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MEETING HELD REMOTELY VIA ZOOM

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

X

5 In the Matter of

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7 DAVID & SUSAN YOUNG

8 Project No. 20-4002  
50 Mill House Road, Marlboro  
9 Section 108.4; Block 5; Lot 20.21

X

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PRELIMINARY - SUBDIVISION

12

13

Date: September 21, 2020  
Time: 7:30 p.m.

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

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

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APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

23

24

25

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

2 CHAIRMAN BRAND: It is 7:30. I'm just  
3 going to ask, if you are not a member of the  
4 Board, to keep your mic on mute unless we call  
5 upon you.

6 Let's get started. I'd like to call the  
7 meeting to order. I'm sorry --

8 MR. CLARKE: If you are a Member of the  
9 Board, like Ben, don't you think we ought to  
10 unmute?

11 CHAIRMAN BRAND: Certainly.

12 MS. FLYNN: Bob Troncillito, maybe  
13 unmute.

14 CHAIRMAN BRAND: Agenda, Town of  
15 Marlborough Planning Board for September 21,  
16 2020. Regular meeting 7:30 p.m. Approval of  
17 stenographic minutes for July 20th, August 3rd  
18 and August 17th. On the agenda this evening we  
19 have Pond View at 19 Sunrise Drive in Milton for  
20 a public hearing for a lot line. We have David  
21 and Susan Young at 50 Mill House Road in Marlboro  
22 for a preliminary approval of their subdivision.  
23 We have Marlboro on Hudson, Hudson Circle in  
24 Marlboro, for an extension of their site plan. I  
25 hope I'm saying this right. Chevers Bed &

2 Breakfast at 45 Cross Road in Marlboro for a  
3 sketch of their site plan. Independent Solar, LLC  
4 at 206 Milton Turnpike for a sketch of their site  
5 plan. And the Guarino Subdivision, Lattintown  
6 Road, sketch of a subdivision. Also on the agenda  
7 this evening we have a discussion without the  
8 lawyer, engineer or stenographer for Rich Schultz  
9 for a two-lot subdivision proposal on Route 9W  
10 located in the HDR-1 District. If there is time,  
11 the review of the site plan checklist.

12 I'd like to have a motion for the  
13 approval of the stenographic minutes for 7/20,  
14 8/3 and 8/17, please.

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

16 CHAIRMAN BRAND: Cindy. Is there a  
17 second?

18 MR. CLARKE: I'll second.

19 CHAIRMAN BRAND: Steve, I heard you.  
20 Any discussion on that?

21 (No response.)

22 CHAIRMAN BRAND: Any nos on the  
23 approval for those stenographic minutes from the  
24 Board?

25 (No response.)

2 CHAIRMAN BRAND: All right. So  
3 carried.

4 First up, Pond View, public hearing,  
5 lot line.

6 "Legal notice. Subdivision of the  
7 lot line adjustment application. Please take  
8 notice a public hearing will be held by the  
9 Marlborough Planning Board pursuant to the State  
10 Environmental Quality Review Act (SEQRA) and Town  
11 of Marlborough Town Code Section 134-9 on Monday,  
12 September 21, 2020 for the following application:  
13 Pond View, at the Town Hall, 21 Milton Turnpike,  
14 Milton, New York at 7:30 p.m. or as soon  
15 thereafter as may be heard. The applicant is  
16 seeking subdivision, lot line adjustment approval  
17 for lands located at 19 Sunrise Drive, Milton,  
18 New York, Section 102.4; Block 2; Lot 32.813. Any  
19 interested parties either for or against this  
20 proposal will have an opportunity to be heard at  
21 this time."

22 So first off; Pat, I'd like to start  
23 with your comments before we open it up to the  
24 public.

25 MR. HINES: Outstanding after the

2 last conversation, my comments, they were  
3 required to provide us with an approval for the  
4 revised septic system. We received a letter from  
5 the Ulster County Health Department dated 6  
6 August for the septic system.

7 We also discussed the well at the  
8 last meeting. They provided us with the DEC well  
9 completion report by the applicant's well driller  
10 identifying they tested the well for 5 hours at 5  
11 gallons per minute, and the paperwork that they  
12 submitted to the DEC for that.

13 And then the private road issues were  
14 outstanding. I know Jeff Battistoni was doing  
15 some research on that. I've had some  
16 conversations with Jeff. He wrote a memo  
17 regarding that.

18 It is a lot line change, so it is a  
19 SEQRA Type 2 action with no further SEQRA review  
20 required. Based on the most recent DEC revisions  
21 to the SEQRA regulations, Part 617.5 C-16, lot  
22 line changes by definition are Type 2 actions.

23 CHAIRMAN BRAND: Thank you, Pat.

24 Jeff, do you want to give us an  
25 overview, perhaps of the legal issues concerning

2 the private road?

3 MR. BATTISTONI: This is Jeff  
4 Battistoni. There was a prior subdivision  
5 involving some of this property. There was a  
6 four-lot subdivision on a private road. As part  
7 of this subdivision there's a fifth lot that  
8 would share that private road. Your Town Code  
9 allows four lots to share a private road, however  
10 it allows up to two more lots to share it if  
11 there is a private agreement which authorizes it.  
12 The code doesn't define the term private  
13 agreement. It doesn't specify specifically who  
14 would have to be a party to it.

15 I sent an e-mail that addressed this  
16 issue, and I recommended that all users of that  
17 private road be a party to this private agreement  
18 if this fifth lot is approved to use that private  
19 road.

20 MR. HINES: The only other caveat is  
21 the fifth and sixth lot potentially using the  
22 private road have to have lot frontage on a  
23 public street as well.

24 CHAIRMAN BRAND: And they do?

25 MR. HINES: Yes.

2 MR. BATTISTONI: They do. That's  
3 correct. This fifth lot does.

4 CHAIRMAN BRAND: Thank you.

5 Who is the applicant's representative  
6 here this evening for Pond View? Do we have a  
7 representative here this evening?

8 MR. GALLELA: I'm here now. I'm  
9 representing myself.

10 CHAIRMAN BRAND: Okay. Thank you.

11 So this is a public hearing. If you  
12 are here to voice your -- speak either way on  
13 this proposal, you have an opportunity to do so  
14 at this time. I would just ask you to turn on  
15 your microphone and state your name so we know  
16 who is speaking and so the stenographer can get  
17 that information as well.

18 MS. LANZETTA: Can I just ask, is it  
19 possible for Jen to put the map, the subdivision  
20 map up?

21 CHAIRMAN BRAND: Absolutely.

22 MS. FLYNN: I have to also put it on  
23 the YouTube Live. I don't know how to do that.

24 CHAIRMAN BRAND: Again, this is a  
25 public hearing. If you're here to speak either

2 for or against this project, have questions,  
3 comments in regards to the Pond View application,  
4 you can do so at this time. Is there anyone  
5 present who would like to do that?

6 (No response.)

7 CHAIRMAN BRAND: Nick, maybe you want  
8 to just give us an overview for the people that  
9 may be here but don't necessarily want to comment  
10 on what it is that you proposed.

11 MR. GALLELA: Presently it's a large  
12 parcel from the previous subdivision that Jeff  
13 had just spoke about. I believe it's 15 acres.  
14 Currently it has a section, block and lot and  
15 address on Sunrise Drive. I'm looking to make  
16 that a 1 acre lot -- 1.5 acre lot. I still own  
17 that lot and I live on the adjoining lot which I  
18 would take the remainder of, whatever is left  
19 from lot 4 adjoining my property. That's it.

20 CHAIRMAN BRAND: Okay.

21 MR. GALLELA: Make that lot smaller  
22 and my lot bigger.

23 CHAIRMAN BRAND: Questions, comments  
24 from the Board?

25 MR. GAROFALO: I have a comment. At,

2 I think it was the August 17th meeting, it was  
3 noted there were some major things missing. The  
4 copy of the checklist that I got seemed to be  
5 signed but not filled out, and I was wondering if  
6 that had been corrected.

7 MR. GALLELA: By me personally, no.

8 CHAIRMAN BRAND: Pat, did you get a  
9 copy of the checklist?

10 MR. HINES: I did previously, yes.  
11 Yeah. The checklist I have continues to be blank.

12 CHAIRMAN BRAND: Obviously, Mr.  
13 Gallela, we're going to need that to be  
14 completed.

15 MR. GALLELA: Okay.

16 MR. GAROFALO: I'm a little concerned  
17 about closing the public hearing without having  
18 that document completed since the public may want  
19 to comment on material that's put into that  
20 document.

21 CHAIRMAN BRAND: I would agree with  
22 that as well.

23 MR. CLARKE: I agree as well.

24 MR. TRAPANI: Me, too.

25 MS. LANZETTA: We're also going to

2 need a new agreement for the use of that shared  
3 road. We want to make sure that even though the  
4 adjacent property owner received the notice of  
5 public hearing, I'm not sure if they understand  
6 they're going to need to sign on to a new  
7 agreement. I would like to see that drafted and  
8 ready for review.

9 CHAIRMAN BRAND: Mr. Gallela and/or  
10 Jeff, has contact been made with the other lot  
11 owners regarding this agreement?

12 MR. BATTISTONI: This is Jeff  
13 Battistoni speaking. Not by me.

14 CHAIRMAN BRAND: Mr. Gallela?  
15 MR. GALLELA: Have I contacted the  
16 present owners on Sunrise Drive, you're saying,  
17 regarding the lot -- the agreement?

18 CHAIRMAN BRAND: Yes.

19 MR. GALLELA: No, I have not. They're  
20 aware of it. I put that clause in the prior  
21 agreement. If any further work was done to the  
22 lot, it would automatically share into the  
23 agreement as far as maintenance. I don't know  
24 what the new agreement is going to change other  
25 than drafting up a new piece of paper for them to

2 sign.

3 CHAIRMAN BRAND: I think Jeff  
4 detailed previously that the other landowners  
5 would have to be in agreement, as well as  
6 possibly the new ones.

7 Am I correct, Jeff? Is that  
8 basically what you said?

9 MR. BATTISTONI: Yes. Again this is  
10 Jeff Battistoni. I did say that this private  
11 agreement would need to be signed by the  
12 adjoining lot owners who use that private road.

13 CHAIRMAN BRAND: Right. I do know  
14 that the issue of water came up in regards to  
15 these lots. We spoke briefly about that. The well  
16 water in addition to runoff there.

17 Mr. Gallela, do you have any comment  
18 as to that?

19 MR. GALLELA: As far as -- are you  
20 talking about stormwater runoff or as far as  
21 domestic use of well water?

22 CHAIRMAN BRAND: I didn't catch that.

23 MR. GALLELA: You're asking about the  
24 domestic use of well water?

25 CHAIRMAN BRAND: Yeah. A couple of

2 people that live up in that area reached out to  
3 me privately and asked me about -- apparently  
4 there's an issue up there with the water. I  
5 think Member Lanzetta referred to this, as well,  
6 last time we discussed it. There is a concern  
7 that they're having already difficulties. Wells  
8 are drying up in that area, in addition to runoff  
9 since I guess changes have been made on the site.

10 MR. GALLELA: I'm not aware of any  
11 issues as far as I know. The current -- I believe  
12 they're looking into possibly developing the  
13 wells further to get water out of it. I know I  
14 had some discussions with the water  
15 superintendent to possibly get a water main up to  
16 my property to them. He was less than  
17 enthusiastic to pursue that.

18 As far as my well driller is  
19 concerned, he doesn't see one well contributing  
20 to any uses of other people's wells. Drawing for  
21 agricultural uses, bring up the fact of taxing of  
22 neighboring wells. The soils seem to be spotty.  
23 I'm in the same area and my well is producing.  
24 So is the other well that I just drilled on that  
25 lot.

2 MR. HINES: That was the purpose --  
3 the well has been drilled on this lot. Mr.  
4 Gallela did supply the well report that  
5 identifies the pump test that was performed.

6 CHAIRMAN BRAND: Right.

7 MR. HINES: It did produce 5 gallons  
8 a minute, stabilized for 5 hours.

9 MS. HOGANCAMP: This is Megan  
10 Hogancamp. Chris, I was having audio problems  
11 coming in. I'm here with my husband Greg. We have  
12 comments opposing this subdivision.

13 CHAIRMAN BRAND: Okay. Go ahead.

14 MS. HOGANCAMP: One of the wells has  
15 been affected since the homes have been developed  
16 above us.

17 We have also suffered from the  
18 drainage issues from those properties into our  
19 property, you know, to great expense, putting in  
20 curtain drains, which Dave Zambito did for us  
21 because our basement had flooded. It had never  
22 flooded since the house was built in 1972 -- '77,  
23 excuse me.

24 Also, we had our well done -- you're  
25 another 160 feet -- two years ago, only to run

2 dry this year.

3 MR. HOGANCAMP: One year ago.

4 MS. HOGANCAMP: I'm sorry. It was one  
5 year.

6 CHAIRMAN BRAND: Okay. Pat, looking  
7 at the topography there, do you see an issue with  
8 the runoff?

9 MR. HINES: Yeah. I just want to  
10 clarify that this is a lot line change. There's a  
11 certain number of lots should this happen or not  
12 happen. This is just putting the proposed  
13 residential structure on a smaller lot and adding  
14 that balance of parcel to an existing lot.

15 I don't see a lot on this map  
16 identified as Hogancamp, so I'm having difficulty  
17 trying to figure out where the location is.

18 There's no new construction of the  
19 roadway proposed. No alteration of the private  
20 roadway. There will just be the same number of  
21 houses, one of which will be on a 1.4 acre lot  
22 rather than a 12 acre lot.

23 MR. GALLELA: If I may add also the  
24 fact I can't see possibly how water would go in  
25 that direction. Everything is picked up by the

2 road and put into an existing pond. All runoff  
3 travels down Sunrise Drive. It doesn't go in an  
4 east or west direction. Hogancamp, I believe  
5 they're in an easterly direction down behind  
6 Cosman's and Kuha's off of Old Indian.

7 MR. HINES: Can we get the Hogancamp  
8 -- the folks that are speaking, Hogancamp, the  
9 location of their lot?

10 MS. HOGANCAMP: We're 197 Old Indian.

11 Our well has gone dry. Directly  
12 behind us, the Cosmans have gone dry. The Kuhas  
13 has gone dry. There's one more person. I don't  
14 know the gentleman's name.

15 MR. HINES: I just want to reiterate  
16 that Mr. Gallela can currently, without going  
17 through this process, install an additional  
18 house, well and septic on the lot now. It would  
19 just be on a larger lot.

20 CHAIRMAN BRAND: He's just adjusting  
21 the line.

22 MR. HINES: Correct.

23 CHAIRMAN BRAND: Right. Okay. Any  
24 other comments from the Board or the public?

25 (No response.)

2 CHAIRMAN BRAND: No. So in agreement  
3 with Mr. Garofalo's comment, I think that we do  
4 want to hold over the public hearing until the  
5 checklist is completed adequately so that the  
6 public can have an opportunity to view that.

7 So Jeff, help me out. We are just  
8 going to adjourn the public hearing until a later  
9 date, until the checklist is complete?

10 MR. BATTISTONI: Right. I would  
11 adjourn it to a specific date, either two weeks  
12 from now or four weeks. If a further adjournment  
13 is needed at that time, it could be granted.

14 CHAIRMAN BRAND: Okay. Does anyone  
15 from the Board have an issue with us adjourning  
16 the public hearing until the first meeting in  
17 October, which looks to be October 5th, presuming  
18 that -- Mr. Gallela, is that enough time for you  
19 to get that checklist completed?

20 MR. GALLELA: Yes, it will be.

21 MS. LANZETTA: I'd like to see that  
22 agreement for the private road too, because we  
23 want to make sure that the other property owners  
24 are in agreement with the special agreement  
25 that's supposed to be part of the maintenance

2 agreement.

3 CHAIRMAN BRAND: Mr. Gallela and  
4 Jeff, do you think that's enough time to have  
5 that completed for October 5th?

6 MR. GALLELA: I'll speak to my  
7 attorney. I don't see why not.

8 MR. BATTISTONI: This is Jeff  
9 Battistoni. I could review it fairly quickly once  
10 I have it. It's more a matter of how long it  
11 takes the applicant to supply it.

12 MR. GALLELA: Is there a template  
13 that you follow on something like that? Maybe  
14 you can forward it to me?

15 MR. BATTISTONI: I don't know if I do  
16 because it's a private agreement between the  
17 landowners.

18 MR. GALLELA: Or any specific  
19 language you would want in it?

20 MR. BATTISTONI: I think you should  
21 ask your attorney if he can prepare something and  
22 send it to me. If I can find anything I'll  
23 forward it, but I don't know offhand if I have  
24 something.

25 CHAIRMAN BRAND: So I would like to

2 have a motion to adjourn the public hearing until  
3 October 5th with the understanding that the  
4 checklist will be completed and the completed  
5 driveway agreement will be completed by that  
6 date.

7 MR. GAROFALO: I so move.

8 MR. TRAPANI: I'll second.

9 CHAIRMAN BRAND: Mr. Garofalo and --

10 MR. TRAPANI: I'll second.

11 CHAIRMAN BRAND: -- Mr. Trapani with  
12 a second. Any discussion further?

13 (No response.)

14 CHAIRMAN BRAND: Any opposed to that  
15 motion?

16 (No response.)

17 CHAIRMAN BRAND: No. So moved.

18 Okay, Mr. Gallela?

19 MR. GALLELA: All set.

20 CHAIRMAN BRAND: You're all set. Just  
21 take care of those things and get that done.  
22 We'll see you at the October 5th meeting.

23 MR. GALLELA: All right.

24 CHAIRMAN BRAND: Thank you.

25 (Time noted: 7:52 p.m.)

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

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6

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 12th day of October 2020.

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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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DAVID & SUSAN YOUNG

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Project No. 20-4002  
50 Mill House Road, Marlboro  
Section 108.4; Block 5; Lot 20.21

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PRELIMINARY - SUBDIVISION

12

Date: September 21, 2020  
Time: 7:50 p.m.

13

14

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

18

19

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

20

21

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

22

23

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

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2 CHAIRMAN BRAND: Next on the agenda is  
3 Young, David and Susan, preliminary approval for  
4 the subdivision at 50 Mill House Road.

5 Pat, did you want to run through your  
6 comments very quickly?

7 MR. HINES: I can. This was before the  
8 Board several times, and it also received  
9 approval. That's my first comment.

10 The Town of Newburgh Planning Board  
11 approved their portion of the project, which is  
12 in the Town of Newburgh, Orange County, on 6  
13 August 2020. They issued a conditional final  
14 approval. A copy of the resolution I did not  
15 have, but I did give Jeff Battistoni a copy of  
16 the minutes confirming that for his use.

17 There's a map note required on the  
18 plans that both Jeff and the Town of Newburgh  
19 Planning Board attorney have reviewed. I believe  
20 Jeff is okay with that, but I'll defer to him.

21 The Town of Newburgh deferred  
22 recreation fees to the Town of Marlborough since  
23 throughout this project we've discussed that the  
24 proposed house locations, driveways, wells and  
25 septic for the new residential lots are all

2 located in the Town of Marlborough.

3 Both the Town of Marlborough and the  
4 Town of Newburgh had public hearings on this, and  
5 each County Planning Department was involved with  
6 the 239 review.

7 CHAIRMAN BRAND: Thank you, Pat.

8 Jeff, do you have anything to add to  
9 that?

10 MR. BATTISTONI: Yes. Again this is  
11 Jeff Battistoni. At first I didn't realize this  
12 was on for an approval tonight. When I realized  
13 that, I had to get some additional information in  
14 order to prepare a resolution, and I received  
15 that today. So I apologize for not getting the  
16 resolution to the Board sooner. Again, I just got  
17 some of that information today. I hope you have  
18 had a chance to look at the resolution I did  
19 send. I tried to trace the history of the  
20 project in the resolution so you can see each  
21 person who has commented and how the comments  
22 were resolved.

23 The Town of Newburgh did approve this  
24 on August 6th, and, as Pat said, did not impose  
25 any recreation fees. So the Town of Marlborough

2 is free to impose whatever recreation fees it  
3 wants.

4 There's one open issue, and that's a  
5 DEC issue. The DEC wants some additional  
6 information. I think that can be supplied post-  
7 approval. There's a condition in the resolution I  
8 prepared for that. So I throw that out there for  
9 the Board's consideration.

10 CHAIRMAN BRAND: Thank you, Jeff.

11 Anything from the Board on this?

12 MS. LANZETTA: I read the resolution  
13 and I think it's appropriate.

14 CHAIRMAN BRAND: Okay. Anything else  
15 from the Board?

16 MR. GAROFALO: I have one comment. That  
17 is, I'm a little sad that they didn't look at  
18 taking the lot 1 house and flipping the driveway  
19 to the other side which would have separated it  
20 from the other two driveways further and probably  
21 would have resulted in better sight distance. But  
22 as I understand, I think our highway department  
23 said that the sight distances were adequate. I'm  
24 just sad that things were not improved. Thank  
25 you.

2 CHAIRMAN BRAND: Thank you.

3 Anything else from the Board?

4 (No response.)

5 CHAIRMAN BRAND: Mr. Samuelson, I

6 believe you're the representative for this

7 project. Do you have anything to add?

8 MR. SAMUELSON: I do not.

9 CHAIRMAN BRAND: Moving forward. You  
10 have the application of David and Susan Young,  
11 resolution of approval by the Town of Marlborough  
12 Planning Board for a four-lot subdivision.

13 Jen, would you poll the Board?

14 MS. FLYNN: Chairman Brand?

15 CHAIRMAN BRAND: Yes.

16 MS. FLYNN: Member Lanzetta?

17 MS. LANZETTA: Yes.

18 MS. FLYNN: Member Garofalo?

19 MR. GAROFALO: Yes.

20 MS. FLYNN: Member Trapani?

21 MR. TRAPANI: Yes.

22 MS. FLYNN: Member Lofaro?

23 MR. LOFARO: Yes.

24 MS. FLYNN: Member Clarke?

25 MR. CLARKE: Yes.

2 MS. FLYNN: Member Cauchi?

3 MR. CAUCHI: Yes.

4 CHAIRMAN BRAND: Manny is here.

5 Excellent.

6 So that is carried. Let me just update  
7 that.

8 We also have the recreation fees  
9 findings for the Town of Marlborough Planning  
10 Board. Whereas the Planning Board has reviewed  
11 the subdivision application known as Young David  
12 and Susan with respect to real property located  
13 at 50 Mill House Road in the Town of Marlborough,  
14 Member Ben Trapani offered the following which  
15 was seconded by Member Steve Clarke: It is  
16 hereby resolved that the Planning Board makes the  
17 following findings pursuant to Section 277-4 of  
18 the Town Law. Based on the present and  
19 anticipated future need for park and recreational  
20 opportunities in the Town of Marlborough and to  
21 which the future population of this subdivision  
22 will contribute, parkland should be created as a  
23 condition of approval of this subdivision.  
24 However, a suitable park of adequate size to meet  
25 the above requirement can not be properly located

2 within the proposed project site. Accordingly, it  
3 is appropriate that in lieu of proving parkland,  
4 the project sponsors render to the Town payment  
5 of a recreation fee to be determined in  
6 accordance with the prevailing schedule  
7 established for that purpose by the Town of  
8 Marlborough. The approved subdivision known as  
9 Young David and Susan resulted in three lots for  
10 a total of \$6,000 in recreation fees. Whereupon  
11 the following vote was taken.

12 Jen, would you poll the Board?

13 MR. HINES: Hold on. I think that  
14 there's two new lots. There are two existing lots  
15 and two new lots. The fee is based on the two new  
16 lots.

17 CHAIRMAN BRAND: The two lots would be  
18 4,000. Sorry.

19 Jen, would you poll the Board with that  
20 modification?

21 MS. FLYNN: Chairman Brand?

22 CHAIRMAN BRAND: Yes.

23 MS. FLYNN: Member Cauchi?

24 MR. CAUCHI: Yes.

25 MS. FLYNN: Member Clarke?

2 MR. CLARKE: Yes.

3 MS. FLYNN: Member Garofalo?

4 MR. GAROFALO: Yes.

5 MS. FLYNN: Member Lanzetta?

6 MS. LANZETTA: Yes.

7 MS. FLYNN: Member Lofaro?

8 MR. LOFARO: Yes.

9 MS. FLYNN: Member Trapani?

10 MR. TRAPANI: Yes.

11 CHAIRMAN BRAND: Excellent. Then I  
12 believe David and Susan Young are all set.13 Mr. Samuelson, you're all set as well I  
14 believe.15 MR. SAMUELSON: Thank you. Have a good  
16 night.

17

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

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

5

6

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

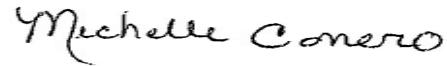
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 12th day of October 2020.

18

19



20

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MICHELLE CONERO

21

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MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X  
In the Matter of

5

6

MARLBORO OF HUDSON

7

Project No. 18-2008  
Hudson Circle, Marlboro  
Section 108.12; Block 8; Lots 23

9

10

----- X

11

EXTENSION - SITE PLAN

12

Date: September 21, 2020  
Time: 8:00 p.m.

13

14

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

18

19

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

20

21

APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK

22

23

----- X

24

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

25

2 CHAIRMAN BRAND: Next on the agenda  
3 we have Marlboro on Hudson, extension for  
4 their site plan.

5 Pat, do you have anything on this?

6 MR. HINES: I do not, but I believe  
7 Jeff prepared a resolution.

8 CHAIRMAN BRAND: Jeff, do you have a  
9 resolution?

10 MR. BATTISTONI: Yes, I did. I prepared  
11 a resolution. I think it's pretty  
12 straightforward. One extension was granted all  
13 ready, so this is the second extension.

14 CHAIRMAN BRAND: Okay. You have the  
15 resolution before you. Did everyone get that?

16 MS. LANZETTA: Yes.

17 MR. GAROFALO: Yes.

18 CHAIRMAN BRAND: I did not see that. I  
19 don't have the exact heading in front of me but  
20 you have the resolution before you.

21 Jeff, just to clarify, what is this  
22 extension that we're giving them?

23 MR. BATTISTONI: It's actually a second  
24 extension for approvals for special use permit  
25 and site plan approval. The second extension --

2 just bear with me a second --

3 CHAIRMAN BRAND: Sure.

4 MR. BATTISTONI: -- will run from  
5 October 21, 2020 through October 20, 2021. The  
6 Town Code allows for two extensions, so this  
7 would be the final extension.

8 CHAIRMAN BRAND: Thank you. Is there a  
9 representative here for them this evening?

10 MR. McCORMACK: Yes, Chairman. Connor  
11 McCormack from Maser Consulting.

12 CHAIRMAN BRAND: Connor, do you have  
13 anything to add before we poll the Board on the  
14 resolution for the extension from October 21st  
15 through October 20, 2021?

16 MR. McCORMACK: We're just working  
17 through the Attorney General process.

18 CHAIRMAN BRAND: Connor, your mic is  
19 not working for me. I don't know if I'm the only  
20 one.

21 MR. McCORMACK: Can you hear me now?

22 CHAIRMAN BRAND: It's better.

23 MR. McCORMACK: We're just working  
24 through the Attorney General filing, and that's  
25 all we have left.

2 CHAIRMAN BRAND: Okay. Great.

3 Jen, would you poll the Board on the  
4 resolution to grant the site plan application for  
5 Marlboro on Hudson, Hudson circle in Marlborough.

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Garofalo?

9 MR. GAROFALO: Yes.

10 MS. FLYNN: Member Trapani?

11 MR. TRAPANI: Yes.

12 MS. FLYNN: Member Lanzetta?

13 MS. LANZETTA: Yes.

14 MS. FLYNN: Member Lofaro?

15 MR. LOFARO: Yes.

16 MS. FLYNN: Member Clarke?

17 MR. CLARKE: Yes.

18 MS. FLYNN: Member Cauchi?

19 MR. CAUCHI: Yes.

20 CHAIRMAN BRAND: Excellent. You are all  
21 set, Connor.

22 MR. McCORMACK: Thank you very much.

23 CHAIRMAN BRAND: Thank you.

24 (Time noted: 8:03 p.m.)

25

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

5

6

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

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12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
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15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 12th day of October 2020.

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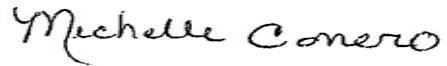
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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X  
In the Matter of

5

6

CHEVERS BED & BREAKFAST

7

Project No. 20-4012  
45 Cross Road, Marlboro  
Section 108.4; Block 1; Lot 16

9

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11

SKETCH - SITE PLAN

12

13

Date: September 21, 2020  
Time: 8:03 p.m.

14

15

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

16

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20

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

21

22

APPLICANT'S REPRESENTATIVE: BARBARA CHEVERS

23

24

25

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

2 CHAIRMAN BRAND: Next on the agenda is  
3 Chevers Bed & Breakfast for a sketch/site plan at  
4 45 Cross Road, Marlboro.

5 Would you like to provide us with an  
6 overview of what it is you have planned?

7 MS. CHEVERS: I'm sorry?

8 CHAIRMAN BRAND: Could you provide the  
9 Board with an overview of your proposal?

10 MS. CHEVERS: Yes. We are running a bed  
11 and breakfast in the basement of our house  
12 through AirBnb.

13 CHAIRMAN BRAND: Okay.

14 MS. CHEVERS: So it's one of the  
15 bedrooms and a bathroom.

16 CHAIRMAN BRAND: Okay. Pat, do you want  
17 to go through your comments for that?

18 MR. HINES: I do. I don't believe the  
19 applicant has them. I didn't have any contact  
20 information. This is considered a home occupation  
21 under your zoning for the AirBnb -- not the  
22 AirBnb but the home occupation bed and breakfast  
23 use. I believe that the Town is addressing short-  
24 term rentals through AirBnb through upcoming  
25 legislation.

6 My comment 2 is adequate parking. The  
7 code requires two for the residential use, and  
8 then parking for the bed and breakfast use should  
9 also be depicted.

10 Comment 3 is that bed and breakfasts  
11 are home occupations within the zoning. Bed and  
12 breakfasts are defined in the definition Section  
13 155-1 as home occupations allowing overnight  
14 accommodations in residential structures which  
15 take place only in owner-occupied structures. So  
16 the applicant will need to confirm that it is  
17 owner occupied.

2 The code enforcement officer will need to review  
3 that.

4 It's subject to Planning Board review.

5 And then we need a short environmental  
6 assessment form for the Unlisted action to be  
7 submitted for the Board to process this.

8 CHAIRMAN BRAND: Thank you, Pat.

9 Comments and questions from the Board?

10 MR. GAROFALO: I have two comments. One  
11 is to make sure that the checklist is signed by a  
12 professional.

13 Also, when doing the EAF, to make sure  
14 you use the DEC mapper which is online. Thank  
15 you.

16 CHAIRMAN BRAND: Any other comments  
17 from the Board?

18 MS. CHEVERS: Can you explain when you  
19 say signed by a professional, what professional?

20 MR. HINES: The site plan checklist and  
21 the -- you'll need a survey, at a minimum,  
22 submitted to the Board depicting the location of  
23 the house, the underlying zoning, the setbacks,  
24 the parking. The septic and well should be  
25 depicted. Whoever does that can prepare the site

2 plan checklist as well, which also needs to be  
3 signed by a licensed design professional in New  
4 York State. It can be an engineer, an architect,  
5 a surveyor or a landscape architect.

6 MS. CHEVERS: So we already have a  
7 survey. Can we submit that?

8 MR. HINES: If it has all that  
9 appropriate information. Typically there will be  
10 things that need to be added to that. Whatever  
11 surveyor prepared that can assist you would be  
12 the most cost effective manner to do that. But  
13 there's a -- you know, bulk table would be  
14 required. The underlying zoning would be  
15 required. The parking would need to be shown.  
16 We'll need a schematic of the structure showing  
17 that it's less than fifty percent, and the  
18 locations of that.

19 I would caution -- I'm not sure of the  
20 layout of the building -- but the fire access or  
21 fire accessibility exit areas need to be  
22 addressed as well. You've identified it as a  
23 basement. I'm not sure if there's a legal bedroom  
24 in that basement or not.

25 MS. CHEVERS: Yes. It's the master

2 bedroom and there is a door to the outside.

3 MR. HINES: That would be for code  
4 enforcement. If you want to contact Jen, the  
5 Planning Board Secretary, during the week, she  
6 can get you a copy of my comments. That will  
7 work the surveyor through what we need.

8 MS. CHEVERS: Okay. That will be  
9 easier.

10 CHAIRMAN BRAND: I would definitely  
11 recommend utilizing a professional as Pat  
12 detailed earlier, one of those three licensed  
13 professionals, to assist you in this process. It  
14 will certainly speed things through.

15 MS. FLYNN: I can e-mail you the  
16 comments.

17 CHAIRMAN BRAND: Any other questions or  
18 comments from the Board?

19 MS. CHEVERS: Is there going to be a  
20 different application or is it still the same  
21 application that we submitted?

22 MR. HINES: You submitted the  
23 application, but the majority of what you  
24 submitted was blank and it needs to be completely  
25 filled out.

2 CHAIRMAN BRAND: Every box needs to  
3 have an answer.

4 MS. LANZETTA: You can explain certain  
5 things, like in reference to wetlands and -- you  
6 know, if something is not pertinent to the  
7 application, rather than just saying not  
8 applicable, you might want to add an explanation.  
9 There are some things that might not be necessary  
10 but a lot of the things are going to be  
11 necessary.

12 CHAIRMAN BRAND: Again, that's what the  
13 professional would be able to assist you in.  
14 Although the initial cost may be more, it will  
15 probably save you in the long run.

16 Any other comments, questions?

17 Anything at all?

18 (No response.)

19 CHAIRMAN BRAND: So Ms. Chevers, we're  
20 going to have you contact the secretary, Jen  
21 Flynn, at the office. She'll provide you with the  
22 necessary checklist and as well as Pat's  
23 comments. When those are completed, we can put  
24 you on the next agenda.

25 MS. CHEVERS: Okay. Thank you.

2 CHAIRMAN BRAND: You're welcome. Thank  
3 you.

4 (Time noted: 8:08 p.m.)

5

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

7

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 12th day of October 2020.

20

21

*Michele Conero*

22

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MICHELLE CONERO

23

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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

4

In the Matter of

5

6

INDEPENDENT SOLAR, LLC

7

Project No. 20-4008  
206 Milton Turnpike, Milton  
Section 95.4; Block 3; Lot 7.210

9

10

SKETCH - SITE PLAN

11

12

Date: September 21 2020  
Time: 8:08 p.m.

13

14

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

18

19

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

20

21

APPLICANT'S REPRESENTATIVE: PAUL IRBY & ETHAN  
WINTER

22

23

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

25

2 CHAIRMAN BRAND: Next up,  
3 Independent Solar, LLC, sketch of a site plan  
4 at 206 Milton Turnpike in Milton.

5 Pat, your comments are significant  
6 on this one.

7 MR. HINES: Yes. They're at least  
8 numerous. I'm just going to pull my plans out as  
9 well as I go here.

10 This is the second round of comments  
11 that we've given. We got some more detailed  
12 plans. Most importantly is we received comments  
13 back with the long form EAF that we had  
14 requested. It is a Type 1 action under the SEQRA  
15 regulations.

16 At the conclusion of this report I have  
17 for the Board's discussion, I would be okay with  
18 the Board declaring its intent for lead agency.

19 My comment number 3 identifies the  
20 other interested -- the other involved agencies  
21 that would be part of the SEQRA review process  
22 which could be undertaken.

23 My comment number 4 -- the first three  
24 having to do with SEQRA and the status of the  
25 application. Number 4 identifies that additional

2 visual simulations have been provided from Milton  
3 Turnpike, as well as the Board has requested the  
4 Locust Grove facility located on the eastern part  
5 of the Hudson River. They did an analysis  
6 utilizing satellite imaging to show the  
7 visibility of the project. It did identify that  
8 the project is fairly visible in the foreground,  
9 although also shadowed by the Sports Dome  
10 facility in the visuals. So I'm deferring to the  
11 Planning Board to evaluate those potential  
12 impacts. They do have a landscaping plan that  
13 will address some of that in the future. The  
14 solar arrays are about 15 feet high and their  
15 landscaping plan is putting in 6 to 8 feet trees.  
16 That would take some time to screen the portions  
17 that are visible.

18 There's a zoning section that requires  
19 a 25-foot buffer area which is labeled except  
20 along the roadway. There is natural vegetation  
21 along Milton Turnpike, so we were requesting  
22 whether they -- the Board wanted them to address  
23 that with vegetation to screen the solar array  
24 from Town, County and State roadways. That code  
25 section that I stated, I stated there verbatim.

2 It kind of says that you should be screening this  
3 from that County roadway, which you can see it  
4 and there's no screening in that area. The  
5 screening they're proposing is along the access  
6 drive to screen it from the east side of the  
7 Hudson River. Tree planting details should be  
8 added to the plans.

9 There was a comment, they are proposing  
10 213 evergreen plantings along the interior access  
11 road in the vicinity where the project is visible  
12 from the Locust Grove facility. The Board needs  
13 to take a look at that as the process goes  
14 through to see if they feel that that is  
15 acceptable.

16 We're requesting that the applicant  
17 take a look at the electrical distribution line  
18 that kind of enters out into the agricultural  
19 field and doesn't follow the access roadway.  
20 We're asking them to take a look at that.

21 Also whether or not evergreen material  
22 should be planted along the southern end of the  
23 northerly most array. That comes into the area  
24 behind the barn that would be seen from Milton  
25 Turnpike, and whether the Board is looking for

2 additional screening there. Your code does say it  
3 should be screened from Town, County and State  
4 highways. There is no screening currently  
5 proposed. There's a large agricultural field,  
6 it's several hundred feet back, but it requires  
7 that. I'll defer to the Board on that.

8 The applicant has delineated Federal  
9 wetlands on site. We do not have that wetland  
10 jurisdictional determination from the Army Corp  
11 of Engineers, which we'll be looking for.

12 The amount of vegetation to be removed  
13 from the site, there's quite a bit of land.  
14 There's 14 some acres of solar arrays proposed.  
15 We're just looking for a calculation of the  
16 vegetation that's proposed to be removed in  
17 support of the solar arrays. That comes down to  
18 right now DEC is looking at when you disturb  
19 greater than 10 acres of woodland, there's a  
20 potential impact to some bat species and they may  
21 consider it a taking. We're just trying to  
22 determine how many acres of wooded vegetation is  
23 removed.

24 The areas are consistent throughout the  
25 document. Formerly there was lot area

2 discrepancies. We're asking that the bulk table  
3 be updated to clarify Section 155-32(C), which is  
4 that 30 percent additional lot coverage. That's  
5 not on the bulk table but we're asking that that  
6 be added.

7 The plan should be sent to the  
8 jurisdictional fire department.

9 The application previously contained  
10 battery storage units which we noted in our  
11 previous comments and weren't addressed in the  
12 EAF. They have been removed from the proposed  
13 project. So there is no battery storage  
14 component currently proposed.

15 A note should be added to the plans  
16 identifying the limits of disturbance should be  
17 staked and otherwise delineated in the field  
18 prior to any construction activities. We're just  
19 asking that those areas be clearly defined.

20 Typically orange construction fencing along with  
21 the erosion control silt fencing can be utilized  
22 to do that.

23 Along the eastern property line there  
24 is what's identified as a 25-foot buffer. I don't  
25 know the vegetation in that area, and that

2 portion of the project abuts residential  
3 property. We have a similar comment. There's a  
4 residential lot, 7.22, that also is in the  
5 vicinity. So I think the applicant should give us  
6 visual simulations or some photographs of that  
7 25-foot strip that's remaining. It's not that  
8 wide but they are only leaving 25 feet along  
9 those residential properties to the east --  
10 immediate east of the property. I think the Board  
11 should take a look at what vegetation is going to  
12 remain and whether supplemental plantings are  
13 required consistent with your solar ordinance.

14 I have some comments on the  
15 decommissioning plan. I think the timeframes in  
16 the decommissioning plan are too long. It says 18  
17 months of not using it and then within 12 months.  
18 So you can have a 2.5 year lapse in using the  
19 site before the decommissioning plan would kick  
20 in. We're requesting that that be modified. Your  
21 code allows 120 days. So that should be  
22 addressed.

23 The decommissioning plan also -- I've  
24 worked on many of these in some of the other  
25 municipalities, but it takes a \$370,000 salvage

2 value credit which is more than the entire  
3 decommissioning plan. So there's a net cost  
4 savings according to their decommissioning plan.  
5 That's kind of -- I don't have a crystal ball,  
6 and I typically don't allow salvage value to be  
7 considered in decommissioning because no one  
8 knows what this stuff is going to be worth in 20,  
9 25 years. It could cost significant dollars. I've  
10 never seen the salvage value be more than the  
11 value of decommissioning the entire site. I'm  
12 requesting that that also be looked at by the  
13 applicant. I don't think the Town should accept  
14 anything near that amount of salvage value.  
15 They're basically taking current today dollars  
16 scrap value. I've probably reviewed 15 of these  
17 plans and none of them have been anywhere near  
18 that salvage value.

19 Information should be provided, cut  
20 sheets. The maximum height of your stacks or the  
21 tracking solar array shall not exceed 15 feet in  
22 your ordinance. We just want to confirm that at  
23 the maximum tilt, that those are consistent with  
24 the ordinance.

25 Similarly, equipment specification

2 sheets for the panels, significant components,  
3 mounting systems and inverters that are to be  
4 installed are supposed to be provided. We'll be  
5 looking for those.

6 It sounds like a lot. A lot of it has  
7 to do with the visuals that the Board can work  
8 through.

9 The only step in the process the Board  
10 could take tonight, if it felt comfortable, would  
11 be a circulation for your intent to be the lead  
12 agency on the review of the project.

13 CHAIRMAN BRAND: Thank you, Pat.

14 Questions, comments from the Board?

15 MR. GAROFALO: I have a comment.

16 MR. CLARKE: I know the site pretty  
17 well. I don't think there's very much woodlands  
18 there. It's mostly been farmed for a long time. I  
19 don't think your issues with bats are going to  
20 come up.

21 I would think that your setbacks from  
22 the other houses, 25 feet might be a little shy.

23 I would also request that we put in, on  
24 the south side of the project where Milton  
25 Turnpike faces it, some kind of vegetation

2 barrier. It's going to go off a slope so it's not  
3 going to completely hide it. I think a vegetation  
4 barrier would be a worthwhile thing.

5 CHAIRMAN BRAND: I think I'm in  
6 agreement with that as well, particularly since  
7 it's in the code.

8 Is there anyone on the Board that feels  
9 as though they shouldn't screen it from the south  
10 side, and the County roads, and the neighboring  
11 property owners?

12 (No response.)

13 CHAIRMAN BRAND: No.

14 MR. TRAPANI: They ought to check with  
15 some of the houses that are near that. You know,  
16 there's four houses there. Four? Four houses  
17 there that are to the south of the project, right  
18 along Milton Turnpike. They ought to check with  
19 them to see what kind of vegetation they would  
20 like, too. They have to look at that for the rest  
21 of their lives.

22 The panels are 15 feet high you said?

23 MR. HINES: I don't know how high they  
24 are. Your code restricts them to 15 feet high at  
25 maximum tilt.

2 CHAIRMAN BRAND: They can't be higher  
3 than 15 feet.

4 MR. IRBY: They'll be shorter than that  
5 for sure.

6 MR. TRAPANI: That's high, especially  
7 if it's up on that hill up there.

8 MR. HINES: These are proposed to be  
9 tracking. They're not fixed. They're going to  
10 rotate as the sun moves.

11 MR. TRAPANI: Right. I asked the  
12 question over by Adams over there with 44/55 --  
13 is that 44 going that way -- with the sun glare  
14 over that way.

15 CHAIRMAN BRAND: Right.

16 MR. IRBY: Can I chime in real quick?

17 CHAIRMAN BRAND: Of course.

18 MR. IRBY: So on the visual component,  
19 you're talking about a line of screening directly  
20 parallel with Milton Turnpike as opposed to --

21 MR. CLARKE: Yes, that's correct.

22 MR. IRBY: Okay.

23 CHAIRMAN BRAND: I think we want it  
24 screened as much as possible from the neighbors,  
25 from the road. From everything.

2 MR. IRBY: Got it.

3 CHAIRMAN BRAND: Try to be as  
4 unobtrusive as possible.

5 MR. HINES: The only comment I have on  
6 the screening is whether you want it along Milton  
7 Turnpike or whether you want it back along the,  
8 I'll call it, I think, the northerly most array,  
9 behind some of the structures that are there. So  
10 you can take advantage -- the grade is relatively  
11 flat along Milton Turnpike. It rises up to that  
12 solar array. It may be beneficial to put the  
13 screening well back from there on the lot closer  
14 to the arrays.

15 MR. CLARKE: I would agree with that.

16 MR. IRBY: Yeah. Just to chime in on  
17 that. Looking at the site, I don't think  
18 screening behind -- if do you want screening from  
19 Milton Turnpike, I don't think installing  
20 screening behind the outbuildings that are right  
21 there would do much good, honestly. You know,  
22 unless the trees were like 150 feet high or  
23 something like that. If you do want screening  
24 from Milton Turnpike, I think the better option  
25 would be to place the line of trees directly next

2 to the road itself.

3 MR. WINTER: Would your preference be  
4 for us to go through the comments, Pat, that  
5 you've laid out here? I'm happy to do that.

6 MR. HINES: I'll leave it up to the  
7 Board. I know there's a lot of them. If they  
8 want to have you respond to them before the next  
9 meeting.

10 CHAIRMAN BRAND: I don't think we need  
11 to go through each of them right now. I think  
12 just looking them over and having some type of  
13 response ready by your next visit, or having them  
14 remedied by your next appearance would be fine.

15 MR. HINES: Unless the applicant has  
16 specific ones.

17 MR. WINTER: I think, building on  
18 Paul's comment, the visuals are something we  
19 really want to have an active conversation with  
20 the Planning Board about. There are options here.  
21 We've rather robustly screened the east side of  
22 the project, perhaps more than really is  
23 necessary, with 200 trees there. We can certainly  
24 move some of that landscaping to Milton Turnpike  
25 to screen right from grade level. We want your

2 feedback on that.

3                   We can develop visualizations that  
4 would show the efficacy of screening on Milton  
5 Turnpike. As Paul said, there's a complex of  
6 buildings there at the base of the hill which  
7 will hide any trees that we put behind them. Mr.  
8 Titanic is also interested in keeping some  
9 agriculture in that front field, so we want to be  
10 careful about too much shading there. It's  
11 something that we're happy to look at and get  
12 your feedback on in terms of the Milton Turnpike  
13 visual mitigation.

14                   One thing I'll mention also. You had  
15 all encouraged us to reach out to neighbors. We  
16 sent letters to all of the direct abutters on  
17 Milton Turnpike in August. We heard back from Mr.  
18 Piza. That was the only response we heard from.  
19 He's quite interested in the project, potentially  
20 as an anchor customer. He didn't express any  
21 concerns with the visuals. We did reach out to  
22 the neighbors, asking them to let us know if they  
23 had any specific concerns at this point.  
24 Obviously with the public hearing we'll re-notice  
25 everybody and have another opportunity to get

2 feedback from neighbors.

3 MR. CLARKE: Why are you putting so  
4 much emphasis on the east side of the lot?  
5 There's no habitation there.

6 MR. WINTER: Great question. You know,  
7 we were really looking at how the Planning Board  
8 approached the earlier project with Nexamp, the  
9 concerns around visual impact from Locust Grove.  
10 So we were reading from that page. We were also  
11 paying attention to the layout here. There's a  
12 front field that we're not developing. There's a  
13 complex of buildings behind that. Our project is  
14 really on the hill beyond. As Paul said, I think  
15 we could do some things to mitigate right on the  
16 road. We wanted to make sure that was a priority  
17 for the Planning Board, and then we can develop  
18 that accordingly.

19 MS. LANZETTA: I don't know if it would  
20 be helpful for the Board. If you want to pull up  
21 Exhibit M on the list of information that we've  
22 been provided on this, you could see pretty  
23 easily the site that we're talking about.

24 MR. WINTER: That would be great.

25 Paul, you can comment on looking at

2 what Cindy requested. The project starts kind of  
3 right behind the buildings there. If we screened  
4 right along Milton Turnpike, that would block the  
5 view of the barn from the road. That would be,  
6 you know, potentially helpful. You can see behind  
7 there there's a large row of trees on that  
8 eastern boundary. That's what we're proposing,  
9 you know, at maturity to screen from views from  
10 the east. But again, some of that may be  
11 overkill. There are some natural trees already up  
12 there. We could relocate some of that to screen  
13 the view of that lower field area.

14 CHAIRMAN BRAND: Jen, can you scroll  
15 down a little bit?

16 MR. HINES: That Locust Grove photo  
17 there doesn't do much justice. When you look at  
18 that lydar map that they gave you, you can see  
19 the Sports Dome there. Behind the Sports Dome  
20 there's a shaded map that shows where you'll see  
21 the solar arrays and why that planting was put in  
22 along the eastern access there.

23 MR. WINTER: The lydar map doesn't  
24 include any vegetation. This is pure topography.  
25 If you were to mow everything down between Locust

2 Grove --

3 MR. IRBY: It does help the tree  
4 heights. I think it's 50 feet for the lydar map.  
5 It doesn't include the trees that we're proposing  
6 there. With the addition of the screening, it  
7 would essentially not be noticeable at all.8 MR. HINES: Certainly the Sports Dome  
9 is the most visible thing in that simulation  
10 there.11 MR. IRBY: The hillside essentially  
12 sits right in front of the Sports Dome if you're  
13 looking at it from the Locust Grove house.14 CHAIRMAN BRAND: So I would think, in  
15 my opinion, we'd want to see a visual simulation  
16 of perhaps your proposal for the trees on the  
17 road and possibly on the hill, what that might  
18 look like, perhaps at planting and at maturity,  
19 so we get a feel for what the difference would be  
20 there.21 MR. IRBY: Okay. And how about from the  
22 abutting residences. As you've connoted, we  
23 reached out to them and have not really heard any  
24 responses back yet. Our landowner is actually in  
25 conversations with Timothy Marquese who is one of

2 the abutting landowners, and he has indicated a  
3 desire to screen his property from the project.  
4 You know, he's within his own property. That's  
5 something we're working through with him.

6                   Are you looking for maybe any  
7 visualizations from those abutting residences? I  
8 know it might be kind of too early here to tell  
9 since we haven't received feedback from those  
10 landowners. We want to make sure that we're  
11 working on everything as quickly as we can to get  
12 you what you need.

13                   CHAIRMAN BRAND: The more information  
14 you can provide us, the better. I have a feeling  
15 although they haven't responded to you, once you  
16 start breaking ground and they see what's being  
17 built there, they will have wished that they did  
18 ask for some screening. We're going to take that  
19 precautionary step on their behalf and ask for  
20 that, too.

21                   MR. HINES: If you could show the Board  
22 -- I'm looking at Moriarty Services, Incorporated  
23 which looks like residential lots along there.  
24 Screening on the easterly most portion from the  
25 lower array was more my comment. Then along the

2 lots that front on Milton Turnpike on that south  
3 side. I don't know what vegetation is there. A  
4 lot of this looks like open fields. If that 25  
5 foot doesn't have trees, or what kind of trees  
6 are in that 25 feet. 25 feet certainly isn't a  
7 whole lot of screening. If there's a need to fill  
8 in some evergreens in there. The Board can take  
9 a look at that.

10 MR. IRBY: We can get some photos of  
11 the property line right there. Looking at the  
12 aerial imagery, it looks like there's a line of  
13 trees or some kind of scrubby vegetation along  
14 that property line. Wherever we can, we're going  
15 to maintain the existing vegetation within that  
16 landscaping buffer. That's a priority for us,  
17 just to maintain any existing screening that  
18 might be there already from those abutting  
19 residences.

20 I will note it's kind of difficult to  
21 fully screen a project from view just based on  
22 kind of the topography of the site. Those houses  
23 right there on Milton Turnpike look down at the  
24 lower array area and then look up at the second  
25 array area. So placing any type of vegetative

2 screening along the southern edge of the project  
3 boundary might not actually end up doing that  
4 much, unfortunately. That's something maybe we  
5 can work through with the landowners there to see  
6 if they would like us to maybe install screening  
7 on their properties.

8 MR. HINES: That always helps in these  
9 projects. If you can bring the neighbors in, it  
10 certainly helps the Board --

11 MR. IRBY: Yeah.

12 MR. HINES: -- in the public hearing  
13 comments.

14 MR. IRBY: Definitely. Definitely.  
15 We've made efforts to do that, and we'll continue  
16 to try to get responses from them prior to our  
17 next meeting with all of you.

18 CHAIRMAN BRAND: Great. Anything else  
19 from the Board? Mr. Garofalo.

20 MR. GAROFALO: Yes. Two items. One, I  
21 wanted to know if there were any stonewalls that  
22 were being impacted by the development?

23 MR. IRBY: No, sir.

24 MR. GAROFALO: Okay. The second item is  
25 in looking at Exhibit F, the environmental

2 assessment form, it looks like the DEC mapper was  
3 used and some of the information was filled out,  
4 but it looks like there's a lot of questions in  
5 there that have not been filled out, in part  
6 because the DEC mapper does not fill out every  
7 question, it only fills out some of them. I think  
8 all of those questions need to be answered yes or  
9 no.

10 MR. IRBY: Got it. I mean I think we've  
11 completed the form, you know, appropriately.  
12 There are a lot of questions where you select no  
13 and then don't have to --

14 MR. HINES: Yeah. Once you hit no --  
15 there are items there. Is it a solid waste  
16 facility, you check no and you skip over the next  
17 couple. If no, then move on.

18 MR. GAROFALO: Part of the problem is  
19 that there are some places where there's nothing.  
20 They didn't put no, and then the follow-up  
21 questions would not pop up. It looks to me like  
22 there's some stuff there that needs to be still  
23 filled in.

24 CHAIRMAN BRAND: Just take a look at  
25 that, Mr. Irby.

2 MR. IRBY: Okay. We'll take a look.

3 MR. HINES: I'll get with the applicant  
4 prior to doing the lead agency with the Board. If  
5 the Board wants to do lead agency tonight, I'll  
6 work with the applicant and their representative  
7 to make sure all of those are filled out prior to  
8 submission.

9 CHAIRMAN BRAND: Perfect. Thanks, Pat.

10 Anything else from the Board?

11 MS. LANZETTA: I just would say if we  
12 do move forward with lead agency tonight, this  
13 package will go up to County for review. Any  
14 additional work that you do on the visuals, I  
15 would forward up to Ulster County as soon as you  
16 complete them because I suspect that they'll be  
17 looking for more on that as well.

18 MR. HINES: I see this as a two-step  
19 process. The first will be for lead agency to  
20 notify County, and the 239 will follow as the  
21 application becomes more complete.

22 MS. LANZETTA: Okay.

23 CHAIRMAN BRAND: So that being said, do  
24 I have a motion to declare the Town of  
25 Marlborough Planning Board as the lead agency for

2 this project?

3 MR. HINES: Notice of intent.

4 CHAIRMAN BRAND: Notice of intent.

5 MR. BATTISTONI: I'm going to  
6 supplement that a little bit, Chairman, if that's  
7 okay.

8 CHAIRMAN BRAND: Absolutely.

9 MR. BATTISTONI: I think the Board  
10 should classify the action as a Type 1 action,  
11 declare its intent to be the lead agency, and to  
12 authorize circulation of the application.

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

14 CHAIRMAN BRAND: Is there a second?

15 MR. CAUCHI: I'll second it.

16 CHAIRMAN BRAND: Any further  
17 discussion?

18 (No response.)

19 CHAIRMAN BRAND: Any opposed?

20 (No response.)

21 CHAIRMAN BRAND: So moved. Thank you,  
22 Jeff and Pat, for helping me. I need it.

23 I think we are set with that as far as  
24 we can go this evening.

25 MS. FLYNN: Am I sending this up soon

2 or are they giving me a whole packet of  
3 everything to send to County?

4 MR. HINES: I'm going to do a notice of  
5 intent for lead agency form, and then we'll get  
6 the appropriate numbers from them to you to do  
7 the mailing.

8 MS. FLYNN: Okay.

9 MR. HINES: I'll put together the  
10 notice of intent.

11 MS. FLYNN: Thank you.

12 MR. IRBY: Thank you all.

13

14 (Time noted: 8:34 p.m.)

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

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6

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

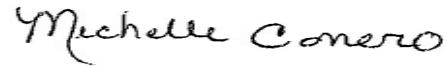
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 12th day of October 2020.

18

19



20

---

MICHELLE CONERO

21

22

23

24

25

2

MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X  
In the Matter of

5

6

GUARINO SUBDIVISION

7

Project No. 20-4011  
Lattintown Road, Marlboro  
Section 102.4; Block 3; Lot 13

9

10

----- X

11

SKETCH - SUBDIVISION

12

13

Date: September 21 2020  
Time: 8:34 p.m.

14

15

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

16

19

20

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

21

22

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

23

24

25

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

2 CHAIRMAN BRAND: Okay. Moving along. We  
3 have the Guarino Subdivision, sketch for a  
4 subdivision on Lattintown Road in Marlboro.

5 Is their representative here this  
6 evening?

7 MR. MESSINA: Carmen Messina. I'm here.

8 CHAIRMAN BRAND: There we go.

9 Pat, how about your comments?

10 MR. HINES: Sure. This project is back  
11 before you. It was before you in the beginning of  
12 August as a two-lot subdivision. It's now back as  
13 a three-lot subdivision, carving out an  
14 additional lot.

15 Our first comment, other than that, is  
16 that the DEC freshwater boundary validation needs  
17 to be signed by the surveyor and the DEC.

18 Carmen, the block you have there is  
19 like the beginning of the DEC block. There are  
20 additional requirements for that block where he  
21 actually signs off on it as well.

22 My other comment, I had consideration  
23 of the shared driveway at the County roadway for  
24 proposed lots 2 and 3. I did get a copy of an  
25 e-mail that Carmen got today from County DPW that

2 said that they would entertain the dual driveway  
3 at that point. If the Board is okay with that,  
4 there will be two driveways very close to each  
5 other there, but the County seems to be okay with  
6 that.

7 There's very limited usable area on  
8 proposed lot 3. The majority of the lot is either  
9 regulated wetlands or associated buffer. There  
10 are some septic areas shown, but that's going to  
11 be a tight lot to develop. I'm suggesting, and in  
12 some municipalities where I've had lots similar  
13 to that where it was environmentally restricted,  
14 that notes be placed on the map alerting the  
15 owners, and I've seen it go as far as having  
16 wetland delineators put up in order to have the  
17 people know where the wetland and the buffers  
18 are. If the Board takes a look at that lot 3,  
19 there's not a lot left after they put the house,  
20 well, septic. I think there's an existing  
21 structure there, actually, that's in the buffer.  
22 So that's something to look at.

23 Ulster County DPW sign off is required,  
24 which we received an e-mail today on.

25 Ulster County Health Department

2 approval for the septic system is required.

3 I'm requesting that the building  
4 envelopes be shown based on the underlying  
5 zoning, or the actual distances be provided in  
6 the bulk tables. Right now you just have the  
7 permitted. What they proposed is not there. So  
8 either the building envelopes or the dimensions  
9 in the bulk table.

10 We're suggesting the Planning Board  
11 would be in a position tonight to declare its  
12 intent for lead agency for this Unlisted action.  
13 I listed the other agencies that would be  
14 involved.

15 I previously requested to determine  
16 whether any other parcels have rights to that  
17 farm lane. I don't know if you've done any of  
18 that work, Carmen. I've seen that in the past  
19 where some farm lanes have underlying easements.

20 MR. MESSINA: I've been researching  
21 that. I have yet to find the right-of-way.

22 MR. HINES: It may not be the case.

23 MR. MESSINA: I'm going to continue to  
24 search for it. If not, I'll put a note saying we  
25 didn't find any.

2 MR. HINES: Okay.

3 MR. MESSINA: About the bulk table. I  
4 think I did list the offsets for the proposed  
5 buildings in the bulk table. We'll show the -- we  
6 can show the --7 MR. HINES: Yup. If you can just put  
8 the building envelop on there, that would be  
9 great.10 CHAIRMAN BRAND: Comments from the  
11 Board?12 MR. CLARKE: I'm not sure I like this  
13 as a three-lot subdivision. I think you're trying  
14 to squeeze a lot out that you're eventually going  
15 to have trouble with, you know, with the amount  
16 of wetlands and trying to put a septic in there.  
17 I don't know what kind of flooding is going to  
18 come out of that. I would be much more  
19 comfortable if this was a two-lot instead of a  
20 three.21 MR. TRAPANI: Is this on Lattintown  
22 Road?

23 MR. MESSINA: Say that again, Ben.

24 MR. TRAPANI: Is this going to be right  
25 on Lattintown Road?

2 MR. MESSINA: Yes.

3 MR. HINES: Yes.

4 MR. TRAPANI: Where they had the  
5 driveway going in. Okay. That goes back to the  
6 back property.

7 MR. CLARKE: Ben, I think this is on  
8 the west side of the road.

9 MR. MESSINA: No. It's on the east  
10 side.

11 MR. CLARKE: It's on the east side.

12 Okay.

13 MR. TRAPANI: All right. Is it towards  
14 Oliver Mackey's property or more to the south  
15 side of that driveway, the main driveway?

16 MR. MESSINA: I don't know where Oliver  
17 Mackey lives. We're just north of the road that  
18 went back to Shorles, now owned by Guarino. Just  
19 north of that.

20 MR. TRAPANI: Right. Oliver Mackey  
21 owned that house right next door to that driveway  
22 there. That property just on the left side of the  
23 driveway that goes back to Guarino's there, that  
24 belongs to Guarino? That property right there?

25 MR. MESSINA: Just south of this

2 project.

3 MR. HINES: Guarino owns the lot south  
4 of this as well as the complex here. The nearest  
5 neighbors now are formerly Decker. I don't know  
6 if that helps any.

7 MR. TRAPANI: Right.

8 MR. HINES: Decker is just north of  
9 this lot.

10 MR. TRAPANI: All right. Well that  
11 house right there belonged to Oliver Mackey. The  
12 one just south of Decker.

13 MR. HINES: Right up along the road  
14 there?

15 MR. TRAPANI: Yup. That belonged to  
16 Oliver Mackey. Does that belong to Guarino now?

17 MR. HINES: Yes. That's the lot they're  
18 subdividing. The lot that that house is on --

19 MR. TRAPANI: Okay.

20 MR. HINES: -- it's now going to go  
21 into three.

22 MR. TRAPANI: Thank you.

23 CHAIRMAN BRAND: Carmen, maybe you  
24 could address Mr. Clarke's concern about going  
25 from the two lots to three lots.

2 MR. MESSINA: Yes, I will. I've done  
3 preliminary soil tests in those areas that I  
4 depict there. I'm confident that we'll be able to  
5 get Board of Health approval. Those areas that  
6 I've shown there, the percs and deep tests were  
7 very good. That area I've shown is enough area to  
8 support 200 to 300 linear feet of fields plus a  
9 100 percent expansion. I'm pretty confident that  
10 we'll be able to put the septic systems where we  
11 showed them, and stay out of the buffer  
12 obviously.

13 CHAIRMAN BRAND: Okay. Anything else  
14 from the Board?

15 MR. GAROFALO: Yes. I have a couple of  
16 concerns. On the checklist there's four items to  
17 be determined and several items that have not  
18 been answered.

19 On the EAF, question number 14, clearly  
20 there's some wetlands there which should be  
21 identified, and some other type of land  
22 identified under that question.

2 sure everything is answered.

3 MR. MESSINA: I believe we -- we went  
4 through the State's system there. They provided  
5 us with the information that they had and we  
6 filled in the rest. I don't know which -- on the  
7 EAF you're talking about?

8 MR. GAROFALO: Yes. It's just a  
9 question to identify that there is wetlands  
10 there. We know that. It's on your plan. You have  
11 information for it. That question needs to  
12 include the answer that there's wetlands there,  
13 as well as what other type of land is on this  
14 property.

15 MR. MESSINA: I'll look at it. I  
16 thought we answered all the questions. I don't  
17 have it right in front of me so I can't comment  
18 on that.

19 MR. HINES: The one that says identify  
20 the type of habitat to be likely found on the  
21 project site. It is checked wetlands,  
22 agricultural, suburban there.

23 MR. GAROFALO: It is. Okay. In mine I  
24 don't think it was.

25 MR. HINES: That's question 14.

2 MR. GAROFALO: And question 9?

3 MR. HINES: Question 9. Question 9 is  
4 not filled out. Meet energy code. Okay.

5 CHAIRMAN BRAND: What is question 9?

6 MR. HINES: Does the project meet State  
7 energy code. So the answer would be yes because  
8 your building permits require that.

9 MR. GAROFALO: It's just a matter of  
10 him dotting I's here.

11 CHAIRMAN BRAND: Thank you, Mr.  
12 Garofalo.

13 MS. LANZETTA: I have a couple  
14 questions. Even though the County said that  
15 they're fine with the two driveways, I'm  
16 wondering, you know, the less we have people  
17 coming out onto that busy road, the better it is.  
18 I'm wondering why couldn't they share that  
19 existing farm lane as a single driveway?

20 MR. HINES: That was the intent of my  
21 comment, was to have that done.

22 MR. MESSINA: I met with Adam Deitz  
23 from the County Highway and he -- we talked about  
24 that. Since the driveways are proposed so close  
25 together, it's sort of like the same location. I

2 don't think much would be gained by each sharing  
3 a driveway, which would make it more difficult  
4 for people. They have to have the maintenance  
5 agreement and those kinds of things. I think the  
6 intent of having it -- both properties having  
7 access to Lattintown Road is so close that it is  
8 not a problem of seemingly too many accesses to  
9 that road. I mean if it was 200 feet apart I'd  
10 understand what you were saying. You'd have two  
11 locations to look for. The fact that they're  
12 close together, I think Mr. Deitz concurred. We  
13 can have him elaborate on that if you'd like.

14 MR. GAROFALO: I think the problem is  
15 you want the driveways to be far apart. You don't  
16 want them to be close together like that.  
17 Choosing the best location for sight distance out  
18 of the two I think would be better. It's just a  
19 little complicated. Fortunately there's not a lot  
20 of traffic going in and out of two driveways,  
21 single-family houses. In terms of safety, having  
22 them separated is better than having them close  
23 together like that. I certainly would agree that  
24 having one combined driveway would be a better  
25 situation, particularly if it were put in the

2 location with the better sight distance.

3 MR. MESSINA: I think you can -- this  
4 is Carmen Messina again. We have a sight distance  
5 chart there. You can see from that we have  
6 located -- we have put down the sight distance  
7 for each of those lots, left and right. There's  
8 quite a bit of sight distance for both of those  
9 locations. Mr. Deitz concurred with that. I don't  
10 think the sight distance -- I'm sorry.

11 CHAIRMAN BRAND: What is the distance  
12 between the two driveways?

13 MR. MESSINA: The distance -- well it  
14 would probably be 15, 20 feet. Maybe 25.

15 MR. HINES: You're showing about 5 feet  
16 right now.

17 MR. MESSINA: The driveway would go in  
18 the middle of that 25 foot flag shaped part. So  
19 where they would put it, I assumed they'd put it  
20 in the middle. That would probably leave it like  
21 7 feet from the line, and then the other driveway  
22 would be 7 feet away. So I'm saying 15, 20 feet  
23 those driveways would be offset. It essentially  
24 is one location. That's why I like to put them  
25 there that way, to avoid having multiple

2 locations along the project. I think Mr. Deitz  
3 concurred with that.

4 CHAIRMAN BRAND: Maybe you could  
5 provide some documentation from Mr. Deitz to  
6 support that.

7 MR. MESSINA: I will. I'll reach out to  
8 him and discuss that and have him send us his  
9 opinion.

10 CHAIRMAN BRAND: Okay.

11 MS. LANZETTA: I still had a couple  
12 more questions.

13 CHAIRMAN BRAND: Of course.

14 MS. LANZETTA: The pond that  
15 overextends into lot 2, will they have rights to  
16 utilize that pond?

17 MR. MESSINA: That's a good question. I  
18 haven't thought about that. We could make some  
19 decisions about that. I don't know what would be  
20 best.

21 CHAIRMAN BRAND: Cindy, I'm sorry,  
22 you're asking if lot 2 will have access to the  
23 pond because it comes down underneath there;  
24 right?

25 MS. LANZETTA: Right. Sometimes people

2 get very protective. You know, if lot 1, you  
3 know, is doing things with that pond and lot 2  
4 decides that they don't like what they're doing.  
5 You know, it becomes an issue further down the  
6 road.

7 MR. MESSINA: I think that's a good  
8 point. Maybe the best is we'll restrict the use  
9 of that pond to lot 1 since most of it is on lot  
10 1.

11 CHAIRMAN BRAND: Pat and/or Jeff maybe,  
12 is there any legal -- I mean if the pond is on  
13 lot 2, don't they have access to it?

14 MR. TRAPANI: Yes, they do.

15 CHAIRMAN BRAND: Just that line. I  
16 would think if it's on their lot, wouldn't they  
17 automatically have access to it?

18 MR. TRAPANI: Yes, they do. They've  
19 got that -- whoever is on that pond has rights to  
20 that pond. If trees grow across the stonewall  
21 fence from my property that are growing on my  
22 property to your property, you have the right to  
23 cut the branches off on your side of the  
24 property. That's the same thing there. We had  
25 the same situation down on our farm down there on

2 Mulberry Lane. Three people own the pond there  
3 because the line goes through it in different  
4 directions.

5 MR. LOFARO: Maybe you should have that  
6 redrawn to put that whole pond in lot 1 and just  
7 take it out of lot 2 all together.

8 MR. CLARKE: Is that a seasonal pond or  
9 is that a real pond?

10 MR. MESSINA: Say that again, Steve.

11 MR. CLARKE: Is that a seasonal pond or  
12 is that a year-long pond? A lot of them dry up  
13 in the summer.

14 MR. MESSINA: I don't know. It's in the  
15 wetland area. I don't know what it looks like in  
16 every season. I can't say. I think maybe the  
17 answer would be to readjust the lot lines so it  
18 all remains on lot 1, if that's acceptable.

19 MR. GAROFALO: Maybe you should also,  
20 if you're going to do that, give them some area  
21 in which they can get to the other side of the  
22 pond without having to go across the pond or into  
23 the other person's property. Right now if you  
24 wanted to get to the far side of that pond, you'd  
25 have to cross the pond.

2 CHAIRMAN BRAND: Right.

3 MR. GAROFALO: Maybe think about giving  
4 them at least some land along the edge of the  
5 pond so that they can get to the other part of  
6 the parcel without crossing the pond.

7 CHAIRMAN BRAND: It's tough to get the  
8 mower on a boat to get back there.

9 MR. GAROFALO: Not that you want them  
10 mowing the wetland.

11 MR. MESSINA: I mean it is located in  
12 the wetlands, so I don't know if it would be not  
13 -- probably not mobile I wouldn't think. It's  
14 probably wet there.

15 MR. GAROFALO: Even if you wanted to  
16 walk there, that would be -- it would be a  
17 problem to get there unless you put some kind of  
18 boat in the pond.

19 CHAIRMAN BRAND: That's definitely  
20 something to look at there, Mr. Messina, for the  
21 pond.

22 MR. MESSINA: So you're saying we  
23 should give another 5 feet around the pond, not  
24 just right at the edge?

25 CHAIRMAN BRAND: I would think you'd

2 want walk-around room, and if the pond -- I mean  
3 due to heavy rains that comes onto the other  
4 person's lot, now you might have an issue where  
5 they're saying the pond is on my property. I  
6 think you'd want to look at that to make sure  
7 it's definitely well within lot 1.

8 MR. MESSINA: Okay. Understood.

9 MS. LANZETTA: And then I think Pat  
10 brought this up on the checklist. Going back to  
11 our checklist. I do want to make sure that you  
12 check for any existing easements that might be  
13 involved with this property. Because with the  
14 farm lanes and what not, I just would be  
15 surprised if there wasn't something.

16 And then for number 28 on our  
17 checklist, we asked that you show any septic or  
18 houses, existing structures within 200 feet of  
19 this parcel. I'm just not sure if there's  
20 anything below or above this parcel that should  
21 be depicted there.

22 MR. MESSINA: We're going to look into  
23 that when we have the Board of Health come along  
24 and we submit plans for them. We will state on  
25 that map -- if we don't show any, we'll state

2 that there's no septic or wells within 200 feet.

3 MR. HINES: Cindy is also asking about  
4 any structures.

5 MR. MESSINA: Oh, structures.

6 MS. LANZETTA: Yeah. If you look at  
7 number 28, you're supposed to show all existing  
8 houses, accessory structures, wells and septic  
9 systems.

10 MR. MESSINA: Definitely to the east  
11 and definitely to the south there are no  
12 structures within 200 feet. I don't believe,  
13 because of the wetlands, there are structures  
14 within 200 feet north of this property.

15 MS. LANZETTA: Okay. Maybe next time  
16 just make a note of that, you know, to us so that  
17 when we're looking at these things we're assured  
18 of that.

19 MR. MESSINA: I'll put that on the next  
20 submission, no structures within 200 feet.

21 MR. HINES: That's on the checklist.

22 MR. MESSINA: Oh, the checklist. Okay.

23 CHAIRMAN BRAND: Anything else from the  
24 Board on this one?

25 (No response.)

2 CHAIRMAN BRAND: So Pat was comfortable  
3 with the Planning Board wishing to declare its  
4 intent to act as lead agency for this Unlisted  
5 action.

6 Hopefully I got that right, Jeff, this  
7 time. And Pat.

8 Do I have a motion to do so?

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

10 CHAIRMAN BRAND: Lofaro.

11 MR. CLARKE: I'll second it.

12 CHAIRMAN BRAND: The second was Clarke.

13 MR. CLARKE: Yup.

14 CHAIRMAN BRAND: Any further  
15 discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any nos on acting as  
18 lead agency? Words are hard at this hour.

19 (No response.)

20 CHAIRMAN BRAND: No. All right. So Pat,  
21 you will circulate that.

22 MR. HINES: I'll work with Jen. I'll  
23 do the notice and we'll do that mailing.

24 CHAIRMAN BRAND: Excellent. Thank you.

25 MR. MESSINA: I have one question. What

2 do I need to go forward to get to the public  
3 hearing?

4 MR. HINES: We're going to wait to --  
5 because of the wetlands, I want to hear from DEC.  
6 After the lead agency circulation we can do that.

7 MR. MESSINA: Okay. So you'll want to  
8 have the septic systems approved before we get  
9 there? Is that what you said, Pat?

10 MR. HINES: I want to hear back from  
11 the outside agencies before we schedule the  
12 public hearing so that we have the information.  
13 If DEC comes back with an issue with the wetlands  
14 boundary, or one of the other involved  
15 agencies --

16 MR. MESSINA: Okay.

17 CHAIRMAN BRAND: Thank you.

18 MR. MESSINA: Thanks.

19 CHAIRMAN BRAND: Next is a discussion  
20 without the engineer, lawyer or stenographer.

21 Before the stenographer signs off, I  
22 would like to state on the record that I believe  
23 this is Mr. Trapani's last meeting as a Member of  
24 the Planning Board.

25 Ben, how long have you been on the

2 Planning Board for?

3 MR. TRAPANI: Since 2003, 2004.

4 Something like that.

5 CHAIRMAN BRAND: I would just like to  
6 publicly thank you for your service and your  
7 participation. You've definitely been a positive  
8 contributor to the Town Board. Your knowledge of  
9 local lands and everything is outstanding. I  
10 thank you.11 MR. TRAPANI: Thank you very much. It's  
12 been a pleasure and a learning experience for me.  
13 Thank you.14 CHAIRMAN BRAND: Good luck with  
15 everything else.16 I would also like to announce that Mr.  
17 Troncillito -- was he voted on at the last  
18 meeting or not yet?

19 MR. TRONCILLITO: Not yet.

20 CHAIRMAN BRAND: I believe that we did  
21 have a committee that met and interviewed three  
22 applicants. The committee's decision was to put  
23 Mr. Troncillito forward as the newest Member of  
24 the Planning Board. Upon his approval from the  
25 Town Board, he will be replacing Mr. Trapani as

2 our newest member. Congratulations.

3                   Hopefully everything goes smoothly with  
4                   that transition, Mr. Troncillito. Welcome aboard.  
5                   Prematurely, but welcome aboard.

6                   MR. TRAPANI: Good luck, Bob.

7                   MR. TRONCILLITO: Thank you.

8                   CHAIRMAN BRAND: Your Monday nights are  
9                   freed up.

10                  MR. TRAPANI: My wife is mad at me.

11                  CHAIRMAN BRAND: It's not my fault this  
12                  time.

13                  MR. TRAPANI: It's my fault.

14                  CHAIRMAN BRAND: Thank you again, Ben.

15                  MR. TRAPANI: Thank you very much.

16                  MS. LANZETTA: Thank you, Ben.

17                  CHAIRMAN BRAND: I don't believe  
18                  there's anything else that we need Michelle, Jeff  
19                  or Pat for, unless I'm mistaken.

20                  (No response.)

21                  CHAIRMAN BRAND: No. All right guys.

22                  Thank you very much.

23                  (Time noted: 8:55 p.m.)

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

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

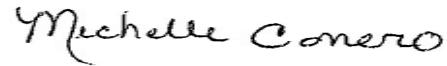
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 12th day of October 2020.

18

19



20

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MICHELLE CONERO

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