

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

CHAPTER 155 OF THE ZONING CODE  
BUSINESS CORRIDOR OVERLAY DISTRICT

----- X

BOARD BUSINESS

Date: November 7, 2016  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD BUSINESS

CHAIRMAN BRAND: I'd like to call the meeting to order with a Pledge of Allegiance to the flag of our country.

(Pledge of Allegiance.)

MR. CAUCHI: Agenda, Town of Marlborough Planning Board, November 7, 2016. Regular meeting 7:30 p.m. Approval of the stenographic minutes for 10/17. Tommy Corcoran III, 16-9009, sketch, 102.2-4-22.310, lot line revision; Waheed, 16-9010, sketch, 108.2-1-22 & 23, lot line revision; Christopher Larkin, 13-6003, extension; Ryan DiStefano, discussion, 103.1-1-5, without attorney, engineer and stenographer. Next deadline: Friday, November 11, 2016. Next scheduled meeting: Monday, November 21, 2016.

CHAIRMAN BRAND: I would just like to make an addition to the agenda to include a discussion of the local law letter that we got from Danielle Cherubini, the Deputy Town Clerk, regarding Chapter 155 Zoning of the Marlborough Town Code.

First up, the discussion regarding --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD BUSINESS

3

did everybody get a chance to read the letter from Ms. Cherubini regarding the business overlay? It's relatively self-explanatory I think. There will be a public hearing on November 28th at 7:00 at the Town Hall. It's basically just amending the zoning map to establish the business corridor overlay district that we talked about at length.

MR. CLARKE: Is it just for that one parcel?

MR. HINES: Yes. Empire Landscaping.

MS. LANZETTA: I'd like to make a motion for us to draft a letter to the Town Board saying that the Planning Board has reviewed the amendment to the Town's zoning map and approves it.

CHAIRMAN BRAND: Someone make that motion.

MS. LANZETTA: I made it.

CHAIRMAN BRAND: You made it. Is there a second?

MR. CAUCHI: I'll second that.

CHAIRMAN BRAND: All those in favor, say aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD BUSINESS

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Motion carried.

(Time noted: 7:32 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of November 2016.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

TOMMY CORCORAN III

Project No. 16-9009  
11 Ann's Orchard Road  
Section 102.2; Block 4; Lot 22.310

----- X

SKETCH - LOT LINE REVISION

Date: November 7, 2016  
Time: 7:33 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: TOMMY CORCORAN

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOMMY CORCORAN III

7

CHAIRMAN BRAND: Next up, Tommy Corcoran, sketch, lot line revision.

MR. LOFARO: Did you approve the minutes?

CHAIRMAN BRAND: We did not but we will. Thank you.

MR. CORCORAN: It's a simple lot line revision. What happened is back in 2006 the building department received a building permit for a house. It was issued based on the maps given to us with that lot that was subdivided back in 1994 in the RAG-1 Zone that had a minimum lot width of 150. The foundation went in, the house was done. Before the as-built was issued by the building department and final certificate of occupancy, the house was removed from the foundation. It sat for quite some time. The existing foundation existed.

Tommy purchased the house, the model home, from Chelsea Modular Homes on 9W, set the house on the existing foundation. We did go to final as-built on survey and later found out there was an 11-foot variance given in 1994 that we were unaware of, making the side yard 27.8

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOMMY CORCORAN III

8

feet, not having the 35 foot setback required in the district.

Instead of going to the Variance Board for a variance for an existing foundation that was there, we decided to clean the lot up, do a lot line revision and purchase the property from the property owner next door and add that pie on to the property to give this the setback needed. Plus we were going to add a garage to it anyway, so it was easier to clean it up.

MR. HINES: The original variance wasn't for that side yard, it was for lot width, which was kind of caused by placing the house foundation originally years ago. That's what caused it to not be compliant with the side yard now.

CHAIRMAN BRAND: Any questions or comments from the Board?

MR. CLARKE: I'm just curious as to how that garage got built on the other guy's piece of property in this day and age.

MR. CORCORAN: Because the maps we had in our office had a 150 foot lot width. That was submitted by the previous owner in 2006. With



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOMMY CORCORAN III

9

that said and through the clearing, the lot was cleared and maintained to that lot width of 150. That matched the maps that were in our office in 2006. We used that as the guideline and never knew about the 11-foot variance because it was never stated anywhere that the variance was given for the lot width.

MR. HINES: The filed map shows the lots that you show now. Apparently the building department has one that doesn't conform to the filed map. Someone drew it at the 150.

CHAIRMAN BRAND: The garage was built after?

MR. CORCORAN: Correct.

CHAIRMAN BRAND: Then you figured it out?

MR. CORCORAN: Correct. After we did the final survey.

MR. CLARKE: That's what I wanted to hear.

CHAIRMAN BRAND: Any other questions or comments?

(No response.)

CHAIRMAN BRAND: It seems simple enough

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOMMY CORCORAN III

10

to me. The next thing would be to schedule it for a public hearing for the next meeting.

MR. CORCORAN: I would like to schedule the public hearing for the next scheduled meeting on the 21st.

CHAIRMAN BRAND: Does anyone have an issue with that?

MS. LANZETTA: The only thing that we have to be clear on is that it's been our policy to do the public hearings on the first meeting of each month. I think being that we haven't had much on our agenda and that this is a pretty straightforward lot line change, I don't personally have any issue with allowing a public hearing for the next meeting. I just want the Board to be clear we would be doing something that is out of the policy of the Board. I don't know anybody else's thoughts about that.

MR. TRUNCALI: It's going to set a precedent for other people that want to do it.

CHAIRMAN BRAND: Is there a reason why it can't wait?

MR. TRUNCALI: I don't see why we don't do it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CORCORAN: It's in contract and it's already closed. Listen, any time anybody comes in front of you, time is of the essence. This was -- again, it was an error, again, of the 150 lot width. It was just an error. Again, the property is already in contract, ready to close. To put it off into December, it puts it that much further off. It's a hardship I'm asking for.

MR. CAUCHI: I don't see a problem to exempt this from our normal policy. It's a simple thing. To facilitate that for something of a hardship, I'm willing to do it.

MS. LANZETTA: The other thing I would recommend, if we do that, is that we accept the sketch as the preliminary, because we really need to do that before we schedule a public hearing. So we would need somebody to make a motion to accept the sketch as our preliminary map.

MR. CAUCHI: I'll make that motion, to accept the sketch as a preliminary.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Okay. So we will  
schedule this for the 21st, a public hearing.

MR. HINES: There's no problem with the  
publication?

MR. CORCORAN: Everything is ready to  
go out. Once I get the letter it will go out  
tomorrow morning and meet the deadline for the  
paper and getting it out to the public for the  
return receipts.

CHAIRMAN BRAND: You don't see any  
foreseeable problems?

MR. HINES: No. As long as they can  
make the publication date, it's fine.

CHAIRMAN BRAND: Great.

MR. CORCORAN: Thank you.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of November 2016.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

MOHAMMAD WAHEED

Project No. 16-9010  
144 Reservoir Road  
Section 108.2; Block 1; Lots 22 & 23

----- X

SKETCH - LOT LINE REVISION

Date: November 7, 2016  
Time: 7:40 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: MOHAMMAD WAHEED

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN BRAND: Next up, Waheed,  
sketch, lot line revision.

Do you want to give us a rundown of  
what it is you have?

MR. WAHEED: Yeah. Basically I  
purchased this back in June. It was a bank-owned  
property. There were two separate lots. I  
realized that. The pool -- everybody told me  
that the pool was part of my, you know, deal. So  
when you buy bank-owned stuff, it's as is.  
Everybody missed it. That pool, after I bought  
it, they said was completely on the other lot.

MR. HINES: You bought both lots?

MR. WAHEED: This is what happened. So  
I didn't want nothing to do with that other lot.  
I wanted to wait. I knew it was owned by the  
county because the previous owner lost it for not  
paying the tax. I didn't want to overwhelm  
myself by having two tax bills, you know. Once I  
found that out, I called the county. They said  
yeah, you know, we don't really care.

If you look in the Town records, in  
1990 they built that pool completely on the other  
lot and the Town didn't even catch that. So I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

don't know what was happening that you missed a whole pool that's under the ground that size on the other lot. Maybe because the person was the same owner for both lots. Maybe that's why they didn't care. I can't fathom that. It's not 1960. It was 1990. So if the pool was on my lot I wouldn't even be here and be bothered.

MR. HINES: The pool complies with the lot that it's on, which is why if it was under the same ownership it could have been granted a permit. It meets the setback for accessory for a pool. It wouldn't matter which lot it was on.

MR. WAHEED: No, but they tax it on my lot.

MR. HINES: That's a little crazy.

MR. WAHEED: For thirty years. If it was a different owner, who knows what would have happened. Either which way, I wanted to buy that lot next door anyway because that trailer is disgusting. So a hundred percent that's going to go, you know. That's not even like a question. I even tried to burn it with the fire department over the summer and they said it's too close to the trees. I realize there's wheels under it.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

17

It don't need a demolition permit, it will just move. It actually rolls. I've been working on that the past couple of weeks.

MS. LANZETTA: Let me be clear. You actually own both lots now?

MR. WAHEED: Yes. Yes.

MR. TRUNCALI: You're going to remove the trailer?

MR. WAHEED: A hundred percent. It's so ugly I don't want to look at it. You know, I'm getting really hit hard with two tax lots. I don't need that. It's a buildable lot. To have a mobile home --

MR. CLARKE: It's a minimum one acre. Even your two lots together --

MR. HINES: The two lots together are only .9.

MR. WAHEED: Okay. You know, the property is sloped anyway. You couldn't do anything even if you were allowed to build. It's not really --

MR. CLARKE: Have you talked to the assessor about this?

MR. WAHEED: Yeah. She's the one that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

18

suggested this. They can't adjust it until March. I just want it done at least before the end of the year because I don't know what's happening with the county tax bill. I can't see them taxing me if it's one lot.

MS. LANZETTA: Are we allowed to entertain this if it doesn't make --

MR. HINES: The trailer has to go first. In other words, you would be creating a nonconforming issue with the trailer there.

Also, there's pre-existing nonconforming bulk requirements on the lot that Ron and I spoke to a little earlier.

I'm glad to hear the trailer is going. It makes it much more feasible. If the trailer was staying it would not comply at all.

MR. WAHEED: That's not even a question.

MR. HINES: You can't stamp the map with the trailer on there. It would be a condition of approval.

MR. WAHEED: With the trailer. Can you give me like a timeframe I can get it out?

MR. HINES: The map wouldn't be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

stamped. That would be your timeframe. There may be a need for some variances because of the pre-existing nonconforming issues with the existing bilevel house. The rear yard setback, the -- that's the only thing it doesn't meet with the other structure gone. It's not changing that.

MR. BLASS: Minimum lot size?

MR. HINES: Minimum lot size isn't the issue.

MR. BLASS: It's one acre. This is .9.

MS. LANZETTA: He needs a variance.

MR. BLASS: I would think so. Under nonconforming use regs, any alteration of a nonconforming use for any reason is not allowed except where the result is to eliminate the nonconformity as opposed to reducing it.

MR. HINES: Some zoning ordinances allow it as long as you're not making it worse. Yours says it has to be eliminated.

MR. WAHEED: I'm not improving it because I'm getting rid of the trailer? That's not conforming either?

MR. CLARKE: You're making it much

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

closer from my perspective.

MR. WAHEED: You would think it's a big improvement. I don't know why I need a variance for that, but --

MS. LANZETTA: To be in compliance with the law. The variance will say that you can be in compliance, is basically what the variance is for.

So would he have to go to the Zoning Board first?

MR. BLASS: Zoning Board of Appeals. A tenth of an acre variance, from one acre to .9.

MR. HINES: You might as well get the rear yard at that point, too.

MR. BLASS: The rear yard as well.

MR. HINES: 58.5 and it's 75 in that zone.

MR. BLASS: So the rear yard setback should be 75 as opposed to 58. So you probably have a good chance of getting those variances, particularly because you're going to remove the trailer.

MR. WAHEED: Right. What's the timeframe on that do you think?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

21

MR. BLASS: One month.

MR. WAHEED: I have to go in front of them, too?

MR. BLASS: It would be a preliminary meeting and a secondary meeting with a public hearing. So two months.

MR. WAHEED: I don't have to present anything else? I can just bring this?

MR. BLASS: You want to make a case that it's not a big deal.

MR. WAHEED: Right. I'm saying I don't have to fill out another application and hire someone else?

MR. BLASS: You don't have to hire anyone else.

MR. WAHEED: This is enough?

MR. BLASS: You have to go to the ZBA. Go to the building office, file an application for two variances from the ZBA, --

MR. WAHEED: Okay.

MR. BLASS: -- minimum lot size and setback.

MR. HINES: The other thing is check with the building department before you do that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

22

to make sure that the pool being forward of the building. In other words, the pool is in the front yard of that building. That may be an additional variance.

MR. WAHEED: Say that again.

MR. HINES: Your minimum lot size where it is 1 acre required and you have .9, so a tenth of an acre, and your rear yard existing.

MR. WAHEED: That's the rear setback.

MR. HINES: Yes. You have 58.5 where 75 is required. I'm not a hundred percent sure, you may need one for the pool projecting forward of the principal structure on this lot now. The pool is on the other lot right now. By combining them it creates that issue. You want to check with the building department prior to that. That would be another variance. Let's get them all done. It cleans up the lot, makes it legal.

CHAIRMAN BRAND: Would that be pre-existing to some extent, because it was in front of the trailer?

MR. HINES: I don't know if it has a building permit ever.

CHAIRMAN BRAND: All right.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

23

MR. WAHEED: They're both considered nonconforming; right?

MR. HINES: Yes.

MR. WAHEED: When you join two nonconforming together, can I just have one nonconforming?

MR. HINES: Not according to our ordinance.

MR. WAHEED: I don't understand.

MR. HINES: In some zoning ordinances you could.

MR. WAHEED: All right. It doesn't seem like a big deal.

MR. HINES: Again, this Board can't approve it until the trailer leaves the other lot.

MR. WAHEED: All right.

MR. HINES: They can continue to process it but the map can't be stamped approved and filed until --

MR. WAHEED: You can't approve it with a condition?

MR. HINES: It would be approved with the condition but the map won't get filed. It

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

24

won't be stamped.

MR. WAHEED: That's fine. At least  
it's something, you know --

MR. HINES: Otherwise if you filed it  
like that you'd be creating a nonconforming use.

MR. WAHEED: Either which way I have to  
immediately go to the ZBA? I can get on the  
21st? Is that possible?

MS. FLYNN: I don't know when the ZBA  
meets.

MR. CORCORAN: The second Thursday of  
every month now. It was moved.

MS. LANZETTA: You wouldn't make the  
deadline for this Thursday. It would be --

MR. WAHEED: December?

MS. LANZETTA: -- the next meeting in  
December.

MR. HINES: The taxable status is  
March. You're not in a crisis.

MR. WAHEED: What?

MR. HINES: You have to have it done by  
March to affect your taxes.

MR. WAHEED: I was thrown off by the  
county. If this is done before the county, why



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

25

would they charge me in January? I paid the school tax.

MR. HINES: Tax status is March. They establish, as far as I know --

MR. WAHEED: Even if it's one lot?

MR. HINES: At least in Orange County where I live it's March. Whatever is on the tax rolls in March is your tax bill for the year.

MR. WAHEED: I was trying to beat that.

MR. HINES: You still can.

MR. WAHEED: Not the January.

MR. BLASS: You can beat it for 2018 but not 2017.

MR. WAHEED: That's what I'm saying.

MR. CORCORAN: I would recommend getting a demo permit right away for the trailer.

MR. WAHEED: I'm not demo'ing it. It has wheels.

MR. CORCORAN: That's demo, to remove it. If you don't get a demo permit to remove it, it will never be removed off the tax roll.

MR. WAHEED: They said they could do an inspection. I spoke to them.

MR. CORCORAN: Who?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. WAHEED: The assessor. They said when ever you remove it or whatever, let us know and we'll set up an inspection.

MR. CORCORAN: She can't do that. I do that.

CHAIRMAN BRAND: He's the building inspector.

MR. WAHEED: Are you really? Even with wheels and all that I can't just move it?

MR. CORCORAN: You can. You still need a demo. If you don't get to fill out a demo permit and create the paperwork through my office, which ends up in the assessor's office, which ends up in Ulster County, that trailer will exist on that property forever until the paperwork is done.

MR. WAHEED: But I don't need somebody licensed or anything just to get a demo permit?

MR. HINES: No.

MR. WAHEED: I can do it myself?

MR. CORCORAN: If you can find some place to relocate it --

MR. WAHEED: That's going to be on them. They're hauling it somewhere else.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CORCORAN: The county?

MR. WAHEED: Whoever takes it.

MR. CORCORAN: Then I would get --  
they're the person doing the demo on the permit.  
You're the owner, they're the demo.

MR. WAHEED: I can't just as a  
homeowner do it myself?

MR. CORCORAN: If you say you're doing  
it yourself. You're telling me somebody else is  
doing it.

MR. WAHEED: I'm going to be there.  
We're going to try and see if we can just move it  
with a big truck. It has wheels. They even said  
during the hurricane it was moving.

MR. CORCORAN: Right. Just understand  
for your own purposes, if you hire somebody  
they're going to have Worker's Comp and  
liability, which I would require.

MR. WAHEED: Right.

MR. CORCORAN: If they come on your  
property and they do damage or something to  
affect -- damage the pool or the house, you need  
them to have insurance. I protect you by saying  
I collect the insurance under the demo permit.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

It doesn't cost you any more money, they just need to supply it to me. I'm protecting you as the homeowner. That's what I do, protect you so when they pull that truck on there and all of a sudden they back into your pool, you know, with the lack of insurance there's a problem.

MR. HINES: Or someone gets hurt.

MR. WAHEED: I just have to make sure the people who are willing to take that have it. When I do it and I take responsibility, it's almost like it's just easier and more cost effective if I take the responsibility.

MR. CORCORAN: That's fine. How you fill the demo permit out is up to you. If you're going to have somebody do it and you're going to pay them to do it and they have Worker's Comp and liability, it would be to your best interest to fill them out as the demo and submit that to me.

MR. WAHEED: To be totally honest with you, I'm trying to sell it. A lot of people actually want it to use it.

MR. CORCORAN: That's fine.

MR. WAHEED: They're responsible for whatever they want to do. That's the point of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

29

just --

MR. CORCORAN: That's fine. You just have to create the paperwork. Without that that trailer will exist on that property on paper and you'll get taxed on it forever.

MR. WAHEED: If I got the demo permit, I just e-mail it to you and whatever else you need?

MR. CORCORAN: Just get it back to us and I'll call you if there's a problem.

CHAIRMAN BRAND: Contact the ZBA as quickly as possible, too.

MR. CORCORAN: Which is in the same office as us, the building department.

MR. WAHEED: When is the next deadline, do you know, for the ZBA?

CHAIRMAN BRAND: The secretaries know. I believe it's the second -- I don't know what the deadline is. It's the second Thursday of the month.

MR. WAHEED: That's the actual meeting?

CHAIRMAN BRAND: I believe so.

MR. HINES: They may have a ten-day before rule.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
25

MOHAMMAD WAHEED

MR. WAHEED: I'm going to do the demo permit right away too in case I can just get that done.

CHAIRMAN BRAND: Good luck.

MR. WAHEED: Thank you. I appreciate it.

(Time noted: 7:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of November 2016.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MOHAMMAD WAHEED

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

----- X

In the Matter of

CHRISTOPHER LARKIN  
(NIECO)

Project No. 13-6003

----- X

EXTENSION

Date: November 7, 2016  
Time: 7:52 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTOPHER LARKIN

32

CHAIRMAN BRAND: Next up, Christopher Larkin, Nieco.

Is he here? Should we discuss it now even though he's not here?

MS. LANZETTA: I think we should.

CHAIRMAN BRAND: I think we should as well.

So just for the record, he called me and -- I'm sorry?

MR. HINES: In 1991 this project started.

CHAIRMAN BRAND: I didn't know it was 1991.

MR. HINES: I don't know it was that early. I'm just saying, it's been a long time.

CHAIRMAN BRAND: He called me here and originally asked for a one-week extension. He just wanted one week. I said we don't do that. I directed him to the code, sent him an e-mail, showed him the particular parts of the code that were relevant to this and he sent back the letter.

After doing some homework, it turns out that he's already gotten some extensions, which



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

he did not mention on the phone.

I guess the question becomes what could we or -- what could we do. What are the options.

MR. BLASS: Maximum of two one-year extensions. The rule is that you must start construction within one year. So the first period is one year from approval, then one additional one-year extension, then one additional one-year extension, which would basically be three years from approval.

So we should just -- if he's more than -- if this would take him out more than three years from approval, he should --

MS. LANZETTA: His approval was 4/21/2014.

MR. CLARKE: Final approval?

MS. LANZETTA: Yes. It goes by your approval. That's what it says in the law.

MR. BLASS: April of 2014.

MS. LANZETTA: He got conditional approval on 4/21/2014. The conditional is a final once you do what you're supposed to do, but that's the approval. The approval is -- when you're given the approval, that's your approval.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

It behooves you to follow up on doing whatever conditions need to be done so that you can get your maps filed as expeditiously as possible. But that's not up to the Planning Board to worry about when you file your maps.

MR. HINES: It's a site plan so it's only locally filed.

MS. LANZETTA: It's when the Planning Board gives the approval. The approval was given on 4/21/2014. It just so happens that that expired -- that was just a one-year approval. The last time we gave an extension it was for one year, and that was in -- on November 2, 2015 we had given it, and that would have expired on April 21, 2016.

The Planning Board secretary sent a letter to him as of 6/6/2016. In June we sent a letter saying that his extension had expired, and there was no response. Now this is what, six months after the expiration of the last extension. It's four months after Chris's office sent a letter saying that it had expired, and now he's asking for another extension, which we could give him possibly but then it would only be until

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

April of 2017 and that would be the end of it.

I just want to reiterate the reason we give extensions as a Planning Board is in good faith that the project is -- has temporary holdups but that the applicant is trying to move forward. There hasn't been really -- there's no shovel in the ground, there hasn't been any effort to really move this project forward. So I'm wondering why he's not giving us any information or is here at this meeting explaining why we have to give him another extension.

MR. TRUNCALI: Did they make drainage improvements there since their approval or was that --

MR. HINES: No. That was previous. That was under the other approval that lapsed. The 2014 approval is -- because an older approval lapsed, they came back and got it re-approved with similar conditions. It's been, I would venture, more than a decade since that project started. I don't know the exact date. It was a 3M Homes subdivision project originally. So the subdivision was filed. This is an amended site plan to the lot that they were here for.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTOPHER LARKIN

36

CHAIRMAN BRAND: So basically the choice would be we could approve and he would be good through April of 2017, --

MR. HINES: At the latest.

CHAIRMAN BRAND: -- at which time what then happens?

MR. HINES: You would be kind of retroactively approving the extension from when it lapsed.

CHAIRMAN BRAND: And then after that date?

MR. BLASS: He would have to apply for re-approval.

CHAIRMAN BRAND: He would have to start all over again.

MR. TRAPANI: How many times do they get approval? It seems like we've had this -- I've been here and it's here it every year. I don't know how many years we've been hearing about this guy here with the approval for this extension.

MR. HINES: It's significantly more than ten years this project started.

MR. TRAPANI: I've been here eight

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTOPHER LARKIN

37

years and I've heard it for eight years.

MR. HINES: Under different ownership but it's progressed through. It was a 3M Homes and then I think Larkin purchased that lot from them.

MR. TRUNCALI: I don't have a problem giving them the extension from when it expired the last time to the expiration date in '17 when his three years is up.

CHAIRMAN BRAND: Let's go through to 4/2017. Do you want to make that motion?

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: Is there a second to grant him the extension to go through April 2017?

(No response.)

CHAIRMAN BRAND: No second. Okay. The motion does not go anywhere.

I guess we'll need to tell him that it didn't happen. We'll contact him and tell him he did not get the extension.

MS. FLYNN: I contact him?

CHAIRMAN BRAND: I'll contact him. I can do that. I have no problem.

MS. FLYNN: I'll contact him and tell

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTOPHER LARKIN

38

him to call you.

CHAIRMAN BRAND: That's fine. I will call him tomorrow.

MS. LANZETTA: You can remind him that he received a letter back in June saying that the extension was no longer and that we figured that there was no real interest in pushing the project forward and we haven't seen anything to change our mind on that.

MR. HINES: There was public comment during several of the past public hearings that were held on it, too. The neighbors had voiced some concerns about the project. That's one of the issues you have with an extension. It goes away, the neighbors think the project is gone and all of a sudden, three or four years later the backhoe hits the ground and they are saying where did this come from.

CHAIRMAN BRAND: So this project essentially is dead in the water. If he wanted to do anything else he would have to start the reapplication process?

MR. BLASS: Unless he gets that approval. I think what you might be suggesting

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTOPHER LARKIN

39

is that he be directed to come in and make some sort of showing of entitlement.

CHAIRMAN BRAND: He would have time to do that between now and possibly April 2017?

MR. BLASS: He's already in a retroactive mode now. He hasn't come in and applied before the expiration. Whatever you do is going to be backward looking and forward looking to April 21st of 2017.

CHAIRMAN BRAND: If he could come in and make a good case we might reconsider?

MR. CAUCHI: Showing of good faith.

MR. TRAPANI: He should have shown up tonight. You know you're three, four, five, six months. Gee guys, it's been bad financially. Whatever. If he would have shown up tonight everybody would have said yes I think.

CHAIRMAN BRAND: I will have that discussion with him.

Anything else on Nieco?

(No response.)

CHAIRMAN BRAND: Before the stenographer and the engineer leave, we do have to have the approval of the stenographic minutes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

for 10/17. Do I have a motion for that?

MR. LOFARO: I'll make a motion to  
accept them.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor,  
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Opposed, the same sign?

MR. TRUNCALI: I wasn't there for that  
meeting.

CHAIRMAN BRAND: You're going to  
abstain. Okay.

Motion carried.

(Time noted: 8:00 p.m.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of November 2016.

*Michelle Conero*

---

MICHELLE CONERO