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2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

X

In the Matter of

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5

HUDSON VALLEY TREE HOUSE

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7 Project No. 17-1019
8 80 Gobblers Knob, Marlboro
9 Section 108.3; Block 2; Lot 64
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X

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11 CONTINUED PUBLIC HEARING
12 SITE PLAN

13

Date: November 20, 2017
14 Time: 7:30 p.m.
Place: Town of Marlborough
15 Town Hall
21 Milton Turnpike
Milton, NY 12547

16

17 BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
18 BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

19

20 ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

21

22 APPLICANT'S REPRESENTATIVE: LAUREN BAGLIO
23

X

24 MICHELLE L. CONERO
3 Francis Street
25 Newburgh, New York 12550
(845)541-4163

2 CHAIRPERSON LANZETTA: I'd like to
3 call the meeting to order with the Pledge of
4 Allegiance.

5 (Pledge of Allegiance.)

6 CHAIRPERSON LANZETTA: This is a
7 meeting of the Town of Marlborough Planning
8 Board. The agenda is such that we're going to
9 have the Hudson Valley Tree House, which is a
10 public hearing on the site plan located on 80
11 Gobblers Knob in Marlboro; we have Trapani Farms
12 which is a public hearing on a subdivision at
13 818 Lattintown Road in Milton; Grand Slam Auto
14 which is a sketch, site plan, 1924 Route 9W in
15 Milton; Bayside Mixed Use which is a sketch, it's
16 a subdivision, site plan at 18 Birdsall Avenue in
17 Marlboro. The next deadline will be Monday,
18 November 27, 2017. The next scheduled meeting of
19 the Planning Board will be Monday, December 4,
20 2017.

21 I hope everybody had an opportunity to
22 read the minutes October 16, 2017. Can I have a
23 motion to accept those minutes?

24 MR. CAUCHI: I'll make a motion to
25 accept the minutes for October 2, 2016.

2 CHAIRPERSON LANZETTA: Can I have a
3 second?

4 MR. TRAPANI: I'll second.

5 CHAIRPERSON LANZETTA: All in favor?

6 MR. CLARKE: Aye.

7 MR. TRAPANI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 CHAIRPERSON LANZETTA: Aye.

11 Opposed?

12 (No response.)

13 CHAIRPERSON LANZETTA: The motion
14 carries.

15 First up on our agenda is the public
16 hearing for the Hudson Valley Tree House. The
17 applicant will come forward, please.

18 We've sent out the mailings. There are
19 no additional mailings. Would you like to
20 address the Board?

21 MS. BAGLIO: I wanted to see if we
22 could move the meeting to maybe -- I don't know
23 how far we can move it, but to the second meeting
24 in March if that's possible.

25 CHAIRPERSON LANZETTA: So you'd like to

2 adjourn the public hearing --

3 MS. BAGLIO: Yes.

4 CHAIRPERSON LANZETTA: -- until March?

5 MS. BAGLIO: Yes.

6 CHAIRPERSON LANZETTA: And the reason
7 for that is what?

8 MS. BAGLIO: I'm still trying to figure
9 out the turn for the road and the expense of it
10 and making that happen. It's not necessarily an
11 easy thing to do. It's very expensive from the
12 information that I've collected. I also wanted
13 to take the time to get to know my neighbors and
14 reach out to them and talk with them one on one
15 and connect with them and see if there's anything
16 that we can come to as far as an agreement goes
17 for the road and any other thing that they had
18 concerns about. That's what I plan on doing over
19 the next few months, talking to my neighbors
20 about it and hopefully -- I know it's like we're
21 going to be living there for a very, very long
22 time and I don't like this feeling that I have.
23 You know, I come in here and I think I'm doing
24 something good and it feels good and then it
25 comes around and I get this knot in my stomach

2 although I'm doing everything that I can do to
3 appease -- you know, the paperwork and the things
4 that are required of me. I do want to make sure
5 that, you know, all aspects are being, you know,
6 taken into consideration, not just the
7 legalities.

8 CHAIRPERSON LANZETTA: Ron, is there
9 some kind of a timeframe that the Planning Board
10 is bound by for site plan review and --

11 MR. BLASS: Not as long as the public
12 hearing is still open.

13 CHAIRPERSON LANZETTA: Is there any
14 limitation on allowing the public hearing to
15 remain open?

16 MR. BLASS: No. No. It's up to the
17 Board. So I think we're talking about March 5th
18 or the 19th.

19 MR. CAUCHI: I believe she said the
20 third week.

21 MS. BAGLIO: The later the better.
22 It's not going to happen overnight.

23 MR. BLASS: The second meeting in March
24 will be March 19, 2018.

25 CHAIRPERSON LANZETTA: Does the Board

2 have any questions regarding that?

3 MR. LOFARO: Usually you do public
4 hearings at the first meeting. Does it matter to
5 schedule for the second?

6 MR. CAUCHI: She's trying to ascertain
7 some information as far as what her exposure will
8 be, insurance and all the other stuff.

9 MR. LOFARO: The second meeting, it
10 doesn't matter.

11 MS. BAGLIO: If it has to be the first,
12 then April, you know, if that's how the rules
13 work.

14 MR. BLASS: April 2nd?

15 CHAIRPERSON LANZETTA: April 2nd?

16 MR. CAUCHI: I'm going to make a motion
17 to keep the public hearing open until April 7th.

18 CHAIRPERSON LANZETTA: April 2nd.

19 MR. CAUCHI: April 2nd.

20 MR. CLARKE: I'll second that.

21 CHAIRPERSON LANZETTA: Any more
22 discussion on it?

23 (No response.)

24 CHAIRPERSON LANZETTA: All in favor?

25 MR. CLARKE: Aye.

2 MR. TRAPANI: Aye.

3 MR. CAUCHI: Aye.

4 MR. LOFARO: Aye.

5 CHAIRPERSON LANZETTA: Aye.

6 Opposed?

7 (No response.)

8 CHAIRPERSON LANZETTA: Okay. Motion
9 carries.10 I do want to give the public an
11 opportunity. If there's any additional new
12 information that anybody would like to comment on
13 for this particular public hearing for Hudson
14 Valley Tree House, now is the time to speak up.

15 (No response.)

16 CHAIRPERSON LANZETTA: Okay. Hearing
17 nothing, then we'll move on.

18 Thank you very much and good luck.

19 MS. BAGLIO: Thank you.

20

21 (Time noted: 7:36 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 4th day of December 2017.

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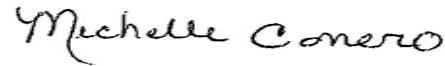
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MICHELLE CONERO

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

In the Matter of

TRAPANI FARMS

Project No. 17-1025
818 Lattintown Road, Milton
Section 102.4; Block 1; Lots 28.2 & 27.2

PUBLIC HEARING
SUBDIVISION

Date: November 20, 2017
Time: 7:36 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

2 CHAIRPERSON LANZETTA: Trapani Farms,
3 public hearing.

4 Please make a note that Ben Trapani is
5 recusing himself from the discussion.

6 MS. BROOKS: Good evening.

7 CHAIRPERSON LANZETTA: Good evening.

8 Did you have to send out --

9 MS. BROOKS: We sent out forty
10 certified letters, we received thirty-four back
11 and we have the attempt of registration for the
12 other six.

13 CHAIRPERSON LANZETTA: Thank you.

14 MS. BROOKS: I also had previously
15 submitted just an e-mail copy of the letter from
16 Reverend Ballou from the Lattintown Baptist
17 Church. He was on vacation. I have the original
18 which I will submit for the record.

19 MS. FLYNN: Thank you.

20 CHAIRPERSON LANZETTA: Thank you.

21 MS. BROOKS: So the application before
22 the Board is a three-lot subdivision totaling
23 approximately 89.5 acres of land. We are
24 creating two new building lots, one is 1.69
25 acres, the other is 1.61 acres for Scott and Tim

2 Trapani to construct their individual residences.
3 The remainder of lot number 3, which is 31.2
4 acres, will continue to be farmed, as well as the
5 adjacent lands of 49.2 acres which is under the
6 name of the Trapani Living Trust.

7 CHAIRPERSON LANZETTA: This is a public
8 hearing. If anyone would like to comment on this
9 subdivision proposal, please do so, and I'd ask
10 you to give your name for the Stenographer.

11 (No response.)

12 CHAIRPERSON LANZETTA: Let it be known
13 that there's nobody here for or against this
14 subdivision.

15 Ron, do you have any comments?

16 We have read Pat Hines' comments which
17 are ostensibly nothing. He doesn't have any
18 outstanding comments. Do you?

19 MR. BLASS: No. I have a proposed part
20 2 EAF for the Board to adopt, a proposed negative
21 declaration and a proposed resolution of
22 approval.

23 CHAIRPERSON LANZETTA: First I will --
24 well first let me see. Discussion wise does the
25 Board have any questions on this application?

2 MR. CAUCHI: No.

3 CHAIRPERSON LANZETTA: Okay. Then can
4 I have a motion to close the public hearing?

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

7 CHAIRPERSON LANZETTA: A second?

8 MR. CLARKE: Second.

9 CHAIRPERSON LANZETTA: All in favor?

10 MR. CLARKE: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRPERSON LANZETTA: Aye.

14 Opposed?

15 (No response.)

16 CHAIRPERSON LANZETTA: The motion
17 carries.

18 Next we have the environmental
19 assessment on this subdivision. We also have a
20 resolution and a negative declaration.

21 Do we vote on this individually, the
22 negative declaration --

23 MR. BLASS: I think the first
24 resolution is to approve the EAF Part 2.

25 CHAIRPERSON LANZETTA: Okay.

2 MR. CLARKE: I'll make a motion we
3 approve the negative declaration and the EAF
4 Part 2.

5 CHAIRPERSON LANZETTA: A second?

6 MR. LOFARO: Second.

7 CHAIRPERSON LANZETTA: All in favor?

8 MR. CLARKE: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRPERSON LANZETTA: Aye.

12 Opposed?

13 (No response.)

14 CHAIRPERSON LANZETTA: So with that we
15 approved the short environmental assessment form
16 part 2.

17 So now the SEQRA negative declaration.

18 Shall we poll the Board on that?

19 MR. BLASS: Okay.

20 CHAIRPERSON LANZETTA: Do we?

21 MR. BLASS: Yes.

22 CHAIRPERSON LANZETTA: Okay. So for
23 the foregoing resolution, can you please poll the
24 Board on the negative declaration?

25 MS. FLYNN: Member Lanzetta?

2 CHAIRPERSON LANZETTA: Yes.

3 MS. FLYNN: Member Lofaro?

4 MR. LOFARO: Yes.

5 MS. FLYNN: Member Cauchi?

6 MR. CAUCHI: Yes.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 CHAIRPERSON LANZETTA: Lastly, the
10 resolution -- not lastly. Next, the resolution
11 of approval by the Town Planning Board. Ron has
12 prepared a resolution. Do we read that or --

13 MR. BLASS: I don't think there's any
14 need to read it. I'm going to have to slightly
15 tweak it tomorrow morning because there's two lot
16 line adjustments and not just one as I wrote it.

17 CHAIRPERSON LANZETTA: Okay.

18 MR. BLASS: But I think in concept you
19 can adopt it tonight subject to my corrections
20 and subject to the payment of all fees. After
21 that resolution is adopted there's a rec fee --
22 recreation fee set of findings to turn to.

23 CHAIRPERSON LANZETTA: So can I have a
24 motion to accept the resolution of approval as
25 amended by our conversation with the Town

2 Attorney?

3 MR. LOFARO: I'll make that motion.

4 MR. CLARKE: I'll second it.

5 CHAIRPERSON LANZETTA: All in favor?

6 MR. CLARKE: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRPERSON LANZETTA: Aye.

10 Opposed?

11 (No response.)

12 CHAIRPERSON LANZETTA: And the motion
13 carries.14 Lastly is the recreation fee. The
15 recreation fee findings, do I have to read that?

16 MR. BLASS: We usually do.

17 CHAIRPERSON LANZETTA: Okay. Whereas
18 the Planning Board has reviewed a subdivision
19 application known as Trapani Farms and Lattintown
20 Baptist Church with respect to real property
21 located at Lattintown Road described as tax map
22 number 102.4-4-28.2, and two lot line adjustments
23 in the Town of Marlborough, Member Lanzetta
24 offered the following resolution which was
25 seconded by Member -- can we have a second? Can

2 you second the resolution?

3 MR. CAUCHI: I'll second it.

4 CHAIRPERSON LANZETTA: Okay. It's
5 hereby resolved that the Planning Board makes the
6 following findings pursuant to Section 277
7 Section 4 of the Town Law: Based on the present
8 and anticipated future need for park and
9 recreational opportunities in the Town of
10 Marlborough, and to which the future population
11 of this subdivision will contribute, parkland
12 should be created as a condition of approval of
13 this subdivision. However, a suitable park of
14 adequate size to meet the above requirement can
15 not be properly located within the proposed
16 project site. Accordingly, it is appropriate
17 that in lieu of providing parkland, the project
18 sponsor render to the Town payment of a
19 recreation fee to be determined in accordance
20 with the prevailing schedule established for that
21 purpose by the Town of Marlborough. Whereupon
22 the following vote was taken:

23 Can you poll us, please?

24 MS. FLYNN: Member Lanzetta?

25 CHAIRPERSON LANZETTA: Yes.

2 MS. FLYNN: Member Lofaro?

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Clarke?

5 MR. CLARKE: Yes.

6 MS. FLYNN: Member Cauchi?

7 MR. CAUCHI: Yes.

8 CHAIRPERSON LANZETTA: That's it?

9 MS. FLYNN: That's it.

10 CHAIRPERSON LANZETTA: Okay. And that
11 will be for the two new residential lots that are
12 being proposed.

13 Is there anything more?

14 MR. BLASS: No.

15 CHAIRPERSON LANZETTA: Thank you very
16 much.

17 MS. BROOKS: Thank you very much.

18

19 (Time noted: 7:44 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 4th day of December 2017.

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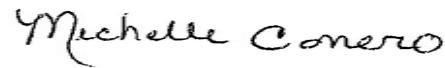
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MICHELLE CONERO

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

In the Matter of

GRAND SLAM AUTO

Project No. 17-1018
1924 Route 9W, Milton
Section 103.3; Block 2; Lot 61

SKETCH
SITE PLAN

Date: November 20, 2017
Time: 7:44 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: THOMAS CORCORAN

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

2 CHAIRPERSON LANZETTA: Next up is Grand
3 Slam Auto, sketch, site plan.

4 MR. CORCORAN: I'll give you a couple
5 copies. I answered Pat's comments right away.

6 CHAIRPERSON LANZETTA: Do you want to
7 just give a brief overview for the people that
8 are not familiar with what you're doing?

9 MR. CORCORAN: 1924 Route 9W. It's a
10 vacant lot right now north of Kirky's Deli. We
11 did the survey and topography lines required by
12 the Town Planning Board. It's been in front of
13 the Planning Board before to present a used car
14 lot with a garage repair on that site.

15 We've addressed most of the comments
16 and now received more comments from Pat Hines,
17 the Town Engineer, that we addressed this
18 afternoon.

19 CHAIRPERSON LANZETTA: The Board has
20 not had a chance to really review the updated
21 information.

22 MR. CORCORAN: I'm sorry. I just
23 assumed I was going to walk through these with
24 Pat because he usually walks through them and we
25 address them as we go along.

2 CHAIRPERSON LANZETTA: We could go
3 through the list and you can give us your verbal
4 responses to these.

5 I'll start with the first one.

6 Approval from the DOT for the access drive
7 location should be received. No building permit
8 should be issued until receipt of the actual
9 highway work permit.

10 MR. CORCORAN: Okay. The end of that,
11 there is a letter from the DOT approving the
12 driveway location and the approval for the
13 application for the work permit. I do know a
14 work permit is needed before a building permit,
15 so that's not a problem. You do have a letter in
16 there from the DOT saying that they have received
17 the plans and have approved the working plans.
18 That will address the first sentence, and
19 obviously the second sentence is a given. We
20 won't issue a building permit until the work
21 permit is issued by DOT, but that can't be
22 applied for until the contractor has been
23 contracted and his insurance can be given to the
24 DOT.

25 CHAIRPERSON LANZETTA: Number two,

2 septic system approval from the Ulster County
3 Health Department has been received, and then in
4 the October 25, 2017 submittal --

5 MR. CORCORAN: That's basically just a
6 statement based on his first comments that he
7 needed that. We had them there and submitted it
8 and it was received by the Planning Board.

9 CHAIRPERSON LANZETTA: Details for the
10 highway access should be added to the plans.

11 MR. CORCORAN: Page 6 of the packet I
12 gave you.

13 CHAIRPERSON LANZETTA: The grading plan
14 identifies a finished floor elevation of 177
15 while parking lot grading identifies the building
16 frontage as being between 175 and 174. Handicap
17 accessibility should be addressed on the plans
18 for the proposed grade changes. Elevation of the
19 curbs making the transition from 175 to 177
20 should be depicted on the plans.

21 MR. CORCORAN: The finished floor
22 elevations will drop to 175, so there is no
23 increase in incline so there won't have to be any
24 addressing of the handicap accessibility. In
25 layman's terms, I believe number 4 is saying if

2 the elevation of the finished floor is higher
3 than the grade of the ground, that handicap
4 accessibility would have to be accounted for
5 because of the difference in the elevations of
6 the finished floor. That was actually just wrong
7 on the plans. We'll drop the elevation from 177
8 as on the plans. It's just a little word that
9 says elevation floor finish 177. We'll drop that
10 to 175 so it will be at the -- the finished floor
11 will be the exact elevation of the property
12 itself.

13 CHAIRPERSON LANZETTA: That's depicted
14 on the new study?

15 MR. CORCORAN: Yeah. Again, it was
16 just a number that said finished floor 177. Now
17 it says finished floor 175. It just drops down.
18 There's no grade increase.

19 CHAIRPERSON LANZETTA: Number five, the
20 paving detail section should be provided on the
21 plans.

22 MR. CORCORAN: Page 6.

23 CHAIRPERSON LANZETTA: Six, landscaping
24 is depicted with symbols on the plan. Details of
25 the landscaping should be provided on the plan

2 sheets. Species and numbers of each should be
3 identified on the planting list.

4 MR. CORCORAN: Page 7 is a landscaping
5 detail.

6 CHAIRPERSON LANZETTA: Seven, it
7 appears that filing the subsurface sanitary sewer
8 disposal service will extend out into -- I think
9 he meant filling. Filling for the subsurface
10 sanitary disposal system will extend out into the
11 proposed paved parking area.

12 MR. CORCORAN: On page 6 that was
13 corrected to make the correction for that. The
14 aboveground system had a little bit more pitch
15 than needed so it did come into the area that was
16 depicted originally in the shaded area for the
17 paving area. The paving area was just pulled
18 back a little bit to come back into the area of
19 the septic design.

20 CHAIRPERSON LANZETTA: Number eight,
21 the grading plan identified as sheet 5 of the
22 October submission does not appear to take into
23 account required grading for the subsurface
24 sanitary sewer disposal system.

25 MR. CORCORAN: There was a note put

2 back on page 6 saying that we've addressed that.

3 CHAIRPERSON LANZETTA: And number nine,
4 light submission has been provided identifying
5 wall mounted lighting on the buildings to provide
6 site lighting. That's just a statement.

7 MR. CORCORAN: Just a statement.

8 Correct.

9 CHAIRPERSON LANZETTA: It looks like
10 you've addressed all of those things. Did you
11 get a copy of the Ulster County response to the
12 submission?

13 MR. CORCORAN: Yes. It almost mirrors
14 what Pat said almost to a T. I didn't see much
15 difference. If you see a difference in there on
16 what they are asking for -- you know, application
17 to DOT for a work permit, that's their first
18 comment. Require modification paving and
19 drainage which is addressed on page 6 of the new
20 one.

21 Signage. I don't know if they just
22 missed it because on the original application the
23 signage detail was on there. It's nothing
24 spectacular. It's a 4 by 8 sign and it is
25 depicted on page 4 of the original application

2 and the resubmittal along with the lighting
3 detail. Either they just missed that or -- I
4 don't know. Obviously to meet the requirements
5 of the new Town sign code, it's obvious also.

6 Their next comment is the landscaping.
7 Require the landscaping detail which we did as
8 addressed on page 7.

9 Then they're talking about the
10 lighting, the lighting fixtures. Pat didn't seem
11 to have a problem with the lighting fixtures
12 submitted. I don't know. They're just
13 mentioning lighting. Those were all their
14 comments. I believe I addressed those.
15 Basically, again, they mirrored Pat Hines'
16 comments. If there's something more, we'll
17 address it.

18 CHAIRPERSON LANZETTA: I think you've
19 addressed their concerns but it does require
20 resubmittal to the County. You'll have to take
21 the new information that you gave us here and
22 resubmit.

23 MR. CORCORAN: It's a required
24 submittal, not a recommendation?

25 CHAIRPERSON LANZETTA: It says a

2 re-referral on this application once all the
3 materials have been provided is requested.

4 MR. CORCORAN: Requested, not required.

5 So I mean --

6 CHAIRPERSON LANZETTA: It's not a
7 requirement. They're requesting that we send it
8 up.

9 MR. CORCORAN: That's what I'm asking
10 the Planning Board. Is the Planning Board
11 requiring me to send it since they are the exact
12 comments that Pat Hines addressed and Pat Hines
13 doesn't have a problem? I'm just asking the
14 Planning Board. The Ulster County Planning Board
15 recommendation, they're requesting it, they're
16 not requiring it. If this Planning Board is
17 requiring me to do it, I'll do it. That's my
18 question.

19 CHAIRPERSON LANZETTA: I think it
20 should be because then they -- if they turn
21 around and say that everything has been -- their
22 concerns have been answered as well, that makes
23 for a better document when we do our approval,
24 and it also doesn't make us as liable to be
25 challenged, because otherwise we would basically

2 have to -- we would have to override all of these
3 required modifications because as far as they're
4 concerned we haven't shown them that we have
5 looked at these things.

6 MR. CAUCHI: But if his requirements
7 have been satisfied with what --

8 CHAIRPERSON LANZETTA: Pat Hines?

9 MR. CAUCHI: -- yes -- was requested
10 satisfied all this stuff, do we still need to go
11 to that protocol?

12 CHAIRPERSON LANZETTA: I think it's
13 just wise to.

14 MR. CAUCHI: Wise in reference to --

15 CHAIRPERSON LANZETTA: An Article 78.

16 MR. BLASS: Well, in the first
17 paragraph of the discussion --

18 MR. CAUCHI: The applicant?

19 CHAIRPERSON LANZETTA: If somebody was
20 to file an Article 78, in which case we would be
21 part of that.

22 MR. BLASS: In the first paragraph
23 under discussion there's a statement that the
24 County Planning Board believes that the submittal
25 did not constitute a complete statement. A

2 complete statement is a term of art, it comes
3 from the statute. Any project that has not
4 provided a complete statement to County Planning
5 is susceptible to legal challenge. You're
6 correct that there's a legal issue there.
7 They're basically saying that the submission they
8 received was an incomplete statement. That
9 should be cleaned up for the benefit of the
10 applicant and the Board.

11 There's also reference to a sidewalk
12 easement in the DOT section.

13 CHAIRPERSON LANZETTA: That's correct.
14 MR. CAUCHI: I don't have that letter
15 from the County. Do you have that? Do you have
16 a copy of that? I don't have that copy. I know
17 it was sent but --

18 CHAIRPERSON LANZETTA: I have it at
19 home, so you can have that.

20 MR. BLASS: There will be a sidewalk
21 easement on the plan. So there has to be an
22 override.

23 MR. CORCORAN: That's not a problem.
24 Is that just a statement on the plans or do I
25 need something legally written?

2 MR. BLASS: If you'd show an easement
3 area for future sidewalk on the plan.

4 MR. CORCORAN: That's all it is?

5 MR. BLASS: Yes.

6 MR. CORCORAN: Sorry. I missed that.
7 Absolutely. That's not even a question.

8 CHAIRPERSON LANZETTA: If you were to
9 include that on this and send this up, I'm
10 thinking if you got it in right away it would be
11 reviewed the first week of December, and then we
12 can show that we've done our due diligence and --

13 MR. CORCORAN: That's fine.

14 CHAIRPERSON LANZETTA: -- that would be
15 the only outstanding thing right now that I'm
16 seeing.

17 MR. CORCORAN: The question would be
18 would that preclude us from a public hearing?

19 CHAIRPERSON LANZETTA: I don't think
20 so.

21 MR. BLASS: You could schedule a public
22 hearing.

23 CHAIRPERSON LANZETTA: We can schedule
24 a public hearing.

25 MR. CORCORAN: Okay.

2 MR. CLARKE: It would all be
3 conditional.

4 CHAIRPERSON LANZETTA: We can schedule
5 it.

6 MR. CLARKE: We can have the public
7 hearing but it would be conditional. We can move
8 ahead on both fronts.

9 MR. BLASS: If you scheduled a public
10 hearing you won't be able to take action until
11 the County Planning Board has taken it's -- made
12 it's recommendation or enough time has passed.

13 CHAIRPERSON LANZETTA: So that would
14 probably be, if everything went --

15 MR. BLASS: The first week in December.

16 CHAIRPERSON LANZETTA: If everything
17 went through ideally for the applicant, by the
18 second meeting in December we would take final
19 action. Right?

20 MR. BLASS: Right. So that would be a
21 good date for a public hearing.

22 MS. FLYNN: 12/18.

23 MR. BLASS: You could do the first
24 meeting.

25 MS. FLYNN: We can't do the first

2 meeting for the public hearing.

3 CHAIRPERSON LANZETTA: Why?

4 MS. FLYNN: Because it is too close and
5 I don't know if the -- I think the newspaper
6 already closed it for this week. It wouldn't be
7 in the newspaper for ten days for the first week
8 in December.

9 CHAIRPERSON LANZETTA: Then we have
10 plenty of time to send it up to County. That's
11 fine.

12 Is this Board willing to have a public
13 hearing on the second meeting in December?

14 MR. CAUCHI: I have no problem with
15 that.

16 MR. CLARKE: That's fine.

17 CHAIRPERSON LANZETTA: We'll schedule
18 the public hearing for the second Planning Board
19 meeting. That is what date? December what?

20 MS. FLYNN: December 18th.

21 CHAIRPERSON LANZETTA: Does the Board
22 have any other questions?

23 MR. CLARKE: No.

24 MR. LOFARO: No.

25 MS. FLYNN: Can I have another copy?

2 MR. CORCORAN: I'll get you as many as
3 you want tomorrow. I'm going to include the
4 easement. By tomorrow you'll have the new copy
5 with the easement to be sent to County Planning.

6 Thanks, Ron, for catching that. We
7 missed that.

8 MS. FLYNN: Thank you.

9 CHAIRPERSON LANZETTA: Any other
10 questions?

11 (No response.)

12 MR. CORCORAN: Thank you.

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14 (Time noted: 8:00 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 4th day of December 2017.

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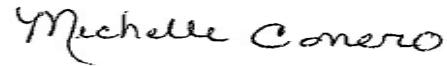
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MICHELLE CONERO

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

In the Matter of

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

SKETCH

SUBDIVISION & SITE PLAN

Date: November 20, 2017
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845) 541-4163

2 CHAIRPERSON LANZETTA: Lastly we have
3 Bayside Mixed Use.

4 MS. FLYNN: They called me and said
5 they didn't have all of their information back
6 yet so they're postponing until they get their
7 information back.

8 CHAIRPERSON LANZETTA: I think you all
9 received the resolution that was passed by the
10 Town Board saying that they are fine with this --
11 with us reviewing this as a combination
12 residential and mixed use because they would
13 entertain the commercial use of that property on
14 9W under the BC zone designation. So we can move
15 forward as far as the zoning is concerned.

16 MR. CAUCHI: Can you elaborate on that?

17 CHAIRPERSON LANZETTA: Technically they
18 came before us and -- the property is residential
19 right now. It's residential 1. They want to
20 take the lower portion and subdivide that out and
21 make that commercial property.

22 MR. CAUCHI: Meaning storefronts up
23 there?

24 CHAIRPERSON LANZETTA: Something.

25 MR. CLARKE: I thought it was mixed. I

2 thought it was storefronts on the bottom and
3 apartments above.

4 CHAIRPERSON LANZETTA: They're calling
5 it mixed use right now. It will be commercial
6 either way. It will be partially commercial. In
7 order to do that the Town Board has to decide
8 whether that's in the business corridor zone
9 area. It does fall under the parameters that are
10 required for them to look at that, and they've
11 decided that that could be a good use for that
12 property.

13 MR. CAUCHI: Do they go to the Zoning
14 Board for that?

15 CHAIRPERSON LANZETTA: They went to the
16 Town Board for that because that's something the
17 Town Board is allowed to give them if they feel
18 that that's a good use for that property.

19 MR. CAUCHI: They override -- bridged
20 over the Zoning Board?

21 CHAIRPERSON LANZETTA: Yeah. They
22 don't have to go to the Zoning Board.

23 MR. CAUCHI: Okay.

24 CHAIRPERSON LANZETTA: We review both
25 of those applications, and then if we -- after

2 we're done doing our due diligence and doing our
3 environmental review, then finally that portion
4 of the subdivision will have to go back to the
5 Town Board and they will have to, in a sense,
6 drop that zone down over that property. They
7 still would have a final say as to whether or not
8 that would become a business corridor property.

9 MR. CAUCHI: Okay.

10 CHAIRPERSON LANZETTA: We do pretty
11 much the review of it.

12 MR. CAUCHI: Thank you.

13 CHAIRPERSON LANZETTA: Anything else?
14 (No response.)

15 CHAIRPERSON LANZETTA: So that's where
16 we stand on that. It will be coming back before
17 us when they have more information that they need
18 for us to finalize the review.

19 Anything else?

20 (No response.)

21 CHAIRPERSON LANZETTA: Okay. Can I
22 have a motion to close the Planning Board
23 meeting?

24 MR. CAUCHI: I'll make a motion to
25 close the Planning Board meeting.

2 MR. LOFARO: Second.

3 CHAIRPERSON LANZETTA: All in
4 agreement?

5 MR. CLARKE: Aye.

6 MR. TRAPANI: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRPERSON LANZETTA: Aye.

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11 (Time noted: 8:03 p.m.)

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

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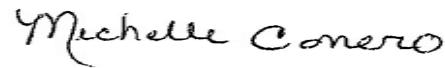
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MICHELLE CONERO