

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

2 -----X
3 In the Matter of

4 - BOARD BUSINESS

5 - CONTINUING EDUCATION - MEMBER LOFARO

6 -----X

7 BOARD BUSINESS

8 Date: May 6, 2024
9 Time: 7:30 p.m.
10 Place: Town of Marlborough
11 Town Hall
12 21 Milton Turnpike
13 Milton, New York 12547

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

20 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

21 JAMES E. NELSON, ESQ., PLANNING
22 BOARD ATTORNEY

23 JEN FLYNN, PLANNING BOARD SECRETARY

24

25

26 -----X

27 Stacie Sullivan, CSR
28 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: I'd like to apologize for the
6 confusion. The court was running late. They went over
7 by a long shot, so we're up here. We would have planned
8 better had we known.

25 I know that the April 1st minutes weren't sent

BOARD BUSINESS

1 out until today, so I'm not sure that everybody had time
2 to read them, so I'd like to table that until the next
3 meeting. If I could have that motion.

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

5 CHAIRMAN BRAND: Second?

6 MR. CALLO: Second.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any objection?

10 (No response.)

11 CHAIRMAN BRAND: Then I would like to have a
12 motion to approve the April 15th agenda.

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

14 CHAIRMAN BRAND: Is there a second?

15 MR. CALLO: I second.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Any objection?

19 (No response.)

20 MS. LANZETTA: That was the minutes.

21 CHAIRMAN BRAND: Minutes. What did I say?

22 MR. GAROFALO: Agenda.

23 CHAIRMAN BRAND: Sorry. Thank you. Under
24 Ongoing Application Review, first up this evening, Vito
25 Triolo --

BOARD BUSINESS

1 MR. LOFARO: Hold on.

2 CHAIRMAN BRAND: I'm sorry. Announcements,
3 Communication.

4 MR. LOFARO: Sorry. I have a one-hour
5 training, Planning, Zoning and Land Use 101.

6 CHAIRMAN BRAND: Perfect. I'll take that and
7 give it to Jen.

8 (Time noted: 7:32 p.m.)

9

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

11

12 Certified to be a true and accurate transcript.

13

14

Stacie Sullivan

15

Stacie Sullivan, CSR

16

17

18

19

20

21

22

23

24

25

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

2 -----X
3 In the Matter of

4 VITO TRIOLO PIZZA TOWN

5 Project No. 23-1024
6 1326 Route 9W, Marlboro
7 Section 108.4; Block 3; Lot 28

8 -----X
9 FINAL - SITE PLAN

10 Date: May 6, 2024
11 Time: 7:33 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, New York 12547

16
17 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
18 FRED CALLO
19 JAMES GAROFALO
20 CINDY LANZETTA
21 JOE LOFARO
22 BOB TRONCILLITO

23
24 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

25 JAMES E. NELSON, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: JOSEPH MINUTA
VITO TRIOLO

23

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

V. TRIOLO PIZZA TOWN - FINAL SITE PLAN

1 CHAIRMAN BRAND: First up, Vito Triolo Pizza
2 Town for a final of their site plan at 1326 Route 9W,
3 Marlboro.

6 MR. NELSON: Jim Nelson.

7 CHAIRMAN BRAND: Mr. Nelson, do you have
8 anything that you'd like to talk about this before we
9 proceed?

10 MR. NELSON: No. I did review it with Gerry.
11 I also had a brief conversation with Mr. Hines. No, I
12 have no comments about what I expect will be an approval

13 CHAIRMAN BRAND: Good. Any comments or
14 questions from the Board?

15 (No response.)

16 CHAIRMAN BRAND: All right. Before you we have
17 the application of Vito Triolo for the site plan
18 application, the Town of Marlborough Planning Board, we
19 have a SEQRA Negative Declaration and Notice of
20 Determination of Non-Significance.

21 I will poll the Board. Chairman Brand, yes.
22 Lanzetta.

23 MS. LANZETTA: Yes.

24 CHAIRMAN BRAND: Lofaro.

25 MR. LOFARO: Yes.

V. TRIOLO PIZZA TOWN - FINAL SITE PLAN

1 CHAIRMAN BRAND: Callo.

2 MR. CALLO: Yes.

3 CHAIRMAN BRAND: Jennison, absent. Right.

4 Garofalo.

5 MR. GAROFALO: Yes.

6 CHAIRMAN BRAND: Troncillito.

7 MR. TRONCILLITO: Yes.

8 CHAIRMAN BRAND: You also have the matter
9 regarding the application of Vito Triolo for a site plan
10 approval, the Resolution of Approval by the Town of
11 Marlborough Planning Board. I am yes. Lanzetta.

12 MS. LANZETTA: Yes.

13 MR. HINES: It just has one special condition
14 of payment of fees and recreation fees are the only
15 conditions that are identified. Otherwise, everything
16 else is boilerplate.

17 CHAIRMAN BRAND: Thank you. I'm still yes.

18 Lanzetta.

19 MS. LANZETTA: Yes.

20 CHAIRMAN BRAND: Lofaro.

21 MR. LOFARO: Yes.

22 CHAIRMAN BRAND: Callo.

23 MR. CALLO: Yes.

24 CHAIRMAN BRAND: Garofalo.

25 MR. GAROFALO: Yes.

V. TRIOLO PIZZA TOWN - FINAL SITE PLAN

1 CHAIRMAN BRAND: Troncillito.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: Referring to what Pat said, we
4 have the Site Plan Recreation Fee Findings for the Town
5 of Marlborough Planning Board. Whereas the Town of
6 Marlborough Planning Board has reviewed the site plan
7 application known as Vito Triolo Pizza Town with respect
8 to real property located at 1326 Route 9W in the Town of
9 Marlborough. Member Lofaro offered the following
10 resolution which was seconded by Member Troncillito.

11 It is hereby resolved that the Planning Board
12 makes the following finds pursuant to Section 277(4) of
13 the Town Law: Based on the present and anticipated
14 future need for park and recreational opportunities in
15 the Town of Marlborough, and to which the future
16 population of this subdivision will contribute, parklands
17 should be created as a special condition of approval of
18 the site plan. However, a suitable park of adequate size
19 to meet the above requirement cannot be properly located
20 within the proposed project site. Accordingly, it is
21 appropriate that in lieu of providing parkland, the
22 project sponsor render to the Town payment of a
23 recreation fee to be determined in accordance with the
24 prevailing schedule established for that purposed by the
25 Town of Marlborough. This approved site plan known as

V. TRIOLO PIZZA TOWN - FINAL SITE PLAN

1 Vito Triolo Pizza Town resulted in two units for a total
2 of \$4,000 in Recreation Fees. Whereupon the following
3 vote was taken: Chairman Brand, yes. Callo.

4 MR. CALLO: Yes.

5 (Whereupon Member Jennison entered the room.)

6 CHAIRMAN BRAND: Garofalo.

7 MR. GAROFALO: Yes.

8 CHAIRMAN BRAND: Lanzetta.

9 MS. LANZETTA: Yes.

10 CHAIRMAN BRAND: Lofaro.

11 MR. LOFARO: Yes.

12 CHAIRMAN BRAND: Troncillito.

13 MR. TRONCILLITO: Yes.

14 CHAIRMAN BRAND: Jennison.

15 MR. JENNISON: Yes.

16 CHAIRMAN BRAND: Mr. Jennison came in at the
17 last minute. I think you're all set, sir. Thank you.

18 MR. MINUTA: Thank you.

19 (Time noted: 7:35 p.m.)

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

21 Certified to be a true and accurate transcript.
22

23 Stacie Sullivan

24 Stacie Sullivan, CSR

25

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

In the Matter of

FEENEY TWO-LOT SUBDIVISION

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

FINAL - SUBDIVISION

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

17 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

18 JAMES E. NELSON, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

21 APPLICANT'S REPRESENTATIVE: DAVID FEENEY

22

23

24

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

FEENEY TWO-LOT SD - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda tonight we
2 have the Feeney two-lot subdivision for a final of their
3 subdivision on Plattekill Road in Marlboro. Mr. Nelson,
4 anything on this one?

5 MR. NELSON: No.

6 CHAIRMAN BRAND: For the application --
7 anything from the Board?

8 (No response.)

9 CHAIRMAN BRAND: For the application of David
10 Feeney, we have a SEQRA Negative Declaration, Notice of
11 Determination of Non-Significance for their subdivision
12 on Plattekill Road in Marlboro. I am yes. Lanzetta.

13 MS. LANZETTA: Yes.

14 CHAIRMAN BRAND: Lofaro.

15 MR. LOFARO: Yes.

16 CHAIRMAN BRAND: Callo.

17 MR. CALLO: Yes.

18 CHAIRMAN BRAND: Jennison.

19 MR. JENNISON: Yes.

20 CHAIRMAN BRAND: Garofalo.

21 MR. GAROFALO: Yes.

22 CHAIRMAN BRAND: Troncillito.

23 MR. TRONCILLITO: Yes.

24 CHAIRMAN BRAND: We also have for the
25 application of David Feeney for a two-lot subdivision,

FEENEY TWO-LOT SD - FINAL SUBDIVISION

1 the Resolution of Approval by the Town of Marlborough
2 Planning Board. Pat.

3 MR. HINES: Yes. Similarly, there is very
4 limited conditions. I think it's payment of fees,
5 actually, is the only outstanding item.

6 CHAIRMAN BRAND: I am yes. Lanzetta.

7 MS. LANZETTA: Yes.

8 CHAIRMAN BRAND: Lofaro.

9 MR. LOFARO: Yes.

10 CHAIRMAN BRAND: Callo.

11 MR. CALLO: Yes.

12 CHAIRMAN BRAND: Jennison.

13 MR. JENNISON: Yes.

14 CHAIRMAN BRAND: Garofalo.

15 MR. GAROFALO: Yes.

16 CHAIRMAN BRAND: Troncillito.

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: We also have the Subdivision
19 Recreation Fee Findings for the Town of Marlborough
20 Planning Board. Whereas the Planning Board has reviewed
21 a subdivision application known as the Feeney two-lot
22 subdivision with respect to real property located at
23 Plattekill Road in the Town of Marlborough. Member
24 Garofalo offered the following resolution which was
25 seconded by Member Lanzetta:

FEENEY TWO-LOT SD - FINAL SUBDIVISION

1 It is hereby resolved that the Planning Board
2 make the following finds pursuant to Section 277(4) of
3 the Town Law. Based on the present and anticipated
4 future need for park and recreational opportunities in
5 the Town of Marlborough, and to which the future
6 population of which the subdivision will contribute,
7 parklands should be created as a condition of approval of
8 this subdivision. However, a suitable park of adequate
9 size to meet the above requirement cannot be properly
10 located within the proposed project site. Accordingly,
11 it is appropriate that in lieu of providing parkland, the
12 project sponsor render to the Town payment of a
13 recreation fee to be determined in accordance with the
14 prevailing schedule established for that purpose by the
15 Town of Marlborough. This approved subdivision known as
16 the Feeney two-lot subdivision resulted in one new lot
17 for a total of \$2,000 in Recreation Fees. Whereupon the
18 following vote was taken:

19 Chairman Brand, yes. Callo.

20 MR. CALLO: Yes.

21 CHAIRMAN BRAND: Garofalo.

22 MR. GAROFALO: Yes.

23 CHAIRMAN BRAND: Jennison.

24 MR. JENNISON: Yes.

25 CHAIRMAN BRAND: Lanzetta.

FEENEY TWO-LOT SD - FINAL SUBDIVISION

1 MS. LANZETTA: Yes.

2 CHAIRMAN BRAND: Lofaro.

3 MR. LOFARO: Yes.

4 CHAIRMAN BRAND: Troncillito.

5 MR. TRONCILLITO: Yes.

6 CHAIRMAN BRAND: All set. You're all set,

7 Mr. Feeney.

8 MR. FEENEY: Thank you.

9 (Time noted: 7:37 p.m.)

10

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

12

13 Certified to be a true and accurate transcript.

14

15 Stacie Sullivan

16 Stacie Sullivan, CSR

17

18

19

20

21

22

23

24

25

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

2 -----X
3 In the Matter of

4 BAYSIDE (MARLBORO) CONSTRUCTION (BAXTER)
5 Project No. 10-101
6 Section 109.001; Block 4; Lot 29

6 -----X

7 EXTENSION - SITE PLAN

8
9 Date: May 6, 2024
10 Time: 7:37 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

23 JAMES E. NELSON, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVE: DAN RIEGER

27

28

29 -----X

30 Stacie Sullivan, CSR
31 staciesullivan@rocketmail.com

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have two
2 extensions for Bayside, one construction for Baxter and
3 one Bayside Construction for Mr. Sussman. I guess we'll
4 handle them separately since they're separate. First up,
5 the Baxter extension. Pat, you do have comments there.

6 MR. HINES: Yes. So this is up for an
7 extension. It would have been its last extension, but
8 there was a change in the code recently that will allow
9 for additional extensions. I provided Mr. Nelson with a
10 copy of that local law, and I think Gerry Comatos has
11 recommended that this is acceptable to extend this
12 project.

13 MR. NELSON: Yes. I spoke to Gerry, reviewed
14 what Pat showed me, and it appears to me to be eligible
15 for an extension if the Board chooses.

16 CHAIRMAN BRAND: This extension is good for one
17 year. Any comments or questions from the Board?

18 MR. CALLO: I have a question.

19 CHAIRMAN BRAND: Mr. Callo.

20 MR. CALLO: If given the extension, how soon
21 will the blacktopping be done so the school district can
22 access the gate to bring the buses down?

23 MR. RIEGER: I can tell you what the plan is,
24 and hopefully everything goes to plan. Our plan is -- we
25 currently have two COs. We are hopeful that we'll have

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 two additional COs within the next 30 days. The CO on
2 the last building hopefully within 60 days. So the plan
3 would be to have that blacktop completed within that time
4 period, obviously, in order to get those last COs. And
5 then, in theory, have all of that done for the next
6 school year.

7 MR. CALLO: That was my next question. In the
8 fall, you anticipate them accessing --

9 MR. RIEGER: We anticipate that all
10 construction will be done before the end of the summer,
11 yes.

12 CHAIRMAN BRAND: Can I ask you a question about
13 the speed bump that's there?

14 MR. HINES: That's going.

15 MR. TRONCILLITO: That will be gone.

16 MR. HINES: I raised that recently and I had a
17 review comment.

18 CHAIRMAN BRAND: Okay. Just checking.

19 MR. GAROFALO: I would definitely disagree with
20 you. It's a very bad idea to have the speed bump on a --

21 MR. HINES: That's gonna go. They're looking
22 to begin paving.

23 MR. RIEGER: The paving is actually supposed to
24 start next week.

25 MR. HINES: Tomorrow, you told me.

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 MR. RIEGER: Well, I'm giving myself some
2 flexibility here.

3 MR. HINES: When we found out they were doing
4 that, I questioned the speed bumps that are not permitted
5 on the Town road, and Mr. Rieger came back and said it
6 was going to be removed.

7 MR. RIEGER: It will be removed.

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

10 MR. GAROFALO: I have a few. The application
11 letter was for Hudson West Drive and Boulder slash 18
12 Birdsall. So the portion on Bayside Drive is finished?

13 MR. RIEGER: So there's -- I'm not a hundred
14 percent sure on all of the addresses because the
15 addresses were provided for 9-1-1, but the main drive up
16 is not completed yet. The first two buildings on the
17 left-hand side are completed. That is Bayside Drive, and
18 then as you wrap back around, it's Boulder Drive. That's
19 what's not completed yet. And so we're, you know -- I
20 mean, the extension is for the entirety of the project.

21 MR. GAROFALO: The letter specifically said --
22 does not have Bayside Drive on it, but your intention is
23 you want the extension to include Bayside Drive?

24 MR. RIEGER: The extension is for the entire
25 project.

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 MR. HINES: It's for the approval. We have one
2 approval.

3 MR. RIEGER: It's one approval.

4 MR. HINES: Right. It only has one approval.
5 It's not a phased project.

6 MR. GAROFALO: The other thing I would like to
7 ask you about is who put up the sign, Hudson West Luxury
8 Apartments, that's down by Route 9W?

9 MR. RIEGER: We had a subcontractor that put
10 the sign up.

11 MR. GAROFALO: Okay. Do you have a permit for
12 that sign?

13 MR. RIEGER: We have a permit for the sign, and
14 we have an easement from Asher to put the sign up.

15 MR. GAROFALO: And I believe there is a code
16 requirement that signs not be put off premises, and that
17 would be on different -- somebody else's property, that
18 would be an off premises sign.

19 MR. RIEGER: I don't know the answer to that,
20 but we received a permit to put the sign up.

21 MR. GAROFALO: Who gave you the permit?

22 MR. RIEGER: The Town. Somebody from the Town
23 gave us the permit.

24 MR. HINES: I would assume the Building
25 Department.

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 MR. GAROFALO: I think that kind of sign has to
2 be both the Planning Board and the Code Enforcement
3 Officer.

4 CHAIRMAN BRAND: I don't think signs go before
5 us.

6 MR. GAROFALO: In the new code, I think it has
7 to be approved by us. I'm concerned that it's an off
8 premises sign so that it's not a legal sign. And if
9 you're actually renting it, then it would be a billboard.
10 It would be considered a billboard.

11 MR. RIEGER: It's not rented.

12 MR. GAROFALO: It's just an off premises sign.
13 So I'm concerned that that should be looked into.

14 CHAIRMAN BRAND: I'll talk to the Code
15 Enforcement Officer.

16 MR. GAROFALO: That needs to be resolved.
17 That's really -- the other question I had was about the
18 speed bump, which --

19 MR. JENNISON: I make a motion to approve the
20 extension.

21 CHAIRMAN BRAND: There's a motion. Is there a
22 second?

23 MR. TRONCILLITO: I'll second.

24 CHAIRMAN BRAND: Any discussion?
25 (No response.)

BAYSIDE (BAXTER) - EXTENSION SITE PLAN

1 CHAIRMAN BRAND: Any objection?

2 (No response.)

3 CHAIRMAN BRAND: So moved. The one-year
4 extension is granted. Next up we --

5 MR. TRONCILLITO: Can I make one comment?

6 CHAIRMAN BRAND: Yes, please.

7 MR. TRONCILLITO: I think the next time one of
8 these projects comes before us, that we should look into
9 maybe the building being a little bit more aesthetically
10 pleasing. That's just my opinion. You know, I think
11 they could have been a little bit nicer in regards to
12 aesthetics, instead of just a white box, is basically
13 what you got up there. Four white boxes.

14 CHAIRMAN BRAND: Thank you.

15 MR. GAROFALO: Are we going to get a certified
16 plan when this is finished?

17 MR. HINES: An as built, yes.

18 (Time noted: 7:44 p.m.)

19

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

21

22 Certified to be a true and accurate transcript.

23

24

Stacie Sullivan

25

Stacie Sullivan, CSR

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

2 -----X
3 In the Matter of

4 BAYSIDE CONSTRUCTION (ASHER)

5 Project No. 10-101
5 Section 109.001; Block 4; Lot 29

6 -----X

7 EXTENSION - SITE PLAN

8
9 Date: May 6, 2024
9 Time: 7:45 p.m.
10 Place: Town of Marlborough
10 Town Hall
11 21 Milton Turnpike
11 Milton, New York 12547

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

17 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

18 JAMES E. NELSON, ESQ., PLANNING
19 BOARD ATTORNEY

20 JEN FLYNN, PLANNING BOARD SECRETARY

21 APPLICANT'S REPRESENTATIVE: JUSTIN DATES

22

23

24 -----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BAYSIDE (ASHER) - EXTENSION SITE PLAN

1 CHAIRMAN BRAND: Next we have Bayside
2 Construction for Mr. Sussman for a special extension of
3 their site plan. Pat.

4 MR. HINES: Yes. This is the same situation.

5 This is the commercial portion of the -- it was
6 originally a three-lot subdivision. This is the
7 commercial portion. There was the residential portion,
8 this commercial portion, and then there's a balance
9 parcel between the proposed Town roadway and the school
10 that has nothing proposed on it right now. So this would
11 be another one-year extension for the commercial use.

12 MR. GAROFALO: They would have to have it built
13 in a year?

14 MR. HINES: Well, I think they can actually get
15 one more extension based on the new code, a total up to
16 five years.

17 CHAIRMAN BRAND: Mr. Dates, do you have
18 anything to add?

19 MR. DATES: No. That's what we request from
20 the Board.

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

23 (No response.)

24 MR. JENNISON: I make the motion to approve the
25 extension.

BAYSIDE (ASHER) - EXTENSION SITE PLAN

1 CHAIRMAN BRAND: Is there a second?

2 MR. LOFARO: I'll second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 CHAIRMAN BRAND: All right. So moved.

8 MR. DATES: Can I clarify one thing?

9 CHAIRMAN BRAND: Of course.

10 MR. DATES: Pat, you mentioned that there would
11 be an additional one year that we could get?

12 MR. HINES: I believe the code now went to
13 five.

14 MS. FLYNN: I thought this was the last one.

15 MR. HINES: I'm not sure how many you had.

16 MR. GAROFALO: It's a question of when the
17 construction was started.

18 MR. HINES: So on this one, it's kind of --
19 they've done no construction, but Mr. Rieger's company
20 has put the stormwater improvements in and regraded the
21 site and supported the residential portion of the
22 project.

23 CHAIRMAN BRAND: Pat, what would happen to that
24 should -- so this is a commercial parcel?

25 MR. HINES: Yes.

BAYSIDE (ASHER) - EXTENSION SITE PLAN

1 CHAIRMAN BRAND: That retention pond that's
2 there, if they do do some commercial building on there in
3 the future, what happens to the retention pond?

4 MR. HINES: It stays there. It's part of that
5 approved site plan. The commercial component is behind
6 that.

7 MR. DATES: So the original SWPPP design for
8 the project accounted for the impervious surfaces and
9 whatnot that was part of the commercial. So some of the
10 residential comes down the hill, some of the treatment
11 for the Town road comes down the hill, and it gets over
12 to that stormwater management area. So once it's
13 confirmed that it's been built to design, you know, it
14 will be ready to go with, you know, the current designs
15 before the Board or approved by the Board.

16 CHAIRMAN BRAND: All right. Thank you.

17 MS. FLYNN: I'm sorry. Did we figure out if
18 it's one more, or if this is it?

19 MR. HINES: I don't know that we need to
20 determine that now.

21 CHAIRMAN BRAND: We know it's definitely one,
22 but I think it was Mr. Comatos's and Meghan's, the
23 previous attorney, understanding that this is the final
24 extension.

25 MR. NELSON: You can get a total of three

BAYSIDE (ASHER) - EXTENSION SITE PLAN

1 extensions of -- each of the one year and the four year.

2 CHAIRMAN BRAND: But they had the original two
3 years or whatever, and then they went to extend, extend,
4 extend, and now this is another extend.

5 MR. NELSON: So that sounds to me like it would
6 be the last one.

7 CHAIRMAN BRAND: I believe it is.

8 MR. TRONCILLITO: What happens when --

9 MR. HINES: Stand by for the next application.

10 MR. TRONCILLITO: Okay.

11 CHAIRMAN BRAND: Or the next Town law change.

12 MR. TRONCILLITO: To suit the builder, yeah, I
13 hear you.

14 CHAIRMAN BRAND: Thank you, Mr. Dates.

15 MR. DATES: Thank you.

16 (Time noted: 7:48 p.m.)

17

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

19

20 Certified to be a true and accurate transcript.

21

22 Stacie Sullivan

23 Stacie Sullivan, CSR

24

25

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

2 -----X
3 In the Matter of

4 MARLBORO ON HUDSON

5 Project No. 18-2008
6 Hudson Circle, Marlboro
7 Section 108.12; Block 8; Lot 23

7 -----X
8 REAPPROVAL - SUBDIVISION

9 Date: May 6, 2024
10 Time: 7:48 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

23 JAMES E. NELSON, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVE: ANTHONY RUSSO

27

28

29

30

31 -----X
32 Stacie Sullivan, CSR
33 staciesullivan@rocketmail.com

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 CHAIRMAN BRAND: Next up, Marlboro on Hudson
2 for a reapproval of their site plan for Hudson Circle in
3 Marlboro. Is there a representative here?

4 MR. RUSSO: Yes.

5 CHAIRMAN BRAND: Perfect. Do you have any
6 comments, Pat?

7 MR. HINES: We do. This project has some
8 history. It's probably more than 15 years old
9 originally. Maybe more than that. It was -- began with
10 the Diorios putting in some condominiums on the site. A
11 portion of the site was constructed. The utilities were
12 put in. I think there were some issues in the economy
13 where the project lingered. In 2018, the project came
14 back and got an extension -- or actually a reapproval for
15 the project. Those approvals have lapsed and no
16 extensions were sought, so this is before you now. It's
17 basically a new project. They can get -- typically,
18 these will have an abbreviated SEQRA review. You've done
19 that already, that SEQRA review, unless there's been
20 substantial changes in the neighborhood or to the
21 project, but I believe that he'd have to reapply for the
22 project. I would suggest they negotiate with the Town
23 Board any proposed fees because there would be new fees
24 as it's a new project.

25 They have a 2018 Stormwater Pollution

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 Prevention Plan. Those regulations have been updated
2 twice since then. There was a 2020 and more recent
3 changes to the DEC regulations regarding Stormwater
4 Pollution Prevention Plans. So an update to that will be
5 required.

6 Long term maintenance of the stormwater
7 facilities should be addressed.

8 The Planning Board -- again, we just talked
9 about the SEQRA. I believe the SEQRA findings could be
10 handled through a SEQRA consistency finding at a future
11 date as long as the Board determines that there are no
12 changes significant to the project or the project area.
13 There's not been a noted increase in traffic as an
14 example, or, you know, a bald eagle didn't build a nest
15 next to the site, those kind of issues, or something we
16 need to look at.

17 The project will require a new public hearing.

18 Again, I just talked about the fees. The Town
19 Board may be in a position to discuss fees with the
20 applicant. That's often the case for some of these, but
21 that's outside the control of this Board. We can't waive
22 fees or anything.

23 I requested an updated Environmental Assessment
24 Form. The current one was submitted in 2018, and an
25 updated Environmental Assessment Form will be this

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 Board's tool to do a SEQRA consistency review moving
2 forward.

3 County Planning review -- a new County Planning
4 review would be required.

5 Any activities on the site since 2018 we should
6 get a map: Here's what's been constructed and here's
7 what's proposed to be constructed. I think there may
8 have been some construction activity right around 2018
9 when you got your reapproval.

10 MR. RUSSO: We just started doing some grading,
11 very limited. Nothing has changed as far as what the
12 plans and -- what the plan has been approved for. We can
13 do exactly what has been approved.

14 MR. HINES: The current application utilizes
15 those 2018 plans. We should have an indication from the
16 applicant's representative, design consultant, on those,
17 that those plans are still valid to be used. There's
18 been a change of ownership, I believe.

19 MR. RUSSO: Yes. After the approvals, we had
20 closed on it, and there are new owners.

21 MR. HINES: So any outstanding DEC permits need
22 to be transferred. That Stormwater Pollution Prevention
23 Plan and permit at a minimum should be transferred to the
24 new owners.

25 And then I think there was updates to the HOA

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 documents that were going to be required. The bedroom
2 count changed in 2018. The original approvals had
3 two-bedroom units and some three-bedroom units. I forgot
4 the exact count, but three-bedroom units were added into
5 the --

6 MR. RUSSO: Twenty-four units.

7 MR. HINES: -- 24. They became three bedroom
8 rather than two bedroom. I don't know the status of
9 those HOA documents, but certainly that would trigger a
10 need to revise those based on the changes to the plans.
11 And I'll let Mr. Nelson speak to that. I'm certainly not
12 an expert on HOA documents, but there's procedures for
13 that.

14 MR. NELSON: No. So those would have to go
15 through the Attorney General's office. I assume that was
16 an earlier condition.

17 The only comments I had or adjunct to what
18 Mr. Hines said was if there's a new owner, I'm assuming
19 that the Board and the administration would want the
20 application to be cosigned or at least endorsed by the
21 new owner, rather than simply using the old one with a
22 name on it which is not an owner.

23 And I did notice the request for a new EAF, and
24 I don't know whether the Board's practice with projects
25 of this size is to ask that the newer long form, the EAF

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 form, be submitted. It's more pages, but it does provide
2 a higher level of information for the Board to assess the
3 potential for adverse impacts or the potential for a Neg
4 Dec.

5 CHAIRMAN BRAND: Can I just ask very quickly,
6 Mr. Russo, your plans are essentially going to be just
7 completing what was proposed before?

8 MR. RUSSO: Absolutely.

9 CHAIRMAN BRAND: Nothing different.

10 MR. RUSSO: That's the intent.

11 CHAIRMAN BRAND: Additional comments or
12 questions from the Board?

13 MR. GAROFALO: Yes, I have some. Some of the
14 paperwork has changed. The public hearing procedures
15 have changed to your benefit because we no longer require
16 the return receipt on the mailings. So check the website
17 and get the new procedures. There's also a new site plan
18 application form. So for the new owner to sign it,
19 you're going to need to have the new form and the site
20 plan.

21 CHAIRMAN BRAND: Basically, you're essentially
22 starting from scratch again. Some of the things, I think
23 like Mr. Hines was saying, are useable, but, for the most
24 part, you're going to have to start from the beginning.

25 MR. RUSSO: Can I just ask a question --

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 CHAIRMAN BRAND: Of course.

2 MR. RUSSO: -- in reference to the fact that,
3 you know, we had pulled permits, that has no bearing on
4 this process whatsoever? We pulled permits a while ago.

5 CHAIRMAN BRAND: What type of permits?

6 MR. RUSSO: Building permits.

7 MR. HINES: So those building permits have
8 lapsed, the approvals have lapsed, and there was no
9 continuity in that. So there was no request for
10 extensions. You know, after a building permit -- you
11 have two years to get your building permit, and you have
12 two years after that to complete the project and/or
13 request extensions, and that didn't happen.

14 CHAIRMAN BRAND: Even had it happened, I think
15 that would have almost expired by now. You would have
16 had like six months maybe at this point to get everything
17 done. So I think it really behooves you to start over,
18 to be very honest.

19 MR. HINES: I mean, I don't think you're
20 reinventing the wheel here, but procedurally, to do this
21 legally, it's a new application. It certainly can be an
22 expedited process. The Board is familiar with it. There
23 has not been significant changes in the code that would
24 affect this project. It's more of a procedural matter to
25 dot the Is, cross the Ts, and make sure that the

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 application moves forward and gets a new approval. The
2 Stormwater may be your -- probably your heaviest lift
3 through your engineers.

4 MR. RUSSO: Can I ask a question? I thought it
5 was my understanding that that was based on the
6 Stormwater manual from 2015.

7 MR. HINES: Correct.

8 MR. RUSSO: And that's not the manual that's in
9 effect anymore at this point in time?

10 MR. HINES: No.

11 CHAIRMAN BRAND: What year are we on now, Pat?

12 MR. HINES: There was a '20 and a '22 version.

13 CHAIRMAN BRAND: Any other questions?

14 MR. HINES: They're actually going to adopt a
15 new one real soon.

16 MR. RUSSO: I understand what we have to do.

17 CHAIRMAN BRAND: Great. All right. I think
18 you're all set.

19 MR. RUSSO: Thank you.

20 (Time noted: 7:56 p.m.)

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

22 Certified to be a true and accurate transcript.
23

24 Stacie Sullivan
25 Stacie Sullivan, CSR

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

2 -----X
3 In the Matter of

4 BUTTERMILK FALLS RESORT HOTEL

5 Project No. 23-2019
6 220 North Road, Milton
7 Section 103.1; Block 2; Lot 12,200, 13,
8 11.200, 10, 11.100, 75, 71, 72

7 -----X

8 SKETCH - SUBDIVISION

9
10 Date: May 6, 2024
11 Time: 7:57 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, New York 12547

16
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
25 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
26
27 JAMES E. NELSON, ESQ., PLANNING
28 BOARD ATTORNEY
29
30 JEN FLYNN, PLANNING BOARD SECRETARY

31
32 APPLICANT'S REPRESENTATIVE: MICHAEL MORIELLO, ESQ.

33

34

35 -----X
36 Stacie Sullivan, CSR
37 staciesullivan@rocketmail.com

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have
2 Buttermilk Falls Resort for a sketch of a site plan at
3 220 North Road in Milton.

4 MR. MORIELLO: Michael Moriello. I'm the
5 lawyer for the applicant. I don't know where the
6 engineer is and I don't know where the applicant is, but
7 I'm here to listen and go over Pat's comments.

8 CHAIRMAN BRAND: Pat, do you just want to run
9 through your comments? Do you want to call them or text
10 them or something?

11 MR. MORIELLO: Yes.

12 MR. HINES: So I'll review my comments, and if
13 they pop in here, we'll have them.

14 Just procedurally, the Board declared its
15 intent for lead agency. We circulated a notice of
16 intent. Actually, Mr. Moriello's office circulated a
17 lead agency intent prepared by my office, because the
18 plans were rather voluminous, and they reproduced them
19 and sent them out. We heard no objections from any other
20 agency. We did hear back from several of the agencies.
21 So we do confirm that those went out

22 There was some traffic comments from Ken
23 Wersted's office from Creighton Manning that are
24 outstanding, and the revised traffic report was
25 submitted. So we'll be waiting for Creighton Manning's

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 comments on that.

2 We're awaiting the completion of the Stormwater
3 Pollution Prevention Plan for the project. The design
4 reflects numerous stormwater management facilities, but
5 we don't have the Stormwater Pollution Prevention Plan in
6 support of those.

7 Based on the lead agency intent, SHPO, the
8 State Historic Preservation Office, identified some
9 potential archeologically significant areas. There's
10 been a delineation of those areas on the plans. And
11 there's a 50-foot avoidance buffer. I'm suggesting that
12 that should become some sort of deed restricted area on
13 the site to prevent future disturbance of that area.

14 CHAIRMAN BRAND: Did they say what it was, Pat?

15 MR. HINES: Just some precontact -- I think
16 there was some precontact, meaning pre-English settlers.
17 Probably arrowheads or some Indian-type artifacts found
18 in that area. I don't know exactly which. That's not my
19 thing, but they did do a report for SHPO. And that was
20 submitted -- it resulted in a change.

21 (Whereupon Robert Pollock and Barry Medenbach
22 entered the room.)

23 MR. HINES: They found them.

24 So that resulted in a relocation of the
25 emergency access -- kind of tertiary access off that

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 small dead end Town road there, because that was going
2 right through that area on the previous plans. So that's
3 been relocated. So, basically, they've avoided that area
4 identified as an archeological significant barrier, put a
5 50-foot buffer around it, and then we're suggesting that
6 that be deed restricted for any potential future impacts
7 to avoid that.

8 I noted that there's 15-foot wide access roads
9 identified. The New York State Fire Code identifies a
10 fire access road as 20-foot minimum. That's under the
11 purview of the Code Enforcement Officer as the authority
12 having jurisdiction. And we would need an indication
13 from the Code Officer that those would be acceptable, but
14 it may require a variance from the Building -- New York
15 State Building Department, because there's no such thing
16 as a 15-foot wide fire access road.

17 MR. MEDENBACH: I thought that was just a
18 recommended code.

19 MR. HINES: That's not recommended.

20 MR. POLLOCK: The Fire Department even told us.

21 MR. HINES: Yeah, the Fire Department doesn't
22 have the authority to grant a waiver. The Code
23 compliance officer can as the party having jurisdiction.
24 But it's -- there's a chart in the appendix.

25 MR. MEDENBACH: It's Appendix D.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. HINES: It says 20 feet. It doesn't say
2 anything smaller than that.

3 MR. MEDENBACH: I know, but when is Appendix D
4 applicable?

5 MR. HINES: For all the time.

6 MR. MEDENBACH: No. I think if you look into
7 it, it's a recommended standard.

8 MR. HINES: I disagree with that.

9 MR. MEDENBACH: All right.

10 MR. HINES: But you can have that conversation
11 with the Code Enforcement Officer. If he's going to
12 allow that, then --

13 MR. POLLOCK: Okay. Thank you.

14 MR. HINES: We'll be looking for a design
15 report for the water systems.

16 MR. MEDENBACH: We have that already. We'll
17 get you that.

18 MR. HINES: Yeah, I don't have that.

19 MR. MEDENBACH: No.

20 MR. HINES: Oh, I thought you meant I had that.
21 The septic systems will require approval from
22 the Health Department. There's some pretty extensive
23 septic systems. They're broken up into various systems
24 based on the soils that they found on the site. So we'll
25 be looking for that.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 County Planning referral is required for the
2 project. And we're recommending that that referral be
3 undertaken at this time to start getting the County's
4 input on the project. It's located within 500 feet of a
5 State highway, so that kicks in.

11 MR. HINES: Yes, we do have a local waterfront
12 revitalization program.

13 MR. MORIELLO: The Board will want to see the
14 Coastal assessment form go to Department of State --

15 MR. HINES: Correct.

16 MR. MORIELLO: -- to make that comparison?
17 We'll do that.

18 MR. HINES: Yep. The project is located
19 adjacent to the Hudson River. That's a 303D Impaired
20 Waterway, so the SWPPP needs to address discharge to
21 that. It's just some language required in the SWPPP when
22 it's completed.

23 Just wanted to confirm that there's an easement
24 to -- I think it's your house -- on Lot 12.100. I just
25 didn't see any reference to an easement there.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. MEDENBACH: You know, I'm not sure. But if
2 there isn't one, we'll certainly create one.

3 MR. POLLOCK: I think we can do it.

4 MR. HINES: That's a long way up the hill.

5 Does that lot have frontage on the river? I didn't think
6 it did.

7 MR. MEDENBACH: You know, you may be right.

8 MR. HINES: So we'll be looking for a
9 landscaping plan, particularly the parking area at
10 Mahoney Road and North Street.

11 MR. MEDENBACH: I thought we had that.

12 MR. HINES: The interior of the site.

13 MR. MEDENBACH: We have one. That's not in the
14 package?

15 MR. HINES: I didn't see it. Doesn't mean it
16 wasn't there.

17 MR. POLLOCK: We had a landscape architect.

18 MR. MEDENBACH: We had a landscape plan for the
19 hotel and the parking lot. The rest of the cabins are
20 all in a heavily wooded area.

21 MR. HINES: Yeah. I'm looking at that.

22 Specifically to the commercial area. We'll look for
23 that.

24 MR. MEDENBACH: We had one, and I'm pretty sure
25 I put it in the set, because it was prepared by the

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 landscape architect, but I could be wrong too. I'll make
2 sure you get that.

3 MR. HINES: I had a comment on the banquet hall
4 restaurant as a porte-cochère. I just want to make sure
5 that doesn't --

6 MR. MEDENBACH: We'll verify that.

7 MR. HINES: The height for delivery vehicles
8 and emergency vehicles.

9 The rear of the hotel, it looks like that might
10 be at grade.

11 MR. MEDENBACH: We provided a 10- to 15-foot
12 strip there just for access. I'm not sure if the
13 architect wants to have some kind of a public walkway
14 there. We'll resolve that.

15 MR. HINES: The back of those units, I don't
16 know if there's going to be sliding glass doors out the
17 back.

18 MR. MEDENBACH: I don't think we need that, but
19 I didn't design the building. I'll verify that.

20 MR. HINES: It was more of a suggestion,
21 because if someone comes out, that's a long way around to
22 get anywhere.

23 MR. MEDENBACH: I agree. But we kept some area
24 just for servicing the building and stuff.

25 MR. HINES: It looks like -- are you doing work

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 right now on the bridge?

2 MR. MEDENBACH: That was permitted by the
3 Building inspector. Yeah, we have a design.

4 MR. HINES: I saw that there.

5 MR. MEDENBACH: It's not a DEC regulated stream
6 at all, but I'll give you the information. I have it
7 all.

8 MR. HINES: I just want to make sure it's
9 designed for the emergency vehicles and trucks as well as
10 the hydraulics.

11 MR. MEDENBACH: The bridge is -- no problem.
12 But the wooden one is really just pedestrian.

13 MR. HINES: Because the culvert is going under
14 the wooden one right now.

15 MR. MEDENBACH: That's existing, but we're
16 going to move everything into the new crossing.

17 MR. POLLOCK: It's going to be a new --

18 MR. MEDENBACH: The whole new entrance will
19 be --

20 MR. HINES: But there's a bridge at that
21 entrance right now; right?

22 MR. MEDENBACH: Not there. It's a little
23 further away.

24 MR. HINES: Okay. So we're looking for the
25 design of that and include that in the SWPPP as well.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 They're proposing land bank parking. They have
2 a lot of shared parking calculations, which I'm sure it's
3 more to their analysis. They're gonna -- in the large
4 parking area, Mahoney and North, they're going to build a
5 sub base and put geotextile and fabric -- geotextile
6 fabric and topsoil down. I just -- I don't have an issue
7 with it, but when we do that, I always like to have a
8 trigger, and I like to say, if the Building Department,
9 you know, notes on the plans or something that
10 affirmatively says if the Building Department wants it,
11 it will be constructed.

12 MR. MEDENBACH: No. We're building it so that
13 you can use it for parking.

14 MR. HINES: I understand that, but it's kind of
15 a land bank -- if, in fact, it's used constantly, that
16 kind of grass parking may turn into mud.

17 MR. MEDENBACH: So you're saying if it's
18 overused.

19 MR. HINES: Yeah. And that trigger should
20 be -- something should trigger that. I'm suggesting the
21 Building Department can request that and there should be
22 a time frame at which point it becomes conventional paved
23 parking. I've seen that issue before where we have land
24 bank parking.

25 Detail for the dumpster enclosure, that's easy.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. MEDENBACH: That's actually in the plans
2 already. It's on sheet 11.

3 MR. HINES: We just talked about that trigger
4 mechanism.

5 Roadway dedication parcels along North Street
6 and Mahoney Road.

7 MR. MEDENBACH: We can do that.

8 MR. HINES: We're looking for offers of
9 dedication for highway purposes there.

10 DEC SPDES permit will be required for the sewer
11 and stormwater facilities.

12 MR. MEDENBACH: We filed that already.

13 MR. HINES: Can you send copies of that for the
14 Board? It will complete their file.

15 MR. MEDENBACH: Sure.

16 MR. HINES: That way if something comes up, the
17 Board has it in their files as well. Anything you send
18 to any outside agencies, copy the Board.

19 MR. MEDENBACH: Okay.

20 MR. HINES: An engineering report for the
21 septic systems. You may have that up at County, but we
22 would like that as well.

23 Are you going to go for a five-acre waiver?

24 MR. MEDENBACH: We're going to phase the
25 construction. That's what you're talking about?

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. HINES: Yeah.

2 MR. MEDENBACH: We didn't show a phasing plan,
3 but I figured you'd ask for one, so we have to sit down
4 and figure out how we're going to phase it. It would not
5 all be built at once.

6 MR. HINES: I'm not adverse to a five-acre
7 waiver if you need it.

8 MR. MEDENBACH: I don't think Bob really
9 intends to build everything at once.

10 MR. POLLOCK: I would like to do it because we
11 have to put all the infrastructure in.

12 MR. MEDENBACH: But it will be phased, though.

13 MR. POLLOCK: It'll be phased.

14 MR. MEDENBACH: You're not going to build the
15 hotel and the conference hall and the cottages all at the
16 same time.

17 MR. POLLOCK: No.

18 MR. HINES: Take a look at that phasing plan.
19 If you need it, then let's get that. The Town Board
20 would be the agency issuing.

21 MR. MEDENBACH: We'll sit down. We'll put a
22 phasing plan together.

23 MR. HINES: Incorporate that into your
24 stormwater.

25 Then my last comment now is for the Planning

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 Board to discuss whether deed restrictions -- I'm
2 suggesting that there should be deed restrictions on the
3 archeologically sensitive areas to preserve in it
4 perpetuity.

5 CHAIRMAN BRAND: Comments or questions from the
6 Board? Mr. Garofalo.

7 MR. GAROFALO: Yes. Once again, I request that
8 my December 23rd, 2023, 19-page memo dealing with the
9 traffic be distributed to our consultants and the
10 applicant and New York State DOT.

11 MS. FLYNN: Can I respond?

12 CHAIRMAN BRAND: Of course.

13 MS. FLYNN: So when he brought that up, the
14 Board voted that they did not want his comments put on
15 the website, but sent to Creighton Manning. Mr. Hines
16 sent that with the whole packet to Creighton Manning. So
17 they do have his comments. I'm just done with that right
18 now. Sorry.

19 CHAIRMAN BRAND: Yes.

20 MR. GAROFALO: We decided --

21 CHAIRMAN BRAND: We voted as a Board at the one
22 meeting when that was brought up that it wasn't going to
23 go on the website. There was a lot of discussion as to
24 why you were doing that, taking that upon yourself, when
25 they had a paid consultant, and the majority of the Board

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 said that it shouldn't go on the website at that meeting.

2 MS. FLYNN: It was a conflict of interest, I
3 think was said.

4 CHAIRMAN BRAND: I think they just voted no.

5 MR. GAROFALO: My feeling was the reason why I
6 did it, so we wouldn't have to spend all the time going
7 over all of these issues in a meeting.

8 CHAIRMAN BRAND: It was sent to them. It was
9 sent to the applicant. It just was not posted on the
10 website.

11 MR. GAROFALO: So you did get that?

12 MR. MEDENBACH: Yes.

13 MR. HINES: And Creighton Manning got it as
14 well.

15 MR. GAROFALO: I did not know that.

16 MR. POLLOCK: Our consultant sent a response to
17 Creighton Manning. They've been communicating back and
18 forth.

19 MR. GAROFALO: So I'd like to go over some of
20 these, because they changed some things, one of which is
21 in the text you talk about adding a gate to Van Orden
22 Road, to cut that off. And if you do do that, then I
23 think you have to have a turnaround so that people who
24 drive -- who happen to go that way come up to a gate.

25 MR. MEDENBACH: We're not allowing any of the

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 customers to drive on the site. They're all going to be
2 parked, you know, with the valet and potentially some
3 self parking, and they'll be shuttled around.

4 MR. POLLOCK: It's for the employees and the
5 fire department.

6 MR. MEDENBACH: Basically golf carts and
7 vehicles --

8 MR. POLLOCK: Electric vehicles.

9 MR. GAROFALO: What I was thinking was, there's
10 only -- at the end you have a big circle.

11 MR. MEDENBACH: I don't think it's necessary.
12 We're gating it off so that the general public does not
13 come in there, or the customers don't try to sneak in the
14 back door, basically.

15 MR. POLLOCK: We have 88 golf carts. We have
16 everything that's needed. The Volkswagen buses that
17 we're getting.

18 MR. MEDENBACH: And they're small, little
19 vehicles. They turn around in the driveway.

20 MR. GAROFALO: Is the gate going to be visible
21 from Van Orden?

22 MR. MEDENBACH: Yeah, I believe we showed it
23 that way. It would be visible.

24 MR. GAROFALO: Because I didn't see it on the
25 plan, but that should be.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. MEDENBACH: We have it on the plan
2 somewhere. I'll make sure it's obvious. And we
3 discussed this with the fire chief, and he felt that was
4 appropriate, to gate it. And, you know, they could break
5 the gate if they want, but they would have access to use
6 it. You know, it would only be used in emergencies.

12 MR. POLLOCK: And they're going to have
13 bicycles also available to the patrons.

14 MR. MEDENBACH: It's just pedestrian really
15 traffic inside the facility.

16 MR. GAROFALO: I'm sure the people on Van Orden
17 are going to appreciate that, because the people won't be
18 exiting out that way.

19 You know, I appreciate you moving the gatehouse
20 further away from the entrance so that there can be more
21 stacking, but there still may be an issue of having a
22 structure in the front yard. And that may still be an
23 issue that you may want to think about. Or I'm not sure
24 how that would be waived, if we can or not.

When you look at the pedestrian movement, I

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 think you really have to think about how the people are
2 going to get from the parking lot -- you have a crosswalk
3 across North. How do they get from there to the next
4 place without climbing over --

5 MR. MEDENBACH: We put in a crosswalk.

6 MR. GAROFALO: Yes, you did. I'm saying that.

7 MR. MEDENBACH: You're saying how do they get
8 there.

9 MR. GAROFALO: They go from the parking lot to
10 the crosswalk.

11 MR. POLLOCK: Normally the golf carts will be
12 taking them back and forth.

13 MR. MEDENBACH: That's what the gatehouse is
14 for, for the people to wait to be picked up by a shuttle.

15 MR. GAROFALO: So they cross the street. They
16 come to a stone wall.

17 MR. POLLOCK: They don't normally park their
18 own cars. We have a place for the valets, where you
19 actually pull in and check into the hotel at the
20 gatehouse. And then they park their cars temporarily.
21 Depending on what their stay is, they either leave the
22 car there or the valet takes it into the lot, the main
23 lot. So we don't -- they don't really go to the lot.

24 MR. MEDENBACH: We put the crosswalk in as a
25 suggestion by the traffic consultant that there may be

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 instances where a valet can't keep up and we may have
2 some self parking. And so we agreed that, you know,
3 that's certainly a possibility. So we put in a sidewalk
4 connection and a crosswalk, so if people are self
5 parking, which is not the normal policy, they could walk
6 over to the gatehouse.

7 MR. GAROFALO: I'm not disagreeing with that.
8 What I'm saying is, if you look at where the crosswalk
9 is, you cross the road. There's a stone wall in front of
10 you. You have to walk around the stone wall to get to
11 the other crosswalk. That's what I want you to take a
12 look at.

13 MR. MEDENBACH: I'll look at that.

14 MR. POLLOCK: It won't be a stone wall, trust
15 me.

16 MR. MEDENBACH: I think we have a direct path.
17 Maybe we didn't clarify that well.

18 MR. GAROFALO: It would have to go like right
19 over the stone wall.

20 MR. MEDENBACH: Well, you've got an opening in
21 the stone wall.

22 MR. GAROFALO: In any case, think about that.
23 The other thing is, which I don't think it's necessarily
24 a bad idea, is the idea of -- for the southbound traffic
25 that's going to Route 9W, you have on the North Avenue

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 exit signs showing that they are to go south. The way
2 they're shown on the plan, the arrows are pointing to the
3 wrong side of the signs. You have the signs back to
4 back, and if you look where they're pointing, they're
5 actually telling you to go north instead of south. So
6 you need to turn your arrow around so that it's clear
7 that you want them to go south.

8 Next, I think you need to follow the traffic.
9 You're telling them to turn right out of that large
10 parking lot, or the little parking lot, to go south. You
11 really need to follow that and say, Do we need to put any
12 more signs so these people don't get lost, wandering
13 around? So take it from there and look at where you need
14 other signs to make sure they can get to the traffic
15 light where you want to have them go. And I don't think
16 that's necessarily a bad idea. It may bring more
17 customers to Milton center, but I don't think that that's
18 necessarily a bad idea. But you need to give them
19 direction so they do not get lost.

20 The other issue is, you also have an
21 entrance/exit on Milton -- not on Milton.

22 MR. POLLOCK: North Road.

23 MR. MEDENBACH: Mahoney.

24 MR. GAROFALO: Thank you. People may come out
25 there, and the inclination would be, people would come

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 out there and immediately go right and then make the left
2 where you don't want them to. Maybe you should think
3 about do you want to make that as a one way in so that
4 all people go out where you have the signs and you're
5 directing them in the correct direction.

6 MR. POLLOCK: But the valets will be mostly
7 handling that area.

8 MR. GAROFALO: But for the people who do walk
9 there and do that, to look at --

10 MR. MEDENBACH: I don't think that's a problem.

11 MR. GAROFALO: -- just the signage and look at
12 it.

13 The other issue is the garage, and the parking
14 in front of the garage is such that most of those spaces
15 are going to be backing out into the street. There's not
16 enough room between where you have the parking space and
17 the street; that they're gonna actually be backing out
18 into the street. Normally, we don't want to have, A, a
19 vehicle backing into the street, and, B, a hundred foot
20 curb cut provided on that road.

21 MR. MEDENBACH: That's existing. The cars park
22 there now. That's an existing facility, and parking is
23 that way now, and they do back out. So what we're doing
24 is we're counting it as existing parking. We're not
25 proposing to make any changes.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. POLLOCK: Because that used to be a
2 business there.

3 MR. GAROFALO: What I'm suggesting is that you
4 should look at it and see what you can do. I would
5 rather lose a few parking spaces than have people
6 continually backing out into the road. You said you're
7 going to use that as warehouse space.

11 MR. GAROFALO: I could see -- you can still get
12 some parking in there, but I think the way you have it
13 laid out is not good, and, particularly, you're going to
14 have more traffic on that road. It's not a good
15 situation.

16 MR. POLLOCK: We're trying to keep people from
17 driving on that road. That's why we're using a valet
18 system, so we park the cars for them. But you don't seem
19 to get it.

20 MR. GAROFALO: No. I understand that. But
21 there's still going to be people that may do that, and
22 people are going to be back -- no matter who's parking
23 there, even if the valet parking is in front of the
24 garage, they have to back out.

25 MR. POLLOCK: Did you give the rules also for

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 the funeral home in Marlboro? The church in Marlboro?
2 Do you also give them a hard time about this? Or is that
3 grandfathered in?

4 CHAIRMAN BRAND: They haven't been before us.

5 MR. GAROFALO: They're not before us. I give
6 everybody a hard time.

7 MR. POLLOCK: I understand that. But the whole
8 thing, how many accidents --

9 MR. MEDENBACH: I look at Milton. We just had
10 dinner downtown. You parallel park, and you've gotta
11 back out into the road to get in and out of that parallel
12 parking spot. It's really not that much different. And
13 there's plenty of municipalities --

14 CHAIRMAN BRAND: Point well taken. Let's move
15 on to the next one. We got it. Don't back out.

16 MR. GAROFALO: One of the things that you heard
17 about in the -- one of your other projects was the County
18 is probably going to ask you for some recharging
19 stations, because people are going to be --

20 MR. POLLOCK: We have.

21 MR. MEDENBACH: We have them.

22 MR. POLLOCK: We have them already on the
23 property, but we'll -- we're going to take them off that
24 property and put them on the temporary parking that we
25 have inside the property.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. MEDENBACH: We'll make that more clear in
2 the plans as to where they are.

3 MR. POLLOCK: You're putting the cart before
4 the horse right now.

5 CHAIRMAN BRAND: The charger before the car.

6 MR. POLLOCK: The charger before the car.

7 MR. JENNISON: Is that what you're talking
8 about, the green parking area?

9 MR. HINES: No. That's what I talk about being
10 grass.

11 MR. MEDENBACH: Those two parking lots in the
12 corner, those two big areas that are shaded -- they
13 should be darker green. These two right here, we would
14 dress them up as grass (indicating). We picked those
15 because they're on the corner.

16 MR. GAROFALO: That's it. I'm concerned with
17 safety and being able to get people moving around so they
18 don't get lost.

19 MR. POLLOCK: I understand. Our liability
20 insurance makes us safe. It forces us to do sprinklers.
21 I'm very into safety in a large way. Even though they
22 don't call for -- you know the house I'm doing right now
23 on Dock Road, 9 Dock Road. We're doing a restoration.
24 I'm putting an ADA ramp in it just in case someone comes
25 in. The house is completely sprinkled. The barn is

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 completely sprinkled. So if we want to do a farmer's
2 market in that barn -- did you see it lately, Cindy?

3 MS. LANZETTA: It's beautiful.

4 MR. POLLOCK: 9 Dock.

5 MR. GAROFALO: You actually have the proper
6 symbols on the accessible parking spaces, not showing the
7 signs, but the symbols are correctly put there.

8 MR. POLLOCK: They're universal symbols.

9 CHAIRMAN BRAND: Mr. Troncillito, did you have
10 something?

11 MR. TRONCILLITO: Yes. Mr. Pollock, it's a
12 beautiful project that you got before us. I think it's
13 good for the Town, good for the community. I got one
14 question. What are we doing in the center of town with
15 the eyesore?

16 MR. POLLOCK: Oh, you're talking about the
17 rocks?

18 MR. TRONCILLITO: Yes.

19 MR. POLLOCK: We have the money for it. We're
20 waiting for the state now, for Hochul's office, to -- we
21 made an application for a grant. So we have the money
22 from the bank already. It's waiting for us. But the
23 whole thing is, if I get the grant, it gives us some more
24 money for other things, like landscaping, the church, and
25 stuff like that, where we could take the money from that

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 possibly. Not the grant money, but the bank's money, and
2 take it with us to another project.

3 MR. HINES: So you applied for Restore New
4 York?

5 MR. POLLOCK: Yeah. We did a lot of
6 applications. Sue Sullivan is working with me on a lot
7 of stuff.

8 MR. TRONCILLITO: What's that look like?

9 MR. POLLOCK: We've been -- it's a year ago
10 now. And they've held up all these -- Hochul is probably
11 funding other pet projects to put the money in -- we
12 don't know -- but they told us last week we were going to
13 get notice whether we got it or not. Because we've
14 fulfilled the -- it's mixed usage. It's not affordable
15 housing, but we're not putting -- it's just one
16 bedroom -- most of them are one-bedroom units. So it's
17 relatively affordable to most people. And at the same
18 time we're doing workforce housing for a lot of these
19 people that -- and for other people who we're gonna -- we
20 need housing for people. Because we are having the
21 biggest trouble -- biggest problem finding people to
22 work. So we're going to supply housing for all these
23 people. So we bought a lot of the properties along North
24 Road, and they're going to be housing for a lot of --
25 some for management and some for personnel. But we

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 actually -- we will have quite a bit of parking now --
2 quite a bit of real estate for apartments now. So now
3 people maybe could -- the price of residential has gone
4 up, but for some reason it went down again in Marlboro
5 again. I don't know what's going on in Marlboro.
6 Kingston seems to be doing well, but Marlboro is not
7 doing as well.

8 CHAIRMAN BRAND: I'm retiring in a couple of
9 years. I'll send you my résumé.

10 MR. POLLOCK: How are they doing with the
11 project right by the high school? Is that filling up or
12 selling?

13 CHAIRMAN BRAND: Middle school.

14 MR. HINES: Those are rentals.

15 MR. POLLOCK: Are they renting them out?

16 CHAIRMAN BRAND: Yes. One building is already
17 up and running, renting. The other two are waiting for
18 COs, the other buildings.

19 Anything else on this one?

20 (No response.)

21 MR. HINES: I'd like to get it to County
22 Planning.

23 MR. MORIELLO: I was just going to ask, for the
24 referral to County Planning, what do you want for the
25 packet?

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MS. FLYNN: Everything.

2 MR. MEDENBACH: One package?

3 MR. MORIELLO: Do you want us to put one
4 together and give it to you?

5 MS. FLYNN: Yes.

6 MR. MORIELLO: Okay. We'll do that.

7 MR. POLLOCK: Can we go to public hearing?

8 MR. HINES: I think we're going to wait to hear
9 back from County Planning and then we'll go to public
10 hearing.

11 MS. LANZETTA: You don't think you should wait
12 for the traffic suggestions, or are we just going to go
13 with their initial traffic?

14 MR. HINES: No. We need the updated traffic to
15 go. The SWPPP and the updated traffic need to go through
16 the County.

17 MR. GAROFALO: The big issue I think with the
18 traffic --

19 MR. MEDENBACH: You need the SWPPP to go to the
20 County?

21 MR. HINES: Yes. They want the complete
22 application.

23 MR. GAROFALO: It's going to be DOT deciding
24 about the left turn, whereas the Dollar General, they
25 basically told them you can -- you don't have to put it

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 in now, but we're going to look at it later. Since your
2 left turns are probably larger than theirs, they may end
3 up doing the same thing in this case.

4 MR. HINES: So we circulated to DOT. I don't
5 think they even weighed back in. So I don't think
6 there's a permit from DOT here because you're not
7 abutting DOT. So unless you're proposing -- I don't know
8 what the traffic study proposes, but I don't know that
9 we're going to hear from DOT. We circulated lead agency
10 to them and never --

11 MR. JENNISON: We haven't gotten any -- no
12 objections; right?

13 CHAIRMAN BRAND: For what?

14 MR. JENNISON: From any of the other agencies.
15 So do we need to declare ourselves lead agency for SEQRA
16 review?

17 MR. HINES: Yes. That was the intent of my
18 Comment Number 1.

19 MR. JENNISON: I think we should do that.

20 CHAIRMAN BRAND: Are you making a motion?

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

22 CHAIRMAN BRAND: Is there a second?

23 MR. GAROFALO: I'll second it.

24 CHAIRMAN BRAND: Any discussion?

25 (No response.)

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Any objection?

2 (No response.)

3 MR. JENNISON: Anything else you need from us?

4 MR. MORIELLO: On the archeological, I would
5 just say too, we're discussing internally how we want to
6 address SHPO. We hired -- Bob hired Joe Diamond, who is
7 a Ph.D. from New Paltz, archeological expert. I've
8 worked with him on dozens of projects. Very, very good.
9 Has very good contacts with SHPO. SHPO recently -- and I
10 think probably Pat has seen this; I know Barry's seen
11 it -- has gotten much more active than they were in the
12 last couple of years.

13 MR. HINES: They actually reply when you send
14 them stuff.

15 MR. MORIELLO: The issue here has to do with
16 Indigenous people, but we're dealing with the tribes too,
17 and so we have to make them happy. So what we're going
18 to do is get from Bob what he wants to do in that area.
19 I mean, we're going to have to have some kind of
20 avoidance plan. The question of having a permanent
21 easement or not is still up for debate. I mean, I
22 drafted a bunch of them for other projects. I don't know
23 what SHPO will say, and I think part of it's going to
24 depend on what's going to be done in that area. We
25 already -- Barry already shifted a tremendous amount

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 of --

2 MR. MEDENBACH: We moved all of the activity
3 for this project out of that area. In fact, we have an
4 avoidance plan.

5 MR. HINES: It looked like SHPO was on board,
6 the last information I had.

7 MR. MEDENBACH: Well, they have to approve our
8 Avoidance Plan.

9 MR. HINES: Right. Because they suggested a
10 50-foot buffer.

11 MR. MEDENBACH: We put a hundred foot buffer in
12 it.

13 MR. HINES: It think it was 50.

14 MR. MEDENBACH: We moved out of the area. But
15 now they want to see metes and bounds. So we just
16 recently surveyed it. So the final report is still being
17 prepared to send to them to approve, but I think what
18 Mike said, which is really what Bob is saying, he doesn't
19 want to permanently say, hey, I can't never use that
20 land. You know, because there's the ability -- you could
21 go back to the tribes and say, we can uncover, we can do
22 more studies and figure out what's going on, and actually
23 be able to disturb it. I've had other projects like
24 that. You know, two choices are, you either uncover
25 everything, you document it, or you avoid it. We chose

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 to avoid it just because of the time element involved in
2 taking the other route. So we're going to map that out
3 and say it's going to be avoided, but we want to stay
4 away from that being permanent forever.

5 MR. POLLOCK: Also, you understand, we're
6 dealing with five to 7000 B.C., prior to the tribes.
7 These are people who were hunters and gatherers and just
8 walked along the Hudson River or wherever they were.
9 They were families. They weren't tribal. It was prior
10 to the tribes.

11 MR. MORIELLO: We're going to work with Joe and
12 his contacts. As a practical matter, it may be
13 impossible to avoid --

14 MR. POLLOCK: They found one spearhead and a
15 bunch of chars (phonetic), you know, when they're making
16 stuff. You can't tell the difference between that and my
17 slate -- my blue stone that's around the property. You
18 can't tell the difference. It's just chert -- what do
19 they call it?

20 MR. MEDENBACH: Chert plates.

21 MR. MORIELLO: Chars, I thought.

22 MR. POLLOCK: You would never pick them up to
23 collect them.

24 MR. HINES: Mr. Diamond will. He'll sift the
25 dirt for you to find them.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SUBDIVISION

1 MR. POLLOCK: I could make a spearhead for you
2 in no time. There were no bow and arrows in those days.
3 This is prior to bow and arrows. The history, it goes
4 back prior to this.

5 MR. MORIELLO: Submittal date for the Board
6 is -- for this Board?

7 CHAIRMAN BRAND: Our next deadline is Friday,
8 May 10th. I don't know what the County is. They meet
9 the 1st of the month.

10 MR. HINES: They meet tomorrow.

11 MR. MEDENBACH: I'm not going to have a SWPPP
12 ready for them.

13 MR. HINES: Yes. We have to send them the
14 complete application.

15 CHAIRMAN BRAND: Thank you.

16 MR. MORIELLO: Thank you very much.

17 MR. POLLOCK: Thank you.

18 MR. MEDENBACH: Thank you.

19 (Time noted: 8:32 p.m.)

20

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

22 Certified to be a true and accurate transcript.
23

24

Stacie Sullivan

25

Stacie Sullivan, CSR

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

2 -----X
3 In the Matter of

4 RIDGEVIEW GIAMETTA SUBDIVISION

5 Project No. 24-2005
6 208-210 Western Avenue, Marlboro
7 Section 108.2; Block 4; Lot 1.411

8 -----X

7 SKETCH - SUBDIVISION

9 Date: May 6, 2024
10 Time: 8:33 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

23 JAMES E. NELSON, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVE: CHARLES GIAMETTA

27

28

29 -----X

30 Stacie Sullivan, CSR
31 staciesullivan@rocketmail.com

RIDGEVIEW GIAMETTA SUBDIVISION

1 CHAIRMAN BRAND: Next up under New Application
2 Review, we have Ridgeview Giametta Subdivision for a
3 sketch of a subdivision at 208-210 Western Avenue in
4 Marlboro.

5 MR. HINES: So this is a proposed two-lot
6 subdivision. The topography is currently only depicted
7 on a portion of the site. If the Board is okay with
8 that, you would have to give him a waiver of topography
9 on the complete site. Lot 1 has minimal topography. Lot
10 2 has topography just to the rear. So there's gaps in
11 the topo. The Board would have to grant a waiver for
12 that.

13 There are accessory structures existing on the
14 site that are not compliant, and I believe they need to
15 go to the ZBA. I specify the section of the code: No
16 accessory building permitted by this Chapter shall be
17 placed in any required side or front yard, except as
18 hereafter in this Article, which has to do with farms and
19 quarry buildings, for some reason. It's a pretty unique
20 section of the code.

21 CHAIRMAN BRAND: Mr. Giametta, what are the
22 accessory structures?

23 MR. GIAMETTA: They're farm buildings.

24 CHAIRMAN BRAND: Barn?

25 MR. GIAMETTA: One is a barn and the other one

RIDGEVIEW GIAMETTA SUBDIVISION

1 is a hay loft.

2 MR. HINES: So this is not a farm with two-acre
3 lots, is the issue. So I think it's clean to get them
4 covered through the ZBA. If it was a farm, I believe
5 that they would be exempt.

6 MR. GIAMETTA: Can I comment?

7 CHAIRMAN BRAND: Of course.

8 MR. GIAMETTA: My intention is to use the
9 property as a farm. I bought it as a farm, and it's my
10 intention to use it as a farm. The only reason I'm
11 subdividing the property is I'd like to build a house on
12 the property for myself. And the only way I can do
13 that -- there is an existing house on the property. The
14 property is 4.65 acres. I would like to build another
15 house on the property, but the only way I can legally do
16 it is to subdivide it. Even when I do subdivide the
17 property, I intend to keep them together. I don't intend
18 on splitting them or selling one portion of it. I intend
19 to keep them together as a farm. It's been a farm, and I
20 intend to keep it that way. If I do have to go to ZBA --

21 MR. HINES: I think it's cleaner to do that,
22 because they're small lots. If it was 60 acres, I would
23 say you can be a farm, but you can't even get an Ag
24 exemption on something this size.

25 MR. GIAMETTA: And I'm not looking --

RIDGEVIEW GIAMETTA SUBDIVISION

1 MR. HINES: I know you're not looking for it,
2 but I'm just saying.

3 MR. GAROFALO: Once it's separated, they could
4 be sold separately.

5 MR. HINES: The next day.

6 MR. GAROFALO: That's what we have to look at.

7 MR. GIAMETTA: Also, I would be open to
8 conditions that --

9 MR. HINES: Yeah, we can't condition
10 subdivisions.

11 MR. GIAMETTA: -- that if one of the properties
12 would be sold, that may be what you're looking for, you
13 know, could be reverted, but it's my intention to keep
14 them together.

15 CHAIRMAN BRAND: The ZBA is the way to go.

16 MR. GIAMETTA: Okay. What relief would I be
17 looking for?

18 MR. HINES: I cited it. My Comment 2 has the
19 section of the code.

20 MR. GIAMETTA: So I'm looking for what? A
21 variance?

22 MR. HINES: Yes, a variance for accessory
23 structures in front and side yards. Actually, I think
24 it's front yards.

25 MR. GIAMETTA: Okay.

RIDGEVIEW GIAMETTA SUBDIVISION

1 CHAIRMAN BRAND: Keep going, Pat.

2 MR. HINES: Sight distance at existing
3 driveways -- Western Avenue is a County road?

4 MR. GIAMETTA: Western is County.

5 MR. HINES: We just need them to weigh in on
6 the driveways because of the subdivision.

7 There's a piece of what I guess is County
8 drainage pipe running across Lot 1 outside the
9 right-of-way. It's between the two accessory structures.
10 It's depicted in blue on Lot 1. Right there
11 (indicating).

12 MR. GIAMETTA: That catch basin?

13 MR. HINES: No. There's a blue pipe running in
14 between them, right where your left hand is. There's a
15 piece of blue pipe running --

16 MR. GIAMETTA: Right here, then (indicating)?

17 MR. HINES: Yep. I believe that's a County
18 pipe.

19 MR. GIAMETTA: No. That's -- the Town just put
20 that in.

21 MR. HINES: You just told me Western Avenue is
22 a County road.

23 MR. GIAMETTA: Western Avenue is over here,
24 Pat, and Ridge Road is right there (indicating).

25 MR. HINES: That's why I was stumped. That's

RIDGEVIEW GIAMETTA SUBDIVISION

1 why I said jurisdictional department.

2 MR. MORIELLO: I'll bring that to the surveyor.

3 By the way, my surveyor was supposed to be here tonight
4 and couldn't be. He had an issue with his son. He's
5 home with his son, but he was actually supposed to be
6 here to address these issues.

7 MR. HINES: Whose ever pipe that is, they
8 should propose an easement in favor of --

9 MR. GIAMETTA: Where that blue one is coming
10 through?

11 MR. HINES: Where the blue one is coming
12 through there. You can drop an easement.

13 MR. GIAMETTA: I think there was one set up
14 previously there for the Town.

15 MR. HINES: Then your surveyor -- if it's
16 there, your surveyor should show it.

17 MR. GIAMETTA: We'll check into it.

18 MR. HINES: There's an existing drainage
19 easement that has to do with the detention pond.

20 MR. GIAMETTA: Right.

21 MR. HINES: That I believe is just for that lot
22 or whatever subdivision created this. I don't think that
23 drainage easement is in favor of the Town. If it is,
24 that's a hell of a big easement that someone gave the
25 Town. So have your surveyor check that easement out.

RIDGEVIEW GIAMETTA SUBDIVISION

1 MR. GIAMETTA: Okay.

2 MR. HINES: It doesn't say who this easement is
3 in favor of. I think it's for the pond, because there's
4 reference to the pond at different sections there.

5 MR. GIAMETTA: Okay.

6 MR. HINES: The height of the accessory
7 structures comes into play here. The existing workshop
8 garage and the six-bay stall on proposed Lot 2, I don't
9 know how high those are. And I ask that because anything
10 over 10 feet needs an existing one foot of setback for
11 every foot in height.

12 MR. GIAMETTA: Okay.

13 MR. HINES: So if they were, say, 35 feet -- I
14 don't know how big they are.

15 MR. GIAMETTA: They're probably about 25.

16 MR. HINES: So you may -- if they're 25, you're
17 probably okay. That just needs to be verified.
18 Otherwise, the side yard setback would be greater.

19 MR. GIAMETTA: The ceiling is 16 foot inside,
20 and there's an eight-foot truss.

21 MR. HINES: We need to know that.

22 MR. GIAMETTA: I'll verify it.

23 MR. HINES: It would be another variance you
24 need. Also, before you do that, check the definition of
25 building height and measure an average height between the

RIDGEVIEW GIAMETTA SUBDIVISION

1 eave and the -- we have a unique building height. It's
2 not the top of the building. It's the average between
3 the eave and the peak.

4 Septic system for Lot 2 has to go to the Health
5 Department.

6 MR. GIAMETTA: I did get Health Department
7 approval already. I'll get you -- I'll submit a copy of
8 that.

9 MR. HINES: Then there is -- I guess you guys
10 use the term "the Mafia block" proposed.

11 MR. GIAMETTA: There's a little bit of story to
12 that. Darren, my surveyor, asked me what we were going
13 to do between the two lots, and he thought either an
14 easement should be created if I'm going to continue to
15 use it or to block it off. And I said, we could always
16 put a cement block there. And he said, what do you mean,
17 one of those Mafia blocks? And I indicated yes, but I
18 don't know if that's actually politically correct.

19 MR. HINES: That's why I put it in quotes, to
20 make it politically correct. That's the intent of my
21 Comment 7 and 8. I know you intend to keep this in
22 common ownership, but it can be sold the next day, and
23 those interconnecting roadways should be eliminated or --
24 I guess that effectively does that.

25 MR. GIAMETTA: I guess that's what I was

RIDGEVIEW GIAMETTA SUBDIVISION

1 getting at, is I could agree to, if it was sold, to
2 extinguish those easements, or -- you know, just as a
3 conditional thing, but, as I say, my intention is to keep
4 the property together.

5 MR. GAROFALO: I think one of the problems with
6 that is, if it were sold, we may not know. That's why
7 you really have to have it set up beforehand, because it
8 won't come back -- necessarily come back to us.

9 MR. GIAMETTA: I'm all for making it compliant
10 too.

11 MR. HINES: Something like that can be
12 incorporated into a deed, where the title companies will
13 pick it up, unless it's a cash sale, of course. So
14 that's the intent of that comment, is to keep these cross
15 connections from being cross connections.

16 Then I also noted that the proposed house has a
17 2,000 gallon septic tank. And the reason I ask that is
18 because at three bedrooms, it's a thousand gallon. And
19 four bedrooms -- so there's a lot of bedrooms in a 2,000
20 gallon. I want to make sure it's not a two-family house.

21 MR. GIAMETTA: Well, can it be a two-family is
22 my question?

23 MR. HINES: No. So if it is, that's a
24 different animal. It would be a different lot size. And
25 I would have look at that. Right now we're looking at

RIDGEVIEW GIAMETTA SUBDIVISION

1 this as a single family house. So the two-family house
2 would require additional lot area and setback, I believe.
3 I haven't looked at it, so I don't want to give that you
4 answer, but the 2,000 gallon septic tank raised that
5 flag.

6 MR. GIAMETTA: Yeah. I did have it approved as
7 a six bedroom. I was thinking at one time to build like
8 a four-bedroom house with a two-bedroom apartment. So if
9 there's other requirements --

10 MR. HINES: If that is proposed, you would have
11 to show that on the plan now, and we would review it as
12 such. It may change your bulk table requirements, where
13 currently I think your one acre required, it would be
14 additional -- you may have the lot area. I just haven't
15 looked at it, but a 2,000 gallon septic tank raised
16 that --

17 MR. GIAMETTA: That was the reason for that,
18 because I had it approved as a six bedroom.

19 CHAIRMAN BRAND: Approved by who?

20 MR. GIAMETTA: The approval -- Lou Dubois did
21 the engineering, and the Health Department approved that.

22 MR. HINES: We don't have that.

23 CHAIRMAN BRAND: Okay.

24 MR. GIAMETTA: I'll submit copies of this.

25 CHAIRMAN BRAND: Questions or comments from the

RIDGEVIEW GIAMETTA SUBDIVISION

1 Board? Cindy.

2 MS. LANZETTA: Yes. That existing entrance,
3 has that ever been looked at and OK'd by the Highway
4 Department?

5 MR. GIAMETTA: Gael Appler approved it back in
6 2010.

7 MS. LANZETTA: Do we have anything on --

8 MR. GIAMETTA: It's on the filed subdivision
9 map. It shows it as an existing entrance on the filed
10 subdivision map.

11 MR. HINES: And I have that. I kind of want
12 them to weigh in on both of the driveways again, now that
13 it's here before you for a subdivision. The Western
14 Avenue threw me, because I was like Western Avenue is a
15 County road, and I was looking at -- specifically, my
16 Comment 2 doesn't say who. It's a strange way I wrote
17 it, but I just said that whoever -- approval, my Comment
18 Number 3, approval from the jurisdictional department
19 head.

20 MR. TRONCILLITO: Where exactly is this? I'm
21 trying to place this.

22 MR. GIAMETTA: It's the bridge that goes from
23 Lattintown Road over to the Western Avenue ridge, right
24 by Caradonna's, right on the other side, when you come
25 across the bridge. It's the old Schwartz farm and then

RIDGEVIEW GIAMETTA SUBDIVISION

1 Mehan (phonetic) was the owner.

2 MR. TRONCILLITO: Yep. Okay.

3 CHAIRMAN BRAND: Any other comments or
4 questions?

5 MR. GAROFALO: I have a couple of quick ones.

6 The EAF Item 10 was not answered. And the bulk table
7 needs to have the existing conditions too. You have the
8 required. You have the proposed. Put the existing on
9 there also. That way it will be very clear that one --
10 proposed Lot Number 1 is a pre-existing nonconforming.
11 You need to have all three of those. And in the future,
12 with the documents, one name for the project, because
13 otherwise it gets very confusing to the public, because
14 they see one name on one document and then the plan has a
15 different name. If you want to use the --

16 MR. GIAMETTA: Ridgeview.

17 MR. GAROFALO: If you want to use both, that's
18 fine, but consistency to make it easier for the public to
19 figure out what's going on.

20 MR. GIAMETTA: Sure.

21 MR. GAROFALO: Thank you.

22 CHAIRMAN BRAND: Any other comments or
23 questions?

24 MR. JENNISON: So we're referring him to ZBA?

25 CHAIRMAN BRAND: Yes.

RIDGEVIEW GIAMETTA SUBDIVISION

1 MR. GIAMETTA: So that's really the next step,
2 ZBA, and then come back?

3 MR. HINES: At a minimum, my Comment Number 2.
4 But you've gotta check the height of those other
5 accessories on the proposed. I assume the smaller ones
6 aren't that high, but the workshop and the barn, I don't
7 know how high they are.

11 MR. GIAMETTA: Okay. Sure.

12 CHAIRMAN BRAND: All right. All set.

13 MR. GIAMETTA: Sorry my surveyor couldn't be
14 here.

15 MR. HINES: You did fine.

16 (Time noted: 8:46 p.m.)

17

N O H A C S C A T H E E R M A C C U

19

20 Certified to be a true and accurate transcript.

21

22 *Stacia Sullivan*

23

24

25