

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

In the Matter of

- CONTINUING EDUCATION OF MEMBER BOB TRONCILLITO
- APPROVAL OF 8/21/23 MINUTES

BOARD BUSINESS

Date: September 18, 2023
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

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

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

1 CHAIRMAN BRAND: I'd like to start the
2 meeting with the Pledge of Allegiance to the Flag of our
3 Country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, Monday, September 18th, the regular meeting
7 at 7:30 p.m. On the agenda tonight we have the approval of
8 the stenographic minutes for August 21st. We also have a
9 public hearing for the Fredericks subdivision at 420
10 Plattekill Road in Marlboro. We have a public hearing for
11 the Santini subdivision at 219-229 Mt. Zion Road. We have
12 a final for the Lighthouse Holdings site plan at 131
13 Idlewild Road in Marlboro. We have a sketch for a site
14 plan for Mohegan Farms at 271 Milton Turnpike in Marlboro
15 and a sketch of the subdivision for the Markle subdivision
16 at 30 Partington Lane in Marlboro.

17 There will also be a discussion with some
18 Town Board members immediately following the regular
19 meeting to discuss the site plan review and some proposed
20 zoning.

21 The next deadline is Friday, September 22,
22 2023. The next meeting is scheduled for Monday, October 2,
23 2023.

24 Anything from the Board before we begin?

25 MR. TRONCILLITO: Yes. I went to a training

BOARD BUSINESS

1 session at the FDR facility in Hyde Park. It covered SEQRA
2 Basics, Safeguarding Water Resources, Recreational
3 Marijuana Implications, and Three Common Avoidable SEQRA
4 Pitfalls.

5 CHAIRMAN BRAND: Excellent.

6 MR. TRONCILLITO: It was four hours.

7 CHAIRMAN BRAND: Four hours. Perfect. I'd
8 like to have a motion to approve the stenographic minutes
9 for August 21st, please.

10 MR. CALLO: I make a motion.

11 MR. TRONCILLITO: I'll second.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: So moved.

17 Time noted: 7:33 p.m.

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BOARD BUSINESS

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 FREDERICKS SUBDIVISION

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

8 PUBLIC HEARING - SUBDIVISION

9 Date: September 18, 2023
10 Time: 7:33 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
14 CINDY LANZETTA
15 JOE LOFARO
16 BOB TRONCILLITO
JAMES GAROFALO
STEVE JENNISON
FRED CALLO

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

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

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 CHAIRMAN BRAND: First on the agenda
2 tonight, the Fredericks subdivision for a public hearing of
3 their subdivision at 420 Plattekill Road in Marlboro.

4 Legal Notice, Subdivision Application.

5 Please take notice: A public hearing will be held by the
6 Marlborough Planning Board pursuant to the State
7 Environmental Quality Review Act or SEQRA and the Town of
8 Marlborough Town Code Section 134-33 on Monday,
9 September 18, 2023, for the following application,
10 Fredericks subdivision, at the Town Hall, 21 Milton
11 Turnpike, Milton, New York, at 7:30 or as soon thereafter
12 as may be heard. The applicant is seeking approval of a
13 two-lot subdivision application for lands located at 420
14 Plattekill Road in Marlboro, New York, Section 108.3, Block
15 4, Lot 33.120. Any interested parties, either for or
16 against this proposal, will have an opportunity to be heard
17 at this time. Chris Brand, Chairman of the Town of
18 Marlborough Planning Board.

19 First off, the mailings that you sent out
20 for the public notice, how many did you send out and how
21 many came back?

22 MR. MILLEN: I'm not certain, to be honest.
23 I have a stack of certified -- I believe we sent them all
24 out. I'm sure we sent them all out. Do you want me to
25 count them for you?

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 CHAIRMAN BRAND: You can just give them to
2 the secretary. She'll count them while we get started. If
3 you could just turn on your microphone there and give us a
4 brief overview of what the applicant is proposing here for
5 the public, that would be great.

6 MR. MILLEN: All right. My name is Jonathan
7 Millen. I'm a licensed land surveyor, and what we're
8 proposing to do is take what was a somewhat -- 40 some-odd
9 parcel and break it into two parcels. The smaller parcel
10 is the one that's being developed. It's 7.5 acres, plus or
11 minus. We're talking about a three- or four-bedroom house.
12 Septic and well. Not much more to say.

13 CHAIRMAN BRAND: All right. Thank you.
14 Pat, do you just want to run through your comments quickly
15 regarding the subdivision?

16 MR. HINES: Sure. Our first comment is that
17 obviously it's here tonight for a public hearing. My
18 office did circulate a letter to the Town of Plattekill,
19 the Supervisor, the Town clerk, and the Planning Board
20 regarding this project being bisected by the Plattekill
21 Town line. The balance parcel has a small piece of land in
22 the Town of Plattekill.

23 CHAIRMAN BRAND: So, Pat, can I stop you
24 there? Because the last time we were here, the owner of
25 the parcel indicated that perhaps that parcel in Plattekill

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 was not part of the proposal.

2 MR. HINES: It probably has its own tax map,
3 meaning it's another section, block, and lot, but it may be
4 on the same deed.

5 MS. CLEMENTE: It is.

6 CHAIRMAN BRAND: It is on the same deed.
7 Okay.

8 MR. HINES: It's on the same deed, but when
9 the municipal boundary crosses, they give them a separate
10 tax map number.

11 CHAIRMAN BRAND: Thank you.

12 MR. HINES: So being in the same deed, it's
13 kind of the same parcel.

14 Status of the Ulster County Health
15 Department should be reviewed with the applicant's
16 engineer. I don't know if we have that yet.

17 We ask that the limits of disturbance be
18 added to the plans. If the project disturbs greater than
19 one acre, it will require coverage under the DEC stormwater
20 permit.

21 If there are no substantive comments
22 tonight, we're recommending a Negative Declaration and a
23 Conditional Approval. And we just noted that recreation
24 fees for the one additional lot will be required.

25 CHAIRMAN BRAND: Thank you. This is a

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 public hearing. If you are -- would like to speak, either
2 for or against, or have a question, please stand up, state
3 your name slowly and clearly for the stenographer, and fire
4 away.

5 MS. FALCO: Hello. My name is Adrienne
6 Falco, and I have an accepted offer on the property that is
7 on either side of the two parcels that are being split, and
8 I guess my questions are: What are -- what is going to be
9 happening with the 35 acres for Lot 2? And, also, how
10 close is the house going to be built from the property
11 line? As I was reading, I believe it's only 150 feet from
12 the property line, and I'm just making sure that I am
13 making the best decision by buying this house next door.

14 CHAIRMAN BRAND: Could you clarify that
15 question for her?

16 MR. MILLEN: Yes. As far as the large
17 parcel in the back, there are no plans for developing that
18 at this point. The house is approximately 150 feet from
19 the property line to the south and I would guesstimate
20 around 200 feet to the north. What was your other concern?

21 MS. FALCO: Well, just how close it was to
22 the property line was the main one, and then just, I guess,
23 the 34 acres, is it going to be sold? Is it going to be
24 developed?

25 MR. MILLEN: No. I believe Mr. Fredericks

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 is just going to hold onto it. And Mr. Fredericks is here
2 right now.

3 MS. FALCO: Okay. I guess I would love to
4 be walked around the property to kind of see what the
5 property line is as it's not very clear in our maps and to
6 see where the house is going to be built.

7 UNIDENTIFIED SPEAKER: You can take a walk
8 over.

9 CHAIRMAN BRAND: There's no new construction
10 planned for that large parcel at this time. Should they
11 subdivide or anything, they would have to come before this
12 Board again.

13 MS. FALCO: Okay. Thank you.

14 CHAIRMAN BRAND: Any other questions or
15 comments from any -- please just stand and state your name
16 for the stenographer.

17 MS. RYAN-ASSATLY: Hi. My name is Diana
18 Ryan-Assatly, and I am the broker working with Adrienne
19 Falco.

20 So on that property there are two pieces,
21 one which is mowed. Is that where the house is going to
22 go, or is it on the other side --

23 UNIDENTIFIED SPEAKER: It's on the other
24 side. So I know all of it. The house is going closer to
25 the ponds.

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 MS. RYAN-ASSATLY: Because that's -- we
2 weren't really sure on that. Thank you.

3 CHAIRMAN BRAND: That's Mr. Fredericks who
4 is answering the questions. You are Mr. Fredericks;
5 correct?

6 MR. UPSHAW: I'm Michael Upshaw.

7 CHAIRMAN BRAND: All right. If you're going
8 to respond, just please say your name.

9 Any other comments or questions?

10 MS. LANZETTA: I'd like to note that even
11 though we have the map up on the TV there, you can come
12 over here and look at the map also if you have any
13 questions or if you want to get a better idea of what's
14 going on or ask a particular question.

15 CHAIRMAN BRAND: Any other questions or
16 comments? Yes, sir. Please stand and state your name for
17 the stenographer.

18 MR. LABRISE: My name is Robert Labrise.

19 CHAIRMAN BRAND: If we could have not have
20 side conversations, that would be great. Sir, would you
21 come closer so that we can get a better understanding of
22 what it is you're here about?

23 MR. LABRISE: What property are we talking
24 about right now?

25 CHAIRMAN BRAND: We're talking about

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 property located at 420 Plattekill Road.

2 MR. LABRISE: Who owns that property?

3 CHAIRMAN BRAND: Mr. Fredericks, I'm
4 assuming.

5 MR. LABRISE: Okay. Basically I'm here to
6 discuss the Santini property, so I'll sit down until that
7 happens.

8 CHAIRMAN BRAND: Thank you. Any other
9 questions or comments regarding the Fredericks subdivision?

10 (No response.)

11 MR. JENNISON: I move to close the public
12 hearing.

13 CHAIRMAN BRAND: Is there a second?

14 MR. LOFARO: I'll second.

15 CHAIRMAN BRAND: Any discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: So we will close the public
20 hearing.

21 MR. GAROFALO: Mr. Chairman, I would like to
22 make one comment. I would like to ask the surveyor if he
23 comes in front of the Board with another application in the
24 future to please add the distances for the depth and the
25 width of the lot on the plan itself as well as in the block

FREDERICKS SUBDIVISION - PUBLIC HEARING

1 table so that we can see where the frontage is, et cetera.
2 We have had a few applications come before us where there
3 has been some confusion over what is the front yard area or
4 side yard. So it would be helpful if you could add those
5 to the plans in the future. I'm not asking for it with
6 this plan, but if you come before us again, to please put
7 those on the plans. Thank you.

8 MR. MILLEN: Certainly.

9 CHAIRMAN BRAND: The Town engineer did
10 recommend at this time if there are no comments that we
11 could recommend a Negative Declaration, Conditional
12 Approval based on any condition the Board wishes to impose.
13 Should we authorize the attorney -- can I have a motion to
14 authorize the attorney to do so for our next meeting?

15 MR. LOFARO: I make that motion.

16 MR. GAROFALO: I'll second it.

17 CHAIRMAN BRAND: Any discussion?

18 (No response.)

19 CHAIRMAN BRAND: So moved. So we will have
20 that set for you at the next meeting.

21 MR. MILLEN: Okay.

22 CHAIRMAN BRAND: And the recreation fees
23 will be done at that time. You will be responsible for
24 \$2,000 in recreation fees. Thank you.

25 Time noted: 7:43 p.m.

FREDERICKS SUBDIVISION - PUBLIC HEARING

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C E R T I F I C A T E

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

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

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

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IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 SANTINI SUBDIVISION

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

7
8 PUBLIC HEARING - SUBDIVISION

9 Date: September 18, 2023
10 Time: 7:44 p.m.
Place: Town of Marlborough
11 Town Hall
21 Milton Turnpike
12 Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
CINDY LANZETTA
14 JOE LOFARO
BOB TRONCILLITO
15 JAMES GAROFALO
STEVE JENNISON
16 FRED CALLO

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

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

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

SANTINI SUBDIVISION - PUBLIC HEARING

1 CHAIRMAN BRAND: Next on the agenda we have
2 the Santini subdivision. We have a public hearing for
3 their subdivision at 219-229 Mt. Zion Road in Marlboro.

4 Legal Notice, Subdivision Application.

5 Please take Notice: A public hearing will be held by the
6 Marlborough Planning Board pursuant to the State
7 Environmental Quality Review Act or SEQRA and the Town of
8 Marlborough Town Code Section 134-33 on Monday,
9 September 8, 2023, for the following application, the
10 Santini subdivision, at the Town Hall, 21 Milton Turnpike,
11 Milton, New York, at 7:30 p.m. or as soon thereafter as may
12 be heard. The applicant is seeking approval of a three-lot
13 subdivision application for lands located at 219-229 on Mt.
14 Zion Road in Marlboro, New York, Section 102.3, Block 2,
15 Lot 15. Any interested parties, either for or against the
16 proposal, will have an opportunity to be heard at this
17 time. Chris Brand, Chairman, Town of Marlborough Planning
18 Board. Hi.

19 MS. BROOKS: How are you?

20 CHAIRMAN BRAND: I'm well. How are you
21 tonight?

22 MS. BROOKS: Good.

23 CHAIRMAN BRAND: Mailings?

24 MS. BROOKS: Nineteen certified letters were
25 mailed out and 14 were returned.

SANTINI SUBDIVISION - PUBLIC HEARING

1 CHAIRMAN BRAND: Would you just provide the
2 public with an overview of what it is you have planned
3 here?

4 MS. BROOKS: The applicants are proposing a
5 three-lot subdivision of a 25.04 acre parcel of land
6 located on the westerly side of Mt. Zion Road. Lot Number
7 1 is improved with an existing house and two barns and will
8 be 2.14 acres in size. Lot Number 2 has a house and
9 associated accessory structures and will be on 4.21 acres.
10 They both have existing well and septic systems. And Lot
11 Number 3, the remaining land is 18.69 acres of vacant land.

12 CHAIRMAN BRAND: Thank you. Thank you.
13 Pat, did you want to run through your comments?

14 MR. HINES: Sure. Our first comment has to
15 do with the shared access drive, which is to Lot 1.
16 Currently there is no access or maintenance agreements
17 there, and we're referring to Meghan for her comments on
18 that.

19 It was requested by the Planning Board a
20 note be added that the existing non-conformities not be
21 enlarged or changed in any manner in compliance with
22 Section 1, regulations of non-conformity. And that should
23 say 155-34. That was a note the Planning Board discussed
24 at the last meeting.

25 The project is located in the Town's

SANTINI SUBDIVISION - PUBLIC HEARING

1 ridgeline and steep slope preservation protection area,
2 Section 155-41.1. It's noted that no current construction
3 is proposed. The two existing single-family houses are
4 proposed to be subdivided on individual lots, and the
5 18 acres of property is to remain.

6 We're suggesting that the note which has
7 been placed underneath the bulk requirements be added as an
8 additional note on Lot 3; that it states that no building
9 permit will issue on the lot until further approvals by the
10 Town of Marlborough Planning Board are received consistent
11 with Town Code Section 155-41.1. Right now, to go through
12 the Ridge Preservation Review without a house location,
13 it's kind of just -- it could move. It could change. It's
14 kind of an irrelevant location for the house. So it's kind
15 of a buyer beware. And that any building permit -- prior
16 to any building permit or future subdivision, that will be
17 addressed. It's certainly up to the Board. That is our
18 suggestion.

19 And, again, the 18-acre lot that's not
20 currently proposed for development is larger than the New
21 York State Real Property Law, the five-acre requirement, so
22 percs and deeps on a lot that size would also be irrelevant
23 to a house location not currently proposed. That's the
24 extent of our current comments.

25 CHAIRMAN BRAND: Thank you. This is a

SANTINI SUBDIVISION - PUBLIC HEARING

1 public hearing, so any interested parties, either for or
2 against this proposed subdivision, can have an opportunity
3 to be heard at this time. If you would just be very clear
4 and slow. State your name for the stenographer. We do
5 have a microphone up here, actually, and I would ask that
6 you come up to the microphone with your comments so that we
7 can make sure that everyone can hear you. Anyone have any
8 comments or questions? Did you want to go first?

9 MR. LABRISE: Sure. Why not. It's been a
10 long time since I did any public speaking, so I'm a little
11 nervous about it.

12 THE COURT REPORTER: Name again, please.

13 MR. LABRISE: My name is Robert Labrise.

14 THE COURT REPORTER: Spell it, please.

15 MR. LABRISE: I went to a --

16 CHAIRMAN BRAND: Could you spell your last
17 name, sir.

18 MR. LABRISE: L-A-B-R-I-S-E. About a year
19 and a half ago, I went to a court date. I live right
20 across from where Santini lives right now, right across the
21 road on Mt. Zion Road. Right on the curve there. And it's
22 an elevated curve and it comes down and it curves at the
23 same time. Always considered it pretty dangerous.

24 A while back, Steve was operating his
25 business after they got the thing out of that lot that was

SANTINI SUBDIVISION - PUBLIC HEARING

1 right there, and the trucks were coming out like crazy.
2 And it was scary. We got an injunction about that, to try
3 to limit him from putting big heavy trucks coming in and
4 out there. In other words, operating his business from
5 that location. And what happened was we went to court in
6 Albany, and they put an injunction. They listened to the
7 whole thing, what's going on, and they decided -- the judge
8 decided to put an injunction on him to keep him from
9 operating that business right there in that location,
10 because it wasn't supposed to be there. It was too
11 dangerous, and it just wasn't supposed to be there. It's a
12 residential neighborhood, and it's not -- you know, I know
13 Steve was attempting to grow some things up there, a little
14 farming or something like that, but that corner is
15 dangerous.

16 CHAIRMAN BRAND: Mr. Labrise, just to
17 clarify, he will not be operating -- this subdivision has
18 nothing to do with the commercial entity.

19 MR. LABRISE: Right. This has not been
20 approved for commercial.

21 CHAIRMAN BRAND: Correct.

22 MR. LABRISE: That's the assumption I'm
23 going on too.

24 CHAIRMAN BRAND: That's correct.

25 MR. LABRISE: What I'm worried about is what

SANTINI SUBDIVISION - PUBLIC HEARING

1 happens after he puts his house up there, up on the
2 mountain, after he sells the house he's living in right now
3 and sells the little house that he's been renting out on
4 the other portion of the property.

5 CHAIRMAN BRAND: If he were to attempt to
6 operate a business there, he would have to come before the
7 Planning Board again and get a site plan for that.

8 MR. LABRISE: And another question is --
9 which is great. And I hope you would listen to my pleas
10 about the safety and stuff like that. It's elevated. It
11 comes down. Anybody that's been on Mt. Zion Road knows
12 there's a number of really tricky spots and the road isn't
13 that wide.

14 I haven't done public speaking in a long
15 time. I forget where I'm going now. Oh. Let's say he
16 gets up there, can he -- at this point, if you guys okay
17 what the plan is, and he builds his house, can he take that
18 like 20 acres or something, 14 acres, whatever, that his
19 house is on -- and I understand he plans on maybe doing
20 some farming and some other stuff. But if he tries to run
21 his landscaping business with dump trucks and all heavy
22 machinery, it's up a very tricky road that he himself has
23 built over the past year and a half. Ever since there was
24 an injunction, he cut back for a couple of weeks on what he
25 did there, but then after a month or so, he kept using it

SANTINI SUBDIVISION - PUBLIC HEARING

1 again. And then while they were doing that, they're
2 building this road. It goes all the way up to the top of
3 the mountain there. And what I'm wondering is, he's going
4 to have like 20 acres up there and he's gonna maybe plant
5 some mushrooms or something, and he can grow something, can
6 he subdivide that? At a later date, can he subdivide that
7 20 acres on the mountain and thereby have -- create a
8 number of big houses on the mountain? Right now it's all
9 green. Right now it's beautiful. Right now it's great.
10 It's what, you know -- it's what scenic Hudson is supposed
11 to be. But if you subdivide and he's up there, can he do
12 that later on there? And can he in any way go back and use
13 his big machinery and use his landscaping business and so
14 many other related things that he does out of that location
15 and then come back with those big trucks and make it really
16 dangerous for the people?

17 CHAIRMAN BRAND: Pat, correct me if I'm
18 wrong, but he does have the opportunity to subdivide that?

19 MR. HINES: Anyone can subdivide any piece
20 of property. They would have to come back before this
21 Board and show that they comply with the Town regulations
22 and the State Environmental Quality Review Act. There is
23 no approval for any use of that site. It's currently
24 proposed to be vacant. I'm suggesting additional notes be
25 added to the plans because of, as you mentioned, the

SANTINI SUBDIVISION - PUBLIC HEARING

1 ridgeline that it's on. The Town has certain requirements.
2 So even before he gets one building permit for one house on
3 this lot, we're suggesting that for compliance with that
4 section of the code, that they would have to come back and
5 be reviewed, even for one house on the lot. It's not
6 typical, because, normally, any one lot can get one
7 building permit, but because this hasn't been reviewed
8 under that section of the code and there's been no deep and
9 percolation soil testing because of the size of the lot,
10 that we're asking that that note be added to the plans. So
11 no -- the landscaping business is a no. I believe the Town
12 took an enforcement action, which you're mentioning. I
13 think the Town is doing that as well. So that's been
14 stopped. And right now there's no use proposed on the
15 18 acres.

16 MR. LABRISE: And, basically, you're saying
17 that it is unlikely that they will --

18 MR. HINES: I didn't say that. What I said
19 was if they have intentions of doing that, they have to
20 come back and go through this process.

21 MR. LABRISE: Right. Right. I'm just
22 wondering how you guys feel about that.

23 MR. HINES: At that point you would be
24 looking at that sight distance issue that you mentioned on
25 the road and the number of houses that would be proposed

SANTINI SUBDIVISION - PUBLIC HEARING

1 there. I do have a letter from the highway superintendent,
2 identifying that the driveway locations are acceptable to
3 him with the agreement that he dig out the entrance and
4 pave a 20-foot apron. So there is a highway superintendent
5 letter regarding that access point you mentioned. However,
6 there are no uses proposed on that right now. He will have
7 access to the property as anyone else can go on any piece
8 of property, whether he uses it for farming or any other
9 recreational use. If he comes back for a house, he's going
10 to be back before us doing this process.

11 MR. LABRISE: Right now this is just for one
12 house.

13 MR. HINES: It's not. It's for zero houses
14 on that 20 acres. It's only for the two existing houses to
15 be subdivided out and put on their own lots. The --

16 MR. LABRISE: He can't --

17 MR. HINES: -- 18-acre balance parcel has no
18 approvals.

19 MR. LABRISE: Right.

20 CHAIRMAN BRAND: So I'm going to move on.
21 If something else comes to you, just let me know. We'll
22 come back to you. Okay. I'm going to give somebody else
23 an opportunity if they're here for this project as well.
24 Thank you. Is anyone else here to speak or have a question
25 regarding the Santini subdivision? If you can just come up

SANTINI SUBDIVISION - PUBLIC HEARING

1 to the podium, sir, and state your name clearly and perhaps
2 spell it, unless it's Smith.

3 MR. NICKLIN: My name is William Nicklin,
4 N-I-C-K-L-I-N, and I'm just bringing up a topic that may
5 not be important at this time, but potentially it could be
6 important down the road depending on how the subdivision
7 takes place and how it's going to be used. But on the
8 south side of the southernmost property, there's a lane,
9 road, or what have you, that runs up in there. It was the
10 lane and the home where I was born and raised, which at one
11 point was owned by Franklin C. Nicklin. And it was sold a
12 couple years ago. And then it continues on up I would say
13 many hundreds of feet to a property that is now owned by
14 the Estate of Freda Nicklin, which on the Town records show
15 as Franklin C. Nicklin and Freda Nicklin. So what I'm
16 trying to do is get an understanding of who owns the road
17 and who has the rights-of-way. I know how it's been used,
18 but I thought it might be a good idea to get some
19 understanding legally, structurally, with so many people I
20 think using that road, because it's still used today, I'm
21 sure, by the people who bought the Franklin C. Nicklin
22 house, and I know it's still being used today by the other
23 property, which is Franklin Nicklin and Freda Nicklin, but
24 legally is the Estate of Freda Nicklin.

25 CHAIRMAN BRAND: Patti, do you have any

SANTINI SUBDIVISION - PUBLIC HEARING

1 clarification on that?

2 MS. BROOKS: Absolutely. Mr. Nicklin, if
3 you do want to come take a look at the map when you're --
4 or now. That was actually one of the questions that the
5 Planning Board had as well. So if you look at -- here's
6 Mt. Zion Road. Here is the barn that's real close to the
7 road. This is where your homestead house was, and this is
8 where the 50-foot wide right-of-way is. That was a
9 right-of-way that was created when there was the
10 subdivision of the Nicklin property.

11 UNIDENTIFIED SPEAKER: In '87.

12 MR. NICKLIN: This is grandma's driveway?

13 UNIDENTIFIED SPEAKER: Yup.

14 UNIDENTIFIED SPEAKER: The barns are right
15 here.

16 MR. NICKLIN: My question is: Who owns the
17 property that that right-of-way sits on?

18 MS. BROOKS: The property is owned by the
19 Estate of Freda. The reason that it's still listed as
20 Franklin and Freda is because they put what the most
21 current deed of record is and they don't follow up when
22 people become deceased.

23 MR. NICKLIN: That's not a problem. So the
24 Estate of Freda Nicklin owns that driveway?

25 MS. BROOKS: Correct.

SANTINI SUBDIVISION - PUBLIC HEARING

1 UNIDENTIFIED SPEAKER: So what's the access
2 to this property right here (indicating)?

3 CHAIRMAN BRAND: Would you state your name,
4 sir. Please state your name for the stenographer.

5 MR. HENNEKENS: My name is Charles
6 Hennekens, H-E-N-N-E-K-E-N-S.

7 MR. NICKLIN: So what you're saying is that
8 the Estate of Freda Nicklin owns that but has granted a
9 right-of-way?

10 MS. BROOKS: Correct. They granted a
11 right-of-way to this lot and this lot as part of the
12 subdivision (indicating). This lot has had a right-of-way
13 by use that they have enjoyed. There is no -- that was a
14 question that the attorney had, is there a driveway
15 maintenance agreement in --

16 MR. HENNEKENS: No.

17 MS. BROOKS: Correct. There isn't. So we
18 researched that. We discussed that --

19 MR. NICKLIN: What you're saying, then, is
20 the Estate of Freda Nicklin has no worries about a
21 right-of-way because she owns the property?

22 MS. BROOKS: Correct. She owns the
23 property.

24 MR. HENNEKENS: So, then, the use of this
25 driveway right here for this house right here is a

SANTINI SUBDIVISION - PUBLIC HEARING

1 privilege, not a right (indicating)?

2 MS. BROOKS: Well, it is -- again, I'm not
3 an attorney, but as a land surveyor, I can tell you that
4 they have a right-of-way by use that has ripened over time
5 because of the length of time it's been in use.

6 MR. HINES: That is the gist of my first
7 comment I gave tonight, was to prove that out to the
8 Planning Board attorney's satisfaction.

9 MR. NICKLIN: One of the reasons I ask, it's
10 no particular interest to me, but from down the road where
11 what used to be the old Mallinar (phonetic) barns are,
12 which are on that road, I could see where if somebody
13 wanted to use those barns or tear down the barns and have a
14 house on that property, would they have entrance and egress
15 from that right-of-way into that property?

16 MS. BROOKS: Right now there is another
17 grass lane on the north side of the barn, and there is only
18 one house on that lot. And that house is going --

19 MR. NICKLIN: Well, I was talking about that
20 particular property that's owned by the Estate of Freda
21 Nicklin.

22 MS. BROOKS: Oh, your piece in the back
23 you're talking about?

24 MR. NICKLIN: Yeah, I'm talking that piece
25 that she owns.

SANTINI SUBDIVISION - PUBLIC HEARING

1 MR. HENNEKENS: Right. The right-of-way?

2 MR. NICKLIN: Right. Will the Santini
3 property be able to have, where the barns are, access to
4 that and egress from that?

5 MS. BROOKS: Certainly. They do now and
6 they will continue to have it. Not to expand it for a
7 second home, but they will be able to continue to use it
8 for the existing --

9 MR. NICKLIN: Because the barns sit right on
10 it pretty tight.

11 MS. BROOKS: Correct. It certainly is.

12 CHAIRMAN BRAND: Thank you.

13 MR. NICKLIN: Thank you very much.

14 CHAIRMAN BRAND: Is there anyone here --
15 anyone else here who wish to be heard at this time?

16 (No response.)

17 CHAIRMAN BRAND: No.

18 MR. JENNISON: I move to close the public
19 hearing.

20 MR. GAROFALO: I second that.

21 CHAIRMAN BRAND: Any discussion?

22 UNIDENTIFIED SPEAKER: Can I speak one more
23 time, please?

24 CHAIRMAN BRAND: Please state your name for
25 the --

SANTINI SUBDIVISION - PUBLIC HEARING

1 MS. NICKLIN-McKAY: Elsie Nicklin-McKay,
2 N-I-C-K-L-I-N, hyphen, McKay, M-C-K-A-Y.

3 I wondered if -- the person that owns our
4 old property was unable to come tonight, and I wondered if
5 you could keep the meeting open for written comment after
6 this. If you close the public portion of it, could it
7 still be open for written comment?

8 CHAIRMAN BRAND: Mr. Jennison made a motion
9 to close the public hearing. Would you like to amend your
10 motion?

11 MR. JENNISON: I do not.

12 CHAIRMAN BRAND: There's a motion on the
13 floor to close the public hearing. It has been seconded.
14 Any objection?

15 MS. LANZETTA: I object.

16 MR. GAROFALO: I'll object too.

17 CHAIRMAN BRAND: I object as well.

18 MR. LOFARO: I object.

19 CHAIRMAN BRAND: That's four. I would like
20 to have a motion to close the -- that motion fails. I
21 would like to have a motion to close the public hearing but
22 leave it open for written statements for one additional
23 week.

24 MS. LANZETTA: I'll second that.

25 CHAIRMAN BRAND: Is there any discussion?

SANTINI SUBDIVISION - PUBLIC HEARING

1 (No response.)

2 CHAIRMAN BRAND: Any objection to that?

3 (No response.)

4 CHAIRMAN BRAND: So moved.

5 MS. BROOKS: Could I just ask that if
6 written comments are submitted, that they're forwarded to
7 the applicant, to our office, so that we're aware of them
8 as well?

9 CHAIRMAN BRAND: Absolutely. Jen, you'll
10 take care of that. Thank you. All right. So we did have
11 before us --

12 MR. GAROFALO: Mr. Chairman?

13 CHAIRMAN BRAND: Sorry. Additional comments
14 or questions from the Board? Thank you.

15 MS. LANZETTA: You want to start?

16 MR. GAROFALO: No. Go ahead, please.

17 MS. LANZETTA: I was looking at the Ulster
18 County parcel information on this lot, and I see that there
19 is one recorded house, a log house. I don't see any other
20 residence listed as being on this tax parcel.

21 MS. BROOKS: I can't speak to the County
22 website information. I'm sorry.

23 MS. LANZETTA: Well, that's of 2019, so I'm
24 just wondering why there would just be the log house
25 mentioned. Do you know of any other houses built?

SANTINI SUBDIVISION - PUBLIC HEARING

1 MS. BROOKS: I don't. You would have to
2 check with the assessor for that. I don't research that
3 information as part of the boundary survey.

4 MS. LANZETTA: I'm just wondering. Again,
5 we're going on the assumption that these are preexisting,
6 non-conforming properties here, and, yet, I'm just not even
7 seeing some of the information about these buildings listed
8 as part of the tax information.

9 MS. BROOKS: Again, the County Parcel Viewer
10 and the Town assessor, sometimes the records are not the
11 same. I can't speak to that. That's the first this issue
12 is being raised, so I'm not prepared to answer it.

13 CHAIRMAN BRAND: Mrs. Santini, do you have
14 any clarification on it?

15 MS. SANTINI: I know the ranch home by the
16 barns was built sometime in the '70s and the log home was
17 built sometime in the '80s by the Reberholts. That's all I
18 know.

19 CHAIRMAN BRAND: What was your first name?

20 MS. SANTINI: Carrie Santini.

21 CHAIRMAN BRAND: Thank you.

22 MS. LANZETTA: Then the other thing I wanted
23 to address was I don't agree with Pat Hines about the
24 ridgeline and steep slope protection law that we have. If
25 you go to 155-41 in ridgeline steep slope protection, under

SANTINI SUBDIVISION - PUBLIC HEARING

1 B, under applicability, Number 2, it says: No lot shall be
2 created by subdivision or other means which, by its
3 creation, would result in a separate lot that cannot meet
4 the following provisions for steep slope regulation or
5 ridgeline protection as herein delineated.

6 So, even in the early subdivision process,
7 it's my understanding that we have to take into account how
8 much of this property is slope and what permitted
9 activities are on that portion. And just like we do when
10 we look at wet properties and we realize that we have to
11 eliminate certain portions of that as being unbuildable for
12 an applicant when we're reviewing their lots, it also
13 behooves the Planning Board to look at the slopes and how
14 much of the property can be developed in the way that it's
15 supposed to be developed or is allowed to be developed, I
16 should say. And under our ridgeline protection laws, we
17 also have very strict envelopes that can be found within a
18 portion of that ridgeline that can be built on. And it
19 says that -- well, it lists all the different things that
20 have to be taken into account, and rather than waiting
21 until we get to a place where somebody is going to come
22 in -- they're going to purchase this property, and then
23 they're going to come in, and then the building inspector
24 is going to have to take into account that this is in a
25 special place, the ridgeline protection area, and then he's

SANTINI SUBDIVISION - PUBLIC HEARING

1 going to have to engage you then to come back and look at
2 the plans for any of the building envelopes for the
3 building permits. And how is that going to be assessed to
4 the individual who is building that property? It seems
5 like a very convoluted process to wait, and I think it's
6 very important that we look at this property and identify
7 at least one area where a building could go, because we're
8 not supposed to be, you know, allowing any property to be
9 an unbuildable lot. And even though it's 18 acres, if you
10 go up there and look at that property, it's very steep.
11 And in order for them to build as they're supposed to build
12 in that area, they would have to be very conscientious
13 about how they would go about doing that. And it sounds
14 like they're already beginning to excavate and do stuff
15 there without any consideration of the fact that the Town
16 is concerned about protecting this area. And so I think we
17 need to look more carefully at that 18-acre lot and have it
18 engineered so that we can identify how at least one lot
19 could go in there without going against the ridgeline
20 protection and steep slope laws that we have in place on
21 our books. That's my understanding.

22 CHAIRMAN BRAND: Any other --

23 MR. JENNISON: Is that a question or
24 comment?

25 MS. LANZETTA: It's a comment.

SANTINI SUBDIVISION - PUBLIC HEARING

1 MR. GAROFALO: I have a separate comment,
2 and that deals with the house on Lot Number 1. And since
3 that connects to a private right-of-way, is that something
4 which would affect all the property owners in terms of the
5 number of units, houses, that would be allowed to access
6 that private road, driveway?

7 MS. BROOKS: We're not looking to expand the
8 number of access points. There's -- one lot is accessing
9 it right now, and that's all we're proposing, is for the
10 status quo to be continued.

11 MR. HINES: But the answer to Mr. Garofalo's
12 question is yes. That will impact the number of lots that
13 can use that as a private -- future private road.

14 CHAIRMAN BRAND: What is that number, Pat;
15 do you know?

16 MR. HINES: Four. With the caveat that up
17 to six can if the lots, as in this case, have -- this one
18 has frontage.

19 CHAIRMAN BRAND: Street frontage.

20 MR. HINES: But comes off the private road,
21 you can go as high as six with those two that have legal
22 frontage. This one in this case would have legal frontage
23 on a Town road, so they could have their four lots and this
24 one and possibly an additional one that had frontage.

25 MR. GAROFALO: Would they have --

SANTINI SUBDIVISION - PUBLIC HEARING

1 MR. HINES: It would count towards one of
2 their -- should the Estate want to subdivide in the future,
3 that current one would check the box under private road.

4 MR. GAROFALO: Would that -- you know, we
5 have an odd situation I think; that it is a lot now that
6 does have access to that. Does that really affect it any
7 differently than if it stayed as is?

8 MR. HINES: Yes, it does. In the future.
9 Because right now that's the only house that comes off of
10 there. Possibly one more on the side.

11 MS. BROOKS: That accesses three houses
12 right now. This driveway accesses three houses right now.

13 MR. GAROFALO: Okay.

14 MR. HINES: So the answer is it does affect
15 that, yes. And we're going to see that on the last item on
16 the agenda tonight.

17 MR. GAROFALO: Okay. Thank you very much.

18 MS. LANZETTA: I just wanted to add, too,
19 that I had to mention that in the same steep slope
20 protection code, under E, it also says for all lots with
21 proposed disturbance of a 15 percent to 25 percent steep
22 slope area, a lot grading, driveway, and/or drainage plans
23 shall be approved by the Town engineer prior to the
24 issuance of subdivision approval.

25 MS. BROOKS: Or a building permit.

SANTINI SUBDIVISION - PUBLIC HEARING

1 MS. LANZETTA: Yeah, but we're talking about
2 a subdivision right now. We're doing a subdivision. So
3 we're talking about the possibility of new buildings and
4 how we protect that area, and so I think it's something
5 that should be addressed at least in the context of the
6 possibility of there being one building lot there.

7 MR. GAROFALO: So, basically, what we would
8 be asking for is showing where one building lot could be
9 made that would conform to the ridgeline ordinances as well
10 as the wetland, because I see there's some wetland on there
11 too as well as the pond.

12 MS. LANZETTA: Yes.

13 MS. BROOKS: Right. So I guess what you're
14 asking is for it to adhere to every single one of the
15 criteria here, which is more than just showing a possible
16 location of a house. So it was my understanding in reading
17 through the code that these items could be done either at a
18 subdivision stage or at a building permit stage and that
19 they still would have to be approved by the Town engineer
20 and they still would have to go through the proper
21 procedures, not even necessarily before the Planning Board,
22 the way the code is currently written. But at this point
23 in time, the applicants are looking to sell these two
24 homes. It is their hope and their goal in the future to
25 build their new personal home on this remaining land.

SANTINI SUBDIVISION - PUBLIC HEARING

1 They're not looking to sell the property, but until they
2 can sell these two lots and see what they're going to be
3 able to do with the remaining lands, they can't really move
4 forward. That's why we're trying to get approval now to
5 subdivide out the two houses so that they can be offered
6 for sale while they determine what they're going to do with
7 the rest of the property, while they try and lay out a
8 design and a plan to figure out what to do with it.

9 MS. LANZETTA: Well, the Planning Board is
10 responsible for making sure that any lot that is approved
11 is a possible building lot, and I don't know how we can do
12 that without -- especially in an area that's as constrained
13 by Town law as this area is -- without showing that there
14 is a possibility for one buildable lot in there. And I
15 don't think it's an either/or. I think it's, yes, the
16 building permit for those who have already had a
17 subdivision done, but it states here that no lot shall be
18 created by subdivision that would result in a separate lot
19 that can't meet with these provisions.

20 MS. BROOKS: Right. That can't meet the
21 provisions.

22 MS. LANZETTA: Right. And how do we know
23 they can meet the provisions if we don't say that you have
24 to at least show where there would be a possibility of
25 getting a residential lot in there?

SANTINI SUBDIVISION - PUBLIC HEARING

1 MS. BROOKS: Right. And I thought that's
2 why we were requested to add the existing topography on the
3 site, which we did.

4 MS. LANZETTA: But it's more than
5 topography. Just like if this was a wetland, you would
6 have to stake out a general building envelope. And that
7 would be the same thing that I would think that the
8 Planning Board would require in these circumstances.

9 CHAIRMAN BRAND: Basically, they just need
10 to demonstrate an area that could possibly be buildable,
11 that meets all the criteria for the steep slopes as well as
12 the wetland?

13 MS. LANZETTA: And putting in a driveway and
14 all the necessary disturbances with the septic and whatnot,
15 just as we do with the people who want to build in a wet
16 area.

17 MS. BROOKS: Which could be very time
18 consuming and costly, and they're trying to generate some
19 revenue to be able to do all that.

20 MS. LANZETTA: Yeah. But we're not here to
21 make things -- we're not here at the applicant's behest.
22 We're here at the public's protection of safety, welfare,
23 and health. And if somebody decides -- if they decide, oh,
24 you know, we decided we're not going to build here, but
25 we're going to sell this to somebody else, and all of a

SANTINI SUBDIVISION - PUBLIC HEARING

1 sudden they go in there and they have to deal with all of
2 this, that's not fair to them either.

3 MR. TRONCILLITO: Cindy, can I ask a
4 question, please? Isn't there the laws of the land in
5 place right now to protect the ridgeline, where if it's not
6 buildable and if Steven was going to try to do something up
7 there, he wouldn't be able to do it because the laws -- the
8 way I understand it, the laws of the land are already in
9 place? Am I wrong in saying that?

10 MS. LANZETTA: Well, the law says right here
11 that the Planning Board is responsible for protecting it
12 with the original subdivision, to make sure that the
13 property is going to be --

14 MR. TRONCILLITO: Well, isn't what they
15 stated in here in regards --

16 MS. LANZETTA: Yeah. But that's up to us,
17 to make sure that -- do you know -- have you been up there
18 and looked at that property? Do you think you can put in a
19 house right now that would meet -- you know, the driveway,
20 everything else -- that would meet the requirements?

21 MR. TRONCILLITO: Well, if they were to come
22 and they were gonna get a building permit and Tommy was to
23 go up there and review that, you think he's going to issue
24 a building permit?

25 MS. LANZETTA: Well, Tommy -- Tom Corcoran

SANTINI SUBDIVISION - PUBLIC HEARING

1 is going to have to get our engineer to go up there and do
2 all the work.

3 MR. TRONCILLITO: Well, then so be it.
4 That's his job.

5 MR. HINES: What I suggested in the note was
6 that it would require a resubmission to the Planning Board.
7 It's not something -- my office wouldn't be doing that.
8 They would have to hire their own consultant.

9 CHAIRMAN BRAND: But I think Mrs. Lanzetta's
10 point was that according to that section of code, the way
11 I'm understanding her reading of it, is that it may not
12 even be allowed to be subdivided until you can prove that
13 it is buildable in that area. Maybe I'm --

14 MS. LANZETTA: That's my understanding of
15 it.

16 CHAIRMAN BRAND: So this is what I would
17 suggest, and you guys tell me if you would agree, but I
18 think this obviously needs some further clarification from
19 possibly the attorney and/or engineer to review that
20 section of the code specifically and see how or if we're
21 able to move forward with this. Does that sound agreeable?

22 MR. GAROFALO: It sounds reasonable.

23 MR. TRONCILLITO: I vote no.

24 CHAIRMAN BRAND: We're not going to vote.
25 We can't do anything with this until it's clarified

SANTINI SUBDIVISION - PUBLIC HEARING

1 regardless. So I think what I would like to have is,
2 Meghan and Pat, put your heads together on this one and
3 come up with whether or not we're able to do this at this
4 time, and, if so, what the applicant would need to do in
5 order to ensure that we can do this.

6 MS. CLEMENTE: Sure.

7 CHAIRMAN BRAND: Yes?

8 MR. HINES: Yes.

9 CHAIRMAN BRAND: In the meantime, I would
10 maybe think that you could look at possibly looking at an
11 area that could be a buildable zone to show to us. And,
12 Pat --

13 MR. HINES: Just realizing that that may not
14 be where the house ends up in the future. They may go
15 through this again.

16 MS. LANZETTA: But, again, I go back to what
17 our mandate is as a Planning Board, is to make sure that
18 every subdivision we do is a possible buildable lot.

19 CHAIRMAN BRAND: She indicates that there is
20 this, I don't know, seven-acre parcel that a home could be
21 on somewhere in this area, and I think that might meet the
22 provisions of that section of the code. Yes?

23 MR. HINES: Sure.

24 CHAIRMAN BRAND: So let's go with that.

25 MR. HINES: You just approved the last one,

SANTINI SUBDIVISION - PUBLIC HEARING

1 the 34-acre parcel with nothing on it.

2 MS. LANZETTA: But they also had perc tests
3 as well.

4 MR. HINES: On the seven-acre parcel. They
5 did not on the 34-acre.

6 CHAIRMAN BRAND: But it also wasn't a part
7 of the steep -- ridgeline steep slope.

8 MR. HINES: It was not in that steep slope
9 area.

10 CHAIRMAN BRAND: I think that's the
11 question. So we'll get some more clarification on this,
12 and we will meet again to discuss it.

13 MS. BROOKS: Thank you.

14 CHAIRMAN BRAND: Thank you.

15 Time noted: 8:22 p.m.

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SANTINI SUBDIVISION - PUBLIC HEARING

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 LIGHTHOUSE HOLDINGS

4 Project No. 22-6009
5 131 Idlewild Road, Marlboro
6 Section 108.3; Block 1; Lot 21.114
-----X

7 FINAL - SITE PLAN

8 Date: September 18, 2023
9 Time: 8:22 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
13 CINDY LANZETTA
JOE LOFARO
14 BOB TRONCILLITO
JAMES GAROFALO
15 STEVE JENNISON
16 FRED CALLO

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

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

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

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have
2 Lighthouse Holdings for a final for their site plan at 131
3 Idlewild Road in Marlboro. That's you too; right, Patti?

4 MS. BROOKS: Yes.

5 CHAIRMAN BRAND: Pat, you had nothing on
6 this?

7 MR. HINES: This was before you last time
8 when I wasn't here. I did read the minutes, and Meghan has
9 generated paperwork for the approvals identifying some
10 conditions.

11 CHAIRMAN BRAND: Meghan, I see you have
12 prepared for us tonight a SEQR Negative Declaration, Notice
13 of Determination of Non-Significance, as well as a
14 Resolution of Approval by the Town of Marlborough Planning
15 Board. Is there anything you would like to point out?

16 MS. CLEMENTE: Patti, is there an updated
17 approval from the Department of Health? The one that I
18 have expired in 2022.

19 MS. BROOKS: No. I don't think that they
20 renewed it again. I mean, basically, it's a matter of
21 paying the fee and getting the approval again. It's been
22 approved twice now.

23 MS. CLEMENTE: Okay. So that will just be
24 an additional condition. I didn't put it in here. It's in
25 the SEQR application that that needs to be approved.

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Okay. That being said,
2 before you, you have the application of Lighthouse
3 Holdings, a New York LLC, for a special use permit and site
4 plan approval by the Town of Marlborough Planning Board, a
5 SEQR Negative Declaration and Notice of Determination of
6 Non-Significance. Jen, would you poll the Board.

7 MS. FLYNN: Chairman Brand.

8 CHAIRMAN BRAND: Yes.

9 MS. FLYNN: Member Callo.

10 MR. CALLO: Yes.

11 MS. FLYNN: Member Garofalo.

12 MR. GAROFALO: Yes.

13 MS. FLYNN: Member Jennison.

14 MR. JENNISON: Yes.

15 MS. FLYNN: Member Lanzetta.

16 MS. LANZETTA: Yes.

17 MS. FLYNN: Member Lofaro.

18 MR. LOFARO: Yes.

19 MS. FLYNN: Member Troncillito.

20 MR. TRONCILLITO: Yes.

21 CHAIRMAN BRAND: You also have before you an
22 application of Lighthouse Holdings, a New York LLC, for
23 site plan approval, a Resolution of Approval by the Town of
24 Marlborough Planning Board dated September 18, 2023. Jen,
25 would you poll the Board.

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MS. FLYNN: Chairman Brand.

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Lanzetta.

4 MS. LANZETTA: Yes.

5 MS. FLYNN: Member Lofaro.

6 MR. LOFARO: Yes.

7 MS. FLYNN: Member Callo.

8 MR. CALLO: Yes.

9 MS. FLYNN: Member Jennison.

10 MR. JENNISON: Yes.

11 MS. FLYNN: Member Garofalo.

12 MR. GAROFALO: Yes.

13 MS. FLYNN: Member Troncillito.

14 MR. TRONCILLITO: Yes.

15 CHAIRMAN BRAND: All right. I believe that
16 does it for Lighthouse Holdings.

17 MR. GAROFALO: Mr. Chairman?

18 CHAIRMAN BRAND: Yes.

19 MR. GAROFALO: Can I just make one comment
20 before you close?

21 CHAIRMAN BRAND: Yes.

22 MR. GAROFALO: We had discussed at the last
23 meeting grass in the area -- putting something to
24 prevent -- to separate the two accesses, and you had
25 mentioned one of the things that you might be considering

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 is large rocks.

2 MS. BROOKS: We ended up going with a
3 post-and-rail fence, just because I was afraid of in the
4 snow and vehicles and things like that, so we opted for a
5 post-and-rail fence.

6 MR. GAROFALO: Thank you very much. That's
7 exactly what I was going to ask, that you not put large
8 rocks because it's on a curve. Thank you.

9 MS. BROOKS: You're welcome.

10 Time noted: 8:25 p.m.

11

12 C E R T I F I C A T E

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

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

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

23 IN WITNESS WHEREOF, I have hereunto set my 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 MOHEGAN FARMS

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

7 SKETCH - SITE PLAN

8 Date: September 18, 2023
9 Time: 8:25 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
13 CINDY LANZETTA
JOE LOFARO
14 BOB TRONCILLITO
JAMES GAROFALO
15 STEVE JENNISON
16 FRED CALLO

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

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

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

MOHEGAN FARMS - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda is
2 Mohegan Farms for a sketch of the site plan at 271 Milton
3 Turnpike in Marlboro.

4 Pat, did you want to run through your
5 comments?

6 MR. HINES: Sure. This is an agricultural
7 reuse building. It's been before you for a couple of
8 months. It made some modifications to the plans.

9 The common driveway access agreement has
10 been submitted for review.

11 The parking area along the frontage has been
12 proposed to be removed and grass with a 12-foot wide gravel
13 access where that completely open front was before. And
14 they're going to place grass in that gravel area.

15 It needs to go to Ulster County Planning for
16 review as a special use permit.

17 We have a letter from the County Department
18 of Public Works with a sign-off, and they just are going to
19 require a highway work permit to modify that grass area.

20 The Health Department has issued an email
21 taking no exception to the site having no water and sewer
22 facilities, which we had asked earlier.

23 We asked that the parking spaces for the
24 accessible parking be confirmed to be paved, and earlier
25 today I did receive the paving detail for that.

MOHEGAN FARMS - SKETCH SITE PLAN

1 They put a Note 9 on the plan, no outdoor
2 displays of storage or new impervious surfaces as part of
3 this project, so they eliminated any outdoor use.

4 And it requires a public hearing, so we're
5 suggesting that referral to County Planning be made and
6 schedule a public hearing at an available date.

7 CHAIRMAN BRAND: Thank you, Pat. Comments,
8 questions from the Board on this? Mr. Garofalo, we'll
9 start with you.

10 MR. GAROFALO: Thank you very much. First
11 thing is dealing with the parking marking detail, I would
12 like to provide a document dealing with accessible parking
13 laws to change the accessible symbol both on the sign and
14 on the pavement markings. Also, in that detail there are
15 two dimensions for the aisle area. The aisle area has to
16 be eight feet, so the five foot one, which is on the
17 detail, should be removed, and it should be eight feet as
18 shown on the regular plan. I would like to provide this to
19 the applicant's people. I hope that you will make changes
20 according to those new laws.

21 Also, I think that this being a commercial
22 building, that perhaps we need to have some landscaping in
23 the back for the parking lot.

24 And, also, I have a question concerning the
25 gravel area on the west side of the building, which goes

MOHEGAN FARMS - SKETCH SITE PLAN

1 all the way -- it looks like it goes all the way to the
2 road, what the purpose of that gravel area is.

3 CHAIRMAN BRAND: Did you want to address
4 that?

5 MS. CARNEY: Sure. So that gravel drive
6 exists now. There's a man door on the side of the building
7 that that provides access to, so that will remain for that
8 purpose.

9 MR. GAROFALO: Could you repeat that? I
10 couldn't hear what you said. Please.

11 MS. CARNEY: That gravel access exists right
12 now for access to a man door that's on that side of the
13 building, so that will remain for that purpose. People
14 door. I just didn't want you to think it was a garage
15 overhead door.

16 CHAIRMAN BRAND: Just a regular entry door?

17 MS. CARNEY: Regular door. Sorry.

18 MR. GAROFALO: So people would, assuming
19 they park there, use that door.

20 MS. CARNEY: We're not proposing parking,
21 but we are providing that there's still graded
22 accessibility to that location, to that door.

23 MR. GAROFALO: Could you indicate on the
24 plans at some point how wide that is and what the size of
25 that area is?

MOHEGAN FARMS - SKETCH SITE PLAN

1 MS. CARNEY: Sure.

2 MR. GAROFALO: I'm also concerned about the
3 12-foot wide gravel area access lane in the front of the
4 building and how far that is from the travel way as to
5 whether or not that's going to potentially create a sight
6 distance problem if it's too close to the travel way. So I
7 would like an indication on how far that is from the travel
8 lane.

9 MS. CARNEY: Sure. We did just dimension to
10 the edge of the shoulder, to the edge of the pavement, and
11 it's eight feet from the edge of the shoulder. So we can
12 measure to the white line that's indicated on there. This
13 was circulated, this plan here. What's happening out front
14 was circulated to the County DPW. And, again, our comments
15 were that they were acceptive of that plan, and then just
16 before any construction, that there would have to be an
17 application for permit.

18 MR. GAROFALO: I am also concerned that the
19 fact that all the parking is gravel, and we did not want to
20 have parking in the front of the building like that, that
21 putting a 12-foot gravel accessible lane is basically just
22 going to become a parking space or two parking spaces for
23 vehicles. I had also asked for some indication if you were
24 going to be putting in any truck parking, because that we
25 would have to -- whether or not you have it or not and how

MOHEGAN FARMS - SKETCH SITE PLAN

1 big it is, is something that we have to approve. So that's
2 something that wasn't detailed on the new map, but I am
3 concerned that if a vehicle is parked in that 12-foot
4 gravel way, that they may actually block sight distance,
5 particularly if it's a truck that comes in there and backs
6 in there, that might block the sight distance of people
7 leaving the site. So I am concerned about that. So please
8 indicate what that is.

9 CHAIRMAN BRAND: Yeah, I would agree with
10 Mr. Garofalo on that, because we did talk about not having
11 parking in the front. I think if you have a 12-foot --
12 like he said, a 12-foot gravel access lane that's backing
13 up to the concrete platform, there's no way if I was
14 storing things I wouldn't be backing my truck up to that
15 platform. I think it kind of skirts the point of what we
16 asked, to not have parking there.

17 MR. GAROFALO: I don't know if the Board
18 feels it should be entirely grassed off or perhaps a small
19 area to allow people to walk to those doors. I think one
20 of the things that's a little confusing, because we're not
21 seeing the interior, how the interior is going to be laid
22 out, whether each of these doors is accessing a separate
23 section of the building, a separate storage section of the
24 building or not. That may be something that might help us
25 better understand how things are laid out and how things

MOHEGAN FARMS - SKETCH SITE PLAN

1 are physically going to work once it's built.

2 MS. CARNEY: Right. So the first story,
3 which basically is at the Milton Turnpike grade level, is
4 accessed from the front of the building, and anything on
5 the lower level is accessed from the rear of the building.
6 So the overhead doors in the front provide access to that
7 upper level. So we do have to provide some sort of access
8 for people to get to those doors, for sure. The parking
9 and other than temporary stopping is all at the lower
10 level, below, but there is a drive proposed so that people
11 can have at least temporary access to the doors for the
12 upper portion of the building in the front.

13 MR. GAROFALO: The gravel area on the west
14 side of the building, is there such a grade difference that
15 you can't connect that into the parking area in the back?

16 MS. CARNEY: That's right. There is. It is
17 about eight to ten feet grade difference.

18 MR. GAROFALO: Okay.

19 CHAIRMAN BRAND: Any other comments or
20 questions from the Board?

21 (No response.)

22 CHAIRMAN BRAND: So the last time you were
23 here we did ask for some type of architectural
24 improvements, something.

25 MS. CARNEY: So we -- based on that

MOHEGAN FARMS - SKETCH SITE PLAN

1 discussion, we did provide revisions to the plans and a
2 cover letter outlining that. So what we submitted by the
3 deadline I think everybody has in front of you. In the
4 meantime, we have worked on additional signage details and
5 information that we circulated to the Town engineer and to
6 the secretary earlier today, and I have a couple of hard
7 copies, if I could put them in front of the Board for
8 discussion.

9 CHAIRMAN BRAND: Absolutely.

10 MS. CARNEY: There's three hard copies along
11 with some lighting information or two hard copies, which
12 will make a complete submission, but this is just to
13 discuss what we talked about at the last meeting.

14 So, again, with the access drive, we
15 understand that no parking out front. So we did eliminate
16 the parking, but, again, we have to provide access. So if
17 sight distance is a concern, is the Board looking for, I
18 guess, a survey to confirm that there's enough sight
19 distance if a vehicle was parked or stopped at that
20 location along the front of the building?

21 MR. GAROFALO: Well, let me ask you this.
22 Would it be possible to put a truck parking area on the --
23 along the east side of the building so that people could
24 unload there and then have a walkway where the 12-foot
25 gravel lane is? So they would unload on the east side and

MOHEGAN FARMS - SKETCH SITE PLAN

1 then move it to the doors.

2 MS. CARNEY: Well, that right there, on the
3 plan, you can see the existing shared driveway runs right
4 on the property line. So we basically would be putting
5 parking next to that driveway that kind of shares with all
6 the residents. So we think that would be very intrusive on
7 the residents for their in and out and disturbing near
8 their property also. This building historically had access
9 to the front with overhead doors by vehicles and trucks and
10 trailers and tractors and things like that. So, you know,
11 we don't want to eliminate access to the front of the
12 building. We understand that there's no long-term parking
13 there and cars should park and access and move along, and
14 we can definitely signage it appropriately, but that is the
15 access to the front of the building.

16 MR. GAROFALO: That's the access to the
17 second level.

18 MS. CARNEY: To the upper level.

19 MR. GAROFALO: That's an important
20 distinction I understand now, because looking at this, it
21 looks like everything is on one level.

22 MS. CARNEY: Understood. And I know we did
23 submit a few photos of the building that, you know,
24 definitely can reference that the front -- the upper level
25 is only accessible through the front.

MOHEGAN FARMS - SKETCH SITE PLAN

1 MR. GAROFALO: There's no interior access to
2 the second level?

3 MS. CARNEY: From the lower level via
4 stairs?

5 MR. GAROFALO: Yes. There's no interior
6 connection between the two levels?

7 MS. CARNEY: No. It doesn't exist, and it
8 doesn't really --

9 MR. GAROFALO: Okay. That's what I was
10 asking, because I'm not seeing what the interior looks
11 like.

12 MS. CARNEY: Yeah. So we did remove the
13 parallel parking as we had talked about. We did label the
14 pre- and post-development uses on the plan as required. We
15 talked about the loading dock a couple times; that it's --
16 basically, for this use, it does not require a loading
17 dock, per se. That concrete platform is at the level of
18 the access doors at the front, so it will be utilized.
19 There's basically -- the drive goes all the way up there,
20 so you can actually drive up to it. We're not looking to
21 use it as a drive, but it does access the doors, so that
22 platform is to stay. The County Planning Board, obviously,
23 we need to circulate that, to get comments back. And the
24 Ulster County Health Department, we do have.

25 So we did provide a narrative of the

MOHEGAN FARMS - SKETCH SITE PLAN

1 proposed building improvements that includes improvements
2 to the gravel, to the parking lot, rake the gravel in the
3 rear of the building, and lay down more satisfied parking
4 area. And we provided a detail on that. To install
5 motion-sensed lighting mounted to the rear and the front of
6 the building. So this plan we worked on since that earlier
7 submission this month to show the existing locations of the
8 lights and the proposed locations of the lights, and we
9 provided a lighting specification for what's intended to be
10 installed.

11 MR. HINES: That just came today, though.

12 MS. CARNEY: Right. So it is something that
13 has been done and as part of the submission has not been
14 reviewed yet.

15 Signage, that was a question. So you had
16 mentioned that there will be a sign installed in the front
17 of the building. So we have since developed a detail for
18 that sign, which, again, you know, we're presenting
19 tonight, but it will be part of our official submission.
20 So a wall-mounted sign. No other signs are proposed other
21 than directional signs.

22 So, for the interior of the building, the
23 new slab will be poured on the lower level because it's in
24 disrepair at this time. Some of the garage doors will be
25 replaced. Metal wall paneling on the interior walls in the

MOHEGAN FARMS - SKETCH SITE PLAN

1 lower units. There will be an inspection and repair to the
2 roof if needed. Repair and replace gutters as needed.
3 Repair and replace glass windows in the front of the
4 building. There's a small structure over the back door
5 that's collapsed. That will be removed. And to refresh
6 the exterior of the building, to repaint, and install
7 plants, et cetera.

8 So, one of the things also we've labeled
9 other than the grass in the front of the building, to
10 remove some of that gravel to give a little bit of buffer
11 between the concrete platform and that access lane and the
12 shoulder, we are showing that to be -- to have some ground
13 cover. We've labeled -- to the south of this property, it
14 will be just to vegetate the area with grasses and/or
15 ground cover plantings. So we're not proposing any large
16 trees or any of that, but we are proposing to maintain
17 ground cover in that area. So that's been added to the
18 plan as well.

19 MR. GAROFALO: I would think that we would
20 want to have some kind of visual buffer to the parking area
21 on the south side, not just grass, but some other
22 vegetation or a fence or something to buffer that. This
23 facility is going to be open 24/7?

24 MS. CARNEY: Right. That was labeled, yes.

25 MR. GAROFALO: One of the things I

MOHEGAN FARMS - SKETCH SITE PLAN

1 discovered in doing noise analysis for another project was
2 that surprisingly the noise coming out of a heavily
3 industrialized building was -- the key was the garage
4 doors, and it was the garage doors slamming down that would
5 wake up the neighbors, because it was an instant, loud
6 noise. And that would be something of concern, I think, to
7 the neighbors here; that the design of the doors be
8 considered so that they will not be slammed down in the
9 middle of the night. Now, I understand you want to have it
10 open 24/7. I think that's perfectly reasonable, but maybe
11 there's a way in which you could --

12 MS. CARNEY: Some sort of soft-close garage
13 door.

14 MR. GAROFALO: Yeah, automatic opening and
15 closing, but to consider something which would prevent
16 people from, in the middle of the night, just slamming
17 these doors, because that will wake up people.

18 MS. CARNEY: Gotcha.

19 CHAIRMAN BRAND: Any other comments or
20 questions from the Board?

21 (No response.)

22 CHAIRMAN BRAND: No. So this does require a
23 public hearing. Jen, do you know what our next available
24 date is?

25 MS. FLYNN: If they're sending it to County,

MOHEGAN FARMS - SKETCH SITE PLAN

1 they meet the first week, so I am going to suggest that it
2 be the 16th of November for the public hearing, because,
3 otherwise, we meet the 2nd, and they don't meet until the
4 5th.

5 MR. HINES: We're in October, though.

6 MS. FLYNN: I meant October 16th.

7 CHAIRMAN BRAND: So that will give us enough
8 time to get the County Planning Board to review. Does that
9 work for you, public hearing for October 16th?

10 MS. CARNEY: October. Yes.

11 CHAIRMAN BRAND: So we'll schedule a public
12 hearing for October 16th. Just make sure that you
13 familiarize yourself with the mailings that are required.
14 We have had public hearings where the incorrect number of
15 mailings went out, and it kind of nullifies the process.
16 You have to do it again.

17 MS. CARNEY: Sure.

18 MS. FLYNN: I also need all of the new
19 material for the Board, like 11 copies of everything, and
20 the packet that you want me to send up to Ulster County.

21 MS. CARNEY: Okay. Maybe I can add in some
22 of the things that we talked about tonight and then send
23 that to you.

24 MS. FLYNN: That would be perfect.

25 MR. GAROFALO: I would suggest that when you

MOHEGAN FARMS - SKETCH SITE PLAN

1 send out the mailings, that you attach a map showing the
2 location, because we have found that a lot of people come
3 just to ask where is this, and if you include a map,
4 whether it be Ulster County or whatever --

5 MS. CARNEY: Like a location map?

6 MR. GAROFALO: -- a map showing the
7 location, that may basically solve some people not
8 having --

9 MS. CARNEY: And I contact Jen for the
10 language of the public hearing?

11 MS. FLYNN: October 16th.

12 CHAIRMAN BRAND: She was asking about the
13 language.

14 MS. FLYNN: I'll do the Legal Notice and
15 then send it to you for you to mail out.

16 MS. CARNEY: Okay. Everyone within
17 500 feet.

18 MR. GAROFALO: That map is not required, but
19 it will help you in the long run.

20 MS. CARNEY: That's fine.

21 CHAIRMAN BRAND: All right. Thank you.

22 MS. CARNEY: Oh. I just did want to
23 discuss -- I know we just talked about the garage doors and
24 finding a way to make the noise -- but we had asked for a
25 waiver for noise generation. I don't know if anybody

MOHEGAN FARMS - SKETCH SITE PLAN

1 talked about that or wants to talk about it. I don't think
2 we did anything with SEQRA.

3 MR. GAROFALO: Other than the garage doors,
4 I think that would be the key noise element for a facility
5 like this. So I wouldn't have an objection to waiving that
6 as long as you can come up with a reasonable plan for
7 controlling the noise of those slamming doors in the middle
8 of the night.

9 MS. CARNEY: Right.

10 MR. HINES: You're suggesting they waive a
11 noise study; right?

12 MS. CARNEY: Yeah.

13 MR. HINES: It's still in the Town code
14 for --

15 MS. CARNEY: Yeah, because it was in the
16 Town code for site plans, so I just want to see -- you
17 know, to waive that. Because you guys have a very
18 comprehensive checklist which is -- no. Seriously, it's
19 wonderful. You go through it, like, oh, I forgot. You
20 know, so that was one of the things that we were like, no,
21 we don't have this, and it said if you don't have it, can
22 you ask for a waiver. So that's why I just wanted to dot
23 that "i."

24 MR. GAROFALO: I'll ask the Board. Is there
25 any member of the Board who has a problem with providing a

MOHEGAN FARMS - SKETCH SITE PLAN

1 waiver given that they can resolve this issue with the
2 garage doors?

3 MS. LANZETTA: I don't see where you'll
4 generate any noise that would raise to the level of being a
5 problem in the location where you're at. It is a busy road
6 to begin with, so there is quite a certain amount of noise
7 that's being generated anyway. So I would have no problem
8 waiving that.

9 CHAIRMAN BRAND: I wouldn't have a problem
10 with that either. I think the majority of the Board would
11 not.

12 MS. CARNEY: Okay.

13 CHAIRMAN BRAND: So we will see you on
14 October 16th, then, yes?

15 MS. CARNEY: But nothing for SEQRA?

16 MR. HINES: They wait for after the County
17 Planning.

18 MS. CARNEY: All right. Excellent. Thank
19 you very much.

20 CHAIRMAN BRAND: All right. Thank you.

21 Time noted: 8:48 p.m.

22

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MOHEGAN FARMS - SKETCH SITE PLAN

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

3 In the Matter of

4 MARKLE SUBDIVISION

5 Project No. 23-1021
6 30 Partington Lane, Marlboro
7 Section 108.2; Block 7; Lot 38.1

8 SKETCH - SUBDIVISION

9 Date: September 18, 2023
10 Time: 8:49 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

15 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
16 CINDY LANZETTA
17 JOE LOFARO
18 BOB TRONCILLITO
19 JAMES GAROFALO
20 STEVE JENNISON
21 FRED CALLO

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

25 APPLICANT'S REPRESENTATIVE: STEVEN MARKLE

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

MARKLE SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Finally on the agenda we
2 have the Markle subdivision for a sketch of their
3 subdivision at 30 Partington Lane in Marlboro. How are you
4 tonight?

5 MR. MARKLE: Good. How are you?

6 CHAIRMAN BRAND: Good. Pat, do you want to
7 start with your comments first when you're ready?

8 MR. HINES: Sure. I may bounce around. So
9 I'm going to jump down to my Comment Number 8 and then
10 we'll go through the rest, because Comment Number 8 seems
11 to -- may be fatal to this subdivision.

12 The proposed private -- or the existing
13 private road exceeds the number of units that are permitted
14 on a private road. In accordance with the private road,
15 you can only have four houses on a private road and this
16 has many more that access off of Partington Lane.

17 MR. MARKLE: Yeah, the property is central
18 of Marlboro, I guess, for the properties. I've looked at
19 it. Raguseo has two properties up there. And those two
20 properties use Apple View Court for ingress and egress.
21 They don't actually use the right-of-way coming through.
22 Sorrentino does use it. And Sam -- I don't know how to say
23 his last name. He's my neighbor behind me. He does use it
24 as well. And then I have other two properties. Those two
25 properties I believe can be waived because of the road

MARKLE SUBDIVISION - SKETCH SUBDIVISION

1 frontage that they have. So if we can allow the Raguseos
2 to keep with their ingress and egress on Apple View Court
3 and then eliminate the two that have the road frontage, we
4 should comply.

5 CHAIRMAN BRAND: Did you follow that, Pat?

6 MR. HINES: I heard what he said, but I
7 looked on the mapping, and it looks like there was a bunch
8 of houses off Partington Lane. It actually goes up this
9 way as well.

10 MR. MARKLE: Right. So there's 20
11 Partington Lane, which is a house that we own; 30
12 Partington Lane, which is a house that we own. Behind that
13 is 37 Partington Lane, which is Sam -- and I'm sorry. I
14 don't know how to pronounce his last name. Those are the
15 three main off Partington Lane. Then there's another drive
16 that goes off to the right after you cross the bridge, and
17 that's the Sorrentino property and the Raguseo properties.
18 So it's the Raguseo properties that are attached that I'm
19 asking be waived because they use Apple View Court. And
20 then that would just leave Sorrentino and then my two
21 properties and then 37 Partington Lane. If we waive my two
22 because they have road frontage, then we should be able to
23 add another parcel.

24 MR. HINES: So I don't know that they have
25 legal road frontage. Legal road frontage, it's not just

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1 touching the road. It needs to have the lot width, which
2 in this case would be 150 feet of road frontage.

3 MR. MARKLE: Okay. I'm not sure what the
4 road frontage is there, so I'd have to look into that.

5 MR. HINES: It's not that much. So I think
6 we would need a map showing who is using this private road
7 and how much frontage they have.

8 MR. MARKLE: We can do that. It was one of
9 the requests on your item list, that everybody be listed,
10 and we'll make that so. That's no problem.

11 MR. HINES: I just wanted to touch on that
12 one first, because the rest, if we can't get beyond that --

13 CHAIRMAN BRAND: All right.

14 MS. LANZETTA: Yeah. We also want a private
15 road agreement, a copy of that.

16 MR. MARKLE: Yeah. And that would be
17 between myself and myself; correct?

18 MS. LANZETTA: Well, no. For anybody on
19 this private road.

20 MR. MARKLE: So I don't know if I can force
21 them to sign an agreement because they purchased their
22 properties without the agreements.

23 MS. LANZETTA: There's no existing
24 agreement?

25 MR. MARKLE: There is no existing. The only

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1 existing road maintenance agreement is between myself and
2 myself when we subdivided the other parcel.

3 CHAIRMAN BRAND: Meghan?

4 MS. CLEMENTE: Yes.

5 CHAIRMAN BRAND: Do you want to weigh in on
6 that at all?

7 MS. CLEMENTE: Yeah. They'll need a note.

8 MR. HINES: They have a note that says one
9 is going to be provided. We have that all parties on a
10 private road must be involved in the private road access
11 and maintenance agreement.

12 CHAIRMAN BRAND: If the other properties do,
13 they probably don't have the required frontage, though,
14 right, is what you're saying?

15 MR. HINES: The frontage on Plattekill Road
16 just isn't there for these other lots. It looks like
17 there's 75 feet for one of them and I don't know how much
18 on the other.

19 CHAIRMAN BRAND: Why don't you buzz through
20 the rest of your comments quickly, then.

21 MR. HINES: Sure. The right-of-way is only
22 20 feet wide, and it looks like the private road is not
23 20 feet wide. Fire access roads need to be a minimum of 20
24 feet wide. Your right-of-way, per code, should be 50 feet.
25 So that may be another hard one as well for utilizing the

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1 private road.

2 Utilities for the existing structures should
3 be shown.

4 Topography will need to be provided.

5 The house site for proposed Lot 2 with the
6 well and septic will need to be provided.

7 The Ulster County Parcel Map shows a large
8 portion of Lot 2 to be federal wetlands.

9 MR. MARKLE: I noticed that. You know, if
10 you look through the maps and series from the '70s and
11 '80s, yes, it was wet through the '70s and '80s. Somewhere
12 in the late 1990s or early 2000s, it was all filled in when
13 they dredged the pond. So when we did our perc test with
14 the County recently, we went as far as 62 inches and didn't
15 hit water. It's an isolated wetland, and I believe, you
16 know, with incoming laws, it will be probably obsolete to
17 begin with anyway and be buildable.

18 MR. HINES: So we'll look for that, deep and
19 perc tests. It just was a noticeably large-sized federal
20 wetland in there.

21 Again, contour and topography information,
22 and we'll need all that information prior to doing a
23 detailed review. I think the access road issue needs to be
24 plotted out, who has access and rights to use what, and
25 we'll move forward after that.

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1 MR. MARKLE: And I apologize some of the
2 information wasn't on there, but I knew we had some big
3 hurdles to get through, and I kind of wanted an open
4 discussion on that, so I appreciate it.

5 CHAIRMAN BRAND: So since he does have these
6 obstacles that he needs to clarify with us, I will take
7 comments or questions from the Board, but only ones that
8 maybe pertain to those or we think are exceedingly
9 pertinent to moving forward to the next step. Any of those
10 from the Board?

11 MR. GAROFALO: I just have one question.
12 I'm not sure how the solar array and the barn, how we deal
13 with those when they're on the opposite side of a drive as
14 far as the frontage goes and distance.

15 MR. MARKLE: We have a variance for that.
16 That's already been preapproved.

17 CHAIRMAN BRAND: You have a what?

18 MR. MARKLE: We have a variance for the
19 solar panels. Before I could put them in, I had to come
20 and get a variance from you guys. So that was all
21 approved.

22 MR. GAROFALO: Can you supply a copy of
23 that?

24 MR. MARKLE: Sure.

25 MR. GAROFALO: Thank you.

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1 CHAIRMAN BRAND: All right. So it sounds
2 like you have some homework to do and then we'll see you
3 again.

4 MR. MARKLE: Fantastic. Thank you.

5 CHAIRMAN BRAND: Thank you. So that does it
6 for our regular meeting.

7 Time noted: 8:56 p.m.

8

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

10

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

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

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

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

22

Stacie Sullivan

23

Stacie Sullivan, CSR

24

25