

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

7                    MARLBORO ON HUDSON  
8

9                    Project No. 18-2008  
10                   Hudson Circle, Marlboro  
11                   Section 108.12; Block 8; Lot 23  
12                   ----- X  
13

14                    PRELIMINARY - SITE PLAN

15                   Date: October 15, 2018  
16                   Time: 7:30 p.m.  
17                   Place: Town of Marlborough  
18                    Town Hall  
19                    21 Milton Turnpike  
20                    Milton, NY 12547  
21

22                   BOARD MEMBERS:    CHRIS BRAND, Chairman  
23                                    JOEL TRUNCALI  
24                                    BEN TRAPANI  
25                                    JOSEPH LOFARO  
26                                    MANNY CAUCHI  
27                                    STEVE CLARKE  
28

29                   ALSO PRESENT:    JAMES E. NELSON, ESQ.  
30                                    SHAWN ARNOTT  
31                                    VIRGINIA FLYNN  
32

33                   APPLICANT'S REPRESENTATIVES: CONNOR McCORMACK  
34                                    MICHAEL MORIELLO  
35                   ----- X  
36

37                   MICHELLE L. CONERO  
38                                    PMB #276  
39                   56 North Plank Road, Suite 1  
40                   Newburgh, New York 12550  
41                   (845)541-4163  
42

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, October 15, 2018.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 9/17 and 10/1. Marlboro  
10 on the Hudson, preliminary, site plan; Milton  
11 Turnpike Solar Farm, sketch, site plan; Ridge  
12 Road, preliminary, subdivision. Next deadline:  
13 Friday, October 19th. Next scheduled meeting:  
14 Monday, November 5th.

15 CHAIRMAN BRAND: First up, Marlboro on  
16 the Hudson.

17 MR. McCORMACK: How are you doing,  
18 Members of the Board? My name is Connor  
19 McCormack with Maser Consulting. We're the  
20 engineers on the project.

21 I think last time we were here we  
22 closed the public hearing and we were going  
23 forward with preparing the negative declaration.  
24 Unless you want me to go over some of the other  
25 comments or concerns, I don't have too much more

2 left to say.

3 CHAIRMAN BRAND: I don't think I need  
4 you to do that. Thank you.5 Any questions or comments from the  
6 Board before we start?

7 (No response.)

8 CHAIRMAN BRAND: You have prepared  
9 before you a SEQRA negative declaration and a  
10 notice of determination of non-significance for  
11 the Marlboro on Hudson project.

12 Jen, would you please poll the Board?

13 MS. FLYNN: Chairman Brand?

14 CHAIRMAN BRAND: Yes.

15 MS. FLYNN: Member Truncali?

16 MR. TRUNCALI: Yes.

17 MS. FLYNN: Member Trapani?

18 MR. TRAPANI: Yes.

19 MS. FLYNN: Member Lanzetta?

20 CHAIRMAN BRAND: Absent.

21 MS. FLYNN: Member Lofaro?

22 MR. LOFARO: Yes.

23 MS. FLYNN: Member Cauchi?

24 MR. CAUCHI: Yes.

25 MS. FLYNN: Member Clarke?

2 MR. CLARKE: Yes.

3 CHAIRMAN BRAND: You also have in front  
4 of you tonight a resolution of re-approval for  
5 the special permit site plan originally issued on  
6 March 7, 2005. Just note that there were some  
7 conditions.8 Obviously your office received these as  
9 well.10 MR. McCORMACK: We didn't receive  
11 anything. We made a couple calls, e-mail didn't  
12 go through and we didn't receive that.13 CHAIRMAN BRAND: Just to run through  
14 it, the following conditions that are attached  
15 are the clubhouse and pool improvements shall be  
16 constructed to completion as a precondition of  
17 issuance of the building permit for the  
18 thirteenth unit; you shall install a generator on  
19 or before the issuance of a building permit for  
20 the thirteenth unit; you will be dedicating the  
21 water lines to the Town of Marlborough; all  
22 stormwater and facility inspections; DEC  
23 stormwater SPDES permit; payment of all fees and  
24 all consultant expenses; after approval by the  
25 Attorney General of New York, you shall provide

2 the Town with a copy of all condominium offering  
3 plan documents.

4 MR. MORIELLO: Mr. Chairman, Mike  
5 Moriello. Just a clarification. On the fees, it  
6 reads payment of all fees; correct?

7 CHAIRMAN BRAND: Correct.

8 MR. MORIELLO: It doesn't set forth  
9 what they are?

10 CHAIRMAN BRAND: Payment of all fees.

11 MR. MORIELLO: Thank you. The other  
12 question was the pool house and what else has to  
13 be constructed before --

14 CHAIRMAN BRAND: The clubhouse and the  
15 pool improvements shall be constructed to  
16 completion as a precondition of issuance of the  
17 building permit.

18 MR. McCORMACK: The building permit of  
19 the thirteenth unit? I thought it was after like  
20 the twenty-fourth.

21 CHAIRMAN BRAND: We have the thirteenth  
22 unit.

23 MR. McCORMACK: I think that conflicts  
24 with our construction sequencing that we have on  
25 the site plan. That would be the only --

2 CHAIRMAN BRAND: What were you thinking  
3 it should be?

4 MR. McCORMACK: I think -- I have to  
5 double check. I believe it was actually -- it  
6 was sixteen. Twelve and four.

7 CHAIRMAN BRAND: Our attorney, you have  
8 thirteen prepared; correct?

9 MR. NELSON: Yes, but to modify the  
10 proposed resolution would be something that could  
11 simply be done orally by a motion.

12 CHAIRMAN BRAND: Change it to the  
13 sixteenth?

14 MR. CLARKE: Yes.

15 CHAIRMAN BRAND: Okay. Everybody else,  
16 sixteen?

17 MR. LOFARO: Sounds okay.

18 CHAIRMAN BRAND: We'll make that change  
19 to the sixteenth unit.

20 Jen, would you poll the Board?

21 MS. FLYNN: Chair Brand?

22 CHAIRMAN BRAND: Yes.

23 MS. FLYNN: Member Truncali?

24 MR. TRUNCALI: Yes.

25 MS. FLYNN: Member Trapani?

2 MR. TRAPANI: Yes.

3 MS. FLYNN: Member Lanzetta?

4 CHAIRMAN BRAND: Absent.

5 MS. FLYNN: Member Lofaro?

6 MR. LOFARO: Yes.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 MS. FLYNN: Member Cauchi?

10 MR. CAUCHI: Yes.

11 CHAIRMAN BRAND: We also have a  
12 recreation fee finding. It is hereby resolved  
13 that the Planning Board will make the following  
14 finding pursuant to Section 277 of the Town Law:  
15 Based on the present anticipated future need for  
16 park and recreational opportunities in the Town  
17 of Marlborough and to which the future population  
18 of the subdivision will contribute, parkland  
19 should be created as a condition. However, a  
20 suitable park of adequate size can not be  
21 properly located within the proposed project  
22 site. Accordingly as proposed, in lieu of  
23 providing parkland the project sponsors render  
24 the Town payment of a recreation fee to be  
25 determined in accordance with the prevailing

2 schedule established for that purpose by the Town  
3 of Marlborough. Marlboro on Hudson results in  
4 twenty-four units with a \$1,500 recreation fee  
5 for each. It's a total of \$36,000.

6 You also owe \$4,600 in the old escrow  
7 which needs to be paid as well.

8 MR. McCORMACK: What was that number  
9 again?

10 CHAIRMAN BRAND: \$36,000 and \$4,600 in  
11 old escrow.

12 Can I have somebody make that motion?

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

14 CHAIRMAN BRAND: Manny. A second?

15 MR. TRUNCALI: I'll second.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Jen, would you poll  
19 the Board?

20 MS. FLYNN: Chair Brand?

21 CHAIRMAN BRAND: Yes.

22 MS. FLYNN: Member Truncali?

23 MR. TRUNCALI: Yes.

24 MS. FLYNN: Member Lofaro?

25 MR. LOFARO: Yes.

2 MS. FLYNN: Member Lanzetta?

3 CHAIRMAN BRAND: Absent.

4 MS. FLYNN: Member Trapani?

5 MR. TRAPANI: Yes.

6 MS. FLYNN: Member Clarke?

7 MR. CLARKE: Yes.

8 MS. FLYNN: Member Cauchi?

9 MR. CAUCHI: Yes.

10 CHAIRMAN BRAND: You're all set. Thank  
11 you.

12 MR. McCORMACK: Thank you very much.

13

14 (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 29th day of October 2018.

13

14

15

*Michele Conero*

16

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MICHELLE CONERO

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

In the Matter of

## 5 MILTON TURNPIKE SOLAR FARM

## 10 SKETCH - SITE PLAN

11 Date: October 15, 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  
                                  JOEL TRUNCALI  
16                            BEN TRAPANI  
                                  JOSEPH LOFARO  
17                            MANNY CAUCHI  
                                  STEVE CLARKE

18 ALSO PRESENT: JAMES E. NELSON, ESQ.  
19 SHAWN ARNOTT  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVES: NICHOLAS VAMVAS  
MICHAEL CUCCHIARA

2 CHAIRMAN BRAND: Next up, Milton  
3 Turnpike Solar Farm.

4 Do you want to give us a brief  
5 overview of what it is you have proposed?

6 MR. CUCCHIARA: Just to start, my name  
7 is Michael Cucchiara, I'm from Nexamp. We're a  
8 solar development company based in Boston. We're  
9 developing quite a number of projects across New  
10 York State. We're an eleven-year old company.  
11 As we began to look -- not only do we develop, we  
12 build, own and construct these projects. I think  
13 it's a good feature to our company that we stay  
14 with these projects throughout their life.

15 That being said, onto 132 Milton  
16 Turnpike. We approached the landowner probably  
17 about a year-and-a-half ago who was looking for  
18 opportunities to use part of an 88 acre parcel  
19 that's unused and to generate additional revenue  
20 on that site.

21 The site was situated in such a way  
22 that we thought we could place this 2.6 megawatt  
23 solar farm in that northwest corner without  
24 extensive or any visual impact, and also connect  
25 along Route -- 132 Milton Turnpike to Central

2 Hudson's distribution electric lines leading up  
3 to the Highland substation which was at the time  
4 being culled out as a favorable substation which  
5 could use additional solar and distributed energy  
6 resources. That's how we came into this  
7 potential project.

8 We've brought along Nick Vamvas from  
9 Chazen Companies who has worked with us on  
10 several other projects as our civil engineer.

11 Tonight we're happy to address any  
12 questions and comments.

13 We did receive the comment letter from  
14 the engineering consultants. I'm happy to go  
15 through those and answer any questions you have.

16 CHAIRMAN BRAND: Do you want to run  
17 through those comments?

18 MR. ARNOTT: Sure. First Pat notes  
19 that it's in the R-1 Zone but subject to a zone  
20 change for approval by the Town Board prior to  
21 any action by the Planning Board.

22 Second is Ulster County DPW would have  
23 to review the access to the County road.

24 Third, he asks that the applicant  
25 confer with the jurisdictional fire department

2 and code enforcement officer with regard to the  
3 proposed fifteen-foot wide access drive. Per New  
4 York State code, the minimum is twenty foot  
5 width.

6 He asks that the applicant consider  
7 putting a gate in front of the proposed access  
8 road to limit the amount of people that can  
9 access the site.

10 He wants to know the details of the  
11 interconnect for the electric just to see what  
12 they look like and to see how they're proposed.

13 Next is how the de-compaction of the  
14 laydown area will be undertaken if the stumps are  
15 not removed.

16 Next is that a stormwater pollution  
17 prevention plan was prepared but it's still under  
18 review by our office.

19 Next, the Town may wish to identify to  
20 the operator that a pilot agreement be required.  
21 The attorney's input on the request for the pilot  
22 agreement of the project should be received.

23 There's a section on the EAF that he  
24 would like changed.

25 Next, the applicant's representative is

2 requested to address whether any substantial  
3 regrading of the surface topography is proposed.

4 The Planning Board is requesting to  
5 evaluate visual impacts from the project based on  
6 local knowledge ,if the site is visible from area  
7 roadways or other high vantage points. A visual  
8 assessment should be provided.

9 CHAIRMAN BRAND: Thank you.

10 Did you have anything to add on this?

11 MR. NELSON: No. Not to add.

12 CHAIRMAN BRAND: Comments or questions  
13 from the Board?

14 MR. CLARKE: Is there going to be any  
15 access to New Road or is the only access going to  
16 be Milton Turnpike?

17 MR. CUCCHIARA: The only access will be  
18 from Milton. New Road will not have any access.

19 MR. TRAPANI: It's a real bad spot.

20 CHAIRMAN BRAND: To get onto the  
21 roadway?

22 MR. TRAPANI: Onto Milton Turnpike.

23 That's my only concern. There will be no sight.

24 That's my only concern. It's a real bad spot.

25 CHAIRMAN BRAND: How much traffic would

2 be coming in and out of there?

3 MR. CUCCHIARA: So after construction,  
4 which would take approximately three to four  
5 months, we'll be on site one to two times a year  
6 for maintenance by a light-body pick-up truck.  
7 It's really just the construction period that we  
8 have to be concerned with.

9 We actually have our County DPW  
10 application ready to go as soon as possible.

11 Beyond construction it's going to be  
12 normal traffic -- not even normal traffic. One  
13 to two times a year.

14 CHAIRMAN BRAND: Any other questions or  
15 comments?

16 (No response.)

17 CHAIRMAN BRAND: This has to go to the  
18 County Planning as well; correct?

19 MR. ARNOTT: Yes.

20 CHAIRMAN BRAND: So you've got the  
21 comments. You can address the comments for us and  
22 then we'll go ahead and send this up to the  
23 County and wait to hear from them, and County  
24 DPW, and we'll reschedule you to come back.

25 MR. CUCCHIARA: Okay.

2 MR. VAMVAS: If you wouldn't mind, we  
3 just had a couple of questions on some of the  
4 comments in the letter from McGoe, Hauser.

5 As far as gates along the access --  
6 yes, along the access road, you know, closer to  
7 Milton Turnpike, is there any standard in  
8 particular the Town is going to want to see  
9 there? Do you have any comment on that  
10 specifically? Does it need to be a secured  
11 locking gate? Can we just hang a sign on a  
12 chain, just something to keep people from  
13 entering it?

14 We would also like to make it clear  
15 that it's the owner of the property. Nexamp  
16 isn't going to be taking ownership of the  
17 property.

18 MR. CUCCHIARA: Right.

19 MR. VAMVAS: We will have to negotiate  
20 with the owner to be sure he's going to be  
21 comfortable with what we have there. I didn't  
22 know if you guys had any specific --

23 MR. ARNOTT: I think that's up to the  
24 Board.

25 MR. CLARKE: Well in that case the gate

2 could actually be somewhat off the highway  
3 because there's no other access. It wouldn't be  
4 very visible.

5 Are you planning on putting any kind of  
6 a fence around this facility?

7 MR. VAMVAS: The array itself has to be  
8 completely enclosed with a fence. It also has to  
9 comply with National Code. There's going to be a  
10 locking gate right at the entrance on the access  
11 driveway. There would be controlled access to  
12 the facility itself.

13 MR. CLARKE: You probably should have  
14 something closer to Milton Turnpike.

15 MR. CUCCHIARA: I think we'd be happy  
16 to work with the Planning Board on what would be  
17 suitable and agreeable.

18 MR. TRAPANI: You have to pull in and  
19 be totally off the road.

20 MR. CLARKE: It could easily be through  
21 a gate.

22 CHAIRMAN BRAND: I think the intent is  
23 just to keep people out of there.

24 MR. CUCCHIARA: Sure. That makes  
25 sense.

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

4 (No response.)

5 CHAIRMAN BRAND: Mr. Supervisor, where  
6 are we in regards to the redistricting at this  
7 point, do you know?

8 MR. LANZETTA: To the new law? We  
9 should be good. How many days after the  
10 resolution? About thirty days until it goes to  
11 the State?

12 MR. NELSON: The resolutions frequently  
13 will be sent up in a couple of days.

14 MR. LANZETTA: I think we're good. We  
15 made that change, --

16 CHAIRMAN BRAND: Okay.

17 MR. LANZETTA: -- the zoning change.  
18 Yup.

19 CHAIRMAN BRAND: So we will send it to  
20 County, you'll send it to County DPW. When we  
21 hear back from them we can plan on rescheduling.  
22 So probably maybe the first meeting -- they meet  
23 the first Wednesday of the month. We can put you  
24 on the agenda for the second meeting in November.  
25 Does that work?

2 MR. CUCCHIARA: Sounds good.

3 MR. VAMVAS: Yes. We just wanted to  
4 ask also, would the Board entertain a motion to  
5 declare themselves lead agency tonight?

6 MR. NELSON: That really begs the  
7 question of whether the application is complete.  
8 I think -- I assume your normal practice is to  
9 take a complete set of the application papers and  
10 refer them to County Planning for 239-M. And  
11 likewise, if the application is complete and all  
12 the SEQRA documents are in order, you would --  
13 again I assume, you type it as to whether it's a  
14 type 1, a type 2 or an unlisted, and then you  
15 determine, if it's an unlisted, whether you want  
16 to have a coordinated review and then whether you  
17 want to be the lead agency in a coordinated  
18 review. That's a long answer to a short  
19 question. If the application is complete you can  
20 do that, certainly.

21 CHAIRMAN BRAND: Is the application  
22 complete at this point would you say? Do we need  
23 to have those changes made?

24 MR. NELSON: I'll be candid with you.  
25 I started reviewing the file about 4:30 because I

2 wasn't aware that I was going to be filling in  
3 for Ron. I didn't see anything that suggested it  
4 was incomplete but I can't tell you that I went  
5 off and checked all the code requirements for  
6 your submissions against what was in the file.

7 MS. FLYNN: They have to submit a new  
8 EAF because --

9 MR. ARNOTT: That's one of Pat's  
10 comments.

11 MS. FLYNN: Number 9 on Pat's comments.

12 CHAIRMAN BRAND: I think once all that  
13 is in order, then we'd be able to do that. We  
14 can probably have that at the second meeting in  
15 November for you.

16 Thank you.

17 MS. FLYNN: My deadline is Friday to  
18 have that in so I can send it up there in time.

19 CHAIRMAN BRAND: Thank you.

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21 (Time noted: 7:50 p.m.)

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

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

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

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

16                  IN WITNESS WHEREOF, I have hereunto  
17                  set my hand this 29th day of October 2018.

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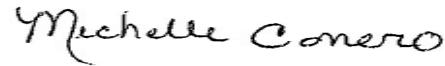
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MICHELLE CONERO

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

In the Matter of

5 RIDGE ROAD

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

## PRELIMINARY - SUBDIVISION

11 Date: October 15, 2018  
12 Time: 7:50 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  
                                  JOSEPH LOFARO  
17                                MANNY CAUCHI  
                                  STEVE CLARKE

18 ALSO PRESENT: JAMES E. NELSON, ESQ.  
19 SHAWN ARNOTT  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: ROBERT JAMES

22

2 CHAIRMAN BRAND: Next up, Ridge  
3 Road.

4 Would you like to just give us an  
5 overview of where we are today?

6 MR. JAMES: Yes. We've reconfigured  
7 lots 1 and 2 slightly to accommodate the original  
8 stormwater detention facility that was going on  
9 the 2010 subdivision map, the eight-lot  
10 subdivision map, so that all those facilities  
11 will now be built in accordance with that  
12 stormwater pollution prevention plan.

13 CHAIRMAN BRAND: So I think we'll get  
14 to that. Am I to understand that this present  
15 proposal is in accordance with the original  
16 drainage district?

17 MR. JAMES: Yes.

18 CHAIRMAN BRAND: Do you want to run  
19 through the technical comments?

20 MR. ARNOTT: Sure. I believe Pat  
21 thought that the stormwater ponds were no longer  
22 there because the sanitary disposal systems are  
23 not there. We can get to that in the comment.

24 Number 1 says that the stormwater  
25 management facilities located on proposed lot 1

2 and 2, this involved relocation of the proposed  
3 sanitary disposal systems and the need to pump  
4 sanitary effluent to the rear of the lots but the  
5 project is served by municipal water.

6 Second, the project was subject to a  
7 drainage district during the original subdivision  
8 approval but portions were not constructed.  
9 Completion of the stormwater management  
10 facilities as currently proposed will complete  
11 the originally approved stormwater management  
12 facilities within the drainage district.

13 Third, the applicant should evaluate  
14 the direct connection to the existing metal  
15 culvert in Ridge Road.

16 Fourth, the inverts of all the proposed  
17 piping in the stormwater management system should  
18 be displayed on the plans.

19 Fifth, because of the proposed sanitary  
20 sewer disposal systems, Ulster County Health  
21 Department will have to be -- approval will be  
22 required.

23 The leader on lot 2 identifies a  
24 proposed three-bedroom house on the rear of the  
25 lot. That should be cleaned up.

2 An easement for long-term operation and  
3 maintenance of the stormwater facilities on both  
4 lots in favor of the Town of Marlborough should  
5 be provided.

6 Review of the water service connection  
7 should be reviewed by the water department.

8 CHAIRMAN BRAND: Did you have anything  
9 to add?

10 MR. NELSON: I assume that when you do  
11 stormwater that you do both the easements and  
12 maintenance agreements. Is that your regular  
13 practice?

14 MR. ARNOTT: I believe that's the case.

15 MR. NELSON: And then as I mentioned  
16 briefly to the Chair before the meeting, my  
17 assumption, other than the other conditions that  
18 are laid out here, is that as far as this  
19 drainage district is concerned, the issues were  
20 two. Were the improvements all going to be built  
21 as they were originally proposed? I think the  
22 applicant's engineer --

23 MR. JAMES: Yes.

24 MR. NELSON: -- just confirmed that.

25 And then the other thing that came out

2 at the public hearing was the question about the  
3 economic burden on the people within the  
4 district. My assumption is that the revisions to  
5 the plan, that there will be no change in the  
6 economic burden to the property owners within the  
7 district.

8 MR. JAMES: I believe the way it's  
9 written is that everybody has to share in all of  
10 the costs.

11 MR. NELSON: Yes, that's how they  
12 operate. The question that seemed to come out of  
13 the hearing was whether people who were not part  
14 of this re-subdivision, whether they would have  
15 their economic burden changed as a result of it.  
16 My assumption is the answer to that is no and  
17 that the economic burden of the lands which are  
18 the subject of this subdivision will still be the  
19 same now that they were going to be for that land  
20 before this re-subdivision.

21 MR. JAMES: I don't know. I can't  
22 answer that. I don't know the answer to that  
23 question. My assumption is building the pond and  
24 any maintenance will be shared by all of the  
25 lots.

2 MR. GALLELA: That's according to the  
3 original agreement.

4 MR. JAMES: According to the original  
5 agreement.

6 CHAIRMAN BRAND: The original agreement  
7 was eight units, though. I think when I went back  
8 and looked at the notes as well, it said that the  
9 existing units and now the bigger lot was paying  
10 the bulk of the -- the six-eighths.

11 MR. GALLELA: But that fee is arbitrary  
12 because it changes. So whenever the Town puts  
13 out the bid to maintain, it's always divided by  
14 the amount of lots in that district. It just  
15 happened to be eight lots at that time.

16 MR. NELSON: I may have misspoken. I  
17 didn't mean to speak in terms of absolute dollars  
18 because the expenses can vary. The question is  
19 how they were prorated among the property owners  
20 was my question. I assume that they would be  
21 prorated under this new revised subdivision the  
22 same way they were going to be originally when it  
23 was approved a number of years ago.

24 MR. JAMES: That would be how I would  
25 expect it to be.

2 CHAIRMAN BRAND: So you're saying then  
3 that lots -- the existing lot that's shown for  
4 Phelps, that's part of this as well?

5 MR. GALLELA: Correct.

6 CHAIRMAN BRAND: This is part of that  
7 district. So you're presuming that Phelps lot 1,  
8 lot 2 and lot 8-A will equally share the burden  
9 of the district? Is that what you're proposing?

10 MR. JAMES: In accordance with the  
11 existing language.

12 MR. CLARKE: If you had originally  
13 eight lots and now you have four --

14 MR. JAMES: We have seven.

15 CHAIRMAN BRAND: How do you get the  
16 seven?

17 MR. JAMES: Three lots were not built.  
18 Correct, Nick?

19 MR. GALLELA: Right. It was originally  
20 an eight-lot subdivision. Now if these two lots  
21 were to be approved it would be a seven-lot.

22 CHAIRMAN BRAND: I'm still not getting  
23 to seven.

24 MR. GALLELA: You don't see the other  
25 three houses on there? They're subdivided off

2 the original parcel already.

3 MR. CLARKE: They're part of the  
4 original drainage district?

5 MR. GALLELA: Yes.

6 MR. CLARKE: So it goes from one-eighth  
7 to one-seventh?

8 MR. GALLELA: Right.

9 MR. CLARKE: So there will be an impact  
10 to lot 3.

11 MR. GALLELA: Excuse me?

12 MR. CLARKE: Seven is a higher number  
13 than one-eighth.

14 MR. GALLELA: Right, but it actually --  
15 that number changes because according to how the  
16 maintenance is to come out. It actually went  
17 down, that fee, because I pay it too. It's on my  
18 tax bill. That actually went down.

19 MR. LANZETTA: Chairman, may I?

20 CHAIRMAN BRAND: Please.

21 MR. LANZETTA: We reduced Nick's --  
22 whatever you charge for the district, we reduced  
23 it because he came in, he said he was paying too  
24 much because there were a couple of lots you  
25 weren't doing. We have to look at that and go

2 back to the original, whatever that cost was that  
3 was applied to his eight-lot subdivision. So it  
4 changed. We reduced it now. Now it's back to  
5 eight lots so we have to look at it again.

6 I would ask Pat Hines to look at that  
7 and see what it actually is now that they have to  
8 distribute between the one-seventh.

9 MR. ARNOTT: I'll ask him to look at  
10 that.

11 MR. GALLELA: It doesn't say one-  
12 seventh. It just says equal among. That's how  
13 the drainage district reads.

14 CHAIRMAN BRAND: That would be one-  
15 seventh. There are seven lots.

16 MR. GALLELA: You would divide it by  
17 seven, right.

18 MR. TRUNCALI: So the original houses  
19 that are there that you already built, how much  
20 are they paying percentage wise? Are they paying  
21 an eighth now?

22 MR. GALLELA: No. Well it was -- it's  
23 five. One-fifth.

24 MR. TRUNCALI: Are they paying an  
25 eighth each and you're paying the rest or --

2 MR. GALLELA: No. It's all shared  
3 equally regardless of how many lots there was  
4 because that section wasn't built. That's what  
5 the Supervisor was saying, that the original cost  
6 will be reduced.

7 MR. TRUNCALI: So their cost is going  
8 to go down then, those original homeowners there?

9 MR. GALLELA: It went down because of  
10 this pond. This section wasn't there. That's  
11 why it went down. Will it go up? Probably  
12 because the pond has to be maintained.

13 CHAIRMAN BRAND: I think we're going to  
14 probably need clarification on that specific.

15 So you're saying once -- everybody is  
16 going to pay one-seventh?

17 MR. GALLELA: Right.

18 CHAIRMAN BRAND: I guess we need to  
19 review the original agreement a little bit more  
20 closely to double check to see what's going on  
21 with that. If you're changing the district, then  
22 it's not --

23 MR. GALLELA: I'm not changing the  
24 district.

25 MR. JAMES: The district is described

2 by a chunk of land, not by watts.

3 MR. GALLELA: I'm giving you what you  
4 originally asked for at our previous meeting.

5 The pond is there in place and so is the drainage  
6 district. It would be the same, exactly the way  
7 it was then. So if these people decide to go out  
8 there and mow this lawn and this pond, when Pat  
9 comes around, or whoever does these assessments  
10 for Marlborough and the area, he may say zero  
11 because they're cutting the grass. That's how I  
12 did it before on the previous subdivision on  
13 Summit Drive. When I cut the grass I would have  
14 the guys go around the pond and it was zero. If  
15 they decide to do this, and they probably will  
16 because it's in the middle of two houses, they'll  
17 probably go down there and clean it. When he  
18 comes around for the assessment, it never  
19 changed. There's nothing to do. There's nothing  
20 to maintain.

21 CHAIRMAN BRAND: What is the assessment  
22 based on, Al?

23 MR. LANZETTA: I really don't know.

24 MR. GALLELA: The original assessment  
25 was based on an arbitrary number that they just

2 put in at the time, \$1,500. When I came to the  
3 Town they figured that pond wasn't there so they  
4 cut it in half. That's why it went down. 750  
5 divided by five. They're all paying about --

6 MR. LANZETTA: I know Mr. Gallela came  
7 to the office because the way it was situated he  
8 was paying a lot more because he owned three of  
9 the lots.

10 MR. GALLELA: That's how we originally  
11 did it. They gave me the three lots that I took  
12 away. That wasn't fair to me because the  
13 original agreement read equally. Now they wanted  
14 me to pay for --

15 CHAIRMAN BRAND: That's the part I was  
16 reading, that you were paying six-eighths of the  
17 total.

18 MR. GALLELA: So when I came in to  
19 argue the point, they redistributed and cut the  
20 fee and divided it equally. Like I said, they  
21 don't know that number. Until they know whether  
22 they have to cut or maintain, that number will  
23 always change year after year. They can cut it  
24 one year and come back four years later, it's  
25 going to cost more, or they can cut it every year

2 annually and it won't be as much.

3 CHAIRMAN BRAND: Do you have any  
4 additional comments?

5 MR. NELSON: No. I believe that the  
6 issue is not the absolute amount of dollars.  
7 It's great if it goes down. As the dollars flow,  
8 I believe that the real issue is the allocation  
9 of that expense among the property owners. I  
10 haven't looked at the benefit assessment formula.  
11 I think you would want to have the town engineer,  
12 the applicant's engineer and the office of the  
13 Supervisor and the assessor get their heads  
14 together on this issue of the impact, if any, of  
15 the changes in these lot lines and the economic  
16 burden. I think what the applicant is trying to  
17 do is to avoid having to go to the Town Board and  
18 go through the change in the district, which is a  
19 fairly cumbersome process.

20 MR. LANZETTA: It is.

21 MR. NELSON: If that could be avoided,  
22 I assume that's great for everybody. Then you  
23 get to the question of are things being changed  
24 which shouldn't be changed or are they staying  
25 the same the way I think they're supposed to stay

2 the same.

3 CHAIRMAN BRAND: Anything else from the  
4 Board?

5 (No response.)

6 CHAIRMAN BRAND: So we need to get that  
7 clarified certainly before we proceed.

8 This has to have a public hearing as  
9 well; correct?

10 MR. GALLELA: We had a public hearing.

11 CHAIRMAN BRAND: For this one?

12 MR. JAMES: Yes.

13 CHAIRMAN BRAND: You had the public  
14 hearing for this one already?

15 Jen?

16 I don't recall it.

17 MR. LANZETTA: We had the discussion.

18 He came in front of the Board awhile back and you  
19 told him to do a whole build-out or something  
20 like that, if I remember. It never came to a  
21 public hearing.

22 CHAIRMAN BRAND: Right.

23 MS. FLYNN: He did have a public  
24 hearing. I have the cards in here from it.

25 MR. NELSON: There was one on June

2 18th.

3 MR. LANZETTA: The original public  
4 hearing?

5 MS. FLYNN: No. For this one. June  
6 18th.

7 CHAIRMAN BRAND: So the only difference  
8 between then and now is the stormwater?

9 MR. JAMES: The detention pond that was  
10 originally on the original plan.

11 CHAIRMAN BRAND: Do you think that you  
12 could get that cleared up for the first meeting  
13 in November as to the original stormwater  
14 drainage district versus what it is now and the  
15 burden shared by each of these parcels?

16 Could we do that?

17 MR. JAMES: I suppose.

18 CHAIRMAN BRAND: Okay.

19 MR. JAMES: What am I going to do?  
20 We're going to look at what it says and then go  
21 with what it says or are we changing it? What  
22 are we doing?

23 CHAIRMAN BRAND: I think the point of  
24 the matter is we can't change it. It has to be  
25 in accordance with the original plan. Whatever

2 the original plan was, it has to be that.

3 Yes?

4 MR. ARNOTT: Yes.

5 CHAIRMAN BRAND: So I will put them on  
6 the schedule for the next meeting and hopefully  
7 we can figure that out before then.

8 Okay. All right. So November 5th?

9 MS. FLYNN: Yes.

10 CHAIRMAN BRAND: We'll have the  
11 attorney take a look at it as well.

12 Anything else?

13 (No response.)

14 CHAIRMAN BRAND: Motion to adjourn?

15 MR. CAUCHI: I'll make the motion.

16 MR. TRUNCALI: Second.

17 CHAIRMAN BRAND: All those in favor?

18 MR. CLARKE: Aye.

19 MR. TRAPANI: Aye.

20 MR. TRUNCALI: Aye.

21 MR. CAUCHI: Aye.

22 MR. LOFARO: Aye.

23 CHAIRMAN BRAND: Aye. So carried.

24

25 (Time noted: 8:05 p.m.)

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

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6

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

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

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

16                  IN WITNESS WHEREOF, I have hereunto  
17                  set my hand this 29th day of October 2018.

18

19

20

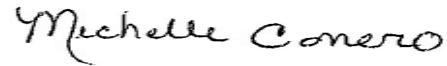
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MICHELLE CONERO