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

- - - - - X
In the Matter of

E. AFFUSO

Project No. 14-7011
Plattekill Road
Section 108.3; Block 4; Lots 33.210/33.220/33.230/33.240
Section 108.3; Block 4; Lots 25/26/27/29

- - - - - X

PUBLIC HEARING
TIMBER HARVEST

Date: August 4, 2014
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & JOHN MORGAN

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

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E. AFFUSO

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

(Pledge of Allegiance.)

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

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

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

(No response.)

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

MR. BRAND: I'll make that motion.

CHAIRMAN PORCO: Chris. A second?

MR. TRUNCALI: I'll second.

CHAIRMAN PORCO: Joel. All those in

1 E. AFFUSO 3

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.

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E. AFFUSO

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MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye. Very good.

June 16th, you may not have had a chance yet to review those so we'll table that for the next meeting.

First is Eric Affuso, site plan, timber harvest, public hearing.

MR. TRUNCALI: "Legal notice, site plan application for timber harvest. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code 155-31 on Monday, August 4, 2014 for the following application: E. Affuso, Timber Harvest, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a Town Code Chapter 141 timber harvest site plan approval on lands located at State Route 44/55, Highland, New York, Section 108.3, Block 4, Lots 25, 26, 27, 29, 33.21, 33.22, 33.23 and 33.24. Any interested parties either for or

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E. AFFUSO 5

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

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

MR. AFFUSO: Fifteen sent, eleven returned.

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

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

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

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

(No response.)

CHAIRMAN PORCO: Pat, any comments?

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

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

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

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

CHAIRMAN PORCO: Any questions from the Board?

(No response.)

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

(No response.)

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

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

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E. AFFUSO

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MR. TRAPANI: I'll second it.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

The motion is carried.

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

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

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

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

MR. RICCIARDONE: I'll do a negative

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E. AFFUSO

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dec tonight.

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

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

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

CHAIRMAN PORCO: Are you making that motion?

MR. RICCIARDONE: I'll make that motion.

MR. TRAPANI: I'll second it.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

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E. AFFUSO

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Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

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

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

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

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

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

MR. AFFUSO: Just another part of it.

CHAIRMAN PORCO: That would be the only
thing.

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

MR. HINES: Wednesday.

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

MR. AFFUSO: All right. The 18th it

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2 will be. Thank you.

3 CHAIRMAN PORCO: Thank you.

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5 (Time noted: 7:37 p.m.)
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8 C E R T I F I C A T I O N
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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.
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24 DATED: August 26, 2014
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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

- - - - - X

In the Matter of

STEWART'S SHOPS

Project No. 14-7010
1872 Route 9W
Section 103.1; Block 2; Lot 88.200

- - - - - X

FINAL - SITE PLAN

Date: August 4, 2014
Time: 7:38 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: CHRISTOPHER BODER

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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

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

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

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

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

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

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STEWART'S SHOPS

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

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

MR. RICCIARDONE: I am.

MR. TRAPANI: I am.

MR. TRUNCALI: I am.

MR. FALKENBERG: I am.

MR. BRAND: Yes.

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

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

MR. TRAPANI: I'll second.

CHAIRMAN PORCO: Frank, and Ben seconds
it.

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

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STEWART'S SHOPS

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

CHAIRMAN PORCO: Interject.

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

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

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

MR. RICCIARDONE: Sounds good.

CHAIRMAN PORCO: Thank you.

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

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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

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STEWART'S SHOPS

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

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

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

CHAIRMAN PORCO: Frank.

MR. BRAND: I'll second.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

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

MR. BODER: Thank you.

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

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

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

DATED: August 26, 2014

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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

CERONE/TRUNCALI
Project No. 11-5005
Quaker Hill Road
Section 102.2; Block 5; Lot 27.300
----- X

EXTENSION - TWO-LOT SUBDIVISION

Date: August 4, 2014
Time: 7:41 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: JULIANE PALUMBO

----- X
MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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CERONE/TRUNCALI

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

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

CHAIRMAN PORCO: Joel recuses himself.

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

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

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

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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

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CERONE/TRUNCALI

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

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

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

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

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

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

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

MR. RICCIARDONE: That's what I'm

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CERONE/TRUNCALI 22
trying to get at. Unless she does something, it
will automatically revert back to one lot.

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

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

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

MR. HINES: It's up to you.

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

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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

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CERONE/TRUNCALI

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

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

MR. BLASS: To November 7th.

MR. RICCIARDONE: Is that logical?

MR. FALKENBERG: I'll make that motion.

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

MR. TRAPANI: I'll second.

CHAIRMAN PORCO: All those in favor,
say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: Okay. Would they need

1 CERONE/TRUNCALI 25

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.

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CERONE/TRUNCALI

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CHAIRMAN PORCO: Walt seconds.

Everyone in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

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

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

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

DATED: August 26, 2014