



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

**WEDNESDAY — AUGUST 24, 2005 - 7:30 PM  
TENTATIVE AGENDA**

### CALL TO ORDER

### ROLL CALL

### ANNUAL MOBILE HOME PARK REVIEW:

- A. WINDSOR ENT. MOBILE HOME PARK – CAESAR’S LANE

### REGULAR ITEMS:

1. **EXXON – MOBIL SITE PLAN & SPECIAL PERMIT (04-22) RT. 94 & RT. 32 (MEESE)** Proposed renovation of existing service station
2. **PIARIA INC. (O’NEILL) SITE PLAN & SPECIAL PERMIT - SILVER STREAM ROAD (SHAW)** Proposed 9,800 s.f. building with a 5,180 truck canopy.
3. **SHADY DELL SUBDIVISION (05-13) MT. AIRY ROAD (CUOMO)** Proposed 4-lot residential subdivision.

### DISCUSSION

4. **WINDSOR CREST CONDOMINIUMS - LETTER**

### CORRESPONDENCE:

5. **CORNWALL COMMONS – REQUEST FOR EXTENSION OF PRELIMINARY APPROVAL**

### ADJOURNMENT

**(NEXT MEETING – SEPTEMBER 14, 2005)**

August 24, 2005

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TOWN OF NEW WINDSOR

PLANNING BOARD

August 24, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
NEIL SCHLESINGER  
ERIC MASON  
JOSEPH MINUTA  
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: JERRY ARGENIO  
THOMAS KARNAVEZOS

REGULAR MEETING \_\_\_\_\_

MR. PETRO: I'd like to call to order the August 24,  
2005 meeting to of the New Windsor Planning Board.  
Please stand for the Pledge of Allegiance

(Whereupon, the Pledge of Allegiance was  
recited.)

August 24, 2005

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ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW

WINDSOR\_ENTERPRISES\_MOBILE\_HOME\_PARK

MR. PETRO: Windsor Enterprises Mobile Home Park on  
Caesar's Lane. I guess he's not here to represent  
that, we'll have to put it on the next agenda.

MR. BABCOCK: Maybe he'll be a little late.

MR. PETRO: If not we'll put him off, so let's table  
that until we get back in.

REGULAR\_ITEMS: \_\_\_\_\_

EXXON-MOBIL\_SITE\_PLAN\_&\_SPECIAL\_PERMIT\_(04-22)

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Mr. Greg Meese appeared before the board for this proposal.

MR. PETRO: Exxon-Mobil site plan, special permit Route 94, proposed renovation of the existing service station. Application proposes the reconstruction of facility with new gas pumps, retail building and car wash. The plan was previously reviewed at the 8 September, 2004 and 10 November, 2004 planning board meetings. You were referred to the ZBA for necessary variances, it is our understanding that the necessary variances were granted on 6/27/05 which would verify that all necessary variances would be obtained, is that true?

MR. MEESE: That's correct.

MR. PETRO: It's on the plan?

MR. MEESE: Yes, they're stated on the plan.

MR. PETRO: Just tell us what they were quickly.

MR. MEESE: There was a host of sign variances in terms of the area variances, there's front yard setback, height for the car wash relative to the side yard setback and other than the, I think that was it, then there was a bunch related to the signage that was all approved.

MR. PETRO: Mark, what do you have on this? Where are we and what do you want to do?

MR. EDSALL: Actually, it's in good shape, I think my comment 2 is just noting that there was some discussion while they're at the ZBA and refining their plan to

make some minor adjustments such as proposing to move the vacuum air and water component over near a pocket in the curbing alignment on the exit side of the car wash, that seemed to get it out of the way and it seemed to be more functional. They have refined the dumpster enclosure requirements, they have agreed that it would be appropriate to have recess lighting on the canopies, so all the little items were discussed and cleaned up if there was anything in addition to that.

MR. MEESE: I think that those were the changes that you recommended from the workshop, they were all incorporated on the plan.

MR. EDSALL: So we've got that and we've got as part of the variances just get a confirmation, one of the issues the ZBA dealt with was parking and the issue that always seems to come forward that if a vehicle is parked to both purchase gasoline and then purchase something from the convenient store does the space at the pump count as a parking space. The ZBA seems to have accepted that as an acceptable parking space, I don't know if that was via a variance or whether or not they just came out with an interpretation.

MR. MEESE: There was no variance called out for that.

MR. EDSALL: They just accepted that as an acceptable way of making the calculation. So it's always been one that we thought should be considered and they have accepted the plan as forwarded over. We did not send it to DOT cause ultimately they did not propose any changes to the curb cuts and the uses are all identical, it did not have to go to Orange County Planning because in fact their application was submitted before the change in the intermunicipal agreement which now requires that referrals be made per GML 239 that did not have to go, we need to find out from the agency where we stand with SEQRA and for the record I would suggest that you make a determination if

you need a public hearing here or not, they obviously had one at the ZBA, there are no new special permits, they're just reconfiguring the sites, so I think the record should be clear as to whether or not you want to have one or not, other than that, they have straightened everything out, just need a bond estimate.

MR. SCHLESINGER: What's the required parking spaces?

MR. EDSALL: It's based on the retail and then the gasoline station was eliminated and we've got the car wash, so came down to retail and car wash, car wash requires four plus at least four or excuse me, seven stacking spaces on the access to the car wash and the retail needed 22 or I'm sorry yeah 22 so it's 22 plus the four for the car wash with a total of 26 and that's what they have provided, 16 of which are at the pumps, ten of which are in front of retail.

MR. MEESE: And the seven stack in behind.

MR. EDSALL: Provided at the car wash access, yes.

MR. PETRO: I will entertain a motion for lead agency.

MR. SCHLESINGER: I'll make a motion that we, the New Windsor Planning Board be lead agency for the Exxon-Mobil site plan.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Exxon-Mobil site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER     AYE  
MR. MASON            AYE

MR. GALLAGHER            AYE  
MR. MINUTA                AYE  
MR. PETRO                 AYE

MR. PETRO: Now, Mark, the gasoline station and car wash are existing special use permits but there's really nothing changing there as far as the use?

MR. EDSALL: Correct, the use is identical, this is in my mind a site plan change but I think you should make the record clear if you decide to waive the public hearing that you deemed it that there's no change to the special permit therefore you're not--

MR. PETRO: No increase or lessening of the use that's what we're doing already.

MR. EDSALL: Virtually the same except for rearranged.

MR. SCHLESINGER: Using the same curb cuts?

MR. EDSALL: Yes, exactly the same.

MR. MEESE: Actually reduction in the number of fueling locations.

MR. PETRO: As far as public hearing, gentlemen, I just don't see the purpose for having a public hearing when every use is there to start with, just rearranging on the same site, the same uses, nothing's changing, the neighbors would be not impacted any differently than they are now. The curb cuts aren't changing. I just don't think that it's necessary in this case.

MR. BABCOCK: Jim, I think at the public hearing at the zoning board I don't think there was anybody in the audience that spoke on this project.

MR. PETRO: So unless somebody disagrees with me, entertain a motion to waive the public hearing.

MR. SCHLESINGER: I'll make a motion to waive the public hearing for the Exxon-Mobil site plan.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Exxon-Mobil site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should require that a bond estimate be submitted for this site plan in accordance with Chapter 137 of the Town Code. You're going to have to do that. It's not going to Orange County Department of Planning, it's pre-existing, the new referral requirements, and we just did lead agency. Entertain a motion for negative dec.

MR. SCHLESINGER: I'll make that motion for negative dec for the Exxon-Mobil site plan.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant a negative dec under the SEQRA process to the Exxon-Mobil site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

August 24, 2005

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MR. SCHLESINGER     AYE  
MR. MASON            AYE  
MR. GALLAGHER        AYE  
MR. MINUTA            AYE  
MR. PETRO            AYE

MR. PETRO: We went over the parking, the sewer line goes through the site but the Town Superintendent has accepted the layout. That will have to be in place before we sign the plans, you understand that?

MR. MEESE: Yes.

MR. EDSALL: The attorney has those, Mr. Chairman, I met with him today.

MR. PETRO: Mark, do you have negative else?

MR. EDSALL: No, I would think that if it's acceptable, you could move for a conditional approval subject to the submittal of the site cost estimate, acceptance of the utility or sewer easement relocation by the Town attorney and payment of the regular fees.

MR. PETRO: Can I have a motion to this effect?

MR. SCHLESINGER: I'll make a motion that we give conditional approval based upon the exceptions that Mark just stated into the minutes.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant conditional final approval to the Exxon-Mobil site plan amendment in Vails Gate with the conditions, the three conditions Mr. Edsall read in prior. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

August 24, 2005

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MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

SHADY\_DELL\_SUBDIVISION\_(05-13)

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Mr. Fred Buck appeared before the board for this proposal.

MR. PETRO: Proposed four lot residential subdivision.

MR. BUCK: Paul's gonna sit because of his bum leg. We're proposing four lot subdivision and we had a thought that it was just very simple straightforward and we got a couple of letters here as we came in this evening which I'd like to address. The first one from the fire department states that the cul-de-sac does not have 100 foot pavement nor 120 foot right-of-way and clearly on the plan it states 100 foot pavement, 120 foot right-of-way, the note that we got today was dated May 13, these plans have all been completely redone and right here on the plan it shows radius 50 feet or 60 feet for the right-of-ways and 60 feet for the right-of-ways.

MR. PETRO: Mark, do you see that?

MR. EDSALL: I'm sorry, I was just going over something with the Highway Superintendent.

MR. SCHLESINGER: Who's that letter from?

MR. BUCK: Mr. McDonald.

MR. PETRO: Mr. Kroll, why don't you come up so you can, because we're going to ask you about your comments being that you're here. Fran, let the minutes show that the Highway Superintendent, Mr. Kroll, is attending the meeting and is going to assist us on this application. Mark, while you're looking at that, let's go over to the highway, highway here says there appears to be a substantial sight distance problem in the western direction towards Dean Hill Road, sight distance study from the engineers will be required and

the entrance needs to be flagged for further review by the Highway Department. So with that, why don't you bring us up to date?

MR. KROLL: There's a knoll in the road that you're familiar with cutting the sight distance down.

MR. BUCK: We were discussing it earlier as I came in and again, this is an issue that was brought up as I came in here, this has been on the board since April, this is the first we've heard of a sight distance situation. All of it was programmed without any reference to a sight distance, so we have a solution, a very quick solution that we've come up with in the last 20 minutes just standing here mulling over how do we get around if there's a substantial sight distance upon this, this is a 4 lot subdivision, and there's a private driveway here that goes back to the fifth lot, we are right now proposing 4 lots dropping off into this private road, there's a driveway right here, entry to Mt. Airy Road, if we were to use this driveway to sister, have this driveway dump where that driveway is we can enter the other three lots off this road.

MR. PETRO: It's a private road to the cul-de-sac, is that right?

MR. BUCK: Private road to the cul-de-sac, we have to bend it so it doesn't dump here coming out here.

MR. PETRO: You can't have a driveway?

MR. KROLL: That would be a private road from, and the back lot would be a driveway coming off the private road.

MR. PETRO: So you obviously looked at this?

MR. KROLL: I looked at it and the point is you could improve the sight distance greatly if you put it to the

crest of the hill, we have to check it though to make sure and by putting an extra driveway in you're not increasing the number of driveways or entrances to the road, just shifting them.

MR. PETRO: Okay, so that would eliminate the knoll and eliminate the sight distance problem is what you're saying, is there already a driveway coming out on that side?

MR. BUCK: Right on top of the knoll.

MR. PETRO: The property's located in an R-4 zone district of the Town, the bulk table on the plan is complete and reflects the correct required values. Lot configuration had been revised in compliance for each lot which would necessitate the irregular shape of lot number 5. Representatives of our office witnessed the perc deep tests, the information is on the plan, the plan appears consistent with the data recorded and we just discussed the driveways.

MR. BUCK: There's one other thing about the roadway that came from the fire department said that there was no scaling or no width of the proposed private road and that in fact is also printed right on the plan, I believe it's 24 foot width, so all the things from the fire department are in fact taken care of.

MR. PETRO: Well, I still have disapproved from fire, so you're going to have to go back to fire and find out exactly what he wants, I know he looked at the new plan, he still has it disapproved for some reason.

MR. BUCK: I'm only going by the reasons he wrote down which are not the reasons that are here.

MR. PETRO: He can show you tomorrow I guess, you may have corrected something he hasn't seen also which is possible. The storm water provisions have been

indicated for a private road, roadside swales indicated but no collection at the cul-de-sac, it should be further discussed with the applicant. So what are you going to do inside the cul-de-sac itself?

MR. BUCK: Inside the cul-de-sac there's a, this water runs right down this property line to this culvert that's been here on this property here, that's pre-existing.

MR. PETRO: Are you saying that's sheet flowing down from the cul-de-sac down across the lot into the swale?

MR. BUCK: From whatever would be in the cul-de-sac, this again is the flattened area right here.

MR. EDSALL: The problem is, Mr. Chairman, the slope is, it's not excessively steep, but constant slope from Mt. Airy down. What happens when you get to the throat of the cul-de-sac is if you don't have a collection point, normally we have two catch basins and take it via pipe to the discharge, the water is going to, is not going to run around the cul-de-sac to get to that outlet, it's going to end up having an obstruction, run across the cul-de-sac which is starts to create a little bit of a safety problem. So historically even on private roads we try to get the water redirected from the cul-de-sac to the outlet with a pipe.

MR. PETRO: From the other side of it you mean in other words it's going to ice up if it gets cold and have ponding?

MR. EDSALL: On a steady slope the water will run in a straight direction but the way it is here it has to stop and go around, it's not going to do that, not without a lot of maintenance, but if the road design is changing we'll have to look.

MR. PETRO: You're changing it somewhat.

MR. BUCK: Road design is going to be changing now because of the plan.

MR. EDSALL: So we'll look at it.

MR. BABCOCK: What I had talked to Mr. Buck earlier before the meeting is that if we can get him to come up on top of the hill I think the sight distance is going to be much better if he reconfigures it and we get this one house with a driveway out to Mt. Airy Road I think the Highway Superintendent said we can look at it, sounds like it would work. The only issue that we have is that I'm not sure that their private road profile says that all driveways must come out on a private road, so we have to, we'll have to get by that somehow if that's what it says, I don't have it with me.

MR. KROLL: All driveways have to come out on a private road, it would work out that way.

MR. EDSALL: If that's the case, you can take what's shown as lot 4 and have a rear driveway and then just create an easement over to the private road and it would still have legal frontage on Mt. Airy Road which will make it acceptable zoning wise, it would just access the private road.

MR. BABCOCK: Be a longer driveway if we can't get to do that so this way you don't lose a lot.

MR. KROLL: Well, the cul-de-sac can almost stay where it is.

MR. BABCOCK: Separate entrance to Mt. Airy is going to move up to the top of the hill.

MR. PETRO: All right, still two separate things we're talking about, you're going to, you still have to work on the drainage in the cul-de-sac, sounds like you have

to have a catch basin to remove part of it on one side. Is that what you're saying?

MR. BABCOCK: Yes.

MR. BUCK: Under the way it's designed at this time coming from the crest of the hill running down if it's coming here and running parallel across probably is going to be one side.

MR. EDSALL: It might make it simpler if you moved it, we can look at that.

MR. PETRO: We're not going to design it, so you design, come back with it and make sure it works. 9-1-1 policy of the Town will be required that you assign a street number and 9-1-1 numbering, preliminary stage and subdivision review. You're going to have to do that, if it's a private road you still have to give it a name.

MR. BUCK: It won't be Petro Lane.

MR. PETRO: I don't want Petro Lane. You'll have to coordinate that though with the 9-1-1 coordination probably John McDonald, right?

MR. BABCOCK: Yeah, his office.

MR. PETRO: Make sure there's no duplicate names, make sure you don't pick a name, put it on there, they come back and say it's no good, you can't use Union Avenue.

MR. EDSALL: There's a couple of them already.

MR. PETRO: Planning board should consider authorizing a mandatory public hearing for this major subdivision as required under Section 257-13(a) of the subdivision regulations. How many lots is it?

MR. BUCK: Four.

MR. EDSALL: It's five lots.

MR. BUCK: Five with the existing lot that's there.

MR. PETRO: But if he's coming off the other road it wouldn't be a major subdivision.

MR. EDSALL: Right now it's one lot, correct?

MR. BUCK: One house, one lot.

MR. EDSALL: And you're proposing five therefore it's a five lot subdivision.

MR. BUCK: Proposing to put four on it.

MR. BABCOCK: Four additional.

MR. EDSALL: If you have one lot and you want to split it into two, it's not a one lot subdivision, it's a two lot subdivision.

MR. PETRO: I understand that he's coming off the cul-de-sac with only four but now he's putting one out.

MR. EDSALL: The house isn't on a separate lot, is it?

MR. BUCK: What house?

MR. EDSALL: The existing house.

MR. BUCK: Not right this second, no, it would be with this approval.

MR. PETRO: Maybe he should do the subdivision first and then subdivide the four lots, just subdivide that piece, I mean, I don't know if it will save you any time.

MR. EDSALL: Going to have to have two applications then.

MR. PETRO: Better off just this way send it out to Orange County.

MR. EDSALL: Doesn't go to the County.

MR. PETRO: Department of Health.

MR. BABCOCK: No.

MR. PETRO: It's minor, okay, have the public hearing, we're going to have it anyway, really doesn't matter, they can call it whatever they want.

MR. BABCOCK: It may have to go to the County, Mr. Chairman, he's saying it's five lots.

MR. EDSALL: Where I'm confused is the drafting shows dark lines for the four lots around the cul-de-sac and shows a light line on the outside. Now I was confused as to whether or not the building lot already existed and just being a lot line change and four lot subdivision you're telling me right now in total it's only one lot?

MR. BUCK: Just one parcel.

MR. PETRO: Why don't you do this, why don't you send it to the County, what is it, 30 days, send it there, he's going to have a public hearing.

MR. EDSALL: If it's five residential lots, it has to go to the County Health Department which is not 30 days, I can guarantee that.

MR. BABCOCK: The other thing, Mr. Chairman, really can't send the plan until we get the road relocated and

in the right spot.

MR. PETRO: Are you going to determine then the Health Department or not?

MR. EDSALL: If it's five new lots it has to go to the Health Department.

MR. PETRO: Even though the house is on the fifth lot, it's still creating a new lot.

MR. EDSALL: The fifth lot is more than five acres?

MR. BUCK: It's 12.

MR. EDSALL: He'd still go to--

MR. BUCK: Fifth lot will be 12.

MR. EDSALL: As long as the fifth lot is more than five acres then it has to go to the public hearing here cause it's a major subdivision, but it's not a realty subdivision under the state law, so the Health Department doesn't have to look at it.

MR. PETRO: Just going to have our public hearing here okay and that's it. Thank you.

DISCUSSION

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WINDSOR\_CREST\_CONDOMINIUMS

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MR. PETRO: Discussion, Windsor Crest condos, this is just by letter, Greg's not coming in tonight with this? Who has the letter, Mark?

MR. EDSALL: I don't have it.

MR. PETRO: I did see Chris, okay, I'm sorry, Windsor Crest, all right, very good, come on up.

Ms. Chris Brock appeared before the board for this discussion item.

MS. BROCK: You had asked these are the petitions.

MR. PETRO: Why don't you tell, I know why you're here, why don't you tell the board.

MS. BROCK: I just--

MR. PETRO: And your name, please.

MS. BROCK: Chris Brock and I'm the HOA president of Windsor Crest Condominium and I'm here representing Windsor Crest concerning a sidewalk that was originally proposed for the front of Windsor Crest on 32. What that sidewalk was supposed to do is it would go from our Highwood North entrance to what's now Patriot Ridge and then the other portion of the sidewalk would go heading south towards Vails Gate. That portion would go nowhere because of the trestle, you can't continue the sidewalk. This was the original plans from the builder, when the builder was here originally. He had also set up, it was set up through a bond, he was starting to do Phase 3 as it's three phases, he's been gone since 1998. What happened is he needed to set up this bond to finish the work that he did not complete

in the Phase 2 area. So some of that monies was used for roads, landscaping and other items. There was a portion of the money left over that was to be for the sidewalks, okay, what we'd like to do at this point the homeowners of Windsor Crest do not feel that this sidewalk is going to benefit us in any way. The only thing we thought it's going to be a liability that would be because it's going to affect our insurance which we're going to have to pay for which will go up on liability, the maintenance which snow and whatever other maintenance that may require, they look at it as what's the purpose of the sidewalk. As far as walking to the proposed stores that are going to be there now in the Patriot Ridge in our complex, a lot of people drive to the mailbox, they drive to the garbage, they really don't feel what they're looking at rather than spending that money on those sidewalks which again is just going to cost us money in the long run, they would rather see the money that was left over from the bond to be redirected to be used within the community because the community's getting older, we're having an issue with our pool, seems to be some kind of leak somewhere, they don't know if it's in the pipes or what the story is, that's a big expense. The front of the property Central Hudson has destroyed on one side and everybody rides up 32 can see destroyed that part of our landscaping there, also the curbs, we need new curbing, a lot of the driveways have reached the point which some of them may have to be replaced. So these are big ticket items, so this is what the feeling is rather than spending money on a sidewalk which again is of no benefit to us, we look at it as a liability, we would rather see if possible have it removed from the site plan and possibly have that money redirected into the community to be used within the community.

MR. PETRO: How much money is left for sidewalk, do you have any clue in the bond?

MR. EDSALL: I don't know but I really don't know that

legally if you collect a bond for a specific purpose, if the board, from the developer, if the board decides that you are no longer going to require sidewalks, you have to make that decision, you have to return the money to the developer. It's not the Town's money, not Windsor Crest's money, it's the developer's money as an obligation for part of the site plan. If you remove that obligation, the money goes back to him, it didn't magically turn into somebody else's money.

MR. PETRO: That's half the argument.

MS. BROCK: In other words, my point is I sort of thought that way also because technically that's his money, my main concern is if we can get at least those sidewalks off that takes something off our back in some way.

MR. PETRO: As far as maintenance you're talking about?

MS. BROCK: Just remove the sidewalks from the site plan altogether that way we don't have to have the sidewalks, the money, if it has to be returned to him it has to be returned to him, if not, if there's something that we can do with him that he may turn around and say okay, you can use it for something else all well and good but our main concern at this point is to just remove those sidewalks from the site.

MR. PETRO: How many signatures did you turn in tonight?

MS. BROCK: About 100.

MR. PETRO: Is that the majority you would say of the people?

MS. BROCK: We have 110 homeowners.

MR. PETRO: In what, Phase 1 and 2?

MS. BROCK: Yes and Phase 3 also.

MR. PETRO: You have signatures from Phase 3 also?

MS. BROCK: Yes.

MR. PETRO: You have 110 total, you have approximately 110 signatures?

MS. BROCK: I have 100.

MR. PETRO: Approximately, 90 percent.

MS. BROCK: The little few, you know, you see cars in the driveway, nobody wants to answer their bells, so it's, but on the whole, I mean, the general population of Windsor Crest really are against these sidewalks. I mean, personally, like I said, I live there also, I don't see the benefit of a sidewalk and then it's only sidewalks on our side of the street, are they going to put sidewalks on the other side across from us? And like I said, to go up to Vails Gate there's no sidewalk going to there.

MR. PETRO: There's no purpose there, that's for sure. The only other purpose would have been to go over to RPA where you can then go up to the stores, but if you're saying that people drive a car just to put their garbage out, I doubt they'd be going down the sidewalk.

MS. BROCK: It's not something, I'm just saying these are facts and I have spoken, I have spoken to all these homeowners and they're really, no one has, not one of those people that I have spoken to has given me a positive spin on the sidewalk. In other words, you know, cause I'm just explaining I didn't give my opinion, this is what it is, blah, blah, blah and what do we need a sidewalk for? I said well, I mean, on Vails Gate side there's no need for that, the other

side, well, they're looking because now they did put stores there and the original plan when they did the sidewalks originally which was years back Patriot Ridge didn't exist, but I don't know how long that's been in the works. You know, the stores, who's walking to the stores, I don't know.

MR. PETRO: First of all, it's not stopping anybody from walking there anyway, you can still walk down the road.

MR. SCHLESINGER: What happens if you have a handicapped person?

MR. PETRO: To go down the sidewalk and all the way over to the stores--

MR. SCHLESINGER: Electric wheelchair, I think one of the reasons that you see sidewalks becoming more of a requirement is for the handicapped, I mean, that's, I understand your point of view, you couldn't think of one reason to have them. There's one reason to have them.

MS. BROCK: I know there's this one woman who rides a scooter, I don't know where she comes from and she goes all the way up to K-Mart on the road. Now that would mean you would have to put a sidewalk all the way going up, I guess there's all sides to the story, you know, but speaking just from the, all those at Windsor Crest, my main concern is if there's a way we can get the money that's a bonus, but the main concern is just to remove those sidewalks cause this takes a burden off us because sidewalks are going to be a burden.

MR. PETRO: When I first met with this lady, I came up with the same scenario basically that the one going south to Vails Gate really served absolutely no purpose because it dead ends right in a railroad track, I mean, there's no way you're ever going to cross that but I

had thought from the first entrance on the north side up to RPA might be a good idea just to continue but then you came in with all the signatures and just nobody wants it. So it's an argument both ways, in other words, from a planning standpoint I think what Mr. Schlesinger is saying it's not a bad idea to have it which would be 50% of what you're looking not to do actually more than that because you would also have it across the center piece between the two roads that's in front of the retention pond, but they have a way to get to it through the interior sidewalk and come down on the new one and connect, I think maybe connecting just that one piece unless the only other thing I was thinking about when I was there there's a parking lot behind the retention pond where the first row of houses are that people could walk through from there, if there was a break in the fence, walk over to, that's probably if I lived there it's what I would do, I would never walk all the way down cross over go back up on the top.

MS. BROCK: That's the whole thing, I baby-sit for a little boy in Patriot Ridge, I take the short cut, the fence stops so I go right across. I would prefer if I had to go maybe that way even to the stores then to go through 32 because I don't really like walking on 32 anyway but--

MR. PETRO: What we're saying if I had to go to Cornwall, I wouldn't drive to Poughkeepsie and come down that side, I would go over here and go down, you follow me? In other words, we're saying the same thing, come all the way down and loop back up again to the store, so there's another argument against it. I will poll the board, does anybody have any thoughts?

MR. GALLAGHER: I was with the same thoughts as you, just the one piece connecting. But like you're saying if nobody wants it, what's the purpose?

MS. BROCK: Then again at this point what are we

talking about price, how much is that going to cost because I wouldn't feel, I don't know if there's 30 whatever it is that's left now if say that piece of sidewalk costs more then that means we have to put out money.

MR. PETRO: The one piece certainly wouldn't cost more than the entire bond because there's hundreds of feet of sidewalk, if you count the first piece and count then the two entranceways and exits then you have the other piece that goes down to the trestle. So if you eliminated those two you're really putting a third in, I can't imagine the bond even in today's crazy prices would not be sufficient.

MS. BROCK: Because actually it's from our Highwood North entrance that portion is the portion that would connect with Patriot Ridge then from the other side of the Highwood North section entrance to the Highwood South that's where another piece of sidewalk was supposed to go.

MR. EDSALL: You're talking about eliminating that one, talking about having just the piece on the north end.

MR. PETRO: From the north entranceway.

MR. EDSALL: You can use the internal sidewalk network to get there.

MS. BROCK: And we don't have an internal sidewalk on that piece.

MR. PETRO: There's no sidewalk on the spine road going up?

MS. BROCK: Not from that entrance.

MR. PETRO: It's on the other entrance.

MS. BROCK: What we have, we have where the, well, I have a basic because now I'm trying to remember what we have.

MR. GALLAGHER: Going to the utility shed.

MS. BROCK: No, the sidewalk actually we don't have a, in other words, like here it shows a sidewalk going into the property, there's no sidewalk here, okay, this is where the pool is, all right, and so this is your Highwood South section is to the piece would be here and--

MR. BABCOCK: See how these all connect?

MS. BROCK: We don't have a sidewalk, a lot of the sidewalks in the interior were never done, so what happens we have the sidewalk.

MR. BABCOCK: There's sidewalks throughout this thing all over the place.

MR. PETRO: You're saying there's pieces of sidewalk.

MR. BABCOCK: There's sidewalks all over because you can go from here, you can go from RPA all the way up and around to this section here, the only piece that doesn't have sidewalks is this one which I don't understand why.

MS. BROCK: This doesn't exist.

MR. BABCOCK: See the sidewalk and--

MR. SCHLESINGER: Are the sidewalks that are on the plan there.

MS. BROCK: There's no sidewalk here, no sidewalk here.

MR. BABCOCK: But the plan calls for it.

MS. BROCK: There's a sidewalk, this sidewalk is here, there's no sidewalk on Crabapple.

MR. BABCOCK: Basically to get everybody to the pool.

MS. BROCK: Yeah because this goes right to the pool.

MR. MINUTA: Are you saying that the sidewalks are shown on the plan but are not built?

MR. BABCOCK: Most of them were not.

MR. EDSALL: The top end of the site isn't finished, the sidewalks in the middle are done, this isn't correct.

MR. BABCOCK: Mr. Chairman, this bond when we came up with this bond he needed to get the last C.O. and we didn't bond the whole project, he wasn't completely done with the project, you know, the bond would have been thousands and thousands and thousands, you know, and it was a matter of him getting a C.O. on this last unit and I think the bond was like \$107,000 that doesn't go very far, that was for landscaping and that area of where he wanted the C.O. he hasn't even continued to construct it.

MS. BROCK: He's been gone since 1998 and we only got \$100,000 at the bond because I was at the Attorney General's office and he said another hundred, you know.

MR. PETRO: \$107,000, we settled for \$100,000 and that was it.

MR. BABCOCK: Not enough to do this project.

MR. EDSALL: Phase 1 and 2 the sidewalks were intended to bring the people to the clubhouse, the common area and then the Phase 3 sidewalk isn't done at all but

he's not done with Phase 3.

MR. PETRO: He'd get very little done if he used Mason Contractors.

MS. BROCK: Who knows if he's ever coming back because nobody finds him and that's been open land since '98.

MR. PETRO: We're not getting anywhere.

MR. EDSALL: You're looking at 250 feet of sidewalk on the north end but that would just bring you into the site, you'd be walking the same as you are now.

MR. PETRO: I'm inclined to think this way, if you have that many signatures, you have 90 percent of the people living there who don't want the sidewalk then that's what you don't want, if you want it, you know, you're going to have this all on record, why you won't have it, if you want it at some point, you're going to have to pay for it and put it in.

MS. BROCK: We don't want it, again, we're looking at, and naturally being a member of the board, I'm looking at the financial end of it and, you know, why spend the money when we have like I'm saying we have things internal that we need to do, so why have to worry about a sidewalk which is going to cost us more insurance, different kind of things, whereas the community's getting older, we need curbing, the pool, there's some kind of a problem and that goes into thousands and thousands of dollars. So we're looking at where we would want to for our quality of life rather than a sidewalk sitting out there.

MR. BABCOCK: Mr. Chairman, I don't think anybody is going to go there and put sidewalks in, if the developer shows back up to finish this project which I can't imagine that he wouldn't some day, but when he shows up that would be the time that we would say to

him if you want building permits to continue on you've got to put those sidewalks in. He'll be more than happy not to put sidewalks in and then that would be the time we would contact them, I would tell them that if there's 115 people, I want 115 signatures, not just the percentage of them because I don't want somebody coming to me that's in a wheelchair that says they want that sidewalk, they have to have all of them, everybody that lives there.

MS. BROCK: If that's what you need, I'll get it.

MR. BABCOCK: But I don't think we can discuss it, we would never give them the developers money, we can't, so I don't think the sidewalks are ever an issue until the day that the developer comes back and says I want to finish building this then we can sit down with him.

MR. PETRO: Doesn't sound like you're getting the money anyway, just won't have the expense of maintaining them and you don't want them there in the first place.

MS. BROCK: That's the bottom line. The most important part of the issue was naturally trying to just eliminate them because--

MR. SCHLESINGER: I have a question here now I'm confused you're here for two reasons, number one, which we pretty much discussed that if there was any money that you could receive from the bond you'd like to use it and which I don't think from a legal issue is probable and I understand that the other issue is that you don't want the sidewalks. Who's putting in the sidewalks?

MR. PETRO: Nobody.

MR. SCHLESINGER: Nobody's putting them in anyway, if the developer comes back then there's going to be a conversation. But right now, I don't think you're

faced with having the sidewalks come in.

MS. BROCK: What happened this all came out in conversation because originally when we started using the bond money for the roads and landscaping whatever we had to use it for that was part of the issue. So even at that point we really didn't want to get involved with this, but it has come out that if it ever was to come up now say the Town approaches us, well, you guys, you got to put, what about these sidewalks cause this is what the money was supposed to be for and it's still on the site plan, you know, we were thinking well, you know, we might have to do this and we really don't want to do this.

MR. SCHLESINGER: But push hasn't come to shove yet.

MS. BROCK: Like I said, I have to quell people's minds, you have 110 homeowners and you double because it's husbands and wives and all that and they come to you so to give them peace of mind, let me go check this all out, see what you can do, even as far as getting the sidewalk taken care of and not have to worry about it at this point or whenever because like I said the builders seem to have just vanished.

MR. SCHLESINGER: Right now when you come up with your budget, you're not going to have to budget for any maintenance for the sidewalk or any repair of the sidewalk or anything so you're okay now.

MS. BROCK: That was all like I said just to take care of people, you know, who have it.

MR. SCHLESINGER: When--

MS. BROCK: Like I said, let me go and talk to the people who now, and I can come back to you and say this is what's decided, if and when the builder returns and at that time, whatever's on the site plan that has not

been done and whatever I, and he continues on then it's between the planning board and him.

MR. PETRO: So you don't have a problem now and in the meantime, as Mike said, I would continue and get all the 110 signatures, that speaks volumes now, right now there could be one person in a wheelchair or one person who wants to walk down a sidewalk, we don't know that.

MS. BROCK: Suppose you get one person that says yeah, I want the sidewalk, I don't know how that can change the whole picture.

MR. PETRO: I would just try to get as many as you can.

MS. BROCK: So you have about 100 there, I do appreciate the time and thank you very much for your help and I will, when I get them, I can just drop them off to Myra?

MR. PETRO: Sure, we'll put it right in the file and we took care of the landscaping problem around the fence.

MS. BROCK: Right now, we have to worry about it because it's dry but I do thank you again, thank you very much.

CORRESPONDENCE

CORNWALL\_COMMONS\_-\_REQUEST\_FOR\_EXTENSION\_OF\_PRELIMINARY  
APPROVAL

MR. PETOR: Correspondence, Cornwall Commons, request for extension of the preliminary approval. Dear Chairperson Petro and Board Members: I'm writing to you on behalf of Cornwall Commons, the applicant that formally requests that the planning board grant an extension of the preliminary approval of the above-referenced subdivision which expires on August 27, 2005. We continue to work diligently, various involved agencies, not yet been able to obtain all necessary approvals from involved agencies submitted to both the Town of Cornwall and Town of New Windsor, requests an extension of the applicant's property located in the Town of New Windsor and Town of Cornwall, therefore, we are requesting that the board extend the preliminary approval for an additional six months to run from August 27, 2005 to February 27, 2006 at your next meeting. Michele L. Babcock for Mr. Joseph Amato. Mark, any problems with that?

MR. EDSALL: No, I think it's reasonable, given the fact that the two towns are trying to finish this arrangement, I'd suggest you grant it.

MR. PETRO: Motion for 6 month extension.

MR. SCHLESINGER: Make a motion for six month extension for the preliminary approval for the Cornwall Commons.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant six month extension for the Cornwall Commons for preliminary approval. Any further discussion? If not, roll call.

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ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

STELLA\_WAY\_(03-08)\_-\_REQUEST\_FOR\_TWO\_90\_DAY\_EXTENSIONS\_  
\_\_\_\_\_  
OF\_APPROVAL

MR. PETRO: Stella Way, a request for two 90 day extensions of approval. Dear Ms. Mason: Please place this project on the Planning Board agenda for two 90 day extensions of its final approval. If you have any questions, please do not hesitate to contact. And it's signed MJS Engineering and James Clearwater, PLS. Stella Way, where was that one?

MR. BABCOCK: Shiavone Road, Beaver Dam Lake, 3 lot.

MR. EDSALL: Ken Gass was the applicant.

MR. PETRO: Two 90 day extensions which is, they're entitled to?

MR. EDSALL: They're entitled, the expiration would then be 360 days from the date of the meeting at which time you granted approval.

MR. PETRO: Myra, you can set that up, doublecheck so we have the correct date. Motion to grant two 90 day extensions?

MR. SCHLESINGER: Make the motion to extend Stella Way's request for final approval for two 90 day extensions.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant two 90 day extensions of the final approval for Stella Way. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER     AYE

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MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

DISCUSSION - RPA

MR. PETRO: Before we quit, Mike or Myra, maybe you can answer, I had asked Mr. Shaw to show up tonight for the RPA down in the corner for the landscaping on the corner where they're building the big building, does anybody know what happened to him?

MR. BABCOCK: Number 2 was canceled.

MR. EDSALL: I think he had a scheduling problem but I know in speaking with Greg they fully intended to let the area stabilize after they got this grading done and put in the retaining walls, the extensions that they had given you a concept idea on and I believe they were having a landscaping plan prepared to fit in with the walls they had designed.

MR. PETRO: The other part of my question is if you go down 32, there's a new entranceway that goes up into the site, he has all the boulders placed there with dirt up against the boulders. Did you see that? Did anybody see that?

MR. BABCOCK: No, I have not seen that. Using that as a retaining wall.

MR. PETRO: He took the boulders off the property using it as a retaining wall, for lack of a better word, I think that sucks. And we're going to, I want to take it out of there, you've got a one hundred million dollar project there and we're using boulders, it just doesn't fit.

MR. SCHLESINGER: What's happening with the clubhouse there?

MR. BABCOCK: The clubhouse still as of today does not have a C.O.

MR. PETRO: Clubhouse with no C.O.

MR. BABCOCK: They're close.

MR. PETRO: We're going to have to get him in, I know he was coming tonight, was going to discuss it, I told him to come to the meeting.

MR. BABCOCK: Jim, there was also another section that was between the commercial residential that there was a large wooded area, large, I call it large, they call it small and they cut it down, all the trees were dead so I told them that I have wanted them to prepare a landscape plan for that area that this board said that you wanted that.

MR. PETRO: All the trees died for a simple reason, they loaded up 6 feet of fill around each tree.

MR. BABCOCK: Now they're going to have to plant some trees.

MR. PETRO: Look at that and the landscaping plan in front and change the other entranceway if that's the best we can do is push some boulders out there and call that landscaping, I think we'll take up a collection.

MR. BABCOCK: Well, we have to see what the plan, they had to have something on the plan for retaining walls.

MR. PETRO: We need to look at the whole landscaping plan, this is not working and I have talked to him, I went to the site up on the site and talked to him personally and they showed me on the site what they were going to do, put it on paper, I'll show you, no, come in and show the board and he was supposed to be here tonight with them. So what we'll do is let's schedule him for the 14th, if nothing's happened by the 14th then we'll have to start on C.O.s again so we get somebody's attention.

MR. BABCOCK: Okay.

MR. PETRO: Anybody in disagreement with that? He's got the clubhouse which is not done, if I'm living in one of those condos, I paid \$350,000 and in the perspectus it says clubhouse and you can't go there.

MR. EDSALL: The railings going down the stairs to the tennis courts have no railings, he's just got it taped off on the thing.

MR. PETRO: How come they can frame six new units up on the hill but can't put a railing on the stairs? So do we need to get somebody's attention?

MR. BABCOCK: Apparently we can.

MR. EDSALL: Seem to be focused in the wrong direction.

MR. BABCOCK: He came in on June 8, I think the date was, and he said that Greg Shaw said that he thought two weeks and then by the time the meeting was over and you guys said we're on him pretty hard, he said within 30 days they would have the C.O. for the clubhouse and they can use it, that was June 8.

MR. SCHLESINGER: I even said that we canceled the meeting before this which would give him more time irrelevant though because you have to give him the C.O.

MR. PETRO: Well, here's what we're going to do, I'm going to call him myself or I'll stop down at the office and by the 14th if it's not corrected or have a complete set of plans then the C.O.s will be held up because he's got a lot of C.O.s.

MR. BABCOCK: Sure.

MR. PETRO: How about building permits, pretty much

done with those?

MR. BABCOCK: He may need two, I think there's two left.

MR. MINUTA: Are those tennis courts being used that don't have railings, are they being used?

MR. BABCOCK: No, not to my knowledge.

MR. SCHLESINGER: No, they have a C.O. though.

MR. BABCOCK: No.

MR. PETRO: I'm surprised just in general that you can have such an elevation on that front building and to put up a retaining wall like that and think that that was going to be sufficient, it just amazes me.

MR. SCHLESINGER: Didn't they have to go to the zoning board?

MR. BABCOCK: They were in the zoning board for preliminary Monday night for it's actually an 11 foot high variance they're asking for, they need one foot for the building and for the decorative--

MR. PETRO: What's that got to do with the retaining wall?

MR. BABCOCK: I'm just saying their building is 11 foot higher than what you guys approved.

MR. MINUTA: Eleven feet higher?

MR. PETRO: With the cupola, it's actually one foot but if you had a cupola in the center, you have to by law consider that.

MR. BABCOCK: But you guys considered that when you

approved it.

MR. PETRO: I don't like the retaining wall, I don't like the way it looks and I still, Mark, were you there when I was there where the curbing is down to even if they tear out the walls, there's not enough, not in height there's not enough width to get up high enough, the curbing is right there, it's only 15 feet off the road.

MR. BABCOCK: Because they step in.

MR. PETRO: You have to go in as you go up and I said I don't know how you're going to do that, that's why I was hoping tonight to see the plan and I'm not an engineer, I know you can't do it.

MR. BABCOCK: Normally the construction I see you put the retaining walls in first then you build to them.

MR. PETRO: Well, the last thing I said when I left there I argued with the foreman who said no, no, no problem, he probably thinks I sell shoes during the day, I said listen, you can tell me all no problems, no problems that you want, but you, if you can't demonstrate on the maps the curbs coming out you may need a variance for your building or take part of it down because that's got to be done correct. And I told him it's got to go 80 or 90 feet up the road, not 12 feet whatever they have there. I don't know why this is a problem, I really don't know about you, Mr. Engineer, what do you think?

MR. EDSALL: They seem to be running into a lot more problems than the average developer but they have been demonstrating that ability right from the beginning.

MR. PETRO: Imagine if we had 536 units like somebody else wanted to put there and we can't deal with 103. It's a mess,

MR. BABCOCK: Mr. Chairman, we'll have somebody go to the site tomorrow for the entranceway and landscaping.

MR. PETRO: You can go there tomorrow and tell them the boulders have got to go.

MR. GALLAGHER: Are they having the same problems over in Dutchess because they're building across from the stadium same project?

MR. MINUTA: I think you're right.

MR. EDSALL: That's them.

MR. GALLAGHER: Are they having the same problems?

MR. BABCOCK: I don't know.

MR. BABCOCK: Well, we have similar problems on all projects, it's fine to put it on a piece of paper but sometimes it doesn't work in the field and as long as they respond and fix it, there's really no issue.

MR. PETRO: I agree, I went there, set up a time, it was three weeks ago and they're supposed to be here on the 24th.

MR. EDSALL: They're just not giving it the attention it deserves.

MR. BABCOCK: We can get their attention.

MR. PETRO: Get the attention to build a condo and sell it, that gets the attention, all right, we're going to, no sense of beating a dead horse, I'm going to go there and tell them that it is next meeting I'd like to see a finalized plan, Myra says they have a new plan, landscaping plan, but why didn't he represent it tonight just because something happened?

MR. BABCOCK: Apparently something happened cause--

MR. EDSALL: He was planning on being on the agenda, must of had a problem.

MR. BABCOCK: Unless he's afraid to come in front of this board.

MR. PETRO: Shouldn't be afraid, it's not a matter of being afraid.

MR. BABCOCK: That was only a joke, Mr. Chairman.

MR. MINUTA: It would be nice to see a landscaping plan.

MR. MASON: Maybe he couldn't find a parking spot.

MR. MINUTA: I feel like I'm driving down a corridor of dirt and masonry of what's going to be masonry.

MR. PETRO: Looks like a canyon but he has a landscaping plan that we approved so he's got to follow that.

MR. MINUTA: Landscaping and topo the same from the previous?

MR. PETRO: Only thing I can think of something changed in the field with the height of that Belgian block curb, something changed and now they're too high and too close to Union Avenue, so I think that's why they're having a hard time trying to figure out how to get that height in 12 feet.

MR. MINUTA: Is the building in the proper location?

MR. PETRO: I have no idea, should ask him for an as-built on that building to see if it's in the right

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spot.

MR. MINUTA: Do we know if the building was staked in the right position?

MR. BABCOCK: No, we don't, I mean, they've got to give me an as-built.

MR. MINUTA: I haven't seen the plans prior to this but I would assume that if it's that close, the roadway's that close to it, perhaps they may have been located closer to the road than was required.

MR. EDSALL: Or they built the pad higher than it was supposed to be.

DISCUSSION - WINDSOR\_CREST

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MR. PETRO: Mrs. Antonelli?

MRS. ANTONELLI: I listened with interest with the lady from Windsor Crest, you know, and I understand the pros and cons of the sidewalks but my question is this developer had plans which showed sidewalks, now those sidewalks are not finished or maybe he does have the money, he's left the area, when someone doesn't complete the plan, the sidewalks, can they still get the project approved or does the Town go after them and say you've got to come back and do these sidewalks? And then also with these sidewalks not being constructed, all right, you have some but you don't have others, suppose you did have a handicapped person whether they're in a scooter or they're walking and that person falls because the road, because there was no sidewalk and maybe the road wasn't completely, who's liable then, is the Town liable in addition to the developer? I'm just curious.

MR. PETRO: Developer's liable, we have the bond as you heard which was \$100,000. Since that time which was '98 the bonds have been greatly increased to eliminate part of this problem. Now I don't know what the bond would be but it would much more hundreds of thousands of dollars but it's twofold here because the people themselves don't even want the bond to be used to pull the sidewalks in.

MRS. ANTONELLI: My question is when you see a plan and you have retaining walls and you have sidewalks and so forth and you approve the builder's plan or developer's plan, don't they have to complete the retaining walls, don't they have to complete the sidewalks?

MR. EDSALL: The answer is yes, but the sidewalks that aren't in are for the phase that was never built, the top end of the site, the sidewalks that are in the

areas where the C.O.s were obtained.

MRS. ANTONELLI: So there's sidewalks in the areas that were originally done?

MR. PETRO: There was one first phase, the third phase up on the hill was never complete, he just took off.

MR. BABCOCK: There's no schedule, how is it that there's no schedule when somebody has to put a sidewalk in, when somebody has to put a tree in, when somebody has to do any of those improvements what we do is as the buildings are built, the improvements around that building are what we'd like to see done and so on and so forth, so when the clubhouse is built, the clubhouse has the sidewalks around it, these sidewalks, there was an issue because they're on DOT property and that was a big issue if you guys remember, it was a big issue and the Town sent a letter.

MR. PETRO: Originally told us no.

MR. BABCOCK: DOT said you can't put them there so they continued building and then sidewalks just never got done.

MRS. ANTONELLI: So the third phase which was never built doesn't have the sidewalks?

MR. BABCOCK: That's correct.

MRS. ANTONELLI: So the other parts do?

MR. PETRO: Most of them.

MR. EDSALL: But the plan didn't show continuous sidewalks, the layout, and again it's numerous years old, gives the impression that the sidewalks were intended to bring the people to the club, not not walk around the whole site and sidewalks are not on every

road on the plan. As far as the responsibility goes and bonding, the Town has taken the action which a lot of towns haven't in requiring that if you want a C.O. and certain site improvements aren't done, the Town obtains a bond but because it's a condo association as far as somebody being at fault the Town is not the one with the jurisdiction, it's the State Attorney General because they have control over all condos and townhouses, anything common ownership, we do our best because it's a lot quicker for us to get a bond and try and force them to do it than it is going to Attorney General.

MRS. ANTONELLI: One final word, both Diane and I have enjoyed coming to the planning board meetings and the zoning, it's been quite an education, a good education.

MR. PETRO: There's a lot to learn. I learn at every meeting something that's for sure. We have a couple good teachers. Anything else? Motion to adjourn.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer