

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

In the Matter of

4

5 COPART YARD 24

10 FINAL
AMENDED SITE PLAN

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

21 APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

2 MR. TRUNCALI: Agenda, Town of
3 Marlborough Planning Board. Copart Yard 24,
4 final, amended site plan; Wenz Construction,
5 sketch, lot line consolidation. Next scheduled
6 deadline, Friday, May 23rd. Next scheduled
7 meeting, Monday, June 2nd.

8 CHAIRMAN PORCO: Okay. Everyone should
9 have had a chance to review the minutes from
10 April 7th. Any changes, corrections to those?

11 (No response.)

12 CHAIRMAN PORCO: I'll take a motion to
13 approve.

14 MR. TRUNCALI: I'll make a motion to
15 approve.

16 CHAIRMAN PORCO: Joel. And a second?

17 MR. BRAND: I'll second.

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

20 MR. BRAND: Aye.

21 MR. TRAPANI: Aye.

22 MR. RICCIARDONE: 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 Copart Yard 24. We had to wait for a
6 few things, which I believe we have received.

7 MR. BROWN: We were waiting for the
8 response from the County, --

9 CHAIRMAN PORCO: Right.

10 MR. BROWN: -- which we got.

11 CHAIRMAN PORCO: Has everyone had a
12 chance to look at that? It's in your packets. I
13 don't know if you had a chance to look at it.
14 Take a minute.

15 Pat or Ron, did you have anything that
16 you wanted to add to the County comments?

17 MR. BLASS: Well, I noticed that they
18 are exercising their advisory function as opposed
19 to their higher level function, which requires a
20 majority plus one to override plus a statement of
21 reasons for overriding. That vote and that rule
22 of giving reasons doesn't apply to this
23 particular set of recommendations, which are
24 advisory only.

25 MR. BROWN: As far as the lighting, I

2 think that the set they got didn't show the
3 lighting that we have on there. That was kind of
4 my impression looking at their advisory comment
5 on that. We feel that we have enough lighting.

6 We definitely don't want to put
7 sidewalks through the site. Again, it's a
8 private yard for Copart, and I don't see any need
9 for it down there anyway. Where are they going
10 to go, you know.

11 I think we have sufficient landscaping.
12 You know, we are hesitant to put landscaped
13 islands in the middle of the parking here
14 because, you know, God forbid the trucks take out
15 the curbs or whatever.

16 CHAIRMAN PORCO: I mean I would have to
17 agree that if it were, you know, open to the
18 public, outside retail, but this is not that.

19 MR. BROWN: Right.

20 MR. HINES: That street, I mean that
21 street is a busy -- you know, it's a commercial
22 street. The uses are in the I zone down there.

23 CHAIRMAN PORCO: Yeah.

24 MR. HINES: It doesn't make sense to
25 encourage pedestrians along there with the truck

2 traffic.

3 MR. BROWN: Based upon that we would
4 request a site plan approval on the plan as it
5 stands.

6 CHAIRMAN PORCO: Pat, you had --

7 MR. HINES: Mine just goes through and
8 hits each of those County comments that you
9 already have addressed. The lighting was shown.
10 That was added after the County's plan. We
11 discussed that at the last meeting.

12 The landscape is consistent with what
13 the Board previously approved.

14 Again, discussion of the driveway and
15 the heavy truck traffic along Riverview Drive,
16 we don't recommend that there be pedestrian
17 access. The Town did just recently reconstruct
18 that road, recently, two or three years ago,
19 reconstructed the entire road and chose not to
20 put sidewalks in at that point.

21 So with that I believe all of our
22 outstanding issues are addressed.

23 MR. TRUNCALI: Did you guys look at
24 that pooling of water that Woodward was talking
25 about?

2 MR. HINES: Yeah. They're going to
3 modify that. Just make sure -- it's on the other
4 side of the street. That water is going to stay.
5 They're going to grade that off a little bit.

6 MR. BROWN: When we put in our
7 driveway, you know, we'll take care of what's on
8 our side of the street. There's nothing we can
9 do about the other side.

10 MR. HINES: We chased it as best we
11 could when we rebuilt it. It's just the existing
12 topography, it's so flat on that corner there.
13 They actually put additional drainage in when the
14 road was rebuilt, and curbs.

15 CHAIRMAN PORCO: Any other questions or
16 comments from the Board on this?

17 (No response.)

18 CHAIRMAN PORCO: Does this require a
19 SEQRA determination? I mean we might have done
20 it already.

21 MR. HINES: I think we were waiting for
22 the County.

23 MR. BROWN: I think you did wait for
24 the County.

25 MR. HINES: You did not do it. We

2 would recommend a negative declaration based on
3 the information submitted. The applicant did
4 submit the new long form, which is longer than
5 the old long form.

6 CHAIRMAN PORCO: We can entertain a
7 motion for a negative declaration on this
8 application.

9 MR. RICCIARDONE: I'll make a motion
10 for a negative dec on this application.

11 CHAIRMAN PORCO: Frank.

12 MR. TRAPANI: I'll second.

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

15 MR. BRAND: Aye.

16 MR. TRAPANI: Aye.

17 MR. RICCIARDONE: Aye.

18 MR. TRUNCALI: Aye.

19 MR. FALKENBERG: Aye.

20 CHAIRMAN PORCO: Aye.

21 Any opposed?

22 (No response.)

23 CHAIRMAN PORCO: The same thing for a
24 motion for site plan approval.

25 MR. RICCIARDONE: I'll make a motion

2 for site plan.

3 CHAIRMAN PORCO: Frank.

4 MR. TRUNCALI: I'll second.

5 CHAIRMAN PORCO: And Joel. All those
6 in favor, say aye.

7 MR. BRAND: Aye.

8 MR. TRAPANI: Aye.

9 MR. RICCIARDONE: Aye.

10 MR. TRUNCALI: Aye.

11 MR. FALKENBERG: Aye.

12 CHAIRMAN PORCO: Aye.

13 The motion is carried. I believe
14 that's it for this one.

15 MR. BROWN: Thank you. So what do I
16 do? You take mylars on site plans? It's been a
17 long time since I did a site plan here.

18 CHAIRMAN PORCO: I believe --

19 MR. BROWN: What's the procedure?
20 Bring a mylar in?

21 MS. NATLAND: No. No mylar.

22 MR. HINES: Only to file with the
23 County.

24 MR. BROWN: Okay. Do you need any
25 record sets or --

2 MR. HINES: Yeah, we need a couple.

3 MS. NATLAND: The maps?

4 MR. BROWN: Yeah.

5 MS. NATLAND: You need about five or
6 six of those.

7 MR. BROWN: Okay.

8 MS. NATLAND: Those can be signed, too.

9 MR. BROWN: Okay. Thank you very much.

10

11 (Time noted: 7:40 p.m.)

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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: June 12, 2014

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

In the Matter of

5 WENZ CONSOLIDATION

7 Project No. 14-7003
8 Plattekill Road
Section 108.2; Block 9; Lots 33.1/3/4/5 & 34

SKETCH
LOT LINE CONSOLIDATION

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

21 APPLICANT'S REPRESENTATIVE: DARREN SCALZO &
22 BRETT SCALZO

2 CHAIRMAN PORCO: Next is Wenz
3 lot line consolidation.

4 MR. DARREN SCALZO: Good evening,
5 folks. My name is Darren Scalzo. To my right is
6 Brett Scalzo. We're here tonight representing
7 the Wenz consolidation parcel. We appeared
8 before you, I want to say it was February prior.
9 Since that time we got the other adjoinder on
10 board to include themselves in the consolidation
11 and lot line change.

12 So what we have is we're going for five
13 lots down to three. The original Wenz parcel now
14 is increased in size to 5 acres. The other two
15 lots are greater than 5 acres. We fall in the
16 RAG-1, meeting all the criteria for that. We
17 meet the criteria for all the setbacks.

18 I'm sure Mr. Blass is going to ask me
19 about the driveways.

20 MR. HINES: So is Mr. Hines.

21 MR. DARREN SCALZO: Okay.

22 MR. HINES: And we can't find it in
23 here but I know it's been the policy that more
24 than two lots on a common driveway makes it a
25 private road. We can't find that. I know I

2 talked to the building inspector. I talked to
3 the building inspector earlier today and he
4 believes that that's the case also. It has to do
5 with the length of the driveways and emergency
6 vehicle access and the lack of a turnaround.

7 If the Board remembers, when this was a
8 five-lot there was a cul-de-sac proposed up in
9 the center portion here where the bunch of those
10 lots come together. It had a private road coming
11 off of here and then it had a cul-de-sac with the
12 lots coming off it which provides for that
13 adequate turnaround. I think it works if you can
14 bring a separate driveway out, but the pond --
15 the pond is in the way, the existing house is in
16 the way. I don't even know if you can really
17 make the turns that are shown off the driveway up
18 to the houses for lots 1 and 2. I know the
19 private road ordinance used to specifically say
20 two or more lots. It doesn't seem to say that
21 any more with the 2010 changes, so --

22 CHAIRMAN PORCO: There isn't anything
23 under driveways, shared driveways?

24 MR. HINES: No. It used to. When we
25 had the private road it said if more than two

2 lots share a driveway it triggered the need for
3 the private road, which is what this had
4 originally.

5 MR. BRAND: Pat, what's the difference
6 effectively between the private road and a shared
7 driveway?

8 MR. HINES: The private road is 24 foot
9 pavement width, has a cul-de-sac at the end so
10 emergency vehicles can turn around, ambulances,
11 fire trucks and such. Your private road specs
12 are less than town road specs but they have a
13 significant pavement section. The difference
14 between a private road spec is that it allows oil
15 and chip topcoat rather than a regular asphalt
16 topcoat is the only real difference. It grew out
17 of a lot of problems with private roads here in
18 the late '80s. The Town used to approve private
19 roads with no spec and it was kind of whatever
20 the builder built, and some of those still exist
21 today and haunt the Town. The Town, in the early
22 '90s, came up with a private road spec and it
23 evolved a couple of times. Took the Hatfield and
24 McCoys out of the private road business because
25 they had legal maintenance agreements and

2 requirements and methods to make sure that
3 potholes were repaired and the entire road was
4 plowed and not just up to the guy's first
5 driveway who was worried about plowing it. That
6 kind of issue.

7 MR. BRAND: Okay.

8 CHAIRMAN PORCO: So where does that
9 leave us?

10 MR. HINES: At a minimum there should
11 be some form of turnaround, I think, as we head
12 on with that. It may be like 1,000 feet, isn't
13 it?

14 MR. DARREN SCALZO: Oh, absolutely.

15 CHAIRMAN PORCO: And you have concern
16 about fire trucks making some of these bends?

17 MR. HINES: Yeah. If you see the --

18 CHAIRMAN PORCO: Yeah.

19 MR. HINES: I don't know how wide that
20 driveway is shown right now but it doesn't --

21 MR. DARREN SCALZO: It's actually -- I
22 don't know if you've ever been up there. It's at
23 least all of 12 feet wide. It is shale. It is
24 improved. Believe it or not, as it's shown on
25 the map where the -- even the area that's to be

2 abandoned -- actually, the toughest part is in
3 the area to be abandoned because it's no longer
4 shale in some spots and you're driving over
5 bedrock. But the easiest portion of the driveway
6 to access the lots is the one that comes in from
7 between the two ponds. It's, let's just say the
8 best improved driveway.

9 MR. BRAND: This is the abandoned part
10 on this side?

11 MR. DARREN SCALZO: That's correct.

12 MR. RICCIARDONE: Are two lots going to
13 hit the loop here where it says survey, and come
14 right around and down this way?

15 MR. DARREN SCALZO: I'm sorry, Frank.
16 Yes. The proposed idea is to come up and
17 actually -- as Pat said, it's going to be to
18 service the Pacino lot, which we were intending
19 on doing under a driveway maintenance agreement.
20 So it would hit the Pacino lot as well as the
21 combined new lot 1 and the combined lot 2. The
22 idea was the initial Wenz lot, which is, if
23 you're looking at the map, on the top portion.
24 The land swap was to eliminate the old rights to
25 a driveway. So this guy is going to be -- the

2 proposed new lot, 5 acre lot on the top of the
3 page, won't have that right-of-way running
4 through -- you know, bisecting the lot basically.

5 MR. RICCIARDONE: How does the 1.5
6 story framed dwelling get out of his lot?

7 MR. DARREN SCALZO: Oh, he still has
8 the access down along the right-of-way along the
9 side of Weiss, which is at the very top of the
10 page.

11 MR. RICCIARDONE: He's coming around
12 this way then?

13 MR. DARREN SCALZO: That's correct.

14 MR. RICCIARDONE: His driveway is not
15 shown on here, how to get to the house?

16 MR. DARREN SCALZO: Well, there is a
17 parking area shown at the back end of the house.
18 That little box.

19 MR. RICCIARDONE: All right. Okay.

20 MR. DARREN SCALZO: I probably could
21 label that a little different.

22 MR. BRAND: So it's really just this
23 piece right here they're getting rid of between
24 the parking lot and --

25 MR. DARREN SCALZO: What they're doing

2 is they're going to -- this original parent
3 parcel --

4 CHAIRMAN PORCO: Guys, can we just have
5 one conversation here?

6 MR. HINES: Good thing Michelle is not
7 here.

8 CHAIRMAN PORCO: We have conversation
9 here, here, here. So let's -- I want to hear
10 from Ron and Pat.

11 MR. BLASS: Well, the closest thing I
12 see in the code is Section 134-18 which speaks in
13 terms of driveways generally for subdivision
14 lots. It reads as follows: "Lots shall generally
15 not have their vehicular access from a major
16 street." I don't know whether Plattekill Road is
17 something you guys would consider a major street
18 or not.

19 MR. DARREN SCALZO: It's a County road.
20 It's not a minor street.

21 MR. BLASS: "Driveway access from a
22 major street may be necessary for several
23 adjoining lots," which would be --

24 MR. DARREN SCALZO: This access is
25 here. This guy -- the top lot is still going to

2 maintain the use of this driveway. The only
3 abandonment is up in here.

4 MR. BLASS: I'm just reading the code
5 now. It says, "Where driveway access for a major
6 street may be necessary for several adjoining
7 lots, the Planning Board may require that the
8 lots be served by a combined driveway in order to
9 limit possible traffic hazards on such street."
10 So it appears that the code is carving out a
11 shared driveway solution for a particular
12 problem, and the particular defined problem is
13 multiple driveways entering on a major street and
14 the traffic congestion that it would cause --
15 potentially cause. It goes on to say, "Driveways
16 serving individual lots shall have a minimum
17 right-of-way of 25 feet in width and a travel way
18 of at least 15 feet in width." So I don't know
19 whether that -- this proposed driveway is
20 consistent with that standard or not, but it
21 seems to -- it seems that where you have a --
22 where the Planning Board exercises it's
23 discretion to allow a shared driveway or a
24 combined driveway in order to eliminate potential
25 traffic hazards on a major road, then those

2 driveways shall have a minimum right-of-way of 25
3 feet in width and a travel way of at least 15
4 feet in width. So that appears to be the closest
5 provision of the code that we can find on a
6 ten-minute review.

7 MR. BRAND: And that driveway is not
8 too far from the intersection; right? The
9 Plattekill and Lattintown Road intersection?

10 CHAIRMAN PORCO: It's not terribly far.

11 MR. TRUNCALI: It's quite a ways up.

12 MR. BRETT SCALZO: Probably 400, 500
13 feet.

14 MR. TRAPANI: I mean still that's a
15 major intersection there, so if it could have one
16 entrance it would be better.

17 MR. BLASS: Let me just ask a couple
18 questions. This is an entry onto Plattekill Road
19 here?

20 MR. DARREN SCALZO: Current existing.
21 Correct.

22 MR. BLASS: Current existing, serving
23 the owner of current lot --

24 MR. HINES: It's not part of this.

25 MR. BLASS: It's not a part of the

2 subdivision?

3 MR. HINES: No.

4 MR. DARREN SCALZO: This is a
5 consolidation. The driveway also services Weiss.
6 There is another Weiss dwelling that's up here.
7 So this driveway serves this lot, this dwelling
8 at this parcel as well as this dwelling here.9 MR. BLASS: Okay. And it enters onto
10 Plattekill Road in the upper left-hand corner of
11 the map?

12 MR. DARREN SCALZO: Correct.

13 MR. BLASS: And then you have another,
14 in this case, shared driveway entering onto
15 Plattekill Road, about in the middle left side of
16 the map; right?17 MR. DARREN SCALZO: It comes in between
18 the two ponds. Correct.19 MR. BLASS: Okay. Anything else? Any
20 other entries?

21 MR. DARREN SCALZO: No, sir.

22 MR. BLASS: Okay. Does that driveway
23 loop around?24 MR. DARREN SCALZO: It does. You can
25 actually drive the entire loop.

2 MR. BLASS: Okay. So you have two
3 entries onto Plattekill Road within how many
4 feet?

5 MR. DARREN SCALZO: 170 -- 240 -- 300.
6 300 feet, 310, 315.

7 MR. BLASS: Okay. And can I ask that
8 question about whether the minimum right-of-way
9 is 25 feet as shown and the travel way is 15 feet
10 as shown of this driveway?

11 MR. DARREN SCALZO: Well, once you get
12 into the property I would need to verify that,
13 the width of the shale driveway. I know -- I'll
14 call it the throat, if you will, or the apron
15 leading out from the property line to Plattekill
16 Road is nearly 50 feet wide. So the access
17 actually onto Plattekill Road is not an issue.
18 If the code allows up to 15 feet, I'd have to
19 verify that in the field. I can't -- it is --
20 it's a substantial driveway.

21 MR. BLASS: The code seems to -- this
22 is a quick review, but it seems to say a shared
23 driveway, if allowed by the Planning Board, or in
24 this case it's called a combined driveway, if
25 allowed by the Planning Board for the stated

2 reason is to be built into the plan, it should
3 have a minimum right-of-way width of 25 feet and
4 a travel way of 15 feet. So let's take the 25
5 foot first.

6 MR. DARREN SCALZO: Can you read that
7 section again to me?

8 MR. HINES: There's no defined
9 right-of-way shown right now.

10 MR. DARREN SCALZO: There's no defined
11 right-of-way.

12 MR. BLASS: Which is kind of odd, isn't
13 it? It's treating a driveway like a private
14 road.

15 MR. DARREN SCALZO: Well it's treating
16 a driveway as a private driveway.

17 MR. BLASS: Okay.

18 MR. DARREN SCALZO: As far as the 25
19 foot right-of-way, I was under the assumption
20 with my interpretation of the code that as long
21 as I had 25 foot of road frontage for each lot,
22 that was meeting my requirements.

23 MR. TRUNCALI: They still need a
24 right-of-way to go over that driveway.

25 MR. DARREN SCALZO: Well that could be,

2 and historically it has been done, through a
3 driveway agreement. If we were talking about
4 two --

5 MR. HINES: It would show a 25 foot
6 right-of-way, 12 1/2 feet off the center line of
7 the 15 foot driveway.

8 MR. BLASS: I think that's what it
9 means. I don't think we're talking about
10 frontage. I think we're talking about width of
11 the travel way.

12 MR. HINES: The frontage solves the
13 280-A Town Law issue. And then I think what it
14 needs is where it says -- you know, if the Board
15 considers this driveway, I think it will need a
16 25 foot right-of-way following the path -- not
17 fee ownership but a right-of-way --

18 MR. DARREN SCALZO: Okay.

19 MR. HINES: -- following the path of
20 the driveway.

21 MR. DARREN SCALZO: Okay. Well, maybe
22 I can back you up and say if you clarified the
23 code as to what I need to do, I will do it.

24 MR. HINES: Understood. We're trying
25 to work it through here.

2

MR. DARREN SCALZO: Yes.

3

MR. HINES: My knee-jerk reaction today was this isn't allowed, but I can't find it in the code any more where it's not. I think in 2010 that limitation of common driveways went away, because I know it was there. That's what kicked in the private roads.

9

MR. FALKENBERG: One of the problems I see is emergency equipment. Once they got up in there, they have to back out, and that's -- that's quite a --

13

MR. HINES: I think that's the -- if we go further, the next provision would be for some sort of turnaround in probably a couple of spots in here to pass. Come headlight to headlight with your neighbors, there needs to be a way around or through.

19

MR. DARREN SCALZO: If it's at all possible, I know we have to -- this has to go through the public hearing process as well, I almost think if you could field visit the site you may have a different feeling. It is -- it's wide open in there. While the driveway, the improved driveway itself is shown, and that's the

2 limits of where the shale is.

3 Regarding the access and turnaround of
4 equipment; Pat, once you get up into the proposed
5 lot line change area, the -- I don't know if you
6 follow me here, it says 0.87 acres.

7 MR. HINES: Mm'hm'.

8 MR. DARREN SCALZO: That's all
9 reclaimed area. That was shale. It's all flat.
10 You could -- with my Chevy pick-up I've done full
11 circles in there.

12 MR. HINES: That may be the answer.

13 Somewhere in there you show at least some type of
14 T-type turnaround, that if someone gets that far
15 in they can -- rather than backing all the way
16 out to Plattekill Road, they can get some
17 vehicles turned around.

18 CHAIRMAN PORCO: The best one to give
19 you the answer on that one is the fire chief.

20 MR. HINES: I have that as a comment
21 if this moves forward. We don't want to be the
22 ones in here when the fire chief walks in and
23 says what have you people done.

24 MR. BRAND: And that fire truck would
25 not be able to go all the way around the circle?

2 MR. HINES: They're going to abandon
3 that easement.

4 MR. DARREN SCALZO: The intent of --
5 part of the reason why I'm here is the original
6 Wenz lot, which is now 5.00 acres, we added the
7 .87 on there, there's a land swap down by the
8 ponds that's occurring here, and what that land
9 swap was doing was giving access with the
10 improved driveway to proposed lots 1 and 2 plus
11 the Pacino lot, and also it was eliminating the
12 deeded right-of-way through the lot on the top of
13 the page bisecting the lot. If they were to
14 future develop the lot, they didn't want to be
15 encumbered by having that right-of-way run
16 through the middle of the lot.

17 MR. BRAND: Is there an agreement in
18 place right now for Pacino? That road goes
19 through him to get to the other two.

20 MR. DARREN SCALZO: No. Pacino would
21 have to be part of the agreement for the
22 driveway. My client actually -- when I spoke to
23 my client we had discussed bringing the proposed
24 driveways for proposed lots 1 and 2 down to where
25 it meets the driveway in it's lot entirely, but

2 he had recommended -- they happen to be related
3 so they were going to form an agreement between
4 the relatives that would include the private
5 drive.

6 MR. HINES: Pacino is in the relative
7 mix too, so to speak?

8 MR. DARREN SCALZO: Brother.

9 MR. TRUNCALI: That's Russ's
10 stepbrother.

11 MR. HINES: Sometimes that's worse.

12 MR. TRUNCALI: They get along, though.

13 MR. HINES: They do. Okay.

14 MR. BLASS: I don't want to say
15 something overly negative but I want to make an
16 observation. To me, for what that's worth, it
17 seems like this is a driveway playing the part of
18 a private road. I mean that's -- without hitting
19 the private road criteria.

20 MR. DARREN SCALZO: I'm not going to
21 argue that point. When I was in here in February
22 this was the original layout. So it really
23 didn't come into play because it was only
24 servicing this lot going through here.

25 MR. HINES: That wasn't the issue.

2 That's why it wasn't an issue then, it was two
3 lots.

4 MR. DARREN SCALZO: And I'm not -- I
5 need to confer with my client before I -- we need
6 to have a conversation. If we were to combine
7 these combined new lots 1 and 2, does my issue go
8 away?

9 MR. HINES: Yes. Well, I still think
10 we need to address the turnaround and such, but
11 then it's only two lots on a common driveway,
12 which is not an unusual --

13 MR. RICCIARDONE: You're saying in the
14 bottleneck join the two driveways?

15 MR. HINES: I'm saying make the two
16 flag lots one lot.

17 MR. BRAND: Combine this.

18 MR. HINES: Which is what we had before
19 in February when it was in here.

20 MR. DARREN SCALZO: In February when it
21 was here it was just one.

22 MR. HINES: There was only one. The
23 only issue at that time was that the driveway
24 accessing off of Plattekill Road, the one we're
25 talking about between the two ponds, was on the

2 other Wenz lot. So now this lot line here,
3 there's a little lot line change here proposed.

4 MR. DARREN SCALZO: You can see the lot
5 line to be removed.

6 MR. HINES: That's what I thought we
7 were going to see, but then Darren talked to his
8 client and, you know, they're trying to keep one
9 of the -- two of the five lots rather than just
10 one of the five lots.

11 MR. DARREN SCALZO: Correct.

12 MR. RICCIARDONE: So this top lot
13 was --

14 MR. DARREN SCALZO: That was combined.
15 Yup.

16 MR. HINES: It was fine at one time.
17 When he was here in February it was one and the
18 only issue was the driveway across (inaudible).
19 That's what you saw last time. That's why it's a
20 little more confusing.

21 MR. DARREN SCALZO: I also have the
22 topo on there. That makes a lot of extra lines.

23 MR. RICCIARDONE: He's trying to get
24 two lots out of this parcel here?

25 MR. DARREN SCALZO: That's correct. It

2 used to be five. He was combining five into two.
3 One had been sold and that he no longer has
4 control.

5 MR. RICCIARDONE: And you're interested
6 in going --

7 MR. HINES: This is going to go away.

8 MR. RICCIARDONE: What if they put a
9 cul-de-sac up at the top of the two lots and made
10 it a common area?

11 MR. BRAND: That's what he said.

12 MR. DARREN SCALZO: Well anything can
13 be done. My criteria is going to change if I do
14 that.

15 Pat, I mean when you're discussing a
16 cul-de-sac or a turnaround, is this an improved
17 impervious type of condition or am I -- you know,
18 is my client looking at --

19 MR. HINES: If your driveway is shale I
20 think it's shale.

21 MR. DARREN SCALZO: Okay.

22 MR. HINES: I don't want to see a 35
23 foot long oil truck or fire truck or something
24 get up there and have to back a long way down.
25 Joel will tell you. His trucks have seen

2 accidents when they're backing up.

3 MR. DARREN SCALZO: Let me go in for
4 one of these. If we were successful with getting
5 to the public hearing he was going to be
6 preparing a project here.

7 Here's sheet 2 of the original filed
8 map, and a lot of the conditions have not
9 changed. The area here, that's all exposed shale
10 that can be driven on. So as far as the
11 turnaround going in there, and again I'd have to
12 confer with my client and see if that's something
13 that he's willing to provide.

14 MR. TRUNCALI: But that's on Wenz' lot
15 now, isn't it?

16 MR. DARREN SCALZO: Well, the
17 negotiations are still in progress, so, you know,
18 there's the possibility of the situation
19 changing.

20 MR. HINES: You could almost change the
21 shape of that a little, too. This could come up
22 a little more, --

23 MR. DARREN SCALZO: That's true.

24 MR. HINES: -- still making it 5 acres.
25 I think your goal there is to make it 5 acres.

2 Is that the -- that seems to be the goal.

3 MR. DARREN SCALZO: That's what my
4 instructions were.

5 MR. RICCIARDONE: Pat, if he does a
6 cul-de-sac at the top of the bottleneck up there,
7 what does it do for coming down towards the --
8 towards Lattintown -- towards Plattekill?

9 MR. HINES: It doesn't. I would
10 suggest that they do some kind of pull off there,
11 too. Or just even widen it out to, you know, 20
12 feet or 40 feet or something.

13 MR. RICCIARDONE: So don't do it but
14 keep the two driveways? Don't combine the two
15 driveways at the lot line? You're still looking
16 to keep the two lots separated but yet one
17 driveway?

18 MR. TRUNCALI: They're still going to
19 own it, it will just be like a right-of-way.

20 MR. HINES: It's just going to be a
21 right-of-way.

22 MR. RICCIARDONE: Okay.

23 MR. DARREN SCALZO: Now regarding a
24 right-of-way, you're looking for it to be
25 described by course and distance?

2 MR. HINES: Yeah.

3 MR. DARREN SCALZO: I could run it up
4 the center and say 12 1/2 feet other side of it.

5 MR. HINES: That's one way to do it.

6 MR. TRUNCALI: The problem is when you
7 have three, that might not make sense.

8 MR. DARREN SCALZO: They all sign the
9 agreement.

10 MR. HINES: They all have to sign the
11 agreement.

12 MR. TRUNCALI: Yeah, but it's not 25
13 feet anymore.

14 MR. DARREN SCALZO: No. It's only a
15 right-of-way.

16 MR. HINES: It's all going to be fee
17 owned but the right-of-way will cross three
18 different lot lines as it goes. It's not the
19 best way to do it but, you know, understanding
20 the economics of this, it was five lots with a
21 \$400,000 private road being constructed.

22 MR. BRAND: You're saying with the two
23 it splits it half and half. How do you do three?
24 What's the split there?

25 MR. DARREN SCALZO: Is it 8 foot each?

2 MR. HINES: No, no. They just
3 participate equally in the maintenance. It's
4 not --

5 MR. DARREN SCALZO: They have the right
6 to use that.

7 MR. TRUNCALI: Not saying taking the 25
8 feet and split it into two 12 1/2.

9 MR. HINES: Just go up the center line
10 of the road, wherever that road falls.

11 MR. TRUNCALI: For what? For what
12 reason?

13 MR. DARREN SCALZO: Right of ingress
14 and egress. There is no fee transaction.

15 MR. HINES: Snowplowing so someone says
16 you can't push the snow on my side.

17 MR. TRUNCALI: But now you have three
18 and they are -- usually they're right in the
19 middle of the two lots.

20 MR. HINES: It's not going to be that
21 way. It's going to be up the center line.

22 MR. TRUNCALI: Right.

23 MR. HINES: It's not the ideal
24 situation, I agree.

25 MR. BRAND: Would the three lots share

2 equally?

3 MR. TRUNCALI: Usually they own it.

4 MR. DARREN SCALZO: That's out of my
5 control.6 MR. HINES: That's correct. This is
7 very different.8 MR. BRETT SCALZO: It's no longer going
9 to be a loop.10 MR. RICCIARDONE: I understand this
11 portion is coming out.12 MR. DARREN SCALZO: It's coming out of
13 the deed.14 MR. RICCIARDONE: But once you hit
15 that, you're going to be able to hook through
16 this second -- this third parcel and come right
17 back down to Lattintown -- I mean to Plattekill?18 MR. DARREN SCALZO: It's possible, yes.
19 Again, I need -- I feel I really need to speak
20 with my client about it.21 MR. HINES: I guess if Darren needs to
22 talk to his client, and maybe the Board can take
23 a ride up there too to get a handle on what we're
24 doing. In the meantime Ron and I can do a little
25 more research, get with the fire chief, talk with

2 the code -- he was here. He said he was going to
3 speak to this.

4 MR. DARREN SCALZO: There's a sign post
5 out there that says Wenz Way. You can't miss it.

6 MR. BRAND: All right.

7 MR. DARREN SCALZO: As soon as you get
8 past it there's a stop sign on the right-hand
9 side.

10 MR. HINES: But Darren, you see --
11 you've heard our concerns.

12 MR. DARREN SCALZO: Absolutely.

13 MR. HINES: My knee-jerk reaction today
14 was you can't have three, which is why we sent
15 you away last time, to not have three parcels
16 have that driveway, but we came back with three
17 on the driveway again.

18 MR. DARREN SCALZO: Following
19 instructions.

20 MR. HINES: Understood.

21 CHAIRMAN PORCO: Okay. Speak to your
22 client, speak to the fire chief.

23 MR. DARREN SCALZO: Okay. Go from
24 there.

25 MR. RICCIARDONE: Can we go up there by

2 ourselves or do we need to --

3 CHAIRMAN PORCO: We don't want the

4 Wenz --

5 MR. DARREN SCALZO: I can let my client
6 know, you know, as a result of the Planning Board
7 meeting there's going to be some people -- the
8 one-and-a-half story framed dwelling that's going
9 to be gaining the additional .87 acres is a
10 vacant building right now. You don't have to
11 worry about scaring anybody.

12 MR. HINES: They're in Las Vegas.

13 MR. DARREN SCALZO: Yeah. Okay. I
14 know what I have to do I think.

15 Thank you very much.

16 CHAIRMAN PORCO: Thank you.

17 Is there -- I want to -- you have a
18 flyer on an upcoming planning seminar. Just to
19 point that out to you guys.20 Is there anything else to bring before
21 the Board?

22 (No response.)

23 CHAIRMAN PORCO: If not, then a motion
24 to adjourn.

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

2 CHAIRMAN PORCO: Chris.

3 MR. TRUNCALI: I'll second.

4 CHAIRMAN PORCO: Joel. Everybody say
5 aye.

6 MR. BRAND: Aye.

7 MR. TRAPANI: Aye.

8 MR. RICCIARDONE: Aye.

9 MR. TRUNCALI: Aye.

10 MR. FALKENBERG: Aye.

11 CHAIRMAN PORCO: Aye.

12 We're adjourned. Thank you.

13

14 (Time noted: 8:15 p.m.)

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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: June 12, 2014