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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 Street, Marlboro
Section 108.4; Block 1; Lot 16

----- X

SITE PLAN - RESOLUTION

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

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

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

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, October 4, 2021. Regular meeting 7:30. On the agenda this evening we have Chevers Airbnb for a resolution of their site plan at 45 Cross Road in Marlboro. Bishop Subdivision, we have a resolution for their subdivision on New Road and Mahoney Road. We have a sketch of a lot line for Mackey at 540 and 544 Milton Turnpike. We have Tara Ann Lordi for a sketch of a subdivision at 11 Mt. Rose Road. The next deadline is Friday, October 8, 2021. The next scheduled meeting is Monday, October 18, 2021.

Is there anything from the Board before we start?

(No response.)

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

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Come on up to the table.

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

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

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

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

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

CHAIRMAN BRAND: Thank you.

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

(No response.)

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

MS. NATLAND: Member Cauchi?

MR. CAUCHI: Yes.

MS. NATLAND: Member Clarke?

MR. CLARKE: Yes.

MS. NATLAND: Member Garofalo?

MR. GAROFALO: Yes.

MS. NATLAND: Member Lanzetta?

MS. LANZETTA: Yes.

MS. NATLAND: Member Troncillito?

MR. TRONCILLITO: Yes.

MS. NATLAND: And Chairman Brand?

CHAIRMAN BRAND: Yes.

All right. You should be all
set.

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

CHAIRMAN BRAND: Could you just

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give that to the secretary then?

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

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

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

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

MR. BATTISTONI: I'm sorry?

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

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

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

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

CHAIRMAN BRAND: Yes.

MS. ROCHA CHEVERS: Thank you.

CHAIRMAN BRAND: All right.

Thank you very much.

(Time noted: 7:35 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 16th day of October
2021.

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

RESOLUTION - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVE: ADAM DiVALENTINO

----- X

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

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CHAIRMAN BRAND: Next we have the Bishop Subdivision.

Pat, you had nothing for that. Right?

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

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

CHAIRMAN BRAND: Jeff, do you have a --

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

1
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

1
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

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

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

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

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

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a building lot.

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

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

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

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

MS. LANZETTA: If that's --

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

MS. LANZETTA: Pardon me?

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

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

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

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

MS. LANZETTA: Okay.

CHAIRMAN BRAND: You're
comfortable with that?

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

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

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

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

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

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

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

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

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

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

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

MR. DiVALENTINO: We've shown that on our plan, though.

MS. LANZETTA: No. The other lot.

MR. DiVALENTINO: We have

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driveway designs for both lots.

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

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

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

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

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

MR. HINES: Yes. We want to

1
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

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twenty minutes.

MS. BROOKS: No, you're not. I'm going to argue with you as well.

MR. DiVALENTINO: To clarify, I'm not arguing. I just don't understand. Okay. It's perfectly acceptable if you approve it, as you say we come back and we want to build on the next lot. I can do what I want to do, and that's perfectly acceptable to me. I just don't understand why we would have to come back again. We've already done the soils testing. There's nothing left to it other than -- I mean the Health Department was there, they looked at all the test holes. Once we provide them a septic design they're going to approve it. Why would I come back to the Planning Board to say here's my approved --

MR. HINES: Because right now you haven't completed the entire process, and in my opinion it's not a building lot until you have that.

MS. LANZETTA: When we understood

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

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.

1
2 MR. DiVALENTINO: I understand
3 that. But it's because we don't know what
4 house we're building. Okay. I guess I'm
5 confused then, because we did the soils
6 testing with the County inspector there
7 and he agreed at that time. I mean I
8 stood right there and talked to the
9 gentleman.

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

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

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

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one on Mahoney.

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

MS. LANZETTA: Because of the zoning.

MR. DiVALENTINO: Okay.

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

MR. DiVALENTINO: Excuse me?

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

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

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

MR. DiVALENTINO: Yup. I'm

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looking at S-01.

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

MR. DiVALENTINO: Correct.

MR. HINES: With no detailed
design information.

MR. DiVALENTINO: Correct.

MR. HINES: So therein lies the
issue.

MR. DiVALENTINO: Okay.

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

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

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

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

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,

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

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

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

22
23 CHAIRMAN BRAND: So Jeff, as far
24 as the SEQRA negative declaration and the
25 resolution of approval, we are good with

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

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

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

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

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

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

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CHAIRMAN BRAND: Just that you
have --

MS. LANZETTA: We have the
septic. The only way to prove that is by
having them put the design for the septic.

MR. GAROFALO: And well.

MS. LANZETTA: And well.

MR. CLARKE: And driveway.

CHAIRMAN BRAND: Pat, the soil
samples that were taken would indicate
that it is -- a septic could go there?

MR. HINES: It appears that a
septic system could be designed there. We
don't have that design.

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.

MS. LANZETTA: A condition of
signing --

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

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

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

CHAIRMAN BRAND: Is that okay?

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. GAROFALO: Septic and well.

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

MR. HINES: Health Department
approval.

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

MS. LANZETTA: As a condition.

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

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with.

MS. LANZETTA: That barn has got
to go.

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

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

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

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

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

MS. LANZETTA: Yes.

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

CHAIRMAN BRAND: Does everyone agree with that?

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. HINES: Or we have a ZBA approval.

MR. CLARKE: That would be an alternative.

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

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

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

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

MR. CLARKE: It's a nonconforming

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use in that zone.

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

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

MR. DiVALENTINO: No accessory buildings?

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

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

MR. HINES: Right.

MR. DiVALENTINO: Okay.

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

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MR. DiVALENTINO: Okay.
Understood.

MR. CLARKE: If it was a
garage --

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

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

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

Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member
Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Member Cauchi?

MR. CAUCHI: Yes.

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CHAIRMAN BRAND: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: I am yes as
well.

We have also the application --
the resolution for approval by the Town of
Marlborough Planning Board for the
application of James E. Bishop and Monica
T. Bishop for a two-lot subdivision with
many add-ons to be made.

MR. BATTISTONI: Yes. I
scribbled my notes fairly well so I will
prepare a clean resolution after tonight's
adoption.

CHAIRMAN BRAND: With that in
mind, Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member
Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Member Cauchi?

MR. CAUCHI: Yes.

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CHAIRMAN BRAND: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: I am yes as
well.

So sorry for the confusion on
that. I hope that --

MR. DiVALENTINO: I apologize.
It's my mistake on the chart there. I
appreciate the explanation.

CHAIRMAN BRAND: All right.
Thank you.

MR. DiVALENTINO: Thank you.

Just to clarify, do I have to do
anything from here or --

MR. HINES: You're going to
update those bulk tables.

MR. DiVALENTINO: Right.

MR. HINES: And add the
appropriate notes that we just mentioned
onto the plat.

MR. DiVALENTINO: You want me to
add those?

MR. HINES: Yes.

MR. DiVALENTINO: Okay. No

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problem. And then resubmit?

CHAIRMAN BRAND: Yes.

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

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

MR. DiVALENTINO: Excellent.
These notes are going to be available so I
make sure I get every note?

MR. HINES: He'll write the
resolution.

MR. DiVALENTINO: Thank you. I
appreciate it.

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

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

MR. HINES: One more resolution.

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

application known as Bishop with respect to the real property located at New Road and Mahoney Road in the Town of Marlborough, Chairman Brand offered the following resolution which was seconded by Member Clarke. It's hereby resolved that the Planning Board makes the following findings pursuant to Section 277 of the Town Law. Based on the present and anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of this subdivision will contribute, parkland should be created as a condition of approval of the subdivision. However, a suitable park of adequate size to meet the above requirement cannot be properly located within the proposed project site. Accordingly, it is appropriate that in lieu of providing parkland, the project sponsor render to the Town payment of a recreation fee to be determined in accordance with the prevailing schedule

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

Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: I'm yes as well.

That I believe does it. Thank

you.

MR. DiVALENTINO: Thank you.

(Time noted: 7:54 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 16th day of October
2021.

MICHELLE CONERO

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

In the Matter of

MACKEY

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

----- X

SKETCH - LOT LINE

Date: October 4, 2021
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: MARK MACKEY

----- X

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

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CHAIRMAN BRAND: Next up on the agenda is Mackey.

Is there a representative from Mackey here?

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

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

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

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

Lot 1 has received its variances.

We just want to confirm that the

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

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

CHAIRMAN BRAND: All right.

Questions or comments from the Board?

MR. CLARKE: Do we have a map?

MR. BATTISTONI: I'm sorry?

MR. CLARKE: Do we have a map?

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

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

MR. GAROFALO: We don't.

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

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plus Spence sent it over in PDF form, too.

MR. BATTISTONI: I guess there are maps here.

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

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

14 If you read the deeds for the
15 map, these lots are all greater than an
16 acre, but they also included a property
17 that was now going out to the center line
18 of the County road that was subject to a
19 County taking at one point. They provided
20 us with a sketch of the County taking map
21 that Jeff has now.

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

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

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

MR. CLARKE: I can affirm it did

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take place.

MR. BATTISTONI: Okay.

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

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

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

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

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

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

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

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

MR. MACKEY: Okay.

CHAIRMAN BRAND: Comments or questions from the Board?

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

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

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

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

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

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

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

CHAIRMAN BRAND: Anything else,
James?

MR. GAROFALO: No.

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

MR. HINES: I don't. I know one
lot is outside their variance. We'll have
to send it to the ZBA to figure it out.
It's 21.2. It totals the 13.8 plus the
21. So it's short that much.

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CHAIRMAN BRAND: Why is that a requirement, Pat?

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

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

MR. HINES: 35. Right.

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

MR. HINES: There is an error on

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

MR. GAROFALO: And the
(inaudible).

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

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

Jeff?

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

MR. GAROFALO: Do these have
wells?

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

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

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MR. MACKEY: That it is, Pat.
The septic for lot 1 is right directly
behind the house.

MR. HINES: We just need your
surveyor to show that, as well as clean up
the bulk tables.

MR. MACKEY: As well as lot 2?

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

MR. MACKEY: Okay.

CHAIRMAN BRAND: So with those
changes being made, the resolution we're
comfortable with at this time?

MR. GAROFALO: I have a couple
more questions. One is there's a request
for a waiver on the agricultural data
statement. If it's not applicable do we
normally grant a waiver or do they just
have to mark it not applicable?

CHAIRMAN BRAND: For which
section, James?

MR. GAROFALO: On his August 2nd

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

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

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

CHAIRMAN BRAND: Yes.

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

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

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

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

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

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

MR. GAROFALO: Okay.

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

MR. MACKEY: Okay.

MR. CLARKE: -- because the page numbers can change over time. Just have

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

MR. MACKEY: Okay.

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

MR. MACKEY: Okay.

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

MR. MACKEY: I understand.

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

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

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

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

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

CHAIRMAN BRAND: Anything else on this one?

MR. GAROFALO: No.

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

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

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MACKEY

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

Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Member
Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: I would be a yes
as well.

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

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

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

CHAIRMAN BRAND: Okay. Thank
you.

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MACKEY

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MR. MACKEY: Thank you.
(Time noted: 8:11 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 16th day of October
2021.

MICHELLE CONERO

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

TARA ANN LORDI
Project No. 21-5021
11 Mt. Rose Road
Section 109.1; Block 4; Lots 55 & 56

----- X

SKETCH - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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

CHAIRMAN BRAND: How are you tonight, Patti?

MS. BROOKS: Good.

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

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

We have an existing 0.97 acre parcel of land situated at the intersection of Mt. Rose Road and Front Street Extension, which is a private road. It's 0.97 acres. We're proposing to add 0.28 acres for a 1.25 acre parcel. The resultant parcel is proposed to be subdivided into two lots, a 1.02 acre parcel and a 2.43 acre parcel.

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

1
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

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existing Town road. The answer to that is yes.

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

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We are not proposing to go through a title search or a formal dedication for asking the Town Board at this point in time to accept a dedication. What we are doing, as we have done many times in the past with the Town, is make the offer of dedication. The Town Board, now or in the future, may or may not accept or refuse that offer of dedication. But it's being made and it will create a boundary line for the new lots that are sold which will not extend their title boundaries to include a roadway which is currently used by the Town.

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

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

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

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

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TARA ANN LORDI

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roadway dedication.

The other one was Front Street.
Front Street is an existing private
roadway and that boundary will remain
there.

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

MS. BROOKS: It has been there
forever.

MR. TRONCILLITO: We don't
have --

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

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

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it's not listed. We have everything.

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

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

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

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

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

MS. BROOKS: Yes, it is.

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

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

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

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

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

MS. BROOKS: Thank you.

MR. TRONCILLITO: -- the north side.

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

MR. HINES: It's never Front.

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

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

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

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TARA ANN LORDI

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maps and the current deeds of record.

MR. TRONCILLITO: It can go
back --

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

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

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

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

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

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TARA ANN LORDI

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extends to the northerly side of the
blacktopped road.

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

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

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

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

MR. HINES: Yup.

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

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

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

MR. GAROFALO: I have one. I'm

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TARA ANN LORDI

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

CHAIRMAN BRAND: Where are you
talking about?

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

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

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

MR. GAROFALO: Do these have
water or wells?

MS. BROOKS: Excuse me?

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

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

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

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

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

MS. LANZETTA: We need to see that.

CHAIRMAN BRAND: Okay.

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

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

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

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

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TARA ANN LORDI

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

MR. CLARKE: Okay.

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

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

CHAIRMAN BRAND: Any other comments or questions?

(No response.)

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

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

MR. CAUCHI: Make it into a

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garage like Steve said.

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

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

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

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

(No response.)

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

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

(Time noted: 8:23 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 16th day of October
2021.

MICHELLE CONERO

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

RECREATION FEE FINDING DISCUSSION

----- X

BOARD BUSINESS

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

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

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

----- X

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

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CHAIRMAN BRAND: Anything else
from the Board?

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

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

MS. LANZETTA: Okay.

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

MS. LANZETTA: That makes sense.

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

CHAIRMAN BRAND: Anything else for the stenographer or lawyer?

(No response.)

MR. CAUCHI: Motion to adjourn.

MR. CLARKE: Second.

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

(No response.)

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRONCILLITO: Aye.

MS. LANZETTA: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:26 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 16th day of October
2021.

MICHELLE CONERO