



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

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

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

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

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

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

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.)

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

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

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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

20

21

*Michele Conero*

22

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MICHELLE CONERO

23

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1

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

4

5

6 DAVE & JOLEE DUBOIS

6

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

8

9 - X

10

PUBLIC HEARING - SUBDIVISION

11

12

13

14

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

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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

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

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

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

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

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

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

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

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

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

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

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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

*Michele Conero*

22

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23 MICHELLE CONERO

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1

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

5 VERIZON - MARLBORO HIGH SCHOOL

6 Project No. 21-5031  
7 50 Cross Road, Marlboro  
Section 108.4; Block 2; Lot 71.100

8

9

10 - X  
FINAL - SITE PLAN

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

14

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

18

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

21

APPLICANT'S REPRESENTATIVE: DAVID BRENNAN

22

23

24 - X  
MICHELLE L. CONERO  
3 Francis Street  
25 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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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

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

20

21

*Michele Conero*

22

---

MICHELLE CONERO

23

24

25

1

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

5

6 GUARINO ASHLYEN

7

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

9

10

PRELIMINARY - SUBDIVISION

11

12

13

14

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

15

16

17

18

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

19

20

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

21

22

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

23

24

25

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

1 GUARINO ASHLYEN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYEN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

2 MR. HINES: Yes.

3 MR. MICHAEL PAPALEO: 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 PAPALEO: 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 PAPALEO: 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 PAPALEO: I thought  
25 that was a pretty big issue in the

1 GUARINO ASHLYN

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 GUARINO ASHLYN

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 GUARINO ASHLYN

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

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

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

9 MR. MICHAEL PAPALEO: 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 PAPALEO: 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 PAPALEO: Without  
22 going onto my property?

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

25 CHAIRMAN BRAND: If there's an

1 GUARINO ASHLYN

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 GUARINO ASHLYN

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 PAPALEO: When is  
9 that hearing for the approval?

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

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

14 CHAIRMAN BRAND: The Town Board  
15 meeting --

16 MS. FLYNN: Is Monday at 7.

17 MR. MICHAEL PAPALEO: 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 PAPALEO: I saw  
23 them tonight.

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

1 GUARINO ASHLYN

2 MR. MICHAEL PAPALEO: 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 PAPALEO: Have you  
15 guys all seen the property?

16 MR. CLARKE: We went up there.

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

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

21 MR. MICHAEL PAPALEO: 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 GUARINO ASHLYN

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

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

2

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

20

21

*Michele Conero*

22

---

23                   MICHELLE CONERO

24

25

1

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

5

6 MARIA MEKEEL

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

9 - X

10

SKETCH - SUBDIVISION

11

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

15

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

19

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

21

22 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

23

24 - X  
MICHELLE L. CONERO  
3 Francis Street  
25 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

21

22

23

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25

1           M A R I A   M E K E E L

2

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

20

21

*Michele Conero*

22

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MICHELLE CONERO

23

24

25

1

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

5

6 DANE DESANTIS

7 Project No. 22-6005  
8 226 Highland Avenue, Marlboro  
Section 108.12; Block 1; Lot 48

9 - X

10

SKETCH - SUBDIVISION

11

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

15

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

16

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

17

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRO

18

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

20

1 DANE DESANTIS

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 DANE DESANTIS

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 DANE DESANTIS

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 DANE DESANTIS

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 DANE DESANTIS

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. STRIDIIRON: Does the  
21 property have to be posted?

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

24 MR. STRIDIIRON: 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

20

21

*Michele Conero*

22

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MICHELLE CONERO

23

24

25

1

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

5

6 CORRADO SUBDIVISION

7

8 Project No. 22-6004

9 Burma Road, Marlboro

10 Section 108.3; Block 1; Lot 18.120

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

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

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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 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

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21

*Michele Conero*

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MICHELLE CONERO

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