

2 CHAIRMAN BRAND: It is 7:30 and we do
3 have a quorum, so I will call the meeting to
4 order.

5 Agenda, Town of Marlborough Planning
6 Board, November 2, 2020. Regular meeting at
7 7:30 p.m. We have the approval of the
8 stenographic minutes for 10/5. On the agenda
9 this evening is Pond View, a public hearing for
10 the lot line at 19 Sunrise Drive in Milton; Twin
11 Pond, final, site plan, 2007 Route 9W, Milton;
12 and Justin Votta, sketch of a lot line at 9
13 Riverview Lane in Marlboro. We do have a
14 discussion without the lawyer, engineer,
15 stenographer with Mark Francos for a bed and
16 breakfast at 387 Lattintown Road. We have
17 ongoing on the agenda the review of the site plan
18 checklist. The next deadline is Friday,
19 November 6, 2020. The next scheduled meeting is
20 Monday, November 16, 2020.

21 I would like to have a motion to
22 approve the stenographic minutes for 10/5.

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

24 CHAIRMAN BRAND: Is there a second?

25 MR. TRONCILLITO: I'll second that.

2 CHAIRMAN BRAND: Any discussion?

3 (No response.)

4 CHAIRMAN BRAND: Any nos for the
5 approval of the stenographic minutes?

6 (No response.)

7 CHAIRMAN BRAND: No. So moved.

8 I would like a motion to reopen the
9 public hearing for the Pond View application lot
10 line at 19 Sunrise Drive in Milton.

11 MR. LOFARO: I'll make a motion to open
12 the Pond View --

13 CHAIRMAN BRAND: Public hearing.

14 MR. LOFARO: -- public hearing.

15 CHAIRMAN BRAND: Excellent. Is there a
16 second?

17 MR. TRONCILLITO: I'll second that.

18 CHAIRMAN BRAND: Any discussion?

19 (No response.)

20 CHAIRMAN BRAND: No. So this is an
21 opportunity for anyone who is here to speak for
22 or against this application.

23 Do we have anybody that we know of,
24 Jen, that's here for that?

25 MS. FLYNN: There is nobody waiting.

2 CHAIRMAN BRAND: There's nobody
3 waiting.

4 Okay. Pat, you have nothing for this;
5 right?

6 MR. HINES: No. All of our comments
7 were addressed. I believe the only outstanding
8 issue was to have them sign the driveway
9 maintenance agreement. I know we got that in
10 several pieces, but it looks like everyone signed
11 it.

12 CHAIRMAN BRAND: Okay. Jeff, how about
13 from you?

14 MR. BATTISTONI: Yes. This is Jeff
15 Battistoni. I will say that the agreement for
16 the fifth lot on the private road was fully
17 signed. We did receive it. I distributed it to
18 everybody so you would be able to see that.

19 I did prepare an approval resolution.

20 I do want to just mention one thing.
21 There is a section in your code, and I'm just
22 going to read a little bit of one section. It's
23 130-14.16(D)(1). It says, "Where a subdivision
24 plat containing a private road is approved and
25 filed with the Ulster County Clerk, such

2 subdivision plat shall contain a note clearly
3 stating that the subdivision contains a private
4 road which the Town of Marlborough has no
5 responsibility to maintain nor provide services
6 for, nor make improvements to," and it continues
7 on. So I just added a condition to the
8 resolution that that note be added to the plat.

9 CHAIRMAN BRAND: Okay. So then we do
10 have before you the application of Nicholas
11 Gallela/Pond View for a lot line change and the
12 resolution of approval by the Town of Marlborough
13 Planning Board.

14 MS. FLYNN: I just have a question
15 before we do that. He gave me copies of, I
16 believe, what was a final map. So he has to redo
17 that map to add that note?

18 MR. BATTISTONI: That's correct. He
19 would revise the plat just to add that note and
20 put a further revision date on it.

21 MS. FLYNN: Okay.

22 CHAIRMAN BRAND: I probably should have
23 asked if there's anything else from the Board
24 before we jumped into that.

25 MS. LANZETTA: Well, I just wanted to

2 know, did we close the public hearing yet?

3 CHAIRMAN BRAND: We did not, no.

4 MS. LANZETTA: Before we take any
5 action, we need to do that.

6 CHAIRMAN BRAND: So I'd like to have a
7 motion to do so.

8 MS. LANZETTA: I'll make a motion to
9 close the public hearing.

10 CHAIRMAN BRAND: Is there a second?

11 MR. LOFARO: I'll second it.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any nos to close it?

15 (No response.)

16 CHAIRMAN BRAND: All right. So
17 carried.

18 Anything from the Board before we
19 proceed to the resolution of approval?

20 (No response.)

21 CHAIRMAN BRAND: No?

22 MR. GAROFALO: Could you say what this
23 is a resolution approval for, please?

24 CHAIRMAN BRAND: This is the
25 application of Nicholas Gallela/Pond View for the

2 lot line change.

3 MR. GAROFALO: Okay. Thank you.

4 CHAIRMAN BRAND: You're welcome.

5 Jen, would you poll the Board, please?

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Lanzetta?

9 MS. LANZETTA: Are we voting on a
10 resolution?

11 CHAIRMAN BRAND: Yes.

12 MS. LANZETTA: Okay. Yes.

13 MS. FLYNN: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. FLYNN: Member Clarke?

16 MR. CLARKE: Yes.

17 MS. FLYNN: Member Cauchi?

18 MR. CAUCHI: Yes.

19 MS. FLYNN: Member Garofalo?

20 MR. GAROFALO: Yes.

21 MS. FLYNN: Member Troncillito?

22 MR. TRONCILLITO: Yes.

23 CHAIRMAN BRAND: So carried. I think
24 you're all set, Mr. Gallela.

25 MR. GALLELA: Thank you very much.

2 MS. FLYNN: Mr. Gallela, I will need a
3 check, please, before they can do anything else
4 with the maps.

5 MR. GALLELA: Okay. I'll stop in.

6 MS. FLYNN: Okay.

7 MR. GALLELA: Jeff, can you e-mail me
8 that resolution, the wording of that, to myself
9 and my attorney?

10 MS. FLYNN: Yes. I'll have to do that
11 on Wednesday when we go back to the office. I
12 don't have the updated one with me.

13 MR. GALLELA: Okay. Just so I can put
14 it on the map.

15 MS. FLYNN: Okay.

16 MR. HINES: I think Jeff Battistoni
17 cited the section of the code where that wording
18 could be verbatim copied as well.

19 MR. GALLELA: Okay. Thank you.

20 CHAIRMAN BRAND: Thank you.

21

22 (Time noted: 7:38 p.m.)

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

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

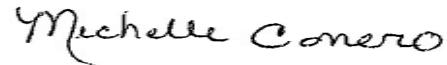
9 That hereinbefore set forth is a
10 true record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 9th day of November 2020.

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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

- - - - - In the Matter of X

5

6

TWIN POND

7

Project No. 16-9013
2007 Route 9W, Milton
Section 103.1; Block 1; Lot 3

9

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- - - - - X

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FINAL - SITE PLAN

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Date: November 2, 2020
Time: 7:38 p.m.

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

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

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APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

2 CHAIRMAN BRAND: Next on the agenda,
3 Twin Pond, final, site plan, 2007 Route 9W,
4 Milton.

5 Patti, do you want to start off
6 with this one?

7 MR. HINES: Was that Pat or Patti?

8 CHAIRMAN BRAND: Either, I suppose. I
9 said Patti.

10 MR. HINES: I'm going to defer to Patti
11 on this one. I don't have anything new, and I
12 know the Board discussed some minor changes. I
13 got an e-mail from Patti this afternoon
14 identifying what those were, so if she wants to
15 discuss how those are going to get addressed, I
16 think that would be appropriate.

17 MS. BROOKS: Sure. We did make some
18 changes to the map that we circulated actually to
19 the entire Board today, making sure that the
20 parking spaces were 10 by 20. As I stated in the
21 e-mail, they were drafted on the map as being 10
22 by 25 to 30, so we shortened them up.

23 We extended the slatted fence.

24 We addressed the debris in the back.

25 Subsequent to that, we did get an

2 e-mail from Mr. Battistoni regarding some
3 outstanding issues regarding the site plan, and I
4 addressed that as well.

5 I just want to say that it's four years
6 this month since we made application. I do want
7 to make sure that we are very careful about
8 crossing the Is -- no. We're going to dot the Is
9 and cross the Ts and make sure that we address
10 all of the concerns that Mr. Battistoni raised
11 prior to requesting final approval and the
12 drafting of a final resolution. I'm not looking
13 in any way to try to expedite approval at this
14 point in time. I think we're beyond that. I
15 want to make sure that it's done correctly and
16 that we have a good record.

17 So with that being said, I guess I
18 would defer to Mr. Battistoni with regard to the
19 comments that you raised in your e-mail earlier
20 this evening.

21 MR. BATTISTONI: Yes. This is Jeff
22 Battistoni. I did send out an e-mail late today.
23 It was about 4:30. I did send it to the Planning
24 Board Members. You may not have seen it because
25 it was sent so late. I did review the file

2 today. In reviewing it I looked back and found
3 the application was dated from 2016. The
4 application referred to an existing site plan
5 approval. I'm thinking if I prepare an approval
6 resolution, I'll need to amend that existing site
7 plan approval.

8 The application referred to an existing
9 used car sales business and wanting to add to it
10 a pallet sorting and storage business. In other
11 words, two uses on one parcel. The code does
12 allow the mixture of uses, however it's my
13 understanding that that used car business isn't
14 there any longer and so the application probably
15 should be amended to reflect that fact. It's
16 just an approval for this new pallet business.

17 The next thing was that the particular
18 section of the code at issue regarding fencing
19 requires a fence that's eight feet in height.
20 There was still a note on the plat that said six
21 feet. That just needed to be corrected.

22 Finally, the Ulster County Planning
23 Board had a letter of recommendation from 2018.
24 I just wanted to make sure that all of their
25 concerns were addressed. One referenced

2 lighting, and I think that the existing lighting
3 is going to continue to be used. Whether any
4 shields are going to be applied to it, I didn't
5 know. So those were my comments.

6 MS. BROOKS: With regard to item number
7 1, I did circulate just the title block portion.
8 I'm sure that Jen has it in her file, but I can
9 also scan the overall site plan map that
10 previously had been approved for the site that
11 had the site plan approval date and title block.

12 The Planning Board early on determined
13 that the used car sales would be in direct
14 conflict with the commerce business that was
15 taking place there. The applicant has determined
16 that it will just be a single use site.

17 Jeff, procedurally is it better that I
18 revise the application itself and resubmit that
19 or send a letter of addendum? Which is
20 preferred?

21 MR. BATTISTONI: I would leave that up
22 to the Board as to their past experience with
23 those sorts of things. I would be satisfied with
24 a letter of addendum, but I don't know how the
25 Board has handled those things in the past.

2 MS. BROOKS: I almost feel that might
3 be cleaner, to have a separate letter that would
4 be part of the final resolution. We have a
5 letter dated such and such that revised the
6 application.

7 Board, again, of course, I defer to
8 you.

9 CHAIRMAN BRAND: Any objections to
10 that?

11 MR. LOFARO: No.

12 MR. GAROFALO: No.

13 CHAIRMAN BRAND: I think that's a good
14 plan of action.

15 MS. BROOKS: With regard to the third
16 item, thank you for pointing that out. Certainly
17 the fence height will be whatever is required by
18 code.

19 And then the last item. With regard to
20 the lighting, I went through my four years' worth
21 of documentation quickly this evening before the
22 meeting because it was my recollection that
23 Mr. Mannese had worked with Central Hudson and
24 they had assisted him in getting the lighting
25 that was in conformance with the Ulster County

2 Planning Board. I did drive to the site today.
3 The building lighting is just under soffit
4 lighting. There's two kinds of front door
5 lights. There are, by the road, two light poles
6 with lights directing towards the parking lot.
7 So I do need to confirm the lighting and get that
8 proper documentation to the Planning Board. That
9 is outstanding.

10 CHAIRMAN BRAND: Anything else from the
11 Board on this?

12 MR. GAROFALO: Yes. I have one
13 question that deals with the gate. In the
14 material that you sent you indicated that the
15 employees lock the gate at the end of the day and
16 then open it up. I wanted to make sure that,
17 number one, there weren't deliveries that might
18 arrive before the employees. It could be the
19 employees are the ones using the trucks and that
20 that's not the situation that would occur, but I
21 wanted to check on that.

22 And the second thing I was concerned
23 about was whether or not the closed gate has been
24 set up so that the fire department, if there were
25 a fire after hours, would be able to easily get

2 in to the site.

3 CHAIRMAN BRAND: I thought my
4 recollection of that discussion was that the gate
5 is never closed. It's never been closed.

6 MS. LANZETTA: But then Patti said that
7 they are locking it at night. So we've had
8 conflicting --

9 CHAIRMAN BRAND: You have to turn on
10 your mic.

11 MS. LANZETTA: You're muted.

12 MS. BROOKS: Sorry about that. That
13 gate has not been locked since they took the
14 second pier down. It has been open. The
15 applicant said that if he ever put the gate in in
16 the future, he would make sure that it was far
17 enough off the road so that a tractor trailer
18 could come off. One of the reasons that he
19 stopped locking it was just as James said, it was
20 too close to the road and it was prohibiting
21 traffic access. So at this point in time there
22 is a gate that is always left open. If the Board
23 wants there not to be a gate there at all, I
24 don't really think the applicant cares one way or
25 another. If the Board were concerned that they

2 wanted it gated for safety purposes. The
3 applicant said he's willing to do whatever the
4 Board feels is best.

5 CHAIRMAN BRAND: I have no thoughts one
6 way or the other on the gate really.

7 MS. LANZETTA: I think it's better to
8 have no gate unless there are provisions for the
9 fire department to be able to get in.

10 Bob, what are your thoughts on that?

11 MR. TRONCILLITO: Well, the way Dan
12 operates there, the vehicles are going in and out
13 through most of the day and night. He really
14 doesn't need a gate whatsoever. If he has one,
15 just leave it open, which he has been doing,
16 which would be fine.

17 MR. HINES: Fire departments carry a
18 universal key as well --

19 MR. TRONCILLITO: Oh, yeah. We have
20 numerous.

21 MR. HINES: -- in the form of 36-inch
22 bolt cutters.

23 CHAIRMAN BRAND: That's funny.

24 Anything else on this one?

25 (No response.)

2 CHAIRMAN BRAND: So then, Patti, you
3 will draft the addendum for Jeff to review?

4 MS. BROOKS: Yes. Along with
5 addressing the lighting issue.

6 CHAIRMAN BRAND: Okay. Great. Is
7 there anything else for this?

8 MR. TRONCILLITO: Can I ask a question?
9 Can his approval be forthcoming for the next
10 meeting? I mean this has been going on for so
11 long. Is there anything else that would be
12 outstanding?

13 CHAIRMAN BRAND: I don't believe there
14 is, except for --

15 MR. HINES: I think we're on some
16 clean-up items, catching up from the history of
17 the project.

18 MR. TRONCILLITO: Good. Okay. Thank
19 you.

20 CHAIRMAN BRAND: You're welcome.

21 MS. BROOKS: So my understanding is as
22 I did address three out of the four items, and
23 right now Jeff is waiting for me to address the
24 lighting comment to the Ulster County Planning
25 Board. Once you receive that, do you believe you

2 have enough information to draft a resolution,
3 Jeff?

4 MR. HINES: We're waiting on the
5 letter, too, removing the used car lot from the
6 application.

7 MS. BROOKS: Right. Well, as I said --
8 yeah. I know how to address those three. I
9 don't have the Ulster County Planning Board one
10 formulated yet, but I'll figure out what he did.
11 I just wanted to clarify that those were the last
12 four outstanding items.

13 MR. BATTISTONI: This is Jeff
14 Battistoni. I think I will have enough
15 information to draft a resolution.

16 MS. BROOKS: Okay. Thank you.

17 CHAIRMAN BRAND: Thank you, Patti.

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19 (Time noted: 7:48 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:

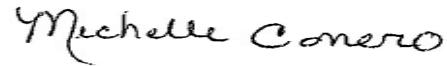
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 9th day of November 2020.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

- - - - - In the Matter of X

JUSTIN VOTTA

Project No. 20-4015
9 Rivercrest Lane, Marlboro
Section 103.3; Block 3; Lot 28.500

- - - - - X

SKETCH - LOT LINE

Date: November 2, 2020
Time: 7:48 p.m.

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN & BRIANNA VOTTA

- - - - - X

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

2 CHAIRMAN BRAND: Next up, Justin Votta,
3 sketch of a lot line at 8 Riverview Lane in
4 Marlboro.

5 Pat, could you just run through your
6 comments quickly?

7 MR. HINES: Sure.

8 MS. VOTTA: It's actually 9 Rivercrest
9 Lane.

10 CHAIRMAN BRAND: Sorry. It is written
11 that way. I just read it wrong.

12 MR. HINES: My first comment, I
13 believe, and I'm having trouble locating that
14 right now, was that the site plan -- the
15 checklist wasn't filled out. I think all the
16 information required was there, but we don't have
17 that filled out checklist. I think you're working
18 on a new lot line. That checklist is very
19 extensive for the lot line.

20 The project meets the criteria for your
21 streamlined lot line approval process. It's
22 transferring .08 acres of land between two
23 adjoining parcels.

24 I know I had a third comment, but I
25 can't seem to locate it.

2 CHAIRMAN BRAND: They spelled Marlboro
3 wrong.

4 MR. HINES: They had Marlboro
5 consistently spelled wrong on the project.
6 That's a little pet peeve of mine.

7 These are Type 2 actions, lot line
8 changes. When the DEC changed the regulations
9 back in, 2018 I believe, it added lot line
10 changes as Type 2 actions, so no SEQRA action is
11 required.

12 CHAIRMAN BRAND: Jeff?

13 MR. BATTISTONI: I will just echo Pat's
14 comments. This is a Type 2 action for SEQRA.

15 This does qualify for your streamlined
16 review process, so you don't have to hold a
17 public hearing.

18 I did prepare an approval resolution.
19 Obviously, I added a condition that they correct
20 the spelling of Marlboro on the map. Other than
21 that, I think the approval resolution is ready to
22 go.

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

25 MR. CLARKE: What road is this on?

2 CHAIRMAN BRAND: Riverview Lane in
3 Marlboro.

4 MS. VOTTA: Rivercrest Lane.

5 CHAIRMAN BRAND: Rivercrest.

6 MR. BATTISTONI: Rivercrest, right.

7 MR. CLARKE: So that's -- is it
8 Riverview or is it Rivercrest? Which one is it?

9 MS. VOTTA: It's Rivercrest.

10 MR. CLARKE: It says Ridgecrest on the
11 map.

12 MS. VOTTA: Yeah, it does.

13 MR. HINES: It does say Ridgecrest.

14 MS. VOTTA: Tom said it will be
15 corrected.

16 MR. HINES: It says it in multiple
17 locations.

18 MS. VOTTA: Yeah. It's Rivercrest.

19 MR. HINES: It's incorrect on the tax
20 map up above. So while you're fixing that --
21 it's in two spots, on the map itself and then up
22 in the location map.

23 MS. VOTTA: Okay. Tommy said he sees
24 it.

25 CHAIRMAN BRAND: Anything else from the

2 Board?

3 MR. GAROFALO: Yes. I have two
4 comments. One is the concern over the fact that
5 the checklist wasn't filled out, although it was
6 signed.7 And the second thing is on the EAF it
8 looks like it's been filled in, but usually you
9 see at the end a number of items marked that have
10 been filled in by the computer. Those are
11 usually indicated. I don't see that. That often
12 happens if it's filled out but they don't unblock
13 the popup, which is what happens, that it doesn't
14 automatically fill certain spaces in. So I'm
15 somewhat concerned whether or not it's filled out
16 the correct way.17 MR. HINES: So I saw that as well.
18 It's a Type 2 action, exempt from SEQRA.19 MR. GAROFALO: So it doesn't need this?
20 MR. HINES: Correct.

21 MR. GAROFALO: Okay.

22 MR. HINES: They could conceivably do
23 it without it. As long as it's a Type 2 action
24 you don't even need a short form.

25 MR. GAROFALO: Okay.

2 CHAIRMAN BRAND: Anything else on this
3 one?

4 (No response.)

5 CHAIRMAN BRAND: With those changes
6 being made, are we comfortable with going ahead
7 with the resolution this evening?

8 (No response.)

9 CHAIRMAN BRAND: Okay. So then you do
10 have the application of Justin Votta, Brianna
11 Votta and Thomas Corcoran, III for a lot line
12 revision, resolution of approval by the Town of
13 Marlborough Planning Board November 2, 2020.

14 Jen, would you poll the Board?

15 MS. FLYNN: Chairman Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Lanzetta?

18 MS. LANZETTA: Yes.

19 MS. FLYNN: Member Lofaro?

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Clarke?

22 MR. CLARKE: Yes.

23 MS. FLYNN: Member Cauchi?

24 MR. CAUCHI: Yes.

25 MS. FLYNN: Member Garofalo?

2 MR. GAROFALO: Yes.

3 MS. FLYNN: Member Troncillito?

4 MR. TRONCILLITO: Yes.

5 CHAIRMAN BRAND: I think you are all
6 set after you make those corrections and submit
7 them --

8 MS. VOTTA: Thank you.

9 CHAIRMAN BRAND: -- to the proper
10 people. Thank you.11 I believe that's all we have on the
12 agenda this evening with the lawyer, stenographer
13 and engineer. Do we need them for anything else
14 this evening?

15 (No response.)

16 CHAIRMAN BRAND: No. Then we will say
17 good night.

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19 (Time noted: 7:53 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:

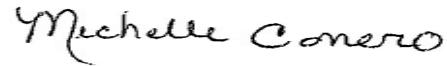
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17 set my hand this 9th day of November 2020.

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MICHELLE CONERO

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