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

----- X

In the Matter of

PAUL GLADMAN

Project No. 18-2007  
107 South Street, Marlboro  
Section 108.58; Block 10; Lot 1

----- X

PUBLIC HEARING - LOT LINE

Date: November 5, 2018  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PAUL GLADMAN

----- X

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

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PAUL GLADMAN

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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, November 5, 2018. Regular meeting 7:30 p.m. Approval of stenographic minutes for 9/17, 10/1 and 10/15. Paul Gladman, public hearing, lot line; Ridge Road, preliminary, subdivision; Marlboro on Hudson, revote on conditions of site plan. Meeting to be held upstairs. Next deadline: Friday, November 9th. Next scheduled meeting: November 19th.

Can everyone please say their name for the stenographer when they speak.

CHAIRMAN BRAND: I'd like to have a motion to approve the stenographic minutes for 9/17, 10/1 and 10/15.

MR. CLARKE: So moved.

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it

CHAIRMAN BRAND: Any discussion?

(No response.)

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PAUL GLADMAN

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CHAIRMAN BRAND: All those in favor,  
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

I would like to enter into the record  
that Board Member Cindy Lanzetta is presenting  
her New York Planning Federation 2018 certificate  
of training completion. She successfully  
completed four hours of annual training required  
by New York State.

Additionally, I have a New York State  
Planning Federation training certificate of  
completion for Joseph Lofaro who also completed  
four hours of annual training required by New  
York State.

First up, Paul Gladman, public hearing,

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PAUL GLADMAN

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lot line.

MR. TRUNCALI: "Legal notice, lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code 134-33 on Monday, November 5, 2018 for the following application: Paul Gladman, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a lot line revision to merge four lots into one for lands located at 107 South Street, Marlboro, New York, Section 108.58; Block 10; Lot 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: Mr. Gladman, do you have the mailings --

MR. GLADMAN: Yes, I do.

CHAIRMAN BRAND: -- that were sent out? How many did you mail out?

MR. GLADMAN: Five.

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PAUL GLADMAN

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CHAIRMAN BRAND: How many were returned?

MR. GLADMAN: Three.

CHAIRMAN BRAND: The other two were undeliverable?

MR. GLADMAN: Yes.

CHAIRMAN BRAND: This is a public hearing. Any interested parties either for or against have an opportunity to speak. Just please state your name for the Stenographer.

Anyone?

(No response.)

CHAIRMAN BRAND: No.

All right. Can I have a motion to close the public hearing?

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: 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.

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PAUL GLADMAN

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MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

This is basically just fixing an error.

If there's no discussion, we have before us the  
SEQRA negative declaration and notice of  
determination of non-significance.

Jen, can you 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?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

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PAUL GLADMAN

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CHAIRMAN BRAND: You also have before you the application for the resolution of conditional approval by the Town of Marlborough Planning Board for the lot line consolidation of Paul Gladman.

Jen, would you poll the Board?

MS. FLYNN: Chairman 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?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: All right. Thank you.

You're all set, Mr. Gladman.

MR. GLADMAN: Thank you very much.

(Time noted: 7:35 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 14th day of November 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

RIDGE ROAD

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

----- X

PRELIMINARY - SUBDIVISION

Date: November 5, 2018  
Time: 7:35 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: ROBERT JAMES  
NICHOLAS GALLELA

----- X

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RIDGE ROAD

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CHAIRMAN BRAND: Next up, Ridge Road, preliminary, subdivision.

I think the last time you were here there were a couple of unfinished technical things.

Pat, did you want to run over your comments?

MR. HINES: I don't know if we received the Ulster County Health Department approvals yet.

MR. JAMES: We haven't submitted yet.

MR. HINES: The highway superintendent's comments on the driveway.

MR. GALLELA: We have it. You should have a letter.

MR. HINES: That came in.

We did receive plans which depict the Town's pipe network. Subsequent to my comments I had a conversation with Mr. James, the applicant's representative. We, being my office, would recommend the extension of the pipe network to a single catch basin rather than having the pipe discharge into a Town owned culvert. That will keep those all together. We have a detail

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RIDGE ROAD

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here which Mr. James has provided. The final plans should reflect that.

Water department comments.

MR. GALLELA: I did speak to --

MR. HINES: Did we get something?

CHAIRMAN BRAND: On what?

MR. HINES: From the water department.

MS. FLYNN: I didn't get anything from the water department.

MR. HINES: That's outstanding.

My next comment is we need a public hearing. This has been going on so long apparently we had that. That's been opened and closed.

The only other outstanding issue has to do with the drainage district. I had a conversation with Mr. Gallela this week. I was under the impression that the original drainage district was in fact a drainage district for potentially the eight lots. The lots were consolidated and for some period of time the consolidated portion was paying fifty percent of the drainage district. Mr. Gallela informed me at some point in time the Town Board took action

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and changed that to --

MR. GALLELA: The costs were reduced for and the next billing cycle it was all equal. It came simultaneously with the cost reduction.

MR. HINES: The cost reduction is a separate matter. That's set by the assessor annually. The apportionment of that is the sticking point we have, how that occurred.

MR. BLASS: That means that the other properties went from one-eighth to one-fifth?

MR. HINES: Yes.

MR. GALLELA: I brought a copy of my tax bill. This is also in the actual original stormwater agreement where it is to be divided equally, it's my understanding. It was always my argument it should have been and always will be equal no matter how many lots within the district, whether it's eight. That's what it was, then it changed to five. If it's seven now or ten in the future, it will always be divided equally.

MR. BLASS: Well it was eight lots initially. Equal is one-eighth. You were paying four-eighths for quite a while.

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MR. GALLELA: Just one time. One year.

MR. BLASS: Okay.

MR. GALLELA: After the meeting I had with the Town it changed to one-fifth.

MR. HINES: The Town Board.

MR. GALLELA: After that Town Board meeting it was changed. The price was reduced and the next billing cycle that came out it was one-fifth. We were all paying equally.

MR. BLASS: I'm not sure how that can be done legally. It moved from a one-eighth assessment to one-fifth?

MR. GALLELA: I'm not sure how it can be done any other way. I don't know why the eighth is a sticking point.

MR. BLASS: Because the original district was set up --

MR. GALLELA: It was eight lots.

CHAIRMAN BRAND: It's part of -- for the drainage district improvement district the copy of the motion includes all the lands of the Sun Ridge subdivision currently submitted for -- approved it says by the Town of Marlborough Planning Board. So that original proposal at

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RIDGE ROAD

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this time was eight lots.

MR. GALLELA: Correct.

CHAIRMAN BRAND: Correct?

MR. GALLELA: I'm not arguing that. It has to be eight because equally -- that would be divided equally, what was one-eighth at that time.

CHAIRMAN BRAND: Right.

MR. GALLELA: If in the future ten, twenty years from now, there are two additional lots in that drainage district, that can not be changed. So whatever lots that come -- they have to -- they'd have to be divided one-ninth or one-tenth, or whatever it would be. If it's an addition to seven or eight as it was originally, otherwise they pay nothing if it's stuck on eight. What happens to it after the eighth? They would come in for free?

MS. LANZETTA: You have to get a new drainage district set up.

MR. HINES: You have to get it amended.

CHAIRMAN BRAND: That's why we recommended the full build-out plan at the onset of this, so that that wouldn't happen.

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MR. CLARKE: Yes.

MR. GALLELA: At that time, yes.

MR. BLASS: Well forever. Until the drainage district is modified in some way, shape or form by the Town Board, it's going to be waived.

MR. JAMES: Eight lots, equal share.

MR. GALLELA: I've never asked for this to be modified.

MR. BLASS: The legal issue on the table is we would like a covenant where the large residual lot that you own pays two-eighths and all successors pay two-eighths, and that the drainage improvements will be constructed first before the COs and building permits on structures. Is that acceptable?

MR. GALLELA: I have no problem with building the pond first but I have a problem with the equal division being two-eighths and not being divided equally.

MR. BLASS: You have a problem with two-eighths?

MR. GALLELA: It's one-fifth now.

CHAIRMAN BRAND: Do you have any

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RIDGE ROAD

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documentation to support that it's one-fifth?  
Does it say one-fifth of whatever on the bill?

MR. GALLELA: I have the budget set at  
750 and I have my portion at five divided by 750  
is \$150.

MR. BLASS: I don't think it could be  
made one-fifth instead of one-eighth without a  
lot of legal procedures.

MR. GALLELA: I don't think there  
should be any legal procedures. You're making a  
legal procedure by changing it into two-eighths.

MR. BLASS: No. It was eight lots to  
begin with. You downsized the subdivision. You  
changed the number of lots to five and you paid  
four-eighths to compensate the existing  
homeowners so that their share did not go up.

MR. GALLELA: It actually went down  
because of what I did.

MR. BLASS: The costs went down?

MR. GALLELA: The cost was divided. It  
was 187, now they're paying 150.

MR. CLARKE: The costs and --

MR. HINES: The costs are irrelevant.

MR. CLARKE: They're not necessarily



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RIDGE ROAD

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relevant. You're talking about cost, he's talking about shares.

MR. GALLELA: He just brought up the homeowners would pay more. They're actually paying less.

MR. HINES: Under the less theory they would pay even less.

MR. CLARKE: Maybe the costs went down.

MR. HINES: That's exactly what happened.

MR. CLARKE: What percentage are you paying? Fifty percent? Are you paying fifty percent of the total bill?

MR. GALLELA: No. One-fifth.

CHAIRMAN BRAND: He said the total bill was 750 and he got a bill for 150.

MR. CLARKE: I want to know what share is that? How are the shares divided up?

MR. GALLELA: It says equally in the agreement.

MR. TRUNCALI: It says divided equally assessment charged to all approved lots. If there was five approved it should be equally between five. If there's seven it should be

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RIDGE ROAD

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equally between seven.

CHAIRMAN BRAND: It says to the currently submitted for approval which at that time this district was made was eight, though.

MR. TRUNCALI: Was it ever made into eight?

MR. HINES: The map was filed.

MR. GALLELA: It had to be eight because that was the original subdivision. It had to be divided equally at that time, one-eighth. If that changes so does the apportionment. If it's always equal -- I'm being asked to pay two-eighths, then this is actually being changed. If you don't want me to change anything, I think we should follow the original agreement.

MR. BLASS: That's just the petition. There's a map and a report for the district and a public hearing notice for the district that shows eight lots. One-eighth per homeowner. That's just a selected snapshot of a couple of words. It's inconsistent with the map plan and the report.

MR. GALLELA: I agree. It's not the map

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and a couple words. It's three pages that are attached to our deeds.

MR. BLASS: That's nothing more than a petition that you sign to consent to form the drainage district.

MR. GALLELA: This is a filed document that's filed with the deeds.

MR. BLASS: I don't want to argue with you.

MR. GALLELA: I don't either. I see the simplicity of it. It seems like you're making it more complex than it ought to be. Nobody is arguing the point. No homeowners actually have an issue with it. There is no problem with this as it currently is.

MR. BLASS: If I was a homeowner and realized I was paying one-fifth instead of one-eighth I would probably have a problem with it.

MR. GALLELA: I disagree. They're maybe looking at what they're paying.

MR. BLASS: The dollar amount you mean that they're paying?

MR. GALLELA: Yeah.

MR. BLASS: That's a function of what

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the budget is each year to maintain --

MR. GALLELA: We don't have a problem. This is our money. Nobody's money here. Our money paid into the district to take care of these ponds.

CHAIRMAN BRAND: Do the existing homeowners agree that they would be willing to change from one-eighth to one-fifth, the people that are paying into it?

MR. GALLELA: I have no idea.

MR. HINES: They don't know.

MR. BLASS: They probably don't know.

MR. GALLELA: They are now and have been.

MR. BLASS: You can't change a map and a report unless a licensed engineer does that. You'd have to have another public hearing.

MR. GALLELA: I'm not asking for any changes. I'm submitting what was originally done. The original pond is there, so is the agreement.

MR. BLASS: I'm telling you that's half the picture. Not even half the picture. It's something you're seeing upon and it's

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RIDGE ROAD

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inconsistent with the map and the report that said one-eighth.

MR. TRUNCALI: Where does it say one-eighth? It says equally between the approved lots.

MR. BLASS: And there were eight lots approved at the time. So it's in the map report.

MR. TRUNCALI: But then they're consolidating.

MR. BLASS: I'll dig out the map and the report and send it to you guys. It will show an eight-lot subdivision and one-eighth share, and then the subdivision was downsized the same to match the market to save costs and it was downsized to five lots. You can't go from one-eighth to one-fifth without some procedure. You just can't do it.

MR. GALLELA: Nor can you go to two-eighths. How could you --

MR. BLASS: One, two-eighths is less than four-eighths. You're the one that started paying four-eighths.

MR. GALLELA: I thought that was wrong. That was my argument.

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MR. BLASS: You convinced the Town to  
downsize the subdivision. You agreed to pick up  
four-eighths and the Town Board -- the Town kept  
the relative share --

MR. GALLELA: I didn't agree to the  
four-eighths. I went in there to specifically  
say this shouldn't be this way. Pat can see I  
told them and I told the Town.

MR. HINES: Once a month for years.

MR. GALLELA: To me it was never fair,  
if I started the application or not.

MR. BLASS: It depends on your point of  
view. It's fair to the homeowner. It doesn't go  
from one-eighth to one-fifth or one-eighth to  
one-seventh.

CHAIRMAN BRAND: Any comments from the  
Board?

MR. CLARKE: When you went from eight  
lots to five lots, was that a Planning Board  
decision?

MR. HINES: Yes.

MR. GALLELA: Yes.

MR. CLARKE: It was?

MR. GALLELA: It was always a public

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hearing. That was a lot line change. There was a public hearing at that time.

MR. CLARKE: So he really had five equal lots?

MR. GALLELA: Yes.

MR. HINES: Yes, but at the time the discussion was it was in the drainage district and that consolidated lot would be paying it's apportioned share of the combined lots that were consolidated. That's how the original bills were generated at four-eighths. There was a discussion regarding the drainage district upon consolidation. If I'm on those other four lots I'm going to say I oppose this consolidation.

MR. CLARKE: I understand.

MR. BLASS: I'll dig out the map and the report, send it around tomorrow and it will show one-eighth shares. It will show each lot having an equal one share.

MR. CLARKE: Is there a map, an approved map that those five lots?

MR. GALLELA: Yes.

MS. LANZETTA: It doesn't change the drainage district.

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MR. HINES: The original drainage district wasn't changed.

MR. CLARKE: So an assumption was made?

MR. BLASS: There was no need to change it because four-eighths were picked up by one lot and the others stayed at one-eighth.

MR. CLARKE: The assumption was there will really always be eight lots?

MR. BLASS: Yes. Eight equal shares.

MR. CLARKE: Okay.

MS. LANZETTA: The drainage district is a State-approved instrument. It's not something that we make up here locally. It's something that is entered into as an agreement and then goes up to the state. If you need to change it, it also has to go back up to the State. They don't like that. I know we went through that with the --

MR. GALLELA: I'm not asking anyone to change it. How I read this document is that it's equal. Of course it had to be eight from the original subdivision, but it's changed in the future as far as lot numbers. The cost to us would be split equally.



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MR. CLARKE: You changed the zoning on the lots but you didn't change the drainage district. Two different documents and they have different numbers.

CHAIRMAN BRAND: Correct.

MR. CLARKE: That's your issue.

MR. GALLELA: How do you change this document to read different?

MR. CLARKE: You had a local zoning change to go to five lots. The State approved the drainage district at eight lots. You did not make that change with the State. The State still has it at eight lots in the drainage district.

MR. BLASS: So that's a petition under which you signed and agreed to set up the drainage district as laid out in the map and the report prepared by maybe you, --

MR. HINES: I think it might have been my office.

MR. BLASS: -- and that shows eight.

MR. GALLELA: I understand what you're saying, I just don't follow it as far as eighths, how it stays. Of course it had to be eight at that time.

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MR. BLASS: I'll send your lawyer the map and the report. It's all in there.

MR. GALLELA: The report is right here and the map is eight.

MR. HINES: That's the petition. The map plan report is a separate document that was filed with the petition.

CHAIRMAN BRAND: Ron, at this time we would be willing to -- we could draft a resolution of conditional approval; correct?

MR. BLASS: Yeah. We would like a covenant that says that the drainage improvements are constructed first, and that the large residual lot picks up two-eighths share to preserve everybody else's one-eighth share.

MR. HINES: And the septic systems are an issue, too.

CHAIRMAN BRAND: That's right. They have to go to Ulster County Health Department.

I think those are really your options. I think that -- I'm speaking for myself. I would be willing to go ahead and give you the approval for the eight with the one lot paying two-eighths. If you want to change to one-fifth,

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RIDGE ROAD

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then you have to proceed with changing the drainage district through the State, which I'm assuming is going to be more lengthy and more costly than the two-eighths.

MR. HINES: It starts at the Town Board level.

MR. BLASS: It would be at the Town Board level.

MR. HINES: Upon approval it's filed.

CHAIRMAN BRAND: With the State.

MR. BLASS: It's filed with the State but you don't need a State approval.

MR. HINES: Once the Town Board is done it gets filed.

CHAIRMAN BRAND: I think that's pretty much where we are right now.

MR. HINES: I think it might take agreement of the other lots in the district.

MR. BLASS: Yeah.

MR. HINES: That very rarely happens. Like Cindy said, it's not an easy thing to do.

CHAIRMAN BRAND: So procedurally the Town Board would approve --

MR. HINES: The process, it's more

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Ron's. A petition would be filed with a revised map plan report to the Town Board. The Town Board would hold a public hearing on that. I think the petition would have to be signed by owners of all the lots. I'm just talking out loud.

CHAIRMAN BRAND: I follow you.

MR. BLASS: Definitely.

MR. HINES: Then the Town Board could hold a public hearing and take action.

CHAIRMAN BRAND: Then the Town Board's decision is final or does that need State approval?

MR. HINES: That gets approved and filed with the State. The State doesn't have approval. It's a receipt and filed.

MS. LANZETTA: I know when we went to dissolve the drainage district we had to get --

MR. HINES: Dave Knolls was one, too. There were no lots approved on that.

MS. LANZETTA: They had to get approval, though, on the State level to dissolve that.

MR. BLASS: State Legislature.

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MR. HINES: They had to get rid of them.

MR. BLASS: Get rid of it. That's not the rule for changing it.

MS. LANZETTA: Okay.

MR. BLASS: That would be a map and a report to modify, and a public hearing in which the lot owners would have the right to object.

CHAIRMAN BRAND: If for example one of the people objects, does that automatically negate any changes or it's still the decision of the Board?

MR. GALLELA: Are we talking about if we go to one-fifth?

CHAIRMAN BRAND: Yes.

MR. BLASS: Any objecting party would not sign the petition. Pat is absolutely correct that the petition would have to be signed by all lot owners.

CHAIRMAN BRAND: And if they didn't sign?

MR. BLASS: If they objected they wouldn't sign it.

CHAIRMAN BRAND: Then he could not do

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RIDGE ROAD

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it at all?

MR. BLASS: Right.

MR. GALLELA: Do you want me to see if I can get a petition to go to one-fifth and again to one-seventh?

CHAIRMAN BRAND: I think you would want it to go to whatever the change is that you're currently proposing.

MR. GALLELA: Currently asking for.

CHAIRMAN BRAND: Yes.

MR. BLASS: One-fifth is not relevant. One-seventh is not relevant. One-eighth is the relevant number.

CHAIRMAN BRAND: Now. With the lots that he has proposed, if he were to pursue the course to change the drainage district, he's proposing there's five total units; correct?

MR. HINES: Seven.

CHAIRMAN BRAND: Seven total units.

MR. GALLELA: There's five right now. Five lots.

MR. CLARKE: He's proposing two more.

CHAIRMAN BRAND: Two more. So that would be seven. So you would have to have a new

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petition filed with the other people that all agree they would pay one-seventh; right? Correct me if I'm wrong at any point here. Go to the Town Board, have a public hearing. If they approve that, then you'd be able to do that. Or I think -- correct me if I'm wrong again -- the Board, we could prepare a proposal and the one-eighth could just be presented as one-eighth per lot with the larger lot paying two-eighths, and that could be done here by the Planning Board in a resolution?

MR. BLASS: I would still want to see that done by the Town Board.

CHAIRMAN BRAND: On which?

MR. BLASS: Both. I would want to see the Town Board handle the modified map plan report, have a public hearing, receive the petitions and do what it's going to do.

CHAIRMAN BRAND: Even if they stick with this one-eighth?

MR. BLASS: If we can get an agreement in the form of a recordable covenant that one of the lots would pick up two-eighths so the owners stay at one-eighth, then we could do it that way.

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RIDGE ROAD

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CHAIRMAN BRAND: Here?

MR. BLASS: That's the proposal on the table.

MR. TRUNCALI: Without going to the Town Board?

MR. BLASS: Yeah, without going to the Town Board. There's an objection to that I'm hearing.

CHAIRMAN BRAND: So those are the options that you have at this point I think. We could draft that resolution of approval for the next meeting --

MR. BLASS: We could.

CHAIRMAN BRAND: -- and then if you're in agreement we could approve it, otherwise you have to do all that other stuff.

MR. GALLELA: I just want to make it known that when you fill out these applications and submit them to the State for approval or for a permit, you have to put down the number. That number was eight at the time. As far as moving on from there, when the district is built out and it's being operated, this is what everybody would hold up and say how it's enforced. This follows



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RIDGE ROAD

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the property. It's filed with our deeds. I saw it as equally. I don't see how any other way other than equally. You have the lots within the district, the drainage district.

CHAIRMAN BRAND: The choice is yours. We will have that drawn up for the next meeting.

MR. BLASS: Yeah. I'm need a covenant, though. You have to send me a covenant so I can take a look at it. I want it ahead of time.

MR. GALLELA: Is that the agreement of the Board?

MR. HINES: The choice is yours is what they are telling you.

CHAIRMAN BRAND: Anything else on that?

MS. FLYNN: Are you going to go on the November 19th?

CHAIRMAN BRAND: We could tentatively put him on. If he changes we can strike it.

MR. GALLELA: That would be final approval?

MR. HINES: With those conditions, conditional final.

MR. GALLELA: I heard preliminary.

MS. LANZETTA: A public hearing?

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CHAIRMAN BRAND: We already had the public hearing for this about ten years ago. Was it June?

MS. FLYNN: June 18th.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:00 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 14th day of November 2018.

*Michelle Conero*

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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

REVOTE ON CONDITIONS OF SITE PLAN

Date: November 5, 2018  
Time: 8:00 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORIELLO,  
MICHAEL TURTURRO, JAMES BELLO

----- 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: Next up, Marlboro on Hudson.

You guys are here for an amendment to the previously approved SEQRA negative declaration, notice of determination of non-significance.

Ron, did you want to run through the changes?

MR. BLASS: There's a request to change the first condition to say the pump house and pool permits should be commenced immediately following issuance of the CO for the sixteenth unit and shall be constructed to completion as a pre-condition of issuance of a CO for the twenty-fourth unit.

CHAIRMAN BRAND: And that was changed from the thirteenth unit I believe, or something like that?

MR. BLASS: I think it was, yeah.

CHAIRMAN BRAND: Just changing it to the sixteenth unit.

MR. BELLO: I believe it was the sixteenth unit, the issuance of the permit.

MR. HINES: We need your name for the

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stenographer.

MR. BELLO: James Bello, B-E-L-L-O.

CHAIRMAN BRAND: Any questions or discussions on this amended resolution?

MR. CLARKE: Issuance of a building permit is a point in time you can set. Issuance of a certificate of occupancy depends on sales and it depends on a lot of different things.

I guess my other problem with the whole concept is that this is really not your traditional condominium association because there are no owners living in the units at the present time. I haven't seen -- who has the structure of this whole thing? Who is the board of -- who is the board? How are they elected? What do the condominium documents say about that?

MR. TURTURRO: Right now it hasn't been turned over to the homeowners association. The owners are the owners. There are actual owners that live there.

MR. CLARKE: There are?

MR. TURTURRO: Yeah.

MR. CLARKE: I took it that there weren't.

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MR. HINES: Usually there's a threshold number where there's X number of owners and then the homeowners association takes it over.

MR. CLARKE: Normally when it's fifty percent, then the homeowners hold an election and elect the Board.

So you have documents that have all that?

MR. TURTURRO: Correct. Absolutely.

MR. CLARKE: My concern is if you build a pool, now somebody has to maintain it. Who is going to be responsible for that? Before we had a siren that was going off because the septic system wasn't working and nobody seemed to be responsible for it. I have concerns about that. A pool is going to be even worse because it turns green.

MR. BELLO: Absolutely.

MR. TURTURRO: Yes. Absolutely somebody has to be responsible for it. That's why we're trying to push it out to that unit number. By then we'll have enough density and mass, we'll have a homeowners association standing and ready to go. It's in the Attorney

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General's document that everybody bought units so we're personally responsible to make sure that that's done. If it's not done the Attorney General goes right through the LLC.

MR. CLARKE: I'm familiar with the Florida condominium law. I don't know anything about New York law.

MR. TURTURRO: I wasn't, so --

MR. CLARKE: As long as you have a homeowners association and it's going to be in place and somebody is going to be responsible, I don't have a problem. All right.

CHAIRMAN BRAND: Any other comments?

MS. LANZETTA: I just wanted to -- I apologize, I don't have the documents with me. I had some paperwork for, I think it was the --

CHAIRMAN BRAND: Cessation.

MS. LANZETTA: Thank you. The other legal documents regarding the septic, the sewer and the connections. There were two legal documents that were included.

MR. HINES: A water and a sewer agreement.

MS. LANZETTA: Yeah, yeah. I just want

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to call your attention to the fact that on those documents the supervisor of the Town was Albert Lanzetta and it's Alphonso Lanzetta.

MR. MORIELLO: That was already pointed out to me.

MS. LANZETTA: I would be in a mess if I didn't catch that.

MR. MORIELLO: I should have looked in the little book.

MR. CLARKE: He goes by Al.

CHAIRMAN BRAND: Any other comments or questions?

(No response.)

CHAIRMAN BRAND: All right. Jen, would you poll the Board on the amended resolution for the application of Marlboro on Hudson for the re-approval of the special permit site plan approval initially issued on March 7th.

MR. TRUNCALI: I have one more thing. There's also some back rec fees and escrow account money that was due.

CHAIRMAN BRAND: There was.

Do you know those numbers?

MS. FLYNN: I don't think --



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MR. CLARKE: They won't get all their permits without that.

MS. FLYNN: I think it's on the one from the last meeting. It looks like -- was it like 36,000? I forget what the amount was. It's on my paper in the office.

CHAIRMAN BRAND: They realize they're responsible for that. That's part of the condition of approval.

MR. BELLO: About \$4,000 in other fees.

CHAIRMAN BRAND: Escrow.

Jen, would you 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?

MS. LANZETTA: Yes.

MS. FLYNN: Mr. Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

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MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried.

MR. MORIELLO: Thank you very much.

CHAIRMAN BRAND: Thank you.

Anything from the Board before we  
proceed to close?

(No response.)

CHAIRMAN BRAND: No. All right.

How do the members feel about the  
possibility of changing the meetings to 7:00 p.m.  
as opposed to 7:30? Is there anyone that has an  
issue with that?

MR. TRUNCALI: 7:30 is better for me.

MR. CAUCHI: Me too.

MR. LOFARO: I agree.

CHAIRMAN BRAND: Okay. We'll keep it  
7:30.

Motion to adjourn?

MR. CAUCHI: I'll make that motion.

MS. LANZETTA: Second.

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:07 p.m.)

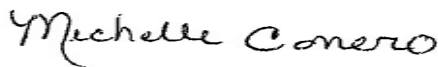
C E R T I F I C A T I O N

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 14th day of November 2018.



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MICHELLE CONERO