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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----X
IN the Matter of:

TADDEO GIAMETTA
(21-5016)

14 & 16 & 18 Riverwood Drive
103-3-5-4,12,13
-----X

PUBLIC HEARING - LOT LINE

Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York

October 18, 2021
7:30 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
EMANUEL CAUCHI
CINDY LANZETTA
JOSEPH LOFARO
BOB TRONCILLITO
JAMES GAROFALO

ALSO PRESENT: PATRICK HINES, P.E
JERRY COMATOS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

Reported by: Kari L. Reed

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

1 Taddeo/Giametta

2 stenographic minutes for September 20th, please?

3 MS. LANZETTA: I'll make that motion.

4 CHAIR BRAND: Is there a second?

5 MR. CAUCHI: I'll second it.

6 CHAIR BRAND: Any discussion?

7 (No response.)

8 CHAIR BRAND: No?

9 MR. CAUCHI: So moved.

10 CHAIR BRAND: First on the agenda,
11 Taddeo/Giametta. Are you ready to proceed?

12 MR. MESSINA: Yes.

13 CHAIR BRAND: All right.

14 This is a public hearing. Legal
15 Notice. Lot line Revision Application. Please
16 take notice, a public hearing will be held by the
17 Marlborough Planning Board pursuant to the State
18 Environmental Quality Review Act, or SEQRA, and
19 Town of Marlborough Town Code Section 134-33 on
20 Monday, October 18, 2021, for the following
21 application, Taddeo/Giametta lot line revision,
22 at the Town Hall, 21 Milton Turnpike, Milton, New
23 York, at 7:30 p.m. or as soon thereafter as may
24 be heard. The applicant is seeking approval of a
25 lot line revision for lands located at 14, 16 and

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Taddeo/Giametta

18 Riverwood Drive, Marlboro, New York, Section 103.3, Block 5, Lots 3, 4, 13, 12. Any interested parties, either for or against this proposal, will have any opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

Mr. Messina, you can just give us a brief overview of what we have before us here.

MR. MESSINA: Okay. For the record, Carmen Messina for the project.

CHAIR BRAND: Mr. Messina, hold on one second. She can't hear you. You need to either come closer to the mic or maybe remove your mask if you want or speak up.

MR. MESSINA: Is this better?

CHAIR BRAND: Yes.

MR. MESSINA: Okay. Frank and Geraldine Taddeo reside at 14 Riverwood Drive, and Sheryl and William Giametta reside at 16 and 18 Riverwood Drive. The property owned by Giametta, the William and Sheryl Giametta Family Trust owns the lot that's contiguous with both of their properties, and they wish to have a lot line revision of that approximately one acre

1 Taddeo/Giametta

2 piece of property, giving 0.6 acres to Sheryl and
3 William Giametta, and 0.4, roughly 0.4 acres to
4 Frank and Geraldine Taddeo.

5 CHAIR BRAND: Mr. Giametta, how many
6 mailings were sent out and how many were
7 returned?

8 MR. GIAMETTA: Six were, six were
9 mailed out and three were returned.

10 CHAIR BRAND: Six? Is that what you
11 said, six?

12 MR. GIAMETTA: Six.

13 MS. FLYNN: I had 31.

14 CHAIR BRAND: Yeah, according to our
15 records we saw 31 approximately mailed out, not
16 including the property owners themselves. Or
17 that is including the property owners themselves.

18 MR. GIAMETTA: I thought in this
19 situation we just have to notify people adjacent
20 to our project.

21 CHAIR BRAND: It's 500 feet I believe
22 is the, yeah, 500 feet of the change.

23 MR. GIAMETTA: I thought that was 400.

24 CHAIR BRAND: So I guess we have a
25 incomplete, improper notification to the public

1 Taddeo/Giametta

2 on this. But I will say if there's anyone here
3 from the public that would like to speak for or
4 against the project, you will have an opportunity
5 to be heard at this time. Is there anyone here
6 to speak on this matter?

7 (No response)

8 CHAIR BRAND: Any questions or comments
9 from the Board?

10 MR. GAROFALO: Yes, I had some
11 comments. I hope you can hear me.

12 Number one, I wanted to remind you that
13 the checklist needs to be signed by the land
14 surveyor or whoever made that out, it needs to be
15 signed and stamped.

16 The second thing I'd like to point out
17 is, matter of fact, that lot number 11 is
18 nonconforming where the lot width is being
19 brought into conformance, and that's a very good
20 thing. Thank you.

21 CHAIR BRAND: Pat, did you have any
22 comments?

23 MR. HINES: I don't believe we had
24 anything outstanding. We just noted that because
25 of the number of lots involved that it doesn't

1 Taddeo/Giametta

2 CHAIR BRAND: Yeah.

3 MR. GIAMETTA: The meeting is November
4 1st?

5 CHAIR BRAND: Correct.

6 MR. GIAMETTA: And the mailings have to
7 go out?

8 CHAIR BRAND: They have to come out,
9 correct.

10 MR. MESSINA: Could I answer one
11 question that was brought up? I think we
12 discussed the last time, I do sign them and I do
13 stamp them, but I stamp them with an embosser,
14 and so if you have a copy of that you would not
15 see the stamp.

16 MR. GAROFALO: I apologize, you are
17 correct. You did say that and I am in error. So
18 thank you.

19 CHAIR BRAND: So if the Board's in
20 agreement, I guess I will entertain a motion to
21 adjourn the public hearing until Monday, November
22 1st.

23 MR. GAROFALO: I'll so move.

24 CHAIR BRAND: Any discussion?

25 (No response.)

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Taddeo/Giametta

MR. CAUCHI: I'll second it.

CHAIR BRAND: Second, good.

Any opposed?

(No response.)

CHAIR BRAND: So we will stand
adjourned until Monday, November 1st.

(Time noted: 7:39 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 8th day of November, 2021.

Kari L Reed

KARI L. REED

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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----X
IN the Matter of:

HENRY'S FARM TO TABLE
(21-5015)

220 North Road
103.2-13, 12.1, 12.2
-----X

PUBLIC HEARING - SITE PLAN

Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York

October 18, 2021
7:40 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
EMANUEL CAUCHI
CINDY LANZETTA
JOSEPH LOFARO
BOB TRONCILLITO
JAMES GAROFALO

ALSO PRESENT: PATRICK HINES, P.E
JERRY COMATOS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

Reported by: Kari L. Reed

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

1 Henry's Farm To Table

2 CHAIR BRAND: Okay. Next up is Henry's
3 Farm to Table for a public hearing for a site
4 plan at 220 North Road in Milton. This is a
5 public hearing again, so I'll read the legal
6 notice.

7 Legal notice. Amended special use
8 permit and site plan approval. Please take
9 notice that a public hearing will be held by
10 the Marlborough Planning Board pursuant to the
11 Town of Marlborough Town Code Sections 155-31
12 and 155-32, on October 18, 2021, for the
13 following application, Henry's Farm To Table,
14 at the Town Hall, 21 Milton Turnpike, Milton,
15 New York, at 7:30 or as soon thereafter as may
16 be heard. The applicant is asking for an
17 amended commercial site plan approval and
18 amended special use permit for the expansion of
19 the existing restaurant on lands located at 220
20 North Road, Milton, New York, Section 103.1,
21 Block 2, Lots 13, 12.1 and 12.2. Any
22 interested parties, either for or against this
23 proposal, will have the opportunity to be heard
24 at this time. Chris Brand, Chairman, Town of
25 Marlborough Planning Board.

1 Henry's Farm To Table

2 I guess the first question I would ask
3 you is about the mailings.

4 MR. MESSINA: We did not put out
5 mailings either. I wasn't aware of that.
6 That's our fault. If we need to do it we'll
7 have to do it. I just question, is there
8 enough time to do it by the November 1st
9 meeting?

10 MS. FLYNN: No.

11 MR. MESSINA: I didn't think so.

12 CHAIR BRAND: Did you -- did he do a
13 legal notice, was a legal notice posted in the
14 paper?

15 MS. FLYNN: Yes.

16 MR. HINES: The mailings could be done
17 by Friday and they would be okay. It's ten
18 days.

19 CHAIR BRAND: I would think yes.

20 MR. MESSINA: Okay. We could certainly
21 get them out. We'll get them out tomorrow.

22 MS. FLYNN: Okay.

23 MR. MESSINA: If that's enough time.

24 CHAIR BRAND: So just, according to our
25 records you should be sending out somewhere in

1 Henry's Farm To Table

2 the neighborhood of, you could be looking I'd
3 say about 14. Since many of the properties are
4 owned by your client, I don't think he has
5 received those mailings.

6 MR. MESSINA: So it's everything within
7 500 feet?

8 CHAIR BRAND: Yes. We have 18
9 different parcels.

10 MR. MESSINA: So we, we put that list
11 together too?

12 CHAIR BRAND: Yes. If you go on Ulster
13 County Parcel Viewer, put the address in and it
14 will tell you.

15 MR. MESSINA: Well, I just want to know
16 the procedure. So we put the list together and
17 we send out notices, is there a specific
18 notice, a legal notice?

19 MR. HINES: It's a legal notice.

20 MS. FLYNN: You should have been sent
21 the legal notice.

22 MR. MESSINA: So you'll put that
23 together, or we send it out?

24 MS. FLYNN: You should have had it
25 already, but I can send it to you again.

1 Henry's Farm To Table

2 MR. MESSINA: Oh, I didn't see it.
3 we've been incredibly busy. It doesn't mean we
4 didn't get it. I'm sorry.

5 CHAIR BRAND: Pat, do you have any
6 comments you want to discuss before we adjourn?

7 MR. HINES: Yeah. Our only comment is
8 that we circulated it to the Ulster County for
9 the 239 review, and I don't know that we got it
10 back yet.

11 MS. LANZETTA: Yeah. I sent those out
12 to Jen to circulate to the Board. There was no
13 county impact. They didn't have any required
14 modifications or any suggested modifications.

15 CHAIR BRAND: Any questions or comments
16 from the Board?

17 MR. GAROFALO: Yes, I have a follow up
18 question, actually comment. And that is, at
19 the last meeting I brought to your attention
20 that even though you have valet parking, that
21 you are required by the ADA to have a passenger
22 loading zone. That needs to be shown on the
23 map.

24 MR. MESSINA: Yes.

25 MR. GAROFALO: It was agreed to that

1 Henry's Farm To Table

2 that would be shown on the map.

3 MR. MESSINA: Yes, we did.

4 MR. GAROFALO: So we would like to get
5 a plan that shows those. They cannot be in the
6 travel lane, that is not permitted for those
7 loading and drop off zones. It may be nice
8 that you were able to do that at one time, but
9 that's no longer permitted.

10 The second thing is, I did not go out
11 and look at the site, that driveway, the one
12 that was marked as there was a discrepancy as
13 between what was existing and the old one was,
14 to make sure that enough of that had been paved
15 off of the highway, because there's a code that
16 requires a certain number of feet to be paved.
17 And I know most of your interior driveways are
18 gravel.

19 MR. MESSINA: It's a paved entrance.

20 MR. PAULICK: Are you referring to
21 Buttermilk Falls, or are you referring to
22 Milton Turnpike? On Main Street.

23 MR. MESSINA: North Road.

24 MR. GAROFALO: Actually, it would
25 actually apply to both.

1 Henry's Farm To Table

2 MR. MESSINA: This one here.

3 MR. PAULICK: That's all paved, my
4 driveway is paved.

5 MR. MESSINA: Yeah, I think it's paved
6 all the way into the restaurant.

7 MR. GAROFALO: Okay, excellent. Thank
8 you.

9 CHAIR BRAND: Anything else from the
10 Board?

11 (No response.)

12 CHAIR BRAND: So I guess I would need
13 to have a motion to adjourn this public hearing
14 until November the 1st so that the proper
15 notifications can be mailed out.

16 MR. GAROFALO: I'll make that motion.

17 CHAIR BRAND: Is there a second?

18 MR. CAUCHI: Second.

19 CHAIR BRAND: Discussion, Pat?

20 MR. HINES: Yeah. Just a suggestion
21 for timing, that if the Board wants to I guess
22 pre-authorize Jerry's office to work on a draft
23 negative declaration and a draft resolution for
24 consideration, so that we don't put this off
25 two weeks for the public hearing and then have

1 Henry's Farm To Table

2 to authorize, so maybe we can save the

3 applicant some time.

4 CHAIR BRAND: Okay.

5 MS. LANZETTA: I'll make that motion.

6 CHAIR BRAND: So there's a motion on
7 the table to adjourn it until the 11th.

8 MS. LANZETTA: Oh, I'm sorry, all
9 right.

10 CHAIR BRAND: Yeah. So any opposition
11 to adjourning until November the 1st?

12 MR. MESSINA: No.

13 CHAIR BRAND: No, okay. So we'll
14 prepare that. And then Cindy, you are making a
15 motion to authorize the attorney to prepare an
16 amended negative declaration and a resolution
17 of approval for this project?

18 MS. LANZETTA: Yes, thank you.

19 CHAIR BRAND: Very well. Is there a
20 second?

21 MR. LOFARO: I'll second that.

22 CHAIR BRAND: Any discussion on that?

23 (No response.)

24 CHAIR BRAND: Any opposed?

25 (No response.)

1 Henry's Farm To Table

2 CHAIR BRAND: So moved. We'll have the
3 attorney prepare that.

4 MR. PAULICK: Thank you.

5 CHAIR BRAND: Thank you.

6 MR. MESSINA: Thank you very much.

7 Sorry about the notices.

8 (Time noted: 7:46 p.m.)

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Henry's Farm To Table
C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 8th day of November, 2021.

Kari L Reed

KARI L. REED

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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----X
In the Matter of:

GALLO SUBDIVISION
(21-5020)

46 Idlewild Road
108.2-9-40.250
-----X

SKETCH - SUBDIVISION

Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York

October 18, 2021
7:46 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
EMANUEL CAUCHI
CINDY LANZETTA
JOSEPH LOFARO
BOB TRONCILLITO
JAMES GAROFALO

ALSO PRESENT: PATRICK HINES, P.E
JERRY COMATOS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLIE BROWN

Reported by: Kari L. Reed

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

1 Gallo Subdivision

2 CHAIR BRAND: Okay, next up we have
3 Gallo's Subdivision for a sketch of their
4 subdivision at 46 Idlewild Road, Marlboro.

5 Mr. Brown, how are you this evening?

6 MR. BROWN: Very good. And yourself?

7 CHAIR BRAND: Excellent, thank you.

8 All right, a quick overview to bring us up to
9 speed on where we are.

10 MR. BROWN: We were here before. Since
11 that time we have looked at both plans. We did
12 get the sign off from the highway super. This is
13 an active roadway, we have to apply for some
14 agricultural setbacks, but other than that, I
15 think we got all of them.

16 CHAIR BRAND: Mr. Brown, could you
17 speak into the microphone so the stenographer can
18 hear you.

19 MR. BROWN: Sorry about that. Other
20 than that I think we are ready for a public
21 hearing. It's a pretty simple job.

22 All right, so I'll start all over.
23 This is a 36 acre parcel with a single family
24 house on it. The proposal is to cut off the
25 house on roughly 12 acres. We've been here

1 Gallo Subdivision

2 before the Board before. We have since revised
3 the maps to show the existing septic and well for
4 the existing house. We did get a sign off from
5 the highway department. And I think that was
6 pretty much it. There is an active driveway on
7 this side, I believe it runs next door, so we do
8 have to modify the setbacks before we can
9 proceed. It's an agricultural zone. Other than
10 that, that's it. We are good to go and ready for
11 hopefully a public hearing.

12 CHAIR BRAND: Pat, do you just want to
13 run through your comments?

14 MR. HINES: Sure. My first comment is
15 regarding the side yard setback onto the
16 adjoining lands, Tax Lot 13.100. I believe that
17 is an active agricultural zone. So the buffer
18 requirements of Section 155-52 needs to be shown
19 there where the 75 foot setback doesn't affect
20 the existing house location. That does need to
21 be shown. We did note that the well and septic
22 for the proposed house or for the existing house
23 is shown. And I just have a comment for Van De
24 Water's office. There's a proposal to move the
25 driveway onto what becomes this new lot and the

1 Gallo Subdivision

2 timing issue of that occurring prior to the filed
3 map. And then I'm suggesting that that driveway
4 be located prior, relocated prior to the filing
5 of the map so that it's not creating an access
6 issue by the filing of the map and then not
7 moving the driveway.

8 MR. BROWN: We have no problem with
9 that.

10 MR. HINES: I don't want to put you in
11 a catch 22 which one is first, but I think
12 clearly that the new driveway should be shown.

13 The highway superintendent did have
14 some comments regarding the length of the road
15 that Mr. Brown has, so those should be noted on
16 the map as well. We take no exception to
17 scheduling a public hearing.

18 CHAIR BRAND: Pat, just to clarify,
19 it's not just setbacks that we're talking about
20 here, it's that the buffer that's required for
21 agricultural use, correct, perhaps some screening
22 or berms or --

23 MR. HINES: I believe that the rest of
24 this lot has orchards on it as well.

25 CHAIR BRAND: Oh, okay. So that

1 Gallo Subdivision

2 doesn't apply.

3 MR. HINES: Right, doesn't the front of
4 this lot have orchards?

5 MR. BROWN: Yes.

6 MR. HINES: We'd have to cut down
7 orchards to buffer the yard.

8 CHAIR BRAND: Right. Okay, comments or
9 questions from the Board?

10 MS. LANZETTA: Yes. I know when we
11 discussed this on the 9/17 meeting we had raised
12 the issue about the lengths of the driveways.
13 And it's come to our attention that there are
14 concerns about emergency vehicle access does kick
15 in, because you are making modifications
16 regarding this driveway. So it behooves the
17 Planning Board to make sure that the emergency
18 vehicle access Section 5-11 of the fire safety
19 codes be adhered to. And that would require I
20 believe some work on the driveway to at least
21 have the turn outs and the proper turnaround for
22 emergency vehicles.

23 MR. BROWN: Okay.

24 MR. HINES: And I provided the Board
25 with a copy of that, when that came up I sent the

1 Gallo Subdivision

2 Board a copy of the 2020 adoption of it. It
3 wasn't adopted until very recently. Just because
4 it's dated 2020 doesn't mean that's when the
5 state adopted it. That does have a section in
6 the fire code that deals with the length of
7 residential driveways.

8 MR. BROWN: Okay.

9 MR. HINES: I can send you a copy of
10 that as well.

11 MR. BROWN: Yeah, would you, please.

12 CHAIR BRAND: So Pat, just because this
13 is over 300 feet, that's when the state comes in?

14 MR. HINES: Yeah, that kicks in. This
15 will certainly go, this is a 100 scale map you
16 have in front of you. So they'll need to
17 construct some passing areas and turn offs.

18 CHAIR BRAND: Any other questions or
19 comments from the Board?

20 MR. GAROFALO: Yes, I have some
21 comments. On the agricultural notes, item number
22 three, the last word in that note belongs at the
23 end of item number two.

24 MR. BROWN: Item number two.

25 MR. GAROFALO: So if you change that,

1 Gallo Subdivision

2 we'd appreciate it. Also, as mentioned before,
3 to show the minimum length of that pipe, which I
4 believe the highway superintendent wanted at a
5 minimum of 25 feet long.

6 MR. BROWN: It is shown as 25 feet
7 right now on the latest map.

8 MR. HINES: Yes. I think the latest
9 required the highway to label it at 25 feet.

10 MR. GAROFALO: Yes.

11 MR. HINES: So someone is not staring
12 at it trying to figure it out.

13 MR. BROWN: Yes.

14 MR. GAROFALO: And my last comment is
15 when you make these --

16 MR. BROWN: Fifty scale.

17 MR. GAROFALO: -- corrections to the,
18 make corrections to the zoning schedule and bulk
19 table, it's supposed to show both the existing
20 condition and proposed condition.

21 MR. HINES: Okay, it does -- there's
22 nothing on lot two. So this bulk has the
23 required lot one. And then lot two. There's no
24 structures on lot two to measure from up on the
25 top.

1 Gallo Subdivision

2 MR. GAROFALO: Right, right, but there
3 should be, for lot one there should be an
4 existing condition.

5 MR. BROWN: With the entire parcel?

6 MR. GAROFALO: Yeah. Yes.

7 Thank you.

8 MR. BROWN: Thank you.

9 MR. TRONCILLITO: I've got an extra
10 copy.

11 MS. LANZETTA: So a place so they can
12 pass each other or turn around.

13 CHAIR BRAND: Anything else from the
14 Board?

15 (No response.)

16 CHAIR BRAND: So Pat, would you be
17 comfortable scheduling a public hearing for this?

18 MR. HINES: Yes. I think there's just
19 some cleanup items.

20 CHAIR BRAND: And Charlie, do you think
21 you'd be ready to have that completed by the --

22 MS. FLYNN: The 15th.

23 CHAIR BRAND: November 15th?

24 MR. BROWN: Sure.

25 CHAIR BRAND: Okay. So we will go

1 Gallo Subdivision

2 ahead and put you on the public hearing November
3 15th. Please make sure you get the mailings out.

4 (Laughter.)

5 CHAIR BRAND: All right.

6 MR. HINES: I'll add that to the list.

7 MR. BROWN: It's not our first trip
8 around.

9 MR. GAROFALO: I believe it is on the
10 list.

11 CHAIR BRAND: All right. Thank you.

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

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Gallo Subdivision
C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 9th day of November, 2021.

Kari L Reed

KARI L. REED

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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----X
IN the Matter of:

QIANG SUBDIVISION
(21-5022)

24 Plattekill Road
108.2-7-32.22
-----X

SKETCH - SUBDIVISION

Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York

October 18, 2021
7:55 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
EMANUEL CAUCHI
CINDY LANZETTA
JOSEPH LOFARO
BOB TRONCILLITO
JAMES GAROFALO

ALSO PRESENT: PATRICK HINES, P.E
JERRY COMATOS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLIE BROWN

Reported by: Kari L. Reed

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

1 Qiang Subdivision

2 CHAIR BRAND: Let's see, next on the
3 agenda we have the Qiang subdivision at 24
4 Plattekill Road.

5 MR. BROWN: So this is an existing 5.2
6 acre parcel containing a single family residence.
7 The proposal is to create two more lots with
8 duplexes. We meet the lot areas for that, we
9 have twice the lot area for the two acre lot area
10 for the proposed duplex lots. The existing house
11 is served by town water. The proposed duplexes
12 would also be served by town water. The existing
13 house has an on-site septic system, and both
14 proposed duplexes would have on-site septic
15 systems. We did that first because we were a
16 little concerned because we have the stream
17 running through there, and we wanted to make sure
18 we could keep the separation and still have
19 separate systems. Again, we don't have
20 separation for wells because there's no wells,
21 it's town water. This is our first trip before
22 the Planning Board, and we are here to get
23 comments and input from the Board and the
24 consultants.

25 CHAIR BRAND: Pat, did you want to run

1 Qiang Subdivision

2 through your comments?

3 MR. HINES: So the building inspector
4 wrote what I called the gatekeeper letter here,
5 identifying the structure on lot one, proposed
6 lot, one has preexisting nonconforming setback
7 issues. And I know this Board, I always bring
8 those up, and this Board has always allowed the
9 ones that aren't getting changed or made worse by
10 the subdivision are not an issue. But in this
11 case the code enforcement officer states that a
12 ZBA application will be required. That's a
13 little inconsistent with what we've had in the
14 past. And so I don't know why this is coming up
15 now, but I'm not going to, he's the arbiter of
16 that. So it looks like he's suggesting a ZBA
17 application for lot one.

18 CHAIR BRAND: Does this issue have to
19 do with the new size of the lot?

20 MR. HINES: Yeah. All the
21 nonconforming is that building is tucked in the
22 lower corner of the existing lot, so it has a
23 side yard which is the same as the front yard
24 issue, that aren't changing due to this
25 subdivision. So I don't know where this comment

1 Qiang Subdivision

2 came from or he's had a policy change or -- it
3 will affect the next one we are going to talk
4 about as well, and he didn't put any on that one.
5 So maybe Mr. Brand could speak to him as we move
6 forward with that and whether that's needed or
7 not. One, we're not making it any worse, we're
8 not creating any additional impacts, so I just
9 brought that up, it is on the gatekeeper letter.

10 The water supply for all the lots
11 should be depicted. It is town water, but they
12 need to have that and details of those
13 connections.

14 I think the bulk table should be
15 revised for the lots that are going to have two
16 family. You have required the one acre, two
17 families would require twice at least.

18 MR. BROWN: That's per unit?

19 MR. HINES: Just for required.

20 MR. BROWN: Just for the bulk table.

21 MR. HINES: This is bulk.

22 MR. BROWN: Per unit.

23 MR. HINES: Okay, I guess that
24 clarifies that. Here.

25 MR. BROWN: That's the way it reads.

1 Qiang Subdivision

2 MR. HINES: I see it now, yup.

3 Approval of septic systems, which we
4 just discussed. Details for the water service as
5 well as the septic systems will be required prior
6 to scheduling the public hearing.

7 We just want the parking detail to make
8 sure that there are four parking spots. The
9 Board may want to see an architectural of these
10 in the future to see what they're going to look
11 like, if they're going to have one front door,
12 two front doors, garage doors and so forth,
13 moving forward.

14 Highway superintendent's comments on
15 the driveway locations.

16 And then the bulk table should show a
17 50 foot rear yard setback. For this zone you're
18 showing 75 in the proposal, or the required.
19 That's what we have as our comments.

20 CHAIR BRAND: Thank you.

21 Questions from the Board, comments?

22 MS. LANZETTA: I'm concerned about what
23 Pat said about the code enforcement directing a
24 ZBA application. And we don't really have the
25 right to override his suggestion here, but we

1 Qiang Subdivision

2 could possibly suggest that we do a simultaneous
3 review where it would be, you know, upon doing
4 that application for the ZBA while we continue
5 with the review for this subdivision. So I would
6 suggest to our Board that we entertain that if
7 the applicant is interested in doing that,
8 knowing that he would still have to apply for the
9 -- either have to work with the code enforcement
10 officer or the ZBA on this issue.

11 MR. BROWN: Yeah, we'd like to run it
12 concurrent.

13 MR. GAROFALO: Okay.

14 MR. TRONCILLITO: What you're saying is
15 the applicant will -- Tom has to clarify whether
16 he has to go before the Zoning Board or not?

17 MS. LANZETTA: Mm-hmm. And if Tom
18 directs that he still believes he has to have
19 that, he can do that while we are still looking
20 at the application for the subdivision.

21 MR. TRONCILLITO: Got you.

22 MR. BROWN: He'll tell me if I have to
23 go before the Zoning Board from this Board;
24 correct?

25 MS. LANZETTA: We don't give you the

1 Qiang Subdivision

2 referral. The code enforcement officer is in
3 charge of that. He's the one who determines
4 whether you have -- if you're in compliance or
5 not with the --

6 MR. BROWN: Got it, okay.

7 MS. LANZETTA: -- Planning Board code.

8 CHAIR BRAND: Mr. Garofalo.

9 MR. GAROFALO: Yes. At some point the
10 Board is going to tell applicants to start using
11 the new forms instead of these old forms. So I
12 just wanted you to be aware that we do have some
13 new forms online. So if you come back with
14 another application, we won't have to hold your
15 feet to the fire to change everything. That's
16 number one.

17 MR. BROWN: Okay.

18 MR. GAROFALO: Number two is, this is
19 really, from what I saw on an aerial, a fully
20 wooded lot. And I think that under 155-31E we
21 are going to be concerned about seeing the area
22 of disturbance, what area of trees you're going
23 to have to take down or if you're going to be
24 taking them all down. But I think that's
25 something that we'd like to see. And also if

1 Qiang Subdivision

2 there are any major specimen trees on that
3 property. I'm not asking for you to go and
4 measure all the or locate all the trees six
5 inches in diameter, but I think you can probably
6 mark off areas that you're not going to be
7 disturbing. Clearly you're going to have to take
8 out areas to get the septic system in for the
9 septic, the house, the driveway, you know, those
10 are areas that are going to have to be cleared of
11 trees. But I think in this particular case we
12 are going to be interested in seeing what areas
13 you could possibly leave or want to leave, and
14 whether or not there's going to be any specimen
15 trees on that property.

16 MR. BROWN: Okay.

17 MR. GAROFALO: There is -- has been
18 some discussion in the past, not with this board,
19 concerning having a pedestrian connection from
20 the Route 9 area toward the high school. I don't
21 know if this was going to be sidewalk or trail or
22 what. But that may also be something that comes
23 under discussion. I don't think it's -- I don't
24 think it's in the what, the school plan, it may
25 be mentioned in there. We do have a special

1 Qiang Subdivision

2 committee, the town has a special committee that
3 has worked on the trail from Route 9W to the
4 river, and I think there was some thoughts that
5 they do mention they want to extend that to the
6 north. So I just wanted you to be aware of those
7 discussions.

8 MR. GAROFALO: Thank you.

9 MR. BROWN: Thank you.

10 CHAIR BRAND: Anything else from the
11 Board?

12 (No response.)

13 CHAIR BRAND: No? So Pat, we need them
14 to clarify some things.

15 MR. HINES: Yes, we need some more
16 detail, yes.

17 CHAIR BRAND: And then come back. Does
18 that sound good?

19 MR. BROWN: Yeah.

20 CHAIR BRAND: All right.

21 MR. BROWN: I'm good. Thank you.

22 CHAIR BRAND: Nice seeing you.

23 (Time noted: 8:03 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of November, 2021.

Kari L Reed

KARI L. REED

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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----X
IN the Matter of:

LORDI, TARA ANN
(21-5021)

11 Mt. Rose Road
109.1-4-55, 56
-----X

SKETCH - SUBDIVISION/LOT LINE

Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York

October 18, 2021
8:04 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
EMANUEL CAUCHI
CINDY LANZETTA
JOSEPH LOFARO
BOB TRONCILLITO
JAMES GAROFALO

ALSO PRESENT: PATRICK HINES, P.E
JERRY COMATOS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

Reported by: Kari L. Reed

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

1 Lordi, Tara Ann

2 CHAIR BRAND: Finally on the agenda
3 tonight we have the Tara Ann Lordi sketch for a
4 subdivision/lot line for 11 Mt. Rose Road.

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

7 MR. HINES: I think I want to defer to
8 Patty Brooks on this one.

9 CHAIR BRAND: All right.

10 MR. HINES: She's requesting an update
11 on procedure matters here or something that her
12 client desires. We have the subdivision and lot
13 line, and I think she's looking at the lot line
14 right now.

15 CHAIR BRAND: So it's separate.

16 MS. BROOKS: The original application
17 before the Board was a lot line revision with a
18 two lot subdivision. The Board at the last
19 meeting requested that we seek Board of Health
20 approval on remaining land that was less than
21 five acres in size. The applicant is currently
22 in contract to sell tax parcel lot 55, which
23 right now has a preexisting nonconforming setback
24 of 17.4 feet from the house to the side lot line.
25 So they're proposing a lot line revision to add

1 Lordi, Tara Ann

2 0.28 acres to the parcel to give it a 78 foot
3 side yard setback. Because she's in contract to
4 sell that lot, she would like to go ahead and
5 address the lot line revision portion at this
6 point in time to expedite the review.

7 And I did hear the previous comment
8 with regard to the setback, because of course we
9 only have a 27.4 foot setback on what would be
10 considered the rear yard, which would require 50
11 feet. Historically I agree that that has not
12 been something under the jurisdiction of the
13 Zoning Board of Appeals, and I don't believe that
14 we received a comment letter from the building
15 inspector that, or code enforcement officer that
16 that would require a setback variance. So I look
17 forward to clarification on that matter as far as
18 preexisting nonconformities.

19 But again, this evening what we are
20 attempting to do is to try to expedite. We will
21 be back before the Board for a future subdivision
22 of lot two. I do want to make that very clear,
23 we're not eliminating that as a future
24 opportunity. But in order to effectuate the
25 closing for proposed lot one, we're asking the

1 Lordi, Tara Ann

2 Board just to consider the lot line revision at
3 this point in time.

4 MR. HINES: And the dedication of the
5 roadway.

6 MS. BROOKS: Yeah. And again, I would
7 like to do the dedication now so that it's
8 complete. If it complicates matters --

9 MR. HINES: It doesn't.

10 MS. BROOKS: Okay.

11 MR. HINES: We have previously done lot
12 lines that included roadway dedication.

13 CHAIR BRAND: That would change the
14 expedited?

15 MR. HINES: No. Where we're at here is
16 looking at the access for the town. I just want
17 to make sure that the Town Highway and Town Board
18 want that.

19 CHAIR BRAND: All right.

20 MS. BROOKS: And again, the offer can
21 be made without the acceptance by the Town Board.
22 They are two totally separate actions, and I
23 wouldn't want to delay this process to get an
24 acceptance of an offer from the Town Board. They
25 really are two separate actions. And as long as

1 Lordi, Tara Ann

2 the applicant makes a reputable offer, the Town
3 Board can act on that at any point in time. And
4 obviously I'm not an attorney so I would defer
5 any comments to the town attorney.

6 CHAIR BRAND: Patty, did you submit
7 these revised, this revision in to Tom as a
8 revision or no?

9 MS. BROOKS: I submitted it to the
10 town, so I'm not sure how it gets circulated.

11 CHAIR BRAND: Okay.

12 MS. BROOKS: Yes. And I think that,
13 because Jen was away --

14 CHAIR BRAND: I got it.

15 MS. BROOKS: -- I also might have --

16 CHAIR BRAND: Yes.

17 MS. BROOKS: -- circulated it in an
18 expanded manner.

19 CHAIR BRAND: Right, right.

20 MS. BROOKS: Because I wanted to, you
21 know, not --

22 CHAIR BRAND: Got you.

23 Comments from the Board?

24 MS. LANZETTA: I'm just wondering, has
25 the road maintenance declaration been included in

1 Lordi, Tara Ann

2 any of the documentation that we have received?

3 MS. BROOKS: As far as the driveway
4 that is for Front Street Extension?

5 MS. LANZETTA: Yes.

6 MS. BROOKS: We generally submit all of
7 the deeds. I can double check and make sure that
8 that was submitted.

9 MS. LANZETTA: Yeah. I just want to
10 make sure that we take a look at that and see if
11 there's any kind of, you know, restrictions or
12 anything associated with that.

13 MS. BROOKS: You know, and again, the
14 application before the Board this evening is to
15 take a 0.97 acre parcel of land and increase it
16 to 1.25 acres, no new construction. And at the
17 same time we're also proposing a dedication of a
18 substantial half acre parcel of land that they're
19 currently paying taxes on, so the town has proper
20 ownership of the land that they're maintaining
21 from that Post Road. So I just want to make sure
22 that we're focused on what the actual application
23 is.

24 CHAIR BRAND: Additional comments or
25 questions from the Board?

1 Lordi, Tara Ann

2 MR. GAROFALO: I have a few comments.
3 One is I hope when this comes back that you will
4 revise the bulk table to show both the existing
5 and the conditions.

6 MS. BROOKS: We do. So for under the
7 line that says "required" is what's required in
8 the zone. And then lot number one and lot number
9 two are what the proposal is that's currently on
10 the map.

11 MR. GAROFALO: Okay. So the slash
12 mark, one is the existing, the other is the
13 proposed?

14 MS. BROOKS: Well, required -- no, no.
15 I don't -- I've got to tell you, I don't
16 understand that required proposed thing. It's
17 very, very complicated and sometimes not
18 appropriate. And so I find it easier for the
19 Board to review when we say what's required and
20 what do we have on the map. When we get done
21 with this subdivision, what is it going to be.
22 So again --

23 MR. GAROFALO: I think, though, it
24 shortchanges the project. Because when you show
25 the existing and then the -- and then the

1 Lordi, Tara Ann

2 proposed, you're actually showing a benefit, and
3 that's something that I think is good for the
4 project to show, hey, here's something that's
5 nonconforming and we are making it conforming.
6 And that's a good thing to show. So I'd like to
7 see that. I think it is in our code that that be
8 shown, as well as showing all the dimensions, not
9 just the side and the rear lot dimensions. But
10 otherwise, you know, certainly those other two
11 dimensions are fine. But generally it's a good
12 idea to show those. Particularly in a case like
13 this where this, I believe, would be considered a
14 corner lot, and we have had some issues with the
15 incorrect showing of the side and the rear and
16 the front lots. So I think it's a good thing to
17 show so we can see and make that direct
18 connection visually on what's being called what
19 as far as the setbacks are concerned.

20 So I don't think there's a real problem
21 with regard to what you're, what you're
22 proposing. I still do have a problem with the
23 ramp being partially on private property being on
24 a dedicated parcel, and I still think that that
25 is a structured front yard and that it would be

1 Lordi, Tara Ann

2 nice if that dimension were to be removed prior
3 to a further application coming, coming before
4 the Board.

5 MS. BROOKS: Yeah. And again, I
6 respectfully accept all of your comments. I
7 don't necessarily agree with all of them. I
8 don't consider it a corner lot and Front Street
9 is, is a private street. But again, this is a
10 simple lot line revision, and I'm not interested
11 in extending the approval time for something as
12 minor as adding a chart. I just personally find
13 it to be more confusing than helpful.

14 CHAIR BRAND: Additional comments?

15 MR. TRONCILLITO: Yeah. Patty, just
16 one question. When you were talking about the
17 town accepting a road, what road were you talking
18 about? Because the town, when you come up Mt.
19 Rose Road, Mt. Rose Road goes off of 9W, James
20 Street goes to the right and Mt. Rose goes to the
21 left. And I've been on there, and they go way
22 back.

23 MS. BROOKS: They do. That is an
24 existing town road --

25 MR. TRONCILLITO: Yeah.

1 Lordi, Tara Ann

2 MS. BROOKS: -- that is considered a
3 user highway, because it was never dedicated to
4 the town and the town doesn't own it.

5 MR. TRONCILLITO: Really?

6 MS. BROOKS: Yes. And that is actually
7 the case of probably 85 to 95 percent of the
8 roads in the town.

9 MR. TRONCILLITO: Well, we do take care
10 of it. We plow it and do all that stuff and
11 maintain it.

12 MS. BROOKS: Yes.

13 MR. HINES: It's a town road by use.
14 They have the right to use it and maintain what
15 they use.

16 MR. TRONCILLITO: Okay.

17 MR. HINES: Including the supporting
18 drainage.

19 MS. BROOKS: So in this particular
20 instance they don't utilize, they don't maintain
21 the road as far south as the loading ramp, which
22 actually is basically to back the manure trucks
23 up to.

24 MR. TRONCILLITO: I was up there last
25 week.

1 Lordi, Tara Ann

2 MS. BROOKS: Yeah. But because the
3 goal always says to have the town own a 50 foot
4 roadway everywhere, every time we have the
5 opportunity we try to make that offer of
6 dedication. So right now you can see, luckily
7 where they have placed the fence on lot number
8 one basically is just inside that 50 foot. So
9 with the exception of the manure ramp and a
10 little bit of landscaping on lot number two, all
11 of the land that we're proposing off of her
12 dedication to the town, although the town is not
13 currently utilizing it, it will give them the
14 opportunity in the future under code development,
15 if they need to put drainage in, anything that
16 they might need to do with that parcel, they will
17 have ownership from 25 feet from the center line
18 of the road.

19 MR. TRONCILLITO: Thank you.

20 MS. BROOKS: Fee ownership, as opposed
21 to just user highway.

22 MR. TRONCILLITO: Very good.

23 MR. GAROFALO: So this lot line change
24 actually has two very different things for the
25 town. So the dedication and bringing the house

1 Lordi, Tara Ann

2 into a less nonconforming.

3 MS. BROOKS: We hope so, yes.

4 CHAIR BRAND: So Pat, just to
5 summarize, the newly proposed plan that she has,
6 the simple lot line, that follows up on our
7 streamline?

8 MR. HINES: It does. And I just think
9 we need to clear that, we need a new application.
10 Her current application says lot line.

11 MS. BROOKS: I think we submitted a
12 revised application --

13 MR. HINES: You did, okay, great.

14 MS. BROOKS: -- on October 8th.

15 MR. HINES: So yes, it does.

16 CHAIR BRAND: Okay.

17 MR. HINES: I didn't -- I was looking
18 in the file at the old application. So we do
19 have an application that says lot line revision.
20 This lot line revision in this zone involving the
21 one lot, or two lots, obviously they've got two
22 lots involved, that does mean that's a two line
23 division.

24 CHAIR BRAND: So with that being said,
25 is the Board comfortable authorizing the attorney

1 Lordi, Tara Ann
2 to prepare a resolution of approval for this for
3 our next meeting?

4 MR. CAUCHI: Yes.

5 MR. TRONCILLITO: Yes.

6 MR. GAROFALO: Yes.

7 MS. LANZETTA: well, and then if we
8 have --

9 CHAIR BRAND: With that clarification.

10 MS. LANZETTA: And with the additional
11 suggestion that we address that this is not an
12 effort to avoid to segment the review, the SEQRA
13 review?

14 MR. HINES: It's interesting, the
15 SEQRA, the lot line is a Type II action under
16 SEQRA. So I don't know what you're really
17 segmenting.

18 MR. COMATOS: I don't think we have a
19 segmentation problem here, all right, if you
20 proceed with the new application. And granted,
21 it's not a necessary first step to the future
22 subdivision of the remaining line.

23 CHAIR BRAND: So, hypothetically
24 speaking, if she were to do this one and redraw
25 the lot line here, even if the next one would

1 Lordi, Tara Ann

2 have typically met that need, we are still going
3 for the public hearing for that, is that
4 generally what you are saying?

5 MR. HINES: Correct, the subdivision
6 application.

7 CHAIR BRAND: Correct, okay. You got
8 that, Pat?

9 MS. BROOKS: Absolutely.

10 CHAIR BRAND: Okay.

11 MR. GAROFALO: I think that would only
12 come into play if there wasn't that land
13 dedication, because then you may even have the,
14 an issue of segmentation.

15 CHAIR BRAND: But in theory --

16 MR. GAROFALO: But because of that
17 we're okay.

18 CHAIR BRAND: In theory, though, you
19 could do a 50 lot, a two lot and a 48 lot, that's
20 a simple lot line. And then another two lot and
21 you just come back using the streamline process.

22 MR. HINES: But again, in this case
23 there's two lots and then after the lot line
24 there will still be two lots.

25 CHAIR BRAND: Got you.

1 Lordi, Tara Ann

2 MR. HINES: In the previous -- in the
3 next, if they proceed with what they have
4 previously contemplated, there would be one lot
5 becoming two, so it would be a subdivision, not a
6 lot line.

7 CHAIR BRAND: Got you. Okay.

8 MS. LANZETTA: And I agree with all of
9 that. I just wanted to make sure that it was
10 clear for the record that we did discuss that and
11 that we did not find any issue.

12 CHAIR BRAND: So then there was no
13 opposition to authorizing the attorney to prepare
14 a negative dec and resolution of approval for
15 this at the next meeting, okay.

16 And Pat, just before we let Patty, as
17 far as the letter goes with the inconsistency
18 between the Qiang subdivision and the Lordi
19 subdivision, how would you --

20 MR. HINES: I can call the code
21 enforcement officer in the morning and speak with
22 him.

23 CHAIR BRAND: That was the answer I
24 wanted to hear, Pat.

25 MR. HINES: Yes.

1 Lordi, Tara Ann

2 CHAIR BRAND: Great, thank you, Pat.

3 MS. BROOKS: Thank you very much.

4 CHAIR BRAND: Is there --

5 MS. BROOKS: So we don't need a public
6 hearing, it would just be on the first meeting in
7 November?

8 CHAIR BRAND: Yes. That would be on
9 November 1st.

10 MS. BROOKS: Okay. Thank you very
11 much.

12 CHAIR BRAND: You are very welcome.

13 MR. GAROFALO: No public hearing is
14 required.

15 CHAIR BRAND: Correct.

16 So anything else from the Board before
17 we adjourn?

18 MR. TRONCILLITO: No.

19 CHAIR BRAND: All right. I'd like a
20 motion to adjourn.

21 MR. GAROFALO: I make that motion.

22 CHAIR BRAND: No discussion?

23 (No response.)

24 CHAIR BRAND: We're adjourned.

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

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of November, 2021.

Kari L Reed

KARI L. REED