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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

OPEN PUBLIC HEARING

Date: March 18, 2019
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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

----- X

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

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, March 18, 2019.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 2/19 and 3/4. Milton
10 Turnpike Solar Farm, public hearing, site plan;
11 Smith Subdivision, public hearing; Wade and
12 Katelyn Davis, public hearing, lot line. Next
13 deadline: Friday March, 22nd. Next scheduled
14 meeting: Monday, April 1st.

15 CHAIRMAN BRAND: I'd like to have a
16 motion to approve the stenographic minutes for
17 February 19th and March 4th.

18 MR. CAUCHI: I'll make that motion.

19 CHAIRMAN BRAND: Is there a second?

20 MS. LANZETTA: I'll second that.

21 CHAIRMAN BRAND: All those in favor?

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. TRUNCALI: Aye.

25 MR. CAUCHI: Aye.

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MILTON TURNPIKE SOLAR FARM

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CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First on the agenda is Milton Turnpike
Solar Farm. They will not be here this evening.

I would like to have a motion to
adjourn the meeting to April 1st.

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

(Time noted: 7:33 p.m.)

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MILTON TURNPIKE SOLAR FARM

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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 25th day of March 2019.

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

SMITH SUBDIVISION

Project No. 17-1017
1st Street, Milton
Section 103.1; Block 4; Lot 47.130

----- X

PUBLIC HEARING - SUBDIVISION

Date: March 18, 2019
Time: 7:33 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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO
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(845)541-4163

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SMITH SUBDIVISION

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CHAIRMAN BRAND: Next up, Smith
Subdivision.

MR. WINGLOVITZ: Good evening. For the
record, Ross Winglovitz with Engineering &
Surveying Properties. I'm here this evening with
the applicant, Doug Smith. I have the notices
for the hearing. There's a bunch. We are in
receipt of --

MR. TRUNCALI: Do you have the public
hearing to read?

MS. FLYNN: I don't.

MR. BATTISTONI: I have a copy.

MR. WINGLOVITZ: There's one in the
envelop too I think.

MR. TRUNCALI: "Legal notice, five-lot
residential subdivision application. Please take
notice a public hearing will be held by the
Marlborough Planning Board pursuant to the State
Environmental Quality Review Act and the Town of
Marlborough Town Code 134-33 on Monday, March 18,
2019 for the following application: Smith
Subdivision, at the Town Hall, 1650 Route 9W,
Milton, New York at 7:30 p.m. or as soon
thereafter as may be heard. The applicant is

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seeking approval of a subdivision application for lands located at 1st Street, Milton, New York 12547, Section 103.1, Block 4, Lot 47.130. 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: Go ahead.

MR. WINGLOVITZ: I gave my name for the record, so we've got that covered.

We do have Pat's comments. Also we received comments from the Ulster County Planning Department, the fire department, and I believe the highway superintendent provided Jenny with an approval of the plans today, or a sign off. My understanding.

MR. SMITH: Gael.

MS. FLYNN: Yes, they have a copy of your letter.

MR. WINGLOVITZ: I haven't seen it since. Do you want me to address the comments or make a presentation to the public?

CHAIRMAN BRAND: Just give a quick overview of what it is you have planned.

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MR. WINGLOVITZ: The project, as the notice said, is on 1st Street. 1st Street is on the northern side of the project. Here is 3rd Street. This property was the subject of a public hearing and an approval probably about ten years ago for a six-lot subdivision. It had been abandoned.

What is currently proposed is a five-lot subdivision. We've reduced the density by one lot.

Each lot would have a single-family home located on it, up to four bedrooms in size.

Individual septic systems and wells are proposed. There is preliminary approval from the Ulster County Health Department for the locations of the septics and the wells.

The one lot, lot 5, is partially within the water district. We have approval to do a well on that lot since that lot sits so far back from the water main in 1st Street at the end of 3rd Street.

Again, single-family homes.

Stormwater was a concern previously of the Board. What we've done is decentralized the

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stormwater. We tried not to collect it and point discharge it. What we're trying to do in this plan is what they call decentralize it. We're spreading it out. Where we do have to collect the stormwater there's swales and pipes, and we'll discharge it into a level spreader, which is a large stone structure, to return the point discharge to a sheet flow. There are good soils out here so the idea of returning the stormwater sheet flow is to recharge it into the soils so we reduce the amount of runoff created by the subdivision.

I think that's it. I'll be glad to answer any questions that the Board may have.

CHAIRMAN BRAND: Thank you.

Pat, did you want to run through your comments?

MR. HINES: Sure. Both the jurisdictional fire department and the County commented on the driveways for lots 1 and 2. I don't know if you know the percent grade on those right now.

MR. WINGLOVITZ: We designed with the max 15 percent grade.

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MR. HINES: 15?

MR. WINGLOVITZ: 15. And that's really only on lots 1 and 2. The rest of the lots are pretty across the slope. There's an area of about 12 percent grade on lot 5.

CHAIRMAN BRAND: The County recommends 20 percent?

MR. HINES: The County recommends 10. Your code doesn't specify driveway slopes but your private road allows 14 percent maximum. You can almost read into that that that's about where you would want to be. I know the fire department did have a concern with the 15 percent. The County did recommend 10 percent, which would require some substantial grading.

MR. WINGLOVITZ: 10 percent would be very difficult. 14 percent would not be a problem. We can do 14 percent and meet your private road standards even though it's a driveway. That wouldn't be a problem.

MR. HINES: The Ulster County approval for the -- preliminary approval for the septic system was received by e-mail. Any approval should be conditioned on final approval from

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Ulster County for the septic. It's kind of a catch 22. They want final approval before they issue theirs.

A no further subdivision note was added to the plans based on the lot geometry and the flag lot layout on lot 1.

The project will disturb greater than 1 acre. A stormwater pollution prevention plan consisting of a soil erosion and sediment control plan is required and has been provided. Projects that disturb greater than 1 acre and less than 5 acres that are residential, 25 or percent less impervious, only require a soil erosion and sediment control plan based on the DEC regulations. A municipal authorization will be required for coverage under the State permit.

Again we're talking the County Planning which we just discussed, the 14 percent for private roads.

That's what we have right now. I know the fire department did issue comments and we're awaiting the highway superintendent signing off, which I believe we received today.

Previously the water superintendent did

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comment on taking no exception to putting the well on lot 5 because of the reasons the applicant's engineer just identified. The distance to the water main at the 1st Street/3rd Street intersection is the closest and it's a couple hundred feet back from there. The other lots are outside the water district.

CHAIRMAN BRAND: Jeffrey, did you have anything?

MR. BATTISTONI: I don't have anything additional, no.

CHAIRMAN BRAND: Okay. Anything from the Board before I open the public hearing?

(No response.)

CHAIRMAN BRAND: This is a public hearing. Any interested member that would like to speak out for or against it, I just ask you to please stand and state your name.

MR. MORRIS: Rich Morris, I live on the lower part of 1st Street, not up where the property is going to be built.

When you say up to four-bedroom homes, is there a limitation on what can be put on these as far as a minimum limitation?

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SMITH SUBDIVISION

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MR. WINGLOVITZ: Minimum square footage
you're looking for?

MR. MORRIS: No. The type of structure
that can be put there. Can you put a trailer on
one of these?

MR. SMITH: No.

MR. WINGLOVITZ: That would be up to
the building code of the Town. That's not what's
proposed here.

MR. HINES: No. The four bedroom comes
out of the septic design. The septic --

MR. MORRIS: Up to four bedroom.
What's the minimum?

MR. HINES: There isn't.

MR. MORRIS: Somebody can put a trailer
there?

MR. HINES: You can not put a trailer.
Trailers are not allowed by code.

MR. MORRIS: Okay. That's what I was
asking.

MR. HINES: If someone wanted to build
a one-bedroom house they could.

MR. MORRIS: Okay. The other question
I have was I know way back there was a plan to

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put an 18-inch pipe running down into where that creek comes in by Negersols. Is that still in the plan?

MR. WINGLOVITZ: No. It's no longer proposed. We reduced the density.

MR. MORRIS: That was the density thing. Okay. Good. Thanks.

MR. WINGLOVITZ: Thank you.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: James Garofalo. I want to talk about two of the things on the Milton Engineer Company 1 letter.

One is on item 2 where it says the current width of the road is nearer than the New York State guidelines for emergency access, I think it would behoove the Board to require that the width of the road be shown on the plans, and it may not be uniform so it probably should be shown in several places, otherwise you really can't judge what the situation is with regard to that.

The second item is number 3. Where they say cul-de-sac at the dead end with the shared driveway entrances would be appropriate,

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with regard to that I would say that it might actually be required under Chapter 134-16(c) and (d) where it talks specifically about either a permanent or a temporary turnaround. A temporary turnaround, it talks about the size.

And then if the street were to be continued past there, the owners -- the former owners of the property would regain the land that was created for the cul-de-sac. I believe it would be very appropriate. It is required on private streets also. This is not a private street, this is a public street, but that's part of the subdivision of lands. I hope you will require them to at least look at that because I think that's appropriate in this case.

CHAIRMAN BRAND: We can look into that.

Pat, maybe you can answer that better than me.

MR. HINES: That section that was just read is for subdivisions that are constructing their own new roads. This subdivision fronts on an existing Town road, although not twenty feet wide per the comments from the fire chief.

This has gone through several

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processes. The topography at the end -- this actually continues as a paper street. 1st Street continues as a paper street where the construction stops. The right-of-way is still there where it's supposed to continue. It was originally designed to continue and connect over to the adjoining street, I forget the name of it. If you look at the plans, there's a fifty-foot right-of-way that continues. It was always supposed to be the extension of the Town road. The reason they probably didn't do that is the topography in that area becomes very steep and construction of a cul-de-sac would require grading probably outside the fifty-foot right-of-way that's there. You would be on adjoining properties in order to get a cul-de-sac that complies with your requirements.

We worked with the applicant early on. The New York State Fire Code Appendix D details fire access roads. The hammerhead turnaround that's depicted here is compliant with the fire code, which is where this came out. Also that same code specifies that fire access roads should be a minimum of twenty feet wide. As was

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mentioned in the jurisdictional fire department's letter, this is not twenty feet. If you see on page 2 of the maps there, there is a twenty-foot section depicted which the roadway falls into in front of lot 4. The map is to scale. If you look right in the front of lot 4, just to the right of the driveway there is a twenty-foot section shown there. You can see the width of the road there. We're zooming in on it now.

MS. FLYNN: Do you want it bigger?

MR. HINES: Right there. Just to the right of the driveway there is the twenty-foot -- what is labeled there as twenty feet. So you can see how wide the road is roughly based on what a twenty-foot wide road would be there. It's labeled and it says proposed pull off on the road section in front of that driveway. So there was a widening in that area. The entire road was not proposed to be widened.

MR. WINGLOVITZ: And that pull off is a fire department turnaround as required under the Residential Building Code. That's where those dimensions came from, we didn't just make that up. That was so fire apparatus could pull off

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and pass each other as required by the Residential Building Code.

MR. GAROFALO: I'd like to also say it's very good of the applicant to be donating some land to the Town so we have a proper right-of-way along that road. I think that's something that's very important to proceed in doing wherever possible. Thank you.

CHAIRMAN BRAND: Thank you.

Anyone else? Please just state your name.

MS. WEBER: Bev Weber. I'm curious as to the size of these homes that are to be built, approximate square footage and approximate cost. Are there any other builders involved in the construction besides Smith?

MR. SMITH: There's no builders lined up at this time. None of the lots are sold at this time.

MS. WEBER: So the lots are sold individually to people? They can choose --

MR. SMITH: They can pick and choose what they want to build.

MS. WEBER: And there's no stipulation

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as to square footage or approximate --

MR. SMITH: There's a whole Building Code in Marlborough that has to be followed. The code enforcement officer, he will assure that everybody follows all of those Building Codes.

MS. WEBER: Modulars could be put on there? You said nothing with trailers. Modulars themselves or doublewides?

MR. SMITH: Once again, that's up to whoever the ultimate builder of the house is, or the owner.

MS. WEBER: Okay. That's not good.

CHAIRMAN BRAND: Anything else from the public?

MR. LEWICK: George Lewick. I have a question. You talked about four-bedroom homes being put up there. I don't know any double-wides that have four bedrooms.

The other thing I see, the trailer park on the other side of Sherman Road, originally when we bought in '72 we were told they couldn't expand more than ten trailers. I'm hearing the same thing here, nothing can be done more than so many houses on this property. Now they have over

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seventy trailers up there which violated the original agreement with the Town -- the Health Department.

So the other question I have is I thought you needed a fifty-foot road. Somebody said a public road. If it's a public road who is going to install that? Who maintains that? We've been trying to get our road, Sherman Drive, done for three years and we keep hearing the same thing, you don't have the money to do it, but yet now you want to put in a development of four to five houses. I'd like to know where the money is going to come from for that. I think these roads that need repair should be done first. In fact, there's a hole at the bottom of Sherman Drive that's been there almost a year. So to me I think the minor things should be accomplished first.

Were you going to open up a grass cutting business?

MR. SMITH: No.

MR. LEWICK: You weren't. Okay. Because another thing I've seen out of the Planning Board is across from Young's, he asked

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for a change in zoning because he wanted -- he wanted to change it from residential to commercial. We went for more than a year before anything was done. I was wondering when something is approved is there any time limit when something actually takes place?

MR. HINES: I can hit some of those questions. I want to get the doublewide off the table. They're not permitted to be constructed here. That would not be allowed to be constructed here. A modular is different. That's covered by the Building Code. Trailers are not covered by the Building Code. Modular homes are conventional homes permitted by the Building Code. They can come in pieces and build them but it's not going to come and have an axle on it. That won't occur.

This project is fronting on an existing Town road, 1st Street. They're not proposing to construct or extend other than the small piece of the hammerhead turnaround. There is an existing fifty-foot right-of-way owned by the Town which 1st Street is located within. It didn't meet current Town specifications when it was

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constructed. It was long before I was here and certainly a long time ago. They're not proposing a new Town road here. The road is there and these lots front on the existing roadway.

The four-bedroom homes are delineated as four bedrooms. As we discussed earlier, they could be less. They can't be more because of the size of the septic systems that the County approved were based on the flow anticipated from a four-bedroom home.

MR. LEWICK: Suppose they wanted to extend the water line up? Because to me drilling four wells has got to be more expensive than extending the water line up past 1st Street.

MR. HINES: The project is not in the water district. They would have to be an outside user with permission from the Town Board. Only one of the lots is in the water district. Originally when this project was a six-lot subdivision, I'll say twelve years ago, you can correct me, there was an extension of the water main proposed. That's the reason why it's now a five-lot, because the well and septic separations caused the loss of that one lot. It's really up

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to the developer to determine the cost.

MR. LEWICK: That's zoned R-1?

MR. HINES: I believe so. Yes, R-1.

MR. LEWICK: I remember cutting apple trees down over there. So when was it changed from farmland to R-1?

MR. HINES: It's been R-1 for as long as I've been here, 1994.

MR. LEWICK: I've been here since '72 and I don't remember ever seeing anything in writing that our house -- where the zoning would be changed.

MR. HINES: I don't believe it was.

MR. LEWICK: The fact it was farm or agricultural before that.

MR. HINES: There are a lot of farms that are zoned R-1. The R-1 designation was really designated around the water system.

MR. LEWICK: When you talk about 1st Street and yet in some literature it looked like 3rd Street. Is it going to be 1st Street as we know the first one as you come in to Sherman Drive?

MR. SMITH: 1st Street comes in -- the

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first one you're talking about, 1st Street, comes in and it wraps around and goes all the way up to the end, and then 2nd Street comes over to 1st Street and 3rd Street comes over to 1st Street. So it's 1st Street all the way around.

MR. WINGLOVITZ: This is all 1st Street here. Here is 3rd Street where it intersects.

MS. BALDING: Sandra Balding. I just want to make a clarification. All the driveways are coming off of what street?

MR. SMITH: 1st Street.

MR. WINGLOVITZ: 1st Street.

MS. BALDING: So all the houses that are on 3rd Street right now that are addressed 3rd Street, are they going to change to 1st Street?

MR. HINES: No.

MR. SMITH: No.

MR. LEWICK: You mentioned -- I'm sorry, Sandy. You mentioned about the water coming down the hill. I'll tell you, every time I ride down Milton Turnpike, you have a lot of water just from the land that's there that floods over. It floods over to Young's property or

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whoever owns that swamp over there. I mean I heard putting up certain walls so the water would be absorbed. It surely isn't being absorbed now.

MR. SMITH: You were just talking about Milton Turnpike.

MR. LEWICK: I'm talking about where the water would eventually come down that hill to.

MR. SMITH: We have it directed on our own property so it can reabsorb into the land on our own property without impacting everybody else.

MR. LEWICK: That's where you said that the Board of Health did the perc test, or whoever does that?

MR. SMITH: That has to do with the septic systems and the septic rules.

MR. WINGLOVITZ: Yes, the Health Department was out there and did approve the septics.

CHAIRMAN BRAND: Anything else? Any other questions or comments?

MR. LEWICK: When is this projected to start, open to sales?

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SMITH SUBDIVISION

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MR. SMITH: There is no construction date as of yet.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: Anything else from the Board on this one?

(No response.)

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

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

MR. TRAPANI: I'll second it.

MR. HINES: We want to have the applicant waive the 62-day timeframe if you're going to do that.

MR. WINGLOVITZ: Sure.

MS. BALDING: I have another question.

CHAIRMAN BRAND: Go ahead.

MS. BALDING: When you say 1st Street, you really mean 3rd Street; correct?

MR. SMITH: No.

CHAIRMAN BRAND: If you'd like to come up, you can look at the map.

MS. BALDING: I have the map in front

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of me.

What I'm trying to say is 3rd Street wraps around.

MR. SMITH: No. 1st Street. 3rd Street ends at 1st Street when it comes to the corner there. It turns into 1st Street right there. 1st Street wraps from the bottom all the way straight up.

MS. BALDING: Because I live on 3rd Street. When you wrap around the corner, those are all 3rd Street.

MR. MORRIS: It's very confusing. People get lost looking for 3rd Street. They come down my road, which is 1st Street.

MS. BALDING: Right.

MR. MORRIS: It should have went all the way up.

MS. BALDING: But it doesn't.

MR. MORRIS: When you come in 2nd Street and you make the right, that's 1st Street. Everybody gets confused because it doesn't connect.

MS. BALDING: They're all addressed 3rd Street, that's why I was asking. You guys live on

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3rd Street. Your neighbors live on 3rd Street.
Your neighbors in the back live on 3rd Street.

MR. MORRIS: I live on 1st Street,
which is the bottom. There's only two houses on
it.

MS. BALDING: There's four houses on
3rd Street that go all the way around.

MR. MORRIS: There's only two houses on
3rd Street.

CHAIRMAN BRAND: Did you have another
comment or concern?

MR. MORRIS: When you say you're going
to close the public hearing, is that for tonight
or is that it?

CHAIRMAN BRAND: That's it.

MS. FLYNN: Can you say your name for
the stenographer, please?

MR. MORRIS: Rich Morris again.
That's it? No more public input after
tonight?

CHAIRMAN BRAND: For the most part
that's done, yes.

We had a motion and that was seconded
to close the public hearing. Discussion on that?

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(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

MR. HINES: I think at this point we should have the applicants contact the jurisdictional fire department to discuss an appropriate driveway grade that they're okay with. I suggested the 14 percent for the private road. I would like to get their input.

CHAIRMAN BRAND: 14 percent is the private road --

MR. HINES: That's your private road maximum grade. I did search your code to try to find a driveway percent grade and you don't have one. I know it used to be 15 percent in an old portion of the code that wasn't revised. I did a word search and didn't find that. The highest

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percent in there right now is your private roadway which is 14 percent. Your public roads are 10 percent with small sections at 11 and 12.

CHAIRMAN BRAND: You said 14 percent won't be an issue?

MR. WINGLOVITZ: It won't be an issue, no.

MS. LANZETTA: Could you also forward those profiles, especially if you're going to update them, up to Ulster County Planning?

MR. WINGLOVITZ: Sure.

MR. HINES: The County had two comments, the driveway grades and the septic systems final approval which we discussed.

MR. WINGLOVITZ: We'd be glad to.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Thank you.

MR. WINGLOVITZ: Thank you.

(Time noted: 7:58 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 25th day of March 2019.

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

WADE & KATELYN DAVIS

Project No. 19-3003
39 Reservoir Road, Marlboro
Section 108.2; Block 9; Lots 12.200, 12.300 & 22.116

----- X

PUBLIC HEARING - LOT LINE

Date: March 18, 2019
Time: 7:58 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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

MICHELLE L. CONERO
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WADE & KATELYN DAVIS

34

CHAIRMAN BRAND: Next up, Wade and
Katelyn Davis, public hearing, 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, March 18, 2019 for the following
application: Wade and Katelyn Davis, 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 merging three
lots into two for land located at 107 South
Street, Marlboro, New York 12542, Section
108.2, Block 9, Lots 12.200, 12.300 and
22.116. 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: I saw you gave the
mailings to Jen. Do you know the numbers?

MS. BROOKS: We mailed twenty-seven,

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twenty were successfully delivered, two were returned as undeliverable and five were not returned but we have the post office list there.

The other thing that I have for the record is the copies of the irrevocable trust for both of them.

CHAIRMAN BRAND: If you would like to give us a quick overview.

MS. BROOKS: Absolutely. Wade and Katelyn Davis own three -- four, actually, contiguous parcels of land. What they're proposing to do is to combine two parcels totaling 2.38 acres and 1.94 acres into one residential building lot and add an additional 0.67 acres from the parcel they own to the south for a total new lot size of 4.99 acres.

The reason for the lot line change is so that their horse barn is on the same property as the house. Actually they had somebody prepare a survey map, a subdivision map a few years ago. Unfortunately I don't know whether it ever came before this Board but it was definitely not filed with the County Clerk. When the addition was put on the house, as you can see it's too close to

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the lot line. That will remedy that nonconformity. They are also planning on putting a pool area in the back, so to maintain that setback they're adding the land in the back.

CHAIRMAN BRAND: Great. This is a public hearing. Any interested parties that are here to speak out for or against this project, state your name for the Stenographer.

Mr. Garofalo.

MR. GAROFALO: James Garofalo. I just want to say that I am very pleased to see on the plan actually some sight distances were put in there. They also put the fact that there's a posted 35 mile-per-hour speed limit which is good.

What it doesn't tell you is whether the sight distance is appropriate for the speed limit. In this case it certainly is. You can probably get 55 miles-an-hour with those kinds of sight distances.

I would hope that the Board will continue to ask the applicants to put the sight distances on, and when they are close, to require them to show on plans exactly how it was computed

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and what the appropriate speed limits are.

Thank you very much.

CHAIRMAN BRAND: Thank you. Anything else?

(No response.)

CHAIRMAN BRAND: No.

Pat, do you have comments on this one?

MR. HINES: No. We have no outstanding comments on the lot line change.

We're recommending a negative declaration for the lot line change and, if the Board wishes, a conditional final approval subject to payment of any outstanding fees, unless Jeff's office has any additional conditions.

MR. BATTISTONI: I actually thought this could be classified as a Type 2 action under SEQRA. The SEQRA regs were amended recently and lot line adjustments are Type 2 actions now. I incorporated that into the approval resolution I submitted tonight. I don't have a separate SEQRA resolution, I just incorporated it into one.

MR. HINES: We didn't discuss that before my comments were written. After my

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comments were written we had that conversation.

CHAIRMAN BRAND: Would a negative declaration have to be --

MR. HINES: No.

MR. BATTISTONI: When you have a Type 2 action you don't need to do any further environmental reviews.

CHAIRMAN BRAND: Great. Anything else from the Board?

MR. TRAPANI: When it comes to sight distance on the road, is that up to -- like on the Town road -- Mr. Appler to give us the okay? I've heard that before and I've seen that before where we had it from Gael to check on the sight distance on the road -- for a driveway coming onto a road.

MR. HINES: There are design standards for sight distance versus speed limit, stopping sight distance. This is an existing driveway in this case. The house is there, the driveway is there. The information that Mr. Garofalo was mentioning was just added to the plans. There's no change to this driveway but the speed limit and the sight distance is there. For new

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driveways it's good to look at. Ultimately the town highway superintendent has the jurisdiction of allowing driveways or not based on that. That information would help him as well.

MR. TRAPANI: Thank you.

CHAIRMAN BRAND: Anything else?

(No response.)

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

MR. CAUCHI: I'll make that motion.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

You have before you a resolution of approval by the Town of Marlborough Planning Board for the lot line revision and consolidation from Wade and Katelyn Davis individually and Katelyn and Wade Davis as trustees.

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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?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. BROOKS: Again, I had asked the last time I was here if it's possible for me to get a copy of the resolution prior to, because I have no idea what was just approved or what the conditions may have been. How do I go about getting those copies prior to the meeting just so if I have a question or a concern I can raise it before the Board votes on it?

MR. BATTISTONI: Unfortunately I didn't

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finish this until about 5 o'clock today.
Normally I try to get it in the Friday before the
meeting. I do have an additional copy.

MS. BROOKS: May I?

MS. LANZETTA: I would like to second
that. I would really like to see everything that
we're going to discuss at the meeting on Monday
sent to the Board members by Friday. I would
like to be able to look it over myself and be
better prepared for the meetings.

MS. BROOKS: I only need it an hour or
so before the meeting. I can look over it
quickly just to make sure if I have a question or
a concern that it doesn't come back to bite us
later on.

Thank you very much.

CHAIRMAN BRAND: Thank you.

(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 25th day of March 2019.

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

- DRIVEWAY CODES/REGULATIONS
- JOINT MEETING WITH THE ULSTER COUNTY
PLANNING BOARD

----- X

BOARD BUSINESS

Date: March 18, 2019
Time: 8:05 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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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MR. TRAPANI: I have one other question.

CHAIRMAN BRAND: Sure.

MR. TRAPANI: Pat, with the driveway, private driveway, it's 14 percent, the incline?

MR. HINES: Yes. I believe the code -- you don't have the specification in your code. I tried desperately to find it this weekend. It's not there any more. You used to have 15 percent for driveways, your private road maximum was 14 percent, Town roads were 10 percent with waivers allowed up to 12 percent.

MR. TRAPANI: I see a house going up by me on Lattintown Road, Rieger Homes. There's one there, the driveway is about (indicating).

MR. HINES: 14 percent is pretty steep.

MR. TRAPANI: What is that?

MR. HINES: I don't know the scale of your fingers.

MR. TRAPANI: All you can see is the sky. I said my God. I don't know. I don't know who would check. Probably Tommy would have to check on that. I mean I've never seen a driveway that steep.

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BOARD BUSINESS

MR. HINES: I'm not aware of the site.

MS. LANZETTA: It's something that the Planning Board might want to mention to the Town Board. When we have those steep driveways -- right now we have no driveway codes. A lot of times what I see, like on Ridge Road, is that the water will run down the steep driveways and out onto the road and there's big ice patches there that the buses, you know, that the kids are on have to be very careful about anticipating because it's allowed to just funnel your water down your driveway right out onto the public road. It might be something that the Planning Board might want to mention -- might want to send something to the Town Board and the highway department and say maybe it's the time to start looking at some kind of regulations that we can ensure that the drainage issues will be addressed.

MR. HINES: Most municipalities have regulations for driveways to stop exactly what you have there. Unfortunately your code doesn't currently have that.

MS. LANZETTA: And two, I want to

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mention -- are you done?

MR. TRAPANI: Yes.

MS. LANZETTA: I do want to mention that Pat sent us information that the Orange County Planning Board is offering training. I did sign up for the two Tuesday night trainings. If anybody else signs up and wants to carpool, that would be fine with me.

CHAIRMAN BRAND: Also, you mentioned Ulster County Planning Board wants to visit here as well in the future.

MS. LANZETTA: Yes.

CHAIRMAN BRAND: I didn't receive anything from them.

MS. LANZETTA: We're supposed to invite them.

CHAIRMAN BRAND: Is there a typical day of the week that works for everyone? Wednesday?

MS. LANZETTA: I think they were hoping that the Town Board and the Zoning Board would be available too, Like when we did that meeting --

MR. HINES: The joint meeting.

MS. LANZETTA: You might want to coordinate with the Zoning Board of Appeals and

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BOARD BUSINESS

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the Town Board.

CHAIRMAN BRAND: The Zoning Board meets on Tuesdays.

MR. HINES: You have court.

MS. FLYNN: We meet on Mondays. Zoning meets on Thursdays and you meet on Mondays.

MR. LANZETTA: Thursday is usually clear. School Board meetings.

MS. FLYNN: Down here?

MR. LANZETTA: School Board meetings are here.

CHAIRMAN BRAND: On Thursdays?

MR. LANZETTA: Twice a month. I don't know the dates.

MS. FLYNN: I could go see when it's open on a Thursday.

MS. LANZETTA: In April.

CHAIRMAN BRAND: April 9th maybe. Excellent. All right.

Motion to adjourn?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: All in favor?

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BOARD BUSINESS

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:10 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
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I further certify that I am not
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Michelle Conero

MICHELLE CONERO