

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

2 -----X
In the Matter of

3 - BOARD BUSINESS
4 -----X

5
6 BOARD BUSINESS

7 Date: January 2, 2024
8 Time: 7:30 p.m.
9 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

10
11 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
12 JAMES GAROFALO
CINDY LANZETTA
13 JOE LOFARO

14
15 ALSO PRESENT: MEGHAN CLEMENTE, ESQ., PLANNING BOARD
16 ATTORNEY
JEN FLYNN, PLANNING BOARD SECRETARY
17

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

BOARD BUSINESS

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

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, January 2nd, 2024, regular meeting at 7:30
7 p.m. On the agenda tonight we have a public hearing for
8 Slutsky and Bowdren for their short-term rental, a public
9 hearing for the minor site plan at 79 Ridge Road. Under New
10 Application Review, we have Frances Fremgen for a sketch of
11 a lot line at Clarks Lane. And under Special Topics and
12 Discussion, we have a review of the CSP and go over training
13 hours.

14 I would like a motion to amend the agenda to
15 include Some Place Upstate under Ongoing Application Review.

16 MS. LANZETTA: I wasn't prepared. I know
17 there was discussion about it, but I didn't know that we
18 were going to actually go ahead and put it on.

19 MR. CALLO: Did they miss the deadline?

20 CHAIRMAN BRAND: They did. There was,
21 actually -- the reason why, just a back story, is we were
22 looking for a clarification from the attorney. We did get
23 some clarification, so I told Jen it would be okay for them
24 to be on the agenda for this meeting.

25 MS. LANZETTA: Are they here?

BOARD BUSINESS

1 MS. FLYNN: Not yet.

2 CHAIRMAN BRAND: They will be, I'm sure.

3 MS. LANZETTA: So where are we going to put
4 them on the agenda?

5 CHAIRMAN BRAND: Under Ongoing Application
6 Review, but I'm going to have them go last.

7 MS. LANZETTA: I'll make that amendment.

8 CHAIRMAN BRAND: Second? I'll second it.
9 Any objection?

10 (No response.)

11 CHAIRMAN BRAND: Done. All right. First --

12 MR. GAROFALO: Mr. Chairman?

13 CHAIRMAN BRAND: Yes, sir.

14 MR. GAROFALO: The initials CSP, what does
15 that stand for?

16 CHAIRMAN BRAND: I believe it's the new Town
17 code.

18 MR. GAROFALO: Okay.

19 CHAIRMAN BRAND: Correct, Jen?

20 MS. FLYNN: That was a sample, so it could be
21 taken off and "Going Over Training Hours" can be taken off.

22 CHAIRMAN BRAND: We're just going over the
23 Zoning and the referral to the Planning Board, the review
24 from our attorney in regards to the Town Board and the new
25 Zoning application laws.

BOARD BUSINESS

1 MR. GAROFALO: Okay.

2 CHAIRMAN BRAND: Any announcements before we
3 begin?

4 MR. CALLO: I was officially sworn in this
5 afternoon by Danielle.

6 CHAIRMAN BRAND: Excellent. Congratulations.

7 MR. CALLO: Thank you.

8 CHAIRMAN BRAND: Any other announcements?

9 (No response.)

10 CHAIRMAN BRAND: Any communications, Jen?

11 MS. FLYNN: No.

12 CHAIRMAN BRAND: No. All right. Good.

13 Time noted: 7:32 p.m.

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BOARD BUSINESS

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

2

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

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

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

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

14

Stacie Sullivan

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Stacie Sullivan, CSR

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

In the Matter of

SLUTSKY AND BOWDREN STR MARLBORO

Project No. 23-1028
79 Ridge Road, Marlboro
Section 108.2; Block 3; Lot 28.110

PUBLIC HEARING - MINOR SITE PLAN

Date: January 2, 2024
Time: 7:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
JAMES GAROFALO
CINDY LANZETTA
JOE LOFARO

ALSO PRESENT: MEGHAN CLEMENTE, ESQ., PLANNING BOARD
ATTORNEY
JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: JACLYN BOWDREN
SEAN SLUTSKY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 CHAIRMAN BRAND: First up under public
2 hearings we have Slutsky and Bowdren for the short-term
3 rental in Marlboro. Legal Notice, Site Plan Application.
4 Please take Notice: A public hearing will be held by the
5 Marlborough Planning Board pursuant to the State
6 Environmental Quality Review Act, or SEQR, and the Town of
7 Marlborough Town Code Section 155.31 on Tuesday,
8 January 2nd, 2023 [sic] for the following application:
9 Slutsky and Bowdren Short-Term Rental at the Town Hall, 21
10 Milton Turnpike, Milton, New York, at 7:30 p.m. or as soon
11 thereafter as may be heard. The applicant is asking for a
12 site plan application for a short-term rental public hearing
13 at 7:30 p.m. on lands located -- for lands located at 79
14 Ridge Road, Marlboro, New York, 12542, Section 108.2, Block
15 3, Lot 28.110. Any interested parties, either for or
16 against this proposal, will have an opportunity to be heard
17 at this time. Chris Brand, Chairman, Town of Marlborough
18 Planning Board.

19 That's you, guys; right? Do you have the
20 mailings that you sent out?

21 MR. SLUTSKY: We sent them out. I don't have
22 any --

23 MS. FLYNN: You don't have the green cards?

24 MS. BOWDREN: We have them at home. I'm
25 sorry.

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 CHAIRMAN BRAND: Generally we need to bring
2 those in. You'll get them to my secretary. If you can just
3 get them to her. Do you know approximately how many you
4 sent out?

5 MR. SLUTSKY: Probably close to 20.

6 CHAIRMAN BRAND: We'll check with our
7 records. I'll just run over -- the engineer couldn't be
8 here this evening. His comments are as follows: Previous
9 comments from the December 4, 2023, Planning Board meeting
10 should be addressed. Please review the minutes from the
11 Planning Board meeting which has numerous Planning Board
12 member comments.

13 A survey plot was to be submitted prior to
14 the meeting deadlines. This has not been received.

15 The applicant should address any substantive
16 comments received during the public hearing. Pat Hines.

17 Comments and questions from the Board before
18 I open it up to the public? Mr. Garofalo?

19 MR. GAROFALO: Yes.

20 CHAIRMAN BRAND: Start us off strong.

21 MR. GAROFALO: On the application, short-term
22 rental, zero employees. I believe this is a private sewer.

23 MS. BOWDREN: Yes.

24 MR. GAROFALO: That needs to be put on the
25 form for the rental certification.

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 MS. BOWDREN: Okay.

2 MR. GAROFALO: You have the water in there,
3 but you don't have the private sewer. I think we're going
4 to need a better map than what they provided, and it should
5 show where the sewer is and a bulk table.

6 MR. SLUTSKY: I think I sent that in with the
7 last one.

8 MR. GAROFALO: We got this (indicating).

9 MR. SLUTSKY: Is there a bulk table in there?
10 I think up top there might be one. It's small.

11 MR. GAROFALO: Those are the requirements,
12 but what we really need to know is what the existing
13 distances are. In this case, the existing and the proposed
14 are going to be the same. For most applications, you need
15 this is the requirement, this is the existing, this is the
16 proposed. In this case, the proposed and existing are going
17 to be identical.

18 MR. SLUTSKY: Got it.

19 MR. GAROFALO: We will need that. And it
20 should also give us an idea of where the septic system is.
21 Really getting a full-size map I think would be helpful
22 because you can't read, you know, the metes and bounds or
23 half the information that's on here. I will thank you for
24 putting the arrows in and making some of the other changes.
25 It's much appreciated. And one other thing is the size of

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 the parking lot. Just go out and measure it so we have an
2 idea that it's big enough.

3 MR. SLUTSKY: Sure.

4 MR. GAROFALO: It's hard to tell from the
5 plan. On that plan, there's no scale on it.

6 MR. SLUTSKY: There's a garage that fits two
7 cars. I don't know if that helps.

8 MR. GAROFALO: I'm not worried, but I think
9 to have it on the plan, to at least have a number there, we
10 should see that. And the other thing that I just wanted to
11 double-check, and I think I asked this last time, was Item 7
12 and 8, the application fees and the escrow were paid?

13 MS. FLYNN: Uh-huh.

14 CHAIRMAN BRAND: That's all?

15 MR. GAROFALO: That's all.

16 CHAIRMAN BRAND: Any other comments or
17 questions from the Board?

18 (No response.)

19 CHAIRMAN BRAND: This is a public hearing.
20 If you're here and have a question or comment, want to speak
21 either for or against this project, please just state your
22 name clearly for the stenographer, and you'll have an
23 opportunity to be heard at this time. Questions or
24 comments?

25 (No response.)

SLUTSKY & BOWDREN STR - PUBLIC HEARING

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

3 MS. CLEMENTE: If I could, I would just
4 request that you maybe leave it open because they haven't
5 provided you with the mailings, and if they haven't sent the
6 required number out, then --

7 CHAIRMAN BRAND: That's a great idea.

8 MR. GAROFALO: Just to explain to you, if it
9 isn't the right number, then you have to reopen it. You'd
10 have to do a new mailing. By keeping it open, you will not
11 have to do another mailing.

12 MR. CALLO: If you want to run home real
13 quick to get it. Can they run home and get it? They only
14 live --

15 MR. SLUTSKY: We're right down the street.

16 MR. CALLO: And we're still going to be here
17 for another 20 minutes.

18 MR. GAROFALO: Well, I think it would be also
19 good if we actually had a better map and we knew where the
20 septic system was.

21 CHAIRMAN BRAND: So our next meeting, Jen, is
22 Tuesday, January 16th. You'll be able to have all that
23 information for us by then. So, Meghan, the motion would be
24 to leave the public hearing open through Tuesday,
25 January 16th?

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 MS. CLEMENTE: Yes.

2 CHAIRMAN BRAND: Can I have that motion?

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

4 MR. GAROFALO: I'll second it.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Any objection?

8 (No response.)

9 MS. BOWDREN: When should we submit
10 everything by?

11 MS. FLYNN: Friday.

12 CHAIRMAN BRAND: Or sooner would be great. I
13 think that's it for that.

14 MS. BOWDREN: Thank you.

15 CHAIRMAN BRAND: Thank you. Did you have a
16 question?

17 MS. BOWDREN: I mean, we have --

18 MR. SLUTSKY: That map is all I've got.

19 MS. BOWDREN: We have a larger version --

20 MR. SLUTSKY: -- of the map. I don't know
21 what map you're looking for.

22 MS. FLYNN: You have a survey map?

23 MR. SLUTSKY: I don't know. I have a lot of
24 papers.

25 MR. GAROFALO: So you have a larger version

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 of this (indicating)?

2 MR. SLUTSKY: So it's just a larger version
3 of that. I don't know if the sewer is on there.

4 CHAIRMAN BRAND: If you could get copies of
5 that larger map, that would be very helpful.

6 MR. GAROFALO: You may be able to read some
7 of the numbers that you need for the bulk table, the front
8 yard, the rear yard, the side yards.

9 MR. SLUTSKY: It's just that in a bigger
10 version, though. So if it's not on there, I guess it's not
11 going to be on the larger one.

12 MR. GAROFALO: It just might not be legible
13 on here. What I'm saying is, the larger map, you may be
14 able to read the numbers.

15 MS. BOWDREN: Okay. So we'll take a look at
16 that. Then, if it doesn't have that number -- those
17 numbers, then would we need to --

18 CHAIRMAN BRAND: Not necessarily. Just get
19 copies of the larger map. Bring in a couple of copies. How
20 many? Five? Bring in like five copies of that.

21 MS. BOWDREN: To the next meeting?

22 CHAIRMAN BRAND: Yeah.

23 MS. FLYNN: No. By Friday.

24 CHAIRMAN BRAND: By Friday. And the proof
25 that you mailed out the things.

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 MS. BOWDREN: Got it.

2 CHAIRMAN BRAND: Thank you.

3 Time noted: 7:40 p.m.

4

5 C E R T I F I C A T E

6

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

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

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

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

18

Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 FRANCES FREMGEN - SIMPLE 2 LOT LINE CHANGE

4 Project No. 23-1031
5 Clarks Lane, Marlboro
6 Section 102.2; Block 3; Lot 13.100
-----X

7 FRANCES FREMGEN - SKETCH LOT LINE

8
9 Date: January 2, 2024
10 Time: 7:41 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
14 FRED CALLO
15 JAMES GAROFALO
CINDY LANZETTA
JOE LOFARO

16
17 ALSO PRESENT: MEGHAN CLEMENTE, ESQ., PLANNING BOARD
ATTORNEY
18 JEN FLYNN, PLANNING BOARD SECRETARY

19
20 APPLICANT'S REPRESENTATIVES: GEORGE SALINOVICH
21 DANIELLE CHERUBINI
22 JAKE CHERUBINI
23 KEN CHERUBINI
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

FRANCES FREMGEN - SKETCH LOT LINE

1 know where that went. You need it back.

2 MS. FLYNN: You need them back too, you said.
3 I just put it together to keep it for you, but I just need
4 to make some kind of --

5 MR. SALINOVICH: No problem.

6 CHAIRMAN BRAND: I'm just going to read
7 through the engineer's comments since he's not here today.
8 The application should identify both lots which are involved
9 in the lot line change. Only one lot is identified on the
10 application.

11 As Mr. Garofalo said to the other applicant,
12 the bulk table should depict existing and proposed
13 conditions for each of the lots.

14 The zoning variances are required. A revised
15 bulk table should identify the required Zoning variance.
16 Parcel A will contain less than one acre of property, has
17 less than the minimum front yard setback, less than the
18 minimum required side yards. If -- further bulk
19 deficiencies may be identified once bulk tables are updated.

20 The plus or minus symbol should be taken off
21 the one acre on Parcel B. The square footage of the lot
22 should be identified for lots less than one acre.

23 Location of existing sanitary sewer disposal
24 system serving the residence on Lot A should be depicted.

25 The application identifies that the number of

FRANCES FREMGEN - SKETCH LOT LINE

1 acres for each lot is one acre and the proposed number of
2 acres is one acre. This should be further clarified.

3 Numerous waivers are requested. The Planning
4 Board should discuss any requested waivers. Pat Hines.

5 Comments or questions from the Board first?
6 Mr. Garofalo, I will start with you.

7 MR. GAROFALO: Okay. In looking at Item 22
8 through 25, where they're requesting a waiver, I don't think
9 a waiver is really necessary. I think they sufficiently
10 answered those.

11 There's a question in my mind whether this is
12 going to need an ag statement.

13 The -- it looks like the garage, the
14 breezeway, and the enclosed porch were all added on at a
15 later time, and there's some information here, which we got,
16 like the building permit, which didn't have any signatures
17 on it, which is odd, but that may not be unusual.

18 The front page should -- of the application
19 should identify both lots and the size of both lots. With
20 the bulk table, we need not only the requirement but the
21 existing for each lot and then the proposed for each lot,
22 and that will actually in a way show a benefit because you
23 have certainly one lot line that is definitely an
24 improvement over what was happening. But that I think is
25 very important to show when you start talking about the

FRANCES FREMGEN - SKETCH LOT LINE

1 reasons for doing this, and if this goes to the ZBA, then,
2 you know, that's a good reason for them to approve something
3 like this.

4 There was some discrepancies as far as the
5 dates go, because it looks like -- on one hand, it looks
6 like it was built in 1999, and then the building permit is
7 in '80 and the CO is in, I think, '81. But it was hard to
8 read whether it was '01 or '81, but I think it's '81. So
9 I'm not too sure about when this exactly happened, but I
10 don't think that's really that important as the fact that
11 you're trying to make some corrections in here.

12 Within the bulk table, identify which ones
13 don't meet the requirements, put an asterisk there or
14 something to that effect.

15 CHAIRMAN BRAND: I'm sure if you share these
16 comments with Mr. Hall, the written comments from the
17 engineer, he'll know what to do.

18 MR. SALINOVICH: I know.

19 MR. GAROFALO: The Zoning code I think was
20 revised, so that may also have been part of the issue
21 from -- the Zoning code was revised in '94. Those are my
22 basic comments. Thank you.

23 CHAIRMAN BRAND: Any other comments or
24 questions from the Board? Cindy.

25 MS. LANZETTA: I think there's a 50-foot

FRANCES FREMGEN - SKETCH LOT LINE

1 easement that is not shown on my map.

2 MR. SALINOVICH: Yes. It's only shown by the
3 pins. I don't know what map you have, though.

4 MS. LANZETTA: I see steel pins.

5 MR. SALINOVICH: That's supposed to be it,
6 but he didn't draw the line.

7 MS. LANZETTA: That needs to be identified
8 because that would limit the use of that portion.

9 MR. SALINOVICH: We got it right here, but it
10 should be on the newest map, of course.

11 CHAIRMAN BRAND: Yeah, just have him identify
12 that on the map too.

13 MR. GAROFALO: I can certainly understand why
14 you want to keep this at an acre because in order to
15 maintain the buildability of that lot.

16 MR. SALINOVICH: Don't have any choice, do I?
17 It's gotta stay at an acre.

18 CHAIRMAN BRAND: Any other comments or
19 questions? Meghan, do you have anything on this one?

20 MS. CLEMENTE: No.

21 CHAIRMAN BRAND: No. So I think what I would
22 do is probably recommend you get these cleaned up and then
23 just submit as soon as you can, and we can go ahead and meet
24 at our next meeting.

25 MR. SALINOVICH: Well, we still have to go to

FRANCES FREMGEN - SKETCH LOT LINE

1 ZBA before we come back here; right?

2 CHAIRMAN BRAND: I would assume, yes, because
3 you don't meet the requirements.

4 MR. SALINOVICH: It's all gotta be cleaned up
5 before I come back here.

6 CHAIRMAN BRAND: Right.

7 MR. GAROFALO: But I think you want to have
8 your bulk table for them so they can see exactly what's
9 going on.

10 CHAIRMAN BRAND: I would think, yeah, you
11 want the updated map with the easement shown so that the ZBA
12 has a good understanding of what's going on.

13 MR. SALINOVICH: Yeah. I have to talk to our
14 friend.

15 CHAIRMAN BRAND: Okay. Anything else on this
16 one?

17 (No response.)

18 CHAIRMAN BRAND: Thanks, Mr. Salinovich.

19 Time noted: 7:49 p.m.

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FRANCES FREMGEN - SKETCH LOT LINE

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C E R T I F I C A T E

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

That I reported the proceedings in the
within-entitled matter and that the within transcript is a
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IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 SOME PLACE UPSTATE

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

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

9
10 Date: January 2, 2024
11 Time: 7:50 p.m.
12 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
14 FRED CALLO
JAMES GAROFALO
15 CINDY LANZETTA
JOE LOFARO

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17 ALSO PRESENT: MEGHAN CLEMENTE, ESQ., PLANNING BOARD
18 ATTORNEY
JEN FLYNN, PLANNING BOARD SECRETARY

19
20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

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

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 CHAIRMAN BRAND: That brings us to Some Place
2 Upstate. Do you want to come on up, Patti, and find a spot?
3 So I think with this one I'm going to let Meghan run the
4 show to start off with, because I know you weren't
5 originally on there. I know there's some questions
6 regarding the legalities of some of these things, so I am
7 going to go right to Meghan.

8 MS. BROOKS: Sure.

9 MS. CLEMENTE: So the -- I talked to Patti in
10 November about the acreage issue, which it looks like the
11 applicant is agreeing to consolidate the two lots, two of
12 the four --

13 MS. BROOKS: Correct.

14 MS. CLEMENTE: -- which would get rid of part
15 of the acreage issue. So now they'd have one lot that's 16,
16 I think.

17 MS. BROOKS: They would have one lot that's
18 12.49, they would have one that is 10.57, and then the
19 parking would be on the 3.45 across the street.

20 CHAIRMAN BRAND: I'm sorry. Can you say
21 those numbers again?

22 MS. BROOKS: Absolutely. The main resort
23 complex would be 10.57. The lot to the west would be 12.49.

24 MR. GAROFALO: What's on the lot to the west?

25 MS. CLEMENTE: That's the orchard.

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 MS. BROOKS: Orchard, vineyard. There is one
2 dwelling on there that's called the Rose House, which would
3 have six bedrooms in it for rent as part of the resort.

4 CHAIRMAN BRAND: Then the parking was?

5 MS. BROOKS: Then the parking is on the
6 southerly side on 3.45 acres.

7 MS. CLEMENTE: But all four parcels are still
8 under the same cohesive site plan still?

9 MS. BROOKS: Correct.

10 MS. CLEMENTE: So first what they would need
11 to do is go for -- in front of this Board for a lot line for
12 that one lot -- for those two lots. That's one, what
13 they're going to need to do.

14 MS. BROOKS: I don't believe that they would
15 need a lot line revision, because they're not lots in a
16 previously approved subdivision plat, so I think they can
17 just be done with lot consolidation.

18 MS. CLEMENTE: Okay.

19 MS. BROOKS: Either way.

20 MS. CLEMENTE: Something needs to be done
21 there.

22 MS. BROOKS: Correct. And we would not do
23 that lot consolidation -- I mean, that would be a condition
24 of site plan approval, because, obviously, they're not going
25 to consolidate the lots if --

SOME PLACE UPSTATE - SKETCH SITE PLAN

1 MS. CLEMENTE: Well, they won't be able to
2 get approval if they don't consolidate the lots.

3 MS. BROOKS: They understand that. But we
4 don't -- if they consolidate the lots now, then they would
5 have to come back before this Board for subdivision approval
6 if they didn't achieve their goal with the property.

7 MS. CLEMENTE: Yes. So --

8 CHAIRMAN BRAND: Can I take a timeout there,
9 not being a lawyer or an engineer?

10 MS. CLEMENTE: Yes. Go ahead.

11 CHAIRMAN BRAND: So my thing is they have to
12 do it to get the approval. She's saying they don't want to
13 do it unless they get the approval.

14 MS. CLEMENTE: Yes.

15 MS. BROOKS: It would be a conditional.
16 There's many conditions that we do with both subdivisions
17 and site plans. And that would be one of the conditions, is
18 that that lot is legally consolidated by deed in the County
19 Clerk's office and that we show proof of filing, just as we
20 kind of did with the site plan with Keebomed where you
21 didn't have site plan approval until that document was
22 filed.

23 MS. CLEMENTE: Yes.

24 MR. GAROFALO: Then you'd have to tie the
25 parking -- the small parking area legally into the rest of

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1 the --

2 MS. BROOKS: The applicants have no
3 problem -- at that point there will be three parcels, and
4 they have no problem with legally tying those three parcels
5 together for site plan purposes and also tying this approval
6 to only them as the individual landowners. Generally
7 speaking, a site plan will run with the land. They
8 understand that some of the other Board concerns have to do
9 with the longevity of the site and what could happen when
10 they're not there anymore. So they're actually also willing
11 to tie that site plan to them being the owners.

12 MS. CLEMENTE: So that brings me to my other
13 thing -- concern, which is that this last parcel, which is
14 the three acres, is under the acreage requirement of ten,
15 which the parcel is included in the site plan for this use
16 of the resort use for all of these parcels, which would mean
17 that they still need to meet the acreage requirement of ten
18 acres for each of the parcels. So this three-acre parcel,
19 even though they're not using it for -- the resort is not
20 located on this three-acre parcel, they still need to meet
21 it if it's going to be included in the site plan.

22 MS. BROOKS: Or apply to ZBA for a variance
23 on that one.

24 MS. CLEMENTE: Yes.

25 MS. BROOKS: Again, I mean, there are -- I

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1 can name numerous businesses in town that not only have
2 their parking on a separate lot, but they don't even own
3 that separate lot. So we will seek -- I understand what
4 you're saying. We will seek an area variance for that.

5 CHAIRMAN BRAND: Anything else on that,
6 Meghan?

7 MS. CLEMENTE: No.

8 CHAIRMAN BRAND: So, Patti, where are we with
9 your applicants?

10 MS. BROOKS: We made application to the
11 Zoning Board of Appeals and submitted that, and then Jen was
12 going through the stenographic minutes and noticed that it
13 said in there at the very, very end, last page --

14 CHAIRMAN BRAND: That the chairman is not
15 allowing --

16 MS. BROOKS: The chairman said we're not
17 making -- not that you weren't allowing, that you were not
18 making the referral to the ZBA at this point. So what we're
19 asking for at this point from the Planning Board is that
20 referral. I believe that, in reading through the minutes,
21 the two items that were preventing the Board from feeling
22 comfortable with making a referral at that point in time had
23 to do with the fact that we still had not had our public
24 information meeting and we were interested to hear what the
25 public comment was, and also with regard to the fact that

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1 we -- the applicants at that point in time had not agreed to
2 combine those two parcels to make sure that the main resort
3 was the ten acres. So we were waiting to see exactly what
4 approvals would be needed from the ZBA, was my
5 understanding, before you would make the referral.

6 MR. GAROFALO: Weren't there some issues with
7 the bulk table, the distances to -- for some of the
8 buildings?

9 MS. BROOKS: That's the application that has
10 currently been made, is for the setback variances, because
11 we're required to have 50 feet for any structure used in the
12 resort. That is the application that currently is before
13 the Zoning Board. We will need to amend it to seek the area
14 variance for the 3.45 acres to be used for the parking.

15 CHAIRMAN BRAND: What do you think, Meghan?

16 MS. CLEMENTE: I would think that the area
17 variance would be okay to refer that one for the one parcel.
18 But I don't -- the remainder, because if they don't agree to
19 do the area variance for the one parcel, then the remainder
20 of the variances are -- they -- you would have to submit --
21 they would have to submit a new application for the
22 remainder of the --

23 MS. BROOKS: Well, the way I'm looking at it,
24 if they don't grant either one of these variances, we don't
25 go forward. So what is the problem with asking for them

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1 concurrently? Do you feel that they should be entertaining
2 one of them before the other?

3 MS. CLEMENTE: I feel that they should be
4 entertaining the area variance first, because the ten
5 acre -- the acreage is a requirement for this use that they
6 are asking for the site plan for, and they do not have that,
7 and this Planning Board very well could have just outright
8 denied the application, and they didn't.

9 CHAIRMAN BRAND: When you say the area,
10 you're talking about for the parking, the 3.45?

11 MS. CLEMENTE: Yes. For the parking and then
12 for the other two lots.

13 MR. GAROFALO: They would have an option,
14 though, if they didn't get that for the 3.5, finding parking
15 within the 10.57 and 12.4?

16 MS. BROOKS: Correct.

17 MS. CLEMENTE: Uh-huh.

18 MS. BROOKS: So that would not stop the
19 application.

20 CHAIRMAN BRAND: Is there a reason why --
21 just curiosity -- why they're just not combining the 3.4 in
22 with the 12.49 or the 10.57?

23 MS. BROOKS: Because they're under separate
24 ownership. The two parcels that they're combining are under
25 their personal names. The other two are under LLCs. It has

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1 to do with the financing. And you can't just redo the
2 mortgage.

3 CHAIRMAN BRAND: Fair enough.

4 MS. BROOKS: Yeah, I'm just trying to
5 understand, Meghan.

6 MS. CLEMENTE: No, I understand. I do. I
7 would just say, just for coherence, I understand that it --
8 to get everything done and just because if they don't grant
9 one thing -- if they don't grant both of them, then you
10 don't move forward. I understand that, but if they don't
11 grant the -- I mean, you could do a referral to the ZBA for
12 both of them and see what the ZBA says, but if the ZBA
13 grants the variances for the map the way that it was
14 written, which is -- I didn't, quite frankly, look too
15 closely at the maps that were sent by you last week. I
16 looked at your submission. I didn't look closely at the
17 maps and the setbacks to see if they were any different, but
18 I think the Board has some problems with the uses as well as
19 the number of uses. I know I had some problems with the
20 number of uses and so did Pat. Then you might have -- you
21 might find yourself back in front of the ZBA again.

22 MS. BROOKS: I guess if they don't get the
23 variance for the 3.45 acres for the parking, there is ample
24 location. It, obviously, would be less convenient. It
25 would require some changes to the plan. I like the parking

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1 where it is right now because it's far removed from any of
2 the neighbors. But the critical variances have to do with
3 the structures. So if the Zoning Board says we will allow
4 you to have the variances on buildings such and such, but
5 not buildings such and such, then they need to redevelop
6 their plan accordingly. So until we get that from the
7 Zoning Board, we can't even refine our plan to the Planning
8 Board on what uses can be done in each building. That's why
9 I thought that it would make more sense to go to the Zoning
10 Board at this point in time and resolve that.

11 MS. LANZETTA: It kind of makes sense, you
12 know. It just -- if they are not even allowed as many uses,
13 then they might be able to get the parking on those two
14 sites and not even need the additional variance. It's hard
15 to say.

16 CHAIRMAN BRAND: And the reason they didn't
17 put the parking on one of those two is just --

18 MS. BROOKS: Because the space already -- the
19 space already exists there. It's already flat, level, and
20 has worked quite well as a parking area. So it's logical to
21 put it there. It's far removed from the neighbors and it's
22 already existing.

23 CHAIRMAN BRAND: Right. Can I go backwards a
24 step? So you're saying that with the consolidation and/or
25 lot line, that they are tying the usage to that? That's

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1 what you said; right?

2 MS. BROOKS: (Nodding head).

3 CHAIRMAN BRAND: So five years, they move,
4 this goes out of business, those lots are still
5 consolidated; correct?

6 MS. BROOKS: The two lots would be, yes.

7 CHAIRMAN BRAND: The two lots would stay
8 consolidated.

9 MS. BROOKS: Because once they're
10 consolidated, the only way that they could become
11 unconsolidated is if they appear before this Board for a
12 subdivision.

13 MS. CLEMENTE: Yeah. We would do that by
14 deed.

15 CHAIRMAN BRAND: The consolidation?

16 MS. CLEMENTE: Yes.

17 MS. BROOKS: One deed.

18 CHAIRMAN BRAND: Gotcha. Questions or
19 comments from the Board? And I apologize for the late --
20 not putting this on the agenda. We weren't really sure if
21 it was happening or not. Does the Board have any issue with
22 referring this to the ZBA at this time for those two issues?
23 Do you have any issue with that, Meghan?

24 MS. CLEMENTE: No. As long as both of them
25 are addressed, the area variance -- as long as the area

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1 variance is addressed with the three-acre parcel, I think
2 that's okay.

3 CHAIRMAN BRAND: So we're submitting to the
4 ZBA for area variance on the 3.45 lot and the setbacks for
5 multiple buildings on both of the other lots; am I correct
6 with that?

7 MS. BROOKS: That is correct.

8 CHAIRMAN BRAND: Can I have a motion for
9 that?

10 MR. GAROFALO: Do you have a bulk table for
11 those?

12 MS. BROOKS: I do. It's on the most
13 currently submitted map. There are actually seven setbacks.

14 CHAIRMAN BRAND: Do I have a motion to refer
15 them to the ZBA at this point for those two things?

16 MR. GAROFALO: I'll make the motion to refer
17 them.

18 MR. CALLO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 MR. GAROFALO: I think it's important,
24 particularly since the ZBA only meets once a month, to do
25 this to let them move forward, rather than delaying them an

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1 entire month.

2 MS. BROOKS: So at this point I'm not sure
3 whether the ZBA is willing to entertain it --

4 MS. FLYNN: You probably won't be until
5 February.

6 MS. BROOKS: Would the Board give any
7 consideration because --

8 CHAIRMAN BRAND: This Board or their board?

9 MS. FLYNN: The Zoning Board.

10 MS. BROOKS: Well, I mean, I know the
11 decision, obviously, is the Zoning Board chairman's.

12 MS. FLYNN: Chris, Chairman Brand?

13 CHAIRMAN BRAND: I'm not sure what the
14 question is. What is the question, Patti?

15 MS. FLYNN: Well, I was going to ask the
16 question.

17 CHAIRMAN BRAND: Sure.

18 MS. FLYNN: If you would write an email to
19 Chairman Conn, telling him about the setbacks and the area
20 variance, ask him if they --

21 CHAIRMAN BRAND: I don't tell other chairmen
22 how to do their jobs.

23 MS. FLYNN: Okay. He said he wouldn't -- my
24 deadline was last week.

25 MS. BROOKS: Right. And we had the

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1 application in.

2 MS. FLYNN: But you didn't finish here. You
3 weren't allowed to go in front of him, was his statement.
4 So you have to wait until February.

5 CHAIRMAN BRAND: It's only 28 days, February.

6 MS. FLYNN: You could email him or call him.

7 MS. BROOKS: Are you permitted to give me his
8 contact --

9 MS. FLYNN: Not his phone number, no.

10 MS. BROOKS: No, no. Email. Or I can email
11 you and you can forward it. Again, I understand that there
12 has to be protocols. So I don't have a problem with that.

13 MR. GAROFALO: Can we get the updated -- or
14 have you already gotten the updated maps?

15 MS. FLYNN: For the Zoning Board.

16 MR. GAROFALO: For us.

17 MS. FLYNN: For the Zoning Board.

18 MS. BROOKS: It is the updated map. It's
19 submitted to the Zoning Board. It goes on the website.
20 It's available to everybody.

21 MS. FLYNN: It is on the website right now.

22 CHAIRMAN BRAND: Okay. So that will be
23 referred to the ZBA for the area variance and the setbacks
24 on the two buildings?

25 MS. BROOKS: Seven. Seven buildings.

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1 CHAIRMAN BRAND: I said multiple buildings.

2 MS. BROOKS: Oh, multiple. Okay. Because if
3 it changes, I don't want to be tied down.

4 CHAIRMAN BRAND: Meghan, just for further
5 clarification, this, obviously, is going to require a public
6 hearing, but we're waiting until we hear from the ZBA;
7 correct?

8 MS. CLEMENTE: Yes. I mean --

9 CHAIRMAN BRAND: There's no reason --

10 MS. CLEMENTE: -- you can come back here, but
11 --

12 MS. BROOKS: You need a more refined
13 application before we're ready for a public hearing. The
14 public meeting was to hear what the neighbor concerns were.
15 Now we have to go to the Zoning Board. I think between what
16 we heard from the neighbors and what the feedback is from
17 the Zoning Board, what types of approvals are or are not
18 granted will then dictate the design that comes back to this
19 Board. And at that point in time, I think once we have a
20 solid application, we will be in that position.

21 CHAIRMAN BRAND: Great.

22 MR. CALLO: What did you take back from that
23 meeting that you had downstairs as far as the -- what are we
24 going to hear from them again probably in a public hearing?

25 MS. BROOKS: From the neighbors?

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1 MR. CALLO: Yeah.

2 MS. BROOKS: The --

3 MR. CALLO: Besides we don't want it.

4 MS. BROOKS: Right. Well, the concerns were
5 those that one would expect. Right. It's lights --
6 lighting, noise, and traffic. So those are, I think, the
7 three major items that the applicant needs to work to
8 mitigate and find a way to come up with a solution.

9 CHAIRMAN BRAND: All right. Thank you, then.

10 MS. BROOKS: Thank you very much. I
11 appreciate being put on the agenda.

12 MS. FLYNN: Actually, James, it's not on the
13 website, because they're not formal yet. So their updated
14 map is not on the website.

15 MS. BROOKS: Can I send it to you, then, Jen,
16 separately and ask you to add it to the Planning Board file,
17 and that way it can go on the website?

18 MS. FLYNN: Yes.

19 MS. BROOKS: I'll make a point to do that
20 tomorrow so that all the Board members can have access to it
21 as well. Thank you very much. I appreciate the late
22 addition.

23 Time noted: 8:08 p.m.

24

25

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

2

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

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

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

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

14 Stacie Sullivan

15 Stacie Sullivan, CSR

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