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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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LAMELA REAL ESTATE

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Project No. 21-5002  
1118 Route 9W, Marlboro  
Section 108.4; Block 5; Lots 30.1 & 30.2

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**PUBLIC HEARING - LOT LINE**

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Date: March 15, 2021  
Time: 7:30 p.m.

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

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

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APPLICANT'S REPRESENTATIVE: SPENCER HALL

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

2 CHAIRMAN BRAND: It is 7:30 so I'm  
3 going to call the meeting to order. Agenda, Town  
4 of Marlborough Planning Board, March 15, 2021.  
5 Regular meeting 7:30 p.m. Tonight on the agenda  
6 we have the approval for the stenographic minutes  
7 for 2/16. Also on the agenda this evening is  
8 LaMela Real Estate located at 1118 Route 9W,  
9 Marlboro for a public hearing of their lot line.  
10 We have HSC Milton, LLC/Dollar General on Route  
11 9W, Milton for a final of their site plan/lot  
12 line. And we have Crimivaroli at 282 Orchard  
13 Street for a sketch of their subdivision. We'll  
14 also be continuing our discussion without the  
15 lawyer, engineer and stenographer of the Planning  
16 Board site plan review.

17 The next deadline is Friday, March 19,  
18 2021. The next scheduled meeting is Monday,  
19 April 5, 2021.

20 Can I have a motion to approve the  
21 stenographic minutes for February 16th, please?

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

23 MR. CAUCHI: I'll second it.

24 CHAIRMAN BRAND: Manny with the second.  
25 Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any opposition?

4 (No response.)

5 CHAIRMAN BRAND: No. So moved.

6 First on the agenda we have LaMela Real  
7 Estate, a public hearing for their lot line.

8 I just have a legal notice to read.

9 Legal notice, subdivision, lot line adjustment  
10 application. Please take notice a public hearing  
11 will be held by the Marlborough Planning Board  
12 pursuant to the State Environmental Quality  
13 Review Act or SEQRA, pursuant to the Town of  
14 Marlborough Town Code Section 134 on Monday,  
15 March 15, 2021 for the following application,  
16 LaMela Real Estate --17 MS. LANZETTA: Spencer Hall, I think  
18 you're having -- can you mute?

19 MR. HALL: Can you hear me?

20 MS. LANZETTA: No. Will you mute  
21 your --

22 MS. FLYNN: I will mute him.

23 MS. LANZETTA: Thank you.

24 CHAIRMAN BRAND: -- at the Town Hall,  
25 21 Milton Turnpike, Milton, New York at 7:30 p.m.

2 or as soon thereafter as may be heard. The  
3 applicant is seeking a subdivision/lot line  
4 adjustment approval for lands located at 1118 and  
5 1122 Route 9W in the Town of Marlborough,  
6 Section 108.4; Block 5; Lots 30.1 and 30.2. Any  
7 interested parties either for or against this  
8 proposal will have an opportunity to be heard at  
9 this time. Due to public health and safety  
10 concerns related to COVID-19 and pursuant to the  
11 Executive Order from the Governor, this meeting  
12 and the public hearing will be held remotely via  
13 Zoom. The meeting ID and password as well as all  
14 information will be available on the Town website  
15 or at the Town from the planning secretary.  
16 Chris Brand, Town of Marlborough Planning Board.

17 Mr. Hall, I'm assuming you're the  
18 representative for this. Correct?

19 MR. HALL: Yes, I am.

20 CHAIRMAN BRAND: How many mailings went  
21 out and how many came back?

22 MR. HALL: I sent out 13 and I got 9  
23 back.

24 CHAIRMAN BRAND: Okay. This is a  
25 public hearing, so if you could just give me a

2 brief overview of what you're proposing,  
3 Mr. Hall.

4 MR. HALL: Okay. My client, he owns  
5 both properties. One was the old car wash, one  
6 was a recycle depot. He put a new scale in and  
7 expanded his parking lot for a recycle depot. He  
8 realized that he went over the line a little  
9 between the two parcels, so to clean that up, he  
10 wanted to do a lot line arrangement to make the  
11 scale stay with the recycle depot, the parking  
12 lot to stay with the recycle. What we did was we  
13 rearranged the property line between the two  
14 parcels, keeping both parcels the exact same area  
15 as before the alteration.

16 MS. LANZETTA: You're muted, Chris.

17 CHAIRMAN BRAND: Is there anything from  
18 the Board on this?

19 MS. LANZETTA: I have a very -- my  
20 understanding -- I think Mr. Hall has got to be  
21 muted.

22 CHAIRMAN BRAND: Mr. Hall, could you  
23 please turn your mic off while you're not  
24 speaking? You seem to be the cause of the audio  
25 problems here.

2 MS. LANZETTA: I'm not sure if Michelle  
3 was able to get that, what Mr. Hall was saying.

4 MS. CONERO: I got probably 90 percent  
5 of it.

6 CHAIRMAN BRAND: Yeah. I think anyone  
7 that's not speaking, if you could mute yourself.

8 MS. FLYNN: Mr. Hall, --

9 MR. HALL: Yes.

10 MS. FLYNN: -- do you have more than  
11 one device?

12 MR. HINES: It sounds like there's two  
13 devices running.

14 MR. HALL: So you could not hear me?

15 CHAIRMAN BRAND: No. We can hear you  
16 super well, unfortunately. Turn your mic off.  
17 There we go. Much better. Thank you.

18 Is there anything from the Board on  
19 this one?

20 (No response.)

21 CHAIRMAN BRAND: Pat, did you have  
22 anything?

23 MR. HINES: We have nothing  
24 outstanding. We had some comments from last  
25 time.

2                   This is a simple lot line change  
3 transferring equal amounts of property between  
4 the two lots. It's in the HD Zone which doesn't  
5 qualify for your streamlined lot line approval,  
6 so it had to have the public hearing. But it's  
7 just really balancing out the two parcels.

8                   I had previously commented about  
9 whether there was a need for an access easement  
10 between the two parcels, but the surveyor and the  
11 applicants have confirmed that they are  
12 completely separate operations. So with that, we  
13 didn't have anything further.

14                   CHAIRMAN BRAND: Great. Thank you,  
15 Pat.

16                   This is a public hearing. Any  
17 interested parties who have questions or want to  
18 speak either for or against this would have an  
19 opportunity to do so at this time. Please just  
20 state your name, turn your mic on so we know who  
21 is speaking, and then you'll have an opportunity  
22 to be heard.

23                   Is there anyone here who is here to  
24 speak for the LaMela lot lines?

25                   Judy, I feel like you're trying to

2 unmute yourself perhaps.

3 MS. SCHOONMAKER-RIVERA: I'm here.

4 Yes. My touch screen has left me so I had to  
5 find the concert. I sent a letter.

6 Several problems with this hearing is  
7 that the map that was drawn up --

8 MS. FLYNN: Can you turn off, please,  
9 whatever you have in the background?

10 MS. SCHOONMAKER-RIVERA: I've got  
11 another Zoom that has been muted, but I can't  
12 turn it off unfortunately. Let me see what else  
13 I can do with it. Unfortunately I have a work  
14 Zoom. Okay. All right. They'll just have to do  
15 without me shortly. Sorry.

16 Is that the -- the map that was drawn  
17 up has Eric Holveg owning my property. So the  
18 map is wrong. I have an issue with that. And  
19 there's certainly nothing you can sign that would  
20 be valid.

21 I also have a problem with granting a  
22 waiver when a map like that is drawn up and  
23 leaving the properties that are closely affected  
24 by LaMela off of them. Some of you know where I  
25 live. Others of you don't. My bedroom is about

2 30 feet from LaMela's scale. So anything he does  
3 up there has an impact on me.

4 I'm really just curious on what this  
5 change of the lot line -- what is it going to  
6 allow him to do that he's not already doing?

7 Also, I mentioned in the letter there  
8 are two other properties very close to here, one  
9 is in the process of being sold, the other  
10 already was sold, and I don't think they were  
11 even notified because of the recent sale.

12 I really would like to know what  
13 LaMelas are anticipating doing that they're not  
14 already doing if they get this lot line changed  
15 or removed.

16 MR. HINES: Pat Hines speaking here.

17 It's not allowing them to do anything or  
18 prohibiting them from doing anything they're not  
19 doing today. It is putting the part of the scale  
20 that was constructed across the other lot line --  
21 it's cleaning up the boundary line to incorporate  
22 the scale on the recycled parcel and not on the  
23 portion of it that's on the car wash parcel.

24 MS. SCHOONMAKER-RIVERA: They can't  
25 move the whole scale up to the car wash?

2 MR. HINES: It's on a different lot.

3 MS. SCHOONMAKER-RIVERA: The scale is  
4 the noisiest part of his operation. It really  
5 is. But is he supposed to be able to use the car  
6 wash parcel for his operation?

7 CHAIRMAN BRAND: He's not requesting  
8 any change in use for either of the sites. He's  
9 basically just moving the one property line, I  
10 believe it's to the west slightly, so that the  
11 scale is on the entire parcel where the  
12 sanitation thing is.

13 MS. SCHOONMAKER-RIVERA: Because he's  
14 using the car wash property to store his trucks  
15 and his roll-offs, which I was under the  
16 impression he was not supposed to be able to do.  
17 I was wondering whether he is thinking, once he  
18 gets his lot line removed, he can put more stuff  
19 up there that is part of his garbage operation.

20 CHAIRMAN BRAND: Just to clarify, this  
21 lot line change, --

22 MS. SCHOONMAKER-RIVERA: He has to  
23 justify --

24 CHAIRMAN BRAND: -- it's just simply  
25 shifting the one lot line slightly. I think it's

2 less than 15 feet, Pat, if I'm wrong. 15 feet to  
3 the west, or something like that. One little  
4 portion of it.

5 MR. HINES: It's something like that.

6 And then there's an equal swap of property on the  
7 north end so that the lots both stay the same  
8 size.

9 CHAIRMAN BRAND: Pat, maybe you could  
10 address the matter of (inaudible) stay at the  
11 property line.

12 MR. HINES: It's not conveying or  
13 taking away any rights that they have, but it's  
14 also not extending the recycled facility use onto  
15 the car wash parcel by any means. That would be  
16 an enforcement issue outside this Board. It  
17 would be up to the Town code enforcement officer  
18 to enforce the activities that go on there.

19 MS. FLYNN: Michelle, are you okay with  
20 the background that she has going on?

21 MS. CONERO: It is tough to hear.

22 MS. FLYNN: Judy, you need to turn down  
23 your other Zoom, please, so that our stenographer  
24 can understand.

25 MS. CONERO: And if I could have your

2 last name, also, Judy?

3 MS. SCHOONMAKER-RIVERA: It's  
4 Schoonmaker-Rivera.

5 MS. CONERO: Thank you.

6 CHAIRMAN BRAND: Just turn it off.

7 MS. SCHOONMAKER-RIVERA: I can't. It's  
8 business.

9 CHAIRMAN BRAND: Okay.

10 MS. SCHOONMAKER-RIVERA: I can't get  
11 back in if I turn it off.

12 CHAIRMAN BRAND: Anything else, Judy?

13 MS. SCHOONMAKER-RIVERA: Is there any  
14 issue that the map is wrong in terms of how they  
15 labeled his neighboring properties?

16 MR. HINES: So that occurs. I'm  
17 assuming the surveyor gathers (inaudible). And  
18 it's not unusual. It says now or formerly. It's  
19 just to identify it. It doesn't -- it doesn't  
20 convey --

21 MS. SCHOONMAKER-RIVERA: It's neither  
22 now or formerly. It was never -- it certainly is  
23 not now and it was never formerly. It was  
24 Schoonmaker and it was McCort. It's never been  
25 Holveg.

2 MR. HINES: Okay. So we'll make note  
3 of that.

4 MS. SCHOONMAKER-RIVERA: (Inaudible.)

5 MR. HINES: We can't hear you from your  
6 background noise.

7 MS. SCHOONMAKER-RIVERA: And is there a  
8 reason that you leave the properties off? I mean  
9 I sent a letter. You could have answered the  
10 questions then.

11 CHAIRMAN BRAND: We have the letter.  
12 The purpose of the public hearing is to have  
13 people be heard in the public.

14 MS. SCHOONMAKER-RIVERA: The letter  
15 also could have been acknowledged and answered to  
16 save some of this.

17 CHAIRMAN BRAND: Point well taken,  
18 Judy.

19 MS. SCHOONMAKER-RIVERA: Okay. And is  
20 there any intention of notifying the other  
21 neighbors that were not notified?

22 CHAIRMAN BRAND: All of the neighbors  
23 within a 500 foot proximity I believe were to be  
24 notified. That was the indication of the 13  
25 mailings that were sent out.

2 MS. SCHOONMAKER-RIVERA: Correct. But  
3 when a property had sold after the mailing goes  
4 out, how do you notify the new buyers?

5 CHAIRMAN BRAND: They're sent by  
6 certified mail. If the ex-owner didn't forward  
7 their mail, they probably wouldn't receive it I  
8 guess.

9 MS. SCHOONMAKER-RIVERA: Okay. And  
10 when you were notified at that point in time, you  
11 don't see that that happens; correct?

12 CHAIRMAN BRAND: I'm not sure I  
13 understand your question.

14 MS. SCHOONMAKER-RIVERA: Well, I  
15 notified you on the 3rd of March that that  
16 property had already changed hands with plenty of  
17 notice for tonight's meeting.

18 CHAIRMAN BRAND: The public hearing is  
19 listed on the Town website as well.

20 MS. SCHOONMAKER-RIVERA: (Inaudible.)

21 CHAIRMAN BRAND: I'm assuming that you  
22 could have talked to them as well.

23 MS. SCHOONMAKER-RIVERA: I understand.  
24 I'm just kind of hoping that Marlborough might be  
25 a little friendly or more gracious to welcoming

2 new people to town, that our government would do  
3 that and not be so rigid about all this. It's  
4 our past history. I'm just hoping that maybe it  
5 isn't our going forward history.

6 CHAIRMAN BRAND: We try our best, Judy.  
7 We try our best.

8 MR. LaMELA, JR.: Ms. Rivera, if I may.  
9 This scale that we are using is going -- it's on  
10 the opposite end of the property from your home,  
11 from your residence. So we're trying to  
12 effectively break that noise down in almost half.  
13 So this is what we're trying to do, is expedite  
14 the process for our clients here to efficiently  
15 leave our site while also limiting the noise  
16 that's created. We're trying to make this a  
17 benefit for all of our customers, and hopefully  
18 our neighbors as well.

19 MS. SCHOONMAKER-RIVERA: You have two  
20 scales?

21 MR. LaMELA, SR.: That's what we did  
22 for the lot line change. We needed a couple more  
23 feet on the opposite side of the property,  
24 further away from your home. So it will make  
25 half of the traffic go -- exit on the new scale

2 which will be less noisy to you.

3 MR. LaMELA, JR.: It's the same amount  
4 of clients, the same amount of customers we're  
5 servicing. We're not doubling the traffic. It's  
6 the same traffic, just half of it is going to be  
7 on the opposite end of our site, which is the  
8 opposite end of your residence.

9 MS. SCHOONMAKER-RIVERA: So you have  
10 two scales?

11 MR. LaMELA, JR.: Yes. That's correct.

12 MR. LaMELA, SR.: Now we have two, yes.

13 MS. SCHOONMAKER-RIVERA: Okay. Now you  
14 have two. You had one most of the time at the  
15 top of the hill.

16 MR. LaMELA, SR.: Now the older scale,  
17 the one that you are saying is noisy, is going to  
18 be used half as much.

19 MS. SCHOONMAKER-RIVERA: Okay.

20 CHAIRMAN BRAND: Thank you.

21 MR. LaMELA, SR.: That's all we're  
22 trying to do. We're not changing anything. And  
23 that's between our building and the car wash.  
24 It's on the opposite side from where you live.  
25 So it should help -- it should help the noise.

2 MS. SCHOONMAKER-RIVERA: Okay.

3 CHAIRMAN BRAND: Thank you. Anything  
4 else, Judy?

5 MS. SCHOONMAKER-RIVERA: While I have  
6 them here, can you come and pick up all your  
7 debris that keeps blowing down? I'm still  
8 getting littered.

9 MR. LaMELA, SR.: Yes. That's not a  
10 problem. Yes, of course. All you have to do is  
11 tell us and we'll send guys.

12 MR. LaMELA, JR.: We try to manage it  
13 as best we can on site here. And, of course,  
14 with the high wind situation. We'll have people  
15 trying to pick up on the other side of our  
16 property or our fenced area.

17 MR. LaMELA, SR.: That's not a problem.  
18 We can get it tomorrow.

19 MS. SCHOONMAKER-RIVERA: And not throw  
20 your snow over the fence.

21 MR. LaMELA, SR.: Okay.

22 MR. LaMELA, JR.: That's fine.

23 MS. SCHOONMAKER-RIVERA: Thank you.

24 CHAIRMAN BRAND: Good neighbors in  
25 action, Judy, right there.

2 MS. SCHOONMAKER-RIVERA: It would go a  
3 long way for me to use that adjective.

4 CHAIRMAN BRAND: Anything else for the  
5 public hearing?

6 MS. SCHOONMAKER-RIVERA: No.

7 CHAIRMAN BRAND: Anything from anyone  
8 else for the public hearing?

9 (No response.)

10 CHAIRMAN BRAND: Going once. Going  
11 twice.

12 (No response.)

13 CHAIRMAN BRAND: And no.

14 All right. If there's nothing else for  
15 the public hearing, I would like a motion to  
16 close the public hearing.

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

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

20 MR. TRONCILLITO: I'll second it.

21 CHAIRMAN BRAND: Bob with the second.  
22 Any discussion?

23 (No response.)

24 CHAIRMAN BRAND: Any objection?

25 (No response.)

2 CHAIRMAN BRAND: No. All right.

3 Then Jeff, you prepared for us a  
4 resolution of approval by the Town of Marlborough  
5 Planning Board for the application of the  
6 LaMela Real Estate Holdings, LLC for their lot  
7 line revision. Did you have anything you wanted  
8 to go over, Jeff?

9 MR. BATTISTONI: This is Jeff  
10 Battistoni, Attorney for the Planning Board. The  
11 resolution is straightforward. This is a Type 2  
12 action, so no further environmental review is  
13 needed.

14 I don't know whether the Planning Board  
15 wants to consider a condition to update the map  
16 to show the correct adjoining owner. The  
17 reference to Holveg is an incorrect reference.

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

19 CHAIRMAN BRAND: I think we probably  
20 should include that as well.

21 MR. BATTISTONI: When you adopt the  
22 resolution, I would simply write a second  
23 condition in. The condition -- there's number  
24 one, payment of fees. I would add a number two  
25 that the plat be updated to remove the reference

2 to Holveg, H-O-L-V-E-G, and indicate the name of  
3 the correct owner.

4 CHAIRMAN BRAND: That was seconded. Is  
5 there any objection to that?

6 (No response.)

7 CHAIRMAN BRAND: No. So carried.

8 So with that being said, that condition  
9 being added; Jen, would you please poll the  
10 Board?

11 MS. FLYNN: Chairman Brand?

12 CHAIRMAN BRAND: Yes.

13 MS. FLYNN: Member Lanzetta?

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Lofaro?

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Clarke?

18 CHAIRMAN BRAND: Where is he?

19 MS. LANZETTA: I don't see him.

20 MS. FLYNN: I don't see him.

21 CHAIRMAN BRAND: I don't see him  
22 anymore, either. We'll say he's absent for now.

23 MS. FLYNN: Okay. Member Cauchi?

24 MR. CAUCHI: Yes.

25 MS. FLYNN: Member Garofalo?

2                   MR. GAROFALO: Yes.

3                   MS. FLYNN: Member Troncillito?

4                   MR. TRONCILLITO: Yes.

5                   CHAIRMAN BRAND: So moved. All right.

6                   I believe that's it for the LaMelas.

7                   Thank you, guys. Have a good night.

8                   (Time noted: 7:52 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 28th day of March 2021.

23

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*Michele Conero*

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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

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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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Date: March 15, 2021  
Time: 7:52 p.m.

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

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

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APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI,  
KENNETH FIORETTI & JOHN CAPPELLO

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

2 CHAIRMAN BRAND: Next on the agenda  
3 tonight we have HSC Milton, LLC/Dollar General  
4 for final of their site plan and lot line.

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

7 MR. HINES: Sure. We had some comments  
8 from the March 1st meeting. Some of them are  
9 repeated here. I just have -- the review of the  
10 access drive requires DOT approval. I just noted  
11 that there was no curbing shown. I think DOT's  
12 typical details require curbing. But this  
13 project requires DOT approval globally for the  
14 access, the left turn and utilities within the  
15 DOT easement. So that will be a comment moving  
16 forward.

17 Also, the septic system design has not  
18 been approved by Ulster County Health yet, so  
19 that's an outstanding comment that could be  
20 considered by the Board as a condition of  
21 approval.

22 And then inspection fees and  
23 performance securities and compliance with Town  
24 code would be required.

25 So those are some continuing comments,

2 but a lot of them are weather related and outside  
3 agency related.

4 I believe the plans have been revised  
5 substantially to address all the previous public  
6 hearing and Planning Board comments.

7 CHAIRMAN BRAND: Thank you. Ms. --  
8 Caryn. I'm just going to go with Caryn. Sorry.

9 MS. MLODZIANOWSKI: That works. Good  
10 evening. This is Caryn Mlodzianowski from Bohler  
11 Engineering, for the record. I'm here with Ken  
12 Fioretti and John Cappello this evening for the  
13 proposed lot line adjustment and Dollar General  
14 retail store on Route 9W. I think everyone is  
15 familiar with the project as we've gone through  
16 and opened and closed public hearings, so I'll  
17 just give a brief update.

18 Since the last meeting we had indicated  
19 and presented that the lighting levels had been  
20 reduced. After that meeting we formally  
21 submitted that lighting plan for the Board.

22 We also had shown and proposed the  
23 cross access to the other parcel of the lot line  
24 adjustment that we're agreeing to for a future  
25 easement.

2 Since the last meeting we added  
3 striping within the sidewalk in front of the  
4 store to the plans. That will be a proposed  
5 painted stripe on the sidewalk that will indicate  
6 the allowable outdoor display and sales area for  
7 store employees.

8 As mentioned by Mr. Hines, we are  
9 waiting for decent weather to have the Health  
10 Department witness the perc test for the septic  
11 systems. We understand that that might be an  
12 outstanding condition on any approval.

13 And we're waiting on final DOT comments  
14 as well in regards to any other improvements or  
15 curbing for the site.

16 We did receive a draft SEQRA negative  
17 declaration and had a chance to look through  
18 that, so we're hopeful that that's something the  
19 Board can consider this evening. Thank you.

20 CHAIRMAN BRAND: Thank you. Anything  
21 from the Board on this?

22 MR. GAROFALO: I have some comments,  
23 Mr. Chairman. One is in the draft findings I  
24 take exception -- the DOT hasn't approved this  
25 according to their own consultant. They okayed

2 the location of the driveway. So I think it's  
3 important that there be a stipulation that  
4 this -- that the permits will be approved by the  
5 New York State DOT. That's number one.

6 The second thing deals with the Ulster  
7 County comments. They made a comment about the  
8 signing. We don't have any plans on the signing.  
9 We are required to review that. So I'm not sure  
10 when that's going to happen, but I think  
11 ultimately we're going to need a plan on the  
12 signing, or at least the stipulation that we will  
13 approve -- that we have to approve that signing.  
14 Now, I guess two different ways it can be done.  
15 One is to do it as part of the site plan, in  
16 which case it travels with the site plan, and the  
17 approval will last as long as the site plan  
18 approval is. A second way, which is not usually  
19 done with site plan applications, is if you have  
20 just a store and you want to put up a sign, then  
21 there is a separate permit process, but that  
22 permit process only gives you six months to put  
23 it up. So there's certainly an advantage to the  
24 applicant to tie it into the site plan  
25 application.

2 So I don't know if we can make that a  
3 condition that they get approval from the  
4 Planning Board for the sign which is under  
5 Section 155-28. There's a whole list of  
6 requirements that we should be reviewing. I'm  
7 not sure how we should be handling this, whether  
8 it can be a condition that it comes back and we  
9 give that approval or whether we have to give  
10 that approval before we finalize this.

11 CHAIRMAN BRAND: Anything else from the  
12 Board?

13 (No response.)

14 CHAIRMAN BRAND: Pat, did you just want  
15 to address that signage, or do you have any input  
16 on that signage?

17 MR. HINES: Yeah. I just want to  
18 clarify that the document before the Board  
19 tonight is a draft of a negative declaration.  
20 Findings are something that follows an  
21 environmental impact statement. So a little  
22 shorter in the process.

23 This is a draft negative declaration  
24 and it's just stating that there are no  
25 significant environmental impacts. Obviously,

2 the other outside agencies need this document in  
3 order for them to issue their permits. No  
4 approvals can flow from the outside agencies  
5 until this Board, as lead agency, makes this  
6 SEQRA finding. In this case you're suggesting a  
7 negative declaration, that there's no significant  
8 environmental impacts.

9 The signage can be a condition of  
10 approval. If the Board so desires to issue a  
11 conditional approval tonight, it can be, as Mr.  
12 Garofalo said, something that they submit in the  
13 future for review. Typically, in the past the  
14 signage has been displayed to the Board and then  
15 the actual sign permits come from the Building  
16 Department. It is a procedure that should be  
17 followed.

18 So two ways, either a condition of  
19 approval that the Board subsequently approved  
20 that or they show you that now or -- actually,  
21 three ways -- or you can defer to the building  
22 inspector to make sure that the signage meets the  
23 code.

24 Those are just my opinions on that.  
25 Certainly, it's up to the Board.

2 CHAIRMAN BRAND: Thank you.

3 MS. LANZETTA: I know when we -- Cindy  
4 Lanzetta. I know when we had looked at the Mobil  
5 site plan, they had put together some graphics  
6 for us that were nicely done that showed the  
7 aesthetics of the outside of the building and  
8 what the signage would look like in relationship  
9 to the site. If we could have something like  
10 that, that would be very helpful.

11 MS. MLODZIANOWSKI: Certainly. And  
12 we've submitted the elevations. Those have the  
13 building sign. Then as far as the sign by the  
14 road, we have the location on the plan. We can  
15 get an image if that would be helpful. I think  
16 our plan would be, you know, to share that with  
17 the Planning Board, one of the two signs. We can  
18 show the other sign. And then the tenant, which  
19 is Dollar General in this case, they always come  
20 in and file for the actual permit itself.

21 CHAIRMAN BRAND: Great. Thank you.

22 Anything else from the Board?

23 MR. GAROFALO: This is James Garofalo  
24 again. I think it would behoove us to be the  
25 ones to look at this, since it is part of a site

2 plan, so I think it should come to us. If you  
3 look at the code, it will tell you some of the  
4 things that are required for this, including  
5 dimensions and a whole mess of other things.  
6 It's 155, I think, 28. But I think this really  
7 needs to come to us under the conditions that the  
8 code has specified, whether it's now or a little  
9 later. Either way is fine with me, but I think  
10 ultimately it has to come to the Planning Board.

11 CHAIRMAN BRAND: I would agree.

12 MR. CAPPELLO: We're fine with that.

13 This is John Cappello. If you want to have that  
14 as a condition, no problem whatsoever.

15 CHAIRMAN BRAND: Jeff, you did prepare  
16 the SEQRA negative declaration and notice of  
17 determination of non-significance. Anything that  
18 you'd like to point out?

19 MR. BATTISTONI: This is Jeff  
20 Battistoni, Attorney for the Planning Board. On  
21 page 2 under item number 1, my wording was as  
22 follows: Approval is needed from the New York  
23 State Department of Transportation for the access  
24 drive, but the applicant's representatives have  
25 reported that such approval has been granted.

2 There is a possibility that New York State DOT  
3 will require a left-turn lane southbound into the  
4 site, and the applicant has set aside the land  
5 needed for such a lane. I thought at the last  
6 meeting that the applicant's representative said  
7 that the State had approved the location of the  
8 access drive. That's all I was trying to say  
9 there, that they had reported that. You don't  
10 have any written confirmation of that, or at  
11 least I hadn't seen that yet. I don't know if  
12 you want to clarify it -- clean up that  
13 language at all. Mr. Garofalo seemed to have a  
14 concern about it. It's also okay with me if it  
15 stays as is.

16 MR. CAPPELLO: I'm sorry. Yes. I  
17 think Mr. Grealy, who was at the last meeting,  
18 just said they sent it to the location I think is  
19 what -- and Mr. Garofalo I think agrees. So if  
20 the word approval, you know, is -- the actual  
21 approval or permit won't be coming until  
22 everything is done. That is traditionally the  
23 contractor who actually goes and applies for the  
24 permit. As Mr. Hines said, that's not -- they  
25 won't even consider issuing that until the SEQRA

2 neg dec is there.

3 So how ever the Board wants to, you  
4 know, include that, or if you believe it's  
5 necessary to modify the neg dec. But yes, I  
6 believe the intent, as I read the neg dec, I  
7 agree with Mr. Battistoni that it was they  
8 assented or approved the location so we can move  
9 forward with the details. That's what we  
10 conveyed. I think that's what, you know, I  
11 understood the neg dec to state. But if you feel  
12 we need to modify it slightly to make it more  
13 clear, we have no problem with it.

14 CHAIRMAN BRAND: Is there any objection  
15 to moving forward as is or --

16 MR. GAROFALO: James Garofalo. I think  
17 I'd like to remove the word "approved" and have  
18 that replaced by the location okayed by DOT, or  
19 something to that effect.

20 CHAIRMAN BRAND: Could we just scratch  
21 that whole line there, Jeff, from the -- just  
22 leave it approval is needed from the New York  
23 State Department of Transportation for the access  
24 drive period? Scratch the applicant's  
25 representative has reported that such approval

2 has been granted.

3 MR. BATTISTONI: That's fine with me.

4 CHAIRMAN BRAND: I'd like to have that  
5 motion, to just scratch that line and end it at  
6 "drive."

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

8 MR. GAROFALO: Second.

9 CHAIRMAN BRAND: Cindy. Second by  
10 James. Any discussion?

11 (No response.)

12 CHAIRMAN BRAND: Any objections to  
13 doing that?

14 (No response.)

15 CHAIRMAN BRAND: Okay. With that being  
16 said, we would have the application of the Geller  
17 Group, LLC and Emanuel A. Cauchi as owners and  
18 HSC Milton, LLC as applicant for the site plan  
19 approval and lot line revision. The Town of  
20 Marlborough Planning Board, the SEQRA negative  
21 declaration and notice of determination of  
22 non-significance.

23 Jen, would you poll the Board?

24 MS. FLYNN: Chairman Brand?

25 CHAIRMAN BRAND: Yes.

2 MS. FLYNN: Member Troncillito?

3 MR. TRONCILLITO: Yes.

4 MS. FLYNN: Member Garofalo?

5 MR. GAROFALO: Yes.

6 MS. FLYNN: Member Lanzetta?

7 MS. LANZETTA: Yes.

8 MS. FLYNN: Member Lofaro?

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Clarke?

11 CHAIRMAN BRAND: Absent.

12 As a reminder, Member Cauchi is  
13 recused.

14 So I think you are all set with your  
15 negative declaration for this evening.

16 MR. CAPPELLO: Thank you very much. We  
17 hope to have more information and be able to move  
18 forward, get you something from the DOT and do  
19 those perc tests in the very near future.

20 Thank you all very much.

21 CHAIRMAN BRAND: Good luck. We're  
22 hoping for a quick spring.

23 MS. MLODZIANOWSKI: Thank you.

24

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

2

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

4

5

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

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

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

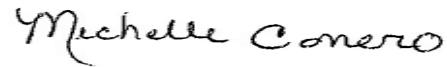
15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 28th day of March 2021.

17

18

19

20



21

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MICHELLE CONERO

22

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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

5  
In the Matter of

6

GEORGE &amp; CAROLE CRIMIVAROLI

7

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

9

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SKETCH - SUBDIVISION

12

13

Date: March 15, 2021  
Time: 8:08 p.m.

14

15

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

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

21

22

APPLICANT'S REPRESENTATIVE: CAROLE & GEORGE  
CRIMIVAROLI

23

24

25

----- X

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

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CHAIRMAN BRAND: Finally on the agenda

this evening we have the Crimivaroli sketch of  
their subdivision at 282 Orchard Street.

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Pat, did you just want to run through

your comments quickly?

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MR. HINES: Sure. This is a situation

commonly called a natural subdivision. Some

ordinances actually waive the requirement to get

approval for these. Yours does not do that. It

requires an approval I know the County clerk's

office also wants these stamped, approved and

filed, the separate lots.

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This is a split by a Town road, Orchard

Road. The applicants have provided -- delineated

a 50-foot strip between the parcels on either

side of the road. And then they're, by default,

creating two lots by dedicating the 50-foot strip

to the Town.

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22

The building inspector noted a trailer

located in the front yard of one of the lots

which must be removed. It's not permitted.

23

The bulk table --

24

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CHAIRMAN BRAND: What kind of a trailer

are we talking about?

2 MR. HINES: I think it's a mobile home  
3 kind of trailer.

4 CHAIRMAN BRAND: Okay.

5 MS. CRIMIVAROLI: It's a storage  
6 trailer.

7 CHAIRMAN BRAND: Like a Sea-Land type  
8 of thing?

9 MR. CRIMIVAROLI: No, no. It's like an  
10 office. It's got, you know, one room and a  
11 little storage area.

12 MR. HINES: So a contractor's office?

13 MR. CRIMIVAROLI: A little contractor's  
14 office, yeah.

15 MR. HINES: So the building inspector  
16 has noted that that's not a permitted use in the  
17 zone. That would have to be removed.

18 The bulk requirements, what is required  
19 is identified but what is provided as a result of  
20 the subdivision is not. So we'll need that bulk  
21 table filled out for each of the lots showing the  
22 various setbacks that are required. It may  
23 require -- I don't know because I don't have  
24 those setbacks. I didn't personally measure them  
25 all. It may require a zoning variance for some

2 or all of those requirements. I don't know. I  
3 don't know the lot sizes. I don't know the  
4 setbacks and such. If the surveyor can detail  
5 those out, we'll be in a better position.

6 Water and sewer for both of the lots  
7 should be depicted to make sure both of the lots  
8 have independent water and sewer services.

9 The requirement for dedication of that  
10 Town roadway should be provided to Jeff  
11 Battistoni's office, the Planning Board Attorney,  
12 so that that area can be officially dedicated to  
13 the Town. There will be a dedication and  
14 concession offer that the Town will accept or  
15 will not accept, but it will be filed in  
16 perpetuity.

17 The applicants' representative  
18 requested numerous waivers on the checklist.  
19 They are noted on there as N/A for information  
20 they're providing. So the Board should take a  
21 look at that.

22 And then our application packet did not  
23 contain an environmental assessment form, so a  
24 short environmental assessment form would be  
25 required.

2 There's not a lot the applicants can do  
3 here. Their parcel is split by a Town roadway.  
4 It does provide the 50-foot dedicated strip that  
5 normally would be required. It's cleaning that  
6 up. It just results in the two lots.

7 I do need to see the zoning setbacks,  
8 lot sizes and such, as by default there may be  
9 variances required.

10 MR. CRIMIVAROLI: There was an update  
11 to the plan that I believe has the setbacks  
12 shown.

13 MS. CRIMIVAROLI: We e-mailed it to you  
14 on Friday. We got it on Friday morning and we  
15 e-mailed it.

16 MR. HINES: Okay. If that happened, I  
17 didn't see it.

18 MS. CRIMIVAROLI: It's on your screen,  
19 isn't it?

20 MR. HINES: That's not my screen.

21 MS. CRIMIVAROLI: I don't know whose  
22 screen that is.

23 MR. HINES: I believe that's Jen's  
24 screen.

25 MS. CRIMIVAROLI: Okay.

2 MR. CRIMIVAROLI: That's the older one  
3 I think.

4 MR. HINES: I don't see the setbacks  
5 I'm looking for there.

6 CHAIRMAN BRAND: So Jen, did you  
7 receive an updated one?

8 MS. FLYNN: I'm looking. Let me see.

9 MR. HINES: Jen, we can see your whole  
10 screen now.

11 MS. CRIMIVAROLI: Jen, I sent it to you  
12 on Friday, probably around 11 or 12.

13 CHAIRMAN BRAND: How about if it's  
14 possible, can you just send it again and we'll  
15 send it to Pat?

16 MS. CRIMIVAROLI: I can send it to you  
17 right now.

18 CHAIRMAN BRAND: Perfect. There it is.

19 MS. CRIMIVAROLI: Oh, she got it.  
20 Okay.

21 CHAIRMAN BRAND: I think so.

22 MS. CONERO: I was going to ask for the  
23 applicants' names.

24 MS. CRIMIVAROLI: Crimivaroli. It's  
25 crimivaroli@optonline, my e-mail.

2 MS. CONERO: And the gentleman's name?

3 MR. CRIMIVAROLI: George.

4 MS. CONERO: Crimivaroli, also?

5 MR. CRIMIVAROLI: Yes. There's the  
6 plan. Yup.

7 MR. HINES: Unfortunately I haven't  
8 seen that one. I did note that the bulk table  
9 didn't look filled in, though.

10 MR. CRIMIVAROLI: I don't know if the  
11 table is filled in, but the setbacks should be  
12 there, and the sizes.

13 MR. HINES: So that table there is  
14 showing in the center under the location map.  
15 Above the title block and signature block there  
16 there's a table that says bulk requirements.  
17 That has what's required.

18 Each of the lots should show what is  
19 resulting from the subdivision. That will be the  
20 analysis of what needs a zoning variance. It  
21 cleans it up. You may have to go to the Zoning  
22 Board. It's all not self-created, it's all  
23 existing conditions, so more than likely --

24 MS. FLYNN: Do you want me to bring it  
25 back up?

2 CHAIRMAN BRAND: You can stop sharing  
3 that. Just forward that to Pat and to the rest  
4 of us as well.

5 MS. FLYNN: Okay.

6 CHAIRMAN BRAND: You can stop sharing  
7 your screen now.

8 MR. CRIMIVAROLI: One thing I wanted to  
9 mention was the surveyor was -- in the updated  
10 plan he did locate the well and septic for the  
11 parcel on the east side of Orchard Road. The  
12 well is located right on the property line. He  
13 mentioned to us I think --

14 MS. CRIMIVAROLI: I spoke with our  
15 attorney about different options for this and  
16 whether we would need an easement or a lot line.  
17 I want your -- I was wondering what you guys  
18 thought.

19 MR. HINES: It's on whose lot line?

20 MS. CRIMIVAROLI: It's on the line  
21 between the parcel that has the greenhouses and  
22 the neighbor. If you bring up yours --

23 MR. HINES: So the Public Health Law  
24 requires a 15-foot setback from the wells, but  
25 this is an existing condition. I don't think

2 there's a lot you can do about it. I've seen  
3 wells -- you know, I think it's between you and  
4 your neighbors and not this Board if it currently  
5 serves your lot.

6 MS. CRIMIVAROLI: That's fine. The  
7 neighbor is fine with it. He actually wrote a  
8 letter which I also supplied to the Board.

9 MR. HINES: I haven't seen what it is.  
10 If it is completely on your property, I think  
11 it's an existing condition. A new well would  
12 have to be 15 feet off.

13 MR. CRIMIVAROLI: Basically the  
14 property line cuts the well cap in half. It's  
15 right on the line.

16 CHAIRMAN BRAND: Pat, are you there  
17 still?

18 MR. HINES: Yes. We'll take a look at  
19 it. I'm shooting from the hip here without  
20 reviewing it. It's something Jeff and I can  
21 speak to and give them some guidance.

22 CHAIRMAN BRAND: Okay, great.

23 Any questions from the Board on this?

24 MR. GAROFALO: Yes. I have some.  
25 James Garofalo. Looking at this site plan

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application, it brings to mind something that Mr. Hines had talked to us about or had put in his memo about the checklist and separating the conceptual site plan -- conceptual plans from the site plan.

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When I went through this, I looked at it and said gee, they almost filled this out like it is the conceptual -- the draft conceptual checklist that I was putting together. And that raises a question here of -- this is almost an example of why we need to have that conceptual checklist.

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It may not necessarily be that they are specifically asking for a waiver on these items, but that they will be determined later in the process as they go -- as they go through the process.

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So I just wanted to bring that out because they would have to specifically request the waiver and we would have to go over them. So I'm not sure if that was the real intention here because I don't see anything saying we're requesting a waiver, although technically, as Mr. Hines pointed out, that's almost essentially what

2 they're doing.

3 I think this is a perfect example of  
4 why we need to split the checklist and have two  
5 done. Even though it looks like more work, I  
6 think this is a perfect example of why we need to  
7 do this.

8 Thank you.

9 CHAIRMAN BRAND: Yes. So Mr. and  
10 Mrs. Crimivaroli, anything that you're putting  
11 N/A for, you should specify why that's there.  
12 You're just saying it's not applicable or you're  
13 requesting a waiver for it.

14 Anything else from the Board?

15 MS. LANZETTA: They can also make the  
16 point that a lot of this situation is a  
17 pre-existing condition -- situation.

18 CHAIRMAN BRAND: Right.

19 MS. CRIMIVAROLI: It was like this  
20 before we purchased it. We're making it more  
21 compliant.22 MR. CRIMIVAROLI: In terms of the  
23 setbacks, when we filled out the checklist, the  
24 surveyor had done a preliminary survey but he  
25 hadn't actually located the edge of the building.

2 So, you know, he went back and he did that. We  
3 have that updated survey with those setbacks.  
4 When we were filling out the checklist, we didn't  
5 have the setbacks put in there.

6 CHAIRMAN BRAND: Great.

7 Anything else from the Board on this  
8 one?

9 (No response.)

10 CHAIRMAN BRAND: So you guys will --  
11 we'll have Pat take a look at that updated map.

12 Any other questions or anything else  
13 they need to do in the meantime, Pat?

14 MR. HINES: I just noted that -- and I  
15 do have the map on my phone as we're talking here  
16 -- a couple of setbacks aren't shown. The front  
17 yard from the greenhouse, the front yard from the  
18 house with the greenhouse.

19 I don't see a septic on proposed lot --  
20 the lot that's on the, I guess it's the west side  
21 of the road. I see a well for that one but I  
22 don't -- again, I'm looking at this on an iPhone.

23 I will get your surveyor the comments  
24 that we need and he can probably address them  
25 between now and the next submission.

2

CHAIRMAN BRAND: Great. Anything else  
3 on this one?

4

MR. CRIMIVAROLI: Is that the  
5 greenhouse in the front yard? I mean that's not  
6 a residence technically. Right?

7

CHAIRMAN BRAND: Pat, did you hear

8 that?

9

MR. HINES: Yeah. But even the

10 residence doesn't have the setbacks shown.

11 MR. CRIMIVAROLI: We'll put that there.

12 MR. HINES: I haven't seen the site.

13 The greenhouse, is that a structure?

14 MR. CRIMIVAROLI: It's a concrete  
15 foundation. The structure itself is poles and,  
16 you know -- it's not, you know, permanent.

17 MR. HINES: We'll take a look. It  
18 doesn't look like the building inspector had an  
19 issue with it, and it might pre-exist the zoning.  
20 It certainly projects -- if it's an accessory  
21 use, it projects ahead of the principal use of  
22 the residence.

23 I will take a look at it and I will  
24 give you some comprehensive comments to address.

25 MR. CRIMIVAROLI: Okay. I have one

2 comment about the requirement for the dedication.  
3 Is that something the surveyor performs for the  
4 Town?

5 MR. HINES: The surveyor and possibly  
6 it might be an attorney. I'll defer to Jeff on  
7 what we need for that.

8 CHAIRMAN BRAND: Jeff?

9 MR. BATTISTONI: This is Jeff  
10 Battistoni. Typically your attorney would be in  
11 touch with me. There's a legal document that  
12 gets drafted. It wouldn't be a surveyor.

13 MR. CRIMIVAROLI: All right.

14 CHAIRMAN BRAND: All right. Any other  
15 questions?

16 (No response.)

17 CHAIRMAN BRAND: No. All right. So we  
18 will see you at the next meeting, I think with a  
19 cleaned-up map and probably a better  
20 understanding of what it is that --

21 MR. HINES: Their submission will drive  
22 the meeting. It's not necessarily the next  
23 meeting. It's whenever they get us the info.

24 CHAIRMAN BRAND: Right, right. For  
25 sure.

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MR. CRIMIVAROLI: Do we need to redo  
the checklist?

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CHAIRMAN BRAND: No.

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MR. CRIMIVAROLI: Okay.

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CHAIRMAN BRAND: You don't need to redo  
it. I would think that if there are things that  
you marked as N/A, you might want to include why  
they are N/As.

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MR. CRIMIVAROLI: Okay.

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MS. CRIMIVAROLI: Chris, I had e-mailed  
you about the recreation fees.

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CHAIRMAN BRAND: Yes. Actually, we  
talked about that. It seems as though since  
there's no new proposed buildings, that the  
recreation fees would not apply. Okay? I  
apologize.

18

19

MS. CRIMIVAROLI: That's okay. No  
problem at all.

20

Thank you very much, everyone.

21

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CHAIRMAN BRAND: All right. Thank you.  
Have a good night.

23

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I think that's it for the formalized  
part of our agenda.

25

(Time noted: 8:22 p.m.)

