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

CHEVERS AIRBNB  
Project No. 20-4012  
45 Cross Road, Marlboro  
Section 108.4; Block 1; Lot 16

----- X

PUBLIC HEARING - SITE PLAN

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

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

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

APPLICANT'S REPRESENTATIVE: BARBARA ROCHA CHEVERS

----- X

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

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

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, September 20, 2021. Regular meeting at 7:30 p.m. Approval of stenographic minutes for 8/16. On the agenda tonight we have Chevers Airbnb at 45 Cross Road in Marlboro for a public hearing for a site plan. We have Bishop Subdivision at New Road and Mahoney Road for a public hearing of their subdivision. We have Taddeo/Giametta at 14, 16 and 18 Riverwood Drive for a sketch of their lot line. The Gallo Subdivision at 46 Idelwild Road in Marlboro for a sketch of their subdivision. Henry's Farm to Table at 220 North Road in Milton for a sketch of their site plan. Pollock/Kent lot line at 39-53 Main Street in Milton for a sketch of their lot line. Pollock/Kent Site Plan at 39 Main Street

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

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.

Legal notice, site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act or SEQRA and the Town of Marlborough Town Code Section 155.31 on Monday, September 20, 2021 for the following application: Chevers short-term rental, at the Town Hall at 21 Milton Turnpike in Milton, New York for a public hearing to be held at 7:30 p.m. or as soon thereafter as may be heard. The application is here for a short-term rental. The public hearing will be at 7:30 p.m. with regard to premises located at 45 Cross Road, Marlboro, New York, Section 108.4; Block 1; Lot 16. Any interested parties either for or against the proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

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

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

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

MS. ROCHA-CHEVERS: Yes.

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

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

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

MS. ROCHA-CHEVERS: Okay.

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

MR. GAROFALO: I have a question.

CHAIRMAN BRAND: Sure.

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

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

MR. GAROFALO: Okay. Thank you.

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

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

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

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

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

MR. HINES: I think we're done.

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Yes.

CHAIRMAN BRAND: Perfect.

Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Okay. This is a public hearing. If you're here to either speak for or against this proposal, I would ask that you come up to the podium here, use the microphone and just state your name for the stenographer. Is there anyone here tonight?

MS. MOREHEAD: Hello. Theresa Morehead, 41 Cross Road.

CHAIRMAN BRAND: We have to turn that on for you.

MS. MOREHEAD: Thank you. Theresa Morehead, 41 Cross Road, Marlboro. I'm not sure what this is for because my understanding is they have a bed and breakfast going on now at that location. I'm not sure what this short-term rental is.

CHAIRMAN BRAND: So I think just to clarify for you, there were some bed

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

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



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

7  
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

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between the two properties?

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

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

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

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

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

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

CHAIRMAN BRAND: Thank you.

MS. MOREHEAD: Thank you.

MS. ROCHA-CHEVERS: Sorry. If we

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

CHAIRMAN BRAND: Right. Okay.

Any other comments from the public?

(No response.)

CHAIRMAN BRAND: Going once.

Twice.

(No response.)

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

MR. CAUCHI: I'll make that motion.

MR. GAROFALO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any objection?

(No response.)

CHAIRMAN BRAND: We'll close the public hearing.

Any additional comments from the

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Board?

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

MS. ROCHA-CHEVERS: Okay.

MR. CLARKE: Good fences make  
good neighbors.

MS. ROCHA-CHEVERS: Thank you.

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

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

CHAIRMAN BRAND: All right.  
Jeff, you can go ahead and do that.

MR. BATTISTONI: I will.

CHAIRMAN BRAND: Thank you.

MS. FLYNN: That would be October  
4th.

CHAIRMAN BRAND: Okay. Thank

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you, Ms. Chevers.

MS. ROCHA-CHEVERS: I'll just  
submit the paperwork?

CHAIRMAN BRAND: You can give  
them right to the secretary.

MS. ROCHA-CHEVERS: And we can  
go?

CHAIRMAN BRAND: Yes.

MS. ROCHA-CHEVERS: So we're just  
going with the fire inspection I believe.  
Right?

CHAIRMAN BRAND: Yes. We will  
review the resolution the attorney draws  
up for us. If it's approved, then you  
continue the process with the building  
inspector.

MS. ROCHA-CHEVERS: Thank you so  
much.

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

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

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

----- X

PUBLIC HEARING - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVE: ADAM DiVALENTINO

----- X

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

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

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

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

CHAIRMAN BRAND: I didn't think about that.

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

CHAIRMAN BRAND: Thank you, Jen.

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



1  
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

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comments from the Board first?

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

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

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

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

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

1  
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

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doing that with certified mailings.

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

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

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

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

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

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

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

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?

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CHAIRMAN BRAND: Yes.

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 remaining 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.

CHAIRMAN BRAND: Thank you.

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.

MR. DiVALENTINO: It's not a

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highway, so --

MR. BROOKS: You're not going to be able to get a driveway in there. How are you going to put a truck in their safely?

MR. DiVALENTINO: We're not going in that way. That's a piece of property that Jim intends to keep for future development.

MR. HINES: That lot is not proposed for any development at this time. There are notes on the plans stating should that property be developed, they will have to return to this Board prior to developing that. The parcel that is being developed, access is off of New Road. There is a culvert proposed in that driveway, a 24-inch diameter culvert, and the drainage from that house site is on the opposite side of the drainage swale that runs through there. The runoff will not go to New Road.

MR. BROOKS: I've got a 48-inch culvert pipe and it can not keep up with



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

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

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

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

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

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

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

1  
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

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

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

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

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

MR. BROOKS: Subpar design standards.

MR. HINES: That would be your opinion.

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

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

MR. BROOKS: You're going to feed

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

MR. HINES: Your culvert may be undersized.

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

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

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

MR. HINES: I agree.

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

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

MR. HINES: I think the existing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. BROOKS: They changed now twice.

CHAIRMAN BRAND: We'll take your

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comments into consideration.

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

CHAIRMAN BRAND: Okay. Thank you.

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

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

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

MR. BISHOP: Good evening. My



1  
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

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from Manhattan.

With that said, Mahoney Road and New Road, the reason you have such issues when you have a major storm is because when the Hepworths bought the property from Paladino at the top of above Youngs, that water and those ponds overflowed. John Alonge, as Chase said, keeps putting in bigger and bigger pipes. I don't think you're ever going to fix the water issues on Mahoney Road or New Road no different than any other road.

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

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

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CHAIRMAN BRAND: Thank you.

Any other comments or questions  
from the public?

(No response.)

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

MR. CLARKE: I'll make that  
motion.

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any objections?

(No response.)

CHAIRMAN BRAND: The public  
hearing is closed.

Any additional comments from the  
Board?

(No response.)

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

MR. HINES: Yes.

CHAIRMAN BRAND: Do I have a  
motion for that?

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MR. LOFARO: I'll make that  
motion.

CHAIRMAN BRAND: Joe.

MR. CAUCHI: I'll second it.

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

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Second by Manny.  
Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed to  
issuing a negative declaration?

(No response.)

CHAIRMAN BRAND: No. So carried.  
Do we want to authorize the  
attorney to finalize this by resolution?  
Do I have a motion for that?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Bobby. Is there  
a second?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Steve. Any  
discussion?

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(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: All right. We  
will authorize the attorney to do so.  
Thank you.

MR. DiVALENTINO: Thank you.

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

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

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

----- X

SKETCH - LOT LINE

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

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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



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

How are you, Mr. Messina?

MR. MESSINA: I'm well, thank you.

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

MR. MESSINA: Okay. Carmen Messina, surveyor for the project. Frank and Geraldine Taddeo, residing at 14 Riverwood Drive, and Michelle and William Giametta, residing at 16 Riverwood Drive, wish to have a lot line revision for a vacant lot that they own jointly which lies between their two residences.

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

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

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

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

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

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?

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MR. HINES: I'm following you  
here.

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

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

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

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

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

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

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

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.

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

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

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

CHAIRMAN BRAND: Yeah.

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

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

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

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

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

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

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

12 MR. MESSINA: Pardon me?

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

16 MR. MESSINA: Yes. Right.

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

19 MR. TRONCILLITO: Sounds good.

20 MR. GAROFALO: I have some  
21 comments. I agree with the checklist that  
22 the two-foot contours and sight distance  
23 really aren't applicable here. I think  
24 the Board should waive having those added.  
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I think it's good that lot 11 is now going to be in compliance where they were not in compliance with the minimum lot width. I think that's a very good thing. That's a benefit here.

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

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

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

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

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

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

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



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

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

CHAIRMAN BRAND: Okay. You're  
probably right.

So are we comfortable for October  
4th, Jen?

MS. FLYNN: No.

CHAIRMAN BRAND: When would that  
be?

MS. FLYNN: The 18th.

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

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

CHAIRMAN BRAND: October 18th for  
a public hearing.

MR. MESSINA: October 18th.

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CHAIRMAN BRAND: Does that work  
for you?

MR. MESSINA: I think so.

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

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

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

MR. GAROFALO: I agree.

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

MR. BATTISTONI: That's fine with  
me.

MR. MESSINA: Thank you. I  
appreciate that.

MR. TRONCILLITO: That way we get

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it done.

CHAIRMAN BRAND: Thank you.

MR. MESSINA: Thank you.

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

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

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

----- X

SKETCH - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH POMARICO

----- X

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

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

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

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

CHAIRMAN BRAND: Thank you.

Pat, did you want to run through your comments?

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

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

That will be an action the Board may wish

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to take.

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

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

We're asking that you show the  
wells and septs on the future  
submissions that are serving the existing  
lot to ensure that those components remain  
with the structure that is existing.

There's a requirement to relocate

1 the driveway based on the modified lot  
2 line. That will need approval from the  
3 highway superintendent. And also, the  
4 timing of that should be such that that be  
5 moved prior to final approval so that  
6 we're assured that that happens, or there  
7 could be worked out some bonding or  
8 securities to make sure that happens. We  
9 can't file that map with the driveway  
10 being shown in the wrong location.  
11 Procedurally there will need to be a  
12 method to make sure that that driveway is  
13 relocated. The cleanest way would be to  
14 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

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



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James?

MR. GAROFALO: Also I'd like  
verified that there is a 25-foot  
right-of-way from the center line of the  
road.

Is there a water source feeding  
that pond?

CHAIRMAN BRAND: Is there a water  
source feeding the pond he asked.

MR. POMARICO: I'm not sure.  
I'll talk to our engineer and I'll get  
back to you on that.

CHAIRMAN BRAND: Can you clarify  
whether or not there is a agricultural use  
on any of those lots?

MR. POMARICO: There is  
agricultural use and we'll be updating our  
site plan.

Also addressing number one, the  
gatekeeper, we did leave a message for  
Tommy Corcoran. We haven't heard back  
from him.

MR. HINES: Jen just handed it to  
me, so it's been done. I didn't have it

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in my file.

MR. POMARICO: Great.

MR. HINES: Jen did have it in hers.

CHAIRMAN BRAND: Anything else from the Board?

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

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

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

MR. HINES: I think so.

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

MR. TRONCILLITO: You can have a long driveway.

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

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

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.

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23 (Time noted: 8:22 p.m.)  
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C E R T I F I C A T I O N

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

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

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

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

  
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MICHELLE CONERO

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

HENRY'S FARM TO TABLE  
Project No. 21-5015  
220 North Road, Milton  
Section 103.1; Block 2; Lots 12.1, 12.2 & 13

----- X

SKETCH - SITE PLAN

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

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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CHAIRMAN BRAND: Next up, Henry's Farm To Table, 220 North Road, Milton for a sketch of their site plan.

How are you this evening? Do you want to give us a brief overview of where we are and what we're doing?

MR. MEDENBACH: We have three applications.

CHAIRMAN BRAND: This is the Henry's Farm To Table.

MR. MEDENBACH: So we were here last month. This application is for an expansion of the restaurant out the back of the building.

There's existing water and sewer to the building. The building is fully operational.

We're adding more seating, getting an elevator, more kitchen area. They're basically expanding the facility.

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

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

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

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

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



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

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

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

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

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

CHAIRMAN BRAND: Thank you, Pat.

Comments from the Board?

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

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

11                               MR. MEDENBACH: They operate now  
12                               with valet parking. Pretty much the cars  
13                               pull up to the front door there and they  
14                               get out of the car and the aide jumps in  
15                               the car, it's a very quick exchange, and  
16                               then then move on. There are some parking  
17                               spaces that are around the building that I  
18                               know sometimes customers just pull into  
19                               them when they're vacant, and then the  
20                               valet then has to back out of that and  
21                               move the car forward. If you go in there  
22                               now, I think you'll see that they operate  
23                               very efficiently the way it is. It will  
24                               continue that way is what we propose to  
25                               do. We didn't label on that map where the

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drop-off area is but we could do that.

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

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

CHAIRMAN BRAND: Anything else  
from the Board?

(No response.)

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

MR. MEDENBACH: Yeah. The sooner  
the better.

MR. HINES: The 18th.

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

MR. MEDENBACH: October 18th.

CHAIRMAN BRAND: -- public  
hearing.

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

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

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HENRY'S FARM TO TABLE

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

CHAIRMAN BRAND: Jeff, anything  
on this?

MR. BATTISTONI: Nothing.

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

MR. MEDENBACH: Thank you very  
much.

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

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

POLLOCK/KENT  
  
Project Nos. 21-5018 & 21-5019  
39-53 Main Street Milton  
Section 100.1; Block 2; Lots 44 & 45  
Section 103.1; Block 21 Lots 45 & 86  
----- X

SKETCH - SITE PLAN & LOT LINE

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

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X  
MICHELLE L. CONERO  
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CHAIRMAN BRAND: Moving on, the  
Pollock and Kent lot line revision.

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

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

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

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

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

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

1 big triangle that sticks down into the  
2 middle of our lot. Basically it would be  
3 acquiring that and a little more acreage  
4 behind it, and then giving the applicant  
5 some of the area where he now parks cars  
6 for a rental house right off of Milton  
7 Turnpike. As you go up that driveway --  
8 you go up from the intersection, the  
9 driveway is to the right. So he parks  
10 cars off to the right of that driveway  
11 next to that house you can see there on  
12 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?



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

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

The easement granted to 39 Main LLC, what is that easement?

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

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POLLOCK/KENT

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sewer.

MR. HINES: Label that as a  
sewer --

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

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

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

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

MR. POLLOCK: Which one is that?

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

MR. MEDENBACH: He owns this.

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

MR. MEDENBACH: Yes.

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

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

MR. HINES: Yup.

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

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

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

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

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

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

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

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rock cliff in the back that needs to be excavated.

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

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

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

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

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

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

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

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

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

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

MR. POLLOCK: Yes.

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

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

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POLLOCK/KENT

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

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

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

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

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

MR. POLLOCK: Pat, --

MR. HINES: Understood.

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

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

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POLLOCK/KENT

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

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

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

MR. HINES: That's what was



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POLLOCK/KENT

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creating the islands in the front?

MR. MEDENBACH: Yes.

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

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

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

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

MR. HINES: It says in the code parking.

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

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

MR. MEDENBACH: The 9 by 18 is

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pretty typical.

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

CHAIRMAN BRAND: I appreciate that with a truck.

MR. HINES: I drive a Suburban.

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

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

I just want to hit some of my other --

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

CHAIRMAN BRAND: Questions or comments from the Board?

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

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

MR. MEDENBACH: I'm sorry?

CHAIRMAN BRAND: Sprinkler systems.

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

MR. POLLOCK: Yes.

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

MR. TRONCILLITO: Okay.

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

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

MR. POLLOCK: We have sewer and water.

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

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

MR. HINES: That's his question.

MR. POLLOCK: I would do  
sprinklers.

MR. TRONCILLITO: The only reason  
I'm bringing it up is if the first floor  
is commercial, the whole building is  
sprinklered.

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

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

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

MR. TRONCILLITO: I would just  
like to ask the chief who is here if he  
has any questions. Would that be improper  
for him to ask a question?

CHIEF KNEETER: We're reviewing

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

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

CHAIRMAN BRAND: Which area, Chief?

CHIEF KNEEETER: Excuse me?

CHAIRMAN BRAND: Which area? The parking area?

CHIEF KNEETER: Yes.

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

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

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

CHIEF KNEETER: Yes. Thank you.

MR. GAROFALO: I have some comments.

CHAIRMAN BRAND: James.

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

The second thing is --

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

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

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firewalls between the units.

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

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

MR. HINES: There is that in the code.

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

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

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

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Street. If you have issues with the power lines there, that may be an issue. Undergrounding the power lines in front of the building may go a long way to do that, but it's going to be ridiculously costly for that.

MR. POLLOCK: Central Hudson would love that.

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

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



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

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

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

CHAIRMAN BRAND: Pat, do they get

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credit for on-street parking, too?

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

CHAIRMAN BRAND: In addition to the new ones?

MR. HINES: Yes.

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

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

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

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

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

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

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

MR. HINES: The access to the parking lot.

MR. MEDENBACH: The parking lot access?

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

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

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

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

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

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

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

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

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

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

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this or it should be a separate access.

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

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

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

MR. GAROFALO: It looks like this.

MR. MEDENBACH: There are so many lines here.

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

MR. MEDENBACH: It is.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. GAROFALO: Except --

MR. CLARKE: You have to have room for a car to go in and come out at the same time.

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

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

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

CHAIRMAN BRAND: Any other comments from the Board?

MR. CLARKE: Yes. I have some 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?

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

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

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

MR. MEDENBACH: You know something. This plan is from like -- it may not have been updated. I just really



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

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

MR. MEDENBACH: That's correct.

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

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

MR. CLARKE: And the second floor --

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

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

MR. MEDENBACH: Yes. That is correct there.

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

MR. MEDENBACH: What?

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

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MR. MEDENBACH: Most of them.  
That will be negotiated with the landlord.  
You know, who the tenants are and --

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

MR. MEDENBACH: Yup.

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

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

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

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

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

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

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

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

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

MR. MEDENBACH: Yes.

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

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

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

MR. MEDENBACH: Yes.

MR. CLARKE: -- or is that going

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POLLOCK/KENT

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to be tied to a business?

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

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

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

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

MR. MEDENBACH: I was not aware of that.

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

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

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

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

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

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

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

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

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

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

MR. CLARKE: I just have some concerns.

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

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

MR. POLLOCK: It's 8 or 10 feet we're giving you. So you have a wider street now. The plug won't be there any more either with Vivian's hairdressing and everything else. But between St. James parking, which has a lot of parking which has never been utilized completely, and the end of the street north of that, we're planning about three-quarter of an acre of parking.

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

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

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park?

MR. MEDENBACH: People, they look for parking. They say there's no parking on the street, where do I go. There will be signage.

MR. POLLOCK: I wish we had that problem.

MR. MEDENBACH: I'm not prepared to say how much of it would be totally public or how much would be reserved for the specific businesses. He doesn't even have tenants for this building right now. Bob has other businesses there in Town that have parking. Some of that parking would be reserved specifically for those businesses. Some of it would be open for general parking. It will be a mixed bag. I think what we'll do is we'll show you what his overall parking needs are, and where he has parking in the hamlet area, and the access to all that parking. Signs will go up accordingly.

MR. POLLOCK: That's why I gave you the pictures of the turn of the

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century where we had stores all along Main Street.

MR. CLARKE: We had horse and buggies.

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

MR. CLARKE: That's not quite fair.

MR. POLLOCK: It's not fair?

MR. CLARKE: It's not quite fair.

MR. POLLOCK: What's the fair point?

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

MR. POLLOCK: On Main Street?

MR. CLARKE: Not on Main Street



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but in the Town.

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

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

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

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

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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

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POLLOCK/KENT

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

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

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

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

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

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

MR. HINES: How often is your

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POLLOCK/KENT

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

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

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

MR. POLLOCK: We have a lot of parking.

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

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

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

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

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

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

MR. HINES: Per parking space.

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

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

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

CHAIRMAN BRAND: Right now --

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

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POLLOCK/KENT

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

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

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

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

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

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

MR. MEDENBACH: Being smaller.

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

MR. MEDENBACH: That's correct.

MS. LANZETTA: That's up to them

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POLLOCK/KENT

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

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

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

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

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

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

MR. HINES: I would recommend if the Board is in the Newburgh area to take a look at the double striping they have in their larger parking lots. They're 9 by 18 but the double stripe seems to function. I drive a rather large vehicle and I can park much easier in that double stripe.

CHAIRMAN BRAND: Like a little rectangle?

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

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



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

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

MR. MEDENBACH: We can put a couple in.

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

1  
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

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POLLOCK/KENT 115

definitely communicate with DPW on this.

Thank you all very much.

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

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

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

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

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

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

*Michelle Conero*

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MICHELLE CONERO

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

DUNKIN DONUTS - ROUTE 9W  
SAFETY CONCERNS

----- X

BOARD BUSINESS

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

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

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

----- X

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

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CHAIRMAN BRAND: We do have a  
Board comments section.

Mr. Troncillito, the floor is  
yours.

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

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

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

MR. TRONCILLITO: I understand

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

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

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

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

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

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

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BOARD BUSINESS

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don't know.

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

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

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

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

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

MR. LOFARO: Take care of it through enforcement.

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

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

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



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

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

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

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

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

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

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there it gets reported into DOT's system.

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

MR. TRONCILLITO: You sure can.

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

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

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BOARD BUSINESS

123

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

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

SUPERVISOR LANZETTA: That's my two cents.

CHAIRMAN BRAND: Is that it, Mr. Troncillito?

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

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

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

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

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

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

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

  
\_\_\_\_\_  
MICHELLE CONERO