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

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In the Matter of

RIDGE ROAD

Project No. 18-2004
Ridge Road, Milton
Section 102.4; Block 2; Lot 32.810

----- X

PUBLIC HEARING - SUBDIVISION

Date: June 18, 2018
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

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MICHELLE L. CONERO
PMB #276
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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.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, June 18, 2017. Regular meeting 7:30 p.m. Approval of stenographic minutes for 5/21. Ridge Road, public hearing, subdivision; Paradise Valley Orchard, public hearing, lot line; Taddeo/Pascale, final, lot line; Marlboro Distribution Route 9 LLC, final, site plan. Discussion without lawyer, engineer, stenographer, Jim Graziosi, recreation permit. Next deadline: Friday, June 22nd. Next scheduled meeting: Monday, July 16th.

CHAIRMAN BRAND: I'd like to have a motion to approve the stenographic minutes for May 21st.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

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CHAIRMAN BRAND: All those in favor of approval?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First up, Ridge Road, public hearing, subdivision.

MR. TRUNCALI: "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 and the Town of Marlborough Town Code 134-33 on Monday, June 18, 2018 for the following application: Ridge Road, 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

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three-lot subdivision application for lands located at Ridge Road, Milton, New York 12547, Section 102.4, Block 2, Lot 32.810. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board."

CHAIRMAN BRAND: Do you have the mailings?

MR. GALLELA: Yes.

CHAIRMAN BRAND: How many did you send out and how many were returned?

MR. GALLELA: Twenty-seven went out, --

CHAIRMAN BRAND: Twenty-seven out.

MR. GALLELA: -- seventeen returned, one undelivered.

CHAIRMAN BRAND: If you can give those to Jen. Thank you.

Would you mind just giving a brief overview of what it is you have planned for the people here for the public hearing?

MR. GALLELA: Sure. We're proposing two new lots along Ridge Road. Previously it was a four-lot subdivision but it's been reverted

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back over the years. I was no longer going to pursue it as was the original subdivision which was about four years ago. I'm returning back to the Planning Board for a two-lot subdivision.

It's basically served by Town water and an in-ground system, septic system. It's one-acre zoned in the AR zone district. It's going to be a three-bedroom house, 1,800 square feet or so.

CHAIRMAN BRAND: Thank you.

This is a public hearing. If you have any comments, any interested parties to speak out for or against have an opportunity to do so. I would just ask you to state your name for the Stenographer.

Mr. Garofalo.

MR. GAROFALO: James Garofalo. I'm not against this project. This is one of the first projects that I've seen that actually put the sight distances on the plan. However, I'd like to see more because when you get the sight distances it's kind of out of context. It would be like me saying I went 55 miles-an-hour on the interstate like you find in most places. If it

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was Nantucket, Rhode Island where it's 45, I would have been going over the speed limit. To put it into context, what is the required stopping sight distance for that road, which has to do with a number of things, one of which is the design speed which is usually set above the speed limit, and the grades can also have an effect on that.

Now, the only one that's probably anywhere near being an issue is the 257 sight distance. What I would like to see is some more information on that. I will provide the Board with an example. This example shows both an overview of the sight distances as well as a side view. You can see not only what the sight distances are but you can see some of the numbers that go into calculating them, the height of the driver being 3.5 feet. This information is to make sure that the sight distances were correctly evaluated. This plan does not have the speed and it does not have some of the other information that's needed because it was in a separate report. I just want to provide this for the Board and hope that the Board will ask for, at

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least on that one sight distance, additional information to make sure that it was calculated correctly and that it is appropriate. Thank you very much.

CHAIRMAN BRAND: Thank you. You can just provide Jen with the materials.

MR. GAROFALO: Just because it doesn't meet the sight distance doesn't mean there aren't things you can't do to slightly improve it, or maybe you need a sign. It doesn't mean you should reject an application because of that. Thank you.

CHAIRMAN BRAND: Thank you.

Any other parties here to speak either for or against the Ridge Road subdivision proposal?

(No response.)

CHAIRMAN BRAND: I guess we can -- should we go through the comments on this?

MS. LANZETTA: Sure.

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

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Do I have a second?

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MR. CLARKE: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Okay. Pat, do you want to run through your comments for this first?

MR. HINES: Sure. Our first comment just acknowledges that the previous subdivision in 2010 created a drainage district. These two lots will be subject to that drainage district. When the lots are consolidated that drainage district does not go away. Ron may have comments. That should be a condition of any approvals.

The highway superintendent was out on the site and approved the two driveway locations and requested that the culverts be sized

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appropriately. So that's an outstanding comment from our previous comments. We need to see the culvert sizing.

Ulster County Health Department approval for the two septic systems is required.

The water superintendent requests the water superintendent weigh in on the provisions for connection to the Town potable water system which are shown on the plans.

The Board had previously requested an ultimate development plan at the May 7th meeting. The applicant himself submitted an unsigned letter stating that he has no future plans to develop any of the site further. We did discuss a no further subdivision note, which they were unwilling to offer.

That's where our comments are.

CHAIRMAN BRAND: Thank you. Ron, did you have anything?

MR. BLASS: I echo what Pat said about the overall development plan. You did have that discussion. We did ask for one. It may be no more complex than the eight-lot subdivision that was proposed and approved in 2010. I do recall

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that the applicant was unwilling to stipulate to a no further subdivision clause in the approval -- condition of the approval which would have locked in the content of the letter of May 7th that there are no plans to further subdivide.

With respect to the drainage district, there was a condition of approval that these new lots shall contribute to the drainage district consistent with an assessment established for the drainage district. They'll be covered and contribute to the cost of maintenance and of the drainage facilities.

CHAIRMAN BRAND: Thank you.

Anything from the Board?

MS. LANZETTA: Yeah. First of all, I have a question. I pulled out the 2010 map, Pat. I apologize that I was not at the meeting when this was discussed previously. After I read the minutes and the discussions from the consultants saying that we really needed to take a look at the past maps, I went in and looked over the past maps and what had transpired bringing us to this place now.

The 2010 map, all of the requirements

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for the improvements for the drainage district,
have they been put in and approved for the entire
subdivision?

MR. HINES: They have not. A portion
of them -- the improvements that are shown in
this area. There is an additional pond that was
originally proposed under the eight-lot scenario.
It's smack in the middle of this subdivision
where it was proposed before.

MS. LANZETTA: Right. So that leads me
to the laws regarding drainage districts. When a
drainage district is set up, the petition says --
the petition is to the Town Board. The Town
Board is the one who sets up the drainage
district. The petition says that the drainage
district will be set up in accordance with the
map that has been approved. Any changes to that
map have to go back before the Town Board and the
Town Board has to make the modifications by
holding a public hearing so that people can have
an opportunity to comment on that. From what I
could see, the 2014 modifications consolidated
did not take that into account. Nothing was done
with the Town Board, you know, to alert them that

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there had been a change in the drainage district.

So now we're to this point where now we have got a whole other application in front of us. This application shows, as Pat said, two lots with a driveway going through where the drainage pond is supposed to be for the original drainage district.

My question is how can we, in good faith as a Planning Board, knowing this information, pass this subdivision, you know, knowing that it really hasn't met the requirements that are necessary for us to -- you know, after we have done our due diligence we realize that there's a problem here with this drainage district. How do we -- I'm just saying as a Planning Board, this is one of the reasons why we have to be very careful when we allow people to subdivide, come back and change things and then come back again and change things. Everybody kind of begins to get confused and things are getting lost in the process.

So that's my question. How can we make what appears to be a problem, as far as at least relates to the drainage district, how can we pass

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something that will make it even worse? We're not supposed to make a situation even more -- to be in even more noncompliance.

I mean the 2014 judgment by the Planning Board I think had issues, and now we're going to compound that by passing this? I have a problem with this.

MR. BLASS: Well, the solution may be to withhold decision on the subdivision pending a reworking of the map plan report for the drainage district, to incorporate the proposed changes that the applicant wishes to make. I believe one of the changes is to do away with the detention pond that was located in the general vicinity of these two new lots. So that would be a process where a revised map plan report was prepared, a petition was signed by the applicant with respect to the revised map plan report, a public hearing was scheduled and the bones of the drainage district are modified by the Town Board. The other people are going to need to be asked to sign petitions because there's two houses there now.

MS. LANZETTA: Yes. You know, it's

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much more complicated than it appears on the surface because, you know, when the drainage district is set up every lot is required to take a responsibility for that drainage district, and people are paying those costs. If I'm one of ten lot owners and I think I'm only paying a tenth of the cost that had been predicted and then all of a sudden it changes to a five-lot subdivision without me even knowing it and now all of a sudden I'm required to pay for double what I was paying before. I mean that's why the law is the law. That's why it's instituted like it is.

MR. HINES: And that occurred in 2014 on this site. The consolidated lots that are owned by the current applicant, that consolidated lot picked up a proportional share of the drainage district by the number of lots that were reconsolidated. So the existing lots didn't see a change in their tax bills. The consolidated lot was assessed the total value of each of the consolidated lots. It's been going on for four years now.

MS. LANZETTA: So they changed, because in the original petition it said that it was

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going to be equally apportioned.

MR. HINES: Correct.

MS. LANZETTA: How was that change done?

MR. HINES: It was done through your assessor's office, I believe, when the lots were consolidated. We talked about that in 2014, that a portion of the drainage -- in other words, the people that already bought the houses in the district, their bills stayed the same. It was the balance parcel that absorbed those costs and continued to pay their increased percentage based on that lot consolidation.

MR. BLASS: The two existing houses each pay one-eighth --

MR. HINES: Yes.

MR. BLASS: -- and the consolidated lot pays six-eighths.

MS. LANZETTA: That's not according to the drainage district that was set up. That's like a little -- that's like a side thing that you guys set up that was put out as a --

MR. BLASS: There are a couple changes. One, the improvements identified for drainage for

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the eight-lot subdivision have not been totally installed.

MS. LANZETTA: So technically can I say that those people shouldn't be paying -- could make the case that they shouldn't be paying anything?

MR. GALLELA: It's me.

MS. LANZETTA: I'm saying the other two lot owners.

MR. HINES: The thought process back then was the lots tributary to the pond not constructed were not constructed. These current lots would be tributary. Those are paying for the maintenance of the larger detention facility.

MR. BLASS: So the existing homes are paying less actually, --

MR. HINES: Than they would have.

MR. BLASS: -- because the annual assessment is linked to maintenance of the drainage improvements. To the extent that the scope of drainage improvements is smaller than originally budgeted, then the assessment would be smaller.

MS. LANZETTA: But the petition is set

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on the map and the map was the map of 2010.

MR. BLASS: There's a map plan report calling for eight lots and drainage improvements serving eight lots. The drainage improvements designed to serve eight lots have not been fully installed, probably for lack of necessity given the consolidation and the lack of building of the other. But now you have a different situation where you have sort of a creeping subdivision where two new lots are being carved out now -- proposed to be carved out now. So it's like a creeping subdivision. It could very well remain a creeping subdivision. Two more lots could be carved out two years from now. So that's why we had the discussion about the overall master plan development for the site given the fact that eight lots were approved for the site in 2010. The overall master plan for development of the site may very well be eight lots.

I think the path to take is to withhold decision on the subdivision approval pending reworking of the drainage district at the Town Board.

MS. LANZETTA: I'm also concerned about

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this happening in the future. I'm trying to understand how we can -- if somebody goes through with the process and the improvements are supposed to be put in in order to have a drainage district, which is quite a big deal to set up a drainage district. As Pat said, if you decide that you want to put an end to it, it requires the State to agree to --

MR. BLASS: It requires a special act of the State Legislature.

MS. LANZETTA: Yeah. These things shouldn't be taken lightly, these drainage districts.

MR. BLASS: There's an exception to that rule. If no improvements had been installed for three years, then there's a simpler path to do away with the district.

MS. LANZETTA: I know when Amy Hepworth asked the Town to help her dissolve her drainage district there were no improvements and it still required to go to the State and get State approval.

MR. BLASS: That might be the one I'm thinking of where there were no improvements at

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all, three years had past. I don't necessarily think you need State approval.

MS. LANZETTA: It did. We had to send it up to the State to get State approval. I mean I know because I was in office and had to shutter that through the State. We needed our State assemblyman to help us.

My point is when this is supposed to happen, and let's say -- why doesn't the infrastructure get done?

MR. HINES: The answer to that would be that infrastructure should be bondable at the approval. In 2010 it may not have been. In 2018 we would most likely require those improvements to have been bonded.

MS. LANZETTA: When it's constructed would you be required to go out and make sure that everything was done according to the map?

MR. HINES: Yes. We do that now as a matter of course.

CHAIRMAN BRAND: That would be part of the Town Board's decision or the Planning Board's decision?

MR. HINES: It's kind of a

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post-approval inspection, similar to what we do on other projects. That becomes a Town improvement. In 2010 this was kind of a residential -- the changes in the regulations were around 2010. That started to require more intensive stormwater, and they have become more onerous now with infrastructure requirements that need to be put in. So these would be bonded today, and there would be an inspection fee collected too. I remember with the Milton Harbor subdivision that process was followed. I don't believe a lot of those houses were constructed. Milton Turnpike and, is it Milton Cross Road or -- the Geiger subdivision had a subdivision where those improvements were bonded in 2012. They put in -- only a couple houses were built and there were inspections. I think we've refined the process. This will happen as we move through the regulations that become more stringent.

The ordinance -- the DEC regulations, as this comes back, as Ron said a creeping subdivision, the MS-4 regulations that the Town is subject to do say it's under a similar development scheme. When the stormwater

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regulations first came out with the one-acre disturbance we had people coming in and building one lot at a time to stay under one acre and ultimately ended up building twenty lots. The DEC caught on to that. In probably the 2010 revisions to the DEC regulations said time out on that. It's the ultimate development scheme, how many are you doing, eight lots or is this three lots total. Some of that has come along since the 2010 era that this was originally approved.

MS. LANZETTA: So you say back to me now what you see as the next thing that will happen in regards to the drainage district?

MR. HINES: For this subdivision I think you're in a unique situation. One of the things we would need to look at if we were going to require those improvements be built is not really necessary because this has less impervious surface. It would be an exercise to go back through the stormwater reports back then, which I will ask the applicant's representative to do, to come back with a report to determine whether or not they're going to need the stormwater improvements that we have because they were based

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on X number of houses tributary to an area. How much of that is going to go into this detention facility. It would be quite an engineering exercise to determine if this is under the same "development scheme" and those improvements are required.

MR. BLASS: Here's another way to look at it. Unless you have a concept plan of development of the entire parcel, you're never going to know what the design should be for drainage. Now you're just reacting every couple of years to taking property out of mothball and presenting it for subdivision.

CHAIRMAN BRAND: So this will go back to the Town Board for a review of the stormwater management plan, and then if he decided in the future to actually develop those two remaining parcels, or three or six or whatever it is, he would then have to go back and modify that again?

MR. BLASS: Yeah.

MR. HINES: Yes.

MR. BLASS: The SEQRA process tells you to ask for a comprehensive plan of development of the property. Until you have that you're

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never going to be able to design a drainage system. You'll only be reacting as opposed to planning. It's different than taking six lots and consolidating them and reducing the need for drainage improvements by doing that, and splitting up the cost pro rata between the two homeowners at one-eighth each and the owner of the consolidated parcel at six-eighths. So it's different. If there's a potential for further subdivisions in the future, which the applicant wishes to reserve his rights to pursue, you're never going to know what the ultimate drainage plan should be without a concept plan.

CHAIRMAN BRAND: Go ahead.

MR. GALLELA: I think anybody that has a large piece of property and wishes to subdivide one or two lots, you're basically asking them to do the same full review of everything that's there. That's basically what you're saying.

MR. BLASS: What makes this different is that in 2010 there was an eight-lot subdivision presented and approved.

MS. LANZETTA: You've already been in for a major subdivision.

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MR. GALLELA: Correct. Really at that point that was my idea. As I stated in my letter to the Board, the market took a downturn and the lots, they're vacant. I really had no intention of building on them. I actually live on the property. So years passed, ideas changed, and here I am before the Board with one smaller subdivision which is to put two lots in.

The drainage issue is there and the first section is built. This section wasn't built because there were no houses there, just the one. The fees remained in place as well as far as maintenance goes.

CHAIRMAN BRAND: Does the Town Board determine the possibility of a maximum build out when they do their calculations for that or just look at what's on the table being proposed?

MR. BLASS: I don't think it's the Town Board's function to analyze a concept plan of development for the entire parcel. I think that's the Planning Board's function in the context of SEQRA review. Only when that develops can anyone plan what the ultimate drainage should be.

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I mean the way to negate this entire discussion is to have the applicant stipulate that there will be no further subdivision.

MR. GALLELA: I would do that but it's just that I don't want to cut off anything to happen to me in the future. If I was to hand this property down to whoever, or if I chose to sell it, it loses it's value. There's no way this property is ever going to get another eight lots out of it. You may get one or two. I don't think it's cost effective. You have a long driveway just to get into this section of the property. To me it's not feasible to develop further. Things change. Down the road, years from now, whether I'm here or not, I don't want to take away the property's value. I have no intention of coming before the Board and re-subdividing this.

MR. TRUNCALI: So Pat, the drainage that was done and the detention ponds that are there, is that adequate to handle these two additional lots?

MR. HINES: We don't have that analysis. There may be an ability to modify the

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existing pond rather than just build the whole new pond. That's something that they would have to take a look at, their engineer.

Right now if this was coming in as an independent separate subdivision, they crafted it so it's only disturbing .9 acres, it would be under the threshold for that analysis. In other words, had this not been the same developer and had a couple years passed and someone else came in with this, it probably would not have that review. Again, the regulations say under a similar development scheme. I think this is a similar development scheme.

The layout, you know, kind of is suspicious. They're preserving frontage on the road, you know. If it was really only two lots and he had no intention of developing, why not run the lots along the frontage? That would be another way to restrict future development by doing that. We're saving a couple hundred feet on the north end and a couple hundred feet on the south end.

MR. GALLELA: The 150 feet on the southern part, that's from the original

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RIDGE ROAD

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subdivision. That was for me to use the private road. That's my frontage for me to use the private road which is on the top end of the property. As for the strip of land that's on the northern section now, it's just so the farm tractor can come in and service what's there now on the bank. That's the only reason for that.

CHAIRMAN BRAND: So Ron, your recommendation would be to withhold decision for now, to wait for the Town Board to review the wastewater --

MR. BLASS: To get a concept plan of development for the entire parcel.

CHAIRMAN BRAND: Are we in agreement with that?

MR. CLARKE: Well listening to the conversation, I think you could have a stormwater management district of two lots with the stipulation of no further development. Other than that, there's going to be further development at some point down the road. I think they would have to do a full build out. I think those are the two choices you have.

MR. BLASS: Yeah.

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MR. TRAPANI: The parcel where he wants to put the two subdivisions is the highest parcel down there on Ridge Road. It's not a wet district. The district is just south of there. That's why they put the detention pond down there. I took care of the farm. I know it's the driest part of the whole area, where they want to put it. The sight distance is good and there's two entranceways into it. If you were to put a detention pond, retention pond or whatever you want to call it up there, you'd have to pump the water from where the other houses are, down the hole, up the hill to get to that pond. It is a dry area. If that has anything to do with that. The detention ponds they have in a wet district. That is not a wet area.

MR. BLASS: I think my recommendation is that you take the existing two-lot subdivision -- the new two-lot subdivision plan and ask the applicant to analyze the maximum yield of additional lots that could result in the future in the absence of a stipulation that there will be no further subdivision. So it's a maximum rule analysis.

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RIDGE ROAD

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CHAIRMAN BRAND: And he would present that to the Town Board --

MR. BLASS: Yes.

CHAIRMAN BRAND: -- for a drainage district?

MR. BLASS: Once the maximum yield analysis is done, then you can begin to plan what the drainage improvements should be to service it.

CHAIRMAN BRAND: Yes? Is everybody in agreement with that?

MR. CLARKE: Yes.

MR. TRAPANI: Yes.

MS. LANZETTA: Yes.

MR. TRUNCALI: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

CHAIRMAN BRAND: So I guess we would ask you to do as Ron recommended for us.

MR. GALLELA: In lieu of me not agreeing to further subdivide this you want an analysis of the whole parcel?

MR. BLASS: A maximum yield analysis.

CHAIRMAN BRAND: It sounds like no

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matter what he would have to go to the Town Board to modify the drainage district.

MR. BLASS: Yes. He can't do that because there won't be an actual real modification for them to consider until there's a yield analysis of the balance of the land.

CHAIRMAN BRAND: Okay. Do you understand what he's asking you to do?

MR. GALLELA: Somewhat. Am I required to design two lots if it meets the drainage?

CHAIRMAN BRAND: I think he's saying look at the two lots you have proposed and then try to, if there was future development, see how many lots there could be if somebody else were to develop it, and then present that to the Town Board for modification of the drainage district.

MS. LANZETTA: No, no. We need to approve -- we have to give approval of whatever subdivision we decide and then that map will be used for the Board to have a public hearing in order to modify the drainage district.

MR. HINES: The applicant's engineer should take a look at the drainage that was put in in the 2010 drainage report, I think it might

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have been the same guy, I'm not sure, versus the additional impervious surfaces from only the two new lots, not the entire build out, and determine what improvements are necessary to support that and/or what improvements are necessary to support the entire build out. So there's those two options. Without the no further subdivision note there could be other subdivision. We don't have a crystal ball but we know eight seems to work.

CHAIRMAN BRAND: That's what I thought Ron said, we would look at that number, eight, and that would determine the drainage necessary.

MR. BLASS: That might be the maximum yield.

MR. HINES: It's difficult to design a drainage system theoretical maximum yield versus what you're going to do. I think the applicant's engineer should take a look at what's proposed now and potentially what's needed in the future. If you don't build those -- it's not as easy as saying we'll build it for eight and have it work for four or two because then the models don't work, the ponds don't work. The discharge orifices are too big to control the flow rates.

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There needs to be an analysis of the current proposal versus what was proposed before. If in fact he does come back in to do additional, there would be another additional. Each time it would be changing the drainage district. It's one of the things we've been struggling on since 2010. The applicant feels the pain because he calls every year when he gets his tax bill, why am I still paying for all of these drainage improvements.

MR. GALLELA: I feel I'm being held to a different standard. I'm not asking for anything -- there's no requirements -- I'm meeting the requirements for what this application is for. Time has passed. It's a separate application. Are you asking me to design -- you want to see if those two lots meet the drainage requirements now?

MR. BLASS: That's part A. Part B is a maximum yield analysis and the drainage improvements necessary to service it. So it's a two-part analysis.

MR. HINES: If your engineer wants to call me, I can explain it to him.

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CHAIRMAN BRAND: Thank you.

(Time noted: 8:08 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 June 2018.

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

PARADISE VALLEY ORCHARD

Project No. 18-2005
Peach Lane
Section 95.4; Block 3; Lots 11, 12.1 & 13.1

----- X

PUBLIC HEARING - LOT LINE REVISION

Date: June 18, 2018
Time: 8:08 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

MICHELLE L. CONERO
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56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: Next on the agenda, Paradise Valley Orchard, public hearing.

MR. TRUNCALI: "Legal notice, lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code 134-33 on Monday, June 18, 2018 for the following application: Paradise Valley Orchards, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a lot line revision for lands located at Peach Lane, Milton, New York, Milton Turnpike, Section 95.4, Block 3, Lots 11, 12.1 and 13.1. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board."

MS. BROOKS: Nineteen certified letters were mailed and they have been given to the Planning Board secretary.

CHAIRMAN BRAND: How many returned?

MS. BROOKS: We always get a listing

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from the post office because some of them have been received by the people but not accepted yet, or we haven't gotten the green card back. There were about fourteen that had been sent but we don't have green cards for all of them. We printed out the white sheets from the post office on each one of them showing what the disposition is.

CHAIRMAN BRAND: Thank you. Did you want to give a brief overview of what's going on for the public hearing?

MS. BROOKS: Absolutely. The application before the Board is a consolidation of three individual parcels totalling approximately 106.6 acres of land. Lot number 1, the most northerly parcel with access to Peach Lane, was recently a subject of a two-lot subdivision before this Board. The other two parcels were previously shown on subdivision maps from the early 1900s.

We did supply a letter to the Town regarding the properties and structures. According to the letter, parcels 11 and 12.1 have one dry storage barn and one irrigation pump

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house, and the new property on Peach Lane has no structures.

They are agricultural in use and the applicant is interested in consolidating them into one parcel just to reduce the number of tax bills.

CHAIRMAN BRAND: Thank you.

This is a public hearing. If there are any interested parties to speak for or against, please state your name for the stenographer.

MS. PIZZA: I'm Marianne Pizza. My husband and I own the property at 140 Milton Turnpike which adjoins, I believe it's Mr. Albinder.

MS. BROOKS: Yes.

MS. PIZZA: It adjoins Mr. Albinder's -- some of the properties he owns now and now this property. I would just request, Patti, if you can express to Mr. Albinder that I would appreciate it if whatever contractor he uses to clear the land, if they would not pile dirt, and boulders, and tree trunks on the wall that adjoins our properties.

MS. BROOKS: Yeah. That boundary line

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should stay -- surveyors hate that, too. It's hard to find them.

MS. PIZZA: We had a problem with the other orchard he put in a few years ago, which is beautiful. I didn't realize it until later that actually a lot of the debris was actually piled on the wall and actually encroached on our property. It really destroyed the beauty of the age old walls that divide our properties. So I would just request if he can prevent that from happening again on the properties.

MS. BROOKS: Particularly since the cross country trail runs along there.

MS. PIZZA: Yeah. There are things going on there. We kind of like it to look beautiful. His orchards look beautiful but the wall now no longer looks good.

MS. BROOKS: On the new parcel as well, or we're trying to prevent that from happening on the new parcel?

MS. PIZZA: It did happen on the parcel that he --

MS. BROOKS: With frontage on Milton Turnpike?

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MS. PIZZA: Yes. That parcel, right.
It adjoins us to our west. Yes. Now this
property adjoins us --

MS. BROOKS: On the north and west.

MS. PIZZA: -- on the north and the
west. Yes. So I would just -- I'd just like to
prevent that from happening again. I'm sure it
won't be an issue. I don't think he planned on
that happening the first time, but I'd like to
make sure it doesn't happen again. Thank you.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: Anyone else for or
against? It's a public hearing.

(No response.)

CHAIRMAN BRAND: No.

All right. I'd like to have a motion
to close the public hearing.

MR. CAUCHI: I'll make the motion to
close the public hearing.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: The public hearing is closed.

Pat, you have no comments?

MR. HINES: We have no outstanding comments. We had previously discussed the agricultural buildings and confirmed with the building inspector's office that there are no additional residential structures. I know Ron has a note on the approval that only one residential structure will be permitted on the consolidated parcels.

CHAIRMAN BRAND: Any questions or comments from the Board?

(No response.)

CHAIRMAN BRAND: No. Okay. You have before you the short environmental form impact assessment as well as the SEQRA negative

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declaration and notice of determination of
non-significance.

Jen, would you please poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: 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 Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: You also have before
you a resolution of approval by the Town of
Marlborough Planning Board for the same project.

Jen, would you poll the Board for that?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

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PARADISE VALLEY ORCHARD

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried.

MS. BROOKS: Thank you very much.

CHAIRMAN BRAND: Thank you. We're all

set.

(Time noted: 8:15 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 June 2018.

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

PASCALE/TADDEO

Project No. 18-2006
Pascale Terrace/Cameron Court
Section 109.1; Block 4; Lot 70.340
Section 109.1; Block 1, Lot 48.110

----- X

FINAL - LOT LINE REVISION

Date: June 18, 2018
Time: 8:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

MICHELLE L. CONERO
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(845)541-4163

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PASCALE/TADDEO

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CHAIRMAN BRAND: Next up,
Pascale/Taddeo, final, lot line.

Pat, you had nothing further on this as well; correct?

MR. HINES: No. This meets your streamlined lot line ordinance. It's just here for approval tonight.

We talked about it at the last meeting. It's the simple transfer of 1.7 acres of property that is contiguous to each other and actually follows generally along the existing stonewall. It makes good sense to put the lot line where it is to follow that stonewall. We don't have any other comments.

CHAIRMAN BRAND: Ron?

MR. BLASS: I have a Part 2 EAF for you, a negative declaration and a resolution of approval.

CHAIRMAN BRAND: Any comments or questions from the Board?

(No response.)

CHAIRMAN BRAND: All right. We have the short environmental assessment form part 2 impact statement as well as the SEQRA negative

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declaration and notice of determination of
non-significance.

Jen, would you poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: 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 Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: We also have before
you the resolution of approval by the Planning
Board.

Jen, would you poll us again?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

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PASCALE/TADDEO

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MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried. You're
all set, sir.

MR. MESSINA: Thank you.

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

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

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That hereinbefore set forth is a
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I further certify that I am not
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blood or by marriage and that I am in no way
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IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of June 2018.

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

MARLBORO DISTR ROUTE 9 LLC

Project No. 17-1021
1100 Route 9W, Marlboro
Section 108.4; Block 5; Lot 27

----- X

FINAL - SITE PLAN

Date: June 18, 2018
Time: 8:17 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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CHAIRMAN BRAND: Next up, Marlboro Distribution Route 9, LLC, final, site plan.

MS. BROOKS: Again, we received final approval on this application back on March 19, 2018 subject to three conditions. One was New York State Department of Transportation approval, which we have submitted the paperwork for; the second was Ulster County Health Department approval for the septic, which also has been submitted; and the third condition was New York State Department of Environmental Conservation stormwater SPDES permit coverage. The engineer for the project has suggested that generally the stormwater permit is tied to the building permit as it may be some period of time before construction actually begins. We have requested the Board to consider removing that condition -- excuse me, revising that condition to be attached to a building permit as opposed to the final site plan approval conditions.

CHAIRMAN BRAND: You're strictly referring to the stormwater SPDES?

MS. BROOKS: Strictly the stormwater. The other two conditions have been met.

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CHAIRMAN BRAND: Pat?

MR. HINES: I don't necessarily agree with the applicant's engineer but I don't have an issue with putting it at building permit either, as long as no clearing and grading occurs prior to the building permit. I think you can have that permit and put it in your pocket until you grade. The applicant's representative thinks he has to start doing immediate inspections of the site, which is their concern. They don't want to do site inspections on an existing site for however long it takes for him to start building. I don't have an issue with it being at building permit as long as there's no clearing and grading of the site which typically would kick off at the building permit.

CHAIRMAN BRAND: Ron, do you have anything?

MR. BLASS: Right now the condition is New York State DEC stormwater SPDES permit coverage. We could amend that condition to read as follows: By filing a notice of intent for general stormwater SPDES -- a general stormwater SPDES permit for construction not later than the

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time of building permit. That would kick in the coverage. I think Pat suggested a fourth condition that there be no clearing and grading on the site prior to the building permit. So those are the modifications.

CHAIRMAN BRAND: Any discussion or comments from the Board?

(No response.)

CHAIRMAN BRAND: No. We're good with that?

I would like to have a motion to revise the DEC stormwater and the conditions of approval that we gave to say no clearing or grading and revise the SPDES stormwater to be at the building permit. All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

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CHAIRMAN BRAND: So carried.
MS. BROOKS: Thank you very much.

(Time noted: 8:20 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
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I further certify that I am not
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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 June 2018.

Michelle Conero

MICHELLE CONERO