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

----- X

In the Matter of

SMITH SUBDIVISION

Project No. 17-1017
First Street, Milton
Section 103.1; Block 4; Lot 47.130

----- X

FINAL - SUBDIVISION

Date: May 20, 2019
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: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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SMITH SUBDIVISION

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CHAIRMAN BRAND: I'd like to call the meeting to order with the Pledge of Allegiance to the flag of our country.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, May 20, 2019. Regular meeting 7:30 p.m. Approval of stenographic minutes for 4/15. Smith Subdivision, final; Bayside, extension. Next deadline: Friday, May 24th. Next scheduled meeting: Monday, June 3rd.

CHAIRMAN BRAND: I would like to have a motion to approve the stenographic minutes for April 15th.

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

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SMITH SUBDIVISION

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

Before we start, for the record I'd like to recognize that both Board Members Cindy Lanzetta and Ben Trapani completed the Orange County Municipal Planning Federation land use and planning course on May 14, 2019 and both were awarded certificates of completion for two hours of training each.

Jen, I'll give that to you.

First up, Smith Subdivision.

How are you tonight?

MR. WINGLOVITZ: Good. How are you?

CHAIRMAN BRAND: Good. The Board has before you the SEQRA negative declaration and notice of determination of non-significance.

I would just like to add that the phone number is wrong -- we will go ahead and make that correction on there -- for my extension.

Other than that; Jen, would you poll

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SMITH SUBDIVISION

4

the Board.

MR. CLARKE: I had a question.

CHAIRMAN BRAND: I'm sorry.

MR. CLARKE: I paid a visit to the site. On your map you had Second Street, Third Street, First Street. As I went up Sherman Drive there was a First Street down at the bottom of the hill. Are they the same?

MR. SMITH: Yes.

MR. HINES: They're supposed to connect.

MR. SMITH: It connects back to Sherman Drive.

MR. CLARKE: I just wondered how you went from Second to Third to First.

CHAIRMAN BRAND: Common core math.

MR. HINES: The only other thing I had, and it's not in the resolution, is that we need to get the improvements within the Town roadway.

CHAIRMAN BRAND: We're going to add that to the resolution portion.

Jen, would you poll the Board for the SEQRA negative declaration and notice of determination of non-significance.

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SMITH SUBDIVISION

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Then we also have a resolution of approval by the Town Planning Board. As Pat was just about to indicate, we are going to add in a letter H which will include the posting of a satisfactory performance bond and escrow for roadway and access.

MR. WINGLOVITZ: We could construct the improvements before the map is filed?

MR. HINES: Yes. We just need to make sure because if the lots are transferred without

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SMITH SUBDIVISION

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that note, then --

MR. WINGLOVITZ: No problem.

CHAIRMAN BRAND: Jen, would you poll
the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried. Thank you
very much.

MR. WINGLOVITZ: Thank you.

MS. FLYNN: We have the rec fees.

CHAIRMAN BRAND: The resolution for the
recreation fees. Thank you.

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MR. TRUNCALI: Recreation fee findings, Town of Marlborough Planning Board. Whereas the Planning Board has reviewed a subdivision application known as Smith Subdivision with respect to real property located at First Street in the Town of Milton, Member Brand offered the following resolution which was seconded by Member Truncali: It is hereby resolved the Planning Board makes the following findings pursuant to Section 277-4 of the Town Law. Based on the present and anticipated future needs for park and recreation opportunities in the Town of Marlborough and to which the future population of the subdivision will contribute, parkland should be created as a condition of approval for the subdivision. However, a suitable park of adequate size to meet the above requirement can not properly be located within the proposed project site. Accordingly, it is appropriate that in lieu of providing parkland, the project sponsors render to the Town payment of a recreation fee to be determined in accordance with a prevailing schedule established for the Town of Marlborough. This approved subdivision

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SMITH SUBDIVISION

known as Smith Subdivision resulted in four lots for a total of \$8,000 in recreation fees, parent parcel excluded.

CHAIRMAN BRAND: Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

CHAIRMAN BRAND: Thank you.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:35 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 10th day of June 2019.

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

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

----- X

EXTENSION

Date: May 20, 2019
Time: 7:35 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: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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(845)541-4163

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CHAIRMAN BRAND: Next up on the agenda, Bayside, extension.

How are you tonight?

MR. DATES: Good evening. How are you?

CHAIRMAN BRAND: So why is it that you're requesting the extension? I know you did send an e-mail. Maybe you want to explain that a little bit to the Board.

MR. DATES: I think everyone has a copy of my letter which was requesting an extension of site plan and subdivision approval for the project.

In light of the discussion I had with the Board's Counsel today in an e-mail that he forwarded over to me, I need to amend that request essentially.

So what we're looking for is an extension, a one-year extension on the site plan approval, and then in light of the information we would request a reinstatement of the approval for the subdivision because the two -- it was misinterpreted of running together or simultaneously. They do not. They have two separate timeframes of approval. So that's the

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modified request that I'm here for before you tonight.

CHAIRMAN BRAND: In discussing it with our attorney as well, he did indicate that you would have to submit a new application, go through the public hearing process as well again for the subdivision.

MR. DATES: We did not get into that piece of it. I don't know if the Board would consider reinstatement or re-issuance of the approval because there are no changes to the project, the code sections have not changed, the permit sections have not been revised that would apply to the project. If you would consider that, I think the applicant would appreciate that just based on the time that's been put into this project.

CHAIRMAN BRAND: Sure. I don't know if we're legally able to do that. That's a question for the attorney.

MR. BATTISTONI: I don't know what the past practice of the Board may have been. I'm new here. I would suggest that you're better off getting a renewal application where there's a

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formal statement that nothing has changed in terms of the project and what was approved previously, that way you have something on the record. If you held a public hearing, it would be one meeting. It wouldn't be too much of an imposition on the property owner.

MR. HINES: We've had them where they asked within the timeframe and we've given them a week or so. I think we're at five months now.

CHAIRMAN BRAND: I never remember doing one so far out of date.

Okay. So with that in mind, we have the resolution granting extension of approval for the site plan approval May 20, 2019. This extension would run through May 6, 2020, and then as per the discussion earlier you have one additional year extension before you would have to start over again.

MR. BATTISTONI: Right. Under the Town Code you can grant two one-year extensions. You're granting one here. You could grant another.

MR. HINES: The building permit stops that and kicks in the building permit timeframe.

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MR. DATES: I thought the code said construction. So it's building permit?

MR. HINES: That's it.

CHAIRMAN BRAND: Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: No.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: No.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: The motion carries.

Thank you.

MR. DATES: So just to clarify, for the subdivision you're looking for a reinstatement or re-approval application? What's the process that

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the Board is looking to achieve that?

MR. HINES: I think you reapply for approval for that. It could be a streamlined process through the Board. The SEQRA determination would most likely remain. They would recertify their SEQRA findings, so that would save that timeframe. I think you have a DOT permit out there that's not issued yet. Some information regarding that would be helpful, to update that status.

MR. DATES: I can give you -- we just last week --

MR. HINES: You don't have to do it now.

MR. DATES: All right.

MR. HINES: I think I'll defer to Jeff, but Town Law requires a public hearing on the subdivision. Jeff was ducking the question.

MR. TRUNCALI: So this reapplication is because they didn't get their extension in time?

MR. BATTISTONI: Right. A conditional final approval for a subdivision is valid for six months under New York State Law. You can apply for ninety-day extensions. So the six-month

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expired. We're almost at another six months.
That seems to me to be too long to try to
retroact and say yes, we can approve this.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: You're all set.

MR. DATES: Thank you.

(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 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 10th day of June 2019.

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

- FIRE DEPARTMENT INPUT
- WATER DISTRICT EXPANSIONS
- PRODUCTION OF A SURVEY PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY

----- X

BOARD BUSINESS

Date: May 20, 2019
 Time: 7:40 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: JEFFREY S. BATTISTONI, ESQ.
 PATRICK HINES
 VIRGINIA FLYNN

----- X

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CHAIRMAN BRAND: Anything else from the Board?

MS. LANZETTA: I would like to bring up something that was concerning me, because I know I dropped the ball on this.

I think our fire departments, both the Milton and the Marlboro Fire Departments, have been very good about giving us their take on site plans and subdivisions, raising their concerns. I know, especially now after attending a number of these educational programs, that our primary concern is the health, safety and welfare of people that are coming in to our community. I feel like we have to be -- I know I have to be more -- I have to focus more on what the fire departments are telling us and take that more seriously perhaps than I had in the past. I know when I was looking at things I was like weighing the cost to the applicant. I now feel that the safety of our community outweighs the cost to the applicants on some of these situations where we've -- I know I've been looking at it on a weighing basis. I don't want our fire departments to feel like they're not being heard.

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I'm sorry that Chief Kneeter left because I really value the input that they're giving us. I know going forward I'm going to take that input even more seriously than I have in the past. I wanted to get that out there.

CHAIRMAN BRAND: Thank you.

Just so that the Board is aware too, I did send an e-mail out to the -- I believe I sent it to all of you but I also cc'd Supervisor Lanzetta regarding site plans and developments that are being proposed, for the Board to possibly consider some type of legislation that would encourage them that if you build something within a certain distance or a part of the project is within the water district, that you would expand the water district at the cost or maybe some shared cost with the Town in order for us to increase the health and safety of the residents of those proposed areas.

I know Al did get back to me on that. We'll see where that goes.

MR. HINES: The supervisor called me too. Representatives of both departments were there, both districts.

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CHAIRMAN BRAND: Great.

MR. CAUCHI: I understand what you're saying, this is a good thing. Again, are we in a position to do a shared cost? You can't really let the developer carry the brunt of that. I mean that's already -- I mean if the Town is ready to share the cost, by all means I'm with you, let's do it. If we're going to insist and hold the feet to the fire of the developer to do that additional, then we're going to start seeing people are going to turn around and say hey, don't develop here in Marlborough, it's too costly.

MR. CLARKE: That depends on what other towns are doing. If other communities require it, it's not different if we require it. I don't know what other communities require but I know I've heard in other places where you want to put in a development, you pay for the extension of the water line. I don't think that would be a unique situation. I don't think we would be at a disadvantage to other towns.

CHAIRMAN BRAND: Pat, what is your surrounding town knowledge?

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MR. HINES: It varies. If you want to put a development in with wells and septics, your zoning is set up for that.

This was a unique case because a little less than a third of the site was in the water district, so it was very close.

This Board doesn't have the ability to do any cost sharing. That's beyond this Board. You could suggest it, recommend it. You're an administrative review board, you check the boxes to make sure it meets your code. Your lot size changes substantially if you run water.

MR. CLARKE: It does.

MR. HINES: If I was the developer running the water I would say I want to go to the R-1 zone versus the RAG zone because that's the reason you have those various lot sizes. So it doesn't make sense to a developer to run the water in an RAG when he has minimum one acre, two acre lot sizes because of the separation distances. If he can get some benefit to it the cost wouldn't have as great an impact, you would get more lots. That's a way to balance the improvements.

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MR. CAUCHI: The economics have to work for the developer. I just don't like to -- I guess we have to see each situation as it comes.

MR. HINES: A lot of towns have regulations that if you are in water district you are connected. That's clear in a lot of town codes. There's no exceptions. They don't want wells in their water district.

MS. LANZETTA: We already require that if you're in the sewer district you have to hook up. This would just be consistency.

MR. HINES: It might be an easy change for the code. The problem is that these people that are buying these lots that are in the water district, they're going to pay a fee. They won't pay the operation and maintenance but --

MR. TRUNCALI: It's a minimal fee.

MR. HINES: In some places it's not, in some municipalities where they have extensive water improvements.

MR. TRUNCALI: Also on this particular subdivision, it seems like the infrastructure that was on the Town's property already was inadequate. It should have been done by the Town

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before. It's like you really can't hold this applicant hostage to pay for that. It should have been done by the Town before.

MR. HINES: Certainly that existing Town road does not meet your existing Town road specs.

To trigger that review, this Board can trigger it with your traffic impacts, your water impacts. That's where you have some control over developers. Early on you would review that and say not the public safety issue but the actual traffic issues. It doesn't seem like that's the case here. In other counties you can fold it in to your environmental review as a pool to get the developers to do some of those type of improvements, otherwise they wait until the town gets the wherewithal to do it themselves.

MS. LANZETTA: Do you want to just briefly talk about -- I know it's after the fact -- the clause about before they get the COs, that they have to have the --

MR. HINES: As-built survey.

MS. LANZETTA: Can you explain that to the rest of the Board?

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MR. HINES: The condition on the Smith Subdivision as an example was that the driveways have to be built to a maximum 14 percent slope. It's not currently in the code. If it was a site plan then my office typically gets involved in the review of the construction activity. On a subdivision where there's not public improvements we don't. If there's a road or water we do. On a subdivision that fronts on a town road, there's not a method to check that. The building inspector is keying in on the house and building code issues. The highway superintendent is looking at the driveway intersection. There's kind of a gap in between.

What we put in this resolution was that they have to -- maybe because of the condition they have to provide us a survey prior to the CO and that survey will show the roadway.

MR. CLARKE: That goes back to the fire department issue. They requested that, too.

MR. HINES: It gives the applicant or the next person that it will be in the approval resolution, a note on the map saying you have to do that. It shouldn't be a surprise if they have

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a decent title company involved when they do a title search. Ulster County is different. I do a lot of work in Orange County. They require it for septic systems as well.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: Motion to adjourn?

MR. CAUCHI: I'll make that motion.

MR. TRUNCALI: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 7:50 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 10th day of June 2019.



MICHELLE CONERO