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

- - - - - X

In the Matter of

NICHOLAS GALELLA

Project No. 14-7001
Ridge Road
Section 102.4; Block 2; Lots 32.1/2/3/8

- - - - - X

PUBLIC HEARING
LOT LINE REVISION

Date: February 3, 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
FRANK RICCIARDONE
MICHAEL LOGUE
WALT FALKENBERG

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

- - - - - X

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

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NICHOLAS GALELLA

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CHAIRMAN PORCO: I'd like to call the meeting to order with the Pledge to the flag, please.

(Pledge of Allegiance.)

CHAIRMAN PORCO: Thank you. Agenda, Town of Marlborough Planning Board, February 3, 2014. Regular meeting, 7:30 p.m. Approval of stenographic minutes for December 16th and January 6th. Nicholas Galella, Ridge Road, public hearing on a lot line revision; E. Roger Brown, sketch on a lot line revision; and Wenz Consolidation, Plattekill Road, sketch, and that would also be a lot line revision. The next deadline is Friday, February 7, 2014. The next scheduled meeting is Tuesday, February 18, 2014, because President's Day I guess is Monday.

First is Galella, a public hearing on a lot line revision.

MR. TRAPANI: I have to excuse myself.

CHAIRMAN PORCO: For the record, Ben recuses himself from this application.

Legal notice, lot line revision application. Please take notice a public hearing will be held by the Town of Marlborough Planning

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NICHOLAS GALELLA

Board pursuant to State Environmental Quality Review Act and the Town of Marlborough Code on Monday February 3, 2014 for the following application: N&A Development Corp/N. Galella, 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 seeking approval of a lot line revision for lands located at Ridge Road, Milton, New York, Section 102.4, Block 2, Lot 32.1/2/3/8. All interested parties either for or against this proposal will have an opportunity to be heard at this time. Joseph Porco, Chairman.

How many were sent out and how many were returned?

MR. GALELLA: Thirteen went out, eight returned, and one was not --

CHAIRMAN PORCO: Thirteen were sent out, eight returned.

Okay. This is a public hearing. If anyone has any questions on this application, just give your name to the Stenographer and address the Board. Yes, sir.

MR. GERVAIS: My name is Jerry Gervais. I'm just wondering what's happening.

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NICHOLAS GALELLA

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MR. HINES: There was an existing -- previously approved eight-lot subdivision. The applicant is now proposing to take four of those lots and combine them back into one large parent parcel. So four lots are becoming one lot under this proposal. Kind of a reverse subdivision.

CHAIRMAN PORCO: If you'd like to come up and take a look at the map, that might make it clearer.

MR. GALELLA: This is Ridge Road. We subdivided lots and we're going to take them back and make them into the parent parcel.

CHAIRMAN PORCO: So one, two, three that were previously subdivided out will go back to the large lot.

MR. GERVAIS: This is where the new house is now?

MR. GALELLA: Yes.

MR. GERVAIS: So these are going to become all part of yours?

MR. GALELLA: Right. Growing some apples.

MR. GERVAIS: Well good.

CHAIRMAN PORCO: It's a lot line

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NICHOLAS GALELLA

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revision but it's a lot consolidation. Since lot lines are changing, that's why they call it a revision. It has to go through the same --

MR. GERVAIS: So where are the woods? The woods is this area in here? Is this where the new house is or that's where it is?

MR. GALELLA: That's it. That's the lot.

MR. GERVAIS: So it isn't then part of the woods?

MR. GALELLA: Some of it is. It's actually here.

CHAIRMAN PORCO: I don't know if the site map is any easier. It's those three that come out.

MR. GERVAIS: Okay.

CHAIRMAN PORCO: Thank you. Pat, did you have anything?

MR. HINES: The other comment is this had a drainage district that was established during the original subdivision. It's questionable whether that needs to remain or if he can convince the assessor to assess it at zero, which would be appropriate.

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NICHOLAS GALELLA

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There is a little bit of drainage improvements that were put in on the other lot. It's something they have to look into. It doesn't have to be done for this consolidation. It's just kind of making Mr. Galella aware that that does exist. I think this is part of combining for tax purposes, so that may help a little more too.

MR. GALELLA: I see it on my bill.

MR. HINES: Otherwise we don't have anything outstanding.

CHAIRMAN PORCO: Okay. Any questions from the Board?

(No response.)

CHAIRMAN PORCO: At this point, if there are no further questions from the audience, we can have a motion to close the public hearing.

MR. RICCIARDONE: I'll make that motion.

MR. LOGUE: I'll second that.

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

MR. BRAND: Aye.

MR. RICCIARDONE: Aye.

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NICHOLAS GALELLA

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MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: A SEQRA determination?

MR. HINES: We would recommend a
negative dec for the consolidation.

CHAIRMAN PORCO: The engineer is
recommending a negative declaration, so we can
have a motion on that.

MR. FALKENBERG: I'll make that motion.

MR. RICCIARDONE: I'll make a motion on
the negative dec.

CHAIRMAN PORCO: Walt, then Frank
seconds it. All those in favor, say aye.

MR. BRAND: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: Approval for the lot

1 NICHOLAS GALELLA 8

2 line revision?

3 MR. RICCIARDONE: I'll make the motion.

4 MR. LOGUE: I'll second it.

5 CHAIRMAN PORCO: Frank and Mike. All

6 those in favor, say aye.

7 MR. BRAND: Aye.

8 MR. RICCIARDONE: Aye.

9 MR. LOGUE: Aye.

10 MR. FALKENBERG: Aye.

11 CHAIRMAN PORCO: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN PORCO: The motion is carried.

15 I guess you would be all set. If you

16 want, I can take them to Kathi tomorrow. I have

17 to bring her back all this other stuff.

18 MR. GALELLA: These have to get signed.

19 CHAIRMAN PORCO: Yes.

20 MR. GALELLA: The mylars and the other

21 ones, give them to you?

22 CHAIRMAN PORCO: Sure. I have to bring

23 this stuff to her.

24 MR. GALELLA: I'll drop them off

25 tomorrow.

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NICHOLAS GALELLA

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CHAIRMAN PORCO: Either way. If you
don't trust me you can drop them off.

MR. GALELLA: Is there a comment I can
take to the assessor's office as far as the
drainage district? Do they make a recommendation
upon --

MR. HINES: You have to go to the Town
Board for that process. That's something we just
talked about.

(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: February 17, 2014

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

- - - - - X

In the Matter of

E. ROGER BROWN

Project No. 13-6010
94 Bailey's Gap Road
Section 95.4; Block 1; Lots 11, 12 & 13

- - - - - X

SKETCH
LOT LINE REVISION

Date: February 3, 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
WALT FALKENBERG

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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E. ROGER BROWN

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CHAIRMAN PORCO: Next is E. Roger Brown, sketch on a lot line revision.

MS. BROOKS: So, we've been going around and around with Mr. Brown. At this point you will see that we have revised maps. Mr. Brown has agreed that the best way to settle this issue is to remove the mobile home on proposed lot number 1. So we're back to the original proposal that we presented to the Board to create -- to combine tax map lot 13 and tax map lot 12, both of which are pre-existing nonconforming lots, to combine them together and add additional acreage, parcel A of 0.27 acres, to make lot number 1 totally in conformance with 1.26 acres in size and meeting all the setback requirements of the current district, and removing the mobile home so there will be only be one dwelling on that lot.

I don't think I got comments.

MR. RICCIARDONE: Where is he putting the mobile home?

MR. HINES: 12:13, that's the time I e-mailed them to you.

MS. BROOKS: I'll have to check.

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E. ROGER BROWN

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MR. HINES: Darren didn't get his
either.

We don't have any comments. This is
what we talked about last time. That was the
cleanest method of resolving this issue.

CHAIRMAN PORCO: Pat, your comments?

MR. HINES: This is --

MS. BROOKS: What the Board requested.

MR. HINES: -- the easiest method of
cleaning up the situation and moving it forward.

The mobile home has to be removed
before the map is signed is the only condition.

This should be scheduled for a public
hearing.

CHAIRMAN PORCO: Okay. Unless there's
any questions from the Board, we can have a
motion to schedule this for a public hearing.

MR. RICCIARDONE: I just want to know
where he's going with the mobile home?

MS. BROOKS: He needs to get a
demolition permit I guess and then put it into a
little square metal box I understand is what they
do with it.

MR. RICCIARDONE: I'll make that motion

for a public hearing.

MR. LOGUE: I'll second it.

CHAIRMAN PORCO: Frank and Mike. 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: The motion is carried. That will be the first Monday in March.

MR. TRAPANI: Is that going to be gone by then?

MS. BROOKS: No, it will not be. He and I had a discussion about it and I told him what his options were. He wants to get conditional final approval because he doesn't want to start removing a mobile home and then have something happen and he doesn't get final approval. He understands that the approval will be conditional upon him removing the mobile home,

1 E. ROGER BROWN 15

2 and that that will have to be removed, the

3 demolition permit signed off by the zoning code

4 officer/department and then we remove it from the

5 map prior to it being signed off. Again, for him

6 to remove it and then hope that he gets the --

7 MR. TRAPANI: And we say no or somebody

8 says no.

9 MS. BROOKS: Correct. If something

10 should happen. Understandably so.

11 MR. RICCIARDONE: We're doing this in

12 March; right?

13 MS. BROOKS: March.

14 CHAIRMAN PORCO: The first one in

15 March.

16 MS. BROOKS: I'll get with Kathi and do

17 what we've got to do.

18 Thank you.

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20 (Time noted: 7:44 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: February 17, 2014

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

- - - - - X
In the Matter of

WENZ CONSOLIDATION

Project No. 14-7003
Plattekill Road
Section 108.2; Block 0; Lots 33.1/3/4/5

- - - - - X

SKETCH
LOT LINE REVISION

Date: February 3, 2014
Time: 7:45 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

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

- - - - - X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN PORCO: Next is Wenz, also
a lot revision.

Do you want to tell us what you're
doing?

MR. SCALZO: Absolutely. About seven,
eight years ago I was in here and performed a
subdivision for Richard Wenz. We created five
lots at the time. Since then one lot has been
sold. The plan is to combine the remaining four
lots. We will be creating one lot of 10.97 acres
from four lots varying in size from 1.45 acres to
5.61 acres.

Currently the existing home is serviced
by a driveway. The driveway pre-existed the
subdivision back in 2006. The subdivider -- the
applicant/subdivider is proposing to allow that
dwelling to be serviced by the right-of-way which
is over -- if I could call your attention,
there's still a lot that's contained by the
family Wenz -- either through that or through the
existing shale driveway which comes in off
Plattekill Road parallel with the northwesterly
property line. It's pretty straightforward.

Taxes are -- lots are not selling.

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WENZ CONSOLIDATION

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Consolidation is to ease the tax burden on my client.

CHAIRMAN PORCO: Pat, you had some comments?

MR. HINES: Our only comment is what we were just talking about, this access to the Bucino lot which needs to get resolved. That's for Ron and the applicant's attorney.

It needs a public hearing based on our previous project. It needs a hearing for the lot line change.

That's all we have.

CHAIRMAN PORCO: So you're proposing a right-of-way or easement or --

MR. BLASS: It's hard to say. It looks like there's two alternatives on the map, one long existing driveway to the left -- running from the left of the map to the house, and then there's a potential alternative to go out a different way.

MR. SCALZO: That existing driveway actually loops completely around.

MR. HINES: It's not going to go -- that would involve another neighbor.

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MR. SCALZO: Actually, no. That's Weiss. The name is Weiss on the other side. They have an access also to that dirt/shale driveway. So it actually is owned in fee by Wenz, however Weiss has access to use it as well, however that's not part of this action. This is over here.

MR. BLASS: So if there was an agreement between two parties, it would cover this section here? That's part of what it would cover?

MR. SCALZO: Yes.

MR. BLASS: Would it cover -- this is now new lot 1 -- appendage to lot 1?

MR. SCALZO: That's correct.

MR. BLASS: It would go across here and then enters the Bucino parcel right here?

MR. SCALZO: That's correct.

MR. BLASS: Would it be a shared driveway?

MR. HINES: Yes.

MR. SCALZO: Yes.

MR. BLASS: Between this new lot 1 and -- is there an existing driveway agreement? No.

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It was all one subdivision?

MR. SCALZO: That's correct.

MR. HINES: It was going to have a private road.

MR. SCALZO: It was going to have a proposed road which follows this property line here. Once that road was constructed, one of the notes on the original filed map was to have this be amended at that time. They were just going to access off the private road.

MR. HINES: There was a cul-de-sac where all those lots come together up top.

MR. BLASS: It's no longer a private road?

MR. SCALZO: That's correct.

MR. BLASS: So you need a driveway easement over this parcel?

MR. HINES: And the other one.

MR. SCALZO: That's how it used to appear.

MR. BLASS: Got it. Okay.

MR. SCALZO: I know you have to act on what you see in front of you today, however I am in contract with the other lot to do a lot line

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change to address this driveway issue that we're discussing right now. However, I'm here now with this and this only.

MR. HINES: That would be cleaner. There would only be two lots.

MR. SCALZO: We tried to combine the two actions but the timing just didn't work.

MR. BRAND: This lot here will be combined with this eventually as well?

MR. SCALZO: No. That's for another day. What's happening is there's going to be -- what we're looking to do here is this is going to be given to this lot and then we're going to give more back here to this lot, and that will take care of the driveway issue here.

MR. RICCIARDONE: Okay.

MR. SCALZO: As I say, you can't -- we can't discuss that at this point. You know, I'm here for one thing.

CHAIRMAN PORCO: Okay.

MR. HINES: You need an easement for this action.

MR. BLASS: Off site meaning outside of these two parcels.

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WENZ CONSOLIDATION 23

MR. HINES: It's the same owner,
though. Or relatives.

MR. SCALZO: They are relatives, yes.
There is actually three owners of this other lot.
It was an estate, so the three remaining children
I suppose.

MR. BLASS: So you need two things. You
need a shared driveway and maintenance agreement
for what will be now lot 1 and lot 2.

MR. SCALZO: Old lot -- yes. Yes.

MR. BLASS: Lot 2 and new consolidated
lot 1 plus an off-site easement -- temporary off-
site easement to use this until there's a lot
line realignment to bring this within lot 1.
Make sense?

MR. HINES: Yes.

MR. SCALZO: Yes.

MR. BLASS: Okay.

MR. SCALZO: My client's attorney will
work that out with --

MR. BLASS: I think I sent him an
instrument to look at.

MR. SCALZO: Okay.

CHAIRMAN PORCO: Any other questions

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WENZ CONSOLIDATION

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from the Board?

(No response.)

CHAIRMAN PORCO: In that case, we can make a motion to schedule this for a public hearing also.

MR. LOGUE: I'll make that motion for a public hearing.

CHAIRMAN PORCO: Mike. A second?

MR. BRAND: I'll second it.

CHAIRMAN PORCO: Chris. 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: The motion is carried. At this point is there anything else -- we forgot to approve the minutes.

MR. SCALZO: Thank you very much.

CHAIRMAN PORCO: The minutes for

December 16th, by now everyone should have had time to review them. Are there any changes to those?

(No response.)

CHAIRMAN PORCO: If there is none, then a motion to approve those minutes.

MR. LOGUE: I'll make that motion to approve the December 16th minutes.

CHAIRMAN PORCO: Mike. A second?

MR. BRAND: I'll second it.

MR. TRAPANI: I have to abstain, I wasn't here that day.

CHAIRMAN PORCO: Ben wasn't here so he'll abstain. All those in favor, say aye.

MR. BRAND: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The minutes from December 6th, any questions or changes on those?

MR. TRAPANI: January 6th?

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CHAIRMAN PORCO: January 6th.

If there are none, then I can have a
motion to approve those.

MR. TRAPANI: I'll make that motion.

CHAIRMAN PORCO: Ben. And a second?

MR. RICCIARDONE: I'll second that.

CHAIRMAN PORCO: Frank. 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: The motion is carried.

A motion to adjourn?

MR. LOGUE: I'll make that motion.

MR. RICCIARDONE: I'll second it.

CHAIRMAN PORCO: All in favor.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

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MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

We're adjourned.

(Time noted: 7:56 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: February 17, 2014