

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

In the Matter of

- BOARD DISCUSSION
- JOE LOFARO - COMPLETION OF CONTINUING
EDUCATION
- CHRIS BRAND - COMPLETION OF CONTINUING
EDUCATION

BOARD BUSINESS

Date: December 19, 2022
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, Chairperson
CINDY LANZETTA
JAMES GAROFALO
STEVE CLARKE
STEPHEN JENNISON
JOE LOFARO
BOB TRONCILLITO

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

Stacie Sullivan, CSR
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, December 19th,
7 regular meeting at 7:30 p.m.

8 On the agenda tonight we have the
9 approval of the stenographic minutes for 11/21.
10 We also have Kris Noto at 33-35 Orange Street in
11 Marlboro for a public hearing of a subdivision;
12 William and Kendra Minard for a sketch of their
13 site plan at 346 Mahoney Road in Marlboro; and
14 Terence and Laura Cuddy for a sketch of a
15 subdivision at 50 Bailey Gap Road in Highland.

16 The next deadline is Friday,
17 December 23rd, and we will have discussion, but as
18 of now, the next scheduled meeting is Tuesday,
19 January 3rd, 2023.

20 Since we did not have adequate time to
21 review the stenographic minutes for 11/21, I'd
22 like to have a motion to move that approval to the
23 next meeting.

24 MR. GAROFALO: I'll make that motion.

25 CHAIRMAN BRAND: Mr. Garofalo. Is there

BOARD BUSINESS

1 a second?

2 MR. TRONCILLITO: I'll second it.

3 CHAIRMAN BRAND: Mr. Troncillito. Any
4 discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any opposed?

7 (No response.)

8 CHAIRMAN BRAND: Okay. Before we get
9 started tonight, we do have some training hours we
10 need to go over. Joe, do you want to go first?

11 MR. LOFARO: Sure. I completed four
12 hours of training, including comprehensive plans,
13 navigating zoning for cannabis, ethical
14 considerations of planning and zoning, and
15 Brownfield opportunity program.

16 CHAIRMAN BRAND: I have four and a half
17 hours of training. I have one hour for making a
18 good record; one hour for local government public
19 officers; one hour for aging in place; and one and
20 a half hours for historic preservation.

21 Jen, do you want these?

22 MS. FLYNN: Sure.

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

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
 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 PUBLIC HEARING - SUBDIVISION

9 Date: December 19, 2022
 10 Time: 7:34 p.m.
 11 Place: Town of Marlborough
 12 Town Hall
 13 21 Milton Turnpike
 14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairperson
 16 CINDY LANZETTA
 17 JAMES GAROFALO
 18 STEVE CLARKE
 19 STEPHEN JENNISON
 20 JOE LOFARO
 21 BOB TRONCILLITO

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

25 APPLICANT'S REPRESENTATIVES: DARREN STRIDIRON
 KRISTOPHER NOTO

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

NOTO SUBDIVISION - PUBLIC HEARING

1 CHAIRMAN BRAND: All right. First up we
2 have on the agenda Kris Noto, Orange Street, for a
3 public hearing of their subdivision at 33-35
4 Orange Street in Marlboro.

5 Please take legal notice, four lot
6 residential subdivision application. Please take
7 notice: A public hearing will be held by the
8 Marlborough Planning Board pursuant to the Town of
9 Marlborough Town Code Section 134-33 on Monday,
10 December 19th, 2022, for the following
11 application, Noto Subdivision, at the Town Hall,
12 21 Milton Turnpike, Milton, New York, at 7:30 p.m.
13 or as soon thereafter as may be heard. The
14 applicant is seeking approval of a four lot
15 subdivision application for lands located at 33-35
16 Orange Street in Marlboro, New York, 12542,
17 Section 108.12, Block 4, Lot 1. Any interested
18 parties, either for or against this proposal, will
19 have an opportunity to be heard at this time.
20 Chris Brand, Chairman, Town of Marlborough
21 Planning Board.

22 How are you this evening?

23 MR. STRIDIRO: Doing good.

24 CHAIRMAN BRAND: Good. How many
25 mailings did you send out?

NOTO SUBDIVISION - PUBLIC HEARING

1 MR. STRIDIRON: We had 117 sent out.
2 There were a few doubles, so we didn't send them
3 to the exact same address, exact same name.

4 CHAIRMAN BRAND: Okay. How many were
5 returned?

6 MR. STRIDIRON: Sixty-one as of today.

7 CHAIRMAN BRAND: Sixty-one as of today.
8 If you could just give those to the secretary,
9 that would be great. Just for anyone in
10 attendance, if you could just give us a brief
11 overview of what it is that you have planned, that
12 would be great.

13 MR. STRIDIRON: So we have four-lot
14 subdivision proposed.

15 CHAIRMAN BRAND: Is your microphone
16 turned on there? You just push the button. There
17 you go.

18 MR. STRIDIRON: Thank you. We have a
19 four-lot subdivision proposed. It's bordering
20 Orange Street, Church Street, and Grand Street.
21 Currently there is one duplex on lot 1 that's
22 existing. Proposed lots 2 and 3 will also be
23 duplexes, and lot 4 will be a single-family
24 dwelling.

25 We were before the Planning Board about

NOTO SUBDIVISION - PUBLIC HEARING

1 three weeks ago, and there were numerous comments,
2 which we believe we addressed in this set of
3 plans. We put all the details on. We have a
4 vicinity map with the adjacent dwellings at a 1 to
5 300 scale. We have the elevations of the lowest
6 sewage level for the lots. There are existing
7 sewer stubs in place on lot 2 and lot 4. I'm
8 trying to think of the other comments. We put the
9 actual bulk table numbers for each lot and fixed
10 the owner of the property's name on the map, and
11 we provided the current deed for the owner and
12 applicant, Mr. Noto.

13 CHAIRMAN BRAND: Great. Thank you.
14 Pat, did you want to run over your comments,
15 please?

16 MR. HINES: Sure. So we were looking
17 for comments from the highway superintendent. I
18 don't know if we received those for the driveway
19 locations.

20 MR. NOTO: No.

21 MR. HINES: So those will be needed. I
22 just noted that the revised driveway on lot 3 has
23 a road sign smack in the center of it, so that's
24 going to have to be relocated. There's a sign
25 about a child or something. We had asked for

NOTO SUBDIVISION - PUBLIC HEARING

1 grading easements. There is a note added to the
2 plans. We're going to defer to Meghan on that to
3 see if that's appropriate. They are going to put
4 that in the deed, so I think that note may need
5 some work between the applicant and Meghan's
6 office regarding the cross grading, because
7 there's grading across each of the lots that has
8 to be done for the house locations and driveways
9 to work. So they can be temporary and
10 extinguished upon CO, but they need to be there.
11 In case someone sells the lots, they need to have
12 the ability to do that.

13 Just a couple of things from the -- from
14 our previous meeting. There was the note added
15 for the grading plan for the building department,
16 because some of the buildings are at the setback
17 line. So that was done. We did get the bulk
18 setbacks. We will need a stormwater pollution
19 prevention plan, which is the erosion sediment
20 control plan here, and coverage under the DEC
21 permit. They'll need that prior to a building
22 permit being issued.

23 There's an existing concrete wall along
24 the front of lot 2 that I just don't know what's
25 happening with that for the access. It looks like

NOTO SUBDIVISION - PUBLIC HEARING

1 it's kind of a barrier for the driveway right now.

2 MR. NOTO: It won't be.

3 MR. STRIDIRON: It's actually lower.

4 MR. NOTO: It's lower than the road.

5 MR. STRIDIRON: It's going to be covered
6 at that point.

7 MR. NOTO: Yes.

8 MR. HINES: So you will be filling over
9 that?

10 MR. STRIDIRON: Yes.

11 MR. HINES: We talked with the applicant
12 on the cut and fills. Mr. Stridiron did a cut and
13 fill analysis. There will be fill material needed
14 to be removed from the site, which we thought,
15 which is why we didn't ask that. So they will be
16 trucking material from the site based on the
17 grading plan, which is the amount of fill. And
18 they gave us a location map that kind of has the
19 location of the neighboring houses. They don't
20 show everything within 200 feet, so we should
21 discuss whether we're waivering that. I think
22 based on the public comments we get tonight, you
23 can determine whether or not that additional
24 information was needed. But it's kind of in a
25 very dense area of the town there. So that's all

NOTO SUBDIVISION - PUBLIC HEARING

1 we have outstanding.

2 CHAIRMAN BRAND: Thank you. Comments or
3 questions from the Board before we open it up to
4 the public?

5 MR. GAROFALO: I have a few comments and
6 questions. One is, have you contacted SHPO on
7 that?

8 MR. HINES: We did that. My office did
9 that, and we have not heard back from them yet,
10 which normally means that the -- if there's an
11 issue, we usually hear back immediately.

12 MR. GAROFALO: Okay. Good. There was a
13 question regarding whether or not we can get a
14 sidewalk on Orange Street, which is shown on the
15 school -- Routes to School plan, or if we can't
16 get a sidewalk, at least we can possibly get some
17 grading there so a future sidewalk could be put on
18 there. But that's something for the Board to
19 think about. That would connect into -- there's a
20 sidewalk on Church and Grand Street. So the
21 frontage is there. Basically, you have at least
22 the sidewalk on one side of the street, but not on
23 Orange Street.

24 CHAIRMAN BRAND: Was that part of your
25 plan, to include a sidewalk?

NOTO SUBDIVISION - PUBLIC HEARING

1 MR. NOTO: No. But the grading will be
2 up to where it could be added.

3 MS. LANZETTA: Then would we need to
4 have an easement?

5 MR. HINES: No. It will be in the Town
6 right-of-way they're creating.

7 MS. LANZETTA: Okay. Thank you.

8 MR. GAROFALO: Is -- one of the other
9 questions that I had was -- this is a
10 subdivision -- do we have 25 feet from the center
11 line of road? Because that's not shown on the
12 plan anywhere.

13 MR. STRIDIRON: Twenty-five feet to the
14 center line road to the property?

15 MR. GAROFALO: To the property.

16 MR. HINES: I believe they do. All
17 those roads were kind of laid out through
18 right-of-ways.

19 MR. STRIDIRON: We're consistent with
20 the neighboring properties.

21 MR. GAROFALO: I think it would be
22 important to make sure that we have that, if not
23 at this meeting, then to come back and provide
24 that information.

25 MR. STRIDIRON: Well, definitely on

NOTO SUBDIVISION - PUBLIC HEARING

1 Church Street we do, because that's a wider
2 street. I have to check with Orange Street and
3 Grand, but I believe we do. Because right now we
4 have at least -- this is a 30 scale. So that
5 would be -- oh, yeah. I would believe so.
6 Definitely on Grand Street. Church, we have like
7 35 feet to the utility pole across the street. I
8 don't know how wide that road is over there. It's
9 a variable width right-of-way. I'll have to check
10 on Orange Street.

11 MR. GAROFALO: Thank you. And for the
12 two new duplexes, I think it's important to show
13 that you put the parking in there, which is 1.5
14 spaces per unit, and that's 162 square feet for
15 the parking, plus you're going to need some for
16 the access. So I think you need to come back and
17 show us that you can get the adequate parking.

18 MR. STRIDIRON: We show that on the bulk
19 table. We have the bulk table. We have two per
20 unit.

21 CHAIRMAN BRAND: Anything else, Mr.
22 Garofalo?

23 MR. GAROFALO: Does that -- I didn't see
24 that on the plan itself, though.

25 CHAIRMAN BRAND: Just indicate where the

NOTO SUBDIVISION - PUBLIC HEARING

1 parking is going to be on the plan.

2 MR. STRIDIRON: Each one of the units
3 has a garage, and then we have adequate space
4 outside for parking as well, if we need to. But
5 the single family has a two-car garage and then
6 the duplexes have a two-car garage also for each
7 unit.

8 MR. GAROFALO: Okay. Did you -- were
9 you able to provide the one email that was missing
10 from the application?

11 MR. STRIDIRON: The email of?

12 MR. GAROFALO: I'm not sure. I don't
13 have it in front of me. But check it.

14 MR. STRIDIRON: Sure.

15 MR. GAROFALO: Just provide it later.

16 MR. STRIDIRON: Okay.

17 MR. GAROFALO: That's to help you in
18 case there's questions.

19 MR. STRIDIRON: Sure.

20 MR. GAROFALO: Thank you.

21 MR. STRIDIRON: Thank you.

22 CHAIRMAN BRAND: Anything else from the
23 Board?

24 (No response.)

25 CHAIRMAN BRAND: All right. At this

NOTO SUBDIVISION - PUBLIC HEARING

1 time it is a public hearing. If you have a
2 question or a comment, I would just encourage you
3 to please come up to the podium and use our
4 microphone that we have there, and just state your
5 name for the stenographer. Go right ahead.

6 Jen, can you just make sure that mic is
7 on for them.

8 MS. PECK: Hi everybody. My name is
9 Patricia Peck, and I live at 36 Orange Street. I
10 live right across the street from the new duplex
11 that was already built.

12 And the issues that I'm having is --
13 well, first of all, I never got a letter at all,
14 not one, about the property across the street.
15 And it's directly -- I mean, I could look right at
16 their front door from my house, which is fine. I
17 don't have a problem with it, but, I mean, I
18 should have got a letter for that, and I didn't
19 get one, and everybody I know got certified
20 letters. So that's one of my issues.

21 The other issue is the parking. I was
22 already asked by the owner about a car that was
23 parked in front of my house for a couple of weeks.
24 It was my car, and I had it out in front of the
25 house. And I was asked whose car it was. I said

NOTO SUBDIVISION - PUBLIC HEARING

1 it was mine. And they commented that it's going
2 to be very difficult for them to pull out of their
3 driveway with a plow on it and turn onto Orange
4 Street with a car there. And my comment was that
5 we're not allowed to park on the street in the
6 snow anyway, so the car wouldn't be there. This
7 was like two months ago. So it's kind of like --
8 you know, it's in front of my house. I'm allowed
9 to park there. I felt that that -- my concern is
10 that if there's a lot of families across the
11 street from me, like if there's eight families
12 there, there's going to be way more cars, a lot of
13 cars. And there's already speeding going up and
14 down the block as it is. So the traffic is going
15 to be a hundred times worse. And I have issues
16 with the kids and pets in the neighborhood, you
17 know, with all this traffic that's going to be
18 coming in. And, like, a stop sign at the bottom
19 of Church and Orange, those cars come flying down
20 there, and there's going to be way more traffic.
21 And I feel like it's going to be not safe.

22 Also, the sidewalk, that was one of my
23 issues too. The sidewalk. And if somebody parks
24 in front of my house in front of my mailbox, I
25 can't get any mail.

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1 So other than that, that's the issues
2 that I'm having right now that I'd like to
3 address. I mean, the stop sign too, like, just to
4 slow traffic down. If we have that many more
5 people living in the neighborhood, eight more
6 families living in the neighborhood, they're
7 going, you know, to be going up and down Orange
8 faster, and, you know, a stop sign at the corner
9 of Dubois and Orange would also be helpful so it
10 would slow the traffic down, you know. Because of
11 children and pets, it will give that little bit
12 of -- you know, they have to stop and then go
13 again, instead of just flying up the hill like
14 they normally do, you know. Yeah. That's my
15 issues.

16 CHAIRMAN BRAND: Thank you. Anyone else
17 from the public care to comment or have questions?

18 MR. ECKES: My name is Jeff Eckes. I
19 live at 25 Grand Street.

20 CHAIRMAN BRAND: What was your last
21 name?

22 MR. ECKES: Eckes, E-C-K-E-S. I want to
23 thank the Board -- the Board for your service.
24 It's a thankless job. So thank you.

25 My wife and I have been here for about

NOTO SUBDIVISION - PUBLIC HEARING

1 six years. We renovated a home there, 25, and we
2 watched this neighborhood change radically over
3 the last six years from what used to be kind of a
4 -- it's called Marlboro's ghetto -- to an area
5 that is filling with single-family homes, young
6 families with children, teachers, school
7 administrators, professionals of all kinds. And I
8 think that this plan reflects more of the
9 complexion of Marlboro ten years ago, 15 years
10 ago, than it does what it should going forward. I
11 think it's -- it may be exceeding the density for
12 dwellings because of the multifamily aspect of it.
13 I know that one lot is undersized, according to
14 the zoning in that part of Marlboro, so that would
15 require a variance.

16 I'd also like to know what year IRC and
17 EOC code this is being built under. I called the
18 Town today. They told me 2019. It would have to
19 be 2018 or 2021. There's no 2019. So I'm curious
20 what that is. If we can get an answer to that.

21 MR. HINES: You're talking about
22 building codes?

23 MR. ECKES: Yes.

24 MR. HINES: That's outside this Board.
25 That would be code enforcement.

NOTO SUBDIVISION - PUBLIC HEARING

1 MR. ECKES: I get that. We're trying to
2 find out what it's been approved under --

3 MR. HINES: This Board --

4 MR. ECKES: -- and I think we have the
5 right to know that. So I would like to know what
6 codes you were approved under.

7 MR. HINES: This Board doesn't approve
8 building permits.

9 MR. ECKES: They approve subdivisions.

10 MR. HINES: Subdivisions under the Town
11 code.

12 MR. ECKES: Okay. We'll set that aside
13 for now. We'll deal with that at another board.

14 We'd also like to know if there are any
15 variances, either in codes or zoning, that are
16 going to be granted for this subdivision and what
17 they are. We mentioned the small lot size.

18 We also have concern about the impact of
19 the additional cars, and this is a serious
20 consideration.

21 A, since we all got notified of this
22 Thursday or Friday, we'd like to know also why
23 that was so late, when this was actually first
24 broached to the Board in November, why that
25 notification was so late. And so many people

NOTO SUBDIVISION - PUBLIC HEARING

1 didn't get it. All right. That's another
2 question we'd like to have answered.

3 Also, in a very quick, very, very
4 informal survey of neighbors, there are 2.1 cars
5 per residence. And that's pretty standard across
6 today's demographic, because both parents work.
7 You have to have two cars. Some people have
8 three. They have a dump truck or something like
9 that, even on small properties. So in a situation
10 like mine, I don't have a driveway. I'm parking
11 on the street. And there are several homes on
12 that road who are parking on the street. Game
13 day, holiday, minor holiday, we don't have a place
14 to park. And the three parking spaces that are on
15 Church look like they're slated to disappear. So
16 that takes three away, in addition to adding a lot
17 of families that are going to have a lot of
18 visitors on the holidays and game days. And my
19 question is, do we start double parking like they
20 do in Poughkeepsie and Newburgh? Where do we
21 park? The church won't let us park there. It's
22 only for snow days. So we don't have a place to
23 park. As it is today, some of the neighbors have
24 to park in some of the abandoned home driveways
25 because there is no room left at the church on

NOTO SUBDIVISION - PUBLIC HEARING

1 snow days. So we have some very, very real
2 considerations here and very real concerns.

3 Also, the road is being used -- I'm sure
4 everybody here knows this. The road is being used
5 as a cutoff for 9W, and people are going pretty
6 darn fast. And it's not just residents and it's
7 not just visitors. It's Town trucks. It's others
8 that are using it as a cut around. And so we have
9 a situation where in front of my house it's a
10 single lane. And we've got two driveways emptying
11 out right across from it. I'd like to know how
12 that's possible, how you can empty two short
13 driveways with no kind of verge or no kind of
14 setback or anything else onto a road that doesn't
15 have two full lanes? That seems to me to be
16 reckless and hazardous. And I'd like to get a
17 responsible answer for that as well.

18 And, look, understand something, none of
19 us in the neighborhood are against development.
20 None of us are against high density development.
21 We're against poor quality high density
22 development. And so we'd like to see these
23 concerns answered.

24 We also have, on Orange, another
25 driveway leading directly into a one-lane --

NOTO SUBDIVISION - PUBLIC HEARING

1 essentially a one-lane road. By the way, I say
2 that Grand is a one-lane road. I realized today
3 that the parking along this, Church, where that
4 sidewalk is, I thought it was a no parking zone.
5 It's not. So, technically, we can have parking on
6 both sides of that street and getting it down to
7 less than a legal lane's width, which would be
8 pretty dangerous, especially with a much larger
9 load of cars we're dealing with. So the cutoff
10 traffic is another problem.

11 That's also another problem that's part
12 of another Board problem because I think we need
13 stop signs there, things like that. But this is
14 all part of when you develop a highly developed --
15 do a high density development, traffic, things
16 like that, all these things need to be addressed,
17 and they need to be addressed as part of the
18 development. It may be a different department.
19 But it all becomes part of the problem. So that
20 needs to be addressed very quickly.

21 Also, I'd like to know what the proposal
22 is for the runoff water at the bottom parcel on
23 Grand. Because right now, it's not catching --
24 being caught by either one of the drains, and it's
25 destroying the street that we keep repaving. If

NOTO SUBDIVISION - PUBLIC HEARING

1 you take a look at it, the water damage on it is
2 excessive. I've mentioned it to everybody that's
3 been there, that's been working on it. I
4 mentioned it to supervisors. I called in to the
5 Town. I've done everything except send a formal
6 letter, because I really -- I would rather handle
7 that kind of quietly and just say, guys, let's fix
8 this. All right. Because I don't want to make a
9 stink. But that has to be addressed, because that
10 hillside drains directly onto the road, which then
11 drains across the road, which then drains to the
12 one working drain at the bottom of Church.

13 CHAIRMAN BRAND: Have you spoken to the
14 highway superintendent regarding that?

15 MR. ECKES: I have. And I talked to the
16 guys that are doing the work, the highway
17 assistant, I think. The guy runs a big plow. I
18 talked to him about it. I've showed it to people.
19 I've taken pictures. I've emailed. I sent
20 pictures. I sent videos. I've done a few things.
21 I haven't made a stink. That's not me. But it
22 needs to be addressed. It's draining directly
23 into my sump pump, for one thing. Okay. When it
24 hits that curb, it just goes down. It's very
25 porous. The street is very porous. It's just the

NOTO SUBDIVISION - PUBLIC HEARING

1 nature of the streets around here. In addition to
2 that, it creates a frozen puddle there all winter
3 long. The Town knows it because the Town comes by
4 and salts it twice a day. So they know it's
5 there. Okay. It's dangerous. And we add another
6 five homes, six homes of vehicles, it becomes more
7 dangerous. So that area right there at the bottom
8 of the drainage area has to have a plan. Okay.
9 It has to have a way to connect that street drain
10 to the drain that's coming off. It needs to have
11 some sort -- I mean, look, before it was
12 developed, a simple ditch would have done fine to
13 catch the water, but now it needs to be addressed
14 correctly because we have a hazardous situation
15 there as well. So the local flooding is the last
16 thing.

17 Now I have a question as well because I
18 wasn't able to hear really well. Did somebody say
19 there was a two-car garage for each unit? I heard
20 something about a two-car garage.

21 MR. NOTO: Two-car garage in each
22 building.

23 MR. ECKES: It's a two-car garage. So
24 in addition to the driveway?

25 MR. NOTO: Yes.

NOTO SUBDIVISION - PUBLIC HEARING

1 MR. ECKES: So that would be the 2.1 per
2 residence, or is it 2.1 parking spaces in the
3 driveway plus the garage? I'm trying to figure
4 out how much parking per residence there is.

5 MR. NOTO: We have enough for two
6 outside and inside.

7 MR. ECKES: So four per residence?

8 MR. NOTO: Yes.

9 MR. ECKES: That's fantastic. That's
10 great. Thank you. And that's appreciated.

11 MR. HINES: I think it's four per lot.

12 MR. ECKES: I'm sorry?

13 MR. HINES: You're four per lot.

14 MR. ECKES: Oh, that's two per
15 residence. I heard somewhere -- I heard 1.5
16 somewhere.

17 MR. GAROFALO: No. I said the code is
18 1.5 spaces. They are providing two spaces.

19 MR. ECKES: In that neighborhood it's
20 needed, so thank you.

21 Also, there was something mentioned
22 about the plowing on the other side of the
23 driveway that another resident mentioned. I think
24 an engineer -- Patty is here. That driveway is
25 probably not graded correctly. So coming up that

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1 driveway -- you can't see coming up that driveway.
2 You can't see the road as you reach the top.
3 Also, there's supposed to be a drain there. It's
4 not on the plan. It's on the plan for the other
5 three properties, but not for that one. So I'd
6 like to see some sort of drainage there.

7 The drainage situation on this property
8 has been unaddressed completely. There's nothing
9 to consider anything outside the property itself,
10 and that property has a large impact on the
11 properties downhill from it, like every property
12 in Marlboro downhill. You catch your neighbor --
13 whatever they're sending out.

14 All right. I think that's it. Thank
15 you very much.

16 CHAIRMAN BRAND: Pat, could you just
17 maybe address to the lot size issue, the
18 variances?

19 MR. HINES: So all the lots meet the
20 code. They have water and sewer, so the minimum
21 lot size in that zone with water and sewer is 7500
22 square feet. The smallest lot, which is lot 4,
23 which has the single-family house on it, is 8,299
24 square feet. So it meets the bulk requirement.
25 There are no variances required under this current

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1 plan.

2 CHAIRMAN BRAND: Then as far as the
3 drainage issues --

4 MR. HINES: So the drainage issue, I do
5 want the highway superintendent to weigh in on
6 these driveways, and we can also advise them that
7 is -- that drainage does need to be addressed as
8 well. There's catch basins at Grand Street and at
9 Church Street, but they should be designed and the
10 site should be graded to definitively discharge to
11 those. So when the highway superintendent does
12 his review, we'll have him review that as well.

13 CHAIRMAN BRAND: Thank you.

14 MR. ECKES: I'm sorry. I'm hard of
15 hearing.

16 CHAIRMAN BRAND: Any other comments or
17 questions? Yes. Just state your name for the
18 stenographer, please.

19 MR. MILANO: I'd like to first talk
20 about the --

21 CHAIRMAN BRAND: Could you just state
22 your name for the stenographer first?

23 MR. MILANO: Oh, yeah. Joe Milano. I
24 live at 30 Grand Street. I have a southern border
25 with the property you're talking about.

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1 THE COURT REPORTER: Could you spell
2 your last name for me?

3 MR. MILANO: M-I-L-A-N-O. Let me speak
4 first about the drainage issue because it is a
5 problem. I have a couple of pictures if you want
6 to see it. I know it's not a done deal already,
7 but there is a serious drainage problem. It runs
8 right down into Grand Street over a street lamp.
9 It's going to cause a black ice problem, which I'm
10 concerned about, naturally. I live right next
11 door. That's not my first problem.

12 My first problem actually is aesthetics.
13 I retired here in 2018. I read a report that this
14 Town had issued to a company called Barton &
15 Loguidice in 2015, and it was a very impressive
16 report. And I was very hopeful about something
17 happening with it. They recommended that hamlet
18 housing be more condensed, as the original hamlet
19 was. So I'm not against neighbors. I'm not
20 against development. I would -- I'm against the
21 look of this thing, initially, because it reminds
22 me of 1980. A duplex, side-by-side house, is not
23 helping the neighborhood. And as the -- one of
24 the other people said, the neighborhood is coming
25 up, you know. When I first moved there, the

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1 people in the stores would tell me, oh, Grand
2 Street. Oh. But it's coming back. And it is
3 coming back. The people that live there are very
4 substantial people. And I'd like to see a little
5 bit done more on that.

6 The other thing is, because I live right
7 next door, I live a block away from the fire
8 station. Now, as you know, there's more alerts
9 now. That alarm goes off a lot more than it did
10 five or ten years ago. So another concern of mine
11 is can we do something as an advance fire
12 suppression issue when you're building new
13 housing, not go with a code that reflects
14 something from ten years ago? Something that's
15 more modern. Something that would be innovative
16 in a way. Because the cost of that volunteer fire
17 department is going to go up, like everything else
18 goes up.

19 Let's see what else. I don't see too
20 good. And the car problem as well. What the
21 other speaker said was absolutely right. Trucks
22 come down that road pretty fast, much faster, and
23 there's a little play -- a children play sign
24 there. Everybody ignores it. So perhaps maybe, I
25 don't know, a speed sign, a speed bump, a stop

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1 sign, something to stop these people from going so
2 quickly, because whatever happens here, and more
3 people live in that area, you're going to have a
4 problem. Because it's not only kids. People
5 walking their dogs or riding their bike. You have
6 to expect the unexpected, in my life. So that's
7 about it.

8 CHAIRMAN BRAND: Thank you.

9 MS. LANZETTA: Thank you.

10 MR. MILANO: You're welcome.

11 CHAIRMAN BRAND: Anyone else?

12 MR. ECKES: May I readdress?

13 CHAIRMAN BRAND: If I can just get
14 everyone to go one time, and then if no one else
15 wants to go, you're more than welcome to come back
16 up. Did you want to address the Board?

17 MS. OWUSU-ANSAH: Hello everyone. My
18 name is Kastina Owusu-Ansah, O-W-U-S-U, hyphen,
19 A-N-S-A-H.

20 THE COURT REPORTER: I'm sorry. What
21 was your first name?

22 MS. OWUSU-ANSAH: Kastina,
23 K-A-S-T-I-N-A.

24 I live at 29 Grand Street, and I would
25 just kind of like to re-emphasize some of the same

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1 concerns just so that you hear from me as well. I
2 am concerned for a similar situation like on
3 Church Street with the driveway, because I notice
4 that for building 3, where it had the driveway is
5 located and the size of the road and it being
6 parking only on the right side, I am concerned
7 that there be enough space for safe exiting not
8 only for building 3, but for myself as well and
9 for the neighboring home when it does become
10 occupied.

11 I also am concerned for the noise level.
12 I think it is a very quaint hamlet. When it is
13 evening, it's nice and quiet. And so I'm not sure
14 what considerations have been made in terms of the
15 volume with so many people coming in. So I'm
16 asking, if it hasn't been considered, for it to be
17 considered.

18 Also, with building 3, I notice that
19 that's probably one of the buildings that has its
20 back closest and facing the front of the other
21 home, and this might be a leap, but it would be
22 nice if it could be turned around 180 degrees.

23 The drainage is definitely a concern.
24 It is pooling in front of the homes further down,
25 as was mentioned, and it could become an increased

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1 situation if it is not controlled. And,
2 hopefully, these complexes don't contribute to it,
3 but it is something to consider.

4 And as far as the traffic, all that was
5 mentioned, in terms of the speed, the occupancy,
6 having enough parking spaces, these things really
7 need to be considered. And so I just wanted to
8 speak to say that those are my concerns as well.
9 I am not opposed to having new neighbors. We just
10 want to be safe. That's it. Thank you so much.

11 CHAIRMAN BRAND: Thank you. Anyone
12 else?

13 MR. KOVACS: My name is Frank Kovacs,
14 K-O-V-A-C-S. We have a -- my wife and I have a
15 two-family house at 37 Grand Street, which is
16 directly across from where the driveway comes out
17 at the property. And years ago, when that was a
18 field up there, that field held a lot of water,
19 and it just kind of stayed there. It didn't go
20 anywhere. Soaked up. All right. Now, with
21 asphalt there, asphalt or concrete doesn't soak up
22 water. Neither does roofing material. So all of
23 that water has to go somewhere. And if we don't
24 put in the proper drains in this subdivision and
25 channel the water where we want it, the water is

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1 going to go where it wants to go. And I have a
2 sump pump in the basement of my house on Grand
3 Street. And I know a lot of other people have
4 sump pumps, and those sump pumps are going to get
5 a workout if we don't figure this drainage thing
6 out. Okay.

7 Like I said, I'm not against developing
8 at all. But we need to do it smartly. Okay. We
9 need to look at the future.

10 And as far as the traffic goes, the
11 traffic has increased immensely on Grand Street.
12 Okay. A lot of people are using Grand Street to
13 get around King Street because you know what it's
14 like to get out of King Street. You can sit there
15 for, you know, hours, waiting to get out onto 9W.
16 All right. So people just kind of go around that,
17 and they use Grand Street or West Street. So the
18 traffic right now is really, really bad. So
19 that's just another thing to keep in mind. All
20 right. If we have to put in stop signs, whatever,
21 then we have to.

22 Now, on the one side of Grand Street,
23 there's no parking. Okay. Maybe along that side
24 of Grand Street we might be able to put in
25 drainage from that property, the subdivision, and

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1 run it down into the big pipe down at the end of
2 where Church Street comes down. All right. That
3 water seems to puddle up there, anyway. So we
4 gotta do something with that. That's about all I
5 have.

6 CHAIRMAN BRAND: Thank you. Anyone
7 else? All right. Mr. Eckes, you can have round
8 2.

9 MR. ECKES: I didn't write it down, so I
10 forgot it, obviously. In light of the questions
11 that weren't able to be answered tonight, I'd like
12 to make a formal request to the Board to continue
13 this meeting over until the next one.

14 CHAIRMAN BRAND: So the applicant will
15 have an opportunity to address that at the next
16 meeting. He has -- all the comments will be
17 provided and all of the comments that you have.

18 MR. ECKES: Well, I would also like to
19 address the problem of such short notice. We
20 haven't been able to meet with anybody or talk
21 with anybody or do anything else or assess the
22 situation in any way, shape, or form.

23 CHAIRMAN BRAND: Meghan, I'm not sure if
24 you know this off the top of your head, do you
25 know what the requirements are for the mailing,

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1 how soon -- is there a requirement?

2 MS. CLEMENTE: Off the top of my head, I
3 do not know, but if --

4 MR. HINES: It's ten days.

5 CHAIRMAN BRAND: Ten days before the
6 public hearing?

7 MR. HINES: They have to be mailed ten
8 days prior to the public hearing.

9 CHAIRMAN BRAND: When were those mailed,
10 Jen? Do you have the receipts in front of you?

11 MR. STRIDIRON: The 9th.

12 CHAIRMAN BRAND: Say again.

13 MR. STRIDIRON: The 9th.

14 MR. JENNISON: So they were mailed the
15 9th.

16 CHAIRMAN BRAND: That's ten days.

17 MR. JENNISON: That's ten days.

18 MR. ECKES: Seriously. I don't think
19 there's anybody here that didn't pick up their
20 mail Thursday or Friday. They didn't get it until
21 then. Because the mail, you know, in this area
22 goes to the Highland post office first and then
23 comes down here. So if it was mailed there, and
24 it probably was, then we don't get it for up to
25 two weeks. So we didn't receive this, and that's

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1 not good. And you can take testimony from anybody
2 in the neighborhood, and they'll tell you they got
3 it Thursday or Friday. That's it. All right. So
4 I'd really like to continue -- at the very least,
5 continue this meeting over so that we can inform
6 the neighborhood.

7 Look, let me say something to the
8 developers. Nobody here is against you. Okay.
9 You have more informed citizens here than you can
10 believe. Okay. We'll have a conversation about
11 that some day. Nobody is against you. You'll
12 find that you'll get a lot more from open
13 communication than you will from -- how do we put
14 this -- standard operating procedures. Okay. If
15 you guys reach out and have a meeting with the
16 community and explain what you're doing and help
17 us understand and maybe address a few of our
18 concerns directly, you'll find an enthusiastic
19 neighborhood.

20 MR. STRIDIRON: We mailed all of those
21 mailings from the Marlboro post office.

22 MR. ECKES: Then I'm going to have a
23 meeting tomorrow with the postmaster general --
24 the postmaster there and find out why we didn't
25 get them until later. Because I'm sure she knows,

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1 and I'd like to find out why. The fact of the
2 matter is that happened, so we'd like to have that
3 addressed. I don't know whose fault it was. I
4 really don't care. I do know that the
5 neighborhood found out about this, and that if not
6 for me knocking on doors, the vast majority of
7 them wouldn't have known. Okay. So we have to
8 pick up our mail at the post office. It's one
9 little section of town. We don't get mail
10 delivered, so a lot of us don't go there every
11 single day. We may go there once or twice a week,
12 because it's annoying. Okay. So we don't get
13 mail like everybody else. And, again, SOP, it's
14 not going to be well received. All right.
15 Reaching out, let's talk about this. It'd take a
16 lot less time and you'll have a really
17 enthusiastic neighborhood. And let me tell you
18 right now, as a builder, you love to have an
19 enthusiastic neighborhood. It makes a difference.
20 Okay. Thank you.

21 CHAIRMAN BRAND: Thank you. Any
22 additional comments -- I'm sorry. Anyone else
23 from the public? Yes, please.

24 MR. JENNISON: I have a question. Not
25 only were they sent out on the 8th, was this not

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1 posted in the local newspaper too?

2 MS. FLYNN: It was sent out on the 9th,
3 but, yes, it was posted.

4 MR. JENNISON: It was in the local
5 newspaper that there would be a public hearing
6 tonight, on the 19th?

7 MS. FLYNN: Yes.

8 MR. JENNISON: And what day was that put
9 in the paper?

10 CHAIRMAN BRAND: Is it also on the
11 website, Jen?

12 MS. FLYNN: No, I don't think the public
13 hearing is on the website.

14 MR. HINES: The majority of them were
15 delivered and received between the 12th and the
16 14th.

17 MR. JENNISON: The 12th and the 14th.

18 MR. HINES: All these from 50 returned
19 receipts (indicating).

20 MR. JENNISON: Okay. Thank you.

21 CHAIRMAN BRAND: Except for those not
22 received. Yes. Go ahead.

23 MR. MILANO: Joe Milano, 30 Grand
24 Street.

25 In respect to the drainage and the water

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1 problem, the existing house that's there now, the
2 existing duplex that they've already built, has a
3 good asphalt area. Now, according to the building
4 code, it says that the area should be pitched
5 towards the driveway, the entrance area, or if
6 that's not possible, as is the case on Orange
7 Street, there's supposed to be a supplemental
8 drain at the perimeter. That's not my idea.
9 That's the building code. So, in this case, are
10 you addressing that fault before we even go
11 forward? Because that's an issue that you should
12 look at closely. It's already contributing, but
13 it will just increase if nothing is done. Thank
14 you.

15 CHAIRMAN BRAND: Pat, you look quizzical
16 on that one. Do you have a --

17 MR. HINES: So, yeah, I'm not aware of
18 which section of the building code that comment
19 was in, but I have taken notes. Obviously,
20 there's some drainage concerns, there's some
21 traffic concerns, and there's some concerns with
22 traffic control devices, all of the which are
23 under the purview of the highway superintendent.
24 So I'm recommending -- I will meet with the
25 highway superintendent out here. Sounds like

NOTO SUBDIVISION - PUBLIC HEARING

1 there needs to be some drainage improvements on
2 this side of Grand Street, and we'll look at that
3 and report back to the Board.

4 CHAIRMAN BRAND: So your office will do
5 an on site visit with the highway superintendent?

6 MR. HINES: Correct.

7 CHAIRMAN BRAND: Great. Any other
8 comments or questions from the Board?

9 MR. GAROFALO: Mr. Chairman, I have a
10 few. One, I want to point out for those who
11 haven't seen the plan, that these driveways are
12 gravel driveways. They're not going to be paved.
13 That's number one.

14 Number two, I think it might help if the
15 plan were to show where the garages are, and given
16 what they've been talking about on Grand Street,
17 traffic, you might want to look at whether or not
18 these vehicles will be able to pull out rather
19 than back out onto Grand Street. You might just
20 want to take a look at that. That might be easier
21 for them to get out.

22 The other question I would have is
23 whether or not some landscaping might actually
24 help with the drainage, and that might be
25 something to consider, to see if something could

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1 be done in terms of landscaping to help, A, suck
2 up some of the water, and, B, maybe direct it
3 where it needs to go. Thank you.

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

6 (No response.)

7 CHAIRMAN BRAND: So --

8 MR. JENNISON: I'd like to make a motion
9 to close the public hearing.

10 CHAIRMAN BRAND: Is there a second?

11 MR. LOFARO: I'll second.

12 CHAIRMAN BRAND: Just on the discussion
13 portion of that, I was going to ask -- our records
14 indicate that 128 mailings should have gone out,
15 and we were approximately 11 short. And we did
16 have someone from the public here who was not
17 there. I was going to make a motion to hold the
18 public hearing open until the next meeting, if you
19 want to amend your motion.

20 MR. JENNISON: I thought you had said
21 that there was double names. Can you verify that?
22 How many double names did you have in that list?

23 MR. STRIDIRO: Well, from 128, we went
24 down to 117.

25 CHAIRMAN BRAND: So 128 was your

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1 original?

2 MR. STRIDIRON: Yes.

3 CHAIRMAN BRAND: Could you just state
4 your name again?

5 MS. PECK: Patricia Peck.

6 CHAIRMAN BRAND: Was she on your list?

7 MR. STRIDIRON: I'd have to check the
8 list. Yes. P. O. Box 856.

9 MS. PECK: I have a mailbox in front of
10 my house. I don't have a P. O. Box.

11 MR. STRIDIRON: That's the list we got.

12 MS. PECK: Well, that's not my address.

13 CHAIRMAN BRAND: Yeah. That may be --

14 MS. PECK: I did change my address with
15 the post office, obviously, when I closed out my
16 mailbox.

17 CHAIRMAN BRAND: You did or did not?

18 MS. PECK: That was years ago. I've had
19 a mailbox for about ten years now.

20 MR. HINES: That's off the County
21 assessor list.

22 CHAIRMAN BRAND: Right. So I guess with
23 that being said, the motion being made to close
24 the public hearing. We had a second.

25 MR. GAROFALO: Can I make a comment?

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1 CHAIRMAN BRAND: Of course.

2 MR. GAROFALO: Maybe what we could do is
3 hold it open for seven or ten, or however many
4 days, for written comments.

5 CHAIRMAN BRAND: Mr. Jennison, are you
6 amenable to making that --

7 MR. JENNISON: I am not.

8 CHAIRMAN BRAND: That being said,
9 there's a motion on the floor. All those in
10 favor?

11 MR. JENNISON: Aye.

12 MR. LOFARO: Aye.

13 MR. TRONCILLITO: Aye.

14 MR. CLARKE: Aye.

15 CHAIRMAN BRAND: All those opposed?

16 MR. GAROFALO: Aye.

17 MS. LANZETTA: Aye.

18 CHAIRMAN BRAND: I'm opposed as well.
19 So that's 3 to 4. It seems as though that motion
20 passes. So the public hearing is closed.

21 I will say to those in attendance, if
22 you do want to send something to my attention, as
23 the Chairman of the Planning Board, please feel
24 free to do so. My email is on the website.

25 We will see you at the next meeting to

NOTO SUBDIVISION - PUBLIC HEARING

1 address some of these concerns. In the meantime,
2 Pat and his office will meet with the highway
3 superintendent to look at drainage and driveway
4 issues.

5 MR. HINES: I don't want to say the next
6 meeting. That's on January 3rd. With the
7 holidays, I don't know that we're going to make
8 that.

9 CHAIRMAN BRAND: I understand that.
10 Would it be amenable to you to do the second
11 meeting in January? Yes?

12 MR. STRIDIRON: Sure.

13 CHAIRMAN BRAND: So we'll put you on the
14 agenda for the second meeting in January.

15 MS. FLYNN: January 17th.

16 CHAIRMAN BRAND: January 17th. Just to
17 make sure that his office is able to complete that
18 work. And for those of you in attendance,
19 January 17th -- Jen, is that one of those ones
20 that may need changing, the 17th?

21 MS. FLYNN: That's a Tuesday. It's
22 going to be upstairs.

23 CHAIRMAN BRAND: For those of you in
24 attendance that are interested in the next
25 meeting, at the conclusion of this meeting, we're

NOTO SUBDIVISION - PUBLIC HEARING

1 going to be discussing some of the modifications
2 that need to be made to the regular schedule. So
3 it may or may not be on the 17th. Please check
4 the website for the meeting notices and dates, but
5 it will be the second meeting in January. Is that
6 clear?

7 MS. FLYNN: Yes. On a Tuesday.

8 MR. STRIDIRON: Would it be possible for
9 Mr. Noto to meet with the highway superintendent
10 and your Town engineer?

11 CHAIRMAN BRAND: Pat, does your office
12 have an issue with that?

13 MR. HINES: No, I don't, no.

14 MR. STRIDIRON: That would help us to be
15 able to make changes.

16 MR. HINES: Is Mr. Feeney involved?

17 MR. NOTO: Yes.

18 MR. HINES: It will be good to have him
19 there as well.

20 MR. STRIDIRON: Thank you.

21 CHAIRMAN BRAND: So we'll try and
22 coordinate that. Thank you.

23 MS. LANZETTA: If I could just put in a
24 plug for the townofmarlboroughny.org website.
25 That's the Town's website. And if you look under

NOTO SUBDIVISION - PUBLIC HEARING

1 the agendas, minutes, and you will see that we
2 post most of the information that you've been
3 seeing tonight here. We have, you know, all
4 supporting information for these applications. So
5 if you want to take a look at the maps and
6 acquaint yourself with anything, any new material
7 that comes in, you can go to our Town website.

8 CHAIRMAN BRAND: Thank you.

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

C E R T I F I C A T E

10
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

3 In the Matter of

4 WILLIAM KENDRA MINARD

5 Project No. 22-6019
6 346 Mahoney Road, Marlboro
7 Section 95.4; Block 2; Lot 9.100

8 SKETCH - SITE PLAN

9 Date: December 19, 2022
10 Time: 8:20 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairperson
16 CINDY LANZETTA
17 JAMES GAROFALO
18 STEVE CLARKE
19 STEPHEN JENNISON
20 JOE LOFARO
21 BOB TRONCILLITO

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

25 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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

MINARD - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we
2 have William and Kendra Minard at 346 Mahoney Road
3 in Marlboro for a sketch of their site plan.
4 Thank you all for coming out tonight.

5 MS. BROOKS: Patricia Brooks.

6 CHAIRMAN BRAND: I'm sorry, but the
7 Orange Street squad, if you could have your
8 discussions out there, that would be very
9 beneficial to our meeting moving forward. Thank
10 you so much.

11 All right. Patty, do you just want to
12 give us an update of where we are on this or
13 what's going on with the William and Kendra
14 Mindard site?

15 MR. JENNISON: Call to order, please.

16 MS. BROOKS: We'll give them a second.
17 Okay. So this is a site plan for an agricultural
18 site. W & K Split Rail Nursery & Tree Farm has
19 been existence since about 1987. They are
20 interested in doing sales of hard cider, wine, and
21 beer on the site, and they require site plan
22 approval in order to do that. The existing
23 property does not have a site plan because it was
24 sold agricultural, but this small addition of
25 being able to have sales out of the site require

MINARD - SKETCH SITE PLAN

1 it. Currently, they offer hot cocoa, cider,
2 water, soda, hot dogs, chili, sausage and peppers,
3 meatball parm, mac and cheese, nachos, bakery
4 items. Of course, at this time of winter, they
5 have Santa with a holiday sled. They've got a
6 winter wonderland scene on designated days.

7 One of the questions, I believe, was if
8 they just do the Christmas tree sales or if they
9 do any other events there. They have historically
10 been doing a spring and a fall farmers event
11 there, a fall craft fair, and a spring craft fair,
12 where they have booths and food specialties and
13 wreaths and agricultural type crafts. So,
14 basically, it's a minor revision to an existing
15 agricultural site.

16 CHAIRMAN BRAND: And they're not making
17 it there; right? They're just selling?

18 MS. BROOKS: Correct.

19 CHAIRMAN BRAND: Pat, do you want to run
20 through your comments?

21 MR. HINES: Sure. As usual, my comment
22 is all this happens without any restroom
23 facilities or sanitary facilities?

24 MS. BROOKS: Other than the porta
25 potties that they have there, no, they're not

MINARD - SKETCH SITE PLAN

1 proposing any.

2 CHAIRMAN BRAND: I'm sorry. Can you say
3 that again?

4 MR. HINES: How do you wash that stuff?

5 MS. LANZETTA: This doesn't really fall
6 under the same categories as the fruit and grape
7 operations, a Christmas tree farm. This is
8 seasonal. It normally would be a seasonal
9 activity.

10 MS. BROOKS: Correct.

11 MS. LANZETTA: And is that what they're
12 proposing, just when they're selling the Christmas
13 trees?

14 MS. BROOKS: Or when they have the other
15 events that they have there, which I believe they
16 have about three a year.

17 MS. LANZETTA: Yeah, but those other
18 events are not to sell the agricultural products.
19 So those would be events that technically would
20 require an events special permit.

21 MS. BROOKS: At the events they do sell
22 agricultural -- not the trees, obviously, because
23 they only sell them at Christmastime. But the
24 vendors that they have there are ag vendors.

25 MR. CLARKE: Are you sure of that?

MINARD - SKETCH SITE PLAN

1 MS. BROOKS: That's what I was told. I
2 personally have not been there.

3 MS. LANZETTA: But it really doesn't
4 matter because it's not their product. Under ag
5 and market law, it would be a special event that
6 they would be having. So, you know --

7 MS. BROOKS: Well, the license that
8 they're getting is through -- it's a tavern wine
9 license, and they are getting that not through ag
10 and markets.

11 MS. LANZETTA: That's through SLA?

12 MS. BROOKS: Yes.

13 MS. LANZETTA: So, technically, we're
14 permitting when we should be doing a site plan for
15 a bar.

16 MR. CLARKE: Yes. If you're going to do
17 agriculture, you need the ag license for
18 beverages, which means you have to be a producer
19 of one of them.

20 MS. BROOKS: Okay.

21 CHAIRMAN BRAND: Are they pine ciders?

22 MS. BROOKS: No.

23 CHAIRMAN BRAND: Pat, do you want finish
24 up your comments?

25 MR. HINES: Sure. We were talking about

MINARD - SKETCH SITE PLAN

1 the parking. It looks like there's a large gravel
2 parking area in the front and some auxiliary
3 parking labeled there. So we were looking to get
4 a little more detail on that parking area. The
5 area identified for agricultural sales parking, is
6 it gravel? Is it grass? I don't know what that
7 is. The requirements for any accessible parking
8 on the site, it doesn't look like there's any ADA
9 compliant parking on the site. I think in the
10 narrative, from the hours of operation and what's
11 going to happen there, the number of people, the
12 number of events, it would be helpful for the
13 Board, as you just discussed. And then I have the
14 similar question. Is this seasonal or year-round
15 use? I go back to I frequent a lot of taverns,
16 and they have restroom facilities.

17 MS. BROOKS: According to the attorney
18 that he's working with, they're applying to the
19 New York State Liquor Authority for a tavern wine,
20 TW 344, license.

21 CHAIRMAN BRAND: TW -- what?

22 MS. BROOKS: Allows a person to serve
23 beer, wine, and cider in a tavern for on-premises
24 consumption.

25 CHAIRMAN BRAND: Can you repeat that?

MINARD - SKETCH SITE PLAN

1 TW?

2 MS. BROOKS: TW 344.

3 CHAIRMAN BRAND: So it sounds to me, and
4 I think we're probably all in agreement, that this
5 doesn't really fall under the ag usage because
6 they're not fulfilling the requirements of that.
7 So I don't know -- I mean, I don't want to waste a
8 lot of time here with the stenographer and the
9 engineer. If you want to go back and see if your
10 applicant wants to pursue a separate special use
11 permit, and if that's even allowable in that zone.

12 MS. BROOKS: Okay.

13 MR. TRONCILLITO: Pat, question, can
14 this be built without bathrooms? How the hell are
15 you going to have a place without bathrooms?

16 MR. HINES: That's what I'm asking. I
17 tend to say no, but Patty has proved me wrong
18 before with letters from the health department.
19 I'll give her that.

20 MR. TRONCILLITO: If they're going to
21 have food and beverage, you go to the bathroom,
22 you'd like to wash your hands, I would think. I
23 don't know. That's just my opinion.

24 MS. BROOKS: I mean, right now they
25 already do have food sales there when they're

MINARD - SKETCH SITE PLAN

1 selling the Christmas trees.

2 MS. LANZETTA: That's secondary to -- I
3 mean, that's secondary to them selling the
4 Christmas trees. It makes sense that, you know,
5 if people are going to come and cut down a
6 Christmas tree, they have some cocoa, they have
7 some donuts, whatever. That's all to make it more
8 enticing to come there to cut down the Christmas
9 tree. But to have a -- you're technically talking
10 about having a bar along with that. And even if
11 you have like hot meat or something like that
12 during the Christmas cutting season, again, it's
13 secondary to what you're actually trying to bring
14 the people in to do, to purchase your agricultural
15 product. But to have a year-round bar basically
16 going there is a different animal.

17 MS. BROOKS: Okay. Understood.

18 CHAIRMAN BRAND: Mr. Garofalo, I'm sure
19 you have multiple suggestions, but keeping in mind
20 what we said about saving the applicant money and
21 time here, is there anything significant --

22 MR. GAROFALO: Just one quick one, if
23 you can talk over with the applicant about it, and
24 that would be: You have an exit and entrance. I
25 would swap those, or at least look at swapping

MINARD - SKETCH SITE PLAN

1 those, because then you're not crossing the
2 traffic. The traffic is going up and then it's
3 coming down, and the traffic is not crossing. So
4 take a look at that. Thank you.

5 CHAIRMAN BRAND: Thank you.

6 MS. BROOKS: Thank you for the comment.

7 CHAIRMAN BRAND: Patty, if you just want
8 to check with them, and then if they want to
9 pursue that other thing, then just make the
10 necessary -- I'd probably just submit a new
11 application.

12 MS. BROOKS: Okay.

13 CHAIRMAN BRAND: Thank you. Anything
14 else on that?

15 (No response.)

16 CHAIRMAN BRAND: Thank you.

17 (Time noted: 8:29 p.m.)

18

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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 TERENCE LAURA CUDDY

4 Project No. 22-6020
5 50 Bailey Gap Road, Highland
6 Section 95.4; Block 1; Lot 14
-----X

7 SKETCH - SUBDIVISION

8 Date: December 19, 2022
9 Time: 8:29 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

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

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

19 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS
20
21
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

CUDDY - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next up is Terence and
2 Laura Cuddy for a sketch of a subdivision at 50
3 Bailey Gap Road, Highland. Pat, you're up.

4 MR. HINES: So this is a two-lot
5 subdivision of a, I think, 13-acre parcel, an
6 11-acre and a two-acre, plus or minus.

7 We're suggesting that a profile be
8 provided for the driveway serving the new lot.
9 It's relatively steep. It's right at about -- the
10 existing topography is close to 15 percent or
11 more. And also the grading of that driveway may
12 impact adjoining property, being so close. So a
13 little more information on that. There's an
14 easement, underground utility easement, that's
15 going through the house proposed on lot 2, and I
16 don't know that we really want to do that, but
17 whatever that easement is, that should be
18 addressed on the plan. I don't know if it's
19 underground electric. It's going to a utility
20 pole.

21 MS. BROOKS: Yeah. It's actually --
22 it's a proposed easement because it is underground
23 electric going from the utility pole underground
24 and up to the existing house. So they would need
25 an easement over lot 2 to be able to continue to

CUDDY - SKETCH SUBDIVISION

1 use it on lot 1.

2 MR. HINES: Yep. It looks like it
3 doesn't go to the house.

4 MS. BROOKS: Well, we just marked it
5 where the client showed us. He didn't show us
6 where it went from the most northwesterly point
7 southerly into the house.

8 CHAIRMAN BRAND: It's already there?

9 MS. BROOKS: It's already there.

10 CHAIRMAN BRAND: Okay.

11 MR. HINES: So the house should be moved
12 then, the house location, and maybe the well
13 location revised, not to potentially impact that.

14 MS. BROOKS: Yes. Absolutely.

15 MR. HINES: Note 9 identifies federal
16 wetlands on the site. I just don't --

17 MS. BROOKS: Look on the southerly
18 end -- it's in green -- approximate federal
19 wetlands.

20 MR. HINES: There you go.

21 MS. BROOKS: About the 450 contour
22 there.

23 MR. HINES: Yeah, I see that. It's off
24 the site there. Okay.

25 Highway superintendent's comments

CUDDY - SKETCH SUBDIVISION

1 regarding the driveway location. Ulster County
2 approval for the septic system. There's numerous
3 items on the checklist that have not been
4 provided. The Board is going to request that you
5 list those as a waiver to get anything granted in
6 the future, and a public hearing will be required.
7 But it's a pretty basic plan here. They're
8 proposing two lots out of a 13-acre parcel.

9 CHAIRMAN BRAND: Just before we get into
10 the weeds with the checklist, any of those things
11 that you prepare for the checklist and leave
12 blank, if you can just say why they're not --

13 MS. BROOKS: Yeah. And I guess, you
14 know, there's a lot unchecked, because this is one
15 checklist for a major, a minor, and a site plan.
16 So a lot of them are just plain not applicable.
17 You know, if a private road, the amount of grading
18 that's expected, the number of cubic yards to be
19 excavated, the cubic yards to be filled. You
20 know, a lot of these things are just not
21 appropriate for a minor two-lot subdivision.

22 CHAIRMAN BRAND: Could your office
23 volunteer to help us modify that? Because we
24 would love that assistance.

25 MS. BROOKS: So is it appropriate, would

CUDDY - SKETCH SUBDIVISION

1 I be able to say that Numbers 21, 25, 28 through
2 30, are not applicable and therefore I'm
3 requesting a waiver?

4 CHAIRMAN BRAND: Yes.

5 MS. LANZETTA: Yes.

6 CHAIRMAN BRAND: Thank you. All right.
7 Comments, questions from the Board?

8 MR. CLARKE: The proposed driveway,
9 there's a dirt road that seems to go over the
10 septic system. I assume that's not going to be
11 the driveway.

12 MS. BROOKS: Correct. Yep. We're
13 proposing the possible future drive at the
14 northerly end that Mr. Hines would like to show
15 the regrading plan for.

16 MR. CLARKE: It looks like it gets a
17 little steep on the other side of that septic
18 system.

19 MS. BROOKS: Yes.

20 MR. CLARKE: You'll work that out?

21 MS. BROOKS: Uh-huh.

22 MR. HINES: I was surprised the existing
23 road goes down that slope.

24 CHAIRMAN BRAND: Any other comments or
25 questions?

CUDDY - SKETCH SUBDIVISION

1 MR. GAROFALO: I have a few comments.
2 One would be to get the sight distances prior to
3 talking to the highway superintendent so he can
4 have those when he does his review. Also, you
5 probably have the 25 feet from the center line of
6 the road, but we should show that also.

7 MS. BROOKS: It's shown in Note Number
8 7, "Road bounds based on a three rod road."

9 CHAIRMAN BRAND: Okay.

10 MR. GAROFALO: Okay. There's an apple
11 right-of-way?

12 MS. BROOKS: It's an apple row -- a row
13 of apple trees.

14 MR. CLARKE: That could be confusing.

15 MS. BROOKS: I'll change that to a row
16 of apple trees. How's that?

17 MR. CLARKE: Apple trees don't have a
18 right-of-way.

19 MR. GAROFALO: I think on the
20 application you need the engineer's email, just to
21 make it easier in case there needs to be contact.

22 CHAIRMAN BRAND: All right. Anything
23 else?

24 MS. LANZETTA: If this was an existing
25 agricultural property, I see the orchard and the

CUDDY - SKETCH SUBDIVISION

1 row of apples, you might want to do some soil
2 testing in the area between the house and the
3 septic, just -- that would be an area probably
4 where people would be possibly playing, setting
5 up --

6 MR. CLARKE: I don't think that site has
7 been in apples long enough for that to be an
8 issue. I mean, you can do it. That site was not
9 planted until probably 1980.

10 MS. BROOKS: And that entire site where
11 the proposed -- where the brown contours are, that
12 was totally regraded.

13 MS. LANZETTA: Okay. All right. I just
14 was worried about arsenic.

15 MS. BROOKS: I appreciate that.

16 MR. GAROFALO: Is there a requirement
17 for the distance between the well and the parking
18 area?

19 MR. HINES: No.

20 MS. BROOKS: Not that I'm aware of.

21 MR. HINES: No.

22 MR. GAROFALO: Thank you.

23 CHAIRMAN BRAND: So Pat said it was
24 pretty straightforward. I think it's pretty
25 straightforward. After we address some of these

CUDDY - SKETCH SUBDIVISION

1 things, are we good to schedule a public hearing?

2 MR. GAROFALO: Yes.

3 MS. LANZETTA: Yes.

4 CHAIRMAN BRAND: Patty, when did you
5 want -- do you want to shoot for that second
6 meeting in January?

7 MS. BROOKS: What date is it going to
8 be?

9 CHAIRMAN BRAND: We don't know yet. If
10 you want to hang out for like five minutes after
11 the meeting, we're going to go through the dates.
12 Right now it's the 17th.

13 MS. BROOKS: Which is a Tuesday. I'm
14 here the third Tuesday. I'm not here the 19th.

15 CHAIRMAN BRAND: Is that the third
16 Tuesday?

17 MS. FLYNN: No.

18 MR. GAROFALO: The 17th is a Monday --
19 no. Tuesday. I'm sorry.

20 MS. BROOKS: The 17th is good with me.

21 CHAIRMAN BRAND: So we're good with this
22 one, then. Anything else from the Board before
23 we -- are you guys going to be here? Do you want
24 to stay for the dates as well, the stenographer
25 and engineer to make sure?

CUDDY - SKETCH SUBDIVISION

1 MR. HINES: I'm not going to be here on
2 the 3rd, but it doesn't look like you have much on
3 the agenda.

4 CHAIRMAN BRAND: Let's talk about the
5 dates. You're free to go (indicating court
6 reporter.)

7 (Time noted 8:37 p.m.)

8

9 C E R T I F I C A T E

10

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
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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