

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

- - - - - X
In the Matter of

POLLOCK SITE PLAN

Project No. 21-5019
39 Main Street, Milton
Section 103.1; Block 2; Lots 44 & 45

- - - - - X

MODIFICATION - SITE PLAN

Date: June 6, 2022
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

- - - - - X

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

1 POLLOCK SITE PLAN

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

6 (Pledge of Allegiance.)

7 CHAIRMAN BRAND: Agenda, Town
8 of Marlborough Planning Board,
9 Monday, June 6, 2022. Regular
10 meeting at 7:30 p.m. On the
11 agenda tonight we have the approval
12 of the stenographic minutes for May
13 2nd. Also on the agenda we have Dave
14 & Jolee Dubois at 228 Mahoney Road
15 for a public hearing of their
16 subdivision; we have the Verizon -
17 Marlboro High School at 50 Cross
18 Road in Marlboro for a final of their
19 site plan; Ashlyen Guarino at 5
20 Ashlyen Drive for a preliminary of
21 their subdivision; Maria Mekeel at
22 34 Bingham Road for a sketch of their
23 subdivision; Dane Desantis at
24 226 Highland Avenue, Marlboro for a
25 sketch of their subdivision; the

1 P O L L O C K S I T E P L A N

2 Corrado Subdivision on Burma Road in
3 Marlboro for a sketch of their
4 subdivision; and the Pollock Site
5 Plan located at 39 Main Street in
6 Milton for a modification of their
7 site plan. The next deadline is
8 Friday, June 10, 2022. The next
9 scheduled meeting is Tuesday, June
10 21, 2022, which will be held
11 upstairs.

12 I would like to have a motion
13 for the approval of the stenographic
14 minutes for May 2nd, please.

15 MR. TRONCILLITO: So moved.

16 CHAIRMAN BRAND: Is there a
17 second?

18 MR. GAROFALO: I'll second.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection
22 to the approval?

23 (No response.)

24 CHAIRMAN BRAND: So moved.

25 Anything from the Board before

1 POLLOCK SITE PLAN

2 we begin?

3 (No response.)

4 CHAIRMAN BRAND: I would like a
5 motion to modify the agenda to move
6 the Pollock Site Plan to first,
7 please.

8 MS. LANZETTA: I'll make that
9 motion.

10 CHAIRMAN BRAND: Is there a second?

11 MR. JENNISON: I'll second it.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: All right. So
17 first up tonight we have the Pollock
18 Site Plan for a modification at
19 39 Main Street in Milton. Are their
20 applicants here?

21 (No response.)

22 CHAIRMAN BRAND: Okay. Pat,
23 did you have any comments for this at
24 all?

25 MR. HINES: We have a couple of

1 P O L L O C K S I T E P L A N

2 cleanup items. I was working with
3 Jeff today on the resolution which I
4 reviewed.

5 The drainage has been revised
6 since the plan was last before us.
7 It was formerly going out to Milton
8 Turnpike, crossing Milton Turnpike
9 and connecting to the County system.
10 The County commented on that and they
11 were able to move the drainage closer
12 to their site. They tweaked the
13 building location a little bit to
14 make some room. Now it's between the
15 sidewalk and the building, for the
16 most part, and remaining on their
17 site before it connects to the Town's
18 drainage system. We're okay with
19 that.

20 Along with that, the County has
21 verbally approved the drainage.
22 We're waiting for the final signoff.

23 There needs to be a stormwater
24 facilities maintenance agreement,
25 which is a condition of the approval,

1 POLLOCK SITE PLAN

2 to assure the long-term maintenance
3 of the underground stormwater storage
4 system.

5 You previously issued a
6 negative declaration for the project.
7 We have reviewed the amended site
8 plan and find no new potential
9 significant environmental impacts
10 flowing from those revisions. We
11 would recommend the Planning Board
12 reaffirm your negative declaration,
13 which I know the resolution before
14 you tonight has that.

15 All our other previous comments
16 have been addressed and are repeated
17 in the resolution.

18 CHAIRMAN BRAND: Thank you.
19 Jeff?

20 MR. BATTISTONI: What I did was
21 I took the previously approved
22 resolution and I used that as a
23 template for this. This is just an
24 amendment of that. I tried to keep
25 all the background in this and then

1 POLLOCK SITE PLAN

2 add changes. Some of the sheets of
3 the site plan were unchanged but
4 others were revised. I put in the
5 latest revision dates for all of
6 those.

7 The Planning Board does have
8 the authority under the code when
9 issuing a revised site plan approval
10 to waive a public hearing and waive
11 the formal application. You did that
12 at the May 2nd meeting, so I recited
13 that fact in this resolution. I
14 think the resolution is
15 straightforward.

16 Let me just ask Pat. You
17 mentioned here number 2, that there's
18 a need for a revised approval from
19 County DPW. Do I have that in here?

20 MR. HINES: You have it.

21 MR. BATTISTONI: So it's in
22 there. All right. So I think the
23 Board is covered.

24 CHAIRMAN BRAND: Thanks, Jeff.
25 Comments or questions from the

1 POLLOCK SITE PLAN

2 Board?

3 MR. GAROFALO: I have three
4 comments. Number one is mixed uses
5 are special uses. Special uses
6 require a special use permit. I
7 think that that should be added on to
8 the document that we're going to
9 approve.

10 The second thing is I think it
11 would also be appropriate, because
12 this project really depends on the
13 highway improvements, particularly
14 the accessible parking on the street
15 and the loading zone, that there be a
16 condition of approval that the Town
17 Board approves the highway
18 improvements. In a sense that will
19 create a nexus between our allowing
20 the accessible uses for the parking
21 on the street, although both of them
22 should have been identified as part
23 of the 5. I think that putting that
24 condition in creates that kind of
25 nexus and allows us to proceed with

1 POLLOCK SITE PLAN

2 that kind of policy in the future.

3 The last item is a more
4 sensitive item, and that deals with
5 the Kent property. The Kent
6 property, based on looking at the
7 plans, looks like it's in an R Zone.
8 My concern here is that although it
9 meets the side yard for a single side
10 yard, combined it appears to be short
11 of the 60 feet that's required. My
12 concern here is that the Kent
13 property is being changed from a
14 conforming use to a nonconforming
15 use. I'm not sure we have the
16 authority to do that. Certainly I
17 think we could move the line and get
18 that back into conforming use, but I
19 am concerned about that one issue.

20 CHAIRMAN BRAND: Pat, could you
21 field that last one for us?

22 MR. HINES: That lot line is
23 not before you right now and that map
24 has been filed. I don't know how to
25 address that any further. The lot

1 POLLOCK SITE PLAN

2 line was filed with the County
3 previously as part of this process.

4 MR. BATTISTONI: I was going to
5 say the same thing, that map has
6 already been filed.

7 CHAIRMAN BRAND: How about the
8 other two, the special use permit?

9 MR. BATTISTONI: It's not
10 something that I had given any
11 thought to. Mr. Garofalo had
12 mentioned that to me before the
13 meeting. I would say that the Board
14 has already approved this project and
15 they're now just amending the
16 approval for a few changes. I don't
17 think you need to address that.

18 CHAIRMAN BRAND: Additional
19 comments from the Board?

20 (No response.)

21 CHAIRMAN BRAND: No. Jen,
22 would you poll the Board then --
23 sorry. Jeff?

24 MR. BATTISTONI: I don't know
25 whether a special use permit is

1 POLLOCK SITE PLAN

2 required. If the Board wants, it
3 could simply amend the resolution to
4 indicate that a special use permit is
5 being granted as well as a site plan
6 approval.

7 CHAIRMAN BRAND: I have no
8 objection to that.

9 MR. GAROFALO: I can give you
10 the code if that would be helpful.

11 MR. BATTISTONI: You had
12 mentioned the code section to me
13 before. I mean it's not something I
14 had looked at before, but I don't
15 think it hurts to include that in the
16 resolution.

17 CHAIRMAN BRAND: Is there any
18 objection to adding that to the
19 resolution?

20 MR. CLARKE: No.

21 MR. TRONCILLITO: No.

22 MS. LANZETTA: No.

23 MR. GAROFALO: No.

24 MR. JENNISON: No.

25 MR. LOFARO: No.

1 POLLOCK SITE PLAN

2 CHAIRMAN BRAND: So we will add
3 the special use permit to it.

4 Jen, with that being noted,
5 would you poll the Board.

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Clarke?

9 MR. CLARKE: Yes.

10 MS. FLYNN: Member Garofalo?

11 MR. GAROFALO: Yes.

12 MS. FLYNN: Member Jennison?

13 MR. JENNISON: Yes.

14 MS. FLYNN: Member Lanzetta?

15 MS. LANZETTA: Yes.

16 MS. FLYNN: Member Lofaro?

17 MR. LOFARO: Yes.

18 MS. FLYNN: Member Troncillito?

19 MR. TRONCILLITO: Yes.

20 CHAIRMAN BRAND: So moved.

21

22 (Time noted: 7:38 p.m.)

23

24

25

POLLOCK SITE PLAN

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

DAVE & JOLEE DUBOIS

Project No. 22-6006
228 Mahoney Road, Milton
Section 95.4; Block 2; Lot 15

- - - - - X

PUBLIC HEARING - SUBDIVISION

Date: June 6, 2022
Time: 7:38 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CARNEY RHINEVAULT

- - - - - X

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

1 D A V E & J O L E E D U B O I S

2 CHAIRMAN BRAND: Next on the
3 agenda tonight we have Dave Dubois at
4 228 Mahoney Road, Milton for a public
5 hearing of their subdivision.

6 "Legal notice, subdivision
7 application. Please take notice a
8 public hearing will be held by the
9 Marlborough Planning Board pursuant
10 to the State Environmental Quality
11 Review Act or SEQRA and the Town of
12 Marlborough Town Code Section 134-33
13 on Monday, June 6, 2022 for the
14 following application of Dave and
15 Jolee Dubois at the Town Hall,
16 21 Milton Turnpike, Milton, New York
17 at 7:30 p.m. or as soon thereafter as
18 may be heard. The applicant is
19 seeking approval of a three-lot
20 subdivision application for lands
21 located at 228 Mahoney Road in
22 Milton, New York 12547, Section 95.4;
23 Block 2; Lot 15. Any interested
24 parties either for or against this
25 proposal will have an opportunity to

1 DAVE & JOLEE DUBOIS

2 be heard at this time. Chris Brand,
3 Chairman, Town of Marlborough
4 Planning Board."

5 Did you guys send out the
6 mailings?

7 MR. DUBOIS: Yes.

8 CHAIRMAN BRAND: Do you know
9 how many were sent out and how many
10 were returned?

11 MR. DUBOIS: Yup. I've got it
12 here.

13 MR. STOCKDALE: Excuse me. I'm
14 a neighbor. I do have a vested interest.

15 CHAIRMAN BRAND: You will have
16 an opportunity to be heard in one
17 moment, sir.

18 MR. STOCKDALE: Thank you, sir.

19 CHAIRMAN BRAND: How many
20 mailings were sent out and how many
21 were returned?

22 MR. DUBOIS: Do you want me to
23 count them?

24 CHAIRMAN BRAND: Jen, do you
25 want to count them?

1 DAVE & JOLEE DUBOIS

2 You can just give them to the
3 secretary. She'll take care of that.

4 MS. FLYNN: Sure.

5 CHAIRMAN BRAND: Before we open
6 this up to the public; Pat, do you
7 just want to run through your
8 comments on this?

9 MR. HINES: So the plans have
10 been revised to show the 75-foot
11 setback lines for both the rear yard
12 and the setback from the active farm.

13 Agricultural notes have been
14 added to the plans, the standard
15 notes.

16 A note has been added
17 underneath the bulk table identifying
18 the section of the code, which is the
19 last section of your code, regarding
20 agricultural setbacks.

21 Approval from the Health
22 Department for the septic system is
23 required. I don't have that yet.

24 The surveyor, Mr. Rhinevault, I
25 did have that information. We have

1 DAVE & JOLEE DUBOIS

2 the metes and bounds descriptions of
3 the roadway dedication parcels, but
4 there needs to be some more legal
5 documents that make that transfer
6 possible. We're deferring to Jeff's
7 office on that, that we get the
8 offers of dedication and such along
9 with the metes -- rather extensive
10 metes and bounds description that we
11 do have.

12 Those are the major comments I
13 have. We're waiting for the Health
14 Department on the septic and we'll
15 need to clean up the offers of
16 dedication.

17 CHAIRMAN BRAND: Thank you.

18 Comments or questions from the
19 Board?

20 (No response.)

21 MS. FLYNN: Chris, 25 went out,
22 24 came back.

23 CHAIRMAN BRAND: Thank you.

24 Okay. This is a public
25 hearing. If you are from the public

1 D A V E & J O L E E D U B O I S

2 and you'd like to speak, now is your
3 opportunity, just please stand and
4 state your name for the stenographer
5 and you'll be heard at this time.

6 MR. DUBOIS: I've got the Board
7 of Health approvals.

8 MR. STOCKDALE: My name is John
9 Stockdale. I own the land directly
10 next to Dave. I met Dave a couple
11 months ago when he bought the
12 property next to us. I have nothing
13 but respect for him. He was totally
14 honest, totally everything. I'm not
15 going to tell him what he can and
16 cannot do with his property.
17 However, I don't have his phone
18 number or anything so I wanted to
19 come to this because tonight I had to
20 go take care of some property of his,
21 too, so that my wife and I don't get
22 in an accident.

23 So what I want to know is Dave
24 said he's going to come and take care
25 of the property next to us, about

1 DAVE & JOLEE DUBOIS

2 three-quarters of an acre or an acre,
3 keep it mowed, keep it all that. I
4 want to know if that's going to
5 happen, because I had to go out
6 tonight and spend an hour weeding
7 just so my wife and I don't get hit
8 by a car, because we can't see the
9 road. I think Dave is a great guy.
10 I have nothing but good things to say
11 about the time I met him. I would
12 like to know if that's going to
13 happen. Is he really going to take
14 care of the property next to us
15 before he builds a house there,
16 hopefully in a few years or more than
17 a few, like he said? I just wanted
18 that out there. Like I said, I don't
19 have his number so I'd like an
20 answer.

21 CHAIRMAN BRAND: Would you like
22 to respond to that?

23 MR. DUBOIS: Yeah. If you want
24 it mowed, I'll mow it.

25 MR. STOCKDALE: What's that?

1 DAVE & JOLEE DUBOIS

2 MR. DUBOIS: I'll mow it. You
3 know, it's just a field now. I
4 wasn't farming it or anything.

5 MR. STOCKDALE: He has been
6 very busy farming across the street,
7 but at the same time, you know, if we
8 get in an accident because we can't
9 see the road, that's something else.

10 CHAIRMAN BRAND: Thank you.

11 MR. HINES: So as part of this
12 subdivision, as a policy for the
13 Planning Board, there's a 25-foot
14 dedication strip from the center line
15 of the road in. A good portion of
16 where your driveway comes out will
17 become Town right-of-way, and then
18 that would be the responsibility of
19 the town highway superintendent.

20 MR. STOCKDALE: You need
21 somebody to mow it.

22 MR. HINES: That will give you
23 another means to contact someone to
24 say hey, I have a sight distance
25 issue.

1 DAVE & JOLEE DUBOIS

2 MR. STOCKDALE: The previous
3 owner had apple trees and the State
4 was going to shut them down.

5 CHAIRMAN BRAND: Thank you.
6 Any other questions or comments from
7 the Board or from the public?

8 (No response.)

9 CHAIRMAN BRAND: Anything else
10 from the Board?

11 MS. LANZETTA: I'm just
12 wondering, because we want to make
13 sure that the building is placed in
14 the position that we want it to be,
15 is this something that when we do the
16 resolution we should ask Pat, also,
17 that it be staked, the envelope
18 staked, so that we can assure that we
19 keep the 75-foot boundary?

20 MR. HINES: I'm looking here
21 now. I had made a comment previously
22 and I thought it was on the map, that
23 a plot plan -- it's not this project.

24 So the building envelope is
25 very small. We want to make sure

1 DAVE & JOLEE DUBOIS

2 that the building ends up in that
3 building envelope. We typically ask
4 for a note stating that a plot plan
5 and field staking of the foundation
6 will be provided prior to issuance of
7 the building permit. With that
8 change, that will assure that the
9 building ends up where it's supposed
10 to.

11 MS. LANZETTA: Please.

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

14 (No response.)

15 CHAIRMAN BRAND: All right
16 then. I would like a motion to close
17 the public hearing.

18 MR. JENNISON: I'll make a motion.

19 MR. CLARKE: I'll second it.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 CHAIRMAN BRAND: All right.

25 Pat?

1 DAVE & JOLEE DUBOIS

2 MR. HINES: Also, during the
3 public hearing the applicant handed
4 me a septic approval that I did not
5 have. There is a septic system
6 approval dated 31 May 2022. That
7 will address the condition I had as
8 well.

9 Is this a copy?

10 MR. DUBOIS: That's a copy.

11 MR. HINES: That comment of
12 mine has been addressed.

13 MR. LOFARO: I'll make a motion
14 to prepare a resolution contingent on
15 number 2 which is resolved.

16 CHAIRMAN BRAND: To prepare a
17 resolution. Is there a second to
18 that?

19 MR. TRONCILLITO: I'll second
20 that.

21 CHAIRMAN BRAND: Any discussion?
22 (No response.)

23 CHAIRMAN BRAND: Any objection?
24 (No response.)

25 CHAIRMAN BRAND: All right.

1 D A V E & J O L E E D U B O I S

2 We'll have that for you at the next
3 meeting, sir. Thank you.

4

5 (Time noted: 7:50 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

VERIZON - MARLBORO HIGH SCHOOL

Project No. 21-5031
50 Cross Road, Marlboro
Section 108.4; Block 2; Lot 71.100

- - - - - X

FINAL - SITE PLAN

Date: June 6, 2022
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE
ROBERT TRONCILLITO
STEPHEN JENNISON

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
MICHAEL MUSSO
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DAVID BRENNAN

- - - - - X

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

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 CHAIRMAN BRAND: Next on the
3 agenda we have Verizon - Marlboro
4 High School at 50 Cross Road,
5 Marlboro for a final of their site
6 plan.

7 Mr. Garofalo, you are recused,
8 sir.

9 MR. GAROFALO: Thank you.

10 (Mr. Garofalo left the room.)

11 CHAIRMAN BRAND: Jeff, I think
12 I'll start with you when you're
13 prepared. I know that you had
14 prepared a SEQRA amended declaration,
15 notice of determination of
16 nonsignificance, as well as an
17 approval resolution.

18 MR. BATTISTONI: Let me just
19 say I wish that I had prepared these
20 sooner than I did. I apologize for
21 that.

22 I will say that Mr. Musso
23 reviewed these very quickly. I did
24 send them to the applicant's attorney
25 as well, and he pointed out just one

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 error I made. In the negative
3 declaration I referred to a short EAF
4 as having been submitted. In fact,
5 they submitted a full EAF. We'll
6 make that change tonight and I'll
7 redo that page of the resolution.

8 The other thing that the
9 applicant for the -- the attorney for
10 the applicant raised is something
11 about a waiver. It was a waiver from
12 Section 152-22. I think we're going
13 to add language that the removal bond
14 simply needs to be subject to
15 approval by the Planning Board
16 attorney, which is fine with me. So
17 I will add that language to that one
18 waiver.

19 CHAIRMAN BRAND: Okay.
20 Questions or comments from the Board?

21 (No response.)

22 CHAIRMAN BRAND: No. All
23 right. Anything from the applicant
24 on this?

25 MR. BRENNAN: No. We

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 appreciate the opportunity to have
3 seen the resolutions in advance. I
4 had an opportunity to discuss them
5 briefly. My two minor comments have
6 been addressed by the Board's
7 attorney. We appreciate that.

8 We have nothing further at this
9 point, sir.

10 CHAIRMAN BRAND: Great. Jen,
11 in the matter of the SEQRA negative
12 declaration and the notice of
13 determination of nonsignificance,
14 would you poll the Board.

15 MS. FLYNN: Chairman Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 MS. FLYNN: Member Jennison?

20 MR. JENNISON: Yes.

21 MS. FLYNN: Member Lanzetta?

22 MS. LANZETTA: Yes.

23 MS. FLYNN: Member Lofaro?

24 MR. LOFARO: Yes.

25 MS. FLYNN: Member Troncillito?

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: For the
4 approval of the resolution; Jen,
5 would you poll the Board.

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Clarke?

9 MR. CLARKE: Yes.

10 MS. FLYNN: Member Jennison?

11 MR. JENNISON: Yes.

12 MS. FLYNN: Member Lanzetta?

13 MS. LANZETTA: Yes.

14 MS. FLYNN: Member Lofaro?

15 MR. LOFARO: Yes.

16 MS. FLYNN: Member Troncillito?

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: It looks as
19 though you're all set with the -- the
20 escrow is an issue.

21 MS. FLYNN: With the escrow,
22 before we can sign the final maps,
23 you can either wait for the signature
24 and I will get all the final billing
25 in or you can give me \$1,000 and have

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 the map signed tonight. Whatever is
3 left over, if there is any, then you
4 would get that back.

5 CHAIRMAN BRAND: Door 1 or door
6 2?

7 MR. BRENNAN: I wasn't
8 expecting this tricky question. We
9 did bring copies down to be signed
10 tonight. In fairness, I think why
11 don't I leave them. It's not
12 necessary that I drag them back to
13 Albany tonight. It's not like it's
14 going to change anything.

15 MS. FLYNN: I can hold them.
16 That's not a problem.

17 MR. BRENNAN: And then, you
18 know, have them signed and then we'll
19 square up on the escrow, which I know
20 is something we always do. We'll
21 take care of that.

22 CHAIRMAN BRAND: Great.

23 MR. BRENNAN: I don't see that
24 there's a pressing issue to have the
25 pens out of the pocket tonight.

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 CHAIRMAN BRAND: Great. Thank
3 you then.

4 MR. BRENNAN: I appreciate
5 everyone's time and efforts. This
6 has spanned many months and we
7 appreciate the time and effort that
8 went into this review.

9 CHAIRMAN BRAND: I'm looking
10 forward to not dropping a signal.

11 MR. BRENNAN: I hope that
12 doesn't happen as well.

13

14 (Time noted: 7:58 p.m.)

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

MICHELLE CONERO

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

- - - - - X
In the Matter of

GUARINO ASHLYEN

Project No. 20-4016
5 Ashlyen Drive, Marlboro
Section 108.2; Block 9; Lots 41 & 71

- - - - - X

PRELIMINARY - SUBDIVISION

Date: June 6, 2022
Time: 7:58 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

- - - - - X

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

1 G U A R I N O A S H L Y E N

2 CHAIRMAN BRAND: Next on the
3 agenda we have Ashlyen Guarino at
4 5 Ashlyen Drive for a preliminary of
5 their subdivision.

6 Good evening, Ms. Brooks.

7 MS. BROOKS: Good evening.

8 CHAIRMAN BRAND: How are you?

9 MS. BROOKS: I'm well. Thank
10 you.

11 CHAIRMAN BRAND: Great. You
12 have maps for us?

13 MS. BROOKS: Yeah. I know that
14 when we had the site meeting I showed
15 everybody the maps, but I don't think
16 I ever brought copies of them to Jen.
17 I'm not sure that I had.

18 CHAIRMAN BRAND: Patti, do you
19 just want to give us an update on
20 what's changed since we last saw
21 these maps?

22 MS. BROOKS: Sure. We did --

23 MR. HINES: That happens to be
24 my comment number 1.

25 MS. BROOKS: Again, you'll

1 G U A R I N O A S H L Y E N

2 recall that we did have a site
3 meeting at the location after the
4 last meeting. The applicant and the
5 proposed lot purchaser are both here
6 this evening. It was, I believe,
7 determined at that point in time that
8 we would extend the Town road, Ruby
9 Road, for approximately another 50
10 feet, and then the driveway would
11 come off of that and swing into the
12 lot. We looked at where the lot
13 corners were and the boundary lines
14 and where the pine trees were.

15 The other change we made was to
16 make sure that all of the regrading
17 for the lot was either on lands of
18 Guarino or within the limits of the
19 Town road. So I think that that was
20 the compromise that we all agreed to
21 at the site meeting.

22 My hope this evening is that
23 the Planning Board will concur with
24 that, at which time we would ask to
25 get back on the Town Board agenda for

1 G U A R I N O A S H L Y E N

2 next week to make sure that the Town
3 Board is -- they have to agree to us
4 constructing the road within the Town
5 lands. Then hopefully we'll be
6 prepared for -- if the Board would
7 authorize a resolution to be drafted
8 for the June 20th meeting. I think
9 we're hopefully at the end of the
10 road.

11 MS. FLYNN: Patti, it's June 21st.

12 MS. BROOKS: June 21st.

13 CHAIRMAN BRAND: Pat, we're
14 ready for your comments.

15 MR. HINES: Okay. So my first
16 comment was to discuss the field
17 review, which just occurred.

18 I just did receive this revised
19 map. I do note that there is a
20 proposed Town road extension. We
21 would be looking for a detail of that
22 Town road extension, how it's going
23 to be constructed. The Town has
24 standard details on their street
25 specifications which could be cut and

1 G U A R I N O A S H L Y E N

2 pasted on the plan for the minor Town
3 road.

4 We did comment previously on
5 the grading plan. This is a revised
6 grading plan I'm seeing tonight, so
7 we'll take a look at that between now
8 and then.

9 The Health Department approval
10 for the sanitary sewer disposal
11 system, I don't know if we received
12 that yet.

13 MS. BROOKS: We submitted that
14 a few months ago.

15 MR. HINES: Okay. So that
16 should be a nonissue.

17 Otherwise, we don't have any
18 substantial comments that can't be
19 addressed between now and when
20 they're working with the Town Board
21 for the road extension. We can
22 address them between now and the next
23 meeting.

24 CHAIRMAN BRAND: Comments or
25 questions from the Board?

1 G U A R I N O A S H L Y E N

2 MR. CLARKE: At the site visit
3 I sensed a little reluctance whether
4 you were going to do the 50 feet.
5 You're going to go ahead and do that?

6 MS. GUARINO: Yes. We had no
7 idea what the cost would be as we
8 stood there.

9 MR. CLARKE: I wondered if you
10 had looked into that and decided to
11 go forward with it.

12 MS. GUARINO: Yes. It's within
13 budget.

14 MR. CLARKE: Okay.

15 CHAIRMAN BRAND: Any other
16 comments or questions?

17 MR. GAROFALO: Yes. I have two
18 comments. Number one, the road
19 improvement, it would be a condition
20 of approval that that be done. Is
21 that correct?

22 MR. HINES: Most likely either
23 bonded or constructed prior to
24 stamping of the maps would be the
25 normal course of how that would

1 G U A R I N O A S H L Y E N

2 occur.

3 MR. GAROFALO: Okay. The
4 second question is a question that I
5 had before, and that was which of
6 the two roads is the wider road which
7 defines where the front yard is on
8 lot number 1?

9 MS. BROOKS: I measured both
10 Ashlyen Drive and Ruby Road in
11 several locations and they are the
12 same width.

13 MR. GAROFALO: Okay. Then it
14 doesn't really matter. Thank you.

15 Can that be put on the plan so
16 that it becomes clear? If that ever
17 becomes an issue in the future, then
18 it's been documented.

19 MS. BROOKS: Certainly.

20 MR. GAROFALO: Thank you.

21 MR. HINES: It's almost on
22 there by default because the 50-foot
23 front yard setback and the 35-foot
24 side yard setback are depicted.

25 CHAIRMAN BRAND: Was that it,

1 G U A R I N O A S H L Y E N

2 Mr. Garofalo?

3 MR. GAROFALO: Yes. That
4 answered my question.

5 CHAIRMAN BRAND: Anything else?

6 (No response.)

7 CHAIRMAN BRAND: No. Are we
8 comfortable drafting an approval
9 resolution with these conditions
10 being met by the next meeting?

11 MR. CLARKE: Yes.

12 MR. TRONCILLITO: Yes.

13 MS. LANZETTA: Yes.

14 MR. GAROFALO: Yes.

15 MR. JENNISON: Yes.

16 MR. LOFARO: Yes.

17 CHAIRMAN BRAND: Yes.

18 Is there any objection to that?

19 (No response.)

20 MR. HINES: I think they have
21 to go to the Town Board.

22 MS. BROOKS: Next Monday.

23 CHAIRMAN BRAND: So that will
24 give them time if they give you the
25 okay. Sure.

1 G U A R I N O A S H L Y E N

2 Cindy, it looks like you were
3 going to say something.

4 MS. LANZETTA: I just want to
5 make sure that we have something on
6 record from the highway
7 superintendent that he's agreeable to
8 this, as well as the Town Board. I
9 don't think it's a problem, but I'd
10 like to have it on record.

11 MS. BROOKS: I'll reach out to
12 the highway superintendent and ask
13 for his concurrence.

14 CHAIRMAN BRAND: So with those
15 conditions being met, I'd like to
16 have a motion for the attorney to
17 draft a resolution of approval.

18 MR. TRONCILLITO: I'll make
19 that motion.

20 MR. LOFARO: I'll second it.

21 CHAIRMAN BRAND: Any discussion?
22 (No response.)

23 CHAIRMAN BRAND: Any objection?
24 (No response.)

25 CHAIRMAN BRAND: All right.

1 G U A R I N O A S H L Y E N

2 We'll see you at the next meeting.

3 MS. BROOKS: Thank you very
4 much.

5 (Ms. Brooks and Ms. Guarino
6 left the meeting.)

7 MR. MICHAEL PAPALEO: They want
8 to extend the road, but that's my
9 land.

10 CHAIRMAN BRAND: The Town road
11 is there but it's not paved.

12 MR. HINES: They're showing the
13 paper street right-of-way extending
14 to here. Ruby Road, it's constructed
15 here. The surveyor is depicting that
16 right-of-way to extend to here.

17 MR. MICHAEL PAPALEO: So the
18 Town is going to build the road? Who
19 is building the road?

20 MR. HINES: The applicant is
21 going to the Town to get permission
22 to extend that road.

23 MR. MICHAEL PAPALEO: Who is
24 paying for it? The applicant is
25 paying for it?

1 G U A R I N O A S H L Y E N

2 MR. HINES: Yes.

3 MR. MICHAEL PAPAEO: All
4 right. But who is to say that that
5 was like that? That's from day one
6 when they created it?

7 MR. HINES: The stamped survey
8 tells us that.

9 MR. MICHAEL PAPAEO: So why
10 wasn't it extended back in 1987?

11 MR. HINES: That was before
12 Pat.

13 CHAIRMAN BRAND: That's an
14 excellent question.

15 MR. HINES: I was in college
16 then. It wasn't me.

17 MR. MICHAEL PAPAEO: Where do
18 we stand with this as the property
19 owners? Where's the cul-de-sac?
20 Where's all that?

21 CHAIRMAN BRAND: There is no
22 cul-de-sac that's proposed there. It
23 will just be extended.

24 MR. MICHAEL PAPAEO: I thought
25 that was a pretty big issue in the

1 G U A R I N O A S H L Y E N

2 beginning.

3 CHAIRMAN BRAND: It is a big
4 issue. At our site review we decided
5 that we weren't really -- if that
6 road were to be extended, we weren't
7 worsening the conditions, we were
8 basically improving the conditions
9 slightly or leaving the same
10 conditions by just extending the
11 road. There wasn't any discussion of
12 a cul-de-sac or a hammerhead because
13 that's what was there before.

14 MR. HINES: There's no
15 right-of-way enough to build a
16 cul-de-sac or a hammerhead.

17 MR. MICHAEL PAPALEO: You guys
18 are okay with that?

19 CHAIRMAN BRAND: The highway
20 superintendent reviewed -- the big
21 question was snow, where to put the
22 snow.

23 MR. MICHAEL PAPALEO: It's
24 going to go on my property.

25 CHAIRMAN BRAND: He was

1 G U A R I N O A S H L Y E N

2 confident that there was room there.

3 MR. MICHAEL PAPALEO: It's
4 going to go straight in.

5 MR. HINES: From the terminus
6 of where they're constructing, there
7 is still, I'm going to guess, on the
8 map 50 feet.

9 MR. BEN PAPALEO: This remains
10 you're saying? That's going to
11 remain and they'll still have the
12 driveway going in like this?

13 MR. HINES: They're building
14 what's called a flag lot, this being
15 the flagpole.

16 MR. MICHAEL PAPALEO: Where is
17 this going?

18 MR. HINES: That's staying
19 there. The property line is staying
20 there. There's no proposed change to
21 that property line.

22 MR. MICHAEL PAPALEO: Where is
23 the driveway?

24 MR. HINES: The driveway is
25 happening at the terminus of where

1 G U A R I N O A S H L Y E N

2 their extension is. I'll say 50 feet
3 here. They're trying to avoid that
4 grade there.

5 MR. MICHAEL PAPAEO: What
6 about this grade?

7 MR. HINES: That would be
8 graded down.

9 MR. MICHAEL PAPAEO: That's my
10 property.

11 MR. HINES: It's not. It's
12 close, but it's not. We can't give
13 approval to go on your property but
14 they can grade on theirs.

15 MR. MICHAEL PAPAEO: Everybody
16 is okay with my concerns?

17 CHAIRMAN BRAND: We reviewed
18 the concerns. The applicant was
19 relatively confident that she could
20 get it done without disturbing --

21 MR. MICHAEL PAPAEO: Without
22 going onto my property?

23 MR. BEN PAPAEO: What happens
24 if they do?

25 CHAIRMAN BRAND: If there's an

1 G U A R I N O A S H L Y E N

2 issue, you contact the code
3 enforcement officer.

4 MR. HINES: You would have recourse.

5 MR. MICHAEL PAPALEO: It's a
6 little disappointing that this is
7 being done like this. From the
8 beginning there was a concern, but
9 now it's -- I don't know what made
10 everything okay. That's what I'm
11 trying to say.

12 CHAIRMAN BRAND: There was
13 basically an extension of the road.
14 The real problem was that you
15 couldn't build a driveway off the
16 extended road. Their agreement to
17 extend the road basically checked all
18 the boxes that it was suitable for
19 approval.

20 MR. MICHAEL PAPALEO: So the
21 Town approved it already?

22 CHAIRMAN BRAND: The Town did
23 not approve it. The Board authorized
24 the attorney -- this Board authorized
25 the attorney for an approval

1 G U A R I N O A S H L Y E N

2 resolution that we'll vote upon at
3 the next meeting. The Town Board
4 would also have to approve it. The
5 highway superintendent agreed to the
6 extension of the road that will be
7 built to Town highway road specs.

8 MR. MICHAEL PAPAEO: When is
9 that hearing for the approval?

10 CHAIRMAN BRAND: This Board
11 meets again on June 21st.

12 MR. MICHAEL PAPAEO: Is there
13 another meeting?

14 CHAIRMAN BRAND: The Town Board
15 meeting --

16 MS. FLYNN: Is Monday at 7.

17 MR. MICHAEL PAPAEO: Okay.
18 And where is that?

19 MS. FLYNN: Here.

20 MR. HINES: So there are survey
21 markers in the field --

22 MR. MICHAEL PAPAEO: I saw
23 them tonight.

24 MR. HINES: -- at the driveway
25 entrance.

1 G U A R I N O A S H L Y E N

2 MR. MICHAEL PAPAEO: Is that a
3 public hearing on Monday?

4 CHAIRMAN BRAND: It's not a
5 public hearing. There's only one
6 public hearing generally for each
7 project.

8 MR. HINES: We just had two.

9 CHAIRMAN BRAND: They were
10 confident it wouldn't disturb your
11 property or encroach upon it. If
12 that happens, please let the code
13 enforcement officer know immediately.

14 MR. MICHAEL PAPAEO: Have you
15 guys all seen the property?

16 MR. CLARKE: We went up there.

17 MR. MICHAEL PAPAEO: To the
18 left you seen how wide open it is?

19 MR. CLARKE: The lines were all
20 marked out.

21 MR. MICHAEL PAPAEO: The whole
22 left side was cleared out with no
23 permission at all.

24 CHAIRMAN BRAND: They seemed to
25 say that it was there before.

1 G U A R I N O A S H L Y E N

2 Obviously, I don't know that. The
3 highway superintendent said that he
4 was not --

5 MR. MICHAEL PAPALEO: You know
6 how it goes down. That was all
7 created by them. They created all of
8 that with the shale and everything.

9 CHAIRMAN BRAND: I can't
10 address that. That was before me and
11 before the site visit, obviously.
12 They were adamant that they did not
13 do that.

14 MR. MICHAEL PAPALEO: Thank you
15 very much for your time.

16 CHAIRMAN BRAND: If there's
17 issues like that, if you see them or
18 anyone modifying your property, you
19 need to contact the police, the code
20 enforcement officer, whatever it is.

21 MR. MICHAEL PAPALEO: Thanks,
22 guys.

23

24 (Time noted: 8:15 p.m.)

25

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

MARIA MEKEEL

Project No. 22-6001
34 Bingham Road, Marlboro
Section 108.4; Block 8; Lot 22.2

- - - - - X

SKETCH - SUBDIVISION

Date: June 6, 2022
Time: 8:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

- - - - - X

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

1 M A R I A M E K E E L

2 CHAIRMAN BRAND: Maria Mekeel.

3 How are you?

4 MR. MESSINA: I'm well. Thank
5 you.

6 CHAIRMAN BRAND: Do you want to
7 give us a brief overview?

8 MR. MESSINA: For the record,
9 I'm Carmen Messina, surveyor for the
10 project.

11 This is a subdivision of a
12 piece of property located on a
13 private road, Carmen's Way. It's 6
14 acres. The additional lot would be 2
15 acres. The residual lot would be 4
16 acres which has an existing house.

17 CHAIRMAN BRAND: Okay. Pat?

18 MR. HINES: So this one
19 confused me for a minute. This
20 project was before the Board a couple
21 months ago for a lot line change
22 taking 2.007 acres of property from
23 the front lot, Vasile, adding it to
24 what's now proposed lot 1, and now a
25 couple months later it's back here

1 M A R I A M E K E E L

2 for a subdivision taking that 2.007
3 acres off that parcel. We had to
4 take a look at the file here. I have
5 a handle on that.

6 So the Board understands, a
7 couple months ago you had a 2-acre
8 lot line change for this lot placing
9 this 2 acres with lot 1 to the rear.
10 They're now before you subdividing
11 that very same 2.07 acres off to a
12 separate lot. I don't know why.
13 It's another subdivision in the chain
14 and it wasn't addressed under the
15 SEQRA in the initial. I just bring
16 it to your attention.

17 We're requesting that the
18 documents for the private road be
19 received by Jeff's office to review
20 to make sure -- sometimes private
21 roads have limitations privately, not
22 zoning code on additional lots. We
23 need to take a look at that.

24 The existing well and septic on
25 lot 1 should be depicted.

1 M A R I A M E K E E L

2 The next comment is that the
3 subdivided lot is the same as your
4 lot line change. It was your
5 Planning Board file 22-6002.

6 We're going to need a signoff
7 from Central Hudson. The proposed
8 driveway is within Central Hudson's
9 easement.

10 Ulster County Health Department
11 for well and septic on the proposed
12 lot 2 will be required.

13 We're requesting a grading
14 plan. The lot is fairly steep and we
15 need grading for the driveway to show
16 that that meets the Town code. You
17 have a 14 percent maximum driveway
18 grade in your code.

19 It looks like the applicant is
20 requesting a waiver of topography on
21 lot 1. They did give you a letter
22 identifying waivers they're
23 requesting from the subdivision
24 checklist.

25 A short environmental

1 M A R I A M E K E E L

2 assessment form has been filed
3 indicating there are no substantial
4 environmental -- potential
5 environmental impacts based on the
6 DEC's database. There were all nos
7 in the online information.

8 CHAIRMAN BRAND: Thank you.

9 Comments or questions? Were
10 you going to address that?

11 MR. MESSINA: Yes. I think the
12 Central Hudson issue with the
13 driveway, we didn't have -- I got the
14 comments today so there wasn't time
15 for me to contact Central Hudson. Of
16 course we see that they already
17 allowed a driveway through their
18 easement to the existing house. They
19 know that it exists because the
20 property owner allows Central Hudson
21 to use their driveway through their
22 property to get to their
23 right-of-way. I don't think it will
24 be a problem in getting that
25 approved. We also have the original

1 M A R I A M E K E E L

2 easement document that was given to
3 Central Hudson in 1950 which states
4 that they can't -- if they wanted to
5 build a house, they would need
6 written permission. Other than that,
7 they could farm it and they could do
8 things, as long as it wasn't
9 detrimental to their operations or
10 their structure.

11 CHAIRMAN BRAND: Do you have
12 that, Pat, that document?

13 MR. HINES: I think he just got
14 it today.

15 MR. MESSINA: Yeah. I can give
16 you a copy.

17 MR. HINES: That was with the
18 parent parcel lot 1 or with the
19 Vasile parcel?

20 MR. MESSINA: The original
21 easement to Central Hudson.

22 MR. HINES: The information
23 you're talking about, because if you
24 remember, two or three months ago
25 this was part of the Vasile lot and

1 M A R I A M E K E E L

2 not the Muccio lot.

3 MR. MESSINA: It was all owned
4 by Carmen Vasile. He subdivided it
5 to Maria where you see the existing
6 house. They constructed a driveway
7 to get to that house which goes
8 through the right-of-way of Central
9 Hudson.

10 MS. LANZETTA: Did they have
11 permission from Central Hudson to do
12 that?

13 MR. MESSINA: Well, I guess we
14 could get that permission, I'm sure,
15 because they allow it because they
16 know it exists and they have never
17 objected. I think it was like maybe --

18 MS. MEKEEL: We gave Central
19 Hudson the right-of-way. It was our
20 farmland that they wanted to come
21 through. We gave them the
22 right-of-way, actually, to come
23 through our property.

24 MR. MESSINA: Central Hudson
25 uses their driveway that goes through

1 M A R I A M E K E E L

2 there to their easement, their
3 right-of-way to get to their lines.
4 So they're aware of the driveway. It
5 goes through their right-of-way and
6 they use it to get to their own
7 easement. I don't think they'll have
8 an objection to that driveway because
9 they use it themselves.

10 MR. HINES: We need to check
11 that box, though.

12 MR. MESSINA: I understand.

13 MR. HINES: Oftentimes they
14 don't object to perpendicular
15 crossings, but when they're in there
16 parallel, sometimes they object.
17 It's just a comment that that box
18 needs to get checked.

19 MR. MESSINA: I understand. I
20 was just stating that we didn't have
21 time to get that. I got the comments
22 today, so there wasn't time for me to
23 contact Central Hudson and get their
24 okay.

25 MR. HINES: It's not the intent

1 M A R I A M E K E E L

2 to get the comments addressed
3 tonight. That's why we don't give
4 them out early.

5 CHAIRMAN BRAND: Mr. Mekeel?

6 MR. MEKEEL: I'm not going to
7 say nothing.

8 MR. MESSINA: The engineer has
9 done deep tests and perc tests. He
10 either has submitted or is about to
11 submit their findings to the Board of
12 Health. I understand the Board of
13 Health is taking six to eight weeks
14 to approve these septic designs.

15 The question about the proposed
16 driveway to the new house proposal,
17 again I didn't have time to draw up
18 the profile. I checked my worksheet
19 when I designed this road and I can
20 tell you, just looking at it briefly
21 in the last hour, the slopes are
22 between 9 percent and 13, 14, 15.
23 One section, maybe like for 50 feet,
24 is 16 percent. It's definitely no
25 greater than the existing driveway.

1 M A R I A M E K E E L

2 CHAIRMAN BRAND: Pat, what's
3 the code?

4 MR. HINES: I'm not referring
5 to the existing Carmen's Way. My
6 comment has to do with the driveway
7 to the lot. The code says 14 percent
8 maximum.

9 CHAIRMAN BRAND: So any new
10 construction would have to be --
11 whatever is existing is fine. Okay.

12 MR. MESSINA: We can revise
13 that and make it no more than 14
14 percent. We'll lower the elevation
15 of the garage.

16 CHAIRMAN BRAND: Okay.

17 MR. MESSINA: The end point.

18 CHAIRMAN BRAND: Jeff?

19 MR. BATTISTONI: I'm sorry to
20 be a little dense maybe. The
21 applicants were here a couple months
22 ago and they moved a lot line 2.007
23 acres. Now they are cutting off that
24 same exact 2.007 acre piece. I'm
25 just wondering why.

1 M A R I A M E K E E L

2 MS. MEKEEL: Why would you need
3 to know that? I mean I -- because I
4 feel like doing it. I don't know.
5 That doesn't sound like a right
6 question that you can ask.

7 MR. HINES: Well, it certainly
8 is, because there's a State
9 Environmental Quality Review Act and
10 an issue called segmentation. When
11 you break up a project into smaller
12 components, it doesn't really jive
13 with that act.

14 MS. LANZETTA: That brings up
15 the question, you know, in our own
16 Town Code I was looking up 134-8 B,
17 that when you do waive, you know,
18 certain requirements which we were
19 asked to do with the original lot
20 line change, that it's with an
21 understanding that the applicant will
22 not be back for like three years
23 before they're looking for another
24 approval. So, you know, it's
25 something that, you know, concerns

1 M A R I A M E K E E L

2 me.

3 MR. MESSINA: Point of
4 clarification. That was a
5 requirement for the lot line
6 revision, that we couldn't come back?

7 MS. LANZETTA: You had asked
8 for a number of waivers when you did
9 the lot line revision. We allowed
10 those waivers for topography and
11 things like that.

12 MR. MESSINA: But not for the
13 fact that we couldn't come back
14 within three years?

15 MS. LANZETTA: Well, it says in
16 the code that if we do allow for a
17 number of waivers, that it's with an
18 understanding that somebody is not --
19 that there will be no -- that no lot
20 in the approved subdivision shall be
21 considered by the Board for a
22 re-subdivision for a period of three
23 years from the date of approval.

24 MR. MESSINA: Well, a
25 re-subdivision. This is not a --

1 M A R I A M E K E E L

2 MS. LANZETTA: Well, a lot line
3 change is considered a subdivision.

4 MR. MESSINA: A lot line change
5 is considered a subdivision?

6 MS. LANZETTA: It falls under
7 the subdivision law.

8 MR. MEKEEL: What part of the
9 code is that in, Cindy?

10 MS. MEKEEL: My parents are
11 getting elderly. I'm trying to take
12 some of the property away from them.
13 They don't need to pay the taxes on
14 it. I mean I don't know that that is
15 anybody's business. Why do I have to
16 say that?

17 MR. HINES: Because we have
18 sections of the code that need to be
19 addressed during this process.

20 MR. MEKEEL: What section is
21 that, Pat?

22 MR. HINES: I don't have my
23 code book with me. I will get it to
24 you.

25 MR. MEKEEL: In addition, Pat,

1 M A R I A M E K E E L

2 how long have you been sitting on
3 this Board now?

4 MR. HINES: A long time.

5 MR. MEKEEL: Twenty, thirty
6 years?

7 MR. HINES: Yeah.

8 MR. MEKEEL: This subdivision
9 was done ten years ago. The Board
10 had no problems, you had no problems
11 with it.

12 MS. MEKEEL: The same --

13 MR. MEKEEL: The same exact
14 thing we're doing right now was done
15 ten years ago, and then all of a
16 sudden now we're bringing it in front
17 of you again and now you're going to
18 deny it.

19 MR. HINES: We're not denying
20 it. We're having a conversation
21 here.

22 MR. MEKEEL: No. I can hear
23 Cindy's voice. She's saying three
24 years, you know. I'm just saying,
25 Pat, you know, it sounds like to me

1 M A R I A M E K E E L

2 --

3 MR. CLARKE: If you did this
4 ten years ago --

5 MS. MEKEEL: My father combined
6 it back then because the taxes were
7 too great.

8 MR. HINES: What happened is
9 there is a change in circumstance
10 now. There was an application a
11 couple months ago that this Board
12 acted on and now we have another
13 application that we're acting on that
14 the Board and its consultants are
15 discussing. There certainly -- you
16 know, there's always a potential for
17 variance relief as well from that
18 section of the code as long as it's
19 in the Zoning Code.

20 MS. MEKEEL: It's 2 acres.
21 What do you need a variance for?

22 MR. TRONCILLITO: Would this
23 fall under like a hardship case or
24 something like that in regards to
25 what she's saying in regards to the

1 M A R I A M E K E E L

2 taxes that the parents are paying?

3 MR. HINES: I think what we
4 need is to have an opportunity to
5 review that section of the code. We
6 can give the Board some advice on it.

7 MR. GAROFALO: It's a separate
8 item which may be cross involved
9 here, and that deals with the front
10 yard. My understanding is the front
11 yard is off of Bingham Road.

12 MR. HINES: Carmen's Way being
13 a private road sets that as the front
14 yard.

15 MR. GAROFALO: The front yard
16 --

17 MR. HINES: The private road
18 can be a front yard.

19 MR. GAROFALO: Thank you.

20 CHAIRMAN BRAND: So Pat,
21 basically you're asking for more time
22 to review that section of the code
23 and look through it. This obviously
24 would require a public hearing as
25 well?

1 M A R I A M E K E E L

2 MR. HINES: Yeah. I mean I
3 think we're going to have to go
4 through the code and read what your
5 code says about a lot line change.
6 You have that new streamlined --
7 certainly many codes identify lot
8 line changes as a subdivision. I've
9 got to take a look at your new
10 streamlined code. It may be that you
11 took those out as subdivisions
12 because you don't have public
13 hearings.

14 I don't want you guys to panic
15 yet, but there's a review of the code
16 that we need to take a look at.

17 CHAIRMAN BRAND: And this one
18 would fall under that?

19 MR. HINES: Originally we did a
20 lot line change under your
21 streamlined lot line code a couple
22 months ago. The question is whether
23 or not your code defines a lot line
24 -- one of the questions is whether
25 your code defines a lot line as a

1 M A R I A M E K E E L

2 subdivision.

3 MR. BATTISTONI: I'm not trying
4 to make things difficult, but I
5 think, in fact, it does. I think it
6 just allows you to waive the public
7 hearing for a lot line revision.

8 CHAIRMAN BRAND: Other
9 questions?

10 MS. LANZETTA: Well, we do want
11 to review any easements, you know,
12 that are associated with the
13 driveways. In the meantime those
14 could be submitted, we could look
15 those over, get a better idea from
16 legal counsel, because this isn't --
17 believe me, this isn't just you guys.
18 There's another subdivision coming up
19 behind you where --

20 MR. HINES: Similar circumstance.

21 MS. LANZETTA: -- we have the
22 same concerns.

23 MR. MESSINA: Just some
24 clarification about the easement. Is
25 there a question about the private

1 M A R I A M E K E E L

2 road that was approved?

3 MS. LANZETTA: We just want to
4 see if you had anything concerning
5 the private road. Any maintenance
6 agreements or anything that you have
7 concerning that private road.

8 MR. MESSINA: Because I mean
9 this has been a private road for
10 quite a while.

11 MS. LANZETTA: There's nothing
12 in the deeds. You have no kind of --

13 MS. MEKEEL: It's all family
14 property.

15 MR. HINES: There must be a
16 deed because there's metes and bounds
17 on the private road. Somewhere there
18 is something to generate those metes
19 and bounds.

20 MR. MESSINA: For what?

21 MR. HINES: The private road.

22 MR. MESSINA: When we did this
23 -- when we subdivided the existing
24 house in this proposal, we created
25 this private road location. You can

1 M A R I A M E K E E L

2 see all the numbers, the distances
3 that locate that private road. So
4 what happened about the -- whether
5 it's a maintenance agreement, I don't
6 know.

7 MS. MEKEEL: It was done 27, 28
8 years ago.

9 MR. LOFARO: It seems to me
10 that it's to your guys benefit to do
11 a maintenance agreement. I
12 understand it's all family property,
13 but way down the road maybe it's not
14 going to be, one part of that. At
15 least if you have it written into the
16 agreement now, new people down the
17 road --

18 MS. MEKEEL: But I own each
19 piece of property on it.

20 MR. LOFARO: I understand.

21 MS. MEKEEL: If I was to sell
22 it, then I could do a road
23 maintenance agreement.

24 MR. LOFARO: I think it's
25 easier to put it now on this one that

1 M A R I A M E K E E L

2 you're doing so if there is a transfer --

3 MS. MEKEEL: Why wouldn't I
4 just do it if I was to decide to sell
5 any of those properties?

6 MR. LOFARO: Well, I think you
7 can. It's less messy.

8 MS. MEKEEL: It's easier for
9 who?

10 MR. LOFARO: For you. I think
11 in the long run it makes your life
12 easier.

13 CHAIRMAN BRAND: Here's what I
14 think we need to do. I think we need
15 to ask for you guys to return to the
16 next meeting and have Carmen submit
17 the information that Pat is asking
18 for. I think copies of the deeds
19 probably would be helpful for them to
20 review. So whatever is in the deeds
21 for the metes and bounds can be
22 reviewed, and any documentation you
23 have on this private road, if there
24 is any that exists, provide that to
25 Pat and Jeff for review as well.

1 M A R I A M E K E E L

2 MR. MESSINA: We have submitted
3 the deeds for the properties. That's
4 not what you're talking about,
5 though?

6 CHAIRMAN BRAND: Any
7 information on the private road.

8 MR. MESSINA: The private road.
9 If there's any maintenance agreement?

10 CHAIRMAN BRAND: Anything at
11 all that you have with regards to
12 that. If you have nothing, then it's
13 good to let them know that you have
14 nothing as well.

15 MR. MESSINA: Of course we need
16 the driveway plan.

17 MR. HINES: The rest of those
18 comments.

19 MR. MESSINA: And of course,
20 eventually down the road, the Health
21 Department approval.

22 CHAIRMAN BRAND: Anything else
23 from the Board?

24 MR. GAROFALO: Mr. Chairman, I
25 have a few items.

1 M A R I A M E K E E L

2 CHAIRMAN BRAND: Sure.

3 MR. GAROFALO: You have an
4 agricultural note on the plan in the
5 SEQRA document under item 4. You
6 have not indicated -- you've
7 indicated this is residential
8 suburban. I would suspect that you
9 probably want to check the
10 agricultural items there, too.

11 On item 10 and item 11, since
12 you're going to be adding wells and
13 septic, that should be -- you're
14 answering no, that you're using
15 public. I think you need to indicate
16 on those two answers that you're
17 going to be providing well and
18 septic.

19 MR. MESSINA: I didn't
20 understand all that.

21 CHAIRMAN BRAND: Well and
22 septic for items number 10 and 11.

23 MR. HINES: He's looking at the
24 short form EAF you submitted. On
25 numbers 10 and 11 he's suggesting

1 M A R I A M E K E E L

2 that you add private well and septic.

3 MR. MESSINA: Okay.

4 MR. GAROFALO: Item 13, you've
5 indicated that it will not meet or
6 exceed the energy requirements --
7 wait, that's a different one. Sorry.

8 MR. MESSINA: 13?

9 MR. GAROFALO: It's number 9.
10 In number 9 you indicated that you do
11 not meet the State energy
12 requirements or exceed it. I think
13 what you really mean to say is that
14 it will, because if it does not meet
15 the State energy requirements, then
16 we're going to want to know why, how
17 much and get more details on that. I
18 think you intended, because it is --
19 the way it's written, it's a little
20 confusing to people. The normal
21 response to that, number 9, is yes,
22 not no.

23 MR. MESSINA: I guess I read
24 that the opposite, because if you
25 answer yes, then you have to explain

1 M A R I A M E K E E L

2 -- describe the features and the
3 technologies to mitigate that. I
4 guess I --

5 MR. GAROFALO: If it's going to
6 exceed it. If you're going to be
7 using something special, then maybe
8 they want to know --

9 MR. HINES: The energy code for
10 the building is going to require
11 compliance. You can't get a building
12 permit unless your structure meets
13 the building code.

14 MR. GAROFALO: You want to
15 answer yes. It's a confusing
16 question.

17 MR. MESSINA: I understand.
18 I'll change that.

19 CHAIRMAN BRAND: Is that it?

20 MR. GAROFALO: Thank you.
21 That's it.

22 MR. MESSINA: Thank you.

23 CHAIRMAN BRAND: So we will see
24 you again on the 21st, unless you
25 have another question.

1 M A R I A M E K E E L

2 MR. MESSINA: I do. Since this
3 is not likely to be a controversial
4 project and all of the things that
5 we're talking about are technical
6 issues that we'll have to either meet
7 or we won't get approvals, can we get
8 to the public hearing? I think the
9 next meeting is going to be probably
10 not held because it's going to be a
11 holiday, the July Fourth holiday.
12 Since this is not a project that's
13 going to outrage the neighbors and
14 all the technical issues that --

15 MR. HINES: You've got that
16 crystal ball?

17 MR. MESSINA: What, Pat?

18 CHAIRMAN BRAND: He asked if
19 you had a crystal ball.

20 MR. MESSINA: I understand.
21 Having done this for awhile, you have
22 a sense of what's controversial.

23 CHAIRMAN BRAND: I don't have
24 an issue with that. Does the Board
25 have an issue with scheduling the

1 M A R I A M E K E E L

2 public hearing for the 21st? Any
3 objections to that?

4 MR. GAROFALO: There's one
5 other thing that I'd like you to do.
6 You have provided your professional
7 e-mail. Can you provide the
8 applicant's e-mail and any other
9 professionals that are involved? Can
10 you provide those to the Town? We've
11 been asking that on other
12 applications. It's not part of this
13 application but it will help speed up
14 things if we have that information.

15 MR. MESSINA: So the e-mails
16 for the applicant?

17 MR. GAROFALO: Yes. And if you
18 have other professionals that are
19 involved.

20 MR. MESSINA: And the engineer.

21 CHAIRMAN BRAND: Your
22 prediction better come true because
23 we will be upstairs in the smaller
24 room.

25 MR. MESSINA: We'll be too

1 M A R I A M E K E E L

2 close and people can reach out.

3 Okay. I understand.

4 MS. LANZETTA: The only thing
5 is that you have to understand that
6 until we get clarification from legal
7 counsel, any expenses that you incur
8 sending out the public notices will
9 be at your own risk.

10 MR. MESSINA: We understand
11 that. Thank you.

12 CHAIRMAN BRAND: All right.
13 Thank you. We'll see you on the
14 21st.

15 MS. MEKEEL: Thank you.

16 MS. FLYNN: Maria, they have to
17 be out by Wednesday.

18

19 (Time noted: 8:40 p.m.)

20

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24

25

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

DANE DESANTIS

Project No. 22-6005
226 Highland Avenue, Marlboro
Section 108.12; Block 1; Lot 48

- - - - - X

SKETCH - SUBDIVISION

Date: June 6, 2022
Time: 8:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRON

- - - - - X

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

1 D A N E D E S A N T I S

2 CHAIRMAN BRAND: Next on the
3 agenda we have Dane Desantis,
4 226 Highland Avenue for a sketch of
5 their subdivision. Good evening.

6 MR. DESANTIS: Hi. How are
7 you?

8 CHAIRMAN BRAND: Good. Pat,
9 whenever you're ready with your
10 comments for this one.

11 MR. HINES: This project was
12 sent to the ZBA. The ZBA sent us a
13 letter today confirming that they
14 granted a lot width variance. That
15 issue has been resolved.

16 We received a letter from the
17 highway superintendent. Previously
18 the driveway was shown across a
19 majority of the frontage. That
20 driveway has been scaled back to what
21 looks like about 20 feet, which is
22 conforming with the highway
23 superintendent's comments of no more
24 than 25.

25 The short EAF was updated to

1 D A N E D E S A N T I S

2 identify the Zoning Board of Appeals'
3 approval that was required.

4 A note has been added to the
5 plans requiring stakeout of the
6 structure prior to issuance of the
7 building permit so that it is within
8 the side yard setbacks as the
9 structure is touching both the side
10 yard setbacks.

11 With that, we don't have any
12 outstanding comments.

13 This, too, is probably ready
14 for a public hearing.

15 CHAIRMAN BRAND: Thank you.

16 Comments or questions from the
17 Board?

18 MR. GAROFALO: I just have one
19 comment. The silt fence is just for
20 construction, it's not a permanent
21 fence?

22 MR. DESANTIS: Absolutely.
23 Yes. Just for construction.

24 MR. GAROFALO: Thank you.

25 CHAIRMAN BRAND: Any other

1 D A N E D E S A N T I S

2 questions or comments?

3 (No response.)

4 CHAIRMAN BRAND: No. Do we
5 want to roll the dice and do two
6 public hearings in one night?

7 MR. HINES: Is anyone coming to
8 your public hearing?

9 MR. DESANTIS: We had one
10 person write a letter to the Zoning
11 Board.

12 CHAIRMAN BRAND: Are you in a
13 hurry to get this done? Would it be
14 possible to wait?

15 MR. DESANTIS: We are
16 definitely in a hurry. I would like
17 to request, if possible, that we have
18 our vote in the next meeting as well.

19 CHAIRMAN BRAND: That will
20 definitely not happen. We can talk
21 about drafting a resolution of
22 approval if there's no significant
23 input from the public hearing. If
24 there is, then that would need to be
25 addressed by the applicant.

1 D A N E D E S A N T I S

2 MR. DESANTIS: The only reason
3 is because, obviously, there is not
4 going to be a July 4th meeting. We
5 had our last two meetings canceled on
6 us by the Planning Board. We're
7 really being pushed back. We are
8 leasing an apartment right now. Our
9 lease is ending at the end of August.
10 I understand everybody is in a time
11 crunch that comes here. We feel like
12 we've been pushed back a little bit
13 under some circumstances that are out
14 of anybody's control, but we feel
15 like we're meeting all of the
16 requirements and we'd like to,
17 obviously, get started as soon as
18 possible.

19 CHAIRMAN BRAND: Jeff and Pat,
20 is there any reason that we shouldn't
21 do that?

22 MR. HINES: I don't see any
23 substantive issues. They've already
24 been through a hearing at the Zoning
25 Board.

1 D A N E D E S A N T I S

2 CHAIRMAN BRAND: So with that
3 being said, can I have a motion to
4 set the public hearing and authorize
5 the attorney to draft a resolution of
6 approval for the June 21st meeting?

7 MR. LOFARO: I'll make that
8 motion.

9 MR. GAROFALO: I'll second it.

10 CHAIRMAN BRAND: Any objection?
11 (No response.)

12 CHAIRMAN BRAND: Your wish is
13 received. All right. Thank you.
14 We'll see you on the 21st.

15 MS. FLYNN: Dane, it has to go
16 out by Wednesday.

17 MR. DESANTIS: They're already
18 labeled and ready to go.

19 MS. FLYNN: Okay.

20 MR. STRIDIRON: Does the
21 property have to be posted?

22 MR. HINES: No. We don't do
23 that here.

24 MR. STRIDIRON: Thank you.

25

1 D A N E D E S A N T I S

2 (Time noted: 8:45 p.m.)

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1 D A N E D E S A N T I S

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3 C E R T I F I C A T I O N
4

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

9 That hereinbefore set forth is a true
10 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
14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 16th day of June 2022.
18
19
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21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

CORRADO SUBDIVISION

Project No. 22-6004
Burma Road, Marlboro
Section 108.3; Block 1; Lot 18.120

----- X

SKETCH - SUBDIVISION

Date: June 6, 2022
Time: 8:45 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

----- X

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

1 C O R R A D O S U B D I V I S I O N

2 CHAIRMAN BRAND: Finally on the
3 agenda, the Corrado Subdivision on
4 Burma Road for a sketch of their
5 subdivision.

6 Pat, comments, please.

7 MR. HINES: He's got a lot of
8 experience on the other side of the
9 table.

10 MR. SCALZO: Plus today is my
11 55th birthday.

12 Pat, do you want to hit your
13 comments or would you like me to --

14 CHAIRMAN BRAND: Pat, please,
15 first.

16 MR. SCALZO: Thank you very
17 much.

18 MR. HINES: The applicant has
19 completed a boundary survey for the
20 entire parcel that he submitted to
21 us.

22 A note on the map references
23 that this parcel was in a subdivision
24 approved June 4, 2021. I don't know
25 if you were here for our last

1 C O R R A D O S U B D I V I S I O N

2 conversation, but we have a section
3 of the code that restricts
4 re-subdivision. I didn't realize it
5 until you gave us the whole parcel
6 that this was part of that larger
7 parcel. This one also needs to have
8 some research on it as it's been
9 re-subdivided within the last year.

10 The highway superintendent has
11 signed off on the driveway location.

12 The applicant's letter
13 identifies Health Department approval
14 has been granted. We don't have that
15 letter yet, but that should be
16 forthcoming.

17 The balance of the parcel, we
18 had previously questioned the access.
19 That previous subdivision provided
20 access to the balance parcel out to
21 Idlewild Road.

22 We also took a look at the
23 garage that's in the flagpole of the
24 access that continues to Burma Road.
25 The parent parcel was 53.5 acres. We

1 C O R R A D O S U B D I V I S I O N

2 have in the past allowed garages,
3 agricultural structures on larger
4 parcels to remain as part of those
5 larger parcels. The accessory
6 building of a garage would not be
7 permitted, but if it's an
8 agricultural use building, if it's
9 used to store equipment associated
10 with the larger parcel, I think that
11 your code allows those to stay as
12 agricultural buildings. I think we
13 had that issue with a recent
14 subdivision that we're going to have
15 to delve into, too.

16 MR. SCALZO: Correct. Thank
17 you. I heard the last one and then I
18 saw the comments provided by Mr.
19 Hines earlier today. That is
20 correct, this was part of a
21 subdivision. We got final approval,
22 I want to say in February of last
23 year. The map that's actually up in
24 front of you, which would be sheet 2,
25 really is where I wanted to focus.

1 C O R R A D O S U B D I V I S I O N

2 In this case we had to, with
3 that initial subdivision -- actually,
4 we started it in 2019, believe it or
5 not. Anyway, that had to be combined
6 with tax lot 18.12. If you look at
7 the map that's up there, which is
8 sheet 2 again, that would have been
9 considered the lot line change
10 portion of the map. Ms. Lanzetta very
11 clearly expressed that lot line
12 changes do fall under the subdivision
13 section of the code. It was my
14 position -- and I'm okay with further
15 research on this. It was my position
16 that yes, while this was part of the
17 assemblage of the subdivision, the
18 lot line change portion out of lot
19 18.12, yes, for all intents and
20 purposes, it is a subdivided portion
21 of that lot. However, it could have
22 been addressed as a single lot line
23 change had we chose to separate the
24 actions. We ended up where we ended
25 up. We went through quite a few

1 CORRADO SUBDIVISION

2 iterations. If you recall, I tried
3 to do a jug handle to minimize the
4 lot counts. You know, if we need to
5 pursue this that way, then we will.
6 Keep in mind the lots that were
7 created, the smallest one was the lot
8 that kept the existing metal
9 warehouse on it at 4.57. Everything
10 else was well over 5 acres for that.
11 As I say, our position is we were
12 looking at what was happening with
13 lot 18.12, that it was part of the
14 lot line change.

15 CHAIRMAN BRAND: Can I ask, is
16 the -- and maybe this requires
17 additional review. Is the
18 technicality that the previous
19 applicant asked for waivers on that
20 initial review or just the fact that
21 they did a lot line and now they are
22 doing a subdivision?

23 MR. HINES: I think we did the
24 same waivers on this one of
25 topography and other information.

1 C O R R A D O S U B D I V I S I O N

2 MS. LANZETTA: And I think,
3 too, what we need to keep in mind is
4 that a lot of this -- the code is in
5 an effort to make sure that we're
6 doing the proper environmental review
7 and that we're not breaking up our
8 subdivisions and looking at the big
9 picture. So, you know, if they came
10 in for a four-lot subdivision, that
11 keeps them under the threshold of us
12 having to look at the larger picture
13 for the subdivision of all of these
14 properties. If it's five and over,
15 it becomes a major subdivision. It's
16 not, in my opinion, a lot of times
17 coincidental that people will come in
18 with a four-lot subdivision. I'm not
19 saying that that's this case, but
20 that's why it behooves the Planning
21 Board to be looking at the big
22 picture concerning these properties.
23 So, you know, I have some problems
24 with this property now coming back to
25 us. One of the things, because we

1 C O R R A D O S U B D I V I S I O N

2 weren't able to look at the total
3 development of these properties, is
4 that the idea that this property also
5 accesses onto Idlewild I don't think
6 is correct. We'll have to get all of
7 those legal documents regarding --
8 that are required for the final
9 approval, the legal documents for the
10 roadway dedication and any access
11 agreements and maintenance
12 agreements. We need to see all of
13 that if we are to believe that in
14 some way we could access that
15 property out onto Idlewild.

16 So if we are coming into this
17 property from Burma, then what I
18 figure is that we have about a 1,200
19 foot driveway to get to the one area
20 that you said that there is a
21 possibility of putting a house and a
22 septic. That would require DEC
23 permits to cross 500 feet of the
24 wetlands. You know, I think that's a
25 tall order to think about doing that,

1 C O R R A D O S U B D I V I S I O N

2 because we have to really look at
3 this entire property now that you
4 want to separate out this one
5 building lot. We have to look at the
6 rest of the lots as far as how would
7 that build out. According to the
8 information that we've been given,
9 there's only really one place that
10 you could put a house.

11 MR. SCALZO: With the narrative
12 that I provided with the second
13 submission, that's a pretty accurate
14 statement. I do identify a few
15 areas, open fields with orchards.
16 However, you also were spot on with
17 your assessment that we'd have to go
18 through 500 feet of wetlands. If we
19 were to build an improved driveway,
20 as it is a farm lane, agricultural
21 lane right now, nothing would need to
22 change if we remained with the
23 agricultural activities that are
24 there. However, if it were to be
25 developed, it would be economically

1 C O R R A D O S U B D I V I S I O N

2 devastating to a developer to try to
3 get a road, a private road developed
4 to private road standards to get
5 through that area.

6 With regards to either
7 segmentation or a further build out
8 of the lot, from an economic
9 standpoint it would not pay for
10 itself.

11 MS. LANZETTA: But we have to
12 -- as the Planning Board, we have to
13 think of it as a buildable lot. We
14 have to think about what would make
15 it a buildable lot. If that doesn't
16 make sense, then we can't approve the
17 subdivision.

18 MR. SCALZO: For agricultural
19 activities, which it currently is, I
20 don't understand -- perhaps you can
21 help me understand how that wouldn't
22 be a possibility. Up in the rear
23 portion, behind the existing metal
24 warehouse, there are also still
25 elevated water tanks which still do

1 C O R R A D O S U B D I V I S I O N

2 have the ability to draw water from.
3 I'm not sure that the Greiners are
4 even considering using that just to
5 fill tanks up for irrigation purposes
6 or for perhaps watering their
7 orchards. As it is at the moment,
8 with the single farm lane, if it were
9 a single dwelling, I'm not sure
10 improvements would be all that
11 necessary if they were to top dress
12 it say with gravel for a
13 single-family dwelling.

14 As far as developing this to
15 something that would be a substantial
16 subdivision, as I say, for the
17 engineering economics of it, it's not
18 worth it.

19 MS. LANZETTA: It's my
20 understanding that we don't -- as a
21 Planning Board, we have to think in
22 terms of as we subdivide that what
23 would be a total build out for any
24 property. We can't think of it as
25 for other uses then. Ultimately

1 C O R R A D O S U B D I V I S I O N

2 there has to be a buildable lot which
3 is being subdivided.

4 CHAIRMAN BRAND: Unless there
5 was a note on the plans that said
6 that there was no --

7 MR. SCALZO: No future
8 subdivision without --

9 MS. LANZETTA: Well, then you
10 would want a conservation easement of
11 some sort on that.

12 MR. SCALZO: That's a wonderful
13 idea which I will propose to my
14 clients.

15 MS. LANZETTA: Because, you
16 know, it seems to me the last time
17 that we were talking about this
18 subdivision, that this was going to
19 remain agricultural. Now we're back
20 for the residential subdivision.

21 People might have the best
22 intentions of keeping something
23 agricultural, but that's not always
24 the way it ends up further down the
25 line. We have to think in terms of

1 C O R R A D O S U B D I V I S I O N

2 is there still a buildable lot here.

3 MR. SCALZO: Okay. I think I
4 understand where you're going.
5 Perhaps showing one septic being able
6 to be designed on that rear portion
7 and a single-family dwelling back
8 there, would that satisfy --

9 MS. LANZETTA: Yes.

10 MR. SCALZO: -- exactly what
11 you're looking for?

12 MS. LANZETTA: Yes.

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

15 MR. GAROFALO: I have one
16 comment. On the bulk table, the
17 maximum development coverage is noted
18 as greater than 20 percent. It
19 should be less than 20 percent.

20 MR. SCALZO: I sometimes
21 confuse my carets. I will make sure
22 I change that on the next one.

23 MS. LANZETTA: Again, the other
24 thing that we have to think about is
25 getting our legal advice as to

1 C O R R A D O S U B D I V I S I O N

2 whether this is coming back to us too
3 soon or not.

4 MR. SCALZO: I understand that
5 as well. Even if we were to treat
6 this as a major subdivision now, the
7 other requirements would be a long
8 form EAF and then showing that I have
9 12,500 square feet of area for
10 reserve for septic.

11 MR. HINES: It's a unique
12 section of the code, though, that
13 says you can't come back for three
14 years. We have to take a look at
15 that.

16 MR. SCALZO: Okay.

17 MR. HINES: In Orange County I
18 would agree with you, they would kick
19 it to the Department of Heath.

20 MR. SCALZO: I apologize, Mr. Hines?

21 CHAIRMAN BRAND: It's in
22 Section 134-8 I believe.

23 MR. SCALZO: Thank you. I'll
24 research that myself. Is that
25 section of the code something that

1 C O R R A D O S U B D I V I S I O N

2 could be -- relief be granted through
3 the Zoning Board of Appeals?

4 MR. HINES: It's a subdivision
5 code I think. It's the subdivision
6 code, not the zoning code.

7 CHAIRMAN BRAND: So that would
8 be a no.

9 MR. BATTISTONI: I wouldn't
10 think it's an area variance and I
11 wouldn't think it's a use variance.
12 I wouldn't think it would fit under
13 either.

14 CHAIRMAN BRAND: So you'll
15 research that part, too, Jeff?

16 MR. BATTISTONI: Yes.

17 MR. HINES: You have one year
18 now.

19 MR. SCALZO: Is that from the
20 filing date or is that from approval
21 from the Planning Board?

22 MR. HINES: I don't know.

23 MR. SCALZO: I'll look at it as
24 well.

25 CHAIRMAN BRAND: Two in one

1 C O R R A D O S U B D I V I S I O N

2 night. Anything else?

3 MR. SCALZO: I have nothing at
4 the moment. I think I'm going to
5 await a little bit of guidance from
6 the town engineer in this case, and
7 your legal counsel.

8 CHAIRMAN BRAND: Okay.

9 MR. SCALZO: I'm going to be on
10 hold.

11 CHAIRMAN BRAND: We'll schedule
12 you for the next meeting on the 21st
13 for just a regular review.

14 MR. SCALZO: Sure. Other than
15 changing the caret on my map, I don't
16 think I'm going to resubmit in this
17 case.

18 MR. HINES: We don't need a
19 resubmittal.

20 CHAIRMAN BRAND: We will see
21 you on the 21st.

22 MR. SCALZO: Thank you very
23 much.

24 CHAIRMAN BRAND: Thank you.
25 Anything else before we

1 C O R R A D O S U B D I V I S I O N

2 adjourn?

3 (No response.)

4 CHAIRMAN BRAND: Mr. Jennison
5 offered a motion to adjourn, seconded
6 by Member Lanzetta.

7 Any objections?

8 (No response.)

9 CHAIRMAN BRAND: All right. We
10 are adjourned.

11 (Time noted: 8:55 p.m.)

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of June 2022.

Michelle Conero

MICHELLE CONERO