

2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4 - X

5 In the Matter of  
6

7 CHEVERS AIRBNB  
8

9 Project No. 20-4012  
10 45 Cross Road, Marlboro  
11 Section 108.4; Block 1; Lot 16  
12 - X  
13

14 PUBLIC HEARING - SITE PLAN

15 Date: September 20, 2021  
16 Time: 7:30 p.m.  
17 Place: Town of Marlborough  
18 Town Hall  
19 21 Milton Turnpike  
20 Milton, NY 12547  
21

22 BOARD MEMBERS: CHRIS BRAND, Chairman  
23 CINDY LANZETTA  
24 JOSEPH LOFARO  
25 MANNY CAUCHI  
26 JAMES GAROFALO  
27 STEVE CLARKE  
28 ROBERT TRONCILLITO  
29

30 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
31 PATRICK HINES  
32 VIRGINIA FLYNN  
33

34 APPLICANT'S REPRESENTATIVE: BARBARA ROCHA CHEVERS  
35  
36 - X  
37

38 MICHELLE L. CONERO  
39 3 Francis Street  
40 Newburgh, New York 12550  
41 (845) 541-4163  
42

2 CHAIRMAN BRAND: I'd like to  
3 call the meeting to order with the  
4 Pledge of Allegiance to the flag of our  
5 country.

6 (Pledge of Allegiance.)

7 CHAIRMAN BRAND: Agenda, Town of  
8 Marlborough Planning Board, September 20,  
9 2021. Regular meeting at 7:30 p.m.  
10 Approval of stenographic minutes for 8/16.

11 On the agenda tonight we have Chevers  
12 Airbnb at 45 Cross Road in Marlboro for a  
13 public hearing for a site plan. We have  
14 Bishop Subdivision at New Road and Mahoney  
15 Road for a public hearing of their  
16 subdivision. We have Taddeo/Giametta at  
17 14, 16 and 18 Riverwood Drive for a sketch  
18 of their lot line. The Gallo Subdivision  
19 at 46 Idelwild Road in Marlboro for a  
20 sketch of their subdivision. Henry's Farm  
21 to Table at 220 North Road in Milton for a  
22 sketch of their site plan. Pollock/Kent  
23 lot line at 39-53 Main Street in Milton  
24 for a sketch of their lot line.  
25 Pollock/Kent Site Plan at 39 Main Street

2 in Milton for a sketch of their site plan.  
3 We also will be including comments from  
4 the Board and a conceptual site plan  
5 discussion with the engineer. Also the  
6 Planning Board application. The next  
7 deadline will be Friday, September 24,  
8 2021. The next scheduled meeting will be  
9 Monday, October 4, 2021.

10 I'd like to have a motion for the  
11 approval of the stenographic minutes for  
12 8/16.

13 MR. TRONCILLITO: I'll make the  
14 motion.

15 MR. CLARKE: Second.

16 CHAIRMAN BRAND: Any opposed?  
17 (No response.)

18 CHAIRMAN BRAND: Any discussion?  
19 (No response.)

20 CHAIRMAN BRAND: None opposed.

21 So carried.

22 First on the agenda tonight we  
23 have Chevers Airbnb. If those  
24 representatives would come to the table if  
25 you want to come up.

2 Legal notice, site plan  
3 application. Please take notice a public  
4 hearing will be held by the Marlborough  
5 Planning Board pursuant to the State  
6 Environmental Quality Review Act or SEQRA  
7 and the Town of Marlborough Town Code  
8 Section 155.31 on Monday, September 20,  
9 2021 for the following application:

10 Chevers short-term rental, at the Town  
11 Hall at 21 Milton Turnpike in Milton, New  
12 York for a public hearing to be held at  
13 7:30 p.m. or as soon thereafter as may be  
14 heard. The application is here for a  
15 short-term rental. The public hearing  
16 will be at 7:30 p.m. with regard to  
17 premises located at 45 Cross Road,  
18 Marlboro, New York, Section 108.4; Block  
19 1; Lot 16. Any interested parties either  
20 for or against the proposal will have an  
21 opportunity to be heard at this time.

22 Chris Brand, Chairman, Town of Marlborough  
23 Planning Board.

24 Could you just state your name  
25 for the stenographer, please.

2 MS. ROCHA-CHEVERS: Yes. Barbara  
3 Rocha-Chevers.

4 CHAIRMAN BRAND: Do you have the  
5 mailings that you sent out for the public  
6 hearing?

7 MS. ROCHA-CHEVERS: Yes.

8 CHAIRMAN BRAND: Do you know how  
9 many went out and how many were returned?

10 MS. ROCHA-CHEVERS: Nineteen went  
11 out. One of the letters came back. I  
12 think we got pretty much everything back.  
13 I think two didn't come back. I have it  
14 on me.

15 CHAIRMAN BRAND: You'll need to  
16 give that to the secretary.

17 MS. ROCHA-CHEVERS: Okay.

18 CHAIRMAN BRAND: Before I open  
19 this up for public comment, comments from  
20 the Board?

21 MR. GAROFALO: I have a question.

22 CHAIRMAN BRAND: Sure.

23 MR. GAROFALO: A short  
24 environmental assessment form was  
25 requested. Did we receive that?

2 MR. HINES: I have one in the  
3 Town's files. I just looked in Jen's file  
4 and we do have one.

5 MR. GAROFALO: Okay. Thank you.

6 MS. LANZETTA: I noticed that you  
7 had made reference to a permit from the  
8 Town's Building Department. I have also  
9 received that. Did you get a copy of  
10 that?

11 MR. HINES: I did not. Once you  
12 approve it the Town will -- that's the  
13 application. I think it needs to get  
14 signed once you approve it.

15 MS. LANZETTA: Right. You noted  
16 that it was necessary. I didn't know if  
17 you had seen that. It is part of the  
18 packet.

19 MR. HINES: Any condition of  
20 approval should be conditioned on  
21 receiving that permit as well.

22 CHAIRMAN BRAND: Since we're  
23 calling out, do you want to go through  
24 your comments?

25 MR. HINES: I think we're done.

2 Yes.

3 CHAIRMAN BRAND: Perfect.

4 Anything else from the Board?

5 (No response.)

6 CHAIRMAN BRAND: Okay. This is a  
7 public hearing. If you're here to either  
8 speak for or against this proposal, I  
9 would ask that you come up to the podium  
10 here, use the microphone and just state  
11 your name for the stenographer. Is there  
12 anyone here tonight?13 MS. MOREHEAD: Hello. Theresa  
14 Morehead, 41 Cross Road.15 CHAIRMAN BRAND: We have to turn  
16 that on for you.17 MS. MOREHEAD: Thank you.  
18 Theresa Morehead, 41 Cross Road, Marlboro.19 I'm not sure what this is for  
20 because my understanding is they have a  
21 bed and breakfast going on now at that  
22 location. I'm not sure what this  
23 short-term rental is.24 CHAIRMAN BRAND: So I think just  
25 to clarify for you, there were some bed

2 and breakfast type short-term rentals  
3 occurring in the Town. They were  
4 happening outside the scope of the --  
5 outside the legal scope of what was  
6 required by the Town. The Town recently  
7 passed a short-term rental law and revised  
8 the bed and breakfast law. All of those  
9 people -- Code Enforcement sent letters  
10 out to anyone who they believed was  
11 operating outside the law and asked them  
12 to come before the Board for a review of  
13 the site plan of their rental property.

14 MS. MOREHEAD: Okay. That house,  
15 so my son has lived there, my daughter has  
16 lived there. It's one large room  
17 downstairs and one bathroom.

18 We are across the street from the  
19 high school.

20 My concerns are we don't know  
21 what's going on, who is coming out of  
22 there. So I'm very concerned about it.

23 CHAIRMAN BRAND: Just so you  
24 know, as was indicated by the engineer,  
25 there is a permit that's required from the

2 Town. There are basically a number of  
3 strikes and you lose your permit and  
4 you'll be unable to have that again. If  
5 there are complaints that are registered  
6 against the operation, they'll have their  
7 permit removed.

8 MS. MOREHEAD: Okay. But they're  
9 running it and they have had different  
10 people in there.

11 I have no border between that  
12 property and my property. They have come  
13 on my property. So I don't know how to  
14 control this.

15 MR. TRONCILLITO: Theresa, have  
16 there been any problems in the past?

17 MS. MOREHEAD: No problems but  
18 they're coming on my property and I don't  
19 know who they are. Like I said, we're  
20 across the street from the high school.  
21 There's children in the high school.  
22 There's no background check of people that  
23 are staying there.

24 MR. GAROFALO: Is there an open  
25 area? Is there delineated a difference

2 between the two properties?

3 MS. MOREHEAD: No. There was no  
4 divider when my son was living there, my  
5 daughter was living there.

6 CHAIRMAN BRAND: So Ms. Chevers,  
7 you'll indicate clearly to the renters  
8 where they should be allowed and where  
9 they should not be allowed?

10 MS. ROCHA-CHEVERS: Yes. To my  
11 knowledge I don't know anybody who has  
12 crossed the property lines.

13 MS. MOREHEAD: Yes. Sometimes  
14 they're not home when there's people  
15 staying in the apartment.

16 MS. ROCHA-CHEVERS: We're always  
17 home when people are there during the  
18 night. We go somewhere sometimes during  
19 the day but I'm always home with my  
20 daughter when people are there.

21 MS. MOREHEAD: So that's my  
22 complaint. I'm concerned.

23 CHAIRMAN BRAND: Thank you.

24 MS. MOREHEAD: Thank you.

25 MS. ROCHA-CHEVERS: Sorry. If we

2 have a vacation or if we're not home for  
3 the night, I always make sure to block it,  
4 those dates, because, you know, we don't  
5 want people to stay in our house if we're  
6 not there.

7 CHAIRMAN BRAND: Right. Okay.  
8 Any other comments from the  
9 public?

10 (No response.)

11 CHAIRMAN BRAND: Going once.  
12 Twice.

13 (No response.)

14 CHAIRMAN BRAND: Okay. I'd like a  
15 motion then to close the public hearing.

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

18 MR. GAROFALO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?  
20 (No response.)

21 CHAIRMAN BRAND: Any objection?  
22 (No response.)

23 CHAIRMAN BRAND: We'll close the  
24 public hearing.

25 Any additional comments from the

2 Board?

3 MR. CLARKE: If issues arise you  
4 may want to consider putting up a fence.

5 MS. ROCHA-CHEVERS: Okay.

6 MR. CLARKE: Good fences make  
7 good neighbors.

8 MS. ROCHA-CHEVERS: Thank you.

9 CHAIRMAN BRAND: Is the Board  
10 comfortable authorizing the attorney to  
11 have a resolution of approval ready for  
12 the next meeting?

13 MR. CLARKE: Yes.

14 MR. TRONCILLITO: Yes.

15 MS. LANZETTA: Yes.

16 MR. GAROFALO: Yes.

17 MR. CAUCHI: Yes.

18 MR. LOFARO: Yes.

19 CHAIRMAN BRAND: All right.

20 Jeff, you can go ahead and do that.

21 MR. BATTISTONI: I will.

22 CHAIRMAN BRAND: Thank you.

23 MS. FLYNN: That would be October  
24 4th.

25 CHAIRMAN BRAND: Okay. Thank

2 you, Ms. Chevers.

3 MS. ROCHA-CHEVERS: I'll just  
4 submit the paperwork?5 CHAIRMAN BRAND: You can give  
6 them right to the secretary.7 MS. ROCHA-CHEVERS: And we can  
8 go?

9 CHAIRMAN BRAND: Yes.

10 MS. ROCHA-CHEVERS: So we're just  
11 going with the fire inspection I believe.  
12 Right?13 CHAIRMAN BRAND: Yes. We will  
14 review the resolution the attorney draws  
15 up for us. If it's approved, then you  
16 continue the process with the building  
17 inspector.18 MS. ROCHA-CHEVERS: Thank you so  
19 much.

20

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

22

23

24

25

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have  
17 hereunto set my hand this 30th day of September  
18 2021.

19

20

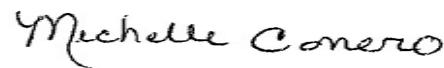
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MICHELLE CONERO

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

In the Matter of

5 [DISCUSSION](#) [SAMPLES](#) [DATA](#) [CODE](#)

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

18 BUDGET HEARING SUBMISSION

10 PUBLIC HEARING - SUBDIVISION

11 Date: September 20, 2021  
12 Time: 7:40 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:    CHRIS BRAND, Chairman  
16                            CINDY LANZETTA  
17                            JOSEPH LOFARO  
18                            MANNY CAUCHI  
19                            JAMES GAROFALO  
20                            STEVE CLARKE  
21                            ROBERT TRONCILLITTO

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

APPLICANT'S REPRESENTATIVE: ADAM DiVALENTINO

2 CHAIRMAN BRAND: Next up, Bishop  
3 Subdivision for a public hearing on their  
4 subdivision on New Road and Mahoney Road.

5 Is there a representative here?  
6 If you could just come to the table, that  
7 would be great.

8 MS. FLYNN: Mr. Chairman, the mic  
9 is over here. Do you want me to move it  
10 over there?

11 CHAIRMAN BRAND: I didn't think  
12 about that.

13 MS. FLYNN: Do you want me to put  
14 it over there?

15 CHAIRMAN BRAND: Thank you, Jen.  
16 Legal notice for a subdivision  
17 application. Please take notice a public  
18 hearing will be held by the Marlborough  
19 Planning Board pursuant to the State  
20 Environmental Quality Review Act, SEQRA,  
21 and the Town Code Section 134-9 on Monday,  
22 September 20, 2021 for the following  
23 application: Bishop Subdivision, at the  
24 Town Hall, 21 Milton Turnpike, Milton, New  
25 York at 7:30 p.m. or as soon thereafter as

2 may be heard. This application is for a  
3 two-lot subdivision for property located  
4 at New Road and Mahoney Road, Section  
5 103.1; Block 1; Lot 49. Any interested  
6 parties either for or against this  
7 proposal will have an opportunity to be  
8 heard at this time. Chris Brand, Town of  
9 Marlborough Planning Board."

10 Pat, this time I will start with  
11 you.

12 MR. HINES: This project has  
13 addressed our previous comments. It's  
14 here tonight for a public hearing.

15 If there are no substantive  
16 comments the Board needs to address, we're  
17 recommending a negative declaration.

18 CHAIRMAN BRAND: Do you have the  
19 mailings that were sent out?

20 MR. DiVALENTINO: I do.

21 CHAIRMAN BRAND: How many went  
22 out and how many were returned?

23 MR. DiVALENTINO: Nineteen went  
24 out, six came back.

25 CHAIRMAN BRAND: Questions or

2 comments from the Board first?

3 MR. GAROFALO: I have one  
4 comment. I have a concern. Although the  
5 highway superintendent said for the lot,  
6 that the access to Mahoney Road was okay,  
7 with the 168 feet of sight distance to the  
8 left, really they should have 200. I'm a  
9 little concerned. Granted they put the  
10 driveway in the best possible place given  
11 the frontage there, however I am concerned  
12 about approving a lot that may not have  
13 adequate sight distance for the access. I  
14 would like it if the Building -- if the  
15 Highway Department clarified that  
16 statement or that the applicant provide  
17 some additional plans concerning the sight  
18 distance or the actual 85th percentile  
19 speeds on that road.

20 CHAIRMAN BRAND: Pat, do you have  
21 the letter from the highway  
22 superintendent?

23 MR. HINES: We do. We received a  
24 letter from the highway superintendent. I  
25 typically defer to him to do those field

2 reviews. I believe it was an e-mail from  
3 Mr. Alonge. They went out in the field and  
4 reviewed it.

5 It's difficult. As Mr. Garofalo  
6 said, they put it in the best location. I  
7 don't know if we can make a residential  
8 lot unbuildable due to sight distance. We  
9 typically rely on Mr. Alonge's field  
10 review.

11 CHAIRMAN BRAND: You're okay with  
12 this approval?

13 MR. HINES: The highway  
14 superintendent has the authority and he  
15 stated he is okay with that location. As  
16 Mr. Garofalo said, the design standards  
17 would be somewhat more than that.  
18 Oftentimes they'll post a hidden driveway  
19 sign for issues to address that as well.

20 CHAIRMAN BRAND: All right.  
21 Anything else from the Board?

22 MR. CLARKE: I rode down Mahoney  
23 Road to look at that last week and you  
24 really can't do much over 30  
25 miles-an-hour. I feel comfortable with

2 it. It's a windy road, you can't go very  
3 fast, so I felt it was adequate.

4 CHAIRMAN BRAND: Anything else  
5 from the Board?

6 (No response.)

7 CHAIRMAN BRAND: No. This is a  
8 public hearing. If there are any parties  
9 who are interested in speaking for or  
10 against, please come to the podium and  
11 just state your name for the stenographer.

12 MR. BROOKS: My name is Chase  
13 Brooks, 49 Mahoney Road. I'm also here  
14 for George Beach at 57 Mahoney Road and 63  
15 Mahoney Road for Nichole Hoffay. They  
16 can't be here. They have to watch their  
17 daughter. They asked me to come and just  
18 look at the site plan.

19 To give Adam the fair thing, when  
20 those mailings went out for the returns,  
21 the green envelopes that are supposed to  
22 come back were already torn off the  
23 envelopes. There was no way to respond  
24 that they came or not.

25 MR. HINES: The postal service is

2 doing that with certified mailings.

3 MR. BROOKS: I asked the postal  
4 carrier in our area and it was told to me.  
5 That's why they sent out I think nineteen,  
6 or whatever, and six came back. I was one  
7 of them that couldn't return it. There's  
8 two others that could not return it as  
9 well.

10 So basically I'm here for three  
11 families, basically because we just want  
12 to be kept in the loop. I know the Beck  
13 family and the Bishops. It just seems  
14 that everything is just happening.

15 We want to know where the  
16 proposed driveways would be going into for  
17 both properties of the subdivision.

18 Also, they both cross a stream.  
19 What are we doing about bridges or  
20 culverts for the driveways?

21 Since Mahoney Road is a detoured  
22 road -- and yes, it is 30 miles-an-hour --  
23 we get detours off of 9W frequently.

24 Not having enough frontage could  
25 be an issue come accident time or when it

2                   floods and New Road washes out Mahoney  
3                   Road and Mahoney Road comes down and  
4                   floods out through Kent's Orchards. What  
5                   about drainage as far as draining from  
6                   their higher elevation to a lower? It's  
7                   going to overwhelm the streambed that we  
8                   have. Also erosion. We already have a  
9                   problem with water coming off the road  
10                  because it was diverted ten years ago from  
11                  the two hurricanes. That was never  
12                  addressed. Every time it rains people  
13                  have to fix their backyards. So you put  
14                  more water into that drainage, what's the  
15                  plan of attack to keep that from  
16                  happening?

17 CHAIRMAN BRAND: Do you want to  
18 address that?

19 MR. DiVALENTINO: My response  
20 would just be we're not changing anything  
21 that's existing --

22 CHAIRMAN BRAND: Could you use  
23 the microphone?

24 MR. DiVALENTINO: Sure. Is it  
25 working? Can you hear me?

2

CHAIRMAN BRAND: Yes.

3

MR. DiVALENTINO: We're not changing anything that's existing. So on the Mahoney Road side, there's a culvert there that the right-of-way passes over. That culvert will remain intact with the piece of property that, you know, Jim intends to keep for his own use. The piece of property that myself and my wife intend to purchase and build on has a stream there. Our intent is to leave that stream undisturbed and bridge a driveway over it. So we're not affecting the drainage as it currently exists in any way. That's also what is stated in our proposal here.

18

CHAIRMAN BRAND: Thank you.

19

MR. BROOKS: As far as the culvert pipe that goes into the first subdivision for Bishop, that is just a piece of plastic culvert with rocks around it. That is nowhere near highway approved.

25

MR. DiVALENTINO: It's not a

2 highway, so --

3 MR. BROOKS: You're not going to  
4 be able to get a driveway in there. How  
5 are you going to put a truck in their  
6 safely?7 MR. DiVALENTINO: We're not going  
8 in that way. That's a piece of property  
9 that Jim intends to keep for future  
10 development.11 MR. HINES: That lot is not  
12 proposed for any development at this time.  
13 There are notes on the plans stating  
14 should that property be developed, they  
15 will have to return to this Board prior to  
16 developing that. The parcel that is being  
17 developed, access is off of New Road.  
18 There is a culvert proposed in that  
19 driveway, a 24-inch diameter culvert, and  
20 the drainage from that house site is on  
21 the opposite side of the drainage swale  
22 that runs through there. The runoff will  
23 not go to New Road.24 MR. BROOKS: I've got a 48-inch  
25 culvert pipe and it can not keep up with

2 the water flow when it rains. It  
3 overflows its banks 30 feet in each  
4 direction. I have a pond that turns into  
5 my property. That's the problem. A 24-  
6 inch culvert, I have one of those and it  
7 pops up out of the ground every time it  
8 rains.

9 MR. HINES: I don't know where  
10 your culvert is.

11 MR. BROOKS: There's a 12-inch  
12 culvert on the one road that dumps into  
13 the Mahoney Road side. If you would like  
14 me to show you I could.

15 MR. HINES: Sure.

16 MR. BROOKS: Where is New Road?  
17 Okay. So where is the stream? So the  
18 stream comes through here, comes around.  
19 I have a 12-inch culvert here.

20 MR. HINES: That's still on their  
21 property.

22 MR. BROOKS: After the property I  
23 have a 12-inch culvert here, and down here  
24 I have a 48-inch culvert. It's following  
25 the water. It's following right here. So

2 as soon as they cross their property, I  
3 have a 12-inch culvert -- actually it's a  
4 16-inch culvert. As it curves to go down  
5 towards Kent's --

6 MR. HINES: You're getting water  
7 from this?

8 MR. BROOKS: Correct. I have a  
9 48-inch and it will not take it. I've  
10 addressed it with John Alonge and he says  
11 there's nothing he can do.

12 The problem was ten years ago  
13 when the hurricanes came back to back, it  
14 was dug out and water diverted onto the  
15 property. The property comes across and  
16 it now dumps onto my property. Now I deal  
17 with, you know, the clean up, I'll say, of  
18 the overflow of rocks, dead fish,  
19 salamanders, crayfish, turtles, Box  
20 turtles and snappers, as well as snakes.

21 I'm not going against this. I  
22 want to make that clear to the Becks and  
23 the Bishops. I just would like my  
24 concerns eased. I have nothing against  
25 them. I'm not trying to fight them. I'm

2 looking for answers to my questions and  
3 that's it. Please don't take this as a  
4 personal dig.

5 CHAIRMAN BRAND: Do you have  
6 anything, Pat?

7 MR. HINES: No. I think he's  
8 describing an existing condition. What he  
9 mentioned was they have 24-inch proposed  
10 culvert going into his 16-inch culvert.  
11 Certainly that wouldn't be adequate.  
12 There should be a larger surface area to  
13 pass the runoff.

14 What we are looking at here is  
15 below this project and to the existing 48  
16 on this site there's a large tributary  
17 area that comes in as well, not impacted  
18 by this. So I think we have that existing  
19 condition. I'll defer to the applicant's  
20 representative. He heard that as well.  
21 If they are confident with that 24-inch  
22 culvert across the driveway --

23 MR. BROOKS: If anyone was around  
24 for the storm that we just had, they  
25 couldn't have driven across New Road. It

2 had 12 inches of water on it. Also the  
3 propane tanks for the ball field. So  
4 there is a problem with the water on the  
5 road, and I'm going to end up with it.

6 MR. HINES: The recent storms  
7 would have exceeded the design capacity of  
8 a 25-year storm event culvert. That's The  
9 maximum they would design a town road  
10 culvert for.

11 MR. BROOKS: And we've had like  
12 seven of those in the last ten years.

13 MR. HINES: We can only go by the  
14 design standards. I don't know if it's  
15 seven.

16 MR. BROOKS: Subpar design  
17 standards.

18 MR. HINES: That would be your  
19 opinion.

20 CHAIRMAN BRAND: Pat, you're  
21 comfortable it meets the guidelines?

22 MR. HINES: Yeah. This is not  
23 going to affect the existing water  
24 conditions there.

25 MR. BROOKS: You're going to feed

2 a 24-inch culvert into a 16 and I'm not  
3 going to have a problem?

4 MR. HINES: Your culvert may be  
5 undersized.

6 MR. BROOKS: And then when the 16  
7 gives way and overflows the 48, you think  
8 your 24 is going to do anything?

9 MR. HINES: They're not tributary  
10 to the same -- you have a --

11 MR. BROOKS: There are two  
12 streams that connect --

13 MR. HINES: I agree.

14 MR. BROOKS: -- into one. New  
15 Road is the main stream. There's one on  
16 Mahoney that comes down from Mahoney pond.  
17 There's another one that comes off New  
18 Road. New Road is the issue, not Mahoney.  
19 The Mahoney one has been there longer than  
20 I've been alive. There's going to be an  
21 issue on New Road.

22 Not that I'm against it. I just  
23 want to make sure it's addressed before we  
24 go any further.

25 MR. HINES: I think the existing

2 problem on New Road is beyond the scope of  
3 this subdivision.

4 MR. BROOKS: You put a 24-inch  
5 culvert, it's going to wash out.

6 MR. HINES: A 24-inch culvert is  
7 not on New Road. It's several hundred  
8 feet off New Road.

9 MR. BROOKS: I'm familiar with  
10 it. It's in the back of my property.  
11 Where the temporary bridge is right now,  
12 if that's where the proposed is, it's not  
13 going to work. The last storm we just  
14 had, the water was over the temporary  
15 bridge.

16 MR. HINES: It's always going to  
17 be. That storm would exceed any design  
18 standard that you would build a  
19 residential driveway.

20 MR. BROOKS: So we're not taking  
21 into consideration for potential of larger  
22 events?

23 MR. HINES: Typically, no.  
24 Highway culverts are usually a maximum  
25 25-year year storm event. When you have

2 storms that exceed those designs  
3 standards, there will be issues with the  
4 drainage.

5 MR. BROOKS: We already have the  
6 problem now. Why not address it?

7 MR. HINES: If the problem is on  
8 New Road, it's outside the scope of this.

9 MR. BROOKS: But the proposed  
10 driveway is going to be --

11 MR. HINES: It's 200 feet off of  
12 New Road.

13 MR. BROOKS: Correct. But it's  
14 still a driveway that's going to get  
15 washed out. If you go up further on New  
16 Road, there is a 48-inch culvert pipe for  
17 the house that crosses now and it washed  
18 out twice. You can confirm that with  
19 John.

20 MR. HINES: I'm not saying it  
21 hasn't. I'm saying those culverts are not  
22 sized for the storm events that --

23 MR. BROOKS: They changed now  
24 twice.

25 CHAIRMAN BRAND: We'll take your

2 comments into consideration.

3 MR. BROOKS: And again, I'm not  
4 here to postpone it. I just want to  
5 address prior to going further.

6 CHAIRMAN BRAND: Okay. Thank  
7 you.

8 MR. BROOKS: Just nobody knows  
9 what's going to happen later down the  
10 road. If there's going to be more houses  
11 for a subdivision. Nothing is proposed  
12 right now on the other side. You don't  
13 know if that is going to be an issue.  
14 There's a whole lot of what ifs. When I  
15 hear that the culvert is only meeting a  
16 standard that we've surpassed multiple  
17 times just recently -- even during the  
18 winter when there's ice dams and backup  
19 and there's water that, you know, backs up  
20 and drains on the property.

21 CHAIRMAN BRAND: We'll take that  
22 into consideration. Thank you.

23 Is there anyone else? Please  
24 state your name for the stenographer.

25 MR. BISHOP: Good evening. My

2 name is Jim Bishop. I'm the owner of the  
3 property.

4 I just want to -- with all due  
5 respect to Chase, I understand where he's  
6 coming from and I wanted to unconfuse  
7 certain things. I own all the property.  
8 I basically bought it from my uncle. The  
9 Manesse family owned that property and it  
10 was handed down probably over a hundred  
11 years.

12 So as Mr. Clarke said, if you go  
13 up Mahoney Road, it's a very curvy, windy  
14 road. If you come down Mahoney Road, it's  
15 completely washed out from the last storm.

16 With that said, I just want to  
17 clarify. I have no intention to put a  
18 driveway in front where my parents' house  
19 is on Mahoney Road. I'm really  
20 subdividing to have the best spot at the  
21 end of the property on New Road.

22 Kevin and I and his family have  
23 agreed to a right-of-way across that lot  
24 to the New Road property to access if I  
25 ever do build there, if my son moves back

2 from Manhattan.

3                   With that said, Mahoney Road and  
4 New Road, the reason you have such issues  
5 when you have a major storm is because  
6 when the Hepworths bought the property  
7 from Paladino at the top of above Youngs,  
8 that water and those ponds overflowed.

9                   John Alonge, as Chase said, keeps putting  
10 in bigger and bigger pipes. I don't think  
11 you're ever going to fix the water issues  
12 on Mahoney Road or New Road no different  
13 than any other road.

14                   I just wanted to have you  
15 understand. Is there ever going to be an  
16 issue if the Becks and I and this  
17 subdivision is approved having a  
18 right-of-way. It sounds odd. I was  
19 reading the meeting minutes from two  
20 meetings ago. It is odd to have a  
21 right-of-way when I'm the owner and own  
22 everything. It was just handed down  
23 through the years and it was just a  
24 convenience for the farmers to access the  
25 property -- actually access from Chase's

2 father-in-law, Pat Manesse. So I want to  
3 take it off the table because it doesn't  
4 make sense. You've got the red barn right  
5 here. You've got basically the Manesse  
6 property, Chase's family right here, and  
7 it's a little right-of-way no bigger from  
8 your bench to that table. It wouldn't  
9 make sense to do it. So I don't plan on  
10 ever doing that.

11 With that said, I hope we can  
12 move this thing forward.

13 I have no problem meeting with  
14 John. I actually went to high school with  
15 John. I know him very well. I'm going to  
16 say the same thing. If you're going to  
17 fix New Road, certainly come over to  
18 Mahoney Road, which I live off of, because  
19 that's all washed out right down at the  
20 bottom of Mahoney Road, right past  
21 Manesse's turn.

22 I don't want to get into he said/  
23 she said/they said. I've lived there for  
24 sixty plus years and we're just trying to  
25 make everything work for everybody.

2 CHAIRMAN BRAND: Thank you.

3 Any other comments or questions  
4 from the public?

5 (No response.)

6 CHAIRMAN BRAND: No. I would  
7 like a motion to close the public hearing.

8 MR. CLARKE: I'll make that  
9 motion.

10 MR. LOFARO: I'll second.

11 CHAIRMAN BRAND: Any objections?  
12 (No response.)

13 CHAIRMAN BRAND: The public  
14 hearing is closed.

15 Any additional comments from the  
16 Board?

17 (No response.)

18 CHAIRMAN BRAND: Pat, your  
19 comments included there's no exception to  
20 issuing a neg declaration for the project  
21 based on recent plan modifications, if I'm  
22 reading it correctly. Is that where I am?

23 MR. HINES: Yes.

24 CHAIRMAN BRAND: Do I have a  
25 motion for that?

2 MR. LOFARO: I'll make that  
3 motion.

4 CHAIRMAN BRAND: Joe.

5 MR. CAUCHI: I'll second it.

6 CHAIRMAN BRAND: For the negative  
7 declaration for this project. Any  
8 discussion?

9 MR. CAUCHI: I'll second it.

10 CHAIRMAN BRAND: Second by Manny.  
11 Any discussion?

12 (No response.)

13 CHAIRMAN BRAND: Any opposed to  
14 issuing a negative declaration?

15 (No response.)

16 CHAIRMAN BRAND: No. So carried.

17 Do we want to authorize the  
18 attorney to finalize this by resolution?

19 Do I have a motion for that?

20 MR. TRONCILLITO: Yes.

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

23 MR. CLARKE: Yes.

24 CHAIRMAN BRAND: Steve. Any  
25 discussion?



2

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

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6

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

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

16 IN WITNESS WHEREOF, I have  
17 hereunto set my hand this 30th day of September  
18 2021.

19

20

21

22

23

34

25

Michelle Conero

MICHELLE CONERO

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

----- X

TADDEO/GIAMETTA

Project No. 21-5016  
14, 16 & 18 Riverwood Drive  
Section 103.3; Block 5; Lots 4, 12 & 13

**SKETCH - LOT LINE**

11 Date: September 20, 2021  
12 Time: 8:02 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:    CHRIS BRAND, Chairman  
16                            CINDY LANZETTA  
17                            JOSEPH LOFARO  
18                            MANNY CAUCHI  
19                            JAMES GAROFALO  
20                            STEVE CLARKE  
21                            ROBERT TRONCITILITTO

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

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

2 CHAIRMAN BRAND: Next on the  
3 agenda we have Taddeo/Giametta for a  
4 sketch and lot line at 14, 16 and 18  
5 Riverwood Drive.

6 How are you, Mr. Messina?

9 CHAIRMAN BRAND: Excellent. Do  
10 you want to give us a brief overview? If  
11 you could use the microphone, that would  
12 be great.

21 Before I go into the particulars  
22 of that lot line revision, I would like to  
23 share with the Board a situation that I  
24 found while doing the deed research for  
25 this project. I would like to hand these

2 maps which make it easier for me to  
3 explain what happened.

4 MR. HINES: Carmen, you have to  
5 give Jen one for the file. That's one of  
6 my comments as well.

7 MR. MESSINA: Okay. So in 1985  
8 Anthony and Sandra Pascale created a  
9 subdivision, a three-lot subdivision, in  
10 which they sold lot number 2 of that  
11 subdivision which was designated as  
12 subdivision map 64 -- sorry, 5613. They  
13 sold them lot number 2 which is outlined  
14 in red. Then in the next year, 1986, the  
15 Pascales subdivided the remaining lot 1  
16 and 3 into an eleven-lot subdivision which  
17 was filed map 6442. The affected lots for  
18 this lot line revision are 2, 6 and 7  
19 which are outlined in blue. I believe  
20 that the 1986 subdivision map was intended  
21 to reflect the lot number 2 of the  
22 previous 1985 subdivision and it was going  
23 to make it lot number 7. As you can see  
24 from the overlays of the subdivisions that  
25 they created, the geometry was not correct

2 and they created overlaps and some gores.  
3 I believe that they intended to do that.  
4 One of the, I would say evidence of that  
5 is that lot number 7, which is the 14  
6 Riverwood Drive owned by the Taddeos, was  
7 never sold because they believed that that  
8 1986 subdivision -- they thought that lot  
9 number 7 was lot number 2 of the previous  
10 year's subdivision.

11 In order to correct these errors  
12 we propose that we, by deed, transfer the  
13 area labeled parcel A as shown by the  
14 yellow, that overlap, we propose that that  
15 be transferred to lot number 6 which is on  
16 the west side of lot number 7, the Taddeo  
17 lot.

18 Also we propose to convey, by  
19 deed, the area designated -- outlined in  
20 yellow, that piece to be conveyed to lot  
21 number 2 of the '86 subdivision.

22 MR. HINES: Carmen, I don't have  
23 the yellow one that you just handed out.

24 CHAIRMAN BRAND: I think it's  
25 area B. Right?

2 MR. HINES: I'm following you  
3 here.

4 MR. MESSINA: We can give another  
5 copy to Jen.

6 MR. HINES: You're referring to  
7 areas A, B and C?

8 MR. MESSINA: Correct. Lot  
9 number 2 is the vacant lot that the  
10 Taddeos and the Giamettas want to split  
11 apart and add to their residences.

12 You can see area C, also outlined  
13 in yellow, is a gore, which means that  
14 when they bought lot number 2 of the 1985  
15 subdivision, that gore there still is  
16 retained by the Pascales, the original  
17 subdividers.

18 We are prepared to, by deed, sell  
19 that area C outlined in yellow to lot  
20 number 7. So in effect what we tried to  
21 do is correct the mistakes by making --  
22 now this map will conform to the 1986  
23 subdivision map.

24 I've been in touch with the  
25 Ulster County Real Property division and I

2 explained to them what we propose to do.  
3 They seem to be happy with that, because  
4 actually their tax maps reflect what we  
5 are trying to correct. They have the 1986  
6 subdivision on file as their tax map.

7 CHAIRMAN BRAND: That clarifies  
8 it.

9 MR. MESSINA: Pardon me?

10 CHAIRMAN BRAND: I think that was  
11 very clear.

12 MR. HINES: My only question is  
13 who owns lot 6, tax lot 3?

14 MR. MESSINA: Lot 6 is owned,  
15 fortunately, by the Taddeos.

16 MR. HINES: Someone that's party  
17 to this still owns it?

18 MR. MESSINA: Well yes. Of  
19 course lot number 2, which we were going  
20 to sell area B to, is owned jointly by the  
21 Taddeos and the Giamettas.

22 Area C, technically I believe  
23 it's still owned by the subdividers  
24 because lot 7 was never sold.

25 MR. HINES: It's just a gore.

2 They don't -- no one knows who owns it.

3 MR. MESSINA: Well I assume it's  
4 retained by the subdivider because lot 7  
5 of the '86 subdivision was never sold.

6 MR. HINES: Quitclaim it and file  
7 this map and clean it up. Believe it or  
8 not, I'm following along with that.

9 CHAIRMAN BRAND: Yeah.

10 MR. HINES: I'm okay with  
11 everything Carmen said. I have those very  
12 same questions in my comments. I didn't  
13 realize that, you know, lot 6 -- as long  
14 as lot 6 is in common ownership, I don't  
15 have an issue with it.

16 MR. MESSINA: And of course we  
17 have all that written in the note, as you  
18 see on the big map, that sort of says the  
19 same thing that I just presented.

20 CHAIRMAN BRAND: Pat, that  
21 basically answers your questions 1 and 2;  
22 right?

23 MR. HINES: Yes. My only  
24 concern, I didn't realize there is that  
25 gore in area C. I want to make sure lot 6,

2 tax lot number 3 is owned by someone  
3 that's party to this. I think it will  
4 clean up this lot line discrepancy from  
5 the two filed maps. The filing of this  
6 map will clean that all up.

7 MR. MESSINA: We thought putting  
8 it all together, that way when someone  
9 went to buy it they would have the whole  
10 picture in one map.

11 MR. HINES: Now you'll go from  
12 four lots to three lots.

13 MR. MESSINA: Pardon me?

14 MR. HINES: This will become  
15 three lots on this map. There are  
16 currently four and a gore.

17 MR. MESSINA: Yes. Right.

18 CHAIRMAN BRAND: Comments or  
19 questions from the Board?

20 MR. TRONCILLITO: Sounds good.

21 MR. GAROFALO: I have some  
22 comments. I agree with the checklist that  
23 the two-foot contours and sight distance  
24 really aren't applicable here. I think  
25 the Board should waive having those added.

2 I think it's good that lot 11 is  
3 now going to be in compliance where they  
4 were not in compliance with the minimum  
5 lot width. I think that's a very good  
6 thing. That's a benefit here.

7 The only other thing is the  
8 checklist needs to be stamped.

9 MR. MESSINA: If I may address  
10 that. I assume that you get copies of the  
11 things that I submit, the checklist. I  
12 actually sign that and then I endorse it  
13 with the endorser from my stamp.

14 MR. HINES: It has a raised seal  
15 on it.

16 MR. MESSINA: Maybe when you get  
17 the copy it doesn't show through.

18 MR. GAROFALO: As long as we have  
19 a copy on file, I'm good with that.

20 CHAIRMAN BRAND: Anything else  
21 from the Board?

22 (No response.)

23 CHAIRMAN BRAND: So Pat, it's a  
24 Type 2 action, no SEQRA activity, simple  
25 lot line?

2 MR. HINES: I believe this  
3 complies with your subdivision definition  
4 of a streamlined lot line.

5 MR. BATTISTONI: I think your  
6 streamline provision for waiving a public  
7 hearing is when there are two lots  
8 involved. I think there are more than two  
9 lots involved here. I do think you have to  
10 schedule a public hearing.

11 CHAIRMAN BRAND: Okay. You're  
12 probably right.

13 So are we comfortable for October  
14 4th, Jen?

15 MS. FLYNN: No.

16 CHAIRMAN BRAND: When would that  
17 be?

18 MS. FLYNN: The 18th.

19 CHAIRMAN BRAND: Are you good  
20 with that, Mr. Messina?

21 MR. MESSINA: I didn't hear what  
22 she said.

23 CHAIRMAN BRAND: October 18th for  
24 a public hearing.

25 MR. MESSINA: October 18th.

2 CHAIRMAN BRAND: Does that work  
3 for you?

4 MR. MESSINA: I think so.

5 CHAIRMAN BRAND: We'll schedule  
6 the public hearing for October 18th for  
7 the Taddeo/Giametta lot line revision with  
8 lots of markers.

9 MS. LANZETTA: Can I make a  
10 recommendation that pending any  
11 outstanding public input at the public  
12 hearing, that we have a resolution ready  
13 for approval?

14 CHAIRMAN BRAND: I would agree  
15 with that. I would definitely agree.

16 MR. GAROFALO: I agree.

17 MR. CLARKE: Yes.

18 MR. TRONCILLITO: Yes.

19 MR. CAUCHI: Yes.

20 MR. LOFARO: Yes.

21 MR. BATTISTONI: That's fine with  
22 me.

23 MR. MESSINA: Thank you. I  
24 appreciate that.

25 MR. TRONCILLITO: That way we get

2 it done.

3 CHAIRMAN BRAND: Thank you.

4 MR. MESSINA: Thank you.

5 (Time noted: 8:15 p.m.)

6

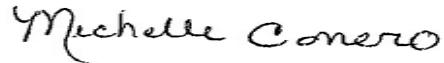
## 7 C E R T I F I C A T I O N

8

9 I, MICHELLE CONERO, a Notary  
10 Public for and within the State of New York, do  
11 hereby certify:12 That hereinbefore set forth is a  
13 true record of the proceedings.14 I further certify that I am not  
15 related to any of the parties to this  
16 proceeding by blood or by marriage and that I  
17 am in no way interested in the outcome of this  
18 matter.19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand this 30th day of September  
21 2021.

22

23



24

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MICHELLE CONERO

25

2 STATE OF NEW YORK : COUNTY OF ULMSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD

4 - - - - - In the Matter of

5  
6 GALLO SUBDIVISION

7 Project No. 21-5020  
8 46 Idlewild Road, Marlboro  
9 Section 108.2; Block 9; Lot 40.250

10 - - - - - X

11 SKETCH - SUBDIVISION

12 Date: September 20, 2021  
13 Time: 8:15 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547

18  
19 BOARD MEMBERS: CHRIS BRAND, Chairman  
20 CINDY LANZETTA  
21 JOSEPH LOFARO  
22 JAMES GAROFALO  
23 STEVE CLARKE  
24 ROBERT TRONCILLITO

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

28  
29 APPLICANT'S REPRESENTATIVE: JOSEPH POMARICO

30 - - - - - X  
31 MICHELLE L. CONERO  
32 3 Francis Street  
33 Newburgh, New York 12550  
34 (845) 541-4163

2 CHAIRMAN BRAND: Next up we have  
3 the Gallo Subdivision at 46 Idlewild Road  
4 in Marlboro.

5 MR. POMARICO: My name is Joe  
6 Pomarico, I work for Talcott Engineering.  
7 We're representing John Gallo who is the  
8 applicant.

9 A quick project overview. This  
10 is a two-lot subdivision. The total  
11 acreage is approximately 46.6 acres. We  
12 are looking to subdivide it into two  
13 parcels, one with the existing residence,  
14 approximately 12 acres, and the remaining  
15 parcel will be approximately 34.

16 CHAIRMAN BRAND: Thank you.

17 Pat, did you want to run through  
18 your comments?

19 MR. HINES: Sure. The first one  
20 that I don't have a comment on is that the  
21 applicant, I'm assuming, is requesting  
22 waiving of all the topography on the site.

23 They gave us the detail of where  
24 the driveway is going to be relocated.

25 That will be an action the Board may wish

2 to take.

3 I didn't see the gatekeeper  
4 letter from Code Enforcement in my file.  
5 We'll be looking for that in the future.

6 We need specified if there is  
7 agriculture on this parcel or the  
8 adjoining parcel as that compliance with  
9 Section 155-52, setbacks and buffers from  
10 agricultural land, would be required. I  
11 just noticed the Greiner name. This  
12 parcel is identified as an orchard parcel  
13 on the tax maps. If in fact there is any  
14 active agriculture surrounding this, those  
15 side yard and rear yard setbacks become 75  
16 feet. The rear yard is depicted as 75 but  
17 the two side yards will then become 75  
18 feet based on the agricultural buffers.  
19 You'll need to take a look at that.

20 We're asking that you show the  
21 wells and septic on the future  
22 submissions that are serving the existing  
23 lot to ensure that those components remain  
24 with the structure that is existing.

25 There's a requirement to relocate

2 the driveway based on the modified lot  
3 line. That will need approval from the  
4 highway superintendent. And also, the  
5 timing of that should be such that that be  
6 moved prior to final approval so that  
7 we're assured that that happens, or there  
8 could be worked out some bonding or  
9 securities to make sure that happens. We  
10 can't file that map with the driveway  
11 being shown in the wrong location.

12 Procedurally there will need to be a  
13 method to make sure that that driveway is  
14 relocated. The cleanest way would be to  
15 have it done prior to filing the map.

16 CHAIRMAN BRAND: Thank you, Pat.  
17 Questions or comments from the  
18 Board?

19 MR. HINES: I was just handed  
20 that gatekeeper letter.

21 MR. GAROFALO: I have a few  
22 comments.

23 CHAIRMAN BRAND: James.

24 MR. GAROFALO: On the zoning  
25 table, rather than where you're

2 identifying a specific lot, it would be  
3 appreciated if you could put in the exact  
4 numbers, then we can relate it to the map  
5 itself. There has been confusion in the  
6 past as to what is front, rear and side  
7 lots. This is one way that that can be  
8 checked. We really should have those  
9 correct numbers on the zoning table, not  
10 just that it meets the -- not that it just  
11 meets the minimum, because in fact these  
12 are in excess of the minimum which is  
13 good.

14 MR. HINES: They kind of gave us  
15 a mix. Some are the exact and some are  
16 the standard.

17 MR. GAROFALO: I'm not sure if we  
18 need two-foot contours.

19 I think it's important to know  
20 whether this driveway is going to be paved  
21 or gravel. Certainly a portion of that  
22 has to be paved immediately off of the  
23 road. There's a code distance that it has  
24 to be paved.

25 CHAIRMAN BRAND: Anything else,

2 James?

3 MR. GAROFALO: Also I'd like  
4 verified that there is a 25-foot  
5 right-of-way from the center line of the  
6 road.7 Is there a water source feeding  
8 that pond?9 CHAIRMAN BRAND: Is there a water  
10 source feeding the pond he asked.11 MR. POMARICO: I'm not sure.  
12 I'll talk to our engineer and I'll get  
13 back to you on that.14 CHAIRMAN BRAND: Can you clarify  
15 whether or not there is a agricultural use  
16 on any of those lots?17 MR. POMARICO: There is  
18 agricultural use and we'll be updating our  
19 site plan.20 Also addressing number one, the  
21 gatekeeper, we did leave a message for  
22 Tommy Corcoran. We haven't heard back  
23 from him.24 MR. HINES: Jen just handed it to  
25 me, so it's been done. I didn't have it

2 in my file.

3 MR. POMARICO: Great.

4 MR. HINES: Jen did have it in  
5 hers.

6 CHAIRMAN BRAND: Anything else  
7 from the Board?

8 MS. LANZETTA: I can't tell the  
9 length of the driveway. This doesn't meet  
10 any fire code regulations where there has  
11 to be an opportunity for a turnaround or  
12 anything?

13 MR. HINES: It's an existing  
14 condition so I didn't comment on it. I'm  
15 not aware of a fire code for a private  
16 driveway.

17 MS. LANZETTA: So you can have an  
18 unlimited driveway length --

19 MR. HINES: I think so.

20 MS. LANZETTA: -- and not have to  
21 worry about getting a fire truck --

22 MR. TRONCILLITO: You can have a  
23 long driveway.

24 MR. HINES: A private driveway is  
25 really -- it would make sense if it was a

2 new driveway, then we would comment on the  
3 distance. I didn't in this case. If the  
4 applicants are willing to provide that.  
5 It certainly makes sense to have fire  
6 trucks, ambulances to at least have a  
7 place to pass, turnaround. It's very  
8 long.

9 MR. GAROFALO: In this case it's  
10 being lengthened.

11 MR. HINES: It's 700 feet or more  
12 back there.

13 CHAIRMAN BRAND: Perhaps you  
14 could mention that.

15 MR. POMARICO: I'll make a note.

16 CHAIRMAN BRAND: Anything else  
17 from the Board on this?

18 (No response.)

19 CHAIRMAN BRAND: No. So we will  
20 ask that you clarify some of these issues.

21 MR. POMARICO: Absolutely.

22

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

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

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

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

16 IN WITNESS WHEREOF, I have  
17 hereunto set my hand this 30th day of September  
18 2021.

19

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23

34

25

Michelle Conero

MICHELLE CONERO

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

In the Matter of

## 5 HENRY'S FARM TO TABLE

Project No. 21-5015  
220 North Road, Milton  
Section 103.1; Block 2; Lots 12.1, 12.2 & 13

Section 103.1; Block 2; Lots 12.1, 12.2 & 13

10 SKETCH - SITE PLAN

11 Date: September 20, 2021  
12 Time: 8:22 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:    CHRIS BRAND, Chairman  
                                  CINDY LANZETTA  
16                            JOSEPH LOFARO  
                                  JAMES GAROFALO  
17                            STEVE CLARKE  
                                  ROBERT BRONCILLIITO

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

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

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CHAIRMAN BRAND: Next up, Henry's

Farm To Table, 220 North Road, Milton for

a sketch of their site plan.

5

6

7

How are you this evening? Do you

want to give us a brief overview of where

we are and what we're doing?

8

9

MR. MEDENBACH: We have three

applications.

10

11

CHAIRMAN BRAND: This is the

Henry's Farm To Table.

12

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MR. MEDENBACH: So we were here

last month. This application is for an

expansion of the restaurant out the back

of the building.

16

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18

There's existing water and sewer

to the building. The building is fully

operational.

19

20

21

We're adding more seating,

getting an elevator, more kitchen area.

They're basically expanding the facility.

22

23

24

25

Pat had asked for some more

details, which I believe we've submitted

everything. We showed that there's --

even though the property from the back of

2 the building slopes down to the pond, it  
3 looks like there could be a lot of  
4 disturbance. The building is going to be  
5 built on piers, so the disturbance is  
6 really quite minor.

7 There was an issue about parking.  
8 We would increase the need for parking.  
9 The facility uses valet parking which will  
10 remain. We showed some additional spots  
11 down in an area that has -- you know, a  
12 parking lot area now where there's room  
13 for more cars. So what we did on the  
14 parking facility -- am I close enough? Is  
15 that better? So the parking -- we had  
16 multiple uses on the property. You have  
17 the hotel rooms. You have the spa. You  
18 have the multi-use building. You also  
19 have special events outside. So we  
20 analyzed the parking as if everything was  
21 happening at once, which doesn't usually  
22 occur. So we show that there's plenty of  
23 parking. A lot of it will be by valet  
24 parking. That's predominantly how they  
25 operate there. A lot of it is in grass,

2 open field areas. You know, much of it is  
3 in gravel. I think it's all shown well on  
4 the plan now. I think it was a little  
5 confusing when we were here last month as  
6 to where all the parking was.

7 I know Pat produced a memo on  
8 this which I thought was very favorable.

9 If anybody has any questions.

10 CHAIRMAN BRAND: Pat, did you  
11 want to run through your comments?

12 MR. HINES: Sure. Barry had  
13 submitted a detailed response to our  
14 previous comments which was helpful in the  
15 review.

16 Architectural plans have been  
17 submitted for the Board's review which the  
18 Board can look at either now or in the  
19 future. We did request those to be shown.

20 They minimized the site  
21 disturbance by blending the structure into  
22 the topography utilizing a combination of  
23 foundations and piers rather than  
24 regrading the whole site. We had a  
25 concern about grading in the vicinity of

2 the pond. That will be addressed with the  
3 use of piers. Kind of like the Raccoon  
4 Saloon but on a little lesser scale there.

5                   The valet parking will continue  
6 to be utilized for events and for the  
7 restaurant parking, so that will alleviate  
8 a lot of our concern with the parking.  
9                   Their staff will be familiar with where to  
10 put the cars and how to bring them back.  
11                   That alleviated my concerns regarding  
12 that.

13                   They confirmed that the  
14 restaurant is connected to the municipal  
15 sewer system.

16                   This does require a public  
17 hearing and submission to County Planning.

18                   That's where we're at with our  
19 review. I think our comments have been  
20 adequately addressed.

21                   CHAIRMAN BRAND: Thank you, Pat.  
22                   Comments from the Board?

23                   MR. GAROFALO: I have one comment  
24 which I don't think was answered. That  
25 is, even though they have valet parking,

2           they still need an area for accessible  
3           people to get in and out of their  
4           vehicles. That should be, you know, in  
5           the vicinity of the building. So they  
6           need to be able to get out of their  
7           vehicles, not in the road, and then the  
8           valets can take them away. There needs to  
9           be an area. It's required from ADA to  
10          have that.

2 drop-off area is but we could do that.

3 MR. GAROFALO: I not only want it  
4 on the map but also to be properly  
5 designated on the site.

6 MR. MEDENBACH: We can do that.  
7 We can designate the area.

8 CHAIRMAN BRAND: Anything else  
9 from the Board?

10 (No response.)

11 CHAIRMAN BRAND: So we could  
12 schedule a public hearing for the October  
13 24th meeting. Would that be good for you?

14 MR. MEDENBACH: Yeah. The sooner  
15 the better.

16 MR. HINES: The 18th.

17 CHAIRMAN BRAND: The 18th. I'm  
18 sorry. October 18th, --

19 MR. MEDENBACH: October 18th.

20 CHAIRMAN BRAND: -- public  
21 hearing.

22 MR. HINES: Then it needs to go  
23 to County Planning as well.

24 CHAIRMAN BRAND: We could send it  
25 to County Planning in the meantime.

2 MR. BATTISTONI: We'll do that,  
3 yes.

4 CHAIRMAN BRAND: Jeff, anything  
5 on this?

6 MR. BATTISTONI: Nothing.

7 CHAIRMAN BRAND: That's going to  
8 do it for Henry's Farm To Table.

9 MR. MEDENBACH: Thank you very  
10 much.

11

12 (Time noted: 8:32 p.m.)

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

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

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

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

16                           IN WITNESS WHEREOF, I have  
17    hereunto set my hand this 30th day of September  
18    2021.

19

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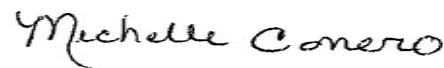
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MICHELLE CONERO

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

4 - - - - - In the Matter of

5 POLLOCK/KENT

6 Project Nos. 21-5018 & 21-5019  
7 39-53 Main Street Milton  
8 Section 100.1; Block 2; Lots 44 & 45  
Section 103.1; Block 21 Lots 45 & 86

9 - X

10 SKETCH - SITE PLAN & LOT LINE

11 Date: September 20, 2021  
12 Time: 8:32 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
14 Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman  
16 CINDY LANZETTA  
17 JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

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

21 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

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

2 CHAIRMAN BRAND: Moving on, the  
3 Pollock and Kent lot line revision.

4 Do you want to give us a quick  
5 overview of that, too?

6 MR. MEDENBACH: Do we have a map  
7 we could put on the screen? I have a  
8 paper one.

9 CHAIRMAN BRAND: I don't think  
10 there's anyone from the public here.  
11 We've got them here.

12 MR. MEDENBACH: I'll point out  
13 the boundary line agreement -- so this is  
14 a new application. It's jointly. It's  
15 the application for the boundary line and  
16 the application for a site plan. They're  
17 kind of really tied together. The purpose  
18 of the boundary line is to trade off some  
19 of the irregular property and actually  
20 acquire a little bit from the neighboring  
21 property.

22 Did we get the map up there?  
23 Yes, the map is up there now.

24 If you look at it, they are very  
25 irregular shaped properties. There's this

2 big triangle that sticks down into the  
3 middle of our lot. Basically it would be  
4 acquiring that and a little more acreage  
5 behind it, and then giving the applicant  
6 some of the area where he now parks cars  
7 for a rental house right off of Milton  
8 Turnpike. As you go up that driveway --  
9 you go up from the intersection, the  
10 driveway is to the right. So he parks  
11 cars off to the right of that driveway  
12 next to that house you can see there on  
13 the map. He doesn't own that piece.

14 It will be a swap. It's an  
15 arrangement that Bob has come to with the  
16 neighboring property. They have an  
17 agreement to make that swap.

18 Once that's approved, that will  
19 allow us to go into the next application,  
20 which is the site plan.

21 CHAIRMAN BRAND: Okay. I  
22 appreciate you doing them together. That  
23 makes sense.

24 Pat, did you want to go through  
25 your comments quickly?

2 MR. HINES: I think Barry's lead-  
3 in was good. I think we should tie these  
4 to the same application, number one for a  
5 SEQRA segmentation review and the review  
6 of this project. The lot line change and  
7 the site plan can proceed a parallel  
8 course and it will eliminate -- when I  
9 first got the SEQRA for this one I was  
10 like what's all this extra stuff. I think  
11 they are tied together and they should  
12 just proceed together as one application,  
13 a lot line change and a site plan. That's  
14 kind of the gist of my comments on the lot  
15 line. I reviewed the lot line first  
16 before I flipped open the next one.

17 They did give us a short  
18 environmental assessment form which  
19 wouldn't be needed for the lot line but I  
20 think tying them together it will be.

23 MR. MEDENBACH: That little  
24 triangle piece? That's so he can run a  
25 sewer line and tap into the municipal

2 sewer.

3 MR. HINES: Label that as a  
4 sewer --

5 MR. MEDENBACH: I didn't hear the  
6 question.

7 MR. HINES: We should label that  
8 as a sewer easement.

9 MR. MEDENBACH: Utility is what  
10 it's labeled.

11 MR. HINES: Lot 86, who owns  
12 that? Is that you?

13 MR. POLLOCK: Which one is that?

14 MR. HINES: It's the road it  
15 looks like. Existing parking --

16 MR. MEDENBACH: He owns this.

17 MR. HINES: We can clarify that  
18 on the map. This is an easement granted  
19 to --

20 MR. MEDENBACH: Yes.

21 MR. HINES: I don't know who owns  
22 lot 86.

23 MR. MEDENBACH: This makes sense  
24 when you look at the site plan.

25 MR. HINES: Yup.

2 MR. MEDENBACH: If we look at the  
3 site plan you'll see.

4 MR. HINES: I got that. We can  
5 clarify that.

6 MR. MEDENBACH: We can make that  
7 a little more clear on that survey map.

8 CHAIRMAN BRAND: So I guess your  
9 questions are going to be addressed in  
10 the --

11 MR. HINES: They'll roll right  
12 into as we do the next. It does become  
13 much clearer what's going on.

14 CHAIRMAN BRAND: We'll just jump  
15 right into the Pollock/Kent site plan  
16 then

17 MR. MEDENBACH: Okay. So this  
18 site plan is to utilize his vacant piece  
19 of property right now. There were some  
20 buildings that were taken down. This is  
21 right in the center of town. It's right  
22 in the corner of Milton Turnpike and Main  
23 Street. I'm sure everybody whose been  
24 through town knows the piece of property.  
25 There's a lot of rock on it. There's a

2 rock cliff in the back that needs to be  
3 excavated.

4                   What we're proposing here is  
5 basically eight separate buildings that  
6 are attached. Each building on the ground  
7 floor will have a little over 1,000 square  
8 foot retail area and then the second and  
9 third floor will each have four  
10 apartments. So there will be a total of  
11 thirty-two apartments on the second and  
12 third floors for all eight buildings.  
13 There's a total of around 13,000 square  
14 feet of retail space that will be there.

15                   The parking lot will be in the  
16 back. That will be basically at the  
17 second floor level because of the way the  
18 frame goes up. We did a parking analysis  
19 here where we show we're providing 47  
20 spaces. There's a total of 83 required,  
21 however there's an existing parking lot  
22 that the applicant owns that's down off of  
23 Brewster Street. It's behind the bakery  
24 building, an extension of that. He owns a  
25 parcel down there where there's an

2 additional 50 spaces. That's just a  
3 leveled gravel area now that has parking  
4 in it. I think one of the things Pat  
5 asked for, I guess, is more detail of  
6 that.

7 One of the things I realized  
8 today in coming here is that I did not  
9 submit any of the architectural drawings.  
10 I brought copies. If I may distribute  
11 that to the Planning Board so you get an  
12 idea of what we're proposing.

13 MR. POLLOCK: Just for a comment  
14 also. We're giving back to the Town eight  
15 feet of or ten feet of street. It's not a  
16 single lane road any more. It's going to  
17 be -- right now it comes into -- it  
18 basically combines into a single road.  
19 Now it's going to be much wider, the  
20 street, which is a giveback to the Town.

21 Also we have parking at the  
22 church, St. James. Also on the north end  
23 we have another lot that's right by the  
24 post office building. So we have parking  
25 for the whole Town almost now between St.

2 James and also right near the post office.  
3 So if you have any concerns about parking,  
4 now we're making more parking. Hopefully  
5 we can do that and at the same time we're  
6 widening the street.

7 CHAIRMAN BRAND: Pat, 8 foot,  
8 that's about the length of a parking spot?

9 MR. HINES: Your Town Code  
10 requires parking spots to be 200 square  
11 feet. It doesn't give you a dimension. I  
12 would assume they want 10 by 20. They may  
13 need a variance for that.

14 I also have a concern -- I'm  
15 looking in the Town Code and the  
16 three-story building --

17 MR. POLLOCK: Yes.

18 MR. HINES: -- doesn't fly in  
19 that zone with the apartments above. It  
20 specifically says two-story.

21 MR. MEDENBACH: I think if you  
22 look at the analysis, it's considered a  
23 two-story building, even though we have  
24 three floors, because we have the grade  
25 level in the back. Maybe we can get into

2 the -- I didn't bring that definition with  
3 me but I think if we look at that  
4 carefully --

5 MR. HINES: Rather than do that  
6 here, let's have the code enforcement  
7 officer weigh in on that and give us the  
8 answer to that.

9 MR. MEDENBACH: I think he did  
10 early on. We've been working on this for  
11 over a year.

12 MR. HINES: If the code  
13 enforcement officer is good with it. It  
14 says in the C Zone apartments above  
15 retail, not more than two stories. I  
16 understand you're using the grade in the  
17 back. We need a definitive answer.

18 MR. MEDENBACH: We'll get you  
19 more clarification on that.

20 MR. POLLOCK: Pat, --

21 MR. HINES: Understood.

22 MR. POLLOCK: -- really it's only  
23 two stories where the residential is.

24 MR. HINES: I hear that. But  
25 it's three stories in the front where the

2 residential is. Tom Corcoran can weigh in  
3 on that. If he's okay with it, then I  
4 will be. There's a certain section in the  
5 code under multiple use in the C Zone.

6 MR. MEDENBACH: We'll get  
7 clarification on that.

8 I want to point out we're  
9 proposing parking. We're going to realign  
10 the highway there, Main Street, and put  
11 some more additional on-street parking.  
12 We had shown the two little bump-outs --  
13 actually three if you count the corner  
14 with curbing aisles. We got some feedback  
15 from I guess the highway superintendent  
16 that he didn't like that idea for plowing.  
17 The reason we put them there is because  
18 there are utility poles there. In order  
19 to take them away we have to relocate the  
20 utility poles. We're negotiating with  
21 Central Hudson as to how that would  
22 happen. We don't think it's something  
23 that can't happen, we just need to figure  
24 out where they want to move the poles to.

25 MR. HINES: That's what was

2 creating the islands in the front?

3 MR. MEDENBACH: Yes.

4 MR. HINES: I don't necessarily  
5 have a problem with them. The snowplow  
6 guys may have an issue with that.

7 MR. POLLOCK: They're willing to  
8 move the poles back on the sidewalk now.

9 MR. MEDENBACH: We talked to  
10 Central Hudson. I think it's not that big  
11 of a deal.

12 So let me ask you, Pat, on the  
13 parking variance, is that a variance that  
14 is really a design standard this Board  
15 would waive?

16 MR. HINES: It says in the code  
17 parking.

18 MR. MEDENBACH: I believe if it's  
19 a design standard the Planning Board --

20 MR. HINES: The Planning Board  
21 has some ability to waive it. We can talk  
22 about that as well. A lot of other  
23 municipalities around here have that 9 by  
24 18 parking spot.

25 MR. MEDENBACH: The 9 by 18 is

2 pretty typical.

3 MR. HINES: The Town of Newburgh,  
4 that's their standard parking. The 10 by  
5 20 is an anomaly in zoning. It's big.

6 CHAIRMAN BRAND: I appreciate  
7 that with a truck.

8 MR. HINES: I drive a Suburban.

9 MR. GAROFALO: You have cars that  
10 are 7 feet wide. Most trucks are 8 feet  
11 wide. When you park an 8 foot wide truck  
12 in a 9 foot space, you're going to have a  
13 hard time getting out.

14 MR. HINES: In the Town of  
15 Newburgh we have great success with the 9  
16 by 18 with the double striped parking.

17 I just want to hit some of my  
18 other --

19 MR. POLLOCK: We used to have  
20 these buildings on Main Street once. Now  
21 we have parking.

22 CHAIRMAN BRAND: Questions or  
23 comments from the Board?

24 MR. TRONCILLITO: I have a couple  
25 here, mainly dealing with the fire

2 department. This facility I hope is going  
3 to be sprinklered with commercial on the  
4 first floor and residences on the second  
5 and third floors, if it goes to three  
6 floors.

7 MR. MEDENBACH: I'm sorry?

8 CHAIRMAN BRAND: Sprinkler  
9 systems.

10 MR. TRONCILLITO: Is this complex  
11 going to be sprinklered? We have  
12 commercial on the first floor and  
13 residential on the second and third floor.

14 MR. POLLOCK: Yes.

15 MR. MEDENBACH: That's the plan,  
16 yes.

17 MR. TRONCILLITO: Okay.

18 MR. HINES: It looked like the  
19 water valving was set up that way. The  
20 water lines are split going in it looks  
21 like.

22 MR. MEDENBACH: The water line is  
23 right there on Main Street

24 MR. POLLOCK: We have sewer and  
25 water.

2 MR. HINES: I assumed there was a  
3 fire line and a potable line.

4 MR. MEDENBACH: I don't know if  
5 we need sprinklers on these buildings.

6 MR. HINES: That's his question.

7 MR. POLLOCK: I would do  
8 sprinklers.

13 MR. POLLOCK: I would do it  
14 anyway for my liability. I do all my  
15 buildings sprinklered, in fact.

16 MR. MEDENBACH: We'll provide the  
17 proper connections for that then.

18 MR. POLLOCK: So we have the  
19 water main right in front of us. It's not  
20 a big thing.

25 CHIEF KNEETER: We're reviewing

2 the plans tomorrow night. We just  
3 received them. We had some questions  
4 which we'll have by the next Board  
5 meeting.

6 The parking lot in the back has  
7 been one of our concerns, the width and  
8 the height -- the width of it and the  
9 length, because God forbid something does  
10 happen there, it's going to limit our  
11 access in the road, Main Street, because  
12 of the power lines. So you might have to  
13 do the activity in the back. The area  
14 needs to be -- may need to be bigger.

15 CHAIRMAN BRAND: Which area,  
16 Chief?

17 CHIEF KNEETER: Excuse me?

18 CHAIRMAN BRAND: Which area? The  
19 parking area?

20 CHIEF KNEETER: Yes.

21 MR. MEDENBACH: We really don't  
22 have any room to go any bigger because of  
23 the rock wall in the back. If you tell us  
24 what size vehicle you want to get up  
25 there, we can do a diagram.

2 CHIEF KNEETER: They're big  
3 vehicles. That's what we're going to  
4 review tomorrow night.

5 CHAIRMAN BRAND: So you'll get  
6 those comments to us?

7 CHIEF KNEETER: Yes. Thank you.

8 MR. GAROFALO: I have some  
9 comments.

10 CHAIRMAN BRAND: James.

11 MR. GAROFALO: Take a look at  
12 155-30 (B) (2). There's a couple of  
13 concerns I have here. One is I think  
14 there's a limit to eight units per  
15 structure. One of the structures has  
16 residential units.

17 The second thing is --

18 MR. HINES: Can I hit that? Each  
19 building there is going to be an  
20 individual structure with a two-hour rated  
21 firewall which makes them each separate  
22 buildings. I believe that's your plan  
23 there.

24 MR. MEDENBACH: They're designed  
25 to separate buildings, yes. There will be

2 firewalls between the units.

3 MR. HINES: There will be eight  
4 structures there. They'll look like  
5 they're one big structure. As per the  
6 Building Code, if they are fire separated  
7 between them they're individual  
8 structures.

9 MR. GAROFALO: And with regard to  
10 the separation of the buildings, I think  
11 there's a requirement that it's 1.5 times  
12 the height, --

13 MR. HINES: There is that in the  
14 code.

15 MR. GAROFALO: -- which it's  
16 clearly not.

17 Also, there's a New York State  
18 Fire Code that deals with access for  
19 aerial ladders if you have a structure 30  
20 feet tall. You might want to take a look  
21 at that.

22 MR. HINES: So that requires --  
23 that's something the chief can look at.  
24 That requires -- aerial access requires 26  
25 foot fire access. I viewed that as Main

2 Street. If you have issues with the power  
3 lines there, that may be an issue.

4 Undergrounding the power lines in front of  
5 the building may go a long way to do that,  
6 but it's going to be ridiculously costly  
7 for that.

8 MR. POLLOCK: Central Hudson  
9 would love that.

10 MR. GAROFALO: I think with  
11 regard to the off-site parking, I think  
12 it's important that you see exactly how  
13 many spaces are there and where they are  
14 dedicated. As I understand, you own those  
15 also. We can't have a 50-foot -- a  
16 50-space parking lot that's allocated to  
17 1,000 people. Those spaces are -- we have  
18 to know what's being used now, what's  
19 available and how much can be specifically  
20 allocated to this particular use.

21 MR. POLLOCK: Right now St. James  
22 is underutilized. On the average there's  
23 one car or two cars a day there. We can  
24 make it into a thirty-car parking area  
25 without any problems.

2 MR. GAROFALO: I think also there  
3 needs to be a connection between the  
4 parking lot and the new structure so that  
5 those aren't reallocated to other  
6 businesses that are coming into the area.  
7 There has been to be some connection so  
8 that if that lot is sold, those parking  
9 spaces still belong --

10 MR. HINES: We've done that on  
11 two occasions. The Falcon did that with  
12 off-street parking and the Brick House  
13 which was -- I don't know what it's called  
14 now. The Brick House restaurant, when it  
15 did a second floor expansion also  
16 designated off-street parking. There were  
17 legal covenants or agreements. Jeff will  
18 give you the proper term. We have on two  
19 occasions done that in the hamlet.

20 MR. GAROFALO: Which is fine. It  
21 does look like it's under the 250 feet  
22 distance from property line to property  
23 line, but I think we should indicate what  
24 the distance is.

25 CHAIRMAN BRAND: Pat, do they get

2 credit for on-street parking, too?

3 MR. HINES: They do get credit  
4 for I think eight spaces on -- not even  
5 what they are given. They are in that  
6 hamlet parking area. That gives them  
7 credit for parking.

8 CHAIRMAN BRAND: In addition to  
9 the new ones?

10 MR. HINES: Yes.

11 MR. GAROFALO: As far as the  
12 street, the fire trucks do need 10 feet --  
13 actually they want 9'9". That's certainly  
14 the minimum that you would want to be  
15 providing.

16 MR. HINES: The trucks are only 9  
17 feet wide. They're not wider than 9 feet.

18 MR. GAROFALO: Okay. 10 is  
19 what's required. That's good. Thank you.

20 MR. HINES: In the bulk table you  
21 have a height of 35 to 40 feet. We just  
22 need to make sure they're 35 feet.

23 MR. GAROFALO: There's one other  
24 comment that I want to make, and that is  
25 the access. The access is going to be

2 very confusing. I think you need to look  
3 at either having the access onto the  
4 County highway or the access onto this, I  
5 don't know if it's a private road or  
6 private drive. With both you're going to  
7 be -- there are going to be certain things  
8 you're going to have to deal with. I  
9 don't think you can have it coming out in  
10 the middle of both of them.

11 MR. MEDENBACH: Are you talking  
12 about the pedestrian access?

13 MR. HINES: The access to the  
14 parking lot.

15 MR. MEDENBACH: The parking lot  
16 access?

17 MR. GAROFALO: You really need to  
18 -- it really needs to be separate.  
19 Normally you have two driveways, you have  
20 them separated.

21 MR. MEDENBACH: We don't have  
22 that ability.

23 MR. GAROFALO: You can put  
24 another driveway and have it near the  
25 County road. I would expect that if you

2 have it on the County road, the County may  
3 want to look at the sight distance there.  
4 But in any case, I think you need to do  
5 something with that access to separate it  
6 out. It can't come together in the  
7 configuration that it's shown.

8 MR. MEDENBACH: You're talking  
9 about the private driveway?

10 MR. GAROFALO: I'm talking about  
11 the parking lot opening to -- the County  
12 road and the private driveway. Either it  
13 should be the private driveway or the  
14 County road or both but not together. You  
15 can have an in on one end and an out on  
16 the other.

17 MR. MEDENBACH: I don't follow  
18 you. Pat, show me.

19 MR. HINES: It looks like the  
20 access comes in off a County road to lot  
21 86 we talked about.

22 MR. MEDENBACH: This is the  
23 access here. So it goes in like this.

24 MR. GAROFALO: I'm saying it  
25 should come this way so you can come like

2 this or it should be a separate access.

3 MR. MEDENBACH: This is just a  
4 driveway for basically one house on a farm  
5 lane up here. It's not like this is a road  
6 or anything.

7 CHAIRMAN BRAND: That's not part  
8 of the property?

9 MR. MEDENBACH: It's not part of  
10 our property. We're just having access  
11 into here. If you want to look at this,  
12 this entrance is really like this. This  
13 would be the entrance coming in like this.

14 MR. GAROFALO: It looks like  
15 this.

16 MR. MEDENBACH: There are so many  
17 lines here.

18 MR. GAROFALO: That's the problem  
19 that I see. This looks like this is the  
20 access.

21 MR. MEDENBACH: It is.

22 MR. GAROFALO: I'm saying it  
23 shouldn't be like that.

24 MR. MEDENBACH: Why is this a  
25 problem? The County is going to want

2 access. They don't want us to put two  
3 driveways together.

4 MR. GAROFALO: So you should have  
5 one going into the other.

6 MR. MEDENBACH: That's what we  
7 have. That's basically what we have here.  
8 This one just comes into here. People can  
9 shoot up. This is a single lane here.  
10 That's all that is a single lane going  
11 in. It's just a gravel driveway. The  
12 access to this will be straight into this.

13 MR. CLARKE: Jim, they'll take a  
14 look at it.

15 MR. GAROFALO: You have people  
16 coming out here and you have people going  
17 in here.

18 MR. MEDENBACH: Obviously if  
19 there's a car coming out, this one is  
20 going to stop and wait for them to exit.

21 MR. GAROFALO: I'm saying they  
22 should be separated.

23 MR. MEDENBACH: We don't have  
24 room to separate them really. This one  
25 comes off this one.

2 MR. HINES: Barry, maybe this  
3 shows it a little better. It shows that  
4 entrance coming off it.

5 MR. MEDENBACH: Not really. I  
6 don't think he has -- he doesn't have it  
7 correct. The way he shows it, we won't be  
8 able to get a fire truck in there. That's  
9 the other thing. We're making it  
10 accessible for a fire truck.

11 MR. GAROFALO: Maybe something  
12 like this. You have one access here  
13 and --

14 MR. MEDENBACH: That's fine.  
15 That's pretty much what we're showing

16 MR. GAROFALO: Except --

20 MR. MEDENBACH: There's almost no  
21 traffic here. This is just somebody  
22 coming and going.

23 MR. GAROFALO: On single-family  
24 houses they need to be separated. This is  
25 much larger than that. Take a look at it.

2 MR. MEDENBACH: I'm sure the  
3 County is going to have a similar response  
4 as you're having. We will work to provide  
5 more detail and clarity.

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

8 MR. CLARKE: Yes. I have some  
9 questions.

When it was the 32 single family,  
over here I see typical two-bedroom. So  
what changed between what I read and what  
I see on here? Why do we have two-bedroom  
and I read one-bedroom?

15 Also, I read from the stuff that  
16 I was given earlier it would be four --  
17 one-room apartments over each section for  
18 32 apartments.

19 MR. POLLOCK: Steve, it's  
20 mostly --

21 MR. CLARKE: You have the two-  
22 bedroom apartments.

2 brought this tonight to show you. What's  
3 the date on this? It's March. So this  
4 has been evolving over a couple years now.

5 MR. CLARKE: It says second-floor  
6 level on-grade parking.

7 MR. MEDENBACH: That's correct.

8 MR. CLARKE: What do we call  
9 second floor? If the stores are on the  
10 bottom --

11 MR. MEDENBACH: We're calling  
12 that the first floor.

13 MR. CLARKE: And the second  
14 floor --

15 MR. MEDENBACH: Is apartments and  
16 the third floor is apartments.

17 MR. CLARKE: So the access to the  
18 apartments is from here?

19 MR. MEDENBACH: Yes. That is  
20 correct there.

21 CHAIRMAN BRAND: Is that going to  
22 be reserved for residents?

23 MR. MEDENBACH: What?

24 CHAIRMAN BRAND: Is this area  
25 going to be reserved for residents?

2 MR. MEDENBACH: Most of them.

3 That will be negotiated with the landlord.

4 You know, who the tenants are and --

5 MR. CLARKE: If we have eight  
6 commercial buildings, --

7 MR. MEDENBACH: Yup.

8 MR. CLARKE: -- people are going  
9 to be accessing those buildings. Where  
10 are they going to park?

11 MR. MEDENBACH: That's where we  
12 have the parking off site.

13 MR. CLARKE: How do people know  
14 where the off-site parking is?

15 MR. MEDENBACH: Well they know  
16 there's parking on the street for most of  
17 the businesses.

18 MR. CLARKE: You're proposing  
19 eight more businesses. The street is  
20 already full. I have to wait for somebody  
21 to --

22 MR. MEDENBACH: There will be  
23 signage for parking when people come in  
24 there. There will be signs for additional  
25 parking.

2                   MR. CLARKE: How are people are  
3                   going to know it's public parking?

4                   MR. MEDENBACH: When they get to  
5                   the parking lot some of it will be, yes.

6                   MR. CLARKE: I just want people  
7                   to know we have parking, you know, behind  
8                   Freida's or wherever. That's fine. There  
9                   needs to be some signage that says this is  
10                   not private for this site, this is for the  
11                   Town.

12                   MR. MEDENBACH: Yes.

13                   MR. CLARKE: So there will be  
14                   some cooperation with the Town so we know  
15                   up at St. James this is public parking.

16                   MR. MEDENBACH: Well, we'll have  
17                   to discuss that because some of it may be  
18                   for specific businesses and some of it may  
19                   be for the public, some of it may be for  
20                   the tenants off site.

21                   MR. CLARKE: Okay. The street  
22                   parking, is that going to be open for  
23                   anybody --

24                   MR. MEDENBACH: Yes.

25                   MR. CLARKE: -- or is that going

2 to be tied to a business?

3 MR. MEDENBACH: I don't think we  
4 have a choice on that. That would be  
5 open. That's public parking.

6 MR. CLARKE: The other question I  
7 have is we just opened the dock and we're  
8 anticipating bringing people in on tour  
9 boats. If Milton is clogged up, what's  
10 the point of having that because we're not  
11 going to be able to get a bus in there.

12 MR. MEDENBACH: Where is the dock  
13 in Milton? The waterfront?

14 MR. POLLOCK: It's down by the  
15 waterfront.

16 MR. MEDENBACH: I was not aware  
17 of that.

18 MR. POLLOCK: Some people might  
19 go from Stewart's to the dock. The whole  
20 idea is to bring more people into the  
21 area.

22 MR. CLARKE: You're not going to  
23 walk from the dock up to your stores.

24 MR. POLLOCK: It could be vice  
25 versa also. Just in case, you know,

2 people are going. Really, do you go  
3 shopping and go -- everyone is coming to  
4 the dock and also going to the train  
5 station.

6 MR. CLARKE: How are they going  
7 to get from there up to Milton? They're  
8 not going to walk.

9 MR. ZAMBITO: They're going to  
10 bus them.

11 MR. CLARKE: Who is going to  
12 provide the buses?

13 MR. ZAMBITO: Steve, I'm just  
14 telling you what the plan is. They're  
15 going to have buses down there to bus  
16 people up from the dock. That's what  
17 they're going to do.

18 MR. CLARKE: If Milton is plugged  
19 up, how are you going to get them through  
20 Milton?

21 MR. MEDENBACH: You have to talk  
22 to the dock people about that. I don't  
23 know anything about the dock.

24 MR. CLARKE: I just have some  
25 concerns.

2 MR. POLLOCK: I understand,  
3 Steve. We're going to relieve a lot of  
4 the problems with Main Street by widening  
5 it, at least by this building. We can't  
6 do the whole Town. The worst area is  
7 probably by this building. We're giving  
8 you another 8 or 10 feet. I forget how  
9 many feet.

10 MR. MEDENBACH: I don't remember.  
11 Something like that.

22 MR. CLARKE: That's fine. How do  
23 you know that there's parking?

24 MR. POLLOCK: When you go to  
25 Rhinebeck how do you know where to go to

2 park?

3 MR. MEDENBACH: People, they look  
4 for parking. They say there's no parking  
5 on the street, where do I go. There will  
6 be signage.7 MR. POLLOCK: I wish we had that  
8 problem.9 MR. MEDENBACH: I'm not prepared  
10 to say how much of it would be totally  
11 public or how much would be reserved for  
12 the specific businesses. He doesn't even  
13 have tenants for this building right now.  
14 Bob has other businesses there in Town  
15 that have parking. Some of that parking  
16 would be reserved specifically for those  
17 businesses. Some of it would be open for  
18 general parking. It will be a mixed bag.  
19 I think what we'll do is we'll show you  
20 what his overall parking needs are, and  
21 where he has parking in the hamlet area,  
22 and the access to all that parking. Signs  
23 will go up accordingly.24 MR. POLLOCK: That's why I gave  
25 you the pictures of the turn of the

2 century where we had stores all along Main  
3 Street.

4 MR. CLARKE: We had horse and  
5 buggies.

6 MR. POLLOCK: I saw some cars  
7 there. By the time the depression hit,  
8 which you saw in the 1950s, 1940s, the  
9 place was a ghost town. That's what it  
10 basically is. It hasn't changed much  
11 except for a few stores now in Milton.  
12 I've been living here for over twenty  
13 years and the only construction that's  
14 been done is with Vivian's and what I did.

15 MR. CLARKE: That's not quite  
16 fair.

17 MR. POLLOCK: It's not fair?

18 MR. CLARKE: It's not quite fair.

19 MR. POLLOCK: What's the fair  
20 point?

21 MR. CLARKE: Talk to the  
22 assessor. She'll show you where the new  
23 assessments are.

24 MR. POLLOCK: On Main Street?

25 MR. CLARKE: Not on Main Street

2 but in the Town.

3 SUPERVISOR LANZETTA: I think if  
4 we have a problem with parking in  
5 Milton -- if we have the businesses in  
6 Marlborough and we have a parking problem,  
7 believe me we'll solve it. That's my  
8 feeling.

9 MR. GAROFALO: It's certainly an  
10 opportunity that maybe a few spots might  
11 be short-term parking during the day.  
12 That kind of thing might be a possibility  
13 to help the stores out, because they are  
14 going to be small stores and people aren't  
15 going to need to park there all day.

16 CHAIRMAN BRAND: Is that a  
17 municipality rule, how long you can park  
18 in a spot on the street?

19 MR. HINES: I think simple  
20 signage to direct people. If he's saying  
21 it's going to be publically available,  
22 signs at Brewster Street and Main saying  
23 municipal parking available for -- even if  
24 you made it a two-hour or three-hour time  
25 limit on it. Certainly Mr. Pollock is not

2 going to invest a bunch of money in  
3 businesses that can't get customers into  
4 them. If people can't park, they leave.

5 MR. GAROFALO: You also want to  
6 take a look at the zoning requirements for  
7 a loading zone, because you need a loading  
8 zone. I think we have over 10,000 square  
9 feet of commercial. Your site plan is  
10 over that. You may want to take a look at  
11 that and see what you want to do. It can  
12 be jointly used by all of them. The  
13 zoning requirement I think is one for the  
14 first 10,000 square feet.

15 MR. HINES: I thought that that  
16 was what you were attempting to do in  
17 front of buildings 7, 8 where you didn't  
18 delineate the two parking spaces, is maybe  
19 make that the delivery/loading zone truck  
20 parking.

21 MR. MEDENBACH: On the street?

22 MR. HINES: On the street there.

23 MR. MEDENBACH: It's something to  
24 consider.

25 MR. GAROFALO: What might make

2 more sense is there's no really easy  
3 access --

4 MR. HINES: If they parked in the  
5 back they'd have to be going down the  
6 stairs with their deliveries.

7 MR. MEDENBACH: I'm sure the  
8 delivery people want to be up front.

9 MR. HINES: That one spot is not  
10 crosshatched and it may function as a  
11 loading zone better.

12 MR. POLLOCK: The idea is to  
13 bring walking and bicycling back on to the  
14 street. There's no foot traffic. The  
15 idea is to bring that back into the area,  
16 hopefully. Right now people are jogging  
17 down North Road and nearly getting hit by  
18 cars. There's no place to go. The idea is  
19 maybe we can have a few stores that people  
20 have a destination to go now.

21 Buttermilk has plans to make it  
22 larger also. People get antsy, they want  
23 to go somewhere. This is the perfect  
24 place to go.

25 MR. HINES: How often is your

2 parking spot used that you have now that's  
3 behind the laundromat?

4 MR. POLLOCK: It's never used too  
5 often at all.

6 MR. HINES: There's a lot of  
7 parking back there.

8 MR. POLLOCK: We have a lot of  
9 parking.

10 MR. HINES: You can interconnect  
11 those and I think you might solve  
12 everyone's parking problem.

13 CHAIRMAN BRAND: We're going to  
14 submit this to Ulster County Planning,  
15 hear back from them. We're going to hear  
16 back from the jurisdictional fire  
17 department. You're going to make some  
18 modifications to the drawings. I would  
19 recommend bringing those parking spaces up  
20 to code so that you don't require a  
21 variance for that.

22 MR. MEDENBACH: The parking  
23 spaces? The thing is we lose them if we  
24 make them 10 feet wide. What's the  
25 Board's opinion on that?

2 CHAIRMAN BRAND: I thought it was  
3 technically 200 square feet. You can do 9  
4 by whatever.

5 MR. MEDENBACH: You can argue  
6 that some of that 200 feet would be the  
7 aisle to access it. I don't think your  
8 code is really clear on that.

9 CHAIRMAN BRAND: It's pretty  
10 clear. 200 square feet I think it say.

11 MR. HINES: Per parking space.

12 MR. MEDENBACH: So is it the  
13 Board's opinion we're not going to give a  
14 waiver on that?

15 CHAIRMAN BRAND: I can't say  
16 that. I think within your plans if you  
17 could bring it up to code, it would  
18 facilitate the decision.

19 MR. MEDENBACH: We've looked at  
20 that. I mean we lose quite a few parking  
21 spots by doing that just in the width.  
22 We're having dimensional issues there.

23 CHAIRMAN BRAND: Right now --

24 MR. MEDENBACH: If it was just a  
25 matter of sure, I'll just make them that

2 big. What's going to happen is -- I have  
3 one, two, three -- so I'm going to lose  
4 right off the bat at least four parking  
5 spaces by doing that.

6 CHAIRMAN BRAND: You can make  
7 them 9 by 22.222 feet.

8 MR. HINES: It's just not  
9 functional do that. I would rather seek  
10 the waiver.

11 MS. LANZETTA: I think a lot of  
12 the ones behind the building are going to  
13 be for tenants. I wouldn't have an issue  
14 with having them smaller on the upper  
15 portion of the parking lot.

16 MR. MEDENBACH: I missed you.  
17 The issue was?

18 MS. LANZETTA: I would not have  
19 an issue with the upper parking lot --

20 MR. MEDENBACH: Being smaller.

21 MS. LANZETTA: -- with the  
22 smaller size because a lot of that is  
23 going to be tenant parking.

24 MR. MEDENBACH: That's correct.

25 MS. LANZETTA: That's up to them

2 to work out, you know, a little smaller  
3 spacing.

4 MR. GAROFALO: Maybe you want to  
5 look at -- maybe you can't get them all 10  
6 by 20 but maybe you can make couple of  
7 them you could squeeze out a little bit  
8 more space. Take a look at it.

9 CHAIRMAN BRAND: It's just  
10 something to think about.

11 MR. MEDENBACH: I spent a lot of  
12 time fitting parking on this drawing. I  
13 don't have more than a foot or two at  
14 either end to work with. If you said make  
15 two of them 10 feet wide, sure I can do  
16 that. To make any reasonable percentage  
17 of them that, I wouldn't be able to do  
18 that. There's just not enough length. I  
19 would have to start dropping parking  
20 spots. We're trying to accommodate enough  
21 parking in the back.

22 MR. HINES: It would also cause  
23 extensive site work to go back into the  
24 hill. They're already grading into the  
25 hill.

2 MR. MEDENBACH: We're cutting  
3 into that rock hill quite a bit. Every  
4 foot you go in there, you're probably  
5 making it another foot or two deeper in  
6 the height of that rock wall. We're  
7 literally up against a rock wall here in  
8 the back.

17 CHAIRMAN BRAND: Like a little  
18 rectangle?

19 MR. HINES: Yup. They're a  
20 little wider. The spots are actually 8  
21 feet and then there's a 6-inch spot in  
22 between both of them. It kind of directs  
23 the people away from --

24 MR. MEDENBACH: They're sometimes  
25 now passing codes with 8.5 foot wide

2 parking spots. 9 feet is pretty standard.  
3 10 feet is really the old school. The 10  
4 by 20 is back in the '60s and '70s with  
5 the parking spots. 9 by 18 is a pretty  
6 universal parking dimension. There are a  
7 few towns around that still have in their  
8 code the old 10-foot wide by 20-foot deep  
9 or that. I don't know. Some of the  
10 planning boards -- maybe you can think  
11 about it. Maybe the next time you park  
12 someplace you want to see how wide that  
13 spot is and see what 9 feet is. I think 9  
14 feet is an acceptable width for most  
15 vehicles. I mean there are some oversized  
16 pickup trucks and that that start getting  
17 tight in these spaces, but that's more of  
18 an exception than the rule.

19 MR. GAROFALO: That's why I think  
20 maybe one or two 10-feet wide --

21 MR. MEDENBACH: We can put a  
22 couple in.

23 MS. LANZETTA: Then people are  
24 going to fight over a wider -- I think  
25 they should keep it uniform one way or the

2 other. Again, I see this being more  
3 tenant focused. I don't think tenants  
4 would -- if you go to any of the condo  
5 projects around here, they don't have  
6 those wide parking spaces.

7 CHAIRMAN BRAND: Okay. So I think  
8 we're set here. We'll come back at  
9 another time to review.

10 MR. MEDENBACH: We have some  
11 homework to do.

12 You said you were going to refer  
13 the plan, was that to the County?

14 CHAIRMAN BRAND: Yes. We need to  
15 send it to County. It's probably ready  
16 now.

17 MR. HINES: Just to get their  
18 initial comments.

19 CHAIRMAN BRAND: We'll send that  
20 up to County.

21 MR. HINES: That's going to be  
22 huge for their access. I don't know if  
23 you talked to them yet. County DPW should  
24 weigh in.

25 MR. MEDENBACH: We will

2 definitely communicate with DPW on this.

3 Thank you all very much.

4 (Time noted: 9:05 p.m.)

5

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

7

8

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

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

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

19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand this 30th day of September  
21 2021.

22

23

*Michele Conero*

24

---

MICHELLE CONERO

25

2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4 - X

5  
6 In the Matter of  
7

8  
9 DUNKIN DONUTS - ROUTE 9W  
10 SAFETY CONCERN  
11 - X  
12  
13

14 BOARD BUSINESS  
15  
16  
17

18 Date: September 20, 2021  
19 Time: 9:05 p.m.  
20 Place: Town of Marlborough  
21 Town Hall  
22 21 Milton Turnpike  
23 Milton, NY 12547  
24

25 BOARD MEMBERS: CHRIS BRAND, Chairman  
14 CINDY LANZETTA  
15 JOSEPH LOFARO  
16 JAMES GAROFALO  
17 STEVE CLARKE  
ROBERT TRONCILLITO

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
20 VIRGINIA FLYNN  
21  
22 - X  
23  
24 MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845) 541-4163  
25

2 CHAIRMAN BRAND: We do have a  
3 Board comments section.

4 Mr. Troncillito, the floor is  
5 yours.

6 MR. TRONCILLITO: Here is what I  
7 wanted to bring up. I don't know how  
8 involved the Planning Board is supposed to  
9 be when there's construction on 9W in  
10 regard to safety. I cannot tell you -- I  
11 got the list here. The accidents that we  
12 have been to, personal injury accidents in  
13 front of the new Dunkin Donuts because we  
14 don't have any turning lanes. I go to  
15 these accidents.

16 What I would like to know is the  
17 answer to why the lanes weren't put in?  
18 I've asked different people and I get  
19 multiple answers.

20 MR. HINES: There's not supposed  
21 to be any turns there. It's a right in/  
22 right out only interchange. Anyone that's  
23 turning in there is violating the Vehicle  
24 & Traffic Law.

25 MR. TRONCILLITO: I understand

2 that. Pat, let me tell you something.  
3 Two police cars were in there, being nice  
4 with the lights on, giving people  
5 warnings, and people were still turning.

6 MR. HINES: You have to give them  
7 that ticket.

8 MR. TRONCILLITO: I don't know  
9 what to tell you. At the beginning there  
10 was supposed to be turning lanes and  
11 then --

12 MR. HINES: Well they had some  
13 non-standard turning lanes. They proposed  
14 something that's not in -- the DOT has a  
15 uniform manual -- uniform manual. The  
16 applicant's representative came in with  
17 some idea that they had found in Oregon or  
18 Washington. If you go through my  
19 comments, every month I said show me this  
20 in the Uniform Manual Traffic Control  
21 Devices, and it doesn't exist. DOT came  
22 back and told them no, you're not doing it  
23 that way. You can put in conventional DOT  
24 approved turning lanes. At that point  
25 they ended up having issues with available

2 right-of-way on the right-hand side of the  
3 road. We saw this coming and we talked  
4 about it every month for eight months.  
5 They proceeded on with DOT with their non-  
6 standard design. DOT rejected their non-  
7 standard design. They were adamant they  
8 wanted to build their project with the  
9 right in/right out only. They eventually  
10 acquiesced to DOT's requirement of a right  
11 in/right out only. There should never be  
12 a left turn at that site. Anyone making a  
13 left turn is violating the Vehicle &  
14 Traffic Law.

15 MR. TRONCILLITO: It's just a  
16 matter of time before we'll have a fatal  
17 there. I got the list here. I can't tell  
18 you how many accidents we've been to there  
19 already. It's unfortunate.

20 The Central Hudson supervisor who  
21 supposedly was at all these meetings told  
22 me there was no problem with the gas line.  
23 All they had to do was move the poles. I  
24 don't know. Was it because we have a  
25 sidewalk we don't have turning lanes? I

2 don't know.

3 MR. HINES: I don't think the  
4 sidewalk.

5 MR. TRONCILLITO: I'm looking at  
6 it from a safety aspect and I'm tired of  
7 going to the damn accidents.

8 MR. HINES: That's the history.  
9 That's why it's a right in/right out only,  
10 dictated by DOT.

11 CHAIRMAN BRAND: It's just an  
12 enforcement issue at this point.

13 MR. HINES: Anyone making a left  
14 turn is making an illegal movement.

15 MR. LOFARO: Take care of it  
16 through enforcement.

17 MR. CLARKE: That's on the plan  
18 we approved.

19 MR. LOFARO: Central Hudson then  
20 came up with a conditional thing or  
21 whatever it was to do what it is now  
22 because they didn't want to spend the  
23 extra money.

24 MR. HINES: They acquiesced to do  
25 the right in/right out only.

2 MR. LOFARO: The right in/right  
3 out kind of got shoved down our throat. I  
4 live right there. I'm seeing it all the  
5 time. I'm watching them.

6 MR. GAROFALO: It's not only  
7 people making the left turn there. They  
8 go a little further north and make a left  
9 turn on the side street, turn around in  
10 the guy's driveway and then they come  
11 back.

12 MR. TRONCILLITO: Is there  
13 anything -- like I know it was mentioned  
14 with the Dollar General that there was a  
15 possibility of a turning lane.

16 MR. HINES: DOT came back and  
17 told them they didn't want to meet the  
18 requirements of a left-turning lane but  
19 they may require it in the future.

20 MR. GAROFALO: So they're  
21 required to go back and analyze it and  
22 then talk to DOT as to whether or not --

23 MR. HINES: The Town Board can  
24 notify DOT of that situation. They know  
25 the accidents. When an accident happens

2 there it gets reported into DOT's system.

3 SUPERVISOR LANZETTA: Can I jump  
4 in here for a second?

5 MR. TRONCILLITO: You sure can.

6 SUPERVISOR LANZETTA: We spent a  
7 year-and-a-half on a traffic study on 9W.  
8 Two or three DOT representatives were  
9 there. They didn't acknowledge a word  
10 that the traffic study produced in a  
11 year-and-a-half. We addressed all the  
12 concerns. The Milton Hardware store, by  
13 the park, a turning lane there, blah,  
14 blah, blah, blah, blah, blah.

15 To make a long story short, I  
16 have another study on my shelf with no  
17 funding and they just pooh-pooh'd the  
18 whole thing. That's the whole thing with  
19 DOT. I mean we were fortunate enough to  
20 get talking to Skoufis to get the 9W  
21 corridor paved. We were fortunate enough  
22 to have a lady that works for DOT so we  
23 could get the crosswalk signal with the  
24 lights and the sidewalk down to the Falcon  
25 and St. Mary's. We were like ecstatic

2           they gave us that. So DOT is a different  
3           animal. We know everybody in the DOT.  
4           They say one thing, guess what, they don't  
5           have the funding.

6 MR. TRONCILLITO: I'll give them  
7 one of our pagers and they can come to the  
8 calls then.

11 CHAIRMAN BRAND: Is that it, Mr.  
12 Troncillito?

13 MR. TRONCILLITO: That's it.  
14 Thank you. I said my peace.

16 (Time noted: 9:16 p.m.)

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

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

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

16 IN WITNESS WHEREOF, I have  
17 hereunto set my hand this 30th day of September  
18 2021.

Michelle Conero

MICHELLE CONERO