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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

DAVID & SUSAN YOUNG

Project No. 20-4002
50 Mill House Road, Marlboro
Section 108.4; Block 5; Lot 20.21

----- X

PRELIMINARY - SUBDIVISION

Date: September 21, 2020
Time: 7:30 p.m.

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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POND VIEW

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CHAIRMAN BRAND: It is 7:30. I'm just going to ask, if you are not a member of the Board, to keep your mic on mute unless we call upon you.

Let's get started. I'd like to call the meeting to order. I'm sorry --

MR. CLARKE: If you are a Member of the Board, like Ben, don't you think we ought to unmute?

CHAIRMAN BRAND: Certainly.

MS. FLYNN: Bob Troncillito, maybe unmute.

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board for September 21, 2020. Regular meeting 7:30 p.m. Approval of stenographic minutes for July 20th, August 3rd and August 17th. On the agenda this evening we have Pond View at 19 Sunrise Drive in Milton for a public hearing for a lot line. We have David and Susan Young at 50 Mill House Road in Marlboro for a preliminary approval of their subdivision. We have Marlboro on Hudson, Hudson Circle in Marlboro, for an extension of their site plan. I hope I'm saying this right. Chevers Bed &

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POND VIEW

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Breakfast at 45 Cross Road in Marlboro for a sketch of their site plan. Independent Solar, LLC at 206 Milton Turnpike for a sketch of their site plan. And the Guarino Subdivision, Lattintown Road, sketch of a subdivision. Also on the agenda this evening we have a discussion without the lawyer, engineer or stenographer for Rich Schultz for a two-lot subdivision proposal on Route 9W located in the HDR-1 District. If there is time, the review of the site plan checklist.

I'd like to have a motion for the approval of the stenographic minutes for 7/20, 8/3 and 8/17, please.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Cindy. Is there a second?

MR. CLARKE: I'll second.

CHAIRMAN BRAND: Steve, I heard you. Any discussion on that?

(No response.)

CHAIRMAN BRAND: Any nos on the approval for those stenographic minutes from the Board?

(No response.)

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POND VIEW

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CHAIRMAN BRAND: All right. So
carried.

First up, Pond View, public hearing,
lot line.

"Legal notice. Subdivision of the
lot line adjustment application. Please take
notice a public hearing will be held by the
Marlborough Planning Board pursuant to the State
Environmental Quality Review Act (SEQRA) and Town
of Marlborough Town Code Section 134-9 on Monday,
September 21, 2020 for the following application:
Pond View, at the Town Hall, 21 Milton Turnpike,
Milton, New York at 7:30 p.m. or as soon
thereafter as may be heard. The applicant is
seeking subdivision, lot line adjustment approval
for lands located at 19 Sunrise Drive, Milton,
New York, Section 102.4; Block 2; Lot 32.813. Any
interested parties either for or against this
proposal will have an opportunity to be heard at
this time."

So first off; Pat, I'd like to start
with your comments before we open it up to the
public.

MR. HINES: Outstanding after the

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last conversation, my comments, they were required to provide us with an approval for the revised septic system. We received a letter from the Ulster County Health Department dated 6 August for the septic system.

We also discussed the well at the last meeting. They provided us with the DEC well completion report by the applicant's well driller identifying they tested the well for 5 hours at 5 gallons per minute, and the paperwork that they submitted to the DEC for that.

And then the private road issues were outstanding. I know Jeff Battistoni was doing some research on that. I've had some conversations with Jeff. He wrote a memo regarding that.

It is a lot line change, so it is a SEQRA Type 2 action with no further SEQRA review required. Based on the most recent DEC revisions to the SEQRA regulations, Part 617.5 C-16, lot line changes by definition are Type 2 actions.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, do you want to give us an overview, perhaps of the legal issues concerning

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POND VIEW

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the private road?

MR. BATTISTONI: This is Jeff Battistoni. There was a prior subdivision involving some of this property. There was a four-lot subdivision on a private road. As part of this subdivision there's a fifth lot that would share that private road. Your Town Code allows four lots to share a private road, however it allows up to two more lots to share it if there is a private agreement which authorizes it. The code doesn't define the term private agreement. It doesn't specify specifically who would have to be a party to it.

I sent an e-mail that addressed this issue, and I recommended that all users of that private road be a party to this private agreement if this fifth lot is approved to use that private road.

MR. HINES: The only other caveat is the fifth and sixth lot potentially using the private road have to have lot frontage on a public street as well.

CHAIRMAN BRAND: And they do?

MR. HINES: Yes.

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POND VIEW

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MR. BATTISTONI: They do. That's correct. This fifth lot does.

CHAIRMAN BRAND: Thank you. Who is the applicant's representative here this evening for Pond View? Do we have a representative here this evening?

MR. GALLELA: I'm here now. I'm representing myself.

CHAIRMAN BRAND: Okay. Thank you. So this is a public hearing. If you are here to voice your -- speak either way on this proposal, you have an opportunity to do so at this time. I would just ask you to turn on your microphone and state your name so we know who is speaking and so the stenographer can get that information as well.

MS. LANZETTA: Can I just ask, is it possible for Jen to put the map, the subdivision map up?

CHAIRMAN BRAND: Absolutely.

MS. FLYNN: I have to also put it on the YouTube Live. I don't know how to do that.

CHAIRMAN BRAND: Again, this is a public hearing. If you're here to speak either

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POND VIEW

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for or against this project, have questions, comments in regards to the Pond View application, you can do so at this time. Is there anyone present who would like to do that?

(No response.)

CHAIRMAN BRAND: Nick, maybe you want to just give us an overview for the people that may be here but don't necessarily want to comment on what it is that you proposed.

MR. GALLELA: Presently it's a large parcel from the previous subdivision that Jeff had just spoke about. I believe it's 15 acres. Currently it has a section, block and lot and address on Sunrise Drive. I'm looking to make that a 1 acre lot -- 1.5 acre lot. I still own that lot and I live on the adjoining lot which I would take the remainder of, whatever is left from lot 4 adjoining my property. That's it.

CHAIRMAN BRAND: Okay.

MR. GALLELA: Make that lot smaller and my lot bigger.

CHAIRMAN BRAND: Questions, comments from the Board?

MR. GAROFALO: I have a comment. At,

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POND VIEW

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I think it was the August 17th meeting, it was noted there were some major things missing. The copy of the checklist that I got seemed to be signed but not filled out, and I was wondering if that had been corrected.

MR. GALLELA: By me personally, no.

CHAIRMAN BRAND: Pat, did you get a copy of the checklist?

MR. HINES: I did previously, yes. Yeah. The checklist I have continues to be blank.

CHAIRMAN BRAND: Obviously, Mr. Gallela, we're going to need that to be completed.

MR. GALLELA: Okay.

MR. GAROFALO: I'm a little concerned about closing the public hearing without having that document completed since the public may want to comment on material that's put into that document.

CHAIRMAN BRAND: I would agree with that as well.

MR. CLARKE: I agree as well.

MR. TRAPANI: Me, too.

MS. LANZETTA: We're also going to

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POND VIEW

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need a new agreement for the use of that shared road. We want to make sure that even though the adjacent property owner received the notice of public hearing, I'm not sure if they understand they're going to need to sign on to a new agreement. I would like to see that drafted and ready for review.

CHAIRMAN BRAND: Mr. Gallela and/or Jeff, has contact been made with the other lot owners regarding this agreement?

MR. BATTISTONI: This is Jeff Battistoni speaking. Not by me.

CHAIRMAN BRAND: Mr. Gallela?

MR. GALLELA: Have I contacted the present owners on Sunrise Drive, you're saying, regarding the lot -- the agreement?

CHAIRMAN BRAND: Yes.

MR. GALLELA: No, I have not. They're aware of it. I put that clause in the prior agreement. If any further work was done to the lot, it would automatically share into the agreement as far as maintenance. I don't know what the new agreement is going to change other than drafting up a new piece of paper for them to

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POND VIEW

11

sign.

CHAIRMAN BRAND: I think Jeff detailed previously that the other landowners would have to be in agreement, as well as possibly the new ones.

Am I correct, Jeff? Is that basically what you said?

MR. BATTISTONI: Yes. Again this is Jeff Battistoni. I did say that this private agreement would need to be signed by the adjoining lot owners who use that private road.

CHAIRMAN BRAND: Right. I do know that the issue of water came up in regards to these lots. We spoke briefly about that. The well water in addition to runoff there.

Mr. Gallela, do you have any comment as to that?

MR. GALLELA: As far as -- are you talking about stormwater runoff or as far as domestic use of well water?

CHAIRMAN BRAND: I didn't catch that.

MR. GALLELA: You're asking about the domestic use of well water?

CHAIRMAN BRAND: Yeah. A couple of

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people that live up in that area reached out to me privately and asked me about -- apparently there's an issue up there with the water. I think Member Lanzetta referred to this, as well, last time we discussed it. There is a concern that they're having already difficulties. Wells are drying up in that area, in addition to runoff since I guess changes have been made on the site.

MR. GALLELA: I'm not aware of any issues as far as I know. The current -- I believe they're looking into possibly developing the wells further to get water out of it. I know I had some discussions with the water superintendent to possibly get a water main up to my property to them. He was less than enthusiastic to pursue that.

As far as my well driller is concerned, he doesn't see one well contributing to any uses of other people's wells. Drawing for agricultural uses, bring up the fact of taxing of neighboring wells. The soils seem to be spotty. I'm in the same area and my well is producing. So is the other well that I just drilled on that lot.

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POND VIEW

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MR. HINES: That was the purpose --
the well has been drilled on this lot. Mr.
Gallela did supply the well report that
identifies the pump test that was performed.

CHAIRMAN BRAND: Right.

MR. HINES: It did produce 5 gallons
a minute, stabilized for 5 hours.

MS. HOGANCAMP: This is Megan
Hogancamp. Chris, I was having audio problems
coming in. I'm here with my husband Greg. We have
comments opposing this subdivision.

CHAIRMAN BRAND: Okay. Go ahead.

MS. HOGANCAMP: One of the wells has
been affected since the homes have been developed
above us.

We have also suffered from the
drainage issues from those properties into our
property, you know, to great expense, putting in
curtain drains, which Dave Zambito did for us
because our basement had flooded. It had never
flooded since the house was built in 1972 -- '77,
excuse me.

Also, we had our well done -- you're
another 160 feet -- two years ago, only to run

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POND VIEW

14

dry this year.

MR. HOGANCAMP: One year ago.

MS. HOGANCAMP: I'm sorry. It was one year.

CHAIRMAN BRAND: Okay. Pat, looking at the topography there, do you see an issue with the runoff?

MR. HINES: Yeah. I just want to clarify that this is a lot line change. There's a certain number of lots should this happen or not happen. This is just putting the proposed residential structure on a smaller lot and adding that balance of parcel to an existing lot.

I don't see a lot on this map identified as Hogancamp, so I'm having difficulty trying to figure out where the location is.

There's no new construction of the roadway proposed. No alteration of the private roadway. There will just be the same number of houses, one of which will be on a 1.4 acre lot rather than a 12 acre lot.

MR. GALLELA: If I may add also the fact I can't see possibly how water would go in that direction. Everything is picked up by the

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POND VIEW

15

road and put into an existing pond. All runoff travels down Sunrise Drive. It doesn't go in an east or west direction. Hogancamp, I believe they're in an easterly direction down behind Cosman's and Kuha's off of Old Indian.

MR. HINES: Can we get the Hogancamp -- the folks that are speaking, Hogancamp, the location of their lot?

MS. HOGANCAMP: We're 197 Old Indian. Our well has gone dry. Directly behind us, the Cosmans have gone dry. The Kuhas has gone dry. There's one more person. I don't know the gentleman's name.

MR. HINES: I just want to reiterate that Mr. Gallela can currently, without going through this process, install an additional house, well and septic on the lot now. It would just be on a larger lot.

CHAIRMAN BRAND: He's just adjusting the line.

MR. HINES: Correct.

CHAIRMAN BRAND: Right. Okay. Any other comments from the Board or the public?

(No response.)

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CHAIRMAN BRAND: No. So in agreement with Mr. Garofalo's comment, I think that we do want to hold over the public hearing until the checklist is completed adequately so that the public can have an opportunity to view that.

So Jeff, help me out. We are just going to adjourn the public hearing until a later date, until the checklist is complete?

MR. BATTISTONI: Right. I would adjourn it to a specific date, either two weeks from now or four weeks. If a further adjournment is needed at that time, it could be granted.

CHAIRMAN BRAND: Okay. Does anyone from the Board have an issue with us adjourning the public hearing until the first meeting in October, which looks to be October 5th, presuming that -- Mr. Gallela, is that enough time for you to get that checklist completed?

MR. GALLELA: Yes, it will be.

MS. LANZETTA: I'd like to see that agreement for the private road too, because we want to make sure that the other property owners are in agreement with the special agreement that's supposed to be part of the maintenance

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POND VIEW

17

agreement.

CHAIRMAN BRAND: Mr. Gallela and Jeff, do you think that's enough time to have that completed for October 5th?

MR. GALLELA: I'll speak to my attorney. I don't see why not.

MR. BATTISTONI: This is Jeff Battistoni. I could review it fairly quickly once I have it. It's more a matter of how long it takes the applicant to supply it.

MR. GALLELA: Is there a template that you follow on something like that? Maybe you can forward it to me?

MR. BATTISTONI: I don't know if I do because it's a private agreement between the landowners.

MR. GALLELA: Or any specific language you would want in it?

MR. BATTISTONI: I think you should ask your attorney if he can prepare something and send it to me. If I can find anything I'll forward it, but I don't know offhand if I have something.

CHAIRMAN BRAND: So I would like to

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POND VIEW

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have a motion to adjourn the public hearing until
October 5th with the understanding that the
checklist will be completed and the completed
driveway agreement will be completed by that
date.

MR. GAROFALO: I so move.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Mr. Garofalo and --

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: -- Mr. Trapani with
a second. Any discussion further?

(No response.)

CHAIRMAN BRAND: Any opposed to that
motion?

(No response.)

CHAIRMAN BRAND: No. So moved.

Okay, Mr. Gallela?

MR. GALLELA: All set.

CHAIRMAN BRAND: You're all set. Just
take care of those things and get that done.
We'll see you at the October 5th meeting.

MR. GALLELA: All right.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of October 2020.

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

DAVID & SUSAN YOUNG

Project No. 20-4002
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Section 108.4; Block 5; Lot 20.21

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PRELIMINARY - SUBDIVISION

Date: September 21, 2020
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BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
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MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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CHAIRMAN BRAND: Next on the agenda is Young, David and Susan, preliminary approval for the subdivision at 50 Mill House Road.

Pat, did you want to run through your comments very quickly?

MR. HINES: I can. This was before the Board several times, and it also received approval. That's my first comment.

The Town of Newburgh Planning Board approved their portion of the project, which is in the Town of Newburgh, Orange County, on 6 August 2020. They issued a conditional final approval. A copy of the resolution I did not have, but I did give Jeff Battistoni a copy of the minutes confirming that for his use.

There's a map note required on the plans that both Jeff and the Town of Newburgh Planning Board attorney have reviewed. I believe Jeff is okay with that, but I'll defer to him.

The Town of Newburgh deferred recreation fees to the Town of Marlborough since throughout this project we've discussed that the proposed house locations, driveways, wells and septics for the new residential lots are all

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located in the Town of Marlborough.

Both the Town of Marlborough and the Town of Newburgh had public hearings on this, and each County Planning Department was involved with the 239 review.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, do you have anything to add to that?

MR. BATTISTONI: Yes. Again this is Jeff Battistoni. At first I didn't realize this was on for an approval tonight. When I realized that, I had to get some additional information in order to prepare a resolution, and I received that today. So I apologize for not getting the resolution to the Board sooner. Again, I just got some of that information today. I hope you have had a chance to look at the resolution I did send. I tried to trace the history of the project in the resolution so you can see each person who has commented and how the comments were resolved.

The Town of Newburgh did approve this on August 6th, and, as Pat said, did not impose any recreation fees. So the Town of Marlborough

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is free to impose whatever recreation fees it wants.

There's one open issue, and that's a DEC issue. The DEC wants some additional information. I think that can be supplied post-approval. There's a condition in the resolution I prepared for that. So I throw that out there for the Board's consideration.

CHAIRMAN BRAND: Thank you, Jeff.

Anything from the Board on this?

MS. LANZETTA: I read the resolution and I think it's appropriate.

CHAIRMAN BRAND: Okay. Anything else from the Board?

MR. GAROFALO: I have one comment. That is, I'm a little sad that they didn't look at taking the lot 1 house and flipping the driveway to the other side which would have separated it from the other two driveways further and probably would have resulted in better sight distance. But as I understand, I think our highway department said that the sight distances were adequate. I'm just sad that things were not improved. Thank you.

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CHAIRMAN BRAND: Thank you.

Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Mr. Samuelson, I believe you're the representative for this project. Do you have anything to add?

MR. SAMUELSON: I do not.

CHAIRMAN BRAND: Moving forward. You have the application of David and Susan Young, resolution of approval by the Town of Marlborough Planning Board for a four-lot subdivision.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

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MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Manny is here.

Excellent.

So that is carried. Let me just update that.

We also have the recreation fees findings for the Town of Marlborough Planning Board. Whereas the Planning Board has reviewed the subdivision application known as Young David and Susan with respect to real property located at 50 Mill House Road in the Town of Marlborough, Member Ben Trapani offered the following which was seconded by Member Steve Clarke: It is hereby resolved that the Planning Board makes the following findings pursuant to Section 277-4 of the Town Law. Based on the present and anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of this subdivision will contribute, parkland should be created as a condition of approval of this subdivision. However, a suitable park of adequate size to meet the above requirement can not be properly located

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within the proposed project site. Accordingly, it is appropriate that in lieu of proving parkland, the project sponsors render to the Town payment of a recreation fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. The approved subdivision known as Young David and Susan resulted in three lots for a total of \$6,000 in recreation fees. Whereupon the following vote was taken.

Jen, would you poll the Board?

MR. HINES: Hold on. I think that there's two new lots. There are two existing lots and two new lots. The fee is based on the two new lots.

CHAIRMAN BRAND: The two lots would be 4,000. Sorry.

Jen, would you poll the Board with that modification?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

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MR. CLARKE: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

CHAIRMAN BRAND: Excellent. Then I believe David and Susan Young are all set.

Mr. Samuelson, you're all set as well I believe.

MR. SAMUELSON: Thank you. Have a good night.

(Time noted: 8:00 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 12th day of October 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

MARLBORO OF HUDSON

Project No. 18-2008
Hudson Circle, Marlboro
Section 108.12; Block 8; Lots 23

----- X

EXTENSION - SITE PLAN

Date: September 21, 2020
Time: 8:00 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK

----- X

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CHAIRMAN BRAND: Next on the agenda we have Marlboro on Hudson, extension for their site plan.

Pat, do you have anything on this?

MR. HINES: I do not, but I believe Jeff prepared a resolution.

CHAIRMAN BRAND: Jeff, do you have a resolution?

MR. BATTISTONI: Yes, I did. I prepared a resolution. I think it's pretty straightforward. One extension was granted all ready, so this is the second extension.

CHAIRMAN BRAND: Okay. You have the resolution before you. Did everyone get that?

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

CHAIRMAN BRAND: I did not see that. I don't have the exact heading in front of me but you have the resolution before you.

Jeff, just to clarify, what is this extension that we're giving them?

MR. BATTISTONI: It's actually a second extension for approvals for special use permit and site plan approval. The second extension --

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just bear with me a second --

CHAIRMAN BRAND: Sure.

MR. BATTISTONI: -- will run from October 21, 2020 through October 20, 2021. The Town Code allows for two extensions, so this would be the final extension.

CHAIRMAN BRAND: Thank you. Is there a representative here for them this evening?

MR. McCORMACK: Yes, Chairman. Connor McCormack from Maser Consulting.

CHAIRMAN BRAND: Connor, do you have anything to add before we poll the Board on the resolution for the extension from October 21st through October 20, 2021?

MR. McCORMACK: We're just working through the Attorney General process.

CHAIRMAN BRAND: Connor, your mic is not working for me. I don't know if I'm the only one.

MR. McCORMACK: Can you hear me now?

CHAIRMAN BRAND: It's better.

MR. McCORMACK: We're just working through the Attorney General filing, and that's all we have left.

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CHAIRMAN BRAND: Okay. Great.

Jen, would you poll the Board on the resolution to grant the site plan application for Marlboro on Hudson, Hudson circle in Marlborough.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: 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 Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Excellent. You are all set, Connor.

MR. McCORMACK: Thank you very much.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:03 p.m.)

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I further certify that I am not
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Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

CHEVERS BED & BREAKFAST

Project No. 20-4012
45 Cross Road, Marlboro
Section 108.4; Block 1; Lot 16

----- X

SKETCH - SITE PLAN

Date: September 21, 2020
Time: 8:03 p.m.

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

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

APPLICANT'S REPRESENTATIVE: BARBARA CHEVERS

----- X

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CHAIRMAN BRAND: Next on the agenda is Chevers Bed & Breakfast for a sketch/site plan at 45 Cross Road, Marlboro.

Would you like to provide us with an overview of what it is you have planned?

MS. CHEVERS: I'm sorry?

CHAIRMAN BRAND: Could you provide the Board with an overview of your proposal?

MS. CHEVERS: Yes. We are running a bed and breakfast in the basement of our house through AirBnb.

CHAIRMAN BRAND: Okay.

MS. CHEVERS: So it's one of the bedrooms and a bathroom.

CHAIRMAN BRAND: Okay. Pat, do you want to go through your comments for that?

MR. HINES: I do. I don't believe the applicant has them. I didn't have any contact information. This is considered a home occupation under your zoning for the AirBnb -- not the AirBnb but the home occupation bed and breakfast use. I believe that the Town is addressing short-term rentals through AirBnb through upcoming legislation.

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The site plan checklist which will guide the applicant through the information we need should be submitted. Basically we'll need a surveyed plan of the site.

My comment 2 is adequate parking. The code requires two for the residential use, and then parking for the bed and breakfast use should also be depicted.

Comment 3 is that bed and breakfasts are home occupations within the zoning. Bed and breakfasts are defined in the definition Section 155-1 as home occupations allowing overnight accommodations in residential structures which take place only in owner-occupied structures. So the applicant will need to confirm that it is owner occupied.

The use is limited to 50 percent of the structure, so we would need a layout of the building. I know we have a sketch of the building that was submitted. I don't know that it specifically identified the lower basement area. We want to make sure that that is a legal bedroom with appropriate access points, fire access -- fire escape access if it is in a basement area.

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The code enforcement officer will need to review that.

It's subject to Planning Board review.

And then we need a short environmental assessment form for the Unlisted action to be submitted for the Board to process this.

CHAIRMAN BRAND: Thank you, Pat.

Comments and questions from the Board?

MR. GAROFALO: I have two comments. One is to make sure that the checklist is signed by a professional.

Also, when doing the EAF, to make sure you use the DEC mapper which is online. Thank you.

CHAIRMAN BRAND: Any other comments from the Board?

MS. CHEVERS: Can you explain when you say signed by a professional, what professional?

MR. HINES: The site plan checklist and the -- you'll need a survey, at a minimum, submitted to the Board depicting the location of the house, the underlying zoning, the setbacks, the parking. The septic and well should be depicted. Whoever does that can prepare the site

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plan checklist as well, which also needs to be signed by a licensed design professional in New York State. It can be an engineer, an architect, a surveyor or a landscape architect.

MS. CHEVERS: So we already have a survey. Can we submit that?

MR. HINES: If it has all that appropriate information. Typically there will be things that need to be added to that. Whatever surveyor prepared that can assist you would be the most cost effective manner to do that. But there's a -- you know, bulk table would be required. The underlying zoning would be required. The parking would need to be shown. We'll need a schematic of the structure showing that it's less than fifty percent, and the locations of that.

I would caution -- I'm not sure of the layout of the building -- but the fire access or fire accessibility exit areas need to be addressed as well. You've identified it as a basement. I'm not sure if there's a legal bedroom in that basement or not.

MS. CHEVERS: Yes. It's the master

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bedroom and there is a door to the outside.

MR. HINES: That would be for code enforcement. If you want to contact Jen, the Planning Board Secretary, during the week, she can get you a copy of my comments. That will work the surveyor through what we need.

MS. CHEVERS: Okay. That will be easier.

CHAIRMAN BRAND: I would definitely recommend utilizing a professional as Pat detailed earlier, one of those three licensed professionals, to assist you in this process. It will certainly speed things through.

MS. FLYNN: I can e-mail you the comments.

CHAIRMAN BRAND: Any other questions or comments from the Board?

MS. CHEVERS: Is there going to be a different application or is it still the same application that we submitted?

MR. HINES: You submitted the application, but the majority of what you submitted was blank and it needs to be completely filled out.

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CHAIRMAN BRAND: Every box needs to have an answer.

MS. LANZETTA: You can explain certain things, like in reference to wetlands and -- you know, if something is not pertinent to the application, rather than just saying not applicable, you might want to add an explanation. There are some things that might not be necessary but a lot of the things are going to be necessary.

CHAIRMAN BRAND: Again, that's what the professional would be able to assist you in. Although the initial cost may be more, it will probably save you in the long run.

Any other comments, questions?
Anything at all?

(No response.)

CHAIRMAN BRAND: So Ms. Chevers, we're going to have you contact the secretary, Jen Flynn, at the office. She'll provide you with the necessary checklist and as well as Pat's comments. When those are completed, we can put you on the next agenda.

MS. CHEVERS: Okay. Thank you.

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CHAIRMAN BRAND: You're welcome. Thank
you.

(Time noted: 8:08 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.

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set my hand this 12th day of October 2020.

Michelle Conero

MICHELLE CONERO

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MEETING 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: September 21 2020
Time: 8:08 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
BEN TRAPANI
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

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Newburgh, New York 12550
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CHAIRMAN BRAND: Next up, Independent Solar, LLC, sketch of a site plan at 206 Milton Turnpike in Milton.

Pat, your comments are significant on this one.

MR. HINES: Yes. They're at least numerous. I'm just going to pull my plans out as well as I go here.

This is the second round of comments that we've given. We got some more detailed plans. Most importantly is we received comments back with the long form EAF that we had requested. It is a Type 1 action under the SEQRA regulations.

At the conclusion of this report I have for the Board's discussion, I would be okay with the Board declaring its intent for lead agency.

My comment number 3 identifies the other interested -- the other involved agencies that would be part of the SEQRA review process which could be undertaken.

My comment number 4 -- the first three having to do with SEQRA and the status of the application. Number 4 identifies that additional

1 visual simulations have been provided from Milton
2 Turnpike, as well as the Board has requested the
3 Locust Grove facility located on the eastern part
4 of the Hudson River. They did an analysis
5 utilizing satellite imaging to show the
6 visibility of the project. It did identify that
7 the project is fairly visible in the foreground,
8 although also shadowed by the Sports Dome
9 facility in the visuals. So I'm deferring to the
10 Planning Board to evaluate those potential
11 impacts. They do have a landscaping plan that
12 will address some of that in the future. The
13 solar arrays are about 15 feet high and their
14 landscaping plan is putting in 6 to 8 feet trees.
15 That would take some time to screen the portions
16 that are visible.
17

18 There's a zoning section that requires
19 a 25-foot buffer area which is labeled except
20 along the roadway. There is natural vegetation
21 along Milton Turnpike, so we were requesting
22 whether they -- the Board wanted them to address
23 that with vegetation to screen the solar array
24 from Town, County and State roadways. That code
25 section that I stated, I stated there verbatim.

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It kind of says that you should be screening this from that County roadway, which you can see it and there's no screening in that area. The screening they're proposing is along the access drive to screen it from the east side of the Hudson River. Tree planting details should be added to the plans.

There was a comment, they are proposing 213 evergreen plantings along the interior access road in the vicinity where the project is visible from the Locust Grove facility. The Board needs to take a look at that as the process goes through to see if they feel that that is acceptable.

We're requesting that the applicant take a look at the electrical distribution line that kind of enters out into the agricultural field and doesn't follow the access roadway. We're asking them to take a look at that.

Also whether or not evergreen material should be planted along the southern end of the northerly most array. That comes into the area behind the barn that would be seen from Milton Turnpike, and whether the Board is looking for

1 additional screening there. Your code does say it
2 should be screened from Town, County and State
3 highways. There is no screening currently
4 proposed. There's a large agricultural field,
5 it's several hundred feet back, but it requires
6 that. I'll defer to the Board on that.
7

8 The applicant has delineated Federal
9 wetlands on site. We do not have that wetland
10 jurisdictional determination from the Army Corp
11 of Engineers, which we'll be looking for.

12 The amount of vegetation to be removed
13 from the site, there's quite a bit of land.
14 There's 14 some acres of solar arrays proposed.
15 We're just looking for a calculation of the
16 vegetation that's proposed to be removed in
17 support of the solar arrays. That comes down to
18 right now DEC is looking at when you disturb
19 greater than 10 acres of woodland, there's a
20 potential impact to some bat species and they may
21 consider it a taking. We're just trying to
22 determine how many acres of wooded vegetation is
23 removed.

24 The areas are consistent throughout the
25 document. Formerly there was lot area

1
2 discrepancies. We're asking that the bulk table
3 be updated to clarify Section 155-32(C), which is
4 that 30 percent additional lot coverage. That's
5 not on the bulk table but we're asking that that
6 be added.

7 The plan should be sent to the
8 jurisdictional fire department.

9 The application previously contained
10 battery storage units which we noted in our
11 previous comments and weren't addressed in the
12 EAF. They have been removed from the proposed
13 project. So there is no battery storage
14 component currently proposed.

15 A note should be added to the plans
16 identifying the limits of disturbance should be
17 staked and otherwise delineated in the field
18 prior to any construction activities. We're just
19 asking that those areas be clearly defined.
20 Typically orange construction fencing along with
21 the erosion control silt fencing can be utilized
22 to do that.

23 Along the eastern property line there
24 is what's identified as a 25-foot buffer. I don't
25 know the vegetation in that area, and that

1
2 portion of the project abuts residential
3 property. We have a similar comment. There's a
4 residential lot, 7.22, that also is in the
5 vicinity. So I think the applicant should give us
6 visual simulations or some photographs of that
7 25-foot strip that's remaining. It's not that
8 wide but they are only leaving 25 feet along
9 those residential properties to the east --
10 immediate east of the property. I think the Board
11 should take a look at what vegetation is going to
12 remain and whether supplemental plantings are
13 required consistent with your solar ordinance.

14 I have some comments on the
15 decommissioning plan. I think the timeframes in
16 the decommissioning plan are too long. It says 18
17 months of not using it and then within 12 months.
18 So you can have a 2.5 year lapse in using the
19 site before the decommissioning plan would kick
20 in. We're requesting that that be modified. Your
21 code allows 120 days. So that should be
22 addressed.

23 The decommissioning plan also -- I've
24 worked on many of these in some of the other
25 municipalities, but it takes a \$370,000 salvage

1 value credit which is more than the entire
2 decommissioning plan. So there's a net cost
3 savings according to their decommissioning plan.
4 That's kind of -- I don't have a crystal ball,
5 and I typically don't allow salvage value to be
6 considered in decommissioning because no one
7 knows what this stuff is going to be worth in 20,
8 25 years. It could cost significant dollars. I've
9 never seen the salvage value be more than the
10 value of decommissioning the entire site. I'm
11 requesting that that also be looked at by the
12 applicant. I don't think the Town should accept
13 anything near that amount of salvage value.
14 They're basically taking current today dollars
15 scrap value. I've probably reviewed 15 of these
16 plans and none of them have been anywhere near
17 that salvage value.
18

19 Information should be provided, cut
20 sheets. The maximum height of your stacks or the
21 tracking solar array shall not exceed 15 feet in
22 your ordinance. We just want to confirm that at
23 the maximum tilt, that those are consistent with
24 the ordinance.

25 Similarly, equipment specification

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sheets for the panels, significant components, mounting systems and inverters that are to be installed are supposed to be provided. We'll be looking for those.

It sounds like a lot. A lot of it has to do with the visuals that the Board can work through.

The only step in the process the Board could take tonight, if it felt comfortable, would be a circulation for your intent to be the lead agency on the review of the project.

CHAIRMAN BRAND: Thank you, Pat.

Questions, comments from the Board?

MR. GAROFALO: I have a comment.

MR. CLARKE: I know the site pretty well. I don't think there's very much woodlands there. It's mostly been farmed for a long time. I don't think your issues with bats are going to come up.

I would think that your setbacks from the other houses, 25 feet might be a little shy.

I would also request that we put in, on the south side of the project where Milton Turnpike faces it, some kind of vegetation

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barrier. It's going to go off a slope so it's not going to completely hide it. I think a vegetation barrier would be a worthwhile thing.

CHAIRMAN BRAND: I think I'm in agreement with that as well, particularly since it's in the code.

Is there anyone on the Board that feels as though they shouldn't screen it from the south side, and the County roads, and the neighboring property owners?

(No response.)

CHAIRMAN BRAND: No.

MR. TRAPANI: They ought to check with some of the houses that are near that. You know, there's four houses there. Four? Four houses there that are to the south of the project, right along Milton Turnpike. They ought to check with them to see what kind of vegetation they would like, too. They have to look at that for the rest of their lives.

The panels are 15 feet high you said?

MR. HINES: I don't know how high they are. Your code restricts them to 15 feet high at maximum tilt.

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CHAIRMAN BRAND: They can't be higher than 15 feet.

MR. IRBY: They'll be shorter than that for sure.

MR. TRAPANI: That's high, especially if it's up on that hill up there.

MR. HINES: These are proposed to be tracking. They're not fixed. They're going to rotate as the sun moves.

MR. TRAPANI: Right. I asked the question over by Adams over there with 44/55 -- is that 44 going that way -- with the sun glare over that way.

CHAIRMAN BRAND: Right.

MR. IRBY: Can I chime in real quick?

CHAIRMAN BRAND: Of course.

MR. IRBY: So on the visual component, you're talking about a line of screening directly parallel with Milton Turnpike as opposed to --

MR. CLARKE: Yes, that's correct.

MR. IRBY: Okay.

CHAIRMAN BRAND: I think we want it screened as much as possible from the neighbors, from the road. From everything.

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MR. IRBY: Got it.

CHAIRMAN BRAND: Try to be as unobtrusive as possible.

MR. HINES: The only comment I have on the screening is whether you want it along Milton Turnpike or whether you want it back along the, I'll call it, I think, the northerly most array, behind some of the structures that are there. So you can take advantage -- the grade is relatively flat along Milton Turnpike. It rises up to that solar array. It may be beneficial to put the screening well back from there on the lot closer to the arrays.

MR. CLARKE: I would agree with that.

MR. IRBY: Yeah. Just to chime in on that. Looking at the site, I don't think screening behind -- if do you want screening from Milton Turnpike, I don't think installing screening behind the outbuildings that are right there would do much good, honestly. You know, unless the trees were like 150 feet high or something like that. If you do want screening from Milton Turnpike, I think the better option would be to place the line of trees directly next

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to the road itself.

MR. WINTER: Would your preference be for us to go through the comments, Pat, that you've laid out here? I'm happy to do that.

MR. HINES: I'll leave it up to the Board. I know there's a lot of them. If they want to have you respond to them before the next meeting.

CHAIRMAN BRAND: I don't think we need to go through each of them right now. I think just looking them over and having some type of response ready by your next visit, or having them remedied by your next appearance would be fine.

MR. HINES: Unless the applicant has specific ones.

MR. WINTER: I think, building on Paul's comment, the visuals are something we really want to have an active conversation with the Planning Board about. There are options here. We've rather robustly screened the east side of the project, perhaps more than really is necessary, with 200 trees there. We can certainly move some of that landscaping to Milton Turnpike to screen right from grade level. We want your

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feedback on that.

We can develop visualizations that would show the efficacy of screening on Milton Turnpike. As Paul said, there's a complex of buildings there at the base of the hill which will hide any trees that we put behind them. Mr. Titanic is also interested in keeping some agriculture in that front field, so we want to be careful about too much shading there. It's something that we're happy to look at and get your feedback on in terms of the Milton Turnpike visual mitigation.

One thing I'll mention also. You had all encouraged us to reach out to neighbors. We sent letters to all of the direct abutters on Milton Turnpike in August. We heard back from Mr. Piza. That was the only response we heard from. He's quite interested in the project, potentially as an anchor customer. He didn't express any concerns with the visuals. We did reach out to the neighbors, asking them to let us know if they had any specific concerns at this point. Obviously with the public hearing we'll re-notice everybody and have another opportunity to get

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feedback from neighbors.

MR. CLARKE: Why are you putting so much emphasis on the east side of the lot? There's no habitation there.

MR. WINTER: Great question. You know, we were really looking at how the Planning Board approached the earlier project with Nexamp, the concerns around visual impact from Locust Grove. So we were reading from that page. We were also paying attention to the layout here. There's a front field that we're not developing. There's a complex of buildings behind that. Our project is really on the hill beyond. As Paul said, I think we could do some things to mitigate right on the road. We wanted to make sure that was a priority for the Planning Board, and then we can develop that accordingly.

MS. LANZETTA: I don't know if it would be helpful for the Board. If you want to pull up Exhibit M on the list of information that we've been provided on this, you could see pretty easily the site that we're talking about.

MR. WINTER: That would be great.

Paul, you can comment on looking at

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what Cindy requested. The project starts kind of right behind the buildings there. If we screened right along Milton Turnpike, that would block the view of the barn from the road. That would be, you know, potentially helpful. You can see behind there there's a large row of trees on that eastern boundary. That's what we're proposing, you know, at maturity to screen from views from the east. But again, some of that may be overkill. There are some natural trees already up there. We could relocate some of that to screen the view of that lower field area.

CHAIRMAN BRAND: Jen, can you scroll down a little bit?

MR. HINES: That Locust Grove photo there doesn't do much justice. When you look at that lydar map that they gave you, you can see the Sports Dome there. Behind the Sports Dome there's a shaded map that shows where you'll see the solar arrays and why that planting was put in along the eastern access there.

MR. WINTER: The lydar map doesn't include any vegetation. This is pure topography. If you were to mow everything down between Locust

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Grove --

MR. IRBY: It does help the tree heights. I think it's 50 feet for the lydar map. It doesn't include the trees that we're proposing there. With the addition of the screening, it would essentially not be noticeable at all.

MR. HINES: Certainly the Sports Dome is the most visible thing in that simulation there.

MR. IRBY: The hillside essentially sits right in front of the Sports Dome if you're looking at it from the Locust Grove house.

CHAIRMAN BRAND: So I would think, in my opinion, we'd want to see a visual simulation of perhaps your proposal for the trees on the road and possibly on the hill, what that might look like, perhaps at planting and at maturity, so we get a feel for what the difference would be there.

MR. IRBY: Okay. And how about from the abutting residences. As you've connoted, we reached out to them and have not really heard any responses back yet. Our landowner is actually in conversations with Timothy Marquese who is one of

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the abutting landowners, and he has indicated a desire to screen his property from the project. You know, he's within his own property. That's something we're working through with him.

Are you looking for maybe any visualizations from those abutting residences? I know it might be kind of too early here to tell since we haven't received feedback from those landowners. We want to make sure that we're working on everything as quickly as we can to get you what you need.

CHAIRMAN BRAND: The more information you can provide us, the better. I have a feeling although they haven't responded to you, once you start breaking ground and they see what's being built there, they will have wished that they did ask for some screening. We're going to take that precautionary step on their behalf and ask for that, too.

MR. HINES: If you could show the Board -- I'm looking at Moriarty Services, Incorporated which looks like residential lots along there. Screening on the easterly most portion from the lower array was more my comment. Then along the

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lots that front on Milton Turnpike on that south side. I don't know what vegetation is there. A lot of this looks like open fields. If that 25 foot doesn't have trees, or what kind of trees are in that 25 feet. 25 feet certainly isn't a whole lot of screening. If there's a need to fill in some evergreens in there. The Board can take a look at that.

MR. IRBY: We can get some photos of the property line right there. Looking at the aerial imagery, it looks like there's a line of trees or some kind of scrubby vegetation along that property line. Wherever we can, we're going to maintain the existing vegetation within that landscaping buffer. That's a priority for us, just to maintain any existing screening that might be there already from those abutting residences.

I will note it's kind of difficult to fully screen a project from view just based on kind of the topography of the site. Those houses right there on Milton Turnpike look down at the lower array area and then look up at the second array area. So placing any type of vegetative

1 screening along the southern edge of the project
2 boundary might not actually end up doing that
3 much, unfortunately. That's something maybe we
4 can work through with the landowners there to see
5 if they would like us to maybe install screening
6 on their properties.
7

8 MR. HINES: That always helps in these
9 projects. If you can bring the neighbors in, it
10 certainly helps the Board --

11 MR. IRBY: Yeah.

12 MR. HINES: -- in the public hearing
13 comments.

14 MR. IRBY: Definitely. Definitely.
15 We've made efforts to do that, and we'll continue
16 to try to get responses from them prior to our
17 next meeting with all of you.

18 CHAIRMAN BRAND: Great. Anything else
19 from the Board? Mr. Garofalo.

20 MR. GAROFALO: Yes. Two items. One, I
21 wanted to know if there were any stonewalls that
22 were being impacted by the development?

23 MR. IRBY: No, sir.

24 MR. GAROFALO: Okay. The second item is
25 in looking at Exhibit F, the environmental

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assessment form, it looks like the DEC mapper was used and some of the information was filled out, but it looks like there's a lot of questions in there that have not been filled out, in part because the DEC mapper does not fill out every question, it only fills out some of them. I think all of those questions need to be answered yes or no.

MR. IRBY: Got it. I mean I think we've completed the form, you know, appropriately. There are a lot of questions where you select no and then don't have to --

MR. HINES: Yeah. Once you hit no -- there are items there. Is it a solid waste facility, you check no and you skip over the next couple. If no, then move on.

MR. GAROFALO: Part of the problem is that there are some places where there's nothing. They didn't put no, and then the follow-up questions would not pop up. It looks to me like there's some stuff there that needs to be still filled in.

CHAIRMAN BRAND: Just take a look at that, Mr. Irby.

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MR. IRBY: Okay. We'll take a look.

MR. HINES: I'll get with the applicant prior to doing the lead agency with the Board. If the Board wants to do lead agency tonight, I'll work with the applicant and their representative to make sure all of those are filled out prior to submission.

CHAIRMAN BRAND: Perfect. Thanks, Pat. Anything else from the Board?

MS. LANZETTA: I just would say if we do move forward with lead agency tonight, this package will go up to County for review. Any additional work that you do on the visuals, I would forward up to Ulster County as soon as you complete them because I suspect that they'll be looking for more on that as well.

MR. HINES: I see this as a two-step process. The first will be for lead agency to notify County, and the 239 will follow as the application becomes more complete.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: So that being said, do I have a motion to declare the Town of Marlborough Planning Board as the lead agency for

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this project?

MR. HINES: Notice of intent.

CHAIRMAN BRAND: Notice of intent.

MR. BATTISTONI: I'm going to supplement that a little bit, Chairman, if that's okay.

CHAIRMAN BRAND: Absolutely.

MR. BATTISTONI: I think the Board should classify the action as a Type 1 action, declare its intent to be the lead agency, and to authorize circulation of the application.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any further discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: So moved. Thank you, Jeff and Pat, for helping me. I need it.

I think we are set with that as far as we can go this evening.

MS. FLYNN: Am I sending this up soon

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or are they giving me a whole packet of
everything to send to County?

MR. HINES: I'm going to do a notice of
intent for lead agency form, and then we'll get
the appropriate numbers from them to you to do
the mailing.

MS. FLYNN: Okay.

MR. HINES: I'll put together the
notice of intent.

MS. FLYNN: Thank you.

MR. IRBY: Thank you all.

(Time noted: 8:34 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 12th day of October 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

GUARINO SUBDIVISION

Project No. 20-4011
Lattintown Road, Marlboro
Section 102.4; Block 3; Lot 13

----- X

SKETCH - SUBDIVISION

Date: September 21 2020
Time: 8:34 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

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CHAIRMAN BRAND: Okay. Moving along. We have the Guarino Subdivision, sketch for a subdivision on Lattintown Road in Marlboro.

Is their representative here this evening?

MR. MESSINA: Carmen Messina. I'm here.

CHAIRMAN BRAND: There we go.

Pat, how about your comments?

MR. HINES: Sure. This project is back before you. It was before you in the beginning of August as a two-lot subdivision. It's now back as a three-lot subdivision, carving out an additional lot.

Our first comment, other than that, is that the DEC freshwater boundary validation needs to be signed by the surveyor and the DEC.

Carmen, the block you have there is like the beginning of the DEC block. There are additional requirements for that block where he actually signs off on it as well.

My other comment, I had consideration of the shared driveway at the County roadway for proposed lots 2 and 3. I did get a copy of an e-mail that Carmen got today from County DPW that

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said that they would entertain the dual driveway at that point. If the Board is okay with that, there will be two driveways very close to each other there, but the County seems to be okay with that.

There's very limited usable area on proposed lot 3. The majority of the lot is either regulated wetlands or associated buffer. There are some septic areas shown, but that's going to be a tight lot to develop. I'm suggesting, and in some municipalities where I've had lots similar to that where it was environmentally restricted, that notes be placed on the map alerting the owners, and I've seen it go as far as having wetland delineators put up in order to have the people know where the wetland and the buffers are. If the Board takes a look at that lot 3, there's not a lot left after they put the house, well, septic. I think there's an existing structure there, actually, that's in the buffer. So that's something to look at.

Ulster County DPW sign off is required, which we received an e-mail today on.

Ulster County Health Department

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approval for the septic system is required.

I'm requesting that the building envelopes be shown based on the underlying zoning, or the actual distances be provided in the bulk tables. Right now you just have the permitted. What they proposed is not there. So either the building envelopes or the dimensions in the bulk table.

We're suggesting the Planning Board would be in a position tonight to declare its intent for lead agency for this Unlisted action. I listed the other agencies that would be involved.

I previously requested to determine whether any other parcels have rights to that farm lane. I don't know if you've done any of that work, Carmen. I've seen that in the past where some farm lanes have underlying easements.

MR. MESSINA: I've been researching that. I have yet to find the right-of-way.

MR. HINES: It may not be the case.

MR. MESSINA: I'm going to continue to search for it. If not, I'll put a note saying we didn't find any.

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MR. HINES: Okay.

MR. MESSINA: About the bulk table. I think I did list the offsets for the proposed buildings in the bulk table. We'll show the -- we can show the --

MR. HINES: Yup. If you can just put the building envelop on there, that would be great.

CHAIRMAN BRAND: Comments from the Board?

MR. CLARKE: I'm not sure I like this as a three-lot subdivision. I think you're trying to squeeze a lot out that you're eventually going to have trouble with, you know, with the amount of wetlands and trying to put a septic in there. I don't know what kind of flooding is going to come out of that. I would be much more comfortable if this was a two-lot instead of a three.

MR. TRAPANI: Is this on Lattintown Road?

MR. MESSINA: Say that again, Ben.

MR. TRAPANI: Is this going to be right on Lattintown Road?

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GUARINO SUBDIVISION

MR. MESSINA: Yes.

MR. HINES: Yes.

MR. TRAPANI: Where they had the driveway going in. Okay. That goes back to the back property.

MR. CLARKE: Ben, I think this is on the west side of the road.

MR. MESSINA: No. It's on the east side.

MR. CLARKE: It's on the east side. Okay.

MR. TRAPANI: All right. Is it towards Oliver Mackey's property or more to the south side of that driveway, the main driveway?

MR. MESSINA: I don't know where Oliver Mackey lives. We're just north of the road that went back to Shorles, now owned by Guarino. Just north of that.

MR. TRAPANI: Right. Oliver Mackey owned that house right next door to that driveway there. That property just on the left side of the driveway that goes back to Guarino's there, that belongs to Guarino? That property right there?

MR. MESSINA: Just south of this

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project.

MR. HINES: Guarino owns the lot south of this as well as the complex here. The nearest neighbors now are formerly Decker. I don't know if that helps any.

MR. TRAPANI: Right.

MR. HINES: Decker is just north of this lot.

MR. TRAPANI: All right. Well that house right there belonged to Oliver Mackey. The one just south of Decker.

MR. HINES: Right up along the road there?

MR. TRAPANI: Yup. That belonged to Oliver Mackey. Does that belong to Guarino now?

MR. HINES: Yes. That's the lot they're subdividing. The lot that that house is on --

MR. TRAPANI: Okay.

MR. HINES: -- it's now going to go into three.

MR. TRAPANI: Thank you.

CHAIRMAN BRAND: Carmen, maybe you could address Mr. Clarke's concern about going from the two lots to three lots.

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MR. MESSINA: Yes, I will. I've done preliminary soil tests in those areas that I depict there. I'm confident that we'll be able to get Board of Health approval. Those areas that I've show there, the percs and deep tests were very good. That area I've shown is enough area to support 200 to 300 linear feet of fields plus a 100 percent expansion. I'm pretty confident that we'll be able to put the septic systems where we showed them, and stay out of the buffer obviously.

CHAIRMAN BRAND: Okay. Anything else from the Board?

MR. GAROFALO: Yes. I have a couple of concerns. On the checklist there's four items to be determined and several items that have not been answered.

On the EAF, question number 14, clearly there's some wetlands there which should be identified, and some other type of land identified under that question.

Question number 9 was not answered. Perhaps we should take a close look at the EAF to make sure everything -- and the checklist to make

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sure everything is answered.

MR. MESSINA: I believe we -- we went through the State's system there. They provided us with the information that they had and we filled in the rest. I don't know which -- on the EAF you're talking about?

MR. GAROFALO: Yes. It's just a question to identify that there is wetlands there. We know that. It's on your plan. You have information for it. That question needs to include the answer that there's wetlands there, as well as what other type of land is on this property.

MR. MESSINA: I'll look at it. I thought we answered all the questions. I don't have it right in front of me so I can't comment on that.

MR. HINES: The one that says identify the type of habitat to be likely found on the project site. It is checked wetlands, agricultural, suburban there.

MR. GAROFALO: It is. Okay. In mine I don't think it was.

MR. HINES: That's question 14.

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MR. GAROFALO: And question 9?

MR. HINES: Question 9. Question 9 is not filled out. Meet energy code. Okay.

CHAIRMAN BRAND: What is question 9?

MR. HINES: Does the project meet State energy code. So the answer would be yes because your building permits require that.

MR. GAROFALO: It's just a matter of him dotting I's here.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

MS. LANZETTA: I have a couple questions. Even though the County said that they're fine with the two driveways, I'm wondering, you know, the less we have people coming out onto that busy road, the better it is. I'm wondering why couldn't they share that existing farm lane as a single driveway?

MR. HINES: That was the intent of my comment, was to have that done.

MR. MESSINA: I met with Adam Deitz from the County Highway and he -- we talked about that. Since the driveways are proposed so close together, it's sort of like the same location. I

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don't think much would be gained by each sharing a driveway, which would make it more difficult for people. They have to have the maintenance agreement and those kinds of things. I think the intent of having it -- both properties having access to Lattintown Road is so close that it is not a problem of seemingly too many accesses to that road. I mean if it was 200 feet apart I'd understand what you were saying. You'd have two locations to look for. The fact that they're close together, I think Mr. Deitz concurred. We can have him elaborate on that if you'd like.

MR. GAROFALO: I think the problem is you want the driveways to be far apart. You don't want them to be close together like that. Choosing the best location for sight distance out of the two I think would be better. It's just a little complicated. Fortunately there's not a lot of traffic going in and out of two driveways, single-family houses. In terms of safety, having them separated is better than having them close together like that. I certainly would agree that having one combined driveway would be a better situation, particularly if it were put in the

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location with the better sight distance.

MR. MESSINA: I think you can -- this is Carmen Messina again. We have a sight distance chart there. You can see from that we have located -- we have put down the sight distance for each of those lots, left and right. There's quite a bit of sight distance for both of those locations. Mr. Deitz concurred with that. I don't think the sight distance -- I'm sorry.

CHAIRMAN BRAND: What is the distance between the two driveways?

MR. MESSINA: The distance -- well it would probably be 15, 20 feet. Maybe 25.

MR. HINES: You're showing about 5 feet right now.

MR. MESSINA: The driveway would go in the middle of that 25 foot flag shaped part. So where they would put it, I assumed they'd put it in the middle. That would probably leave it like 7 feet from the line, and then the other driveway would be 7 feet away. So I'm saying 15, 20 feet those driveways would be offset. It essentially is one location. That's why I like to put them there that way, to avoid having multiple

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locations along the project. I think Mr. Deitz concurred with that.

CHAIRMAN BRAND: Maybe you could provide some documentation from Mr. Deitz to support that.

MR. MESSINA: I will. I'll reach out to him and discuss that and have him send us his opinion.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: I still had a couple more questions.

CHAIRMAN BRAND: Of course.

MS. LANZETTA: The pond that overextends into lot 2, will they have rights to utilize that pond?

MR. MESSINA: That's a good question. I haven't thought about that. We could make some decisions about that. I don't know what would be best.

CHAIRMAN BRAND: Cindy, I'm sorry, you're asking if lot 2 will have access to the pond because it comes down underneath there; right?

MS. LANZETTA: Right. Sometimes people

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get very protective. You know, if lot 1, you know, is doing things with that pond and lot 2 decides that they don't like what they're doing. You know, it becomes an issue further down the road.

MR. MESSINA: I think that's a good point. Maybe the best is we'll restrict the use of that pond to lot 1 since most of it is on lot 1.

CHAIRMAN BRAND: Pat and/or Jeff maybe, is there any legal -- I mean if the pond is on lot 2, don't they have access to it?

MR. TRAPANI: Yes, they do.

CHAIRMAN BRAND: Just that line. I would think if it's on their lot, wouldn't they automatically have access to it?

MR. TRAPANI: Yes, they do. They've got that -- whoever is on that pond has rights to that pond. If trees grow across the stonewall fence from my property that are growing on my property to your property, you have the right to cut the branches off on your side of the property. That's the same thing there. We had the same situation down on our farm down there on

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Mulberry Lane. Three people own the pond there because the line goes through it in different directions.

MR. LOFARO: Maybe you should have that redrawn to put that whole pond in lot 1 and just take it out of lot 2 all together.

MR. CLARKE: Is that a seasonal pond or is that a real pond?

MR. MESSINA: Say that again, Steve.

MR. CLARKE: Is that a seasonal pond or is that a year-long pond? A lot of them dry up in the summer.

MR. MESSINA: I don't know. It's in the wetland area. I don't know what it looks like in every season. I can't say. I think maybe the answer would be to readjust the lot lines so it all remains on lot 1, if that's acceptable.

MR. GAROFALO: Maybe you should also, if you're going to do that, give them some area in which they can get to the other side of the pond without having to go across the pond or into the other person's property. Right now if you wanted to get to the far side of that pond, you'd have to cross the pond.

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CHAIRMAN BRAND: Right.

MR. GAROFALO: Maybe think about giving them at least some land along the edge of the pond so that they can get to the other part of the parcel without crossing the pond.

CHAIRMAN BRAND: It's tough to get the mower on a boat to get back there.

MR. GAROFALO: Not that you want them mowing the wetland.

MR. MESSINA: I mean it is located in the wetlands, so I don't know if it would be not -- probably not mobile I wouldn't think. It's probably wet there.

MR. GAROFALO: Even if you wanted to walk there, that would be -- it would be a problem to get there unless you put some kind of boat in the pond.

CHAIRMAN BRAND: That's definitely something to look at there, Mr. Messina, for the pond.

MR. MESSINA: So you're saying we should give another 5 feet around the pond, not just right at the edge?

CHAIRMAN BRAND: I would think you'd

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want walk-around room, and if the pond -- I mean due to heavy rains that comes onto the other person's lot, now you might have an issue where they're saying the pond is on my property. I think you'd want to look at that to make sure it's definitely well within lot 1.

MR. MESSINA: Okay. Understood.

MS. LANZETTA: And then I think Pat brought this up on the checklist. Going back to our checklist. I do want to make sure that you check for any existing easements that might be involved with this property. Because with the farm lanes and what not, I just would be surprised if there wasn't something.

And then for number 28 on our checklist, we asked that you show any septic tanks or houses, existing structures within 200 feet of this parcel. I'm just not sure if there's anything below or above this parcel that should be depicted there.

MR. MESSINA: We're going to look into that when we have the Board of Health come along and we submit plans for them. We will state on that map -- if we don't show any, we'll state

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that there's no septic or wells within 200 feet.

MR. HINES: Cindy is also asking about any structures.

MR. MESSINA: Oh, structures.

MS. LANZETTA: Yeah. If you look at number 28, you're supposed to show all existing houses, accessory structures, wells and septic systems.

MR. MESSINA: Definitely to the east and definitely to the south there are no structures within 200 feet. I don't believe, because of the wetlands, there are structures within 200 feet north of this property.

MS. LANZETTA: Okay. Maybe next time just make a note of that, you know, to us so that when we're looking at these things we're assured of that.

MR. MESSINA: I'll put that on the next submission, no structures within 200 feet.

MR. HINES: That's on the checklist.

MR. MESSINA: Oh, the checklist. Okay.

CHAIRMAN BRAND: Anything else from the Board on this one?

(No response.)

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CHAIRMAN BRAND: So Pat was comfortable with the Planning Board wishing to declare its intent to act as lead agency for this Unlisted action.

Hopefully I got that right, Jeff, this time. And Pat.

Do I have a motion to do so?

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Lofaro.

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: The second was Clarke.

MR. CLARKE: Yup.

CHAIRMAN BRAND: Any further discussion?

(No response.)

CHAIRMAN BRAND: Any nos on acting as lead agency? Words are hard at this hour.

(No response.)

CHAIRMAN BRAND: No. All right. So Pat, you will circulate that.

MR. HINES: I'll work with Jen. I'll do the notice and we'll do that mailing.

CHAIRMAN BRAND: Excellent. Thank you.

MR. MESSINA: I have one question. What

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do I need to go forward to get to the public hearing?

MR. HINES: We're going to wait to -- because of the wetlands, I want to hear from DEC. After the lead agency circulation we can do that.

MR. MESSINA: Okay. So you'll want to have the septic systems approved before we get there? Is that what you said, Pat?

MR. HINES: I want to hear back from the outside agencies before we schedule the public hearing so that we have the information. If DEC comes back with an issue with the wetlands boundary, or one of the other involved agencies --

MR. MESSINA: Okay.

CHAIRMAN BRAND: Thank you.

MR. MESSINA: Thanks.

CHAIRMAN BRAND: Next is a discussion without the engineer, lawyer or stenographer.

Before the stenographer signs off, I would like to state on the record that I believe this is Mr. Trapani's last meeting as a Member of the Planning Board.

Ben, how long have you been on the

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Planning Board for?

MR. TRAPANI: Since 2003, 2004.

Something like that.

CHAIRMAN BRAND: I would just like to publicly thank you for your service and your participation. You've definitely been a positive contributor to the Town Board. Your knowledge of local lands and everything is outstanding. I thank you.

MR. TRAPANI: Thank you very much. It's been a pleasure and a learning experience for me. Thank you.

CHAIRMAN BRAND: Good luck with everything else.

I would also like to announce that Mr. Troncillito -- was he voted on at the last meeting or not yet?

MR. TRONCILLITO: Not yet.

CHAIRMAN BRAND: I believe that we did have a committee that met and interviewed three applicants. The committee's decision was to put Mr. Troncillito forward as the newest Member of the Planning Board. Upon his approval from the Town Board, he will be replacing Mr. Trapani as

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our newest member. Congratulations.

Hopefully everything goes smoothly with that transition, Mr. Troncillito. Welcome aboard. Prematurely, but welcome aboard.

MR. TRAPANI: Good luck, Bob.

MR. TRONCILLITO: Thank you.

CHAIRMAN BRAND: Your Monday nights are freed up.

MR. TRAPANI: My wife is mad at me.

CHAIRMAN BRAND: It's not my fault this time.

MR. TRAPANI: It's my fault.

CHAIRMAN BRAND: Thank you again, Ben.

MR. TRAPANI: Thank you very much.

MS. LANZETTA: Thank you, Ben.

CHAIRMAN BRAND: I don't believe there's anything else that we need Michelle, Jeff or Pat for, unless I'm mistaken.

(No response.)

CHAIRMAN BRAND: No. All right guys. Thank you very much.

(Time noted: 8:55 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of October 2020.

Michelle Conero

MICHELLE CONERO