

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

2 -----X

3 In the Matter of

4 - APPROVAL OF THE STENOGRAPHIC MINUTES FOR  
5 8/1/2022 AND 8/15/2022

6 - JAMES GAROFALO - COMPLETION OF CONTINUING  
7 EDUCATION

7 -----X

8 BOARD BUSINESS

9 Date: September 19, 2022  
10 Time: 7:30 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
13 21 Milton Turnpike  
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman  
16 CINDY LANZETTA  
17 JAMES GAROFALO  
18 STEVE CLARKE  
19 STEPHEN JENNISON

20 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
21 PATRICK HINES, ENGINEER  
22 JEN FLYNN, PLANNING BOARD SECRETARY

23

24

25

26 -----X

27 Stacie Sullivan, CSR  
28 staciesullivan@rocketmail.com

## BOARD BUSINESS

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

## 4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of  
6 Marlborough Planning Board, Monday, September 19,  
7 2022. Regular meeting at 7:30 p.m. On the agenda  
8 tonight we have the approval of the stenographic  
9 minutes for August 1st and August 15th. Also on  
10 the agenda we have River Vista Drive/Kris Korner  
11 at 9 River Vista Drive in Marlboro for a public  
12 hearing of their lot line. We have Lighthouse  
13 Holdings at 131 Idlewild Road for a final of their  
14 site plan. Jeff Aldrich, 132 Milton Turnpike in  
15 Milton, for a final of their subdivision. Mad  
16 Batter Baker Tale, 578 Route 44/55, Marlboro, for  
17 a sketch of their site plan. Deborah Troncillito  
18 at 89 Western Avenue in Marlboro for a sketch of a  
19 lot line. The agenda does denote planning board  
20 application discussion and a conceptual site plan  
21 discussion with the engineer, which we will not be  
22 having this evening. The next deadline is Friday,  
23 September 23rd, 2022. The next scheduled meeting,  
24 Monday, October 3rd, 2022.

25 I'd like to have a motion for the

## BOARD BUSINESS

1 approval of stenographic minutes for August the  
2 1st and August the 15th, please.

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

4 MR. CLARKE: I'll second it.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Any objection?

8 (No response.)

9 CHAIRMAN BRAND: So moved. First on the  
10 agenda tonight we have a public hearing for River  
11 Vista Drive and Kris Korner.

12 MR. GAROFALO: Excuse me, Mr. Chairman?

13 CHAIRMAN BRAND: Yes.

14 MR. GAROFALO: I have some courses to  
15 record.

16 CHAIRMAN BRAND: Please.

17 MR. GAROFALO: Three one-hour courses.

18 The open meetings law for zoning and planning  
19 boards, part 2; enhancing transparency  
20 effectiveness in planning proceedings; and  
21 short-term rentals.

22 (Time noted: 7:32 p.m.)

23

24

25

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## C E R T I F I C A T E

2

3

4                   I, STACIE SULLIVAN, a shorthand reporter and  
5                   Notary Public within and for the State of New  
6                   York, do hereby certify:

7                   That I reported the proceedings in the  
8                   within-entitled matter and that the within  
9                   transcript is a true and accurate record to the  
10                  best of my knowledge and ability.

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

15                  IN WITNESS WHEREOF, I have hereunto set my  
16                  hand.

17

18

Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X  
3 In the Matter of

4 RIVER VISTA DRIVE/KRIS KORNER

5 Project No. 22-6012  
6 9 River Vista Drive, Marlboro  
7 Section 103.3; Block 3;  
8 Lots 28.9, 28.121, 28.122

9

8 -----X

9 PUBLIC HEARING - LOT LINE

10 Date: September 19, 2022  
11 Time: 7:33 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
14 21 Milton Turnpike  
15 Milton, New York 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman  
17 CINDY LANZETTA  
18 JAMES GAROFALO  
19 STEVE CLARKE  
20 STEPHEN JENNISON

21 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
22 PATRICK HINES, ENGINEER  
23 JEN FLYNN, PLANNING BOARD SECRETARY

24 APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

25

26

27

28

29 -----X  
30 Stacie Sullivan, CSR  
31 staciesullivan@rocketmail.com

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 CHAIRMAN BRAND: First on the agenda  
2 tonight we have the public hearing for the lot  
3 line for River Vista Drive/Kris Korner, 9 River  
4 Vista Drive, Marlboro. Legal notice. Please take  
5 notice the lot line revision and subdivision  
6 application, a public hearing will be held by the  
7 Marlborough Planning Board pursuant to the State  
8 Environmental Quality Review Act, or SEQRA, and  
9 the Town of Marlborough Town Code Section 134-9 on  
10 Monday, September 19th, 2022, for the following  
11 application: River Vista Drive and Kris Korner,  
12 at the Town Hall, 21 Milton Turnpike, Milton, New  
13 York, at 7:30 p.m. or as soon thereafter as may be  
14 heard. The applicant is seeking approval of a lot  
15 line revision or a subdivision involving three  
16 lots of lands located 9 River Vista Drive,  
17 Marlboro, New York; Section 103.3, Block 3, Lots  
18 28.9, 28.121, and 28.122. Any interested parties  
19 either for or against this proposal will have an  
20 opportunity to be heard at this time. Chris  
21 Brand, Chairman, Town of Marlborough Planning  
22 Board.

23 Mr. Galella, how are you this evening?

24 MR. GALELLA: Good. Thank you.

25 CHAIRMAN BRAND: Excellent. How many

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 mailings did you send out and how many did you get  
2 returned?

3 MR. GALELLA: Nineteen out of 26.

4 CHAIRMAN BRAND: You sent out 19; is  
5 that what you're saying?

6 MR. GALELLA: Twenty-six.

7 CHAIRMAN BRAND: You sent out 26.

8 MS. FLYNN: There should have been way  
9 more than that.

10 CHAIRMAN BRAND: Yes. I'm looking at 50  
11 -- 66 probably that should have gone out.

12 MS. FLYNN: Five hundred feet from each  
13 lot.

14 MR. GALELLA: Five hundred feet from the  
15 perimeter.

16 MS. FLYNN: From each lot. So even if  
17 there's duplicates, there should have been more  
18 than 26.

19 MR. GALELLA: I just came up with 26.

20 MS. FLYNN: There's a list.

21 CHAIRMAN BRAND: Yeah, I can give you  
22 the list. I have 28 for Lot 28.9, 25 for 28.121,  
23 and 13 for 28.122, River Vista Drive. There are  
24 some redundancies, but I wouldn't say enough to  
25 make it 26.

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1                   MR. GALELLA: What do you want me to do?

2                   CHAIRMAN BRAND: That's a good question.

3                   If you can just stay at the table and use the  
4                   microphone, that will probably be helpful. It's  
5                   her first night here.

6                   MR. GAROFALO: I think it might be  
7                   appropriate to hear anyone who happens to be here  
8                   and then hold it over to the next meeting.

9                   CHAIRMAN BRAND: Is there any objection  
10                  to that?

11                  MR. CLARKE: No.

12                  MR. JENNISON: What would cause the  
13                  confusion of the list?

14                  MR. HINES: Three lots, redundancies.

15                  MR. JENNISON: Right. But did you go  
16                  into the office to get the list? Because I see  
17                  you have a list. Where did you come up with that  
18                  list?

19                  MR. GALELLA: It was generated on Parcel  
20                  Viewer, on Ulster County Parcel Viewer.

21                  MS. FLYNN: They are responsible to do  
22                  that.

23                  MR. JENNISON: To go where, Jen?

24                  MS. FLYNN: To get the 500 perimeter  
25                  from corner to corner, to get the addresses.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. JENNISON: Correct. So he would go  
2 to this site, or does he come to you?

3 MS. FLYNN: Ulster County Parcel Viewer.

4 MR. JENNISON: So how did your list come  
5 up with 26 but we came up with 52? That's what  
6 I'm trying to understand.

7 MR. HINES: There's probably multiple  
8 redundancies because they're adjoining lots, three  
9 lots.

10 MR. GALELLA: I only got 19 back out of  
11 26.

12 MR. JENNISON: Right. But how did you  
13 come up with 26, is what I'm asking you?

14 MR. GALELLA: So on the map you can  
15 generate to scale and you follow the perimeter to  
16 500 feet beyond the boundary of the three lots,  
17 and it came up with 26 parcels.

18 MR. HINES: Let me just compare both  
19 lists as we proceed.

20 CHAIRMAN BRAND: Okay.

21 MR. JENNISON: Do we want to hold this  
22 while he --

23 CHAIRMAN BRAND: No. We'll go ahead.  
24 Is anyone here for the public hearing this  
25 evening? So, Mr. Galella, why don't you provide

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 an overview for those people that are here. Use  
2 the microphone or your best loud voice.

3 MR. GALELLA: Sure. Currently there are  
4 three parcels in the area, and we're just changing  
5 the lot lines of the property to fit a private  
6 road to access, to make the three lots conform,  
7 which you need a private road to do that. I have  
8 a map here if anybody needs to see it.

9 MR. MEDIN: So it --

10 CHAIRMAN BRAND: I'm sorry. If you are  
11 here for the public hearing, if you could just  
12 stand up and state your name for the stenographer.  
13 As I'm sure you heard, tonight is her first night,  
14 and we're trying to make it as easy possible on  
15 her.

16 MR. MEDIN: My name is Larry Medin,  
17 M-E-D-I-N. I live at 58 Woodcrest Lane. I think  
18 our property, it goes down to the river, abuts the  
19 two lots that are coming in on the backside. So  
20 are those the two that you're talking about, that  
21 road, that dirt road down?

22 MR. GALELLA: Right. There's a road  
23 that drives in off of Kris Korners. There's one,  
24 two, three lots, and then that road -- that access  
25 point would become a private road, this

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1                   cul-de-sac. So this is Kris Korners, the  
2                   cul-de-sac (indicating).

3                   MR. MEDIN: That's the cul-de-sac and  
4                   this is the existing road (indicating)?

5                   MR. GALELLA: Correct.

6                   MR. MEDIN: And then these are -- the  
7                   river is here, and these are the two lots, and  
8                   then this is our property here (indicating).

9                   MR. GALELLA: Okay.

10                  MR. MEDIN: All you're doing is wanting  
11                  to change these lot lines to facilitate a road  
12                  that would go into both of these lots?

13                  MR. GALELLA: Right. This would be the  
14                  extent of the private road. That's the  
15                  cul-de-sac. Then there'd be a driveway, driveway,  
16                  and driveway (indicating). You can't have three  
17                  lots on a common road, but there's three lots  
18                  already generated here. In order to access them,  
19                  you need a private road. That common driveway has  
20                  to turn into a private road.

21                  MR. MEDIN: Thank you.

22                  MR. GALELLA: You're welcome.

23                  CHAIRMAN BRAND: Thank you. Is there  
24                  anyone else who has a question or comment they'd  
25                  like to make?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. SMITH: Robert Smith, speaking for  
2 Judith Barnham who lives at 59 Hillside Drive. So  
3 there are currently three lots, access off of the  
4 what will be the private road, and there will  
5 remain three lots. So you're only changing the  
6 front lot line, basically, for all of them to  
7 access the road?

12 MR. SMITH: Thank you.

13 CHAIRMAN BRAND: Anyone else? Please  
14 just state your name for the stenographer.

15 MR. KITSON: My name is Joe Kitson,  
16 K-I-T-S-O-N, 78 Hillside Drive. I have a question  
17 where the property is exactly. That one on the  
18 corner that's highlighted --

19 MR. GALELLA: Oh, that's the largest  
20 subdivision. But it's to the right-hand side. So  
21 it says --

22 CHAIRMAN BRAND: If you'd like, you can  
23 come up to the table, and there's a map there that  
24 he can show you. That might clarify things for  
25 you.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: So you're looking at 9 and  
2 10 on that map, which is 9, 10 (indicating).

3 MR. KITSON: Bottom right. Okay. So  
4 you're talking when you go down Hillside Drive,  
5 the access road, that road that goes into the rock  
6 that we call it?

7 MR. GALELLA: It's actually Kris  
8 Korners, that little loop.

9 MR. KITSON: Well, I'm the last house on  
10 Hillside Drive. And then you go down the hill on  
11 Kris Korners, and you're talking about the road  
12 that goes in?

13 MR. GALELLA: Correct.

14 MR. KITSON: My property is right on  
15 that line. You got the black netting.

16 MR. GALELLA: Right.

17 MR. KITSON: We abut.

18 MR. GALELLA: Nothing changes there.

19 MR. KITSON: That's all I wanted to see.  
20 I have no idea what your plan is.

21 MR. GALELLA: This property line has to  
22 be brought to the center of the private road  
23 (indicating).

24 MR. KITSON: So you don't have to move  
25 anywhere onto anybody else's property?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: No.

2 MR. KITSON: Okay. Thank you. And what  
3 about water diversion or anything like that? Is  
4 that going to affect anything?

5 MR. GALELLA: Nothing is going to change  
6 as far as grading. That road has been there for  
7 20 years already.

8 MR. KITSON: All right. Thank you.

9 CHAIRMAN BRAND: So that will come up  
10 under the engineer's comments, because they will  
11 be doing a road construction for the project road,  
12 and our engineer will get into that. But they  
13 will take into consideration grading and I assume  
14 the storm water prevention and all that good  
15 stuff.

16 MR. KITSON: Okay. Thank you.

17 MR. WOOD: So, Roy Wood, 18 Rivercrest  
18 Lane. So I guess you just answered it, Chris. So  
19 it will be paved? That will be like a regular  
20 road?

21 CHAIRMAN BRAND: Pat, do you just -- I  
22 know you're counting. I don't want to interrupt  
23 you.

24 MR. HINES: Yes. The road will be  
25 constructed to the Town of Marlborough private

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 road specifications. And prior to the maps being  
2 stamped secured, you'll have to be posted to  
3 assure that construction.

4 MR. WOOD: And what does that mean? It  
5 means it's plowed? Drainage? What does that  
6 mean, it's a private road? Or it's all the  
7 responsibility --

8 MR. HINES: It's the responsibility of  
9 the lot owners that are part of the private road  
10 maintenance agreement. We are requiring an access  
11 maintenance agreement to be filed between the  
12 parties, and it's required that they maintain it  
13 for that access. Typically it has -- I haven't  
14 read this one, but if there's two inches of snow,  
15 it has to be plowed. If potholes are more than  
16 two inches deep, they have to be repaired.

17 MR. WOOD: Just so I understand, Nick,  
18 so that road is there already; it's just not  
19 paved. Are you moving it?

20 MR. GALELLA: No, no. It's there. It  
21 was cut in when that original subdivision map was  
22 done.

23 MR. WOOD: It goes in and it comes out  
24 the same way? It doesn't go up?

25 MR. GALELLA: No. It goes in the

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 cul-de-sac.

2 MR. WOOD: There's no potential access  
3 to the other side?

4 MR. GALELLA: No.

5 CHAIRMAN BRAND: Thank you.

6 MS. NYCZ: I'm Kaylee Nycz, N-Y-C-Z, at  
7 8 River Cliff. So on this depiction, on Lot 11,  
8 that's actually two lots, though; right?

9 MR. GALELLA: Correct.

10 MS. NYCZ: So the last one is at the  
11 back, and it's correct to say that you don't own  
12 the third lot?

13 MR. GALELLA: I do.

14 MS. NYCZ: You do. So you own all three  
15 now?

16 MR. GALELLA: Yes.

17 MR. HINES: That's the intent of the  
18 subdivision; that landlocked parcel in the back,  
19 he now owns it and they're rearranging the lot  
20 lines in order to provide that access.

21 CHAIRMAN BRAND: Arranging the lot lines  
22 to reconfigure. Did you have -- did he answer it?

23 MS. NYCZ: No. That was it. Thank you.  
24 I didn't realize you had acquired the third lot in  
25 the group.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. McDONOUGH: I'm Kaylee's neighbor.

2 I'm at 6 River Cliff Drive.

3 THE COURT REPORTER: What's your name?

4 MR. McDONOUGH: Mike McDonough. I'm

5 adjacent to the property, and I don't want to go  
6 off on a tangent, but she kind of mentioned  
7 something. If and when this whole -- I was told  
8 there's a landlocked parcel. Is that Lot No. 7?

16 MR. GALELLA: No. It's two lots.

17 MR. McDONOUGH: It will be subdivided?

18 MR. GALELLA: It has been.

19 MR. McDONOUGH: So there will be -- I'm  
20 saying, where I live and where my neighbors live,  
21 Lot 9 is being developed; is that correct? Or can  
22 you not tell? Lot 9 is in my backyard. Lot 8  
23 is -- I don't even know if it's available for  
24 sale. So you're saying Lot 7, 8, 11, 10, and 9,  
25 these are all unoccupied parcels?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

4 MR. McDONOUGH: Is that you, 7? Are you  
5 7?

6 MR. WOOD: No, I don't think --

7 MR. McDONOUGH: I don't think -- 7, 8,  
8 9, 10, and 11, I think they're vacant parcels that  
9 are being developed. I know that because I look  
10 at my window every day. My question is: Are  
11 there going to be, you know, six more houses on  
12 the bottom of Hillside, which I think that's what  
13 I'm seeing?

14 MR. GALELLA: No. Seven and 8 access  
15 off of Rivercrest Drive. That's the cul-de-sac up  
16 to the top left. It comes off of 9W.

17 MR. McDONOUGH: Okay. So 11 is getting  
18 split in two. Nine is being developed. It's like  
19 in my backyard. I'm adjacent to 9. So 9, 10, 11.  
20 Eleven will become two parcels.

21 MR. GALELLA: Ten is not part of this.

22 MR. McDONOUGH: Okay. 11 will be double  
23 parcels. So we're going to have four wells  
24 drilled.

25 MR. GALELLA: Three.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. McDONOUGH: Are you guys taking into  
2 consideration with -- I know the water line hasn't  
3 gone up there, but if you put in four new parcels,  
4 you're taking into consideration that a lot more  
5 wells are going to be needed; right? Because  
6 there's no water, there's no sewer, there's  
7 nothing.

8 MR. GALELLA: There's well and septic  
9 there.

10 MR. McDONOUGH: Is that being thought  
11 about?

12 MR. HINES: So the underlying zoning is  
13 that the lot sizes are the size they are in the  
14 zoning so that they are able to provide water and  
15 sewer, water from the site and sewer on the site,  
16 which is why they are the size they are. The  
17 minimum lot size is one acre. These lots are  
18 proposed to be well in excess of that. Lot 9 is  
19 3.1; Lot 11A is 7.2; and 11B is 4.4 acres in size.

20 MR. McDONOUGH: So I'm counting three  
21 more wells being drilled in the next few months.

22 MR. HINES: Uh-huh. But there's the  
23 same number of lots.

24 MR. McDONOUGH: No. I understand. I'm  
25 just asking.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. HINES: The situation that happened  
2 here is Lot 11B in the upper right-hand corner  
3 there was created by an act of courts. There was  
4 litigation which created a landlocked parcel. And  
5 this is an attempt to --

6 MR. McDONOUGH: This will allow the  
7 right-of-way at least to 11B.

8 MR. HINES: Correct. And the lot sizes  
9 have to change to reflect that.

10 MR. McDONOUGH: There's nothing north of  
11 11; right?

12 MR. HINES: No.

13 MR. WOOD: So 11B is north of this, or  
14 it's part of the 11 we're looking at?

15 MR. GALELLA: It's part of the 11.

16 MR. WOOD: So 11 is cut in half.

17 MR. McDONOUGH: Is it 50/50?

18 MR. GALELLA: No. It's 60/40.

19 MR. McDONOUGH: So I didn't up-

20 the discrepancy. I assumed there was a  
21 right-of-way. I know this area very well, as we  
22 all do. We're neighbors here. Thank you.

23 MR. WOOD: Just one clarification.

24 There were deed restrictions with this whole area  
25 that Mr. Martuscello has a copy of. I'm assuming

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 you're in compliance with all the deed  
2 restrictions that are on file.

3 MR. GALELLA: I'm aware of them.

4 MS. LANZETTA: You know, we looked at a  
5 lot of those, and a lot of them had expired. I  
6 think they were only good for ten to 20 years. A  
7 lot of the deed restrictions have expired.

8 MR. WOOD: Yes, just checking the box.

9 MR. HINES: This was originally the  
10 American Land Preservation subdivision which had  
11 those deed restrictions, and those deed  
12 restrictions had a sunset clause in them after ten  
13 years. It's a little unusual, but that's what  
14 occurred.

15 CHAIRMAN BRAND: Pat, how are we looking  
16 on your count there? You're counting -- she's  
17 counting?

18 MS. CLEMENTE: I think pretty much  
19 not -- there's quite a few on this list.

20 MR. HINES: There are several missing.

21 MS. CLEMENTE: Yes.

22 CHAIRMAN BRAND: So, Pat, did you have  
23 any additional comments that you wanted to run  
24 through?

25 MR. HINES: Just that we're here for a

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1                   public hearing.  We've gone over this numerous  
2                   times.  We did delve into the legal issues.  
3                   Meghan and Jeff's office have been going through  
4                   those.  There will be a requirement for security  
5                   of the proposed road.  And I just made mention  
6                   that they are Type II actions under SEQRA.  I  
7                   believe that the discrepancies in the mailing list  
8                   between the Town's list, there are certainly some  
9                   missing.

10                  MS. CLEMENTE:  Yes.

11                  MR. HINES:  So there may be -- there's  
12                  probably going to have to be notice -- renotice.

13                  CHAIRMAN BRAND:  Are there any comments  
14                  from the Board here?

15                  MR. GAROFALO:  James Garofalo.  I have  
16                  one comment.  It's a follow-up comment from the  
17                  last meeting, and that was the applicant was going  
18                  to look at the location of the cul-de-sac to  
19                  determine if it was correctly located with a  
20                  portion of the property on the cul-de-sac itself  
21                  and whether or not that would have to be offered  
22                  to the Town, that small little slice of land.  
23                  Were you able to find out if it was correctly  
24                  located on the map?

25                  MR. GALELLA:  The map is correct.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GAROFALO: So there is a portion of  
2 the property that is on the road?

7 CHAIRMAN BRAND: Pat, do you have any  
8 additional insight?

12 MR. HINES: That's an existing  
13 condition. Not the fault of this applicant. But  
14 certainly the cul-de-sac area is there for the  
15 Town roadway. Someone constructed it a little bit  
16 in the wrong location, but the area of the  
17 cul-de-sac is sufficient. I don't know if it's  
18 this applicant's problem to resolve someone else's  
19 issues from the past.

20 MR. GAROFALO: I'm not saying that the  
21 cul-de-sac should be moved. It's a question --  
22 I'm just saying that I'm not questioning whether  
23 the cul-de-sac should be moved, just whether that  
24 tiny piece of land should be offered to the Town.

25 CHAIRMAN BRAND: SO I guess at this

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 time -- is there anyone else that's here for the  
2 public hearing that would like to have an  
3 opportunity to be heard before we move on?

4 (No response.)

5 CHAIRMAN BRAND: So I'll look to counsel  
6 for some assistance here. In order to keep the  
7 public hearing, we're going to just keep it open  
8 until the next meeting?

9 MS. CLEMENTE: Yes. And we can do a  
10 resolution at the next meeting if that's what you  
11 want also.

12 CHAIRMAN BRAND: Yes. I think that  
13 would be good, unless we have significant --

14 MS. CLEMENTE: Unless there's --

15 CHAIRMAN BRAND: -- and then we can  
16 choose to not act on it, if that's the case. So I  
17 guess I'd like a motion to continue the public  
18 hearing. And, Jen, the next available date for a  
19 public hearing would be?

20 MR. HINES: It will be have to be  
21 renoticed.

22 MS. LANZETTA: They have to have time to  
23 send out notices.

24 CHAIRMAN BRAND: That's why I'm asking.

25 MR. HINES: So it may be better to put

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 it off for a date certain and renote it.

2 MS. FLYNN: Well, it would have to be  
3 either October 17th or November 7th, which we are  
4 upstairs on the 7th.

5 CHAIRMAN BRAND: So probably not a good  
6 choice. So the first available option was  
7 November --

8 MS. FLYNN: October 17th, but that's if  
9 he gets all these mailings out this week.

10 MR. GALELLA: I'll put them out  
11 tomorrow.

12 MS. FLYNN: My list is there with your  
13 list. So if you could double-check all of that.

14 MR. GALELLA: So am I sending out the  
15 ones that were not --

16 CHAIRMAN BRAND: Everyone gets one.

17 MR. GALELLA: Send them all again?

18 CHAIRMAN BRAND: Correct. All whatever  
19 that is, 67 or whatever that number was.

20 MR. HINES: There are some duplicates.  
21 It's not quite that high, but there are clearly  
22 some --

23 CHAIRMAN BRAND: My point is the ones he  
24 sent out for this meeting don't count for next  
25 meeting. You have to resend out all of them to

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 every landowner. You don't have to send  
2 duplicates if it's the same owner, but you do have  
3 to make sure that everyone gets one for that  
4 meeting. What was that date, Jen? I'm so sorry.

5 MS. FLYNN: That's okay. October 17th.

6 CHAIRMAN BRAND: So I'd like a motion  
7 to --

8 MS. CLEMENTE: -- continue the public  
9 hearing.

10 CHAIRMAN BRAND: -- continue the public  
11 hearing through to the October 17th meeting.

12 MR. GAROFALO: I'll so move.

13 CHAIRMAN BRAND: Is there a second?

14 MS. LANZETTA: I'll second it.

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

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

19 CHAIRMAN BRAND: So we will try again on  
20 the 17th for this. Those of you that are here, if  
21 you know your neighbors and you know they'd be  
22 interested, please let them know that that's when  
23 it will be happening.

24 MS. LANZETTA: Do we need a motion to  
25 direct legal counsel to prepare the proper

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 paperwork?

2 CHAIRMAN BRAND: So moves Member  
3 Lanzetta. Is there a second?

4 MR. CLARKE: Yes. I'll second.

5 CHAIRMAN BRAND: Any discussion?  
6 (No response.)

7 CHAIRMAN BRAND: We will authorize the  
8 attorney then to prepare a resolution of approval.

9 MR. GALELLA: So there's no way to get  
10 on the 3rd of October meeting? That's too soon?

11 CHAIRMAN BRAND: You would not be able  
12 to get everything out and put the thing in the  
13 newspaper.

14 MR. GALELLA: I mean, I can send them  
15 out tomorrow.

16 MS. FLYNN: It doesn't have to go to the  
17 newspaper again.

18 CHAIRMAN BRAND: Why not?

19 MS. FLYNN: Because that's what I was  
20 told previously. It's already been in the  
21 newspaper. Does it?

22 CHAIRMAN BRAND: I would think that it  
23 does.

24 MS. CLEMENTE: I would think that you  
25 have to renoteice it entirely from scratch.

## RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1                   CHAIRMAN BRAND: You definitely don't  
2 have time for that, I don't think, for the October  
3 3rd.

4                   MS. FLYNN: Not if it's going back in  
5 the paper.

6                   CHAIRMAN BRAND: Correct. So we'll go  
7 for the October 17th date.

8                   MS. FLYNN: The 17th.

9                   CHAIRMAN BRAND: Anything else?  
10                   (No response.)

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

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## C E R T I F I C A T E

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3                   I, STACIE SULLIVAN, a shorthand reporter and  
4 Notary Public within and for the State of New  
5 York, do hereby certify:

6                   That I reported the proceedings in the  
7 within-entitled matter and that the within  
8 transcript is a true and accurate record to the  
9 best of my knowledge and ability.

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

14                  IN WITNESS WHEREOF, I have hereunto set my  
15 hand.

16

Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X  
3 In the Matter of

4 LIGHHOUSE HOLDINGS

5 Project No. 22-6009  
6 131 Idlewild Road, Marlboro  
7 Section 108.3; Block 1; Lot 21.114

7 -----X

8 FINAL - SITE PLAN

9 Date: September 19, 2022  
10 Time: 7:57 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
13 21 Milton Turnpike  
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman  
16 CINDY LANZETTA  
17 JAMES GAROFALO  
18 STEVE CLARKE  
19 STEPHEN JENNISON

20 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
21 PATRICK HINES, ENGINEER  
22 JEN FLYNN, PLANNING BOARD SECRETARY

23  
24 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
25 CHRIS STAFFON

26

27

28

29 -----X  
30 Stacie Sullivan, CSR  
31 staciesullivan@rocketmail.com

## LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda,  
2 Lighthouse Holdings, for a final of their site  
3 plan at 131 Idlewild Road in Marlboro. Thank you  
4 for coming out. I apologize for the mix-up for  
5 those of you who came.

6 Pat, do you want to start us off with  
7 your comments, please?

8 MR. HINES: I will. My first comment is  
9 going to be not entirely my comment, but Cindy  
10 Lanzetta has rendered the definition of recycled  
11 agricultural buildings. It is an allowable use  
12 under the zone, but if you read into the  
13 definition, clearly the recycled agricultural  
14 buildings have a size requirement, but not only  
15 that, they have a requirement that they have been  
16 used in active agriculture for ten years prior to  
17 qualifying as a recycled agricultural building.  
18 So this building has a 2017 building permit, which  
19 was originally intended to be an accessory  
20 building for a residential use. So I know the  
21 applicants are just hearing that tonight, so they  
22 may want to explore that a little more and come  
23 back.

24 CHAIRMAN BRAND: Just so that I'm clear,  
25 the code says it has to be in use for ten years

## LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 before it can become -- presented for recycled  
2 use?

3 MR. HINES: Correct. It's in the  
4 definition section of the code under recycled  
5 agricultural building. The definition of that is  
6 an agricultural building that has been in  
7 agricultural use for greater than ten years.

8 MR. CLARKE: So does that mean it's a  
9 commercial building now, not an agricultural  
10 building?

11 MR. HINES: It's an accessory building  
12 that wasn't an accessory to anything, is the  
13 problem. It was approved as an ag building,  
14 accessory to a residential use. The residential  
15 use isn't there. The recycled ag use is  
16 apparently not there. They may be heading for the  
17 ZBA yet is my only initial take on it, but they're  
18 just hearing that tonight. They may want to take  
19 a step back and take a look at it yourselves.

20 CHAIRMAN BRAND: It was 2017 you said?

21 MR. HINES: I believe so.

22 MS. LANZETTA: Whereas a nonagricultural  
23 product in a rural agricultural zone is not --

24 THE COURT REPORTER: I'm sorry. I can't  
25 hear you.

## LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1                   MS. LANZETTA: You are not allowed to  
2 warehouse nonagricultural material in a rural  
3 agricultural zone even under special use.

4                   CHAIRMAN BRAND: Patti.

5                   MS. BROOKS: Yes. So, obviously, we're  
6 hearing this right now, thinking we had a neg dec  
7 and approval resolution. So, obviously, I'm not  
8 prepared to address it at this point. I will need  
9 to consult with the findings and consult with my  
10 client, and we'll have to regroup and be asked to  
11 be placed on the next agenda.

12                  CHAIRMAN BRAND: You can certainly do  
13 that. Jen, you're good for the October 3rd for  
14 them?

15                  MS. FLYNN: Yes.

16                  CHAIRMAN BRAND: That gives you plenty  
17 of time to regroup, Patti. My apologies.  
18 Obviously, we would have alerted you to this fact  
19 earlier had we known.

20                  MS. BROOKS: I am going to be out of  
21 town for the rest of the week. I know I will not  
22 be able to address it by Friday, which technically  
23 is the deadline.

24                  CHAIRMAN BRAND: Just let Jen know when  
25 you're ready.

## LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MS. BROOKS: As soon as I have the  
2 information, I will submit it.

3 CHAIRMAN BRAND: Any additional comments  
4 or questions from the Board? Mr. Garofalo.

5 MR. GAROFALO: James Garofalo. I have  
6 an additional comment, and that is that the  
7 engineer's report of July 18th, Number 2,  
8 requested that the sight distance at the access  
9 drives should be identified. You did identify the  
10 eastbound. You also specifically mentioned that  
11 there was severe sight distance limitations to the  
12 west. I think you did a good job in the sense of  
13 it was a very poor connection with the gravel road  
14 to the -- the gravel lane to the gravel road at  
15 the intersection, and separating that out was a  
16 good idea. I think the question comes up, though,  
17 is whether or not you can better site the two  
18 access drives potentially closer to the knoll to  
19 improve the sight distance. Clearly, we're not  
20 going to ask you to remove that or remove the  
21 curve, but it's a question of public safety that  
22 we want to have, you know, really good -- the best  
23 sight distance we can if it's limited, and maybe  
24 it may need a warning sign in addition to that.  
25 But maybe you would look at moving the access

## LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 points or make it one point and then have that  
2 split off -- and then have them split off, I'm  
3 sorry, but to take a look at that to see if you  
4 can improve the sight distance for the safety of  
5 both the employees and the traveling public.

6 Thank you.

7 CHAIRMAN BRAND: Just to clarify also,  
8 Patti, did you receive the -- I had questions  
9 about the highway superintendent's comments  
10 regarding the gravel lane. Was that clear to you?

11 MS. BROOKS: Yes. I had met with him  
12 and requested the comments and reviewed the old  
13 file. And then we went and we looked at the site,  
14 and those -- yes, I'm aware.

15 CHAIRMAN BRAND: As long as it makes  
16 sense to you, then I'm good. Any other questions  
17 or comments here?

18 MR. JENNISON: Mrs. Lanzetta, what was  
19 the code? Can you please --

20 MS. LANZETTA: It's under the terms  
21 defined in the Town Code 155-1, under Building,  
22 and you will see a C, Building, Recyclable  
23 Agricultural.

24 MR. JENNISON: 151 what?

25 MS. LANZETTA: 155-1 (C).

# LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MR. HINES: It's in the definition  
2 section.

5 MS. LANZETTA: Today. I've been  
6 sick for the last -- I was away for a couple of  
7 weeks, and when I came back, I got sick, and I was  
8 just trying to catch up today and realized going  
9 through the law that we had a problem.

10 MR. HINES: It's kind of unique because  
11 the code has a separate section outside the  
12 definitions regarding recyclable agricultural  
13 buildings. So I didn't read the definition  
14 either, because there's a separate section of the  
15 code regarding this use, and it doesn't state it  
16 in that code section. It states it in the  
17 definitions.

18 MR. JENNISON: So what is the recourse  
19 for them? To go to the ZBA for --

20 MR. HINES: I'm going to give them a  
21 chance to take a look at it, like we said, and  
22 come up with a course of action. That is a viable  
23 option for them. But use variances are very hard  
24 to get. They're probably -- by definition use  
25 variances are difficult to get.

# LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Because it's outside  
2 the code.

3 MR. HINES: Yes.

4 CHAIRMAN BRAND: It's not like they're  
5 an acre short or 25 feet --

6 MR. JENNISON: I guess my whole issue is  
7 that the gentleman purchased the property based  
8 on -- that's what I'm trying to wrap my whole head  
9 around here. I know I'm not articulating it  
10 correctly. So that's where my problem lies.

11                   Okay.

12 MR. GAROFALO: James Garofalo. I think  
13 this is a problem for all of us; that we have to  
14 be much more careful in reading the code. And  
15 it's not just one member, but we all have to be  
16 vigilant on the code and properly inform the  
17 applicants as soon as we discover something. It  
18 doesn't fall on one member. It falls on us as a  
19 Board. Thank you.

20 CHAIRMAN BRAND: All right. I  
21 apologize. We will see you when you're ready.  
22 Thank you.

23 (Time noted: 8:06 p.m.)

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## C E R T I F I C A T E

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4                   I, STACIE SULLIVAN, a shorthand reporter and  
5                   Notary Public within and for the State of New  
6                   York, do hereby certify:

7                   That I reported the proceedings in the  
8                   within-entitled matter and that the within  
9                   transcript is a true and accurate record to the  
10                  best of my knowledge and ability.

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

15                  IN WITNESS WHEREOF, I have hereunto set my  
16                  hand.

17

Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X  
3 In the Matter of

4 LANDS OF JEFFREY ALDRICH

5 Project No. 22-6008  
6 132 Milton Turnpike, Milton  
7 Section 103.1; Block 1; Lot 33.2

7 -----X

8 FINAL - SUBDIVISION

9 Date: September 19, 2022  
10 Time: 8:07 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
13 21 Milton Turnpike  
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman  
16 CINDY LANZETTA  
17 JAMES GAROFALO  
18 STEVE CLARKE  
19 STEPHEN JENNISON

20 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
21 PATRICK HINES, ENGINEER  
22 JEN FLYNN, PLANNING BOARD SECRETARY

23 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

24

25

26 -----X

27 Stacie Sullivan, CSR  
28 staciesullivan@rocketmail.com

## ALDRICH - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we  
2 have Jeff Aldrich at 132 Milton Turnpike in Milton  
3 for a final of their subdivision. Pat, did you  
4 just want to run through your comments?

5 MR. HINES: Yes. I believe that they  
6 addressed our comments. We received Health  
7 Department approval for the septic system. We  
8 received a letter from the Water Department  
9 stating that they have no exception to serving  
10 this site with water as it is in the water  
11 district. And that's all we have, so procedurally  
12 they're done with us. I believe that Meghan's  
13 office has done an approval resolution for you.

14 MS. CLEMENTE: Yes.

15 CHAIRMAN BRAND: Any comments or  
16 questions from the Board?

17 MR. GAROFALO: James Garofalo. I just  
18 have one question. There is a maximum road grade  
19 for private roads. Is there one for driveways?

20 MR. HINES: No.

21 MR. GAROFALO: There is not. Thank you.

22 MR. HINES: We typically hold 14 percent  
23 for driveways. I don't know if it's in the code,  
24 but that's been our standard.

25 MR. GAROFALO: Does this meet that?

## ALDRICH - FINAL SUBDIVISION

1                   MR. HINES: We don't have a grading  
2                   plan. I don't know.

3                   MS. BROOKS: Yes, it does.

4                   MR. HINES: I didn't see any excessive  
5                   slopes that would have raised my attention to the  
6                   scale.

7                   MR. GAROFALO: Eventually you get that?  
8                   You get the grade?

9                   MR. HINES: The Town code enforcement  
10                  officer, when they issue a CO, they will review  
11                  that.

12                  MR. GAROFALO: Okay. Thank you.

13                  MS. BROOKS: But the existing grades are  
14                  less than 15 percent, so there would not be  
15                  regrading required that we would have to prove  
16                  that we could meet the 15 percent as we do on some  
17                  applications.

18                  CHAIRMAN BRAND: Any other comments or  
19                  questions?

20                  (No response.)

21                  CHAIRMAN BRAND: So, that with that  
22                  being said, you have before you on the application  
23                  of Jeffrey Aldrich for a two-lot subdivision, the  
24                  Town of Marlborough Planning Board, SEQRA negative  
25                  declaration and notice of determination of

## ALDRICH - FINAL SUBDIVISION

1 nonsignificance for this project. Jen, would you  
2 poll the Board?

3 MS. FLYNN: Chairman Brand?

4 CHAIRMAN BRAND: Yes.

5 MS. FLYNN: Member Lanzetta?

6 MS. LANZETTA: Yes.

7 MS. FLYNN: Member Lofaro?

8 CHAIRMAN BRAND: Absent.

9 MS. FLYNN: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. FLYNN: Member Jennison?

12 MR. JENNISON: Yes.

13 MS. FLYNN: Member Garofalo?

14 MR. GAROFALO: Yes.

15 MS. FLYNN: Member Troncillito?

16 CHAIRMAN BRAND: Absent. We also have  
17 for you a resolution of approval by the Town of  
18 Marlborough Planning Board. Is there anything we  
19 need to consider or it's pretty straightforward?

20 MS. CLEMENTE: No. It's pretty  
21 straightforward. And they've already received the  
22 Department of Health for the approval for  
23 construction.

24 CHAIRMAN BRAND: Jen, would you poll the  
25 Board?

## ALDRICH - FINAL SUBDIVISION

1 MS. FLYNN: Chairman Brand?

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Lanzetta?

4 MS. LANZETTA: Yes.

5 MS. FLYNN: Member Lofaro?

6 CHAIRMAN BRAND: Absent.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 MS. FLYNN: Member Jennison?

10 MR. JENNISON: Yes.

11 MS. FLYNN: Member Garofalo?

12 MR. GAROFALO: Yes.

13 MS. FLYNN: Member Troncillito?

14 CHAIRMAN BRAND: Absent. Both

15 resolutions are carried. You also have before you

16 for the matter of Jeffrey Aldrich --

17 MR. HINES: Excuse me. We didn't do the  
18 recreation.

19 MS. BROOKS: That's what he's doing now.

20 MR. HINES: Oh, I'm sorry.

21 CHAIRMAN BRAND: I appreciate that, Pat.

22 Recreation Fee Findings for the Town of  
23 Marlborough Planning Board. Whereas, the Planning  
24 Board has reviewed a subdivision application known  
25 as Jeff Aldrich with respect to real property

## ALDRICH - FINAL SUBDIVISION

1 located 132 Milton Turnpike in the Town of  
2 Marlboro. Chairman Brand offered the following  
3 resolution, which was seconded by Member Jennison:  
4 It is hereby resolved that the Planning Board  
5 makes the following findings pursuant to Section  
6 277(4) of the Town Law: Based on the present and  
7 anticipated future need for park and recreational  
8 opportunities in the Town of Marlborough, and to  
9 which the future population of this subdivision  
10 will contribute, parklands should be created as a  
11 condition of approval of this subdivision.

12 However, a suitable park of adequate size to meet  
13 the above requirement cannot be properly located  
14 within the proposed project site. Accordingly, it  
15 is appropriate that in lieu of providing parkland  
16 the project sponsors render to the Town payment of  
17 a recreation fee to be determined in accordance  
18 with the prevailing schedule established for that  
19 purposed by the Town of Marlborough. This  
20 approved subdivision, known as the Jeff Aldrich  
21 subdivision, resulted in one lot for a total of  
22 \$2,000 in Recreation Fees.

23 Whereupon the following vote was taken.

24 Chairman Brand says yes. Clarke?

25 MR. CLARKE: Yes.

## ALDRICH - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Garofalo?

2 MR. GAROFALO: Yes.

3 CHAIRMAN BRAND: Jennison?

4 MR. JENNISON: Yes.

5 CHAIRMAN BRAND: Lanzetta?

6 MS. LANZETTA: Yes.

7 CHAIRMAN BRAND: Lofaro and Troncillito  
8 are absent. I believe you're all set with that.

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

10 C E R T I F I C A T E

11 I, STACIE SULLIVAN, a shorthand reporter and  
12 Notary Public within and for the State of New  
13 York, do hereby certify:

14 That I reported the proceedings in the  
15 within-entitled matter and that the within  
16 transcript is a true and accurate record to the  
17 best of my knowledge and ability.

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

22 IN WITNESS WHEREOF, I have hereunto set my  
23 hand.

24

*Stacie Sullivan*

25

Stacie Sullivan, CSR

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

2 -----X  
3 In the Matter of

4 MAD BATTERS BAKER'S TALE

5 Project No. 21-5028  
5 578 Route 44/55, Marlboro  
6 Section 95.2; Block 2; Lot 10

7 -----X

8 SKETCH - SITE PLAN

9 Date: September 19, 2022  
10 Time: 8:11 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
13 21 Milton Turnpike  
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman  
16 CINDY LANZETTA  
17 JAMES GAROFALO  
18 STEVE CLARKE  
19 STEPHEN JENNISON

20 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
21 PATRICK HINES, ENGINEER  
22 JEN FLYNN, PLANNING BOARD SECRETARY

23 APPLICANT'S REPRESENTATIVES: PATTI BROOKS  
24 DAVE TODER

25

26 -----X  
27 Stacie Sullivan, CSR  
28 staciesullivan@rocketmail.com

## MAD BATTERS - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we  
2 have the Mad Batters Baker's Tale at 578 Route  
3 44/55 in Marlboro for a sketch of their site plan.  
4 How are you tonight?

5 MR. TODER: Very good. Thank you. How  
6 are you?

7 CHAIRMAN BRAND: Good. Pat, do you want  
8 to go through your comments?

22 The existing dumpsters are labeled to be  
23 relocated -- or should be labeled to be relocated.  
24 They're currently located at the front access  
25 drive. They're proposed to be placed in the

## MAD BATTERS - SKETCH SITE PLAN

1                   dumpster enclosure in the back, and we'd ask that  
2                   a detail of that dumpster enclosure be provided.

3                   We're asking that the areas to be paved  
4                   are more clearly defined.

5                   The details for the parking space  
6                   identified as the previous 200 square foot  
7                   required parking space, which they can remain to  
8                   be, but I just wanted to note that the parking  
9                   size has been recently modified by the Town Board  
10                  so they can be 9 by 18, rather than the previous  
11                  200 square feet. We're suggesting that a detail  
12                  of the parking spaces be proposed that are shown  
13                  on the plans.

14                  It will need to go to Ulster County  
15                  Planning as it's on the State highway.

16                  The Board previously requested that the  
17                  topography be depicted on the plans, and that has  
18                  been shown.

19                  We're suggesting the Board declare its  
20                  intent for Lead Agency as the County Health  
21                  Department, County Planning, and DOT are involved  
22                  or interested agencies.

23                  And any submissions that are sent to the  
24                  County Health Department should be copied to the  
25                  Planning Board. There's a letter from the project

## MAD BATTERS - SKETCH SITE PLAN

1 engineer stating that he has been working with the  
2 County Health Department on approval of the  
3 revised location for the new septic system, and we  
4 don't have any information pertaining to that, and  
5 I think that should be in the Planning Board's  
6 file so it can be -- for completeness. That's all  
7 we have.

8 CHAIRMAN BRAND: Great. Anything from  
9 you?

10 MR. TODER: Yes. So this is effectively  
11 an update, because we've been working --

12 CHAIRMAN BRAND: I'm sorry. Can you say  
13 your name for the record?

14 MR. TODER: Dave Toder, T-O-D-E-R, of  
15 Bolder Architecture, B-O-L-D-E-R.

16 So we have the site plan with the  
17 contour lines as requested. Some of that is still  
18 in development in coordination with the DOT,  
19 but -- and as noted, the septic system design is  
20 underway with the Health Department. And then  
21 the -- a few items are also remaining, like the  
22 landscape plan, which is somewhat dependent on the  
23 DOT finalizing. And the lighting plan is mostly  
24 existing lighting we believe. But those are --  
25 those are dependent on the finalization of the

## MAD BATTERS - SKETCH SITE PLAN

1 other parts, so hopefully that's all tying itself  
2 up shortly, and then we'll complete the final  
3 remaining items for submission in the near future.

4 CHAIRMAN BRAND: Just so you know, the  
5 County Planning Board is relatively particular  
6 about the lighting details, so that should be  
7 included before it goes up to County.

8 MR. TODER: Absolutely. Thank you.

9 CHAIRMAN BRAND: Comments or questions  
10 from the Board? Mr. Garofalo, I'll start with  
11 you.

12 MR. GAROFALO: Okay. I have a few very  
13 minor questions and comments. At the entrance  
14 there appears to be a boulder which is not on the  
15 property, and, you know, that becomes a question  
16 of who owns that and do you have a right to move  
17 it. So I will leave that question.

18 Also, several of the boulders appear to  
19 be over the property lines, so you may want to  
20 correct that so that they all appear on the  
21 property.

22 MR. TODER: Thank you.

23 CHAIRMAN BRAND: That's why they hired  
24 Bolder Architecture for this project.

25 MR. GAROFALO: Also, I will suggest

## MAD BATTERS - SKETCH SITE PLAN

1 taking a look at the angled parking that you have  
2 and seeing if you angle it slightly more that you  
3 create a larger space between the garage and  
4 Parking Space 5 so that the trucks will be able to  
5 get to the dumpster enclosure easier. And I think  
6 there's probably plenty of room for that.

7 I am somewhat concerned that where the  
8 boulders are being removed that it's sufficiently  
9 wide there, that people may be enticed to park  
10 there. And that's something that you probably  
11 don't want to have occurring, because that would  
12 be where, if you were bringing in a truck, the  
13 truck would want to be backing up into the loading  
14 area from there.

15 Also, the strip of grass, I'm not sure  
16 why it's only five feet, because when you have a  
17 truck in there, potentially that truck could be  
18 blocking the sight distance coming out of the  
19 driveway.

20 The door to the bakery by the ramp, the  
21 way it swings open, I think you might want to take  
22 a look at hinging it on the other side to make it  
23 easier for someone who would be in a wheelchair;  
24 that they wouldn't have to maneuver around it and  
25 potentially go off of the platform onto the steps.

## MAD BATTERS - SKETCH SITE PLAN

1           But if you hinge it on the other side, I think  
2           that make it a little bit more convenient. So if  
3           you could take a look at that. I think they also  
4           have different requirements for the landing under  
5           the ADA code, and I think it may be a little less  
6           if you hinge it on the other side.

7           As mentioned before, the parking space  
8           area has to be 162 square feet, which would be  
9           9 by 18, so you may be able to reduce the amount  
10          of paved area.

11          You have a stone retaining wall, and I'm  
12          not sure if that goes up or down from the parking  
13          lot, but there's a question in my mind as to how  
14          high that is and whether or not you would need a  
15          fence so nobody accidentally walks off it if it's  
16          very high. If it's low, it may not make any  
17          difference. But I think it's important to know  
18          how high that retaining wall is and whether or not  
19          you need to fence that.

20          MR. HINES: So the topography shows it  
21          being very low. There's a topo line running along  
22          the top and then --

23          MS. BROOKS: We can show some spot  
24          elevations there.

25          MR. GAROFALO: Okay. If it's just two

## MAD BATTERS - SKETCH SITE PLAN

1           feet or so, that's not going to be a problem. It  
2        may be more of a problem for people backing up,  
3        that you wouldn't want them to hit the retaining  
4        wall. If it's too low, so you may want to have  
5        some indicators so that people backing up don't  
6        accidentally bump into it, which is a little bit  
7        difficult when you have that angled parking. The  
8        people will be -- may need a little bit more space  
9        to back up. And if you can show the aisle space  
10      also, that would be good. And I don't think  
11      you're going to have a problem with that since you  
12      can make the parking spaces smaller.

13           And in your final details, make sure  
14      that there is signage for the accessible parking.  
15      Again, DOT may have a problem with that being on  
16      their property. They may not. Thank you.

17           MS. BROOKS: We did meet with DOT on the  
18      site, and it was DOT that suggested putting that  
19      five-foot grass strip with some small shrubs,  
20      because this is a pre-existing access way. So  
21      their goal here is just to channelize it to the  
22      greatest extent possible, because it is  
23      pre-existing. So they're not requiring a new  
24      permit. Dave and I were discussing the  
25      handicapped parking. While we were there, there

## MAD BATTERS - SKETCH SITE PLAN

1                   were cars pulling in, and then they were able to  
2                   actually back around the building where the  
3                   loading area is and pull out without going onto  
4                   the highway. But Dave's suggestion is taking the  
5                   handicapped space and rotating it 90 degrees,  
6                   which we will present to DOT.

7                   MR. GAROFALO: So you can actually -- if  
8                   no one was parked in the accessible spots, the  
9                   truck could come in that way and then go out the  
10                   other way? There is no change in elevation there;  
11                   it's flat?

12                   MS. BROOKS: Correct. That is flat.  
13                   But there is no proposal for -- basically, the  
14                   access in and out will be the one driveway. So a  
15                   vehicle, a truck, will pull into the blacktop  
16                   driveway, pull into that loading area, then back  
17                   into the driveway to exit the same way they came  
18                   in.

19                   MR. GAROFALO: Okay. I would suspect  
20                   that some of them may do the opposite. They may  
21                   back into that space in order to have the rear of  
22                   the truck closer to the doorway, but anyway.  
23                   Thank you very much.

24                   CHAIRMAN BRAND: Anything else from the  
25                   Board? I would just note that, Pat, I think you

## MAD BATTERS - SKETCH SITE PLAN

1       skipped over Comment Number 4 about the shale  
2       parking for the commercial entity and that the  
3       Planning Board does require paved parking with  
4       curbs. Is there a reason why you're not paving  
5       the parking, or am I misreading that?

6 MS. BROOKS: It does say proposed  
7 blacktop parking. It says existing shale, and  
8 then in Parking Spaces -- unless I don't know  
9 where you're talking about -- Spaces 6 through 18,  
10 in the center, it says proposed blacktop parking  
11 lot.

12 MR. HINES: Yeah, it just wasn't clear  
13 to me what the limits of that paving are going to  
14 be.

15 MS. BROOKS: Just the limits of the red,  
16 of the parking spaces themselves.

17 CHAIRMAN BRAND: So it will all be  
18 paved. Perfect. Okay. Anything else?

19 (No response.)

20 CHAIRMAN BRAND: So you will address  
21 these -- yes, Patti. Go ahead.

22 MS. BROOKS: I do have one question.  
23 Mr. Garofalo was talking about dimensioning the  
24 aisle. Right now we have it dimensioned at  
25 24 feet and we also have the parking spaces at 20.

## MAD BATTERS - SKETCH SITE PLAN

1           Does the aisle still need to remain 24, or did  
2           that width change as well?

3                   MR. HINES: No, that stays the same.

4                   CHAIRMAN BRAND: That stays the same.

5           Just the spaces changed to 9 by 18.

6                   MR. GAROFALO: I apologize for not  
7           seeing that 24.

8                   MS. BROOKS: I just wanted to make sure  
9           I had the correct width when we came back.

10                  CHAIRMAN BRAND: Great. All right.

11                  MR. HINES: So the Board could declare  
12           its intent to be Lead Agency?

13                  CHAIRMAN BRAND: I would like to have a  
14           motion to do that, please, to declare our intent  
15           to be Lead Agency for New York State DOT and  
16           Ulster County Health Department as involved  
17           agencies.

18                  MR. GAROFALO: Member Garofalo so moves.

19                  CHAIRMAN BRAND: So moves. Is there a  
20           second?

21                  MS. LANZETTA: I second that.

22                  CHAIRMAN BRAND: Any discussion?

23                   (No response.)

24                  CHAIRMAN BRAND: Any objections?

25                   (No response.)

## MAD BATTERS - SKETCH SITE PLAN

1 CHAIRMAN BRAND: All right. We are now  
2 Lead Agency.

3 MR. HINES: No, you're not.

4 CHAIRMAN BRAND: We have now declared  
5 the intent to be the Lead Agency. Thank you, Pat.  
6 Excellent. Thank you. Intent approved.

7 MS. FLYNN: Before I send it to Ulster  
8 County, you'll give me an updated packet of --

9 MS. BROOKS: Yes. This is not a  
10 complete package. I think you need more materials  
11 for the complete package. Yes.

12 MS. FLYNN: Okay. Thank you.

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

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## C E R T I F I C A T E

2

3                   I, STACIE SULLIVAN, a shorthand reporter and  
4 Notary Public within and for the State of New  
5 York, do hereby certify:

6

That I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true and accurate record to the  
best of my knowledge and ability.

10

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

14

IN WITNESS WHEREOF, I have hereunto set my

15

hand.

16

*Stacie Sullivan*

17

Stacie Sullivan, CSR

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25

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

2 -----X  
3 In the Matter of

4 DEBORAH TRONCILLITO

5 Project No. 22-6014  
6 89 Western Avenue, Marlboro  
7 Section 108.2; Block 6;  
8 Lots 14.100 and 14.200

9

8 -----X

9 SKETCH - LOT LINE

10 Date: September 19, 2022  
11 Time: 8:24 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
14 21 Milton Turnpike  
15 Milton, New York 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman  
17 CINDY LANZETTA  
18 JAMES GAROFALO  
19 STEVE CLARKE  
20 STEPHEN JENNISON

21 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.  
22 PATRICK HINES, ENGINEER  
23 JEN FLYNN, PLANNING BOARD SECRETARY

24 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

25

26

27

28

29 -----X  
30 Stacie Sullivan, CSR  
31 staciesullivan@rocketmail.com

## TRONCILLITO - SKETCH LOT LINE

1 CHAIRMAN BRAND: Finally on the agenda  
2 we have Deborah Troncillito, 89 Western Avenue in  
3 Marlboro, for a sketch of their lot line. Pat,  
4 would you go over your comments, please?

5 MR. HINES: Sure. This is a lot  
6 consolidation. You used to be able to do this by  
7 deed, but Ulster County now wants a stamped final  
8 from the Planning Board. It's combining two lots  
9 in common ownership. There are currently  
10 accessory uses that cross the lot lines, and this  
11 will clean it up. There will be a 1.65 acre lot  
12 proposed. There is no new construction proposed.  
13 And the resulting lot will meet all bulk  
14 requirements with no pre-existing, non-conforming  
15 issues. So you will have a larger compliant lot.  
16 So I take no exception to the Board granting  
17 approval.

18 CHAIRMAN BRAND: Can we have a  
19 resolution of approval prepared for that?

20 MS. CLEMENTE: Yes.

21 CHAIRMAN BRAND: Before I do that, any  
22 questions or comments?

23 MR. GAROFALO: I just have a couple of  
24 comments. One is the EAFs are not required for  
25 these, and that will become clear when we pass the

## TRONCILLITO - SKETCH LOT LINE

1 new form that we'll not have to do that. But I  
2 would specifically note that on those forms, that  
3 you want to take a close look at Item Number 9,  
4 dealing with the energy because normally you want  
5 to answer "yes" and not "no" on that question.

6 MS. BROOKS: Yes. When there is no new  
7 construction, it has to be "no," because I'm not  
8 to be complying with any energy code standards if  
9 I'm not constructing anything. Again, I  
10 understand that it's a Type II, but until this  
11 Board types it, I have to fill out the short form  
12 EAF.

13 MR. GAROFALO: Do we not require a  
14 County sign-off because it's just a lot line since  
15 this is County road?

16 CHAIRMAN BRAND: I believe so.

17 MR. HINES: Yes. There's no new  
18 construction proposed.

19 MR. GAROFALO: So we don't have to worry  
20 about that. Thank you.

21 CHAIRMAN BRAND: Anything else from the  
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: So on the application  
25 of Deborah Troncillito for a consolidation of two

## TRONCILLITO - SKETCH LOT LINE

1 lots into one, we have a resolution of approval by  
2 the Town of Marlborough Planning Board dated  
3 September 19, 2022. Jen, would you poll the  
4 Board?

5 MS. FLYNN: Chairman Brand.

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Lanzetta.

8 MS. LANZETTA: Yes.

9 MS. FLYNN: Member Lofaro.

10 CHAIRMAN BRAND: Absent.

11 MS. FLYNN: Member Clarke.

12 MR. CLARKE: Yes.

13 MS. FLYNN: Member Jennison.

14 MR. JENNISON: Yes.

15 MS. FLYNN: Member Garofalo.

16 MR. GAROFALO: Yes.

17 MS. FLYNN: Member Troncillito.

18 CHAIRMAN BRAND: Yes -- I almost said  
19 yes for him, but he's absent. I believe that does  
20 it for you.

21 MS. BROOKS: Thank you very much.

22 CHAIRMAN BRAND: Anything else before we  
23 adjourn?

24 (No response.)

25 CHAIRMAN BRAND: So would anyone like to

## TRONCILLITO - SKETCH LOT LINE

1 make a motion to adjourn, then?

2 MR. CLARKE: I'll move.

3 MR. JENNISON: Second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: See you next time.

9 (Time noted: 8:30 p.m.)

10 C E R T I F I C A T E

11 I, STACIE SULLIVAN, a shorthand reporter and  
12 Notary Public within and for the State of New  
13 York, do hereby certify:

14 That I reported the proceedings in the  
15 within-entitled matter and that the within  
16 transcript is a true and accurate record to the  
17 best of my knowledge and ability.

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

22 IN WITNESS WHEREOF, I have hereunto set my  
23 hand.

24

Stacie Sullivan

25

Stacie Sullivan, CSR