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

----- X

In the Matters of

VERIZON WIRELESS

1488 Route 9W - Property of Jason Warden
Project No. 17-1004
Section 109.1; Block 2; Lot 14

3 Young Avenue - Property of James Garofalo
Project No. 17-1005
Section 109.1; Block 3; Lot 26.2

1024 Route 9W - Property of Absolutely Auto
Project No. 17-1006
Section 108.4; Block 5; Lot 24

----- X

PRELIMINARY - SITE PLAN

Date: May 15, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

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VERIZON WIRELESS

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CHAIRMAN BRAND: I'd like to call the meeting to order. We don't have a flag so I'm going to skip over the Pledge of Allegiance part this evening and we'll just jump right into the agenda.

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, May 15, 2017. Regular meeting 7:30 p.m. Approval of stenographic minutes for 4/17. Verizon Wireless, preliminary site plan, Jason Warden property; Verizon Wireless, preliminary site plan, James Garofalo property; Verizon Wireless, preliminary site plan, Absolutely Auto property; Pollock/Taddeo, final, lot line; Reservoir Road, sketch, lot line; George Rodack, discussion, site plan. The meeting will be held at the TOMVAC. Next deadline: Friday, May 19th. Next scheduled meeting: Monday, June 5th.

CHAIRMAN BRAND: The approval for the stenographic minutes for 4/17. We've had an opportunity to review them.

MR. LOFARO: I'll make the motion.

CHAIRMAN BRAND: Excellent. Is there a second to approve them?

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VERIZON WIRELESS

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MR. CAUCHI: Second.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

MR. TRUNCALI: I was not at that
meeting --

CHAIRMAN BRAND: Joel abstains.

First up, Verizon Wireless, preliminary
site plan for the property of Jason Warden.

MR. OLSON: Good evening. Scott Olson
again for Verizon Wireless.

Hopefully you have some additional
information that we submitted to you based on our
last appearance. Very quickly, that information
includes a redacted copy of the lease agreement
which we provided in tab 1, some revised site
plans in tab 2. The revised site plans were done

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VERIZON WIRELESS

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in order to incorporate the survey information that was requested by the Board. Tab 3 we have the revised environmental assessment form which Mr. Hines had requested in his review letter. That was tab 3. Tab 4 is something the Board requested. We have a viewshed map and then behind it there are two pictures, one is a picture of the existing location where we're proposing a tower and the second picture shows you where the tower will be. So we've given you a photo simulation as to what it would look like.

I believe that's all the additional information that was requested for this application, so if the Board has any questions I'm happy to entertain them.

CHAIRMAN BRAND: Ron, I have a question. At the last meeting I believe there was a matter of setback issues. Has that been resolved?

MR. BLASS: Right. Tom Corcoran has issued zoning review letters for each of the applications I think. With respect to one or more, there were deviations from the minimum lot size in one case and setback in other cases. So

1 I want to call the Board's attention to --
2 actually, we're operating under Chapter 152,
3 telecommunication wireless regulations. Within
4 152-30 the Planning Board is given the power to
5 waive any deviations from the rules in Chapter
6 152 as opposed to the need to go to the Zoning
7 Board of Appeals for a variance. The applicant
8 is supposed to establish, by clear and convincing
9 evidence, that if granted, the waiver relief will
10 not have a significant affect on health, safety
11 and welfare of the Town, the residents of the
12 service providers and does not conflict with or
13 violate the intent of this chapter.
14

15 So part of the burden that Mr. Olson
16 bears on behalf of Verizon for all three
17 applications, if all three in any way deviate, is
18 to convince you to give relief from the
19 requirements.

20 So with respect to one of them, I
21 recall that it's in a zone where the minimum lot
22 size is 4 acres. Obviously we're talking about a
23 postage stamp size lease area for one pole.
24 There would be a significant deviation from that
25 requirement which you would have to review and

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VERIZON WIRELESS

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take a look at. It's the applicant's burden to convince you to waive those requirements.

Scott, I don't know whether you've got a separate section in the application yet that addresses that standard.

MR. OLSON: I don't know if we addressed it in writing. I know we talked about it at the last meeting. My argument was these are not necessarily a wooden utility pole. It's clearly intended to be similar to a utility pole. We thought from a siting perspective it made more sense to have that closer to the right-of-way and where the other utility poles would normally be for aesthetic purposes as opposed to having it set back -- just in one case, on the other site we're dealing with, the Absolutely Automotive, it would be like in the middle of the parking lot to meet the setback requirements. So again, that was our argument. We can certainly summarize that in writing or put some details into a follow-up letter if the Board would like.

MR. BLASS: That would probably be a good idea.

CHAIRMAN BRAND: Comments, questions

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VERIZON WIRELESS

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from the Board?

MS. LANZETTA: I think my main concern was the visual impact. Looking at the photograph, especially the one that you included by Absolute which would be within the area of the historic site, the Gomez Mill House, to my mind there's very little visual impact compared to what's there now. I'm pleased that you included that so it would give us a good idea of what to expect.

MR. OLSON: I agree. In fact, just as a quick follow up, we've got the photo simulation, but our people also said from that house you won't even see it, it's not going to be visible. Clearly it will be visible from the road.

MR. TRUNCALI: I also think our existing law doesn't consider this new technology and that this is much smaller than a cell tower. It's basically a telephone pole. I don't think that our existing law takes this kind of thing into consideration. I really don't have a problem with it.

SUPERVISOR LANZETTA: We wrote the laws

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VERIZON WIRELESS

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especially for this. If you read the law you would see it applies to these small towers.

MS. LANZETTA: You updated the law.

MR. BLASS: It was updated to --

SUPERVISOR LANZETTA: I'm sorry, Mr. Chairman. I shouldn't have spoken.

MR. BLASS: It was updated with respect to these facilities in the right-of-way, and they require a building permit only. So that group of projects such as this was pulled out of the code and no Planning Board approval is required. The other ones on private property were left in. So the Gomez Mill House is a good example of the wisdom, perhaps, of having done it that way.

On the Gomez Mill House I noticed that the photograph is in defont condition. I also know that that house sits way down in a virtual hole. It may be that the site lines render anything at that location invisible to the house. That could be addressed through a supplemental visual assessment with sight lines.

CHAIRMAN BRAND: Do we think that's necessary, a supplemental visual assessment?

MR. CAUCHI: What kind of duration do

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VERIZON WIRELESS

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you have installing these things if everything is
a go?

MR. OLSON: I don't know the exact
answer to that. I'm assuming it's going to be a
fairly quick install, thirty days, sixty days
probably.

MR. KULIK: Probably thirty to sixty
days. It's a one-day -- one to two-day build.

MR. OLSON: I haven't heard of any
being built. This is one of the first ones I've
worked on personally. It sounds like it's going
to be one to two days to actually build or
install the structure. I guess from start to
finish, site prep, utilities, it might take
thirty days, depending on the scheduling.

MR. CAUCHI: Also, can we put it like
to -- can it match like the surroundings? Like
does it come in different colors that it could
camouflage itself, like a tree, or does it come
in different colors? What color is it so it
doesn't -- it's not an eyesore, something that
blinds you as you're driving by, a reflection of
the sun.

MR. OLSON: By the way, this is Mark

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Kulik with Tilson. He probably has more information.

MR. KULIK: The equipment is like a putty color. The problem is we can't paint it. It's manufactured that way and it's manufactured -- the paint will cause a problem because it needs to dissipate heat.

MR. CAUCHI: Like a powder coat?

MR. KULIK: It's a powder coat. That's the way it comes from the manufacturer.

MR. HINES: The color of this wall here?

MR. KULIK: Yeah. I'd say it's a typical -- you'll see it -- actually, if you drive around you'll actually see other things on the poles that are somewhat similar to that color.

MR. CAUCHI: Okay. Personally I think that would put a great value to Verizon and the cell phone towers. That 9W corridor is terrible.

CHAIRMAN BRAND: Any other comments for this one specifically?

MS. LANZETTA: I'm just curious because we're looking at the picture. It does look like

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VERIZON WIRELESS

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it's blue, like a steel blue.

MR. LOFARO: Like silver.

MR. OLSON: It does look like that.

You're describing the putty.

MR. KULIK: You're talking the antenna
up on top?

MR. TRAPANI: The pole itself.

MR. KULIK: It's a wooden utility pole.
It's a hundred percent wooden utility pole.

MR. LOFARO: It's like a regular
utility pole?

MR. HINES: Because of the way they
Photo Shopped it in.

MR. OLSON: My concern is the photo
color -- it looks like the tower almost took the
color of the surrounding sky a little bit.

MR. KULIK: This is a standard wooden
pole, class --

MR. CLARKE: It's going to look like
every other utility pole.

MR. OLSON: Sorry for that confusion.

MR. CAUCHI: So it's a wooden pole with
a module on top?

MR. KULIK: It's a standard telephone

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VERIZON WIRELESS

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pole.

MR. CAUCHI: Okay.

MS. LANZETTA: Do we have to do an individual environmental impact statement on each project?

MR. BLASS: Yes.

MR. HINES: We're waiting for Mike Musso's office's comments. We don't have those in yet. The packages we got dated April 27th are responsive to my previous comments but we haven't heard from the Town's telecommunications consultant yet. Those are due in -- I think they sent you a letter saying they couldn't make this meeting but shortly.

CHAIRMAN BRAND: So we do not have the telecommunications information regarding this. The next step in the process I'm assuming would be to schedule a public hearing?

MR. BLASS: Yes.

MS. LANZETTA: We would want to do the environmental impact determination so we can send it up to County as well.

CHAIRMAN BRAND: We would list ourselves as lead agency.

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MS. LANZETTA: I know County says that they prefer to get the information before public hearings are scheduled.

MR. BLASS: I think we have -- a full statement to County Planning under the statute would be the full environmental assessment form or the short environmental assessment form.

MR. HINES: They've done a full.

MR. BLASS: You've done a full. Part 1 or 2?

MR. OLSON: I think we just did part 1.

MR. BLASS: So that referral would be legitimate if it was accompanied by the part 1 full environmental assessment form. There's no requirement to do a negative dec before the referral.

MS. LANZETTA: County wants us to make a determination before we send up our applications.

MR. BLASS: A determination of significance under SEQRA?

MS. LANZETTA: Yes.

MR. BLASS: Really? I forgot who I was dealing with for a second. That's somewhat

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unique.

In order to do a determination of significance you may want to wait until you get your telecommunication consultant's comments. I mean there's nothing to stop the Board from doing a determination of significance before a referral. The earlier the better under the SEQRA regs is preferred.

CHAIRMAN BRAND: Personally I'd like to see Mike's recommendations on this. I don't think that there's going to be anything shocking or surprising there. I would be more comfortable getting his recommendation first personally.

MR. BLASS: The visual impact is going to be the most significant impact seemingly. In order to do a negative declaration, hypothetically the Board would have to be satisfied with the visual assessment on all three.

MR. CAUCHI: The visual assessment, if it's going to be a pole, like an electrical pole, they're all over the community. I mean they're everywhere. I don't think that that's going to be any kind of visual distraction. I don't see

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any deal breaker there.

MS. LANZETTA: It seems like we should get Mike's comments soon so that we could be prepared to make a determination at the next meeting, which would still give us enough time to get it up to County for the next County Planning Board meeting for their review, and then we could schedule a public hearing.

MR. OLSON: I fully realize where we are in the review process and I understand when we submitted the application, but I'll just add this pitch. We're getting -- we're under a bit of a timeframe to get -- it's great weather now, construction and get things rolling. It's coordinated not only on this site but 400 other sites we've got. Is there any way we could maybe expedite, not cut any corners in the review process but perhaps schedule the public hearing now so that we don't lose maybe another month if that's possible? I know you have to wait for Mr. Musso's comments, and that's fine. I don't anticipate anything concerning the environmental review that you have to do. Who knows, maybe he will have something. If we could just get that

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VERIZON WIRELESS

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going, that might save a little time from our end. You don't owe us anything, I get that. I have to at least make that request.

MS. LANZETTA: We have constraints when -- we have to follow the SEQRA process, and the public hearing is part of that process.

MR. OLSON: Right.

MS. LANZETTA: It's got to go to County. The County will not meet again until the first Wednesday of next month. Then it would take probably a week to get their comments back. So if everything went well, the scenario that we're talking about, and there's no big comment that needs to be addressed or anything, then it's very possible that by the first meeting in June.

MR. CAUCHI: June 5th.

MR. TRAPANI: July.

MR. CAUCHI: I think that --

MS. LANZETTA: Wait a minute. It would be -- the first meeting in June is -- the first week in June would be the County, so then the following -- our meeting --

MR. OLSON: The 3rd.

MR. CAUCHI: Then you've got the Fourth

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of July week there.

MS. LANZETTA: It would be the second meeting in June we could probably give final to this.

CHAIRMAN BRAND: Normally we do the public hearings -- I wouldn't mind, we could schedule the public hearing for the second meeting in June as well.

MR. LOFARO: It should be wrapped up at that point if everything goes well.

MS. LANZETTA: Once we've made a determination we can set the public hearing. It could be the first meeting in June.

MR. CAUCHI: It sounds like a reasonable request. He's asking us can --

MR. CLARKE: Can we do the public hearing and not make a determination until afterwards?

MR. BLASS: Yeah.

CHAIRMAN BRAND: We can do it all at the same meeting?

MR. BLASS: You could do this: You could have the public hearing, get an extension of the time for decision, if necessary, after the

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close of the public hearing, refer the matter --
do your negative declaration, refer the matter to
County Planning, wait thirty days for their
input, which would probably be not significant,
and approach it that way.

I think, though, that -- Pat just
called my attention to the fact that note 5 is
contiguous -- potentially contiguous to a park,
to a national. Oh, this is --

MR. HINES: To the Gomez Mill House
site. It touches.

MR. BLASS: Because it touches a
national historic site, it's a type 1 action
under the SEQRA regulations and requires lead
agency circulation. I don't think we've done any
agency circulations yet. We should get the
circulation out on note 5.

CHAIRMAN BRAND: Absolutely Automotive.
Okay.

MR. HINES: Because of it's proximity
to the Gomez House which is on the National
Registry, it triggers the type 1 action.

MR. BLASS: Let's assume we circulate
tomorrow, build thirty days into the process for

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establishment of the lead agency, unless the agencies respond earlier.

MR. HINES: Your second meeting in June is the 19th. If you circulate -- declared yourself lead agency tonight, circulated this week by Friday, the thirty days would be on the 19th.

CHAIRMAN BRAND: Okay. So the first one, though, the note -- Jason Warden property, the one we're discussing now, we could go ahead and schedule that for the first meeting in June for a public hearing with no other action at this point; right?

MR. BLASS: Right. You know what, I would say that's true of all three. There's definitely no rule that says a public hearing must wait until the end of the SEQRA process. So you could schedule a public hearing for all three if you wished.

CHAIRMAN BRAND: Are we comfortable doing that?

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

MR. CLARKE: Yes.

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CHAIRMAN BRAND: All right. Let's go ahead and put that on the agenda for the first meeting in June, a public hearing.

MR. HINES: Which is June 5th.

CHAIRMAN BRAND: June 5th. And do we want to go ahead and declare ourselves lead agency for note 5? Can I have a motion for that?

MS. LANZETTA: I'll recommend we declare ourselves lead agency for note 5.

MR. TRUNCALI: The motion is to circulate intent to become lead agency.

MS. LANZETTA: Mm'hm'.

CHAIRMAN BRAND: So moved. Is there a second for that?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Great.

I think we kind of skipped around a little bit on the first three of them but I think that kind of finishes you for the evening.

MR. OLSON: We're set for a public hearing on June 5th for all three of them?

CHAIRMAN BRAND: Correct.

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MR. OLSON: I think we're all set.
We'll see you then. Thank you very much for your
consideration. I appreciate it.

(Time noted: 7:49 p.m.)

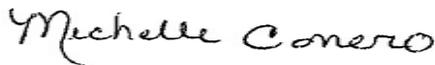
C E R T I F I C A T I O N

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 27th day of May 2017.



MICHELLE CONERO

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

----- X
In the Matters of

POLLOCK/TADDEO
Project No. 15-8008

24 & 26 Main Street
Section 108.2; Block 22; Lots 29 & 30

----- X

FINAL - LOT LINE

Date: May 15, 2017
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHRISTINA HARTWELL

----- X

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(845)895-3018

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POLLOCK/TADDEO

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CHAIRMAN BRAND: Next up,
Pollock/Taddeo.

MS. HARTWELL: I'm just here to
represent Robert. I don't know what I'm supposed
to do.

MR. HINES: Can we have your name?

MS. HARTWELL: Christina, or CJ,
Hartwell.

CHAIRMAN BRAND: We talked about this
one earlier. It received approval but then
nothing was done for a few years. Essentially
you're starting over from the very beginning is
how this works.

MS. HARTWELL: Okay.

CHAIRMAN BRAND: There were some new
regulations that have been passed recently but
this doesn't really fall under that because it
lies in a commercial zone.

Essentially what we would have to do is
to again review it, schedule a public hearing and
then make our determination after that.

MR. BLASS: I don't think there's
anything in the way of scheduling a public
hearing. Pat, do you see it?

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MR. HINES: I think we can. It's a procedural matter here. It was approved once before. It lapsed for lack of filing it. It just needs a public hearing again.

MS. HARTWELL: There was some paperwork we failed to file?

MR. HINES: Yes. Since 2015.

MS. HARTWELL: Okay.

CHAIRMAN BRAND: We will just put you on the agenda for the public hearing for the June 5th meeting as well.

MS. HARTWELL: Sorry. What was that?

CHAIRMAN BRAND: June 5th public hearing.

MR. HINES: There are mailings that have to be done associated with that.

CHAIRMAN BRAND: Speak with Jen Flynn in the Planning Department office, she'll be able to assist you with that.

It's a 500 foot.

MS. FLYNN: Yes.

CHAIRMAN BRAND: Everyone within 500 feet needs to be notified by certified mail.

MS. LANZETTA: Based on the public

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input, if there's no adverse public input like there was last time, would we be prepared to do a resolution to approve it?

MR. BLASS: Yes.

CHAIRMAN BRAND: It's already been approved.

MR. BLASS: Yes. I'll pre-prepare the resolution ahead of time.

CHAIRMAN BRAND: Excellent. I think that's it.

MS. HARTWELL: Okay. Thank you.

(Time noted: 7:52 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 27th day of May 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

RESERVOIR ROAD
Project No. 17-1001

Section 108.2; Block 9; Lots 43.131, 132,
133, 134 & 135

----- X

SKETCH - LOT LINE

Date: May 15, 2017
Time: 7:53 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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CHAIRMAN BRAND: Next on the agenda,
Reservoir Road.

MR. TRUNCALI: I'm going to recuse
myself from this application because I'm part of
it.

CHAIRMAN BRAND: Just give us an
overview of what's going on.

MR. DATES: Justin Dates from Maser
Consulting. We're representing Lucky 7 Equities,
LLC, the applicant for the project.

What we have is right now it's five tax
lots, about 21.5 acres in total, in the Town's
RAG-1 zoning district. North will be to the
right. Reservoir Road wraps around this side of
the property here.

What I did is the map -- the one map I
gave you is the existing tax map. There's four
different owners for these five parcels. The
yellow -- the colors on there correspond to the
map itself here. So yellow represents the Austin
Tyler Properties, blue is going to be the Lucky 7
Equities, LLC, the orange is Madison Rose
Properties, LLC, the pink one is Joel Truncali.

So originally as this map is currently

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-- these lots currently stand, there was a right-of-way established for a private road that would service these lots. What the applicant is proposing is to make some adjustment to the lot lines for these parcels. Like I said, we started out with five. In the end, pending approval of the lot line revisions, we'd be down to four lots.

So lot 1, Mr. Truncali's property here, picks up some of this land that was originally set aside for a private road right-of-way. So there's a 50-foot strip that went from Reservoir Road into the back lot there. That was actually part of this larger piece. So this lot would go from 1.2 acres to 1.39 acres. It's picking up land. The owners on here, the Madison Rose properties, that's going to go from 1.14 to 1.63 acres. This is the Lucky 7 Equities property. This was two pieces. We're dissolving that lot line in the center. That goes from 1.36 to 2.33 acres. Then this Austin Tyler property in the back, that's going to 16.2 acres from 16.8. So this right-of-way that was established is right around .6, .5 acres. That's going to give up to

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RESERVOIR ROAD

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here to lose that.

CHAIRMAN BRAND: How would you access that?

MR. DATES: Okay. That was next. What we've proposed is -- again, these parcels are all vacant right now. There's no proposal from us at this point for any proposed buildings or what not. We're looking to do a common drive, basically a 15-foot driveway. Reservoir Road is here. It will come in to service these three lots. The larger lot, the Austin Tyler properties in the back here, has frontage up on Reservoir Road up in this corner.

MR. HINES: I thought they were all going to have their individual driveways. Go over that common drive idea again.

MR. DATES: On the plan here there's -- it straddles this center -- this property line here.

MR. HINES: I got that.

MR. DATES: A 15-foot common drive.

MR. HINES: We don't have such a thing.

MS. LANZETTA: It's going to be a shared driveway?

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RESERVOIR ROAD

MR. DATES: A shared driveway.

MR. HINES: You can share with two of them.

MR. DATES: Okay.

MR. HINES: The third one triggers a private road. I thought the intent here, and I believe one of your applicants thought the intent here, was each of those lots was going to have their own driveway to Reservoir Road.

MR. DATES: They do all have access.

MR. HINES: Why are we having a common drive?

MR. TRUNCALI: I want my own driveway on my lot. You can have a shared driveway on the other two lots if you want. I want my own driveway.

MS. LANZETTA: That will have to be stipulated.

MR. DATES: That's fine. We can just clear that up.

MS. LANZETTA: The access to the larger parcel up there on Reservoir Road, that's a rock, a big piece of rock, and then it goes like straight down. How would you access that

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property from there?

MR. DATES: Fill and excavation.

MR. TRUNCALI: The existing landowner around that whole property is buying it so they have access.

MS. LANZETTA: But then it would be good if they just took away the lot line there and made it all part of the larger lot, wouldn't it?

MR. HINES: It is. Oh, combine it at this point?

MS. LANZETTA: Yeah. Combine it with the other property.

MR. DATES: I'm sorry?

MR. TRUNCALI: They could if they wanted.

MR. DATES: The other parcel, --

MR. TRUNCALI: Right.

MR. DATES: -- you're looking to dissolve that? At this point the minimum frontage is 25 feet for access. We have 33.5 feet.

MR. HINES: It meets Town Law but it may not practically be a great location for a

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driveway is what we're hearing. It meets the requirement for the subdivision but practically I don't think you're putting a driveway there. I don't think that's the intent.

MR. DATES: Not as of right now.

MR. HINES: The other option would be not for residential purposes at this time. Add a note there not a building lot.

MS. LANZETTA: I mean if it's technically -- we have to look at it as a potential building lot as a Planning Board.

MR. HINES: It's greater than 5 acres in size so it's not considered, under New York State Real Property Law, a building lot, which is why we're not doing septic systems and such.

MS. LANZETTA: So we don't have to look at it as a potential building lot?

MR. HINES: It's 16 acres.

MR. DATES: 16.2.

MR. HINES: Normally we wouldn't do septic systems and such on a lot that size. New York State doesn't consider anything over 5 acres -- I'll throw it to Ron.

MR. BLASS: It's basically a 280-A Town

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RESERVOIR ROAD

Law issue with respect to whether or not the frontage on the public road -- is it Reservoir Road --

MR. DATES: Yes.

MR. BLASS: -- meets a minimum of 15 feet by statute. The Town Code may have a minimum of 25 feet. 25 feet? But it's always relevant as to whether or not the frontage is accessible and usable -- it's usable for access or not. We've seen situations where there was a pond at the frontage and we've determined that the pond -- there was no access because of the presence of the pond. So if the access is so challenged, then you'd have an issue to determine as a Planning Board as to whether or not that frontage is in any way usable for access. That would be your determination as part of the review process. If it's not usable for whatever reason, topographically, geographically or whatever, geologically, then one option is to merge the 16.94 acres --

MR. HINES: It becomes 16.2.

MR. BLASS: -- into the property to the rear, which is probably the intent anyway. But,

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you know, I don't mean to prejudge whether or not that 33 feet of frontage on Reservoir Road is usable or not usable. That would be your call.

MS. LANZETTA: I'm just trying to be clear if we have to, as a Planning Board, look at it as a potential for anybody building a house on that lot.

MR. BLASS: It's definitely a lot being created by a subdivision, and the fundamental purpose of doing that is to eventually get a building permit. You can't predict the future. You can't control the future. It may be that the intent is never to build on it. Once you file the subdivision plat, the option to do that is open. If the access is so deficient for whatever reason, then they probably will not be entitled to get a building permit under 280 of the Town Law. That goes back to Pat's comment awhile ago. Maybe the applicant would consent to a note on the map that no building permit shall issue for the 16.9 acres.

MS. LANZETTA: You might want to ask the applicant.

MR. DATES: I wouldn't commit to that.

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RESERVOIR ROAD

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I would look to speak to the owners.

MS. LANZETTA: You might want to bring this up, that this was the conversation.

Also, I don't know if there's any reason not to include it with the other parcel, if there's any benefit in him keeping it a separate parcel, you know, as far as any kind of a tax advantage or disadvantage. I just don't know. You know, they might want to consider doing that and then that goes away. That's something we don't even have to worry about.

CHAIRMAN BRAND: I'm out of the loop here. Apparently Austin Tyler owns the large piece of property behind that?

MR. HINES: No. The guy behind it is intending to purchase the balance parcel which is the driving force behind this. The Wade & Kelly Davis owners behind this have expressed -- I believe expressed their intention of purchasing the 16 acres, which is the driving force behind --

MR. TRUNCALI: Or you could just show that a driveway could be put in there on your map.

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RESERVOIR ROAD

MR. HINES: Correct.

MR. CLARKE: A driveway or a private road?

MR. DATES: Driveway.

MR. CLARKE: At this point here --

MR. HINES: At the 33 foot wide.

MR. CLARKE: -- that's just an engineering problem.

MR. DATES: Yeah. No private road.

MR. BLASS: Just flag lots?

MR. DATES: One flag lot.

MR. HINES: We're talking back to the individual access to those lots.

MR. DATES: Yeah. Each has frontage where it could have individual access, --

MR. BLASS: Okay.

MR. DATES: -- unless the Board finds an issue with that. We're looking at a common driveway or shared driveway, whatever the Town --

MR. HINES: Two can share. Over two is a private road. You're losing what you're gaining here.

MR. DATES: So then it would be these two, or we can just take it off the map and when

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RESERVOIR ROAD

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they come in for a building permit they'll show you where they want their driveway.

MR. TRUNCALI: I think we need to show driveways on there.

MR. HINES: The highway superintendent has to say yes to the driveways at those locations. After the conversation we heard from the Board, the 33 foot wide frontage should show a driveway acceptable to the highway superintendent at that location or make it combined to one of the adjoining lots if that's the intent.

MR. DATES: Understood. Okay.

MR. HINES: Earlier we had a conversation regarding the new lot line change regulations. This one also doesn't comply because of the number of lots involved.

MR. DATES: What's that?

MR. HINES: There's a streamlined provision for lot line changes but not with this many lots involved.

MR. DATES: Does the Town still consider it a subdivision?

MR. HINES: Now it is because of the

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number of lots. If it was two lots changing a common lot line between them in this zone, there's a new streamline where it's not considered a subdivision. Because of the number of lots here, it is.

MR. DATES: Okay.

MR. HINES: We're also learning that regulation now. It's only three months old.

MR. DATES: Okay.

MR. TRUNCALI: It's still not a lot line revision?

MR. HINES: Because of the number of lots. It's a lot line revision but it's considered a subdivision with this many lots.

CHAIRMAN BRAND: What's the threshold? Three?

MR. HINES: Two.

CHAIRMAN BRAND: More than two. Okay.

MR. DATES: Is a public hearing something the Board would consider waiving?

MR. HINES: We can't on a subdivision. It's not allowed.

MR. BLASS: The last issue appears to be what to do with the private road and

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RESERVOIR ROAD

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cul-de-sac that exists on the map.

CHAIRMAN BRAND: Is there a road there now?

MR. DATES: No.

MR. HINES: The subdivision I'm sure had --

MR. DATES: The subdivision --

MR. HINES: -- an easement underlying it.

MR. DATES: The filed map -- we did the updated boundary survey here. We did not come up with any deed description or what not that separated out a cul-de-sac bulb and private driveway right-of-way. So it was viewed as all part of the large lot.

MR. HINES: There had to have been some form of easement or something.

MR. TRUNCALI: The back lot owned the road out -- owned that 15-foot strip out to the road.

MR. HINES: What provisions did the other lots have to access it?

MR. TRUNCALI: There was a road maintenance agreement.

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RESERVOIR ROAD

MR. HINES: There has to be something
filed.

MR. BLASS: That should be a recorded
road maintenance agreement.

MR. HINES: You need to get rid of
that.

MR. BLASS: All owners sign a simple
instrument that revokes it.

MR. HINES: The last guy buying the
last lot in the back --

MR. DATES: Sure. Sure.

MR. HINES: It can come off your new
map. You show the old limits.

MR. DATES: We did that just to show
how it was being adjusted. As a final version we
can wipe those out.

MR. HINES: I think it will clear it up
twenty years from now when someone says what the
heck is this.

CHAIRMAN BRAND: Anything else from the
Board?

(No response.)

CHAIRMAN BRAND: It sounds like you
have a little bit of homework for your June 5th

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public hearing.

MR. DATES: So we're scheduled on the public hearing?

CHAIRMAN BRAND: We can do that.

MR. HINES: Yes.

CHAIRMAN BRAND: I would just try and clean up all of those issues. We'll put you on for June 5th and have the public hearing on the same date. Make sure you send out mailings.

MR. DATES: Yes.

MR. HINES: There's a spare Monday this month but you're still under a tight deadline. Now we have five public hearings scheduled.

MR. DATES: What's the minimum days for the mailing? Ten?

MS. FLYNN: Yes.

MR. TRUNCALI: Chris, I'd just like to state that I'm not liable for any expense incurred in this application, whether to the Town or to whoever is doing the work here.

CHAIRMAN BRAND: Okay. Duly noted.

MR. HINES: We don't care about that, Joel. That's between you and them.

They have to be out by the 24th.

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RESERVOIR ROAD

MR. DATES: Thank you.

MS. FLYNN: Postdated on the 24th.

MR. HINES: You've got plenty of time.

MR. DATES: Just checking.

CHAIRMAN BRAND: Thank you.

MR. HINES: Only because there's five
Mondays in May.

(Time noted: 8:09 p.m.)

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