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1

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

X

In the Matter of

4

5 ENGEL

6 Project No. 19-3015  
7 6 Purdy Avenue, Marlboro  
8 Section 109.1; Block 1; Lots 19.100 & 19.200  
9

X

9 SKETCH - LOT LINE

10 Date: November 4, 2019  
11 Time: 7:30 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

14 BOARD MEMBERS: CHRIS BRAND, Chairman  
15 JOEL TRUNCALI  
16 BEN TRAPANI  
17 CINDY LANZETTA  
18 JOSEPH LOFARO  
19 MANNY CAUCHI

20 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
21 PATRICK HINES  
22 VIRGINIA FLYNN  
23

24 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS  
25

26 REPORTED BY: KARI L. REED  
27

28 ----- X  
29

30 MICHELLE L. CONERO  
31 PMB #276

32 56 North Plank Road, Suite 1  
33 Newburgh, New York 12550  
34 (845) 541-4163  
35

1 Proceedings

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

6 (Pledge of Allegiance said)

7 MR. TRUNCALI: Agenda, Town of  
8 Marlborough Planning Board, November 4, 2019,  
9 regular meeting, 7:30 p.m.

10 Approval of stenographic minutes for  
11 10/7.

12 Engel, sketch lot line.

## 13 Royal Energy, preliminary site plan.

14 Danskammer house, sketch, lot line.

15 Next deadline, Friday, November 8th.

16 Next scheduled meeting, Monday, November 18th.

17 CHAIR BRAND: I'd like to have a motion  
18 to approve the stenographic minutes for the  
19 October 7th meeting, please.

20 MS. LANZETTA: I'll make that motion.

21 CHAIR BRAND: Is there a second?

22 MR. LOFARO: I'll second.

23 CHAIR BRAND: Any discussion?

24 (No response)

25 CHAIR BRAND: All those in favor?

1 Proceedings

2 (Chorus of ayes)

3 CHAIR BRAND: Any opposed?

4 (No response)

5 CHAIR BRAND: So moved.

6 Before we begin, I'd also just like to

7 read into the minutes that member Joe Lofaro

8 has attended the Ulster County Planning

## 9 Department's Road Safety for All Users, and

10 received two hours worth of credit for that  
11 attendance.

12 Jen, could you just put that in his  
13 file?

14 MS. FLYNN: Yeah.

15 CHAIR BRAND: Thank you.

16 First up, Engel, sketch lot line.

17 MS. BROOKS: Good evening. So we

18 before the Board a few months ago doing a

subdivision to create two individual lots.

20 each with a single family residence on it.

21 Mr. Engel owned both of the properties and

interested in being able to convey or separate

out the second lot. Once he saw where the lot

<sup>34</sup> *line was and the proximity to his personal*

residence, he decided he didn't want someone to be able to break in.

1 Proceedings

2 living that close to him. So he has removed  
3 the second dwelling, and is now interested in  
4 consolidating the parcels back to one 2.17  
5 acre lot.

6 MR. HINES: Months ago?

7 MS. BROOKS: Yeah. It wasn't that long  
8 ago, was it?

9 MR. HINES: 2007?

10 MS. BROOKS: No, there actually should  
11 be a newer map on that.

12 MR. HINES: Was there?

13 MS. BROOKS: It was just a couple  
14 months ago, yup.

15 MR. HINES: I don't that, I have a 2007  
16 number.

17 MS. BROOKS: It was just last year.

18 CHAIR BRAND: Pat, do you just want to  
19 skim through your comments I guess?

20 MR. HINES: Yeah. We don't have any  
21 technical comments on this. It's literally  
22 just going back to the way it was before the  
23 previous subdivision, so.

24 CHAIR BRAND: Okay. And so --

25 MR. HINES: It's just a matter of

1 Proceedings

2 refiling the map. And it meets your  
3 streamlined subdivision regulations and upper  
4 lot line consolidations.

5 CHAIR BRAND: And in accordance with  
6 that Jeff has worked out a resolution of  
7 approval by the Town of Marlborough Planning  
8 Board for a lot line consolidation application  
9 of Robert C. Engel and Jonathan Engel.

10 Jen, would you poll the Board?

11 MS. FLYNN: Chairman Brand.

12 CHAIR BRAND: Yes.

13 MS. FLYNN: Member Lanzetta.

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Truncali.

16 MR. TRUNCALI: Yes.

17 MS. FLYNN: Member Trapani.

18 MR. TRAPANI: Yes.

19 MS. FLYNN: Member Lofaro.

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member

22 CHAIR BRAND: Absent.

23 MS. FLYNN: Member Ca

24 MR. CAUCHI: Yes.

25 CHATB BRAND: So

1 Proceedings

2 MS. FLYNN: And the -- I'm sorry. The  
3 date on the map is 10/24?

4 MS. BROOKS: Actually, I will date it  
5 tomorrow, because it says sketch and I want to  
6 change it to final. So actually I should date  
7 it today because I can't date it after the  
8 approval; correct?

9 CHAIR BRAND: I would think today's  
10 date --

11 MS. BROOKS: Is that correct?

12 CHAIR BRAND: -- would be fine.

13 MS. FLYNN: Okay.

14 MS. BROOKS: Is that correct, Jeff, do  
15 you think that's the best way to do it?

16 MR. BATTISTONI: I'll follow the  
17 chairman's lead. He said today's date would  
18 be fine, I'll go along with that.

19 MS. BROOKS: Today's date, okay.

20 MS. FLYNN: Thank you.

21 MR. HINES: Pat, read your map  
22 reference.

23 MS. BROOKS: I know, I see that. That  
24 will be corrected.

25 MR. HINES: That will be fixed too

1 Proceedings

2 then?

3 MS. BROOKS: Yes.

4 MR. HINES: That's what led me astray  
5 there.

6 MS. BROOKS: Yes. It was definitely  
7 2000, yup.

8 MR. HINES: So it was '17.

9 MS. BROOKS: I saw that, yeah.

10 CHAIR BRAND: Thank you. Thank you.

1

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK )  
5 COUNTY OF ORANGE ) SS:  
 )

6

7

I, KARI L. REED, a Shorthand Reporter

8

9 (Stenotype) and Notary Public with and for the  
State of New York, do hereby certify:

10

11 I reported the proceedings in the  
12 within-entitled matter and that the within  
13 transcript is a true record of such  
proceedings.

14

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

18

19 IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of November, 2019.

20

21

22

23

24

25

Karen L. Reed

KARI L. REED

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

5 In the Matter of  
6

7 ROYAL ENERGY  
8

9 Project No. 19-3002  
10 1666 Route 9W, Milton  
11 Section 103.3; Block 3; Lot 68  
12 - X  
13

14 PRELIMINARY - SITE PLAN  
15

16 Date: November 4, 2019  
17 Time: 7:36 p.m.  
18 Place: Town of Marlborough  
19 Town Hall  
20 21 Milton Turnpike  
21 Milton, NY 12547  
22

23 BOARD MEMBERS: CHRIS BRAND, Chairman  
24 JOEL TRUNCALI  
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11                   CHAIR BRAND: Next up, Royal Energy, preliminary  
12                   site plan.

13                   MS. BROOKS: You want to do Danskammer  
14                   next, right?

15                   CHAIR BRAND: Next.

16                   MS. BROOKS: Royal Energy.

17                   CHAIR BRAND: Yeah, Royal Energy.  
18                   Do you just want to maybe run through,  
19                   Pat, while Patty is getting herself ready  
20                   there.

21                   MR. HINES: Sure. Our first comment is  
22                   that we had commented previously on the  
23                   stormwater pollution prevention plan. We  
24                   received a revised one. I noticed that there  
25                   were some technical issues with that, so I

11 I have a comment. The under drain --  
12 the retaining wall detail that they gave us  
13 has an under drain, and the importance of that  
14 is that it's up against the stormwater  
15 detention pond, so that could serve as a  
16 method of the pond leaking out through the  
17 under drain, so they need to take a look at  
18 that.

22 MS. BROOKS: Tony Cuccio maybe?

23 MR. HINES: Tony Cuccio from Andy  
24 Willingham, I was going to say Mike Bergow,  
25 but it's Andy Willingham. So that has been

1 Proceedings

2 signed off on by the county. We're looking  
3 for detail of the standard parking space to  
4 make sure that it meets the 2000 or 200 square  
5 foot requirement of the code.

10 MS. BROOKS: So that was dictation.

11 MR. HINES: I have someone new working  
12 for me.

1 Proceedings

2 condition of any approval based on those  
3 sections and the code that require posting of  
4 inspection fees based on cost estimates.

5 And then I put in there, I know that  
6 Member Lanzetta had mentioned that she was  
7 going to be looking for some photo renderings  
8 from publicly available locations, and I think  
9 we'll be looking for those as well.

10 That's the extent of our comments.

11 CHAIR BRAND: Okay.

12 MS. BROOKS: So I did circulate this  
13 evening the renderings that are showing the  
14 view from the north and from the south, as  
15 well as the original ones that we had  
16 proposed. That's not something that generally  
17 the Board has asked for in the past, and I'm  
18 sure that all of you passing the site will  
19 acknowledge that the improvement over what the  
20 existing site conditions are will be fairly  
21 dramatic.

22 MS. LANZETTA: I had asked it for the  
23 last time that Royal wanted to enlarge the  
24 warehouse down on 9W, and they had provided it  
25 for me. I would like a photo simulation so we

1 Proceedings

2 can get a better, accurate idea of what it's  
3 going to look like when you go by on 9W in  
4 either direction.

5 MS. BROOKS: A photo simulation was  
6 presented on the other one?

7 MS. LANZETTA: Yeah.

8 MS. BROOKS: On -- okay, so I'll have  
9 to find out who did that, because that is the  
10 only rendering that we have for this  
11 particular building.

12 MS. LANZETTA: These are architectural  
13 drawings.

14 MS. BROOKS: Right.

15 MS. LANZETTA: But I want photo  
16 simulations with the existing -- you can get  
17 those done, they're not expensive, up at  
18 Ulster County Planning. They're suggesting,  
19 you know, in all of our training classes that  
20 planning boards ask for that so we can get a  
21 better, more accurate idea of what something  
22 is going to really look like when you go by  
23 it.

24 MS. BROOKS: Okay. Because the Ulster  
25 County Planning Board obviously hadn't asked

1 Proceedings

2 for it. But that's -- you know, I will say --

3 MS. LANZETTA: I know you resubmitted,

4 so I don't know if they, they might --

5 MS. BROOKS: We resubmitted just for

6 the area variance and the -- and the town

7 code. I think the Planning Board site plan

had been reviewed. But again, I will see what

9 I can do. Obviously if it was done for

10 Brooklyn, I will be able to contact that

11 same --

12 MS. LANZETTA: No, not Brooklyn.

13 MR. HINES: No.

14 MS. LANZETTA:

15 when they wanted to --

16 MR. HINES: At

17 MS. LANZETTA: -- expand t

18 warehouse down on 9W in Marlboro.

19 MR. HINES: Across from To

## 20 CHAIR BRAND: Kedem?

21 MS. BROOKS: Ob. Ked.

22 Royal

23 CHAIR BRAND: No, that's K

24 MS. BROOKS: That's Kedem

1 Proceedings

2 same.

3 MR. HINES: They're the same. We  
4 always thought they were the same. They're --

5 MS. BROOKS: There may be some similar  
6 partners, but no, they're not.

7 MS. LANZETTA: Okay.

8 MS. BROOKS: Okay, so.

12 MS. BROOKS: Okay. I'll see what I can  
13 do about that.

14 So we had requested, again, the New  
15 York State Department of Transportation is  
16 unable to give a final approval until a SEQRA  
17 determination is made, so we had requested the  
18 Board to consider that as a part of the review  
19 this evening.

20 We did receive an email that the plans  
21 have been acceptable. But they don't actually  
22 get the permit itself until they hire the  
23 contractor because the contractor is the  
24 person who has the insurances that actually  
25 get the permit.

1 Proceedings

2 And I believe that we have addressed  
3 all the rest of the --

4 MR. LOFARO: What about the  
5 construction of the --

6 MS. BROOKS: Oh, yes. Somebody has  
7 asked at one of the last meetings what the  
8 construction was going to be. So that is --  
9 it's a metal construction with a foam  
10 insulation.

11 MR. HINES: I thought this was going to  
12 be the attempt at the rendering.

13 MS. BROOKS: No, no, no, no.

14 (Laughter)

15 MR. HINES: So you said you have an  
16 indication from DOT?

17 MS. BROOKS: I received it today, yeah.

18 MR. HINES: Oh, okay.

19 MS. BROOKS: Yup.

20 MR. HINES: We didn't have that.

21 MS. BROOKS:  
22 received that yet.

23 MR. HINES: That's what I was looking  
24 for, because, as Patty just said, the DOT  
25 doesn't issue the actual permits until you

1 Proceedings

2 have a contractor on board, the insurance,  
3 their insurance is in line and the postees are  
4 paid. But typically if we get an indication  
5 from DOT saying these plans are approvable  
6 upon submission of those other items, that  
7 that satisfies this Board.

8 MS. BROOKS: I know you prefer not to  
9 have me bring so much the night of the  
10 meeting, so we will include that in the Friday  
11 submission.

12 CHAIR BRAND: Okay.

13 Any other questions or comments from  
14 the Board?

15 (No response)

16 MS. LANZETTA: And we talked about  
17 color, and you said that the colors that are  
18 on these renderings --

19 MS. BROOKS: The renderings.

20 MS. LANZETTA: -- here, they're kind of  
21 gray?

22 MS. BROOKS: Gray, mm-hmm.

23 MS. LANZETTA: With blue?

24 MS. BROOKS: That -- and again that --  
25 we did submit that a few months ago. So if

1 Proceedings

2 the Board would like to see something  
3 different, I would like to hear about it this  
4 evening.

5 MS. LANZETTA: Yeah. Because we never  
6 received -- we never -- we were never -- the  
7 Board never received it.

8 MS. BROOKS: It was sent to the Ulster  
9 County Planning Board and it was part of the  
10 submission package which I resubmitted. I  
11 submitted the original package so you would  
12 see that I had submitted it previously.

13 CHAIR BRAND: And all of the other  
14 buildings on the site would be color  
15 coordinated?

16 MS. BROOKS: Consistent, yeah. The  
17 renderings that we've shown tonight show that  
18 they're going to make them compatible.

19 MS. LANZETTA: But they'll be painted  
20 to match this?

21 MS. BROOKS: Yes. It has -- the one  
22 has both.

23 MR. HINES: No blue stripe.

24 CHAIR BRAND: Probably just be these.

25 MS. LANZETTA: I don't know if anybody

1 Proceedings

2 has any --

3 CHAIR BRAND: I mean, blue is not  
4 horrible. I don't have any objection to the  
5 color.

6 MS. LANZETTA: As I said, I just want  
7 to see it, what it's going to look like from  
8 the road.

9 CHAIR BRAND: So --

10 MS. BROOKS: Oh. And, I'm sorry, the  
11 propane tanks I think were the last  
12 outstanding issue.

13 MS. LANZETTA: Yes.

14 MS. BROOKS: I wasn't sure how the  
15 applicant wanted to handle it. I spoke with  
16 them today. They're actually done with their  
17 grapeseed production, squeezing, manufacturing  
18 for the season now. And they have opted to  
19 reduce the tank to 1,200 gallons in size,  
20 which only needs to be ten feet from the  
21 boundary line. So, based on that, we'll be  
22 able to -- and those are for Jen, they can be  
23 part of the file.

24 MS. FLYNN: Thank you.

25 CHAIR BRAND: And then when --

1 Proceedings

2 MS. BROOKS: So when we make the  
3 submission on Friday we'll show the relocation  
4 and downsizing of the tanks, to be in  
5 compliance with Mr. Corcoran's letter.

6 CHAIR BRAND: They will need to then  
7 re-upgrade once they do the grapeseed pressing  
8 again, or they're no longer going to do that  
9 at the facility?

10 MR. HINES: They'll just need more  
11 frequent deliveries I guess.

12 MS. BROOKS: They will need more  
13 frequent deliveries. I mean they only do it  
14 for a very, very short period of time. So  
15 when they, I guess, looked at where they could  
16 put them and meet the setbacks, I gave them  
17 the options. I sent them Mr. Corcoran's  
18 letter after we received it two weeks ago,  
19 gave them the option of moving it 25 feet off  
20 the boundary or relocating, and that was their  
21 decision that they came down with today.

22 CHAIR BRAND: Jeff, do you think we  
23 would be in a position to issue the SEQRA  
24 notice of nonsignificance determination for  
25 the next meeting?

1 Proceedings

2 MR. BATTISTONI: The next meeting, I  
3 think so. I think that you need your photo  
4 simulation, but assuming that's going to be  
5 satisfactory, yes.

6 CHAIR BRAND: Okay. Are we necessarily  
7 in agreement with that?

8 MS. LANZETTA: Mm-hmm.

9 MS. BROOKS: I mean I think at the next  
10 meeting we actually are hopeful that we would  
11 be able to not only receive the neg DEC but a  
12 conditional final approval. I think that we  
13 have substantially met the requirements if we  
14 have Board of Health, we have DOT, which will  
15 be submitted by this Friday. Basically the --  
16 my understanding is the reason that we weren't  
17 able to do it at this evening's meeting is  
18 that we didn't have the Ulster County Planning  
19 Board comments back because they don't meet  
20 until Wednesday evening, so.

21 MR. HINES: Yeah, the SEQRA --

22 MS. LANZETTA: And on the SEQRA.

23 MR. HINES: -- the SEQRA was held up on  
24 the visual assessment that we knew was going  
25 to be asked for.

1 Proceedings

2 MS. LANZETTA: And the updated plans  
3 for the -- for the new --

4 CHAIR BRAND: Propane tanks.

5 MS. LANZETTA: -- propane tanks being  
6 added, you know.

7 MS. BROOKS: Right. That's a pretty  
8 minor detail, because they've been existing  
9 for some period of time. I mean that's a code  
10 compliance issue, which certainly the  
11 applicant will have to meet regardless of  
12 whether the site plan approval is granted.

13 CHAIR BRAND: Correct.

16 MS. BROOKS: Yes.

17 CHAIR BRAND: I have no issue with  
18 that. We could have Jeff draft a --

19 MB. BATTISTONI: Okay.

20 CHAIR BRAND: -- draft a conditional  
21 approval, and hopefully all those conditions  
22 will be --

23 MS. BROOKS: Issues will be addressed,  
24 yeah

25 CHAIR BRAND: -- ready by then.

1 Proceedings

3 MS. BROOKS: All right. Thank you very

4 much.

5 CHAIR BRAND: Thank you.

6 So that would be on November, let me

7 just, November 18<sup>th</sup>.

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2 C E R T I F I C A T E

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4 STATE OF NEW YORK )  
5 COUNTY OF ORANGE ) SS:  
 )

6

7

I, KARI L. REED, a Shorthand Reporter

8

(Stenotype) and Notary Public with and for the  
State of New York, do hereby certify:

10

11 I reported the proceedings in the  
12 within-entitled matter and that the within  
13 transcript is a true record of such  
proceedings.

14

18

Kari L. Reed  
KARI L. REED

KARI L. REED

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1

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

X

In the Matter of

4

5 DANSKAMMER HOUSE

6 Project No. 19-3014  
7 5 West Street/3 King Street  
Section 108.12; Block 3; Lots 14 & 16

X

8

9 SKETCH - LOT LINE

10 Date: November 4, 2019  
11 Time: 7:45 p.m.  
12 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
13 Milton, NY 12547

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

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN  
19

20 APPLICANT'S REPRESENTATIVE: KENNETH COOL  
21

22 REPORTED BY: KARI L. REED  
23

24 MICHELLE L. CONERO  
PMB #276  
25 56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

X

8 CHAIRMAN BRAND: Next up, Danskammer House.

9 MR. COOL: Good evening. We're here to  
10 ask the Board's approval of a consolidation of  
11 two lots that we own at 5 West Street and 3  
12 King Street in Marlboro, both under the  
13 ownership of the Danskammer House, LLC.

14 CHAIR BRAND: So the empty parcel that  
15 you're consolidating --

16 MR. COOL: Yes.

17 CHAIR BRAND: -- that's the one next to  
18 the new --

19 MR. COOL: Rick's Restaurant, correct.

20 CHAIR BRAND: Rick's Restaurant. And  
21 it's just an empty lot right now?

22 MR. COOL: It's an empty lot.

23 CHAIR BRAND: And there's no plans to  
24 do anything other than keep it an empty lot?

25 MR. COOL: The only thing we are going

1 Proceedings

2 to do -- no, we have no plans for any built  
3 structures at all.

4 MRS. COOL: We plan to make it look  
5 pretty by landscaping.

12 CHAIR BRAND: Excellent.

13 Pat, did you want to run through your  
14 comments?

15 MR. HINES: Yeah. The first comment is  
16 that tax lot 14 of this project has an  
17 approved home occupation restricted to 50  
18 percent of the homeowner occupied structure.  
19 That continues to be a condition of the  
20 original approval.

1 Proceedings

I think that we're also combining tax lots and amending the site plan at the same time, because the Danskmmer House residential lot has that home occupation site plan. And this will be adding to that lot. And it's not just a lot consolidation but also an amendment to the site plan, which I don't know if you have an application for. And I know there was some indication that that is what truly that you're doing, you're changing the site plan because you're adding land to a -- you know, any other use, if you were expanding a restaurant parcel or something to that effect. So I think we need to call it a lot line and amended site plan.

1 Proceedings

2 MR. BATTISTONI: No, I agree with  
3 everything Pat just said, that because there  
4 is a site plan approval for one of these two  
5 lots, to consolidate the two into one you'd  
6 need to amend that site plan approval. So the  
7 application wouldn't qualify for your  
8 expedited process, and there would be a public  
9 hearing required.

10 CHAIR BRAND: Okay.

11 MS. LANZETTA: Just, just for my own  
12 personal edification, because, you know, this  
13 doesn't apply to this particular application,  
14 but when you have two different zones like  
15 that, just suppose they decided that they --  
16 that they wanted to make use of the  
17 commercial -- does this become all residential  
18 or it stays like in a sense half and half? Or  
19 if they wanted to use, let's say they wanted  
20 to utilize that commercial to make a  
21 restaurant instead, like how does that work?

22 MR. BATTISTONI: I don't know the  
23 answer to that offhand. That's a good  
24 question.

25 MR. HINES: They're complicating that

1 Proceedings

2 by consolidating it because now you have a  
3 mixed use site plan when you combine the lots,  
4 because you have this residential component  
5 and commercial. Some codes, and I don't  
6 believe yours does, addresses that. I work  
7 for another municipality, and that code says  
8 the applicant gets to pick. And you need to  
9 be careful in things like that because you  
10 could add a small --

11 CHAIR BRAND: Right.

12 MR. HINES: -- commercial component to  
13 a very large residential lot, and all of a  
14 sudden you get to pick. As we're going on  
15 here I'll take a look and see if I can't find  
16 it addressed in the code as well. My initial  
17 take is that this is going to end up with a  
18 lot in two zones, which is not uncommon in  
19 Marlboro, because your HD zone is a  
20 measurement off of 9W and it's 500 foot and  
21 parallel to 9W. So you have many lots that  
22 have multiple zones. And most specifically  
23 that HD zone that runs up 9W. It splits an  
24 untold number of lots up that corridor.

25 CHAIR BRAND: Go ahead.

1 Proceedings

2 MR. TRUNCALI: So even if they're not  
3 using the lot for -- you know, they're not  
4 making any changes or anything, they still  
5 have to have that public hearing?

6 MR. HINES: Yeah. I think it changes  
7 their site plan. They're adding a -- even if  
8 it was a residential lot, because it has that  
9 commercial site plan use, that bed and  
10 breakfast use, home occupation, I believe it  
11 changes that site plan that this Board  
12 previously approved.

13 MR. LOFARO: Does that allow them to  
14 use that new piece of property for a bed and  
15 breakfast?

16 MR. HINES: Yeah, exactly, yeah, that's  
17 what it will show, that it's not going to  
18 have -- it's not going to have a questionable  
19 use, they're going to show it as connected to  
20 that bed and breakfast site plan. And if  
21 they're landscaping it or building a retaining  
22 wall or putting gardens in there, I think  
23 that's something they would be able to  
24 continue to do. So it's a procedural issue  
25 not a -- not preventing them from what they're

1 Proceedings

2 doing.

3 CHAIR BRAND: Right.

4 MR. HINES: But I think because they  
5 have that underlying site plan, tagging this  
6 lot on there changes that site plan.

7 MS. LANZETTA: But we don't know if  
8 somebody else purchased that property, if they  
9 decided to turn the B&B into a commercial  
10 restaurant --

11 MR. HINES: Right.

12 MS. LANZETTA: -- now they've got  
13 partial commercial.

25 MS. LANZETTA: Okay.

1 Proceedings

2 MR. HINES: I don't want to give them  
3 that hint, but that --

4 MR. COOL: Well, no. But let me be  
5 very clear. If it's going to be an elongated  
6 process, we'll look -- we'll just withdraw the  
7 application. You know, I --

8 MR. HINES: I don't see it as that.

9                   But I think it just needs a public hearing.

10 MR. COOL: So what -- but what would be  
11 the requirements of a public hearing, other  
12 than being a public hearing? Are you going to  
13 ask us for yet more surveys and more  
14 documentation? I need to know that now.

15 MR. BATTISTONI: Right. You would need  
16 to amend your site plan approval. You have a  
17 site plan approval for one lot. You're going  
18 to be adding another lot to it, so that site  
19 plan has to get amended.

20 MR. COOL: But that doesn't, in  
21 essence, the survey document already show all  
22 of that?

23 MR. BATTISTONI: I haven't seen the  
24 existing site plan approval, so I don't know

25 MR. HINES: So I don't -- I think this

1 Proceedings

2 map could be amended to say "amended site  
3 plan" in the title block.

4 MR. COOL: Just amended in the title  
5 block?

6 MR. HINES: Survey plat, lot line,  
7 consolidation, amended site plan.

8 MS. LANZETTA: Mm-hmm.

9 CHAIR BRAND: Yes. Now, would we also,  
10 because you're saying you're putting a pathway  
11 in down to King Street there. We'd probably  
12 want to see that on the plans as well.

13 MR. COOL: It's already on the plans  
14 that you have right here.

15 MR. HINES: Yeah. No, there's nothing  
16 on this new one.

17 MR. COOL: Yeah, we can put that on,  
18 but --

24 MR. COOL: Well, you -- all of you can  
25 walk out there tonight and you'll see white

1 Proceedings

2 lines that will show exactly where it's going.

3 CHAIR BRAND: Could you just have

4 the -- your --

5 MR. COOL: The surveyor?

6 CHAIR BRAND: Or the map person just

7 draw it on the map and then show the maps and

8 if you have some --

9 MR. COOL: Sure, we can have -- we can

10 ask other -- we can ask the person to do that,

12 MR. LOFARO: And put the landscaping on  
13 it as well in the plan?

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15 landscaping. That we are not going to leave

16 We're not going to allow it to be --

17 MBS COOL: I don't know that we can

18 draw every bush that we are going to put in.

19 MB HINES: No.

30 MB LOFARO: No

21 MB. HINES: I think you could just

ghost out some landscaped areas.

23 MR. LOFARO: Right.

24 MR. HINES: I'm not trying to

25 complicate things, but it will give the board

1 Proceedings

2 an idea.

3 MR. LOFARO: Right, right. It just  
4 helps you in the long run, that's all.

5 CHAIR BRAND: Right.

6 MR. COOL: Okay.

7 MR. HINES: And it helps this board,  
8 you know. If you were ever to sell this use  
9 as the home occupation -- actually, I think  
0 the home occupation extinguishes, as you said  
1 but if someone else was coming in here and al-  
2 of a sudden it doesn't become a parking lot  
3 for much expanded use, it gives the code  
4 enforcement officer, they can open up and say  
5 okay, here's what -- here's it was approved  
6 five years ago, when we may or may not be  
7 sitting here.

18 CHAIR BRAND: Correct.

19 So just, so amended, so they would have  
20 to go through the amended site plan process,  
21 and then we could include the lot  
22 consolidation in with the site plan?

23 MS. LANZETTA: Yes.

24 MR. HINES: Yes. It would be all that  
25 streamlined process.

1 Proceedings

2 CHAIR BRAND: Okay.

3 MR. HINES: And then it cleans it -- it  
4 cleans it all up. You've got your amended  
5 site plan approval, you've got your lots  
6 consolidated. And in the meantime I will look  
7 at the zoning issue, but it's my recollection  
8 that your -- it stays in separate zones.

9 MS. LANZETTA: Okay.

10 MR. COOL: To be clear, the amended  
11 site plan process entails what, other than the  
12 revision of the survey?

13 MR. HINES: And a public hearing.

14 MR. COOL: And just a public hearing?

15 MR. HINES: Yes.

16 MRS. COOL: And we would have to send  
17 out the notifications again.

18 MR. COOL: And we would have to send  
19 out --

20 MR. HINES: Right.

21 MR. COOL: -- the dozen postcards,  
22 okay.

23 MS. LANZETTA: So would we be able to  
24 set up the public hearing?

25 CHAIR BRAND: How long do you think you

1 Proceedings

2 would --

3 MR. HINES: It is a County Planning  
4 referral.

5 MR. COOL: Oh.

6 CHAIR BRAND: Why is that?

10 CHAIR BRAND: Yeah, so you'd have to  
11 complete the site plan application process.  
12 And then we would forward all that information  
13 to the county and they would look at it, and  
14 when we hear back from them, then we can  
15 schedule the public hearing.

16 MR. COOL: The public hearing.

17 MS. LANZETTA: I think the date of  
18 public hearing we'll obviously set it up --

19 MR. HINES: They could happen together.

20 MS. LANZETTA: I don't think it will be  
21 much time at all.

22 CHAIR BRAND: Yeah.

1 Proceedings

2 we want to go forward with the process, we can  
3 have our surveyor do this immediately, that  
4 should not be an issue. I just don't want a  
5 series of everything that's coming along down  
6 the pike that are going to complicate the  
7 issue.

8 So, to be very clear, I need to know  
9 this evening what it entails, because  
10 otherwise we will withdraw the application.

11 CHAIR BRAND: I think exactly what we  
12 said.

13 MR. COOL: Okay.

14 CHAIR BRAND: So the site plan.

15 MR. COOL: Then I think we could --  
16 that we can accomplish.

17 CHAIR BRAND: I think we're good.

20 action, do you think

21 MR. HINES: Yes.

22 MR. BATTISTONI: Yeah, okay.

23 MR. COOL: What is a Type II action?

24 MR. BATTISTONI: It's just for

25 environmental review purposes. Type II is the

1 Proceedings

2 best you can have for an applicant, meaning  
3 there's no further environmental review. So  
4 that's good for you.

5 MR. COOL: Okay. So the short form EAF  
6 suffices?

7 MR. HINES: Yeah.

8 MS. LANZETTA: Mm-hmm.

12 MR. COOL: Okay.

1 Proceedings

2 MR. COOL: But let's push this just a  
3 little bit further. Construction, we're not  
4 talking about construction. All we're talking  
5 about is a pathway and vegetation.

6 MR. HINES: So you could landscape it,  
7 but I think if you're -- I don't know what  
8 your walkway consists of, if it's --

9 MR. COOL: It's going to be --

10 MRS. COOL: Gravel.

11 MR. COOL: -- item three.

12 MR. HINES: -- pavers or --

13 MRS. COOL: Gravel.

20 MR. COOL: No. Well, there will be  
21 some stone steps obviously, as all of Marlboro  
22 is on a steep slope. And we'll be respecting  
23 the topography of the landscape.

24 CHAIR BRAND: Yeah, I think Tommy, he  
25 did refer you to the Planning Board, so I

1 Proceedings

2 think that's probably the best course of  
3 option -- action for you.

4 MR. COOL: Okay. We'll do all due  
5 consideration and we'll be back in touch.

6 CHAIR BRAND: Okay. Thank you.

7 MS. LANZETTA: Thank you.

8 MR. BATTISTONI: Thank you.

9 CHAIR BRAND: Anything else from the  
10 Board?

11 (No response)

12 CHAIR BRAND: No? All right, motion to  
13 adjourn.

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

15 CHAIR BRAND: Is there a second?

16 MR. TRUNCALI: I'll second.

17 CHAIR BRAND: All in favor?

18 (Chorus of ayes)

19 CHAIR BRAND: So

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

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C E R T I F I C A T E

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4 STATE OF NEW YORK )  
5 COUNTY OF ORANGE ) SS:  
                      )

6

7

I, KARI L. REED, a Shorthand Reporter

8

(Stenotype) and Notary Public with and for the

9

State of New York, do hereby certify:

10

I reported the proceedings in the  
11 within-entitled matter and that the within  
12 transcript is a true record of such  
13 proceedings.

14

I further certify that I am not  
15 related, by blood or marriage, to any of the  
16 parties in this matter and that I am in no way  
17 interested in the outcome of this matter.

18

IN WITNESS WHEREOF, I have hereunto set  
19 my hand this 26th day of November, 2019.

20

21

22

Kari L. Reed

KARI L. REED

23

24

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