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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 33.220/33.230/33.240
Section 108.3; Block 4; Lots 25/26/27/29

- - - - - X

FINAL - TIMBER HARVEST

Date: August 18, 2014
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
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're all ready,
we'll rise for the Pledge and call the meeting
to order.

(Pledge of Allegiance.)

CHAIRMAN PORCO: Thank you.

MR. TRUNCALI: Agenda, Town of
Marlborough Planning Board, August 18, 2014.
Regular meeting 7:30 p.m. Approval of
stenographic minutes for 6/16 and 7/7/14.
E. Affuso, final, timber harvest; Brody Ridge,
extension, six-lot subdivision; Prospect Ridge,
discussion, lot line revision. Next deadline,
Friday, August 22nd. Next scheduled meeting,
Tuesday, September 2nd.

CHAIRMAN PORCO: The minutes from
June 16th, we should have had time to review
those by now. Any changes, corrections to those?

(No response.)

CHAIRMAN PORCO: If there are none,
then a motion to approve.

MR. LOGUE: I'll make that motion to
approve.

CHAIRMAN PORCO: Mike. And a second?

MR. TRUNCALI: I'll second it.

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E. AFFUSO

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CHAIRMAN PORCO: All those in favor,
say aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Are there any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

I do not believe you have all had a
chance to review the minutes from July 7th, so we
will table that until the next meeting.

First is Eric Affuso, final on a timber
harvest.

We were okay with everything but we had
to wait for the County Planning Board's comments.
The County doesn't like it and they had come up
with a required modification for stormwater
control.

MR. HINES: We had discussed during the
review the implementation of best management
practices that are standard for forestry. We did

not require a plan. If you get into requiring design plans and surveys for timber harvesting operations you're not going to see timber harvesting operations because the cost benefit would be a negative, similar to what happened to the Town when they got into a boundary dispute when the Town tried to do it on their own parcel. There is a section of the code allowing waivers for certain of your requirements, which you kind of did by default there.

MR. BLASS: So 141-6 of Chapter 141 regarding timber harvest reads as follows: "Planning Board may waive or reduce any of the standard requirements of this article. Any such waiver shall be affirmatively made and supported by a reason stated in the record."

So the County Planning Department's comments and required modifications are basically twofold with respect to the content of Chapter 141. The first is -- the first complaint is the lack of erosion control and stormwater management measures that Pat just spoke to and spoke to the reasons for potentially excusing on the record, and the second of which is the purported lack of

1 a timber harvest -- I'm sorry, of a property
2 maintenance plan in the nature of a forestry plan
3 per section 141-5 (d).
4

5 MR. HINES: We did get that data the
6 night of the meeting. The forester supplied us
7 with the tree count based on the --

8 MR. MORGAN: I did an impact study
9 there too about the water and everything.

10 MR. HINES: Yes.

11 MR. BLASS: So those are the two
12 adverse comments of the County which would
13 require a majority override if you were so
14 inclined. If you were so inclined, the batting
15 order would seem to me as follows: The Planning
16 Board would affirmatively vote by a majority to
17 waive the requirements of a formal erosion
18 control and stormwater management plan and also
19 to either conclude that they already have a
20 property maintenance plan or a forestry plan or
21 waive that requirement affirmatively. That would
22 be step one. If you were to adopt those waivers
23 and those requirements that the County believes
24 exist, you could then -- step two would be a
25 supermajority override of the County's

recommendations.

The third comment of the County has nothing to do with the Town Code and it speaks to Ulster County Department of Public Works approval of access from Plattekill Road, which may already exist.

MR. HINES: Which we have in the file.

MR. BLASS: That already exists, so that's mute.

CHAIRMAN PORCO: Does the Board understand all of that? Are we comfortable with what we have in the file for this application?

(No response.)

CHAIRMAN PORCO: If we are, we can make a motion to waive the requirements of a stormwater plan.

MR. HINES: We're waiving the requirements of the plan but obviously best management practices and the narrative report that was submitted would take precedence. You're not waiving the stormwater requirements, you're just waving the engineered design plan.

MR. LOGUE: I'll make that motion to waive the requirements in this case.

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E. AFFUSO

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CHAIRMAN PORCO: Does anybody second
that motion?

MR. FALKENBERG: I'll second it.

CHAIRMAN PORCO: Walt. All those in
favor, say 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
unanimous.

Next would be a motion to accept the
timber harvest plan that was submitted with the
application.

MR. HINES: You have to have a
supermajority override.

MR. BLASS: So the next finding would
be by a majority of the Board that you have a
forestry plan that meets the requirements of
Chapter 141. So actually you wouldn't need to

1 E. AFFUSO 8

2 waive it if you believe you actually have it. Is

3 that fair?

4 MR. HINES: Yes. They have a narrative

5 prepared by the forester.

6 CHAIRMAN PORCO: We just need a motion

7 to override the County's required modifications.

8 Unless there's any objection from the

9 Board, we can accept a motion to override the

10 County Planning Board's recommendations.

11 MR. RICCIARDONE: I'll make that

12 motion.

13 CHAIRMAN PORCO: Frank. A second?

14 MR. LOGUE: I'll second that.

15 CHAIRMAN PORCO: Mike.

16 Kathi, can you poll the Board?

17 MS. NATLAND: Member Falkenberg?

18 MR. FALKENBERG: Yes.

19 MS. NATLAND: Member Truncali?

20 MR. TRUNCALI: Yes.

21 MS. NATLAND: Member Logue?

22 MR. LOGUE: Yes.

23 MS. NATLAND: Member Ricciardone?

24 MR. RICCIARDONE: Yes.

25 MS. NATLAND: Member Trapani?

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E. AFFUSO

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MR. TRAPANI: Yes.

MS. NATLAND: Chairman Porco?

CHAIRMAN PORCO: Yes.

And finally I guess we just need a
motion for site plan approval.

MR. RICCIARDONE: I'll make that
motion.

CHAIRMAN PORCO: Frank.

MR. TRAPANI: I'll second it.

CHAIRMAN PORCO: And a second. All
those in favor, say 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.

MR. HINES: Just for the record, we
should put a negative dec on the record.

MR. BLASS: We did that last time.

MR. HINES: Okay.

1 E. AFFUSO 10

2 CHAIRMAN PORCO: Can we just make sure?

3 MS. NATLAND: I don't have the minutes.

4 MR. HINES: We would recommend a

5 negative declaration on the timber harvest.

6 MR. RICCIARDONE: I'll make the motion

7 on the negative dec on the timber harvest.

8 CHAIRMAN PORCO: Frank.

9 MR. LOGUE: I'll second it.

10 CHAIRMAN PORCO: Mike. All those in

11 favor, say aye.

12 MR. TRAPANI: Aye.

13 MR. RICCIARDONE: Aye.

14 MR. LOGUE: Aye.

15 MR. TRUNCALI: Aye.

16 MR. FALKENBERG: Aye.

17 CHAIRMAN PORCO: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN PORCO: The motion is carried.

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22 (Time noted: 7:38 p.m.)

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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: September 2, 2014

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

- - - - - X

In the Matter of

BRODY RIDGE

Project No. 8-2015
First Street
Section 103.1; Block 4; Lot 47.130

- - - - - X

EXTENSION - SIX-LOT SUBDIVISION

Date: August 18, 2014
Time: 7:38 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

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

- - - - - X

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

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BRODY RIDGE

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CHAIRMAN PORCO: Next on the agenda is Brody Ridge, extension of a six-lot subdivision. Another extension of a six-lot subdivision. The applicant is asking for a three-month extension of the conditional final approval that was given.

MR. BLASS: That would be an extension from August 5th to November 5th, 2014.

CHAIRMAN PORCO: Any objections to that?

MR. RICCIARDONE: Nope.

CHAIRMAN PORCO: We can put that in the form of a motion then.

MR. RICCIARDONE: I'll make a motion for the extension on this application.

CHAIRMAN PORCO: Frank. A second?

MR. LOGUE: I'll second that.

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

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

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Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

(Time noted: 7:39 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: September 2, 2014

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

PROSPECT RIDGE/ZHOU

Project No. 11-5014
12 Cameron Court
Section 109.1; Block 1; Lot 48.291

----- X

DISCUSSION - LOT LINE REVISION

Date: August 18, 2014
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: KENNETH M. STENGER

----- X

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

CHAIRMAN PORCO: Next is Prospect Ridge, discussion on a lot line revision. If you could just give your name.

MR. STENGER: Kenneth M. Stenger, Counsel to the applicant, Zhou, Z-H-O-U.

If you'll look at the date on the document, it brings you back. We were here on January 3, 2012 and this Board passed a resolution to address an issue in which on lot 18 Ms. Zhou's builder built her house too close to what was a not disturb. If you remember, that was a small problem in the context of a much bigger problem between the developer of Prospect and the Town which ultimately got resolved with the work being done on that slope as you go down from lot 18 to 17.

On January 3, 2012 your Board approved a resolution that would address Ms. Zhou's problem, and it had conditions on it. It had two notes to be added to the map and it had to get written consent from the persons who owned other lots in the subdivision to this change.

I looked at it today because the notes -- I had the notes put on the map today that were

1 requested by your approval. That approval has
2 long since passed. The additions were not met.
3 I have the agreement -- I'm sorry, the consent
4 language that Counsel for the Planning Board and
5 I worked out two years ago. I can't honestly say
6 anything other than a lot of things going on in
7 my life at that point.
8

9 In the interim, the issue with the
10 slope in the Town has been resolved, the work has
11 been done, the restrictions were released. I
12 tried to clean up this last piece. There's two
13 last pieces in the subdivision, one involves
14 finishing up the road, and Ms. Zhou's CO has been
15 on hold, and rightfully so, until this problem is
16 addressed. So I'm trying to address it now.

17 I got an application that I brought.
18 There was an \$800 or \$850 outstanding escrow with
19 the Planning Board. I have a check in here. I
20 have a check in here for the application fee.
21 We're calling it a lot line realignment. I spoke
22 today -- what we're really asking for is the
23 Board to look at the approval that it made in
24 2012 and renew it, allow it to go forward with
25 the conditions now satisfied.

1 The conditions -- I looked at the
2
3 conditions again and I've attached the approval
4 as part of the application. It called for two
5 notes on the plat. If you'll look, the last two
6 notes, the ones in darker print, are the ones
7 that were called out as a condition of your
8 approval.

9 I think the only thing left, and of
10 course the purpose of this process, is to get the
11 written consent of the other lot owners in the
12 subdivision.

13 The good news and the bad news. The
14 bad news for me overall is that there's only five
15 of them. The good news is it will be easier to
16 find them. I've been to all of their houses
17 before and they all agreed to this because it's a
18 -- they all want to help out their neighbor. I
19 wouldn't expect anyone to take my word for it.
20 I'll produce a written document.

21 I would like to -- I just wanted to
22 come to the Board because this has been out there
23 for a long time.

24 CHAIRMAN PORCO: Ron, did the
25 application expire, lapse of time?

1
2 MR. BLASS: Yeah. It's an amended
3 subdivision approval that expired one year after
4 January of 2012. So it expired in January of
5 2013.

6 CHAIRMAN PORCO: This is a re-approval?

7 MR. BLASS: This would be an
8 application for a re-approval to re-approve, if
9 you're so inclined. So the next move is to
10 schedule a public hearing for the next meeting.

11 There's one condition, Ken, on the last
12 approval of 2012. Actual survey locations of the
13 improvements on lot 18 should be depicted.

14 MR. STENGER: Do you need more than the
15 house?

16 MR. HINES: I think what we don't have
17 -- I think you need a surveyor's stamp. I don't
18 know if you'll be able to file it without one
19 anyway. It's something you have to file with the
20 County.

21 MR. STENGER: Okay.

22 MR. HINES: I don't know where the
23 house location came from but I know you have Mark
24 Day's stamp on there.

25 MR. STENGER: You want a surveyor --

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MR. HINES: I think you need it. I don't think the County is going to take an engineer's stamp on the lot line revision.

CHAIRMAN PORCO: Questions from the Board?

MR. STENGER: Do you need anything else other than the house?

MR. HINES: As long as there isn't anything else.

MR. STENGER: There isn't.

MR. HINES: I remember a discussion of the pool. Hopefully it's not there.

MR. STENGER: Please. All things that were wrong in this subdivision, this is the one thing that I can't -- she's been a very, very patient person and, you know, it's really not her fault this thing sat, it's my fault.

MR. BLASS: So Ken, on this plat there should be a notation that it's an amendment of the earlier phase II plat. I don't know if it says it on the drawings.

MR. STENGER: It doesn't. It says revised conservation easement. You want me to tie it into the prior approval?

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MR. BLASS: The prior plat. The
phase II plat.

MR. STENGER: Do you see where it says
revised conservation easement? You want to add
language there tying it into the existing lot
line?

MR. BLASS: Amendment of the prior
subdivision plat, plat number XYZ.

CHAIRMAN PORCO: I don't know if
there's any questions from the Board or not. If
there isn't, obviously this is a re-application
and we have it for a public hearing again. So we
can have a motion to set it for a public hearing
the first Monday -- that would be Tuesday in
September.

MR. STENGER: Will we have enough time
to get the mailing out?

MS. NATLAND: If you do it tomorrow.

MR. STENGER: Rather than --

CHAIRMAN PORCO: We can go to October.

MR. STENGER: You have two meetings in
September?

CHAIRMAN PORCO: We only do our public
hearings on the first Monday.

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MR. HINES: October 6th would be the next.

MR. STENGER: If I have this right, my idea is if the Board re-approves this, that I have all the conditions at the table that night, including the written --

MR. HINES: The contents.

MR. STENGER: Yeah. And the approval, we can sign it and I can file it. I think it would make sense to do it in October so we have time to have that all lined up.

CHAIRMAN PORCO: Okay. So then we will make a motion for the first Monday in October, which is October 6th.

MR. RICCIARDONE: I'll make that motion for a public hearing the first Monday in October.

CHAIRMAN PORCO: Frank. And a second?

MR. TRAPANI: I'll second it.

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

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

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MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

MR. HINES: That's the second time in a couple of months the applicant pushed off their public hearing.

MR. STENGER: Gentlemen, thank you.

CHAIRMAN PORCO: Anything else to bring before the Board?

(No response.)

CHAIRMAN PORCO: If there is none, a motion to adjourn.

MR. LOGUE: I'll make that motion.

CHAIRMAN PORCO: Mike.

MR. FALKENBERG: I'll second it.

CHAIRMAN PORCO: Walt seconds it.
Everybody say aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

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CHAIRMAN PORCO: Aye.

(Time noted: 7:47 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: September 2, 2014