

2 CHAIRMAN BRAND: Agenda, Town of
3 Marlborough Planning Board, June 7, 2021.
4 Regular meeting at 7:30 p.m. Approval of
5 stenographic minutes for May 3rd.

6 On the agenda tonight we have the
7 Kent Family Farm at 152 and 178 North Road
8 for a final for the site plan, and we have
9 Mondello and Perretta for a final of their
10 lot line. We will continue the discussion
11 without the lawyer, engineer, stenographer
12 for the Planning Board site plan review.

13 The next deadline is Friday, June
14 11th. The next scheduled meeting is
15 Monday, June 21st.

16 I'd like to have a motion to
17 approve the stenographic minutes for May
18 the 3rd, please.

19 MR. CAUCHI: I'll make that
20 motion.

21 CHAIRMAN BRAND: Manny. Is there
22 a second?

23 MR. TRONCILLITO: I'll second it.

24 0CHAIRMAN BRAND: Bobby. Any
25 discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objections?

4 (No response.)

5 CHAIRMAN BRAND: Any abstentions?

6 (No response.)

7 CHAIRMAN BRAND: Okay. All
8 right. Before we begin, I know some of
9 you have some training hours. Was that
10 true or something? Cindy?11 MS. LANZETTA: Yeah. I attended
12 the New York State Renewable Energy
13 workshop, and I sent that information to
14 Jen.15 CHAIRMAN BRAND: Great. Just so
16 that you know, the recording -- the
17 stenographer is going to make a report
18 based on the recording of the meeting this
19 evening.20 All right. So first up we have
21 the Kent Family Farm, final of the site
22 plan. I will start with Ms. Brooks.23 MS. BROOKS: Good evening. So
24 since the last meeting we made a couple of
25 revisions to the site plan. We revised

2 what was a proposed septic to an
3 engineered septic area, removed the water
4 tank and the trees that were located
5 inside of it. We added the sight distance
6 from the access on Church Street. We
7 showed the access to the agricultural
8 building from the handicap parking spaces.
9 The terminology we changed on note number
10 10, handicap parking to accessible
11 parking. We added a note on the map that
12 all events needed to be in accordance with
13 Ag & Markets event regulations.

14 CHAIRMAN BRAND: Great. Thank
15 you.

16 Questions, comments from the
17 Board tonight?

18 Jen, I don't think you need to
19 share that, though.

20 MS. FLYNN: Okay.

21 CHAIRMAN BRAND: I think she sent
22 it out to all of us.

23 MR. CAUCHI: I have a few
24 comments.

25 MS. FLYNN: Steve, can you mute?

2 We have background noise from you.

3 MR. CLARKE: All right.

4 MS. FLYNN: Thank you.

5 CHAIRMAN BRAND: Go ahead, Manny.

6 The floor is yours.

7 MR. CAUCHI: First of all, I
8 thank you, Jeff, for addressing the
9 comments that I had earlier today. That
10 was very helpful, clarifying a lot of
11 issues.

12 One of the issues was why was
13 there a need of having the site plan
14 approval. It wasn't really clear to me.
15 But because of all of the expansion that
16 they're doing, it's a requirement of the
17 code. That clarification was well noted.
18 It wasn't very clear to me. I appreciate
19 that.

20 And also determining what is the
21 usage of that, as well as your
22 conversation with Ms. Brooks. That was
23 noted as well. Thank you for that
24 clarification.

25 (Technical interruption.)

2 CHAIRMAN BRAND: Is he fading out
3 for you as well?

4 MR. CAUCHI: I still haven't
5 clarity -- excuse me. One of the
6 additional is the safety, the traffic
7 safety and the signs there. I know you
8 have it that it's not per our
9 jurisdiction. I was wondering if you
10 could clarify that a little bit more for
11 me?

12 CHAIRMAN BRAND: Who is that
13 question to, Manny? To Jeff?

14 MR. CAUCHI: Yes.

15 MR. BATTISTONI: I will say that
16 at the last meeting there was discussion
17 of those items. There was discussion that
18 traffic safety in terms of enforcement of
19 speed limits and things of that nature is
20 not a Planning Board issue. That would be
21 more of a policing issue. And signage,
22 roadway signage as well would be something
23 within either the highway superintendent's
24 jurisdiction. Perhaps the Town Board but
25 probably the highway superintendent. So

2 it's not a Planning Board issue.

3 MR. CAUCHI: Okay. So then we
4 will have to get the highway supervisor
5 involved with that to make it since there
6 will be -- the traffic will be -- more
7 traffic in that area being -- I mean the
8 concept is a really good concept for the
9 Kent family to do that. So we just want
10 to make sure, because the Hamlet of Milton
11 is such a quaint little thing, to increase
12 traffic, we just want to make sure that we
13 are prepared for the overflow and car
14 activity there.

15 And this brings me up to my next
16 point --

17 MS. BROOKS: Can I just finish
18 addressing, Manny, just for one second
19 before you head on? What is within the
20 purview of the Planning Board with regard
21 to the site plan review is the internal
22 traffic and how we control pedestrians and
23 their use, which is why we did have the
24 walking path totally within lands of Kent,
25 going from the Church Street parking lot

2 up to the site. So I think that the
3 Planning Board, they had -- they made
4 actually several comments with regard to
5 that, and we've made revisions throughout
6 the review process to make sure that
7 pedestrian safety was well accounted for.
8 So I think that although addressing
9 signage on the road and no parking and so
10 forth, which again I believe is within the
11 highway jurisdiction, I think that the
12 Planning Board has certainly done their
13 due diligence, yourself included, with
14 making sure sure that the on-site
15 provisions were well accounted for.

16 MR. CAUCHI: That's well taken,
17 Patti. My concern is the additional --
18 the neighborhood people walking. Not only
19 the patrons to the brewery, the
20 neighborhood people walking on that road.
21 All of a sudden -- there's a lot of people
22 that walk there, and so I'm concerned for
23 them as well. Not just the patrons but
24 the people that walk that road, and
25 there's a substantial amount of them that

2 do that.

3 MS. BROOKS: So that has nothing
4 to do with site plan then. You're saying
5 that that's a concern outside of the site
6 plan?

7 MR. CAUCHI: I'm looking at the
8 overall picture. I'm not just looking at
9 one specific segment of it. I'm looking
10 at the overall whole picture of that.
11 There needs to be an overall attention to
12 the overall picture is what I'm getting
13 at.

14 My next comment is that parking
15 is very limited in the Hamlet of Milton,
16 and I understand -- this is great. I just
17 want to know how is the brewery and the
18 Kent family going to monitor that valuable
19 parking space that is there at the Hamlet
20 of Milton since parking is very limited
21 there. I just want to know what is their
22 plan. I'm not saying -- just what do they
23 have planned for hey, you have other
24 businesses in the area, you have, you
25 know, shops in the area. And again,

2 parking is very limited there. I just
3 wanted to know if there is some monitoring
4 that's going to be done. If they could
5 share that with us, it would be helpful.
6 That's all I had.

7 MS. BROOKS: I think at this
8 point in time there isn't any monitoring
9 proposed. I mean I can speak to this a
10 little bit because my business has one of
11 the few parking lots in the Hamlet of
12 Highland, and it has become an enforcement
13 issue for us personally as business
14 owners. So in our off hours when our
15 staff is not using our parking spaces, we
16 don't enforce it. Not that we encourage
17 strangers parking there, but we allow it
18 to happen. On the occasions where it does
19 become an issue, then we get law
20 enforcement involved and ask them to run
21 the plates, and we try and track down the
22 people. So I think that that would be
23 something that we hope would not occur,
24 but if it does occur that would be up to
25 Mr. Kent to contact law enforcement, just

2 as it is with any other business in the
3 hamlet right now. I mean look at Frida's.
4 They have a large parking lot behind them
5 for the laundromat and the bakery, which
6 I'm sure they have issues with people
7 parking there who are not their customers.
8 That generally is a business to business
9 enforcement issue that's the onus,
10 unfortunately, of the landowner.

11 CHAIRMAN BRAND: Patti, how many
12 spots are on the site again? Do you know
13 off the top of your head?

14 MS. BROOKS: Overall including
15 the field overflow, there were 44. We had
16 28 spaces in front of the facility itself,
17 and then -- I'm sorry. There's an
18 additional 44 grass overflow down at
19 Church Street. So 28 plus 44.

20 MR. CAUCHI: My concern is there
21 is a lot of out of towners that come in.
22 Maybe it needs to be -- whatever the
23 monitoring system or whatever it is needs
24 to be well stated, you know, or signs put
25 up, what is the intention, so we don't

2 hold the burden, or the police force does
3 as well. That's all.

4 MS. BROOKS: Point well taken.
5 Thank you, Manny.

6 CHAIRMAN BRAND: Any other
7 questions or comments from the Board?

8 MR. TRONCILLITO: Chip -- maybe
9 Chip, I don't know if you can answer this
10 or if Patti can answer it. I have
11 received some calls, and I just need
12 clarification so I can get back with the
13 people that called me. In regard to the
14 inside of the facility, what are the
15 intentions in regards to what's going to
16 be available? That's what was being asked
17 to me. I figured the best person to ask
18 would be you so I could get back with them
19 with the correct answer. I don't want to
20 give them false information.

21 MS. BROOKS: Are you talking
22 about with regard to food, Bob?

23 MR. TRONCILLITO: Yes. That's
24 what their concern was. I said geeze, I
25 don't know. That's the reason I'm asking.

2 Just so when I get back with them I can
3 give them the answer, Chip, whatever it
4 is.

5 CHAIRMAN BRAND: That's actually
6 in our resolution tonight. It clarifies
7 exactly what he's going to be doing and
8 what he's not going to be doing in there.

9 MR. TRONCILLITO: Okay.

10 CHAIRMAN BRAND: I mean maybe I
11 can have Jeff go through that when we get
12 to that point. If you still have
13 questions outside of that, then maybe we
14 can ask Chip. I think that it was pretty
15 clear in the resolution.

16 MR. KENT: We're losing our
17 internet for some reason up here on North
18 Road. You guys are going in and out.

19 MR. TRONCILLITO: If that's going
20 to be clarified, then that will be the
21 answer for me, and I can get back to my
22 constituents that were asking me those
23 questions. That's all.

24 CHAIRMAN BRAND: If it's still
25 not clear to you afterwards, please feel

2 free to ask.

3 MR. TRONCILLITO: Okay.

4 CHAIRMAN BRAND: I think that
5 it's very clear.

6 MR. TRONCILLITO: All right.

7 Good. Sounds good to me.

8 CHAIRMAN BRAND: Any other
9 questions or comments from the Board?

10 MR. GAROFALO: Yes. I have some
11 questions and comments. I had asked for
12 sight distances, and on the new June
13 revision you provided the sight distance
14 off of Church Street. I think for the
15 highway superintendent we should have
16 sight distances where the other two
17 accesses are being -- well, one is being
18 created and one is really already there.
19 The one that is already there is already
20 paved. But that was my other concern,
21 that the accesses, the initial portion of
22 it, according to our code, needs to be
23 paved. I can't remember whether it's 15
24 feet or 10 feet or whatever. But that
25 isn't shown on the new plan as being paved

2 for those two other accesses. So I think
3 what we need to do is have in the
4 resolution that the highway superintendent
5 approves the accesses and any signing that
6 goes along with those accesses and the
7 width of those accesses, because they are
8 -- two of the accesses are going to be one
9 way. So they really need to be signed
10 because one of them is going to be gravel
11 and you're really not going to be able to
12 put a pavement marking on that gravel.
13 But to have appropriate signing. I'm okay
14 with him signing off once he looks at the
15 sight distances and the signing for those
16 two one-way and sees that you've included
17 paving on those other two accesses for
18 that short distance.

19 MS. BROOKS: James, you had
20 mentioned that last month and so I tried
21 finding it in the code. I had written
22 down that you said it was Section 130(C)
23 121, and I couldn't even find that section
24 in the code. So I certainly -- if you
25 could provide that to me, I greatly would

2 appreciate it. I think that your solution
3 or your suggestion that we leave it up to
4 the jurisdiction of the highway
5 superintendent is certainly fine as far as
6 I'm concerned. But I just also wanted to
7 point out that the sight distance for the
8 two accesses along North Road have always
9 been shown on the site plan and they're
10 there. They're across the street.

11 They're in green. So I thought that you
12 were just asking me to add the one on
13 Church Street, which I did, because the
14 other ones have been shown all along.

15 MR. GAROFALO: I apologize. You
16 are correct. It is in green, it's just
17 hard -- I didn't see it because it was in
18 green. So yeah, those are provided.
19 Thank you very much.

20 MS. BROOKS: Okay.

21 MR. GAROFALO: I'm sorry about
22 pointing that out when it was unnecessary.

23 MS. BROOKS: No problem.

24 CHAIRMAN BRAND: Anything else
25 from the Board?

2 (No response.)

3 CHAIRMAN BRAND: I'm going to say
4 that's a no.5 Jeff then, you have prepared two
6 documents for us this evening. Did you
7 just want to review them, the first being
8 the SEQRA negative declaration and notice
9 of determination of non-significance and
10 the Planning Board approval resolution for
11 the site plan?12 MR. BATTISTONI: Yes, I can do
13 that. First let me just ask a question.
14 Board Member Garofalo just said that he
15 wanted a condition added that the highway
16 superintendent sign off on, let's say the
17 surface of and the signage for the access
18 points. If we phrase it that way, is that
19 acceptable?

20 MR. GAROFALO: In the locations.

21 MR. BATTISTONI: Okay. Bear with
22 me a second.23 CHAIRMAN BRAND: Is the Board in
24 agreement to add that as well? Does
25 anyone object to adding that, I should

2 ask?

3 MR. CAUCHI: No.

4 MR. BATTISTONI: Okay. So
5 following the last -- at the last meeting
6 the Board closed the public hearing. I
7 was directed to prepare a resolution for a
8 negative declaration and also a resolution
9 for site plan approval. I did prepare
10 that and circulated those two resolutions.
11 Manny had several questions today by
12 e-mail and we tried to address those, and
13 Tom Corcoran had some questions as well.
14 In the approval resolution, at the very
15 end of it there is a paragraph E which
16 reads as follows, "The owners do not
17 intend to operate a restaurant on the
18 property, so this approval does not grant
19 an approval for such operation. However,
20 state law requires establishments which
21 sell alcoholic beverages for on-premises
22 consumption to make food available. A
23 diversified selection of finger foods such
24 as cheeses, fruits and crackers has been
25 held to be sufficient. The provision of

2 such food is approved. Further, to the
3 extent that events are held at the
4 property" -- excuse me. "Further, to the
5 extent that events are held at the
6 property, outside catering businesses and
7 food trucks are authorized to provide food
8 service on the property." So that's that
9 fifth condition or condition E that I
10 added.

11 Bob, I hope that answers your
12 question about food service.

13 MR. TRONCILLITO: Yes, it does.
14 This way when the people -- when I get
15 back with them and say hey, this is what
16 it is. And that's fine. I just needed a
17 little bit of clarification. Thank you.
18 I appreciate it.

19 MR. BATTISTONI: And that's a
20 specific condition in the resolution.

21 And finally we'll add one, and
22 I'm just going to read the language. This
23 will be sub-paragraph F, "The highway
24 superintendent must sign off on the
25 location of the surface of and the signage

2 for the access points."

3 CHAIRMAN BRAND: Now, I may be
4 incorrect but I feel like we've discussed
5 this before for a different agricultural
6 site where the paving -- it may have even
7 been this one. We talked about some
8 portion -- that maybe the accessible
9 parking spaces on ag sites did not need to
10 be paved. Am I incorrect in that?

11 MR. BATTISTONI: I think that was
12 the discussion but I'm unclear about
13 whether an access point requires a certain
14 amount of paving. I would leave that up
15 to the highway superintendent. If he
16 feels it's required under the code, he'll
17 require it. If he feels he can sign off
18 on it, he'll sign off on it. That would
19 be his jurisdiction.

20 CHAIRMAN BRAND: Okay. I'm
21 comfortable with that.

22 Any other questions regarding
23 that?

24 (No response.)

25 CHAIRMAN BRAND: All right then.

2 MR. GAROFALO: There was one item
3 in the resolution where you put I think no
4 new building is proposed or something like
5 that -- to that effect, item F. There was
6 some discussion about the barn and, you
7 know, the Building Department treating it
8 as a new building because it hadn't been
9 inspected but had been built under the
10 farm regulations. Maybe rather than say
11 no new building, maybe it would be better
12 to say no building construction is
13 proposed. Something to that -- something
14 to that effect.

15 CHAIRMAN BRAND: Well they are
16 fixing the old one in the back, so that
17 wouldn't work with what we discussed so
18 far.

19 MS. BROOKS: I think the way it's
20 worded right now is correct for the reason
21 that I understand that the building
22 inspector was contending that it's not an
23 existing building, but the point is that
24 we can all drive by it and see it and it
25 is an existing building. So again, we're

2 crossing over with what Building
3 Department rules and regulations are as
4 far as use on the interior of the building
5 and zoning and the fact that the building
6 is an existing building. We don't
7 pretend -- you know, again our site plans
8 are very clear. When something is
9 proposed, we call it proposed. When
10 something is existing, then it's shown on
11 the building as an existing feature. So
12 although, you know, I do understand we had
13 received that comment from the building
14 inspector, it certainly is an existing
15 building, and right now we call it, you
16 know, building agricultural/barn, and that
17 is a factual statement.

18 CHAIRMAN BRAND: It's there right
19 now, at the time of the approval. Okay.
20 I'm good with that.

21 Anything else?

22 (No response.)

23 CHAIRMAN BRAND: Okay. As far as
24 the application of Charles T. Kent and
25 James D. Kent Junior as owners and

2 applicants for site plan approval, the
3 Town of Marlborough Planning Board SEQRA
4 negative declaration and notice of
5 determination of non-significance.

6 Jen, would you poll the Board.

7 MS. FLYNN: Chairman Brand?

8 CHAIRMAN BRAND: Yes.

9 MS. FLYNN: Member Troncillito?

10 MR. TRONCILLITO: Yes.

11 MS. FLYNN: Member Garofalo?

12 MR. GAROFALO: Yes.

13 MS. FLYNN: Member Lanzetta?

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Lofaro?

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Cauchi?

18 MR. CAUCHI: Yes.

19 MS. FLYNN: Member Clarke?

20 MR. CLARKE: Yes.

21 CHAIRMAN BRAND: Then we have the
22 Planning Board of the Town of Marlborough
23 approval resolution of site plan for the
24 application of Charles T. Kent and James
25 D. Kent Junior as owners and applicants

2 for site plan approval.

3 Chairman Brand offered the
4 following resolution which was seconded by
5 Member Lanzetta with the agreed upon
6 addition of subsection F which essentially
7 notes the highway superintendent signing
8 off on specific portions of the access,
9 sight distance and possible paving.

10 Jen, would you poll the Board.

11 MS. FLYNN: Chairman Brand?

12 CHAIRMAN BRAND: Yes.

13 MS. FLYNN: Member Garofalo?

14 MR. GAROFALO: Yes.

15 MS. FLYNN: Member Troncillito?

16 MR. TRONCILLITO: Yes.

17 MS. FLYNN: Member Lanzetta?

18 MS. LANZETTA: Yes.

19 MS. FLYNN: Member Lofaro?

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Clarke?

22 MR. CLARKE: I'm going to have to
23 abstain on this one. The two families are
24 a little too close for me to make a
25 decision. So I'll just -- let me abstain

2 on this one.

3 MS. FLYNN: Okay. Member Cauchi?

4 MR. CAUCHI: Yes.

5 MS. FLYNN: Patti, can you give
6 me the last revision date?

7 MS. BROOKS: Yes. May 20, 2021.

8 MS. FLYNN: Thank you.

9 CHAIRMAN BRAND: All right. I
10 believe that finishes up Kent Family Farm.

11 MS. BROOKS: Thank you very much.

12 MR. TRONCILLITO: Good luck,
13 Chip.14 CHAIRMAN BRAND: I don't know if
15 you can still hear us.

16 MS. FLYNN: I think he's frozen.

17 MS. BROOKS: I'll send him an
18 e-mail and let him know.

19

20 (Time noted: 7:55 p.m.)

21

22

23

24

25

2

3

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

5

6

7 I, MICHELLE CONERO, a Notary

8 Public for and within the State of New York, do
9 hereby 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
14 proceeding by blood or by marriage and that I
15 am in no way interested in the outcome of this
16 matter.17 IN WITNESS WHEREOF, I have
18 hereunto set my hand this 22nd day of June
19 2021.

20

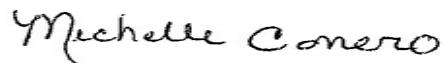
21

22

23

24

25



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

MONDELLO & PERRETTA

7

Project No. 21-5003
James Street, Marlboro
Section 109.1; Block 4; Lots 65 & 67

9

10

----- X

11

LOT LINE

12

Date: June 7, 2021
Time: 7:55 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

23

----- X

24

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

25

2 CHAIRMAN BRAND: All right. Next
3 on the agenda this evening we have
4 Mondello and Perretta for a final of the
5 lot line on James Street in Marlborough.

6 Jeff, I guess I'll start with
7 you. You also approved a resolution of
8 approval for this. Anything that you'd
9 like to point out to the Board?

10 MR. BATTISTONI: The resolution
11 is straightforward. It was a Type 2
12 action and it qualified for the waiver of
13 the public hearing under your Town Code.
14 So there was a variance -- an area
15 variance granted by the Zoning Board of
16 Appeals, so the resolution is
17 straightforward.

18 CHAIRMAN BRAND: Great. Any
19 questions or comments from the Board?

20 (No response.)

21 CHAIRMAN BRAND: No. Then for
22 the application of Lucas A. Mondello as
23 trustee of the Lucas A. Mondello living
24 trust and Steven Perretta as trustee of
25 the Frank Perretta living trust, a lot

2 line revision, you have before you a
3 resolution of approval by the Town of
4 Marlborough Planning Board dated June 7,
5 2021.

6 Jen, would you poll the Board.

7 MS. FLYNN: Chairman Brand?

8 CHAIRMAN BRAND: 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 MR. CAUCHI: Yes.

17 MS. FLYNN: Member Garofalo?

18 MR. GAROFALO: Yes.

19 MS. FLYNN: Member Troncillito?

20 MR. TRONCILLITO: Yes.

21 CHAIRMAN BRAND: Great. Just as
22 a -- before we move to the discussion
23 without the lawyer, engineer and
24 stenographer, obviously the stenographer
25 is not here this evening, there were two

2 outstanding issues from our last meeting
3 that I just want to check in with where we
4 are.

5 Pat, you're going to get to me
6 the fee for the conceptual site plan
7 application review.

8 And then I believe there was a
9 question from the Crimi Varolis regarding
10 their status. Do you know what I'm
11 referring to, Pat?

12 MR. HINES: I don't. It came at
13 the end of their approval that it was a
14 County highway. Now the County has
15 determined that they do not want
16 dedication of that portion of the lot, is
17 my take on that, what I saw in some
18 e-mails.

19 CHAIRMAN BRAND: So we're just
20 waiting for the final maps to be
21 submitted?

22 MR. HINES: We're waiting for the
23 final maps to be submitted. We're
24 removing that dedication offer. The
25 County road will remain a County road by

2 use.

3 (Time noted: 7:58 p.m.)

4

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

6

7

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

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

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

18 IN WITNESS WHEREOF, I have
19 hereunto set my hand this 22nd day of June
20 2021.

21

22

23

24

25

Michele Conero

MICHELLE CONERO

MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

DISCUSSION ON THE SOLAR ARRAY CODE

----- X

BOARD BUSINESS

Date: June 7, 2021
Time: 7:58 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: Okay. I think
3 then -- is there any other reason not to
4 dismiss Jeff and Pat for the evening?

5 MS. LANZETTA: I have a question
6 that I'd like an opinion by Jeff, or
7 possibly Pat could weigh in. The Zoning
8 Board of Appeals is going to be looking at
9 -- they're currently looking at a solar
10 panel array that was pre-standing that was
11 put in the front yard of a home, and of
12 course that's considered an accessory use
13 and therefore is not in compliance with
14 our code, our new solar code. In taking a
15 look at that, it says that our -- if
16 you're not in the R-1 District, and this
17 is -- in this particular case it was the
18 AGR-1, that they're supposed to come in
19 for a site plan before they do anything,
20 which was a surprise to me. I hadn't
21 really realized that when we were looking
22 at the code as it was drafted. In the
23 code it does explain an expedited site
24 plan, you know, requirement, but we don't
25 -- but then it refers to our code with the

2 full site plan.

3 I'm wondering if in the future
4 this comes before us, because it's
5 probably more likely that we'll get a
6 freestanding solar array in an Ag
7 District, do we have to put them through
8 the entire site plan review or can we look
9 at the expedited site plan as it's
10 outlined in the solar code?

11 MR. BATTISTONI: I'll look at
12 your solar code so that I know what it
13 says. Generally an action like that would
14 be a Type 2 action, so in terms of
15 environmental review it's quick. But I
16 don't know offhand what your solar code
17 says about site plan requirements. I'll
18 look at that.

19 MR. HINES: It sounds like if
20 it's before the ZBA they'll have a public
21 hearing so you'll get a feel from the
22 neighbors the concerns as well initially
23 before they even get back to you.

24 MS. LANZETTA: Well I mean it's
25 done. They built it.

2 MR. HINES: Right. The ZBA has
3 to have a public hearing.

4 MS. LANZETTA: And they are. But
5 if they approve it, it's kind of moot
6 because it never came before us for a site
7 plan.

8 MR. HINES: The ZBA grants them
9 relief. It will have to come back to you
10 for site plan.

11 MS. LANZETTA: Okay. Thank you
12 for bringing that up because I was
13 wondering about that. So if the ZBA says
14 it's okay, we'll give them the variance to
15 have it in their front yard, they come
16 back to us for site plan, what's the point
17 because it's built?

18 MR. GAROFALO: I think the point
19 is that you have to go through site plan,
20 otherwise you have people just building
21 everything and saying oh, it's done.
22 Because in theory, if we said no, they
23 might have to remove it or make changes to
24 it. So I think that it becomes a
25 requirement, otherwise you just have

2 people skipping the Planning Board and
3 just going ahead and building things.

4 CHAIRMAN BRAND: Even if the ZBA
5 approves it? We can't say no then, could
6 you?

7 MR. GAROFALO: Sure. Even if the
8 ZBA approves say a change in the side
9 yard, that doesn't mean we're going to
10 approve the project. It's just --

11 (Technical interruption.)

12 MS. FLYNN: Did everybody go?

13

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

15

16

17

1 8

10

22

23

2

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

7 I, MICHELLE CONERO, a Notary
8 Public for and within the State of New York, do
9 hereby 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
14 proceeding by blood or by marriage and that I
15 am in no way interested in the outcome of this
16 matter.

17 IN WITNESS WHEREOF, I have
18 hereunto set my hand this 22nd day of June
19 2021

Michelle Conero

MICHELLE CONERO