

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

-----X  
In the Matter of

- APPROVAL OF 5/15/23 MINUTES
- CINDY LANZETTA COMPLETION OF  
CONTINUING EDUCATION

-----X  
BOARD BUSINESS

Date: June 5, 2023  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JAMES GAROFALO  
FRED CALLO  
JOE LOFARO  
BOB TRONCILLITO

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

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

## BOARD BUSINESS

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

4                   (Pledge of Allegiance.)

5                   CHAIRMAN BRAND: Agenda, Town of  
6 Marlborough Planning Board, for Monday, June 5th,  
7 2023, regular meeting at 7:30 p.m. On the agenda  
8 tonight we have the approval of the stenographic  
9 minutes for May the 15th. Also on the agenda,  
10 Young's Field for Aldrich at 40-60 Milton Turnpike  
11 in Milton for a sketch of a subdivision; Zelda  
12 Matilda, Incorporated, at 255 Milton Cross Road in  
13 Milton for a sketch of a site plan; and Todd  
14 Diorio and Zambito at 25 Western Avenue in  
15 Marlboro for a sketch of their site plan. Also on  
16 the agenda we have a conceptual site plan  
17 discussion with the engineer for Mohegan Farms for  
18 a site plan at 271 Milton Turnpike in Marlboro.

19                   The next deadline will be Friday,  
20 June 9th, 2023. The next scheduled meeting,  
21 Tuesday, June 20th, is canceled. The next meeting  
22 will be July 17th, 2023.

23                   I'd like to have a motion for the  
24 approval of the stenographic minutes for 5/15.

25                   MR. LOFARO: I'll make that motion.

## BOARD BUSINESS

1 CHAIRMAN BRAND: Joe.

2 MR. TRONCILLITO: I'll second it.

3 CHAIRMAN BRAND: Seconded. Any  
4 discussion?

5 (No discussion.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: So moved. On the  
9 agenda first we have the sketch of the subdivision  
10 for Young's Field Aldrich.

11 MS. LANZETTA: Can you just --

12 CHAIRMAN BRAND: Oh, I'm sorry.  
13 Anything from the Board before we start?

14 MR. GAROFALO: I have one thing,  
15 Mr. Chairman. Given the fact that the next  
16 meeting is going to be July 17th, could we push  
17 back the deadline for submittal instead of being  
18 June 9th?

19 MS. FLYNN: So when the agenda goes up  
20 on the website for the next meeting, it will say  
21 that the agenda -- the deadline for that agenda is  
22 July 7th. So our true deadline is July 7th for  
23 the July 17th meeting.

24 MR. GAROFALO: Okay. Thank you.

25 MS. LANZETTA: And I'd just like to have

## BOARD BUSINESS

1       it read into the minutes that I attended a  
2       Dutchess County Planning workshop on parking and  
3       traffic and site plan development.

4               CHAIRMAN BRAND: Thank you.

5               MS. LANZETTA: Did I say two hours?

6               CHAIRMAN BRAND: You did not. Two  
7       hours.

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

9               C E R T I F I C A T E

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

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

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

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

23

24

25

Stacie Sullivan  
Stacie Sullivan, CSR

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

3 In the Matter of

4 YOUNG'S FIELD ALDRICH

5 Project No. 23-1011  
6 40-60 Milton Turnpike, Milton  
7 Section 103.1; Block 1; Lot 30.100  
-----X

8 SKETCH - SUBDIVISION  
9

10 Date: June 5, 2023  
11 Time: 7:33 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

14 BOARD MEMBERS: CHRIS BRAND, Chairman  
15 CINDY LANZETTA  
16 JAMES GAROFALO  
17 FRED CALLO  
JOE LOFARO  
BOB TRONCILLITO

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

20 APPLICANT'S REPRESENTATIVES: PATTI BROOKS  
21 JEFFREY ALDRICH  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND: Patti, do you want to  
2                   give us a rundown of what you have?

3                   MS. BROOKS: Absolutely. We are  
4                   proposing a two-lot subdivision of a 17.64 acre  
5                   parcel of land. Everybody I believe is familiar  
6                   with Young's Park. Jeff Aldrich is the owner of  
7                   the park, and he is looking to convey 5.22 acres  
8                   containing the park to the Town of Marlborough,  
9                   and he will retain the 12.42 acres that has  
10                  frontage on Milton Turnpike. The park has  
11                  frontage on New Road. So this property extends  
12                  from New Road southerly down to Milton Turnpike.

13                  CHAIRMAN BRAND: Great. Pat, do you  
14                  want to run through your -- do you have something  
15                  you want to say?

16                  (No response.)

17                  CHAIRMAN BRAND: Okay. Pat, do you want  
18                  to run through your comments?

19                  MR. HINES: Sure. As Patti said, it's a  
20                  two-lot subdivision. The existing lot contains  
21                  the Little League field complex. There are  
22                  vehicles parked on the Milton Turnpike side that  
23                  were discussed during the adjoining properties'  
24                  field review of the Planning Board. Those should  
25                  be depicted as to be removed since there's no

## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1 improved use on that site. And we're suggesting  
2 that percolation and deep testing be provided on  
3 the 12-acre lot, as the majority of the lot  
4 contains wetland areas.

5 MS. BROOKS: So we did already meet with  
6 an engineer at the site, and he's been brought on  
7 board to do the perc test and the deep test pits  
8 for the lot number 2, but there actually is an  
9 existing approved use on lot number 2, which I'm  
10 not a hundred percent familiar with, which is why  
11 I asked Mr. Aldrich to be here this evening. That  
12 has been approved as a junkyard and has been  
13 getting a permit yearly for -- and I'll let him  
14 maybe expand on the history of that. And that's  
15 why the vehicles are parked out front.

16 MR. ALDRICH: Yeah, I've had that for  
17 years. Decades. So it's been a junkyard for  
18 decades. Since before me. So, anyway, yearly, I  
19 pay the permit for it, and I get it.

20 CHAIRMAN BRAND: Do we have copies of  
21 the permit that you can provide to the Board,  
22 copies of --

23 MR. ALDRICH: The permit?

24 CHAIRMAN BRAND: Yeah.

25 MR. ALDRICH: Yeah. I can run to my

## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1 house right now and get it.

2 MS. BROOKS: I think if we have it by  
3 the deadline.

4 CHAIRMAN BRAND: For sure.

5 MS. BROOKS: We're looking, again, to  
6 schedule this for a public hearing on July 17th.

7 CHAIRMAN BRAND: You said the engineer  
8 is scheduling the perc tests?

9 MS. BROOKS: Yes.

10 CHAIRMAN BRAND: Questions or comments  
11 from the Board?

12 MR. TRONCILLITO: I think that's a great  
13 gesture that he's making for the field. That's  
14 really nice.

15 MR. LOFARO: Thank you, Jeff. Very  
16 nice.

17 MR. TRONCILLITO: That's been there as  
18 long as I can remember.

19 MR. ALDRICH: Oh, yeah. Well, the thing  
20 is, if they wanted to expand or build more  
21 facility, it all comes out on Marlboro Youth  
22 Baseball. So by conveying it to the Town, the  
23 Town can put Town funds towards it for the  
24 children so that they can expand on it and do more  
25 with it.



## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1 MR. CALLO: That's great.

2 MR. LOFARO: It's a good asset for the  
3 Town.

4 MR. ALDRICH: I agree. I played there.

5 CHAIRMAN BRAND: Anything else from the  
6 Board on this one?

7 (No response.)

8 CHAIRMAN BRAND: So, Pat, do we need to  
9 schedule a public hearing for this?

10 MR. HINES: Yes. It's a subdivision, so  
11 it needs a public hearing. It should also go to  
12 County Planning. It's within 500 feet of a County  
13 roadway, 9W.

14 MS. BROOKS: Not for a two-lot  
15 subdivision.

16 MR. HINES: Oh, they waive those?

17 MS. BROOKS: Yeah.

18 CHAIRMAN BRAND: So it doesn't need to  
19 go to County.

20 MR. HINES: I'll defer to Cindy on that.

21 MS. LANZETTA: Yeah.

22 MR. HINES: That's fine.

23 CHAIRMAN BRAND: So a public hearing,  
24 Patti, when do you think you'll be ready to do  
25 that?

## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1                   MS. BROOKS: We're looking for the next  
2 meeting which is available, which is July 17th,  
3 because we obviously -- I know that's going to be  
4 a heavy agenda because everything is being pushed  
5 off to it, but the Town is looking to push this  
6 forward as quickly as possible because it's  
7 holding up their funding opportunities.

8                   CHAIRMAN BRAND: Jen, are you all right  
9 with that, July 17th?

10                  MS. FLYNN: That's our third one now. I  
11 don't know how many you want on it, but that's our  
12 third one.

13                  CHAIRMAN BRAND: At least three.

14                  MR. HINES: I don't think there will be  
15 a lot of opposition to this one.

16                  CHAIRMAN BRAND: So, yeah, we'll go  
17 ahead and schedule the public hearing for  
18 July 17th.

19                  MS. FLYNN: Okay.

20                  MS. BROOKS: And we'll get you the perc  
21 tests, deep hole information, and the junkyard  
22 license.

23                  CHAIRMAN BRAND: Perfect. Anything  
24 else?

25                  (No response.)

## YOUNG'S FIELD ALDRICH - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: All right.

2 MS. BROOKS: Thank you.

3 (Time noted: 7:38 p.m.)

4

5

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

7

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

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

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

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

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Stacie Sullivan

23

Stacie Sullivan, CSR

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

3 In the Matter of

4 ZELDA MATILDA, INC.

5 Project No. 23-1012  
6 255 Milton Cross Road, Milton  
7 Section 95.4; Block 3; Lot 1.210

8  
9 SKETCH - SITE PLAN

10 Date: June 5, 2023  
11 Time: 7:38 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

14 BOARD MEMBERS: CHRIS BRAND, Chairman  
15 CINDY LANZETTA  
16 JAMES GAROFALO  
17 FRED CALLO  
JOE LOFARO  
BOB TRONCILLITO

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

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
21  
22  
23  
24

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

## ZELDA MATILDA - SKETCH SITE PLAN

1                   CHAIRMAN BRAND: Next up, Zelda Matilda,  
2 Incorporated, for a sketch of a site plan at 255  
3 Milton Cross Road in Milton.

4                   Patti, do you want to run through this  
5 one? I'm assuming you're staying for all of them  
6 tonight; right?

7                   MS. BROOKS: I am. So this is an  
8 agricultural reuse of an agricultural building on  
9 4.57 acres of land located at the intersection of  
10 Mahoney Road and Milton Cross Road. It is  
11 currently listed as a cooler. There are multiple  
12 sections to the building. The last I believe that  
13 it was used for was juice manufacturing, bottling,  
14 and distribution.

15                   There are also a few barns on the  
16 property, which the current applicant who is in  
17 contract to purchase the property is not intending  
18 to utilize. So I did read Pat's comments saying  
19 they're not part of the application. At least one  
20 of the agricultural barns is currently being used  
21 by the adjacent farmer. And, in fact, one of the  
22 wells on the property -- when this was subdivided  
23 back in 2002, one of the wells is used to support  
24 irrigation on the adjoining farming property.

25                   CHAIRMAN BRAND: He plans on using it

## ZELDA MATILDA - SKETCH SITE PLAN

1 for T-shirts or something?

2 MS. BROOKS: He's using it for storage  
3 of apparel. Basically, the apparel comes in from  
4 overseas. It is brought to the site I think two  
5 or three times a year by large tractor trailers,  
6 downloaded into the building, and then distributed  
7 to various stores via box trucks.

8 CHAIRMAN BRAND: Okay. Pat, did you  
9 want to run through your comments?

10 MR. HINES: Sure. As was stated, it's a  
11 recycled agricultural building. I just gave you  
12 the definition of the recycled agricultural  
13 building. I think key to that is we need  
14 confirmation from the building inspector that it  
15 meets the requirements of the agricultural  
16 building. Right in the definition it says it  
17 needs to be certified for appropriateness by the  
18 building inspector.

19 The access off of Mahoney Road is very  
20 close to the intersection and it's wide open.  
21 We're suggesting that be narrowed down to kind of  
22 control the traffic in there. I see it's being  
23 narrowed down slightly, but it's still pretty wide  
24 and close to that intersection.

25 There's a note that says blacktop is

## ZELDA MATILDA - SKETCH SITE PLAN

1 identified to be refurbished. We're looking for a  
2 detail on that so that everyone knows what  
3 refurbished blacktop is.

4 We requested a note that the other  
5 structures are not part of this approval. We did  
6 note that it's currently listed on the tax rolls  
7 as a cooler. They are a special use in the RAG-1  
8 Zone for recycled ag, so it requires a public  
9 hearing.

10 We asked for the sight distance at the  
11 access road, detail for the parking striping, and  
12 just noted that there is no accessible spot. It  
13 states that there's no dumpster proposed, but  
14 there is a dumpster depicted on the plans. I  
15 don't know if that's going to leave.

16 MS. BROOKS: Yeah, the dumpster that is  
17 on the site right now is going to be removed.  
18 They're not going to have employees here at this  
19 point in time on a regular basis. We are  
20 proposing that in the future -- that's why we put  
21 the hours of operation at 9:00 a.m. to 6:00 p.m.,  
22 Monday through Friday, because -- and the number  
23 of employees as four to six, because even though  
24 right now it's going to be for warehousing and  
25 people will only be there when they're loading and

## ZELDA MATILDA - SKETCH SITE PLAN

1 unloading trucks, the goal is that the business  
2 will grow and will be able to support. So rather  
3 than come back to the Planning Board, we're asking  
4 for the maximum potential usage at this point in  
5 time.

6 We did look at the narrowing, and as Pat  
7 pointed out, I am narrowing to the greatest extent  
8 possible the access on Mahoney Road. The problem  
9 is that the location of the overhead doors is in  
10 the center of the building and the access to the  
11 rear of the building is on the easterly side of  
12 it, so it's difficult to channelize it any more  
13 than it is. The truck traffic, again, will be  
14 minimal and will be completely off the roadway.  
15 There is a large lawn area at the intersection of  
16 Milton Cross Road and Mahoney Road, and certainly  
17 we'll show the sight distances on there, and we  
18 will restrict it to the greatest extent possible,  
19 as we are proposing on the map.

20 CHAIRMAN BRAND: Pat, just a quick  
21 question before I open it up to the Board, but do  
22 they need an accessible parking spot if it's not  
23 open to the public?

24 MR. HINES: It depends on the number of  
25 parking spaces. I think they're at seven. I



## ZELDA MATILDA - SKETCH SITE PLAN

1 think they do need one.

2 MS. BROOKS: We can certainly show one  
3 where the barn is attached to the building, kind  
4 of in the area where the container is going to be  
5 removed. Again, Tom Corcoran has been at the  
6 site. Given the last situation that I  
7 encountered, I've been trying to make sure that I  
8 crossed the T's and dotted the I's on this one.  
9 So I recommended to the proposed purchaser that  
10 before he enter into contract he have Tommy  
11 inspect the building. And Tommy, of course, said  
12 that container needed to be removed. They are not  
13 permitted. It either has to be roofed or removed.  
14 So they are removing it. So there's plenty of  
15 area in the back there where the ramp goes into  
16 the pass door, the people door. We can definitely  
17 show a handicapped spot back there.

18 CHAIRMAN BRAND: My question is: Do you  
19 need it if it's not open to the public?

20 MS. BROOKS: I don't know.

21 MR. GAROFALO: My feeling on that -- I  
22 don't know about the state regulations, but I  
23 think the national regulations deal with two  
24 different things. One is the number of employees.  
25 So if you have a huge building with 15 or more

## ZELDA MATILDA - SKETCH SITE PLAN

1 employees, then you would still need it. But it's  
2 a question of whether or not they're allowing a  
3 public accommodation; i.e., can the public come in  
4 there, even if it's only once a year to buy  
5 things, then that would definitely be required, an  
6 accessible parking space. I don't know if the  
7 state regulations are different, but I'm not sure  
8 that under the national regulations that this  
9 would require it as long as it's just being used  
10 for warehousing.

11 My question that I would have, though,  
12 is whether or not there has to be a restroom  
13 facility there, particularly if this is going to  
14 be used in the future by people for many hours.

15 MR. HINES: This does have a septic.

16 MS. BROOKS: It has a well, a septic,  
17 bathrooms. Again, this building employed many  
18 more than four to six employees in the past.

19 MR. GAROFALO: Okay. Then maybe what  
20 would be useful would be to have a floor plan so  
21 that we can see that.

22 MS. BROOKS: I can try and show. We do  
23 show on here where the barn area is, where the  
24 building is, where the office is. I can find out  
25 where the restroom is, but we don't have access to

## ZELDA MATILDA - SKETCH SITE PLAN

1 the interior for a floor plan. I'm not sure.

2 MR. GAROFALO: Was it the intention that  
3 the trucks would come in and go to the back and  
4 turn around and then come to the front, or were  
5 you going to try to have them maneuver into those  
6 loading bays in the front?

7 MS. BROOKS: The goal is that they are  
8 going to back in from Mahoney Road into the site,  
9 just the way the huge tractor trailers did when it  
10 was a cooler and it was used on a regular basis.

11 MR. GAROFALO: Okay.

12 CHAIRMAN BRAND: Any other comments or  
13 questions?

14 (No response.)

15 CHAIRMAN BRAND: So we need a public  
16 hearing for this one as well. Can we wait until  
17 after July 17th?

18 MS. BROOKS: Not really. You know, he  
19 has a 90-day due diligence period that started  
20 about 30 days ago. So timing is critical in this  
21 application.

22 MS. LANZETTA: I don't anticipate any  
23 issues with neighboring properties.

24 CHAIRMAN BRAND: Throw it on, Jen.  
25 Public hearing, July 17th.

## ZELDA MATILDA - SKETCH SITE PLAN

1                   MR. HINES: I think it has to go to  
2 County Planning too.

3                   MS. BROOKS: Absolutely.

4                   MR. GAROFALO: Does the farm have a  
5 right-of-way to use that gravel road?

6                   MS. BROOKS: Yes, they do.

7                   MR. GAROFALO: I think that probably  
8 should be provided to the Town also, information  
9 on that.

10                  MS. BROOKS: We did. We provided the  
11 deed, which contained it. It was all included in  
12 the deed.

13                  MR. GAROFALO: Thank you.

14                  MR. HINES: So County Planning too.

15                  CHAIRMAN BRAND: County Planning.

16                  MS. BROOKS: And I'll get a package  
17 together for you, Jen.

18                  MS. FLYNN: Thank you.

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

20

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## ZELDA MATILDA - SKETCH SITE PLAN

## 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, CSR

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

3 In the Matter of

4 TODD DIORIO ZAMBITO

5 Project No. 23-1013  
6 25 Western Avenue, Marlboro  
7 Section 108.12; Block 3; Lot 4

8  
9 SKETCH - SITE PLAN

10 Date: June 5, 2023  
11 Time: 7:47 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

14 BOARD MEMBERS: CHRIS BRAND, Chairman  
15 CINDY LANZETTA  
16 JAMES GAROFALO  
17 FRED CALLO  
JOE LOFARO  
BOB TRONCILLITO

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

20 APPLICANT'S REPRESENTATIVES: PATTI BROOKS  
21 L. TODD DIORIO

22  
23  
24 -----X  
25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## TODD DIORIO ZAMBITO - SKETCH SITE PLAN

1                   CHAIRMAN BRAND: Okay. Next up on the  
2 agenda, Todd Diorio and Zambito for a sketch of a  
3 site plan at 25 Western Avenue in Marlboro.  
4 Whenever you're ready, Patti. Whenever you're  
5 ready.

6                   MS. BROOKS: Okay. So this application  
7 before the Board is a revision to a previous site  
8 plan that was approved back in 2002 -- excuse me,  
9 2009. And the application before the Board at  
10 this point in time is to convert the first floor  
11 section of what was being used for the landscaping  
12 business to expand the restaurant easterly to  
13 occupy that space as well.

14                   The site plan was previously prepared by  
15 Mr. Peter Hoffman, architect, who is in the  
16 audience this evening. I had had a conversation  
17 with Pat Hines about it, and he's like, well, you  
18 know you can't alter another licensed  
19 professional's maps. I said, I agree with you a  
20 hundred percent. I'm going to reach out to  
21 Mr. Hoffman. But he is retired at this point, so  
22 he is not in a position to be able to alter his  
23 own maps or do any work on the project.

24                   So basically what we're asking the  
25 Planning Board to do at this point in time is to

## TODD DIORIO ZAMBITO - SKETCH SITE PLAN

1 consider the application, explaining the process  
2 and what's happening, to stand on its own, without  
3 requiring a new site plan for the project. This  
4 is in the Hamlet of Marlboro. Since the point in  
5 time that the application was approved in 2009,  
6 substantial additional municipal parking has been  
7 afforded. One right across the street adjacent to  
8 the IGA. One across the street adjacent to Supply  
9 Captain. We also are -- the beauty salon, which  
10 currently requires 4.6 parking spaces, works  
11 different hours than what the restaurant is going  
12 to be open. They're a daytime business. This is  
13 primarily an evening business. Obviously, you  
14 know, the major impact is going to be traffic.  
15 You know, that is really the only impact.  
16 Everything else is a hundred percent in place.

17 If we close the access along West Street  
18 and the westerly access along Western Avenue, we  
19 would be able to fit 12 parking spaces in here.  
20 If we had a restaurant of 48 seats, one per three  
21 seat would require 16 parking spaces. We're  
22 allowed five off-site, which would require 11 for  
23 the restaurant. Again, we do still have the  
24 landscaping business, which I believe also is  
25 daytime hours, not evening hours, as well as the



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1       salon. So we're -- even though the code does not  
2       specifically call for dual use of parking spaces  
3       as many other codes do, we're asking the Board to  
4       consider the fact that we are able to get 12  
5       parking spaces on the site, that we have municipal  
6       parking in the area, and that this is an existing  
7       business that we're really just making a minor  
8       conversion, and accept the application as it  
9       stands.

10               MR. DIORIO: Also, on the street  
11       parking, that's already painted out by the Town,  
12       and they're supposedly going to do it on the  
13       street by the IGA that they just paved and the new  
14       sidewalks that were put in, there's supposedly  
15       spots there that haven't been marked yet,  
16       according to the Town.

17               CHAIRMAN BRAND: Pat, did you want to  
18       run through your comments?

19               MR. HINES: Sure. My first comment is  
20       it's basically a small change of use. It's an  
21       existing structure. They're changing 750 square  
22       foot of the building that was previously a  
23       landscape use, kind of expanding that. It was  
24       originally I think a hot dog stand and now kind of  
25       a diner use. Now that's going to be expanded on

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1           that site.

2                       We identified the only real issue being  
3           is the parking. I think the Board could consider  
4           that shared use of the parking. The Hamlet Zone  
5           does give you credit by definition of the five  
6           spaces out in the public street.

7                       CHAIRMAN BRAND: Can I just ask, does it  
8           specify per site or per business?

9                       MR. HINES: It's per site.

10                      CHAIRMAN BRAND: Okay.

11                      MR. HINES: I think the shared parking  
12           analysis that Patti just gave you is valid. The  
13           uses are very different, and one is more of a  
14           landscaping use of the facility, which is just an  
15           office area now -- it's losing the garage bays --  
16           and the hairdresser facility are more of a  
17           daytime, where this will be more evening.

18                      The site has municipal water and sewer.  
19           It is a Type II action. That's a change in use  
20           under the recent SEQRA regulations. And we're  
21           suggesting that the hours of operation be  
22           identified to confirm that they're different from  
23           the other uses.

24                      But I think -- it's an existing  
25           building. There's really no construction proposed

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1 other than the West Street access is going to be  
2 closed off. It was supposed to be closed off  
3 originally under the original site plan. We're  
4 confirming that as part of the conditional  
5 approval here; that that will be closed off and  
6 the only access will be from Western Avenue. So  
7 it's up to the Board whether they think that there  
8 is adequate parking here based on that shared  
9 analysis.

10 MR. TRONCILLITO: Well, you've got the  
11 two municipal lots, one across the street and one  
12 to the west, plus what they're going to be putting  
13 in that piece of land there.

14 MR. HINES: It's always been a struggle  
15 in the hamlet to provide parking. I think you've  
16 actually lost some businesses that were looking to  
17 locate here due to the parking concerns in the  
18 past.

19 CHAIRMAN BRAND: Additional comments or  
20 questions?

21 MR. GAROFALO: Yes. I have a few  
22 comments.

23 With regard to the bulk table, the  
24 distance to the rear yard, that appears to be  
25 measured to the building, and the walkway is

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1       actually a structure, so that the distance is  
2       probably closer to one foot for the rear yard. I  
3       don't think that's really going to matter too much  
4       to the Board, but I wanted to point that out and  
5       make that for the record, that that is clear.

6               The second thing is, under the comments,  
7       it says add one story. I think that must have  
8       been left over from the prior, as well as the add  
9       12 feet to the height.

10              MS. BROOKS: So the map --

11              MR. GAROFALO: Those aren't changing.

12              MS. BROOKS: The map that the Board is  
13       reviewing is actually a copy of the signed site  
14       plan that was approved by the Planning Board in  
15       2009. We did not make any changes to the site  
16       plan. We have not altered Mr. Hoffman's plan.  
17       We're asking the Board -- and that's why I asked  
18       Mr. Hoffman to be here this evening, so that the  
19       Board has concurrence from him that he understands  
20       what we're doing and that he's in agreement with  
21       it. But first we wanted to make sure that the  
22       Board would be comfortable with that, that  
23       Mr. Hoffman was seeing what the overall  
24       proceedings were, and that he was comfortable with  
25       it. So we have not made any changes whatsoever,

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1 Mr. Garofalo, to that plan. That's why you're  
2 seeing a lot of things on there that are not --

3 MR. GAROFALO: Such as the 10-by-20  
4 parking spaces.

5 MS. BROOKS: Correct.

6 MR. GAROFALO: And I think the distance  
7 in the northwest corner from the pillar to the  
8 parking space is relatively narrow, and that  
9 probably could have been increased based on  
10 smaller parking spaces; that you could actually  
11 narrow those parking spaces by four feet and shift  
12 that over, making that a wider entrance.

13 Another thing that I think would  
14 probably be good for this particular site would be  
15 to change the curb cut, and moving the curb cut --  
16 you have two curb cuts on Western Avenue. And I  
17 think, in fact, even though you're closing one,  
18 but I think if the curb cut were actually in the  
19 middle, then you would have the possibility of  
20 having two or three parking spaces on the eastern  
21 side, because now you would be moving the entrance  
22 over, and you could -- instead of being  
23 perpendicular to Western Avenue, it would be  
24 parallel. So I think you might be able to squeeze  
25 another one or two parking spaces in there.

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1 MS. BROOKS: Yeah, that's actually what  
2 we're proposing.

3 MR. HINES: I think that's what Patti  
4 said. They're going to add by closing off the  
5 entrance. Where parking spot 7 is, they're going  
6 to be able to put in an 8 and 9, towards the  
7 single entrance point.

8 CHAIRMAN BRAND: Dave, did you want to  
9 add something?

10 MR. ZAMBITO: I just wanted to clarify  
11 that in back 2009 Peter and I actually suggested  
12 we take the curb out, and the County didn't want  
13 us to. That's why there's an in and an out for  
14 whatever reason it may be. But the County  
15 suggested that we don't take it out. I don't know  
16 if Peter remembers, but that was back in 2009. We  
17 were going to do that. They told us no, not to do  
18 it.

19 MR. GAROFALO: I'm very surprised,  
20 because normally --

21 MR. ZAMBITO: I was surprised too.

22 MR. GAROFALO: -- reducing the number of  
23 curb cuts is a safety issue. Removing the curb  
24 cut closer to the intersection is also something  
25 that would improve safety. So I don't know why --

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1                   MR. HINES: I think at that time, Dave,  
2                   it was going to be a landscaping business and the  
3                   landscaping trucks, so that may have been to give  
4                   you a little more access --

5                   MR. ZAMBITO: We also had the hot dog  
6                   place and the hair salon. We suggested it. They  
7                   told us not to. That was the County.

8                   CHAIRMAN BRAND: First off, is there any  
9                   issue from the Board by reutilizing the 2008 map?  
10                  Does anybody have any objection to that?

11                  MS. LANZETTA: I just -- I can't tell by  
12                  this map. Where are the bathrooms located?

13                  MR. DIORIO: We took -- basically, we  
14                  took the -- where the old hot dog stand was, the  
15                  only thing we really did is we took -- kind of cut  
16                  two doors in. We actually have two bathrooms now.  
17                  We had one. We don't actually need by requirement  
18                  two, but we put a big handicapped bathroom in in  
19                  one bathroom. So when -- the first bathroom is  
20                  kind of when you walk through the entrance where  
21                  the hot dog stand was, if you walk straight in,  
22                  that's the first smaller bathroom. The second  
23                  bathroom would be inside where the actual old  
24                  garage was or the landscaping business. We kind  
25                  of cut that in to the existing -- where the

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1 existing hot dog place was, and we made a big  
2 handicapped accessible bathroom in there. So  
3 there's actually two bathrooms in there. So  
4 basically all we did --

5 MS. BROOKS: Do you have a floor plan?

6 MR. DIORIO: Yeah. We have a sketch of  
7 a floor plan that we've turned in.

8 MS. BROOKS: Which we could submit.

9 MS. LANZETTA: I think that would be  
10 helpful.

11 MR. GAROFALO: Also, the accessible  
12 parking space, I know that the -- I think the  
13 front porch is a little bit raised. So I want to  
14 make sure that someone who leaves their vehicle in  
15 the accessible space will be able to get to the  
16 front door without having to go up a curb and  
17 to --

18 MR. DIORIO: We actually -- there will  
19 be a railing in the front, and it's handicapped  
20 accessible on the side where the handicapped spot  
21 will be, so they can come up the ramp. And  
22 everything is accessible to handicapped to get in.  
23 So there will be a railing in the front there, so  
24 there will be no -- you'll actually have to --  
25 everybody will have to enter almost where the hot



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1 dog end of the stand was and come in through that  
2 door unless it's the summertime when the garage  
3 doors are open.

4 CHAIRMAN BRAND: Is that also indicated  
5 on the floor plans that you have?

6 MR. DIORIO: Yes. It's just a sketch  
7 that we turned in.

8 CHAIRMAN BRAND: I think that, in  
9 addition to this map, then we shouldn't have an  
10 issue, but I think some of those things we  
11 probably would want to take a look at.

12 MR. GAROFALO: I certainly think it  
13 would be worthwhile to talk again to the County to  
14 see if they'd change their mind, because I just  
15 can't see why they wouldn't want to take two curb  
16 cuts and make one, particularly that would be  
17 smaller than the 35-foot curb cut that's indicated  
18 here on the plan.

19 Also, there's a question in my mind,  
20 there's a -- dealing with solid waste. There's  
21 not going to be any dumpster on the plan. And how  
22 is solid waste going to be dealt with? It could  
23 be -- I don't know as if this has ever been done  
24 before or whether it's allowable, but you have  
25 joint access for vehicles and you have many things

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1       that are shared. I don't know if there's anything  
2       in the regulations that would prevent sharing  
3       dumpster use as long as the company that's  
4       managing it would agree. I'm not sure if there  
5       would be a problem with that or not.

6               MR. HINES: My building has many  
7       tenants, and we all use one dumpster.

8               MR. GAROFALO: That might be something  
9       you might want to consider and let us know how  
10      you're going to deal with solid waste. You do  
11      need -- the regulations say you do need to have a  
12      plan. It doesn't say you need to have one, but it  
13      says you need to have a plan to deal with it, and  
14      that's something that we should know.

15              CHAIRMAN BRAND: Wherever that's going  
16      to go. I mean, we don't have an issue reusing  
17      this map, but, obviously, you don't have nursery  
18      stores there anymore. Just maybe just like a  
19      quick description of the dumpster will go here,  
20      even if it's an additional narrative.

21              MR. GAROFALO: Or if you're planning on  
22      using it jointly with somebody else.

23              CHAIRMAN BRAND: Mr. Zambito, do you  
24      have another --

25              MR. ZAMBITO: I was just going to reply

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1 to Mr. Garofalo's question. There's been shared  
2 dumpsters there for 15 years. I pay for it  
3 myself. They're my tenants, so I pay for the  
4 garbage.

5 MS. LANZETTA: But the dumpster is not  
6 shown on here.

7 CHAIRMAN BRAND: Where is the dumpster  
8 now?

9 MR. ZAMBITO: The dumpster is right on  
10 the former lot. Been there for 15 years.

11 MR. DIORIO: That's where we propose to  
12 keep it.

13 CHAIRMAN BRAND: Where is it now?

14 MR. ZAMBITO: If you're looking at the  
15 building, it's on the right side, right corner.

16 MS. BROOKS: I think we'll be able to  
17 take this plat and do some measurements in the  
18 field and kind of take a portion of it with the  
19 changes. So we'll be submitting the original one  
20 and then just the portion where the changes are so  
21 that the Board has something that they can look  
22 at.

23 CHAIRMAN BRAND: That would be great.

24 MS. LANZETTA: This has to go up to  
25 County, right, as a site plan on a County road?

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1 MR. HINES: Yeah, it should.

2 MS. LANZETTA: How are they going to  
3 feel about us using this combo of original  
4 architectural drawings with --

5 MR. HINES: I think Patti is going to  
6 have to put an artfully crafted cover letter on  
7 it.

8 CHAIRMAN BRAND: Is there a reason why  
9 we chose not to do another site plan map?

10 MS. BROOKS: I think timing was a huge  
11 issue. They're already in construction, looking  
12 to open soon.

13 MR. DIORIO: Looking to open two months  
14 ago. We had a building permit, and then we were  
15 told that it was possibly a change of use. So we  
16 kind of got Patti involved. And some people said  
17 it wasn't a change of use, we were advised. Some  
18 people said it was. So we went ahead. We had a  
19 building permit. We have time, effort, money into  
20 this. We would like to meet the summer months.  
21 We were hoping to open, you know, in May. So, you  
22 know, we walked out. We figured out the parking  
23 lot spots that we have. We plan on doing some  
24 additional landscaping there. We are going to  
25 seal coat the blacktop and actually put lines in

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1 place for the parking.

2 MS. LANZETTA: If this goes up to  
3 County, we're going to need more information on  
4 the illumination.

5 MS. BROOKS: Does this need to go to  
6 County for a minor revision? I would have to read  
7 the GML referral requirements.

8 MS. CLEMENTE: It's a site plan, so yes.

9 MS. LANZETTA: Yeah, and it's on a  
10 County road. So they're going to want to know the  
11 illumination factors involved, and, of course,  
12 they'll want shielded lighting, if any new  
13 lighting has been put on.

14 MS. BROOKS: I think what I'll probably  
15 do is reach out to Rob and see, given the  
16 circumstances of this, what they will be accepting  
17 from a review standpoint, because what I don't  
18 want to have happen is us put effort into this,  
19 and then send it up to the County, and have them  
20 reject it.

21 CHAIRMAN BRAND: Absolutely.

22 MS. BROOKS: Because that will delay  
23 things even more. You know, again, Mr. Diorio is  
24 trying to go through the process. He's anxious to  
25 open.

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1                   MR. TRONCILLITO: Trying to move it  
2                   along as quick as possible.

3                   CHAIRMAN BRAND: Yeah. I would speak to  
4                   Rob and see what he has to say about it, and let  
5                   him know that our Board didn't have a concern with  
6                   that, as long as you provide the details with the  
7                   changes to the 2008 map.

8                   MS. BROOKS: I think I'll cc you on that  
9                   email.

10                  CHAIRMAN BRAND: That's fine.

11                  MR. HINES: There's no new exterior  
12                  construction really.

13                  CHAIRMAN BRAND: Right. And Jen as  
14                  well.

15                  MS. BROOKS: And Jen, of course.  
16                  Always.

17                  MR. GAROFALO: And please note that the  
18                  accessible pavement markings have been changed  
19                  since back then.

20                  MS. BROOKS: Yes.

21                  CHAIRMAN BRAND: So, Pat, it's a Type II  
22                  action. No public hearing, right, or there is a  
23                  public hearing for this?

24                  MR. HINES: So there's no SEQRA review  
25                  on this. The Board has the ability to waive

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1 public hearings based on your zoning.

2 MS. LANZETTA: No. I would say that we  
3 should have a public hearing.

4 MR. ZAMBITO: For what reason?

5 CHAIRMAN BRAND: Can you just say what  
6 you said again? I'm sorry, Pat.

7 MR. HINES: So the code allows you to  
8 waive public hearings. It's at your discretion.  
9 It's up to the Board. I just assumed -- in my  
10 opinion, there's no exterior change to the -- you  
11 know, the footprint of the building stays the  
12 same.

13 MR. LOFARO: I'm going to make a motion  
14 to waive the public hearing.

15 MR. CALLO: I second that.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Any objection?

19 MS. LANZETTA: I vote no. I think the  
20 public should have an opportunity to know what's  
21 going on and weigh in.

22 CHAIRMAN BRAND: That's one no. So --

23 MR. GAROFALO: I'll put a no in too, not  
24 that it's going to make any difference.

25 CHAIRMAN BRAND: Two no's. So the

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1 motion carries to waive the public hearing.

2 MR. ZAMBITO: Chris, can I ask a  
3 question?

4 CHAIRMAN BRAND: Of course.

5 MR. ZAMBITO: Can Cindy and Mr. Garofalo  
6 elaborate on why they want a public hearing?  
7 Because it's an allowed use in the zone. I don't  
8 understand what the defense is.

9 MS. LANZETTA: Well, we typically allow  
10 the public an opportunity to weigh in on a site  
11 plan. This is not our normal policy, to waive  
12 public hearings. And I think because it is a  
13 doubling of the size of the business, this  
14 particular business, that if there is any public  
15 input, I wouldn't mind hearing it. And so that's  
16 why I think it's a good thing to have a public  
17 hearing.

18 MR. ZAMBITO: I can agree with that, but  
19 what if there is public opinion? What is that  
20 going to do? It's not going to change anything.  
21 It's an allowed use. That's just a question.

22 MS. LANZETTA: Because if they can make  
23 suggestions that might make the site plan better,  
24 then I would like to take that into consideration.

25 MR. ZAMBITO: Could you give me an



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1 example of like what kind of suggestions?

2 MR. GAROFALO: You don't always know  
3 when the public comes in what kind of suggestions  
4 that they're going to have that we may have  
5 missed. And I've seen that quite a number of  
6 times. My main concern here is dealing with the  
7 parking and seeing how this solid waste --

8 MR. ZAMBITO: I totally agree with what  
9 you're saying. But with that building in the  
10 center of town, it's one of the only buildings  
11 with its own parking. You have 40 Western that  
12 really doesn't have any parking, you have Brix  
13 that really doesn't have parking, and there was no  
14 problem. This building has its own parking, two  
15 municipal lots directly across from both streets,  
16 and we're going to have people -- we're going to  
17 have a public hearing. People are going to come  
18 in. I doubt anybody is going to object, but say  
19 they do, it's just a suggestion.

20 MR. HINES: They waived it.

21 MS. BROOKS: They waived it, so we're  
22 good.

23 MR. ZAMBITO: I just want to know for my  
24 own reason -- reasoning in my mind why we want to  
25 have a public hearing that really makes no

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1 difference. I'm just asking.

2 MR. GAROFALO: Because we don't always  
3 know when we have public hearings whether anybody  
4 is going to show up at all or whether somebody  
5 will actually have an insight to something that we  
6 never considered. And we've had -- I've seen a  
7 number of those, where people have come in and  
8 said things that I never would have thought about,  
9 and some of them were good, and some of them were  
10 rejected. But it gives the public more confidence  
11 in the process if they have an opportunity to  
12 speak. And in this particular case, I don't think  
13 it would necessarily slow up the approval process.

14 MR. ZAMBITO: Well, it will slow up the  
15 approval process because now we have to go to a  
16 public hearing. That's my point. It's going to  
17 add another meeting onto the whole thing.

18 MR. GAROFALO: We have approved projects  
19 the same night as public hearings.

20 CHAIRMAN BRAND: All right. So we  
21 waived the public hearing. It's going to County.  
22 You are going to provide us with the detailed  
23 changes and floor plans, and I look forward to  
24 reading your cleverly crafted letter to the County  
25 Planning describing that.

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1 MS. BROOKS: Me too.

2 CHAIRMAN BRAND: Thank you.

3 MS. BROOKS: Thank you very much.

4 Mr. Hoffman, did you have any other questions?

5 MR. HOFFMAN: Well, I don't know as they  
6 understood the reason that you can't make changes  
7 to another professional's drawings. I know it's  
8 done, and they've probably seen it being done, but  
9 you're following the ethics of your profession and  
10 my profession in making sure it doesn't happen.  
11 You volunteered to get me involved in the project.  
12 I retired about five years ago. I don't have any  
13 equipment left. I have given it to people that  
14 were apprentices of mine years ago. I don't even  
15 have files on this project. So I don't see how I  
16 could be of any benefit to the project, other than  
17 to say she's being quite ethical, and I don't have  
18 any problem with her making alterations to it as  
19 long as they're identified.

20 CHAIRMAN BRAND: Great. Thank you.

21 MS. BROOKS: I just wanted that to be on  
22 the record so that we were all on the up-and-up.  
23 Thank you very much again, Mr. Hoffman.

24 CHAIRMAN BRAND: Thank you.

25 MR. HINES: In light of the timing and

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1       it's gotta go back to the County, do we want to  
2       authorize the attorney to do a resolution at your  
3       next meeting?

4               MS. LANZETTA:  It's not going to go to  
5       County until July.

6               MS. BROOKS:  Then we don't come back  
7       here until July 17th.

8               MR. HINES:  Because we're missing two  
9       meetings, it's pushing.

10              CHAIRMAN BRAND:  We can draft --  
11       absolutely.  We can draft a resolution.  Sure.

12              MR. LOFARO:  I'll make a --

13              CHAIRMAN BRAND:  Joe Lofaro just made a  
14       motion to draft the resolution.

15              MR. TRONCILLITO:  I'll second it.

16              CHAIRMAN BRAND:  Any discussion?

17                    (No response.)

18              CHAIRMAN BRAND:  Okay.  So -- sorry.

19       Any objection?

20                    (No objection.)

21              CHAIRMAN BRAND:  So we'll do that, and  
22       just keep in mind that there could be significant  
23       changes based on the information that you provide  
24       us with the details and the parking.

25              MS. BROOKS:  Absolutely.  In the interim

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1 of the Board not having the two meetings, am I  
2 still -- I'm still able to communicate with the  
3 consultants?

4 CHAIRMAN BRAND: Yes. It's just that  
5 the two holidays fall on those meetings.

6 MS. BROOKS: Understood.

7 CHAIRMAN BRAND: Great. Thank you.

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

9

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

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

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

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

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

24

Stacie Sullivan

25

Stacie Sullivan, CSR