

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

3 In the Matter of

4 FAURIE AND MASTERSON

5 Project No. 23-1014  
6 467-474 Old Indian Road, Milton  
7 Section 102.3; Block 1; Lot 12.100  
-----X

8 PUBLIC HEARING - SUBDIVISION

9  
10 Date: August 21, 2023  
11 Time: 7:30 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
14 21 Milton Turnpike  
15 Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
14 JAMES GAROFALO  
15 FRED CALLO  
16 STEPHEN JENNISON  
17 BOB TRONCILLITO  
18 JOE LOFARO

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

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

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1                   CHAIRMAN BRAND: Let's call the meeting  
2 to order with the Pledge of Allegiance to the flag of  
3 our Country.

4                   (Pledge of Allegiance.)

5                   CHAIRMAN BRAND: Agenda, Town of  
6 Marlborough Planning Board, for Monday, August 21st,  
7 2023. Regular meeting at 7:30 p.m. On the agenda this  
8 evening we have Faurie and Masterson for a public  
9 hearing of their subdivision at 467-474 Old Indian Road  
10 in Milton; Santini subdivision for a sketch of their  
11 subdivision at 219-229 Mt. Zion Road in Marlboro; Town  
12 of Marlborough/King for a sketch of a lot line at 18  
13 and 28 Sands Avenue; Mitchell M & C for a sketch of  
14 their subdivision at 1559 Route 9W in Marlboro; the  
15 Fredericks subdivision for a sketch of their  
16 subdivision at 420 Plattekill Road in Marlboro; and  
17 Mohegan Farms for a sketch of their site plan at 271  
18 Milton Turnpike in Marlboro. The next deadline is  
19 Friday, August 25th, 2023. Next scheduled meeting,  
20 Tuesday, September 5th, 2023.

21                   Anything from the Board before we begin?

22                   (No response.)

23                   CHAIRMAN BRAND: All right. First on  
24 the agenda tonight, we have Faurie and Masterson for a  
25 public hearing of a subdivision at 467-474 Old Indian

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 Road in Milton.

2 Legal notice. Subdivision application.

3 Please take notice a public hearing will be held by the

4 Town of Marlborough Planning Board pursuant to the

5 State Environmental Quality Review Act or SEQRA and the

6 Town of Marlborough Town Code Section 134-33 on Monday,

7 August 21st, 2023, for the following application:

8 Faurie and Masterson at the Town Hall, 21 Milton

9 Turnpike, Milton, New York, at 7:30 p.m. or as soon

10 thereafter as may be heard. The applicant is seeking

11 approval of a two-lot subdivision application for lands

12 located at 467-474 Old Indian Road in Milton, Section

13 102.3, Block 1, Lot 12.100. Any interested parties,

14 either for or against the proposal, will have an

15 opportunity to be heard at this time. Chris Brand,

16 Chairman, Town of Marlborough Planning Board.

17 Do we have a representative for Faurie

18 and Masterson here this evening?

19 MR. BROOKS: Richard Brooks.

20 CHAIRMAN BRAND: Perfect timing, Mr.

21 Brooks. Would you like to, first of all, let us know

22 how many mailings were sent out and how many were

23 returned?

24 MR. BROOKS: We sent 30 out.

25 Twenty-four have returned. So not too bad.

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1                   CHAIRMAN BRAND: Give them right to Jen  
2 right there. Thank you.

3                   MR. BROOKS: The cost was \$256.

4                   CHAIRMAN BRAND: Excellent. We do have  
5 a map of the lot up on the board. If you just want to  
6 give us an overview of what it is, so if anyone from  
7 the public is unaware of what's happening, you can give  
8 them an idea of what's happening.

9                   MR. BROOKS: Certainly. Thank you. Old  
10 Indian Road, we have a piece of property that's owned  
11 by the Fauries and Mastersons that lies on both sides  
12 of the road, both south and on the north. The south  
13 side is improved with an existing residence. They're  
14 proposing to subdivide that off. I can't tell you the  
15 acreage, but it's over two acres. And the remaining  
16 land is on the north side of the road.

17                  CHAIRMAN BRAND: Great. This is a  
18 public hearing. Any interested parties who'd like to  
19 speak or have a question about the project, please just  
20 stand and state your name clearly for the stenographer  
21 and you'll be heard at this time.

22                  MS. FLYNN: I plugged that in for them.

23                  CHAIRMAN BRAND: Excellent. Thank you.

24                  MS. MACKEY: Since I'm standing already,  
25 I guess I'll go.

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 MS. FLYNN: If you could go to the  
2 podium.

3 CHAIRMAN BRAND: Yes. We have a  
4 microphone all set up for you.

5 MS. MACKEY: Tracy Mackey is my name.  
6 It's hard to see. So she wants to do a two-lot  
7 subdivision. And that's Lot 1 right here where the  
8 house is?

9 MR. BROOKS: Yes. On the south side of  
10 the road, that's 2.3 acres. And then the north side of  
11 the road, there's 29.05 acres.

12 MS. MACKEY: Okay. That's the Lot 2.  
13 That's the big parcel.

14 MR. BROOKS: Yes.

15 MS. MACKEY: Do you know what she wants  
16 to do with it?

17 MR. BROOKS: I do know that most of her  
18 property is under contract of sale for a conservation  
19 easement to the Wallkill Valley Land Trust.

20 MS. MACKEY: That's what I thought.  
21 She's planning on conserving. Okay. That's my piece  
22 on both sides, Mackey, the second one over  
23 (indicating).

24 MR. BROOKS: Uh-huh.

25 MS. MACKEY: Thank you.

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1                   CHAIRMAN BRAND:  You're welcome.  Thank  
2  you.  Any other questions or comments?

3                   (No response.)

4                   MR. JENNISON:  I move to close the  
5  public hearing.

6                   CHAIRMAN BRAND:  There's a motion on the  
7  floor.

8                   MR. CALLO:  I second that.

9                   CHAIRMAN BRAND:  Any discussion?

10                  (No response.)

11                  CHAIRMAN BRAND:  Any objection?

12                  (No response.)

13                  CHAIRMAN BRAND:  All right.  Any  
14  comments from the Board?

15                  MR. GAROFALO:  I have just one comment.  
16  That is, I'm concerned about the well and procedures  
17  dealing with the well.  And I would think that if it  
18  were -- if the two properties were going under separate  
19  ownership, that it would probably be preferable to have  
20  the well built before it went under separate ownership,  
21  so you don't get an issue with someone buying the  
22  property and suddenly finding out for whatever reason  
23  they can't put a well in, and that then -- they would  
24  then have a lot that's a problem.  And I see that as a  
25  potential problem.  So rather than have them build the

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 well after the ownership to separate, I would think it  
2 would be better to require that the well be built prior  
3 to the separation of the ownership.

4 CHAIRMAN BRAND: Did you have a comment  
5 for that, sir?

6 MR. BROOKS: I did. Thank you. There  
7 is a well on the north side of the road that services  
8 both the buildings on the north side of the road and  
9 the existing residence on the south side. There is a  
10 note on the map indicating that once the lots are  
11 separated into separate ownership, Lot Number 1 will  
12 have to drill its own well.

13 MR. GAROFALO: That's where my slight  
14 disagreement is in, that I think it would be preferable  
15 to have the well built before the properties are  
16 separated.

17 CHAIRMAN BRAND: I don't know that we've  
18 ever required anyone to do that on any subdivision in  
19 the past.

20 MR. GAROFALO: Well, we have required in  
21 subdivisions to make sure that you could put in a well  
22 on the lots by having perc tests done, et cetera, and  
23 without that information, I think it would be  
24 preferable to require that it be put in beforehand.

25 CHAIRMAN BRAND: Have there been any

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 perc tests?

2 MR. BROOKS: Well, we noted where the  
3 existing septic system is, and we noted that we need  
4 the hundred foot setback for any possible well. And  
5 then, as Meghan pointed out, that there is a proposed  
6 well easement, so it will be attached. And then once  
7 we have an owner for either -- for the south lot, Lot  
8 Number 1, that well will be drilled.

9 CHAIRMAN BRAND: Meghan, can you clarify  
10 the easement issue?

11 MS. CLEMENTE: Yes. There will be an  
12 easement agreement regarding the wells, and in it,  
13 there will be a condition that if the lots are ever  
14 separated by purchase, a new well will have to be  
15 drilled.

16 MR. JENNISON: I think we should just  
17 leave it the way it is.

18 MR. TRONCILLITO: Yes.

19 CHAIRMAN BRAND: All right. Mr. Lofaro?

20 MR. LOFARO: I agree.

21 CHAIRMAN BRAND: Mr. Troncillito?

22 MR. TRONCILLITO: Yes. Leave it the way  
23 it is.

24 CHAIRMAN BRAND: Mr. Jennison?

25 MR. JENNISON: Yes.



## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: Mr. Callo?

2 MR. CALLO: Leave it the way it is.

3 CHAIRMAN BRAND: I would agree with that  
4 as well. Anything else from anyone on the Board?

5 (No response.)

6 CHAIRMAN BRAND: Then you have before  
7 you for the application of Faurie and Masterson for a  
8 two-lot subdivision in the Town of Marlborough Planning  
9 Board, the SEQR Negative Declaration and Notice of  
10 Determination of Non-Significance. Jen, would you poll  
11 the Board, please.

12 MS. FLYNN: Chairman Brand.

13 CHAIRMAN BRAND: Yes.

14 MS. FLYNN: Member Lanzetta.

15 CHAIRMAN BRAND: Absent.

16 MS. FLYNN: Member Lofaro.

17 MR. LOFARO: Yes.

18 MS. FLYNN: Member Callo.

19 MR. CALLO: Yes.

20 MS. FLYNN: Member Jennison.

21 MR. JENNISON: Yes.

22 MS. FLYNN: Member Garofalo?

23 MR. GAROFALO: Yes.

24 MS. FLYNN: Member Troncillito.

25 MR. TRONCILLITO: Yes.

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: You also have before  
2 you this evening a Resolution of Approval by the Town  
3 of Marlborough Planning Board for the application of  
4 Faurie and Masterson for a two-lot subdivision.  
5 Meghan, is there anything you would like to point out?

6 MS. CLEMENTE: Yes. Just as a condition  
7 of this, there is the approval of the easement for the  
8 shared use of the water -- of the wells, and in  
9 addition to that would be the added condition that if  
10 the lots should ever separate between owners, a new  
11 well must be installed, which is what I just said.

12 CHAIRMAN BRAND: That being said, Jen,  
13 would you poll the Board.

14 MS. FLYNN: Chairman Brand.

15 CHAIRMAN BRAND: Yes.

16 MS. FLYNN: Member Lanzetta.

17 CHAIRMAN BRAND: Absent.

18 MS. FLYNN: Member Lofaro.

19 MR. LOFARO: Yes.

20 MS. FLYNN: Member Callo.

21 MR. CALLO: Yes.

22 MS. FLYNN: Member Jennison.

23 MR. JENNISON: Yes.

24 MS. FLYNN: Member Garofalo?

25 MR. GAROFALO: Yes.

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 MS. FLYNN: Member Troncillito.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: We also have for this  
4 subdivision the Recreation Fee Findings by the Town of  
5 Marlborough Planning Board. Whereas, the Planning  
6 Board has reviewed a subdivision application known as  
7 Faurie and Masterson with respect to real property  
8 located at 467-474 Old Indian Road in the Town of  
9 Marlborough. Member Callo offered the following  
10 resolution which was seconded by Member Jennison.

11 It is hereby resolved that the Planning  
12 Board makes the following finds pursuant to Section  
13 277(4) of the Town Law: Based on the present and  
14 anticipated future need for park and recreational  
15 opportunities in the Town of Marlborough, and to which  
16 the future population of this subdivision will  
17 contribute, parklands should be created as a condition  
18 of the approval of the subdivision. However, a  
19 suitable park of adequate size to meet the above  
20 requirement cannot be properly located within the  
21 proposed project site. Accordingly, it is appropriate  
22 that, in lieu of providing parkland, the project  
23 sponsors render to the Town payment of a recreation fee  
24 to be determined in accordance with the prevailing  
25 schedule established for that purposed by the Town of

## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

1 Marlborough. This approved subdivision known as Faurie  
2 and Masterson resulted in one lot for a total of \$2,000  
3 in Recreation Fees.

4 Whereupon, the following vote was taken.  
5 Chairman Brand, yes. Callo.

6 MR. CALLO: Yes.

7 CHAIRMAN BRAND: Garofalo.

8 MR. GAROFALO: Yes.

9 CHAIRMAN BRAND: Jennison.

10 MR. JENNISON: Yes.

11 CHAIRMAN BRAND: Lofaro.

12 MR. LOFARO: Yes.

13 CHAIRMAN BRAND: Troncillito.

14 MR. TRONCILLITO: Yes.

15 CHAIRMAN BRAND: All right. You should  
16 be all set with that.

17 MR. BROOKS: Thank you.

18 Time noted: 7:42 p.m.

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## FAURIE AND MASTERSON - PUBLIC HEARING SUBDIVISION

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

2

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

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

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

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

16 Stacie Sullivan

17 Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 SANTINI SUBDIVISION

4 Project No. 23-1018  
5 219-229 Mt. Zion Road, Milton  
6 Section 102.3; Block 2; Lot 15  
-----X

7  
8 SKETCH - SUBDIVISION

9 Date: August 21, 2023  
10 Time: 7:42 p.m.  
Place: Town of Marlborough  
11 Town Hall  
21 Milton Turnpike  
12 Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
JAMES GAROFALO  
14 FRED CALLO  
STEPHEN JENNISON  
15 BOB TRONCILLITO  
JOE LOFARO  
16

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

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

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## SANTINI SUBDIVISION - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND: Next on the agenda we  
2 have the Santini subdivision for a sketch of their  
3 subdivision at 219-229 Mt. Zion Road in Marlboro. Are  
4 you here for that one as well?

5                   MR. BROOKS: I am, sir. Richard Brooks,  
6 Control Point Associates.

7                   CHAIRMAN BRAND: So while you're  
8 preparing yourself, I'll just read through the  
9 engineer's comments.

10                   Topography has been added to the plans.

11                   The campers depicted on the site have  
12 been identified as not for residential purposes.

13                   The highway superintendent has reviewed  
14 and approved the driveway location. Letter from the  
15 highway superintendent is included in the application  
16 packet.

17                   Lot 3 is identified as being utilized as  
18 a proposed residential lot. The lot is in excess of  
19 18 acres. Lots greater than five acres are exempt from  
20 realty subdivision regulations regarding percolation  
21 and deep testing requirements.

22                   The Planning Board members previously  
23 identified that accessory structures exist in front of  
24 the yards of Lots 1 and 2. These are preexisting,  
25 nonconforming on the parcel. Planning Board attorney's

## SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 comments regarding the location of the existing  
2 accessory structures in the front of the yard should be  
3 received.

4 Planning Board members commented on the  
5 gravel access drive in the 50-foot right-of-way  
6 providing access to proposed Lot 1. Information  
7 pertaining to the right-of-way was requested to be  
8 submitted for review.

9 MR. BROOKS: Thank you. The 50-foot  
10 wide right-of-way was a topic at the last meeting.  
11 There is no written driveway maintenance agreement.  
12 Both the fire chief and the highway superintendent have  
13 talked to the owners, or at least one owner. It's sort  
14 of a take care of it as they see fit that they need.  
15 The right-of-way has been in existence for quite a few  
16 years. I don't have that year for you.

17 But that's where we're sitting right  
18 now. Our hope is that we'll come away with a public  
19 hearing scheduled for the next meeting.

20 CHAIRMAN BRAND: Thank you. Do you have  
21 anything to add on that?

22 MS. CLEMENTE: Yes. The structures in  
23 the front yard, since they're nonconforming, they're  
24 not new -- well, they're preexisting structures.  
25 They're not new structures being erected. They can



## SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 stay pursuant to the code.

2 CHAIRMAN BRAND: Okay.

3 MS. CLEMENTE: Although I would request  
4 that there be a note on the map saying that they won't  
5 be enlarged or changed in any manner under Section 1 --  
6 regulation of conformities -- nonconformities, 155-34.

7 MR. BROOKS: Then, of course, changes in  
8 use also; correct?

9 MS. CLEMENTE: Yes, no change in use.  
10 No discontinuance. Don't move them.

11 MR. BROOKS: Right.

12 CHAIRMAN BRAND: Comments or questions  
13 from the Board?

14 MR. GAROFALO: I just have a few  
15 comments. One is there are two planters and a shed in  
16 the Town right-of-way. If it is at all possible, if  
17 those could easily be moved out of the Town  
18 right-of-way because it would be a potential hazard to  
19 traffic. That would be appreciated. I understand if  
20 the shed has a foundation, that that's not really a  
21 practical thing to do. But if you can take a look at  
22 those and see if -- where it is reasonably possible to  
23 move those. And that might be an exception to the rule  
24 about things in the front yard, to allow movement out  
25 of the Town right-of-way.

## SANTINI SUBDIVISION - SKETCH SUBDIVISION

1                   The other item is on the access.

2    There's 177-foot sight distance to the left.  If you  
3    can take a look and see if there's any trees or other  
4    vegetation, obstructions that could be trimmed back a  
5    little to improve that, that would be appreciated.

6                   MR. BROOKS:  When you say to the left,  
7    are you standing on the property and you're looking to  
8    the left at the road, or are you standing in the road?

9                   MR. GAROFALO:  I'm saying here where you  
10   have the sight distance shown, it's 177 to the left.  
11   So if you could look up the road and see if there might  
12   be something that you could trim a little bit that's in  
13   the Town right-of-way, you might improve that even a  
14   little bit.

15                  MR. BROOKS:  Understood.  Thank you.

16                  CHAIRMAN BRAND:  Anything else from the  
17   Board?

18                  (No response.)

19                  CHAIRMAN BRAND:  Meghan, do you have any  
20   comments?

21                  MS. CLEMENTE:  No.

22                  CHAIRMAN BRAND:  So we can schedule the  
23   public hearing for our next meeting.

24                  MS. FLYNN:  It would have to be for the  
25   18th.  Because of the holiday, I don't think I would

## SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 get it in in time for the paper for the 5th.

2 CHAIRMAN BRAND: Does that work for you?

3 MR. BROOKS: That's perfect. Thank you.

4 CHAIRMAN BRAND: So we will schedule the  
5 public hearing for September 18th. I think that's it  
6 for that.

7 MR. BROOKS: And the time would be 7:30?

8 CHAIRMAN BRAND: Yes.

9 Time noted: 7:47 p.m.

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

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

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

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

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

24 Stacie Sullivan  
25 Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 TOWN OF MARLBOROUGH/KING

4 Project No. 23-1016  
5 18 & 28 Sands Avenue, Marlboro  
6 Section 103.1; Block 1; Lot 11  
Section 103.1; Block 3; Lot 12.10

7 -----X  
8 SKETCH - LOT LINE

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

13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
14 JAMES GAROFALO  
FRED CALLO  
15 STEPHEN JENNISON  
BOB TRONCILLITO  
16 JOE LOFARO

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

19 APPLICANT'S REPRESENTATIVE: CINDY HILBERT  
20  
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22  
23  
24

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

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1                   CHAIRMAN BRAND: Next on the agenda we  
2 have the Town of Marlborough/King for a sketch of a lot  
3 line at 18 and 28 Sands Avenue.

4                   MS. HILBERT: Yes. My name is Cindy  
5 Hilbert. I'm here representing the Town of  
6 Marlborough. Supervisor Corcoran and Deputy Supervisor  
7 Appler are both unavailable to attend tonight's  
8 meeting.

9                   CHAIRMAN BRAND: Do you want to just  
10 give us a little overview of where we are with this?

11                  MS. HILBERT: Sure. The Town had been  
12 approached by Mrs. and Mr. King several months ago to  
13 do a land donation. When the Kings had purchased the  
14 property, they were unaware that they had owned the  
15 three-bay garage and that piece of property because  
16 it's within the back of their lot. Mr. King happened  
17 to be at the dog park one day. The police chief was  
18 there, Chief Cocozza. They got into talking. You  
19 know, a little discussion. And Chief Cocozza said,  
20 wow, wouldn't it be great if we found out who owned  
21 this piece of property and this garage because the Town  
22 would probably be interested in, you know, purchasing  
23 it? And Mr. Kings says, well, as a matter of fact, I  
24 do. So that's what started the negotiation. The Kings  
25 are donating the piece of property, which is

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1 approximately 85 feet by 121 feet to the Town, and it  
2 includes a preexisting three-bay detached garage.

3 CHAIRMAN BRAND: Great. Thank you.  
4 I'll just run over the engineer's comments as well.

5 MS. HILBERT: Yes. I did get an  
6 opportunity to review Mr. Hines' comments. We're in  
7 agreement with everything. So we didn't have any  
8 issues with that. It didn't appear as though he had  
9 any issues with what we submitted as well.

10 CHAIRMAN BRAND: Perfect. I'll just  
11 read through them so we get them in the record as well.

12 The project proposes to transfer 0.236  
13 acres of land to the Town of Marlborough Sands Avenue  
14 property. Parcel contains an existing three-bay  
15 garage, which will also transfer to the Town of  
16 Marlborough during this action.

17 The project qualifies for the Town's  
18 streamline lot line change.

19 The project also involves a 20-foot wide  
20 fence maintenance access area for the Town to maintain  
21 the fence and trees along the existing property line.  
22 This is at the request of the applicant donating the  
23 property to the Town of Marlborough.

24 Lot line changes are Type II actions  
25 requiring no SEQRA review.

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1                   This office takes no exception to the  
2   Planning Board granting the lot line change application  
3   as presented.

4                   Meghan, do you have anything on this?

5                   MS. CLEMENTE:  Yes.  Everything is fine,  
6   except we just need an ethics disclosure from the  
7   Kings.

8                   MS. HILBERT:  Okay.  I had reached out  
9   to Pat previous to this and I had that discussion, and  
10  he had implied that he didn't feel that the Town needed  
11  one.

12                  MS. CLEMENTE:  No.  The Town is fine.  
13  You need one from the Kings.

14                  MS. HILBERT:  From the Kings.  Okay.  
15  Then, unfortunately, the Kings are leaving for vacation  
16  for a month and are not reachable.  I spoke with  
17  Mrs. King this morning.  So we can make that as part of  
18  the contingent approval?

19                  MS. CLEMENTE:  It is.  It's in the  
20  conditions already.

21                  MS. HILBERT:  Okay.  The other thing  
22  that I just wanted to request as well is the Town had  
23  submitted a copy of a letter requesting two different  
24  waivers; the first waiver being for the application and  
25  escrow fee, and then the second waiver is -- I know the

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1 streamline two-lot lot line revision is only supposed  
2 to apply towards properties that are found within the  
3 R-1 and R-AG-1 districts, and this property -- both  
4 properties are currently zoned R. So I would request  
5 just the Board to consider waiving both of those  
6 things.

7 CHAIRMAN BRAND: Comments or questions  
8 from the Board?

9 MR. GAROFALO: That's -- I thought on  
10 the Parcel Viewer those were R-1.

11 MS. HILBERT: They are not R-1. They  
12 are both R.

13 MR. GAROFALO: They're just R. And with  
14 respect to waiving the fees, the Planning Board cannot  
15 waive the fees. The Town Board, in the sense by making  
16 the application, is waiving the fees themselves, but  
17 the Planning Board I think does not have the authority  
18 to waive those fees. Only I think the Town Board does.  
19 And in the sense the Town Board is requesting we -- is  
20 waiving it themselves. We are not granting the waiver.  
21 That's the way I look at it. And I think that's a  
22 proper way because what we don't want is other people  
23 coming in and asking us to waive the same fees. That's  
24 something that the Town Board may get a little upset  
25 about it.



## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1                   MS. HILBERT: Supervisor Corcoran asked  
2 me to put that in the letter, requesting it from the  
3 Planning Board, so I will relay that information back  
4 to them and have them submit something to waive it.

5                   MS. CLEMENTE: You can make a  
6 recommendation that they waive fees.

7                   CHAIRMAN BRAND: So we do have the  
8 request to waive the escrow fees and you just said --  
9 say the other one again.

10                  MS. HILBERT: Application fee and the  
11 escrow fee.

12                  MR. JENNISON: What do you want, a  
13 recommendation?

14                  CHAIRMAN BRAND: I think we just make a  
15 motion.

16                  MR. TRONCILLITO: Make a motion and I'll  
17 second it.

18                  MR. JENNISON: I'll make the motion.

19                  CHAIRMAN BRAND: Member Jennison moves  
20 to do so. It's seconded by Mr. Troncillito. Any  
21 discussion on it?

22                         (No response.)

23                  CHAIRMAN BRAND: Any objection?

24                         (No response.)

25                  CHAIRMAN BRAND: Any other comments or

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1 questions?

2 (No response.)

3 MS. CLEMENTE: I have a -- I'm sorry.

4 Go ahead. You first.

5 MR. CALLO: What does the Town plan on  
6 doing with this property once it's acquired?

7 MS. HILBERT: The Town is going to  
8 remove the current fence line. There's a fence line  
9 around, completely enclosing the three-bay garage.  
10 They're going to remove that fence line, clean up the  
11 garage, and then they're going to use it to store some  
12 of their equipment that they use to maintain the Sands  
13 Avenue Park.

14 MR. GAROFALO: We pretty much already  
15 decided that for these types of two-lot subdivisions  
16 that Items 26 through 50 are basically automatically  
17 waived.

18 MS. HILBERT: Right. I did notice that  
19 in the application. One other quick thing. I had  
20 submitted a copy of a revised map that I put on each of  
21 your locations just prior to the meeting. I apologize.  
22 The revision was sent last week, and I was out of the  
23 office for several days. The original survey map that  
24 was submitted did not include the 20-foot maintenance  
25 fence line agreement. This new map has been revised to

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1 show it along the whole border between the Town of  
2 Marlborough property and the King property.

3 CHAIRMAN BRAND: Meghan, is it my  
4 understanding that we have a resolution for this that's  
5 ready to go?

6 MS. CLEMENTE: We do. The only change  
7 that I will be making is to change the date of the map.

8 CHAIRMAN BRAND: Okay.

9 MS. HILBERT: Then, also, just two other  
10 small corrections, Meghan. For the section, block, and  
11 lot for the property owned by the Kings, it's  
12 103.1-3-12.100. And that's in the fourth line in the  
13 first paragraph and the second line in the second  
14 paragraph.

15 MS. CLEMENTE: Okay.

16 CHAIRMAN BRAND: Is that all set?

17 MS. HILBERT: That's it.

18 CHAIRMAN BRAND: That being said, as the  
19 attorney has that prepared ahead of time, Jen, would  
20 you poll the Board.

21 MS. FLYNN: Chairman Brand.

22 CHAIRMAN BRAND: Yes.

23 MS. FLYNN: Member Lanzetta.

24 CHAIRMAN BRAND: Absent.

25 MS. FLYNN: Member Lofaro.

## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

1 MR. LOFARO: Yes.

2 MS. FLYNN: Member Callo.

3 MR. CALLO: Yes.

4 MS. FLYNN: Member Jennison.

5 MR. JENNISON: Yes.

6 MS. FLYNN: Member Garofalo.

7 MR. GAROFALO: Yes.

8 MS. FLYNN: Member Troncillito.

9 MR. TRONCILLITO: Yes.

10 CHAIRMAN BRAND: Excellent.

11 MS. HILBERT: Okay. Then, Meghan, I'll

12 get a copy of that hopefully sometime once the Kings

13 get back from their trip. Thank you.

14 CHAIRMAN BRAND: Thank you.

15 Time noted: 7:55 p.m.

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## TOWN OF MARLBOROUGH/KING - SKETCH LOT LINE

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

2

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

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

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

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

16 Stacie Sullivan

17 Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 MITCHELL M & CO

4 Project No. 22-6007  
5 1559 Route 9W, Marlboro  
6 Section 103.3; Block 4; Lot 44  
-----X

7  
8 SKETCH - SUBDIVISION

9 Date: August 21, 2023  
10 Time: 7:55 p.m.  
11 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

12  
13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
JAMES GAROFALO  
14 FRED CALLO  
STEPHEN JENNISON  
15 BOB TRONCILLITO  
JOE LOFARO

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

18  
19 APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI  
20  
21  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND: Next on the agenda we  
2 have Mitchell M & C for a sketch of their subdivision  
3 at 1559 Route 9W in Marlboro. Would you just state  
4 your name for the stenographer.

5                   MR. TERRIZZI: Christopher Terrizzi.  
6 I'm representing the owner of 1559 Route 9W, Mitchell  
7 M & Company.

8                   We're proposing a seven-lot subdivision.  
9 It's an 11-acre parcel. It's located on the west side  
10 of Route 9W between Hillside Drive and, say, the Kedem  
11 Winery there. I was here about a year ago. Just kind  
12 of testing out the waters for the seven lots here.  
13 I've developed a septic design, which is currently  
14 before the County. Just trying to, I guess, move this  
15 along and see if there's any comments or any questions,  
16 that sort of thing.

17                  CHAIRMAN BRAND: All right. I'll just  
18 run through the engineer's comments.

19                  The project proposes a seven-lot  
20 subdivision of an 11.7 plus acre parcel of property  
21 located off New York State Route 9W. The project  
22 proposes a private roadway. Town Code Section  
23 130-14.16A only permits four houses on a private  
24 roadway with two additional houses if they have  
25 frontage on the public street. Proposed subdivision

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 does not comply with Section 130-14.16A. The applicant  
2 is requesting a variance from that code section as the  
3 private road ordinance is separate from the Zoning Code  
4 and any relief should be sought from the Town Board.  
5 The Planning Board attorney's comments on this should  
6 be received.

7 Should the private road continue to be  
8 proposed, a Private Road Access and Maintenance  
9 Agreement is required.

10 Ownership of the private roadway should  
11 be to the centerline of the private roadway with each  
12 of the lots owning a portion of the private roadway.

13 Private roadways must be constructed  
14 prior to any issuance of any building permits. Section  
15 130-14.16G requires the construction of a roadway prior  
16 to building permits. Notes should be placed on each  
17 lot identifying that no building permit shall be issued  
18 until acceptance of the private road construction by  
19 the Town of Marlborough.

20 All other sections of the Town Code  
21 130-14.16 should be addressed on the plans and on plan  
22 notes as appropriate.

23 New York State DOT approval for the  
24 access road is required.

25 Ownership and operation of the



## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 stormwater facilities should be addressed. It is noted  
2 that the stormwater facility is schematically shown on  
3 Lot 5.

4                   The driveway for Lot 1 is depicted to  
5 continue off New York State Route 9W with an  
6 encroachment on an adjoining lot. Easement for this  
7 driveway should be depicted on the plans. The  
8 applicants are requested to address whether the  
9 driveway can be taken off of the proposed private  
10 roadway.

11                   Sight distance at the 9W access point  
12 should be depicted on the plans.

13                   A Stormwater Pollution Prevention Plan  
14 will be required, as the project will disturb greater  
15 than one acre of property.

16                   Ulster County Department of Health  
17 approval for all sub-sanitary sewer disposal systems is  
18 required.

19                   Ulster County Department of Planning  
20 referral is required.

21                   Common Driveway Access and Maintenance  
22 Agreements are required for Lot 6 and 7, Lot 2 and 3,  
23 and Lot 4 and 5 respectively.

24                   Planning Board attorney's comments  
25 regarding the preexisting front yard deficiency on

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 proposed Lot 1 should be received. Lot 1 similarly has  
2 a preexisting side yard deficiency.

3 The proposed private driveway -- sorry,  
4 private roadway is being developed in compliance with  
5 the Town's Minor Street specifications including  
6 curbing.

7 The private roadway currently proposes a  
8 100-foot diameter cul-de-sac. Minimum cul-de-sac size  
9 is 60 feet.

10 The grading and utility plans should be  
11 provided.

12 Private roadway will require approval of  
13 a road name for the private roadway. A private road  
14 sign will be required. Details of the road sign should  
15 appear on all plans.

16 Meghan, did you have anything else?

17 MS. CLEMENTE: Nothing else. Just  
18 the -- you know, I understand that the -- you don't  
19 want to build a road to dedicate it to the Town, or the  
20 Town has no interest in --

21 MR. TERRIZZI: Yeah. That was the gist  
22 of my conversation with the highway supervisor.

23 MS. CLEMENTE: Right. So under the code  
24 you would have to go to the Town Board and the highway  
25 superintendent in order to get a variance from any sort

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 of road specifications. So this would be not the venue  
2 for that.

3 CHAIRMAN BRAND: Can you repeat that  
4 last comment?

5 MS. CLEMENTE: Sorry. You would have to  
6 go the Town Board to get a variance from the section  
7 requiring him to -- the private roadway section, which  
8 allows only a certain amount of houses, lots, off of a  
9 private roadway.

10 CHAIRMAN BRAND: Comments.

11 MR. TRONCILLITO: I just have one  
12 question. What's the grade there? Is that shown as  
13 12 percent? Is that what it is?

14 MR. TERRIZZI: The grade of the road?

15 MR. TRONCILLITO: Yes.

16 MR. TERRIZZI: I think the grade of the  
17 road is shown as -- I think it's nine and change.

18 MR. TRONCILLITO: I'm sorry?

19 MR. GAROFALO: It's 9.72, I believe.

20 MR. TERRIZZI: Yeah, nine and change  
21 percent.

22 MR. TRONCILLITO: And the Town is 10?

23 MR. TERRIZZI: Ten.

24 MR. TRONCILLITO: Thank you.

25 MR. TERRIZZI: Can I just have a copy of

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 those comments?

2 MS. CLEMENTE: Yes.

3 MR. TERRIZZI: Thank you.

4 CHAIRMAN BRAND: Other comments or  
5 questions?

6 MR. GAROFALO: Yes. I always suggest  
7 that it is a good idea to talk to DOT early,  
8 particularly providing the sight distance and where the  
9 road is going to intersect, because if they don't like  
10 where you're putting the road and they want to have it  
11 moved, that can change your entire site plan.

12 MR. TERRIZZI: Yes. Last I was here, I  
13 took your advice, and I did that. They did mention  
14 that I was too early in the Planning Board process for  
15 them to come out and really look at anything, but I  
16 have made the initial contacts for that.

17 MR. GAROFALO: Okay. It's a good idea,  
18 when you do make further contacts, to provide us with  
19 the correspondence so we have that.

20 MR. TERRIZZI: Okay.

21 MR. GAROFALO: The cul-de-sac, when you  
22 did the grade layout, that grade actually goes into the  
23 cul-de-sac, and normally I can't remember ever seeing a  
24 cul-de-sac where any part of it was at that 9 percent  
25 grade. So you may want to take a look at that and also

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 show the road grade to the end of the cul-de-sac. And  
2 in looking at the cul-de-sac, maybe you want to think  
3 of do you want to put a mountable median in the middle  
4 to make it easier to understand where you're supposed  
5 to be driving or maybe extend the road a little bit and  
6 make the cul-de-sac a little bit smaller. I'm not sure  
7 if you had -- the reason you made it 100 feet had to do  
8 with the location of the driveways. So you may not be  
9 able to do that, but I think you may want to take a  
10 look at can you make a smaller cul-de-sac but extend  
11 the road a little bit longer.

12 MR. TERRIZZI: Okay. I will certainly  
13 take a look.

14 MR. GAROFALO: Now, along the road, most  
15 of the road has six to eight feet of fill occurring  
16 along most of the road. So I think there's going to be  
17 some substantial grading involved, and I think that  
18 eventually we're going to want to see some details on  
19 the grading as well as the grades of the driveways and  
20 taking a look at your cut and fill, because that's a  
21 mighty big piece of fill you're going to be doing. I  
22 know you're going to want to try to balance that out --

23 MR. TERRIZZI: Yeah. I don't think  
24 there's any balancing on this lot.

25 MR. GAROFALO: -- on the property. When

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1     you go to the Town to deal with the number of lots,  
2     they are also the ones that approve the name of the  
3     road. So you may want to do that at the same time so  
4     you don't have to go back to them.

5                     MR. TERRIZZI: Good point.

6                     MR. GAROFALO: You may not. You may.  
7     Lot 2 is a reverse frontage situation. The front yard  
8     is actually not where the driveway is, but it's on  
9     Route 9W. Because by our definition, if you're on the  
10    corner lot, it's the wider of the two streets. So, in  
11    your table, you need to look at Route 9W for Lot 2  
12    being the front yard. And I think we're going to want  
13    possibly some more specifics on some of those numbers  
14    in the bulk table. And, clearly, some of the houses  
15    are running right at the edge, so when you do get down  
16    to the point where this gets approved, some of those  
17    are probably going to have to be staked out, because it  
18    will be very tight to the setback lines.

19                    In the EAF, Item 13 notes about crossing  
20    an unclassified stream. I think you might want to show  
21    where that is on the plan.

22                    MR. TERRIZZI: Yes. That's shown. It's  
23    on the west side of the lot.

24                    MR. GAROFALO: Okay. I didn't see it.  
25    It could very well be.

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1                   The highway department letter was dated  
2   2022, and I think maybe it might be advantageous to  
3   show them more up-to-date information, if you haven't  
4   already, because you're probably much further along in  
5   the process in designing the road and the layout, et  
6   cetera. So you may want to show that to the highway  
7   department and get their read to see if they feel the  
8   same way, because, apparently, from the letter, it  
9   looked to me like they thought you weren't going to be  
10  able to make the 10 percent grade, which you're showing  
11  you are doing better than 10 percent. But, again, I  
12  think you want to have a much flatter cul-de-sac than,  
13  you know, a 9.7 grade on the cul-de-sac.

14                   MR. TERRIZZI: Thank you.

15                   MR. GAROFALO: And those are my  
16  comments.

17                   MR. TERRIZZI: Thank you.

18                   MR. CALLO: Can I just ask a question  
19  real quick? Is this pretty much landlocked, that land?  
20  You can only access it from 9W. Did you ever look at  
21  trying to access it off a Town road like Lyons Lane to  
22  the north there at all?

23                   MR. TERRIZZI: This parcel is  
24  landlocked. Yeah, you wouldn't be able to get to it  
25  from that street up there.

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1                   MR. CALLO: I'm just concerned about the  
2 access on 9W. I know that's a DOT thing, but as a  
3 person that's driven that road for the last 27 years  
4 going to work at 5:30 in the morning, people play on  
5 Hillside there, and it gets extremely foggy certain  
6 times of year, especially in the fall, with accidents  
7 and stuff. People coming over that, where it merges  
8 from two lanes to one lane, coming up over. That's  
9 basically the crest of the hill, coming down, where  
10 your road would be there. You're probably better off  
11 driving at night because hopefully you see headlights  
12 coming. I suppose in the morning people don't know  
13 enough to turn their headlights on in the fog and stuff  
14 like that. Of course it's 55 through there still.

15                   MR. TERRIZZI: Okay.

16                   MR. CALLO: That's just my comments on  
17 that.

18                   MR. GAROFALO: Can you also provide us  
19 with information on the access rights to the existing  
20 driveway? That is a very wide driveway. It's a  
21 combined driveway, but the rights there might be very  
22 important. DOT may even want you to narrow that  
23 driveway down and actually share a smaller portion, and  
24 putting the dimensions on them so the DOT knows how big  
25 that is. I think it would be important for them to



## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1 know, because they have very strict limits on how wide  
2 they want driveways to be, and that looks to me like  
3 it's way above what they normally would require, but  
4 your right-of-way agreement may not allow for that type  
5 of thing. But I think that that's something that you  
6 should be providing to us and DOT so they know what the  
7 exact situation is.

8 MR. TERRIZZI: Okay.

9 CHAIRMAN BRAND: How far along are you  
10 in the discussions with the Town Board as far as these  
11 variances go?

12 MR. TERRIZZI: Haven't been.

13 CHAIRMAN BRAND: Okay. And DOT, other  
14 than your initial conversation?

15 MR. TERRIZZI: Other than the initial, I  
16 haven't been any further than that.

17 CHAIRMAN BRAND: Okay. It looks as  
18 though you have some homework to do for us.

19 MR. TERRIZZI: Sure do.

20 CHAIRMAN BRAND: We will try --

21 MS. FLYNN: Can I just say something?

22 CHAIRMAN BRAND: Of course, Jen.

23 MS. FLYNN: There's also rec fees, which  
24 is \$2,000 per lot.

25 MR. TERRIZZI: Per lot. Yep.

## MITCHELL M &amp; CO - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND:  So that will be  
2   \$12,000.  So I guess you can clean up some of these  
3   items, bring it back.  Then, once we think it's  
4   relatively complete, we can send it up to County.  And  
5   have you submitted anything for health approval for the  
6   sanitary sewer disposal system?

7                   MR. TERRIZZI:  They are reviewing that  
8   now.

9                   CHAIRMAN BRAND:  They are reviewing it.  
10  So I think once some of these clean-up items are  
11  completed, we'd be able to send it up to County and  
12  move on from there.

13                  MR. TERRIZZI:  Great.  Thank you very  
14  much.

15                  Time noted:  8:09 p.m.

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## MITCHELL M &amp; CO - SKETCH SUBDIVISION

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

2

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

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

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

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

16 Stacie Sullivan

17 Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 FREDERICKS SUBDIVISION

4 Project No. 23-1020  
5 420 Plattekill Road, Marlboro  
6 Section 108.3; Block 4; Lot 33.120  
7 -----X

8 SKETCH - SUBDIVISION

9 Date: August 21, 2023  
10 Time: 8:09 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
14 JAMES GAROFALO  
15 FRED CALLO  
STEPHEN JENNISON  
16 BOB TRONCILLITO  
JOE LOFARO

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

19 APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN  
20 CARL FREDERICKS  
21  
22  
23  
24 -----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND: Next on the agenda,  
2     Fredericks subdivision for a sketch of their  
3     subdivision at 420 Plattekill Road in Marlboro.

4                   MR. MILLEN: Jonathan Millen, land  
5     surveyor.

6                   CHAIRMAN BRAND: How are you this  
7     evening?

8                   MR. MILLEN: Good. How are you, sir?

9                   CHAIRMAN BRAND: Excellent. So I'm just  
10    going to run through the engineer's comments first.

11                   He said that dated survey information  
12    has been provided, I'm assuming, depicting the water  
13    bodies on proposed Lot 1.

14                   Ulster County Department of Health  
15    approval for the sub-sanitary sewer disposal system is  
16    required.

17                   A grading plan has been depicted for the  
18    driveways.

19                   Calculations for the limits of  
20    disturbances on the site plan should be depicted. If  
21    greater than one acre disturbance, coverage under the  
22    New York State DEC Stormwater SPDES permit system is  
23    required.

24                   Town of Plattekill is an involved agency  
25    as a portion of Lot 2 extends into the Town of

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1 Plattekill.

2 Planning Board members previously  
3 requested the following: Emails on the application.  
4 Copies of the deed. Sight distance at the access road.  
5 Confirmation of the 25 foot from centerline. Any  
6 offers of dedication should be submitted.

7 Plans have been modified to provide a  
8 Fire Department passing area at approximately Station  
9 450-500 on the driveway.

10 A public hearing for the subdivision is  
11 required.

12 MR. MILLEN: Yes. We will provide the  
13 information regarding the date the water bodies were  
14 surveyed. The septic system is being submitted to the  
15 Health Department Monday of next week. And the limits  
16 of the disturbance are less than one acre, but we will  
17 show them on the plan. We did drop off a set of plans  
18 to the Town of the Plattekill. I'm not sure how their  
19 involvement would be coordinated with what we're doing.

20 CHAIRMAN BRAND: I believe it's the same  
21 as this process. Correct, Meghan?

22 MS. CLEMENTE: Yes.

23 CHAIRMAN BRAND: You would have to file  
24 a subdivision application with them as well, much like  
25 you did here. And, actually, the woman who was just

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1 speaking is the chairperson for the Town of Plattekill  
2 Planning.

3 MR. MILLEN: So you're saying we need to  
4 go to their Planning Board meetings as well?

5 CHAIRMAN BRAND: Absolutely, yes.

6 MS. CLEMENTE: Pat is also their  
7 engineer.

8 CHAIRMAN BRAND: I'm sorry?

9 MS. CLEMENTE: Pat is also their  
10 engineer.

11 CHAIRMAN BRAND: Perfect.

12 MR. MILLEN: Okay.

13 MR. GAROFALO: Their forms may not be  
14 the same as ours, so you want to check their website.

15 MR. MILLEN: Right. So the sight  
16 distance is shown on the plan for the access drive.  
17 The 25 feet from the centerline of the road, would that  
18 be for Lot 2 as well as Lot 1, the minimum requirement  
19 for the right-of-way width? Because Lot 1 does meet  
20 that requirement. Would we be required to dedicate the  
21 portion of Lot 2 that is not 25 feet of right-of-way?

22 CHAIRMAN BRAND: I think that's a  
23 question for Meghan maybe or Pat who is not here.

24 MR. MILLEN: So, Meghan, if I could, on  
25 Lot 2, you see the section where it says 129.95 as

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1     you're coming in westerly? There's a small portion of  
2     the curb there that's less than 25 feet from the  
3     centerline.

4                     MS. CLEMENTE: I'll have to look at the  
5     deeds and talk to Pat about it.

6                     MR. MILLEN: Okay.

7                     MS. CLEMENTE: Did you submit the deeds?

8                     MR. MILLEN: No.

9                     MS. CLEMENTE: Okay.

10                    MR. MILLEN: But we will. I apologize  
11     for that.

12                    CHAIRMAN BRAND: Comments or questions  
13     from the Board? Mr. Garofalo.

14                    MR. GAROFALO: Which plan is the sight  
15     distance shown on?

16                    MR. MILLEN: Right where it says Survey  
17     Detail Lot 1, up in the upper right corner of the road  
18     is 420 feet sight distance going northerly and 530 feet  
19     going southerly. Existing driveway entrance --

20                    MR. GAROFALO: Okay. I see it now.  
21     Thank you.

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

24                    (No response.)

25                    CHAIRMAN BRAND: No. All right. So,



## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1     Meghan, I'm assuming that we are good for a public  
2     hearing, to schedule this for September 18th, as long  
3     as you can get the easements and deeds and everything?

4 MS. CLEMENTE: Yes.

5 CHAIRMAN BRAND: Is there anything --

6 MS. CLEMENTE: Did you at the last  
7 meeting declare lead agency? I think you must have.

8 CHAIRMAN BRAND: I don't have the notes  
9 from my previous meeting. I'm not sure. I don't think  
10 that we did. We can do that this evening.

11 MS. CLEMENTE: Why don't you do that.

12                   CHAIRMAN BRAND:  So I'd like to have a  
13    motion to declare the Town of Marlborough Planning  
14    Board as lead agency?

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

16 CHAIRMAN BRAND: Mr. Garofalo.

17 MR. JENNISON: I'll second it.

18 CHAIRMAN BRAND: Mr. Jennison. Any  
19 discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 MR. JENNISON: Just explain to me how  
24 this works with us and Plattekill at the same time.

25 MS. CLEMENTE: So anything that they do,

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1 they will keep you apprised of, and anything that you  
2 do, we will let them know the status so that you can  
3 kind of coordinate a response. That's essentially it.  
4 It's a lot simpler than it sounds as being an involved  
5 agency.

6 CHAIRMAN BRAND: Basically, it gets  
7 approval by both towns.

8 MS. CLEMENTE: Yes. They get notice of  
9 the public hearing and vice versa. They can come and  
10 make a statement if they want to.

11 MR. JENNISON: Then we get notice when  
12 they do their public hearing.

13 MS. CLEMENTE: Yes.

14 CHAIRMAN BRAND: Just state your name  
15 for the stenographer.

16 MR. FREDERICKS: I'm Carl Fredericks.  
17 I'm the one who is applying for the subdivision. And I  
18 was under the impression that that section that was in  
19 Plattekill, we were paying taxes to Plattekill. It was  
20 a separate -- it was a separate section of the map.  
21 It's a separate -- it's actually a separate part of the  
22 property.

23 CHAIRMAN BRAND: It's part of the  
24 proposed subdivision. And that's in the bounds of the  
25 subdivision; correct?

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1                   MR. FREDERICKS: We're not -- that's not  
2 even part of the subdivision. I don't know. I'm  
3 thinking that we should --

4                   CHAIRMAN BRAND: But you're subdividing  
5 off a piece of it that's in the Town of Plattekill;  
6 correct?

7                   MR. FREDERICKS: No, no.

8                   MR. MILLEN: It's a separate tax lot.

9                   MR. FREDERICKS: It's a separate tax  
10 lot.

11                  MR. MILLEN: So I was confused as to why  
12 we would have to get -- I mean, there's nothing that's  
13 happening in the Town of Plattekill that's changing at  
14 all.

15                  MR. FREDERICKS: There's nothing  
16 changing.

17                  MR. MILLEN: There's no impact on the  
18 Town of Plattekill. We thought it was just --

19                  CHAIRMAN BRAND: But, previously, it was  
20 all one lot?

21                  MR. MILLEN: Pardon me?

22                  MR. FREDERICKS: No. The person I  
23 bought it from, John Vandemark (ph), always had it as a  
24 a separate lot. He's always paid taxes to Plattekill  
25 separate for that piece. And then for Marlboro, the

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1 piece that was in Marlboro, he paid taxes to  
2 Marlborough.

3 MR. JENNISON: You're saying that part  
4 going down the left side is a separate lot?

5 MR. MILLEN: It is.

6 MR. JENNISON: Because you're not  
7 designating that on this. You're showing this as Lot  
8 2, the whole piece.

9 MR. FREDERICKS: Maybe that's where the  
10 question is, the discrepancy.

11 MR. JENNISON: Okay. Well, that has to  
12 be cleared up.

13 MS. CLEMENTE: It has to be a separate  
14 lot because it's in a different municipality, which is  
15 partially why we need to see the deeds, to see if they  
16 were ever attempted to be joined or subdivided in any  
17 sort of capacity. You would have to be paying taxes on  
18 that parcel to the Town of Plattekill because it is in  
19 the Town of Plattekill. So, I mean, are you -- is  
20 it -- it's all one parcel or it's not? I mean, it's  
21 not all one parcel, but you own all of it.

22 MR. FREDERICKS: Yes, I own both  
23 parcels.

24 MS. CLEMENTE: And that one piece is not  
25 a part of this?

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1                   MR. FREDERICKS: No. It's not a part of  
2 the subdivision, no.

3                   MS. CLEMENTE: Okay. So then the maps  
4 should probably be changed to reflect that in addition  
5 to the application as well as metes and bounds.

6                   CHAIRMAN BRAND: And if that was the  
7 case, then he wouldn't necessarily need to go to the  
8 Town of Plattekill?

9                   MS. CLEMENTE: No.

10                  MR. MILLEN: So it is noted as Tax Lot  
11 25 on the -- if you look at the location map, it shows  
12 that portion being Lot 25 by my mistake and not  
13 including that on the plan. But we will add that to  
14 the plan; that it is, in fact, part of Section 5, Lot  
15 25, for the Town of Plattekill.

16                  MR. JENNISON: So how do we move  
17 forward?

18                  CHAIRMAN BRAND: That's a good question.  
19 So I think -- I mean, I think we can go ahead and  
20 schedule the public hearing regardless, but I do think  
21 that you need to provide clarification as to exactly  
22 what lot is what.

23                  MR. MILLEN: Indeed.

24                  CHAIRMAN BRAND: And if it's not part of  
25 what's being proposed to be subdivided, then you may

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

1 not necessarily need to go before the Town of  
2 Plattekill.

3 MR. MILLEN: Okay.

4 CHAIRMAN BRAND: So, Jen,  
5 September 15th?

6 MS. FLYNN: 18th.

7 CHAIRMAN BRAND: Eighteenth. So we will  
8 go ahead and schedule the public hearing for  
9 September 18th, and just be sure that you get all the  
10 required mailings out.

11 MR. MILLEN: Yes.

12 CHAIRMAN BRAND: Okay. And if you can  
13 have that information for us, and if you want to submit  
14 it to Pat or the attorney for review before that time,  
15 that might be helpful.

16 MR. MILLEN: I believe we would have all  
17 this information by Wednesday of this week.

18 CHAIRMAN BRAND: Okay. Great. Thank  
19 you.

20 MR. MILLEN: You're welcome.

21 CHAIRMAN BRAND: We'll see you on the  
22 18th.

23 Time noted: 8:20 p.m.

24

25

## FREDERICKS SUBDIVISION - SKETCH SUBDIVISION

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

2

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

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

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

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

16 Stacie Sullivan  
17 Stacie Sullivan, CSR

18

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22

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24

25

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

3 In the Matter of

4 MOHEGAN FARMS

5 Project No. 23-1010  
6 271 Milton Turnpike, Marlboro  
7 Section 95.4; Block 3; Lot 12.20

8 SKETCH - SITE PLAN

9 Date: August 21, 2023  
10 Time: 8:20 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, Chairperson  
14 JAMES GAROFALO  
15 FRED CALLO  
16 STEPHEN JENNISON  
BOB TRONCILLITO  
JOE LOFARO

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

19 APPLICANT'S REPRESENTATIVE: NADINE CARNEY  
20 JOHN QUINN, JR.

21  
22  
23  
24  
25 -----X  
Stacie Sullivan, CSR  
staciesullivan@rocketmail.com



## MOHEGAN FARMS - SKETCH SITE PLAN

1                   CHAIRMAN BRAND: Finally we have Mohegan  
2 Farms for a sketch of their site plan at 271 Milton  
3 Turnpike in Marlboro. So I'll just read through the  
4 engineer's comments quickly.

5                   One. The project proposes Recycled  
6 Agricultural Building use in the R-AG-1 zoning district  
7 in accordance with Town Code Section 155-21, Recycled  
8 Ag Buildings. This building inspector has issued a  
9 gatekeeper letter identifying the building in  
10 compliance with the Recycled Ag Building Code.

11                   It is noted that the building did not  
12 ever receive a building permit as an Ag Building.  
13 Applicants often have difficulty meeting building code  
14 in Recycled Ag buildings. This is advisory comment.

15                   A Common Driveway Access Easement and  
16 Maintenance Agreement is required. This should be  
17 submitted to the Planning Board attorney for review.

18                   Access to the parallel parking depicted  
19 in the front of the building should be addressed.

20                   Use of the building should be identified  
21 on the plan.

22                   A loading dock area should be depicted  
23 based on the use.

24                   Project should be submitted to the  
25 Ulster County Department of Public Works as project

## MOHEGAN FARMS - SKETCH SITE PLAN

1 access from Milton Turnpike is a County roadway.

2 Referral to the Ulster County Department  
3 of Planning is required as project is located on a  
4 County roadway.

5 The project identifies that no plumbing  
6 facilities will be in the building. Sixteen parking  
7 spaces are identified as being required. Provisions  
8 for water and sewer on the site should be addressed.  
9 The applicant's representatives are requested to  
10 contact the Ulster County Health Department with regard  
11 to the need to provide potable water and sanitary  
12 facilities. That's from Pat.

13 Just want to give us an overview?

14 MS. CARNEY: Sure. So this pretty much  
15 covers it. We did submit, you know, the information to  
16 the building department. They've agreed that this  
17 meets the criteria for Recycled Ag buildings. So  
18 there's really not much happening with the existing  
19 site. There is no well or water supply. There is no  
20 sanitary system there. We're not proposing that. The  
21 only thing really proposed is improvements to the  
22 gravel driveways and parking that's already there. We  
23 depicted parking spots in accordance with the Zoning  
24 Code based on 25 percent of the overall building area,  
25 square footage.

## MOHEGAN FARMS - SKETCH SITE PLAN

1                   So one of the things, and I don't know  
2   if you want to go down these comments in order or  
3   just --

4                   CHAIRMAN BRAND:   Sure.   That would be  
5   great.

6                   MS. CARNEY:   Okay.   So like you said,  
7   the first two are just kind of statements.   Then we get  
8   to the Common Driveway and Access Easement.

9                   CHAIRMAN BRAND:   What was it used as  
10   before since it did not receive a building permit as an  
11   Ag building?

12                   MS. CARNEY:   So it was like cold  
13   storage.   Agricultural cold storage building.

14                   CHAIRMAN BRAND:   Okay.

15                   MS. CARNEY:   So we will definitely get  
16   that on there.   So we did submit a -- it was an  
17   unsigned Common Driveway Access Easement to the  
18   Planning Board with this package.   Since then, the  
19   person that's sharing the driveway, the Hortons, have  
20   signed that agreement.   It's been notarized.   It hasn't  
21   been filed yet, but it has been signed.   So I guess  
22   that is one thing, if the Board feels like they need to  
23   submit that to their attorney.

24                   CHAIRMAN BRAND:   The Driveway Access  
25   Easement?

## MOHEGAN FARMS - SKETCH SITE PLAN

1 MS. CARNEY: Yes.

2 CHAIRMAN BRAND: Yes. She will need to  
3 review that.

4 MS. CARNEY: So do you have to make a  
5 motion to submit that?

6 CHAIRMAN BRAND: No. Just submit it.

7 MS. CARNEY: Send it over. Great.

8 Then the parallel parking at the front,  
9 I mean, it is an area that's existing. It's access to  
10 the concrete platform that's there. So there's really  
11 not a loading dock. It's ramped right up to the top of  
12 that platform. You can basically drive up there at  
13 this point. However, if we can clarify that right now  
14 the proposal is to have eight storage units in this  
15 building, four on the upper level, four on the lower  
16 level, we don't believe that 16 spaces for parking is  
17 necessary. I don't know if that's just a process of  
18 discussion with the Board or if there needs to be some  
19 sort of waiver. You know, get some discussion from the  
20 Board on the feeling of the parking. Because we can  
21 eliminate those two parallel parking spaces.

22 CHAIRMAN BRAND: This will be open to  
23 the public. They'll be storing their own goods or  
24 you're storing it for them?

25 MS. CARNEY: Yes. Right. Rental units,

## MOHEGAN FARMS - SKETCH SITE PLAN

1 and they would be able to accessed by the renters. So  
2 that's something we can definitely discuss.

3 Then -- so the use of the building  
4 should be identifiable. We'll get that on the plan,  
5 for sure.

6 The loading dock, so for this use, it's  
7 not really warehousing or manufacturing. A loading  
8 dock is not a requirement for this use. So we're not  
9 really showing one or won't be using one.

10 CHAIRMAN BRAND: But there is one there.

11 MS. CARNEY: There is a concrete  
12 platform up front. Again, it's ramped up to -- it's  
13 drivable. It's walkable to get kind of access to the  
14 doors of that area.

15 CHAIRMAN BRAND: Do you know how high it  
16 is on the one side? You probably need to fence it or  
17 something.

18 MS. CARNEY: Along the front, I didn't  
19 take any measurements, but it's probably between 36 and  
20 48 inches.

21 CHAIRMAN BRAND: Okay.

22 MS. CARNEY: Ulster County Department of  
23 Public Works, I mean, it is an existing access. We're  
24 not proposing any change to it. But if that's  
25 something -- I guess, to clarify, if the Planning Board

## MOHEGAN FARMS - SKETCH SITE PLAN

1 would submit it there, or if that's the applicant's  
2 responsibility to submit this application, we can do  
3 so.

4 CHAIRMAN BRAND: That's your  
5 responsibility, yes.

6 MS. CARNEY: So we'll go ahead and  
7 circulate that to the Public Works for their comments.  
8 We would ask that the Planning Board do circulate it to  
9 the Ulster County Planning Department. I believe they  
10 meet on September 6th, so I think if there's a motion  
11 to do that this evening, that that could still get in  
12 front of them for their September meeting.

13 And as far as the Ulster County Health  
14 Department, we did reach out with a phone call this  
15 afternoon, spoke with Scott Benson there, and also  
16 followed up with an email for him to respond to. We  
17 did copy the Planning Board office with that email so  
18 they have that on file. But based on the limited  
19 number of storage units here and basically that they  
20 don't expect to have 25 or more people on site on a  
21 daily basis, the Health Department will not require  
22 water or sewer for that use. It would still come up as  
23 a building department issue, if there's any part of the  
24 building code that requires storage without employees  
25 or anything like that to have a restroom. But we don't

## MOHEGAN FARMS - SKETCH SITE PLAN

1 believe it's required.

2 CHAIRMAN BRAND: So there would be no  
3 employees at the facility?

4 MS. CARNEY: There's no employees on  
5 site, no. Kind of like any other self-storage unit. I  
6 mean, these obviously are bigger spaces, but it would  
7 operate the same, where, you know, there's a number to  
8 call. There's somebody that could meet you on site.  
9 You know, as far as the locking/unlocking, who's ever  
10 renting would have their own access and things like  
11 that. So there are no employees on site.

12 CHAIRMAN BRAND: Great. Thank you.  
13 Meghan, do you have anything at this point?

14 MS. CLEMENTE: I don't think so.

15 CHAIRMAN BRAND: Okay. Comments or  
16 questions from the Board?

17 MR. GAROFALO: I have quite a few, but  
18 I'm willing to wait for the other Board members if they  
19 want to go first.

20 MR. CALLO: Just a quick question. Are  
21 you planning on modifying the building for those four  
22 units on the bottom, four units on the top, to give  
23 people access to get in and out?

24 MS. CARNEY: I can let John speak to  
25 that because I believe these areas are already

## MOHEGAN FARMS - SKETCH SITE PLAN

1 partitioned off within the building.

2 MR. QUINN: Yeah. It's all partitioned  
3 off. The only thing for downstairs is putting on doors  
4 to shut the garage. Right now it's just open.

5 MR. CALLO: I was also just a little  
6 nervous with the parallel parking on that road out  
7 front, trying to parallel park when there's cars going  
8 by at 55 miles an hour. It's one thing if you're  
9 trying to parallel park in the village, but up there,  
10 that's probably not too great. So that's my comments.

11 CHAIRMAN BRAND: Mr. Garofalo, before  
12 you start, I'm going to ask: Are you doing anything to  
13 improve the facade of the building? Are we looking at  
14 any architectural improvements that we should be  
15 reviewing?

16 MR. QUINN: No. Just basically cleaning  
17 up anything that needs to be cleaned up, but nothing  
18 serious. The main focus is just closing the  
19 downstairs.

20 MR. TRONCILLITO: You're not going to  
21 paint the place or nothing? I mean --

22 MR. QUINN: Eventually. Eventually.  
23 Yeah, everything is as needed right now. Make sure  
24 it's closed.

25 MS. CARNEY: Also, I'm sure, you know,



## MOHEGAN FARMS - SKETCH SITE PLAN

1   once this goes to the building department for any type  
2   of renovation or any type of use, change at this point,  
3   if they require any improvements or any changes,  
4   they'll have to meet whatever the building code  
5   requirements are.

6                   CHAIRMAN BRAND:  Generally we like to  
7   see that first at this point, what you're going to do.  
8   I mean, the goal with the Recycled Agricultural use is  
9   to make it better than it was.

10                  MS. CARNEY:  Understood.  I mean, we  
11   have had many discussions with the building department  
12   and sent this to them several times.  They haven't  
13   indicated that there's any really renovation --

14                  CHAIRMAN BRAND:  It's not a building  
15   department issue.  It would be more of a Planning Board  
16   issue.

17                  MS. CARNEY:  As far as the facade you're  
18   saying?

19                  CHAIRMAN BRAND:  Correct.  Yes.

20                  MS. CARNEY:  Yes.  So, I mean, like I  
21   said, there's really no intention of doing anything at  
22   first, you know, to get it occupied and get some  
23   income, and then possibly make improvements down the  
24   road, but there is nothing on unless it's, you know --

25                  CHAIRMAN BRAND:  I'm looking at the

## MOHEGAN FARMS - SKETCH SITE PLAN

1 picture of the back of it, and it looks like there's  
2 pieces of plywood tacked on there.

3 MS. CARNEY: Right. So the doors will  
4 have to be redone.

5 CHAIRMAN BRAND: My point is, we would  
6 like to see what it is that you're going to do  
7 specifically.

8 MS. CARNEY: You want specs on the  
9 doors?

10 CHAIRMAN BRAND: Not necessarily specs,  
11 but just some type of photo, design guidelines,  
12 something that you're going to have. The Town does  
13 have design guidelines for structures. A lot of them  
14 focus on the 9W corridor, but, again, the purpose of  
15 the Recycled Ag law was that you're improving existing  
16 things, not just moving into one and using it as is.

17 MS. CARNEY: Right. So they don't have  
18 an architect on staff right now. They don't have that  
19 type of means. So I guess we would really ask what --

20 CHAIRMAN BRAND: In a narrative, we're  
21 going to fix, repair these things. We're replacing the  
22 windows. We're painting that. We're fixing the roof  
23 that's caving in. Those types of things.

24 MS. CARNEY: Great. Thank you.

25 CHAIRMAN BRAND: Of course.

## MOHEGAN FARMS - SKETCH SITE PLAN

1                   MS. CLEMENTE: Any landscaping that  
2     you're going to be doing, include that as well.

3                   MR. QUINN: Yeah. We've started cutting  
4     down some of the long grown weeds, but any cleanup  
5     necessary, we can do.

6                   MR. JENNISON: We want to see  
7     improvement on the building. We all drive by it almost  
8     every day.

9                   MR. QUINN: Absolutely. No. I want to  
10    be proud of what I own.

11                  MR. JENNISON: Just to put in the four  
12    bays upstairs and four bays downstairs, we want it to  
13    look nice.

14                  CHAIRMAN BRAND: That's not recycling.

15                  MR. QUINN: I want to be proud of what I  
16    own, so absolutely.

17                  CHAIRMAN BRAND: All right. Mr.  
18    Garofalo, You're up.

19                  MR. GAROFALO: You may also want to have  
20    a sign so people know what it is. And if -- we require  
21    both, to know what the existing and any proposed signs  
22    are. With regard to the parking --

23                  CHAIRMAN BRAND: I'm sorry. Did you say  
24    we need to review the sign? Is that what you said;  
25    that was your comment?

## MOHEGAN FARMS - SKETCH SITE PLAN

1 MR. GAROFALO: Yes.

2 CHAIRMAN BRAND: Yes. Signage.

3 MS. CARNEY: Sure.

4 MR. GAROFALO: What I would do is I  
5 would take out the two parallel parking spaces, and on  
6 the south side, on the south row, I would add extra  
7 parking spaces there. You seem to have plenty of room  
8 to extend the parking further along the southernmost  
9 row. I would also ask you to put where the doors are  
10 to the building, because where those doors are becomes  
11 an issue with providing accessibility. So the  
12 accessible parking spaces should be located near one of  
13 the doors. And those -- the details on the accessible  
14 parking spaces should be provided, which will include  
15 an eight-foot aisle that there would be no parking in,  
16 not five feet.

17 CHAIRMAN BRAND: I would just add that I  
18 don't think anyone on the Board is going to be in  
19 agreement that those parallel parking spaces should  
20 stay.

21 MS. CARNEY: Sure. So if we could talk  
22 about that a little bit as far as the Board's feeling  
23 about providing all this parking. Everything that is  
24 shown basically in red where we're showing the parking  
25 and/or turnaround right now is gravel, and the grade is

## MOHEGAN FARMS - SKETCH SITE PLAN

1     suitable for parking. So there's really no disturbance  
2     proposed other than some site clean up and maybe, you  
3     know, repairing some of the areas of the gravel. So we  
4     would look to reduce the parking requirements based on  
5     the actual proposed use of this building and not the  
6     overall square footage. So I don't know if there's --

7                 MR. GAROFALO: One of the things I think  
8     you should provide is -- you've provided the square  
9     footage of the building. Provide the square footage of  
10    what you have as far as the parking goes. And also,  
11    you know, I see this area on the western end of the  
12    parking lot, and I don't know if that's intended that  
13    you're going to put a container there for waste  
14    disposal or why you have this huge T section at the  
15    western end of the back parking lot.

16                MS. CARNEY: Right. So that's intended  
17    for vehicle turnaround, or even if an emergency vehicle  
18    happens to pull in the parking lot, it can turn around.  
19    That's for turnaround purposes. But there is no waste  
20    disposal container proposed for this site. It's carry  
21    in/carry out. It's really -- honestly, nothing for  
22    disposal is proposed.

23                MR. GAROFALO: Also, the accessible  
24    parking spaces, you're going to have to pave those  
25    because people -- if you have just gravel, that becomes

## MOHEGAN FARMS - SKETCH SITE PLAN

1 a problem. Those spaces and getting to the doors from  
2 those spaces should be paved.

3 MR. BROOKS: Yes. We'll have to look  
4 into what the requirement is for the storage units,  
5 what the percentage has to be, ADA accessible.

6 MR. GAROFALO: It's based on the number  
7 of parking spaces. And you should be careful, because  
8 New York State has different regulations dealing with  
9 the signage and the pavement markings and the size of  
10 the spaces.

11 MS. CARNEY: Sure. But we want to make  
12 sure that we're also meeting the building requirements  
13 as far as the handicap, how many units have to be ADA  
14 accessible, because that could present a problem  
15 overall. So we will definitely look into the ADA  
16 parking.

17 MR. GAROFALO: It's certainly -- you  
18 know, the code is broken up into two parts for the  
19 parking. One is by square footage and the other is by  
20 employee. And, you know, certainly it's the square  
21 footage which is going to define it here, and that  
22 would be something that you would have to, I guess,  
23 request a waiver on.

24 MS. CARNEY: So, on that note, before we  
25 make the written request and/or revise the plans, is

## MOHEGAN FARMS - SKETCH SITE PLAN

1    there a way to kind of poll the Board to see if that's  
2    something that if we submit a waiver, it would be  
3    considered? Because, otherwise, we need to go back to  
4    the drawing board.

5                   MR. GAROFALO: You could also look at,  
6    for example, land banking spots and saying that you  
7    take off the two that are in front and then say you're  
8    land banking additional spaces along that southern row,  
9    so that if there ever were a need for the parking --  
10   additional parking, because the use may change in the  
11   future, those spots are land banked, which means you  
12   don't have to gravel them; it just has to be graded  
13   enough.

14                  CHAIRMAN BRAND: I think the building  
15   department could also provide some clarification there.  
16   Because I think also the occupancy of the building  
17   comes into play for the parking as well. So if you're  
18   not expecting as many people, I would just clarify with  
19   them.

20                  MS. CARNEY: Yeah, because there's  
21   nothing in the zoning for that occupancy.

22                  MR. GAROFALO: Zoning is based on  
23   employees and square footage.

24                  CHAIRMAN BRAND: And also building  
25   capacity. Because I remember one of the restaurants

## MOHEGAN FARMS - SKETCH SITE PLAN

1     there was so like so many seats in the restaurant and  
2     so many people could be there.

3                     MR. GAROFALO:  It's different for  
4     restaurants.  They have all -- different uses have  
5     different requirements.  And the number of people  
6     visiting for that type -- this type of building is not  
7     based on the number of people that are going to be  
8     there.

9                     CHAIRMAN BRAND:  Gotcha.  Anything else,  
10    Mr. Garofalo?

11                    MR. TRONCILLITO:  Mr. Chairman, if this  
12    is going to be strictly storage --

13                    MR. GAROFALO:  The ethics code needs to  
14    be signed.

15                    CHAIRMAN BRAND:  Mr. Garofalo, hold on.

16                    MR. TRONCILLITO:  Shouldn't the parking  
17    be based on use?  My concern is what the building is  
18    going to be used for and that volume of parking spaces.  
19    My question is:  Does the amount of parking spaces be  
20    based on use?  This is just going to be storage, in and  
21    out.  I'm just asking.

22                    MR. GAROFALO:  What they could do, in  
23    order to substantiate fewer parking spaces, is go to  
24    the Institute of Transportation Engineers.  They have a  
25    book on parking which sampled many different types of



## MOHEGAN FARMS - SKETCH SITE PLAN

1 uses as far as the demand for different types of uses.  
2 And if you were to look in that document, they would  
3 give you examples of this is the range this type of use  
4 would generate for parking, and that would be I think a  
5 very good reference to substantiate the need for how  
6 many parking spaces you actually would need for this  
7 type of use. But, again, if it's lower, I would still  
8 say think about presenting the other ones as land  
9 banked spaces in case some day down the road there's a  
10 change in the use and you want to do something  
11 different. Then those spaces are there, or if, for  
12 some reason, there's greater demand -- maybe you want  
13 to break it up more because people don't want such  
14 large spaces -- that you would have those spaces, but  
15 you wouldn't necessarily be building the spaces. They  
16 would just be there. So I think --

17 MS. CARNEY: So, to be clear on the  
18 direction for this, that, you know, we can --  
19 basically, we're submitting a waiver with some other  
20 type of determination on what it is based on, the use  
21 and occupancy of the building. Okay. Thank you.

22 MR. JENNISON: And removing those two  
23 parallel parking spots.

24 MS. CARNEY: Yes.

25 MR. CALLO: With all the spots in the

## MOHEGAN FARMS - SKETCH SITE PLAN

1 back there, were you planning on renting the spots over  
2 the wintertime for somebody to park an RV or a boat  
3 back there? Seasonal, nothing like that?

4 MR. QUINN: No.

5 MS. CARNEY: No outdoor storage. We  
6 have ten different general site plan notes, and in one  
7 of them we say no outdoor storage or displays.

8 CHAIRMAN BRAND: Yeah. I was going to  
9 say that should be on there.

10 MS. CARNEY: Yep. It's on there.

11 MR. GAROFALO: We are responsible for  
12 deciding how much -- how large the loading spaces  
13 should be for trucks, and I don't know as if that's  
14 where you want to put it in the front or do something  
15 in the back or on the side.

16 MS. CARNEY: Again, this use is not  
17 manufacturing or warehousing, so we're saying that a  
18 loading dock is not a requirement for this use.

19 MR. GAROFALO: But people may come in  
20 with small trucks, and you may want to think about do  
21 we want to have somebody that comes in with the U-Haul  
22 or a smaller single unit truck, you know, where can  
23 they park? Because they may not fit in your 9-by-18  
24 spot.

25 MS. CARNEY: Right. So that's another

## MOHEGAN FARMS - SKETCH SITE PLAN

1 reason for that turnaround at the end. So if someone  
2 does come in with something like that or even a small  
3 trailer, they have an area that they can turn the  
4 vehicle around and get back out of the parking lot.  
5 So -- but no loading docks. We're not proposing any  
6 loading docks.

7 MR. GAROFALO: I'm not saying loading  
8 dock, but a loading area where somebody can park a  
9 truck to load and unload.

10 MS. CARNEY: Right. So this turning  
11 area is 20 feet by 64 feet, so it's more than adequate  
12 to have a truck.

13 CHAIRMAN BRAND: I think it also goes  
14 back to his point of where are the doors, because if we  
15 don't know where you're bringing the things in and out,  
16 then we don't know where you're going to park.

17 MS. CARNEY: Definitely.

18 MR. GAROFALO: I think you want to  
19 designate those spots for loading so people aren't  
20 literally parking their cars there.

21 MS. CARNEY: Well, there's no overnight  
22 parking. I mean, people are coming there to load and  
23 unload. That's the whole purpose of the use.

24 CHAIRMAN BRAND: He's meaning that this  
25 spot is dedicated for unloading your stuff and loading



## MOHEGAN FARMS - SKETCH SITE PLAN

1 look at narrowing the size of it, because, again, it's  
2 a huge curb cut. Even though we don't have  
3 jurisdiction there, that's not the ideal safety  
4 situation, to have a huge curb cut. Likewise, with the  
5 concrete platform, if somebody were to drive off the  
6 road and hit that, that would not be very nice for  
7 whoever who was doing the driving.

8 MS. CARNEY: That's something not  
9 proposed. I mean, that is something existing --  
10 preexisting for many, many years. It's not the intent  
11 to remove it.

12 MR. GAROFALO: No, I'm not saying to  
13 remove it, but I'm saying think about if there's  
14 something that you can do adjacent to it, maybe put  
15 planters or something or bushes or whatever, to slow  
16 the vehicles down a little bit.

17 CHAIRMAN BRAND: I would agree with  
18 that. I think we want to see a designated access area,  
19 because right now we all -- like you said, we all drive  
20 by that place. Basically, you could pull in anywhere  
21 on that whole road, and you have cars that are going  
22 relatively fast down Milton Turnpike. I'd like to see  
23 like a clear egress and access point.

24 MS. CARNEY: All right. So, obviously,  
25 most of that where it's wider is owned by someone else.

## MOHEGAN FARMS - SKETCH SITE PLAN

1 It is part of their driveway. So the access that goes  
2 down the hill, I think the driveway is only about  
3 12 feet wide.

4 CHAIRMAN BRAND: On the east side of the  
5 building?

6 MS. CARNEY: On the east side of the  
7 building, right, but the access along the front goes  
8 into that adjoining garage's parking area. Let me see  
9 if the pictures that we sent includes that. Yeah. So  
10 the aerial shows that; that it is divided, like, kind  
11 of between the driveway and the garage, but that front  
12 portion of lawn is the neighboring garage's paved  
13 access.

14 CHAIRMAN BRAND: It's very difficult to  
15 tell from your Parcel Viewer -- the Parcel Viewer map  
16 are you talking about?

17 MS. CARNEY: Yeah, the one that we  
18 provided.

19 CHAIRMAN BRAND: Again, I think we'd  
20 like to see some type of access there, not just the  
21 entire frontage of the building where cars can pull in  
22 and out willy-nilly.

23 MR. GAROFALO: And I think we want to  
24 see what the agreement is dealing with that access.

25 MS. CARNEY: It's been submitted.

## MOHEGAN FARMS - SKETCH SITE PLAN

1 MR. GAROFALO: It has been. Good.

2 Thank you.

3 MS. CARNEY: So if we submit this to  
4 Public Works, and Public Works doesn't require any  
5 change to the access, is that acceptable to the Board,  
6 or is that something that the Board is requiring?

7 CHAIRMAN BRAND: At this point I think  
8 that we would definitely like to see that, is the way  
9 that I'll phrase it for you right now. If you can do  
10 something there to limit the access and egress, I think  
11 that we would be more apt to move this along. If you  
12 can't, then I think we would have to have some  
13 additional discussions about how vehicles are coming in  
14 and out of there.

15 MS. CARNEY: Yeah. Again, right now, it  
16 is across the front, but most of that belongs to the  
17 Horton garage, and there is a little bit of change of  
18 grade, and then once you enter, there is a landscaped  
19 kind of island. So it splits right as you're going by  
20 the garage, and that driveway is only about 12 feet  
21 wide. So the driveway itself is not substantial, and  
22 the access was built, you know, for the residents  
23 there. That's commonly used for this building.

24 CHAIRMAN BRAND: Can you come down the  
25 other side of the building, on the west side?

## MOHEGAN FARMS - SKETCH SITE PLAN

1 MS. CARNEY: There is not an easement to  
2 use that and the grades there don't allow you to access  
3 the front at all.

4 CHAIRMAN BRAND: Bob just said that we  
5 have -- as long as I've been the chairman, we have  
6 never approved a site plan that didn't show egress and  
7 access points.

8 MS. CARNEY: I mean, we show it. It's  
9 on there. It's existing.

10 CHAIRMAN BRAND: It doesn't really show  
11 it. It says gravel area with a giant thing that's --

12 MS. CARNEY: No. Do you mind if I point  
13 it out?

14 CHAIRMAN BRAND: Yes, please. Maybe  
15 we're not seeing it.

16 MS. CARNEY: So this is the neighboring  
17 garage. This is the paved access here, and this is  
18 their pavement. So their pavement comes up, and this  
19 accesses their garage, and this comes down to the site  
20 (indicating).

21 CHAIRMAN BRAND: So this is the only  
22 area that cars are going to be coming in and out  
23 (indicating)?

24 MS. CARNEY: Yes.

25 CHAIRMAN BRAND: I think that just needs



## MOHEGAN FARMS - SKETCH SITE PLAN

1 to be clarified then, obviously, if we couldn't  
2 recognize that. I'd like to just have, like, this is  
3 the proposed access point and show that. And obviously  
4 we'll need to review that.

5 MS. CARNEY: Sure. We can shade it. We  
6 could put arrows.

7 MR. CALLO: Is there a way you can get  
8 in and out on this side as well?

9 MS. CARNEY: No. There is no easement  
10 over this. This is quite a drop-off here, so this  
11 really would only be accessible at the lower level at  
12 all.

13 MR. GAROFALO: That access, the paved  
14 access, looks fairly narrow, so maybe take a look at  
15 what the width is. I don't know if you can actually  
16 widen that a little bit, the paved portion.

17 MS. CARNEY: You just asked to narrow  
18 it. Now you want it widened. We will definitely  
19 dimension it for you so it's clear.

20 MR. GAROFALO: No. What I'm talking  
21 about is you have this gravel area along the entire  
22 front.

23 MS. CARNEY: It is, yes.

24 MR. GAROFALO: That should be narrowed,  
25 but having a ten foot -- I don't know if this is ten

## MOHEGAN FARMS - SKETCH SITE PLAN

1 feet or how wide that paved access is. But maybe that  
2 paved part of the access should be wider so that you  
3 can actually get two vehicles passing one another.

4 MS. CARNEY: Well, we will definitely  
5 send it to the County DPW, see if they have any  
6 comments, and we'll go from there.

7 CHAIRMAN BRAND: Great. So we will see  
8 you at the next meeting. You have some clean-up items  
9 to take care of for us.

10 MS. CARNEY: Is there any way you can  
11 circulate this to the County?

12 CHAIRMAN BRAND: I don't think that the  
13 way it is right now that we are able to circulate it to  
14 the County. So we'll have to wait until your next  
15 submission. Then, if everything looks like -- as  
16 though it's completed -- they won't review it if it's  
17 not completed and we're not comfortable sending it up.

18 MS. CARNEY: Okay. What about the EAF?  
19 Are you going to do anything -- like unlisted action,  
20 coordinated review, declare lead agency? Is there any  
21 movement on the SEQRA?

22 MS. CLEMENTE: I don't think you should  
23 declare anything today.

24 CHAIRMAN BRAND: So we'll wait until you  
25 clean up some of these items, and then we'll take it

## MOHEGAN FARMS - SKETCH SITE PLAN

1 from there.

2 MS. CARNEY: Okay. Thank you.

3 CHAIRMAN BRAND: Anything else from the  
4 Board?

5 MR. GAROFALO: If you need a copy of the  
6 pages from that book, I can probably send you some of  
7 that information.

8 MS. CARNEY: I'm sorry. What book?

9 MR. GAROFALO: The ITE Parking Manual.

10 MS. CARNEY: Nope. Thank you.

11 CHAIRMAN BRAND: Adjourn, any opposed?

12 (No response.)

13 Time noted: 8:52 p.m.

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## MOHEGAN FARMS - SKETCH SITE PLAN

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

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

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

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

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

16 Stacie Sullivan

17 Stacie Sullivan, CSR

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