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

----- X

In the Matter of

EIGHTY SIX WASHINGTON

Project No. 17-1015
1613 Route 9W, Milton
Section 103.3; Block 4; Lot 19

----- X

PUBLIC HEARING
SITE PLAN

Date: October 16, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: FRANK BOVA
NICHOLAS BOVA

----- X

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

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

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, October 16, 2017. Regular meeting at 7:30 p.m. Approval of stenographic minutes for 9/18. On the agenda this evening is Eighty Six Washington, public hearing, site plan, 1613 Route 9W, Milton, New York; Hudson Valley Tree House, 80 Gobblers Knob, Marlboro, public hearing, site plan; Rod and Jack Gallagher, 98 Peach Lane, Marlboro, public hearing, subdivision; Highland Pet Center, 131 Bailey Gap Road, Highland, public hearing to amend the site plan; Grand Slam Auto, 1924 Route 9W, Milton, sketch, site plan; Bayside Mixed Use, 18 Birdsall Avenue, Marlboro, sketch, subdivision; Trapani Farms, 818 Lattintown Road, Milton, sketch, subdivision; Eric Lofaro, discussion on a site plan on Route 44/55, without the attorney, engineer or stenographer. The next deadline is Friday, October 20, 2017. The next scheduled meeting is Monday, November 6, 2017.

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I would like to begin the meeting with a motion to approve the stenographic minutes for September 18th.

MS. LANZETTA: I have one correction. In the minutes I believe -- I don't know how it's written but the gentleman that was talking about the noise ordinance, I believe his name is Ronald Tatelbaum, T-A-T-E-L-B-A-U-M.

MR. CLARKE: I think it's T-I-T-E-L.

MS. LANZETTA: I looked it up.

MR. CLARKE: Okay.

CHAIRMAN BRAND: I have Tannenbaum.

MS. LANZETTA: It was a different name all together on the transcript.

MR. HINES: It's the way you're pronouncing it, Cindy. I remember when he was here before.

CHAIRMAN BRAND: Can I have a motion to approve the minutes with that one correction?

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor, say aye.

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MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: That motion carries.

Before we begin, I did get an e-mail, a request from the Town Board. As you know, Cindy Lanzetta has been our appointee to the Ulster County Planning Board and Howard Baker has been the alternate for that. The Town Board is asking if any members from the Planning Board would like to assume that role as either the main representative of the Ulster County Planning Board or as the alternate. Any interest from any members of the Board here?

(No response.)

CHAIRMAN BRAND: Okay. There being none, I will forward that to the Town Board for their consideration.

First up, Eighty Six Washington, 1613 Route 9W, Milton. This is an open public hearing

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from the last meeting. Due to the lengthy agenda this evening, I'm going to ask if you have any public comments, we're going to keep them to three minutes this evening.

How many mailings did you send out, how many did you get back?

MR. NICHOLAS BOVA: The last time we were here we sent out thirty-three. We received twenty-five, eight we got nothing. I have seven that came back unable -- not deliverable.

CHAIRMAN BRAND: If you want to give those to Jen, that would be great.

MS. FLYNN: Thank you.

CHAIRMAN BRAND: Is there any member of the audience with something new to add to the discussion of Eighty Six Washington?

MR. HINES: Since the project was here last there's been an indication from DOT that they have approved a plan for channelizing the site. There's 84 plus or minus feet of curb proposed, a small island on the north end and a larger curb radius on the southern end of the site. I have a copy of those plans now. So that was one of the big items that was outstanding,

1
2 was the traffic control. So they're going to
3 close off -- there's going to be a 24 foot
4 entrance on the north side and a 30 foot
5 commercial entrance on the south side of the
6 site, which was part of the discussion we had.
7 It was a lengthy discussion last time. So that's
8 in the process.

9 CHAIRMAN BRAND: Thank you.

10 MR. HINES: DOT has conceptually
11 approved that.

12 CHAIRMAN BRAND: Since you have the
13 floor do you just want to go over your other
14 comments?

15 MR. HINES: Sure. You're at a point
16 now where you can make a SEQRA determination. We
17 would recommend a negative declaration for the
18 project as there's no new construction with the
19 exception of that curbing.

20 Then the Ulster County Planning
21 comments identified lighting, signage and
22 landscaping. Those will need to be addressed on
23 the plans.

24 We have a detail of the lighting that
25 is proposed.

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Signage, it has been stated that there is no additional signage or new signage proposed.

There's really not a lot of ability to landscape the site because it's an existing site, it's paved along the whole frontage there.

I think with that, the Planning Board would be in a position to address those comments maybe with a majority vote.

MS. LANZETTA: I feel like -- I don't even -- I think they've been addressed. Why would we have to override their suggestions?

MR. HINES: As long as you concur with my analysis there.

MS. LANZETTA: All right.

CHAIRMAN BRAND: Is there anybody from the audience here who wishes to speak with something additional that we haven't heard either for or against the project?

(No response.)

CHAIRMAN BRAND: Anything from the Board?

(No response.)

CHAIRMAN BRAND: All right. Then I'd like to have a motion to close the public

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hearing.

MR. CLARKE: I so move.

CHAIRMAN BRAND: A second?

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: The public hearing is closed.

We do have a -- I do need a motion for a negative declaration for this project, Eighty Six Washington.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: We do have a resolution that's been forwarded to you for the application of Eighty Six Washington. You should have all received that.

MS. LANZETTA: I didn't.

CHAIRMAN BRAND: You did not?

MS. FLYNN: It was e-mailed.

CHAIRMAN BRAND: I have it here. If you'd like me to read it out loud, I will read it out loud if you haven't seen it. It's pretty lengthy.

MS. LANZETTA: Let me just read it.

CHAIRMAN BRAND: Ron, do you want to go through the highlights of the resolution?

MR. BLASS: I prepared this. It's all generally boilerplate with the exception of paragraph 2 on page 7 which lists the conditions of approval as follows: Establishment of a highway development district designation by the

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2 Town Board, of course; payment of all relevant
3 fees and consultant costs; applicant's compliance
4 with the required modifications of the Ulster
5 County Planning Board consistent with the report
6 of Richard Paul Hanback dated September 29, 2017.
7 Mr. Hanback is a consultant for the applicant and
8 I believe has signed on to all of Ulster County
9 Planning Board's comments. The applicant's
10 inclusion of the lighting modifications put forth
11 in Mr. Hanback's report; applicant's compliance
12 with the Town's sign code in the event of new
13 signage, which there appears to be none;
14 applicant's obtaining of DOT approval for the
15 channelization design and landscaping acceptable
16 to that agency. So all of these conditions would
17 bring the project into compliance with Ulster
18 County Planning Board's recommendations, so
19 there's no need to override any of that.

20 CHAIRMAN BRAND: Excellent.

21 MS. LANZETTA: Did we just want to --
22 do we want to say that the establishment by the
23 Town Board of a highway development district?
24 Isn't that in the Business -- it's called the
25 BC --

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MR. HINES: BC Overlay.

MS. LANZETTA: Should we put that in?

MR. BLASS: That's my mistake. You're right. It's the Business Corridor Overlay.

CHAIRMAN BRAND: With that amendment being made by Member Lanzetta; Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Excellent. I think that concludes it. Thank you.

MR. FRANK BOVA: Thank you.

(Time noted: 7:41 p.m.)

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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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

HUDSON VALLEY TREE HOUSE

Project No. 17-1019
80 Gobblers Knob, Marlboro
Section 108.3; Block 2; Lot 64

----- X

PUBLIC HEARING
SITE PLAN

Date: October 16, 2017
Time: 7:41 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: LAUREN BAGLIO

----- X

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CHAIRMAN BRAND: Next up on the agenda, Hudson Valley Tree House. If you want to step up to the table, please.

This is an open public hearing. If you are here to speak either for or against with something new that hasn't been brought before the Board's attention, stand, state your name and be heard at this time.

MR. DUNN: Good evening.

CHAIRMAN BRAND: I am going to ask you, just in the interest of time this evening, to try to keep it brief. I'm hoping for three minutes. I will allot some bonus time if necessary.

MR. DUNN: It's not my strong point but I certainly will try.

Again, I'm Bruce Dunn, I'm the attorney for Mr. Alonge, Mr. Murphy, Mr. Hawver, Mr. Roper and Mr. Kraiza. They are, of course, the neighbors on Gobblers Knob above the applicant's property.

What I've sort of learned from last time's appearance from last meeting, the documents that were posted on the agenda is now the map which purports to be a site plan by the

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2 applicant, which in my view and in my
3 recommendation leaves many things off from what
4 it should. Most -- not most importantly but one
5 of the important things it leaves off is we don't
6 know if it has a septic tank. Another thing it
7 leaves off is we don't know where the hose gets
8 dragged for the water that puts out the fire
9 after the three minutes from the tank truck is
10 over, which is located five cars from the house
11 and can't even reach the fire. So there's a
12 number of concerns, both health and safety, for
13 any potential guests.

14 The things which have not been answered
15 by those subsequent submissions is whether or not
16 this is a two-bedroom or a three-bedroom proposed
17 bed and breakfast. If it's a three-bedroom bed
18 and breakfast, there's no place for the owner
19 occupant to stay. She indicated she would stay
20 in the study, but then what she's actually asking
21 the Board for is the approval of a four-family
22 house. If you have a four-family house in New
23 York you need even more than a 1,000 gallon
24 septic tank. If you're having four people in the
25 house, her family and three occupants in a bed

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and breakfast, that's four families. If you have what may be the first site plan, it shows a 200 gallon septic tank, you're going to -- and then a leachfield which is smaller than the State code requires, that also is going to affect the property.

Now, I don't know how close I am to my three minutes but I can also say to you that the owners of the two parts of the easement, 25 foot each, which extends from South Street to the corner, which the fire company has described as a 90 degree angle, and then extends past the applicant's house that 50 foot, which I'm hoping you all went to see because you said you were going to, or might, is a road which is certainly less than even 16 feet in it's width up past the applicant's house. Those owners have made, according to Section 345 of the Real Property Law, a declaration of intention to reserve restrictions on the use of land, referring in particular to that property that they own which was given to the applicant's prior owner as an easement just for ingress and egress, residents only. Two of the prohibitions which are stated

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in this declaration of intention to reserve restrictions on the use of land, the first general is there shall be no use of the restricted property -- that's that 50 feet that goes around her property. There shall be no use of the restricted property for any commercial purpose. No part of the restricted property may be used at any time for any purpose or by any means to facilitate, enhance, benefit or otherwise support any home occupation, bed and breakfast, boarding house or commercial enterprise of any kind. Number two, the restricted property may be used only by the residents of the properties that adjoin it's boundaries as such uses have been stated in only those documents here before recorded in the office of the Clerk of Ulster County, New York.

CHAIRMAN BRAND: Can I pause and ask you what document you're referring to?

MR. DUNN: I have copies. It's a document made pursuant to the requirements of Section 345 of the Real Property Law of the State of New York.

MR. BLASS: Is this a document you

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prepared?

MR. DUNN: Yes.

MR. BLASS: Were you reading from the
easement itself?

MR. DUNN: No. I was reading from this
document.

MR. BLASS: So there has to be some
predicate for what you put in the document within
the easement document presumably.

MR. DUNN: The easement says ingress
and egress. The sign that's been posted there
since 1989 when the easement was granted was that
sign which I presented.

MR. BLASS: To answer the Chairman's
question, you were not reading from the easement
documents which benefit the Tree House parcel?

MR. DUNN: No.

MR. BLASS: You were reading from a
document which you prepared --

MR. DUNN: Correct.

MR. BLASS: -- in the nature of a
declaration of advocacy on behalf of your
clients?

MR. DUNN: That's right. Made pursuant

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to Section 345 of the Real Property Law.

MR. BLASS: Which you prepared?

MR. DUNN: Of course.

MR. BLASS: Does that answer your question, Chairman?

CHAIRMAN BRAND: Yes.

MR. DUNN: I have other questions which I'm sure the Board will address, I think anyway, I hope the Board will address, when it discusses the application.

I was going to run through a series of things that related to those words of shall in your Zoning Code where your Zoning Code also says the things that shall happen, and shall be reviewed, and shall be considered. The code says is not optional, it's mandatory. I'm sure you'll take care of that.

Thank you.

CHAIRMAN BRAND: Anyone else that we haven't heard from previously?

Mr. Garofalo, do you need to bring something to the table?

MR. GAROFALO: I just wanted to reiterate the points that I made before.

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One, that given the number of parking spaces, I think it has to have accessible space.

Number two, I think according to Town Law all the spaces have to be paved.

The third thing is that parking spaces are supposed to be 180 square feet, which is about 9 by 20. I'm not sure how large they are but it looks like there's plenty of room to accommodate that.

Thank you.

CHAIRMAN BRAND: Thank you. Anyone else?

MR. ALONGE: I'm going to say something.

CHAIRMAN BRAND: Please just state your name.

MR. ALONGE: My name is Charles Alonge, 44 Gobblers Knob. I'm just going to ask you guys one more time who is going to be responsible if you fellows pass this? Is the Town going to be responsible if someone gets hurt on the road?

MR. BLASS: So as I said at the last public hearing, the Town would have no liability to someone who was hurt on the road by virtue of

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governmental immunity concepts.

MR. ALONGE: Then the Town has no right to tell me what to do with my road then. Am I correct?

MR. BLASS: I would say it is your road. You own the road in fee subject to an easement.

MR. ALONGE: Okay.

MR. BLASS: So I would say that the easement rights would govern the definition of the rights and responsibilities of the parties.

MR. ALONGE: If you pass this you're putting a burden on me.

MR. BLASS: Well first of all, I'm not going to pass anything.

MR. ALONGE: I'm just saying -- we're just talking here now. I don't want to -- you know, who is going to take the burden? I'm the guy that's going to take the burden.

MR. BLASS: I understand.

MR. ALONGE: That's all I want to know is who's going to be responsible? I hope she puts this down because I want to know who is going to be responsible. That's all I've got to

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say.

CHAIRMAN BRAND: Thank you. Anyone else?

(No response.)

CHAIRMAN BRAND: Pat, do you just want to run through your comments quickly?

MR. HINES: Sure. Our first comment is just identifying the issues, some of which were touched on here at the last public hearing.

The Board Members were going to go individually or in small groups and field review the access road. Previously we had heard about the private roadway issues regarding use of the roadway, rights of access, winter weather conditions and maintenance of the right-of-way. The Board Members were going to take a look at the condition of the roadway. I just wanted to identify those previous issues.

The jurisdictional fire department identified concerns regarding fire apparatus access to the building. This issue should be addressed by the applicant's representatives to determine if an approved fire access can be provided. I am aware that representatives of the

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jurisdictional fire department did go to the site. I don't know if we have a new report from them but I think the fire department representatives were there.

Then just as I disclosed at the first meeting, my office in 1988, working for Mr. Mahan, a previous owner, did the septic system design. I let the Board know that. There is a 1,000 gallon septic tank and a septic system designed to treat 450 gallons per day. The standards today would be less than that. A three-bedroom house would be 330 gallons and a four-bedroom house would be 440 gallons. However, a four-bedroom house would, as Counsel just said, require a larger septic tank. There is an adequate system, at least in 1988, to treat the sanitary sewer from a three-bedroom residence. I did tell the Board that early on, that my office had done that work for the previous owner.

CHAIRMAN BRAND: For the applicant, I know you did do some work since we last saw you. Would you like to fill us in on what happened?

MS. BAGLIO: So I have a letter from the fire department, which I'll give you the

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updated letter. The fire inspection was done of the home.

CHAIRMAN BRAND: We do appreciate you doing that.

MS. BAGLIO: Of course. This is the letter from the fire department.

MR. DUNN: Can I have a copy?

MS. BAGLIO: Yes.

MR. DUNN: Of the other one, too.
Thank you.

MS. BAGLIO: I'll give everybody a minute to read it. Do you want me to read it out loud or do you want to read it silently?

CHAIRMAN BRAND: We'll read it.

As far as the Board Members are concerned, did everyone have an opportunity to go and inspect the site? Do you have any comments?

Steve, we'll start down at that end.

MR. CLARKE: I'll save my comments until later.

CHAIRMAN BRAND: Okay. Joe?

MR. LOFARO: I'll do the same.

CHAIRMAN BRAND: Cindy?

MS. LANZETTA: What are we supposed --

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CHAIRMAN BRAND: If you have any observations that you wanted to comment on about your visit.

MS. LANZETTA: No.

CHAIRMAN BRAND: Ben?

MR. TRAPANI: No.

CHAIRMAN BRAND: I did go up there as well. I think most of those issues have been discerned. I still do have issues concerning the fire road and the liability therein. I did speak at length regarding the access to private roads. I did speak with the attorney as well. I think one of the things that might help to mitigate this process, one of the things that was recommended by the attorney, I'm sure that he can clarify, but essentially would be for you to kind of come up with some type of instrument that would absolve the private road owners of liability on that road. I did also discuss with the attorney the possibility of perhaps some type of secondary insurance, which I'm sure that he can clarify for us as well, which would name the road owners as beneficiaries of the policy if something were to happen, that way they're

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absolved.

I think at this point the bed and breakfast, you're really intensifying the use of that property more so than what it was as a residential use only, and I have serious concerns about that.

MS. BAGLIO: Okay.

MS. LANZETTA: I didn't know we were talking about the whole thing.

CHAIRMAN BRAND: There's a lot going on.

MS. LANZETTA: I did bring some of these issues up at the County Planning Board meeting. I would say that the Board was kind of evenly split between believing that the property owner has a right to do with their property what they so wish and the other half of the Board felt like the increased liability on the road owners was an unfair situation and had to be factored in to our decision.

There was one member who also brought up the fact that this is kind of -- it's a nonconforming road and that by -- usually with site plan review you try to correct any issues

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with nonconformance, not add additional stresses to or additional commercial traffic to that. So that was another issue that he brought up that we should be thinking about as we deliberate. So those were the things that came up from the Ulster County Planning Board Members.

CHAIRMAN BRAND: Any other Board Member?

MR. CLARKE: The declaration of intention, has this been filed with anybody?

MR. DUNN: It will be filed.

MR. CLARKE: As of now it's not? It was done today, last minute?

MR. DUNN: It has not been filed yet.

MR. CLARKE: My comments are I visited the site. In a way I am also in the recreation business because we bring thousands of people in for pick your own. I just know how difficult it is to get to do what you want to do. It's managing the issues. 99.5 percent of your clients will be okay. The other 5 or 10 percent, it's going to be a conflict on a private road. I applaud you for trying to bring in tourism, a bed and breakfast. I think your site location on a

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private road is just not appropriate. So I think you kind of know how I'm going to vote.

CHAIRMAN BRAND: Joe?

MR. LOFARO: I kind of agree with what Steve said. Liability is a big issue, the extra traffic on the road. It just seems as good of an idea as this is --

MR. DUNN: I'm sorry, I can't hear. Can I come closer?

CHAIRMAN BRAND: Sure.

MR. LOFARO: I agree with Steve. I have a lot of issues with the liability and the extra traffic on the road. The driveway is just not built for it. I mean I like the idea of the business and trying to help the community, I just don't see it being a fit where it is. I have some concerns with it really being a good project for the community.

CHAIRMAN BRAND: I think at this time what I might recommend is that we see if we can kind of address some of these concerns.

Ron, could you speak a little bit more informed as to those instruments and insurance policies that were discussed?

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MR. BLASS: Well a private road is privately owned. We can all agree with that. We know who the owners are. As I said at the last meeting, in the event of mishaps on that site, the owner of the road is in the chain of potential liability and responsibility, as would be the operators of the bed and breakfast whose guests may or may not be hurt in such a mishap.

We talked about the concept of whether or not the applicant would consent, because I don't think this is the appropriate grounds for imposition of conditions, would consent to defending and indemnifying and holding harmless by agreement the owner of the road, that obligation being backed up by adequate policies of liability insurance which would name the owners of the road as an additional insured. The effect of that arrangement would be to inject an additional layer of liability insurance coverage between the accident and the liability insurance coverage of the owner of the road which would become a secondary course of recovery. So fundamentally a promise to defend, indemnify and hold harmless is as good as the person making the

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promise unless it's backed up by insurance. It could be structured in a way to be backed up by insurance. The amount of the policy should be large enough to cushion any potential claim.

CHAIRMAN BRAND: As far as the instrument that the attorney presented earlier this evening, what are the ramifications of that?

MR. BLASS: Well, you know, there's no getting around the fact that this is a private road. There's no getting around the fact that the applicant has easement rights for ingress and egress over that private road. I'm seeing recommendations from Marlborough Hose Company 1 that there be improvements made to the private road in the nature of widening at the hairpin turn I believe. That was also a comment that Cindy brought back from the Ulster County Planning Board. That raises an interesting issue as to whether or not the easement gives the beneficiary of the easement any rights to make modifications or improvements to the private road, or, in the absence of the easement speaking to the issue, whether or not the common law of the State of New York gives that right to the

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holder of the easement, the beneficiary of the easement. So it raises a legal question as to whether or not these improvements could even be accomplished.

CHAIRMAN BRAND: Okay. So I think, like I said, what my recommendation to you at this time would be, and I don't know if the Board is in agreement, maybe we can try to work some of these things out and give you some more time to address those concerns that we have.

MS. BAGLIO: Sorry. I just have to gather my thoughts.

With the road, you're talking about getting an insurance plan that makes the owners of that road not liable if there's an accident that's caused on the road; correct?

CHAIRMAN BRAND: For your guests.

MS. BAGLIO: And that would be strictly for my guests, not for any other person that is driving on the road; correct?

CHAIRMAN BRAND: I think that's what I was considering, just your guests, because that's what's intensifying the use of the property.

MS. BAGLIO: Okay. That would be like

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an umbrella insurance on top of my homeowners insurance basically?

CHAIRMAN BRAND: To be very frank, I don't know the answer to that.

MR. BLASS: It would be an additional insured endorsement on top of your existing homeowners liability insurance, the amount to be considered.

MS. BAGLIO: I'm sorry. Additional insured -- I'm writing it down.

MR. BLASS: Let me ask you a question. Do you have umbrella coverage? Do you know what your coverage is?

MS. BAGLIO: I have two forms of insurance.

MR. BLASS: Most people don't know what their coverage is.

MS. BAGLIO: I know that my coverage is for people within the home, not on the road. That would have to be a completely different insurance.

MR. BLASS: What I'm talking about is preparing an agreement under which you would hold harmless the owners of the road, and that

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agreement would have to be backed up by policies of insurance in an amount to be considered. The way to implement that arrangement is through an additional insured coverage in an amount to be considered. So your existing homeowners liability policy might be supplemented by an additional insured endorsement which would back up the hold harmless obligation.

MS. BAGLIO: Okay.

MS. LANZETTA: Even if she was able to prepare all of this, how could we ensure that something like this remained in effect during the time that she's operating her business? I mean then it becomes on who? I don't think the building inspector is responsible for making sure that she carries the insurance. Who would have to be responsible for that?

MR. BLASS: The additional insured endorsement would provide for notice to be given to the owners of the road of any lapse in payment of premiums or of any effort to cancel. So to a large degree this mitigation measure, if you will, is an arrangement between the applicant and the owners of the private road. There wouldn't

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be an enforcement mechanism.

Now, we could write -- if this was to be carried out it would be a condition on consent of the applicant. All things are possible with the consent of the applicant, such as adding the Town of Marlborough as a party entitled to notice of nonpayment of premium or cancellation. I'm not too sure I would recommend the Town assuming that function. So this would be a private arrangement backed up by policies of insurance with the beneficiary of the arrangement, the owner of the private road, being entitled to notice of any change of coverage or nonpayment of premium of the policy. The agreement is only as good as the policies of insurance that back it up. The entire arrangement is the injection of additional insurance coverage into the situation. So it might even be wise to consider that the additional insurance endorsement include a 5 million dollar umbrella to provide ample additional coverage.

UNIDENTIFIED SPEAKER: How much?

MR. BLASS: 5 million.

MS. BAGLIO: Okay. I'm really confused

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about the paper that was given about changing the use of the easement. It was or wasn't filed? It wasn't filed?

MR. DUNN: It will be.

MS. BAGLIO: Okay. What did that mean for me? Is that something I'm supposed to get notice of and agree to or -- I don't know how that works. If there's an easement already in place?

MR. BLASS: I'm not too sure how it works either so we're in the same boat. I believe it's intended to be a clear signal to you of litigation to follow.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: Anything else from the Board?

MS. LANZETTA: I just want to say that this is a good example of why private roads are so problematic, because it pits neighbors against neighbors. I really -- it is an issue that perhaps the Town Board needs to revisit.

CHAIRMAN BRAND: I'll make a note in my report as well.

MS. BAGLIO: So --

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CHAIRMAN BRAND: So I think again what I'd like for you to do is try to provide some clarification as to those and see if that's a possibility before we render a decision.

MS. BAGLIO: I want to ask a question, though.

CHAIRMAN BRAND: Sure.

MS. BAGLIO: So even though it's considered a private road, to me I thought private roads by definition were just intended -- I'm reading from a note here. A road intended to serve access to abutting residential properties. It doesn't say anything about restrictions as to who can drive on it. So my question is -- you know, I understand the liability issue but I always feel like you're not liable unless you're negligent, right? If two people get in a car accident on the road, this person hit this person, they're liable. You can't just sue the person that owns the road because it happened on the road. If an accident is caused because of the road, then they're liable. If the road is taken care of they are not being negligent and they can't get sued.

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CHAIRMAN BRAND: I think the private road is really the big question mark here. Some of those things that are out of control, including maintenance of the road. If something were to happen outside of that, then that's where the other people who own the road would now become liable. You're kind of forcing that upon them at this point. That's really why there are big levels of discomfort.

MS. BAGLIO: So I would -- so opening this business put stress on them to maintain the road to not get sued for liability?

MS. LANZETTA: You can sue for anything.

MS. BAGLIO: Okay. All right.

MR. BLASS: I would say that fundamentally opening the bed and breakfast puts stress on you with respect to the adequacy of the maintenance of the road.

MR. DUNN: With respect to what?

MR. BLASS: It puts stress on the applicant with respect to the issue of maintenance of the road.

MS. BAGLIO: Right.

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MR. BLASS: Secondary stress on the owner, primary stress on you.

MS. BAGLIO: I feel like when we first entered this I didn't realize, you know, where our boundaries are and concerns of, you know, clearing certain things. When I talked to the chief he was like, you know, just trim up this, trim up that and, you know, I have to -- I made the road go from 10 foot wide to like an extra 6 because we just cleared away brush, we cut down all sorts of stuff and hacked away at all of the overgrown. We made it wider and cleaner. I feel because of us doing a bed and breakfast there are things we're doing to make the surrounding area more beautiful. I feel like my neighbors would benefit from that. I thought I was doing something great. I didn't realize it would be negative.

I do feel like our guests, now the GPS is corrected, they're not going to go beyond the other homes, they're going to keep their privacy.

I do understand that a lot of people come and enjoy your business --

MR. CLARKE: You can not control them.

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MS. BAGLIO: If there's only two people
it's not a big crowd.

MR. CLARKE: It's not but there will be
a percentage of them that will break your rules
and that will create stress in the community.
Our job here as a Board is not to create stress,
it's to alleviate stress.

MS. BAGLIO: All right. With the
umbrella insurance, if that is manageable and
that can be obtained and that is agreed upon, is
there anything else that would stop me from
opening this?

CHAIRMAN BRAND: I think the other
concern that I personally had was the number of
bedrooms. You said you were agreeable to just
having it be -- you have three bedrooms?

MS. BAGLIO: Right.

CHAIRMAN BRAND: Just renting out two
bedrooms so that fulfills that owner occupation
portion.

MS. BAGLIO: So the umbrella insurance
of 5 million; right?

CHAIRMAN BRAND: He just kind of -- I
think he just kind of gave you an example of 5

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million. I'm not sure --

MS. BAGLIO: If I'm able to get that. With an agreement to hold harmless considered additional insured the people that own the road. Okay. If that is in place and there is no liability to the owners of the road, besides the bedroom, is there anything else?

CHAIRMAN BRAND: Those are really the big obstacles for me personally.

MS. BAGLIO: So the liability and the two bedrooms. Okay. Anything to add?

MR. DUNN: Can I just say a couple things? I don't think you've closed the public hearing. What's happening here, I think the applicant should know that the liability isn't just for the road. If a 5 million dollar policy came floating down, that does not protect the neighborhood or the community. If the fire company wants to widen the road and change the grade and do all that, there's got to be an application made to the Town. There's no part of this private road -- I agree 1989, 1986, the subdivision was approved, this was a private road. It was at a time when a car couldn't even

1 drive on it. So here's a private road, no part
2 of which conforms to any requirement under this
3 code's requirements for current roads. This code
4 says before you can expand a private road it has
5 to do that. So if somebody is going to widen,
6 extend and change the grade and height underneath
7 the ground to this private road, it must conform
8 to the standards of the current private roads in
9 the Town. Nobody is going to do that.
10

11 These people who come -- might come to
12 visit to you, how are they going to realize that
13 your property ends 8 feet behind their car where
14 they park and that they can't go beyond that 8
15 feet? In fact, the entire route to your house
16 until you get there isn't your property. You
17 have rights to ingress and egress but nobody else
18 does. So these people are going to trespass.
19 They can't not trespass coming in. It isn't just
20 the liability issue. I just want you to know
21 that.

22 CHAIRMAN BRAND: I think also the duly
23 filed instrument insuring, we would have to go
24 over that as well with our attorney exactly what
25 happens to this project as well.

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MS. BAGLIO: This thing? Oh, this.

CHAIRMAN BRAND: Yes.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: Okay. So help me out, Ron. Just clerically do we keep the public hearing open for this, adjourn it until such date when she's prepared to reappear?

MR. BLASS: Yeah. I think that the Board has asked the applicant to rethink the matter and come in potentially with conditions on consent of the applicant. So it probably would be a good idea to adjourn the public hearing while that process stays open.

MS. LANZETTA: We can set a date.

MR. BLASS: You'd want to pick a date certain. Where are we? This is --

CHAIRMAN BRAND: October 16th, the second meeting.

MR. BLASS: This is your second meeting. You could make it the first meeting of November.

MS. FLYNN: I don't know if you can. Are they voting in here on that Tuesday?

UNIDENTIFIED SPEAKER: They are on the

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7th. You'll be set up for elections.

MS. FLYNN: We can't do that Monday unless we do it upstairs. I don't think we'll have enough room upstairs.

MR. BLASS: You can do the second meeting in November.

CHAIRMAN BRAND: Does that work for everybody? I'd like to have a motion to adjourn the public hearing until the second meeting in November.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: Second.

MR. HINES: Your second meeting is November 20th.

CHAIRMAN BRAND: November 20, is that the date?

MR. HINES: Yes.

CHAIRMAN BRAND: Thank you.

All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

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CHAIRMAN BRAND: Aye.

All those opposed?

(No response.)

CHAIRMAN BRAND: So carried. Thank
you.

(Time noted: 8:19 p.m.)

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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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

ROD & JACK GALLAGHER

Project No. 17-1023
98 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13

----- X

PUBLIC HEARING
SUBDIVISION

Date: October 16, 2017
Time: 8:19 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

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CHAIRMAN BRAND: Next on the agenda, Rod and Jack Gallagher, public hearing, subdivision.

Legal notice, subdivision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, SEQRA, Town of Marlborough Town Code 134-33 on Monday, October 16, 2017 for the following application: Rod and Jack Gallagher, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a subdivision application for lands located at 98 Peach Lane, New York, 12542, Section 95.4, Block 3, Lot 13. Any interest parties either for or against the proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

MS. BROOKS: We sent out ten certified letters and received eight back.

CHAIRMAN BRAND: Do you just want to give us a quick overview?

MS. BROOKS: Sure. The application

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before the Board is a two-lot subdivision of 86.35 acres. We are proposing to separate the two lots by Peach Lane. It's located currently on the easterly and westerly sides of Peach Lane.

Lot number 1 on the easterly side of Peach Lane will be 50.70 acres and lot 2 on the westerly side is 35.65 acres.

Lot 2 is currently improved with a residence that has been unoccupied for approximately twenty years. They do have a purchaser for that lot who will be constructing a new home on the lot.

Lot 1, the 50.7 acres, will be offered for sale as a vacant lot.

CHAIRMAN BRAND: Pat, did you want to run through your comments?

MR. HINES: The latest map does have the metes and bounds information that we requested.

The highway superintendent's comments. Maybe Patti Brooks can identify, is there a 50-foot wide dedication strip on either side of this natural subdivision?

MS. BROOKS: Yes. We computed the lots

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at 25 feet off the center line. When the lots are conveyed, automatically Peach Lane will become a highway as it is right now because we're not conveying the road strips to any of the lots.

MR. HINES: I think our resolution just says we're requesting an offer for those parcels, just to clear up that ownership.

MR. BLASS: A dedication strip on either side of the road?

MS. BROOKS: Yeah. I guess I can add a note saying land within the highway bounds are --

MR. BLASS: The map doesn't have a dedication strip shown on either side?

MS. BROOKS: No. It just shows two totally separate lots with nothing for the roadway itself.

MR. BLASS: In order to widen the road the Town is going to need a dedication offer.

MS. BROOKS: No, because the way we show it right now, when the parcels are conveyed they're not going to own anything other than the 25 feet off the center line. That entire area in there, we call that highway bounds. So this can be conveyed up to the westerly highway bounds and

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this can be conveyed up to the easterly highway bounds.

MR. BLASS: 25 feet off center?

MS. BROOKS: 25 feet off the center line.

MR. BLASS: We'll need an offer of dedication on that.

MS. BROOKS: On the map or a separate --

MR. BLASS: On the map.

MS. BROOKS: Okay.

MR. BLASS: What's the last revision date, Patti?

MS. BROOKS: October 10th.

MS. LANZETTA: Does that go to the Town Board, the offer of dedication?

MR. BLASS: If it's accepted it would be accepted by the Town Board in the future. It doesn't make much sense to accept the offer of dedication until and unless the highway superintendent wants to widen the road. At that time the Town Board would have the authority to accept the offer.

MR. HINES: Our only other -- it's kind

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of a continued comment. The existing structure on the site, typically we require those to be removed prior to filing the map so that you don't end up with two houses or two structures or two dwellings.

MS. BROOKS: They're definitely going to have to apply for a demolition permit of that dwelling I think at the same time or prior to them getting a building permit for lot number 2. Is that what you're saying?

MR. HINES: No. Usually we don't stamp the maps approved with the structures on there, although we did recently have one where you convinced the Board. Some kind of fire training structure.

MS. BROOKS: No, no, no. That was totally separate because they wanted to leave that house on there. I mean this house will be removed. Right now it is an existing dwelling on there. That hadn't previously been anything that had been --

MR. HINES: It currently meets zoning?

MS. BROOKS: It currently meets zoning. There is no reason to remove it at this point.

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MR. BLASS: So right now the proposed resolution of approval has a condition saying demolition and removal of the delapidated structure on the premises prior to the filing of the plat.

MS. BROOKS: I would rather have that be prior to the filing of a building permit for lot 2.

MR. BLASS: Prior to the application for building permit for lot 2?

MS. BROOKS: Correct.

MR. BLASS: There's a house on lot 1?

MS. BROOKS: There's no house on lot 1.

MR. BLASS: It's on lot 2?

MR. HINES: It's on lot 2. The existing structure doesn't cause any zoning non-conformities. The previous one we were discussing did have the zoning non-conformities. So filing of the map didn't create a zoning issue. They could conceivably reconstruct that house.

MS. BROOKS: Correct. They're not planning on it. Conceivably, yes, they could.

MR. HINES: That's all we have.

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CHAIRMAN BRAND: Is there any member from the public here to speak for or against this application?

MR. CLARKE: I think this is a good idea. The property has been vacant for an extended period of time. Seeing somebody wants to buy the west side, I suspect there will be a buyer for the east side also.

MS. BROOKS: I hope so.

CHAIRMAN BRAND: Anything else from the Board? From the public?

(No response.)

CHAIRMAN BRAND: Can I have a motion -- I'm sorry. I didn't see you. Please stand up and state your name for the Stenographer.

MR. PIZZA: Nick Pizza, 239 Milton Turnpike. Is there a site plan that I can review?

MS. BROOKS: Come on up.

MR. PIZZA: Thank you.

MS. BROOKS: Here's your property. Basically what's happening is this is on different sides of Peach Lane. For them to sell this side of the road they have to subdivide it.

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ROD & JACK GALLAGHER

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It's one parcel right now. Somebody is purchasing this lot to the best of my knowledge.

MR. PIZZA: Thank you.

CHAIRMAN BRAND: You're welcome.

Anyone else from the public?

(No response.)

CHAIRMAN BRAND: I'd like to have a motion to close the public hearing.

MR. CLARKE: So moved.

CHAIRMAN BRAND: A second?

MR. TRAPANI: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: We do have a short form assessment -- environmental assessment form. I'd like to have a motion to approve the short E.A.F. form.

MR. HINES: Approving the negative dec.

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MR. BLASS: Part 2.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second it.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Excellent. We do have
the resolution of approval before us. We are
changing the demolition and removal of the
dilapidated structure prior to -- we're just
taking that whole sentence out.

MR. BLASS: The applicant requested to
change to removal prior to an application for a
building permit on lot 2.

CHAIRMAN BRAND: Prior to the --

MR. BLASS: I can put that in tomorrow
morning and re-send it to you.

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CHAIRMAN BRAND: Do I have a motion --
actually Jen, with that on there can you just
poll the Board?

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. BROOKS: Were there other
conditions? I didn't hear the resolution.

MR. BLASS: Metes and bounds are on the
map now?

MS. BROOKS: Yes.

MR. BLASS: That's already been taken
care of.

MS. BROOKS: Okay.

MR. BLASS: Payment of fees.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: You're all set. Thank

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ROD & JACK GALLAGHER

you.

(Time noted: 8:28 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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HIGHLAND PET CENTER

Project No. 17-1014
131 Bailey Gap Road, Highland
Section 95.4; Block 1; Lot 18.2

----- X

PUBLIC HEARING
AMENDED SITE PLAN

Date: October 16, 2017
Time: 8:28 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: LOUIS DUBOIS

----- X

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

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CHAIRMAN BRAND: Next up, Highland Pet Center.

Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board on Monday, October 16, 2017 for the following application: Highland Pet Center, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a commercial site plan application on lands located at Bailey Gap Road, Highland, New York, Section 95.4, Block 1, Lot 18.2. Any interested parties either for or against this proposal will have the opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

Would you just like to give us a quick overview and speak to the mailings that were sent?

MR. DUBOIS: First we'll turn in the public hearing.

MR. RIZZA: We sent seventeen out and got thirteen back.

MS. FLYNN: Thank you.

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MR. DUBOIS: This is an application to add on a fourteen-kennel addition to the existing facility as noted on the plans. That's about it. There's not much more I can say. We're going to add on.

CHAIRMAN BRAND: Pat, do you want to run through your comments?

MR. HINES: Our previous comments have been addressed. We did receive Ulster County Planning comments.

It abuts the town line with the Town of Lloyd. The only comment they had was suggesting the use of LED lighting on the site.

We're just looking for a final set of plans with the package.

CHAIRMAN BRAND: Does the applicant have a problem with the LED lighting that was recommended?

MR. DUBOIS: I would like to check that out with the animals. Where you live but I want to make sure it's okay as a part of a kennel operation.

MS. LANZETTA: That would be part of the conditions of approval. You know, if you

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want to postpone --

MR. DUBOIS: No, I don't want to postpone.

MS. RIZZA: What was different than what we had?

MR. DUBOIS: Is LED lighting -- we don't have LED lighting right now.

MS. RIZZA: Where? I don't understand.

MR. RIZZA: The flood lights are LED.

MS. LANZETTA: The plans that were submitted reflected that they were sulphur I believe.

MR. HINES: High pressure sodium.

MR. DUBOIS: We'll go in accordance.

MS. RIZZA: All the lighting we've been using is LED lighting. I thought it was something different than what we've been using.

CHAIRMAN BRAND: They have very specific lighting recommendations.

MS. RIZZA: Okay. That's fine.

CHAIRMAN BRAND: This is a public hearing. The audience will have an opportunity to speak at this time. If so, just state your name for the record.

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MR. SAGER: Norm Sager. I'm actually the one who initially sold them for the subdivision. Actually they've been awesome neighbors from my perspective.

CHAIRMAN BRAND: Thank you.

MS. RIZZA: Thank you. He's actually our closest neighbor.

CHAIRMAN BRAND: Excellent. Anyone else for or against?

(No response.)

CHAIRMAN BRAND: Anything from the Board?

(No response.)

CHAIRMAN BRAND: Pat, we're waiting for a final set of plans?

MR. HINES: That would be a condition of approval.

CHAIRMAN BRAND: A condition. So I will have a motion first to close the public hearing.

MR. CLARKE: So moved.

CHAIRMAN BRAND: A second?

MR. TRAPANI: I'll second it.

CHAIRMAN BRAND: All those in favor,

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say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: The public hearing is closed.

We can do a negative declaration and then a conditional approval based on when we get the plans?

MR. HINES: The lighting and the final set of plans.

CHAIRMAN BRAND: We'll just add the plans for conditional approval.

MR. BLASS: The lighting is a required modification of Ulster County Planning Board, so the resolution in front of you speaks to making that a condition.

CHAIRMAN BRAND: So I have a motion for a negative declaration first.

MS. LANZETTA: I'll make a motion for a

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negative declaration on this project.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Can I have a motion to
accept the amended resolution of approval before
us?

MS. LANZETTA: I'll make the motion to
accept the amended resolution for approval.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: I'll second that.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

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MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried. I think
you're all set. Thank you.

MR. DUBOIS: Thank you.

(Time noted: 8:33 p.m.)

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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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GRAND SLAM AUTO

Project No. 17-1018
1924 Route 9W, Milton
Section 103.1; Block 2; Lot 61

----- X

SKETCH - SITE PLAN

Date: October 16, 2017
Time: 8:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: THOMAS CORCORAN

----- X

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

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CHAIRMAN BRAND: Next up, Grand Slam Auto, sketch, site plan.

Mr. Corcoran, would you like to give us an overview of what it is you're presenting this evening?

MR. CORCORAN: A 24 by 20 square foot building, two-car garage with a small office on the side. At this point it's for used car sales. It's located north of Milton Turnpike at the location on the map.

CHAIRMAN BRAND: What's there now?

MR. CORCORAN: It's a vacant lot.

CHAIRMAN BRAND: Anything else you want to tell us about it?

MR. CORCORAN: Not really. I have the comments. I'll address those as Pat goes along.

CHAIRMAN BRAND: Pat, do you want to go over your comments?

MR. HINES: This has to go to New York State DOT. It fronts on the DOT highway. Approval for the access drive and the water main utility connection in the State highway is required.

There's a soil erosion sediment control

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plan that states the project is a residential project and not subject to the SPDES permit requirements. It is a commercial project, not a residential project.

MR. CORCORAN: Right.

MR. HINES: DOT is going to require their details for curbing, drainage and pavement within the DOT right-of-way.

We're going to need details for the water service in the DOT right-of-way.

There's an approval for the septic system from Ulster County. The septic system that's approved is a pumped raised bed system. There's no detail for the pump. This is more for the applicant. When someone goes to construct that they're going to have to know what that pump station is going to look like. Ulster County has approved the septic system.

Details of the proposed paving on the site. There is curbing along the frontage. It's not clear when they reviewed the plans where the paving is going to start and stop. Shading or an area depicted on the plans should be there.

Landscaping or screening. So

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compliance with the Town's landscaping requirements for parking lots and road frontage should be addressed.

Limits of disturbance.

Lighting.

This has to go to County Planning. We know the County is going to be looking for lighting compliant with their standards. The LED and the night sky details should be added.

The Board should declare it's intent for lead agency. DOT and County Health Department are involved agencies and County Planning is an interested agency.

CHAIRMAN BRAND: Ron, do you have anything?

MR. BLASS: No. We should circulate, though.

CHAIRMAN BRAND: Anything from the Board?

MR. CLARKE: This is a site -- an area that's prone to flooding under high water events like hurricanes. I want to know what you're going to do about showing water runoff. Now it's an open site. You're going to add non-porous

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materials there. I just want to know how you're going to manage that.

MR. CORCORAN: The site will be raised and then the swales will be conforming to stormwater management procedures to bring it back into the stream in the rear of the property.

MR. CLARKE: What I'm saying is if you're going to blacktop, add buildings. It's a relatively small site.

MR. CORCORAN: There's no proposal for blacktop.

MR. CLARKE: There's no proposal for blacktop. Okay.

MR. HINES: I'm seeing that. Commercial sites are required to be blacktopped in the Town. We don't have gravel paving permitted. We haven't permitted any gravel paving on any sites. That's one of my comments. I couldn't see the paving details and I can't tell the limits of paving.

MR. CORCORAN: There's a mandatory paving requirement in the code?

MR. HINES: We have not approved any commercial sites with non-paved surfaces.

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MR. CORCORAN: So it's not in the code book, it's just something that's practice?

MR. HINES: The code book is not very clear. It does say no dust surfaces. The policy of the Board is commercial properties are paved.

MR. CORCORAN: Okay.

CHAIRMAN BRAND: And we have asked all of the other applicants in this zone to consider a sidewalk, or at least a dedication of an area for a sidewalk. You can either include that in your plans or we can see what DOT says about that.

MR. CORCORAN: Okay.

CHAIRMAN BRAND: That's been something we've been pretty consistent with with all the applicants along the 9W corridor.

MR. CORCORAN: It won't be a problem with dedication.

CHAIRMAN BRAND: Anything else from the Board?

MR. HINES: Also Tom, if the site is going to be raised up, a finished floor elevation on the building and any grading should be shown on the plans. Right now there's no grading plan.

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MR. CORCORAN: Right.

CHAIRMAN BRAND: I guess at this time I'd like to have a motion to declare our notice of intent for lead agency. Do I have that motion?

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Do I have a second?

MR. CLARKE: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

So we will circulate this to the New York State DOT, County Health Department and Ulster County Planning. We'll hear back and put you back on the schedule.

MR. CORCORAN: Thank you.

(Time noted: 8:39 p.m.)

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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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

----- X

SKETCH - SUBDIVISION/SITE PLAN

Date: October 16, 2017
Time: 8:39 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVES: JUSTIN DATES
DOMINIC CORDISCO

----- X

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

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CHAIRMAN BRAND: Next up, Bayside Mixed Use.

MR. DATES: My name is Justin Dates with Maser Consulting. We're here to present the Bayside project. Also here is the attorney, Dominic Cordisco.

I think this project has been around the Town for quite some time. You may be familiar with what's going on. I'll run through the project, all the proposals that the applicant has. Please stop me whenever you want to ask any questions or I can take them at the end of the presentation.

So the project just recently, August 14th, completed the EIS with the Town Board, and there's a Findings Statement that I provided -- the adopted Findings Statement I provided as part of our application which outlines all the environmental studies that we had gone through for the project and what the applicant is looking to do with this property here.

CHAIRMAN BRAND: Okay. The environmental impact statement that you prepared, this has been ongoing, obviously, for awhile.

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MR. DATES: Yes.

CHAIRMAN BRAND: You weren't required to do a new environmental impact statement? You just went with the old one from the first application process; is that correct?

MR. DATES: So we had some -- there was -- some time period went by between when we submitted the DEIS and we had the public hearing on that, received comment back, and then there was -- with the market the applicant didn't move ahead to the full FEIS at that point addressing the comments. After that time period we revisited the project with the Town Board and it's consultants and it was decided that a supplemental DEIS was not required. We progressed on to put together our FEIS with the new project I'm going to explain in the proposal tonight.

CHAIRMAN BRAND: Okay. Thanks.

MR. DATES: This is the PDF of the plans that you have. This is kind of large. I hope this is easier. On all the plans north is going to be straight up the page. Purdy Avenue will always be on the top of the paper. Route 9W

1 will be on your right. Marlboro is down here on
2 the south. This little piece here, that's
3 Birdsall Avenue. The site, Bayside Construction,
4 LLC is the owner of the property and the
5 developer of the project. It's a single tax
6 parcel, a little over 25 acres in size, and it's
7 in the Town's R-1 zoning district. There are
8 about eight structures existing on site. The
9 majority of the -- the remainder of the site is
10 all wooded through here. Also on the western
11 side of the property here, this hatched area here
12 is 7.4 acres of Army Corp wetlands. We did
13 receive a jurisdictional determination on that.
14 That was received back in April of this year.

15
16 What are we looking to do here? So the
17 project is a mixed use project. It's going to be
18 developed with a 104-unit apartment complex.
19 It's made up of five buildings.

20 Access to the site. This is the
21 intersection right now with 9W and Young Avenue.
22 We're looking to propose a fourth light to this
23 intersection, so modifications to the traffic
24 light obviously -- modifications per our access
25 into the site will be undertaken with DOT.

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This first about 750 feet of the road into the project site we are looking to create a Town road. There would be dedication of the roadway that we're looking at right now. Once up into the site, from this point on would all be privately owned drive aisles, parking areas for the residential development.

The residential development sits at the top of the project site here. This is going to be the highest point. There's five buildings. We numbered them clockwise 1, 2, 3, 4, 5 is in the center, and there's a clubhouse in the center building. So 104 units. 20 will be three-bedroom, 84 are two-bedroom. That's the composition of the project.

Per Town Code, multiple dwellings are special use within the R-1 District.

It's not age restricted, it will be market rate.

Each unit is to have at least 1.5 spaces per unit. That will be a total of 156 spaces would be required by Town Code. We're actually providing 2 spaces. They're two and three bedrooms. That's more appropriate for the

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development. We have a total of 224 spaces, and that does include 16 extra spaces for the clubhouse, whatever function may go on there. Those are extra spaces.

So the main access up into the site is kind of a circular circulation on top up here. We do have an emergency access that's gated that will go to Purdy. So not a full-time access. It's gated in case of an emergency. We also have another access, just a maintenance driveway. We have stormwater facilities on the west side of the site that we need access to. That will be gated as well. So again, not a full-time driveway.

Some of the components. We met quite a few times with the school, with the school district that is, to coordinate aspects of the project with them and how it's going to function with the school and it's operations. So what we have is -- this is the top of our road here, the middle school. We have a two-way driveway at the end here and then an exit aisle that goes back out to the main road here. As everybody knows, if you're trying to exit the middle school here

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2 and you're using the road, their existing
3 driveway down to 9W, left-hand turns can be
4 problematic. You have a crossing guard there and
5 things of that nature. This is going to give
6 them access, them being buses or parents or --
7 you know, during activities, things of that
8 nature, out to 9W to a signalized intersection
9 and a left turn. There's a dedicated left-turn
10 lane down at the bottom of the intersection. We
11 also have a dedicated left-turn lane into the
12 site if you're traveling north on 9W. We think
13 that's a big benefit to the school.

14 Also on-site parking is always
15 problematic. There's not enough parking during
16 functions and things of that nature. The
17 applicant is going to construct 28 parking spaces
18 for the school, adding some pavement to the
19 existing drive. We can make it wide enough that
20 we can get parking on either side. Also expanded
21 parking in this area of the school to pick up
22 about 7 spaces there. So it's 28 all together
23 they're looking to build out, stripe, what not
24 for the school.

25 Also they shared their proposed

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circulation, how they're going to have bus drop off and pick up, things of that nature. He's agreed to do the striping of that existing upper parking area there as part of the project. That's the residential component of the project.

There is also -- we've shown a box, 12,600 square feet, for the proposed commercial use down along 9W. Again, access off of 9W, a right in/right out scenario. It also has a driveway off of our main drive.

Per the code it needs 42 parking spaces. We proposed 42 parking spaces.

What we are looking at is the Town, as previously discussed on another project, the Business Corridor Overlay is along this stretch of 9W. We would need to facilitate development of this piece of the project as commercial use using that mechanism.

The project is going to be broken down into three separate lots. There's just over a 1 acre lot here that will be retained by the owner. It's vacant. There's no proposed development for it at this point. Just North Avenue, that commercial lot we were talking about being set up

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with the Business Corridor Overlay, it's just over 2.4 acres. The remainder of the site would be the lot for the residential development itself. So there's three lots. Assuming the Town accepts access dedications, this would be the right-of-way for the Town road into the project.

We are adding sidewalks, parking, roadway, rooftops, impervious surfaces. The project itself is going to disturb about 13.7 acres of the site, so we have provided a full SWPPP for the project and how we're going to mitigate the stormwater measures. We have a series of some dry swales and catch basins, piping and what not that will convey stormwater collection to the proposed mitigation areas as a measurement. We have a large bio-retention area there in the back, and there's also one that's proposed up along 9W. This is Purdy Avenue right here. It's right at that southwest corner of that intersection.

The project would be set up in five phases, the first being we have to have this road to get into the project and develop any portion

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of the site. Phase 1 is just over 8 acres. We would need a 5 acre waiver to do that. Really what it does is it opens up the site from the standpoint of getting our driveway in. This first building is proposed, and then also we would be doing installation of the mitigation of the bio-retention area on the western side of the site as well as northeasterly here.

One of Pat's comments, you can see drainage is collected and conveyed and split to either side of the site there. Some of the roadway drainage here comes across and gets into that northeast basin. So we really need to open up just over 8 acres to get things in place. We're only getting one 24-unit building initially after all the stormwater and roadway construction and things of that nature. That's the building that's proposed for construction in phase 1.

Then we would be moving in a clockwise fashion. Phase 2 would be the next 24-unit building. Phase 3 is 24. Phase 4 would be these two buildings here. Phase 5, being the last, would be the commercial user. As I mentioned, right now there's no user identified. At that

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point the applicant wants to get the residential component of the project constructed.

The project is in the Town water district so we would be looking to hook up to Town water. We'd like to connect to the existing water main up in Purdy. It's a six-inch line that we'd connect to. Down on Route 9W we look to connect to the 12-inch line that's in 9W as well. We have a looped system through the site.

The fire hydrants, we can coordinate locations, confirm locations with the jurisdictional fire department when the time comes.

And then sewer. The applicant has entered into a sewer agreement with the Town. Only a portion of the site -- there's a small portion of the site over on this side that is within the sewer district. The remainder is not. As I mentioned, the sewer agreement has established reserved capacity for that portion of the site outside the sewer district. That's within the EIS, that document. We can provide you with that. We'd look to sewer right down to the intersection with Young Avenue at the

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proposed driveway.

MR. TRAPANI: Those two exits to Purdy Avenue, --

MR. DATES: Yes.

MR. TRAPANI: -- how are they going to be closed off so that people will not use them?

MR. DATES: They're gated.

MR. TRAPANI: They're going to be gated?

MR. DATES: Yes.

MR. TRAPANI: Unless there's an emergency?

MR. DATE: Yeah. So that would have to be -- for the emergency access, which is right here, that can be coordinated with the fire department.

MR. TRAPANI: They can coordinate it there and the fire department has to go Purdy Avenue and go in that way?

MR. DATES: I'm sorry?

MR. TRAPANI: They can coordinate it from inside the area, inside there someplace where they can open up the gates automatically? Say the fire department has to get in there right

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away or the ambulance has to go up that way.

MR. DATES: If they have a key to the lock that's on there or something else is desired.

MR. TRAPANI: A lockbox. How about by the school side there, that road going in. Can a fire truck get in there if they have to?

MR. DATES: This is gated as well. The gates are on the school property. They would be in charge of, you know, supplying the key. Like I said, whatever the mechanism is.

MR. TRAPANI: If the other roads were blocked off or --

MR. DATES: Exactly. If there's a problem on 9W from Birdsall, there could be access all the way to Purdy through the site for emergencies.

CHAIRMAN BRAND: The entrances through the school are all gated as well?

MR. DATES: Yes.

CHAIRMAN BRAND: You said the school is going to be supervising that to get off site to go to the light. How would you have access to that, if it's gated, as a parent dropping off or

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something?

MR. DATES: The school has expressed to us that they would control the opening and closing of the gate. What we heard is people from Birdsall are cutting through the parking lot. They want to deter that by having a gate but they're going to regulate it's use during like pick up/drop off, those types of things.

CHAIRMAN BRAND: Got you. You said one side of the school was two-way and the other was single access?

MR. DATES: Yup. The western most is a two-way.

CHAIRMAN BRAND: That's right around the new utility structure?

MR. DATES: The utility structure is right in the center. We flank either side of that. The two-way would go on the left and the one-way out would be on the right-hand side. Again, we met out on the site with the school, walked the areas and, you know, based on their study that they did for circulation that seemed to work well.

MR. HINES: One of the exits is only

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going to be for buses. Right now they have a conflict with passenger vehicles and buses. I've never seen it happen. When we had meetings out there there was nothing there. The idea is the buses will have a direct route in and passenger vehicles won't be driving through the buses anymore. Strictly those gates will be controlled by school personnel at certain times of the day when they need them.

MR. DATES: We've preserved a substantial amount of existing vegetation. I mentioned the majority of the site now is all wooded. We're trying to be conscious of preserving what is out there and supplementing with screen plantings. As you can see, around the perimeter of the site there is substantial evergreen screens that we'll be putting in to supplement the existing vegetation that's out there. We've provided a full landscape plan in the package. Again, we're fully landscaping the entire project, street trees, ornamental trees, we have foundation plantings, parking lot plantings. The stormwater management areas that I mentioned, the bio-retention, those will be

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planted out with the proper species of plant to help mitigate. They're generally there to look like natural wooded type features. Again, this is kind of down lower from Purdy. This is all bordered by vegetation. I don't think you're really going to see much of a difference if you were looking into the site from this location at the stormwater management area.

And then lastly, the lighting plan I'll show you. We have proposed LED pole-mounted fixtures, 16 foot height, full cutoff. So again, night sky, we're cognizant of that and restricting any unnecessary lighting. Those would be throughout the site, up the roadway, throughout the parking areas, all that for now. For the commercial space we have a couple of wall mounted fixtures, again cutoff, just to achieve proper lighting there.

One of the things I want to touch on, we received comments from the DOT after the Findings were adopted. So the Findings were adopted August 14th. We received comments on August 24th from the DOT which we have responded to, and I provided the Board with a copy of that.

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September 7th we responded to those comments. There was some back and forth between them to clarify our study. Like I said, our response had been sent back to them but we have not heard back.

Again, our driveway traffic signal, it's all the highway work permit through the DOT to secure all those approvals.

MS. LANZETTA: I have a question. The lower portion that you're going to be going to the Town Board to ask for BC consideration, I'm just wondering what our responsibility is as a Board until such time as we get that direction from the Town Board, whether we can consider looking at just one portion of the subdivision or if we have to wait so it's not segmented, review it as a whole? How does that work?

MR. BLASS: I think you have to do a cumulative SEQRA assessment of the entire site, full build out, both residential and the commercial, otherwise it would be segmentation. I think the Town Board may -- we should ask the Town Board to send a letter to the Planning Board stating it's intention to approve this for

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Business Corridor Overlay. That would open up your rights to do a site plan review. There will be a subdivision component. This commercial site will be subdivided off as well. I think SEQRA would require one coordinated review.

MR. HINES: We're done with SEQRA.

MS. LANZETTA: You're looking for a BC designation for both the lower portions; correct?

MR. DATES: No. Just the 2.4 acres.

MS. LANZETTA: Wouldn't it make more sense to do that now, just get the commercial?

MR. HINES: They've got to do that now.

MS. LANZETTA: I'm saying for both sections. He's saying they just want --

MR. HINES: For the 1 acre there?

MS. LANZETTA: It would make more sense to ask the Town Board now to give you that designation than to have to go back at a later time. It's very unlikely that somebody is going to want to put a residential structure on that.

MR. CORDISCO: Understood. It's just that -- Ms. Lanzetta, Dominic Cordisco. Nice to see you again. There's just no end use identified for that parcel at this time, nor has

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it been designed. The prior environmental review that culminated in 2016 with a Findings Statement -- actually, no. The Findings Statement was this past summer in August, contemplated the 12,000 square foot commercial development along Route 9W, but that was the only commercial development that was analyzed at that time.

MS. LANZETTA: If we do -- so then we have to look at that residential parcel.

MR. HINES: Any use you'll have to.

CHAIRMAN BRAND: Is that your presentation?

MR. DATES: Yes. If you have any questions.

CHAIRMAN BRAND: Pat, do you want to run through your comments?

MR. HINES: I have some comments. My first one is bringing you up on the history, where you're at, the number of lots, the fact there was already a full environmental review of the project. As Ron as I were just talking, this Board will have to adopt the Town Board's findings or issue it's own as you move through the process.

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It's 104 total units. I don't know if you said that. The bedroom count has changed over the years. I think there's three bedrooms in the mix now as well. I don't know if you gave the bedroom count.

MR. DATES: Yes. Sorry. 20 three-bedrooms and 84 two-bedrooms.

MR. HINES: Our second comment is just that the Town Board must review and approve the BC Overlay.

Plans must be coordinated with DOT. That comment goes on to talk about the recent comments we had from DOT after the Town Board adopted the Findings. We're suggesting that in addition to DOT, Creighton Manning receive those as well. They did review the initial traffic study for the Town.

The fourth comment discusses the school district interconnects. I was present at several of those meetings with the school district. This is the layout the school district was happy with at those meetings. I know things change with school districts.

CHAIRMAN BRAND: Do we have something

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from them?

MR. HINES: I don't think we have anything from them other than we were out in the field with the superintendent of schools and superintendent of buildings and grounds and a couple other folks from the school a couple times. Physically we were out in the field talking about how that was going to layout. That does affect the question the Town road versus there's going to be a strip of no man's land there as part of the site plan. I'm assuming the school is going to need some form of easement or access agreement. Maybe the Town road gets changed to touch the school. I don't know.

MR. DATES: We did call out for easements over those portions that are not right-of-way or Town property.

MR. HINES: Also, the highway superintendent's comments on the Town road. It's going to be a difficult road to maintain with no cul-de-sac, no end, no termination, where you start and stop with the plows. We're going to need some input from the Town highway superintendent on that. I see it as a snow

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plowing maintenance nightmare. Where does that start and stop and who puts the snow where? Those kinds of things will need to be worked out.

CHAIRMAN BRAND: Did you say earlier that only the portion of the road coming in from 9W was going to be dedicated to the Town and the rest of the parking area was going to be maintained privately, private road systems?

MR. DATES: Yes.

CHAIRMAN BRAND: Where is that?

MR. DATES: This line right here, that's the cut off. The Town will be doing to the right, the private will be to the left.

MR. HINES: What's the reason for that?

MR. DATES: Well, because we see it as a benefit to the school district and the Town as a circulation standpoint and getting that fourth leg of the intersection put in. We'd like --

MR. HINES: That could be accomplished by just making what you show as a Town road an easement to the school. Just continue that down.

MR. DATES: An easement to the school? That entire right-of-way?

MR. HINES: Instead of being a Town

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road. I don't see the benefit to the Town accessing your site. I understand the interconnect with the school district and you're incorporating an easement in there. You don't have to answer now. We have a ways to go here.

MR. DATES: I'll review that with the highway super. We need to circulate to them as well; right?

MR. HINES: Working out with the school district the extra parking spaces. The Board will need some input from the school district that those things are going to happen and the mechanism of how that happens. I don't know if you build on there, how that works.

The buildings are going to be 34.1 feet high. They're graded at 30 feet. The access drives within the complex have to be 26 foot wide for aerial access in accordance with the Building Code. They are shown on the plans at 26 feet now.

The first parking area coming off the school on the east side, you have the crosswalk running out behind the cars. Go back to where you were. Right where your pointer is. The

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crosswalk here is shown behind this. I think it needs to just jog around.

MR. DATES: Okay. We were trying to maintain the --

MR. HINES: You have to go out here and with cars backing up. Jogging that around would be a better pedestrian flow.

And then you talked about the number of phases. The concern is that you don't have a commercial tenant right now but because of the topography there and making that road go in, there's going to be extensive regrading of the commercial lot and what that's going to look like and how that's going to look until you get your commercial tenant. There's some retaining walls. There's extensive grading to get to the drainage over there. We don't want something that looks like a quarry in front of there for a couple of years or eternity.

MR. DATES: Understood.

MR. HINES: The plans will have to work that out. Even on the remaining lot there's quite a bit of grading. How that's going to look in your phasing plan.

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Plans submitted to the water and sewer department. They're at a state now where they can do that.

It needs to go to Ulster County Planning. Earlier might be better here. The project is fairly detailed because it's been before various boards in the environmental impact process. Referral to County Planning is required.

Also just things like utilities and lighting. If that does become a Town roadway, you have lights within the Town roadway and how that's going to be maintained, which may be another reason you leave it to the developers. That way we can maintain the lights and utilities and such.

That's our comments right now. Obviously there's more detail that's going to be going on.

CHAIRMAN BRAND: Thanks, Pat.

Ron, do you have anything at this point?

MR. BLASS: No.

CHAIRMAN BRAND: Anything from the

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Board?

MR. CLARKE: Yeah. At that last planning session they talked about a big project like this, bringing everybody together.

MS. LANZETTA: Have you done an Ulster County Gateway?

MR. DATES: Yes.

MR. CLARKE: This would be a project that's suited for that.

MR. DATES: We did. Before we got fully into the negative dec process we did have a gateway meeting with the County. I don't have the date. I can get the date for you.

MR. CLARKE: No. I thought it was a great idea, bring everybody together early so we can resolve issues. Not literally but all together.

CHAIRMAN BRAND: At that initial meeting the choices were pretty limited. It was like Tuesday at 10:30 a.m. or something like that. I think that's problematic for most of the Board Members here. If you continue along those lines, I'd like to see the time be considered where most of this Board at least could probably

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attend that as well, or maybe even have some kind of meeting with them.

Anything else?

(No response.)

CHAIRMAN BRAND: No?

MS. LANZETTA: Maybe you addressed this already in the environmental review. The height of the buildings, was there a visual analysis done in relation to historic sites, perhaps across the river?

MR. DATES: We did do cross sections through the site. The EAF showed grading and building height and the existing vegetation and that type of visual analysis. That's what we provided in the FEIS.

MS. LANZETTA: Did it take into account the historic sites across the river that might be within the viewshed?

MR. DATES: No. We did not study anything that far off.

MS. LANZETTA: You might have to do that.

MR. HINES: The Office of Parks, Recreation & Historic Preservation was involved.

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There was a phase 1 A and B done on the site.

MR. DATES: Yes.

MR. HINES: That wasn't a comment that they had brought up.

MS. LANZETTA: It wasn't?

MR. HINES: Parks & Rec did not. The Office of Historic Preservation didn't bring that up in the environmental review.

MR. DATES: No.

MR. HINES: They did require a cultural resources survey on the site.

MR. DATES: Yes.

CHAIRMAN BRAND: I remember from the first initial proposal they had there was an issue that was brought up regarding the deeded water rights for the Traphagen estate cross the road. Has that been cleared up?

MR. DATES: Our response in the FEIS and the Findings was basically that was set up at a time when public water was not available to any of these sites. Subsequent to that, you know, the Town water district was established and water is available. You know, we're connecting to take advantage of that for the site. We don't want to

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have -- it's kind of a health and safety concern to have some type of spigot or, you know, makeshift well pump to the cistern. We're not looking to compromise the health and safety.

CHAIRMAN BRAND: Okay. Anything else?

(No response.)

CHAIRMAN BRAND: So the Town Board is the lead agency for this project; correct?

MR. BLASS: Correct.

CHAIRMAN BRAND: So we just send them on their way to do their homework and meet again; correct?

MR. BLASS: Yeah. Pat's got quite a few comments here. I like the idea of an early meeting with Ulster County Planning.

CHAIRMAN BRAND: Me, too.

MR. BLASS: Eventually the Board is going to have to do it's own Findings Statement. It's not bound by the Town Board's statement. You will be taking a second look at the environmental issues if you wish, to the extent you wish.

MS. LANZETTA: I'd also like to see a letter from the Town Board --

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MR. BLASS: Oh, yeah.

MS. LANZETTA: -- saying that they feel this is a candidate for BC designation.

MR. BLASS: I will correspond with the supervisor tomorrow and make that recommendation.

CHAIRMAN BRAND: Okay. Thank you.

MR. DATES: So the highway department and water, sewer, those Town agencies we can get plans to and request for their review or is that to be circulated through your office, Pat?

MR. HINES: You can go to them direct.

MR. DATES: Go to them direct.

MR. HINES: I saw Mr. Cordisco give the fire service rep a card, too.

CHAIRMAN BRAND: Thank you.

MR. DATES: Thank you very much.

MR. CORDISCO: Thank you all.

(Time noted: 9:17 p.m.)

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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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

TRAPANI FARMS

Project No. 17-1025
818 Lattintown Road, Milton
Section 102.4; Block 1; Lots 28.2 & 27.2

----- X

SKETCH - SUBDIVISION

Date: October 16, 2017
Time: 9:17 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

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CHAIRMAN BRAND: Next up, Trapani Farms subdivision.

Just for the record I'd like to note that Member Trapani recused himself from this discussion.

Whenever you're ready.

MS. BROOKS: The application before the Board is a two-lot subdivision of approximately 89.5 acres. The Board may recall that we were here last October, we received approval for a two-lot subdivision which is shown on here as Marco & Krista lands only. There's currently a house under construction on that lot.

CHAIRMAN BRAND: That's lot 2?

MS. BROOKS: No. It actually is lot 1 from the filed map. It says house under construction. It's just immediately to the west of lot 2.

CHAIRMAN BRAND: Okay.

MS. BROOKS: So that was the subdivision that was approved last year of the daughter Krista. Now Scott and Tim, two sons, are interested in constructing a home on the property as well.

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Lot number 1 will be accessed through an existing farm road which is off of Mulberry Lane.

Because of the agricultural setback requirements we are proposing also a lot line revision with adjoining lands of Trapani so we can meet our setbacks and have the house in the location that's desired on that lot.

Lot number 2 will have access with a 25 foot fee strip from Old Indian Road. There currently is an existing 15 foot wide right-of-way going through the lands of the Lattintown Church, the Baptist church. Now that will be conveyed to a 25 foot fee strip.

CHAIRMAN BRAND: Pat?

MR. HINES: I have a concern regarding future access to the northerly most portion of the parent parcel because of the pond and the lot line layout. I'm just not real clear why that's not all incorporated into this lot. It probably would be cleaner. Or make it part of the lot to the right. I think they are in common ownership.

MS. BROOKS: Right. What they're proposing to do, because they want to continue to

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use that for farming purposes, particularly the pond because they use it for irrigation, they were wanting to keep that pond as part of the remaining lot 3. They will have an easement to go over lot 1 as needed to be able to access that pond. The desire was not to include it in that residential lot but keep it as part of the overall farmland.

MR. HINES: Can they combine it with the larger parcel in the rear? It's the same ownership.

MR. TRAPANI: What's that?

MS. BROOKS: Come here, Ben. Come be the applicant.

So the concern is because right now the way we have it, we have this pond -- all of this is part of lot 3.

MR. TRAPANI: Right.

MS. BROOKS: His question is can we add this to your other parcel. In other words, we're taking this lot line revision and adding that piece. Can we take that pond and add it to the other parcel?

MR. HINES: Instead of making it a lot

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that's disconnected.

MS. BROOKS: It would be a contiguous piece. I know this is in a trust.

MR. TRAPANI: That's it. The other parcel is in a trust.

MR. HINES: So it's not the same owner. I thought it was the same ownership.

MS. BROOKS: I mean the problem is that adjacent tax map lot 2 that we're getting the parcel A from is actually in a trust. It's not in Trapani Farms. The desire is to keep that pond for irrigation purposes.

MR. HINES: Isn't it connected with the pipe?

MS. BROOKS: Yes.

MR. TRAPANI: Both ponds. Yeah.

MR. HINES: They would have access, I guess, to the pond. It's just -- it's creating a future disconnect, you know.

CHAIRMAN BRAND: Do we know the area of that existing space?

MR. HINES: I didn't hear you.

CHAIRMAN BRAND: Do we know the area of that existing space?

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MR. HINES: There's no access to it because of the pond.

CHAIRMAN BRAND: I see. There's another pond.

MR. HINES: Yeah.

MS. BROOKS: I mean it's not necessarily cut off because they would have a right-of-way over the 25-foot access strip, both, across lot number 1. They would retain easement across that.

MR. HINES: I didn't see that. Is that on there? Is there a note on there I missed?

MS. BROOKS: No. It probably is not on there.

MR. HINES: Okay.

CHAIRMAN BRAND: You're saying they would be able to access it through this dirt road?

MS. LANZETTA: They'd be able to put a septic in?

MS. BROOKS: I'm sorry? Say it again.

MS. LANZETTA: I was wondering if this would be a buildable lot.

MS. BROOKS: It's not. That's why we

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have the land hook on there. It is part of lot 3.

MR. HINES: Across there, that's the location of the same lot. That's a tax lot connection symbol.

MR. TRAPANI: The biggest reason we're putting it on the other parcel is it's a little bit more well up on the hill where my grandchildren would be able to play instead of on a steep slope. Grandpa wants them to have a baseball field, you know. That's basically the big reason.

CHAIRMAN BRAND: Do you want to go over your comments?

MR. HINES: I'll keep running. That was my first comment. You can discuss that more as this moves forward.

The highway superintendent's comments on both driveway locations should be received.

This was subdivided back in 2016. I don't know that that has any implications in Ulster County. In Orange County where I do a lot more work this would become a major subdivision because of that.

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MS. BROOKS: It would become a major subdivision if there were more than four lots in a two-year time period. So this is not a major, no. We're still only three lots.

MR. HINES: Yup. Just south of here that wouldn't be the issue.

Septic systems need to be designed for each of the lots.

Section 155-52, the agricultural setbacks, there's requirements in that for buffers. Previously for the last subdivision in 2016 notes were put on the plans. It was kind of left to the owner, future owners of the lots. That was -- 155-52 has requirements for not only the 75 foot setbacks but it has vegetative earth and berm screens and such.

CHAIRMAN BRAND: This is the one we said they had to do berms and screens if they ever sell the property?

MS. BROOKS: Outside the family.

MR. HINES: It was an exception but it was kind of common ownership. It's like this one. Estate family planning something or other.

MS. BROOKS: Actually the one son

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that's building here is the one who is running the farm right now anyway. So this will -- this is his forever home. I told him put it where you want it because it's forever. He's not going anywhere.

MR. HINES: If the Board is willing, the same notations and such would be appropriate.

CHAIRMAN BRAND: Anything else, Ron?

MR. BLASS: No.

CHAIRMAN BRAND: Anything from the Board?

MS. BROOKS: I mean I guess the major issue to try and resolve this evening if we could is with regard to the lot configuration we have right now and the desire of the applicant to have a right-of-way over lot number 1 to continue to be able to farm both sides and utilize the pond on the remaining lands. I mean I think that's the major comment right now that we need to address and what the Board's feelings on that are.

MS. LANZETTA: Personally I think being that, you know, it's a farming community and this is something that they really need for their

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livelihood, you know, I have no problem with it the way it is myself.

CHAIRMAN BRAND: I certainly don't as well. As long as the right-of-way is there so they can access.

MR. HINES: The right-of-way wasn't there. That changes it a little bit.

MS. BROOKS: We'll add the right-of-way and also put notes on there that it is understood that the lands on the northerly side are always to remain part of lot 3 to be used for agricultural purposes, to try and put some safeguards in there to protect somebody in the future not trying to come and make that into a buildable lot.

MR. CLARKE: Are you just doing this so the lots are equal size?

MR. TRAPANI: So that they're equal size?

MR. CLARKE: It seems to me that it would be more logical to make lot number 1 like a 4-acre lot, just to include everything up there. If you're trying to balance between two individuals and make things equal, I can see why

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you're doing that.

MR. TRAPANI: That was the basic thing. We bought this piece of property. Scott offered it out to his siblings and told them if they all wanted an acre on this part here he would give it to them for a very minimal charge, if they wanted it to help out his brothers and sisters. So they tried to keep it basically the same acreage so that nobody would say Steve, you got two --

MR. CLARKE: I can appreciate that.

MR. TRAPANI: You know how that is sometimes.

MR. CLARKE: I can appreciate that.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: I think I would be satisfied with that notation.

Okay. So we do have to do a public hearing? We can schedule that for --

MS. FLYNN: 11/20.

CHAIRMAN BRAND: -- November 20th as well.

MS. BROOKS: Okay. We'll see you

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TRAPANI FARMS

then.

(Time noted: 9:30 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 28th day of October 2017.

Michelle Conero

MICHELLE CONERO