

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

7 ROBERT YOUNG (ESTATE)
8

9 Project No. 18-2002
10 1871 Route 9W, Marlboro
11 Section 103.1; Block 1; Lots 28, 30
12 ----- X

13 SKETCH - LOT LINE CHANGE
14

15 Date: February 20, 2018
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547

21 BOARD MEMBERS: CHRIS BRAND, Chairman
22 BEN TRAPANI
23 CINDY LANZETTA
24 JOSEPH LOFARO
25 MANNY CAUCHI

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 VIRGINIA FLYNN
29

30 APPLICANT'S REPRESENTATIVE: SUSAN DEMSKIE
31

32 ----- X
33 MICHELLE L. CONERO
34 PMB #276
35 56 North Plank Road, Suite 1
36 Newburgh, New York 12550
37 (845)541-4163

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, February 20, 2018.
8 Regular meeting at 7:30 p.m. Approval of
9 stenographic minutes for 1/16. On the agenda
10 tonight, Robert Young (Estate), sketch, lot line;
11 Susan Bagatta, sketch, lot line. Next deadline:
12 Friday, February 23rd. Next scheduled meeting:
13 Monday, March 5th.

14 First up, Robert Young (Estate).

15 MS. FLYNN: The minutes.

16 CHAIRMAN BRAND: Thank you. Can I have
17 a motion to approve the minutes for 1/16?

18 MS. LANZETTA: Can I just make one
19 correction?

20 CHAIRMAN BRAND: Sure.

21 MS. LANZETTA: Under Bagatta, page 17,
22 right at the top you're talking about Top Hill
23 and it was written in Gloria. I think you meant
24 Laurie. Otherwise I would make that motion with
25 that correction.

2 CHAIRMAN BRAND: Change Gloria to
3 Laurie.

4 MS. LANZETTA: Yes.

5 CHAIRMAN BRAND: Is there a second?

6 MR. LOFARO: I'll second.

7 CHAIRMAN BRAND: All those in favor,
8 say aye.

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN BRAND: Aye.

14 Any opposed?

15 (No response.)

16 CHAIRMAN BRAND: So carried.

17 First up, Robert Young (Estate).

18 MS. DEMSKIE: So everybody has a map.

19 We're proposing a lot line revision. Patti had
20 prepared a memo in response to Pat Hines'
21 comments. Should I pass that out?

22 CHAIRMAN BRAND: Sure.

23 MS. LANZETTA: Are these the comments
24 for February 16th?

25 MS. DEMSKIE: Yes.

2 CHAIRMAN BRAND: Would you like to just
3 run through the plans of what's being proposed
4 for us?

5 MS. DEMSKIE: Sure. So basically tax
6 parcel ID number 30 will be giving land to tax
7 map parcel 28, 4.77 acres of land.

8 MR. HINES: The existing Young's Motors
9 is located on a 1.8 acre lot at the corner of
10 Milton Turnpike and Route 9W. The plan here is
11 to take 4.77 acres of the large parcel that
12 extends up Milton Turnpike, it has the "junkyard"
13 on it, and provide the area that's the frontage
14 of 9W onto what is the Young's Motors car
15 dealers, the new car dealership facility.

16 We took a look at that and have
17 comments, not specifically related to the lot
18 line. Portions of parcel A, the 4.77 piece
19 there, in recent years has been regraded,
20 expanded and the car lot has kind of grew to the
21 north. There's no record of any approvals of
22 that. I spoke with the building inspector today
23 and he concurs that the first area labeled as new
24 car parking lot, and when I refer to new it's new
25 vehicles for purchase, not a new parking lot. So

2 anything south of the billboard basically is
3 pre-existing nonconforming as new car sales
4 parking lot inventory. North of the billboard is
5 more recent activity that has no site plan
6 approval for use of that area. It's been
7 extensively regraded. It looked like a mine at
8 some point, some historical photos, historical
9 being five, six years ago.

10 MR. ALDRICH: Jeff Aldrich. With that,
11 there was a mine that took the shale and moved it
12 so I had more usable parking space where it's
13 blacktop now. That's where the shale went. So
14 it filled that in. That's where the blacktop is.

15 The regrade at the top, the parking
16 lot, was an afterthought. That wasn't the reason
17 why we were expanding at that time. You call it
18 an expansion. It was more of an afterthought. I
19 said I'll do a car display up there. It gave me
20 more visibility. I wasn't aware of a site plan
21 or anything like that at that time. That's when
22 my father was still alive and doing that.

23 So the lot line revision and doing the
24 site plan, I have no problem doing that now. I'm
25 trying to do everything.

2 MR. HINES: That cleans up -- we're
3 here now doing this and part of that process will
4 clean that up. Right now it's really being
5 operated in contravention to the Town Code
6 because it literally expanded north.

7 MR. ALDRICH: Right.

8 MR. HINES: So there will be some
9 additional topography. The Google Earth map I
10 looked at today has new cars being parked there,
11 so it is being utilized.

12 We recommended a deed plot for the lot
13 30. Patti seems to take exception to that. I
14 don't think there's a very good survey for that.

15 MS. DEMSKIE: There's not a good
16 description in the deed. I have a copy of the
17 deed.

18 MR. HINES: Normally you would get a
19 plotting of, I think it's some 20 acres. If you
20 look at the location map on the top, the majority
21 is DEC regulated wetland. I was suggesting a
22 deed plot of that to show the balance of the
23 parent parcel. It looks like that may cause some
24 difficulty. Basically we're going off the
25 location map in the upper corner.

2 CHAIRMAN BRAND: Why do we want that?

3 MR. HINES: For the future. When they
4 say where did this come from, it came from this
5 parcel to this parcel.

6 CHAIRMAN BRAND: Okay.

7 MS. LANZETTA: It's required because
8 the site plan required that she provide the deed
9 and everything.

10 CHAIRMAN BRAND: Okay.

11 MS. LANZETTA: I'm assuming they're
12 going to ask for a waiver.

13 MR. HINES: Yes. They're saying it all
14 goes to the center line of the existing road. It
15 may.

16 MS. DEMSKIE: And the Central Hudson
17 easement.

18 MR. HINES: There's things that say
19 easement. Either they can submit the deed and
20 we'll take a look at that as we move forward.

21 Our third one shows box trailers in the
22 gravel parking lot. Storage trailers are not
23 permitted. I did discuss that with Tom Corcoran
24 again today and he concurs that the storage
25 trailers/overseas containers/tractor trailers

2 being utilized for storage --

3 MR. ALDRICH: I've got a lot of
4 remnants from my father. I'm currently moving
5 everything out.

6 MR. HINES: Those are located on the
7 parent parcel behind the metal building.

8 MR. ALDRICH: Correct.

9 MR. HINES: That use is not permitted.
10 The next one, we have the same comment,
11 those storage trailers have to go.

12 It's located in the HD Zone so it
13 doesn't qualify for the streamlined lot line
14 process. I think we're going to be looking at a
15 lot line and amended site plan moving forward.

16 Lot 27, which is the residential
17 portion of this, is kind of located in the
18 middle, the pre-existing lot. We're suggesting
19 that the -- it all shares access, each of these
20 parcels. There's no defined where the car lot
21 ends and where the access drive is. Patti's
22 response to that is they'll prepare necessary
23 cross access easements for that.

24 Then we're looking for -- we didn't get
25 Tommy's gatekeeper letter on this one to let us

2 know where he's at with it. I did discuss it
3 with him today.

4 CHAIRMAN BRAND: We do have a letter I
5 think.

6 MR. HINES: I did discuss my comments
7 with Tom and he concurs with them. At first he
8 was saying it's not a new car parking lot, it's
9 for new cars. I explained the area north of the
10 billboard basically is something that kind of
11 morphed into a new car parking lot during that
12 excavation process.

13 That's all we have here. I have no
14 real issues with the lot line. I think the site
15 plan will clean it up for future use and make it
16 all a new car dealership.

17 MS. DEMSKIE: We'll do that as a
18 separate action.

19 MR. HINES: I think they should follow
20 the same path.

21 MS. DEMSKIE: You think it should be
22 done --

23 MR. HINES: We can't really approve the
24 lot line with it saying new car parking lot
25 there.

2 MS. DEMSKIE: Even if we -- you know,
3 say he's contracting with us to make submissions?

4 MR. ALDRICH: Right. If I start that
5 process now -- I'm after the lot line revision
6 for multiple -- there's multiple reasons, one of
7 them being insurance also. Right now, heaven
8 forbid, somebody walks on my lot or the car
9 display lot, I have an issue with insurances, how
10 I'm covering this. These are all things --

11 MR. HINES: You'd probably have those
12 same issues with it not being an approved site
13 plan if somebody walks onto your lot.

14 MR. ALDRICH: Correct. But at least --
15 well, if I move forward doing both things -- I
16 was hoping to get the lot line revision while
17 working on the site plan. I'm going to do both.
18 Or tell me what I've got to do to have that
19 happen.

20 MR. HINES: It's difficult with that
21 use being on the lot already.

22 MR. ALDRICH: So if I don't park
23 anything on the shale hill? How about I don't
24 park anything up there at all?

25 MR. HINES: I think that would

2 eliminate the issue.

3 MR. ALDRICH: So I won't park anything
4 there while we do the lot line revision and then
5 we'll do the rest of it.

6 MR. HINES: Do the site plan.

7 MR. ALDRICH: Is that agreeable?

8 MR. HINES: That works.

9 MR. ALDRICH: I only have fifteen cars
10 up there. I'll just move the trucks down onto
11 the blacktop. I have plenty of space there. I
12 was only doing that for visibility purposes.

13 MS. LANZETTA: Can't we do these
14 concurrently?

15 MR. HINES: He can. He wants the lot
16 line to move faster.

17 MS. DEMSKIE: We're looking to get this
18 done.

19 MR. HINES: There's some need,
20 apparently, to have the lot line done.

21 MR. CAUCHI: His point is because of
22 insurance issues that --

23 MS. LANZETTA: I understand that. I'm
24 thinking there's going to have to be a public
25 hearing either way. Rather than advertise for

2 two different public hearings, if you could get
3 the paperwork done for the site plan -- it's
4 going to be pretty straightforward, isn't it?

5 MR. HINES: I think so.

6 MS. LANZETTA: If you could get that
7 done and do it concurrently, it will save you a
8 lot of money. I don't think it's going to be
9 that much more time.

10 MS. DEMSKIE: We won't be able to
11 submit for the next deadline with Patti being out
12 of town.

13 MS. FLYNN: You wouldn't be able to
14 have the public hearing the first meeting of
15 March anyhow. It would have to be the 19th.
16 There's not enough days to have it.

17 MR. ALDRICH: That was my plan, for the
18 19th.

19 MS. DEMSKIE: We would have to submit
20 by --

21 MS. FLYNN: It would be the 9th.
22 Submit by the 9th.

23 MS. DEMSKIE: She's back on the 2nd.
24 Yeah, we can do that.

25 MR. HINES: I think it benefits you to

2 try it. If not, I think we can proceed with the
3 lot line.

4 CHAIRMAN BRAND: I think you should put
5 them all together if it's possible.

6 MR. ALDRICH: If I can get it done.

7 MR. LOFARO: Save yourself money and
8 time.

9 MS. FLYNN: They would have to have it
10 to me by the 3rd; right?

11 MR. HINES: Yes.

12 MS. FLYNN: They would have to have it
13 to me by the 3rd or the 2nd.

14 CHAIRMAN BRAND: Of March?

15 MS. FLYNN: Yes. The 2nd of March to
16 have it in order to get it in the paper,
17 otherwise you have to wait until April.

18 MS. DEMSKIE: It would have to be
19 advertised?

20 MS. FLYNN: It has to be in the paper
21 for ten days. I'd have to have it by March 2nd to
22 get it in the paper for two weeks.

23 MS. DEMSKIE: Patti is not back until
24 the 2nd.

25 MR. HINES: It's just going to cause

2 you --

3 MR. ALDRICH: I can't publish anything?

4 She has to do it?

5 MR. HINES: We can't publish a public
6 hearing for a site plan we don't have. We have
7 to have the application. Removing the cars and
8 doing it works if that's the route you choose.
9 It's going to cause additional public hearing.10 MR. ALDRICH: Until we talk to Patti --
11 I'll try to do both at the same time. I have no
12 problem with that. If she can't do it --13 MR. HINES: Does the two weeks make or
14 break you, if it was April 3rd or something?15 MR. LOFARO: The first Monday meeting
16 in April. It's only another week or so past
17 that.

18 MR. HINES: It's two weeks.

19 MR. LOFARO: Then you should be all set
20 to do everything.

21 MS. FLYNN: We have Easter.

22 MR. LOFARO: Easter is April 1st.

23 MR. HINES: The meeting would be the
24 next day, the 2nd.

25 MR. ALDRICH: We'll go for it. We're

2 going to try to do both at the same time. If
3 not, I'm going to move the cars off the shale
4 hill just in case Brooks & Brooks can't have it
5 done in time, and we'll move forward from there.

6 MS. DEMSKIE: For an April public
7 hearing what would be the deadline?

8 MS. FLYNN: For the April 2nd meeting
9 the deadline would be -- I would have to have it
10 by the 19th because it has to go in.

11 MS. DEMSKIE: The site plan would have
12 to come one meeting before a public hearing is
13 scheduled?

14 MR. HINES: Yes.

15 MS. FLYNN: If you're coming in on
16 April 2nd, your paperwork should be here by the
17 16th or the 19th, that way I can get everything
18 done and get the public hearing into the paper.

19 MR. HINES: It sounds like you have to
20 split them.

21 MR. BLASS: What about a condition that
22 we split them now but the site plan application
23 has to be filed by a certain date?

24 MR. HINES: Yes. I like that idea.

25 MR. ALDRICH: That's fine.

2 CHAIRMAN BRAND: There will be no cars
3 at the top of the hill?

4 MR. BLASS: What date would that be?
5 That would be like March 19th?

6 CHAIRMAN BRAND: Yes. That's the
7 second meeting in March.

8 MS. FLYNN: Public hearing March 19th?

9 MR. BLASS: The public hearing the
10 first Monday in March?

11 MR. HINES: The second.

12 MS. FLYNN: The 19th.

13 MS. DEMSKIE: So the public hearing for
14 the lot line revision would be the 19th?

15 MR. HINES: That's the soonest we can
16 do that.

17 MR. BLASS: What's the cut off for the
18 next meeting?

19 MR. HINES: The site plan has to go to
20 County Planning, DOT.

21 MS. FLYNN: The cut off is the 23rd,
22 Friday.

23 MR. BLASS: Site plan application by
24 March 23rd?

25 MS. FLYNN: Patti's not back until the

2 2nd.

3 MS. DEMSKIE: I think we should do them
4 separately.5 MR. HINES: What we're trying to do is
6 condition that you will submit the site plan. We
7 don't want to do the lot line and let you off the
8 hook and have the cars show back up there.9 MR. ALDRICH: I'll do whatever I have
10 to do.11 MR. BLASS: March 23rd for the
12 application. That will be a condition of the lot
13 line.14 CHAIRMAN BRAND: That will just be part
15 of the resolution?

16 MR. BLASS: Yes.

17 MR. ALDRICH: So it's doable? If it's
18 not doable just say so. A public hearing for the
19 lot line revision on the 19th. We can receive
20 final conditional upon the site plan?21 MR. BLASS: No. I think you're going
22 to get a lot line adjustment first and then a
23 site plan second. A condition of the lot line
24 change will be filing a site plan application by
25 March 23rd.

2 MR. HINES: I don't know where March
3 23rd came from. That's a Friday.

4 MR. BLASS: The cut off date.

5 MR. HINES: It is for the April
6 meeting. It would be the cut off date for the
7 site plan.

8 MS. FLYNN: I'm confused.

9 MR. HINES: We're going to do the
10 public hearing --

11 CHAIRMAN BRAND: We're going to do the
12 lot line change public hearing on the 19th with
13 the condition that you're going to submit the
14 site plan application by the --

15 MR. HINES: April 1st deadline of March
16 23rd.

17 MS. FLYNN: If Patti is not back by the
18 2nd are you going to be able to get out the
19 notices to everybody?

20 MS. DEMSKIE: Yes, I will.

21 MS. FLYNN: Okay.

22 MR. HINES: Sue does them anyway.

23 MS. DEMSKIE: That's no problem.

24 CHAIRMAN BRAND: We're all good with
25 that?

2 MR. TRAPANI: Yes.

3 MR. CAUCHI: Yes.

4 MS. LANZETTA: Yes.

5 MR. LOFARO: Yes.

6 CHAIRMAN BRAND: All right. I think
7 that will do it then.

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9 (Time noted: 7:50 p.m.)

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4 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 1st day of March 2018.

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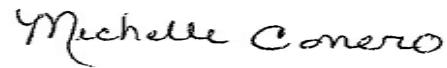
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MICHELLE CONERO

1 ROBERT YOUNG (ESTATE)

21

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

In the Matter of

5 SUSAN BAGATTA

7 Project No. 17-1027
1 Top Hill Road, Marlboro
8 Section 109.1; Block 4; Lots 70.220

10 SKETCH - LOT LINE CHANGE

11 Date: February 20, 2018
12 Time: 7:50 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 BEN TRAPANI
16 CINDY LANZETTA
17 JOSEPH LOFARO
17 MANNY CAUCHI

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

21 APPLICANT'S REPRESENTATIVE: SUSAN DEMSKIE

22

2 CHAIRMAN BRAND: Next up, Susan
3 Bagatta.

4 Are you representing Bagatta as well?

5 MS. DEMSKIE: I am.

6 CHAIRMAN BRAND: Pat, do you want to
7 start with your comments on this one?

8 MR. HINES: This has been before us a
9 couple of times. They had some issues regarding
10 access. I think we muddled through them with a
11 couple of changes.

12 We're suggesting -- Patti submitted to
13 us a 1996 subdivision that created the original
14 lot layout prior to this proposed one. It had a
15 50-foot wide right-of-way. It's clearly not a
16 road on the right-of-way. It just says 50-foot
17 right-of-way. It's in favor of lot 1, which is
18 parcel A of this subdivision.

19 Basically the code enforcement officer
20 has looked at this and said with the exception of
21 the removal of the trailers from what is depicted
22 as lot 3 on this map, actually filed map 3, lot
23 2, the 4.06 acres. He wants the trailers still
24 removed as a compliance issue.

25 The right-of-way, he determined that

2 the lot line does not make any of the
3 nonconforming's worse and actually improves the
4 access to the lot that comes off of Laurie Lane.

5 We would like the note that says
6 existing 50-foot right-of-way known as Tops Hill
7 Road, to take out of the known as Tops Hill Road.
8 I don't know where that came from because the
9 1996 subdivision doesn't call it a road, it's a
10 right-of-way. The reason being if you have a
11 roadway created on a subdivision map, that makes
12 it a road. I think the intent was to provide a
13 50-foot right-of-way in favor of lot 1 across lot
14 2 back in '96. By removing Tops Hill Road, that
15 removes that issue.

16 The trailers being removed. I think we
17 had another condition.

18 MS. DEMSKIE: I also have a response
19 memo for this as well.

20 MR. BLASS: I think Tom said no further
21 subdivision --

22 MR. HINES: Right.

23 MR. BLASS: -- in his ruling.

24 CHAIRMAN BRAND: Could you repeat that,
25 Ron?

2 MR. BLASS: He said let it be noted on
3 the maps that the lot that is created without
4 ownership to a public road or right-of-way and
5 only accessible by the current right-of-way can
6 not be subdivided.

7 CHAIRMAN BRAND: He's saying in the
8 future?

9 MR. HINES: Right.

10 MR. BLASS: No further subdivision of
11 one or both lots? Just one?

12 MR. HINES: The lot that comes off the
13 existing roadway is too small to subdivide
14 anyway. You couldn't get two lots out of it.
15 He's suggesting no further subdivision because of
16 the lack of access.

17 CHAIRMAN BRAND: For which parcel?

18 MR. HINES: Both of them. Both
19 resulting parcels. Unless they can prove --
20 because the one over here doesn't have access to
21 a road.

22 CHAIRMAN BRAND: Right.

23 MR. HINES: That does have the trailers
24 on there. Patti's response is the right-of-way
25 on the plans relate to a 20-foot wide driveway

2 easement which is shown here. Clearly the 1996
3 subdivision doesn't call that Tops Hill Road
4 where it says that. It helps clarify if you look
5 at it. There's what it should say. That
6 right-of-way back in '96 --

7 CHAIRMAN BRAND: 50-foot right-of-way?

8 MR. HINES: Right. It talks about lots
9 1 and 2. So if we remove known as Tops Hill
10 Road, I don't know where that came from, I think
11 we're okay with that.

12 My other comment had to do with Ron's
13 comments which we talked about before the
14 meeting.

15 They're requesting a memo from the code
16 enforcement officer in support of this
17 application. They're requesting six months to
18 remove the storage trailers. That doesn't have
19 anything to do with this Board. I don't know if
20 you can stamp a map that has pre-existing
21 nonconforming zoning violations.

22 CHAIRMAN BRAND: Right. This one is
23 still with pre-existing nonconforming violations.

24 MR. HINES: In his memo he recommends
25 the trailers be removed.

2 CHAIRMAN BRAND: They would have to be
3 removed before signing the maps?

4 MR. HINES: Typically we do that.

5 MS. LANZETTA: This has confused me
6 from the beginning. So we are talking about
7 really a private driveway that services three
8 lots; right? Do I have that correct? As far as
9 how people get in and out to these three lots --

10 MR. HINES: No. They don't actually
11 physically do that. The lots actually physically
12 come off a different road.

13 MS. LANZETTA: This one?

14 MR. BLASS: The dotted lines.

15 MS. LANZETTA: The driveway? It's
16 basically a gravel driveway that comes off of
17 Laurie and it services the three lots?

18 MR. HINES: The three.

19 MS. LANZETTA: Do we have any
20 regulations about how many houses -- I looked in
21 the code book and I didn't see anything in
22 reference to driveways.

23 MR. HINES: We wouldn't do this in
24 today's age. It would be a private road. Two
25 lots on a common driveway is a private road.

2 MS. LANZETTA: Two lots --

3 MR. HINES: Yes.

4 MS. LANZETTA: -- you can't have a
5 shared driveway?

6 MR. HINES: Two lots can share.

7 MS. LANZETTA: Anything more than
8 two --

9 MR. HINES: Kicks in the private road.

10 MS. LANZETTA: Okay. All right. But
11 we can -- Tom is saying we can look the other way
12 because everything was pre-existing?13 MR. HINES: It's not being made worse.
14 In his opinion it's being made better because the
15 lot that has the mobile home here previously did
16 not have frontage and now it does on Laurie Lane.
17 There's two houses on one lot. That would be a
18 pre-existing nonconforming. He's okay with it
19 remaining that way.20 CHAIRMAN BRAND: We talked about this
21 mobile home. Were there people in there?22 MR. HINES: We're not sure but they're
23 not willing to give it up.

24 MS. LANZETTA: They want to keep it.

25 MR. HINES: I don't know who put the

2 conditions in.

3 MS. LANZETTA: Technically they could
4 replace it with another mobile home if they want
5 to.6 MR. LOFARO: I think that's what he was
7 saying. He wants the right to be able to
8 continue to put another mobile home there.

9 MS. DEMSKIE: Yes.

10 MR. HINES: Tom seems okay with that.

11 Those are our suggested changes. Take
12 off the known as Tops Hill Road.13 MR. TRAPANI: The whole section gets
14 taken off going all through here and that
15 property stays with the parcel --16 MR. HINES: No. The right-of-way
17 stays. That's on the original filed map. It's
18 going to say existing 50-foot right-of-way. The
19 words where it says known as Tops Hill Road will
20 get eliminated. The right-of-way stays. We're
21 not changing that. That's on the filed map in
22 '96. It's just labeled as existing 50-foot wide
23 right-of-way.24 CHAIRMAN BRAND: What's the purpose of
25 that right-of-way?

2 MR. HINES: It's to provide access
3 should that 20-foot right-of-way not function.

4 CHAIRMAN BRAND: The driveway?

5 MS. LANZETTA: She stated that there's
6 a maintenance -- there's an agreement for this.

7 MR. HINES: There is.

8 CHAIRMAN BRAND: I think that was on
9 that map, the original one.

10 MR. HINES: She states in her comment
11 here the purpose of creating the 50-foot wide
12 access was to create a roadway, although it was
13 not specifically noted as a private roadway on
14 the map.

15 MS. LANZETTA: But there's no mention
16 of this here. So technically if they wanted to,
17 if they agreed, they could cut this person off?

18 MR. HINES: I'm not sure. I don't
19 know. It only says lot 1 and 2 on the notes
20 there.

21 MS. LANZETTA: That's why I'm
22 wondering.

23 MR. HINES: They would have access off
24 their right-of-way onto Pascale Road. Pascale
25 Road is now a Town road so it cleans it up a

2 little bit.

3 MS. LANZETTA: Then they would have to
4 access the existing right-of-way to get to
5 Pascale Road --

6 MR. HINES: Correct.

7 MS. LANZETTA: -- Place?

8 MR. HINES: Even the gravel driveway to
9 the house, the Andrew Bagatta lot, is outside the
10 20-foot wide easement that's shown. The driveway
11 comes out there.

12 CHAIRMAN BRAND: Meaning it's wider
13 than the 20 feet?

14 MR. HINES: It doesn't stay within what
15 is shown as the 20 feet. This driveway comes in,
16 it comes up here. The orange is actually the
17 driveway, the easement is here, and that dashed
18 line was --

19 MS. LANZETTA: If they ever wanted to
20 -- if they get nasty they can just say --

21 MR. HINES: The right-of-way --

22 MS. LANZETTA: They can tell them to
23 forget about it.

24 MR. HINES: They all have the same last
25 name now.

2 CHAIRMAN BRAND: Wasn't there talk
3 about this being steep coming off Pascale Place?

4 MR. HINES: Yes. We had suggested that
5 they connect through here.

6 MS. LANZETTA: That was over here.
7 We're still talking about these guys? This one?

8 MR. HINES: Right. That lot is not
9 subject to what's before us right now. It's
10 outside of our application right now.

11 CHAIRMAN BRAND: Can we have a new
12 maintenance agreement so that doesn't happen to
13 the person, Andrew Bagatta?

14 MR. HINES: You're putting someone in
15 here that's not a party to this application.

16 CHAIRMAN BRAND: Right.

17 MS. LANZETTA: They have to look out
18 for themselves.

19 MR. LOFARO: They should come to the
20 public hearing.

21 MR. HINES: There's not going to be a
22 public hearing. Once we muddle through the
23 issues we have, this actually qualifies for the
24 streamlined lot line change.

25 MS. LANZETTA: They would have to talk

2 to their neighbors.

3 MR. HINES: They're all currently the
4 same parties.

5 CHAIRMAN BRAND: That doesn't stay
6 forever.

7 MR. HINES: No.

8 MS. LANZETTA: No.

9 MR. HINES: Sometimes that's worse.

10 CHAIRMAN BRAND: Right. And you're
11 saying because Andrew Bagatta is not involved --

12 MR. HINES: He's not a party to this.

13 CHAIRMAN BRAND: -- because that goes
14 through there, we can't include it?

15 MR. HINES: He can say I'm not doing
16 anything.

17 MR. BLASS: Do we know whether he has
18 an easement or not?

19 MR. HINES: He has one here. The
20 driveway is actually not in it.

21 MR. BLASS: Oh, it's not within the
22 dotted line?

23 CHAIRMAN BRAND: This was one giant lot
24 before.

25 MR. BLASS: So the driveway is --

2 MS. LANZETTA: This was all a giant lot
3 and this was a little piece here.

4 MR. BLASS: You can condition it on
5 getting an easement.

6 MR. HINES: They may be granting it.
7 Our application is here to grant an easement.

8 CHAIRMAN BRAND: I think that should be
9 included.

10 MR. HINES: It would clean up the
11 existing condition.

12 CHAIRMAN BRAND: Do we think that's a
13 good idea?

14 MR. LOFARO: Yes.

15 CHAIRMAN BRAND: This change -- even
16 though it's not coming from Andrew Bagatta, that
17 change in lot definitely could hinder his access
18 to that in the future.

19 MR. BLASS: Yes.

20 MR. LOFARO: He could say I don't care,
21 everything is fine, I don't care.

22 CHAIRMAN BRAND: I don't know that we
23 care if he doesn't care. We want to make sure in
24 the future it has access.

25 MR. LOFARO: Right.

2 MS. LANZETTA: We're not going to take
3 that away?

4 MR. HINES: We're not going to take the
5 one away. We're going to include the orange in
6 the easement.

7 MS. LANZETTA: You're going to take
8 that away and the easement will have to remain on
9 the gravel?

10 MR. HINES: We'll leave the existing
11 easement and they'll have a new one that follows
12 the course of the orange.

13 MS. LANZETTA: That will be a condition
14 of approval?

15 MR. HINES: Right.

16 CHAIRMAN BRAND: Ron?

17 MR. BLASS: I don't have a resolution
18 tonight. I can do one for the next meeting.

19 CHAIRMAN BRAND: And that would be in
20 the resolution?

21 MR. BLASS: Yes.

22 CHAIRMAN BRAND: Okay. Do you think
23 your applicant would be okay with that as well,
24 providing that easement?

25 MS. DEMSKIE: I do, yes.

2 CHAIRMAN BRAND: And then the trailers
3 would have to be removed --

4 MS. DEMSKIE: Prior to receiving
5 approval.

6 MR. HINES: It will be a condition of
7 approval. It won't get stamped until they're
8 removed.

9 CHAIRMAN BRAND: So there's some time
10 that they have there but it's not six months I
11 don't think.

12 MR. BLASS: Do you have enough data to
13 do metes and bounds for the easement area?

14 MS. DEMSKIE: I'm not sure. I will
15 have to --

16 MR. BLASS: We'll have to reference the
17 map then.

18 MS. DEMSKIE: -- talk to Patti about
19 that.

20 MR. HINES: They can do a gravel to
21 center line.

22 CHAIRMAN BRAND: So for the next
23 meeting -- we'll approve this at the next meeting
24 with the conditions that the trailer be removed,
25 there's some type of easement to the lands of

2 Andrew Bagatta. Is there anything else?

3 MS. LANZETTA: Reflective of the
4 existing conditions.

5 MR. HINES: Tops Hill Road.

6 MR. BLASS: And no further subdivision.

7 CHAIRMAN BRAND: No further
8 subdivision.

9 MR. HINES: Until they have access to
10 the Town road.

11 MS. FLYNN: They're going on the agenda
12 for the next meeting?

13 CHAIRMAN BRAND: Yes. Which is
14 March --

15 MS. FLYNN: 5th.

16 MS. LANZETTA: Probably right on top
17 because it will be quick, I would suggest.

18 MS. FLYNN: She's the only one so she
19 is going on top.

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21 (Time noted: 8:06 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 1st day of March 2018.

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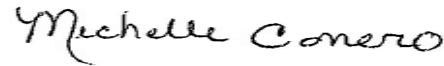
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MICHELLE CONERO

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

In the Matter of

* FLOW CHART FOR SITE PLAN REVIEW

* TRAINING AT MCGOEY, HAUSER & EDSALL ON
2/28/18

BOARD BUSINESS

Date: February 20, 2018
Time: 8:06 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI

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

MICHELLE L. CONERO
PMB #276

56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Is that it? Anything
3 else from the Board before we close?

4 MS. LANZETTA: I just wanted to make
5 sure that everyone saw the latest updated flow
6 chart for site plan review.

7 MR. LOFARO: This one you printed out
8 here is the updated? The printed out one?

9 MS. LANZETTA: I printed mine out at
10 home. Pat has been working on this, putting this
11 together for us. I just want to make sure that
12 the Board, if they have any questions about it or
13 suggestions, that we hear them. We're hoping for
14 this to go out to applicants so that they have a
15 better idea of what the flow is and also for -- I
16 know for me it's helpful to know how things --

17 MR. LOFARO: It definitely makes it
18 easier.

19 CHAIRMAN BRAND: I did recommend that
20 there be some type of statement or caveat
21 somewhere that says this is an ideal situation.

22 MR. HINES: Ideal flow chart.

23 CHAIRMAN BRAND: In theory, these
24 arrows, it's not necessarily indicative that
25 you're going in a straight line down. You might

2 have to go back.

3 MR. HINES: DOT, County Planning.

4 CHAIRMAN BRAND: I don't want somebody
5 to say according to this I go right from here to
6 here. Maybe some kind of note. Other than that,
7 I think it looks good.

8 Anything else on the flow chart?

9 MS. LANZETTA: Maybe if anybody has
10 anything else, just e-mail it. If not, this will
11 be helpful to me, I know that.

12 CHAIRMAN BRAND: I know when I first
13 was on the Board I was looking for something like
14 this to help guide me.

15 MR. LOFARO: Exactly. But now you kind
16 of got it a little bit but it's nice to have a
17 guide.

18 CHAIRMAN BRAND: Absolutely. I did
19 look on some other town websites to visualize it
20 myself. It was similar to these.

21 MR. HINES: There's things like SEQRA.
22 If somebody pos decs something it throws it out.

23 MS. LANZETTA: Before I forget, you had
24 invited us to a program on Friday morning?

25 MR. HINES: It's next Wednesday, a week

2 from today, the 28th.

3 MS. LANZETTA: I don't know why I wrote
4 it down -- I had the wrong day.

5 MR. HINES: Today is Tuesday. It's
6 next Wednesday, the 28th. We're doing it for our
7 clients that are MS-4 regulated, which you guys
8 are. We're doing a 101. We've been having a
9 couple DEC audits of some of our clients and one
10 of the things they said is the municipalities
11 should have more training. So we're doing a
12 little breakfast, one-hour training. It's
13 Wednesday, the 28th, at my office. We have
14 twelve municipally regulated clients.

15 CHAIRMAN BRAND: What time?

16 MR. HINES: 8 a.m. until 9:30 or so.

17 Half hour, a little breakfast, and then jump into
18 it. It's going to be basically how it relates to
19 highway superintendents, how it relates to the
20 planning boards. We put it together -- Town of
21 Wallkill, they had a training day and we put it
22 together. We said we have it all together, why
23 don't we present it to all of our clients instead
24 of one at a time. We have a big room.

25 MR. TRAPANI: Next Wednesday?

2 MR. HINES: A week from tomorrow at my
3 office.

4 MR. CAUCHI: It starts at 8:00?

5 MR. HINES: Yes, in the morning. If
6 you come in, as you're going to the terminal make
7 your first left and come up the hill. We're up
8 on top there. I'll send out the invite again.

9 MS. LANZETTA: I know Jen sent it out.

10 MR. HINES: I can send it in the
11 morning.

12 MR. CAUCHI: Thanks.

13 CHAIRMAN BRAND: Anything else?

14 (No response.)

15 CHAIRMAN BRAND: Motion to adjourn?

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

17 CHAIRMAN BRAND: Is there a second?

18 MS. LANZETTA: Second.

19 CHAIRMAN BRAND: All those in favor?

20 MR. TRAPANI: Aye.

21 MS. LANZETTA: Aye.

22 MR. CAUCHI: Aye.

23 MR. LOFARO: Aye.

24 CHAIRMAN BRAND: Aye.

25 (Time noted: 8:10 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 1st day of March 2018.

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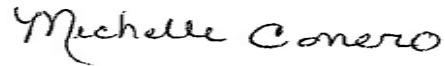
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MICHELLE CONERO