

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

2 -----X

3 In the Matter of

4 - CONTINUING EDUCATION OF MEMBER CINDY LANZETTA  
5 - APPROVAL OF 9/18/23 MINUTES

6 -----X

7 BOARD BUSINESS

8 Date: October 16, 2023  
9 Time: 7:30 p.m.  
10 Place: Town of Marlborough  
11 Town Hall  
12 21 Milton Turnpike  
13 Milton, New York 12547

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

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

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

## BOARD BUSINESS

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

## 4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of  
6 Marlborough Planning Board, October 16th, 2023, regular  
7 meeting to be held at 7:30 p.m. On the agenda this  
8 evening we have the approval of the minutes for  
9 September 18th, 2023, Announcements, Communications.  
10 Under Public Hearings, we have a public hearing for a site  
11 plan at Mohegan Farms at 271 Milton Turnpike. The  
12 applicant is seeking a change of use on an agricultural  
13 building. Under Ongoing Application Review, we have the  
14 final approval for the subdivision known as the Santini  
15 subdivision at 219-229 Mt. Zion Road in Marlboro. We also  
16 have a sketch of a subdivision known as the Deborah Jones  
17 subdivision at 98 Orange Street in Marlboro where the  
18 applicant was seeking previously a five-lot subdivision.  
19 Under New Application Review, we have a sketch of a lot  
20 line for Bush and Watson at 548 and 550 Lattintown Road in  
21 Marlboro where the applicant is wishing to convey  
22 1.46 acres to a neighbor. We also have a sketch of a site  
23 plan for Stralow Farms at 551 Lattintown Road. The  
24 applicant is seeking a short-term rental for their cottage  
25 home. Under Special Topics Discussion, we have Dock Road

## BOARD BUSINESS

1 and the subdivision/lot line application. The next  
2 deadline will be Friday, October 20th, 2023. The next  
3 scheduled meeting would be November 6th, 2023, to be held  
4 upstairs.

5 Can I have a motion for the approval of the  
6 minutes for September 18th, 2023, please.

7 MR. LOFARO: So moved.

8 MR. GAROFALO: I'll second.

9 CHAIRMAN BRAND: Any discussion?

10 (No response.)

11 CHAIRMAN BRAND: Any objection?

12 (No response.)

13 CHAIRMAN BRAND: So moved. Next,  
14 Announcements. Ms. Lanzetta, I believe you have an  
15 announcement.

16 MS. LANZETTA: Yes. I'd like it to be  
17 noted that I received Ulster County Planning Board  
18 training credit for one and a half hours.

19 CHAIRMAN BRAND: Any other announcements  
20 from the Board members?

21 (No response.)

22 CHAIRMAN BRAND: Jen, any communications  
23 that we need to be aware of?

24 MS. FLYNN: Not at this time.

25 CHAIRMAN BRAND: Excellent.

## BOARD BUSINESS

1 Time noted: 7:32 p.m.

2

# 3 CERTIFICATE

4

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

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

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

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

17

Stacie Sullivan

18

Stacie Sullivan, CSR

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25

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

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

4 MOHEGAN FARMS

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

7 -----X  
8 PUBLIC HEARING - SITE PLAN

9 Date: October 16, 2023  
10 Time: 7:33 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 FRED CALLO  
17 JAMES GAROFALO  
18 STEVE JENNISON  
19 CINDY LANZETTA  
20 JOE LOFARO  
21 BOB TRONCILLITO

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

25 APPLICANT'S REPRESENTATIVES: NADINE CARNEY  
26 JOHN QUINN, JR.

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

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: First on the agenda  
2 tonight we have the public hearing for Mohegan Farms.  
3 Legal Notice, Special Use Permit and Site Plan Approval.  
4 Please take notice: A public hearing will be held by the  
5 Town of Marlborough Planning Board pursuant to the Town of  
6 Marlborough Town Code Section 155-31 and 155-32 on  
7 October 16th, 2023, for the following application, Mohegan  
8 Farms, at the Town Hall, 21 Milton Turnpike, Milton, New  
9 York, at 7:30 p.m. or as soon thereafter as may be heard.  
10 The applicant is asking for a site plan approval on lands  
11 located at 271 Milton Turnpike, Milton, New York, Section  
12 95.4, Lot 3, Lot 12.200. Any interested parties, either  
13 for or against this proposal, will have an opportunity to  
14 be heard at this time. Chris Brand, Chairman, Town of  
15 Marlborough Planning Board.

16 First off, mailings, how many mailings did  
17 you send out?

18 MR. QUINN: I sent seven.

19 CHAIRMAN BRAND: How many were returned?

20 MR. QUINN: Five.

21 CHAIRMAN BRAND: Would you just like to  
22 give the members of the public a brief overview of what it  
23 is you have planned?

24 MS. CARNEY: Sure. So just for the record,  
25 I'm Nadine from Peak Engineering, and this is John Quinn,

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1     Jr., the applicant. I'd just like to note on the agenda  
2     it mentions -- just a little typo -- that this is for a  
3     rental cottage.

4 CHAIRMAN BRAND: Yes. We actually -- I'm  
5 sorry. It's for a change of use as an agricultural  
6 building.

7 MS. CARNEY: So currently this property,  
8 like you said, is located 271 Milton Turnpike. There is a  
9 large -- it's essentially a one-story building with a  
10 basement, so a two-story building on the property that was  
11 previously agricultural use. And its -- the change of use  
12 will still be for storage, for self-storage units. I  
13 think there's a total of eight proposed in the building.  
14 And very little site work, just to really bring back to  
15 life the parking area that's there and to reclaim some of  
16 the areas. Most of the renovations to the building are  
17 internal with some proposed external uses. I know we got  
18 some comments from the County Planning Board. I didn't  
19 know if you wanted to discuss before the public hearing or  
20 after the public hearing.

21 CHAIRMAN BRAND: During the public hearing,  
22 we'll discuss them. If you want to review them, you can  
23 go over them if you like.

24 MS. CARNEY: So, basically, they were just  
25 talking about -- because it was an agricultural use and

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 it's an older building, they were concerned with some  
2 potential hazards. We do have some general notes on the  
3 site plan with regard to the building, and, you know, any  
4 renovations, of course, will have to go to the building  
5 department, but it also talks in those notes about the  
6 responsibility for having -- testing the building site  
7 materials as required by permitting agencies and that  
8 everything be properly handled and removed and disposed of  
9 the same. So I just wanted to let you know that we  
10 thought about that, and it's been on the plan, and the  
11 site itself really isn't going to be disturbed. There's  
12 no real excavation happening. There's going to really --  
13 if there needs to be gravel brought in for the parking  
14 areas. There's no water supply on the site -- proposed on  
15 the site. So, you know, there's no impact for any  
16 contamination there.

17                    Basically, that's it. They're using the  
18 existing driveway that's there. They've gone to the  
19 neighbor to get a shared driveway easement for that. And  
20 I think everything -- I don't think that's the current  
21 plan. It's definitely not the current plan, because we  
22 got rid of the parking out front. Last revised, 9/19.

23                    CHAIRMAN BRAND: Do you have the current  
24 plan in front of you?

25                    MS. CARNEY: I do.

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Okay. If there's --  
2 MS. CARNEY: Yeah, if there's any  
3 questions, for sure.

4 CHAIRMAN BRAND: We'll invite the public up  
5 to review those plans then.

6 MS. CARNEY: Yes.

7 CHAIRMAN BRAND: Pat, did you want to run  
8 through your comments?

9 MR. HINES: Sure. The plans have been  
10 revised to include ADA compliant signs and striping, which  
11 was discussed at the last meeting. They've added the  
12 detail of the grass island between the County highway and  
13 the 10-foot access drive along the front.

14 They've given you a detail of the sign on  
15 the plan, wall mounted.

16 The overhead doors have been depicted on  
17 the site plan -- or the building plan itself and on the  
18 site plan.

19 A proposed six-foot high solid privacy  
20 fence is proposed along 60 feet of the rear property line  
21 between the site parking and the existing residential use  
22 behind it.

23 They've added notes regarding the  
24 rehabilitation of the lower garage doors.

25 They've provided existing sight distance at

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 the access drive of 190 feet out to the County roadway.

2 And I just mention the County Planning  
3 comments regarding the testing for asbestos, lead, and  
4 pesticides, which the applicants were presented with and  
5 was just discussed with you.

6 CHAIRMAN BRAND: Great. Thank you.

7 Comments or questions from the Board?

8 MR. GAROFALO: Yes. I have a few.

9 CHAIRMAN BRAND: James.

10 MR. GAROFALO: Number one is on the fence.

11 Could that be extended a little further? Because the  
12 vehicle at the far end on the left, if that were to drive  
13 straight in, its headlights would be facing directly into  
14 the house. So if you could extend that beyond that  
15 parking space, that would be appreciated. On the other  
16 side where the pole is, a car pulling in, their headlights  
17 would just be looking into a parking area, so I'm not too  
18 concerned about that side of the fence. But the other  
19 side, which is the west side, I would like that extended  
20 beyond the parking space.

21 MS. CARNEY: We do note that the grade goes  
22 down in that area, but, I mean, we can definitely extend  
23 it another eight, ten feet.

24 MR. GAROFALO: On the zoning compliance  
25 table, I think when you moved it from one map to another,

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 you kind of mucked it up a little bit. I have a hard time  
2 believing that you have a minimum side yard setback of 285  
3 feet. So I think that table --

4 MS. CARNEY: Typo.

5 MR. GAROFALO: -- may need some  
6 corrections.

7 I do appreciate that you narrowed the  
8 gravel access way. That's something that we have to talk  
9 about on the Board. I do think that given the layout,  
10 that might make a good truck parking location, simply  
11 because it's difficult to get access to those doors any  
12 other way. We had discussed about not using that as  
13 parking spaces for cars, but I think we have to provide  
14 some kind of access to those doors.

15 I'm a little surprised you didn't get a  
16 County comment on the sight distance given that it's a  
17 40-mile-an-hour posted road there, because that's a bit  
18 shy. But it is an existing driveway, so maybe they cut  
19 you some slack there. Although I'm also concerned about  
20 the fact that you don't have the sight distance on the  
21 west side gravel area, which I would presume somebody is  
22 going to be using for parking, if not a truck, because  
23 there doesn't seem to be any utility access there, unless  
24 I'm mistaken, as far as propane or something like that,  
25 that is the purpose of that gravel driveway.

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1                   MS. CARNEY: I think currently somebody has  
2 a dumpster up there, which we are -- there's not going to  
3 be any dumpsters as part of this proposal. It's all carry  
4 in, carry out. So that really won't provide access to  
5 anything. It's just existing currently.

6                   MR. GAROFALO: Okay. The other concern  
7 that I had at the meeting prior was potential noise from  
8 the doors. I see you put in a whole slew of things as far  
9 as maintenance on the doors. My experience with those  
10 garage doors is the noise isn't from them rolling, it's  
11 from when they hit the ground. And that's -- you know,  
12 making them move easier actually may make it worse,  
13 because they'll hit the ground faster if the people don't  
14 actually control them. So that was my major concern with  
15 the doors, not the actual sliding of the doors, but when  
16 they actually -- people will actually pull and let them  
17 drop. And having that happen in the middle of the night,  
18 I think would be disconcerting to the local residents.

19                  MR. JENNISON: I did a site visit out  
20 there. My main concern is the concrete platform, and  
21 there was a car and there was something happening with the  
22 first door, which would be the most west side. The car  
23 that was parked there, it's only six foot, and that's six  
24 foot from the edge of the platform all the way out to the  
25 white line. And I'm concerned about it for safety

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 reasons. The car's driver's side wheels were on the white  
2 line, and it's 45 miles an hour through there. So I'm  
3 definitely concerned with that whole parking right by the  
4 concrete platform. I just don't feel like there's  
5 enough -- that's my comment.

6 MS. CARNEY: Right. So this proposal,  
7 there's no parking proposed. It's all going to be  
8 revegetated between the concrete platform and the edge of  
9 the road. So that's going to be brought back with  
10 probably grass seed or other low plantings because it is  
11 so close to the road. But where the 10-foot wide gravel  
12 access will be, there's a distance of 10 feet between that  
13 and the edge of pavement. So even if they had a door open  
14 into that vegetated area, there's still ample distance  
15 from the door to the edge of the pavement. But there is  
16 no more parking really proposed there and definitely none  
17 between the concrete platform and the roadway.

18 MR. GAROFALO: I think by narrowing the --  
19 narrowing the gravel access lane there, which I think is  
20 supportive of providing sight distance, because you won't  
21 have the vehicles parking so close to the road that  
22 they're going to block the sight distance. So I think  
23 that grassing a little bit more than you did will be  
24 helpful. Thank you.

25 MS. CARNEY: Right. Because the sight

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 distance is measured 10 feet from the white line. So all  
2 that 10-foot strip will be vegetated.

3 MR. JENNISON: So if I was renting the  
4 westernmost bay, which is in front of the concrete pad,  
5 and I wanted to bring material to that, I would be parking  
6 to the east side of that platform to offload my stuff and  
7 then carrying it over. That's what you're saying?

8 MS. CARNEY: Right. Exactly. You would  
9 be -- be there to load and unload, and if you needed to do  
10 anything inside the unit for a long time, you would have  
11 to move your car to the parking lot.

12 MR. JENNISON: Because that's not what was  
13 happening when I was up there. But I understand it's  
14 gravel now and you're going to make it grass.

15 MS. CARNEY: Right.

16 MR. JENNISON: Thank you.

17 MR. GAROFALO: I think we would also want  
18 to have no overnight parking there. Obviously, it's open  
19 24 hours, seven days a week, but I think it would be best  
20 if vehicles were not left there overnight.

21 MS. CARNEY: I thought that was noted, but  
22 I can definitely add that to the notes.

23 CHAIRMAN BRAND: Any additional comments or  
24 questions from the Board?

25 (No response.)

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: This is a public hearing.  
2 If you are here to ask a question or speak for or against  
3 this project, please just state your name loudly for the  
4 stenographer. If you're able to come up to the  
5 microphone, you can do so, and we will recognize you.  
6 Sir.

7 MR. HORTON: Hi. Can you hear me?

8 CHAIRMAN BRAND: Yes. Can you just state  
9 your name for the stenographer?

10 MR. HORTON: My name is Edward Horton.

11 This is my wife, Margie Horton. We're the neighbors  
12 immediately to the east. Just got a couple of questions.

13 First of all, what kind of product is going  
14 to be stored there, to the best of your knowledge? More  
15 specifically, I assume there's no chemicals, hazardous  
16 materials, propane tanks, gasoline, or any of that type of  
17 thing that will be stored in the building; is that  
18 correct?

19 MR. QUINN: Yes. It's all personal  
20 storage.

21 MR. HORTON: As far as access to the back  
22 is concerned, how large are the trucks that you  
23 anticipate? You don't hope to get a tractor trailer in  
24 there, I assume.

25 MR. QUINN: No.

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 MR. HORTON: And even a relatively large  
2 box truck is going to be a bit of a challenge. Because  
3 the property lines are close there. I mean, we're not  
4 unreasonable neighbors. Once in a while if somebody goes  
5 on the grass a little bit, that's one thing. Dropping the  
6 front of a truck into the ground in weather like we've had  
7 recently, that's going to be whole other ball of wax.  
8 We'd like not to see that type of thing happen.

9 As far as the refreshing of the parking lot  
10 is concerned in the back, what do you plan on doing with  
11 that?

12 MS. CARNEY: So currently it's mostly just  
13 really overgrown, gravel there. So the plan is to restore  
14 that. We did provide a detail of basically just matching  
15 the grade, not really excavating, just replacing  
16 everything that's there to a certain standard. Matching  
17 the grade and bringing gravel back in.

18 MR. HORTON: So it's basically going to be  
19 gravel-type material. It's going to match grade. There's  
20 not going to be any blacktop? Concrete?

21 MS. CARNEY: Well, actually, there will be  
22 some sort of bituminous blacktop. There's handicapped  
23 spaces here, so they are required to be, but that's the  
24 only area.

25 MR. HORTON: But that's a limited area?

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 MS. CARNEY: Correct.

2 MR. HORTON: All I'm concerned about is  
3 anything covering the area that's going to change the  
4 drainage. Currently, as wet as this season has been, we  
5 have not experienced a lot of drainage run on our property  
6 immediately to the south. So that's a good test for you.

7 MS. CARNEY: And we're using the existing  
8 grade here, so that's kind of why we've got this  
9 configuration and shape to the parking area and so that it  
10 allows the trucks to turn around. Really just expecting  
11 residential kind of trucks. Maybe somebody has a small  
12 trailer they're bringing in. But, yeah, we're not  
13 planning on filling anything. Not excavating anything.

14 MR. HORTON: In the unforeseen event that  
15 drainage changes as a result of what you're doing, I would  
16 assume that you're going to correct that; is that a --

17 MS. CARNEY: I mean, if there's any  
18 impact -- again, there shouldn't be. We're not changing  
19 any of the surfaces.

20 MR. HORTON: The grade does go -- drops as  
21 you go to the west. So that should be a favorable way of  
22 solving it if need be. So far, as I've said, it hasn't  
23 been an issue. I just want to make sure that if it  
24 becomes an issue, it's on record that something will be  
25 done to fix it, because we do have a house that's about

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 75 feet south of the property line.

2 MS. CARNEY: Here (indicating) ?

3 MR. HORTON: These two houses we own there  
4 also (indicating) .

5 MS. HORTON: We were just concerned about  
6 what might be stored in there, whether it was flammable.  
7 I have to say, one of the coolers that has been renovated  
8 just down the road from us has hemp in it. And it stinks,  
9 and we can smell it all the way up to our house. Please  
10 tell us you're not going to be putting anything like that  
11 in there.

12 MR. QUINN: I don't plan on it. Just  
13 personal stuff.

14 MS. CARNEY: It's nonagricultural.

15 MR. HORTON: If you're going to, at least  
16 light it so we can all enjoy it.

17 CHAIRMAN BRAND: Any other additional  
18 comments or questions?

19 (No response.)

20 CHAIRMAN BRAND: No.

21 MR. JENNISON: I move to close the public  
22 hearing.

23 CHAIRMAN BRAND: Is there a second?

24 MR. CALLO: Second.

25 CHAIRMAN BRAND: Any discussion?

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

1 (No response.)

2 CHAIRMAN BRAND: Any objection?

3 (No response.)

4 CHAIRMAN BRAND: We will close the public  
5 hearing. Pat, where are we as far as the approval process  
6 goes?

7 MR. HINES: I think you can authorize  
8 Meghan's office to prepare --

9 CHAIRMAN BRAND: Can I have a motion to  
10 authorize the attorney for a Resolution of Approval for  
11 our next meeting?

12 MR. JENNISON: So moved.

13 CHAIRMAN BRAND: Second?

14 MR. TRONCILLITO: I'll second.

15 CHAIRMAN BRAND: Any discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: All right. We'll do that  
20 for our next meeting. Thank you.

21 MS. CARNEY: Thank you.

22 MR. QUINN: Thank you.

23 Time noted: 7:51 p.m.

24

25

## MOHEGAN FARMS - PUBLIC HEARING SITE PLAN

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

2

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

6 That I reported the proceedings in the  
7 within-entitled matter and that the within transcript 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  
11 of the parties to this action by blood or marriage and  
12 that I am in no way interested in the outcome of this  
13 matter.

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

15

Stacie Sullivan

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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 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 FINAL - SUBDIVISION

10 Date: October 16, 2023  
11 Time: 7:52 p.m.  
12 Place: Town of Marlborough  
13 Town Hall  
14 21 Milton Turnpike  
15 Milton, New York 12547

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

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

26 APPLICANT'S REPRESENTATIVES: PATTI BROOKS  
27 STEVE SANTINI

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

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have  
2 the Santini subdivision for a final of their subdivision  
3 at 219-229 Mt. Zion Road.

4 Meghan, I know you have prepared for us a  
5 SEQR Negative Declaration and Notice of Determination of  
6 Non-Significance as well as a Resolution of Approval. Is  
7 there anything you would like to highlight?

8 MS. CLEMENTE: I don't believe so.

9 Recreation fees are required. In addition to a few notes  
10 that Patti knows about and the slope analysis map that she  
11 already provided, as well as the limits of the disturbance  
12 on the plans, that's about it.

13 CHAIRMAN BRAND: Any comments or questions  
14 from the Board?

15 MS. LANZETTA: Yes. I have a number of  
16 comments. I was not at the last meeting. I'm sorry. I  
17 had COVID. And I read all the minutes that were involved,  
18 and I have a number of comments, and, you know, I think  
19 part of the problem with this whole subdivision is that we  
20 never got the clarification that we requested from the  
21 attorney and engineer about whether the Planning Board  
22 must review this new building site as part of the present  
23 subdivision. That really makes a big difference, because,  
24 originally, going backwards, this came to us as a  
25 three-lot subdivision with the third lot being vacant,

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 undisturbed land. We have since learned that it is  
2 actually going to be a building lot; that it is actually  
3 being cleared and graded as we are reviewing this; that  
4 the building inspector has been up there on the site and  
5 has reported that there has been clearing and grading for  
6 the septic and the house. The applicants' representative  
7 has said that an engineer is working on the driveway.  
8 And, yet, the application says that this is supposed to be  
9 a vacant piece of property and that, therefore, we are not  
10 supposed to be reviewing the house that is being proposed  
11 to be built on here as well as the driveway.

12 We had asked, again, for clarification and  
13 never got it, whether or not we should be reviewing that,  
14 but I had thought -- that was back on the 18th of  
15 September. I had thought since the following comments  
16 from the engineer showed that or implied that the proposed  
17 building site and driveway should be reviewed and made  
18 numerous comments on what should be reviewed in reference  
19 to that, that the engineer apparently did seem to believe  
20 that we should be looking at this at this time.

21 Then I was very surprised to see -- and,  
22 also, I had also noticed that there had been -- earlier on  
23 there had been a request to look at the -- that we wanted  
24 our attorney to look at the access drive and maintenance  
25 agreements. We never got any information on that, whether

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 that was correct. We had also requested that the attorney  
2 look at the status of the Santini injunction, which might  
3 have an impact on whether or not we should be approving  
4 moving forward with this project. We never received that.

5 So I think there's a lot of outstanding  
6 things that we need to look at in order to do the job that  
7 we're supposed to do under the Town Code. And, you know,  
8 I am wondering why we are moving forward with the final,  
9 which, technically, I don't think we can approve when we  
10 still have those outstanding issues.

11 MR. GAROFALO: If I may speak,  
12 Mr. Chairman?

13 CHAIRMAN BRAND: Of course.

14 MR. GAROFALO: I agree with Mr. Hines  
15 concerning the location of the structure. I think when we  
16 look at subdivisions, we are required to make sure that  
17 when we create a new subdivision, that it be such that you  
18 can build a house on it. And that is one thing that was  
19 questioned.

20 The issue here with the site that was  
21 chosen, it seems to be in violation of the ridgeline  
22 ordinance, and the -- both sections. One section which  
23 specifically refers to 50 feet in elevation to the  
24 ridgeline affected by the application, which this would be  
25 if the house were planted where they were showing it.

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 That's not to say that they couldn't show it somewhere  
2 else, such as down by the road. That might be flat enough  
3 that they could show it, and that would resolve the issue  
4 of there being a potential location for a house.

5                   Once a property is separated out, then  
6 there are different requirements as far as what can be  
7 allowed on that property. So if this were already a  
8 subdivided parcel, then they would have the right to put a  
9 house on it. But it is not. And that's why we need to  
10 ensure that given so much of this property is both  
11 ridgeline and wetland that we need to be very careful to  
12 make sure that there is a potential location.

13                  The second part of that paragraph deals  
14 with there shall be no disturbance within this 50-foot  
15 area, and I think that clearly refers to the sentence --  
16 the paragraph above it, which is 50 feet in elevation.  
17 There's no doubt in my mind that that's the only thing it  
18 can really refer to. And I am concerned that the access  
19 road -- when was the access road built. Normally you  
20 would only build an access road in a ridgeline if it had  
21 already been approved for housing because there was no  
22 other place to put it. So I think there's some question  
23 as to when this road was actually permitted to be built,  
24 and the fact that it is already there, whether it was  
25 properly engineered to begin with.

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1                   I think that there is also a question  
2 dealing with the injunction; that there is material on the  
3 site, which may very well have been from the construction.  
4 I would certainly like to see evidence that the road  
5 predated the regulation, as well as the fill; that this  
6 wasn't put in as part of the construction enterprise.

7                   So I think that there are some very deep  
8 questions that we need to resolve, both for the driveway  
9 itself and whether there was a permit, and whether it's  
10 appropriate to be showing it on top of the ridge,  
11 especially when there may be a location further down where  
12 we could approve a subdivision because they may be able to  
13 show, yes, you could put a house down in this particular  
14 area, lower to the driveway. So I have several concerns  
15 about this.

16                  One of the other concerns that we got in  
17 the letter was concerning whether there had been fill  
18 dealing with the wetlands and the pond, which may very  
19 well have been perfectly all right. They do have -- issue  
20 permits that you can do some filling, but we never really  
21 have any indication of what was done, where it was, how  
22 much is actually wet, any more than we have a full detail  
23 on how much is actually part of the steep slope.

24                  And that regulation I look at as being two  
25 parts. There's a steep slope part, which I think the

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 building inspector looked at and said the top of the  
2 part -- the top of the ridge did not have steep slopes,  
3 but then there's a second part dealing with the ridgeline,  
4 and that is where I think that location has got a problem.  
5 Because it's in -- it would be in violation of that part  
6 of the code. But, again, they kind of get into a Catch-22  
7 because if they can show that they can put a house on the  
8 lower part, near where the driveway starts, then they lose  
9 any argument for putting it anywhere else on the  
10 ridgeline. And if they say that there is no place to put  
11 it other than on the ridgeline, then they kind of lose  
12 their ability to -- for us to be able to say that this is  
13 a buildable lot. And that is part of the question here.  
14 Is this buildable? Is this a buildable lot, or is this  
15 not? And the way I way look at the development as  
16 proposed on top of the ridgeline, that is not buildable  
17 because it's in violation of the 50 feet.

18 MS. LANZETTA: And I'd just like to point  
19 out, too, that we -- it is our process to look at where  
20 the house is going to be sited and the driveways. We do  
21 that on most of the subdivisions that we do. We just did  
22 one back on 2/21/21 on Peach Tree Lane and -- on Peach  
23 Lane. And we had to look at that very carefully because  
24 it had an extremely long driveway, and the important thing  
25 is to make sure that we can get fire equipment up to a

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 house. And so that took some time for us to go over their  
2 driveway. And that's something that we should be looking  
3 at right now in conjunction with the driveway for the  
4 proposed house that is going in up there, as well as to  
5 make sure that it conforms to the other things that are  
6 mentioned in the Ridgeline Steep Slope Code. So I think  
7 that we have a lot of issues and, basically, they need to  
8 be addressed before we look at giving any final approval.

9 MR. GAROFALO: I think that, in terms of  
10 process, that we may need a little bit more time than is  
11 allowed normally, and I would like -- I would hope that  
12 the applicant will grant us that time, as opposed to us  
13 having to try to reopen the public hearing and extend it  
14 that way, but I think it is to the applicant's benefit to  
15 get most of this straightened out, because if this goes to  
16 an Article 78 or one of the neighbors brings this back to  
17 the original judge, this is going to drag it out for a  
18 much longer period, and I would hope that we can settle  
19 this quicker and better and more easily than having this  
20 drag through the courts. I've been involved in a couple  
21 of Article 78 cases, one for the DOT and one for DEC, and  
22 these things can drag on for years. And I would hate to  
23 have any applicant get caught in something like that and  
24 have difficulty selling their property, because it's going  
25 to create a mess.

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1 CHAIRMAN BRAND: Meghan, my understanding  
2 is, after reading your proposed resolution here, is that  
3 Section D kind of is addressing all of these concerns --  
4 or some of the concerns that are being brought up. Could  
5 you maybe provide the Board with a little insight on the  
6 Ridge Preservation Code that would have to be followed for  
7 the proposed construction?

8 MS. CLEMENTE: Yes. So my understanding of  
9 the code -- and, of course, you can ask for an  
10 interpretation from the ZBA as to what the code may say.  
11 My understanding of the code is that anything -- it is up  
12 to the discretion of the Town engineer and the highway  
13 superintendent post-approval as to -- post-approval of  
14 subdivision and pre-approval for a building permit. So  
15 before you get a building permit, you have to go through  
16 an approval process from the Town engineer, Pat, and also  
17 the highway superintendent for whatever approvals you may  
18 need based on the slope of the property for where the  
19 house is proposed to be sited and any driveway. I stated  
20 previously that you didn't need an access maintenance  
21 agreement because you weren't expanding access to the  
22 parcels.

23 MS. BROOKS: Correct.

24 MS. CLEMENTE: Is that still the case?

25 MS. BROOKS: That is still the case. And

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 the landowners of -- over whose property the right-of-way  
2 existed were here at the public hearing, and we did  
3 discuss it with them. They were also aware that there was  
4 no driveway maintenance agreement. They did talk about  
5 potentially getting together before they sell the property  
6 and work something out with those owners, but it's a  
7 pre-existing prescriptive right-of-way that nobody is  
8 challenging. So that was reviewed and addressed  
9 previously.

10 MS. CLEMENTE: I can add that as a  
11 condition if you plan on selling off the prescriptive  
12 easement or expanding access, that you get a maintenance  
13 agreement amongst the parcel owners.

14 MS. BROOKS: That the use of it cannot be  
15 expanded beyond the current use without a driveway  
16 maintenance agreement?

17 MS. CLEMENTE: Yes.

18 MS. BROOKS: That would be fine.

19 CHAIRMAN BRAND: Just to clarify, should he  
20 want to build upon this newly-created parcel, it would  
21 have to have prior approval before the construction from  
22 both the Town engineer and the building code enforcement  
23 officer, as well as the highway superintendent, to see  
24 that the driveway is suitably located, in addition to  
25 number E -- or letter E, I'm sorry, with the steep slope

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 review?

2 MS. CLEMENTE: Yes. Now, regarding the  
3 driveway specifically, anything from 15 to 25 percent, you  
4 ask for a drainage grading plan; correct?

5 MR. HINES: Yeah. Again, the plan we have  
6 before us tonight has the house removed. There's no house  
7 on the ridge on the plan before you tonight. There is an  
8 approved septic system that is located up there. The  
9 health department did approve that, but right now the plan  
10 before you tonight doesn't have a house location, and your  
11 resolution is deferring that review in accordance with  
12 your Ridge Preservation Code prior to the building permit.

13 MR. JENNISON: We had asked that they at  
14 least show a buildable lot on that 18 acres, which you  
15 have shown.

16 MS. BROOKS: Yes. That was what the  
17 request was by this Board.

18 MR. JENNISON: Exactly. Cindy had asked  
19 you on that on 9/18/23 on page 34 of the minutes that we  
20 just approved.

21 MS. LANZETTA: That wasn't buildable on  
22 that site.

23 MR. GAROFALO: But the issue is, is it  
24 buildable there or not? To the extent where a lot is  
25 separated off, we're supposed to make sure that that

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 newly-created lot is buildable. And reading the ridgeline  
2 portion says, no, that's not buildable. Now, if they had  
3 shown a house, again, down by the entrance where it's  
4 gravel and flat, they may very well have been able to show  
5 a house could be put there, and that would satisfy our  
6 requirements to show that you did have a buildable site on  
7 that lot. But I look at this as that portion on the top  
8 of the ridge is not buildable because it's in violation of  
9 this --

10 CHAIRMAN BRAND: Mr. Garofalo, that might  
11 be the case, which is why the engineer will have to review  
12 the house -- any proposed building that be there would  
13 have to be reviewed and approved in accordance with the  
14 Ridge Preservation Code. As they said, there's no new  
15 construction being proposed at this time.

16 MR. GAROFALO: Once we separate it out,  
17 they now have a greater presence in order to say we should  
18 be able to build a house there. The code provides for  
19 that; that even if the entire thing were at 15 percent  
20 grade, that they would be able to locate a house. And  
21 I've been involved in cases where people bought a hundred  
22 acres of land and only to find out that it was all wet and  
23 they couldn't build -- cover one-quarter acre with their  
24 permit and build a house there, but the rest was  
25 unbuildable. The fact is, once we separate that out, then

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 they have a right to put it on the property. And I think  
2 that's why at this point we need to be sure that they can  
3 put a house properly on the site, which would not include  
4 putting it on the ridgeline.

5 MS. LANZETTA: I want to make the point  
6 that it's -- there's construction, there's clearing and  
7 grading going on on the site right now. That's been  
8 reported by other people. That's been -- the applicants'  
9 representative has mentioned it. And the Town building  
10 inspector has said it; that there is currently clearing  
11 and grading going on on the site right now. Now, we can  
12 make believe that it's not and that they are not going to  
13 do anything up there for whenever, but the point is that  
14 they paid for their application. They've gone through the  
15 public hearing process. Now would be a good time to look  
16 at all of this stuff, as opposed to passing it without  
17 taking a look at how it would be a good building lot and  
18 making sure that all the Ts are crossed and all the Is are  
19 dotted. Instead, we pass it in the way that we could do  
20 it, which we could make believe that that's not going to  
21 happen here, and then we put a condition that if they want  
22 to do anything, now they have to come back to the Planning  
23 Board again and begin -- submit a new application, go  
24 through another public hearing, the whole shebang, because  
25 now they have to come back before the Planning Board a

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 second time. I don't know where that benefits the  
2 applicant, and I certainly don't think it improves the  
3 process at all.

4 CHAIRMAN BRAND: Why would they have to  
5 come back to us a second time?

6 MS. LANZETTA: Because that's one of the  
7 conditions.

8 CHAIRMAN BRAND: It's just that it has to  
9 be approved by the engineer.

10 MS. LANZETTA: No. They have to come back.  
11 It says --

12 MS. CLEMENTE: I sent a revised version of  
13 that. That is no longer a condition. We talked about it  
14 at the last meeting, and that was my error.

15 MS. LANZETTA: All right. So, again, I  
16 would like to point out that a lot of the information I  
17 asked for, I don't get in a timely manner. And that's a  
18 real problem.

19 And if they're not coming back here --  
20 first of all, the building inspector has said he doesn't  
21 want the Planning Board to be putting all kinds of  
22 conditions on stuff because he doesn't want to be  
23 responsible for having to do all this additional work all  
24 the time when it really is, in my opinion, the Planning  
25 Board's responsibility to have done this in the first

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 place. But if we do not want to do our job and we want to  
2 force it onto the building inspector, then how is there a  
3 mechanism in place that will ensure that all of the  
4 conditions are being followed, including the engineer,  
5 when it's my understanding -- Pat has mentioned it a  
6 number of times -- that he would not automatically be  
7 involved in this?

8 CHAIRMAN BRAND: We actually did -- at the  
9 last meeting, you weren't here. We did discuss that. We  
10 are looking for a process where Pat would be overseeing to  
11 ensure that all the conditions of the resolution are met  
12 through his office, through setting up of an additional  
13 escrow account.

14 MS. LANZETTA: That was in the minutes? I  
15 didn't see that in the minutes. And you're talking about  
16 setting up a whole other process, and you're willing to  
17 pass something when we don't even have a process to handle  
18 what needs to be done.

19 MS. BROOKS: I don't think it's a new  
20 process, because it already is in the Zoning Code. And I  
21 do want to remind the Board that just last month you  
22 approved a subdivision with no conditions, where the  
23 remaining lands were over 90 percent in the ridgeline  
24 protection area. The property at the intersection of  
25 Plattekill Road and East Road, they didn't even put a note

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 on the map saying that the property was in the ridgeline  
2 protection. I'm the one who brings these items forth to  
3 the Planning Board, because I think it's important to be  
4 forthright and letting anybody who looked at the plan know  
5 what the facts are. But you just approved a month ago a  
6 subdivision where a note wasn't even placed on the map,  
7 let alone asking them to show that a house could be built  
8 on it.

9 MS. LANZETTA: Well, that's -- we're bad,  
10 but we also have -- obviously, we have consultants that  
11 should also be looking at these things as well as us. And  
12 I don't want to add to the whole mix, and just because we  
13 did something incorrectly before doesn't mean we have to  
14 continue to do it incorrectly, and it doesn't mean that we  
15 should continue to make it even more convoluted.

16 MS. BROOKS: I believe that there already  
17 is a process in place. We have moved forward in good  
18 faith. At the point in time that we did the survey, which  
19 was two years ago, October 14, 2021, this gravel roadway  
20 was in place. We surveyed it at that point in time. I'm  
21 not aware of any current excavation or dirt moving that's  
22 happening. This is what the state of facts were at the  
23 point in time that we did the survey.

24 MR. GAROFALO: There is fill specifically  
25 mentioned on the plan, on the top of the ridge. And,

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 again, my concern here is if you had come and shown  
2 another site which was lower, in a flat area, then this  
3 would have been resolved, because there would be no  
4 question about it being on the ridgeline. I think that's  
5 the problem, is whether or not this is a buildable site,  
6 or whether we should allow it because of this being a  
7 problem, when I think you could have come back and shown  
8 an area -- but you have to show it. I don't know for  
9 certain if that's a large enough flat area where you can  
10 get the septic in that area.

11 MS. BROOKS: Right. At this point the  
12 septic has been approved in the location that is shown on  
13 the map. We did do the slopes map. There are other areas  
14 that are below the 50 feet. We have not gone out there  
15 and done the field topography, because, again, the  
16 applicant doesn't want to go through, yet, more expense  
17 when at this point in time what they're trying to do is  
18 get the subdivision approved so that they can sell the two  
19 residences. They understand that they have to get  
20 everything approved through the Town engineer. But at  
21 this point in time we're trying to get subdivision  
22 approval. We met all the conditions that the Board  
23 previously requested, as far as showing that it's a  
24 buildable lot, and at this point the applicant would like  
25 to move forward.

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 MR. JENNISON: And that's the way I feel.

2 I would like to move forward with this.

3 MR. TRONCILLITO: I agree.

4 CHAIRMAN BRAND: That being said, you have  
5 before you, for the application of Caroline and Steve  
6 Santini for a three-lot subdivision for the Town of  
7 Marlborough Planning Board, a SEQR Negative Declaration,  
8 Notice of Determination Non-Significance. Jen, would you  
9 poll the Board, please.

10 MS. FLYNN: Chairman Brand.

11 CHAIRMAN BRAND: Yes.

12 MS. FLYNN: Member Lanzetta.

13 MS. LANZETTA: No.

14 MS. FLYNN: Member Lofaro.

15 MR. LOFARO: Yes.

16 MS. FLYNN: Member Call

17 MR. CALLO: Yes.

18 MS. FLYNN: Member Jennison.

19 MR. JENNISON: Yes.

20 MS. FLYNN: Member Garofalo.

21 MR. GAROFALO: No.

22 MS. FLYNN: Member Troncillito.

23 MR. TRONCITI LITTO:

24 CHAIRMAN BRAND: You also have

25 the application of Caroline and Steven Santini for a

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 three-lot subdivision for the Resolution of the Town of  
2 Marlborough Planning Board dated October 16th with the A  
3 through F Notices of Resolution. Do you want to go over  
4 any of those, Meghan?

5 MS. CLEMENTE: No.

6 CHAIRMAN BRAND: I thought D and E were the  
7 most important.

8 MS. CLEMENTE: Okay. So no construction on  
9 the 18.7-acre parcel, which is what we were all just  
10 talking about, is proposed at this time. Should the site  
11 be developed in the future, the Ridgeline Preservation  
12 Code will govern, and any proposed construction will be  
13 conducted in conformity with the provisions of the Town of  
14 Marlborough Zoning Code Section 155-41.1, which means, as  
15 you know, you have to get approvals through the Town  
16 engineer and the building department and also the highway  
17 superintendent, should you choose to do a driveway.

18 A slope analysis map shall be provided,  
19 identifying slopes less than 15 percent, 15 to 25 percent,  
20 and more than 25 percent.

21 And also the additional condition that we  
22 discussed tonight regarding the maintenance access  
23 agreement.

24 CHAIRMAN BRAND: That being said, Jen would  
25 you poll the Board.

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 MS. FLYNN: Chairman Brand.

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Lanzetta.

4 MS. LANZETTA: No.

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: No.

13 MS. FLYNN: Member Troncillito.

14 MR. TRONCILLITO: Yes.

15 CHAIRMAN BRAND: The matter of the

16 Recreation Fee Findings for the Town of Marlborough

17 Planning Board: Whereas the Planning Board has reviewed

18 the subdivision application known as Caroline and Steven

19 Santini with respect to real property located at 219-229

20 Mt. Zion Road in the Town of Marlborough, Chairman Brand

21 offered the following resolution which was seconded by

22 Member Lofaro. It is hereby resolved that the Planning

23 Board makes the following finds pursuant to Section 277(4)

24 of the Town Law: Based on the present and anticipated

25 future need for park and recreational opportunities in the

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 Town of Marlborough, and to which the future population of  
2 this subdivision will contribute, parklands should be  
3 created as a condition of approval of the subdivision.  
4 However, a suitable park of adequate size to meet the  
5 above requirement cannot be properly located within the  
6 proposed project site. Accordingly, it is appropriate  
7 that, in lieu of providing parkland, the project sponsors  
8 render to the Town payment of a recreation fee to be  
9 determined in accordance with the prevailing schedule  
10 established for that proposed by the Town of Marlborough.  
11 This approved subdivision known as Santini results in two  
12 lots for a total of \$4,000 in recreation fees. Whereupon,  
13 the following vote was taken: Chairman Brand, yes.  
14 Callo.

15 MR. CALLO: Yes.

16 CHAIRMAN BRAND: Garofalo.

17 MR. GAROFALO: Yes.

18 CHAIRMAN BRAND: Jennison.

19 MR. JENNISON: Yes.

20 CHAIRMAN BRAND: Lanzetta.

21 MS. LANZETTA: Yes.

22 CHAIRMAN BRAND: Lofaro.

23 MR. LOFARO: Yes.

24 CHAIRMAN BRAND: Troncillito.

25 MR. TRONCILLITO: Yes.

## SANTINI SUBDIVISION - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Thank you.

2 MS. BROOKS: Thank you very much.

3 MR. SANTINI: Thank you.

4 Time noted: 8:22 p.m.

5

6

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

8

9 I, STACIE SULLIVAN, a shorthand reporter and  
10 Notary Public within and for the State of New York, do  
11 hereby 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  
17 of the parties to this action by blood or marriage and  
18 that I am in no way interested in the outcome of this  
19 matter.

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

21

Stacie Sullivan

22

Stacie Sullivan, CSR

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 DEBORAH JONES SUBDIVISION

5 Project No. 23-1017  
6 98 Orange Street, Marlboro  
7 Section 108.4; Block 6; Lot 29.110

7 -----X  
8 SKETCH - SUBDIVISION

9 Date: October 16, 2023  
10 Time: 8:22 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 FRED CALLO  
17 JAMES GAROFALO  
18 STEVE JENNISON  
19 CINDY LANZETTA  
20 JOE LOFARO  
21 BOB TRONCILLITO

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

25 APPLICANT'S REPRESENTATIVE: WILLIAM JONES

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

D. JONES SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have  
2 the Deborah Jones sketch of a subdivision at 98 Orange  
3 Street in Marlboro. The applicant was previously seeking  
4 a five-lot subdivision, but I believe that's been changed.  
5 Pat, do you want to run through your comments first?

6 MR. HINES: Sure. So this has been before  
7 the Board for a while. We've had a couple versions of it.  
8 I've had some conversations with Mr. Jones regarding the  
9 project, and it's now been reduced to a three-lot  
10 subdivision, which eliminates the need for the water main  
11 extensions, the sewer main extensions, the Town roadway  
12 extensions. So this is a much more simplified plan,  
13 granting access to the lots utilizing prior driveways.  
14 Lot 1 is existing. Lot 2 and 3 are proposed.

15 We have some clean-up items. My first  
16 comment just identifies what I just talked about.

17 There will be a need for a common driveway  
18 access and maintenance agreement for each of the lots.

19 There's a question on the sewer main  
20 invert. It's identified as 23 feet deep. I'm hoping for  
21 everyone's sake it's not that deep. I think there's just  
22 an elevation transposition of some numbers possibly.

23 The detail for modifying the manhole  
24 serving Lot 2 if the Town allows connections to manholes.  
25 Most municipalities don't want sewer laterals going into

## D. JONES SUBDIVISION - SKETCH SUBDIVISION

1 the access manholes. They should be connecting into the  
2 sewer line itself, because sometimes humans have to go  
3 into those manholes.

4 Information on the 50-foot right-of-way  
5 that's serving Lot 3 and owned by the adjoining -- the  
6 right-of-way is in favor of the adjoining Porretto lot  
7 should be reviewed by Meghan.

8 I think the application materials should  
9 all be updated, identifying it as a three-lot subdivision.

10 The plan has adequate information for a  
11 sketch.

12 And a public hearing would be required. So  
13 I think with some clean-up items, this could be scheduled  
14 for a public hearing. This is a much simplified project  
15 over the five-lot subdivision you had previously.

16 CHAIRMAN BRAND: Comments or questions from  
17 the Board?

18 (No response.)

19 CHAIRMAN BRAND: Mr. Garofalo?

20 MR. GAROFALO: None. Thank you.

21 CHAIRMAN BRAND: No comments or questions.

22 Jen, when would we be able to do a public hearing?

23 MS. FLYNN: I believe we can do it on the  
24 6th.

25 CHAIRMAN BRAND: That's going to be

## D. JONES SUBDIVISION - SKETCH SUBDIVISION

1       upstairs?

2                   MS. FLYNN: Yes.

3                   MR. TRONCILLITO: You're coming in off both  
4       Orange Street and Orchard?

5                   MR. JONES: Both of them. There's plenty  
6       of room.

7                   MR. TRONCILLITO: Good.

8                   CHAIRMAN BRAND: Do we want -- are you in  
9       an extreme rush? If we do the public hearing for the 6th,  
10      it will be upstairs. It could be relatively cramped. I  
11      know where this is. We've had numerous people --

12                MR. JONES: A week or two is not going to  
13      matter. I'm in a hurry, of course. I want to get  
14      started, but a week -- whatever is easiest for the Board,  
15      I'll be happy.

16                CHAIRMAN BRAND: Let's shoot for the 20th,  
17      then. I feel like that will be better, because I feel  
18      like you'll have a pretty good crowd here for that one.  
19      So we'll do the public hearing for November 20th.

20                MR. GAROFALO: Can they get the revised  
21      application in in the interim?

22                CHAIRMAN BRAND: I'm sorry?

23                MR. GAROFALO: Can they get the revised  
24      application in in the interim, the three-lot?

25                MS. FLYNN: The updated information from

## D. JONES SUBDIVISION - SKETCH SUBDIVISION

1 five to three.

2 MR. JONES: Oh, what do you want? A new  
3 application?

4 MS. FLYNN: Yes.

5 MR. JONES: Okay.

6 CHAIRMAN BRAND: I think that's it.

7 MR. JONES: Thank you. Thank you  
8 everybody.

9 Time noted: 8:25 p.m.

10

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

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

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

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

5 Project No. 23-1015  
548 and 550 Lattintown Road, Marlboro  
6 Section 108.2; Block 3; Lot 1 and 47

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

9 Date: October 16, 2023  
10 Time: 8:26 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 FRED CALLO  
17 JAMES GAROFALO  
18 STEVE JENNISON  
19 CINDY LANZETTA  
20 JOE LOFARO  
21 BOB TRONCILLITO

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

25 APPLICANT'S REPRESENTATIVE: MORGAN DECKER

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

## BUSH &amp; WATSON - SKETCH LOT LINE

1                   CHAIRMAN BRAND: Next up we have, under New  
2 Application Review, Bush and Watson for a sketch of their  
3 lot line at 548 and 550 Lattintown Road.

4                   MR. DECKER: I've got some hard copies that  
5 were requested. I don't know where those go to.

6                   MR. GAROFALO: Mr. Chairman, I have a  
7 technical question that I wish to have resolved.

8                   CHAIRMAN BRAND: Is it in regards to the  
9 Watson and Bush lot line change?

10                  MR. GAROFALO: Yes.

11                  CHAIRMAN BRAND: Then yes.

12                  MR. GAROFALO: My question is, on the  
13 sketch plan you have it listed one way, and on the  
14 application you have it listed the other way. Are we Bush  
15 and Watson or Watson and Bush?

16                  MR. DECKER: Would the Board prefer it in  
17 any certain way?

18                  CHAIRMAN BRAND: It doesn't matter.

19                  MR. DECKER: We will try to be more  
20 consistent in the future.

21                  CHAIRMAN BRAND: I think Pat's comments  
22 were the only ones that had Watson and Bush. Their map  
23 says Bush and Watson. Pat, did you want to review your  
24 comments?

25                  MR. HINES: Yes. My folder says Watson and

## BUSH &amp; WATSON - SKETCH LOT LINE

1 Bush.

2 So the project proposes to transfer 1.46  
3 acres of property between two adjoining lots. There is no  
4 new construction.

5 The survey map should be completed, which  
6 we were just handed tonight. The one we had lacked the  
7 location map and some other information. It looks like  
8 it's all on the one that we got tonight.

9 The zoning bulk table should be provided  
10 for each lot. Right now that's lacking. It has the  
11 requirement and it has proposed for I think just some of  
12 the information on the Watson lot, but there should be two  
13 lots on that bulk table.

14 This does qualify for your streamlined  
15 process where a public hearing is not required for a  
16 two-lot lot line change in the R-AG zone.

17 And this is also a Type II action under  
18 SEQR, so there's no SEQR requirements. It's pretty  
19 straightforward, but there's some clean-up items.

20 CHAIRMAN BRAND: Comments or questions from  
21 the Board?

22 MR. GAROFALO: Yeah. I think that there  
23 are a few extra waivers that are being requested here, 15  
24 through 17 and 19 through 21. And I think that we should  
25 be getting some of that information and not granting

BUSH & WATSON - SKETCH LOT LINE

1 waivers on those. I think you need to have the deeds, the  
2 location of the water supply and sewage disposal, because  
3 we have to make sure that when you transfer property from  
4 one to the other that you're not transferring somebody's  
5 well to the other. So having that information I think is  
6 very important for us to be able to approve this. There's  
7 also the agricultural statement and the setbacks that may  
8 be required in this area. So I think those waivers I'm  
9 going to question. We certainly set it up for the other  
10 waivers to be basically preapproved, but those things I  
11 think we need. I'm not sure if this map now shows some of  
12 the stuff that I couldn't read on the original one. In  
13 any case, please take a look at those. I think we need  
14 some of that information. Thank you.

15 MR. DECKER: Okay.

16 CHAIRMAN BRAND: Any other comments or  
17 questions?

18 (No response.)

19 CHAIRMAN BRAND: That being said, as long  
20 as that's provided for the next meeting, do we have a  
21 motion to authorize the attorney for a Resolution of  
22 Approval?

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

24 CHAIRMAN BRAND: Mr. Jennison.

25 MR. GAROFALO: I'll second it.

## BUSH &amp; WATSON - SKETCH LOT LINE

1 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objection?

4 (No response.)

5 CHAIRMAN BRAND: We'll have that set.

6 Please make sure the map is as complete as possible.

7 MR. DECKER: Okay.

8 CHAIRMAN BRAND: Thank you.

9 MR. DECKER: Thanks, folks.

10 Time noted: 8:30 p.m.

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

12 I, STACIE SULLIVAN, a shorthand reporter and

13 Notary Public within and for the State of New York, do

14 hereby certify:

15 That I reported the proceedings in the  
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21 that I am in no way interested in the outcome of this  
22 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 STRALOW FARM

5 Project No. 23-1023  
551 Lattintown Road, Marlboro  
6 Section 108.2; Block 2; Lot 45

7 -----X

8 SKETCH - SITE PLAN

9 Date: October 16, 2023  
10 Time: 8:30 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 FRED CALLO  
17 JAMES GAROFALO  
18 STEVE JENNISON  
19 CINDY LANZETTA  
20 JOE LOFARO  
21 BOB TRONCILLITO

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

APPLICANT'S REPRESENTATIVE: RAVEN STRALOW  
ERIC STRALOW

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

## STRALOW FARM - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda is  
2 Stralow Farm for a sketch of a site plan at 551 Lattintown  
3 Road in Marlboro. The applicant is seeking a short-term  
4 rental for a cottage or house.

5 Pat, did you want to run through your  
6 comments on this one?

7 MR. HINES: So the Short Environmental  
8 Assessment Form needs to be signed and dated by the  
9 preparer.

10 The project is seeking approval for a  
11 short-term rental under your Zoning Code 155-32.1.

12 I could not read the map that was  
13 submitted, that 8.5 by 11 scale. I wear glasses and  
14 contacts. I tried both and it didn't work.

15 MS. STRALOW: Sorry about that.

16 MR. HINES: We'll need an updated map.  
17 That plan should contain all the information -- Zoning  
18 Code Section 155-32.3 has a bunch of things that  
19 pertain -- notes that pertain to short-term rentals,  
20 number of guests per bedroom and such. So each of those  
21 should appear as notes on the map.

22 This will require a public hearing. It is  
23 a special use under your Zoning Code.

24 The application should clarify the number  
25 of bedrooms. This is proposed in a small cottage, so it

## STRALOW FARM - SKETCH SITE PLAN

1 needs to identify the number of bedrooms so that the  
2 occupancy can be determined.

3 You submitted a registration with Ulster  
4 County that was in the name of a limited liability  
5 company, I believe. So we needed confirmation that only  
6 the owner -- only an owner is permitted to register a  
7 short-term rental unit. An individual owner must be the  
8 resident of the Town of Marlborough. Registration by an  
9 owner which is a corporation, and it goes on. So we have  
10 to identify that you don't have any other interests in any  
11 other short-term rentals in the Town of Marlborough. So  
12 we'll need a statement to that effect since it's owned by  
13 actually a corporation, Creative Set, Incorporated.

14 So I couldn't do a detailed review. I  
15 didn't have a map that was legible to me. Those are notes  
16 and such that need to be added to the plan.

17 CHAIRMAN BRAND: Do you basically want to  
18 just give us a brief overview of what it is you're trying  
19 to do?

20 MR. HINES: Did you get my comments? I  
21 sent them to Dave Feeney.

22 MS. STRALOW: Oh, he didn't get in touch  
23 with us. I will get it to Dave.

24 MR. HINES: He has them.

25 MS. STRALOW: I do have hard copies. I do

## STRALOW FARM - SKETCH SITE PLAN

1 have all 12 of the hard copies, so I can provide those.  
2 And apologies for the smallness of it. And, yeah, we can  
3 update it. We have -- what would you like clarification  
4 on as of right now?

5 CHAIRMAN BRAND: Just basically what are we  
6 doing?

7 MS. STRALOW: This is a short-term rental  
8 in a tiny little space. And it is set up. There's  
9 parking. It's not by any homes or neighbors. It's  
10 self-contained. We have not had any issues, problems, as  
11 of yet. I believe that it meets the requirements for  
12 egress and stairs and all of those things. There's no  
13 worry on that end. And, yeah, we followed -- we tried to  
14 follow the steps that we were told to sort of get in front  
15 of you guys. We got a new -- we hired Dave Feeney. He  
16 hired somebody to give us a new -- whatchamacallit?

17 MR. STRALOW: Survey.

18 MS. STRALOW: Thank you. That. We got a  
19 new survey. And we've been just trying to check in to get  
20 everything as above board as possible, because nobody  
21 needs the stress. So, hopefully, we can get everything  
22 that you guys need and are looking for and are seeking in  
23 terms of information and we could just be well with the  
24 Town, so to speak. Yeah. I think that's it.

25 CHAIRMAN BRAND: Comments or questions from

## STRALOW FARM - SKETCH SITE PLAN

1 the Board?

2 MR. GAROFALO: Yes. I have a few comments.

3 On the application form, Number 8, the initial escrow fee,  
4 was it paid? You have not applicable, which tells me you  
5 didn't pay it.

6 MS. STRALOW: So we actually -- initially  
7 we did submit two different checks, but I had filled it  
8 out incorrectly. So I came back and resubmitted that top  
9 page with the correct sort of yes/no, yes/no. I was under  
10 the impression that for the first year something was not  
11 applicable, but we still wrote the checks and then updated  
12 the sheet.

13 MR. GAROFALO: I just want to make sure  
14 that our consultants get paid.

15 MS. STRALOW: You will get paid. I  
16 promise.

17 MR. GAROFALO: This is listed as a farm, so  
18 maybe the agricultural data statement is appropriate here.

19 MS. STRALOW: Okay.

20 MR. GAROFALO: I would note a problem with  
21 our form. On Number 21, the square footage of the parking  
22 spaces is 162 feet, not 200. We'll have to correct that  
23 on our form. Also, with regard to the legal notices for a  
24 public hearing, we have now changed it, so it needs to be  
25 certified mail, but not with return receipts.

## STRALOW FARM - SKETCH SITE PLAN

1                   MS. STRALOW: Okay. Understood. Thank  
2 you.

3                   MR. GAROFALO: That will save you a little  
4 money.

5                   MS. STRALOW: Thank you so much.

6                   CHAIRMAN BRAND: Any other comments or  
7 questions?

8                   (No response.)

9                   CHAIRMAN BRAND: Pat, do you think the  
10 November 20th date they have enough time to schedule that  
11 public hearing?

12                  MR. HINES: If Mr. Feeney can get us the  
13 maps, we'll be set to have it then.

14                  MS. STRALOW: I'll text him. Thank you.

15                  CHAIRMAN BRAND: So let's tentatively  
16 schedule your public hearing for November 20th. And try  
17 to get Mr. Feeney motivated to get all that stuff in  
18 before the deadline for that meeting.

19                  MS. STRALOW: He'll do it. And he has the  
20 information?

21                  MR. HINES: He has my comments, yes.

22                  CHAIRMAN BRAND: Great. Thank you.

23                  Time noted: 8:37 p.m.

24

25

## STRALOW FARM - SKETCH SITE PLAN

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

2

3 I, STACIE SULLIVAN, a shorthand reporter and  
4 Notary Public within and for the State of New York, do  
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15

Stacie Sullivan

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Stacie Sullivan, CSR

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