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

----- X

In the Matter of

COPART YARD 24

Project No. 14-7006
Riverview Drive
Section 109.1; Block 2; Lot 5.311

----- X

FINAL
AMENDED SITE PLAN

Date: May 19, 2014
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
JOEL TRUNCALI
WALT FALKENBERG

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. TRUNCALI: Agenda, Town of Marlborough Planning Board. Copart Yard 24, final, amended site plan; Wenz Construction, sketch, lot line consolidation. Next scheduled deadline, Friday, May 23rd. Next scheduled meeting, Monday, June 2nd.

CHAIRMAN PORCO: Okay. Everyone should have had a chance to review the minutes from April 7th. Any changes, corrections to those?

(No response.)

CHAIRMAN PORCO: I'll take a motion to approve.

MR. TRUNCALI: I'll make a motion to approve.

CHAIRMAN PORCO: Joel. And a second?

MR. BRAND: I'll second.

CHAIRMAN PORCO: Chris. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

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Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

Copart Yard 24. We had to wait for a few things, which I believe we have received.

MR. BROWN: We were waiting for the response from the County, --

CHAIRMAN PORCO: Right.

MR. BROWN: -- which we got.

CHAIRMAN PORCO: Has everyone had a chance to look at that? It's in your packets. I don't know if you had a chance to look at it. Take a minute.

Pat or Ron, did you have anything that you wanted to add to the County comments?

MR. BLASS: Well, I noticed that they are exercising their advisory function as opposed to their higher level function, which requires a majority plus one to override plus a statement of reasons for overriding. That vote and that rule of giving reasons doesn't apply to this particular set of recommendations, which are advisory only.

MR. BROWN: As far as the lighting, I

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think that the set they got didn't show the lighting that we have on there. That was kind of my impression looking at their advisory comment on that. We feel that we have enough lighting.

We definitely don't want to put sidewalks through the site. Again, it's a private yard for Copart, and I don't see any need for it down there anyway. Where are they going to go, you know.

I think we have sufficient landscaping. You know, we are hesitant to put landscaped islands in the middle of the parking here because, you know, God forbid the trucks take out the curbs or whatever.

CHAIRMAN PORCO: I mean I would have to agree that if it were, you know, open to the public, outside retail, but this is not that.

MR. BROWN: Right.

MR. HINES: That street, I mean that street is a busy -- you know, it's a commercial street. The uses are in the I zone down there.

CHAIRMAN PORCO: Yeah.

MR. HINES: It doesn't make sense to encourage pedestrians along there with the truck

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traffic.

MR. BROWN: Based upon that we would request a site plan approval on the plan as it stands.

CHAIRMAN PORCO: Pat, you had --

MR. HINES: Mine just goes through and hits each of those County comments that you already have addressed. The lighting was shown. That was added after the County's plan. We discussed that at the last meeting.

The landscape is consistent with what the Board previously approved.

Again, discussion of the driveway and the heavy truck traffic along Riverview Drive, we don't recommend that there be pedestrian access. The Town did just recently reconstruct that road, recently, two or three years ago, reconstructed the entire road and chose not to put sidewalks in at that point.

So with that I believe all of our outstanding issues are addressed.

MR. TRUNCALI: Did you guys look at that pooling of water that Woodward was talking about?

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MR. HINES: Yeah. They're going to modify that. Just make sure -- it's on the other side of the street. That water is going to stay. They're going to grade that off a little bit.

MR. BROWN: When we put in our driveway, you know, we'll take care of what's on our side of the street. There's nothing we can do about the other side.

MR. HINES: We chased it as best we could when we rebuilt it. It's just the existing topography, it's so flat on that corner there. They actually put additional drainage in when the road was rebuilt, and curbs.

CHAIRMAN PORCO: Any other questions or comments from the Board on this?

(No response.)

CHAIRMAN PORCO: Does this require a SEQRA determination? I mean we might have done it already.

MR. HINES: I think we were waiting for the County.

MR. BROWN: I think you did wait for the County.

MR. HINES: You did not do it. We

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would recommend a negative declaration based on the information submitted. The applicant did submit the new long form, which is longer than the old long form.

CHAIRMAN PORCO: We can entertain a motion for a negative declaration on this application.

MR. RICCIARDONE: I'll make a motion for a negative dec on this application.

CHAIRMAN PORCO: Frank.

MR. TRAPANI: I'll second.

CHAIRMAN PORCO: And Ben. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The same thing for a motion for site plan approval.

MR. RICCIARDONE: I'll make a motion

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COPART YARD 24

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for site plan.

CHAIRMAN PORCO: Frank.

MR. TRUNCALI: I'll second.

CHAIRMAN PORCO: And Joel. All those
in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

The motion is carried. I believe
that's it for this one.

MR. BROWN: Thank you. So what do I
do? You take mylars on site plans? It's been a
long time since I did a site plan here.

CHAIRMAN PORCO: I believe --

MR. BROWN: What's the procedure?
Bring a mylar in?

MS. NATLAND: No. No mylar.

MR. HINES: Only to file with the
County.

MR. BROWN: Okay. Do you need any
record sets or --

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MR. HINES: Yeah, we need a couple.

MS. NATLAND: The maps?

MR. BROWN: Yeah.

MS. NATLAND: You need about five or
six of those.

MR. BROWN: Okay.

MS. NATLAND: Those can be signed, too.

MR. BROWN: Okay. Thank you very much.

(Time noted: 7:40 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: June 12, 2014

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

----- X
In the Matter of

WENZ CONSOLIDATION

Project No. 14-7003
Plattekill Road
Section 108.2; Block 9; Lots 33.1/3/4/5 & 34

----- X

SKETCH
LOT LINE CONSOLIDATION

Date: May 19, 2014
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
JOEL TRUNCALI
WALT FALKENBERG

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: DARREN SCALZO &
BRETT SCALZO

----- X

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CHAIRMAN PORCO: Next is Wenz lot line consolidation.

MR. DARREN SCALZO: Good evening, folks. My name is Darren Scalzo. To my right is Brett Scalzo. We're here tonight representing the Wenz consolidation parcel. We appeared before you, I want to say it was February prior. Since that time we got the other adjoiner on board to include themselves in the consolidation and lot line change.

So what we have is we're going for five lots down to three. The original Wenz parcel now is increased in size to 5 acres. The other two lots are greater than 5 acres. We fall in the RAG-1, meeting all the criteria for that. We meet the criteria for all the setbacks.

I'm sure Mr. Blass is going to ask me about the driveways.

MR. HINES: So is Mr. Hines.

MR. DARREN SCALZO: Okay.

MR. HINES: And we can't find it in here but I know it's been the policy that more than two lots on a common driveway makes it a private road. We can't find that. I know I

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talked to the building inspector. I talked to the building inspector earlier today and he believes that that's the case also. It has to do with the length of the driveways and emergency vehicle access and the lack of a turnaround.

If the Board remembers, when this was a five-lot there was a cul-de-sac proposed up in the center portion here where the bunch of those lots come together. It had a private road coming off of here and then it had a cul-de-sac with the lots coming off it which provides for that adequate turnaround. I think it works if you can bring a separate driveway out, but the pond -- the pond is in the way, the existing house is in the way. I don't even know if you can really make the turns that are shown off the driveway up to the houses for lots 1 and 2. I know the private road ordinance used to specifically say two or more lots. It doesn't seem to say that any more with the 2010 changes, so --

CHAIRMAN PORCO: There isn't anything under driveways, shared driveways?

MR. HINES: No. It used to. When we had the private road it said if more than two

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lots share a driveway it triggered the need for the private road, which is what this had originally.

MR. BRAND: Pat, what's the difference effectively between the private road and a shared driveway?

MR. HINES: The private road is 24 foot pavement width, has a cul-de-sac at the end so emergency vehicles can turn around, ambulances, fire trucks and such. Your private road specs are less than town road specs but they have a significant pavement section. The difference between a private road spec is that it allows oil and chip topcoat rather than a regular asphalt topcoat is the only real difference. It grew out of a lot of problems with private roads here in the late '80s. The Town used to approve private roads with no spec and it was kind of whatever the builder built, and some of those still exist today and haunt the Town. The Town, in the early '90s, came up with a private road spec and it evolved a couple of times. Took the Hatfield and McCoys out of the private road business because they had legal maintenance agreements and

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requirements and methods to make sure that potholes were repaired and the entire road was plowed and not just up to the guy's first driveway who was worried about plowing it. That kind of issue.

MR. BRAND: Okay.

CHAIRMAN PORCO: So where does that leave us?

MR. HINES: At a minimum there should be some form of turnaround, I think, as we head on with that. It may be like 1,000 feet, isn't it?

MR. DARREN SCALZO: Oh, absolutely.

CHAIRMAN PORCO: And you have concern about fire trucks making some of these bends?

MR. HINES: Yeah. If you see the --

CHAIRMAN PORCO: Yeah.

MR. HINES: I don't know how wide that driveway is shown right now but it doesn't --

MR. DARREN SCALZO: It's actually -- I don't know if you've ever been up there. It's at least all of 12 feet wide. It is shale. It is improved. Believe it or not, as it's shown on the map where the -- even the area that's to be

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abandoned -- actually, the toughest part is in the area to be abandoned because it's no longer shale in some spots and you're driving over bedrock. But the easiest portion of the driveway to access the lots is the one that comes in from between the two ponds. It's, let's just say the best improved driveway.

MR. BRAND: This is the abandoned part on this side?

MR. DARREN SCALZO: That's correct.

MR. RICCIARDONE: Are two lots going to hit the loop here where it says survey, and come right around and down this way?

MR. DARREN SCALZO: I'm sorry, Frank. Yes. The proposed idea is to come up and actually -- as Pat said, it's going to be to service the Pacino lot, which we were intending on doing under a driveway maintenance agreement. So it would hit the Pacino lot as well as the combined new lot 1 and the combined lot 2. The idea was the initial Wenz lot, which is, if you're looking at the map, on the top portion. The land swap was to eliminate the old rights to a driveway. So this guy is going to be -- the

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proposed new lot, 5 acre lot on the top of the page, won't have that right-of-way running through -- you know, bisecting the lot basically.

MR. RICCIARDONE: How does the 1.5 story framed dwelling get out of his lot?

MR. DARREN SCALZO: Oh, he still has the access down along the right-of-way along the side of Weiss, which is at the very top of the page.

MR. RICCIARDONE: He's coming around this way then?

MR. DARREN SCALZO: That's correct.

MR. RICCIARDONE: His driveway is not shown on here, how to get to the house?

MR. DARREN SCALZO: Well, there is a parking area shown at the back end of the house. That little box.

MR. RICCIARDONE: All right. Okay.

MR. DARREN SCALZO: I probably could label that a little different.

MR. BRAND: So it's really just this piece right here they're getting rid of between the parking lot and --

MR. DARREN SCALZO: What they're doing

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is they're going to -- this original parent parcel --

CHAIRMAN PORCO: Guys, can we just have one conversation here?

MR. HINES: Good thing Michelle is not here.

CHAIRMAN PORCO: We have conversation here, here, here. So let's -- I want to hear from Ron and Pat.

MR. BLASS: Well, the closest thing I see in the code is Section 134-18 which speaks in terms of driveways generally for subdivision lots. It reads as follows: "Lots shall generally not have their vehicular access from a major street." I don't know whether Plattekill Road is something you guys would consider a major street or not.

MR. DARREN SCALZO: It's a County road. It's not a minor street.

MR. BLASS: "Driveway access from a major street may be necessary for several adjoining lots," which would be --

MR. DARREN SCALZO: This access is here. This guy -- the top lot is still going to

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maintain the use of this driveway. The only abandonment is up in here.

MR. BLASS: I'm just reading the code now. It says, "Where driveway access for a major street may be necessary for several adjoining lots, the Planning Board may require that the lots be served by a combined driveway in order to limit possible traffic hazards on such street."

So it appears that the code is carving out a shared driveway solution for a particular problem, and the particular defined problem is multiple driveways entering on a major street and the traffic congestion that it would cause -- potentially cause. It goes on to say, "Driveways serving individual lots shall have a minimum right-of-way of 25 feet in width and a travel way of at least 15 feet in width." So I don't know whether that -- this proposed driveway is consistent with that standard or not, but it seems to -- it seems that where you have a -- where the Planning Board exercises it's discretion to allow a shared driveway or a combined driveway in order to eliminate potential traffic hazards on a major road, then those

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driveways shall have a minimum right-of-way of 25 feet in width and a travel way of at least 15 feet in width. So that appears to be the closest provision of the code that we can find on a ten-minute review.

MR. BRAND: And that driveway is not too far from the intersection; right? The Plattekill and Lattintown Road intersection?

CHAIRMAN PORCO: It's not terribly far.

MR. TRUNCALI: It's quite a ways up.

MR. BRETT SCALZO: Probably 400, 500 feet.

MR. TRAPANI: I mean still that's a major intersection there, so if it could have one entrance it would be better.

MR. BLASS: Let me just ask a couple questions. This is an entry onto Plattekill Road here?

MR. DARREN SCALZO: Current existing. Correct.

MR. BLASS: Current existing, serving the owner of current lot --

MR. HINES: It's not part of this.

MR. BLASS: It's not a part of the

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subdivision?

MR. HINES: No.

MR. DARREN SCALZO: This is a consolidation. The driveway also services Weiss. There is another Weiss dwelling that's up here. So this driveway serves this lot, this dwelling at this parcel as well as this dwelling here.

MR. BLASS: Okay. And it enters onto Plattekill Road in the upper left-hand corner of the map?

MR. DARREN SCALZO: Correct.

MR. BLASS: And then you have another, in this case, shared driveway entering onto Plattekill Road, about in the middle left side of the map; right?

MR. DARREN SCALZO: It comes in between the two ponds. Correct.

MR. BLASS: Okay. Anything else? Any other entries?

MR. DARREN SCALZO: No, sir.

MR. BLASS: Okay. Does that driveway loop around?

MR. DARREN SCALZO: It does. You can actually drive the entire loop.

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MR. BLASS: Okay. So you have two entries onto Plattekill Road within how many feet?

MR. DARREN SCALZO: 170 -- 240 -- 300. 300 feet, 310, 315.

MR. BLASS: Okay. And can I ask that question about whether the minimum right-of-way is 25 feet as shown and the travel way is 15 feet as shown of this driveway?

MR. DARREN SCALZO: Well, once you get into the property I would need to verify that, the width of the shale driveway. I know -- I'll call it the throat, if you will, or the apron leading out from the property line to Plattekill Road is nearly 50 feet wide. So the access actually onto Plattekill Road is not an issue. If the code allows up to 15 feet, I'd have to verify that in the field. I can't -- it is -- it's a substantial driveway.

MR. BLASS: The code seems to -- this is a quick review, but it seems to say a shared driveway, if allowed by the Planning Board, or in this case it's called a combined driveway, if allowed by the Planning Board for the stated

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reason is to be built into the plan, it should have a minimum right-of-way width of 25 feet and a travel way of 15 feet. So let's take the 25 foot first.

MR. DARREN SCALZO: Can you read that section again to me?

MR. HINES: There's no defined right-of-way shown right now.

MR. DARREN SCALZO: There's no defined right-of-way.

MR. BLASS: Which is kind of odd, isn't it? It's treating a driveway like a private road.

MR. DARREN SCALZO: Well it's treating a driveway as a private driveway.

MR. BLASS: Okay.

MR. DARREN SCALZO: As far as the 25 foot right-of-way, I was under the assumption with my interpretation of the code that as long as I had 25 foot of road frontage for each lot, that was meeting my requirements.

MR. TRUNCALI: They still need a right-of-way to go over that driveway.

MR. DARREN SCALZO: Well that could be,

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and historically it has been done, through a driveway agreement. If we were talking about two --

MR. HINES: It would show a 25 foot right-of-way, 12 1/2 feet off the center line of the 15 foot driveway.

MR. BLASS: I think that's what it means. I don't think we're talking about frontage. I think we're talking about width of the travel way.

MR. HINES: The frontage solves the 280-A Town Law issue. And then I think what it needs is where it says -- you know, if the Board considers this driveway, I think it will need a 25 foot right-of-way following the path -- not fee ownership but a right-of-way --

MR. DARREN SCALZO: Okay.

MR. HINES: -- following the path of the driveway.

MR. DARREN SCALZO: Okay. Well, maybe I can back you up and say if you clarified the code as to what I need to do, I will do it.

MR. HINES: Understood. We're trying to work it through here.

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MR. DARREN SCALZO: Yes.

MR. HINES: My knee-jerk reaction today was this isn't allowed, but I can't find it in the code any more where it's not. I think in 2010 that limitation of common driveways went away, because I know it was there. That's what kicked in the private roads.

MR. FALKENBERG: One of the problems I see is emergency equipment. Once they got up in there, they have to back out, and that's -- that's quite a --

MR. HINES: I think that's the -- if we go further, the next provision would be for some sort of turnaround in probably a couple of spots in here to pass. Come headlight to headlight with your neighbors, there needs to be a way around or through.

MR. DARREN SCALZO: If it's at all possible, I know we have to -- this has to go through the public hearing process as well, I almost think if you could field visit the site you may have a different feeling. It is -- it's wide open in there. While the driveway, the improved driveway itself is shown, and that's the

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limits of where the shale is.

Regarding the access and turnaround of equipment; Pat, once you get up into the proposed lot line change area, the -- I don't know if you follow me here, it says 0.87 acres.

MR. HINES: Mm'hm'.

MR. DARREN SCALZO: That's all reclaimed area. That was shale. It's all flat. You could -- with my Chevy pick-up I've done full circles in there.

MR. HINES: That may be the answer. Somewhere in there you show at least some type of T-type turnaround, that if someone gets that far in they can -- rather than backing all the way out to Plattekill Road, they can get some vehicles turned around.

CHAIRMAN PORCO: The best one to give you the answer on that one is the fire chief.

MR. HINES: I have that as a comment if this moves forward. We don't want to be the ones in here when the fire chief walks in and says what have you people done.

MR. BRAND: And that fire truck would not be able to go all the way around the circle?

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MR. HINES: They're going to abandon that easement.

MR. DARREN SCALZO: The intent of -- part of the reason why I'm here is the original Wenz lot, which is now 5.00 acres, we added the .87 on there, there's a land swap down by the ponds that's occurring here, and what that land swap was doing was giving access with the improved driveway to proposed lots 1 and 2 plus the Pacino lot, and also it was eliminating the deeded right-of-way through the lot on the top of the page bisecting the lot. If they were to future develop the lot, they didn't want to be encumbered by having that right-of-way run through the middle of the lot.

MR. BRAND: Is there an agreement in place right now for Pacino? That road goes through him to get to the other two.

MR. DARREN SCALZO: No. Pacino would have to be part of the agreement for the driveway. My client actually -- when I spoke to my client we had discussed bringing the proposed driveways for proposed lots 1 and 2 down to where it meets the driveway in it's lot entirely, but

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he had recommended -- they happen to be related so they were going to form an agreement between the relatives that would include the private drive.

MR. HINES: Pacino is in the relative mix too, so to speak?

MR. DARREN SCALZO: Brother.

MR. TRUNCALI: That's Russ's stepbrother.

MR. HINES: Sometimes that's worse.

MR. TRUNCALI: They get along, though.

MR. HINES: They do. Okay.

MR. BLASS: I don't want to say something overly negative but I want to make an observation. To me, for what that's worth, it seems like this is a driveway playing the part of a private road. I mean that's -- without hitting the private road criteria.

MR. DARREN SCALZO: I'm not going to argue that point. When I was in here in February this was the original layout. So it really didn't come into play because it was only servicing this lot going through here.

MR. HINES: That wasn't the issue.

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That's why it wasn't an issue then, it was two lots.

MR. DARREN SCALZO: And I'm not -- I need to confer with my client before I -- we need to have a conversation. If we were to combine these combined new lots 1 and 2, does my issue go away?

MR. HINES: Yes. Well, I still think we need to address the turnaround and such, but then it's only two lots on a common driveway, which is not an unusual --

MR. RICCIARDONE: You're saying in the bottleneck join the two driveways?

MR. HINES: I'm saying make the two flag lots one lot.

MR. BRAND: Combine this.

MR. HINES: Which is what we had before in February when it was in here.

MR. DARREN SCALZO: In February when it was here it was just one.

MR. HINES: There was only one. The only issue at that time was that the driveway accessing off of Plattekill Road, the one we're talking about between the two ponds, was on the

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other Wenz lot. So now this lot line here,
there's a little lot line change here proposed.

MR. DARREN SCALZO: You can see the lot
line to be removed.

MR. HINES: That's what I thought we
were going to see, but then Darren talked to his
client and, you know, they're trying to keep one
of the -- two of the five lots rather than just
one of the five lots.

MR. DARREN SCALZO: Correct.

MR. RICCIARDONE: So this top lot
was --

MR. DARREN SCALZO: That was combined.
Yup.

MR. HINES: It was fine at one time.
When he was here in February it was one and the
only issue was the driveway across (inaudible).
That's what you saw last time. That's why it's a
little more confusing.

MR. DARREN SCALZO: I also have the
topo on there. That makes a lot of extra lines.

MR. RICCIARDONE: He's trying to get
two lots out of this parcel here?

MR. DARREN SCALZO: That's correct. It

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used to be five. He was combining five into two. One had been sold and that he no longer has control.

MR. RICCIARDONE: And you're interested in going --

MR. HINES: This is going to go away.

MR. RICCIARDONE: What if they put a cul-de-sac up at the top of the two lots and made it a common area?

MR. BRAND: That's what he said.

MR. DARREN SCALZO: Well anything can be done. My criteria is going to change if I do that.

Pat, I mean when you're discussing a cul-de-sac or a turnaround, is this an improved impervious type of condition or am I -- you know, is my client looking at --

MR. HINES: If your driveway is shale I think it's shale.

MR. DARREN SCALZO: Okay.

MR. HINES: I don't want to see a 35 foot long oil truck or fire truck or something get up there and have to back a long way down. Joel will tell you. His trucks have seen

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accidents when they're backing up.

MR. DARREN SCALZO: Let me go in for one of these. If we were successful with getting to the public hearing he was going to be preparing a project here.

Here's sheet 2 of the original filed map, and a lot of the conditions have not changed. The area here, that's all exposed shale that can be driven on. So as far as the turnaround going in there, and again I'd have to confer with my client and see if that's something that he's willing to provide.

MR. TRUNCALI: But that's on Wenz' lot now, isn't it?

MR. DARREN SCALZO: Well, the negotiations are still in progress, so, you know, there's the possibility of the situation changing.

MR. HINES: You could almost change the shape of that a little, too. This could come up a little more, --

MR. DARREN SCALZO: That's true.

MR. HINES: -- still making it 5 acres. I think your goal there is to make it 5 acres.

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Is that the -- that seems to be the goal.

MR. DARREN SCALZO: That's what my instructions were.

MR. RICCIARDONE: Pat, if he does a cul-de-sac at the top of the bottleneck up there, what does it do for coming down towards the -- towards Lattintown -- towards Plattekill?

MR. HINES: It doesn't. I would suggest that they do some kind of pull off there, too. Or just even widen it out to, you know, 20 feet or 40 feet or something.

MR. RICCIARDONE: So don't do it but keep the two driveways? Don't combine the two driveways at the lot line? You're still looking to keep the two lots separated but yet one driveway?

MR. TRUNCALI: They're still going to own it, it will just be like a right-of-way.

MR. HINES: It's just going to be a right-of-way.

MR. RICCIARDONE: Okay.

MR. DARREN SCALZO: Now regarding a right-of-way, you're looking for it to be described by course and distance?

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MR. HINES: Yeah.

MR. DARREN SCALZO: I could run it up the center and say 12 1/2 feet other side of it.

MR. HINES: That's one way to do it.

MR. TRUNCALI: The problem is when you have three, that might not make sense.

MR. DARREN SCALZO: They all sign the agreement.

MR. HINES: They all have to sign the agreement.

MR. TRUNCALI: Yeah, but it's not 25 feet anymore.

MR. DARREN SCALZO: No. It's only a right-of-way.

MR. HINES: It's all going to be fee owned but the right-of-way will cross three different lot lines as it goes. It's not the best way to do it but, you know, understanding the economics of this, it was five lots with a \$400,000 private road being constructed.

MR. BRAND: You're saying with the two it splits it half and half. How do you do three? What's the split there?

MR. DARREN SCALZO: Is it 8 foot each?

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MR. HINES: No, no. They just participate equally in the maintenance. It's not --

MR. DARREN SCALZO: They have the right to use that.

MR. TRUNCALI: Not saying taking the 25 feet and split it into two 12 1/2.

MR. HINES: Just go up the center line of the road, wherever that road falls.

MR. TRUNCALI: For what? For what reason?

MR. DARREN SCALZO: Right of ingress and egress. There is no fee transaction.

MR. HINES: Snowplowing so someone says you can't push the snow on my side.

MR. TRUNCALI: But now you have three and they are -- usually they're right in the middle of the two lots.

MR. HINES: It's not going to be that way. It's going to be up the center line.

MR. TRUNCALI: Right.

MR. HINES: It's not the ideal situation, I agree.

MR. BRAND: Would the three lots share

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equally?

MR. TRUNCALI: Usually they own it.

MR. DARREN SCALZO: That's out of my control.

MR. HINES: That's correct. This is very different.

MR. BRETT SCALZO: It's no longer going to be a loop.

MR. RICCIARDONE: I understand this portion is coming out.

MR. DARREN SCALZO: It's coming out of the deed.

MR. RICCIARDONE: But once you hit that, you're going to be able to hook through this second -- this third parcel and come right back down to Lattintown -- I mean to Plattekill?

MR. DARREN SCALZO: It's possible, yes. Again, I need -- I feel I really need to speak with my client about it.

MR. HINES: I guess if Darren needs to talk to his client, and maybe the Board can take a ride up there too to get a handle on what we're doing. In the meantime Ron and I can do a little more research, get with the fire chief, talk with

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the code -- he was here. He said he was going to speak to this.

MR. DARREN SCALZO: There's a sign post out there that says Wenz Way. You can't miss it.

MR. BRAND: All right.

MR. DARREN SCALZO: As soon as you get past it there's a stop sign on the right-hand side.

MR. HINES: But Darren, you see -- you've heard our concerns.

MR. DARREN SCALZO: Absolutely.

MR. HINES: My knee-jerk reaction today was you can't have three, which is why we sent you away last time, to not have three parcels have that driveway, but we came back with three on the driveway again.

MR. DARREN SCALZO: Following instructions.

MR. HINES: Understood.

CHAIRMAN PORCO: Okay. Speak to your client, speak to the fire chief.

MR. DARREN SCALZO: Okay. Go from there.

MR. RICCIARDONE: Can we go up there by

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ourselves or do we need to --

CHAIRMAN PORCO: We don't want the
Wenz --

MR. DARREN SCALZO: I can let my client
know, you know, as a result of the Planning Board
meeting there's going to be some people -- the
one-and-a-half story framed dwelling that's going
to be gaining the additional .87 acres is a
vacant building right now. You don't have to
worry about scaring anybody.

MR. HINES: They're in Las Vegas.

MR. DARREN SCALZO: Yeah. Okay. I
know what I have to do I think.

Thank you very much.

CHAIRMAN PORCO: Thank you.

Is there -- I want to -- you have a
flyer on an upcoming planning seminar. Just to
point that out to you guys.

Is there anything else to bring before
the Board?

(No response.)

CHAIRMAN PORCO: If not, then a motion
to adjourn.

MR. BRAND: I'll make that motion.

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CHAIRMAN PORCO: Chris.

MR. TRUNCALI: I'll second.

CHAIRMAN PORCO: Joel. Everybody say
aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

We're adjourned. Thank you.

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

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: June 12, 2014