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

----- X

In the Matter of

KEVIN & KELLIE CASEY

Project No. 17-1008  
134 Idlewild Road, Marlboro  
Section 108.3; Block 1; Lot 41

----- X

PUBLIC HEARING - SUBDIVISION

Date: September 17, 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  
MANNY CAUCHI  
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
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, September 17, 2018. Regular meeting 7:30 p.m. Kevin & Kellie Casey, public hearing, subdivision; Marlboro on the Hudson, public hearing, site plan; Twin Pond, preliminary, site plan. Discussion without lawyer, engineer, stenographer, Arapahoe Trail. Next deadline: Friday, September 21st. Next scheduled meeting: Monday, October 1st.

CHAIRMAN BRAND: First up, Kevin and Kellie Casey, public hearing, subdivision, 134 Idlewild Road.

MR. TRUNCALI: "Legal notice, subdivision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to Town of Marlborough Town Code 134-33 on Monday, September 17, 2018, for the following application: Kevin and Kellie Casey, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon

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thereafter as may be heard. The applicant is seeking approval of a two-lot subdivision application for lands located at 134 Idlewild Road, Marlboro, New York, Section 108.3, Block 1, Lot 4.1. 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."

CHAIRMAN BRAND: Patti, did you do the mailings?

MS. BROOKS: We sent out fifteen certified letters, we received eleven back, one was returned as undeliverable and the other three we received the letters from the post office proof of service -- attempted service.

CHAIRMAN BRAND: Would you like to give a brief overview before we open the public hearing to the public?

MS. BROOKS: Absolutely. We have a proposed two-lot subdivision of 9.76 acres of land which is located on both the northerly and southerly sides of Idlewild Road. We're creating a 1.75 acre lot upon which a new single-family dwelling will be constructed.

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The existing house will remain on 8 acres of land and the lot will extend on both the northerly and southerly sides of Idlewild Road.

CHAIRMAN BRAND: Great. Thank you.

This is a public hearing . All interested parties either for or against have an opportunity to speak at this time. If you would like to speak, please just stand and say your name for the stenographer and you'll be heard.

Mr. Garofalo.

MR. GAROFALO: James Garofalo. I just want to make one quick comment. As you come out of the driveway it looks like from the map there might be 100 feet until you get to the curve. People driving along the curve in either direction may have some limited sight distance, so I think it might be a good idea to take a close look at that and see if you need a sight line easement across that part of the curve which would protect it from trees or fences or anything else which might obstruct the vision of people coming around that curve or the people coming out of the driveway. Thank you very much.

MS. BROOKS: We did have Highway

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Superintendent Appler review the driveway. He said it was an existing original driveway, and he finds it to be a suitable location as a driveway entrance and exit. Although it is close to the corner, we also have quite an elevation difference. The driveway location is at 670 elevation, and by the time you get down around the curve it's down to 660. I think that might aid somewhat as well in increasing the sight distance.

We also computed the property line at 25 feet off the existing center line of the roadway. If the highway superintendent does need to go in there and clear any trees along the roadway, we have offered that area as being used by the Town as the highway bounds.

CHAIRMAN BRAND: Thank you.

Any other comments?

(No response.)

CHAIRMAN BRAND: No. I'd like a motion then to close the public hearing.

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

CHAIRMAN BRAND: Is there a second?

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MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor to  
close the public hearing?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

Any comments from the Board, questions?

(No response.)

CHAIRMAN BRAND: You have before you  
prepared a SEQRA negative 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.

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MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

CHAIRMAN BRAND: Absent.

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 two-lot  
subdivision.

Jen, would you poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

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CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried.

MS. BROOKS: Thank you very much.

MR. BLASS: Did we do a rec fee  
finding on the subdivision?

CHAIRMAN BRAND: We did not. We  
will do that.

MR. HINES: We have to do a recreation  
fee finding.

CHAIRMAN BRAND: I'd like to have a  
motion to add the recreation fee to the  
subdivision --

MR. CLARKE: I'll so move.

MR. TRAPANI: Second.

CHAIRMAN BRAND: -- for \$1,500. It was  
moved and seconded. Any discussion?

(No response.)

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.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried. Thank you  
for reminding me.

(Time noted: 7:40 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 24th day of September 2018.

*Michelle Conero*  
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MICHELLE CONERO

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MARLBORO ON HUDSON

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

----- X  
In the Matter of

MARLBORO ON HUDSON

Project No. 18-2008  
Hudson Circle, Marlboro  
Section 108.12; Block 8; Lot 23

----- X

PUBLIC HEARING - SITE PLAN

Date: September 17, 2018  
Time: 7:40 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON  
MICHAEL MORIELLO

----- X

MICHELLE L. CONERO  
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CHAIRMAN BRAND: Next up, Marlboro on Hudson, public hearing, site plan, Hudson Circle.

MR. FETHERSTON: Mr. Chairman, being this is a public hearing, which way would you like me to face the board?

CHAIRMAN BRAND: I just kind of set it up back there so we can see and they can see as well.

MR. TRUNCALI: "Legal notice, amended special use permit and site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board on Monday, September 17, 2018, for the following application: Marlboro on the Hudson, amended site plan and special permit, 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 asking for an amended special use permit and site plan approval for multiple dwellings on lands located at Hudson Circle, Marlboro, New York, Section 108.12; Block 8; Lot 23. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town

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of Marlborough Planning Board."

CHAIRMAN BRAND: How many mailings were sent out?

MR. FETHERSTON: Forty-four went out, thirty-five were returned signed, two of them were returned no forwarding address. We had a couple of copies then after that.

CHAIRMAN BRAND: Would you like to give -- you can give those to the secretary. Would you like to just give a brief overview of what we have?

MR. FETHERSTON: Sure. Andrew Fetherston, Maser Consulting.

This was approved back in the '05 area for 36 townhomes, a clubhouse, a swimming pool, a roadway network. We had a sewer pump station at that time. We were carrying municipal water through the site. A lot of those improvements have been installed, have been in operation for the 12 units that were built. There's 24 remaining to be built.

This is an existing map showing the units that have been built in yellow. We highlighted the blue line to show where the water

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main is right now going. It's servicing those units.

It's 6.29 acres. This is South Street, this is Highland Avenue on the west. It's in the R, Residential, District. It had the utilities, as I said, that were built. We did an as-built survey, so this is the topography that's there today. We wanted to check, it had been so long since we had been out there. We did a complete as-built survey, and then to verify where the water main was we did ground penetrating radar to find out where it was so that we could accurately put an easement and dedicate that water line as requested by your town engineer.

The remaining pieces to be built are in orange, the 24 units, clubhouse and the swimming pool.

We also modified -- I had some conversations with your engineer. The stormwater permit from 2005 is quite a bit different from what it is in 2018. What we did was we -- without trying to do too much disturbance out there, we wanted to find a way to provide runoff reduction. That's one of the things that was not

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required back in, I believe it was the 2003 permit is what we were working under at the time. So what we did was we modified these two basins which are there. This one we're going to enlarge. It's slightly undersized so we're enlarging that. This one we're providing kind of a sister basin onto it. The initial basin will be bio-retention, shallow, a mulch bed, filter the stormwater and then it can overflow larger storms into the stormwater basin which is existing. We tried to utilize all of the stormwater pipe that was on the site.

The sewer pump station, we went out and we did an inspection to see that it was operating as we had designed it. What's missing there is a generator. An emergency generator for the stormwater pump station needs to be installed.

MR. HINES: Sanitary.

MR. FETHERSTON: Sanitary. I'm sorry. What did I say?

MR. HINES: Stormwater.

MR. FETHERSTON: I'm sorry. Sanitary. That's correct.

The only change that we're making from

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the original approval was that on these three buildings, they were approved for two bedrooms apiece. That's what was built in the yellow 12 buildings that are there. They were two bedrooms apiece. The applicant is requesting three bedrooms in each of those 24 units. One more bedroom in each unit. We looked to see what the impact would be because we have that existing sewer pump station there. The numbers that we used from DEC manuals at the time in 2003 and '04 when we were designing this thing were higher. The flows from each bedroom was higher than what it is today using the 2014 DEC manuals. So we redid a computation. We're showing that using the low flow fixtures, which would be required, we're actually slightly under what flows we projected for the original development when it was all two bedrooms. So we don't see an impact there.

We did extensive studies on this site for the original approval because there was nothing like it at the time.

What needs to happen is -- the entire roadway system got a base course of pavement. The entire white section of the pavement is what



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has been built. The two access points off of Highland Avenue and then the one off of South Street, that needs to get all top course. This gray section needs to get full depth pavement and be graded. The grades weren't completed in this area. Some of the basins will need to be reset.

There's not a lot left to tell you other than we've received Pat's comments, we've gone through everything, provided response letters to everything. We don't have any issues with any of Pat's comments. Everything that we have shown we think complies with what he was looking for.

CHAIRMAN BRAND: Thank you.

This is a public hearing. If you're interested either for or against, please just wait until you're recognized, state your name for the stenographer and then speak.

MS. BODINE: Suzane Bodine at 10 Anna Place. I can't see the map, I can't see what changed.

CHAIRMAN BRAND: Feel free to come up.

MS. BODINE: This is my neighbor from 8 Anna Place.

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CHAIRMAN BRAND: You guys can both feel free to come up and check out the map.

MR. HINES: You can only talk one at a time for the stenographer.

MR. FETHERSTON: That's what's there today. This is without the grading to show what's going to be there, what's going to be modified. So the orange are the units that have not yet been built, the yellows are built. The pool has not been built. This is one of the stormwater basins. The topography underneath is accurate. That's what's there today. We're greatly expanding that one and greatly expanding this one.

MR. SCHUPNER: What do you mean greatly expanding that?

MR. FETHERSTON: Larger volumes.

MR. SCHUPNER: To where?

MR. FETHERSTON: Well as shown on this plan.

MR. SCHUPNER: I'm downstream of that.

MS. SCHUPNER: Our problem is we live at the end of Anna Place. We live here. There's a big storm drain that opens up right about here.

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All the stormwater is draining down into this little gully between our property and the property at 194 to 200 and some. Noto's own it. This isn't his issue but Noto has dumped an extreme amount of dirt and the dirt has fallen down. What used to be a waterway that ran from Hudson Circle to Church Street is now a stream through our yards causing our property to be unusable. So if you have more people, it's going to be more water. My yard is unusable and my garage is flooded. How are you going to -- what are you going to do?

MR. FETHERSTON: I know the drain you're speaking about. There's a catch basin right here that's doing that discharge right there. That's the discharge point. That's actually just getting the road drainage from Highland Avenue. It's not getting anything from the site. The entire site is draining in this direction. We're discharging down by South Street.

MS. SCHUPNER: But there is also a gully between the road here and this property and it's all -- it closed. It all closed. There's

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water that's flowing from this project and the Highland Avenue houses that have been built, and that water flow has been changed and it's destroying our properties.

MS. BODINE: Even before.

MS. SCHUPNER: Even before the houses were built on Highland Avenue. So this is a major concern of mine.

MR. FETHERSTON: We can take a look. We can work with the town engineer to see if there's some remedy that can be derived from our project. That pipe discharges on the adjoining property to the north. We don't have control over that. It is getting the drainage from the road, not from the site.

MS. SCHUPNER: Because when we -- this section here and then there's a little walkway and trees right here. Right here is where the pipe comes out.

MR. FETHERSTON: That's right.

MS. MORIELLO: Excuse me. I'm Mike Moriello, I'm the attorney for the applicant.

Andrew, maybe you should mention too that we have to attenuate the flows.

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MR. FETHERSTON: We've done that. We have done that. We've expanded the basins. The drainage from the site that was originally -- as was originally designed attenuated the peak flows as was required at that time. That part of the permit did not change. The part of the stormwater permit that changed dealt with water quality. That's what we're modifying in here, to provide that water quality volume now. It really doesn't have anything to do with peak flows, though they are still attenuated by the improvements we put in.

The water that they're speaking about is down in this area. It's coming from Highland Avenue and it discharges on the property to the north.

CHAIRMAN BRAND: Whose pipe is that?

MS. BODINE: There's two drains.

MR. FETHERSTON: I don't know that.

MR. CAUCHI: Is the water discharging from the site or -- where is the pipe?

MS. BODINE: The pipe is on the bank where my property meets with the townhouses and Noto. It comes to -- three of us meet and the

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pipes --

MR. CAUCHI: And the pipes are coming from where?

MS. BODINE: There's two of them. From the bank owned by this property.

MR. FETHERSTON: The catch basin is located in the right-of-way of Highland Avenue, it's shown right here on my map, and then there's a 24 inch drain pipe that goes down and discharges right here. The outfall of that we picked up as well. We located that on the map as well.

MR. CLARKE: Where does it go after that?

MS. BODINE: To my yard.

MS. SCHUPNER: My property.

MR. SCHUPNER: Any discharge from that is --

MR. HINES: Did I hear you say someone changed the grading --

MS. SCHUPNER: Yes.

MR. HINES: -- as well? Not this project?

MS. BODINE: Not this project but the

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houses that Noto built from 194 and north. I have -- we have pictures. There are hundreds, I mean hundreds and hundreds of dump trucks full of dirt. The dirt has fallen down between the properties where this waterway used to be. The waterway is now deviated. It used to be a stream that just ran from that pipe down to Church Street.

MR. SCHUPNER: About 45 feet the silt has actually pushed the stream.

MS. SCHUPNER: The stream is now in my backyard.

MR. SCHUPNER: It's literally in my lawn which is now a wetland for mosquitos, mice, snakes. This is inside my garage.

MS. SCHUPNER: My backyard has been unusable for the last year.

MS. LANZETTA: Do you know when the Noto subdivision was?

MR. HINES: It was awhile back. The houses were located just along the frontage of Highland Avenue. I'll take a look at it. It doesn't seem like it's this project that caused it.

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MS. SCHUPNER: This project will exacerbate the problem.

MS. BODINE: That problem is still there, even with the drainage from this project. It was still there. Just Noto's has made it far worse.

MR. TRUNCALI: Andrew, no water from that northerly catch basin or detention pond drains that way?

MR. FETHERSTON: No, it doesn't go that way.

MR. TRUNCALI: It goes to the south?

MR. FETHERSTON: The outlet is here. That's the outlet.

MR. TRUNCALI: Where is it going from there, north or south?

MR. FETHERSTON: That's going to go in this direction. That's correct. That is going to go in this direction from this basin. We're enlarging that basin and we've shown that we're not going to provide any increase in peak flow. I can go out with Pat and take a look when he goes.

MR. CLARKE: That would be a good idea.



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This sounds like a pre-existing problem.

MR. FETHERSTON: Right.

MS. LANZETTA: With these detention sites there shouldn't be anything added to your existing problem. I mean if the engineering and everything is built to the specifications, the whole point is that these places will hold that water and allow it to -- well, that's --

MS. BODINE: You're not living in it.

MS. LANZETTA: Yeah.

MR. CLARKE: That needs to be resolved.

MR. TRUNCALI: Andrew, between Anna Place and where the sewer pump station is, is there a pipe there from your site going across there?

MR. FETHERSTON: There is right here. There's a pipe right here, yes. I'll go out with Pat and take a look.

CHAIRMAN BRAND: So overflow from that detention pond could in theory go into that and then --

MR. FETHERSTON: It's going to go in that direction. That's correct.

MR. HINES: It's been doing that for

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decades.

MR. TRUNCALI: Have you ever seen water coming out of that pipe or just the one coming down --

MS. BODINE: Yes. There's two black ones. When it rains real hard it comes out both of those pipes.

MR. FETHERSTON: As it's intended to.

MS. SCHUPNER: Into my yard.

MR. FETHERSTON: I understand that. We'll take a look and see if we can't resolve this.

MS. SCHUPNER: Where is this wastewater treatment area?

MR. FETHERSTON: There's no wastewater treatment on the site.

MS. BODINE: There is an ejector pump in there that's currently there. What it does is it ejects the sewage up Anna Place into the sewer.

MR. SCHUPNER: Municipal?

MS. BODINE: Yes. It's a municipal.

MR. SCHUPNER: There's no fallback just as far as the generator?

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MR. FETHERSTON: The generator is required. The generator is required.

MR. SCHUPNER: Without that that's going to come down my way?

MR. FETHERSTON: The generator is required. That I can tell you.

CHAIRMAN BRAND: The generator is pumping it uphill.

MR. FETHERSTON: Uphill to Anna Place.

MS. BODINE: That's the only sewer they have. They didn't have water here. It was this way.

CHAIRMAN BRAND: If the generator failed it would come back to your property?

MS. BODINE: If it overflowed it would go on mine because it's graded -- there's a berm that's supposed to be there. The way it's graded now, it would go right into my driveway.

MR. FETHERSTON: The sanitary sewer works on electricity. The generator is a backup. That's not the main source.

MS. BODINE: Now you're adding a whole lot more. And now you want three bedrooms instead of two bedrooms.

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MR. FETHERSTON: Which we did  
computations on.

MS. BODINE: When this was originally  
with Mr. Diorio, he told me that it was supposed  
to be 55 and older, and that changed.

MR. FETHERSTON: That had never been  
part of our approvals whatsoever.

CHAIRMAN BRAND: That was not part of  
the original approval.

MS. BODINE: That's what I was told.

MR. SCHUPNER: Does he have gutter  
water going to the storm drains?

MR. FETHERSTON: Sure. All of the  
rooftops would go into the stormwater system,  
yes.

MR. SCHUPNER: That's not going into  
municipal?

MR. FETHERSTON: It all ends up in the  
municipal stormwater system, yes.

MS. BODINE: So what are you going to  
do about privacy for the homeowners over here,  
noise levels, now that you're adding -- and the  
traffic?

MR. FETHERSTON: We did thorough

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studies with the original including traffic. Noise is not thought to be an issue for a residential development as this. We have a full landscaping plan, lighting plan. All of those have been provided to the municipality.

MR. SCHUPNER: This is built to the specs -- I think when we first moved in, how long ago was that? Ten years. It was supposed to be a senior community.

MR. FETHERSTON: It was never -- this was never approved as a senior community. If you were told that --

MS. SCHUPNER: That's what we were told by our realtor and she was told by Mr. Diorio.

MR. SCHUPNER: There's a lot of redundancy built into a senior community that might be absent in this.

MR. FETHERSTON: This was never approved for a senior community. This is the first I'm hearing that, to be perfectly honest with you. I was involved with this from the start.

MS. BODINE: I don't remember that being --

CHAIRMAN BRAND: The existing two

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bedrooms, from what your representative told us last time, they're the same number of rooms; correct?

MR. FETHERSTON: Yes.

CHAIRMAN BRAND: It was marketed as two bedrooms with a den space. They're not going to be larger square footage wise, it's just that den is now becoming a bedroom.

MR. FETHERSTON: That's right.

MS. LANZETTA: Would you like to see the landscaping? Do you want to set it on the table over there? That's the landscaping plan if you want to get an idea of the plantings.

CHAIRMAN BRAND: Maybe while they're doing that, are there any other comments from the public?

Mr. Garofalo.

MR. GAROFALO: James Garofalo. On sheet 3 on your legend you have the depressed curb ADA ramps as identified as HC and on the plans I think you're showing them as DC.

I also wanted to know whether there's a depressed curb opposite the existing buildings, because on that sheet it didn't show any but it

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might be an existing condition. Is there one?

MR. FETHERSTON: We'll have to look.  
We'll clarify that.

MR. GAROFALO: If there isn't, you're putting reserve parking opposite it. It would make sense that you would have a depressed curb there for people to enter those buildings.

MR. FETHERSTON: Okay. We'll look at that.

CHAIRMAN BRAND: Anything else, Mr. Garofalo?

MR. GAROFALO: I'm not sure if the landscaping plan shows native species of trees or not. If it doesn't, that should be identified on the plan because it's the Planning Board's -- one of the things they're supposed to do is look at that particular item to make sure that there's a sufficient amount. Thank you.

CHAIRMAN BRAND: Thank you.

Yes, sir.

MR. BROOKS: Dan Brooks, I live on the corner of Highland and South.

Going back to that, Mr. Diorio is a friend of mine, I spoke to him many times about

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this project. The reason he went with two bedrooms is because he truly wanted to have it 55 and older people. Not market it but desirable. As a matter of fact, he quoted he was willing to or may have elevators in a couple of current units because of that. That was something he had. The local families, we always got together in that area and had our meetings. He actually attended it and we had our own meetings. He wanted to get all the neighbors. Like I spoke to Jim Bello, I spoke to the project manager that's there, I spoke to him a couple times about this project and he's very willing to work with us also, which is a good thing.

Going back to the three bedrooms versus the two bedrooms, and maybe Pat Hines can answer this, I think there was a formula in the amount of parking spaces that would be increased with three bedrooms, because obviously you're going to have younger kids or whoever, maybe an Airbnb, I don't know how these leases are, with more parking, more vehicles that may be parked in the parking spots that are currently there. With that being said, have you calculated the



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vehicles?

MR. HINES: Parking is not based on the bedroom count. It's per unit.

MR. BROOKS: Okay. But logic, more bedrooms, more cars.

MR. HINES: There is excess parking.

MR. FETHERSTON: Can I respond to that? By the Town's computations we have on the plan 54 spaces are required. We're showing 116 spaces. We counted garage spaces, we counted the driveways, we counted the parking spaces that are around the site. There is more than enough parking on the site.

MR. BROOKS: I also spoke to a lot of neighbors in the area and one of their questions is how much are the units going to sell for?

MR. FETHERSTON: I'm the engineer. I can't answer that.

MR. BROOKS: You can't answer that?

MR. FETHERSTON: No.

MR. BROOKS: All right. Another thing is too, landscape in that corner. I live right on the corner of Highland and South. I'm looking at -- if you look on the Highland Avenue side,

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that's a bare slate hill and there's no landscaping there whatsoever. I thought the gentleman -- I just want to clarify with the Town that he's willing to do something with that slate hill because, let's face it, that's part of the rail trail, the wine trail. I mean weekends we have a lot of people come from Jersey and New York. It looks like garbage in that corner, really, compared to the neighbors.

MR. FETHERSTON: It's incomplete construction. I agree with you.

MR. BROOKS: I mean there's nothing on the original plans. We've thrown out some ideas. One of the questions he brought up is what can we actually do there. I believe there's a certain amount of feet from the center of the road that we can't really touch because it's maintained by the Town. Is that true?

MR. FETHERSTON: Sure. I mean the width of the right-of-way which goes up the bank which is down in that location. South Street and Highland Avenue, as the Board is aware, is quite depressed in that area and the site raises rather rapidly in that area. I'm looking at my numbers

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here. 371 elevation on the top of the hill, 361 at the intersection. We're showing on the landscape plan what's missing from the original landscaping. Some of the landscaping was put in with the original 12 units that were installed. What we're showing is supplemental landscaping to bring it up to what it was supposed to be with the original layout in quantity of plants and in location. There's a row of pine trees that are existing here that are quite mature now. They're all over the site when we were preparing these plans. We're also proposing to wrap around the corner, so that should also help with headlights that are on our roadway. We have provided the --

MR. BROOKS: But the actual slate hill there, where would you have -- what do you plan to do with that? Keep it the way it is with weeds and --

MR. FETHERSTON: No. That was supposed to be landscape grass.

MR. BROOKS: Grass on a cliff?

MR. FETHERSTON: Well on this side of the hill.

MR. BROOKS: No, no. The other side.

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MR. FETHERSTON: On this side it's too steep to mow. It's going to be natural.

MR. BROOKS: What are you guys going to do with it?

MR. FETHERSTON: There's nothing proposed right there. It supposed to remain.

MR. HINES: The steep portion is actually in the Town right-of-way, it's not on their property.

MR. FETHERSTON: We can't touch it.

MR. HINES: That really steep bank is actually in the town right-of-way.

MR. BROOKS: Nothing can be done with that?

MR. HINES: They're landscaping within their property above that. The really steep grade there at the intersection is not on their property. They may want to, as a marketing --

MR. BROOKS: Quite frankly, the Town could beautify it, you know what I mean. You're going to have -- I assume they're going to sell for 300, maybe 325. Like you've got a lot of people from the city and Jersey coming through there. The first impression is the only

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impression. That's a main thoroughfare for all the commuters that come through there.

MR. HINES: We can talk to the highway superintendent and see if they can work out something with the developer.

MR. BROOKS: He said he will.

MR. HINES: He didn't know where his property line was.

MR. BROOKS: He didn't know what he can or can't do on that.

Is there going to be natural gas or oil to these units?

MR. RUSSO: There's no natural gas there.

MR. BROOKS: There is oil?

MR. RUSSO: Propane.

MR. BROOKS: Okay. Now, here is the other thing. I remember I had a discussion with Larry Diorio, two bedrooms, three bedrooms. Obviously it's going to bring more kids in the area. I'm sure there's going to be very little effect on the schools. I know, I have a condo down in Florida and once you get the younger kids coming in, there ain't no place to play

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basketball. They have their own basketball courts which is against the rules and regs. What do you have to offer for kids? Do you have a swimming pool, a game room of some sort? What do you have? I know the school is around the corner. I think even now there's a couple basketball courts the kids brought in. They have to be active. I'm not against it. It looks kind of out of place.

MR. FETHERSTON: There is the swimming pool and the clubhouse. The clubhouse is yet to be designed and what amenities will be inside the clubhouse. Like every other residential property that's developed in the Town and in all the municipalities in the surrounding area, if you can not provide recreation on the site, recreation fees are paid by the developer to the Town to supplement what's here. So that was done back in the approval stage.

MR. BROOKS: Right. But realistically, you know, drive to the nearest court which is the high school over here.

That brings the other question. Going back to are these townhouses or condos?

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MR. FETHERSTON: They're condominium townhouse style.

MR. BROOKS: You're using two words.

MR. MORIELLO: My understanding -- Mike Moriello again. My understanding is that they are condominiums in a townhouse style build.

MR. BROOKS: So legally they're taxed as condominiums?

MR. MORIELLO: Yes. That would be correct.

MR. BROOKS: How is the tax different?

MR. MORIELLO: If this was a townhouse development it would require a subdivision plan. It would require an actual subdivision plan. It's not townhouses.

MR. BROOKS: So it's a -- are condos taxed differently than townhouses in this Town?

MR. MORIELLO: That I don't know. I do know the taxes are not relevant really with respect to the Planning Board.

MR. BROOKS: The way the property is kept, too. The maintenance fees take care of all the property?

MR. MORIELLO: They'll have a

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homeowners association and they'll have common ownership of property too. That's regulated by the Attorney General of the State of New York. There will have to be an offering plan as part of this, which I believe the law firm Couch, White is providing.

MR. BROOKS: All right. Thank you for answering my questions.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: James Garofalo. I just want to respond to the comment about Airbnb. One of the things that when you have a homeowners association, those are the people who are going to object the most about that kind of use, legal or illegal, that would be done on the property. I think there's probably even a less chance that someone would try to get away with that in a situation like this where people are living so close to one another and knowing exactly who is coming and going. The Town's already dealt with this issue on another project, so I think the Town is familiar with this kind of use. I think this is the kind of situation that would be least likely to see that kind of use sneak in. Thank



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you.

CHAIRMAN BRAND: Thank you.

Anything else? Yes.

MS. BODINE: Why is this being finished now and not years ago?

MR. MORIELLO: As happened with a lot of my clients over the years, I suspect it has something to do with the economy. You know, there was a severe downturn. I think this was approved originally in 2005. For whatever reason 12 units were built and then it was held in abeyance until now. I would surmise that it's the economy.

MS. BODINE: So the shareholders have the funds to build all this now?

MR. MORIELLO: Yes.

MS. BODINE: Right now the people living there own their unit but that's it? There's no association right now; correct?

MR. MORIELLO: I don't believe that there is. I think that offering plan --

MS. BODINE: No, because it has to be finished to have an association.

MR. MORIELLO: That's correct. I don't

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think there is an association on file.

MR. BROOKS: I think this was a big gripe a lot of neighbors had in that area, is hey look, we understand the economy, we get it. You started up two or three, whatever it is, and then boom just dropped it. There was a discussion back then that any other projects that are to be built, that it perhaps would be a better idea just to keep it or just landscape it and make it look good at least, put the roads in and then put the houses, not the houses or condos and then in this case, quite frankly, all the neighborhood looks like a piece of crap sitting there. At least if it was landscaped it would look good. That's something for the Planning Board to take into consideration because you have other projects going up. Hey, it turns south in twelve months and we're in the same predicament. Then you have two or three other projects like this half made, half done. At least if the landscaping and they did the curbing and roads and everything like that, the infrastructure, water and sewer, which is another thing because a lot of people want the sewer to be extended.

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Going back to the sewer. When they put it in you guys had an alarm, a red light, a fire truck light that would go off every weekend when the sewer thing was filled, and nobody was there to respond and they disconnected that. Is that still there? I know you're going to have the back-up generator. When there's a problem and I would hear it, Ray would hear it, gosh we have to call to turn it off, where are they? In Florida.

MR. FETHERSTON: An alarm and a light will be on the pump station. It needs to be on there.

MR. BROOKS: It's annoying. I don't think there's any regs that say look, whoever owns it has to take responsibility and don't let it blare all night. It's a very loud alarm. It's very annoying.

MR. FETHERSTON: It's not meant to be a distraction. It's meant to be an alarm. It is meant to be an alarm.

MR. CLARKE: Who is responsible for that?

MR. FETHERSTON: The owner.

MR. HINES: Eventually, once the

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project is done, the homeowners association will be responsible for it.

MR. CLARKE: At this point the owner owns two-thirds of the homeowners association, so he's in control.

MR. HINES: There isn't an association. I think there has to be a certain percentage before it's formed.

CHAIRMAN BRAND: Is the plan to have a maintenance company or will it be run on --

MR. FETHERSTON: He would have to, yeah. He would have to. It would have to be professionally maintained certainly.

MR. BROOKS: I don't think - I think if a house alarm goes off there's certain fines that are levied against the homeowner. Maybe the Town should decide to do something like that. There's nothing enforcing this and here we are, 1, 2, 3 o'clock in the morning and I have to listen to this thing. Larry said at one point we're going to disconnect it because a lot of neighbors complained about it. I think everybody forgot about it because he disconnected that thing after the first year. I mean it's good to have but

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it's a real pain in the you know what.

MR. CLARKE: There should be a call device that someone has to respond to it within a period of time. There should be a telephone hooked up with a dedicated number that goes to somebody.

MR. FETHERSTON: That's frequently done with many systems today.

MR. CLARKE: That should be the way to go.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: James Garofalo. I guess one of the things the other gentleman was bringing up was a question of a construction bond. Was there a construction bond put up for this when it failed to complete and what happened to that construction bond, and then is there going to be another construction bond required for this and other projects? Thank you.

MR. MORIELLO: I mean as far as bonding goes, from a legal standpoint, most times, I'm not going to say all times, but most times private improvements aren't bonded. Public improvements have to be bonded but private

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improvements don't require bonding. Sometimes they are bonded but that's not a requirement, that law, to bond private improvements.

CHAIRMAN BRAND: Mr. Gerentine.

MR. GERENTINE: Richard Gerentine. I'm a resident of the Town and also a developer of a couple projects in the Town. I disagree with you having your own recreation. You still have to incur recreation fees unless the rules have changed since I built. I spent over \$250,000 in recreation fees. I hope that rule hasn't changed.

Overall this project here has been a project going on since 2004. I live right up the street from it. I have no problem with the intent of the project. Some people have concerns from what I'm hearing tonight.

The attorney said the Attorney General. With respect to this project, since you have offered the project you have to go back and get it amended.

MR. MORIELLO: I don't know what exactly Couch, White is doing. I just know that they are handling things with the AG's office. I

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don't do offering plans. CPS letters I do, not offering plans. It's a real specialty.

MR. GERENTINE: There again, I think you changed the scope of the project going from two bedrooms to three bedrooms in many different ways regarding the amount of people living there, the influx on the school district and I think the prospective plans. It has to be addressed with the Attorney General to make sure it gets done properly in that regard.

Like I said, I'm a developer. Fortunately if I say I'm going to do something, I follow through and get it done. Sometimes people aren't able to do something for a certain reason, economy, lack of funds, whatever the case would be. I would suggest again, and I mentioned it before to the Town Board and Planning Board, and I know regarding as a developer, but I think he should have some kind of way to proceed with the plans they have, some way to finish those plans in some way, shape or form, if not finish the project itself for the aesthetics of the project, the project itself so it doesn't look like a land mined for ten years in that area and all of a

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sudden let's come back and restart it and redo everything over again. I think that should be looked at. Maybe you can't with this particular project but for future projects that might be something you might want to consider for future projects. I think it has to be addressed.

I'm not an attorney, I don't pretend to be. I think with the Attorney General you have to address that to make sure what you say you're going to do, you follow through. You've had very substantial changes from two to three bedrooms.

I have no problem with the project. If the project is done correctly it would be an asset to the Town. There again, if it's done correctly. I'm saying all that. You have a lot to develop. Good luck.

CHAIRMAN BRAND: Thank you.

Mr. Garofalo.

MR. GAROFALO: I'm not for or against this project. It probably will be good for the Town.

I do have one additional question, and that is the existing units, will those also be converted to three bedrooms or is this only for



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the new units that are being constructed?

MR. FETHERSTON: The new units.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: Anything else from the public on this project?

MS. BODINE: We just really want to make sure that the sewer and the drainage is taken care of. We're not -- no one is against progress. Going from two bedrooms to three bedrooms, I think that's a little much. We're a dead end. You know, a quiet street. Now with the added -- the duplex there and God only knows what you're going to build again, it's just too much congestion, too much noise. Leaving it to two, I feel that that's better.

When you do these projects you really have to think about the people who live in the community and what's surrounding. That's why you send letters out. That's why we're here, because we have just as much right as everybody else to live a nice, quiet, peaceful existence without a flood in our yards.

CHAIRMAN BRAND: Thank you.

MS. BODINE: That's it.

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CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: No. I'd like a motion to close the -- yes?

MR. SCHUPNER: I don't have a lot of time. I have to step out of here rather quickly.

I'm not familiar with the process of how to follow up with the Board or anything like that. Even this pending rainfall tonight, tomorrow from the storm is going to be catastrophic for my property. I have to follow up with someone on this. I've got -- right now as far as my job entails me to leave and go take care of somebody. Who and how or how and who do I follow up with about this? This rainfall alone from the silt that builds up in my yard is going to be catastrophic for me. What do I do?

CHAIRMAN BRAND: I think the two engineers stated they were going to go out and go on site and hopefully come up with some type of solution that works for everybody.

MR. SCHUPNER: How do I contact them?

CHAIRMAN BRAND: You can contact the Planning Board office. Jen Flynn is the

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secretary there. That's how you do that. Also I would keep an eye on the agenda. If you see this come up on the agenda again, you probably might want to attend the meetings to see how the project is progressing.

MR. SCHUPNER: I concur with my neighbor. We have adjoining properties and even the slight rainfall or moderate rainfall that's going to come is going to be catastrophic to my property.

CHAIRMAN BRAND: Hopefully they come up with something to resolve that situation.

MR. SCHUPNER: Thank you.

CHAIRMAN BRAND: Mr. Brooks?

MR. BROOKS: One more time about the two versus three bedrooms. Like Mr. Gerentine had said, how will we know what was the outcome of that? Is there any possibility of you telling them no, you said two, only two, you can't go three, now the whole process has to be prolonged or whatever? How do we know as neighbors? We follow this and it took me by surprise being three. How do we know if it's going to be two or three -- two or three bedrooms per unit?

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MR. FETHERSTON: We're asking for three. It's the Board's --

MR. BROOKS: The Attorney General, do they have a say about it?

MR. FETHERSTON: That's after approval.

MR. CAUCHI: You're converting them all to three units; right?

MR. FETHERSTON: No. There's people living in them.

MR. CAUCHI: The new ones?

MR. FETHERSTON: Just the new ones. Correct.

MR. CAUCHI: I need to understand. Are you going to build this all -- what's the intent? All at one time, all 24 units, are you going to do it in phases until you sell them and keep going?

MR. RUSSO: One building at a time.

MR. HINES: You'd have to build all eight units in the building. It will be eight at a time.

MR. CAUCHI: It's going to be phased out?

MR. HINES: Three buildings times

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eight.

MR. CAUCHI: Do we know the time span?  
Ten years, five years?

MR. RUSSO: It's a function of the  
market. It's to be built as quickly as the  
market will allow us. I know it's a vague  
answer.

Additionally, you keep talking two  
bedrooms. The units that are there now were  
approved with two bedrooms and a den. The square  
footage, nothing has changing other than the den  
is going to be made into a third bedroom. It's  
still -- whether it's a two bedroom or three  
bedroom, it's still three individual rooms.

CHAIRMAN BRAND: I have to assume some  
of the existing ones, that those dens are being  
used as a bedroom today.

MR. RUSSO: I just want to clarify.  
You keep saying two bedrooms. We're not adding a  
third --

MR. BROOKS: I understand that. From  
day one this project was set up as two bedrooms.  
You know, most of my neighbors aren't here. I'll  
go back to them tomorrow, what do you mean three

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bedrooms, it was approved for only two and not three. That means more cars, more people, more kids. Larry -- originally they were supposed to put six or seven homes there. Now the whole thing -- we were in here, I don't know how many months going back and forth on it. The whole thing is, in my opinion, a big change. How do we know whether the Planning Board is going to say yeah, go ahead tonight with three bedrooms? Is that your position right now, the whole Planning Board? Are you going to say yes?

CHAIRMAN BRAND: They're a long way from approval at this point, Mr. Brooks.

MR. BROOKS: I can't hear you.

CHAIRMAN BRAND: They're a long way away from approval at this point.

MR. BROOKS: I mean if there is more debate and it goes back will there be another public hearing so they can hear what we have to say? I know I talk to my neighbors and it's supposed to be three, that we should have been here. They'll be probably yelling and screaming about it.

I'm not against the project at all.

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Whatever you guys are going to do will be a lot better than it is. I think, going back to our discussions earlier with Larry Diorio who really worked with us neighbors, and that was his commitment to us. Now all of a sudden, you know, it's going against his wishes. I mean, you know, I think against the neighbors' wishes too. I'm speaking for myself.

So at this point in time I take it the Planning Board is going to say yup, they can do three bedrooms?

CHAIRMAN BRAND: As I said, we're not making any final determinations tonight.

MR. BROOKS: Will you let us know when you're going to make a determination? In other words, why don't you keep the public hearing open until we find out what the resolution is, two or three? That's my request.

MR. MORIELLO: There isn't really a solution. There's three bedrooms planned and that's not going to be a negative -- I don't think it's a negative effect on anything.

MR. BROOKS: You don't understand, you don't live across from this project. We do.

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MR. MORIELLO: I think you have to look at it in terms of where it will be analyzed under site plan or special use permit review, and that's -- the Board is confined to that review. They have to look at it from the standpoint of if they want to say under site plan, for instance, what's the difference between two bedrooms and three bedrooms, that's a legitimate question to ask. In terms of -- I mean I do a lot of multi-family projects. In terms of school children, for instance, it's going to be de minimus. It's going to be a very, very small change.

MR. BROOKS: I know that. What I'm saying is --

MR. MORIELLO: I mean the traffic level right now, if I remember right, for two -- for the project that's two bedrooms was --

MR. BROOKS: I'm just asking a request to keep it open and have more people come down to hear this because I think it's a big change. I think if we have a thousand unit condominium going from three to four bedrooms it would be a big hoopla.

CHAIRMAN BRAND: Does the Board have an



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objection to keeping it -- we can adjourn it for  
this evening -- to keep it open until the next  
time?

MS. LANZETTA: The public hearing?

CHAIRMAN BRAND: The public hearing.

MR. CLARKE: That's fine.

MR. CAUCHI: Keep it open.

CHAIRMAN BRAND: We can adjourn it this  
evening and reopen the public hearing when they  
reappear again.

MR. HINES: You have to pick a date.

CHAIRMAN BRAND: Right. We will.

Are you okay with that?

MR. CAUCHI: Discussing two bedrooms,  
three bedrooms?

CHAIRMAN BRAND: Right. It would be up  
to probably the developer, and after our  
comments, and Pat's comments, and Ron's comments.

In theory are we open to the idea of  
keeping the public hearing open is my question?

MR. TRAPANI: Yes.

MR. CLARKE: Yes.

MR. CAUCHI: Yes.

MR. TRUNCALI: I would leave it open

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for written comment.

MR. FETHERSTON: Mr. Chairman, we did receive comments from County Planning. We did receive Pat Hines' comments to which we responded. We're not expecting any additional comments. I can understand you want to keep it open from the comments received this evening. I can say tomorrow is the day. Tomorrow is the day we're going to get a good rainstorm. I'll be out there and see what's going on and I'll video that. That's the perfect day for me to go see what's going on. I'll stay on our property and do it but I want to see it.

CHAIRMAN BRAND: Okay. Ms. Bodine, would you have a problem with that on your property as well?

MS. BODINE: No. You can go right on the property. I've already taken pictures anyway, so you're more than welcome to.

MR. FETHERSTON: What's your address?

MS. BODINE: It's 10 Anna, and then 8 Anna behind me.

CHAIRMAN BRAND: Ron, why don't you run through your comments.

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MR. BLASS: So there is an increase in bedrooms from two bedrooms to three bedrooms, or two bedrooms with a den to three bedrooms. There may be some SEQRA implications under that. I think the project has contractual rights to sewer service from the Town, and maybe water as well. An additional bedroom may push the capacity of use for the units up to the maximum capacity established. That should be looked at. There might be a negligible impact on schools because the baseline is two bedrooms and we're talking about analyzing differentials of a third bedroom. So the base is fixed at two and this will be at three. The impact on the schools might be examined under SEQRA, and also additional traffic.

CHAIRMAN BRAND: So that would be my next question. There's been some mailings back and forth between the attorneys. Is it their assertion that a new SEQRA does not have to be completed for this project?

MR. BLASS: That's the project's position. Pat and I don't necessarily agree with that. So you could take a look at the impacts

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related to the third bedroom and require the project to supplement the SEQRA record to analyze those impacts and then make an amended negative declaration or a positive declaration at the end of that.

MR. FETHERSTON: We can provide that information very easily to the Board for additional school kids, traffic over what was originally provided . We can provide that.

CHAIRMAN BRAND: I'd like to have that. I know you did talk about the impacts to the water and the low flow, how it wasn't above the peak capacity. If you could put that in your findings as well.

MR. FETHERSTON: We provided that. We submitted that to the Town, the calculations. We can reiterate that. That's not a problem.

CHAIRMAN BRAND: Excellent.

MR. MORIELLO: I would clarify, Mr. Chairman. While I don't believe SEQRA has to be revisited, the issues that Ron is bringing up, which I do touch on in my memo, I think are legitimate to bring up under site plan in any event. I think those questions can be asked and

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answered under site plan. It's the Board prerogative what they want to do with respect to SEQRA.

CHAIRMAN BRAND: We can just amend the original SEQRA?

MR. BLASS: There's no need to rescind the original declaration, just supplement the SEQRA record and amend it.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: I'd like to point out that in the original SEQRA, under the impact on land there was a section saying that there would be only one phase of construction and it outlined that single phase. I've heard tonight that there might be phasing. I think we need to be very clear as to what's going to be happening with that property and how those phases could go.

I'm also -- I'm very confused about this whole condominium agreement kind of thing. I'd like to see what's on file now, what people who have purchased these properties are signing with the expectation of what they're thinking that they're buying into. One of the things that I'm concerned about is even if we get these

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buildings done and people are assuming that there's going to be a pool and a clubhouse, I've seen a number of places that those things never materialize. I am concerned about this kind of -- the amenities being an important part of the phasing in and preferably immediate if this is a selling point, because we're here to protect the people who are existing homeowners around the property but we're also here to protect the people that are going to be coming in, our new neighbors. If they are coming in expecting, as I said, these amenities and these things, we need to make sure that those things are going to be there for them.

MR. CLARKE: Should that be bonded?

MS. LANZETTA: I don't know. I'd like to see something, the condo agreements as they are now and what -- are they being told they're getting this? I don't know. If they are, then perhaps we have to make sure that's one of the first infrastructure improvements that's put in along with the transportation and the roads.

MR. HINES: I've seen that done with a limited number of building permits issued prior

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to the recreational facilities and other amenities being put in. There could be no building permits until, in this case, because the projects already been done. The larger project, improvements have to be in at 4 units of the 100 units, so it triggers it. You're not waiting until the end for some developer to -- not saying here -- but cut and run and not do those improvements. There is that mechanism that you could do. There could be no building permits until as a mechanism to do that.

The other issue is the people that bought the units, what did they buy into.

MS. LANZETTA: That's what I want to know. That's why I'd like to see some kind o -- what kind of agreements they have.

MR. HINES: I have that comment.

MR. CLARKE: It can't be too bad, they didn't come to the public hearing.

MR. HINES: I noticed that.

MR. MORIELLO: We'll check with Couch, White and see if we can get some kind of a letter from them or something like that. I don't know what stage their offering plan is in.

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MR. HINES: I had a previous comment similar to this one that the roofs on the houses that are built there and the utilities serving them are outdated and the newer people are buying into a brand new unit and they are also buying into the ten-year old or twelve-year old roofs in the other units. I don't know if they are addressing that. I've seen issues in condo complexes that have been over years time -- phased in over years time. That issue needed to be addressed. Sometimes it's done by an underlying separate homeowners association. I just don't know the answer. I think that the people working on that prospective need to take a look at that.

CHAIRMAN BRAND: Just to be clear, it is your intention to build all three additional units? You're not thinking of building one and then stopping? The plan is to build all three of these; correct?

MR. MORIELLO: That's not our answer.

MR. CAUCHI: They're saying they're phasing, build one, rent it, build another one, rent it.



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CHAIRMAN BRAND: Okay. Pat, do you want to run through the rest of your comments?

MR. HINES: The applicant has them. One of our concerns is the water main. That's something that also dropped off the picture here during the construction. They provided us with a new easement. The Town is looking for that actual piping to be dedicated to the Town. It was always the intention. It never did occur. The water main as-built easement has been shown. We just need that water main to be dedicated within that easement so that the Town will have ownership of those pipes. It was always intended to be that way should there been any future extensions. We ran into an issue in the past where a project owned the water mains. So those are always intended to be dedicated.

MR. MORIELLO: Ron and Pat, does Marlborough do an offer -- you want an offer of session or just the deed?

MR. BLASS: Offer of session would be good.

MR. HINES: We would have set the original design differently. In other words, it

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would have had a master meter on the site. It was always intended to be dedicated as part of the Town's infrastructure.

The sanitary pump station and generator, we don't have those plans and details yet.

The condominium filing we just discussed.

One of the changes to the plans we haven't touched on tonight, the original plan had a bollard type lighting throughout the site, pedestrian scale. They weren't constructed that way. It's standard lighting fixtures put in. They're proposing to use standard LED type lighting fixtures shielded. That is a change from the previous plans. They're matching the existing ones on the site now with the full cut off.

MR. FETHERSTON: Member Lanzetta brought that up, the night lighting and the desire to have that. They had existing poles out there that were not on the approved plan. It was bollards. Low lighting was proposed. What we did was we looked at the existing lighting and

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got the spec on that. Of course that's not manufactured any more. Now everything is LED. What we did was we looked at the heads to match the heads in style and then provide the downward light that's required from every municipality that we work in. That's what we did. The applicant actually got up and got us the spec on the light and we saw we could retrofit it. I think we got that set.

MS. LANZETTA: I just want to add that the County didn't have any issues with the lighting plan either.

CHAIRMAN BRAND: The County's only suggestion was the rent. The proposed site plan in this case was ten percent or two units are set aside for those families having a median income of 80 to 120 percent of the median household income for the Town. Is that something that you guys are amenable to?

MR. MORIELLO: It's supposed to be a market rate project. I mean I have this issue with Dennis periodically, going into areas that aren't Ulster County Planning Board purview. It's not an affordable housing project. To my

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knowledge I don't know that Marlborough has a requirement for affordable housing.

MS. LANZETTA: It's strictly an advisory comment. I agree in this case -- you know, I mean the County just wants us to keep thinking in terms of being more open to workforce housing. Actually Marlborough -- if you look at the housing study that was done for Ulster County, Marlborough is pretty decent in having a variety of housing options right now. They just like to remind us, especially our Planning Board, that that's things that we should be thinking about. That's it.

MR. HINES: The only other comment I had, and it's been mentioned here, is the status of the paying of the water and sewer fees. We need to find out if they paid for the initial units and not the entire project. We'll have to do some research on where that is. They were an outside user to the sewer system when they were constructed.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

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CHAIRMAN BRAND: So then we will reschedule you -- if we were to keep the public hearing open; Jen, when would be the next time that that could happen?

MS. FLYNN: We have a public hearing on October 1st.

CHAIRMAN BRAND: October 1st. Would you guys be ready by then?

MR. FETHERSTON: If the Board was looking for the flow reduction, the school kids, the traffic and clarifying that, we could certainly provide those details. The engineering details that Pat is speaking about on the generator, we could clarify the phasing, we could work with the applicant. I think he's -- it's not going to be speculative construction built for a buyer. We don't know that you're not going to have a waiting list and we don't know -- we don't know yet. We could speak about the amenities amongst us and maybe have a response for you on that.

MR. MORIELLO: He's asking do you think you'll be ready --

MR. FETHERSTON: I think we'll be

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ready. Yes. I think what's here is not --

CHAIRMAN BRAND: October 1st.

Do I have a motion to adjourn the public hearing for this evening and we will reconvene on October 1st?

MS. LANZETTA: I'll make that motion.

MR. MORIELLO: Mr. Chairman, are you going to keep the public hearing open for written comments or for --

CHAIRMAN BRAND: I think we'll leave it open. That's the motion on the floor.

Is there a second for that?

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried. So the public hearing will remain open.

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Thank you.

MR. FETHERSTON: Thank you.

(Time noted: 8:45 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 24th day of September 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

TWIN POND

Project No. 16-9013  
155 Mahoney Road, Milton  
Section 103.1; Block 1; Lot 3

----- X

PRELIMINARY - SITE PLAN

Date: September 17, 2018  
Time: 8:45 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  
MANNY CAUCHI  
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163



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CHAIRMAN BRAND: Next up, Twin Pond, preliminary site plan, 155 Mahoney Road, Milton.

MS. BROOKS: We did make some revisions. We are continuing forward with the application of Mannese Trucking & Recyclers.

Based on comments we had received from the Planning Board and the consultants, we have made some changes to the plan. We did receive comments from Pat Hines. We can go over them if you want or -- I don't think I had any specific questions.

Item number 1 with regard to the three-foot diameter culvert, out in the field there's a catch basin on the westerly side of the road. When you go in there with the flashlight and try to measure it it looks like around a 36-inch culvert. When you go across the street and go down in the ditch there's a 2x3 concrete headwall. So I did that with John Riley from DOT. I'm not sure if it breaks somewhere in the middle. I'm not sure if the 36-inch culvert comes all the way across the road and they built a headwall in front of it.

MR. HINES: Either way it's going to

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change the hydraulics. Your engineer will have to figure out what that does. A lot of these comments are on the drainage report.

MS. BROOKS: Which I'm not going to be able to -- what I was able to do was run two full size copies which are not readable.

MR. HINES: I'm just looking for comments from the DOT be sent to the Board so we know what the status of that is.

MS. BROOKS: The last correspondence I have from John Riley at DOT was saying, "I sent the drainage report to the main office for review. In the last correspondence with Willingham he agreed to connect the proposed culvert directly to the existing catch basin on the south side of the driveway. I'll let you know what the outcome is when main office review is complete. Other than that, the proposed commercial entrance looks good. The ADA ramps will need to be called out as well as the curb radius."

What I generally have not been submitting to the Town is the highway sheet, which is a totally separate map that we send to

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DOT, which has the specs for the curbing and  
the --

MR. HINES: That would be helpful.

MS. BROOKS: -- all of those details.  
Actually, I can give you this one as well. I'll  
make sure that I get a copy to Jen of that.

MR. HINES: The rest of those are  
technical comments.

There's an issue with Central Hudson.  
Were you looking to obtain title to that parcel?

MS. BROOKS: Yes.

MR. HINES: You'll need the lot line --

MS. BROOKS: Deletion, consolidation.  
Right now Central Hudson has agreed in theory to  
-- it's going through their real estate division  
right now. They right now did not have an access  
way. They're up there working in that  
right-of-way right now. In fact, they just  
installed a culvert in there, in the easement  
area. They're looking for a permanent 25-foot  
wide access easement through the property so they  
have as many access points as possible to access.

MR. HINES: Is that a condition of the  
property transfer?

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MS. BROOKS: Yes.

MR. HINES: The other issue for the Planning Board is the screening. They've identified, I think there's a four-foot high pad out there and they are going to put twenty-foot high pallet storage. I think an eight-foot fence has been installed since this process started.

CHAIRMAN BRAND: It has.

MR. HINES: I don't know how that happened. The Board needs to determine whether that's adequate screening for the outdoor storage based on your code. Your code requires an eight-foot high opaque fence. I don't think it envisions twenty-four foot high storage of pallets. Maybe the Board wants to go take a look at it. I don't know if you can see it from there.

MR. CLARKE: If you're driving on 9W you shouldn't be looking that far back on the property.

MS. BROOKS: That's why we submitted the photograph. Basically it does show from the elevation of 9W, a car is at this level so the direction of the eye, you can see that you can't

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even see the top of the roof. They're storing the pallets out there now at the height they're going to continue to store them at.

MR. HINES: Just for the Board to decide whether that's --

CHAIRMAN BRAND: Can I see that photo?

MR. TRUNCALI: I think the fence they put up is adequate.

MS. LANZETTA: Is there any reason they didn't extend it all the way to the entranceway?

MS. BROOKS: They're going to continue it. I believe he consulted with the building department before he put the fence up, just to show good faith because he knew it had been a long time since he had been here. We do show on the site plan that he's continuing to -- he's bringing it --

MS. LANZETTA: It's there now?

MS. BROOKS: It's to there now and it will continue there and continue to this side, and also continue another length down and around the corner to the building. So it will be continued.

CHAIRMAN BRAND: We had discussed

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plantings in front of it as well; correct?

MS. BROOKS: Plantings in front of it as well.

MS. LANZETTA: I just want to be real clear on the proposed use. This is just going to be a storage facility; correct?

MS. BROOKS: Correct. The Planning Board made clear to the applicant that a mixed use was not looked upon favorably here. Once the fence goes up it's not going to be conducive for car sales anyway.

MR. HINES: It still says showroom on it.

MS. BROOKS: Yeah. That's what it is right now. I can -- it's a glass enclosed showroom. I guess I can change that to something.

MS. LANZETTA: I think that would be a good thing to take that out. The other use requires a special use and then we get into a whole other animal here.

CHAIRMAN BRAND: Any other comments from the Board? Questions?

MR. HINES: It needs to go to County.

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I don't think it's gone yet.

MS. BROOKS: It has not gone to County yet.

Also with regard to DOT, their preference is that sidewalks don't go on highways with a posted speed limit 55 miles-an-hour. We have shown where one can go in the future. They also stated that if a sidewalk goes in it goes in on their property, not the applicant's property. They saw no reason for an easement. They made me move the sidewalk off the applicant's property onto the highway -- within the highway bounds.

MS. LANZETTA: That's conflicting information that we've been getting.

CHAIRMAN BRAND: I think that came up with -- what was the last one where they wanted it on the highway?

MR. HINES: Lovera.

CHAIRMAN BRAND: Lovera. They wanted it in their right-of-way. Correct?

MR. HINES: Mm'hm'.

MR. CAUCHI: What did you say, Patti? DOT doesn't recommend sidewalks on a 55 mile-an-hour road?

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MS. BROOKS: Because they don't want to encourage pedestrian traffic on a 55 mile-an-hour highway.

MR. CAUCHI: That stretch of road, that's 55 miles-an-hour. You're saying that's not recommended by the DOT, we should not be doing that?

MS. BROOKS: Again, this is a personal conversation that I had with John Riley so I'm conveying it to the Town. I know the Town also has been having conversations with DOT. I also know there are many different departments within DOT. I think there may be different thought processes depending on what your perspective is and what department you're coming from.

MR. HINES: I find it to be -- years ago DOT would say no sidewalks along the highways. I'm finding they're putting them along the highways. I work for the Town of Newburgh and in the Route 300 corridor they're putting sidewalks there now. The Planning Board wanted them for years and they weren't going. They just did the new Crystal Run facility across from Wal-Mart there and that has sidewalks along it.



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They're continuing. People are walking. There's beaten down paths along some of these roads. Whether there's a sidewalk or not, people are walking. It might be better to give them a place to walk.

CHAIRMAN BRAND: I've seen people walking on that stretch frequently.

MR. HINES: On 17K where the hotels are, there's literally paths.

MS. LANZETTA: As a Planning Board we should be aware that there's the 9W corridor study that's wrapping up now and one of the recommendation is to lower the speed limit along Route 9W. That could very soon change as well.

CHAIRMAN BRAND: Ron, did you have anything on this one?

MR. BLASS: No.

CHAIRMAN BRAND: Any other comments or questions from the Board?

(No response.)

CHAIRMAN BRAND: We have some technical issues and we will send it to County I guess in the meantime. Are you ready? Do you have a complete package for that?

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MS. BROOKS: I think. I will make -- I will check with Andy Willingham and see if he can address some of these. I apologize, I just got back into town this afternoon. I only forwarded them to Andy today, so he has not obviously addressed any of them. I think we have enough information at this point to send it to County, and I can get a full package together for Jen, if there's an updated -- I'll try to address as many of these as possible so we can get it to County in a timely manner so they can hopefully review it at their October meeting.

MR. HINES: I'm also in favor with DOT's recommendation to connect it to the catch basin.

MS. BROOKS: They were going back and forth. First they wanted rip-rap in between. Supposedly you're not supposed to do a direct. Again, that's different people in DOT having a different idea on what's the best way to handle it.

MS. LANZETTA: Would you let your applicant know we appreciate him coming back and working on this project to try to bring it into

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compliance?

MS. BROOKS: I will. We're going to make sure we stay on it now in a timely manner.

CHAIRMAN BRAND: I won't schedule you now. We'll wait until you hear back from County and you can contact Jen.

MR. HINES: We need the new engineering plans, too. It's in their court to submit.

MS. BROOKS: Hopefully we'll be able to get everything into Jen by Friday so it will be able to go to County, but there's no sense, I don't think, being back before this Board until you receive County comments. Am I correct with that?

CHAIRMAN BRAND: Right.

MS. BROOKS: I'm hoping we'll be ready to be back before your Board a month from now. I'm hoping the County reviews it at their first October meeting.

CHAIRMAN BRAND: Great. Thank you.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: The Arapahoe trail will not be here this evening.

Quickly before we close for the Board

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Members, an e-mail was sent out to you regarding the new zoning law. There will be a public hearing for that on the 24th by the Town Board. Please review that e-mail, review that document, and if you have questions, comments or concerns, send them to me and I will send them to the Town Board.

Is there a motion to adjourn?

MR. CAUCHI: I'll make a motion to adjourn.

CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:57 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 24th day of September 2018.

*Michelle Conero*

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MICHELLE CONERO