

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

2 -----X
In the Matter of

3 DEBORAH JONES SD

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

7 TRANSCRIPTION OF PROCEEDINGS VIA AUDIO RECORDING

8 FINAL - SUBDIVISION

9
10 Date: March 4, 2024
11 Time: 7:30 p.m.
12 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

18 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
19 GERARD J. COMATOS, JR., ESQ., PLANNING
20 BOARD ATTORNEY
21 JEN FLYNN, PLANNING BOARD SECRETARY

22 APPLICANT'S REPRESENTATIVE: WILLIAM JONES
23
24

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

D. JONES SUBDIVISION - FINAL SUBDIVISION

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, March 18, 2024, regular meeting,
7 7:30 p.m. On the agenda tonight under Ongoing
8 Application Review we have Deborah Jones Subdivision for
9 a final of their subdivision at 98 Orange Street in
10 Marlboro; France Fremgen for a final of the lot line at
11 Clarks Lane in Milton; LynnDavid Properties for a sketch
12 of a subdivision at 397-407 Willow Tree Lane, I guess,
13 Milton; and Feeney Two-Lot Subdivision for a sketch of
14 their subdivision on Plattekill Road in Marlboro. The
15 next deadline is Friday, March 22nd. The next scheduled
16 meeting is Monday, April 1, 2024, and that meeting will
17 be held upstairs.

18 Any announcements before we get started this
19 evening?

20 MS. FLYNN: I have one.

21 CHAIRMAN BRAND: Jen.

22 MS. FLYNN: The France should be Frances.
23 There should be an S at the end.

24 CHAIRMAN BRAND: Sorry.

25 MS. FLYNN: And I know there's no approval of

D. JONES SUBDIVISION - FINAL SUBDIVISION

1 minutes listed on here, but I did give them to you guys.
2 I don't know if you want to approve them or wait until
3 next time.

4 CHAIRMAN BRAND: Yeah, let's put that on the
5 next one.

6 MS. FLYNN: Okay.

7 CHAIRMAN BRAND: Anything else? No
8 announcements or anything? Okay. Jen, no
9 communications, I'm assuming?

10 MS. FLYNN: None.

11 CHAIRMAN BRAND: All right. Under Ongoing
12 Application Review, we have Deborah Jones Subdivision for
13 a final of the subdivision. Gerry, I notice that you
14 have prepared for us a SEQR Negative Declaration and
15 Notice of Determination of Non-Significance as well as a
16 Resolution of Approval for this. Anything you'd like to
17 highlight?

18 MR. COMATOS: No.

19 CHAIRMAN BRAND: Anything from the Board?

20 (No response.)

21 CHAIRMAN BRAND: Jen, would you poll the Board
22 for the SEQR Negative Declaration, please.

23 MS. FLYNN: Chairman Brand.

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: Member Lanzetta.

D. JONES SUBDIVISION - FINAL SUBDIVISION

1 MS. LANZETTA: Yes.

2 MS. FLYNN: Member Lofaro.

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Callo.

5 MR. CALLO: Yes.

6 MS. FLYNN: Member Jennison.

7 MR. JENNISON: Yes.

8 MS. FLYNN: Member Garofalo.

9 MR. GAROFALO: Yes.

10 MS. FLYNN: Member Troncillito.

11 MR. TRONCILLITO: Yes.

12 CHAIRMAN BRAND: We also have before us the

13 Resolution of Approval by the Town of Marlborough

14 Planning Board for the application of Deborah Jones for a

15 three-lot subdivision. Jen, would you poll the Board.

16 MS. FLYNN: Chairman Brand.

17 CHAIRMAN BRAND: Yes.

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.

D. JONES SUBDIVISION - FINAL SUBDIVISION

1 MS. FLYNN: Member Garofalo.

2 MR. GAROFALO: Yes.

3 MS. FLYNN: Member Troncillito.

4 MR. TRONCILLITO: Yes.

5 CHAIRMAN BRAND: Under the Subdivision
6 Recreation Fee Findings for the Town of Marlborough:
7 Whereas the Town of Marlborough Planning Board has
8 reviewed the subdivision application known as Deborah
9 Jones with respect to real property located at 98 Orange
10 Street in the Town of Marlborough. Member Lanzetta
11 offered the following which was seconded by Member Callo.

12 It is hereby resolved that the Planning Board
13 makes the following finds pursuant to Section 277(4) of
14 the Town Law:

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

20 However, a suitable park of adequate size to
21 meet the above requirement cannot be properly located
22 within the proposed project site.

23 Accordingly, it's appropriate that, in lieu of
24 providing parkland, the project sponsor render to the
25 Town payment of a recreation fee to be determined in

D. JONES SUBDIVISION - FINAL SUBDIVISION

1 accordance with the prevailing schedule established for
2 that purposed by the Town of Marlborough.

3 This approved subdivision known as Deborah
4 Jones results in two lots for a total of \$4,000 in
5 recreation fees. Whereupon the following vote was taken:
6 Chairman Brand, yes. Callo.

7 MR. CALLO: Yes.

8 CHAIRMAN BRAND: Garofalo.

9 MR. GAROFALO: Yes.

10 CHAIRMAN BRAND: Jennison.

11 MR. JENNISON: Yes.

12 CHAIRMAN BRAND: Lanzetta.

13 MS. LANZETTA: Yes.

14 CHAIRMAN BRAND: Lofaro.

15 MR. LOFARO: Yes.

16 CHAIRMAN BRAND: Troncillito.

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: You're all set. Thank you.

19 Good luck.

20 (Concluded.)

21 CERTIFICATION

22 Certified to be a true and accurate transcript.

24	<u>Stacie Sullivan</u>
25	Stacie Sullivan, CSR Senior Court Reporter

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

In the Matter of

FRANCES FREMGEN

Project No. 23-1031
Clarks Lane, Milton
Section 102.2; Block 3; Lots 13.100 and 12

TRANSCRIPTION OF PROCEEDINGS VIA AUDIO RECORDING

FINAL - LOT LINE

Date: March 18, 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
GERARD J. COMATOS, JR., ESQ., PLANNING
BOARD ATTORNEY
JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVE: GEORGE SALINOVICH

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

FRANCES FREMGEN - FINAL LOT LINE

1 CHAIRMAN BRAND: Next on the agenda we have
2 Frances Fremgen for a final of the lot line at Clarks
3 Lane in Milton.

4 Pat, did you just want to run through your
5 comments quickly?

6 MR. HINES: Sure. This is a lot line change
7 between two adjoining parcels. They have revised page 1
8 of the application to include both of the lots on the
9 application.

10 I believe they were at the Zoning Board. I did
11 not -- after I made my comments, I got a copy of the
12 Zoning Board of Appeals letter.

13 Their location of the septic system on Tax Lot
14 12 should be shown. Again, you got the Zoning variance,
15 so this is a candidate for your streamlined approval.

16 It's a Type II action under SEQR, so no SEQR
17 review is required.

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

20 MR. GAROFALO: Yes. I have a comment.

21 CHAIRMAN BRAND: Mr. Garofalo.

22 MR. GAROFALO: Looking at this, under the
23 existing conditions, there is basically eight items that
24 aren't meeting Code. By making these changes, that goes
25 down to six items, and of those six items, three of them

FRANCES FREMGEN - FINAL LOT LINE

1 are still nonconforming, but they are less nonconforming
2 than they were. I think that's really part of the story
3 of this particular application. Thank you.

4 CHAIRMAN BRAND: Thank you. Could I have a
5 motion to authorize the attorney to draft a Resolution of
6 Approval for this for our next meeting.

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

8 MR. LOFARO: So moved.

9 CHAIRMAN BRAND: Mr. Jennison. Seconded by
10 Lofaro. Any discussion?

11 (No response.)

12 CHAIRMAN BRAND: Any objection?

13 (No response.)

14 CHAIRMAN BRAND: All right. We will take care
15 of that at the next meeting and have that resolution
16 ready for you.

17 MR. SALINOVICH: We can't do it today?

18 CHAIRMAN BRAND: No. We do everything via
19 Resolution of Approval from the attorney's office.

20 MS. LANZETTA: Will it be conditional on
21 showing the septic?

22 MR. SALINOVICH: It's on there. (Inaudible).

23 CHAIRMAN BRAND: Pat.

24 MR. HINES: Well, they just show the tank.

25 CHAIRMAN BRAND: So we'll just need to have

FRANCES FREMGEN - FINAL LOT LINE

1 that depicted on the map.

2 MR. HINES: (Inaudible).

3 CHAIRMAN BRAND: No. That's not what it is,
4 no. We just have to have the resolution drafted by the
5 attorney. All right. Thank you. We'll see you at the
6 next meeting.

7 (Concluded.)

8

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

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11 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR
Senior Court Reporter

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

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

5 LYNNDAVID PROPERTIES

6 Project No. 23-1025
 7 397-407 Willow Tree Lane, Milton
 8 Section 102.2; Block 5; Lots 23 and 26
 9 -----X

10 TRANSCRIPTION OF PROCEEDINGS VIA AUDIO RECORDING

11 SKETCH - SUBDIVISION

12 Date: March 18, 2024
 13 Time: 7:30 p.m.
 14 Place: Town of Marlborough
 15 Town Hall
 16 21 Milton Turnpike
 17 Milton, New York 12547

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

25 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
 GERARD J. COMATOS, JR., ESQ., PLANNING
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

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

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have
2 LynnDavid Properties for a sketch of their subdivision at
3 397-407 Willow Tree Lane in Milton.

4 Pat, did you want to start us off with your
5 comments, please.

6 And we do not have a stenographer this evening,
7 so if you can state your name before you begin speaking
8 so we know who's speaking.

9 MR. HINES: So this is a four-lot subdivision
10 and a lot line change. We previously asked for the
11 application to be revised to depict four lots. The
12 original application said three.

13 We did not get a response from our previous
14 comments.

15 The lot lines are still depicted in the center
16 line of the roadway, and the requirement for a roadway
17 dedication along those lot frontages. Status of the
18 Zoning Board still should be determined.

19 Did we get that? We got that. So they're
20 allowing the three lots on the one.

21 Well and septic systems have to be approved by
22 Ulster County.

23 The Highway Superintendent's comments for the
24 driveway locations should be received.

25 MR. MESSINA: (Inaudible).

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. HINES: So the ZBA just addressed the
2 setbacks. It's not addressing the number of houses on
3 the lot. So proposed Lot 1 has three residential
4 structures identified, and Your code allows one
5 residential structure per lot. So this one -- the ZBA
6 approval says, Front yard setback, Lot 1, with two
7 existing structures, 20.4 feet off of Willow Tree, side
8 yard setback on Lot A, existing structure, 31.6 off of
9 Willow Tree. So it looks like they did the bulk
10 requirements, but not some of the other issues that were
11 identified.

12 CHAIRMAN BRAND: Jen, when was that letter
13 dated from the ZBA?

14 MS. FLYNN: I'm sorry?

15 CHAIRMAN BRAND: When was that letter dated,
16 Pat, that you're reading from?

17 MS. FLYNN: They just had the meeting on
18 Thursday.

19 MR. HINES: So I think you're going back to the
20 ZBA.

21 MR. MESSINA: (Inaudible) the project. We were
22 at the ZBA, and we asked for that variance. Gave us the
23 variance, three houses on the one lot. And I believe
24 they granted us that. I know that Pat didn't see that
25 letter, but that's what we asked for.

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MS. FLYNN: I don't know if you put that in
2 your application.

3 CHAIRMAN BRAND: Luckily, the ZBA secretary is
4 here this evening.

5 MR. MESSINA: (Inaudible) when they were going
6 to look at the variance, and they said they were going to
7 do that, plus the lot setback variance.

8 MR. HINES: My Comment 6 back on the meeting on
9 November 20th specified Section 155-12.2A, and that
10 states that all zones other than C-1 and C-2 zones,
11 residential use of a lot shall be limited to one single
12 family residence, or if density allows, one two-family
13 residence on an individual lot. So there's three
14 existing structures on proposed Lot 1. Those structures
15 lose their preexisting nonconforming protection based on
16 the significant reduction in lot size.

17 MS. LANZETTA: I just have a question, because
18 I'm a little confused. I thought that if you had
19 sufficient acreage and you had a nonconforming situation,
20 as long as you had one acre, if -- if it's -- if it's an
21 existing nonconforming situation with multiple
22 residences, if you have sufficient acreage, that could be
23 something that you could subdivide off? No?

24 MR. HINES: I don't believe so.

25 MS. LANZETTA: I think if you're making new

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 lots, you have to have individual one-acre parcels, but I
2 thought -- for some reason, I was thinking if it was a
3 preexisting situation, as long as you had like -- if you
4 had four residences and you had over four acres, that was
5 still all right to keep that situation separate.

6 MR. HINES: I don't think that's the case, and
7 Tom Corcoran's letter of January 12th says there's also a
8 property not owned by Mr. Hardy to the west of the
9 nonconforming lot of three houses. Mr. Hardy cannot
10 subdivide the three homes that currently exist because
11 the setback and the one-acre requirement per home.

12 MS. LANZETTA: Right. I understand that that's
13 a preexisting situation, but as long as he's got
14 sufficient acreage. I mean, we've had situations before
15 because of multifamily housing for camp-type situations
16 that, back in the day, we had in Marlboro, we've had
17 similar kinds of applications come before us before, and
18 I seem to remember that as long as you had sufficient
19 acreage, you weren't -- you weren't allowed to do that
20 anymore going forward, but as long as you had sufficient
21 acreage to match the number of residences, that a lot
22 that size would be allowable. No?

23 MR. HINES: Well, reading at the end -- so
24 Tommy Corcoran states in this, it is his opinion, the
25 Town of Marlborough -- as the Zoning officer that

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 Mr. Hardy meets the definition of Town Code stated and is
2 bringing the entire area more nearly conforming. So he
3 seemed to think it's --

4 MR. JENNISON: More nearly.

5 MR. HINES: A little strange. I'll defer to
6 counsel there.

7 MR. COMATOS: I can't give an opinion without
8 researching it.

9 MR. GAROFALO: Does the ZBA letter list all of
10 the --

11 MR. HINES: No. The ZBA letter only lists
12 those two setbacks.

13 MR. JENNISON: Mr. Messina said that it was in
14 the application. I think that's what Jen was looking
15 for.

16 MS. FLYNN: It says to see attached letter. I
17 don't even see the attached letter that we had on this
18 application.

19 MR. MESSINA: The letter that Tommy sent me.

20 MS. FLYNN: Oh, that's the letter.

21 MR. HINES: I don't think we're going to make a
22 determination tonight.

23 CHAIRMAN BRAND: So we're definitely going to
24 need clarification on this issue.

25 MR. HINES: Yeah, we need clarification on the

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 ZBA issue, then. Mr. Corcoran is okay with his
2 determination there. I think he's referring to some of
3 what Ms. Lanzetta may be referring to. The Board has
4 been sending nonconforming -- and I believe there's other
5 nonconformities there (inaudible). So I'll further
6 review that. I did not have the ZBA comment letter or
7 the minutes when I wrote these comments Thursday or
8 Friday.

9 The November comments, the lot lines are still
10 depicted to the center lines of the roadway. And
11 typically it's required that the center line dedication
12 be provided there. So we'll be looking for that. Wells
13 and septic. Highway Superintendent's comments. We need
14 that revised application for the four-lot subdivision
15 with a lot line change so there are clearly four lots
16 labeled there. Topography of the entire parcel should be
17 shown. Sight distance at the driveway was requested.
18 The grading plan to address whether there's greater than
19 one acre of disturbance that's going to occur for the
20 Stormwater. And the grading plan supporting the access
21 for each of the lots. I don't have any information on
22 the grades of the flagpole lot. It's only a five-foot
23 strip between Lot 2 and Lot 4's driveway. So I'm waiting
24 to see the grading for that. Those driveways beg to be
25 combined. They're right next to each other and would

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 serve better to combine those driveways rather than have
2 them a couple of feet apart. So that's the status we
3 have now. It looks like the ZBA weighed in on a couple
4 of the items, and we'll research further.

5 CHAIRMAN BRAND: Any additional comments from
6 the Board?

7 MR. GAROFALO: I have one comment, and that is,
8 Lot 1 is a corner lot so that the front yard may be
9 different from what you normally expect based on the
10 width of the streets. That's under 155-16, and I would
11 look under A, E, and C. It's a little bit confusing, but
12 make sure that you've got the front yard -- you got the
13 dimensions the front yard is supposed to be. You've had
14 a couple of instances where they were not properly shown,
15 so check the street widths, and that can affect where the
16 front yard is, not necessarily where the driveways are,
17 but front yard can be (inaudible).

18 MR. MESSINA: We have comments (inaudible) even
19 the ZBA saw that front yards would be a little crazy.

20 MR. GAROFALO: Okay.

21 MR. MESSINA: But where is the policy that
22 governs us to deed over to you 25 feet from the center
23 line? What policy is that?

24 MR. HINES: That's a long-standing provision of
25 this Board for decades.

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. MESSINA: Really.

2 CHAIRMAN BRAND: I missed the question. What
3 was the question?

4 MR. HINES: The roadway dedication along the
5 front of the roads that are roads by use that have the
6 property lines in the center lines of the roadways, this
7 Board has always required a dedication.

8 MR. MESSINA: Will my clients get compensated
9 for the -- no. You see -- you know what. In some
10 projects -- it's not this critical because it's open
11 land. But we have houses there, and if we give you a
12 deeded right-of-way 25 feet to the center line, it would
13 include some of those houses. So this is a hardship.

14 CHAIRMAN BRAND: So you're saying the house is
15 closer than the 25 feet from the center line.

16 MR. MESSINA: Or within 25 feet of the center
17 line.

18 MR. HINES: You bought the house, in those
19 cases (inaudible) property lines around those.

20 MR. GAROFALO: And there was a case where there
21 was a retaining wall and the Highway Department did not
22 want to have jurisdiction over that retaining wall, so
23 they didn't ask for the full 25 feet. So there are --
24 there can be exceptions.

25 MR. MESSINA: Okay. That's what (inaudible).

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: So it seems as though everyone
2 has some homework to do.

3 MR. MESSINA: Well, you know, I don't know --
4 we went to the ZBA for that specific reason of three
5 houses on one lot, and we asked for variances for that.
6 I sent a letter to Tommy Corcoran addressing that issue.
7 I thought we covered that. And when they were deciding
8 about variances for setbacks, they made the comment,
9 well, you're also going to get the relief for subdividing
10 the property that has not been (inaudible) use, three
11 houses on the one property, and they told me yes.

12 CHAIRMAN BRAND: I obviously have no control
13 over that.

14 MR. HINES: (Inaudible).

15 MR. MESSINA: The letter, it doesn't say that.

16 MS. LANZETTA: Did you get a legal opinion on
17 that from the Zoning Board lawyer?

18 MR. MESSINA: Legal opinion about what?

19 MS. LANZETTA: About the three houses on the
20 one lot.

21 MR. MESSINA: It's not supposed to be
22 subdivided, that property, because it's a nonconforming
23 (inaudible). We went to the ZBA. That was the
24 (inaudible) --

25 MS. LANZETTA: Yeah, but --

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. MESSINA: And they granted us, I thought,
2 that variance.

3 MS. LANZETTA: That's what we're wondering
4 about, on what grounds were they granting that?

5 MR. MESSINA: Well, their determination that it
6 was acceptable.

7 CHAIRMAN BRAND: Right. We just don't have
8 that documentation.

9 MR. GAROFALO: We need the paperwork.

10 MR. HINES: It doesn't say that in the letter
11 we got from them. We'll get the minutes.

12 MS. FLYNN: (Inaudible) Planning Board's
13 decision.

14 MR. MESSINA: That was some of the comments
15 that (inaudible). A person said to email it.

16 MS. FLYNN: No. I think it was also on Pat's
17 comments. I have to look at my agenda. I didn't bring
18 that down with me from Zoning, but I think some of them
19 it said that it's for the Planning Board to determine.

20 MR. MESSINA: Yeah. There was some questions.

21 MS. FLYNN: I'll have to look at that tomorrow
22 to see if this is (inaudible.)

23 MR. MESSINA: In the minutes of --

24 MR. HINES: You've got other stuff to do
25 anyway, so it's not holding you up.

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. MESSINA: I understand. The other thing
2 is, obviously, sometimes we wait to do other things
3 because the client's money, and if we're not going to get
4 them approval, we don't want to waste our client's money.

5 MR. HINES: So we will review the Zoning Board
6 minutes from Thursday night and figure out what they
7 said.

8 MS. LANZETTA: I'd like clarification on that
9 too, because, like I said, I have had --

10 MR. HINES: Tommy's letter (inaudible)
11 contrary, but it seems to say that it's making it better
12 than it was.

13 MR. MESSINA: (Inaudible) uses, so they thought
14 the more (inaudible). We thought they did. I'm sure
15 they did.

16 MR. JENNISON: Because that's what we referred
17 them to. I'm on the ZBA. The letter that we sent to the
18 ZBA, it says three existing residential structures will
19 be located on proposed Lot 1. These structures lose
20 their preexisting nonconforming protection based on the
21 significant reduction in lot size. That came from us to
22 the ZBA.

23 MR. HINES: That's my comment.

24 MR. MESSINA: That's why we were there, so
25 we'll have to --

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. HINES: It just doesn't say that in their
2 letter. Their letter refers to (inaudible).

3 MR. MESSINA: Can you tell me when this policy
4 about getting deeded land --

5 MR. HINES: I can't tell you when because it's
6 been decades. I'm sure it's in the subdivision
7 regulations.

8 MR. MESSINA: I remember decades, we had
9 projects -- back then, a project across the street from
10 this project that didn't require a deed over 25 feet from
11 the center line to the highway. So I don't know about
12 decades. This was 2006.

13 MR. HINES: Well, there's a decade.

14 CHAIRMAN BRAND: That's true. I don't know
15 that off the top of my head. I can't tell you. As long
16 as I've been on the Board.

17 MR. MESSINA: Is it written anywhere?

18 CHAIRMAN BRAND: I'm assuming it must be.

19 MR. GAROFALO: It's in the subdivision
20 regulations because I don't think it's been applied to
21 site plans.

22 MR. HINES: Site plans, it does not. It only
23 applies when you're doing a subdivision.

24 MR. MESSINA: Is it written anywhere?

25 MR. HINES: I will send you it.

LYNNDAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. MESSINA: Okay. Thank you.

2 CHAIRMAN BRAND: All right. Thank you.

3 (Concluded.)

4

5

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

7

8 Certified to be a true and accurate transcript.

9

10 Stacie Sullivan

11 Stacie Sullivan, CSR
12 Senior Court Reporter

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

2 -----X
In the Matter of

3 FEENEY TWO-LOT SUBDIVISION

4 Project No. 24-2002
5 Plattekill Road, Marlboro
6 Section 108.3; Block 3; Lot 1.100
-----X

7 TRANSCRIPTION OF PROCEEDINGS VIA AUDIO RECORDING

8 SKETCH - SUBDIVISION

9
10 Date: March 18, 2024
11 Time: 7:30 p.m.
12 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

18 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
19 GERARD J. COMATOS, JR., ESQ., PLANNING
BOARD ATTORNEY
20 JEN FLYNN, PLANNING BOARD SECRETARY
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22 APPLICANT'S REPRESENTATIVE: DAVID FEENEY
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

FEENEY TWO-LOT SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Finally on the agenda we have
2 the Feeney Two-Lot Subdivision for a sketch of a
3 subdivision on Plattekill Road in Marlboro.

4 Pat, whenever you're ready, you can start us
5 off with your comments.

6 MR. HINES: Sure. We're here tonight for a
7 two-lot subdivision (inaudible). Mr. Feeney is the
8 applicant and the engineer.

9 The subdivision map has been revised
10 (inaudible) the piece of land that goes out to the
11 cul-de-sac. It is owned in fee so that there is no
12 easement that was referred to previously. So that map
13 has been cleaned up in that respect.

14 The topography has been added to the entire
15 site.

16 The sight distance has been added to the plans
17 at both of the driveways. And a conceptual approval from
18 the County DPW dated 18 January has been received.

19 Septic systems have been approved by the County
20 on 27 February.

21 The agricultural setback note has been added to
22 the bulk table, referring to Section 155-52.

23 Approved septic plans should be made part of
24 the plan set, along with appropriate details so that
25 those are filed with the filed map, as well as soil

FEENEY TWO-LOT SUBDIVISION - SKETCH SUBDIVISION

1 erosion and sediment control plan.

2 My Comment 7, which I discussed with Mr. Feeney
3 before the meeting, is that the project may disturb
4 greater than one acre just because of the driveway length
5 of the proposed house on the larger lot as well as the
6 improvements on the smaller one-acre lot. That requires
7 coverage under DEC Stormwater for residential --
8 residential construction one to five acres. It's just an
9 erosion, sediment control plan. It doesn't require New
10 York quality and quantity control portions of that. So
11 that will need to be done.

12 I believe this map has sufficient information
13 for scheduling a public hearing.

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

16 MR. GAROFALO: I have one question. On the
17 site plan, on Lot Number 2, there's a line drawn from the
18 center of the driveway, which heads off the map at a
19 diagonal.

20 MR. FEENEY: That probably was a dimension to
21 the sight distance.

22 MR. GAROFALO: When you do the sight distance,
23 it should be 14 feet from the edge of the roadway. And
24 what I'm concerned here is, it looks like it may actually
25 go beyond the right-of-way.

FEENEY TWO-LOT SUBDIVISION - SKETCH SUBDIVISION

1 MR. FEENEY: So my dimensions, when I was
2 working on it (inaudible).

3 MR. GAROFALO: Pushing further into the site in
4 this case probably would help the sight distance, but I'm
5 not sure where the right-of-way is, which would limit
6 where the sight distance is. So I think you should check
7 that to make sure that that number is good. Thank you.

8 MR. FEENEY: There's (inaudible) to the next
9 intersection.

10 CHAIRMAN BRAND: Any other comments or
11 questions?

12 (No response.)

13 CHAIRMAN BRAND: Pat, do you think, barring
14 substantial -- I don't really foresee a lot of input from
15 the public on this one, that we would be ready to go
16 ahead and draft a resolution?

17 MR. HINES: I never question that. As far as
18 the resolution, I'm okay with, but I have no idea. I've
19 done ones thinking they're going to be a slam dunk, no
20 problem, and the room is full.

21 CHAIRMAN BRAND: True.

22 MS. FLYNN: I had it on for the 15th.

23 CHAIRMAN BRAND: The 15th, perfect. So the
24 public hearing is going to be the 15th.

25 MS. LANZETTA: April 15th?

FEENEY TWO-LOT SUBDIVISION - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Yes. Can I have a motion that
2 barring --

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

4 CHAIRMAN BRAND: Second?

5 MR. CALLO: Second.

6 CHAIRMAN BRAND: Any discussion?

7 (No response.)

8 CHAIRMAN BRAND: Any objection?

9 (No response.)

10 CHAIRMAN BRAND: All right. So we will
11 authorize the attorney to do that as well. So I think
12 that about does it for you until the 15th. Thank you,
13 Mr. Feeney.

14 Anything else from the Board before we adjourn?
15 No. All right. Motion to adjourn.

16 (Concluded.)

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

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20 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR
Senior Court Reporter

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