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MEETING HELD REMOTELY VIA ZOOM

3

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

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In the Matter of

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TWIN POND

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

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FINAL - SITE PLAN

12

Date: December 7, 2020
Time: 7:30 p.m.

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

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

21

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

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

25

2 CHAIRMAN BRAND: It is 7:30, so I would
3 like to call the meeting to order with the
4 reading of the agenda. Agenda, Town of -- I
5 would like just to remind all the participants,
6 if you're here for the agenda, just please keep
7 yourself on mute until it's your turn, and then
8 we'll give you the heads up to turn your mic on
9 and you'll be heard at that time.

10 Agenda, Town of Marlborough Planning
11 Board, December 7, 2020. Regular meeting 7:30
12 p.m. Approval for the stenographic minutes for
13 11/16. On the agenda this evening we have Twin
14 Pond, final for their site plan at 2007 Route 9W,
15 Milton; Nason Subdivision, sketch of a
16 subdivision at 89 Peach Lane, Marlboro. We are
17 going to take them off of the agenda this
18 evening. They asked to be removed. So we will
19 remove them from the agenda. Alden and Carol
20 Link, a sketch of their subdivision at 36 Green
21 Tree Lane in Milton; Hart/Canosa LLR, a sketch of
22 a lot line at 162 Old Indian Road, Milton;
23 Guarino Subdivision, a sketch for their
24 subdivision on Lattintown Road in Marlboro. We
25 have a discussion without the lawyer, engineer or

1 TWIN POND

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2 stenographer for Joe Ortega for a brewery and
3 Robert Scialpi for a 22 subdivision it says.

4 Also on agenda this evening is a review of the
5 site plan checklist. The next deadline will be
6 held on -- the next deadline will be Friday,
7 December 11, 2020. Our next scheduled meeting
8 will be Monday, December 21, 2020.

11 MR. GAROFALO: Mr. Chairman, can I ask
12 for a possible addition to the agenda?

13 CHAIRMAN BRAND: Absolutely.

14 MR. GAROFALO: Since we received some
15 materials dealing with the short-term rentals,
16 can we add that to the end of the agenda in case
17 there's time?

18 CHAIRMAN BRAND: Is there any objection
19 to adding that?

20 MS. LANZETTA: I don't mind adding it.
21 I'm just wondering, since we just got it this
22 afternoon, if anybody else has had a chance to
23 review it.

24 CHAIRMAN BRAND: I looked at it very
25 briefly.

2 MR. CAUCHI: You want to review the
3 resolution that's going to be introduced? Is
4 that what we're talking about?

5 CHAIRMAN BRAND: Let's put it on the
6 agenda. If there's no objection, we'll put it on
7 the agenda and we can see where the discussion
8 leads.

9 MR. CAUCHI: I'm okay with that.

10 CHAIRMAN BRAND: Short-terms rentals.

11 MR. GAROFALO: Thank you.

12 CHAIRMAN BRAND: You're welcome, Mr.
13 Garofalo.

14 Do I have a motion to approve the
15 stenographic minutes for 11/16?

16 MR. CAUCHI: I'll make that motion to
17 approve.

18 CHAIRMAN BRAND: Is there a second?

19 MS. LANZETTA: I'll second it.

20 CHAIRMAN BRAND: Any discussion?
21 Thank you, Cindy.

22 Any opposed to approving the
23 stenographic minutes for 11/16?

24 (No response.)

25 CHAIRMAN BRAND: No. So moved.

2 First up, Twin Pond, final, site plan.

3 Pat, you have nothing for this;

4 correct?

5 MR. HINES: This is at the point where
6 it's ready for approval. Jeff has done the draft
7 approval, the negative dec and such. We're good.

8 CHAIRMAN BRAND: Anything from the
9 Board on this before I defer to Jeff?

10 MR. GAROFALO: Yes. I have one thing.
11 That is, there had been some discussion about the
12 gate either being moved or removed at Route 9W.
13 I didn't see any change in any plans or that put
14 into writing, so I want to make sure that that is
15 somehow documented so that it happens.

16 CHAIRMAN BRAND: It was my
17 understanding at the last meeting that Ms. Brooks
18 detailed that the trucks were able to park safely
19 with the gate being closed and that the gate
20 would not be closed. So I think that was really
21 a non-issue for me.

22 Does anyone else -- Patricia, am I
23 wrong with that? Patti?

24 MS. BROOKS: I spoke with Dane Mannese
25 about it. He said on the rare occasion that he

2 does have the gate closed and locked, a tractor
3 with a trailer is able to safely get off the road
4 with the location that it is right now. I told
5 him that that was a concern of the Board. He
6 said if he ever did replace the gate, he would
7 make sure he put it that far back or further off
8 the road.

9 CHAIRMAN BRAND: Is that sufficient?

10 MR. GAROFALO: Thank you.

11 CHAIRMAN BRAND: You're welcome.

12 Mr. Troncillito did take a ride up
13 there the other night to check out the lights.
14 Did you want to let us know what you came up with
15 there, Mr. Troncillito?

16 MR. TRONCILLITO: I took a ride up
17 there after the meeting last time. To be honest
18 with you, you recommended to take a picture.
19 There wasn't enough light to take a picture.
20 There was more light in the surrounding
21 businesses than there was there in Dane's lot. I
22 don't think there's a problem at all there.

23 CHAIRMAN BRAND: Thank you. Go ahead.

24 MS. BROOKS: I was just going to say I
25 tried taking a photograph as well but the light

2 along the highway was more than the parking lot.
3 Because the way they have the light situated,
4 it's directed into the parking lot.

5 CHAIRMAN BRAND: Perfect.

6 Anything else from the Board on this
7 one?

8 (No response.)

9 CHAIRMAN BRAND: Jeff?

10 MR. BATTISTONI: I prepared the Part 2
11 and Part 3 for the EAF. I did prepare the
12 negative declaration resolution. I prepared the
13 approval resolution. I think it's pretty
14 thorough, and I think they're ready to be
15 adopted.

16 CHAIRMAN BRAND: All right. That being
17 said, is it a separate negative dec or is it just
18 the resolution that we have, Jeff?

19 MR. BATTISTONI: You've got two
20 resolutions, one for the negative dec and one for
21 the approval of the site plan.

22 CHAIRMAN BRAND: I did not see the
23 negative dec. I just have the resolution.

24 As far as the Planning Board for the
25 Town of Marlborough resolution for a negative

2 declaration and application of Twin Pond
3 Enterprises, Incorporated, I will be polling the
4 Board this evening. Jen is having technical
5 issues.

6 So I am a yes for the negative dec.

7 Mr. Garofalo?

8 MR. GAROFALO: Yes.

9 CHAIRMAN BRAND: Mr. Troncillito?

10 MR. TRONCILLITO: Yes.

11 CHAIRMAN BRAND: Yes. Ms. Lanzetta?

12 MS. LANZETTA: Yes.

13 CHAIRMAN BRAND: Mr. Lofaro?

14 MR. LOFARO: Yes.

15 CHAIRMAN BRAND: Mr. Clarke?

16 MR. CLARKE: Yes.

17 CHAIRMAN BRAND: Mr. Cauchi?

18 MR. CAUCHI: Yes.

19 CHAIRMAN BRAND: Excellent. Jeff has
20 also prepared for us the Planning Board of the
21 Town of Marlborough resolution for the
22 application of Twin Pond Enterprises,
23 Incorporated for site plan approval.

24 I'm offering the following resolution.

25 Do I have a second?

2 MR. TRONCILLITO: I'll second that.

3 CHAIRMAN BRAND: Mr. Troncillito. I
4 would poll the Board.

5 Chairman Brand, yes.

6 Mr. Garofalo?

7 MR. GAROFALO: Yes.

8 CHAIRMAN BRAND: Mr. Troncillito?

9 MR. TRONCILLITO: Yes.

10 CHAIRMAN BRAND: Ms. Lanzetta?

11 MS. LANZETTA: Yes.

12 CHAIRMAN BRAND: Mr. Lofaro?

13 MR. LOFARO: Yes.

14 CHAIRMAN BRAND: Mr. Clarke?

15 MR. CLARKE: Yes.

16 CHAIRMAN BRAND: And Mr. Cauchi?

17 MR. CAUCHI: Yes.

18 CHAIRMAN BRAND: Yes. It looks like
19 you're all set.

20 And to be very honest Mrs. Brooks, I
21 looked at this list and was relatively shocked to
22 see that this started in, 2016 was the last
23 thing.

24 MS. BROOKS: Yes, it did.

25 CHAIRMAN BRAND: So congratulations.

2 MS. BROOKS: Thank you. And thank you
3 for the Board's patience throughout this entire
4 process.

5 CHAIRMAN BRAND: You are welcome. Thank
6 you.

7 MS. BROOKS: Have a good night.

8 (Time noted: 7:35 p.m.)

9

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

11

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

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

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

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 17th day of December 2020.

23

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Michele Conero

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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ALDEN & CAROL LINK

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Project No. 20-4014
36 Green Tree Lane, Milton
Section 102.4; Block 2; Lot 15.113

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SKETCH- SUBDIVISION

12

Date: December 7, 2020
Time: 7:35 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

21

APPLICANT'S REPRESENTATIVE: SPENCER HALL

22

----- X

23

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

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2 CHAIRMAN BRAND: Next on the agenda we
3 have Alden and Carol Link for the subdivision at
4 36 Green Tree Lane in Milton.

5 Pat, you had just a couple of comments
6 here.

7 MR. HINES: Yes. The Board had
8 discussed waiving some of the requirements, and I
9 think there were some e-mail discussions on that.

10 The topography in the area where
11 there's no proposed development was proposed to
12 be waived. The requirement that residential
13 structures within 200 feet of the property line
14 be waived.

15 I did note that the Board had some
16 e-mail back and forth regarding providing a
17 Google Earth or County Planning parcel mapping
18 for the hearing so that the adjoining structures
19 could be shown.

20 One lot was previously subdivided many
21 years and ago and then combined with the parent
22 parcel it is with now. It was a re-subdivision
23 putting it back the way it was at one point.

24 You had discussed a survey regarding
25 any proposed easements or drainage pipes that

2 exist on the site. He has confirmed that there
3 are none on that site.

4 We had questioned whether there was a
5 50-foot right-of-way. This was an actual
6 subdivision map, so the roadways are truly 50-
7 foot wide dedicated.

8 This project requires a public hearing.
9 We believe this is the point where, if the Board
10 desires, they can schedule that.

11 CHAIRMAN BRAND: Thank you.

12 Jeff, did you have anything on this
13 one?

14 MR. BATTISTONI: No.

15 CHAIRMAN BRAND: All right. Anything
16 from the Board on this?

17 (No response.)

18 CHAIRMAN BRAND: Is there anyone on the
19 Board who is opposed to waiving the requirements,
20 including the residential structures and the lot
21 line topography in the areas not proposed to be
22 developed?

23 (No response.)

24 CHAIRMAN BRAND: No. All right. So we
25 will waive those.

2 MS. LANZETTA: I think for the record
3 you might want to include, at least my
4 willingness to waive it is because they have the
5 Department of Health approvals for the septic
6 already.

7 CHAIRMAN BRAND: Okay. Any other
8 comment on that?

9 (No response.)

10 CHAIRMAN BRAND: Okay. So we can go
11 ahead and schedule a public hearing.

12 Mr. and Mrs. Link, and I believe Mr.
13 Hall, you're here as well for this project, our
14 public hearing date is January 4th. Does that
15 work for you?

16 MR. HALL: Yes.

17 CHAIRMAN BRAND: So we will go ahead
18 and schedule the public hearing for January 4th.

19 I did get a message from the secretary
20 reminding you to make sure your escrow payments
21 are up to date for this project. You will need
22 to send out the mailings, obviously, for the
23 public hearing.

24 Okay. I think that's it for Alden and
25 Carol Link, unless you have anything else.

2 (No response.)

3 CHAIRMAN BRAND: No. All right. We
4 will see you on January 4th. Please contact the
5 Planning Board secretary to go over your escrow
6 payments.

7 (Time noted: 7:40 p.m.)

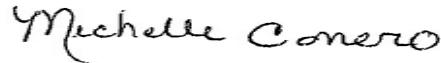
8

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

10

11 I, MICHELLE CONERO, a Notary Public
12 for and within the State of New York, do hereby
13 certify:14 That hereinbefore set forth is a
15 true record of the proceedings.16 I further certify that I am not
17 related to any of the parties to this proceeding by
18 blood or by marriage and that I am in no way
19 interested in the outcome of this matter.20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 17th day of December 2020.

22

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25

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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HART/CANOSA LLR

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Project No. 20-4017
162 Old Indian Road, Milton
Section 102.4; Block 1; Lots 10.3 & 10.4

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SKETCH - LOT LINE

12

Date: December 7, 2020
Time: 7:40 p.m.

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15

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

20

21

APPLICANT'S REPRESENTATIVE: JAMES HART

22

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----- X
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 Hart/Canosa LLR for a lot line at 162 Old Indian
4 Road in Milton.

5 Pat, you just had a couple of comments
6 on that.

7 MR. HINES: I do. The map submitted
8 shows encroachment of a barn onto lot 10.3 -- or
9 from 10.3 onto 10.4. There appears to be
10 underground electric lines that run across those
11 same lots showing those two encroachments. I'll
12 defer to Jeff on that, but it is clearly shown on
13 the maps that they don't meet the setback
14 requirements. The barn at least doesn't meet the
15 setback requirement.

16 Lot line changes are Type 2 actions now
17 under SEQRA. No additional environmental review
18 is required.

19 With the exception of the first comment
20 I had regarding those encroachments, the project
21 meets the requirements for a streamlined lot line
22 review.

23 CHAIRMAN BRAND: Pat, am I incorrect in
24 thinking that the code enforcement officer sent a
25 memo saying that the setbacks were okay for this

2 one?

3 MR. HINES: I don't know how that could
4 be when the barn spans the property line.5 MR. CLARKE: Maybe he feels it's
6 existing.7 CHAIRMAN BRAND: Jeff, I'll defer to
8 you.9 MR. BATTISTONI: I'm looking at the map
10 right now. I do see the barn drawn so that it is
11 partially on the one parcel and partially on the
12 other. I would think that would be a problem.13 CHAIRMAN BRAND: So although this does
14 meet our streamlined lot line change process, it
15 includes the approval --16 MR. HART: So our proposed lot line
17 change --18 CHAIRMAN BRAND: Could you identify
19 yourself, who ever is speaking? I'm sorry.20 MR. HART: I'm James Hart, property
21 owner --

22 CHAIRMAN BRAND: Thank you.

23 MR. HART: -- of lot 4. So the
24 proposed lot line revision that we're looking to
25 make, what we were proposing does not -- we're

2 not changing anything on our lot line around the
3 barn. That was the existing condition prior to
4 us submitting this application. We were looking
5 to just -- you can see the property line. We
6 were just seeking to just move that southern
7 boundary. We're on a flag lot. Our house was
8 constructed with the condition of that barn about
9 fourteen years ago. Nothing we're proposing to
10 change now impacts where that barn is located in
11 relation to what we're proposing. I don't know
12 if that matters or not. We were just looking to
13 move the southern boundary before it goes into
14 the 15-foot wide -- I believe it's a 15-foot wide
15 flag lot easement. We were just looking to move
16 that southern boundary about 30 feet in a
17 southern direction. You can see where the
18 lighter colored boundary is. The dark boundary
19 is what we're proposing on the map. I don't know
20 if that matters, but the barn -- that condition
21 has existed since our house was constructed about
22 fourteen years ago. You'll see a notation lot
23 line to be moved and then there's a bolder
24 border. That's what we were proposing to move.

25 MR. BATTISTONI: Chairman Brand, this

2 is Jeff Battistoni. I see what the applicant is
3 saying. It seems that this is an existing
4 encroachment. The application essentially has
5 nothing to do with that. They're moving a line
6 elsewhere on the property. From my point of
7 view, the Board could accept that encroachment
8 and leave it the way it is.

9 MR. HART: Also I wanted to indicate
10 that upon construction of our house, when we
11 built it originally, we had amended the deed at
12 the time that gave us access off the existing
13 driveway structure onto our property. I believe
14 that was submitted with our application as well.
15 That's why we never used that other -- that flag
16 lot boundary as a means for egress or ingress
17 from the property, because we modified the deed
18 to get egress and ingress off the existing
19 driveway that was on the subdivision.

20 MR. HINES: So I'm okay with that as
21 long as Jeff is okay with it. I just wanted to
22 bring it up to the Board. It's an existing
23 condition at not changing.

24 MR. CLARKE: How long has that barn
25 been there?

2 MR. HART: Probably over seventy years.

3 MR. CLARKE: So that was pre-existing
4 before zoning.

5 MR. HINES: Before the subdivision.

6 MR. HART: It was clearly there before
7 the subdivision was created.

8 MR. CLARKE: So a previous Board said
9 it was okay.

10 MS. LANZETTA: Can you explain what the
11 reason was for the flag lot like that if you had
12 access off the road?

13 MR. HART: When the subdivision was
14 created -- that happened subsequent to the
15 subdivision being created initially. So the
16 access and the modification to the deed happened
17 probably over thirty years ago when the
18 subdivision was first created.

19 MS. LANZETTA: Why do you need that
20 parcel that goes out to the road?

21 MR. HINES: It's a 280-A. Town Law
22 280-A requires access to a public street or road
23 shown on a subdivision. It's similar to what
24 we're going to see in a little bit. That 15-foot
25 strip actually is presumptive evidence of access

2 to a public street. In order to get a building
3 permit they have to have that.

4 MR. HART: When the subdivision was
5 created there was no, obviously, talk at the time
6 about modifying the deed and extending the access
7 for egress and ingress to our property. At that
8 time we did that upon transferring of the deed
9 into our name and then, you know, prior to
10 construction on the property.

11 MR. HINES: It should remain so it
12 gives you access to a public street. They have
13 an easement for an alternative access. They do
14 need that strip which gives them -- exempts them
15 from Town Law 280-A.

16 MS. LANZETTA: That's not even a
17 private road. That's just --

18 MR. HINES: It's just an easement
19 right-of-way.

20 MS. LANZETTA: I'm saying what they use
21 now into the subdivision --

22 MR. HINES: It's just an easement
23 across other properties. It's a common driveway,
24 for lack of a better term.

25 MS. LANZETTA: Okay. That's what I was

2 wondering.

3 CHAIRMAN BRAND: Any other questions or
4 comments from the Board?

5 MR. GAROFALO: Yes, I have a comment.

6 The zoning table, even though it shows what the
7 minimums are, I think it's a good idea to always
8 remind people that what we really want is both to
9 see the minimums and what is actually there.10 In this case there are probably two
11 setbacks that don't meet the minimums. However,
12 the important thing I think here is the fact that
13 there's another one that currently doesn't meet
14 the minimum, but by moving the lot line it will
15 meet the minimum. So if anything, they're
16 improving the situation over what exists today.
17 I think that's an important part of what's going
18 on here, which could get lost in everything else.
19 This transfer is actually improving one of the
20 setbacks to make it meet the minimums.21 CHAIRMAN BRAND: Additional comments or
22 questions?

23 (No response.)

24 CHAIRMAN BRAND: So then Jeff, with all
25 that being said, the pre-existing nonconforming

2 barn straddling lot lines really doesn't alter
3 the resolution of approval that you have;
4 correct?

5 MR. BATTISTONI: That's correct. The
6 barn does not.

7 CHAIRMAN BRAND: So I think that really
8 -- how about the electric lines? That was pre-
9 existing as well; correct?

10 MR. HINES: Hold on. What Mr. Garofalo
11 just said is in fact true. It looks like the
12 rear lot line of the Canosa lot will not be
13 conforming after this lot line change. The rear
14 lot setback is 75 -- I was misinterpreting where
15 the lot line was going to be moved to. The rear
16 lot becomes 38.7 feet where 75 is required.

17 MR. HART: I think that's actually the
18 side setback of the residence. That's not the
19 rear of the residence.

20 MR. HINES: It's the rear of the
21 lot, --

22 MR. HART: Okay.

23 MR. HINES: -- because we measure the
24 lots based on where the frontage touches the
25 road. So that is a zoning issue.

2 MS. HART: If the lots run -- when you
3 reference the road, do you mean --

4 MR. HINES: Old Indian Road is the
5 road. The fact you have an easement isn't -- I
6 think this is going to have to go to the ZBA if
7 they want to move forward. I apologize. I
8 thought the lots were going the other way. This
9 is actually changing -- the rear lot line gets
10 closer to Canosa.

11 MR. GAROFALO: Based on that
12 definition, if they moved it 12 feet to the
13 north, both of those -- would both of these meet?

14 MR. HINES: No, because the rear is 75
15 in this zone.

16 MR. GAROFALO: Okay.

17 CHAIRMAN BRAND: So the new adjustment
18 does not meet the standards for the -- which was
19 that, Pat?

20 MR. HINES: It's the rear lot line on
21 the Canosa lot, it's lot 10.3, which is now 38.7.
22 I understand that the front of the house is --
23 the architectural front of the house is there.
24 The front yard setbacks are, by definition, off
25 of Old Indian Road.

2 MR. HART: Was it out of compliance
3 prior then, because --

4 MR. HINES: It may have been but now
5 you're making it more --

6 MR. BATTISTONI: Nonconforming.

7 MR. HINES: -- nonconforming. Yup.

8 CHAIRMAN BRAND: So Pat, this would
9 have to go before the ZBA as is. Do you see a
10 way for them to redraw the line to be conforming?

11 MR. HINES: No, because it looks like
12 -- it looks like the rear lot would not meet
13 front yard in the existing condition, the
14 two-story house in the rear. I think that it
15 needs ZBA referral. I'll defer to Jeff, but it
16 looks to me the rear yard needs to be 75 and it's
17 proposed to be 38.7.

18 MR. BATTISTONI: I agree with Pat.

19 MR. HINES: Unfortunately I thought the
20 lot transfer was going the other way.

21 CHAIRMAN BRAND: It looks as though
22 this is going to require --

23 MR. HINES: A referral to the ZBA would
24 be in order.

25 CHAIRMAN BRAND: Okay. Mr. Hart, is

2 that clear? And Mrs. Hart?

3 MR. HART: What does that entail?

4 CHAIRMAN BRAND: To be quite honest, I
5 haven't done that. I don't know.

6 MR. HINES: It would be an approval by
7 a separate board. The Zoning Board of Appeals
8 would have to give you relief from that
9 deficiency, that rear yard setback deficiency.
10 They may very well grant that. This Board can't
11 act until you have that Zoning Board of Appeals
12 relief.

13 CHAIRMAN BRAND: Just procedurally,
14 they would go to the ZBA and ask for --

15 MR. HINES: You could refer them to the
16 ZBA for a rear yard setback.

17 CHAIRMAN BRAND: And then they would
18 come back to us --

19 MR. HINES: It would come back after
20 that. Yup.

21 MR. HART: Were there any other
22 concerns on what we proposed before we go down
23 that path and then come back before you?

24 MR. HINES: No. I don't see any. It
25 looks like the argument there -- the Affuso lot,

2 lot 10.4, becomes conforming for front yard under
3 this. Right now I don't believe it has adequate
4 front yard.

5 CHAIRMAN BRAND: I believe that's what
6 James was referring to earlier.

7 MR. HINES: Yes.

8 MR. GAROFALO: Yes.

9 MR. HINES: That's what caught my
10 attention. When Jim said that, I was like yeah,
11 that's true. Now the other one has a rear yard
12 issue.

13 MR. GAROFALO: My problem was I was
14 looking at it architecturally and didn't realize
15 that the front yard had to be 75 feet from the
16 road.

17 CHAIRMAN BRAND: All right.

18 MR. GAROFALO: I think it goes to their
19 benefit that the people that they will have the
20 insufficient rear setback to are the people that
21 are actually benefiting from this.

22 MR. HINES: Right. Right.

23 MR. CAUCHI: Let me understand this.
24 You're saying that that front line of Affuso
25 should be 75? Is that what you're saying?

2 MR. HINES: No. The front yard for
3 Affuso is 50 feet.

4 MR. CAUCHI: Right now the new lot line
5 from the two-story house is 64 feet?

6 MR. HINES: Right. That's not an
7 issue. That's cleaning up. I don't believe they
8 have 50 feet now, which is required. They're
9 cleaning up that front yard issue but then
10 creating a rear yard issue on the Canosa lot.

11 MR. CAUCHI: Okay.

12 MR. HINES: It's 38.7 and --

13 MR. CAUCHI: 38.7.

14 MR. HINES: -- it's required to be 75.

15 MR. CAUCHI: So what's the distance
16 between the lot line where it is right now after
17 the new one? I thought I heard him say 30 feet.
18 So even if you leave it right there, it's 68
19 feet, it's not 75 feet; right?

20 MR. HINES: They're nonconforming right
21 now. They're kind of flipping a nonconformity.
22 They're cleaning up one and creating another.

23 MR. CAUCHI: The existing is
24 nonconforming as you said, so --

25 MR. GAROFALO: The question becomes

2 they're making it more nonconforming. They're
3 making it worse. That becomes the issue that
4 they have to go to the ZBA for.

5 CHAIRMAN BRAND: And Pat, again
6 procedurally, we refer them to the ZBA or they
7 apply to the ZBA?

8 MR. HINES: You can refer them.

9 CHAIRMAN BRAND: Okay.

10 MR. GAROFALO: Can we give a
11 recommendation along with that referral?

12 MR. HINES: You can. I don't like
13 preempting another board. Some boards do it,
14 some don't.

15 MS. LANZETTA: Shouldn't it be --
16 shouldn't the zoning code officer be the one
17 to --

18 MR. HINES: Either you as the Planning
19 Board can or the code enforcement officer.

20 CHAIRMAN BRAND: We can go ahead and
21 refer them to the ZBA. I don't see that as being
22 an issue. I'll talk to Jen about that process
23 after the meeting.

24 So Mr. Hart and Mrs. Hart --

25 MR. HINES: I had a chance to look up

2 in your definitions lot line. Your front lot
3 line is the line separating the lot from the
4 street. Where there's no road alongside any lot,
5 the front lot will be the lot line which abuts
6 the street. So clearly Canosa is parallel to Old
7 Indian Road.

8 CHAIRMAN BRAND: Okay.

9 MR. HINES: The rear yard is the
10 opposite and most distant from the front yard.

11 CHAIRMAN BRAND: Okay. I think that's
12 where we are. We will go ahead and work on that
13 referral to the ZBA.

14 MR. GAROFALO: Do we need to vote on
15 that?

16 MR. BATTISTONI: I would say yes. I
17 normally see boards make a motion to refer a
18 matter to a ZBA.

19 CHAIRMAN BRAND: All right. I'd like
20 to have a motion.

21 MR. GAROFALO: I so move.

22 CHAIRMAN BRAND: Perfect. Thank you.
23 Is there a second?

24 MR. LOFARO: I'll second that.

25 CHAIRMAN BRAND: Any opposed for

2 referring it to the ZBA?

3 (No response.)

4 CHAIRMAN BRAND: All right. So moved.

5 MR. HART: I know this is probably
6 irrelevant at this point, but when the house was
7 constructed, I mean that's something that should
8 have been identified when we -- you know, when we
9 were first getting approvals at the time.

10 MR. HINES: Yes.

11 MR. HART: I remember having
12 conversations about the setbacks and there seemed
13 to be, at least at the time in the conversations
14 I recall, was that there was some interpretation
15 of the setbacks based on -- the conversations
16 that we had were based on the architectural
17 positioning of that house on the lot as far as
18 the setbacks go. There was no discussion about
19 the orientation to the road frontage. So I just
20 wanted to put that out there.

21 MR. HINES: I understand how it
22 happened. I don't know who told you that. You
23 can argue that with the code enforcement officer.

24 MR. HART: That's okay.

25 MR. HINES: It's just a hurdle. I

2 don't think it's fatal as long as the ZBA goes
3 along with it.

4 MR. HART: Thank you very much for your
5 time tonight.

6 MS. HART: Thank you.

7 CHAIRMAN BRAND: You're welcome.

8 (Time noted: 7:53 p.m.)

9

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

11

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

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

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

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 17th day of December 2020.

23

24

25

Michele Conero

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

5

6

GUARINO SUBDIVISION

7

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

9

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- - - - - X

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SKETCH - SUBDIVISION

12

Date: December 7, 2020
Time: 7:53 p.m.

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15

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

16

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18

19

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

20

21

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

22

23

24

25

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

2 CHAIRMAN BRAND: Next on the agenda
3 we have the Guarino Subdivision, sketch of
4 the subdivision on Lattintown Road.

5 Pat, I saw you had five comments.

6 MR. HINES: Yes. The first one is
7 procedural. We had declared our intent for lead
8 agency and circulated the documents to Ulster
9 County DPW, Planning, as well as the DEC because
10 of the wetlands there. We have not heard back
11 from any of those agencies. The time for them to
12 object to your lead agency has passed, so we're
13 suggesting you declare yourself lead agency for
14 review of this Unlisted action.

15 We'll need Ulster County approval for
16 the septic systems.

17 We need a sign off from the Ulster
18 County Department of Highways and Bridges, or
19 DPW, for the driveways. I know Carmen had some
20 conversations with them and I have some e-mails.

21 I'm suggesting that based on the
22 limited envelop on lot 2 -- the lot geometry is a
23 little convoluted there. It gives you a very
24 small building envelop. We're recommending a
25 note be added to the plans requiring staking of

2 the structure prior to issuance of the building
3 permit. That will avoid any zoning issues in the
4 future. There's very limited buildable area.
5 The square or the rectangle that's shown
6 currently encompasses the entire buildable area.
7 A little bit of mislocation by a contractor could
8 cause a lot of hardship. We're suggesting that
9 note.

10 A public hearing for this will be
11 required.

12 CHAIRMAN BRAND: Jeff, did you have
13 anything on this?

14 MR. BATTISTONI: I do. I did send an
15 e-mail to the Board Members today, and I attached
16 a copy of New York State Town Law Section 280-A.
17 It's actually entitled permits for buildings not
18 on improved mapped streets. It provides that a
19 building permit is not supposed to be issued for
20 construction of a building on an unimproved
21 street. There's a subdivision 2 that says before
22 such building permit shall be issued, the street
23 shall be 'suitably improved' to the satisfaction
24 of the Planning Board. Then it says
25 alternatively, in the Board's discretion, the

2 Board can require a performance bond from the
3 owners sufficient to cover the cost of the
4 improvement. So that's what the statute says.
5 There are two exceptions to that. One is a
6 person can go to the ZBA and see if they can get
7 relief from that. The other is the Town Board,
8 by resolution, can establish open development
9 areas within the Town. I didn't know whether
10 that has occurred here or not.

11 MR. HINES: We have done that in the
12 past. That refers to those flag lots. That's
13 the Guarino, Ashlyen Drive. I knew this was
14 going to happen. We have two Guarino
15 applications open before us right now. This one
16 is on Lattintown Road. That's why I've been
17 calling Guarino Ashlyen Drive a different name.
18 This one is on Lattintown Road and has public
19 access to the County roadway.

20 MR. BATTISTONI: I apologize.

21 MR. HINES: I knew it was going to
22 occur. We have two Guarino subdivisions.

23 MR. BATTISTONI: That's funny because I
24 was going to say on the agenda it says Lattintown
25 Road and we need to correct that.

2 MR. HINES: The same applicant,
3 different parcels.

4 MR. BATTISTONI: Got you.

5 CHAIRMAN BRAND: So that conversation
6 is not applicable here, Jeff?

7 MR. BATTISTONI: No.

8 MR. HINES: It will be for when Ashlyen
9 Drive comes back, yes.

10 MR. BATTISTONI: That's for a different
11 application. My apologies.

12 MR. HINES: The same applicants,
13 though.

14 CHAIRMAN BRAND: Okay. Thank you.

15 Comments from the Board on this?

16 MR. CLARKE: I still think that one lot
17 is really small. It originally came in front of
18 us as a two-lot subdivision. I had my objections
19 before. I know it barely meets the requirements.
20 But, you know, I can't say as a Board Member I'm
21 really thrilled with this. It really is tight
22 when you factor in the 100 foot away from the
23 wetlands.

24 MR. HINES: The lot geometry is a
25 challenge. Couple that with the wetlands and the

2 associated buffer, there's a very small building
3 envelop there. That's why I want that note.

4 MR. LOFARO: I would agree about the
5 size and everything Steve said. As long as we
6 have Pat's note in there, I think it kind of
7 covers everybody involved. I'd hate to see them
8 not be able to build on the lot.

9 MS. LANZETTA: Okay. I was looking at
10 the pond as reflected in the latest sketch that
11 we got. I know when we first discussed this
12 there was a lot of talk about the pond being
13 shared by lots 1 and 2. Now it looks like the
14 pond is totally on 2. I'm wondering --

15 MR. HINES: I thought the discussion
16 was to put the pond on one lot and not both to
17 keep the Hatfields and McCoys away.

18 MS. LANZETTA: Yeah. Has it been
19 redrawn to reflect that?

20 MR. MESSINA: This is Carmen Messina.
21 Yes, it has.

22 MS. LANZETTA: Okay. So you've added
23 more to lot 2 and taken away from lot 1?

24 MR. MESSINA: No. Well, lot 1 -- yes.
25 We changed the configuration of all the lots to

2 make sure that the pond would be all on lot 2.

3 MR. HINES: Believe it or not, I would
4 check that but I have the Ashlyen file in my box
5 tonight.

6 MR. BATTISTONI: I started a bad trend.

7 CHAIRMAN BRAND: We should limit one
8 application at a time.

9 Anything else from the Board on this?

10 (No response.)

11 CHAIRMAN BRAND: All right then. So I
12 think Pat recommended or suggested that the
13 Planning Board can declare itself lead agency for
14 review of this Unlisted action. Do I have a
15 motion to do so?

16 MR. LOFARO: I'll make that motion to
17 declare lead agency.

18 CHAIRMAN BRAND: Thank you, Joe. Is
19 there a second?

20 MR. TRONCILLITO: I'll second that.

21 MR. HINES: It's lead agency for an
22 Unlisted action. We can type the action at this
23 time.

24 CHAIRMAN BRAND: That was Mr.
25 Troncillito on the second. Any discussion on

2 that?

3 (No response.)

4 CHAIRMAN BRAND: Any opposed to the
5 Planning Board declaring itself lead agency for
6 the review of this Unlisted action?

7 (No response.)

8 CHAIRMAN BRAND: No. So carried.

9 Pat, are we ready for the public
10 hearing?11 MR. HINES: I think so. The sooner the
12 better. We can hear from any of the neighbors.
13 They have some outside agencies to secure. Now
14 that the lead agency is done, they can resolve
15 those. Yeah. So the sooner the process, the
16 better.17 CHAIRMAN BRAND: Excellent. Our public
18 hearing date for this will be January 4th, if
19 that works for you, Mr. Messina.

20 MR. MESSINA: It does.

21 CHAIRMAN BRAND: Okay. So January 4th.
22 The same thing I said to the other applicant,
23 please just check with Jen to make sure your
24 escrow is in order and that you have the
25 mailings.

2 MR. MESSINA: Okay. Will do.

3 CHAIRMAN BRAND: Okay.

4 MR. MESSINA: Thank you very much.

5 CHAIRMAN BRAND: You're welcome.

6 (Time noted: 8:07 p.m.)

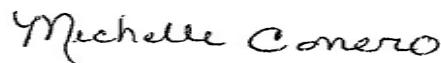
7

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

9

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

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2324

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

NASON SUBDIVISION

7

Project No. 20-4005
89 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13.200

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SKETCH - SUBDIVISION

12

13

Date: December 7, 2020
Time: 8:07 p.m.

14

15

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

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20

21

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

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

2 MR. HINES: Chris, I know Nason
3 isn't on tonight. Jeff and I have had some
4 conversations regarding the status of that
5 SEQRA review. I was wondering if the Board
6 would declare its intent for lead agency on
7 that. Similarly, there are wetlands on that
8 site. I hate to wait a month until they come
9 back just to cost them a month.

10 If we can declare -- back on the
11 Nason Subdivision on Peach Lane, declare your
12 intent for lead agency for that Unlisted
13 action as well, and we can circulate and keep
14 that going.

15 CHAIRMAN BRAND: Is there any objection
16 to that?

17 MR. HINES: That was Jeff's
18 suggestion.

19 CHAIRMAN BRAND: Any objection from
20 anyone on the Board?

21 (No response.)

22 CHAIRMAN BRAND: No. I'd like to have
23 a motion to declare our intent to act as lead
24 agent for the Unlisted action for the Nason
25 four-lot subdivision.

2 MR. GAROFALO: I'll so move.

3 CHAIRMAN BRAND: So moved. Is there a
4 second?

5 MR. LOFARO: I'll second.

6 CHAIRMAN BRAND: Any discussion?

7 (No response.)

8 CHAIRMAN BRAND: Okay. Any opposed to
9 acting as lead agency for this Unlisted action?

10 (No response.)

11 CHAIRMAN BRAND: No. So moved.

12 All right. I believe that's it on the
13 agenda for the stenographer, attorney and
14 engineer, unless anyone has anything else before
15 we allow them to go.

16 (No response.)

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18 (Time noted: 8:09 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:

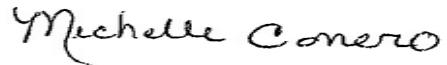
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15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 17th day of December 2020.

17

18



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MICHELLE CONERO

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