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2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 HUDSON VALLEY TREE HOUSE
8

9 Project No. 17-1019
10 80 Gobblers Knob, Marlboro
11 Section 108.3; Block 2; Lot 64
12 ----- X
13

14 PUBLIC HEARING

15 Date: October 2, 2017
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: CHRIS BRAND, Chairman
23 BEN TRAPANI
24 CINDY LANZETTA
25 JOSEPH LOFARO
26 MANNY CAUCHI
27 STEVE CLARKE
28

29 ALSO PRESENT: RONALD BLASS, ESQ.
30 PATRICK HINES
31 VIRGINIA FLYNN
32

33 APPLICANT'S REPRESENTATIVE: LAUREN BAGLIO
34

35 ----- X
36 MICHELLE L. CONERO
37 3 Francis Street
38 Newburgh, New York 12550
39 (845)541-4163
40

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, October 2, 2017.
8 Regular meeting 7:30 p.m. Hudson Valley Tree
9 House, public hearing, site plan, 80 Gobblers
10 Knob, Marlboro, New York. Next deadline:
11 Friday, October 6th. Next scheduled meeting:
12 Monday, October 16th.

13 Legal notice. Special use permit.
14 Please take notice a public hearing will be held
15 by the Marlborough Planning Board pursuant to the
16 Town of Marlborough Town Code 155-32 on
17 October 2, 2017 for the following
18 application: Hudson Valley Tree House, at
19 the Town Hall, 21 Milton Turnpike, Milton,
20 New York at 7:30 p.m. or as soon thereafter
21 as may be heard. The applicant is asking for
22 a special permit for a home occupation, bed
23 and breakfast, on lands located at 80
24 Gobblers Knob, Marlboro, New York, Section
25 108.3, Block 2, Lot 64. Any interested

2 parties either for or against this proposal
3 will have an opportunity to be heard at this
4 time. Chris Brand, Chairman, Town of
5 Marlborough Planning Board.

6 Yes.

7 MS. FLYNN: Since we don't have her, if
8 somebody talks, if they could say their name
9 before they talk, that way she can take the notes
10 from the recorder.

11 CHAIRMAN BRAND: Absolutely. Before we
12 begin with the public input I would just like the
13 applicant to give us a brief rundown of what's
14 going on so the people in attendance can input
15 wisely.

16 MS. BAGLIO: So at the last meeting I
17 had to provide a site plan which I had Brooks &
18 Brooks do, which you received.

19 Then the other thing (inaudible) which
20 I submitted from the last meeting.

21 CHAIRMAN BRAND: Okay. So basically a
22 bed and breakfast being occupied out of your
23 home. Seasonally or year round?

24 MS. BAGLIO: Weather permitting.

25 CHAIRMAN BRAND: Weather permitting.

2 MS. BAGLIO: Yeah.

3 CHAIRMAN BRAND: Okay. Pat, do you
4 just want to run through your comments first?5 MR. HINES: Yeah. Our comments were
6 provided. This is here for the home occupation,
7 the use of the bed and breakfast. It's
8 restricted to fifty percent of the building per
9 your code. We previously had plans submitted
10 depicting the house layout.11 We have a letter from the
12 jurisdictional fire department which I attached.
13 They have a concern about access to the
14 structure. Coincidentally, I believe they were
15 at the house for a fire last month. They're very
16 aware of it. We'll have to address that with the
17 applicant.18 The code enforcement officer has
19 identified the need for five parking spaces.
20 Those have been added to the site plan, not
21 taking credit for the two garage spaces which
22 they could take credit for. There are
23 potentially seven spaces depicted on the plans,
24 five of which are shown delineated. They'll need
25 to increase the driveway blacktop area for two

2 spaces on either side of where it exists today.

3 MS. BAGLIO: Okay. Can I speak on
4 those?

5 CHAIRMAN BRAND: Sure. Sure.

6 MS. BAGLIO: Okay. I have -- so in the
7 first submission I included measurements of my
8 windows to fire escape routes for each room as
9 well as demonstrations --

10 UNIDENTIFIED SPEAKER: Could you speak
11 up, please?

12 MS. BAGLIO: Sure. For the first
13 submission for August 7th's meeting I included
14 measurements for the window sills to fire escape
15 routes for each room as well as a demonstration,
16 images of how to go about those two routes for
17 each room, which I have a copy of if anyone wants
18 to review. I can give that to you and you can
19 pass it around.

20 Then the incident on August 28, 2017.
21 I called 911 because there was smoke coming from
22 my garage. The fire department responded in
23 four-and-a-half minutes, which I believe is an
24 incredible response time. They backed the fire
25 truck into my driveway. As you will see, the

2 call time -- I'm going to give you guys
3 documents. I should give it to you ahead of time
4 so you can follow along. So these are phone
5 records with data timestamps. So you'll see I
6 called 911 at 8:52. After I talked to the 911
7 gentleman on the phone they connected me to the
8 fire department, I talked to the fire department
9 and the call ended at 8:56, then I sent my
10 husband a picture of our garage after I opened
11 it. I sent it to him at 9:03, which leaves seven
12 minutes in between. That's when the chief told
13 me I could open up the garage, because you're not
14 supposed to open anything and let oxygen breed
15 the fire. He said keep it closed, I'm going to
16 suit up, as I'm suiting up I want you to open the
17 garage when I say go. All that happened within
18 those seven minutes. Between having gone there
19 before the seven minutes, suited up, having --
20 you know, getting in place. The third image is a
21 picture of me with officer and Chief Masten.
22 Behind me is my house. You see the fire truck is
23 pulled back up into my driveway no problem. They
24 got in there safely and in a timely manner. It
25 was really unbelievable how fast they responded.

2 I'm very proud of our fire department. That's
3 the timeline.

4 And then for the detailed construction
5 of the parking spaces for the Hudson Valley Tree
6 House, I have to give you that, too. So this is
7 -- basically I highlighted where the parking
8 needs to be filled in. We're just going to put
9 in rocks basically. It's -- what is it called?

10 CHAIRMAN BRAND: Item 4.

11 MR. HINES: Item 4.

12 MS. BAGLIO: Yeah. So I mean it's not
13 really hard to do. We just order it and have it
14 delivered, have it laid down and we have parking.
15 There you go.

16 CHAIRMAN BRAND: Okay. Ron, did you
17 have anything on this before I let the public
18 input?

19 MR. BLASS: No.

20 CHAIRMAN BRAND: Nothing.

21 Okay. This is your opportunity to
22 speak either for or against this project. As the
23 secretary did ask, please just state your first
24 and last name before you begin.

25 MS. BAGLIO: Oh, wait. We have to

2 submit the --

3 CHAIRMAN BRAND: I do. The mailings,
4 yes. I forget that every time.5 MS. BAGLIO: I'm really organized
6 today.7 CHAIRMAN BRAND: Thank you. How many
8 did you send out and how many were returned?9 MS. BAGLIO: Okay. I sent out eighteen
10 and I received twelve back. I used the Ulster
11 County Parcel Viewer and I did 600 feet instead
12 of 500 just for precaution.13 CHAIRMAN BRAND: Okay. If you just
14 want to give those to the secretary, she'll take
15 them.16 Now if you are an interested party
17 either for or against, please stand up, state
18 your name. Go right ahead, sir.19 MR. KRAIZA: My name is Michael Kraiza,
20 I live at 58 Gobblers Knob. I've spent
21 twenty-one years in the fire department in this
22 Town before I resigned. If there is a response
23 time in four-and-a-half minutes they would have
24 needed a helicopter. You can't drive a car a
25 little over the speed limit and make it in four-

2 and-a-half minutes. It takes you two minutes to
3 get up our road. I think what the applicant
4 might be confused with, she has a dispatch time
5 or a dispatch request. It could be from the
6 senior officer who could just call in. They can
7 be anywhere in the Town. Chances are I'd get a
8 call pretty quick if there was a fire on Gobblers
9 Knob, too. Twenty-one years there and I live
10 right in that neighborhood, I got like five calls
11 probably before the fire trucks were out of the
12 station. My brother has been active in there, my
13 father's been active in there, I was active in
14 there. Probably the first one on the scene was
15 either Eric Masten, and I think it was Michael
16 Troncillito. Michael Troncillito was probably
17 based out of his shop that day, less than a mile
18 from there. So if they come in and say 38-1 or
19 38-2 on the scene, that cuts right into Kingston.
20 That's the dispatcher that gets that kind of
21 call. It doesn't mean a fire truck was there and
22 ready to go. I got questioned from the fire
23 trucks later, they had to go up and turn around
24 in Mr. Alonge's yard, after they went down by my
25 house and saw they couldn't get down. They wrote

2 their own issues. As far as those response times
3 go, just because there's a dispatch noted for
4 Kingston doesn't mean the fire truck was there
5 and ready to do business.

6 CHAIRMAN BRAND: Thank you.

7 MR. DUNN: Good evening. My name is
8 Bruce Dunn, I'm an attorney located in Newburgh,
9 New York. I'm here tonight representing the
10 landowners on Gobblers Knob with the exception of
11 the applicant. That's Charles and Rose Alonge,
12 Gerald and Jean Murphy, William Hopper, John
13 Roper and Michael Kraiza.

14 What we feel is that this application
15 for a special use wouldn't be likely to have the
16 kind of impact as it does have if it weren't for
17 a special use. That's what this Board must -- and
18 under the code -- let me turn this down a little
19 bit. What this Board and under the code, as it
20 says, shall determine from what shall be
21 submitted as a full site plan whether or not the
22 character of the community and the neighborhood
23 will be adversely affected. My clients each
24 believe and know that it would be. As a matter
25 of fact, I've heard from each one of them that

2 long before there was an application before this
3 Board, and apparently long before the applicant
4 knew that she needed a special use permit, there
5 was both vehicular and pedestrian traffic all
6 along Gobblers Knob in the private road area, way
7 beyond the actual easement that the applicant has
8 available to her for use. Now, if there weren't
9 going to be an adverse impact, like I say there
10 wouldn't be a need for a special use. If there
11 weren't going to be, you know -- the process is
12 in the agricultural district, a permitted use as
13 you know -- I'm not going to lecture you as to
14 the code because I've included the relevant
15 portions. If you have a permitted use you can go
16 do that in the agricultural -- rural agricultural
17 zone. If you don't have a permitted use and need
18 a special use, it's because it's unusual, it's
19 likely to impact the community, the neighborhood
20 and the area, otherwise the zoning code wouldn't
21 say it's a special use that you need a permit.
22 We know that it is impactful. We know it has
23 adverse effects because of the traffic, both
24 vehicular and pedestrian, that my clients have
25 experienced long before this application was

2 pending before this Board.

3 We would love the opportunity for each
4 of you to conduct a site visit, just not all at
5 once because I don't know how many cars can fit
6 on that road. I had the opportunity the other
7 day to, for the first time, perhaps if I was even
8 a guest at the applicant's house, to go on
9 Gobblers Knob. In my GPS I put 80 Gobblers Knob.
10 My GPS took me to the top of the hill and
11 suggested that I make a right down what couldn't
12 be traveled by anything more bigger than a
13 four-wheeler. So I became acquainted with the
14 road. I took some pictures and I've included
15 those in the package. If you start with where
16 the pictures start on Gobblers Knob, the
17 intersection looking from each way on the first
18 page, you can see by the telephone pole that's
19 where Gobblers Knob is. So far so good. You get
20 a little closer, you look like -- you turn in,
21 beginning of South Street, another view. Not too
22 bad. I can probably sum up my entire
23 presentation by noting, as I did on the first
24 page, the sign has been hanging there for about
25 thirty years which says dead end, private road,

2 residents only. It's not intended, never has
3 been intended for anything but a rural community
4 of neighbors who, thank goodness, for all of
5 these years have gotten along. This is a private
6 road. There's a whole section of private roads,
7 and I've put it in the materials, of what this
8 Town expects a private road to be except for
9 those which predate the code. There's isn't a
10 way in a million years that this private road
11 would qualify as what this Town expects a private
12 road to be these days. Maybe that's on purpose.
13 In 1989 or in 1986 when the site plan was
14 approved, this is the kind of private road you
15 had. Back then, so I'm told -- I'm no more
16 familiar with it than I was before last Thursday.
17 From what I'm told there was no pavement
18 whatsoever, it was your classic orchard road.
19 Some part of the road, Gobblers Knob, is still a
20 classic orchard road. That's the part that goes
21 from the top and down to the area where the
22 applicant is. There's no turnaround on this
23 road. We'll get to that.

24 The next phase, if you proceed up
25 Gobblers Knob, the first driveway is off to your

2 left. You can see in the distance from these two
3 pictures a small sign, the sign that has the
4 address for 80 Gobblers Knob on the right there.
5 Flipping the page, these pages -- these two
6 pictures show what it looks like to get to 80
7 Gobblers Knob. Where you're coming up that
8 straight-a-way uphill, but nonetheless coming up
9 the straight-a-way and making, instead of what
10 your GPS told you, making that sharp, almost more
11 than a hairpin turn to the right to get into what
12 is called the driveway part of Gobblers Knob. We
13 can see the car that I was driving provides for
14 maybe one extra pedestrian, certainly not another
15 car. That's the way it is all the way up that
16 road. This is the driveway.

17 The first picture on the next page, the
18 distance. Coming closer you can see the house
19 off to your right. Moving closer, there's the
20 house and what's called the driveway then goes
21 down toward the garage. As it turns out, just
22 like that site plan was from 1986, that road was
23 never built according to that site plan. It's
24 not fifty feet wide. This easement is not fifty
25 feet wide. In fact, the easement, fifty feet as

2 described in the survey, ends up about halfway
3 into their driveway. We're not sure when they
4 widened or plan to widen -- I didn't see the
5 pictures either, when they plan to widen this
6 driveway whether or not they're going to be
7 encroaching on the easement. I haven't seen any
8 site plan that's been provided. When you go past
9 -- and then the picture on the bottom of that
10 page, when you go past what is the driveway part
11 that they call going down into their house, to
12 the left is a road that goes up around the bend.
13 Right here it looks like you can probably take a
14 car up there. When you make that next turn,
15 treacherous is an understatement.

16 The second to the last page of
17 pictures, as you go back down this driveway, and
18 my car in it, I was thankful that the car had
19 that feature that I could watch up front and see
20 where my car was on the road because if it didn't
21 have that I don't know that I could have backed
22 down the road. There was nowhere to turn around
23 without going into the driveway.

24 Then the last picture again shows from
25 about where the easement ends that is available

2 for this applicant. Looking back down toward
3 South Street where you can see that turn, the one
4 you have to make coming up to go down. So what
5 invariably has to happen with respect to
6 vehicular traffic is that cars coming to 80
7 Gobblers Knob are going to go all the way up the
8 hill, in the private road where there are rights-
9 of-way, it's not the applicant's. Her interest
10 stops at that easement. There's nothing more.
11 Go up into the private right-of-way next to the
12 properties of the other landowners, turn around
13 in the driveway and then come back down and maybe
14 make this turn as they're coming back down.

15 On top of the vehicular traffic, which
16 is annoying, it's dangerous because it is totally
17 rural and there are children who play, not used
18 to cars coming, and animals that they allow to
19 run because they're not used to cars coming
20 either.

21 What we found -- what the landowners
22 found is that the guests who are coming to 80
23 Gobblers Knob don't get to see much from that
24 deck or from that house except trees. That's why
25 the applicant said in her initial preparation of

2 this briefing they call it the Tree House. But
3 these visitors, they want to see the Hudson
4 Valley, they want to see the river. They come up
5 the private driveway, onto the properties of my
6 clients so that they can get the view of the
7 Hudson Valley. One of my clients, Mr. Alonge,
8 had to ask people to leave his deck because they
9 were there.

10 The permission of a bed and breakfast,
11 home occupation, which I know from reading the
12 minutes of the meetings doesn't seem to be very
13 impactful to some of you, does have an impact if
14 you're living in the area. If you've lived in
15 this neighborhood for thirty-two years and you
16 haven't experienced anything but your neighbors
17 on your road. It's the expression of your code
18 -- I'm not going to -- I don't expect to lecture
19 you on your code, like I said. It's the
20 expectation of those who wrote your code that
21 that sort of thing gets reviewed, reviewed
22 strongly, and if there is that kind of an impact,
23 the character change to a neighborhood, you're
24 denying the application.

25 The comment about that it wouldn't be

2 impactful if it weren't the special use. It
3 wouldn't be impactful if we didn't expect and the
4 applicant didn't expect to be busy. But she
5 does. She will be. There will be guests if you
6 grant the permit. We hope you don't. It will be
7 busy and there will be a change in the character
8 of this neighborhood. It will no longer be
9 rural. It will no longer be agriculture.

10 The description of rural agricultural
11 district. The purpose of this district is to
12 encourage continuation of agriculture and uses
13 compatible with the soil, topography, location of
14 this district, to preserve important natural
15 resources and to create conditions conducive to
16 rural life and country living. People don't come
17 to Gobblers Knob without the expectation of a
18 friendly, uninterrupted rural life, country
19 living.

20 In fact, when the applicant came a few
21 years ago, in a conversation with one of my
22 clients she says I came up from the city for the
23 privacy, for the beauty, to get away from all the
24 noise and other people. Of course. That's why
25 people have lived there so long. Mr. Alonge,

2 whose father owned property for all of those
3 years so that they would not be interfered with.

4 Take the next step, dead end, private
5 road, residents only. Two of my clients own the
6 road. The other clients above have rights-of-
7 way. The applicant was given an easement, or the
8 previous owner was given an easement, fifty feet,
9 which on the map looks nice and wide, nice and
10 flat, but it's not. That's not the way the road
11 is developed. That's not the way the road is
12 now. To expect other strangers like myself to go
13 there and not be used to that is asking too much.

14 Some of the problems, and I'll -- some
15 of the boards that I represent, some of the
16 boards I speak to, I can go on forever. I'll try
17 not to do that.

18 CHAIRMAN BRAND: Thank you.

19 MR. DUNN: Some of the problems we have
20 with the application. Perhaps by now she
21 submitted the deed. I don't know. I thought
22 not. I see the application in the name of Hudson
23 Valley Tree House. Hudson Valley Tree House
24 doesn't appear as an entity with the Department
25 of State. I don't know if it's a d/b/a with the

2 -- in Ulster County. It becomes a concern -- it
3 becomes a concern who is operating or planning to
4 operate that because of the liability aspect.
5 That liability aspect, if granted, would be
6 shared by the operator, the owner of 80 Gobblers
7 Knob. Ask any personal injury lawyer and you
8 know for sure that the owners of the land of the
9 easement are going to be named, and you know for
10 sure that if the Town, by this Board, has
11 certified that a site plan is acceptable for a
12 home occupation, a bed and breakfast, you know
13 the Town is going to be in that lawsuit as well.
14 So it's important to know who is operating what.
15 Hudson Valley Tree House doesn't exist.

16 Ulster County, I'll submit, as I put in
17 my package, will want to know what food service
18 operator is serving meals and a permit for that.
19 The State wants to know who is operating the
20 permitted bed and breakfast, if it otherwise
21 qualifies in the State laws. What we have --
22 what we see here, what I see anyway, application
23 1 and application supplement 2 is Hudson Valley
24 Tree House with Lauren Baglio. I think there's a
25 Todd Decker in there, too. So I don't know

2 whether Todd Decker is part of this application.

3 If a deed has been submitted, he was part of the
4 contract. We don't know. Certainly in the event
5 that there was a lawsuit, the personal injury
6 lawyer will know.

7 In terms of it's operation. In the
8 application we saw the application and supplement
9 number 2, that under the Town code this premises
10 apparently is supposed to have qualified because
11 fifty percent of it is -- not more than fifty
12 percent of it is used for it's guests. If you
13 take a look at the premises and the floor plans
14 that were provided and understand the testimony,
15 or the statement anyway, on August 7th by the
16 applicant, she indicates we have one floor of the
17 home that is not used at all. I suggest in my
18 view of the floor plan that's the basement. From
19 what I understand from those who may have seen
20 the house in the past, the basement is empty.
21 Couldn't do anything in there anyway. Not to
22 mention the fact that it's a double foundation.
23 I'll get to that in a second. We have one floor
24 of the home that is not used at all and we have
25 an office and a study that isn't used. I think

2 that's what I saw on the third floor, or what I
3 call the third floor. If you're counting what's
4 fifty percent of what and you're counting one
5 floor of the home that's not used at all, that's
6 the basement, and you're talking about the next
7 level up where two rooms sit available, and the
8 next level up where one master bedroom sits, and
9 the study isn't used, among all three floors you
10 probably have fifty percent that's not used by
11 guests, but you've got three floors at that
12 point. The State doesn't permit any guests to
13 occupy a room on the third floor. This part of
14 the application is also confusing because there
15 are two rooms on what I call the second floor,
16 one room on what I call the third floor. That's
17 three bedrooms. There aren't any other bedrooms.
18 If this is an owner occupied -- supposed to be an
19 owner occupied business and all three bedrooms
20 are rented out, where is the owner going? Not in
21 the basement. Not in the study. There's no
22 other bedroom. The answer to that, on August
23 21st after Chairman Brand asked how many guests
24 do you have, are you planning, the applicant says
25 four, six max. Four or six max. Basically we

2 have three rooms, two are adjoining and one is
3 separate. If somebody is in one, we block out
4 the other because people want their privacy and
5 they don't necessarily want to be close to other
6 guests. It can range from four to six. It's
7 predominantly four. But there are three
8 bedrooms. There's never been any suggestion by
9 the applicant other than that they might go out,
10 that there would be an issue. They're allowed
11 six if they have one for the owner occupant and
12 it's not on the third floor.

13 The next problem that we have with the
14 application relates to the site plan. The site
15 plan that we saw with the original application,
16 that one page, was a 1986 I believe -- a 1986
17 site plan before anything was built. This shows,
18 it seems to me, twenty-five feet in the front
19 yard --

20 UNIDENTIFIED SPEAKER: We have an
21 updated site plan now. Do you want to see this
22 one?

23 MR. DUNN: Show me twenty-five feet
24 (inaudible). I'll show you what I can read with
25 a magnifying glass. Perhaps a 200 gallon septic,

2 which is five times less than it needs to be for
3 three bedrooms anyway. This is more likely a
4 close to as is site plan. I still don't see the
5 size of the septic. I don't see where it is. I
6 see a septic area. I see that the property line
7 of the applicant's premises does in fact cross
8 into the easement, or at least the way they
9 blacktopped -- not blacktop, the way the actual
10 road goes. Coming down the gravel driveway is an
11 overstatement I believe of what it looks like to
12 me.

13 But all in all, Section 155-32 that you
14 referred to both in the announcement of public
15 notice as well as what is provided in the code,
16 describes the need for a much better site plan.
17 I know that -- I'm aware that this Board can
18 waive certain aspects of the conceptual site plan
19 but not the actual site plan.

20 If you're familiar with South Street
21 and Gobblers Knob, if you've gone up, you'll know
22 that it's -- it's mountainous, it's steep. To
23 not have topography anywhere on the map, we
24 believe it's something that let's you think that
25 the area is flat. It's not. I looked up at the

2 applicant's house from Gobblers Knob down below
3 and could barely see it it's so high. What I was
4 actually looking for was what I've been told was
5 the deck which extends out. It's higher than the
6 deck would be on 4 by 4s without enough
7 substantial footing to hold it in place. It
8 might have passed the code in 1980, 1990 but it
9 no longer would pass the code. In fact, has been
10 fortified, with or without a permit we don't
11 know, because they started to slip down the hill.
12 I don't know if that's when the applicant owned
13 the property.

14 What I believe the Board, among all of
15 these other things they're considering, is
16 whether or not the septic is acceptable for four
17 to six additional guests in a home occupied
18 business, whether the well that was probably 1990
19 is capable of providing water to this facility.
20 And in addition, whether or not that well is
21 capable of providing sufficient water in the
22 event that a fire truck actually had to put out a
23 fire, if the fire truck got up there.

24 MR. HINES: The fire department is not
25 going to use the well.

2 MR. DUNN: I can't hear you.

3 MR. HINES: The fire department is not
4 going to use the well to put a fire out.

5 MR. DUNN: Well, they have no hydrant,
6 there's no pond. If it's not coming out of the
7 well it's coming out of the tanker truck.

8 I didn't hear you read the letter
9 either, but when I was up there that tanker truck
10 was going up there pretty fast. It happened to
11 back down to go get more water. The whole
12 hill --

13 MR. HINES: (Inaudible.)

14 MR. DUNN: So it seems to me -- and the
15 Board -- the site plan for the Board in
16 consideration of the granting of a special
17 permit, special use permit, be interested in the
18 utilities that would be provided.

19 Fire safety is a big problem. Again, I
20 didn't hear the letter the fire company wrote. I
21 couldn't hear it. If in fact -- I couldn't get
22 down to that. If in fact there is exit out
23 windows for a -- in the event of an emergency
24 where a roll out ladder is in a closet some
25 fifteen, ten feet away from the bed with

2 instructions on some door, then that roll out
3 ladder, while it may support (inaudible), I don't
4 know, out the window. I don't know where that
5 goes because this -- if it's anywhere where this
6 house is on the downhill slide, you're not going
7 to meet at the end of the driveway as the
8 instructions give.

9 CHAIRMAN BRAND: Mr. Dunn, I'm going to
10 ask you if you could to just kind of wrap things
11 up as quickly as possible.

12 MR. DUNN: Okay. Almost the most
13 important relates to the access and the traffic.
14 The pictures that I took, my personal experience,
15 the steep slopes, the traffic flow patterns, the
16 entrances and exits and all the streets, the
17 proposed map just don't fit the answer to the
18 question should I have a commercial business, not
19 to mention the fact that it's owned privately,
20 there is no commercial access permitted over the
21 privately owned road, and that sign has been
22 there for thirty-two years, dead end, private
23 road, residents only. Thank you.

24 CHAIRMAN BRAND: Thank you.

25 MS. BAGLIO: Can I respond to all of

2 them? I'll do it as fast as possible.

3 CHAIRMAN BRAND: You don't necessarily
4 have to address each one of those.

5 MS. BAGLIO: I'll bullet point it.

6 CHAIRMAN BRAND: Can I just get some
7 more input from the public and then I will go
8 back to you for like a closing kind of thing, if
9 that's all right with you?

10 MS. BAGLIO: I've prepared and I'd
11 really like to answer all those questions. Like
12 five minutes.

13 CHAIRMAN BRAND: I'm going to go with
14 the other members of the thing and then I'll come
15 back to you.

16 MS. BAGLIO: Okay.

17 CHAIRMAN BRAND: Please state your name
18 for the record.

19 MR. MAHAN: My name is Matthew Mahan.
20 I would like to thank you very much for your
21 input. However, he says he is representing all
22 the landowners except for the applicant. I
23 disagree. You don't represent me.

24 MR. DUNN: You're not a part of the
25 subdivision.

2

MR. MAHAN: But I am part of the persons on that road.

4

MR. DUNN: You're not a part of the subdivision.

6

MR. MAHAN: And again, he states that it says private road, residents only. You're not a resident of that road and yet you went up that road.

10

MR. DUNN: I did.

11

MR. MAHAN: Thank you. So my point is the road, is it steep? Yes. I got married and I had my reception on that road. I had a horse drawn carriage up that road. Is it steep? Yeah. If the horse can bring up a carriage and my big belly up there, it's not that steep. I've had functions where I've had three hundred people. He says you all can't go up there at once. I've had functions where I've had three hundred people at once. You know what? The road can handle it. He says the well can't substantiate the extra things. I built that house. The well puts out 80 gallons a minute. When we first drilled it it was overflowing. It was artesian. As far as the septic goes, the septic

25

2 is more than adequate.

3 As far as he's saying that the deck is
4 slipping off the hill; you know what, it's been
5 thirty years there. The deck is still good.

6 That deck is made out of genuine redwood. The
7 redwood there is going to outlast me.

8 As far as he says it's residents only,
9 then no other people can go up that hill. It's
10 just a generality. Other people -- guests of
11 people go up there all the time. I have guests
12 and I have lived on that road not for thirty-two
13 years but for fifty-seven years. I have had
14 guests there my entire life.

15 We are a giving peoples. We welcome
16 people. We don't want trespassers, no. If
17 someone is trespassing, that's what we have a
18 police department for. The police -- if you have
19 a problem with a trespasser, you call the police
20 department. However, we are generous people. We
21 welcome our neighbors. They're our neighbors.
22 We don't want, you know, hoodlums or anything.
23 They screen the people.

24 There is a clear and obvious sign that
25 says 80 Gobblers Knob and there's an arrow

2 pointing which way to go.

3 The fire department was up there just
4 recently. They backed the truck down. They
5 didn't have a problem. Was it in record time?
6 Maybe not. But you go to the top of Mount Zion
7 or the top of Mountain Road, it's going to take
8 time for a truck to get up there, too. It's
9 understand -- understandable.

10 So I dislike people bullying other
11 people. We want to welcome good neighbors. My
12 opinion is these are good neighbors. So I thank
13 you.

14 CHAIRMAN BRAND: Thank you.

15 Mr. Alonge.

16 MR. ALONGE: Charles Alonge, I live on
17 44 Gobblers Knob. The first time I met this
18 Lauren she says I moved up here from the city to
19 get away from people, okay. Next thing I know
20 she's operating a bed and breakfast. Didn't come
21 ask anybody, didn't -- you know, she didn't ask
22 the neighbors. She's been operating for six
23 months. The Town doesn't fine her. The Town
24 doesn't do anything about it. They hand her an
25 application.

2 Mr. Clarke, you live on a hill. You've
3 got a beautiful view. This is my view, Mr.
4 Clarke.

5 Manny, you live on a hill. This is my
6 view, Manny. Take a look. How would you like
7 the house next door to you to open up a B&B and
8 have people walking around your road, cars
9 parking on that lawn, taking pictures?

10 Mr. Clarke, how would you like that?

11 MR. CLARKE: It happens.

12 MR. ALONGE: Okay. Mrs. Lanzetta, you
13 live on a dead end road. Beautiful. You can
14 walk. I have cars running around now. I have
15 people walking around.

16 You go on the Tree House website,
17 that's their view from her driveway which she
18 doesn't own. This is her view from her house.
19 That's her view. She put my view on the website,
20 Marlboro Tree House.

21 As for Mr. Mahan, before I built up
22 there you had to park your car at the bottom of
23 the hill and walk up. For the last thirty years
24 you haven't done nothing but pick up a rock.
25 Nothing. So don't come up here and say you're a

2 hero.

3 MR. MAHAN: I didn't say I was a hero.

4 CHAIRMAN BRAND: Mr. Alonge --

5 MR. ALONGE: Okay. You have tractor
6 trailers going up our road now, we have
7 (inaudible) coming up our road. Where is the
8 code enforcer? You's people, the first meeting I
9 came you're going to waive the site plan. Okay.
10 I go to the building inspector, he tells me it's
11 not his jurisdiction. Well who's going to
12 inspect this house before you make it a bed and
13 breakfast? Can you explain that to me? I'm a
14 taxpayer, I want to know.15 CHAIRMAN BRAND: I did do some research
16 and there is no necessary inspection that's
17 required on a bed and breakfast. They do do fire
18 inspections yearly. Should the code enforcement
19 officer find another code violation at that time,
20 it's their -- as it stands right now our code
21 does not require an inspection for a bed and
22 breakfast.

23 MR. HINES: For any home occupation.

24 CHAIRMAN BRAND: For any home

25 occupation. Thank you.

2 MR. ALONGE: Is the Town going to take
3 responsibility if they pass this? Is the Town
4 going to be responsible?

5 MS. ALONGE: How about the liability on
6 the road? We own the road.

7 MR. ALONGE: Mr. Hines, you're a
8 fireman. I know you're a fireman, Mr. Hines.
9 This truck doesn't get up there and people die,
10 are you going to be responsible?

11 MR. HINES: No. We have addressed that
12 as a comment that the Board is working on.

13 MR. ALONGE: I want an answer. Who is
14 going to be responsible, Mr. Hines?

15 MS. ALONGE: If somebody gets hurt on
16 the road are we liable?

17 MR. HINES: One at a time.

18 CHAIRMAN BRAND: Please.

19 MR. ALONGE: Which is already
20 happening. The fire truck can't get up there.
21 I've been a fireman eighteen years. I know what
22 it is to get a truck in there and I know what it
23 is to go off road, okay. So do you.

24 I bought this property thirty years ago
25 to be left alone. I pay taxes. I pay a lot of

2 taxes. Mr. Clarke probably pays less than I pay.
3 Manny, I don't know. I pay \$18,000 a year in
4 taxes and I don't get nothing from the Town of
5 Marlborough. Now you's are going to tell me that
6 you're going to put a B&B on my private road
7 and I've got to put up with people walking
8 around, which I've had already.

9 I got robbed last year. They did
10 \$10,000 worth of damage to my house. Where is my
11 -- who's protecting me here? This is what I want
12 to ask you guys.

13 UNIDENTIFIED SPEAKER: You say you got
14 robbed?

15 MR. ALONGE: Yes, I got robbed.
16 \$10,000 damage to the inside of my house, okay.
17 So now I got security cameras.

18 This lady went on my lawn and took a
19 picture from my lawn.

20 MS. BAGLIO: I did not go on your lawn.

21 MR. ALONGE: Well who took the picture?

22 CHAIRMAN BRAND: Mr. Alonge --

23 MR. ALONGE: It's on the website that
24 you pulled down. It's not on there now.

25 MS. BAGLIO: I took pictures from the

2 road.

3 MR. ALONGE: Okay.

4 CHAIRMAN BRAND: Mr. Alonge and
5 everyone else that comes up, I'm just going to
6 ask you to direct your comments to the Board,
7 please.8 MR. ALONGE: This Board is putting me
9 and my six neighbors in jeopardy. That's all I'm
10 telling you. And the code enforcer and the
11 building inspector you's got, I don't know what
12 he does all day long because I got chickens at
13 the end of my road, I've got tractor trailers at
14 the end of my road and they've been dumping dirt
15 off my road. I don't know how that's legal.
16 Maybe you can ask Mr. Mahan that question.
17 That's all I've got to say.

18 CHAIRMAN BRAND: Thank you, Mr. Alonge.

19 Mr. Garofalo.

20 MR. GAROFALO: James Garofalo, 3 Young
21 Avenue. I am not a neighbor. I just want -- I
22 did want to make some comments.23 One, with regard to GPS units, these
24 things in the cars. They all have websites, they
25 all have e-mail. If there is a problem with them

2 identifying your driveway, et cetera, e-mail
3 them, they will change it. They need to change
4 these things because when we eventually have
5 automated vehicles, they don't want to be running
6 off of cliffs or bridges or through your house.
7 So please take care of that as soon as you can.

8 With regard to signs, I believe signs
9 on private roads, if they have been put up by the
10 municipality, because they may not have any
11 effective enforcement to them.

12 There are a few things about the site
13 plan that I have questions about. One is I did
14 not see an accessible space on the plan. There's
15 no driveway width indicated anywhere on the plan.
16 There are minimum widths for driveways. Parking
17 spaces. There are dimensional requirements in
18 the zoning for parking spaces. In order for you
19 to waive something like that, they don't need it,
20 you should know what you're waiving in terms of
21 dimensions of those parking spaces. I believe
22 that in the code it requires those parking spaces
23 actually be paved with asphalt. You can check
24 that.

25 One of the gentleman mentioned grades.

2 The code does have grade requirements for
3 driveways. Obviously this is an existing
4 driveway for the most part, but you should know
5 what the grade is on the driveway.

6 The same with the sight distance when
7 you come down to the road. This is an odd
8 situation in the sense I'm not sure about the
9 ownership of that private driveway when it comes
10 down to the road, but the code normally says
11 within the right-of-way of the town road that
12 driveway is supposed to be paved. Now, this is
13 kind of a weird situation so I don't know if that
14 is going to happen here or not. Certainly, you
15 know, if the Board is going to waive certain
16 things, and you certainly have those -- there
17 certainly are things that should be waived, such
18 as the size of parking spaces. I don't know why
19 we have such a large parking space in our code,
20 but you should know what they are so that you can
21 -- so that you can waive that.

22 I'm really not clear about the
23 situation with the right-of-way. Looking at the
24 plan, it looks like when you come up the
25 driveway, you peel off onto the paved part and

2 there's parking. It almost -- I'm wondering if
3 they couldn't loop this back down so that there
4 would be a loop in that driveway and actually
5 improve some of the private road, improving the
6 access.

7 So I'd like to thank the Board. I hope
8 you will ask for some of this information to be
9 put on the plans. I certainly would like to know
10 what the sight distance is at the bottom of the
11 road, whether or not you need some signs to let
12 people know that there's limited sight distance
13 there or not. I encourage you to have this
14 information put on all plans, not just this one,
15 all plans, so that you can make your decisions
16 based on what's on the plan and what's in the
17 code. Thank you very much.

18 CHAIRMAN BRAND: Thank you. Please
19 state your name.

20 MR. HAWVER: I'm William Hawver, I live
21 on 54 Gobblers Knob. I built the house there in
22 1985 and moved in in 1986.

23 I've watched that road and been a part
24 of everything that's happened to that road since
25 we built there. It was unbelievable back in

2 1985. Vehicles couldn't get up there to deliver
3 materials for us to build our houses. We had
4 tractors to go from the bottom with backhoes and
5 bulldozers to get stuff up within proximity where
6 we could carry the materials to our house.

7 I've always had a great relationship
8 with all of my neighbors up there. Known most of
9 them many years. The Mahans are great people.
10 They throw a big party every year and they block
11 the entire road. Sometimes we can't get up.
12 Sometimes they've had people drunk and disorderly
13 break glass all over the road. You know
14 something, it's once a year, they're great people
15 and we put up with it, you know. I get the
16 invitation, I don't drink so I don't go there. I
17 love those people. They're very good neighbors.
18 Glad to have them.

19 This road is so steep, I have so many
20 times myself -- it faces due north and it doesn't
21 get any sun access. It's the last road to thaw
22 out. It's very slick. Before we put up the
23 guardrails, on numerous occasions I ended up in
24 Ms. Mahan's front yard with my vehicle and almost
25 into her front yard. Most of the time back then

2 it was because I was plowing or something and I
3 came out the bottom in which this lady lives and
4 turned onto the main hill. Exiting from her
5 house onto the hill, making that turn which is
6 beyond 90 degrees, it's very dangerous because
7 your car is already turning and it's -- we've
8 walked down the hill. Almost everybody that's
9 lived there has gone down doing 360s to the
10 bottom of Mahan's driveway. Always very fearful
11 of children and people, young drivers coming up
12 the hill, our own kids learning how to drive.
13 Most of that road two cars can not pass on. It's
14 always in my mind coming up that hill when it's
15 slick and icy that one of my neighbors is going
16 to come down. You know, like I said, we all have
17 experience, we're pretty good at waiting or
18 letting somebody have time to make it up the
19 hill. If you don't make it up that hill, you're
20 coming down backwards. People that don't know
21 that might come up right behind you. Many people
22 up there have visitors and stuff and ended up
23 with their cars sideways across the hill.

24 It's a private road . We are
25 responsible for the upkeep of the road. We do

2 the best we can. I put on cleats, I put cleats
3 over my shoes because you can't walk on this
4 hill, so that I can get out there with a shovel
5 and sand it. These people know that. They've
6 seen me out there doing it. They're afforded the
7 luxury of having the road sanded. It doesn't
8 stop it from being dangerous. It's still
9 dangerous. If you don't know what you're doing
10 and your car ends up sideways across that hill
11 and you happen to get out on the low side of the
12 car, you're taking your life in your hands
13 because the cars have slid down the hill while
14 people were trying to get out of them.

15 If you moved onto my road and you're my
16 neighbor, welcome. But if you're bringing a
17 business and people that don't know the area of
18 the road and you're going to endanger myself, my
19 family and others that have lived up there, we
20 pay taxes. You're welcome. If you want to live
21 up there, you're welcome. Pitch in, help us out
22 keep the road. To operate a business on that
23 private road makes it very uncomfortable for
24 everybody that lives up there.

25 I hope that the Board really looks at

2 this. If you're willing to grant something like
3 this, feel the responsibility when you do that.
4 You're making people that have been here a long
5 time and paid a lot of taxes and improved the
6 area. Thank you.

7 CHAIRMAN BRAND: Please state your
8 name.

9 MR. MURPHY: Yes. Good evening. My
10 name is Gerard Murphy, I live at 50 Gobblers
11 Knob.

12 In December this year I've been in that
13 house five years. We relocated from the State of
14 Maryland. My wife grew up next to a peach
15 orchard when she was a child. When we came up
16 here we looked at over fifteen different
17 properties in Dutchess and Ulster County. No
18 property matched what we saw on Gobblers Knob.
19 The views of the orchard, the private road, the
20 welcoming residential community that we have up
21 there was enough for us to make our purchase.

22 We've been there five years. It's
23 quiet, it's peaceful. But that has changed this
24 year. We have people turning around in our
25 driveway, asking us for directions to the B&B,

2 walking through our front yard, waving at us,
3 greeting us with hellos. We give them a hello
4 back but I guess if they're people we don't
5 recognize, we don't expect to see them up there.
6 So this has changed the character of this quiet,
7 dead end, residential street. We don't
8 appreciate the business that's been set up at the
9 bottom of the hill. It's a commercial
10 establishment. It's inconsistent with the rest
11 of the character of the neighborhood and it has
12 taken away some of our peace and our quiet with
13 the extra activity.

14 We would request that the Board
15 consider that this is a residential neighborhood,
16 it is in an agricultural setting and the
17 establishment of a commercial enterprise on this
18 road is inconsistent with the neighborhood.

19 Thank you.

20 CHAIRMAN BRAND: Please state your name
21 for the record.

22 MR. BAGLIO: My name is Lawrence
23 Baglio, I'm the brother of Lauren.

24 First off, I'd like just to start and
25 say a lot of the concerns that had been presented

2 earlier have already been addressed. The snow
3 issue, the hill. I believe -- I'm terrible with
4 names -- the lawyer up there stated that he got
5 information from my sister's site weather
6 permitting. If there's a bad snow, if there is
7 dangerous conditions, they don't allow people to
8 come up.

9 This gentleman here also mentioned
10 finding the house with GPS. That has already
11 been taken care of. Anyone, I'm sure, that has a
12 smart phone, you can plug in the address right
13 now and you'll see that it's changed already.

14 My sister has worked very hard to
15 comply with everything that you asked of her.

16 I know an additional concern would be
17 people walking up the road. I know she would
18 have no problem saying this is our property, this
19 is the only place you're allowed to go.

20 The concerns that other people are
21 presenting can be addressed very simply.

22 It's a small house. If they have a
23 certain number of guests it would be less cars
24 than if our family came to visit. We have a very
25 large family.

2 Not all of us have SUVs. Everybody --
3 people have cars. They haven't complained about
4 getting up the hill or going over the driveway.

5 I believe that a lot of the concerns
6 are being inflated and are not really factual and
7 aren't really strong arguments against what they
8 are trying to do. They don't want their house
9 destroyed. They don't want their property
10 destroyed. They screen the people that come in.
11 They only want responsible people to come up and
12 enjoy the things, the tourism of the Hudson
13 Valley, to help bring people to different
14 orchards, help local businesses get money, put
15 taxes back into the system, or the wineries. The
16 things that they love they want other people to
17 enjoy them. They're not bringing hoards of
18 people up here. They're not -- it's a small,
19 small operation.

20 I hope that in fact you realize and
21 take that into consideration when the decision is
22 made. Thank you.

23 CHAIRMAN BRAND: Thank you. Anyone
24 else for or against? Please state your name for
25 the record.

2 MR. HAVILON: My name is Lawrence
3 Havilon, I live in Marlboro.

4 My questions are more generic
5 questions, not necessarily directed at this
6 particular application. How big is the house
7 square feet wise? Out of curiosity.

8 While you're looking I'll address my
9 real issue here. It's an issue I've had
10 personally in the house next to where I live on
11 Perkinsville Drive, and that is a problem with
12 noise. We have a sound ordinance in the Town of
13 Marlborough right now which if I asked the police
14 chief he would say it's (inaudible).

15 Before approving plans for bed and
16 breakfasts or Airbnbs or whatever, I would ask
17 the Planning Board to make sure that the sound
18 ordinance they have in the Town is appropriate
19 and can deal with sound problems when they have
20 them. It's more likely to happen from people out
21 of town than our own neighbors who you can
22 usually talk to. When it's people from out of
23 town it's sometimes difficult. My recommendation
24 to the Board, as a suggestion to the Board is
25 look at your sound ordinance. Ask the police if

2 he's happy with it. If he's not, please go to
3 the Town Board. I've gone to the Town Board
4 myself with the new sound ordinance which they
5 have. They have not brought it to the floor yet
6 for a variety of reasons. My biggest concern is
7 the sound levels.

8 The second. The other concern I have
9 is taxes. As a bed and breakfast do they pay
10 taxes to the Town of Marlborough? Is that an
11 appropriate question for here?

12 MR. BLASS: They're assessed based on
13 comparable value or assessed based on
14 capitalization.

15 MR. HAVILON: I'm talking about for the
16 renter. In other words, I'm a guest and I go
17 there and it costs \$100, is there a 3 percent or
18 5 percent or something?

19 MS. LANZETTA: No.

20 MR. BLASS: Sales tax?

21 MR. HAVILON: Sales tax. Yes, sales
22 tax.

23 MS. LANZETTA: There's no additional
24 taxes.

25 MR. BLASS: The State of New York sales

2 tax.

3 MR. HAVILON: There's no Ulster County
4 tax?

5 MS. LANZETTA: No.

6 MR. BLASS: I'm not really sure.

7 MR. HAVILON: We want to make sure if
8 there is an Ulster County tax that we have a
9 process in place that can take care of that.10 UNIDENTIFIED SPEAKER: There is, I
11 believe it's either a 2 or 4 percent tax for
12 tourism for places such as bed and breakfasts and
13 motels and things like that.14 MR. HAVILON: So we don't know whether
15 that is part of the planning process. This is
16 the Planning Board. It's part of the planning
17 process if that's going to take place.18 I'm all for growth in the Town. I
19 think growth in the Town is a terrific thing. I
20 think it has to be with your eyes wide open and
21 let's look at these things and let's say yes, we
22 want to do this and let's do it this way with
23 this sound ordinance, with the taxes in place,
24 with looking at things that can benefit the rest
25 of us as well as the guests coming in from the

2 city.

3 Any word on the size of the house?

4 MS. BAGLIO: 1,970. 1,970 square feet.

5 MR. HAVILON: It is. Okay. All right.

6 I think that's all I have.

7 Like I say, and I want to be very clear
8 about the difficulties with sound problems, if
9 it's ignored it's going to come back to haunt us
10 again. Not to say they're going to have wild
11 parties there, this particular application. Any
12 application that comes in with an Airbnb or a bed
13 and breakfast, everybody is aware and knows
14 exactly what the ordinance reads and they have to
15 live by.

16 MR. TRAPANI: Pat, wasn't it 60
17 decibels within a certain amount of footage?

18 MR. HINES: Yeah. Within a certain
19 distance of the property line based on the time
20 of day.

21 MR. HAVILON: There's more to it. It's
22 more complicated than that. Trust me, I know.

23 MR. HINES: I know you know.

24 MR. HAVILON: Really, if a neighbor can
25 hear it inside of his house, no matter what time

2 of day it is, what time of night it is, it's too
3 loud. That's the way the ordinance reads right
4 now. It's not sophisticated. We need a much
5 more powerful sound ordinance that makes sense to
6 all of us.

7 MR. HINES: It's difficult to enforce.

8 MR. HAVILON: It isn't enforceable.

9 I've had multiple discussions with the police
10 chief. He's not happy with the way it is right
11 now. The Town Board is not happy.

12 I would encourage you, regardless of
13 what happens here, go to the Town Board and ask
14 them if they can work on that and get that done
15 as well. Thank you.

16 CHAIRMAN BRAND: Thank you. Mr.
17 Garofalo.

18 MR. GAROFALO: I'd just like to point
19 out that the bed and breakfast, it's owner
20 occupied therefore the owner is right there. If
21 there's a noise problem -- the noise problems in
22 the Town have been people renting their houses
23 out and the owners not being there. Maybe not
24 even in the country, for all I know, or the
25 state. They're not there and then they make a

2 lot of noise. Bed and breakfasts, the owners are
3 supposed to be there in the building. So it's a
4 very different situation as far as noise goes.

5 The second thing is I don't know if the
6 Board can consider some kind of seasonal
7 restriction that, you know, maybe they can't, you
8 know, from January 2nd to March 30th or
9 something. I don't know if they can have a
10 restriction like that or not, or whether the
11 owners would want to. I bring that up for
12 consideration. I'm not sure about what the Town
13 law says about that but I want to bring that out
14 as a possible compromise to the people off of the
15 road -- off of the driveway in the winter. Thank
16 you.

17 CHAIRMAN BRAND: Go ahead.

18 MR. KRAIZA: My name is Michael Kraiza,
19 I live at 58 Gobblers Knob.

20 There's a lot of comments tonight, some
21 of which were proponents of this bed and
22 breakfast, which I am not. One was from Mr.
23 Mahan who indicates about the road and we're all
24 good neighbors. Mr. Mahan lives on the bottom of
25 the hill. Most of the people that slide in the

2 winter have a problem above his driveway. You
3 need to go above his mother's driveway, I should
4 say, to make the turn off to the applicant's
5 property. That's where the problem arises, in
6 that one area. At least twice a year I've got to
7 go down there and end up helping somebody out.
8 Usually the somebodies don't live there, they
9 spun out. The reason you're stuck helping them
10 is because they're blocking the road. One car
11 spins around and blocks the road, a fire truck
12 can't get up, you can't get out. You're stuck
13 there. There's sand barrels there. You know,
14 we've cleaned up over the years, sanded and
15 salted up there. The applicants I don't think
16 have ever come help us out in the winter with any
17 of the snow removal. That hill is a problem and
18 it's always going to be just by the nature of it.

25 The application, I read owner occupancy

2 but the application shows three bedrooms on it.
3 That's all three in the house. Where is she
4 staying? If you wanted to be under the fifty
5 percent, if you can't count the basement space
6 because if you count that you've got a three-
7 story house. You've got a catch 22 issue going
8 on there with what they stay in there with.

9 The GPS issue, no. Good luck with
10 that. If I got all the packages from all the
11 people that came to 80 Gobblers Knob, you could
12 fill probably half this room with the ones I turn
13 around. The ones I get left on my door step,
14 yes, they come up looking for 80. They don't
15 find it. It still happens. This weekend was
16 another one, they come to my house. I'm at the
17 end of the road so they think that's 80. They're
18 riding 200 yards up a driveway that looks like a
19 driveway just because they're going up to the
20 house. So they end up at my house all the time.

21 During May of this year -- I first saw
22 this website up last January. There were some
23 reviews about it. There was a picture taken from
24 Mr. Alonge's deck. It wasn't taken from the
25 ground. It wasn't taken from the road. When

2 you're looking down at the base of the flag pole,
3 you're not taking it from the ground. Nice view.
4 I first saw it, then it went off, I didn't see it
5 again. Looked it up a couple weeks later, this
6 Tree House Airbnb was gone.

7 In May I started noticing out of state
8 plates up and down the road. The second time I
9 got put off of my own road in a ditch with my car
10 in the rocks because somebody is coming down the
11 road too fast. That Airbnb website, I look
12 again, it's back up. It's nice. It says be
13 respectful of our neighbors, be quiet, be slow.
14 They don't do that. They come flying. You've
15 got to get out of their way. It's a skinny
16 little road there. The only way you do it is go
17 in a ditch. I look up again, there's seventeen
18 people's reviews in May. Nobody even filled out
19 an application here until July. There's
20 seventeen reviews posted. They were busy in and
21 out of there. I wondered where the noise was
22 coming from and then I ended up seeing.

23 My house was also broken into,
24 unsuccessfully like Charlie. But I had an
25 attempted break in. His break in at his house,

2 they got in. They tore his house up. He says
3 10,000, I don't doubt it. I saw the damages. My
4 house was kicked. I had a different reinforced
5 door. The police were up and looked at it. They
6 don't know who it is but it's kind of quiet up
7 there. Nobody's coming in from the back.

13 I was here at one of the last meetings
14 and the applicant was saying she's worried about
15 the privacy of her guests. How about the privacy
16 of us that live up there? I mean I pay like
17 13,000 a year in taxes. I pay that because I
18 want to live on a private road. I don't want
19 transients walking around, asking me where the
20 B&B is. I don't care what you put restrictions
21 on your site. They get out and walk around.
22 That's what they're there for. They're in the
23 country. They're coming up and renting cars and
24 they want to look around.

25 The traffic problem, liability problems

2 are a lot, though. I'm not a proponent of the
3 application either.

4 The owner occupancy also worries me.
5 If they have three rooms posted on there and they
6 are looking to rent all three out, they're not
7 going to be there. That defeats the whole
8 purpose. I mean you can shake your head, you can
9 bat your eyes, you can do whatever you want, but
10 there's three on the application. I didn't
11 prepare the application and put all the rooms on
12 it.

13 You moved up here and bought a single-
14 family residence on a private road. Most people
15 do it for that reason. To bring a business on to
16 it isn't right. You get the chance to decide on
17 that on special use.

18 CHAIRMAN BRAND: Ms. Alonge, yes.

19 MS. ALONGE: I just wanted to -- Rose
20 Alonge, 44 Gobblers Knob.

21 I just wanted to reiterate what Jerry
22 and Bill had said about the privacy issue. I
23 mean I built my house -- my baby is twenty-nine
24 and I built it before he was born. Now I'm
25 raising my grandchildren. They're three and

2 they're six. I was out there in the spring and
3 there's people walking around. They're three and
4 they're six. I do not want strangers walking
5 around when I have my three year old and my six
6 year old grandchildren, okay. For me, I want
7 privacy, and that's why I live up there.

8 I'm also worried about the liability
9 aspect. If somebody gets hurt on my road, me and
10 Charlie and Jerry own the road, who is going to
11 be responsible if somebody gets hurt on my road?
12 It's a private road. Is the Town going to be
13 responsible? Is she going to be responsible?
14 That's the concerns that I have, someone gets
15 hurt.

16 CHAIRMAN BRAND: Thank you. Anyone
17 else? Please state your name for the record.

18 MS. MAHAN: My name is Mary Mahan. Of
19 all of the neighbors, I am the closest. They
20 bought the house that my deceased son built, so I
21 know the house. I've lived there almost sixty
22 years, so I know the road. I live on probably
23 the steepest part of the drive. We had troubles
24 way back when.

25 As far as the turn goes, before I lived

2 on Gobblers Knob I lived on Mount Zion Road.
3 Those of you who know the hairpin turn on Mount
4 Zion Road, that has been there, I checked it out,
5 almost to the early 1700s. It's still in
6 probably close to the same condition as it was
7 then.

8 As far as security, when they built up
9 above me my security went down. I had people
10 coming up. Talking about needing directions, I
11 can't tell you how many people have stopped at my
12 house to ask where 60 or 80, or whatever,
13 Gobblers Knob is. UPS uses GPS now but prior to
14 that I had to give directions.

15 I stand now to try to personalize this.
16 I must, must ask your forgiveness, I don't hear
17 well, I missed almost half of everything because
18 I was looking at people's heads. I hope I'm not
19 reiterating too much.

20 My reason for coming, I sold the house
21 to them. That doesn't make it different for me.
22 What makes it different is they're a nice young
23 couple, the kind of couple I think you'd want to
24 attract in Marlboro. They are running a business
25 that has two, three, four people for one or two

2 nights a week, if that many. How does it impact
3 us? People walking on your property? I had that
4 all the time. I don't know where all the vitriol
5 is coming from. We're supposed to be a
6 community, we're supposed to be neighbors.

7 My grand kids went up to look at
8 Charlie and Rose's flagpole. He chased them.
9 He's got probably one of the nicest views around.
10 I can understand people going to look at the
11 view. If I were Charlie I would be so proud that
12 people liked my view. This really has to be
13 neighbors caring for each other, caring about
14 each other and what we're all doing.

15 I'm the oldest member on this road.
16 Actually, it was Brian Troncillito who took a
17 bulldozer and built the road. We built kind of
18 on top of that. So I've been there the longest.
19 I've always gotten along with my neighbors. I
20 don't know why there are problems now. There
21 shouldn't be. They're a young couple bringing
22 business to Town. Don't you want more tourists?
23 Don't you want more people to appreciate the
24 beauty of Marlboro and the surround? If we kill
25 every bit of initiative that people have, we're

2 going to lose a lot.

3 Those are my thoughts. Thank you.

4 CHAIRMAN BRAND: Thank you. Mr.

5 Alonge.

6 MR. ALONGE: I just want to say Mr.

7 Mahan stood up here. Before I built up there
8 they used to park their cars at the bottom of the
9 road and walk up. That's how bad the ice is,
10 okay. We built up there. It cost me \$7,000 to
11 have a D8 come in there and make the road. I
12 didn't ask anybody for any money. I've been
13 plowing out Mr. Mahan for thirty years up and
14 down the hill. A tank of gas every snowstorm.
15 Never asked anybody for a dollar for gas.

16 I don't know what this Board can tell
17 me. What do I do as a taxpayer? Where is she
18 going to park all these cars?

19 Can I see the site plan? Her driveway
20 is on my side of the road. That's pretty nice.
21 So far \$60,000 in blacktop. Mr. Mahan didn't
22 give a dime. I went to Ms. Lauren here to ask
23 her for some money two years after they lived
24 there, we don't have any. Yet she wants to bring
25 commercial vehicles up and down the road and use

2 my road. Doesn't even come knock on the door and
3 ask me. So that's the kind of lady she is. If
4 you think anything is going to change, I don't
5 think it will.

6 CHAIRMAN BRAND: Thank you.

7 MR. ALONGE: Sorry for yelling before.

8 CHAIRMAN BRAND: That's quite all
9 right. We're used to it. Yes.

10 MR. DECKER: My name is Todd Decker, I
11 am (inaudible).

12 It wasn't two years, it was maybe just
13 a couple months after we lived -- excuse me,
14 after we purchased the home. We recently got
15 married the year before. All of my savings went
16 into the home, went into the marriage. As much
17 as I would love to help contribute, we just
18 didn't have the money at the time.

19 I'd also like to note since we lived
20 there, any repairs -- we don't have access to
21 that road. We've come in during this process.
22 We know what our easement is now. Before we
23 didn't. So throughout this process we've
24 learned.

25 Also the easement, you need to take a

2 look at the site plan. That sharp right turn,
3 initially I thought that was our driveway. Now
4 we know it's part of Gobblers Knob.

5 Every year when it snows I take my
6 snowblower and I clear the entire road because
7 nobody else does. So I just want to make that
8 clear, that I do help in terms of the road,
9 clearing that path from our blacktop. Take a
10 look at the site plan, the driveway all the way
11 to where that turn is, I do that every time it
12 snows. I just want to make that clear. Thank
13 you.

14 CHAIRMAN BRAND: Anyone else from the
15 public?

16 (No response.)

17 CHAIRMAN BRAND: All right. I will
18 give you an opportunity to respond to some of
19 those things.

20 MS. BAGLIO: I'll try to be as brief as
21 possible.

22 So the first thing that I knew needed
23 to be addressed was that Google Maps and Waze was
24 directing people to the wrong address. That
25 since has been fixed. I have a letter from

2 Google Maps saying success. Everything is now
3 going to the correct address. I have an e-mail
4 from Waze saying everything is going to the
5 correct address. So they won't go past the
6 house, they'll go to the right house.

7 If you look on the map, you'll see the
8 neighbors 1 through 7. The yellow is the
9 easement. The orange is a road that we don't
10 use, that's private. Our guests will not go past
11 our easement now that the records for it -- the
12 directions are correct. We do, you know, show
13 the sign, pictures, get this right, don't go past
14 that.

15 Also, since there is a concern about
16 guests going past the easement and walking around
17 and -- I understand that's a concern. To solve
18 that concern you'll see number 6 on the agreement
19 and rules, guests do not -- they have to stay on
20 our property at all times unless they're coming
21 or going.

22 They also -- you'll see number 10,
23 there was a concern about noise. We have quiet
24 hours after 10 p.m., meaning like no music, no --
25 because some guests may not want -- they want to

2 go to sleep. We want our guests to respect other
3 guests at the same time. We've never had loud
4 parties or any people that were loud outside of
5 our home.

6 Also, at the end we have (inaudible)
7 sign it and date it so they know that we are
8 serious about this, these aren't flimsy rules,
9 that we really want them to take them seriously.
10 We also have security cameras all around our home
11 too so we can see where people are on our
12 property, what they are doing.

13 As far as the road is concerned, the
14 privacy of the neighbors from 3 to 7, they'll be
15 able to maintain that now that people will not be
16 going past the easement, now that the Maps and
17 Waze is correct. And they will not be walking on
18 the property because they have signed an
19 agreement saying they will not leave the property
20 unless they're in a car driving out.

21 I also addressed the concern about the
22 ice and the snow. If we feel like the road is
23 not safe we will call them, tell them I'm sorry,
24 we're going to cancel and you can rebook or we'll
25 refund your money, no problem. I don't want

2 people coming up if it's not safe. I don't want
3 to put anybody in that position, nor do I want
4 them to have a bad experience. I want them to
5 feel that they're safe coming to my home.

6 If you look at neighbors 3 through 7,
7 nobody will be driving past anybody's property.
8 They will be passing neighbor 1, which is a
9 rental, and neighbor 2 which are the Mahans and
10 they are happy with us. They don't mind that I'm
11 trying to run a B&B. They're going to really get
12 the brunt of the traffic as far as their privacy
13 goes. They're okay with it. It will be
14 maintained on the lower end of the road, meaning
15 people are not going to drive past my neighbors
16 that want their privacy. I understand that.

17 So I feel like that resolves the main
18 concerns.

19 I just want to say I never meant to
20 upset anybody. I thought that I was allowed to
21 walk on the road. I didn't know that I wasn't
22 allowed to go past my easement. Now I know that.
23 Now I will not walk past the road. I will not
24 wave at my neighbors with an iced tea just
25 walking the loop. I will stay on my property and

2 will not go off it.

3 I do feel like now that we have the
4 site map and things are very clear, I do
5 understand, you know, where the boundaries are.

6 I can respect my neighbors' requests to just keep
7 everyone, you know, within those property lines.

8 I can respect that. That is perfectly
9 understandable.

10 Let's see what else. The unpaved part
11 of the road of Gobblers Knob, it's about 600 feet
12 from the easement when you go up Gobblers Knob
13 and you make the turn onto the gravel road. From
14 our driveway all the way out to the turn my
15 husband and I have been filling in the potholes
16 with rocks, we've been cutting, you know, any
17 branches, removing things that got in the way.
18 We have been doing all the snow removal for the
19 600 feet of the road. We kind of feel like we
20 aren't, you know -- I feel like we're
21 contributing. Like in my eyes we're
22 contributing. We're maintaining 600 feet of the
23 road. I feel like that's a big chunk for one
24 neighbor to do. In my eyes I thought we were
25 doing good by everyone by doing a good chunk of

2 the road. I didn't realize people felt like we
3 weren't contributing.

4 Now the first -- in the first couple
5 months that we did live there, Mr. Alonge did ask
6 for money for the road, but he asked for money
7 for the road that is past my easement, so above
8 my easement all the way at the top from neighbors
9 3 to 7. That's where the improvements were being
10 made. They weren't being made on the road that
11 is a part of my easement and the road that I use.
12 So, you know, at the time, yeah, we didn't have
13 money and that was initially the reason. Now
14 that we've gone through all of this I'm realizing
15 that wasn't even a part of my easement, meaning
16 that's not part of the road I should have to pay
17 for.

18 As far as the view goes, I understand
19 that like the view is amazing, but people don't
20 know it if they don't see it. If you turn on my
21 road you're not going to see the view. It's not
22 like Marlborough is known for the view from
23 Charlie's house. If they want to see a beautiful
24 view I'm going to send them to Benmarl, I'm going
25 to send them to Raccoon Saloon right over the

2 waterfall, I'm going to send them to the Falcon.
3 I'm going to send business into town. I'm going
4 to tell them which orchards to go to, I'm going
5 to tell them like where to, you know, basically
6 put money back into the Town. I think that, you
7 know, a lot of people are going up to the
8 Catskills and they're kind of skipping over
9 Marlboro. It's such a wonderful area. They're
10 spending more money here. They want to come back
11 and spend more money here. Our home is an
12 experience for them to be with the locals and get
13 a real idea of what Marlboro is like and what the
14 people are like. We're really kind to these
15 people. By the time they leave I hug them
16 goodbye, they send us thank you cards. I keep in
17 touch with them afterwards through our Instagram
18 page. It's a very communal thing. I feel like
19 I'm doing it for the neighborhood. I really
20 think this would be great for the Town. I think
21 a lot of money could go back into businesses that
22 are local to us.

23 CHAIRMAN BRAND: Thank you.

24 MS. BAGLIO: You're welcome.

25 MS. LANZETTA: Can I ask you a

2 question?

3 MS. BAGLIO: Sure.

4 MS. LANZETTA: On the yellow easement
5 line that you have that you kind of squiggled on
6 the upper portion, can you tell me about that?7 MS. BAGLIO: So we did a survey. Our
8 land was much closer to the home than it was so I
9 just crossed it out.10 MS. LANZETTA: The black line you have
11 across is actually your property line?

12 MS. BAGLIO: Right, right.

13 MS. LANZETTA: And there's -- what is
14 the condition of that easement today? That's on
15 somebody else's property, though; right?

16 Correct?

17 MS. BAGLIO: I'm sorry?

18 MS. LANZETTA: The easement itself is
19 on somebody else's property?20 MS. BAGLIO: Right. So if you see how
21 it goes up, the orange curve --22 MS. LANZETTA: I'm looking right above
23 here in this section.

24 MR. CLARKE: By neighbor 1.

25 CHAIRMAN BRAND: You indicate the road

2 goes back down to the --

3 MS. BAGLIO: No, no, no. Sorry. I was
4 just enclosing my property. That was supposed to
5 be my property lines, that's not a road. Where
6 it hooks up with the orange. So there's
7 basically like a loop of a dirt road. When they
8 built the road, this part goes actually onto my
9 neighbor's property. We don't use that road at
10 all because it's private property, and it's also
11 not maintained. We don't maintain it.

12 MS. LANZETTA: I was just wondering if
13 there was an opportunity to get back to the road
14 up here.

15 MS. BAGLIO: No.

16 MS. LANZETTA: Okay. Thank you.

17 MS. BAGLIO: You're welcome.

18 CHAIRMAN BRAND: Anything else from the
19 Board? Comments, questions?

20 (No response.)

21 CHAIRMAN BRAND: Ron, I do have a quick
22 question. Obviously the issue of liability has
23 come up several times on the private drive. What
24 exactly is the extent of the liability for the
25 private road owners?

2 MR. BLASS: Let me start with the Town.
3 By virtue of issuing a land use permit the Town
4 assumes no liability. So with respect to an
5 accident that occurred on a private road, I would
6 expect that anyone with an ownership interest in
7 the road and anyone with an easement interest in
8 the road might be named as a defendant.

9 UNIDENTIFIED SPEAKER: Be a what?

10 MR. BLASS: Named as a defendant. Sue,
11 in other words. Might have some potential
12 liability.

13 This is clearly an environment where
14 the weather plays a big role.

15 I've looked at the maintenance
16 agreements that seem to apply to this private
17 road and they impose very few specific
18 obligations. They're not state-of-the-art
19 maintenance agreements. I think the testimony was
20 pretty clear tonight that it is a pitch in and
21 help out method of maintenance which is
22 exacerbated by winter conditions.

23 But on the liability question, I think
24 anyone with an ownership interest, or anyone with
25 an easement interest, or anyone who assumes a

2 function of maintenance would be a potential
3 target.

4 CHAIRMAN BRAND: Okay. And then Pat,
5 my other question was in regards to the fifty
6 percent rule and the applicant's -- some of the
7 residents spoke about the three floors and the
8 basement. Is this considered a three-story
9 dwelling then because of that basement? Do we
10 count ground up? How does that work?

11 MR. HINES: I think you count ground
12 up. We ran into this with the last bed and
13 breakfast, what portions of the building were
14 going to be counted. Tommy Corcoran had weighed
15 in on the application before it got here, so
16 that's under the code enforcement purview. You
17 do have the plan sheets there. I'm a little
18 concerned about the three-bedroom rental versus
19 who lives there and who doesn't.

20 CHAIRMAN BRAND: That was going to be
21 my next question.

22 MR. HINES: So there are those issues.
23 What I would suggest right now is we
24 heard a lot of issues from the public, we heard
25 the applicant. I think it would be beneficial

2 for the Planning Board to do a field review. It
3 begs for the Board to go take a field review.

4 CHAIRMAN BRAND: I did actually go on
5 site and I did see some of the concerns that were
6 brought up. I would certainly encourage if
7 you're not familiar with the site to do that.
8 Definitely the road and the turn.

9 We did get a letter from the fire
10 department that they did have concerns for the
11 emergency situation and access to the property,
12 including the switchback and getting fire
13 apparatus that would need to backed down
14 approximately 400 feet on Gobblers Knob.
15 The chief, Eric Masten, indicated that it would
16 hinder a timely deployment of water supply hose.
17 He also said that the loose stone and overgrown
18 tree branches and other vegetation could also be
19 a hindrance to emergency vehicles, and indicated
20 obviously foul weather conditions would be a
21 problem for them as well.

22 My question to the applicant would be
23 to go back to that three-room question that came
24 up. If this is an owner occupied dwelling and
25 there are only three bedrooms and you're renting

2 three bedrooms, where does the occupied part come
3 into that?

4 MS. BAGLIO: I would stay in the study
5 if that's, you know, a concern about where we're
6 sleeping. We're still in the house. We don't
7 leave the house. We don't rent all three rooms
8 and go. We're always there.

9 As far as what the rules are for
10 bedrooms versus where somebody is sleeping, I
11 didn't know like how -- what the rules are for
12 that. Initially we just would rent out -- you
13 know, we try to rent out the master bedroom
14 because it has a lot more to often and it's more
15 expensive, but it usually doesn't rent out. If
16 the two -- usually the two bedrooms downstairs,
17 like I said, unless there's two couples traveling
18 they'll be renting out those two. And then the
19 third, if we get lucky, which hasn't happened, I
20 would sleep in the study. I don't really care
21 about my own comfort. I can sleep anywhere. It
22 was more of like maximizing, you know, the
23 opportunity to make money. If we can't do that,
24 if we can't sleep in our study, that's not
25 something that you would approve, then we will

2 only rent out two at a time.

3 Basically what happens is when somebody
4 rents a room we'll make sure to block out the
5 other one so that this way there is a room that
6 we're always occupying. I didn't realize that
7 was a concern. You know, like I said, I can
8 sleep anywhere. If it's in the study I don't
9 mind. If that's not okay, we'll just do two
10 rooms at a time instead of all three.

11 MR. HINES: As far as the owner
12 occupancy and the requirement, --

13 MS. BAGLIO: We are always there.

14 MR. HINES: -- the home occupation bed
15 and breakfast ordinance requires that.

16 CHAIRMAN BRAND: I had a lengthy
17 discussion with the code enforcement officer and
18 I was relatively shocked to find out that bed and
19 breakfasts don't require any type of inspection
20 before this. I did just speak with another Board
21 Member earlier and we saw that one of the towns
22 is proposing a type of inspection, and then if
23 you have this inspection then they were granted
24 some type of -- you were able to advertise and
25 say that you were an inspected bed and breakfast.

2 I'm just curious if that's something
3 -- we did hear some concerns possibly about the
4 deck and the stability of the deck and some other
5 things. Would you be willing to have the code
6 enforcement officer do an inspection of the
7 property before we went through any approval
8 process?

9 MS. BAGLIO: Just so I'm clear, you're
10 saying right now there isn't -- that isn't in
11 place, that's something you're introducing?

12 CHAIRMAN BRAND: It isn't. We're not
13 introducing it. I'm asking you if you, as the
14 applicant, would be comfortable with the code
15 enforcement officer looking through? It's just
16 something -- I am going to -- I write a monthly
17 report and I am going to include that in my
18 monthly report to the Town Board. I think that's
19 something that maybe they should look at that
20 section of the code --

21 MS. BAGLIO: Okay.

22 CHAIRMAN BRAND: -- perhaps make a
23 recommendation that the code enforcement officer
24 should in fact check some of these places out
25 before we allow people to come in. I'm thinking

2 in my head that perhaps I would use you as the
3 guinea pig so to speak.

4 MS. BAGLIO: Okay.

5 CHAIRMAN BRAND: Would you be willing
6 to have the code enforcement officer inspect the
7 property?

8 MS. BAGLIO: My only question is for
9 that, when they built the home and they got the
10 permit for the home, wasn't that already
11 established? They got approval to build the
12 house based on how it was already built?

13 CHAIRMAN BRAND: Yes.

14 MS. BAGLIO: I'm not sure what the
15 difference would be.

16 CHAIRMAN BRAND: I think code issues.
17 Obviously if it was to code -- for my concern,
18 speaking with the code enforcement officer, I'm
19 thinking along the lines of we brought up the
20 deck. Say for example a homeowner builds a deck
21 but they didn't go through the necessary approval
22 processes to built that deck. We don't know
23 about that deck. We're not sure if that deck is
24 up to code. I would feel uncomfortable having
25 people out on the deck that I didn't know was up

2 to code. It would obviously not be today's
3 building code, it would be whatever when the home
4 was built.

5 MS. BAGLIO: Right. I think that's a
6 safe thing to do. I don't see why not. I just
7 wanted to ask questions about it.

8 CHAIRMAN BRAND: Okay. Obviously we've
9 never done this before so I probably have to work
10 out some kinks with that as well. You saying
11 you're comfortable with it makes me feel a little
12 more comfortable.

13 MS. BAGLIO: Okay. I just wanted to
14 make sure I understood it before I agreed to it.

15 CHAIRMAN BRAND: Okay. I guess at this
16 time I would like to have a motion to adjourn the
17 public hearing.

18 MR. LOFARO: Can I just ask Ron a
19 question?

20 CHAIRMAN BRAND: I'm sorry. Yes.

21 MR. LOFARO: If a special use permit is
22 issued does the Town have liability if there's a
23 fire issue and a fire truck can't put out the
24 fire, if somebody gets killed in a fire?

25 MR. BLASS: There is generally a

2 concept of governmental immunity with respect to
3 the issuance of permits. Municipalities are not
4 liable for taking actions that affect the
5 population at large. So in other words, if there
6 was a faulty testing and maintenance of a fire
7 hydrant that was not functional during a fire,
8 that's a classic case where the municipality is
9 not responsible to anyone who was injured because
10 municipality can not be held responsible for
11 breach of a duty to the public at large. The
12 exception to that rule is if someone was digging
13 a ditch without adequate support on the sides and
14 asked the building inspector whether it was safe
15 to go into the ditch and he said yes, then there
16 would be potential liability in that situation
17 because there's a duty being assumed by the
18 building inspector to a particular person as
19 opposed to the public at large. So that's --
20 there's a lot of governmental immunity.

21 MR. LOFARO: Okay.

22 MS. LANZETTA: The assumption being
23 that the Planning Board is doing it's due
24 diligence as it comes to it's decision.

25 MR. BLASS: Exactly. And it's

2 performing a duty owed to the public at large as
3 opposed to the particular project.

4 CHAIRMAN BRAND: Anything else from the
5 Board?

6 MR. CAUCHI: I have one question. With
7 respect to both parties, is it okay for us to go
8 up there and view -- I'm not familiar with this
9 road, that whole private road. Is it okay for us
10 to go up there and just observe and just take in
11 what we see? Can we do that as a Board or as an
12 individual?

13 CHAIRMAN BRAND: Do you have an issue
14 with that?

15 MS. BAGLIO: No.

16 MR. DUNN: All my clients say yes, go
17 ahead.

18 CHAIRMAN BRAND: I would definitely
19 recommend that you should do that. Like I said,
20 I was there. I think that we should all do that
21 before we continue with any approvals.

22 MR. CAUCHI: I would like to because
23 I'm not familiar with that private road going to
24 the top. This way I can get a better framework
25 of what everybody is saying.

2 MR. HINES: I would suggest that the
3 applicant also meet with the jurisdictional fire
4 department to see if there's anything they can do
5 to improve the access to the site. If there's a
6 certain issue they have, if that radius can be
7 increased in order to get fire apparatus and
8 other emergency vehicles in there. If they can
9 have that meeting and report back. Maybe we can
10 get a more favorable letter from the fire
11 department if they can resolve that issue.

12 CHAIRMAN BRAND: Okay. So I'd like to
13 have a motion to adjourn the public hearing until
14 our next regularly scheduled meeting.

15 MR. DUNN: Mr. Chairman, before you do
16 that can I just ask two quick questions? Is it
17 possible for me to get copies of what was
18 submitted tonight at the public hearing? I
19 brought my copies for everybody.

20 CHAIRMAN BRAND: Absolutely. We can do
21 that.

22 MR. DUNN: Thank you.

23 CHAIRMAN BRAND: Do I have a motion to
24 adjourn the public hearing until our next
25 regularly scheduled meeting?

2 MR. CAUCHI: I'll make a motion to
3 adjourn the public hearing to --

4 CHAIRMAN BRAND: October 16th.

5 MR. CAUCHI: -- October 16th.

6 CHAIRMAN BRAND: Will that give
7 everyone enough time to get up to Gobblers Knob?

8 MS. LANZETTA: Mm'hm'.

9 MR. CLARKE: Second.

10 CHAIRMAN BRAND: All those in favor,
11 say aye.

12 MR. CLARKE: Aye.

13 MR. TRAPANI: Aye.

14 MS. LANZETTA: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN BRAND: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN BRAND: So we will do a site
21 visit. You will speak with the fire department
22 and see if anything can be worked out with that.

23 MS. BAGLIO: Okay.

24 CHAIRMAN BRAND: We will meet again on
25 October 16th I believe. Correct?

2 MS. BAGLIO: Between now and the 16th
3 everyone will come and visit? Do I schedule that
4 with you guys so I can make sure I'm home? I can
5 give you a walk through. How does that work?

6 CHAIRMAN BRAND: I will speak to you
7 after the meeting to arrange that, okay. Is that
8 fine? Okay.

9 MR. HINES: You can't have it all at
10 once, that would constitute --

11 CHAIRMAN BRAND: Correct.

12 MR. HINES: I'll defer to Ron on that.

13 MS. LANZETTA: Two at a time.

14 CHAIRMAN BRAND: I don't think we're
15 going to need to go in. That's not really the --
16 it's really just the road I think is the main
17 concern for all of us.

18 MS. BAGLIO: Okay.

19 CHAIRMAN BRAND: I appreciate that. So
20 we'll work -- they'll just do that. If you see a
21 strange car, it will be us probably.

22 All right. A motion to adjourn.

23 MR. CAUCHI: I'll make a motion to
24 adjourn the meeting.

25 MS. LANZETTA: I'll second that.

2 CHAIRMAN BRAND: All those in favor,
3 say aye.

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRMAN BRAND: Aye.

10 Any opposed?

11 (No response.)

12 CHAIRMAN BRAND: Thank you.

13

14 (End of meeting.)

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

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6

7 I, Michelle Conero, certify that the
8 foregoing transcript of the proceedings for the
9 Town of Marlborough Planning Board of the State
10 of New York, County of Ulster, held on
11 October 2, 2017, was prepared using the
12 required transcription equipment and is a true
13 and accurate record of the proceedings.

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24 DATED: October 11, 2017

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