

Chm. William Holley III, Comm. Barbara Plum, Comm. James Fortuna, Comm. David Roane, Comm. George Lapadula, Comm. Carl Bolz, Comm. Andrew Rak, Comm. Stephen Gadomski, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION MEMBERS PRESENT

Comm. Corrine Dorsey, Comm. John Voli, Mayor Dominique Thornton, Ex-Officio

COMMISSION MEMBERS ABSENT

William Warner, Director, Wayne Bell, Zoning Enforcement Officer

STAFF

Chm. William Holley
Item 5.4

Comm. James Fortuna
5.4 Proposed two lot resubdivision with a Special Exception for a rear lot of lot number seven of Mapleshade Estates located off Mapleshade Road applicant agent Anthony Fazzino S2000-8

Anthony Fazzino

I'm here this evening to discuss the resubdivision of lot seven located at 322 Mapleshade Road. Lot seven is an approved building lot (inaudible) under construction and basically what we are asking for is to create a front lot of lot seven. We have reviewed the requirements of (inaudible) we just need to (inaudible) criteria. The frontage for the front lot would be one hundred and fifty feet and for the rear lot it would be a twenty-five foot right of way. Lot seven has been approved and, as I said, is under construction and with the rainy weather we have been experiencing, if I could postpone (inaudible). In your packet you should have a map showing the sizes of the two lots and the approximate location of the first house (inaudible). Both lots are serviced by city sewer and (inaudible) each need a well. There is no water to that area available. With regard to the comments from the departments, one of the comments from Public Works pertains to underdrains on lots eight and seven should (inaudible). Water is going towards the construction area (inaudible) trench (inaudible) so what they are asking for is (inaudible). The enforcement officer has been contacted and he has looked at it. To the best of my knowledge, there was no objection. The other additional comment we have is from the Water and Sewer. Basically what they are requesting is that the sewer line be extended up to Mapleshade Road for any future development that might take place on Mapleshade Road. When the original subdivision was submitted, the Commission chose not to extend the sewer. They did not feel it was a required, that there wasn't any future development that would take place (inaudible) for the Commission to see how they could get that hooked up to the sewer line and at that time I did offer an easement to Mapleshade Road so the City could hook up at a future date.

Chm. William Holley

Sir, Commissioner Roane raised a question on the Water and Sewer reports.

William Warner

It's the same issue. Considering the number of people here, I felt we should go forward. It's just one paragraph but it is a very significant issue in terms of the sewer extension but I can read that but we, once again, did receive that late.

Chm. William Holley

Did you receive that one last as well?

William Warner

Yeah. As we've asked the departments that Thursday is the deadline, we received it on Friday at two thirty-seven, maybe. Or that is (inaudible). Yeah, Friday at two thirty-seven, which everything was mailed out if we had waited.

Chm. William Holley

How extensive is this report as opposed to the one for 5.3?

William Warner

Much, much shorter. Five point three is several paragraphs. This is one paragraph but it's a significant policy issue. It's not a technical issue. It's a policy issue. As you recall, when this subdivision was originally approved, there was an easement going out to Mapleshade Road to get the sewer to Mapleshade Road and discussion ensued about if the sewer is to Mapleshade Road, does that open up everything to the south of Mapleshade Road for future development tying into that sewer line. It's definitely more of a policy issue. It's not a technical issue. I'll pass this around.

Chm. William Holley

Refresh our memory on this for the Commission members that were here or not here with respect to the decision on that issue.

William Warner

The decision, the proposal was to show Water and Sewer wanted, I believe, the sewer out to Mapleshade Road. The developer was providing for an easement. The decision was that nothing be provided for. No easement, no sewer because it would be inconsistent with our Plan of Development.

Chm. William Holley

And there was no easement granted there at all.

William Warner

Correct. Now they're trying to get it again.

Chm. William Holley

Seeming this is a short length as opposed to the other Water and Sewer comments that were submitted,

Comm. David Roane

Mr. Chairman.

Chm. William Holley

Let me finish, Mr. Commissioner, in light of the fact that we have an overwhelming amount of people sitting here patiently to be heard, I'm going to let the public hearing continue. We're not going to make a decision on the public, on this motion tonight. The public hearing will be continued to the next meeting. We will get a chance to review this, although it is short, and I think it's only fair since it is described by the Director a matter of policy and magnitude for us to contemplate and do that but I don't want to have these people sitting here wasting their time for two and a half hours and then go home. I just don't think that's fair and if the applicant doesn't have a problem with this, I think he can continue with his issues here and let the people speak on these issues. We will not make any decision one way or another on these issues. We'll just sit here and take some testimony and I hope to take some simple questioning at our next meeting unless there is any other objection by any members of the Commission who want to speak on this issue. Carl?

Comm. Carl Bolz

This is a different issue but it still has to do with the proceeding on this. I'm looking at the plan and originally, lot number seven, which is being subdivided, was primarily dry with wetlands and wetlands fifty-foot border (inaudible) significant portion on it. This resubdivision seems to restrict the use of lot number seven quite a bit and I'm wondering, I guess this really should be directed to Bill, is there any possibility this should go back to Inland Wetlands for review, seeming a rather large portion of lot number seven is within the fifty-foot boundary?

William Warner

You can see the building setbacks on there. I don't believe any of the building setback is within the fifty-foot boundary. What happened is that when you create a rear lot, you have to double the setbacks so when they were front lots, they could be within thirty feet of the back line but, as you can see, they now have to be doubled to sixty feet of the back line so that's what's happening. But if it does, Jim Sipperly reviews all applications for building plans and he sends it to Wetlands if it needs to go to Wetlands.

Comm. Carl Bolz

I'm looking at the buildable portion and it's rather restricted.

William Warner

But it's not within the fifty-foot setback.

Comm. Carl Bolz

No.

William Warner

Nothing is. When someone applies for a house, it will be reviewed and if it has to go to Wetlands, it will go to Wetlands.

Comm. Carl Bolz

Okay.

Chm. William Holley

Point taken. Any other specific procedural matters regarding this? Commissioner Roane, do you have to comment on this by any chance?

Comm. David Roane

No.

Chm. William Holley

Any objection on my desire?

Comm. David Roane

No. Mr. Chairman, as I was about to say

Chm. William Holley

That is true (inaudible). We'll continue in that respect. Okay.

Anthony Fazzino

I'm all set.

Chm. William Holley

You're all set? You all will let members of the public speak at this point and we'll get to more detail probably later on the issues that were raised.

Anthony Fazzino

Thank you.

Chm. William Holley

I ask as there are quite a few folks here, just come up, say who you are and we'll go from there.

David Mylchreest

Thank you, Mr. Chairman (inaudible). I'm David Mylchreest, 391 Mapleshade Road. I live right up the road from one of these rear lots that's proposed. As a land designer (inaudible) interior lot is an excellent way to make use of the land and this has been done many, many times. There may be other circumstances here but you see you have two lots, one lot (inaudible). So, on that portion, I'm very much in favor of what they're proposing. However, at the approval of the original subdivision, the Health Department and the Sewer Department had also requested this easement for the sewer line to Mapleshade Road (inaudible). We were under the impression it was going to be and so, (inaudible) engineering layout work going up the street to where my house is. At that meeting there, I still don't know why or how it happened, the question came up on the sewer line and the opinion was expressed that no, we don't want it. Instead, our sewer system (inaudible) further south of where it is right now. I have no objection to that but let me show you what that extension might mean. (Inaudible). Here are (inaudible).

Chm. William Holley

Mr. Mylchreest, let me get this side.

David Mylchreest

(Inaudible) and the proposed

William Warner

rear lot

David Mylchreest

(Inaudible). This happens to be the house that I live in right here. (Inaudible) live on this lot, an approved building lot that was done many years ago. This is Doc Adams and Mrs. Adams (inaudible). These two little buildings right here (inaudible). On the other side the land slopes away from the road (inaudible). On this side as you go up, the houses are up above the street (inaudible) no available lot (inaudible) now and some of the systems have already been built. I rebuilt that system two years ago before I even saw the house and the people across the street have just recently rebuilt their (inaudible) and in that case, if they have a sewer, theirs is in the back (inaudible). This area is where (inaudible) that sewer (inaudible) somewhere at this point or initially, at least, (inaudible). They put the pipe in the ground, cap it at both ends and tie it into the existing manhole (inaudible). (Inaudible) sewer drain before is approve an easement either to the right-of-way that goes into lot (inaudible) the original interior lot which is (inaudible) lot six (inaudible).

Chm. William Holley

So if I understand you correctly, you're looking for water and sewer to the existing homes?

David Mylchreest
Pardon me?

Chm. William Holley
If I understand you correctly, this easement would benefit the existing homes you've included here?

David Mylchreest
If they meet (inaudible) regulations, one day seven or eight houses on that side of the road are going to have to be rebuilt. I know my house has to be rebuilt. The existing house I own there now has already been extended in the back. For tonight, one other thing I have here, this green line, as you can see from the contours, (inaudible) seventy, sixty foot drop. This back land is too low to get sewer in here. (Inaudible) eventually go out towards Coleman Road. There's the lay of the land, a pond back here, which, incidentally, was the original reservoir for Long Lane School and that pipe goes somewhere between here and here (inaudible) pipes (inaudible). It is lower there and over here. Once you get to this location up in here, then it slopes down the other way and if you ever wanted to extend that over there, you'd have to clear the pumping station down at the bottom of the hill. (Inaudible) policy of the Sewer Division not to allow (inaudible) pumping station.

Chm. William Holley
I understand. Is that the only map you have (inaudible)?

David Mylchreest
(Inaudible) sir.

Chm. William Holley
Well, I should have mentioned it earlier but anything that's presented to the public we have to (inaudible).

David Mylchreest
It's four sections and Public Works has it. You can have that.

Chm. William Holley
Any members of the Commission have specific questions? Thank you, sir.

David Mylchreest
Thank you, sir.

Chm. William Holley

May I just remind members of the public that if you are going to use any materials or copies, we have to retain copies of what you're going to present.

Marie Sheehan

Thank you, Mr. Chairman and Commissioners. My name is Marie Sheehan. I live at 119 Cranberry Lane. My husband was just discharged from the hospital and can't be here this evening. I am representing both of us as well as two other neighbors who asked me to present their thoughts. When the Fazzino brothers first applied for their seven lot subdivision, I was present as were three other homeowners on Cranberry Lane. Prior to their presentation, we asked to see their proposal and they did indeed share the map with us and they showed us how the seven lots would lay out and where the sewer line would go and the sewer line was sort of through a mid section, not entirely, but sort of through a mid section. I was particularly concerned at the time. We live on a rear lot on Cranberry Lane, and I stated this, and I was concerned obviously because we were much closer to the rear boundary than the other houses on our street. The Fazzinos told me that I had nothing to worry about. See the lots, they're large, they're deep, they're big, they're wooded. The houses would be held to the front of the property because the sewer line would go through the center and that was okay with me. It also did not show any impact to the open area or the wetlands and that again was okay as it was with the other owners from Cranberry. So when the presentation was made, we did not voice any objection. There was no reason to and I wouldn't voice an objection just to make things difficult for someone else. However, I have now discovered that just prior to the final approval of that subdivision the Fazzinos moved the boundary, which now allows them to apply for a special exception. It was a very short period from the night of that presentation to that particular thing happening and what it does to me said that that was in fact a consideration from the very beginning, although that was not shared with us. Further, I think it clearly demonstrates that the presentation that was made that evening was misleading because if we knew that that was a possibility, most definitely no one would have accepted it. We all would have spoken in opposition but we didn't say anything because what was presented was in fact okay at the time. I questioned why we didn't receive a notice about the boundary change and apparently that is something the regulations do not say has to be done. That troubles me a great deal. We live in a world of disclosures today. We have to disclose everything we do. I'm a real estate agent and I have to disclose everything to every party that I come into contact with or any part of the transaction at all. We live in a particularly lacteous society today and I'm I'm really surprised that apparently this doesn't have to be done and if that is what your regulations say, then I think you really need to take a strong look at that and perhaps reword them because what was presented is not what is happening now. From a planning standpoint,

Chm. William Holley

Excuse me, ma'am. I didn't mean to cut you off. I'm just trying to understand your point. You're saying, if I hear you correctly, there is you saw a plan before the public hearing?

Marie Sheehan

And we saw a plan at the public hearing.

Chm. William Holley

And you're saying subsequent to the public hearing and the approval and then it was changed?

Marie Sheehan

No. What we saw was voted on that night and approved. However, prior to the final approval being given, it was my understanding that a boundary was moved which allowed them to come back for a special exception and if I have misinterpreted, misinterpretation, I think Bill Warner can re-state it. Maybe I'm not stating it properly.

Chm. William Holley

That's all I wanted to know.

Marie Sheehan

Okay. From a planning point, I don't know why the Commission would want to allow two rear lots to abut each other, which would be mine and the proposed rear lot. There's been a significant impact of water since trees have been taken down already, drainage has been dealt with already and nothing has been approved and maybe it isn't so but it certainly creates the impression that this seems to be a done deal and I hope that is not so. The brook that runs, that they're dumping into, runs along the side of my house and I have open space next to me. That brook would have running water probably twice a year. It would have water when the snow thawed and it would have water after a torrential downpour and it would run for a day, then it would clear up. I can hear running water all the time. There is a great deal more water coming down that brook than there ever was before so I need to point that out as well. I would request that this application for special exception be denied. The next letter is from Jed and Lisa Lebowksi, who reside on Cranberry Lane, and it says to whom it may concern, I am writing this letter on behalf of my wife and myself. It is written concerning the zoning matter concerning the rear lot being considered for construction on Mapleshade Road. It is our understanding that the builder and/or owner is attempting to gain approval for an eighth lot after he has already been approved for seven. We also understand that this eighth lot would be a rear lot in an area which water would be diverted. The water would then be diverted to the open space on Cranberry Lane. What I do not understand is why Cranberry Lane residents have to deal with a problem that so that another property can be crammed onto Mapleshade Road. I was told often by Mapleshade residents when I first moved in how they had fought to insure that the property on Cranberry Lane would live up to the standards so as to not lessen the value of their homes. Now it seems the actions needed to take place to make this eighth lot work will cause problems, problems for both Mapleshade residents by squeezing property into a lot that was not intended for development and Cranberry Lane residents will have to deal with the excess water and problems that it will bring. We

purchased this home, our first, with a clear understanding of future development in this area. A special exception is not and should not be a part of it. Please accept this letter as our vehement opposition to such a special exception. The last letter is from Doctor Peter McKeever, who lives at 83 Cranberry Lane. It was addressed to the people in zoning enforcement but he asked me to bring the letter so everyone can see it and it says I am writing regarding the public hearing scheduled for Wednesday, May 24, 2000, regarding lots six and seven of Mapleshade Estates, where Mr. Anthony Fazzino is asking for a variance. As a resident of Cranberry Lane Estates, I am opposed to any zoning variance. As a concerned Cranberry Lane resident, I understand that Mr. Fazzino illegally and without permission trenched onto Cranberry Lane Estates into the open space in order to alleviate a water problem on lot seven. I also have been made aware that silt runoff from the same property is adversely affecting Cranberry Lane Estates. I respectfully request that Mr. Fazzino fill in the trench to reverse the problem and correct whatever damage has already occurred. I have copies of all of these, which I will leave with you. Any questions?

Chm. William Holley

One thing that I wanted to, you raised a couple of interesting points. One is that I personally wanted to insure you that as long as I have been a commissioner and as long as I'm chairman of this commission, there are no done deals with respect to anything. If there is a perception amongst the developers or whomever from the public and if that's the case, then they're in for a rude awakening if they come forward and they think that's the case. I think my fellow commissioners share that sentiment in terms of that. We respect everybody that comes up here, we try to treat people fairly and judge them on their merits at that point in time. Personally, I would safely say that in light of the fact that this commission is being, charter revision on whether elected or appointed, I would submit that an elected commission is more responsive to not having done deals as opposed to an appointed commission and I'm going to defer back to the point at hand and I do want to make it clear that we take those kinds of issues very seriously. That's not the intent of this commission as long as I'm in this position and I've been able to speak fairly well for all my fellow commissioners here in terms of the serious nature that they take their responsibilities in terms of what we're trying to do and we can assure you that that is not the case in this particular situation amongst the people sitting here on this board. In terms of the other issues, I think there's some points you raised, I think we can talk to Bill about it. I would prefer any other questions of my fellow commissioners in particular to members of the public that they have at this point.

Marie Sheehan

I thank you for that reassurance. I'll just put these on the table.

Chm. William Holley

Carl, do you have a question?

Comm. Carl Bolz

Well, I'm, you know, the point she brings up and I would like to get some clarification from Bill on the property line

William Warner

Correct.

Comm. Carl Bolz

This issue with the property line, did we approve it in its present configuration in one, two, three, four, five, six and the large lot seven or did we approve some other configuration?

William Warner

You approved a different configuration. You received, the applicant received final approval and had two building lots that would be six and seven. Subsequent to the final approval, he mod, so he had two approved building lots, subsequent to that he came in and he modified a lot line to continue to have two approved building lots that had the frontage and area requirements of the zone. There is no requirement, it doesn't meet the definition of a subdivision or resubdivision, it's his right to do that as long as they continue to meet the requirements. It didn't make an opportunity for this special exception. Either way they could have applied for this special exception.

Chm. William Holley

(Inaudible) is that what you're saying?

William Warner

No.

Chm. William Holley

(Inaudible).

William Warner

No, just a movement of a property line between two approved building lines.

Comm. David Roane

Which one was moved?

William Warner

Between lots six and seven the line was modified. Lot seven was, was, went straight back and, I guess, lot seven was made more like a L shape.

Comm. Barbara Plum

You mean they created a two

William Warner

No. No lots were created. They had two lots, two approved building lots and they still have two approved building lots. They just moved the line between the two. Both still conform to zoning.

Chm. William Holley

Let me just ask you, can you (inaudible) in the subdivision where you have that liberty to shift borders or property lines? Is there anything in there specifically?

William Warner

No, it doesn't apply because

Chm. William Holley

I can't understand the reason why it's in there in terms of moving things after they've been approved providing they were conforming or what's required in the regulations. Is there any specific area?

William Warner

No, because the subdivision regulations refer to subdivisions and resubdivisions.

Chm. William Holley

Right.

William Warner

Subdivision is creating three or more lots. A resubdivision is creating another building lot. So here no building lots were created. It's quite common. People do it between building lots.

Marie Sheehan

But there isn't (inaudible) and that's the point I was trying to make. If we were concerned enough to come to the original hearing and sit through that presentation, what came out of that was not what we thought was coming out and it seems as though maybe the regulations need tightening up or something but as an abutting property owner, I feel I should have been notified if there was a change whether the regulations allow it or not. I mean it's just crossing your "t"s and dotting your "i"s.

Chm. William Holley

What was the specific reason to have on record why that was done?

William Warner

I don't know why the applicant did it. I mean, either way they could have come here and you approved that.

Chm. William Holley

I understand. I just wanted to know what the reasons were.

William Warner

You would have to ask the applicant why he was doing that.

Chm. William Holley

I just want to continue with the hearing. I don't want to go too deep with the questions.

William Warner

Right.

Marie Sheehan

(inaudible) questions. Thank you.

Chm. William Holley

Thank you, ma'am.

Francis Payolla

Good evening. My name is Francis Payolla. I was sent a letter certified of this meeting. I live at 10 Farmview Circle. My property abuts lot seven.

Chm. William Holley

Anything you submit before us, we keep.

Comm. David Roane

Is it safe to say you were sent a certified

Francis Payolla

I was sent a certified letter of this meeting. I received a certified letter regarding this meeting. My land, the land I have is called 10 Farmview Circle, it abuts (inaudible) to the subdivision of lot seven. The concerns that I have tonight have already been raised by Marie Sheehan and they have to do with the way this property is being developed (inaudible) developed. I have some photographs that have been taken by a neighbor, which show what's going on on the lots that are being developed and the effect it's having on the open space that was created when Cranberry Lane Estates was created. The issue Marie raised was one that we all thought about when this property was being developed. That is, there is a wetlands that ran through all of these lots and when it was being developed, one of the things I was wondering about was why something like a conservation easement hadn't been created or a buffer between our property and Mapleshade Estates and I was told that if any development took place in that area within fifty feet of a wetland there would have to be some kind of a special exception given or something that would take into account this was wetlands. What's occurred now is that

that whole area has practically been demuted. Everything has been cut down. All the trees have been cut down and what's happening is you will see from the photographs, the water is being directed into a stream that ran into this conservation area that was created (inaudible) property. We never gave permission as a group for this water to be directed into this stream. They, what they've done here is (inaudible) to correct the problem of the water flow by directing it into a ditch and onto our property. We never gave them permission to do that. So, my concerns are this lot, I'm opposed to this lot (inaudible) until I can find, until they can prove that something's going to be done and the photographs show, shown water runoff that's occurring on this property that's not going to be directed onto our property because essentially what they are trying to do is they are trying to create a (inaudible). That is, that they would have the right to create an easement with our conservation area (inaudible). I don't think they have the right to do that. We haven't given them permission so. I think the Commission has to keep this in mind this lot if this lot is going to be subdivided in the matter they are suggesting, this first problem right here is gotta be corrected.

Chm. William Holley
Are you an attorney?

Frank Payolla
Yes, I am.

Chm. William Holley
I knew that. I knew (inaudible).

Frank Payolla
I be (inaudible).

Chm. William Holley
I understand that part.

Frank Payolla
(Inaudible).

Chm. William Holley
These are all photographs of

Frank Payolla
These were taken by Mr. Alfano recently

Al Alfano
and they show that they go over the property line by ten feet with the backhoe.

Chm. William Holley
I'm sorry and you are?

Mr. Alfano
I'm Mr. Alfano.

Frank Payolla
Al Alfano

Al Alfano
I took those photographs. I live at 155 Cranberry Lane. When you walk out my back door

Chm. William Holley
Let, let me just ask you.

Al Alfano
Yes.

Chm. William Holley
These I'm going to pass around. Is there a way, this is what is submitted here, this is what we're looking at. I know (inaudible) is over here, here's the open space

Al Alfano
That's, that's right there. This right here is ten feet over the line here. There's two tributaries here, this is y-shaped. It only flows occasionally. It is now doing about a gallon a minute out of there right now after a rainfall. You can see it's flowing (inaudible) about ten feet past the line. There's a two hundred foot trench all the way up here that they filled with rocks, a membrane to prevent the rocks from being contaminated, they covered it with dirt and now there was a natural spring in here which was a sheet flow. Now it's a pipe flow directly to Cranberry. There's a picture of a log, which a foot of that's all silt. A foot of silt has gone down into the watershed area that Cranberry is responsible for.

Chm. William Holley
Can you tell which lot you live on?

Al Alfano
I live in that one right there.

Chm. William Holley
The one that abuts, it's a non-numbered one.

Al Alfano

Right. If I walk straight back, I'm on seven. So if I walk straight back out my back door

Chm. William Holley

This square one abutting the open space.

Comm. David Roane

(Inaudible) open space.

Al Alfano

Yes. So, there was originally a sheet flow here. Now it's a pipe flow. My understanding was that you can't go within ten feet of any property line. They've gone ten feet past the property line. Also, this area here is at the bottom of lot five and the original stuff that I saw was a hundred and fifty feet of wetland area. This is a fragile area. You've got wetland that Cranberry's responsible for. It goes through Cranberry, as you see, it goes across the street and it usually dries out within a day or two of any rainstorm. I've seen (inaudible) in the spring when things are melting. This has been flowing nonstop because of silt going down there. If they put a house back there, they're going to have to have, I would assume (inaudible) a grinder to get the waste up to that point to get to the gravity flow. Actually, I'm mistaken. This is the open space right here, this is the property line they went over.

Chm. William Holley

Do you want to continue?

Al Alfano

(Inaudible) Cranberry as a result of this. They're going to be close to (inaudible) house. It's a shame. They were here first. That whole area, my wife and I went through every lot, Cranberry, Elizabeth, before we purchased ours. We went through every one of them

Chm. William Holley

(Inaudible) oh, I'm sorry.

Al Alfano

and those lots, seven, six and five, you cannot walk on in the spring time because the sheet flow was too great. There's too much water flowing back there naturally. That whole area is spring fed, Cranberry's rotational flowing. That's my opinion, I'm not an engineer, I'm not a wetlands specialist but I can tell you the year and a half that I've lived there, (inaudible) flow in the spring and after a storm. You can go out there and find some leaves in there that are now being washed away. You've got a foot of silt that is washing down into there and it's continually flowing. It's going to create a bug problem, I predict, across the street from Cranberry. (Inaudible) continues out back behind houses

in Cranberry. There's water back there now that normally would have dissipated by now. I can't see how they could just dump their water across that ten feet wide (inaudible) ten feet past that was water. I can't conceive of it. Somehow it's (inaudible) wetlands and zoning inspections. I suggest you deny with prejudice the application (inaudible) because it's totally unwarranted and not what Cranberry originally agreed to (inaudible).

Chm. William Holley
Commissioner Roane?

Comm. David Roane
(Inaudible).

Al Alfano

You should see these houses. They were originally going to be in, because those lots are so wet in the back, what I did was a cheap fix, there was no way I could build past the center point of those lots because of the water that's back there. Now we're going to have a house that when the leaves go down will recede right there. I think it's going to affect property values. It's going to affect Marie's property values, it's going to affect her neighbor, it's going to affect me, anybody that's around that area. It's going to affect those houses because you can see those houses now and that neighborhood in Mapleshade there and in Cranberry are for the most part regular lots (inaudible). I cannot see how it could not affect it.

Chm. William Holley

Any further questions for members of the public? Thank you. Anyone else wish to speak?

Michael Lovell

My name is Michael Lovell. I live at 145 Cranberry Lane and I appreciate the opportunity to express my concerns to you this evening. My concern is (inaudible) open space and lot number one thirty-five and the open space runs between my house and Marie Sheehan's house and my concern is that with the silt coming into the stream there, which is filling it up and (inaudible) with water, the water table may rise enough so that we'll have a severe flooding problem in that area. So, while this ditch drains pulling excess water away from lot number seven, it's coming towards the storm sewer running by my house and I (inaudible) and I can see it come down the street. I don't see why I should have flowing between my house and Marie Sheehan's water, which has created a problem for us because we're inheriting it from lot number seven by putting in that trench. It's merely solving that problem and creating one for me and that's why I think it may affect property values of our houses on Cranberry Lane.

Chm. William Holley

Any questions of this gentleman? Thank you. Come on up. Who wants to go next? Don't be shy.

Michael Cannata

How you doing? I'm Mike Cannata. I'm the original developer for Cranberry Lane Estates and I'm representing Trican Realty. The open space that these people are talking about ten years ago when we developed Cranberry Lane was considered an intermittent watercourse. They're right. It only flows a couple, three times a year. What we did when we developed Cranberry Lane was we set aside an open space swap that included that intermittent watercourse and because our property line ended at what was then Elsie Bishop's property and is now the Fazzino's property, we obviously didn't do any wetlands mapping off of our property but I can tell you the way we set up our open space, both between Mr. Lovell's house and Mrs. Sheehan's house, and the way we set up the open space all the way down to what used to be Roberts' old farm pond, was to allow a wide enough swap to include the intermittent watercourse and the adjacent wetland areas and not have any of our lots included in any of those wetland areas. What Mr. Fazzino has done on his lot seven by digging his trench and creating his drainage, is that he has taken that intermittent watercourse, which one of the folks says now is a vernal pool and I'm sure there are vernal pools in that watercourse, but, in any case, what he's done is he's taken that intermittent watercourse and turned it into a full time watercourse. There may or may not be future silting problems if he is able to stabilize his site properly but the point is it should not be something it was never intended to be. It was never intended to be his storm drain. These people have a right and their right is to not have their property (inaudible). Additionally, I still own ten lots in the subdivision that I plan on building on and I'd like to know that those ten lots and the values of those ten lots are not going to be impacted by what Mr. Fazzino is doing. With regard to his original approval and what was presented to the residents of Cranberry Lane, it was presented to us that he was going to do seven lots, they were going to be on Mapleshade Road, the houses were going to be toward Mapleshade Road, the lots would all have good, deep backyards, the wetlands would not be impacted, the sewer line was running to the rear of his lots, and that would be the end of it. No one would have to look out their back door and have clearing and have houses in their backyard. That's not what's happening now. I mean, the game, the rules of the game have changed and because this is a special exception, you have the power to deny this special exception and make him play by the rules that he originally agreed to with his seven lot subdivision. To that end, I would ask that you deny his application, deny it with prejudice so that he cannot come back and re-apply and re-apply and re-apply and beat these people up continuously. I think they have that right and with that, if you have any questions of me of our original subdivision on Mapleshade Road and Cranberry Lane, I'd be happy to answer any questions you have regarding what we did with our open space, how we set it up or any other questions.

Chm. William Holley
Members of the Commission?

Comm. David Roane
So you're in agreement with the gentleman that (inaudible).

Michael Cannata

Well, I think when you take an intermittent watercourse and you turn it into a full time stream, things change. I think when you have lots developed on Mapleshade Road with houses fronting on Mapleshade Road and large areas of woodlands between those houses and the houses on Cranberry Lane, you have a situation where there's a good, wide buffer strip. When you take that buffer strip away and you put a house on a rear lot on his newly created or requested lot number eight, you're basically putting a house on a rear lot that is very close to the rear of the houses that are already existing on Cranberry Lane and I think, from a simple real estate standpoint, if you were living in a house and you had the opportunity to look out your backdoor and look at woods or look out your backdoor and look at (inaudible) another house, your property value is going to be impacted by the fact that you don't look at woods anymore and you do look at another house. I think your property value may also be impacted by the fact that you don't have an intermittent stream that runs two to three days a year versus a full time stream that runs three hundred sixty five days a year with all the potential mosquito problems that carries with them. So, yes, I think that his resubdivision is going to impact property values significantly.

Chm. William Holley

This is a question asking as a builder or developer, if you were to own these lots and as to the water situation, what would you do? I guess, you know.

Michael Cannata

Quite honestly, I looked at the Bishop property prior to them buying it and doing what they were doing. What I would do as a builder is I would do as they originally planned on doing and that was to carry the seven lots and the seven houses up close to Mapleshade Road and leave the back of the property alone. The other thing that I would have done as a builder is I would have gotten a better easement for the sewer up to Mapleshade Road and I would recommend that the Commission run the sewer down Mapleshade Road simply because there are houses on Mapleshade Road that sooner or later are going to need sewers. The amount of rock, subsurface rock in that area is high and at some point when their sewer systems fail, I can guarantee you that they're going to run into situations where they have to haul hundreds of yards of sand in to do built-up systems because the land, twenty years ago the perc (inaudible) are not what they are now. I mean, I know the Mapleshade Road area intimately and I can tell you that by running the sewer up to Mapleshade Road and possibly south on Mapleshade Road, the number of properties that you're going to be able to sewer and the numbers of acres of vacant land that you are going to be able to sewer are insignificant but you will be solving problems for the future. Your question was how would I develop it? I would develop it the way they originally said they would develop it. Seven lots on Mapleshade Road, done, see you later. That's what I would have done.

Chm. William Holley

Any other questions?

Comm. George Lapadula
Yes.

Chm. William Holley
George?

Comm. George Lapadula
Did any of the property owners call Bill or the Inland Wetlands Officer to go out there?

Frank Payolla
Sure did. Two or three times a day, every other day. They did not return calls. (Inaudible). When this was originally developed, as Mike has pointed out, I spoke to Mr. Warner. He's not here.

Chm. William Holley
Hold, hold it just a minute, Mr. Warner. I didn't appreciate the (inaudible) here. Any questions of this gentleman first? I just want to

Frank Payolla
No.

Chm. William Holley
Okay.

Frank Payolla
I'm just concerned that we're looking at those pictures and looking at these people (inaudible). I mean, a serious problem should have been stopped before it got started.

Chm. William Holley
I hear what you're saying. The only thing I would say is if any members of the public want to talk about the difficulties, come forward to do that one at a time. For us, I'd like to just let everybody talk (inaudible) take our notes, whatever and raise (inaudible) questions.

Frank Payolla
I just have one more comment again.

Chm. William Holley
Okay.

Frank Payolla

Yes, the issue you raised. When the first meeting occurred, this property to be approved, there was no quorum so that first meeting, nothing was done. But we were told at that meeting, and I spoke to Mr. Warner after, when the second meeting occurred the property was approved, I spoke to Marie about it and I said, what exactly took place? She gave me a kind of nutshell version of it and I said well, I'd like to speak to Mr. Warner and so I called Mr. Warner up and as I told you, I asked him these pointed questions. How do the Fazzino's get to develop this property because there are wetlands? How are they going to develop it? I mean, do they have to do what Mike did? Do they have to leave an area that's not going to be developed on these seven lots? I wanted to know that. He said, he assured me. No problem. They can't do anything to that property. They can't demute it. They can't tear all the trees down. It's a wetlands area, he showed me. He said you can see it on the map. It's just like the property with where the conservation area is. Water ran through it. Suddenly now what's occurred is that's being ignored. Everything has, as I said, it's all been torn down. There's nothing there. Nothing. There are no trees. The only things that are left are the trees, the big trees between the conservation area and this lot seven, which is left. Everything else has been torn down and now the water can just course there down into our conservation area, which, if you don't know this area, when Mike was required to do this, this conservation area comes down Marie's property and Professor Lovell's property and then empties into a storm drain that goes underneath the road and goes past Ann Crompton's property and then goes into another conservation area. The water flow now, as Mike has said, has increased tremendously. It's like a stream. So everything we were told, as far as I'm concerned, has been violated. This is not, this is not the development that we were told was going to be built. We were told the houses were going to in front of the lot, front of the lot, they would be deep lots, the trees would not be torn down and again, if you see it now, I can see all the way up to Mapleshade Road. That isn't the way it was and I walked that property with my son before they developed it and there was a lot of water in there. There were times when you had to be careful walking. There were a lot of trees there. There's nothing there.

Chm. William Holley

George, do you have a question on this?

Comm. George Lapadula
(Inaudible) that's okay.

Chm. William Holley

Okay. Sir? Just a second and I'll be done. Where's Jim Slippery tonight?

William Warner
Where is he?

Chm. William Holley
Yeah.

William Warner
Home, I would imagine.

Chm. William Holley
Would you ask him to be, he is the water, he's he's

William Warner
He's the wetlands person

Chm. William Holley
Wetlands enforcement (inaudible).

William Warner
No.

Chm. William Holley
What is his official title?

William Warner
Wayne is the wetlands enforcement officer. He is the environmental planner. He's in charge of wetlands.

Chm. William Holley
(Inaudible) next meeting to have him here.

David Campanella
My name is Dave Campanella. I live at 11 Farm View Circle. I live above where this happened. I'm senior construction officer for Webster Bank. I'm involved in subdivisions all the time. I'm looking at the subdivision where I moved into and different subdivisions, they're looking for a certain flavor. A (inaudible) flavor so they could blend and work together with each other. First of all, when you have two back lots that are abutting each other, both properties are losing value. It's not even clustered properties. Secondly, and this reminds me of what happened over at Nejako Drive, they put the subdivision above St. Pius, they were told they weren't going to have a water problem. They're flooding any home that settles down there is lost twenty-seven percent per square foot. The values of those homes as per other homes in the Middletown area, the same square footage because of the flooding, these people can't even pay out in flood insurance because every time it rains, I know the Fire Department has gone to the homes in boats. The only thing that I'm saying to the Commission is that if this goes through, am I going to be liable for any

flooding that comes into Cranberry Lane Estates which is going to affect the property value of Cranberry Lane? It's a big concern. (Inaudible) to the lower section. What's going to happen there? There's wetlands behind this property and if that floods out, who knows where (inaudible). I don't know how the water (inaudible) definitely affect the value of the property and I think there definitely concern (inaudible) values of the property. Who's going to be responsible (inaudible).

Chm. William Holley

Any questions of this gentleman? Thank you. Anybody else like to speak?

Cari Pulverenti

Hi. My name is Cari Pulverenti and I am the homeowner of lot number four Cranberry Lane Estates. I'm here for two reasons. At first I wasn't even going to say anything but I'm sitting here and I'm listening to small examples of things being given in regards to things that were said and told and (inaudible) town hall protecting homeowners and how things can switch with these variances. I'm very, very illiterate when it comes to all of this but I had a short experience in regards to my lot, lot four. I live in Cranberry Lane. So, first, I'll say with regards to what the opinion is while I'm here with the water problem. In back of my lot, lot eight, is a pipe, a big pipe that water runs out of and it comes from the top of the hill, across from Marie Sheehan and the easement is in the wetlands (inaudible) contains, that water is eventually coming down my property. My husband and I noticed water coming out, tubing out here and there when there is a rain storm and I really can't explain it. Now that water gushes. I mean like literally gushes like here inside the house if I have a kitchen window open, you hear that water. So I can honestly say that I do absolutely notice (inaudible) water if he's (inaudible). Another thing that I'm concerned about is I don't want to have my time wasted. We've been here for three hours tonight approximately, I was heard and I feel like I'm going to walk away and all of you are going to sit there and feel good that you're sitting in front of a table representing somebody and what's really sad is that somebody like me and always (inaudible) spend the time to come down here and nothing will be done. I'll just say briefly why I feel that way. I don't have any dates. I'll just give approximations but last year we purchased this lot and actually it will be two years in July and we started construction on the lot last July and we had someone purchased the lot next door to us, lot five. It was a builder. He purchased the lot and he, instead of doing gradual slopes, now our house, our house gradually slopes and he put big piles of dirt and he built this hill. He built his lot up so there's a water diversion problem. I called and spoke with Jim Sipperly for approximately six to seven months. Faithfully, I called him once a month, sometimes twice a month. I'll be honest and say it was at least once, definitely sometimes more. He constantly assured me that I wouldn't have a problem, that he would talk to the builder there and there would be no problem, not to worry. Finally, after six months of bugging him, he had Wayne come out onto our property and we talked to the builder and Wayne and we decided that no problem, we'll fix this issue and (inaudible) the fact that the

builder waited (inaudible) together, no problems, not to worry about it. I asked (inaudible) in writing the three gentlemen that were there, the builder, (inaudible) and Wayne laughed at me. They thought I was hysterical because, come on now, I'm a town official and what I say goes and no one is going to get their C.O. unless I say so. That was directly from Wayne. So I, you know, well I figured that I better not say anything, that I may feel stupid, so I didn't get anything in writing. Well, that was my first mistake because when we went on vacation a few weeks later, the builder next door came over with his excavator, did what they had to do to made it look like they did something, called Town Hall and said we did our job, we're all set. I called Town Hall and I said you're not all set, (inaudible) was. Nobody was to come onto my property without my excavator being there working with the builder's excavator and that was a broken verbal contract. No one seems to have returned my phone calls and I needed to explain this to somebody that this is still a consistent problem. Finally, I came to Town Hall, not once, not twice, not three times but probably a dozen and spoke to Jim Sipperly. He assured me and said listen, don't worry about it, I'm going to call the builder and I'll take care of that, I'm going to take care of it. He, no (inaudible) words were used. They were definite words. He indicated the neighbor would not get his C.O. until this problem was fixed. Now, in these pictures, he did. (Inaudible) pictures in July you can see (inaudible). He looked and said absolutely, we can have those erosion (inaudible) absolutely not. These were absolute words. Definitely won't get (inaudible). (Inaudible) this is a problem. These were definite words and I felt comfortable with them. So I was reassured again that this problem would be fixed. All of a sudden we see new neighbors being moved in. I went to Town Hall and I said what happened to not getting your C.O. (inaudible) was sold and we have a water problem. Bothering my husband and I. My husband was finally calling now also Bill Warner and Wayne and we didn't have returned messages. Finally I got a hold of Jim Sipperly and I said listen, why is no one returning my phone calls, what's going on. He said Cari, my hands are washed of this. I was told by Bill Warner to no longer have anything to do with this. It's not a problem. So I went and I came back to Town Hall. I stormed in (inaudible) and I talked to Bill and I said what do you mean there's no longer a problem. (Inaudible). After weeks of saying he was going to come out, he never did. (Inaudible) Town Hall yet in person. (Inaudible). Finally, Bill Warner (inaudible) sit there and said well, you know, you don't seem to have too much of a problem. I said what do you mean too much? Either there is a problem or there isn't a problem. You can see huge (inaudible). There is a problem. They said well, there is nothing we can do. I said what do you mean? I was told (inaudible) you need to make something happen. I was promised and he said there was nothing he could do and my husband said I'm a police officer in Middletown. Do you want me to just look good in a uniform and not do my job? I'd be fired. How could you wear a suit, go to work, wear a title and not do your job? It's not right and it's not fair. I'm a taxpayer also. So, during the conversation he said well, I'll call the attorney of the builder and see what we can do. (Inaudible) so I decided to call Bill Warner right off and I couldn't get through. Finally, my husband was able to get through and said there is nothing we can do, sorry and that

(inaudible). So now we are stuck with a water problem after being promised for almost a year that something would be done, absolutely and positively and nothing was done. So, to make a long story short, I just want to say that I hope that in this case this doesn't happen (inaudible) while we're all here and you actually do something about it.

Chm. William Holley

I appreciate those comments and (inaudible) issues, just for, who's the builder you keep referring to? That's not Mr. Fazzino.

Cari Pulverenti

It's Charles Wojowicz or something. I'm not sure.

Chm. William Holley

Any questions of this young lady?

Comm. David Roane

(Inaudible).

Chm. William Holley

David?

Comm. David Roane

Mr. Chairman, not as a question but a comment.

Chm. William Holley

(Inaudible) questions.

Comm. David Roane

Mr. Chairman, you stopped me a minute ago but (inaudible)

Chm. William Holley

Okay, David, I'll let you go.

Comm. David Roane

I think that young lady has reserved is due with a response. My response is, ma'am, I can appreciate your feeling about the city and just walking away and nothing being done but I want to assure you that chairman person (inaudible) this commission first time hearing something and I'm appalled about what I've heard and I don't care about the rest of my colleagues, I will be out there to look into it, okay?

Cari Pulverenti

Thank you.

Comm. David Roane

Okay? And I'm known in the city to open up my mouth even when (inaudible) but this is appalling and needs to be stopped and I appreciate you coming forward because if you didn't come forward, we would never have known that these things, problems exist and so you should be an example to the rest of the people in the city that when you have problems that they're not getting at city hall and that they should

Cari Pulvirenti

Thank you.

Comm. David Roane

That they should seek out the appropriate commission or other parties or come to us and let us know so that we can do this. Now, I'm not saying that everything you say is right and that they've done everything wrong but there are some things here that need to be looked into and there needs to be some monologue to help satisfy you and your husband in the situation that you have out here so this is one commissioner that will be out there> I'm not saying that I'm going to be able to do anything but I will be out there. If something can be done, this person will be on top of it for you and for anybody else who comes before this commission with some kind of appalling problems like this and as long as I sit on this commission.

Chm. William Holley

Just one quick comment, David. I didn't mean to cut you short (inaudible) and I appreciate your (inaudible). Barbara?

Comm. Barbara Plum

When you make reference to lot four, do you have an actual street address?

Cari Pulverenti

It's lot four, thirty-six Cranberry Lane.

Comm. Barbara Plum

Thirty-six. What was your name?

Cari Pulverenti

Cari Mae Pulverenti.

Chm. William Holley

(Inaudible) make a general comment. Just so people are aware of it, there is a section on our agenda which does allow for any issues people have they want to bring forward and let us know so, again, please try to (inaudible) know about this. Newspapers don't (inaudible) as much on issues (inaudible) affected by it. But in fairness (inaudible) feel free to come forward and let us know.

Cari Pulverenti
Thank you.

Chm. William Holley
In terms of what we can do and (inaudible). Thank you for your time.

Cari Pulverenti
Thank you.

Chm. William Holley
Anyone else want to speak on this particular matter? Okay, if no other members of the public wish to speak, I guess I would ask the applicant to come back and maybe you two can address some of the concerns that were raised at this point in time. Just for a matter of course, we're going to go about a quarter of or let me put it at this, let's say another fifteen minutes. Is that sufficient for tonight?

Anthony Fazzino
More than enough, sir. We are going to continue

Chm. William Holley
We are going to continue the public hearing. I'd like to sort of, just let him go through some comments, whatever. Then we have some other issues, we want to move on. We want to finish up this meeting (inaudible) wait here on issues. I want to do that. I want to remind everybody that this is not the end and we'll be back in two weeks to finish off, we'll be asking more questions amongst ourselves and the public hearing will remain open at that point in time.

Anthony Fazzino
Just a couple of items and I'll be done until our next meeting. In regards to the final approval for the natural seven lot subdivision, we were approved. We did receive a final approval for that original seven lot subdivision. If there is a question as to whether we were approved or not, we did receive final approval and we started building and sold homes and whatnot. One of the comments that was made earlier is the fact that it's a done deal. That disturbs me too. It isn't a done deal. I went through the process just like anybody else. I submitted my application just like anybody else would. I have not spoken to anybody. It's not a done deal. With regards to the trees, I like trees just like anybody else, if not even more. What attracted us to the property was the fact (inaudible), very much so, and we tried to keep as many trees as possible. Unfortunately, you do need to cut certain trees in order to put up a house. However, evidently, there's some type of disease affecting a lot of trees. Quite a few of them had to come down as they were already dead. They were just standing, not doing anything (inaudible) and I can bring you documentation from the State of Connecticut that would state that right now. So it's not

that we wanted to cut down as many trees as possible, far from it. We were going to do just the opposite. With regards to the stream, one of the neighbors mentioned that we encroached approximately ten feet over the boundary. That's the first I've heard of it. We will check with the excavator and if anything was done to that fact, by all means we will definitely repair it. That should not have happened. It should not have happened. The stream, as you can see on the map that's in front of you, the stream does go through lot seven as well and we were under the assumption that that is where everything is going, on our own piece of property, not on a neighbor's property, but for some reason if it's on a neighbor's property, it should be addressed. It will be addressed. With regards to the water flow, I think there has always been a problem at Cranberry Lane with regards to water. It's not something new. It's not something new. Even before we purchased this property, it amazes me that the, the wetlands was flagged two years ago when we originally submitted our application for the seven lot subdivision. We had a soil scientist come out as requested. All of the watercourses and wetlands were flagged, were marked on the map, the wetlands has not been disturbed at all, we followed all the requirements and even (inaudible) fifty feet out further beyond that point. The sewer line originally we had planned just going along the back of the property. Once the wetland was identified, we purposely stayed out of it and we routed the sewer line all the way above just to avoid the sewer line and now to hear someone say we destroyed the wetlands, we cut all the trees, it's not that way at all. Not that way at all. If that were the case, gentlemen, I don't, ladies and gentlemen, I don't think that the enforcement officer wouldn't see something to that effect. I mean, the departments are there to observe these things. The Building Department is there constantly looking while we're building. We need certain permits so it's not something done in the blind, far from it. With regards to the actual lot seven, that's correct. We had seven lots. We did not change that at all. We followed all of the guidelines that are established by this commission. We did not deviate from it and yes, Marie Sheehan does bring up a point. It's unfortunate but if a line is changed, maybe that's something that the Commission should look at, say hey, we want to be notified in the future (inaudible) but right now it is not in effect. It is not in effect. So we followed all of the guidelines. We still have seven lots. That's not a problem. I don't think in the original application, I said anything other than I wanted seven lots. That's what we requested and that's what we got. In regards to where the house goes, I don't think you have any regulations that say you must build a house at a certain location. I don't know if that's a fact. You have boundaries, you must stay so much, so far away from the boundary lines, you must stay all of that. Fine. That's fine but you don't state you must locate your house here, here, here, here, and on lot seven we chose to locate our house here. So now they come back and say, gee, you can't, can't, shouldn't. I don't see that that's the problem. I really don't. With the sewer line, whether I place the house in front of the sewer line or on the sewer line or in back of the sewer line, that really shouldn't matter unless (inaudible) guidelines it so state and right now yes, you can't build within fifty feet of the sewer line for example. Okay, fine, stay away from that but any place else I imagine you can build a house (inaudible). With regard to the water flowing, water

flows down hill. There's no way that I can stop it. No way I can stop it. I can perhaps contain it, put in a detention pond of sort, if that's what the wetlands required. By all means, that is what we would do. We didn't have any of that. We didn't have any of that. We were outside the wetlands. The only wetland we have is basically as designated, I don't have the flow map, but as designated it is really in lot five going all the way down. No detention pond was requested when it was built. The land is such that it does slope in that direction. I think water was going on to Cranberry Lane for eons. It's sloped that way. Cranberry Lane is lower than Mapleshade Road and I'm sure water goes that way. I don't know, I've been here all spring now and it's been raining cats and dogs. There's a lot of water going on right now and it's moving down hill. I can't stop that. I don't think we're trying to do that at all. This is the natural water flowing down that way and all the contractor was basically doing was water that his machine wouldn't get bogged down like it did several times, he dug a drench so it would divert it and go a different way. That was the intent of it. I'm sure in the dry season it will dry up just like everybody else's property will as well. I saw that the neighbors mentioned that there's always been a water problem. Mrs. Pulverenti mentioned this to me. It's not something new that just started since we started building here that she has a water problem. The water problem's been there. It's been there and it needs to be addressed, absolutely. If the water was diverted into the stream, I think, if anything, it would help the property owners on Cranberry Lane that abut this property. Instead of throwing it all the way down, just a natural flow coming right down, all the way down onto their property, it would actually be diverted so, if anything, it would decrease the amount of water, not increase. In regards to the devaluation of the property owners, I own property here as well. I have four or five lots left that are for sale. So it affects me indirectly as well. Yes, it was nice, all wooded lots, all nine acres. Someone else could have bought it. One of the neighbors could have bought it and kept it all wooded if they so chose. That's fine. It's unfortunate that we needed to cut so many trees because they are dead and perhaps at the next meeting if I can get a letter so stating that, proving it to you (inaudible). In regards to naturally stabilizing the construction site, we will take a look and see what needs to be done. Again, the enforcement officer has been there several times. We didn't feel that there was a problem. I haven't been told there was a problem. Of course we haven't done anything. If we need to stabilize it somehow, some way, then by all means we will do that.

Chm. William Holley

Alright, what I'm going to do at this point is hopefully have our commissioners remember all their questions in their heads and keep good notes on this and continue the hearing until next week, two weeks and we'll go for further discussion. Just in keeping with this matter, I would like Jim Slippery to be here for that, Sipper

William Warner
Sipperly.

Chm. William Holley
Sipper, I call him Slippery

William Warner
Nah.

Chm. William Holley
(Inaudible) for the record as well as I would also like if possible if we could get a copy of what the final approval was that we approved just so we could see the overall (inaudible). I think that should show the wetlands and where they all were. If that could be included in our package

William Warner
That could be (inaudible)

Chm. William Holley
we could see what the story is. Any other specific, any other, I think Andy had the first question (inaudible).

Comm. Andrew Rak
Yes. That ditch that's dug, if that's dug in the wetlands, there should be something done with that immediately because you need a permit to dig in the wetlands and if it's just a ditch to drain the water, he shouldn't have his machine in there period, never mind digging a ditch. Wayne, I think that should be addressed immediately regardless of what we have for questions tonight and tabled until next week.

Chm. William Holley
What I think I'd, I think what I'd like to do is some of the issues that were raised be moved down to the Commission Affairs issue and other issues that we always bring up in terms of (inaudible). If there are some issues that were raised, I think this would be the proper place to bring it up.

Comm. Andrew Rak
Okay.

Chm. William Holley
Prob

Comm. Andrew Rak
If you don't mind, it's somewhat related to that but I think (inaudible) both ways but I think we need a somewhat independent report from the zoning enforcement officer on this, for the next meeting, on this piece of property. I need we need to have that directed.

Chm. William Holley

I concur with that. Seeming we still haven't decided, it would be good to see type of documentation as it relates to the subdivision as approved, the issues that have been raised pertaining to this specific subdivision since the approval as to what the story is with that. Any comments?

Comm. David Roane
(Inaudible).

Comm. George Lapadula
Second.

Chm. William Holley
Seconded. All those in favor?

All Commissioners
Aye.

Chm. William Holley
Alright, so continued. Thank you for your patience.

Anthony Fazzino
Excuse me, Mr. Chairman, what would be the date?

Chm. William Holley
Six fourteen.

Anthony Fazzino
What would be the time?

William Warner
A half an hour later and the meeting will start at seven thirty but we'll have business before that.

Frank Payolla
Is there going to be a map here of the final approval?