

1 B O A R D B U S I N E S S

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 Tuesday, June 21, 2022. The regular
10 meeting will be held at 7:30 p.m. We
11 have the approval of the stenographic
12 minutes for June 6th. On the agenda
13 also we have Maria Mekeel at 34
14 Bingham Road for a public hearing of
15 their subdivision. We have a public
16 hearing for Dane DeSantis for his
17 subdivision at 226 Highland Avenue in
18 Marlboro. Dave Dubois for a final of
19 his subdivision at 228 Mahoney Road
20 in Milton. Ashlyen Guarino for a
21 final of their subdivision at 5
22 Ashlyen Drive in Marlboro. The
23 Corrado Subdivision for a sketch of
24 their subdivision on Burma Road in
25 Marlboro. Bayside for an amendment

1 B O A R D B U S I N E S S

2 to their site plan at 18 Birdsall
3 Avenue. We also have a conceptual
4 site plan discussion with the
5 engineer for Mitchell M & Company for
6 a sketch of a subdivision at 1559
7 Route 9W in Marlboro.

8 The next deadline is Friday,
9 June 24, 2022. The next scheduled
10 meeting would have been July 4th but
11 that is canceled. We'll be meeting
12 on Monday, July 18, 2022.

13 Anything from the Board before
14 we start?

15 MR. GAROFALO: I have one
16 comment. That is, in a case such as
17 this where we know we're going to
18 have a canceled meeting, maybe the
19 Board would consider in the future,
20 not this one since it's already been
21 published, but in the future changing
22 the deadline to allow applicants more
23 time to submit their materials before
24 the meeting. I see no reason why
25 they should have to submit it

1 BOARD BUSINESS

2 basically three weeks in advance.

3 I'm just making that as a suggestion
4 for the Board to consider. Maybe in
5 the future we can do that. Thank
6 you.

7 CHAIRMAN BRAND: I will talk to
8 Jen.

9 Anything else?

10 (No response.)

11 CHAIRMAN BRAND: All right.

12 Before we start, I'd like to have a
13 motion to approve the stenographic
14 minutes for June 6th.

15 MR. LOFARO: I'll make that
16 motion.

17 CHAIRMAN BRAND: Joe.

18 MR. JENNISON: I'll second it.

19 CHAIRMAN BRAND: Any discussion?
20 (No response.)

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

23 CHAIRMAN BRAND: So moved.

24 Before we start the public
25 hearing tonight, we did have an issue

1 B O A R D B U S I N E S S

2 that we sought to have some
3 clarification from our attorney on
4 regarding one of our Town Codes
5 regarding subdivisions and
6 timeframes.

7 Jeff.

8 MR. BATTISTONI: So at our last
9 meeting an issue came up about Town
10 Code Section 134-8 Subdivision B. It
11 applies potentially to the Mekeel
12 Subdivision application and to the
13 Corrado Subdivision application. I'm
14 just going to read part of that code
15 provision. It says, "Where a single
16 parcel is to be subdivided into not
17 more than four lots, contains no new
18 streets and is not subject to
19 limiting physical conditions such as
20 shallow depth to bedrock or extreme
21 wetness, the Planning Board may waive
22 the requirements of Section 134-22
23 and permit the subdivider to furnish
24 information specified in Section
25 134-23C(1). In the event that the

1 B O A R D B U S I N E S S

2 requirements of Section 134-22 are
3 waived and the application approved,
4 no lot in the approved subdivision
5 shall be considered by the Board for
6 resubdivision for a period of three
7 years from the date of the approval."

8 So this came up in reference to
9 the Mekeel application because there
10 was an approval in March for a lot
11 line adjustment and now essentially
12 the same property is back here for a
13 two-lot subdivision. This came up in
14 reference to Corrado because
15 previously it was the Greiner estate
16 and DDS Realty had applied for a
17 four-lot subdivision, and that was a
18 year and-a-half ago, two -- not quite
19 two years ago. Now one of those lots
20 is before the Board again for a
21 two-lot subdivision. So the question
22 is well, what does this mean and does
23 it apply. I looked through this. I
24 issued an opinion letter today which
25 I sent to everyone.

1 B O A R D B U S I N E S S

2 I will start by saying that Tom
3 Corcoran takes the position that as
4 the code enforcement officer he's the
5 one who makes interpretations of the
6 code and that if someone doesn't like
7 an interpretation that comes from
8 him, they have the right to go to the
9 ZBA to seek an interpretation.

10 That's correct. I do think, however,
11 the Planning Board has the authority
12 and the ability to interpret the code
13 as well, especially when it comes to
14 procedural matters before the Board.

15 As I read this section, I
16 thought it was intended to stop
17 someone from applying for a minor
18 subdivision and then coming in a year
19 later and further applying. If you
20 apply for a subdivision of four lots
21 or fewer, it's a minor subdivision.
22 You can get certain waivers that you
23 couldn't get otherwise. So I think
24 this was put into place to stop that
25 sort of thing.

1 BOARD BUSINESS

2 CHAIRMAN BRAND: I spoke with
3 Tommy and he basically echoed that
4 opinion as well.

5 MR. BATTISTONI: Okay. So when
6 I looked at the Mekeel application,
7 that was a lot line revision. In a
8 technical sense that's a subdivision.
9 When you look at it further, it's
10 adjusting a line between two existing
11 lots. It's not creating another lot.
12 In other words, there were two lots
13 when you started, two lots when you
14 ended. I don't think this was
15 intended to apply to something like
16 that. I took the point of view in my
17 opinion letter that I didn't think it
18 applied to Mekeel.

19 When I looked at Corrado, I
20 viewed that a little differently
21 because that was a four-lot
22 subdivision and now all of a sudden
23 we've got another application for one
24 of the lots in that subdivision to
25 further subdivide which would make it

1 BOARD BUSINESS

2 a fifth lot from the original
3 subdivision. I don't think that's
4 what this is intended to address.

5 However, as you go a little
6 further, it says, "Where a single lot
7 is to be subdivided into not more
8 than four lots." For Corrado there
9 were at least two different lots with
10 two different owners, one was an
11 estate and one was an LLC. So it
12 wasn't a single parcel. You probably
13 could say the same thing for Mekeel,
14 there were actually two lots, there
15 wasn't a single parcel to be divided.

16 This limitation, this
17 three-year limitation only applies if
18 waivers were actually granted by the
19 Planning Board. I don't know if they
20 were. I'd have to look back at the
21 Greiner application to see.

22 So the bottom line is that my
23 advice to you is going to be that I
24 would not apply this limitation to
25 either one of these applications. I

1 B O A R D B U S I N E S S

2 think that in the future, if the
3 Board wants to, we should tighten up
4 our procedure. For instance, I don't
5 recall that we ever grant sketch plan
6 approval to anybody, but in theory
7 you could under the code. There's
8 sketch plan, there's preliminary plat
9 and there's final plat. We usually
10 combine it into one resolution. When
11 we grant waivers, we don't specify
12 which code sections or subdivisions
13 receive the waivers. James suggested
14 that once. It would create a lot of
15 additional work, but that could be
16 done.

17 So anyway, that was how I
18 viewed the situation. I sent out my
19 opinion letter to you today. Sorry
20 it was on such short notice. If you
21 have questions or concerns, we can
22 discuss them.

23 MR. GAROFALO: I have two. One
24 is I think that a recommendation to
25 the Town Board should be made to

1 B O A R D B U S I N E S S

2 tighten up the regulations. If the
3 intent is a certain intent, then the
4 code should very closely reflect the
5 intent, otherwise we should be
6 literally taking it the way it's
7 written.

8 One of the things I would ask
9 is under these two codes that I have
10 highlighted, if you could take a look
11 at those. I think if you read those,
12 I think that would allow us to, in
13 this case, grant a waiver, if we so
14 desired, to the three year if people
15 felt that the three years should
16 apply. I don't know if you agree,
17 reading those, if that exception that
18 they put in there to the shall,
19 mandatory, basically allows us to
20 waiver material there that we might
21 be able to grant a waiver if we so desire.

22 MR. BATTISTONI: I think the
23 Board could grant a waiver to that
24 three-year provision, however my
25 opinion is that it doesn't apply,

1 B O A R D B U S I N E S S

2 would not apply to these two
3 applications. However, if the Board
4 felt otherwise and thought it did
5 apply but wanted to waive it, I think
6 the Board could do that.

7 MR. GAROFALO: I think that
8 would potentially clarify it very
9 clearly so that there wouldn't be any
10 -- there couldn't be any objection if
11 the Board were to waive it, and then
12 they could come back and complain
13 about the interpretation of it.
14 That's just my thought. I'll leave
15 it to the Town Board to fix the code
16 so that it doesn't allow someone to
17 come in and subdivide into four and
18 then take two of those parcels and
19 subdivide two of them into another
20 one. You could do that. Certainly
21 in the first case a lot line
22 subdivision under SEQRA would be, I
23 think, considered an administrative
24 action and, therefore, going into an
25 actual regular subdivision where

1 B O A R D B U S I N E S S

2 you're separating the properties.
3 You don't have an issue of
4 segmentation which would be more
5 likely in a case where you're taking
6 four lots and creating a fifth one.
7 I think that -- certainly in the
8 first case I think there's a very
9 strong argument that's not segmentation.

10 MR. BATTISTONI: A lot line
11 revision is a Type 2 action for
12 SEQRA. There's no SEQRA review.
13 Correct.

14 MR. GAROFALO: So clearly I
15 don't think that there would be an
16 issue with segmentation, whereas if
17 you had brought larger parcels and a
18 larger development, okay, that type
19 of action of creating an extra lot
20 might actually be one that creates a
21 problem with segmentation. Maybe not
22 necessarily in this case where we're
23 dealing with just a few houses here,
24 but certainly I could see a
25 circumstance where if these parcels

1 B O A R D B U S I N E S S

2 were much larger, that it might
3 become an issue.

4 CHAIRMAN BRAND: Any other
5 questions or comments?

6 MS. LANZETTA: I'll just say
7 that for the Mekeel subdivision, I
8 would concur that we certainly could
9 -- that there's some leeway there.

10 For the Corrado, we did give
11 them a waiver for topography. You
12 had brought up, Jeff, the issue of
13 segmentation. We were assured that
14 these properties that were not being
15 separated off were going to remain an
16 agricultural use. I think we were
17 inclined to give them that waiver not
18 to follow through with the
19 topography. It wasn't until they
20 came back again, now, for another
21 development that we really had to
22 take a look at those issues because
23 it was a different animal. So if we
24 don't hold them to this, then I
25 certainly am going to hold them to

1 B O A R D B U S I N E S S

2 account as far as the possibility of
3 any future development on that larger
4 parcel and, you know, what would be
5 involved with that. So that's just
6 something I want to make clear on my
7 part.

8 MR. GAROFALO: Maybe one of the
9 things that could be done in a
10 situation like this to avoid the
11 segmentation issue would be to have
12 them look at it, not this individual
13 subdivision, but look at the entire
14 subdivision that's occurred over the
15 three years, or whatever period, to
16 look at the entire parcel and look at
17 it in those terms and provide us with
18 the short form application for SEQRA
19 covering the entire property. That
20 might be a way to get around the
21 segmentation issue, is that they are
22 coming back and looking at the entire
23 parcel.

24 MR. LOFARO: Jim, you're saying
25 if there's a lot line adjustment

1 B O A R D B U S I N E S S

2 we're going to see that but it's
3 really nothing we're going to worry
4 about because it's not necessarily
5 making different parcels?

6 MR. GAROFALO: Right. Under
7 SEQRA that's an administrative action
8 unlike when you're subdividing into
9 multiple parcels.

10 MR. LOFARO: I get it.

11 MR. GAROFALO: Under SEQRA I
12 would say -- I would think we would
13 not have to worry about the
14 segmentation as much as when more
15 parcels are being created. So what
16 I'm saying is I think it would be a
17 good idea to normally have the SEQRA
18 look at all of the parcels
19 collectively so that there could be
20 no argument that the project has been
21 segmented.

22 MR. LOFARO: That's something
23 that's in the future? That's nothing
24 we're dealing with right now? We
25 have to come up with a solution for

1 B O A R D B U S I N E S S

2 today. Right? You're talking about
3 something that we need to change?

4 MR. GAROFALO: Well, I mean
5 that's something that we could tell
6 them to do, to provide the short form
7 for all of the parcels, but I don't
8 know if that's something we want to
9 do in this case or not. What I'm
10 suggesting is that that would
11 certainly be a good way to avoid the
12 issue of segmentation certainly in
13 the future. Whether we want to do it
14 here or not is a different question.
15 On the Mekeel I don't think that's
16 necessary.

17 MR. LOFARO: Right. I agree.
18 I think on the Mekeel one we
19 shouldn't even worry about a waiver.
20 I don't think it really applies. I
21 think with everything you said, they
22 should be able to just pretty much
23 move forward. That's my opinion.

24 MR. TRONCILLITO: I just want
25 to make a comment. For the amount of

1 B O A R D B U S I N E S S

2 time I've been on this Board,
3 whenever I had a question about the
4 code I called the code enforcement
5 officer. That's what he's there for.
6 He's been gracious enough to explain
7 to me in great detail on any
8 questions that I have. Here we've
9 got a written reply from him to deal
10 with these issues and that's what I
11 go by. I go by the code enforcement
12 officer who enforces the codes and
13 explains in detail what we have to do
14 or not do. Simple as that. Here we
15 got it in writing. Let's just move
16 on. Plain English.

17 MS. LANZETTA: It's particular
18 to the Mekeel application.

19 CHAIRMAN BRAND: Anything else?
20 (No response.)

21 CHAIRMAN BRAND: No. All
22 right. Let's move it along then.

23

24 (Time noted: 7:47 p.m.)

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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 8th day of July 2022.

18

19

20

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24

25

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

Michelle Conero

MICHELLE CONERO

1

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

4

5

MARIA MEKEEL

6

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

9 - X

10

PUBLIC HEARING - SUBDIVISION

11

12

13

14

Date: June 21, 2022
Time: 7:46 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
ROBERT TRONCILLITO
STEPHEN JENNISON

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

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

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

2 CHAIRMAN BRAND: First on the
3 agenda tonight we have Maria Mekeel
4 for a public hearing on their
5 subdivision.

6 You guys can come up to the
7 table there.

8 "Legal notice, subdivision
9 application. Please take notice a
10 public hearing will be held by the
11 Marlborough Planning Board pursuant
12 to the State Environmental Quality
13 Review Act or SEQRA and the Town of
14 Marlborough Town Code Section 134-33
15 on Tuesday, June 21, 2022 for the
16 following application, Maria Mekeel,
17 at the Town Hall, 21 Milton Turnpike,
18 Milton, New York at 7:30 p.m. or as
19 soon thereafter as may be heard. The
20 applicant is seeking approval of a
21 two-lot subdivision application for
22 lands located at 34 Bingham Road in
23 Marlboro, New York 12547, Section
24 108.4; Block 8; Lot 22.2. Any
25 interested parties either for or

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

2 against this proposal will have an
3 opportunity to be heard at this time.
4 Chris Brand, Chairman, Town of
5 Marlborough Planning Board."

6 How many did we send out and
7 how many came back?

8 MR. MESSINA: 19 out and 19
9 back.

10 CHAIRMAN BRAND: Perfect.

11 MR. MESSINA: I got one, too.

12 There was 23 on the list but 4
13 were duplicates.

14 MS. MEKEEL: I asked Penny.
15 She said if they were the exact same
16 name and address, you didn't have to
17 send them. Is that not true?

18 MR. HINES: That's true.

19 CHAIRMAN BRAND: Pat, did you
20 want to go through your comments
21 first?

22 MR. HINES: Sure. I just have
23 a couple of clean-up items. We had
24 requested that Jeff's office review
25 the private road easement, if such

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

2 thing exists, and it may not even
3 exist, regarding the ability to add
4 lots to that private road.

5 We did get a grading plan that
6 shows regrading within the Central
7 Hudson easement. We'll need Central
8 Hudson to weigh in on that.

9 Then approval for the septic
10 and wells.

11 Did you give me that last time?

12 MR. MESSINA: No.

13 MS. MEKEEL: No. We're still
14 waiting on that.

15 MR. HINES: Those are the three
16 outstanding items I have.

17 CHAIRMAN BRAND: All right.

18 Anything from the Board?

19 MR. GAROFALO: I just have one
20 comment. With respect to the
21 question of why, I think that the
22 Board is responsible for the general
23 welfare of the public. Certainly
24 under 134-24, subdividers are allowed
25 to present any relative information

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

2 if they are rejected. I certainly
3 prefer to have any relevant
4 information provided beforehand so
5 that we can think about it. I think
6 certainly the question of why can be
7 a very relevant piece of information.
8 Being a senior, you know, I can
9 certainly appreciate and do my best
10 for seniors in the community. So I
11 just would like to say that it is
12 something that I think is a valid
13 question but generally is put there
14 to help the subdividers.

15 CHAIRMAN BRAND: Which question
16 are you referring to?

17 MR. GAROFALO: The question of
18 why you're doing this.

19 CHAIRMAN BRAND: Okay. Other
20 comments or questions?

21 (No response.)

22 CHAIRMAN BRAND: No. As far as
23 the roadway easements that you were
24 asked for last time, were you able to
25 find anything on that?

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

2 MR. MESSINA: I've researched
3 that. In, I believe, 1993 we created
4 a subdivision, a two-lot subdivision
5 that created that private road. On
6 the map, filed map number -- there
7 was no reference to any maintenance
8 agreement. Subsequent to that, when
9 the lot was sold to Maria and Jeff,
10 in their deed it describes their
11 right-of-way, their private road, but
12 it had no mention of any maintenance
13 agreement. After that, I have no
14 mention of any maintenance agreement.
15 So I couldn't find anything.

16 MR. HINES: I was more
17 concerned that sometimes when they're
18 filed, they have limitations on the
19 number of lots to be served. You're
20 saying that none of that is in there,
21 either?

22 MR. MESSINA: No. I can
23 reference the filed map number that
24 created the -- it was filed on March 3,
25 1995 as filed map number 10201. It

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

2 was a two-lot subdivision. I have
3 the copy here if you'd like to see
4 it. It makes no mention of any
5 maintenance agreement or limitations.

6 CHAIRMAN BRAND: Then Pat, as
7 far as that grading for Central
8 Hudson goes, what would we need to
9 get?

10 MR. HINES: Typically we get a
11 letter from Central Hudson taking no
12 exception.

13 MS. MEKEEL: I've been in
14 contact with Luke Mangels from
15 Central Hudson. I don't know if you
16 know who he is. They don't work too
17 quickly, but I have some e-mails here
18 from him. I sent him the original
19 map that Carmen did and then he said
20 oh, okay, it looks good. He goes is
21 it possible you could possibly make
22 the driveway 25 feet from the
23 structure that he referenced. Carmen
24 redid it and I sent that off to him.
25 He said okay, it looks good, I just

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

2 have to get it through the approval
3 process.

4 MR. HINES: And that can remain
5 a condition of approval.

6 MS. MEKEEL: Okay. Do you have
7 those e-mails?

8 MR. HINES: More so is that the
9 grading for the driveway which we
10 requested is encroaching up into the
11 easement. We want to make sure
12 Central Hudson doesn't have an issue
13 with that. This grading in here.
14 And they may not. That could be a
15 condition of approval.

16 MS. MEKEEL: He just asked me
17 to move it so that it was 25 feet.
18 There's a dimension on there that we
19 sent him in that map and it shows
20 that it's 25 feet.

21 CHAIRMAN BRAND: Anything else
22 from the Board?

23 (No response.)

24 CHAIRMAN BRAND: This is a
25 public hearing. If there's anyone

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

2 here from the public that would like
3 to speak for or against this project,
4 you have an opportunity to be heard
5 at this time.

6 State your name for the
7 stenographer.

8 MS. MURTHA: I'm Nicole Murtha.

9 Hi. We're your neighbors down on
10 Hillcrest. I just wanted to make
11 sure that there was no road
12 continuation from Hillcrest, which
13 doesn't sound like --

14 MS. MEKEEL: No.

15 MS. MURTHA: Okay. That was my
16 first question when I got that.

17 And then I didn't know how
18 close, or like is it a house that's
19 --

20 MS. MEKEEL: Mm'hm'.

21 MS. MURTHA: But it's the
22 property like right --

23 MS. MEKEEL: Not by you.

24 MS. MURTHA: Okay. Not like
25 the grassy area?

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

2 MS. MEKEEL: I can show you
3 here.

4 MS. MURTHA: I didn't know if
5 there was like copies. I've never
6 been to one of these.

7 MS. MEKEEL: So this is where
8 you are, probably over here.

9 MS. MURTHA: Yes.

10 MS. MEKEEL: And we're making a
11 subdivision here.

12 MS. MURTHA: Oh, okay. Got
13 you. Thank you.

14 MS. MEKEEL: This is my house
15 here.

16 MS. MURTHA: Thank you.

17 MS. MEKEEL: You're welcome.

18 CHAIRMAN BRAND: Any other
19 comments or questions from the
20 public?

21 MS. DESTEFANO: Janet
22 Destefano. I'm on Hillcrest Manor,
23 also. One of my questions, too, was
24 making sure that there was no road
25 going through, as well as the water

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

2 table. I mean I'm having a lot of
3 issues of flooding after being in my
4 house 28 years, and so that's always
5 a concern for me. I mean I just put
6 \$30,000 into my house because of
7 flooding. I just want to make sure
8 that the water table is taken into
9 account.

10 MR. HINES: So this doesn't
11 exceed the threshold for a stormwater
12 management review. It doesn't come
13 near the 1 acre disturbance.
14 Generally this site is going to run
15 off onto the site where the lot line
16 change was done. The runoff is
17 traveling towards Carmen's Way and
18 then down to --

19 MS. MEKEEL: Towards Bingham.

20 MR. HINES: -- Bingham Road.

21 MS. DESTEFANO: All right.

22 MR. HINES: And again, any
23 disturbance will become grass lawn,
24 thereby you'll have the impervious
25 surface of the driveway and the roof.

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

2 CHAIRMAN BRAND: Does that
3 answer your question?

4 MS. DESTEFANO: Yup. Thank
5 you.

6 CHAIRMAN BRAND: Is anyone else
7 here?

8 (No response.)

9 CHAIRMAN BRAND: No. All
10 right. I would like a motion to
11 close the public hearing.

12 MR. JENNISON: I'll make a
13 motion to close the public hearing.

14 MR. GAROFALO: I'll second
15 that.

16 CHAIRMAN BRAND: Any discussion?
17 (No response.)

18 CHAIRMAN BRAND: Any objection?
19 (No response.)

20 CHAIRMAN BRAND: All right. So
21 are we comfortable at this time, once
22 we do that, to get the attorney to
23 draft a resolution of approval?

24 MS. LANZETTA: Mm'hm'.

25 CHAIRMAN BRAND: We'll make

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

2 those things conditions of approval,
3 Jeff, with the lack of easement and
4 regrading and the septic. All right.
5 Sounds good.

6 So I'd like to have that motion
7 I guess.

8 MR. TRONCILLITO: I'll make it.

9 MR. JENNISON: I'll second it.

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

12 CHAIRMAN BRAND: Any objection?
13 (No response.)

14 CHAIRMAN BRAND: Okay. So we
15 should have that for you at the
16 July 18th meeting.

17 MS. MEKEEL: Thank you.

18 CHAIRMAN BRAND: Have a good
19 night.

20

21 (Time noted: 8:00 p.m.)

22

23

24

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 8th day of July 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

4

5

DANE DeSANTIS

6

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

10

PUBLIC HEARING - SUBDIVISION

11

12

13

14

Date: June 21, 2022
Time: 8:00 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
ROBERT TRONCILLITO
STEPHEN JENNISON

19

20

21

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

22

23

24

25

APPLICANT'S REPRESENTATIVE: DARREN STRIDIIRON
- X

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845) 541-4163

1 DANE DESANTIS

2 CHAIRMAN BRAND: Next up we
3 have Dane DeSantis for a public
4 hearing of his subdivision at 226
5 Highland Avenue in Marlboro.

6 "Legal notice, subdivision
7 application. Please take notice that
8 a 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 Tuesday, June 21, 2022 for the
14 following application, Dane DeSantis,
15 property owned by William DeSantis,
16 at the Town Hall, 21 Milton Turnpike,
17 Milton, New York at 7:30 p.m. or as
18 soon thereafter as may be heard. The
19 applicant is seeking approval of a
20 two-lot subdivision application for
21 lands located at 226 Highland Avenue
22 in Marlboro, New York 12547, Section
23 108.12; Block 1; Lot 48. Any
24 interested parties either for or
25 against this proposal will have an

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

2 opportunity to be heard at this time.

3 Chris Brand, Chairman, Town of

4 Marlborough Planning Board."

5 How many mailings went out?

6 MR. DeSANTIS: We sent out 54.

7 There was 57 on the list. 3

8 properties were void. We received 45

9 back. 2 extras were sent back

10 without mail receptacles at the

11 property.

12 CHAIRMAN BRAND: Great.

13 Pat, do you just want to run

14 through your comments.

15 MR. HINES: Our previous

16 comments have been addressed.

17 This did go to the Zoning Board

18 of Appeals for a variance on the lot

19 width ,and it received that.

20 We suggested notes on the plans

21 which have been added.

22 If no substantive comments are

23 received from the public, I think the

24 authorization for an approval

25 resolution would be in order.

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

2 CHAIRMAN BRAND: All right.

3 This is a public -- oh, sorry.

4 Anything from the Board?

5 (No response.)

6 CHAIRMAN BRAND: This is a
7 public hearing. If anyone is here
8 who would like to voice their opinion
9 on this project, you have an
10 opportunity to be heard at this time.

11 (No response.)

12 CHAIRMAN BRAND: Anyone?

13 (No response.)

14 CHAIRMAN BRAND: All right.

15 That being said, I'd like a motion to
16 close the public hearing.

17 MR. JENNISON: So moved.

18 MR. GAROFALO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 CHAIRMAN BRAND: We closed the
24 public hearing.

25 At the last meeting Mr.

1 DANE DeSANTIS

2 DeSantis strong armed us into
3 preparing a resolution of approval.

4 I have before you the SEQRA negative
5 declaration and notice of
6 determination of nonsignificance for
7 this project.

8 I say yes.

9 Member Lanzetta?

10 MS. LANZETTA: Yes.

11 CHAIRMAN BRAND: Member Lofaro?

12 MR. LOFARO: Yes.

13 CHAIRMAN BRAND: Clarke absent.

14 Member Jennison?

15 MR. JENNISON: Yes.

16 CHAIRMAN BRAND: Member Garofalo?

17 MR. GAROFALO: Yes.

18 CHAIRMAN BRAND: Member Troncillito?

19 MR. TRONCILLITO: Yes.

20 CHAIRMAN BRAND: You also have
21 before you the resolution of approval
22 for the Town of Marlborough for the
23 application of the DeSantis family
24 subdivision for a two-lot
25 subdivision.

1 DANE DESANTIS

2 I say yes.

3 Member Lanzetta?

4 MS. LANZETTA: Yes.

5 CHAIRMAN BRAND: Member Lofaro?

6 MR. LOFARO: Yes.

7 CHAIRMAN BRAND: Member Jennison?

8 MR. JENNISON: Yes.

9 CHAIRMAN BRAND: Member Garofalo?

10 MR. GAROFALO: Yes.

11 CHAIRMAN BRAND: Member Troncillito?

12 MR. TRONCILLITO: Yes.

13 CHAIRMAN BRAND: Excellent.

14 This subdivision will result in a
15 recreation fee finding. "Whereas the
16 Planning Board of Marlborough has
17 reviewed a subdivision application
18 known as Dane DeSantis with respect
19 to real property located at 226
20 Highland Avenue, Marlboro, Member
21 Brand offered the following
22 resolution, seconded by Member
23 Jennison. It is hereby resolved that
24 the Planning Board makes the
25 following findings pursuant to

1 DANE DESANTIS

2 Section 277-4 of the Town Law. Based
3 on the present anticipated future
4 need for park and recreational
5 opportunities in the Town of
6 Marlborough and to which the future
7 population of the subdivision will
8 contribute, parkland should be
9 created as a condition of approval of
10 the subdivision. However, a suitable
11 park of adequate size to meet the
12 above requirement cannot be properly
13 located within the proposed property
14 site. Accordingly, it's appropriate
15 that in lieu of providing parkland
16 the project sponsors render to the
17 Town payment of a recreation fee to
18 be determined in accordance with the
19 prevailing schedule established for
20 that proposed by the Town of
21 Marlborough. This approved
22 subdivision known as Dane DeSantis
23 results in one lot for a total of
24 \$2,000 in recreation fees.
25 Whereupon, the following vote was

1 DANE DeSANTIS

2 taken."

3 Brand, yes.

4 Member Garofalo?

5 MR. GAROFALO: Yes.

6 CHAIRMAN BRAND: Member Jennison?

7 MR. JENNISON: Yes.

8 CHAIRMAN BRAND: Member Lanzetta?

9 MS. LANZETTA: Yes.

10 CHAIRMAN BRAND: Member Lofaro?

11 MR. LOFARO: Yes.

12 CHAIRMAN BRAND: Member Troncillito?

13 MR. TRONCILLITO: Yes.

14 CHAIRMAN BRAND: I believe
15 you're all set, sir.

16 MR. DeSANTIS: Great. Thank
17 you so much, everybody.

18 CHAIRMAN BRAND:
19 Congratulations on your future
20 nuptials.

21 MR. DeSANTIS: Thank you so
22 much.

23 MR. BATTISTONI: I'll send you
24 the resolution.

25 MR. DeSANTIS: Okay.

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

2 CHAIRMAN BRAND: When the maps
3 are ready, Jen or Kathi will let you
4 know when you can pick them up.

5 MR. DeSANTIS: And then we're
6 just going to go to the Building
7 Department?

8 MR. HINES: You're going to
9 file those maps with the County.

10 MR. STRIDIROON: Do you need a
11 mylar?

12 MR. HINES: Yes.

13 MR. STRIDIROON: Okay.

14 MR. HINES: Put a mylar and a
15 couple of copies in an envelope.

16 MS. NATLAND: Two mylars.

17 MR. STRIDIROON: Two mylars?

18 MR. HINES: Yes.

19 MR. STRIDIROON: How many
20 copies?

21 MR. HINES: How ever many you
22 want.

23 MS. NATLAND: Probably like
24 seven or eight extra copies.

25 MR. DeSANTIS: And then we're

1 DANE DeSANTIS

2 going to bring our check to the
3 Planning Board?

4 MS. NATLAND: No. To the
5 Assessor's Office.

6 MR. DeSANTIS: Okay. They're
7 located down the hall. Thank you so
8 much.

9 CHAIRMAN BRAND: Thank you.
10 Have a good night.

11 (Time noted: 8:08 p.m.)

12

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

14

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of July 2022.

21

22

23

Michele Conero

25

MICHELLE CONERO

1

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

5

6 DAVE & JOLEE DUBOIS

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

9 - X

10

FINAL - SUBDIVISION

11

12 Date: June 21, 2022
13 Time: 8:08 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547

18

19

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

20

21

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

22

APPLICANT'S REPRESENTATIVE: DAVID DUBOIS

23

24

25

- 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 we have Dave DuBois for a
4 final of their subdivision at
5 228 Mahoney Road in Milton.

6 Pat, do you want to go through
7 your comments?

8 MR. HINES: I have no
9 outstanding comments. I think an
10 approval resolution was prepared
11 based on the last meeting.

12 CHAIRMAN BRAND: Yes. Jeff,
13 anything we need to know about that?

14 MR. BATTISTONI: No. I got the
15 roadway dedication documents which
16 I'll need to review. I'm going to
17 say they're fairly normal, standard
18 conditions in the approval resolution.

19 CHAIRMAN BRAND: How many new
20 lots are there for this one?

21 MR. BATTISTONI: That's a good
22 question. There's one lot being
23 subdivided into three but there's one
24 house proposed. The one lot doesn't
25 have a house proposed, but it's still

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

2 a new lot being created.

3 CHAIRMAN BRAND: Do we have the
4 recreation fee finding for this one?

5 MS. NATLAND: I can give you an
6 extra copy.

7 CHAIRMAN BRAND: While she's
8 looking for that, we have before us
9 the SEQRA negative declaration and
10 notice of determination of
11 nonsignificance for the application
12 of Dave DuBois and Jolee DuBois for a
13 three-lot subdivision.

14 I say yes.

15 Member Lazetta?

16 MS. LANZETTA: Yes.

17 CHAIRMAN BRAND: Member Lofaro?

18 MR. LOFARO: Yes.

19 CHAIRMAN BRAND: Clarke not
20 here.

21 Member Jennison?

22 MR. JENNISON: Yes.

23 CHAIRMAN BRAND: Member Garofalo?

24 MR. GAROFALO: Yes.

25 CHAIRMAN BRAND: Member Troncillito?

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

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: We also have
4 before us the resolution of approval
5 by the Town of Marlborough Planning
6 Board for the application of Dave
7 DuBois and Jolee DuBois for a
8 three-lot subdivision.

9 I say yes.

10 Member Lanzetta?

11 MS. LANZETTA: Yes.

12 CHAIRMAN BRAND: Member Lofaro?

13 MR. LOFARO: Yes.

14 CHAIRMAN BRAND: Member Jennison?

15 MR. JENNISON: Yes.

16 CHAIRMAN BRAND: Member Garofalo?

17 MR. GAROFALO: Yes.

18 CHAIRMAN BRAND: Member Troncillito?

19 MR. TRONCILLITO: Yes.

20 CHAIRMAN BRAND: Recreation fee

21 finding for the Town of Marlborough

22 Planning Board. A lot of reading

23 exercise today. "Whereas the

24 Planning Board has reviewed a

25 subdivision application" -- no. This

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

2 is Maria Mekeel.

3 MS. NATLAND: That's not the
4 one?

5 CHAIRMAN BRAND: No.

6 MR. HINES: Maybe you can use
7 that as a boiler.

8 CHAIRMAN BRAND: I just needed
9 to know how many lots.

10 MR. HINES: It's two new lots.

11 CHAIRMAN BRAND: Two new lots.

12 I got it. "Whereas the Planning
13 Board has reviewed a subdivision
14 application known as DuBois with
15 respect to real property located at
16 228 Mahoney Road in the Town of
17 Milton, Member Brand offered the
18 following resolution which was
19 seconded by Member Troncillito. It
20 is hereby resolved that the Planning
21 Board make the following findings
22 pursuant to Section 277-4 of the Town
23 Law. Based on the present
24 anticipated future need for park and
25 recreational opportunities in the

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

2 Town of Marlborough and to which the
3 future population of the subdivision
4 will contribute, parkland should be
5 created as a condition of approval
6 for the subdivision. However, a
7 suitable park of adequate size to
8 meet the above requirement cannot be
9 properly located within the proposed
10 project site. Accordingly, it is
11 appropriate that in lieu of providing
12 parkland, the project sponsors render
13 to the Town payment of a recreation
14 fee to be determined in accordance
15 with the prevailing schedule
16 established for that proposed by the
17 Town of Marlborough. This
18 subdivision known as DuBois resulted
19 in two lots for a total of \$4,000 in
20 recreation fees. Whereupon, the
21 following vote was taken."

22 Chairman Brand, yes.

23 Member Garofalo?

24 MR. GAROFALO: Yes.

25 CHAIRMAN BRAND: Member Jennison?

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

2 MR. JENNISON: Yes.

3 CHAIRMAN BRAND: Member Lanzetta?

4 MS. LANZETTA: Yes.

5 CHAIRMAN BRAND: Member Lofaro?

6 MR. LOFARO: Yes.

7 CHAIRMAN BRAND: Member Troncillito?

8 MR. TRONCILLITO: Yes.

9 CHAIRMAN BRAND: All right. I
10 believe you're all set, sir.

11 MR. DUBOIS: Thank you, everybody.

12 CHAIRMAN BRAND: We just need
13 for you to get those maps to the
14 office, then we'll get them signed
15 and sent out to you.

16 MR. HINES: Two mylars and
17 seven paper copies, or how ever many
18 you want of paper copies.

19 MS. NATLAND: Just bring them
20 to our office. You have to take them
21 up to Kingston after they get signed,
22 then bring them back to us.

23

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

25

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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 8th day of July 2022.

18

19

20

21

22

23

24

25

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

Michelle Conero

MICHELLE CONERO

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

FINAL - SUBDIVISION

11

12

13

14

Date: June 21, 2022
Time: 8:15 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
ROBERT TRONCILLITO
STEPHEN JENNISON

19

20

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

21

22

APPLICANT'S REPRESENTATIVE: KATHLEEN GUARINO

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 is the Guarino subdivision,
4 5 Ashlyen Drive.

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

7 MR. HINES: I don't believe we
8 have any outstanding comments. We
9 just noted that the applicant's
10 representative had numerous field
11 meetings with the Planning Board,
12 Town Board and highway
13 superintendent. The plans have been
14 modified according to those meetings.

15 The plans include grading plans
16 which show grading contained within
17 the Town right-of-way and the parent
18 parcel of the subdivision. We're
19 suggesting that a cost estimate for
20 those improvements be received and
21 security for the extension of the
22 Town road be required. That could
23 either be secured or constructed
24 prior to stamping of the maps.
25 Either way.

1 GUARINO ASHLYN

2 CHAIRMAN BRAND: Jeff, is that
3 part of the resolution?

4 MR. BATTISTONI: That's part of
5 the resolution. There is a condition
6 for providing a bond or other
7 security sufficient in an amount to
8 the Planning Board Engineer and
9 sufficient as to form and substance
10 to the Planning Board Attorney. They
11 do also have to provide proof that
12 the Town Board has authorized them to
13 work within a Town roadway. I
14 believe an agreement is being drafted
15 for that that would require insurance
16 and signatures.

17 CHAIRMAN BRAND: You have
18 before you for this matter the SEQRA
19 negative declaration and notice of --

20 MR. GAROFALO: Mr. Chairman.

21 CHAIRMAN BRAND: Did you have a
22 comment?

23 MR. GAROFALO: Yes. There was
24 one thing that I wanted added to the
25 final plat, and I had mentioned this

1 GUARINO ASHLYEN

2 at the last meeting. That was to
3 indicate the widths of the two roads
4 so that it would be clear in the
5 future, the fact that they were the
6 same, and therefore they had an
7 option as far as which was the front
8 and which was the back, to add that
9 into the final plat.

10 MS. GUARINO: I think Patti did
11 make measurements and the widths of
12 both Ashlyen Drive and Ruby are
13 identical.

14 MR. GAROFALO: Yeah, she made
15 the measurements. I'm just asking
16 that they be added onto the plans.
17 That's all.

18 CHAIRMAN BRAND: Anything else?
19 (No response.)

20 CHAIRMAN BRAND: For the
21 application of Alan C. Guarino and
22 Kathleen C. Guarino for a two-lot
23 subdivision we have a SEQRA negative
24 declaration and notice of
25 determination of nonsignificance.

1 GUARINO ASHLYN

2 I say yes.

3 Member Lanzetta?

4 MS. LANZETTA: Yes.

5 CHAIRMAN BRAND: Member Lofaro?

6 MR. LOFARO: Yes.

7 CHAIRMAN BRAND: Member Jennison?

8 MR. JENNISON: Yes.

9 CHAIRMAN BRAND: Member Garofalo?

10 MR. GAROFALO: Yes.

11 CHAIRMAN BRAND: Member Troncillito?

12 MR. TRONCILLITO: Yes.

13 CHAIRMAN BRAND: You also have
14 before you a resolution of approval
15 by the Town of Marlborough Planning
16 Board for the application of Alan C.
17 Guarino and Kathleen C. Guarino for a
18 two-lot subdivision.

19 I say yes.

20 Member Lanzetta?

21 MS. LANZETTA: Yes.

22 CHAIRMAN BRAND: Member Lofaro?

23 MR. LOFARO: Yes.

24 CHAIRMAN BRAND: Member Jennison?

25 MR. JENNISON: Yes.

1 GUARINO ASHLYEN

2 CHAIRMAN BRAND: Member

3 Garofalo?

4 MR. GAROFALO: Yes.

5 CHAIRMAN BRAND: Member Troncillito?

6 MR. TRONCILLITO: Yes.

7 CHAIRMAN BRAND: Recreation
8 fees. "Whereas the Planning Board
9 has reviewed a subdivision
10 application known as Guarino, Ashlyen
11 Drive, with respect to real property
12 located at 5 Ashlyen Drive in the
13 Town of Marlborough, Member Brand
14 offered the following resolution
15 which was seconded by Member
16 Lanzetta. It is hereby resolved that
17 the Planning Board makes the
18 following findings pursuant to
19 Section 277-4 of the Town Law. Based
20 on present and anticipated future
21 need for park and recreational
22 opportunities in the Town of
23 Marlborough and to which the future
24 population of the subdivision will
25 contribute, parkland should be

1 GUARINO ASHLYEN

2 created as a condition of approval of
3 the subdivision. However, a suitable
4 park of adequate size to meet the
5 above requirements cannot be properly
6 located within the proposed project
7 site. Accordingly, it is appropriate
8 that in lieu of providing parkland
9 the project sponsors render to the
10 Town payment of a recreation fee to
11 be determined in accordance with the
12 prevailing schedule established for
13 that proposed by the Town of
14 Marlborough. This approved
15 subdivision known as Guarino, Ashlyen
16 Drive, resulted in one lot for a
17 total of \$2,000 in recreation fees.

18 Whereupon, the following vote
19 was taken."

20 Yes for me.

21 CHAIRMAN BRAND: Member Garofalo?

22 MR. GAROFALO: Yes.

23 CHAIRMAN BRAND: Member Jennison?

24 MR. JENNISON: Yes.

25 CHAIRMAN BRAND: Member Lanzetta?

1 GUARINO ASHLYN

2 MS. LANZETTA: Yes.

3 CHAIRMAN BRAND: Member Lofaro?

4 MR. LOFARO: Yes.

5 CHAIRMAN BRAND: Member Troncillito?

6 MR. TRONCILLITO: Yes.

7 MR. HINES: I think one of the
8 middle initials is incorrect.

9 MS. GUARINO: It's Kathleen G.
10 I don't know if you're seeing the G
11 just because there is an awful lot of
12 letters. Alan is the C. in the
13 middle.

14 CHAIRMAN BRAND: Yes, it is
15 correct on the paper I read.

16 MS. GUARINO: Okay.

17 CHAIRMAN BRAND: Thank you. I
18 think that's it. You're all set.

19 MS. GUARINO: Thank you.

20 CHAIRMAN BRAND: The same
21 thing, maps to the office and we will
22 get them sent off.

23 MS. GUARINO: Thank you so
24 much.

25 CHAIRMAN BRAND: Thank you.

1 GUARINO ASHLEY

2

3 (Time noted: 8:20 p.m.)

4

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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 8th day of July 2022.

18

19

20

21

22

23

24

25

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

Michelle Conero

MICHELLE CONERO

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

9 - X

10

SKETCH - SUBDIVISION

11

12 Date: June 21, 2022
13 Time: 8:20 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
ROBERT TRONCILLITO
STEPHEN JENNISON

16

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

17

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

18

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

19

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

2 CHAIRMAN BRAND: Corrado is up
3 next for a sketch of their subdivision
4 on Burma Road in Marlboro.

5 So you heard the attorney
6 previously. Correct?

7 MR. SCALZO: I did. Thank you.

8 Actually, Members of the Board,
9 Counsel, I did actually receive a
10 letter from Mr. Corcoran today with
11 his opinion of the code for our
12 application. He's viewing it as we
13 would be eligible to move forward at
14 this point. I can't add to that.
15 That's the Town Code Compliance
16 Officer's opinion, and I respect
17 that.

18 MR. SCALZO: From the last
19 meeting that we were here you didn't
20 ask me to resubmit anything.

21 I will get to the caret on the
22 greater than or less than that you
23 picked up on the map at the last
24 meeting.

25 We have been supplied with

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

2 comments from McGoe, Hauser's
3 office.

4 I do have the common driveway
5 agreement packaged here in hard copy.
6 I understand Counsel has already
7 reviewed it. This will be the second
8 time, actually, because it was
9 reviewed and approved prior to the
10 other subdivision. If you guys want
11 the hard copy. I know you already
12 had it because the comments you gave
13 me, you did review it.

14 MR. BATTISTONI: I'll take it
15 anyway if you've got it.

16 MR. SCALZO: Moving forward on
17 this, there were a few comments from
18 the Board at the last meeting, a few
19 things that we were looking at.

20 The access documents which I
21 just handed over.

22 Ms. Lanzetta had mentioned the
23 possibility of perhaps a conservation
24 easement for the rear portion of this
25 land. I just wanted to remind the

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

2 Members of the Board that if you look
3 at sheet 2 of the map, once we get to
4 elevation 710 the steep slopes are
5 prevailing there. That's the Ridge
6 Protection Area or the Ridge -- yeah,
7 the Ridge Protection Area. There's
8 really nothing going on there by Town
9 Code anyway. When we did locate the
10 farm lane from Burma all the way back
11 to where it Ts off left and right at
12 the base of that large slope, we did
13 that with a total station which does
14 carry elevations along with us. When
15 I did the 10-foot contours which were
16 interpolated from the USGS map, I did
17 have checks along the way to verify
18 that those contours were in the right
19 place.

20 Ms. Lanzetta, as well as
21 Counsel, did mention earlier in the
22 evening that we were granted waivers
23 for the other action that we were
24 here before, which is a true
25 statement. Keeping in mind it was --

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

2 in my mind it was a practical
3 decision by the Planning Board
4 because the action that we have in
5 front of us literally had zero
6 construction that was associated with
7 it. It was basically moving lot
8 lines around.

9 I had also indicated last time
10 I was here that I had tried to make
11 it a three-lot subdivision by putting
12 a large jug handle, but that wasn't
13 going to work.

14 So we would ask again for a
15 waiver in a practical sense. We have
16 provided topography from Burma Road
17 all the way down to the limits of the
18 wetlands as flagged by a
19 professional, and then from the
20 wetlands back. Not only did we
21 overlay the soils conditions from the
22 Ulster County Soil Survey, but also
23 we overlaid the 10-foot contour
24 intervals from the USGS information
25 that was gathered off the internet.

1 CORRADO SUBDIVISION

9 CHAIRMAN BRAND: Pat, he
10 relatively addressed your comments.
11 Is there anything you wanted to add
12 to that?

16 MR. SCALZO: Mr. Hines, I don't
17 know why they haven't provided
18 anything to you. That is stamped by
19 the Ulster County Health Department.
20 I'm not sure why the correspondence
21 has not --

22 MR. HINES: This is fine.
23 That's what they do.

24 MR. SCALZO: I didn't realize
25 they didn't send you one as well.

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

2 MR. HINES: That's fine.

3 Then the masonry garage, the
4 Board should make a determination
5 that that's going to be associated
6 with the potential agricultural use.

7 MR. SCALZO: I did not look in
8 the garage myself. My client informs
9 me that there is a sprayer in there.
10 There is also a boat in there and
11 other hand tools to well. A sprayer
12 to me is an agricultural tool for
13 equipment.

14 MR. HINES: As long as it's an
15 agricultural use and associated with
16 that, I don't have an issue with it.
17 I think the Board just needs to
18 concur with that.

19 CHAIRMAN BRAND: Can we just
20 make that note on the map?

21 MR. HINES: Or in your
22 resolution that it's only to be used
23 for agricultural purposes and it's
24 associated with -- it's a 53-acre
25 balance parcel.

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

2 CHAIRMAN BRAND: Let's do both.

3 Cover all the bases.

4 Comments or questions from the
5 Board?

6 MS. LANZETTA: I had asked,
7 after reviewing all of the
8 constraints, the topographical
9 constraints and the wetland
10 constraints, that we get assurances
11 that there can be a septic on the
12 larger parcel so that we are not
13 making a non-buildable lot. I would
14 like to see a perc test -- at least a
15 perc test done on that property to
16 ensure that there is a place to
17 possibly put a house on that property
18 in the future so we're sure that we
19 have a buildable lot.

20 MR. SCALZO: Thank you. Ms.
21 Lanzetta, I listened to your comments
22 last time. I do have notes here
23 regarding that the desire actually
24 would be to see a septic design on
25 the rear lot just to ensure that it

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

2 could be. In reviewing the New York
3 State Subdivision Law, it's not a
4 requirement. If you go beyond that,
5 I'm -- I don't know how to approach
6 that, but it's not required by the
7 State.

8 MR. HINES: The reason being
9 it's greater than a 5-acre lot.

10 MR. SCALZO: Correct.
11 Actually, if I could draw your
12 attention again to sheet 2. I had
13 mentioned earlier in my presentation
14 that I did overlay the soils types
15 from the Ulster County Soil Survey,
16 which in my professional engineering
17 career has been relatively similar to
18 -- I found my field determination to
19 be relatively similar to what the
20 Soil Survey had called out. I did
21 place -- I even put the description
22 of the soil types on the map as an
23 example. Soils type BOD, which is a
24 Bath-Nassau-Rock outcrop complex,
25 hilly, it is a deep, well drained

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

2 bath soil, shallow, somewhat
3 excessively drained soil and small
4 areas of bedrock. If any of you
5 visited the site, there are exposed
6 bedrock areas out there but there are
7 also plenty of pockets out there that
8 I could certainly get a septic -- to
9 sustain a septic design.

10 CHAIRMAN BRAND: Pat, would you
11 comment on that? Because it's larger
12 than 5 acres --

13 MR. HINES: New York State Real
14 Property Law says a lot greater than
15 5 acres, it's assumed there's an area
16 to build a septic. Ulster County
17 goes a step further and allows fill
18 systems which Orange County would
19 not. I've used the example before
20 you can build a septic system on a
21 parking lot because you can bring in
22 4 feet of usable soil on the site. I
23 think he has some Canandaigua soils
24 in there which are very gravelly.

25 MR. SCALZO: We've got

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

2 Canandaigua silt loam, however it's
3 type CD. I've been on the site. I
4 wouldn't even investigate that. It's
5 not well drained. In this case it's
6 actually poorly and very poorly
7 drained soil.

8 MR. HINES: CD is a silt class.

9 CHAIRMAN BRAND: Does that
10 answer your question, Cindy?

11 MS. LANZETTA: We're talking
12 about a 5-acre lot, but that's not
13 necessarily buildable property. So
14 does the Town Law specify that it's
15 got to be buildable property? 5
16 acres of buildable property? I mean
17 if -- let's just say that 4 acres of
18 this was a pond --

19 MR. HINES: Or it could be -- I
20 mean to do a perc test out there
21 between now and the public hearing,
22 which the earliest would be July
23 18th --

24 MR. SCALZO: July 18th?

25 MR. HINES: July 4th is our

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

2 next meeting and we're not meeting
3 that day.

4 MR. SCALZO: I could certainly
5 go out there and perform perc tests
6 and verify sustainability. I would
7 not like to submit my perc tests to
8 the Health Department for review
9 because --

10 MR. HINES: I don't think
11 they're looking for a design.

12 MS. LANZETTA: You would be
13 able to review those, Pat, and
14 comment on them?

15 MR. HINES: Yes.

16 MS. LANZETTA: I would like to
17 see that, because, as I said, going
18 back in time we were under the
19 impression that this would remain
20 agricultural property. The fact that
21 you're back so early subdividing, I
22 want to make sure that we're starting
23 to look at the bigger picture, and
24 that includes this larger parcel.

25 MR. SCALZO: Sure. Any further

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

2 development of this lot will
3 obviously be coming in front of this
4 Board again.

5 The house placement in the
6 subdivision, we're putting it up
7 close to the road by the other
8 residences. We weren't looking to
9 even get anything further back to
10 restrict any agricultural activities.

11 CHAIRMAN BRAND: Just to
12 clarify. With your opinion letter
13 previously, Jeff, should they now
14 decide they're going to subdivide
15 this other parcel, does that three-
16 year thing kick in now? I just want
17 to be clear with everyone that he
18 understands the ramifications of --
19 you just said if it was going to be
20 subdivided again. Correct?

21 MR. SCALZO: If it would be, it
22 wouldn't be by me.

23 MR. BATTISTONI: That's a fair
24 warning to the owner/applicant.

25 I think also the last time

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

2 there were at least two parcels that
3 were part of the subdivision from the
4 start. That section of your code
5 says when a single parcel is being
6 subdivided. Here it's a single
7 parcel being subdivided. I think you
8 could put him on notice.

9 CHAIRMAN BRAND: I would
10 definitely talk to your client to
11 ensure that there's nothing for the
12 next three years.

13 MR. SCALZO: That's perfectly
14 acceptable.

15 MR. GAROFALO: Can that be put
16 in the resolution?

17 MR. BATTISTONI: I think that's
18 a good idea. Again, it's putting the
19 applicant on notice. Yes.

20 MR. SCALZO: I would even be
21 willing to throw a note on the map to
22 further memorialize that. That's not
23 a problem.

24 CHAIRMAN BRAND: Let's do both
25 like we did last time.

1 CORRADO SUBDIVISION

2 MR. GAROFALO: I also brought
3 up the comment as to whether or not
4 we should get a revised short form.
5 It probably will be almost identical
6 to what's there, what we have been
7 provided, but to get one that covers
8 all the parcels, --

14 MR. SCALZO: We can certainly
15 revisit our short form. If revisions
16 are required, we will make them and
17 resubmit.

18 CHAIRMAN BRAND: Were you
19 asking them to do a new short form
20 EAF for each of the resulting
21 parcels? Is that what you're --

22 MR. GAROFALO: No. It's for
23 the combined. Not only what's being
24 proposed but what was done less than
25 three years ago.

1 CORRADO SUBDIVISION

2 MR. SCALZO: Well, I'm not sure
3 if you were on the Board at the time.

4 There were zero improvements to the
5 lots. Zero. There were no septic
6 installed. It was just lines on the
7 map. We made no -- that map resulted
8 in zero improvements to any land.

9 That's why I'm -- I can certainly
10 review the short form EAF and if
11 there are revisions that I could
12 make, I will review it and make
13 those. I'm not sure that there would
14 be any.

15 MR. GAROFALO: I'm not sure
16 there would be any either. I think
17 to protect the SEQRA determination it
18 would be best to look at it collectively.

19 MR. SCALZO: By the time I
20 appear back here I will have
21 re-reviewed. Should revisions have
22 to be made, I will submit new. If
23 not, I will so state.

24 MR. GAROFALO: You're looking
25 at the whole thing, not just one

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

2 piece.

3 MR. SCALZO: Right. The entire
4 100 acres, if you will.

5 CHAIRMAN BRAND: Any other
6 comments from the Board?

7 (No response.)

8 CHAIRMAN BRAND: Are we
9 comfortable planning the public
10 hearing for July 18th? I don't see
11 any reason why we shouldn't.

12 MS. LANZETTA: Sure.

13 CHAIRMAN BRAND: I'd like to
14 have that motion.

15 MR. GAROFALO: I'll so move.

16 MR. LOFARO: Second.

17 CHAIRMAN BRAND: Mr. Garofalo.
18 Seconded by Joe. Any discussion?

19 (No response.)

20 CHAIRMAN BRAND: Any objection?

21 (No response.)

22 CHAIRMAN BRAND: So we'll set
23 that for July 18th.

24 Just make sure you do --

25 MR. SCALZO: I will have the

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

2 perc tests ten days prior to the
3 meeting. Actually, is this -- can I
4 bring those to the meeting with me or
5 submit them to your engineer for his
6 review in advance?

7 CHAIRMAN BRAND: Either is
8 fine.

9 MR. SCALZO: Very good.

10 MR. HINES: Get them to me so I
11 can look at them.

12 MR. SCALZO: Not a problem.

13 CHAIRMAN BRAND: We have had
14 issues in the past with the mailings.
15 Just ensure that you do the 500 feet
16 radius and get the proper mailings
17 sent out to everyone.

18 MR. SCALZO: Very good. Okay.
19 Thank you very much.

20 CHAIRMAN BRAND: Thank you.

21

22 (Time noted: 8:35 p.m.)

23

24

25

1

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 8th day of July 2022.

18

19

20

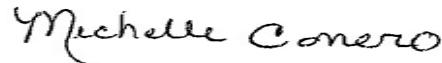
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MICHELLE CONERO

1

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 In the Matter of
5

6 BAYSIDE AMENDED

7 Project No. 19-3011
8 18 Birdsall Avenue, Marlboro
9 Section 109.1; Block 4; Lot 29
10 - - - - - X

11 AMENDED - SITE PLAN

12 Date: June 21, 2022
13 Time: 8:35 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547
18

19 BOARD MEMBERS: CHRIS BRAND, Chairman
20 CINDY LANZETTA
21 JOSEPH LOFARO
22 JAMES GAROFALO
23 ROBERT TRONCILLITO
24 STEPHEN JENNISON
25

26 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
27 PATRICK HINES
28 KATHI NATLAND
29

30 - - - - - X
31 MICHELLE L. CONERO
32 3 Francis Street
33 Newburgh, New York 12550
34 (845) 541-4163
35

1 B A Y S I D E A M E N D E D

2 CHAIRMAN BRAND: Next on the
3 agenda, Bayside, 18 Birdsall Avenue.

4 Is anyone here for that?

5 MR. HINES: I don't think
6 they're here.

7 We'll see them on the 18th.

8 CHAIRMAN BRAND: Did you
9 distribute to Colliers?

10 MR. HINES: These would have
11 gone to Colliers. I don't know if
12 it's the current engineer. Colliers
13 was their -- it was previously
14 Maser, but Maser has been bought out
15 by Colliers.

16 CHAIRMAN BRAND: We'll just
17 move them to the 18th.

18

19 (Time noted: 8:36 p.m.)

20

21

22

23

24

25

1 B A Y S I D E A M E N D E D

2

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

4

5

6 I, MICHELLE CONERO, a Notary Public
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16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 8th day of July 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 In the Matter of

5 DISCUSSION - TOWN CODE 134-6
6

7 - - - - - X
8 - - - - - X

9 BOARD BUSINESS

10 Date: June 21, 2022
11 Time: 8:36 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, NY 12547

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

22 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
23 PATRICK HINES
24 KATHI NATLAND

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

1 B O A R D B U S I N E S S

2 MS. LANZETTA: Before Jeff
3 leaves, I just want to bring up
4 something that has come to my
5 attention. I would like to get
6 Jeff's opinion or help on this.

7 It's come to my attention that
8 the subdivision, the Mount Zion
9 subdivision that we dealt with
10 regarding the logging -- possible
11 logging of the property, it is an
12 older subdivision, 17-lot subdivision
13 on Mount Zion Road. It is
14 advertising now and they are doing
15 some grading work. It's advertising
16 itself for sale as a 17-lot
17 subdivision. Under our Town Code we
18 have a provision where any older
19 subdivision -- major subdivisions
20 that haven't been substantially
21 developed are required to come back
22 to be re-platted and improved to the
23 standards and requirements of the
24 subdivision regulations.

25 I know we've sent out letters

1 B O A R D B U S I N E S S

2 to people who haven't come back
3 before the Board and have open site
4 plans and whatnot. I'm wondering if
5 we can send out a letter to these
6 people and put them on notice that
7 should they be selling this property
8 or should they decide to develop it
9 themselves, it still is required to
10 come back again before any work is
11 done.

12 CHAIRMAN BRAND: Was that
13 approved? I'm sorry, Cindy. Was
14 that approved, that subdivision?

15 MS. LANZETTA: It was, but it
16 hasn't been developed.

17 CHAIRMAN BRAND: When was that
18 approved?

19 MS. LANZETTA: Oh, about
20 fifteen years ago.

21 MR. HINES: It was a long time
22 ago. It was the Truncali subdivision
23 at the time. I believe that somehow
24 the bonding was released.

25 MR. JENNISON: Wouldn't that go

1 B O A R D B U S I N E S S

2 through our Code Enforcement first?

3 MS. LANZETTA: It would, but
4 that's what worries me. He had
5 written an opinion here as to whether
6 or not we could look at this logging
7 application. He had written down
8 that a maximum of four building
9 permits will be given on this private
10 road as of the above date of this
11 letter, and then any additional
12 permits would be held until the
13 dedication of this private road to
14 the Town of Marlborough for use as a
15 Town road.

16 Now, I don't see how that can
17 happen because in this particular
18 subdivision the private road was the
19 upper western second half of the
20 road. The public road was the first
21 half of the road. The public road
22 has never been developed.

23 MR. JENNISON: I'm trying to
24 understand our role as a Planning
25 Board. Is that our role, to drive

1 B O A R D B U S I N E S S

2 around town and look for things? I'm
3 trying to understand.

4 MS. LANZETTA: If something
5 comes to our attention.

6 MR. JENNISON: For me as a
7 private citizen, I would go to the
8 Code Enforcement Officer I think and
9 then have him investigate it. I
10 don't know what our role is. I mean
11 I'm not going to drive around town.
12 I don't understand. Can somebody
13 help me out here?

14 MS. LANZETTA: I'm saying that
15 the interpretation we got from the
16 building inspector regarding the
17 subdivision I don't think is correct.
18 He does not interpret Town Code, he
19 interprets the Uniform Building Code.
20 He isn't a zoning code enforcer, he's
21 a building code enforcer.

22 MR. JENNISON: So if I'm riding
23 around town and I see something that
24 looks questionable, what do I do as a
25 citizen or as a Planning Board

1 BOARD BUSINESS

2 Member?

3 CHAIRMAN BRAND: You could
4 bring it to their attention or you
5 could bring it to the attention of
6 the Board. I think either is
7 acceptable.

8 MR. JENNISON: It is
9 acceptable?

10 MR. GAROFALO: Doesn't the
11 approval expire? The Planning Board
12 approvals expire after, you know, X
13 number of years, particularly if they
14 don't come back for re-approval.

15 Just like Bayside had to come back.

16 CHAIRMAN BRAND: They have two
17 years.

18 MR. HINES: Bayside never filed
19 their maps. This one filed their
20 map, bonded the improvements. Again,
21 this was fifteen or twenty years ago.
22 Once you file a subdivision, it
23 doesn't expire once it's filed.

24 What happened with Bayside is
25 they didn't take care of their

1 B O A R D B U S I N E S S

2 conditions of approval and didn't
3 file the map. Once you file a
4 subdivision map, those lots are
5 there. Somehow this did not get
6 developed, and I don't believe the
7 Town has the security in their
8 possession. I don't know what the
9 history is there, but I've heard
10 rumor that there is no security to
11 finish the improvements.

12 The gist of Code Enforcement is
13 that you can only have four lots on a
14 private road. So that's where the
15 four lots comes from.

16 It's not a road right now. It
17 was intended to be a Town road to a
18 cul-de-sac and then a private road
19 went to four lots off that.

20 MS. LANZETTA: Oh, no. Eight
21 lots off the private road.

22 MR. GAROFALO: This is coming
23 before us, this logging?

24 MS. LANZETTA: No. I'm saying
25 my fear is -- because we get people

1 B O A R D B U S I N E S S

2 coming in here, my fear is that
3 somebody is going to buy this
4 thinking that this is what they are
5 getting and they're not going to be
6 able to get a permit for a house.

7 MR. HINES: Worse than that,
8 someone could buy one of the lots
9 because they're filed lots.

10 MR. JENNISON: And they
11 wouldn't be able to build.

12 MR. HINES: Typically if
13 they're going to get a mortgage, they
14 would send a letter saying hey, is
15 this on a Town road, and that would
16 get kicked back. People are out
17 paying cash for lots. They could buy
18 a lot and come back to the Town and
19 say I bought this lot in this
20 subdivision, where is my road, which
21 is where the security would come in.
22 The Town would take the security and
23 build the road.

24 MR. GAROFALO: Maybe the
25 question should go to the Town Board

1 B O A R D B U S I N E S S

2 as to whether or not there is
3 security -- money has been set aside
4 to build --

5 MS. LANZETTA: There isn't. I
6 can tell you right now there isn't.

7 CHAIRMAN BRAND: Did you speak
8 to the Code Enforcement Officer about
9 this at all?

10 MS. LANZETTA: My point is that
11 in our Code it says that if it hasn't
12 been developed, that they have to
13 come back for any -- it says that
14 they have to come back to be
15 re-platted and improved to the
16 standards we have in our Code now.

17 MR. HINES: And similarly, the
18 private road has been changed since
19 then. You can only have four houses
20 on a private road, six if two have
21 frontage.

22 CHAIRMAN BRAND: But if they
23 were approved, didn't you say that
24 subdivisions don't expire?

25 MR. HINES: They don't. But

1 B O A R D B U S I N E S S

2 you have a section in your Code --
3 it's very unusual and it's difficult.
4 Right now they could sell those 17
5 lots to 17 individuals and walk away.

6 MR. JENNISON: Jeff, what's
7 your opinion?

8 MR. BATTISTONI: I agree that
9 when a subdivision plat is filed with
10 the County, it's on record, the lots
11 are created. I don't think they
12 expire. I think it's different with
13 a site plan approval.

14 MR. HINES: Or a conditional
15 approval.

16 MR. BATTISTONI: Now, there may
17 be a provision in your Code, I don't
18 know which one you're looking at, but
19 I'll take a look.

20 MS. LANZETTA: 134-6 under
21 subdivisions.

22 MR. BATTISTONI: I'll take a
23 look at it.

24 MS. LANZETTA: And like I said,
25 my fear is that -- well, even -- I

1 B O A R D B U S I N E S S

2 mean how can -- he's saying that he
3 can give out four building permits to
4 the houses on the private road.

5 Well, the houses on the private road
6 are all the way -- the private road
7 -- as it says in the subdivision, on
8 the filed subdivision, the private
9 road is halfway up the mountain.

10 MR. GAROFALO: It accesses the
11 public road?

12 MS. LANZETTA: It was supposed
13 to, but the public road was never
14 built. Again, how can he give
15 permits out to a house, even if it's
16 on a private road, if that private
17 road doesn't access a public road?

18 MR. HINES: I think his
19 interpretation is that that "Town
20 road" is currently a private road.

21 CHAIRMAN BRAND: If they were
22 just doing the four in the back, that
23 could be an entire private road. If
24 you build the other ones, then that
25 would then have to be a Town road.

1 B O A R D B U S I N E S S

2 You can do four off a private road.

3 MS. LANZETTA: Well, I'm saying
4 if you have an approved subdivision,
5 it has to be built as it was
6 approved, doesn't it? You can't all
7 of a sudden say all right, I've got a
8 10-lot subdivision but I think I'm
9 going to do 5 and I think now I'm
10 going to have a private road and -- I
11 mean can you do that?

12 MR. HINES: I don't think so
13 because those lots have frontage on
14 what was proposed to be a private --
15 a Town road.

16 MR. TRONCILLITO: A Town road,
17 right. You're talking about when you
18 go up Truncali Lane. I was chief
19 when that thing was put in place.
20 You're talking about the upper end?

21 MS. LANZETTA: Right. That's
22 the private road.

23 MR. TRONCILLITO: But he's at
24 the lower end. The grade on that is
25 -- that's a tough grade.

1 B O A R D B U S I N E S S

2 MS. LANZETTA: I don't think it
3 would pass our regulations now.

4 MR. TRONCILLITO: No way.

5 MS. LANZETTA: This is in our
6 Code. I'm waiting for somebody to
7 walk through the door and say, you
8 know -- well, they won't even walk
9 through the door. They'll go to the
10 Building Inspector and he'll give
11 four building permits and then --

12 MR. HINES: But the fifth one
13 --

14 MS. LANZETTA: -- and then what
15 will happen is all hell will break
16 loose after that.

17 MR. TRONCILLITO: You've got
18 that one road right off of Reservoir
19 Road there, or Mount Zion Road. You
20 go up and then you make the corner to
21 go up to the top. It was supposed to
22 come out up on the top, which that
23 never has happened.

24 CHAIRMAN BRAND: So Jeff, we've
25 probably never done it, since I've

1 B O A R D B U S I N E S S

2 been here at least. Is there a way
3 that we could write a letter to the
4 developer who is advertising these
5 lots for sale and --

6 MR. HINES: I don't think it
7 comes from this Board.

8 MR. BATTISTONI: Yes. I was
9 going to say you're not an
10 enforcement board.

11 CHAIRMAN BRAND: So that would
12 come from -- where would that come
13 from?

14 MR. TRONCILLITO: Tom I guess.

15 CHAIRMAN BRAND: Tommy.

16 MS. LANZETTA: So should we
17 invite him to a meeting or -- I mean
18 how do you deal with this? He's
19 given us an opinion already on this
20 feeling that he is beholding to give
21 out building permits for at least
22 four more lots.

23 MR. TRONCILLITO: How are they
24 going to get in there?

25 CHAIRMAN BRAND: I will call

1 B O A R D B U S I N E S S

2 Tommy tomorrow and ask him to
3 clarify.

4 MR. BATTISTONI: His answer is
5 that you can have four houses on a
6 private road.

7 CHAIRMAN BRAND: I think her
8 point was a good one.

9 MR. BATTISTONI: The road was
10 never built, at least the private
11 road. I get that.

12 CHAIRMAN BRAND: Right. But I
13 think her point is valid, that if
14 this was what was approved, that's
15 what needs to get built. You can't
16 just go all willy-nilly and say this
17 is what we're doing now. Right?

18 MR. HINES: This isn't the only
19 one. You have Vineyard Hills, or
20 whatever that was, there off of -- I
21 think that's off of Hampton or
22 Bingham.

23 CHAIRMAN BRAND: Yes.

24 MR. BATTISTONI: Would there be
25 security for that?

1 BOARD BUSINESS

2 MR. HINES: There was and it
3 went away somehow. That security
4 should never go away.

5 CHAIRMAN BRAND: I will call
6 Tommy tomorrow and try and get some
7 type of clarification as to what his
8 opinion is moving forward and, if
9 need be, be in contact with Jeff and
10 Pat and us. Is that acceptable?

11 MS. LANZETTA: Yeah. I would
12 think that if anybody was to come in
13 for a building permit, then it should
14 be referred to the Planning Board.

15 MR. HINES: This Board is an
16 administrative review Board with no
17 enforcement capability.

18 MR. JENNISON: Exactly. That's
19 why I was asking you.

20 CHAIRMAN BRAND: I think that
21 our role is to bring it up to him to
22 try and figure it out.

23 MR. JENNISON: That's what I
24 had said originally. We're not an
25 enforcement board.

1 B O A R D B U S I N E S S

2 CHAIRMAN BRAND: I'll reach out
3 to him.

4 MR. JENNISON: I'm not going
5 around town. They come here. That's
6 just my opinion.

7 CHAIRMAN BRAND: I think some
8 of the times -- I mean he does drive
9 around Town professionally. If you
10 see something that you know isn't
11 right, then we can certainly alert
12 him to that.

13 MR. JENNISON: As a private
14 citizen.

15 CHAIRMAN BRAND: Or even as a
16 Board.

17 MR. JENNISON: We're a Board
18 when we're together.

19 CHAIRMAN BRAND: Most private
20 citizens don't know what was approved
21 or what the things were that were
22 approved.

23 MR. JENNISON: It's not going
24 to happen.

25 MR. GAROFALO: Is this

1 B O A R D B U S I N E S S

2 something that the Town Board should
3 be involved in in creating better
4 checks and balances on when this
5 money is released?

6 MS. LANZETTA: Well, they have.
7 It's because of this and a couple
8 other subdivisions that the clerk has
9 developed a much better way of
10 keeping track of all of the bonds.
11 She has a thing that when they come
12 up for renewal, she makes sure that
13 the developers are --

14 MR. HINES: And that's what
15 happened. I don't believe they were
16 released. I think they expired. The
17 clerk should call the bonds before
18 they expire. The week before they
19 expire, they should be saying give us
20 the money to renew them.

21 MS. LANZETTA: And I think that
22 they've -- since this, they've
23 improved that whole process so I'm
24 not so worried about that. I'm just
25 worried about -- I mean these people

1 B O A R D B U S I N E S S

2 are going to, you know -- I don't
3 know what they are going to do if
4 they buy these things and -- I mean
5 buyer beware.

6 The other thing is we have the
7 opportunity to try to make it right
8 because we can ask these people to
9 come back before us according to
10 our --

11 CHAIRMAN BRAND: We can't.
12 Tommy can ask them. I'll try to get
13 clarification. I'll shoot out an
14 e-mail. I'll speak to him.

15 I think that's it for the
16 stenographer.

17

18 (Time noted: 8:50 p.m.)

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1 B O A R D B U S I N E S S

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 8th day of July 2022.

18

19

20

21

Michele Conero

22

MICHELLE CONERO

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