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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 X

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SANTINI LAWN CARE CORP.

7

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

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SKETCH - SITE PLAN

12

Date: July 20, 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

18

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ALSO PRESENT: PATRICK HINES

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APPLICANT'S REPRESENTATIVE: STEVEN & CAROLINE SANTINI

22

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MICHELLE L. CONERO

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Newburgh, New York 12550

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2 CHAIRMAN BRAND: It is 7:30. We do  
3 have a quorum, so I will start recording.

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

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

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

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

18 CHAIRMAN BRAND: Manny. Is there a  
19 second?

20 MR. GAROFALO: I'll second.

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

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

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

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

5 MS. CONERO: I didn't see that.

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

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

14 (No response.)

15 CHAIRMAN BRAND: None. So moved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 CHAIRMAN BRAND: Yeah.

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

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

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

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

17 Sight distance at the access drive  
18 should be depicted.

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

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

24 MR. HINES: The neighbor put the  
25 driveway there?

2 MR. SANTINI: Yes.

3 MR. HINES: It looks like there's a  
4 mutual encroachment on each driveway there. That  
5 may need an easement to allow that to remain at  
6 the property line the way it is.7 We need all property lines accurately  
8 depicted with a survey.9 Things on the checklist, like the  
10 neighboring section, block and lot and the record  
11 owners, the roadway boundaries and such, need to  
12 be there.13 It needs to indicate what you're  
14 applying for. We need something in the RAG Zone  
15 that meets this intent. I don't know that a  
16 landscaping/construction type business is in the  
17 RAG Zone. As you would define your plan and work  
18 with your consultant, they may be able to come up  
19 with a use that is allowed in the RAG-1. Right  
20 now a landscaping operation is not permitted by  
21 my read of the RAG-1 allowable uses.22 I think there are some -- any  
23 additional review of the project would need a  
24 design plan by a surveyor or an engineer.

25 That section of the Code that has the

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

6 CHAIRMAN BRAND: Just to clarify.

7 There's multiple residences, not a single  
8 residence with multiple-family housing; correct?  
9 There's two houses on the lot?

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

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

19 CHAIRMAN BRAND: How big is the lot?

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

22 MS. SANTINI: Yes.

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

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

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

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

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

15 MR. SANTINI: No.

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

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

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

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

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

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

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

14 MR. SANTINI: Yup.

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

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

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

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

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

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

10 MR. HINES: Who is asking that  
11 question?

12 MR. CAUCHI: I did.

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

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

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

2 MR. CAUCHI: Okay. Thank you.

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

7 MR. SANTINI: Without a site plan.

8 CHAIRMAN BRAND: Without a site plan.

9 Anything else from the Board on this  
10 one?

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

20 CHAIRMAN BRAND: Thank you, Mr.  
21 Garofalo.

22 Anyone else?

23 (No response.)

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

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

4 What do they call them, Pat? Certified  
5 engineer.

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

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

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

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

25 MR. SANTINI: Okay.

2 CHAIRMAN BRAND: Thank you.

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

5

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

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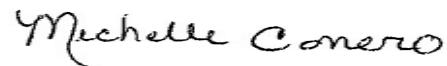
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9 I, MICHELLE CONERO, a Notary Public

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 29th day of July 2020.

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MICHELLE CONERO

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