

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

3 In the Matter of

- 4 - APPROVAL OF THE STENOGRAPHIC MINUTES FOR
10/17/2022
- 5 - BOB TRONCILLITO - COMPLETION OF CONTINUING
EDUCATION
- 6 - CINDY LANZETTA - COMPLETION OF CONTINUING
7 EDUCATION
- 8 - BOARD DISCUSSION

9
10 BOARD BUSINESS

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

14 BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
15 JAMES GAROFALO
STEVE CLARKE
16 STEPHEN JENNISON
JOE LOFARO
17 BOB TRONCILLITO

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

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25 -----X
Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

1 (Whereupon Board Member Jennison is not
2 present.)

3 MS. LANZETTA: All right. We're going
4 to get the meeting started with the Pledge of
5 Allegiance.

6 (Pledge of Allegiance.)

7 MS. LANZETTA: Good evening. This is
8 the meeting of the Town of Marlborough Planning
9 Board for Monday, November 21st, 2022. On our
10 agenda today is the Top Seed Landscape Design Site
11 Plan, Preliminary.

12 MS. FLYNN: Cindy, I'm sorry, you
13 skipped over the minutes.

14 MS. LANZETTA: Because I was going to go
15 back, and then after I read that.

16 MS. FLYNN: Okay.

17 MS. LANZETTA: Also on the agenda is
18 Kris Noto Orange Street, Sketch, Subdivision;
19 Sarinsky Eastside, Sketch, Subdivision; Danskammer
20 House, Sketch, Lot Line. And a conceptual site
21 plan discussion with the engineer for The Rock,
22 Sketch, Site Plan. The next deadline is Friday,
23 November 25th, 2022, and the next scheduled
24 meeting of the Planning Board is Monday,
25 December 5th, 2022.

BOARD BUSINESS

1 So we'll begin our meeting with the
2 approval of the stenographic minutes for 10/17.

3 Can I have a motion to approve those minutes?

4 MR. TRONCILLITO: I'll make that motion.

5 MS. LANZETTA: And second?

6 MR. LOFARO: I'll second.

7 MS. LANZETTA: Any discussion?

8 (No response.)

9 MS. LANZETTA: I just want to call it
10 to -- I'm not sure who is in charge of putting the
11 PDF heading on that, but the PDF heading for the
12 document was for 10/17/2022. So if that can be
13 corrected so it's easier to find it in the future.
14 So with that said --

15 MR. HINES: It was on 10/17, the
16 meeting.

17 MS. LANZETTA: I mean it said 11. I'm
18 sorry. It said 11/17. I'm sorry. So, with that
19 said, all in favor?

20 (Board says aye in unison.)

21 MS. LANZETTA: Any opposed?

22 (No response.)

23 MS. LANZETTA: Okay. So the first
24 application on our agenda is the Top Seed
25 Landscape Design -- oh, I'm sorry.

BOARD BUSINESS

1 Mr. Troncillito asked me, and I'm glad he reminded
2 me, we do have some education credits. Would you
3 like to share?

4 MR. TRONCILLITO: I did the update of
5 case law, two-hour class, on October 26th. It was
6 really interesting. It was good.

7 MS. LANZETTA: Okay. And I also
8 attended that updated case law, so if you would
9 put in for two hours for myself as well, that
10 would be good.

11 MS. FLYNN: I would like to revise the
12 agenda as well. We're closed on November 25th, so
13 I will extend it to the 28th.

14 (Time noted: 7:34 p.m.)

15 (Whereupon Planning Board meeting ensued.)

16 (Time noted: 7:52 p.m.)

17 MS. LANZETTA: Before we entertain the
18 next applicant, I just want to get clarification,
19 and I don't want to put this on the applicant's
20 tab, so to speak, but there's something that I was
21 wondering, and we had it brought up with legal.
22 And I thought the answer would be something that
23 would be good for the rest of the Board to hear.
24 And when we do the application process with the
25 applicants, as part of the packet, there is

BOARD BUSINESS

1 information for the applicant to fill out. You
2 have an owner and you have a surveyor, very often,
3 or an engineer or somebody that might represent
4 the applicant before the Planning Board. And the
5 question was, does the owner have to fill out a
6 letter of agent for anyone who represents
7 themselves as an applicant? And I was wondering
8 if you could explain that to us.

9 MS. CLEMENTE: The owner does not have
10 to fill out a letter of agent for the applicant.
11 But the -- if the applicant were to have -- if
12 they were separate people. If they're one person
13 and they want an engineer, surveyor, attorney to
14 represent them, they have to fill out a letter of
15 agent before they would be able to sign anything,
16 for whoever they want to represent them would be
17 able to sign anything on their behalf.

18 MS. LANZETTA: Now, can anybody be an
19 applicant even if they don't own the property?

20 MS. CLEMENTE: Yes. If that -- if
21 they're applying to build something on the
22 property.

23 MR. HINES: Normally we'll get them as a
24 contract vendee possibly, where they're -- there
25 has to be some authorization by the owner that the

BOARD BUSINESS

1 applicant can appear, but oftentimes they have a
2 contract with the owner that says upon approval.

3 MS. LANZETTA: But we don't necessarily
4 know that as a Planning Board, not through our
5 application process.

6 MS. FLYNN: If they're different people,
7 you don't have to have it from both of them? I
8 would think that you would have to have it from
9 either the owner that signs off that the applicant
10 can do it --

11 MS. CLEMENTE: Yes. Unless we have --

12 MS. FLYNN: And then if the applicant
13 can't show up, then they would have to do one for
14 the engineer or surveyor.

15 MS. CLEMENTE: Yes. Unless we have a
16 contract or agreement otherwise that says this
17 person, this organization is going to be working,
18 and we've given them the go-ahead to do this. I
19 don't believe we have that here.

20 MS. LANZETTA: Well, for instance, we
21 have an applicant that came in that wanted to do a
22 bakery, and we received a letter from the owner of
23 the property saying that they approved of this
24 applicant making a bakery on this property that
25 they own.

BOARD BUSINESS

1 MS. CLEMENTE: Yes.

2 MS. LANZETTA: That isn't necessary. It
3 was nice that we had it, but it's not mandatory?

4 MS. CLEMENTE: I will have to look into
5 the applicant owner situation, but I don't want to
6 say it's not mandatory, because off the top of my
7 head, I don't know until I look more into it. But
8 if either of those owner or applicant wanted to
9 have someone else who is not otherwise named as an
10 owner or applicant, they would need to -- like a
11 surveyor or someone of that nature would have to
12 have a letter of agent for them to sign and appear
13 for them.

14 MS. LANZETTA: Okay. So when somebody
15 has to do the ethics portion of our application,
16 that person -- does that person have to be the
17 owner, or can it be the applicant?

18 MS. CLEMENTE: Ideally, it should be
19 both of them, but an applicant's signature is
20 fine. Having someone else do it would not be
21 permissible.

22 MS. LANZETTA: Like, for instance, the
23 engineer or the surveyor should not do the ethics.

24 MS. CLEMENTE: No, not even with a
25 letter of agent, because they're -- it's really

BOARD BUSINESS

1 bad for the relationship between the Town and
2 whoever owns or is applying to build on the
3 property.

4 MS. LANZETTA: Okay. Okay. All right.
5 Thank you for some clarification.

6 (Time noted: 7:57 p.m.)
7

C E R T I F I C A T E

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9
10 I, STACIE SULLIVAN, a shorthand reporter and
11 Notary Public within and for the State of New
12 York, do hereby certify:

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

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

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

23
24 Stacie Sullivan

25 Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 TOP SEED LANDSCAPE DESIGN

4 Project No. 22-6010
5 1943 Route 9W, Milton
6 Section 103.1; Block 1; Lot 18
-----X

7 PRELIMINARY - SITE PLAN

8 Date: November 21, 2022
9 Time: 7:34 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

12 BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
13 JAMES GAROFALO
STEVE CLARKE
14 STEPHEN JENNISON
JOE LOFARO
15 BOB TRONCILLITO

16 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
17 PATRICK HINES, ENGINEER
18 JEN FLYNN, PLANNING BOARD SECRETARY

19 APPLICANT'S REPRESENTATIVE: STEPHEN RIVIECCIO
20
21
22

23 -----X
Stacie Sullivan, CSR
24 staciesullivan@rocketmail.com
25

TOP SEED - PRELIMINARY SITE PLAN

1 MS. LANZETTA: Okay. So, Top Seed.

2 Pat, would you like to share your most recent
3 comments?

4 MR. HINES: Sure. There was discussion
5 at the October 17th meeting regarding the --
6 update the narrative and clarify the use
7 consistent with uses in the HD zone. I don't know
8 if that's been resolved to date. I think we might
9 have received the same narrative as before. The
10 project is before the Board. It was approved
11 previously in the same form that it is now. The
12 approval had lapsed, and it's here for a
13 reapproval. So it's just noted that -- and then
14 the Planning Board previously discussed providing
15 sidewalks within the DOT right-of-way, and the
16 status of that should be addressed.

17 MS. LANZETTA: Okay.

18 MR. HINES: So I don't know if the Board
19 is satisfied with the way his project narrative
20 is -- that the Board had asked for.

21 MS. LANZETTA: Mr. Riviecco, would you
22 like to fill us in on --

23 MR. RIVIECCO: Yes. The DOT -- the
24 sidewalks are in there, again, once we get that
25 permit back, but they won't give me the permit

TOP SEED - PRELIMINARY SITE PLAN

1 until either I have approval or somebody from --
2 either until somebody contacts them and says we're
3 in front of the Board, they won't take my word for
4 it, or Lou. So -- or we go to them with our site
5 plan, and then he'll issue the permit. But in the
6 DOT package, the sidewalk is already in there.

7 MR. HINES: So we should get a copy of
8 that DOT package, then.

9 MR. RIVIECCO: Okay.

10 MR. HINES: I don't have that. That
11 will clarify that. And I would suggest that the
12 Board, in any approvals, condition the approval --
13 condition the building permit on receipt of the
14 DOT permit, because in order to get a DOT permit,
15 you have to have the contractor, you have to have
16 their insurance and everything on file. So it's
17 more appropriate to push that off towards a
18 building permit at this point. We do have a
19 conceptual approval letter from them that stated
20 that they were aware of the access road.

21 MS. LANZETTA: Okay. And when we last
22 talked, we were still hoping to get a narrative,
23 other than the original narrative that was given
24 to us for the commercial group, and we had talked
25 about the fact that it would probably fit in more

TOP SEED - PRELIMINARY SITE PLAN

1 with warehouse or garage commercial. So we were
2 hoping that you would give us that narrative and
3 that we also wanted to see some hours of
4 operations that would be placed on the map. Were
5 you able to provide us with that?

6 (Board Member Jennison entered the room and is
7 present.)

8 MR. RIVIECCO: I thought I handed that
9 in, but maybe I didn't. But, yeah, I mean, we did
10 go through there and pick, in the HD zone, if --
11 am I correct that storage and warehouse was in
12 there?

13 MS. LANZETTA: Yeah.

14 MR. RIVIECCO: So, I mean, that's what
15 we were just going with. As far as operation
16 hours, you know, it would be your normal
17 commercial, 7:00 to 7:00, I would guess. And
18 that's fine. But, I mean, I thought all that was
19 in writing, but I could type it up.

20 MR. HINES: We did get a report from the
21 building inspector that did state that it will be
22 considered a commercial group under Section
23 155-12B, 2(e), to allow various uses in the HD
24 zone.

25 MS. LANZETTA: But that was originally

TOP SEED - PRELIMINARY SITE PLAN

1 when you were talking about doing more of an
2 office so that it fit in with the definition
3 there, and then when you came back with the garage
4 doors and that kind of thing, we had decided that
5 it probably fit warehouse or garage more
6 appropriately as a special use. So that's why we
7 wanted to make that change.

8 MR. RIVIECCO: Also, too, I mean, this
9 has been going on for quite some time now. We're
10 back to the original plan that was approved. It
11 goes to find out, after all this time, 2020, from
12 what I understand, didn't even count. So, I mean,
13 honestly, I had until October 23rd of this year to
14 get this project done under the original, which we
15 are now, so, I mean, it's starting to get like a
16 little out of hand here.

17 MS. LANZETTA: Well, I'm not -- I'm not
18 sure that -- why is he back before us with a new
19 application if he was still able to --

20 MR. RIVIECCO: I mean, I did come
21 back --

22 MR. HINES: He would have had to pull a
23 building permit by the 23rd of October, I believe,
24 is what you're saying; right?

25 MR. RIVIECCO: So there was a building

TOP SEED - PRELIMINARY SITE PLAN

1 permit pulled on January, in '21, because I
2 couldn't -- I wasn't allowed to do it in 2020.
3 Then the person that was going to take the
4 property wanted to see if we could get it moved
5 into that three sections. After our first meeting
6 here, he backed out. He couldn't get financing.
7 We took too long. Whatever it is, you know. So
8 then that's when we went back to the original.
9 But at that point, you know, I was under the
10 impression that I had to be here. But I mean,
11 really, if I could have started building back in
12 June, this thing would have been done,
13 blacktopped, landscaped, and, you know, I would
14 have had my stuff in it already.

15 So, I mean, as far as the sidewalks go,
16 that's in the DOT. I'll get that package from
17 Lou.

18 You know, as far as use, I think we
19 stated the use already. I mean, we're going to
20 use it as a warehouse. Yes, there's going to be
21 an office in it. There's going to be a bathroom
22 in it. Hours of operation, 7:00 to 7:00. I mean,
23 I think all that is pretty fair. I just -- like I
24 said, I really just want to get -- move forward
25 here.

TOP SEED - PRELIMINARY SITE PLAN

1 MS. LANZETTA: Well, that's why we were
2 under the impression at the last meeting that you
3 were going to give us this information and we
4 would have been ready for a resolution.

5 MR. RIVIECCO: But you got that -- you
6 have that from the building inspector, don't you,
7 that --

8 MS. LANZETTA: Yeah, but that was the
9 old --

10 MR. HINES: It was the day after the
11 last meeting. The building inspector letter is
12 dated the 18th. The last meeting was the 17th.

13 MS. LANZETTA: I didn't see a new
14 building inspector letter.

15 MR. HINES: (Handing).

16 MR. JENNISON: So, Cindy, I'm showing
17 that on October 21, 2019, four current Board
18 members voted yea, in the affirmative, for this
19 project. Nothing is changed on this project;
20 correct? So I'd like to move that we approve his
21 application. I make a motion.

22 MR. TRONCILLITO: I will second that and
23 get it over with.

24 MS. LANZETTA: We had approved it at the
25 last meeting as long as it was made -- as long as

TOP SEED - PRELIMINARY SITE PLAN

1 it was made clear that it was a special use. This
2 is -- a commercial group is two or more rental --
3 retail establishments. This is not a retail
4 establishment.

5 MR. JENNISON: You have a motion on the
6 table, Cindy. You can't ignore it.

7 MR. GAROFALO: But we can have debate on
8 the motion.

9 MS. LANZETTA: Okay. So discussion.
10 And this is part of my discussion. We -- this was
11 brought back to us as a different project, and
12 then the project changed again and went back to
13 the original project. So we had talked at the
14 last meeting that we would be able to approve it
15 as the original project again, because it was back
16 before us a second time, as long as it qualified
17 under the proper use and that the retail hours --
18 not the retail, the hours of operation were added
19 to the plan. That was what we had discussed at
20 the last meeting, and that was where we were at.
21 We did not -- you know, it's not that we're not
22 approving it. We're approving it, but we just
23 have to do it under the correct use.

24 MR. GAROFALO: There were several other
25 things that were asked. One is the size of the

TOP SEED - PRELIMINARY SITE PLAN

1 parking spaces, the aisle, and the width of the
2 driveway. Now, they all may be provided in the
3 plans that you sent to DOT, but we haven't seen
4 those. And that's something that I would
5 certainly like to see and make sure that those are
6 accurate. I was certainly concerned about the
7 size of the --

8 MR. RIVIECCO: Do you realize -- I mean,
9 an engineer drew this up. He knows the Town code.
10 Every time I go back to him, it's another \$3,000.
11 I have over \$30,000 in plans to put up a 40-by-60
12 pole barn on a piece of property that I've owned
13 for going on 20 years, paying taxes. So do you
14 want me to take a magic marker and scribble it on
15 here? I can do that, but I think the engineer
16 knows what he's doing.

17 MR. CLARKE: Can we move ahead with a
18 conditional approval with having the information
19 from him to make it final?

20 MS. LANZETTA: That's what I thought we
21 had planned on at the last meeting, and we were
22 just waiting for the additional information to be
23 provided for us.

24 MR. RIVIECCO: That paper that came from
25 the Town, it says that I can do storage there,

TOP SEED - PRELIMINARY SITE PLAN

1 doesn't it?

2 MS. LANZETTA: This says that -- it's
3 presented the use as a commercial group with the
4 understanding that you can change the use at any
5 time with not having to come back to the Planning
6 Board as long as the change of use does not
7 result -- you know, et cetera, et cetera. The
8 thing is commercial -- the definition of
9 commercial group is two or more retail
10 establishments.

11 MR. RIVIECCO: But doesn't it on that
12 paper say storage?

13 MS. LANZETTA: No. This letter that was
14 given to us from the building inspector is not
15 consistent with what you're proposing to us.
16 That's what I don't understand.

17 MR. CLARKE: Cindy, it goes to the
18 definitions. If you look through the definitions,
19 there's also the commercial greenhouse.
20 Commercial is an overview. Somehow in the
21 definitions they didn't put in commercial
22 warehouse, which to me is an oversight.

23 MS. LANZETTA: Oh, no. Commercial
24 warehouse is in there.

25 MR. CLARKE: Is it?

TOP SEED - PRELIMINARY SITE PLAN

1 MS. LANZETTA: Warehouse is an enclosed
2 building, commercial storage of materials, and
3 that's what we feel that he fits under. That's
4 what we were saying; that that would be a more
5 accurate understanding of what the use was. It's
6 a special use permitted in that district, and that
7 as long as you have the hours of operation, you
8 know, we wouldn't even be having this discussion
9 right now. We would have a resolution all
10 prepared if we had done what --

11 MR. RIVIECCO: So where do you want me
12 to put the hours of operation? You want me to
13 write it on the letterhead?

14 MS. LANZETTA: On the map.

15 MR. RIVIECCO: On the map. Okay.

16 MR. HINES: So could that be included in
17 the resolution? I'm just trying to save the
18 applicant from coming back to his engineer as he
19 stated. Maybe if you go on the record and state
20 that it is going to be a warehouse use --

21 MR. RIVIECCO: It's going to be a
22 warehouse use.

23 MR. HINES: -- consistent with what's
24 presented to the Board and possibly that the hours
25 of operation be incorporated into the resolution.

TOP SEED - PRELIMINARY SITE PLAN

1 I think you said 7:00 to 7:00.

2 MR. RIVIECCO: That sounds good to me.

3 MR. GAROFALO: Just so you know, a
4 determination of whether or not there are any
5 substantial changes, if you decide you do want to
6 change it, that I believe falls under the
7 jurisdiction of the code enforcement building
8 inspector and not the Planning Board in the code.

9 MR. RIVIECCO: Okay.

10 MR. LOFARO: I agree with Pat. I think
11 we should do what Pat said.

12 MR. JENNISON: I do too, Joe.

13 MR. CLARKE: There's a resolution on the
14 floor.

15 MS. LANZETTA: Can we amend the -- I'm
16 not -- I honestly don't remember your exact
17 wording for your --

18 Could you read back what the wording was
19 on that, please?

20 (Record read by the court reporter.)

21 MS. LANZETTA: So would you amend that
22 to state that with the use being -- that we would
23 approve that previous application with the use
24 being identified as a warehouse and --

25 MR. JENNISON: Hours of operation, 7:00

TOP SEED - PRELIMINARY SITE PLAN

1 to 7:00.

2 MS. LANZETTA: Yes.

3 MR. JENNISON: And that will be in the
4 motion -- or in the resolution.

5 MS. LANZETTA: And it will be a part of
6 the resolution.

7 MR. GAROFALO: And that we received
8 information the DOT received.

9 MS. LANZETTA: Well, that will be part
10 of the resolution as well.

11 MR. GAROFALO: Yes, because it will have
12 to be conditioned on their approval.

13 MR. JENNISON: So moved.

14 MR. HINES: So the approval shouldn't be
15 conditioned on DOT approval. It should be -- the
16 building permit should be conditioned on that.

17 MR. GAROFALO: Thank you.

18 MS. LANZETTA: But hold on one second.
19 And is there a second to that?

20 MR. JENNISON: Yes. Joe had a second.

21 MR. LOFARO: I second it.

22 MS. LANZETTA: Okay. One more
23 discussion. So, technically, we usually do
24 approvals through resolution.

25 MS. CLEMENTE: Uh-huh.

TOP SEED - PRELIMINARY SITE PLAN

1 MS. LANZETTA: So are we actually
2 approving without the resolution in hand?

3 MS. CLEMENTE: Yes. Yes. And then you
4 can sign the resolution once it's done. I will
5 probably get it done tomorrow. But because this
6 is -- this was previously approved, you are just
7 reapproving that approval with these conditions.
8 So you can do that without the resolution in hand.

9 MS. LANZETTA: And one more question,
10 because we were going to say that they did not
11 have to go back to County with the additional
12 lighting requirements. But they had agreed to do
13 the dark skies cut-off lighting. Can I add that
14 amendment to your amendment as well?

15 MR. JENNISON: Yes.

16 MS. LANZETTA: So by supermajority we
17 can over -- we can vote for that?

18 MS. CLEMENTE: Yes. And I believe that
19 was voted on at the last meeting as well by
20 supermajority.

21 MS. LANZETTA: Okay.

22 MR. TRONCILLITO: Let me just ask just
23 so I make sure I understand everything here. He's
24 going to walk out of here tonight with full
25 approval and he can do what he wants to do?

TOP SEED - PRELIMINARY SITE PLAN

1 MS. CLEMENTE: Conditional approval,
2 yes.

3 MR. TRONCILLITO: Yes, conditional
4 approval. And final approval will be --

5 MS. CLEMENTE: Contingent upon the hours
6 of operation added to this resolution. He doesn't
7 have to add it to the map. And the building
8 permit will be conditioned upon us receiving --
9 upon the DOT approval.

10 MR. TRONCILLITO: Okay.

11 MS. CLEMENTE: He won't have to go to
12 the County for the lights.

13 MR. JENNISON: Correct.

14 MS. LANZETTA: So are we ready to vote?
15 Okay. All in favor?

16 MS. FLYNN: Do you want me to --

17 MS. LANZETTA: I'm sorry. Yes, please.

18 MS. CLEMENTE: One second. Just also
19 reaffirm their negative declaration as well in
20 addition to reaffirming of the previous
21 resolution.

22 MS. LANZETTA: Do we do that separately,
23 or do we --

24 MS. CLEMENTE: It's all in one. I mean,
25 it is separate, but it is -- because you're

TOP SEED - PRELIMINARY SITE PLAN

1 just -- you're reapproving the past one and you're
2 approving this one as well and nothing has changed
3 with the application.

4 MS. LANZETTA: You're agreeable to that?

5 MR. JENNISON: Yes.

6 MS. LANZETTA: Could you call the roll,
7 please?

8 MS. FLYNN: Member Lofaro.

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Troncillito.

11 MR. TRONCILLITO: Yes.

12 MS. FLYNN: Member Clarke.

13 MR. CLARKE: Yes.

14 MS. FLYNN: Member Lanzetta.

15 MS. LANZETTA: Yes.

16 MS. FLYNN: Member Jennison.

17 MR. JENNISON: Yes.

18 MS. FLYNN: Member Garofalo.

19 MR. GAROFALO: Yes.

20 MS. LANZETTA: Okay.

21 MR. RIVIECCO: I'm done? All right.

22 Thank you all for your time. Just one last
23 question. So do I need to go back to Lou and get
24 anything put on the plan?

25 MR. HINES: No.

TOP SEED - PRELIMINARY SITE PLAN

MR. RIVIECCO: Good. Thank you.

(Time noted: 7:52 p.m.)

C E R T I F I C A T E

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

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.

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.

IN WITNESS WHEREOF, I have hereunto set my
hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

3 In the Matter of

4 KRIS NOTO ORANGE STREET

5 Project No. 22-6016
6 33-35 Orange Street, Marlboro
7 Section 108.12; Block 4; Lot 1

8 SKETCH - SUBDIVISION

9 Date: November 21, 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: CINDY LANZETTA, Acting Chairperson
16 JAMES GAROFALO
17 STEVE CLARKE
18 STEPHEN JENNISON
19 JOE LOFARO
20 BOB TRONCILLITO

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

24 APPLICANT'S REPRESENTATIVES: DARREN STRIDIRON
25 KRISTOPHER NOTO

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

KRIS NOTO - SKETCH SUBDIVISION

1 MS. LANZETTA: So the next applicant is
2 the Kris Noto Orange Street Sketch, Subdivision.
3 Since you gentlemen are here for the first time,
4 can you please give us a brief explanation of what
5 it is you're proposing?

6 MR. STRIDIRON: Sure. This is a
7 four-lot subdivision at the intersection of Orange
8 Street and Church Street and also on Grand Street.
9 And we have proposed four lots, three of them
10 being proposed to be duplexes and one
11 single-family dwelling. There is an existing
12 duplex on the proposed lot 1, and proposed lot 2
13 and lot 3 are also proposed duplexes with access
14 onto each street. There are no proposed roads.
15 All accesses are onto existing paved public roads.

16 MS. LANZETTA: Pat, would you like to
17 read us your --

18 MR. HINES: Sure. Did you get my
19 comments?

20 MR. STRIDIRON: I just got them today at
21 4:00.

22 MR. HINES: Okay. At least you got
23 them. I've been out of my office.

24 Again, just to mention, it's a four-lot
25 subdivision, one existing two family, two proposed

KRIS NOTO - SKETCH SUBDIVISION

1 two families, and one proposed single family,
2 which we just heard of.

3 Interestingly, the short EAF identified
4 that the project is in the vicinity of National or
5 State registered historic places and also has
6 potential for archeological sites. So we're
7 talking about the National and State registered
8 historic places from the EAF. So we would need to
9 circulate this to the Office of Parks Recreation
10 Historic Preservation as an interested agency, and
11 we can do that. They require an electronic
12 submission, so we will do that once this Board
13 declares lead agency.

14 The proposed grading plan for the lots
15 crossed the proposed lot lines, so we're going to
16 need a -- probably a blanket cross-grading
17 easement, because once you create the lots, they
18 could be sold independently and we need to have --
19 this plan has to be built per this plan because of
20 the topography and the proposed grading crossing
21 the lot lines.

22 The project is disturbing one acre, so
23 we'll need a Stormwater Pollution Prevention Plan,
24 which for this case is residential. So it's just
25 a soil erosion sediment control plan, but it will

KRIS NOTO - SKETCH SUBDIVISION

1 require coverage under the DEC permit.

2 The bulk table should be labeled as what
3 is proposed, rather than the greater than/less
4 than symbols in the bulk table.

5 Looking for some information on the
6 existing sewers. A lot of the manholes as labeled
7 as could not be opened, and I just want to make
8 sure that those -- that due diligence is done
9 prior to any final approvals, that they are open,
10 and that the lower sewerable elevation are
11 depicted on the plans so they don't run into
12 problems in the future.

13 The highway superintendent's comments
14 should be received for the proposed access drives.
15 Lot 3 has three proposed driveways, which is
16 unusual. I know it's a duplex, but, apparently,
17 it's going to have garages at grade and then a
18 parking area in the back. So the highway
19 superintendent should weigh in on those three
20 driveways being in very close proximity along I
21 believe it's Grand Street.

22 I was looking for some details on the
23 water and sewer connections.

24 The checklist, some items that I noticed
25 were missing in there that are important to the

KRIS NOTO - SKETCH SUBDIVISION

1 Board is to show all the existing houses and
2 accessory structures within 200 feet. That's
3 often helpful during the public hearing as well.

4 And then we're looking for the amount of
5 fill, if any, or imported for the grading plan to
6 be depicted on the plan as well.

7 Those are our initial comments.

8 MS. LANZETTA: Meghan, did you want
9 to --

10 MS. CLEMENTE: I don't have anything to
11 add. I would just highlight the coverage, maximum
12 stories and maximum heights, the less than
13 symbols, that was my thing. That's my comment.
14 They need to be removed and have actual numbers.

15 MS. LANZETTA: Any comments from the
16 Board?

17 MR. TRONCILLITO: Yeah. I don't know if
18 the rest of the Board members have seen the piece
19 of property, but Kris has got one duplex up now,
20 which really looks nice and is going to enhance
21 that area, and then the other three -- because
22 it's right across from the firehouse -- and the
23 other three are going to enhance it also. I mean,
24 the first one looks really nice. I've gotta
25 compliment you on that.

KRIS NOTO - SKETCH SUBDIVISION

1 MR. NOTO: Thank you.

2 MR. GAROFALO: Item 5 on the checklist,
3 which talks about the escrow fee, is not checked
4 off. So that will have to be paid.

5 On the EAF, Item 9 is normally yes.
6 When you talk about exceeding the energy
7 requirements, you're talking about providing more
8 or equal to the energy requirements that are set
9 by the State. So normally that is a yes on the
10 EAF, Item Number 9.

11 The other thing I'd like to mention is
12 that in the Safe Routes to School document, one of
13 the areas that was suggested for sidewalks was
14 along Orange Street. This would certainly connect
15 into the fact that there is a sidewalk on Grand
16 Street on one side and there's a sidewalk on
17 Church Street on one side also. So this might be
18 an opportunity to connect or extend the sidewalk
19 system a little bit.

20 The other thing that I think needs to be
21 shown is the proposed parking to indicate that you
22 do have 1.5 spaces per unit. That includes a
23 single family. I'm pretty sure you have that, but
24 just show that on the map.

25 MR. STRIDIRON: Yes.

KRIS NOTO - SKETCH SUBDIVISION

1 MR. GAROFALO: Thank you.

2 MS. LANZETTA: Okay. And I just want to
3 piggyback on our discussion before. For the
4 ethics code information, I think Mr. Noto is going
5 to have to fill that out, not the surveyor, and
6 the same with the disclaimer. And, also, I notice
7 that we do not have a letter of agent, so it might
8 be wise to have that in case, you know, the
9 surveyor or the engineer or if anybody else is
10 going to be representing at the table as well.

11 MS. FLYNN: They did hand in a letter of
12 agent.

13 MS. LANZETTA: I didn't get that in my
14 application.

15 MR. HINES: It came separate.

16 MS. LANZETTA: Okay.

17 MR. GAROFALO: Also, if you could --
18 even though it's not on the form -- it will be on
19 the future form -- could you provide the email
20 addresses for the surveyor, the engineer, and the
21 attorney? That way -- that's to help you because
22 it can help process things faster if there's any
23 questions.

24 MS. LANZETTA: See, this is why -- I'm
25 confused after our discussion. It says here under

KRIS NOTO - SKETCH SUBDIVISION

1 letter of agent that Mr. Noto is the owner of the
2 parcel, and it's my understanding that
3 Mr. Truncali is the owner. So this is why I'm
4 confused.

5 MR. HINES: The plan does identify Joel
6 Truncali as the owner.

7 MS. LANZETTA: So for the letter of
8 agent it should be Mr. Truncali who signs the
9 letter of agent to either have Mr. Noto or the
10 surveyor represent him; correct?

11 MS. CLEMENTE: Yes. Yes. Or there
12 could be two, where Mr. Truncali signs off on
13 Mr. Noto's building of the -- building and
14 applying for the property, applying for this or
15 and --

16 MR. HINES: Do you own it now, Kris?

17 MR. STRIDIRON: Yeah, he owns it now.

18 MR. HINES: So the map needs to be
19 updated that Mr. Noto is the owner. I didn't
20 believe that Mr. Noto would build a two-family
21 house on a lot he didn't own.

22 MS. LANZETTA: Yeah, because all the
23 information that we were given, the supporting
24 information, said Mr. Truncali.

25 MR. STRIDIRON: I understand.

KRIS NOTO - SKETCH SUBDIVISION

1 MR. GAROFALO: So, on the EAF also, Item
2 Number 8C, as I mentioned before, there are
3 sidewalks across Church Street and Grand Street,
4 so that should be a yes and not a no.

5 MS. LANZETTA: All right. Any questions
6 for the Board?

7 MR. STRIDIRON: No questions. On Number
8 3 on the EAF, when I first filled out this
9 section, lot 1 was vacant, and now -- there's a
10 house on it now. So that needs to be updated to
11 .35 an acre less than one acre.

12 MR. HINES: But the DEC regulations say
13 under the same development scheme -- you used to
14 be able to get away with that. Build one house at
15 a time. So this is part of the same development
16 scheme.

17 MR. STRIDIRON: It's already built, so
18 we're not going to touch --

19 MR. HINES: It's part of the development
20 scheme. It's part of the parent parcel lot. It's
21 all on the same map.

22 MR. STRIDIRON: But if the proposed
23 grading is less than one acre on this plan?

24 MR. HINES: But because the complete
25 development scheme here is greater than an acre,

KRIS NOTO - SKETCH SUBDIVISION

1 it needs to comply.

2 MR. STRIDIRON: Okay. So these
3 numbers --

4 MR. HINES: When the regulations first
5 came out, you could build one one-acre lot at a
6 time and keep going and build 50 acres -- or
7 houses, and the DEC caught on to that, and that's
8 why they added the language that said under a
9 similar development scheme.

10 MR. STRIDIRON: So on Lot Number 3,
11 we're going to remove that driveway that goes to
12 the back of the dwelling?

13 MR. HINES: It's up to you. I just want
14 to make sure the highway superintendent is okay
15 with it. I'm not saying it can't be there. It's
16 just that it's an unusual feature that the highway
17 superintendent may take exception to. He may not
18 care.

19 MR. STRIDIRON: Okay.

20 MR. HINES: It looks like you're
21 probably only going to put one car in the front of
22 each of those, so you may need the additional.

23 MR. STRIDIRON: We're probably going to
24 move the house back and then it's going to be a
25 garage in the front.

KRIS NOTO - SKETCH SUBDIVISION

1 MR. HINES: You could do that. You
2 could do that if you want.

3 MS. LANZETTA: Pat, do you think that
4 there's enough information for us to allow them to
5 set a public hearing for this?

6 MR. HINES: Well, I think we need to
7 declare our intent for lead agency first.

8 MS. LANZETTA: Well, yeah. We're
9 definitely going to do that.

10 MR. JENNISON: We just spoke about that.

11 MR. HINES: Because I do have to send it
12 to -- because of that -- I don't know what
13 archeological significant site is in the area, but
14 it got flagged. It may be that it's inside a
15 radius that they check. They respond very quickly
16 when we send it through their computer system.
17 It's a matter of days until we hear back from
18 them. So we would know very soon. So I don't
19 have a problem if you want to set it for a public
20 hearing. We'll declare your intent for lead
21 agency and circulate it that way. As long as
22 there's no impact to a historic site in the area,
23 we get a no adverse impact letter, we can move on
24 rapidly.

25 MS. LANZETTA: I mean, they might have

KRIS NOTO - SKETCH SUBDIVISION

1 to conduct some archeological studies, but --

2 MR. HINES: They may not.

3 MS. LANZETTA: -- in the meantime, we'll
4 just be getting public input.

5 MR. HINES: It's likely not. It's
6 likely that it's in an area where someone circled.
7 There could be an older church or some other
8 facility like that in the area that it may not
9 have any impact at all, but it got flagged on the
10 EAF.

11 MR. TRONCILLITO: There used to be a
12 Methodist church there.

13 MS. LANZETTA: Well, I was going to say
14 it could be from the fact that it used to be a
15 historic church there.

16 MR. HINES: On this site?

17 MS. LANZETTA: Yes. But it's been
18 disassembled. It's gone.

19 MR. HINES: So more than likely, they're
20 going to say that the site was disturbed by
21 previous human activity and it's not an issue,
22 but -- but I don't have a problem scheduling the
23 public hearing.

24 MS. CLEMENTE: And if you don't hear
25 anything from them, you can always have the public

KRIS NOTO - SKETCH SUBDIVISION

1 hearing and then continue it.

2 MR. HINES: But they answer very
3 quickly.

4 MS. LANZETTA: Can I have a motion to
5 declare us lead agency?

6 MR. JENNISON: I'll make a motion to
7 declare lead agency.

8 MR. GAROFALO: I'll second that.

9 MR. HINES: So you're going to declare
10 your intent.

11 MS. LANZETTA: Pardon me?

12 MR. HINES: You're going to declare your
13 intent for lead agency. We're going to circulate
14 it to that other agency too. There's a potential
15 for their involvement. So you're declaring your
16 notice of intent. We'll circulate it. Within 30
17 days, you'll be lead agency by default.

18 MS. LANZETTA: Okay. We'd like to set
19 the public hearing for this.

20 MS. FLYNN: December 19th.

21 MS. LANZETTA: December 18th?

22 MS. FLYNN: Nineteenth.

23 MS. LANZETTA: Nineteenth.

24 MS. FLYNN: Is that good for you, Kris?

25 MR. NOTO: (Nodding).

KRIS NOTO - SKETCH SUBDIVISION

1 MS. LANZETTA: All right.

2 MR. STRIDIRON: Thank you.

3 MR. NOTO: Thank you.

4 (Time noted: 8:12 p.m.)

5

6 C E R T I F I C A T E

7

8 I, STACIE SULLIVAN, a shorthand reporter and
9 Notary Public within and for the State of New
10 York, do hereby certify:

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

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

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand.

21

22

Stacie Sullivan

23

Stacie Sullivan, CSR

24

25

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

2 -----X
In the Matter of

3 SARINSKY EASTSIDE

4 Project No. 22-6017
5 191 Ridge Road, Marlboro
6 Section 103.1; Block 4; Lot 51
-----X

7 SKETCH - SUBDIVISION

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

12 BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
13 JAMES GAROFALO
STEVE CLARKE
14 STEPHEN JENNISON
JOE LOFARO
15 BOB TRONCILLITO

16 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
17 PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY
18

19 APPLICANT'S REPRESENTATIVE: STEVE PAULI
20
21
22
23

24 -----X
Stacie Sullivan, CSR
25 staciesullivan@rocketmail.com

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 MS. LANZETTA: Next up on the agenda is
2 the Sarinsky Subdivision Eastside.

3 MR. PAULI: Good evening.

4 MS. LANZETTA: Could you -- again,
5 your -- this is the first time you're before us.
6 Can you give us a brief overview of your
7 subdivision?

8 MR. PAULI: Yes. It's a proposed
9 three-lot subdivision with a lot line revision.
10 Proposing two two-acre lots on the road frontage
11 of Ridge Road. The lot line adjustment will be
12 between two parcels adjoining -- connecting those
13 two. One is a landlocked parcel right now. It
14 will be connected to the overall parcel.

15 MS. LANZETTA: Pat, would you like to
16 share your comments?

17 MR. HINES: Sure. As was just stated,
18 the lot -- it's a proposed three-lot subdivision
19 with a lot combination. We're suggesting the
20 Planning Board may wish to grant a waiver for the
21 topography and survey of the 21 plus-or-minus acre
22 parcel identified as Parcel A because of the size
23 of it and there's nothing -- it's a contiguous
24 landlocked parcel that's going to be joined to tax
25 lot 8.211.

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 The required agricultural buffers are
2 depicted on proposed lots 1 and 2. The 75-foot
3 buffer is there. The Board needs to determine if
4 additional berms, tree planting, or similar
5 mechanisms are required. And that's the language
6 out of that section of the code.

7 Future plans should identify the
8 driveway locations with sight distance for the
9 highway superintendent to review. And subsurface
10 sanitary sewer disposal systems, house locations,
11 and well locations should be depicted.

12 Also, Steve, I just have a comment. I
13 guess it didn't get transposed here, but Parcel A
14 is labeled on the wrong parcel. It needs to get
15 shifted.

16 MR. PAULI: I read that comment, and I
17 don't see --

18 MR. HINES: For clarity, let me
19 indicate. It may be easier for me to point.
20 Parcel A is truly this parcel right now
21 (indicating).

22 MR. PAULI: No.

23 MR. HINES: Because it's 21.7 acres.

24 MR. PAULI: Right. But 21.7 plus these
25 two equals this D parcel.

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 MR. HINES: So this isn't referring to
2 this, then (indicating)?

3 MR. PAULI: That's correct. Parcel A is
4 what's remaining after the two lots are taken out
5 of this SBL.

6 MR. HINES: So we should name this
7 parcel, then, too or something. Parcel B or
8 revised lot 51 or label it as lot 51. Something
9 to indicate they're separate right now. But that
10 was my confusion. I thought this was Parcel A
11 here (indicating). When I looked at that, it said
12 25.

13 MR. PAULI: Okay. What about lot line
14 to be removed? That indicates --

15 MR. HINES: I understand. It's just
16 with these two being labeled as different acreages
17 here (indicating), I think it just needs to be --

18 MR. PAULI: Okay. So would you like --

19 MR. HINES: This can be labeled lot 51
20 up here (indicating). That would clarify it.

21 MR. PAULI: Very good. Revised lot 51.

22 MR. HINES: Yep. And just label it as
23 lot 51 here (indicating).

24 MR. PAULI: We will. Thank you.

25 MS. LANZETTA: Did you go through all of

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 them?

2 MR. HINES: Huh?

3 MS. LANZETTA: Did you go through all
4 your comments?

5 MR. HINES: Yes.

6 MS. LANZETTA: Okay. Any discussion
7 from the Board?

8 MR. GAROFALO: I have some. Item Number
9 28 was not -- not checked off on the list.

10 On the EAF, Item Number 9 is normally
11 yes, you will meet or exceed the State standards.
12 And that answer would then correspond with the
13 text that's under item 9.

14 MR. PAULI: The comment under that is
15 the reason why it's no, is because there's no new
16 proposed construction. So we're not going to meet
17 that standard, because by default there is no
18 construction. But I do follow you. When there's
19 new construction, that's a yes, that we meet all
20 the current building designs.

21 MR. GAROFALO: Then you're still meeting
22 it, so to speak.

23 MR. PAULI: Right.

24 MR. GAROFALO: Ridge Road is a 35 mile
25 an hour speed limit. I'm a little concerned about

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 the sight -- sight distances are shown on the plan
2 as well as some driveways for the new lot. I'm a
3 little concerned about the sight distances. So if
4 you could have those checked as to what the actual
5 requirements are and take a look, and I think they
6 can be improved slightly by balancing them out a
7 little bit better.

8 MR. PAULI: All right.

9 MR. GAROFALO: And the last thing is to
10 show that there's a 25-foot right-of-way from the
11 centerline of the road. Thank you.

12 MR. HINES: So that was done by a note.
13 I had that as a comment that I saw the note that,
14 Road line is based on Reference Map Number 1, and
15 that was a previous subdivision, where it was the
16 lands of Shirley. Back in 2016, this was granted,
17 the 25-foot right-of-way along the whole frontage.
18 I believe that was when the Romero lot was
19 created.

20 MR. GAROFALO: I would hope that they
21 did it then. Okay. Not being here, I'm not
22 certain that that was done, and I think that's
23 certainly something that, if it was done, then if
24 you could reference that, that would be good.

25 And, again, provide the email addresses

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 for all of -- the surveyor and the engineer, et
2 cetera. Even though it's not on the form, it will
3 be on the new form. And that's to help you. In
4 case there's any questions, it will make it easier
5 to contact. Thank you.

6 MS. LANZETTA: I have a question. On
7 the notes on the map, Number 8, the right-of-way
8 over a common farm road, where is that farm road
9 located?

10 MR. JENNISON: Right here (indicating).

11 MR. PAULI: We'll have to show that on
12 the map as being referred to. We'll have to show
13 it on the map, what the note refers to. So I
14 don't have that -- I can't tell you that location
15 right now.

16 MS. LANZETTA: I'm sorry?

17 MR. PAULI: That might be a note that
18 was left over from a previous subdivision. I'm
19 going to have to look into that and see if that
20 note is still applicable, and if it is, show on
21 the map where that right-of-way is.

22 MS. LANZETTA: Yes, please. Thank you.

23 MR. PAULI: Yes.

24 MS. LANZETTA: Any other questions?

25 MR. TRONCILLITO: No.

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 MS. LANZETTA: Okay. So where are we at
2 with this now?

3 MR. HINES: I think the applicant just
4 has to address those comments and make a
5 reappearance. We need the septic, the house
6 locations, and the wells shown.

7 MR. PAULI: We're expecting to get
8 health department approval by January. It's
9 municipal water, so we won't need the wells. But
10 we will come in with the septic design showing the
11 proposed house, well, and septic. So we're hoping
12 to get it set up for a public hearing in January.

13 MS. LANZETTA: Probably. Do we wait for
14 those septic designs and then set the public
15 hearing?

16 MR. HINES: Typically we do, yes.

17 MS. LANZETTA: Yes.

18 MR. HINES: Otherwise we wouldn't have
19 appropriate maps to show the public at this point.
20 But if they're done for the December 19th meeting,
21 we can certainly set a January public hearing.

22 MS. LANZETTA: Yep. So we'll look
23 forward to seeing you at the next meeting.

24 MR. PAULI: Okay. We'll do it that way?

25 MS. LANZETTA: Uh-huh.

SARINSKY EASTSIDE - SKETCH SUBDIVISION

1 MR. PAULI: Yes. Right. Okay. Very
2 good.

3 MS. LANZETTA: We should address whether
4 or not we expect him to do the survey, the waiver.

5 MR. HINES: Oh, the waiver. Yes. If
6 you're going to grant that.

7 MS. LANZETTA: Does anybody have any --

8 MR. GAROFALO: I'll make that motion
9 that we waive it.

10 MR. TRONCILLITO: I second it.

11 MS. LANZETTA: Okay. Discussion?

12 (No response.)

13 MS. LANZETTA: All right. Those in
14 favor?

15 (Board says aye in unison.)

16 MS. LANZETTA: Opposed?

17 (No response.)

18 MS. LANZETTA: Okay. We'll give that
19 waiver, then.

20 (Proceedings concluded.)

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

22

23

24

25

C E R T I F I C A T E

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

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.

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.

IN WITNESS WHEREOF, I have hereunto set my
hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 DANSKAMMER HOUSE

4 Project No. 22-6018
5 3 King Street/5 West Street, Marlboro

6 -----X

7 SKETCH - LOT LINE

8 Date: November 21, 2022
9 Time: 8:24 p.m.
Place: Town of Marlborough
Town Hall
10 21 Milton Turnpike
Milton, New York 12547
11

12 BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson
JAMES GAROFALO
13 STEVE CLARKE
STEPHEN JENNISON
14 JOE LOFARO
BOB TRONCILLITO
15

16 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
PATRICK HINES, ENGINEER
17 JEN FLYNN, PLANNING BOARD SECRETARY

18 APPLICANT'S REPRESENTATIVES: KEN COOL
19 LINDA COOL
20
21
22
23

24 -----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DANSKAMMER HOUSE - SKETCH LOT LINE

1 MS. LANZETTA: All right. Next up,
2 Danskammer House, Sketch, Lot Line change.

3 MR. COOL: I want to come back -- I'll
4 talk a little bit more, but I'm a little curious
5 of why we're talking about this as a sketch
6 meeting. This is being done as a one-time
7 application under what was approved by the Board
8 in August 22nd. It's supposed to be a one and
9 done meeting. So why are we talking about a
10 sketch meeting for what is a simple lot line
11 application?

12 MS. LANZETTA: Okay. I think our
13 engineer's comments can address your concerns.

14 MR. HINES: So that local law change
15 that you're referencing has that streamline -- for
16 lack of a better term, streamline lot line change,
17 but it only has it in certain zones. And your tax
18 lot 16 is located in the C-1 zone, which is not in
19 that list of streamline lot line changes. So,
20 because of that, this is treated as a conventional
21 subdivision because it's outside that zoning
22 district.

23 MR. GAROFALO: It also --

24 MR. COOL: I'm sorry. But you should be
25 addressing those issues before you put these

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1 things into effect. I mean, I'm really quite
2 disturbed.

3 MR. HINES: I don't put them in effect.

4 MR. COOL: I'm not concerned who is
5 doing it, but they passed a resolution, and in
6 their resolution it said nothing about different
7 zoning districts. I'm sorry.

8 MR. HINES: The local law clearly does.
9 It lists the zoning districts where --

10 MR. COOL: Well, then the Town and local
11 zoning law are going to have to come together and
12 make -- let me make the presentation, but let me
13 say quite upfront that I have some serious
14 reservations about what's being done. We came
15 here two years ago, and nobody could agree on what
16 was residential -- an R and a C-1, and we walked
17 away because we are not going to spend months
18 while an amateur debating society decides what it
19 is.

20 Now, let me tell you what our project
21 is. We are proposing the demolition of a 1946
22 garage that is 19-by-20 and replacing it by a new
23 garage that is 22-by-24. We met with the building
24 inspector who came on site because we wanted to be
25 sure that there was a consolidated approach to

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1 both the demolition of a building and the
2 construction of a new one, because we're not going
3 to put things in storage for months on end. The
4 building inspector rightly observed that the
5 setbacks at the rear of the building were not
6 sufficient for the new garage to meet current
7 standards. We then went to -- looked at the
8 setback requirements.

9 We went to our surveyor. We have
10 fulfilled the requirements in terms both of depth
11 and the height requirements of the new garage that
12 we're proposing. And what we're proposing in
13 essence to meet the 26-foot setback requirements
14 at the rear of the garage is to move the second
15 lot that we own, which is the C-1 commercial
16 district lot, back about 11 feet. That means that
17 we have adequate setbacks to build the new garage.
18 Both lots still conform with the basic
19 requirements of the amount of square footage or
20 acreage for each property. And since we own both
21 properties, I said to my wife, Are you agreeable
22 to moving the 3 King Street lot, and she said,
23 Yes. And that was our decision.

24 We are asking the Planning Board for
25 approval of the lot line revision and the lot line

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1 revision only.

2 MS. LANZETTA: Okay. So would you like
3 to read your comments, Pat?

4 MR. HINES: Sure. I think we hit most
5 of them already.

6 So the project proposes the transfer of
7 174 square feet between adjoining parcels. The
8 underlying reason for the lot line change is just
9 what Mr. Cool stated, the construction of a
10 26-foot high garage on tax lot 14. And the code
11 requires one foot additional for every foot of
12 height over ten feet, which is the driving force
13 or the need for the lot line change.

14 Number 2, a public hearing is required
15 as one of the lots is in the C-1 zone and doesn't
16 qualify for the expedited review process, which I
17 explained earlier in the meeting.

18 The proposed project was previously
19 before the Board for a home occupation bed and
20 breakfast use. The project is now before the
21 Board for a lot line change. The existing lot
22 lines are depicted to the centerline of West
23 Street. We're suggesting that the applicant
24 address the requirement of Offer of Dedication at
25 this point for that portion of the project or lot

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1 that are within the Town roadway.

2 MR. COOL: Excuse me. Restate that.

3 MR. HINES: I think I just did, but I
4 will again. So a portion of your lot extends into
5 West Street, which is a Town owned and maintained
6 highway by use, because you own to the centerline
7 of the road.

8 MR. COOL: Yes.

9 MR. HINES: I am suggesting, to clean it
10 up at this point, because you're here for a lot
11 line change, which is actually a subdivision
12 because of the C-1 zone, that you provide a
13 50-foot -- or 25-foot from the centerline
14 right-of-way, dedicate that to the Town, taking it
15 out of your lot. So you'll no longer own to the
16 centerline. You'll own the sidewalk, although the
17 Town has rights to that under Highway Law, and it
18 will clean up that lot line. It's typically
19 required for projects that are subdivisions. And
20 I think it will be a good time for you to not own
21 the Town roadway anymore at least in your deed.
22 You'll probably get a smaller tax bill in the end
23 because your lot will be smaller.

24 MR. COOL: Why is this considered a
25 subdivision?

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1 MR. HINES: I'll defer to the attorney
2 on that. I don't know how to say it again.

3 MS. CLEMENTE: You are essentially
4 subdividing the lot. This lot -- the lot line
5 waiver that you were referencing for a public
6 hearing is included within the subdivision
7 definition of the Zoning Code, and it specifically
8 states that R, R-1, and R-Ag-1, are subject to
9 this public hearing waiver. Since your lot is in
10 C-1, it's not subject to the public hearing waiver
11 and the Board has to go through a traditional
12 process of having a public hearing.

13 MR. GAROFALO: I would also note that
14 that waiver requires that there be no change in
15 any of the buildings, and there's a proposed
16 change in the garage, which would also mean that
17 it would not be eligible for this waiver. And I'm
18 not sure if there's a variance required for us to
19 waive. I'm not sure what the distance -- the side
20 yard distance is to that building or if that is an
21 issue or not.

22 MR. HINES: So I had that conversation
23 with the Town code enforcement officer, and it is
24 his opinion that that side yard is not an issue.

25 MR. GAROFALO: Good.

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1 MR. HINES: I did discuss that with
2 Mr. Corcoran.

3 MR. GAROFALO: Thank you for doing that.

4 MS. LANZETTA: Okay. So it looks like
5 we can move forward, if the parties are agreeable,
6 but with the understanding that it will be a
7 typical -- not a typical, it will not be privy to
8 the expedited process. So there will be a public
9 hearing required.

10 MR. GAROFALO: We will also need this
11 done on the other form, the subdivision -- the
12 subdivision form, instead of the simple lot line
13 form.

14 MS. LANZETTA: Yeah.

15 MR. COOL: Well, I need to make a
16 further point. We closed our bed and breakfast
17 operation for the winter. We have a narrow
18 window. If you're going to make us go through
19 this process, we will have to defer the whole
20 project for a year at minimum, because it's only
21 during -- otherwise, the Planning Board is
22 essentially closing down our business for an
23 extended amount of time, and that's just not
24 acceptable. And if you will recall, we had
25 parking spaces that were required upon us. That

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1 means we're going to have no parking for our
2 guests either. So you would be putting us under
3 an enormous hardship, and we may -- we either
4 decide that we close down our business
5 indefinitely to go through this process and all
6 the construction or we postpone it for a
7 considerable period of time. I'm just -- I'm
8 laying out to you the bare facts. I know your
9 realities, but you also have to understand our
10 realities as a business and what we need to do to
11 protect the interests of our business.

12 MR. HINES: So the timing of the lot
13 line change in no way has to do with the
14 construction of the garage.

15 MR. COOL: Well, it does --

16 MR. HINES: You can process --

17 MR. COOL: -- since you've added --

18 MR. HINES: Let me speak, if I can get
19 in here. You can process the lot line change.
20 Complete that. File that map. It's done. And
21 then you can build the garage any time you desire
22 in the future.

23 MR. COOL: Yeah. Well, it works for
24 you. It doesn't work for me. I'll put it very
25 bluntly.

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1 MS. LANZETTA: So the next --
2 December 19th would be --

3 MS. FLYNN: Before that -- we give him
4 that, on your two lots, to do your public hearing,
5 you have 88 addresses on one and 83 on another.

6 MR. COOL: I'm fully aware of that.

7 MS. FLYNN: Okay. I just wanted to let
8 you know how many you'd have to send out.

9 MR. COOL: Yep.

10 MS. COOL: Yep. We've been there. Done
11 that.

12 MS. FLYNN: So, yes, it would be --

13 MS. LANZETTA: So December 19th would be
14 the earliest public hearing date.

15 MR. COOL: And we will not be in
16 Marlboro, New York, on December 19th.

17 MR. TRONCILLITO: We're following the
18 laws of the land.

19 MR. COOL: I'm expressing my
20 frustrations because of the reading of what -- the
21 Town Board passed a resolution on August 22nd.
22 There was no reference to anything that dealt with
23 the C-1 lot being part of that resolution. I come
24 here this evening and discover that.

25 MS. CLEMENTE: If you wouldn't mind,

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1 would you mind sending us that resolution?

2 MR. COOL: I will certainly happily send
3 that resolution to you.

4 MS. CLEMENTE: Thank you.

5 MR. GAROFALO: In reading the
6 description of the proposal, it almost sounds like
7 moving the building is not what you want to do --
8 moving the garage is not what you want to do. So
9 I would suggest that you reread that paragraph 2,
10 because in reading it, I was a little confused
11 because it sounds like -- it sounds like you're
12 doing the opposite of what you want to do.

13 MR. COOL: I don't think so, since I'm a
14 professor of English and foreign languages. I
15 think I know how to construct a sentence.

16 MR. GAROFALO: Well, it sounds like --
17 it's not a question of the sentences. It reads
18 fine, except what it's saying is you don't want to
19 destroy the access, the steps, et cetera --

20 MR. COOL: That's correct.

21 MR. GAROFALO: -- by moving the
22 building. But you're moving the building, and the
23 way I see it on the plan, you're moving it right
24 on top of the steps. So that's something that I
25 found a little bit confusing. So I'm just saying,

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1 if you take a look at that, and maybe you'll read
2 it and see --

3 MR. COOL: As long as the side setbacks
4 on the south side are not an issue, we can put it
5 right back where it was before.

6 MR. GAROFALO: Because it almost sounds
7 like you don't want to put it on the south side.

8 MR. COOL: No. We want it exactly on
9 the south side. We want to put the new garage on
10 the same footprint as the old garage. But by
11 forcing certain setback requirements, it means
12 that we are going to have to, in essence, destroy
13 many thousands of dollars of stonework, and force
14 guests to walk to the edge of the neighbors'
15 property, which would not be a good thing for our
16 guests and it would not be a good thing for the
17 three adjoining properties. We usually try to
18 think not only of ourselves but of the people who
19 surround us.

20 MS. LANZETTA: Well, I think you need to
21 think this over and --

22 MR. COOL: Yeah, I think we thought
23 about it. Thank you very much.

24 MS. FLYNN: Also, if it changes to a
25 subdivision, the pricing changes as well for the

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1 escrow.

2 MS. COOL: Well, we won't be changing to
3 a subdivision. That's crazy.

4 MR. COOL: We're not building a
5 subdivision.

6 MS. COOL: That's just craziness. And
7 it's a shame because we have a really good
8 business. We have -- from May the 1st to November
9 the 30th, we've had 570 rooms. That's a thousand
10 or more people coming. Not for an hour. Not for
11 two hours. But for overnight. They go to
12 restaurants. They go to the wineries. They go to
13 Clarke's orchards and pick fruit. And then they
14 stay another night. And it's just a real shame
15 that we can't get anything easily done for this
16 business that is really good.

17 And we've made an ugly house beautiful.
18 We want to make a garage that's falling down and
19 is not even a garage because the roof leaks -- and
20 if you want to know what we want to do, look at 10
21 West Street, which is our house, look at the
22 garage behind 10 West Street. That was a
23 one-story cinder block garage that we created into
24 a carriage house, and everybody says how beautiful
25 it is. That's what we want to do, and now, forget

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1 it.

2 MR. COOL: Thank you. Goodbye.

3 (Time noted: 8:39 p.m.)

4

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

6

7 I, STACIE SULLIVAN, a shorthand reporter and
8 Notary Public within and for the State of New
9 York, do hereby certify:

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

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand.

20

21

 Stacie Sullivan

22

Stacie Sullivan, CSR

23

24

25