

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

In the Matter of

- FRED CALLO - COMPLETION OF CONTINUING
EDUCATION
- APPROVAL OF 11/21/22 AND 12/19/22 MINUTES

BOARD BUSINESS

Date: January 17, 2023
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
FRED CALLO
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, Tuesday, January 17th,
7 2023, regular meeting at 7:30 p.m.

8 On the agenda tonight we have the
9 approval of the stenographic minutes for 11/21 and
10 12/19. We also have Kris Noto of Orange Street
11 for a preliminary of the subdivision located on
12 33-35 Orange Street in Marlboro. And it's on the
13 agenda, but they will not be here tonight, the
14 conceptual site plan discussion with the engineer
15 for the Terra Group, of the sketch of the site
16 plan at 2021-2025 Route 9W, Milton.

17 The next deadline is Friday, January
18 20th. The next scheduled meeting, Monday,
19 February 6th.

20 I'd like to welcome Mr. Callo to the
21 Board. Congratulations.

22 MR. CALLO: Thank you very much.

23 CHAIRMAN BRAND: You have something you
24 want to share with us tonight?

25 MR. CALLO: Yeah. I did some training

BOARD BUSINESS

1 ahead of time already. So I did the Intro to
2 Planning/Zoning for an hour; Innovations and Best
3 Practices for Planning/Zoning Boards for an hour;
4 The What, Why and How of Site Plan Review for an
5 hour; Open Government and Planning and Zoning
6 Discussion for an hour, and a certificate in
7 Planning Board Overview. So my training is
8 complete for the year.

9 CHAIRMAN BRAND: Way to jump into the
10 deep end of the pool.

11 MR. JENNISON: Set the standard.

12 MR. CALLO: There you go. Thank you
13 very much. I appreciate it.

14 CHAIRMAN BRAND: Unless there's
15 discussion, I'd like to have a motion to approve
16 the stenographic minutes for 11/21 and 12/19
17 respectively.

18 MR. GAROFALO: I have one change for
19 12/19/2022. On page 11 where it says, Have you
20 contacted, it should be SHPO, S-H-P-O, which
21 stands for the State Historic Preservation Office.
22 It reads as Chip, which would be the Community
23 Highway Improvement Program, which is not what is
24 applicable. That should be SHPO, S-H-P-O. I
25 apologize for using an acronym.

BOARD BUSINESS

1 CHAIRMAN BRAND: With that addition
2 being made, do I have that motion?

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

4 CHAIRMAN BRAND: Mr. Jennison --

5 MR. GAROFALO: I'll second it.

6 CHAIRMAN BRAND: Any further discussion?

7 (No response.)

8 CHAIRMAN BRAND: Any opposed?

9 (No response.)

10 CHAIRMAN BRAND: We will approve those
11 two minutes.

12 Time noted: 7:32 p.m.

13 (Whereupon further Board discussion took
14 place during the matter of the Noto
15 Subdivision.)

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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
 2 TOWN OF MARLBOROUGH PLANNING BOARD

3 -----X
 4 In the Matter of

5 KRIS NOTO ORANGE STREET

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

10 PRELIMINARY - SUBDIVISION

11 Date: January 17, 2023
 12 Time: 7:33 p.m.
 13 Place: Town of Marlborough
 14 Town Hall
 15 21 Milton Turnpike
 16 Milton, New York 12547

17 BOARD MEMBERS: CHRIS BRAND, Chairperson
 18 CINDY LANZETTA
 19 JAMES GAROFALO
 20 FRED CALLO
 21 STEPHEN JENNISON
 22 JOE LOFARO
 23 BOB TRONCILLITO

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

APPLICANT'S REPRESENTATIVES: DARREN STRIDIRON
 KRISTOPHER NOTO

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

NOTO SUBDIVISION - PRELIMINARY

1 CHAIRMAN BRAND: First we have Kris Noto
2 for Orange Street, the subdivision at 33-35 Orange
3 Street in Marlboro.

4 MS. FLYNN: We didn't finish approving
5 the minutes.

6 CHAIRMAN BRAND: We did. There was no
7 objection.

8 MS. FLYNN: You approved his.

9 CHAIRMAN BRAND: No. We did both.

10 MS. FLYNN: Oh, you did. I'm sorry.

11 CHAIRMAN BRAND: That's all right.

12 MS. FLYNN: You did it. I'm sorry.

13 CHAIRMAN BRAND: Motion by Jennison and
14 seconded by Mr. Garofalo.

15 MS. FLYNN: Okay. I'm sorry.

16 CHAIRMAN BRAND: No worries. Pat, do
17 you want to run through your comments first?

18 MR. GAROFALO: Mr. Chairman?

19 CHAIRMAN BRAND: Yes, sir.

20 MR. GAROFALO: There are two procedural
21 items that I would like to go over before.

22 CHAIRMAN BRAND: Yes.

23 MR. GAROFALO: One is the Planning Board
24 is required to consider new and significant
25 information under SEQR even after a SEQR decision

NOTO SUBDIVISION - PRELIMINARY

1 is made. The John Milano letter was correctly
2 distributed by the Planning Board secretary to the
3 Planning Board members, although it arrived after
4 the public hearing was closed. It is the Planning
5 Board and not the Planning Board secretary that
6 must in almost all cases determine what
7 constitutes new and significant material.

8 In this particular case, I believe the
9 letter does not constitute new and significant
10 information. The postmark indicates that it was
11 sent out properly. Traffic, the building style,
12 fire protection, drainage, all these were brought
13 forth during the public hearing, and I think we
14 can discuss those herein. If, as a result of the
15 email that was circulated regarding the
16 applicability of the letter, if any of the
17 Planning Board members feel that they did not
18 review it significantly, I hope they will speak up
19 now, and I will withdraw a motion to state that
20 this is not new and significant information, and
21 we'll wait until after we discuss these topics,
22 and hopefully they will come to that conclusion,
23 and we can unanimously agree on that.

24 MR. JENNISON: I would like to get a
25 legal opinion on it, because reading the minutes

NOTO SUBDIVISION - PRELIMINARY

1 of -- the stenographic minutes, I made a motion to
2 close the public hearing which was seconded. You,
3 Chris, asked that -- where is the correct word?
4 You asked if we could keep it open, and I said I
5 would not entertain it. So we did not add -- when
6 I made the motion to close the public hearing, I
7 did not add to the motion to accept written
8 correspondences for a certain amount of time.

9 CHAIRMAN BRAND: Correct.

10 MR. JENNISON: Which did not happen.
11 You could have entertained a motion after the
12 meeting was closed. You chose not to. So the way
13 I read and understand the law is that once the
14 public hearing is closed, it is closed unless we
15 put that caveat on.

16 MR. GAROFALO: I disagree because under
17 the SEQR regulations --

18 MR. JENNISON: I'm just going off -- and
19 then I'd also --

20 MR. GAROFALO: I agree with you. It was
21 closed. It occurred after the meeting. And,
22 therefore, it is handled differently. Therefore,
23 it is handled that if the Planning Board finds
24 that there is new and significant information, we
25 can still act on it. If there is not, then we

NOTO SUBDIVISION - PRELIMINARY

1 don't ask the applicant to address that letter
2 specifically. It is not part of the public
3 hearing.

4 MR. JENNISON: So what you're saying is
5 that we close the public hearing, and you're
6 saying, because of SEQR, that we can continue in
7 perpetuity to keep receiving correspondence.

8 MR. GAROFALO: Only -- we can continue
9 to receive it, but we don't have to act on
10 anything unless it's new and significant. And
11 what I am saying is this letter does not
12 constitute information this is new and significant
13 and, therefore, we would not have to deal with it.

14 MR. JENNISON: Okay.

15 MR. TRONCILLITO: I've gotta ask the
16 question and maybe the lawyer can kick in on it.
17 I was told -- and, again, I'm not that familiar
18 with the laws of the land -- that if the Planning
19 Board so deemed it, they could reopen the public
20 hearing. Is that allowable?

21 CHAIRMAN BRAND: Correct.

22 MR. GAROFALO: And that's one of the
23 things that we might do if we found it was new and
24 significant.

25 MR. TRONCILLITO: That's what I wanted

NOTO SUBDIVISION - PRELIMINARY

1 to find out.

2 MR. GAROFALO: Then we could say this is
3 new and significant, let's reopen the public
4 hearing to discuss this information.

5 MR. TRONCILLITO: Okay.

6 CHAIRMAN BRAND: Also, as an aside, I
7 can receive any correspondence and forward it out
8 to the Board at any time.

9 MR. JENNISON: Well, you can receive
10 anything you want.

11 CHAIRMAN BRAND: Right.

12 MR. JENNISON: It's a matter of public
13 record.

14 CHAIRMAN BRAND: Right.

15 MR. JENNISON: So because the Board
16 voted 4-3, I believe, to close the public hearing
17 without any caveats, okay, the public hearing is
18 closed. You, as the chairman, can continue to
19 receive any correspondence you want, but it's not
20 a matter of public record for it, you know, on
21 this case, for the Noto case.

22 MR. LOFARO: But if they find something
23 significant, they'd have to bring it to us.

24 CHAIRMAN BRAND: Right.

25 MR. LOFARO: And it would potentially

NOTO SUBDIVISION - PRELIMINARY

1 reopen.

2 MR. JENNISON: That's why I want to get
3 the attorney's opinion.

4 MR. GAROFALO: It has to be distributed
5 for us to say this is not new and significant in
6 order for us to reopen and accept that letter as
7 part of the public hearing.

8 MR. JENNISON: I disagree. Once the
9 public hearing is over and we vote as a Board,
10 it's done. That's the way I interpret what I've
11 read.

12 MR. GAROFALO: Well, he would not -- the
13 applicant would not have to address these comments
14 if we deemed that basically he doesn't have to
15 respond to them.

16 MR. JENNISON: And I'm going off the New
17 York State division of local government conducting
18 public meetings and public hearings, revision
19 2023.

20 MR. GAROFALO: But that's separate from
21 SEQR.

22 CHAIRMAN BRAND: Meghan.

23 MS. CLEMENTE: What letter are you
24 speaking about?

25 CHAIRMAN BRAND: We received a letter

NOTO SUBDIVISION - PRELIMINARY

1 after the public hearing was closed from one of
2 the residents basically reiterating many of the
3 points that were brought up at the public hearing.
4 Traffic. The construction. Sprinkler in the
5 building.

6 MR. GAROFALO: In general, what he's
7 saying is slightly different from what I'm saying.
8 He says we don't need to even look at it because
9 it was after the public hearing. I am saying,
10 yes, if we get new information, we have to look at
11 it, but then we can say, no, this is not new
12 information; no, this is not significant
13 information, and, therefore, it doesn't have to be
14 dealt with.

15 MR. JENNISON: Right. And I'm looking
16 at it from if I made the motion to close the
17 public hearing, but we will accept written
18 correspondence for the next ten days or whatever
19 day, you know, we said, then I believe we could
20 accept this as public record. But we did not add
21 the caveat, so when public comment is closed --
22 when the public hearing was closed, we voted 4-3
23 to close the public hearing. That's the issue.
24 Because I had received a correspondence from Jen,
25 and I said, unfortunately, we closed the public

NOTO SUBDIVISION - PRELIMINARY

1 hearing. We didn't add -- he said that he would
2 accept them afterwards, but we didn't vote on it.
3 That was not a motion. That was not formally
4 motioned or seconded and we did not vote as a
5 Board.

6 MR. GAROFALO: I think it's clear under
7 the state SEQR regulations that we still have to
8 accept the document and make a decision that this
9 is not significant information to include. And
10 I'm saying that I don't think so. I don't know if
11 the rest of the Board agrees with me on that
12 statement.

13 MR. JENNISON: Because I'm saying, okay,
14 something significant can keep coming in for
15 weeks and weeks and weeks and weeks, you know.
16 It's called a delay -- could be a delay tactic.

17 MR. GAROFALO: It could within SEQR come
18 in after we make the decision on SEQR. That's how
19 late it could come in, not only after the public
20 hearing.

21 MS. CLEMENTE: But then you would have
22 already made your determination. Based on what
23 would have come in -- someone would have to make
24 the determination based on what would come in,
25 whether it was significant enough to reopen. But

NOTO SUBDIVISION - PRELIMINARY

1 at that point I don't -- to be quite honest, I
2 don't know. And I'll look into it, but I don't
3 see why you wouldn't -- why the Chairman wouldn't
4 be able to consider -- consider it and then take
5 it to the Board and say here's what I think we
6 should do, we should reopen the public hearing, or
7 this is insignificant, we don't need to reopen the
8 public hearing to consider this. But since the
9 public hearing was closed at the last meeting, it
10 would depend upon what the substance of the
11 material is.

12 CHAIRMAN BRAND: Generally, our practice
13 is to just share. I mean, I just share everything
14 that we get anyway.

15 MS. CLEMENTE: Right.

16 CHAIRMAN BRAND: And I think, as
17 Mr. Garafola said, had it contained something
18 pertinent or something that we missed the first
19 time, then we could have re-evaluated our
20 decision. But I think, that being said, there
21 wasn't anything significant.

22 MR. GAROFALO: That's what I'm saying,
23 and I hope that the Board would agree with me, or
24 if they haven't read the letter, will listen to
25 the discussion and at the end of the discussions,

NOTO SUBDIVISION - PRELIMINARY

1 will come to the agreement that there is nothing
2 new and significant within this letter for it to
3 be further considered.

4 CHAIRMAN BRAND: Pat, do you have any
5 further input on the SEQR process? Have you seen
6 that in other boards that you --

7 MR. HINES: I have never run into this
8 issue before, reopening. I mean, the public
9 hearing has been closed.

10 MR. JENNISON: Right. To me, it's an
11 undue burden on our applicant.

12 CHAIRMAN BRAND: He doesn't have to do
13 anything, though, for it.

14 MR. JENNISON: Right.

15 CHAIRMAN BRAND: We're not saying that
16 he does.

17 MR. LOFARO: It just seems as though
18 when it's closed, it should be final.

19 MR. JENNISON: That's what I'm saying.

20 MR. LOFARO: Even though I understand
21 what you're saying, it just seems like that's the
22 final. We've closed it.

23 MR. GAROFALO: It's not so much what I
24 say. It's what the SEQR says. What I'm saying
25 SEQR says, it can still be reopened, and,

NOTO SUBDIVISION - PRELIMINARY

1 therefore, you really have to make -- it has to be
2 a determination made whether it is new and
3 significant, and the person doing that should not
4 be the Planning Board secretary. I could see it
5 being the chairman, but more likely I think it
6 should go to the entire Board to make that
7 decision. And in this particular case, you know,
8 I would agree that this is not new and
9 significant. All of the issues that are being --
10 that are mentioned there, hopefully we can discuss
11 them today.

12 CHAIRMAN BRAND: So that being said,
13 with the applicant here and paying for the
14 engineer, let's have you look into that a little
15 further for us and come up with a more precise
16 answer.

17 MS. CLEMENTE: Uh-huh.

18 MR. GAROFALO: There's a second
19 procedural item that I would like to --

20 MS. FLYNN: Can I just say, this
21 discussion should not be charged to the applicant.

22 MS. LANZETTA: Right.

23 CHAIRMAN BRAND: Absolutely.

24 MS. FLYNN: Stacie?

25 THE COURT REPORTER: (Indicating).

NOTO SUBDIVISION - PRELIMINARY

1 MS. FLYNN: Thank you.

2 MR. GAROFALO: The posted deadline for
3 the meeting was January 6th. The plan that we
4 were going to be looking at was delivered on or
5 after January 9th. Although it was delivered
6 after the deadline, I move it for discussion on
7 the drainage plan, because our meeting was set for
8 Tuesday rather than Monday. Mr. Hines had an
9 opportunity to do the site visit and is aware of
10 much of the stuff which is in the drainage
11 drawing. He also was able to review the changes
12 in the drawing. We have an unusual light
13 schedule. This is certainly one of the key
14 elements to the project. But if one of the
15 Planning Board members feels that they did not
16 have adequate time, I hope they will speak up. My
17 feeling is that we should accept this for
18 discussion purposes even though it arrived after
19 the deadline.

20 CHAIRMAN BRAND: Absolutely. And that
21 determination was made already. We decided to do
22 that, not as a Board necessarily.

23 MR. JENNISON: You did?

24 CHAIRMAN BRAND: Yes. Hence their being
25 on the agenda. Is that all, Mr. Garofalo?

NOTO SUBDIVISION - PRELIMINARY

1 MR. GAROFALO: Procedurally, yes.

2 CHAIRMAN BRAND: Perfect. All right.

3 Pat.

4 MR. HINES: Okay. So we did have a
5 field review, myself, the applicant's engineer, a
6 surveyor, the highway superintendent and his
7 assistant, and Mr. Garafola was present on the
8 site. We walked the site. We discussed many of
9 the issues that were brought up at the public
10 hearing, including -- probably the most important
11 one was the drainage along Grand Street and the
12 existing conditions there and the potential
13 impacts this would have. The applicant's engineer
14 and those present discussed the installation of a
15 swale along the project side of Grand Street, a
16 catch basin, and a small diameter drainage pipe to
17 tie in to the existing system. And everyone
18 present there agreed on that, and we did get plans
19 that addressed that concern.

20 We talked about the grading plan on the
21 site and how the grading plan does not take into
22 account the lot lines and to build one of these
23 structures at a time would be difficult based on
24 this grading plan. There would need to be an
25 interim grading plan. So there's been a note

NOTO SUBDIVISION - PRELIMINARY

1 added to the plans that all the grading would take
2 place upon issuance of the first building permit.
3 I have a suggested change to that note; that no
4 lots should change ownership until that grading is
5 done so that if someone was to buy this single
6 family house, they would have to do extensive
7 grading and there would be a need for that interim
8 grading plan. So that cleans that up.

9 We talked about sidewalks on Orange
10 Street. The highway superintendent was pretty
11 adamant that he did not want any new sidewalks on
12 Orange Street. We discussed the sight distance at
13 Orange Street and Church Street, and the highway
14 superintendent also did not recommend any
15 improvements there; that it was an existing
16 condition and no improvements there would be
17 needed.

18 Our first comment is that Mr. Feeney was
19 there and needs to stamp these plans as the
20 engineer of record. We talked about -- there's a
21 third note above the owner's certification here
22 that has to do with the grading, and I think that
23 that should be changed. I'll defer to Meghan's
24 review of that as well, just because if the map
25 was filed, the lots could change hands, and then

NOTO SUBDIVISION - PRELIMINARY

1 the first person that buys one of those lots and
2 gets a building permit becomes basically
3 responsible for grading across the site.

4 There is a note for cross grading
5 easements on the site to allow for the grading to
6 occur on the various lots, and that should remain
7 until the last building permit.

8 We talked during the site visit -- I had
9 previous concerns regarding the concrete wall
10 along Orange Street, and clearly with the existing
11 duplex being constructed and the new proposed
12 duplex being at the same finished floor elevation
13 proposed, that concrete wall is not an issue.
14 It's going to be filled over based on this grading
15 plan.

16 At the public hearing, a concern was
17 identified of vehicles backing out onto Grand
18 Street. Currently there is a lot of parallel
19 parking that goes along the east side of Grand
20 Street. And the applicant's representative has
21 put two small turnarounds on the site so that
22 vehicles can do a K-turn within their driveway and
23 come out facing the roadway to prevent having to
24 back out onto Grand Street and affect those that
25 currently park there.

NOTO SUBDIVISION - PRELIMINARY

1 There was discussion regarding the
2 existing driveway and a plow truck coming out, and
3 the highway superintendent correctly stated that
4 if you're leaving during a snowstorm, there should
5 be no vehicles parked on Orange Street where that
6 comes out.

7 And, basically, we're recommending a
8 negative declaration for the project based on the
9 changes that have occurred.

10 CHAIRMAN BRAND: Pat, your comment
11 labeled Number 3 would be in correlation to the
12 letter we received from the highway
13 superintendent?

14 MR. HINES: Yes. And he was there. And
15 what we discussed in the field has been placed on
16 these plans.

17 CHAIRMAN BRAND: Got it. Any other
18 discussion?

19 MR. GAROFALO: I have --

20 MR. TRONCILLITO: Hang on there a
21 minute, buddy.

22 MR. GAROFALO: Okay.

23 MR. TRONCILLITO: I just want to say one
24 thing. I spoke with Kris prior to one of the
25 meetings in regards to parking at the firehouse,

NOTO SUBDIVISION - PRELIMINARY

1 to make sure that he had enough parking on his
2 grounds. None of my commissioners could make it
3 up here for the public hearing because of prior
4 commitments at other meetings, and Kris guaranteed
5 me that there was going to be ample parking.
6 Because the firehouse is not a municipal lot. If
7 you park in there, you're going to get towed. So
8 I just want to everybody to know that Kris and I
9 did discuss that, and he guaranteed me there was
10 going to be enough parking on the site for
11 everybody. So that's good. Thank you. I
12 appreciate that.

13 CHAIRMAN BRAND: Mr. Garafola.

14 MR. GAROFALO: I have a large number of
15 comments.

16 We received a letter from the highway
17 superintendent regarding the drainage. Did we
18 receive one regarding the location of the
19 driveways?

20 MR. HINES: I thought we had that
21 previously. I'm not --

22 CHAIRMAN BRAND: You just mentioned that
23 he said that was a preexisting condition.

24 MR. HINES: No. That was on Orange
25 Street.

NOTO SUBDIVISION - PRELIMINARY

1 MR. GAROFALO: If we don't have it, we
2 should get one.

3 The second thing is Mr. Hines had
4 mentioned that the sign in the driveway needed to
5 be relocated. There is a note saying that it will
6 be relocated. We should have a location where
7 that will be relocated and agreement from the
8 highway superintendent as to the location of where
9 it will be relocated.

10 I believe at one point we had discussed
11 waiving the requirement of the plans showing the
12 homes within 200 feet. I don't recall whether or
13 not we actually voted on that or not, but I want
14 to make sure that that's recorded as part of
15 the --

16 MR. HINES: So we did comment on that
17 earlier, and they updated the location map in the
18 upper right corner.

19 MR. GAROFALO: To include that?

20 MR. HINES: It's not a survey, but the
21 upper right-hand corner has the adjoining
22 structures shown there that wasn't there
23 previously.

24 MR. GAROFALO: Okay.

25 Next. Mr. Hines, you mentioned that we

NOTO SUBDIVISION - PRELIMINARY

1 had not received a response from SHPO yet. Is
2 that -- we still have not received a response from
3 them?

4 MR. HINES: I have not.

5 MR. GAROFALO: Could you provide a copy
6 of the letter -- the email that went out to them
7 so we have that for our records?

8 MR. HINES: Uh-huh.

9 MR. GAROFALO: Regarding the question of
10 the sidewalk, the highway superintendent's reason
11 for not wanting any sidewalks is because of
12 budgetary constraints. So here we are adding
13 swales, we're adding roads, whether it be up to
14 bayside and sidewalks there, I don't think that
15 should be our primary concern. Sidewalks do
16 require some maintenance. The owners do have to
17 shovel them. If they don't, then they can get a
18 ticket, and the highway department may have to go
19 out and shovel them, but the owner has to pay for
20 that. I think that a -- this was included in the
21 Safe Routes to School program, this section. It
22 was also, I believe, identified by the Greenway
23 Committee probably two decades ago when we were
24 looking at pedestrian generators, and one of them
25 is the post office, which is a block away. This

NOTO SUBDIVISION - PRELIMINARY

1 is potentially an extension to the sidewalk
2 system. I think the comprehensive plan notices
3 that walkable communities are good. In this case,
4 I would suggest a compromise on the sidewalk in
5 not requiring the sidewalk along the entire part
6 of Orange Street, but rather only in front of the
7 new house, from Grand Street to the driveway,
8 which would be -- also fits to what we have been
9 doing in other cases, which is only requiring
10 sidewalks where we have new construction. On
11 Church Street and Grand Street, there's already a
12 sidewalk on one side of the street, so I'm not
13 suggesting we have it there. But I'm suggesting
14 that we should include a sidewalk on that portion
15 of that lot.

16 While I was there, what did I see? One
17 of the things I saw, because I'm there to observe,
18 is an adult walking a toddler. Where? To the
19 post office. In the road. Now, this is only
20 going to accommodate them for a very short
21 distance, but I think it's a reasonable amount
22 given what is being proposed on this site and
23 given the considerations of the residents' concern
24 about speeding. One of the things that sidewalks
25 do do is they are a visual notice to drivers that

NOTO SUBDIVISION - PRELIMINARY

1 there are pedestrians in the area. Now, is that
2 going to get them to slow down very much?
3 Probably not. Probably not any more than the
4 warning sign that's going to be relocated.

5 But I would like to suggest that the
6 Board require sidewalks along that lot up to the
7 driveway.

8 MS. LANZETTA: Which lot?

9 MR. GAROFALO: That's the lot 2, which
10 is the duplex that's on the corner of Orange and
11 Church Street. That's where that wall is.

12 MS. LANZETTA: So you're saying from the
13 driveway to --

14 MR. GAROFALO: Church Street.

15 MS. LANZETTA: -- Church Street.

16 MR. JENNISON: And you said the
17 superintendent said that there was no need for
18 sidewalks?

19 MR. HINES: He was pretty adamant that
20 he didn't want them.

21 MR. JENNISON: That's where I'm at, no
22 sidewalks.

23 MR. GAROFALO: He didn't want sidewalks
24 because of the cost. He said I don't want
25 sidewalks because maintaining them is not in my

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1 budget. And this is something that would be
2 built, and he probably would not need to maintain
3 at least until next year, if not many years in the
4 future, because these concrete sidewalks last a
5 long time.

6 MR. HINES: It's his road.

7 MS. LANZETTA: But they're not required
8 to maintain them. The people who live there are
9 supposed to.

10 MR. HINES: When you say maintain them,
11 they have to repair them.

12 MR. GAROFALO: I think the way the Town
13 Code is written, the residents only have to clear
14 them of the snow. But the actual maintenance, if
15 they get damaged, then the highway department
16 would have to maintain them. There are some towns
17 that not only do you have to maintain them from
18 snow and anything else, but the town can actually
19 tell you we want you to build a sidewalk in front
20 of your house. There are towns like that. There
21 are other towns that will clear the sidewalks for
22 everybody, and you pay for that. So each town,
23 each municipality has a varying degree of
24 requirements upon the owner. So, yes, it is
25 something that studies have shown add some value

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1 to a house, but it's also an inconvenience because
2 the owner has to get out and clear the sidewalk as
3 well as his driveway.

4 MR. CALLO: Are there sidewalks anywhere
5 on Orange Street at all?

6 MR. GAROFALO: No. There's a sidewalk
7 on --

8 MR. TRONCILLITO: You got the sidewalk
9 on Church Street.

10 MR. GAROFALO: There is a sidewalk on
11 Church Street.

12 MS. LANZETTA: I just -- I understand
13 what you're saying, James, but I don't see the
14 opportunity for connectivity at this time because
15 that road is a real challenge, and it has been the
16 Town's policy to -- you know, through getting
17 member items and whatnot to putting in the -- for
18 the Town incurring the cost of putting in the
19 sidewalks where they feel that they can do it to
20 increase connectivity. So in this particular
21 case, just to do this one small portion in a place
22 where I don't see a future of connectivity because
23 of the constraints of that road, I don't know that
24 it really is something that is necessary at this
25 time. That's my own personal opinion.

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1 MR. TRONCILLITO: There's not a lot room
2 there.

3 MR. GAROFALO: Is that the way the Board
4 wants to go, no sidewalk?

5 CHAIRMAN BRAND: Yeah, I would think
6 that if the highway superintendent is against it.

7 MR. JENNISON: No sidewalk.

8 MR. GAROFALO: During the site visit,
9 one of the applicant's people checked the width of
10 the road, and one of the questions that had arisen
11 earlier was on these roads is there 25 feet from
12 the center line to the property line. And I don't
13 see that on the plan. I hope that can be added to
14 the plan so we can see that.

15 MR. STRIDIRON: I put the pavement width
16 on the plans.

17 MR. JENNISON: I'm sorry?

18 MR. STRIDIRON: I put the pavement width
19 on the plans. So it's 25.8 pavement width on
20 Orange Street, 25.4 pavement width on Church
21 Street, and Grand Street, 25.2 feet.

22 MR. GAROFALO: So the question is, from
23 the center line to the property line, is that
24 25 feet?

25 MR. STRIDIRON: The center line of the

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1 pavement --

2 MR. GAROFALO: Yes.

3 MR. STRIDIRON: -- or center line of the
4 right-of-way? Right-of-way width is variable over
5 there because each deed is a little bit different
6 as far as where they claim --

7 MR. GAROFALO: I think the regulation
8 reads center line of road.

9 MR. STRIDIRON: Center line of road
10 meaning center line of road right-of-way or center
11 line of road pavement?

12 MR. GAROFALO: I think it's the road
13 itself, not the right-of-way.

14 MR. STRIDIRON: Usually when I see
15 center line, it's from the right-of-way, but --

16 MS. CLEMENTE: It is the right-of-way.

17 MR. JENNISON: It is the right-of-way?

18 MR. STRIDIRON: That's what I think.

19 MR. HINES: Yeah, because you could have
20 a 50-foot right-of-way and the road could be
21 skewed within it, and then that would change it.

22 MR. STRIDIRON: Because I've seen roads
23 where they don't pave it where they should have.

24 MR. HINES: They're not necessarily in
25 the center.

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1 MR. STRIDIRON: Is that going to move
2 property lines? I hope not.

3 MR. GAROFALO: Can we see on the plan
4 25 feet, then, from the center line of the
5 right-of-way to the property line?

6 MR. TRONCILLITO: Well, then the road
7 would be 50-foot wide. It would be up in people's
8 front yards. It would be impossible on those
9 little streets, in all honesty. From 25 center
10 line each way, you're looking at a 50-foot road.
11 Where are you going to put a 50-foot road on
12 Orange Street or Grand Street? It's just not
13 going to happen. The room isn't there. They
14 would be up in their front yard or maybe in their
15 living room on some of them. They're so close to
16 the road.

17 CHAIRMAN BRAND: Did you have something
18 to add?

19 MS. CLEMENTE: No.

20 CHAIRMAN BRAND: Oh, sorry.

21 MR. GAROFALO: But this is only for new
22 construction. And the town highway
23 superintendent, if he does not feel that we need
24 it, can say I'm not going to accept additional
25 right-of-way. He has said that in previous cases

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1 where there was a retaining wall within that
2 25 feet. He said I don't want to accept it, so
3 it's not accepted. But I think we should at least
4 know where that line is along the property.

5 CHAIRMAN BRAND: Pat, do you think you
6 can clarify that with the highway superintendent
7 for us for the final submission?

8 MR. HINES: I can. My thoughts are that
9 the roads are consistently 25-feet wide in that
10 general part of town.

11 MR. TRONCILLITO: Yes.

12 MR. HINES: I did not ask him that
13 question when we were there. He didn't broach it
14 either.

15 MR. STRIDIRON: They just paved it last
16 summer.

17 MR. HINES: Yeah, they're newly paved.

18 MR. TRONCILLITO: If you were to look at
19 new construction, new developments, they're
20 50-foot wide. That's what they propose. So there
21 you go 25 from the center line. But on some of
22 these old roads in the center of the hamlet, it's
23 a little tough.

24 MR. STRIDIRON: It's tight.

25 MR. TRONCILLITO: It goes back to the

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1 horse and carriage days.

2 MR. GAROFALO: The Chairman on page 13
3 and 14 of the minutes requested information on the
4 parking on the plan. Certainly the public has
5 made very clear that there's not enough parking on
6 the area. You've indicated that there are two
7 spaces per unit. And I have previously requested
8 that you show on the plan where the garages are,
9 where the parking is, the aisle spaces, the
10 driveways so that we can see that you can actually
11 get into those parking spaces. And we have in the
12 past had plans come before us which said they had
13 the parking, but clearly you could not get into
14 those -- into and out of those spaces. So to show
15 on the plan where those spaces are, that you have
16 the right aisle space, and where those garage
17 entrances are. I do believe that we have -- that
18 the two spaces per unit is reasonable. I know
19 the -- during the public hearing, they did an
20 off-the-cuff study where the residents had 2.1
21 spaces. It is probably -- it is true in the Town
22 of Marlboro that it is more than two spaces per
23 dwelling unit, but not necessarily in this
24 particular area, and the code allows us to go
25 beyond the 1.5 and require more. In this case, I

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1 think the two is more than adequate. I just want
2 to make sure that it is properly shown on the
3 plans so that the residents can feel that they're
4 actually getting two spaces per dwelling unit.
5 The residents may at some point want to get that
6 information from the census dealing with the
7 parking in the census tracts around them and take
8 that to the Town Board and ask for the Town Board
9 to change the regulation. But at this point it's
10 1.5. The two is going to be adequate. It just
11 needs to be shown on the plan so that we can feel
12 and the public feel that there are actually two
13 spaces.

14 Okay. During the site visit, I did
15 observe the intersection of Orange and Church
16 Street. I do believe that there is a considerable
17 sight distance problem coming southbound on Orange
18 Street, viewing the traffic coming eastward on
19 Church Street. As Mr. Hines pointed out, putting
20 a stop sign there would be problematic because of
21 the grades. I don't think that necessarily we
22 should ignore the situation because of that. I
23 think this is something that needs to be pointed
24 out in our report to the Town, that there is a
25 sight distance issue there. Let them study it.

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1 Let them do a speed check. Tickets. If they need
2 to put up a warning sign or something else, let
3 them make that decision. I don't want to hold up
4 the applicant on fixing that, because that is an
5 existing problem and that will take a considerable
6 amount of time to reach a decision if anything
7 should be done. But I do think that there is
8 clearly a sight distance problem there and the
9 Town should be made aware of it. And certainly
10 the residents have an opportunity that if they
11 want to complain to the Town Board, they can. But
12 I think it will be up to the Town Board to decide
13 on exactly what to do about that. The federal and
14 state manual on uniform traffic control devices
15 covers everything on signs and pavement markings
16 to height and shape and et cetera, and it clearly
17 states that stop signs should not be used for
18 speed control. So comments from the public about
19 using stop signs for speed control, that is
20 something that definitely should not be --

21 CHAIRMAN BRAND: Let's keep the comments
22 to the specific -- that's not the applicant's
23 issue, the stop signs on Orange Street, so let's
24 try to just keep it to what he can do with this
25 project.

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1 MR. GAROFALO: Well, I wanted to --

2 CHAIRMAN BRAND: I gotcha.

3 MR. GAROFALO: -- reiterate to the
4 public, because they had comments, to make them
5 understand why we can't do these things and why
6 the applicant should not be held to them. That's
7 why I wanted to reiterate that, for the public to
8 understand that.

9 CHAIRMAN BRAND: I understand.

10 MR. GAROFALO: If you don't have any
11 objection, I would like to continue with some of
12 those.

13 CHAIRMAN BRAND: I would just like you
14 to keep it to this project in particular. If we
15 have other things that you would like me to
16 include in the report, if you want to forward that
17 to me, things that the Town Board should look at,
18 we can do that separately.

19 MR. GAROFALO: Okay.

20 MR. JENNISON: Are we done?

21 MR. GAROFALO: Give me a second here. I
22 was going to go over all of the public comments in
23 order to help respond to them, but since you don't
24 want me to do that, I will forego doing that.

25 CHAIRMAN BRAND: Okay. Anything else

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1 from the Board while he's reviewing? No. Pat,
2 did you have anything else?

3 MR. HINES: I don't have anything else
4 to add, no.

5 CHAIRMAN BRAND: Meghan, do you have
6 anything else?

7 MS. CLEMENTE: I just have -- so no
8 sidewalk. We don't need the sidewalk easement.
9 The drainage easement, just when that's done, I'll
10 need to -- we'll need to approve that before this
11 gets -- before it's approved. That will be a
12 condition of the resolution, and the added note on
13 the map about transferring property and grading.

14 MR. STRIDIRON: Do you need a metes and
15 bounds description or --

16 MS. CLEMENTE: Yes.

17 MR. STRIDIRON: -- can that just be
18 signifying an easement that's five feet from
19 each -- from the corner of -- on lot -- you know,
20 a note on the deed for Lot Number 4? Because it's
21 only a five-foot easement.

22 MS. CLEMENTE: I understand.

23 MR. HINES: It's cleaner for metes and
24 bounds if they have you involved already. I would
25 recommend that.

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1 MR. STRIDIRON: But that easement is
2 only going to be for lot 4?

3 MR. HINES: Yes.

4 MR. STRIDIRON: I can do that.

5 MR. GAROFALO: Mr. Chairman, there was
6 one other question that had come up earlier --

7 CHAIRMAN BRAND: Sure.

8 MR. GAROFALO: -- that Mr. Hines wanted
9 to get a -- some information on the amount of
10 grading and the amount of soil that was going to
11 be moved in or out of the property and some kind
12 of indication of the number of trucks.

13 MR. HINES: So there is a net removal of
14 3,000 yards from the site based on this grading
15 plan.

16 MR. GAROFALO: Those are -- it would
17 normally be what? Twenty yards?

18 MR. HINES: Yeah. A tandem axle is
19 20 yards.

20 MR. STRIDIRON: Sixty.

21 MR. HINES: I'm sitting here doing the
22 math. So it's 60 trucks removed from the site for
23 the grading.

24 MR. GAROFALO: Thank you.

25 CHAIRMAN BRAND: Anything else from the

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1 Board on this?

2 (No response.)

3 CHAIRMAN BRAND: So we did have a
4 recommendation from counsel to approve a negative
5 declaration. Does anyone make that motion?

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

7 MR. JENNISON: I'll second it.

8 MR. HINES: I just wanted to add to
9 that; there is that outstanding SHPO issue, but
10 while I was in the field there, this site has been
11 completely altered by human activity. So I don't
12 foresee it being an issue for SEQR here.

13 CHAIRMAN BRAND: There was a structure
14 there.

15 MR. TRONCILLITO: There was a church
16 there.

17 MR. HINES: It's flat.

18 MS. FLYNN: We'll still have to wait to
19 hear back from them.

20 MR. JENNISON: How long do you wait?

21 MR. HINES: I have a guy that does that.
22 I'll have him follow up tomorrow, but we'll have
23 to do a resolution.

24 CHAIRMAN BRAND: You'll include the --
25 we're also including the -- there was a question

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1 of the vote to waive the requirement, but, Pat,
2 you're saying that's not necessary due to the
3 addition to the maps, the requirement of the
4 200 feet?

5 MR. HINES: Yeah. We discussed it, and
6 the location map up here was added to show the
7 location of the structures. And that's helpful
8 during the public hearing, and that was here
9 during that.

10 CHAIRMAN BRAND: Meghan, can you also
11 just include that in the resolution just so that
12 it's --

13 MS. CLEMENTE: That you're not waiving
14 it due to the addition of --

15 MR. HINES: -- the vicinity map.

16 CHAIRMAN BRAND: Correct. Yes. And
17 then, so, is there any discussion on the motion
18 for the negative declaration?

19 MR. GAROFALO: Are we deciding --

20 CHAIRMAN BRAND: Let's do one thing at a
21 time. That was my fault.

22 A negative declaration motion is on the
23 table. Any discussion on that?

24 (No response.)

25 CHAIRMAN BRAND: Any opposed?

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1 (No response.)

2 CHAIRMAN BRAND: No. So I would like to
3 have a motion to authorize the attorney to draft a
4 resolution of approval. And we can discuss what
5 needs to be included in that in the discussion
6 portion.

7 MS. LANZETTA: I make that motion.

8 CHAIRMAN BRAND: Is there a second?

9 MR. TRONCILLITO: I'll second it.

10 CHAIRMAN BRAND: So in addition to the
11 200-foot requirement, what else did you say,
12 Mr. Garafola? Something about a sign; right?

13 MR. GAROFALO: Yeah. Locating where the
14 sign is going to be relocated. It shouldn't be
15 that difficult to do.

16 CHAIRMAN BRAND: Okay.

17 MR. HINES: So I'll solicit comments
18 from the highway superintendent between now and
19 the next meeting regarding the relocated sign, his
20 confirmation that he has no issue with the
21 driveways, and whether or not he has concerns with
22 the size of the right-of-way in this part of town.

23 CHAIRMAN BRAND: Excellent.

24 MR. GAROFALO: Thank you.

25 CHAIRMAN BRAND: Any objection to

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1 authorizing the attorney to draft a resolution,
2 that being said?

3 (No response.)

4 CHAIRMAN BRAND: No.

5 MS. CLEMENTE: Just to clarify, the only
6 conditions other than mine, which are the
7 easements and the additional notes, are the
8 200-foot requirement and then the relocation of
9 the sign?

10 CHAIRMAN BRAND: Correct. It will be
11 identified on the map.

12 MS. LANZETTA: Uh-huh.

13 CHAIRMAN BRAND: As well as the parking
14 will be identified on the map as well. And you
15 are going to look at the 25-foot question or
16 whatever that entails?

17 MS. CLEMENTE: Oh, yes.

18 CHAIRMAN BRAND: Okay. We're good with
19 that. All right. Thank you.

20 MR. STRIDIRON: So next meeting?

21 CHAIRMAN BRAND: February 6th. Meghan,
22 that's plenty of time for you?

23 MS. CLEMENTE: Oh, yes.

24 MR. STRIDIRON: When do we have to have
25 the changes made by?

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1 MS. FLYNN: Friday.

2 MR. STRIDIRON: Thank you.

3 Time noted: 8:14 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