

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
August 7, 2008

Meeting began at 7:30 PM

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Ocean Township Planning Board was held on the above date and time; Chairman Anepete presided and called the meeting to order.

ROLL CALL

Members Present: Vincent Anepete Rita Sweeney Lee Eagles
Ralph Avellino Dennis Tredy Craig James
Richard Reilly Gordon VonSchmidt

Members Absent: Robert Knowles, Daniel VanPelt, James Eckert

Chairman Anepete asked for a motion to approve the minutes of the July 3, 2008 regular meeting. Ralph Avellino made a motion to approve. Richard Reilly seconded the motion. All in favor: (aye) Avellino, Reilly, Sweeney, Tredy, Anepete.

Chairman Anepete asked for a motion to approve the vouchers. Dennis Tredy made a motion to approve. Ralph Avellino seconded the motion. All in favor: (aye) Tredy, Avellino, Reilly, Sweeney, VonSchmidt, Eagles, James, Anepete.

BOARD COMMENTS

Chairman Anepete spoke regarding the ordinance subcommittee meeting on July 29th. The tree ordinance final draft is being prepared. After the draft is prepared, it will be given to Mr. McVicar to review prior to it coming before the Planning Board.

Also discussed at the meeting prior to the 29th, was the possibility of having an ordinance to eliminate people putting their trash out at the curb days ahead of their scheduled pick-up. No consensus was reached at this meeting. When residents call the Town Hall, they are told that they cannot put out their trash until the evening before, but it is not written anywhere which is why the subcommittee would like an ordinance created.

One problem is the weekend people. Sunday night they put their trash out because they are leaving for the weekend. A large dumpster on municipal property was discussed so that weekend residents could dump their trash before they leave. Mr. Reilly felt this would be difficult to enforce and possibly cause a rodent and seagull problem. Paramount is having your trash in a container.

Mr. Tredy suggested that the Township Committee look over the fact that there is not an ordinance in place concerning the day and time that trash can be put out for pick-up. There was uncertainty whether or not Laurie Clune had already sent a memo. Chairman will follow-up with Laurie.

OLD BUSINESS

None.

NEW BUSINESS

Review of Draft of Storm Water Management Plan dated August 7, 2008 and related proposed ordinances.

Mr. Martin Miller of Alaimo Associates, Township Engineer spoke regarding the plan. The plan was originally adopted in 2005 as mandated by the state to adopt a Storm Water Management Plan together with Storm Water Management Ordinances which controlled the management of the plan.

Mr. Yost swore in Mr. Miller.

The plan that was adopted in 2005 contained the Storm Water Management Ordinances for the township but it was void of the Storm Water Management Ordinances for the Pinelands. The Pinelands Commission was still in the process of promulgating and providing ordinances that they felt were necessary. Now the Storm Water Management Plan has been updated and contains a culmination of the references from both the County and the Pinelands and also includes the recent changes in the Township's ordinances and the Master Plan. The new Storm Water Management Plan includes updated ordinances for the township that covers the area that is not in the Pinelands and it includes the Pinelands and all of the Pinelands recommendations for approval. The County had signed off on it, and the Pinelands had a few recommendations and Alaimo has inserted those recommendations into the Plan together with the ordinances. Mr. Miller feels this is as complete as they can have it.

Since the adoption of the 2005 ordinance, the Planning Board had ordinances for updating the C-3 Highway Commercial District and an ordinance that modified the boundaries of the Environmental Conservation District and the Bayshore Conservation District. The new plan and the ordinances take into consideration the newly adopted ordinances that the Planning Board had completed in 2006.

Chairman Anepete asked the public to refrain from having conversations while this matter was being heard. Mr. Avellino also addressed that at the beginning of the meeting, when we stand to salute the flag, we request everyone stands up.

One of the issues from the County and the Pinelands was a mitigation plan. If an applicant came to the Planning Board and found it difficult to meet the requirements of the ordinance, they might want to mitigate those requirements. What the township would have to do in order to provide this mitigation plan is they would have to do a study of environmental requirements throughout the town. There are fourteen separate drainage areas and each one of these drainage areas would have to have a potential mitigation plan for that. That would mean that the township would have to embark on a study to provide the mitigation projects for potential developers who could not meet the requirements. So what we have done in this plan is we reserve that out and we have indicated that each developer would have to meet these ordinances. If he feels that he can't then he would have to provide that mitigation plan himself instead of the township providing it. Then it would be addressed separately from there. That was one of the main problems that the Pinelands had with the original plan. We have addressed it that way; we passed it through them and we they feel it will work for them.

The plan is essentially the same as was adopted and approved in 2005 save the modifications required by the County and Pinelands. The objective is to have the board approve this Storm Water Management Plan and pass it on to the Township Committee for their approval.

Mr. Avellino asked if the mitigation could be challenged in court.

Mr. Miller said he felt not because if the ordinance is passed, they have to meet the regulations. Those are our rules. If they can't meet the rules, they can offer their own mitigation plan and first the Board would make a recommendation to the Township Committee that this mitigation plan would be acceptable. I suspect if it were in the Pinelands, then it would also have to go through the Pinelands.

Mr. Yost added that probably anything could be challenged in court; it's a question of whether it would be done successfully or not.

Mr. Tredy asked to verify what the Board was being asked to approve tonight.

Mr. Miller stated that the Storm Water Management Plan includes the ordinances which are in final form.

Mr. McVicar said basically we see this happening throughout the state. Towns have to go through the final adoption of this Storm Water Management Plan. The Pinelands and the County are telling the township what has to be in the ordinances and the plan and basically you're just adopting it.

Chairman Anepete felt it was only reasonable that any future applicant comply with the cost for the mitigation if they can't meet the standards. Why should the taxpayers of Waretown have to pay for a study when in fact it's their responsibility?

Mr. Miller added that the view from the other side if the Township was aware of any number of environmental concerns, they could list them as an environmental mitigation project for each one of these drainage areas. If there happens to be a lot of development in one particular area, the Planning Board may recommend to the Township Committee to study that area to provide a mitigation plan.

Chairman Anepete asked for a motion to approve the Storm Water Municipal Management Plan. Mr. Tredy made a motion to approve the 2008 Municipal Storm Water Management Plan, Mrs. Sweeney seconded the motion. Roll Call: (ayes) Tredy, Sweeney, Avellino, Reilly, VonSchmidt, Eagles, James, Anepete.

Chairman Anepete stated that Mr. Yost prepared a resolution and there is one in place. Mr. Tredy made a motion to approve Resolution 18-08-PB on the Municipal Storm Water Management Plan. Mr. Avellino seconded the motion. Roll Call: (ayes) Tredy, Avellino, Reilly, Sweeney, VonSchmidt, Eagles, James, Anepete.

Mackres Family, LLC, Block 41, Lots 37 and 39.01, Minor Subdivision, Docket No. 03-08-PB.

Mr. Thomas Butz of Schuman & Butz, attorney for the applicant approached.

Mr. Butz: This is an application for a minor subdivision of two existing lots, the shopping center on Route 9 with the motel in the back. All we are doing in this proposed minor subdivision is redrawing the lines on the map between the existing lots. No variances are required, no violations are there as a result of the subdivision and I have Mr. Jacobs here, the Engineer who has prepared the plans, who is prepared to address any questions that you have and address the issues raised by Mr. McVicar in his review letter of July 11th. I suggest, Mr. Chairman, subject to your approval, is that I take Mr. McVicar's letter and sort of go through it and address each of the issues in there if that is acceptable to you and then have Mr. Jacobs comment on anything which is an issue. Is that acceptable?

Chairman Anepete: That is procedurally satisfactory with me.

Mr. Yost swore in Mr. Jacobs.

Mr. Butz: Referring to Mr. McVicar's letter, Mr. Chairman and members of the board, going to the second page, everything down to the issue of zoning is really comment and pretty much boiler plate. If you look at zoning under item "C", you will see where the zoning requirements are set forth by Mr. McVicar on the required and proposed, and

again I will just note for the record that all of those requirements are complied with so there are no variances, set-backs, etc. Am I correct Mr. McVicar?

Mr. McVicar: That is correct.

Mr. Butz: Going on to item "D" design comments which is really the critical part of the report, and his first comment in "D" is about the location of the access drive and we will agree to do that. That is acceptable and we will do and update access agreement satisfactory to the Board Engineer and the Board Attorney for the access to building Lot 38.02 which is the daycare center. That is not an issue and we will provide that.

Mr. Butz: Number two on page three under "D" metes and bounds of the freshwater wetlands. We will comply with that but there is a caveat that we need to discuss. Mr. McVicar has indicated there must be added to the map along with any associated wetlands buffer. The issue there is that the DEP buffer is under appeal with the DEP currently as we speak. So that my suggestion is that we'll put it on as it is now. Am I correct Mr. Jacobs?

Mr. Jacobs: We'll put the metes and bounds on the wetlands line itself, yes.

Mr. Butz: When the appeal is concluded with the DEP.... What's going to happen Mr. Yost is it's either going to be a 50' buffer or it's going to be 150' buffer which would be a big problem. There is one issue about one plant that is in controversy on the site. What is it called Mr. Jacobs?

Mr. Jacobs: It's called the Beaked Rush or something like that. The DEP has concerns that there may be Beaked Rush or derivative of that name in the existing draining basins that are on the site and as a result, they put a 150' buffer on the existing drainage basins.

Mr. Butz: So my suggestion Mr. Yost, I'm trying to figure out a way to solve it, that if we approve it in any resolution, it would be subject to we will put on a map and revise that depending on what the DEP's resolution is on the appeal, but that could be some time. So my suggestion is I have no problem with having him put now because that is what the DEP is saying, 150' buffer on it, put that on the plan, but if we put in the resolution that if we are successful in our appeal, we will file a revised plan which the engineer can approve with the 50' buffer if as we think we're successful in our appeal, if that is acceptable.

Mr. McVicar: My issue with that is that I have the DEP as an outside agency approval, so approval of an associated buffer but would hold up not being signed by the board. That's my issue.

Mr. Jacobs: That's a huge issue, because that could be a year or more. Seriously, would you have any problem with signing a map now, subject to a condition in the resolution that I just suggested to Mr. Yost? Would that solve the problem?

Mr. McVicar: If that is acceptable to the Board Attorney, I don't have an issue.

Mr. Yost: This is the first I've heard of this so, let me just think about it.

Mr. Butz: That is my suggestion Steve; otherwise we're at the mercy of the DEP for potentially years theoretically. Remember, all we are drawing is a lot line, we are not proposing any construction what-so-ever.

Mr. Yost: Understood. So that would not effect any, there are no structures being put in as a result of this application that would be dependent upon a determination of where the buffer zone was laid.

Mr. Butz: I'll tell you what it would affect Mr. Yost. If the DEP prevails with 150' buffer, then the back piece of the lot which is vacant now, we would not be able to provide access to the back for any future development with a 150' buffer without taking down part of the existing shopping center to move a driveway out of that access center or in the alternative, you would have to go to DEP with another application to allow the construction of right-of-way through the 150' buffer which is a theoretical possibility. But that is the issue and that is obviously why the buffer is being appealed because as it stands now with 150' nothing is going to happen back there. So obviously, nothing is going to happen back there until the issue with the DEP is resolved. But here all we are doing is redrawing the lot lines on a minor subdivision, nothing is proposed and we fully understand that no spade can be put in the ground to do anything on that. We are not proposing to do anything until all of these issues are resolved and then if they are resolved, obviously we have to come back to the Planning Board for any future plan to put a spade in the ground with a site plan. So all we are doing now is drawing the lot lines. So I am asking whether you would consider whether in the resolution we can handle Mr. McVicar's issues by that condition that will show 150' on and if we lose the appeal, or win the appeal, we'll revise the map to show the 50' resubmit that to Mr. McVicar and he'll have the authority to approve that map without coming back to the board.

Mr. McVicar: Where we run into problems in the past is it has not been a problem with me, with the Township Engineer indicating they want this information. They won't sign signifying compliance with the map I would want. So unfortunately we let Mr. Miller leave earlier or he would be able to give testimony on that because they will be the ones that would need to sign off on the map.

Mr. Butz: I guess all I can ask then is what I've ask Mr. Yost to consider and in the resolution we have to submit the resolution and then argue with the Engineer for the Town. I appreciate your comment.

Mr. Yost: I think if I understand the problem, this is the first time I've heard of it. I think that if the board saw fit to otherwise pass it, that we could construct a resolution that could handle the problem understanding that you win your appeal, you provide down to 50'. We'll take a shot at drafting a resolution that is accurate and that doesn't cause any

problems and if the devil in the details comes up in the drafting, we can address it at that time.

Mr. Butz: That's fine. It's certainly acceptable. Obviously that's the best we can all do at this point in time.

Mr. Butz: Number 3 on page "3". The DEP Letter of Interpretation – yes we will provide that. That is not an issue.

Mr. Butz: Number 4 which is regard to the access drive and easements, what we will propose to do Mr. Yost is all of these easements currently exist and as everybody knows sitting here who lives in Waretown, the project has existed as a commercial site, motel, shopping center, restaurant, for what? 30 years or so. But what we will do is, we will provide a blanket easement covering all the access, utilities, etc. everything that Mr. McVicar is addressing in item 4 and otherwise in this review letter and we will submit that to obviously Mr. McVicar, as well as the Board Attorney for review. So it would be a blanket access easement, blanket utility cross utility easements and let me indicate also that on this particular site, the water and sewer lines were privately installed by Mr. Mackres years ago and they are not actually lines owned or maintained by the Utility Authority which is unusual, but it happens to be the fact here. Those are no existing water and sewer line easements within the site. There are lines and it's served by water and sewer, but they are all privately owned by the property owner. We'll have to address that, but I want that on the record because and obviously that could be verified with the MUA. Bruce, you talked to the MUA about that issue did you not?

Mr. Jacobs: At one time yes.

Mr. Butz: And what did they indicate to you?

Mr. Jacobs: At the time when they were looking at the Town Center, they were looking at us to provide easements to them so they could utilize the existing infrastructure for expansion up into the rear portion of the site and more and that's as far as it ever went in discussions with them.

Mr. Butz: That was based upon the fact that the MUA were private lines at that time and at the present time correct?

Mr. Jacobs: Yes because at the time that the water system was coming in off of Volunteer Way, George Mackres worked with the MUA of bringing in water and sewer to the facility. He did that as, they're water mains, but they're really a big lateral for him the way the MUA would look at it.

Mr. Butz: I guess that's the way it's characterized, just like houses. From the street in, it's a lateral owned property owner, but in this case all of those main lines coming in are like laterals on the property. We have no problem dealing with those access easements and other detailed easements as he's proposed in number 4.

Mr. Butz: The same thing with number 5, Mr. Yost. The cross access easement, we agree to that.

Mr. Yost: You're just proposing to make one blanket easement that will encompass all the easements that the Board Engineer suggested.

Mr. Butz: I'm going to try, hopefully, to prepare a blanket deed of easement that will cover all of the easements that Mr. McVicar is talking about which would be 4, 5, 6, 7, 8 with a comment on number 8 Mr. Yost and Mr. McVicar's letter. He's talking again about the access easement that exists that services the daycare center we talked about briefly before which fronts on Route 9, but has access off the driveway running in. He's talking about a 30' wide drive. It's actually a 20' wide drive.

Mr. Jacobs: The easement is 20' wide, the driveway is actually 30'.

Mr. Butz: The driveway is 30' but the easement is actually 20'. Does that create a problem?

Mr. McVicar: My issue was that location. You had the easement located in the shoulder area, but not in the paved surface which is where the access actually runs.

Mr. Jacobs: And that crosses the County Right-of-Way which the County is requested that we just provide them with an Agreement of Occupancy.

Mr. Butz: Alright, so Mr. McVicar your concern is that the easement doesn't touch the property line, the daycare center line, is that what you're talking about. Is that the gist of it?

Mr. McVicar: That where they're actually permitted to drive is not located in any paved surface.

Mr. Jacobs: These easements were granted at the time of the railroad.

Mr. Butz: This part of the problem. The easements go back to the day when the railroad company went into bankruptcy. The easements that Mackres had gotten years ago were obtained from the Trustee in bankruptcy and they recorded easements. Mr. McVicar, the only thing that we can do there is once you cross what is now the County Right-of-Way, where we have an access easement, 20' wide, and it gets on our property, correct me if I'm wrong Bruce, we could expand it to go over to the other lot owners property line and make it 30'. We can't change it and make it 30' out front.

Mr. McVicar: We touched on something earlier Bruce, you mentioned the Right of Occupancy with the County, now we're dealing with the railroad Right-of-Way with the County. Would they give you the Right of Occupancy for that 30' paved path through that railroad Right-of-Way right?

Mr. Butz: We have a resolution from the County and maybe we should read it. I'll send Steve a copy of it. Is that acceptable?

Mr. McVicar asked for Mr. Jacobs to put up the larger scale drawing that we would be looking at.

Mr. Yost asked to mark some of the drawings.

Mr. Jacobs: A-1 is Sheet 1 of 2 of the plans that were submitted as part of the application.

Mr. Yost: We'll mark it A-1.

Mr. Jacobs: A-2 will be Sheet 2 of 2 of the same planned set which is an enlarged version of the front portion of the site and it's entitled Cross Access Easement Plan.

Mr. Butz: If you would, Mr. Jacobs, read into the record the provisions from the minutes of the Ocean County Planning Board meeting and what is the date of that meeting?

Mr. Jacobs: The meeting date was July 2, 2008. And a motion by Ms. McCrystal, seconded by Mr. Reed, this minor subdivision was given final approval contingent upon the developer to enter into an agreement with the Ocean County Board of Chosen Freeholders with regard to the encroachment within the County's property. The motion was unanimously carried. They acknowledge in the body of it, the various easements that run across the....

Mr. Butz: Some of those easements are not encroachments because they are part of what the deeds of easement that came from Tympani the Trustee in bankruptcy. Am I correct they are talking about the encroachment being what Wayne is talking about in that 30' area?

Mr. Jacobs: The 30' area as well as the sign that's in.

Mr. Butz: There is an advertising sign which is within the County Right-of-Way, not within the recorded deeds of easement and that's the other thing they are talking about in that resolution about the occupancy of the sign.

Mr. Jacobs: They are also talking about where the pavement of the parking area comes in as well.

Mr. McVicar: I think if you get this Right of Occupancy from the County that will address many of the issues in the letter with respect to the sign, with respect to the access drive which has to provide access to the daycare center and parking areas as described. Basically my intent was just to legitimize what's going on.

Mr. Butz: Understood and you're correct. That will take care of the issues that you just referred to. I just want to make it clear to the board that the main driveway egress and ingress into the shopping center, the hotel and what was the restaurant which is now closed, that is within the recorded easement which is across the Right-of-Way before the County acquired it. So that isn't what the County is talking about. Those are recorded deeds of easement. They are talking about this issue where the pavement and the 30' one down by the daycare center is off the recorded easement outside of it and the advertising signs and some of the parking lot pavement in the shopping center parking lot which comes out into the actual County Right-of-Way. Does anybody have any questions about that? I want to make sure everybody is clear on it.

Mr. McVicar: If I could just go back to that one particular issue, if you have that portion, that 30' that provides access on the south side there, goes past the daycare center that is part of that original access agreement easement?

Mr. Butz: It is except that the pavement.....

Mr. McVicar: The 30' next to it.

Mr. Jacobs: The 30' next to it is just the driveway itself.

Mr. McVicar: That's which the Right of Occupancy agreement from the County.

Mr. Butz: That is outside the actual 20' recorded easement.

Mr. McVicar: That takes care of that piece. Now I'll talk about the piece that goes from that point past the daycare center where you've got the bulk of the existing 20' easement in the unpaved area. The owner of the easement....blanket easement, but this just says access.

Mr. Butz: I understand that and what we would provide is that that easement once it gets inside our property line past the County Right-of-Way, we can expand that to 30' so that it touches their property which cures the problem. Am I correct?

Mr. McVicar: It doesn't actually have to touch but include the access drive that crosses the property in the opposite direction.

Mr. Butz: We'll have a blanket easement so they can get in there.

Mr. McVicar: That would be fine. That's all.

Mr. Butz: That's been the way it's been operated for 30 years.

Mr. Yost: When we get the blanket easement, could you also forward whatever title work you have? I know that some of these date back, but whatever you have.

Mr. Butz: I will forward whatever we have. I have some very old files when we got them from Tympani etc.. I'll do the best I can, I can't guarantee you everything, but I can give you what you need.

Mr. Yost: That is all I would ask.

Mr. Butz: That takes us down, we're through number 9. We've agreed to 9, that's part of what we just discussed.

Mr. Butz: 10 is acceptable on the lot numbers. 11 that's acceptable, we'll get that letter. On 12, on that issue, we don't need anything more, Mr. Yost, we have the court order.

Mr. Yost: I think you are right, and I think that the Township is going to issue a Letter of No Interest, the Committee anyway.

Mr. Butz: Well they may, but either way, it's covered in a consent order.

Mr. Yost: It's not an issue.

Mr. Butz: So we've complied with that one way or the other. 13 we will take care of. Under "E", items 1-9, all of those will be taken care of by Mr. Jacobs with respect to a revised plan. Each one is separate and we will take care of.

Mr. Butz: On the outside agency approvals, number "F", as we have indicated we already have the County Planning Board and will get a copy from Bruce of those minutes or is there a Resolution too?

Mr. Jacobs: No they just provide minutes.

Mr. Butz: Okay then we'll give you the minutes to comply with that. 2 we talked about. 3 we will provide. 4 we talked about and will provide. We've talked about, endlessly, about the Freshwater Wetlands. I think that's it. Does anyone have any questions?

Mr. Avellino: Is it customary for an establishment to pave over a Right-of-Way to make a parking lot? There is no definite line where the Right-of-Way exists in that parking lot. Is there an area where it should be green grass and not blacktop?

Mr. Butz: Bear in mind that the site plan for the shopping center, I think that is what you are talking about, am I correct? The shopping center itself? That site plan was approved many years ago and bear in mind that it was reapproved when the post office building was built. So that is all part of an approved plan as it sits right now by this Planning Board. Maybe before your time. I remember coming in here when the Post Office building was constructed and we submitted an updated and revised site plan and I'm sure your Planning Board records would show that. So having said that, I'm not sure I've answered your question and maybe I really don't understand it. Give me another try.

Mr. Avellino: What I'm concerned about is the fact that when the rail trail goes in, is that blacktop some to be removed as part of the parking lot?

Mr. Butz: If the County gives us an Occupancy Agreement as they have indicated they would, for where the paving encroaches in the Right-of-Way then it would not have to be removed. Obviously, if for some reason the Board of Chosen Freeholders would not give us that, then obviously it would have to be removed as an encroachment on the County property. Bruce can you give us an idea of how far that encroachment is into? How wide is the County Right-of-Way – the Railroad Right-of Way?

Mr. Jacobs: its 50'.

Mr. Butz: I just wanted it in the record. And to the best of your knowledge, about how far is the encroachment of the parking lot we're talking about?

Mr. Jacobs: On the plan it shows about 18'. And then over in the area of the sign, on the main entrance to the shopping center, it encroaches almost the entire length of the....

Mr. Butz: So we'll have to see. I mean that's what the Planning Board of the County said. If we don't get occupancy for example for the sign, the sign has to be relocated. If we don't get an occupancy agreement for where the paving intrudes, then we'd have to take that out too. I suspect the sign would be more of a problem than the paving truthfully because it's like 32' where the paving is. The sign, I guess if you're going to ride a bicycle or something down there it might be a problem because you might run into the sign. As you saw from the record of the Planning Board, they've indicated that they'd approve it subject to an Occupancy Agreement. We don't have any guarantee obviously the Board of Freeholders can say "no". And if they say "no", then we have to relocate the sign.

Mr. McVicar: Mr. Butz how long do you think it would take to get the Occupancy Agreement?

Mr. Butz: I have no idea dealing with the County. But obviously we will try to get it as quick as we can. I'll have to talk to Jack Sahradnik the County Attorney and the Attorney for the County Planning Board. That's the best answer I can give you.

Mr. VonSchmidt: What's the reason for the changes?

Mr. Butz: Just to redraw the lot lines? Ultimately, only the potential separation of the shopping center from future development in the back there. So that the shopping center itself is separate. Anyone on the board have any other questions of either myself or Mr. Jacobs?

Chairman Anepete: The engineer's letter, the last line suggests that if everything is complied with, the accommodations that were made this evening, that this application be deemed complete. Would anyone like to make a motion to that effect?

Mr. Tredy clarified that the motion would first be that the application was deemed complete.

Mr. Tredy made a motion that the application was deemed complete. Mr. Eagles seconded the motion. All in favor: (aye) Tredy, Eagles, Avellino, Reilly, Sweeney, VonSchmidt, James, Anepete.

Chairman Anepete asked for a motion to approve the application.

Mr. Tredy made a motion to approve the application with all statements given by the Attorney and Engineer in regards to the letter of RV&V dated July 11, 2008, Mr. Eagles seconded the motion. All in favor: (aye) Tredy, Eagles, Avellino, Sweeney, VonSchmidt, James, Anepete. Mr. Reilly abstained.

PUBLIC COMMENT

Seeing none.

Chairman Anepete asked for any discussion on any issues.

Mr. Avellino wanted to make the board aware that the paving of the Right-of-Way was brought up when the Post Office came before the board and it was never rectified. We didn't approve it without that being rectified. At that time the rail trail was only political talk. Mr. Avellino wanted to make it clear that the board did not over look it.

Mr. McVicar added that he recalls the conversation that when the Post Office came in, it was pointed out, there was discussion about it being taken care of, I think it was agreed that it would be done, and after construction it never got done, there was no enforcement of it.

Motion to adjourn was made by Mr. Avellino and seconded by Mr. Tredy.
All in favor: (aye).

Meeting ended at 8:32 PM.

Respectfully submitted,

Beth Laramée

