

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

2 -----X
3 In the Matter of

4 FREDERICKS SUBDIVISION

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

8 FINAL - SUBDIVISION

9 Date: October 2, 2023
10 Time: 7:30 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 JOE LOFARO
17 BOB TRONCILLITO
18 JAMES GAROFALO
19 STEVE JENNISON
20 FRED CALLO

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

24 APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN
25

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

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

1 CHAIRMAN BRAND: I'd like to call the meeting
2 to order 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, October 2, 2023, regular meeting at
7 7:30 p.m. On the agenda this evening we have the approval of
8 the stenographic minutes for September the 5th. Also on our
9 revised agenda we have the final of the Fredericks subdivision
10 at 420 Plattekill Road in Marlboro for their subdivision; a
11 final for the Bayside Bond Reduction Resolution for their site
12 plan; a sketch of the Santini subdivision at 219-229 Mt. Zion
13 Road in Marlboro; a sketch of a site plan for Some Place
14 Upstate at 20 Mt. Rose in Marlboro; a sketch of a subdivision,
15 River Vista 2 Lot, River Vista Drive in Marlboro; and a sketch
16 of a site plan at Summit Drive Properties on Summit Drive in
17 Marlboro.

22 I would like a motion for the approval of the
23 stenographic minutes for the September 5th meeting, please.

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

25 MR. TRONCILLITO: I'll second it.

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objection?

4 (No response.)

5 CHAIRMAN BRAND: So moved. First on the agenda
6 tonight we have --

7 MS. FLYNN: Excuse me. On the Discussion, are
8 we going to do the Zoning Code, or no?

9 CHAIRMAN BRAND: Could you repeat that?

10 MS. FLYNN: Could we add the Zoning Code?

11 CHAIRMAN BRAND: Sure. What would you like to
12 add, the Zoning Code?

13 MS. FLYNN: Under Discussion.

14 CHAIRMAN BRAND: Under Discussion, Zoning Code
15 discussion. All right. We can do that easily.

16 MS. FLYNN: Thank you.

17 CHAIRMAN BRAND: First up this evening we have
18 the Fredericks subdivision for a final of the subdivision at
19 420 Plattekill Road in Marlboro. Does anyone from the Board
20 have any comments or questions regarding this?

21 MR. GAROFALO: I have one comment, and that is
22 the last time we met, we did not get the number of letters
23 that were sent out and the number that were returned, and I'd
24 like to have those in the -- on the file in the minutes at
25 some point.

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

1 CHAIRMAN BRAND: We'll make sure that happens,
2 Mr. Garofalo.

3 MR. GAROFALO: Thank you.

4 CHAIRMAN BRAND: Meghan, you have prepared for
5 us a SEQR Negative Declaration and Notice of Determination of
6 Non-Significance as well as a Resolution of Approval by the
7 Town of Marlborough Planning Board. Anything you'd like to
8 highlight for us?

9 MS. CLEMENTE: We have -- the approval from
10 Ulster County Health Department is still needed, I believe,
11 and the limits of disturbance.

12 CHAIRMAN BRAND: Those are conditions?

13 MS. CLEMENTE: Those are conditions, as well as
14 the payment of all fees and payment of recreation fees.

15 CHAIRMAN BRAND: Excellent. As far as the
16 application of Carl D. Fredericks for a two-lot subdivision
17 from the Town of Marlborough Planning Board, as far as the
18 negative -- SEQR Negative Declaration and Notice of
19 Determination of Non-Significance, Jen, would you poll the
20 Board.

21 MS. FLYNN: Chairman Brand.

22 CHAIRMAN BRAND: Yes.

23 MS. FLYNN: Member Lanzetta.

24 CHAIRMAN BRAND: Absent.

25 MS. FLYNN: Member Iofaro.

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

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: You also have before you, for
11 the application of Carl D. Fredericks for the two-lot
12 subdivision, a Resolution of Approval by the Town of
13 Marlborough Planning Board. Jen, would you poll the Board,
14 please.

15 MS. FLYNN: Chairman Brand.

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Lanzetta.

18 CHAIRMAN BRAND: Absent.

19 MS. FLYNN: Member Lofaro.

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Callo.

22 MR. CALLO: Yes.

23 MS. FLYNN: Member Jennison.

24 MR. JENNISON: Yes.

25 MS. FLYNN: Member Garofalo.

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

1 MR. GAROFALO: Yes.

2 MS. FLYNN: Member Troncillito.

3 MR. TRONCILLITO: Yes.

4 CHAIRMAN BRAND: For the subdivision the
5 Planning Board also finds the Recreation Fee Findings for the
6 Town of Marlborough Planning Board. Whereas the Planning
7 Board has reviewed a subdivision application known as the
8 Fredericks Subdivision with respect to real property located
9 at 420 Plattekill Road in the Town of Marlborough. Member
10 Callo offered the following resolution, which was seconded by
11 Member Jennison.

12 It is hereby resolved that the Planning Board
13 make the following fines pursuant to Section 277(4) of the
14 Town Law:

15 Based on the present and anticipated future
16 need for park and recreational opportunities in the Town of
17 Marlborough, and to which the future population of this
18 subdivision will contribute, parklands should be created as a
19 condition of approval of this subdivision.

20 However, a suitable park of adequate size to
21 meet the above requirement cannot be properly located within
22 the proposed project.

23 Accordingly, it's appropriate that, in lieu of
24 providing parkland, the project sponsor render to the Town
25 payment of recreation a fee to be determined in accordance

FREDERICKS SUBDIVISION - FINAL SUBDIVISION

1 with the prevailing schedule established for that proposed by
2 the Town of Marlborough.

6 Whereupon, the following vote was taken:

7 Chairman Brand. Yes. Callo.

8 MR. CALLO: Yes.

9 CHAIRMAN BRAND: Garofalo.

10 MR. GAROFALO: Yes.

11 CHAIRMAN BRAND: Jennison.

12 MR. JENNISON: Yes.

13 CHAIRMAN BRAND: Lofaro.

14 MR. LOFARO: Yes.

15 CHAIRMAN BRAND: Troncillito.

16 MR. TRONCILLITO: Yes.

17 CHAIRMAN BRAND: I be

18 Time noted: 7:35 p.m.

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FREDERICKS SUBDIVISION - FINAL SUBDIVISION

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

2

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

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

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

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

14

Stacie Sullivan

15

Stacie Sullivan, CSR

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

2 -----X
3 In the Matter of

4 BAYSIDE BOND REDUCTION RESOLUTION

5 -----X

6
7 FINAL - SITE PLAN

8 Date: October 2, 2023
9 Time: 7:35 p.m.
10 Place: Town of Marlborough
11 Town Hall
12 21 Milton Turnpike
13 Milton, New York 12547

14
15 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
16 JOE LOFARO
17 BOB TRONCILLITO
18 JAMES GAROFALO
19 STEVE JENNISON
20 FRED CALLO

21
22 ALSO PRESENT: PATRICK HINES, ENGINEER
23 MEGHAN CLEMENTE, ESQ.
24 JEN FLYNN, PLANNING BOARD SECRETARY

25

26 -----X
27 Stacie Sullivan, CSR
28 staciesullivan@rocketmail.com

BAYSIDE BOND - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have the
2 Bayside Bond Reduction Resolution for a final of their site
3 plan. Meghan, would you like to just give us some information
4 on this, please, for the record.

5 MS. CLEMENTE: Yes. So we received -- the Town
6 received a request from Asher Sussman, who is the owner of the
7 commercial aspect of Bayside, the commercial parcels, to
8 reduce the bond amounts for the commercial bonds. The bonds
9 as a whole have already been reduced as a request of the other
10 owner, and the Planning Board put in the approval resolution
11 for the commercial parcels the bonds. So the bonds were a
12 condition for -- from the Planning Board for the project,
13 which would indicate that you need to approve the reduction,
14 as well as the Town Board.

15 CHAIRMAN BRAND: So, essentially, because he's
16 not constructing the commercial --

17 MS. CLEMENTE: Yes. The bonds are reduced.
18 The entire amount has stayed the same, but they're apporti
19 in a different way, where the commercial parcels are not
20 paying the same amount.

21 CHAIRMAN BRAND: Any questions or comments from
22 the Board? Mr. Garofalo.

23 MR. GAROFALO: I have one comment. In the last
24 whereas statement it says, It is recommended that the
25 inspection fees be worked out as a private matter between the

BAYSIDE BOND - FINAL SITE PLAN

1 two entities. And I somewhat disagree with that statement.
2 One, we should be dealing with that aspect of it; that the
3 portion that has been constructed and to be approved, the
4 inspection fees should be coming from them. If they want to
5 make a separate agreement to apportion that, fine, but we
6 should not get the Town in a situation where we have to get
7 escrow fees from both parties, and one party may decide not to
8 give their escrow fee. I think that creates a situation.

9 MR. HINES: That's exactly what we're doing.
10 The inspection fees have been paid in full based on the total
11 bond amounts, and some of those inspection fees have been
12 expended for either portions of the project. So the Town does
13 not want to get in between those two developers to say whose
14 portion of what inspection fees have been expended. It was
15 one account. So the inspection fees are posted. The Town has
16 them, and one or both of those parties need to work out
17 between themselves the reapportionment or payment to each
18 other. It should have been done prior to one entity closing
19 on it. They shouldn't have let it sit there. So we're
20 keeping the Town out of that. However, we do have the money.

21 MR. GAROFALO: Is that something, though, that
22 we really need to have in the resolution?

23 MR. HINES: I don't think so because the Town
24 has the money. We want them to work out whose portion of what
25 was expended. Otherwise, the Town is going to be in the

BAYSIDE BOND - FINAL SITE PLAN

1 middle of --

2 MR. GAROFALO: That's what I don't want, the
3 Town to be in the middle of collecting the money.

4 MR. HINES: That was my original thing, saying
5 we can divvy these bonds up and be worked out so the bonds are
6 the same total across the line, but there was inspection fees
7 that were posted, and some are expended, whether it was for
8 the retention pond on the commercial site or the improvements
9 on the residential site, and there was no tracking of that
10 because it was one project, one inspection.

11 MR. GAROFALO: As long as in the end, it's
12 coming from one person.

13 MR. HINES: We have it already. It's in the
14 bank.

15 MR. GAROFALO: Who they get it from is fine.

16 MR. HINES: It's already in the Town's account.

17 MR. GAROFALO: Thank you. I feel more
18 comfortable about that now.

19 CHAIRMAN BRAND: Great. Jen, would you poll
20 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.

BAYSIDE BOND - FINAL SITE PLAN

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 Time noted: 7:40 p.m.

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

13 I, STACIE SULLIVAN, a shorthand reporter and Notary
14 Public within and for the State of New York, do hereby
15 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 am
22 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
2 TOWN OF MARLBOROUGH PLANNING BOARD

2 -----X
3 In the Matter of

4 SANTINI SUBDIVISION

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

8 -----X
9 SKETCH - SUBDIVISION

10 Date: October 2, 2023
11 Time: 7:40 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, New York 12547

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

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

27
28 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

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34 -----X
35 Stacie Sullivan, CSR
36 staciesullivan@rocketmail.com

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda this
2 evening we have the Santini subdivision for a sketch of their
3 subdivision at 219-229 Mt. Zion Road in Marlboro. Pat, do you
4 want to start off with your comments first?

5 MR. HINES: Sure. We received the updated plan
6 from Patti Brooks's office, and we reviewed that. I know
7 Tommy Corcoran has also reviewed it. The issue of the
8 buildability of the balance parcel, the 18.7 plus or minus
9 acres of this subdivision, was raised at the last meeting.
10 The applicants have provided a plan depicting an approved
11 septic site, approved by the Health Department, and also a
12 house location.

17 They've given us a grading plan for the
18 proposed driveway. The length of the driveway requires
19 emergency vehicle turnoffs in compliance with the Fire Code,
20 so those need to be shown. I think it's every 300 feet, but
21 that driveway is a couple thousand feet long, I think.

22 The limits of disturbance should be identified
23 on the plans. Make sure that it's less than an acre of
24 disturbance for this proposed plan, or we'll need a stormwater
25 plan.

SANTINI SUBDIVISION - SKETCH SUBDIVISION

4 The house location that still has been depicted
5 on the plan is kind of contrary to that, in that the
6 development needs to be sited behind or below visual barriers,
7 such as trees, ridgelines, other topographic features. The
8 height and location of development shall not alter views of
9 and from the natural ridgeline. And we just know that the
10 house location is at the high point. There's a separate
11 section of that code that states that the structure should be
12 50 feet in elevation lower than the topographic ridgeline,
13 which, in this case, it's an elevation of 1,006 or eight at
14 the highest point. So they would have to be down around the
15 950 contour to comply with that.

16 I think Ms. Brooks may have a different opinion
17 than I do, but we'll hear that. That's the extent of our
18 comments.

19 CHAIRMAN BRAND: Thank you, Pat. Patti, did
20 you want to respond to those?

21 MS. BROOKS: Yeah. Absolutely. So at the last
22 meeting two weeks ago, we were just requested to show that
23 this lot was buildable, not that at this point in time we
24 needed to be in compliance, was my understanding, with the
25 entire Ridgeline Code. There are some conflicts in the code

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 itself, because in certain areas it said there shall be no
2 disturbance within a 50-foot area of the top of the ridge, and
3 then in one location -- it's two places -- it says 50 foot
4 from the top of the ridge. Then in one place it says 50 feet
5 in elevation. So to come down 50 feet in elevation, I don't
6 know if that's a typo in the code. I find it hard to believe
7 that somebody would be restricted from -- I mean, 50 feet in
8 elevation is pretty significant, when in another other place
9 in the code they talk about just making sure that it's sited
10 below visual barriers, such as trees and other topographic
11 features. So I think that that needs a little bit of
12 interpretation.

13 But, again, the application before the Board
14 this evening is for the three-lot subdivision. We were asked
15 to prove that that lot was buildable, and I think that we have
16 supplied the Board of Health approval. We have the graded
17 existing driveway. So I'm not exactly sure where to proceed
18 from here. We need to go forward with the subdivision
19 approval. If the Board feels more comfortable that at this
20 point in time we remove the house, well, and septic now we've
21 proven that there is a buildable site on the property and we
22 come back for the site plan approval for that lot, or if that
23 gets done through the building department and the engineer's
24 office, but at this point we're looking for what -- you know,
25 I understood two weeks ago that we just needed to come back

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 and show that this lot was buildable. So I don't disagree --
2 well, I might disagree with one of the comments regarding the
3 siting of the house. I have spoken to the applicants. They
4 are willing to move the house to the northerly side of the
5 existing driveway, which would put it approximately 30 feet
6 below the ridge. But, again, we're looking at what needs to
7 be done now so that the Board feels comfortable authorizing a
8 resolution to be drafted for the next meeting.

9 CHAIRMAN BRAND: Comments or questions from the
10 Board?

11 MR. TRONCILLITO: Basically, Patti, you're just
12 looking to get the subdivision approval?

13 MS. BROOKS: Correct.

14 MR. TRONCILLITO: That's all. Thank you.

15 MR. JENNISON: Patti, the 155-41.1, where is
16 the other part that you said was in disagreement?

17 MS. BROOKS: If you look at 155-41.1(F) (5),
18 that's where it says below the areas -- right above that,
19 (4) (b), there shall be no disturbance within this 50-foot
20 area. So if you go back to (F) (4) (a), No structure that is
21 the subject shall be -- this is where it's 50 feet in
22 elevation to the ridgeline.

23 MR. JENNISON: That's (F) (4).

24 MS. BROOKS: So I thought they were talking
25 about the elevation of the ridgeline and that you had to be

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 50 feet away from the highest elevation of the ridgeline, is
2 how it had been, I understood, interpreted.

3 CHAIRMAN BRAND: Fifty feet in distance or in
4 height?

5 MS. BROOKS: Not 50 feet in elevation. So, in
6 other words, we have an elevation of the ridgeline in this
7 particular area that's at 1,030 feet. So not that the
8 dwelling has to be at 50 feet below that, 980, but that we
9 have to be 50 feet distance away from where that -- that's
10 what I always understood that to be.

11 CHAIRMAN BRAND: Pat, did you want to respond
12 to that?

13 MR. HINES: Yeah. I see the word elevation.
14 That was the gist of it. We can't interpret that code. That
15 would start with Tommy Corcoran, and if not, it can go to the
16 ZBA. I would suggest possibly -- I mean, there's a nice flat
17 low spot down here (indicating). We can show a house
18 location. The septic and well can stay where it is. I think
19 showing the house anywhere 50 feet below that ridgeline would
20 accomplish what they're here for, for the subdivision. There
21 is that process should they wish to move that.

22 MS. BROOKS: That's fine.

23 MR. HINES: Then they would be back before the
24 building department in the future to have that house location
25 revised.

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 MR. JENNISON: So you're saying they met the
2 need tonight for the three-lot subdivision because they've
3 proven that there's a buildable lot.

4 MR. HINES: Yes, they've proven. They gave us
5 a Health Department approval for a well and septic. The house
6 location can go anywhere within the building envelope based on
7 the bulk requirements with the exception of the 50-foot
8 elevation from the ridge at this point.

9 MR. JENNISON: Meghan, how do we clean up the
10 code? Because it seems like it's --

11 MS. CLEMENTE: Well, if there's any sort of
12 ambiguity, as Pat said, that would have to go for an
13 interpretation from the ZBA. If you want to look at it more
14 in depth, we can talk about it.

15 MR. GAROFALO: Yeah. I think there's some
16 certain other aspects that bother me about this application.
17 One is the fact that there's fill at the top of the hill and
18 that there was a road constructed, and I don't know if this
19 road was constructed before the code was put into effect, but
20 there's a separate portion dealing with the construction of
21 roads as well as disturbance, and I think that also needs to
22 be clarified. Certainly, I think that down by the gravel
23 area, there's probably room to put a house.

24 But the other concern that I have is based on
25 the input that we got in writing about the construction that

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 went on there and whether that gravel stockpile should have
2 been removed as well as whether or not there should have been
3 some delineation of the wetlands and checked to make sure that
4 none of these disturbances, which should have been rectified,
5 occurred as a result of the construction activity; in
6 particular, the road. Because the road should be, from my
7 understanding in reading the code, only up to where you would
8 have your house, and that should have been designed and
9 approved by the Town engineer as far as things like guardrails
10 and drainage, et cetera, and I'm not sure if that was or not.
11 But certainly if there was a permit acquired with those things
12 done, I think that that should be provided to the Board.
13 Those are some of my concerns about this application, and
14 since there was a Court order, I'm not sure what are our legal
15 standing is with regard to allowing something that may be
16 questionable in regard to that injunction that was made by the
17 Court.

18 MS. BROOKS: That injunction was with regard to
19 the commercial operation, which was removed from the site.

20 MR. GAROFALO: Yes. But the stockpile of
21 gravel probably was a part of that, and all the materials were
22 supposed to have been removed as part of that injunction, so
23 that probably should have been removed. It's unfortunate that
24 they didn't specify everything. They just said all materials
25 without going into great detail in having read that.

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 MS. BROOKS: So at this point we're actually
2 before the --

3 MR. TRONCILLITO: Can I ask a question? Aren't
4 we just here tonight just for the subdivision? Not all the
5 other stuff that happened before. He's not looking to build a
6 house. He's only looking to do a subdivision. That's all
7 we're supposed to be looking at tonight, I thought.

8 CHAIRMAN BRAND: Well, he is building a house,
9 to be clear. He is building a house on that one piece -- on
10 one of the newly-created lots, he is seeking to build a house.

11 MR. JENNISON: Not tonight.

12 MS. BROOKS: Not tonight. Right. Tonight
13 we're trying to create Lot Number 1 and Lot Number 2 that have
14 existing houses, wells, and septic tanks on them.

15 MR. TRONCILLITO: When he has to come back for
16 the house, that's a different ball game. That's all I'm
17 trying to say.

18 CHAIRMAN BRAND: He wouldn't come back to us
19 for building the house.

20 MR. TRONCILLITO: Building Department.

21 CHAIRMAN BRAND: Correct.

22 MS. BROOKS: And the Town engineer.

23 MR. TRONCILLITO: Right.

24 CHAIRMAN BRAND: So I just want to interrupt.
25 Member Lanzetta wasn't able to attend, but she did have a

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 letter that she wanted to be read into the minutes, so I'll do
2 that.

3 I am sorry I can't attend tonight's meeting,
4 but my husband has COVID and I've been exposed. I do want to
5 convey my thoughts about the Santini application.

6 I want to impress upon the rest of the Board
7 that the Planning Board was established to, quote, "carry out
8 such administrative reviews, and to make such administrative
9 determinations as may be delegated to the Planning Board by
10 local law or ordinance of the Town of Marlborough," Town Code
11 Section 33-1(A). The Planning Board reviews applications
12 within the parameter of the Town Code.

13 The Ridgeline/Steep Slope Protection Law was
14 enacted in 2005 and has been in effect for 18 years. It was
15 enacted in tandem with the Town of Marlborough Comprehensive
16 Plan. The Comprehensive Plan and its update has gone through
17 years of study and public involvement. The laws that came out
18 of the recommendations also went through the process that
19 involved public hearings. The ensuing Town Codes are
20 developed through a thoughtful legal process that is time
21 consuming, involves the public and interested agencies and
22 stakeholders, and costs the Town significant funds.
23 Therefore, it behooves the Planning Board to follow the Town
24 Codes as they are written. When a Planning Board does not
25 follow the code, it opens the Town up to Article 78

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 proceedings. There are appellate actions an applicant can
2 take if they feel their rights are not being addressed by a
3 ruling made by the Planning Board, but it is not up to the
4 Planning Board to make allowances for applications that do not
5 meet the Codes as written.

16 I would hope the Board would expect any
17 applicant to follow the laws the Town Board has instituted for
18 the benefit of the community and to ensure the public's
19 health, welfare and safety. Thank you, Cindy Lanzetta.

20 MR. GAROFALO: There is a part of the Code,
21 which even if the entire lot -- an entire lot which has
22 already been created, that there is a provision for putting a
23 house on such a lot. So if there's an existing lot, you can
24 get a house on it. This is a question of creating a lot, and,
25 you know, I think that we need to be careful. I think there's

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 certainly land that one could be shown on here, but I
2 certainly would like a legal rendering on the issues dealing
3 with the injunction not having been possibly fulfilled in the
4 gravel pile and also to look at the road itself as to whether
5 or not that is a problematic issue. Because if that was built
6 as part of the construction and fill was put in there as part
7 of the construction activities, you know, I don't know where
8 that's going to leave us. But I would like to have some
9 clarity on those issues.

10 CHAIRMAN BRAND: So, going back to the matter
11 at hand, as far as the three-lot subdivision goes, Meghan,
12 would it be possible for us to -- I would like to make a
13 motion to authorize the attorney to draft the three-lot
14 subdivision with some conditions as to building upon the third
15 lot or the newly-created lot of the home, that that would need
16 to be coordinated with the Town engineer as well as the Code
17 Enforcement Officer for the Town to ensure that any new
18 construction is in accordance with this Steep Slope/Ridgeline
19 legislation that we have.

20 MR. TRONCILLITO: I'll second that.

21 MS. CLEMENTE: Yes.

22 CHAIRMAN BRAND: Any discussion?

23 (No response.)

24 CHAIRMAN BRAND: Any objection?

25 (No response.)

SANTINI SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: So we will authorize the
2 attorney to do that three-lot subdivision with those caveats.

3 MR. GAROFALO: Can she also review the other
4 legal matter?

5 MS. CLEMENTE: Yes. I'll look into the
6 culpability of the injunction to this application.

7 CHAIRMAN BRAND: Perhaps I'm wrong, Meghan, but
8 if the -- if that matter was resolved appropriately, wouldn't
9 that indicate that the gravel pile that was there that needed
10 to be moved was moved?

11 MS. CLEMENTE: Yeah.

12 CHAIRMAN BRAND: Okay.

13 MR. GAROFALO: It's also the fill and the road
14 itself. Those are the three issues. And hopefully they can
15 all be resolved, and we can get this done. Thank you.

16 CHAIRMAN BRAND: Thank you.

17 MS. BROOKS: Thank you.

18 Time noted: 7:57 p.m.

19

20

21

22

23

24

25

SANTINI SUBDIVISION - SKETCH SUBDIVISION

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

2

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

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

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

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

14

Stacie Sullivan

15

Stacie Sullivan, CSR

16

17

18

19

20

21

22

23

24

25

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

2 -----X
3 In the Matter of

4 SOME PLACE UPSTATE

5 Project No. 23-1008
6 20 Mt. Rose, Marlboro
7 Section 109.1; Block 4; Lot 57, 58, 71

8 SKETCH - SITE PLAN

9 Date: October 2, 2023
10 Time: 7:57 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 JOE LOFARO
17 BOB TRONCILLITO
18 JAMES GAROFALO
19 STEVE JENNISON
20 FRED CALLO

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

24 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

25

26 -----X
27 Stacie Sullivan, CSR
28 staciesullivan@rocketmail.com

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next we have on the agenda
2 Some Place Upstate for a sketch of a site plan at 20 Mt. Rose
3 Place in Marlboro. Meghan, you're a busy participant this
4 evening. I'm going to throw the ball into your court to give
5 us a little bit of advice as to the current status of the Some
6 Place Upstate site plan approval process.

7 MS. CLEMENTE: Yes. So based on my information
8 and belief, this applicant still has existing violations under
9 the Town Code that they are not in compliance with, and under
10 155-31 and 155-32 of the Town Code, the Planning Board has the
11 discretion to withhold review until those violations -- the
12 applicant has come into compliance with those violations.

13 CHAIRMAN BRAND: So it's at the Board's
14 discretion --

15 MS. CLEMENTE: The Board has discretion.

16 CHAIRMAN BRAND: -- whether to move forward
17 with this or not?

18 MS. CLEMENTE: Yes.

19 MR. GAROFALO: Does that require a finding by
20 the Court that they are in -- not in compliance with the
21 regulation, or is that something --

22 MS. CLEMENTE: No. It would be the Code
23 Enforcement Officer.

24 MR. GAROFALO: Okay.

25 CHAIRMAN BRAND: So with that being said, I'd

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 like to have a motion to table the review of Some Place
2 Upstate until those determinations can be made.

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

4 CHAIRMAN BRAND: Mr. Lofaro.

5 MR. CALLO: I'll second it.

6 CHAIRMAN BRAND: Any discussion?

7 (No response.)

8 CHAIRMAN BRAND: Any objection?

9 (No response.)

10 MS. CLEMENTE: If I could just -- do you want
11 to mention the special use permit?

12 CHAIRMAN BRAND: Correct. Yeah. This
13 application would also require a special use permit, which was
14 not indicated on the original application; correct?

15 MS. CLEMENTE: It was not.

16 CHAIRMAN BRAND: So should you proceed -- want
17 to proceed, that will need to be amended on the application.
18 You'll also need a special use permit as well as a site plan.
19 And I would encourage you, on the record, to perhaps follow
20 the suggestions of the violations and try to keep yourself
21 clear of any future violations.

22 MS. BROOKS: So is the applicant -- am I
23 allowed to speak at all on behalf of the applicant tonight, or
24 are you not willing --

25 CHAIRMAN BRAND: I really don't know where that

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 would bring us. I'd prefer, and I think the motion indicated,
2 that we'd like to make sure that everything is cleaned up
3 before we proceed with our review.

4 MS. BROOKS: Okay. I mean, because the
5 difficulty -- so we don't have anything in writing from the
6 Code Enforcement Officer. Basically, we have neighbors
7 alleging that there are events -- paid events happening there,
8 and the applicant contends they aren't, to the point where,
9 you know, I requested a list of everything that had occurred
10 at the site. And they were all personal celebrations.

11 So -- and we also have a letter from Van
12 DeWater saying that -- it's dated August 25th, which is a
13 Friday, and it says, We are advised that a Cease and Desist
14 Order was issued to you by the Town's Building Department on
15 August 22nd, which was a Tuesday, and that you have failed to
16 comply with the same. So they're saying -- and the only thing
17 that's out of compliance there, purportedly, is that they're
18 having events. So this is saying that between Tuesday, the
19 22nd, and Friday, the 25th, that there were illegal events
20 being held there during the week.

21 CHAIRMAN BRAND: I think the date of the letter
22 is really just when the letter was written. It doesn't
23 indicate that that's when the actual events were happening.

24 MS. BROOKS: No, no. But it says, Furthermore,
25 we're advised that a Cease and Desist Order was issued to you

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 on August 22nd and that you have failed to comply with the
2 same. So they're saying that between Tuesday and Friday they
3 failed to comply with the Cease and Desist Order. So I'm just
4 having a hard time with the dates. I'm having a hard time --
5 and, again, all of these public allegations are being made to
6 the Code Enforcement Officer at Town Board meetings, and the
7 applicant, to date, has not had the same opportunity to be
8 able to respond to those. So I guess he would have the same
9 opportunity to go to a Town Board meeting and speak under
10 public comment, I guess, just the same way that the neighbors
11 could, is really the only other option that he has until this
12 injunction moves forward.

13 MS. CLEMENTE: Uh-huh.

14 MS. BROOKS: But, again, how do you prove --
15 because he's saying, I am in compliance. And I understand
16 that there was an allegation that he actually even had an
17 event this past weekend, which totally did not occur. So how
18 do you refute unfounded allegations when it's just one
19 person's word against another? That's why I'm having a hard
20 time. How do you prove innocence?

21 CHAIRMAN BRAND: I think having a website
22 that's active right now with fees and event scheduling on
23 there does not help their argument at all. Shuttle buses.
24 I've had a lot of big parties. I've never needed charter
25 buses at any of them, getting stuck in my driveway to get up

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 to my house to have that. So I think there are definitely
2 some clues, so to speak, that perhaps not all these events
3 were necessarily in-house functions. We'd just like to have
4 everything cleared up before we go further.

5 MS. BROOKS: Understood. Thank you.

6 MR. TRONCILLITO: Mr. Chairman, when can I give
7 my concerns? That won't be tonight?

8 CHAIRMAN BRAND: I think not tonight.

9 MR. TRONCILLITO: Okay. All right. Just
10 wanted to make sure.

11 MS. BROOKS: Thank you very much.

12 CHAIRMAN BRAND: So there was a motion. There
13 was no discussion. Any objection?

14 (No response.)

15 CHAIRMAN BRAND: All right.

16 UNIDENTIFIED SPEAKER: Yes. As far as the
17 neighbors and allegedly --

18 CHAIRMAN BRAND: It's generally not a public
19 forum, but I'll let you share your thoughts. Go ahead.

20 THE COURT REPORTER: I need a name.

21 CHAIRMAN BRAND: Can you just state your name
22 for the stenographer.

23 MS. CROSBY: Andrea Crosby, 52 James Street.
24 We have videos. We have pictures. You can check the police
25 reports. They've been called after hours because of these

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 events. And, you know, the shuttle buses got stuck at the
2 bottom of the hill on 9W for two hours, and the only other way
3 out was the Farm Road.

4 CHAIRMAN BRAND: Thank you.

5 Time noted: 8:03 p.m.

6

7 C E R T I F I C A T E

8

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

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

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

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

20

Stacie Sullivan

21

Stacie Sullivan, CSR

22

23

24

25

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

2 -----X
3 In the Matter of

4 RIVER VISTA 2 LOT

5 Project No. 23-1022
6 River Vista Drive, Marlboro
7 Section 103.3; Block 3; Lot 28.123

8 SKETCH - SUBDIVISION

9 Date: October 2, 2023
10 Time: 8:03 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 JOE LOFARO
17 BOB TRONCILLITO
18 JAMES GAROFALO
19 STEVE JENNISON
20 FRED CALLO

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

24 APPLICANT'S REPRESENTATIVE: MATT TOWNE

25

26

27

28

29 -----X
30 Stacie Sullivan, CSR
31 staciesullivan@rocketmail.com

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda this
2 evening is River Vista for a two-lot sketch of their
3 subdivision at River Vista Drive in Marlboro. Would you like
4 to give us an overview of what it is you have planned here,
5 sir?

6 MR. TOWNE: Sure. I'm Matt Towne from
7 Willingham Engineering. Nick Galella -- it's Nima
8 Contracting -- is proposing a two-lot subdivision on River
9 Vista Drive. It's a 7.049-acre lot in the R-AG-1 rural
10 agricultural district. The property is vacant with access
11 from a private road, River Vista Drive. He'd like to have two
12 lots there. Both lots already have Health Department
13 approval, which is one of Pat's comments. I can provide that.
14 Lot 11C is going to be 4.6 acres. It will contain a
15 three-bedroom home. And Lot 11B will be 2.429 acres, and it
16 will have a four-bedroom home. So that's pretty much it.

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

19 MR. HINES: Sure. The number of lots that are
20 accessing this private road?

21 MR. TOWNE: It's four.

22 MR. HINES: Because it looks like -- the
23 private road continues, though; correct?

24 MR. TOWNE: Yeah, there's -- so I have --

25 MR. HINES: Does the Jill Hain Living Trust

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 also access off that private road?

2 MR. TOWNE: Where is that? No. No, that one
3 doesn't. So I can show you on this survey map if you want to
4 see.

5 MR. HINES: Yeah. It's critical.

6 MR. TOWNE: Right. One, two, and then this is
7 three, four (indicating).

8 MR. HINES: What about this lot (indicating)?

9 MR. TOWNE: That is up here (indicating).

10 MR. HINES: So they don't have any rights to
11 it?

12 MR. TOWNE: No.

13 MR. HINES: Okay. That's important. So we're
14 proceeding as if there's four lots on a private road, which is
15 the maximum allowed. These will be Lots 3 and 4 on this
16 private road.

17 Just a couple of items on the EAF. It comes in
18 as being flagged for archeological sites, wetland, and other
19 water bodies, remediation sites, and it comes up as threatened
20 or endangered species, but those are two species of fish in
21 the Hudson River. So it's within 2,000 feet of the Hudson
22 River so that gets flagged on there. I'm not so concerned
23 about the fish in the Hudson River, but those other questions
24 should be discussed in more detail by the applicant.

25 We're looking for the septic system approvals.

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 We didn't have those. I know you said they were there.

2 The minimum side yards are, one side, 35, both
3 80. So we need to show which one is going to be the -- if one
4 is 35, the other one has to be at 45.

5 The length of the driveway also. The length of
6 driveway on the lot -- proposed Lot 11C may exceed 300 feet,
7 so there will be a need for a Fire Department turnaround
8 passing lane there per the Fire Code.

9 MR. TOWNE: Okay. I thought that was 500.

10 MR. HINES: I think it's 300 in the new code.

11 MR. TOWNE: Okay.

12 MR. HINES: The 2020.

13 CHAIRMAN BRAND: Questions or comments from the
14 Board?

15 MR. GAROFALO: Yes. If you could please
16 provide the emails for all of the applicant's professionals.
17 It's not part of the existing form, but it will be part of the
18 future form, and this will make contacting them easier if it
19 is necessary. So please do that. And that is my only
20 comment.

21 CHAIRMAN BRAND: Pat, I just have -- sorry. Is
22 this the one that came before us where there were all those
23 questions on that private road with the cul-de-sac and
24 everything, and that's all been clarified and taken care of?

25 MR. HINES: Yeah. That map was filed. This is

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 one of those lots that's being re-subdivided.

2 CHAIRMAN BRAND: Those slopes, it looks pretty
3 steep to me. Is that not like a cliff right there,
4 essentially?

5 MR. HINES: Down towards the railroad tracks,
6 yes.

7 CHAIRMAN BRAND: But up where he is, you think
8 it's suitable for the house there?

9 MR. HINES: The houses are located in a
10 relatively flat area, but heading down towards the railroad
11 tracks, the eastern portion of the site is very steep.

12 MR. CALLO: Just a comment on that. I've been
13 to the Wood family home there. Looking over this vista down
14 to the river, and it seems -- it's a sheer drop down there.
15 It's not like easy rolling hills down to the riverside. I
16 mean, especially when you get to the second house that's
17 closer to the tracks, that's almost like a sheer cliff down to
18 the double tracks. I mean, I don't see how this driveway is
19 going to be a grade to actually get down that hill. I
20 wouldn't want to go down there on a sled or anything. Hard to
21 get up on an icy night back up to your house. You might end
22 up in the tracks when you go down with your car. I don't
23 know. Just a thought. I mean, that's a heck of a driveway
24 going down to that second house.

25 MR. TOWNE: I mean, it's 12 percent, but it's

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 not any steeper than that. And it flattens out about, I don't
2 know, over probably 120 -- 150 feet from where it gets really
3 steep, the driveway flattens out. So you would have to really
4 be rolling.

5 CHAIRMAN BRAND: Pat, do the private roads fall
6 under the same grading requirements as the driveways? Is that
7 considered a driveway?

8 MR. HINES: So your code allows driveways up to
9 14 percent.

10 CHAIRMAN BRAND: And that would be the same for
11 a private road that's considered a driveway essentially?

12 MR. HINES: Private roads are less than that,
13 but driveways are 14 percent.

14 CHAIRMAN BRAND: Okay.

15 MR. TOWNE: So we're at 12.

16 MR. HINES: The house is located on a
17 relatively flat spot based on the topo. It does drop off
18 towards the river.

19 MR. TRONCILLITO: It sure does.

20 MR. HINES: It's 150 feet in elevation
21 difference roughly between the -- it's over 300 feet there.

22 MR. TOWNE: That's no different from these
23 other houses along the vista. I mean, you see this one is
24 probably 30 feet from the dropoff. Just be careful.

25 CHAIRMAN BRAND: Any other comments or

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 questions from the Board?

2 (No response.)

3 CHAIRMAN BRAND: So we'll just have you clean
4 up some of these little items that the engineer brought up
5 and then we will review again at the next one. Are we
6 comfortable with the approval for this, or do we need more?

7 MR. HINES: Well, it needs a public hearing. I
8 don't have any aversion to scheduling that now.

9 CHAIRMAN BRAND: Let's do that.

10 MR. GAROFALO: And we need to hear from SHPO.

11 CHAIRMAN BRAND: Jen, what would our next
12 public hearing date be? October 16th?

13 MS. FLYNN: No. We won't be able to be in here
14 because it will be setting up for election, so we'll be
15 upstairs.

16 CHAIRMAN BRAND: I don't foresee this one
17 drawing out too many people from the public, to be very frank.

18 MS. FLYNN: Pardon?

19 CHAIRMAN BRAND: I don't think there's going to
20 be that many people from the public speaking out against it.

21 MR. HINES: We didn't have many here for the
22 last subdivision.

23 CHAIRMAN BRAND: Let's go ahead and do that
24 first meeting in November.

25 MS. FLYNN: November 6th.

RIVER VISTA 2 LOT - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Does that work for you?

2 MR. TOWNE: Yep.

3 CHAIRMAN BRAND: Just check with our office
4 regarding the mailings because we may be changing that
5 procedure.

6 MR. TOWNE: Okay.

7 CHAIRMAN BRAND: November 6th, public hearing.
8 Excellent. Thank you.

9 Time noted: 8:11 p.m.

10

11 C E R T I F I C A T E

12

13 I, STACIE SULLIVAN, a shorthand reporter and Notary
14 Public within and for the State of New York, do hereby
15 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 am
22 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
2 TOWN OF MARLBOROUGH PLANNING BOARD

2 -----X
3 In the Matter of

4 SUMMIT DRIVE PROPERTIES

5 Project No. 23-1004
6 Summit Drive, Marlboro
7 Section 108.4; Block 6; Lot 29.311

8 SKETCH - SITE PLAN

9 Date: October 2, 2023
10 Time: 8:12 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 JOE LOFARO
17 BOB TRONCILLITO
18 JAMES GAROFALO
19 STEVE JENNISON
20 FRED CALLO

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

24 APPLICANT'S REPRESENTATIVE: MATT TOWNE

25

26

27

28

29 -----X
30 Stacie Sullivan, CSR
31 staciesullivan@rocketmail.com

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Finally this evening we have
2 Summit Drive Properties for a sketch of a site plan at Summit
3 Drive in Marlboro. Come on down to the table, sir.

4 MR. TOWNE: It's me.

5 CHAIRMAN BRAND: So why don't you run through
6 what you have proposed and then we'll hear from Pat.

7 MR. TOWNE: Sure. Well, okay. So this came
8 in -- I think I was back here -- I was here in April for the
9 pre-conceptual meeting. Four multifamily buildings. Each
10 building will have six units. Each unit will have two
11 bedrooms. It's in the R, residential district, 7.32 acres.
12 The dwelling units allowed are six per acre. We're at less
13 than four per acre. We've got the fire truck turnaround. I
14 remember that was a big question. That has been updated.
15 We've got the required parking. We're showing landscaping,
16 lighting, 20-foot entry drive. Did a full SWPPP, and that's
17 all on here. So that's kind of the qist of it.

18 CHAIRMAN BRAND: Great. Pat, did you want to
19 run through your comments quickly?

20 MR. HINES: Sure. Our first comment is that
21 we're asking the Board to circulate Notice of Intent for Lead
22 Agency. There are several other agencies involved here,
23 including SHPO, Town of Marlborough Town Board for extension
24 of the water and sewer district to an outside user.

25 We have the SWPPP, and we are reviewing that,

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 the Stormwater Pollution Prevention Plan.

2 CHAIRMAN BRAND: Pat, I'm just going to pause
3 you right there to make a motion to do that right now. Can I
4 have a motion for the Planning Board to circulate --

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

6 MR. JENNISON: I'll second it.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any objection?

10 (No response.)

11 CHAIRMAN BRAND: So moved. Sorry, Pat. Keep
12 going.

13 MR. HINES: So the stormwater is under review
14 by my office. We will be generating a separate comment list
15 for that. I have that here. There's Post-It notes, which
16 means we have comments.

17 The parking spaces identified as handicapped
18 should be identified as accessible, and they should remain in
19 compliance with the ADA lettering, size, striping, and
20 signage. So we need those details to be placed on that plan.

21 There will be a need for a stormwater
22 facilities maintenance agreement for the stormwater management
23 facilities once they're approved.

24 Any stormwater facilities that have standing
25 water should be fenced.

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 The landscape plan does not address landscaping
2 along the access drive, which is between two residential
3 structures on Summit Drive. It may have to do with the
4 grading plan. It's a little intense in there, but I think the
5 landscaping plan should expand out to screen the access drive
6 between those residential properties as well.

7 Utility plan should identify the actual slopes
8 of the sewer main. That is a minimum two percent slope, but
9 they're actually relatively steep slopes there, so we want to
10 see what those are.

11 The location of the water main within Summit
12 Drive should be depicted.

13 And we're also requesting comments from the
14 Water and Sewer Department for the utilities for the project.

15 There's only one dumpster enclosure proposed on
16 the southern most side of the site. It's a long walk from the
17 building on the northerly end of the site to the dumpster
18 enclosure. I don't know if there should be another one or if
19 that should be put more centrally located so that people will
20 use it and it would be more conducive for them.

21 The plan should go to the jurisdictional Fire
22 Department for comments.

23 The lighting plan. The access drive also is
24 not covered by the lighting plan. There's no lighting on the
25 way in between Summit Drive and here, so there will be that

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 dark area that maybe -- you know, maybe some smaller scale
2 Bollard-type lighting, trying not to annoy the neighbors, but
3 to find that driveway. So maybe some smaller post-type
4 lighting in there to delineate that for safety and security
5 issues, but not to have light shed into those residential
6 areas.

7 And then I have some comments on the stormwater
8 management, a couple of preliminary comments.

9 We're looking for the landscaping plan, tree
10 planting chart, identifying species by common name, genus, and
11 species, the size of the trees and details for that planting.

12 Health Department approval for the water main
13 is required because it's going to have a hydrant.

14 I don't know if -- I believe these are going to
15 require fire suppression sprinklers as a multifamily.

16 MR. TOWNE: I'm going to have to check with the
17 architect.

18 MR. HINES: Check that. It depends on the
19 construction type.

20 MR. TOWNE: Right. Exactly.

21 MR. HINES: If they're stick built and
22 multifamily, they're going to need fire suppression. So
23 that's going to change the waterline, which is why I brought
24 the comment up.

25 Then I have the comment to discuss with the

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1 Water Department whether the water should be looped through
2 the site between Summit and Grand to provide a water main
3 rather than coming off the dead end at Summit and then
4 dead-ending it again into the site. So we'll discuss that
5 with the Water superintendent moving forward.

6 But I think the lead agency is the only action
7 the Board can take tonight.

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

10 MR. TRONCILLITO: Yeah. I've got a couple.
11 This is going to be a Town road?

12 MR. HINES: No.

13 MR. TOWNE: No.

14 MR. TRONCILLITO: Going to be private?

15 MR. TOWNE: Yep. Just driveway.

16 MR. TRONCILLITO: I would highly recommend that
17 you loop the water system. We've got so many dead ends in our
18 town that it's crazy. It should be looped. And I'll get
19 ahold of Charlie Muggeo, the Water superintendent, and tell
20 him to make sure he tries to make that request. That really
21 would be an asset, to be honest with you.

22 And the six units, are they going to be two
23 bedroom? Three bedroom?

24 MR. TOWNE: Two bedroom.

25 MR. TRONCILLITO: All of them?

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1 MR. TOWNE: Yes.

2 MR. TRONCILLITO: Okay. It would be beautiful
3 if they were sprinkled, I'll tell you. All right. Thank you.
4 Oh, that's the other thing. Oh, this is going to be private.
5 The water -- Highway superintendent always -- he wants
6 hammerheads. He doesn't want cul-de-sacs anymore. But this
7 is private. So that turnaround -- does one of these show the
8 dimensions of the turnaround?

9 MR. JENNISON: Yes. Yes, it's 20 by 70.

10 MR. TRONCILLITO: All right.

11 MR. JENNISON: Is that good?

12 MR. TRONCILLITO: Is that going to be -- in the
13 wintertime, that's going to be part of the snow removal and
14 all that kind of stuff? Because that's going to be critical.

15 MR. TOWNE: Yeah. Absolutely.

16 MR. TRONCILLITO: Okay. More to the fire
17 service than anything else.

18 MR. CALLO: After you came to the last meeting,
19 I took a ride up there to look at the site, and I parked on
20 Summit Drive and walked down the little easement here. First
21 of all, what just bothers me in these Town plans all the time
22 is you're looking at almost 50 cars a day that are going to
23 have to drive up and find its way up through the back of
24 Marlboro here and then down Summit Drive. Somebody driving
25 south, I don't know anybody that lives on that road, but I was

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1 impressed with the homes on that road, how much they probably
2 paid for that, and they basically live on a dead end right now
3 on Summit Drive. And I was saying to myself, why is this
4 right-of-way even here? To allow 50 cars a day to drive up
5 through the back of Marlboro and back down Summit Drive on
6 what is now basically a dead-end street, with some pretty nice
7 curbing on it -- and I don't know this gentleman at all -- I
8 would be very upset if I was the neighbors up there. 9W is
9 basically at the end of this page down below. Why are we not
10 connecting it to 9W? Why are we asking people to drive up
11 through the back roads of Marlboro on roads that are not set
12 up for this amount of vehicle traffic every day? Why aren't
13 they just coming off of 9W somewhere? You can probably hit a
14 golf ball from one of these decks down to 9W, it's so close.
15 You're not showing 9W at the bottom, but it's right here.
16 It's right on that bluff, above the oil place and the tire
17 place on the right-hand side. That's where it is basically,
18 just to the south of the mini-mart. It doesn't make any sense
19 to me to put all that traffic every day through a community
20 that probably didn't expect to have that kind of traffic going
21 through it. If I was a neighbor there, I would not be happy.
22 Just common sense.

23 MR. GAROFALO: I think the issue may be the
24 grading. And as far as the traffic goes, yeah, it's more
25 traffic through residential streets, which the people are not

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1 going to like. It's a large percentage increase. But in
2 terms of the capacity, it's got plenty of capacity to handle
3 it. One of the issues that I think needs to be looked at
4 is -- I'm not sure, but there might be a regulation in the
5 Town Code which deals with the number of dwelling units that
6 are in dead-end sections, and practically all of these houses
7 basically come out in one -- at one point. And I'm not sure
8 if that -- if there's a regulation which may deal with that,
9 which might be a problem for this application.

10 CHAIRMAN BRAND: Could you repeat that,
11 Mr. Garofalo? I wasn't following you.

12 MR. GAROFALO: Well, there's a number of
13 cul-de-sacs that all come together into one road, which this
14 would be feeding into, and it comes out in one spot. So,
15 essentially, all of these are dead-ended in a sense, and I'm
16 not sure if the regulations -- just like we have a regulation
17 for how many houses can be on a private road, I think there
18 might be a similar one dealing with public dead ends.

19 MR. HINES: I'm not aware. I'll look into it,
20 though.

21 MR. GAROFALO: Okay. I would appreciate that.
22 With the landscaping, I think we would
23 appreciate if you could also identify plantings that are
24 native. Native being, you know, the United States I think
25 would be an adequate representation. I'm not sure on SP-1 if

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1 the dumpster is allowed in the front yard. Also, the
2 accessible parking symbols are backwards. They should be
3 facing the other way. There are -- we should also see the
4 distance between the buildings. There is a change that's
5 before the Town Board which probably would not apply to this
6 particular application, because --

7 MS. CLEMENTE: It wouldn't.

8 MR. GAROFALO: -- it's too small. But I think
9 that's maybe one of the questions is why did they limit it to
10 such large parcels, and what's the difference between a large
11 parcel and a small parcel if you're not changing the setbacks
12 or other requirements in reducing the distance between the
13 buildings. But we should know what those distances are
14 between the buildings because there is a Code requirement --

15 MR. TRONCILLITO: Hang on a minute.

16 (Brief interruption.)

17 CHAIRMAN BRAND: Go ahead, Mr. Garofalo.

18 MR. GAROFALO: There is a requirement
19 concerning the distance between buildings, and it's one and a
20 half times the height of the buildings. So we need to know
21 what that distance is. You also may want to think about how
22 you're going to have any kind of access to the management pond
23 in the back of the buildings. So you may want to think about,
24 you know, if you need to get a truck back there or do the
25 sewer work, how you might want to get the truck back there.

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1 You may need -- I notice that on the grading plan it looks
2 like the grades are pretty steep between the buildings. So it
3 may not -- you may have to, you know, do some grading on the
4 far end, but you may want to think about, in terms of
5 maintenance in the future, how you would want to maintain
6 these buildings if you needed to get a truck back there or a
7 truck to do the sewer work.

8 As previously stated, a detail on the
9 accessible parking spaces. The pavement markings should be
10 blue. There's also a sign that's missing in the loading area.
11 It's supposed to be no parking any time.

12 You have a number of requests for waivers, and
13 I don't know if we want to deal with those tonight or another
14 night, but I think there's four requests for waivers. With
15 regard to the noise waiver, I think we could waive the noise
16 as long as there isn't going to be any blasting on the site.
17 I don't see this would --

18 CHAIRMAN BRAND: Did they provide reasons why
19 they're requesting the waivers?

20 MR. GAROFALO: No. They just put on the form
21 "requesting waiver."

22 CHAIRMAN BRAND: Yeah. I think we'd like to
23 see some type of rationale behind the request for the waivers
24 at a bare minimum.

25 MR. GAROFALO: And it may be -- you may be

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1 asking for a partial waiver on something that you are
2 requesting a waiver. Maybe you'll show some of the things,
3 but not necessarily all of the things.

4 CHAIRMAN BRAND: Is that all, James?

5 MR. GAROFALO: That's it. Thank you.

6 CHAIRMAN BRAND: All right. And I know that
7 you're here for this. I'm just going to encourage you at this
8 point -- because we're still a long ways out -- my email is
9 listed on the website. If you just want to email me any of
10 your concerns with your name, I can get in touch with you.

11 Anything else from the Board on this one?

12 (No response.)

13 CHAIRMAN BRAND: All right. Thank you.

14 Time noted: 8:29 p.m.

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

2

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

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

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

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

14

Stacie Sullivan

15

Stacie Sullivan, CSR

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