

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

In the Matter of

- CONTINUING EDUCATION OF MEMBER JOE LOFARO
- CONTINUING EDUCATION OF CHAIRMAN CHRIS BRAND
- APPROVAL OF 10/6/23 MINUTES

BOARD BUSINESS

Date: November 6, 2023  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

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

Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## BOARD BUSINESS

1                   CHAIRMAN BRAND: I'd like to 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, November 6, 2023, regular meeting at  
7 7:30 p.m. On the agenda tonight we have the approval of the  
8 minutes for October 6, 2023. Announcements, Communications.  
9 Under Public Hearings, we have River Vista 2 Lot, a public  
10 hearing for their subdivision at River Vista Drive in  
11 Marlboro. Under the Ongoing Application Review portion of  
12 the meeting, we have Mohegan Farms for a final of their site  
13 plan at 271 Milton Turnpike. We also have Bush and Watson  
14 for a final of their lot line at 548 and 550 Lattintown Road  
15 in Marlboro. And Some Place Upstate for a sketch of their  
16 site plan at 20 Mt. Rose in Marlboro. We have no new  
17 applications. Under the Special Topics Discussion, we have  
18 the subdivision lot line application.

19                   I also would like to add two other things.  
20 In your packets you have the Town of Marlborough Planning  
21 Board Public Comment Guidelines, and I also provided you  
22 with 2024 Planning Board proposed meeting dates that we  
23 should discuss. We also have Public Comment and  
24 Adjournment. The next deadline is Friday, November 10,  
25 2023. The next scheduled meeting, Monday, November 20,

## BOARD BUSINESS

1 2023.

2 Can I have a motion for the approval of the  
3 minutes for the October 6, 2023, meeting, please.

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

5 MR. GAROFALO: I'll second it.

6 CHAIRMAN BRAND: Any discussion?

7 (No response.)

8 CHAIRMAN BRAND: Any objection?

9 (No response.)

10 CHAIRMAN BRAND: So moved. Announcements.

11 Jen, I think you have an announcement.

12 MS. FLYNN: Yes. The first two meetings in  
13 January are on Tuesdays.

14 CHAIRMAN BRAND: Okay. So we'll go over that  
15 when we go over the Planning Board guidelines. Any other  
16 announcements?

17 MR. LOFARO: I have --

18 CHAIRMAN BRAND: Joe.

19 MR. LOFARO: -- two-hour training for Green  
20 Infrastructure Techniques and a one-hour training for Green  
21 Monitoring Infrastructure.

22 CHAIRMAN BRAND: Nice. I actually have four  
23 hours of training for the record. I have Essential Tools  
24 for Effective Public Participation for one hour; Use of  
25 Accessory Dwelling Units to Respond to Changing Housing

## BOARD BUSINESS

1 Needs for one hour; Regulating Short-Term Rentals in Your  
2 Jurisdiction for one hour; Short-Term Rentals for one hour,  
3 for a total of four.

4 Any other announcements?

5 (No response.)

6 CHAIRMAN BRAND: No. All right.

7 Time noted: 7:32 p.m.

8

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

10

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

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

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

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

22

Stacie Sullivan

23

Stacie Sullivan, CSR

24

25

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

2 -----X  
In the Matter of

3 RIVER VISTA 2 LOT

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

7 PUBLIC HEARING - SUBDIVISION

8  
9 Date: November 6, 2023  
10 Time: 7:33 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

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

20 APPLICANT'S REPRESENTATIVE: MATT TOWNE  
21  
22  
23

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

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1                   CHAIRMAN BRAND: All right. On the agenda  
2 tonight first we have the public hearing for River Vista,  
3 two-lot subdivision.

4                   Oh, communications. Jen, you have some  
5 communications, I believe, don't you?

6                   MS. FLYNN: There was a write-in for River  
7 Vista for the public hearing. I did send it out to the  
8 whole Board so that they could have it.

9                   CHAIRMAN BRAND: Great. Anything else?

10                  MS. FLYNN: That's all.

11                  CHAIRMAN BRAND: Legal Notice, Subdivision  
12 Application. Please take notice: A public hearing will be  
13 held by the Town of Marlborough Planning Board pursuant to  
14 the State Environmental Quality Review Act or SEQRA and the  
15 Town of Marlborough Town Code Section 134-33 on Monday,  
16 November 6th, 2023, for the following application, River  
17 Vista Subdivision, at the Town Hall, 1650 Route 9W, Milton,  
18 New York, at 7:30 p.m. or as soon thereafter as may be  
19 heard. The applicant is seeking approval of a two-lot  
20 subdivision application for lands located at River Vista  
21 Drive, Marlboro, New York, 12547, Section 103.3, Block 3,  
22 Lot 28.123. Any interested parties, either for or against  
23 this proposal, will have an opportunity to be heard at this  
24 time. Chris Brand, Chairman, Town of Marlborough Planning  
25 Board. If you could have a seat at the table.

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 MR. JENNISON: Where is the write-in letter?

2 MS. LANZETTA: Yeah. I'm not seeing that.

3 MR. HINES: The application is attached, but  
4 there was no letter. It says write-in attached, but it has  
5 the same material as you sent.

6 CHAIRMAN BRAND: We'll read it into the  
7 minutes. Could you just give a brief overview of the  
8 project as it stands for those in attendance for the public  
9 hearing?

10 MR. TOWNE: Sure. It's a subdivision  
11 application for River Vista Drive. The parcel is seven  
12 acres in size in the R-AG-1 district. The property is  
13 currently vacant. Access is provided off a private road,  
14 River Vista Drive. The applicant proposes to subdivide the  
15 lot into two lots for two single-family homes. There's  
16 Health Department approval on both lots. Both meet all  
17 zoning requirements. And that's about it.

18 CHAIRMAN BRAND: As far as the mailings go,  
19 how many did you send out and how many were received?

20 MR. TOWNE: So I have the certified -- how  
21 many?

22 CHAIRMAN BRAND: Yes.

23 MR. TOWNE: I think it's in the 20s. I can  
24 count.

25 CHAIRMAN BRAND: You can just give them to

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 the secretary. We'll count them.

2 MR. TOWNE: Yep.

3 CHAIRMAN BRAND: Thank you. Pat, did you  
4 want to run through your comments first?

5 MR. HINES: Sure. The applicants have  
6 clarified the number of residences or number of lots that  
7 are going to be utilizing the private roadway as four, and  
8 they gave the section, block, and lots, as well as the two  
9 lots resulting from this subdivision.

10 The EAF identified potential archeological  
11 cultural resources. We haven't heard back from the Office  
12 of Parks, Recreation, and Historic Preservation yet.

13 We did receive copies of the Health  
14 Department approvals for the septic systems.

15 And zoning bulk tables were updated.

16 The driveway lengths were clarified. And  
17 it's here tonight for a public hearing. I will also add  
18 that the private road access and maintenance agreement will  
19 most likely have to be updated to include these lots.

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

22 MS. LANZETTA: There is an existing  
23 maintenance agreement for this private road?

24 MR. HINES: I believe there was one required  
25 during the last process we went through creating this lot.

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 MS. LANZETTA: Did you get a chance to look  
2 at that, the existing?

3 MS. CLEMENTE: The last one?

4 MS. LANZETTA: The existing.

5 MS. CLEMENTE: The existing maintenance  
6 agreement, no, but I did look at the one when they created  
7 these lots, the initial.

8 MS. LANZETTA: And there's no prohibitions  
9 about adding any additional people to that maintenance  
10 agreement?

11 MS. CLEMENTE: Not to my knowledge, but I'll  
12 have to look at it for any updates that you want to make to  
13 it, but not to my knowledge, there wouldn't be any  
14 prohibitions against.

15 MR. HINES: And that was the gist of that  
16 comment I made, was to make sure that there isn't anything  
17 like that in there.

18 MR. GAROFALO: I have a few comments. Most  
19 of them are very minor, which won't have any effect.

20 On Lot 11B, the front yard is shown as  
21 138 feet. It's not measured to the property line. It's  
22 measured to the -- so it's either 50 feet further probably  
23 or the line is being pointed in the wrong -- at the wrong  
24 point. So it's one of those two. It really shouldn't  
25 affect this because it is -- it meets the requirements.

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 Under the zoning information, there are two  
2 misspellings. One is cul-de-sac and one is property. I  
3 just mention that so that in the future if this is a  
4 boilerplate, you don't want to repeat that.

5 MR. TOWNE: Thank you.

6 MR. GAROFALO: In the EAF, I would just note  
7 for the record that Item 5, as to the surrounding area, one  
8 of the properties borders on the railroad, which either  
9 would be a special railroad or it might be considered  
10 industrial. Then, on the other side, is the Hudson River.

11 The one item that I am concerned is about  
12 Item 20, which identifies that there was a remediation.  
13 Now, it could be that remediation had to do with the  
14 railroad or the Hudson River.

15 MR. HINES: It has to do with the Superfund  
16 cleanup of the Hudson River for the PCBs. It's just because  
17 the Hudson River is within 2000 feet, it flags on the EAF.

18 MR. GAROFALO: Okay. Those are all my  
19 comments.

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

22 MS. LANZETTA: Yes. I have another question.

23 CHAIRMAN BRAND: Cindy.

24 MS. LANZETTA: Off of the cul-de-sac here, it  
25 looks like there's a right-of-way, and this portion of

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 property, I don't know who that belongs to (indicating). Do  
2 you know?

3 MR. TOWNE: It goes to this rear lot. It's  
4 part of the rear lot. It's Nima Contracting also.

5 MR. HINES: It's up above, labeled on top,  
6 Cindy. It's Section 103.3, Block 3, Lot 28.124.

7 MS. LANZETTA: So is that considered a party  
8 to the cul-de-sac?

9 MR. TOWNE: Yes.

10 MR. HINES: Yes. It's one of the four lots.

11 MS. LANZETTA: Also, do we have anything from  
12 the highway superintendent about the adequacy of the  
13 cul-de-sac there?

14 MR. HINES: It's a private road.

15 MS. LANZETTA: I know, but the cul-de-sacs  
16 are still supposed to be, I think, built to -- what is it --  
17 60 square feet. There's a -- in our private roads, it  
18 explains what a private road cul-de-sac would have to  
19 conform to, and I'm just wondering if our highway  
20 superintendent has checked to make sure that that's in  
21 conformance.

22 CHAIRMAN BRAND: I'm assuming that hasn't  
23 been done as of yet.

24 MR. HINES: I don't have anything. That's a  
25 remnant of the previous subdivision, so the cul-de-sac

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 didn't change under this one. I can take a look.

2 MS. LANZETTA: We just want to make sure that  
3 it can adequately take on two additional driveways, because  
4 we've had some problems before where some of these roads  
5 haven't been finished, and we find out after the fact.

6 MR. JENNISON: So what you're saying is that  
7 since there was an existing cul-de-sac, they have to bring  
8 it up and make it wider, because it's already preexisting?

9 MS. LANZETTA: I think it's got to meet the  
10 specifications, because I think that's based on safety  
11 issues.

12 CHAIRMAN BRAND: Before we add more vehicular  
13 traffic to it. So, Pat, you'll reach out to John and check  
14 on that?

15 MR. HINES: I will. I will review the  
16 private road specs. I didn't check it because it was an  
17 existing cul-de-sac. I will.

18 MR. JENNISON: Exactly.

19 MS. LANZETTA: I'm just saying, as a Planning  
20 Board, don't we have to think about the safety and the  
21 welfare that the additional people that are being added to  
22 this? It might not have met specs earlier on, but shouldn't  
23 it be brought up to spec when you're adding new lots to it?

24 CHAIRMAN BRAND: I would agree, and Pat will  
25 check with John to make sure.

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1                   MR. GAROFALO: I certainly would agree with  
2 that.

3                   MR. JENNISON: I don't. I just don't  
4 understand. If it's already there, it's preexisting.

5                   CHAIRMAN BRAND: Well, it was there as one of  
6 the conditions that they did before us previously.

7                   MR. JENNISON: So it was --

8                   CHAIRMAN BRAND: Pre-preexisting. They did  
9 it under us.

10                  MR. JENNISON: So they did it under you, and  
11 one of the conditions was that they would bring the  
12 cul-de-sac up to specification?

13                  CHAIRMAN BRAND: Yeah. They had to do some  
14 road improvements there for the other subdivision, I  
15 believe.

16                  MR. JENNISON: So how did that one get signed  
17 off?

18                  CHAIRMAN BRAND: We were assuming that it's  
19 done correctly, but we're just going to double-check before  
20 we approve this one, I think, is where we're going.

21                  Any other comments or questions from the  
22 Board?

23                  (No response.)

24                  CHAIRMAN BRAND: All right. This is a public  
25 hearing. If you're here to speak or have questions

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 regarding this project, I would just ask that we go one at a  
2 time. Speak slowly and state your name for the  
3 stenographer. If you feel like it's a name that's uncommon,  
4 if you could spell it, that would be great. Just raise your  
5 hand, and I'll recognize you, and you can fire away. Yes.

6 MR. NYCZ: My name is James Nycz, N-Y-C-Z. I  
7 live at 8 River Cliff. I was one of the people that  
8 received the certified mail. I was just curious about --  
9 Nima Construction owns that property, which is the one -- he  
10 has a current property that has a home on it that you just  
11 built. In front of that property is the property that we're  
12 talking about? I was trying to look at the proposal. I  
13 have it on my phone. It's kind of hard to look at.

14 CHAIRMAN BRAND: Do you have a map there that  
15 he can look at?

16 MR. TOWNE: I do.

17 CHAIRMAN BRAND: If you want to walk up there  
18 and take a look at the map.

19 MR. NYCZ: I know the road off Kris Korner --

20 MR. TOWNE: Yeah, this is the road off Kris  
21 Korner. So he owns this one (indicating).

22 MR. NYCZ: Right. The one that you just  
23 built on; right?

24 MR. TOWNE: Yes.

25 MR. NYCZ: We're talking about this property

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 here (indicating)?

2 MR. TOWNE: No. This is an existing one. So  
3 at the back of the cul-de-sac, these two (indicating).

4 MR. NYCZ: Oh, it's the larger lot.

5 MR. TOWNE: Then he has another one back  
6 here.

7 MR. NYCZ: That's even bigger; right? That's  
8 like an 11-acre one or something like that?

9 MR. TOWNE: I don't know.

10 MR. NYCZ: I was just curious about where it  
11 was because I was having a hard time deciphering where that  
12 was.

13 I guess the other thing is when -- you know,  
14 he wants to subdivide and build two more homes. The  
15 original proposal was for one home, I guess, on that  
16 property. What's the -- I don't understand what the minimum  
17 for acreage for a residential property. Like, can he  
18 subdivide again and have four homes on there?

19 MR. TOWNE: No. He can't do it again.

20 MR. GAROFALO: The reason he can't do that  
21 again is because it's limited to four homes on the private  
22 road. So other properties that may also be nearby would not  
23 be able to subdivide and put more houses on either.

24 MR. NYCZ: Okay.

25 MR. HINES: The well and septic separations

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 would also limit that as well as the slopes of the balance  
2 parcel.

3 MR. NYCZ: Okay. That was my other question  
4 too, is about the wells and stuff too. You know, whether --  
5 you know, if you get, you know -- if you could potentially  
6 build a lot more homes back there and tapping into more  
7 wells and things like that, but if that's limited by that,  
8 then, you know -- I was just curious. That's all.

9 CHAIRMAN BRAND: Thanks. Anyone else?

10 (No response.)

11 CHAIRMAN BRAND: No other questions or  
12 comments for that. I'm sorry. We did get a write-in one.  
13 I'll do my best to read it.

14 To: Planning Board. I'm unable to attend  
15 the November 6th meeting as I cannot drive at night. I  
16 would, however, like to voice my opposition to the proposed  
17 River Vista subdivision and hope you allow me to do so this  
18 way.

19 The recently built house, Number 9, is an  
20 eyesore and sticks out like a sore thumb against the  
21 surrounding landscape. Also, I asked the builder to move  
22 the construction equipment a few feet behind the trees so I  
23 don't have to see it from my deck and kitchen window to no  
24 avail. I feel any further construction would ruin the  
25 natural beauty of this area.

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 Thank you, Marianne Filocco, maybe.

2 MS. LANZETTA: Want to spell it?

3 CHAIRMAN BRAND: F-I-L-O-C-C-O, maybe.

4 MR. TOWNE: That's right.

5 CHAIRMAN BRAND: Any additional comments or  
6 questions? Meghan, do you have anything for this one?

7 MS. CLEMENTE: I do not. But send me the  
8 maintenance agreement when you got a chance.

9 UNIDENTIFIED SPEAKER: Who is the builder?

10 CHAIRMAN BRAND: Could you just state your  
11 name?

12 MS. HAIN: Jill Hain, H-A-I-N.

13 CHAIRMAN BRAND: We don't know who the  
14 builder is at this point, do we?

15 MR. TOWNE: The owner is Nima Contracting,  
16 and he's -- that's probably who is going to build it as  
17 well.

18 MS. HAIN: Did he build the other homes on  
19 River Crest?

20 MR. TOWNE: I don't know.

21 MR. HINES: No. That was a separate  
22 subdivision prior to him. He bought the balance of these  
23 parcels, but he's built numerous houses in this town.

24 MS. HAIN: Thank you.

25 CHAIRMAN BRAND: Any other comments or

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 questions? No? This will be your opportunity. Going once.  
2 Going twice.

3 (No response.)

4 CHAIRMAN BRAND: All right. I'd like a  
5 motion -- sorry, Pat. Go ahead.

6 MR. HINES: In the meantime, while the public  
7 was here, I did check the private roads. So dead end  
8 private roadways shall have a cul-de-sac surface not being  
9 less than 60 foot. This is a 40-foot radius, which means  
10 it's an 80-foot circle. And just scaling the map, that  
11 cul-de-sac is 60 feet. So it has an 80-foot right-of-way,  
12 and the paved area within there is 60. That's Section  
13 130-14.16.

14 CHAIRMAN BRAND: Thanks for the  
15 clarification. All right. Mr. Jennison.

16 MR. JENNISON: I make a motion to close the  
17 public hearing.

18 MR. CALLO: I'll second it.

19 CHAIRMAN BRAND: Any objection?

20 (No response.)

21 CHAIRMAN BRAND: No. Do we have a motion to  
22 authorize the attorney to draft a Resolution of Approval for  
23 this?

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

25 CHAIRMAN BRAND: Mr. Garofalo. Is there a

## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

1 second?

2 MR. TRONCILLITO: I'll second it.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 MS. LANZETTA: But that will all be  
8 conditioned to the maintenance agreement.

9 CHAIRMAN BRAND: Absolutely. Meghan will  
10 include that in the conditions.

11 MS. CLEMENTE: And the highway  
12 superintendent.

13 CHAIRMAN BRAND: And the recreation fees.

14 MS. CLEMENTE: Yes.

15 CHAIRMAN BRAND: You're all set, sir. Thank  
16 you.

17 MR. TOWNE: Thanks a lot.

18 Time noted: 7:49 p.m.

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## RIVER VISTA 2 LOT - PUBLIC HEARING SUBDIVISION

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

2

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

6 That I reported the proceedings in the  
7 within-entitled matter and that the within transcript 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  
12 am 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  
TOWN OF MARLBOROUGH PLANNING BOARD

2 -----X  
In the Matter of

3 MOHEGAN FARMS

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

7 FINAL - SITE PLAN

8  
9 Date: November 6, 2023  
10 Time: 7:49 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

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

20 APPLICANT'S REPRESENTATIVES: NADINE CARNEY  
21 JOHN QUINN, JR.  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## MOHEGAN FARMS - FINAL SITE PLAN

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

4 MS. CARNEY: Hello.

5 CHAIRMAN BRAND: Pat, whenever you're ready.

6 MR. HINES: So, after the last meeting, the  
7 fence has been extended along the property line. There was  
8 concern of the headlights shining into the residential  
9 properties. So the fence has been extended to 60 feet.  
10 The side yards have been updated in the bulk  
11 table.

12 And Note 10 has been added to the plans,  
13 identifying the site will be accessible 24 hours a day;  
14 however, no overnight parking shall be permitted.

15 And that was the gist of the previous  
16 comments. The public hearing was previously closed, and  
17 that addressed those comments.

18 CHAIRMAN BRAND: Any comments or questions  
19 from the Board on this?

20 (No response.)

21 CHAIRMAN BRAND: No. All right. Meghan has  
22 prepared for us a SEQR Negative Declaration and Notice of  
23 Determination of Non-Significance, as well as a Resolution  
24 of Approval by the Town of Marlborough Planning Board. Any  
25 highlights, Meghan, for us?

## MOHEGAN FARMS - FINAL SITE PLAN

1 MS. CLEMENTE: Nope. The only condition is  
2 payment of all fees. They've taken care of everything with  
3 notes on the plans and changing things.

4 CHAIRMAN BRAND: Perfect. The SEQR Negative  
5 Declaration and Notice of Determination of Non-Significance  
6 for the application of Mohegan Farms, LLC, for the site plan  
7 application for the Town of Marlborough Planning Board, I'll  
8 poll the Board. I will say yes.

9 Member Lanzetta.

10 MS. LANZETTA: Yes.

11 CHAIRMAN BRAND: Lofaro.

12 MR. LOFARO: Yes.

13 CHAIRMAN BRAND: Callo.

14 MR. CALLO: Yes.

15 CHAIRMAN BRAND: Jennison.

16 MR. JENNISON: Yes.

17 CHAIRMAN BRAND: Garofalo.

18 MR. GAROFALO: Yes.

19 CHAIRMAN BRAND: Troncillito.

20 MR. TRONCILLITO: Yes.

21 CHAIRMAN BRAND: As far as the application of  
22 Mohegan Farms, LLC, for their site plan application, the  
23 Resolution of Approval by the Town of Marlborough Planning  
24 Board dated November 6, 2023, Chairman Brand says yes.

25 Lanzetta.

## MOHEGAN FARMS - FINAL SITE PLAN

1 MS. LANZETTA: Yes.

2 CHAIRMAN BRAND: Lofaro.

3 MR. LOFARO: Yes.

4 CHAIRMAN BRAND: Callo.

5 MR. CALLO: Yes.

6 CHAIRMAN BRAND: Jennison.

7 MR. JENNISON: Yes.

8 CHAIRMAN BRAND: Garofalo.

9 MR. GAROFALO: Yes.

10 CHAIRMAN BRAND: Troncillito.

11 MR. TRONCILLITO: Yes.

12 CHAIRMAN BRAND: Okay. I think you're all  
13 set. Thank you. Good luck.

14 Time noted: 7:51 p.m.

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## MOHEGAN FARMS - FINAL 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 of  
11 the parties to this action by blood or marriage and that I  
12 am 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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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

In the Matter of

BUSH AND WATSON

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

FINAL - LOT LINE

Date: November 6, 2023  
Time: 7:51 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

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

APPLICANT'S REPRESENTATIVE: (NOT PRESENT)

Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## BUSH AND WATSON - FINAL LOT LINE

1                   CHAIRMAN BRAND: Next on the agenda we have  
2 Bush and Watson for a final of their lot line, 548 and 550  
3 Lattintown Road in Marlboro.

4                   Pat, you have no comments for this one. I'm  
5 assuming we're just moving right to --

6                   MR. HINES: No outstanding comments on this.

7                   CHAIRMAN BRAND: No outstanding comments.  
8 Any comments or questions from the Board?

9                   MR. GAROFALO: Yes. I have some comments. I  
10 believe at the last meeting certain things were requested,  
11 and, to my knowledge, they haven't been provided. One was  
12 the location of the wells and septic.

13                  MR. JENNISON: Mr. Garofalo, can you speak  
14 up, please?

15                  MR. GAROFALO: One was the location of the  
16 well and septic, to make sure that they are not ending up on  
17 the wrong property. A second one was the addition of an  
18 agricultural statement on the plans, since the property  
19 behind it, which now both of them will be adjacent to, is,  
20 to my knowledge, an active farm. It is listed as a farm.  
21 I've seen it on an aerial. It looks like an active farm.  
22 So there should be an ag statement. The zoning tables were  
23 also not provided for both properties. And I will remind  
24 the Board that in the past zoning tables have been a real  
25 problem. I can see approving this with the condition of the

## BUSH AND WATSON - FINAL LOT LINE

1 ag statement and the wells being shown on the map, because  
2 those you can just look at very quickly, and they're either  
3 in the right place or they're not. But the zoning table is  
4 a much more complicated thing, and I think that that really  
5 needs to be provided on the plans. In the past, the Board  
6 has made mistakes in not providing those on the plans, in  
7 creating either non-conforming lots or more non-conforming  
8 lots by not providing that. So I think it's very important  
9 that those zoning tables should be provided on the plans and  
10 be put before the Board for approval before we do a vote.  
11 And that's why my concern is that we should table this until  
12 the next meeting so that we can see those zoning tables and  
13 these other corrections. The very last thing that the --  
14 Mr. Chairman mentioned at that meeting was please make sure  
15 the map is as complete as possible. None of that was done.  
16 So, in terms of a delay, to me, this is the applicant's  
17 fault for not providing this information for this meeting so  
18 we could approve this application here and now.

19 CHAIRMAN BRAND: Pat, did you receive any  
20 updates on that?

21 MR. HINES: I did not. I'm also noticing  
22 right now that the metes and bounds aren't shown on this  
23 plan as well, so that needs to be added. I was treating  
24 this as a streamline approval, but that is a fail too. I  
25 didn't comment on the bulk tables because there's no new

## BUSH AND WATSON - FINAL LOT LINE

1 construction proposed and all the houses are existing, but  
2 certainly if you want to have them on there, it's a valid  
3 concept as well.

4 MR. JENNISON: Are they here tonight?

5 CHAIRMAN BRAND: I don't believe so. There's  
6 no one here for that.

7 MR. GAROFALO: I think the problem is even  
8 though the -- they're existing houses, when you change the  
9 lot lines, that could change them. And in this case,  
10 looking at the table, it looks like there is a  
11 non-conforming use, so I think in this particular case,  
12 since it's not clear cut, that we shouldn't be voting  
13 knowing that the table shows something that's  
14 non-conforming. And now there has been in the past, where  
15 we had public comment -- we didn't have a public hearing on  
16 this because it's the lot line. When we had public comment,  
17 we sent it to the ZBA, and the ZBA took action to adjust one  
18 of the non-conforming lines. And that was a condition on a  
19 house that was existing, which had an existing  
20 non-conforming use. So that is another reason why I think  
21 it's very important to make sure that when we vote on these,  
22 that we have zoning tables that are correct, or at least  
23 close enough to being correct that we know exactly what's  
24 going on.

25 CHAIRMAN BRAND: So, Mr. Garofalo, I'm

## BUSH AND WATSON - FINAL LOT LINE

1     assuming you're making a motion to table this approval until  
2     the next meeting so that the applicant can provide us the  
3     location of the well and septic, the agricultural statement  
4     on the plans, the zoning tables provided, and the metes and  
5     bounds be shown on the map?

6                     MS. LANZETTA:   Yes.

7                     MR. GAROFALO:   Yes.

8                     CHAIRMAN BRAND:  Is there a second?

9                     MS. LANZETTA:  I'll second that.

10                    CHAIRMAN BRAND:  Any discussion?

11                    (No response.)

12                    CHAIRMAN BRAND:  Any objection?

13                    (No response.)

14                    CHAIRMAN BRAND:  We will table that until the  
15     next meeting.

16                    MR. JENNISON:   Who can contact them?

17                    MR. HINES:    I can contact them.  They were  
18     here at the last one.  The issue with the non-conformities  
19     is that I don't believe this lot line makes any of them more  
20     non-conforming.  But, as you know, I am a big fan of sending  
21     any non-conformities on any subdivision.  I have many  
22     municipalities that say you lose the protection.  By this  
23     subdivision, each of these non-conformities would lose their  
24     grandfathered protection.  Now, that has not been the policy  
25     in the past with this Board, but if, moving forward, it is,

## BUSH AND WATSON - FINAL LOT LINE

1 we can certainly comment on those. I do not routinely  
2 comment on those for lot line changes because they're not  
3 changing anything. But certainly there are a multitude of  
4 non-conformities on this -- on both of these lots that are  
5 not getting any worse, but not getting any better, through  
6 this lot line change.

7 MR. GAROFALO: And, to me, even if we are not  
8 requiring them to make it better, we should at least be very  
9 consistent in making sure that it is documented, the case  
10 that it is non-conforming.

11 MS. LANZETTA: That might be something good  
12 to have a discussion about as a Board in the near future.  
13 I'm not talking about what you're asking for, but I'm  
14 talking about the general idea of, you know, working with  
15 non-conforming properties, how we should move forward. But  
16 I think we're all in agreement with you.

17 MR. GAROFALO: It's certainly in the code  
18 that there's supposed to be a zoning table.

19 CHAIRMAN BRAND: Okay. Discussion of  
20 non-conforming properties.

21 Time noted: 7:58 p.m.

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## BUSH AND WATSON - FINAL LOT LINE

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

2

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

6 That I reported the proceedings in the  
7 within-entitled matter and that the within transcript 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  
12 am in no way interested in the outcome of this matter.

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

14

Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 SOME PLACE UPSTATE

4 Project No. 23-1008  
5 20 Mt. Rose, Marlboro  
6 Section 109.1; Block 4; Lots 57, 58, 71 and 56.1

7 -----X  
8 SKETCH - SITE PLAN

9 Date: November 6, 2023  
10 Time: 7:58 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

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

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
21 ADAM BROZA  
22 DANIELLE BROZA

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

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   CHAIRMAN BRAND: Next on the agenda we have  
2   Some Place Upstate, I believe, for a sketch of their site  
3   plan at 20 Mt. Rose Place in Marlboro.

4                   Pat, would you go through your comments?

5                   MR. HINES: Where do I begin? So this  
6   project is before the Board for a resort hotel use, and I'm  
7   aware that this property has been having some events,  
8   functions, other uses on it that brought to light many  
9   aspects that this Board should review during this proposal.

10                  First of all, the parcels don't appear in  
11   common ownership, and that is an issue. Each of the lots is  
12   under different ownership.

13                  MS. BROOKS: Yes. That had been discussed in  
14   May when we originally came before the Board, and the  
15   applicant was advised to work with his attorney and Meghan  
16   to put together some sort of an agreement where the  
17   assemblage of parcels for the purposes of the site plan  
18   would be reviewed as one. They were purchased separately.  
19   There are separate mortgages on them. It's not just as  
20   simple as consolidating all of them. And, at that point in  
21   time, I believe that was acceptable, but, obviously, it has  
22   to be an agreement that's a legal binding agreement.

23                  CHAIRMAN BRAND: Has any progress been made  
24   on that, or are we holding off until -- okay.

25                  MR. HINES: So this Adam Broza is a principal

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 of each of those and able to sign?

2 MS. BROOKS: Yes. And he's here this evening  
3 (indicating).

4 MR. HINES: I didn't ask if he was here. Can  
5 he sign for all of them?

6 MS. BROOKS: Yes. And he can speak for  
7 himself as well.

8 MR. BROZA: Also yes.

9 MR. HINES: So the zoning bulk tables should  
10 be completed for all existing and proposed setback lines.

11 Water and sewer provisions for the entire  
12 site should be addressed. I believe these are all on septic  
13 systems.

14 MS. BROOKS: They're all on septic systems  
15 and municipal water.

16 MR. HINES: So those septic systems should be  
17 shown.

18 All permitted parking should be detailed on  
19 the plan.

20 There are uses on here that are identified as  
21 lawn parking, and I have issues with a permanent resort  
22 hotel use using grass parking that could turn into mud  
23 parking or something worse than mud parking. Certainly this  
24 year grass parking would have been a challenge if it was  
25 used quite often. So I'm giving that to the Board, but I

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 don't think lawn parking -- the required parking for the  
2 events should be provided on a dust-free surface, which  
3 probably should be paved for permanent use.

4           We need a narrative report that identifies  
5 the uses on the site. It says it was submitted. I do not  
6 have the narrative, but I think the Board needs to get a  
7 good handle on what uses are going to happen, what the  
8 intensity of the uses are. There are numerous areas on the  
9 site that say, I want to say, proposed -- possible event  
10 tent site, and if all of those are used at once, the parking  
11 becomes much more required parking, and I don't know, once  
12 you approve this, how you restrict that one of the event  
13 sites or two of the event sites or some combination of  
14 those. So that needs to be clearly defined on the site, the  
15 intensity of the use, the number of the people on the site  
16 at any one time.

17           MS. BROOKS: Yeah. There was originally in  
18 May a letter of intent that was submitted, and then it was  
19 revised for this application. But when I went through the  
20 package that was submitted to the Planning Board, it was not  
21 included, which is why you did not receive it, Pat, so I do  
22 apologize for that.

23           MR. HINES: But I think it's a concern of the  
24 Board that it really define the number of people on this  
25 site.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 MS. BROOKS: Absolutely. And what is shown  
2 on here is various potential locations where an event can  
3 occur. It had been stipulated in May and is still in the  
4 letter of intent that there would not be more than one  
5 event. In other words, somebody comes here for a wedding.  
6 They can pick to have the tent in the vineyard or in the  
7 orchard or in the field area or in the lawn area by the  
8 pool. So we wanted to show the locations that are being  
9 proposed for the individual venues, but when somebody comes  
10 here for a weekend, they actually have to rent the entire  
11 site. That was something that also was discussed and  
12 suggested by some of the Planning Board members; that  
13 basically somebody is going to come in, and they are going  
14 to lease the entire facility for their use.

15 MR. HINES: There's a boulder pile labeled 20  
16 spots in the summer parking area, and it looks like access  
17 would be restricted by the boulder pile.

18 And you need to clearly define how that  
19 access is going to function to those what I think should be  
20 a parking area, more defined, more permanent.

21 MS. BROOKS: Or removed, relocated.

22 MR. HINES: Or removed or relocated. The  
23 access drive looks like it's going right into the treeline  
24 there along what is identified as the brook.

25 MS. BROOKS: Yeah. There's actually an

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 existing lane that's there now, and we showed the 30-inch  
2 concrete culvert pipe that crosses the stream. So there is  
3 a roadway there now.

4 MR. HINES: And whose roadway is that?

5 MS. BROOKS: It's partially on lands of the  
6 applicant, and there's a small section of it that is on  
7 lands of Cekovic.

8 MR. HINES: So wouldn't they have rights to  
9 use that?

10 MS. BROOKS: Yeah. It's been a common use  
11 right-of-way through all of those properties for years. I  
12 don't know whether Mt. Rose Road at one point in time was  
13 intended to continue or -- so, that, I can't speak to. I  
14 don't know what the original plans were.

15 CHAIRMAN BRAND: Is there any maintenance  
16 agreement?

17 MS. BROOKS: No. Because really, right now,  
18 it's not used for vehicular traffic for commercial purposes  
19 or residential purposes. It's all just farmland back there  
20 or vacant. There's really nothing on the Cekovic property.

21 CHAIRMAN BRAND: So that farm lane would not  
22 be used as part of this project?

23 MS. BROOKS: Correct.

24 CHAIRMAN BRAND: That's just access to the  
25 farm.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 MS. BROOKS: Right.

2 MR. HINES: Traffic and access seems to be an  
3 issue on the site. Vehicle access through the existing farm  
4 lane may be problematic. And I think that's the farm lane  
5 we're discussing now.

6 MS. BROOKS: Yes.

7 MR. HINES: As well as the other one on the  
8 opposite side, the James Street Extension, everything having  
9 to do with Note 10. It certainly looks like that farm lane  
10 would be used for some of the event spaces to the westerly  
11 most portion of the site. So both emergency and vehicle  
12 access probably need to be addressed there. I think any of  
13 the rights to use those should be given to Meghan's office  
14 for review.

15 All items in Section 155-18 B(1)(a-i), which  
16 are the resort hotel uses should be clearly addressed on the  
17 plans.

18 So there's a Code Section 155-18 B(1)(d) that  
19 states: No structure in such use shall be within 50 feet of  
20 any property line, and then it goes on to say any  
21 watercourse, which is part of a public water supply, but it  
22 appears like several of the uses are within 50 feet of the  
23 property lines.

24 MS. BROOKS: Yeah. And we had raised that  
25 issue with the Planning Board back in May when we made our

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 initial submission, and that is part of the original letter  
2 of intent and the secondary letter of intent. At this point  
3 we were coming to the Planning Board to get some initial  
4 feedback before we applied to the Zoning Board, and we  
5 necessarily need a referral from either the Building  
6 Department or the Planning Board for that. So that's one of  
7 the things that we're seeking this evening.

8 MR. HINES: So I think that -- and I'm sure  
9 Mr. Garofalo will agree that that bulk table will come in  
10 depicting those separation distances from the property lines  
11 for those various uses.

12 MS. BROOKS: Yep.

13 MR. HINES: Future plans should address noise  
14 from amplified music and any site lighting. Those are  
15 typically an issue here.

16 There's a stream bisecting the site where we  
17 talked about the event parking and the lot to the west, Tax  
18 Lot 71. And it looks like access across there -- there is  
19 no access shown right now, I guess.

20 MS. BROOKS: Yeah, there is. It's the farm  
21 lane, and we're showing the 30-inch concrete culvert on the  
22 southerly end at the Mt. Rose Extension, and then there's a  
23 38-inch culvert on James Street on the northerly end.

24 MR. HINES: But those are not -- it looks  
25 like that access isn't on your property, from looking at

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 this. Maybe the culvert is just a larger scale.

2 MS. BROOKS: Yeah. And that was one of the  
3 reasons we enlarged part of it to the 50 scale. But we'll  
4 clarify that. But there is access.

5 MR. HINES: It doesn't show on the 50 scale.

6 MS. BROOKS: It doesn't show in this one.

7 MR. HINES: I guess that would just be  
8 pedestrian access across there?

9 MS. BROOKS: Pedestrian. Golf cart.  
10 Depending on if somebody needed assistance getting over  
11 there.

12 MR. HINES: The legend refers to possible  
13 event space and flex space, and those should be defined not  
14 as possible, but we need to have firm details on that.  
15 Where it says possible event spaces, we want to see where  
16 those are, so things like amplified music, lighting, access,  
17 and stuff can be addressed.

18 There's a gift shop, Item I, in the chart  
19 that says retail gift shop. A retail component is not  
20 referenced in the R-1 zoning district as allowable uses.  
21 That would also need ZBA approval.

22 MS. BROOKS: It's not going to be a -- retail  
23 gift shop probably was an incorrect representation, because  
24 it's going to be a resort gift shop, just like you go to  
25 Rocking Horse Ranch, and they have a gift shop in there,

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 where they're selling Rocking Horse Ranch T-shirts and spurs  
2 and whatever else you would sell at something like that for  
3 guest consumption, not bringing people in from the outside.

4 MR. HINES: So, again, I go through the code,  
5 and I don't see retail gift shop.

6 MS. BROOKS: Right. It's going to be a  
7 component of the resort, not for retail sales to the general  
8 public. So, as I said, I will clarify that in the next  
9 submission.

10 MR. HINES: And/or ZBA interpretation.

11 MS. BROOKS: Okay.

12 MR. HINES: Access to all uses on the site  
13 should be identified. So how they get from the summer event  
14 space down to other areas. There seems to be kind of a  
15 disconnection between a lot of the uses on the site. And  
16 how pedestrians, emergency vehicles, passenger vehicles, and  
17 any other vehicles are going to get to the site should be  
18 addressed. The EAF -- I identified individual buildings  
19 that have kind of access issues.

20 The EAF identifies the site as an  
21 archeologically sensitive area, so we'll need to circulate  
22 to SHPO when we do lead agency.

23 MS. BROOKS: So I think the only  
24 archeological sensitivity on that was the sturgeon, because  
25 of the proximity --

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MR. HINES: No. That's the endangered  
2 species, but this is SHPO, cultural historic resources.

3                   MS. BROOKS: I didn't see anything on that,  
4 but I'll look again.

5                   MR. HINES: Provision for potable water must  
6 be approved by the Ulster County Health Department. Similar  
7 comment for septic systems on site for all uses.

8                   MS. BROOKS: So when it's municipal water  
9 service?

10                  MR. HINES: Then show us municipal water  
11 service. I don't know that we show that anywhere.

12                  MS. BROOKS: Okay.

13                  MR. GAROFALO: You show a lot of wells.

14                  MR. HINES: Exactly. We need to confirm that  
15 each of these buildings are -- depending on the intensity of  
16 use --

17                  MS. BROOKS: Can I just clarify? If all of  
18 the buildings are serviced with municipal --

19                  MR. HINES: That should address that. I'm  
20 just reading that out of the resort hotel code that says  
21 potable water must be approved by the Health Department.

22                  The width of the internal roadways should be  
23 identified. Minimum fire access road for all structures is  
24 20 feet unless the structures are higher than 30 feet, which  
25 they would need aerial access at 26 feet. But it doesn't

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 look like the internal roadways are 20 feet in width for  
2 fire access.

3 MS. BROOKS: Right. My understanding -- and  
4 I'll go through the code with Mr. -- with you and  
5 Mr. Troncillito. Obviously, we'd like to have the Fire  
6 Department up at the site to review it, to make sure that  
7 there's adequate access. But I understood that they needed  
8 to be within 150 feet of the structures, the 20-foot wide  
9 fire access road.

10 MR. HINES: It depends on the use. So I  
11 don't know how high the stable slash barn is. If it's over  
12 30 feet, then it would kick in aerial access at 26 feet.

13 MS. BROOKS: Which the roadway is right  
14 there.

15 MR. HINES: It has to be within 15 to 30 feet  
16 of the structure.

17 MS. BROOKS: Right.

18 MR. HINES: So that would not allow that  
19 roadway to be used for that if those parking spots are  
20 level.

21 There's a note the 50 scale plan doesn't  
22 address the western side, which we just ran into with the  
23 culvert.

24 Accessible parking and access must be  
25 provided for all uses on the site in accordance with ADA

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 standards.

2                   The summer lawn space should have a defined  
3 access. The intensity use on the site appears to be in  
4 excess of that which would be supported by year-round  
5 parking on the lawn areas. Permanent uses should have  
6 permanent parking surfaces.

7                   Parking access for large vehicles should be  
8 addressed. I've heard of buses accessing this site  
9 recently, and I don't see any bus access. So if, in fact,  
10 that's going to be a use on the site, that needs to be  
11 addressed on the site, including through movements or  
12 turnarounds.

13                   A loading dock would be required, and access  
14 for delivery trucks should be depicted.

15                   Height of all the structures should be shown  
16 in compliance with the Fire Code, which we just talked  
17 about.

18                   Comments from the jurisdictional fire  
19 department obviously should be received.

20                   Note 10 should be further explained. And is  
21 a dedication parcel proposed for those portions that are on  
22 Note 10? So I think information pertaining to Note 10,  
23 which is the -- on both sides, both James Street and Mt.  
24 Rose Extension, or whatever those are, we need to make sure  
25 that you have rights to use that. And all structures -- you

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 know, if it was a farm access road, I don't know that that  
2 gives you rights to change that to other commercial uses.  
3 I'll leave that to Meghan sitting next to me.

4 All structures within a hundred feet of the  
5 parcel should be shown. That's more of a public comment  
6 issue from there.

7 Details of parking spaces should be added to  
8 the plans.

9 Confirmation of where Town roads and the  
10 private roads start and end. And that may take some  
11 information from the Highway Superintendent. I'm not really  
12 sure anyone knows where James Street starts and finishes, or  
13 Mt. Rose. So we need to see that.

14 There are parking spaces that appear to back  
15 out onto Mt. Rose, and if that is a Town road, we would not  
16 recommend that they back out. It doesn't look like there's  
17 enough room between the parking space and stable slash barn  
18 to do otherwise.

19 Property lines are extending into the  
20 roadways. Are roadway dedications proposed?

21 Confirmation that the water is in the Water  
22 District. And, water supply, we said that they're all  
23 covered by Town water, so that may not be an issue. But I  
24 did note, as Mr. Garofalo said that there's wells throughout  
25 the site.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   The structure identified as Structure J  
2   doesn't have any access to it.

3                   MS. BROOKS: That's off of James Street.

4                   MR. HINES: And that says that's going to be  
5   Brookside, one unit, in the future. It's currently labeled  
6   as a barn. So that doesn't have parking or access or  
7   anything associated with it. Just to be aware, it's often  
8   difficult to turn a barn into a residence under current  
9   Building Code requirements. That's going to be a challenge  
10   for your client, as they convert buildings into heated human  
11   occupancy space.

12                  MS. BROOKS: And that's also one of the ones  
13   that requires a setback variance.

14                  MR. HINES: Sanitary sewer disposal on all  
15   the uses should be identified.

16                  We may want to coordinate lead agency at this  
17   point to bring in those other interested and involved  
18   agencies.

19                  CHAIRMAN BRAND: I'll take a pause right  
20   there and ask for that motion to be made right now, to have  
21   the Board declare its intent for lead agency.

22                  MR. TRONCILLITO: I'll make that motion.

23                  MR. GAROFALO: I'll second it.

24                  CHAIRMAN BRAND: Any discussion or objection?

25                  (No response.)

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MR. HINES: A site lighting plan should be  
2 prepared for proposed security and safety lighting for all  
3 uses on the site.

4                   We're recommending a separate plan be  
5 developed for any emergency services, just a separate sheet,  
6 showing access, the buildings, the roadways, turning  
7 radiuses, to assist the jurisdictional emergency services in  
8 reviewing this.

9                   And then again, the maximum intensity of use,  
10 the number of spaces, the number of uses at one time, just  
11 so the Board can get an early handle on how many folks will  
12 be here for how long and what times of day, what times of  
13 year.

14                  CHAIRMAN BRAND: Thank you, Pat.  
15 Mr. Troncillito, would you like to start us off tonight?

16                  MR. TRONCILLITO: I sure would. Thank you  
17 very much.

18                  You know, you came before the Board with a  
19 conceptual plan back in the spring, which seemed pretty  
20 interesting, and then things started to go sour real quick.  
21 You know, I got calls. I had residents at my house, which I  
22 don't have a problem with. It's part of my job. When  
23 people have concerns or complaints, I want to hear them so I  
24 can relay them. Patti and I had a conversation there a  
25 little bit at one time. I spoke to the Building Inspector

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 when we had the problem on James Street with the parking.  
2 And he took care of that. That was taken care of. We  
3 wouldn't have been able to get a piece of fire apparatus up  
4 there with all the parking on James Street.

5 I was contacted when events were going on,  
6 and I took a ride down there. I got run off the road twice  
7 by your shuttle bus. Coming up around James Street, and  
8 that guy came down, and, fortunately, I didn't go over the  
9 bank, but he did run me off the road twice, not once.

10 And then the big tour bus got hung up on  
11 James, trying to get up James Street. And, fortunately, no  
12 emergency was required up there, police, EMS, or fire.

13 And I don't know. We're looking at a  
14 residential neighborhood, and it's turned into an event  
15 neighborhood. I got some texts. I got one here at 1:00 in  
16 the morning and the music was still going. This was on a  
17 Sunday morning at 1:00 a.m. You know, this is the  
18 information that I'm getting. Plus some of it that I  
19 witnessed myself. You know, I don't know what to say. It's  
20 an allowable use. How much power can us -- this Board have  
21 in putting certain things in place to satisfy the  
22 neighborhood, which, to me, is very important. People have  
23 been living up there all their lives. Some of them I know  
24 very personally, and they're the ones that have contacted  
25 me, plus some of the other ones that live up there.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   So this is -- there's a lot of work I think  
2   that's gotta get done to appease the neighbors, which, to  
3   me, is the most important thing. You know, I understand --  
4   if I was living up there and I heard all that loud -- and I  
5   was up there. I witnessed these events that were going on.  
6   And if I was living there, I wouldn't be too happy either,  
7   to be honest with you.

8                   MS. BROOKS: So my understanding, though, is  
9   that there were several police reports or investigations up  
10  there, and that none of them were found to have any noise  
11  over any level that was unacceptable.

12                  MR. TRONCILLITO: Well, there's a difference  
13  between --

14                  MS. BROOKS: Because people can make a  
15  complaint, but it needs to be verified. I mean, there were  
16  some complaints that there were events happening when the  
17  applicants weren't even there for the weekend.

18                  MR. TRONCILLITO: I know. Patti, I'm not  
19  even going there.

20                  MS. BROOKS: Well, because you brought it up,  
21  so I'm just saying that there's --

22                  MR. TRONCILLITO: Give me a chance to finish.

23                  MS. BROOKS: -- a lot of he said/she said,  
24  that I think that what we need to do is look at what the  
25  facts are.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MR. TRONCILLITO: Right. But what I'm saying  
2 is, I was there. That's what I'm trying to say to you. I  
3 was there when the events were going on, and I heard the  
4 music.

5                   MS. BROOKS: What time of day was that?

6                   MR. TRONCILLITO: And whether the decibels  
7 were above the legal limit was immaterial. If you're  
8 sitting in your house and you're trying to sit there and  
9 watch television, it's very uncomfortable. You know, I  
10 don't know how to put it. You know, I'm not saying it was  
11 above the legal limit, quote. What is the legal limit, in  
12 all honesty? Our chairman lives over there on Purdy Avenue,  
13 and he heard the music way the hell over there.

14                   So I don't know how we can put this whole  
15 package together to satisfy what they're trying to do and  
16 then what the public needs are in regards to the respect to  
17 everybody around them. I don't know. You know, work  
18 together. Talk to them. Discuss things. I don't know how  
19 else to throw it out to you.

20                   MS. BROOKS: Yeah. I mean, one of the things  
21 that I'm suggesting this evening is that -- which is  
22 somewhat out of the ordinary, but to have a public hearing  
23 now. Let's get it all out. Let's find out what the issues  
24 are. Let's advertise for a public hearing now. Let's get  
25 everything on the table. Hear from everybody. Because it

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 doesn't make sense to develop an entire plan in a vacuum.

2 MR. TRONCILLITO: Thank you.

3 MS. BROOKS: If we hear from everybody and  
4 hear what the concerns are and hear what the issues are -- I  
5 mean, part of my understanding is that there's also an event  
6 space now down next to Dollar General where Sawyer Savings  
7 is.

8 MR. TRONCILLITO: A what?

9 MS. BROOKS: An event space, a restaurant  
10 that's event space.

11 MS. BROZA: So people call saying that it's  
12 us.

13 THE COURT REPORTER: I'm sorry. I just need  
14 your name for the record.

15 MS. BROZA: I'm Danielle Broza.

16 MR. JENNISON: Can we have a site visit --

17 CHAIRMAN BRAND: Absolutely.

18 MR. JENNISON: -- as a Planning Board? Can  
19 we schedule that?

20 MR. GAROFALO: I would like to say that there  
21 are towns that require that there be public information  
22 sessions prior to and in addition to the later public  
23 hearing -- this is not something that's totally out of the  
24 ordinary to have that -- so that the public can come and  
25 make comments prior to all the designs being done. This is

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 something that can be done and is reasonable to do, and I  
2 can say we should be willing to accommodate.

3 CHAIRMAN BRAND: Yeah, I have no problem with  
4 that. I think I'd actually prefer that, because I think the  
5 official public hearing then -- it triggers some other  
6 things along the way. So I would have no problem to do that  
7 at the earliest convenience for you guys to have an  
8 informational session, where the public would be allowed to  
9 come and speak and express their concerns.

10 MR. HINES: In other towns I represented that  
11 had them, those are run by the applicant informally, not the  
12 Planning Board, because the public hearing starts certain  
13 time frames.

14 CHAIRMAN BRAND: That's why I said --

15 MS. BROOKS: This is a public informational  
16 meeting.

17 CHAIRMAN BRAND: Correct.

18 MR. HINES: Which can be held by the  
19 applicant at some venue, not the Planning Board, I don't  
20 think. This has to go to the ZBA prior to anyone taking any  
21 action.

22 MR. TRONCILLITO: My biggest concern is you  
23 don't want them to -- if things flow the way that you would  
24 like them to flow and they do end up having things, you  
25 don't want the Hatfields and the McCoys every time there's

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 an event. That doesn't make sense.

2 MS. BROOKS: Absolutely not.

3 MR. TRONCILLITO: So if we can iron things  
4 out between the residents and himself and his wife, you  
5 know, it probably be the best thing to do.

6 MS. LANZETTA: You can also schedule a  
7 gateway meeting with Ulster County Planning, and in which  
8 case, you know, a couple of the Board members here could be  
9 in attendance to that. And they also might -- they're going  
10 to have comments on this site plan. So they might have  
11 input that would be better to know ahead of time than before  
12 you submit to them.

13 MR. BROZA: If it's okay, I just wanted to  
14 make sure. I didn't know if it was appropriate. My name is  
15 Adam Broza. Sorry. I didn't know if it was appropriate to  
16 say anything. I didn't come prepared to, so I just want to  
17 ask permission to speak. The first meeting she was joking  
18 about how the stenographer gets paid by the word. I was  
19 just saying -- I'm still in my mind trying to stay quiet.  
20 Obviously, I know some of the faces here, some of the  
21 neighbors. Some of them I've only known since the summer's  
22 events. Some I've known for a little bit longer.

23 Something I wanted to say, and we've -- this  
24 is Danielle, this is my wife, and this is our son, Theo, who  
25 is sleeping here. We've only been in Marlboro for three

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 years. Most of you we're meeting through this whole  
2 process. We've exchanged faces on May 1st, but there wasn't  
3 much more beyond that. There are people in the  
4 neighborhood -- most of them are our neighbors, but also the  
5 people in Town Hall, the people we've been talking to, that  
6 since we moved here we've been talking about the dreams that  
7 we have, the ambitions. A lot of times even with the  
8 neighbors. We've seen really beautiful things come out of  
9 our time up here. So most of them have already gotten used  
10 to seeing a lot of our friends come up. I'm originally from  
11 Israel, and most of my community is not from upstate New  
12 York. When we'd come up, it's for Friday night dinners that  
13 we do almost every week. We do all the holidays, the Jewish  
14 ones, the Christian ones, the Muslim ones. We enjoy having  
15 people up because we have a lot of space. It's one of the  
16 things that we wanted. I'm saying this not to try to push  
17 back or anything, but I'm also trying to give context as to  
18 who we are before you met us. Because the other side of  
19 this that I just feel -- it's been hard. We are very much  
20 welcoming.

21                   We came here hoping to be able to do the  
22 early session, whether it's an information session that we  
23 would host or something else. I do think we probably have  
24 to be -- do more of a formal public hearing just to get  
25 people to want to respond, because one of the issues that

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 we've had from before this is there's, I think, at least  
2 from our perspective, there's different levels of  
3 engagement. I'm sorry that I'm looking at you,  
4 Mr. Troncillito. It's mainly because you just spoke. I  
5 don't mean to dis everybody else in here around the table.

6                   From our perspective, we thought we had a lot  
7 of conversations with people in the neighborhood, even some  
8 people who now through some FOIA requests have been done and  
9 other things, we've learned have not been happy with things,  
10 are continuing to write us things that don't match with the  
11 words that we're seeing they're saying behind our back,  
12 which I want to stress, I'm not blaming them. I understand  
13 that it's hard to say that, but it also does mean when  
14 sometimes we write them things like, hey, how is this, is  
15 this working, how was last night, things which have been  
16 going on for more than a year -- these are the same events  
17 that we've been doing from the moment we moved up here.  
18 They're, from our perspective, we consider these to be  
19 private events. And I know that one of the comments we've  
20 heard before was the plausibility of that. I understand  
21 that it looks that way, but we've also made it a point of  
22 inviting Scott and Tommy to come out to some of these  
23 events, including my birthday, which was just recent. It  
24 doesn't seem that people want to engage to see that side.

25                   We would welcome a site visit. We're very

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 proud of what we've been trying to build, the community  
2 we're trying to build. If you guys want to come out on one  
3 of the holidays as well, you can also meet some of the  
4 people who are recurring casts, if you will, in the events,  
5 so you'll be able to see them. We can show you photos. I  
6 believe from the dates, Mr. Troncillito, that you've come up  
7 on some of them. Just through what I hear, I think they're  
8 the same mutual contact, I will say, not to use the word  
9 friend in case of overexaggerating. But on those dates  
10 those are weddings. I think one of them was even my  
11 cousin's wedding. This is not, you know, a seventh cousin.  
12 This is a cousin who -- the earliest of what I have of him  
13 is me and him butt to butt because we were born three months  
14 apart from each other, and then, you know, we continued to  
15 grow up together, almost like siblings, because my siblings  
16 are nine and ten years older.

17 I do realize I'm talking a lot. Like I said,  
18 I didn't prepare to say things. Obviously, I have a little  
19 bit of adrenaline. I really didn't --

20 MS. BROZA: There's another side here. We  
21 have a lot of bordering neighbor support, who, obviously,  
22 don't come here because why would they. They don't need to  
23 yet. But, you know, we're not villains. We're not trying  
24 to be disrespectful. We want to -- we love Marlboro. We  
25 want to stay here.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MR. BROZA: It wasn't how we intended to  
2 introduce ourselves to the town. We have been catching up  
3 to some of these things.

4                   The bus issue, the one that got stuck, I will  
5 say, I'm not going to pretend it was more frustrating for us  
6 than anybody else, but I don't think it was less  
7 embarrassing or frustrating. It was our -- very, very good  
8 friends of ours who are also -- personally one of them used  
9 to be one of my clients. I'm also an attorney. It was very  
10 embarrassing to have all of their guests -- because it was  
11 the first of the two buses -- had to walk up the hill in  
12 heels. Extraordinarily embarrassing after we realized no  
13 one was hurt. It was not comfortable. I'm saying this to  
14 say it's far from our intent. It has never happened before.

15                  Then one point that I think Mr. Brand might  
16 have mentioned at the last meeting, and then I promise after  
17 this I'm stopping. Not that you were looking at me to stop.  
18 This is my self-conscious. I get paid by the minute. So,  
19 basically, I was going to say the reason we do the buses --  
20 there's two main reasons. There's a lot more than this.  
21 It's also not entirely us that decides it, but there's two  
22 main reasons, one of which is, when we were first coming up  
23 during COVID and we just moved in, it was really hard to get  
24 car rentals. Nobody -- none of our friends own cars. Most  
25 of them come from abroad. So the idea of doing shuttles,

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1     that turned into buses based on how many people, was by far  
2     the easiest thing. No one has to take the train up and then  
3     figure out how to get an Uber or a taxi from Beacon or  
4     Poughkeepsie, which if you've ever tried it, it's not a  
5     surefire way to get anywhere and certainly not with big  
6     groups. We've tried this. That was one thing.

7                 The other thing is, when we were first  
8     starting this -- and I have to give credit to a lot of the  
9     people in the Town Hall that we've talked with. We were  
10    asking about what are things to think about. Traffic  
11    mitigation came up. I had never heard the term. Looked it  
12    up. Looked through control F for different meanings. Buses  
13    I saw were often recommended as a form of traffic  
14    mitigation.

15                So, for us, it was this win/win, and that's  
16    what we leaned on into. Personally, I still prefer, you  
17    know, shared transportation for a thousand reasons. It's  
18    also just easier to organize. Sorry. I'm going to stop now  
19    for real.

20                But the bus thing, for Mr. Brand's  
21    edification, because I think you were asking the question,  
22    that's where it came from. It's still, to us, from our  
23    personal side with our personal family and friends, it's the  
24    easiest way for most of these people to get up without  
25    requiring, you know, this convoy of Hertz cars coming up and

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 everybody navigating. I will stop, and I apologize if I  
2 have -- I definitely over-spoke.

3 MS. BROOKS: And with regard to that  
4 particular bus issue, that bus driver was fired very  
5 shortly --

6 MR. BROZA: Immediately. That night.

7 MS. BROOKS: Because not only did he not know  
8 how to navigate a bus coming up that hill, which fire trucks  
9 come up, fuel oil trucks come up, school buses come up. So  
10 it had to do with the driver who was -- that evening,  
11 because he also --

12 MR. BROZA: He actually jumped --

13 MS. BROOKS: He was jumping the curbs over  
14 there as well. Just a bad driver.

15 CHAIRMAN BRAND: How about, would the Board  
16 be amenable to, before our next meeting, at 7:00, if we  
17 start at 7:00 and --

18 MR. JENNISON: Dark.

19 CHAIRMAN BRAND: It will be dark, yes.

20 MS. BROOKS: Having a public information  
21 meeting.

22 MR. JENNISON: To do a site visit?

23 CHAIRMAN BRAND: No. To do an informal  
24 hearing, not a public hearing. We can have an informal  
25 discussion. It's up to you how you're going to invite the

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 people, though. We can host it here, downstairs in the gym.  
2 So we can have that, if you'd like. We can help you to lead  
3 it, in case it gets contentious at all. But it's not a  
4 public hearing. It's not an official time thing.

5 MS. BROOKS: But I would be allowed to send  
6 out notices to the neighbors saying it's a public  
7 information meeting.

8 CHAIRMAN BRAND: Yes. But it's not taking  
9 the place of a public hearing, just to be clear.

10 MS. BROOKS: Absolutely. Uh-huh.

11 CHAIRMAN BRAND: Is everybody good for that,  
12 November 20th? So November 20th. They'll schedule it, but  
13 I'm saying we will be there too. If you can attend, please  
14 join us.

15 MR. GAROFALO: Is that going to be here?

16 CHAIRMAN BRAND: November 20th, downstairs,  
17 right before the meeting. But, obviously, we would have to  
18 end it at 7:30, which is probably a good thing, that there's  
19 a time limit for you. So November 20th at 7:00 p.m. we will  
20 host an informal discussion for you to invite your neighbors  
21 to come and talk about the concerns.

22 MR. JENNISON: They can write in, too.

23 MS. BROOKS: And you're just providing the  
24 venue. The applicant is hosting.

25 CHAIRMAN BRAND: Yes.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MS. BROZA: Can we get letters as well? We  
2 have one neighbor in support, but he is in a scooter and  
3 can't come. Sorry. I also scratched my cornea yesterday.

4                   CHAIRMAN BRAND: Pick him up. Drive him  
5 down.

6                   MS. BROOKS: Yeah, but letters are  
7 acceptable.

8                   MS. LANZETTA: I just want to make it clear  
9 that we, as a Planning Board, are here to make sure that the  
10 public health, welfare, and safety is protected, and we are  
11 not getting involved in any personal situation. When we  
12 review this site plan, we are looking at what's required by  
13 the law. And we have to keep in mind that you guys might  
14 get tired of this place real quick and sell it next week,  
15 and they might not be as nice and as great as you guys are.  
16 So we have to think of it as what is presented to us and not  
17 take into account these personal idiosyncrasies or whatever.  
18 We have to look at it as we are bound to by the law and the  
19 code that we're watching out for the rest of the community  
20 as well as the applicant. So just, you know, I want to make  
21 that clear.

22                   MS. BROZA: Thank you.

23                   CHAIRMAN BRAND: I think the Board is also  
24 interested in possibly doing an on-site visit. It would  
25 probably be just some of us. Maybe Pat could join us as

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 well. We'll go ahead and try to schedule that possibly  
2 sometime between now and the 20th. We'll have Jen send out  
3 some emails and work on some dates that work.

4 MS. BROZA: That would be great.

5 MS. BROOKS: Is that more than likely going  
6 to be a Saturday so that it could be during daylight hours?

7 CHAIRMAN BRAND: I wouldn't be able to do it  
8 during the day. I know Bobby could probably do it during  
9 the day. Anyone else? Mr. Garofalo could do it during the  
10 day.

11 MR. JENNISON: 3:00 or after.

12 CHAIRMAN BRAND: So we're also going to try  
13 to schedule that. Schedule site visit.

14 MS. LANZETTA: And, again, if you want to  
15 schedule something with Ulster County Planning, a couple of  
16 us could attend that as well.

17 MS. BROOKS: Okay.

18 CHAIRMAN BRAND: She'll email out some dates.  
19 Sorry. We got kind of sidetracked there. Any other  
20 comments or questions from the Board?

21 MR. GAROFALO: Yes.

22 CHAIRMAN BRAND: Bobby, were you done?

23 MR. TRONCILLITO: Yes, I'm done.

24 CHAIRMAN BRAND: Mr. Garofalo.

25 MR. GAROFALO: I have quite a few. They're

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 very -- to say the least.

2 In the application on Item Number 16, there  
3 is on the tax map a crosshatch area in green, which I  
4 presume is the Central Hudson easement. However, it looks  
5 like that is also on the property for 25 feet, but it's not  
6 shown on the tax map that way. I think it would also be  
7 good to extend that tax --

8 MS. BROOKS: Wait, wait, wait. I'm sorry.  
9 I'm not understanding, Mr. Garofalo. That is a Central  
10 Hudson easement. What is the --

11 MR. HINES: Your line shows it parallel to  
12 the property line, while the tax map shows it otherwise.

13 MR. GAROFALO: It shows it actually going  
14 onto the property.

15 MS. BROOKS: Okay.

16 MR. GAROFALO: So to correct that, and to  
17 maybe bring that out to 500 feet beyond the property. And  
18 there's a question in my mind whether Route 9W has an  
19 overlay district. You might want to check to see if there's  
20 an overlay district on that part of where Route 9 is.

21 CHAIRMAN BRAND: They're outside of that,  
22 aren't they, Pat?

23 MR. GAROFALO: I'm pausing to give you a  
24 chance to write it down.

25 MS. BROOKS: Thank you. I appreciate that.

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MR. GAROFALO: On Item 17, I can see why not  
2 applicable applies to the flood plain, but the first line,  
3 you should take a look at that, because I think that is  
4 applicable.

5                   On Item 18, I think on the plans you should  
6 show the limits of the orchard and the vineyard on the west  
7 side of the property. Not necessarily survey it, but even  
8 if we had an idea, you know, looking at the aerial photos  
9 where those boundaries are.

10                  MS. BROOKS: Other than just the words, show  
11 the demarcation.

12                  MR. GAROFALO: Show the demarcation. Also  
13 show the demarcation for the treeline behind Building H.

14                  On Item 19, some of the adjacent lands are  
15 being farmed, I believe. One of them is noted as being  
16 farmed. So I think it's pretty obvious we're going to need  
17 an agricultural statement.

18                  On Item 22, on the plan there appears to be a  
19 driveway or a path that leads into the Central Hudson  
20 easement, and I was wondering if there was an easement for  
21 Central Hudson to use that as access to their property.

22                  Item 24, on some locations you identified  
23 materials for the walkways and the retaining walls, but it  
24 should be on -- for all of them. Also, you should have a  
25 note that there isn't going to be any outdoor storage or

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 displays.

2 Behind Building H it's noted there's a  
3 paddock, but I would think that there would be more fencing  
4 involved in that. Maybe it's an old one. Maybe the fencing  
5 isn't there, behind Building H.

6 I think you probably want to outline an area  
7 of no disturbance around that wedding tree to make sure that  
8 nobody goes near that. I think that's one of the selling  
9 points of that area, is the wedding tree, to have a no  
10 disturbance area, so when they put in anything, that they  
11 don't disturb that tree or the roots around it.

12 I'm not sure -- 28 and 31, nothing is being  
13 shown. I don't remember what those items are, but take a  
14 look at those.

15 MS. BROOKS: I'll take a look.

16 MR. GAROFALO: Item Number 29 is a brook on  
17 the west side of the property, and it looks like there's  
18 some dashed lines, and I don't know if those are for  
19 culverts. If they are for culverts, where you can actually  
20 walk across that, then we should have the pipe sizes on  
21 those.

22 MS. BROOKS: So in addition to the brook  
23 separating 58 and 71?

24 MR. HINES: No. But your symbol there has  
25 two solid lines and then three dashes and then two solid

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 lines. I think it's just a legend issue.

2 MR. GAROFALO: You have the culverts  
3 mentioned on the far ends of the property, but there might  
4 be ones in the middle.

5 MR. HINES: You have the word brook on the  
6 other side where it appears.

7 MS. BROOKS: Okay. There are no other  
8 crossings there.

9 MR. GAROFALO: So those are actually solid?

10 MR. HINES: That's the symbol for brook.

11 MS. BROOKS: The symbol for the brook. It's  
12 a solid line with three dots, solid line, three dots.  
13 That's the line type.

14 MR. GAROFALO: My apologies.

15 MS. LANZETTA: I didn't know that. I thought  
16 those were crossings.

17 MR. HINES: It should appear in the legend.

18 MS. BROOKS: Yes.

19 MR. GAROFALO: The nearest water supply for  
20 emergency -- for fire emergency. And whether the tent sites  
21 and new parking area are going to be for daytime hours only  
22 or whether those are actually going to be lit. You might be  
23 using portable lights at the distant sites, but I think we  
24 should know that.

25 Another thing that I think would be good for

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 a site this size is to have some wayfaring signs as well as  
2 a sign to the property, because this is a huge site.

3           There was an indication that there would be  
4 no park or open station -- space provided. I don't know if  
5 we're adding any residence onto this property. I think it  
6 would be a good idea to look at the off-street parking. You  
7 have an off-street parking schedule for the motel and resort  
8 hotel, but I think what we need to do is on your use list,  
9 indicate what is part of the hotel and the motel, what are  
10 those parts, and what part belongs to each of those parts,  
11 make a connection. And there seem to be -- I'm not sure if  
12 there are residences. There's the artist building. I'm not  
13 sure if there's another residence on here or not. But I  
14 would note that this is probably a -- this is a special use,  
15 but this may also be a mixed use. And one of the things  
16 that's not permitted is more than one residential unit  
17 except in a C-1 and C-2. So that's under 155-12.1(E). You  
18 might want to take a look at that. And the special use are  
19 under 155-12(B).

20           MS. BROOKS: Right. Which is what we had  
21 listed as the proposed use, 155-12(B), as well as 155-18(B),  
22 tourist and vacation buildings and resort hotel, and that  
23 had been in consultation with the code enforcement officer.

24           MR. GAROFALO: But I think certainly on here  
25 I think we need to have identified what they're being used

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 for and what parking they're going to have.

2 On the public hearing notice page, that was  
3 changed, so we do not need to have return receipts.

4 MS. BROOKS: Yes. I'm aware. Thank you.

5 MR. GAROFALO: I just want to double-check  
6 that because -- we'll talk about that later.

7 MR. HINES: That's the Patti Brooks rule.

8 MR. GAROFALO: Also, for Building I, which  
9 might have been the gift shop, having an arrow pointing to  
10 where that building is, because you have it not in the  
11 building, but it's like -- it might be the buildings in  
12 between, but to put a little arrow in there saying, okay,  
13 that's what we're talking about.

14 MS. BROOKS: Yeah. It's actually just really  
15 a tower, which I guess everybody will see during the site  
16 visit.

17 MR. GAROFALO: But I think the plan would be  
18 clearer if you put a little arrow so we know exactly where  
19 it is. It's bigger than the building so we don't want to  
20 put it on top of the building.

21 In Building C, I notice that there's a wet  
22 bar. We had another question with another site about  
23 serving of alcohol and whether this is a farm product or  
24 whether this is going to be general alcohol sales, and if it  
25 is, then there are different --

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1                   MS. BROOKS: It will be a juice bar, iced tea  
2 bar, water bar. A bar doesn't necessarily mean alcoholic.

3                   MR. GAROFALO: That's something that should  
4 be clarified. Thank you very much.

5                   CHAIRMAN BRAND: Anything else from the  
6 Board? All right. Oh, Meghan.

7                   MS. CLEMENTE: I have some things to say. So  
8 the main thing that we're going to have an issue with is the  
9 requirement that the acres -- the acreage needs to be a  
10 minimum of ten for the use under the special use permit  
11 provisions.

12                  MS. FLYNN: Meghan, we can't hear you back  
13 here.

14                  MS. CLEMENTE: Sorry. I will speak louder.  
15 The main problem that I'm going to have is that the use  
16 requires a minimum of ten acres. So I don't know how you  
17 guys want to -- you can merge the lots. Or you can try and  
18 get a variance. I don't know how you want to go about doing  
19 that, but that should be one of the preliminary things that  
20 you do.

21                  MR. BROZA: Is it separate from the  
22 12-acre --

23                  MS. BROOKS: So what we have is 6.27, 4.3,  
24 12.49, and 3.45. So you're saying that for the purposes of  
25 a site plan process, they are not permitted to tie them

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 together?

2 MS. CLEMENTE: You are, but they're separate  
3 parcels, and the use is one, so they have to be a minimum of  
4 ten acres. Each parcel has to be a minimum of ten acres.

5 MS. BROOKS: Okay. Or we have to deal with  
6 that at the ZBA level as well.

7 MS. CLEMENTE: Yes. And I would recommend  
8 asking the ZBA whether or not you would need a use variance  
9 or an area variance for that, because I read it, and I  
10 talked to a few other attorneys that I work with, and I've  
11 gotten mixed reviews as to whether or not it's an area or  
12 use variance, because it's tied to the use, but it is also  
13 tied to the area of the ten. As you know, it might be a  
14 little more difficult to get a use variance. But because  
15 they're all tied to the same use, each parcel has to be ten  
16 acres minimum.

17 Also, the acres on the map is different from  
18 the acres on ParcelAccess.

19 MS. BROOKS: That's not uncommon.

20 MS. CLEMENTE: Yeah, I know. I just thought  
21 that I should point that out.

22 MS. BROOKS: Okay.

23 MR. GAROFALO: I would point out one other  
24 thing if you're going to merge the properties; that you want  
25 to be careful, because, again, if there are two residential

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 units on the property, that may be a problem.

2 MR. HINES: Because of the resort hotel use,  
3 that's separate from the single-family houses that would  
4 kick that in. So, basically, you're reviewing this as --  
5 similar to Buttermilk Falls that has units all over as a  
6 site plan, not as a subdivision with multiple houses on one  
7 lot. They're actually hotel rooms in this case.

8 MS. BROOKS: Yes.

9 MR. GAROFALO: That's what needs to be  
10 clarified. But if you have an artist studio, that, to me,  
11 sounds like it's a long-term rental as opposed to being a  
12 hotel, short-term rental, kind of situation.

13 MS. BROOKS: We will clarify.

14 MR. GAROFALO: So I think you need to clarify  
15 that to make sure you don't run afoul of that part of the  
16 code.

17 MR. HINES: I don't see artist studio.

18 MS. BROOKS: It's A. Tennis house. I called  
19 it an artist studio because when I was there, they actually  
20 had -- there was art in it. I'm trying to name these  
21 things.

22 MR. GAROFALO: It's an apartment, so.

23 CHAIRMAN BRAND: All right. Anything else?  
24 So we will be in touch to schedule those two things. We  
25 will just say that the informal discussion is moving forward

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 on the 20th at 7:00 p.m. unless I hear otherwise from you,  
2 but it will be up to you to notify whomever you're  
3 notifying. We're really just providing the space.

4 Mr. Jennison. I'm so sorry.

5 MR. JENNISON: Are we putting the cart before  
6 the horse? I mean, if the ZBA doesn't grant, why are we  
7 continuing? Shouldn't they go to ZBA first and get the  
8 variance?

9 MS. BROOKS: I think that some of the  
10 comments that we receive will help craft what uses happen in  
11 what buildings, which will then dictate what we ask the ZBA  
12 for. So, I mean, so much has been flurrying about that I  
13 just think it would be good to --

14 MR. JENNISON: -- still have the public  
15 information session. I'm just saying that it really  
16 predicates on what the ZBA does.

17 CHAIRMAN BRAND: Since Jen is the secretary  
18 of both Boards, maybe we invite the members of the ZBA for  
19 the site visit as well.

20 MR. HINES: They don't have an application  
21 yet.

22 MS. CLEMENTE: They don't. It may be that  
23 you want to invite the building inspector.

24 CHAIRMAN BRAND: Okay.

25 MS. CLEMENTE: But they might not need to be

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 on the meeting agenda for the next meeting, because I don't  
2 see -- I mean, unless -- you might just have the comment  
3 session, have your information session, and that's it.

4 MR. GAROFALO: Would this be a referral from  
5 us to the ZBA or them going directly to the ZBA?

6 CHAIRMAN BRAND: I would think they're going  
7 directly. Yes? Is that your intention?

8 MS. BROOKS: Well, I think I need a referral  
9 from somebody, so I was asking this Board earlier for the  
10 referral.

11 CHAIRMAN BRAND: We can do that.

12 MS. CLEMENTE: You need to know what you need  
13 first, whether -- like what exactly areas need the area  
14 variance.

15 MS. BROOKS: So we're seeking area variances  
16 for -- because, again, part of this is going to be what the  
17 ZBA interprets, whether because they're preexisting -- but  
18 certainly the uses are changing. So no matter what, any  
19 structure that's closer than 50 feet to the boundary line is  
20 going to require an area variance for the setback that's  
21 closer than 50 feet to the boundary line.

22 MS. LANZETTA: But the whole use is dependent  
23 on whether or not you have the ten acres.

24 MS. CLEMENTE: Yes.

25 MS. LANZETTA: I think that's the first issue

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 to deal with.

2 MS. CLEMENTE: Yes. But, also, if you needed  
3 to, you could get a variance for that as well, if that was  
4 something that they didn't want to merge the parcels for  
5 some reason or you needed to change the uses or what have  
6 you. So you could go to the ZBA. The Board today could  
7 refer you to the ZBA for an interpretation, and in the  
8 alternative, an area variance.

9 MS. LANZETTA: If they -- so let's say they  
10 get the area variance and we give them the site plan, then  
11 if there's any change in who owns any of those parcels, they  
12 lose the right to the entire site plan?

13 MS. CLEMENTE: Yeah. I wouldn't recommend  
14 doing it today. I think you should get the uses in line and  
15 the bulk table.

16 MR. HINES: I had projects in other towns  
17 before where if one lot -- none of these lots could change  
18 ownership without losing their approvals. Kind of a unified  
19 site plan, notes, and such.

20 CHAIRMAN BRAND: My concern in delaying it is  
21 there's going to be snow. We're not going to get up Mt.  
22 Rose and they're not going to come down to the meeting. I  
23 would rather knock those two out.

24 MR. JENNISON: Sounds good.

25 CHAIRMAN BRAND: All good. We're not making

## SOME PLACE UPSTATE - SKETCH SITE PLAN

1 referrals to the ZBA at this point. Thank you.

2 MS. BROOKS: Okay.

3 MR. GAROFALO: One last thing. When you do  
4 the application, the directions are yes for provided, no for  
5 not provided, RW for request waiver, and if you want to put  
6 something else, please identify what --

7 MS. BROOKS: In the boxes.

8 MR. GAROFALO: Yes. You can do it on a  
9 separate sheet. Say, okay, N/A, but this is why we're not  
10 providing it, because it's not applicable, et cetera.

11 MS. BROOKS: Okay.

12 Time noted: 8:56 p.m.

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## SOME PLACE UPSTATE - SKETCH SITE PLAN

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

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

6 That I reported the proceedings in the  
7 within-entitled matter and that the within transcript 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  
12 am 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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