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HELD REMOTELY VIA ZOOM

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

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5 In the Matter of

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7 ERIC AFFUSO SUBDIVISION

8 Project No. 20-2006
9 46 Reservoir Road, Marlboro
Section 108.2; Block 2; Lot 23.300

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PUBLIC HEARING - SUBDIVISION

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Date: August 3, 2020
Time: 7:30 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

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APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & ERICA
AFFUSO

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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: I'd like to call the
3 meeting to order. Agenda for the Town of
4 Marlborough Planning Board, August 3, 2020.
5 Regular meeting 7:30 p.m. On the agenda this
6 evening we have the Eric Affuso Subdivision,
7 public hearing for the subdivision at 46
8 Reservoir Road. We have Independent Solar, LLC
9 with a sketch for their site plan at 206 Milton
10 Turnpike, Milton. We have Pond View with a sketch
11 for a lot line revision, 19 Sunrise Drive,
12 Milton. The next deadline is Friday, August 7,
13 2020. The next scheduled meeting is Monday,
14 August 17, 2020.

15 First on the agenda is Affuso.

16 Eric, are you there?

17 MR. AFFUSO: I am here.

18 MS. AFFUSO: We're here.

19 MR. AFFUSO: Hi, Chris. Hi, Members.

20 CHAIRMAN BRAND: How are you? Your
21 camera is off. I don't know if you want it that
22 way, but --

23 MS. AFFUSO: I was trying to start it.

24 CHAIRMAN BRAND: There you go.

25 MS. AFFUSO: I'm in.

2 CHAIRMAN BRAND: Did you do the
3 mailings?

4 MS. AFFUSO: I did. I have everything
5 here. Jenny said to drop them off after the Board
6 meeting tonight.

7 CHAIRMAN BRAND: How many did you send
8 out and how many did you get back?

9 MS. AFFUSO: I think I sent out
10 eighteen on the list and I got back thirteen, but
11 I know that Johnny Appler had received it --
12 Jenny said he just missed it. I'm pretty certain
13 it was thirteen out of eighteen. There were like
14 six P.O. boxes for the Town but I just sent one.
15 It was all the same address.

16 CHAIRMAN BRAND: Okay. Jen, do you
17 have the public hearing notice readily available
18 there?

19 MS. AFFUSO: I have it, too.

20 MS. FLYNN: I do not.

21 CHAIRMAN BRAND: Who said they had it?

22 MS. AFFUSO: I think I have it with me.

23 CHAIRMAN BRAND: It's got to be one of
24 us, though.

25 MS. AFFUSO: Hold on. It's in my pile

2 of paperwork. I saved a copy. It might be in my
3 e-mail, actually. I might not have it in this
4 pile. Do you want me to pull it up and forward
5 it?

6 CHAIRMAN BRAND: No, no. I need Jen to
7 get it.

8 MS. AFFUSO: Okay.

9 CHAIRMAN BRAND: Pat, maybe while she's
10 doing that, do you want to run through your
11 comments?

12 MR. HINES: Sure. My first comment just
13 notes that the Board had requested a revised
14 letter from the highway superintendent, which was
15 forwarded to the Board, regarding John Alonge's
16 comments on the driveway.

17 We're still waiting for the septic
18 approval from the Ulster County Health
19 Department.

20 MS. AFFUSO: We have that. Did Dave
21 Feeney not send that to you? He sent me a
22 screenshot of the signature a few days ago.

23 MR. HINES: I didn't get that a couple
24 days ago.

25 MS. AFFUSO: Do you want me to e-mail

2 it to you via the stuff that I have?

3 MR. HINES: That would be great.

4 MS. AFFUSO: Okay. I'll do that right
5 now.

6 MR. HINES: The roadway dedication
7 parcel, we're suggesting that the 25-foot strip
8 -- it was only proposed originally on the one
9 acre or the smaller lot that's being subdivided
10 off. Typically we require that on the whole
11 parent parcel to allow the Town to obtain access
12 for highway purposes.

13 We have reviewed the short
14 environmental assessment form. If no substantive
15 environmental comments come out of this meeting,
16 we're suggesting a negative declaration.

17 Those are the only comments we have
18 left.

19 CHAIRMAN BRAND: Thank you, Pat.

20 Jeff, do you have anything to add on
21 this one?

22 MR. BATTISTONI: No, I don't.

23 CHAIRMAN BRAND: All right. That being
24 said, let's start the public hearing. Legal
25 notice for the subdivision application. "Please

2 take notice a public hearing will be held
3 remotely by the Marlborough Planning Board
4 pursuant to the State Environmental Quality
5 Review Act (SEQRA) and the Town of Marlborough
6 Town Code Section 134-9 on Monday, August 3, 2020
7 for the following application: Eric Affuso, at
8 7:30 p.m. or as soon thereafter as may be heard.
9 The applicant is seeking approval of a two-lot
10 subdivision application for lands located at 46
11 Reservoir Road, Marlboro, New York 12542, Section
12 108.2, Block 2, Lot 23.300. This meeting and
13 public hearing will be held remotely via Zoom.
14 Any interested parties either for or against this
15 proposal have an opportunity to be heard at this
16 time. Chris Brand, Chairman, Town of Marlborough
17 Planning Board."

18 Is there anyone from the public here
19 for the public hearing that would like to be
20 recognized at this time? If so, just please
21 state your name for the stenographer.

22 MR. SIBILIA: I'm Michael Sibilia.

23 CHAIRMAN BRAND: Hello, Michael. Do you
24 have comments on this project, or questions?

25 MR. SIBILIA: My only questions are,

2 because I'm a neighbor, just to see what's
3 happening, where the driveway is going to be
4 located and where houses are planned on being
5 built on the lot.

6 CHAIRMAN BRAND: Do you want to answer
7 that, Erica, for him?

8 MS. AFFUSO: Hi, Michael. Nice to meet
9 you over Zoom.

10 MR. SIBILIA: You, too.

11 MS. AFFUSO: You live on the long
12 driveway near Evangelisto; correct?

13 MR. SIBILIA: Yes.

14 MS. AFFUSO: Okay. So the driveway will
15 be at the top of the hill past your driveway.
16 That's where the driveway will be.

17 It will just be a one-family home built
18 on that acre.

19 MR. SIBILIA: Okay. So the driveway --
20 your driveway will connect right to Reservoir
21 Road?

22 MS. AFFUSO: Correct. Yup. It will come
23 right off on the top of that hill there.

24 MR. SIBILIA: Okay, cool.

25 CHAIRMAN BRAND: Jen, do you have the

2 map? There you go.

3 MR. SIBILIA: Thank you.

4 MR. HINES: So the Evangelisto drive is
5 on the lower portion there by the pond. The
6 subdivision is just on the uphill side -- up
7 screen side of that.

8 MS. FLYNN: Can you see that?

9 MR. SIBILIA: Yes, I can.

10 CHAIRMAN BRAND: Does that clarify
11 things for you?

12 MR. SIBILIA: As best I can tell, yes.

13 CHAIRMAN BRAND: Okay. Okay, Jen. I
14 think that's good.15 MS. AFFUSO: Pat, did you get my
16 e-mail?

17 MR. HINES: I did.

18 MS. AFFUSO: Okay.

19 CHAIRMAN BRAND: Thank you, Michael.
20 Is anyone else here for the public
21 hearing to comment, questions?

22 (No response.)

23 CHAIRMAN BRAND: No. Anything from the
24 Board?

25 MR. GAROFALO: Yes. I have a question.

2 On the left side of the map -- I don't know if
3 you can bring that up with the parent parcel. Can
4 you go further away from the -- the other
5 direction? Keep going.

6 MR. HINES: We would need the other map
7 or the --

8 MR. GAROFALO: Yeah.

9 MR. HINES: The whole survey sheet I
10 think you're looking for, James.

11 MR. GAROFALO: Yes.

12 MR. HINES: Although the location map
13 is in the one corner there, if that helps.

14 MR. GAROFALO: There was a question
15 about some crosshatching. It looked like a
16 driveway that was going through another parcel.
17 I was wondering what was going on there. You
18 can't see it from --

19 MR. HINES: That is the case on that
20 far side there. Maybe the Affusos may be able to
21 address that. But there is a driveway with an
22 easement going across that parcel to an adjoining
23 house, I believe -- adjoining lot.

24 MR. GAROFALO: I wasn't sure what that
25 crosshatching was on the other plan.

2 CHAIRMAN BRAND: Erica?

3 MS. AFFUSO: I'm going to probably let
4 dad take that one.

5 MR. AFFUSO: I don't know.

6 MS. AFFUSO: Where is it again?

7 MR. GAROFALO: It's up where that arrow
8 is. It looks like there's some kind of a driveway
9 going to that other parcel that comes onto the
10 parent parcel.

11 MR. AFFUSO: Is that the Pedi property?

12 MS. AFFUSO: A driveway?

13 CHAIRMAN BRAND: Go back the other way,
14 Jen.15 MR. GAROFALO: It's not showing on this
16 plan.

17 CHAIRMAN BRAND: It's not?

18 MR. AFFUSO: So what is the question?

19 MR. GAROFALO: What exactly is the
20 crosshatching and is that a driveway going into
21 your parent parcel?22 MR. CLARKE: I think the crosshatching
23 is probably the main property, and in the
24 northeast corner it looks like a separate parcel.

25 MR. AFFUSO: Dave Pedi's house? Is

2 that what you're talking about?

3 MR. GAROFALO: Not the crosshatching on
4 this plan. There's a larger plan with a very
5 small section --

6 MS. LANZETTA: The survey.

7 CHAIRMAN BRAND: Pat, do you have that
8 available at your disposal there to share?

9 MR. HINES: I don't have that.

10 MS. LANZETTA: Right there.

11 MR. GAROFALO: Do you see that? It
12 looks like there's a driveway and a bunch of
13 crosshatching where that's going through on the
14 parent parcel. I was wondering what exactly that
15 is.

16 MR. AFFUSO: I don't know.

17 CHAIRMAN BRAND: Pat, do you have any
18 clarification on that?

19 MR. HINES: I assumed -- when I looked
20 at that I assumed it was an easement area for
21 that driveway across the Affuso parcel that goes
22 to that adjoining parcel. I don't have any basis
23 for that. I didn't comment on it because it's
24 not --

25 MS. AFFUSO: Part of the subdivision.

2 MR. HINES: -- part of the land
3 transfer. It's an existing condition that won't
4 change regardless of this.

5 MR. GAROFALO: My main concern here is
6 a situation where fifty years down the line these
7 parcels have changed hands, it's to make sure
8 that there is an access to the parent parcel that
9 remains viable so that we don't get into a
10 situation where it becomes a self-created issue
11 that goes to the Zoning Board.

12 MR. AFFUSO: Are you saying that's an
13 easement?

14 MR. GAROFALO: I think there's a
15 question of what is it.

16 MR. AFFUSO: I don't know. I can't
17 answer that.

18 MR. GAROFALO: I would like to have
19 that clarified for the record.

20 MR. AFFUSO: And that's relevant to
21 this subdivision?

22 MR. GAROFALO: It's relevant to my
23 other question, which is whether or not you have
24 an easement to the other parcel because that
25 would give you access to the parent parcel. You

2 wouldn't be cutting off the parent parcel by
3 creating or eliminating what might end up being
4 the best place to put an access to the parent
5 parcel. I'm concerned that if there is a change
6 in ownership down the road, that you'd be -- a
7 situation would be created where the parent
8 parcel doesn't have good access.

9 MR. HINES: Well there's a tremendous
10 amount of frontage on this parcel.

11 MR. AFFUSO: I was just going to say
12 there's other spots for road frontage that can
13 access the remainder of the property to the
14 north.

15 MR. HINES: Even so, if that crosshatch
16 is an easement, it's an easement in favor of not
17 this parcel but the adjoining parcel that shares
18 the driveway. This parcel won't lose the rights.
19 The adjoining parcel appears to have some rights.

20 CHAIRMAN BRAND: Jeff, do you have
21 anything to add?

22 MR. BATTISTONI: No. The only thing I
23 can say is I'm looking at the deed in the file
24 right now to see if there's any reference to an
25 easement and I'm not seeing one. I can't tell by

2 looking at the map what that is. The deed has a
3 very long description.

4 MR. CLARKE: Eric, when you got access
5 to the property did you have a title search done?

6 MR. AFFUSO: Yes. Most recently I did.

7 MR. CLARKE: That should show up -- if
8 there was any kind of a legal easement, it should
9 show up on your title search. If it's a common
10 right-of-way that somebody has been using, I
11 don't know what the legality of that is.

12 CHAIRMAN BRAND: Jen, you can close the
13 map I think.

14 Pat and/or Jeff, is this something we
15 can address with a note on the map clarifying
16 that issue?

17 MR. HINES: I think the surveyor can
18 just weigh in on why he put the crosshatching
19 there. It may just be to show the encroachment or
20 an easement.

21 In the meantime, I have received a copy
22 of the signed Health Department map dated 27 July
23 from the Health Department.

24 CHAIRMAN BRAND: Okay.

25 MR. AFFUSO: And that's a go. That

2 should be a go.

3 CHAIRMAN BRAND: Anything else?

4 MS. FLYNN: Do you want to e-mail that
5 to me so I can put it in the file?

6 MS. AFFUSO: I'll do that.

7 MS. FLYNN: Thank you.

8 MS. AFFUSO: You're welcome.

9 CHAIRMAN BRAND: Anything else from the
10 Board?

11 MS. LANZETTA: I'd like to reiterate
12 that I feel, again, that it's a nice large parent
13 parcel, and I think it's great that Mr. Affuso
14 wants his daughter to live close by him. I'm
15 unsure about the spot that they've decided on
16 because I do think it limits the ability to
17 access the back portion of the property. Once you
18 put on the maps that you'll need a 75-foot
19 setback from the new lot, I'm worried about the
20 ability to farm that piece of property and still
21 be able to get your agricultural benefits from
22 that parcel. So, you know, you can do it. We've
23 discussed this before, you know. Pat Hines said
24 if you have to you can take down a house to gain
25 access. But I just question if this is the best

2 spot for the house on that larger parcel. That's
3 all I'm saying.

4 MR. AFFUSO: I'm comfortable with the
5 spot. I'm comfortable with whatever is going to
6 happen in the future. I have no intention of it.
7 If it changes hands, that will be between me and
8 the person it changed hands to. I understand what
9 you're looking out for but it's really of no
10 concern of mine. I'm comfortable with the way the
11 property is. I'd like to keep it that way until
12 I die and my daughter takes it over. I don't
13 really see an issue for us putting this house up
14 there.

15 CHAIRMAN BRAND: Anything else from the
16 Board?

17 (No response.)

18 CHAIRMAN BRAND: I'm not seeing
19 anybody.

20 MR. TRAPANI: Eric. Ben Trapani. How
21 are you doing?

22 MR. AFFUSO: Hi, Ben. There you are.
23 I didn't know what square it was.

24 MR. TRAPANI: Here I am. I haven't seen
25 your daughter in so long.

12 MR. AFFUSO: Understood.

13 MR. TRAPANI: I'm looking out for
14 Erica, you know, some day.

15 MR. AFFUSO: Thank you. We're quite
16 comfortable with what we're doing. It's going to
17 be hers, maybe sooner than later.

18 MS. AFFUSO: Stop.

19 MR. TRAPANI: That's fine.

20 MR. AFFUSO: But thank you.

21 MR. TRAPANI: Good luck.

22 MR. AFFUSO: Thank you.

23 CHAIRMAN BRAND: Anything else?

24 (No response.)

25 CHAIRMAN BRAND: No. Okay then. I would

2 like to have a motion to close the public
3 hearing, please.

4 MR. GAROFALO: I move to close the
5 public hearing.

6 CHAIRMAN BRAND: Is there a second?

7 MR. TRAPANI: I'll second.

8 CHAIRMAN BRAND: Any objection to
9 closing the public hearing?

10 (No response.)

11 CHAIRMAN BRAND: No. Pat recommended at
12 this time that he was comfortable going forward
13 with a negative declaration on the project. Do I
14 have a motion to do so?

15 MR. CLARKE: So moved.

16 CHAIRMAN BRAND: Was that Steve?

17 MR. CLARKE: It was.

18 CHAIRMAN BRAND: Steve. Is there a
19 second?

20 MR. LOFARO: I'll second.

21 CHAIRMAN BRAND: Any opposed to the
22 negative dec?

23 MR. CLARKE: No.

24 MR. TRAPANI: No.

25 MS. LANZETTA: No.

2 MR. GAROFALO: No.

3 MR. CAUCHI: No.

4 MR. LOFARO: No.

5 CHAIRMAN BRAND: So moved.

6 Pat, where are we next?

7 MR. HINES: I think the Board wanted
8 the clarification of that crosshatching on the
9 survey, which we can get.

10 Also, the roadway dedication parcel
11 needs to be depicted on the entire plat, 25 foot
12 from the center line with the appropriate notes.
13 Just note the minor changes on the survey could
14 be conditions of approval.

15 Once we find out from the surveyor what
16 that shading is --

17 MS. AFFUSO: That's his survey or my
18 survey? Just to clarify.

19 MR. AFFUSO: For her parcel? For the
20 subdivided parcel? What do you need?

21 MR. HINES: We need a 25-foot
22 dedication strip along the frontage of the entire
23 parent parcel. Right now it's only shown on the 1
24 acre that you're giving. Right now you own to the
25 center line. Typically the Board requires that

2 the dedication strip be shown on the entire
3 parent parcel. The survey map you have just needs
4 to be modified to show that 25-foot strip.

5 MR. AFFUSO: So I have to contact my
6 surveyor, just so I understand this?

7 MR. HINES: That would be the
8 appropriate map to show it on. Make that map part
9 of the submission as it was. So there will be
10 three pages filed with this.

11 CHAIRMAN BRAND: Just to clarify, last
12 time we had a discussion regarding the
13 agricultural requirements of some type of buffer
14 or berm. Where do we stand on that, Affusos?

15 MR. AFFUSO: The grape vineyard is
16 going to be removed within her house or just not
17 maintained anymore.

18 MR. HINES: So there should be a note
19 on the map saying no agricultural activity on the
20 parent parcel is the restriction.

21 MR. AFFUSO: Well, within the buffer.

22 MR. HINES: Yes, in the buffer. The
23 75-foot buffer.

24 CHAIRMAN BRAND: Does that need to be
25 noted on the map as well, Pat?

2 MR. HINES: Yes.

3 MS. AFFUSO: On his map?

4 MR. HINES: Actually on your map now,
5 Erica.

6 MS. AFFUSO: My map now.

7 MR. HINES: It would be cleaner if it
8 was on both.

9 MS. AFFUSO: So on both maps do that.

10 MR. HINES: Note that there will be a
11 75-foot buffer maintained.12 MS. AFFUSO: So just to clarify,
13 because I'm a little confused myself, on my
14 survey map, my surveyor or my engineer had said
15 that he took out a chunk of the vineyards. Like
16 he put the cross out where they are going to be
17 removed.18 MR. HINES: They're shown to be removed
19 there? I think that addresses it.20 MS. AFFUSO: Okay. So that's okay it
21 shows it's 150 feet to be removed?

22 MR. HINES: Yes.

23 MS. AFFUSO: So then do I --

24 MR. HINES: I think you're good as long
25 as it's shown. I just don't have the map in front

2 of me.

3 MS. AFFUSO: I did have him put that
4 when he redid it, put the driveway in the new
5 location.6 MR. AFFUSO: Pat, what's the buffer?
7 75 feet?

8 MR. HINES: Yes.

9 CHAIRMAN BRAND: And then Jeff, we'll
10 be ready for approval by resolution for the
11 following meeting?

12 MR. BATTISTONI: That's fine. Yes.

13 MR. AFFUSO: There's no way to get
14 approval for this meeting so we can start
15 construction?16 MR. HINES: No. The Board typically
17 has Jeff write the approval. So the next meeting
18 on the 17th would be when the Board would react
19 to it.20 MS. AFFUSO: So he has to get you the
21 25-foot buffer prior to -- like this week?22 MR. HINES: I'm suggesting it's a
23 condition of approval right now. If you can get
24 it in time, then the condition wouldn't be there.

25 CHAIRMAN BRAND: We can put it in the

2 resolution either way.

3 MR. HINES: Yes.

4 MR. AFFUSO: So a 25-foot setback from
5 Reservoir Road. Correct, Pat?

6 MR. HINES: Yeah. On the entire
7 parcel. Yeah.

8 MR. AFFUSO: The entire parcel a 75-
9 foot ag buffer. Correct?

10 MR. HINES: Yes. Then you don't have to
11 pay taxes on that, Eric.

12 MS. AFFUSO: So that's for both or just
13 his map?

14 MR. HINES: Right now it's shown on the
15 1-acre parcel.

16 MS. AFFUSO: Not the parent parcel.

17 Okay. Sorry, guys.

18 MR. HINES: That's fine.

19 CHAIRMAN BRAND: Okay. I think we are
20 all set then with the Affuso Subdivision.

21 MS. AFFUSO: And then for these,
22 there's fifteen of them. Jen, I drop them off to
23 you tomorrow?

24 MS. FLYNN: Yes, please.

25 MS. AFFUSO: Okay. I will do that.

2 MS. FLYNN: Thank you.

3 MS. AFFUSO: You're welcome.

4 MR. AFFUSO: What's your next meeting
5 date?

6 CHAIRMAN BRAND: August 17th.

7 MR. AFFUSO: Thank you, everybody. I
8 appreciate it.9 MR. HINES: Both the green cards and
10 the little slips, too. Both.

11 MS. AFFUSO: The little slips?

12 MR. HINES: Yeah. When you sent those
13 you would have gotten a little mailing --14 MS. AFFUSO: These are the only things
15 that came back in the mail.16 MS. FLYNN: When you drop them off they
17 should have given you the little copy thing that
18 you did it.19 MS. AFFUSO: I might have those stashed
20 away. Probably. Okay. So those and the white
21 slip. It went all certified, so --22 MR. HINES: The only ones that come
23 back are the green ones. When you paid for it
24 they gave you a little white slip.

25 MS. AFFUSO: I probably have those

2 somewhere in an envelop safely put away.

3 CHAIRMAN BRAND: Thank you, guys.

4 MR. AFFUSO: Thank you.

5 MS. AFFUSO: Thank you.

6 (Time noted: 7:54 p.m.)

7

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

9

10 I, MICHELLE CONERO, a Notary Public
11 for and within the State of New York, do hereby
12 certify:13 That hereinbefore set forth is a
14 true record of the proceedings.15 I further certify that I am not
16 related to any of the parties to this proceeding by
17 blood or by marriage and that I am in no way
18 interested in the outcome of this matter.19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 12th day of August 2020.

21

22 
2324

MICHELLE CONERO
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HELD REMOTELY VIA ZOOM

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

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In the Matter of

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INDEPENDENT SOLAR, LLC

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Project No. 20-4008
206 Milton Turnpike, Milton
Section 95.4; Block 3; Lot 7.210

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SKETCH - SITE PLAN

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Date: August 3, 2020
Time: 7:54 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

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APPLICANT'S REPRESENTATIVE: PAUL IRBY & ETHAN
WINTER

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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next up is Independent
3 Solar, LLC, sketch for a site plan at 206 Milton
4 Turnpike in Milton.

5 Do I have a representative here for
6 that?

7 MR. IRBY: Hi, folks. Paul Irby here.
8 I'm the lead developer for the project. Can you
9 hear me okay?

10 CHAIRMAN BRAND: Yes.

11 MR. IRBY: Perfect. I'm also joined by
12 my colleague, Ethan Winter. It's good to see you
13 all.

14 I think the last time we were in front
15 of the Planning Board was in February. It feels
16 like a completely different world from now, but
17 it's good to be here, at least on Zoom, to talk
18 about the project.

19 So today, you know, we're hoping to
20 talk through Independent Solar which is the 3
21 megawatt community solar project that we're
22 proposing at 206 Milton Turnpike. We submitted
23 our application for the project for site plan
24 review and also the special use permit about two
25 weeks ago, so we're hoping today to talk through

2 any questions about the application, about the
3 site plan, hopefully get a determination that it
4 was complete or better understand any additional
5 materials that you require, and hopefully begin
6 the process of scheduling our public hearing.

7 So with that, you know, I'll turn it
8 over to my colleague Ethan to kind of get some
9 background on what we're trying to do here.

10 Take it away, Ethan.

11 MR. WINTER: Thank you, Paul. Can
12 everyone hear me okay?

13 MS. FLYNN: Yes.

14 MR. WINTER: As Paul said, it was a
15 long time ago since we met in February. Paul is
16 going to be available to dive into the
17 application and the site plan, but I wanted to
18 provide again an overview of our company's
19 involvement in solar in New York, and in
20 particular in Ulster County.

21 As you all know, the County is a leader
22 with a 100 percent renewable energy procurement
23 goal by 2030. The county executive made that
24 executive order just about a year ago. Cypress
25 Creek has projects in five towns in Ulster County

2 that are either operating now or approved. Just
3 last week we received conditional approval for a
4 project in Plattekill, just to the west. So we're
5 very excited to be building on our experience in
6 the Hudson Valley and statewide, and this project
7 will reflect that. We've built or have approved
8 16 megawatts of community solar in Ulster County,
9 which is equivalent to 3,500 average homes. So
10 we're really very committed to building
11 best-in-class projects. We're looking forward to
12 iterating that with the Planning Board.

13 We are well aware of the Town's
14 comprehensive plan. We studied the solar code.
15 We really think this project can, as we said in
16 our February meeting, set a good example for
17 community solar.

18 We acknowledge that this is on
19 agricultural land. Our landowner is very
20 interested in seeing the retention of
21 agricultural use on this land in addition to the
22 solar. We look forward to working with you to
23 finalize a design that can optimize both of those
24 interests.

25 So I think, with that, I'll pass it

2 over to Paul, unless you all have any questions.

3 CHAIRMAN BRAND: Actually I think Pat,
4 your comments for this are significant.

5 MR. HINES: Yes. Numerous anyway.

6 CHAIRMAN BRAND: Did you want to run
7 through them?

8 MR. HINES: I can. I'm hoping the
9 applicant's representative received them at
10 Langan Engineers. Do we have a Langan
11 representative on here?

12 MR. IRBY: They're not present, no.
13 Were comments sent directly to them?

14 MR. HINES: The comments would have
15 went to them.

16 We reviewed the application. Some of
17 the applications, our first comment is they are
18 just signed by various parties. There's a Gerald
19 A. Lupione signing an ethics disclosure. There
20 are forms signed by a Matthew Flowers. The
21 property is owned by Organic Valley, LLC, signed
22 by a Robert Titanic actually. That was difficult
23 to spit out. And then it's stated that it's owned
24 by an LLC, but the deeds that were submitted with
25 the project just show the individual, Mr.

2 Titanic, owning the property with no transfer to
3 any LLC. So I think each of those documents -- if
4 we can have disclosure on who it is that is
5 signing these documents and what their
6 relationship with the project is.

7 Our second comment. We reviewed the
8 full environmental assessment form and it
9 identifies the project in Ulster County Ag
10 District 1. The significance of that is that the
11 project is a Type 1 action under SEQRA because it
12 will disturb greater than 2.5 acres in an ag
13 district. The Town of Marlborough Planning Board
14 should declare its intent for lead agency once
15 the Town -- the Planning Board feels it's
16 comfortable with having enough information to do
17 that.

18 We're suggesting the Town of
19 Marlborough notify the applicant regarding the
20 PILOT agreement. That's a comment for Jeff and/or
21 the town attorney. There's a procedure where the
22 Town has to exercise certain rights to require a
23 PILOT agreement early on in the solar review
24 process. I'll defer to Jeff later on for that
25 one.

2 There are various acreages referred to.
3 As we were going through the application, there's
4 30 acres of solar, there's 14.9 acres of solar.
5 There's different numbers in the EAF. I think the
6 applicant needs to go through that and coordinate
7 the acreage throughout the submittals. There's
8 references for various acres.

9 And again my comment 5 is similar to
10 that. It identifies 30 acres to be disturbed. In
11 other places in the EAF it identifies the total
12 acreage for the project to be 30 acres.

13 Another question I have is that on the
14 plans there are three tax map parcels identified
15 in portions of the application and the
16 application itself only references one tax map
17 parcel. We need that clarified as well. I think
18 they're all owned by the same applicant but we
19 need to make sure of that.

20 The EAF identifies the project in the
21 New York State Intercoastal Zone Management Area.
22 That box gets checked by default on the DEC's
23 website. That requires the involvement of the New
24 York State Department of State. Since it's in an
25 intercoastal zone management area, an

intercoastal consistency form is required.

2 the public.

3 There are certain viewsheds that the
4 glare analysis utilized, most of which were on
5 the roadway right in front of the project which
6 is very visible. The Planning Board may wish to
7 select some additional locations where the
8 project will be visible. I know a previous
9 project in the vicinity of this one, there was a
10 historic site across the river that the Board
11 wanted analyzed for visual impacts. With this
12 project the EAF identified that same site as
13 being within 5 miles and in the potential
14 viewshed.

15 I think, Cindy, I have it later in my
16 comments, but I forgot the name of that one
17 across the river.

18 MS. LANZETTA: Locust Grove?

19 MR. HINES: Locust Grove. That's it.
20 It shows up on the EAF as well. That's what
21 caught my attention. So that might be a site the
22 Board may wish to do some visual analysis from.

23 This is located in the vicinity of the
24 Sports Dome. We all know how visible that is
25 from various locations in the Town. Just for the

2 Board's reference, it's fairly close to that.

3 A stormwater pollution prevention plan
4 will need to be submitted -- was submitted,
5 actually, and is under review by our office.
6 We'll be weighing in on that in the future.

7 Ulster County Department of Public
8 Works will be an interested agency for the site
9 access road. Coordination with them will be
10 required. Once the Board declares its intent for
11 lead agency, we will circulate to them as well.

12 We're suggesting the jurisdictional
13 fire department receive the plans for review as
14 well.

15 The project contains a battery storage
16 facility which is something we have not seen on
17 the other project in Town. That is not mentioned
18 in the EAF. You have to kind of delve into the
19 plans to figure out that there is a battery
20 storage facility associated with it. So we're
21 requesting that be added to the EAF, and the
22 application, and the project description. The
23 Board will most likely have some questions on
24 that. This will be the first battery storage I
25 think the Board has seen.

14 I mentioned earlier the deeds do not
15 identify the property being transferred to the
16 LLC. I discussed that earlier. So that
17 information will need to be provided.

2 power transfer. There will be some structures.
3 That answer should be changed.

4 Page 10, item F identifies the use as a
5 municipal/ -- having been used as a municipal/
6 solid waste facility. They checked the answer yes
7 but it's actually the site next door. I think
8 that's why it's coming up. This is located next
9 door to the Custom Compost facility. That came up
10 in the DEC's website. This subject property is
11 not that. It's next door to that. That may be
12 able to be clarified.

13 The project has been identified by
14 Office of Parks, Recreation, Historic
15 Preservation, SHPO for the State's letters there,
16 as an archeologically sensitive area. A phase
17 1A/1B has been requested and should be provided
18 to the Planning Board during the SEQRA review as
19 well as to SHPO.

20 My last comment identifies the Locust
21 Grove site as well as some other state, local and
22 scenic areas that are within 5 miles which the
23 Board should take a look at regarding visual
24 impacts and during the review of SEQRA.

25 So a lot of it was clean up and

2 procedural going through the rather large
3 application. We tried to be as thorough as
4 possible, taking a look at the environmental
5 documents that were submitted.

6 CHAIRMAN BRAND: Thank you, Pat.

7 Jeff, do you have anything to add on
8 this.

9 MR. BATTISTONI: Yes. Just a couple of
10 things. I'm going to reiterate what Pat said. The
11 deed in the file shows an individual as being the
12 owner of the property but the lease is with an
13 LLC. That's just something they need to clean up
14 on their end.

15 I agree with Pat that it's a Type 1
16 action, and the Board could declare it tonight to
17 be a Type 1 action, declare its intent to serve
18 as lead agency and authorize circulation of the
19 application.

20 The application is very thick. I can't
21 find it right now but the applicant did indicate
22 its intent to negotiate a PILOT agreement. That
23 is in the application.

24 The Town Code has a provision about
25 solar storage batteries, and if they are included

2 they have to be placed in a secure container or
3 an enclosure. I think Pat mentioned that will
4 need to be shown. There is a code provision that
5 addresses that specifically.

6 Those are my comments.

7 CHAIRMAN BRAND: Thank you, Jeff.

8 Board Members?

9 MR. TRAPANI: I have a couple of
10 questions. First of all, the panels, they're
11 going to be facing towards the east and west?

12 MR. IRBY: Yes. It's going to be
13 utilizing a -- sorry, I didn't mean to interrupt
14 you there. It's going to be utilizing a single-
15 access tracker system. The panels will move
16 throughout the day, following the sun east to
17 west.

18 MR. TRAPANI: East to west. That's on
19 the whole project? Are there two or three
20 different areas that they have the panels set on?
21 I know two for sure.

22 MR. IRBY: It's two different array
23 areas.

24 MR. TRAPANI: Up on the top of the hill
25 behind the cold storage and behind the house by

2 the compost place?

3 MR. IRBY: Yes. In the kind of
4 southeastern portion of the property.

5 MR. TRAPANI: Southeast. They were
6 talking about glare. When you come on Route 44 in
7 Poughkeepsie, past Adams Fairacre Farms, up
8 there, when you're on 44 you can see the Dome
9 just as clear as day coming down 44. Early in the
10 morning with that sun coming up on the east,
11 facing over here on the west, I think you ought
12 to check over there to make sure you're not going
13 to have that glare right on 44 over there. It's
14 directly facing right towards that area.

15 MR. IRBY: Okay. We can certainly
16 update our glare analysis.

17 MR. TRAPANI: That's one place where I
18 think you may have because it's tough. When that
19 sun is coming up over that horizon there, it's
20 shining towards the west. It hits that. I know
21 because you can see -- you can see the Dome. Mr.
22 Clarke knows also the same thing. You can see the
23 Dome from over there on that side. Maybe look
24 into that.

25 By the houses there, are they going to

2 put some kind of a buffer or something there?

3 Behind the three houses that are there, right
4 behind the project?

5 MR. IRBY: So this is something that
6 we've kind of been debating internally. Based on
7 the kind of typical topography of the site, any
8 kind of screening within the project boundary
9 between the houses and the actual project itself
10 wouldn't really be that effective in screening it
11 from view because those houses kind of overlook
12 it, looking down on a portion of the array and
13 then up the hill at the rest of the project.
14 We're open to recommendations from the Planning
15 Board about any additional screening. In our
16 current site plan we've shown a line of evergreen
17 trees along the eastern side of that upper array
18 area which we're hoping -- to answer kind of your
19 first question about glare, we're hoping that it
20 will completely shield the project from view once
21 the trees reach full maturity from the Hudson
22 Valley to the east, and hopefully from Locust
23 Grove Estate as well.

24 To kind of address your question about
25 glare, that will hopefully cutdown on any

2 potential glare that could be present there
3 across the river.

4 In regards to the houses that are kind
5 of immediately next to the project site, we're
6 open to creative solutions here. I think the only
7 maybe potential way that we could screen it fully
8 from view would be to plant trees actually on
9 their property instead of at the project
10 boundary.

11 MR. TRAPANI: Maybe you can get in
12 touch with those people as a relationship type of
13 thing and throw it by them to see what they would
14 like to look at also.

15 MR. IRBY: And we've begun those
16 conversations.

17 MR. TRAPANI: Then you can bring it
18 back to us. If it works with us -- just look at
19 the other people that have to live there and see
20 it all the time.

21 MR. IRBY: Absolutely.

22 MR. HINES: Just for the Board, I
23 believe it's a tracking solar array. They're not
24 static. They're going to track onto the project.

25 MR. IRBY: That's correct.

2 MR. HINES: These panels move during
3 the day to maximize their solar collection. It
4 changes the glare analysis. As the sun moves
5 across the sky, the panels move as well.

6 MR. IRBY: The idea is that the panels
7 will be directly pointed at the sun itself, so
8 glare to other angles of reflection would be
9 very, very minimal. The panels themselves are
10 treated with an anti-reflective coating that
11 reduces glare as well.

12 MR. CLARKE: I live on Clarke's Lane
13 and I have to come down several times a day and
14 intersect with Milton Turnpike. I don't know. Are
15 you planning on putting them on that flat right
16 across from Clarke's Lane, just to the west of
17 the house, or are you going to go further up the
18 hill?

19 MR. HINES: They're up on Milton --

20 MR. TRAPANI: They're up behind the
21 cooler. Aren't they? Behind the cold storage?

22 MR. IRBY: Behind the group of
23 buildings and also kind of down in the depression
24 to the southeastern portion of the property.

25 MR. TRAPANI: Right behind Marcus's

2 house there.

3 MR. CLARKE: All right. I guess my
4 other question would be, at this point in terms
5 of battery development, when so many different
6 things are changing, why would you choose to put
7 a battery system in now when five years from now
8 the technology is probably going to be five or
9 maybe a hundred times better?10 MR. IRBY: That's a great point and
11 something that I wanted to touch on with the
12 Planning Board here today. So currently we're
13 proposing the project as including a battery
14 storage system. I will say that that is wholly
15 contingent on New York instituting a new battery
16 incentive as the current one has been fully used
17 up. So currently there's no real incentive to put
18 batteries on projects. With the incentive in
19 place, there is a financial and capacity gain to
20 be found there. So I do recognize your question
21 around battery technology. It is definitely a
22 point of uncertainty. The industry is growing
23 rapidly all the time. The idea with the system,
24 and with even the panels, with the inverters,
25 with the other components is that as better

2 technology comes along, there is the possibility
3 of upgrading the site, updating the materials,
4 the different components so that they reflect the
5 kind of most up-to-date technology that's up
6 there, if that's needed, if that's financially
7 viable for the project. So, you know, if better
8 battery technology did come along in five to ten
9 years and it made sense to replace the existing
10 batteries, then that's something the project
11 owner could definitely look into.

12 CHAIRMAN BRAND: How would that work,
13 Pat? Would they have to come back to us at that
14 point?

15 MR. HINES: If they're modifying the
16 site plan, yes.

17 MR. IRBY: The actual layout of the
18 site I don't think would ever change. The
19 components may.

20 MR. GAROFALO: With regard to the
21 panels moving, are they moving on both a
22 horizontal and vertical access?

23 MR. IRBY: It's a single access. It's
24 just kind of a horizontal access like this.

25 MR. GAROFALO: Thank you.

2 MS. LANZETTA: I'm going to reiterate
3 the need for a better visual analysis.

4 I think you might have started speaking
5 with some of the people from Scenic Hudson. They
6 will certainly be very interested to see this
7 project as it progresses. And Ulster County
8 Planning as well. They will want a much more
9 involved visual analysis than what you have, and
10 visual renderings than what you have in place
11 right now. So again, I'm just giving you a heads
12 up on that. That's one of the critical components
13 in the Hudson Valley.

14 Also I'm curious. I was looking at the
15 pictures of the fencing that you are proposing.
16 I see that you do allow -- it doesn't go right to
17 the ground, which is good. It doesn't say how
18 much space you're allowing. We want to make sure
19 that there's some space for small animals to get
20 in and out of that site. Can you put how many
21 inches that you're planning on leaving at the
22 bottom?

23 MR. IRBY: Yes. Absolutely.

24 Just to touch on your first point about
25 Scenic Hudson and the visual renderings that we

2 put together for the project. Ethan and I had a
3 great call with Audrey and Jeff over there at
4 Scenic Hudson, walking them through the project
5 and the different methods that we're planning to
6 use to limit the visual impact to Locust Grove.
7 We've conducted a viewshed analysis from the
8 vantage point of Locust Grove, showing which
9 portions of the site are visible. We used that
10 to inform our screening methods that we're
11 planning to use. We also have contracted out
12 visual renderings from Locust Grove and from
13 other various locations. If the Planning Board
14 requests those renderings, we can happily provide
15 them.

16 Additionally on the wildlife fencing.
17 Yes. So we also had our gateway meeting with the
18 Ulster County Planning Board. Al Lanzetta was
19 there in attendance with myself. We talked
20 through some of their concerns. One of the things
21 they did bring up was installing wildlife
22 friendly fencing. That's something we are
23 committing to. I will definitely make sure that
24 the actual distance from the ground, the gap in
25 the fence, will be illustrated on the site plan.

2 So thank you.

3 CHAIRMAN BRAND: Anything else from the
4 Board?5 MR. WINTER: Well if I could just
6 mention one thing --7 MR. CLARKE: You suggested some of the
8 land was going to be retained for agricultural.
9 Where is that going to be?10 MR. IRBY: Currently we have two
11 portions. You can kind of think of the site as
12 maybe a square with four quadrants in it. We're
13 in the upper northwest and kind of southeast
14 quadrants of the property. The other two
15 quadrants will hopefully be maintained for
16 agricultural use. We've been working closely with
17 Robert Titanic. He currently uses a tenant
18 farmer. He's looking for potentially a different
19 type of farmer for the property. The property is
20 certified organic. Certified organic crops can
21 be grown on the property. We really want to make
22 sure that that is able to continue. What we've
23 done is committed to a no spray approach with our
24 weed management and landscaping plan which will
25 avoid spraying any banned substances that are not

2 allowed for U.S. organic crops with the hope that
3 he is able to still produce crops on the
4 remainder of the property. So that would be in
5 the southwest corner and then in the northeast
6 corner as well.

7 CHAIRMAN BRAND: Anything else from the
8 Board?

9 (No response.)

10 MR. IRBY: Ethan, I think maybe you
11 wanted to touch on the PILOT agreement that we're
12 hoping to enter into.

13 MR. WINTER: Yeah. I wanted to just
14 mention we have reached out to Locust Grove as
15 well and await some more direct feedback from
16 Ken, the director there.

17 Cindy, we appreciate your point on the
18 visual impact. This is an opportunity for us to
19 get some real detail from the Planning Board on
20 what those most sensitive visual areas and
21 corridors are so we can develop those visual
22 analyses accordingly.

23 But as Paul said, we did speak with
24 Scenic Hudson and shared with them what we shared
25 with you as we were working that up.

11 MR. TRAPANI: If this project works
12 properly, how many houses do they propose they
13 can take care of?

14 MR. WINTER: Roughly with 3 megawatts,
15 6 to 7 average homes is what we look at. So 650
16 ballpark.

17 MR. IRBY: Hundred homes, not --

18 MR. TRAPANI: The only reason why I ask
19 is they've had it in the newspaper about how many
20 homes were being taken care of by solar. It was
21 like 35 solar farms put in so far and they said
22 like 140,000 homes it was taking care of.

8 MR. TRAPANI: Thank you.

9 CHAIRMAN BRAND: Is there anyone on the
10 Board that does not feel comfortable at this time
11 with declaring our intent to act as lead agency?

12 MR. HINES: I'm just thinking that we
13 should get the EAF and my comments cleaned up
14 before we do that.

15 CHAIRMAN BRAND: Okay.

16 MR. HINES: A lot of my comments were
17 on the EAF.

18 CHAIRMAN BRAND: We'll get that before
19 we do that.

20 So it looks as though you guys have
21 your homework to do. Langan Engineering has their
22 homework to do at least.

23 If there's nothing else, I think we are
24 finished with Independent Solar. Yes?

25 MR. IRBY: I guess thinking about next

2 steps. If we make those changes, then we would
3 submit them potentially for the next meeting or
4 the meeting thereafter depending on when we're
5 able to get them in?

6 CHAIRMAN BRAND: Yeah. The deadline
7 for the August 17th meeting is August 7th. If you
8 can get them done in the next four days or so,
9 you can be on the agenda for the 17th, otherwise
10 you would get pushed until the first one in
11 September.

12 MR. IRBY: We'll see what we can do.

13 CHAIRMAN BRAND: Great. Thank you guys.

14 MR. IRBY: Thank you.

15 MR. WINTER: Thank you.

16

17 (Time noted: 8:22 p.m.)

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

5

6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

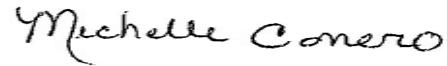
10 That hereinbefore set forth is a
11 true record of the proceedings.

12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of August 2020.

18

19



20

MICHELLE CONERO

21

22

23

24

25

2

HELD REMOTELY VIA ZOOM

3

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

----- X

5 In the Matter of

6

7 POND VIEW

8 Project No. 20-4009
19 Sunrise Drive, Milton
9 Section 102.4; Block 2; Lots 32.813 & 30.4

10

----- X

11

SKETCH - LOT LINE

12

Date: August 3, 2020
13 Time: 8:22 p.m.

14

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 BEN TRAPANI
17 CINDY LANZETTA
18 JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

19

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
20 VIRGINIA FLYNN

21

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

22

----- X

23

MICHELLE L. CONERO

3 Francis Street

24

Newburgh, New York 12550
(845)541-4163

25

2 CHAIRMAN BRAND: Next on the agenda is
3 Pond View, sketch for a lot line at 19 Sunrise
4 Drive in Milton.

5 Mr. Galella, I believe that's you.

6 MR. GALELLA: Yes, sir. Hello,
7 everybody.

8 What's happening here is lot
9 (inaudible) with a proposed house to be built,
10 and then the remainder would be a larger lot next
11 to it.

12 CHAIRMAN BRAND: Pat, did you want to
13 go through your comments first?

14 MR. HINES: Just some clean-up items. A
15 letter of agent was signed by Mr. Galella. If
16 he's representing himself it's a non-issue. It
17 didn't identify anyone to be his agent. If he's
18 here talking, that's a non-issue.

19 The EAF that was submitted wasn't
20 filled out on the DEC's interactive website.
21 We'll need that done.

22 Existing and proposed lot area charts
23 are typically required showing -- it shows the
24 new lot sizes for lot 1 and proposed lot 2. It
25 assists the assessor and people in the future

2 with what lot 1's existing size was as well as
3 the proposed, as well as lot 2 which doesn't have
4 -- the original lot size would be there.

5 The modification creating proposed lot
6 2, that lot is without an approved septic system
7 at this point. The septic system was at a
8 different location on the larger lot. A new
9 septic system and water system need to be
10 approved by Ulster County Health before the Board
11 can take any action to prove that that smaller
12 lot is buildable. The old septic was located well
13 back on the larger lot that's getting transferred
14 to lot 1.

15 The Town has a streamlined lot line
16 change procedure, I don't know that this meets it
17 because there's no septic system approved for
18 proposed lot 2 at this point.

19 There is a private road access and
20 maintenance agreement for the existing private
21 road. It currently serves four lots. Lot 1,
22 which was old lot 8 on the subdivision, had an
23 easement to use it. This will now give the new
24 lot 1, former lot 8, fee access or ownership of a
25 portion of that private roadway along with the

2 other three lots, then four lots. Everyone will
3 own a piece of it. Your code only allows four
4 lots on a private road unless one of the -- you
5 can have up to six lots if the lots share an
6 existing Town roadway. Lot 1 has access to Ridge
7 Road, so it complies with your code. There are
8 provisions in the private road agreement that
9 allow further lots to join the private road
10 agreement, and filing of this map may do that.

11 I'll wait for Jeff Battistoni to sign off on the
12 private road agreement. Tommy Corcoran was aware
13 of this. I know I got a comment from him today. I
14 believe it's a favorable comment. I reached out
15 to him after I received that to make sure he
16 concurs with my analysis of the fact that lot 1
17 having frontage on Ridge Road exempts it from the
18 four lots on a private roadway and will allow the
19 five lots to access the private roadway.

20 That's the extent of our comments.

21 CHAIRMAN BRAND: Did he agree with that
22 in theory? He did; correct?

23 MR. HINES: I believe he did. He didn't
24 come right out and say it. He cited chapter and
25 code. I know that there were some conversations

2 early on when this was proposed. I think he was
3 okay with it but I would like to confirm with him
4 that comment. It didn't clearly say that but he
5 kind of cited that section of the code. I believe
6 as long as the lot has frontage on a public road
7 -- you can have up to six lots as long as two of
8 them have frontage.

9 The septic is an issue for this.

10 CHAIRMAN BRAND: Okay. Jen, you can
11 take the map down.

12 Jeff, did you have something for this?

13 MR. BATTISTONI: No. I appreciate how
14 thorough Pat is in his comments. I think this
15 should go through your normal subdivision
16 process. There is an expedited procedure for a
17 boundary line adjustment for two lots, but this
18 is a very complicated application.

19 CHAIRMAN BRAND: Excellent. Comments
20 from the Board? Questions?

21 MR. CLARKE: Chris, it looked like on
22 that map there may have been two lots that have
23 access to Old Indian Road. It looked like there
24 was almost like a flag lot on one of those lots
25 just to the west of the one that has access, or

2 has frontage.

3 MR. HINES: It doesn't have rights to
4 that road. I did check. That was existing when
5 that private road was constructed. That lot that
6 looks like a flag lot gains its access off the
7 Town road and not off the private road and is not
8 included in the private road agreement.

9 MS. LANZETTA: I'd like to also point
10 out that there's been water issues with the new
11 lots that have been sold and built on. I know the
12 owners have come to the Town and asked if they
13 would extend the water district so that they
14 could get water. I've heard that some people's
15 wells have gone dry. So I'm not sure what our
16 responsibility is in regards to that and ensuring
17 that there's sufficient water as we allow
18 additional development to happen in that area.
19 That would come up, I'm sure, if we end up having
20 a public hearing. So it's something to be
21 thinking about and what our responsibilities as a
22 Planning Board are to that.

23 Also, I have real questions about the
24 private road. The only way that I would feel
25 comfortable with approving an additional lot

2 there would be if it was put on the map that the
3 present lot owner of the larger parcel lot was
4 not using their existing driveway that goes to
5 Sunrise Drive. Even though you can say you have
6 access to that road -- this kind of reminds me of
7 the Affuso issue -- the practicality of that
8 being the case has not been proven because the
9 reality is that that person is not using that
10 access, they are using their access on Sunrise
11 Drive. So I would want to make sure that that was
12 -- that a new driveway was shown accessing that
13 house off of the Town road and that it was not --
14 they would not be accessing at Sunrise Drive.

15 CHAIRMAN BRAND: Mr. Galella, is that
16 your intention?

17 MR. GALELLA: No, it's not. I was
18 expecting to use Sunrise Drive. That is my
19 driveway. It's installed and been like that for
20 eight years. Lot 4 has been there also.

21 Currently the septic design is
22 permitted by the Board of Health for approval
23 through my engineer.

24 CHAIRMAN BRAND: Pat and/or Jeff, what
25 are your thoughts on the it has access to but

2 doesn't utilize the access to the --

3 MR. HINES: Your private road
4 regulations permit what is proposed. This lot
5 will actually -- Mr. Galella's existing house
6 which was on lot 8, now shown as lot 1, will own
7 a substantial portion of the private road,
8 Sunrise Drive, under this lot line change. I
9 believe your code allows access of up to six
10 lots, four of which only have access to the
11 private road and two can have access to the
12 private road as long as they have frontage on a
13 Town road. This is kind of -- it's kind of
14 reverse frontage, but it doesn't say in the law
15 it can't be that way. The idea was originally to
16 have the lots that front on the road use the
17 private road and not take credit for the other
18 four. That's why I wanted to talk to Tommy as
19 well. I think Tommy is on board with that
20 interpretation but it wasn't clear in his form
21 today.

22 CHAIRMAN BRAND: Jeff, did you have
23 anything to add to that?

24 MR. BATTISTONI: I would want to see
25 what Tom would say. I do want to look at the

2 code provision.

3 CHAIRMAN BRAND: Okay.

4 MR. CLARKE: Chris, we own the property
5 just to the west of that. I know the next
6 property to the west was owned by Desouzo. His
7 son put a small house up there and they had
8 issues with water. They just could not get water.
9 They tried several times where they were down to
10 400 feet and Troncillito always had a tanker
11 truck there. Somebody else has the property now
12 and I don't see that. I know that's an area that
13 if you're going to -- I'm not familiar enough
14 with this project but you may want to have a
15 proven well there before you try to sell
16 anything.

17 MR. GALELLA: That's a possibility I
18 could have it. I know my well is fine and I'm not
19 too far from it. It's shown on the map. There are
20 wells that do run dry. I mean it was way before
21 that. Getting more reserve and how they are built
22 sometimes can be an issue. My driller believes
23 it's a doable site for a well.

24 CHAIRMAN BRAND: Pat, is that
25 something --

2 MR. GALELLA: I think I have like
3 (inaudible). I could work through that and get
4 it going.

5 MR. TRAPANI: A modular home?

6 CHAIRMAN BRAND: What did you say, Ben?

7 MR. TRAPANI: I think they dug a new
8 well by the Desouzo house. I don't know how good
9 it is but they had a well driller there and they
10 drilled a new well. They've always had problems
11 with water there.

12 CHAIRMAN BRAND: Is that something that
13 we can require, that they have operational wells
14 and water -- significant water before --

15 MR. HINES: So that falls under the
16 purview of the Health Department. That's what the
17 Health Department reviews when they do the well
18 and septic. They might not be aware of this.

19 Certainly we can let them know that there is an
20 issue there.

21 CHAIRMAN BRAND: I think we should.

22 MR. TRAPANI: There always has been an
23 issue there. When Jimmy Martin had the cooler
24 before Fino bought it they always had to have a
25 tanker there from Desouzo's to be able to use the

2 wet dump.

3 MR. CLARKE: My father always said it
4 was a dry spot. We never had a well up there so
5 I don't know, but --

6 MR. HINES: This is a lot line change.
7 There's the same number of lots. You're not
8 creating a new lot.

9 MR. CLARKE: That may not be a
10 significant issue.

11 CHAIRMAN BRAND: So Mr. Galella, it
12 looks like you have some clean up to do on this,
13 to fill out the EAF with the DEC website, make
14 sure you have Ulster County Health Department for
15 the water and sewer, the maintenance agreement
16 for access for the new lot 1 to be provided for
17 the attorney. I think that's it.

18 MS. LANZETTA: (Inaudible.)

19 CHAIRMAN BRAND: For Ulster County
20 Health Department, water and sewer.

21 MR. GALELLA: That I submitted. I just
22 have to wait for them.

23 CHAIRMAN BRAND: I'm having a very
24 difficult time hearing you, Mr. Galella.

25 MR. GALELLA: The Board of Health and

2 the engineering for the septic system has been
3 submitted. I'm just waiting for the permit for
4 that. I've written down the other comments.

5 What would be my next --

6 MR. HINES: I sent the comments to the
7 surveyor that was recorded on there. I can send
8 them to you, Nick, as well.

9 CHAIRMAN BRAND: So if you have
10 everything, all those things by Friday, August
11 7th, you could be on the agenda for Monday,
12 August 17th. Otherwise you'd be pushed back to
13 the first meeting of September.

14 MR. GALELLA: Very good.

15 CHAIRMAN BRAND: You're welcome.

16 MR. GALELLA: Thank you.

17 CHAIRMAN BRAND: Anything else from the
18 Board?

19 MR. GAROFALO: Yes, Mr. Chairman. Can
20 we, before we adjourn, discuss a little bit on
21 the checklist?

22 CHAIRMAN BRAND: I was going to say
23 that. I was going to say that Michelle, Jeff and
24 Pat are probably free to go, though, on that. And
25 Bob, too, unless you want to hang out.

2 (Time noted: 8:36 p.m.)

3

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

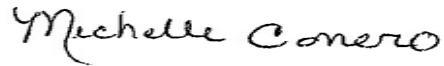
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7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:10 That hereinbefore set forth is a
11 true record of the proceedings.12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of August 2020.

18

19



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MICHELLE CONERO

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