

MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

MARLBORO FLATS

Project No. 20-4004
8-10 Watson Avenue, Marlboro
Section 103.1; Block 3; Lot 15

----- X

FINAL - SUBDIVISION

Date: April 19, 2021
Time: 7:30 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

----- X
MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

2 CHAIRMAN BRAND: It is 7:30 so I'd like
3 to call the meeting to order by reading the
4 agenda.

5 Agenda, Town of Marlborough Planning
6 Board, April 19, 2021. Regular meeting at
7 7:30 p.m. Approval of stenographic minutes for
8 3/15.

9 On the agenda this evening we have
10 Marlboro Flats for a final of their subdivision,
11 possibly, at 8-10 Watson Avenue. We have HSC
12 Milton, LLC/Dollar General for a final of their
13 site plan/lot line on Route 9W, Milton. We have
14 WMG Property Holdings for a preliminary of their
15 subdivision at 565 Lattintown Road in Marlboro.
16 We have the Crimivarolis for a sketch of their
17 subdivision at 282 Orchard Street. We have
18 Rivercrest Lot 6 for a sketch of a subdivision at
19 12 Rivercrest Lane. We have James and Monica
20 Bishop for a sketch of a subdivision to be held
21 on New Road and Mahoney Road. And we have
22 William Swartz and Maxine Francis for a sketch of
23 a lot line at 73 and 79 Ridge Road. Finally on
24 the agenda tonight we have the Kent Family Farm
25 for a sketch of their site plan at 152 and

2 178 North Road.

3 There will be a discussion without the
4 lawyer, engineer and stenographer for our ongoing
5 Planning Board site plan review. The next
6 deadline will be Friday, April 23, 2021. And the
7 next scheduled meeting would be Monday, May 3,
8 2021.9 Can I have a motion for the approval of
10 the stenographic minutes for March 15th, please?

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

12 MR. GAROFALO: I'll second it.

13 CHAIRMAN BRAND: Is there any
14 discussion first?

15 (No response.)

16 CHAIRMAN BRAND: No. Any nos?

17 (No response.)

18 CHAIRMAN BRAND: No. So we will
19 consider those approved.20 I think there was possibly some
21 confusion about Marlboro Flats, so I don't know
22 if Frank, Tina or their representative are here.
23 If so, you could turn on your mic.24 MS. FLYNN: They are not. They will
25 not be here until May 3rd.

2 CHAIRMAN BRAND: So they're definitely
3 not here?

4 MS. FLYNN: No.

5 CHAIRMAN BRAND: All right.

6 MS. LANZETTA: Can I interrupt for one
7 minute, Chris?

8 CHAIRMAN BRAND: Of course.

9 MS. LANZETTA: I just wanted to have
10 read into the record my education credits.

11 CHAIRMAN BRAND: Okay.

12 MS. LANZETTA: I had forgotten last
13 time. I had 1.5 hours for the Ulster County Ag &
14 Markets training, and I also attended The What,
15 Why and How of Site Plan Review for an additional
16 hour.

17 CHAIRMAN BRAND: Great. Thank you.
18 I'm sorry. I should have asked.

19 MR. TRONCILLITO: Chris, I have the
20 same thing. I've got The What, Why and How of
21 the Site Plan Review. I finished that one.

22 CHAIRMAN BRAND: Great. Just make sure
23 you get those certificates to Jen. Perfect.

24

25 (Time noted: 7:33 p.m.)

2

3

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.

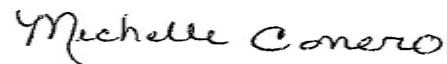
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of April 2021.

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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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HSC MILTON, LLC/DOLLAR GENERAL

8

Project No. 20-4013
Route 9W, Milton
Section 103.1; Block 2; Lot 74

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FINAL - SITE PLAN/LOT LINE

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13

Date: April 19, 2021
Time: 7:33 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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ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

21

22

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI &
JOHN CAPPELLO

23

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25

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

2 CHAIRMAN BRAND: Next up, HSC
3 Milton, LLC/Dollar General for a final of
4 their site plan/lot line.

5 Jeff, I know you have prepared for
6 us a conditional approval resolution.
7 Perhaps you might want to go through some of
8 the fine points there

9 MR. BATTISTONI: Yes. I did prepare
10 that resolution. I wasn't able to circulate it
11 until this morning, so I apologize for that
12 delay.

13 I will point out that I summarized the
14 history of the application. It's an application
15 for site plan approval and a lot line revision,
16 so both of those approvals are combined in one
17 resolution.

18 I went through the factors from the
19 Town Code regarding site plan review that the
20 Board is supposed to consider, and then I listed
21 a number of conditions. Included in them were
22 the Board of Health approval, the New York State
23 DOT approval, there are conditions regarding the
24 posting of inspection fees and security and
25 things of that nature.

2 So I think the resolution is ready. I
3 did circulate it today. Mr. Garofalo had one
4 comment that I incorporated into the resolution.
5 Mr. Cappello had a comment, I forwarded his
6 e-mail to everyone, and I did make the change he
7 requested. I don't know if people had any
8 comments on that.

9 And I believe Mr. Garofalo had one
10 other issue he wanted to raise tonight.

11 CHAIRMAN BRAND: Mr. Garofalo.

12 MR. GAROFALO: Yes. I wanted to add a
13 condition of approval. I hate to add things at
14 the end, but all I can say is don't blame the
15 messenger because we're really all at fault for
16 not catching this earlier. That is, I would like
17 to see added as a condition that a 5-foot paved,
18 graded walkway be located opposite the front door
19 in line with the accessible parking -- with the
20 accessible parking access aisle. It should be
21 added to the plans and constructed from the
22 sidewalk to the parking area, and any adjustment
23 to landscaping and drainage that's needed to
24 accommodate it in conjunction with New York State
25 Department of Transportation requirements for

2 approval within the State right-of-way, because a
3 portion of that may be in the State right-of-way.
4 It's just a small section to connect the sidewalk
5 to the parking lot so that somebody who is
6 mobility challenged who is on the sidewalk can
7 walk over to the parking lot and directly into
8 the building and they don't have to go all the
9 way around to the driveway.

10 I don't think it's a big thing, but I
11 don't want to hold them up, and that's why maybe
12 we could add that as a condition of approval. We
13 can go ahead and pass that and have that added to
14 the plans and constructed.

15 CHAIRMAN BRAND: James made a motion to
16 add a condition of the 5-foot paved, graded
17 walkway added to the plans to be constructed. Do
18 I have a second for that?

19 MS. MLODZIANOWSKI: Mr. Chairman?

20 CHAIRMAN BRAND: Yes.

21 MS. MLODZIANOWSKI: This is Caryn
22 Mlodzianowski from Bohler Engineering.

23 I just wanted to make sure I understand
24 the request so that we can address it. I think
25 we might have already added that on the plan. Is

2 it possible I could share my screen just to make
3 sure I'm clear on that?

4 CHAIRMAN BRAND: Yes.

5 MS. MLODZIANOWSKI: Thank you.

6 Mr. Garofalo, is the area -- I don't
7 know if my map is up, but is that sidewalk
8 connection area I show with the crosswalk what
9 you're talking about?

10 MR. GAROFALO: It's kind of hard to
11 see, but yes, that looks like what I was talking
12 about. Yes, that looks like what I was talking
13 about. It's on the landscaping plan that I went
14 back and looked at. It looked like you had
15 landscaping all the way across. That's basically
16 exactly what I want to see.

17 MS. MLODZIANOWSKI: I see. Okay.
18 Perfect. Yes, the previous version had
19 landscaping all the way across and then we added
20 a connection here and adjusted the landscaping
21 accordingly.

22 MR. GAROFALO: I appreciate that.

23 CHAIRMAN BRAND: Excellent.

24 MS. MLODZIANOWSKI: Thank you.

25 CHAIRMAN BRAND: So Jeff, do we need to

2 add that as a condition?

3 MR. BATTISTONI: I think it's on the
4 plans. The resolution refers to each sheet of
5 the plan, so I think that's covered already.

6 CHAIRMAN BRAND: Okay. So James, are
7 you satisfied with that?

8 MR. GAROFALO: I'm satisfied with that.

9 CHAIRMAN BRAND: All right. Any other
10 discussion from the Board?

11 (No response.)

12 CHAIRMAN BRAND: Pat, I'm assuming you
13 have nothing on this further?

14 MR. HINES: We have nothing further.

15 An interesting letter from DOT today
16 deferring the left-turn lane after they build it
17 and do some studies, but it's under their
18 purview, so --

19 CHAIRMAN BRAND: Great. So then you
20 have before you the Planning Board of the Town of
21 Marlborough conditional approval resolution for
22 the site plan and lot line revision for the
23 application of The Gela Group, LLC and Emanuel A.
24 Cauchi as owners and HSC Milton, LLC as applicant
25 for the site plan approval and lot line revision.

2 Jen, would you poll the Board, please?

3 MS. FLYNN: Chairman Brand?

4 CHAIRMAN BRAND: Yes.

5 MS. FLYNN: Member Garofalo?

6 MR. GAROFALO: Yes.

7 MS. FLYNN: Member Troncillito?

8 MR. TRONCILLITO: Yes.

9 MS. FLYNN: Member Lanzetta?

10 MS. LANZETTA: Yes.

11 MS. FLYNN: Member Lofaro?

12 MR. LOFARO: Yes.

13 MS. FLYNN: Member Clarke?

14 MR. CLARKE: Yes.

15 MS. FLYNN: Member Cauchi?

16 CHAIRMAN BRAND: He is recused from
17 voting.

18 So then I think that does it for this
19 step for HSC Milton, LLC/Dollar General.

20 MS. MLODZIANOWSKI: Thank you for your
21 review and hard work on this with us.

22 CHAIRMAN BRAND: Thank you.

23 MR. CAPPELLO: Thank you all very much.
24 Enjoy the rest of the spring.

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

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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.

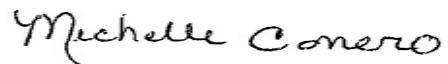
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17 set my hand this 25th day of April 2021.

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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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WMG PROPERTY HOLDINGS

7

Project No. 21-5005
565 Lattintown Road, Marlboro
Section 108.2; Block 2; Lot 47

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PRELIMINARY - SUBDIVISION

12

13

Date: April 19, 2021
Time: 7:40 p.m.

14

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

19

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

21

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APPLICANT'S REPRESENTATIVE: CORY ROBINSON

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 tonight, moving right along, we have WMG Property
4 Holdings for a preliminary subdivision at
5 565 Lattintown Road in Marlboro.

6 Pat, do you just want to start off with
7 your comments quickly?

8 MR. HINES: Sure. Ulster County
9 Highway Department has submitted a conceptual
10 approval with the caveat that the sight distance
11 triangle be protected from any future
12 construction. That sight distance triangle and
13 notes have been added to the plan. We're
14 suggesting it should also be incorporated in any
15 deed out of the subdivision.

16 I had a comment regarding Ulster County
17 Health Department approvals. I have received
18 those approvals today from the applicant's
19 engineer.

20 And just a comment that our previous
21 comments have been addressed.

22 So with that I believe the project is
23 in a sufficient form for a negative declaration
24 and approval resolution being prepared for the
25 next meeting.

2 CHAIRMAN BRAND: Great. Comments or
3 questions from the Board?

4 Thank you, Pat.

5 MR. GAROFALO: I have one comment.

6 With regard to the sight lines, the sight lines
7 look like it goes through the driveway where the
8 two-family house is, and that driveway is
9 extremely wide. I can see the potential for
10 people to be parked in that driveway and actually
11 blocking the sight lines. I'm a little concerned
12 about that. I certainly would have liked to have
13 seen the driveway narrowed so that people would
14 not park in that part of the driveway.

15 I don't know if that's within our
16 purview to be asking for something like that.
17 But I could certainly see that being an
18 obstruction to the people -- the sight lines
19 coming out of that house.

20 CHAIRMAN BRAND: Thank you, James.

21 Anything else from the Board?

22 (No response.)

23 CHAIRMAN BRAND: So at this stage of
24 the game are we comfortable asking the attorney
25 to draft a negative declaration and approval

2 resolution for the next meeting?

3 MS. LANZETTA: I would make that
4 motion.

5 MR. CLARKE: I'll second that.

6 CHAIRMAN BRAND: Seconded by Steve
7 Clarke. Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any nos?
10 (No response.)

11 CHAIRMAN BRAND: Excellent. So we will
12 go ahead and have that ready for our next
13 meeting, the negative declaration, Jeff, and the
14 resolution of approval?

15 MR. BATTISTONI: Yes. That's fine.

16 CHAIRMAN BRAND: Excellent. All right.
17 We will see you then.

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19 (Time noted: 7:43 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
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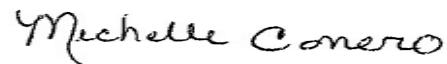
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MICHELLE CONERO

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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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----- X
In the Matter of

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GEORGE & CAROLE CRIMIVAROLI

7

Project No. 21-5004
282 Orchard Street
Section 95.4; Block 1; Lot 27.210

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SKETCH - SUBDIVISION

12

13

Date: April 19, 2021
Time: 7:43 p.m.

14

15

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

19

20

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

21

22

APPLICANT'S REPRESENTATIVES: GEORGE & CAROLE
CRIMIVAROLI

23

24

25

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

2

CHAIRMAN BRAND: Next up we have

3

Crimivaroli, a sketch of their subdivision at
282 Orchard Road.

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Pat, I see you have some other
comments.

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MR. HINES: Yeah. We received the
marked-up plan. Lot 2 identifies numerous zoning
deficiencies that are pre-existing. The Planning
Board and Building Department's opinion regarding
these pre-existing grandfathered conditions
should be received. They're not changing any but
they are losing lot area, so I don't know if
those are protected or not. Typically they are
okay. Your standard, you have allowed them to be
there, but I just wanted to note that on the
plan.

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There's a roadway dedication parcel for
Orchard Hills. Appropriate offers of dedication
and offers of concession should be submitted for
Jeff's review so that when this is filed, the
Town has ownership of that roadway.

The trailer on the site was identified

by the code enforcement officer as being

noncompliant. I think the applicants' response

2 was the trailer was going to be moved on the
3 site, but the trailer is not permitted on that
4 site at all.

5 The water supply for lot 2 is not
6 depicted on the plans and the septic system for
7 lot 1 is not depicted on the plans.

8 So I think there are some more clean-up
9 items that are needed based on the recent
10 submission.

11 MR. CRIMIVAROLI: The septic is showing
12 for lots 1 and 2, the latest one we submitted.

13 MR. HINES: I have no water supply on
14 lot 2 and I have no septic on lot 1.

15 MR. CRIMIVAROLI: I sent you an e-mail
16 with the latest plan. I think it was -- when did
17 we get that?

18 MR. HINES: It may have been after
19 these were accomplished.

20 MR. CRIMIVAROLI: Okay. But we do
21 have -- the latest plan does show the septic and
22 well for both parcels -- both lots.

23 And the trailer -- we did sell the
24 trailer. The person did not come and pick it up
25 yet, but it will be gone in a day or two.

2

CHAIRMAN BRAND: Great.

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Other questions or comments from the Board?

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MR. GAROFALO: Yes. I have a few comments. I think the EAF might have been done with the DEC information block by the blocker because usually we see -- usually, we see what they automatically fill in. I think that needs to be taken a look at.

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Also, one of the rear lot lines is noted as being 25.9 feet and I think that's actually 106.2. So instead of being nonconforming, it may actually be conforming.

17

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MR. CRIMIVAROLI: Well, the 25.9 is to the greenhouse. The actual house is 106.2.

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MR. GAROFALO: Okay. That clarifies that. Thank you.

I'm also concerned with the dedication to the Town. There's a row of trees in there which are very nice looking trees, but I'm somewhat concerned as to whether or not they're actually blocking the sight lines coming out of there and what the implications are to the Town if that's not taken care of.

2 Are we creating a problem for the Town
3 needing to remove some of those trees in order to
4 create some proper sight lines?

5 MS. CRIMIVAROLI: Pulling out of the
6 little house or the big house?

7 MR. GAROFALO: Where the greenhouse is.

8 MR. CRIMIVAROLI: We don't use the
9 greenhouse right now.

10 MS. CRIMIVAROLI: It's just the little
11 house.

12 MR. CRIMIVAROLI: The house with the
13 driveway.

14 MS. CRIMIVAROLI: And there's no --
15 it's not obstructed to the house. I pulled into
16 the greenhouse lot today because we were by the
17 trailer. I mean I had no problem pulling out
18 with the arborvitaes.

19 MR. GAROFALO: They're very beautiful.
20 They look nice. They do an excellent job of
21 screening. But I think that's something that the
22 Highway Department should take a look at,
23 specifically whether or not that's going to be a
24 problem.

25 MR. HINES: Once this is filed, the

2 Highway Department would have the ability to
3 remove those if they thought it was an issue.

4 MR. CRIMIVAROLI: Yes. They would be
5 located on the highway --

6 MR. HINES: They would be within the
7 highway bounds at that point.

8 MS. CRIMIVAROLI: Part of the Town
9 property.

10 CHAIRMAN BRAND: Okay. Anything else,
11 James?

12 MR. HINES: While I have a chance, I
13 did receive an updated map which does address the
14 well and septic systems since I did these
15 comments.

16 CHAIRMAN BRAND: Okay. So four and
17 five are --

18 MR. HINES: Yup. I'm reviewing it on
19 my phone right now, but they are there.

20 CHAIRMAN BRAND: Okay.

21 MR. GAROFALO: I'm not sure if this
22 requires an agricultural statement because I
23 think it's 100 to 200 feet away from agricultural
24 land.

25 CHAIRMAN BRAND: Pat?

2

MR. CRIMIVAROLI: The agricultural statement is on there. You need it taken off or --

5

MR. GAROFALO: No. It is on there? Okay. I didn't see it on there. It could be I just missed it.

8

MS. CRIMIVAROLI: I'm not sure.

9

CHAIRMAN BRAND: Is it in the notes section?

11

MS. CRIMIVAROLI: We're looking at it right now.

13

CHAIRMAN BRAND: Okay. Jen, can you spin that? There you go. Can you zoom in a little, Jen? I don't know if that's going to help me. That green is tough to read.

17

MR. GAROFALO: That's it. That's fine.

18

CHAIRMAN BRAND: Anything else from the Board on this?

20

(No response.)

21

CHAIRMAN BRAND: So Jen, you could stop sharing that I think.

23

Pat, do you have anything?

24

MR. HINES: No. I think it would be appropriate to schedule the public hearing.

2

3 CHAIRMAN BRAND: That's what I was
4 going to go with. So do I have a motion to
5 schedule a public hearing?

6 Jen, when is the first available day
7 for that?

8 MS. FLYNN: May 17th.

9 CHAIRMAN BRAND: May 17th. So do I
10 have a motion to schedule a May 17th public
hearing?

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

12 CHAIRMAN BRAND: Joe. A second?

13 MS. LANZETTA: I'll second it.

14 CHAIRMAN BRAND: Cindy. Any discussion
15 on the public hearing for May 17th?

16 (No response.)

17 CHAIRMAN BRAND: No. Okay.

18 So you guys will just have to meet with
19 Jen to get the mailings sent out for the public
20 hearing. We can do that and hopefully everything
21 will fall into place after that.

22 MS. CRIMIVAROLI: Is that when it's
23 approved or is it two weeks after that?

24 CHAIRMAN BRAND: It probably -- we
25 would have to see if there's any significant

2 comments from the public regarding it, which I
3 don't really anticipate.

4 Jeff, are we comfortable perhaps having
5 something ready to go if there is no significant
6 input from the public at the public hearing?

7 MR. BATTISTONI: I'll leave that up to
8 the Board. I can prepare resolutions if you
9 want.

10 I do have one question. Is the
11 applicant committing to move this trailer off of
12 the property?

13 MS. CRIMIVAROLI: Yes.

14 MR. CRIMIVAROLI: Yes.

15 MR. BATTISTONI: Okay.

16 CHAIRMAN BRAND: Is the Board
17 comfortable with that, if the public hearing
18 doesn't have any significant --

19 MR. LOFARO: Sounds good.

20 MR. TRONCILLITO: That's all right.

21 CHAIRMAN BRAND: I'd like to have that
22 motion then.

23 MR. TRONCILLITO: I'll make that
24 motion.

25 MR. CLARKE: Second.

2 CHAIRMAN BRAND: Bob Troncillito.

3 Seconded by Steve.

4 So there you go, Jeff. Hopefully we
5 can take care of that at the next one.

6 MR. BATTISTONI: Okay.

10 MR. BATTISTONI: That will be necessary
11 at some point, yes.

12 MR. CRIMIVAROLI: Okay.

13 MR. BATTISTONI: I don't have to have
14 it for the resolution, but it will be needed.

15 MR. CRIMIVAROLI: Okay.

16 CHAIRMAN BRAND: Anything else for
17 Crimivaroli?

18 (No response.)

19 CHAIRMAN BRAND: No. All right.

20 Thank you, guys. I appreciate it.

21 MR. CRIMIVAROLI: Thank you very much.

22

23 (Time noted: 8:02 p.m.)

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

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8 for and within the State of New York, do hereby
9 certify:

10

11

That hereinbefore set forth is a
the proceedings.

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Michelle Conero

MICHELLE CONERO

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

RIVERCREST LOT 6

7

Project No. 21-5007
12 Rivercrest Lane
Section 103.3; Block 3; Lot 28.6

9

10

----- X

11

SKETCH - SUBDIVISION

12

13

Date: April 19, 2021
Time: 8:02 p.m.

14

15

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

19

20

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

21

22

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA &
GARY RICH

23

24

25

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

2 CHAIRMAN BRAND: We are moving right
3 along this evening. Rivercrest Lot 6, sketch of
4 a subdivision at 12 Rivercrest Lane.

5 Pat, did you just want to go over your
6 comments quickly?

7 MR. HINES: We'll need Health
8 Department approval. It was depicted on the
9 maps. We didn't have -- I know I got an e-mail
10 from the applicant today. I haven't had a chance
11 to look at it.

12 This Lot 6 was created from a
13 subdivision that had quite a history. It started
14 out as a Chelsea Homes subdivision and then
15 eventually became American Land Preservation
16 Corporation back in the late '90s.

17 We're suggesting that the subdivision
18 be checked for any restrictions on future
19 subdivision. The cast of characters that were
20 involved were pretty interesting early on.

21 I don't know anyone who knows the
22 history. Maybe Bob knows the history.

23 MR. TRONCILLITO: Sure do.

24 MR. HINES: I think we need to get some
25 more deed information here to make sure that

2 there's not any restrictions that were the result
3 of the Chelsea Homes subdivision, the American
4 Land Preservation.

5 I noted the deed that was submitted was
6 only the most recent transferring this Lot 6 to
7 the current owner, but I don't know of anyone
8 that was with the Board. I was with the Board
9 then and it had quite a history. I think it
10 warrants a little research.

11 The well on lot 6-B should be
12 identified as existing. It's depicted as a
13 separate symbol from the well on lot A.

14 The highway superintendent's comments
15 on the new driveway should be received.

16 I just also want to make sure that
17 Rivercrest Lane is a dedicated Town roadway
18 considering the history. I believe it is.

19 The finished floor on the proposed
20 structure should be identified due to grading on
21 the driveway being steep and then the grade
22 across the houses being relatively steep.

23 CHAIRMAN BRAND: Just as a reminder for
24 that, what's the -- 14 percent, is that what it
25 is?

2 MR. HINES: 14 percent is the maximum
3 in your code for a driveway. You've got to be
4 careful. It can't be 14 percent right up to the
5 house. In other words, there needs to be a
6 landing so your car can pull out of the driveway
7 or your car -- that grading needs to address a
8 flat area for the parking area. You can't be at
9 14 right up to the house.

10 CHAIRMAN BRAND: Okay.

11 MR. HINES: I have that comment on the
12 next project as well, you'll see that, 17 percent
13 touching the house.

14 CHAIRMAN BRAND: All right. Did you
15 get all that, Mr. Rich? You're on mute there,
16 Mr. Rich. Can you hear me, Mr. Rich?

17 MR. GALELLA: Nicholas Galella.

18 CHAIRMAN BRAND: Mr. Galella.

19 MR. GALELLA: If he's unable to
20 connect, I've got the information, I'll forward
21 it to my attorney.

22 We're looking at nothing on the
23 subdivision that is restricted. My attorney has
24 the deed. He'll look into it.

25 CHAIRMAN BRAND: Okay. Anything else

2 from the Board on this one?

3 MR. GAROFALO: Is the driveway going to
4 be paved?

5 CHAIRMAN BRAND: Mr. Galella?

6 MR. RICH: I believe so. Right, Nick?

7 MR. HINES: We have Mr. Rich now.

8 MR. RICH: Pat, I looked. I didn't
9 find anything in the face, but I didn't chase it
10 back that far with --

11 MR. HINES: Gary, it had quite a
12 history back when it was before us. I think Bob
13 Troncillito may know the history. I don't feel
14 comfortable telling you the whole history on --

15 MR. RICH: That's fine. That's fine.
16 You told me information I didn't know.

17 MR. HINES: Yup.

18 CHAIRMAN BRAND: Any other comments or
19 questions?

20 (No response.)

21 CHAIRMAN BRAND: No other comments or
22 questions.

23 So we're going to get that researched
24 and checked out. We'll wait to hear from the
25 highway superintendent and make those corrections

2 and check for any covenants, conditions,
3 restrictions or reservations of right-of-way.

4 Pat, is that mostly due to the American
5 Land Preservation Corporation being involved with
6 this?

7 MR. HINES: And the owner before that
8 as well. There was -- I'll look into it on this
9 site -- some disputes over property ownership. I
10 think it went to foreclosure, the American Land
11 Preservation Company took it over.

12 And, again, we had quite a bit of
13 public hearing from the neighbors on view shed
14 protection. I believed at the time there was a
15 no further subdivision note, but I don't see it
16 in the current deed that we have.

17 MR. RICH: It's not on the current
18 filed map, either, anywhere.

19 CHAIRMAN BRAND: Jeff, was that the
20 e-mail that I saw today to Jen?

21 MR. BATTISTONI: There was an e-mail
22 today I think from Jen Flynn where she went back
23 and copied a portion of a subdivision map.

24 There is a note that says any further
25 subdivision will be subject to Health Department

2 approval and Town of Marlborough Planning Board
3 approval. So that would make me think that
4 particular map didn't have that restriction, but
5 I would like to get a more complete summary of
6 the background.

7 CHAIRMAN BRAND: Okay.

8 MR. CAUCHI: One point of
9 clarification. As far as the setback from the
10 front yard, from the road to the proposed
11 dwelling, is that 58.1? Is that the setback? I
12 thought the requirement was 75 feet.

13 MR. HINES: No. Not in this zone.

14 MR. CAUCHI: I could have sworn the
15 front setback was 50 feet. Aren't the setbacks
16 75 feet?

17 MR. HINES: The rear yard setback is
18 75.

19 MR. CAUCHI: What's the front?

20 MR. HINES: The front is 50 for the
21 RAG-1.

22 MR. CAUCHI: I'm sorry. I didn't hear
23 you, Pat.

24 MR. HINES: 50 for the front yard. The
25 rear is 75.

2 MR. CAUCHI: So from the front is 50
3 then?

4 MR. HINES: Yes.

5 MR. CAUCHI: I must have it backwards.
6 All right. Thank you.

7 CHAIRMAN BRAND: All right. So you
8 will research that deed and double check and make
9 these corrections, Mr. Rich?

10 MR. RICH: Yes.

11 CHAIRMAN BRAND: Excellent.

12 Anything else from the Board on this
13 one.

14 (No response.)

15 CHAIRMAN BRAND: No. All right. So we
16 will see you at a subsequent meeting then. Thank
17 you.

18 MR. GALELLA: Thank you.

19 MR. HINES: Manny, I'm checking a
20 couple of the other maps I have here. It is 50
21 on different projects.

22

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

24

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3

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.

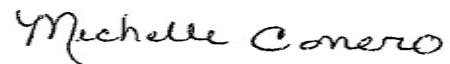
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of April 2021.

18

19

20

21



22

MICHELLE CONERO

23

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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

JAMES & MONICA BISHOP

7

Project No. 21-5008
New Road /Mahoney Road
Section 103.1; Block 1; Lot 49

9

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----- X

11

SKETCH - SUBDIVISION

12

13

Date: April 19, 2021
Time: 8:08 p.m.

14

15

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

19

20

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

21

22

APPLICANT'S REPRESENTATIVE: ZACH ANDERSON & ADAM
DiVALENTINO

23

24

25

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

2 CHAIRMAN BRAND: Next up we have
3 Bishop, James and Monica, for a subdivision at
4 New Road and Mahoney Road.

5 Is that applicant here, or their
6 representative?

7 MR. ANDERSON: Yes. We're both here.

8 CHAIRMAN BRAND: All right. Do you
9 want to just give us a brief overview of what it
10 is you're planning on?

11 MR. ANDERSON: Yes. So what we're
12 planning on here is we have 7.8 acres currently
13 that is owned by James and Monica Bishop. We're
14 looking at subdividing that into two parcels, two
15 residential lots, one being 3.6 acres and one
16 being 4.2 acres. That is really the overview of
17 what we're looking to do here.

18 The one lot we are looking at
19 developing into a residential property right
20 away. The other one will stay in James and
21 Monica Bishop's ownership.

22 CHAIRMAN BRAND: Pat, did you want to
23 run through your comments on this one?

24 MR. HINES: Sure. First off, the short
25 environmental assessment form we received was the

2 older form, the pre-DEC website based form, so
3 we'll need that updated on that format.

4 A roadway dedication parcel will be
5 required for both of the roadways this project
6 fronts on.

7 Well and septic locations will require
8 approval from the Health Department.

9 Grading for the driveway and house
10 should be provided. Access from the driveway to
11 the house has an 8-foot topography difference.

12 CHAIRMAN BRAND: Pat, you skipped 3
13 which is the one I had a question about.

14 MR. HINES: I'm sorry. There's a
15 20-foot wide right-of-way identified as existing
16 travel way. I'm just wondering who that
17 right-of-way is in favor of, what implications it
18 has on the lot. I notice that the lot has a
19 different property owner name identified, which
20 may be the potential purchaser, but that's
21 unusual to have it on the subdivision plan.

22 MR. ANDERSON: So that lot or that
23 right-of-way was -- is part of the original
24 property that is -- the right-of-way into that
25 property that the current owner has used to

2 access the property. That will stay. I do
3 believe it will stay in his, more or less, right.

4 MR. HINES: So who is it in favor of if
5 it's a right-of-way if it's all on this parcel?

6 MR. ANDERSON: I don't know. I would
7 have to check that and check the deed again.

8 MR. HINES: So they own fee ownership
9 out to the Town road; correct?

10 MR. ANDERSON: That is correct.

11 MR. HINES: So it's unusual that
12 there's a right-of-way. Typically that would be
13 in favor of another parcel. We'll need some
14 further information on that.

15 And then the lot line, is that a
16 potential purchaser where it says the DiValentino
17 property?

18 MR. ANDERSON: Yes, it is.

19 MR. HINES: The septic locations will
20 need to be there.

21 Grading for the driveway, that needs to
22 be -- I think there was a 17 percent grade
23 depicted on the driveway at one point.

24 MR. ANDERSON: Yup. Yup.

25 MR. HINES: That exceeds the maximum

2 allowable. And then also I think that 17 percent
3 kind of terminated at the location of the house.
4 So that grading is going to have to be resolved
5 and the driveway access modified.

6 The bulk table identifies the setbacks
7 that are provided. The setbacks for the front
8 and rear yard and both side yards should be
9 clarified. They don't seem to depict what's on
10 the plan.

11 MR. ANDERSON: Okay. So you want
12 actual dimensions there to --

13 MR. HINES: Yes.

14 MR. ANDERSON: -- the houses? Okay.

15 MR. HINES: The barn on the remaining
16 lands appears to be an accessory use, but I don't
17 know what it's accessory to. Is that going to
18 remain a farm lot or something?

19 MR. ANDERSON: Yes. It's going to
20 remain as is.

21 CHAIRMAN BRAND: Is there agriculture
22 going on there now?

23 MR. ANDERSON: No, there currently is
24 not.

25 MR. HINES: I think we should have some

2 notes clarifying what the use of that property is
3 and that there is no -- any proposed use of that
4 property will need to come back to the Planning
5 Board for approval.

6 MR. ANDERSON: Okay.

7 MR. HINES: I have a question. You're
8 limiting that lot then to that small piece there,
9 so I think we should get the sight distance
10 depicted there now to make sure that that lot is
11 buildable in the future, the remaining lands.

12 MR. ANDERSON: On the north side of the
13 property?

14 MR. HINES: Correct. Just because of
15 the limited frontage there.

16 MR. ANDERSON: Yup.

17 MR. HINES: It looks like it's on a
18 turn on Mahoney Road there. Again, sight
19 distance at Mahoney Road, which we just talked
20 about.

21 MR. ANDERSON: Yup.

22 MR. HINES: There's a note identifying
23 the subdivision is contingent upon the owner's
24 review and approval. That should be removed.
25 That's not something we would see on a

2 subdivision map. This was -- and, quite frankly,
3 if the owner doesn't want to subdivide it, it
4 shouldn't be before us.

5 MR. ANDERSON: Right. Right. It was
6 in the checklist. That's why we added it there.

7 MR. HINES: Again, the driveway exceeds
8 permissible grades, which we just talked about.

9 Finished floor elevations from the
10 structure and point elevations along the driveway
11 should be required.

12 The highway superintendent's comments
13 on the driveway location.

14 And then there most likely should be
15 also a culvert at the driveway access point which
16 can be addressed when you review it with the
17 highway superintendent.

18 MR. ANDERSON: Yup.

19 MR. HINES: I think this one needs to
20 come back. Before the Board can take any action,
21 we need some additional information.

22 CHAIRMAN BRAND: Any other additional
23 comments or questions from the Board?

24 MS. LANZETTA: I have a question. The
25 remaining lands, the Planning Board is supposed

2 to make sure that that -- any remaining lands
3 still can be a buildable lot. It's my
4 understanding that that's part of our
5 responsibility.

6 And I'm not sure -- I see that there's
7 a small area there before the brook that goes to
8 Mahoney Road. Is that going to be -- would that
9 be sufficient to place a house? Because I don't
10 know that you could -- I mean how can we ensure
11 that the remaining lands would still be able to
12 be developable as it's being subdivided?

13 MR. HINES: That's the intent of my
14 comment as well, to show that the sight distance
15 and driveway works, number one.

16 Typically for lots greater than 5
17 acres, under the Realty Subdivision Laws you
18 don't have to prove those out as building lots.
19 This is greater than 5 acres. But if the Board
20 wants to have soil testing and such there, that
21 is certainly a concern based on the topography
22 and the limited access.

23 MS. LANZETTA: It doesn't look like you
24 could go up too far on that lot.

25 MR. HINES: It gets pretty steep there.

2 Yup.

3 MS. LANZETTA: And when I look at the
4 tax maps, that barn there, the way it looks from
5 the aerials, it almost looks like the barn is
6 being utilized by the adjacent property. Is that
7 possible?8 MR. ANDERSON: It's actually the same
9 owner between the two properties. The owner of
10 the property that we're looking at subdividing
11 owns the property with the house on it next to it
12 as well.13 MS. LANZETTA: Okay. So they are
14 utilizing the barn right now?15 MR. ANDERSON: That is correct. It's
16 just a storage barn. They're just storing --17 MR. DiVALENTINO: The house is also
18 vacant now, too. It was his mother's house and
19 she passed. His intent was -- that front part is
20 steep. His intent was to potentially build, you
21 know, back closer to the lot that we're trying to
22 split out where it's more buildable. He would
23 just put a driveway through that existing part on
24 the lower end of that steep slope.

25 MS. LANZETTA: So he would come to the

2 other -- come to it from the other side?

3 MR. DiVALENTINO: Our intent was -- he
4 doesn't have a plan for what he's going to do on
5 the part that he's keeping closer to Mahoney Road
6 at this time. So that's why, you know, the two
7 options would be we were maintaining that
8 right-of-way from New Road to access it that way,
9 I know we need to depict that a little bit
10 better, and then as well as having access from
11 Mahoney Road where he -- you know, where he has
12 the 30 foot out to the road there.

13 MR. HINES: We're going to need a lot
14 more detail on that, and there may be some legal
15 issues.

16 Just for the stenographer, if the two
17 folks that were speaking, I know I carried on a
18 conversation with you, but she's going to need
19 your names.

20 MR. DiVALENTINO: My name is Adam
21 DiValentino. It's on the screen there.

22 MR. ANDERSON: I am Zach Anderson with
23 CPL Engineering.

24 MR. HINES: And maybe Michelle had
25 figured that out before I asked you that. I

2 don't know.

3 MR. DiVALENTINO: I have one other
4 question, too, while I've got you, Mr. Hines. So
5 number 3, the well and septic locations,
6 obviously we need the approval, you know, before
7 we -- we need approval for everything before we
8 do anything, right. Are you asking for us to
9 just show the location or are you asking us to
10 design the septic ahead of time?

11 MR. HINES: Both. So you'll need
12 approval from the Health Department before you
13 can complete the subdivision process. So the
14 well and septic locations should be shown on the
15 plan, and there will be a requirement for the
16 Health Department to sign off on that.

17 MR. DiVALENTINO: Okay. I was confused
18 by that. It wasn't clear in the application. I
19 thought -- it wasn't clear in the application.
20 But understood.

21 MS. LANZETTA: And, you know, if you
22 ever want to do anything with the remaining lands
23 as far as houses, you're going to need an
24 approved septic for there, too. So you might
25 want to talk to the engineer about, you know,

2 future plans for that property and get an idea of
3 what would be necessary.

4 MR. DiVALENTINO: I mean that's
5 necessary, to sub -- I'm trying to purchase and
6 develop one lot, so I have to design a septic for
7 a lot that I'm not going to -- that's not being
8 developed at this time and I'm not purchasing?

9 MS. LANZETTA: Okay. I didn't know
10 that you were not interested in the other
11 adjacent property.

12 MR. DiVALENTINO: No. That's why it
13 says proposed DiValentino property. I was going
14 through the process because I'm, you know,
15 working with Mr. Bishop to purchase the land.
16 You know, he wants to keep one for his use in the
17 future, which he doesn't have a plan for yet, and
18 the second, you know, I -- you know, I'm in the
19 early stages of my plan, as you can tell, which
20 is why I'm here tonight.

21 MS. LANZETTA: Okay.

22 CHAIRMAN BRAND: Any additional
23 comments from the Board?

24 MR. BATTISTONI: I have a question.
25 Maybe I'm not understanding this correctly, but

2 is a new 4.21 acre lot being created on Mahoney
3 Road?

4 MR. ANDERSON: No.

5 MR. DiVALENTINO: So the 7.81 total, my
6 intent is to purchase 3.6 and leave the remaining
7 4.21.

8 MR. HINES: So that lot is less than 5
9 acres so it does have to prove to be developed at
10 this point. I'm looking at a very small scale
11 map I received. If the balance parcel is less
12 than 5 acres, then that will have to be proven
13 out to be a building lot.

14 CHAIRMAN BRAND: And that would require
15 soil and water --

16 MR. HINES: Soil testing. Yup.

17 MR. BATTISTONI: As I see this, that
18 new lot, the 4.21 acres, would front on Mahoney
19 Road. Is that correct?

20 MR. DiVALENTINO: Yes, that's correct.

21 MR. BATTISTONI: And then there's a
22 barn there that would then be in the front yard
23 of that lot which would not be something that
24 would be permitted. I mean right now that barn
25 is way in the rear of the lot that accesses New

2 Road.

3 MR. HINES: It's kind of still in the
4 front. This lot -- the parent parcel has
5 frontage on New and Mahoney and it's an existing
6 condition.

7 MR. BATTISTONI: Okay. I see that.

8 MR. HINES: Typically we don't enforce
9 zoning against existing structures, but I think
10 because that lot is less than 5 acres it does
11 need to be proven out to be buildable.

12 CHAIRMAN BRAND: Is it more than 5,
13 Pat? Is it 5 on the money?

14 MR. HINES: 5 or larger under the
15 Realty Subdivision Laws can be a balance
16 parcel --

17 CHAIRMAN BRAND: So if he --

18 MR. HINES: -- with the idea if you
19 have 5 acres you can most likely put a septic on
20 there. Less than that needs to be proven to be
21 buildable.

22 CHAIRMAN BRAND: So if he were to
23 adjust those configurations and make it like 5.0
24 and 3.0, it would work, or 2.8?

25 MR. HINES: That's up to them. It

2 might be easier to do some deep soil testing on
3 the site and perc tests and prove it out
4 buildable.

5 MR. DiVALENTINO: Is that what you
6 need? I guess what detail do you need to be
7 proven buildable? Just that we can put in a
8 septic?

9 MR. HINES: You need a septic. We'd
10 like to take a look at that access. We need the
11 further detail of that. Maybe that's the purpose
12 of the right-of-way. Access by right-of-way
13 causes difficulties as well, although you do have
14 some frontage on Mahoney Road.

15 MR. DiVALENTINO: I thought the minimum
16 requirement was 25 feet. We have 31. I thought
17 we were in the clear.

18 MR. HINES: You're probably going to
19 have more than that, too, because we're going to
20 look for a dedication on Mahoney Road from 25
21 feet in from the center line.

22 MR. DiVALENTINO: Okay.

23 MR. HINES: So you do have presumptive
24 access at that distance.

25 CHAIRMAN BRAND: Any other questions?

2 MS. LANZETTA: I have a question. But
3 if the only place that they can access -- they
4 can put the driveway off of Mahoney would be on
5 the portion -- the only portion where they could
6 put a septic, then is it a problem?

7 MR. HINES: It looks like there's some
8 culverts crossing where you said the stream is.
9 There's two 48-inch diameter culverts depicted in
10 the existing condition.

11 MR. DiVALENTINO: I think Mr. Bishop's
12 plan for the future, if he does intend to build,
13 would be, you know, further away -- you know,
14 deeper into the property, closer to the parcel
15 that I'm purchasing. So, you know, as you can
16 see, you know, based off the topography it's
17 pretty steep out there. There's a road that goes
18 around the bottom of that hill out to Mahoney
19 Road, but, you know, I think the buildable area
20 is in closer to the -- you know, south closer to
21 the New Road side.

22 MR. GAROFALO: Would he need a
23 right-of-way through what would be your property?

24 MR. DiVALENTINO: Well, that's what
25 we're saying. He could -- there is a

2 right-of-way there currently which we could keep
3 intact and -- I mean that was our intent as long
4 as the Board had no issues with it. He would
5 also have his right-of-way -- you know, his
6 access from Mahoney Road.

7 MR. HINES: His fee access from
8 Mahoney. It's just interesting that a
9 right-of-way can't be in favor of the parcel. It
10 has to be in favor of someone else. There's
11 never a right-of-way only on one parcel. You
12 can't give yourself a right-of-way, actually, I
13 don't believe. I'll defer to Jeff on that.

14 MR. BATTISTONI: I agree with you.

15 MR. HINES: I think we need some more
16 information on the further development of the
17 parent parcel and then some information on that
18 right-of-way and how that's going to function and
19 what it does in the present condition.

20 MR. DiVALENTINO: Okay. Understood.

21 CHAIRMAN BRAND: All right. So we will
22 see you at a subsequent meeting then.

23 MR. DiVALENTINO: Thank you.

24 CHAIRMAN BRAND: Thank you.

25 MS. LANZETTA: Can I just also call

2 attention to the fact on the application, the tax
3 section, block and lot is incorrect. So I just
4 want to make sure that we -- in case anybody
5 looks at that, to look it up.

6 CHAIRMAN BRAND: Thank you.

7 MR. HINES: It is not lot 49, Cindy?

8 MS. LANZETTA: It is, but it's
9 103.1-1-49, not the extra 0s.

10 CHAIRMAN BRAND: Jen has it correct on
11 the application -- on the agenda.

12 MS. LANZETTA: Great.

13 CHAIRMAN BRAND: Okay. All right.
14 Thank you, guys.

15

16 (Time noted: 8:20 p.m.)

17

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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.

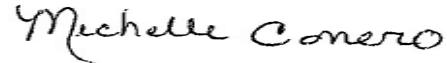
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of April 2021.

18

19

20

21



22

MICHELLE CONERO

23

24

25

2

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

WILLIAM SWARTZ & MAXINE FRANCIS

7

Project No. 21-5009
73 & 79 Ridge Road
Section 108.2; Block 3; Lots 28.210 & 28.100

9

10

----- X

11

SKETCH - LOT LINE CHANGE

12

13

Date: April 19, 2021
Time: 8:20 p.m.

14

15

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

19

20

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

21

22

APPLICANT'S REPRESENTATIVES: PATRICIA BROOKS

23

----- X

24

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

25

2

3

4

CHAIRMAN BRAND: All right. Next up we have William Swartz and Maxine Francis for a sketch of a lot line at 73 and 79 Ridge Road.

5

Is that you, Patti?

6

MS. BROOKS: Yes, it is.

7

8

9

CHAIRMAN BRAND: Excellent. Do you want to just give us a brief overview of what's going on here?

10

11

12

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MS. BROOKS: Absolutely. We have lot 1 and lot 2 from a previous subdivision. Lot 2 is now being sold and so they're looking to grant some additional road frontage to lot 1 and adjust the lot line to give it more separation distance off the blacktopped driveway. So we've got parcel A of 0.06 acres and parcel B of 156 square feet which will be swapped between the two parcels.

19

CHAIRMAN BRAND: Thank you.

20

21

Pat, do you want to run over your brief comments?

22

23

MR. HINES: Sure. This one is a poster child for your streamlined lot line change.

24

25

My first comment just reiterates what Patti Brooks just said. It's in the RAG zone.

2 It qualifies for your process. Lot line changes
3 are Type 2 actions, and I see no reason why the
4 Planning Board can't grant approval for this lot
5 line change.

6 CHAIRMAN BRAND: Questions or comments
7 from the Board?

8 (No response.)

9 CHAIRMAN BRAND: No. With that being
10 said, from Pat and Patti's fine work, do we have
11 a motion to authorize the attorney to prepare a
12 resolution of approval for this?

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

14 CHAIRMAN BRAND: Joe.

15 MR. GAROFALO: I'll second it.

16 CHAIRMAN BRAND: James. Any
17 discussion?

18 (No response.)

19 CHAIRMAN BRAND: Any nos?

20 (No response.)

21 CHAIRMAN BRAND: All right. That was
22 easy.

23 MS. BROOKS: Thank you.

24 CHAIRMAN BRAND: See you at the next
25 meeting.

2 MS. BROOKS: Yes, you will.

3 CHAIRMAN BRAND: All right. Thank you.

4

5 (Time noted: 8:25 p.m.)

6

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

8

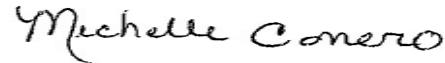
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20

21

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23



24

MICHELLE CONERO

25

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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

KENT FAMILY FARM

7

Project No. 21-5010
152 & 178 North Road

8

Section 103.1; Block 2; Lots 24 & 25.1

9

10

----- X

11

SKETCH - SITE PLAN

12

Date: April 19, 2021
Time: 8:25 p.m.

13

14

15

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

16

17

18

19

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

20

21

APPLICANT'S REPRESENTATIVES: PATRICIA BROOKS,
CHIP KENT & JIM KENT

22

----- X

23

MICHELLE L. CONERO

3 Francis Street

24

Newburgh, New York 12550
(845)541-4163

25

2 CHAIRMAN BRAND: Finally tonight, Kent
3 Family Farm, sketch of a site plan at 152 and 178
4 North Road.

5 Patti, tell me what's going on there.

6 MS. BROOKS: Absolutely. This is an
7 agricultural site plan or a site plan of an
8 existing agricultural property showing the
9 proposed expansion of Kent Family Farms to
10 include a New York State farm brewing license
11 with the production and sales of cider, continued
12 sales of agricultural fruit products within the
13 existing 3,560 square foot barn.

14 They also hope to, in the future,
15 rehabilitate the historic residential dwelling to
16 be used for a farm history display, small event
17 space for agricultural meetings, training for
18 their own staff.

19 Both Jim and Chip are with us this
20 evening as well.

21 CHAIRMAN BRAND: Excellent. Chip
22 and/or Jim, anything to add to that?

23 MR. CHIP KENT: No. I think Patti
24 covered it pretty well.

25 CHAIRMAN BRAND: She usually does.

2 MR. CHIP KENT: Yes. That's why she
3 gets paid the big bucks. She looks better than
4 us on video, also.

5 CHAIRMAN BRAND: No arguments here.

6 Pat, do you want to run through your
7 comments?

12 Note 7 identifies a building under
13 construction, but no building that is under
14 construction appears on the map. I don't know if
15 we want to hit these as we go.

16 MS. BROOKS: That's an easy one. As
17 you can tell by the date on the map, we actually
18 had done the survey a year ago. During that
19 point in time the barn was under construction.
20 It since has been completed. I took it from
21 under construction on the map, but did not revise
22 note number 7. That will be revised. Thank you.

23 MR. HINES: So we're looking for
24 details of what the gravel parking lot and the
25 overflow parking area will be developed as. We

2 noted that parking spaces are delineated but most
3 likely won't be on the gravel if that is the
4 case. The accessible parking spaces are shown on
5 gravel and those cannot be gravel. They need to
6 be constructed out of a hard surface in
7 compliance with ADA. So that will have to be
8 shown on the plans. You may want to address
9 accessible parking in front of the historic
10 building as well.

11 MS. BROOKS: In front of the
12 agricultural building it says gravel parking to
13 be paved, and then we had the proposed gravel
14 parking lot to the south. So we were proposing
15 that the parking spaces on the north side, again
16 right in front of the barn, including the
17 handicap spaces, would be paved and then the
18 southerly parking lot would be gravel.

19 MR. HINES: Okay. So we'll need
20 details of both of those just to show how that's
21 going to be depicted.

22 The septic system is shown to the rear
23 of the historic site. It's on a bit of a steep
24 slope. That will need Health Department
25 approval. I noted that there's a water tank

2 shown in the center of it right now.

3 MS. BROOKS: My understanding -- I know
4 that the septic system was designed by a
5 professional engineer. My understanding in
6 speaking with the applicants today is that it has
7 since been installed since we performed the
8 survey.

9 MR. HINES: Okay. So we'll need those
10 Health Department approvals that were granted for
11 that installation.

12 Signage. We're looking -- the parking
13 lot is identified as one way in and out. There
14 should be appropriate signage depicting those out
15 on the street. I question whether two access
16 points on Church Street are required. If the one
17 functions further from the intersection, it may
18 move traffic away from the intersection a bit. I
19 don't know what your take is on that, or your
20 client's take on that, or the highway
21 superintendent's take on that.

22 MR. CHIP KENT: The second one is down
23 by Church. It's more for the church and stuff.
24 It's there already existing. You have the one on
25 Church and then the one on North.

2 MR. HINES: The overflow parking shows
3 two on Church Street proposed.

4 MR. CHIP KENT: Okay.

5 MR. HINES: We really need two egress
6 and ingress access points on Church if -- I would
7 suggest the one further to the east may function
8 better than the one closest to the intersection.

9 MR. CHIP KENT: Sure.

10 MS. BROOKS: Yes.

11 MR. HINES: I think, Patti, you may
12 have defined agricultural meetings as training
13 for their own staff. Is that what I heard? I'm
14 just trying to get a handle on what an
15 agricultural meeting is.

16 MR. CHIP KENT: The one that she walked
17 into from Cornell. That was one of them. And
18 then we do, you know, staff meetings. Also we
19 have to do our, you know, other meetings for
20 keeping the guys up to date on operations.

21 MR. HINES: And I just question whether
22 you're going to have special events, weddings,
23 large gatherings?

24 MR. CHIP KENT: Nothing in the plans
25 yet because my wife said she would divorce me.

2 MR. HINES: There might be room for
3 another wedding then.

4 And then we're looking for hours of
5 operation identified. Don't hem yourself in.
6 Make them as broad as necessary.

7 MR. CHIP KENT: 24/7 -- no, I'm only
8 kidding. We're looking -- it would be like your
9 typical breweries and stuff around. It would be
10 seasonal and then you'll be like Thursdays from
11 4 to 9 and Fridays, and then Saturdays you'd be
12 like 2 to 9 and Sundays similar hours.

13 MR. HINES: Maybe just work with Patti
14 Brooks and get those on the map, that would be
15 helpful. Again, don't hem yourself into
16 something that you don't -- go as broad as you
17 think you need in conjunction with the Planning
18 Board's review.

19 CHAIRMAN BRAND: Comments and questions
20 from the Board?

21 MR. GAROFALO: I had some comments.
22 With regard to the gravel driveway, part of that
23 will have to be paved. Take a look at
24 130-12(C)(1). So the very front of the entrance
25 will have to be paved.

2 Also, the sight distances.

3 And next is at that second Church
4 Street access, if you're going to remove that
5 access, maybe you can take out that whole
6 triangle of gravel parking there that's not being
7 used and just have them park so they have to back
8 out into that aisle. That might save a little.

9 And the angled parking by that
10 accessory gravel lot near North Road, maybe you
11 could straighten that parking out because. Have
12 a huge space in there and, again, you might save
13 yourself some gravel just squaring that off to
14 the existing parking and making it more
15 perpendicular.

16 MS. BROOKS: I think my mapper got a
17 little carried away there because that's also
18 where the proposed walking path is. I really
19 want to limit the parking in that area and not
20 have it so close to the road. You know, this is
21 sort of an overflow field/parking lot that will
22 not be graveled.

23 MR. CHIP KENT: Let me explain that
24 field. What we want to make is a permeable
25 surface there. We took the larger pieces of

2 stone and stuff and we put them lower, and then
3 we put the medium size up, and then we got to the
4 top and we made it so that, you know, it will
5 accept the rain and so on. Being a farm, you
6 know, we're very cognizant of our water runoff.
7 The same thing with the parking lot around the
8 brewery.

9 I mean can you do like a crushed stone,
10 crushed shale? In keeping with the farm we don't
11 really have any paved roads. And then we were
12 going to do some, you know, like bluestone
13 entrance to the brewery, you know, ADA compliant
14 and everything.

15 MR. HINES: Yeah, that's what I was
16 just going to say. Whatever you do there needs
17 to be ADA compliant. I'll leave it up to the
18 Board. Typically the Board requires paved, but,
19 again, this is an agricultural use so I'll defer
20 to the Board.

21 MR. CHIP KENT: I can draw some stuff
22 up, you know, on how that would look with the
23 grade on the stones and such. There's some very
24 large bluestone.

25 MR. CAUCHI: I would be satisfied with

2 that.

3 CHAIRMAN BRAND: I think so, too, for
4 agricultural use. It seems fine as long as it's
5 ADA compliant.

6 MR. TRONCILLITO: That would fall into
7 the farmers use with that. It would really look
8 nice, besides.

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

11 MR. GAROFALO: I'm not sure what the
12 parking requirements for something like this
13 would be because it's not something that is, I
14 think, listed on our table.

15 MS. BROOKS: Correct. It is not,
16 James.

17 MR. GAROFALO: It looks like there's
18 plenty of parking, but I'm not sure how we're
19 supposed to deal with this.

20 MS. BROOKS: Basically I asked for
21 input from the applicant because he already has
22 the site there, already has parking, already has
23 the pick your own. Basically I think -- I
24 shouldn't be speaking for you, Chip.

25 MR. CHIP KENT: Don't worry. You're

2 better at it than I am.

3 MS. BROOKS: I think that, you know, we
4 had ample -- as you said, we have ample parking
5 on here. We did not have anything to judge it
6 against as far as the parking requirements, so we
7 erred on the side of more parking rather than
8 less with the overflow areas.

9 CHAIRMAN BRAND: Do you have any
10 thoughts on that, Pat, at all?

11 MR. HINES: Your ordinance says if
12 there isn't a designated parking count for that
13 use, the ITE or other information can be
14 utilized. I think the applicant's experience may
15 be some of the best information we can have.

16 CHAIRMAN BRAND: Okay.

17 MR. TRONCILLITO: Because there are
18 some of the other areas where there was -- there
19 is no paved surfaces. Their overflow is going
20 into fields, you know, and they've got their
21 gravel driveways and stuff like that. Basically
22 we're talking about the same thing here I would
23 assume.

24 MR. CHIP KENT: We actually got a line
25 on some really nice stone. We have some crushed

2 shale which really makes it smooth. We used some
3 stone dust up behind to do a patio with the
4 larger stuff that we had from our own place.
5 We're going to put down some pea gravel just to
6 make that nice and clean. I think out front we
7 could actually -- you know, we already talked
8 about how to make it, you know, compliant, and we
9 were talking about using a couple of elements to
10 make a bike rack.

11 CHAIRMAN BRAND: Jeff, did you have
12 anything for this?

13 MR. BATTISTONI: Is there a restaurant
14 or a food service component to this?

15 MR. CHIP KENT: So in order to fall
16 under, you know, the brewing license you have to
17 serve something, whether it's a pretzel or -- our
18 Governor says we can't serve chicken wings.
19 Anyway, something we'll have. In the future, you
20 know, maybe, you know, we'll do some burgers or
21 some flat bread pizza or something. That's not
22 right now.

23 MR. GAROFALO: Is there a right-of-way
24 component along the roads that we need to deal
25 with here, the 25 foot?

2 MR. HINES: We do that for
3 subdivisions, --

4 MR. GAROFALO: Okay.

5 MR. HINES: -- not site plans. It's
6 when there's an actual filing of the subdivision
7 map. That is when we do that.

8 MR. GAROFALO: Okay.

9 CHAIRMAN BRAND: Great. So if there's
10 no other questions, it sounds like we just have
11 some --

12 MS. LANZETTA: I do have -- I have a
13 couple of questions. I'm assuming that the
14 building will have to still pass any pertinent
15 building codes and, you know, safety codes. Is
16 that true for public habitation?

17 MR. HINES: I would defer to the
18 Building Department on that. Oftentimes these
19 agricultural buildings are exempt. The building
20 code went from 100 to 300 for public assembly in
21 the 2020 code, so that's significant. I don't
22 think you're putting 300 people in these
23 buildings.

24 MR. CHIP KENT: I hope not.

25 MR. HINES: Certainly the code

2 enforcement officer would have jurisdiction on
3 that.

4 MS. LANZETTA: That's not up to the
5 Planning Board?

6 MR. HINES: Right.

7 MS. LANZETTA: Okay. And then the
8 other thing I'm concerned about is the house, the
9 historic house. I think it would be wonderful if
10 it's rehabilitated, but I don't know if there's
11 any timetable involved with that. If there
12 isn't, I am concerned with the public kind of
13 walking around, enjoying the grounds, because
14 it's a beautiful area, and perhaps meandering
15 around that building, and the way it is right now
16 I think it's -- it's a danger.

17 MR. CHIP KENT: I agree with you,
18 Cindy, a hundred percent. Our intent is to save
19 it. What we want to do first off is secure it,
20 the siding, the windows, and then we'll finish
21 off the inside. But when I say finish it off, no
22 electric, no heat. Just kind of keep it historic
23 for now, you know, until we can make a few bucks
24 selling some hard cider and then -- but have it
25 so that it's walkable all the way around.

10 MS. LANZETTA: That would be my
11 concern, because even -- if it turns out that
12 you're not able to get to that project for
13 awhile, I would feel a lot better if it was
14 fenced off in some way, just to make sure that
15 people aren't, as I said, you know, meandering
16 too close to it. You know, a couple drinks, who
17 knows.

22 CHAIRMAN BRAND: Anything else from the
23 Board?

24 MR. TRONCILLITO: Let's get it open,
25 Chip. Let's get going here.

2 MR. CHIP KENT: Okay. I'm trying.

3 CHAIRMAN BRAND: Excellent. All right.

4 Patti, you're going to make some revisions and
5 we'll see you again at the next meeting?

6 MS. BROOKS: Yeah. Does this need to
7 go to the Ulster County Planning Board and are we
8 ready to schedule a public hearing?

9 MR. HINES: It has to go to Ulster
10 County because it's certainly in an Ag District.
11 I think yes is the answer to Ulster County.

12 CHAIRMAN BRAND: Do we want to wait to
13 schedule the public hearing until after we hear
14 back from Ulster County?

15 MS. BROOKS: Right. I guess if you're
16 scheduling public hearings, the second meeting in
17 May. The Ulster County Planning Board meets the
18 first Wednesday. We potentially would be hearing
19 back from them by then.

20 CHAIRMAN BRAND: Does that sound
21 reasonable to the Board, to schedule a public
22 hearing for May 17th?

23 MS. LANZETTA: Sure.

24 MR. TRONCILLITO: Sure.

25 MR. LOFARO: Yes.

2 MS. BROOKS: I'll make some of the
3 changes that we talked about this evening and get
4 Jen a good complete package that she can send up
5 to the County.

6 MS. LANZETTA: And since it is going up
7 to County, I would suggest you put some lighting
8 details on that, because I know they're going to
9 want that.

10 MS. BROOKS: Yes. Thank you, Cindy.

11 CHAIRMAN BRAND: Let's go back and
12 clear up the record. Do I have a motion to have
13 the public hearing on the 17th of May?

14 MR. TRONCILLITO: I'll make that
15 motion.

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

18 MR. CAUCHI: I'll second.

19 CHAIRMAN BRAND: Manny has got the
20 second. Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any nos?

23 (No response.)

24 CHAIRMAN BRAND: All right. So we will
25 have the public hearing on the 17th, and you'll

2 send us everything we need to send up to County.

3 MS. BROOKS: Absolutely.

4 CHAIRMAN BRAND: All right. Perfect.

5 Thank you.

6 MS. BROOKS: Thank you very much.

7 MR. CHIP KENT: Thanks, guys.

8 MR. TRONCILLITO: Good luck, Chip.

9 (Time noted: 8:40 p.m.)

10 (Time resumed: 8:43 p.m.)

11 MR. CAUCHI: I have one comment towards
12 Pat.

13 Pat, I'm just trying to understand this
14 Kent Family Farm here. So they have a building
15 up. Are we saying that that building does not
16 even have a building permit? They went and
17 constructed that without -- is that what I'm
18 understanding now?

19 MR. HINES: I don't know the answer to
20 that, but it may have been constructed as an
21 agricultural building.

22 MR. CLARKE: The answer is if it's an
23 agricultural building, a building permit is not
24 required.

25 MR. CAUCHI: Wait a second. If it has

2 to do with public use and public -- people going
3 in there --

4 MR. CLARKE: It has to have a safety
5 inspection by the building inspector.

6 MR. CAUCHI: So it has to have a safety
7 inspection. What does that consist of, a safety
8 inspection? I'm just trying to -- what does
9 that --

10 MR. CLARKE: The building inspector is
11 going to go in and look at the details of the
12 building and, you know, make sure --

13 MR. HINES: It's a fire and safety kind
14 of thing. You know, agricultural buildings are
15 exempt from the building code, but when they
16 reach the point of public assembly, they are no
17 longer exempt. Again, the new building code
18 raised the public assembly times three. It used
19 to be 100, now it's 300.

20 MR. CLARKE: As far as the water system
21 and the septic system, because more than 25
22 people are going to be using it, it will be
23 considered a public place, and that runs into a
24 different part of compliance.

25 MR. HINES: It's called a community

2 water system under the Health Department.

3 MR. CAUCHI: But shouldn't we know all
4 of this before -- we're going to meet kind of --
5 I'm personally going to be like in left field if
6 we're going to have a public meeting and then all
7 of a sudden you're going to have people coming in
8 and asking us those questions. We should have
9 those questions beforehand, no? I'm just trying
10 to wrap my mind around it. I'm just sitting here
11 and thinking about this. I'm not too abreast on
12 this agricultural building code or --

13 MR. HINES: Or the lack thereof.

14 MR. CAUCHI: Should we maybe have --
15 before May 17th, shouldn't we do a little bit
16 of -- maybe have a dialogue?

17 Or Chris, can you have some dialogue
18 with the building inspector and keep us abreast?
19 Or shouldn't we get some homework done here
20 before we go and have a public meeting and you
21 have the public -- and I don't want us to feel
22 flatfooted there. If we're going to be asked a
23 lot of questions, we've got to do our due
24 diligence, no? Am I thinking wrong?

25 MS. BROOKS: As the applicant, I

2 definitely can reach out to the building
3 inspector, and I also can reach out to Ag &
4 Markets. Absolutely. I agree with you, Manny.
5 I don't want to get caught with egg on my face,
6 either. I think, you know, we all need to make
7 sure that we're as informed as possible.

8 MR. CAUCHI: I mean I think what
9 they're doing is a good thing, but I just want to
10 make sure we have our Is dotted and our Ts
11 crossed, especially if we're going to face the
12 public. Again, being not an agricultural
13 building --

14 MR. HINES: I'm hoping that the
15 application went through code enforcement
16 already. We usually get this application can
17 proceed. We have a gatekeeper.

18 MS. LANZETTA: Yeah. We've received a
19 letter from Tom Corcoran. I got it. I assume
20 you all received it.

21 MR. HINES: Yes, with the packet.

22 MS. LANZETTA: You saw it, too, Pat?

23 MR. HINES: Yeah. It came in the
24 package.

25 MS. BROOKS: I have not seen it.

2 MR. CAUCHI: I didn't get that letter
3 in my package.

4 MS. LANZETTA: I think it was also sent
5 electronically.

6 MS. FLYNN: It should be like your
7 third page or something. It was attached right
8 behind the name and stuff.

9 MR. LOFARO: I'm in the packet right
10 now and I don't see it.

11 MS. LANZETTA: Jen sent it
12 electronically. Tom had a lot of comments in
13 regards to it, but having --

14 MS. FLYNN: Do you want me to pull it
15 up?

16 CHAIRMAN BRAND: Yes. Can you do that?

17 MS. LANZETTA: I think one of the
18 things that would be helpful is if everybody from
19 this group was to look at that Ag & Market
20 presentation that is available through Ulster
21 County Planning, because it gives you a lot of
22 information about how we review site plans for Ag
23 projects. I don't think -- I'm not sure that Tom
24 was aware when he wrote this, that this was an
25 allowable use even though our zoning is not --

2 does not have this as a use in that zoning. The
3 fact that it is in an agricultural district
4 allows them to do this.

5 MR. HINES: Mm'hm'.

6 MR. GAROFALO: Well, I think Tom looks
7 at his job as the gatekeeper as is this allowed
8 in the zone and not to be doing what we're doing
9 in terms of looking at the details, but to just
10 be asking that question. Sometimes he adds some
11 extra things in which he sees, but he doesn't
12 view himself as a full gatekeeper to prevent
13 things from coming to us other than if they're
14 not allowed in the zone.

15 MR. HINES: He gave us ten, eleven
16 comments on this one. One of them is to Manny's
17 point, no building permits on the new building,
18 number one. The agricultural. Any inspections
19 on the barn to be used for public assembly. This
20 is a commercial use. He had similar questions to
21 this.

22 MR. CLARKE: If you're going to invite
23 the public in, though, you know, there are other
24 people than the Planning Board.

25 The Department of Health. You know,

2 he's probably going to have to have water because
3 he's in the water district. The septic field has
4 to be approved by the Board of Health. You know,
5 those are two big issues.

6 I don't know where we as a Planning
7 Board stand on this thing, but, you know, he's in
8 compliance as far as I know. He does have to
9 pass the hurdles of the Board of Health.

10 MR. HINES: It's one of the reasons why
11 I even asked whether they were going to have
12 events there. I have another municipality that
13 has -- the Town of Wawayanda has extensive farms
14 and has a lot of these applications. Quite
15 frankly, some of them never even made it to the
16 Planning Board. They just called themselves
17 farms and started hosting weddings and opening
18 cideries and breweries, so --

19 MR. CLARKE: There are some
20 stipulations. We've had a couple of things that
21 have been before the Board just in questioning
22 and, you know, I think -- Cindy, you can correct
23 me if I'm wrong, but I think that 50 percent of
24 your revenues generated have to be from on farm
25 products.

2 MS. LANZETTA: Yes.

3 MR. HINES: It does.

4 MS. LANZETTA: Grown on your farm.

5 MR. HINES: Grown on that farm, yup.

6 CHAIRMAN BRAND: Is that loading up,
7 Jen? What are we doing here?

8 MR. GAROFALO: The days and hours of
9 operation are on the plan.

10 MS. FLYNN: Did you see it?

11 MR. HINES: No. We saw the PDF label
12 is all.

13 MS. FLYNN: Did it come up?

14 MS. LANZETTA: It's not coming up.

15 MR. HINES: Double click and it will
16 come up.

17 CHAIRMAN BRAND: Can you open another
18 window for her? She's presenting that screen I
19 think is what's happening.

20 Can you see it on your screen, Jen?

21 MS. FLYNN: I can.

22 CHAIRMAN BRAND: All right. So under
23 options, I think you want to go to the other
24 screen that you see that on.

25 MS. FLYNN: Under what options?

2 CHAIRMAN BRAND: Under your sharing
3 options.

4 MS. FLYNN: You know what, I think it's
5 because --

6 CHAIRMAN BRAND: You know what you can
7 do, Jen --

8 MS. FLYNN: I got it.

9 CHAIRMAN BRAND: There you go.

10 MS. FLYNN: Sorry.

11 CHAIRMAN BRAND: Patti, are you still
12 here?

13 MS. BROOKS: I am.

14 CHAIRMAN BRAND: And you can see that
15 as well, I'm assuming?

16 MS. BROOKS: Yes, I can.

17 CHAIRMAN BRAND: So those are some
18 questions probably that we would need to have
19 answers to.

20 MS. BROOKS: Okay. Is this something
21 that Jen can send to me?

22 CHAIRMAN BRAND: Yes.

23 MS. FLYNN: Yes.

24 MR. CAUCHI: So it does say no building
25 permit -- no building permit on the new building.

2 So that's the agricultural barn, right. So
3 that's where the public assembly is going to be,
4 so that's considered commercial use.

5 MS. BROOKS: I think we have to figure
6 out what the definition of public assembly is and
7 how it relates to Ag & Markets versus building
8 codes. Again, I don't feel prepared to answer
9 those questions tonight. They're all good
10 questions and they should be addressed. I
11 certainly will make sure to do so.

12 MS. LANZETTA: Thank you.

13 CHAIRMAN BRAND: All right. Good. All
14 right, Jen.

15 MR. CAUCHI: Wait a second. Are we --
16 is Patti there?

17 MS. BROOKS: I am. I'm still here.
18 Yup.

19 MR. CAUCHI: Patti, so can we have
20 someone at our first May meeting so we can look
21 at this thing? I just don't want to be
22 flatfooted for the public hearing. That's all.

23 MS. BROOKS: Not a problem.
24 Absolutely.
25 MR. CAUCHI: I mean we need to give the

2 public answers. We just want to give the right
3 answer to benefit your applicant and to embrace
4 him, not to, you know, shutter him and be, you
5 know, vague. That's not what we want to do as a
6 Board.

7 MS. BROOKS: As I said, I don't
8 disagree at all.

9 MR. CAUCHI: Okay.

10 CHAIRMAN BRAND: Okay. All right, Jen.

11 MR. GAROFALO: He's going to work on
12 the plan, anyway.

13 MS. FLYNN: Are they coming to the
14 May 3rd meeting or they're just going to give me
15 the information to give to you guys before the
16 public --

17 MS. BROOKS: I'm happy to make a
18 presentation.

19 CHAIRMAN BRAND: At the meeting?

20 MS. BROOKS: Yes.

21 MS. FLYNN: At the meeting. Okay.

22 MS. BROOKS: Okay.

23 CHAIRMAN BRAND: So we'll put you on
24 the agenda for that. Okay. I think we're done
25 with that.

2 MS. LANZETTA: And again, I would
3 recommend that you guys take an hour and watch
4 the presentation from Ag & Markets people so you
5 have a better idea. We get a lot of this kind of
6 stuff coming before us and I think it would be
7 helpful to understand how Ag & Markets law is
8 different from our local law.

9 MS. BROOKS: Cindy, that's available on
10 the Ulster County Planning Board website?

11 MS. LANZETTA: Yes.

12 MS. BROOKS: Thank you.

13 CHAIRMAN BRAND: So maybe if we all try
14 and set aside an hour before the next meeting to
15 do that so we're all a little bit more
16 knowledgeable.

17 MR. CAUCHI: What's the correct heading
18 on that, Cindy?

19 MS. LANZETTA: Jen sent it out to you
20 already.

21 MR. CAUCHI: I'm going to look it up.
22 I just want to know the exact name.

23 MS. LANZETTA: Jen, do you want to
24 re-send it to everybody again?

25 MR. CAUCHI: That would be helpful.

2 MS. LANZETTA: You sent it out about a
3 week ago.

4 MS. FLYNN: Okay.

5 MS. LANZETTA: Send it around, or I can
6 send it to you again. Or just Google Ag &
7 Markets in your mail.

8 CHAIRMAN BRAND: All right. So I think
9 we're good with the attorney, stenographer and
10 engineer, unless there's additional questions for
11 them.

12 (No response.)

13 CHAIRMAN BRAND: No. All right, guys.
14 Thank you.

15

16 (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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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.

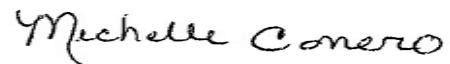
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of April 2021.

18

19

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21



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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 1. Town Board Amendment to Local Law
- 7 2. Minor Site Plan Classification

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X

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BOARD BUSINESS

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12

Date: April 19, 2021
Time: 8:40 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

----- X
MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

2 CHAIRMAN BRAND: Just quickly before we
3 dismiss the lawyer, engineer and stenographer;
4 Jeff, were you able to send the notice regarding
5 the public law to the Town Board, and, if so, did
6 we receive any type of response?

7 MR. BATTISTONI: I'm sorry. The notice
8 regarding the public law. I'm sorry. What is
9 that?

10 CHAIRMAN BRAND: The error in the --

15 I think the idea was yes, that's
16 something they should correct, but they will wait
17 until they have a few other items to correct as
18 well. It takes a local law -- in other words,
19 you have to have a resolution of introduction,
20 you have to hold a public hearing, you have to
21 have a resolution of adoption. They'd rather
22 incorporate a few other changes at the same time.

23 CHAIRMAN BRAND: Sure. And in moving
24 forward in the meantime, what's the ramifications
25 of that for this Board, I guess would be my

2 question?

3 MR. BATTISTONI: Sometimes in law they
4 use the term harmless error. I would use that
5 here. I think there was just some unintentional
6 oversight. I would find it hard to think that
7 someone would object to the granting of a waiver
8 with an error in the code like that.9 CHAIRMAN BRAND: Okay. Any other
10 questions for either Jeff or Pat before --11 MR. GAROFALO: Yes. Did you have a
12 chance to look at my question concerning the
13 minor site plan and whether we could define these
14 as Type 2?15 MR. BATTISTONI: No. I saw you sent me
16 an e-mail with questions about nonconforming
17 uses, about the minor site plans. I have to
18 think about that.19 MR. GAROFALO: Okay. Hopefully you can
20 think about that for next time.21 MR. BATTISTONI: You're asking whether
22 a minor site plan can be classified as a Type 2
23 action?24 MR. GAROFALO: Yes. Under the new law
25 where they defined the minor site plan as being

2 the short-term rental and the home occupancy with
3 the bed and breakfast. I put in a version of the
4 code dealing with the home occupancy, that it
5 specifically says there can't be any impacts due
6 to traffic, blah, blah, blah. So just take a
7 look at that and hopefully --

8 MR. BATTISTONI: And you did attach
9 that to your e-mail. That's right. Yes, I will
10 look at that.

11 MR. GAROFALO: Thank you.

12

13 (Time noted: 8:43 p.m.)

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

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8 for and within the State of New York, do hereby
9 certify:

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That hereinbefore set forth is a
the proceedings.

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Michelle Conero

MICHELLE CONERO