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

In the Matter of

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5 KEVIN & KELLIE CASEY

10 PUBLIC HEARING - SUBDIVISION

11 Date: September 17, 2018
12 Time: 7:30 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 MANNY CAUCHI
 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

MICHELLE L. G.
BMP #276

PMB #276
56 North Blank Road Suite 1

50 North Main Road, Suite
Newburgh, New York 12550

25 Newburgh, New York (845) 541-4163

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, September 17, 2018.
8 Regular meeting 7:30 p.m. Kevin & Kellie Casey,
9 public hearing, subdivision; Marlboro on the
10 Hudson, public hearing, site plan; Twin Pond,
11 preliminary, site plan. Discussion without
12 lawyer, engineer, stenographer, Arapahoe Trail.
13 Next deadline: Friday, September 21st. Next
14 scheduled meeting: Monday, October 1st.

15 CHAIRMAN BRAND: First up, Kevin and
16 Kellie Casey, public hearing, subdivision,
17 134 Idlewild Road.

18 MR. TRUNCALI: "Legal notice,
19 subdivision application. Please take notice a
20 public hearing will be held by the Marlborough
21 Planning Board pursuant to Town of Marlborough
22 Town Code 134-33 on Monday, September 17, 2018,
23 for the following application: Kevin and Kellie
24 Casey, at the Town Hall, 21 Milton Turnpike,
25 Milton, New York at 7:30 p.m. or as soon

2 thereafter as may be heard. The applicant is
3 seeking approval of a two-lot subdivision
4 application for lands located at 134 Idlewild
5 Road, Marlboro, New York, Section 108.3, Block 1,
6 Lot 4.1. Any interested parties either for or
7 against this proposal will have an opportunity to
8 be heard at this time. Chris Brand, Chairman,
9 Town of Marlborough Planning Board."

10 CHAIRMAN BRAND: Patti, did you do the
11 mailings?

12 MS. BROOKS: We sent out fifteen
13 certified letters, we received eleven back, one
14 was returned as undeliverable and the other three
15 we received the letters from the post office
16 proof of service -- attempted service.

17 CHAIRMAN BRAND: Would you like to give
18 a brief overview before we open the public
19 hearing to the public?

20 MS. BROOKS: Absolutely. We have a
21 proposed two-lot subdivision of 9.76 acres of
22 land which is located on both the northerly and
23 southerly sides of Idlewild Road. We're creating
24 a 1.75 acre lot upon which a new single-family
25 dwelling will be constructed.

5 CHAIRMAN BRAND: Great. Thank you.

11 Mr. Garofalo.

12 MR. GAROFALO: James Garofalo. I just
13 want to make one quick comment. As you come out
14 of the driveway it looks like from the map there
15 might be 100 feet until you get to the curve.
16 People driving along the curve in either
17 direction may have some limited sight distance,
18 so I think it might be a good idea to take a
19 close look at that and see if you need a sight
20 line easement across that part of the curve which
21 would protect it from trees or fences or anything
22 else which might obstruct the vision of people
23 coming around that curve or the people coming out
24 of the driveway. Thank you very much.

25 MS. BROOKS: We did have Highway

2 Superintendent Appler review the driveway. He
3 said it was an existing original driveway, and he
4 finds it to be a suitable location as a driveway
5 entrance and exit. Although it is close to the
6 corner, we also have quite an elevation
7 difference. The driveway location is at 670
8 elevation, and by the time you get down around
9 the curve it's down to 660. I think that might
10 aid somewhat as well in increasing the sight
11 distance.

12 We also computed the property line at
13 25 feet off the existing center line of the
14 roadway. If the highway superintendent does need
15 to go in there and clear any trees along the
16 roadway, we have offered that area as being used
17 by the Town as the highway bounds.

18 CHAIRMAN BRAND: Thank you.

19 Any other comments?

20 (No response.)

21 CHAIRMAN BRAND: No. I'd like a motion
22 then to close the public hearing.

23 MR. CAUCHI: I'll make the motion to
24 close the public hearing.

25 CHAIRMAN BRAND: Is there a second?

2 MR. TRUNCALI: I'll second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: All those in favor to
6 close the public hearing?

7 MR. CLARKE: Aye.

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. TRUNCALI: Aye.

11 MR. CAUCHI: Aye.

12 CHAIRMAN BRAND: Aye.

13 Any opposed?

14 (No response.)

15 CHAIRMAN BRAND: So moved.

16 Any comments from the Board, questions?

17 (No response.)

18 CHAIRMAN BRAND: You have before you
19 prepared a SEQRA negative declaration and notice
20 of determination of non-significance.

21 Jen, would you poll the Board?

22 MS. FLYNN: Chair Brand?

23 CHAIRMAN BRAND: Yes.

24 MS. FLYNN: Member Truncali?

25 MR. TRUNCALI: Yes.

2 MS. FLYNN: Member Trapani?

3 MR. TRAPANI: Yes.

4 MS. FLYNN: Member Lanzetta?

5 MS. LANZETTA: Yes.

6 MS. FLYNN: Member Lofaro?

7 CHAIRMAN BRAND: Absent.

8 MS. FLYNN: Member Cauchi?

9 MR. CAUCHI: Yes.

10 MS. FLYNN: Member Clarke?

11 MR. CLARKE: Yes.

12 CHAIRMAN BRAND: You also have before
13 you a resolution of approval by the Town of
14 Marlborough Planning Board for the two-lot
15 subdivision.

16 Jen, would you poll the Board?

17 MS. FLYNN: Chair Brand?

18 CHAIRMAN BRAND: Yes.

19 MS. FLYNN: Member Lanzetta?

20 MS. LANZETTA: Yes.

21 MS. FLYNN: Member Truncali?

22 MR. TRUNCALI: Yes.

23 MS. FLYNN: Member Trapani?

24 MR. TRAPANI: Yes.

25 MS. FLYNN: Member Lofaro?

2 CHAIRMAN BRAND: Absent.

3 MS. FLYNN: Member Clarke?

4 MR. CLARKE: Yes.

5 MS. FLYNN: Member Cauchi?

6 MR. CAUCHI: Yes.

7 CHAIRMAN BRAND: So carried.

8 MS. BROOKS: Thank you very much.

9 MR. BLASS: Did we do a rec fee
10 finding on the subdivision?11 CHAIRMAN BRAND: We did not. We
12 will do that.13 MR. HINES: We have to do a recreation
14 fee finding.15 CHAIRMAN BRAND: I'd like to have a
16 motion to add the recreation fee to the
17 subdivision --

18 MR. CLARKE: I'll so move.

19 MR. TRAPANI: Second.

20 CHAIRMAN BRAND: -- for \$1,500. It was
21 moved and seconded. Any discussion?

22 (No response.)

23 CHAIRMAN BRAND: All those in favor?

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

1 KEVIN & KELLIE CASEY

9

2 MS. LANZETTA: Aye.

3 MR. TRUNCALI: Aye.

4 MR. CAUCHI: Aye.

5 CHAIRMAN BRAND: Aye.

6 Any opposed?

7 (No response.)

8 CHAIRMAN BRAND: So carried. Thank you
9 for reminding me.

10

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

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

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

10

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

11

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

12

IN WITNESS WHEREOF, I have hereunto

set my hand this 24th day of September 2018.

13

14

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Michele Conero

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MICHELLE CONERO

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1 MARLBORO ON HUDSON

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

In the Matter of

5 MARI-BORO ON HUDSON

PUBLIC HEARING - SITE PLAN

11 Date: September 17, 2018
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
16 JOEL TRUNCALI
16 BEN TRAPANI
17 CINDY LANZETTA
17 MANNY CAUCHI
17 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON
MICHAEL MORELLO

2 CHAIRMAN BRAND: Next up, Marlboro on
3 Hudson, public hearing, site plan, Hudson Circle.

4 MR. FETHERSTON: Mr. Chairman, being
5 this is a public hearing, which way would you
6 like me to face the board?

7 CHAIRMAN BRAND: I just kind of set it
8 up back there so we can see and they can see as
9 well.

10 MR. TRUNCALI: "Legal notice, amended
11 special use permit and site plan application.
12 Please take notice a public hearing will be held
13 by the Marlborough Planning Board on Monday,
14 September 17, 2018, for the following
15 application: Marlboro on the Hudson, amended site
16 plan and special permit, at the Town Hall, 21
17 Milton Turnpike, Milton, New York at 7:30 p.m. or
18 as soon thereafter as may be heard. The
19 applicant is asking for an amended special use
20 permit and site plan approval for multiple
21 dwellings on lands located at Hudson Circle,
22 Marlboro, New York, Section 108.12; Block 8; Lot
23 23. Any interested parties either for or against
24 this proposal will have an opportunity to be
25 heard at this time. Chris Brand, Chairman, Town

2 of Marlborough Planning Board."

3 CHAIRMAN BRAND: How many mailings were
4 sent out?

5 MR. FETHERSTON: Forty-four went out,
6 thirty-five were returned signed, two of them
7 were returned no forwarding address. We had a
8 couple of copies then after that.

9 CHAIRMAN BRAND: Would you like to give
10 -- you can give those to the secretary. Would
11 you like to just give a brief overview of what we
12 have?

13 MR. FETHERSTON: Sure. Andrew
14 Fetherston, Maser Consulting.

15 This was approved back in the '05 area
16 for 36 townhomes, a clubhouse, a swimming pool, a
17 roadway network. We had a sewer pump station at
18 that time. We were carrying municipal water
19 through the site. A lot of those improvements
20 have been installed, have been in operation for
21 the 12 units that were built. There's 24
22 remaining to be built.

23 This is an existing map showing the
24 units that have been built in yellow. We
25 highlighted the blue line to show where the water

2 main is right now going. It's servicing those
3 units.

4 It's 6.29 acres. This is South Street,
5 this is Highland Avenue on the west. It's in the
6 R, Residential, District. It had the utilities,
7 as I said, that were built. We did an as-built
8 survey, so this is the topography that's there
9 today. We wanted to check, it had been so long
10 since we had been out there. We did a complete
11 as-built survey, and then to verify where the
12 water main was we did ground penetrating radar to
13 find out where it was so that we could accurately
14 put an easement and dedicate that water line as
15 requested by your town engineer.

16 The remaining pieces to be built are in
17 orange, the 24 units, clubhouse and the swimming
18 pool.

19 We also modified -- I had some
20 conversations with your engineer. The stormwater
21 permit from 2005 is quite a bit different from
22 what it is in 2018. What we did was we --
23 without trying to do too much disturbance out
24 there, we wanted to find a way to provide runoff
25 reduction. That's one of the things that was not

2 required back in, I believe it was the 2003
3 permit is what we were working under at the time.
4 So what we did was we modified these two basins
5 which are there. This one we're going to
6 enlarge. It's slightly undersized so we're
7 enlarging that. This one we're providing kind of
8 a sister basin onto it. The initial basin will
9 be bio-retention, shallow, a mulch bed, filter
10 the stormwater and then it can overflow larger
11 storms into the stormwater basin which is
12 existing. We tried to utilize all of the
13 stormwater pipe that was on the site.

14 The sewer pump station, we went out and
15 we did an inspection to see that it was operating
16 as we had designed it. What's missing there is a
17 generator. An emergency generator for the
18 stormwater pump station needs to be installed.

19 MR. HINES: Sanitary.

20 MR. FETHERSTON: Sanitary. I'm sorry.

21 What did I say?

22 MR. HINES: Stormwater.

23 MR. FETHERSTON: I'm sorry. Sanitary.

24 That's correct.

25 The only change that we're making from

2 the original approval was that on these three
3 buildings, they were approved for two bedrooms
4 apiece. That's what was built in the yellow 12
5 buildings that are there. They were two bedrooms
6 apiece. The applicant is requesting three
7 bedrooms in each of those 24 units. One more
8 bedroom in each unit. We looked to see what the
9 impact would be because we have that existing
10 sewer pump station there. The numbers that we
11 used from DEC manuals at the time in 2003 and '04
12 when we were designing this thing were higher.
13 The flows from each bedroom was higher than what
14 it is today using the 2014 DEC manuals. So we
15 redid a computation. We're showing that using the
16 low flow fixtures, which would be required, we're
17 actually slightly under what flows we projected
18 for the original development when it was all two
19 bedrooms. So we don't see an impact there.

20 We did extensive studies on this site
21 for the original approval because there was
22 nothing like it at the time.

23 What needs to happen is -- the entire
24 roadway system got a base course of pavement.
25 The entire white section of the pavement is what

2 has been built. The two access points off of
3 Highland Avenue and then the one off of South
4 Street, that needs to get all top course. This
5 gray section needs to get full depth pavement and
6 be graded. The grades weren't completed in this
7 area. Some of the basins will need to be reset.

8 There's not a lot left to tell you
9 other than we've received Pat's comments, we've
10 gone through everything, provided response
11 letters to everything. We don't have any issues
12 with any of Pat's comments. Everything that we
13 have shown we think complies with what he was
14 looking for.

15 CHAIRMAN BRAND: Thank you.

16 This is a public hearing. If you're
17 interested either for or against, please just
18 wait until you're recognized, state your name for
19 the stenographer and then speak.

20 MS. BODINE: Suzane Bodine at 10 Anna
21 Place. I can't see the map, I can't see what
22 changed.

23 CHAIRMAN BRAND: Feel free to come up.

24 MS. BODINE: This is my neighbor from 8
25 Anna Place.

2

CHAIRMAN BRAND: You guys can both feel
free to come up and check out the map.

4

MR. HINES: You can only talk one at a
time for the stenographer.

6

MR. FETHERSTON: That's what's there
today. This is without the grading to show
what's going to be there, what's going to be
modified. So the orange are the units that have
not yet been built, the yellows are built. The
pool has not been built. This is one of the
stormwater basins. The topography underneath is
accurate. That's what's there today. We're
greatly expanding that one and greatly expanding
this one.

16

MR. SCHUPNER: What do you mean greatly
expanding that?

18

MR. FETHERSTON: Larger volumes.

19

MR. SCHUPNER: To where?

20

MR. FETHERSTON: Well as shown on this
plan.

22

MR. SCHUPNER: I'm downstream of that.

23

MS. SCHUPNER: Our problem is we live
at the end of Anna Place. We live here. There's
a big storm drain that opens up right about here.

2 All the stormwater is draining down into this
3 little gully between our property and the
4 property at 194 to 200 and some. Noto's own it.
5 This isn't his issue but Noto has dumped an
6 extreme amount of dirt and the dirt has fallen
7 down. What used to be a waterway that ran from
8 Hudson Circle to Church Street is now a stream
9 through our yards causing our property to be
10 unusable. So if you have more people, it's going
11 to be more water. My yard is unusable and my
12 garage is flooded. How are you going to -- what
13 are you going to do?

14 MR. FETHERSTON: I know the drain
15 you're speaking about. There's a catch basin
16 right here that's doing that discharge right
17 there. That's the discharge point. That's
18 actually just getting the road drainage from
19 Highland Avenue. It's not getting anything from
20 the site. The entire site is draining in this
21 direction. We're discharging down by South
22 Street.

23 MS. SCHUPNER: But there is also a
24 gully between the road here and this property and
25 it's all -- it closed. It all closed. There's

2 water that's flowing from this project and the
3 Highland Avenue houses that have been built, and
4 that water flow has been changed and it's
5 destroying our properties.

6 MS. BODINE: Even before.

7 MS. SCHUPNER: Even before the houses
8 were built on Highland Avenue. So this is a
9 major concern of mine.

10 MR. FETHERSTON: We can take a look.
11 We can work with the town engineer to see if
12 there's some remedy that can be derived from our
13 project. That pipe discharges on the adjoining
14 property to the north. We don't have control
15 over that. It is getting the drainage from the
16 road, not from the site.

17 MS. SCHUPNER: Because when we -- this
18 section here and then there's a little walkway
19 and trees right here. Right here is where the
20 pipe comes out.

21 MR. FETHERSTON: That's right.

22 MS. MORIELLO: Excuse me. I'm Mike
23 Moriello, I'm the attorney for the applicant.
24 Andrew, maybe you should mention too
25 that we have to attenuate the flows.

2 MR. FETHERSTON: We've done that. We
3 have done that. We've expanded the basins. The
4 drainage from the site that was originally -- as
5 was originally designed attenuated the peak flows
6 as was required at that time. That part of the
7 permit did not change. The part of the
8 stormwater permit that changed dealt with water
9 quality. That's what we're modifying in here, to
10 provide that water quality volume now. It really
11 doesn't have anything to do with peak flows,
12 though they are still attenuated by the
13 improvements we put in.

14 The water that they're speaking about
15 is down in this area. It's coming from Highland
16 Avenue and it discharges on the property to the
17 north.

18 CHAIRMAN BRAND: Whose pipe is that?

19 MS. BODINE: There's two drains.

20 MR. FETHERSTON: I don't know that.

21 MR. CAUCHI: Is the water discharging
22 from the site or -- where is the pipe?

23 MS. BODINE: The pipe is on the bank
24 where my property meets with the townhouses and
25 Noto. It comes to -- three of us meet and the

2 pipes --

3 MR. CAUCHI: And the pipes are coming
4 from where?5 MS. BODINE: There's two of them. From
6 the bank owned by this property.7 MR. FETHERSTON: The catch basin is
8 located in the right-of-way of Highland Avenue,
9 it's shown right here on my map, and then there's
10 a 24 inch drain pipe that goes down and
11 discharges right here. The outfall of that we
12 picked up as well. We located that on the map as
13 well.14 MR. CLARKE: Where does it go after
15 that?

16 MS. BODINE: To my yard.

17 MS. SCHUPNER: My property.

18 MR. SCHUPNER: Any discharge from that
19 is --20 MR. HINES: Did I hear you say someone
21 changed the grading --

22 MS. SCHUPNER: Yes.

23 MR. HINES: -- as well? Not this
24 project?

25 MS. BODINE: Not this project but the

2 houses that Noto built from 194 and north. I
3 have -- we have pictures. There are hundreds, I
4 mean hundreds and hundreds of dump trucks full of
5 dirt. The dirt has fallen down between the
6 properties where this waterway used to be. The
7 waterway is now deviated. It used to be a stream
8 that just ran from that pipe down to Church
9 Street.

10 MR. SCHUPNER: About 45 feet the silt
11 has actually pushed the stream.

12 MS. SCHUPNER: The stream is now in my
13 backyard.

14 MR. SCHUPNER: It's literally in my
15 lawn which is now a wetland for mosquitos, mice,
16 snakes. This is inside my garage.

17 MS. SCHUPNER: My backyard has been
18 unusable for the last year.

19 MS. LANZETTA: Do you know when the
20 Noto subdivision was?

21 MR. HINES: It was awhile back. The
22 houses were located just along the frontage of
23 Highland Avenue. I'll take a look at it. It
24 doesn't seem like it's this project that caused
25 it.

2 MS. SCHUPNER: This project will
3 exacerbate the problem.

4 MS. BODINE: That problem is still
5 there, even with the drainage from this project.
6 It was still there. Just Noto's has made it far
7 worse.

8 MR. TRUNCALI: Andrew, no water from
9 that northerly catch basin or detention pond
10 drains that way?

11 MR. FETHERSTON: No, it doesn't go that
12 way.

13 MR. TRUNCALI: It goes to the south?

14 MR. FETHERSTON: The outlet is here.
15 That's the outlet.

16 MR. TRUNCALI: Where is it going from
17 there, north or south?

18 MR. FETHERSTON: That's going to go in
19 this direction. That's correct. That is going
20 to go in this direction from this basin. We're
21 enlarging that basin and we've shown that we're
22 not going to provide any increase in peak flow.
23 I can go out with Pat and take a look when he
24 goes.

25 MR. CLARKE: That would be a good idea.

2 This sounds like a pre-existing problem.

3 MR. FETHERSTON: Right.

4 MS. LANZETTA: With these detention
5 sites there shouldn't be anything added to your
6 existing problem. I mean if the engineering and
7 everything is built to the specifications, the
8 whole point is that these places will hold that
9 water and allow it to -- well, that's --

10 MS. BODINE: You're not living in it.

11 MS. LANZETTA: Yeah.

12 MR. CLARKE: That needs to be resolved.

13 MR. TRUNCALI: Andrew, between Anna
14 Place and where the sewer pump station is, is
15 there a pipe there from your site going across
16 there?

17 MR. FETHERSTON: There is right here.

18 There's a pipe right here, yes. I'll go out with
19 Pat and take a look.

20 CHAIRMAN BRAND: So overflow from that
21 detention pond could in theory go into that and
22 then --

23 MR. FETHERSTON: It's going to go in
24 that direction. That's correct.

25 MR. HINES: It's been doing that for

2 decades.

3 MR. TRUNCALI: Have you ever seen water
4 coming out of that pipe or just the one coming
5 down --6 MS. BODINE: Yes. There's two black
7 ones. When it rains real hard it comes out both
8 of those pipes.

9 MR. FETHERSTON: As it's intended to.

10 MS. SCHUPNER: Into my yard.

11 MR. FETHERSTON: I understand that.
12 We'll take a look and see if we can't resolve
13 this.14 MS. SCHUPNER: Where is this wastewater
15 treatment area?16 MR. FETHERSTON: There's no wastewater
17 treatment on the site.18 MS. BODINE: There is an ejector pump
19 in there that's currently there. What it does is
20 it ejects the sewage up Anna Place into the
21 sewer.

22 MR. SCHUPNER: Municipal?

23 MS. BODINE: Yes. It's a municipal.

24 MR. SCHUPNER: There's no fallback
25 just as far as the generator?

2 MR. FETHERSTON: The generator is
3 required. The generator is required.

4 MR. SCHUPNER: Without that that's
5 going to come down my way?

6 MR. FETHERSTON: The generator is
7 required. That I can tell you.

8 CHAIRMAN BRAND: The generator is
9 pumping it uphill.

10 MR. FETHERSTON: Uphill to Anna Place.

11 MS. BODINE: That's the only sewer they
12 have. They didn't have water here. It was this
13 way.

14 CHAIRMAN BRAND: If the generator
15 failed it would come back to your property?

16 MS. BODINE: If it overflowed it would
17 go on mine because it's graded -- there's a berm
18 that's supposed to be there. The way it's graded
19 now, it would go right into my driveway.

20 MR. FETHERSTON: The sanitary sewer
21 works on electricity. The generator is a backup.
22 That's not the main source.

23 MS. BODINE: Now you're adding a whole
24 lot more. And now you want three bedrooms
25 instead of two bedrooms.

2 MR. FETHERSTON: Which we did
3 computations on.

4 MS. BODINE: When this was originally
5 with Mr. Diorio, he told me that it was supposed
6 to be 55 and older, and that changed.

7 MR. FETHERSTON: That had never been
8 part of our approvals whatsoever.

9 CHAIRMAN BRAND: That was not part of
10 the original approval.

11 MS. BODINE: That's what I was told.

12 MR. SCHUPNER: Does he have gutter
13 water going to the storm drains?

14 MR. FETHERSTON: Sure. All of the
15 rooftops would go into the stormwater system,
16 yes.

17 MR. SCHUPNER: That's not going into
18 municipal?

19 MR. FETHERSTON: It all ends up in the
20 municipal stormwater system, yes.

21 MS. BODINE: So what are you going to
22 do about privacy for the homeowners over here,
23 noise levels, now that you're adding -- and the
24 traffic?

25 MR. FETHERSTON: We did thorough

2 studies with the original including traffic.
3 Noise is not thought to be an issue for a
4 residential development as this. We have a full
5 landscaping plan, lighting plan. All of those
6 have been provided to the municipality.

7 MR. SCHUPNER: This is built to the
8 specs -- I think when we first moved in, how long
9 ago was that? Ten years. It was supposed to be
10 a senior community.

11 MR. FETHERSTON: It was never -- this
12 was never approved as a senior community. If you
13 were told that --

14 MS. SCHUPNER: That's what we were told
15 by our realtor and she was told by Mr. Diorio.

16 MR. SCHUPNER: There's a lot of
17 redundancy built into a senior community that
18 might be absent in this.

19 MR. FETHERSTON: This was never approved
20 for a senior community. This is the first I'm
21 hearing that, to be perfectly honest with you. I
22 was involved with this from the start.

23 MS. BODINE: I don't remember that
24 being --

25 CHAIRMAN BRAND: The existing two

2 bedrooms, from what your representative told us
3 last time, they're the same number of rooms;
4 correct?

5 MR. FETHERSTON: Yes.

6 CHAIRMAN BRAND: It was marketed as two
7 bedrooms with a den space. They're not going to
8 be larger square footage wise, it's just that den
9 is now becoming a bedroom.

10 MR. FETHERSTON: That's right.

11 MS. LANZETTA: Would you like to see
12 the landscaping? Do you want to set it on the
13 table over there? That's the landscaping plan if
14 you want to get an idea of the plantings.

15 CHAIRMAN BRAND: Maybe while they're
16 doing that, are there any other comments from the
17 public?

18 Mr. Garofalo.

19 MR. GAROFALO: James Garofalo. On
20 sheet 3 on your legend you have the depressed
21 curb ADA ramps as identified as HC and on the
22 plans I think you're showing them as DC.

23 I also wanted to know whether there's a
24 depressed curb opposite the existing buildings,
25 because on that sheet it didn't show any but it

2 might be an existing condition. Is there one?

3 MR. FETHERSTON: We'll have to look.

4 We'll clarify that.

5 MR. GAROFALO: If there isn't, you're
6 putting reserve parking opposite it. It would
7 make sense that you would have a depressed curb
8 there for people to enter those buildings.

9 MR. FETHERSTON: Okay. We'll look at
10 that.

11 CHAIRMAN BRAND: Anything else, Mr.
12 Garofalo?

13 MR. GAROFALO: I'm not sure if the
14 landscaping plan shows native species of trees or
15 not. If it doesn't, that should be identified on
16 the plan because it's the Planning Board's -- one
17 of the things they're supposed to do is look at
18 that particular item to make sure that there's a
19 sufficient amount. Thank you.

20 CHAIRMAN BRAND: Thank you.

21 Yes, sir.

22 MR. BROOKS: Dan Brooks, I live on the
23 corner of Highland and South.

24 Going back to that, Mr. Diorio is a
25 friend of mine, I spoke to him many times about

2 this project. The reason he went with two
3 bedrooms is because he truly wanted to have it 55
4 and older people. Not market it but desirable.
5 As a matter of fact, he quoted he was willing to
6 or may have elevators in a couple of current
7 units because of that. That was something he
8 had. The local families, we always got together
9 in that area and had our meetings. He actually
10 attended it and we had our own meetings. He
11 wanted to get all the neighbors. Like I spoke to
12 Jim Bello, I spoke to the project manager that's
13 there, I spoke to him a couple times about this
14 project and he's very willing to work with us
15 also, which is a good thing.

16 Going back to the three bedrooms versus
17 the two bedrooms, and maybe Pat Hines can answer
18 this, I think there was a formula in the amount
19 of parking spaces that would be increased with
20 three bedrooms, because obviously you're going to
21 have younger kids or whoever, maybe an Airbnb, I
22 don't know how these leases are, with more
23 parking, more vehicles that may be parked in the
24 parking spots that are currently there. With
25 that being said, have you calculated the

2 vehicles?

3 MR. HINES: Parking is not based on the
4 bedroom count. It's per unit.5 MR. BROOKS: Okay. But logic, more
6 bedrooms, more cars.

7 MR. HINES: There is excess parking.

8 MR. FETHERSTON: Can I respond to that?
9 By the Town's computations we have on the plan 54
10 spaces are required. We're showing 116 spaces.
11 We counted garage spaces, we counted the
12 driveways, we counted the parking spaces that are
13 around the site. There is more than enough
14 parking on the site.15 MR. BROOKS: I also spoke to a lot of
16 neighbors in the area and one of their questions
17 is how much are the units going to sell for?18 MR. FETHERSTON: I'm the engineer. I
19 can't answer that.

20 MR. BROOKS: You can't answer that?

21 MR. FETHERSTON: No.

22 MR. BROOKS: All right. Another thing
23 is too, landscape in that corner. I live right
24 on the corner of Highland and South. I'm looking
25 at -- if you look on the Highland Avenue side,

2 that's a bare slate hill and there's no
3 landscaping there whatsoever. I thought the
4 gentleman -- I just want to clarify with the Town
5 that he's willing to do something with that slate
6 hill because, let's face it, that's part of the
7 rail trail, the wine trail. I mean weekends we
8 have a lot of people come from Jersey and New
9 York. It looks like garbage in that corner,
10 really, compared to the neighbors.

11 MR. FETHERSTON: It's incomplete
12 construction. I agree with you.

13 MR. BROOKS: I mean there's nothing on
14 the original plans. We've thrown out some ideas.
15 One of the questions he brought up is what can we
16 actually do there. I believe there's a certain
17 amount of feet from the center of the road that
18 we can't really touch because it's maintained by
19 the Town. Is that true?

20 MR. FETHERSTON: Sure. I mean the
21 width of the right-of-way which goes up the bank
22 which is down in that location. South Street and
23 Highland Avenue, as the Board is aware, is quite
24 depressed in that area and the site raises rather
25 rapidly in that area. I'm looking at my numbers

2 here. 371 elevation on the top of the hill, 361
3 at the intersection. We're showing on the
4 landscape plan what's missing from the original
5 landscaping. Some of the landscaping was put in
6 with the original 12 units that were installed.
7 What we're showing is supplemental landscaping to
8 bring it up to what it was supposed to be with
9 the original layout in quantity of plants and in
10 location. There's a row of pine trees that are
11 existing here that are quite mature now. They're
12 all over the site when we were preparing these
13 plans. We're also proposing to wrap around the
14 corner, so that should also help with headlights
15 that are on our roadway. We have provided the --

16 MR. BROOKS: But the actual slate hill
17 there, where would you have -- what do you plan
18 to do with that? Keep it the way it is with
19 weeds and --

20 MR. FETHERSTON: No. That was supposed
21 to be landscape grass.

22 MR. BROOKS: Grass on a cliff?

23 MR. FETHERSTON: Well on this side of
24 the hill.

25 MR. BROOKS: No, no. The other side.

2

MR. FETHERSTON: On this side it's too
steep to mow. It's going to be natural.

4

MR. BROOKS: What are you guys going to
do with it?

6

MR. FETHERSTON: There's nothing
proposed right there. It supposed to remain.

8

MR. HINES: The steep portion is
actually in the Town right-of-way, it's not on
their property.

11

MR. FETHERSTON: We can't touch it.

12

MR. HINES: That really steep bank is
actually in the town right-of-way.

14

MR. BROOKS: Nothing can be done with
that?

16

MR. HINES: They're landscaping within
their property above that. The really steep
grade there at the intersection is not on their
property. They may want to, as a marketing --

20

MR. BROOKS: Quite frankly, the Town
could beautify it, you know what I mean. You're
going to have -- I assume they're going to sell
for 300, maybe 325. Like you've got a lot of
people from the city and Jersey coming through
there. The first impression is the only

2 impression. That's a main thoroughfare for all
3 the commuters that come through there.

4 MR. HINES: We can talk to the highway
5 superintendent and see if they can work out
6 something with the developer.

7 MR. BROOKS: He said he will.

8 MR. HINES: He didn't know where his
9 property line was.

10 MR. BROOKS: He didn't know what he can
11 or can't do on that.

12 Is there going to be natural gas or oil
13 to these units?

14 MR. RUSSO: There's no natural gas
15 there.

16 MR. BROOKS: There is oil?

17 MR. RUSSO: Propane.

18 MR. BROOKS: Okay. Now, here is the
19 other thing. I remember I had a discussion with
20 Larry Diorio, two bedrooms, three bedrooms.
21 Obviously it's going to bring more kids in the
22 area. I'm sure there's going to be very little
23 effect on the schools. I know, I have a condo
24 down in Florida and once you get the younger kids
25 coming in, there ain't no place to play

2 basketball. They have their own basketball
3 courts which is against the rules and regs. What
4 do you have to offer for kids? Do you have a
5 swimming pool, a game room of some sort? What do
6 you have? I know the school is around the
7 corner. I think even now there's a couple
8 basketball courts the kids brought in. They have
9 to be active. I'm not against it. It looks kind
10 of out of place.

11 MR. FETHERSTON: There is the swimming
12 pool and the clubhouse. The clubhouse is yet to
13 be designed and what amenities will be inside the
14 clubhouse. Like every other residential property
15 that's developed in the Town and in all the
16 municipalities in the surrounding area, if you
17 can not provide recreation on the site,
18 recreation fees are paid by the developer to the
19 Town to supplement what's here. So that was done
20 back in the approval stage.

21 MR. BROOKS: Right. But realistically,
22 you know, drive to the nearest court which is the
23 high school over here.

24 That brings the other question. Going
25 back to are these townhouses or condos?

2 MR. FETHERSTON: They're condominium
3 townhouse style.

4 MR. BROOKS: You're using two words.

5 MR. MORIELLO: My understanding -- Mike
6 Moriello again. My understanding is that they
7 are condominiums in a townhouse style build.

8 MR. BROOKS: So legally they're taxed
9 as condominiums?

10 MR. MORIELLO: Yes. That would be
11 correct.

12 MR. BROOKS: How is the tax different?

13 MR. MORIELLO: If this was a townhouse
14 development it would require a subdivision plan.
15 It would require an actual subdivision plan.
16 It's not townhouses.

17 MR. BROOKS: So it's a -- are condos
18 taxed differently than townhouses in this Town?

19 MR. MORIELLO: That I don't know. I do
20 know the taxes are not relevant really with
21 respect to the Planning Board.

22 MR. BROOKS: The way the property is
23 kept, too. The maintenance fees take care of all
24 the property?

25 MR. MORIELLO: They'll have a

2 homeowners association and they'll have common
3 ownership of property too. That's regulated by
4 the Attorney General of the State of New York.
5 There will have to be an offering plan as part of
6 this, which I believe the law firm Couch, White
7 is providing.

8 MR. BROOKS: All right. Thank you for
9 answering my questions.

10 CHAIRMAN BRAND: Mr. Garofalo.

11 MR. GAROFALO: James Garofalo. I just
12 want to respond to the comment about Airbnb. One
13 of the things that when you have a homeowners
14 association, those are the people who are going
15 to object the most about that kind of use, legal
16 or illegal, that would be done on the property.
17 I think there's probably even a less chance that
18 someone would try to get away with that in a
19 situation like this where people are living so
20 close to one another and knowing exactly who is
21 coming and going. The Town's already dealt with
22 this issue on another project, so I think the
23 Town is familiar with this kind of use. I think
24 this is the kind of situation that would be least
25 likely to see that kind of use sneak in. Thank

2 you.

3 CHAIRMAN BRAND: Thank you.

4 Anything else? Yes.

5 MS. BODINE: Why is this being finished
6 now and not years ago?7 MR. MORIELLO: As happened with a lot
8 of my clients over the years, I suspect it has
9 something to do with the economy. You know,
10 there was a severe downturn. I think this was
11 approved originally in 2005. For whatever reason
12 units were built and then it was held in
13 abeyance until now. I would surmise that it's
14 the economy.15 MS. BODINE: So the shareholders have
16 the funds to build all this now?

17 MR. MORIELLO: Yes.

18 MS. BODINE: Right now the people
19 living there own their unit but that's it?
20 There's no association right now; correct?21 MR. MORIELLO: I don't believe that
22 there is. I think that offering plan --23 MS. BODINE: No, because it has to be
24 finished to have an association.

25 MR. MORIELLO: That's correct. I don't

2 think there is an association on file.

3 MR. BROOKS: I think this was a big
4 gripe a lot of neighbors had in that area, is hey
5 look, we understand the economy, we get it. You
6 started up two or three, whatever it is, and then
7 boom just dropped it. There was a discussion
8 back then that any other projects that are to be
9 built, that it perhaps would be a better idea
10 just to keep it or just landscape it and make it
11 look good at least, put the roads in and then put
12 the houses, not the houses or condos and then in
13 this case, quite frankly, all the neighborhood
14 looks like a piece of crap sitting there. At
15 least if it was landscaped it would look good.
16 That's something for the Planning Board to take
17 into consideration because you have other
18 projects going up. Hey, it turns south in twelve
19 months and we're in the same predicament. Then
20 you have two or three other projects like this
21 half made, half done. At least if the
22 landscaping and they did the curbing and roads
23 and everything like that, the infrastructure,
24 water and sewer, which is another thing because a
25 lot of people want the sewer to be extended.

2 Going back to the sewer. When they put
3 it in you guys had an alarm, a red light, a fire
4 truck light that would go off every weekend when
5 the sewer thing was filled, and nobody was there
6 to respond and they disconnected that. Is that
7 still there? I know you're going to have the
8 back-up generator. When there's a problem and I
9 would hear it, Ray would hear it, gosh we have to
10 call to turn it off, where are they? In Florida.

11 MR. FETHERSTON: An alarm and a light
12 will be on the pump station. It needs to be on
13 there.

14 MR. BROOKS: It's annoying. I don't
15 think there's any regs that say look, whoever
16 owns it has to take responsibility and don't let
17 it blare all night. It's a very loud alarm.
18 It's very annoying.

19 MR. FETHERSTON: It's not meant to be a
20 distraction. It's meant to be an alarm. It is
21 meant to be an alarm.

22 MR. CLARKE: Who is responsible for
23 that?

24 MR. FETHERSTON: The owner.

25 MR. HINES: Eventually, once the

2 project is done, the homeowners association will
3 be responsible for it.

4 MR. CLARKE: At this point the owner
5 owns two-thirds of the homeowners association, so
6 he's in control.

7 MR. HINES: There isn't an association.
8 I think there has to be a certain percentage
9 before it's formed.

10 CHAIRMAN BRAND: Is the plan to have a
11 maintenance company or will it be run on --

12 MR. FETHERSTON: He would have to,
13 yeah. He would have to. It would have to be
14 professionally maintained certainly.

15 MR. BROOKS: I don't think - I think if
16 a house alarm goes off there's certain fines that
17 are levied against the homeowner. Maybe the Town
18 should decide to do something like that. There's
19 nothing enforcing this and here we are, 1, 2, 3
20 o'clock in the morning and I have to listen to
21 this thing. Larry said at one point we're going
22 to disconnect it because a lot of neighbors
23 complained about it. I think everybody forgot
24 about it because he disconnected that thing after
25 the first year. I mean it's good to have but

2 it's a real pain in the you know what.

3 MR. CLARKE: There should be a call
4 device that someone has to respond to it within a
5 period of time. There should be a telephone
6 hooked up with a dedicated number that goes to
7 somebody.

8 MR. FETHERSTON: That's frequently done
9 with many systems today.

10 MR. CLARKE: That should be the way to
11 go.

12 CHAIRMAN BRAND: Mr. Garofalo.

13 MR. GAROFALO: James Garofalo. I guess
14 one of the things the other gentleman was
15 bringing up was a question of a construction
16 bond. Was there a construction bond put up for
17 this when it failed to complete and what happened
18 to that construction bond, and then is there
19 going to be another construction bond required
20 for this and other projects? Thank you.

21 MR. MORIELLO: I mean as far as bonding
22 goes, from a legal standpoint, most times, I'm
23 not going to say all times, but most times
24 private improvements aren't bonded. Public
25 improvements have to be bonded but private

2 improvements don't require bonding. Sometimes
3 they are bonded but that's not a requirement,
4 that law, to bond private improvements.

5 CHAIRMAN BRAND: Mr. Gerentine.

6 MR. GERENTINE: Richard Gerentine. I'm
7 a resident of the Town and also a developer of a
8 couple projects in the Town. I disagree with you
9 having your own recreation. You still have to
10 incur recreation fees unless the rules have
11 changed since I built. I spent over \$250,000 in
12 recreation fees. I hope that rule hasn't
13 changed.

14 Overall this project here has been a
15 project going on since 2004. I live right up the
16 street from it. I have no problem with the
17 intent of the project. Some people have concerns
18 from what I'm hearing tonight.

19 The attorney said the Attorney General.
20 With respect to this project, since you have
21 offered the project you have to go back and get
22 it amended.

23 MR. MORIELLO: I don't know what
24 exactly Couch, White is doing. I just know that
25 they are handling things with the AG's office. I

2 don't do offering plans. CPS letters I do, not
3 offering plans. It's a real specialty.

4 MR. GERENTINE: There again, I think
5 you changed the scope of the project going from
6 two bedrooms to three bedrooms in many different
7 ways regarding the amount of people living there,
8 the influx on the school district and I think the
9 prospective plans. It has to be addressed with
10 the Attorney General to make sure it gets done
11 properly in that regard.

12 Like I said, I'm a developer.
13 Fortunately if I say I'm going to do something, I
14 follow through and get it done. Sometimes people
15 aren't able to do something for a certain reason,
16 economy, lack of funds, whatever the case would
17 be. I would suggest again, and I mentioned it
18 before to the Town Board and Planning Board, and
19 I know regarding as a developer, but I think he
20 should have some kind of way to proceed with the
21 plans they have, some way to finish those plans
22 in some way, shape or form, if not finish the
23 project itself for the aesthetics of the project,
24 the project itself so it doesn't look like a land
25 mined for ten years in that area and all of a

2 sudden let's come back and restart it and redo
3 everything over again. I think that should be
4 looked at. Maybe you can't with this particular
5 project but for future projects that might be
6 something you might want to consider for future
7 projects. I think it has to be addressed.

8 I'm not an attorney, I don't pretend to
9 be. I think with the Attorney General you have
10 to address that to make sure what you say you're
11 going to do, you follow through. You've had very
12 substantial changes from two to three bedrooms.

13 I have no problem with the project. If
14 the project is done correctly it would be an
15 asset to the Town. There again, if it's done
16 correctly. I'm saying all that. You have a lot
17 to develop. Good luck.

18 CHAIRMAN BRAND: Thank you.

19 Mr. Garofalo.

20 MR. GAROFALO: I'm not for or against
21 this project. It probably will be good for the
22 Town.

23 I do have one additional question, and
24 that is the existing units, will those also be
25 converted to three bedrooms or is this only for

2

the new units that are being constructed?

3

MR. FETHERSTON: The new units.

4

MR. GAROFALO: Thank you.

5

CHAIRMAN BRAND: Anything else from the
public on this project?

7

MS. BODINE: We just really want to
make sure that the sewer and the drainage is
taken care of. We're not -- no one is against
progress. Going from two bedrooms to three
bedrooms, I think that's a little much. We're a
dead end. You know, a quiet street. Now with
the added -- the duplex there and God only knows
what you're going to build again, it's just too
much congestion, too much noise. Leaving it to
two, I feel that that's better.

17

When you do these projects you really
have to think about the people who live in the
community and what's surrounding. That's why you
send letters out. That's why we're here, because
we have just as much right as everybody else to
live a nice, quiet, peaceful existence without a
flood in our yards.

24

CHAIRMAN BRAND: Thank you.

25

MS. BODINE: That's it.

2

CHAIRMAN BRAND: Anything else?

3

(No response.)

4

5

CHAIRMAN BRAND: No. I'd like a motion to close the -- yes?

6

7

MR. SCHUPNER: I don't have a lot of time. I have to step out of here rather quickly.

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I'm not familiar with the process of how to follow up with the Board or anything like that. Even this pending rainfall tonight, tomorrow from the storm is going to be catastrophic for my property. I have to follow up with someone on this. I've got -- right now as far as my job entails me to leave and go take care of somebody. Who and how or how and who do I follow up with about this? This rainfall alone from the silt that builds up in my yard is going to be catastrophic for me. What do I do?

CHAIRMAN BRAND: I think the two

engineers stated they were going to go out and go on site and hopefully come up with some type of solution that works for everybody.

MR. SCHUPNER: How do I contact them?

CHAIRMAN BRAND: You can contact the

Planning Board office. Jen Flynn is the

2 secretary there. That's how you do that. Also I
3 would keep an eye on the agenda. If you see this
4 come up on the agenda again, you probably might
5 want to attend the meetings to see how the
6 project is progressing.

7 MR. SCHUPNER: I concur with my
8 neighbor. We have adjoining properties and even
9 the slight rainfall or moderate rainfall that's
10 going to come is going to be catastrophic to my
11 property.

12 CHAIRMAN BRAND: Hopefully they come up
13 with something to resolve that situation.

14 MR. SCHUPNER: Thank you.

15 CHAIRMAN BRAND: Mr. Brooks?

16 MR. BROOKS: One more time about the
17 two versus three bedrooms. Like Mr. Gerentine
18 had said, how will we know what was the outcome
19 of that? Is there any possibility of you telling
20 them no, you said two, only two, you can't go
21 three, now the whole process has to be prolonged
22 or whatever? How do we know as neighbors? We
23 follow this and it took me by surprise being
24 three. How do we know if it's going to be two or
25 three -- two or three bedrooms per unit?

2 MR. FETHERSTON: We're asking for
3 three. It's the Board's --

4 MR. BROOKS: The Attorney General, do
5 they have a say about it?

6 MR. FETHERSTON: That's after approval.

7 MR. CAUCHI: You're converting them all
8 to three units; right?

9 MR. FETHERSTON: No. There's people
10 living in them.

11 MR. CAUCHI: The new ones?

12 MR. FETHERSTON: Just the new ones.

13 Correct.

14 MR. CAUCHI: I need to understand. Are
15 you going to build this all -- what's the intent?
16 All at one time, all 24 units, are you going to
17 do it in phases until you sell them and keep
18 going?

19 MR. RUSSO: One building at a time.

20 MR. HINES: You'd have to build all
21 eight units in the building. It will be eight at
22 a time.

23 MR. CAUCHI: It's going to be phased
24 out?

25 MR. HINES: Three buildings times

2 eight.

3 MR. CAUCHI: Do we know the time span?

4 Ten years, five years?

5 MR. RUSSO: It's a function of the
6 market. It's to be built as quickly as the
7 market will allow us. I know it's a vague
8 answer.9 Additionally, you keep talking two
10 bedrooms. The units that are there now were
11 approved with two bedrooms and a den. The square
12 footage, nothing has changing other than the den
13 is going to be made into a third bedroom. It's
14 still -- whether it's a two bedroom or three
15 bedroom, it's still three individual rooms.16 CHAIRMAN BRAND: I have to assume some
17 of the existing ones, that those dens are being
18 used as a bedroom today.19 MR. RUSSO: I just want to clarify.
20 You keep saying two bedrooms. We're not adding a
21 third --22 MR. BROOKS: I understand that. From
23 day one this project was set up as two bedrooms.
24 You know, most of my neighbors aren't here. I'll
25 go back to them tomorrow, what do you mean three

2 bedrooms, it was approved for only two and not
3 three. That means more cars, more people, more
4 kids. Larry -- originally they were supposed to
5 put six or seven homes there. Now the whole
6 thing -- we were in here, I don't know how many
7 months going back and forth on it. The whole
8 thing is, in my opinion, a big change. How do we
9 know whether the Planning Board is going to say
10 yeah, go ahead tonight with three bedrooms? Is
11 that your position right now, the whole Planning
12 Board? Are you going to say yes?

13 CHAIRMAN BRAND: They're a long way
14 from approval at this point, Mr. Brooks.

15 MR. BROOKS: I can't hear you.

16 CHAIRMAN BRAND: They're a long way
17 away from approval at this point.

18 MR. BROOKS: I mean if there is more
19 debate and it goes back will there be another
20 public hearing so they can hear what we have to
21 say? I know I talk to my neighbors and it's
22 supposed to be three, that we should have been
23 here. They'll be probably yelling and screaming
24 about it.

25 I'm not against the project at all.

2 Whatever you guys are going to do will be a lot
3 better than it is. I think, going back to our
4 discussions earlier with Larry Diorio who really
5 worked with us neighbors, and that was his
6 commitment to us. Now all of a sudden, you know,
7 it's going against his wishes. I mean, you know,
8 I think against the neighbors' wishes too. I'm
9 speaking for myself.

10 So at this point in time I take it the
11 Planning Board is going to say yup, they can do
12 three bedrooms?

13 CHAIRMAN BRAND: As I said, we're not
14 making any final determinations tonight.

15 MR. BROOKS: Will you let us know when
16 you're going to make a determination? In other
17 words, why don't you keep the public hearing open
18 until we find out what the resolution is, two or
19 three? That's my request.

20 MR. MORIELLO: There isn't really a
21 solution. There's three bedrooms planned and
22 that's not going to be a negative -- I don't
23 think it's a negative effect on anything.

24 MR. BROOKS: You don't understand, you
25 don't live across from this project. We do.

2 MR. MORIELLO: I think you have to look
3 at it in terms of where it will be analyzed under
4 site plan or special use permit review, and
5 that's -- the Board is confined to that review.
6 They have to look at it from the standpoint of if
7 they want to say under site plan, for instance,
8 what's the difference between two bedrooms and
9 three bedrooms, that's a legitimate question to
10 ask. In terms of -- I mean I do a lot of multi-
11 family projects. In terms of school children,
12 for instance, it's going to be de minimus. It's
13 going to be a very, very small change.

14 MR. BROOKS: I know that. What I'm
15 saying is --

16 MR. MORIELLO: I mean the traffic level
17 right now, if I remember right, for two -- for
18 the project that's two bedrooms was --

19 MR. BROOKS: I'm just asking a request
20 to keep it open and have more people come down to
21 hear this because I think it's a big change. I
22 think if we have a thousand unit condominium
23 going from three to four bedrooms it would be a
24 big hoopla.

25 CHAIRMAN BRAND: Does the Board have an

2 objection to keeping it -- we can adjourn it for
3 this evening -- to keep it open until the next
4 time?

5 MS. LANZETTA: The public hearing?

6 CHAIRMAN BRAND: The public hearing.

7 MR. CLARKE: That's fine.

8 MR. CAUCHI: Keep it open.

9 CHAIRMAN BRAND: We can adjourn it this
10 evening and reopen the public hearing when they
11 reappear again.

12 MR. HINES: You have to pick a date.

13 CHAIRMAN BRAND: Right. We will.

14 Are you okay with that?

15 MR. CAUCHI: Discussing two bedrooms,
16 three bedrooms?

17 CHAIRMAN BRAND: Right. It would be up
18 to probably the developer, and after our
19 comments, and Pat's comments, and Ron's comments.

20 In theory are we open to the idea of
21 keeping the public hearing open is my question?

22 MR. TRAPANI: Yes.

23 MR. CLARKE: Yes.

24 MR. CAUCHI: Yes.

25 MR. TRUNCALI: I would leave it open

2 for written comment.

3 MR. FETHERSTON: Mr. Chairman, we did
4 receive comments from County Planning. We did
5 receive Pat Hines' comments to which we
6 responded. We're not expecting any additional
7 comments. I can understand you want to keep it
8 open from the comments received this evening. I
9 can say tomorrow is the day. Tomorrow is the day
10 we're going to get a good rainstorm. I'll be out
11 there and see what's going on and I'll video
12 that. That's the perfect day for me to go see
13 what's going on. I'll stay on our property and
14 do it but I want to see it.

15 CHAIRMAN BRAND: Okay. Ms. Bodine,
16 would you have a problem with that on your
17 property as well?

18 MS. BODINE: No. You can go right on
19 the property. I've already taken pictures
20 anyway, so you're more than welcome to.

21 MR. FETHERSTON: What's your address?

22 MS. BODINE: It's 10 Anna, and then 8
23 Anna behind me.

24 CHAIRMAN BRAND: Ron, why don't you run
25 through your comments.

2 MR. BLASS: So there is an increase in
3 bedrooms from two bedrooms to three bedrooms, or
4 two bedrooms with a den to three bedrooms. There
5 may be some SEQRA implications under that.
6 I think the project has contractual rights to
7 sewer service from the Town, and maybe water as
8 well. An additional bedroom may push the
9 capacity of use for the units up to the maximum
10 capacity established. That should be looked at.
11 There might be a negligible impact on schools
12 because the baseline is two bedrooms and we're
13 talking about analyzing differentials of a third
14 bedroom. So the base is fixed at two and this
15 will be at three. The impact on the schools
16 might be examined under SEQRA, and also
17 additional traffic.

18 CHAIRMAN BRAND: So that would be my
19 next question. There's been some mailings back
20 and forth between the attorneys. Is it their
21 assertion that a new SEQRA does not have to be
22 completed for this project?

23 MR. BLASS: That's the project's
24 position. Pat and I don't necessarily agree with
25 that. So you could take a look at the impacts

2 related to the third bedroom and require the
3 project to supplement the SEQRA record to analyze
4 those impacts and then make an amended negative
5 declaration or a positive declaration at the end
6 of that.

7 MR. FETHERSTON: We can provide that
8 information very easily to the Board for
9 additional school kids, traffic over what was
10 originally provided . We can provide that.

11 CHAIRMAN BRAND: I'd like to have that.
12 I know you did talk about the impacts to the
13 water and the low flow, how it wasn't above the
14 peak capacity. If you could put that in your
15 findings as well.

16 MR. FETHERSTON: We provided that. We
17 submitted that to the Town, the calculations. We
18 can reiterate that. That's not a problem.

19 CHAIRMAN BRAND: Excellent.

20 MR. MORIELLO: I would clarify, Mr.
21 Chairman. While I don't believe SEQRA has to be
22 revisited, the issues that Ron is bringing up,
23 which I do touch on in my memo, I think are
24 legitimate to bring up under site plan in any
25 event. I think those questions can be asked and

2 answered under site plan. It's the Board
3 prerogative what they want to do with respect to
4 SEQRA.

5 CHAIRMAN BRAND: We can just amend the
6 original SEQRA?

7 MR. BLASS: There's no need to rescind
8 the original declaration, just supplement the
9 SEQRA record and amend it.

10 CHAIRMAN BRAND: Okay.

11 MS. LANZETTA: I'd like to point out
12 that in the original SEQRA, under the impact on
13 land there was a section saying that there would
14 be only one phase of construction and it outlined
15 that single phase. I've heard tonight that there
16 might be phasing. I think we need to be very
17 clear as to what's going to be happening with
18 that property and how those phases could go.

19 I'm also -- I'm very confused about
20 this whole condominium agreement kind of thing.
21 I'd like to see what's on file now, what people
22 who have purchased these properties are signing
23 with the expectation of what they're thinking
24 that they're buying into. One of the things that
25 I'm concerned about is even if we get these

2 buildings done and people are assuming that
3 there's going to be a pool and a clubhouse, I've
4 seen a number of places that those things never
5 materialize. I am concerned about this kind of
6 -- the amenities being an important part of the
7 phasing in and preferably immediate if this is a
8 selling point, because we're here to protect the
9 people who are existing homeowners around the
10 property but we're also here to protect the
11 people that are going to be coming in, our new
12 neighbors. If they are coming in expecting, as I
13 said, these amenities and these things, we need
14 to make sure that those things are going to be
15 there for them.

16 MR. CLARKE: Should that be bonded?

17 MS. LANZETTA: I don't know. I'd like
18 to see something, the condo agreements as they
19 are now and what -- are they being told they're
20 getting this? I don't know. If they are, then
21 perhaps we have to make sure that's one of the
22 first infrastructure improvements that's put in
23 along with the transportation and the roads.

24 MR. HINES: I've seen that done with a
25 limited number of building permits issued prior

2 to the recreational facilities and other
3 amenities being put in. There could be no
4 building permits until, in this case, because the
5 projects already been done. The larger project,
6 improvements have to be in at 4 units of the 100
7 units, so it triggers it. You're not waiting
8 until the end for some developer to -- not saying
9 here -- but cut and run and not do those
10 improvements. There is that mechanism that you
11 could do. There could be no building permits
12 until as a mechanism to do that.

13 The other issue is the people that
14 bought the units, what did they buy into.

15 MS. LANZETTA: That's what I want to
16 know. That's why I'd like to see some kind o --
17 what kind of agreements they have.

18 MR. HINES: I have that comment.

19 MR. CLARKE: It can't be too bad, they
20 didn't come to the public hearing.

21 MR. HINES: I noticed that.

22 MR. MORIELLO: We'll check with Couch,
23 White and see if we can get some kind of a letter
24 from them or something like that. I don't know
25 what stage their offering plan is in.

2 MR. HINES: I had a previous comment
3 similar to this one that the roofs on the houses
4 that are built there and the utilities serving
5 them are outdated and the newer people are buying
6 into a brand new unit and they are also buying
7 into the ten-year old or twelve-year old roofs in
8 the other units. I don't know if they are
9 addressing that. I've seen issues in condo
10 complexes that have been over years time --
11 phased in over years time. That issue needed to
12 be addressed. Sometimes it's done by an
13 underlying separate homeowners association. I
14 just don't know the answer. I think that the
15 people working on that prospective need to take a
16 look at that.

17 CHAIRMAN BRAND: Just to be clear, it
18 is your intention to build all three additional
19 units? You're not thinking of building one and
20 then stopping? The plan is to build all three of
21 these; correct?

22 MR. MORIELLO: That's not our answer.

23 MR. CAUCHI: They're saying they're
24 phasing, build one, rent it, build another one,
25 rent it.

2

3

CHAIRMAN BRAND: Okay. Pat, do you

want to run through the rest of your comments?

4

MR. HINES: The applicant has them.

5

One of our concerns is the water main. That's

6

something that also dropped off the picture here

7

during the construction. They provided us with a

8

new easement. The Town is looking for that

9

actual piping to be dedicated to the Town. It

10

was always the intention. It never did occur.

11

The water main as-built easement has been shown.

12

We just need that water main to be dedicated

13

within that easement so that the Town will have

14

ownership of those pipes. It was always intended

15

to be that way should there been any future

16

extensions. We ran into an issue in the past

17

where a project owned the water mains. So those

18

are always intended to be dedicated.

19

MR. MORIELLO: Ron and Pat, does

20

Marlborough do an offer -- you want an offer of

21

session or just the deed?

22

MR. BLASS: Offer of session would be

23

good.

24

MR. HINES: We would have set the

25

original design differently. In other words, it

2 would have had a master meter on the site. It
3 was always intended to be dedicated as part of
4 the Town's infrastructure.

5 The sanitary pump station and
6 generator, we don't have those plans and details
7 yet.

8 The condominium filing we just
9 discussed.

10 One of the changes to the plans we
11 haven't touched on tonight, the original plan had
12 a bollard type lighting throughout the site,
13 pedestrian scale. They weren't constructed that
14 way. It's standard lighting fixtures put in.
15 They're proposing to use standard LED type
16 lighting fixtures shielded. That is a change
17 from the previous plans. They're matching the
18 existing ones on the site now with the full cut
19 off.

20 MR. FETHERSTON: Member Lanzetta
21 brought that up, the night lighting and the
22 desire to have that. They had existing poles out
23 there that were not on the approved plan. It was
24 bollards. Low lighting was proposed. What we
25 did was we looked at the existing lighting and

2 got the spec on that. Of course that's not
3 manufactured any more. Now everything is LED.
4 What we did was we looked at the heads to match
5 the heads in style and then provide the downward
6 light that's required from every municipality
7 that we work in. That's what we did. The
8 applicant actually got up and got us the spec on
9 the light and we saw we could retrofit it. I
10 think we got that set.

11 MS. LANZETTA: I just want to add that
12 the County didn't have any issues with the
13 lighting plan either.

14 CHAIRMAN BRAND: The County's only
15 suggestion was the rent. The proposed site plan
16 in this case was ten percent or two units are set
17 aside for those families having a median income
18 of 80 to 120 percent of the median household
19 income for the Town. Is that something that you
20 guys are amenable to?

21 MR. MORIELLO: It's supposed to be a
22 market rate project. I mean I have this issue
23 with Dennis periodically, going into areas that
24 aren't Ulster County Planning Board purview.
25 It's not an affordable housing project. To my

2 knowledge I don't know that Marlborough has a
3 requirement for affordable housing.

4 MS. LANZETTA: It's strictly an
5 advisory comment. I agree in this case -- you
6 know, I mean the County just wants us to keep
7 thinking in terms of being more open to workforce
8 housing. Actually Marlborough -- if you look at
9 the housing study that was done for Ulster
10 County, Marlborough is pretty decent in having a
11 variety of housing options right now. They just
12 like to remind us, especially our Planning Board,
13 that that's things that we should be thinking
14 about. That's it.

15 MR. HINES: The only other comment I
16 had, and it's been mentioned here, is the status
17 of the paying of the water and sewer fees. We
18 need to find out if they paid for the initial
19 units and not the entire project. We'll have to
20 do some research on where that is. They were an
21 outside user to the sewer system when they were
22 constructed.

23 CHAIRMAN BRAND: Anything else from the
24 Board?

25 (No response.)

2 CHAIRMAN BRAND: So then we will
3 reschedule you -- if we were to keep the public
4 hearing open; Jen, when would be the next time
5 that that could happen?

6 MS. FLYNN: We have a public hearing on
7 October 1st.

8 CHAIRMAN BRAND: October 1st. Would
9 you guys be ready by then?

10 MR. FETHERSTON: If the Board was
11 looking for the flow reduction, the school kids,
12 the traffic and clarifying that, we could
13 certainly provide those details. The engineering
14 details that Pat is speaking about on the
15 generator, we could clarify the phasing, we could
16 work with the applicant. I think he's -- it's
17 not going to be speculative construction built
18 for a buyer. We don't know that you're not going
19 to have a waiting list and we don't know -- we
20 don't know yet. We could speak about the
21 amenities amongst us and maybe have a response
22 for you on that.

23 MR. MORIELLO: He's asking do you think
24 you'll be ready --

25 MR. FETHERSTON: I think we'll be

2 ready. Yes. I think what's here is not --

3 CHAIRMAN BRAND: October 1st.

4 Do I have a motion to adjourn the
5 public hearing for this evening and we will
6 reconvene on October 1st?

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

8 MR. MORIELLO: Mr. Chairman, are you
9 going to keep the public hearing open for written
10 comments or for --

11 CHAIRMAN BRAND: I think we'll leave it
12 open. That's the motion on the floor.

13 Is there a second for that?

14 MR. CLARKE: I'll second it.

15 CHAIRMAN BRAND: All those in favor?

16 MR. CLARKE: Aye.

17 MR. TRAPANI: Aye.

18 MS. LANZETTA: Aye.

19 MR. TRUNCALI: Aye.

20 MR. CAUCHI: Aye.

21 CHAIRMAN BRAND: Aye.

22 Any opposed?

23 (No response.)

24 CHAIRMAN BRAND: So carried. So the
25 public hearing will remain open.

2 Thank you.

3 MR. FETHERSTON: Thank you.

4 (Time noted: 8:45 p.m.)

5

6

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

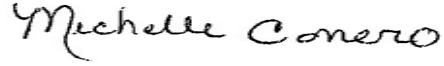
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9

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 24th day of September 2018.

21

22



23

MICHELLE CONERO

24

25

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

In the Matter of

4

5

TWIN POND

6

9

PRELIMINARY - SITE PLAN

11 Date: September 17, 2018
12 Time: 8:45 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 MANNY CAUCHI
 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

22

23 MICHELLE J. CONERO

23 MICHELLE L. CONERO
RMP #276

PMB #276

24 56 North Plank Road, Suite 1
Madison, Wisconsin 53703

Newburgh, New York 12550
(347) 541-4152

25 (845)541-4163

2 CHAIRMAN BRAND: Next up, Twin Pond,
3 preliminary site plan, 155 Mahoney Road, Milton.

4 MS. BROOKS: We did make some
5 revisions. We are continuing forward with the
6 application of Mannese Trucking & Recyclers.

7 Based on comments we had received from
8 the Planning Board and the consultants, we have
9 made some changes to the plan. We did receive
10 comments from Pat Hines. We can go over them if
11 you want or -- I don't think I had any specific
12 questions.

13 Item number 1 with regard to the three-
14 foot diameter culvert, out in the field there's a
15 catch basin on the westerly side of the road.
16 When you go in there with the flashlight and try
17 to measure it it looks like around a 36-inch
18 culvert. When you go across the street and go
19 down in the ditch there's a 2x3 concrete
20 headwall. So I did that with John Riley from
21 DOT. I'm not sure if it breaks somewhere in the
22 middle. I'm not sure if the 36-inch culvert
23 comes all the way across the road and they built
24 a headwall in front of it.

25 MR. HINES: Either way it's going to

2 change the hydraulics. Your engineer will have
3 to figure out what that does. A lot of these
4 comments are on the drainage report.

5 MS. BROOKS: Which I'm not going to be
6 able to -- what I was able to do was run two full
7 size copies which are not readable.

8 MR. HINES: I'm just looking for
9 comments from the DOT be sent to the Board so we
10 know what the status of that is.

11 MS. BROOKS: The last correspondence I
12 have from John Riley at DOT was saying, "I sent
13 the drainage report to the main office for
14 review. In the last correspondence with
15 Willingham he agreed to connect the proposed
16 culvert directly to the existing catch basin on
17 the south side of the driveway. I'll let you
18 know what the outcome is when main office review
19 is complete. Other than that, the proposed
20 commercial entrance looks good. The ADA ramps
21 will need to be called out as well as the curb
22 radius."

23 What I generally have not been
24 submitting to the Town is the highway sheet,
25 which is a totally separate map that we send to

2 DOT, which has the specs for the curbing and
3 the --

4 MR. HINES: That would be helpful.

5 MS. BROOKS: -- all of those details.

6 Actually, I can give you this one as well. I'll
7 make sure that I get a copy to Jen of that.

8 MR. HINES: The rest of those are
9 technical comments.

10 There's an issue with Central Hudson.
11 Were you looking to obtain title to that parcel?

12 MS. BROOKS: Yes.

13 MR. HINES: You'll need the lot line --

14 MS. BROOKS: Deletion, consolidation.

15 Right now Central Hudson has agreed in theory to
16 -- it's going through their real estate division
17 right now. They right now did not have an access
18 way. They're up there working in that
19 right-of-way right now. In fact, they just
20 installed a culvert in there, in the easement
21 area. They're looking for a permanent 25-foot
22 wide access easement through the property so they
23 have as many access points as possible to access.

24 MR. HINES: Is that a condition of the
25 property transfer?

2 MS. BROOKS: Yes.

3 MR. HINES: The other issue for the
4 Planning Board is the screening. They've
5 identified, I think there's a four-foot high pad
6 out there and they are going to put twenty-foot
7 high pallet storage. I think an eight-foot fence
8 has been installed since this process started.

9 CHAIRMAN BRAND: It has.

10 MR. HINES: I don't know how that
11 happened. The Board needs to determine whether
12 that's adequate screening for the outdoor storage
13 based on your code. Your code requires an
14 eight-foot high opaque fence. I don't think it
15 envisions twenty-four foot high storage of
16 pallets. Maybe the Board wants to go take a look
17 at it. I don't know if you can see it from
18 there.

19 MR. CLARKE: If you're driving on 9W
20 you shouldn't be looking that far back on the
21 property.

22 MS. BROOKS: That's why we submitted
23 the photograph. Basically it does show from the
24 elevation of 9W, a car is at this level so the
25 direction of the eye, you can see that you can't

2 even see the top of the roof. They're storing
3 the pallets out there now at the height they're
4 going to continue to store them at.

5 MR. HINES: Just for the Board to
6 decide whether that's --

7 CHAIRMAN BRAND: Can I see that photo?

8 MR. TRUNCALI: I think the fence they
9 put up is adequate.

10 MS. LANZETTA: Is there any reason they
11 didn't extend it all the way to the entranceway?

12 MS. BROOKS: They're going to continue
13 it. I believe he consulted with the building
14 department before he put the fence up, just to
15 show good faith because he knew it had been a
16 long time since he had been here. We do show on
17 the site plan that he's continuing to -- he's
18 bringing it --

19 MS. LANZETTA: It's there now?

20 MS. BROOKS: It's to there now and it
21 will continue there and continue to this side,
22 and also continue another length down and around
23 the corner to the building. So it will be
24 continued.

25 CHAIRMAN BRAND: We had discussed

2 plantings in front of it as well; correct?

3 MS. BROOKS: Plantings in front of it
4 as well.

5 MS. LANZETTA: I just want to be real
6 clear on the proposed use. This is just going to
7 be a storage facility; correct?

8 MS. BROOKS: Correct. The Planning
9 Board made clear to the applicant that a mixed
10 use was not looked upon favorably here. Once the
11 fence goes up it's not going to be conducive for
12 car sales anyway.

13 MR. HINES: It still says showroom on
14 it.

15 MS. BROOKS: Yeah. That's what it is
16 right now. I can -- it's a glass enclosed
17 showroom. I guess I can change that to
18 something.

19 MS. LANZETTA: I think that would be a
20 good thing to take that out. The other use
21 requires a special use and then we get into a
22 whole other animal here.

23 CHAIRMAN BRAND: Any other comments
24 from the Board? Questions?

25 MR. HINES: It needs to go to County.

2 I don't think it's gone yet.

3 MS. BROOKS: It has not gone to County
4 yet.

5 Also with regard to DOT, their
6 preference is that sidewalks don't go on highways
7 with a posted speed limit 55 miles-an-hour. We
8 have shown where one can go in the future. They
9 also stated that if a sidewalk goes in it goes in
10 on their property, not the applicant's property.
11 They saw no reason for an easement. They made me
12 move the sidewalk off the applicant's property
13 onto the highway -- within the highway bounds.

14 MS. LANZETTA: That's conflicting
15 information that we've been getting.

16 CHAIRMAN BRAND: I think that came up
17 with -- what was the last one where they wanted
18 it on the highway?

19 MR. HINES: Lovera.

20 CHAIRMAN BRAND: Lovera. They wanted
21 it in their right-of-way. Correct?

22 MR. HINES: Mm hm'.

23 MR. CAUCHI: What did you say, Patti?
24 DOT doesn't recommend sidewalks on a 55
25 mile-an-hour road?

2 MS. BROOKS: Because they don't want to
3 encourage pedestrian traffic on a 55 mile-an-hour
4 highway.

5 MR. CAUCHI: That stretch of road,
6 that's 55 miles-an-hour. You're saying that's
7 not recommended by the DOT, we should not be
8 doing that?

9 MS. BROOKS: Again, this is a personal
10 conversation that I had with John Riley so I'm
11 conveying it to the Town. I know the Town also
12 has been having conversations with DOT. I also
13 know there are many different departments within
14 DOT. I think there may be different thought
15 processes depending on what your perspective is
16 and what department you're coming from.

17 MR. HINES: I find it to be -- years
18 ago DOT would say no sidewalks along the
19 highways. I'm finding they're putting them along
20 the highways. I work for the Town of Newburgh
21 and in the Route 300 corridor they're putting
22 sidewalks there now. The Planning Board wanted
23 them for years and they weren't going. They just
24 did the new Crystal Run facility across from
25 Wal-Mart there and that has sidewalks along it.

2 They're continuing. People are walking. There's
3 beaten down paths along some of these roads.
4 Whether there's a sidewalk or not, people are
5 walking. It might be better to give them a place
6 to walk.

7 CHAIRMAN BRAND: I've seen people
8 walking on that stretch frequently.

9 MR. HINES: On 17K where the hotels
10 are, there's literally paths.

11 MS. LANZETTA: As a Planning Board we
12 should be aware that there's the 9W corridor
13 study that's wrapping up now and one of the
14 recommendation is to lower the speed limit along
15 Route 9W. That could very soon change as well.

16 CHAIRMAN BRAND: Ron, did you have
17 anything on this one?

18 MR. BLASS: No.

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

21 (No response.)

22 CHAIRMAN BRAND: We have some technical
23 issues and we will send it to County I guess in
24 the meantime. Are you ready? Do you have a
25 complete package for that?

2 MS. BROOKS: I think. I will make -- I
3 will check with Andy Willingham and see if he can
4 address some of these. I apologize, I just got
5 back into town this afternoon. I only forwarded
6 them to Andy today, so he has not obviously
7 addressed any of them. I think we have enough
8 information at this point to send it to County,
9 and I can get a full package together for Jen, if
10 there's an updated -- I'll try to address as many
11 of these as possible so we can get it to County
12 in a timely manner so they can hopefully review
13 it at their October meeting.

14 MR. HINES: I'm also in favor with
15 DOT's recommendation to connect it to the catch
16 basin.

17 MS. BROOKS: They were going back and
18 forth. First they wanted rip-rap in between.
19 Supposedly you're not supposed to do a direct.
20 Again, that's different people in DOT having a
21 different idea on what's the best way to handle
22 it.

23 MS. LANZETTA: Would you let your
24 applicant know we appreciate him coming back and
25 working on this project to try to bring it into

2 compliance?

3 MS. BROOKS: I will. We're going to
4 make sure we stay on it now in a timely manner.

5 CHAIRMAN BRAND: I won't schedule you
6 now. We'll wait until you hear back from County
7 and you can contact Jen.

8 MR. HINES: We need the new engineering
9 plans, too. It's in their court to submit.

10 MS. BROOKS: Hopefully we'll be able to
11 get everything into Jen by Friday so it will be
12 able to go to County, but there's no sense, I
13 don't think, being back before this Board until
14 you receive County comments. Am I correct with
15 that?

16 CHAIRMAN BRAND: Right.

17 MS. BROOKS: I'm hoping we'll be ready
18 to be back before your Board a month from now.
19 I'm hoping the County reviews it at their first
20 October meeting.

21 CHAIRMAN BRAND: Great. Thank you.

22 MS. BROOKS: Thank you.

23 CHAIRMAN BRAND: The Arapahoe trail
24 will not be here this evening.

25 Quickly before we close for the Board

2 Members, an e-mail was sent out to you regarding
3 the new zoning law. There will be a public
4 hearing for that on the 24th by the Town Board.
5 Please review that e-mail, review that document,
6 and if you have questions, comments or concerns,
7 send them to me and I will send them to the Town
8 Board.

9 Is there a motion to adjourn?

10 MR. CAUCHI: I'll make a motion to
11 adjourn.

12 CHAIRMAN BRAND: Is there a second?

13 MR. TRUNCALI: I'll second it.

14 CHAIRMAN BRAND: All those in favor?

15 MR. CLARKE: Aye.

16 MR. TRAPANI: Aye.

17 MS. LANZETTA: Aye.

18 MR. TRUNCALI: Aye.

19 MR. CAUCHI: Aye.

20 CHAIRMAN BRAND: Aye.

21

22 (Time noted: 8:57 p.m.)

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4 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:

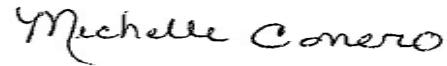
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 24th day of September 2018.

18

19



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MICHELLE CONERO

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