

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

ERIC AFFUSO SUBDIVISION

Project No. 20-2006
46 Reservoir Road, Marlboro
Section 108.2; Block 2; Lot 23.300

----- X

PUBLIC HEARING - SUBDIVISION

Date: August 3, 2020
Time: 7:30 p.m.

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & ERICA
AFFUSO

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: I'd like to call the meeting to order. Agenda for the Town of Marlborough Planning Board, August 3, 2020. Regular meeting 7:30 p.m. On the agenda this evening we have the Eric Affuso Subdivision, public hearing for the subdivision at 46 Reservoir Road. We have Independent Solar, LLC with a sketch for their site plan at 206 Milton Turnpike, Milton. We have Pond View with a sketch for a lot line revision, 19 Sunrise Drive, Milton. The next deadline is Friday, August 7, 2020. The next scheduled meeting is Monday, August 17, 2020.

First on the agenda is Affuso.

Eric, are you there?

MR. AFFUSO: I am here.

MS. AFFUSO: We're here.

MR. AFFUSO: Hi, Chris. Hi, Members.

CHAIRMAN BRAND: How are you? Your camera is off. I don't know if you want it that way, but --

MS. AFFUSO: I was trying to start it.

CHAIRMAN BRAND: There you go.

MS. AFFUSO: I'm in.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: Did you do the mailings?

MS. AFFUSO: I did. I have everything here. Jenny said to drop them off after the Board meeting tonight.

CHAIRMAN BRAND: How many did you send out and how many did you get back?

MS. AFFUSO: I think I sent out eighteen on the list and I got back thirteen, but I know that Johnny Appler had received it -- Jenny said he just missed it. I'm pretty certain it was thirteen out of eighteen. There were like six P.O. boxes for the Town but I just sent one. It was all the same address.

CHAIRMAN BRAND: Okay. Jen, do you have the public hearing notice readily available there?

MS. AFFUSO: I have it, too.

MS. FLYNN: I do not.

CHAIRMAN BRAND: Who said they had it?

MS. AFFUSO: I think I have it with me.

CHAIRMAN BRAND: It's got to be one of us, though.

MS. AFFUSO: Hold on. It's in my pile

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of paperwork. I saved a copy. It might be in my e-mail, actually. I might not have it in this pile. Do you want me to pull it up and forward it?

CHAIRMAN BRAND: No, no. I need Jen to get it.

MS. AFFUSO: Okay.

CHAIRMAN BRAND: Pat, maybe while she's doing that, do you want to run through your comments?

MR. HINES: Sure. My first comment just notes that the Board had requested a revised letter from the highway superintendent, which was forwarded to the Board, regarding John Alonge's comments on the driveway.

We're still waiting for the septic approval from the Ulster County Health Department.

MS. AFFUSO: We have that. Did Dave Feeney not send that to you? He sent me a screenshot of the signature a few days ago.

MR. HINES: I didn't get that a couple days ago.

MS. AFFUSO: Do you want me to e-mail

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

it to you via the stuff that I have?

MR. HINES: That would be great.

MS. AFFUSO: Okay. I'll do that right now.

MR. HINES: The roadway dedication parcel, we're suggesting that the 25-foot strip -- it was only proposed originally on the one acre or the smaller lot that's being subdivided off. Typically we require that on the whole parent parcel to allow the Town to obtain access for highway purposes.

We have reviewed the short environmental assessment form. If no substantive environmental comments come out of this meeting, we're suggesting a negative declaration.

Those are the only comments we have left.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, do you have anything to add on this one?

MR. BATTISTONI: No, I don't.

CHAIRMAN BRAND: All right. That being said, let's start the public hearing. Legal notice for the subdivision application. "Please

1
2 take notice a public hearing will be held
3 remotely by the Marlborough Planning Board
4 pursuant to the State Environmental Quality
5 Review Act (SEQRA) and the Town of Marlborough
6 Town Code Section 134-9 on Monday, August 3, 2020
7 for the following application: Eric Affuso, at
8 7:30 p.m. or as soon thereafter as may be heard.
9 The applicant is seeking approval of a two-lot
10 subdivision application for lands located at 46
11 Reservoir Road, Marlboro, New York 12542, Section
12 108.2, Block 2, Lot 23.300. This meeting and
13 public hearing will be held remotely via Zoom.
14 Any interested parties either for or against this
15 proposal have an opportunity to be heard at this
16 time. Chris Brand, Chairman, Town of Marlborough
17 Planning Board."

18 Is there anyone from the public here
19 for the public hearing that would like to be
20 recognized at this time? If so, just please
21 state your name for the stenographer.

22 MR. SIBILIA: I'm Michael Sibilias.

23 CHAIRMAN BRAND: Hello, Michael. Do you
24 have comments on this project, or questions?

25 MR. SIBILIA: My only questions are,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ERIC AFFUSO SUBDIVISION

7

because I'm a neighbor, just to see what's happening, where the driveway is going to be located and where houses are planned on being built on the lot.

CHAIRMAN BRAND: Do you want to answer that, Erica, for him?

MS. AFFUSO: Hi, Michael. Nice to meet you over Zoom.

MR. SIBILIA: You, too.

MS. AFFUSO: You live on the long driveway near Evangelisto; correct?

MR. SIBILIA: Yes.

MS. AFFUSO: Okay. So the driveway will be at the top of the hill past your driveway. That's where the driveway will be.

It will just be a one-family home built on that acre.

MR. SIBILIA: Okay. So the driveway -- your driveway will connect right to Reservoir Road?

MS. AFFUSO: Correct. Yup. It will come right off on the top of that hill there.

MR. SIBILIA: Okay, cool.

CHAIRMAN BRAND: Jen, do you have the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ERIC AFFUSO SUBDIVISION

8

map? There you go.

MR. SIBILIA: Thank you.

MR. HINES: So the Evangelisto drive is on the lower portion there by the pond. The subdivision is just on the uphill side -- up screen side of that.

MS. FLYNN: Can you see that?

MR. SIBILIA: Yes, I can.

CHAIRMAN BRAND: Does that clarify things for you?

MR. SIBILIA: As best I can tell, yes.

CHAIRMAN BRAND: Okay. Okay, Jen. I think that's good.

MS. AFFUSO: Pat, did you get my e-mail?

MR. HINES: I did.

MS. AFFUSO: Okay.

CHAIRMAN BRAND: Thank you, Michael. Is anyone else here for the public hearing to comment, questions?

(No response.)

CHAIRMAN BRAND: No. Anything from the Board?

MR. GAROFALO: Yes. I have a question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

On the left side of the map -- I don't know if you can bring that up with the parent parcel. Can you go further away from the -- the other direction? Keep going.

MR. HINES: We would need the other map or the --

MR. GAROFALO: Yeah.

MR. HINES: The whole survey sheet I think you're looking for, James.

MR. GAROFALO: Yes.

MR. HINES: Although the location map is in the one corner there, if that helps.

MR. GAROFALO: There was a question about some crosshatching. It looked like a driveway that was going through another parcel. I was wondering what was going on there. You can't see it from --

MR. HINES: That is the case on that far side there. Maybe the Affusos may be able to address that. But there is a driveway with an easement going across that parcel to an adjoining house, I believe -- adjoining lot.

MR. GAROFALO: I wasn't sure what that crosshatching was on the other plan.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: Erica?

MS. AFFUSO: I'm going to probably let
dad take that one.

MR. AFFUSO: I don't know.

MS. AFFUSO: Where is it again?

MR. GAROFALO: It's up where that arrow
is. It looks like there's some kind of a driveway
going to that other parcel that comes onto the
parent parcel.

MR. AFFUSO: Is that the Pedi property?

MS. AFFUSO: A driveway?

CHAIRMAN BRAND: Go back the other way,
Jen.

MR. GAROFALO: It's not showing on this
plan.

CHAIRMAN BRAND: It's not?

MR. AFFUSO: So what is the question?

MR. GAROFALO: What exactly is the
crosshatching and is that a driveway going into
your parent parcel?

MR. CLARKE: I think the crosshatching
is probably the main property, and in the
northeast corner it looks like a separate parcel.

MR. AFFUSO: Dave Pedi's house? Is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that what you're talking about?

MR. GAROFALO: Not the crosshatching on this plan. There's a larger plan with a very small section --

MS. LANZETTA: The survey.

CHAIRMAN BRAND: Pat, do you have that available at your disposal there to share?

MR. HINES: I don't have that.

MS. LANZETTA: Right there.

MR. GAROFALO: Do you see that? It looks like there's a driveway and a bunch of crosshatching where that's going through on the parent parcel. I was wondering what exactly that is.

MR. AFFUSO: I don't know.

CHAIRMAN BRAND: Pat, do you have any clarification on that?

MR. HINES: I assumed -- when I looked at that I assumed it was an easement area for that driveway across the Affuso parcel that goes to that adjoining parcel. I don't have any basis for that. I didn't comment on it because it's not --

MS. AFFUSO: Part of the subdivision.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: -- part of the land transfer. It's an existing condition that won't change regardless of this.

MR. GAROFALO: My main concern here is a situation where fifty years down the line these parcels have changed hands, it's to make sure that there is an access to the parent parcel that remains viable so that we don't get into a situation where it becomes a self-created issue that goes to the Zoning Board.

MR. AFFUSO: Are you saying that's an easement?

MR. GAROFALO: I think there's a question of what is it.

MR. AFFUSO: I don't know. I can't answer that.

MR. GAROFALO: I would like to have that clarified for the record.

MR. AFFUSO: And that's relevant to this subdivision?

MR. GAROFALO: It's relevant to my other question, which is whether or not you have an easement to the other parcel because that would give you access to the parent parcel. You

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

wouldn't be cutting off the parent parcel by creating or eliminating what might end up being the best place to put an access to the parent parcel. I'm concerned that if there is a change in ownership down the road, that you'd be -- a situation would be created where the parent parcel doesn't have good access.

MR. HINES: Well there's a tremendous amount of frontage on this parcel.

MR. AFFUSO: I was just going to say there's other spots for road frontage that can access the remainder of the property to the north.

MR. HINES: Even so, if that crosshatch is an easement, it's an easement in favor of not this parcel but the adjoining parcel that shares the driveway. This parcel won't lose the rights. The adjoining parcel appears to have some rights.

CHAIRMAN BRAND: Jeff, do you have anything to add?

MR. BATTISTONI: No. The only thing I can say is I'm looking at the deed in the file right now to see if there's any reference to an easement and I'm not seeing one. I can't tell by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

looking at the map what that is. The deed has a very long description.

MR. CLARKE: Eric, when you got access to the property did you have a title search done?

MR. AFFUSO: Yes. Most recently I did.

MR. CLARKE: That should show up -- if there was any kind of a legal easement, it should show up on your title search. If it's a common right-of-way that somebody has been using, I don't know what the legality of that is.

CHAIRMAN BRAND: Jen, you can close the map I think.

Pat and/or Jeff, is this something we can address with a note on the map clarifying that issue?

MR. HINES: I think the surveyor can just weigh in on why he put the crosshatching there. It may just be to show the encroachment or an easement.

In the meantime, I have received a copy of the signed Health Department map dated 27 July from the Health Department.

CHAIRMAN BRAND: Okay.

MR. AFFUSO: And that's a go. That

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

should be a go.

CHAIRMAN BRAND: Anything else?

MS. FLYNN: Do you want to e-mail that to me so I can put it in the file?

MS. AFFUSO: I'll do that.

MS. FLYNN: Thank you.

MS. AFFUSO: You're welcome.

CHAIRMAN BRAND: Anything else from the Board?

MS. LANZETTA: I'd like to reiterate that I feel, again, that it's a nice large parent parcel, and I think it's great that Mr. Affuso wants his daughter to live close by him. I'm unsure about the spot that they've decided on because I do think it limits the ability to access the back portion of the property. Once you put on the maps that you'll need a 75-foot setback from the new lot, I'm worried about the ability to farm that piece of property and still be able to get your agricultural benefits from that parcel. So, you know, you can do it. We've discussed this before, you know. Pat Hines said if you have to you can take down a house to gain access. But I just question if this is the best

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

spot for the house on that larger parcel. That's all I'm saying.

MR. AFFUSO: I'm comfortable with the spot. I'm comfortable with whatever is going to happen in the future. I have no intention of it. If it changes hands, that will be between me and the person it changed hands to. I understand what you're looking out for but it's really of no concern of mine. I'm comfortable with the way the property is. I'd like to keep it that way until I die and my daughter takes it over. I don't really see an issue for us putting this house up there.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: I'm not seeing anybody.

MR. TRAPANI: Eric. Ben Trapani. How are you doing?

MR. AFFUSO: Hi, Ben. There you are. I didn't know what square it was.

MR. TRAPANI: Here I am. I haven't seen your daughter in so long.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The only thing I think everybody is looking out for is if you ever want to divide that other parcel up down the line, if your daughter has it and wants to divide it up, there's that agricultural setback of 75 feet. As long as they would have enough room to put another house back there, otherwise they wouldn't be able to get rid of that piece of property. I know, I've gone through it. Just look into it. That's all.

MR. AFFUSO: Understood.

MR. TRAPANI: I'm looking out for Erica, you know, some day.

MR. AFFUSO: Thank you. We're quite comfortable with what we're doing. It's going to be hers, maybe sooner than later.

MS. AFFUSO: Stop.

MR. TRAPANI: That's fine.

MR. AFFUSO: But thank you.

MR. TRAPANI: Good luck.

MR. AFFUSO: Thank you.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: No. Okay then. I would

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

like to have a motion to close the public hearing, please.

MR. GAROFALO: I move to close the public hearing.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Any objection to closing the public hearing?

(No response.)

CHAIRMAN BRAND: No. Pat recommended at this time that he was comfortable going forward with a negative declaration on the project. Do I have a motion to do so?

MR. CLARKE: So moved.

CHAIRMAN BRAND: Was that Steve?

MR. CLARKE: It was.

CHAIRMAN BRAND: Steve. Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any opposed to the negative dec?

MR. CLARKE: No.

MR. TRAPANI: No.

MS. LANZETTA: No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GAROFALO: No.

MR. CAUCHI: No.

MR. LOFARO: No.

CHAIRMAN BRAND: So moved.

Pat, where are we next?

MR. HINES: I think the Board wanted the clarification of that crosshatching on the survey, which we can get.

Also, the roadway dedication parcel needs to be depicted on the entire plat, 25 foot from the center line with the appropriate notes. Just note the minor changes on the survey could be conditions of approval.

Once we find out from the surveyor what that shading is --

MS. AFFUSO: That's his survey or my survey? Just to clarify.

MR. AFFUSO: For her parcel? For the subdivided parcel? What do you need?

MR. HINES: We need a 25-foot dedication strip along the frontage of the entire parent parcel. Right now it's only shown on the 1 acre that you're giving. Right now you own to the center line. Typically the Board requires that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the dedication strip be shown on the entire parent parcel. The survey map you have just needs to be modified to show that 25-foot strip.

MR. AFFUSO: So I have to contact my surveyor, just so I understand this?

MR. HINES: That would be the appropriate map to show it on. Make that map part of the submission as it was. So there will be three pages filed with this.

CHAIRMAN BRAND: Just to clarify, last time we had a discussion regarding the agricultural requirements of some type of buffer or berm. Where do we stand on that, Affusos?

MR. AFFUSO: The grape vineyard is going to be removed within her house or just not maintained anymore.

MR. HINES: So there should be a note on the map saying no agricultural activity on the parent parcel is the restriction.

MR. AFFUSO: Well, within the buffer.

MR. HINES: Yes, in the buffer. The 75-foot buffer.

CHAIRMAN BRAND: Does that need to be noted on the map as well, Pat?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: Yes.

MS. AFFUSO: On his map?

MR. HINES: Actually on your map now,
Erica.

MS. AFFUSO: My map now.

MR. HINES: It would be cleaner if it
was on both.

MS. AFFUSO: So on both maps do that.

MR. HINES: Note that there will be a
75-foot buffer maintained.

MS. AFFUSO: So just to clarify,
because I'm a little confused myself, on my
survey map, my surveyor or my engineer had said
that he took out a chunk of the vineyards. Like
he put the cross out where they are going to be
removed.

MR. HINES: They're shown to be removed
there? I think that addresses it.

MS. AFFUSO: Okay. So that's okay it
shows it's 150 feet to be removed?

MR. HINES: Yes.

MS. AFFUSO: So then do I --

MR. HINES: I think you're good as long
as it's shown. I just don't have the map in front

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of me.

MS. AFFUSO: I did have him put that when he redid it, put the driveway in the new location.

MR. AFFUSO: Pat, what's the buffer? 75 feet?

MR. HINES: Yes.

CHAIRMAN BRAND: And then Jeff, we'll be ready for approval by resolution for the following meeting?

MR. BATTISTONI: That's fine. Yes.

MR. AFFUSO: There's no way to get approval for this meeting so we can start construction?

MR. HINES: No. The Board typically has Jeff write the approval. So the next meeting on the 17th would be when the Board would react to it.

MS. AFFUSO: So he has to get you the 25-foot buffer prior to -- like this week?

MR. HINES: I'm suggesting it's a condition of approval right now. If you can get it in time, then the condition wouldn't be there.

CHAIRMAN BRAND: We can put it in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

resolution either way.

MR. HINES: Yes.

MR. AFFUSO: So a 25-foot setback from Reservoir Road. Correct, Pat?

MR. HINES: Yeah. On the entire parcel. Yeah.

MR. AFFUSO: The entire parcel a 75-foot ag buffer. Correct?

MR. HINES: Yes. Then you don't have to pay taxes on that, Eric.

MS. AFFUSO: So that's for both or just his map?

MR. HINES: Right now it's shown on the 1-acre parcel.

MS. AFFUSO: Not the parent parcel. Okay. Sorry, guys.

MR. HINES: That's fine.

CHAIRMAN BRAND: Okay. I think we are all set then with the Affuso Subdivision.

MS. AFFUSO: And then for these, there's fifteen of them. Jen, I drop them off to you tomorrow?

MS. FLYNN: Yes, please.

MS. AFFUSO: Okay. I will do that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. FLYNN: Thank you.

MS. AFFUSO: You're welcome.

MR. AFFUSO: What's your next meeting date?

CHAIRMAN BRAND: August 17th.

MR. AFFUSO: Thank you, everybody. I appreciate it.

MR. HINES: Both the green cards and the little slips, too. Both.

MS. AFFUSO: The little slips?

MR. HINES: Yeah. When you sent those you would have gotten a little mailing --

MS. AFFUSO: These are the only things that came back in the mail.

MS. FLYNN: When you drop them off they should have given you the little copy thing that you did it.

MS. AFFUSO: I might have those stashed away. Probably. Okay. So those and the white slip. It went all certified, so --

MR. HINES: The only ones that come back are the green ones. When you paid for it they gave you a little white slip.

MS. AFFUSO: I probably have those

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

somewhere in an envelop safely put away.

CHAIRMAN BRAND: Thank you, guys.

MR. AFFUSO: Thank you.

MS. AFFUSO: Thank you.

(Time noted: 7:54 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 12th day of August 2020.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

INDEPENDENT SOLAR, LLC

Project No. 20-4008
206 Milton Turnpike, Milton
Section 95.4; Block 3; Lot 7.210

----- X

SKETCH - SITE PLAN

Date: August 3, 2020
Time: 7:54 p.m.

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PAUL IRBY & ETHAN
WINTER

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: Next up is Independent Solar, LLC, sketch for a site plan at 206 Milton Turnpike in Milton.

Do I have a representative here for that?

MR. IRBY: Hi, folks. Paul Irby here. I'm the lead developer for the project. Can you hear me okay?

CHAIRMAN BRAND: Yes.

MR. IRBY: Perfect. I'm also joined by my colleague, Ethan Winter. It's good to see you all.

I think the last time we were in front of the Planning Board was in February. It feels like a completely different world from now, but it's good to be here, at least on Zoom, to talk about the project.

So today, you know, we're hoping to talk through Independent Solar which is the 3 megawatt community solar project that we're proposing at 206 Milton Turnpike. We submitted our application for the project for site plan review and also the special use permit about two weeks ago, so we're hoping today to talk through

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

any questions about the application, about the site plan, hopefully get a determination that it was complete or better understand any additional materials that you require, and hopefully begin the process of scheduling our public hearing.

So with that, you know, I'll turn it over to my colleague Ethan to kind of get some background on what we're trying to do here.

Take it away, Ethan.

MR. WINTER: Thank you, Paul. Can everyone hear me okay?

MS. FLYNN: Yes.

MR. WINTER: As Paul said, it was a long time ago since we met in February. Paul is going to be available to dive into the application and the site plan, but I wanted to provide again an overview of our company's involvement in solar in New York, and in particular in Ulster County.

As you all know, the County is a leader with a 100 percent renewable energy procurement goal by 2030. The county executive made that executive order just about a year ago. Cypress Creek has projects in five towns in Ulster County

1
2 that are either operating now or approved. Just
3 last week we received conditional approval for a
4 project in Plattekill, just to the west. So we're
5 very excited to be building on our experience in
6 the Hudson Valley and statewide, and this project
7 will reflect that. We've built or have approved
8 16 megawatts of community solar in Ulster County,
9 which is equivalent to 3,500 average homes. So
10 we're really very committed to building
11 best-in-class projects. We're looking forward to
12 iterating that with the Planning Board.

13 We are well aware of the Town's
14 comprehensive plan. We studied the solar code.
15 We really think this project can, as we said in
16 our February meeting, set a good example for
17 community solar.

18 We acknowledge that this is on
19 agricultural land. Our landowner is very
20 interested in seeing the retention of
21 agricultural use on this land in addition to the
22 solar. We look forward to working with you to
23 finalize a design that can optimize both of those
24 interests.

25 So I think, with that, I'll pass it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

over to Paul, unless you all have any questions.

CHAIRMAN BRAND: Actually I think Pat,
your comments for this are significant.

MR. HINES: Yes. Numerous anyway.

CHAIRMAN BRAND: Did you want to run
through them?

MR. HINES: I can. I'm hoping the
applicant's representative received them at
Langan Engineers. Do we have a Langan
representative on here?

MR. IRBY: They're not present, no.
Were comments sent directly to them?

MR. HINES: The comments would have
went to them.

We reviewed the application. Some of
the applications, our first comment is they are
just signed by various parties. There's a Gerald
A. Lupione signing an ethics disclosure. There
are forms signed by a Matthew Flowers. The
property is owned by Organic Valley, LLC, signed
by a Robert Titanic actually. That was difficult
to spit out. And then it's stated that it's owned
by an LLC, but the deeds that were submitted with
the project just show the individual, Mr.

1
2 Titanic, owning the property with no transfer to
3 any LLC. So I think each of those documents -- if
4 we can have disclosure on who it is that is
5 signing these documents and what their
6 relationship with the project is.

7 Our second comment. We reviewed the
8 full environmental assessment form and it
9 identifies the project in Ulster County Ag
10 District 1. The significance of that is that the
11 project is a Type 1 action under SEQRA because it
12 will disturb greater than 2.5 acres in an ag
13 district. The Town of Marlborough Planning Board
14 should declare its intent for lead agency once
15 the Town -- the Planning Board feels it's
16 comfortable with having enough information to do
17 that.

18 We're suggesting the Town of
19 Marlborough notify the applicant regarding the
20 PILOT agreement. That's a comment for Jeff and/or
21 the town attorney. There's a procedure where the
22 Town has to exercise certain rights to require a
23 PILOT agreement early on in the solar review
24 process. I'll defer to Jeff later on for that
25 one.

1
2 There are various acreages referred to.
3 As we were going through the application, there's
4 30 acres of solar, there's 14.9 acres of solar.
5 There's different numbers in the EAF. I think the
6 applicant needs to go through that and coordinate
7 the acreage throughout the submittals. There's
8 references for various acres.

9 And again my comment 5 is similar to
10 that. It identifies 30 acres to be disturbed. In
11 other places in the EAF it identifies the total
12 acreage for the project to be 30 acres.

13 Another question I have is that on the
14 plans there are three tax map parcels identified
15 in portions of the application and the
16 application itself only references one tax map
17 parcel. We need that clarified as well. I think
18 they're all owned by the same applicant but we
19 need to make sure of that.

20 The EAF identifies the project in the
21 New York State Intercoastal Zone Management Area.
22 That box gets checked by default on the DEC's
23 website. That requires the involvement of the New
24 York State Department of State. Since it's in an
25 intercoastal zone management area, an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

intercoastal consistency form is required.

The Town of Marlborough recently adopted its own local waterfront revitalization program. The applicant should take a look at that section of the code for compliance with those requirements as well.

My comment 7 identifies the three tax maps that are located in various parts of the application and are lacking in other parts of the application.

The final decommissioning plan will be required to be submitted and approved with the appropriate security.

The applicants submitted a glare analysis for the Board's use, which is good, but it doesn't have any report along with it so that the Planning Board Members and other members of the public can determine what that glare analysis says. I'm familiar with them. It's kind of a red, green, yellow stoplight kind of analysis that shows whether or not there will be glare. I just think that report should have a cover report describing it, how it's done, the methodology and the conclusions of that for the Board Members and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the public.

There are certain viewsheds that the glare analysis utilized, most of which were on the roadway right in front of the project which is very visible. The Planning Board may wish to select some additional locations where the project will be visible. I know a previous project in the vicinity of this one, there was a historic site across the river that the Board wanted analyzed for visual impacts. With this project the EAF identified that same site as being within 5 miles and in the potential viewshed.

I think, Cindy, I have it later in my comments, but I forget the name of that one across the river.

MS. LANZETTA: Locust Grove?

MR. HINES: Locust Grove. That's it. It shows up on the EAF as well. That's what caught my attention. So that might be a site the Board may wish to do some visual analysis from.

This is located in the vicinity of the Sports Dome. We all know how visible that is from various locations in the Town. Just for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Board's reference, it's fairly close to that.

A stormwater pollution prevention plan will need to be submitted -- was submitted, actually, and is under review by our office. We'll be weighing in on that in the future.

Ulster County Department of Public Works will be an interested agency for the site access road. Coordination with them will be required. Once the Board declares its intent for lead agency, we will circulate to them as well.

We're suggesting the jurisdictional fire department receive the plans for review as well.

The project contains a battery storage facility which is something we have not seen on the other project in Town. That is not mentioned in the EAF. You have to kind of delve into the plans to figure out that there is a battery storage facility associated with it. So we're requesting that be added to the EAF, and the application, and the project description. The Board will most likely have some questions on that. This will be the first battery storage I think the Board has seen.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Landscape plans will need to be developed. The current plans identify landscaping by others. Whoever the others is needs to produce those plans for us to complete the application.

The project rendering shows the project very visible from Milton Turnpike. It's off in the foreground, across from a rather large, flat, plowed farm field right now. It sits up on the hill, so it's very visible from the roadway and possibly other points. The Board may wish to have some screening or address the visibility of the project from the County highway there.

I mentioned earlier the deeds do not identify the property being transferred to the LLC. I discussed that earlier. So that information will need to be provided.

The section of the EAF regarding the local waterfront revitalization program should be checked. That's Section B-1 on page 2 of 13. That's another approval you'll be needing.

Section B(g) of the EAF identifies no structures are proposed. I believe there are structures associated with the battery storage as well as other parts of the solar array and the

1
2 power transfer. There will be some structures.
3 That answer should be changed.

4 Page 10, item F identifies the use as a
5 municipal/ -- having been used as a municipal/
6 solid waste facility. They checked the answer yes
7 but it's actually the site next door. I think
8 that's why it's coming up. This is located next
9 door to the Custom Compost facility. That came up
10 in the DEC's website. This subject property is
11 not that. It's next door to that. That may be
12 able to be clarified.

13 The project has been identified by
14 Office of Parks, Recreation, Historic
15 Preservation, SHPO for the State's letters there,
16 as an archeologically sensitive area. A phase
17 1A/1B has been requested and should be provided
18 to the Planning Board during the SEQRA review as
19 well as to SHPO.

20 My last comment identifies the Locust
21 Grove site as well as some other state, local and
22 scenic areas that are within 5 miles which the
23 Board should take a look at regarding visual
24 impacts and during the review of SEQRA.

25 So a lot of it was clean up and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

procedural going through the rather large application. We tried to be as thorough as possible, taking a look at the environmental documents that were submitted.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, do you have anything to add on this.

MR. BATTISTONI: Yes. Just a couple of things. I'm going to reiterate what Pat said. The deed in the file shows an individual as being the owner of the property but the lease is with an LLC. That's just something they need to clean up on their end.

I agree with Pat that it's a Type 1 action, and the Board could declare it tonight to be a Type 1 action, declare its intent to serve as lead agency and authorize circulation of the application.

The application is very thick. I can't find it right now but the applicant did indicate its intent to negotiate a PILOT agreement. That is in the application.

The Town Code has a provision about solar storage batteries, and if they are included

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they have to be placed in a secure container or an enclosure. I think Pat mentioned that will need to be shown. There is a code provision that addresses that specifically.

Those are my comments.

CHAIRMAN BRAND: Thank you, Jeff.

Board Members?

MR. TRAPANI: I have a couple of questions. First of all, the panels, they're going to be facing towards the east and west?

MR. IRBY: Yes. It's going to be utilizing a -- sorry, I didn't mean to interrupt you there. It's going to be utilizing a single-access tracker system. The panels will move throughout the day, following the sun east to west.

MR. TRAPANI: East to west. That's on the whole project? Are there two or three different areas that they have the panels set on? I know two for sure.

MR. IRBY: It's two different array areas.

MR. TRAPANI: Up on the top of the hill behind the cold storage and behind the house by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the compost place?

MR. IRBY: Yes. In the kind of southeastern portion of the property.

MR. TRAPANI: Southeast. They were talking about glare. When you come on Route 44 in Poughkeepsie, past Adams Fairacre Farms, up there, when you're on 44 you can see the Dome just as clear as day coming down 44. Early in the morning with that sun coming up on the east, facing over here on the west, I think you ought to check over there to make sure you're not going to have that glare right on 44 over there. It's directly facing right towards that area.

MR. IRBY: Okay. We can certainly update our glare analysis.

MR. TRAPANI: That's one place where I think you may have because it's tough. When that sun is coming up over that horizon there, it's shining towards the west. It hits that. I know because you can see -- you can see the Dome. Mr. Clarke knows also the same thing. You can see the Dome from over there on that side. Maybe look into that.

By the houses there, are they going to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

put some kind of a buffer or something there?
Behind the three houses that are there, right
behind the project?

MR. IRBY: So this is something that
we've kind of been debating internally. Based on
the kind of typical topography of the site, any
kind of screening within the project boundary
between the houses and the actual project itself
wouldn't really be that effective in screening it
from view because those houses kind of overlook
it, looking down on a portion of the array and
then up the hill at the rest of the project.
We're open to recommendations from the Planning
Board about any additional screening. In our
current site plan we've shown a line of evergreen
trees along the eastern side of that upper array
area which we're hoping -- to answer kind of your
first question about glare, we're hoping that it
will completely shield the project from view once
the trees reach full maturity from the Hudson
Valley to the east, and hopefully from Locust
Grove Estate as well.

To kind of address your question about
glare, that will hopefully cutdown on any

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

potential glare that could be present there across the river.

In regards to the houses that are kind of immediately next to the project site, we're open to creative solutions here. I think the only maybe potential way that we could screen it fully from view would be to plant trees actually on their property instead of at the project boundary.

MR. TRAPANI: Maybe you can get in touch with those people as a relationship type of thing and throw it by them to see what they would like to look at also.

MR. IRBY: And we've begun those conversations.

MR. TRAPANI: Then you can bring it back to us. If it works with us -- just look at the other people that have to live there and see it all the time.

MR. IRBY: Absolutely.

MR. HINES: Just for the Board, I believe it's a tracking solar array. They're not static. They're going to track onto the project.

MR. IRBY: That's correct.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: These panels move during the day to maximize their solar collection. It changes the glare analysis. As the sun moves across the sky, the panels move as well.

MR. IRBY: The idea is that the panels will be directly pointed at the sun itself, so glare to other angles of reflection would be very, very minimal. The panels themselves are treated with an anti-reflective coating that reduces glare as well.

MR. CLARKE: I live on Clarke's Lane and I have to come down several times a day and intersect with Milton Turnpike. I don't know. Are you planning on putting them on that flat right across from Clarke's Lane, just to the west of the house, or are you going to go further up the hill?

MR. HINES: They're up on Milton --

MR. TRAPANI: They're up behind the cooler. Aren't they? Behind the cold storage?

MR. IRBY: Behind the group of buildings and also kind of down in the depression to the southeastern portion of the property.

MR. TRAPANI: Right behind Marcus's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

house there.

MR. CLARKE: All right. I guess my other question would be, at this point in terms of battery development, when so many different things are changing, why would you choose to put a battery system in now when five years from now the technology is probably going to be five or maybe a hundred times better?

MR. IRBY: That's a great point and something that I wanted to touch on with the Planning Board here today. So currently we're proposing the project as including a battery storage system. I will say that that is wholly contingent on New York instituting a new battery incentive as the current one has been fully used up. So currently there's no real incentive to put batteries on projects. With the incentive in place, there is a financial and capacity gain to be found there. So I do recognize your question around battery technology. It is definitely a point of uncertainty. The industry is growing rapidly all the time. The idea with the system, and with even the panels, with the inverters, with the other components is that as better

1
2 technology comes along, there is the possibility
3 of upgrading the site, updating the materials,
4 the different components so that they reflect the
5 kind of most up-to-date technology that's up
6 there, if that's needed, if that's financially
7 viable for the project. So, you know, if better
8 battery technology did come along in five to ten
9 years and it made sense to replace the existing
10 batteries, then that's something the project
11 owner could definitely look into.

12 CHAIRMAN BRAND: How would that work,
13 Pat? Would they have to come back to us at that
14 point?

15 MR. HINES: If they're modifying the
16 site plan, yes.

17 MR. IRBY: The actual layout of the
18 site I don't think would ever change. The
19 components may.

20 MR. GAROFALO: With regard to the
21 panels moving, are they moving on both a
22 horizontal and vertical access?

23 MR. IRBY: It's a single access. It's
24 just kind of a horizontal access like this.

25 MR. GAROFALO: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. LANZETTA: I'm going to reiterate the need for a better visual analysis.

I think you might have started speaking with some of the people from Scenic Hudson. They will certainly be very interested to see this project as it progresses. And Ulster County Planning as well. They will want a much more involved visual analysis than what you have, and visual renderings than what you have in place right now. So again, I'm just giving you a heads up on that. That's one of the critical components in the Hudson Valley.

Also I'm curious. I was looking at the pictures of the fencing that you are proposing. I see that you do allow -- it doesn't go right to the ground, which is good. It doesn't say how much space you're allowing. We want to make sure that there's some space for small animals to get in and out of that site. Can you put how many inches that you're planning on leaving at the bottom?

MR. IRBY: Yes. Absolutely.

Just to touch on your first point about Scenic Hudson and the visual renderings that we

1 put together for the project. Ethan and I had a
2 great call with Audrey and Jeff over there at
3 Scenic Hudson, walking them through the project
4 and the different methods that we're planning to
5 use to limit the visual impact to Locust Grove.
6 We've conducted a viewshed analysis from the
7 vantage point of Locust Grove, showing which
8 portions of the site are visible. We used that
9 to inform our screening methods that we're
10 planning to use. We also have contracted out
11 visual renderings from Locust Grove and from
12 other various locations. If the Planning Board
13 requests those renderings, we can happily provide
14 them.
15

16 Additionally on the wildlife fencing.
17 Yes. So we also had our gateway meeting with the
18 Ulster County Planning Board. Al Lanzetta was
19 there in attendance with myself. We talked
20 through some of their concerns. One of the things
21 they did bring up was installing wildlife
22 friendly fencing. That's something we are
23 committing to. I will definitely make sure that
24 the actual distance from the ground, the gap in
25 the fence, will be illustrated on the site plan.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

So thank you.

CHAIRMAN BRAND: Anything else from the Board?

MR. WINTER: Well if I could just mention one thing --

MR. CLARKE: You suggested some of the land was going to be retained for agricultural. Where is that going to be?

MR. IRBY: Currently we have two portions. You can kind of think of the site as maybe a square with four quadrants in it. We're in the upper northwest and kind of southeast quadrants of the property. The other two quadrants will hopefully be maintained for agricultural use. We've been working closely with Robert Titanic. He currently uses a tenant farmer. He's looking for potentially a different type of farmer for the property. The property is certified organic. Certified organic crops can be grown on the property. We really want to make sure that that is able to continue. What we've done is committed to a no spray approach with our weed management and landscaping plan which will avoid spraying any banned substances that are not

1 allowed for U.S. organic crops with the hope that
2 he is able to still produce crops on the
3 remainder of the property. So that would be in
4 the southwest corner and then in the northeast
5 corner as well.
6

7 CHAIRMAN BRAND: Anything else from the
8 Board?

9 (No response.)

10 MR. IRBY: Ethan, I think maybe you
11 wanted to touch on the PILOT agreement that we're
12 hoping to enter into.

13 MR. WINTER: Yeah. I wanted to just
14 mention we have reached out to Locust Grove as
15 well and await some more direct feedback from
16 Ken, the director there.

17 Cindy, we appreciate your point on the
18 visual impact. This is an opportunity for us to
19 get some real detail from the Planning Board on
20 what those most sensitive visual areas and
21 corridors are so we can develop those visual
22 analyses accordingly.

23 But as Paul said, we did speak with
24 Scenic Hudson and shared with them what we shared
25 with you as we were working that up.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

With regard to the PILOT. Again, I think the Town deserves some credit for having a solid code and having some precedent with the PILOT, the County, the School and the Town. We would really like to follow the Nexamp example with that PILOT that was approved last year. We'll be reaching out to the supervisor to initiate that and discuss the potential for a host community agreement as well.

MR. TRAPANI: If this project works properly, how many houses do they propose they can take care of?

MR. WINTER: Roughly with 3 megawatts, 6 to 7 average homes is what we look at. So 650 ballpark.

MR. IRBY: Hundred homes, not --

MR. TRAPANI: The only reason why I ask is they've had it in the newspaper about how many homes were being taken care of by solar. It was like 35 solar farms put in so far and they said like 140,000 homes it was taking care of.

MR. IRBY: It's an impressive way to take some of the load off of especially residential uses.

1
2 What we're hoping to do with the
3 project as a community solar facility is to allow
4 subscribers to get around a 10 percent discount
5 on their electricity bills if they subscribe to
6 the project. We're hoping it will be a real
7 win-win for the Marlborough community.

8 MR. TRAPANI: Thank you.

9 CHAIRMAN BRAND: Is there anyone on the
10 Board that does not feel comfortable at this time
11 with declaring our intent to act as lead agency?

12 MR. HINES: I'm just thinking that we
13 should get the EAF and my comments cleaned up
14 before we do that.

15 CHAIRMAN BRAND: Okay.

16 MR. HINES: A lot of my comments were
17 on the EAF.

18 CHAIRMAN BRAND: We'll get that before
19 we do that.

20 So it looks as though you guys have
21 your homework to do. Langan Engineering has their
22 homework to do at least.

23 If there's nothing else, I think we are
24 finished with Independent Solar. Yes?

25 MR. IRBY: I guess thinking about next

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

steps. If we make those changes, then we would submit them potentially for the next meeting or the meeting thereafter depending on when we're able to get them in?

CHAIRMAN BRAND: Yeah. The deadline for the August 17th meeting is August 7th. If you can get them done in the next four days or so, you can be on the agenda for the 17th, otherwise you would get pushed until the first one in September.

MR. IRBY: We'll see what we can do.

CHAIRMAN BRAND: Great. Thank you guys.

MR. IRBY: Thank you.

MR. WINTER: Thank you.

(Time noted: 8:22 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 12th day of August 2020.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

POND VIEW

Project No. 20-4009
19 Sunrise Drive, Milton
Section 102.4; Block 2; Lots 32.813 & 30.4

----- X

SKETCH - LOT LINE

Date: August 3, 2020
Time: 8:22 p.m.

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POND VIEW

55

CHAIRMAN BRAND: Next on the agenda is Pond View, sketch for a lot line at 19 Sunrise Drive in Milton.

Mr. Galella, I believe that's you.

MR. GALELLA: Yes, sir. Hello, everybody.

What's happening here is lot (inaudible) with a proposed house to be built, and then the remainder would be a larger lot next to it.

CHAIRMAN BRAND: Pat, did you want to go through your comments first?

MR. HINES: Just some clean-up items. A letter of agent was signed by Mr. Galella. If he's representing himself it's a non-issue. It didn't identify anyone to be his agent. If he's here talking, that's a non-issue.

The EAF that was submitted wasn't filled out on the DEC's interactive website. We'll need that done.

Existing and proposed lot area charts are typically required showing -- it shows the new lot sizes for lot 1 and proposed lot 2. It assists the assessor and people in the future

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

with what lot 1's existing size was as well as the proposed, as well as lot 2 which doesn't have -- the original lot size would be there.

The modification creating proposed lot 2, that lot is without an approved septic system at this point. The septic system was at a different location on the larger lot. A new septic system and water system need to be approved by Ulster County Health before the Board can take any action to prove that that smaller lot is buildable. The old septic was located well back on the larger lot that's getting transferred to lot 1.

The Town has a streamlined lot line change procedure, I don't know that this meets it because there's no septic system approved for proposed lot 2 at this point.

There is a private road access and maintenance agreement for the existing private road. It currently serves four lots. Lot 1, which was old lot 8 on the subdivision, had an easement to use it. This will now give the new lot 1, former lot 8, fee access or ownership of a portion of that private roadway along with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

other three lots, then four lots. Everyone will own a piece of it. Your code only allows four lots on a private road unless one of the -- you can have up to six lots if the lots share an existing Town roadway. Lot 1 has access to Ridge Road, so it complies with your code. There are provisions in the private road agreement that allow further lots to join the private road agreement, and filing of this map may do that. I'll wait for Jeff Battistoni to sign off on the private road agreement. Tommy Corcoran was aware of this. I know I got a comment from him today. I believe it's a favorable comment. I reached out to him after I received that to make sure he concurs with my analysis of the fact that lot 1 having frontage on Ridge Road exempts it from the four lots on a private roadway and will allow the five lots to access the private roadway.

That's the extent of our comments.

CHAIRMAN BRAND: Did he agree with that in theory? He did; correct?

MR. HINES: I believe he did. He didn't come right out and say it. He cited chapter and code. I know that there were some conversations

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

early on when this was proposed. I think he was okay with it but I would like to confirm with him that comment. It didn't clearly say that but he kind of cited that section of the code. I believe as long as the lot has frontage on a public road -- you can have up to six lots as long as two of them have frontage.

The septic is an issue for this.

CHAIRMAN BRAND: Okay. Jen, you can take the map down.

Jeff, did you have something for this?

MR. BATTISTONI: No. I appreciate how thorough Pat is in his comments. I think this should go through your normal subdivision process. There is an expedited procedure for a boundary line adjustment for two lots, but this is a very complicated application.

CHAIRMAN BRAND: Excellent. Comments from the Board? Questions?

MR. CLARKE: Chris, it looked like on that map there may have been two lots that have access to Old Indian Road. It looked like there was almost like a flag lot on one of those lots just to the west of the one that has access, or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

has frontage.

MR. HINES: It doesn't have rights to that road. I did check. That was existing when that private road was constructed. That lot that looks like a flag lot gains its access off the Town road and not off the private road and is not included in the private road agreement.

MS. LANZETTA: I'd like to also point out that there's been water issues with the new lots that have been sold and built on. I know the owners have come to the Town and asked if they would extend the water district so that they could get water. I've heard that some people's wells have gone dry. So I'm not sure what our responsibility is in regards to that and ensuring that there's sufficient water as we allow additional development to happen in that area. That would come up, I'm sure, if we end up having a public hearing. So it's something to be thinking about and what our responsibilities as a Planning Board are to that.

Also, I have real questions about the private road. The only way that I would feel comfortable with approving an additional lot

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

there would be if it was put on the map that the present lot owner of the larger parcel lot was not using their existing driveway that goes to Sunrise Drive. Even though you can say you have access to that road -- this kind of reminds me of the Affuso issue -- the practicality of that being the case has not been proven because the reality is that that person is not using that access, they are using their access on Sunrise Drive. So I would want to make sure that that was -- that a new driveway was shown accessing that house off of the Town road and that it was not -- they would not be accessing at Sunrise Drive.

CHAIRMAN BRAND: Mr. Galella, is that your intention?

MR. GALELLA: No, it's not. I was expecting to use Sunrise Drive. That is my driveway. It's installed and been like that for eight years. Lot 4 has been there also.

Currently the septic design is permitted by the Board of Health for approval through my engineer.

CHAIRMAN BRAND: Pat and/or Jeff, what are your thoughts on the it has access to but

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POND VIEW

61

doesn't utilize the access to the --

MR. HINES: Your private road regulations permit what is proposed. This lot will actually -- Mr. Galella's existing house which was on lot 8, now shown as lot 1, will own a substantial portion of the private road, Sunrise Drive, under this lot line change. I believe your code allows access of up to six lots, four of which only have access to the private road and two can have access to the private road as long as they have frontage on a Town road. This is kind of -- it's kind of reverse frontage, but it doesn't say in the law it can't be that way. The idea was originally to have the lots that front on the road use the private road and not take credit for the other four. That's why I wanted to talk to Tommy as well. I think Tommy is on board with that interpretation but it wasn't clear in his form today.

CHAIRMAN BRAND: Jeff, did you have anything to add to that?

MR. BATTISTONI: I would want to see what Tom would say. I do want to look at the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POND VIEW

62

code provision.

CHAIRMAN BRAND: Okay.

MR. CLARKE: Chris, we own the property just to the west of that. I know the next property to the west was owned by Desouzo. His son put a small house up there and they had issues with water. They just could not get water. They tried several times where they were down to 400 feet and Troncillito always had a tanker truck there. Somebody else has the property now and I don't see that. I know that's an area that if you're going to -- I'm not familiar enough with this project but you may want to have a proven well there before you try to sell anything.

MR. GALELLA: That's a possibility I could have it. I know my well is fine and I'm not too far from it. It's shown on the map. There are wells that do run dry. I mean it was way before that. Getting more reserve and how they are built sometimes can be an issue. My driller believes it's a doable site for a well.

CHAIRMAN BRAND: Pat, is that something --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POND VIEW

63

MR. GALELLA: I think I have like
(inaudible). I could work through that and get
it going.

MR. TRAPANI: A modular home?

CHAIRMAN BRAND: What did you say, Ben?

MR. TRAPANI: I think they dug a new
well by the Desouzo house. I don't know how good
it is but they had a well driller there and they
drilled a new well. They've always had problems
with water there.

CHAIRMAN BRAND: Is that something that
we can require, that they have operational wells
and water -- significant water before --

MR. HINES: So that falls under the
purview of the Health Department. That's what the
Health Department reviews when they do the well
and septic. They might not be aware of this.
Certainly we can let them know that there is an
issue there.

CHAIRMAN BRAND: I think we should.

MR. TRAPANI: There always has been an
issue there. When Jimmy Martin had the cooler
before Fino bought it they always had to have a
tanker there from Desouzo's to be able to use the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POND VIEW

64

wet dump.

MR. CLARKE: My father always said it was a dry spot. We never had a well up there so I don't know, but --

MR. HINES: This is a lot line change. There's the same number of lots. You're not creating a new lot.

MR. CLARKE: That may not be a significant issue.

CHAIRMAN BRAND: So Mr. Galella, it looks like you have some clean up to do on this, to fill out the EAF with the DEC website, make sure you have Ulster County Health Department for the water and sewer, the maintenance agreement for access for the new lot 1 to be provided for the attorney. I think that's it.

MS. LANZETTA: (Inaudible.)

CHAIRMAN BRAND: For Ulster County Health Department, water and sewer.

MR. GALELLA: That I submitted. I just have to wait for them.

CHAIRMAN BRAND: I'm having a very difficult time hearing you, Mr. Galella.

MR. GALELLA: The Board of Health and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the engineering for the septic system has been submitted. I'm just waiting for the permit for that. I've written down the other comments.

What would be my next --

MR. HINES: I sent the comments to the surveyor that was recorded on there. I can send them to you, Nick, as well.

CHAIRMAN BRAND: So if you have everything, all those things by Friday, August 7th, you could be on the agenda for Monday, August 17th. Otherwise you'd be pushed back to the first meeting of September.

MR. GALELLA: Very good.

CHAIRMAN BRAND: You're welcome.

MR. GALELLA: Thank you.

CHAIRMAN BRAND: Anything else from the Board?

MR. GAROFALO: Yes, Mr. Chairman. Can we, before we adjourn, discuss a little bit on the checklist?

CHAIRMAN BRAND: I was going to say that. I was going to say that Michelle, Jeff and Pat are probably free to go, though, on that. And Bob, too, unless you want to hang out.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Time noted: 8:36 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 12th day of August 2020.

Michelle Conero

MICHELLE CONERO