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

In the Matter of

5 TOMMY CORCORAN III

7 Project No. 16-9009
8 11 Ann's Orchard Road
Section 102.2; Block 4; Lot 22.310

9
10 FINAL - LOT LINE REVISION X

FINAL - LOT LINE REVISION

11 Date: November 21, 2016
12 Time: 7:30 p.m.
13 Place: Town of Marlborough
14 Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman
16 JOEL TRUNCALI
17 BEN TRAPANI
18 JOSEPH LOFARO
19 MANNY CAUCHI

19 ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA EL YNN

21 APPLICANT'S REPRESENTATIVE: THOMAS CORCORAN

2 MS. LANZETTA: I think we're going to
3 get started. I want to welcome everybody to the
4 Town of Marlborough Planning Board meeting for
5 November 21st.

6 We'll start with the Pledge of
7 Allegiance.

8 (Pledge of Allegiance.)

9 MS. LANZETTA: Manny, would you read
10 the agenda, please.

11 MR. CAUCHI: Agenda, Town of
12 Marlborough Planning Board, November 21, 2016.
13 Regular meeting 7:30 p.m. Approval of
14 stenographic minutes for -- the last meeting.

15 MS. FLYNN: There aren't any.

16 MR. CAUCHI: Okay. Tommy Corcoran III,
17 16-9009, final, lot line revision, public
18 hearing; Christopher Larkin, 13-6003,
19 103.1-2-87.3, extension.

20 "Legal notice. Lot line revision
21 application. Please take notice a public hearing
22 will be held by the Marlborough Planning Board
23 pursuant to the State Environmental Quality
24 Review Act, SEQRA, and Town of Marlborough Town
25 Code 134-33 on Monday, November 21, 2016 for the

2 following application: Thomas Corcoran III, at
3 the Town Hall, 21 Milton Turnpike, Milton, New
4 York, at 7:30 p.m. or as soon thereafter as may
5 be heard. The applicant is seeking approval of
6 the lot line revision for the lands located at
7 11 Ann's Orchard Road, Milton, New York 12547,
8 Section 102.2; Block 4; Lot 22.310. Any
9 interested parties either for or against this
10 proposal will have their opportunity to be heard
11 at this time."

12 MS. LANZETTA: Okay. Is there anybody
13 here for this public meeting?

14 (No response.)

15 MS. LANZETTA: How many public notices
16 were sent out?

17 MR. CORCORAN: Sixteen out, eleven in.

18 MS. LANZETTA: You can give it to --

19 MS. FLYNN: Thank you.

20 MS. LANZETTA: Will you please note
21 that there is nobody in the audience that is here
22 for the public hearing other than the applicant.

23 Does the Board have any questions for
24 the applicant?

25 MR. LOFARO: No.

2 MR. TRAPANI: No.

3 MR. TRUNCALI: No.

4 MS. LANZETTA: Okay. So can I have a
5 motion to close the public hearing?

6 MR. CAUCHI: I'll make that motion.

7 MR. TRAPANI: I'll second.

8 MS. LANZETTA: Okay. Being that
9 there's no comments from the public and being
10 that we have approved the preliminary map, I
11 think we need to do the SEQRA review. There is a
12 short E.A.F. in the file.

13 UNIDENTIFIED SPEAKER: (Inaudible.)

14 MS. LANZETTA: Pardon me?

15 UNIDENTIFIED SPEAKER: (Inaudible.)

16 MS. LANZETTA: Yes. Would anybody like
17 to make a motion to make a declaration on the
18 SEQRA review?19 MR. LOFARO: I'll make the motion to
20 start the process for the SEQRA review.21 MS. LANZETTA: Well I think -- I don't
22 think that there's going to be any impact
23 according -- looking at the short environmental
24 assessment form, I don't think that there's any
25 negative impact. Would somebody like to make a

2 motion for a negative impact on this SEQRA
3 review?

4 MR. TRUNCALI: I'll make a motion for a
5 negative declaration on this project.

6 MR. CAUCHI: I'll second that.

7 MS. LANZETTA: Any discussion?

8 (No response.)

9 MS. LANZETTA: We'll have a vote. All
10 in favor?

11 MR. TRAPANI: Aye.

12 MR. TRUNCALI: Aye.

13 MR. CAUCHI: Aye.

14 MR. LOFARO: Aye.

15 MS. LANZETTA: Aye.

16 Against?

17 (No response.)

18 MS. LANZETTA: Okay. So it passes
19 unanimously.

20 Okay. The other thing that I think
21 that we need to talk about is in our -- in our
22 code it does say that we have to accept the
23 preliminary as a final map before we can give
24 final approval, and then we can waive the public
25 hearing on the final map.

2 So can I have a motion to accept this
3 as the final map and waive an additional public
4 hearing?

5 MR. CAUCHI: I'll make that motion to
6 accept this as a public map and to --

7 MS. LANZETTA: Waive the requirement
8 for the additional --

9 MR. CAUCHI: Waive the requirement,
10 yes.

11 MR. TRAPANI: I'll second.

12 MS. LANZETTA: All in favor?

13 MR. TRAPANI: Aye.

14 MR. TRUNCALI: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 MS. LANZETTA: Aye.

18 Any opposed?

19 (No response.)

20 MS. LANZETTA: Okay. So can I have a
21 motion to approve this lot line change?

22 MR. TRUNCALI: I'll make a motion for
23 final approval.

24 MR. CAUCHI: I'll second it.

25 MS. LANZETTA: Okay. I apologize. This

2 is my first time trying to do this.

3 All in favor?

4 MR. TRAPANI: Aye.

5 MR. TRUNCALI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 MS. LANZETTA: Aye.

9 Opposed?

10 (No response.)

11 MS. LANZETTA: Okay. So then the
12 motion is carried.

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14 (Time noted: 7:38 p.m.)

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 2nd day of December 2016.

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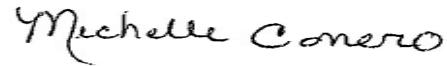
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MICHELLE CONERO

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
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5 In the Matter of
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DISCUSSION - FINDINGS OF FACT

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BOARD BUSINESS

16 Date: November 21, 2016
17 Time: 7:38 p.m.
18 Place: Town of Marlborough
19 Town Hall
20 21 Milton Turnpike
21 Milton, NY 12547

22 BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman
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2 MS. LANZETTA: In regard to that,
3 I'm going to bring this up right now because
4 it's pertinent. We had that workshop, which
5 I really thank everybody for attending, that
6 was really great, on building a better
7 record. I have found that in the past the
8 Town has done a resolution of findings of
9 fact. They used to do it through the '80s
10 and '90s. I'm not sure why it stopped. But
11 what I did was I got one of the old examples
12 of a lot line change and then I basically
13 used that to write up a findings of fact for
14 this particular lot line change. I'm just
15 handing it out for us to look it over and
16 review and see if it's something that the
17 Board might be interested in starting up
18 again so that we can build a better record
19 for what we're doing. So I'm just -- I'm
20 just handing this out. Chris told me that I
21 could hand it out. We can look it over and
22 then we can discuss it perhaps at the next
23 meeting. Okay.

24 So thank you, Tom.

25 MR. CORCORAN: Thank you.

2 MS. LANZETTA: Just pass that down.

3 MR. TRAPANI: The whole thing?

4 MS. LANZETTA: Yeah. Pass it down.

5 There you go. There's one for you.

6 MR. TRAPANI: They changed it.

7 MS. LANZETTA: I don't know why they
8 changed it.

9 Do you have any idea why they changed
10 that policy?

11 MR. BLASS: I don't. It changed before
12 my time. I think I started around the 2000s.

13 MR. TRAPANI: Maybe we could ask our
14 code enforcement officer. He may know maybe.

15 MS. LANZETTA: Tom, do you know why
16 they changed the policy?

17 MR. CORCORAN: The stenographer
18 starting. Prior to that we didn't even have a
19 stenographer. The finding of fact was done by
20 the planning board secretary.

21 MS. LANZETTA: Okay. But with the
22 stenographer -- just to note that at the workshop
23 they said that yes, the stenographer takes all
24 the minutes, but if you want to find out, you
25 know, what happened with a project, you know, you

2 really don't want to have to go back through
3 piles and piles --

4 MR. CORCORAN: I agree with you.

5 That's why they did it. To the best of my
6 knowledge, any time I had to go back to reinforce
7 site plan I would go back to the books of the
8 finding of facts which were done at the time by
9 Dean Bailey who was the Planning Board secretary.
10 Over the course of, you know, my employment here,
11 the finding of facts were eliminated because they
12 felt that the stenographer's report handled that.
13 They eliminated the finding of facts, which,
14 you're right, you know, the stenographer's report
15 became like this and the finding of facts was one
16 page. At least for me it was easier to go back
17 to enforce a site plan application because it was
18 condensed down to a single page.

19 MS. LANZETTA: Right.

20 MR. CORCORAN: The reason for it, I
21 believe it happened almost simultaneously from --
22 I didn't go to all the Planning Board meetings
23 back then, in the early 2000s. Right around
24 2003, 4, 5 when I was doing a lot of code
25 enforcement findings of facts, the stenographer

2 took over some time at that point and I stopped
3 seeing the finding of facts.

4 MS. LANZETTA: And was that also about
5 the time that Dean left?

6 MR. CORCORAN: That's correct.

7 MS. LANZETTA: Yeah. So perfect storm.

8 MR. CORCORAN: Yeah.

16 MS. LANZETTA: Right.

2 project I often see that planning boards will say
3 okay, this looks good, I want to direct the
4 attorney for the town to prepare a resolution of
5 approval with conditions and we'll entertain it
6 at our next meeting, so that there's a gap there
7 that gives time to prepare the document and then
8 also time to get to the Board in advance of the
9 vote.

10 MS. LANZETTA: Well I want to be real
11 clear that we're -- in one case we're talking
12 about the resolution to approve a project. The
13 way it's been done in the past is after that
14 resolution is done, at the following meeting
15 after that, then the findings of fact are
16 presented because you put in the findings of fact
17 that the approval has been done --

18 MR. BLASS: Oh, okay.

19 MS. LANZETTA: -- on such and such a
20 date.

21 MR. BLASS: So the findings of fact are
22 basically a procedural road map --

23 MS. LANZETTA: Right. Exactly.

24 MR. BLASS: -- after the proceedings
25 have closed.

2 MS. LANZETTA: So anybody that goes
3 back later to look at the project, it's all laid
4 out there.

5 MR. BLASS: Okay. Interesting.

6 MS. LANZETTA: So we'll discuss it at
7 another meeting. Just to give an idea of how
8 that would work, this was a good example.

9

10 (Time noted: 7:44 p.m.)

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

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6

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 2nd day of December 2016.

18

19

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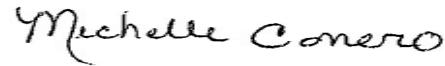
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MICHELLE CONERO

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 CHRISTOPHER LARKIN
8 (NIECO)
9

10 Project No. 13-6003
11 Section 103.1; Block 2; Lot 87.3
12

13 ----- X
14

15 EXTENSION

16 Date: November 21, 2016
17 Time: 7:44 p.m.
18 Place: Town of Marlborough
19 Town Hall
20 21 Milton Turnpike
21 Milton, NY 12547
22

23 BOARD MEMBERS: CINDY LANZETTA, Acting Chairwoman
24 JOEL TRUNCALI
25 BEN TRAPANI
26 JOSEPH LOFARO
27 MANNY CAUCHI
28

29 ALSO PRESENT: RONALD BLASS, ESQ.
30 VIRGINIA FLYNN
31

32 APPLICANT'S REPRESENTATIVE: CHARLES BROWN
33

34 ----- X
35 MICHELLE L. CONERO
36 10 Westview Drive
37 Wallkill, New York 12589
38 (845)895-3018
39

2 MS. LANZETTA: The next applicant
3 before us is Christopher Larkin for the
4 extension.

5 Would you like to do a
6 presentation, Mr. Brown?

7 MR. BROWN: I'm Charles Brown, I'm the
8 engineer for the applicant. This project has
9 been around for awhile. I got involved in 2013
10 and it was approved in 2014.

11 Due to the nature of the economy, my
12 client wasn't able to pull a building permit
13 right away. He's been since working double
14 shifts in the prison and now has enough money to
15 pull a permit and get this building started. He
16 is looking forward to doing that. I know this
17 has been around a long time. Apparently it was
18 before this Board last month which I was unaware
19 of at the time.

20 So I'm here to respectfully request
21 that the map as approved be extended so that he
22 can pull his permit and get this thing built.
23 This would be a benefit to the Town because it
24 would generate a tax revenue. That's it.

25 MS. LANZETTA: All right. At the last

2 meeting it was discussed that this project had
3 actually -- that the Chairman had sent the
4 applicant a notice back in June that this project
5 was no longer in effect because of the expiration
6 and the neglect of asking for an additional
7 extension back in April of last -- of 2016, so --

8 MR. BROWN: I was unaware of that. You
9 know, as the engineer of record I should have
10 been carbon copied on that letter. Again, he's
11 been doing double shifts. It's very hard to get
12 a hold of him, which is why he wasn't at the last
13 meeting. So, you know, I apologize for that.
14 Again, we respectfully request that this be
15 extended.

16 MR. CAUCHI: I thought legally we could
17 give him up to April of 2017. Isn't that what
18 that --

19 MS. LANZETTA: Well if the proper
20 procedures were followed and he had applied for
21 an extension at the times when the extensions
22 were coming due, we would have -- we do have that
23 allowance to give two one-year extensions. This
24 has never been the case with this applicant. The
25 applicant has come to us -- he came to us once

2 before, several months past the extension, and we
3 -- we allowed retroactively the first year
4 extension to happen, then the second -- then at
5 the end of that extension there was not another
6 request for an extension. The Chairman sent a
7 letter to the applicant four months after the --
8 no, two months after the expiration of the
9 extension notifying him that the project was
10 basically no longer, and then there was no
11 response until a month ago. So that's the
12 history.

13 So legally -- my personal opinion is
14 legally there's no project because we notified
15 him that there was no project.

16 MR. CAUCHI: Right now --

17 MR. TRUNCALI: Does someone have that
18 letter that was sent?

19 MS. LANZETTA: Yeah. It's in the file.

20 MR. LOFARO: I thought last month we
21 were --

22 MS. FLYNN: The most recent one?

23 MS. LANZETTA: The one in June from
24 Chris to Chris Larkin notifying him about the --

25 MR. LOFARO: I thought last month we

2 determined that he was good until April '17 but
3 his -- he potentially would be good until April
4 of '17 but because he hadn't shown up or hadn't
5 done anything with it, that we didn't continue.
6 So maybe that -- maybe now we should extend them
7 until April '17 -- or April of '17.

8 MR. CAUCHI: Well we want to know if
9 that's on the table. Is it on the table? I mean
10 his being here today, showing good faith, and do
11 we have the goodwill to allow him to go to April
12 '17 is the question, if we have the option to do
13 so.

14 MR. TRUNCALI: I thought the way it was
15 explained at the last meeting was that it -- a
16 notice was sent to them that they were -- they
17 were due to renew it. I didn't know that it was
18 sent saying that it had expired.

19 MR. LOFARO: His final extension would
20 have took him to the end of April sometime.

21 MS. LANZETTA: As of April it was --
22 the extension was done.

23 MR. BLASS: If the Board were to give
24 an extension, it now being November of 2017, and
25 you had to make it retroactive back to I believe

2 April 17th, or thereabouts --

3 MS. LANZETTA: April 21st.

4 MR. BLASS: April 21st of 2016

5 expiring April 21st of 2017, and that would be
6 the last possible extension. You know, it's been
7 my experience that it's more the rule of applying
8 before you expire is more (inaudible) the reach.
9 I think that we have just about every project
10 looking for an extension is seeking -- has not
11 applied for that extension prior to the
12 expiration of the approval. That pertains to
13 subdivisions as well as site plans. I think
14 there's probably two or three subdivisions,
15 according to my notes now, who are out there
16 without extensions, timely extensions of
17 approval. Brody Ridge, Gallo --

18 MS. LANZETTA: Well --

19 MR. BLASS: Brody Ridge, Gallo, Gallo.

20 Two of them.

21 MS. LANZETTA: Just to make the clarity
22 that one is a site plan and one is a subdivision.23 MR. BLASS: Right. This is definitely
24 a subdivision.

25 MS. LANZETTA: Yeah.

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MR. BLASS: I think if the Town wanted

to put in a rule that the failure to meet the -- the failure to apply for the extension before the expiration of the approval, we should add one sentence to the Town Code that says that, because right now it doesn't speak to it one way or the other, so it's a matter of discretion.

9

MS. LANZETTA: Well I appreciate it, but at the same time it's like why have -- why have the code, you know.

10

MR. BLASS: Right.

11

MS. LANZETTA: I mean the code is to make the applicant move forward in a timely manner. I just --

12

MR. TRAPANI: Well was there a hardship

13

with money there? Was that the problem?

14

MR. BROWN: There was.

15

MS. LANZETTA: Yeah, but I haven't seen any proof of that.

16

MR. CAUCHI: What's the legality of it?

17

MR. BLASS: The legality I would say is it's a matter of the Board's discretion to apply the extension retroactively back to April of 2016. If there was a second skin in the chapter

18

2 155-32 K that says you must apply before the
3 expiration of your approval, then I would say
4 that you have no discretion. In the absence of
5 that sentence, I would say it's a matter of the
6 Board's discretion. I note that in the area of
7 subdivisions it has been applied in a way that
8 excuses the failure to timely make an application
9 for extension.

10 MS. LANZETTA: Didn't the Town Board
11 advise the Planning Board that they would prefer
12 that the Planning Board not make those kinds of
13 extensions without extenuat -- clear extenuating
14 circumstances?

15 MR. BLASS: I'm not sure that I recall
16 that. I do recall with respect to Brody Ridge
17 and Gallo, the Planning Board saying we expect
18 you to apply before the expiration of this
19 extension period.

20 MR. BROWN: Gallo was actually my
21 project. Brody Ridge originally was, too.

22 MR. BLASS: Gallo was yours?

23 MR. BROWN: Gallo was mine. They've
24 abandoned that for economic reasons. So they are
25 no longer interested in pursuing that. That one

2 I had discussed with them. I have it in my
3 calendar to request the extension.

4 MR. BLASS: What did we do that time?
5 You were part of that discussion.

6 MR. BROWN: With Brody?

7 MR. BLASS: No. We had a position on
8 whether we should extend -- tighten up
9 extensions.

10 MR. CORCORAN: Yeah. My real question
11 here is -- you know, I don't have a problem with
12 the extensions. The book says, you know, 155-31
13 K, two-year extensions. It's not specific to
14 meeting the deadline or something. But most of
15 my discussion about that was a fee for the
16 extension.

17 MR. BLASS: Right.

18 MR. CORCORAN: I mean obviously tonight
19 I was going to ask the question who is paying for
20 Ron's time tonight?

21 MR. BLASS: Right. I gave -- now I
22 remember. Earlier this year I gave a copy of a
23 fee schedule --

24 MR. BROWN: I understand that the
25 escrow is still open on this project. No?

2 MR. BLASS: Yeah.

3 MR. BROWN: I mean if the escrow is
4 short, I certainly would, you know, get it
5 refilled by my client. That's not an issue.6 MS. LANZETTA: Do you have any idea
7 where they stand on escrow?8 MS. FLYNN: I didn't look at it this
9 week.10 MR. BLASS: So this has been discussed
11 at two meetings. It would probably be somewhere
12 between a half hour and an hour consultant time.13 MS. FLYNN: They were at zero before
14 the meeting so they're coming negative now.

15 MR. BLASS: I would think so.

16 MS. FLYNN: Yeah.

17 MR. BROWN: My client does understand
18 that if this Board did grant the extension it
19 would only be good until April. He is prepared
20 to pull a building permit before that time.21 MS. LANZETTA: It would be nice if he
22 had some kind of proof of financing or something
23 that showed us that he was actually able to move
24 forward on this project other than just saying
25 that he'll take out a building permit.

2 MR. BROWN: So would you prefer to
3 table this and let me request that from my client
4 until another meeting and then Ron can bill us
5 again and we'll replenish the escrow account?

6 MS. LANZETTA: I don't know. It's up
7 to the Board.

8 MR. TRUNCALI: I think the Town needs
9 to get some things going on in there. I don't
10 have a problem moving forward with it, and then
11 if Ron wants to straighten the code out so that
12 going forward it won't happen again, I don't have
13 a problem with giving the extension tonight.

14 MR. CAUCHI: Well if it's our
15 discretion to extend it until April '17, I think
16 that I'm in favor of that, to extend it.

17 MS. LANZETTA: So somebody would have
18 to make a motion to do that.

19 MR. TRUNCALI: I'll make a motion to
20 extend this project until April '17.

21 MR. CAUCHI: I second that motion.

22 MR. BLASS: That should be on condition
23 of funding the escrow.

24 MR. CAUCHI: Yeah.

25 MR. BLASS: I think maybe we should

2 just pick a (inaudible). Maybe \$250 would cover
3 half of my time for two meetings.

4 MS. FLYNN: And the stenographer.

5 MR. BLASS: Oh, the stenographer fee,
6 too.

7 MR. BROWN: (Inaudible) the difference,
8 right. Call it \$500.

9 MR. BLASS: Okay. That's fine with me.

10 MS. LANZETTA: Okay. So the motion is
11 to give the extension conditional to the funding
12 of the escrow account for \$500? Is that what --

13 MR. TRUNCALI: Yes.

14 MS. LANZETTA: And Manny seconded that.
15 Any more discussion?

16 (No response.)

17 MS. LANZETTA: All in favor?

18 MR. TRAPANI: Aye.

19 MR. TRUNCALI: Aye.

20 MR. CAUCHI: Aye.

21 MR. LOFARO: Aye.

22 MS. LANZETTA: Aye. Okay.

23 MR. BROWN: Thank you very much.

24

25 (Time noted: 7:55 p.m.)

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

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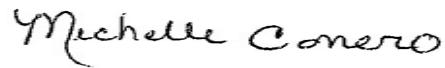
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MICHELLE CONERO

2 MS. LANZETTA: All right. Any other
3 business?

4 Tom, while we're here, do you have
5 anything that you would like to bring up with the
6 Planning Board?

7 MR. CORCORAN: The decision one way or
8 the other, that's your call, that's all good. I
9 just want to make sure that they know that he
10 can't just pull the building permit in April.
11 The project has to start according to the code
12 book. I wasn't speaking up because it wasn't my
13 business, --

14 MS. LANZETTA: Right.

15 MR. CORCORAN: -- but I'll let you know
16 that April comes, whatever the date that's on
17 there, the expiration, he doesn't start the
18 project, the building crew in my office doesn't
19 (inaudible).

20 MR. BLASS: Start construction.

21 MR. CORCORAN: I mean the shovel has to
22 be in the ground. That's (inaudible) for one
23 year. I mean if he takes the permit out in April
24 -- see, what happens is he thinks he can take the
25 permit out. My permitting process is he has a

2 year for that permit and then he gets two
3 extensions of six months, so he gets another two
4 years from that project date. So he has to be
5 under the understanding that he has to physically
6 start the project. The machines have to be out
7 there and the project has to be started. The
8 application has to be in my office prior to that
9 -- it would have to be prior to that date because
10 I'll need to do a review. So that will have to
11 happen.

12 The discussion we had, you know,
13 sometime back, and Ron did put together a fee
14 schedule, as I always believed there should be a
15 fee to sit in front of the Planning Board, you
16 know, for an extension. Again, I'm not -- you
17 make the fees because there will be a new fee
18 schedule coming this year. But it doesn't have
19 to be thousands, it doesn't have to be hundreds,
20 but it should be a fee to sit down in front of
21 the Planning Board and to either re-up the escrow
22 because there's zero.

23 Again, my question tonight was again,
24 if he's got zero escrow and I've got ten minutes
25 of Ron's time, who is paying for the other twenty

2 minutes? I don't know. That happened with the
3 last meeting. At the last meeting there was a
4 discussion with the stenographer on his project
5 even though hasn't here, so that was time to be
6 paid. So the absence of an application with a
7 fee -- and again, the fee could be -- it's up to
8 you guys. But anything we do, there's a fee
9 involved because there's paperwork involved that
10 she's doing, there's time involved that she's
11 doing to take the application for the
12 re-application. Again, I'm not here to kill any
13 of our residents. When they told me I had to get
14 a roofing permit, you know, I put the minimum
15 number on it, \$50, because there's still a
16 process to do it. So that was my suggestion
17 awhile ago was to keep this in check as far as
18 maybe not expiring but have an application -- a
19 renewal fee, you know, for those two years,
20 whether it's \$100 or whatever it might be,
21 because there's obviously fees involved, there's
22 work involved to do some of this paperwork.
23 Maybe the fee itself will keep everybody aware
24 that the project is ongoing, that's it's an
25 active project, escrow should be collected. The

2 fee, again, is something that will keep the
3 project current I believe. With the absence of a
4 fee itself and staying ahead of the application
5 gets us to a point where we're seven months
6 behind on this project being expired two times in
7 a row.

8 MR. TRUNCALI: So he can start
9 excavation without having a building permit?

10 MR. CORCORAN: No, he can't. He has to
11 have a building permit prior. But the code --
12 your extension that you're offering tonight that
13 you passed says his extension is at April X date,
14 whatever you put on it. That ain't the date to
15 get the application in to me.

16 MR. TRUNCALI: He has to get his permit
17 before that.

18 MR. CORCORAN: Correct. Like I said --

19 MR. CAUCHI: Will you send him a
20 clarification of that?

21 MR. CORCORAN: He's already had a
22 building permit in front of me that's expired.
23 That building permit came back on the original
24 date in 200 -- again, '14, '15. This was '09,
25 '10.

2 MR. TRUNCALI: So he got a building
3 permit once and let it expire?

4 MR. CORCORAN: Yeah. 2009, 2010 I want
5 to say.

6 MR. TRUNCALI: Okay.

7 MR. CORCORAN: And I don't know how he
8 got that building permit if you didn't issue a
9 finding.

10 MR. TRUNCALI: He had final but he
11 didn't do anything so he needed an extension.

12 MR. CORCORAN: But he couldn't.

13 MS. LANZETTA: I think they came back
14 again. They came back and reapplied because they
15 actually got final the second time in 2014.

16 MR. CORCORAN: Okay. So there were two
17 finals. So that's what happened. That's fine.
18 He got his building permit, really never put the
19 shovel in the ground, but that expired, he came
20 back to you for reapplication, --

21 MS. LANZETTA: Right.

22 MR. CORCORAN: -- and he gets his two
23 extensions now again. So he has to give me
24 another building permit. The same plans if they
25 haven't changed but I still need to review what

2 that process is. Again, that was always my
3 suggestion, that the process would require, you
4 know, an application fee to refill something back
5 out instead of just making a phone call, showing
6 up and saying I want a new extension. I mean
7 it's pretty simple. Again, it kind of keeps
8 ducks in a row and it kind of covers the costs.
9 I mean for her to do additional work on
10 somebody's, you know, reapplication or extension
11 shouldn't come out of anybody else's pocket
12 except for the applicant's. That doesn't come
13 out of escrow. If she's doing additional work
14 for that applicant, there should be a fee. Again
15 I'm not saying it should be enormous. It could
16 be \$50. But there should be a fee if you're
17 going to an extension because a municipality
18 worker is doing work and it's for that
19 individual, not for the municipality. It's not a
20 cost of doing business.

21 MS. LANZETTA: So it would behoove this
22 Town -- this Planning Board to send a letter to
23 the Town Board since they're the ones that would
24 set the fee. Do we have to have that written
25 into the code as well or are we allowed to --

2 MR. BLASS: No. I think it could be in
3 the fee schedule by resolution.

4 MS. LANZETTA: So we would request that
5 the Town Board set an extension fee, and we
6 should also request that there be additional
7 language put into the -- into it saying that the
8 applicant must apply for an extension before the
9 extension has expired --

10 MR. BLASS: Right.

11 MS. LANZETTA: -- the opportunity for
12 an extension has expired.

13 MR. BLASS: Mm' hm' .

14 MR. CORCORAN: I think it should read
15 as Ron stated. I think the way it reads, you
16 made the right decision. There's nothing at this
17 point that says he has to come in prior to the
18 expiration. It just gives him two years prior --
19 you know, from the final. Two extensions, one-
20 year apiece from the final.

21 MR. LOFARO: If April comes and goes
22 and he doesn't pull his permit or he doesn't
23 stick a shovel in the ground, he has to start
24 back from square one.

25 MR. CORCORAN: Correct. Going back to,

2 I'm going to estimate, 2010 final that came and
3 went and then he came back in 2014 and re-upped
4 it. He started over again.

5 MR. LOFARO: Start from the beginning.

6 MR. CORCORAN: Yeah. That's just the
7 way it reads now. If you guys want to do --
8 again, that's your call. The way the code reads
9 now, it's two extensions start or finish. Again,
10 don't forget, once he starts April 1st and he
11 meets your deadline and puts the shovel in the
12 ground, that starts a new clock. That's another
13 two-year clock. So that two-year clock starts
14 and then he has an opportunity to get two more
15 extensions on that.

16 MS. LANZETTA: How so?

17 MR. CORCORAN: That's the way it reads
18 now.

19 MS. LANZETTA: No. No.

20 MR. LOFARO: He can do six months
21 twice.

22 MS. LANZETTA: It has to be completed
23 within two years.

24 MR. BLASS: Right.

25 MS. LANZETTA: No.

2 MR. CORCORAN: Start within two and you
3 finish within two. If you start within one,
4 finish within two. If you don't you can get an
5 extension on your finish date, too. The book
6 gives you an extension on your finish date.

7 MS. LANZETTA: So I'm confused again.
8 So in April -- let's say April 1st he puts a
9 shovel in the ground, --

10 MR. CORCORAN: Correct.

11 MS. LANZETTA: -- okay, then he can
12 come back for additional extensions?

13 MR. CORCORAN: He gets two years from
14 the date he puts the shovel in the ground --

15 MR. BLASS: One.

16 MR. LOFARO: One year. One and then
17 two.

18 MR. CORCORAN: Two years from approval.

19 MS. LANZETTA: So he'll get three
20 years?

21 MR. CORCORAN: Oh, two years from
22 approval. Then he's --

23 MS. LANZETTA: Yeah.

24 MR. BLASS: You can extend the start
25 time and you can extend the finish time

2 independently, separately. It's one and one, one
3 to start and one to finish. Two years to finish
4 from approval. It's one and one. So you can
5 extend the time to start twice and you can extend
6 the time --

7 MR. CAUCHI: So let me get this
8 straight. Once he puts the shovel in the ground
9 and gets his building permit, he has a year to
10 finish that project?

11 MR. BLASS: Actually, actually he --
12 this extension given to him tonight would be an
13 extension of the one-year start date, and
14 extension as well of the one year finish date.
15 So he would need to put a shovel in the ground
16 before April 21, 2017 and he would need to finish
17 before April 21, 2018 or get a re-approval.

18 MR. CAUCHI: Extension for re-approval.

19 MS. LANZETTA: He can't get any more
20 extensions.

21 MR. BLASS: Yeah. He'd have to get a
22 re-approval.

23 MS. LANZETTA: Oh, he'd have to come
24 back again. Yeah.

25 MR. BLASS: Come back.

2 MR. LOFARO: If this project is not
3 done by April of 2018, regardless he has to start
4 over.

5 MR. BLASS: A lot of towns -- I think I
6 drafted -- I think I gave the Town Board a code
7 provision on this. The re-approval process can
8 be shortened and made easier than starting from
9 the beginning itself. In looking at things like
10 a change in the provisions, change in
11 regulations, just stuff like that, change the
12 conditions as opposed to making the applicant
13 start from ground zero. So that's another way to
14 approach the exhaustion of extensions in the
15 re-approval process. It's a policy decision.
16 The other policy decision is somebody should just
17 start over at ground zero and do everything again
18 that was done to get the original approval. It's
19 the spectrum of choices there. But that should
20 be legislative, in the code.

21 MR. TRUNCALI: So Tom, say he gets a
22 building permit and he does all his site work and
23 doesn't finish the building or doesn't start the
24 building, can't he get an extension on his
25 building permit?

2 MR. CORCORAN: No, because if he
3 doesn't finish by April of 2018, then I have to
4 send him back to you.

5 MR. TRUNCALI: Normally can't you get
6 an extension on your building permit?

7 MR. CORCORAN: Yes. Yes. The building
8 permit is extended for another year. Two
9 six-month periods. So theoretically he can get
10 another year out of his building permit, but --

11 MR. TRUNCALI: Right.

12 MR. CORCORAN: -- in theory he'll
13 almost lose that with the time he has to reapply
14 to you guys, because he's going to come with a
15 full re-approval; right?

16 MR. CAUCHI: After the second year he
17 has to come back to us.

18 MR. CORCORAN: SEQRA has to be redone.
19 Everything has to be redone.

20 MR. BLASS: The way it is now.

21 MR. CAUCHI: After the second year he
22 comes back to us; right?

23 MR. CORCORAN: At this point, because
24 he extended twice, the book says that his final
25 has to be from the approval date. The approval

2 date in 2014.

3 MR. CAUCHI: Let's say he gets his
4 building permit --

5 MR. CORCORAN: April 1st.

6 MR. CAUCHI: -- January 1st, right.

7 MS. LANZETTA: April.

8 MR. CAUCHI: So then he comes back,
9 he's not done by April of 2018.

10 MR. CORCORAN: Correct.

11 MR. CAUCHI: Can he get an extension
12 there?

13 MR. CORCORAN: You can't give him
14 another extension.

15 MR. CAUCHI: No. Can you give him an
16 extension for the building permit?

17 MR. CORCORAN: Yes and no. I mean I
18 can theoretically for the building permit, but no
19 because the site plan is now expired.

20 MR. CAUCHI: Oh, for the site plan.

21 MR. LOFARO: It's all about the site
22 plan expiring.

23 MR. CORCORAN: So in theory the book
24 says I can give him an extension on his building
25 permit because the building permit is one year

2 plus two six-month extensions but I have to cut
3 him off because the site plan has now expired.
4 That's like you coming to me today to get a
5 building permit, I couldn't issue it because it's
6 an expired site plan. That will happen in April
7 of 2018. Once the site plan expires, my building
8 permit in theory expires. I can't let him
9 continue the project.

10 MR. CAUCHI: Got it.

11 MR. CORCORAN: So he's only got one
12 year. You lose the year of finish within two
13 when you start asking for extensions because the
14 book refers back to the original approval date of
15 `14. Right?

16 MR. LOFARO: Yup.

17 MR. CAUCHI: Okay.

18 MR. CORCORAN: Just make sure he's not
19 delusional that he can get a building permit on
20 April, whatever date, 15 and then start six
21 months later and then still get another couple
22 extensions.

23 MR. LOFARO: Is it our responsibility
24 to notify him?

25 MR. CORCORAN: It's not necessarily your

2 responsibility.

3 MR. LOFARO: Common courtesy.

4 MR. CORCORAN: He's going to be cut
5 off. It's understanding of the permit. I mean I
6 could call Charlie and explain it to him.

7 MS. LANZETTA: Yeah. His engineer
8 should be counseling him, not us.

9 MR. CORCORAN: It's just understanding
10 of the code book. They might have misunder --
11 basically what he was talking he misunderstands
12 the code. They don't -- we'll have an
13 application in by April. That's not what it is.
14 I could call Charlie tomorrow and say listen,
15 this is where you're at, you've got your
16 extension per se but understand that that shovel
17 is in the ground that day, I have an application
18 in my office at least two to three weeks prior
19 for plan review and you've got to be finished by
20 April of '18. This isn't going to be a two or
21 three year project.

22 MR. LOFARO: Right.

23 MR. CORCORAN: Just so he understands.
24 And that would just be a courtesy, not a
25 responsibility in any way. They should

2 understand our code book. I'll reach out to
3 Charlie as a courtesy tomorrow and tell him
4 exactly where he stands.

5 MR. LOFARO: Right. I can agree with
6 that. It seems, you know, we don't want to
7 prevent you from building this stuff, we want to
8 do what we can to encourage him and help him
9 through the process but we don't want to do the
10 work for them.

11 MR. CORCORAN: Your vote is the right
12 thing according to the code. It might not be the
13 right thing. I mean I think people should be
14 accountable for expired permits. I mean I do it
15 all the time. My secretaries do files every day,
16 chasing people for expired permits. Now we're
17 thirty days ahead. We've got a process where we
18 send a letter thirty days prior saying your
19 permit is going to expire, but, you know,
20 (inaudible). It's not necessarily our
21 responsibility but as a courtesy. It's not a
22 problem. You know, that courtesy is not going to
23 be extended in the Town of Newburgh or City of
24 Poughkeepsie. It's going to be -- it is what it
25 is.

2 MR. LOFARO: I understand.

3 MR. CORCORAN: Again remember it's more
4 work on Jen, so that's why I always push for an
5 application fee. Again, I'm not here to kill
6 anybody. I mean as an applicant here tonight,
7 that was my first question who is paying for Ron
8 tonight. There's nobody else here. As long as I
9 know he's got a escrow that's open, even though
10 it's zero we're going to get it. In theory again
11 we shouldn't be chasing for escrow monies either.
12 That's where the application fee comes about. We
13 needed an extension for the application, \$100.
14 Here comes a check, that opens the folder and the
15 folder now says you guys are at zero, I don't
16 only need that application check but your escrow
17 has to be replenished to the number that says it
18 has to be.

19 MS. LANZETTA: Yeah. It makes it
20 complicated for you.

21 MR. CAUCHI: It's a process.

22 MS. LANZETTA: Any other questions for
23 Tom or Ron?

24 (No response.)

25 MS. LANZETTA: Can I have a motion to

2 adjourn?

3 MR. CAUCHI: I'll make a motion to
4 adjourn the meeting.

5 MR. LOFARO: I'll second.

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

7

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

9

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

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

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 2nd day of December 2016.

21

22 *Michele Conero*
23

24 MICHELLE CONERO

25