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

X

4 In the Matter of

5

CHEVERS AIRBNB

6

7 Project No. 20-4012  
8 45 Cross Street, Marlboro  
Section 108.4; Block 1; Lot 16

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X

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SITE PLAN - RESOLUTION

11

Date: October 4, 2021  
12 Time: 7:30 p.m.  
Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

14

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

18

19

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
20 KATHI NATLAND

21

22

APPLICANT'S REPRESENTATIVE: BARBARA ROCHA CHEVERS

23

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

25

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of  
7 Marlborough Planning Board, October 4,  
8 2021. Regular meeting 7:30. On the  
9 agenda this evening we have Chevers Airbnb  
10 for a resolution of their site plan at 45  
11 Cross Road in Marlboro. Bishop  
12 Subdivision, we have a resolution for  
13 their subdivision on New Road and Mahoney  
14 Road. We have a sketch of a lot line for  
15 Mackey at 540 and 544 Milton Turnpike. We  
16 have Tara Ann Lordi for a sketch of a  
17 subdivision at 11 Mt. Rose Road. The next  
18 deadline is Friday, October 8, 2021. The  
19 next scheduled meeting is Monday,  
20 October 18, 2021.

21 Is there anything from the Board  
22 before we start?

23 (No response.)

24 CHAIRMAN BRAND: No. Let's jump  
25 in with Chevers Airbnb first, please.

2 Come on up to the table.

3                   Jeff, I see that you have  
4 prepared a resolution of approval for us  
5 for Chevers.

6                   MR. BATTISTONI: Yes. I'll take  
7 my mask off as I speak. For Chevers I  
8 prepared the resolution. It's pretty  
9 straightforward.

10                  I did, in the conditions section,  
11 make it clear that there should be a note  
12 on the plan that the owner/applicant would  
13 comply with the annual inspection and  
14 permitting requirements just so that's  
15 right there and everyone knows.

16                  I didn't know whether the owners  
17 had their certificate of authority to  
18 collect sales tax yet from the County, so  
19 I made that a condition here. If they  
20 have it, I don't have it, or at least I  
21 don't think so.

22                  So I think it's straightforward  
23 and those conditions are there to protect  
24 the Town.

25                  CHAIRMAN BRAND: Thank you.

2 Any questions or comments from  
3 the Board with regard to the resolution?

4 (No response.)

5 CHAIRMAN BRAND: No. Kathi,  
6 would you poll the Board?

7 MS. NATLAND: Member Cauchi?

8 MR. CAUCHI: Yes.

9 MS. NATLAND: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. NATLAND: Member Garofalo?

12 MR. GAROFALO: Yes.

13 MS. NATLAND: Member Lanzetta?

14 MS. LANZETTA: Yes.

15 MS. NATLAND: Member Troncillito?

16 MR. TRONCILLITO: Yes.

17 MS. NATLAND: And Chairman Brand?

18 CHAIRMAN BRAND: Yes.

19 All right. You should be all  
20 set.

21 MS. ROCHA CHEVERS: All set. I  
22 have one more of the letters that was  
23 returned to me. I don't know if I  
24 should --

25 CHAIRMAN BRAND: Could you just

2 give that to the secretary then?

3 MS. ROCHA CHEVERS: Yes. I heard  
4 sales tax. I didn't understand what --

5 CHAIRMAN BRAND: Basically he  
6 said he put in the resolution that sales  
7 tax would need to be collected at some  
8 point I believe.

9 MR. BATTISTONI: You're required  
10 to register with the Ulster County --

11 MS. ROCHA CHEVERS: Oh, yeah.  
12 They already take it.

13 MR. BATTISTONI: I'm sorry?

14 MS. ROCHA CHEVERS: They take  
15 that automatically already. It comes out  
16 on the settlement of the guests.

17 MR. BATTISTONI: So you should  
18 have something called a certificate of  
19 authority to collect sales tax. I just  
20 need a copy of it.

21 MS. ROCHA CHEVERS: Okay. I'll  
22 probably have to reach out to them and see  
23 if I can get it.

24 So now just for follow up with  
25 the fire inspector. Right?

2 CHAIRMAN BRAND: Yes.

3 MS. ROCHA CHEVERS: Thank you.

4 CHAIRMAN BRAND: All right.

5 Thank you very much.

6 (Time noted: 7:35 p.m.)

7

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

9

10 I, MICHELLE CONERO, a Notary  
11 Public for and within the State of New York, do  
12 hereby certify:13 That hereinbefore set forth is a  
14 true record of the proceedings.15 I further certify that I am not  
16 related to any of the parties to this  
17 proceeding by blood or by marriage and that I  
18 am in no way interested in the outcome of this  
19 matter.20 IN WITNESS WHEREOF, I have  
21 hereunto set my hand this 16th day of October  
22 2021.

23

24

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MICHELLE CONERO

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

In the Matter of

5 [www.ijerph.com](http://www.ijerph.com) <http://dx.doi.org/10.3390/ijerph12094500>

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

## 10 RESOLUTION = SUBDIVISION

## 10 RESOLUTION - SUBDIVISION

11 Date: October 4, 2021  
12 Time: 7:35 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
20 PATRICK HINES  
21 KATHI NATLAND

APPLICANT'S REPRESENTATIVE: ADAM Di VALENTINO

2 CHAIRMAN BRAND: Next we have the  
3 Bishop Subdivision.

4 Pat, you had nothing for that.  
5 Right?

6 MR. HINES: For Bishop we have a  
7 couple of comments, actually. I don't  
8 have anything, but since the resolutions  
9 were formed, and actually Mr. Garofalo  
10 picked up on the discrepancy in the  
11 application and the plan. The application  
12 shows the site in the R-1 Zone and the  
13 plans have a bulk table for the RAG-1  
14 Zone. I did check and confirm the lot is  
15 in the R-1 Zone. That bulk table needs to  
16 be corrected. It still meets all the  
17 setbacks but the bulk table is incorrect.

18 Then there's the issue with the  
19 barn that I know Jeff spoke to Tommy  
20 Corcoran today about.

21 CHAIRMAN BRAND: Jeff, do you  
22 have a --

23 MR. BATTISTONI: Yes. I can  
24 address that issue as well. Again, the  
25 plan shows the properties being in the

2 RAG-1 district and in fact it's in the  
3 R-1. Under your use regulations, a barn  
4 would be allowed as a standalone use in  
5 the RAG-1 in theory, not in the R-1. So I  
6 don't know whether the Board has  
7 encountered this before in the past,  
8 whether it's an existing barn, it's not  
9 being changed by the subdivision, let it  
10 be, or whether you think it should comply  
11 and be referred to the ZBA for a variance.  
12 Do you understand what I'm saying?

13 MS. LANZETTA: Yeah. We're going  
14 to be encountering this with the Lordi  
15 property as well.

16 MR. GAROFALO: That's what  
17 brought it to my attention, and then I  
18 looked at the application and I saw it was  
19 in the R-1. I looked at the plan and it  
20 said it was in the RAG-1. One would be  
21 allowed and the other is not allowed. I'm  
22 not sure what our authority is.

23 MR. CLARKE: It's kind of  
24 grandfathered in I would think.

25 MR. BATTISTONI: Well that's the

2 issue, whether you would look at it that  
3 way. It's not somebody coming before you  
4 with a vacant piece of land saying I want  
5 to put a barn here. This is a barn that's  
6 been there for a long time.

7 MR. CLARKE: It looks like it's  
8 been there forever.

9 MR. DiVALENTINO: I think the  
10 barn preexists Mahoney Road there. It's  
11 that old.

12 CHAIRMAN BRAND: Just to clarify.  
13 The barn is on the parcel that's not  
14 being done. Correct?

15 MR. BATTISTONI: That's correct.

16 MR. DiVALENTINO: Not currently.  
17 Correct.

18 CHAIRMAN BRAND: So Jeff, would I  
19 be mistaken in thinking that, as is, it  
20 would be a preexisting nonconforming  
21 condition, and should they want to sub  
22 further or do something on that property  
23 with the barn, then it would become an  
24 issue with the variance for the ZBA?

25 MR. BATTISTONI: Yes. Along

2 those lines, I think they're only seeking  
3 to develop one parcel right now. Pat  
4 Hines had recommended to me that a note be  
5 added to the plat to that effect, that  
6 when they do go to develop the other  
7 parcel they would need to come back and  
8 get Board of Health approval at that time,  
9 and come before the Board as well.

10 MR. HINES: Both Planning Board  
11 and Board of Health because it's not a  
12 building lot right now.

13 MS. LANZETTA: So that's what  
14 we're going to have to do with the next  
15 one, too. The next one we would have to  
16 -- normally it has been the policy of the  
17 Board to make sure that each lot is a  
18 developable lot, which means that we have  
19 to be sure that they're going to be able  
20 to get a septic system in and be able to  
21 access the property.

22 Now, in this particular instance  
23 we had talked -- they had done preliminary  
24 work, or they felt that they -- the  
25 engineer had said that based on the

2 preliminary soils that they had  
3 encountered within the same general  
4 vicinity of the Bishop's property, that he  
5 believed that there would be no issues  
6 with getting a septic in there.

7 MR. HINES: We raised it in our  
8 initial comments and they went and did  
9 some soils testing to prove it out. They  
10 have not done the design.

11 MR. GAROFALO: Even though it's  
12 an existing barn, are we now creating a  
13 nonconforming use which wasn't there  
14 before?

15 MR. HINES: No. It's still  
16 there. What you're creating is -- this  
17 Board has held in the past something that  
18 doesn't meet zoning for bulk requirements,  
19 as long as you're not changing it you've  
20 granted those the protection. I have some  
21 boards that would refer -- if you had a  
22 preexisting side yard issue and you  
23 weren't changing it, you would still have  
24 to go to the ZBA. You have historically  
25 said if it's existing and you're not

2 making it worse or more nonconforming,  
3 then it was allowed to stay. So in this  
4 case you have a preexisting barn, for all  
5 intents and purposes, only it's on a  
6 vacant parcel. It's not accessory to  
7 anything in the R-1 Zone. It's not in the  
8 RAG-1 which would allow a barn. It's a  
9 preexisting nonconforming accessory use  
10 not accessory to anything and it's going  
11 to remain that way. It's going to have a  
12 slightly smaller lot area. Not slightly  
13 smaller. Almost half.

14 CHAIRMAN BRAND: Then should they  
15 want to do something with that lot --

16 MR. HINES: I suggested a note  
17 being put on there after reviewing -- I  
18 only e-mailed it to Jeff this afternoon,  
19 that that lot is not a building lot at  
20 this time and that any development of that  
21 lot requires Planning Board approval and  
22 Health Department approval. Kind of a  
23 buyer beware, that someone doesn't go out  
24 and buy that lot thinking they are buying  
25 a building lot when in fact it may not be

2 a building lot.

3 CHAIRMAN BRAND: Moving forward,  
4 if somebody did want to use it as a  
5 barn --

6 MR. HINES: They would be aware  
7 and would have to come in to this Board.  
8 Not just go get a building permit on a  
9 preexisting lot. It comes to the Planning  
10 Board.

11 MS. LANZETTA: How does the  
12 building inspector know that that's on  
13 there?

14 MR. HINES: They'll have a copy  
15 of the filed plat.

16 MS. LANZETTA: If that's --

17 MR. HINES: The title company is  
18 also going to pick up on it.

19 MS. LANZETTA: Pardon me?

20 MR. HINES: A title company will  
21 also pick up on it.

22 MS. LANZETTA: Okay. I don't  
23 want to put any more additional stress on  
24 the building inspector to have to be  
25 constantly referring to -- you know, if

2 somebody comes in for a building permit  
3 and says I just bought this lot --

4 MR. HINES: I'm hoping he refers  
5 back to the subdivision and the  
6 resolutions that created the lot.

7 MS. LANZETTA: Okay.

8 CHAIRMAN BRAND: You're  
9 comfortable with that?

10 MR. DiVALENTINO: Yes. So I  
11 guess my question would be -- you know, I  
12 don't think -- it's no surprise to anybody  
13 that this barn is nonconforming, right.  
14 Like you said, in its existing  
15 condition --

16 MR. HINES: Well it's a bit of a  
17 surprise to us because of the R-1/RAG-1  
18 issue with the zoning bulk table. The map  
19 says it's in a different zone when in fact  
20 we find out just this afternoon that it's  
21 in the R-1 Zone. If it was in the RAG-1  
22 Zone the barn would be an allowable use.

23 MR. DiVALENTINO: Okay.  
24 Understood. So I guess then my question  
25 is so you said we would have to come back

2 to the Planning Board to get Health  
3 Department approval which -- so we would  
4 have to design the septic, obviously. We  
5 know that, right. Get an approved septic,  
6 come back to the Planning Board. And what  
7 else? What would we need besides that to  
8 prove it buildable?

9 MR. HINES: That's it. The  
10 driveway access, the well and septic.

11 MR. DiVALENTINO: I was under the  
12 impression that we've provided that  
13 already.

14 MR. HINES: No. Your engineer  
15 did soil testing but not a design. On the  
16 one lot you're proposing to sell you've  
17 done a design and got approval.

18 MR. DiVALENTINO: Understood.

19 MR. HINES: On this balance  
20 parcel that we now find is in the RAG-1  
21 Zone, you have not done that.

22 MR. DiVALENTINO: Right. But we  
23 did the soil testing to prove the lot  
24 buildable. We just don't have a designed  
25 septic because we don't have a -- we just

2 have -- all we said is we're going to have  
3 a single-family house. There's no sizing,  
4 there's no --

5 MR. HINES: It's not consistent  
6 with what we've done in the past with this  
7 Board. You pled your case to the Board  
8 and they allowed this to continue in this  
9 direction.

10 MR. DiVALENTINO: I understand.  
11 I just don't understand why we would be  
12 coming back.

13 MR. HINES: Because you haven't  
14 done a septic design.

15 MR. DiVALENTINO: I have to do  
16 that anyway. I just don't understand that  
17 part.

18 MS. LANZETTA: We have to see  
19 where you would be accessing that  
20 property.

21 MR. DiVALENTINO: We've shown  
22 that on out plan, though.

23 MS. LANZETTA: No. The other  
24 lot.

25 MR. DiVALENTINO: We have

2 driveway designs for both lots.

3 MS. LANZETTA: I don't remember  
4 seeing that for the one --

5 MR. CLARKE: The one was  
6 questionable because of the sight  
7 distance. It was, you know, on a corner  
8 and it was close to the barn. It was a  
9 little questionable.

10 MR. GAROFALO: Is it a question  
11 of them coming back because the  
12 driveway --

13 MR. HINES: I think the Board is  
14 stretching the approval right now. You  
15 have a lot less than 5 acres in size that,  
16 although the soils testing was done, you  
17 don't have a septic design. It's not the  
18 best way to do it but you've asked them --  
19 it was in my comments early on that there  
20 should be a well and septic design for  
21 this.

22 MR. DiVALENTINO: You asked us  
23 for the soil testing and that's what we  
24 provided.

25 MR. HINES: Yes. We want to

2 prove it's buildable. You do not have a  
3 design. Any development of that lot I'm  
4 suggesting needs to come back to this  
5 Board to run it through the subdivision  
6 process to re-file the subdivision map  
7 that will show it to be a buildable lot.

8 CHAIRMAN BRAND: So in theory --

9 MR. HINES: The alternative is  
10 that you can come back with a septic  
11 design and Health Department approval --

12 CHAIRMAN BRAND: That's what I  
13 was going to say.

14 MR. HINES: -- with a house, well  
15 and septic location and a bulk table  
16 similar that you've done on the other lot.

17 CHAIRMAN BRAND: But then we run  
18 into the question of is that allowable,  
19 the barn.

20 MR. HINES: The barn is still an  
21 issue in the RAG Zone. Whether the Board  
22 wants it to go for a zoning variance to  
23 remain. I feel like I'm having twilight  
24 zone because I'm going to have the same  
25 conversation with Ms. Brooks in about

2 twenty minutes.

3 MS. BROOKS: No, you're not. I'm  
4 going to argue with you as well.5 MR. DiVALENTINO: To clarify, I'm  
6 not arguing. I just don't understand.  
7 Okay. It's perfectly acceptable if you  
8 approve it, as you say we come back and we  
9 want to build on the next lot. I can do  
10 what I want to do, and that's perfectly  
11 acceptable to me. I just don't understand  
12 why we would have to come back again.  
13 We've already done the soils testing.14 There's nothing left to it other than -- I  
15 mean the Health Department was there, they  
16 looked at all the test holes. Once we  
17 provide them a septic design they're going  
18 to approve it. Why would I come back to  
19 the Planning Board to say here's my  
20 approved --21 MR. HINES: Because right now you  
22 haven't completed the entire process, and  
23 in my opinion it's not a building lot  
24 until you have that.

25 MS. LANZETTA: When we understood

2 that it was -- it's not RAG, it's AGR,  
3 which means that the highest use of that  
4 property we understood to be agricultural.

5 MR. DiVALENTINO: That's my  
6 mistake.

7 MS. LANZETTA: Perhaps that was  
8 one of the reasons you were looking to  
9 develop it at this time with the barn  
10 intact.

11 MR. HINES: It was kind of eluded  
12 to it was going to stay a barn.

13 MS. LANZETTA: It's possibly an  
14 agricultural -- it was still an  
15 agricultural parcel. At this point we have  
16 to look at it as a residential parcel, in  
17 which case then we really have to think  
18 about can you build on this lot. In order  
19 to do that we have to know if you can have  
20 septic.

21 MR. DiVALENTINO: Understood. But  
22 we know that already. I've done the soils  
23 testing.

24 MR. HINES: You haven't done a  
25 design.

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MR. DiVALENTINO: I understand that. But it's because we don't know what house we're building. Okay. I guess I'm confused then, because we did the soils testing with the County inspector there and he agreed at that time. I mean I stood right there and talked to the gentleman.

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CHAIRMAN BRAND: That's basically just saying that it is possible. We want to see the house, where the house is going to go, and that will dictate --

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MR. DiVALENTINO: I showed where the house would go. I mean I showed preliminary -- it's right in this packet. It's like item number 3. I showed it's lot 1 -- I'm sorry. It's item 2. I showed proposed locations of that future house, a driveway grading plan, where the septic would go. You know, egress out to Mahoney Road. I mean it's --

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MR. CLARKE: You were approved with one lot on New Road and now you're saying you want two lots, one on New Road,

2 one on Mahoney.

3 MR. DiVALENTINO: No. I'm saying  
4 that I understand -- I don't intend to  
5 build -- nobody intends to build, myself  
6 or Mr. Bishop, on this lot 1. I'm just  
7 saying I don't understand why it would  
8 have to come back to the Planning Board.  
9 Why wouldn't I just get an approved  
10 septic, apply for a building permit if he  
11 chose -- it's not going to be my property.  
12 If he chose to build at that time.

13 MS. LANZETTA: Because of the  
14 zoning.

15 MR. DiVALENTINO: Okay.

16 MR. HINES: You're going to file  
17 both of these maps?

18 MR. DiVALENTINO: Excuse me?

19 MR. HINES: You're filing both  
20 sheets? All three sheets?

21 MR. DiVALENTINO: I don't  
22 understand what you mean. I'm sorry.

23 MR. HINES: You have one sheet,  
24 S-02.

25 MR. DiVALENTINO: Yup. I'm

2 looking at S-01.

3 MR. HINES: Which only has --  
4 which has the proposed septic. You don't  
5 have the one with the Ulster County  
6 approval on it.

7 MR. DiVALENTINO: Correct.

8 MR. HINES: With no detailed  
9 design information.

10 MR. DiVALENTINO: Correct.

11 MR. HINES: So therein lies the  
12 issue.

13 MR. DiVALENTINO: Okay.

14 MR. HINES: You can either show  
15 an approvable lot design there and file it  
16 or put that note that I'm suggesting on  
17 the plan, that it's not a building lot at  
18 this time.

19 MR. DiVALENTINO: That's fine. I  
20 guess I was taking it as we were coming  
21 back to the Planning Board because of the  
22 barn issue, and the barn issue --

23 MR. HINES: The barn issue had  
24 changed this afternoon when we found it's  
25 in the RAG-1 Zone where the barn is now a

2 preexisting nonconforming use in that zone  
3 where it was previously a conforming use  
4 in the RAG Zone that was labeled on the  
5 other set of plans.

6 MR. GAROFALO: The plans will  
7 have to change to correct that.

8 MR. HINES: Yes.

9 MR. DiVALENTINO: Yeah. I'll  
10 have the table updated. No problem.

11 CHAIRMAN BRAND: Pat, if he did  
12 go back and get the -- submit the design,  
13 get it approved --

14 MR. HINES: I would prefer that.

15 CHAIRMAN BRAND: And then we do  
16 it in one shot, you wouldn't have to go  
17 back to the Planning Board. We could, in  
18 theory, approve both uses and then you  
19 just have to go to the Building  
20 Department. I'm saying that's what he  
21 could do now. He could go and show --

22 MR. DiVALENTINO: I don't want --  
23 as I said, I mean my intent is not, nor is  
24 Mr. Bishop's intent to develop this lot  
25 right now. I'm just confused as to why,

2 you know, we have to come back in front of  
3 the Planning Board and go through this  
4 process again. That's what brings me to my  
5 question. Because we did -- that's why we  
6 did the test holes, was my understanding  
7 to prove our lot buildable. That's why we  
8 showed the driveway grading less than 8  
9 percent. I mean we addressed all those  
10 comments as directed and now we're being  
11 told -- now I'm just being told something  
12 different. Maybe the confusion is from my  
13 mistake on the zoning.

14 CHAIRMAN BRAND: It appears to  
15 be.

16 MR. DiVALENTINO: What's that?

17 CHAIRMAN BRAND: It appears to be  
18 that is the issue.

19 MR. DiVALENTINO: Okay. Fair.

20 CHAIRMAN BRAND: So we have  
21 before us the SEQRA negative declaration.

22 MR. GAROFALO: Can I make a  
23 comment?

24 CHAIRMAN BRAND: Go ahead.

25 MR. GAROFALO: This has to do

2 with the question of speed, that Mahoney  
3 is 35 miles-an-hour. I certainly  
4 understand Mr. Clarke, having driven that  
5 and stating his opinion, and the  
6 superintendent's opinion. I tend to agree  
7 with them, that it's probably adequate  
8 sight distance. However, I think that  
9 this warrants the superintendent going out  
10 and taking a look at the road and seeing  
11 if a speed limit or warning sign would be  
12 appropriate on that road. So I just  
13 wanted to put that into the record, that  
14 I'm going to request that he take a look  
15 at that, given his note on the sight  
16 distance being adequate there and not  
17 requiring -- the comments on the road  
18 being windy and twisting, et cetera, I  
19 tend to agree that's probably too high of  
20 a speed limit. It should not necessarily  
21 affect this application but I wanted to  
22 put that on the record. Thank you.

23 CHAIRMAN BRAND: So Jeff, as far  
24 as the SEQRA negative declaration and the  
25 resolution of approval, we are good with

2 them marking the plat that it not be a  
3 building site, adding that to this?

4 MR. BATTISTONI: I'm not sure  
5 what the applicant wanted to do in that  
6 regard. Is the applicant saying he could  
7 go to the Board of Health now and get the  
8 approval for the septic design?

9 CHAIRMAN BRAND: I think he said  
10 no to that. Correct?

11 MR. DiVALENTINO: I guess my  
12 question is if I did that would I have to  
13 come back before the Board and -- yeah, I  
14 don't want the process to drag on any  
15 further. No offense to anybody here. So  
16 I would say we approve it as the Board  
17 understands it with lot 2 being a building  
18 lot and lot 1 being the R-1 designation,  
19 not currently a building lot.

20 CHAIRMAN BRAND: Okay. The Board  
21 is comfortable with that?

22 MS. LANZETTA: I'm having second  
23 thoughts about it. Now we're setting a  
24 precedent. Now the next one we review  
25 will have the same issue.

2

3

CHAIRMAN BRAND: Just that you

have --

4

5

6

MS. LANZETTA: We have the

septic. The only way to prove that is by  
having them put the design for the septic.

7

MR. GAROFALO: And well.

8

MS. LANZETTA: And well.

9

MR. CLARKE: And driveway.

10

11

12

CHAIRMAN BRAND: Pat, the soil

samples that were taken would indicate  
that it is -- a septic could go there?

13

14

15

MR. HINES: It appears that a

septic system could be designed there. We  
don't have that design.

16

17

18

19

I'll throw out the alternative is  
that if the applicant chooses to get

approval, it could be subject to so that

it doesn't have to come back to the Board.

20

21

MS. LANZETTA: A condition of

signing --

22

23

24

25

MR. DiVALENTINO: I would be -- I  
think that's very fair. I think that's --

I mean because we're going to get an

approved septic. I mean there's no

2 question about it. I just don't  
3 understand --

4 MR. HINES: The condition could  
5 be either that note gets added to the plat  
6 or the applicant provides an approved  
7 septic system design. I would be okay  
8 with that.

9 CHAIRMAN BRAND: Is that okay?

10 MR. CLARKE: Yes.

11 MR. TRONCILLITO: Yes.

12 MS. LANZETTA: Yes.

13 MR. GAROFALO: Yes.

14 MR. CAUCHI: Yes.

15 MR. GAROFALO: Septic and well.

16 CHAIRMAN BRAND: Jeff, we will  
17 add that note --

18 MR. HINES: Health Department  
19 approval.

20 CHAIRMAN BRAND: -- to the  
21 resolution of approval section.

22 MS. LANZETTA: As a condition.

23 MR. HINES: Then I guess we'll  
24 come back to the barn being a preexisting  
25 nonconforming use that the Board is okay

2 with.

3 MS. LANZETTA: That barn has got  
4 to go.

5 MR. CLARKE: I would think it's  
6 probably not being used at the present  
7 time.

8 MR. DiVALENTINO: Not regularly.  
9 I don't know what Mr. Bishop stores in  
10 there, but -- I mean it's a barn that's  
11 been sitting there for 100 years. I don't  
12 know.

13 MR. CLARKE: It's probably easier  
14 to take it down.

15 MS. LANZETTA: Either that or  
16 you've got to go to the ZBA.

17 MR. DiVALENTINO: I mean once --  
18 so you're saying in any case it would come  
19 back? I mean it's a preexisting barn. So  
20 you want to put that note on -- you're  
21 saying you'd approve it but have that note  
22 on the lot 1 layout, before the site was  
23 developed that barn would have to be  
24 removed?

25 MS. LANZETTA: Yes.

2 MR. DiVALENTINO: Okay. I think  
3 that's acceptable.

4 CHAIRMAN BRAND: Does everyone  
5 agree with that?

6 MR. CLARKE: Yes.

7 MR. TRONCILLITO: Yes.

8 MS. LANZETTA: Yes.

9 MR. GAROFALO: Yes.

10 MR. CAUCHI: Yes.

11 MR. HINES: Or we have a ZBA  
12 approval.

13 MR. CLARKE: That would be an  
14 alternative.

15 MR. GAROFALO: I would expect the  
16 barn would come down.

17 MR. HINES: Sight distance might  
18 be a little better, too.

19 CHAIRMAN BRAND: So we'll include  
20 those notations for the resolution.

21 MR. DiVALENTINO: Can I ask one  
22 more question? I'm sorry. The barn -- so  
23 what's the issue with the barn? It's too  
24 close to the road is the issue?

25 MR. CLARKE: It's a nonconforming

2 use in that zone.

3 MR. DiVALENTINO: Understood. If  
4 we developed it, wouldn't that create a  
5 conforming use barn? Like say there was a  
6 house, is that a conforming use if it's an  
7 accessory --

8 CHAIRMAN BRAND: It's not allowed  
9 in that zone.

10 MR. DiVALENTINO: No accessory  
11 buildings?

12 MR. HINES: It's just because  
13 it's not allowed in the front yard of the  
14 structure, it's not within a certain  
15 distance of the lot line. So it fails --  
16 even if it's a developed lot it fails.  
17 You can't have an accessory use in front  
18 of a primary use.

19 MR. CLARKE: I think the zoning  
20 says a barn not be in front of a house.

21 MR. HINES: Right.

22 MR. DiVALENTINO: Okay.

23 MR. BATTISTONI: The RAG-1  
24 district allows accessory farm buildings  
25 but the R-1 does not.

2 MR. DiVALENTINO: Okay.

3 Understood.

4 MR. CLARKE: If it was a  
5 garage --

6 MR. DiVALENTINO: I'll put a  
7 garage door on there if that makes you  
8 happy.

9 CHAIRMAN BRAND: All right. With  
10 all those changes in mind, we have the  
11 SEQRA negative declaration and notice of  
12 determination of nonsignificance for the  
13 application of James Bishop and Monica  
14 Bishop.

15 Kathi, would you poll the Board.  
16 I'll poll the Board.

17 Member Lanzetta?

18 MS. LANZETTA: Yes.

19 CHAIRMAN BRAND: Member  
20 Troncillito?

21 MR. TRONCILLITO: Yes.

22 CHAIRMAN BRAND: Member Clarke?

23 MR. CLARKE: Yes.

24 CHAIRMAN BRAND: Member Cauchi?

25 MR. CAUCHI: Yes.

2 CHAIRMAN BRAND: Member Garofalo?

3 MR. GAROFALO: Yes.

4 CHAIRMAN BRAND: I am yes as  
5 well.6 We have also the application --  
7 the resolution for approval by the Town of  
8 Marlborough Planning Board for the  
9 application of James E. Bishop and Monica  
10 T. Bishop for a two-lot subdivision with  
11 many add-ons to be made.12 MR. BATTISTONI: Yes. I  
13 scribbled my notes fairly well so I will  
14 prepare a clean resolution after tonight's  
15 adoption.16 CHAIRMAN BRAND: With that in  
17 mind, Member Lanzetta?

18 MS. LANZETTA: Yes.

19 CHAIRMAN BRAND: Member  
20 Troncillito?

21 MR. TRONCILLITO: Yes.

22 CHAIRMAN BRAND: Member Clarke?

23 MR. CLARKE: Yes.

24 CHAIRMAN BRAND: Member Cauchi?

25 MR. CAUCHI: Yes.

2 CHAIRMAN BRAND: Member Garofalo?

3 MR. GAROFALO: Yes.

4 CHAIRMAN BRAND: I am yes as  
5 well.6 So sorry for the confusion on  
7 that. I hope that --

8 MR. DiVALENTINO: I apologize.

9 It's my mistake on the chart there. I  
10 appreciate the explanation.

11 CHAIRMAN BRAND: All right.

12 Thank you.

13 MR. DiVALENTINO: Thank you.

14 Just to clarify, do I have to do  
15 anything from here or --16 MR. HINES: You're going to  
17 update those bulk tables.

18 MR. DiVALENTINO: Right.

19 MR. HINES: And add the  
20 appropriate notes that we just mentioned  
21 onto the plat.22 MR. DiVALENTINO: You want me to  
23 add those?

24 MR. HINES: Yes.

25 MR. DiVALENTINO: Okay. No

2 problem. And then resubmit?

3 CHAIRMAN BRAND: Yes.

4 MR. DiVALENTINO: And same like  
5 full submittal, twelve --

6 CHAIRMAN BRAND: The secretary  
7 Jen is out. When she returns I'll have  
8 her reach out to you to let you know  
9 exactly.

10 MR. DiVALENTINO: Excellent.

11 These notes are going to be available so I  
12 make sure I get every note?

13 MR. HINES: He'll write the  
14 resolution.

15 MR. DiVALENTINO: Thank you. I  
16 appreciate it.

17 MR. BATTISTONI: Separately are  
18 you doing a rec fee resolution?

19 CHAIRMAN BRAND: I have that here  
20 as well. Thank you for reminding me.

21 MR. HINES: One more resolution.

22 CHAIRMAN BRAND: We have the  
23 recreation fee findings for the Town of  
24 Marlborough Planning Board. Whereas the  
25 Planning Board has reviewed a subdivision

2 application known as Bishop with respect  
3 to the real property located at New Road  
4 and Mahoney Road in the Town of  
5 Marlborough, Chairman Brand offered the  
6 following resolution which was seconded by  
7 Member Clarke. It's hereby resolved that  
8 the Planning Board makes the following  
9 findings pursuant to Section 277 of the  
10 Town Law. Based on the present and  
11 anticipated future need for park and  
12 recreational opportunities in the Town of  
13 Marlborough and to which the future  
14 population of this subdivision will  
15 contribute, parkland should be created as  
16 a condition of approval of the  
17 subdivision. However, a suitable park of  
18 adequate size to meet the above  
19 requirement cannot be properly located  
20 within the proposed project site.  
21 Accordingly, it is appropriate that in  
22 lieu or providing parkland, the project  
23 sponsor render to the Town payment of a  
24 recreation fee to be determined in  
25 accordance with the prevailing schedule

2 established for that purpose by the Town  
3 of Marlborough. This approved subdivision  
4 known as the Bishop Subdivision resulted  
5 in one new lot for a total of \$2,000 in  
6 recreation fees. Whereupon the following  
7 vote was taken.

8 Member Cauchi?

9 MR. CAUCHI: Yes.

10 CHAIRMAN BRAND: Clarke?

11 MR. CLARKE: Yes.

12 CHAIRMAN BRAND: Garofalo?

13 MR. GAROFALO: Yes.

14 CHAIRMAN BRAND: Lanzetta?

15 MS. LANZETTA: Yes.

16 CHAIRMAN BRAND: Troncillito?

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: I'm yes as well.

19 That I believe does it. Thank  
20 you.

21 MR. DiVALENTINO: Thank you.

22

23 (Time noted: 7:54 p.m.)

24

25

2

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

4

5

6 I, MICHELLE CONERO, a Notary

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

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

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

19

20

21

22

23

34

25

MTCHELLE CONERO

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

4 - - - - - In the Matter of

5  
6 MACKEY

7 Project No. 21-5017  
8 540 & 544 Milton Turnpike  
9 Section 102.2; Block 1; Lots 8 & 10.200

10 - - - - - X

11 SKETCH - LOT LINE

12 Date: October 4, 2021  
13 Time: 7:55 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547

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

25 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
26 PATRICK HINES  
27 KATHI NATLAND

28  
29 APPLICANT'S REPRESENTATIVE: MARK MACKEY

30 - - - - - X  
31  
32 MICHELLE L. CONERO  
33 3 Francis Street  
34 Newburgh, New York 12550  
35 (845) 541-4163

2 CHAIRMAN BRAND: Next up on the  
3 agenda is Mackey.

4 Is there a representative from  
5 Mackey here?

6 MR. MACKEY: How is everybody  
7 tonight? Mark Mackey.

8 CHAIRMAN BRAND: Pat, maybe you  
9 want to go through your comments first.

10 MR. HINES: Sure. This project  
11 went to the Zoning Board of Appeals. It  
12 got referred there from Tommy Corcoran's  
13 office. They received variances for the  
14 preexisting side yard on lot 1 and for lot  
15 area on lot 1. It is in the R-1 Zone and  
16 requires -- it's in the RAG Zone and  
17 requires a 1 acre minimum. It has .77 on  
18 the one lot.

19 The lot line is designed to  
20 transfer a piece of property in order to  
21 allow an existing shed to remain on the  
22 parcel. It creates lot 2 which is now a  
23 conforming lot for all zoning.

24 Lot 1 has received its variances.  
25 We just want to confirm that the

2 sewer system -- the septic system on lot 1  
3 remains on the lot, so we're asking that  
4 that be depicted on the plan.

5 There's an anomaly in the bulk  
6 table where it says the maximum building  
7 height under the existing two lots is 1.5  
8 foot -- 1.5 stories. Somehow after the  
9 lot line change it says 2 stories. So I  
10 just think it's a -- I don't think the  
11 buildings are growing by half a story. I  
12 think we just need to clean up that bulk  
13 table.

14 CHAIRMAN BRAND: All right.

15 Questions or comments from the Board?

16 MR. CLARKE: Do we have a map?

17 MR. BATTISTONI: I'm sorry?

18 MR. CLARKE: Do we have a map?

19 MR. BATTISTONI: I can bring up  
20 the one I have.

21 MR. HINES: You guys don't have  
22 one?

23 MR. GAROFALO: We don't.

24 MR. MACKEY: I gave Jen like  
25 twelve copies of those maps for you guys,

2 plus Spence sent it over in PDF form, too.

3 MR. BATTISTONI: I guess there  
4 are maps here.

5 CHAIRMAN BRAND: Mr. Mackey,  
6 would you give us an overview of what's  
7 going on here?

8 MR. MACKEY: We originally  
9 started out to do a lot line revision of  
10 28 feet taken off my parent's property and  
11 adding it to mine, and then when we had  
12 the land surveyed, Spencer Hall noted that  
13 there was a County take back of property  
14 some forty years ago when the County redid  
15 Milton Turnpike, so it made our deeds  
16 noncompliant to today's codes. So  
17 according to Tommy Corcoran who spoke with  
18 Pat, they came to the conclusion if we  
19 moved the lot line over like we wanted to,  
20 it made my lot compliant but it left my  
21 parent's lot short. So that's why we went  
22 to the Zoning Board and got the approval  
23 for the variance on my parent's lot, to  
24 make their lot compliant to today's codes  
25 with the variance.

2 MR. HINES: The discussion I had  
3 with Tom Corcoran prior to seeing the map  
4 was that they were going to look to do a  
5 lot line change just to put the shed on  
6 the lot that it's on. I suggested while  
7 they were moving the line, let's make one  
8 of the lots conforming rather than having  
9 two nonconforming lots. So they moved  
10 that lot line a little past the shed in  
11 order to have a little more than 1 acre of  
12 property on lot 2. They received a  
13 variance for lot 1 to be .77 acres.

22 CHAIRMAN BRAND: Jeff, go ahead.

23 MR. BATTISTONI: I'll address a  
24 few issues. First, I did prepare an  
25 approval resolution for you tonight. I

2 was asked to do that. This is one of  
3 those lot line revisions which is a Type 2  
4 action for SEQRA and you can waive the  
5 public hearing. So it's simple in that  
6 sense.

7 There is a complicating factor,  
8 though. If you look at the map you can see  
9 some green notations and arrows. The  
10 reference says it's original deed lines.  
11 You can see the lines running through  
12 Milton Turnpike. When I looked at the  
13 deeds in the file, they don't match up  
14 with the line that Spencer Hall has drawn  
15 along the north side of Milton Turnpike.  
16 So I thought something was amiss and I  
17 called Spencer. He told me there had been  
18 a road taking years ago, but there's no  
19 notation of that anywhere in the  
20 application. The applicant did bring in a  
21 map to me tonight, which is just a  
22 photocopy of an unsigned map. I need to  
23 look at this and see that this taking  
24 actually did take place.

25 MR. CLARKE: I can affirm it did

2 take place.

3 MR. BATTISTONI: Okay.

4 MR. CLARKE: We were all paid for  
5 the property when they took -- they made  
6 Milton Turnpike a 50-foot road. There is  
7 now 100 foot right-of-way. When they --  
8 you know, they did that because I had  
9 property further down the road. Yes, it  
10 was a taking and we all got money, we all  
11 got paid for the land. So I can affirm  
12 that that is true.

13 MR. BATTISTONI: What I did is in  
14 the approval resolution I added a second  
15 condition that basically says the owners  
16 and applicant shall produce documentation  
17 satisfactory to the attorney for the  
18 Planning Board that a roadway taking  
19 occurred that matches the boundary lines  
20 depicted on this map. If I get that  
21 documentation --

22 MR. CLARKE: Mark, do you have --  
23 the County did provide us with maps. You  
24 were probably too young to remember. It  
25 was a long time ago. It was like '73 or

2 something like that. You know, they did  
3 provide maps of what they took and, you  
4 know --

5 MR. BATTISTONI: If Spencer Hall  
6 can provide it --

7 MR. CLARKE: It will be in the  
8 County building. He can find it.

9 MR. BATTISTONI: That's fine.  
10 And again, the reason this jumps out is  
11 that the deeds for the property don't  
12 actually reference the taking. They still  
13 reference that they run to the center line  
14 of the road. So it's just a little bit of  
15 clean-up work.

16 MR. CLARKE: That's very easy to  
17 do.

18 MR. MACKEY: Okay.

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

21 MR. GAROFALO: I have a few. On  
22 lot 2, the minimum front yard has  
23 increased by .2 feet for some reason.

24 The minimum side yard for both  
25 are below the requirement. I'm not sure

2 if that is an error. It needs to be taken  
3 a look at.

4 Is the process normally that this  
5 would go to us first and we would refer it  
6 to the ZBA and not go directly to the ZBA  
7 and then come to us?

8 MR. BATTISTONI: I'm kind of  
9 guessing so but I don't know.

10 CHAIRMAN BRAND: They don't have  
11 to do that.

12 MR. HINES: There's two ways  
13 through the ZBA. One is through you and  
14 one is through a denial from the code  
15 enforcement officer.

16 CHAIRMAN BRAND: Anything else,  
17 James?

18 MR. GAROFALO: No.

19 CHAIRMAN BRAND: Pat, do you have  
20 an answer for that question?

21 MR. HINES: I don't. I know one  
22 lot is outside their variance. We'll have  
23 to send it to the ZBA to figure it out.

24 It's 21.2. It totals the 13.8 plus the  
25 21. So it's short that much.

2 CHAIRMAN BRAND: Why is that a  
3 requirement, Pat?

4 MR. HINES: The side yard  
5 requirement, there's two. There's one  
6 side yard of 35 and both are 80. And so  
7 if you do the math, with the variance  
8 they're going to add up to over 85. The  
9 way the variance is written, it says the  
10 minimum side yard distance for the area  
11 variance is 13.8 feet for the existing  
12 house. What that is is it was short 13.8.  
13 So it's 13.8 plus 21.2 which adds up to  
14 the required side yard where it's  
15 deficient. So they wrote the variance a  
16 little strange here because --

17 MR. GAROFALO: That would bring  
18 lot 1 up to 35 feet.

19 MR. HINES: 35. Right.

20 MR. GAROFALO: My question here  
21 is both -- if you look at both numbers,  
22 both of those are below the requirement.  
23 Originally they were both above the  
24 requirement. That doesn't make sense.

25 MR. HINES: There is an error on

2 the one side yard. The 51.2 and the 77.  
3 I'll take a look at those. I'm not going  
4 to do it right now. As part of that  
5 approval I'll sign off on that.

6 MR. GAROFALO: And the  
7 (inaudible).

8 MR. HINES: I do have that  
9 question. It needs to be revised anyway  
10 because of the one and-a-half story/two  
11 stories.

12 CHAIRMAN BRAND: So we'll add  
13 that to the resolution as well.

14 Jeff?

15 MR. BATTISTONI: I'm writing it  
16 down right now.

17 MR. GAROFALO: Do these have  
18 wells?

19 MR. HINES: There are two wells  
20 on the site.

21 I did say I need to confirm the  
22 septic on lot 1. It's not depicted. The  
23 other lot is gaining land so it's not an  
24 issue. The lot that's losing land, we  
25 want to make sure the septic is in parcel

2 A.

3 MR. MACKEY: That it is, Pat.

4 The septic for lot 1 is right directly  
5 behind the house.6 MR. HINES: We just need your  
7 surveyor to show that, as well as clean up  
8 the bulk tables.

9 MR. MACKEY: As well as lot 2?

10 MR. HINES: Clean up the bulk  
11 tables. There are a couple of numeric  
12 errors in the chart here.

13 MR. MACKEY: Okay.

14 CHAIRMAN BRAND: So with those  
15 changes being made, the resolution we're  
16 comfortable with at this time?17 MR. GAROFALO: I have a couple  
18 more questions. One is there's a request  
19 for a waiver on the agricultural data  
20 statement. If it's not applicable do we  
21 normally grant a waiver or do they just  
22 have to mark it not applicable?23 CHAIRMAN BRAND: For which  
24 section, James?

25 MR. GAROFALO: On his August 2nd

2 letter he requests a waiver from the  
3 agricultural data statement. I don't  
4 think -- we don't need to do that because  
5 it's not applicable.

6 CHAIRMAN BRAND: Okay. There's  
7 no agricultural activities happening here?

8 MR. MACKEY: No. Chris, I think  
9 Spencer sent you a letter --

10 CHAIRMAN BRAND: Yes.

11 MR. MACKEY: -- with the  
12 explanations of the request waivers and  
13 the not applicable portion of that  
14 application.

15 MR. HINES: In his August 2nd  
16 letter he's requesting a waiver of the ag  
17 data statement, a waiver of showing all  
18 existing houses, accessory structures,  
19 wells and septic tanks within 200 feet as there  
20 are no new lots, and sight distance of all  
21 intersections and driveways as they are  
22 not changing. He put that in his request  
23 letter to the Board dated 2 August 2021.

24 MR. GAROFALO: It would be better  
25 in the future, rather than put the page

2 references, because I don't know if any of  
3 the other Board Members have any idea what  
4 they are referencing, it would be better  
5 -- it would be better to put the code  
6 references in and not the page references.  
7 You may be looking at the code book and  
8 referencing the page number of the code  
9 book but it's much better to reference the  
10 code numbers. When the ag code pages  
11 change, they will put in a note saying  
12 what the change in the code numbers were.  
13 So in the future it would be much easier  
14 to follow.

15 MR. HINES: He's the applicant.  
16 He's the applicant.

17 MR. MACKEY: I'm the applicant.  
18 You're talking Greek to me.

19 MR. GAROFALO: Okay.  
20 MR. CLARKE: What he's saying is  
21 that your surveyor put in page numbers.  
22 We would rather have the actual code --

23 MR. MACKEY: Okay.  
24 MR. CLARKE: -- because the page  
25 numbers can change over time. Just have

2 him go to the actual code that he's  
3 referring to instead of the page.

4 MR. MACKEY: Okay.

5 MR. GAROFALO: Also, we don't  
6 have the code book. We look online at the  
7 code and there are no page numbers  
8 there, --

9 MR. MACKEY: Okay.

10 MR. GAROFALO: -- so it's very  
11 difficult --

12 MR. MACKEY: I understand.

13 MR. GAROFALO: Also, just so you  
14 know, I'm putting together a new form for  
15 two-lot subdivisions to make this process  
16 easier. Trying to compare this to what I  
17 have done is very difficult. But I do  
18 realize that at least I missed something,  
19 at least one thing in my new form, so I'll  
20 have to change that. I want to look at  
21 all these other things. But there are  
22 certainly a lot of other things that  
23 normally on my form you would be  
24 requesting waivers for in an instance like  
25 this and not just these four things in the

2 whole series. It's more than a page of  
3 requested waivers that we would normally  
4 do I believe.

5 I don't know if, Jeff, you had a  
6 chance to look at that form or not.

7 MR. BATTISTONI: I have not yet.  
8 I know you sent it to me.

9 MR. GAROFALO: Okay. This might  
10 be a good one to compare it to. That's  
11 what I was trying to do was a dry run to  
12 see how applicable a real-life situation  
13 would be to that particular form. I found  
14 it to be somewhat lacking.

15 CHAIRMAN BRAND: Anything else on  
16 this one?

17 MR. GAROFALO: No.

18 MR. CLARKE: It was a good thing  
19 you're doing it now. If those beavers  
20 keep building that dam --

21 CHAIRMAN BRAND: All right. With  
22 the changes that Jeff has, we have the  
23 application of Mark T. Mackey and Kathleen  
24 Mackey and Brenda G. Mackey and Hester  
25 Mackey for a lot line revision resolution

2 of approval by the Town of Marlborough  
3 Planning Board dated October 4, 2021.

4 Member Lanzetta?

5 MS. LANZETTA: Yes.

6 CHAIRMAN BRAND: Member Clarke?

7 MR. CLARKE: Yes.

8 CHAIRMAN BRAND: Member Cauchi?

9 MR. CAUCHI: Yes.

10 CHAIRMAN BRAND: Member Garofalo?

11 MR. GAROFALO: Yes.

12 CHAIRMAN BRAND: Member  
13 Troncillito?

14 MR. TRONCILLITO: Yes.

15 CHAIRMAN BRAND: I would be a yes  
16 as well.

17 I believe you just need to make  
18 those changes and have Spencer provide  
19 documentation to Jeff regarding that.

20 MR. MACKEY: Okay. Jeff will  
21 give me a list of what changes he needs?

22 MR. BATTISTONI: I will prepare a  
23 clean copy of the resolution.

24 CHAIRMAN BRAND: Okay. Thank  
25 you.

2 MR. MACKEY: Thank you.

3 (Time noted: 8:11 p.m.)

4

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

6

7 I, MICHELLE CONERO, a Notary

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

20

21

22

23 MICHELLE CONERO

24

25

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

4 - - - - - In the Matter of

5 TARA ANN LORDI

6 Project No. 21-5021  
7 11 Mt. Rose Road  
8 Section 109.1; Block 4; Lots 55 & 56

9 - - - - - X

10 SKETCH - SUBDIVISION

11 Date: October 4, 2021  
12 Time: 8:11 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
20 PATRICK HINES  
KATHI NATLAND

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

22 - - - - - X

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

2 CHAIRMAN BRAND: Finally on the  
3 agenda this evening we have Tara Ann Lordi  
4 for a sketch of a subdivision at 11 Mt.  
5 Rose Road.

6 CHAIRMAN BRAND: How are you  
7 tonight, Patti?

8 MS. BROOKS: Good.

9 CHAIRMAN BRAND: Patti, do you  
10 want to give us a rundown?

11 MS. BROOKS: Absolutely. We have  
12 a proposal before the Board for a two-lot  
13 subdivision with a lot line revision.

14 We have an existing 0.97 acre  
15 parcel of land situated at the  
16 intersection of Mt. Rose Road and Front  
17 Street Extension, which is a private road.

18 It's 0.97 acres. We're proposing to add  
19 0.28 acres for a 1.25 acre parcel. The  
20 resultant parcel is proposed to be  
21 subdivided into two lots, a 1.02 acre  
22 parcel and a 2.43 acre parcel.

23 Additionally, we are proposing to  
24 offer for dedication to the Town a 0.46  
25 acre parcel of land which comprises a

2 parcel that was computed 25 feet distant  
3 from and parallel to the center line of  
4 Mt. Rose Road which is currently a Town  
5 user highway.

6 We did receive Pat's comments  
7 that the building inspector's comments  
8 regarding the existing barn structure on  
9 lot 3 without a principal permitted use  
10 should be received.

11 Proposed lot 3, a 2.43 acre  
12 parcel, must have a principal permitted  
13 use with appropriate water supply and  
14 sanitary systems. I agree with the  
15 comment a hundred percent. This is in an  
16 R-1 Zone. In an R-1 Zone agricultural  
17 uses are only permitted as a principal  
18 permitted use on a lot size of 10 acres or  
19 more. I have advised the applicant that  
20 they need to either remove the barn or  
21 relocate it onto lot number 1 or lot  
22 number 2 with the proper setbacks.

23 The applicants are requested to  
24 discuss the Town Board dedication parcel  
25 for Mt. Rose Road. Is Mt. Rose an

2 existing Town road. The answer to that is  
3 yes.

4 Also involving number 3,  
5 requested to address the roadway  
6 dedication. Generally speaking, you  
7 dedicate 25 feet. In this particular  
8 instance we are, in certain areas,  
9 dedicating -- proposing to dedicate or  
10 offer for dedication more than 25 feet  
11 because we calculated the road bounds at  
12 25 feet off the existing center line of  
13 Mt. Rose Road. The lands on the northerly  
14 side of Mt. Rose road were also, until  
15 very recently, owned by Lordi. The deed  
16 line between those parcels did not run  
17 along the center line of the user highway  
18 of Mt. Rose Road. I have no control any  
19 more over the lands on the northerly side  
20 of Mt. Rose, but it's always our intent,  
21 or we think it's good planning, to  
22 dedicate 25 feet from the existing center  
23 line. So part of the proposed offer of  
24 dedication includes lands wider than the  
25 foot strip that we normally propose.

16 The bulk table -- I always hate  
17 that comment. Does that have to go for  
18 the record?

19 MR. HINES: Mr. Garofalo was  
20 going to ask if I didn't.

21 MR. GAROFALO: You're absolutely  
22 right on that.

23 MS. BROOKS: That's fine. The  
24 applicant's representatives are requested  
25 to discuss the width of the proposed

2 roadway dedication.

3 The other one was Front Street.

4 Front Street is an existing private  
5 roadway and that boundary will remain  
6 there.

7 MR. TRONCILLITO: Patti, I was  
8 going to ask you on that. We have no  
9 listing of Front Street at the firehouse  
10 on any of the private roads. Is this  
11 something that's just been conceived?

12 MS. BROOKS: It has been there  
13 forever.

14 MR. TRONCILLITO: We don't  
15 have --

16 MS. BROOKS: It's Front Street  
17 Extension. It leads back to -- how many  
18 parcels? I believe it accesses three  
19 parcels. We did not create that. It has  
20 always been part of the record.

21 MR. TRONCILLITO: The only reason  
22 I'm saying that is because there is -- is  
23 there signage there? As a matter of fact,  
24 I called the firehouse. I looked through  
25 our private road book and I verified and

2 it's not listed. We have everything.

3 MS. BROOKS: I can't address that  
4 question. That probably is something to  
5 bring up to emergency services, 911 at the  
6 County. I can't address that question as  
7 a surveyor.

8 MR. TRONCILLITO: We want to make  
9 sure we have a listing. Okay.

10 MR. HINES: Mt. Rose is a Town  
11 road going out to 9W and/or Front Street?

12 MS. BROOKS: I'm sorry? Say that  
13 again.

14 MR. HINES: Mt. Rose is a Town  
15 road by use out to 9W?

16 MS. BROOKS: Yes, it is.

17 MR. HINES: It's called Front  
18 Street for some reason. It's really  
19 labeled Mt. Rose I believe.

20 MS. BROOKS: So what happens is  
21 you go up Mt. Rose, you make a left and  
22 then you make a right. That's all Mt.  
23 Rose. If you look at the tax map plot,  
24 Mt. Rose goes to the north of lot 12 and  
25 heads up and splits in two directions.

2 MR. TRONCILLITO: The north side  
3 is not Mt. Rose anymore, it's James  
4 Street. That's been changed.

5 MS. BROOKS: It's been changed to  
6 James?

7 MR. TRONCILLITO: It's not Mt.  
8 Rose anymore, --

9 MS. BROOKS: Thank you.

10 MR. TRONCILLITO: -- the north  
11 side.

12 MS. BROOKS: But it's still Front  
13 heading northerly until it hits James?

14 MR. HINES: It's never Front.

15 MS. BROOKS: You don't have a  
16 Front at all? Because that's what it's  
17 called in the deeds.

18 MR. TRONCILLITO: It goes up to  
19 the crotch, so to speak. The right side  
20 goes to James and the left side went to  
21 what we still consider Mt. Rose. If  
22 there's a portion of that somewhere that's  
23 Front Street, it would be news to me.

24 MS. BROOKS: So I guess that's in  
25 conflict with the prior filed subdivision

2 maps and the current deeds of record.

3 MR. TRONCILLITO: It can go  
4 back --

5 MS. BROOKS: I know a lot of  
6 times 911 will -- the municipality and 911  
7 have a right to change road names. That  
8 doesn't change the road names in the  
9 deeds. Going forward you hope to be able  
10 to correct that and say Front Street now  
11 known as James Street. Right. But until  
12 a survey is done and that gets refiled  
13 with the County you don't file new deeds  
14 because 911 and the Town decides to change  
15 a road name. That's the problem.

16 CHAIRMAN BRAND: So Pat, she went  
17 through a lot of your comments. Do you  
18 have anything to add?

19 MR. HINES: No. I concur with  
20 all those answers.

21 I guess I'll ask why the back  
22 right-of-way is 34.15 wide?

23 MS. BROOKS: I think I just --  
24 what I tried to explain was that it's  
25 34.15 because the existing boundary line

2 extends to the northerly side of the  
3 blacktopped road.

4 MR. HINES: Okay. I guess I lost  
5 the road there somewhere.

6 MS. BROOKS: I went 25 feet from  
7 the center line. So it's wider than 25  
8 feet there because I wanted it to be 25  
9 feet from the center line, not 25 feet  
10 from where the ownership line is.

11 MR. HINES: They wouldn't want to  
12 dedicate a cul-de-sac there, would they?

13 MS. BROOKS: I had to twist arms  
14 to get them to give up a half acre of  
15 land.

16 MR. HINES: Yup.

17 CHAIRMAN BRAND: Jeff, did you  
18 have anything on this with regard to the  
19 dedication or the Town road?

20 MR. BATTISTONI: No, I don't  
21 think so. I think I understand what's  
22 going on.

23 CHAIRMAN BRAND: Okay. Comments  
24 or questions from the Board?

25 MR. GAROFALO: I have one. I'm

2 wondering if the Town would want to have  
3 that loading ramp removed at some point,  
4 which would end up in the right-of-way?

5 CHAIRMAN BRAND: Where are you  
6 talking about?

7 MS. BROOKS: It's a wood platform  
8 area where they load manure. The Town can  
9 get rid of it any time they want to if  
10 they decide to take that road over in the  
11 offer of dedication. This property has  
12 historically been used for horse training,  
13 paddocks.

14 CHAIRMAN BRAND: It's just a ramp  
15 to --

16 MS. BROOKS: It's just a wooden  
17 ramp.

18 MR. GAROFALO: Do these have  
19 water or wells?

20 MS. BROOKS: Excuse me?

21 MR. GAROFALO: Are there wells or  
22 do these have water?

23 MS. BROOKS: I believe we had a  
24 note on here that there was municipal  
25 water.

2 MR. TRONCILLITO: We have a fire  
3 hydrant as you're going up. When you get  
4 to the wider, there's a fire hydrant right  
5 there. I don't know how far the municipal  
6 water goes up there.

7 MS. BROOKS: I'll check on that,  
8 James. I thought we had a note on the map  
9 saying it was municipal water.

10 CHAIRMAN BRAND: I'm on the  
11 backside of this and we have water there.

12 MS. LANZETTA: We need to see  
13 that.

14 CHAIRMAN BRAND: Okay.

15 MR. CLARKE: On lot 1, the gravel  
16 driveway seems not as clearly defined as  
17 it is on lot 2. Why is that?

18 MS. BROOKS: The driveway is not  
19 as well defined? I'm sorry?

20 MR. CLARKE: It's not as defined  
21 -- on lot 2 it's clearly defined as a U  
22 driveway. Here it's kind of wide. It  
23 looks like it encompasses the garage.

24 MS. BROOKS: It does. There's an  
25 entrance into the garage and then there's

2 an entrance to the north of the garage  
3 where there's parking in front of the  
4 house. You know, not every driveway is a  
5 blacktopped, paved, very neat driveway.

6 MR. CLARKE: Okay.

7 MS. BROOKS: So we located the  
8 limits of it as best as we saw that they  
9 were utilizing it.

10 MR. CLARKE: That's kind of the  
11 way it is. All right.

12 CHAIRMAN BRAND: Any other  
13 comments or questions?

14 (No response.)

15 CHAIRMAN BRAND: So we're going  
16 to clean up this map a little bit, Patti.  
17 We have to figure out about the wells and  
18 the water.

19 MS. BROOKS: Yeah. Again, I do  
20 not dispute the fact that we need to get  
21 Board of Health approval on lot number 3.  
22 I've advised the applicant they either  
23 need to remove or relocate the barn on lot  
24 number 3.

25 MR. CAUCHI: Make it into a

2 garage like Steve said.

3 MS. BROOKS: No, because a garage  
4 is still an accessory structure.

5 CHAIRMAN BRAND: These are all  
6 going to be sold for residential plots of  
7 land?

8 MS. BROOKS: Yeah. Right now all  
9 of the dwellings are on one lot. The  
10 applicant has substantially moved to  
11 Florida and so she's looking to sell the  
12 residences. She wants to retain lot  
13 number 3 because she's thinking she might  
14 still want to put a small dwelling on that  
15 and still have a New York residence.

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

18 (No response.)

19 CHAIRMAN BRAND: All right. So  
20 we'll see you again in the future.

21 MS. BROOKS: As soon as we get  
22 Board of Health. Thank you very much.

23

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

25

2

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

4

5

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

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

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

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

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---

MICHELLE CONERO

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

----- X

4 In the Matter of

5

6 RECREATION FEE FINDING DISCUSSION

7

8

----- X

9

10 BOARD BUSINESS

11 Date: October 4, 2021  
12 Time: 8:23 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
20 PATRICK HINES  
21 KATHI NATLAND

22

23

----- X  
24 MICHELLE L. CONERO  
3 Francis Street

25 Newburgh, New York 12550

(845) 541-4163

2 CHAIRMAN BRAND: Anything else  
3 from the Board?

4 MS. LANZETTA: I have a question.  
5 I think we talked about this before but I  
6 still am trying to understand it in my  
7 head. When we take a parent parcel and we  
8 subdivide it into two lots, we now are --  
9 and this is an undeveloped property. We  
10 are now having two families potentially  
11 that are going to be, you know, building  
12 homes in our community. Why do we only  
13 charge the applicant or one of those  
14 families as part of the recreation fee?

15 MR. HINES: Because they can walk  
16 in and get a building permit for one house  
17 without coming to us. They already  
18 conceivably have approval for one house.  
19 They go to Tommy Corcoran and get a  
20 building permit.

21 MS. LANZETTA: Okay.

22 MR. HINES: He'll give them one  
23 building permit. You get credit for one  
24 lot, the parent parcel.

25 MS. LANZETTA: That makes sense.

2 MR. HINES: I guess it's because  
3 they've been paying taxes all along on it.  
4 But that's typical. You don't pay for two  
5 on the two-lot subdivision. You get  
6 credit for the first.

7 CHAIRMAN BRAND: Anything else  
8 for the stenographer or lawyer?

9 (No response.)

10 MR. CAUCHI: Motion to adjourn.

11 MR. CLARKE: Second.

12 CHAIRMAN BRAND: Do we have  
13 anything else to discuss this evening.

14 (No response.)

15 CHAIRMAN BRAND: All in favor?

16 MR. CLARKE: Aye.

17 MR. TRONCILLITO: Aye.

18 MS. LANZETTA: Aye.

19 MR. GAROFALO: Aye.

20 MR. CAUCHI: Aye.

21 CHAIRMAN BRAND: Aye.

22

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

24

25

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

5  
6 I, MICHELLE CONERO, a Notary  
7 Public for and within the State of New York, do  
8 hereby certify:

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

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

19

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MICHELLE CONERO