

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

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In the Matter of

- Approval of minutes from 10/16/23
- Continuing Education - Mr. Garofalo

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BOARD BUSINESS

Date: November 20, 2023  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, Planning Board Secretary

Karen Brideau  
Senior Court Reporter

1 MS. LANZETTA: We are going to begin our  
2 meeting with the Pledge of Allegiance.

3 (Pledge of Allegiance was said.)

4 MS. LANZETTA: This is the Town of  
5 Marlborough Planning Board meeting for November  
6 20th, 2023.

7 On the agenda, we have a public hearing  
8 for Deborah Jones for a subdivision, we have a  
9 public hearing for Stralow Farms for a site plan.

10 We have the on -- under ongoing  
11 application review, we have River Vista 2 Lot for  
12 a final subdivision.

13 We have postponed the Bush and Watson  
14 that was originally on our agenda for the meeting  
15 on December 4th.

16 Under new application reviews, we have  
17 Vito Triolo Pizza Town sketch site plan, we have  
18 LynnDavid properties sketch subdivision, we have  
19 DiViesti Michael and Jennifer sketch subdivision,  
20 and we have two applications here for Buttermilk  
21 Falls Hotel, one for a sketch of a site plan and  
22 one for a sketch of a lot line change.

23 Our next deadline is Monday, November  
24 27th, 2023, and our next scheduled meeting will be  
25 Monday, December 4th, 2023.

1                   MS. FLYNN:   Member Lanzetta, you forgot  
2   the minutes.

3                   MS. LANZETTA:   Well, I was going to go  
4   through that.

5                   Okay.   So first on our agenda we have  
6   the approval of the minutes for October 16th,  
7   2023.

8                   MR. CALLO:   I make a motion to approve  
9   those minutes.

10                  MR. TRONCILLITO:   Second.

11                  MS. LANZETTA:   All in favor?

12                  (Board members replied "aye".)

13                  MS. LANZETTA:   Communications, we have  
14   none today.

15                  So we will begin our --

16                  MR. GAROFALO:   Madam Chairman, I have  
17   two educational items to report.   One is climate  
18   action planning one hour, and one active  
19   transportation matters and how to pay for it, one  
20   hour.   Those have been already given to the  
21   administrative assistant.   Thank you.

22                  MS. LANZETTA:   Thank you very much.   Any  
23   another announcements?

24                                   \*\*\*\*\*

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## \* C E R T I F I C A T I O N \*

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Certified to be a true and correct transcript  
to the best of my knowledge and ability.

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*Karen Brideau*

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Karen Brideau,  
Senior Court Reporter

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

-----x  
In the Matter of

DEBORAH JONES SD

Project No. 23-1017  
98 Orange Street, Marlboro  
Section 108.4; Block 6; Lot 29.1110

-----x

PUBLIC HEARING - SUBDIVISION

Date: November 20, 2023  
Time: 7:37 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, Planning Board Secretary

Karen Brideau  
Senior Court Reporter

1 MS. LANZETTA: Okay. So we will begin  
2 with the public hearing for Deborah Jones, the  
3 subdivision. It is now a three-lot subdivision.

4 Would you like to have a representative  
5 come up, please.

6 Now, the public will see that we have  
7 the maps up on the boards up above. Do we have a  
8 map that somebody can refer to? Do we have  
9 another map that the public can refer to besides  
10 the ones up there? Sometimes --

11 MS. FLYNN: I don't know if they brought  
12 one, but other people brought theirs.

13 MS. LANZETTA: Okay. So this is a  
14 public hearing, and we are going to ask people who  
15 have come who might have comments or concerns, if  
16 they could just --

17 MS. FLYNN: Member Lanzetta, how many  
18 went out and how many came back?

19 MS. LANZETTA: How many public notices  
20 went out, how many came back?

21 MS. JONES: 61 went out.

22 THE COURT: Could you use the --

23 MS. JONES: 61.

24 MS. LANZETTA: -- microphone?

25 MS. JONES: 61 went out. 61 went out,

1 and they weren't return receipt, they were just  
2 certified, and the list is in here too, the  
3 printed list.

4 MS. LANZETTA: We are not requiring  
5 return receipts, right?

6 MS. FLYNN: No.

7 MS. LANZETTA: We are all changing  
8 things around, so thank you for bearing with us.

9 So, again, this is a public hearing. If  
10 people have questions about this particular  
11 application, could you just raise your name, say  
12 who you are, perhaps you might have to spell your  
13 name for the stenographer, and you're free to  
14 raise those concerns. Would you like to --

15 MS. OSTERHOUDT: Yes. Hi. Good  
16 evening.

17 MS. FLYNN: Could they come to the  
18 microphone? Because we have a new stenographer.

19 MS. LANZETTA: All right. Can I ask you  
20 to please come up and use the microphone. Just  
21 give us your name and where you live, please.

22 MS. OSTERHOUDT: Okay. Hi. Good  
23 evening. My name is Pamela Osterhoudt. I am a  
24 resident of 91 Orange Street, and I have a couple  
25 questions here for your subdivision.

1           I'd like to know what's going to happen,  
2    is that street right there from the middle to  
3    where your property begins is a very short  
4    distance, and if you're going to have three more  
5    houses up there, how is the road -- which is  
6    narrow to begin with, has really no turn-around,  
7    where is the traffic all going to go? You're  
8    going to have at least six to eight more cars and  
9    at least three more families. How's the traffic  
10   all going to funnel down Orange Street to get up  
11   to your area here? Are you going to have another  
12   exit up on the top to go out?

13           MS. JONES: No, no. So off of Orange  
14   Street, right now there is the blue house. There  
15   is one house there --

16           MS. OSTERHOUDT: Yes.

17           MS. JONES: -- on a driveway, and the  
18   plan shows only one more house being built on  
19   Orange Street. There will be only one more there.  
20   So it's not changing the town road. It's going to  
21   stay exactly the same way it is, and it's just a  
22   common driveway for the blue house that's there --

23           MS. OSTERHOUDT: Yes.

24           MS. JONES: -- plus one more.

25           MS. OSTERHOUDT: Where is that house



1       going to be? On the side of it, in the back of  
2       it?

3               MS. JONES: Straight -- well, if you  
4       looked at the blue house, to the left.

5               MS. OSTERHOUDT: Is it going to stay in  
6       line with the blue house, like going -- going down  
7       on Orange Street on the side?

8               MS. JONES: You can see it on the map  
9       where lot number two is. So now the blue house is  
10      lot number one, that's the existing house, so  
11      there will only be one more house on Orange Street  
12      on lot number two, and they share a common  
13      driveway.

14              MS. OSTERHOUDT: So they will still go  
15      up that way? There will only be one more home put  
16      up there?

17              MS. JONES: Correct, correct, and it  
18      won't change the existing turn-around that the  
19      town has.

20              MS. OSTERHOUDT: Well, I just think  
21      that, you know, first of all, that was a vacant  
22      lot, it was a cul-de-sac, it was a turn-around, it  
23      was very quiet, now we are going to have another  
24      year-and-a-half or another year of building, of,  
25      you, know heavy equipment and excavating and

1 trucks and everything else coming up and down that  
2 little street. I mean, when it happened before,  
3 it was at least a seven, eight-month process  
4 there, and, I mean, you had the water, the end of  
5 the street was torn up, there was, you know, the  
6 water company was down there, the department of  
7 water was down there for weeks. You know, what's  
8 going to happen with all that, with the water? Do  
9 you have -- is there extra --

10 MS. JONES: Well, for the one more  
11 house, there shouldn't be any more closing down of  
12 the road or any more major construction, and I  
13 would expect 90 days, maybe three to four months.

14 MR. HINES: Pat Hines, MHE Engineering.

15 The sewer line was extended with the  
16 house, the blue house as we are referring to, so  
17 this new house off of Orange Street will be  
18 connecting to the new sewer line extension which  
19 is basically in the driveway of the house, the  
20 blue house that's there. It's a three-lot  
21 subdivision, so the other house is coming off of  
22 Orchard Street.

23 Now, it was originally a five-lot  
24 subdivision when it came before us. We were going  
25 to require significant roadway improvements, so

1       they have reduced the scope to have the one  
2       additional lot off of Orange Street and one new  
3       house off of Orchard Street, but there will be no  
4       work in the town road right-of-way under this  
5       proposal.

6               MS. OSTERHOUDT:   Because it's awful  
7       narrow as it is and there is not a lot of room  
8       down there to begin with.

9               MS. JONES:    I agree.

10              MS. OSTERHOUDT:   What happens is people  
11       get halfway in front of our house, we are 91, and  
12       across from us there is a family with two little  
13       children there, and then I have pets, and people  
14       are flying down the street once they get to that  
15       part, so, you know --

16              MS. JONES:    I totally understand.

17              MS. OSTERHOUDT:   I'm not very -- I'm not  
18       very happy about it, and I'm opposed to it, so --

19              MS. LANZETTA:   Well, thank you for  
20       sharing your concerns.

21              MS. OSTERHOUDT:   Thank you.

22              MS. LANZETTA:    Do we have anybody else  
23       that's here for this?   Would you please come up  
24       and state your name and where you live.

25              MR. REVANKAR:    Sure.   Hi everyone.   Good

1 evening. My name's Gary Revankar,  
2 R-E-V-A-N-K-A-R. I don't live in the Town of  
3 Marlboro, but I do represent the owners of Village  
4 Square, Marlboro Plaza. I'm sure you guys have  
5 driven by it. So that property is directly set  
6 east and southeast of where the proposed  
7 subdivision is, and, you know, we have exposure on  
8 Route 9W as well as South Street Extension.

9 Now, exactly east of the proposed  
10 subdivision, there is about a 40-degree angle of a  
11 hill, and I'm concerned -- I'm not opposed to it,  
12 but I am very concerned that this has happened  
13 before, is basically the construction runoff,  
14 gravel, dirt, all types of sediment, construction  
15 material coming onto the property because it had  
16 before when excavation had I guess originally  
17 started. I have photos. If I can email it to you  
18 guys.

19 But basically down that hill, you can  
20 see there is like an excavator at the top, this  
21 was December of last year, December, January,  
22 there was, you know, excavation taking place, and  
23 all sorts of, you know, fresh dirt, gravel was  
24 coming onto our parking lot. I have commercial  
25 tenants there, there is, you know, multiple

1 restaurants as well, as you know, there is a  
2 sanitation area. All of that was covered in dirt.

3 We, my super and I, had went to sort of  
4 see, you know, what was going on. We saw the  
5 excavation work, didn't see anything about any  
6 contractor contact information, you know, because  
7 I'm trying to reach out to who would be  
8 accountable for that. So I didn't see anything  
9 about that. But construction or excavation did  
10 stop, so that was some relief, and I haven't had  
11 any issues since, but now that, you know, the  
12 subdivision had been, you know, proposed, that's  
13 why I'm here, you know, to just express my concern  
14 on the property, as well as having any assurances  
15 that, you know, any damage to our parking lot, the  
16 dirt, sediment would be taken care of.

17 You know, I have a real estate  
18 background to a certain degree, so I'm familiar  
19 with some of these things. One of my -- one of  
20 the things we did notice is, you know, they did  
21 try to put up preventative measures, like a black  
22 mesh material to sort of contain any runoff. I  
23 can positively guarantee it does not work.  
24 Everything was still coming onto our property. My  
25 tenants are screaming at me. So I just want to

1 make sure that there is someone that's going to be  
2 held accountable or maintain it, clean it up,  
3 build a better retaining wall, something along  
4 those lines is what I'm looking for.

5 MS. LANZETTA: Thank you.

6 MR. REVANKAR: Yeah.

7 MS. LANZETTA: Is there anyone else that  
8 would like to speak to this particular  
9 application?

10 MR. WIECZOREK: I will spell my last  
11 name. Justin Wieczorek, 7 Overlook Bluff, that's  
12 W-I-E-C-Z-O-R-E-K. Told you it was going to be a  
13 hard one.

14 Earlier this week or maybe it was last  
15 week, the Route 15 bus that comes and picks up my  
16 children from the top of Bloom Street didn't come,  
17 so a number of other parents who also use that bus  
18 stop, which, you know Marlboro, it goes Bloom,  
19 then Orange, Orchard down. Bus didn't come, we  
20 didn't realize it, we had no notification, so we  
21 all had to drive our kids to school. It took me  
22 five minutes to make a left onto Route 9 from  
23 Bloom Street. It's not that six, maybe eight more  
24 vehicles is too many, it's that there's already  
25 too many vehicles on Bloom Street. It is making a

1 left onto a road that is still 30 miles an hour  
2 when people obey the rules and follow it. It's  
3 not designed for it.

4 We also haven't seen the impact of I  
5 believe the Bay project, the larger projects being  
6 built next to the middle school, which will add I  
7 can't imagine how many vehicles to the road.

8 There is one stop light in this town.  
9 It is not designed for that level of traffic, and  
10 this will add further to it. That is a problem.  
11 And it will take millions of dollars and years of  
12 process to try and get more roads put in, so I  
13 think that any project proposing more homes, even  
14 if they are nice homes, is still, is a beating on  
15 a system that it can't take.

16 Also factoring the idea around the  
17 existing property behind it, I live on that hill  
18 directly behind the proposed property. It is a  
19 very steep hill. It does -- I can't imagine what  
20 it does when it's really wet out this year. I  
21 don't live beneath it, but there should be a  
22 pretty strong storm water prevention plan,  
23 whatever it is, put in place because it will  
24 further destabilize the hill, and under all the  
25 projects in mind for that hill, it's a lot to put

1 on it.

2 MS. LANZETTA: Thank you. Anyone else?

3 Come on up, Mick.

4 MS. SIMONOFISKY: Mickey Simonofsky,  
5 Marlboro, New York. I live at 75 Orchard Street,  
6 and I just wanted to question the -- it sounds  
7 kind of crazy, but when I spoke to Debbie, she  
8 told me her address would be South Street, so that  
9 doesn't make sense to me because South Street ends  
10 at Hudson Terrace, and then the lower part starts  
11 at Grand Street down to 9W, so I guess I'm just  
12 wondering the borders, the boundaries of town  
13 property, make sure they are just going to be  
14 outlined and differentiated on all maps to make  
15 sure town property remains free and clear, but I  
16 look forward to three neighbors, so --

17 MS. JONES: Thank you.

18 MS. SIMONOFISKY: -- we will see what  
19 happens. It can only be three houses --

20 MS. JONES: Right.

21 MS. SIMONOFISKY: -- because that's a  
22 subdivision, so it's nice parcel of property.

23 MS. JONES: It is beautiful. Thank you.

24 MS. LANZETTA: Anyone else?

25 MS. PALAZZOLO: Hi. I'm Lisa Palazzolo.



1 I live at 7 Summit, so those houses are going to  
2 be directly in my backyard. So, you know, we  
3 bought the property with, you know -- I just  
4 bought it like two years ago with like seven acres  
5 of open territory, and now you're talking about --  
6 not to be tonight's meeting, but you're talking  
7 about building six apartment buildings right  
8 behind me, and now four more houses, so we will  
9 talk about the apartment buildings at the next  
10 meeting, but for tonight, I'm just wondering, I  
11 know these are your houses, right, how big are we  
12 talking about? Because that doesn't seem like  
13 it's a lot of property to put three more houses  
14 there.

15 MS. JONES: Not three more, two more.  
16 There is already one, the blue house that I'm in.

17 MS. PALAZZOLO: So that's already one.

18 MS. JONES: That's already one. There  
19 is only two more.

20 MS. PALAZZOLO: Right. So then where do  
21 they go?

22 MS. JONES: One up on Orchard Street  
23 sort of near you, across from Tommy Paretta.

24 MS. PALAZZOLO: Right, but down low, so  
25 I will still have my view.

1           MS. JONES: You will still have your  
2 view. I'm only gonna build a ranch. You're way  
3 up high, only a two-story. And then one house  
4 down on Orange Street.

5           MS. PALAZZOLO: Right. And that will be  
6 that property you guys cleared out right behind  
7 me, right?

8           MR. JONES: Even further down.

9           MS. PALAZZOLO: Further down.

10          MR. JONES: That's the side yard.

11          MS. PALAZZOLO: And how big are these  
12 houses?

13          MR. JONES: Small. 1,500 square feet.  
14 They are affordable.

15          MS. PALAZZOLO: Right, right.

16          MR. JONES: Just like the one we built,  
17 the blue one.

18          MS. PALAZZOLO: And you guys are gonna  
19 live in one?

20          MR. JONES: Right, the one on Orchard  
21 Street right by you.

22          MS. PALAZZOLO: All right. All right.  
23 Thanks a lot.

24          MS. LANZETTA: Thank you.

25          All right. Anybody else?

1           MR. CALLO:   Make a motion to close the  
2 public hearing.

3           MR. GAROFALO:   I will second that all.

4           MS. LANZETTA:   All in favor?

5           Before we close it, I have to officially  
6 open it.

7           Please take notice a public hearing will  
8 be held by the Marlborough Planning Board pursuant  
9 to the State Environmental Quality Review Act,  
10 SEQRA, and Town of Marlborough Town Code 134-33 on  
11 Monday, November 20th, 2023. The following  
12 application for Deborah Jones three-lot  
13 subdivision. That is at the Town Hall here,  
14 section 108.4, block six, lot 29.110. All  
15 interested parties either for or against this  
16 proposal will have the opportunity to be heard at  
17 this time.

18           And now we have two motions to close the  
19 public hearing. And all in favor?

20           (Board members replied "aye".)

21           MS. LANZETTA:   Now we want to go through  
22 Pat Hynes' comments, right?

23           MR. HYNES:   Sure. We had issued  
24 comments on October 16th, some of which I will hit  
25 after these.

1           We had requested a revised application  
2       as this project came in as a five-lot subdivision  
3       previously, and during the Planning Board process,  
4       it has been reduced to a three-lot subdivision,  
5       two new residential structures, one existing. We  
6       have received the revised application material.

7           I have a comment for sign-off on the  
8       highway superintendent, and I know he has verbally  
9       signed off on these. I think Member Troncillito  
10      also had a conversation with him to confirm that,  
11      that the common driveways depicted are acceptable  
12      to him.

13          We suggested any substantive comments  
14      from the public hearing be addressed. We did hear  
15      from a couple of commenters' concerns regarding  
16      erosion and sediment control. The grading on the  
17      project has been significantly reduced by reducing  
18      the number of houses. However, as the applicant  
19      addresses our comments, we are going to suggest  
20      that a site-specific erosion sediment control plan  
21      be developed. Right now they have standard  
22      details and notes. Maybe a little more effort so  
23      that the contractors know based on the engineer's  
24      design where to put those silt fences and other  
25      erosion control practices. But again, the grading

1 has been reduced by reducing the houses.

2 Back from the 16th of October, and again  
3 the comments weren't changed prior to the public  
4 hearing, which is normally, the common driveway  
5 access and maintenance agreements are required.  
6 They should be submitted to Megan's office for  
7 review.

8 We had a comment regarding the invert on  
9 one of the sewer manholes that were identified,  
10 and it was -- the inverts were identified at 23  
11 feet deep. I would venture to guess that that  
12 manhole is not 23 feet deep, so they need to  
13 correct that.

14 A detail for the connection for lot two  
15 to the sanitary sewer should be there.

16 The information pertaining to the  
17 50-foot right-of-way identified on file map 11-37  
18 should be submitted to Meghan's office for review  
19 to assist in those common driveway access and  
20 maintenance agreements.

21 And again, the rest of our comments have  
22 been addressed, so we have a couple of outstanding  
23 technical items, and I think that we are going to  
24 suggest that that E&S plan be developed based on  
25 the comments we heard tonight.

1 MS. LANZETTA: I would like to see a  
2 sign-off letter, not just go with verbal approval.

3 MS. FLYNN: I gave her a paper for him  
4 to write the letter.

5 MS. LANZETTA: Okay. Thank you.

6 MS. FLYNN: And I believe for the Water  
7 Department too I think I gave you.

8 MS. LANZETTA: Any other comments from  
9 the board members? Okay. So I guess --

10 MS. JONES: We are done.

11 MS. LANZETTA: You can handle that. We  
12 will see you the next time.

13 MS. JONES: Very good. Thank you.

14 MR. JONES: Thank you.

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16

17 \* C E R T I F I C A T I O N \*

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19 Certified to be a true and correct transcript  
20 to the best of my knowledge and ability.

21

22 Karen Brideau  
23 Karen Brideau,  
24 Senior Court Reporter

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

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In the Matter of

STRALOW FARM

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

-----x

PUBLIC HEARING - SITE PLAN

Date: November 20, 2023  
Time: 7:57 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

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

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, PLANNING BOARD SECRETARY  
RAVEN BURGOS  
ERIC STRALOW

Karen Brideau  
Senior Court Reporter

1 MS. LANZETTA: Now, legal notice: A  
2 public hearing will be held by the Marlborough  
3 Planning Board pursuant to the State Environmental  
4 Quality Review Act, SEQRA, and Town of Marlborough  
5 Code 155-31 on Monday, November 20th, 2023 for the  
6 following applications, Stralow Farm, at the Town  
7 Hall, Section 108.2, Block 2, Lot 45. All  
8 interested parties either for or against this  
9 proposal will have any opportunity to be heard at  
10 that time.

11 And we will welcome the applicants up to  
12 the front.

13 And how many -- hi. How many notices  
14 did you send out?

15 MS. BURGOS: I believe 24 or 25. Jen,  
16 these are the individual receipts. Sorry I sound  
17 like this.

18 MS. LANZETTA: Hi. Thank you. Did you  
19 introduce yourselves to the stenographer?

20 MS. BURGOS: Hi. I'm Raven Burgos,  
21 R-A-V-E-N, B-U-R-G-O-S.

22 MR. STRALOW: I'm Eric Stralow, E-R-I-C  
23 S-T-R-A-L-O-W.

24 MS. LANZETTA: And this is for an  
25 application for a -- for a public hearing for the



1 site plan for a short-term rental.

2 Anybody who is here to ask questions or  
3 raise concerns about this application, I would ask  
4 that you also come to the front and state your  
5 name and where you live. Is there anybody here  
6 for this application? Okay.

7 MR. CALLO: I make a motion to close the  
8 public hearing.

9 MS. LANZETTA: Do I have a second?

10 MR. LOFARO: I will second.

11 MS. LANZETTA: All in favor?

12 (Board members replied "aye".)

13 MS. LANZETTA: So the public hearing is  
14 closed.

15 And Pat, would you please share your  
16 concerns or -- yeah, your responses to --

17 MR. HYNES: Sure. My last comments were  
18 that the map we received was illegible. I just  
19 tonight received the large size map, so I don't  
20 have any new comments on that.

21 MS. BURGOS: Yes, I apologize for that,  
22 sir.

23 MR. HYNES: Yeah, it's just  
24 procedurally, I haven't been able to look at it  
25 yet. The last one was very small.

1                   And then I had a comment on the sizing  
2                   of the parking spaces. Previously we had  
3                   additional comments from the Planning Board that  
4                   were referenced in my October 16th memo which was  
5                   the ag notes for the ag data statement confirmed  
6                   that the parking spaces are 9 by 18 and that the  
7                   mailings would be certified, no return receipt  
8                   requested, but again, I have not looked at the  
9                   large size plan.

10                   MS. LANZETTA: Any questions from the  
11                   rest of the board members?

12                   MR. GAROFALO: Yes, I have a few. I  
13                   also just received this full-size plan, and I was  
14                   wondering, because there is a tiny home and house  
15                   and mobile home, exactly which properties were  
16                   going to be used for the short-term rental and how  
17                   many --

18                   MS. BURGOS: I would like to specify  
19                   that it's -- that this is an existing thing, and  
20                   it has only ever been one, it's the very tiny one,  
21                   not the mobile home. That has never been utilized  
22                   as any sort of short-term rental or anything like  
23                   that. It's only that other sort of cottage, small  
24                   one, nothing else.

25                   MR. GAROFALO: Okay. The other concern

1 I have is the large grass parking area that is  
2 labeled, and I'm somewhat concerned that that  
3 might be conducive to having a large --  
4 exceedingly large number of people show up there,  
5 so that we need to I think define the parking  
6 area.

7 And also, I would like to get some  
8 clarification as to the number of residences on  
9 this property because we do have some limits on  
10 the number of residences on areas that are not  
11 zoned C-1 or C-2.

12 MS. BURGOS: Yes, sir. May I respond  
13 or -- I don't want to jump in front of anybody.

14 MR. GAROFALO: Yes.

15 MS. BURGOS: Okay. Great.

16 I am happy to get whatever documentation  
17 that is needed to certify what is a residence and  
18 what isn't. There is one residence that we live  
19 in, that's it. And I do not like -- I don't like  
20 people being around all the time. I just want to  
21 make it really clear that this is -- like I said,  
22 this is -- this existed for a few years already,  
23 no complaints, no issues, partially I think  
24 because we don't -- we are extremely strict about  
25 who can be there and who cannot be. We don't even

1 allow people to bring guests, much to people's  
2 consternation, because we don't want strangers,  
3 people that don't have ID verification being  
4 anywhere near our property. I have a kid. People  
5 are weird.

6 We are more of parents than a party kind  
7 of place. Like most of the people that we host,  
8 it's a romantic weekend or somebody visiting their  
9 kid or it's at most maybe one of the West Point  
10 kids like during their hundred nights where they  
11 get to go out, and even then, it's just two  
12 people.

13 I want to just be really clear that I do  
14 not -- I'm more than happy to do anything with the  
15 parking lot to reassure anybody that I do not want  
16 people in and out of where I live. Certainly no  
17 parties, because I'm old and I just don't want to  
18 deal with it. So whatever needs to happen to just  
19 to say that, but I did just really want to make it  
20 clear that I don't want -- we have never wanted  
21 just parties. There is no -- nobody wins in  
22 those. You always just end up with trouble we  
23 find. Yeah, I just don't want it.

24 MR. GAROFALO: One of the issues that  
25 often comes up with short-term rentals is people

1 wandering off the property onto other people's  
2 property, and having a clear way to define what  
3 the limits of the property are so that people just  
4 don't go wandering off, and that's something that  
5 you may want to take a look at on this -- on your  
6 property is is there a way you can make it clear  
7 so that people will understand what the limits  
8 are.

9 MS. BURGOS: Of course. We actually --  
10 I'm happy to submit our guide book. I have like a  
11 45-page guide book, and one of the sections, I  
12 mean, we have -- we have an onerous amount of  
13 rules, the kind of rules that make people not want  
14 to rent our property, but we do have very strict  
15 and very clear guidelines around where they can  
16 go, partially because we are also -- we live  
17 there, so we want to really limit -- you know, my  
18 kid plays by the pond, on the road. He's outside.  
19 He's an outside kid. He's not an inside kid.  
20 Okay? He wants to be outside with the slugs. So  
21 I don't want people just wondering around. So as  
22 a result, we have been pretty strict about  
23 delineating, and what we usually -- we use  
24 landmarks and sort of hand signs that I'm also  
25 happy to take pictures of because we do have a

1     very narrow, long property that's almost like a  
2     quarter mile long. Thankfully a lot of it is  
3     unpassable, unless people are really interested in  
4     being covered in poison ivy. So, you know, if  
5     they want to play those games, they might win  
6     those prizes. However, we are pretty good.

7             Thankfully though, like I said, it's not  
8     a lot of people to manage. We have never had any  
9     issues. And there are no neighbors here. There  
10    is nobody that showed up because we prefer to fly  
11    under the radar. But I appreciate that. And I'm,  
12    again, happy to offer whatever -- we already --  
13    existing stuff that we already have I can show,  
14    like this is where you can be, you can't go past  
15    this place, and we specifically do talk about, you  
16    know, you're not going to disturb the neighbors.

17            Thankfully we don't have any neighbors.  
18    Where this is located, we don't have any neighbors  
19    within walking distance. We have the Nickland,  
20    what used to be I think the Nickland Farm on one  
21    side, which is being rented by Fjord Wineries, I  
22    think they are related to the Benmarl folks, so  
23    it's kind of like grapes on one side, and then  
24    there is a big thicket of forest that is  
25    landlocked, and then on the other side of that is

1 I believe a Porpiglia Farm, and we also have a  
2 ten-foot fence on that side, so we have -- we have  
3 physically contained to a particular area, in part  
4 because we also want to preserve our own privacy  
5 and also the safety of that private road so that  
6 our son is not, you know, at risk of having  
7 somebody show up at 10 p.m. driving down our road.  
8 Not that he would be up that late, but I could be.

9 MR. GAROFALO: I think it's important  
10 for the board to see that kind of information.

11 Also, I believe this would require an ag  
12 statement on it if it's next to farms.

13 MS. BURGOS: We did submit one. Right?

14 MS. LANZETTA: Yeah. Yeah, they did.

15 MR. GAROFALO: Okay.

16 MS. LANZETTA: I also just received a  
17 project summary narrative, which I'm not sure the  
18 rest of the board had received, but it does  
19 specify that this is an existing short-term rental  
20 cottage, so it is not the trailer, it is the tiny  
21 home that you have listed here.

22 MS. BURGOS: Yeah, it's a little  
23 cottage.

24 MS. LANZETTA: And how do you provide  
25 water and sewer?

1 MS. BURGOS: Yeah, so there is an  
2 existing well for fresh water that was there, so  
3 that is easily just -- you know, there is existing  
4 water.

5 And in terms of the sewer, we were  
6 trying to go a little bit more like, you know,  
7 sewer, so it's a self-contained system, so it  
8 doesn't need a septic. It's more of like -- it's  
9 like a giant diaper genie. If you guys have kids,  
10 you know what this is. But it is -- it's a  
11 veteran owned company called Laveo Flush, and they  
12 exist out of Connecticut, New York, so  
13 everything's made and manufactured there, you buy  
14 direct from him, and it is a self-contained system  
15 so that we make sure that our guests actually take  
16 their self-contained things with them when they  
17 leave, so they are responsible for their own  
18 disposal, and it is not -- it's something that can  
19 happen. You know, we looked up the laws as it  
20 concerned human waste and things like that, so  
21 this met that threshold, so we just decided to  
22 maybe just stick to a more ecologically less not  
23 hooked up to any sort of sewer system, so --

24 MS. LANZETTA: Has the building  
25 inspector, has he --



1 MS. BURGOS: He --

2 MS. LANZETTA: -- given you the okay to  
3 be able to utilize this?

4 MS. BURGOS: Yes. He is -- before  
5 anything, before moving forward with applications,  
6 we sort of just wanted to run things by him to  
7 make sure that there wasn't anything that was  
8 going to stand out and maybe be an impediment  
9 later on. There were certainly things that we  
10 were looking to and willing to do to the  
11 structure, and he said hold off on anything like  
12 that, this is fine, go in front of the town board  
13 first, and if they have any concerns, then I can  
14 speak to anything like that. And this is a  
15 conversation that we have had with Tom, where the  
16 other thing he suggested is that we get a new  
17 survey, which is why we ended up hiring Dave  
18 Feeney, to sort of help us make the -- I believe  
19 the document that was submitted to -- because, you  
20 know, we didn't know about any of that stuff.

21 Like I said, we have been here for a few  
22 years already pre the short-term rental law, so we  
23 just -- it took a little while to get the survey  
24 in, but, you know, we finally got it, so yes, we  
25 did our best to make sure that the folks --

1 MS. LANZETTA: Because we do usually  
2 work in tandem with the building inspector because  
3 they have one portion of this.

4 MS. BURGOS: Yes.

5 MS. LANZETTA: And they have to make  
6 sure everything will meet the building codes.

7 MS. BURGOS: Yes, the building codes,  
8 the fire exits, the windows that have roof access,  
9 all of those things, that the staircase has the  
10 right pitches and things like that. Everything  
11 was made to make sure that it was in compliance  
12 with appendix Q which was adopted a couple years  
13 ago, but even pre, it was something that was kind  
14 of floating around, so I made sure that anything  
15 that we were even looking to do would hopefully be  
16 up to snuff.

17 I'm not trying to have somebody stay in  
18 a matchstick of a house. That's just going to --  
19 you know, like I said, we are very eager to be all  
20 above board with everything in town. We don't  
21 want any trouble.

22 MS. LANZETTA: Okay. Thank you.

23 MR. GAROFALO: Do you know how long the  
24 driveway is? I don't know if that has  
25 implications for the fire.

1 MR. STRALOW: The total driveway?

2 MR. GAROFALO: Yeah, the total driveway.

3 MR. STRALOW: 1,200 feet maybe.

4 MS. BURGOS: It's a really long, narrow  
5 space.

6 MS. LANZETTA: Do you see any issues in  
7 a fire truck going down that lane?

8 MR. TRONCILLITO: You're going to need a  
9 turn-around halfway up there.

10 MS. BURGOS: All of that's open space  
11 that can be turned around. There is nothing that  
12 would get in the way. I mean, we have tract -- we  
13 brush hog it all the time, so I feel like we  
14 can -- we brush hog behind it, we brush hog in  
15 front of it, and we brush hog around it. We have  
16 a Kubota. So if that can fit around, couldn't a  
17 fire truck?

18 MR. TRONCILLITO: Well, what is the  
19 road? Is it gravel?

20 MS. BURGOS: So most -- yeah, we get  
21 milling from Minard, from Heath, and yeah, it's  
22 all millings. So yes, it's not going to get weird  
23 with weather, meaning nobody's going to slip down  
24 a hill. It's all gravel.

25 MS. FLYNN: Member Troncillito, can you

1       turn your mic on so we can hear? Thank you.

2                   MS. LANZETTA: Do you have any concerns  
3       about that?

4                   MR. TRONCILLITO: I don't quite  
5       understand. Maybe you can help me.

6                   MS. LANZETTA: She says it's gravel for  
7       most of the way and it's maintained. There is  
8       no -- there is no trees or anything along this.

9                   MS. BURGOS: No.

10                  MS. LANZETTA: It's a farm. It's  
11       basically a farmland.

12                  MR. TRONCILLITO: It's farmland. Okay.

13                  MR. GAROFALO: Is that something you  
14       want to take a look at, go out and take a look at?

15                  MR. TRONCILLITO: Yes, I will.

16                  MR. GAROFALO: Okay.

17                  One last question. You had a mobile  
18       home and the residence. Are those both being used  
19       as separate residences? No.

20                  MS. BURGOS: No, no, the mobile home is  
21       where we put the dog sometimes when he gets into a  
22       fight with the cat, and if we have -- in the past  
23       years is when we had family visiting, they would  
24       stay there because family, but the pandemic, kind  
25       of hasn't been used that way in a long time. Now

1       it's just for a tiny little terrier when he gets  
2       into it with our two cats. He kind of needs to go  
3       to a place that has heat.

4                   MS. LANZETTA:    Okay.

5                   MR. GAROFALO:    Thank you.

6                   MS. LANZETTA:    I think -- do we have as  
7       much information other than your -- our concern  
8       about the fire apparatus being able to get in  
9       there?

10                  MR. GAROFALO:    Well, I think we need the  
11       parking maybe better delineated.

12                  MS. LANZETTA:    The parking?

13                  MR. GAROFALO:    Yeah, it's a huge grass  
14       area. I think it needs to be -- it needs to be  
15       more closely delineated so that it doesn't  
16       encourage people to decide to invite a hundred  
17       people over.

18                  MS. BURGOS:    I'm okay with that. I'm  
19       happy to put gravel on a different area that would  
20       be -- there is a perfect spot that we actually  
21       encourage people to park in. I don't want people  
22       parking on my lawn. Like yes, you can park there.  
23       I don't love it. So I kind of make them do it  
24       different, like a little bit of a different spot.  
25       I'm happy to put gravel down.

1                   MR. GAROFALO: No, seeing it on the map,  
2 I think it's just a negative encouragement to  
3 something that you don't really want.

4                   MS. BURGOS: That's no problem.

5                   MS. LANZETTA: All right.

6                   MS. BURGOS: And you're correct, it's  
7 not something that I want.

8                   MS. LANZETTA: So if Mr. Troncillito  
9 could arrange to meet with you and come on to the  
10 property and just take a look at that.

11                  MS. BURGOS: Thank you.

12                  MS. LANZETTA: Pending his come --  
13 providing that he doesn't have any negative  
14 comments, would it be all right for us to prepare  
15 a resolution?

16                  MR. TRONCILLITO: Sure.

17                  MS. LANZETTA: For the next meeting?

18 And --

19                  MS. BURGOS: Would you like my  
20 information, sir? Okay.

21                  MS. LANZETTA: Do we usually do that by  
22 motion?

23                  MS. FLYNN: Yes.

24                  MS. LANZETTA: I will make a motion that  
25 we prepare the resolution for the next meeting.

1 MR. LOFARO: I will second.

2 MS. LANZETTA: All in favor?

3 (Board members replied "aye".)

4 MS. LANZETTA: Opposed?

5 Okay. So the next meeting is --

6 MS. FLYNN: December 4th.

7 MS. LANZETTA: -- December 4th. Okay?

8 MR. STRALOW: Thank you.

9 MS. BURGOS: Thank you so much.

10 \*\*\*\*\*

11

12 \* C E R T I F I C A T I O N \*

13

14 Certified to be a true and correct transcript  
15 to the best of my knowledge and ability.

16

17 *Karen Brideau*  
18 Karen Brideau,  
19 Senior Court Reporter

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

-----x  
In the Matter of

RIVER VISTA 2 LOT

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

-----x

FINAL - SUBDIVISION

Date: November 20, 2023  
Time: 8:15 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, PLANNING BOARD SECRETARY  
MATTHEW TOWNE, Engineer

Karen Brideau  
Senior Court Reporter



1 MS. LANZETTA: Next up is River Vista.  
2 We actually have a final prepared for that  
3 subdivision. I am going to go ahead and read the  
4 negative declaration.

5 Whereas the Town of Marlborough Planning  
6 Board has been designated as the lead agency under  
7 the State Environmental Quality Review Act for  
8 purposes of, among other things, issuance of a  
9 determination of significance with respect to the  
10 project and set of actions identified herein  
11 below.

12 And whereas Neema Contracting has  
13 submitted a subdivision application for real  
14 property located at River Vista Drive, Town of  
15 Marlborough 12542, County of Ulster, State of New  
16 York, describing deeds recorded in the Ulster  
17 County Clerk's Office as 7053 at 184, and further  
18 identified as tax map number 108.3, block 3, lot  
19 28.123 herein said property proposing to divide  
20 the property into two lots.

21 And whereas this determination of  
22 non-significance, i.e. negative declaration, is  
23 prepared in accordance with Article 8 of the  
24 Environmental Conservation Law, SEQRA, and its  
25 implementing regulations set forth in 6 NYCRR Part

1       617.

2                   And whereas the name and address of the  
3       lead agency is Town of Marlborough Planning Board,  
4       21 Milton Turnpike, Suite 200, P.O. Box 305,  
5       Milton, New York 12547, and the responsible  
6       officer is Chris Brand, Town of Marlborough  
7       Planning Board Chairman, with a telephone number  
8       at 845-795-5100.

9                   And whereas the Town of Marlborough  
10      Planning Board as lead agency has classified this  
11      action as an unlisted action pursuant to 6 NYCRR  
12      Section 617.6.

13                  And whereas the Town of Marlborough  
14      Planning Board has caused the application --  
15      applicant to prepare and submit a short  
16      environmental assessment form part 1, and the  
17      Planning Board has provided entries for the SEAF  
18      part 2 and part 3.

19                  And whereas the Town of Marlborough  
20      Planning Board as lead agency for the  
21      environmental review of the action has reviewed  
22      the action and all relevant supporting information  
23      and documentation, has identified the relevant  
24      areas of environmental concern, has compared the  
25      reasonably expected results of the action and the

1 criteria set forth in 6 NYCRR Section -- do I --

2 MS. CLEMENTE: You don't have to read  
3 the whole thing.

4 MS. LANZETTA: No, I don't remember  
5 reading all this before.

6 MS. CLEMENTE: I just didn't want to  
7 interrupt you. Just you can skip down to the  
8 second to last "be it further resolved".

9 MS. LANZETTA: Okay. Much better.

10 Be it further resolved that the Town of  
11 Marlborough Planning Board has examined the  
12 reasonably related long-term, short-term, direct,  
13 indirect and cumulative impacts, including other  
14 possible simultaneous actions and subsequent  
15 actions which may be reasonably anticipated to  
16 result from the action, and has determined that  
17 the action will not have any significant adverse  
18 impact on the environment and that, therefore, a  
19 Draft Environmental Impact Statement need not be  
20 prepared.

21 And be it further resolved that the Town  
22 of Marlborough Planning Board hereby issues this  
23 negative declaration and notice thereof pursuant  
24 to the requirements of SEQRA and the implementing  
25 regulations.

1                   And be it further resolved that the Town  
2                   of Marlborough Planning Board hereby authorizes  
3                   the following of this negative declaration and  
4                   notice pursuant to the requirements of SEQRA and 6  
5                   NYCRR Section 617.12.

6                   Whereupon the following vote was taken:

7                   Can you poll the board, please, Jen.

8                   MS. FLYNN:   Member Lanzetta.

9                   MS. LANZETTA:   Yes.

10                  MS. FLYNN:   Member Lofaro.

11                  MR. LOFARO:   Yes.

12                  MS. FLYNN:   Member Callo.

13                  MR. CALLO:    Yes.

14                  MS. FLYNN:   Member Jennison.

15                  MR. JENNISON:   Yes.

16                  MS. FLYNN:   Member Garofalo.

17                  MR. GAROFALO:   Yes.

18                  MS. FLYNN:   Member Troncillito.

19                  MR. TRONCILLITO:   Yes.

20                  MS. LANZETTA:   We have the resolution of  
21                  approval which the board members have been  
22                  provided with, which I am not going to read, and  
23                  barring --

24                  MR. GAROFALO:   There is one concern,  
25                  that I wanted to make sure that the final plan

1 would include the revised front yard dimension or  
2 illustration, whichever it should be, that it be  
3 corrected. The front yard setback was incorrectly  
4 shown, and we know it's going to meet the  
5 requirements, I just want to make sure that before  
6 the final plan is signed, that we get one with the  
7 correct dimensions on it, the correct illustration  
8 of that dimension.

9 MS. LANZETTA: Will that be condition D?

10 MS. CLEMENTE: No. Well, yeah, I can --  
11 I will add that as a condition before the final  
12 plat is signed, include the revised front yard  
13 setback on the final plans.

14 MS. LANZETTA: Okay. So the resolution  
15 for approval with the additional condition D,  
16 could you poll the board on this resolution,  
17 please.

18 MS. FLYNN: Member Lanzetta.

19 MS. LANZETTA: Yes.

20 MS. FLYNN: Member Lofaro.

21 MR. LOFARO: Yes.

22 MS. FLYNN: Member Callo.

23 MR. CALLO: Yes.

24 MS. FLYNN: Member Jennison.

25 MR. JENNISON: Yes.

1 MS. FLYNN: Member Garofalo.

2 MR. GAROFALO: Yes.

3 MS. FLYNN: Member Troncillito.

4 MR. TRONCILLITO: Yes.

5 MS. LANZETTA: Okay. I have one more  
6 thing to read in reference to this, and that is  
7 the subdivision recreation fee findings.

8 Whereas the Planning Board has reviewed  
9 a subdivision application known as River Vista 2  
10 Lot with respect to the real property located at  
11 River Vista Drive in the Town of Marlborough.

12 Member Lanzetta offers the following  
13 resolution which was seconded by the Member  
14 Jennison. It is hereby resolved that the Planning  
15 Board makes the following findings pursuant to  
16 Section 277-4 of the Town Law:

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

23 However, a suitable park of adequate  
24 size to meet the above requirement cannot be  
25 properly located within the proposed project

1 site.

2 Accordingly, it is appropriate that in  
3 lieu of providing parkland, the project sponsor  
4 render the town payment of a recreation fee to be  
5 determined in accordance with the prevailing  
6 schedule established for that purpose by the Town  
7 of Marlborough.

8 This approved subdivision known as River  
9 Vista 2 Lot resulted in one lot for a total of  
10 \$2,000 in recreation fees.

11 Will you poll the board, please.

12 MS. FLYNN: Member Callo.

13 MR. CALLO: Yes.

14 MS. FLYNN: Member Garofalo.

15 MR. GAROFALO: Yes.

16 MS. FLYNN: Member Jennison.

17 MR. JENNISON: Yes.

18 MS. FLYNN: Member Lanzetta.

19 MS. LANZETTA: Yes.

20 MS. FLYNN: Member Lofaro.

21 MR. LOFARO: Yes.

22 MS. FLYNN: Member Troncillito.

23 MR. TRONCILLITO: Yes.

24 MS. LANZETTA: Thank you very much.

25 MR. TOWNE: Thanks a lot.

1                                   \* \* \* \* \*

2  
3                   \* C E R T I F I C A T I O N \*

4  
5       Certified to be a true and correct transcript  
6       to the best of my knowledge and ability.

7  
8                   *Karen Brideau*  
9       -----  
      Karen Brideau,  
      Senior Court Reporter

10                               \* \* \* \* \*



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

-----x  
In the Matter of

VITO TRIOLO PIZZA TOWN

Project No. 23-1024  
1326 Route 9W  
Section 108.43; Block 3; Lot 28

-----x

SKETCH - SITE PLAN

Date: November 20, 2023  
Time: 8:25 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, PLANNING BOARD SECRETARY  
JOSEPH MINUTA, ARCHITECT

Karen Brideau  
Senior Court Reporter

1 MS. LANZETTA: Okay. We have -- you  
2 weren't here for the agenda, but we have  
3 postponed the Bush and Watson until December 4th.

4 And so now we move on to the new  
5 application review for Vito Triolo Pizza Town.  
6 This is a sketch for a site plan.

7 Would the gentleman please state your  
8 name for the stenographer, please.

9 MR. MINUTA: Good evening. Joseph  
10 Minuta with Minuta Architecture representing for  
11 Vito Triolo for this project.

12 MS. LANZETTA: Welcome. Could you give  
13 a quick overview of what your project is.

14 MR. MINUTA: Certainly. I believe it to  
15 be quite simple. There is an existing third  
16 floor, and he simply wishes to create two  
17 apartments out of it. So there is no exterior  
18 work being performed, at this point it's all  
19 interior.

20 To comply with zoning, we have prepared  
21 a sketch site plan as well as a full plan. We do  
22 meet all of the requirements for the most part.  
23 There are three items that Mr. Hines had clearly  
24 depicted that are existing non-conformities being  
25 a front yard setback, the building height, and,

1 let's see here, rear yard setback as well. So we  
2 would need potentially, unless it's -- unless the  
3 Board says we don't need to, go forward with a  
4 zoning variance for these existing  
5 non-conformities. They are not going to change,  
6 so it sort of goes with the property, if you  
7 will.

8 We do have parking, and we have plenty  
9 of parking. We actually have one extra spot the  
10 way we calculated it. Mr. Hines does bring up the  
11 fact that we need a handicapped spot, so reducing  
12 by one spot, we still have enough parking.

13 There is really not much else I can say  
14 about this. Let's see here. Dumpster enclosure,  
15 there are existing dumpsters on the property.  
16 They are currently screened by a chain link fence.  
17 If you'd like to have that screened more or if  
18 there's other requirements, I'm happy to --  
19 whatever the Board's preference is for that.

20 MS. LANZETTA: Okay. Thank you.

21 MR. TRONCILLITO: I have a question. In  
22 order to sprinkle the building, which is great,  
23 what are we doing with the fire escape? Is that  
24 going to be recertified and inspected or is that  
25 coming down?

1                   MR. MINUTA:   Sorry.   So with the  
2   sprinkler system, the fire escape is no longer  
3   required.   It will be removed from the building.

4                   MR. TRONCILLITO:   Okay.

5                   MS. LANZETTA:   Pat, would you please go  
6   through your comments.

7                   MR. HYNES:   Sure.   My first comment just  
8   states what the project is, two new apartments on  
9   the third floor in the C-1 commercial zone.

10                  I did identify the existing bulk  
11   deficiencies on the lot.   I know we have discussed  
12   whether those should go to the ZBA or not.   It's  
13   my considered opinion that they should.   It cleans  
14   up these sites as we are reviewing them.

15                  The parking calculation identified  
16   requires 18 spots.   We did note there is no  
17   accessible spot, that there should be, and also  
18   they do get credit for five spots in the hamlet  
19   parking zoning calculations.   They have only used  
20   four of those.   But the accessible spot does count  
21   towards their requirement parking as well.

22                  We are suggesting comments from the  
23   jurisdictional fire department be received.   The  
24   building is higher than 30 feet, so aerial access  
25   is required.   I believe that's provided along the

1 street, but that should be identified on the  
2 plans. There is a requirement to have it 26 feet  
3 wide within 15 to 30 feet of a building when that  
4 third floor becomes occupied.

5 Location of the fire department  
6 connection should also be depicted. The sprinkler  
7 system will require an OSY valve on the outside.

8 I commented on the existing dumpsters  
9 being in the front yard setback. It's an existing  
10 condition. I didn't review them, but I'm sure the  
11 board's all familiar with them, whether or not  
12 those should be upgraded, moved or if they are  
13 acceptable to the board.

14 Ulster County planning review is  
15 required, and I think we should send it as a  
16 courtesy to the DOT. It is a type 2 action under  
17 SEQRA. The building is less than 4,000 square  
18 feet, so DOT is not involved, but I think they may  
19 have comments or not, but I like to give them the  
20 opportunity when it's on their road. And that's  
21 all we have.

22 MS. LANZETTA: Any questions from the  
23 board?

24 MR. GAROFALO: Yes, I have some  
25 comments, one of which is in the hamlet master

1 plan on page 19, they talk about parking capacity  
2 and the area being 79 to 100 percent, and one of  
3 the things that the master plan recommended was a  
4 change in the road configuration which would wipe  
5 out all of the parking on that side of the street  
6 from about the gas station to almost the bridge.  
7 So those spaces, if that were ever constructed,  
8 would be gone. That is -- was something on the  
9 five-year TIP plan, Transportation Improvement  
10 Program, but is no longer there. It is now in the  
11 long-range improvement program. So this is  
12 something that we should be reticent of.

13 With the Main Street development in  
14 Milton, I had suggested putting the accessible  
15 spot on the street. This is a case where I would  
16 definitely not suggest that, A, because I'm not  
17 sure how large the sidewalks are. I did not like  
18 the way the sidewalks were treated as far as the  
19 ramps went, and I would hate to see the only  
20 accessible spot disappear with future  
21 construction.

22 I will note that as part of that hamlet  
23 study process, I had recommended a configuration  
24 which I believe would have worked. They decided  
25 not to analyze it. It would have saved all of

1       that parking along that side of the street. And  
2       I'm sad that was not looked at at that time.

3               I would notice that the comprehensive  
4       plan does suggest that the hamlet plan be  
5       revisited, and I would hope that sometime that  
6       will be done and that parking will not totally  
7       disappear.

8               So I just I wanted to bring that to the  
9       board's attention, also to your attention if you  
10      didn't know that, because that could definitely  
11      impact the business and the residents there.

12              Certainly one of the things that we have  
13      a mixed use like this is the peak parking during  
14      the week usually is not a problem because the  
15      residents are there when the business is closed,  
16      and that generally works is usually the Saturday  
17      or the Sunday if the business is open. I'm not  
18      sure what the hours are for the business. I think  
19      that would be something that would be helpful to  
20      have.

21              I would ask a question about the  
22      checklist. We received two checklists with the  
23      exact same date, and I wanted to clarify that the  
24      checklist of importance that we should be looking  
25      at is the one where you are requesting waivers.

1           MR. HYNES: I had a conversation with  
2           the applicant's representative, Mr. Minuta, and  
3           that's what generated the second checklist and the  
4           waiver request.

5           MR. GAROFALO: Okay. I do think that  
6           under item 20, we should get to see the floor plan  
7           so we have a better idea of what is being  
8           constructed here because I think it's important to  
9           see exactly what is being done to the building.  
10          That's something that's normally required, and,  
11          you know, within the context of the development of  
12          the property, I think it's important. You know,  
13          it doesn't have to be great detail, but to be able  
14          to see where these extra apartments are going.

15          MR. JENNISON: I don't think that's  
16          necessary.

17          MR. CALLO: What's on the third floor  
18          right now?

19          MR. MINUTA: It's a completely open  
20          space. It's roughly 15 to 14 feet from front to  
21          back, and it's completely open space on the  
22          interior, windows all around. We are going to be  
23          bisecting it and we're gonna be just changing the  
24          interior. There's no exterior work except for  
25          replacement of the windows.



1 MS. GAROFALO: Is that living space for  
2 the other apartments?

3 MR. MINUTA: No, it's a vacant floor.

4 MR. GAROFALO: Okay. Item number 37, a  
5 park open space is being provided, and basically  
6 the answer to that normally would be that -- for  
7 your case would be no, you don't request a waiver,  
8 but we have a recreation fee that is assigned  
9 where there is no open space that can be provided.  
10 But generally we do not waive the recreation fee  
11 on most properties in this type of situation.

12 MR. JENNISON: But we are not  
13 subdividing.

14 MR. TRONCILLITO: There is no  
15 subdivision.

16 MR. GAROFALO: But they are adding more  
17 dwelling units.

18 MR. CALLO: When the building was built,  
19 what was originally up there on the third floor?

20 MR. MINUTA: The building was originally  
21 built with a third floor. We are not adding  
22 anything, we are filling the space and doing a  
23 fit-up.

24 MR. GAROFALO: You're adding dwelling  
25 units, and I think that's something we can look at

1       in the code again, but I think that when we get to  
2       that point of approval, hopefully by that time we  
3       will be able to determine whether or not there  
4       should be an assessment.

5               MR. JENNISON:   But you're also talking  
6       about a building that at one time probably did  
7       have apartments up there.

8               MS. LANZETTA:   But it's a different use.

9               Guys.   So you made the point we need to  
10      take a look at whether or not there will be new  
11      dwelling units that are being generated.   Anything  
12      else?

13              MR. GAROFALO:   Just to make sure that  
14      the assessable space detail shows the dynamic  
15      symbols and the proper space for the aisle because  
16      they have to all be in New York State van  
17      accessible.

18              MR. MINUTA:   For that requirement, yes,  
19      we are going to have a van accessible space, and  
20      we are also going to have an eight-foot island on  
21      the side of that.   If I read the code correctly,  
22      it doesn't need to be -- there doesn't need to be  
23      signage if it's the only van accessible space, but  
24      I will defer to you.

25              MR. GAROFALO:   New York State does

1       require two signs, one sign for the space where  
2       the vehicle is parking, and another no parking  
3       sign for the aisle, so they do require two spaces,  
4       and you want to make sure the second site isn't  
5       blocking.

6               MR. MINUTA:   If you'd like two signs, I  
7       will put them up.   It's not a problem.   Depending  
8       on the situation, it may or may not be required.  
9       I'm happy to put them up.

10              MR. GAROFALO:   Thank you.   You will find  
11       that in the newer regulations.   I think they came  
12       out nine years ago.   Just trying to get people to  
13       abide by them.

14              MR. MINUTA:   Take a look at the van  
15       accessible portion of the code.

16              MS. LANZETTA:   Anything else?

17              MR. GAROFALO:   Thank you.

18              MS. LANZETTA:   Is there any reason  
19       that -- would it be possible to -- why is the  
20       dumpster up front is my question as opposed to  
21       being towards the back of the parking lot.

22              MR. MINUTA:   Typically dumpsters are  
23       placed on the property for the convenience of the  
24       hauler and where things are located on the  
25       property.   This property exists, it functions, to

1 my knowledge there's never been any complaints on  
2 it, so to leave things the way they are is usually  
3 the best thing because if we try to change things  
4 around, it may or may not work. We know that it  
5 works now.

6 MR. GAROFALO: That's a chain-link  
7 fence?

8 MR. MINUTA: Yes, it is.

9 MR. GAROFALO: Is that something that  
10 you can at least gets some slats in there?

11 MR. MINUTA: Sure.

12 MR. GAROFALO: To make it less visible?  
13 I don't know. That would be at least some  
14 mitigation of the visual impact.

15 MR. MINUTA: So I thought you might  
16 bring that question up. And if I can approach.  
17 So you've got the existing chain-link fence there,  
18 okay, and that is a real quick rendition of just  
19 putting some green slats.

20 MS. LANZETTA: I hesitate to put green  
21 slats on this side. I don't -- there is a lot of  
22 pedestrian traffic too, and I just want to make  
23 sure that people coming in and out of there can  
24 see the people. And also, a lot of times they  
25 have to look to see if there is going to be

1     parking if they pull in there. I think I  
2     personally, if we are going to do anything, I  
3     would prefer something just right where the  
4     dumpster is. I don't know if --

5             MR. JENNISON: I don't think it's  
6     necessary at all.

7             MR. GAROFALO: I think it would be  
8     appropriate just to do it in front of the  
9     dumpsters and not the rest of it.

10            MR. MINUTA: You do raise a good point.  
11     However, it is pedestrian traffic right in front  
12     there. Providing a barrier could provide a safety  
13     issue.

14            MS. LANZETTA: Yeah, I think that's  
15     worse than seeing the dumpster.

16            MR. MINUTA: And he does note -- if you  
17     take a look at it, there are low flowers on the  
18     side of it. It exists. I mean, it's not in  
19     disrepair, so I would hope you would consider  
20     those items as well.

21            MR. GAROFALO: Well, I don't think they  
22     are going to actually see through the dumpsters,  
23     and that's why I think -- I don't think it would  
24     change the security if you just did it where the  
25     dumpsters are because no one's going to see

1 through the dumpsters to the other side of them.

2 MR. LOFARO: Aesthetically on the road,  
3 it might not look that well to have that little  
4 section --

5 MR. JENNISON: Cindy, would you poll the  
6 board on this, please.

7 MR. GAROFALO: I think it would look  
8 better than looking at dumpsters.

9 MS. LANZETTA: All right. Does anybody  
10 feel that there has to be some kind of screening  
11 of that dumpster, existing dumpster?

12 MR. JENNISON: No.

13 MR. TRONCILLITO: To be honest with you,  
14 I don't even notice.

15 MR. GAROFALO: I do. I think that's a  
16 minimum amount.

17 MR. JENNISON: It's three, four, five to  
18 one.

19 MS. LANZETTA: So I don't think that's  
20 going to be a priority right now, but the other  
21 things that have been listed are important to  
22 address.

23 And also, we want to make sure that  
24 there is adequate tenant parking in -- adjacent to  
25 the building, so would there be an effort to make

1       sure that people know that after a certain time  
2       when the business is closed, that this is tenant  
3       parking only?

4               MR. MINUTA:   Where?   On the site itself  
5       or on the street?

6               MS. LANZETTA:   No, in the parking lot.

7               MR. MINUTA:   Yeah.   Well, I mean, again,  
8       it functions the way it functions now.   I'm not --  
9       if you'd like me to add something --

10              MS. LANZETTA:   Your tenants, the  
11       existing tenants, don't have any issues with  
12       finding a parking space when they come home?

13              MR. MINUTA:   Not to my knowledge.

14              MS. LANZETTA:   Okay.   I just -- we are  
15       adding additional tenants, and I just want to make  
16       sure that there is no problem for them having to  
17       find a place to park.

18              MR. MINUTA:   Understood.   If there is  
19       something you'd like me to do... You want me to  
20       put up a sign?

21              MS. LANZETTA:   We'll think about that.  
22       See what --

23              MR. GAROFALO:   Are you going to be doing  
24       re-wiring on the third floor?

25              MR. MINUTA:   Re-wiring meaning?

1 MR. GAROFALO: For the apartments.

2 MR. MINUTA: New wiring.

3 MR. GAROFALO: New wiring.

4 MR. MINUTA: Yes.

5 MR. GAROFALO: You may want to consider,  
6 and this is not going to be a requirement of the  
7 board, but as long as you're doing re-wiring and  
8 looking at that, consider the fact that by 2035,  
9 all the vehicles that are going to be sold in New  
10 York are going to be electric, that you may want  
11 to consider at least providing for the future  
12 addition of some electric stations. Again, it's  
13 not a requirement, nothing in the code about it,  
14 but just for your sake to reduce the future costs,  
15 it may be a lot easier to look at the changes that  
16 might be needed to do that now while you're doing  
17 other re-wiring. So just something to consider.

18 MR. MINUTA: That's noted. You're --  
19 essentially that would refer to the energy stretch  
20 code. Depending on the units, it may or may not  
21 be required. Not being required is actually  
22 compliance. In order to put charging stations in,  
23 and I have done these projects, it's going to  
24 require a transformer and direction from the pole.  
25 It's not going to come from the building primarily



1 usually. So, you know, if that's going to happen,  
2 it's going to be on a lower floor, not the top  
3 floor. So to that extent, I note what you have  
4 requested, and if there is an opportunity, I'd be  
5 happy to put that in there.

6 MR. GAROFALO: There is certainly  
7 opportunities for getting the money now which  
8 there may not be later.

9 MR. MINUTA: Okay.

10 MR. GAROFALO: But thank you for  
11 considering it.

12 MR. MINUTA: Sure.

13 MS. LANZETTA: All right. Barring any  
14 other discussion, I think we can we set a public  
15 hearing date for this.

16 MS. FLYNN: First I have a couple  
17 questions.

18 MS. LANZETTA: Uh-huh.

19 MS. FLYNN: Ulster County, is that going  
20 up as is right now or you want to wait for the  
21 Ulster County?

22 MR. HYNES: I think the board should  
23 refer it to the ZBA for the existing  
24 non-conformities.

25 MS. FLYNN: So then they have to fill

1 out the application for the ZBA, and I'm going to  
2 put in the bulk table on his comments for the  
3 ZBA.

4 And then Member Troncillito, I gave him  
5 a letter to get a letter from the fire department.

6 MS. LANZETTA: Okay, but we can do this  
7 in tandem. They can go to the ZBA. We can still  
8 move forward with the public hearing I believe.

9 MS. FLYNN: Yes, but he has to go  
10 through -- get the application and get it started  
11 through the --

12 MS. LANZETTA: Right, but I'm saying  
13 he's got to go to the ZBA, but if he --

14 MS. FLYNN: Which is me.

15 MS. LANZETTA: Huh?

16 MS. FLYNN: Which is me.

17 MS. LANZETTA: Yeah. But we have done  
18 other applications where we have done it in tandem  
19 where we can move forward with the public hearing  
20 as well.

21 What would you -- Megan, what would you  
22 recommend?

23 MS. CLEMENTE: I would recommend not  
24 setting a date for a public hearing until you hear  
25 back from the ZBA. Also, it has to go through the

1 county planning first as well.

2 MS. FLYNN: Before the ZBA?

3 MR. HYNES: Times two. The ZBA has to  
4 send it to the Planning Board.

5 MS. LANZETTA: Okay.

6 MR. MINUTA: May I interject? So, you  
7 know, whatever is the flavor of the board and the  
8 consultants obviously. Whatever the flavor is  
9 there, with regard to existing non-conformities, a  
10 lot of times it's just done to clean up paperwork.  
11 They are always going to be there, they are going  
12 to exist. A lot of times I find some  
13 municipalities don't even require that because it  
14 does exist, but I'm happy to do whatever you say.  
15 I'm just trying to cut some time and cut some  
16 expense to the applicant.

17 MS. LANZETTA: I do believe that we are  
18 going to move it to the ZBA.

19 MR. MINUTA: Okay.

20 MS. LANZETTA: And so we will begin that  
21 process, and then depending on what the ZBA says,  
22 and meanwhile, could we send it up to Ulster  
23 County as well?

24 MS. CLEMENTE: Yes.

25 MS. LANZETTA: So we will get that going

1 at least.

2 MR. MINUTA: I would like to, if that's  
3 the case, as part of my application to the ZBA is  
4 to just simply update the plan with regard to the  
5 ADA accessible space, so that they get to see it  
6 and you get to see it, everybody's on the same  
7 page on that, because I think it's an important  
8 item.

9 MS. LANZETTA: Yeah, I think Ulster  
10 County will like to see that.

11 MR. MINUTA: I will be happy to get a  
12 copy to everyone tomorrow.

13 MS. LANZETTA: Okay.

14 MR. MINUTA: Thank you.

15 MS. LANZETTA: All right. Thank you  
16 very much.

17 \*\*\*\*\*

18

19 \* C E R T I F I C A T I O N \*

20

21 Certified to be a true and correct transcript to  
22 the best of my knowledge and ability.

23

24 Karen Brideau  
25 Karen Brideau,  
Senior Court Reporter

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

-----x  
In the Matter of

LYNNDAVID PROPERTIES

Project No. 23-1025  
397 & 405 Willow Tree Road, Milton  
Section 102.2; Block 5; Lot 23, 26

-----x

SKETCH - SUBDIVISION

Date: November 20, 2023  
Time: 8:45 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, PLANNING BOARD SECRETARY  
KEVIN HARDY  
CARMINE MESSINA, Surveyor/Engineer

Karen Brideau  
Senior Court Reporter

1 MS. FLYNN: The next applicant is  
2 LynnDavid Properties, sketch subdivision, and if  
3 you folks could just identify yourselves to the  
4 stenographer, please.

5 MR. HARDY: Kevin Hardy representing  
6 LynnDavid.

7 MR. MESSINA: Carmen Messina, surveyor  
8 and engineer for the project.

9 MS. LANZETTA: Pat, would you like to go  
10 through your comments on this project, please?

11 MR. HYNES: Sure. The application  
12 stated that it was a three-lot subdivision with a  
13 lot line change. I believe it is a four-lot  
14 subdivision with a lot line change, and I say that  
15 because there is a lot one, two, three and four,  
16 and a lot line change parcel A, so I think the  
17 application needs to be revised to say four-lot.

18 Currently the lot lines for multiple  
19 parcels are shown to the center line of Mulberry  
20 and Willow Tree Lane. Those need to be shown as a  
21 offer of dedication 25 feet from the center line  
22 which is then going to revise all the bulk table  
23 setback lines that are depicted on this plan, and  
24 they need to be offered for highway purposes.

25 We are going to need topography on the

1 plan to take a look at the potential grading,  
2 especially when there are 25-foot strips with new  
3 driveways in them.

4 Highway superintendent's comments for  
5 the driveway locations, and we are suggesting that  
6 the applicants consider combining the driveways  
7 for lots two and four which are located next to  
8 each other on Willow Tree Lane and look like they  
9 could be easily combined with a shared access  
10 agreement.

11 There are numerous preexisting  
12 non-conformities on the site, the front-yard  
13 setbacks for two structures on lot one, and  
14 front-yard setbacks for the existing structure for  
15 the lot line parcel identified as lot A.

16 Lot one as proposed at the intersection  
17 of Mulberry and Willow Tree contains three  
18 residential structures. The code enforcement  
19 officer as well as Code Section 155-12.2A states  
20 that in all zones other than C-1 and C-2,  
21 residential use of lots shall be limited to one  
22 single-family residence, or if the density allows,  
23 one two-family residence on an individual lot. So  
24 those three structures are not compliant with the  
25 town code and would also need zoning variances

1       should this proceed on in this fashion.

2               Wells and septic locations must be  
3       approved by Ulster County.

4               Sight distance at all driveways,  
5       existing and proposed, should be depicted on the  
6       plan.

7               Grading plan should be submitted as --  
8       for the construction of the lots and as well as to  
9       determine the amount of disturbance. If greater  
10      than one acre disturbance, the town, as a  
11      regulated MS4 community, and in accordance with  
12      their town storm water regulations, would require  
13      a storm water pollution prevention plan.

14              And that's the extent of our comments to  
15      date.

16              MS. FLYNN: Did you forget number ten?

17              MR. HINES: So number ten was kind of a  
18      combination of those requiring the drainage plan  
19      for each lot, to provide a plan showing the  
20      roadway dedication parcel should be submitted, and  
21      updated bulk tables should be submitted prior to  
22      requesting relief from the ZBA because, again, all  
23      those setback lines will change with the roadway  
24      dedication parcels that are required.

25              MS. LANZETTA: Any other questions or



1        comments from the board?

2                    MR. JENNISON:    Can you address the four  
3        lots?

4                    MR. MESSINA:    Address the four lots?

5        Well, I was thinking there was three existing lots  
6        plus the residual lot, and that's why I said the  
7        three lots plus the residual.    But if you want to  
8        term it four-lot subdivision, three of them being  
9        new lots and one residual would be the four-lot  
10       subdivision, so we can change that in the  
11       application.

12                   MR. HYNES:    It's four lots with a lot  
13       line change.

14                   MR. MESSINA:    Yeah.

15                   MS. LANZETTA:    Any other questions or  
16       comments?

17                   MR. GAROFALO:    Yes, I have a comment.

18       Lot one is a corner lot, and the front yard is  
19       determined by the wider of the two streets, or if  
20       they are the same, then you have a choice.    It's  
21       not necessarily where the driveway is.    So we will  
22       need to know the width of the two roads, Willow  
23       Tree Road and Mulberry Lane, in order for you to  
24       do the bulk table because that determines which is  
25       the front yard.

1 MS. LANZETTA: Anything else?

2 MR. MESSINA: I have a clarification.  
3 You said the width of the roads or the length?

4 MR. GAROFALO: Width. It's not the  
5 length of the road, it's which is the wider road  
6 determines where your front yard is.

7 And if you want to think about it in a  
8 different context, if you look at Route 9W, it's  
9 really wide, and regardless of where you are,  
10 that's -- if you're on a corner lot, that's going  
11 to be where your frontage is even though they are  
12 going to probably tell you to put your driveway on  
13 the side -- on the side road.

14 One other question here deals with the  
15 wells on lot A and lot one. I'm not sure if those  
16 are depicted.

17 Also, if you could provide email  
18 addresses to all the professionals, et cetera.  
19 That's going to be something that's going to be  
20 required on the new form. So everyone who is  
21 listed, engineer, surveyors, whoever, the owner,  
22 we need to have email addresses so that if there  
23 is a question, we will be able to contact you more  
24 easily.

25 MR. MESSINA: Okay.

1                   MS. LANZETTA: So this sounds like this  
2 is going to the ZBA also.

3                   MR. HYNES: Yeah. We don't know what  
4 for yet until they revise the plan with the  
5 roadway dedication parcel, and then that will show  
6 the --

7                   MR. GAROFALO: Yeah, on your EAF number  
8 nine, normally you are meeting or exceeding the  
9 energy requirements. If you're not meeting them,  
10 then that becomes an issue that we have to look  
11 at. But if you're not -- if you're not creating a  
12 problem is basically what they are looking for in  
13 that one, so normally the answer to that one is  
14 yes.

15                   On number 10 and number 11 deal with the  
16 well and septic systems, so that we know your  
17 septic systems are for the most part shown, but  
18 not necessarily on the existing lot one, so we  
19 need to know where that is to make sure that when  
20 you change the lot line, it's not shifting on to  
21 somebody else's lot.

22                   MR. MESSINA: To answer that last part,  
23 the septic systems for lot number one are depicted  
24 on the map. If you will see, there is two of  
25 them, and one is at the south end of that parking

1 area.

2 MR. GAROFALO: Okay. I see it now.  
3 It's not -- you didn't put any lines around it.  
4 Okay. I see it. Thank you.

5 MR. MESSINA: I will put lines around  
6 it.

7 MS. LANZETTA: Okay. Well, it looks  
8 like --

9 MR. MESSINA: Yeah, if we could have  
10 divided those -- lot number one, if we could have  
11 divided that for each of them to have an acre, we  
12 would have, but because of the proximity of each  
13 building, it would not be possible. So since this  
14 comment came up, we thought -- we had been talking  
15 about this, and we have maybe come up with a  
16 different proposal, and since we are here, maybe  
17 we'd like to get the board's recommendation of  
18 what they would feel like if we were to submit an  
19 amendment to our proposal, and I have some  
20 sketches here to help us.

21 MS. LANZETTA: I don't know that we can  
22 entertain the changes right now at the meeting.

23 MR. MESSINA: No, I just wanted to have  
24 your thoughts about whether this would be more in  
25 line with approval.

1 MS. LANZETTA: Well, we would have to be  
2 able to run it by our professional consultants as  
3 well, so we wouldn't give an opinion to you  
4 tonight regardless.

5 MR. MESSINA: No, I understand that.  
6 Not even your thoughts?

7 MS. LANZETTA: This is always a problem  
8 in Marlborough. There is a lot of properties that  
9 have been -- you know, were originally camps and  
10 community living type situations, and when it  
11 comes time to try to subdivide these, there are a  
12 lot of issues. We run into this quite often. But  
13 it's really -- we have to follow the codes that we  
14 have to work with, and if you're looking for any  
15 additional help on that, generally you have to go  
16 to the ZBA on that, so --

17 MR. GAROFALO: Couldn't they submit  
18 something to us through the regular process just  
19 as if, you know, when we make comments to them,  
20 can't they make a separate alternative submittal  
21 to get our view on that?

22 MS. CLEMENTE: What are you proposing?

23 MR. MESSINA: Well, if I could --

24 MS. CLEMENTE: Just hand it to me.

25 MR. GAROFALO: I'm not suggesting we

1     give input on it tonight, but rather through the  
2     regular process at the next meeting. We would  
3     have an opportunity to -- for us and the  
4     consultants to have looked at it.

5             MR. MESSINA: Well, it needs some  
6     explanation. This is just a sketch form that we  
7     provided, and we were going to explain it, what we  
8     were trying to do, but if you cannot give us your  
9     thoughts about that, we will have to come back  
10    with a revised plan.

11            MS. CLEMENTE: If you want to change  
12    your plan, you have to submit an amendment.

13            MR. MESSINA: Okay. All right.

14            Now, could we address some of the issues  
15    that were brought up or should we wait?

16            MS. LANZETTA: I think you have to go  
17    through the entire comments from Pat and what you  
18    have heard here and submit those back so that --  
19    you know, you have to answer --

20            MR. MESSINA: In writing?

21            MS. LANZETTA: -- the total comments.  
22    Typically that's what most of the people do is  
23    they respond to the comments.

24            MR. MESSINA: Okay.

25            MS. LANZETTA: That way we are not doing

1 things piecemeal. Otherwise we'd have to go back  
2 in our records to see what you have said tonight.  
3 You know, it's better to keep all the comments  
4 together and the responses together so we don't  
5 have to keep going back and forth between the  
6 minutes.

7 MR. GAROFALO: And to have it in written  
8 documentation so that that can be also added to  
9 the website.

10 MS. LANZETTA: Thank you.

11 \*\*\*\*\*

12  
13 \* C E R T I F I C A T I O N \*

14  
15 Certified to be a true and correct transcript to  
16 the best of my knowledge and ability.

17  
18 Karen Brideau  
19 Karen Brideau,  
Senior Court Reporter

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

-----x  
In the Matter of

DIVIESTI MICHAEL JENNIFER

Project No. 23-1026  
6-8 DiViesti Drive, Marlboro  
Section 108.4; Block 7; Lot 14

-----x

SKETCH- SUBDIVISION

Date: November 20, 2023  
Time: 9:00 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, PLANNING BOARD SECRETARY  
JONATHAN MILLEN

Karen Brideau  
Senior Court Reporter



1 MS. LANZETTA: Next up is the DiViesti  
2 sketch subdivision, and I think we will go right  
3 ahead and have Pat go through his comments on  
4 this, please.

5 MR. HYNES: Sure. This project proposes  
6 to subdivide two existing single-family residences  
7 that are on a two-acre parcel of property.

8 The existing and proposed bulk tables  
9 identify issues regarding, on lot A, a side yard  
10 setback issue; lot B, both side yards, minimum lot  
11 width and minimum lot depth; and lot B has a front  
12 yard issue measured where the minimum lot width is  
13 150 feet, so your front yard doesn't start until  
14 you have lot width. The lot doesn't have a  
15 hundred feet at the house location, so the front  
16 yard setback would also be required. These  
17 setbacks will lose their protection due to the  
18 subdivision. It changes the conditions on the  
19 lots, so I believe those need ZBA referral.

20 The Planning Board should discuss  
21 whether topography should be provided on the plans  
22 for the subdivision or if a waiver is requested, a  
23 waiver is requested, whether you would grant that.  
24 There is no new construction proposed. The houses  
25 are existing on the site.

1                   There is an existing easement to tax  
2 parcel 15 that should be identified. I believe  
3 it's also a DiViesti residential structure, but it  
4 kind of bisects the lots and provides an existing  
5 access there. There is an existing access  
6 easement which I think they are attempting to  
7 extinguish during this process that provides  
8 access to tax lot 15, so Megan has to weigh in on  
9 those, and we are suggesting existing easement  
10 documentation be provided.

11                   The subdivision may trigger an  
12 additional variance for the number of lots served  
13 by a private roadway. There is a roadway called  
14 DiViesti Drive. I don't know if it's in the right  
15 location, although the Ulster County parcel tax  
16 maps aren't all that accurate, but the number of  
17 houses that are on this road may exceed the four  
18 houses that are permitted, and I believe it would  
19 lose that protection by this subdivision as well.  
20 There is a vacant lot at the end of DiViesti Road  
21 which certainly could have a house put on it.

22                   There is a deed overlap that I was  
23 hoping Mr. Millen could address tonight, but there  
24 is a parcel of property, a survey gore that looks  
25 like it's owned by this property and the

1 neighbors. It's not a small little piece, it's  
2 quite a chunk, so I'm sure Mr. Millen can speak to  
3 that.

4 The location of the subsurface sanitary  
5 sewer disposal system should be shown to make sure  
6 that they are on the ultimate lot parcels  
7 themselves.

8 The -- I say 2001, that's a typo, it's  
9 2021 -- aerial photos for -- on the Ulster County  
10 parcel depict what he appears to be additional  
11 driveways on the survey sheet. It looks like  
12 there is driveways behind some of the houses.  
13 It's not kind of depicted as you have on the map  
14 just looking down on the aerial photos that were  
15 provided. And, again, it looks like DiViesti  
16 Drive isn't located in the 50-foot strip. It may  
17 be, but it's shown on your map as being that way,  
18 so it most likely is, but I think those lines may  
19 be skewed.

20 And there is a wood patio encroachment  
21 extending from lot A onto an adjoining parcel.

22 MR. MESSINA: That has been removed.

23 MS. LANZETTA: Any questions or comments  
24 from the board?

25 MR. GAROFALO: I have a few comments. I

1 appreciate in item A that you did provide the 12  
2 copies, and that's why we were able to get them.

3           There is I think a need to -- definitely  
4 a need to get the two-foot contours. One of the  
5 things I'm worried about is the layout of the  
6 access at the South Street. This is really not a  
7 good way to lay out three driveways coming into  
8 the same point. I think it would be much better  
9 if they were further separated from South Street.

10           I would point out also that this may be  
11 a very odd situation in that the lot parcel B  
12 appears to have front -- a tiny bit of frontage on  
13 South Street as well as on DiViesti Drive, so this  
14 would technically possibly make this a corner  
15 parcel, and the frontage would be possibly off of  
16 South Street and then the others from that, but  
17 it's also a parcel which is through to two  
18 separate streets, and I'm not sure if that has a  
19 separate bearing on the -- on the bulk tables, but  
20 I definitely think you need to take a look at that  
21 requirement concerning the frontage on South  
22 Street because South Street is probably a much  
23 wider road and, therefore, would be considered  
24 where the frontage would be measured off of. I  
25 certainly would like to see that other access come

1 in at a different point on DiViesti Drive. I  
2 think it doesn't make any sense to have all three  
3 of these come together. This is a much too wide  
4 of an access, much too complicated, even though  
5 it's single-family houses, that we should not have  
6 that kind of a situation.

7 MR. MILLEN: Okay.

8 MR. TRONCILLITO: They are all  
9 preexisting up there?

10 MR. MILLEN: Is it okay for me to speak  
11 now? May I speak now?

12 MS. LANZETTA: Can you use the --

13 MR. MILLEN: Okay. So what we have here  
14 is a situation where these people would like to  
15 separate the lots so that the two residences will  
16 be owned separately.

17 Now, there is no design involved in  
18 this. None of the elements of this plan are being  
19 proposed or altered. We are simply trying to come  
20 up with a solution where they could somehow  
21 separate the two lots.

22 So with regard to the layout of the  
23 driveways and things, I mean, this is an existing  
24 situation that we did not propose, we didn't have  
25 anything to do with. We already have these houses

1 here. Regardless, they are still going to be  
2 there whether or not we allowed the subdivision or  
3 not.

4 MR. GAROFALO: I totally understand  
5 that. I just want to make sure that the bulk  
6 tables are properly represented so that if you go  
7 to the ZBA, they will understand exactly what  
8 you're doing, and I certainly think that the  
9 easement for the other parcel would be better  
10 connected earlier to DiViesti Drive rather than  
11 bring it all the way down to South Street. I  
12 think it makes sense not to have three driveways  
13 all together.

14 MR. MILLEN: But my point is we were not  
15 suggesting any changes in the geometry for those  
16 parcels.

17 MR. HYNES: So the easement, while the  
18 easement is being relocated, the existing driveway  
19 within that easement, it's there. That's the  
20 access to the other house to the rear of this  
21 subdivision.

22 MR. MILLEN: Unfortunately the easements  
23 are not defined. They are not defined in any of  
24 the deeds. The file map simply says there will be  
25 an easement for the driveway, it doesn't say where

1 or how, and none of the deeds actually represent  
2 anything other than there is an easement as per  
3 this file map, but the file map doesn't have  
4 anything specific in terms of metes and bounds for  
5 the easement. So we are proposing the easement to  
6 be where the driveway is naturally. Since there  
7 wasn't anything before, we are creating an  
8 easement that will allow for the driveway to be  
9 within the easement.

10 MR. GAROFALO: The middle driveway's  
11 already there?

12 MR. HYNES: Yes.

13 MR. MILLEN: Yes, this is all existing.  
14 There is already a driveway there. It runs  
15 straight up through here to this other parcel in  
16 the back. So there is nothing, nothing being  
17 proposed here at all, and there is a lot of  
18 indscript kind of driveways all over the place.  
19 We really didn't -- we haven't noted them on the  
20 plan because they are really not going anywhere.

21 MR. GAROFALO: The -- there is a note on  
22 the plan that talks about the 2017 as-built plans.  
23 These houses were built much earlier than that?

24 MR. MILLEN: I'm not certain when the  
25 houses were built. Sometime after the 80's I

1 would think.

2 MR. GAROFALO: Okay. I just wanted to  
3 make sure that they were not constructed after --  
4 constructed before 2004.

5 MS. LANZETTA: Okay. It seems like this  
6 is similar to the last one we just had. You're  
7 going to have to provide the information that we  
8 have requested, so that it's very likely that this  
9 will be going to the Zoning Board.

10 MR. MILLEN: Yes.

11 MS. LANZETTA: And so I guess once  
12 that's provided, then we can begin to move forward  
13 with that process.

14 MR. MILLEN: Okay. So you would like me  
15 to respond to all the comments and then come back,  
16 and then you will decide whether or not you will  
17 send it to the --

18 MS. LANZETTA: Yes.

19 MR. MILLEN: Okay.

20 MS. LANZETTA: Yes, please. Thank you.

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## \* C E R T I F I C A T I O N \*

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Certified to be a true and correct transcript to

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the best of my knowledge and ability.

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*Karen Brideau*  
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Karen Brideau,  
Senior Court Reporter

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

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In the Matter of

BUTTERMILK FALLS HOTEL

Project No. 23-1019  
220 North Road, Milton  
Section 103.1; Block 2; Lot 12.200,  
13, 11.200, 10, 11.100, 75, 71, 72

-----x

SKETCH SITE PLAN and SKETCH LOT LINE

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

BOARD MEMBERS: CINDY LANZETTA, Acting Chairperson  
FRED CALLO  
JAMES GAROFALO  
STEVE JENNISON  
JOE LOFARO  
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, Engineer  
MEGHAN CLEMENTE, ESQ.  
JEN FLYNN, Planning Board Secretary  
ROBERT POLLOCK, Owner  
BARRY MEDENBACH, Engineer  
WARREN FREYER, Architect

Karen Brideau  
Senior Court Reporter

1                   MR. GAROFALO: Next up is Buttermilk  
2 Falls.

3                   MR. POLLOCK: I'd like to thank the  
4 Planning Board for bringing us on tonight. I  
5 appreciate it. And I know your -- it's a crowded  
6 agenda.

7                   MS. LANZETTA: Gentlemen, if you can  
8 introduce yourselves for the stenographer,  
9 please.

10                  MR. MEDENBACH: Barry Medenbach,  
11 professional engineer, Medenbach & Eggers.

12                  MR. POLLOCK: Rob Pollock, owner.

13                  MR. FREYER: Warren Freyer, architect.

14                  MR. GAROFALO: Excuse me, madam  
15 chairman. Before we get on to Mr. Hynes'  
16 comments, I just wanted to note something. I had  
17 provided a six-page comments on the traffic.  
18 Those apparently were not distributed to the board  
19 and Mr. Hines, or they were not distributed,  
20 therefore, I'm going to suggest that for the most  
21 part we do not deal with the traffic comment  
22 responses at this time until the board actually  
23 gets those comments and they are actually put up  
24 on the website.

25                  Also, I was hoping that those comments

1 would be actually addressed in a revised report,  
2 so I feel that this is going to take a prolonged  
3 amount of time to go through all of the comments  
4 and responses, and think that it would be better  
5 to hold that at the next meeting, unless they  
6 decide to make revisions to the report.

7 MS. LANZETTA: Okay. I appreciate that.

8 MS. FLYNN: The chairman did not respond  
9 or send anything to me to send to the board.

10 MS. LANZETTA: Okay. So we will go over  
11 that with the chairman and see what the correct  
12 response is for that, but we will hold that for  
13 the next meeting.

14 We will try to address Pat's -- we will  
15 bring forward Pat's comments, and I'm sure we will  
16 be seeing you guys again, and Mr. Garofalo will  
17 make sure that you receive all his comments so  
18 that the board is apprised of his concerns.

19 So we will go through Pat's comments  
20 first, please.

21 MR. HINES: My first comment gives a  
22 narrative of the project, a proposed 65-bedroom  
23 hotel, 35 individual cabins, a 60-seat restaurant,  
24 and a 300-seat banquet hall with accessory  
25 facilities on a total site area of 62 acres.

1           The existing Buttermilk Falls facility  
2   is located on the 50.7, plus or minus, acre  
3   parcel, and there are some lot line changes and  
4   additional parcels proposed to be added to make  
5   the 62 acres.

6           To assist in review, we are suggesting  
7   the zoning bulk tables be -- or show zoning  
8   compliance. Right now the bulk table just says  
9   what's required, so that needs to be filled out to  
10  depict all the setbacks.

11          I have comments on the full  
12  environmental assessment form that was submitted.  
13  The project is a type 1 action under the State  
14  Environmental Quality Review Act. It proposes  
15  11,700 square feet of new structures where the  
16  type 1 threshold is 100,000. Did I say 11,000?  
17  It's 111,700. The type 1 threshold is 100,000.  
18  It disturbs greater than ten acres and also  
19  disturbs greater than 2.5 acres in an ag district.  
20  So those three thresholds are exceeded, so this  
21  project will be a type 1 action. The board will  
22  have to declare its intent for lead agency at some  
23  point and coordinated review is required.

24          I have some suggested changes to the EAF  
25  that can be filled out by the applicant's

1 representative. After those revisions to the long  
2 form EAF are made, the board may wish to circulate  
3 its intent for lead agency.

4           The height of the proposed structure  
5 should be identified. I don't have any  
6 information on that, but buildings in excess of  
7 three stories or 30 feet require two means of fire  
8 access to each structure, and if they are higher  
9 than 30 feet, they would require 26-foot-wide  
10 aerial fire access along one side of the  
11 structures, possibly two based on the square  
12 footage, but I will leave that to them to check  
13 out.

14           Future plans should identify hydrant  
15 locations, and the access roads will need to be  
16 wider than depicted at the hydrant locations.

17           Access roads to the cabins need to be 20  
18 feet in width as those are considered residential  
19 structures. Comments from the authority having  
20 jurisdiction, that being the building department,  
21 should also be received regarding this.

22           The project narrative identifies 495  
23 parking spaces required. There is no provision in  
24 our code for reduction of off-street parking. I  
25 cite the code section that says the Planning Board

1 may increase the required parking, but nowhere do  
2 I see where you can decrease it. It certainly  
3 makes sense, and they give you an argument about  
4 shared use and time of use, but I don't see in the  
5 code where the board has the ability to put less  
6 than the required parking, so that would be a ZBA  
7 decision I believe. If they'd want to -- they are  
8 suggesting to reduce the parking by some 95  
9 parking spaces based on the fact that all the  
10 facilities on the site would not be used at once.  
11 I'm not saying it's a valid argument, I just don't  
12 see it in the code where it says that. If it's  
13 there, I missed it.

14 Speaking to traffic quickly, and  
15 certainly not getting into it, the board has in  
16 the past utilized a traffic consultant for the  
17 larger projects, and they have in the past used  
18 Creighton Manning Engineering, specifically Ken  
19 Wersted from that firm, to review the traffic, and  
20 I think traffic is an issue for this site and may  
21 be something the board wishes to consider, to  
22 bring in an expert traffic consultant to review  
23 their consultant's information.

24 A list of involved agencies has been  
25 identified, and we are also recommending that the

1 Health Department be added to that list because  
2 they will have to approve the water main with  
3 hydrants, and the Marlborough Fire Department  
4 should be changed to the Milton Fire District.  
5 You just have the wrong fire district noted.

6 The project will have to do a storm  
7 water pollution prevention plan, which is  
8 something we don't have yet, to meet the  
9 requirements of the town and DEC regulations.

10 The board may request a visual addendum  
11 to the EAF that is a component that's added should  
12 the project have potential visual impacts, and I  
13 think the view from the river is something the  
14 board I'm sure is going to consider, so you may  
15 ask for that prior to circulating your notice of  
16 intent for lead agency. And just a storm water  
17 facilities maintenance agreement will be required  
18 in the future.

19 I think we are early in the process, but  
20 we should be heading towards a notice of intent  
21 for lead agency. That's what we have.

22 MS. LANZETTA: Board members, do you  
23 have any questions?

24 MR. JENNISON: I do. I'd like to --

25 MR. CALLO: Mr. Pollock, how are you?



1                   MR. POLLOCK:   Good, Fred.

2                   MR. CALLO:   Dock Road looks awesome.   I  
3   have a comment before we started, it's a  
4   complement.   I hope other neighbors go down there,  
5   so thanks for fixing up that house.

6                   Questions:   Update on the community,  
7   update on the village here, because my mom asks me  
8   all the time when she is going to see something  
9   done, hopefully in her lifetime.   She is 80.   I am  
10   a member at the gym up there that used to teach  
11   classes at the spa for you.   She was wondering  
12   when she could get her job back.   She used to  
13   teach classes back there.   So I'm going to ask  
14   her.   All these people know I'm on the Planning  
15   Board.   They have all these questions.   And my  
16   wife would like to know when she can walk back  
17   across the street and have dinner again at the  
18   restaurant.   So if you can answer those three  
19   questions so I can actually be in the know, that  
20   would be great.

21                  MR. POLLOCK:   After Thanksgiving.   We  
22   are waiting for a grant for the Main Street  
23   project.   It should be any day or week now.

24                  MR. CALLO:   Do you have a timeline on  
25   that project, done by an end date?

1                   MR. POLLOCK: We have the money, it's  
2 just we are waiting to see if we qualify for a  
3 grant on Main Street. But in the meantime, we are  
4 doing the water system. And the last question  
5 was --

6                   MR. CALLO: The spa.

7                   MR. POLLOCK: The spa, we just poured  
8 the yoga *Karen Brideau* and pilates room, so we are going to be  
9 doing -- what are we doing next?

10                  MR. FREYER: Next level.

11                  MR. CALLO: Steel?

12                  MR. POLLOCK: The steel is coming in.  
13 So we didn't stop on anything. We have been  
14 waiting for --

15                  MS. LANZETTA: All right. I just want  
16 to remind everybody that this gentleman is paying  
17 the consultants to go over this application, so  
18 let's --

19                  MR. CALLO: It would be nice to finish  
20 projects before we start the next project. That's  
21 my point here.

22                  So for the record, I do live next to Mr.  
23 Pollock. I just want to say things are moving  
24 along, so thank you.

25                  MR. POLLOCK: You're welcome.

1                   MR. JENNISON: Is there any way we can  
2                   schedule a site visit for the Planning Board, come  
3                   down and walk through?

4                   MR. POLLOCK: Excuse me?

5                   MR. MEDENBACH: Schedule a site visit,  
6                   sure.

7                   MR. POLLOCK: Any time.

8                   MR. MEDENBACH: And you said schedule  
9                   that with your Planning Board secretary?

10                  MR. POLLOCK: Sure. Jen.

11                  MR. MEDENBACH: You want to do those  
12                  individuals or partial groups?

13                  MS. FLYNN: It has to be three and  
14                  three.

15                  MR. JENNISON: It can be more than that.  
16                  We are not making any decisions.

17                  MS. FLYNN: You cannot have any more  
18                  than that.

19                  MR. JENNISON: Yes, we can.

20                  MS. CLEMENTE: As long as you don't have  
21                  any discussions as a board, you can have more than  
22                  three. You can ask the applicant questions, but  
23                  personally I would like to see more than three  
24                  go.

25                  MR. JENNISON: This is a fact finding.

1 MS. CLEMENTE: But you can go with more  
2 than three as long as you as a group don't discuss  
3 it, but --

4 MR. JENNISON: So according to New York  
5 State Open Meeting Law, this does not qualify. We  
6 can have the whole board. I know other towns that  
7 the whole Planning Board goes to site visits.  
8 These are not decision making sessions.

9 So I would ask Meghan, you're our  
10 attorney, could you please look into that for me.

11 MS. CLEMENTE: Absolutely.

12 MR. JENNISON: Because I know other town  
13 planning boards are doing this. They go as a  
14 group every week. They get in a van and go to  
15 site visits.

16 MR. POLLOCK: We'd welcome it.

17 MR. JENNISON: Thank you.

18 MR. POLLOCK: And in fact --

19 MR. MEDENBACH: How do you want to  
20 schedule that? You want to just --

21 MR. JENNISON: Well, if we only keep the  
22 three right now until --

23 MR. MEDENBACH: But you want to set some  
24 dates?

25 MR. POLLOCK: We had Scenic Hudson

1 already visit us, Ned Sullivan come, and with a  
2 bunch. He was over.

3 MS. LANZETTA: I think Jen can handle  
4 this, and she will be in touch with you guys.

5 I think one of the things that we want  
6 to look at, I see that we do have a traffic impact  
7 study that's been done.

8 MR. POLLOCK: Correct.

9 MS. LANZETTA: And I do like the  
10 thoughts of having Creighton Manning review it, so  
11 I would like to move that this be forwarded to  
12 Creighton Manning and --

13 MR. GAROFALO: I would like to discuss  
14 that because I think that it would be better for  
15 us to resolve my comments before that is sent to  
16 Creighton Manning and perhaps we can much more  
17 limit what they are looking at and not go over the  
18 same issues as I went over. So I think that that  
19 would be a better way, to resolve this first, to  
20 take care of this in-house before we sent it out  
21 to Creighton Manning, and hopefully we can limit  
22 the scope of what they look at.

23 MS. LANZETTA: I think that they would  
24 be looking at this entire study regardless of what  
25 your comments are. They would certainly probably

1 welcome your comments and look at them in  
2 conjunction with this study, but I think they  
3 would want to see the study regardless of -- I  
4 don't think they are going to change the study,  
5 the results of the study based on your comments.

6 MR. GAROFALO: I think that they may ask  
7 for some of the very things that I ask to be  
8 looked at and to be changed, which actually would  
9 change the study.

10 For example, they used a percent growth,  
11 and one of the things that I recommended was  
12 because of the amount of growth that's occurring  
13 in the Town of Lloyd, that those projects be  
14 documented and an estimate of the traffic be  
15 checked against their background, their basic  
16 background growth. Normally use a combination of  
17 projects and background growth. Whether or not  
18 their background growth is sufficient enough is a  
19 question, and if it is not sufficient, then it's  
20 going to change all of their build conditions,  
21 which means that they would have to re-analyze  
22 that data, so that's just one example.

23 There is some numbers in there that I  
24 certainly question and some information I think is  
25 missing, and I think that it's important to

1       straighten all these things out before we have  
2       Creighton Manning take a look at this  
3       information.

4               MS. LANZETTA:   Well, I -- I'm not --

5               MR. JENNISON:   You can ask other  
6       members.

7               MS. LANZETTA:   I don't know what the --

8               MR. GAROFALO:   I think it's important  
9       because the other members haven't seen my six  
10      pages of comments.

11              MS. LANZETTA:   Well, I -- I agree, and  
12      I'm sure you bring up a lot of important stuff  
13      that I don't think based on -- I don't know that  
14      their consultant is going to want to go out and do  
15      another -- a second impact study and then have it  
16      referred to Creighton for another critique.

17              MR. GAROFALO:   I'm not asking them to do  
18      new traffic counts. I am certainly asking them to  
19      change the way some of the information is  
20      presented and to present some additional  
21      information which is not there. There is at least  
22      one error in the traffic numbers that I saw, so  
23      that I think that these things need to be  
24      corrected before we send it, before we send it  
25      out, because particularly if they get my comments,

1 some of them, they are going to say, well,  
2 that's -- that's -- that's an issue, and I think  
3 that we need to discuss these comments between the  
4 board rather than have me discussing them or  
5 handing them over to the traffic consultant and  
6 then having them have to do extra work because I  
7 think there is only a couple real issues involved  
8 here and we may be able to get a resolution to  
9 most of the traffic.

10 MR. MEDENBACH: Can I comment maybe on  
11 this? Wouldn't your traffic consultant be the one  
12 who decided whether we used the proper growth  
13 percentage? I mean, I don't think this board's  
14 qualified to do it, are they?

15 MR. GAROFALO: The thing is what I ask  
16 you to do is to contact the Town of Lloyd and find  
17 out exactly what projects they are doing, and this  
18 is information that would normally be provided to  
19 the board and would be provided to our traffic  
20 consultant, not having the traffic consultant  
21 contact the town. So this is something that would  
22 raise a question in their mind, and I think that  
23 if you were to contact them and verify that your  
24 percent growth is okay, then there wouldn't need  
25 to be a revision of the no-build and the build



1 conditions.

2 MR. MEDENBACH: For that exact reason,  
3 you wouldn't just limit it to the town, it would  
4 be a regional growth, wouldn't it? And I think  
5 your consultant would be in a better position to  
6 determine that.

7 MR. GAROFALO: You can provide both.  
8 You provide a background growth as well -- you can  
9 provide background growth as well as providing  
10 growth of local area projects, and these are  
11 sufficiently local and they are sufficient  
12 numbers. They are doing a huge amount of  
13 development in the southern part of the town,  
14 residential development, and, you know, we saw  
15 that in the Dollar General project that was done,  
16 and I think that this is something that needs to  
17 be tended to.

18 The fact that the background growth when  
19 I did the study for Dockside was less has very  
20 little relevance to the current situation because  
21 there is a lot more development going on than  
22 there was back then. There was very little  
23 project development going on back then, and that  
24 was also part of the southern part of our town,  
25 not the northern part right next to Lloyd.

1                   And the fact that one of the  
2       intersections is in the Town of Lloyd, and I  
3       pointed that out, is I think important. Not that  
4       it's wrong. You infer that it was wrong for me to  
5       question that. I think that was a good call to  
6       add that intersection in, but my point that I was  
7       trying to make in my document was that the Town of  
8       Lloyd, because it's one of their intersections  
9       that was studied and we are putting traffic into,  
10      should be contacted, they should be an interested  
11      party in this project. So --

12                  MS. LANZETTA: Okay. You know, this is  
13      a very technical discussion, and I think, again,  
14      I'm going to make a motion that we refer the  
15      traffic impact study to the Creighton Manning  
16      along with James's comments that we are going to  
17      still look at in further depth along with any  
18      recommendations from Creighton Manning regarding  
19      the traffic. So I would like to make a motion to  
20      forward this to Creighton Manning now because I  
21      know they are very busy and it's very difficult to  
22      get them to look at things in a timely manner. I  
23      would rather they looked at this in conjunction  
24      with the comments that James is going to be  
25      forwarding to us. And do I have a second?

1 MR. TRONCILLITO: I will second that.

2 MR. GAROFALO: Can I amend that for  
3 discussion, and that is I would like an  
4 opportunity to comment on the responses by the  
5 traffic consultant.

6 MS. LANZETTA: Well, I'm sure you would.  
7 I mean --

8 MR. GAROFALO: I think that that should  
9 be --

10 MS. LANZETTA: -- as a Planning Board  
11 member, you're allowed to.

12 MR. GAROFALO: That should be forwarded  
13 to Creighton Manning also.

14 MR. JENNISON: Point of order? He needs  
15 a second to amend it. Does he have a second? If  
16 not, we are going to press on, please.

17 MS. LANZETTA: Is there a second for  
18 that amendment?

19 Okay. So we are going to forward this  
20 traffic impact study to Creighton Manning along  
21 with the comments that James has forwarded us  
22 already and --

23 MS. FLYNN: We don't have those  
24 comments.

25 MS. LANZETTA: He's going to make sure

1       that we get them. And so we will make sure that  
2       they receive those, and any additional comments  
3       that he wants to forward to them, he can be in  
4       dialogue with them about those comments.

5               The other thing that I think we need to  
6       move forward to is also circulating the EAF. Is  
7       that correct, Pat?

8               MR. HYNES: So, yeah, I suggested some  
9       changes to the EAF, and with those changes, I  
10      think the board could be in a position -- I'm  
11      suggesting that you could make a determination to  
12      circulate your intent for lead agency, and then  
13      once the EAF is revised with those changes, I  
14      suggest we can circulate that to the interested  
15      involved agencies.

16              MR. MEDENBACH: We can make those  
17      changes like tomorrow, I think they are quite  
18      minor, and get that EAF back to the board.

19              MR. HYNES: Obviously, just you can get  
20      them to me, and then I will circulate.

21              MS. LANZETTA: Okay. So --

22              MR. GAROFALO: I'm going to suggest that  
23      we add the Town of Lloyd and also the Department  
24      of Transportation because one of the potential  
25      improvements which may or may not come, or they

1 may do what they did at Dollar General, and they  
2 did something that they want to study later, that  
3 it also be circulated along with all the other  
4 materials to the Department of Transportation.

5 MR. HYNES: That's fine.

6 MS. LANZETTA: Well, then do we usually  
7 make that motion to become --

8 MR. LOFARO: Make a motion for us to  
9 become lead agency.

10 MR. JENNISON: I will second it.

11 MS. LANZETTA: Any more discussion? All  
12 right. Is there anything more?

13 MR. HYNES: Barry, I won't do that until  
14 Monday anyway at the earliest. I'm on vacation  
15 right now.

16 MS. LANZETTA: Joe made the original  
17 motion.

18 MR. JENNISON: I seconded.

19 MS. LANZETTA: All in favor?

20 (Board members replied "aye".)

21 MR. JENNISON: Was that a no?

22 MS. LANZETTA: There was a discussion  
23 about doing this lot line as a matter of the site  
24 plan, correct?

25 MR. HYNES: Yeah, I took a look at that,

1     seeing it twice on the agenda, and I think there  
2     is an issue with segmentation under the SEQRA  
3     process if we do the lot line separate and apart  
4     from the whole project. It needs to be --

5             MS. CLEMENTE:   Yup.

6             MR. HYNES:    -- part of it.

7             MS. LANZETTA:  We want to combine the  
8     lot line change with the --

9             MR. MEDENBACH:  We have no problem with  
10    that.

11            MS. LANZETTA:  Okay. All right.

12            MR. MEDENBACH:  I would just ask the  
13    board, Patrick raised the question of visual  
14    impact. I know we provided through the  
15    architectural plans some evaluations, some  
16    simulation of views actually taken with a drone of  
17    the site and simulated the building. You have  
18    that documentation.

19            MS. LANZETTA:  Yes.

20            MR. MEDENBACH:  If you need additional  
21    information for that visual evaluation, we can get  
22    some guidance on that.

23            MS. LANZETTA:  One of the things I'd  
24    like to see is a probably a balloon race to get a  
25    check from Locust Grove across --

1 MR. MEDENBACH: A view from Locust  
2 Grove?

3 MS. LANZETTA: Yeah, because that's a  
4 national historic site, and that's something that  
5 we usually do in Milton.

6 MR. JENNISON: Across the river.

7 MR. POLLOCK: Oh, across the street --  
8 across the river.

9 MS. LANZETTA: Not the cat place.

10 MR. POLLOCK: I was wondering if you  
11 were referring to the cat property.

12 MR. MEDENBACH: We may have some of that  
13 already. We have a lot of that.

14 MS. LANZETTA: If you can produce that,  
15 that would be --

16 MR. HYNES: So my suggestion was there  
17 is a visual addendum to the EAF. It's a DEC --  
18 it's a one-page DEC form, and I think that that  
19 should be included in the circulation. The board  
20 is concerned about visual. It's the first step in  
21 the process to begin that evaluation.

22 MR. POLLOCK: We're concerned about IBM  
23 on the other side also. What are they going to do  
24 about it?

25 MS. LANZETTA: You know, what can I say?

1 They are not as good to us. Dutchess is not as  
2 good to us as Ulster is to them.

3 MR. GAROFALO: I have some further  
4 questions --

5 MR. MEDENBACH: Of course you do.

6 MR. GAROFALO: -- and comments. One  
7 deals with the fact that there are limitations in  
8 the number of single-family houses, and we had  
9 this in the other project earlier, because this is  
10 not a C-1 or C-2 zoning, and there are four houses  
11 that are being --

12 MR. HYNES: This is being reviewed as a  
13 site plan, so those are going to be components of  
14 that site plan is my response to that, that this  
15 is a -- they are all components. Each of those  
16 are being evaluated as part of this unified site  
17 plan. They are not on individual lots, but they  
18 are going to be a site plan.

19 MR. GAROFALO: Well, I think they are  
20 proposing to combine them, aren't they?

21 MR. HYNES: They are, which makes them  
22 all part of that site plan.

23 MR. GAROFALO: Wouldn't you normally  
24 separate those out onto separate parcels?

25 MR. HYNES: You can, but being what they



1 are proposing is to have them as an integral part  
2 of their site plan.

3 MR. MEDENBACH: They will be used for  
4 employees, as part of the facility.

5 MR. HYNES: There's employee housing  
6 identified. They are not going to be people not  
7 associated with this project, whether it's, you  
8 know, the manager lives on site or a couple  
9 employees live in an apartment in one of those. I  
10 think it functions as a unified site plan rather  
11 than individual houses, different from what we saw  
12 with three houses on a single lot here. Site  
13 plan.

14 MR. GAROFALO: But it would limit their  
15 ability to sell those houses if they wanted to in  
16 the future.

17 MR. HYNES: Those houses could not be  
18 independently sold.

19 MR. GAROFALO: That's part of the site  
20 plan.

21 MR. HYNES: Yes.

22 MR. GAROFALO: So it's a limitation  
23 factor they are accepting.

24 MS. LANZETTA: All right.

25 MR. MEDENBACH: I have one more question

1       what about Ulster County referral. Are we ready  
2       for that yet?

3               MR. HYNES: No, we are going to need the  
4       storm water. There is quite a bit more to make  
5       that a complete submission.

6               MS. LANZETTA: Yeah, and you're going to  
7       want that as complete as possible. Otherwise,  
8       they are just going to send back all kinds of  
9       stuff that they are going to require you to do  
10      anyway, so you might as well make sure it's as  
11      complete as possible before you send it up.

12              MR. MEDENBACH: Okay.

13              MR. POLLOCK: Also, when going back to  
14      construction, just the electrical gear is taking  
15      over eight months to get from vendors nationally.  
16      We can't get materials as we used to get. There  
17      is a shortage of a lot of things going on,  
18      material -- some material-wise. Typical  
19      construction is not a problem. It's also going  
20      back and forth with engineering with a lot of  
21      stuff that we have to -- we have to compromise on  
22      because we can't always get what we need.

23              I'm sorry about this, Fred, but this is  
24      affecting everything. Just the stuff that's going  
25      in the ground on Main Street, it's taken months to

1 get, and then the electrical for the spa, you  
2 know, it's taken months to get, almost a year,  
3 almost a year to get. And if you ask people who  
4 need high electric amounts, you can't get anything  
5 over 200 amps sometimes. That's the problem.  
6 It's unfortunate.

7 MS. LANZETTA: I think you can go  
8 through this list that Pat gave you, and we are  
9 moving quickly to send this traffic forward, and  
10 we will try to --

11 MR. POLLOCK: No, I appreciate it.

12 MS. LANZETTA: -- we will try to, you  
13 know, take care of the application as timely as we  
14 can on our end.

15 MR. GAROFALO: I have a few more minor  
16 comments on the EAF.

17 MR. MEDENBACH: I'm sure you do.

18 MR. GAROFALO: Under E1A, I believe that  
19 because part of the property's in the water, this  
20 should be checked off as aquatic also, as well as  
21 other for the railroad, although you might  
22 consider the railroad to be commercial, I think  
23 that would be much more specific.

24 I also noticed that through the  
25 document, there were three different areas that

1 were identified as the size of the project, 62,  
2 61.8, 61.5, and it probably would be a good idea  
3 to have one -- one number.

4 On item E2, small i, there is no  
5 designated flow way, that you put the Hudson  
6 River, and I think that that was intended to be  
7 under K.

8 Under Q, I'm not sure if there is  
9 fishing in the Hudson River, whether that's too  
10 polluted, that there is no fishing there or not,  
11 but if there is, then that should have been  
12 answered as a yes.

13 MS. LANZETTA: You know, we are going to  
14 have to go over the EAF in detail again, so why  
15 don't we hold off on any additional comments.

16 MR. GAROFALO: Okay.

17 MS. LANZETTA: And can I have --

18 MR. TRONCILLITO: So moved.

19 MR. CALLO: Motion to adjourn?

20 MS. LANZETTA: Yes.

21 MR. MEDENBACH: Thank you all very much.

22 (Meeting was concluded at 9:45 p.m.)

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\* C E R T I F I C A T I O N \*

Certified to be a true and correct transcript to  
the best of my knowledge and ability.

*Karen Brideau*

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Karen Brideau,  
Senior Court Reporter

\*\*\*\*\*