

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

4 - - - - - In the Matter of

5

- 6 - APPROVAL OF STENOGRAPHIC MINUTES FOR
7 10/18/21, 11/1/21 & 11/15/21
- 8 - COMPLETION OF TRAINING COURSES BY
9 CHAIRMAN BRAND AND MEMBER LOFARO

10 - - - - - X

11 BOARD BUSINESS

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

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 CINDY LANZETTA
18 JOSEPH LOFARO
19 MANNY CAUCHI
20 JAMES GAROFALO
21 STEVE CLARKE
ROBERT TRONCILLITO

22
23 ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
24 PATRICK HINES
25 VIRGINIA FLYNN

26 - - - - - X
27 MICHELLE L. CONERO

28 3 Francis Street
29 Newburgh, New York 12550
30 (845) 541-4163

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, December 6,
8 2021. Regular meeting 7:30 p.m. On the
9 agenda tonight we have approval of the
10 stenographic minutes for October 18th,
11 November 1st and November 15th.

12 This evening we'll be discussing
13 the Qiang Subdivision at 24 Plattekill
14 Road for a public hearing on their
15 subdivision; the Gallo Subdivision at 46
16 Idlewild Road for a final of their
17 subdivision. We have a sketch of a minor
18 site plan for Blasher/Haferd at 346 Mt.
19 Zion Road, Marlboro; the Pollock site plan
20 at 39 Main Street in Milton for a sketch
21 of their site plan; Tonsing Subdivision at
22 20 Walnut Lane in Milton for a sketch of
23 their subdivision; and Guarino Subdivision
24 at 5 Ashlyen Drive in Marlboro for a
25 sketch of their subdivision.

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

8 MR. CAUCHI: I'll make that
9 motion.

10 CHAIRMAN BRAND: Manny. Is there
11 a second?

12 MS. LANZETTA: I'll second that.

13 CHAIRMAN BRAND: Any discussion?
14 (No response.)

15 CHAIRMAN BRAND: Any objection?
16 (No response.)

17 CHAIRMAN BRAND: So moved.

1 BOARD BUSINESS

4

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

6 Joe.

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

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

16 (No response.)

17

18 (Time noted: 7:33 p.m.)

19

20

21

22

23

24

25

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

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

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

16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 10th day of December
18 2021.

Michelle Conero

MICHELLE CONERO

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

4 - - - - - In the Matter of

5 QIANG SUBDIVISION

6 Project No. 21-5022
7 24 Plattekill Road, Marlboro
8 Section 108.2; Block 7; Lot 32.22

9 - - - - -
10 PUBLIC HEARING
SUBDIVISION

11 Date: December 6, 2021
12 Time: 7:33 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547

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

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

26 APPLICANT'S REPRESENTATIVE: CHARLES BROWN

27 - - - - -
28 MICHELLE L. CONERO
29 3 Francis Street
30 Newburgh, New York 12550
31 (845) 541-4163

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

6 "Legal notice, subdivision
7 application. Please take notice a
8 public hearing will be held by the Town
9 of Marlborough Planning Board pursuant
10 to the State Environmental Quality
11 Review act, or SEQRA, and Town of
12 Marlborough Town Code Section 134-9 on
13 Monday, December 6, 2021, for the
14 following application: Qiang
15 Subdivision, at the Town Hall, 21 Milton
16 Turnpike, Milton, New York at 7:30 p.m.
17 or as soon thereafter as may be heard.
18 This application is for a three-lot
19 subdivision for property located at 24
20 Plattekill Road in Marlboro, New York
21 12542, Section 108.2; Block 7; Lot
22 32.22. Any interested parties either
23 for or against this proposal will have
24 an opportunity to be heard at this time.
25 Chris Brand, Town of Marlborough

2 Planning Board."

3 How many mailings were sent
4 out?

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

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

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

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

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

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

25 We did note that the

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

5 CHAIRMAN BRAND: Thank you.

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

8 (No response.)

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

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

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

19 MR. BROWN: This is an existing
20 5.7 acre parcel. It has a single-family
21 residence -- can you put the drawing up?

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

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

4 Thank you, Jen.

5 MS. FLYNN: This one?

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

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

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

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

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

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

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

2 25 feet of the center line of the road has
3 to get transferred to the Town when
4 there's some revision to the property.

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

7 CHAIRMAN BRAND: You can use the
8 microphone.

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

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

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

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

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

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

10 Nothing?

11 MS. BOVICH: We have to go up?

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

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

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

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

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

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

9 MS. BOVICH: Okay.

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

12 MS. BOVICH: Elena Bovich.

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

19 MS. BOVICH: Thank you.

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

22 MR. HINES: You guys can share
23 the microphone.

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

2 line? I'm next to you.

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

5 MR. HINES: We can't hear you.

6 CHAIRMAN BRAND: Use the
7 microphone, please.

8 MR. HINES: It's not on.

9 CHAIRMAN BRAND: Turn it on.

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

13 We're just wondering how close
14 it's going to be to our property line?

15 Right now they're 18 feet from our
16 property line. We don't want it any
17 closer than that.

18 The traffic is very bad.

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

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

2 your property?

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

7 MR. HINES: That stays the same.

8 MR. PRESUTTI: You're not going
9 to change it?10 MS. PRESUTTI: Is it going to be
11 moved out --12 MR. PRESUTTI: The same
13 foundation line?14 MR. HINES: There's no change on
15 that lot.16 MS. PRESUTTI: No bigger, no
17 smaller. Okay.18 What about the wildlife that
19 might be in that pond? There's a bald
20 eagle. I don't know where the nest is, if
21 it's next door on their property. We've
22 seen the blue herring and the white egrets
23 that are out in the water. How is that
24 being -- we're worried about the wildlife
25 that's in the area, too. The bald eagle,

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

2 of the roadways over there.

3 CHAIRMAN BRAND: The culverts you
4 mean?

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

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

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

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

11 MR. BROWN: No.

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

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

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

18 The roadway is terrible there.

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

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

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

4 MR. PRESUTTI: Remind them.

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

8 MR. PRESUTTI: Or the manpower.

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

14 That's all we have.

15 CHAIRMAN BRAND: Thank you.

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

18 MS. REZAIO: I had a question.

19 We missed the beginning of the meeting.

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

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

2 call it Manny's pond.

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

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

11 MS. REZAIO: Where is that going
12 to be?

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

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

23 MS. REZAIO: Where is the pond?

24 MR. BROWN: Right here.

25 MS. REZAIO: The pond is here?

2 The duplexes are here?

3 MR. BROWN: Yup.

4 MS. REZAIO: Is this part of
5 Gebharts Lane?

6 MR. FOX: Yes.

7 MS. REZAIO: So it was sold?

8 MR. FOX: That's correct.

9 MS. REZAIO: This road here is
10 what?

11 MR. BROWN: That's a stream.

12 MS. REZAIO: That's the creek?

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

15 MS. REZAIO: And this is?

16 MR. BROWN: This are where the
17 septic systems are going.18 MS. REZAIO: Okay. It looks like
19 you're going to be -- are you going to be
20 by Jimmy Gebharts house?

21 MR. FOX: No.

22 MS. REZAIO: Old Dr. Manny's
23 house?24 MR. FOX: No. That's all the way
25 up on the other road.

2 MS. REZAIO: So you're strictly
3 by Plattekill Road?

4 MR. FOX: That's correct.

5 MS. REZAIO: It's confusing. So
6 where is Plattekill Road?

7 MR. BROWN: This is Plattekill
8 Road.

9 MS. REZAIO: This is Plattekill
10 Road?

11 MR. BROWN: This hatched area is
12 what we have to dedicate to the Town.

13 Right now the property line is --

14 MS. REZAIO: How do you get in
15 and out of your property?

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

18 MS. REZAIO: You're making a
19 bridge?

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

22 MS. REZAIO: I keep thinking it's
23 -- okay.

24 MR. BROWN: I do bridges, though.

25 THE COURT REPORTER: Can I have

2 your name?

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

5 MR. BROWN: No.

6 CHAIRMAN BRAND: Go ahead.

7 MS. BOVICH: When is the proposed
8 start date and finishing time for the
9 project? Like the duration and how long
10 is it going to take to be built?11 MR. FOX: My name is Donald Fox
12 and I represent YDF Investments who is the
13 developer.14 We're going to start the project
15 as soon as possible after the approvals
16 are done. We go by whatever the process
17 is to completion, and that can take
18 anywhere from six months to a year once we
19 actually get all of our approvals.

20 MR. SABATINO: How many families?

21 MR. BROWN: You have to come up
22 and introduce yourself.23 CHAIRMAN BRAND: Please state
24 your name for the stenographer.

25 MR. SABATINO: My name is

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

6 MR. FOX: That's correct.

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

9 MR. HINES: There are two duplex
10 houses proposed.

11 MR. SABATINO: I mean --

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

19 MR. SABATINO: I don't know.

20 CHAIRMAN BRAND: Any other
21 questions or comments?

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

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

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

5 MR. BROWN: Two two-family
6 houses.

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

9 MR. BROWN: No.

10 UNIDENTIFIED SPEAKER: You're
11 sure?

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

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

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

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

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

2 family --

3 MR. FOX: They're duplexes.

4 CHAIRMAN BRAND: It's two
5 separate structures.6 MR. FOX: It's just that they're
7 attached in the center.8 CHAIRMAN BRAND: It's like two
9 houses connected.10 MR. FOX: There's 2 acres for
11 that one building. For one building
12 there's 2 acres, then there's another 2
13 acres for the second building.14 UNIDENTIFIED SPEAKER: So four
15 families. It's not going to be like --

16 MR. FOX: No.

17 CHAIRMAN BRAND: Did you have a
18 question, ma'am?19 MS. LOCASCIO: We have 1 acre of
20 land and we have one house. The garage is
21 on the other side because we don't have
22 enough.23 CHAIRMAN BRAND: Could you state
24 your name?

25 MS. LOCASCIO: One family. 1

2 acre, one family. 1 acre, one family.

3 MR. FOX: That's correct.

4 MS. LOCASCIO: How many do you
5 have?

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

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

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

12 MS. LOCASCIO: Two-family?

13 MR. FOX: Correct.

14 MS. LOCASCIO: So all together
15 four family?

16 MR. FOX: Correct.

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

20 UNIDENTIFIED SPEAKER: You can't
21 do it.

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

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

2 MS. LOCASCIO: Locascio. Joanna
3 Locascio.

4 MS. BOVICH: How many acres do
5 you own?

6 MR. BROWN: 5.7.

7 MS. BOVICH: No other land around
8 you?

9 MR. FOX: That's correct.

10 That's us, yes.

11 MS. BOVICH: So other acres were
12 sold?

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

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

17 MR. FOX: That's correct.

18 CHAIRMAN BRAND: Any other
19 questions or comments?

20 MR. DANIELS: Can I come up?

21 CHAIRMAN BRAND: Please.

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

2 in the woods. It's not going to be
3 possible to build on a hill. What is
4 going to have to happen with the land
5 across from us for these buildings to be
6 built?

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

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

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

13 MR. BROWN: We're a little over
14 90 feet to our property line, which is
15 almost triple what's required by the Town.
16 I don't even see that other house.

17 Central Hudson --

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

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

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

25 MR. HINES: These houses are all

2 east of Elliot Lane.

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

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

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

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

12 MR. FOX: No, no.

13 MS. LOCASCIO: Residential?

14 MR. FOX: Residential.

15 MS. LOCASCIO: Thank you.

16 CHAIRMAN BRAND: Thank you.

17 Anything else from the public?

18 (No response.)

19 CHAIRMAN BRAND: Anything else
20 from the Board?

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

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

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

2 plan.

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

5 Any other questions or comments?

6 Mr. Garofalo.

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

16 MR. DANIELS: Okay.

17 MR. GAROFALO: Thank you.

18 CHAIRMAN BRAND: If there's
19 nothing else from the public, I'd like a
20 motion to close the public hearing,
21 please.22 MR. TRONCILLITO: I'll make that
23 motion.

24 MR. CLARKE: I'll second it.

25 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objection?

4 (No response.)

5 CHAIRMAN BRAND: Okay. The
6 public hearing is closed.

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

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

15 CHAIRMAN BRAND: Yeah.

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

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

21 MR. HINES: Yes.

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

2 and exiting from that driveway.

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

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

10 MR. HINES: Yes.

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

16 MR. HINES: And the County DPW.

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

21 (No response.)

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

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

2 declaration and a resolution?

3 MS. LANZETTA: Yes.

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

6 (No response.)

7 CHAIRMAN BRAND: Okay.

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

12 MR. BROWN: Correct. You never
13 know.

14 CHAIRMAN BRAND: Okay. Thank
15 you.

16 MR. BROWN: Thank you.

17

18 (Time noted: 7:56 p.m.)

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

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5

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

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

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

16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 10th day of December
18 2021.

19

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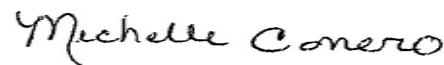
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MICHELLE CONERO

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

In the Matter of

5 **FIGURE 3. CHART THAT SHOWS**

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

18 **FINAL SUBMISSION**

FINAL - SUBDIVISION

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

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

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

21 APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

4 MR. BROWN: Thank you, Chairman.

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

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

19 CHAIRMAN BRAND: Pat.

20 MR. HINES: We have no
21 outstanding comments.

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

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

2 anything substantial we need to know
3 about, Jerry?

4 MR. COMATOS: No.

5 CHAIRMAN BRAND: Nothing at all.
6 Any outstanding questions or
7 comments from the Board?

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

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

19 I think you need a letter from
20 the highway department.

21 CHAIRMAN BRAND: Anything else,
22 Mr. Garofalo?

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

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

4 CHAIRMAN BRAND: Anything else
5 from the Board?

6 (No response.)

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

14 Jen, would you poll the Board.

15 MS. FLYNN: Chairman Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Cauchi?

18 MR. CAUCHI: Yes.

19 MS. FLYNN: Member Clarke?

20 MR. CLARKE: Yes.

21 MS. FLYNN: Member Lanzetta?

22 MS. LANZETTA: Yes.

23 MS. FLYNN: Member Lofaro?

24 MR. LOFARO: Yes.

25 MS. FLYNN: Member Troncillito?

2

MR. TRONCILLITO: Yes.

3

MS. FLYNN: Member Garofalo?

4

MR. GAROFALO: Yes.

5

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

11

Jen, would you poll the Board.

12

MS. FLYNN: Chairman Brand?

13

CHAIRMAN BRAND: Yes.

14

MS. FLYNN: Member Cauchi?

15

MR. CAUCHI: Yes.

16

MS. FLYNN: Member Clarke?

17

MR. CLARKE: Yes.

18

MS. FLYNN: Member Lanzetta?

19

MS. LANZETTA: Yes.

20

MS. FLYNN: Member Lofaro?

21

MR. LOFARO: Yes.

22

MS. FLYNN: Member Troncillito?

23

MR. TRONCILLITO: Yes.

24

MS. FLYNN: Member Garofalo?

25

MR. GAROFALO: Yes.

2 CHAIRMAN BRAND: Thank you.

3 MR. BROWN: Thank you.

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

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

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

11 Whereas the Planning Board has reviewed a
12 subdivision application known as Gallo
13 with respect to the real property located
14 at 46 Idlewild Road in the Town of
15 Marlborough, Member Troncillito offered
16 the following resolution which was
17 seconded by Member Garofalo:

2 should be created as a condition of
3 approval of the subdivision. However, a
4 suitable park of adequate size to meet the
5 above requirement cannot be properly
6 located within the proposed site.

7 Accordingly, it is appropriate that in
8 lieu of providing parkland, the project
9 sponsor render to the Town payment of a
10 recreation fee to be determined in
11 accordance with the prevailing schedule
12 established for that purpose by the Town
13 of Marlborough. This approved subdivision
14 known as Gallo resulted in one lot for a
15 total of \$2,000 in recreation fees.

16 Whereupon the following vote was
17 taken:

18 Chairman Brand, yes.

19 Member Cauchi?

20 MR. CAUCHI: Yes.

21 CHAIRMAN BRAND: Clarke?

22 MR. CLARKE: Yes.

23 CHAIRMAN BRAND: Garofalo?

24 MR. GAROFALO: Yes.

25 CHAIRMAN BRAND: Lanzetta?

1

GALLO SUBDIVISION

45

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MS. LANZETTA: Yes.

3

CHAIRMAN BRAND: Lofaro?

4

MR. LOFARO: Yes.

5

CHAIRMAN BRAND: Troncillito?

6

MR. TRONCILLITO: Yes.

7

8

(Time noted: 9:27 p.m.)

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GALLO SUBDIVISION

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

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6

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

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

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

16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 10th day of December
18 2021.

19

20

21

22

Michele Conero

23

MICHELLE CONERO

24

25

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

4 - - - - - In the Matter of

5 BLASHER/HAFERD

6 Project No. 21-5026
7 346 Mt. Zion Road, Marlboro
8 Section 102.3; Block 1; Lot 33

9 - - - - - SKETCH - MINOR SITE PLAN

10
11 Date: December 6, 2021
12 Time: 8:03 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547

17
18 BOARD MEMBERS: CHRIS BRAND, Chairman
19 CINDY LANZETTA
20 JOSEPH LOFARO
21 MANNY CAUCHI
22 JAMES GAROFALO
23 STEVE CLARKE
24 ROBERT TRONCILLITO

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

28
29 APPLICANT'S REPRESENTATIVE: DAVID BLASHER

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

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

6 MR. BLASHER: Good evening. How
7 are you?

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

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

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

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

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

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

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

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

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

7 MR. HINES: Yes.

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

14 MR. HINES: I do have that. That
15 doesn't meet the requirements. This is
16 like a Google Earth thing. We're going to
17 need a site plan that shows what's
18 actually there, where those houses are.
19 Maybe a little history of that second
20 house, if there were building permits and
21 septic and wells. This was the original
22 subdivision plat. I think it was from
23 1988 I believe.

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

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

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.

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

3 MR. HINES: You have proposed lot
4 1.

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

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

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

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

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

2 MR. HINES: It doesn't.

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

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

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

18 MS. LANZETTA: This is the one
19 that --

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

22 MR. BLASHER: That's correct.

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

25 MR. HINES: Then it's much more

2 than 11 acres.

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

6 MR. BLASHER: Yeah.

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

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

13 MS. LANZETTA: But this never
14 happened?

15 MR. BLASHER: That's correct.

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

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

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

2 MR. BLASHER: Okay.

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

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

9 MR. HINES: I only see one house.

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

12 MR. HINES: That's a different
13 lot.

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

15 MR. HINES: One is 35.

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

18 MR. BLASHER: We live in both.

19 We live in both, the three-bedroom and the
20 two-bedroom.

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

2 two-bedroom.

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

5 MS. FLYNN: It says it's 12.1.

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

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

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

21 MR. BLASHER: We own the entire
22 12-acre lot.

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

25 MR. HINES: I think that might

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

4 MR. BLASHER: That's right.

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

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

15 CHAIRMAN BRAND: Got you.

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

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

25 MR. HINES: There's two houses on

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

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

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

9 MR. BLASHER: We live in both.

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

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

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

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

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

23 MS. FLYNN: Mm'hm'.

24 MR. BLASHER: -- to the Board.

25 MS. LANZETTA: Use that for your

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

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

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

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

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

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

25 Would it be sufficient to do the

2 same thing on this parcel map?

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

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

8 MR. BLASHER: There are no
9 changes there.

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

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

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

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

24 CHAIRMAN BRAND: Yes.

25 MR. BLASHER: And include the

2 location of the well and the septic?

3 MS. LANZETTA: Yes.

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

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

14 CHAIRMAN BRAND: Correct.

15 Disregard comment 3.

16 MR. BLASHER: Okay.

17 MR. HINES: Disregard comment 3.
18 1, 2 and 4 are all we're looking for.

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

22 MR. HINES: From the Building
23 Department.

24 MR. BLASHER: Go to the Building
25 Department?

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

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

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

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

16 MS. LANZETTA: Okay.

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

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

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

25 MR. BLASHER: Okay. I'll reach

2 out to the Building Department to get --

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

5 MR. BLASHER: On the well and
6 septic.

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

13 CHAIRMAN BRAND: Pat, anything
14 else?

15 MR. HINES: I don't think so.

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

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

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

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

4 MR. HINES: No.

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

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

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

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

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

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

23 CHAIRMAN BRAND: It's on the same
24 parcel.

25 MR. HINES: One of them has to be

2 owner occupied.

3 MR. LOFARO: That's fine.

4 MS. LANZETTA: Can we schedule
5 the public hearing?

6 MR. HINES: I think so.

7 CHAIRMAN BRAND: So the next
8 available date for that would be January
9 3rd. Right, Jen?

10 MS. FLYNN: Yes.

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

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

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

22 MS. FLYNN: The 17th.

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

25 MS. FLYNN: Do you want to do the

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

2 sent out.

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

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

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

17 MR. HINES: 500 feet.

18 MR. GAROFALO: 500 feet.

19 MR. BLASHER: Got it.

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

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

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

2 we decide.

3 CHAIRMAN BRAND: Yes.

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

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

8 MR. CAUCHI: The 20th is
9 canceled?

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

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

18 CHAIRMAN BRAND: Correct.

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

21 CHAIRMAN BRAND: I don't believe
22 so.

23 MS. LANZETTA: Thank you.

24 MR. BLASHER: No more bad maps
25 for me.

2 CHAIRMAN BRAND: Thank you.

3 (Time noted: 8:18 p.m.)

4

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

6

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

20

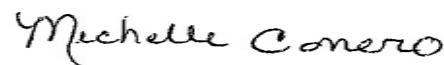
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MICHELLE CONERO

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

4 - - - - - In the Matter of

5
6 POLLOCK SITE PLAN

7 Project No. 21-5019
8 39 Main Street, Milton
9 Section 100.1; Block 2; Lots 44 & 45

10 - - - - -
11 Date: December 6, 2021
12 Time: 8:18 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547

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

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

26 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

27 - - - - -
28 MICHELLE L. CONERO
29 3 Francis Street
30 Newburgh, New York 12550
31 (845) 541-4163

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

5 How are you this evening?

6 MR. MEDENBACH: Good. How are
7 you all?

8 CHAIRMAN BRAND: Pat, your
9 comments.

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

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

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

2 not specific to the project.

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

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

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

17 MR. MEDENBACH: Yes.

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

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

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

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

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

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

10 MR. WERBA: Yes.

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

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

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

25 MR. WERBA: That's the new map

2 that was e-mailed back out; correct?

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

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

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

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

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

18 MR. TRONCILLITO: Straight stick.

19 MR. HINES: 35 feet long.

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

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

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

2 is their biggest truck.

3 MR. HINES: The Milton Fire
4 District said that?

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

7 CHAIRMAN BRAND: Who is he?

8 MR. POLLOCK: Steve Kneeter.

9 MR. WERBA: Steve Kneeter sent
10 it?

11 MR. POLLOCK: Yes.

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

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

18 MR. HINES: It's 35 foot long.

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

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

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

25 MR. HINES: That's the whole

2 truck.

3 CHAIRMAN BRAND: Keep going, Pat.

4 Sorry.

5 MR. HINES: So the applicants --
6 this next one, I'm going to defer to Jerry
7 on this. The applicants have requested a
8 waiver for the size of the parking spots.
9 I don't necessarily have a concern but I
10 just don't know if this Board has the
11 ability to waive the size of the parking
12 spots. Your zoning is pretty clear that
13 they're 200 square feet. The applicant
14 wants to use 9 by 18. I can tell you a
15 lot of surrounding municipalities use 9 by
16 18 standard parking spaces.

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

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

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

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

2 Planning Board?

3 MR. COMATOS: I don't think it
4 is.5 MR. MEDENBACH: I always
6 understood that design standards are. I
7 mean I've had other design standards
8 approved by other planning boards waived.

9 MR. COMATOS: I'll look into it.

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

13 MR. HINES: It does.

14 CHAIRMAN BRAND: They could, in
15 theory, do 9 by --16 MR. HINES: They're trying to
17 maximize the parking on the site.18 CHAIRMAN BRAND: Right. I don't
19 know if there's a turning radius thing
20 that they say that each space is this long
21 and this wide, if they meet that code.22 MR. HINES: They can but they
23 won't do it any way you slice that pie.24 MR. POLLOCK: Unless you can
25 count the aisle in.

2

3

MR. HINES: It specifically

excludes the aisle.

4

MR. MEDENBACH: I thought so.

5

6

7

8

9

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.

10

11

12

13

14

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.

15

16

17

18

19

20

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.

21

22

23

Maybe what I'll do is I'll have our

attorney, who is Mike Moriello, just write

a memo on that --

24

MR. COMATOS: That's fine.

25

MR. MEDENBACH: -- or contact you

2 directly.

3 MR. COMATOS: He can contact me
4 directly.

5 MR. MEDENBACH: If it is
6 determined it's a variance, we'll have to
7 get the variance. We really don't have the
8 room up there.

9 MR. GAROFALO: The way the code
10 is written, it's written that the chairman
11 of the ZBA is supposed to request from the
12 Planning Board a written recommendation on
13 the variance. So if it is required, we
14 will probably have to give a written
15 recommendation to the ZBA as to our
16 opinion on it.

17 MR. MEDENBACH: Okay. What is
18 the Board's opinion?

19 MR. POLLOCK: Your parking lot is
20 smaller than what we're requesting.

21 MR. MEDENBACH: The 9 by 18 is
22 pretty standard parking. I think Patrick
23 will agree with that.

24 MR. HINES: 9 by 18 is, I will
25 say, a parking lot -- parking space size

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

2 structures shall be 1.5 times the height.
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

2 on the outside lots.

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

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

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

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

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

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

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

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

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

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

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

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

23 MR. MEDENBACH: We can connect
24 the roof.

25 MR. HINES: Then you end up with

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

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

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

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

15 MR. HINES: I think they are
16 fine.

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

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

22 MR. MEDENBACH: Yes. I agree.

23 MR. HINES: That's the problem.

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

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

2 could override?

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

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

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

20 MR. MEDENBACH: Right. All
21 right.

22 CHAIRMAN BRAND: Okay. Let's
23 keep going.

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

2 amount. I think connecting all the
3 buildings together makes you over the unit
4 count.

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

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

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

2 firewall?

3 MR. MEDENBACH: I'm sorry?

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

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

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

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

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

18 Keep going, Pat.

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

21 The off-street parking I did on
22 Brewster, they do meet -- both lots meet
23 separation for the off-street parking of
24 250 feet from property line to property
25 line.

2

3

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6

We're recommending some directional signage be incorporated in the site plan saying additional parking, 11 Brewster Street. I don't know what the address is, but down there.

7

8

9

The location of the sprinkler valves for the fire department should be shown on the plans for access.

10

11

12

MR. TRONCILLITO: Pat, is that going to be one in the back and one in the front?

13

14

MR. HINES: I think it may be building dependent.

15

Did you hear that, Barry?

16

MR. MEDENBACH: No, I didn't.

17

18

19

MR. HINES: The OSY valves for the sprinkler connections, they're asking are they going to be front and back.

20

21

22

23

MR. MEDENBACH: I don't know. To me that's a building code issue. I'll have to have the architect get involved and see what the fire department wants.

24

25

MR. HINES: Those should be shown. Towards the end of the plan, once

2 you're set they need to be shown.

3 CHAIRMAN BRAND: What does the
4 fire department want?

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

7 MR. POLLOCK: What was the
8 question?

9 CHAIRMAN BRAND: What does the
10 fire department recommend?

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

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

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

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

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

24 MR. POLLOCK: There's always a
25 siamese.

2

3

MR. HINES: The location of those

just need to be depicted.

4

5

6

MR. POLLOCK: Even at 30 Main

Street we have a siamese. At Freida's we

have a siamese.

7

8

MR. HINES: I think the chief

wants to weigh in.

9

10

11

12

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16

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.

17

18

MR. POLLOCK: One on each side of

the structure?

19

MR. WERBA: Yes.

20

21

22

23

24

25

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

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

2 two for 1, two for 2, two for 3, two for
3 4?

4 MR. HINES: I'm not saying that.

5 MR. POLLOCK: We can't do two for
6 2.

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

9 MR. POLLOCK: One per building.

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

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

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

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

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

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

2 Board? That's really a building code
3 issue.

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

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

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

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

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

11 CHAIRMAN BRAND: Okay. Keep
12 going.

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

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

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

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

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

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

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

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

21 Accessible signage on the site
22 plan with details.

2 MR. POLLOCK: We can put a couple
3 there.

4 MR. HINES: Just to address that.

5 It's only one eight-foot dumpster
6 enclosure.

7 The rear access drive is 25 feet.

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

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

15 MR. MEDENBACH: Yeah.

16 MR. HINES: Talk to Tommy.

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

19 MR. HINES: For aerial access.

20 MR. POLLOCK: This is a
21 commercial --

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

25 MR. MEDENBACH: I'll look into

2

it.

3

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

8

MR. POLLOCK: Sure.

9

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

11

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

14

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

20

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

24

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

2

3

MR. HINES: Okay. A concrete

retaining wall. It shows a wall.

4

5

MR. MEDENBACH: We'll give you

more detail on that.

6

7

8

9

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.

10

MR. CLARKE: 40 foot deep.

11

12

MR. HINES: A 40 foot hill going

up behind this.

13

14

15

MR. MEDENBACH: From top to

bottom there is a total of 40 feet in

elevation.

16

17

MR. CLARKE: Does the building --

MR. MEDENBACH: It's all behind

18

the parking lot.

19

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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.

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

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

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

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

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

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

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

22 MR. HINES: Have a rock climbing
23 wall.

24 We just talked about the
25 drainage.

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

5 CHAIRMAN BRAND: Absolutely.

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

8 CHAIRMAN BRAND: Comments or
9 questions from the Board?

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

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

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

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

24 CHAIRMAN BRAND: Steve.

25 MR. CLARKE: I have three

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

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

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

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

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

2 people are fighting for parking spots
3 every night.

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

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

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

14 MR. CLARKE: I understand that.

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

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

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

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

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

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.

2

3

MR. POLLOCK: Parking on both

sides of the street.

4

5

MR. CLARKE: So you have 8.5

feet. A parking spot is 10.

6

7

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MR. MEDENBACH: It's parallel

parking. I mean some parallel parking

spaces are only 6.5 feet wide.

9

10

MR. CLARKE: Those are my

concerns.

11

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MR. MEDENBACH: They meet the

standards for parallel parking. A lot of

times you have the space so you can swing

the doors open.

15

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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.

20

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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

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

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

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

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

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.

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

2 rather just leave that ADA space up there.

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

6 MR. POLLOCK: Thank you.

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

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

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

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

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

24 MR. MEDENBACH: Yeah.

25 Absolutely.

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

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

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

15 MR. MEDENBACH: I think --

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

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

2 professional geologist look at it.

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

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

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

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

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.

2

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MR. GAROFALO: More dimensions,

more information.

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MR. MEDENBACH: Right.

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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.

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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,

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

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

2 the parking lot in the back.

3 MR. CLARKE: Okay.

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

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

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

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

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

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

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.

2

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

5

CHAIRMAN BRAND: Anything else,

6 Mr. Garofalo?

7

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

10

CHAIRMAN BRAND: Anything else

11 from the Board?

12

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

22

MR. POLLOCK: Sure.

23

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

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

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

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

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

12 MR. POLLOCK: We're doing triple
13 pane.

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

16 MS. LANZETTA: If you could just
17 outline --

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

20 MS. LANZETTA: Thank you.

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

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

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

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

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

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

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

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

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

19 CHAIRMAN BRAND: All right.

20 Anything else?

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

23 CHAIRMAN BRAND: All right.

24 Thank you.

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

2

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

4

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

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

15 IN WITNESS WHEREOF, I have
16 hereunto set my hand this 10th day of December
17 2021.

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Michelle Conero

MICHELLE CONERO

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

4 - - - - - In the Matter of

5
6 TONSING SUBDIVISION

7 Project No. 21-5027
8 20 Walnut Lane, Milton
9 Section 103.1; Block 4; Lots 21 & 22

10 - - - - - SKETCH - SUBDIVISION

11 Date: December 6, 2021
12 Time: 9:08 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547

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

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

27 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

28 - - - - - MICHELLE L. CONERO
29 3 Francis Street
30 Newburgh, New York 12550
31 (845) 541-4163

2 CHAIRMAN BRAND: Next up we have
3 the Tonsing Subdivision.

4 Good evening.

5 MS. BROOKS: Good evening.

6 CHAIRMAN BRAND: Give us a quick
7 overview.

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

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

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

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

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

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.

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

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

14 There's a structure that says old
15 house --

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

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

22 MS. BROOKS: Sure.

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

2 would be twice the minimum lot size.

3 That's all we have.

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

7 MR. HINES: I believe they do.

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

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

16 MR. CLARKE: Yes.

17 MR. TRONCILLITO: Yes.

18 MS. LANZETTA: Yes.

19 MR. CAUCHI: Yes.

20 MR. LOFARO: Yes.

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

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

9 MS. BROOKS: I'm sure that --

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

14 MR. HINES: Yeah.

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

20 CHAIRMAN BRAND: Is the Board
21 comfortable with that?

22 Can I have a motion --

23 MR. GAROFALO: I have one other
24 comment.

25 CHAIRMAN BRAND: Before you do

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

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

2 old information.

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

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

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

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

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

15 MR. HINES: It's 500 feet.

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

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

25 CHAIRMAN BRAND: 500 feet.

2 MS. BROOKS: Okay.

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

5 CHAIRMAN BRAND: Anything else
6 from the Board?

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

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

14 MS. LANZETTA: Okay.

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

18 MR. HINES: I would have no
19 issue.

20 CHAIRMAN BRAND: January 3rd?

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

23 CHAIRMAN BRAND: No.

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

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

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

7 MS. BROOKS: I'm fine with that.

8 CHAIRMAN BRAND: So public
9 hearing January 3rd.

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

14 MR. CLARKE: Yes.

15 MR. TRONCILLITO: Yes.

16 MS. LANZETTA: Yes.

17 MR. GAROFALO: Yes.

18 MR. CAUCHI: Yes.

19 MR. LOFARO: Yes.

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

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

2 some clarity.

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

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

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

16 MR. GAROFALO: I just want to
17 make sure.

18 CHAIRMAN BRAND: Jen, just look
19 at that.

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

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

24

25 (Time noted: 9:17 p.m.)

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TONSING SUBDIVISION

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

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

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

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

16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 10th day of December
18 2021.

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Michele Conero

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MICHELLE CONERO

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

4 - - - - - In the Matter of

5 GUARINO SUBDIVISION

6 Project No. 20-4016
7 4 Ashlyen Drive, Marlboro
8 Section 108.2; Block 9; Lot 41.71

9 - - - - - SKETCH - SUBDIVISION

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

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

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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

2 CHAIRMAN BRAND: Guarino

3 Subdivision.

4 MS. BROOKS: I think the Board
5 last saw this a year ago. The applicant
6 has been working on the application since
7 then. They have reduced the application
8 from a three-lot to a two-lot subdivision.9 Carmen Messina has had the Health
10 Department out there. He's working on the
11 Ulster County Health Department approval
12 and the driveway profiles.13 Given the length of time since we
14 had last been before the Board, and
15 because we changed it from a three-lot to
16 a two-lot, I wanted to resubmit it and
17 make sure that the letter that we
18 submitted from the highway superintendent
19 was acceptable with regard to the access
20 to the property from the Town road.21 MR. HINES: I didn't see the
22 highway superintendent's letter.23 MS. BROOKS: It was included with
24 the package.

25 CHAIRMAN BRAND: It's dated

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.

2

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

4

MS. LANZETTA: I went back
through the files and there's been a
number of applications, you know, for this
and adjoining properties to continue
development here. Nothing has come of it.

9

I do know that we got this information
from Jeff quite awhile back, about it
being an unimproved road. The Planning
Board, according to Jeff, would have to
ask for this to be suitably improved. I
went back and I was looking at the bargain
and sale deed between the people who had
the property that the Guarinos purchased
to enlarge their lot to the original lot
size that they have today. There's quite
a number of covenants on here about being
able to, you know, put an easement and a
driveway right through the original lot so
that they could access a road, the same
road that the Guarinos are presently
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.

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

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

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

2 Board.

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

5 MR. COMATOS: Sure.

6 MS. BROOKS: That would be
7 helpful.8 MR. COMATOS: I'll send it to you
9 tomorrow.10 MS. BROOKS: I appreciate it.
11 Thank you.12 Again, I would imagine, in
13 addition to the highway superintendent, we
14 probably should have the fire department
15 weigh in on what the definition of
16 suitably improved would be for adequate
17 access to one dwelling.18 MR. COMATOS: I would think
19 guidance from the Highway Department
20 should clarify what's suitable.

21 MS. BROOKS: Okay.

22 CHAIRMAN BRAND: Any other
23 questions or comments from the Board?24 MR. GAROFALO: I have one
25 comment. The apron to the house on

2 Ashlyen Drive, is that paved also?

3 MS. BROOKS: I'm sorry?

4 MR. GAROFALO: The apron.

5 CHAIRMAN BRAND: The driveway
6 apron.

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

9 MS. BROOKS: Yes.

10 CHAIRMAN BRAND: Anything else?

11 (No response.)

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

15 MR. COMATOS: Understood.

16 CHAIRMAN BRAND: Great.

17 MS. BROOKS: Absolutely.

18 CHAIRMAN BRAND: I think that's
19 it.

20 MS. BROOKS: Thank you very much.

21 CHAIRMAN BRAND: Thank you.

22

23 (Time noted: 9:25 p.m.)

24

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

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5

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

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

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

16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 10th day of December
18 2021.

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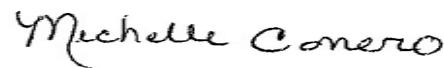
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MICHELLE CONERO