

December 4, 2006

Scott L. Volkman, Esq.  
Gellert & Klein, P.C.  
75 Washington Street  
Poughkeepsie, NY 12601

Re: Lake Walton Park/Cottage Drive

Dear Mr. Volkman:

In response to your inquiry, I have reviewed our New York State Road Inventory List. For your information, the list indicates the Town of East Fishkill owns 0.08 miles of Cottage Drive from Lake Walton Road to Lake Walton Park. I have personally measured in from Lake Walton Road 422.4 feet and found that to be accurate. This appears to be consistent with the property line as shown on the survey map that you have provided to me. The Town does not own any part of Cottage Drive to the east of Orchard Lane.

This will also serve to confirm our conversation, wherein we discussed the Project Sponsor's intention to terminate access into the Lake Walton site via the private driveway that exists to the east of Orchard Lane as an extension from Cottage Drive. The portion anything to the east of Cottage Drive is not part of the Town Inventory and is not a Town Road and is and has been a private driveway. I have no objection to this proposal.

In addition, it is my opinion that the driveway into the Park has not been used as a public highway and the Town has not exercised control over the road nor expended any funds for maintenance, repair, snow removal, etc. that would establish in the Town any right to that portion of the driveway so that it could be considered a highway by use as specified by Town Law Section 189.

Very truly yours,



Dennis Miller  
Superintendent of Highways

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