town  
15                  Engineer. We met with the Highway  
16                  Department and had our inspections and  
17                  it was agreed upon.

18                  We went before the Town Board the  
19                  Town Board was ready to approve it,  
20                  except some -- somebody said we can't  
21                  do it.

22                  Now we are here. I would  
23                  appreciate if you would reconsider it  
24                  so we don't have to come back.

MR. SHEEHAN: We can beat this

- Proceedings -

1

2

horse to death. Larry's letter doesn't

3

mention a number at all. He states,

4

"...as long as there's enough money to

5

finish the project." That's just what

6

his letter says.

7

I think the Board needs a little

8

more than that.

9

THE CHAIRMAN: I just want to make

10

sure, with Larry and Keven, that we

11

have a number if, say a year or two

12

goes by and we have problems and

13

everyone says well, you approved it.

14

MR. MC GEE: I don't think you

15

ever had a problem with us. I don't

16

understand this at all.

17

All right?

18

MR. SHEEHAN: Next. Good night.

19

MR. MC GEE: Hey, Mr. Sheehan, now

20

I can appreciate why you don't have any

21

business for the Town.

22

\* \* \*

23

24





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

cert



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

STATE OF NEW YORK : COUNTY OF ROCKLAND  
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

KENNETH A. BABCOCK SUBDIVISION,  
  
Applicants.

- - - - - X

8 o'clock p.m.  
August 25th, 2011  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

HELD BEFORE THE PLANNING BOARD OF THE  
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,  
Chairman

A p p e a r a n c e s :

THOMAS MC MENAMIN, Member  
GLADYS CALLAGHAN, Member  
EUGENE KREASE, Member  
GERRY ROGERS, Member  
KARL JAVENES, Member (Not Present)  
PETER MULLER, Member (Not Present)

MARY PAGANO,  
Secretary to the Board

Reported by:  
Patricia A. Puleo,



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Appearances continued: 47

FERRICK, LYNCH & MAC CARTNEY, Esqs,  
96 South Broadway  
South Nyack, New York 10960  
BY: DAVID RESNICK, Esq., Special  
Counsel

WILLIAM SHEEHAN, Town Building  
Inspector

KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,  
Planning Consultants  
Two Executive Boulevard - Suite 401  
Suffern, New York 10901  
BY: MAXIMILIAN STACH, Town Planner  
ROBERT GENESLAW, Town Planner  
(Not Present)

ATZL, SCATASSA AND ZIGLER  
Surveyors/Architects for Applicant  
234 North Main Street  
New City, New York 10956  
BY: DAVID M. ZIGLER, P.E.

And the Public.

PULEO REPORTING & TRANSCRIPTION  
SERVICES

61 Crickettown Road  
Stony Point, New York 10980  
(845) 429-8986 FAX and Phone



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

THE CHAIRMAN: Next is the Kenneth Babcock subdivision.

MR. ZIGLER: Dave Zigler.

THE CHAIRMAN: Okay, tell us where we are with this?

MR. ZIGLER: We are here to ask to set a public hearing.

We actually went to the ZBA and we had a Public Hearing at the ZBA.

Right after that, after the public hearing, we saw we had the wrong math on the bulk table.

So, we had to reapply to the ZBA for modification of the lots. It was basically what we had before, but with a different net area.

We are going back before the Planning Board, but we are still waiting for a letter from the Rockland County Health Department on the wells and septic.

And there has been a verbal discussion, but we have no letter yet.

That wouldn't happen until the



2 first week of the September, so  
3 really, I'd just like to set a public  
4 hearing for the next available agenda.

5 MR. SHEEHAN: I spoke to Dan  
6 Miller while on vacation.

7 MR. ZIGLER: Just like to set a  
8 public here for the next agenda.

9 MR. KREASE: Isn't this here a  
10 public hearing?

11 MS. PAGANO: This is a public  
12 hearing continued.

13 MR. ZIGLER: Or I'd ask to be  
14 continuing it, then.

15 MR. KREASE: The public hearing  
16 was set for July 21st.

17 THE CHAIRMAN: All right.

18 MR. STACH: Did you notice it?

19 MR. ZIGLER: Beats me.

20 MR. KREASE: I'm sorry. June  
21 23rd.

22 MS. PAGANO: I think we did in  
23 June.

24 MR. KREASE: The public hearing

25

was set for July 21, right, but we

2 didn't have a meeting.

3 THE CHAIRMAN: There was no  
4 meeting in July. Right.

5 MR. RESNICK: But it is a new  
6 application.

7 MR. KREASE: July 23rd. When were  
8 going to set a public hearing, but  
9 because we didn't have anything, we  
10 didn't have a meeting, so is this a  
11 public hearing?

12 MR. ZIGLER: No. We never mailed  
13 it ---

14 MS. PAGANO: Okay, so we will  
15 set a new one for September.

16 MR. ZIGLER: Yes.

17 THE CHAIRMAN: I need a motion to  
18 set a Public Hearing for the September  
19 meeting.

20 MR. ROGERS: I will make it.

21 THE CHAIRMAN: Second?

22 MRS. CALLAGHAN: I will second.

23 THE CHAIRMAN: All right.

24 September 22nd.



2 Public Hearing?

3 (Unanimous affirmative vote).

4 THE CHAIRMAN: Opposed --

5 (No responses heard.)

6 MR. RESNICK: When are you back  
7 before the ZBA?

8 MR. ZIGLER: Hopefully, the second  
9 meeting in September, then we will  
10 re-notify the people on that one for  
11 the revised bulk table.

12 MR. KREASE: Did you have any  
13 people at the last meeting?

14 MR. ZIGLER: Yes, I think someone  
15 was there for us, but the Applicant,  
16 they asked every neighbor and they had  
17 no problem with it.

18 MR. STACH: You are going to the  
19 ZBA before you come back here?

20 MR. ZIGLER: Yes, twice; we are on  
21 for next week and hopefully they will  
22 set the Public Hearing, or reopen the  
23 public hearing for the following week.

24 We are under an open public

25

hearing right now with the ZBA, but we

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

are trying to wait until we got this letter from the Health Department, because it looks, now that the Health Department is accepting the wells, the wells passed, but if not --- well, then we've got to modify the application again. So, yes.

MR. SHEEHAN: So, if the wells work then you will have your final?

MR. ZIGLER: Yes. Then we will be fine.

MR. SHEEHAN: You will have your Public Hearing and the second meeting and decision. I think they're asking will you have your decision before the next Planning Board meeting.

MR. ZIGLER: I don't know. I don't know what they will do, but that's the hope.

MR. KREASE: Your hope is to have a final decision from the ZBA and then get in and get out of a public hearing with us?

MR. ZIGLER: Yes.



2 MR. KREASE: That will work fine  
3 if the Health Department doesn't  
4 require you to put new wells ---

5 MR. ZIGLER: Correct.

6 MR. KREASE: So, you are hoping  
7 you can say to us next time when you  
8 come back in here for the public  
9 hearing, that we have a letter from the  
10 Health Department and everything is  
11 okay?

12 MR. ZIGLER: Right. I should have  
13 a letter by the workshop.

14 MR. KREASE: Okay.

15 MR. MC MENAMIN: So, they're  
16 accepting the wells the way they are?

17 MR. ZIGLER: That was the  
18 discussion we have had; we've had three  
19 different discussions.

20 I don't believe it anything until  
21 I see it in a letter.

22 MR. SHEEHAN: Dan Miller called me  
23 on vacation. His feeling was it's  
24 ridiculous to replace perfectly good



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

requirements. Why spend ten thousand dollars or more for another well?

So, he went on vacation this week, so, probably by next week, maybe it will be worked out. I don't know how we were involved in it.

MR. MC MENAMIN: He's the water man.

MR. SHEEHAN: He's the top water man.

MR. ZIGLER: Actually, Sam Rully (phonetically spelled) was on vacation, so there's a bunch of people on vacation and they keep missing each other.

MR. KREASE: Can I ask another question, Mr. Chairman:

THE CHAIRMAN: Go ahead.

MR. KREASE: If this goes the way it is supposed to go, does this Board have any problems going forward with this Applicant? Does the Board have any questions regarding the

subdivisions? I mean, I don't want

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

them to come back here next month and have them have to go through what we just went through with the last applicant.

MR. ROGERS: No, it's just the wells.

MR. KREASE: Does the Board have any other questions regarding the subdivision?

MR. MC MENAMIN: Is this the close to questions after that?

MR. KREASE: No, because you may have one in your pockets. But, the question is, are we comfortable with that there's nothing of any measure that might ---

MR. ZIGLER: But are you comfortable with it? I'm not looking for a decision, just a little conversation to feel you out.

MR. MC MENAMIN: He's taking the temperature of the Board.

MR. KREASE: Right. The feeling



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

MR. ZIGLER: I would make a suggestion; if I have no letter from the Health Department by the workshop, then I would rather have you put the public hearing off until November because we might have to change everything.

MR. MC MENAMIN: That's the whole thing. Can you use the well or not?

MR. ZIGLER: Well, I know and that's ---

MR. STACH: Can you notice the Public Hearing after the tech meeting?

MR. ZIGLER: It would be. Yes.

MR. RESNICK: You need two weeks notice.

MR. ZIGLER: Plenty of time. We need a letter because it could change the application.

MR. RESNICK: You can leave the Public Hearing open.

MR. ZIGLER: But I'd have to change the application if we don't have

25

the correct letter.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

MR. SHEEHAN: Yeah. Makes no sense coming in if he doesn't have the ZBA.

We can set the public hearing tonight, subject to him getting a letter by the workshop, we wouldn't notice anybody on any end until he comes in.

MR. ZIGLER: You can discuss it with Pat McGee and I'll stay home watch Captain Kangaroo.

MR. SHEEHAN: What I would suggest is, if you don't have the public hearing in September, maybe you want to make a Resolution tonight that we will set a public hearing for September, but it's subject to the letter.

If the letter is not in by the workshop, then the public hearing will be in October.

This way you don't have to go through this in September.

MR. ZIGLER: That will be more



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- Proceedings - 58

THE CHAIRMAN: Okay.

(Off-the-record.)

THE CHAIRMAN: So, we amend the motion to say it will be subject to the letter from the Health Department. If we don't get it, then we will move to October; otherwise, it will be in September.

MR. ZIGLER: Absolutely.

MR. KREASE: That went easy. What happened?

\* \* \*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

cert



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

STATE OF NEW YORK : COUNTY OF ROCKLAND  
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

VIRGIN MARY & SAINT PACHOMIOUS COPTIC  
ORTHODIX CHURCH,

Applicants.

- - - - - X

9 o'clock p.m.  
August 25th, 2011  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

HELD BEFORE THE PLANNING BOARD OF THE  
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,  
Chairman

A p p e a r a n c e s :

- THOMAS MC MENAMIN, Member
- GLADYS CALLAGHAN, Member
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member (Not Present)
- PETER MULLER, Member (Not Present)

MARY PAGANO,  
Secretary to the Board

Reported by:

Patricia A. Puleo,  
NYS Certified Court Reporter  
and Notary Public



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Appearances continued: 61

NABIL N. MIJALLI, Architect for  
Applicant (Not Present)

FERRICK, LYNCH & MAC CARTNEY, Esqs,  
96 South Broadway  
South Nyack, New York 10960  
BY: DAVID RESNICK, Esq., Special  
Counsel

WILLIAM SHEEHAN, Town Building  
Inspector

KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,  
Planning Consultants  
Two Executive Boulevard - Suite 401  
Suffern, New York 10901  
BY: MAXIMILIAN STACH, Town Planner  
ROBERT GENESLAW, Town Planner  
(Not Present)

ATZL, SCATASSA AND ZIGLER  
Surveyors/Architects for Applicant  
234 North Main Street  
New City, New York 10956  
BY: DAVID M. ZIGLER, P.E.

And the Public.

PULEO REPORTING & TRANSCRIPTION  
SERVICES

61 Crickettown Road

Stony Point, New York 10980

(845) 429-8986 FAX and Phone



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

THE CHAIRMAN: All right, next is the cost estimate concerning Virgin Mary Saint Pachomious Coptic Orthodox Church.

Do we have one?

MS. PAGANO: It was e-mailed to you. Do you want one?

MR. KREASE: I didn't get it.

MS. PAGANO: I e-mailed it a long while ago.

MR. KREASE: Who made that number up, Kevin? The bottom line is these are the numbers. I am new at this.

This is strictly your baby, Kevin.

MR. MAHER: Well, what I did was take the estimate Dave had prepared, gone through it.

I did a slightly different break out especially with the pavement.

As you can see, the difference between his numbers and my numbers is roughly eight thousand.

That's really the pump station.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I don't think it's an \$18,000.00 pump station. I think that by the time you take into account the electrical controls, parking package, the set up package, start up; all those kind of costs included, you're looking at really a hundred thousand dollars.

So, I think my numbers are closer to reality, or closer to what it will wind up costing them by the time they finish the key things.

The big one is the pump station.

It's not your standard run of the mill station manhole with two pumps in it. The way Doctor Amahti (phonetically written) has designed it, it takes a little triggering in the field to make it work. It's not a slam dunk pump station like one a municipality would install.

MR. MC MENAMIN: Why not?

MR. MAHER: It's a little more complicated because of the way they

have to set the floats in the pump

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

station. They using an E-1 primer environmental grinder station versus a standard manhole --- plus, they're putting in three thousand gallon septic tank instead of the septic pump station because there's very low flows occurring during the week and suddenly on Sunday, when there's church or during church on Sundays for the congregation, when it escalatestremendously so Dr. Ahmati has designed that so that the holding tank allows the sewers to slowly pass out.

I don't think it's going to operate like that.

It really takes about one --- it is about a month or so to regulate to make sure you set the floats the right way.

It's not the simple off-the-shelf pre-cast system. It is a compilation of two ideas working together.

Ultimately, the station will cost

25

about a hundred dollars to get it up



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

and running. That's where my numbers are different from Dave's number. His figure is about 222 thousand; mine is three hundred fourteen thousand.

MR. SHEEHAN: This is how we figure out our inspection fee, because it's two hundred and fifty thousand, he either made or lost money. It's all prime property.

Even Kevin has to sign out on the improvements before we issue the C.O.

It is not like a regular subdivision where we actually hold his money until it's done. It's private. We just use it to figure out our inspection fee, which is six percent.

MR. MC MENAMIN: Three million --- no. Three hundred fourteen thousand dollars? That's ten percent.

MR. SHEEHAN: No, no, no. It's total is 314,000. That's what I'm saying.



1  
2 Letter of Credit for the improvements  
3 because it is private property. They  
4 either put them on or they don't. If  
5 they don't put them in, they don't get  
6 a C.O.

7 The only reason we have come up  
8 with the cost estimate is the Planning  
9 Board gets six percent of the cost  
10 estimate.

11 MR. MC MENAMIN: There is no  
12 situation where they would have to  
13 finish the work?

14 MR. SHEEHAN: No, no, no, no.

15 Whatever the number is; whatever  
16 it is, we are getting six percent of  
17 that.

18 That is one of the Board's fees.

19 MR. MC MENAMIN: Okay. This is  
20 too low.

21 MR. SHEEHAN: We are talking  
22 eighteen thousand dollars.

23 THE CHAIRMAN: So, we just need to  
24 approve it.

MR. KREASE: I will make a motion

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

to approve it as presented.

THE CHAIRMAN: I need a second.

MR. ROGERS: Second.

THE CHAIRMAN: Three hundred  
fourteen thousand, seventy-seven  
dollars and fifteen cents  
(\$314,077.15). That is the exact number  
for the cost estimate.

MS. PAGANO: No.

MR. KREASE: We are cutting it  
down to be even.

MS. PAGANO: So, it's just three  
fourteen thousand even. No dollars or  
cents.

THE CHAIRMAN: Right. Mary, poll  
the Board?

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

MS. PAGANO: Mrs. Callaghan?

MRS. CALLAGHAN: Yes.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

2 MS. PAGANO: And Chairman  
3 Gubitosa?

4 THE CHAIRMAN: Yes. The last  
5 thing on the agenda is to accept the  
6 minutes of May 24th and June 28th,  
7 2011.

8 MR. KREASE: I will make the  
9 motion to accept these minutes.

10 THE CHAIRMAN: Second?

11 MR. ROGERS: I will second it.

12 THE CHAIRMAN: All in favor?  
13 (Unanimous affirmative vote).

14 THE CHAIRMAN: Opposed?

15 (No responses heard.)

16 MR. MAHER: If I can, I know you  
17 are anxious to hear about what is going  
18 on with the storm drain on Route 9W on  
19 Alimron.

20 MR. STACH: Is this other  
21 business? It's a pending application.

22 THE CHAIRMAN: S and V Alimron.

23 MR. MAHER: I am reporting on the  
24 meeting that I had with the state.

The state is pulling its usual,



1  
2 "we ain't got the money" line. They're  
3 arguing is that they're only going to  
4 be worried about the pipe in the  
5 right-of-way of 9W.

6 Jennifer will research it on her  
7 end to find the construction maps or  
8 lines which were done in 1955, when it  
9 was originally built.

10 I found some surveys in the  
11 Building Department on file, that  
12 shows the last house on the north side,  
13 that did a North Park extension of the  
14 storm drain in about 1978 or '79 and  
15 the contention that Jennifer had ---  
16 well, that pipe is now part of the  
17 Town sewer system and Park Road is  
18 ours.

19 MR. MC MENAMIN: Park Road is a  
20 state road.

21 MR. MAHER: No, Park Road is  
22 ours.

23 The state has the storm sewer  
24 running through our right-of-way, going

off 9W and going down to the ditch that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

drains from Lighthouse Court.

The state is using the argument, they're arguing it is their policy, the state's policy, that they're only responsible for a maintenance of the storm drain within the right-of-way limit only.

Anything outside of that, the homeowner or the municipality, it's their responsibility.

So, I'm going to try with looking at our files and also I'm talking to Andy Connors and I'm bringing this issue up to him as well, to see if we can find an as-built in his files or the Town's files, regarding the storm sewer there on North Park Road.

If it turns out that it was, in fact, built by the State, all the way down past the first two houses -- -- well, the position I am taking as the Town Engineer, is the position I don't give a hoot about your policy; it is

your storm drain; not ours and you have