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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

DZIEGELEWSKI AIRBNB

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

----- X

CONTINUED PUBLIC HEARING - SITE PLAN

Date: July 19, 2021
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL DZIEGELEWSKI

----- X

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

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CHAIRMAN BRAND: It is 7:30.
I'm glad to see everybody back in
person again. I would like to call the
meeting to order with the Pledge of
Allegiance to the flag of our country.

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of
Marlborough Planning Board, July 19,
2021. Regular meeting at 7:30 p.m.
Approval of stenographic minutes for
5/17, 6/7 and 6/21. On the agenda this
evening we have the Dziegelewski Airbnb,
a continuation of their public hearing
for a site plan at 95 Millhouse Road in
Marlboro. We have the sketch of a site
plan for Henry's Farm To Table at 220
North Road in Milton. We have a sketch
of a site plan for Chevers Bed &
Breakfast, 45 Cross Road in Marlboro.
The next deadline will be Friday,
July 23, 2021. The next scheduled
meeting is Monday, August 2, 2021.

Anything from the Board before
we begin?

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MR. GAROFALO: Yes. I have some educational attendance information. Zoning Introduction, two hours; Open Government in Planning and Zoning Decision Making, one hour; and the What, Why and How Site Plan Review, one hour.

CHAIRMAN BRAND: Excellent. Just give those to Jen before the meeting is over, James.

Anything else?

(No response.)

CHAIRMAN BRAND: All right. I would like to have a motion for the approval of the stenographic minutes for May 17th, June 7th and June 21st, please.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Cindy.

MR. TRONCILLITO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

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MR. TRONCILLITO: Aye.

MS. LANZETTA: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First on the agenda this evening
we have the public hearing continuation
for the Dziegelewski Airbnb. Can I have a
motion to reopen the public hearing?

MR. CAUCHI: I'll make that
motion.

CHAIRMAN BRAND: Manny. Is there
a second?

MR. CLARKE: Second.

CHAIRMAN BRAND: Steve. This is
a continuation of a public hearing.

How about, Pat, we run through
your comments first.

MR. HINES: Do we have an
applicant?

CHAIRMAN BRAND: Sorry?

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MR. HINES: Do we have an
applicant?

CHAIRMAN BRAND: Is the applicant
here?

MS. FLYNN: I don't see him.

MS. LANZETTA: It's still a
little early.

MR. CLARKE: You should also ask
how many went out and how many came back.

MR. CAUCHI: Mr. Chairman, were
there any more certified letters?

CHAIRMAN BRAND: We will
certainly ask that question. They don't
appear to be here.

MR. CLARKE: I'll make a motion
we table this one.

MR. DZIEGELEWSKI: Hello? Hello?

MS. FLYNN: He's in the Zoom.

CHAIRMAN BRAND: Yes.

MR. DZIEGELEWSKI: Hello. I
can't hear anything.

CHAIRMAN BRAND: Are you on mute,
Jen?

MS. FLYNN: I'm not on mute.

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CHAIRMAN BRAND: Can you hear us now?

MR. DZIEGELEWSKI: This is Mike Dziegelewski. I can hear voices.

CHAIRMAN BRAND: I'm sorry for the audio feed issues. Mr. Dziegelewski, are you able to turn on your video? It's not required but if you could, that would be helpful, then we could see you. Use hand signals.

MS. LANZETTA: He could be on the phone.

CHAIRMAN BRAND: Oh, he's on the phone.

Jen, where is the mic actually picking up the sound? From the camera?

MS. FLYNN: Yes.

CHAIRMAN BRAND: Mr. Dziegelewski, can you hear us now?

MR. DZIEGELEWSKI: I hear (inaudible).

CHAIRMAN BRAND: Can you turn him up, Jen?

Mr. Dziegelewski, can you hear

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us?

MR. DZIEGELEWSKI: Yeah. I'm trying my phone. I barely hear you.

CHAIRMAN BRAND: Okay. We will -- can we move the camera up, maybe Jen, closer?

MR. LANZETTA: I don't think it's the camera. We had the same problem at the Town Board meeting. I think you have to put a microphone right next to the computer.

CHAIRMAN BRAND: Just give us one minute, Mr. Dziegelewski.

What was that again, Mr. Lanzetta?

MR. LANZETTA: So I think what we did was point the microphone right next to the computer. I think that's where the voices come in. We tried to regulate the microphone so we could get the individual to hear.

CHAIRMAN BRAND: Okay.

MR. TRONCILLITO: It's all new to us.

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THE REPORTER: I'm going to go
off the record until you're ready.

(Off the record.)

CHAIRMAN BRAND: Was there a
motion to table Dziegelewski Airbnb?

MR. CLARKE: Table it for a
period of time.

CHAIRMAN BRAND: I'm just going
to move him to the end.

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

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

CHAIRMAN BRAND: Last and first,
Dziegelewski Airbnb, public hearing,
site plan.

This is a public hearing. It's
a continuation. If any interested
parties either for or against the
project would like to speak, please just
state your name for the record. You'll
have an opportunity to be heard at this
time.

Anyone?

MR. CANTONE: I'm going to sit so
I have the mic.

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CHAIRMAN BRAND: Okay. The chair is very low. I apologize.

MR. CANTONE: I'd just like to follow up from the last meeting.

CHAIRMAN BRAND: Could you state your name for the stenographer?

MR. DZIEGELEWSKI: John Cantone, 85 Millhouse Road. I was on the Zoom meeting last time and there was lots of discussion about a combination of things that would appear that Mr. Dziegelewski was actually already renting out his property and advertising it prior to having a permit. There was even some discussion about the discrepancy between the application and what was being advertised. It was just a lot of discussion where we left off, and it kind of left an impression on many of the residents I think, I'll just speak for myself at the moment but I know others feel the same, that there's a discrepancy in what's being applied and what was actually happening and whether he was

1 actually already out of compliance because
2 he didn't have a permit but yet operating.
3 Your answer seemed to be to defer to the
4 building inspector as that's an
5 enforcement policy versus a permit. To
6 me, I had a hard time with the disconnect
7 between an application for you to approve
8 having it as a short-term rental Airbnb in
9 the first place if we really can't trust
10 the data that's being submitted as in
11 comparison to what's being done at the
12 time. So I don't really know where to
13 take this other than a statement.

14 I'm not necessarily for or
15 against it. If the Town has passed a law
16 that says short-term rentals and Airbnbs
17 are now legal, then there's really no
18 stopping it. The only thing that's
19 important to the residents now is that the
20 laws and the rules are adhered to and
21 they're enforced. There's always a
22 potential with short-term rentals -- I was
23 a former landlord for many years, long-
24 term rentals, and I've experienced myself
25

1 what can happen with tenants. They don't
2 necessarily always take care of their
3 property and concern themselves with the
4 neighborhood as would a long-term resident
5 or an owner. When you talking short term,
6 you're even more inclined to see that
7 sometimes.
8

9 So our concern with the
10 neighborhood is look, if this is going to
11 be a business, okay, so be it. Let's be
12 up and up on what's supposed to be legal.
13 How can we be sure that the permit --
14 everything in the permit is upfront and
15 honest and complete and the proper steps
16 are being taken? Because last time we
17 didn't even get the letters -- most people
18 didn't get the letter. I still didn't get
19 the letter. I had to get it from my
20 neighbor, who it got sent to them by
21 accident in bulk. I'm not sure why that
22 was so difficult.

23 I want to express concerns.

24 I have yet to meet Mr.

25 Dziegelewski, so I would like to, at some

point, sit down and have that conversation with him. Our concern isn't to stop this because we don't want it, but the concerns are valid. We've seen rentals there already. We've seen some high fires and some noise. I don't live as close so I can't say I've seen it or heard it directly, but people that refer to it, I can definitely trust what they are telling you is the truth.

I don't know what kind of -- what's the right word I'm using. I don't know how you can give us some confidence in some way that if this permit was to get approved and, you know, the business was going to move forward, that we would be able to feel comfortable that compliance is being adhered to and that the whole nature of the residential neighborhood doesn't turn as a result of, you know, a business that may be not taking into consideration all the feelings or concerns of the residents. I know that's kind of an open-ended question, but maybe you can

1
2 give us a little feedback on where you are
3 from that meeting in terms of the open-
4 ended questions on the application and
5 where any discussions happened with the
6 code enforcement officer and the Building
7 Department or anything like that.

8 MR. TRONCILLITO: Mr.
9 Dziegelewski, I met with the building
10 inspector. I know what it is for
11 neighbors in regards to quality of life.
12 I live with it every day with a facility
13 across the street from me. I know what
14 problems the neighbors are talking about.

15 My feeling, before I vote yes on
16 this, is you've got to guarantee that
17 whoever you rent this to, that they
18 control themselves, and you have to
19 monitor it because the respect of the
20 neighbors, to me, is the most important
21 thing. Quality of life and your house
22 that you're living in, you don't want to
23 be bothered with whatever is going on
24 around you. It's not fair to them. If
25 you can guarantee that to me, then I know

1 what way I'm going to vote. Other than
2 that, I have a problem with it because I
3 understand how people feel when they're
4 being bothered trying to sit out on their
5 own porch and there's all kinds of noise
6 and racket and fireworks. I mean there
7 was a lot of stuff discussed last month.
8 That's just my opinion here as a Board
9 Member.
10

11 Now, the other thing I discussed
12 with Tommy is, you know, he's going to be
13 the code enforcement officer so he's the
14 guy that the neighbors are going to have
15 to call. He's going to be the guy that's
16 going to come down and either shut you
17 down or fine you or whatever the laws of
18 the land say in regards to that. That's
19 my "words of wisdom" so to speak.

20 MR. CAUCHI: Exactly. To add to
21 that, it has to comply with Town Codes
22 with the noise ordinance. If there's a
23 certain amount of noise, you call the
24 police department.

25 Also the bonfire. This fire,

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what is that?

MR. TRONCILLITO: That is such
a --

MR. CAUCHI: It's not a little
fire pit. They're saying they're seeing
it over the hedges.

MR. TRONCILLITO: That's not
allowed. If you were -- first of all, I
can not tell you how many times I got
calls when I was fire chief in regards to
having a little pit fire. Can I have
this? Of course you can, within reason,
like anything else. If somebody is going
to have a fire where you have a fire
that's ten or fifteen feet tall, you know,
if I was still chief I'd be down there
putting it out. That's exactly what I
would be doing.

MR. DZIEGELEWSKI: I'd like to
address those concerns if I could. We did
have a couple fires and we do have the
paver block fire pit. That did exist
before we moved in. So we have had a
couple fires there.

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2 My wife bought me some of those
3 sparkler fireworks that we set off once or
4 twice. The non-reporting ones. They
5 don't go up more than ten feet. That sort
6 of thing. That did occur just before July
7 4th.

8 Other than that -- I'd also like
9 to say my situation is, you know, I have
10 my in-laws come over. I have two 20-month
11 old twins that live in the main house.
12 We're there all the time. They go to bed
13 at 7 and they wake up at about 6, so we do
14 try to keep the noise down in the
15 backyard.

16 I can say this in support of the
17 approval and as far as guarantee. I can
18 do a write-up, I can sign it, where no
19 short-term tenants will be using any fire
20 pits outside, whether it's off the ground
21 or in the ground. So I can sign that,
22 too.

23 MR. CAUCHI: What I understood
24 last time was you were the ones --

25 MR. DZIEGELEWSKI: It was me.

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MR. CAUCHI: So you have to --
you need to comply with this request --

MR. DZIEGELEWSKI: Sure.

MR. CAUCHI: -- about the limit,
the highness.

MR. DZIEGELEWSKI: That can be
limited, of course.

MR. CAUCHI: Is that what you're
telling me?

MR. DZIEGELEWSKI: I can sign a
piece of paper that says they're not
allowed to use any incendiary, propane
grills or anything like that. I can put
it in the listing, I can sign it, just to
help out with the guarantee you're talking
about as far as that's concerned.

Another thing, too. So I went to
the neighbors that are close by and I
arranged some paving work that we had. So
that was a big help as far as upkeep of
the property. So I want John to be sure,
and other neighbors to be sure that the
property will be kept up. I live there.
If you get to know me a little bit you'll

1 see that. Right now I'm doing a
2 restoration on the house, so that includes
3 all the prep work, staining. I'm getting
4 new front doors for the house. I'm
5 putting money into the house. So I want
6 everyone to know here, and all the
7 neighbors too, that this isn't just some
8 fly-by-night situation. Please speak to
9 Johnny Ramirez who is my contractor out of
10 Marlborough. He's working on the house
11 there.
12

13 The other thing, too, about the
14 letters. I did get two certified letters
15 back from Mark Zanan, and I think it's
16 Julie Cruz. I sent Jen the links for all
17 the receiving of the letters. So those
18 were the only two I got back.

19 CHAIRMAN BRAND: How many did go
20 out this time and how many were returned?

21 MR. DZIEGELEWSKI: Twenty went
22 out, eighteen came back. I did use the
23 website that Jen showed me to get the 500
24 feet. I'm surprised that --

25 MR. CANTONE: Somehow they went

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to the Skurnick's house --

UNIDENTIFIED SPEAKER: It was my name with their address. So I got two letters at my house.

MR. DZIEGELEWSKI: So on the image mate there's two -- your name is on two properties. That may have -- your name is on two properties.

UNIDENTIFIED SPEAKER: It shouldn't be.

MR. DZIEGELEWSKI: That's what it is on the --

MR. CANTONE: I don't want to get hung up on that.

CHAIRMAN BRAND: So Mr. Cantone, maybe to address some of your concerns as well. The town supervisor, myself, board Members and the code enforcement officer sat down when we were originally discussing this short-term rental revision to the code. The code enforcement officer was adamant -- we had proposed some other variations for this law, and he was adamant that he wanted it to be owner

1 occupied or owner adjacent to really kind
2 of address the concerns that you have
3 right now. His feeling was that if you're
4 there and you're on site, next door to the
5 site, that you're obviously going to have
6 a better handle on what's happening as
7 opposed to an absentee person or someone
8 that's ten miles away.

10 MR. CANTONE: So that's actually
11 written into the law?

12 CHAIRMAN BRAND: It is.

13 MR. CANTONE: My experience is
14 both. I've had an owner-occupied
15 building. I became an absentee landlord
16 when I moved to Marlborough and it was a
17 big difference in the way the house is
18 maintained.

19 So I'm comfortable -- you know,
20 I'm really not against this. I never have
21 been really, because it is what you guys
22 passed as the law. I've also been a
23 landlord so I know it can work if you pick
24 the right people and screen people and are
25 owner occupied. You live there, you have

1 a vested interest in making sure that it's
2 maintained and you don't get the wrong
3 people in there and damage isn't done.

4 To me, I would -- like I said,
5 I'm okay with it. When you guys are
6 telling me -- I'm okay with the fact
7 you're telling me. In looking at the
8 things, I have concerns, and I think most
9 of our neighbors would have similar
10 concerns. If those are being addressed
11 and Mr. Dziegelewski understands that, I
12 think the next step is I urge you to get
13 to know us. We probably haven't reached
14 out to you either. I did bring a package
15 to your house that came to my house. I
16 don't want to get into a situation where
17 we're complaining to the Board -- to the
18 code enforcement officer and things are
19 happening and now we have friction in the
20 neighborhood. It's not going to be good
21 for anybody. Right? It's obviously a
22 potential plus for the Town to have these
23 Airbnbs and bed & breakfasts and invite
24 people into the Town and let them spend
25

1 money and maybe see the Town and more
2 people move here. Who knows. I don't
3 want to give the wrong impression. We're
4 not here to slap it down.
5

6 I think that's all I'll say. My
7 concerns seem to be those that the Board
8 shares. If you consider those in your
9 approval and you are working with the town
10 enforcement officer as you say, then I
11 think we can get along.

12 MR. GAROFALO: I'd like to make
13 one statement about this. That is, the
14 way the law was set up was we wanted the
15 owner there so that you would have an
16 opportunity to complain to them. However,
17 there is also a provision in the law that
18 three strikes and they are out, they lose
19 their permit. So they have a vested
20 interest in making sure that the neighbors
21 are satisfied with what's going on
22 because they don't want to lose their
23 permit. So there is recourse, if things
24 go totally whacky, to address this. But
25 the idea was that the landlord is there,

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will hopefully take care of the issues first and immediately. That is also in the law --

MR. CANTONE: Good. That's great.

MR. GAROFALO: -- to protect the neighbors.

MR. CANTONE: Thank you.

MR. GAROFALO: It was a big concern about protecting the neighbors against the intrusion.

MR. CAUCHI: The Code Enforcement Department takes care of that.

CHAIRMAN BRAND: I think in your experience as a landlord you know most people are reasonable people if you speak to them. If there's an issue, you speak to Mr. Dziegelewski, I'm sure he'll address it.

MR. CANTONE: I think it took us back a little bit when we saw it was already being rented, and then all of a sudden we get letters that there's going to be a hearing for a permit. We said

1
2 wait a minute, we thought this was already
3 in place.

4 Understood. We can move on from
5 it. That's where I stand.

6 CHAIRMAN BRAND: Thank you.

7 MR. CANTONE: I look forward to
8 working with you.

9 CHAIRMAN BRAND: Is there anyone
10 else here to speak?

11 Jen, can you check with Ms.
12 Crudele? I know she's a neighbor and I
13 know she's online. Do you want to ask her
14 if she has a comment?

15 MS. CRUDELE: I'd like to ask a
16 quick question. My name is Diane Crudele,
17 I live a 45 Millhouse Road. I didn't know
18 that this meeting was in person or we
19 would be there tonight.

20 What I would like to know is how
21 many cars can we expect to see in the
22 driveway, let's say on a given night, or
23 how many people will be staying? Because
24 when we moved into this neighborhood and
25 built the house, they owned two acres of

1 land. So there are multiple bathrooms,
2 bedrooms in the house, which was all legal
3 until one of those neighbors sold and
4 another house was built. So the potential
5 for the number of people staying in that
6 house seems quite large to me. I just
7 wonder how many people would be there on a
8 given evening.
9

10 CHAIRMAN BRAND: Ms. Crudele, can
11 you hear me?

12 MS. CRUDELE: Yes. It's a little
13 bit difficult to follow along, but yes.

14 CHAIRMAN BRAND: So the town code
15 stipulates that there can not be more than
16 two people per bedroom.

17 MS. CRUDELE: Okay. And how many
18 beds are rented out?

19 CHAIRMAN BRAND: Mr.
20 Dziegelewski?

21 MR. DZIEGELEWSKI: Can I go to
22 the --

23 CHAIRMAN BRAND: Go right ahead.

24 MR. DZIEGELEWSKI: Hi, Diane.
25 Can you hear me?

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CHAIRMAN BRAND: I don't think it's on. There's a little switch at the top.

MR. DZIEGELEWSKI: Diane, can you hear me? This is Mike.

MS. CRUDELE: One moment. Yes Mike, we can hear you.

MR. DZIEGELEWSKI: Great. I just would like to give you a little bit of the setup because this has been an evolving process really.

So there's the main house in which we live in, and then there's the -- you know, on the north side of the house there's a one bedroom, so that's always been a separate unit. I'm also asking the Board for a continuing approval to go through the process of compliance. I did have a building inspection there recently and on the application I applied for one bedroom on the north side, and then the lower level does have a kitchen and it does have a living area with two separate rooms that could be bedrooms that are not

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CO'd for bedrooms at this time.

So today really on the application I applied for the one in the north part, which has egress and already has been existing there, but there's also two on the lower level I'm applying for today. I do have to go through a bit of engineering work and contracting work to get the CO for egress if I were to make those other two rooms downstairs bedrooms.

CHAIRMAN BRAND: So three total, six people?

MR. DZIEGELEWSKI: So the application today is three total, six people.

On the site plan I do have the parking spaces laid out, and I guess that's public -- is that public, my site and floor plan at this time?

CHAIRMAN BRAND: I believe so.

MR. HINES: Yes.

MR. DZIEGELEWSKI: So yeah, I have the floor plan for each of these areas of the home, and I also have the

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parking spaces from the site plan.

I also want to mention that there is a connection from my kitchen area stairwell down to that lower level. So a door there opens to that lower level. Technically it's a part of that main house. I am looking, in eventuality, to go through the Planning Board process and not have to come back if I can get an engineer to draw a design plan where I can make two bedrooms downstairs by having those egress points. Sorry to be long winded.

CHAIRMAN BRAND: That's good.

MS. CRUDELE: Is that a potential increase from those two additional bedrooms?

CHAIRMAN BRAND: Six total. Three bedrooms, six total max.

MS. CRUDELE: So never more than six?

CHAIRMAN BRAND: Correct.

MS. CRUDELE: And that's allowed on a single-family lot?

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CHAIRMAN BRAND: Yes.

MS. CRUDELE: I'm asking the
Board.

CHAIRMAN BRAND: Yes, that is
allowed.

MS. CRUDELE: What is the noise
rule in Marlborough, because we've never
had this issue. We want to know before we
go in if rules are being broken or if they
are not.

CHAIRMAN BRAND: There is a noise
ordinance. It's available on the Town
website.

MS. CRUDELE: On which website?

CHAIRMAN BRAND:
Townofmarlborough.org.

MS. CRUDELE: Thank you.

CHAIRMAN BRAND: You're welcome.
Is that it, Ms. Crudele?

MS. CRUDELE: Yeah. That's all.
Thank you.

CHAIRMAN BRAND: Thank you. How
about John's iPad. Are you here for this
public hearing as well?

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UNIDENTIFIED SPEAKER: That's my husband.

CHAIRMAN BRAND: Excellent.

Pat, did you want to run through your comments first?

MR. HINES: Sure. The first comment Mr. Dziegelewski just addressed was to clarify the access to the basement floor plan, which we just discussed. That has a separate exterior access around the back that's been depicted.

We're just mentioning the sections of the Town's short-term ordinance which must be complied with. We're suggesting that they be identified and recited in the approval resolution.

Issues regarding the intensity of use and noise were raised at the previous Board meeting. We just discussed those very same issues, and we did confirm with the code enforcement officer that this is an existing legal two-family home according to the Town's records. That's associated with what was just identified.

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The applicant was requested to contact the code enforcement officer. We're looking for an update as to that status.

Again, I reiterate from the Town's short-term noise ordinance the Planning Board's scope of review, it is a streamlined review based on that ordinance. Comment 5 is right out of the ordinance.

The operation of the short-term rental requires a permit from the building inspector. The building inspector is the enforcement officer, and those permits are revokable for a lack of compliance.

I don't know if you met the building inspector. That was one of the --

MR. DZIEGELEWSKI: We did the walk through at my house.

CHAIRMAN BRAND: Thanks.

MR. HINES: That's all we had.

CHAIRMAN BRAND: Anything else?

MR. GAROFALO: I just want to

1
2 make a comment. From the drawing that was
3 provided, I think it's a little confusing
4 because it almost looks like there are
5 three separate units. I think that the
6 drawing might need to be clarified as to
7 how that access is connecting two of those
8 units, the ground floor and the upper
9 floor.

10 MR. DZIEGELEWSKI: Yes. The
11 levels. So there's technically three
12 levels, the ground, the north part main,
13 main second level and then main lower. So
14 the stairs behind the kitchen go to main
15 lower or basement level.

16 MR. HINES: The code enforcement
17 permit, when they issue the permit they'll
18 understand that I think.

19 MR. GAROFALO: The problem is
20 it's not really shown on the plan, and
21 that is part of the confusion. You see it
22 on the basement floor level but you don't
23 see it on the ground floor level. So when
24 one looks at this, one looks at this as
25 almost three separate units when there's

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actually a connection between two of them.

MR. DZIEGELEWSKI: Yeah. The main and the lower is connected by the stairwell.

MR. HINES: It shows the stairwell.

MR. GAROFALO: It shows the stairwell on the basement level.

MR. DZIEGELEWSKI: Yeah. It was, I think, just convenience to see the floor plan of each level. I don't know how you depict one -- the main is over the lower level so they moved it to the side on the plan, and then they put the second level on another -- you can see it on a separate. So they did every level separate on the site plan -- the floor plan.

MR. HINES: When in fact they're stacked in reality.

MR. DZIEGELEWSKI: They're stacked. The lower level is the second --

MR. GAROFALO: I understand that. What's confusing is you're not showing the

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stairwell on both levels. It doesn't look like it's necessarily going up to the next level.

MR. DZIEGELEWSKI: It should be on the lower --

MR. GAROFALO: It's on the lower but it's not on the higher.

MR. DZIEGELEWSKI: Okay.

MR. GAROFALO: It's not shown on the first floor plan.

MR. DZIEGELEWSKI: Okay.

MR. GAROFALO: Nor is there anything where it shows how you get to the second floor.

MR. DZIEGELEWSKI: Stairwell left side. No? It just shows the second floor?

MR. GAROFALO: It just shows the second floor. How do you get to the second floor? There's nothing on the plan that shows you how you actually get to the second floor. Just like the basement, the stairwell doesn't go up or doesn't go down. It isn't shown. It could just be a

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stairwell on each side.

MS. LANZETTA: That's the living area that he will be occupying, so that's not critical to our --

MR. GAROFALO: It's only critical with respect to the question of how many units are in this building. Is it two or is it three? That's why it's critical.

MR. DZIEGELEWSKI: And that's what I put on the application, the three. That is labeled on the floor plan. The basement level, that's an area that would be two bedrooms, and then there's north as marked on the floor plan and the site plan. That would be the one bedroom. So it's the narrative application along with that that makes the picture of what you're talking about. Could I clarify this better on the floor plan? I could have the engineers.

CHAIRMAN BRAND: I don't think you need to. I think Pat's number 5 comment specifically addressed that. We're limited to the zoning -- the

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planning goals and objectives in the comprehensive plan. If the code enforcement officer thinks it's sufficient, then we're good to go.

MR. GAROFALO: The question of the zoning is a question of is this a duplex or is it a three-family.

CHAIRMAN BRAND: It's a two-family. It's listed as a two-family home.

MR. DZIEGELEWSKI: It's connected. That's why we're able to obtain the COs for the bottom, because it's connected to the main.

MR. GAROFALO: That's the importance of showing that connection, because it's that connection that makes it very clear that they are a combined unit. That is a duplex and not a triplex.

CHAIRMAN BRAND: Anything else, Mr. Garofalo?

MR. HINES: If it was a three-family it would not be allowed to have the use we're talking about.

MR. GAROFALO: That's why it's

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very important to the application to make
sure that's very clear.

MS. LANZETTA: It's not legal in
either --

MR. HINES: It's not allowable.
A three is a multi-family.

MS. LANZETTA: Therefore it
certainly wouldn't be allowed. I mean
it's not even allowed to begin with.

MR. GAROFALO: That's why it's
very important that it be very clear.

CHAIRMAN BRAND: Steve, anything
else?

MR. CLARKE: No.

CHAIRMAN BRAND: Manny?

MR. CAUCHI: No.

CHAIRMAN BRAND: I'd like a
motion to close the public hearing.

MR. CAUCHI: I'll make that
motion.

CHAIRMAN BRAND: Manny. A
second?

MR. TRONCILLITO: I'll second.

CHAIRMAN BRAND: Any discussion?

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(No response.)

CHAIRMAN BRAND: All those in
favor?

MR. CLARKE: Aye.

MR. TRONCILLITO: Aye.

MS. LANZETTA: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

Jeff, you prepared a resolution
of approval for this. Do you want to just
go over the highlights for us?

MR. BATTISTONI: I did. If you
flip to the second page of it, condition
number 1 refers to the property as a
single-family home. That should say two-
family home instead of single-family home.
So that correction needs to be made.

Other than that, I tried to
follow the items in your short-term rental
law. I referred specifically to various

sections of it in terms of what is required.

CHAIRMAN BRAND: All right. That being said, you have the Planning Board of the Town of Marlborough resolution for the application of Michael K. Dziegelewski and Joyce Dziegelewski for a minor site plan approval of a short-term rental unit dated July 19, 2021.

Jen, would you poll the Board.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes, with the stipulations please.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: What's that?

MR. HINES: The good neighbor clause.

MS. LANZETTA: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

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MS. FLYNN: Member Lofaro?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

It seems as though you're all
set, Mr. Dziegelewski.

MR. HINES: Off to the Building
Department. Not all set.

CHAIRMAN BRAND: All set with us.
Good luck. I'm sure you'll be a fine
neighbor.

(Time noted: 8:38 p.m.)

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

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

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

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.

IN WITNESS WHEREOF, I have
hereunto set my hand this 31st day of July
2021.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

HENRY'S FARM TO TABLE
Project No. 21-5015
220 North Road, Milton
Section 103.2; Block 13; Lots 12.1 & 12.2

----- X

SKETCH - SITE PLAN

Date: July 19, 2021
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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CHAIRMAN BRAND: Moving forward.
Next up, Henry's Farm to Table, sketch,
site plan.

Would you like to give us a brief
overview of what it is you have proposed
here?

MR. MEDENBACH: Sure. I guess
you're all familiar with the site. Should
I come forward here?

This is Buttermilk Falls, Henry's
restaurant building. We also put an
addition out the back. We have a two-
level addition. There will be a patio
with a deck area over top of it, plus
they're expanding the kitchen. It's going
to increase the overall seating by 70
seats. There's 80 now, so that will bring
it up to 150.

In addition to that building,
there's two little buildings up front.
One of them is a utility building, the
other one is for trash/garbage disposal.
It will all be put together.

I did receive Pat's letter today

1 asking for more information. It looks
2 like I've got some typos in the
3 application. In total I didn't see any
4 issues here. I'll get him the additional
5 information as soon as I can.
6

7 CHAIRMAN BRAND: Pat, did you
8 just want to run through your comments
9 officially for me?

10 MR. HINES: We're looking for
11 some detailed design of the grading for
12 the parking lot expansion and the design
13 details for each of those items.

14 The information identifies that
15 the existing Henry's restaurant is on Town
16 water and sewer but there appears to be
17 some sort of a tank in the parking lot
18 there.

19 MR. MEDENBACH: What there is is
20 there's an old septic tank there from when
21 we connected in to the -- you know, to the
22 public sewer. Originally he had a septic
23 system there, all the buildings, and we
24 expanded the sewer up there. I believe
25 the tanks were filled in. I don't think

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they were removed.

As part of this application I think we're going to try to get a grease trap in. That's the only improvement we need to make to the sewer. We do have a pump station there. I see the image shows where it was proposed, but actually it's been located and it's just outside of where the -- in front of the garbage disposal area. That pump will be able to remain. All the piping will stay the same. We're just going to try to add in a grease trap for the kitchen. Right now they just have a grease trap in the kitchen, not an outside one, and it's a maintenance problem for them. So we will add that to the plan, as well as, like you said, the soil erosion and sediment control. The bigger footprint with the disturbance there.

MR. HINES: The details of the garbage recycling facility, if we can get a detail of what that will look like, colors, access and such.

We're suggesting to provide the Planning Board with the architectural plans to take a look at what this is going to look like for the office revision, which is kind of out in front, the existing restaurant and the recycling, which is also at the access road as well. We're suggesting the Board may want to see what those are going to look like.

Previous approvals for this site were based on the valet parking. We just want to make sure that this approval continues to require the valet parking. Parking is kind of separate and away from the existing restaurant. When the valet parking or when parking is needed, the previous approvals all stated that valet parking must be utilized.

The short environmental assessment form needs to be modified.

Some of the remnants of the previous approval, the resort hotel expansion area, those kind of notes, if we can get those removed --

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MR. MEDENBACH: We'll do that.

MR. HINES: -- and only have what's proposed at this time.

There are three tax map parcels involved in this. The resolution should -- they'll be approved as a unified site plan. Each of them depends on each other. I believe in the past there was a requirement that they maintain the common ownership so that one of them can't be sold off and utilized as parking for the facility on a different lot. So those three lots need to be tied together through a resolution that has those approvals with the three lots together.

The parking lot identifies details which haven't been provided, so we'll be looking for those.

I was a little confused by the application. My comment 13 kind of identifies it. In your application it identifies that 500 square foot be added to the dining room, 2,327 square foot will be added to the kitchen, an additional

1
2 1,249 square feet of deck and 750 feet of
3 terrace. Cumulatively that looks larger
4 than the 2,900 plus or minus square foot
5 addition that is depicted.

6 MR. MEDENBACH: I'm going to have
7 to fix that.

8 MR. HINES: Okay.

9 MR. MEDENBACH: They kept
10 changing their plan. We may have just
11 gotten the numbers mixed up a little bit.
12 I will clarify that. We have a definite
13 plan right now. I'm not sure why they
14 didn't all add up correctly. I think it's
15 just a typo of what we put down in the
16 application. I'll clarify that.

17 CHAIRMAN BRAND: Comments from
18 the Board, questions?

19 MR. CLARKE: I have a question
20 for the representative here. That's a
21 really narrow spot in there and they're
22 expanding it. How does the fire company
23 feel about access to the site?

24 CHIEF KNEETER: The driveway is
25 narrow. It's very, very tight in there.

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I don't see the addition affecting that at all.

MR. CLARKE: Okay. It's close to the road. I know how narrow it is, and your trucks --

CHIEF KNEETER: It's very, very narrow. Believe me, if they carve anything out -- it's tight. That's what we put rub rails on the engines for. We push them right out of the way. Sorry.

CHAIRMAN BRAND: Other questions or comments?

MR. GAROFALO: I have a question and some comments. Is there any non-valet parking?

MR. MEDENBACH: Yes, there is.

MR. GAROFALO: Okay.

MR. MEDENBACH: But it's not very much. He has multiple uses there, so -- you know, they park by the hotel and then they'll have somebody move their car later or something.

MR. GAROFALO: You need to address the ADA requirements.

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MR. MEDENBACH: We do have
handicap parking right in front of the
restaurant. That's always available.

MR. GAROFALO: You'll need to
have a drop-off area also.

MR. MEDENBACH: Well I think that
is -- the handicap area is kind of a drop-
off area. It's in front of the
restaurant.

MR. GAROFALO: It's kind of hard
to see that on the plan. We need to see
that better.

MR. MEDENBACH: We'll clarify
that.

MR. GAROFALO: Also, with respect
to the change in the access, we need to
see the sight distances. That is very
applicable, to show what the sight
distances are at the old driveway and
where you're moving it to.

MR. MEDENBACH: The sight
distances for where?

MR. HINES: The driveways aren't
being moved.

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MR. GAROFALO: It says that
they're moving -- revised entrance.

CHIEF KNEETER: That's the second
entrance, isn't it?

MR. GAROFALO: Yes.

MR. MEDENBACH: That's a mistake
then. Where does it say that?

MR. HINES: It does say revised
entrance. That's a remnant.

MR. MEDENBACH: That's from the
old site plan. Okay. We'll clean that
up.

What I tried to do, since this
has been a project that's kind of evolved
over the years, I'm trying to keep the
same base mapping so you can see what was
previously approved. We didn't edit it
correctly. I will spend more time on that
to get that cleaned up as opposed to
making a whole new map here.

The only thing physically that's
being built there is the building.
There's actually a space where we're
laying out -- what is the total number of

1 parking? It's 16. There's actually a
2 gravel area there now, so they don't
3 actually have to build that. We just laid
4 it out. It's kind of a storage area that
5 they graded off. So we're just showing
6 where the additional 16 parking spaces
7 are.
8

9 Actually, while we're talking
10 about parking; Pat, can you confirm the
11 parking space for seats in the restaurant?

12 MR. HINES: It is.

13 MR. MEDENBACH: In your comment
14 letter you referred to if we revised the
15 square footage we may have to revise the
16 parking.

17 MR. HINES: Yeah. It looks like
18 if you add up all the square footage, it's
19 a significant amount more.

20 MR. MEDENBACH: The back of the
21 building doesn't necessarily have the
22 seats. They're spaced out. If you went
23 and said what's the maximum seats you can
24 put in that building, the whole number --

25 MR. HINES: If you clarify these

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numbers you might be closer to what your calculation showed. When I went through the application it was 2,300. The kitchen was 1,200. You were over --

MR. MEDENBACH: Over the 29.

MR. HINES: You're in the 4,000s.

MR. MEDENBACH: We may have just shown the footprint. I'll verify that.

MR. GAROFALO: The pond looks like it's much lower than the kitchen building. It looks like it's going to extend --

MR. MEDENBACH: The addition is going to be up in the air, more or less, on pilings.

MR. GAROFALO: Okay.

MR. CLARKE: Is there an issue with the setbacks from that lot line or is it because it's all continuous property owned by the same person so it's irrelevant?

MR. MEDENBACH: The overall setbacks to the property?

MR. CLARKE: It looks like the

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extension is really quite close to the lot line. Is that --

MR. MEDENBACH: That's actually the -- you're right. As Pat pointed out, these lots work together and can't be separated.

MR. CLARKE: But they're all owned by the same person?

MR. MEDENBACH: Yes. Bob controls all of it. It may be in two corporate names, different corporate names or something, but he does control it all.

MR. TRONCILLITO: Chief, do you have anything else?

CHIEF KNEETER: No. No, thank you. Thank you for asking.

CHAIRMAN BRAND: Anything else?

MS. LANZETTA: I'm not sure if Pat pointed out number 7 about the expansion. Where are we at with that? I remember when that was before us.

MR. MEDENBACH: So it was expanded. He's very close to applying for a building permit. So it's an approved

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site plan and --

MS. LANZETTA: I just wanted to know how close it was to completion.

MR. MEDENBACH: I believe he's kept the approval intact. I know he spoke to the building inspector. He has architects working on it. They priced the building out. They went back and made some changes because of the pricing. I know they've been finalizing building plans over the last month or two so that he can apply for a building permit. He's going to start construction on that probably before the end of the year.

MR. GAROFALO: For the valet parking, they drive the cars over to the lot. Are they walking back or do you shuttle them back?

MR. MEDENBACH: No. The people get out right in front of the restaurant -- right in front of the front door to the restaurant. They have a valet guy who jumps in the car, goes and parks it, and then when they come out they wait there in

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the lobby and he gets the car and brings it back to them. So it's a full-service valet.

MR. GAROFALO: He's walking back and forth to the valet lot?

MR. MEDENBACH: The valet guy is the one who is doing all the hiking. Yes.

MS. LANZETTA: They have golf carts.

MR. MEDENBACH: They do have golf carts and stuff like that. I guess when they're really busy they have a team of people doing it.

MR. GAROFALO: And those golf carts have lights on them?

MR. MEDENBACH: I would assume so. I can't, you know, really answer that.

MR. CAUCHI: What's the timetable for this project? When are you planning on starting?

MR. MEDENBACH: I don't know that exactly. I doubt if it's going to be this year. I mean it could. It could possibly start before the end of the year. The

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plans are ready on this one, but I
think --

MR. CAUCHI: The plans are ready?

MR. MEDENBACH: There's a full
set of plans. I believe they're -- I'm
not the architect. I have a set of
architectural plans and I believe they're
complete. I don't know if he's trying to
get financing or what the issue is here.
I really can't answer that. But, you
know, he's been working on this for some
time now.

MR. CAUCHI: I'm assuming the
restaurant will be closed when he's doing
this?

MR. MEDENBACH: I can't answer
that. You know, they may just, you know
-- I mean it's an addition out the back.
They can probably still operate up to a
point, and there will probably be a point
where they have to close to open up the
walls and whatever. I don't know the
logistics of that.

CHAIRMAN BRAND: Pat's comment 4,

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we would like to see the architectural plans.

MR. MEDENBACH: Right. We'll submit them with the next submission.

CHAIRMAN BRAND: Anything else?

MR. TRONCILLITO: That will be nice.

MR. MEDENBACH: He does a nice job. I have a set of plans here if you want to look at them. Actually, they're in my bag. Do you want me to bring them up?

MS. LANZETTA: We'll wait.

MR. CAUCHI: You can make a formal submission.

MR. MEDENBACH: I'll make them part of the actual application.

MR. BATTISTONI: For SEQRA purposes this might be a Type 2 action. If it is an expansion over 4,000 square feet it would qualify as a Type 2. I think it's unclear as to how much square footage is involved. I think we have to wait to get better numbers before making

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that decision.

CHAIRMAN BRAND: What is the number?

MR. BATTISTONI: 4,000 square feet.

CHAIRMAN BRAND: 4,000.

MR. BATTISTONI: In Pat's letter, item 13, if you add up all of those numbers, it's more than 4,000.

MR. MEDENBACH: Is that 4,000 the footprint or the total building square footage?

MR. HINES: Total square footage.

MR. MEDENBACH: The total building square footage?

CHAIRMAN BRAND: Of the addition or the completion --

MR. HINES: The addition of the project.

CHAIRMAN BRAND: Anything else on this one?

(No response.)

CHAIRMAN BRAND: No. So you'll make those corrections and get the

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architectural plans.

MR. MEDENBACH: Yes.

CHAIRMAN BRAND: We'll see you at the next meeting possibly, if you get that together.

MR. MEDENBACH: We'll be here at the next meeting. So the procedure for this I assume is what? When you consider it complete you'll schedule a public hearing? Is a public hearing required on this?

MS. LANZETTA: Once we have all the pertinent information and we feel that it's a complete project, and we also submit it to County, we'll decide to have a public hearing.

MR. MEDENBACH: Okay. So this has to go to the County, this project?

MS. LANZETTA: It's a site plan.

MR. MEDENBACH: All of your site plans go to the County. Okay.

MS. FLYNN: My cutoff for the next meeting is Friday.

MR. MEDENBACH: I didn't --

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MS. FLYNN: The cutoff for the
next meeting is Friday.

MR. MEDENBACH: This Friday?

MS. FLYNN: Yes.

MR. MEDENBACH: You guys are
pushing me. All these planning boards.
And that's for the meeting of what date?

MR. HINES: Two weeks from
tonight.

MR. BATTISTONI: August 2nd.

MR. MEDENBACH: In two weeks.
Does the Planning Board just have one
meeting a month?

CHAIRMAN BRAND: It's two.

MR. MEDENBACH: You have two.
Okay. So I may skip a meeting because I
don't think I can get everything together
by the end of the week. I have too much
on my plate right now.

CHAIRMAN BRAND: That's fine.

MR. CAUCHI: Jeff, can you
clarify this. All site plans have to go
in front of the County? I mean a site
plan for a bed and breakfast has to go?

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MR. BATTISTONI: I don't think
so.

MR. CAUCHI: Can you clarify
that?

MR. BATTISTONI: I'll look, but I
think you have to be within 500 feet of a
County road.

MR. CAUCHI: That's what I
thought, too.

MR. BATTISTONI: If you're not
within the criteria you don't have to be
referred.

MR. CAUCHI: Is this required to
go to the County?

MR. BATTISTONI: I think it is
because prior ones for this property have
been before County Planning.

MR. HINES: Didn't we go over
this last time with the last project?

CHAIRMAN BRAND: With Chip Kent.

MR. GAROFALO: It's also next to
the neighboring town. I think that
qualifies it.

MR. HINES: It's further than 500

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feet from that.

CHIEF KNEETER: It's much further
than that.

CHAIRMAN BRAND: The State road,
would that -- 9W?

MR. HINES: With 239-A you have
to refer it to the County if it's on a
State highway, County highway, a park.
There's a whole criteria. State highway
is one of them.

MR. CAUCHI: Can you please
clarify that so we know exactly what it
is?

MR. BATTISTONI: I'll get the
list for you and send it to you.

MR. CAUCHI: Thank you.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: No. All right.
So we'll see you at some upcoming meeting.

MR. MEDENBACH: Probably in a
month.

CHAIRMAN BRAND: Whenever you're
ready.

MR. MEDENBACH: Thank you very
much. You all have a good night.

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

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

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

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

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.

IN WITNESS WHEREOF, I have
hereunto set my hand this 31st day of July
2021.

Michelle Conero

MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

CHEVERS BED & BREAKFAST
Project No. 20-4012
43 Cross Road, Marlboro
Section 108.4; Block 1; Lot 16

----- X

SKETCH - SITE PLAN

Date: July 19, 2021
Time: 7:58 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE:

----- X

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

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CHAIRMAN BRAND: Next up we have the Chevers Bed & Breakfast. Do we have a representative here for the Chevers Bed & Breakfast?

Is someone on the line, Jen, for that?

MS. FLYNN: There's only one person on.

CHAIRMAN BRAND: Chevers Bed & Breakfast. Pat, did you want to run through your comments so we can get a better understanding?

MR. HINES: Sure. My first comment is that the building inspector identified in his comment letter that this was a bed & breakfast application, only we received a short-term rental application -- what appears to be for the short-term rental. I just need that clarified. Your latest application tells us if it's for short-term rentals, home occupations, bed and breakfasts. It does indicate on the second line there that this is a short-term rental Airbnb. I just want to

1
2 clarify what they are. You have bed and
3 breakfast in your code and now you have
4 short-term rental in your code. We need
5 that clarified.

6 CHAIRMAN BRAND: Can I just pause
7 you there? Apparently there was some
8 discussion with the code enforcement
9 officer regarding home occupation of a
10 short-term rental. Basically we're all in
11 agreement that the short-term rental
12 statute as it stands can be owner
13 occupied. Correct?

14 MR. HINES: Yes. It says that in
15 there.

16 MR. BATTISTONI: That's correct.
17 The way it's written, that's correct.

18 CHAIRMAN BRAND: Thank you. Go
19 ahead.

20 MS. LANZETTA: I think, Jen,
21 didn't you say that they initially were
22 going to be an Airbnb and then revised it
23 to short-term because they passed the new
24 law?

25 MS. FLYNN: Yes. They were

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waiting for us to change the law. They
did start out as a bed and breakfast.

CHAIRMAN BRAND: That's the only
thing we had at the time.

MR. HINES: Yes.

MS. FLYNN: Yes. Then she just
sent this minor site plan application for
a short-term rental in.

CHAIRMAN BRAND: Okay.

MS. FLYNN: But when she wrote
down short-term rental, she also put
Airbnb next to it.

MS. LANZETTA: So I agree with
Pat that the building inspector's letter
might need to be clarified to have it
changed so that it conforms with the
application being a short-term rental.

MR. HINES: Yeah. The code
treats each differently, which is why we
need to know which it is.

I believe a survey map, at least
some form of map, depicting the property
lines in association with the structure
and the parking and such should be

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submitted. We don't have that.

The entrance to the building, this looks like it's going to utilize a basement level or a lower level of the structure. The location of the entrance and the parking should also be depicted on there.

The application stated that photographs of the site were submitted. I did not receive those. I don't know if the Board has them. Those would probably be helpful as part of the application.

I stated the part of -- my comment 5 is right out of the short-term rental language, and it identifies the Planning Board's scope of review for these short-term rentals, not bed and breakfasts. Bed and breakfast doesn't contain the limitations on your review.

The short-term rental contains a section 4, paragraph 4-B that identifies the various uses or various conditions for short-term rentals, and we believe that those should be stated in the narrative

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and/or on the plans.

The operation of short-term rental requires a permit from the Town's Building Department which should be recited on the plan as well as in the resolution.

Your short-term rental regulations also require a public hearing to be held.

So I think there's some additional information the Board needs prior to scheduling that public hearing.

CHAIRMAN BRAND: Okay. Jen, can you just make sure that these comments get forwarded to them?

MS. FLYNN: Yes.

CHAIRMAN BRAND: See if they want to reappear for the continuation.

MS. LANZETTA: Can I --

CHAIRMAN BRAND: Comments?

MS. LANZETTA: First of all, I do want to remind the Board that it is our responsibility to explain why we waive anything, not necessarily -- the onus is

1 not all on the applicant. If they request
2 a waiver, it's also up to us to have a
3 written statement why we're going to make
4 the waiver.
5

6 I did get the picture, the parcel
7 viewer that the applicant had provided. I
8 know we've been trying to -- I mean if he
9 has access to his survey, that would be
10 really nice. If he doesn't, I'm looking
11 at the parcel viewer picture that he gave
12 us. I think it's sufficient as long as he
13 takes those boxes and really gives us an
14 idea of the parking, how much area there
15 actually is and how many cars can be put
16 there.

17 And then also, because he's going
18 to have to advertise for a public hearing,
19 I would like to see all of the neighbors
20 within that 500 foot area identified, not
21 just the immediate two neighbors.

22 My point is I would be okay if he
23 doesn't provide us with a survey if he
24 works more on this Ulster County Parcel
25 Viewer and provides us better information

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2 that we can judge, you know, the parking
3 issues and the adjacent neighbors. So
4 I'll put that out there.

5 CHAIRMAN BRAND: Any other
6 comments from the Board?

7 MR. GAROFALO: Yes, I have some
8 comments. With regard to the floor plan,
9 we need to know where the entrances and
10 the exits are.

11 In order to gauge the square
12 footages that are put here, we really
13 should see the square footages of all the
14 rooms and the stairways and hallways,
15 et cetera so that one can see how the
16 people are coming into the building and
17 getting to where they have to be to make
18 sure that they are adding up the square
19 footages correctly. So I think we need
20 those square footages of the individual
21 rooms as well as the hallways, et cetera,
22 in addition to those access hallways.

23 CHAIRMAN BRAND: Anything else?

24 MS. LANZETTA: I have a question
25 for Jeff. In looking at the application,

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2 I'm not sure that -- I don't know if you
3 have the application for the short-term
4 rental certification. First of all, I'm
5 not even sure if that is something that
6 the Planning Board needs to look at.

7 MR. BATTISTONI: I do have that
8 application here. It would seem to me the
9 Planning Board has to review it. If the
10 applicant is requesting any waivers, they
11 should be identified. If the Planning
12 Board is going to grant any, they need to
13 state what they are and why.

14 MS. LANZETTA: This is actually
15 for the short-term rental certification.

16 MR. BATTISTONI: I'm sorry.

17 MS. LANZETTA: I was thinking --
18 it's under the heading of the Building
19 Department. It seems to me that after --
20 if we approve -- if we do our part to
21 approve it, then that's something that
22 would be between the Building Department
23 and the applicant.

24 The thing that I'm curious about,
25 because if you look down under property

1 information, it says that this a single-
2 family house, a detached dwelling for a
3 bed and breakfast, and then it lists this
4 property, then it has the number of
5 bedrooms and number of bathrooms. So we
6 are technically approving the use of one
7 bedroom in this building -- one bedroom
8 and one bath, for it to be utilized. So
9 how does that work when they build this
10 out? How does the Building Department
11 know that they're not able to utilize
12 three bedrooms in that house, or two
13 bedrooms?
14

15 MS. FLYNN: That application,
16 that's for the Building Department. They
17 fill that out when they fill out our
18 application. Once we approve it, Chris
19 has to sign that and that will go to
20 Tommy, and then they start their process
21 with Tommy.

22 MS. LANZETTA: I'm saying how
23 does Tom know that we haven't approved the
24 use of all three bedrooms?

25 MS. FLYNN: Because he's going to

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get that application from us that Chris has to sign at the end of our process.

MS. LANZETTA: Okay.

MR. BATTISTONI: Your resolution of approval would indicate what you're approving. If it's one bedroom that can be used, you're going to identify which one it is.

MS. LANZETTA: Okay. Ultimately we don't really need to see this, do we?

MS. FLYNN: It's part of our application. I'm working with the Building Department so that we can coincide together to keep track of all the bed and breakfasts for the County as well.

MS. LANZETTA: Thank you.

MR. GAROFALO: I think the only form that we really need to see is the last one which says the Planning Board short-term rental certification that the Chairman has to sign and stamp. That one we have to get. The other ones are really the Building Department. The Building Department has to be concerned with that

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as part of the permit.

I think you're right, that even though you track through, I don't know if we need to see those Building Department forms because those are part of the Building Department permit. I mean it's nice to have them but I don't think it's required. As a matter of fact, I think there's a specific line item in there saying Planning Board approval, approved letter attached. So this form isn't complete -- this Building Department form isn't complete until after we approve and they attach that approval to the form that is sent to the Building Department.

MS. FLYNN: When Chris signs it, that's the approval. That's between Tommy and I. When Chris signs that last paper, that's the approval.

MR. GAROFALO: Right. What I'm saying is when they go through and they're checking these off, there's a specific item there that is for check the Planning Board approved letter.

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MS. FLYNN: That's the last page that Chris signs.

MR. GAROFALO: So technically the way this is set up, it's set up so that they don't have to fill this out until they get the Planning Board approval.

MS. FLYNN: It doesn't get signed until it gets approved. They fill out the whole application --

MR. GAROFALO: Until we approve it. We approve it, he signs it, then that signature becomes part of the application to the Building Department.

MS. FLYNN: Okay. I'm working with the Building Department to keep all of this together, so we're having it all done at one time until it's finished.

CHAIRMAN BRAND: We don't necessarily need that as part of our review, for sure, but when they come in and start filling things out, they're just filling out the application. We're just including it in the package to see what they completed for us.

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MS. LANZETTA: Thank you for
clarifying that.

MS. FLYNN: You're welcome.

CHAIRMAN BRAND: They're not
here. We'll forward Pat's comments to
them.

MR. GAROFALO: There's one other
thing they should do, and that is on page
4, they're supposed to sign that and date
it. I think maybe what we need to do is
change our form so that underneath it,
where it says by and date, we put
applicant or agent so they know they are
supposed to sign that on page 4.

MS. LANZETTA: Okay.

MR. GAROFALO: I can add that to
the form.

Also, there is a minor problem
with setting it up in the form so that
they can fill it out. That is on page 1
where it says the zoning districts, it
says please circle. You can't circle it
in that kind of form. We'll have to
modify the language there so that they

1 CHEVERS BED & BREAKFAST 79

2 write it in, because they can't circle it

3 as part of the form.

4 CHAIRMAN BRAND: Anything else?

5 (No response.)

6 CHAIRMAN BRAND: No. All right.

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8 (Time noted: 8:10 p.m.)

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

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

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

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.

IN WITNESS WHEREOF, I have
hereunto set my hand this 31st day of July
2021.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

BOARD BUSINESS

- 1. Form for reviewing a simplified lot line
- 2. Public hearing notices

----- X

Date: July 19, 2021
Time: 8:38 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
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

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CHAIRMAN BRAND: That's it for the formal agenda. Anything from the Board?

MR. GAROFALO: Yes. I have a few things.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: One is I sent to yourself and Member Lanzetta a copy of a form for reviewing the simplified lot line, and I will modify that based on Member Lanzetta's comments. I will get that out to the entire Board to take a look at.

The second thing is perhaps one of the things that we should do with regard to the public hearing is since these have to be sent out, it's ten days in advance, why not have the applicant provide the list to the Planning Board secretary prior to the meeting so that if there is a problem we will know in advance of the meeting instead of when we arrive and neighbors complain about it. I think if we could continue to have that and

1 provide the information as to the
2 receipts, et cetera at the meeting. I
3 think having them provide a list in
4 advance is something that's doable and
5 would be reasonable to have done. I could
6 just make a modification to the page
7 dealing with the public presentation
8 depending on how many days in advance we
9 would like them to submit it.

11 MR. CAUCHI: Are you saying about
12 the mailing list?

13 MR. GAROFALO: Yes.

14 MR. CAUCHI: You're saying you
15 want the applicant to give it to Jen for
16 her review? Is that what you're saying?

17 MR. GAROFALO: Right. Since they
18 have to send it out ten days in advance,
19 in order to avoid the public coming here
20 and complaining, to give to Jen maybe five
21 days in advance that list so that at least
22 she knows hey, this is the wrong list in
23 advance.

24 MS. FLYNN: You can't do that.

25 MR. HINES: How would she know

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it's the wrong list? She would have to generate her own list.

MR. CAUCHI: I don't think we should change that.

MS. FLYNN: Their mailings have already gone out. If it's wrong he has to redo it anyhow. It's still not going to be correct if it's wrong. You still have to have it within the ten days.

MR. CLARKE: I think I only remember one time since I've been on the Board that happened.

MS. LANZETTA: This has been the only one.

MR. GAROFALO: Is there also a way you could protect the public and not close the public hearing before there's an opportunity for you to review whether or not they complied with the regulation?

MS. FLYNN: The whole reason the applicants do it is because that way if they miss something, it's not put on us, it's put on them.

CHAIRMAN BRAND: Right.

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MR. CAUCHI: What I think you should do is maybe write memos how you can go ahead on the website.

MS. FLYNN: He put that in the application, to go to the --

MR. CAUCHI: I think that's satisfactory as far as I'm concerned.

MS. FLYNN: It's already too late when it comes to me to do anything.

CHAIRMAN BRAND: Like Steve said, there really hasn't been an issue at all. It's a good idea. The concept I think is decent but the procedure I think would be problematic.

Anything else?

(No response.)

CHAIRMAN BRAND: No. A motion to adjourn?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny.

MR. TRONCILLITO: I'll second.

CHAIRMAN BRAND: Bob. All those in favor?

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BOARD BUSINESS

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MR. CLARKE: Aye.

MR. TRONCILLITO: Aye.

MS. LANZETTA: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:42 p.m.)

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

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

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

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.

IN WITNESS WHEREOF, I have
hereunto set my hand this 31st day of July
2021.

MICHELLE CONERO