

1

1

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

In the Matter of

4

5

CHAPTER 155 OF THE ZONING CODE

6

BUSINESS CORRIDOR OVERLAY DISTRICT

7

8

9

10 BOARD BUSINESS

11

15

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 JOEL TRUNCALI
18 BEN TRAPANI
19 CINDY LANZETTA
20 JOSEPH LOFARO
21 MANNY CAUCHI
22 STEVE CLARKE

20

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

22

23

MICHELLE L. CONERO

10 Westview Drive

1

(845) 895-3018

20

1 BOARD BUSINESS

2

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

5 (Pledge of Allegiance.)

6 MR. CAUCHI: Agenda, Town of
7 Marlborough Planning Board, November 7, 2016.

19 CHAIRMAN BRAND: I would just like to
20 make an addition to the agenda to include a
21 discussion of the local law letter that we got
22 from Danielle Cherubini, the Deputy Town Clerk,
23 regarding Chapter 155 Zoning of the Marlborough
24 Town Code.

25 First up, the discussion regarding --

2 did everybody get a chance to read the letter
3 from Ms. Cherubini regarding the business
4 overlay? It's relatively self-explanatory I
5 think. There will be a public hearing on
6 November 28th at 7:00 at the Town Hall. It's
7 basically just amending the zoning map to
8 establish the business corridor overlay district
9 that we talked about at length.

10 MR. CLARKE: Is it just for that one
11 parcel?

12 MR. HINES: Yes. Empire Landscaping.

13 MS. LANZETTA: I'd like to make a
14 motion for us to draft a letter to the Town Board
15 saying that the Planning Board has reviewed the
16 amendment to the Town's zoning map and approves
17 it.

18 CHAIRMAN BRAND: Someone make that
19 motion.

20 MS. LANZETTA: I made it.

21 CHAIRMAN BRAND: You made it. Is there
22 a second?

23 MR. CAUCHI: I'll second that.

24 CHAIRMAN BRAND: All those in favor,
25 say aye.

2 MR. CLARKE: Aye.

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. TRUNCALI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

9 Any opposed?

10 (No response.)

11 CHAIRMAN BRAND: Motion carried.

12

13 (Time noted: 7:32 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

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

5

6

7

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 17th day of November 2016.

18

19

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

10 SKETCH - LOT LINE REVISION

11 Date: November 7, 2016
12 Time: 7:33 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 CINDY LANZETTA
17 JOSEPH LOFARO
18 MANNY CAUCHI
18 STEVE CLARKE

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
20 VIRGINIA FLYNN

21

22 APPLICANT'S REPRESENTATIVE: TOMMY CORCORAN

2 CHAIRMAN BRAND: Next up, Tommy
3 Corcoran, sketch, lot line revision.

4 MR. LOFARO: Did you approve the
5 minutes?

6 CHAIRMAN BRAND: We did not but we
7 will. Thank you.

8 MR. CORCORAN: It's a simple lot line
9 revision. What happened is back in 2006 the
10 building department received a building permit
11 for a house. It was issued based on the maps
12 given to us with that lot that was subdivided
13 back in 1994 in the RAG-1 Zone that had a minimum
14 lot width of 150. The foundation went in, the
15 house was done. Before the as-built was issued
16 by the building department and final certificate
17 of occupancy, the house was removed from the
18 foundation. It sat for quite some time. The
19 existing foundation existed.

20 Tommy purchased the house, the model
21 home, from Chelsea Modular Homes on 9W, set the
22 house on the existing foundation. We did go to
23 final as-built on survey and later found out
24 there was an 11-foot variance given in 1994 that
25 we were unaware of, making the side yard 27.8

2 feet, not having the 35 foot setback required in
3 the district.

4 Instead of going to the Variance Board
5 for a variance for an existing foundation that
6 was there, we decided to clean the lot up, do a
7 lot line revision and purchase the property from
8 the property owner next door and add that pie on
9 to the property to give this the setback needed.
10 Plus we were going to add a garage to it anyway,
11 so it was easier to clean it up.

12 MR. HINES: The original variance
13 wasn't for that side yard, it was for lot width,
14 which was kind of caused by placing the house
15 foundation originally years ago. That's what
16 caused it to not be compliant with the side yard
17 now.

18 CHAIRMAN BRAND: Any questions or
19 comments from the Board?

20 MR. CLARKE: I'm just curious as to how
21 that garage got built on the other guy's piece of
22 property in this day and age.

23 MR. CORCORAN: Because the maps we had
24 in our office had a 150 foot lot width. That was
25 submitted by the previous owner in 2006. With

2 that said and through the clearing, the lot was
3 cleared and maintained to that lot width of 150.
4 That matched the maps that were in our office in
5 2006. We used that as the guideline and never
6 knew about the 11-foot variance because it was
7 never stated anywhere that the variance was given
8 for the lot width.

9 MR. HINES: The filed map shows the
10 lots that you show now. Apparently the building
11 department has one that doesn't conform to the
12 filed map. Someone drew it at the 150.

13 CHAIRMAN BRAND: The garage was built
14 after?

15 MR. CORCORAN: Correct.

16 CHAIRMAN BRAND: Then you figured it
17 out?

18 MR. CORCORAN: Correct. After we did
19 the final survey.

20 MR. CLARKE: That's what I wanted to
21 hear.

22 CHAIRMAN BRAND: Any other questions or
23 comments?

24 (No response.)

25 CHAIRMAN BRAND: It seems simple enough

2 to me. The next thing would be to schedule it
3 for a public hearing for the next meeting.

4 MR. CORCORAN: I would like to schedule
5 the public hearing for the next scheduled meeting
6 on the 21st.

7 CHAIRMAN BRAND: Does anyone have an
8 issue with that?

9 MS. LANZETTA: The only thing that we
10 have to be clear on is that it's been our policy
11 to do the public hearings on the first meeting of
12 each month. I think being that we haven't had
13 much on our agenda and that this is a pretty
14 straightforward lot line change, I don't
15 personally have any issue with allowing a public
16 hearing for the next meeting. I just want the
17 Board to be clear we would be doing something
18 that is out of the policy of the Board. I don't
19 know anybody else's thoughts about that.

20 MR. TRUNCALI: It's going to set a
21 precedent for other people that want to do it.

22 CHAIRMAN BRAND: Is there a reason why
23 it can't wait?

24 MR. TRUNCALI: I don't see why we don't
25 do it.

2

3

4

5

6

7

8

9

MR. CORCORAN: It's in contract and

it's already closed. Listen, any time anybody

comes in front of you, time is of the essence.

This was -- again, it was an error, again, of the

150 lot width. It was just an error. Again, the

property is already in contract, ready to close.

To put it off into December, it puts it that much

further off. It's a hardship I'm asking for.

10

11

12

13

MR. CAUCHI: I don't see a problem to

exempt this from our normal policy. It's a

simple thing. To facilitate that for something

of a hardship, I'm willing to do it.

14

15

16

17

18

19

MS. LANZETTA: The other thing I would

recommend, if we do that, is that we accept the

sketch as the preliminary, because we really need

to do that before we schedule a public hearing.

So we would need somebody to make a motion to

accept the sketch as our preliminary map.

20

21

MR. CAUCHI: I'll make that motion, to

accept the sketch as a preliminary.

22

MR. TRAPANI: I'll second.

23

CHAIRMAN BRAND: All those in favor?

24

MR. CLARKE: Aye.

25

MR. TRAPANI: Aye.

1

12

2 MS. LANZETTA: Aye.

3 MR. TRUNCALI: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: Okay. So we will
10 schedule this for the 21st, a public hearing.

11 MR. HINES: There's no problem with the
12 publication?

13 MR. CORCORAN: Everything is ready to
14 go out. Once I get the letter it will go out
15 tomorrow morning and meet the deadline for the
16 paper and getting it out to the public for the
17 return receipts.

18 CHAIRMAN BRAND: You don't see any
19 foreseeable problems?

20 MR. HINES: No. As long as they can
21 make the publication date, it's fine.

22 CHAIRMAN BRAND: Great.

23 MR. CORCORAN: Thank you.

24

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

2

3

4

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

5

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 17th day of November 2016.

18

19

20

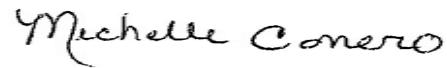
21

22

23

24

25



MICHELLE CONERO

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

In the Matter of

4

5 MOHAMMAD WAHEED

7 Project No. 16-9010
144 Reservoir Road
8 Section 108.2; Block 1; Lots 22 & 23

10 SKETCH - LOT LINE REVISION

11 Date: November 7, 2016
12 Time: 7:40 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
 JOEL TRUNCALI
16 BEN TRAPANI
 CINDY LANZETTA
17 JOSEPH LOFARO
 MANNY CAUCHI
18 STEVE CLARKE

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
20 VIRGINIA FLYNN

21

22 APPLICANT'S REPRESENTATIVE: MOHAMMAD WAHEED

2 CHAIRMAN BRAND: Next up, Waheed,
3 sketch, lot line revision.

4 Do you want to give us a rundown of
5 what it is you have?

6 MR. WAHEED: Yeah. Basically I
7 purchased this back in June. It was a bank-owned
8 property. There were two separate lots. I
9 realized that. The pool -- everybody told me
10 that the pool was part of my, you know, deal. So
11 when you buy bank-owned stuff, it's as is.
12 Everybody missed it. That pool, after I bought
13 it, they said was completely on the other lot.

14 MR. HINES: You bought both lots?

15 MR. WAHEED: This is what happened. So
16 I didn't want nothing to do with that other lot.
17 I wanted to wait. I knew it was owned by the
18 county because the previous owner lost it for not
19 paying the tax. I didn't want to overwhelm
20 myself by having two tax bills, you know. Once I
21 found that out, I called the county. They said
22 yeah, you know, we don't really care.

23 If you look in the Town records, in
24 1990 they built that pool completely on the other
25 lot and the Town didn't even catch that. So I

2 don't know what was happening that you missed a
3 whole pool that's under the ground that size on
4 the other lot. Maybe because the person was the
5 same owner for both lots. Maybe that's why they
6 didn't care. I can't fathom that. It's not
7 1960. It was 1990. So if the pool was on my lot
8 I wouldn't even be here and be bothered.

9 MR. HINES: The pool complies with the
10 lot that it's on, which is why if it was under
11 the same ownership it could have been granted a
12 permit. It meets the setback for accessory for a
13 pool. It wouldn't matter which lot it was on.

14 MR. WAHEED: No, but they tax it on my
15 lot.

16 MR. HINES: That's a little crazy.

17 MR. WAHEED: For thirty years. If it
18 was a different owner, who knows what would have
19 happened. Either which way, I wanted to buy that
20 lot next door anyway because that trailer is
21 disgusting. So a hundred percent that's going to
22 go, you know. That's not even like a question.
23 I even tried to burn it with the fire department
24 over the summer and they said it's too close to
25 the trees. I realize there's wheels under it.

2 It don't need a demolition permit, it will just
3 move. It actually rolls. I've been working on
4 that the past couple of weeks.

5 MS. LANZETTA: Let me be clear. You
6 actually own both lots now?

7 MR. WAHEED: Yes. Yes.

8 MR. TRUNCALI: You're going to remove
9 the trailer?

10 MR. WAHEED: A hundred percent. It's
11 so ugly I don't want to look at it. You know, I'm
12 getting really hit hard with two tax lots. I
13 don't need that. It's a buildable lot. To have
14 a mobile home --

15 MR. CLARKE: It's a minimum one acre.
16 Even your two lots together --

17 MR. HINES: The two lots together are
18 only .9.

19 MR. WAHEED: Okay. You know, the
20 property is sloped anyway. You couldn't do
21 anything even if you were allowed to build. It's
22 not really --

23 MR. CLARKE: Have you talked to the
24 assessor about this?

25 MR. WAHEED: Yeah. She's the one that

2 suggested this. They can't adjust it until
3 March. I just want it done at least before the
4 end of the year because I don't know what's
5 happening with the county tax bill. I can't see
6 them taxing me if it's one lot.

7 MS. LANZETTA: Are we allowed to
8 entertain this if it doesn't make --

9 MR. HINES: The trailer has to go
10 first. In other words, you would be creating a
11 nonconforming issue with the trailer there.

12 Also, there's pre-existing
13 nonconforming bulk requirements on the lot that
14 Ron and I spoke to a little earlier.

15 I'm glad to hear the trailer is going.
16 It makes it much more feasible. If the trailer
17 was staying it would not comply at all.

18 MR. WAHEED: That's not even a
19 question.

20 MR. HINES: You can't stamp the map
21 with the trailer on there. It would be a
22 condition of approval.

23 MR. WAHEED: With the trailer. Can you
24 give me like a timeframe I can get it out?

25 MR. HINES: The map wouldn't be

2 stamped. That would be your timeframe. There
3 may be a need for some variances because of the
4 pre-existing nonconforming issues with the
5 existing bilevel house. The rear yard setback,
6 the -- that's the only thing it doesn't meet with
7 the other structure gone. It's not changing
8 that.

9 MR. BLASS: Minimum lot size?

10 MR. HINES: Minimum lot size isn't the
11 issue.

12 MR. BLASS: It's one acre. This is .9.

13 MS. LANZETTA: He needs a variance.

14 MR. BLASS: I would think so. Under
15 nonconforming use regs, any alteration of a
16 nonconforming use for any reason is not allowed
17 except where the result is to eliminate the non-
18 conformity as opposed to reducing it.

19 MR. HINES: Some zoning ordinances
20 allow it as long as you're not making it worse.
21 Yours says it has to be eliminated.

22 MR. WAHEED: I'm not improving it
23 because I'm getting rid of the trailer? That's
24 not conforming either?

25 MR. CLARKE: You're making it much

2 closer from my perspective.

3 MR. WAHEED: You would think it's a big
4 improvement. I don't know why I need a variance
5 for that, but --

6 MS. LANZETTA: To be in compliance with
7 the law. The variance will say that you can be
8 in compliance, is basically what the variance is
9 for.

10 So would he have to go to the Zoning
11 Board first?

12 MR. BLASS: Zoning Board of Appeals. A
13 tenth of an acre variance, from one acre to .9.

14 MR. HINES: You might as well get the
15 rear yard at that point, too.

16 MR. BLASS: The rear yard as well.

17 MR. HINES: 58.5 and it's 75 in that
18 zone.

19 MR. BLASS: So the rear yard setback
20 should be 75 as opposed to 58. So you probably
21 have a good chance of getting those variances,
22 particularly because you're going to remove the
23 trailer.

24 MR. WAHEED: Right. What's the
25 timeframe on that do you think?

2 MR. BLASS: One month.

3 MR. WAHEED: I have to go in front of
4 them, too?

5 MR. BLASS: It would be a preliminary
6 meeting and a secondary meeting with a public
7 hearing. So two months.

8 MR. WAHEED: I don't have to present
9 anything else? I can just bring this?

10 MR. BLASS: You want to make a case
11 that it's not a big deal.

12 MR. WAHEED: Right. I'm saying I don't
13 have to fill out another application and hire
14 someone else?

15 MR. BLASS: You don't have to hire
16 anyone else.

17 MR. WAHEED: This is enough?

18 MR. BLASS: You have to go to the ZBA.
19 Go to the building office, file an application
20 for two variances from the ZBA, --

21 MR. WAHEED: Okay.

22 MR. BLASS: -- minimum lot size and
23 setback.

24 MR. HINES: The other thing is check
25 with the building department before you do that

2 to make sure that the pool being forward of the
3 building. In other words, the pool is in the
4 front yard of that building. That may be an
5 additional variance.

6 MR. WAHEED: Say that again.

7 MR. HINES: Your minimum lot size where
8 it is 1 acre required and you have .9, so a tenth
9 of an acre, and your rear yard existing.

10 MR. WAHEED: That's the rear setback.

11 MR. HINES: Yes. You have 58.5 where
12 75 is required. I'm not a hundred percent sure,
13 you may need one for the pool projecting forward
14 of the principal structure on this lot now. The
15 pool is on the other lot right now. By combining
16 them it creates that issue. You want to check
17 with the building department prior to that. That
18 would be another variance. Let's get them all
19 done. It cleans up the lot, makes it legal.

20 CHAIRMAN BRAND: Would that be
21 pre-existing to some extent, because it was in
22 front of the trailer?

23 MR. HINES: I don't know if it has a
24 building permit ever.

25 CHAIRMAN BRAND: All right.

2 MR. WAHEED: They're both considered
3 nonconforming; right?

4 MR. HINES: Yes.

5 MR. WAHEED: When you join two
6 nonconforming together, can I just have one
7 nonconforming?

8 MR. HINES: Not according to our
9 ordinance.

10 MR. WAHEED: I don't understand.

11 MR. HINES: In some zoning ordinances
12 you could.

13 MR. WAHEED: All right. It doesn't
14 seem like a big deal.

15 MR. HINES: Again, this Board can't
16 approve it until the trailer leaves the other
17 lot.

18 MR. WAHEED: All right.

19 MR. HINES: They can continue to
20 process it but the map can't be stamped approved
21 and filed until --

22 MR. WAHEED: You can't approve it with
23 a condition?

24 MR. HINES: It would be approved with
25 the condition but the map won't get filed. It

2 won't be stamped.

3 MR. WAHEED: That's fine. At least
4 it's something, you know --

5 MR. HINES: Otherwise if you filed it
6 like that you'd be creating a nonconforming use.

7 MR. WAHEED: Either which way I have to
8 immediately go to the ZBA? I can get on the
9 21st? Is that possible?

10 MS. FLYNN: I don't know when the ZBA
11 meets.

12 MR. CORCORAN: The second Thursday of
13 every month now. It was moved.

14 MS. LANZETTA: You wouldn't make the
15 deadline for this Thursday. It would be --

16 MR. WAHEED: December?

17 MS. LANZETTA: -- the next meeting in
18 December.

19 MR. HINES: The taxable status is
20 March. You're not in a crisis.

21 MR. WAHEED: What?

22 MR. HINES: You have to have it done by
23 March to affect your taxes.

24 MR. WAHEED: I was thrown off by the
25 county. If this is done before the county, why

2 would they charge me in January? I paid the
3 school tax.

4 MR. HINES: Tax status is March. They
5 establish, as far as I know --

6 MR. WAHEED: Even if it's one lot?

7 MR. HINES: At least in Orange County
8 where I live it's March. Whatever is on the tax
9 rolls in March is your tax bill for the year.

10 MR. WAHEED: I was trying to beat that.

11 MR. HINES: You still can.

12 MR. WAHEED: Not the January.

13 MR. BLASS: You can beat it for 2018
14 but not 2017.

15 MR. WAHEED: That's what I'm saying.

16 MR. CORCORAN: I would recommend
17 getting a demo permit right away for the trailer.

18 MR. WAHEED: I'm not demo'ing it. It
19 has wheels.

20 MR. CORCORAN: That's demo, to remove
21 it. If you don't get a demo permit to remove it,
22 it will never be removed off the tax roll.

23 MR. WAHEED: They said they could do an
24 inspection. I spoke to them.

25 MR. CORCORAN: Who?

2 MR. WAHEED: The assessor. They said
3 when ever you remove it or whatever, let us know
4 and we'll set up an inspection.

5 MR. CORCORAN: She can't do that. I do
6 that.

7 CHAIRMAN BRAND: He's the building
8 inspector.

9 MR. WAHEED: Are you really? Even with
10 wheels and all that I can't just move it?

11 MR. CORCORAN: You can. You still need
12 a demo. If you don't get to fill out a demo
13 permit and create the paperwork through my
14 office, which ends up in the assessor's office,
15 which ends up in Ulster County, that trailer will
16 exist on that property forever until the
17 paperwork is done.

18 MR. WAHEED: But I don't need somebody
19 licensed or anything just to get a demo permit?

20 MR. HINES: No.

21 MR. WAHEED: I can do it myself?

22 MR. CORCORAN: If you can find some
23 place to relocate it --

24 MR. WAHEED: That's going to be on
25 them. They're hauling it somewhere else.

2 MR. CORCORAN: The county?

3 MR. WAHEED: Whoever takes it.

4 MR. CORCORAN: Then I would get --

5 they're the person doing the demo on the permit.

6 You're the owner, they're the demo.

7 MR. WAHEED: I can't just as a
8 homeowner do it myself?

9 MR. CORCORAN: If you say you're doing
10 it yourself. You're telling me somebody else is
11 doing it.

12 MR. WAHEED: I'm going to be there.

13 We're going to try and see if we can just move it
14 with a big truck. It has wheels. They even said
15 during the hurricane it was moving.

16 MR. CORCORAN: Right. Just understand
17 for your own purposes, if you hire somebody
18 they're going to have Worker's Comp and
19 liability, which I would require.

20 MR. WAHEED: Right.

21 MR. CORCORAN: If they come on your
22 property and they do damage or something to
23 affect -- damage the pool or the house, you need
24 them to have insurance. I protect you by saying
25 I collect the insurance under the demo permit.

2 It doesn't cost you any more money, they just
3 need to supply it to me. I'm protecting you as
4 the homeowner. That's what I do, protect you so
5 when they pull that truck on there and all of a
6 sudden they back into your pool, you know, with
7 the lack of insurance there's a problem.

8 MR. HINES: Or someone gets hurt.

9 MR. WAHEED: I just have to make sure
10 the people who are willing to take that have it.
11 When I do it and I take responsibility, it's
12 almost like it's just easier and more cost
13 effective if I take the responsibility.

14 MR. CORCORAN: That's fine. How you
15 fill the demo permit out is up to you. If you're
16 going to have somebody do it and you're going to
17 pay them to do it and they have Worker's Comp and
18 liability, it would be to your best interest to
19 fill them out as the demo and submit that to me.

20 MR. WAHEED: To be totally honest with
21 you, I'm trying to sell it. A lot of people
22 actually want it to use it.

23 MR. CORCORAN: That's fine.

24 MR. WAHEED: They're responsible for
25 whatever they want to do. That's the point of

2 just --

3 MR. CORCORAN: That's fine. You just
4 have to create the paperwork. Without that that
5 trailer will exist on that property on paper and
6 you'll get taxed on it forever.7 MR. WAHEED: If I got the demo permit,
8 I just e-mail it to you and whatever else you
9 need?10 MR. CORCORAN: Just get it back to us
11 and I'll call you if there's a problem.12 CHAIRMAN BRAND: Contact the ZBA as
13 quickly as possible, too.14 MR. CORCORAN: Which is in the same
15 office as us, the building department.16 MR. WAHEED: When is the next deadline,
17 do you know, for the ZBA?18 CHAIRMAN BRAND: The secretaries know.
19 I believe it's the second -- I don't know what
20 the deadline is. It's the second Thursday of the
21 month.

22 MR. WAHEED: That's the actual meeting?

23 CHAIRMAN BRAND: I believe so.

24 MR. HINES: They may have a ten-day
25 before rule.

2 MR. WAHEED: I'm going to do the demo
3 permit right away too in case I can just get that
4 done.

5 CHAIRMAN BRAND: Good luck.

6 MR. WAHEED: Thank you. I appreciate
7 it.

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

9

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

11

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

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

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

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 17th day of November 2016.

23

Michele Conero

25

MICHELLE CONERO

1 MOHAMMAD WAHEED

31

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

In the Matter of

7 Project No. 13-6003

8

10 EXTENSION

11 Date: November 7, 2016
12 Time: 7:52 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

20 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
21 VIRGINIA FLYNN

22

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

2 CHAIRMAN BRAND: Next up, Christopher
3 Larkin, Nieco.

4 Is he here? Should we discuss it now
5 even though he's not here?

6 MS. LANZETTA: I think we should.

7 CHAIRMAN BRAND: I think we should as
8 well.

9 So just for the record, he called me
10 and -- I'm sorry?

11 MR. HINES: In 1991 this project
12 started.

13 CHAIRMAN BRAND: I didn't know it was
14 1991.

15 MR. HINES: I don't know it was that
16 early. I'm just saying, it's been a long time.

17 CHAIRMAN BRAND: He called me here and
18 originally asked for a one-week extension. He
19 just wanted one week. I said we don't do that.
20 I directed him to the code, sent him an e-mail,
21 showed him the particular parts of the code that
22 were relevant to this and he sent back the
23 letter.

24 After doing some homework, it turns out
25 that he's already gotten some extensions, which

2 he did not mention on the phone.

3 I guess the question becomes what could
4 we or -- what could we do. What are the options.

5 MR. BLASS: Maximum of two one-year
6 extensions. The rule is that you must start
7 construction within one year. So the first
8 period is one year from approval, then one
9 additional one-year extension, then one
10 additional one-year extension, which would
11 basically be three years from approval.

12 So we should just -- if he's more than
13 -- if this would take him out more than three
14 years from approval, he should --

15 MS. LANZETTA: His approval was
16 4/21/2014.

17 MR. CLARKE: Final approval?

18 MS. LANZETTA: Yes. It goes by your
19 approval. That's what it says in the law.

20 MR. BLASS: April of 2014.

21 MS. LANZETTA: He got conditional
22 approval on 4/21/2014. The conditional is a
23 final once you do what you're supposed to do, but
24 that's the approval. The approval is -- when
25 you're given the approval, that's your approval.

2 It behooves you to follow up on doing whatever
3 conditions need to be done so that you can get
4 your maps filed as expeditiously as possible.
5 But that's not up to the Planning Board to worry
6 about when you file your maps.

7 MR. HINES: It's a site plan so it's
8 only locally filed.

9 MS. LANZETTA: It's when the Planning
10 Board gives the approval. The approval was given
11 on 4/21/2014. It just so happens that that
12 expired -- that was just a one-year approval.
13 The last time we gave an extension it was for one
14 year, and that was in -- on November 2, 2015 we
15 had given it, and that would have expired on
16 April 21, 2016.

17 The Planning Board secretary sent a
18 letter to him as of 6/6/2016. In June we sent a
19 letter saying that his extension had expired, and
20 there was no response. Now this is what, six
21 months after the expiration of the last
22 extension. It's four months after Chris's office
23 sent a letter saying that it had expired, and now
24 he's asking for another extension, which we could
25 give him possibly but then it would only be until

2 April of 2017 and that would be the end of it.

3 I just want to reiterate the reason we
4 give extensions as a Planning Board is in good
5 faith that the project is -- has temporary
6 holdups but that the applicant is trying to move
7 forward. There hasn't been really -- there's no
8 shovel in the ground, there hasn't been any
9 effort to really move this project forward. So
10 I'm wondering why he's not giving us any
11 information or is here at this meeting explaining
12 why we have to give him another extension.

13 MR. TRUNCALI: Did they make drainage
14 improvements there since their approval or was
15 that --

16 MR. HINES: No. That was previous.
17 That was under the other approval that lapsed.
18 The 2014 approval is -- because an older approval
19 lapsed, they came back and got it re-approved
20 with similar conditions. It's been, I would
21 venture, more than a decade since that project
22 started. I don't know the exact date. It was a
23 3M Homes subdivision project originally. So the
24 subdivision was filed. This is an amended site
25 plan to the lot that they were here for.

2 CHAIRMAN BRAND: So basically the
3 choice would be we could approve and he would be
4 good through April of 2017, --

5 MR. HINES: At the latest.

6 CHAIRMAN BRAND: -- at which time what
7 then happens?

8 MR. HINES: You would be kind of
9 retroactively approving the extension from when
10 it lapsed.

11 CHAIRMAN BRAND: And then after that
12 date?

13 MR. BLASS: He would have to apply for
14 re-approval.

15 CHAIRMAN BRAND: He would have to start
16 all over again.

17 MR. TRAPANI: How many times do they
18 get approval? It seems like we've had this --
19 I've been here and it's here it every year. I
20 don't know how many years we've been hearing
21 about this guy here with the approval for this
22 extension.

23 MR. HINES: It's significantly more
24 than ten years this project started.

25 MR. TRAPANI: I've been here eight

2 years and I've heard it for eight years.

3 MR. HINES: Under different ownership
4 but it's progressed through. It was a 3M Homes
5 and then I think Larkin purchased that lot from
6 them.

7 MR. TRUNCALI: I don't have a problem
8 giving them the extension from when it expired
9 the last time to the expiration date in '17 when
10 his three years is up.

11 CHAIRMAN BRAND: Let's go through to
12 4/2017. Do you want to make that motion?

13 MR. TRUNCALI: I'll make that motion.

14 CHAIRMAN BRAND: Is there a second to
15 grant him the extension to go through April 2017?

16 (No response.)

17 CHAIRMAN BRAND: No second. Okay. The
18 motion does not go anywhere.

19 I guess we'll need to tell him that it
20 didn't happen. We'll contact him and tell him he
21 did not get the extension.

22 MS. FLYNN: I contact him?

23 CHAIRMAN BRAND: I'll contact him. I
24 can do that. I have no problem.

25 MS. FLYNN: I'll contact him and tell

2 him to call you.

3 CHAIRMAN BRAND: That's fine. I will
4 call him tomorrow.

5 MS. LANZETTA: You can remind him that
6 he received a letter back in June saying that the
7 extension was no longer and that we figured that
8 there was no real interest in pushing the project
9 forward and we haven't seen anything to change
10 our mind on that.

11 MR. HINES: There was public comment
12 during several of the past public hearings that
13 were held on it, too. The neighbors had voiced
14 some concerns about the project. That's one of
15 the issues you have with an extension. It goes
16 away, the neighbors think the project is gone and
17 all of a sudden, three or four years later the
18 backhoe hits the ground and they are saying where
19 did this come from.

20 CHAIRMAN BRAND: So this project
21 essentially is dead in the water. If he wanted
22 to do anything else he would have to start the
23 reapplication process?

24 MR. BLASS: Unless he gets that
25 approval. I think what you might be suggesting

2 is that he be directed to come in and make some
3 sort of showing of entitlement.

4 CHAIRMAN BRAND: He would have time to
5 do that between now and possibly April 2017?

6 MR. BLASS: He's already in a
7 retroactive mode now. He hasn't come in and
8 applied before the expiration. Whatever you do
9 is going to be backward looking and forward
10 looking to April 21st of 2017.

11 CHAIRMAN BRAND: If he could come in
12 and make a good case we might reconsider?

13 MR. CAUCHI: Showing of good faith.

14 MR. TRAPANI: He should have shown up
15 tonight. You know you're three, four, five, six
16 months. Gee guys, it's been bad financially.
17 Whatever. If he would have shown up tonight
18 everybody would have said yes I think.

19 CHAIRMAN BRAND: I will have that
20 discussion with him.

21 Anything else on Nieco?

22 (No response.)

23 CHAIRMAN BRAND: Before the
24 stenographer and the engineer leave, we do have
25 to have the approval of the stenographic minutes

2 for 10/17. Do I have a motion for that?

3 MR. LOFARO: I'll make a motion to
4 accept them.

5 CHAIRMAN BRAND: Is there a second?

6 MR. TRAPANI: I'll second.

7 CHAIRMAN BRAND: All those in favor,
8 say aye.

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN BRAND: Aye.

15 Opposed, the same sign?

16 MR. TRUNCALI: I wasn't there for that
17 meeting.

18 CHAIRMAN BRAND: You're going to
19 abstain. Okay.

20 Motion carried.

21

22 (Time noted: 8:00 p.m.)

23

24

25

2

3

4

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

5

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 17th day of November 2016.

18

19

20

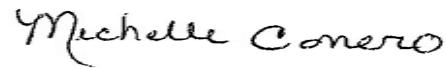
21

22

23

24

25



MICHELLE CONERO