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

In the Matter of

5 RIDGE ROAD

6 Project No. 18-2004
7 Ridge Road, Milton
Section 102.4; Block 2; Lot 32.810

PUBLIC HEARING - SUBDIVISION

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

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

21 APPLICANT'S REPRESENTATIVE: NICHOLAS CALLELA

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, June 18, 2017.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 5/21. Ridge Road,
10 public hearing, subdivision; Paradise Valley
11 Orchard, public hearing, lot line;
12 Taddeo/Pascale, final, lot line; Marlboro
13 Distribution Route 9 LLC, final, site plan.
14 Discussion without lawyer, engineer,
15 stenographer, Jim Graziosi, recreation permit.
16 Next deadline: Friday, June 22nd. Next scheduled
17 meeting: Monday, July 16th.

18 CHAIRMAN BRAND: I'd like to have a
19 motion to approve the stenographic minutes for
20 May 21st.

21 MS. LANZETTA: I'll make that motion.

22 CHAIRMAN BRAND: Is there a second?

23 MR. CAUCHI: I'll second it.

24 CHAIRMAN BRAND: Any discussion?

25 (No response.)

2 CHAIRMAN BRAND: All those in favor of
3 approval?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. TRUNCALI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 CHAIRMAN BRAND: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN BRAND: So carried.

14 First up, Ridge Road, public hearing,
15 subdivision.

16 MR. TRUNCALI: "Legal notice,
17 subdivision application. Please take notice a
18 public hearing will be held by the Marlborough
19 Planning Board pursuant to the State
20 Environmental Quality Review Act and the Town of
21 Marlborough Town Code 134-33 on Monday, June 18,
22 2018 for the following application: Ridge Road,
23 at the Town Hall, 1650 Route 9W, Milton, New York
24 at 7:30 p.m. or as soon thereafter as may be
25 heard. The applicant is seeking approval of a

2 three-lot subdivision application for lands
3 located at Ridge Road, Milton, New York 12547,
4 Section 102.4, Block 2, Lot 32.810. Any
5 interested parties either for or against this
6 proposal will have an opportunity to be heard at
7 this time. Chris Brand, Chairman, Town of
8 Marlborough Planning Board."

9 CHAIRMAN BRAND: Do you have the
10 mailings?

11 MR. GALLELA: Yes.

12 CHAIRMAN BRAND: How many did you send
13 out and how many were returned?

14 MR. GALLELA: Twenty-seven went out, --

15 CHAIRMAN BRAND: Twenty-seven out.

16 MR. GALLELA: -- seventeen returned,
17 one undelivered.

18 CHAIRMAN BRAND: If you can give those
19 to Jen. Thank you.

20 Would you mind just giving a brief
21 overview of what it is you have planned for the
22 people here for the public hearing?

23 MR. GALLELA: Sure. We're proposing
24 two new lots along Ridge Road. Previously it was
25 a four-lot subdivision but it's been reverted

2 back over the years. I was no longer going to
3 pursue it as was the original subdivision which
4 was about four years ago. I'm returning back to
5 the Planning Board for a two-lot subdivision.

6 It's basically served by Town water and
7 an in-ground system, septic system. It's one-
8 acre zoned in the AR zone district. It's going
9 to be a three-bedroom house, 1,800 square feet or
10 so.

11 CHAIRMAN BRAND: Thank you.

12 This is a public hearing. If you have
13 any comments, any interested parties to speak out
14 for or against have an opportunity to do so. I
15 would just ask you to state your name for the
16 Stenographer.

17 Mr. Garofalo.

18 MR. GAROFALO: James Garofalo. I'm not
19 against this project. This is one of the first
20 projects that I've seen that actually put the
21 sight distances on the plan. However, I'd like
22 to see more because when you get the sight
23 distances it's kind of out of context. It would
24 be like me saying I went 55 miles-an-hour on the
25 interstate like you find in most places. If it

2 was Nantucket, Rhode Island where it's 45, I
3 would have been going over the speed limit. To
4 put it into context, what is the required
5 stopping sight distance for that road, which has
6 to do with a number of things, one of which is
7 the design speed which is usually set above the
8 speed limit, and the grades can also have an
9 effect on that.

10 Now, the only one that's probably
11 anywhere near being an issue is the 257 sight
12 distance. What I would like to see is some more
13 information on that. I will provide the Board
14 with an example. This example shows both an
15 overview of the sight distances as well as a side
16 view. You can see not only what the sight
17 distances are but you can see some of the numbers
18 that go into calculating them, the height of the
19 driver being 3.5 feet. This information is to
20 make sure that the sight distances were correctly
21 evaluated. This plan does not have the speed and
22 it does not have some of the other information
23 that's needed because it was in a separate
24 report. I just want to provide this for the
25 Board and hope that the Board will ask for, at

2 least on that one sight distance, additional
3 information to make sure that it was calculated
4 correctly and that it is appropriate. Thank you
5 very much.

6 CHAIRMAN BRAND: Thank you. You can
7 just provide Jen with the materials.

8 MR. GAROFALO: Just because it doesn't
9 meet the sight distance doesn't mean there aren't
10 things you can't do to slightly improve it, or
11 maybe you need a sign. It doesn't mean you
12 should reject an application because of that.
13 Thank you.

14 CHAIRMAN BRAND: Thank you.

15 Any other parties here to speak either
16 for or against the Ridge Road subdivision
17 proposal?

18 (No response.)

19 CHAIRMAN BRAND: I guess we can --
20 should we go through the comments on this?

21 MS. LANZETTA: Sure.

22 CHAIRMAN BRAND: I'd like to have a
23 motion to close the public hearing.

24 MR. TRAPANI: I'll make that motion.

25 CHAIRMAN BRAND: Do I have a second?

2 MR. CLARKE: Second.

3 CHAIRMAN BRAND: All those in favor?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. TRUNCALI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 CHAIRMAN BRAND: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN BRAND: Okay. Pat, do you
14 want to run through your comments for this first?

15 MR. HINES: Sure. Our first comment
16 just acknowledges that the previous subdivision
17 in 2010 created a drainage district. These two
18 lots will be subject to that drainage district.

19 When the lots are consolidated that drainage
20 district does not go away. Ron may have
21 comments. That should be a condition of any
22 approvals.

23 The highway superintendent was out on
24 the site and approved the two driveway locations
25 and requested that the culverts be sized

appropriately. So that's an outstanding comment from our previous comments. We need to see the culvert sizing.

5 Ulster County Health Department
6 approval for the two septic systems is required.

18 That's where our comments are.

19 CHAIRMAN BRAND: Thank you. Ron, did
20 you have anything?

21 MR. BLASS: I echo what Pat said about
22 the overall development plan. You did have that
23 discussion. We did ask for one. It may be no
24 more complex than the eight-lot subdivision that
25 was proposed and approved in 2010. I do recall

2 that the applicant was unwilling to stipulate to
3 a no further subdivision clause in the approval
4 -- condition of the approval which would have
5 locked in the content of the letter of May 7th
6 that there are no plans to further subdivide.

7 With respect to the drainage district,
8 there was a condition of approval that these new
9 lots shall contribute to the drainage district
10 consistent with an assessment established for the
11 drainage district. They'll be covered and
12 contribute to the cost of maintenance and of the
13 drainage facilities.

14 CHAIRMAN BRAND: Thank you.

15 Anything from the Board?

16 MS. LANZETTA: Yeah. First of all, I
17 have a question. I pulled out the 2010 map, Pat.
18 I apologize that I was not at the meeting when
19 this was discussed previously. After I read the
20 minutes and the discussions from the consultants
21 saying that we really needed to take a look at
22 the past maps, I went in and looked over the past
23 maps and what had transpired bringing us to this
24 place now.

25 The 2010 map, all of the requirements

2 for the improvements for the drainage district,
3 have they been put in and approved for the entire
4 subdivision?

5 MR. HINES: They have not. A portion
6 of them -- the improvements that are shown in
7 this area. There is an additional pond that was
8 originally proposed under the eight-lot scenario.
9 It's smack in the middle of this subdivision
10 where it was proposed before.

11 MS. LANZETTA: Right. So that leads me
12 to the laws regarding drainage districts. When a
13 drainage district is set up, the petition says --
14 the petition is to the Town Board. The Town
15 Board is the one who sets up the drainage
16 district. The petition says that the drainage
17 district will be set up in accordance with the
18 map that has been approved. Any changes to that
19 map have to go back before the Town Board and the
20 Town Board has to make the modifications by
21 holding a public hearing so that people can have
22 an opportunity to comment on that. From what I
23 could see, the 2014 modifications consolidated
24 did not take that into account. Nothing was done
25 with the Town Board, you know, to alert them that

2 there had been a change in the drainage district.

3 So now we're to this point where now we
4 have got a whole other application in front of
5 us. This application shows, as Pat said, two
6 lots with a driveway going through where the
7 drainage pond is supposed to be for the original
8 drainage district.

23 So that's my question. How can we make
24 what appears to be a problem, as far as at least
25 relates to the drainage district, how can we pass

2 something that will make it even worse? We're
3 not supposed to make a situation even more -- to
4 be in even more noncompliance.

5 I mean the 2014 judgment by the
6 Planning Board I think had issues, and now we're
7 going to compound that by passing this? I have a
8 problem with this.

9 MR. BLASS: Well, the solution may be
10 to withhold decision on the subdivision pending a
11 reworking of the map plan report for the drainage
12 district, to incorporate the proposed changes
13 that the applicant wishes to make. I believe one
14 of the changes is to do away with the detention
15 pond that was located in the general vicinity of
16 these two new lots. So that would be a process
17 where a revised map plan report was prepared, a
18 petition was signed by the applicant with respect
19 to the revised map plan report, a public hearing
20 was scheduled and the bones of the drainage
21 district are modified by the Town Board. The
22 other people are going to need to be asked to
23 sign petitions because there's two houses there
24 now.

25 MS. LANZETTA: Yes. You know, it's

2 much more complicated than it appears on the
3 surface because, you know, when the drainage
4 district is set up every lot is required to take
5 a responsibility for that drainage district, and
6 people are paying those costs. If I'm one of ten
7 lot owners and I think I'm only paying a tenth of
8 the cost that had been predicted and then all of
9 a sudden it changes to a five-lot subdivision
10 without me even knowing it and now all of a
11 sudden I'm required to pay for double what I was
12 paying before. I mean that's why the law is the
13 law. That's why it's instituted like it is.

14 MR. HINES: And that occurred in 2014
15 on this site. The consolidated lots that are
16 owned by the current applicant, that consolidated
17 lot picked up a proportional share of the
18 drainage district by the number of lots that were
19 reconsolidated. So the existing lots didn't see
20 a change in their tax bills. The consolidated
21 lot was assessed the total value of each of the
22 consolidated lots. It's been going on for four
23 years now.

24 MS. LANZETTA: So they changed, because
25 in the original petition it said that it was

2 going to be equally apportioned.

3 MR. HINES: Correct.

4 MS. LANZETTA: How was that change
5 done?

6 MR. HINES: It was done through your
7 assessor's office, I believe, when the lots were
8 consolidated. We talked about that in 2014, that
9 a portion of the drainage -- in other words, the
10 people that already bought the houses in the
11 district, their bills stayed the same. It was
12 the balance parcel that absorbed those costs and
13 continued to pay their increased percentage based
14 on that lot consolidation.

15 MR. BLASS: The two existing houses
16 each pay one-eighth --

17 MR. HINES: Yes.

18 MR. BLASS: -- and the consolidated lot
19 pays six-eighths.

20 MS. LANZETTA: That's not according to
21 the drainage district that was set up. That's
22 like a little -- that's like a side thing that
23 you guys set up that was put out as a --

24 MR. BLASS: There are a couple changes.
25 One, the improvements identified for drainage for

2 the eight-lot subdivision have not been totally
3 installed.

4 MS. LANZETTA: So technically can I say
5 that those people shouldn't be paying -- could
6 make the case that they shouldn't be paying
7 anything?

8 MR. GALLELA: It's me.

9 MS. LANZETTA: I'm saying the other two
10 lot owners.

11 MR. HINES: The thought process back
12 then was the lots tributary to the pond not
13 constructed were not constructed. These current
14 lots would be tributary. Those are paying for
15 the maintenance of the larger detention facility.

16 MR. BLASS: So the existing homes are
17 paying less actually, --

18 MR. HINES: Than they would have.

19 MR. BLASS: -- because the annual
20 assessment is linked to maintenance of the
21 drainage improvements. To the extent that the
22 scope of drainage improvements is smaller than
23 originally budgeted, then the assessment would be
24 smaller.

25 MS. LANZETTA: But the petition is set

2 on the map and the map was the map of 2010.

3 MR. BLASS: There's a map plan report
4 calling for eight lots and drainage improvements
5 serving eight lots. The drainage improvements
6 designed to serve eight lots have not been fully
7 installed, probably for lack of necessity given
8 the consolidation and the lack of building of the
9 other. But now you have a different situation
10 where you have sort of a creeping subdivision
11 where two new lots are being carved out now --
12 proposed to be carved out now. So it's like a
13 creeping subdivision. It could very well remain
14 a creeping subdivision. Two more lots could be
15 carved out two years from now. So that's why we
16 had the discussion about the overall master plan
17 development for the site given the fact that
18 eight lots were approved for the site in 2010.
19 The overall master plan for development of the
20 site may very well be eight lots.

21 I think the path to take is to withhold
22 decision on the subdivision approval pending
23 reworking of the drainage district at the Town
24 Board.

25 MS. LANZETTA: I'm also concerned about

2 this happening in the future. I'm trying to
3 understand how we can -- if somebody goes through
4 with the process and the improvements are
5 supposed to be put in in order to have a drainage
6 district, which is quite a big deal to set up a
7 drainage district. As Pat said, if you decide
8 that you want to put an end to it, it requires
9 the State to agree to --

10 MR. BLASS: It requires a special act
11 of the State Legislature.

12 MS. LANZETTA: Yeah. These things
13 shouldn't be taken lightly, these drainage
14 districts.

15 MR. BLASS: There's an exception to
16 that rule. If no improvements had been installed
17 for three years, then there's a simpler path to
18 do away with the district.

19 MS. LANZETTA: I know when Amy Hepworth
20 asked the Town to help her dissolve her drainage
21 district there were no improvements and it still
22 required to go to the State and get State
23 approval.

24 MR. BLASS: That might be the one I'm
25 thinking of where there were no improvements at

2 all, three years had past. I don't necessarily
3 think you need State approval.

4 MS. LANZETTA: It did. We had to send
5 it up to the State to get State approval. I mean
6 I know because I was in office and had to shutter
7 that through the State. We needed our State
8 assemblyman to help us.

9 My point is when this is supposed to
10 happen, and let's say -- why doesn't the
11 infrastructure get done?

12 MR. HINES: The answer to that would be
13 that infrastructure should be bondable at the
14 approval. In 2010 it may not have been. In 2018
15 we would most likely require those improvements
16 to have been bonded.

17 MS. LANZETTA: When it's constructed
18 would you be required to go out and make sure
19 that everything was done according to the map?

20 MR. HINES: Yes. We do that now as a
21 matter of course.

22 CHAIRMAN BRAND: That would be part of
23 the Town Board's decision or the Planning Board's
24 decision?

25 MR. HINES: It's kind of a

2 post-approval inspection, similar to what we do
3 on other projects. That becomes a Town
4 improvement. In 2010 this was kind of a
5 residential -- the changes in the regulations
6 were around 2010. That started to require more
7 intensive stormwater, and they have become more
8 onerous now with infrastructure requirements that
9 need to be put in. So these would be bonded
10 today, and there would be an inspection fee
11 collected too. I remember with the Milton Harbor
12 subdivision that process was followed. I don't
13 believe a lot of those houses were constructed.
14 Milton Turnpike and, is it Milton Cross Road or
15 -- the Geiger subdivision had a subdivision where
16 those improvements were bonded in 2012. They put
17 in -- only a couple houses were built and there
18 were inspections. I think we've refined the
19 process. This will happen as we move through the
20 regulations that become more stringent.

21 The ordinance -- the DEC regulations,
22 as this comes back, as Ron said a creeping
23 subdivision, the MS-4 regulations that the Town
24 is subject to do say it's under a similar
25 development scheme. When the stormwater

2 regulations first came out with the one-acre
3 disturbance we had people coming in and building
4 one lot at a time to stay under one acre and
5 ultimately ended up building twenty lots. The DEC
6 caught on to that. In probably the 2010
7 revisions to the DEC regulations said time out on
8 that. It's the ultimate development scheme, how
9 many are you doing, eight lots or is this three
10 lots total. Some of that has come along since
11 the 2010 era that this was originally approved.

12 MS. LANZETTA: So you say back to me
13 now what you see as the next thing that will
14 happen in regards to the drainage district?

15 MR. HINES: For this subdivision I
16 think you're in a unique situation. One of the
17 things we would need to look at if we were going
18 to require those improvements be built is not
19 really necessary because this has less impervious
20 surface. It would be an exercise to go back
21 through the stormwater reports back then, which I
22 will ask the applicant's representative to do, to
23 come back with a report to determine whether or
24 not they're going to need the stormwater
25 improvements that we have because they were based

2 on X number of houses tributary to an area. How
3 much of that is going to go into this detention
4 facility. It would be quite an engineering
5 exercise to determine if this is under the same
6 "development scheme" and those improvements are
7 required.

8 MR. BLASS: Here's another way to look
9 at it. Unless you have a concept plan of
10 development of the entire parcel, you're never
11 going to know what the design should be for
12 drainage. Now you're just reacting every couple
13 of years to taking property out of mothball and
14 presenting it for subdivision.

15 CHAIRMAN BRAND: So this will go back
16 to the Town Board for a review of the stormwater
17 management plan, and then if he decided in the
18 future to actually develop those two remaining
19 parcels, or three or six or whatever it is, he
20 would then have to go back and modify that again?

21 MR. BLASS: Yeah.

22 MR. HINES: Yes.

23 MR. BLASS: The SEQRA process tells you
24 to ask for a comprehensive plan of development
25 of the property. Until you have that you're

2 never going to be able to design a drainage
3 system. You'll only be reacting as opposed to
4 planning. It's different than taking six lots
5 and consolidating them and reducing the need for
6 drainage improvements by doing that, and
7 splitting up the cost pro rata between the two
8 homeowners at one-eighth each and the owner of
9 the consolidated parcel at six-eighths. So it's
10 different. If there's a potential for further
11 subdivisions in the future, which the applicant
12 wishes to reserve his rights to pursue, you're
13 never going to know what the ultimate drainage
14 plan should be without a concept plan.

15 CHAIRMAN BRAND: Go ahead.

16 MR. GALLELA: I think anybody that has
17 a large piece of property and wishes to subdivide
18 one or two lots, you're basically asking them to
19 do the same full review of everything that's
20 there. That's basically what you're saying.

21 MR. BLASS: What makes this different
22 is that in 2010 there was an eight-lot
23 subdivision presented and approved.

24 MS. LANZETTA: You've already been in
25 for a major subdivision.

2 MR. GALLELA: Correct. Really at that
3 point that was my idea. As I stated in my letter
4 to the Board, the market took a downturn and the
5 lots, they're vacant. I really had no intention
6 of building on them. I actually live on the
7 property. So years passed, ideas changed, and
8 here I am before the Board with one smaller
9 subdivision which is to put two lots in.

10 The drainage issue is there and the
11 first section is built. This section wasn't
12 built because there were no houses there, just
13 the one. The fees remained in place as well as
14 far as maintenance goes.

15 CHAIRMAN BRAND: Does the Town Board
16 determine the possibility of a maximum build out
17 when they do their calculations for that or just
18 look at what's on the table being proposed?

19 MR. BLASS: I don't think it's the Town
20 Board's function to analyze a concept plan of
21 development for the entire parcel. I think
22 that's the Planning Board's function in the
23 context of SEQRA review. Only when that develops
24 can anyone plan what the ultimate drainage should
25 be.

2 I mean the way to negate this entire
3 discussion is to have the applicant stipulate
4 that there will be no further subdivision.

5 MR. GALLELA: I would do that but it's
6 just that I don't want to cut off anything to
7 happen to me in the future. If I was to hand
8 this property down to whoever, or if I chose to
9 sell it, it loses it's value. There's no way
10 this property is ever going to get another eight
11 lots out of it. You may get one or two. I don't
12 think it's cost effective. You have a long
13 driveway just to get into this section of the
14 property. To me it's not feasible to develop
15 further. Things change. Down the road, years
16 from now, whether I'm here or not, I don't want
17 to take away the property's value. I have no
18 intention of coming before the Board and
19 re-subdividing this.

20 MR. TRUNCALI: So Pat, the drainage
21 that was done and the detention ponds that are
22 there, is that adequate to handle these two
23 additional lots?

24 MR. HINES: We don't have that
25 analysis. There may be an ability to modify the

2 existing pond rather than just build the whole
3 new pond. That's something that they would have
4 to take a look at, their engineer.

5 Right now if this was coming in as an
6 independent separate subdivision, they crafted it
7 so it's only disturbing .9 acres, it would be
8 under the threshold for that analysis. In other
9 words, had this not been the same developer and
10 had a couple years passed and someone else came
11 in with this, it probably would not have that
12 review. Again, the regulations say under a
13 similar development scheme. I think this is a
14 similar development scheme.

15 The layout, you know, kind of is
16 suspicious. They're preserving frontage on the
17 road, you know. If it was really only two lots
18 and he had no intention of developing, why not
19 run the lots along the frontage? That would be
20 another way to restrict future development by
21 doing that. We're saving a couple hundred feet
22 on the north end and a couple hundred feet on the
23 south end.

24 MR. GALLELA: The 150 feet on the
25 southern part, that's from the original

2 subdivision. That was for me to use the private
3 road. That's my frontage for me to use the
4 private road which is on the top end of the
5 property. As for the strip of land that's on the
6 northern section now, it's just so the farm
7 tractor can come in and service what's there now
8 on the bank. That's the only reason for that.

9 CHAIRMAN BRAND: So Ron, your
10 recommendation would be to withhold decision for
11 now, to wait for the Town Board to review the
12 wastewater --

13 MR. BLASS: To get a concept plan of
14 development for the entire parcel.

15 CHAIRMAN BRAND: Are we in agreement
16 with that?

17 MR. CLARKE: Well listening to the
18 conversation, I think you could have a stormwater
19 management district of two lots with the
20 stipulation of no further development. Other
21 than that, there's going to be further
22 development at some point down the road. I think
23 they would have to do a full build out. I think
24 those are the two choices you have.

25 MR. BLASS: Yeah.

2 MR. TRAPANI: The parcel where he wants
3 to put the two subdivisions is the highest parcel
4 down there on Ridge Road. It's not a wet
5 district. The district is just south of there.
6 That's why they put the detention pond down
7 there. I took care of the farm. I know it's the
8 driest part of the whole area, where they want to
9 put it. The sight distance is good and there's
10 two entranceways into it. If you were to put a
11 detention pond, retention pond or whatever you
12 want to call it up there, you'd have to pump the
13 water from where the other houses are, down the
14 hole, up the hill to get to that pond. It is a
15 dry area. If that has anything to do with that.
16 The detention ponds they have in a wet district.
17 That is not a wet area.

18 MR. BLASS: I think my recommendation
19 is that you take the existing two-lot subdivision
20 -- the new two-lot subdivision plan and ask the
21 applicant to analyze the maximum yield of
22 additional lots that could result in the future
23 in the absence of a stipulation that there will
24 be no further subdivision. So it's a maximum
25 rule analysis.

2 CHAIRMAN BRAND: And he would present
3 that to the Town Board --

4 MR. BLASS: Yes.

5 CHAIRMAN BRAND: -- for a drainage
6 district?

7 MR. BLASS: Once the maximum yield
8 analysis is done, then you can begin to plan what
9 the drainage improvements should be to service
10 it.

11 CHAIRMAN BRAND: Yes? Is everybody in
12 agreement with that?

13 MR. CLARKE: Yes.

14 MR. TRAPANI: Yes.

15 MS. LANZETTA: Yes.

16 MR. TRUNCALI: Yes.

17 MR. CAUCHI: Yes.

18 MR. LOFARO: Yes.

19 CHAIRMAN BRAND: So I guess we would
20 ask you to do as Ron recommended for us.

21 MR. GALLELA: In lieu of me not
22 agreeing to further subdivide this you want an
23 analysis of the whole parcel?

24 MR. BLASS: A maximum yield analysis.

25 CHAIRMAN BRAND: It sounds like no

2 matter what he would have to go to the Town Board
3 to modify the drainage district.

4 MR. BLASS: Yes. He can't do that
5 because there won't be an actual real
6 modification for them to consider until there's a
7 yield analysis of the balance of the land.

8 CHAIRMAN BRAND: Okay. Do you
9 understand what he's asking you to do?

10 MR. GALLELA: Somewhat. Am I required
11 to design two lots if it meets the drainage?

12 CHAIRMAN BRAND: I think he's saying
13 look at the two lots you have proposed and then
14 try to, if there was future development, see how
15 many lots there could be if somebody else were to
16 develop it, and then present that to the Town
17 Board for modification of the drainage district.

18 MS. LANZETTA: No, no. We need to
19 approve -- we have to give approval of whatever
20 subdivision we decide and then that map will be
21 used for the Board to have a public hearing in
22 order to modify the drainage district.

23 MR. HINES: The applicant's engineer
24 should take a look at the drainage that was put
25 in in the 2010 drainage report, I think it might

2 have been the same guy, I'm not sure, versus the
3 additional impervious surfaces from only the two
4 new lots, not the entire build out, and determine
5 what improvements are necessary to support that
6 and/or what improvements are necessary to support
7 the entire build out. So there's those two
8 options. Without the no further subdivision note
9 there could be other subdivision. We don't have
10 a crystal ball but we know eight seems to work.

11 CHAIRMAN BRAND: That's what I thought
12 Ron said, we would look at that number, eight,
13 and that would determine the drainage necessary.

14 MR. BLASS: That might be the maximum
15 yield.

16 MR. HINES: It's difficult to design a
17 drainage system theoretical maximum yield versus
18 what you're going to do. I think the applicant's
19 engineer should take a look at what's proposed
20 now and potentially what's needed in the future.
21 If you don't build those -- it's not as easy as
22 saying we'll build it for eight and have it work
23 for four or two because then the models don't
24 work, the ponds don't work. The discharge
25 orifices are too big to control the flow rates.

2 There needs to be an analysis of the current
3 proposal versus what was proposed before. If in
4 fact he does come back in to do additional, there
5 would be another additional. Each time it would
6 be changing the drainage district. It's one of
7 the things we've been struggling on since 2010.
8 The applicant feels the pain because he calls
9 every year when he gets his tax bill, why am I
10 still paying for all of these drainage
11 improvements.

12 MR. GALLELA: I feel I'm being held to
13 a different standard. I'm not asking for
14 anything -- there's no requirements -- I'm
15 meeting the requirements for what this
16 application is for. Time has passed. It's a
17 separate application. Are you asking me to
18 design -- you want to see if those two lots meet
19 the drainage requirements now?

20 MR. BLASS: That's part A. Part B is a
21 maximum yield analysis and the drainage
22 improvements necessary to service it. So it's a
23 two-part analysis.

24 MR. HINES: If your engineer wants to
25 call me, I can explain it to him.

2 CHAIRMAN BRAND: Thank you.

3

4 (Time noted: 8:08 p.m.)

5

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

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8

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 28th day of June 2018.

20

21

Michele Conero

22

MICHELLE CONERO

23

24

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

In the Matter of

PARADISE VALLEY ORCHARD

Project No. 18-2005

Peach Lane

Section 95.4; Block 3; Lots 11, 12.1 & 13.1

PUBLIC HEARING - LOT LINE REVISION

Date: June 18, 2018
Time: 8:08 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman

JOEL TRUNCATI

BEN TRAPANT

CINDY LANZETTA

JOSEPH LOFARO

MANNY CAUCHI

STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.

PATRICK HINES

VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

MICHELLE L. CONERO
PMB #276

56 North Plank Road, Suite 1

Newburgh, New York 12550

(845) 541-4163

2 CHAIRMAN BRAND: Next on the agenda,
3 Paradise Valley Orchard, public hearing.

4 MR. TRUNCALI: "Legal notice, lot line
5 revision application. Please take notice a
6 public hearing will be held by the Marlborough
7 Planning Board pursuant to the State
8 Environmental Quality Review Act and the Town of
9 Marlborough Town Code 134-33 on Monday, June 18,
10 2018 for the following application: Paradise
11 Valley Orchards, at the Town Hall, 21 Milton
12 Turnpike, Milton, New York at 7:30 p.m. or as
13 soon thereafter as may be heard. The applicant
14 is seeking approval of a lot line revision for
15 lands located at Peach Lane, Milton, New York,
16 Milton Turnpike, Section 95.4, Block 3, Lots 11,
17 12.1 and 13.1. Any interested parties either for
18 or against this proposal will have an opportunity
19 to be heard at this time. Chris Brand, Chairman,
20 Town of Marlborough Planning Board."

21 MS. BROOKS: Nineteen certified letters
22 were mailed and they have been given to the
23 Planning Board secretary.

24 CHAIRMAN BRAND: How many returned?

25 MS. BROOKS: We always get a listing

2 from the post office because some of them have
3 been received by the people but not accepted yet,
4 or we haven't gotten the green card back. There
5 were about fourteen that had been sent but we
6 don't have green cards for all of them. We
7 printed out the white sheets from the post office
8 on each one of them showing what the disposition
9 is.

10 CHAIRMAN BRAND: Thank you. Did you
11 want to give a brief overview of what's going on
12 for the public hearing?

13 MS. BROOKS: Absolutely. The
14 application before the Board is a consolidation
15 of three individual parcels totalling
16 approximately 106.6 acres of land. Lot number 1,
17 the most northerly parcel with access to Peach
18 Lane, was recently a subject of a two-lot
19 subdivision before this Board. The other two
20 parcels were previously shown on subdivision maps
21 from the early 1900s.

22 We did supply a letter to the Town
23 regarding the properties and structures.
24 According to the letter, parcels 11 and 12.1 have
25 one dry storage barn and one irrigation pump

2 house, and the new property on Peach Lane has no
3 structures.

4 They are agricultural in use and the
5 applicant is interested in consolidating them
6 into one parcel just to reduce the number of tax
7 bills.

8 CHAIRMAN BRAND: Thank you.

9 This is a public hearing. If there are
10 any interested parties to speak for or against,
11 please state your name for the stenographer.

12 MS. PIZZA: I'm Marianne Pizza. My
13 husband and I own the property at 140 Milton
14 Turnpike which adjoins, I believe it's Mr.
15 Albinder.

16 MS. BROOKS: Yes.

17 MS. PIZZA: It adjoins Mr. Albinder's
18 -- some of the properties he owns now and now
19 this property. I would just request, Patti, if
20 you can express to Mr. Albinder that I would
21 appreciate it if whatever contractor he uses to
22 clear the land, if they would not pile dirt, and
23 boulders, and tree trunks on the wall that
24 adjoins our properties.

25 MS. BROOKS: Yeah. That boundary line

2 should stay -- surveyors hate that, too. It's
3 hard to find them.

4 MS. PIZZA: We had a problem with the
5 other orchard he put in a few years ago, which is
6 beautiful. I didn't realize it until later that
7 actually a lot of the debris was actually piled
8 on the wall and actually encroached on our
9 property. It really destroyed the beauty of the
10 age old walls that divide our properties. So I
11 would just request if he can prevent that from
12 happening again on the properties.

13 MS. BROOKS: Particularly since the
14 cross country trail runs along there.

15 MS. PIZZA: Yeah. There are things
16 going on there. We kind of like it to look
17 beautiful. His orchards look beautiful but the
18 wall now no longer looks good.

19 MS. BROOKS: On the new parcel as well,
20 or we're trying to prevent that from happening on
21 the new parcel?

22 MS. PIZZA: It did happen on the parcel
23 that he --

24 MS. BROOKS: With frontage on Milton
25 Turnpike?

2 MS. PIZZA: Yes. That parcel, right.

3 It adjoins us to our west. Yes. Now this
4 property adjoins us --

5 MS. BROOKS: On the north and west.

6 MS. PIZZA: -- on the north and the
7 west. Yes. So I would just -- I'd just like to
8 prevent that from happening again. I'm sure it
9 won't be an issue. I don't think he planned on
10 that happening the first time, but I'd like to
11 make sure it doesn't happen again. Thank you.

12 MS. BROOKS: Thank you.

13 CHAIRMAN BRAND: Anyone else for or
14 against? It's a public hearing.

15 (No response.)

16 CHAIRMAN BRAND: No.

17 All right. I'd like to have a motion
18 to close the public hearing.

19 MR. CAUCHI: I'll make the motion to
20 close the public hearing.

21 CHAIRMAN BRAND: Is there a second?

22 MR. LOFARO: I'll second it.

23 CHAIRMAN BRAND: All those in favor?

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

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: The public hearing is
10 closed.

11 Pat, you have no comments?

12 MR. HINES: We have no outstanding
13 comments. We had previously discussed the
14 agricultural buildings and confirmed with the
15 building inspector's office that there are no
16 additional residential structures. I know Ron has
17 a note on the approval that only one residential
18 structure will be permitted on the consolidated
19 parcels.

20 CHAIRMAN BRAND: Any questions or
21 comments from the Board?

22 (No response.)

23 CHAIRMAN BRAND: No. Okay. You have
24 before you the short environmental form impact
25 assessment as well as the SEQRA negative

2 declaration and notice of determination of
3 non-significance.

4 Jen, would you please poll the Board?

5 MS. FLYNN: Chair Brand?

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Truncali?

8 MR. TRUNCALI: Yes.

9 MS. FLYNN: Member Trapani?

10 MR. TRAPANI: Yes.

11 MS. FLYNN: Member Lanzetta?

12 MS. LANZETTA: Yes.

13 MS. FLYNN: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. FLYNN: Member Cauchi?

16 MR. CAUCHI: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 CHAIRMAN BRAND: You also have before
20 you a resolution of approval by the Town of
21 Marlborough Planning Board for the same project.

22 Jen, would you poll the Board for that?

23 MS. FLYNN: Chair Brand?

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: Member Lanzetta?

2 MS. LANZETTA: Yes.

3 MS. FLYNN: Member Truncali?

4 MR. TRUNCALI: Yes.

5 MS. FLYNN: Member Trapani?

6 MR. TRAPANI: Yes.

7 MS. FLYNN: Member Lofaro?

8 MR. LOFARO: Yes.

9 MS. FLYNN: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. FLYNN: Member Cauchi?

12 MR. CAUCHI: Yes.

13 CHAIRMAN BRAND: So carried.

14 MS. BROOKS: Thank you very much.

15 CHAIRMAN BRAND: Thank you. We're all

16 set.

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

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

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17 set my hand this 28th day of June 2018.

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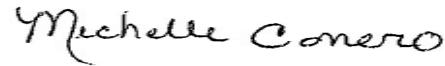
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MICHELLE CONERO

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

In the Matter of

PASCALE/TADDEO

Project No. 18-2006

Pascale Terrace/Cameron Court
Section 109.1; Block 4; Lot 70.340
Section 109.1; Block 1, Lot 48.110

- X

FINAL - LOT LINE REVISION

11 Date: June 18, 2018
12 Time: 8:15 p.m.
13 Place: Town of Marlborough
14 Town Hall
21 Milton Turnpike
Milton, NY 12547

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

22 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

2 CHAIRMAN BRAND: Next up,
3 Pascale/Taddeo, final, lot line.

4 Pat, you had nothing further on this as
5 well; correct?

6 MR. HINES: No. This meets your
7 streamlined lot line ordinance. It's just here
8 for approval tonight.

9 We talked about it at the last meeting.
10 It's the simple transfer of 1.7 acres of property
11 that is contiguous to each other and actually
12 follows generally along the existing stonewall.
13 It makes good sense to put the lot line where it
14 is to follow that stonewall. We don't have any
15 other comments.

16 CHAIRMAN BRAND: Ron?

17 MR. BLASS: I have a Part 2 EAF for
18 you, a negative declaration and a resolution of
19 approval.

20 CHAIRMAN BRAND: Any comments or
21 questions from the Board?

22 (No response.)

23 CHAIRMAN BRAND: All right. We have
24 the short environmental assessment form part 2
25 impact statement as well as the SEQRA negative

2 declaration and notice of determination of
3 non-significance.

4 Jen, would you poll the Board?

5 MS. FLYNN: Chair Brand?

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Truncali?

8 MR. TRUNCALI: Yes.

9 MS. FLYNN: Member Trapani?

10 MR. TRAPANI: Yes.

11 MS. FLYNN: Member Lanzetta?

12 MS. LANZETTA: Yes.

13 MS. FLYNN: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. FLYNN: Member Cauchi?

16 MR. CAUCHI: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 CHAIRMAN BRAND: We also have before
20 you the resolution of approval by the Planning
21 Board.

22 Jen, would you poll us again?

23 MS. FLYNN: Chair Brand?

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: Member Lanzetta?

2 MS. LANZETTA: Yes.

3 MS. FLYNN: Member Truncali?

4 MR. TRUNCALI: Yes.

5 MS. FLYNN: Member Trapani?

6 MR. TRAPANI: Yes.

7 MS. FLYNN: Member Lofaro?

8 MR. LOFARO: Yes.

9 MS. FLYNN: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. FLYNN: Member Cauchi?

12 MR. CAUCHI: Yes.

13 CHAIRMAN BRAND: So carried. You're
14 all set, sir.

15 MR. MESSINA: Thank you.

16

17 (Time noted: 8:17 p.m.)

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

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18

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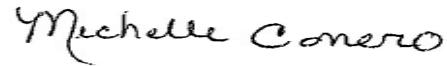
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MICHELLE CONERO

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

In the Matter of

MARLBORO DISTR ROUTE 9 LLC

Project No. 17-1021

1100 Route 9W, Marlboro
Section 108.4; Block 5; Lot 27

FINAL - SITE PLAN

Date: June 18, 2018
Time: 8:17 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman

JOEL TRINCAL

SEE TRONCI
BEN TRABANT

BEN FRANZI
CINDY LANZETTA

CINDI HANDBERG
JOSEPH LOEBBO

JOSEPH E. FARRELL
MANNY CAUCHETIER

MANNI CAUCHI
STEVE CLARKE

STEVE CHARRE

ALSO PRESENT: RONALD BLASS, ESO.

PATRICK HINES

VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

MICHELLE L. CONERO

PMB #276

56 North Plank Road, Suite 1

Newburgh, New York 12550

(845) 541-4163

2 CHAIRMAN BRAND: Next up, Marlboro
3 Distribution Route 9, LLC, final, site plan.

4 MS. BROOKS: Again, we received final
5 approval on this application back on March 19,
6 2018 subject to three conditions. One was New
7 York State Department of Transportation approval,
8 which we have submitted the paperwork for; the
9 second was Ulster County Health Department
10 approval for the septic, which also has been
11 submitted; and the third condition was New York
12 State Department of Environmental Conservation
13 stormwater SPDES permit coverage. The engineer
14 for the project has suggested that generally the
15 stormwater permit is tied to the building permit
16 as it may be some period of time before
17 construction actually begins. We have requested
18 the Board to consider removing that condition --
19 excuse me, revising that condition to be attached
20 to a building permit as opposed to the final site
21 plan approval conditions.

22 CHAIRMAN BRAND: You're strictly
23 referring to the stormwater SPDES?

24 MS. BROOKS: Strictly the stormwater.
25 The other two conditions have been met.

2 CHAIRMAN BRAND: Pat?

3 MR. HINES: I don't necessarily agree
4 with the applicant's engineer but I don't have an
5 issue with putting it at building permit either,
6 as long as no clearing and grading occurs prior
7 to the building permit. I think you can have
8 that permit and put it in your pocket until you
9 grade. The applicant's representative thinks he
10 has to start doing immediate inspections of the
11 site, which is their concern. They don't want to
12 do site inspections on an existing site for how
13 ever long it takes for him to start building. I
14 don't have an issue with it being at building
15 permit as long as there's no clearing and grading
16 of the site which typically would kick off at the
17 building permit.

18 CHAIRMAN BRAND: Ron, do you have
19 anything?

20 MR. BLASS: Right now the condition is
21 New York State DEC stormwater SPDES permit
22 coverage. We could amend that condition to read
23 as follows: By filing a notice of intent for
24 general stormwater SPDES -- a general stormwater
25 SPDES permit for construction not later than the

2 time of building permit. That would kick in the
3 coverage. I think Pat suggested a fourth
4 condition that there be no clearing and grading
5 on the site prior to the building permit. So
6 those are the modifications.

7 CHAIRMAN BRAND: Any discussion or
8 comments from the Board?

9 (No response.)

10 CHAIRMAN BRAND: No. We're good with
11 that?

12 I would like to have a motion to revise
13 the DEC stormwater and the conditions of approval
14 that we gave to say no clearing or grading and
15 revise the SPDES stormwater to be at the building
16 permit. All those in favor?

17 MR. CLARKE: Aye.

18 MR. TRAPANI: Aye.

19 MS. LANZETTA: Aye.

20 MR. TRUNCALI: Aye.

21 MR. CAUCHI: Aye.

22 MR. LOFARO: Aye.

23 CHAIRMAN BRAND: Aye.

24 Any opposed?

25 (No response.)

2 CHAIRMAN BRAND: So carried.

3 MS. BROOKS: Thank you very much.

4

5 (Time noted: 8:20 p.m.)

6

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

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10

11 I, MICHELLE CONERO, a Notary Public
12 for and within the State of New York, do hereby
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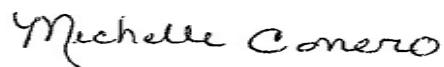
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22

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MICHELLE CONERO