

2 CHAIRMAN PORCO: If we could all rise
3 for the Pledge to the flag, please.

4 (Pledge of Allegiance.)

5 CHAIRMAN PORCO: Joel, the agenda for
6 the minutes, please.

7 MR. TRUNCALI: Agenda, Town of
8 Marlborough Planning Board, August 4, 2014.
9 Regular meeting 7:30 p.m. Approval of
10 stenographic minutes for 5/19, 6/2 and 6/16.
11 E. Affuso, public hearing, timber harvest;
12 Stewart's Shops, final, site plan;
13 Cerone/Truncali, extension, two-lot subdivision.
14 Next deadline, Friday, August 8th. Next
15 scheduled meeting, Monday, August 18th.

16 CHAIRMAN PORCO: The minutes from
17 May 19th, if everyone had the time to review
18 them, any changes, corrections to those?

19 (No response.)

20 CHAIRMAN PORCO: If not, a motion to
21 approve those minutes.

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

23 CHAIRMAN PORCO: Chris. A second?

24 MR. TRUNCALI: I'll second.

25 CHAIRMAN PORCO: Joel. All those in

2 favor, say aye.

3 MR. BRAND: Aye.

4 MR. TRAPANI: Aye.

5 MR. RICCIARDONE: Aye.

6 MR. LOGUE: Aye.

7 MR. TRUNCALI: Aye.

8 MR. FALKENBERG: Aye.

9 CHAIRMAN PORCO: Aye.

10 Any opposed?

11 (No response.)

12 CHAIRMAN PORCO: The motion is carried.

13 June 2nd, the minutes from those should
14 have been reviewed by now. Any changes to those?

15 (No response.)

16 CHAIRMAN PORCO: If there's none, a
17 motion to approve.

18 MR. TRUNCALI: I'll make that motion.

19 CHAIRMAN PORCO: Joel.

20 MR. BRAND: Second.

21 CHAIRMAN PORCO: Chris seconds it. All
22 those in favor, say aye.

23 MR. BRAND: Aye.

24 MR. TRAPANI: Aye.

25 MR. RICCIARDONE: Aye.

2 MR. LOGUE: Aye.

3 MR. TRUNCALI: Aye.

4 MR. FALKENBERG: Aye.

5 CHAIRMAN PORCO: Aye. Very good.

6 June 16th, you may not have had a
7 chance yet to review those so we'll table that
8 for the next meeting.9 First is Eric Affuso, site plan, timber
10 harvest, public hearing.11 MR. TRUNCALI: "Legal notice, site plan
12 application for timber harvest. Please take
13 notice a public hearing will be held by the
14 Marlborough Planning Board pursuant to the State
15 Environmental Quality Review Act and the Town of
16 Marlborough Town Code 155-31 on Monday, August 4,
17 2014 for the following application: E. Affuso,
18 Timber Harvest, at the Town Hall, 1650 Route 9W,
19 Milton, New York at 7:30 p.m. or as soon
20 thereafter as may be heard. The applicant is
21 asking for a Town Code Chapter 141 timber harvest
22 site plan approval on lands located at State
23 Route 44/55, Highland, New York, Section 108.3,
24 Block 4, Lots 25, 26, 27, 29, 33.21, 33.22, 33.23
25 and 33.24. Any interested parties either for or

2 against this proposal will have an opportunity to
3 be heard at this time. Joseph Porco, Chairman,
4 Town of Marlborough Planning Board."

5 CHAIRMAN PORCO: How many were sent out
6 and how many --

7 MR. AFFUSO: Fifteen sent, eleven
8 returned.

9 CHAIRMAN PORCO: Does the Stenographer
10 know -- give your names for the record.

11 MR. AFFUSO: Eric Affuso, Marlborough,
12 New York.

13 MR. MORGAN: John Morgan, Marlborough,
14 New York.

15 CHAIRMAN PORCO: This is a public
16 hearing. If anyone has any questions on this
17 application, now would be the time to address the
18 Board. Just give your name to the Stenographer.

19 (No response.)

20 CHAIRMAN PORCO: Pat, any comments?

21 MR. HINES: We had two comments. One
22 was the County permit which I just received
23 tonight. I do know they do have security for
24 that permit. This is on a County road.
25 Typically the Town requires a bond to make sure

2 there's no damage to the Town roads. This
3 accesses the County road. The County has a
4 \$3,000 bond. I would suggest the Town does not
5 need a bond because it's the County's road. Even
6 if they damaged it, the Town couldn't fix it.

7 The other comment is County Planning
8 comments have not been received because their
9 meeting follows our meeting. As usual, two days
10 later. That's the only outstanding issue we
11 have.

12 Otherwise they gave us the information
13 pertaining to the site, the locations, the number
14 of trees previously.

15 CHAIRMAN PORCO: Any questions from the
16 Board?

17 (No response.)

18 CHAIRMAN PORCO: Once again, are there
19 any questions from the public on this
20 application?

21 (No response.)

22 CHAIRMAN PORCO: If there's none, we
23 can have a motion to close the public hearing.

24 MR. RICCIARDONE: I'll make a motion to
25 close the public hearing.

2 MR. TRAPANI: I'll second it.

3 CHAIRMAN PORCO: Frank and Ben. All
4 those in favor, say aye.

5 MR. BRAND: Aye.

6 MR. TRAPANI: Aye.

7 MR. RICCIARDONE: Aye.

8 MR. LOGUE: Aye.

9 MR. TRUNCALI: Aye.

10 MR. FALKENBERG: Aye.

11 CHAIRMAN PORCO: Aye.

12 The motion is carried.

13 MR. HINES: We would recommend a
14 negative dec. We haven't heard from the County.
15 Typically you put that off.

16 CHAIRMAN PORCO: That, too? I thought
17 we were just going to do approval.

18 MR. HINES: I have no concerns. I
19 don't think the County is going to have any
20 concerns on the timber harvest. I feel
21 comfortable with recommending a negative dec.

22 CHAIRMAN PORCO: Do you want to do that
23 tonight or do you want to wait for the County
24 comments?

25 MR. RICCIARDONE: I'll do a negative

2 dec tonight.

3 CHAIRMAN PORCO: If the Board has no
4 problem with that, we can make a SEQRA
5 determination.

6 MR. TRAPANI: As long as we don't get
7 anything back from them.

8 MR. HINES: If something significant
9 came up you could always reopen it. I don't know
10 that the County is going to give you any
11 substantive environmental concerns.

12 CHAIRMAN PORCO: Are you making that
13 motion?

14 MR. RICCIARDONE: I'll make that
15 motion.

16 MR. TRAPANI: I'll second it.

17 CHAIRMAN PORCO: Frank and Ben. All
18 those in favor, say aye.

19 MR. BRAND: Aye.

20 MR. TRAPANI: Aye.

21 MR. RICCIARDONE: Aye.

22 MR. LOGUE: Aye.

23 MR. TRUNCALI: Aye.

24 MR. FALKENBERG: Aye.

25 CHAIRMAN PORCO: Aye.

2 Any opposed?

3 (No response.)

4 CHAIRMAN PORCO: The motion is carried.

5 That's about all we can do tonight
6 until we get back the County comments.

7 MR. AFFUSO: Will we need to come to
8 another meeting?

9 CHAIRMAN PORCO: We'll get their
10 comments. We'll have to put it on the agenda and
11 do a final approval.

12 MR. AFFUSO: And that would be at the
13 next meeting?

14 MR. HINES: Once we have their
15 comments. Typically we do within a week.

16 MR. AFFUSO: Just another part of it.

17 CHAIRMAN PORCO: That would be the only
18 thing.

19 MR. MORGAN: When do they have a
20 meeting up there?

21 MR. HINES: Wednesday.

22 CHAIRMAN PORCO: It's the first
23 Wednesday of the month. As long as we have them,
24 you would be on the next meeting for the 18th.

25 MR. AFFUSO: All right. The 18th it

1

10

2 will be. Thank you.

3 CHAIRMAN PORCO: Thank you.

4

5 (Time noted: 7:37 p.m.)

6

7

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

9

10 I, Michelle Conero, a Shorthand
11 Reporter and Notary Public within and for
12 the State of New York, do hereby certify
13 that I recorded stenographically the
14 proceedings herein at the time and place
15 noted in the heading hereof, and that the
16 foregoing is an accurate and complete
17 transcript of same to the best of my
18 knowledge and belief.

19

20

21

22

23

24 DATED: August 26, 2014

25

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

----- X
3 In the Matter of
4

5 STEWART'S SHOPS
6

7 Project No. 14-7010
8 1872 Route 9W
9 Section 103.1; Block 2; Lot 88.200
10 ----- X
11

12 FINAL - SITE PLAN
13

14 Date: August 4, 2014
15 Time: 7:38 p.m.
16 Place: Town of Marlborough
17 Town Hall
18 1650 Route 9W
19 Milton, NY 12547
20

21 BOARD MEMBERS: JOSEPH PORCO, Chairman
22 CHRISTOPHER BRAND
23 BEN TRAPANI
24 FRANK RICCIARDONE
25 MICHAEL LOGUE
JOEL TRUNCALI
WALT FALKENBERG
26

27 ALSO PRESENT: RONALD BLASS, ESQ.
28 PATRICK HINES
29 KATHI NATLAND
30

31 APPLICANT'S REPRESENTATIVE: CHRISTOPHER BODER
32

33 ----- X
34 MICHELLE L. CONERO
35 10 Westview Drive
36 Wallkill, New York 12589
37 (845) 895-3018
38

2 CHAIRMAN PORCO: Next is Stewart's
3 Shops, final on a site plan. This is one we were
4 awaiting the County comments. We received them.
5 I believe the County's concern is pedestrian
6 access and they are recommending sidewalks along
7 9W and Milton Turnpike, integrating them to I
8 don't know what.

9 MR. TRAPANI: Where are you going to
10 put them?

11 MR. RICCIARDONE: I think they should
12 go all the way to Kingston.

13 MR. TRAPANI: We couldn't get it from
14 the new home they put just down there into the
15 Town. We had a hard time doing that.

16 MR. RICCIARDONE: If the County wants
17 sidewalks, I think the County should put them in.

18 CHAIRMAN PORCO: I mean obviously when
19 we first reviewed this, and even a couple years
20 ago when they did the front of the place with the
21 canopy and the pumps, which would have been the
22 time to do sidewalks, we didn't feel that they
23 were necessary then. I don't think the Board has
24 really changed their minds since then. It's a
25 nice idea but I don't see where --

2 MR. TRAPANI: I think if they put
3 sidewalks in front, somebody will get killed. If
4 you put it there by the highway, somebody will
5 get killed. Somebody will go off of 9W. You
6 don't need to be putting people out there by the
7 road. That's the way I feel.

8 CHAIRMAN PORCO: So I take it that the
9 Board is in agreement with overriding by a super
10 majority the County Planning Board's
11 recommendation.

12 MR. RICCIARDONE: I am.

13 MR. TRAPANI: I am.

14 MR. TRUNCALI: I am.

15 MR. FALKENBERG: I am.

16 MR. BRAND: Yes.

17 CHAIRMAN PORCO: In that case let's
18 first do a motion.

19 MR. RICCIARDONE: I'll make a motion to
20 override the County's comments.

21 MR. TRAPANI: I'll second.

22 CHAIRMAN PORCO: Frank, and Ben seconds
23 it.

24 MR. HINES: Ron has some notes on the
25 reasoning.

2 MR. BLASS: Go ahead. Or I can just
3 interject now.

4 CHAIRMAN PORCO: Interject.

5 MR. BLASS: Theoretically you have to
6 provide the County with reasons for the override.

7 CHAIRMAN PORCO: If you write a written
8 response, I can sign it and send it to them.

9 MR. BLASS: I think the gist of the
10 response would be that there's no consistent
11 design for a sidewalk system either to the north
12 or to the east of this corner lot. There's no
13 right-of-way acquired in any way for a sidewalk
14 system. There's no sidewalk adjacent to the
15 property to the east and no sidewalk on the
16 adjacent property to the north. There's nothing
17 to tie into. There are broad entryways into the
18 site from west and from the south which are not
19 conducive to inviting pedestrian traffic. So I
20 think that would summarize the reasons for the
21 override.

22 MR. RICCIARDONE: Sounds good.

23 CHAIRMAN PORCO: Thank you.

24 Kathi, if I can just have you poll the
25 Board so they see it's a super majority.

2 MS. NATLAND: Mr. Brand?

3 MR. BRAND: Yes.

4 MS. NATLAND: Mr. Trapani?

5 MR. TRAPANI: Yes.

6 MS. NATLAND: Mr. Ricciardone?

7 MR. RICCIARDONE: Yes.

8 MS. NATLAND: Mr. Truncali?

9 MR. TRUNCALI: Yes.

10 MS. NATLAND: Mr. Falkenberg?

11 MR. FALKENBERG: Yes.

12 MS. NATLAND: Chairman Porco?

13 CHAIRMAN PORCO: Yes.

14 That's pretty much unanimous.

15 MR. BLASS: We can send the minutes up
16 to the County.

17 CHAIRMAN PORCO: Okay. That will work?

18 MR. BLASS: That will work.

19 CHAIRMAN PORCO: Very good.

20 Pat, was there anything else?

21 MR. HINES: We have no outstanding
22 issues on this.23 CHAIRMAN PORCO: That was the only
24 thing we were waiting for.

25 MR. HINES: It's a Type II action, less

2 than 4,000 square feet, so there's no SEQRA
3 action required. We don't have any outstanding
4 comments.

5 CHAIRMAN PORCO: Then someone can make
6 a motion for site plan approval.

7 MR. RICCIARDONE: I'll make a motion
8 for site plan approval.

9 CHAIRMAN PORCO: Frank.

10 MR. BRAND: I'll second.

11 CHAIRMAN PORCO: Chris. All those in
12 favor, say aye.

13 MR. BRAND: Aye.

14 MR. TRAPANI: Aye.

15 MR. RICCIARDONE: Aye.

16 MR. LOGUE: Aye.

17 MR. TRUNCALI: Aye.

18 MR. FALKENBERG: Aye.

19 CHAIRMAN PORCO: Aye.

20 Any opposed?

21 (No response.)

22 CHAIRMAN PORCO: The motion is carried.
23 You're all set.

24 MR. BODER: Thank you.

25 (Time noted: 8:41 p.m.)

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: August 26, 2014

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

----- X
5 In the Matter of
6

7 CERONE/TRUNCALI
8

9 Project No. 11-5005
10 Quaker Hill Road
11 Section 102.2; Block 5; Lot 27.300
12

13 ----- X
14

15 EXTENSION - TWO-LOT SUBDIVISION
16

17 Date: August 4, 2014
18 Time: 7:41 p.m.
19 Place: Town of Marlborough
20 Town Hall
21 1650 Route 9W
22 Milton, NY 12547
23

24 BOARD MEMBERS: JOSEPH PORCO, Chairman
25 CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
MICHAEL LOGUE
WALT FALKENBERG

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 KATHI NATLAND
29

30 APPLICANT'S REPRESENTATIVE: JULIANE PALUMBO
31

32 ----- X
33 MICHELLE L. CONERO
10 Westview Drive
34 Wallkill, New York 12589
35 (845) 895-3018
36

2 CHAIRMAN PORCO: Next on the agenda is
3 Cerone/Truncali, extension of a two-lot
4 subdivision.

5 MR. TRUNCALI: I would like to recuse
6 myself from this application as a former owner.

7 CHAIRMAN PORCO: Joel recuses himself.

8 I believe we were discussing what would
9 need to be done since there's a transfer in
10 ownership, if there is a need for anything.

11 MR. BLASS: We have a two-lot
12 subdivision. The subdivision itself runs with
13 the land. It's not personal to the applicants in
14 the first instance. I think all the rules that
15 apply to getting extensions for the developer,
16 applicant -- successful applicant applies as well
17 to a successor in title. So I think there should
18 be something provided to the Planning Board, I'm
19 not quite sure what it is, to memorialize the
20 fact that there are new owners and that the new
21 owners are the applicants for this extension. I
22 think that would be a procedural aspect.

23 The substantive aspect is that there's
24 been numerous extensions by the former
25 applicant's developers who have since sold the

2 project, the two-lot subdivision, and the
3 question arises as to how many extensions the
4 current owner expects to request or should be
5 entitled to request under the circumstances.

6 That's something for you folks to consider
7 perhaps.

8 MR. TRUNCALI: I think they should be
9 entitled to as many as any other applicant.

10 MR. RICCIARDONE: Are you speaking as a
11 member of the public?

12 MR. TRUNCALI: I have to go sit on the
13 other side.

14 CHAIRMAN PORCO: We haven't really --
15 other ones that have asked for numerous
16 extensions, we've given them and we haven't given
17 them any deadlines.

18 MR. HINES: I don't think it's an issue
19 now. I think we're giving the applicant the
20 advice that, you know, at some point there may be
21 no more extensions.

22 MR. BLASS: So this is a two-lot
23 subdivision with no required improvements. I
24 think that's what makes this somewhat unique from
25 let's say a three or four-lot subdivision with a

2 public road, or a private road, or drainage
3 improvements, or something of that nature that
4 would lead arguably to be bonded in order to get
5 a subdivision plat filed, or some other
6 condition.

7 The only other thing -- if I recall
8 correctly on this two-lot subdivision, the only
9 condition outstanding may be the payment of a rec
10 fee. I'm not sure I can recall the --

11 MR. HINES: I think the new owner has a
12 concern whether or not they're going to proceed
13 with the subdivision or not. They're weighing
14 that option too I believe.

15 CHAIRMAN PORCO: Do you have questions
16 or did you think maybe you had to reapply?

17 MS. PALUMBO: Just because of the
18 change in ownership I thought I had to be here.

19 MR. RICCIARDONE: Are you staying with
20 the two-lot subdivision or are you going to
21 combine the two lots?

22 MR. TRUNCALI: If they don't do
23 anything it would go back to one lot if you let
24 the subdivision expire.

25 MR. RICCIARDONE: That's what I'm

2 trying to get at. Unless she does something, it
3 will automatically revert back to one lot.

4 MR. BLASS: That could happen under two
5 or three scenarios. Number one, the Board says
6 no extensions. If the Board gives a three-month
7 extension, it would happen on November 7th. Or
8 if the Board gave another extension on November
9 7th, it would happen at some subsequent time. So
10 that's the reason for the question that arises as
11 to when the decision would be made whether or not
12 to keep the subdivision by fulfilling the
13 conditions attached to filing the plat, which may
14 only be the payment of a rec fee or not.

15 MS. PALUMBO: It's up in the air. We
16 just acquired the property a few months ago.

17 MR. RICCIARDONE: So you understand, if
18 we give the new owner the extension, are they
19 going to be entitled to several extensions after
20 that or --

21 MR. HINES: It's up to you.

22 MR. RICCIARDONE: It's up to us if we
23 give them a thinking phase of three months for
24 the extension and then they come in and say they
25 want another extension, then it would be up to us

2 whether to say yeah or nay.

3 MR. BLASS: Each and every time.

4 Theoretically under the law there should be a
5 showing of good cause, --

6 MR. RICCIARDONE: Reason.

7 MR. BLASS: -- a reason given. I may
8 be like dense in missing something but the only
9 reason I can possibly see is the payment or
10 nonpayment of the \$1,500 rec fee --

11 MR. RICCIARDONE: To subdivide.

12 MR. BLASS: -- in order to get the
13 thing wrapped up.

14 MR. HINES: The only other issue is
15 whether the new owner wants to proceed, which I
16 guess you're going to consider giving her some
17 time to think that out.

18 MR. RICCIARDONE: I don't think I have
19 an objection to giving the extension as long as
20 -- this way they can sit and think about what
21 they want to do with that piece of property. As
22 you say, it's only a matter of a rec fee. If
23 they want to go ahead and do the subdivision, it
24 would be up to us in three months to say no or
25 come back with a reason why you're not. If it's

2 just that they don't want to do it, we don't give
3 them the extension and it goes back to a single
4 lot. I don't see anything wrong with that. Give
5 her some time to think.

6 CHAIRMAN PORCO: If the Board doesn't
7 have a problem with that, then we can make a
8 motion for a three-month extension.

9 MR. BLASS: To November 7th.

10 MR. RICCIARDONE: Is that logical?

11 MR. FALKENBERG: I'll make that motion.

12 CHAIRMAN PORCO: Walt makes the motion.
13 Do I have a second?

14 MR. TRAPANI: I'll second.

15 CHAIRMAN PORCO: All those in favor,
16 say aye.

17 MR. BRAND: Aye.

18 MR. TRAPANI: Aye.

19 MR. RICCIARDONE: Aye.

20 MR. LOGUE: Aye.

21 MR. FALKENBERG: Aye.

22 CHAIRMAN PORCO: Aye.

23 Any opposed?

24 (No response.)

25 CHAIRMAN PORCO: Okay. Would they need

2 to just put a letter in the file just stating
3 that they are the new owners --

4 MR. BLASS: Yes.

5 CHAIRMAN PORCO: -- of record for the
6 property?

7 If you can just get that to Kathi, --

8 MS. PALUMBO: Okay.

9 CHAIRMAN PORCO: -- she'll put it in
10 the file.

11 MS. PALUMBO: Okay.

12 CHAIRMAN PORCO: That's the easiest
13 thing to do.

14 MR. RICCIARDONE: This way we know who
15 we're talking to when you come back.

16 MS. PALUMBO: No problem.

17 CHAIRMAN PORCO: Is there any other
18 business to bring before the Board?

19 (No response.)

20 CHAIRMAN PORCO: If not, then a motion
21 to adjourn.

22 MR. RICCIARDONE: I'll make that
23 motion.

24 CHAIRMAN PORCO: Frank.

25 MR. FALKENBERG: Second.

2 CHAIRMAN PORCO: Walt seconds.

3 Everyone in favor, say aye.

4 MR. BRAND: Aye.

5 MR. TRAPANI: Aye.

6 MR. RICCIARDONE: Aye.

7 MR. LOGUE: Aye.

8 MR. TRUNCALI: Aye.

9 MR. FALKENBERG: Aye.

10 CHAIRMAN PORCO: Aye.

11

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

13

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: August 26, 2014