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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

PRELIMINARY - SITE PLAN

Date: October 15, 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: JAMES E. NELSON, ESQ.
SHAWN ARNOTT
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: CONNOR McCORMACK
MICHAEL MORIELLO

----- 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, October 15, 2018. Regular meeting 7:30 p.m. Approval of stenographic minutes for 9/17 and 10/1. Marlboro on the Hudson, preliminary, site plan; Milton Turnpike Solar Farm, sketch, site plan; Ridge Road, preliminary, subdivision. Next deadline: Friday, October 19th. Next scheduled meeting: Monday, November 5th.

CHAIRMAN BRAND: First up, Marlboro on the Hudson.

MR. McCORMACK: How are you doing, Members of the Board? My name is Connor McCormack with Maser Consulting. We're the engineers on the project.

I think last time we were here we closed the public hearing and we were going forward with preparing the negative declaration. Unless you want me to go over some of the other comments or concerns, I don't have too much more

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left to say.

CHAIRMAN BRAND: I don't think I need you to do that. Thank you.

Any questions or comments from the Board before we start?

(No response.)

CHAIRMAN BRAND: You have prepared before you a SEQRA negative declaration and a notice of determination of non-significance for the Marlboro on Hudson project.

Jen, would you please poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

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MR. CLARKE: Yes.

CHAIRMAN BRAND: You also have in front of you tonight a resolution of re-approval for the special permit site plan originally issued on March 7, 2005. Just note that there were some conditions.

Obviously your office received these as well.

MR. McCORMACK: We didn't receive anything. We made a couple calls, e-mail didn't go through and we didn't receive that.

CHAIRMAN BRAND: Just to run through it, the following conditions that are attached are the clubhouse and pool improvements shall be constructed to completion as a precondition of issuance of the building permit for the thirteenth unit; you shall install a generator on or before the issuance of a building permit for the thirteenth unit; you will be dedicating the water lines to the Town of Marlborough; all stormwater and facility inspections; DEC stormwater SPDES permit; payment of all fees and all consultant expenses; after approval by the Attorney General of New York, you shall provide

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the Town with a copy of all condominium offering plan documents.

MR. MORIELLO: Mr. Chairman, Mike Moriello. Just a clarification. On the fees, it reads payment of all fees; correct?

CHAIRMAN BRAND: Correct.

MR. MORIELLO: It doesn't set forth what they are?

CHAIRMAN BRAND: Payment of all fees.

MR. MORIELLO: Thank you. The other question was the pool house and what else has to be constructed before --

CHAIRMAN BRAND: The clubhouse and the pool improvements shall be constructed to completion as a precondition of issuance of the building permit.

MR. McCORMACK: The building permit of the thirteenth unit? I thought it was after like the twenty-fourth.

CHAIRMAN BRAND: We have the thirteenth unit.

MR. McCORMACK: I think that conflicts with our construction sequencing that we have on the site plan. That would be the only --

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CHAIRMAN BRAND: What were you thinking
it should be?

MR. McCORMACK: I think -- I have to
double check. I believe it was actually -- it
was sixteen. Twelve and four.

CHAIRMAN BRAND: Our attorney, you have
thirteen prepared; correct?

MR. NELSON: Yes, but to modify the
proposed resolution would be something that could
simply be done orally by a motion.

CHAIRMAN BRAND: Change it to the
sixteenth?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Okay. Everybody else,
sixteen?

MR. LOFARO: Sounds okay.

CHAIRMAN BRAND: We'll make that change
to the sixteenth unit.

Jen, would you poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

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MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: We also have a recreation fee finding. It is hereby resolved that the Planning Board will make the following finding pursuant to Section 277 of the Town Law: Based on the present anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of the subdivision will contribute, parkland should be created as a condition. However, a suitable park of adequate size can not be properly located within the proposed project site. Accordingly as proposed, in lieu of providing parkland the project sponsors render the Town payment of a recreation fee to be determined in accordance with the prevailing

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schedule established for that purpose by the Town of Marlborough. Marlboro on Hudson results in twenty-four units with a \$1,500 recreation fee for each. It's a total of \$36,000.

You also owe \$4,600 in the old escrow which needs to be paid as well.

MR. McCORMACK: What was that number again?

CHAIRMAN BRAND: \$36,000 and \$4,600 in old escrow.

Can I have somebody make that motion?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny. A second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Jen, would you poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

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MARLBORO ON HUDSON

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: You're all set. Thank
you.

MR. McCORMACK: Thank you very much.

(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 29th day of October 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

MILTON TURNPIKE SOLAR FARM

Project No. 18-2010
132 Milton Turnpike, Milton
Section 103.1; Block 1; Lot 33.1

----- X

SKETCH - SITE PLAN

Date: October 15, 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: JAMES E. NELSON, ESQ.
SHAWN ARNOTT
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: NICHOLAS VAMVAS
MICHAEL CUCCHIARA

----- X

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CHAIRMAN BRAND: Next up, Milton
Turnpike Solar Farm.

Do you want to give us a brief
overview of what it is you have proposed?

MR. CUCCHIARA: Just to start, my name
is Michael Cucchiara, I'm from Nexamp. We're a
solar development company based in Boston. We're
developing quite a number of projects across New
York State. We're an eleven-year old company.
As we began to look -- not only do we develop, we
build, own and construct these projects. I think
it's a good feature to our company that we stay
with these projects throughout their life.

That being said, onto 132 Milton
Turnpike. We approached the landowner probably
about a year-and-a-half ago who was looking for
opportunities to use part of an 88 acre parcel
that's unused and to generate additional revenue
on that site.

The site was situated in such a way
that we thought we could place this 2.6 megawatt
solar farm in that northwest corner without
extensive or any visual impact, and also connect
along Route -- 132 Milton Turnpike to Central

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Hudson's distribution electric lines leading up to the Highland substation which was at the time being culled out as a favorable substation which could use additional solar and distributed energy resources. That's how we came into this potential project.

We've brought along Nick Vamvas from Chazen Companies who has worked with us on several other projects as our civil engineer.

Tonight we're happy to address any questions and comments.

We did receive the comment letter from the engineering consultants. I'm happy to go through those and answer any questions you have.

CHAIRMAN BRAND: Do you want to run through those comments?

MR. ARNOTT: Sure. First Pat notes that it's in the R-1 Zone but subject to a zone change for approval by the Town Board prior to any action by the Planning Board.

Second is Ulster County DPW would have to review the access to the County road.

Third, he asks that the applicant confer with the jurisdictional fire department

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and code enforcement officer with regard to the proposed fifteen-foot wide access drive. Per New York State code, the minimum is twenty foot width.

He asks that the applicant consider putting a gate in front of the proposed access road to limit the amount of people that can access the site.

He wants to know the details of the interconnect for the electric just to see what they look like and to see how they're proposed.

Next is how the de-compaction of the laydown area will be undertaken if the stumps are not removed.

Next is that a stormwater pollution prevention plan was prepared but it's still under review by our office.

Next, the Town may wish to identify to the operator that a pilot agreement be required. The attorney's input on the request for the pilot agreement of the project should be received.

There's a section on the EAF that he would like changed.

Next, the applicant's representative is

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requested to address whether any substantial regrading of the surface topography is proposed.

The Planning Board is requesting to evaluate visual impacts from the project based on local knowledge ,if the site is visible from area roadways or other high vantage points. A visual assessment should be provided.

CHAIRMAN BRAND: Thank you.

Did you have anything to add on this?

MR. NELSON: No. Not to add.

CHAIRMAN BRAND: Comments or questions from the Board?

MR. CLARKE: Is there going to be any access to New Road or is the only access going to be Milton Turnpike?

MR. CUCCHIARA: The only access will be from Milton. New Road will not have any access.

MR. TRAPANI: It's a real bad spot.

CHAIRMAN BRAND: To get onto the roadway?

MR. TRAPANI: Onto Milton Turnpike. That's my only concern. There will be no sight. That's my only concern. It's a real bad spot.

CHAIRMAN BRAND: How much traffic would

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be coming in and out of there?

MR. CUCCHIARA: So after construction, which would take approximately three to four months, we'll be on site one to two times a year for maintenance by a light-body pick-up truck. It's really just the construction period that we have to be concerned with.

We actually have our County DPW application ready to go as soon as possible.

Beyond construction it's going to be normal traffic -- not even normal traffic. One to two times a year.

CHAIRMAN BRAND: Any other questions or comments?

(No response.)

CHAIRMAN BRAND: This has to go to the County Planning as well; correct?

MR. ARNOTT: Yes.

CHAIRMAN BRAND: So you've got the comments. You can address the comments for us and then we'll go ahead and send this up to the County and wait to hear from them, and County DPW, and we'll reschedule you to come back.

MR. CUCCHIARA: Okay.

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MR. VAMVAS: If you wouldn't mind, we just had a couple of questions on some of the comments in the letter from McGoey, Hauser.

As far as gates along the access -- yes, along the access road, you know, closer to Milton Turnpike, is there any standard in particular the Town is going to want to see there? Do you have any comment on that specifically? Does it need to be a secured locking gate? Can we just hang a sign on a chain, just something to keep people from entering it?

We would also like to make it clear that it's the owner of the property. Nexamp isn't going to be taking ownership of the property.

MR. CUCCHIARA: Right.

MR. VAMVAS: We will have to negotiate with the owner to be sure he's going to be comfortable with what we have there. I didn't know if you guys had any specific --

MR. ARNOTT: I think that's up to the Board.

MR. CLARKE: Well in that case the gate

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could actually be somewhat off the highway because there's no other access. It wouldn't be very visible.

Are you planning on putting any kind of a fence around this facility?

MR. VAMVAS: The array itself has to be completely enclosed with a fence. It also has to comply with National Code. There's going to be a locking gate right at the entrance on the access driveway. There would be controlled access to the facility itself.

MR. CLARKE: You probably should have something closer to Milton Turnpike.

MR. CUCCHIARA: I think we'd be happy to work with the Planning Board on what would be suitable and agreeable.

MR. TRAPANI: You have to pull in and be totally off the road.

MR. CLARKE: It could easily be through a gate.

CHAIRMAN BRAND: I think the intent is just to keep people out of there.

MR. CUCCHIARA: Sure. That makes sense.

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

(No response.)

CHAIRMAN BRAND: Mr. Supervisor, where are we in regards to the redistricting at this point, do you know?

MR. LANZETTA: To the new law? We should be good. How many days after the resolution? About thirty days until it goes to the State?

MR. NELSON: The resolutions frequently will be sent up in a couple of days.

MR. LANZETTA: I think we're good. We made that change, --

CHAIRMAN BRAND: Okay.

MR. LANZETTA: -- the zoning change. Yup.

CHAIRMAN BRAND: So we will send it to County, you'll send it to County DPW. When we hear back from them we can plan on rescheduling. So probably maybe the first meeting -- they meet the first Wednesday of the month. We can put you on the agenda for the second meeting in November. Does that work?

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MR. CUCCHIARA: Sounds good.

MR. VAMVAS: Yes. We just wanted to ask also, would the Board entertain a motion to declare themselves lead agency tonight?

MR. NELSON: That really begs the question of whether the application is complete. I think -- I assume your normal practice is to take a complete set of the application papers and refer them to County Planning for 239-M. And likewise, if the application is complete and all the SEQRA documents are in order, you would -- again I assume, you type it as to whether it's a type 1, a type 2 or an unlisted, and then you determine, if it's an unlisted, whether you want to have a coordinated review and then whether you want to be the lead agency in a coordinated review. That's a long answer to a short question. If the application is complete you can do that, certainly.

CHAIRMAN BRAND: Is the application complete at this point would you say? Do we need to have those changes made?

MR. NELSON: I'll be candid with you. I started reviewing the file about 4:30 because I

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wasn't aware that I was going to be filling in for Ron. I didn't see anything that suggested it was incomplete but I can't tell you that I went off and checked all the code requirements for your submissions against what was in the file.

MS. FLYNN: They have to submit a new EAF because --

MR. ARNOTT: That's one of Pat's comments.

MS. FLYNN: Number 9 on Pat's comments.

CHAIRMAN BRAND: I think once all that is in order, then we'd be able to do that. We can probably have that at the second meeting in November for you.

Thank you.

MS. FLYNN: My deadline is Friday to have that in so I can send it up there in time.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:50 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 29th day of October 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

RIDGE ROAD

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

----- X

PRELIMINARY - SUBDIVISION

Date: October 15, 2018
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JAMES E. NELSON, ESQ.
SHAWN ARNOTT
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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

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RIDGE ROAD

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CHAIRMAN BRAND: Next up, Ridge Road.

Would you like to just give us an overview of where we are today?

MR. JAMES: Yes. We've reconfigured lots 1 and 2 slightly to accommodate the original stormwater detention facility that was going on the 2010 subdivision map, the eight-lot subdivision map, so that all those facilities will now be built in accordance with that stormwater pollution prevention plan.

CHAIRMAN BRAND: So I think we'll get to that. Am I to understand that this present proposal is in accordance with the original drainage district?

MR. JAMES: Yes.

CHAIRMAN BRAND: Do you want to run through the technical comments?

MR. ARNOTT: Sure. I believe Pat thought that the stormwater ponds were no longer there because the sanitary disposal systems are not there. We can get to that in the comment.

Number 1 says that the stormwater management facilities located on proposed lot 1

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and 2, this involved relocation of the proposed sanitary disposal systems and the need to pump sanitary effluent to the rear of the lots but the project is served by municipal water.

Second, the project was subject to a drainage district during the original subdivision approval but portions were not constructed. Completion of the stormwater management facilities as currently proposed will complete the originally approved stormwater management facilities within the drainage district.

Third, the applicant should evaluate the direct connection to the existing metal culvert in Ridge Road.

Fourth, the inverts of all the proposed piping in the stormwater management system should be displayed on the plans.

Fifth, because of the proposed sanitary sewer disposal systems, Ulster County Health Department will have to be -- approval will be required.

The leader on lot 2 identifies a proposed three-bedroom house on the rear of the lot. That should be cleaned up.

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An easement for long-term operation and maintenance of the stormwater facilities on both lots in favor of the Town of Marlborough should be provided.

Review of the water service connection should be reviewed by the water department.

CHAIRMAN BRAND: Did you have anything to add?

MR. NELSON: I assume that when you do stormwater that you do both the easements and maintenance agreements. Is that your regular practice?

MR. ARNOTT: I believe that's the case.

MR. NELSON: And then as I mentioned briefly to the Chair before the meeting, my assumption, other than the other conditions that are laid out here, is that as far as this drainage district is concerned, the issues were two. Were the improvements all going to be built as they were originally proposed? I think the applicant's engineer --

MR. JAMES: Yes.

MR. NELSON: -- just confirmed that.

And then the other thing that came out

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at the public hearing was the question about the economic burden on the people within the district. My assumption is that the revisions to the plan, that there will be no change in the economic burden to the property owners within the district.

MR. JAMES: I believe the way it's written is that everybody has to share in all of the costs.

MR. NELSON: Yes, that's how they operate. The question that seemed to come out of the hearing was whether people who were not part of this re-subdivision, whether they would have their economic burden changed as a result of it. My assumption is the answer to that is no and that the economic burden of the lands which are the subject of this subdivision will still be the same now that they were going to be for that land before this re-subdivision.

MR. JAMES: I don't know. I can't answer that. I don't know the answer to that question. My assumption is building the pond and any maintenance will be shared by all of the lots.

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MR. GALLELA: That's according to the original agreement.

MR. JAMES: According to the original agreement.

CHAIRMAN BRAND: The original agreement was eight units, though. I think when I went back and looked at the notes as well, it said that the existing units and now the bigger lot was paying the bulk of the -- the six-eighths.

MR. GALLELA: But that fee is arbitrary because it changes. So whenever the Town puts out the bid to maintain, it's always divided by the amount of lots in that district. It just happened to be eight lots at that time.

MR. NELSON: I may have misspoken. I didn't mean to speak in terms of absolute dollars because the expenses can vary. The question is how they were prorated among the property owners was my question. I assume that they would be prorated under this new revised subdivision the same way they were going to be originally when it was approved a number of years ago.

MR. JAMES: That would be how I would expect it to be.

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CHAIRMAN BRAND: So you're saying then that lots -- the existing lot that's shown for Phelps, that's part of this as well?

MR. GALLELA: Correct.

CHAIRMAN BRAND: This is part of that district. So you're presuming that Phelps lot 1, lot 2 and lot 8-A will equally share the burden of the district? Is that what you're proposing?

MR. JAMES: In accordance with the existing language.

MR. CLARKE: If you had originally eight lots and now you have four --

MR. JAMES: We have seven.

CHAIRMAN BRAND: How do you get the seven?

MR. JAMES: Three lots were not built. Correct, Nick?

MR. GALLELA: Right. It was originally an eight-lot subdivision. Now if these two lots were to be approved it would be a seven-lot.

CHAIRMAN BRAND: I'm still not getting to seven.

MR. GALLELA: You don't see the other three houses on there? They're subdivided off

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the original parcel already.

MR. CLARKE: They're part of the original drainage district?

MR. GALLELA: Yes.

MR. CLARKE: So it goes from one-eighth to one-seventh?

MR. GALLELA: Right.

MR. CLARKE: So there will be an impact to lot 3.

MR. GALLELA: Excuse me?

MR. CLARKE: Seven is a higher number than one-eighth.

MR. GALLELA: Right, but it actually -- that number changes because according to how the maintenance is to come out. It actually went down, that fee, because I pay it too. It's on my tax bill. That actually went down.

MR. LANZETTA: Chairman, may I?

CHAIRMAN BRAND: Please.

MR. LANZETTA: We reduced Nick's -- whatever you charge for the district, we reduced it because he came in, he said he was paying too much because there were a couple of lots you weren't doing. We have to look at that and go

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back to the original, whatever that cost was that was applied to his eight-lot subdivision. So it changed. We reduced it now. Now it's back to eight lots so we have to look at it again.

I would ask Pat Hines to look at that and see what it actually is now that they have to distribute between the one-seventh.

MR. ARNOTT: I'll ask him to look at that.

MR. GALLELA: It doesn't say one-seventh. It just says equal among. That's how the drainage district reads.

CHAIRMAN BRAND: That would be one-seventh. There are seven lots.

MR. GALLELA: You would divide it by seven, right.

MR. TRUNCALI: So the original houses that are there that you already built, how much are they paying percentage wise? Are they paying an eighth now?

MR. GALLELA: No. Well it was -- it's five. One-fifth.

MR. TRUNCALI: Are they paying an eighth each and you're paying the rest or --

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MR. GALLELA: No. It's all shared equally regardless of how many lots there was because that section wasn't built. That's what the Supervisor was saying, that the original cost will be reduced.

MR. TRUNCALI: So their cost is going to go down then, those original homeowners there?

MR. GALLELA: It went down because of this pond. This section wasn't there. That's why it went down. Will it go up? Probably because the pond has to be maintained.

CHAIRMAN BRAND: I think we're going to probably need clarification on that specific.

So you're saying once -- everybody is going to pay one-seventh?

MR. GALLELA: Right.

CHAIRMAN BRAND: I guess we need to review the original agreement a little bit more closely to double check to see what's going on with that. If you're changing the district, then it's not --

MR. GALLELA: I'm not changing the district.

MR. JAMES: The district is described

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by a chunk of land, not by watts.

MR. GALLELA: I'm giving you what you originally asked for at our previous meeting. The pond is there in place and so is the drainage district. It would be the same, exactly the way it was then. So if these people decide to go out there and mow this lawn and this pond, when Pat comes around, or whoever does these assessments for Marlborough and the area, he may say zero because they're cutting the grass. That's how I did it before on the previous subdivision on Summit Drive. When I cut the grass I would have the guys go around the pond and it was zero. If they decide to do this, and they probably will because it's in the middle of two houses, they'll probably go down there and clean it. When he comes around for the assessment, it never changed. There's nothing to do. There's nothing to maintain.

CHAIRMAN BRAND: What is the assessment based on, Al?

MR. LANZETTA: I really don't know.

MR. GALLELA: The original assessment was based on an arbitrary number that they just

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put in at the time, \$1,500. When I came to the Town they figured that pond wasn't there so they cut it in half. That's why it went down. 750 divided by five. They're all paying about --

MR. LANZETTA: I know Mr. Gallela came to the office because the way it was situated he was paying a lot more because he owned three of the lots.

MR. GALLELA: That's how we originally did it. They gave me the three lots that I took away. That wasn't fair to me because the original agreement read equally. Now they wanted me to pay for --

CHAIRMAN BRAND: That's the part I was reading, that you were paying six-eighths of the total.

MR. GALLELA: So when I came in to argue the point, they redistributed and cut the fee and divided it equally. Like I said, they don't know that number. Until they know whether they have to cut or maintain, that number will always change year after year. They can cut it one year and come back four years later, it's going to cost more, or they can cut it every year

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annually and it won't be as much.

CHAIRMAN BRAND: Do you have any additional comments?

MR. NELSON: No. I believe that the issue is not the absolute amount of dollars. It's great if it goes down. As the dollars flow, I believe that the real issue is the allocation of that expense among the property owners. I haven't looked at the benefit assessment formula. I think you would want to have the town engineer, the applicant's engineer and the office of the Supervisor and the assessor get their heads together on this issue of the impact, if any, of the changes in these lot lines and the economic burden. I think what the applicant is trying to do is to avoid having to go to the Town Board and go through the change in the district, which is a fairly cumbersome process.

MR. LANZETTA: It is.

MR. NELSON: If that could be avoided, I assume that's great for everybody. Then you get to the question of are things being changed which shouldn't be changed or are they staying the same the way I think they're supposed to stay

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the same.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: So we need to get that clarified certainly before we proceed.

This has to have a public hearing as well; correct?

MR. GALLELA: We had a public hearing.

CHAIRMAN BRAND: For this one?

MR. JAMES: Yes.

CHAIRMAN BRAND: You had the public hearing for this one already?

Jen?

I don't recall it.

MR. LANZETTA: We had the discussion. He came in front of the Board awhile back and you told him to do a whole build-out or something like that, if I remember. It never came to a public hearing.

CHAIRMAN BRAND: Right.

MS. FLYNN: He did have a public hearing. I have the cards in here from it.

MR. NELSON: There was one on June

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18th.

MR. LANZETTA: The original public hearing?

MS. FLYNN: No. For this one. June 18th.

CHAIRMAN BRAND: So the only difference between then and now is the stormwater?

MR. JAMES: The detention pond that was originally on the original plan.

CHAIRMAN BRAND: Do you think that you could get that cleared up for the first meeting in November as to the original stormwater drainage district versus what it is now and the burden shared by each of these parcels? Could we do that?

MR. JAMES: I suppose.

CHAIRMAN BRAND: Okay.

MR. JAMES: What am I going to do? We're going to look at what it says and then go with what it says or are we changing it? What are we doing?

CHAIRMAN BRAND: I think the point of the matter is we can't change it. It has to be in accordance with the original plan. Whatever

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the original plan was, it has to be that.

Yes?

MR. ARNOTT: Yes.

CHAIRMAN BRAND: So I will put them on the schedule for the next meeting and hopefully we can figure that out before then.

Okay. All right. So November 5th?

MS. FLYNN: Yes.

CHAIRMAN BRAND: We'll have the attorney take a look at it as well.

Anything else?

(No response.)

CHAIRMAN BRAND: Motion to adjourn?

MR. CAUCHI: I'll make the motion.

MR. TRUNCALI: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye. So carried.

(Time noted: 8:05 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 29th day of October 2018.

Michelle Conero

MICHELLE CONERO