

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

In the Matter of

- BOARD BUSINESS

- CONTINUING EDUCATION - MEMBER CALLO

- CONTINUING EDUCATION - MEMBER JENNISON

BOARD BUSINESS

Date: February 5, 2024

Time: 7:30 p.m.

Place: Town of Marlborough

Town Hall

21 Milton Turnpike

Milton, New York 12547

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

ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

MEGHAN CLEMENTE, ESQ., PLANNING BOARD
ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

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

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Just before we begin,
6 apparently there was a misprint in the paper. There is
7 no Town Board meeting tonight. It's just the Planning
8 Board meeting. So if you're here for the Town Board
9 meeting, that will be next Monday.

10 Agenda, Town of Marlborough Planning Board,
11 February 5, 2024, regular meeting, 7:30 p.m. We have the
12 approval of the minutes for December 18th, 2023,
13 January 2nd, 2024, and January 16th, 2024. We have for a
14 Public Hearing, Slutsky and Bowdren for the short-term
15 rental, a Public Hearing for their minor site plan.
16 Under Ongoing Application Review, we have Bush and Watson
17 for a final of their lot line; Stralow Farm, a
18 preliminary for a site plan; and Michael and Jennifer
19 DiViesti for a preliminary of their subdivision. For
20 Special Topics and Discussion, we have the Marlborough
21 Resort Lattintown for a preliminary sketch. And we'll be
22 talking about procedural matters and training. The next
23 deadline is February 23rd, 2024. The next scheduled
24 meeting, Monday, March 4th, 2024.

25 Can I have a motion for the approval of the

BOARD BUSINESS

1 aforementioned minutes, please?

2 MS. LANZETTA: I'll make that motion.

3 MR. CALLO: I'll second that.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: So moved. Any announcements
9 this evening?

10 MR. CALLO: Mr. Chairman, I was at a training,
11 I want to just say. I have an hour of Regulating
12 Short-Term Rentals in Your Jurisdiction. I also have
13 another hour for Use of Accessory Dwelling Units in
14 Response to Changing Housing Needs. And I have a one
15 hour for completion of Greenhouse Gas Inventory Training,
16 titled Creating a Community GHG Inventory.

17 CHAIRMAN BRAND: Great. Thank you.

18 MR. JENNISON: I too have a certificate of
19 completion for Use of Accessory Dwelling Units in
20 Response to Changing Housing Needs, one hour. Regulating
21 Short-Term Rentals in Your Jurisdiction, one hour.
22 Essential Tools for Effective Public Participation, one
23 hour. New York State Clean Energy Goals, one hour.

24 CHAIRMAN BRAND: Thank you. Jen?

25 MS. FLYNN: On the minutes, I'm sorry, we

BOARD BUSINESS

1 have -- January 16th was canceled because of the snow.

2 CHAIRMAN BRAND: No January 16th. We'll strike
3 that. Just the 2nd and the 18th. Any other
4 announcements from the Board?

5 (No response.)

6 CHAIRMAN BRAND: Jen, do we have any
7 communications?

8 MS. FLYNN: No. The only thing was that we had
9 to change a couple of our dates to go upstairs because of
10 the elections, so I sent that to everybody.

11 CHAIRMAN BRAND: And there will be only one
12 meeting in February; correct?

13 MS. FLYNN: Correct.

14 Time noted: 7:33 p.m.

15

16

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

18

19 Certified to be a true and accurate transcript.

20

21 Stacie Sullivan

22 Stacie Sullivan, CSR

23

24

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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: February 5, 2024
Time: 7:34 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
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: All right. First up this
2 evening we have the public hearing for Slutsky and
3 Bowdren for the short-term rental. Can I have a motion
4 to reopen that public hearing, please?

5 MR. JENNISON: I'll make a motion.

6 CHAIRMAN BRAND: Is there a second?

7 MR. TRONCILLITO: I'll second it.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Just for the record, we did
11 receive a written notice, but that was not signed. It
12 was unidentified, who it came from, so we're not going to
13 add that to the official record, the written one that we
14 received.

15 So is the applicant for Slutsky and Bowdren
16 here? If you guys can just come up to the table. If you
17 just want to provide everyone here with a brief overview
18 of what it is that you're planning.

19 MR. SLUTSKY: So we own a home at 73 Ridge Road
20 and 79 Ridge Road. The home at 79 Ridge Road is a small
21 cottage. You know, we may need it for friends to stay
22 there, and we wanted to rent that out on a short-term
23 basis when it's not being used.

24 CHAIRMAN BRAND: Great. This is a public
25 hearing. If anyone is here that would like to speak

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 either for or against this proposal, you will have an
2 opportunity to be heard at this time. I would just ask
3 that you please state your name clearly for the
4 stenographer before you ask your question or comment.

5 MS. FLYNN: I just want to state that they gave
6 me 19 certified.

7 CHAIRMAN BRAND: Thank you. The mailings were
8 already received at the last meeting. Is anyone here to
9 speak for or against this proposal?

10 (No response.)

11 CHAIRMAN BRAND: No.

12 MR. JENNISON: I move to close the public
13 hearing.

14 CHAIRMAN BRAND: There's a motion to close the
15 public hearing.

16 MR. CALLO: I'll second that.

17 CHAIRMAN BRAND: Any discussion?

18 (No response.)

19 CHAIRMAN BRAND: Any objection?

20 (No response.)

21 CHAIRMAN BRAND: Pat, did you just want to run
22 over your comments really quickly?

23 MR. HINES: Sure. Our comments are that -- the
24 previous comments from the December 4th meeting. So I'll
25 refer back to those. I don't believe those have been

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 addressed.

2 We did receive a copy of the original
3 subdivision map that created this lot now. So I got this
4 tonight, so we do have some additional information. The
5 Board has it.

6 From December 4th, it was just identifying that
7 they are proposing a short-term rental that's a special
8 use in the R-Ag zone. They submitted a schematic copy of
9 the map with no bulk tables or other information, and I
10 had a comment that the Planning Board should determine if
11 the map submitted is acceptable for your use.

12 There is an occupancy limit in the Short-Term
13 Rental Code of two guests per bedroom. It is a
14 two-bedroom house, so only four guests would be
15 permitted.

16 They have provided the registration with Ulster
17 County for the sales tax.

18 Compliance with Section 155-32.3 is required.
19 A majority of those have to do with Building Department
20 requirements, which they would go through with Tommy's
21 office.

22 They schematically show parking on an 8 1/2 by
23 11 photocopy of a plan, and we're referencing whether the
24 Board finds that acceptable for the parking. There
25 certainly is enough parking on the site, and there is a

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 garage on the site as well.

2 And, again, the five overnight guests can only
3 be four based on the number of bedrooms.

4 So we had some clean-up items. I don't know if
5 the Board is able to see the original subdivision map
6 that does have the dimensional bulk requirements
7 depicted.

8 MS. FLYNN: It was emailed to everyone.

9 MR. HINES: So you have it emailed out to them.
10 If you find the map acceptable and the parking layout
11 acceptable, we have no other comments.

12 CHAIRMAN BRAND: Thank you. Meghan, did you
13 have anything?

14 MS. CLEMENTE: No.

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

17 MR. GAROFALO: I have some comments. The plan
18 bulk table shows the requirements, and it does not show
19 what the existing conditions are. Looking at the new
20 map, you can see what some of those setbacks are, and the
21 front yard setback does not meet the bulk requirements.
22 I don't know if we are requiring for the short-term
23 rentals for them to go to the ZBA like other applications
24 or not. So that's one question that I have.

25 It does not show the septic. I believe they

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 have -- you have municipal water there.

2 MS. BOWDREN: No, we don't. It's well. And I
3 think the septic is on there.

4 MR. SLUTSKY: I believe the septic is on the
5 map.

6 MR. HINES: It's shown right on there.

7 MR. GAROFALO: Okay. Maybe you have a
8 different map than what I have.

9 MR. HINES: I may very well, yeah.

10 MR. GAROFALO: But did they update the bulk
11 table to show not only the requirements but what actually
12 is there?

13 MR. HINES: They do not. The only bulk table
14 we have is from the original subdivision from 1999, and
15 at that time this house was existing on Lot 1, which was
16 a 1.3 acre lot created in 1999. And it does identify
17 what was a deficient setback of 47.3 feet where 50 feet
18 would have been required, but at that time the Board
19 wasn't requiring -- on the subdivision that created this
20 lot the Board wasn't requiring preexisting
21 nonconformities to go to the ZBA, as you are now, which I
22 believe is the proper way to do it now. So this lot was
23 created with that nonconformity in 1999.

24 CHAIRMAN BRAND: Additional comments or
25 questions from the Board?

SLUTSKY & BOWDREN STR - PUBLIC HEARING

1 MS. LANZETTA: I think being that this is a
2 special use permitted in this area and it's preexisting,
3 I don't see any issue with it not necessarily, you know,
4 delineating what those specifics are for the bulk table
5 right now. So I don't have a problem with that.

6 MR. GAROFALO: Well, I think they are on the
7 plan. They show the distances between the building and
8 the lot line. My question that comes up is, for the
9 short-term rentals, are we going to require them to go to
10 the ZBA or not? I just want to clarify that as a
11 procedural matter. I'm not saying that I am necessarily
12 in favor of that, especially since this is a long-term
13 existing condition where the subdivision was created.

14 MS. LANZETTA: And, again, as a special use, I
15 think that originally when we discussed with the Town
16 Board the short-term rental, part of it was, because it's
17 also being overseen by the Building Department, that we
18 not be excessively stringent and require the same types
19 of things that we would be requiring should it be a
20 property development. So, again, I don't know that this
21 should be our policy, to be sending these things to the
22 Zoning Board.

23 CHAIRMAN BRAND: Does any member of the Board
24 have a problem with the nonconformity issue?

25 MR. JENNISON: No, I'm not in favor of sending

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

3 -----X
 4 In the Matter of

5 BUSH & WATSON LOT LINE CHANGE

6 Project No. 23-1015
 7 548 & 550 Lattintown Road, Marlboro
 8 Section 108.2; Block 3; Lots 1 and 47
 9 -----X

10 FINAL - LOT LINE

11 Date: February 5, 2024
 12 Time: 7:41 p.m.
 13 Place: Town of Marlborough
 14 Town Hall
 15 21 Milton Turnpike
 16 Milton, New York 12547

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

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

APPLICANT'S REPRESENTATIVE: BEN PACE

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

BUSH & WATSON - FINAL LOT LINE

1 CHAIRMAN BRAND: Next on the agenda tonight we
2 have Bush and Watson for a final of their lot line.

3 Pat, when you're ready, can you just run
4 through your comments.

5 MR. HINES: So this is back before us. It
6 originally was before us with a sketch plan. We have the
7 more detailed plan at this time.

8 The bulk table has been added to the plan and
9 identifies zoning deficiencies on what's called the
10 Watson lot on the plan. The minimum lot width of
11 150 feet is required, where 85 is provided. And
12 similarly on that same lot, side yard, 35 required, where
13 14.2 is provided. The bulk table should be provided to
14 identify each of the side yards, because in the R-Ag zone
15 it's 35 feet for one and both for a total of 80. So that
16 needs to get cleaned up. And for the Bush lot, the side
17 yard of 35 is required, and 12.8 is provided. So there
18 are some bulk deficiencies, none of which are changing
19 due to the lot line, but they are deficient in their
20 existing condition.

21 Based on your policy of the Planning Board,
22 preexisting nonconformities must receive Zoning Board
23 approval prior to Planning Board approvals.

24 A dedication parcel should be discussed with
25 Ulster County Department of Public Works. The lot lines

BUSH & WATSON - FINAL LOT LINE

1 are depicted to the center line of Lattintown Road, which
2 is a County road there.

3 I'm suggesting, due to the length to width
4 ratio of the Watson lot significantly increasing -- it's
5 a long, narrow, bowling alley type lot -- we're
6 suggesting that a no further subdivision note be added to
7 that lot, because it has a lot of area, but certainly not
8 any of the bulk requirements that would allow that to be
9 future subdivided.

10 And the location of the water and sewer has
11 been depicted on the plans per our previous comments.

12 CHAIRMAN BRAND: Thank you. Comments or
13 questions from the Board?

14 MR. GAROFALO: I have a few comments, one of
15 which deals with the -- there are some questions about
16 distances of the garage to the lot line, which, again,
17 may be nonconforming. There is a shed in the back, and
18 I'm not sure how far that is away from the existing lot
19 line, which has to do with the height of the shed and the
20 distance; that the height of the shed has to be less than
21 the distance. And I would think that you would want to
22 show that because if it is a nonconforming use and you
23 are now eliminating that lot line, then you would
24 actually be bringing the lot slightly more in conformance
25 with that particular aspect of it. On an aerial photo,

BUSH & WATSON - FINAL LOT LINE

1 it looked like there was something beyond the shed, some
2 kind of circular structure or something -- I'm not
3 exactly sure what it was -- which is not depicted on the
4 plan. And I see that there is a gravel driveway, which
5 is past -- the shed goes onto the lands of Bush, and I'm
6 not sure if that creates an issue that they would need to
7 resolve with some kind of an easement or something or
8 whether they would want to remove that.

9 CHAIRMAN BRAND: Any other comments or
10 questions, James?

11 MR. GAROFALO: That's it.

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

14 (No response.)

15 CHAIRMAN BRAND: Meghan, so this would need to
16 go to the Zoning Board of Appeals?

17 MS. CLEMENTE: Yes. I included that as a
18 condition in the approval resolution. That's up to the
19 Board, whether or not you want to pass the approval
20 resolution with that as a condition. In my experience
21 with this Board, I don't think you have done that before.
22 But it's up to you if you want to do that. The plans
23 wouldn't be signed until they received their approval
24 from the ZBA.

25 CHAIRMAN BRAND: I don't know that this Board

BUSH & WATSON - FINAL LOT LINE

1 has done that before.

2 MR. GAROFALO: I would think that we would want
3 to have -- the approval in one of the whereas statements
4 and not be abrogating our jurisdiction to the Zoning
5 Board for the approval.

6 MS. CLEMENTE: That's more typical.

7 CHAIRMAN BRAND: She's included it as such. So
8 can I have a motion to refer this to the ZBA?

9 MS. LANZETTA: I'll make that motion.

10 MR. GAROFALO: I'll second it.

11 CHAIRMAN BRAND: Any discussion?

12 MR. PACE: Yeah. I have a question about the
13 referral. Are they going to have to go through an actual
14 variance process through this, or is this just going to
15 be reviewed by the ZBA? How is that going to work?

16 MR. HINES: You're going to seek variances for
17 the nonconformities.

18 MR. PACE: So they're going to have to apply
19 for variances first. Okay.

20 CHAIRMAN BRAND: Any objection to referring
21 this to the ZBA? No. I think I would feel more
22 comfortable waiting to hear back from them before we go
23 with the approval from this Board.

24 MS. CLEMENTE: I would do that too.

25 CHAIRMAN BRAND: Thank you. All right. So we

BUSH & WATSON - FINAL LOT LINE

1 will refer that to the ZBA. When we hear back from them,
2 we'll see you again.

3 MR. PACE: Okay. So there wasn't -- I guess
4 the dedication we're going to do at the next meeting?

5 MR. HINES: You're going to approach the County
6 Department of Public Works to see if they want a
7 dedication. It's under their jurisdiction. Typically
8 it's required for a subdivision. We've had issues where
9 they did not take it before.

10 MR. PACE: Subdivision and lot line
11 adjustments?

12 MR. HINES: Yes. We don't differentiate
13 between lot line adjustments and subdivisions. It's all
14 in the same section of the code.

15 MR. PACE: All right.

16 CHAIRMAN BRAND: Great. I think you're all
17 set.

18 MR. PACE: Thank you.

19 Time noted: 7:48 p.m.

20

21 C E R T I F I C A T I O N

22

23 Certified to be a true and accurate transcript.

24

25

Stacie Sullivan
Stacie Sullivan, CSR

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

In the Matter of

STRALOW FARM

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

PRELIMINARY - SITE PLAN

Date: February 5, 2024
Time: 7:48 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

MEGHAN CLEMENTE, ESQ., PLANNING BOARD
ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: RAVEN STRALOW
ERIC STRALOW

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

STRALOW FARM - PRELIMINARY SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have
2 Stralow Farm for a preliminary site plan at 551
3 Lattintown Road. The applicant is seeking a short-term
4 rental for their cottage house.

5 Pat, I'll start with you this evening for your
6 comments as usual.

7 MR. HINES: Sure. So since this was back
8 before us, the plan has been updated. The,
9 quote-unquote, tiny house, has been labeled on the plan
10 as being the subject of this short-term rental.

11 MS. STRALOW: Yes.

12 MR. HINES: We received a letter from the Code
13 Enforcement Officer confirming that the property is a
14 preexisting as to the three residence on it: The home,
15 the trailer, and the tiny home. They also confirmed with
16 the County Board of Health that the Health Department
17 does not have an issue with the current sanitary methods
18 on the property. So they have no issue with the removal
19 of sanitary waste via the bagged system.

20 The Fire Department has given us a letter dated
21 14 December that they have reviewed the site, and they
22 requested a turnaround be provided. We're suggesting a
23 slight change to that turnaround. The turnaround they're
24 proposing is not a complete T turnaround. They're
25 identifying it now at 20-by-60. The New York State Fire

STRALOW FARM - PRELIMINARY SITE PLAN

1 Code has those type of turnarounds to be 20-by-70. So
2 they need a slight adjustment in that that will meet the
3 Fire Code.

4 Then there's a note on the plan that says
5 existing drive to be modified per Fire Department
6 requirements. And I just don't know what that entails.
7 There may have been some grade changes. So I think that
8 just needs to be discussed and identified on the plan.

9 MR. TRONCILLITO: That had to do with the rock
10 removal up at the end that had to get done and
11 straightened out so they can put the turnaround in for us
12 up there.

13 MR. HINES: It looks like it's a little past
14 there.

15 MR. TRONCILLITO: Was it the turnaround that
16 was halfway up? There's two requirements.

17 MR. HINES: It says grade of existing drive to
18 be modified per FD requirements. That's just not very
19 clear of what that entails. You know, just by the
20 trailer there, there's a hatch mark on the plan.

21 MR. TRONCILLITO: I'll verify it for you. I'll
22 get back to you.

23 MR. HINES: I don't know if the applicants know
24 what it would be.

25 MS. STRALOW: Yes. I was there that day, and

STRALOW FARM - PRELIMINARY SITE PLAN

1 it's what he is saying. They gave us specifics as to
2 what it is that they were looking for, and it was just
3 rock that needed to be moved. There was a really slight
4 kind of modification that was requested.

5 MR. HINES: Maybe just a final sign-off from
6 them prior to issuance of the CO for the use could be a
7 condition.

8 CHAIRMAN BRAND: Okay. Any additional comments
9 or questions from the Board?

10 MR. GAROFALO: Yes. I have some comments.

11 The turnaround, when you look at the 2020 New
12 York State Fire Code, and it's 103.4, it's supposed to be
13 70 feet, but that 70 feet I think is measured from the
14 far end of the driveway to the end. So it's not clear on
15 the drawing whether the 60 feet was to the near end or
16 the far end, but it should be very clear that the 70 feet
17 is to the -- from the far end of the driveway to the end
18 of the turnaround.

19 MR. HINES: In other words, it includes the
20 driving lane.

21 MR. GAROFALO: Yes. Thank you.

22 The other thing is with the dumpster; that the
23 trash receptacles, according to our Code, have to be
24 moved within 24 hours. So that unless you are moving
25 that dumpster every week, that's going to be a problem.

STRALOW FARM - PRELIMINARY SITE PLAN

1 MS. STRALOW: It is emptied weekly.

2 MR. GAROFALO: Not emptied. It has to be
3 moved. It has to be physically moved.

4 CHAIRMAN BRAND: Why?

5 MR. GAROFALO: I think that's the way the Code
6 is.

7 MS. LANZETTA: Where is that?

8 MR. STRALOW: Does any other farm move their
9 dumpster?

10 MR. GAROFALO: That's 155-32.3 A(1)(c).

11 CHAIRMAN BRAND: Yeah, I don't think we've ever
12 made any applicant move their dumpster every 24 hours.

13 MR. GAROFALO: Well, I think that's just for
14 the short-term rentals, and I think there's one other
15 location where that Code may be envisioned.

16 CHAIRMAN BRAND: Anything else?

17 MR. GAROFALO: I mean, you can look that up and
18 check to see -- you know, verify it. And then if that's
19 true and you still want a dumpster, then normally we
20 would require them to be in an enclosure, and you might
21 want to think about whether or not you could put it at
22 the end of the 70-foot turnaround and have it there and
23 have them come up and pick it up. I don't know if that
24 would be allowed as another option for them to actually
25 have the dumpster. But take a look at that code, and if

STRALOW FARM - PRELIMINARY SITE PLAN

1 I'm correct, then you have to use what you have used in
2 the past, which is trash cans.

3 MS. STRALOW: I understand.

4 MS. LANZETTA: I was just going to ask you, if
5 you really don't have the amount of volume, if you could
6 use two large containers.

7 MR. STRALOW: Happy to do that.

8 MS. STRALOW: Absolutely.

9 CHAIRMAN BRAND: Any other comments or
10 questions from the Board? James, can you give me that
11 Code section again that you're referring to, 155?

12 MR. GAROFALO: 155-32.3 A(1)(c).

13 CHAIRMAN BRAND: Okay. We'll look into that.

14 MR. GAROFALO: There's one other thing. I want
15 to have it clarified on the plan that the mobile home is
16 not for residential use, which we had discussed.

17 CHAIRMAN BRAND: So a note on the plan. Any
18 other comments or questions?

19 (No response.)

20 CHAIRMAN BRAND: Meghan, do you have anything
21 for this one?

22 MS. CLEMENTE: No.

23 CHAIRMAN BRAND: So I think we're at the point
24 where we could authorize the attorney for a resolution of
25 approval.

STRALOW FARM - PRELIMINARY SITE PLAN

1 MR. JENNISON: Hold on. It says a garbage
2 removal plan. Garbage receptacles cannot be left out for
3 more than 24 hours before and after pick up. So if
4 they're putting it at the end of the road and it's picked
5 up, they've gotta remove it from the road. That's the
6 way I interpret that.

7 MR. GAROFALO: Right. So they would have to
8 remove the dumpster every week.

9 MR. TRONCILLITO: They're not moving a
10 dumpster. This is specifically garbage cans they're
11 talking about.

12 MR. GAROFALO: It says trash receptacles. A
13 dumpster is a trash receptacle.

14 CHAIRMAN BRAND: We're going to move on from
15 that. Can I have a motion to authorize the attorney to
16 draft a resolution?

17 MR. JENNISON: I'll make that motion.

18 CHAIRMAN BRAND: Is there a second?

19 MR. LOFARO: Second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 CHAIRMAN BRAND: So, Meghan, we will authorize
25 you to do that for the next meeting.

STRALOW FARM - PRELIMINARY SITE PLAN

1 MS. STRALOW: Thank you.

2 CHAIRMAN BRAND: Great. Thank you.

3 Time noted: 7:56 p.m.

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

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8 Certified to be a true and accurate transcript.

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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

DiVIESTI - TWO LOT SUBDIVISION

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

PRELIMINARY - SUBDIVISION

Date: February 5, 2024
Time: 7:57 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

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

APPLICANT'S REPRESENTATIVES: JONATHAN MILLEN
MICHAEL DiVIESTI

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DiVIESTI - PRELIMINARY SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have
2 Michael and Jennifer DiViesti for a preliminary of their
3 subdivision at 6-8 DiViesti Drive in Marlboro. The
4 applicant is seeking a two-lot subdivision.

5 Pat, we'll start with your comments first.

6 MR. HINES: Sure. My first comment is that the
7 most recent map we received didn't have the bulk table on
8 there. Mr. Millen is currently handing you that bulk
9 table as we speak. So that bulk table, I just want to
10 make sure that when I list these variances that are
11 required, that those are on there.

12 The applicant has -- the second comment is the
13 applicant has requested to waive topography as all
14 improvements are existing. The two structures and
15 accessory uses on these sites are all existing and
16 depicted on the map, so they're looking for the Board --

17 CHAIRMAN BRAND: Can I me just pause you right
18 there? Is there any objection to waiving the topography
19 requirements?

20 MR. GAROFALO: No.

21 CHAIRMAN BRAND: All right. We will do that.

22 MR. HINES: The applicant states that easements
23 and deeds have been submitted to Meghan's office. I
24 don't know that that's a fact.

25 MS. CLEMENTE: They have not been submitted to

DIVIESTI - PRELIMINARY SUBDIVISION

1 me.

2 MR. HINES: So that will need to be done.

3 And then I took a shot at the variances without
4 the bulk table. Front yard, 35 feet is required, where
5 21.6 is provided. And this is specifically what's
6 labeled Parcel A. I don't know what color -- the more
7 pinkish color on the map. And the above ground pool is
8 an accessory use in the front yard. And Parcel B, which
9 is the more bluer parcel on this map, 35 foot front yard
10 is required, where 30 feet is provided. And the side
11 yard, 35 feet is required, where 34.6 is provided. So
12 this one needs referral to the ZBA for those. And now
13 that I'm looking at the bulk table that was just
14 provided, the Parcel A also has a maximum lot depth
15 issue, where 200 feet is required, 160.5 are provided.
16 And Parcel A also has a side yard, where one side yard,
17 35 feet, and 10.9 feet are required, in addition to the
18 Parcel B side yard. So with the bulk table in front of
19 you, we know the variances that are required now, and
20 they need to go to the ZBA.

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

23 MR. GAROFALO: I have just one comment. I
24 believe in some of the documentation there was a
25 reference to the deck being removed, and if that's

DIVIESTI - PRELIMINARY SUBDIVISION

1 correct, I'd like it actually shown on the plan to be
2 removed or if it's already been removed.

3 CHAIRMAN BRAND: Are we removing the deck?

4 MR. MILLEN: I don't believe that's a situation
5 that's on the current map.

6 MR. GAROFALO: It's not on the current map, but
7 I think in some of the documentation it was written that
8 it was going to be removed or it was removed.

9 MR. MILLEN: Yeah. There was a deck that had
10 been removed prior to this survey. It was on the prior
11 survey, but it had been removed prior to us performing
12 this survey.

13 MR. HINES: But the decks that are depicted now
14 are present on the site?

15 MR. MILLEN: Yes.

16 MR. GAROFALO: That's what I wanted to clarify.

17 MR. MILLEN: Okay.

18 MR. GAROFALO: Thank you.

19 MR. MILLEN: You're welcome.

20 MS. LANZETTA: I was reading the minutes from
21 November, and I think I understood you saying that this
22 driveway that cuts through -- that bisects this property
23 is existing, but there are no easements currently for
24 this?

25 MR. MILLEN: Other than what's shown, other

DiVIESTI - PRELIMINARY SUBDIVISION

1 than what's shown, the private drive right-of-way, no,
2 there are no easements.

3 MS. LANZETTA: And does that other lot have
4 access if they were to put a different driveway to
5 DiViesti Drive so that they wouldn't have to bisect this
6 property?

7 MR. MILLEN: I don't believe so.

8 MR. DiVIESTI: Are you talking about this
9 property (indicating)?

10 MS. LANZETTA: Yeah. The lot behind here that
11 the driveway goes to.

12 MR. DiVIESTI: Yeah. So it is connected to
13 DiViesti Drive over here (indicating).

14 MS. LANZETTA: I'm saying it looks like you
15 could have a driveway. Why don't they have a driveway to
16 DiViesti?

17 MR. DiVIESTI: Because they have an easement to
18 go through this property.

19 MS. LANZETTA: He just said that you don't have
20 an easement.

21 MR. MILLEN: No. I'm sorry. I thought you
22 meant at the other end. There is -- on the plan, it is
23 noted there's a common driveway easement that runs up
24 through there. It is 20 feet wide. That runs from the
25 Cross Road and South Street.

DiVIESTI - PRELIMINARY SUBDIVISION

1 MS. LANZETTA: Okay. Because the minutes last
2 time said that you were going to put an easement on
3 there.

4 MR. MILLEN: I don't believe so.

5 CHAIRMAN BRAND: Meghan, you haven't received
6 any documentation for this?

7 MS. CLEMENTE: I haven't, but I remember
8 looking when they first came before us, and there was a
9 very old proposed easement. I don't recall if it was
10 ever recorded, but there was a proposed easement for
11 DiViesti Drive.

12 MS. LANZETTA: Technically, if it was never
13 enacted, to our knowledge, then why wouldn't you want to
14 access the private drive instead of bisecting this
15 property?

16 MR. HINES: You're asking whether or not it has
17 access to Colletta Drive above the lot that has the
18 easement?

19 MS. LANZETTA: Well, I didn't even think that,
20 but anywhere other than bisecting this. I mean, what
21 you're looking at is making a very odd parcel here that's
22 bisected by a driveway. Why wouldn't you ask the
23 neighbor -- since you don't have anything requiring you
24 to honor that easement, why wouldn't you ask them to
25 access at one of the other points that they could access?

DIVIESTI - PRELIMINARY SUBDIVISION

1 MR. DIVIESTI: So the neighbor right now is
2 deceased. As far as I know, the bank owns the property.
3 So there really is nobody to ask at this point.

4 MS. LANZETTA: Well, there's nothing requiring
5 you to allow that to continue through there if nothing
6 has been filed.

7 MR. MILLEN: Well, there is a deed on file for
8 this easement.

9 MS. LANZETTA: Oh, there is?

10 MR. MILLEN: Yes. There is a deed on file for
11 the 20-foot easement that runs up through there. It's
12 noted on the plan. It's Liber 5386 at page 316.

13 And something must have gone wrong because I
14 had sent everything to you via email, so I'll just send
15 it again.

16 MS. CLEMENTE: Thank you.

17 MS. LANZETTA: I'd like clarification, because
18 it really -- if the -- especially now, if the homeowner
19 is deceased and there's an opportunity to work to get
20 that out of there, it would make a much better
21 subdivision.

22 MR. GAROFALO: That's a terrible access to
23 South Street, the way the three driveways are lined up.
24 It's not ideal. But there may be -- off the private road
25 there may be a limitation as to the number of properties

DIVIESTI - PRELIMINARY SUBDIVISION

1 that are accessing.

2 MS. LANZETTA: Yeah. But we haven't gotten the
3 information on that either as to what the -- who is
4 allowed to access that.

5 CHAIRMAN BRAND: Meghan, do you have anything
6 else?

7 MS. CLEMENTE: No. I'm going to need -- I need
8 the associated deed documents and then the filed
9 documents and then anything you have for any sort of
10 additional easements.

11 MR. MILLEN: Okay.

12 MS. CLEMENTE: Thank you.

13 CHAIRMAN BRAND: Great. So can I have a motion
14 to refer this application to the Zoning Board of Appeals,
15 please?

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

17 CHAIRMAN BRAND: Is there a second?

18 MR. CALLO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 CHAIRMAN BRAND: So we will do that, then. In
24 the meantime, Meghan, you'll hopefully receive that
25 documentation, and we can review that as well. Great.

DIVIESTI - PRELIMINARY SUBDIVISION

1 Thank you.

2 MR. MILLEN: Thank you.

3 CHAIRMAN BRAND: You're all set.

4 Time noted: 8:06 p.m.

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6 C E R T I F I C A T I O N

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8 Certified to be a true and accurate transcript.

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10 Stacie Sullivan

11 Stacie Sullivan, CSR

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