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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

SANTINI LAWN CARE CORP.

Project No. 20-4007
229 Mt. Zion Road, Marlboro
Section 102.3; Block 2; Lot 15

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SKETCH - SITE PLAN

Date: July 20, 2020
Time: 7:30 p.m.

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

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVE: STEVEN & CAROLINE SANTINI

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MICHELLE L. CONERO
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CHAIRMAN BRAND: It is 7:30. We do
have a quorum, so I will start recording.

Santini Lawn Care, sketch of a site
plan at 229 Zion Road in Marlboro. On the
agenda, a discussion without the lawyer,
engineer, stenographer we have Stephanie
Popper and Justin McCarthy. I don't
believe either of them will be attending. I
think that I answered their questions, and I
can bring you guys up to speed on that.

The next deadline is Friday,
July 24, 2020. The next scheduled meeting is
Monday, August 3, 2020.

Can I have a motion to approve the
stenographic minutes for July the 6th?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny. Is there a
second?

MR. GAROFALO: I'll second.

MS. LANZETTA: I did make a correction.
A word that I needed a correction.

CHAIRMAN BRAND: Yes. You said that,
or is that the last one?

MS. LANZETTA: Yeah, but I'm not sure

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-- when I went back and looked, Michelle was not copied on that, so I don't know if she got the message.

MS. CONERO: I didn't see that.

MS. LANZETTA: On page 15 under Mr. Affuso's subdivision, I forget what you had put in for the name of the gentleman who used to own the property, but his correct name is Mr. Pizzo, P-I-Z-Z-O.

CHAIRMAN BRAND: With that correction being noted, are there any objections to approving the minutes?

(No response.)

CHAIRMAN BRAND: None. So moved.

First up, Santini Lawn Care, sketch, site plan.

Mr. Santini, do you want to just give us a brief overview?

MR. SANTINI: Yes. How are you? Steve Santini. My wife is on here also, Caroline Santini.

We're looking to do business, keeping the trucks up at 229 Mt. Zion Road. Possibly to put a building up over time. We own a landscape

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business. I don't know what else you need to know.

CHAIRMAN BRAND: Okay. Pat, do you want to run through your comments for this one?

MR. HINES: I can. I prepared some comments. I guess the sketch that was submitted was done off of some internet access site plan. It doesn't meet the requirements of the Town Code for numerous -- the site plan checklist was developed for the Board's use to have usable plans, and there are numerous items, some are checked and some are marked N/A. They're either not there or they need to be there. So we need a site plan or something like this done by a design professional. Everything on the site plan checklist needs to be there. The design professional needs to review the site plan checklist. There's a spot on the checklist where the design professional will sign and seal it. That information is there.

Similarly, the EAF wasn't filled out on the DEC's interactive website, which it needs to be. The DEC's website will fill in pertinent information, things like threatened or endangered

species, critical environmental areas. So that needs to be done on there.

One question. There's a -- on the 8.5 by 11 that was submitted, it identifies a multi-family use on the site. I just want to confirm that. Is that existing residence on the site, the multi-family residence?

MS. SANTINI: The house is on the site. Yes, the property is multi-family, but (inaudible).

CHAIRMAN BRAND: Your mic cut out for a minute. I don't think we all heard that answer.

MS. SANTINI: It is a multi-family residence but there's two separate houses.

MR. HINES: There's two houses on the site? Is that what I heard you say? You're fading in and out.

CHAIRMAN BRAND: Yeah.

MR. HINES: There's an issue there. The building inspector was not aware that there are two houses on the site or he would have commented on that. Section 155-12.1, multiple uses, identifies a letter E, residential uses. No more than one residential unit shall be considered

compatible with other combinations of uses. That's only allowed in the C-1 and C-2 Zone. In the RAG-1 Zone mixed use can only have one residential use on the site. So that may be a fatal flaw for the Planning Board. You may be able to get a variance from that, but Code Section 155-12.1 is an issue for this site as well.

The EAF that was submitted -- whoever your design professional is should have a copy of this plan to make it easier. A stormwater pollution prevention plan will be required. A drainage report.

The EAF identifies greater than one-acre of disturbance proposed.

Sight distance at the access drive should be depicted.

It looks like you're sharing a driveway with your neighboring property there, which may or may not work.

MR. SANTINI: The property was put in afterwards from the neighbor.

MR. HINES: The neighbor put the driveway there?

MR. SANTINI: Yes.

MR. HINES: It looks like there's a mutual encroachment on each driveway there. That may need an easement to allow that to remain at the property line the way it is.

We need all property lines accurately depicted with a survey.

Things on the checklist, like the neighboring section, block and lot and the record owners, the roadway boundaries and such, need to be there.

It needs to indicate what you're applying for. We need something in the RAG Zone that meets this intent. I don't know that a landscaping/construction type business is in the RAG Zone. As you would define your plan and work with your consultant, they may be able to come up with a use that is allowed in the RAG-1. Right now a landscaping operation is not permitted by my read of the RAG-1 allowable uses.

I think there are some -- any additional review of the project would need a design plan by a surveyor or an engineer.

That section of the Code that has the

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multiple uses on the site should be worked out with the code enforcement officer, Tommy Corcoran. I spoke to him today and he was not aware there were multiple residences on the site.

CHAIRMAN BRAND: Just to clarify. There's multiple residences, not a single residence with multiple-family housing; correct? There's two houses on the lot?

MS. SANTINI: There's two houses on the lot, one of which was built in the '70s and one of which was built in the '80s.

MR. HINES: So that section of the Code there, you need to look at that where it says multiple uses are only allowed -- it says no more than one residential unit shall be compatible in the C-1 and C-2 Zones, which this is not. You'll need to take a look at that as well.

CHAIRMAN BRAND: How big is the lot?

MR. HINES: Did I hear you say the lot is 26 acres?

MS. SANTINI: Yes.

MR. HINES: When you said it's pre-existing, you have a right to keep those two houses there but it doesn't have the right to put

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the commercial entity along with that. You're losing your protection once you change the use. We're not saying that the two houses can't be there, but the two houses along with the commercial use is not permitted.

CHAIRMAN BRAND: He could subdivide it, though? Is there room for that?

MR. HINES: I don't know the answer to that. That would be something that their surveyor would take a look at.

CHAIRMAN BRAND: Do you have a professional engineer, Mr. Santini? Mr. Santini, do you have a professional engineer?

MR. SANTINI: No.

CHAIRMAN BRAND: I would strongly advise you to pursue doing that. They can help you out with a lot of the stuff and work through the process. A lot of times, even though the initial cost seems significant, it can end up saving you money in the end.

MR. SANTINI: I didn't think that we needed it being that Tommy had said this is an approved thing.

MR. HINES: I don't think Tommy said --

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Tommy said -- with the single-family house there it would have been allowable after you get special use approval, but it needs to get approved through the Planning Board.

MR. SANTINI: We haven't changed anything since we moved here. It's been the same way since we lived here beforehand.

CHAIRMAN BRAND: I just think he wasn't aware of the two dwellings on --

MR. HINES: He definitely wasn't. You're here for a reason. I think you were issued a violation notice.

MR. SANTINI: Yup.

MR. HINES: So that's why you're before the Board, to rectify that. This was never an approved use on this site.

CHAIRMAN BRAND: Mr. Santini, what I can do is I can e-mail you -- what is your e-mail?

MR. SANTINI: You want me to text it to you later on, Chris?

CHAIRMAN BRAND: Yeah, you can do that. I'll e-mail you a copy of all of Pat's comments. Like I said, I think you'd be best to get an

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engineer who can walk you through this and try and see what can be done. You may be able to subdivide and build off of the one lot or something. I think that's an engineering question really.

MR. CAUCHI: Pat, what did the violation read? What was the summons? What was the title of it?

MR. HINES: Who is asking that question?

MR. CAUCHI: I did.

MR. HINES: I believe it's because of the operation of the business in the RAG Zone. There was never an approval for that. I don't know the issue there. I have Tommy Corcoran's -- hold on.

MR. CAUCHI: Do we have a copy of that?

MR. HINES: It says the violation was written in 2019-09. "Please be aware that this current operation has no site plan. A Town Code violation has been written," and it references the violation. It doesn't tell you. I don't have a copy of the violation but that's what brought them here before you.

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MR. CAUCHI: Okay. Thank you.

CHAIRMAN BRAND: Mr. Santini, the violation was essentially for you operating your landscaping business there without an authorized use? Is that what it was?

MR. SANTINI: Without a site plan.

CHAIRMAN BRAND: Without a site plan. Anything else from the Board on this one?

MR. GAROFALO: There are going to be some other things that may not be quite so obvious that need to be corrected on the plan. For instance, the parking spaces are not large enough according to our Code. You need accessible spaces. Those kinds of things will not be on the checklist, but when your engineer takes a look at your site plan, hopefully they will make corrections for those things. Thank you.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

Anyone else?

(No response.)

CHAIRMAN BRAND: So I think where we are right now, Mr. Santini, is that I will e-mail

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that to you. I'll e-mail the comments. In the
meantime, seek out an engineer.

What do they call them, Pat? Certified
engineer.

MR. HINES: Design professional. It
could be a surveyor, an engineer, an architect, a
landscape architect. There are a multitude of
professions that can do this work.

CHAIRMAN BRAND: And then come back
with a more -- he can help you with the --

MR. HINES: I do want to caution to
check with Tom Corcoran now that he knows that
there is more than one residence on there. It may
need a ZBA variance before you go any further.
Tommy was not aware that there was more than one
residence.

CHAIRMAN BRAND: I think that's all we
can do for you tonight, Mr. Santini. All right.
So like I said, I'll e-mail to you, you get in
touch with them. I would maybe double check with
Mr. Corcoran and see what he says about the two
dwellings on there and if he can offer you any
type of remedy. All right?

MR. SANTINI: Okay.

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CHAIRMAN BRAND: Thank you.

(Time noted: 7:45 p.m.)

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

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

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

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.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of July 2020.



MICHELLE CONERO