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MEETING HELD REMOTELY VIA ZOOM

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

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In the Matter of

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ERIC AFFUSO SUBDIVISION

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Project No. 20-4006
46 Reservoir Road, Marlboro
Section 108.2; Block 2; Lot 23.300

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SKETCH - SUBDIVISION

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Date: July 6, 2020
Time: 7:30 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES (Present at 7:35 p.m.)
VIRGINIA FLYNN

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APPLICANT'S REPRESENTATIVE: ERIC AFFUSO, ERICA AFFUSO

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

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2 CHAIRMAN BRAND: I would like to call
3 the meeting to order. Agenda, Town of
4 Marlborough Planning Board, July 6, 2020.
5 Regular meeting at 7:30 p.m. Approval of the
6 stenographic minutes for 6/15. On the agenda this
7 evening we have Eric Affuso Subdivision from 46
8 Reservoir Road in Marlboro. It's a sketch of a
9 subdivision. Then we have two discussions this
10 evening without the lawyer, engineer or
11 stenographer, the first being Stephanie Popper
12 for 35 Hudson Terrace, Marlboro, a site plan for
13 a bed and breakfast; and Justin McCarthy at 12
14 3rd Street in Milton, site plan for a bed and
15 breakfast. The next deadline is Friday, July 10,
16 2020. The next scheduled meeting is Monday,
17 July 20, 2020.

18 Do I have a motion to approve the
19 stenographic minutes for 6/15?

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

21 CHAIRMAN BRAND: Manny. Is there a
22 second?

23 MS. LANZETTA: I'll second it.

24 CHAIRMAN BRAND: Cindy. Any opposed?
25 (No response.)

2 CHAIRMAN BRAND: So carried.

3 I would also like to add into the
4 record this evening that Board Member Cindy
5 Lanzetta completed the 2020 New York Planning
6 Federation. It was held June 24th and it was --
7 the course completed is Understanding Applying
8 the State Environmental Quality Review Act. That
9 is one hour's worth of credit for Board Member
10 Lanzetta. All right.11 MR. GAROFALO: Mr. Chairman, I'd like
12 to add three short topics to the agenda.

13 CHAIRMAN BRAND: Okay.

14 MR. GAROFALO: One is to talk about the
15 future of the Zoom meetings. The second is to
16 talk briefly about the checklist. And third about
17 the bed and breakfast law.18 CHAIRMAN BRAND: Okay. Zoom meetings,
19 checklist, bed and breakfast law. Okay.

20 MR. GAROFALO: Thank you.

21 CHAIRMAN BRAND: Sure. Let's get
22 started. First up on the agenda is the Eric
23 Affuso Subdivision.

24 Is Pat Hines here?

25 MR. BATTISTONI: I don't see Pat here.

2 MS. FLYNN: Let me call him.

3 CHAIRMAN BRAND: Okay. I would like
4 for him to go over his comments. I know he had
5 substantial comments last time. Let's see if we
6 can get Pat in first.

7 (Pause in the meeting.)

8 CHAIRMAN BRAND: Was that a yes,
9 hopefully?

10 MS. FLYNN: Yes. He'll be here in one
11 second.

12 MR. CLARKE: Chairman Brand, I will say
13 that I got an updated letter from Pat Hines
14 today. Did the Board Members all get that?

15 CHAIRMAN BRAND: Yes.

16 MR. LOFARO: Yes.

17 CHAIRMAN BRAND: There he is. Hey,
18 Pat.

19 MR. HINES: Hello.

20 CHAIRMAN BRAND: How are you?

21 MR. HINES: I'm good. I had a little
22 technical difficulty, but I overcame it.

23 CHAIRMAN BRAND: Excellent. It's all
24 about overcoming adversity.

25 We just got started. We're on the Eric

2 Affuso Subdivision. Do you just want to go over
3 your updated comments for where we are with them?

4 MR. HINES: Sure. So we have -- I know
5 I distributed them this morning. We received the
6 updated paperwork, the short EAF and the site
7 plan checklist that was filled out. So we have
8 the complete paperwork we were looking for.

9 The driveway location and sight
10 distances were added to the plans, and I noted
11 that we did receive a sign off from the highway
12 superintendent earlier today.

13 We had a question previously about the
14 agricultural setbacks and the buffers required.
15 They've added a note that the grapes are going to
16 be taken away from that area of the subdivision.
17 So there will be an appropriate buffer. I think
18 they put a note saying 150 feet from the proposed
19 property line.

20 The septic system still needs approval
21 from the County Planning Department. That's
22 something that they'll have to proceed along
23 with.

24 In response to the Board's last request
25 the applicants did have a boundary survey of the

2 entire 23.7 acre parcel which they have
3 submitted. I believe the applicant has stated
4 they have no future subdivision plans in order to
5 address the potential segmentation question that
6 came up.

7 And then we're suggesting that the
8 roadway dedication parcel, which now that we have
9 the entire boundary survey, the roadway
10 dedication parcel only dedicates that portion of
11 the project in front of the subdivided lot.
12 Typically we require the entire parent parcel to
13 be dedicated. Currently the property is shown to
14 the center line of the roadway, which does the
15 applicant no good. The Town typically wants that
16 25-foot strip dedicated. The applicant won't
17 have to pay taxes on the Town roadway any more
18 like they have been. That will need to be updated
19 for the survey.

20 The project does require a public
21 hearing for the subdivision. We're suggesting
22 that that could be scheduled at this time if the
23 Board doesn't have any other substantive
24 comments.

25 CHAIRMAN BRAND: Anything from the

2 Board?

3 MR. CLARKE: The only comment I would
4 have is just looking at the updated map, the
5 secondary septic field looks like it's still
6 pretty close to the north line.7 MR. HINES: What that is is that's a
8 shallow absorption trench system. They did put
9 the label on there that the actual septic system
10 itself will be 11 feet from the property line.
11 The grading for the 18 inches of fill that
12 they're bringing in for that will be right at the
13 line. We did comment on that previously. That's
14 going to be under the purview of the Health
15 Department to actually take a look at that. I'm
16 not sure whether Ulster County considers the base
17 of the fill for the separation distance or the
18 actual septic lines that have been depicted. That
19 will come back from Ulster County. If it has to
20 be moved, there's room to move it. We did bring
21 that up as a comment and they labeled that
22 distance.23 CHAIRMAN BRAND: Anything else from the
24 Board?

25 MR. GAROFALO: Yes. I have a few

2 comments, one of which is to add the street width
3 onto the plan.

4 There was also some discussion about
5 the driveway grade, I think being 15 percent
6 grade, and I wanted to find out if that's within
7 the regulations and if that is correct.

8 My main concern about looking at this
9 whole property is to make sure that they don't
10 get themselves into a fix. Somewhere down in the
11 future if they do decide to subdivide, that
12 they've created a situation where they don't have
13 any good access.

14 MR. CLARKE: Have you looked at the
15 property, Jim? Have you actually done a drive
16 by?

17 MR. GAROFALO: I have not done a drive
18 by.

19 MR. CLARKE: Do a drive by. It will
20 answer most of your questions.

21 MS. LANZETTA: I agree with Jim. I
22 drive by that property all the time. I sent you a
23 picture from the Ulster County Parcel Viewer, and
24 it pretty well shows the -- for some reason,
25 which I did not agree with, we don't have any

2 idea of the topography of this property. You'll
3 see, if you look at the photograph that I sent
4 you, that on the west side it's certainly
5 challenged topographically. The areas I circled
6 on the west side are like rock outcrop areas. So
7 that whole portion is either rock or slanted. It
8 has quite a significant topography, challenging
9 topography there.

10 The front of the property which abuts
11 Reservoir Road, you will see at this point, with
12 that proposed one-lot subdivision, it basically
13 cuts off all access along the road area that you
14 could access the property that is back behind
15 there that could be further subdivided. That's
16 basically the area where the vineyards are now.

17 So I agree with Jim that under our own
18 Town Code 134-9, Section B, we are responsible
19 for looking at the future development of the
20 adjoining lands as yet unsubdivided. You can see
21 it's adjacent to another property that already
22 has a number of lots and basically what is a
23 private road. It's a nonconforming private road.
24 So how they would access the property towards the
25 back is something that I really have a concern

2 about. You know, if you could say that you would
3 run a driveway, or possibly a private road, along
4 the eastern side of the property, which makes the
5 most sense to access those additional properties
6 -- that additional property back there, you would
7 not be able to do it if you put that 1-acre lot
8 right there in the place that would make the most
9 sense of running something towards the back of
10 the property. So I think that's a real
11 consideration that the Planning Board should be
12 looking at, and we're required to look at.

13 MR. CLARKE: Cindy, if you look at the
14 property -- that just assumes that you take the
15 topography as it sits. But, you know, if you go
16 in and remove some of the shale and move it over,
17 you could make a very nice driveway in there. You
18 know, that's the way it's going to have to be on
19 some properties. You can't assume the natural
20 topography is going to be what you're going to
21 use.

22 MS. LANZETTA: Well if you look at that
23 western side, that's a huge -- right next to the
24 road is a huge rock outcrop.

25 MR. CLARKE: Yeah, but then it comes

2 down below the road. Somewhere in there you can
3 make a driveway.

4 MS. LANZETTA: It significantly drops.

5 MR. CLARKE: Yes, but if you take some
6 off one side and put it to the other side, you
7 can make a 50-foot roadway.

8 MS. LANZETTA: It's going to be a
9 significant problem to get. And there's also a
10 water course that runs down there, too. That
11 takes water down to that pond.

12 MR. CLARKE: That's probably seasonal.

13 MS. LANZETTA: Well, I mean that would
14 be a real challenge to do that. I'm just saying
15 they might be cutting their nose off to spite
16 their face here, because by using that one
17 portion there, that makes it very difficult to
18 develop the back part of the property.

19 MR. GAROFALO: Some of those portions
20 along that road do not look like they're going to
21 have very good sight distance off of them. You
22 know, I agree with Cindy that, you know, we
23 really need to take a look at the access just to
24 make sure that they are not tying themselves into
25 a knot here.

2 MR. HINES: Some of that is going to
3 be, you know, the applicant's own desire. I mean
4 there's a multitude of ways to access the
5 property. You could take down the houses. I mean
6 if there's a value to the property, the houses
7 might be worth nothing. So you pick a spot in the
8 middle there and you could design a road where
9 the existing houses are. There is an infinite
10 number of ways to develop that property as you
11 move forward. I don't know that the applicant has
12 any -- I don't think you have a SEQRA issue. The
13 applicant told us he doesn't have any desire to
14 further subdivide it.

15 MS. LANZETTA: We don't -- he's not
16 really a farmer, you know. There's -- why should
17 we just go by any applicant's say so?

18 MR. HINES: Because they own the
19 property. I don't think you can force the
20 applicant into developing some imaginary
21 subdivision on the parcel. I think there is other
22 access. I think you could remove one or more of
23 the houses if that was a concern.

24 What is the square that you drew on
25 the --

2 MS. FLYNN: Check your e-mail so you
3 can see what they're talking about. I just sent
4 it to you so you can pull it up.

5 MS. LANZETTA: The other square is a
6 new building that is in the process of being
7 built.

8 MR. HINES: That's a barn that's being
9 constructed.

10 MS. LANZETTA: Yes. It's brand new.

11 MR. HINES: None of those structures
12 would potentially limit access in the future. I
13 mean if there's value to the property -- we've
14 seen in Town where numerous structures have been
15 removed. Old structures. It's not a limiting
16 factor to the development. There's a lot of
17 property frontage here.

18 CHAIRMAN BRAND: Do you think they
19 would be able to access it from another portion
20 or another piece of the property to get into the
21 back there? Pat?

22 MR. HINES: Yeah. I don't have a design
23 for this. I think that there's a lot of frontage
24 on there, as Steve said, that you can grade and
25 provide grading on sites to access it. I just

2 don't see where eliminating the 1-acre lot limits
3 the potential development of the parcel. Again,
4 that's kind of a buyer beware -- not buyer beware
5 but owner beware. I think your subdivision
6 regulations have to do with adjoining properties,
7 and it has to do with whether you're linking up
8 adjoining properties, not the subject parcel that
9 the owner has control of.

10 MS. LANZETTA: No, I don't agree with
11 you on that.

12 MR. GAROFALO: This would essentially
13 be a self-created problem if they were to sell
14 that parcel and found that they had difficulty
15 getting access to the back.

16 MR. HINES: We're presuming that
17 there's difficult access to the back. I don't
18 know that that analysis has been done.

19 MS. LANZETTA: If we had topography,
20 then we would have a better idea.

21 CHAIRMAN BRAND: Mr. Affuso, do you
22 have a comment on any of this?

23 MR. AFFUSO: I do have comments. So for
24 the concern of future development on my property,
25 I plan on staying there until I'm dead. I guess

2 some day it could be sold and it would be
3 somebody's worry. That could be assumed by the
4 person who has the need or worry at that time.
5 I'm looking to give my daughter a piece of
6 property to build a home in Marlboro.

7 As far as me not being a farmer, I'm
8 not at the time, but that's not saying I may not
9 want to be. That vineyard is close to 100 years
10 old. It was created and farmed by Mr. Pizel.
11 When he was 100 years old he asked me if I would
12 do everything I can to keep the vineyard going,
13 and I'm going to do that. It's not a profitable
14 vineyard right now but I may look to create more
15 of a profit and an access to move that vineyard
16 along in the future. I don't know that for sure.
17 I'm 61 years old, kind of trying to look to get
18 out of the plumbing business.

19 Again, as far as future development,
20 unless there's some kind of code or law that says
21 I have to plan for that, I'm okay preventing
22 that. I just have no desire to do so. I have no
23 desire to do much more than farm that vineyard,
24 if indeed I decide to do that. I have no problem
25 with the farming setbacks of the property line.

2 Cindy travels that road every day. She
3 well understands the topography. Creating that
4 driveway where it is for sight distance is
5 helping out about six or seven homes now where
6 there wasn't a concern prior to those homes being
7 there regardless of before or after zoning. So I
8 think there's going to be an improvement by
9 taking that driveway where it is and creating
10 better sight distance.

11 And again, if you're asking me to
12 decide on what I want to do with that property in
13 the future, I don't have a crystal ball on it but
14 I don't have a desire to do any more there.

15 MS. LANZETTA: Well, the other -- I
16 still have additional concerns. The property
17 class as -- it's listed for fruit crop. It's
18 considered an agriculturally used property. We
19 have on the books our -- under our farmland
20 protection subdivision regulations that if you're
21 going to put in a home in an active -- in a place
22 that's actively agriculture, you do have to put
23 some kind of a berm or landscaping to protect
24 from -- the back property from active
25 agriculture. If you don't want to do that, then

2 you're going to have to put something in writing
3 on the map that says that you will -- you will --
4 you, as the parent property owner, will not plant
5 anything within that 150-foot radius so that you
6 would be taking on that responsibility to protect
7 the people that are on that -- the new lot that
8 you're creating.

9 MR. AFFUSO: Those people are my
10 daughter.

11 MS. LANZETTA: I'm not -- please don't
12 take this personally. It's not a matter of
13 personal issues. It's trying to make sure that if
14 the day comes that you leave, if the day comes
15 that she leaves, that any person that moves into
16 that house is protected from any agricultural
17 activity, and that's why we have it on the books
18 -- why we have the law on the books. Now, if
19 she's not going to -- if she, as that 1-acre
20 property owner, is not going to put in some kind
21 of a berm or landscaping or something like that
22 to protect herself, then you're going to have to
23 make sure you put it on your subdivision map that
24 you will not plant or do anything within the
25 adjacent area.

2 CHAIRMAN BRAND: I think we did that in
3 the past in another situation such as this where
4 there was a note on the map that got filed that
5 said, you know, should the property ever be sold
6 to someone outside of your family, then that
7 would be a condition of the sale, that it would
8 have to be built.

9 MS. LANZETTA: That was not done --

10 MR. HINES: That was the brewery.

11 MS. LANZETTA: -- because we had active
12 agricultural families. That was a family itself
13 that was actually doing the farming. This is a
14 little different situation.

15 MR. AFFUSO: Okay.

16 MS. LANZETTA: And then also in regards
17 to sight distance, I'm not really comfortable
18 with the letter I saw from John Alonge because
19 the way that the letter is written, it says that
20 the sight distance is sufficient from the top of
21 the hill. You know, under our town code the sight
22 distance is supposed to be in compliance with the
23 Institute of Traffic Engineers Guidelines for
24 driveway design and location. That is supposed
25 to be done at the intersection -- at the bottom

2 of that hill where it intersects with the Town
3 road. I wouldn't feel comfortable with the letter
4 that Mr. Alonge has sent at this point. I would
5 expect him to say that it does comply with those
6 guidelines in order to really feel that -- it's
7 the kind of letter of approval that I would feel
8 comfortable with.

9 MR. CLARKE: What's the distance on a
10 35 mile-an-hour Town road? How many feet do you
11 need sight distance either way?

12 MS. LANZETTA: Well on 30
13 miles-per-hour you need 220 for a left and 260
14 for a right. But they said on rural roads that
15 you have to increase that by 10 percent. I'd
16 like to remind you that that is a 35 mile-an-hour
17 zone. So it would be closer to what's required
18 for 40 miles-an-hour.

19 MR. GAROFALO: Clearly you would be
20 better if the letter were very specific and
21 referred to the plan.

22 MR. AFFUSO: What plan?

23 MR. GAROFALO: The plan that's been
24 submitted, that this is exactly where he's
25 approving the sight distance.

2 MS. AFFUSO: I mean the map was written
3 where he did approve it for the driveway, Mr.
4 Alonge himself.

5 MS. LANZETTA: It's saying the sight
6 distance is sufficient at the top of the hill. I
7 don't know what that means, the top of the hill.

8 MS. AFFUSO: It's semantics. Do I have
9 him rewrite it explaining whatever it is to the
10 code that you guys are referring to at this
11 point?

12 MS. LANZETTA: Yeah. I would feel a lot
13 better about that.

14 MR. CLARKE: Isn't that driveway on the
15 crest of a hill?

16 MR. AFFUSO: Are you asking me a
17 question, Steve?

18 MR. CLARKE: No. I'm asking Cindy.

19 MS. LANZETTA: No. It looks to me to
20 be at the bottom.

21 MS. AFFUSO: No. It's at the stop.

22 MR. CLARKE: No. This is going up, up,
23 up. You know, I don't -- I have to look at the
24 sight distance here. We go from 468 to 462. It's
25 on the crest. The driveway is on the crest of

2 that hill because, you know, the topography
3 begins to fall off to the west as you go west of
4 the driveway. So I think that's what Mr. Alonge
5 was talking about, that the driveway is on the
6 crest of the hill.

7 MS. LANZETTA: So I'd want it written
8 from the point where it intersects with the road.

9 MR. HINES: The applicant's engineer
10 has identified it at greater than 500 feet in
11 both directions on the plan that was recently
12 submitted.

13 MS. LANZETTA: I'd still feel better if
14 it was where it intersects the road.

15 CHAIRMAN BRAND: Mr. Affuso, can you
16 reach out to Mr. Alonge and perhaps have him
17 provide a more detailed letter?

18 MR. AFFUSO: I can ask him. You know,
19 he wrote the letter according to how he felt to
20 write it. I'll just be directed as you direct me.

21 CHAIRMAN BRAND: I would definitely
22 reach out to him and just see if he can make sure
23 that it's a little more specific and address the
24 things that Board Member Lanzetta brought up.

25 MS. AFFUSO: Just for specifics, can

2 you restate what you want in that letter just so
3 he knows so he can write it?

4 MR. AFFUSO: (Inaudible.)

5 CHAIRMAN BRAND: I'm sorry. I didn't
6 hear you, Mr --

7 MR. AFFUSO: Are there minutes that can
8 be forwarded to John Alonge?

9 CHAIRMAN BRAND: Certainly. Yeah.

10 MR. AFFUSO: He's a Town employee.

11 CHAIRMAN BRAND: Yes.

12 MS. LANZETTA: It's in our town code.

13 CHAIRMAN BRAND: I would just reach out
14 to him and ask him to provide a more detailed
15 letter. If he has a question he can contact one
16 of us, or I can reach out to him even.

17 MR. CLARKE: It's on the map you have
18 500 feet in each direction, which is more than
19 sufficient for the town code.

20 MS. AFFUSO: If it's on the map, we
21 still need the letter along with the map that we
22 already submitted? I'm just confused. Is it just
23 putting it verbal and visual? I'm not sure why
24 one isn't sufficient but both would be.

25 MS. LANZETTA: Under town code we need

2 the approval of the highway superintendent that
3 it meets sufficient sight distance.

4 MS. AFFUSO: So he wrote it was
5 sufficient. He's basing it off of what he saw
6 and what the engineer put on the map which shows
7 500.

8 MS. LANZETTA: That's not what the --

9 MS. AFFUSO: (Inaudible) agrees with
10 the map that it's sufficient, because that's what
11 we submitted where the driveway is.

12 MS. LANZETTA: The way the letter was
13 written, I don't think it was -- it said it was
14 from the top of the hill. It's supposed to be
15 from the intersection with the Town road.

16 CHAIRMAN BRAND: Jeff, do you have any
17 input on this one?

18 MR. BATTISTONI: I'm just pulling up
19 the highway superintendent's letter. It says, "In
20 regards to the proposed driveway in the Affuso
21 Subdivision on Reservoir Road, I have found it to
22 have safe, suitable sight distance at the top of
23 the hill as discussed with Rick Affuso and Dave
24 Zambito." He does say at the top of the hill. I'm
25 assuming that he can clarify that to mean in both

2 directions.

3 CHAIRMAN BRAND: Okay. I'll reach out
4 to him myself and give him some more specific
5 direction for the letter.

6 MR. GAROFALO: One other question. Does
7 this plan need a certification block regarding
8 the DEC requirements for the pond, et cetera?

9 MR. HINES: The pond is not regulated.
10 It's not a designated DEC wetland. DEC only
11 regulates wetlands that are 12.4 acres or larger.
12 That is not it. They have shown a 100-foot
13 buffer or more for their septic system and such.
14 There is no DEC-associated buffer with that pond.

15 MR. GAROFALO: Thank you.

16 CHAIRMAN BRAND: Pat, do you have
17 specifics on the driveway grade, too? I know
18 that was one of Mr. Garofalo's previous
19 questions.

20 MR. HINES: I didn't, but the maximum
21 driveway grade permitted is 14 percent. We've
22 gone through that extensively on some projects.
23 If the applicant's engineer could add a note that
24 says maximum driveway grade 14 percent. My
25 comments previously were the existing topography.

2 I didn't calculate the proposed topography, but I
3 can do that between now and the next meeting just
4 to give the Board that information. I just don't
5 have a scale sitting on my couch here right now.

6 CHAIRMAN BRAND: Anything else on this
7 one?

8 MS. AFFUSO: To clarify, are you going
9 to speak to Mr. Alonge or --

10 CHAIRMAN BRAND: I will speak to Mr.
11 Alonge.

12 MS. AFFUSO: So I can do my due
13 diligence and what I need to get for paperwork.

14 CHAIRMAN BRAND: I will speak to him.

15 MS. AFFUSO: Do we meet again for his
16 letter and then go to public?

17 CHAIRMAN BRAND: I mean I feel
18 comfortable scheduling the public hearing, and
19 then we'll just --

20 MR. BATTISTONI: A letter condition.

21 MS. AFFUSO: Okay. Just so I know what
22 I need to do.

23 CHAIRMAN BRAND: Jen, when are we able
24 to do that?

25 MS. FLYNN: August 3rd. I won't be able

2 to put it in the paper in time for the next
3 meeting. I'm sorry.

4 MS. AFFUSO: That's all right.

5 MR. AFFUSO: She's more inpatient than
6 I am.

7 CHAIRMAN BRAND: August 3rd for the
8 public hearing.

9 Anything else on this?

10 (No response.)

11 CHAIRMAN BRAND: No. All right. I thank
12 you then.

13 MR. HINES: We need a vote on that
14 public hearing I believe.

15 MR. BATTISTONI: Normally there would
16 be a motion to set the public hearing date.

17 CHAIRMAN BRAND: I'd like to have a
18 motion to set the public hearing for the Affuso
19 Subdivision for August the 3rd.

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

21 MR. GAROFALO: I'll second it.

22 CHAIRMAN BRAND: Any opposed?
23 (No response.)

24 CHAIRMAN BRAND: So moved. Thank you.

25 MR. AFFUSO: Thank you very much. Have

2 a good night.

3 MS. AFFUSO: Have a good one. Thank
4 you.

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

6

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

8

9 I, MICHELLE CONERO, a Notary Public
10 for and within the State of New York, do hereby
11 certify:12 That hereinbefore set forth is a
13 true record of the proceedings.14 I further certify that I am not
15 related to any of the parties to this proceeding by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 11th day of July 2020.

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21 
2223 MICHELLE CONERO
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MEETING HELD REMOTELY VIA Zoom

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

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In the Matter of

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Planning Board Meetings Held Via Zoom

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BOARD BUSINESS

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Date: July 6, 2020
Time: 8:00 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

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

2 CHAIRMAN BRAND: So Mr. Garofalo, the
3 next things on our regular agenda are without the
4 stenographer, attorney and lawyer. Do you feel as
5 though we need to have them present for the
6 things that you are bringing up?

7 MR. GAROFALO: Maybe just the Zoom
8 part. And I sent you an e-mail. I had contacted
9 the State Office on Open Meetings and they said
10 that there's a possibility that there may be an
11 extension to allow for continued non in-person
12 meetings. They also recommended that the in-
13 person gathering -- social gathering limitations
14 should apply to our meetings also. So if we are
15 in stage 4, we shouldn't have more than 50 people
16 present if we do an in-person. So we may or we
17 may not be doing the next meeting with a Zoom
18 depending on whether they extend it past today.

19 MR. HINES: Today or tomorrow, right,
20 is the deadline.

21 CHAIRMAN BRAND: I wouldn't necessarily
22 disagree with just having our next meeting as a
23 scheduled Zoom meeting, and then, you know, that
24 way we're safe either way and we can take it from
25 there.

2 MR. GAROFALO: I don't know as if we
3 can legally. The Executive Order allowed us to
4 not have them in person. So I think that if they
5 don't extend the Executive Order, we may be
6 forced to go back to in-person.

7 I personally would like to see them
8 make it permanent that we can have Zoom meetings
9 because I think that's good for the applicants in
10 that there's less time spent both on their part
11 and on all the professionals' parts in that they
12 don't have to do all this traveling.

13 So my personal opinion is I like to
14 have the Zoom meetings because it's better for
15 everyone, but I don't think we can necessarily
16 have them unless they extend that Order.

17 CHAIRMAN BRAND: Right. So I think what
18 we'll do -- right now as it stands we can still
19 have the Zoom. He's making another Executive
20 Order in the very near future?

21 MR. GAROFALO: Well he may. It hasn't
22 been made yet, and today is the last day you can
23 do it, you can have a Zoom meeting.

24 MS. FLYNN: I don't think we get more
25 than 50 people anyhow.

2 MR. HINES: No. That would be rare.

3 MR. GAROFALO: That would be pretty
4 rare.

5 CHAIRMAN BRAND: I guess we'll -- I
6 don't know. Any suggestions? Jen?

7 MS. FLYNN: My cutoff is on Friday, and
8 right now I have two things on the agenda for the
9 next meeting, which is the Young Subdivision and
10 then the Santini Site Plan. That's all I have at
11 the moment.

12 CHAIRMAN BRAND: Okay.

13 MR. CAUCHI: What is the Town Planning
14 Board doing?

15 CHAIRMAN BRAND: Is Al still here? Was
16 he here on this meeting before?

17 MR. LANZETTA: Yeah, I'm here.

18 CHAIRMAN BRAND: Al, what's the Town
19 Board doing?

20 MR. LANZETTA: We're having a Zoom
21 meeting. We haven't heard anything yet one way
22 or the other as far as Executive Order and not
23 having a Zoom meeting. Until I get confirmation,
24 I think the next meeting will be a Zoom meeting.

25 CHAIRMAN BRAND: I think that would be

2 my recommendation as well, that we just go ahead
3 and make it a Zoom meeting unless we hear
4 differently. If we have to go in person, then we
5 can make those adjustments as necessary.

6 MR. LOFARO: I'll second that, Chris.

7 CHAIRMAN BRAND: Anyone else on that?

8 MR. CLARKE: Good choice.

9 CHAIRMAN BRAND: Okay. So we'll do

10 that.

11 All right. So I guess we are done with
12 Jeff, Pat and Michelle. Thank you for being here.

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14 (Time noted: 8:04 p.m.)

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

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8 for and within the State of New York, do hereby
9 certify:

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11

That hereinbefore set forth is a

true record of the proceedings.

12

13

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

16

17

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of July 2020.

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Michelle Conero

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