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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

7 Project No. 18-2010
8 132 Milton Turnpike, Milton
Section 103.1; Block 1; Lot 33.1

10 OPEN PUBLIC HEARING - SITE PLAN

11 Date: January 22, 2019
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
16 JOEL TRUNCALI
16 CINDY LANZETTA
17 JOSEPH LOFARO
17 MANNY CAUCHI

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: MICHAEL CUCCHIARA
NICHOLAS VAMVAS

22 X

23 MICHELLE L. CONERO
PMB #276

24 56 North Plank Road, Suite 1
Newburgh, New York 12550
25 (845)541-4163

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, January 22,
7 2019. Regular meeting 7:30 p.m. Approval of
8 stenographic minutes for 12/17. Milton
9 Turnpike Solar Farm, public hearing
10 continuation, site plan; Smith Subdivision,
11 preliminary, subdivision; Dina, sketch, lot
12 line. Discussion without lawyer, engineer
13 and stenographer: Mike Garone, 17 Bailey's
14 Gap Road; Dockside 9W, Dock Road. Next
15 deadline: Friday, January 25th. Next
16 scheduled meeting, Monday, February 4th.

17 CHAIRMAN BRAND: First up, Milton
18 Turnpike Solar Farm. We adjourned the public
19 hearing from last time. I'll reopen it.

20 I'll take a motion to reopen the public
21 hearing.

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

23 CHAIRMAN BRAND: Is there a second?

24 MR. TRUNCALI: I'll second

25 CHAIRMAN BRAND: Okay. Since we were

2 last here we did have some questions.

3 Pat, do you want to run through your
4 questions?

5 MR. HINES: A couple of procedural
6 comments. The status of the approval from Ulster
7 County DPW, you needed a driveway access permit
8 from them.

9 MR. CUCCHIARA: We are still waiting to
10 hear back. Approximately on January 11th or 12th
11 I sent them the full package with all the
12 signatures, updated insurance documents. They're
13 in possession of our application fees. So we're
14 just waiting to hear back from them.

15 MR. HINES: We requested the
16 jurisdictional fire department take a look at the
17 site. I don't know if we've heard back from them
18 yet.

19 CHAIRMAN BRAND: Jen, we haven't
20 received anything from the fire department
21 regarding this project?

22 MS. FLYNN: No.

23 MR. HINES: The status of the PILOT
24 agreement --

25 MR. VAMVAS: I'm sorry. Just to

2 clarify, did the Board reach out directly to the
3 fire department, because --

4 CHAIRMAN BRAND: We do not.

5 MR. VAMVAS: Okay. I just wanted to
6 make sure. When I saw the comments I went ahead
7 and reached out.

8 MR. HINES: Okay.

9 MR. VAMVAS: Just to be extra sure,
10 this is the Milton Engine Number 1?

11 MR. HINES: Yes.

12 MR. VAMVAS: Perfect. Thank you.

13 MR. HINES: The status of the PILOT
14 agreement, which would be with the Town Board.

15 MR. CUCCHIARA: Right. We have not
16 began our meetings yet. The Town Board has been
17 notified. We just need to find the time to sit
18 down and negotiate.

19 MR. HINES: And then I know the photo
20 simulations that were provided are probably the
21 topic of tonight's discussion, the biggest topic.
22 The original simulations you were showing the
23 site is visible from Locust Grove. I think you
24 propose to leave some trees? Was there a second
25 simulation?

2 MR. CUCCHIARA: No. Okay. Now I get
3 where there might have been confusion. There
4 were two images in the PDF that we sent, one was
5 a sort of before and after. Is that maybe where
6 the confusion was?

7 MR. HINES: We did get another
8 submission. I thought it was showing you were
9 going to be able to leave some of the trees on
10 there, on your eastern property line.

11 MR. CUCCHIARA: I don't believe --

12 MR. HINES: We got two sets; right?

13 CHAIRMAN BRAND: The second set I
14 requested them to show some type of --

15 MR. LOFARO: It came with the red line.

16 MR. CUCCHIARA: I'm sorry, we didn't
17 print it out tonight. I thought we were going to
18 be in the other room and we'd have the big screen
19 TVs. We have that in our possession. We can
20 clearly point it out here to the Members.

21 Do we want to get into this?

22 MR. HINES: Yes.

23 CHAIRMAN BRAND: Absolutely.

24 MR. HINES: That's the major SEQRA
25 issue that we have outstanding are the visual

2 impacts.

3 MR. CUCCHIARA: Sure. We had Saratoga
4 Associates model this for us using the high
5 resolution image shot in late December. So our
6 before picture showed to the ridge line. Part of
7 the array that will be visible is the western
8 side. The actual layout of the project has sort
9 of -- it is bisected in the middle. We're
10 looking at about the western portion of the array
11 that's up on the hill there which will be
12 somewhat visible.

13 In speaking with them, also I think the
14 darkness of some of those lines might have to do
15 with shadows. They modeled this on the date that
16 this picture was taken. If you look closely you
17 can kind of see sort of thin rows and then
18 there's sort of a darker shadow. They think that
19 that will be less of an impact at other points of
20 the year when the sun is not as low and the
21 shadows are not as wide.

22 However, that being said, it can be
23 visible. I think clearly what dominates that
24 landscape is the Sports Dome. To me it looks
25 like a row of some crops on the hillside there.

2 That's what was requested so we're happy to
3 discuss it.

4 For those looking over here, the image
5 would be right there. I'm happy to move out of
6 the way.

7 CHAIRMAN BRAND: I do have an extra if
8 you're interested in seeing it.

9 Did we receive Ulster County Planning
10 comments?

11 MR. HINES: We did have Ulster County
12 Planning comments back from our initial lead
13 agency circulation in July. Those have been
14 received.

15 CHAIRMAN BRAND: Okay. Anything from
16 the Board?

17 MS. LANZETTA: I'd like to hear from
18 the public first.

19 CHAIRMAN BRAND: This is a public
20 hearing. If you're here to speak either for or
21 against this project, just stand, state your name
22 for the stenographer and you can be heard at this
23 time.

24 Yes, sir.

25 MR. ANZEVINO: My name is Jeff

2 Anzevino, director of land use advocacy for
3 Scenic Hudson. We're not really here to speak
4 for or against but we want to provide our
5 perspective about solar facilities in general,
6 which we think are a good idea, and some ways
7 that I think this can be sort of reconfigured to
8 avoid that impact, that visual impact on Locust
9 Grove.

10 First, like many others, we're deeply
11 concerned that our reliance on fossil fuels
12 responsible for a changing climate, warming
13 planet, rising sea levels and more frequent
14 outbreaks of severe weather. We believe that by
15 shifting our energy portfolio from carbon based
16 to renewables we can turn the tide of climate
17 change. Solar energy development must be
18 promoted and rapidly implemented in New York
19 State if it is to meet our aggressive goal of
20 increasing our renewable energy supply to 50
21 percent or as much as 75 percent by 2030.

22 We've developed this book that I'd like
23 to pass out and give a copy to everyone. We
24 probably have enough to go around the table here.
25 Clean Energy Green Communities. We created this

2 to help planning boards and developers find ways
3 to site solar facilities that can achieve the
4 energy goals without compromising the Hudson
5 Valley's historic landscapes and agricultural
6 resources. The guide takes a smart-from-the-
7 start approach designed to reduce conflict and
8 potential impact in order to streamline the
9 review and approval process. We approach every
10 solar siting review from the premise that
11 approval would benefit our fight against climate
12 change, and we view each proposal through the
13 lens provided by green energy clean communities.

14 So just a little bit about this site
15 from our perspective. As the Board knows, the
16 applicant knows, it's 2.6 megawatts on 17 acres
17 of an 88 acre parcel. It would provide the
18 annual benefit of 3.3 million kilowatt hours of
19 clean renewable energy annually, and that's
20 enough to power 350 homes. That's a very good
21 thing.

22 According to the E.A.F., the project
23 would result in ground disturbance of 12.9 acres
24 and tree clearing of 13.83 acres.

25 In addition, of the ground disturbance,

2 20 percent would be on relatively level ground
3 with less than 10 percent slopes, 60 percent on
4 moderately sloped land of 10 to 15 percent, and
5 20 percent on steeper slopes of greater than 15
6 percent.

7 From the standpoint of siting a solar
8 facility, the site proposes several challenges.
9 It's aspect is to the east rather than the south,
10 which would be ideal to the south. The panels
11 would be constructed on a steep slope requiring
12 clear cutting of a lot of trees. In addition,
13 the site is within the viewshed of Locust Grove,
14 which you know that's a national historic
15 landmark, an important historic site.

16 In addition, the clearing of nearly 14
17 acres of trees in combination with the steep
18 slopes create the potential for significant
19 increase in stormwater runoff, erosion and
20 sedimentation.

21 Finally, while the 2.6 megawatt project
22 helps reduce our reliance on carbon based fossil
23 fuels, this benefit will be diminished to some
24 extent by the loss of some 14 acres of carbon
25 sequestering woodlands.

2 We reviewed the site plan and the
3 simulations that we see here tonight. Our
4 analysis has shown that the panels visible from
5 Locust Grove could be located to a portion of the
6 site a little bit to the south. There's about --
7 in fact, I want to pass this out. We did a
8 visual analysis of the site which shows the
9 portions of the site that are visible from Locust
10 Grove. If there's a way to shift, it looks like
11 about 10 to 15 percent of the panels -- I hope
12 there's enough for everyone, and for the
13 applicants as well. 10 or 15 percent of the
14 panels are visible from Locust Grove. If they
15 could be moved to the south, I believe that that
16 impact, visual impact from Locust Grove would be
17 avoided all together and may even be able to
18 develop some panels on part of the site that's
19 not quite as steep. It looks like the trees on
20 that part of the site are not as high quality
21 either. So there might be some actual benefit to
22 the developer to take this approach as well. If
23 this is not possible, it could be possible just
24 to scale the project back slightly, not to
25 include the panels that are visible from Locust

2 Grove.

3 CHAIRMAN BRAND: Can I interrupt for
4 one second?

5 MR. ANZEVINO: Sure.

6 CHAIRMAN BRAND: On this simulation
7 that you have, this red area, the panels are what
8 you're saying are visible?9 MR. CUCCHIARA: Those are the ones that
10 we're seeing in the simulation.11 CHAIRMAN BRAND: Okay. And you're
12 proposing to move them to the south?13 MR. ANZEVINO: I'm suggesting perhaps
14 the Planning Board and the applicant can look at
15 putting them down in this area.

16 MS. LANZETTA: In this area?

17 MR. ANZEVINO: Yes. And that way -- if
18 you would like me to show you, too. That sort of
19 area.20 It would avoid that impact all
21 together. If the Planning Board and the
22 applicant decide to leave them where they are, we
23 would recommend that a glare and glint analysis
24 be done so that we can ensure that under
25 different lighting conditions and different sun

2 angles, that the simulations that we're seeing
3 are in fact going to be an accurate and worst-
4 case scenario with respect to the visual impact
5 from Locust Grove.

6 CHAIRMAN BRAND: And that was one of
7 the concerns of a neighbor as well at the last
8 public hearing.

9 MR. ANZEVINO: Due to the clear cutting
10 required to develop the site, we also recommend
11 that the Planning Board require an analysis
12 comparing the loss of carbon sequestration
13 capacity of the forest to be cleared to the
14 carbon offsets provided by renewable energy
15 generated over the life of the project. Such an
16 analysis would provide the Planning Board a more
17 complete understanding of the project's benefits
18 with respect to addressing the impacts of climate
19 change.

20 Finally, due to the extensive land
21 clearing and construction, maintenance and
22 decommissioning of the facility on these steep
23 slopes, Scenic Hudson urges the Planning Board to
24 require careful planning and implementation of
25 the site plan. In particular, the stormwater

2 pollution and prevention plan must take into
3 account the loss of nearly 14 acres of trees and
4 conversion of that portion of the site to
5 impermeable solar panels. As it is now with the
6 trees, when rain falls on the trees the tree
7 canopy breaks the impact of the rain that falls.
8 When it's developed in this manner, it's going to
9 fall on the panels and then create more
10 impervious surface to be dealt with.

11 So in summary, given the steep slopes,
12 the eastern facing aspect and tree covered
13 hillside, the site poses certain challenges for
14 the responsible development of a solar facility.
15 We urge the Planning Board and applicant to work
16 together to relocate some of the panels at the
17 northwest part of the site to the south. That
18 would avoid the visual impact on Locust Grove.
19 If it's not possible, a glint and glare analysis
20 should be conducted to ensure the visual
21 simulations provide an accurate and worst-case
22 scenario of the view from Locust Grove.

23 Finally, we urge the Planning Board
24 require a carbon sequestration analysis and take
25 a careful look at the impacts related to

2 stormwater runoff, erosion, sedimentation and
3 development on steep slopes.

12 We really hope that the project goes
13 forward. We think this is important. We really
14 prioritize the development of these types of
15 sites.

16 Just in closing, one might wonder why
17 should a town on one side of the river care about
18 the view from the other side. I would just offer
19 that we live in a region where we all rely on the
20 tourist economy here and the quality of life for
21 our residents. The people that come to places
22 like Walkway Over the Hudson or Locust Grove, the
23 FDR site probably also come to do things like
24 visit apple orchards in places like Marlborough.
25 If we can all maintain the important views,

2 especially from a national historic landmark
3 which is the highest quality -- highest category
4 of historic places, I think it's better for us in
5 general.

6 I'll pass out copies of my statement so
7 that you all have that. If anyone has any
8 questions, I'm happy to entertain that or work
9 with the Planning Board and the developer as this
10 moves forward.

11 CHAIRMAN BRAND: Thank you.

12 MR. ANZEVINO: Thank you.

13 CHAIRMAN BRAND: Just in response to
14 his proposal, is there a reason for the placement
15 where you have it now?

16 MR. CUCCHIARA: Sure. That was
17 definitely a discussion between us and the
18 landowner. I think any relocation, we would have
19 to work together on that. I certainly think the
20 impact to visibility or visual aesthetics from
21 this project, moving that closer to Milton
22 Turnpike, closer to residents that are along, and
23 particularly the couple that joined us at the
24 last meeting, their last names are escaping me,
25 it would put us closer to them, also closer to

2 our landowner's home.

3 MR. ALDRICH: Jeff Aldrich, landowner.

4 That would be closer to Borgerson's.

5 MR. CUCCHIARA: Thank you. Thanks for
6 giving the name.

7 I mean I think those reasons were the
8 reasons why we moved it to the back area. We
9 actually went through several iterations. Other
10 parts of the parcel have wetlands on them, others
11 for other uses perhaps in the future that the
12 landowner wants to do or look at. So to us, this
13 was the best way to put it out of sight.

14 We do recognize that this view -- this
15 project can be seen from a distance, however I
16 mean I would still argue that I do not think it
17 ruins the scenery or the quality of view from
18 that location. That is up to the Planning
19 Board's discretion.

20 That being said, I think -- this is the
21 first -- I have not received that letter or had
22 the chance to look through it. I know we have
23 completed our SWPPP, so we have taken into
24 account stormwater runoff. We have features that
25 I'm sure Nick can discuss. We have taken that

2 into consideration.

3 The panels, although impervious
4 themselves, are going to drip down onto -- you
5 know, the ground underneath is going to be
6 essentially a meadow. We believe that that will
7 also mitigate any major stormwater impacts.

8 I have seen in other areas -- EPA used
9 to have a calculator which kind of outweighed
10 solar production versus loss of trees and carbon
11 sequestration from them. Typically we've seen
12 almost three times the amount of carbon benefit I
13 should say from producing clean energy as opposed
14 to carbon sequestration from those trees. I can
15 go out and see if we can find that calculator if
16 that would be sufficient to answer those issues.

17 Those are my quick comments. I'm happy
18 to answer anything.

19 I don't know, Nick, if you want to talk
20 about anything else.

21 MR. VAMVAS: Did you also want to
22 discuss generally glint and glare, how the Locust
23 Grove site is north as compared to the proposed
24 solar site? Glint and glare is really only an
25 issue kind of east and west and maybe a little

2 bit to the south of the solar site because you
3 really only have the potential for glare when the
4 site -- when the sun is low on the horizon, early
5 morning or towards the evening. Since Locust
6 Grove is north by, I don't know, a couple of,
7 maybe not degrees but a couple of minutes as far
8 as the latitude, it would be -- I mean I could
9 say pretty certainly that there won't be any
10 glare seen at Locust Grove. Since the site is
11 located away from Milton Turnpike, glare to the
12 residents is on the south side. We wouldn't be
13 concerned with all the natural vegetation that's
14 going to be left in place.

15 CHAIRMAN BRAND: Assuming the panels
16 are oriented on a tilt towards the south?

17 MR. VAMVAS: They're fixed.

18 MR. CUCCHIARA: A fixed tilt. So they
19 are stuck in the position of the tilt.

20 MR. CAUCHI: In other words, you're
21 saying there won't be any glare is the position,
22 blah, blah, blah. If there is any glare, what
23 kind of provision do you have for that?

24 MR. VAMVAS: Well the panels -- I guess
25 I shouldn't speak for the panels. That's your

2 job. They should have an anti-reflective
3 coating. Right?

4 MR. CUCCHIARA: Sure. I think any type
5 of glare that would be noticed, like Nick was
6 saying, really happens on extremely low angles of
7 the sun, so early morning or late evening,
8 particularly during the winter months, late
9 winter when the sun is at it's lowest angle.
10 Typically if we've seen extensive glare, an open
11 farm field where there's not much vegetation, we
12 would treat that with additional screening. We
13 felt given the location, set back in the
14 northwest, leaving existing screening really on
15 all sides, that we wouldn't have any of those
16 issues.

17 MR. CAUCHI: Okay. So you have a
18 solution?

19 MR. CUCCHIARA: We think there's a
20 natural solution.

21 MR. VAMVAS: We shouldn't take credit
22 for the trees that are going to stay.

23 MR. CUCCHIARA: Right.

24 MR. VAMVAS: And yes -- just to jump
25 back on the erosion and stormwater concerns.

2 Yes, tree cover -- heavy tree cover is really
3 great at mitigating stormwater runoff but
4 changing from a heavy tree cover to what we're
5 going to have under the panels, like Mike said,
6 this meadow, a nice good stand of grass is going
7 to remain throughout the project. In fact,
8 that's something that we insist the developers
9 maintain throughout the project. When looking at
10 the modeling that we've prepared as part of the
11 SWPPP, you'll see that the runoff rate isn't any
12 higher in the post-construction condition. In
13 addition to the good stand of grass that's going
14 to remain, we also have swales to kind of
15 mitigate the flow path, to kind of elongate the
16 flow path, allow more time for the runoff to
17 enter the ground. It used to be you'd just send
18 everything downstream as much as possible. Now
19 the State requires developers to really consider
20 getting things to slow down, getting all the
21 runoff to slow down so it has more time to
22 infiltrate into the ground, even in slowly
23 perking soils like we have on site.

24 CHAIRMAN BRAND: That came up last time
25 as well as the maintenance of the meadow that

2 you're referring to. That responsibility falls
3 under the landowner, the corporation?

4 MR. VAMVAS: That would be us.

5 CHAIRMAN BRAND: If there were some
6 type of washout --

7 MR. CUCCHIARA: We're happy to work
8 with the Town on any maintenance or concerns that
9 you might have. It's something we would be
10 responsible for.

11 MR. HINES: We have reviewed the
12 stormwater pollution prevention plan and concur
13 with the analysis that was just given. The
14 change of vegetative cover from woodlands to
15 grass actually results in a net decrease in
16 runoff because the grass has a lower runoff
17 coefficient than the forested property. We have
18 reviewed that plan and find it acceptable for the
19 Town to issue a municipal authorization as a
20 regulated MS-4.

21 In addition, during construction the
22 applicants will have to have twice weekly
23 inspections of the site during construction. My
24 office through the Town also follows up and
25 inspects those periodically, usually once every

2 two weeks or so. We'll receive those twice
3 weekly reports, we'll review them and pass them
4 on to the code enforcement department. So
5 there's a system in place to review that during
6 construction.

7 CHAIRMAN BRAND: Any other questions or
8 comments regarding that before I go to the public
9 again?

10 MS. LANZETTA: I had asked for this
11 very early on, and I'm sorry that it took us so
12 long to get to this place where we're seeing the
13 visual impact now. We've gotten pretty far into
14 the process. But at the same time, in the past
15 this Board has asked for alternate designs --
16 when we've seen that there's been a possibility
17 of some negative environmental influences, that
18 we ask for an alternate design that might be able
19 to show us what would happen if we tried
20 something different and if we could mitigate the
21 situation. So I think this would be an
22 opportunity to take a look at the suggestions
23 from Scenic Hudson, perhaps run it by people in
24 your offices that are familiar with visual
25 impacts and see what kinds of things could be

2 done to give us an alternate design that wouldn't
3 have the negative impact on this national site
4 that we're seeing right now.

5 MR. HINES: Just a suggestion. As
6 we're looking at this and seeing that visual
7 impact, if the road came up along the easterly
8 side and these were able to be moved in a
9 continuous row rather than having the road split
10 them in the middle, you may be able to fit a
11 significant number of panels where the road is
12 now.

13 MR. CUCCHIARA: I mean I think that's
14 outside the wetland, and that's the reason why we
15 did split this and we're losing that area in the
16 middle, for avoidance of that isolated wetland.
17 I think we could take a look at it but I'm not
18 sure -- I guess we could go back and look at how
19 much of that array actually is there, is in that
20 area that would be visible. There's not much we
21 can do on screening. We can't get trees up
22 higher and block that.

23 MR. HINES: That defeats the purpose.

24 MR. CUCCHIARA: Yeah. That's not
25 possible. So I would have to take a look at it.

2 I think we have wetlands on the east side, too.

3 Right?

4 MR. VAMVAS: We haven't evaluated much
5 beyond the proposed. There are a couple of
6 things down this way. I don't know about this
7 area specifically. There's definitely some
8 streams and stuff through here we didn't map
9 because they were out of our project area.

10 MR. CUCCHIARA: I don't think we want
11 to be there anyway.

12 MR. HINES: You'd have to utilize your
13 lay down area as a portion of that and get it
14 more centered. I think there is some more room
15 to jog them around a little bit based on the
16 visual assessment that was provided.

17 MS. LANZETTA: For the Planning Board
18 to do it's due diligence in the SEQRA process, we
19 really need to see if there is an opportunity to
20 mitigate this. If not, then you need to come
21 back and explain to us all the specifics, why you
22 feel like you can not do that. Hopefully we can
23 find some kind of a compromise.

24 MR. CUCCHIARA: We could definitely do
25 that. I definitely appreciate seeing the

2 Planning Board trying to think hard and
3 thoughtful on this. We can take a look and see
4 what is possible both from our landowner's
5 perspective and also economically too. I think
6 reducing the number of panels likely puts this
7 project at risk. Should we be able to compress
8 rows or shift them, certainly we'll look at that
9 and report back to the Board.

10 CHAIRMAN BRAND: Anything else from the
11 public on this matter?

12 (No response.)

13 CHAIRMAN BRAND: So then Jeff, I guess
14 the question becomes do we adjourn the public
15 hearing again?

16 MR. BATTISTONI: You should.

17 CHAIRMAN BRAND: Until a date certain?

18 MR. BATTISTONI: Yes.

19 CHAIRMAN BRAND: How much time do you
20 think you would require to complete those
21 alternative evaluations?

22 MR. CUCCHIARA: I don't think we'd make
23 the next Planning Board likely. Usually when we
24 come here we're --

25 MR. HINES: We do have two meetings a

2 month.

3 MR. CUCCHIARA: Right. We would likely
4 shoot for --

5 MS. FLYNN: The 19th?

6 MR. HINES: The 18th is a holiday so it
7 would be on a Tuesday.8 MR. CUCCHIARA: Once again on Tuesday.
9 We can shoot for that and do our best. I would
10 say -- yeah, we will do our best. We're really
11 approaching for us also with consideration for
12 bat habitat as well, considering it being a sort
13 of clearing deadline for us as well, as we've
14 discussed in the past.15 MR. HINES: Your E.A.F. did not
16 identify this as a bat habitat area. Consider
17 that as you move along.

18 MR. CUCCHIARA: I guess so. Sorry.

19 MR. HINES: There's not a lot of those.
20 Your E.A.F. did not indicate that.21 MR. CUCCHIARA: Great. So that means
22 we have a little more time. I know it becomes a
23 crunch with the tree clearing that needs to be
24 done. We'll take a look and we'll get back to
25 you.

2 CHAIRMAN BRAND: Did you want to go for
3 February 19th or did you want to go to the first
4 one in March?

5 MR. CUCCHIARA: I mean I prefer
6 February 19th. Nick?

7 MR. VAMVAS: We can do that.

8 MR. CUCCHIARA: If we're able to work
9 together --

10 MS. FLYNN: If things change you can
11 just give me a call.

12 MR. CUCCHIARA: I'll definitely let you
13 know by the end of this week.

14 MR. HINES: We have to keep it on the
15 agenda for the 19th because of the certain date.

16 CHAIRMAN BRAND: Any other questions or
17 comments from the public or from the Board?

18 (No response.)

19 CHAIRMAN BRAND: No. All right. Can I
20 have a motion to adjourn the public hearing until
21 February 19th?

22 MR. LOFARO: I'll make that motion.

23 CHAIRMAN BRAND: Is there a second?

24 MR. TRUNCALI: I'll second.

25 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: All those in favor?

4 MS. LANZETTA: Aye.

5 MR. TRUNCALI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

9 Any opposed?

10 (No response.)

11 CHAIRMAN BRAND: So carried. We'll see
12 you on February 19th.

13 MR. CUCCHIARA: Thank you.

14 CHAIRMAN BRAND: Thank you for your
15 cooperation.

16

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

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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 SMITH SUBDIVISION
8 Project No. 17-1017
9 First Street, Marlboro
10 Section 103.1; Block 4; Lot 47.130
11 ----- X
12 ----- X
13 ----- X
14

15 PRELIMINARY - SUBDIVISION

16 Date: January 22, 2019
17 Time: 8:05 p.m.
18 Place: Town of Marlborough
19 Town Hall
20 21 Milton Turnpike
21 Milton, NY 12547
22

23 BOARD MEMBERS: CHRIS BRAND, Chairman
24 JOEL TRUNCALI
25 CINDY LANZETTA
26 JOSEPH LOFARO
27 MANNY CAUCHI
28

29 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
30 PATRICK HINES
31 VIRGINIA FLYNN
32

33 APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
34

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

2 CHAIRMAN BRAND: Next up, the Smith
3 Subdivision, preliminary.

4 MR. WINGLOVITZ: Good evening. For the
5 record, Ross Winglovitz with Engineering &
6 Surveying Properties, here with Doug Smith, the
7 owner and applicant.

8 The Smith Subdivision, as some of you
9 know, this has got a long history. It was
10 originally approved as a six-lot subdivision back
11 in 2013. Doug took ownership of the property.
12 We were here in the summer of 2017 for a couple
13 months with concept plans. We met with the fire
14 department, we met with the highway department,
15 kind of finalized this layout and went off to the
16 Department of Health regarding approval for the
17 wells and septic. We had recently received that
18 in December and are submitting back here.
19 Hopefully we'll address your comments and get a
20 public hearing set so we can move the project
21 forward.

22 We do have Pat's comments. We can go
23 through them and address them when we can.

24 CHAIRMAN BRAND: Excellent.

25 Pat, did you want to run through them?

2 MR. HINES: There's a proposed T
3 turnaround which does meet the fire code. It's
4 just that -- I guess there's a dedication parcel
5 around it. It seems extremely large relative to
6 the required turnaround.

7 MR. SMITH: We were giving like enough
8 room for whatever and then adding enough land to
9 give them a 50 foot right-of-way down there. We
10 were giving more land to the Town so they have a
11 50 foot right-of-way through there. We're giving
12 them the sliver of land.

13 MR. HINE: The sliver along the road.
14 The actual T itself looks tremendously large.

15 MR. WINGLOVITZ: I think that had to do
16 with the frontage on those lots. We could narrow
17 it up.

18 MR. HINES: My concern is where does
19 the Town snowplowing -- it looks like a lot of
20 the driveways are in that Town right-of-way. I
21 would rather see it more restricted to the T
22 turnaround area.

23 MR. WINGLOVITZ: Okay.

24 MR. HINES: 50 foot wide is fine but I
25 think it's much wider than that.

2 MR. WINGLOVITZ: That's fine. Not a
3 problem.

4 MR. HINES: The survey plan, we still
5 need that. I know your office had to redo that.

6 MR. WINGLOVITZ: I said it would come
7 before the meeting. If I didn't push my surveyor
8 to get it done today -- I told him I needed it
9 tonight -- it would be another month.

10 MR. HINES: One of the lots, lot 5, is
11 substantially in the water district. A small
12 portion of one of the other lots is. Lot 5 has
13 the house and the majority of the lot is in the
14 water district. There's a proposal to put a well
15 in there. We're just looking -- I know it's been
16 discussed but we're looking for the water
17 superintendent to sign off on that.

18 MR. WINGLOVITZ: We did talk to
19 Charlie. I e-mailed to everybody indicating he
20 said as long as the lot is over 1 acre there's no
21 requirement that it be in the water district. I
22 asked him to deny it if it needs to be connected
23 to the water district. He also did talk to the
24 Health Department as part of the approval. I
25 guess they called him regarding if that was okay

2 for the district.

3 MR. HINES: I like to make the Town's
4 file complete and have something from the water
5 superintendent.

6 MR. WINGLOVITZ: I asked him to contact
7 the Planning Board. I don't know what else I can
8 do. Maybe I'll send him a letter.

9 MR. HINES: I can see a future owner
10 saying why am I getting a tax bill in the water
11 district.

12 MR. SMITH: Also I did not like the
13 distance of the water line. It would be very
14 long. It's much simpler for the homeowner.

15 MR. HINES: I'm trying to prevent that
16 future buyer beware.

17 MR. WINGLOVITZ: I was thinking of a
18 map note.

19 MR. HINES: That would be appropriate.

20 CHAIRMAN BRAND: Despite them not
21 utilizing the water, they're still responsible
22 for paying the taxes?

23 MR. WINGLOVITZ: They're still
24 responsible. Absolutely.

25 MR. HINES: Just a clean-up item on the

2 level of disturbance as labeled on one sheet and
3 shown on the other.

4 MR. WINGLOVITZ: I'll move that over.

5 MR. HINES: The pull off area, I know
6 Gael had asked for a little extra detail there.
7 That just needs road widening in that area?

8 MR. WINGLOVITZ: That's what he wanted.

9 He was concerned if the trucks got up there to
10 turn around, snowplow, and they're coming back
11 down and somebody is coming up the road, they
12 want to give somebody room to get out of the way.

13 MR. HINES: I just need Gael's final --
14 I don't think Gael has seen this final --

15 MR. WINGLOVITZ: I don't think he has.

16 MR. HINES: He concurred with the
17 turnaround.

18 The proposed areas of dedication, I'll
19 take a look at that on the survey map. Those are
20 going to change a little bit.

21 Also the public improvements are going
22 to have to be bonded. I know you said before the
23 CO. Lots can be sold --

24 MR. WINGLOVITZ: We figured we'd try
25 before the CO. We just want to be clear we want

2 the ability to bond or complete prior to filing.

3 MR. HINES: That's fine.

4 Drainage on the site. We talked about
5 this under several different renditions. The site
6 generally drains off to the northeast there and
7 there's good soil there. I'm looking to see
8 where the houses are. I think we're going to
9 hear at the public hearing some concerns and I
10 want to be able to address the potential
11 concerns. There's a couple of new point
12 discharges that although it does drain that way
13 right now, you're putting in pipes and directing
14 it that way. Prior to the public hearing we're
15 going to want to see those houses to the north.

16 MR. WINGLOVITZ: We'll show those
17 houses. What we've tried to do, and will try to
18 do more of, is divert the water to the drainage
19 area to the back. There is one house directly
20 below lot 5, and then the next house over is
21 actually behind the knoll, and then there's a
22 large low area that is underneath the power
23 lines.

24 MR. HINES: I just recall in a previous
25 public hearing eight years ago or so there were

2 some drainage concerns. We want to see that.

3 We did receive Ulster County's
4 preliminary approval for the septic systems. They
5 won't issue the final until this Board does.

6 We were looking for limits of
7 disturbance to be calculated. I know you showed
8 them. Just show us on each lot.

9 MR. WINGLOVITZ: The area per lot?

10 MR. HINES: Yeah, just showing that.

11 It will need a SWPPP for residential 1
12 to 5 acres disturbance. We need a written SWPPP.
13 It's just an erosion and sediment control plan of
14 how it's going to function.

15 The lot geometry requires a waiver from
16 the Board because of the frontage versus the size
17 of the lots. During previous renditions of this
18 we suggested a no further subdivision note for
19 any of the lots, which will have to be worked out
20 with Jeff's office, the wording of that.

21 The Board does have to issue that
22 waiver for the length and width. Because they
23 don't have the frontage versus the width because
24 of the existing lot geometry and the fact the
25 road stops short of the majority of the balance

2 parcel to the south. So that's a consideration
3 for the Board.

4 We're suggesting that another chart be
5 added to the plan showing length to width and
6 what waivers specifically the Board will be
7 granting for the lots.

8 MR. WINGLOVITZ: We don't have a
9 problem with the no further subdivision note.

10 As I noted, there was a lot 6 which
11 actually was the lot that was behind lots 1, 2
12 and 3 and it negated the need for that. We have
13 no problem with the no further subdivision.
14 We'll provide a chart.

15 CHAIRMAN BRAND: Any questions or
16 comments from the Board?

17 MS. LANZETTA: Do you happen to know
18 the code you're referring to?

19 MR. HINES: The section I don't know.
20 I can e-mail it to you.

21 MS. LANZETTA: Okay.

22 CHAIRMAN BRAND: For the lot geometry?

23 MS. LANZETTA: Mm hm'.

24 MR. HINES: It's in your subdivision
25 section.

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

4 (No response.)

5 CHAIRMAN BRAND: Jeff, do you have
6 anything?

7 MR. HINES: It's the subdivision
8 section, not the zoning.

9 MS. LANZETTA: I have subdivision but
10 I'm not finding it.

11 MR. BATTISTONI: I don't have any
12 comments.

13 CHAIRMAN BRAND: Did you have any
14 comments on the fire end?

15 MR. KNEETER: We received some drawings
16 directly. I came tonight to see. We're going to
17 have some comments, yes. We'll put them in
18 writing. Yes, we'll put them in writing for you.

19 CHAIRMAN BRAND: Excellent. Thank you.

20 I guess if there are no other questions
21 or comments, we'll clear this up and schedule you
22 back again. We'll schedule you -- will you be
23 ready do you think for -- this does not have to
24 go to County; correct? Would you be ready for
25 the February meeting?

2 MR. WINGLOVITZ: County Planning?
3 Milton Turnpike?

4 CHAIRMAN BRAND: Would you be ready for
5 the February 4th meeting?

6 MS. FLYNN: The deadline is Friday.

7 MR. WINGLOVITZ: No.

8 MR. HINES: The next one would be --

9 CHAIRMAN BRAND: February 19th.

10 MR. WINGLOVITZ: Yes.

11 MR. HINES: I think you'll be able to
12 schedule a public hearing.

13 CHAIRMAN BRAND: A public hearing for
14 the 19th?

15 MR. HINES: Schedule that once we get
16 the other comments in.

17 CHAIRMAN BRAND: Correct. Anything
18 else?

19 (No response.)

20 MR. WINGLOVITZ: Thank you very much.

21

22 (Time noted: 8:13 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 8th day of February 2019.

18

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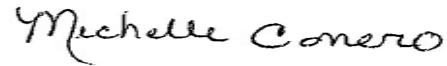
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MICHELLE CONERO

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

In the Matter of

5

6 DINA

7 Project No. 19-3001
200 Mt. Zion Marlboro
8 Section 102.3; Block 2; Lots 26 & 28

10 SKETCH - LOT LINE

11 Date: January 22, 2019
12 Time: 8:13 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 CINDY LANZETTA
17 JOSEPH LOFARO
17 MANNY CAUCHI

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA EL VANN

21 APPLICANT'S REPRESENTATIVE: RATTI BROOKS

23 MICHELLE L. CONERO
DPI #276

24 56 North Plank Road, Suite 1
Newburgh, New York 12550
25 (845) 541-4162

2 CHAIRMAN BRAND: Next up, Dina.

3 Patti, do you want to give us a
4 rundown of what's happening?

5 MS. BROOKS: Yes. We have two adjacent
6 tax parcels currently owned by Mathew and Melanie
7 Dina. Tax map lot 26 is 0.46 acres; tax map lot
8 28 is 3.48 acres. They're proposing to file a
9 consolidation map so this can be considered just
10 one buildable lot.

11 We put a note on the map that the
12 purpose was to consolidate tax parcel 102.3-2-26
13 and tax parcel 102.3-2-28 as conveyed in one deed
14 and to confirm that neither lot should be
15 considered a buildable lot.

16 MR. HINES: There is an existing house;
17 right?

18 MS. BROOKS: Yes.

19 MR. HINES: You said buildable lot.
20 There's a house there.

21 MS. BROOKS: One buildable lot.

22 MR. CAUCHI: That's lot 1; right?

23 MS. BROOKS: It doesn't even have a lot
24 number on it.

25 MR. HINES: Lot 28.

2

MS. BROOKS: Right now there's this

3

little tax parcel and this tax parcel and we're

4

consolidating it just into one lot.

5

CHAIRMAN BRAND: Pat, you had no

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comments on this one?

7

MR. HINES: I don't. It has an

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existing access issue by easement. This actually

9

cleans it up because lot 26 has no access

10

whatsoever. By combining this it will be one lot

11

with that former easement.

12

They're not proposing any building

13

permits right now. There is a house.

14

I don't have any comments.

15

MR. BROOKS: What started this in the

16

first place is they wanted to get a building

17

permit to put a garage up. Upon inspection the

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building inspector determined that part of the

19

garage would be on tax map lot 26. So that's

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what sort of initiated the application for the

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lot revision, consolidation.

22

MR. HINES: This meets your streamlined

23

lot consolidation lot line change.

24

CHAIRMAN BRAND: Any questions or

25

comments from the Board?

2 (No response.)

3 MS. BROOKS: I think one of the other
4 things that had been recommended, that the
5 applicant concurs with, is that there be a new
6 deed filed with the county clerk with one metes
7 and bounds description consolidating both
8 parcels. Right now there are a couple of
9 different documents. There's an existing
10 right-of-way maintenance agreement that was filed
11 in deed liber 4129252. There subsequently was a
12 utility easement granted to Jeffrey and Karen
13 Dina in deed liber 5742, page 170. I think the
14 recommendation is that we have one consolidated
15 deed referencing all of those documents so that
16 it's clear for the record should anybody in the
17 future do a title search.

18 MR. BATTISTONI: That's correct. We
19 did put that condition in the resolution.

20 MS. BROOKS: Okay.

21 CHAIRMAN BRAND: If there are no other
22 questions or comments from the Board -- yes? No?

23 (No response.)

24 CHAIRMAN BRAND: We have a SEQRA
25 negative declaration, notice of determination of

2 non-significance for the application of Matthew
3 Dina and Melanie Dina.

4 Jen, could you poll the Board?

5 MS. FLYNN: Chairman Brand?

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Truncali?

8 MR. TRUNCALI: Yes.

9 MS. FLYNN: Member Trapani?

10 CHAIRMAN BRAND: Absent.

11 MS. FLYNN: Member Lanzetta?

12 MS. LANZETTA: Yes.

13 MS. FLYNN: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. FLYNN: Member Cauchi?

16 MR. CAUCHI: Yes.

17 MS. FLYNN: Member Clarke?

18 CHAIRMAN BRAND: Absent.

19 You also have before you the resolution
20 of approval by the Town of Marlborough Planning
21 Board for the application of Mathew R. Dina and
22 Melanie Dina.

23 Jen, would you poll the Board again?

24 MS. FLYNN: Chairman Brand?

25 CHAIRMAN BRAND: Yes.

2 MS. FLYNN: Member Lanzetta?

3 MS. LANZETTA: Yes.

4 MS. FLYNN: Member Truncali?

5 MR. TRUNCALI: Yes.

6 MS. FLYNN: Member Trapani?

7 CHAIRMAN BRAND: Absent.

8 MS. FLYNN: Member Lofaro?

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Clarke?

11 CHAIRMAN BRAND: Absent.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 MS. BROOKS: I just have one question.

15 I don't see a copy of any of these resolutions
16 prior to the Board voting on them so I don't have
17 the benefit of knowing what conditions are
18 included in those resolutions.

19 MR. HINES: It's by design.

20 MS. BROOKS: I think so. There has
21 been an instance in the past where I've had to
22 come back to the Board and ask that one of the
23 provisions of the resolution be changed because
24 it was not acceptable to the applicant. I'm just
25 wondering if in the future I would be able to get

2 a copy of those resolutions, much as I do Pat's
3 comments. The day of the meeting is fine but
4 just so that I'm prepared to make sure that
5 everybody is in agreement.

6 CHAIRMAN BRAND: I have no problem with
7 that.

8 MR. BATTISTONI: I don't have any
9 problem with that.

10 CHAIRMAN BRAND: As soon as we receive
11 them, I'll have Jen make sure they are forwarded.

12 MS. LANZETTA: Do we make our agendas
13 available online?

14 MS. FLYNN: Yes.

15 MS. LANZETTA: The day of?

16 MS. FLYNN: They go up Tuesday before
17 the meeting.

18 MS. BROOKS: Jen circulates them to
19 everybody.

20 MS. LANZETTA: That's a little too
21 soon.

22 MR. HINES: My comments could be done
23 earlier but I hate -- Patti wouldn't be an issue.
24 Some applicants get my comments and then come
25 running in at the last second and say I have them

2 all done, I got them at 3 o'clock and we changed
3 all the maps. That's not the way it works.

4 MS. BROOKS: That's not the intent.

5 I'm fine to get them the day of. Even the hour
6 of. Just so I get the opportunity to read
7 through them quickly and be prepared if I do have
8 a question.

9 CHAIRMAN BRAND: We'll forward them to
10 you as soon as we receive them --

11 MS. BROOKS: Okay.

12 CHAIRMAN BRAND: -- so there's no
13 disagreement with them.

14 MS. BROOKS: I appreciate it. Thank
15 you very much.

16 CHAIRMAN BRAND: Of course. You're all
17 set. Thank you.

18 I did make an error and not ask for the
19 approval of stenographic minutes for 12/17. Do I
20 have a motion for that?

21 MS. LANZETTA: I'll make the motion to
22 approve those minutes.

23 CHAIRMAN BRAND: Do I have a second?

24 MR. TRUNCALI: I'll second.

25 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: All those in favor?

4 MS. LANZETTA: Aye.

5 MR. TRUNCALI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

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10 (Time noted: 8:18 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 8th day of February 2019.

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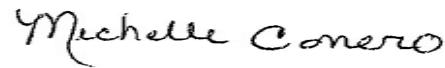
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MICHELLE CONERO