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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

----- X

In the Matter of

TOMMY CORCORAN III

Project No. 16-9009  
11 Ann's Orchard Road  
Section 102.2; Block 4; Lot 22.310

----- X

FINAL - LOT LINE REVISION

Date: November 21, 2016  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman  
JOEL TRUNCALI  
BEN TRAPANI  
JOSEPH LOFARO  
MANNY CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: THOMAS CORCORAN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MS. LANZETTA: I think we're going to get started. I want to welcome everybody to the Town of Marlborough Planning Board meeting for November 21st.

We'll start with the Pledge of Allegiance.

(Pledge of Allegiance.)

MS. LANZETTA: Manny, would you read the agenda, please.

MR. CAUCHI: Agenda, Town of Marlborough Planning Board, November 21, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for -- the last meeting.

MS. FLYNN: There aren't any.

MR. CAUCHI: Okay. Tommy Corcoran III, 16-9009, final, lot line revision, public hearing; Christopher Larkin, 13-6003, 103.1-2-87.3, extension.

"Legal notice. Lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, SEQRA, and Town of Marlborough Town Code 134-33 on Monday, November 21, 2016 for the

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TOMMY CORCORAN III

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following application: Thomas Corcoran III, at the Town Hall, 21 Milton Turnpike, Milton, New York, at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of the lot line revision for the lands located at 11 Ann's Orchard Road, Milton, New York 12547, Section 102.2; Block 4; Lot 22.310. Any interested parties either for or against this proposal will have their opportunity to be heard at this time."

MS. LANZETTA: Okay. Is there anybody here for this public meeting?

(No response.)

MS. LANZETTA: How many public notices were sent out?

MR. CORCORAN: Sixteen out, eleven in.

MS. LANZETTA: You can give it to --

MS. FLYNN: Thank you.

MS. LANZETTA: Will you please note that there is nobody in the audience that is here for the public hearing other than the applicant.

Does the Board have any questions for the applicant?

MR. LOFARO: No.

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TOMMY CORCORAN III

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MR. TRAPANI: No.

MR. TRUNCALI: No.

MS. LANZETTA: Okay. So can I have a motion to close the public hearing?

MR. CAUCHI: I'll make that motion.

MR. TRAPANI: I'll second.

MS. LANZETTA: Okay. Being that there's no comments from the public and being that we have approved the preliminary map, I think we need to do the SEQRA review. There is a short E.A.F. in the file.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. LANZETTA: Pardon me?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. LANZETTA: Yes. Would anybody like to make a motion to make a declaration on the SEQRA review?

MR. LOFARO: I'll make the motion to start the process for the SEQRA review.

MS. LANZETTA: Well I think -- I don't think that there's going to be any impact according -- looking at the short environmental assessment form, I don't think that there's any negative impact. Would somebody like to make a

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TOMMY CORCORAN III

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motion for a negative impact on this SEQRA  
review?

MR. TRUNCALI: I'll make a motion for a  
negative declaration on this project.

MR. CAUCHI: I'll second that.

MS. LANZETTA: Any discussion?

(No response.)

MS. LANZETTA: We'll have a vote. All  
in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MS. LANZETTA: Aye.

Against?

(No response.)

MS. LANZETTA: Okay. So it passes  
unanimously.

Okay. The other thing that I think  
that we need to talk about is in our -- in our  
code it does say that we have to accept the  
preliminary as a final map before we can give  
final approval, and then we can waive the public  
hearing on the final map.

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TOMMY CORCORAN III

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So can I have a motion to accept this as the final map and waive an additional public hearing?

MR. CAUCHI: I'll make that motion to accept this as a public map and to --

MS. LANZETTA: Waive the requirement for the additional --

MR. CAUCHI: Waive the requirement, yes.

MR. TRAPANI: I'll second.

MS. LANZETTA: All in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MS. LANZETTA: Aye.

Any opposed?

(No response.)

MS. LANZETTA: Okay. So can I have a motion to approve this lot line change?

MR. TRUNCALI: I'll make a motion for final approval.

MR. CAUCHI: I'll second it.

MS. LANZETTA: Okay. I apologize. This

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TOMMY CORCORAN III

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is my first time trying to do this.

All in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MS. LANZETTA: Aye.

Opposed?

(No response.)

MS. LANZETTA: Okay. So then the  
motion is carried.

(Time noted: 7:38 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of December 2016.

*Michelle Conero*

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MICHELLE CONERO



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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD  
----- X  
In the Matter of

DISCUSSION - FINDINGS OF FACT

----- X

BOARD BUSINESS

Date: November 21, 2016  
Time: 7:38 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman  
JOEL TRUNCALI  
BEN TRAPANI  
JOSEPH LOFARO  
MANNY CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.  
VIRGINIA FLYNN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MS. LANZETTA: In regard to that,

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I'm going to bring this up right now because

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it's pertinent. We had that workshop, which

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I really thank everybody for attending, that

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was really great, on building a better

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record. I have found that in the past the

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Town has done a resolution of findings of

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fact. They used to do it through the '80s

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and '90s. I'm not sure why it stopped. But

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what I did was I got one of the old examples

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of a lot line change and then I basically

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used that to write up a findings of fact for

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this particular lot line change. I'm just

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handing it out for us to look it over and

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review and see if it's something that the

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Board might be interested in starting up

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again so that we can build a better record

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for what we're doing. So I'm just -- I'm

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just handing this out. Chris told me that I

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could hand it out. We can look it over and

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then we can discuss it perhaps at the next

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meeting. Okay.

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So thank you, Tom.

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MR. CORCORAN: Thank you.

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MS. LANZETTA: Just pass that down.

MR. TRAPANI: The whole thing?

MS. LANZETTA: Yeah. Pass it down.  
There you go. There's one for you.

MR. TRAPANI: They changed it.

MS. LANZETTA: I don't know why they  
changed it.

Do you have any idea why they changed  
that policy?

MR. BLASS: I don't. It changed before  
my time. I think I started around the 2000s.

MR. TRAPANI: Maybe we could ask our  
code enforcement officer. He may know maybe.

MS. LANZETTA: Tom, do you know why  
they changed the policy?

MR. CORCORAN: The stenographer  
starting. Prior to that we didn't even have a  
stenographer. The finding of fact was done by  
the planning board secretary.

MS. LANZETTA: Okay. But with the  
stenographer -- just to note that at the workshop  
they said that yes, the stenographer takes all  
the minutes, but if you want to find out, you  
know, what happened with a project, you know, you

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really don't want to have to go back through  
piles and piles --

MR. CORCORAN: I agree with you.  
That's why they did it. To the best of my  
knowledge, any time I had to go back to reinforce  
site plan I would go back to the books of the  
finding of facts which were done at the time by  
Dean Bailey who was the Planning Board secretary.  
Over the course of, you know, my employment here,  
the finding of facts were eliminated because they  
felt that the stenographer's report handled that.  
They eliminated the finding of facts, which,  
you're right, you know, the stenographer's report  
became like this and the finding of facts was one  
page. At least for me it was easier to go back  
to enforce a site plan application because it was  
condensed down to a single page.

MS. LANZETTA: Right.

MR. CORCORAN: The reason for it, I  
believe it happened almost simultaneously from --  
I didn't go to all the Planning Board meetings  
back then, in the early 2000s. Right around  
2003, 4, 5 when I was doing a lot of code  
enforcement findings of facts, the stenographer

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took over some time at that point and I stopped seeing the finding of facts.

MS. LANZETTA: And was that also about the time that Dean left?

MR. CORCORAN: That's correct.

MS. LANZETTA: Yeah. So perfect storm.

MR. CORCORAN: Yeah.

MR. BLASS: My recollection is being refreshed. I also think that the findings of fact were done after the vote of the Planning Board. The Planning Board would meet, they would vote, let's say approve a project with or without conditions, and then after that event these findings of facts were prepared.

MS. LANZETTA: Right.

MR. BLASS: That makes me nervous. And although it's more work for the consultants, I think it's better to have draft resolutions or findings done for you in advance of the vote and in your hands X number of days prior to the vote. So that would typically require some guidance from the Planning Board to the consultants as to where the Planning Board wants to wind up before the last evening so to speak. So on a big

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project I often see that planning boards will say okay, this looks good, I want to direct the attorney for the town to prepare a resolution of approval with conditions and we'll entertain it at our next meeting, so that there's a gap there that gives time to prepare the document and then also time to get to the Board in advance of the vote.

MS. LANZETTA: Well I want to be real clear that we're -- in one case we're talking about the resolution to approve a project. The way it's been done in the past is after that resolution is done, at the following meeting after that, then the findings of fact are presented because you put in the findings of fact that the approval has been done --

MR. BLASS: Oh, okay.

MS. LANZETTA: -- on such and such a date.

MR. BLASS: So the findings of fact are basically a procedural road map --

MS. LANZETTA: Right. Exactly.

MR. BLASS: -- after the proceedings have closed.

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MS. LANZETTA: So anybody that goes  
back later to look at the project, it's all laid  
out there.

MR. BLASS: Okay. Interesting.

MS. LANZETTA: So we'll discuss it at  
another meeting. Just to give an idea of how  
that would work, this was a good example.

(Time noted: 7:44 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of December 2016.

*Michelle Conero*

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MICHELLE CONERO



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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

----- X

In the Matter of

CHRISTOPHER LARKIN  
(NIECO)

Project No. 13-6003  
Section 103.1; Block 2; Lot 87.3

----- X

EXTENSION

Date: November 21, 2016  
Time: 7:44 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman  
JOEL TRUNCALI  
BEN TRAPANI  
JOSEPH LOFARO  
MANNY CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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CHRISTOPHER LARKIN

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MS. LANZETTA: The next applicant before us is Christopher Larkin for the extension.

Would you like to do a presentation, Mr. Brown?

MR. BROWN: I'm Charles Brown, I'm the engineer for the applicant. This project has been around for awhile. I got involved in 2013 and it was approved in 2014.

Due to the nature of the economy, my client wasn't able to pull a building permit right away. He's been since working double shifts in the prison and now has enough money to pull a permit and get this building started. He is looking forward to doing that. I know this has been around a long time. Apparently it was before this Board last month which I was unaware of at the time.

So I'm here to respectfully request that the map as approved be extended so that he can pull his permit and get this thing built. This would be a benefit to the Town because it would generate a tax revenue. That's it.

MS. LANZETTA: All right. At the last

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meeting it was discussed that this project had actually -- that the Chairman had sent the applicant a notice back in June that this project was no longer in effect because of the expiration and the neglect of asking for an additional extension back in April of last -- of 2016, so --

MR. BROWN: I was unaware of that. You know, as the engineer of record I should have been carbon copied on that letter. Again, he's been doing double shifts. It's very hard to get a hold of him, which is why he wasn't at the last meeting. So, you know, I apologize for that. Again, we respectfully request that this be extended.

MR. CAUCHI: I thought legally we could give him up to April of 2017. Isn't that what that --

MS. LANZETTA: Well if the proper procedures were followed and he had applied for an extension at the times when the extensions were coming due, we would have -- we do have that allowance to give two one-year extensions. This has never been the case with this applicant. The applicant has come to us -- he came to us once

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before, several months past the extension, and we -- we allowed retroactively the first year extension to happen, then the second -- then at the end of that extension there was not another request for an extension. The Chairman sent a letter to the applicant four months after the -- no, two months after the expiration of the extension notifying him that the project was basically no longer, and then there was no response until a month ago. So that's the history.

So legally -- my personal opinion is legally there's no project because we notified him that there was no project.

MR. CAUCHI: Right now --

MR. TRUNCALI: Does someone have that letter that was sent?

MS. LANZETTA: Yeah. It's in the file.

MR. LOFARO: I thought last month we were --

MS. FLYNN: The most recent one?

MS. LANZETTA: The one in June from Chris to Chris Larkin notifying him about the --

MR. LOFARO: I thought last month we

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determined that he was good until April `17 but his -- he potentially would be good until April of `17 but because he hadn't shown up or hadn't done anything with it, that we didn't continue. So maybe that -- maybe now we should extend them until April `17 -- or April of `17.

MR. CAUCHI: Well we want to know if that's on the table. Is it on the table? I mean his being here today, showing good faith, and do we have the goodwill to allow him to go to April `17 is the question, if we have the option to do so.

MR. TRUNCALI: I thought the way it was explained at the last meeting was that it -- a notice was sent to them that they were -- they were due to renew it. I didn't know that it was sent saying that it had expired.

MR. LOFARO: His final extension would have took him to the end of April sometime.

MS. LANZETTA: As of April it was -- the extension was done.

MR. BLASS: If the Board were to give an extension, it now being November of 2017, and you had to make it retroactive back to I believe

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April 17th, or thereabouts --

MS. LANZETTA: April 21st.

MR. BLASS: April 21st of 2016

expiring April 21st of 2017, and that would be the last possible extension. You know, it's been my experience that it's more the rule of applying before you expire is more (inaudible) the reach. I think that we have just about every project looking for an extension is seeking -- has not applied for that extension prior to the expiration of the approval. That pertains to subdivisions as well as site plans. I think there's probably two or three subdivisions, according to my notes now, who are out there without extensions, timely extensions of approval. Brody Ridge, Gallo --

MS. LANZETTA: Well --

MR. BLASS: Brody Ridge, Gallo, Gallo.

Two of them.

MS. LANZETTA: Just to make the clarity that one is a site plan and one is a subdivision.

MR. BLASS: Right. This is definitely a subdivision.

MS. LANZETTA: Yeah.

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MR. BLASS: I think if the Town wanted to put in a rule that the failure to meet the -- the failure to apply for the extension before the expiration of the approval, we should add one sentence to the Town Code that says that, because right now it doesn't speak to it one way or the other, so it's a matter of discretion.

MS. LANZETTA: Well I appreciate it, but at the same time it's like why have -- why have the code, you know.

MR. BLASS: Right.

MS. LANZETTA: I mean the code is to make the applicant move forward in a timely manner. I just --

MR. TRAPANI: Well was there a hardship with money there? Was that the problem?

MR. BROWN: There was.

MS. LANZETTA: Yeah, but I haven't seen any proof of that.

MR. CAUCHI: What's the legality of it?

MR. BLASS: The legality I would say is it's a matter of the Board's discretion to apply the extension retroactively back to April of 2016. If there was a second skin in the chapter

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155-32 K that says you must apply before the expiration of your approval, then I would say that you have no discretion. In the absence of that sentence, I would say it's a matter of the Board's discretion. I note that in the area of subdivisions it has been applied in a way that excuses the failure to timely make an application for extension.

MS. LANZETTA: Didn't the Town Board advise the Planning Board that they would prefer that the Planning Board not make those kinds of extensions without extenuat -- clear extenuating circumstances?

MR. BLASS: I'm not sure that I recall that. I do recall with respect to Brody Ridge and Gallo, the Planning Board saying we expect you to apply before the expiration of this extension period.

MR. BROWN: Gallo was actually my project. Brody Ridge originally was, too.

MR. BLASS: Gallo was yours?

MR. BROWN: Gallo was mine. They've abandoned that for economic reasons. So they are no longer interested in pursuing that. That one



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CHRISTOPHER LARKIN

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I had discussed with them. I have it in my calendar to request the extension.

MR. BLASS: What did we do that time? You were part of that discussion.

MR. BROWN: With Brody?

MR. BLASS: No. We had a position on whether we should extend -- tighten up extensions.

MR. CORCORAN: Yeah. My real question here is -- you know, I don't have a problem with the extensions. The book says, you know, 155-31 K, two-year extensions. It's not specific to meeting the deadline or something. But most of my discussion about that was a fee for the extension.

MR. BLASS: Right.

MR. CORCORAN: I mean obviously tonight I was going to ask the question who is paying for Ron's time tonight?

MR. BLASS: Right. I gave -- now I remember. Earlier this year I gave a copy of a fee schedule --

MR. BROWN: I understand that the escrow is still open on this project. No?

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MR. BLASS: Yeah.

MR. BROWN: I mean if the escrow is short, I certainly would, you know, get it refilled by my client. That's not an issue.

MS. LANZETTA: Do you have any idea where they stand on escrow?

MS. FLYNN: I didn't look at it this week.

MR. BLASS: So this has been discussed at two meetings. It would probably be somewhere between a half hour and an hour consultant time.

MS. FLYNN: They were at zero before the meeting so they're coming negative now.

MR. BLASS: I would think so.

MS. FLYNN: Yeah.

MR. BROWN: My client does understand that if this Board did grant the extension it would only be good until April. He is prepared to pull a building permit before that time.

MS. LANZETTA: It would be nice if he had some kind of proof of financing or something that showed us that he was actually able to move forward on this project other than just saying that he'll take out a building permit.

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MR. BROWN: So would you prefer to table this and let me request that from my client until another meeting and then Ron can bill us again and we'll replenish the escrow account?

MS. LANZETTA: I don't know. It's up to the Board.

MR. TRUNCALI: I think the Town needs to get some things going on in there. I don't have a problem moving forward with it, and then if Ron wants to straighten the code out so that going forward it won't happen again, I don't have a problem with giving the extension tonight.

MR. CAUCHI: Well if it's our discretion to extend it until April `17, I think that I'm in favor of that, to extend it.

MS. LANZETTA: So somebody would have to make a motion to do that.

MR. TRUNCALI: I'll make a motion to extend this project until April `17.

MR. CAUCHI: I second that motion.

MR. BLASS: That should be on condition of funding the escrow.

MR. CAUCHI: Yeah.

MR. BLASS: I think maybe we should

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CHRISTOPHER LARKIN

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just pick a (inaudible). Maybe \$250 would cover half of my time for two meetings.

MS. FLYNN: And the stenographer.

MR. BLASS: Oh, the stenographer fee, too.

MR. BROWN: (Inaudible) the difference, right. Call it \$500.

MR. BLASS: Okay. That's fine with me.

MS. LANZETTA: Okay. So the motion is to give the extension conditional to the funding of the escrow account for \$500? Is that what --

MR. TRUNCALI: Yes.

MS. LANZETTA: And Manny seconded that. Any more discussion?

(No response.)

MS. LANZETTA: All in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MS. LANZETTA: Aye. Okay.

MR. BROWN: Thank you very much.

(Time noted: 7:55 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of December 2016.

*Michelle Conero*

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

----- X  
In the Matter of

DISCUSSION - EXTENSIONS & APPLICATION FEES

----- X

BOARD BUSINESS

Date: November 21, 2016  
Time: 7:55 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman  
JOEL TRUNCALI  
BEN TRAPANI  
JOSEPH LOFARO  
MANNY CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.  
VIRGINIA FLYNN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MS. LANZETTA: All right. Any other business?

Tom, while we're here, do you have anything that you would like to bring up with the Planning Board?

MR. CORCORAN: The decision one way or the other, that's your call, that's all good. I just want to make sure that they know that he can't just pull the building permit in April. The project has to start according to the code book. I wasn't speaking up because it wasn't my business, --

MS. LANZETTA: Right.

MR. CORCORAN: -- but I'll let you know that April comes, whatever the date that's on there, the expiration, he doesn't start the project, the building crew in my office doesn't (inaudible).

MR. BLASS: Start construction.

MR. CORCORAN: I mean the shovel has to be in the ground. That's (inaudible) for one year. I mean if he takes the permit out in April -- see, what happens is he thinks he can take the permit out. My permitting process is he has a

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year for that permit and then he gets two extensions of six months, so he gets another two years from that project date. So he has to be under the understanding that he has to physically start the project. The machines have to be out there and the project has to be started. The application has to be in my office prior to that -- it would have to be prior to that date because I'll need to do a review. So that will have to happen.

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The discussion we had, you know, sometime back, and Ron did put together a fee schedule, as I always believed there should be a fee to sit in front of the Planning Board, you know, for an extension. Again, I'm not -- you make the fees because there will be a new fee schedule coming this year. But it doesn't have to be thousands, it doesn't have to be hundreds, but it should be a fee to sit down in front of the Planning Board and to either re-up the escrow because there's zero.

Again, my question tonight was again, if he's got zero escrow and I've got ten minutes of Ron's time, who is paying for the other twenty



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minutes? I don't know. That happened with the last meeting. At the last meeting there was a discussion with the stenographer on his project even though hasn't here, so that was time to be paid. So the absence of an application with a fee -- and again, the fee could be -- it's up to you guys. But anything we do, there's a fee involved because there's paperwork involved that she's doing, there's time involved that she's doing to take the application for the re-application. Again, I'm not here to kill any of our residents. When they told me I had to get a roofing permit, you know, I put the minimum number on it, \$50, because there's still a process to do it. So that was my suggestion awhile ago was to keep this in check as far as maybe not expiring but have an application -- a renewal fee, you know, for those two years, whether it's \$100 or whatever it might be, because there's obviously fees involved, there's work involved to do some of this paperwork. Maybe the fee itself will keep everybody aware that the project is ongoing, that's it's an active project, escrow should be collected. The

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fee, again, is something that will keep the project current I believe. With the absence of a fee itself and staying ahead of the application gets us to a point where we're seven months behind on this project being expired two times in a row.

MR. TRUNCALI: So he can start excavation without having a building permit?

MR. CORCORAN: No, he can't. He has to have a building permit prior. But the code -- your extension that you're offering tonight that you passed says his extension is at April X date, whatever you put on it. That ain't the date to get the application in to me.

MR. TRUNCALI: He has to get his permit before that.

MR. CORCORAN: Correct. Like I said --

MR. CAUCHI: Will you send him a clarification of that?

MR. CORCORAN: He's already had a building permit in front of me that's expired. That building permit came back on the original date in 200 -- again, '14, '15. This was '09, '10.

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MR. TRUNCALI: So he got a building permit once and let it expire?

MR. CORCORAN: Yeah. 2009, 2010 I want to say.

MR. TRUNCALI: Okay.

MR. CORCORAN: And I don't know how he got that building permit if you didn't issue a finding.

MR. TRUNCALI: He had final but he didn't do anything so he needed an extension.

MR. CORCORAN: But he couldn't.

MS. LANZETTA: I think they came back again. They came back and reapplied because they actually got final the second time in 2014.

MR. CORCORAN: Okay. So there were two finals. So that's what happened. That's fine. He got his building permit, really never put the shovel in the ground, but that expired, he came back to you for reapplication, --

MS. LANZETTA: Right.

MR. CORCORAN: -- and he gets his two extensions now again. So he has to give me another building permit. The same plans if they haven't changed but I still need to review what

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that process is. Again, that was always my suggestion, that the process would require, you know, an application fee to refill something back out instead of just making a phone call, showing up and saying I want a new extension. I mean it's pretty simple. Again, it kind of keeps ducks in a row and it kind of covers the costs. I mean for her to do additional work on somebody's, you know, reapplication or extension shouldn't come out of anybody else's pocket except for the applicant's. That doesn't come out of escrow. If she's doing additional work for that applicant, there should be a fee. Again I'm not saying it should be enormous. It could be \$50. But there should be a fee if you're going to an extension because a municipality worker is doing work and it's for that individual, not for the municipality. It's not a cost of doing business.

MS. LANZETTA: So it would behoove this Town -- this Planning Board to send a letter to the Town Board since they're the ones that would set the fee. Do we have to have that written into the code as well or are we allowed to --

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MR. BLASS: No. I think it could be in the fee schedule by resolution.

MS. LANZETTA: So we would request that the Town Board set an extension fee, and we should also request that there be additional language put into the -- into it saying that the applicant must apply for an extension before the extension has expired --

MR. BLASS: Right.

MS. LANZETTA: -- the opportunity for an extension has expired.

MR. BLASS: Mm'hm'.

MR. CORCORAN: I think it should read as Ron stated. I think the way it reads, you made the right decision. There's nothing at this point that says he has to come in prior to the expiration. It just gives him two years prior -- you know, from the final. Two extensions, one-year apiece from the final.

MR. LOFARO: If April comes and goes and he doesn't pull his permit or he doesn't stick a shovel in the ground, he has to start back from square one.

MR. CORCORAN: Correct. Going back to,

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I'm going to estimate, 2010 final that came and went and then he came back in 2014 and re-upped it. He started over again.

MR. LOFARO: Start from the beginning.

MR. CORCORAN: Yeah. That's just the way it reads now. If you guys want to do -- again, that's your call. The way the code reads now, it's two extensions start or finish. Again, don't forget, once he starts April 1st and he meets your deadline and puts the shovel in the ground, that starts a new clock. That's another two-year clock. So that two-year clock starts and then he has an opportunity to get two more extensions on that.

MS. LANZETTA: How so?

MR. CORCORAN: That's the way it reads now.

MS. LANZETTA: No. No.

MR. LOFARO: He can do six months twice.

MS. LANZETTA: It has to be completed within two years.

MR. BLASS: Right.

MS. LANZETTA: No.

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MR. CORCORAN: Start within two and you finish within two. If you start within one, finish within two. If you don't you can get an extension on your finish date, too. The book gives you an extension on your finish date.

MS. LANZETTA: So I'm confused again. So in April -- let's say April 1st he puts a shovel in the ground, --

MR. CORCORAN: Correct.

MS. LANZETTA: -- okay, then he can come back for additional extensions?

MR. CORCORAN: He gets two years from the date he puts the shovel in the ground --

MR. BLASS: One.

MR. LOFARO: One year. One and then two.

MR. CORCORAN: Two years from approval.

MS. LANZETTA: So he'll get three years?

MR. CORCORAN: Oh, two years from approval. Then he's --

MS. LANZETTA: Yeah.

MR. BLASS: You can extend the start time and you can extend the finish time

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independently, separately. It's one and one, one to start and one to finish. Two years to finish from approval. It's one and one. So you can extend the time to start twice and you can extend the time --

MR. CAUCHI: So let me get this straight. Once he puts the shovel in the ground and gets his building permit, he has a year to finish that project?

MR. BLASS: Actually, actually he -- this extension given to him tonight would be an extension of the one-year start date, and extension as well of the one year finish date. So he would need to put a shovel in the ground before April 21, 2017 and he would need to finish before April 21, 2018 or get a re-approval.

MR. CAUCHI: Extension for re-approval.

MS. LANZETTA: He can't get any more extensions.

MR. BLASS: Yeah. He'd have to get a re-approval.

MS. LANZETTA: Oh, he'd have to come back again. Yeah.

MR. BLASS: Come back.



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MR. LOFARO: If this project is not done by April of 2018, regardless he has to start over.

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MR. BLASS: A lot of towns -- I think I drafted -- I think I gave the Town Board a code provision on this. The re-approval process can be shortened and made easier than starting from the beginning itself. In looking at things like a change in the provisions, change in regulations, just stuff like that, change the conditions as opposed to making the applicant start from ground zero. So that's another way to approach the exhaustion of extensions in the re-approval process. It's a policy decision. The other policy decision is somebody should just start over at ground zero and do everything again that was done to get the original approval. It's the spectrum of choices there. But that should be legislative, in the code.

MR. TRUNCALI: So Tom, say he gets a building permit and he does all his site work and doesn't finish the building or doesn't start the building, can't he get an extension on his building permit?

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MR. CORCORAN: No, because if he doesn't finish by April of 2018, then I have to send him back to you.

MR. TRUNCALI: Normally can't you get an extension on your building permit?

MR. CORCORAN: Yes. Yes. The building permit is extended for another year. Two six-month periods. So theoretically he can get another year out of his building permit, but --

MR. TRUNCALI: Right.

MR. CORCORAN: -- in theory he'll almost lose that with the time he has to reapply to you guys, because he's going to come with a full re-approval; right?

MR. CAUCHI: After the second year he has to come back to us.

MR. CORCORAN: SEQRA has to be redone. Everything has to be redone.

MR. BLASS: The way it is now.

MR. CAUCHI: After the second year he comes back to us; right?

MR. CORCORAN: At this point, because he extended twice, the book says that his final has to be from the approval date. The approval

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date in 2014.

MR. CAUCHI: Let's say he gets his building permit --

MR. CORCORAN: April 1st.

MR. CAUCHI: -- January 1st, right.

MS. LANZETTA: April.

MR. CAUCHI: So then he comes back, he's not done by April of 2018.

MR. CORCORAN: Correct.

MR. CAUCHI: Can he get an extension there?

MR. CORCORAN: You can't give him another extension.

MR. CAUCHI: No. Can you give him an extension for the building permit?

MR. CORCORAN: Yes and no. I mean I can theoretically for the building permit, but no because the site plan is now expired.

MR. CAUCHI: Oh, for the site plan.

MR. LOFARO: It's all about the site plan expiring.

MR. CORCORAN: So in theory the book says I can give him an extension on his building permit because the building permit is one year

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plus two six-month extensions but I have to cut him off because the site plan has now expired. That's like you coming to me today to get a building permit, I couldn't issue it because it's an expired site plan. That will happen in April of 2018. Once the site plan expires, my building permit in theory expires. I can't let him continue the project.

MR. CAUCHI: Got it.

MR. CORCORAN: So he's only got one year. You lose the year of finish within two when you start asking for extensions because the book refers back to the original approval date of '14. Right?

MR. LOFARO: Yup.

MR. CAUCHI: Okay.

MR. CORCORAN: Just make sure he's not delusional that he can get a building permit on April, whatever date, 15 and then start six months later and then still get another couple extensions.

MR. LOFARO: Is it our responsibility to notify him?

MR. CORCORAN: It's not necessarily your

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responsibility.

MR. LOFARO: Common courtesy.

MR. CORCORAN: He's going to be cut off. It's understanding of the permit. I mean I could call Charlie and explain it to him.

MS. LANZETTA: Yeah. His engineer should be counseling him, not us.

MR. CORCORAN: It's just understanding of the code book. They might have misunder -- basically what he was talking he misunderstands the code. They don't -- we'll have an application in by April. That's not what it is. I could call Charlie tomorrow and say listen, this is where you're at, you've got your extension per se but understand that that shovel is in the ground that day, I have an application in my office at least two to three weeks prior for plan review and you've got to be finished by April of '18. This isn't going to be a two or three year project.

MR. LOFARO: Right.

MR. CORCORAN: Just so he understands. And that would just be a courtesy, not a responsibility in any way. They should

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understand our code book. I'll reach out to Charlie as a courtesy tomorrow and tell him exactly where he stands.

MR. LOFARO: Right. I can agree with that. It seems, you know, we don't want to prevent you from building this stuff, we want to do what we can to encourage him and help him through the process but we don't want to do the work for them.

MR. CORCORAN: Your vote is the right thing according to the code. It might not be the right thing. I mean I think people should be accountable for expired permits. I mean I do it all the time. My secretaries do files every day, chasing people for expired permits. Now we're thirty days ahead. We've got a process where we send a letter thirty days prior saying your permit is going to expire, but, you know, (inaudible). It's not necessarily our responsibility but as a courtesy. It's not a problem. You know, that courtesy is not going to be extended in the Town of Newburgh or City of Poughkeepsie. It's going to be -- it is what it is.

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MR. LOFARO: I understand.

MR. CORCORAN: Again remember it's more work on Jen, so that's why I always push for an application fee. Again, I'm not here to kill anybody. I mean as an applicant here tonight, that was my first question who is paying for Ron tonight. There's nobody else here. As long as I know he's got a escrow that's open, even though it's zero we're going to get it. In theory again we shouldn't be chasing for escrow monies either. That's where the application fee comes about. We needed an extension for the application, \$100. Here comes a check, that opens the folder and the folder now says you guys are at zero, I don't only need that application check but your escrow has to be replenished to the number that says it has to be.

MS. LANZETTA: Yeah. It makes it complicated for you.

MR. CAUCHI: It's a process.

MS. LANZETTA: Any other questions for Tom or Ron?

(No response.)

MS. LANZETTA: Can I have a motion to

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adjourn?

MR. CAUCHI: I'll make a motion to  
adjourn the meeting.

MR. LOFARO: I'll second.

(Time noted: 8:15 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 2nd day of December 2016.

*Michelle Conero*

\_\_\_\_\_  
MICHELLE CONERO