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

7 PAUL GLADMAN
8

9 Project No. 18-2007
10 107 South Street, Marlboro
11 Section 108.58; Block 10; Lot 1
12 ----- X
13

14 PUBLIC HEARING - LOT LINE

15 Date: November 5, 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 CINDY LANZETTA
26 JOSEPH LOFARO
27 MANNY CAUCHI
28 STEVE CLARKE
29

30 ALSO PRESENT: RONALD BLASS, ESQ.
31 PATRICK HINES
32 VIRGINIA FLYNN
33

34 APPLICANT'S REPRESENTATIVE: PAUL GLADMAN
35

36 ----- X
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, November 5, 2018.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 9/17, 10/1 and 10/15.
10 Paul Gladman, public hearing, lot line; Ridge
11 Road, preliminary, subdivision; Marlboro on
12 Hudson, revote on conditions of site plan.
13 Meeting to be held upstairs. Next deadline:
14 Friday, November 9th. Next scheduled meeting:
15 November 19th.

16 Can everyone please say their name for
17 the stenographer when they speak.

18 CHAIRMAN BRAND: I'd like to have a
19 motion to approve the stenographic minutes for
20 9/17, 10/1 and 10/15.

21 MR. CLARKE: So moved.

22 CHAIRMAN BRAND: Is there a second?

23 MS. LANZETTA: I'll second it

24 CHAIRMAN BRAND: Any discussion?

25 (No response.)

2 CHAIRMAN BRAND: All those in favor,
3 say aye.

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. TRUNCALI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 CHAIRMAN BRAND: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN BRAND: So carried.

14 I would like to enter into the record
15 that Board Member Cindy Lanzetta is presenting
16 her New York Planning Federation 2018 certificate
17 of training completion. She successfully
18 completed four hours of annual training required
19 by New York State.

20 Additionally, I have a New York State
21 Planning Federation training certificate of
22 completion for Joseph Lofaro who also completed
23 four hours of annual training required by New
24 York State.

25 First up, Paul Gladman, public hearing,

2 lot line.

3 MR. TRUNCALI: "Legal notice, lot line
4 revision application. Please take notice a
5 public hearing will be held by the Marlborough
6 Planning Board pursuant to the Town of
7 Marlborough Town Code 134-33 on Monday,
8 November 5, 2018 for the following application:
9 Paul Gladman, at the Town Hall, 21 Milton
10 Turnpike, Milton, New York at 7:30 p.m. or as
11 soon thereafter as may be heard. The applicant
12 is seeking approval of a lot line revision to
13 merge four lots into one for lands located at 107
14 South Street, Marlboro, New York, Section 108.58;
15 Block 10; Lot 1. Any interested parties either
16 for or against this proposal will have an
17 opportunity to be heard at this time. Chris
18 Brand, Chairman, Town of Marlborough Planning
19 Board."

20 CHAIRMAN BRAND: Mr. Gladman, do you
21 have the mailings --

22 MR. GLADMAN: Yes, I do.

23 CHAIRMAN BRAND: -- that were sent out?
24 How many did you mail out?

25 MR. GLADMAN: Five.

2 CHAIRMAN BRAND: How many were
3 returned?

4 MR. GLADMAN: Three.

5 CHAIRMAN BRAND: The other two were
6 undeliverable?

7 MR. GLADMAN: Yes.

8 CHAIRMAN BRAND: This is a public
9 hearing. Any interested parties either for or
10 against have an opportunity to speak. Just
11 please state your name for the Stenographer.

12 Anyone?

13 (No response.)

14 CHAIRMAN BRAND: No.

15 All right. Can I have a motion to
16 close the public hearing?

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

18 CHAIRMAN BRAND: Is there a second?

19 MR. CAUCHI: I'll second it.

20 CHAIRMAN BRAND: All those in favor?

21 MR. CLARKE: Aye.

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. TRUNCALI: Aye.

25 MR. CAUCHI: Aye.

2 MR. LOFARO: Aye.

3 CHAIRMAN BRAND: Aye.

4 Any opposed?

5 (No response.)

6 CHAIRMAN BRAND: So carried.

7 This is basically just fixing an error.

8 If there's no discussion, we have before us the
9 SEQRA negative declaration and notice of
10 determination of non-significance.

11 Jen, can you poll the Board?

12 MS. FLYNN: Chairman Brand?

13 CHAIRMAN BRAND: Yes.

14 MS. FLYNN: Member Truncali?

15 MR. TRUNCALI: Yes.

16 MS. FLYNN: Member Trapani?

17 MR. TRAPANI: Yes.

18 MS. FLYNN: Member Lanzetta?

19 MS. LANZETTA: Yes.

20 MS. FLYNN: Member Lofaro?

21 MR. LOFARO: Yes.

22 MS. FLYNN: Member Cauchi?

23 MR. CAUCHI: Yes.

24 MS. FLYNN: Member Clarke?

25 MR. CLARKE: Yes.

2 CHAIRMAN BRAND: You also have before
3 you the application for the resolution of
4 conditional approval by the Town of Marlborough
5 Planning Board for the lot line consolidation of
6 Paul Gladman.

7 Jen, would you poll the Board?

8 MS. FLYNN: Chairman Brand?

9 CHAIRMAN BRAND: Yes.

10 MS. FLYNN: Member Lanzetta?

11 MS. LANZETTA: Yes.

12 MS. FLYNN: Member Truncali?

13 MR. TRUNCALI: Yes.

14 MS. FLYNN: Member Trapani?

15 MR. TRAPANI: Yes.

16 MS. FLYNN: Member Lofaro?

17 MR. LOFARO: Yes.

18 MS. FLYNN: Member Clarke?

19 MR. CLARKE: Yes.

20 MS. FLYNN: Member Cauchi?

21 MR. CAUCHI: Yes.

22 CHAIRMAN BRAND: All right. Thank you.

23 You're all set, Mr. Gladman.

24 MR. GLADMAN: Thank you very much.

25 (Time noted: 7:35 p.m.)

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 14th day of November 2018.

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Michelle Conero

MICHELLE CONERO

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

In the Matter of

4

5

RIDGE ROAD

6

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

9

10 PRELIMINARY - SUBDIVISION

11 Date: November 5, 2018
12 Time: 7:35 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

21 APPLICANT'S REPRESENTATIVE: ROBERT JAMES
22 NICHOLAS GALLELA

23 - - - - - MICHELLE L. CONERO X
24 PMB #276
25 56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next up, Ridge Road,
3 preliminary, subdivision.

4 I think the last time you were here
5 there were a couple of unfinished technical
6 things.

7 Pat, did you want to run over your
8 comments?

9 MR. HINES: I don't know if we received
10 the Ulster County Health Department approvals
11 yet.

12 MR. JAMES: We haven't submitted yet.

13 MR. HINES: The highway
14 superintendent's comments on the driveway.

15 MR. GALLELA: We have it. You should
16 have a letter.

17 MR. HINES: That came in.

18 We did receive plans which depict the
19 Town's pipe network. Subsequent to my comments I
20 had a conversation with Mr. James, the
21 applicant's representative. We, being my office,
22 would recommend the extension of the pipe network
23 to a single catch basin rather than having the
24 pipe discharge into a Town owned culvert. That
25 will keep those all together. We have a detail

2 here which Mr. James has provided. The final
3 plans should reflect that.

4 Water department comments.

5 MR. GALLELA: I did speak to --

6 MR. HINES: Did we get something?

7 CHAIRMAN BRAND: On what?

8 MR. HINES: From the water department.

9 MS. FLYNN: I didn't get anything from
10 the water department.

11 MR. HINES: That's outstanding.

12 My next comment is we need a public
13 hearing. This has been going on so long
14 apparently we had that. That's been opened and
15 closed.

16 The only other outstanding issue has to
17 do with the drainage district. I had a
18 conversation with Mr. Gallela this week. I was
19 under the impression that the original drainage
20 district was in fact a drainage district for
21 potentially the eight lots. The lots were
22 consolidated and for some period of time the
23 consolidated portion was paying fifty percent of
24 the drainage district. Mr. Gallela informed me
25 at some point in time the Town Board took action

2 and changed that to --

3 MR. GALLELA: The costs were reduced
4 for and the next billing cycle it was all equal.
5 It came simultaneously with the cost reduction.

6 MR. HINES: The cost reduction is a
7 separate matter. That's set by the assessor
8 annually. The apportionment of that is the
9 sticking point we have, how that occurred.

10 MR. BLASS: That means that the other
11 properties went from one-eighth to one-fifth?

12 MR. HINES: Yes.

13 MR. GALLELA: I brought a copy of my
14 tax bill. This is also in the actual original
15 stormwater agreement where it is to be divided
16 equally, it's my understanding. It was always my
17 argument it should have been and always will be
18 equal no matter how many lots within the
19 district, whether it's eight. That's what it
20 was, then it changed to five. If it's seven now
21 or ten in the future, it will always be divided
22 equally.

23 MR. BLASS: Well it was eight lots
24 initially. Equal is one-eighth. You were paying
25 four-eighths for quite a while.

2 MR. GALLELA: Just one time. One year.

3 MR. BLASS: Okay.

4 MR. GALLELA: After the meeting I had
5 with the Town it changed to one-fifth.

6 MR. HINES: The Town Board.

7 MR. GALLELA: After that Town Board
8 meeting it was changed. The price was reduced
9 and the next billing cycle that came out it was
10 one-fifth. We were all paying equally.

11 MR. BLASS: I'm not sure how that can
12 be done legally. It moved from a one-eighth
13 assessment to one-fifth?

14 MR. GALLELA: I'm not sure how it can
15 be done any other way. I don't know why the
16 eighth is a sticking point.

17 MR. BLASS: Because the original
18 district was set up --

19 MR. GALLELA: It was eight lots.

20 CHAIRMAN BRAND: It's part of -- for
21 the drainage district improvement district the
22 copy of the motion includes all the lands of the
23 Sun Ridge subdivision currently submitted for --
24 approved it says by the Town of Marlborough
25 Planning Board. So that original proposal at

2 this time was eight lots.

3 MR. GALLELA: Correct.

4 CHAIRMAN BRAND: Correct?

5 MR. GALLELA: I'm not arguing that. It
6 has to be eight because equally -- that would be
7 divided equally, what was one-eighth at that
8 time.

9 CHAIRMAN BRAND: Right.

10 MR. GALLELA: If in the future ten,
11 twenty years from now, there are two additional
12 lots in that drainage district, that can not be
13 changed. So whatever lots that come -- they have
14 to -- they'd have to be divided one-ninth or one-
15 tenth, or whatever it would be. If it's an
16 addition to seven or eight as it was originally,
17 otherwise they pay nothing if it's stuck on
18 eight. What happens to it after the eighth?
19 They would come in for free?

20 MS. LANZETTA: You have to get a new
21 drainage district set up.

22 MR. HINES: You have to get it amended.

23 CHAIRMAN BRAND: That's why we
24 recommended the full build-out plan at the onset
25 of this, so that that wouldn't happen.

2 MR. CLARKE: Yes.

3 MR. GALLELA: At that time, yes.

4 MR. BLASS: Well forever. Until the
5 drainage district is modified in some way, shape
6 or form by the Town Board, it's going to be
7 waived.

8 MR. JAMES: Eight lots, equal share.

9 MR. GALLELA: I've never asked for this
10 to be modified.

11 MR. BLASS: The legal issue on the
12 table is we would like a covenant where the large
13 residual lot that you own pays two-eighths and
14 all successors pay two-eighths, and that the
15 drainage improvements will be constructed first
16 before the COs and building permits on
17 structures. Is that acceptable?

18 MR. GALLELA: I have no problem with
19 building the pond first but I have a problem with
20 the equal division being two-eighths and not
21 being divided equally.

22 MR. BLASS: You have a problem with
23 two-eighths?

24 MR. GALLELA: It's one-fifth now.

25 CHAIRMAN BRAND: Do you have any

2 documentation to support that it's one-fifth?

3 Does it say one-fifth of whatever on the bill?

4 MR. GALLELA: I have the budget set at
5 750 and I have my portion at five divided by 750
6 is \$150.

7 MR. BLASS: I don't think it could be
8 made one-fifth instead of one-eighth without a
9 lot of legal procedures.

10 MR. GALLELA: I don't think there
11 should be any legal procedures. You're making a
12 legal procedure by changing it into two-eighths.

13 MR. BLASS: No. It was eight lots to
14 begin with. You downsized the subdivision. You
15 changed the number of lots to five and you paid
16 four-eighths to compensate the existing
17 homeowners so that their share did not go up.

18 MR. GALLELA: It actually went down
19 because of what I did.

20 MR. BLASS: The costs went down?

21 MR. GALLELA: The cost was divided. It
22 was 187, now they're paying 150.

23 MR. CLARKE: The costs and --

24 MR. HINES: The costs are irrelevant.

25 MR. CLARKE: They're not necessarily

2 relevant. You're talking about cost, he's
3 talking about shares.

4 MR. GALLELA: He just brought up the
5 homeowners would pay more. They're actually
6 paying less.

7 MR. HINES: Under the less theory they
8 would pay even less.

9 MR. CLARKE: Maybe the costs went down.

10 MR. HINES: That's exactly what
11 happened.

12 MR. CLARKE: What percentage are you
13 paying? Fifty percent? Are you paying fifty
14 percent of the total bill?

15 MR. GALLELA: No. One-fifth.

16 CHAIRMAN BRAND: He said the total bill
17 was 750 and he got a bill for 150.

18 MR. CLARKE: I want to know what share
19 is that? How are the shares divided up?

20 MR. GALLELA: It says equally in the
21 agreement.

22 MR. TRUNCALI: It says divided equally
23 assessment charged to all approved lots. If
24 there was five approved it should be equally
25 between five. If there's seven it should be

2 equally between seven.

3 CHAIRMAN BRAND: It says to the
4 currently submitted for approval which at that
5 time this district was made was eight, though.

6 MR. TRUNCALI: Was it ever made into
7 eight?

8 MR. HINES: The map was filed.

9 MR. GALLELA: It had to be eight
10 because that was the original subdivision. It
11 had to be divided equally at that time, one-
12 eighth. If that changes so does the
13 apportionment. If it's always equal -- I'm being
14 asked to pay two-eighths, then this is actually
15 being changed. If you don't want me to change
16 anything, I think we should follow the original
17 agreement.

18 MR. BLASS: That's just the petition.
19 There's a map and a report for the district and a
20 public hearing notice for the district that shows
21 eight lots. One-eighth per homeowner. That's
22 just a selected snapshot of a couple of words.
23 It's inconsistent with the map plan and the
24 report.

25 MR. GALLELA: I agree. It's not the map

2 and a couple words. It's three pages that are
3 attached to our deeds.

4 MR. BLASS: That's nothing more than a
5 petition that you sign to consent to form the
6 drainage district.

7 MR. GALLELA: This is a filed document
8 that's filed with the deeds.

9 MR. BLASS: I don't want to argue with
10 you.

11 MR. GALLELA: I don't either. I see
12 the simplicity of it. It seems like you're
13 making it more complex than it ought to be.
14 Nobody is arguing the point. No homeowners
15 actually have an issue with it. There is no
16 problem with this as it currently is.

17 MR. BLASS: If I was a homeowner and
18 realized I was paying one-fifth instead of one-
19 eighth I would probably have a problem with it.

20 MR. GALLELA: I disagree. They're
21 maybe looking at what they're paying.

22 MR. BLASS: The dollar amount you mean
23 that they're paying?

24 MR. GALLELA: Yeah.

25 MR. BLASS: That's a function of what

2 the budget is each year to maintain --

3 MR. GALLELA: We don't have a problem.

4 This is our money. Nobody's money here. Our
5 money paid into the district to take care of
6 these ponds.

7 CHAIRMAN BRAND: Do the existing
8 homeowners agree that they would be willing to
9 change from one-eighth to one-fifth, the people
10 that are paying into it?

11 MR. GALLELA: I have no idea.

12 MR. HINES: They don't know.

13 MR. BLASS: They probably don't know.

14 MR. GALLELA: They are now and have
15 been.

16 MR. BLASS: You can't change a map and
17 a report unless a licensed engineer does that.
18 You'd have to have another public hearing.

19 MR. GALLELA: I'm not asking for any
20 changes. I'm submitting what was originally
21 done. The original pond is there, so is the
22 agreement.

23 MR. BLASS: I'm telling you that's half
24 the picture. Not even half the picture. It's
25 something you're seeing upon and it's

2 inconsistent with the map and the report that
3 said one-eighth.

4 MR. TRUNCALI: Where does it say
5 one-eighth? It says equally between the approved
6 lots.

7 MR. BLASS: And there were eight lots
8 approved at the time. So it's in the map report.

9 MR. TRUNCALI: But then they're
10 consolidating.

11 MR. BLASS: I'll dig out the map and
12 the report and send it to you guys. It will show
13 an eight-lot subdivision and one-eighth share,
14 and then the subdivision was downsized the same
15 to match the market to save costs and it was
16 downsized to five lots. You can't go from one-
17 eighth to one-fifth without some procedure. You
18 just can't do it.

19 MR. GALLELA: Nor can you go to
20 two-eighths. How could you --

21 MR. BLASS: One, two-eighths is less
22 than four-eighths. You're the one that started
23 paying four-eighths.

24 MR. GALLELA: I thought that was wrong.
25 That was my argument.

2 MR. BLASS: You convinced the Town to
3 downsize the subdivision. You agreed to pick up
4 four-eighths and the Town Board -- the Town kept
5 the relative share --

6 MR. GALLELA: I didn't agree to the
7 four-eighths. I went in there to specifically
8 say this shouldn't be this way. Pat can see I
9 told them and I told the Town.

10 MR. HINES: Once a month for years.

11 MR. GALLELA: To me it was never fair,
12 if I started the application or not.

13 MR. BLASS: It depends on your point of
14 view. It's fair to the homeowner. It doesn't go
15 from one-eighth to one-fifth or one-eighth to
16 one-seventh.

17 CHAIRMAN BRAND: Any comments from the
18 Board?

19 MR. CLARKE: When you went from eight
20 lots to five lots, was that a Planning Board
21 decision?

22 MR. HINES: Yes.

23 MR. GALLELA: Yes.

24 MR. CLARKE: It was?

25 MR. GALLELA: It was always a public

2 hearing. That was a lot line change. There was
3 a public hearing at that time.

4 MR. CLARKE: So he really had five
5 equal lots?

6 MR. GALLELA: Yes.

7 MR. HINES: Yes, but at the time the
8 discussion was it was in the drainage district
9 and that consolidated lot would be paying it's
10 apportioned share of the combined lots that were
11 consolidated. That's how the original bills were
12 generated at four-eighths. There was a
13 discussion regarding the drainage district upon
14 consolidation. If I'm on those other four lots
15 I'm going to say I oppose this consolidation.

16 MR. CLARKE: I understand.

17 MR. BLASS: I'll dig out the map and
18 the report, send it around tomorrow and it will
19 show one-eighth shares. It will show each lot
20 having an equal one share.

21 MR. CLARKE: Is there a map, an
22 approved map that those five lots?

23 MR. GALLELA: Yes.

24 MS. LANZETTA: It doesn't change the
25 drainage district.

2 MR. HINES: The original drainage
3 district wasn't changed.

4 MR. CLARKE: So an assumption was made?

5 MR. BLASS: There was no need to change
6 it because four-eighths were picked up by one lot
7 and the others stayed at one-eighth.

8 MR. CLARKE: The assumption was there
9 will really always be eight lots?

10 MR. BLASS: Yes. Eight equal shares.

11 MR. CLARKE: Okay.

12 MS. LANZETTA: The drainage district is
13 a State-approved instrument. It's not something
14 that we make up here locally. It's something
15 that is entered into as an agreement and then
16 goes up to the state. If you need to change it,
17 it also has to go back up to the State. They
18 don't like that. I know we went through that
19 with the --

20 MR. GALLELA: I'm not asking anyone to
21 change it. How I read this document is that it's
22 equal. Of course it had to be eight from the
23 original subdivision, but it's changed in the
24 future as far as lot numbers. The cost to us
25 would be split equally.

2 MR. CLARKE: You changed the zoning on
3 the lots but you didn't change the drainage
4 district. Two different documents and they have
5 different numbers.

6 CHAIRMAN BRAND: Correct.

7 MR. CLARKE: That's your issue.

8 MR. GALLELA: How do you change this
9 document to read different?

10 MR. CLARKE: You had a local zoning
11 change to go to five lots. The State approved
12 the drainage district at eight lots. You did not
13 make that change with the State. The State still
14 has it at eight lots in the drainage district.

15 MR. BLASS: So that's a petition under
16 which you signed and agreed to set up the
17 drainage district as laid out in the map and the
18 report prepared by maybe you, --

19 MR. HINES: I think it might have been
20 my office.

21 MR. BLASS: -- and that shows eight.

22 MR. GALLELA: I understand what you're
23 saying, I just don't follow it as far as eighths,
24 how it stays. Of course it had to be eight at
25 that time.

2 MR. BLASS: I'll send your lawyer the
3 map and the report. It's all in there.

4 MR. GALLELA: The report is right here
5 and the map is eight.

6 MR. HINES: That's the petition. The
7 map plan report is a separate document that was
8 filed with the petition.

9 CHAIRMAN BRAND: Ron, at this time we
10 would be willing to -- we could draft a
11 resolution of conditional approval; correct?

12 MR. BLASS: Yeah. We would like a
13 covenant that says that the drainage improvements
14 are constructed first, and that the large
15 residual lot picks up two-eighths share to
16 preserve everybody else's one-eighth share.

17 MR. HINES: And the septic systems are
18 an issue, too.

19 CHAIRMAN BRAND: That's right. They
20 have to go to Ulster County Health Department.

21 I think those are really your options.
22 I think that -- I'm speaking for myself. I would
23 be willing to go ahead and give you the approval
24 for the eight with the one lot paying
25 two-eighths. If you want to change to one-fifth,

2 then you have to proceed with changing the
3 drainage district through the State, which I'm
4 assuming is going to be more lengthy and more
5 costly than the two-eighths.

6 MR. HINES: It starts at the Town Board
7 level.

8 MR. BLASS: It would be at the Town
9 Board level.

10 MR. HINES: Upon approval it's filed.

11 CHAIRMAN BRAND: With the State.

12 MR. BLASS: It's filed with the State
13 but you don't need a State approval.

14 MR. HINES: Once the Town Board is done
15 it gets filed.

16 CHAIRMAN BRAND: I think that's pretty
17 much where we are right now.

18 MR. HINES: I think it might take
19 agreement of the other lots in the district.

20 MR. BLASS: Yeah.

21 MR. HINES: That very rarely happens.
22 Like Cindy said, it's not an easy thing to do.

23 CHAIRMAN BRAND: So procedurally the
24 Town Board would approve --

25 MR. HINES: The process, it's more

2 Ron's. A petition would be filed with a revised
3 map plan report to the Town Board. The Town
4 Board would hold a public hearing on that. I
5 think the petition would have to be signed by
6 owners of all the lots. I'm just talking out
7 loud.

8 CHAIRMAN BRAND: I follow you.

9 MR. BLASS: Definitely.

10 MR. HINES: Then the Town Board could
11 hold a public hearing and take action.

12 CHAIRMAN BRAND: Then the Town Board's
13 decision is final or does that need State
14 approval?

15 MR. HINES: That gets approved and
16 filed with the State. The State doesn't have
17 approval. It's a receipt and filed.

18 MS. LANZETTA: I know when we went to
19 dissolve the drainage district we had to get --

20 MR. HINES: Dave Knolls was one, too.
21 There were no lots approved on that.

22 MS. LANZETTA: They had to get
23 approval, though, on the State level to dissolve
24 that.

25 MR. BLASS: State Legislature.

2 MR. HINES: They had to get rid of
3 them.

4 MR. BLASS: Get rid of it. That's not
5 the rule for changing it.

6 MS. LANZETTA: Okay.

7 MR. BLASS: That would be a map and a
8 report to modify, and a public hearing in which
9 the lot owners would have the right to object.

10 CHAIRMAN BRAND: If for example one of
11 the people objects, does that automatically
12 negate any changes or it's still the decision of
13 the Board?

14 MR. GALLELA: Are we talking about if
15 we go to one-fifth?

16 CHAIRMAN BRAND: Yes.

17 MR. BLASS: Any objecting party would
18 not sign the petition. Pat is absolutely correct
19 that the petition would have to be signed by all
20 lot owners.

21 CHAIRMAN BRAND: And if they didn't
22 sign?

23 MR. BLASS: If they objected they
24 wouldn't sign it.

25 CHAIRMAN BRAND: Then he could not do

2 it at all?

3 MR. BLASS: Right.

4 MR. GALLELA: Do you want me to see if
5 I can get a petition to go to one-fifth and again
6 to one-seventh?

7 CHAIRMAN BRAND: I think you would want
8 it to go to whatever the change is that you're
9 currently proposing.

10 MR. GALLELA: Currently asking for.

11 CHAIRMAN BRAND: Yes.

12 MR. BLASS: One-fifth is not relevant.
13 One-seventh is not relevant. One-eighth is the
14 relevant number.

15 CHAIRMAN BRAND: Now. With the lots
16 that he has proposed, if he were to pursue the
17 course to change the drainage district, he's
18 proposing there's five total units; correct?

19 MR. HINES: Seven.

20 CHAIRMAN BRAND: Seven total units.

21 MR. GALLELA: There's five right now.

22 Five lots.

23 MR. CLARKE: He's proposing two more.

24 CHAIRMAN BRAND: Two more. So that
25 would be seven. So you would have to have a new

2 petition filed with the other people that all
3 agree they would pay one-seventh; right? Correct
4 me if I'm wrong at any point here. Go to the
5 Town Board, have a public hearing. If they
6 approve that, then you'd be able to do that. Or
7 I think -- correct me if I'm wrong again -- the
8 Board, we could prepare a proposal and the one-
9 eighth could just be presented as one-eighth per
10 lot with the larger lot paying two-eighths, and
11 that could be done here by the Planning Board in
12 a resolution?

13 MR. BLASS: I would still want to see
14 that done by the Town Board.

15 CHAIRMAN BRAND: On which?

16 MR. BLASS: Both. I would want to see
17 the Town Board handle the modified map plan
18 report, have a public hearing, receive the
19 petitions and do what it's going to do.

20 CHAIRMAN BRAND: Even if they stick
21 with this one-eighth?

22 MR. BLASS: If we can get an agreement
23 in the form of a recordable covenant that one of
24 the lots would pick up two-eighths so the owners
25 stay at one-eighth, then we could do it that way.

2 CHAIRMAN BRAND: Here?

3 MR. BLASS: That's the proposal on the
4 table.

5 MR. TRUNCALI: Without going to the
6 Town Board?

7 MR. BLASS: Yeah, without going to the
8 Town Board. There's an objection to that I'm
9 hearing.

10 CHAIRMAN BRAND: So those are the
11 options that you have at this point I think. We
12 could draft that resolution of approval for the
13 next meeting --

14 MR. BLASS: We could.

15 CHAIRMAN BRAND: -- and then if you're
16 in agreement we could approve it, otherwise you
17 have to do all that other stuff.

18 MR. GALLELA: I just want to make it
19 known that when you fill out these applications
20 and submit them to the State for approval or for
21 a permit, you have to put down the number. That
22 number was eight at the time. As far as moving
23 on from there, when the district is built out and
24 it's being operated, this is what everybody would
25 hold up and say how it's enforced. This follows

2 the property. It's filed with our deeds. I saw
3 it as equally. I don't see how any other way
4 other than equally. You have the lots within the
5 district, the drainage district.

6 CHAIRMAN BRAND: The choice is yours.

7 We will have that drawn up for the next meeting.

8 MR. BLASS: Yeah. I'm need a covenant,
9 though. You have to send me a covenant so I can
10 take a look at it. I want it ahead of time.

11 MR. GALLELA: Is that the agreement of
12 the Board?

13 MR. HINES: The choice is yours is what
14 they are telling you.

15 CHAIRMAN BRAND: Anything else on that?

16 MS. FLYNN: Are you going to go on the
17 November 19th?

18 CHAIRMAN BRAND: We could tentatively
19 put him on. If he changes we can strike it.

20 MR. GALLELA: That would be final
21 approval?

22 MR. HINES: With those conditions,
23 conditional final.

24 MR. GALLELA: I heard preliminary.

25 MS. LANZETTA: A public hearing?

2 CHAIRMAN BRAND: We already had the
3 public hearing for this about ten years ago. Was
4 it June?

5 MS. FLYNN: June 18th.

6 CHAIRMAN BRAND: Thank you.

7

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

9

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

11

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

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

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

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 14th day of November 2018.

23

24

25

28

Michelle Conero

MICHELLE CONERO

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

In the Matter of

MARLBORO ON HUDSON

Project No. 18-2008
Hudson Circle, Marlboro
Section 108.12; Block 8; Lot 23

REVIEW ON CONDITIONS OF SITE PLAN

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORIELLO,
MICHAEL TURTURRO, JAMES BELLO

MICHELLE L. CONERO

PMB #276

56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163.

2 CHAIRMAN BRAND: Next up, Marlboro on
3 Hudson.

4 You guys are here for an amendment to
5 the previously approved SEQRA negative
6 declaration, notice of determination of
7 non-significance.

8 Ron, did you want to run through the
9 changes?

10 MR. BLASS: There's a request to change
11 the first condition to say the pump house and
12 pool permits should be commenced immediately
13 following issuance of the CO for the sixteenth
14 unit and shall be constructed to completion as a
15 pre-condition of issuance of a CO for the
16 twenty-fourth unit.

17 CHAIRMAN BRAND: And that was changed
18 from the thirteenth unit I believe, or something
19 like that?

20 MR. BLASS: I think it was, yeah.

21 CHAIRMAN BRAND: Just changing it to
22 the sixteenth unit.

23 MR. BELLO: I believe it was the
24 sixteenth unit, the issuance of the permit.

25 MR. HINES: We need your name for the

2 stenographer.

3 MR. BELLO: James Bello, B-E-L-L-O.

4 CHAIRMAN BRAND: Any questions or
5 discussions on this amended resolution?

6 MR. CLARKE: Issuance of a building
7 permit is a point in time you can set. Issuance
8 of a certificate of occupancy depends on sales
9 and it depends on a lot of different things.

10 I guess my other problem with the whole
11 concept is that this is really not your
12 traditional condominium association because there
13 are no owners living in the units at the present
14 time. I haven't seen -- who has the structure of
15 this whole thing? Who is the board of -- who is
16 the board? How are they elected? What do the
17 condominium documents say about that?

18 MR. TURTURRO: Right now it hasn't been
19 turned over to the homeowners association. The
20 owners are the owners. There are actual owners
21 that live there.

22 MR. CLARKE: There are?

23 MR. TURTURRO: Yeah.

24 MR. CLARKE: I took it that there
25 weren't.

2 MR. HINES: Usually there's a threshold
3 number where there's X number of owners and then
4 the homeowners association takes it over.

5 MR. CLARKE: Normally when it's fifty
6 percent, then the homeowners hold an election and
7 elect the Board.

8 So you have documents that have all
9 that?

10 MR. TURTURRO: Correct. Absolutely.

11 MR. CLARKE: My concern is if you build
12 a pool, now somebody has to maintain it. Who is
13 going to be responsible for that? Before we had
14 a siren that was going off because the septic
15 system wasn't working and nobody seemed to be
16 responsible for it. I have concerns about that.
17 A pool is going to be even worse because it turns
18 green.

19 MR. BELLO: Absolutely.

20 MR. TURTURRO: Yes. Absolutely
21 somebody has to be responsible for it. That's
22 why we're trying to push it out to that unit
23 number. By then we'll have enough density and
24 mass, we'll have a homeowners association
25 standing and ready to go. It's in the Attorney

2 General's document that everybody bought units so
3 we're personally responsible to make sure that
4 that's done. If it's not done the Attorney
5 General goes right through the LLC.

6 MR. CLARKE: I'm familiar with the
7 Florida condominium law. I don't know anything
8 about New York law.

9 MR. TURTURRO: I wasn't, so --

10 MR. CLARKE: As long as you have a
11 homeowners association and it's going to be in
12 place and somebody is going to be responsible, I
13 don't have a problem. All right.

14 CHAIRMAN BRAND: Any other comments?

15 MS. LANZETTA: I just wanted to -- I
16 apologize, I don't have the documents with me. I
17 had some paperwork for, I think it was the --

18 CHAIRMAN BRAND: Cessation.

19 MS. LANZETTA: Thank you. The other
20 legal documents regarding the septic, the sewer
21 and the connections. There were two legal
22 documents that were included.

23 MR. HINES: A water and a sewer
24 agreement.

25 MS. LANZETTA: Yeah, yeah. I just want

2 to call your attention to the fact that on those
3 documents the supervisor of the Town was Albert
4 Lanzetta and it's Alphonso Lanzetta.

5 MR. MORIELLO: That was already pointed
6 out to me.

7 MS. LANZETTA: I would be in a mess if
8 I didn't catch that.

9 MR. MORIELLO: I should have looked in
10 the little book.

11 MR. CLARKE: He goes by Al.

12 CHAIRMAN BRAND: Any other comments or
13 questions?

14 (No response.)

15 CHAIRMAN BRAND: All right. Jen, would
16 you poll the Board on the amended resolution for
17 the application of Marlboro on Hudson for the
18 re-approval of the special permit site plan
19 approval initially issued on March 7th.

20 MR. TRUNCALI: I have one more thing.
21 There's also some back rec fees and escrow
22 account money that was due.

23 CHAIRMAN BRAND: There was.

24 Do you know those numbers?

25 MS. FLYNN: I don't think --

2 MR. CLARKE: They won't get all their
3 permits without that.

4 MS. FLYNN: I think it's on the one
5 from the last meeting. It looks like -- was it
6 like 36,000? I forgot what the amount was. It's
7 on my paper in the office.

8 CHAIRMAN BRAND: They realize they're
9 responsible for that. That's part of the
10 condition of approval.

11 MR. BELLO: About \$4,000 in other fees.

12 CHAIRMAN BRAND: Escrow.

13 Jen, would you poll the Board?

14 MS. FLYNN: Chairman Brand?

15 CHAIRMAN BRAND: Yes.

16 MS. FLYNN: Member Truncali?

17 MR. TRUNCALI: Yes.

18 MS. FLYNN: Member Trapani?

19 MR. TRAPANI: Yes.

20 MS. FLYNN: Member Lanzetta?

21 MS. LANZETTA: Yes.

22 MS. FLYNN: Mr. Lofaro?

23 MR. LOFARO: Yes.

24 MS. FLYNN: Member Clarke?

25 MR. CLARKE: Yes.

2 MS. FLYNN: Member Cauchi?

3 MR. CAUCHI: Yes.

4 CHAIRMAN BRAND: So carried.

5 MR. MORIELLO: Thank you very much.

6 CHAIRMAN BRAND: Thank you.

7 Anything from the Board before we
8 proceed to close?

9 (No response.)

10 CHAIRMAN BRAND: No. All right.

11 How do the members feel about the
12 possibility of changing the meetings to 7:00 p.m.
13 as opposed to 7:30? Is there anyone that has an
14 issue with that?

15 MR. TRUNCALI: 7:30 is better for me.

16 MR. CAUCHI: Me too.

17 MR. LOFARO: I agree.

18 CHAIRMAN BRAND: Okay. We'll keep it
19 7:30.

20 Motion to adjourn?

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

22 MS. LANZETTA: Second.

23 CHAIRMAN BRAND: All in favor?

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. TRUNCALI: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7

8 (Time noted: 8:07 p.m.)

9

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

11

12 I, MICHELLE CONERO, a Notary Public
13 for and within the State of New York, do hereby
14 certify:15 That hereinbefore set forth is a
16 true record of the proceedings.17 I further certify that I am not
18 related to any of the parties to this proceeding by
19 blood or by marriage and that I am in no way
20 interested in the outcome of this matter.21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 14th day of November 2018.

23

24

25



MICHELLE CONERO