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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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DZIEGELEWSKI AIRBNB

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Project No. 21-5006
95 Millhouse Road, Marlboro
Section 108.4; Block 5; Lot 25.400

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PUBLIC HEARING - SITE PLAN

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Date: June 21, 2021
Time: 7:30 p.m.

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

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

22

APPLICANT'S REPRESENTATIVE: MICHAEL DZIEGELEWSKI

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

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CHAIRMAN BRAND: It is 7:30 so

I'd like to call the meeting to order by reading the agenda. Agenda, Town of Marlborough Planning Board, June 21, 2021. Regular meeting at 7:30 p.m. On the agenda tonight we have the Dziegelewski Airbnb at 95 Millhouse Road in Marlboro for a public hearing of their site plan. We also have Lanzetta, Reservoir Road, lot line, sketch. We have a discussion with the engineer for Keebomed, Incorporated, a discussion of their site plan at the intersection of Old Indian Road and 9W. The next deadline is Friday, June 25th. The agenda says the next scheduled meeting will be Monday, July 5th, but we are going to not have that meeting.

21 MS. FLYNN: July 19th.

22 CHAIRMAN BRAND: July 19th will
23 be the next meeting. So the deadline for
24 that meeting will change.

25 First up we have the Dzieglewski

2 Airbnb at 95 Millhouse Road in Marlboro.

3 MS. LANZETTA: Chris, can I just
4 interject? Before I forget, I want to add
5 that I had attended the Scenic Resource
6 Protection webinar that the DEC put on.
7 That was good for an hour and fifteen
8 minutes.

9 CHAIRMAN BRAND: Great. Thank
10 you. I always forget to do that, Cindy.

11 MS. LANZETTA: That's all right.
12 If I don't remember I won't remember.

13 CHAIRMAN BRAND: Anything else
14 before we jump into the Airbnb?

15 (No response.)

16 CHAIRMAN BRAND: No. Good.

17 So Airbnb, the Dziegelewski
18 public hearing. Is their representative
19 here this evening?

20 MR. DZIEGELEWSKI: Hi there.
21 This is Mike.

22 CHAIRMAN BRAND: Hi, Mike. How
23 are you?

24 MR. DZIEGELEWSKI: Good.

25 CHAIRMAN BRAND: Great. Before

2 we open the public hearing do you want to
3 just give a brief overview of what it is
4 that you have proposed?

5 MR. DZIEGELEWSKI: Yes. So I
6 have the site plan that I sent out as far
7 as outside the building. It is an R-1
8 residential home. I do have two
9 apartments connected to the main house.
10 My wife and twins live in the main house.

11 I'm proposing one unit, which is
12 a one bedroom, to be used for Airbnb, and
13 also another unit, which is a two bedroom,
14 to be used as Airbnb.

15 I also have the narrative
16 explained on the floor plan which was also
17 submitted to the Board, parking spaces
18 included in the outside site plan. The
19 floor plan includes bedrooms, bathrooms,
20 egresses and such for that which was
21 included.

22 That's what I'm applying for
23 today.

24 CHAIRMAN BRAND: Great. Thank
25 you.

2 So that being said, legal notice
3 for the site plan application. "Please
4 take notice a public hearing will be held
5 by the Marlborough Planning Board pursuant
6 to the State Environmental Quality Review
7 Act, or SEQRA, and Town of Marlborough
8 Town Code Section 155.31 on Monday,
9 June 21, 2021 for the following
10 application of the Dzieglewski Airbnb.
11 Due to health and public safety concerns
12 related to COVID-19 and pursuant to the
13 Executive Orders from the governor, this
14 meeting and public hearing will be held
15 remotely via Zoom. This meeting password
16 as well as the call in information will be
17 available on the Town website or from the
18 Planning Board Secretary. The public
19 hearing will be at 7:30 p.m. for lands
20 located at 95 Millhouse Road in Marlboro,
21 Section 108.5; Block 5; Lot 25.400. Any
22 interested parties either for or against
23 this proposal will have an opportunity to
24 be heard at this time. Chris Brand,
25 Chairman, Town of Marlborough Planning

2 Board."

3 Before I do open up to the
4 public; Pat, would you just run through
5 your comments?6 MS. FLYNN: I'm sorry. How many
7 went out and how many came back of your
8 notices?9 CHAIRMAN BRAND: Mr.
10 Dziegelewski, that question is to you.11 MR. DZIEGELEWSKI: Okay. I'm
12 just looking at a copy made of that. I
13 had the certification of sending those. I
14 just had to get a number for you of the
15 amount that went out. Let me see here.
16 Here it is. I included copies of the
17 certified letters with my paperwork. One,
18 two, three -- seven.19 CHAIRMAN BRAND: Seven were sent
20 out?

21 MR. DZIEGELEWSKI: Yes.

22 CHAIRMAN BRAND: And were any
23 returned undeliverable or anything like
24 that?

25 MR. DZIEGELEWSKI: No. I didn't

2 get anything.

3 CHAIRMAN BRAND: All delivered.

4 Okay. Thank you.

5 Pat, go ahead whenever you're
6 ready.

7 MR. HINES: We have a couple of
8 comments. The plans were revised on April
9 14th depicting the layout of the structure
10 as well as providing the bulk requirements
11 we had asked for.

12 The project is before us tonight
13 for a public hearing on the short-term
14 rental law.

15 We requested last time that the
16 applicant clarify access to the basement
17 floor plan. There was no sidewalk or
18 access there, so we had asked that be
19 depicted. I think Mr. Garofalo actually
20 asked that.

21 The Town's short-term rental law
22 has certain sections, letters A through M,
23 that must be complied with. We're
24 suggesting these be added to the
25 resolution. I know Jeff and I took a look

2 at that resolution together and it's been
3 revised accordingly.

4 My comment 5 just identifies that
5 the Board's review of the short-term
6 rentals based on the ordinance that was
7 adopted is limited to those items
8 identified in my comment 5, finding that
9 the proposed use complies with applicable
10 zoning standards, conforms with the Town's
11 planning goals and objectives as expressed
12 in the comprehensive plan and is
13 sufficiently served by services, utilities
14 and infrastructure. So there's kind of a
15 preamble in the ordinance there that tells
16 you what the Planning Board's role in
17 reviewing that is to try to identify a
18 streamlined process.

19 We have the narrative description
20 that was submitted.

21 The Planning Board has the
22 ability to waive any of the sections in
23 Section 4. There's a list of things that
24 have been incorporated in the narrative
25 consistent with Section 4 or B.

2 For some reason the recording
3 stopped? Was that on everyone's or just
4 mine?

5 CHAIRMAN BRAND: That was
6 everyone. Let me see if I can do that
7 again. All right.

15 That's all we have.

16 CHAIRMAN BRAND: Great. Thank
17 you, Pat.

18 Anything from the Board before I
19 open it up to the public?

20 (No response.)

21 CHAIRMAN BRAND: Jeff, did you
22 have anything to add before I open it up?

23 MR. BATTISTONI: I will say that
24 I prepared a proposed resolution for the
25 Board to have ahead of time. Obviously

2 the public hearing still has to be held,
3 and we'll see what comments are made. The
4 application originally was for an Airbnb,
5 and as it went along it was modified to be
6 for a short-term rental under the new
7 short-term rental law of the Town. The
8 resolution that I prepared has various
9 conditions which mirror the items that
10 were referenced in Pat's letter.

11 CHAIRMAN BRAND: Great. Thank
12 you.

13 MS. LANZETTA: I do have a few
14 concerns and comments from the new
15 information that we received. First of
16 all, I think the application that was
17 submitted, which will be actually reviewed
18 by the building inspector, I think it
19 needs to be redone because right now you
20 have written down that there will be six
21 bedrooms and six bathrooms, and I don't
22 think that's correct. That got me
23 wondering and I got online and I was
24 looking at the short-term rentals as they
25 are advertised now. For that northern --

2 the northern piece that you're looking to
3 rent, you have down that there is just one
4 bath and a master bedroom. On the rental
5 site it says that you have a half bath
6 with that master bedroom and that you are
7 also using the storage area as a bedroom.
8 I think that needs to be clarified because
9 the Town will charge, you know, the
10 appropriate fees based on the amount of
11 bedrooms that you are renting out. I want
12 to be clear as to what bedrooms are going
13 to be rented out there, what is considered
14 a bedroom.

15 MR. DZIEGELEWSKI: Yup. The
16 north side, that's one bedroom. So if
17 it's listed as two, that's a mistake. But
18 there is a full bath off the living room,
19 and that's on the plan. There's a half
20 bath off the one -- that's why I call it
21 master bedroom. So it's 1.5.

22 MS. LANZETTA: The storage area
23 shows two bunk beds and you're renting it
24 -- you've rented it previously as a
25 bedroom. I want to make sure that either

2 is not a --

3 MR. DZIEGELEWSKI: That should be
4 -- if you look at the current listing, it
5 should be one bedroom. If it was not
6 previously, that would be a mistake.

7 MS. LANZETTA: Okay. Well that
8 was on the vacation rentals. So as long
9 as we're clear, because if the inspector
10 was to get a call and have to go inspect
11 that and it is being used as a bedroom,
12 then that would not be a good situation
13 for you.

14 MR. DZIEGELEWSKI: Yeah.

15 Absolutely. The zoning rule is each
16 bedroom has to have a closet. Right?

17 MS. LANZETTA: Well I'm talking
18 about in terms of short-term rental. You
19 know, when you apply you're going to pay a
20 fee based on the amount of bedrooms that
21 you advertise as rentals. So if you're
22 not disclosing all of those bedrooms to
23 the building inspector, there's going to
24 be a problem there, and also for us
25 because we're approving basically only the

2 single bedroom on that side of the house.

3 MR. DZIEGELEWSKI: Correct.

4 MS. LANZETTA: So I want to -- I
5 just wanted to be clear on that.

6 So we're approving the use -- the
7 possibility of up to ten people -- well,
8 no. It would be up to eight people using
9 -- if you rented both of them out at the
10 same time. Right now you're saying that
11 in the basement area you sleep six and in
12 the master bedroom, the one that I saw,
13 you sleep four. But now you're saying
14 you're going to remove the bunk beds, so
15 that would be two.

16 MR. DZIEGELEWSKI: Yeah. It's
17 two per bed.

18 MS. LANZETTA: Right.

19 MR. DZIEGELEWSKI: We do have a
20 pull out couch, but I'm going by bed. Two
21 per bed.

22 MS. LANZETTA: Well I mean we go
23 by bedrooms. I'm just trying to get a
24 sense of how many people might be
25 utilizing it. As I've seen it advertised,

2 I would expect then probably eight people
3 at the most if both of the areas are
4 utilized.

5 MR. DZIEGELEWSKI: Sure. And I
6 would refer to the current listing. We
7 are officially listed on Airbnb and VRBO.
8 I say officially because that's the only
9 sites we gave permission to to list. The
10 secondary websites do get information. I
11 don't know --

12 MS. LANZETTA: I was looking at
13 VRBO.

14 MR. DZIEGELEWSKI: Okay, VRBO.
15 And that should be up to date.

16 MS. LANZETTA: Well I guess it
17 shows the bunk beds.

18 MR. DZIEGELEWSKI: Yeah. Okay.

19 MS. LANZETTA: So I just -- so
20 we're clear that that storage space will
21 not turn into bunk beds. Right?

22 MR. DZIEGELEWSKI: Yes. And
23 that's listed on the site plan.

24 MS. LANZETTA: Okay. Thank you.

25 MR. GAROFALO: I have a question.

2 The stairs in the basement, where does
3 that actually lead to?

4 MR. DZIEGELEWSKI: To the side of
5 the house, the stairs. That's the south
6 part of the house.

7 MR. GAROFALO: On the basement
8 floor plan there's an area marked stairs.

9 MR. DZIEGELEWSKI: Oh, those
10 stairs lead up to the back door here to
11 the house on the first floor. Yeah.

12 MR. GAROFALO: Okay. And to make
13 it a point about the bedrooms, the
14 bedrooms also affect the number of parking
15 spaces, although you would be actually in
16 compliance because it's two for the main
17 house and then one per each bedroom. So
18 you would actually still be in compliance.
19 For other people that may be listening to
20 your application, that is also a factor in
21 the number of bedrooms, is you need to
22 have the parking spaces, which you do have
23 the parking spaces for.

24 MR. DZIEGELEWSKI: Yes.
25 Including owner occupied. Right.

2 CHAIRMAN BRAND: Is that all,

3 James? James?

4 MR. GAROFALO: Are there stairs
5 leading up to the second floor?

6 MR. DZIEGELEWSKI: Yeah, yeah.

7 There's stairs leading up. Right now I do
8 -- I'm looking. I'd have to ask I think
9 at the permit process or this venue here
10 about an opening of those stairs. Right
11 now we have a temporary cover block over
12 those stairs leading up, but they can
13 easily be opened up. I just want to make
14 sure I'm in compliance with that, too.

15 MR. HINES: So that layout, those
16 are more building code. The building
17 inspector, after this process, is going to
18 review the building code issues for fire
19 egress and that kind of --

20 MR. DZIEGELEWSKI: Right.

21 CHAIRMAN BRAND: Anything else
22 from the Board?

23 MR. GAROFALO: Thank you.

24 MS. LANZETTA: I just have a
25 question. Maybe it's for Jeff. Looking

2 at the application that he's filling out
3 for the short-term rental, he has a choice
4 of a single-family home or a bed and
5 breakfast. I think since we changed the
6 application to short-term rental, should
7 it therefore be considered a single-family
8 home?

9 MR. BATTISTONI: I'm just pulling
10 out the short-term rental form for a
11 moment. "A short-term rental. The rental
12 by a tenant of all or part of a furnished,
13 self-contained, detached dwelling unit for
14 a period of 30 days or less, fee title to
15 which is owned by the person who, one,
16 owns fee title to and, two, permanently
17 resides at the short-term rental unit or
18 dwelling unit which is next door to or
19 directly across the street from the short-
20 term rental unit." So is this particular
21 owner residing at this?

22 MS. LANZETTA: Yes.

23 MR. BATTISTONI: So then is your
24 question whether this should be listed as
25 a single-family home?

2 MS. LANZETTA: You have a choice
3 of either listing it as a single-family
4 home or a bed and breakfast. I thought we
5 were thinking a bed and breakfast more in
6 terms of a home occupation, a building
7 where people actually serve breakfast. Am
8 I correct?

9 MR. BATTISTONI: I probably would
10 list this as a single-family home.

11 MR. DZIEGELEWSKI: I kept the B&B
12 status as of our last meeting because I
13 had the over fifty percent rule owner
14 occupied. So I mean right now it's R-1
15 they call it. It's not multi -- it's the
16 1 plus zone. You may be more familiar
17 with this than I am.

18 MS. LANZETTA: I think what we're
19 saying is that since you prefer the short-
20 term rental designation, that it might be
21 more properly listed on the application as
22 a single-family home.

23 MR. DZIEGELEWSKI: Okay.

24 MS. LANZETTA: We're trying to
25 understand this all, too. It's all new to

2 us.

3 MR. DZIEGELEWSKI: Yeah, because
4 I mean I guess I want to keep my R-1
5 status.6 MS. LANZETTA: It doesn't affect
7 that.8 MR. DZIEGELEWSKI: It doesn't
9 matter?

10 MS. LANZETTA: No.

11 MR. DZIEGELEWSKI: Okay.

12 CHAIRMAN BRAND: I guess at this
13 time I will open it up to the public.
14 Everyone will have an opportunity to be
15 heard. Please just unmute yourself and be
16 patient, one at a time. Just state your
17 name for the stenographer, please.18 MR. CANTONE: This is John
19 Cantone, 85 Millhouse Road. A couple
20 points and questions here.21 First of all, I don't know which
22 seven people got certified mail, but I
23 live on 85, which is a couple doors down,
24 and I never received one. I would be
25 interested to know who those seven folks

2 are, if anybody from Millhouse Road was
3 actually included.

4 Secondly, I've been here
5 seventeen, eighteen years and I don't
6 recall ever seeing a variance on that
7 property for multi-family dwelling. I
8 think I'm hearing an R-1 zone, which I
9 think that means residential. So a
10 question to the Board is typically I would
11 see a history of other places where I
12 lived, variances being applied from
13 turning a single-family into a
14 multi-family which I've never seen since
15 I'm here. I'm curious, what are we
16 actually -- what is actually being
17 reviewed here? Are we jumping straight
18 from a single family to a short-term
19 rental permit or variance of zoning? What
20 exactly is the Town reviewing here? Since
21 I didn't get any communication, I'm a
22 little bit unclear as to what's really
23 happening. Again, I've always known it to
24 be residential. It seems like a big jump
25 from where we are now to a short-term

2 rental without any prior communication of
3 rezoning, or whatever else goes into the
4 legal aspect.

5 CHAIRMAN BRAND: Pat or Jeff,
6 maybe you can jump in if I'm incorrect,
7 but the Town recently passed a new short-
8 term rental law which allows this use in
9 that zone. So it's not a multi-family
10 home, it's just he's renting sections of
11 the home out under this new law.

12 MR. HINES: The house is -- I can
13 jump in. The house is listed as a duplex,
14 a two-family house in the Town's tax
15 records. Clearly there is a two-family
16 use occurring there right now. That is
17 allowed. The short-term rental is allowed
18 in either a single-family or a duplex. It
19 is not allowed in multi-family houses by
20 definition.

21 MR. CANTONE: Okay. Thank you
22 for clarifying that. To my first
23 question, the seven letters that went out,
24 what was that for? Just notification that
25 this permit was being requested and

2 opening it up for folks to make comment?

3 I just happened to look at the agenda

4 tonight and noticed it was there, and

5 other neighbors did as well. I'm just

6 curious what that was for.

7 MR. DZIEGELEWSKI: Yeah. Sorry,

8 John. I didn't send you one. I did send

9 Anthony Delvecchia at 86 Millhouse, J.

10 Magliato at 91 Millhouse, and then the

11 rest on Old Post Road. Sorry you didn't

12 receive one.

13 MR. HINES: There's a distance

14 requirement. It's not everyone. It's

15 within 500 feet from the property line

16 gets notified.

17 MR. CANTONE: So if I was to get

18 one, or whoever did get it, that was just

19 basically a notification that this hearing

20 was happening today?

21 MR. HINES: It's a copy of the

22 public hearing notice that was published

23 in the newspaper.

24 MR. CANTONE: I got you. Okay.

25 CHAIRMAN BRAND: Anyone else to

2 speak either for or against or have a
3 question?

4 I'll give it a minute. Does
5 anyone else care to ask a question or have
6 a comment?

7 (No response.)

8 CHAIRMAN BRAND: No. Okay. I
9 guess at this time I would take a motion
10 to close the public hearing.

11 MS. SKURNICK: Hold one second,
12 please.

13 CHAIRMAN BRAND: Of course.

14 MS. SKURNICK: Sorry. I'm not
15 fast enough on the technology here. I
16 just have a question. My name is Janine
17 Skurnick. I'm at 87 Millhouse which is
18 kind of next door. We must be at 501 feet
19 because we didn't get a letter either.

20 I'm curious as to why -- if this
21 is like under review now, why is it
22 allowed to be advertised and rented
23 without anything being approved yet?

24 MR. HINES: I think that's how it
25 got here, as an enforcement referral. It

2 should not be rented yet. It doesn't have
3 approval.

4 MS. SKURNICK: Well I believe it
5 has been rented.

6 MR. HINES: Again, that's beyond
7 this Board. That's an enforcement issue
8 with the Town's code enforcement officer.

9 CHAIRMAN BRAND: I think that's
10 how they got here before us, was there was
11 a review of some people that were renting
12 without approvals. They were asked to
13 come before the Board for the formal
14 approval process.

15 MR. CLARKE: Chris, you know,
16 before this there was no approval because
17 there was no regulation. So they probably
18 were not out of compliance because there
19 was no regulation. Now there is.

20 CHAIRMAN BRAND: We did have the
21 B&B law, but other than that there was no
22 -- I don't think -- there was really
23 nothing.

24 Did I answer your question, Ms.
25 Skurnick?

2 MS. SKURNICK: Not really. So I
3 understand that before the short-term
4 rental was passed, that he wasn't out of
5 compliance. Now that it is passed, is it
6 out of compliance if it's being rented
7 until the approval goes through?

8 MR. HINES: Yes.

9 MS. SKURNICK: And so then who do
10 we talk to if it's being rented before the
11 approval?

12 CHAIRMAN BRAND: That would be
13 the code enforcement officer, Tommy
14 Corcoran. Thomas Corcoran.

15 MS. SKURNICK: Okay. Because
16 there's been bonfires, there's been loud
17 everything, there's been fireworks.
18 There's been all sorts of stuff happening
19 over there, so --

20 CHAIRMAN BRAND: Could that have
21 just been the residents?

22 MR. DZIEGELEWSKI: That was me.

23 MS. SKURNICK: No, no, no.

24 MR. DZIEGELEWSKI: We're not
25 allowed -- we didn't allow anyone to start

2 any fires, so that was me at the
3 residence.

4 MS. SKURNICK: So you've made the
5 fires every single weekend that are
6 burning all the way up to the top of the
7 pine trees -- or the bottom of the pine
8 trees rather?

9 MR. DZIEGELEWSKI: It's a
10 firepit. I go out there with my wife and
11 we have a fire. Yup. Pretty nice.

12 MS. SKURNICK: All right. We'll
13 have to see about that. I'll come over
14 and say hello next time.

15 MR. DZIEGELEWSKI: Thank you.

16 MR. CANTONE: This is John again.
17 I have a question again. What's the order
18 of procedure here? So the code
19 enforcement was obviously involved at the
20 beginning to bring it here, or wind up
21 bringing it here. Now we're sitting in
22 front of the Board I believe for approval
23 for a permit or approval to move forward.
24 I still don't know exactly what is the
25 outcome of tonight or whatever comes next.

2 Where does the code enforcement fit into
3 here? I just heard a couple different
4 things, first that it is zoned as a
5 duplex, but yet I also heard there's three
6 apartments. I know it's been rented for
7 years, long before Mr. Dziegelewski ever
8 owned it. So I'm wondering if it was out
9 of compliance in terms of the proper
10 zoning or number of apartments for X
11 number of years? If we're here because of
12 a code compliance issue that identified
13 the fact that it was a short-term rental
14 being performed without being in
15 compliance, then where are we? Maybe
16 someone can tell me, where are we? What's
17 the next steps? Does this permit happen
18 first and then code enforcement comes in
19 and makes sure there's safety and fire and
20 all that happens next or does one happen
21 before the other?

22 CHAIRMAN BRAND: Basically they
23 went to the code enforcement officer --
24 they submitted an application that was
25 reviewed by the code enforcement officer

2 who said it could be presented to the
3 Board for review. We had -- I believe
4 this is the third meeting that they've
5 been to. Am I wrong? Second or third, at
6 least, that they've been here --

7 MS. STURNICK: I'm sorry to
8 interrupt. I have a neighbor calling me
9 that they're in the waiting room and
10 they're unable to get in.

11 CHAIRMAN BRAND: Okay. Let me
12 check.

13 After the approval takes place,
14 then they would have to get the proper
15 (inaudible) and review, and then they
16 would be able to operate.

17 Did I get all of that right,
18 Jeff, Pat, perhaps?

19 MR. HINES: Yes. This is the
20 first one for us on the learning curve as
21 well.

22 CHAIRMAN BRAND: And there will
23 be several more. I believe the code
24 enforcement officer did a review of
25 advertised Airbnbs in Marlborough and sent

2 them all notices that they needed to come
3 before the Board for review in order to
4 operate.

7 MR. CANTONE: It does. I guess
8 I'm concerned, and I don't mean to be an
9 aggressive neighbor, but I'm concerned
10 it's already being run out of compliance.
11 It doesn't seem like there's an
12 enforcement of, you know, keeping the
13 rentals empty until this is closed. Not
14 that I --

15 MR. BOB MAGLIATO: Hello. Hello.

16 CHAIRMAN BRAND: I hear you.

17 Someone is speaking right now. I'll be
18 with you in one minute, sir.

19 MR. BOB MAGLIATO: Hold on, hold
20 on. There seems to be a problem. The
21 Magliottos are unable to enter or just
22 getting in now. We were in the waiting
23 room and nobody ever let us in.

24 CHAIRMAN BRAND: Okay. So we
25 will let you in shortly. We're checking

2 that periodically.

3 MR. BOB MAGLIATO: All right.

4 Thank you. I appreciate it.

5 CHAIRMAN BRAND: You're welcome.

6 I'm sorry, Mr. Cantone.

7 MR. CANTONE: My last comment was
8 going to be I'm not trying to begrudge Mr.
9 Dziegelewski from making money, especially
10 if this becomes legal, it just seems like
11 the order is reversed. We have rentals,
12 we have advertisements, we have code
13 enforcement identifying it, we're here for
14 a permit, but yet it's still rented out.
15 I would think that at a minimum it should
16 be held out for awhile until this is
17 closed.

18 CHAIRMAN BRAND: As far as I know
19 he should not be renting it until he
20 receives all the approvals and permitting.

21 MR. DZIEGELEWSKI: We have no
22 occupancy at this time, just to let
23 everyone know.

24 MR. CANTONE: Okay. It was
25 implied in the conversations that you

2 were. That's why I was asking. I
3 personally can't tell if you do or you
4 don't the few times I drive by, but --

5 MR. DZIEGELEWSKI: Yup.

6 CHAIRMAN BRAND: Okay. So is
7 there anyone else here to speak?

8 MR. BOB MAGLIATO: Hello. Can you
9 hear? Bob Magliato.

10 CHAIRMAN BRAND: I can hear, yes.

11 MR. BOB MAGLIATO: We've been
12 trying to get in to answer a lot of
13 questions that have been arising and now
14 we've missed a lot of the conversation.

15 I'm just going to go ahead and speak my
16 peace and let it go from there. You're
17 going to have to give me a little time and
18 maybe this will shed some light on some
19 things. Are we ready?

20 CHAIRMAN BRAND: I'm as ready as
21 I will be, Mr. Magliato.

22 MR. BOB MAGLIATO: Okay. First
23 of all, that property -- when that home
24 was built, it was built as a 210 which is
25 a single-family home with a

2 mother/daughter on the north side of the
3 building. It was built on one acre of
4 property but they own the additional lot
5 next door which is an additional one acre
6 for a total of two acres. When they got
7 the C of O from the building inspector, at
8 that time they were given two C of Os, one
9 is a 210, single family, mother/daughter,
10 and one is a 220, two-family home, if they
11 combined the lots. The two lots were
12 never combined. They somehow or other got
13 it recognized as a 220. They have since,
14 in the last few years, sold off that lot.
15 They're down to one acre. That lot was
16 sold so now they're sitting there as a
17 220. It can only be 210 with one acre
18 zoning. The mother/daughter (inaudible)
19 talking the side of the building. So it
20 was approved as a mother/daughter unit.
21 They had that as a family member until
22 that family member died, then it was
23 illegally rented out to the general public
24 for years. While that was being illegally
25 rented out, they went ahead and built the

2 downstairs apartment which was illegally
3 done. Then a family member moved into the
4 north side of the house making it legal as
5 a mother/ daughter unit since it was a
6 family member. Then they proceeded to get
7 ready to sell the house. When they sold
8 the house they had to do something with
9 the downstairs unit because they never got
10 a permit for it. So the code enforcement
11 officer went there, reviewed it. To save
12 them from having to rip everything out, he
13 approved it as a summer kitchen. I
14 repeat, a summer kitchen. The certificate
15 of occupancy for that is number 19-162,
16 and it reads specifically, "Basement
17 renovation. A full bathroom, a family
18 room and a den office. No sleeping
19 quarters allowed."

20 Then you talked a little while
21 ago about the stairs that go into the main
22 house. The code enforcement officer,
23 Tommy Corcoran, supposedly asked that that
24 thing be opened up so that downstairs unit
25 becomes a part of the main house upstairs.

2 It's strictly, again, a family room with a
3 full bathroom and a kitchen, and it's not
4 for sleeping quarters. So that's what's
5 arisen as this thing went along. I don't
6 know how he can even be asking for that
7 south unit to be used for a short-term
8 rental with bedrooms in it when it doesn't
9 have an approval for bedrooms at all.

10 CHAIRMAN BRAND: Pat, do you have
11 anything on that?

12 MR. HINES: I think all of these
13 issues are subject to the code enforcement
14 officer. Again, your review for the short-
15 term rental is limited to those items. I
16 hear you.

17 MR. BOB MAGLIATO: (Inaudible.)

18 MR. HINES: I hear you. Again,
19 the issues that -- code enforcement issues
20 are outside the scope of this Board. If
21 in fact this Board entertains this
22 application and/or approves it, there is a
23 process in the short-term rental ordinance
24 where they have to apply to the Town
25 Building Department for a permit which

2 will address any and all code issues. I
3 do note that the code enforcement officer,
4 as the gatekeeper, has allowed this to
5 appear before this Board.

6 MS. LANZETTA: And it says in the
7 regulations here that all short-term
8 rental units must comply with New York
9 State Building Code requirements.

10 MR. HINES: They're going to need
11 all the fire escapes, the proper windows.
12 That's code enforcement's job. That's one
13 of the reasons why this ordinance was put
14 into place, is previously there was no
15 ability to do inspections in the
16 single-family homes and/or duplexes that
17 were being rented out. Now, because of
18 this ordinance, it gives the code
19 enforcement officer the ability to access
20 and inspect.

21 CHAIRMAN BRAND: And if he fails
22 the inspection, then?

23 MR. HINES: Then Tommy doesn't
24 give him the permit.

25 CHAIRMAN BRAND: And he wouldn't

2 be able to rent it?

3 MR. HINES: Correct. Or he'd
4 have to make modifications to meet the
5 code.

6 CHAIRMAN BRAND: Right.

7 MR. HINES: We see that all the
8 time.

9 MR. BOB MAGLIATO: I personally
10 believe we're on a slippery slope here
11 where we've got houses that have mother/
12 daughter setups in them and all of a
13 sudden -- they're now approved by law to
14 be mother/daughter and we're now using it
15 as short-term rentals. There's something
16 wrong with that.

17 MR. HINES: According to this
18 ordinance, any single-family residence in
19 the Town, if they go through this process,
20 can become a short-term rental.

21 MR. BOB MAGLIATO: I can
22 understand if you've got a home and you've
23 got four bedrooms in it and you decide to
24 rent out one of those bedrooms, it's
25 approved and you're renting it out as a

2 short-term rental. I can't understand how
3 you can take something like a
4 mother/daughter, which is an approved unit
5 within a house only to be used by a family
6 member, and make that --

7 MR. HINES: We don't have
8 anything in our code that says something
9 has to be used by a family member. That
10 is not in the code.

11 CHAIRMAN BRAND: Is anyone else
12 from the public here to speak this
13 evening?

14 MR. JEFF MAGLIATO: This is Jeff
15 Magliato, 91 Millhouse.

16 CHAIRMAN BRAND: Go ahead.

17 MR. JEFF MAGLIATO: So first off,
18 on a general note I'd just like to say I
19 appreciate the underlying issues that the
20 Town Board and the Planning Board have
21 faced regarding this entire Airbnb and
22 VRBO phenomenon. The issues come down to
23 what a property owner can do with his
24 property versus the concerns of the
25 neighbors.

Essentially we've entered a situation now where we've got commercial endeavors, home grown hotels, taking place in residential areas. You know, overall it seems to cancel out the entire concept of zoning where you have a separation of residential areas from the commotion of commercial districts. What is particularly perplexing with regard to this phenomenon is where purchasers of real estate are coming in and buying the real estate, intending to use the property as short-term rentals rather than, you know, the long-time owner that's been here forever and is kind of facing hard times trying to raise some cash. I understand the difficulty in dealing with the issue, and hopefully the town law that you've mentioned here a couple times will prove workable and serve to protect the residential environment and minimize the negative impacts on residential life by these rental operations.

25 Again, I commend the Town for

2 trying.

3 I do appreciate, actually, the
4 efforts of this applicant here at 95
5 Millhouse for submitting his application
6 as required by law. There are plenty of
7 properties, which I'll mention in a
8 moment, that just don't even bother trying
9 to follow the ordinance.

10 Since the law that you've drafted
11 allows the short-term rentals, the goal
12 here that I see should be to eliminate or
13 minimize the impact of the applicant's
14 business activity on the surrounding
15 community, which seems to me an equitable
16 and fair approach.

17 I travel a lot, often two weeks
18 out of a month, and I know that people,
19 when they're in a rental -- in a hotel,
20 they don't act with the same sort of, you
21 know, acceptable behavior that people do
22 in a regular home. For example, two
23 weekends ago I was up in Rochester for a
24 graduation in a Marriott hotel, and Friday
25 and Saturday night, the room next door was

2 partying until 1:30, 2:30 in the morning.
3 You'd think it was just, you know, a bunch
4 of punk kids, right. No. It was fifty
5 year olds and sixty year olds in there,
6 running -- having a rambunctious good old
7 time. So that's a concern here moving
8 forward for the neighbors.

9 CHAIRMAN BRAND: I do believe
10 that there's a section in the code that if
11 there's a violation, that their permit can
12 be revoked as well.

13 MR. JEFF MAGLIATO: I understand
14 that. I understand the law. I was
15 listening in when they actually passed it.

16 So I'm hoping, I'm hoping the
17 fact that the owner lives at this property
18 will help minimize any spillover effects,
19 such as noise, smoke from firepits, late
20 night (inaudible) in the backyard as
21 actually we've already witnessed from this
22 property. Not to -- I don't want to go
23 overboard but there has been some impact.

24 And sadly -- as I mentioned
25 earlier about other properties, sadly the

2 folks on Millhouse have been suffering
3 from another Airbnb property that's
4 located up on, I believe it's called
5 Michael's Place which is just below the
6 LaMela Sanitation building. That property
7 for well over a year has been an Airbnb
8 where we, the neighbors, have to put up
9 with fireworks, late night, loud fireworks
10 crackling over our properties as they
11 shoot it from their property over towards
12 the Millhouse area, and their firepits
13 putting out smoke.

14 So in regard to this particular
15 applicant, the first floor unit, that's
16 the one on the north side, I think the one
17 bedroom, when it's occupied it has an air
18 condition unit or an air circulation
19 device that feeds the unit. That unit
20 sits on the southwest corner -- the
21 northwest corner of the property. The
22 unit doesn't function properly. When it's
23 running it makes a loud metallic noise as
24 it's turning on and off as it's running,
25 and the sound carries well beyond the

2

borders of the applicant's property.

3

Basically what I'm saying is people come
to rent that property and they're
impacting our lives by having this unit
make noise.

7

In addition, there's a firepit in
the back of the house. Just the other
night there were folks out there, I think
it was Thursday, and they were out there
until at least 12:30 at night,
chitchatting away with not small voices.
That sound carries, again onto my property
and probably others. Again, that means
this property is impacting other folks.

16

I would suggest as a pre-
condition for approving this, because
again I know he basically has to meet the
requirements to approve it, but maybe
there's some leeway within the law or
within the Planning Board procedures. I
would support -- I would suggest that a
precondition for the short-term rental be
that, one, they fix the air conditioning
unit so it doesn't radiate the sound out

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2 beyond the borders of the property and it
3 works -- functions properly. Two, perhaps
4 maybe even there should be consideration
5 for requiring a fence around the border of
6 the property to help minimize when people
7 are sitting in the backyard chitchatting
8 away and, you know, it interferes with
9 neighbors if things carry on until well
10 into the evening.

11 So that would be my peace that
12 I've spoken.

13 CHAIRMAN BRAND: Thank you, Mr.
14 Magliato.

15 Anyone else from the public?

16 MR. BOB MAGLIATO: Yes. One last
17 piece. Bob Magliato, 91 Mill. I heard
18 you discussing as to where the letters
19 went to, the certified letters, registered
20 mail letters. The bottom line is they did
21 not go to all the appropriate people.
22 Something like that should be really gone
23 out again before this thing is approved.
24 A lot of people were not notified. I
25 checked that out today.

2 Pat Hines, I understand it's 500
3 feet as you had said. 500 feet from the
4 property line?

5 MR. HINES: I believe that's what
6 the limit is, yes.

7 MR. BOB MAGLIATO: They missed
8 all kinds of people. The Skurnicks didn't
9 get it, the Cantones did not get it. I
10 personally didn't get it, by the way.
11 It's supposed to go to the taxpayer. I
12 did not get one but my son got it who
13 happens to reside with me so I knew about
14 the meeting. Other people didn't get it
15 as well. We have a misstep here where a
16 piece of the law was not followed. We
17 don't have the proper people notified.

18 CHAIRMAN BRAND: Anyone else from
19 the public this evening?

20 MR. CAUCHI: So Jeff, what's the
21 law if people were not properly informed
22 for a public hearing? Is there any
23 ramification for that, if the applicant
24 was told to do it and it doesn't appear we
25 have any proof that it was done? What is

2 our recourse on this? Is there any?

3 MR. BATTISTONI: It would seem to
4 make sense that if a certain notice is
5 required and it's not given, that's a
6 defect. However, I'm not sure what the
7 specific law is on that. If the Board
8 wants to be cautious, you could adjourn
9 this public hearing for a month and have
10 the applicant send letters again to all of
11 the neighbors, and particularly to the
12 people who said they haven't gotten one.
13 Certainly they've been here tonight anyway
14 to make their comments. Again, if you
15 want to be cautious, you could adjourn
16 this and require additional mailings be
17 sent.

18 CHAIRMAN BRAND: I think Jen just
19 looked and there should have been a
20 significant higher number than seven sent
21 out.

22 MR. TRONCILLITO: It would
23 probably make sense to have him resend
24 them, this way everyone gets one.

25 MS. FLYNN: You can come in the

2 office and I can print out a thing for
3 you.

4 MR. DZIEGELEWSKI: Okay. If you
5 have that list. It doesn't -- I had the
6 seven just estimating it from maps.

7 MS. FLYNN: You would have to go
8 on Ulster County Parcel Viewer and put in
9 your address and then put in the 500 feet.
10 It gives you the whole list of people you
11 have to do it to.

12 MR. DZIEGELEWSKI: Okay. It was
13 an estimate on my part.

14 MR. CAUCHI: Since there's so
15 much feedback from the public and they
16 weren't even notified, we should do our
17 due diligence and make sure that they are
18 properly notified and that their voice be
19 heard. I say that we should revisit this.

20 CHAIRMAN BRAND: So Manny, are
21 you making a motion to adjourn the public
22 hearing in order for him to allow those
23 mailings to be sent out and for the
24 application to be amended correctly to
25 reflect the number of bedrooms

2 specifically?

3 MR. TRONCILLITO: I'll make that
4 motion.

5 MR. GAROFALO: I think we have to
6 do that to a specific date.

7 CHAIRMAN BRAND: We will. It
8 will be July --

9 MS. FLYNN: 19th.

10 MR. CAUCHI: Yes, I'll make that
11 motion.

12 MR. TRONCILLITO: I'll second.

13 CHAIRMAN BRAND: Any discussion?

14 MR. HINES: You're going to
15 extend the public hearing and require the
16 applicant to re-notice?

17 CHAIRMAN BRAND: Correct. And
18 for the applicant to amend his application
19 to reflect the proper number of bedrooms
20 was also --

21 MS. LANZETTA: And bathrooms.

22 MS. FLYNN: Does it have to go in
23 the paper again?

24 CHAIRMAN BRAND: I would assume,
25 yes.

2 MR. HINES: If you're going to
3 re-notice it. I'll defer to Jeff, though.

4 MR. BATTISTONI: I don't think
5 you normally do that with an adjourned
6 public hearing. Once you open it, you
7 just adjourn it.

8 MS. LANZETTA: Yes.

9 MS. FLYNN: Okay.

10 MR. HINES: Jeff, they're
11 adjourning it with the caveat that they're
12 going to re-notice to make sure that those
13 that weren't on the list get it. This is
14 unusual. Adjourning to a date certain,
15 certainly you wouldn't put it back in the
16 paper, but --

17 MR. JEFF MAGLIATO: Excuse me.
18 Can you hear me?

19 CHAIRMAN BRAND: I can.

20 MR. JEFF MAGLIATO: This is Jeff
21 Magliato. I hate to step in there. It
22 seems to me, and I know this is just
23 procedural, but procedurals are part of
24 the law, if you have an invalid public
25 hearing, which this essentially would be

2 if no one was notified properly, then it's
3 not an adjournment. You're actually
4 starting an entirely new public hearing.
5 You can't adjourn a public hearing that
6 wasn't legitimate.

7 MR. BATTISTONI: I think you
8 actually can adjourn to a correct
9 (inaudible) notice. There was a
10 publication in the newspaper. Certain
11 residents got a notice. That's going to
12 be corrected for the adjourned date of
13 July 19th.

14 CHAIRMAN BRAND: So that motion
15 is on the floor. It was seconded. There
16 was discussion. Are there any objections
17 to doing so?

18 (No response.)

19 CHAIRMAN BRAND: None. Any
20 abstentions?

21 (No response.)

22 CHAIRMAN BRAND: None.

23 So Mr. Dziegelewski, you are
24 adjourned until July 19th. I would
25 suggest that you meet with Jen or give her

2 a call to get the list of the proper
3 mailing addresses that need to be sent
4 out, amend the application and submit that
5 prior to the deadline for the July 19,
6 2021 meeting.

7 MR. DZIEGELEWSKI: Sure. And
8 just one clarification. Are we counting
9 half baths? Do you want that descript in
10 the detail? The six and six was including
11 the main house and the two Airbnbs,
12 including half baths.

13 MS. LANZETTA: When we do the
14 application -- that's a good question.
15 When we do the application for the short-
16 term rental, are we just listing the areas
17 that are going to be rented out, like the
18 three bedrooms as opposed to all six
19 bedrooms?

20 CHAIRMAN BRAND: I think we want
21 to see what the people are renting.

22 MR. DZIEGELEWSKI: Okay. Because
23 the floor plan is the whole house, so I
24 included in the narrative all bathrooms
25 and all bedrooms, and then it's broken up,

2 you can see on the plan, where the two
3 spaces are going to be rented. Those are
4 measured to meet the fifty-percent rule.

5 MS. LANZETTA: You don't need to
6 meet the fifty-percent rule because you're
7 doing short-term rental. Also, you don't
8 want to put down all six bedrooms because
9 then you're going to have to pay fees on
10 every bedroom. If you're not renting out
11 those additional bedrooms, you don't want
12 them listed.

13 MR. DZIEGELEWSKI: Yeah.
14 The site plan was done of the whole house.
15 If you look at the floor plan, there's a
16 separate part where it outlines just the
17 Airbnb part. For clarification of the
18 entire house, the entire house is there.

19 MS. LANZETTA: When you're
20 filling out your application, which you
21 did in preparation for asking for approval
22 from the building inspector, once you have
23 our approval, in that application you
24 listed every bedroom, six bedrooms, and
25 you don't want to do that because you'll

2 be paying for all of those bedrooms.

3 MR. DZIEGELEWSKI: Okay. I did
4 it according to the whole plan. I'll just
5 do it according to what is rented.

6 MR. TRONCILLITO: Chris, I've got
7 a question.

8 CHAIRMAN BRAND: Sure.

9 MR. TRONCILLITO: Would it
10 behoove him to have Tommy come down and do
11 an inspection?

12 MR. HINES: I was going to
13 suggest the same thing, if Tommy will do
14 it.

15 MR. TRONCILLITO: He'll at least
16 see what he can do and can't do and what
17 he's got to change or not change.

18 CHAIRMAN BRAND: You can
19 certainly ask him. I have no authority
20 over the code enforcement officer. You
21 can certainly ask Mr. Corcoran if he would
22 be willing to do that.

23 MR. TRONCILLITO: It would make
24 sense.

25 MR. DZIEGELEWSKI: I spoke to him

2 previously. I just didn't ask him to come
3 down and check things out.

4 MR. TRONCILLITO: I would.

5 MR. DZIEGELEWSKI: Yeah.

6 CHAIRMAN BRAND: A suggestion.

7 All right then. We will see you
8 again on July 19th.

9 All of you that are here for the
10 public hearing, hopefully you'll receive
11 the proper notification. Let your
12 neighbors know July 19th as well. All
13 right. Thank you.

14 MR. DZIEGELEWSKI: Thank you.

15

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

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

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

10

11

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

12

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16

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

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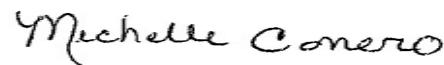
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MICHELLE CONERO

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

LANZETTA RESERVOIR ROAD

7

Project No. 21-5013
198 Reservoir Road, Marlboro
Section 108.1; Block 1; Lots 9.1 & 14

9

10

----- X

11

SKETCH - LOT LINE

12

13

Date: June 21, 2021
Time: 8:25 p.m.

14

15

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

19

20

21

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

22

APPLICANT'S REPRESENTATIVE: AL LANZETTA

23

24

25

----- X

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

2 CHAIRMAN BRAND: Next is
3 Lanzetta Reservoir Road, sketch of a lot
4 line at 198 Reservoir Road in
5 Marlboro.

6 I'm assuming you're recusing
7 yourself?

8 MS. LANZETTA: Yeah. I'm going
9 to take myself out of this room and my
10 representative is going to be here
11 instead.

12 CHAIRMAN BRAND: All right.

13 MR. LANZETTA: Good evening.

14 CHAIRMAN BRAND: Good evening,
15 Mr. Lanzetta. How are you this evening?

16 MR. LANZETTA: I'm very good.
17 How are you?

18 CHAIRMAN BRAND: I'm swell, thank
19 you.

20 MR. LANZETTA: Let me shut the
21 door. I'm getting a little feedback.

22 CHAIRMAN BRAND: Pat, did you
23 want to review your comments quickly?

24 MR. HINES: Sure. So the project
25 is a proposed lot line change. It's going

2 to create a 3.8 plus or minus acre parcel,
3 which is currently tax lot 14, and a 38.9,
4 I'll say, plus or minus acre parcel which
5 is currently identified as tax lot 9.1.

6 The 3.8 plus or minus parcel
7 contains an existing well and a septic
8 system from a previous use.

9 The larger parcel contains
10 existing structures as existing wells and
11 septic systems which serve those, and that
12 parcel is getting larger.

13 It conforms to the Town's
14 expedited lot line change procedure.

15 The building inspector did refer
16 it to the Planning Board to allow it to
17 proceed.

18 This lot line is a Type 2 action
19 under SEQRA, requiring no further review.
20 We take no exception to the Planning Board
21 addressing the lot line change.

22 CHAIRMAN BRAND: Questions or
23 comments from the Board before I hand it
24 over to Jeff?

25 MR. GAROFALO: I just want to

2 make a verification that the well and the
3 septic on lot 2 is not serving any of the
4 houses on the -- the existing houses on
5 lot 1.

6 MR. LANZETTA: No.

7 CHAIRMAN BRAND: Mr. Lanzetta?

8 MR. GAROFALO: The other question
9 I have is Reservoir Road, is that a public
10 or a private road?

11 MR. LANZETTA: A Town road.

12 MR. GAROFALO: It's a public
13 road?

14 MR. HINES: It's a public road,
15 yes.

16 MR. GAROFALO: Thank you.

17 MR. LANZETTA: You're welcome.

18 CHAIRMAN BRAND: Did he answer
19 the question?

20 MR. HINES: He said no, it's not.

21 CHAIRMAN BRAND: Okay. I missed
22 that.

23 Any other questions or comments
24 from the Board?

25 MR. GAROFALO: One other comment.

2 Generally on the zoning requirement table
3 you show what's required. It's a good
4 idea normally to show also what is
5 actually being provided. In this case we
6 know that the setbacks on the existing
7 houses are actually getting bigger, so it
8 doesn't really matter too much here. I
9 just want to make for future reference
10 that this is something that we should
11 always be asking about, not only having
12 the zoning requirements but what the
13 existing and the proposed are going to be.
14 Clearly that's not an issue here because
15 it's -- the setbacks, et cetera are going
16 to be expanded for the existing houses.
17 Thank you.

18 CHAIRMAN BRAND: Anything else
19 from the Board?

20 (No response.)

21 CHAIRMAN BRAND: All right then.

22 Mr. Battistoni, comments or --

2 quickly even though I haven't been
3 authorized to do so.

4 I'll reflect or mention, as Pat
5 said this is a Type 2 action. There is
6 the provision in the Town Code to waive a
7 public hearing for a lot line adjustment
8 just between two lots. That's built into
9 the resolution that I prepared. I view
10 this as very straightforward.

11 CHAIRMAN BRAND: All right. With
12 that being said, on the application of
13 Cynthia Lanzetta and Alphonso Lanzetta for
14 a lot line change, you have before you a
15 resolution of approval by the Town of
16 Marlborough Planning Board dated June 21,
17 2021.

18 Jen, would you poll the Board.

19 MS. FLYNN: Chairman Brand?

20 CHAIRMAN BRAND: Yes.

21 MS. FLYNN: Member Lofaro?

22 MR. LOFARO: Yes.

23 MS. FLYNN: Member Clarke?

24 MR. CLARKE: Yes.

25 MS. FLYNN: Member Cauchi?

2 MR. CAUCHI: Yes.

3 MS. FLYNN: Member Garofalo?

4 MR. GAROFALO: Yes.

5 MS. FLYNN: Member Troncillito?

6 MR. TRONCILLITO: Yes.

7 CHAIRMAN BRAND: All right. Mr.
8 Lanzetta, it seems as though you're all
9 set. You can invite the better half in.10 MR. LANZETTA: Okay. The better
11 half, I agree with that.12 CHAIRMAN BRAND: Mr. Battistoni,
13 I believe we are through with your
14 services for the evening. Enjoy.15 MR. BATTISTONI: Okay. I'll see
16 everyone on July 19th.17 CHAIRMAN BRAND: I'll be there.
18 And Michelle, I believe you are set as
19 well.

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21 (Time noted: 8:26 p.m.)

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CERTIFICATION

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I, MICHELLE CONERO, a Notary

8

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

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11

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

12

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16

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

17

18

IN WITNESS WHEREOF, I have

hereunto set my hand this 5th day of July 2021.

19

20

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22



23

MICHELLE CONERO

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