

# VILLAGE OF LIBERTY PLANNING BOARD

## REGULAR MEETING

### JUNE 11, 2009

#### **PRESENT:**

Don Nichols, Chairman  
John Webber  
Steve Green  
John Nichols  
Adrian Gonzalez  
Langdon C. Chapman, Planning Board Attorney  
Mayor Richard Winters  
Dawn Green, Trustee & Planning Board Liaison  
Pam Winters, Code Enforcement Officer

#### **ALSO PRESENT:**

Mr. & Mrs. Joel Gandula, Immaculate Concepts  
Mr. Simcha (Sam) Diamant  
Mr. Kaila Flohr

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Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

Chairman Nichols: I need a motion to approve the minutes of the May 14, 2009 meeting. I've already given Pam three corrections in the minutes that need to be made. They all pertain to our conversation regarding Liberty Commons. On the top of page 4 the sentence reads, "I know this may be hearsay but I was told they were told to give it to the engineers...." I would like the word "they" to be changed to "the Water Department workers" so as to clarify the comment. On page 5, the sentence reads, "You can fight a fire with that kind of water." It should be corrected to read, "You can't fight a fire with that kind of water." On page 7, the sentence reads, "...and verify the accuracy of the information we have as to capacity for fire protection." The word protection should be changed to suppression. With those changes being made,

**ON A MOTION BY JOHN WEBBER, SECONDED BY JOHN NICHOLS AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MAY 14, 2009 ARE APPROVED.**

#### **7:00 P.M. PUBLIC HEARING** **IMMACULATE CONCEPTS SPECIAL USE PERMIT**

Chairman Nichols: At this time I'd like to open the first public hearing for a special use permit application submitted by Immaculate Concepts. Is anyone here from the public on this matter?

No comments from the public.

**ON A MOTION BY STEVE GREEN, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.**

#### **7:05 P.M. PUBLIC HEARING** **ALBERT BITJEMAN TWO-LOT SUBDIVISION**

Chairman Nichols: I'd now like to open the public hearing for two-lot subdivision proposed by Albert Bitjeman. Is anyone here regarding this application?

No comment from the public.

**ON A MOTION BY STEVE GREEN, SECONDED BY JOHN NICHOLS AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.**

**NEW BUSINESS:**

**# 05-09 VILLAGE OF LIBERT LIGHT INDUSTRIAL PARK  
THREE-LOT SUBDIVISION APPLICATION**

Barbara Garigliano, attorney for the Sullivan County IDA (Industrial Development Agency) is present in this matter.

Barbara: Good evening, gentlemen. I'm here as attorney for the IDA regarding the Village's Light Industrial Park. This property is currently an approved eight-lot subdivision. The first thing we have to do is abandon this subdivision. The abandonment of the original subdivision is a technical thing required by the Real Property office. And then re-file it as a three-lot subdivision.

Chairman Nichols: Do you have a map of the original subdivision?

Barbara: Yes, I do (she presents it for review).

Chairman Nichols: What about this lot? (Referencing the old poultry plant)

Barbara: That's not part of the subdivision. That's a separate parcel in the Town. It's not even in the Village.

Chairman Nichols: Why is that? It shouldn't be.

Barbara: I don't know.

Chairman Nichols: Why Willow Lane? It doesn't exist according to this.

Barbara: It's there. It's just not part of the subdivision.

Steve: It should be; it's ingress and egress. It needs to be shown on the map.

Barbara: I can have Larry add it on.

Chairman Nichols: This lot here (the lot owned by Jeff Miller) should be shown.

Barbara: This lot was not part of the original property. If you go back to the original property the way it was before the subdivision, this lot wasn't part of it. It's lot # 6 on here but not part of the original plan.

The reason for all of this is that five (5) years ago we were in a different economic time. It's not like that anymore. Five (5) years ago the County Partnership thought that they could build a light, industrial park here and people would come in and build facilities. There's one group of people, the red meat facility, that's still interested. They've been knocking on doors, they're now kicking on the doors; they want to build this red meat facility. They're in the process of applying for grants; they've got the money. They're doing the building designs; they're in the process of hiring a manager to run the facility. These folks are real.

This was the parcel they were originally to be located on. There's a drainage easement on this lot so what they ended up having at the end of the day is.... Let's go back, when we got involved in this, we sent this out to an engineer to find out how much the infrastructure was going to cost, not the buildings but just the infrastructure. It came in at \$2.6 million. It stopped the whole thing. That's cost-prohibitive when you have only one parcel that's going to be used. In addition, what they found when they did the engineering is that there's a drainage ditch here that reduces the lot to about a half an acre of usable land. That's ridiculous.

We came back with a new concept. This is where it's going to be built (lot # 3). Now they've got about four (4) acres. This is the road they're going to build and dedicate back to the Village. This (lot # 2) is the bulk that remains. The road in the design will be engineered to continue so that, when our economic times change, this can continue to be developed. But it's pointless to go with a dream when we've got something that's real. And we feel we've come back with a realistic design that we can afford to do.

John N: They're going to build this road? Does it exist?

Barbara: They're going to build it to here; this piece doesn't exist; it may be just a dirt path but it's not a road. Maybe what you're thinking of is this dotted line.

Steve: That's a 12' right-of-way.

Barbara: Right. This is what has to be developed.

Steve: If you're going to be developing it, you should show the entire road on the map, not just part of it.

Barbara: What is it you want to complete? We're stopping here.

Steve: The road is going to be dedicated?

Barbara: Yes.

Steve: Then that shouldn't be a lot; it should be shown on the map as a proposed road.

Barbara: It will be, but right now it's a lot number and I need a deed description for it to come back to you. If I do this as all one parcel then I'm going to have to cut it out to dedicate it back to you.

Steve: But you're going to run it out.

Barbara: What do you mean, "run it out"?

Steve: Run it out to Willow Lane. A lot is something you build on. That's a proposed road.

Barbara: Not necessarily. A lot can be anything you want it to be in a subdivision and this gives me my description to deed it back to you.

Steve: But you can get metes and bounds on it.

Barbara: I have metes and bounds on it. This way it's easier for me to do the deed.

The discussion continues...

Chairman Nichols: The first thing that has to happen is to abandon the existing subdivision?

Barbara: You have nothing to do with the abandonment. That's a County clerical form that needs to be filed. Real property requires that the original subdivision be abandoned. Then this can be recorded in advance as a subdivision with language that we have to add to this map, which is going to say that it is subject to the abandonment of the previous subdivision. This doesn't hold you up from approving it.

Chairman Nichols: This (Town parcel) is not part of anything here. It has nothing to do with this.

Barbara: Do you want me to write on here, "Town parcel"?

Steve: Certainly, yes.

Chairman Nichols: Somehow we need to know what it is.

Barbara: OK. Would Town of Liberty parcel with the SBL be sufficient?

John W: Yes.

Chairman Nichols: Why then is this road (inaudible blah-blah)?

Barbara: The topography. If you look at the original one, it came in right here. The drainage doesn't work the way they had it. The engineers who did this... this is a huge drainage run off hitting the roadway. It couldn't have been built the way they proposed it. This is what my engineers are telling me and that's why it exists this way. And why we have an odd-shaped lot.

Chairman Nichols: I understand that but what's happening here is there's a 50' R.O.W. here just on this side but, in theory, there's no way to this lot. We need to look at that. Before we approve this, we need to make sure there's access to this lot.

Barbara: We're not changing their access.

John W: When the road is drawn in, you'll see that they have access off Willow Lane.

Chairman Nichols: There is none now.

Barbara: Then how do they get to it?

Chairman Nichols: That's my point.

John N. What is this line here?

The discussion continues regarding the Town parcel, the ROW and access to it or lack thereof, the railroad tracks, etc.

Barbara: What do you want me to do?

Steve: What problem would it be to allow them to cross Village property?

Barbara: That would be a Langdon question.

Several conversations between the Mayor, the attorney and various board members going on at one time making all inaudible.

Steve: I have two questions. On the prior lot # 6, you're saying they're coming into this area...

Chairman Nichols: I think it's up in here.

Steve: They should show that because if you terminate a road here....

Mayor Winters: They're coming in on this side of the salt shed.

Steve: My second question is, shouldn't there be a temporary cul-de-sac on the end of the road?

Barbara: If you want a cul-de-sac shown, we can do that.

Chairman Nichols: What would it take to have this come to here, to the top of the property?

Barbara: About a million dollars. It's a lot of cut and fill. It's very expensive. And there's a huge drainage issue.

Steve: And the dots here?

Barbara: It's a potential to show that if there is development, there's thought as to where they're going to go.

Steve: But if you show it on the map, there's going to be a problem.

Barbara: So you want the dots totally removed?

Steve: Yes.

John W: If it's that expensive, I don't see why it should be on there. Let someone else deal with it.

Barbara: If there were ever six (6) more inhabitants, that road divided by six more users would make it a lot more affordable to do. Right now it makes no sense at all.

Chairman Nichols: I wish we could figure out a way to get that road in there because what that does is it gives access to this lot and to the back.

The conversation continues regarding the feasibility of changing the road, working with the existing topo, to better allow for increased access. Discussion expands into questions and information regarding site plan issues such as building stories, location of animal pens, delivery of animals, construction costs, etc.

Chairman Nichols: What is their timeframe for building?

Barbara: They have two grants that they have lined up that they feel very confident about.

Chairman Nichols: Are there any wetlands here?

Barbara: The only part where you'll see any wetlands is where they're created by the runoff. Keep in mind what you're doing. Tonight you're reviewing this map for subdivision approval. The wetlands don't come into play until your review of the site plan on down the road.

Steve: But if the lot is consumed by wetlands, then your building area is diminished considerably.

Barbara: It's not going to be because if you look at the topography and the runoff, they know by flying it and then they flag it. There are no State wetlands so you don't have to worry about that; there are only Federal wetlands.

Chairman Nichols: Was this looked at for this road up at the top?

Barbara: It was not because we were following the original plan that the Village had approved. We were trying to keep this economical.

Chairman Nichols: I'm trying to look at this as a whole and not just a lot.

Barbara: You want me to have our engineers design several other roads instead?

Chairman Nichols: No.

The discussion continues again about changing the scope and path of the road, the incline of the road, the swing of the trucks, the weight of the trucks with animals, etc. based upon the existing topo. It appears to be the Board's preference that the Board's suggestion of this alternate road be taken back to the engineers and see if it's feasible to do.

Barbara: We went to our engineers and we said we've got 40 acres. Tell me where we can build something, which is going to be the most economical, given the runoff and the terrain, which is very rough, and this is what they brought to us. I'm not second-guessing what the engineers are telling me. I know that we can't go up this way and stuck with this because that is what the original design of the road.

Chairman Nichols: I'm not so sure that coming off of Willow Lane here is not just as easy and straighter than this.

The discussion continues about water valves, surface water and its flow to the stream, topos and elevations, etc.

Barbara: I had two different engineers look at this and they both came up with the same idea but I'll have them take your suggestions into consideration. I'd like to bring a map with revisions back to you at your July meeting. Who is your engineer?

Pam: McGoey, Hauser & Edsell. Michael Weeks.

Chairman Nichols: We'll see you next month

**# 04-09 Champlin Gardens**  
**Special Use Permit to Construct a 10-unit Building**

Mr. Simcha Diamant, principal in DM Asset Trust 2009-2 is present in this matter.

Mr. Diamant: My application tonight is for permission to construct a ten-unit apartment building located behind an existing apartment building located at 70 Champlin Avenue. My preliminary site plan shows the property is 593 acres with 94.51 feet of road frontage. The property varies between 217' and 267' in depth. There's already a four-unit apartment building on the property. [NOTE: The files in the Building Department and the Assessors Department reflect 5 units in the front building, not 4 as is depicted on the applicant's site plan].

The new one I want to building is located directly behind the existing one. It's 6,545 square feet, two and a half stories tall.

Each apartment will have two-bedrooms with approximately 900 square feet; I've shown 13 parking places plus one handicap accessible parking spot. I know I'm missing some other required information such as the dumpster location but I wanted to get your input on things so far.

Chairman Nichols: Before we get into that, there are a multitude of problems. For one, you don't have enough parking. You have 13 spaces...

Mr. Diamant: I show 14.

Chairman Nichols: No, you don't. You can't count the handicap parking space. You have 14 units total, you don't even have one per unit, and our zoning requires two per apartment.

Mr. Diamant: Your zoning allows 800 square feet per apartment. If it's a zoning issue, we can go to the ZBA for a variance.

Chairman Nichols: It's more than just that. You need to look at the side yard setbacks. You don't have the required setback needed for a multiple dwelling of this size.

Mr. Diamant: I looked through your zoning and I see a number of inconsistencies with other chapters of your code, so that's why....

Chairman Nichols: Steve, could you explain to him what you've found.

Steve: There's two ways to look at this; the height of the building is 2½ stories. So it's at least 28-30' tall. You don't have a 28' side yard shown here. The other way, "the side yards applicable to a multi-family structure shall be increase by 10' per dwelling unit over two (2). You have fourteen (14) units less two (2) equals twelve (12) units times 10 feet equals a one-hundred-twenty foot side yard. Either way you're not meeting code.

Mr. Diamant: But if you code requires 7,000 square feet per dwelling, that's the inconsistency I refer to.

Steve: Your landscaping is clearly not shown. There's a width from the sideline to your parking area or curb line off of the side that determines how wide you're supposed to go out. You need a width down each side of your property for landscaping, whether it's twenty feet or whatever.

Chairman Nichols: Either way, you need to re-think your parking because you don't have near enough for what you're trying to do. And look at this, how do you get out? Plus the fact that you really need twenty-eight (28) spots. You can try to go to the ZBA but I don't believe that they'll let you get away with one per unit.

Mr. Diamant: Even though the size of the apartments is less?

John N: The size of the bedrooms has nothing to do with it. If this (parking lot) was full of cars, and I don't doubt that it would be, there's no way to fight a fire at this building; you can't get to it.

Steve: And any parking area with more than twelve parking spaces requires islands with landscaping.

Chairman Nichols: If you're looking at it from a safety standpoint, somehow you have to make the access better than what you have now. You need to your engineer go back and look at the zoning a little closer and see how you can comply with as many points as possible.

Mr. Diamant: The question is, is there any aspect of the second building that is acceptable?

Attorney Chapman: Certainly it may be acceptable to have some building but probably with not as many units.

Mr. Diamant: What would the board like?

Chairman Nichols: We would like to see something that conforms to our zoning.

Mr. Diamant: That may not be possible at all.

Chairman Nichols: That's not up to us to decide. If it doesn't comply completely, you have to go to the ZBA.

Mr. Diamant: Let's assume they approve it.

Chairman Nichols: We'll see what they approve.

John: Right now you're trying to fit a hundred pounds in a ten-pound bag.

Steve: Knock the existing house down and build something else.

Mr. Diamant: Is there anything else? Would you like me to show this to the ZBA now and see what they think?

Chairman Nichols: You need a whole new concept before that.

John N.: Who drew this up for you?

Mr. Diamant: Don Viele did the survey.

Chairman Nichols: And your driveway is going onto the neighbor's property.

Mr. Diamant: We're going to move that.

**IMMACULATE CONCEPTS**  
**SPECIAL USE PERMIT**

As a matter of record, we mailed out 23 certified notices, 20 were received, 2 were returned and 1 was undeliverable.

Chairman Nichols: We received a copy of the 239 review from the County. Did you get a copy?

Joel: Yes, Pam just gave it to me tonight.

A discussion continues regarding parking, snow plowing, the foundation wall, Sol's previous plan for the lot, keeping in mind that Joel doesn't own the lot, he's only just leasing the lot for now.

John W.: Are we getting ready to approve this? This isn't a letter denying him, right?

Chairman Nichols: Do we have an environmental form on this?

Pam: Yes, I ask for one on every application.

**ON A MOTION BY JOHN WEBBER, SECONDED BY ADRIAN GONZALEZ AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Chairman Nichols reads part 2 of the short form EAF into the minutes

**ON A MOTION BY JOHN WEBBER, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER.**

**ON A MOTION BY STEVE GREEN, SECONDED BY ADRIAN GONZALEZ AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SPECIAL USE PERMIT APPLICATION FOR IMMACULATE CONCEPTS TO ESTABLISH A USED CAR SALES LOT ON THE CORNER OF SOUTH MAIN AND LAKE STREETS OWNED BY MORANA AND LEASED BY GANDULA. SAID LOT IS TO DISPLAY NO MORE THAN TWELVE (12) CARS.**

**Other Business:**



### **Liberty Commons – Barton Road**

Chairman Nichols: Regarding Barton Road, obviously we approved this and it was sort of approved under duress. Right now, from what I see, 240 gpm through that pipeline might supply the toilets and drinking water. The pressure isn't the problem. It's the volume. What you don't have is water for fire suppression. There's no way that 240 gpm will work to fight a fire. You put a 1,250-gallon pumper on, and it'll suck the line dry in a heartbeat. Now they sprinklered the senior citizen building. Pam e-mailed me data that says the sprinkler system utilizes 220 gpm; I don't know if it's from one head or the entire system but there isn't another soul that's going to get a drop of water including Carrier Street.

Mayor Winters: You're not telling me anything that I'm not already aware of.

Chairman Nichols: I understand that.

Mayor Winters: So what do you want me to do about it now? Their engineer and our engineer both have already said it'll work.

Chairman Nichols: And that's why I wanted to attend that meeting that was scheduled with Mr. Thomson and talk to them. It ended up being rescheduled.

Mayor Winters: I already asked both engineers to attend our last department head meeting regarding this. They both sat there, reviewed the numbers and agreed it'll work.

Chairman Nichols: It will not work for fire suppression. Now, is there drinking water? Could be. But I wouldn't be surprised if at 6:30 or 7:00 in the morning when everyone's getting up and going to work, taking showers and such; I'm not so sure they'd all have enough water.

Mayor Winters: Then I have another about that. There are a lot of other 4" lines in the Village besides this one. That fire truck will have the same problem there as here.

John N.: We had a small fire not too long ago on Carrier Street, Walter Moylan's old house, and we didn't have enough water.

Mayor Winters: That's what I'm saying. Any street in the Village that has a 4' line is going to have the same problem.

Chairman Nichols: That's existing. This is something we just approved.

Mayor Winters: It never should've gotten that far.

Chairman Nichols: That's right.

Mayor Winters: So where did the ball get dropped? Ken (Hessinger) told me that he told somebody about this.

Chairman Nichols: We never heard a word.

Mayor Winters: Ken told me he told somebody.

John N. Ken told somebody what?

Mayor Winters: That the line was never going to work. That he had problems with the whole thing from day one. He said he told somebody, and I don't know who, and that somebody told him to shut up and go back to work and I'll take care of it. I'll handle it.

Chairman Nichols: So it had to be someone over and above him.

Steve: Is it possible to find out what day and what time the water tests were conducted? If they did it on a Saturday morning, those lines are full. Maybe the data sent to us was done so under false pretenses.

Mayor Winters: All I can do now is go forward; I can't go backwards.

Chairman Nichols: My problem with this whole thing is that, yes, we approved it, but we did so not knowing all the facts. And the Village is set and liable. If there's a fire there and someone dies because there's not enough water to put it out, there's a hell of a lawsuit.

Mayor Winters: We'll be named in the suit, but so will a lot of other people.

Chairman Nichols: We don't need to fight it.

Mayor Winters: You can't stop it. They've already built buildings.

Chairman Nichols: There is a way-if they put up a water storage tank. That'll feed their hydrant system. They have six, eight hydrants in there? One?

Attorney Chapman: One will fail.

Mayor Winters: The engineers tried to explain that day was the fact that they have all these 8" lines running throughout the place and that's their storage tank.

Chairman Nichols: Bull! And how long do you think that's going to last? That is not a valid explanation.

John N.: Is it not a closed system?

Chairman Nichols: No, it's open.

John N.: No, my point is that no air goes into it. When you use the water, no air goes back into the void, so that you only get whatever you're putting in.

Chairman Nichols: I don't have an answer but I do know that unless we come up with something, I'm definitely going to send you (the Board) a letter from this board saying that we think there's a problem and that the problem needs to be considered and I don't give a damn how. We need to sit down with the owner and the engineers and talk about this. It's the fire suppression I'm particularly worried about. I'm not so worried about flushing the toilets.

John W.: Shouldn't we have a concern about reneging on an agreement/approval and now asking them to make modifications on their plans?

Mayor Winters: The person you should ask is sitting right over there.

Attorney Chapman: I certainly don't want to sit here and say you knew from the very beginning that the fire suppression was a problem if it's not. I haven't got the slightest idea about water. You have two engineers that are trained to do this. If that engineer came in told me how to prosecute a speeding ticket, I'd laugh him right out of the room. But I do know about the law. I don't know about pipes. My suggestion logically is that we respectfully ask the engineer to explain this. But frankly, Mr. Chairman, this is beyond your purview now. You've already approved this. It's done.

Chairman Nichols: No, it's not done. If I've approved something that's a safety hazard...

Attorney Chapman: Legally, it's done, I'm telling you. If the engineer wants to, as a courtesy to the Mayor, explain something, I have no objection to it. But you don't want to down the slippery slope of questioning your engineer and second-guessing yourself on everything. And I certainly would not want to do in terms of a public record. Mayor, have there been discussions on this? Am I mistaken on this?

Mayor Winters: Their engineer, Lanc and Tully, and our engineer came to our last department head meeting. They both sat there and went over their numbers and they both thought there would be no problem.

Steve: Then again, when were the numbers done? Were they done during peak hours?

Mayor Winters: I don't know. You're welcome to call the engineer and ask him

Chairman Nichols: He (Attorney Chapman) is telling me I can't.

Mayor Winters: He's not saying that. He's strongly suggesting that you don't send an official letter to the Village Board putting us against each other. We work together; you work for us.

Chairman Nichols: That's my point. We have created a damn safety problem. I would like to talk to these engineers and ask them how do you fight a fire when you only have 240 gpm?

Mayor Winters: How do you fight a fire now? Has anyone ever calculated how much water you use?

Chairman Nichols: When you hook a pumper to a hydrant system, 99% of the time you have a lot of water in the Village. There once was a proposal for a million gallon tank right up at the top of Albion Street but it never happened.

Attorney Chapman: Let's say you're right. What's the remedy?

Chairman Nichols: The only remedy is to either replace the line down Carrier Street, which is cost prohibitive, or put a holding tank down at the site. You would have sufficient pressure and it would also help Carrier Street.

John W.: So can we sit down with these people and re-negotiate something?

Chairman Nichols: I don't know. That's what I'm trying to determine.

Attorney Chapman: You can certainly sit down with them to try to work something out but you can't force them.

John N.: Playing devil's advocate here, if I were the developer, I'd say if you want a holding tank here, then you put one in. If you want to increase the line on Carrier Street, go ahead and put it in. We welcome it.

Mayor Winters: I know this is the hottest issue, the important issue, but unfortunately I don't believe their consideration for sewer was very smart either because if they knew what they were tying their building into, it's a joke and that should've been told to you guys before you let the plans go through.

Chairman Nichols: We saw nothing other than the plans going back out to Carrier Street. We never knew anything about the lines.

Mayor Winters: That's why I made a point of telling Pam to tell you that, with any future plans that come before the Board, nothing gets passed in this village again by this board without approval from the Water Department, the Sewer Department, the Street Department and any other affected department. It's ridiculous not to. Before you had one person that was assuming all those positions, and that's why you're in this pickle.

Chairman Nichols: We're in this pickle because the water test was done and the results were never told to anyone. If there was a question, they should've come to us or gone to the Board.

Mayor Winters: Unfortunately, they did go to the board, but it was to only one person on the board; it didn't get to the whole board. But that's behind us now. I wish this were a simple thing. You've already approved it. It's already being built. At this point in time, we have a problem, a serious problem, and I don't know how to approach it. We have nothing to lose in trying to talk to them and correct it.

Chairman Nichols: I agree.

Mayor Winters: When your guys saw the results of the tests, it didn't raise any flags for you to question it?

Chairman Nichols: We never saw any numbers until last month. That never came back to the board. No one ever mentioned it to us. When we look at the plan and it goes to our engineer, that's up to them to look at.

Mayor Winters: Which is what we're saying now, they did and they approved it

Chairman Nichols: Right. At this point, we're questioning it. We need to sit down to them and question it. Are they talking about any fire suppression? Absolutely not. They're looking at whether the toilets will flush, the domestic water.

John N.: Is there a code that says there has to be a certain amount of water for fire suppression.

Pam: There may be, but with wording that says water supply must be "sufficient" which kicks it back to the engineers. And don't forget, the Health Department also reviewed this and signed off on it.

Mayor Winters: When do you want to sit down with the engineers?

Chairman Nichols: Whenever they want to.

John N.: This whole problem arose started when the current fire chief started questioning the water volume and he only found out about it last week.

Chairman Nichols: When I returned from Florida, he sure let me have, and I have to believe he was right. I just want to pose the question of fire suppression to them.

Mayor Winters: When is Dawn (Kinisky) up here? Can you find out the next time she'll be up? And see if Dave is available, we'll go over this again.

Pam: Sure.

Chairman Nichols: I'll tell you what; this is the first time in over thirty (30) years that something like this has happened.

Mayor Winters: I think that the sewer is going to be another issue with that property but that's another thing. We'll be trying to feed sewer out of those buildings into an old clay tile pipe that's 90% collapsed. But nobody bothered to tell these guys that. Our engineers know about it.

Chairman Nichols: We didn't know anything about that, either.

**NOTE FOR FILE:** No action was taken on the two-lot subdivision for **Albert Bitjeman**. Mr. Bitjeman was not in attendance at this meeting, no stamped surveyed maps were submitted for review as is required and additional fees owed to the Board have not yet been paid in full. The matter is tabled until further notice.

**ON A MOTION BY JOHN WEBBER, SECONDED BY ADRIAN GONZALEZ AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:40 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Date Approved: July \_\_\_\_, 2009