

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

3 -----X

4 IN THE MATTER

5 OF

6 BLANCHARD HOLLOW

7 -----X

8 Town of Stony Point
9 RHO Building
10 5 Clubhouse Lane
11 Stony Point, New York
12 Thursday
13 January 24, 2019
14 7:04 p.m.

15 BEFORE:

- 16 THOMAS GUBITOSA, CHAIRMAN
- 17 EUGENE KRAESE, BOARD MEMBER
- 18 ERIC JASLOW, BOARD MEMBER
- 19 PAUL JOACHIM, BOARD MEMBER
- 20 JERRY ROGERS, BOARD MEMBER
- 21 PETER MUELLER, BOARD MEMBER

22 APPEARANCES:

- 23 STEPHEN M. HONAN, ESQ., Special Counsel
- 24 MAX STACH, Town Planner
- 25 JOHN O'ROURKE, P.L.S, Town Engineer
- WILLIAM SHEEHAN, Building Inspector
- MARY PAGANO, Clerk to the Planning Board

26 ROCKLAND & ORANGE REPORTING
27 2 Congers Road
28 New City, New York 10956
29 (845) 634-4200

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3 CHAIRMAN GUBITOSA: Can we please stand
4 for the Pledge.

5 (Whereupon the Pledge of Allegiance was
6 recited.)

7 CHAIRMAN GUBITOSA: Thank you. Mary,
8 could you take the roll.

9 THE CLERK: Mr. Jaslow?

10 BOARD MEMBER JASLOW: Here.

11 THE CLERK: Mr. Joachim?

12 BOARD MEMBER JOACHIM: Here.

13 THE CLERK: Mr. Mueller?

14 BOARD MEMBER MUELLER: Here.

15 THE CLERK: Mr. Kraese?

16 BOARD MEMBER KRAESE: Here.

17 THE CLERK: Mr. Rogers?

18 BOARD MEMBER ROGERS: Here.

19 THE CLERK: Chairman Gubitosa?

20 CHAIRMAN GUBITOSA: Here. All right.

21 Before we get started if you have your
22 cellphone please put it on silent.

23 Tonight, first on the agenda is the
24 public hearing on Blanchard Hollow. This is
25 an eight lot average density subdivision

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2 located on the west side of Jessup Lane.

3 Going to be a public hearing. Mr. Zigler,

4 would you like to give us a brief

5 explanation before we get to the public.

6 MR. ZIGLER: Depends on how you define
7 brief. Dave Zigler, Atzl, Nasher & Zigler,
8 we're representing Blanchard Hollow. And up
9 on the screen we have Jessup Valley North.

10 Jessup Valley North was approved in around
11 2006, about thirteen years ago, it had eight
12 lots on it, the lots are right around the
13 perimeter of the road. The proposal at that
14 time was to extend Jessup. Jessup is down
15 here at the bottom of the map (indicating),
16 going north making a left and coming on
17 through and then it would traverse the power
18 lines and the gas easement into a cul-de-sac
19 and then it would turn into Conklin. This
20 map was approved and filed with all the
21 permits, health department, United Water,
22 water from the Health Department, the taxes
23 are paid for eight lots and a ninth lot
24 which is the road, until the road is
25 dedicated it's actually taxed to the owners

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2 so there's actually nine tax bills on this
3 piece of property. It was approved in 2006
4 and that's about when the Presidential
5 market dropped like a rock and it was never
6 built, and during the time from 2006 until
7 about a year and a half ago, maybe two years
8 ago, the gas line went through the piece of
9 property, a new gas line which you're
10 familiar with. The power companies,
11 National and Federal, even Orange & Rockland
12 have changed their allowable things
13 underneath the road so this road underneath
14 are power lines so this road underneath
15 became an issue.

16 And overall, since the market kind of
17 dropped the homes that are being built now
18 are smaller. This lot, the lots that you're
19 looking at here probably be design for homes
20 that are like 3500 square foot so they're
21 like 60, 70 foot wide, 30 foot deep. Today
22 the homes are much smaller. They're 52 foot
23 wide and maybe 28, maybe 30 foot deep. So,
24 the lots are oversized so the thought was
25 hey, we'll go back to the Planning Board for

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2 a cluster plan, reduce the size of the
3 development, remove maybe two thirds of the
4 roads and consider the back end of the
5 development as a conservation easement or
6 whatever. Meaning, it has limitations on
7 what you can with it or you can do nothing
8 and what you can do in it maybe landscape it
9 or it put a fence up, but that's it.

10 So we took this area (indicating) which
11 is -- that's the Orange & Rockland power
12 lines I'll say to the south and then this is
13 Jessup. So we took this area here and we
14 designed a subdivision. The subdivision
15 that we're designing in this area covers
16 about four and a half acres of disturbance.
17 This plan that you're looking at probably
18 has about 12 acres of disturbance including
19 the road and including this portion of the
20 road which is not constructed (indicating.)
21 The benefit is it's a reduction in
22 improvement, a reduction in maintenance of
23 the road and lots that really suit today's
24 needs with the smaller homes. So that idea,
25 that process, we renamed it to Blanchard

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2 Hollow so our map is called Blanchard

3 Hollow.

4 So what our intention is, that's the
5 standard, that's the lot count we started
6 with and we went to the Planning Board with
7 several layouts, several different ideas and
8 we come up with almost this one. That's it
9 right here (indicating.) So here's your
10 power lines (indicating) and this is Jessup
11 right here where it's now dedicated, this
12 portion of the road is dedicated to the Town
13 and the intention is to come in and make a
14 cul-de-sac. Over here is Conklin that you
15 were looking at before that wrapped up and
16 came into underneath the Orange & Rockland
17 utilities. This road now is stubbed so you
18 can see that there's much less road
19 maintenance dedicated to the Town. And then
20 here's the lots (indicating.) The lots all
21 bank around that cul-de-sac staying to the
22 south I'll say of the power lines. The lots
23 all are over -- 15,000 or over 15,000 and
24 the lots are designed to fit a home that's
25 50 to 52-foot wide, 24 maybe 28 foot deep.

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2 The width is what -- what creates the lots
3 and as you see the lots are wider as you
4 come in and then everything is set around
5 the cul-de-sac. This is a hump in the
6 property right here (indicating) and so when
7 the road comes in this would be in a cut and
8 then these homes would sit up and look down
9 on the road. The utilities would still come
10 in off of Jessup, the sewer and water.

11 There's two little weird pieces of
12 property from the original layout. One is
13 this corner which is actually owner by the
14 applicant owner and then there's a piece
15 over here where it physically it looked like
16 it belonged to the house. So Mrs. Mason has
17 joined in at this time to accept this piece
18 and an additional piece on the side of that
19 house that will all be merged with her tax
20 lot, so still have the eight lots and then
21 this road would dedicated to the Town.

22 Could you go to the grading plan? That's
23 the subdivision map so it shows the whole
24 thing. This whole area up in here is going
25 to be a conservation easement.

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2 And that's your grading plan. It's
3 blown up to a larger scale details so you
4 can see the details and the grade. You can
5 see from the power lines going toward
6 Jessup, all this is being disturbed, there's
7 a little area in here (indicating), but
8 basically this is now roughly four and a
9 half -- four and half acres and then here's
10 Ms. Mason's house, this additional property
11 here property and then this little weird pie
12 shape that goes out to the intersection that
13 would all merge with her lot and you then
14 would either a new house here or somebody
15 would redevelop that old house, which I
16 doubt, but then you would a new house there
17 and have these houses sit around the
18 cul-de-sac and then you'd have one back,
19 back in this corner which is accessed by a
20 long 25-foot wide neck sometimes call a flag
21 lot or whatever, but that's our plan.
22 Services, water, sewer still coming off of
23 Jessup and drainage that's collected and
24 goes out to Jessup in that one retention
25 area would be modified here, cleaned up.

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2 And then, of course, this road would be
3 dedicated to the Town. That's the plan.

4 We've been in front of the Board back
5 and forth, we did some field trips out and
6 we staked the road out and they looked at
7 that, and we've had additional information
8 that we've got for archeological studies,
9 and we did some soil testing which didn't
10 amount to much in here because it's all rock
11 in here, and so now we're here for a
12 preliminary approval and public hearing.

13 CHAIRMAN GUBITOSA: Dave, over I guess
14 by lot one over the existing dwellings all
15 way in the back on top the road is off to
16 the right; isn't it?

17 MR. ZIGLER: Yeah, the road access it
18 continues up this driveway, and over here in
19 the corner we're going to connect into the
20 new road. So that would still -- actually
21 what happens is when Jessup is extended it's
22 gonna go right through that telephone pole
23 that's in the middle of the road. That
24 would be widened. The original plan had a
25 24-foot wide, the new code requires a road

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2 of 30-foot with curbs. So there's a
3 difference in Jessup and Blanchard with the
4 road, but this road would have to be 30-foot
5 with curbs on both sides.

6 MR. MUELLER: Wasn't there a fire
7 hydrant right in front of that? Wasn't that
8 an issue when we did the site visit, right
9 where the two upper lots are where you're
10 gonna extend the road; do I recall that
11 properly?

12 MR. ZIGLER: I don't remember that to
13 tell you the truth. There could've been. I
14 know there's a fire hydrant --

15 MR. MUELLER: We said there's going to
16 be an issue with that.

17 MR. ZIGLER: No issue because if it's in
18 the road then it'd have to be moved.

19 CHAIRMAN GUBITOSA: I thought it was at
20 the end of the dedicated road, but I'm not
21 too sure.

22 MR. MUELLER: Okay.

23 A VOICE: Mr. Chairman, can you ask the
24 applicant to put a map up? There's no map
25 up at all for the public to look at.

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2 CHAIRMAN GUBITOSA: It should be in the
3 back.

4 A VOICE: I don't see one.

5 CHAIRMAN GUBITOSA: All right. Before I
6 get to the public hearing, Bill, do you have
7 any comments yet or?

8 MR. SHEEHAN: No, I'll wait.

9 CHAIRMAN GUBITOSA: Max, you want to
10 wait?

11 MR. STACH: I just have one question
12 before, which is, how does this compare in
13 terms of cut and fill with the original
14 plan, and is blasting proposed?

15 MR. ZIGLER: What was that? I'm sorry.

16 MR. MUELLER: Cut and fill and blasting,
17 how does to the compare to the original
18 plan?

19 MR. ZIGLER: What was that question
20 again?

21 MR. STACH: How does the cut and fill
22 associated with this cluster plan compare
23 with the original approved plan, the
24 original subdivision, and in terms of, is
25 blasting being proposed in this area?

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2 MR. ZIGLER: I would two things to that,
3 this road right here is probably 80 percent
4 so whatever the grade was on the original
5 plans would have to either match that or be
6 slightly different so I don't think there's
7 anymore cut on this piece of road. The
8 difference is from here going to the power
9 lines and coming back out, this would all be
10 a major cut underneath the power lines. In
11 other words, the cut of the road as it's
12 proposed is gonna be underneath the existing
13 the gas main.

14 What was the second question?

15 MR. STACH: The blasting, especially --

16 MR. ZIGLER: No blasting.

17 MR. STACH: No blasting?

18 MR. ZIGLER: No, even if they hit rock
19 they're gonna hammer. The blasting
20 requirements in the Town of Stony Point with
21 distances and insurances just -- it just
22 doesn't work, not in an area where you have
23 homes around it. So they would hammer.

24 MR. STACH: Are you cutting the homes
25 sites path within the subdivision

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2 improvement?

3 MR. ZIGLER: All these lots basically
4 will drain to the road, that's how we had it
5 designed so, yes. This one not so much
6 (indicating), but all these lots are cut so
7 they drain toward the road and then the lots
8 on the left, that would be eight and seven
9 as you come in, that's depressed so they
10 would be filled so that they would also
11 drain mostly to the road. I would say from
12 one to six all of em are gonna drain to the
13 road with six being the breaking point where
14 some of it would go towards the street.

15 CHAIRMAN GUBITOSA: Dave, one other
16 question, I know over by the two pieces that
17 are (inaudible) to Mrs. Mason's lot, the one
18 closer to the road, I know the one in the
19 corner, I know we were talking about there's
20 a thing about site distance, right, of what
21 can go there or what we can do with that
22 piece?

23 MR. ZIGLER: I mean, you can't really do
24 anything because it's on a very sharp turn.

25 Could you go to the other map? The

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2 other map has the intersection. Right
3 there.

4 That's a pretty sharp turn, you know, it
5 meets the code, but, I mean, if you're
6 exiting here (indicating) you would want to
7 see across this which is typical in the
8 Town. The Town does have a site line
9 easement, you should be very familiar with
10 that. On Central Highway there's a site
11 line easement and you can't grow anything in
12 that area and it's restricted by basically a
13 tangents. So if you drew a straight line
14 across here you wouldn't have anything there
15 that's over three-foot high. You could put
16 a small bush, but you couldn't put a let's
17 call it a shade tree like you have the along
18 the road.

19 CHAIRMAN GUBITOSA: Right. Does the
20 Board have any questions before I go to the
21 public hearing? All right. I'm going to
22 open the public hearing and one thing is if
23 you'd like to make a comment just, I guess,
24 sign in and state your name and address for
25 the Board and if you do make any comments

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2 just make the comments to the Board. We
3 have a Stenographer here so if you're facing
4 this way she can record you and if you can
5 keep the -- the crowd keep the noise down so
6 they can get everything recorded. So at
7 this time I'm going to open the public
8 hearing. So if you're like to the make
9 comments about Blanchard Hollow. You can
10 sign in after you talk.

11 MS. MASON: A couple different things.

12 CHAIRMAN GUBITOSA: Just to the Board.
13 Give your name, please.

14 MS. MASON: Barbie Mason, this house
15 (indicating.) I know he said no blasting, I
16 feel that's a little unrealistic cause it's
17 all stone. And that's what they said for
18 the development that's over here, that there
19 was not going to blasting and then later on
20 they did do blasting and cracked my house,
21 but I know that's a separate subject.

22 But anyhow, yeah, he took an extra piece
23 of mine that I was getting to make the road
24 wider so instead of my property being out
25 here (indicating), it would go in quite a

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2 bit. And I know they said nothing -- first
3 of all, there should be a stop sign there
4 because that's going to be like another 25
5 cars coming down the road onto Jessup so the
6 turn shouldn't be problem if there's a stop
7 sign.

8 Second, my concern is having -- well I
9 know over here is saying there's a
10 three-foot so a smaller car could see
11 obviously. I have a smaller I understand,
12 but I would like them to have some kind of
13 wall if it's three foot here and they go up
14 cause I'm concerned with another what, 25
15 cars or whatever coming up the road here so
16 close to my house. I mean, it doesn't look
17 that close here, but it is pretty close. I
18 have my table right here, the umbrella, et
19 cetera, so I was asking em for a fence or
20 stone wall, something, if that's three feet
21 here and get a little taller up here and
22 then up here I have a rock wall which not
23 quite sure how they'd be in the road cause I
24 can't see any of the flags. Every time I've
25 been there when they mark em it's not really

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2 marked like how I could tell and the people
3 I asked that were doing it they had no idea,
4 they said they we're just putting the stakes
5 in so. Anyhow, I'm concerned about having,
6 I guess, a stone -- I have a stone wall
7 there now, something more solid in case the
8 cars come down, I don't want them coming in
9 where me and my family are in the yard
10 because my yard -- my yard will be right on
11 that road basically so I'm worried about
12 that.

13 Also, originally my -- the property line
14 that was supposedly mine was over here
15 (indicating) and that's just so you know I
16 did move it in because they wanted -- they
17 needed more property so I am trying to work
18 with them. So we moved it in from here to
19 over to here (indicating) so they got more
20 property there and they got more, I got less
21 there and I got less there. So I'm trying
22 to just, you know, just work out an
23 agreement to have a wall.

24 Originally -- I mean, Marty's not here,
25 he never comes, I keep asking him to come

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2 cause he tells me glorious things and then
3 he tells Dave and the others different
4 things. So originally he was telling me
5 don't worry, I will make it so that you're
6 not like in the middle of everything the
7 cause I've been in the country for so long,
8 I'll put the fence up for you here and here,
9 you know, we discussed it all this and from
10 what I understand now, not from Marty, but
11 from the other that's off the table, he's
12 not doing any of that. So, I don't know,
13 maybe I shouldn't have a fence here I should
14 have some kind of stone barrier or
15 something, something stronger than a fence
16 for the cars, and then here a fence because
17 this house is actually like where I have the
18 kids' toys, the riding toys and stuff right
19 here. So I don't know I guess that's it.

20 I'm worried about the drainage which I
21 told you guys before. I mean, cause I deal
22 with there's a lot of springs up here
23 (indicating.) I have a spring that comes
24 through the rock wall right now, it's
25 underground piped under -- through the rock

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2 wall, comes into driveway here, into a
3 drain, goes underneath, comes into another
4 drain, goes out, back underneath again, into
5 the pond and then from the pond I have
6 piping that goes into the street, and it's
7 been flooding a lot especially today with
8 the rain. It's -- I have -- it's
9 tremendously deep right now, like a foot or
10 so. So there's lot of springs up there and
11 that's why for here to have had the problem
12 at the end here (indicating) because there's
13 also a spring in the ground here which water
14 constantly comes out of and always has
15 broken up Jessup, which we've tried doing on
16 our own, but there's really -- the spring's
17 so deep we can't really fix it. So I know
18 they're saying they're gonna pipe all this
19 out that way. I'm not sure how this is
20 gonna hook in or I'm not really sure, are
21 the pipes going to be over here too
22 (indicating?) I'm mean, I'm not sure how
23 that's going to be done. I guess, they can
24 figure it out. I mean, my husband was in
25 the business for 30 years and he, you know,

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2 did the best he could with our property for
3 what we were allowed to touch, to do and we
4 got all by code and everybody seemed --
5 okayed everything cause you can't have
6 certain water going down and hitting the
7 spring so. I don't know there's a few
8 different concerns. I mean, if they work
9 with me, great, you know, but I kind of get
10 shunned off on a few things here and there
11 so.

12 CHAIRMAN GUBITOSA: All right. Thank
13 you.

14 BOARD MEMBER JASLOW: I have a question,
15 I just want to make it clear, they're not
16 taking your property away, they're giving
17 you property?

18 MS. MASON: Well, they are, but they're
19 not. Marty originally owed -- originally
20 when we brought the property '99 this piece
21 over to here and this piece (indicating) was
22 ours, but it wasn't on the deed.

23 BOARD MEMBER JASLOW: Okay.

24 MS. MASON: So before we built we did
25 work for him, \$80,000 in work, and in return

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2 he said, I'll give you this property. So we
3 had our fence here, we have our fence here
4 now, we've had it there for eighteen years
5 and we've maintained that for eighteen years
6 and it's just never -- he's always away or
7 never --

8 BOARD MEMBER JASLOW: So now it's gonna
9 be your property.

10 MS. MASON: Yeah. And then he says with
11 the tax -- but there was something I know we
12 had said I would not be taxed, like my taxes
13 wouldn't go up for this property, but if I
14 am being taxed then I can use it for what I
15 want to use it for, because the last time I
16 was told I wouldn't be taxed. We put a wall
17 there and I would maintain it as my
18 property, you know, cutting the grass and
19 everything I have my guys do, but I think
20 they said now it would be part of my tax,
21 does that mean I'm gonna be taxed for it
22 now?

23 BOARD MEMBER JASLOW: I don't know the
24 answer to that.

25 MS. MASON: There was some kind of word

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2 or some kind of stipulation where --

3 MR. SHEEHAN: I think what she's
4 probably referring to I think at one time, I
5 don't know if it's still true, there was
6 going to be detention pond there.

7 MR. ZIGLER: Right.

8 MS. MASON: Right.

9 MR. SHEEHAN: So the tax assessor would
10 say that's basically unusable property.
11 You're taxed on it, but at a lower rate, but
12 you really need to talk to the tax assessor
13 about that.

14 MS. MASON: So now there's gonna be not
15 a detention pond?

16 MR. SHEEHAN: I don't see a drainage
17 pond.

18 MS. MASON: All right. Cause if there's
19 a drainage pond then I don't pay taxes and
20 --

21 MR. SHEEHAN: I didn't say that. What I
22 was saying is they value it lower because
23 you can't do anything with it. It will
24 become part of your tax lot so your whole
25 lot will be taxes, but your value of that

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2 part of the lot is very low because that is
3 unusable, but that you need to talk to the
4 tax assessor about.

5 MS. MASON: Okay.

6 MR. SHEEHAN: Not the Planning Board.

7 MS. MASON: So, does the Planning Board
8 know, is there gonna be a retaining pond
9 cause there's lot where a lot of the
10 drainage goes top cause there's springs all
11 up in here (indicating) and it all comes
12 down in here and that's why this is a main
13 spot also up on Jessup that comes down
14 underground.

15 MR. O'ROURKE: Right now there's no
16 detention basin proposed in that area.

17 MS. MASON: So which in case there won't
18 be a retention pond I'll be taxed and then I
19 can use the property for what I want?

20 MR. O'ROURKE: I am just stating that
21 there's no detention basin. How you get
22 taxed is beyond this Board.

23 MS. MASON: Cause I would want to make
24 sure before I sign everything off that
25 that's -- I have it straight on, you know --

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2 BOARD MEMBER KRAESE: It seems to me
3 that you have a lot of questions regarding
4 credibility of a verbal conversation you had
5 with the developer and what you're actually
6 getting. I think the first thing you gotta
7 settle with him and get --

8 MS. MASON: I know. He tells me he's
9 gonna give me everything.

10 BOARD MEMBER KRAESE: I know that, but
11 you know, this has been around for years.

12 MS. MASON: I know. It's been killing
13 me. I've been coming here eighteen years.

14 MR. SHEEHAN: You are a co-applicant; is
15 that correct?

16 MR. ZIGLER: Yes.

17 MS. MASON: I'm a what?

18 MR. SHEEHAN: You're part of the
19 application, you're a co-applicant.

20 MS. MASON: So, I'm not dealing with
21 Marty anymore, I'm just dealing with trying
22 to working out with Dave.

23 MR. STACH: You understand what that
24 means? That means you're proposing this and
25 if this is not something you want you have

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2 to talk to Dave about that.

3 MR. ZIGLER: No, not Dave. She's gotta
4 talk to her attorney.

5 MR. STACH: Well, you have to tell the
6 Board that you --

7 MS. MASON: There is a bit of confusion.
8 Marty tells me -- he comes over and tells me
9 yes, yes, yes, Marty tells me tell Dave put
10 it on, then I talk to Dave and Dave says,
11 no, Marty he didn't tell me that.

12 MR. SHEEHAN: I think what we're trying
13 to tell you is since you're an applicant
14 it's kind of unusual when an applicant comes
15 in and talks bad their own map.

16 MS. MASON: Well I'm not really talking
17 bad about it, but after eighteen years --

18 MR. SHEEHAN: Well, probably a bad
19 choice of words but.

20 MS. MASON: Well, you have to realize I
21 got this property and I was supposed to have
22 this all signed over to me when I was
23 pregnant with my son and he's in college now
24 so.

25 MR. SHEEHAN: I understand all that, but

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2 I thought at this point that was all worked
3 out and that was why we're back here today.
4 If you're not satisfied as Max and John and
5 the Board had said you really need to
6 discuss that with your co-applicants or
7 their lawyers or whatever before you present
8 the map to us.

9 MS. MASON: All right. So --

10 MR. SHEEHAN: It's hard for the Board to

11 --

12 MS. MASON: I'm not quite sure. So, do
13 we have on there the wall, a retaining wall,
14 do we have that on there?

15 MR. ZIGLER: I think that's a discussion
16 you need to have as an applicant with your
17 attorney.

18 MS. MASON: Well, I don't understand.
19 First of all, I can barely --

20 MR. ZIGLER: I think you have attorney
21 and I think you need to discuss that with
22 your attorney.

23 MS. MASON: Well he tells me to discuss
24 it here.

25 MR. ZIGLER: Ma'am, you're way beyond

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2 anything I've ever been involved in.

3 MS. MASON: Anyhow, we're waiting on it.

4 We're not doing anything yet.

5 MR. STACH: This cannot be approved
6 without your consent. If you don't consent
7 to this plan this Board cannot approve it.

8 MS. MASON: Okay.

9 MR. STACH: Okay? So if you're telling
10 is you do not consent to this plan then this
11 Board doesn't have to consider it.

12 MS. MASON: Okay. Because I'm not being
13 told if there's a wall.

14 MR. STACH: You are the applicant so if
15 you say I do not consent to my lot, my land,
16 being part of this subdivision then Dave has
17 to go back to Mr. Feldy and tell him that.
18 But that's between you and your
19 co-applicant. In other words, this is all
20 in your court. You get a hundred percent
21 satisfaction or he doesn't get to show your
22 property on his map.

23 MS. MASON: So, when we come here, he
24 would say I have a retaining wall for
25 Mrs. Mason, he would say those things and

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2 then I would say yes.

3 CHAIRMAN GUBITOSA: Between you and him,
4 if you work that out.

5 MR. STACH: Has nothing to do with the
6 Board. The Board considers the map, and
7 none of that's shown on this map.

8 CHAIRMAN GUBITOSA: He'd have to come
9 with a new map. You work with him and say,
10 I need a wall, I need this, you have to sit
11 with him, with your attorney, with them and
12 say this is what we have and then you bring
13 the map back the way you like it. If it's
14 not the way you like it then, you know.

15 MS. MASON: Okay. So then I need to
16 meet with you to get --

17 MR. ZIGLER: No, not in a million years.
18 You have to talk to your attorneys.

19 MR. SHEEHAN: Mrs. Mason, the reason
20 you're an applicant on this subdivision is
21 because they're giving you property. If
22 they're not giving you property you're not a
23 part of the application.

24 MS. MASON: Right, but I'm giving --

25 MR. SHEEHAN: I just want to make sure

1 Proceedings

2 you understand.

3 MS. MASON: Right, but you have to also
4 understand it was my property. My property
5 I've used it, I've had it, he owed it to me.

6 MR. SHEEHAN: Again, I'm telling you why
7 you're part a of the application is cause
8 you're getting property that's not owned by
9 you right now.

10 MS. MASON: Well -- well I gave him back
11 property too.

12 MR. SHEEHAN: I just want you to
13 understand.

14 MS. MASON: Yeah, I understand that, but
15 I also gave back property too. So we don't
16 need to discuss anything else, we're just
17 going to wait till we discuss the rest of
18 the stuff up there before we sign; right?

19 MR. STACH: Mr. Chairman we have to be
20 clear that this applicant is consenting to
21 this plan before we open the public hearing.
22 If she does not consent then it doesn't make
23 sense to hear from the public because things
24 will change.

25 MR. HONAN: Why don't we give the

1 Proceedings

2 applicant the option to continue this public
3 hearing to the next date, and perhaps in
4 that time the plan may change, it may not
5 change, but at least the applicants will
6 have a clear path and advise this Board
7 whether their plan is ready to be
8 considered.

9 MR. ZIGLER: That's all well and good
10 and I totally agree with that, but we have
11 people here that want to make comments so
12 when I modify this map I would like to
13 address any comments that the public has and
14 I'd appreciate if you opened it up and let
15 em speak.

16 MR. HONAN: As long as your applicant
17 agrees. She's gotta agree too.

18 MR. ZIGLER: That's fine.

19 CHAIRMAN GUBITOSA: Mrs. Mason, do you
20 agree to that we get more comments from the
21 public before we --

22 MS. MASON: Yeah, that's fine to hear
23 whatever they think also.

24 CHAIRMAN GUBITOSA: All right. Then
25 we'll do that. So well keep the public

1 Proceedings

2 hearing open. Anyone else that would like
3 -- George, I know you could sign in after,
4 George, just state your name.

5 MR. O'HARA: George O'Hara, 597 Old
6 Union Road (inaudible). I think we have a
7 unique situation where a resident should
8 really get satisfaction from a development
9 that's happening around her. In this fact
10 it seems that she doesn't really understand
11 her important part in this application as
12 being a co-applicant where she can actually
13 have direct input into what this plan is as
14 opposed to going to ask the other applicant
15 for changes that she wants. So I'm finding
16 that interesting that she's just finding
17 this out now or it wasn't clear to her
18 earlier because I think some of these issues
19 could have been resolved in this map and
20 perhaps included in this proposed
21 development. So it seemed like an unusual
22 situation. I can't remember other ones that
23 have come before the Board like this. So I
24 think incumbent upon the Board to let the
25 applicant know, she's new to this, it's not

1 Proceedings

2 something that she does everyday, she has
3 property, she wants to protect it, and I
4 don't think we should be developing
5 properties and injuring current residents
6 and try to accommodate them, if not, even
7 improve their property if possible through
8 new development.

9 I have not had the time to go and look
10 at the folder or the file on this, but I do
11 remember some of the discussions we've had
12 in previous meetings. One had to do the
13 kind of condenses driveways along this
14 cul-de-sac. It seems more congested and
15 more dense than I remember. Many of them
16 being -- has that been raised as an issue or
17 do you feel that those -- that issue was
18 resolve in terms of whether it's snowplowing
19 or maintenance of the road or the fact that
20 all these driveways come into basically a
21 small circle. You know, six of the lots, I
22 guess, six of the seven. You got eight
23 lots. Six of them at least are coming into
24 that cul-de-sac.

25 I also want to ask you if there were

1 Proceedings

2 specific concerns or comments raised by the
3 Rockland County Department of Planning and
4 Drainage Agency if you could identify what
5 those were, what those comments are and how
6 you're planning to address them.

7 As far as Mrs. Mason goes, if I there's
8 certain changes that she wants to this plan
9 whether it's a wall or fence or whatever I
10 think she has to realize she can ask for
11 that as part of this application and should
12 look at it as part her application. This is
13 her application they're saying, this map and
14 that it could stop right now if you're
15 saying you don't concur with this
16 application.

17 CHAIRMAN GUBITOSA: George, just talk
18 this way so that --

19 MR. O'HARA: And get them to make the
20 changes that you feel are needed. In a
21 previous meeting I thought that it was said
22 that blasting was going to be required, did
23 I hear correctly that blasting was now not
24 going to be required, is that true?

25 BOARD MEMBER KRAESE: That's the

1 Proceedings

2 statement he made tonight.

3 MR. O'HARA: Yeah, but at the previous
4 meeting, just last time, as recently as last
5 meeting he said blasting would be required.

6 BOARD MEMBER MUELLER: I don't think the
7 word required is what is at issue. He said
8 it wasn't feasible to do because of the
9 codes, because of the Town requirements,
10 because of the other homes in the area so
11 it's just not something they're looking to
12 do, they're looking to jackhammer, but I
13 imagine if they get into a position if they
14 need to it is available to them and they
15 would have to follow the procedures that are
16 necessary, but what they're telling us
17 tonight us is that that's not the course
18 that they're looking to take.

19 MR. O'HARA: Okay. Having Mrs. Mason
20 here as someone that lives on this property
21 who's identifying much of the drainage
22 problems, the existing underground springs,
23 has the Rockland County Drainage Agency
24 commented on that at all, do you have
25 comments from them, did they raise any

1 Proceedings

2 concerns that you're planning to address,
3 can you identify what they are?

4 MR. ZIGLER: It's not in they're
5 jurisdiction.

6 MR. O'HARA: It's not in their
7 jurisdiction. So the Rockland County
8 Department of Drainage, how about the
9 Rockland County Department of Planning, did
10 the Rockland County Department of Planning
11 raise any issues concerning this development
12 that seemed important? It's helpful to get
13 information from other interested agencies.

14 CHAIRMAN GUBITOSA: The meeting's still
15 going to continue so we're still reviewing a
16 lot of the documents, George, we'll get it
17 down.

18 MR. O'HARA: I understand. Lot number
19 four was brought up as a potential problem.
20 I guess, Mr. Zigler was calling it a flag
21 lot. It's good to have the projection of
22 these maps up here, but the problem is the
23 resolution of them is not very good. That's
24 why I think it's important that you post
25 those maps so you can actually read them you

1 Proceedings

2 can't read any detail on here on at all.

3 But I think lot number four is this lot here

4 (indicating) and there were some issues

5 raised at the last meeting regarding lot

6 number four, are there concerns that you

7 have concerning lot number four, and which

8 lot -- the easement that you're talking

9 about as the buffer or the easement and who

10 would retain the ownership of that buffer or

11 easement, and how would it be defined for as

12 potential use or not use or maintenance, are

13 you considering it as a buffer or easement?

14 A conservation easement I believe is more

15 restrictive than a conservation buffer. And

16 would that be associated with one of the

17 lots, would one of the lots actually own

18 that conservation easement? I think that's

19 the way it was done in Stony Ridge. I think

20 they did about 20 acres up there, I think

21 it's associated with one of the lots, do you

22 know that at this point, if one of the lots

23 would be the owner of that easement or of

24 that buffer? We're talking about the

25 property I think on the left up here.

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2 MR. SHEEHAN: It's part of lot four.

3 MR. O'HARA: So lot four would own that
4 conservation easement.

5 CHAIRMAN GUBITOSA: George, probably --
6 after the public hearing when we go over it
7 as Board we're going to be able to answer a
8 lot of your questions. We're not gonna be
9 able to do question and answer. We
10 understand your concerns. A lot of the
11 stuff you're talking about they're already
12 going through and reviewing, but before we
13 give you answers we want to make sure we
14 have the documents first that's all.

15 MR. O'HARA: Okay. I understand. Okay.
16 Then I'll hold out any further questions I
17 have until the public hearing is continued.
18 Thanks very for your attention.

19 CHAIRMAN GUBITOSA: Thank, George.
20 Anyone else who would like to speak?

21 MR. ELLIS: Wayne Ellis, 5 Stacy Court.
22 I just want to confirm that there is no plan
23 to connect Conklin to this new road or
24 Jessup in any manner because there is -- the
25 road that goes here (indicating) does not

1 Proceedings

2 exist. It stops right at the end of Jessup
3 -- right at the end Conklin. I stood before
4 this Board ten years ago and was promised
5 that those roads would never be connected
6 because Jessup is still a private road and
7 it would create a major traffic issue with
8 people trying to cut off going around the
9 bend.

10 CHAIRMAN GUBITOSA: Show us on the map
11 what you're looking at.

12 MR. ELLIS: Well, there's roads and
13 there's not -- the roads not connected cause
14 obviously there's a stump now, but there is
15 roads on this map drawn that does not exist
16 right now.

17 MR. SHEEHAN: Actually, the approved map
18 connects them.

19 MR. ELLIS: Exactly.

20 MR. SHEEHAN: The approved map that's
21 filed connects them. They're proposing not
22 to connect on this map.

23 CHAIRMAN GUBITOSA: That's the old map,
24 right.

25 MR. ELLIS: During the time of the

1 Proceedings

2 Margarita extension this Board promised that
3 those two roads, Conklin and Jessup, would
4 never meet.

5 MR. SHEEHAN: If this map's approved and
6 filed and built there would be no physical
7 way to connect them.

8 MR. ELLIS: Okay. Also, I have a
9 question I think, so what, these lot size
10 are about a third of an acre?

11 MR. ZIGLER: Yes.

12 MR. ELLIS: And how big -- you gave the
13 dimensions -- what are the --

14 MR. ZIGLER: The homes that we have on
15 there mostly 52x26 I think.

16 MR. ELLIS: I can't do that math, what
17 is that roughly square footage?

18 BOARD MEMBER KRAESE: We can't have
19 private conversation, can you address the
20 Board, please?

21 MR. ELLIS: Sorry. My question is, what
22 is the rough square footage of the proposed
23 houses? The property is much smaller than
24 any other surrounding property to it so I
25 want to make sure it's not bringing down

1 Proceedings

2 property values of the houses around it.

3 CHAIRMAN GUBITOSA: I think whatever --
4 before, Dave -- cause I don't want to make
5 it a question and answer. Whatever is
6 allowed on that lot; right, Bill?

7 MR. SHEEHAN: Floor area ratio.

8 CHAIRMAN GUBITOSA: There'll be floor
9 area ratio so whatever is allowed on that
10 lot is what can be built.

11 MR. ELLIS: Okay. Thank you.

12 CHAIRMAN GUBITOSA: Thank you. Just
13 sign on the paper. Anyone else like to
14 speak? All right. If not, I just need to
15 motion to continue the public -- oh, Dave?

16 MR. ZIGLER: Just to answer some
17 questions, these houses will be 2200, 2300-
18 square foot basically same that you have on
19 Margarita Road. And the County had
20 comments, they sent it to us and I responded
21 to the comments. I think the only
22 significant County comment was kind of, you
23 know, this was already approved site plan --
24 subdivision. So they're actually making
25 comments on an approved subdivision, but the

1 Proceedings

2 only comments that had any substance was two
3 many homes on a dead end street and if this
4 street was not dedicated to the Town of
5 Stony Point it was need a variance, but this
6 is an offer of dedication so we answered
7 that, and that's about it.

8 I think what I would do for the next
9 meeting is answer the new County comment, I
10 have comments from John O'Rourke, the Town
11 Engineer that we have to answer then we'll
12 make a decision on applicants here and come
13 back to the Board.

14 CHAIRMAN GUBITOSA: Thank you, Dave.

15 BOARD MEMBER MUELLER: Dave, is there
16 anyway the homeowner who is a part of this
17 application and the builder somehow when you
18 come back there's map that she's aware of
19 and --

20 MR. ZIGLER: I've sat down with the
21 applicant more than once, I sat down with
22 her attorney and her attorney understood
23 there's certain things you can do in the
24 front of your yard even though it's your
25 yard and certain things you can't. So, to

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2 worry about items that would be solved in a
3 construction of the road is one thing, but
4 whatever if you're an applicant or whoever
5 you are we cannot do certain things in a
6 front yard, so that was discussed. It needs
7 to be discussed with her attorney and it's
8 gotta come to an end here because, as you
9 know, we've been on this project for a year
10 and a half and we've been waiting for this
11 agreement. The offer is this piece of
12 property to be attached to that piece of
13 property. The next offer would be this
14 would go back to maybe lot one and this
15 would go back to lot eight, but, you know,
16 we can't keep running a private business to
17 a public forum.

18 MR. MUELLER: I have one question if you
19 don't mind, would a guardrail right where
20 the road is so close to where her house is,
21 would a section guardrail be a
22 consideration?

23 MR. ZIGLER: Her house is no closer to
24 the road than any other house. Look how
25 close that road is to the house

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2 (indicating?) If you ask me, to put a
3 guardrail in the front of somebody's house
4 in a residential neighborhood is a blight
5 and that house is no closer than the ones
6 we're proposing. I'm not saying somebody
7 couldn't run off the road and run into the
8 front of her house, anybody could do that to
9 any house along the road, but to put a
10 guardrail up that wouldn't -- it just
11 wouldn't look good.

12 MR. SHEEHAN: You're looking at a
13 50-foot right-of-way. There's 30-foot
14 paving so that house is gonna be actually
15 like all the homes up there will be another
16 ten feet off the actual road.

17 MR. MUELLER: Just a consideration
18 because she was concerned about vehicles
19 coming into her yard. It is on the bend in
20 the cul-de-sac, and I was just wondering if
21 that would be a possibility, that's all.

22 MR. ZIGLER: Yeah. And then to state
23 the dimensions of this cul-de-sac it's one
24 of the largest ones in Stony Point, that's
25 over 60 foot in radius. So, over 60, most

1 Proceedings

2 of them are 55 or 50-foot of pavement in
3 Stony Point.

4 MR. ROGERS: Just one thing, Dave, just
5 curious, is there anything in writing
6 between yourself and Mrs. Mason on
7 construction, what you're going to do and
8 what she expects?

9 MR. ZIGLER: It was all explained to her
10 attorney and he digressed it and, you know,
11 I can't promise things anything more than
12 you can promise anybody else, you know.

13 MR. ROGERS: Okay. No, I understand.

14 MR. ZIGLER: There's certain things when
15 you do construction, if hit a spring you
16 have to connect a spring, it's just normal
17 things that happen during construction, but
18 it's not gonna look that way it does today
19 and the water is not gonna run the way it
20 does today when that thing is finished.

21 CHAIRMAN GUBITOSA: Do you have a
22 comment?

23 MR. SCHMOEGER: Yep, yep.

24 CHAIRMAN GUBITOSA: Just state your
25 name.

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2 MR. SCHMOEGER: Don Schmoeger.

3 CHAIRMAN GUBITOSA: What is it?

4 MR. SCHMOEGER: Don Schmoeger.

5 CHAIRMAN GUBITOSA: And where do you
6 live?

7 MR. SCHMOEGER: 29 Jessup. I see all
8 this. When I sold Feldy --

9 CHAIRMAN GUBITOSA: You know what, can
10 you just turn around so the Stenographer can
11 hear you.

12 MR. SCHMOEGER: When I sold Feldy this
13 piece in here for him to start all this,
14 there's a bank here, probably about ten feet
15 high goes all along there, what are they
16 going to do about that bank?

17 Second question, when I sold this Feldy
18 supposed to give me sewer, water to my
19 property. I don't know if this shows in or
20 not, I'm not sure. I got that all on paper
21 from Gruman, but whatever. So I got
22 questions about this (indicating,) I got
23 question about my driveway that comes down
24 in here, I got here, but I got that and
25 everything so (indicating.)

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2 CHAIRMAN GUBITOSA: Okay. Dave will
3 answer after you're done.

4 MR. ZIGLER: Basically like I said, the
5 intent is Jessup Lane will be extended and
6 goes right into that telephone pole and so
7 the bank that you're talking about will be
8 over here on the right (indicating) and
9 that's why we offset the road to the left
10 here. We're meeting this existing driveway
11 about where it meets now so we're not coming
12 up and touching the cradle at the top half
13 because that driveway was being created as
14 an entrance to in to a Town road with a curb
15 cut.

16 As far as the utilities go with the
17 water and the sewer it's, you know, I don't
18 -- didn't know about this agreement, but it
19 would be normal for the Town to require a
20 spur for a sewer and water as it passes
21 along without that, so, you know any of
22 these homes that don't have sewer and water
23 it would be required because you wouldn't
24 want them to come back in later on and dig
25 up a dedicated Town street.

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2 MR. O'ROURKE: Those lots are not in any
3 sewer district so.

4 MR. ZIGLER: They should be in a sewer
5 district because it's already an approved
6 map.

7 MR. O'ROURKE: Your lots are. What I'm
8 saying is the gentleman who's speaking now
9 his property is not in that sewer district.
10 It is not so whatever agreement he had you'd
11 probably have to coordinate that.

12 MR. ZIGLER: But the intention is, you
13 know, to provide services.

14 CHAIRMAN GUBITOSA: Max, you had
15 something?

16 MR. STACH: Yeah, I just wanted to
17 suggest because the Town has documentation
18 from Mrs. Mason that says this is her
19 application, she wants this plan, so
20 obviously tonight we have heard differently
21 so I think Mrs. Mason has to either withdraw
22 her consent for this application or going
23 forward the Board has to proceed under the
24 assumption that she consents to whatever
25 Dave's going to submit because we can end up

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2 here again next month with the same thing,
3 where we have a new map and Mrs. Mason
4 doesn't agree to it. So either -- it
5 normally would be she withdraws her consent
6 and then she has to re-consent to the
7 application or maybe the Board maybe could
8 just ask her to write a letter saying that
9 whatever revised map Dave submits has her
10 consents, one or the other.

11 CHAIRMAN GUBITOSA: All right. But she
12 should go through her lawyer for that?

13 MR. STACH: Well, yeah, she would have
14 to talk to whoever it is, but right now we
15 have paperwork that says this is her plan
16 and that is obviously not the case.

17 BOARD MEMBER KRAESE: Before you -- you
18 got a good point there, but we're at the
19 point now where obvious there's issue
20 between the applicants A and B and there's,
21 I feel, there's no answers we can give now
22 because they don't agree.

23 MR. STACH: Right, but the problem is
24 they both have put on paper that they do
25 agree.

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2 MR. SHEEHAN: So the question now is
3 gonna be they gotta get together and come
4 back with another map.

5 MR. KRAESE: Whether your lawyer gets
6 along with them or however, there seems to
7 be some sort of conflict and it's beyond our
8 control. So there is some conflict that's
9 happening with the parties of the situation
10 so I think you have to straighten that out
11 first and then when you agree upon something
12 come back and tell us this is what we want
13 to do.

14 MS. MASON: Okay. I did sign because I
15 remember him saying this is the first step
16 of it. Agree to this and then we'll, you
17 know, add the walls and stuff later on.

18 BOARD MEMBER KRAESE: Yeah, but your
19 first comments was you had nothing in
20 writing.

21 MS. MASON: Well, I haven't had a --

22 BOARD MEMBER KRAESE: But again, you go
23 a verbal situation here, but you're in a
24 situation where you two have to get
25 together. Apparently, it's not working out.

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2 MS. MASON: I need a -- that I will
3 consent to this with stipulations that's
4 what I had asked.

5 BOARD MEMBER KRAESE: Whatever.

6 MR. STACH: But that's between you and
7 Mr. Feldy. What this Board needs, is they
8 need to know when we get a new map next
9 month we're going to assume that you consent
10 to it because you've given us paperwork that
11 says Dave is authorized to submit this plan
12 or your behalf; okay? So unless you
13 withdraw that consent to the application
14 this Board has to assume that you consent
15 to it as we did tonight. So either you
16 withdraw that consent or we have to continue
17 under that impression. Alternatively,
18 tonight the Planning Board could just ask
19 that or require that before it gets put back
20 on the agenda for a Planning Board meeting
21 that they have a letter from you that says
22 you reviewed that map dated X and you have
23 reviewed it, you understand it and you
24 consent to it.

25 MS. MASON: And do I have a stipulation

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2 on that, where do I --

3 MR. STACH: That's not before that
4 Board. Whatever's on the map, the Planning
5 Board needs to know that you want that map.

6 CHAIRMAN GUBITOSA: You have to work
7 that out with your attorney and Mr. Feldy's
8 attorney.

9 MS. MASON: But that's a separate paper
10 I have to have Feldy sign.

11 BOARD MEMBER KRAESE: We can't advise
12 you. You have to go to an attorney. We
13 can't advise you what to do.

14 THE CLERK: She has an attorney.

15 BOARD MEMBER KRAESE: There's something
16 going on here. We don't --

17 MR. SHEEHAN: That's why I tried to let
18 the applicant why she is the co-applicant
19 because only because she's receiving
20 property. I hope she understands what I'm
21 trying to tell her, that unless they can
22 work it out the property may not be offered
23 and that she'll not be part of the
24 application. The end result is if she's
25 part of the application at the end she's

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2 going to have to sign the map so, or not
3 sign the map. So as a Board I hate it to
4 get that far and then there's an issue at
5 the end so you really need to get it
6 straightened out before you come back.

7 MS. MASON: Yeah, I know. This is so
8 confusing. That why originally for the past
9 ten years I've been just telling Marty just
10 pay me the 80,000 you owe me and just keep
11 your property.

12 BOARD MEMBER KRAESE: That's out of our
13 control again. That's something we can't
14 even discuss here at a public hearing, how
15 you're gonna deal with him.

16 MS. MASON: So basically I have to
17 consent to this so --

18 CHAIRMAN GUBITOSA: All right.

19 MS. MASON: I'm going to have a letter,
20 but it doesn't show here.

21 CHAIRMAN GUBITOSA: So what we're going
22 to do is continue the public hearing, but
23 for the next TAC meeting which is the 14th
24 something you have to have in writing either
25 you're going to be part of the application

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2 you're not part of the application.

3 MR. SHEEHAN: Can I suggest that the
4 co-applicant attend with her attorney maybe.

5 CHAIRMAN GUBITOSA: Later on Mary will
6 tell you when the TAC meeting is it's
7 usually on the 14th. If you can come with
8 your attorney it's at 1:00 at the planning
9 office. Mary will tell you after the
10 meeting if you can come with your attorney
11 and then meet with the -- so we have both
12 parties there so we don't go through this
13 again for the next meeting.

14 So I just need a motion to continue the
15 public hearing.

16 BOARD MEMBER KRAESE: I'll make a
17 motion.

18 BOARD MEMBER JOACHIM: I will second the
19 motion.

20 CHAIRMAN GUBITOSA: All in favor?

21 (A response of aye was given.)

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THE FOREGOING IS CERTIFIED to be
a true and correct transcription of the
original stenographic minutes to the best
of my ability.

Melissa Pezzullo