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

- APPROVAL OF STENOGRAPHIC MINUTES FOR
10/18/21, 11/1/21 & 11/15/21
- COMPLETION OF TRAINING COURSES BY
CHAIRMAN BRAND AND MEMBER LOFARO

----- X

BOARD BUSINESS

Date: December 6, 2021
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

----- 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, December 6, 2021. Regular meeting 7:30 p.m. On the agenda tonight we have approval of the stenographic minutes for October 18th, November 1st and November 15th.

This evening we'll be discussing the Qiang Subdivision at 24 Plattekill Road for a public hearing on their subdivision; the Gallo Subdivision at 46 Idlewild Road for a final of their subdivision. We have a sketch of a minor site plan for Blasher/Haferd at 346 Mt. Zion Road, Marlboro; the Pollock site plan at 39 Main Street in Milton for a sketch of their site plan; Tonsing Subdivision at 20 Walnut Lane in Milton for a sketch of their subdivision; and Guarino Subdivision at 5 Ashlyen Drive in Marlboro for a sketch of their subdivision.

The next deadline is Friday, December 10, 2021. The next scheduled meeting will be Monday, December 20, 2021.

Can I have a motion to approve the stenographic minutes for October 18th, November 1st and November 15th.

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny. Is there a second?

MS. LANZETTA: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any objection?

(No response.)

CHAIRMAN BRAND: So moved.

Before we get started this evening, just for the record I do have some planning to submit. I completed four hours of training with the New York Planning Federation. I participated in Enhancing Transparency and Effectiveness in the Planning Process for the Siting of Solar Facilities under AREGCRA 2020

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BOARD BUSINESS

4

course. I completed Working with Elected
Officials and Understanding Everyone's
Role in Planning and Site Plan Review
Mishaps.

Joe.

MR. LOFARO: I have the same
thing. Four hours on November 13th with
the Association of Towns of the State of
New York. I did training with Regulating
Telecommunications, Short-Term Rentals,
Planning and Zoning, Land Use and Site
Plan Basics.

CHAIRMAN BRAND: Great. Anything
else before we get started tonight?

(No response.)

(Time noted: 7:33 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 10th day of December
2021.

Michelle Conero

MICHELLE CONERO

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

QIANG SUBDIVISION
Project No. 21-5022
24 Plattekill Road, Marlboro
Section 108.2; Block 7; Lot 32.22
----- X

PUBLIC HEARING
SUBDIVISION

Date: December 6, 2021
Time: 7:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

CHAIRMAN BRAND: Okay. First on the agenda tonight we have the Qiang Subdivision at 24 Plattekill Road for a public hearing.

"Legal notice, subdivision application. Please take notice a public hearing will be held by the Town of Marlborough Planning Board pursuant to the State Environmental Quality Review act, or SEQRA, and Town of Marlborough Town Code Section 134-9 on Monday, December 6, 2021, for the following application: Qiang Subdivision, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. This application is for a three-lot subdivision for property located at 24 Plattekill Road in Marlboro, New York 12542, Section 108.2; Block 7; Lot 32.22. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Town of Marlborough

Planning Board."

How many mailings were sent out?

MR. BROWN: We sent out 32. 27 were delivered and 1 was returned.

CHAIRMAN BRAND: You can give those to the secretary, please.

Before we begin with input from the public; Pat, did you want to run through your comments on this?

MR. HINES: Sure. This project is before the Zoning Board of Appeals to address preexisting nonconforming uses on the site. That meeting I believe is next Wednesday -- this Wednesday coming up. So this Board can't take any action on this until that is resolved.

The status of the Ulster County Health Department review of the septic systems is outstanding.

The highway superintendent's review of the access drive, we haven't received anything on that.

We did note that the

architectural plans were submitted, which were fairly unique looking buildings the Board saw last time.

CHAIRMAN BRAND: Thank you.

Anything from the Board before we open it up to the public?

(No response.)

CHAIRMAN BRAND: Okay. This is a public hearing. Any interested parties either for or against, if you would just come to the podium and state your name for the stenographer, we can address your questions or concerns.

MR. BROWN: Do you want me to do a description of the project?

CHAIRMAN BRAND: Sure. That's a great idea. Thanks.

MR. BROWN: This is an existing 5.7 acre parcel. It has a single-family residence -- can you put the drawing up?

MS. LANZETTA: Jen, can you put the site plan up? Is it possible? I know you've got the location there. That's real good.

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MR. BROWN: It's between the
Lattintown Creek and Plattekill Road.

Thank you, Jen.

MS. FLYNN: This one?

MR. BROWN: That's upside down,
but it's okay.

So the existing single-family
residence is the one in the upper left.

The property is serviced by Town
water and the existing residence has an
existing septic system.

The proposal is to cut off two
more lots, both of them over 2 acres, for
proposed duplexes. They also will be
serviced by Town water and individual
septic systems.

I've done the soil testing. It's
adequate for the septic systems.

In addition to that, the single-
family lot will be 1.2 acres. The other
two duplex lots are both 2 acres.

That hatched area, which isn't on
that map, is to be dedicated to the Town.
The Town has a rule that anything within

25 feet of the center line of the road has to get transferred to the Town when there's some revision to the property.

MR. ZAMBITO: Chris, we can't hear him at all. It's just a big mumble.

CHAIRMAN BRAND: You can use the microphone.

MR. BROWN: So the existing 5.7 acre parcel has an existing single-family residence. It's in the R-1 Zone. It has Town water. The residence is serviced by Town water with an on-site septic system.

The proposal is to cut it into three lots. The two new lots will each be over 2 acres for proposed duplexes. They would also be serviced by Town water and individual septic systems on site.

The soils have been tested and witnessed by the Health Department for the septic systems. The tests are adequate.

In addition to that, we're dedicating half an acre to the Town. The Town has a rule that whenever you modify the property, if the property lines are

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less than 25 feet off the center line of the road, you have to dedicate that to the Town. They own 25 feet on each side of the center line of the road.

CHAIRMAN BRAND: Great. This is a public hearing. If there are any questions or comments, now would be the time to have your voice be heard.

Nothing?

MS. BOVICH: We have to go up?

CHAIRMAN BRAND: Just for the sake of being able to hear with the microphones, it would be great if you could come up. Just state your name.

MS. BOVICH: So you said it's two duplexes? A duplex per acre or for each lot? How many people are you expecting?

MR. BROWN: The minimum required lot area for single-family for a duplex, it's 1 acre, which it is. You have to have 2 acres to put a duplex on it. This map, the proposed map, shows two 2-acre lots, the 1.2 acre lot for the existing residence, and then the other half acre is

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going to be dedicated to the Town as far
as the right-of-way for the road.

MS. BOVICH: And then for
entrance and exit purposes on the main
road that is there, where would that be?

MR. BROWN: You're welcome to
come over and take a look at the map.

MS. BOVICH: Okay.

CHAIRMAN BRAND: If you would
just state your name for the stenographer.

MS. BOVICH: Elena Bovich.

MR. BROWN: Come around this way.
So this is the existing residence. My
clients live there. These are the two
proposed duplexes. That's Elliot. We
have one here, one here. This is the
pond.

MS. BOVICH: Thank you.

CHAIRMAN BRAND: Any other
questions or comments? Come on up.

MR. HINES: You guys can share
the microphone.

MR. PRESUTTI: Number one, how
close is this going to be to my property

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line? I'm next to you.

MS. PRESUTTI: It's like 18 feet
from our property line.

MR. HINES: We can't hear you.

CHAIRMAN BRAND: Use the
microphone, please.

MR. HINES: It's not on.

CHAIRMAN BRAND: Turn it on.

MS. PRESUTTI: Michael and Paula
Presutti. We are the next door neighbors
of this new development.

We're just wondering how close
it's going to be to our property line?
Right now they're 18 feet from our
property line. We don't want it any
closer than that.

The traffic is very bad.

We're worried about the bald
eagle that's flying around too, and some
wildlife that's there that might be, you
know, hurt from this digging and whatever
construction they're going to be doing.

MR. BROWN: So the residence
that's there right now is the one next to

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your property?

MS. PRESUTTI: Yes. It's right next to our property. We want to know how large that's going to be, or is it going to be torn down?

MR. HINES: That stays the same.

MR. PRESUTTI: You're not going to change it?

MS. PRESUTTI: Is it going to be moved out --

MR. PRESUTTI: The same foundation line?

MR. HINES: There's no change on that lot.

MS. PRESUTTI: No bigger, no smaller. Okay.

What about the wildlife that might be in that pond? There's a bald eagle. I don't know where the nest is, if it's next door on their property. We've seen the blue herring and the white egrets that are out in the water. How is that being -- we're worried about the wildlife that's in the area, too. The bald eagle,

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2 if they have nests, you can't disturb the
3 nests on the property.

4 MR. HINES: So the applicant has
5 ran the site through the DEC's database.
6 They provided a short environmental
7 assessment form. By using the DEC's
8 database, if there was a bald eagle's nest
9 within 600 feet of the property it would
10 show up. That has been indicated by the
11 DEC, not the applicant, that there are no
12 threatened or endangered animal species on
13 the site.

14 MS. PRESUTTI: We're worried
15 about the hazard in the road with the
16 water. They haven't cleaned the ditches
17 for thirty years. We have flooding.
18 Every time it rains it comes on our
19 property. I'm just wondering what is
20 going to happen when they start disturbing
21 the land. There's going to be more
22 flooding. It's going to be worse than it
23 is now. I have pictures on my phone that
24 our front yard is flooded all the time
25 because Ulster County is not taking care

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of the roadways over there.

CHAIRMAN BRAND: The culverts you mean?

MS. PRESUTTI: The culverts haven't been cleaned. We've lived there for thirty-five years. We've seen them once in our lifetime here. We have to clean it. They said they don't have time. We have to find time because our road is caving in on our side of the road. If you've seen our road from the Manny's Pond, it's caving in. Nobody cares about it. Just one day -- the potholes are two feet deep and someone is going to get hurt.

Another thing is the accidents on that road. We've had blue spruce ruined, mailboxes ruined. The people fly from the high school to wherever they go. We're just worried about our house because we're so close to the road. We don't want any more disturbance. We want to keep as many trees as we can. Every time there's an accident we lose another tree.

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MR. BROWN: Our closest proposed duplex is 800 feet, at least, from your house.

Where these proposed duplexes are proposed, they drain directly to Lattintown Creek. So we have no affect on the pond whatsoever.

MS. PRESUTTI: It doesn't come downhill to our house?

MR. BROWN: No.

MS. PRESUTTI: It's going to be on the other side of the hill?

MR. BROWN: These lots drain down to the creek.

MS. PRESUTTI: Okay. As long as it's not disturbed on our side.

The roadway is terrible there.

MR. HINES: As a follow up to your question, the applicant's representative is going to have to get a permit from the Ulster County DPW for the driveways.

MR. BROWN: For the driveways, yup. Two of them.

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MR. HINES: Maybe when they're
out there looking at that --

MR. PRESUTTI: Remind them.

MS. PRESUTTI: Every time we see
them we try to flag them down and they say
they don't have time.

MR. PRESUTTI: Or the manpower.

MS. PRESUTTI: There's always an
excuse. Thirty-five years is a long time
of not getting cleaned. We have
infrastructure now. We're supposed to pay
money for that. Supposedly.

That's all we have.

CHAIRMAN BRAND: Thank you.

Anyone else? I'm sorry. Did you
have a question?

MS. REZAIIO: I had a question.
We missed the beginning of the meeting.

CHAIRMAN BRAND: If you could
just state your name, when you get to the
microphone, for the stenographer.

MS. REZAIIO: Sure. I'm Amelia
Rezaio. I live on Western Avenue but our
land is near the pond, Manny's Pond. They

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call it Manny's pond.

I wasn't here when you were talking about it. How many units? How many houses? Where exactly and who owns it? Who bought it? Who is the owner of these -- this place?

CHAIRMAN BRAND: So there are two proposed duplexes. Four individual units I guess. Two buildings, two homes.

MS. REZAIIO: Where is that going to be?

CHAIRMAN BRAND: You can take a look at the map at the table if you'd like. If you can't see it on the TV, he has a pretty clear map and he can show you where the roads are and the proposed structures are.

MR. BROWN: This is where the proposed duplexes are. This is where my client -- this is my client right here. These are the two proposed duplexes.

MS. REZAIIO: Where is the pond?

MR. BROWN: Right here.

MS. REZAIIO: The pond is here?

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The duplexes are here?

MR. BROWN: Yup.

MS. REZAIO: Is this part of
Gebharts Lane?

MR. FOX: Yes.

MS. REZAIO: So it was sold?

MR. FOX: That's correct.

MS. REZAIO: This road here is
what?

MR. BROWN: That's a stream.

MS. REZAIO: That's the creek?

MR. BROWN: That's the creek,
yes.

MS. REZAIO: And this is?

MR. BROWN: This are where the
septic systems are going.

MS. REZAIO: Okay. It looks like
you're going to be -- are you going to be
by Jimmy Gebharts house?

MR. FOX: No.

MS. REZAIO: Old Dr. Manny's
house?

MR. FOX: No. That's all the way
up on the other road.

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MS. REZAIIO: So you're strictly
by Plattekill Road?

MR. FOX: That's correct.

MS. REZAIIO: It's confusing. So
where is Plattekill Road?

MR. BROWN: This is Plattekill
Road.

MS. REZAIIO: This is Plattekill
Road?

MR. BROWN: This hatched area is
what we have to dedicate to the Town.
Right now the property line is --

MS. REZAIIO: How do you get in
and out of your property?

MR. BROWN: The driveway is off
of Plattekill Road.

MS. REZAIIO: You're making a
bridge?

MR. BROWN: No. The stream is
down here.

MS. REZAIIO: I keep thinking it's
-- okay.

MR. BROWN: I do bridges, though.

THE COURT REPORTER: Can I have

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your name?

MS. BYRD: Gina Byrd. You're not
near me.

MR. BROWN: No.

CHAIRMAN BRAND: Go ahead.

MS. BOVICH: When is the proposed
start date and finishing time for the
project? Like the duration and how long
is it going to take to be built?

MR. FOX: My name is Donald Fox
and I represent YDF Investments who is the
developer.

We're going to start the project
as soon as possible after the approvals
are done. We go by whatever the process
is to completion, and that can take
anywhere from six months to a year once we
actually get all of our approvals.

MR. SABATINO: How many families?

MR. BROWN: You have to come up
and introduce yourself.

CHAIRMAN BRAND: Please state
your name for the stenographer.

MR. SABATINO: My name is

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Casalina Sabatino. I want to know how many families are going to be there? I understand this is 1-acre land for each family for single family.

MR. FOX: That's correct.

MR. SABATINO: Is it not duplex zoned? You're going to do that.

MR. HINES: There are two duplex houses proposed.

MR. SABATINO: I mean --

MR. HINES: I'm going to answer your question. Each have lots that are greater than 2 acres. The two families are allowed but you need double the acreage. So there's four dwelling units proposed, two duplexes, two family, 2 acres. Correct.

MR. SABATINO: I don't know.

CHAIRMAN BRAND: Any other questions or comments?

UNIDENTIFIED SPEAKER: How many families live in this house? How many?

MR. BROWN: Two houses, two families in each house. Four.

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UNIDENTIFIED SPEAKER: Two families in each house. So you're going to do what?

MR. BROWN: Two two-family houses.

UNIDENTIFIED SPEAKER: It's not going to be like twenty families?

MR. BROWN: No.

UNIDENTIFIED SPEAKER: You're sure?

MR. BROWN: Positive. We don't have enough property for that. This is as far as this will go, two two-family houses. That's it. No more.

MR. FOX: That's what they're going to look like. That's a duplex.

UNIDENTIFIED SPEAKER: It looks big. How many square feet is that?

MR. FOX: That's a duplex and there will be two of them, one on each property.

UNIDENTIFIED SPEAKER: We live in one-family house. If somebody's going to live there in my house, like a second

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family --

MR. FOX: They're duplexes.

CHAIRMAN BRAND: It's two
separate structures.

MR. FOX: It's just that they're
attached in the center.

CHAIRMAN BRAND: It's like two
houses connected.

MR. FOX: There's 2 acres for
that one building. For one building
there's 2 acres, then there's another 2
acres for the second building.

UNIDENTIFIED SPEAKER: So four
families. It's not going to be like --

MR. FOX: No.

CHAIRMAN BRAND: Did you have a
question, ma'am?

MS. LOCASCIO: We have 1 acre of
land and we have one house. The garage is
on the other side because we don't have
enough.

CHAIRMAN BRAND: Could you state
your name?

MS. LOCASCIO: One family. 1

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acre, one family. 1 acre, one family.

MR. FOX: That's correct.

MS. LOCASCIO: How many do you have?

MR. FOX: There's a total of 5 plus acres.

MS. LOCASCIO: You're going to do two buildings for a family?

MR. FOX: Two families. The duplex is a two-family.

MS. LOCASCIO: Two-family?

MR. FOX: Correct.

MS. LOCASCIO: So all together four family?

MR. FOX: Correct.

MS. LOCASCIO: Yeah. I hope. I have a feeling it's going to be ten families. Believe me.

UNIDENTIFIED SPEAKER: You can't do it.

MS. LOCASCIO: We have a quiet Town and all of a sudden it becomes crazy.

CHAIRMAN BRAND: What was your name, ma'am?

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MS. LOCASCIO: Locascio. Joanna
Locascio.

MS. BOVICH: How many acres do
you own?

MR. BROWN: 5.7.

MS. BOVICH: No other land around
you?

MR. FOX: That's correct.
That's us, yes.

MS. BOVICH: So other acres were
sold?

MR. FOX: I don't know anything
else other than this piece of property.

MS. BOVICH: Right now that's all
that's in front of --

MR. FOX: That's correct.

CHAIRMAN BRAND: Any other
questions or comments?

MR. DANIELS: Can I come up?

CHAIRMAN BRAND: Please.

MR. DANIELS: My name is Tyler
Daniels, I live on 23 Plattekill Road. I
was just curious. So right across the
street from our house is the stream down

1 in the woods. It's not going to be
2 possible to build on a hill. What is
3 going to have to happen with the land
4 across from us for these buildings to be
5 built?
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7 MR. BROWN: For the individual
8 lots, once this map is filed -- we're
9 going to have to submit septic designs to
10 the Health Department to get them
11 approved. We have to grade it in
12 accordance with the code, so a grading
13 plan for the building permit. We do have
14 topography on this property. I have that
15 on the other side of the map here. It's
16 for both lots. It's actually not that
17 steep where these houses are proposed.
18 They're proposed all the way up to the
19 north end. Yeah, north. So it flattens
20 out up there. That's why we put the
21 houses in that area. You're not allowed
22 to put a septic on any property that
23 slopes greater than 15 percent, so that's
24 why we're showing the septic tanks where we
25 are. We did the testing with the Health

Department there. The testing is adequate for on-site septic systems.

The real steep area that's between the existing single-family house and our proposed two-family house, that's where the stream is the closest to the road. We're staying out of that area.

MR. DANIELS: Right down the road, I believe the next house is on the left-hand side. How close is that third building to that other house?

MR. BROWN: We're a little over 90 feet to our property line, which is almost triple what's required by the Town. I don't even see that other house. Central Hudson --

MR. HINES: It's a Central Hudson lot west of here.

MR. DANIELS: I believe there's a house to the left of that.

MR. BROWN: It's Central Hudson. This property next to us is owned by Central Hudson.

MR. HINES: These houses are all

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east of Elliot Lane.

MR. DANIELS: Okay. That's all I have. Thank you.

MR. HINES: If you're familiar, there's an easement --

MR. DANIELS: I haven't really been down there.

MS. LOCASCIO: Is this going to be a residential house or one of the affordable houses?

MR. FOX: No, no.

MS. LOCASCIO: Residential?

MR. FOX: Residential.

MS. LOCASCIO: Thank you.

CHAIRMAN BRAND: Thank you.

Anything else from the public?

(No response.)

CHAIRMAN BRAND: Anything else from the Board?

MR. DANIELS: I do have one more question. I know it's not their responsibility, but what would it take to have sidewalks put in from the high school maybe to Town, just for the kids getting

1 out of high school that do walk? I've
2 seen people surveying the street before.
3 I was just curious if there was any update
4 on that that we could possibly find out
5 about or anything like that.
6

7 MR. TRONCILLITO: You have to
8 present that to the Town Board. That's a
9 County road. You've got a quagmire there
10 you have to go through. That would be a
11 nice idea.

12 MR. DANIELS: Awesome. Thank
13 you.

14 MR. BROWN: With the property
15 that we're giving to the Town, again --

16 MR. HINES: It's actually going
17 to the County I believe.

18 MR. BROWN: The County. That's
19 right. Thank you, Pat. There's
20 sufficient room, after this map gets
21 filed, to put that sidewalk in there.

22 CHAIRMAN BRAND: Just to be
23 clear, you're not building a sidewalk?
24 It's not part of the plan?

25 MR. BROWN: It's not part of this

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plan.

CHAIRMAN BRAND: I just wanted to
be clear on that.

Any other questions or comments?

Mr. Garofalo.

MR. GAROFALO: I just have one
comment. There is a document on the Town
website which deals -- I think it might be
on the school website, that deals with
walking to school. You can take a look at
that. That covers many areas around the
different schools. Just to give you some
information on that issue. That was done
a few years ago.

MR. DANIELS: Okay.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: If there's
nothing else from the public, I'd like a
motion to close the public hearing,
please.

MR. TRONCILLITO: I'll make that
motion.

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: Any discussion?

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(No response.)

CHAIRMAN BRAND: Any objection?

(No response.)

CHAIRMAN BRAND: Okay. The public hearing is closed.

Pat, just to double check, procedurally we're waiting to hear back from the ZBA?

MR. HINES: The additional action you can take tonight is the applicants have submitted a short environmental assessment form. I guess we would wait for the ZBA approval.

CHAIRMAN BRAND: Yeah.

MR. HINES: I was going to suggest a neg dec but I think you should wait.

MR. BROWN: Pat, do I need to waive the 62 days?

MR. HINES: Yes.

MR. CAUCHI: When you're coming around the street, there there's a blind spot getting out of those driveways, around the curve as people are entering

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and exiting from that driveway.

MR. HINES: They provided the sight distance there. It's not really great but there is over 300 feet depicted. The County is going to have to weigh in and approve those driveway locations.

MR. CAUCHI: You follow what I'm trying to say; right?

MR. HINES: Yes.

MS. LANZETTA: I think we should ask legal to prepare a resolution once we get the final -- if the final approval comes from the Zoning Board of Appeals and if we get the Board of Health approval.

MR. HINES: And the County DPW.

CHAIRMAN BRAND: Just procedurally, there was a motion. Was there any objection to closing the public hearing first?

(No response.)

CHAIRMAN BRAND: No. Okay. So the public hearing is closed.

Cindy, you would like to authorize the attorney to draft a negative

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declaration and a resolution?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Is there any
objection to that from the Board?

(No response.)

CHAIRMAN BRAND: Okay.

MR. HINES: I think the applicant
was offering to waive the 62 day
timeframe, which doesn't sound like it
would be an issue.

MR. BROWN: Correct. You never
know.

CHAIRMAN BRAND: Okay. Thank
you.

MR. BROWN: Thank you.

(Time noted: 7:56 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 10th day of December
2021.

Michelle Conero

MICHELLE CONERO

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

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

----- X

FINAL - SUBDIVISION

Date: December 6, 2021
Time: 7:56 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN BRAND: Next on the agenda we have the Gallo Subdivision

MR. BROWN: Thank you, Chairman.

CHAIRMAN BRAND: Give it one second until we clear out.

MR. BROWN: The last time we were here we had a public hearing for Gallo. That was closed.

We have to revise the maps to show the fire access for fire turnaround and bypasses and what not. Based upon the length, we need two bypasses. I have the surveyor right now surveying the driveway. He informed me he would have that information for me this week. I'll revise the maps to show everything that was brought to light at the last meeting.

CHAIRMAN BRAND: Pat.

MR. HINES: We have no outstanding comments.

Jerry's office has prepared a negative dec and resolution.

CHAIRMAN BRAND: Did you want to run through that with us? Is there

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anything substantial we need to know
about, Jerry?

MR. COMATOS: No.

CHAIRMAN BRAND: Nothing at all.

Any outstanding questions or
comments from the Board?

MR. GAROFALO: Yes. I have some.
I want to make sure that in the approval
resolution, that it includes the 25-foot
long culvert, which was not shown on the
plan, and paving the short piece of the
entrance to the driveway which is required
to be 15 feet or to the right-of-way,
which ever is longer.

There's the ag buffer that wasn't
added on to the plan, and that needs to be
added on to the plan.

I think you need a letter from
the highway department.

CHAIRMAN BRAND: Anything else,
Mr. Garofalo?

MR. GAROFALO: I want to make
sure all of those will be included in the
resolution.

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MR. BROWN: I believe the Highway Department has already signed off.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Before you you have the SEQRA negative declaration and notice of determination of nonsignificance for the application of John Gallo and Rosalie Gallo for a two-lot subdivision per the Town of Marlborough Planning Board.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Troncillito?

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MR. TRONCILLITO: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: You also have
before you, for the application of John
Gallo and Rosalie Gallo for the two-lot
subdivision, a resolution of approval by
the Town of Marlborough Planning Board
dated December 6, 2021.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

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CHAIRMAN BRAND: Thank you.

MR. BROWN: Thank you.

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

(Time resumed: 9:25 p.m.)

CHAIRMAN BRAND: We will do the recreation fee findings for the Gallo Subdivision.

Recreation fee findings for the Town of Marlborough Planning Board. Whereas the Planning Board has reviewed a subdivision application known as Gallo with respect to the real property located at 46 Idlewild Road in the Town of Marlborough, Member Troncillito offered the following resolution which was seconded by Member Garofalo:

It is hereby resolved that the Planning Board makes the following finding pursuant to Section 277-4 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 the 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 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 Gallo resulted in one lot for a total of \$2,000 in recreation fees.

Whereupon the following vote was taken:

Chairman Brand, yes.

Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Lanzetta?

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MS. LANZETTA: Yes.

CHAIRMAN BRAND: Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: Troncillito?

MR. TRONCILLITO: Yes.

(Time noted: 9:27 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 10th day of December
2021.

Michelle Conero

MICHELLE CONERO

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

BLASHER/HAFERD
Project No. 21-5026
346 Mt. Zion Road, Marlboro
Section 102.3; Block 1; Lot 33
----- X

SKETCH - MINOR SITE PLAN

Date: December 6, 2021
Time: 8:03 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DAVID BLASHER

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

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CHAIRMAN BRAND: Next on the agenda we have the Blasher/Haferd sketch of a minor site plan at 346 Mt. Zion Road in Marlboro.

MR. BLASHER: Good evening. How are you?

CHAIRMAN BRAND: Excellent. Thank you. Do you want to give us a brief overview of what we have?

MR. BLASHER: My name is David Blasher. We reside at 340-346 Mt. Zion.

We're submitting a minor site plan application for short-term rental of the second building on the property.

CHAIRMAN BRAND: Great. Just to clarify, what is that other building?

MR. BLASHER: It's a two-bedroom, one bath house that has its own separate driveway and parking lot on the property.

CHAIRMAN BRAND: Great. Pat, did you want to run through your comments first?

MR. HINES: Sure. We received a copy of a site plan here. It only depicts

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one residence on the site. I assume it's this one here on the 11.1 acre parcel.

MR. BLASHER: Let me just double check which one you're looking at. Is it the sketch plat?

MR. HINES: Yes.

MR. BLASHER: That was a survey that was done in 2000 as an illustration. We did include -- there's another map that we have. It shows the existing three-bedroom house, driveway, parking. This one. Did you see this one?

MR. HINES: I do have that. That doesn't meet the requirements. This is like a Google Earth thing. We're going to need a site plan that shows what's actually there, where those houses are. Maybe a little history of that second house, if there were building permits and septic and wells. This was the original subdivision plat. I think it was from 1988 I believe.

MR. BLASHER: I mean you do see the existing house that's on the sketch

1 plat that you were looking at on proposed
2 lot 2. It's the existing two-bedroom
3 house. The house has its own well and
4 septic. My understanding is that Howard
5 Baker actually lived in that house in the
6 '70s, for what it's worth in terms of
7 history.
8

9 We're happy to provide additional
10 documentation as needed. Are you saying
11 that we need to provide another survey?

12 MR. HINES: Yes. Typically that
13 is what's required. Show that house,
14 well, septic and the parking, because this
15 survey map doesn't have that. I think it
16 was for the original subdivision. It may
17 not even be where the houses are actually
18 represented.

19 MR. BLASHER: It's the same
20 location. I do see it indicates the well
21 that is there. Do you see that?

22 MR. HINES: Yup. I only see one
23 house on that 11-acre lot.

24 MR. BLASHER: There's only one
25 house there. Well, there's two houses.

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BLASHER/HAFERD

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There's one that's right against Mt. Zion.

MR. HINES: You have proposed lot 1.

MR. BLASHER: That's the other house. We're not proposing that house for this application. It's the two-bedroom that's on proposed lot 2.

CHAIRMAN BRAND: It's on lot 4? Is that what you said?

MR. BLASHER: On lot 2. This survey -- we're not actually making any proposals for changes to the survey. This had been done and provided to us by the previous owners. We're using it for illustration purposes to show there's been no change to the property. The same buildings that are represented there exist to this day.

MR. HINES: That's not consistent with this plan. This shows two houses on the 11-acre lot.

MR. BLASHER: It's all one lot. There aren't different lots. Does that not make sense?

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MR. HINES: It doesn't.

CHAIRMAN BRAND: That doesn't make sense to me because it's showing separate lots. It says lot --

MR. HINES: Right now we only have tax lot 33 as part of this application.

MR. BLASHER: We're using this survey to illustrate. This is a previous survey that had been done. There's no proposal for any subdivision of the lot. It's all one lot that has two houses on it, and has since it was -- that illustrates what the current property is like. It's the same as what was on the survey. There's just no subdivision.

MS. LANZETTA: This is the one that --

MR. HINES: That looks to me like it's all the 11-acre lot.

MR. BLASHER: That's correct.

MS. LANZETTA: They haven't done the subdivision.

MR. HINES: Then it's much more

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than 11 acres.

CHAIRMAN BRAND: So right now on this map right here that I have, this one, --

MR. BLASHER: Yeah.

CHAIRMAN BRAND: -- that is basically proposed lot 1, 2, 3 and 4 being shown here?

MR. BLASHER: Yeah. That's the exact same as what we're seeing up on the screen. All those together are the same.

MS. LANZETTA: But this never happened?

MR. BLASHER: That's correct.

MR. HINES: Therein lies my confusion. So I think we need a site plan that shows the actual lots, and where these buildings fall on the lot, and where their wells and septic are.

MR. BLASHER: We can see them there on the parcel. You can see the house that's in question.

MR. CLARKE: But it does not show the septic. It does not show the well.

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MR. BLASHER: Okay.

CHAIRMAN BRAND: Pat, I know in the past we haven't required that for the applicants with a minor site plan.

MR. BLASHER: I wasn't aware that was a requirement, but we're happy to provide.

MR. HINES: I only see one house.

MS. FLYNN: If you go to this one --

MR. HINES: That's a different lot.

MS. FLYNN: But they're both .33.

MR. HINES: One is 35.

MR. TRONCILLITO: Sir, you live in a three-bedroom house?

MR. BLASHER: We live in both. We live in both, the three-bedroom and the two-bedroom.

That's correct, what we're seeing there. You can see the two-bedroom house a little bit more in the middle. That's what's proposed. That's the three-bedroom that you're just pointing to, and then the

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BLASHER/HAFERD

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two-bedroom.

MR. HINES: How many acres is
that total lot?

MS. FLYNN: It says it's 12.1.

CHAIRMAN BRAND: That doesn't add
up to 11.1.

MR. HINES: It's up to the Board.
If you're not as confused as I am --

CHAIRMAN BRAND: I'm still
slightly confused. I think if there's a
way to provide us with a better depiction
of what's going on there. On this sketch
plat, on the last page that you have of
your application, I see the one that says
Lands of Haferd and Blasher, 11.1 acres,
and then I see a proposed lot 1, proposed
lot 2, proposed lot 3. You also own part
of that proposed lot 1. Is that what I'm
inferring?

MR. BLASHER: We own the entire
12-acre lot.

CHAIRMAN BRAND: So none of them
say 12 acres. One says 11.1.

MR. HINES: I think that might

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have been the original parent parcel we're looking at, deciphering now.

MR. BLASHER: That's right.

MR. HINES: That was the total parcel somehow. It doesn't add up to 12 right now.

That other lot was -- there were two 4-acre lots. The front lot was something else adding up to that. Four lots total adding up to the 11. The 11 acres is not just this strip. This is the parent parcel. You have this side, this side. It's all four lots.

CHAIRMAN BRAND: Got you.

MR. BLASHER: I apologize for the confusion. That survey sketch that we provided, the prior owners had given it to us as a proposal. I definitely appreciate where it can be extremely confusing.

The entire lot that we're looking at here we own. We're just looking at turning the second -- the two-bedroom house into a short-term rental.

MR. HINES: There's two houses on

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the original 12 acre, plus or minus,
parcel. This subdivision was never filed
then?

MR. BLASHER: That's not up for
issue.

MR. CLARKE: You're living in
the --

MR. BLASHER: We live in both.

MR. CLARKE: But you're proposing
the second house --

MR. BLASHER: For short-term
rental. That's correct.

MR. HINES: If we can get with
the submission where things really lie on
the lot, that would be helpful.

MS. FLYNN: If you go under the
Ulster County Planning parcel, then you
can pull this up under your SBL.

MR. BLASHER: Okay. To submit
this document that we're looking at right
now --

MS. FLYNN: Mm'hm'.

MR. BLASHER: -- to the Board.

MS. LANZETTA: Use that for your

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base and perhaps give more -- just draw out where the driveways are, where your wells are, where you assume the septic is, just to give us a little more detail. Do it on top of that as your base map.

MR. BLASHER: I think what we had done is on Google Maps, which was not official.

MR. HINES: I think this subdivision map confused me worse than anything.

MR. BLASHER: I wish I could turn back time and take that document completely out of the record.

MR. GAROFALO: We also need to see the parking. Not only the building, we want to see the driveway and the parking.

MR. BLASHER: Right. Which we had provided. This other drawing we provided from Google Maps shows the parking, the driveway, the two-bedroom and three-bedroom.

Would it be sufficient to do the

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same thing on this parcel map?

MR. GAROFALO: We need more detail, to see the parking.

I will say that your plan and the house is one of the best ones I've seen so far.

MR. BLASHER: There are no changes there.

MR. GAROFALO: I want to thank you for that.

MR. BLASHER: So then to clarify, the map that we have, the Google Map version that shows the driveway, the parking lot, the houses --

MR. CLARKE: Show the driveway off of the existing stone house, because there is a separate driveway there.

MR. BLASHER: That's correct. On this map we do include the driveway and then the parking lot. So can I put the same information that's on the Google Map on this map?

CHAIRMAN BRAND: Yes.

MR. BLASHER: And include the

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BLASHER/HAFERD

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location of the well and the septic?

MS. LANZETTA: Yes.

MR. BLASHER: Is there any additional information or details we need to include on that map?

MR. HINES: My comment 3, I was working off the subdivision map thinking there was a private road. It doesn't appear that there is a private road so that is no longer an issue. We have had significant comments when people propose bed and breakfasts on private roads.

CHAIRMAN BRAND: Correct.
Disregard comment 3.

MR. BLASHER: Okay.

MR. HINES: Disregard comment 3.
1, 2 and 4 are all we're looking for.

MR. BLASHER: Okay. And confirmation that a valid septic and well, what would be an example?

MR. HINES: From the Building Department.

MR. BLASHER: Go to the Building Department?

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MS. LANZETTA: Well, if it's an older building it's possible that there might not be.

MR. HINES: The second house can't be. It's not shown on the -- I don't believe it's shown on the subdivision map. The one house is. I don't believe that the second house was on the subdivision map. It's newer. It's post 1988.

MS. LANZETTA: So you think there will be a record of the --

MR. HINES: Yes. I hope there would be.

MS. LANZETTA: Okay.

MR. CLARKE: You should delineate parking spaces 10 by 20 so we actually see parking spaces. There's plenty of room.

MR. BLASHER: Make a larger zoom-in map of the parking specifically?

MR. CLARKE: Either that or take this and use it as a template for your sketch.

MR. BLASHER: Okay. I'll reach

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out to the Building Department to get --

MR. HINES: Whatever information they have on your well and septic.

MR. BLASHER: On the well and septic.

MR. HINES: Depict the parking spots. You don't need six because there's only two people allowed per bedroom. You need four for the short-term rental and two for the other house. You need six total on the site.

CHAIRMAN BRAND: Pat, anything else?

MR. HINES: I don't think so.

MR. BLASHER: I'm sorry. Can you confirm, you said you want me to show the parking spaces for the house that's not at issue as well, the three-bedroom?

MR. HINES: The three-bedroom needs two spaces per the code and the short-term rental needs four spaces per the code.

MR. BLASHER: Do we need to provide proof of the septic and the well

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BLASHER/HAFERD

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for the house not at issue in this
application, the three-bedroom?

MR. HINES: No.

MR. BLASHER: Parking for both
houses but only well and septic --

MR. HINES: Well and septic for
the short-term rental one, which looks
like the newer house on the site. They
may be shared. I don't know.

MR. LOFARO: The new house you're
talking about, is that going to be
occupied by you guys?

MR. HINES: It's existing. It's
newer than the original.

MR. LOFARO: If it's going to be
a bed and breakfast it still has to have
owner occupancy. It sounds like he's
going to live in one house.

MR. HINES: Short-term rental is
allowed on the same parcel. You can have
separate structures.

CHAIRMAN BRAND: It's on the same
parcel.

MR. HINES: One of them has to be

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owner occupied.

MR. LOFARO: That's fine.

MS. LANZETTA: Can we schedule
the public hearing?

MR. HINES: I think so.

CHAIRMAN BRAND: So the next
available date for that would be January
3rd. Right, Jen?

MS. FLYNN: Yes.

MR. BLASHER: May I request the
following meeting? We're not going to be
in town on the 3rd.

MS. FLYNN: I don't have enough
time to get it --

MR. BLASHER: I'm sorry. After
the -- later in January. I am not a very
clear person this evening. I apologize.
It's the mask. I blame the mask. Which
ever is the next meeting in January, if
that's possible.

MS. FLYNN: The 17th.

MR. HINES: That's Martin Luther
King day.

MS. FLYNN: Do you want to do the

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2 Tuesday, do you want to skip the 17th, or
3 do you want to do Monday anyhow? It's
4 Martin Luther King.

5 MR. HINES: We haven't had
6 meetings on that day.

7 MS. FLYNN: I know the building
8 is closed.

9 MR. HINES: We have not had
10 meetings on that day.

11 CHAIRMAN BRAND: I guess I'll
12 leave that up to the Board. Do we want to
13 meet on the Tuesday following the Monday
14 or do we want to push off that second
15 meeting in January?

16 MS. FLYNN: I would have to see
17 if it's available also per the school.

18 CHAIRMAN BRAND: Here's what
19 we'll do. We will get back to you. We
20 will schedule you for the next available
21 public hearing after the January 3rd
22 meeting. Does that sound reasonable?

23 MR. BLASHER: Of course.
24 Absolutely. I appreciate it. I'll work
25 with your team for getting the letters

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BLASHER/HAFERD

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sent out.

MS. FLYNN: As soon as it's approved by the lawyer I'll send it out to you to mail out to everybody.

MR. GAROFALO: Please take a look at the website. There are instructions to notify people within 500 feet, et cetera. Make sure you're looking at the correct one. We have had people who have looked at the older ones and have had to have their public hearings extended. We don't want to have to do that. Make sure that you get the correct --

MR. BLASHER: There are multiple versions of the instructions?

MR. HINES: 500 feet.

MR. GAROFALO: 500 feet.

MR. BLASHER: Got it.

MR. HINES: We can set that on the 20th. We have a meeting on the 20th I believe. December 20th.

MS. FLYNN: I won't get it --

MR. HINES: We can schedule it for the 17th or the 18th, or whatever date

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we decide.

CHAIRMAN BRAND: Yes.

MR. HINES: We need to set it for
a date certain.

CHAIRMAN BRAND: We'll have a
decision by the next meeting.

MR. CAUCHI: The 20th is
canceled?

CHAIRMAN BRAND: The building is
closed for Martin Luther King day. He's
moving out to January --

MR. HINES: January 17th is
Martin Luther King day. I'm saying at the
next meeting we should be able to know
when our second meeting in January is
going to be.

CHAIRMAN BRAND: Correct.

MR. BLASHER: Any other
information I can provide for the Board?

CHAIRMAN BRAND: I don't believe
so.

MS. LANZETTA: Thank you.

MR. BLASHER: No more bad maps
for me.

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CHAIRMAN BRAND: Thank you.

(Time noted: 8:18 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 10th day of December
2021.

Michelle Conero

MICHELLE CONERO

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

POLLOCK SITE PLAN

Project No. 21-5019
39 Main Street, Milton
Section 100.1; Block 2; Lots 44 & 45
----- X

SKETCH - SITE PLAN

Date: December 6, 2021
Time: 8:18 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

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

CHAIRMAN BRAND: Next up, Pollock Site Plan, 39 Main Street, Milton, sketch of a site plan.

How are you this evening?

MR. MEDENBACH: Good. How are you all?

CHAIRMAN BRAND: Pat, your comments.

MR. HINES: Most of them are positive. A couple of zoning issues that we have, though.

The first comment just notes that we received the Ulster County Planning referral back. There was a required modification that's worded rather strange. It says the Town and Applicant should evaluate. Normally I would think if it was required it would say shall. Should has a very different meaning. The County comments recommend an electrical vehicle charging station be provided.

The balance of the comments are regarding carbon footprint and suggestions that the Town of Marlborough undertake,

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not specific to the project.

I guess the binding comment that the Town should look at is that the project meet New York State Energy Code by placing an electrical vehicle charging station on the site. I'll defer to the Board on that.

The plans have been revised per the jurisdictional fire department's comment letter, including the addition of a hydrant.

They did show the truck turning radius on the site. I just don't know -- Barry, did you get that truck from the fire department?

MR. MEDENBACH: Yes.

MR. HINES: That's the size they wanted?

MR. MEDENBACH: Not in writing. Just verbally at this point.

MR. HINES: If that's the size truck, it's fine.

MR. MEDENBACH: I thought he was going to be here tonight.

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MR. HINES: It's a small ladder truck. If that's the one that's coming, that's fine.

MR. WERBA: They should have submitted a letter. Correct? That's what we're referencing about the road?

MR. HINES: About the turning radius for the fire trucks.

MR. WERBA: Yes.

MR. HINES: When you say they, the fire district?

MR. WERBA: The fire department, yes, sent a letter to the Board, or to somebody.

MR. HINES: They sent a letter and they addressed it. The applicant's addressed it.

MR. MEDENBACH: We submitted documents. We showed the movement of the truck. We got the dimensions of your truck. We showed a template how to get into the site, make all the proper movements. Bobby talked to --

MR. WERBA: That's the new map

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that was e-mailed back out; correct?

MR. HINES: There was a recent map that shows that.

MR. WERBA: There was a recent map. Unfortunately I wasn't in on the e-mail so I'm trying to catch up to speed.

MR. HINES: The only reason I questioned it is that they did a fire truck turning radius and they provided us with --

MR. TRONCILLITO: When we were doing that apartment complex next to the middle school, I took Highlands, their towers.

MR. HINES: This is not a tower. This is a straight stick.

MR. TRONCILLITO: Straight stick.

MR. HINES: 35 feet long.

MR. TRONCILLITO: That's not what should have been used.

MR. HINES: That's a very small fire truck.

MR. MEDENBACH: That's the dimensional one that the department says

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is their biggest truck.

MR. HINES: The Milton Fire
District said that?

MR. MEDENBACH: Yeah. We talked
to Steve about it. He sent us a spec.

CHAIRMAN BRAND: Who is he?

MR. POLLOCK: Steve Kneeter.

MR. WERBA: Steve Kneeter sent
it?

MR. POLLOCK: Yes.

MR. MEDENBACH: I mean if it's a
different truck, give us a different
truck. We were told that's the truck.

CHAIRMAN BRAND: How big is the
truck? How big is the truck that you're
using?

MR. HINES: It's 35 foot long.

MR. POLLOCK: I would have to
look it up.

MR. HINES: That's what's on the
plan, 35 feet.

MR. MEDENBACH: I think that's
just the --

MR. HINES: That's the whole

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truck.

CHAIRMAN BRAND: Keep going, Pat.
Sorry.

MR. HINES: So the applicants --
this next one, I'm going to defer to Jerry
on this. The applicants have requested a
waiver for the size of the parking spots.
I don't necessarily have a concern but I
just don't know if this Board has the
ability to waive the size of the parking
spots. Your zoning is pretty clear that
they're 200 square feet. The applicant
wants to use 9 by 18. I can tell you a
lot of surrounding municipalities use 9 by
18 standard parking spaces.

MR. POLLOCK: The parking behind
here is 9 by 18.

MR. MEDENBACH: Actually it's 8.5
by 17.

MR. HINES: This was a school
district site when it was built, not
subject to your zoning.

MR. MEDENBACH: I guess the
question is is that a waivable item by the

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Planning Board?

MR. COMATOS: I don't think it
is.

MR. MEDENBACH: I always
understood that design standards are. I
mean I've had other design standards
approved by other planning boards waived.

MR. COMATOS: I'll look into it.

CHAIRMAN BRAND: Can I take a
pause? Doesn't our code not specify the
actual size, it just says 200 square feet?

MR. HINES: It does.

CHAIRMAN BRAND: They could, in
theory, do 9 by --

MR. HINES: They're trying to
maximize the parking on the site.

CHAIRMAN BRAND: Right. I don't
know if there's a turning radius thing
that they say that each space is this long
and this wide, if they meet that code.

MR. HINES: They can but they
won't do it any way you slice that pie.

MR. POLLOCK: Unless you can
count the aisle in.

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MR. HINES: It specifically
excludes the aisle.

MR. MEDENBACH: I thought so.

MR. GAROFALO: In looking at it,
it looked to me that it was under zoning.
Because of the dimensional requirement, I
thought it might very well require an area
variance which would be under the ZBA.

MR. COMATOS: That's my initial
response. I'm willing to look into whether
the design standards of this can be waived
by the Planning Board. My initial
reaction is you need a variance.

MR. MEDENBACH: Yeah. You know,
I mean I've been doing this for a long
time and usually the dimensional standards
for parking lots, curbs and driveways and
things like that are design standards that
I thought were specifically waivable.
Maybe what I'll do is I'll have our
attorney, who is Mike Moriello, just write
a memo on that --

MR. COMATOS: That's fine.

MR. MEDENBACH: -- or contact you

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directly.

MR. COMATOS: He can contact me

directly.

MR. MEDENBACH: If it is

determined it's a variance, we'll have to
get the variance. We really don't have the
room up there.

MR. GAROFALO: The way the code

is written, it's written that the chairman
of the ZBA is supposed to request from the
Planning Board a written recommendation on
the variance. So if it is required, we
will probably have to give a written
recommendation to the ZBA as to our
opinion on it.

MR. MEDENBACH: Okay. What is

the Board's opinion?

MR. POLLOCK: Your parking lot is

smaller than what we're requesting.

MR. MEDENBACH: The 9 by 18 is

pretty standard parking. I think Patrick
will agree with that.

MR. HINES: 9 by 18 is, I will

say, a parking lot -- parking space size

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2 in many municipal codes for the towns I
3 work for, besides the Town of Newburgh.

4 MS. LANZETTA: I would support
5 that.

6 MR. GAROFALO: Even I would
7 support that in this particular situation.

8 MR. HINES: You are in a hamlet
9 which is kind of a tighter area. You're
10 not in a green field where you have all
11 the room in the world where you can do
12 that.

13 MR. GAROFALO: If it is required
14 we have to give that in writing to the ZBA
15 chairman. As you can see, I think the
16 Board is pretty comfortable with doing
17 that. There are other issues that you
18 will want to deal with.

19 MR. HINES: I think dropping down
20 from the ZBA issues, my number 6 there,
21 Section 155-30, multiple dwellings, the
22 minimum distance between structures where
23 there are two or more structures on a
24 single lot devoted to multiple dwellings,
25 the minimum separation between the

1 structures shall be 1.5 times the height.
2
3 I think we have three multiple structures
4 here. I just don't know how you meet that
5 1.5.

6 MS. LANZETTA: Pat, I was reading
7 that, too. I have a question in A-3-C.
8 Under the C-1 district it says setbacks
9 for front yard shall be a minimum 5 feet,
10 each side yard may be 0 feet, and rear
11 yard may be a minimum of 20 feet -- shall
12 be. Then it goes on to talk about design
13 standards in subsection B. I'm thinking
14 that this section is more about the mixed
15 use with residential above the stores than
16 multi-family. I'm thinking this applies
17 more, you know, with the non-standings to
18 this particular project as opposed to the
19 multiple-family regulations.

20 MR. HINES: Those are your bulk
21 side yard, rear yard, front yard setbacks.

22 MS. LANZETTA: The distance
23 between the buildings, isn't that the side
24 yard?

25 MR. HINES: No. The side yard is

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on the outside lots.

MR. GAROFALO: I think the distance between the buildings, the reason they have a regulation like that is so that if the buildings fall, they're not going to domino each other. That's why you want separate buildings.

MS. LANZETTA: When you're talking about mixed use and you're trying to put buildings very closely together so you can maximize the amount of buildings on the property, how are you going to meet those kinds of distances when you can't do that? These buildings are not multi-family, they're mixed use buildings.

MR. HINES: They're multi-family by the State Building Code, more than three units in a building.

MS. LANZETTA: But they allow -- for the mixed use they allow for four residential.

MR. HINES: You can have four and you can have up to fifteen in a building. It's a certain number per building, which

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is why I think you may have detached them
in the first place.

MS. LANZETTA: Do we have like
dueling codes here or --

MR. HINES: You have your
setbacks, which are setbacks from the
exterior property lines, which they meet
all those setbacks.

MR. MEDENBACH: If it's a 0 side
yard we could put multiple lots here. It
doesn't make any sense. You could put
each building on a separate parcel. Is
that correct?

MR. HINES: I don't know if that
helps you. You would have access issues.

MR. MEDENBACH: It's just a
brainstorm I'm having right now.

MR. HINES: My idea was fire
separation. My initial thought was to put
a breezeway and connect them all, make
them one building.

MR. MEDENBACH: We can connect
the roof.

MR. HINES: Then you end up with

too many units because only one building can have a certain number of units in a multi. I think it's twelve or eighteen.

MR. POLLOCK: How about if we don't build anything in those breezeways?

MR. HINES: That was my initial take, to put breezeways in between and make them one building, but I think you have a maximum unit count.

MR. MEDENBACH: We have buildings now that are separate that are attached. We call them separate buildings. It's just that there is 0 setback.

MR. HINES: I think they are fine.

MR. MEDENBACH: By connecting them with a roof doesn't change that.

MR. HINES: But you exceed the maximum number of units when you put them all together as one.

MR. MEDENBACH: Yes. I agree.

MR. HINES: That's the problem.

MR. MEDENBACH: Yes. Well you could interpret it one way for one part of

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2 the zone and another way for the other
3 part of the zone.

4 MR. HINES: I don't do the
5 interpretation, though. That's the
6 concern I have.

7 MS. LANZETTA: I'm confused,
8 because one of the things that the County
9 said was that this was really a good way
10 to utilize, you know, the hamlet, the
11 downtown hamlet section with the utilities
12 and to add additional residential
13 opportunities for people, because right
14 now we need those. So in the discussion,
15 the recommendations they thought this was
16 all really good infill. So how do we take
17 these existing codes then, especially
18 looking at the updates that were done to
19 improve the C-1 district, and then run
20 into this brick wall with multi-family? I
21 mean how do we --

22 MR. HINES: I don't know. I
23 wasn't involved in that.

24 CHAIRMAN BRAND: Is the situation
25 that they're in something that the ZBA

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could override?

MR. HINES: The initial take would be to get Tommy Corcoran's take on it. He is the arbiter of these issues. I haven't had this conversation with him. I just got back from two weeks being away and I got these detailed plans.

I think the first step would be for Tommy Corcoran to weigh in on it. If he says it's not an issue, then it's not an issue. If it is, then it may be a ZBA issue.

MR. MEDENBACH: I didn't hear the first part of that.

MR. HINES: The first step is to go to the Code Department and have them read this comment and make a determination. Tommy Corcoran.

MR. MEDENBACH: Right. All right.

CHAIRMAN BRAND: Okay. Let's keep going.

MR. HINES: A breezeway between one of them may certainly reduce the

1 amount. I think connecting all the
2 buildings together makes you over the unit
3 count.
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5 MR. POLLOCK: Even if we keep the
6 same amount of units, --

7 MR. HINES: Yes.

8 MR. POLLOCK: -- it still exceeds
9 the unit count?

10 MR. HINES: If you make them all
11 one building.

12 MR. MEDENBACH: What was the
13 number over each? It is a crazy provision
14 in the law, but there it is.

15 CHAIRMAN BRAND: Maybe I'm
16 thinking -- for example, if 1 and 2 were
17 considered one unit, would that -- is
18 there a limit to the number of businesses
19 that can be inside?

20 MR. HINES: It's not the
21 businesses. It's the separation once you
22 make them separate buildings. If 1 and 2
23 were connected with a breezeway, and 3 and
24 4 -- up to eight, there are a certain
25 number of apartments you can have in a

1 building. It's a separate section of the
2 code. If we connect them all there's too
3 many apartments in one building.
4

5 CHAIRMAN BRAND: I'm looking at
6 like 1 and 2, 3 and 6, 7 and 8 as three
7 separate things.

8 MR. HINES: This is three
9 separate buildings in my mind.

10 CHAIRMAN BRAND: So the problem
11 is the spacing between --

12 MR. HINES: Spacing between the
13 buildings.

14 CHAIRMAN BRAND: Between 1 and 2,
15 3 and 6, 7 and 8?

16 MR. MEDENBACH: We're actually
17 determining that each building, 1, 2, 3,
18 4, 5, 6, 7, 8, are separate buildings
19 because there's a firewall between them
20 and that meets the Building Code
21 requirement for separate buildings. Then
22 there's the interpretation of the Zoning
23 Code, which we look at that differently.

24 MR. LOFARO: They're built
25 independently? They don't share a

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firewall?

MR. MEDENBACH: I'm sorry?

MR. LOFARO: Are they built
independently or do they share a firewall?

MR. HINES: If they're two-hour
rated between them they're considered
separate buildings.

MR. MEDENBACH: Usually you do
half on one, half on the other.

MR. POLLOCK: They're all
sprinklered also. Everything is
sprinklered in here.

CHAIRMAN BRAND: So that needs
clarification from the code enforcement
officer and the attorney to interpret the
code.

Keep going, Pat.

MR. HINES: I think the rest of
my comments are pretty positive.

The off-street parking I did on
Brewster, they do meet -- both lots meet
separation for the off-street parking of
250 feet from property line to property
line.

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you're set they need to be shown.

CHAIRMAN BRAND: What does the
fire department want?

MR. HINES: They have to be 50
feet from the hydrant.

MR. POLLOCK: What was the
question?

CHAIRMAN BRAND: What does the
fire department recommend?

MR. TRONCILLITO: That would be
up to the new chief sitting behind you.

CHAIRMAN BRAND: That's what I'm
asking.

MR. MEDENBACH: Whatever they
require is what we'll have to provide.

MR. POLLOCK: Anything I do with
mixed usage I always put sprinkler systems
in. If they require standpipes, I'll do
that also. I'm very big on sprinklering
buildings. I haven't lost a building yet.

MR. HINES: There's a siamese
connection outside where you --

MR. POLLOCK: There's always a
siamese.

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MR. HINES: The location of those
just need to be depicted.

MR. POLLOCK: Even at 30 Main
Street we have a siamese. At Freida's we
have a siamese.

MR. HINES: I think the chief
wants to weigh in.

MR. WERBA: I mean as we're
talking all about this, and I'm sorry,
this is the first meeting I'm sitting in,
if we could make a recommendation I'd love
to have one on either side because access
may be a little bit of an issue with this
lot. Okay. I don't want lives at stake.
So that's what I would ask. Okay.

MR. POLLOCK: One on each side of
the structure?

MR. WERBA: Yes.

My other question is, and I guess
that goes to Pat and to you guys, as we're
talking about separation and buildings
with a two-hour fire rated wall, what does
that mean for the standpipe system? Does
that mean one building -- I'm going to

1
2 have, you know, one or two siamese for the
3 whole entire complex, or am I going to
4 have it on each individual building, or is
5 it every building that's in between the
6 fire rated walls?

7 MR. HINES: I think you're going
8 to have one on every building whether
9 they're touching or not. So you could
10 have eight of them.

11 MR. WERBA: I'm going to have
12 eight. Okay.

13 MR. HINES: Or sixteen on your
14 plan.

15 MR. WERBA: I mean if we're
16 building, great. We'll have to go to the
17 letter of the law, okay. But if it makes
18 it easier, that's what I would ask.

19 MR. POLLOCK: Normally we put
20 standpipes in front of every building. In
21 this case we would use one central water
22 main for the whole building.

23 MR. HINES: Each of the buildings
24 are shown.

25 CHAIRMAN BRAND: You're saying

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two for 1, two for 2, two for 3, two for
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MR. HINES: I'm not saying that.

MR. POLLOCK: We can't do two for
2.

CHAIRMAN BRAND: That's a lot.
That's sixteen.

MR. POLLOCK: One per building.

MR. HINES: I don't know how you
pipe that.

MR. MEDENBACH: He's asking for
one in the front and one in the back.
Each building is going to have its own
system. He wants one in the front and one
in the back. You end up with sixteen.

MR. WERBA: I don't see the plans
for that, or any type of water system.

MR. MEDENBACH: That's usually
done with the building plans which we
wouldn't develop until --

MR. HINES: Access is the issue.
These architects will itemize.

MR. MEDENBACH: Is that something
we have to resolve with the Planning

Board? That's really a building code issue.

MR. HINES: It just helps if you can locate them now rather than try to fit them in where they don't --

MR. MEDENBACH: It gets down to the design of the buildings and meeting the fire code requirements. It requires a lot of design work to make that determination of what's required under New York State Building Code for commercial buildings. I think we can simply say we're going to comply with the New York State Building Code with the Highway Department approval because I can't answer that question. I have to have other professionals involved to come up with that. They are going to say we need to figure out all the details of the building before we can really size what that is. They're going to have to have a mechanical engineer get involved. It's not something that we usually determine at this stage. We just say we're going to provide it.

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MR. HINES: Let's put a note on the map to coordinate it with the fire department. Location of the OSI system will be coordinated with the fire department, --

MR. TRONCILLITO: You're talking about Main Street?

MR. HINES: -- that way as you develop your building plans --

CHAIRMAN BRAND: Okay. Keep going.

MR. HINES: The relocation of the utilities in the front, I just have a concern that that should be addressed sooner than later because I think you only have a seven-foot sidewalk there and the mast arms -- I don't want anyone reaching out of the building and grabbing on to a Central Hudson power line.

MR. MEDENBACH: There's been communication. We don't have any feedback.

MR. HINES: That's something to be resolved.

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MR. POLLOCK: We had a conversation with Central Hudson already with making sure it's at least ten feet away from the building.

MR. HINES: You only have a seven-foot sidewalk.

MR. MEDENBACH: I don't think they can just move the pole.

MR. HINES: I just didn't -- let's talk about it now rather than later.

The bulk table, you reduced the building height to 32 feet. The bulk table still says 40 I think. Just to clean that up on the first page.

The stormwater pollution prevention plan has been submitted. We're reviewing it.

We're suggesting the plans go to the Water and Sewer Department now.

Accessible signage on the site plan with details.

The dumpster looks a little small for that number of units. I think you have a lot of room there.

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MR. POLLOCK: We can put a couple there.

MR. HINES: Just to address that. It's only one eight-foot dumpster enclosure.

The rear access drive is 25 feet. The building code for buildings greater than 30 feet are 26 feet. Talk to Tommy.

MR. MEDENBACH: Are you sure Appendix D is applicable to this site plan?

MR. HINES: I think so. You're saying your building heights are 32.

MR. MEDENBACH: Yeah.

MR. HINES: Talk to Tommy.

MR. MEDENBACH: It has to do with access driveways.

MR. HINES: For aerial access.

MR. POLLOCK: This is a commercial --

MR. HINES: Any building higher than 30 feet. So take a look at it. Talk to Tommy about that.

MR. MEDENBACH: I'll look into

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it.

MR. HINES: We're looking to see -- this is just a suggestion -- if one of the parallel parking spots could be identified as accessible in front of the building for the commercial use.

MR. POLLOCK: Sure.

MR. HINES: I know it's on Main Street there but it will provide that use.

The neighboring house sewer, you're going to relocate that. Do you own that?

MR. MEDENBACH: No. We did a land swap up there and they said they wanted to be able to have access to the sewer for their house. In order to not just run it down the middle and rip up the whole road, we gave them an easement.

MR. HINES: That's what I wanted to make sure, that there were legal agreements to make that happen. You're not running it, though?

MR. MEDENBACH: No. We're giving them the ability to run it.

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MR. HINES: Okay. A concrete retaining wall. It shows a wall.

MR. MEDENBACH: We'll give you more detail on that.

MR. HINES: The rock cut, I just wanted the Board to know this. It's a 40 foot rock cut, or hopefully rock cut, proposed in the rear.

MR. CLARKE: 40 foot deep.

MR. HINES: A 40 foot hill going up behind this.

MR. MEDENBACH: From top to bottom there is a total of 40 feet in elevation.

MR. CLARKE: Does the building --

MR. MEDENBACH: It's all behind the parking lot.

MR. HINES: The building serves as the first 10 feet from the Main Street back, then it sets up, and then it's a 40 foot wall. It's going to look like the old Dicky Diner's site in the back. I want to make sure there's competent bedrock there.

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MR. MEDENBACH: We can have a geologist look at it.

MR. HINES: Let's get that looked at and make sure it works.

Then I'm suggesting that you provide some drainage in between the top of curb and that wall so you don't get constant bleed across.

MR. MEDENBACH: Just tie it into our system you mean? Put a subdrain there?

MR. HINES: Between the curb and the wall. You don't want that freezing out every night on you.

MR. MEDENBACH: I got you. Yes. No problem.

MR. HINES: We're suggesting there be a fence on top of the rock cut.

MR. POLLOCK: No fence. Just kidding. Diving boards.

MR. HINES: Have a rock climbing wall.

We just talked about the drainage.

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You have a couple things to go over with Tommy. Otherwise, the County comments were very favorable I think.

CHAIRMAN BRAND: Absolutely.

MR. HINES: You've got some clean up, but I'll defer to the Board.

CHAIRMAN BRAND: Comments or questions from the Board?

MR. TRONCILLITO: Who is going to give the sight line approval from the driveway that goes up Milton Turnpike? Is that going to be the County?

MR. MEDENBACH: The County has looked at it already. They commented on it. They asked me to show some additional drainage.

MR. TRONCILLITO: I'm talking about the sight line as you're pulling in and out of the upper driveway?

MR. MEDENBACH: The County has looked at that. I will get a letter from them. We're real close to approving that.

CHAIRMAN BRAND: Steve.

MR. CLARKE: I have three

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2 comments. I guess I'll start on that same
3 spot. Because it doesn't come out on to
4 Milton Turnpike at a 90 degree angle, if a
5 car is coming down Milton Turnpike and
6 makes a left-hand turn in there and
7 there's a vehicle waiting to pull out, you
8 need to have a lot of width there. 26
9 feet I know is great, but that's going to
10 be a real issue. I see that as a real --

11 MR. MEDENBACH: There's plenty of
12 room. We made it 30 feet wide.

13 MR. CLARKE: 30 feet wide, that's
14 fine. If there is 30 feet of open space
15 for -- this is the parking area coming out
16 to Milton Turnpike.

17 MR. MEDENBACH: I know what
18 you're talking about.

19 MR. CLARKE: The code calls for
20 1.5 parking spots per unit.

21 MR. MEDENBACH: I'm sorry?

22 MR. CLARKE: The code calls for
23 1.5 parking spots per unit.

24 MR. MEDENBACH: Yes.

25 MR. CLARKE: 32 units, 48 parking

spots. You've got 39 proposed. If I was a renter and you told me -- I don't know if you're going to designate those parking areas or it's going to be first come, first served. If I was pulling in to find a parking spot and I had to go down Brewster Street and walk up, I'd be a very unhappy tenant. It looks like you've got a little more area up there. Why don't you get the parking spots that are required for the apartments in that area?

MR. MEDENBACH: We can't fit them. There's just not enough room. We've got tons of rock removal. We have slope issues. We squeezed out as many parking spots as we can on the site.

MR. CLARKE: You're going to have some unhappy tenants.

MR. MEDENBACH: I think that's -- first of all, you're assuming all tenants have cars. Some might not. Some of these are -- he's looking at workforce housing for his facility. People do have apartments. You go into any urban area,

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people are fighting for parking spots
every night.

MR. CLARKE: I'm just saying on
the plan --

MR. MEDENBACH: We don't have
room on the site for that.

MR. POLLOCK: We're trying to
make it into a walking town, more of
something you would see somewhere else
than Marlborough. So we encourage
bicycles. That's the Green movement we're
trying to push on this thing.

MR. CLARKE: I understand that.

MR. MEDENBACH: People are told
they have to park their car 250 feet away.

MR. CLARKE: If someone pulls in
and they're all full, you're going to hear
about it. I think you should find a way
to accommodate that.

MR. MEDENBACH: I've spent hours
and hours trying to squeeze more parking
out of this. We can't squeeze any more.

MR. CLARKE: My other issue is
you had said you were going to add 8.5

1 feet to the -- right now Main Street is a
2 one-way street. You're going to add more
3 cars. You're going to add 8.5 feet.
4 That's not a lane. I would prefer to see
5 a 10 or 12 foot addition so you have a
6 full lane.
7

8 MR. MEDENBACH: Where are you
9 talking about? In the road itself?

10 MR. CLARKE: Main Street on a
11 previous map you were going to give the
12 Town 8.5 feet.

13 MR. MEDENBACH: For the parking.
14 For the adjacent parking.

15 MR. POLLOCK: So we have two
16 lanes here. We have two lanes.

17 MR. MEDENBACH: You have a lane
18 in each direction.

19 MR. CLARKE: Yes. Right now when
20 you park on either side, there's one lane.

21 MR. MEDENBACH: That's correct.
22 We're going to provide that space so the
23 cars don't take up that pass-through lane.
24 You'll have two full lanes there plus
25 parking.

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MR. POLLOCK: Parking on both sides of the street.

MR. CLARKE: So you have 8.5 feet. A parking spot is 10.

MR. MEDENBACH: It's parallel parking. I mean some parallel parking spaces are only 6.5 feet wide.

MR. CLARKE: Those are my concerns.

MR. MEDENBACH: They meet the standards for parallel parking. A lot of times you have the space so you can swing the doors open.

MR. CLARKE: My concern is twenty years from now it's going to be a walking town because there's no place to drive. They'll say why didn't the Planning Board. I'm making the comments now.

MR. GAROFALO: If I can weigh in on the subject. I think one of the things that you are doing that's very positive is widening the travel way. I think what you want to do is tell us exactly what the current travel way is. Right now you have

1 parking on both sides. You're not
2 necessarily really creating new parking.
3

4 MR. POLLOCK: No, we're not.

5 MR. GAROFALO: What you're really
6 doing is improving the travel way.

7 MR. MEDENBACH: That's correct.

8 MR. GAROFALO: The 10 foot lanes
9 actually don't meet the typical standard
10 in our Town which is 12 feet. It's
11 certainly a very big improvement to what's
12 there. I think that's important for you
13 to emphasize.

14 MR. MEDENBACH: I'll give you
15 more details on that.

16 MR. GAROFALO: Okay. I have a
17 bunch of other questions if other people
18 are done.

19 CHAIRMAN BRAND: Please, go.

20 MR. GAROFALO: Okay. With
21 respect to that, the loading zone I think
22 is a good idea. The code requires the
23 loading zones to be on the same lot, and I
24 don't know as if we have the authority to
25 waive that with the idea that the loading

1 zone will be in the street. It's
2 something that is a legal question. The
3 other thing is that the loading zone would
4 have to be approved by the Town. That's
5 something that you have to, at some point,
6 go to the Town to get approval for that
7 loading zone.
8

9 MR. HINES: The elevations make
10 it more conducive to be there, too, with
11 the retail.

12 MR. GAROFALO: Absolutely.
13 That's why I think it's a good idea to put
14 the loading zone there. Also, other
15 businesses would be able to use it. It
16 wouldn't be restricted to the businesses
17 that are on the site.

18 The other comment that you have,
19 Mr. Hines, about putting an accessible
20 spot in here I think would also be very
21 good. You have the library which doesn't
22 have one which is right across the street.
23 We have an accessible ramp that leads to
24 nowhere. Maybe that could be corrected.
25 But I think having an accessible spot in

1
2 this area would be very good. Again, I
3 don't know if that would require the Town
4 Board approval because they're the ones
5 who approve regulations on the street.

6 MR. MEDENBACH: I think we have
7 to have Town Board approval for all the
8 improvements we make on the street.

9 MR. GAROFALO: I don't know if
10 you add that accessible spot in, whether
11 that would suffice under the ADA
12 requirements for you to remove an ADA spot
13 in the back. So that's something that --

14 MR. MEDENBACH: Why would we
15 remove it from the back?

16 MR. POLLOCK: We're not removing
17 it from the back.

18 MR. HINES: He's trying to give
19 you an extra parking spot.

20 MR. POLLOCK: If we make a
21 requirement for the whole street to do
22 ADA, which they have done in other
23 municipalities where they gave X amount of
24 ADA spots on a main street so they have
25 that for those, it shouldn't be just us.

1
2 Think of it as one community instead of
3 thinking of one building.

4 MR. GAROFALO: I just don't know
5 if we have the authority to make that kind
6 of change. Certainly it's the Town that
7 has the authority to designate one of
8 those spots on the street as an accessible
9 parking space.

10 MR. HINES: The Town Board is
11 going to have to buy into all the
12 improvements in the right-of-way there.

13 MR. GAROFALO: I'm just putting
14 that out. You may want to take a look and
15 see if that would be part of your ADA
16 requirements and get you two more parking
17 spaces.

18 MR. MEDENBACH: That just brings
19 up the argument can we have an ADA space
20 that's not on our site. I look at that
21 parking lot up there and basically the
22 code says you have to have 4 percent.
23 That's what we're providing. I think that
24 just maybe it requires another potential
25 variance or something from the code. I'd

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rather just leave that ADA space up there.

MR. GAROFALO: I'm just giving you an option. If you want to look at that, you can look at that.

MR. POLLOCK: Thank you.

MR. GAROFALO: The same thing with the loading building. You're going to have to take a look at that. That's a zoning requirement. You have over 10,000 square feet of retail space.

There is also a requirement, just so you know, that you cannot display wares on the sidewalks. That's not permitted.

I do have a question as to whether any of those slopes in the back are 25 percent slopes, because there are some special regulations dealing with --

MR. MEDENBACH: I didn't quite follow that.

MR. GAROFALO: If any of the slope in the back, that rock slope, is 25 percent grade, --

MR. MEDENBACH: Yeah.
Absolutely.

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MR. GAROFALO: -- you should look at our code about the restrictions. We may have to do some waivers on that.

MR. MEDENBACH: I think that has to do with soil, not rock. Right?

MR. HINES: I don't know if it's in this zone. I think it's in the ridge preservation area that has that slope requirement. In the ridge preservation --

MR. GAROFALO: This is a separate slope ordinance that deals with the 25 percent slope. Certainly because it's rock, --

MR. MEDENBACH: I think --

MR. GAROFALO: -- it's not like it's soil.

MR. MEDENBACH: -- based on what Patrick asked for, we're going to have a geologist evaluate the stability of that rock to show that when we cut it in a more vertical layer, it will be stable, it won't be falling down. It's not loose shale. I don't think it's a problem but I'm not a geologist. We'll have a

professional geologist look at it.

MR. GAROFALO: With regard to the parking lots on Brewster, I think you're going to have a paved apron on one of those lots which doesn't have that 15 feet or to the right-of-way line. You'll have to look at the driveway. Those may not be adequate.

You should also provide information on the parking areas. You show them on the map. I think we need some dimensions so that we can see what these parking space sizes are, what the aisles are, to get an idea of whether or not the number of parking spaces as outlined meets our code.

Since this is a shared type of situation, I think you should provide -- these are the buildings that under the building code are using those parking spaces. You can't have a situation where you have fifty parking spaces and fifty buildings using the same parking spaces. I think what you need to do here is

1 identify these are the buildings that are
2 on the lot and have access to it, this is
3 their zoning requirement, what they are
4 required to use. Certainly there are
5 options for shared parking benefits.
6 Hours of operation, days of operation,
7 type of business.
8

9 MR. MEDENBACH: Right now that
10 parking lot is not designated for any
11 other use. That's just some adjacent land
12 that Bob was able to acquire. He took
13 down a garage or whatever, the barn
14 building or something, and graded it all
15 off. It's suitable for parking but it was
16 not part of any of the other uses that
17 he's had approved.

18 MR. GAROFALO: For both of those
19 lots?

20 MR. MEDENBACH: That's correct.

21 MR. GAROFALO: I think you need
22 to put that down.

23 MR. MEDENBACH: We'll do that.
24 We'll give you more dimensions on the
25 parking spaces.

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MR. GAROFALO: More dimensions,
more information.

MR. MEDENBACH: Right.

MR. GAROFALO: It's not an ideal
location, even though it's within the
distance, because you can't really see it.
You don't really know it. So as Mr. Hines
said, you're going to need some way fair
signs so that people know that they can
get there to park, and you'll need some
signs there to identify that they can park
there. So you want to make that -- you
want to have that connection. It may be
that the applicant decides -- you need to
have that connecting between the building
and the parking lot because it's not
something that's visual.

MR. MEDENBACH: Right. We'll be
happy to put some signs up to direct that.
I also think what's going to happen here
is that some of these renters of the
apartments on this site are going to be
told hey, you're parking your car down
there when they sign the lease. You know,

1 that they are not going to be guaranteed a
2 parking spot. Bob may even want to
3 designate specific ones. Some people pay
4 extra for onsite parking, some don't.
5

6 MR. CLARKE: I have a question.
7 What's the elevation of the parking spots?
8 Is it street level or is it --

9 MR. MEDENBACH: It's ten feet
10 higher.

11 MR. CLARKE: Ten feet higher.

12 MR. MEDENBACH: There's a set of
13 stairs between the -- there's two sets of
14 stairs going up between the buildings that
15 will bring you up there.

16 MR. CLARKE: Okay. So it's
17 basically the height of the commercial
18 building?

19 MR. MEDENBACH: Yeah. The way
20 the building is designed, and we did
21 submit some architecturals, I didn't see
22 them present here, but the street level is
23 the retail that goes in, and then the
24 level above that, which would be called
25 the second floor, would have the level of

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the parking lot in the back.

MR. CLARKE: Okay.

MR. MEDENBACH: If you parked in the back, you've got ground level and one above it.

MR. CLARKE: All right. That makes more sense.

MR. GAROFALO: So the other thing is the on-street parking spaces, I know they are 8 feet wide. How long are they? If you could show that on the plans.

What else have I got here? Prior there was a discussion about whether a ladder truck can actually get the ladders up given the distances. We'd like to -- hopefully you can get that kind of information to the fire department, make sure that's not going to be any kind of a problem.

That is a one-way street, Brewster Street, so people are not going to be driving on it very fast. You virtually have to walk in the road because of the way the fences are, people parking

1 there. So it's not an ideal pedestrian
2 area but at least it's not some place
3 where people are driving at high speeds.
4 I can certainly see people walking from
5 those areas.
6

7 It would be nice maybe if you had
8 some lighting at the entrance to clearly
9 identify it at night, --

10 MR. POLLOCK: Sure.

11 MR. GAROFALO: -- because driving
12 there at night may not be the easiest to
13 see.

14 Also, you should know that the
15 County not only has to review your
16 driveway access, but because you're
17 interfering -- you're changing Main Street
18 where it intersects the County road, they
19 should also be commenting on those
20 intersection changes.

21 MR. MEDENBACH: You're talking
22 about the Town Board?

23 MR. GAROFALO: The County.

24 MR. MEDENBACH: Oh, the County is
25 looking at the whole project. Yes.

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MR. GAROFALO: I just want to make sure that you understand that they have to look at that also.

CHAIRMAN BRAND: Anything else, Mr. Garofalo?

MR. GAROFALO: I'm looking to see if I covered everything. I think I covered everything. Thank you.

CHAIRMAN BRAND: Anything else from the Board?

MS. LANZETTA: I just want to bring up the County's required comments. That was to take a look at some ways of being a little more sustainable and, you know, your use of energy and the use of your tenants. So not that you have to install any of this stuff, the solar or the geothermal or heat pumps, but you have to show us that you made the effort to look at those things --

MR. POLLOCK: Sure.

MS. LANZETTA: -- for the building, and if there's any way that you could make it a little more energy

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friendly. We need to take a look at it as well.

MR. CLARKE: Are you going to build to the LED standard?

MR. POLLOCK: We're going to go above LED standards on these I think. We're looking at geothermal, to tell you the truth.

MR. MEDENBACH: You're going to see high energy efficiency.

MR. POLLOCK: We're doing triple pane.

MR. MEDENBACH: It's above what the code requires.

MS. LANZETTA: If you could just outline --

MR. MEDENBACH: We'll spell it out for you.

MS. LANZETTA: Thank you.

MR. POLLOCK: I'm hoping this will be an example for future development on Main Street because we really need -- we need mass housing. We need to bring more people on to a street where we can

1 actually have shops where people shop,
2 otherwise we can't survive on the retail
3 we have now. So we really have to
4 encourage retail throughout the whole Main
5 Street area into North Road.
6

7 I have a property there, Milton
8 Realty. I'd like to develop that
9 eventually, and also the one that was
10 Chernobyl.

11 CHAIRMAN BRAND: Those people
12 will have cars.

13 MR. POLLOCK: If you look at
14 Kingston and how that's being developed,
15 it's interesting also. They have handicap
16 parking spots on the street.

17 MR. MEDENBACH: There's a big
18 push in the County for the dependency type
19 of uses. I think there's an opportunity
20 here for Bob. Bob says to me, he goes my
21 employees have no place to live.

22 MR. POLLOCK: It's not only that.
23 We don't have -- they need places to shop.
24 We need to bring back the butcher and the
25 baker and all the other people, and candy

1 stores and all the other stuff that used
2 to be -- made up Milton I assume. We have
3 to bring back the shops again, this way
4 you don't have to drive to every strip
5 mall. It's ridiculous to have to drive
6 everywhere to get anything to eat or -- to
7 eat or actually shop for. So we need to
8 bring it back to Main Street. The whole
9 thing is we've lived without cars years
10 ago and we survived. Let's try to be a
11 little -- before we ask for cars we should
12 think twice. It should be a secondary
13 idea, not a primary.

14
15 MR. GAROFALO: One of the things
16 that was discussed was charging stations
17 for vehicles.

18 MR. POLLOCK: Correct.

19 MR. GAROFALO: It would be nice
20 if these buildings lasted a hundred years
21 or more. You may want to think about not
22 putting in the charging stations but
23 design it such that when the time comes,
24 in ten, fifteen, twenty years, you can do
25 it easier. You may want to at least think

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in those terms, to take a look at that and be aware rather than have to dig up your sidewalks and stuff like that.

MR. POLLOCK: On my other property I have charging stations. At Buttermilk Falls we have three or four charging stations there. Tesla was nice enough to supply it, plus it can be used for any electric vehicle now.

MR. CLARKE: I think when you're doing your plan maybe you should plan to accommodate these things in the future.

MR. GAROFALO: It may very well be you will need charging stations at all of those parking spaces. That may come in the distant future. It could save you a lot of money sometimes to think ahead.

CHAIRMAN BRAND: All right.
Anything else?

MR. POLLOCK: We need to get high speed internet into this area.

CHAIRMAN BRAND: All right.
Thank you.

(Time noted: 9:07 p.m.)

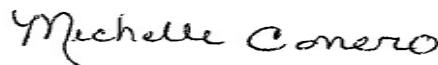
C E R T I F I C A T I O N

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 10th day of December
2021.



MICHELLE CONERO

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

TONSING SUBDIVISION

Project No. 21-5027
20 Walnut Lane, Milton
Section 103.1; Block 4; Lots 21 & 22
----- X

SKETCH - SUBDIVISION

Date: December 6, 2021
Time: 9:08 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

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: Next up we have the Tonsing Subdivision.

Good evening.

MS. BROOKS: Good evening.

CHAIRMAN BRAND: Give us a quick overview.

MS. BROOKS: Absolutely. We're proposing a two-lot subdivision of land of Gregory and Dorothy Tonsing located on the northerly and southerly side of Walnut Lane. Lot 1 will be 3.79 acres with the existing dwelling and lot 2 is a vacant 11 acre parcel of land easterly above Walnut Park Mobile Home Park.

CHAIRMAN BRAND: Pat, do you want to go through your comments?

MR. HINES: Sure. The tax lot depicts a lot 22 which seems to disappear.

MS. BROOKS: Lot 22 actually does not exist. I called the County and asked them why it shows on the tax map. When you go onto the parcel viewer it says it's undefined. It actually is included in the tax bill with lot 21. When you read the

1 deed, the northerly portion of lot 21 and
2 lot 22 are all in the parcel description.
3 Nobody seems to know how 22 came into
4 being. That will be remedied by this lot
5 line revision. It will go away.
6

7 MR. HINES: Okay. I just wanted
8 to know where it went.

9 MS. BROOKS: It never existed.

10 MR. HINES: There's an offer of
11 dedication here I guess?

12 MS. BROOKS: No. There's not an
13 offer of dedication required. We did
14 submit the deeds. You'll see that in the
15 deeds, these are actually already separate
16 parcels within the deeds with metes and
17 bounds descriptions. The metes and bounds
18 descriptions for the two parcels already
19 except out the road.

20 MR. HINES: This is truly
21 cleaning it up.

22 MS. BROOKS: This truly is, yeah.
23 They're already separate lots.

24 MR. HINES: It would be a natural
25 subdivision if we had such a thing.

Just looking for the location of the water line and service to the house to confirm that.

We're suggesting the Planning Board waive the topography on both the parcels. There's no new construction proposed, so I don't believe there's a need to have unnecessary topo on either of the lots.

The bulk table. Since lot 1 is developed, the actual bulk table requirements for lot 1 should be depicted.

There's a structure that says old
house --

MS. BROOKS: Yeah. It's not a habitable structure. It was a residence at one point in time. It's no longer habitable.

MR. HINES: I just don't want to have three houses on this lot.

MS. BROOKS: Sure.

MR. HINES: The bulk table also should address that there are two houses on lot 1 so that the minimum lot size

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would be twice the minimum lot size.

That's all we have.

MS. LANZETTA: The houses and the additional structures on lot 1, do they need the setbacks and --

MR. HINES: I believe they do. That's why I'm requesting the bulk table be shown. The only issue would be a 35 foot front yard setback. I think they are around 50. The accessory barn would only have a 10 foot setback I believe.

CHAIRMAN BRAND: Is the Board comfortable waiving the topography for this?

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MS. LANZETTA: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

MR. GAROFALO: I have one question about the topography, and that is these are being set up as separate lots. Do we want to know that there is a reasonable access providable for lot 2?

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TONSING SUBDIVISION 130

If this is going to be a building lot, you want to make sure there is reasonable access and there are reasonable grades and sight distances at some point on Walnut Lane. That's probably the only place that I would suggest that we ask for any kind of grading.

MS. BROOKS: I'm sure that --

MR. GAROFALO: I would also be concerned whether or not -- hopefully it is wide enough that you can get a building in there.

MR. HINES: Yeah.

MS. BROOKS: Yes. It far exceeds the minimum lot width. I'm sure we'll be able to add the LiDAR topography, which should be sufficient, and find appropriate sight distance locations.

CHAIRMAN BRAND: Is the Board comfortable with that?

Can I have a motion --

MR. GAROFALO: I have one other comment.

CHAIRMAN BRAND: Before you do

1 that, Mr. Garofalo, can I have a motion to
2 accept the waiving of the topography.
3

4 MR. CLARKE: I'll make that
5 motion.

6 CHAIRMAN BRAND: Mr. Clarke.

7 MR. LOFARO: Second.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: So noted.

13 Somebody had a question.

14 MR. GAROFALO: I have one more
15 question. Actually, a comment. That is,
16 in the documents presented you have the
17 old public notice information. Please get
18 the new information so that we do not have
19 any repeats of having to hold public
20 hearings over.

21 MS. BROOKS: I'm sorry. I don't
22 understand what you're saying.

23 MR. GAROFALO: In the information
24 package that we got, the information that
25 is in there with the public notice is the

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old information.

MS. BROOKS: I went onto the website. I see where there's a new site plan application package but I don't see a new subdivision application package.

MR. HINES: We haven't done one of those yet.

CHAIRMAN BRAND: There is not one for a subdivision yet.

MS. BROOKS: That's the only package there is for me to use.

MR. GAROFALO: Take the public notice from the other one.

MR. HINES: It's 500 feet.

MR. GAROFALO: Otherwise you will be held over until you do it correctly. I don't want to have that happen any more.

MS. BROOKS: Okay. Again, I guess what's on the website should be corrected then so that -- because if that's the only information that's available to the general public, that's creating the problem.

CHAIRMAN BRAND: 500 feet.

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MS. BROOKS: Okay.

MR. GAROFALO: As we've done in
the past.

CHAIRMAN BRAND: Anything else
from the Board?

MS. LANZETTA: Do we have any
information on the possibility of having a
septic done on lot 2?

MR. HINES: It's greater than 5
acres so it's not a realty subdivision.
If it was under 5 acres I would require
the septic be shown.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: Are we
comfortable scheduling a public hearing at
this time?

MR. HINES: I would have no
issue.

CHAIRMAN BRAND: January 3rd?

MS. BROOKS: You have to vote on
that first, right or no?

CHAIRMAN BRAND: No.

MS. BROOKS: Does the Board feel
comfortable that the map changes are minor

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enough that you could authorize the attorney to draft a resolution?

CHAIRMAN BRAND: One step at a time. A public hearing for January 3rd. Are you good with that?

MS. BROOKS: I'm fine with that.

CHAIRMAN BRAND: So public hearing January 3rd.

Barring any significant input from the public hearing, would we be comfortable with drafting a resolution of approval at that time?

MR. CLARKE: Yes.

MR. TRONCILLITO: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

CHAIRMAN BRAND: Okay. So we can authorize the attorney to do so.

MS. BROOKS: We did submit the adjoining owners within 500 feet. I'm not sure what the issue was with that. Maybe, James, you and I can talk offline and get

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some clarity.

MR. GAROFALO: The issue isn't with what you did, the issue is to make sure that you don't do it the wrong way. You did it the right way, getting 500 feet, but I wanted to make sure you recognize that the sheet that you were using, the public notice sheet, was an older sheet.

MR. HINES: We had two applicants recently do 300 feet or no feet.

MS. BROOKS: Okay. I think I've been doing this long enough I can pretty much get it right.

MR. GAROFALO: I just want to make sure.

CHAIRMAN BRAND: Jen, just look at that.

MS. FLYNN: Sure, I'll look at that.

CHAIRMAN BRAND: All right. Great. I think that's it. Thank you.

(Time noted: 9:17 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 10th day of December
2021.



MICHELLE CONERO

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

GUARINO SUBDIVISION

Project No. 20-4016
4 Ashlyen Drive, Marlboro
Section 108.2; Block 9; Lot 41.71
----- X

SKETCH - SUBDIVISION

Date: December 6, 2021
Time: 9:18 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
VIRGINIA FLYNN

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: Guarino
Subdivision.

MS. BROOKS: I think the Board
last saw this a year ago. The applicant
has been working on the application since
then. They have reduced the application
from a three-lot to a two-lot subdivision.

Carmen Messina has had the Health
Department out there. He's working on the
Ulster County Health Department approval
and the driveway profiles.

Given the length of time since we
had last been before the Board, and
because we changed it from a three-lot to
a two-lot, I wanted to resubmit it and
make sure that the letter that we
submitted from the highway superintendent
was acceptable with regard to the access
to the property from the Town road.

MR. HINES: I didn't see the
highway superintendent's letter.

MS. BROOKS: It was included with
the package.

CHAIRMAN BRAND: It's dated

1
2 November 22, the road does not meet the
3 Town specifications.

4 MS. BROOKS: We do have road
5 frontage on the portion of the roadway
6 that was dedicated to the Town. It was
7 just not fully improved up to the end of
8 the road at that point in time. Hopefully
9 the road will be continued in the future,
10 and at that point in time it will be
11 brought up to proper Town road spec in its
12 entirety. I think we're a lot more
13 careful about that these days.

14 MR. HINES: We can connect it
15 through Wygant Lane.

16 MS. BROOKS: That would be real
17 good.

18 MR. HINES: I pulled the old file
19 and it shows that road extending out. I
20 can't for the life of me figure out why I
21 don't have an approved plan, but this is
22 the Ruby Road 2005 extension with a
23 cul-de-sac. It's not there now. Neither
24 are the lots. I'm wondering if it ever
25 did get final approval.

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2 MS. BROOKS: I don't believe it
3 ever did get final approval.

4 MS. LANZETTA: I went back
5 through the files and there's been a
6 number of applications, you know, for this
7 and adjoining properties to continue
8 development here. Nothing has come of it.
9 I do know that we got this information
10 from Jeff quite awhile back, about it
11 being an unimproved road. The Planning
12 Board, according to Jeff, would have to
13 ask for this to be suitably improved. I
14 went back and I was looking at the bargain
15 and sale deed between the people who had
16 the property that the Guarinos purchased
17 to enlarge their lot to the original lot
18 size that they have today. There's quite
19 a number of covenants on here about being
20 able to, you know, put an easement and a
21 driveway right through the original lot so
22 that they could access a road, the same
23 road that the Guarinos are presently
24 using, which I believe is Ashlyen.

25 MR. HINES: Ashlyen.

MS. LANZETTA: So I would like for our legal to look at this, if they haven't already, because looking at, you know, the New York Town Law Section 280-A and then looking at the additional restrictions and easements on here, what I would say is that basically the Planning Board has two options to follow through with the responsibilities that they've been given. One is to either ask for that suitably improved extension in order to reach the area that is being proposed now as an entrance into Ruby Road or to follow through and have them extend the driveway all the way along that edge of the property down to Ashlyen. I don't see that they could go before the ZBA for a variance because this would have basically been a hardship that would have been self made and so it wouldn't qualify for a variance.

So that was my interpretation of all the information I got. I certainly think we need to have legal take a look at

1 this, the restrictions that were placed on
2 this original bargain and sale deed, and
3 see if we can come up with something.
4

5 I took a drive up there today and
6 where the proposed driveway enters the
7 unimproved Ruby Road would not be a
8 suitable place for anybody to want to have
9 to drive up into. When the Town goes up
10 and tries to push the snow away, you know,
11 you're just going to end up with a real
12 problem. If we allow this kind of
13 creeping driveway infringement onto this
14 unimproved road, being that there's been
15 similar interest in developing that
16 property adjacent to it, what's to say
17 that they can't stick another house there
18 and then we end up with this whole kind of
19 creeping development on an unimproved
20 road. So I really think we have to look
21 very seriously at this.

22 MS. BROOKS: Do you have
23 something from Jeff previously?

24 MS. LANZETTA: Yes. We had an
25 opinion from him just to the Planning

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Board.

MS. BROOKS: Can that be shared
with the applicant?

MR. COMATOS: Sure.

MS. BROOKS: That would be
helpful.

MR. COMATOS: I'll send it to you
tomorrow.

MS. BROOKS: I appreciate it.
Thank you.

Again, I would imagine, in
addition to the highway superintendent, we
probably should have the fire department
weigh in on what the definition of
suitably improved would be for adequate
access to one dwelling.

MR. COMATOS: I would think
guidance from the Highway Department
should clarify what's suitable.

MS. BROOKS: Okay.

CHAIRMAN BRAND: Any other
questions or comments from the Board?

MR. GAROFALO: I have one
comment. The apron to the house on

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Ashlyen Drive, is that paved also?

MS. BROOKS: I'm sorry?

MR. GAROFALO: The apron.

CHAIRMAN BRAND: The driveway
apron.

MR. GAROFALO: The driveway
apron, is that paved also?

MS. BROOKS: Yes.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: So I guess we're
waiting for some legal interpretation on
this one before we proceed.

MR. COMATOS: Understood.

CHAIRMAN BRAND: Great.

MS. BROOKS: Absolutely.

CHAIRMAN BRAND: I think that's
it.

MS. BROOKS: Thank you very much.

CHAIRMAN BRAND: Thank you.

(Time noted: 9:25 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 10th day of December
2021.

Michelle Conero

MICHELLE CONERO