

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: June 3, 2024
9 Time: 7:00 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 STEVE JENNISON
18 CINDY LANZETTA
19 JOE LOFARO

20 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
21 GERARD COMATOS, 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
3 our Country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, June 3rd, 2024, Regular Meeting at 7:00
7 p.m. On the agenda this evening we have the approval
8 of minutes for the April 1st and the May 6th, 2024,
9 meetings.

10 Under Ongoing Application Review, we have
11 DiViesti, Michael and Jennifer, for a preliminary of
12 their subdivision at 6-8 DiViesti Drive in Marlboro.
13 We have Marlboro on Hudson for a reapproval of the site
14 plan at Hudson Circle in Marlboro. We have Marlborough
15 Resort Lattintown for a sketch, preliminary assessment,
16 of 626 Lattintown Road in Marlboro. Under New
17 Application Review, we have Mazza two-lot subdivision
18 for a sketch of their subdivision at 2 Dragotta Road in
19 Marlboro. We also have the Wilklow two-lot subdivision
20 for a sketch of a subdivision from 37-43 Baileys Gap
21 Road in Marlboro.

22 The next deadline is Friday, June 7th, 2024.
23 The next scheduled meeting, Monday, June 17th, 2024,
24 and that meeting will be held upstairs.

25 MS. FLYNN: Can I just make a change on the

BOARD BUSINESS

1 agenda?

2 CHAIRMAN BRAND: Please.

3 MS. FLYNN: Under the Resort Lattintown, it
4 should not say preliminary. It should say site plan.

5 CHAIRMAN BRAND: Thank you. May I have a
6 motion for the approval of the minutes for April 1st
7 and May 6th, 2024?

8 MR. JENNISON: I make the motion.

9 MR. GAROFALO: I'll second.

10 CHAIRMAN BRAND: Any discussion?

11 (No response.)

12 CHAIRMAN BRAND: Any objection?

13 (No response.)

14 CHAIRMAN BRAND: So moved.

15 MR. JENNISON: Mr. Chairman, I will not be at
16 the June 17th meeting, just to let you know now.

17 CHAIRMAN BRAND: Thank you. Any
18 announcements?

19 MR. LOFARO: Yeah. I have a one hour
20 Historic Preservation training certificate.

21 CHAIRMAN BRAND: Thank you. Any other
22 announcements?

23 (No response.)

24 CHAIRMAN BRAND: Jen, any communications?

25 MS. FLYNN: None.

BOARD BUSINESS

1 (Time noted: 7:03 p.m.)

2

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

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5 Certified to be a true and accurate transcript.

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7 Stacie Sullivan

8 Stacie Sullivan, CSR

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

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

4 DIVIESTI TWO-LOT SUBDIVISION

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

8 -----X

7 PRELIMINARY - SUBDIVISION

9 Date: June 3, 2024
10 Time: 7:03 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 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

22 GERARD COMATOS, ESQ., PLANNING
23 BOARD ATTORNEY

24 JEN FLYNN, PLANNING BOARD SECRETARY

25 APPLICANT'S REPRESENTATIVES: JONATHAN MILLEN
26 MICHAEL DIVIESTI

27 -----X

28 Stacie Sullivan, CSR
29 staciesullivan@rocketmail.com

DiVIESTI - PRELIMINARY SUBDIVISION

1 CHAIRMAN BRAND: First up under Ongoing
2 Application Review, we have Michael and Jennifer
3 DiViesti for a preliminary of their subdivision at 6-8
4 DiViesti Drive in Marlboro.

5 Pat, would you like to start out with your
6 comments, please.

7 MR. HINES: Sure. This project was referred
8 to the Zoning Board of Appeals. On May 9th, they
9 received variances for the items and the bulk
10 deficiencies. You granted a waiver for topography at
11 the February 5th meeting.

12 They were to submit easements to Gerry
13 Comatos's office for review. I don't know if that has
14 occurred. I know at the last meeting it had not.

15 MR. COMATOS: No, it has not.

16 MR. HINES: Then we need to confirm the
17 number of lots accessing the private road.

18 MR. MILLEN: I sent them today.

19 MR. COMATOS: I didn't see it.

20 MS. FLYNN: I sent you an email back stating
21 that everything you sent today cannot be discussed
22 today. They did not have time to review it. It was
23 supposed to be in on May 24th. Okay.

24 MR. MILLEN: All right.

25 CHAIRMAN BRAND: Comments or questions from

DiVIESTIT - PRELIMINARY SUBDIVISION

1 the Board?

2 (No response.)

3 CHAIRMAN BRAND: No comments or questions
4 from the Board. So it looks as though we're at the
5 point where we just need to have the attorney review
6 the easements that should be addressed for the next
7 meeting.

8 MS. LANZETTA: Yes.

9 MR. MILLEN: Yes.

10 CHAIRMAN BRAND: Is there any objection to
11 having the attorney authorized to write a resolution of
12 approval for the next meeting if those conditions
13 are --

14 MS. LANZETTA: I think that was a problem
15 because we weren't sure if they had too many houses on
16 the private road.

17 MR. HINES: Right. That needs to be
18 confirmed, the number of lots that are using that
19 private roadway. The Town Code has a limitation on the
20 number of lots.

21 MR. MILLEN: There's four lots now for
22 that --

23 CHAIRMAN BRAND: Four lots on the property?

24 MR. MILLEN: That's correct.

25 MR. HINES: Is there four lots or there's

DIVIESTI - PRELIMINARY SUBDIVISION

1 four houses right now?

2 MR. MILLEN: There's four lots -- four lots
3 servicing the private road.

4 MR. HINES: But there's nothing beyond that
5 as it continues down?

6 MR. MILLEN: No. You can see on the tax map
7 here. This is us, two, three, and four (indicating).

8 MS. LANZETTA: But were there some other
9 houses that possibly accessed that same road?

10 MR. MILLEN: Not that I am aware of. Now, if
11 you're speaking of houses, our parcel has two houses on
12 it. But in terms of actual parcels, tax parcels,
13 there's four tax parcels servicing that road.

14 MR. JENNISON: Wasn't there a house way in
15 the back that accesses that road?

16 MR. MILLEN: No. It stops at 29.2. That's
17 where it stops.

18 MS. LANZETTA: I think we need to have the
19 legal information that was requested of you in order to
20 fully decide whether or not this meets, you know, our
21 Town Code.

22 MR. MILLEN: Well, it was my understanding
23 that the legal deeds were regarding the adjacent deed
24 overlap. I didn't understand that there was any
25 concern regarding the number of lots servicing the

DiVIESTI - PRELIMINARY SUBDIVISION

1 private road. It's obvious that 29.2 has to be the end
2 of the line. Otherwise, there would have to be an
3 easement through there to allow any further access to
4 DiViesti Drive. So if you look at the tax map, you can
5 see that this lot here is where DiViesti Drive access
6 would end, as it comes into here. So you have one,
7 two, three, four (indicating).

8 CHAIRMAN BRAND: Gerry, do you have anything
9 on that, without reviewing what was given to you, just
10 based on the map itself?

11 MR. COMATOS: I don't have anything.

12 CHAIRMAN BRAND: All right. Cindy.

13 MS. LANZETTA: We were concerned about that
14 area that bisected one of the lots as well, to have a
15 driveway going right through the middle of somebody's
16 lot.

17 MR. MILLEN: That's correct. So that would
18 be for parcel 4-7-15, which is now a vacant parcel.
19 Nobody is living there. I don't know if it's owned by
20 the County. But that parcel has access from DiViesti
21 Road, and we would be vacating that easement that
22 goes -- the shared driveway easement that goes through
23 it now.

24 MS. LANZETTA: Like I said, we reviewed it
25 back in February, and we asked for that documentation

DiVIESTI - PRELIMINARY SUBDIVISION

1 so we would have a better idea of what the existing
2 situation is right now in case we did want to
3 reconfigure anything, and we haven't received any of
4 the information that we requested yet.

5 MR. MILLEN: Well, I apologize. I had
6 emailed it earlier, and I emailed it again now. But
7 what I'm attesting to here in terms of the deeds is, in
8 fact, the situation.

9 CHAIRMAN BRAND: Anything else?

10 MR. GAROFALO: If an easement is being
11 vacated, does the other user of the easement need to be
12 a party to that?

13 MR. MILLEN: Yes.

14 CHAIRMAN BRAND: And they're on board with
15 that?

16 MR. MILLEN: Well, there is no one who owns
17 it to be on board with it, so to speak, at this point.
18 It's -- my understanding is that it's vacant.

19 You may be able to tell them more, sir
20 (indicating).

21 MR. DiVIESTI: The property is -- both people
22 are deceased. So right now it's -- the bank owns it, I
23 believe.

24 MR. JENNISON: Are they family members?

25 MR. DiVIESTI: What's that?

DiVIESTIT - PRELIMINARY SUBDIVISION

1 MR. JENNISON: Are they family members?

2 MR. DiVIESTIT: Yes. They were family
3 members, yes.

4 MR. GAROFALO: So wouldn't the bank have to
5 agree to sign off on the dissolution of the
6 right-of-way?

7 MR. COMATOS: In my opinion, yes, it would.

8 MR. MILLEN: Excuse me, sir?

9 MR. COMATOS: The party that benefits from
10 the easement has to sign off on extinguishing the
11 easement.

12 MR. MILLEN: Right. Unfortunately, I guess
13 it would be the bank would be the one to sign off on
14 it.

15 MR. COMATOS: The owner of the parcel that is
16 benefited by the easement would have to agree to
17 extinguish it.

18 MR. MILLEN: All right. Well, we weren't --
19 as a part of this subdivision, we weren't requesting
20 that to be vacated. We're just saying that as a result
21 of our observations, we would attempt to have that
22 vacated.

23 MR. GAROFALO: I think the problem is if you
24 were to subdivide and there were to be four parcels and
25 that would be a fifth parcel that has access to it,

DiVIESTI - PRELIMINARY SUBDIVISION

1 they would essentially not be able to develop that
2 parcel because there are already four parcels on that
3 access.

4 MR. MILLEN: So there's four parcels on
5 DiViesti Drive now. There are four parcels accessing
6 DiViesti Drive, and that's one of them. That is one of
7 the parcels that has access to DiViesti Drive. That is
8 one of the parcels.

9 MR. GAROFALO: That's one of the four?

10 MR. MILLEN: That's parcel 15 --

11 MR. HINES: It has frontage, but it also has
12 the easement. It fronts on DiViesti Drive to the south
13 of this subdivision. It also fronts on Colletta Drive.
14 So it would have access there, but this easement, as
15 Ms. Lanzetta brought up, bisects Parcel A. And there
16 was discussion that it was going to be extinguished, as
17 Mr. Millen just identified. But I do concur that if
18 you're going to extinguish an easement, both parties
19 need to be involved in doing that.

20 MR. GAROFALO: But, then, this would not
21 necessarily affect the four parcels on the private
22 road?

23 MR. HINES: It doesn't. But I think it's
24 part of the subdivision, because of that -- where the
25 yellow line comes through there and the pink line next

DiVIESTIT - PRELIMINARY SUBDIVISION

1 to it. I guess you guys can't even see that.

2 CHAIRMAN BRAND: So that being said, I think
3 we need to give the attorney time to review this and
4 come up with some type of determination, and when that
5 determination has been made, we can reschedule your
6 appearance. My thinking originally was that if
7 everything seems okay with the attorney, that's really
8 the only other stepping stone.

9 MR. HINES: We would have to have a public
10 hearing at some point.

11 CHAIRMAN BRAND: Okay. We haven't had that.

12 MR. HINES: We have not. It went to the ZBA.
13 They're back from the ZBA and they are back for your
14 process.

15 CHAIRMAN BRAND: So, Jen, the next public
16 hearing would be.

17 MS. FLYNN: July 15th.

18 CHAIRMAN BRAND: Gerry, do you think you have
19 enough time between now and July 15th?

20 MR. COMATOS: As long as I have the papers,
21 sure.

22 CHAIRMAN BRAND: Please coordinate with the
23 attorney to make sure that he has everything he needs.
24 We will schedule you for the public hearing for
25 July 15th.

DiVIESTIT - PRELIMINARY SUBDIVISION

1 MR. MILLEN: Okay. Thank you for your time.

2 CHAIRMAN BRAND: Thank you.

3 Time noted: 7:12 p.m.

4

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

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7 Certified to be a true and accurate transcript.

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9 Stacie Sullivan

10 Stacie Sullivan, CSR

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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. 24-2006
6 Hudson Circle, Marlboro
7 Section 108.12; Block 8; Lot 23

7 -----X
8 REAPPROVAL - SITE PLAN

9 Date: June 3, 2024
10 Time: 7:12 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 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

22 GERARD COMATOS, ESQ., PLANNING
23 BOARD ATTORNEY

24 JEN FLYNN, PLANNING BOARD SECRETARY

25 APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK

26

27

28 -----X
29 Stacie Sullivan, CSR
30 staciesullivan@rocketmail.com

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have
2 Marlboro on Hudson for a reapproval of their site plan,
3 Hudson Circle in Marlboro.

4 Pat, would you like to start us out with your
5 comments, please?

6 MR. HINES: Sure. This project is before you
7 for a reapproval of a previous approval that had lapsed
8 back in 2018. They were before you to reapprove. The
9 project had some history to it prior to 2018. They are
10 before you now to construct 24 remaining townhouse
11 condominiums on the project site. Several of them were
12 built I'll say 15 years ago, and some of the other
13 infrastructure and improvements.

14 At the previous meeting we requested that
15 they update the Stormwater Pollution Prevention Plan to
16 current standards. We did receive an updated
17 Stormwater Pollution Prevention Plan that resulted in
18 modifications to the previous stormwater improvements
19 on the site and the installation of several
20 bio-retention areas for water quality control. So
21 that's been accomplished.

22 They did change grading. Some drainage
23 structures are going to be relocated based on their
24 as-built condition and where they need to be.

25 This will require a public hearing.

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 The project is generally consistent with the
2 original design and approval. We're suggesting that
3 the Planning Board could issue a SEQRA consistency
4 determination based on the previous Negative
5 Declarations, the original and the 2018 issued for the
6 project.

7 It will need coverage under the DEC's
8 construction permit system. And that should be a
9 condition of any final approval; that that be
10 submitted. They may still have it if they continued
11 it. I don't know the answer to that.

12 Long-term operation and maintenance of the
13 stormwater facilities should be addressed either
14 through a maintenance agreement with the Town,
15 appropriately filed, or making it the responsibility of
16 the condominium homeowner's association.

17 Comments from the Planning Board's attorney
18 should be received, whether new condominium documents
19 are required versus the original project. There was a
20 change in bedroom count on the project. When the 2018
21 approvals were granted, they added three-bedroom units
22 that were previously two-bedroom. And that's the
23 extent of our comments.

24 CHAIRMAN BRAND: Thank you. Gerry, do you
25 have anything on this?

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 MR. COMATOS: No, I don't.

2 CHAIRMAN BRAND: Comments or questions from
3 the Board?

4 MR. GAROFALO: I have some comments.

5 CHAIRMAN BRAND: James.

6 MR. GAROFALO: First thing, when this was
7 originally done, the Planning Board had one
8 application. Each dealt with site plan, subdivision,
9 lot line changes. We separated out the site plan, so
10 the application is done on the wrong form. It's done
11 on the subdivision form, which we are currently in the
12 process of trying to redo, but it should be on the site
13 plan form.

14 MR. McCORMACK: I can actually speak to that.
15 I think on the day of we found that out, and we sent
16 over a digital copy. So it might not have been
17 included with the paper copy that was dropped off two
18 weeks ago or so. We have -- that same day we did turn
19 that around.

20 MR. GAROFALO: I look forward to seeing that.
21 I do have some other comments.

22 For the zoning table, I'd like to see
23 required, existing, and proposed. All three. Not just
24 required and proposed, but to see all three. In this
25 case, it's probably going to be pretty close.

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 On the plan that shows the plantings, please
2 identify which are native plants, which generally we
3 consider anything in North America to be native.

4 On Plan 3, just so you know, there was also a
5 change in the Zoning Code with regard to the size of
6 the parking spaces. They can now be 9 by 18, 162
7 square feet is the requirement. So if you wanted to
8 save a little bit of pavement, you could make some of
9 those spaces a little bit smaller, but that's up to
10 you. They're bigger. That's fine too. But I just
11 wanted to bring that to your attention, because that's
12 something that could possibly save you -- save the
13 applicant some money in the construction.

14 MR. McCORMACK: Thank you.

15 MR. GAROFALO: If you look at Plan 3, on the
16 middle part on the lower circular road, you have some
17 accessible parking across from the existing buildings,
18 and if there isn't an existing access narrowing of the
19 ramping of the sidewalk, there should be in that area.

20 MR. McCORMACK: There is.

21 MR. GAROFALO: It's just not indicated on the
22 plan.

23 MR. McCORMACK: We call it DC for depressed
24 curb, but we could call that our ADA accessible ramp.
25 That would be better.

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 MR. GAROFALO: From the plan it doesn't look
2 like there is one there. In the other locations it
3 looks like they have been put there. The symbol that's
4 used on that plan is not the pavement symbol. It
5 should be the active pavement symbol. You want to try
6 to avoid mistakes when the actual construction is done.

7 Also, the sign for accessible parking is the
8 wrong symbol on page 10 of 12, so if you could have
9 that updated too. Again, you want to try to avoid
10 people making errors in the construction. Thank you.

11 MR. McCORMACK: Thank you.

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

14 (No response.)

15 CHAIRMAN BRAND: Are we comfortable
16 scheduling a public hearing for this at the July 17th
17 meeting as well?

18 MR. McCORMACK: Mr. Chairman, if I may?

19 MS. FLYNN: The 15th.

20 CHAIRMAN BRAND: I'm sorry. It's the 15th.

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 MR. HINES: No. You can do that now or you
2 can do that after the public hearing. You may want to
3 see if there's any environmental conditions that are
4 identified during the public hearing before you do
5 that.

6 MR. LOFARO: All right. I'll pass on that.

7 CHAIRMAN BRAND: July 15th, does that work
8 for you?

9 MR. McCORMACK: I was going to request to see
10 if the Board did have the ability to waive the public
11 hearing or if it's a requirement?

12 CHAIRMAN BRAND: We do not have that ability.

13 MR. McCORMACK: Okay. We would like to do it
14 so that it's scheduled such that the 30 days has lapsed
15 so that we can close it hopefully, if there's no
16 substantial comment. So the 15th, you said, July?

17 CHAIRMAN BRAND: Yes.

18 MR. McCORMACK: That would be over 30 days,
19 so that would be good for us.

20 CHAIRMAN BRAND: So we will schedule that
21 public hearing for July 15th.

22 MR. COMATOS: Excuse me, Chairman.

23 CHAIRMAN BRAND: Yes.

24 MR. COMATOS: I believe this needs to go back
25 to County Planning.

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 MR. HINES: Yes. It's been modified and it's
2 being treated as a new application. They have time to
3 do that between now and the 15th.

4 CHAIRMAN BRAND: Their first meeting is the
5 first week of July, so you should be able to do that
6 and receive their comments if you submit it to County
7 Planning. So we'll still go ahead and schedule that
8 for July the 15th, and you will take care of the
9 submission to the County?

10 MS. FLYNN: They submit?

11 CHAIRMAN BRAND: They submit, yes.

12 MR. HINES: I missed your conversation on the
13 30 days earlier.

17 MR. GAROFALO: Please make sure you check the
18 website because they changed the requirements for the
19 public hearing regarding no longer needing the return
20 receipts. So please check the website because that
21 changed since you did your last application.

22 MR. McCORMACK: All right.

23 CHAIRMAN BRAND: I think that does it. Thank
24 you.

25 MR. McCORMACK: Just for clarification, we

MARLBORO ON HUDSON - REAPPROVAL SITE PLAN

1 don't need to circulate for lead agency because it's --

2 I'm sorry, Pat. What was the language there?

3 MR. HINES: SEQRA consistency. So this Board
4 was lead agency and continues to be.

5 MR. McCORMACK: All right. That clarifies
6 that for me. Thank you.

7 Time noted: 7:22 p.m.

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10 Certified to be a true and accurate transcript.

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Stacie Sullivan

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 MARLBOROUGH RESORT - LATTINTOWN ROAD

5 Project No. 24-2001
6 626 Lattintown Road, Marlboro
7 Section 102.4; Block 3; Lot 8.320
8 Section 102.4; Block 2; Lot 12, 13, 29

9 -----X

7 SKETCH - SITE PLAN

8
9 Date: June 3, 2024
10 Time: 7:22 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 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

22 GERARD COMATOS, ESQ., PLANNING
23 BOARD ATTORNEY

24 JEN FLYNN, PLANNING BOARD SECRETARY

25 APPLICANT'S REPRESENTATIVES: MICHAEL ACHEMBAUM
26 CHRIS LaPORTA
27 ANTHONY B. GIOFFRE, III, ESQ.

28

29

30 -----X

31 Stacie Sullivan, CSR
32 staciesullivan@rocketmail.com

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have
2 the Marlborough Resort Lattintown for a sketch of their
3 site plan at 626 Lattintown Road in Marlboro. Do you
4 have a presentation before we go to the comments?

5 MR. ACHENBAUM: It's really quite similar to
6 what we discussed last time. It's a little bit more
7 detailed, and obviously we put a lot of time into the
8 full application. But what you're going to see here is
9 quite similar, just elevations and layouts of many of
10 the buildings that we described last time. Maybe a few
11 of them moved, you know, literally feet. You know,
12 just once we went to the site and saw there were trees
13 and we wanted to work around certain trees and work by
14 certain streams, we really obviously are trying to
15 minimize the damage that we do to the natural existing
16 growth that's there. So I don't have to necessarily
17 reiterate what we've already seen. If you'd like me to
18 go through it again, I would love to, but it's up to
19 you guys.

20 CHAIRMAN BRAND: Sure. The floor is yours.

21 MR. ACHENBAUM: Okay. Obviously this is the
22 entryway that we discussed with the tall trees. Once
23 again, our original main access point is going to
24 remain on this side. Take you into here. This is the
25 Ridge Road option as well. Over here, in the first

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 phase, we're going to do a dorm, which we've done a lot
2 more digging into what we're actually going to be able
3 to build there. It should house 32 bedrooms, I
4 believe, which we think can take up to about 40 people.
5 It will also have our -- I'm sorry. It will also have
6 our locker rooms for the staff and their dining room
7 and lounge for the staff as well. So that faces down
8 this hill. It has -- additional parking has been laid
9 out on this side of the property for the staff, so that
10 the staff is going to -- the staff that we're not
11 picking up from train stations or that's not coming in
12 some public form are going to park their cars on this
13 side of the site versus on the far side of the site,
14 which is where most of the main campus is, where the
15 main restaurants and so on are.

16 Let me go down a little bit. So these are
17 some existing structures. So, as you can see, off of
18 Lattintown Road, you would enter this way. This is the
19 check-in building here that we want to put in. You
20 would come this way. Park here for check-in. We would
21 take your car and put it into the significant lot that
22 we're going to build. These buildings here are
23 back-of-house buildings. It's an existing yoga
24 building that's going to become housekeeping and
25 engineering. We're going to put a garage for some

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 electric cars over there. There's some covered parking
2 over here as well for electric vehicles that we're
3 going to use on the site, like golf carts and club
4 cars, which are the kinds that bring, you know, the
5 food and all the towels and so on.

6 As you come over here, you'll see this is a
7 long linear building and that is 28 keys, 14 keys and
8 14 keys stacked across. Very English country style,
9 light stone, light brick kind of look on the aesthetic.
10 And right in front of it is a walled garden. That's an
11 existing open field already, so it's not damaging much
12 of any vegetation.

13 This right here is the big events building
14 facing over the lake with an outdoor patio. This is
15 the spa. This is the existing lodge right here. Next
16 to it is -- over the existing pool, we're going to fill
17 the pool, and we're going to put a glass orangery, like
18 a glass building for events. It backs into the pool
19 house building, which will be used for bathrooms and
20 future back of house for the bar for that building.

21 Then next to that is the main restaurant and
22 bathrooms attached. And there's like a courtyard
23 between the orangery and the restaurant, and that's
24 going to have like a little building which has a
25 fireplace and like an afternoon lounge space for our

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 hotel guests, basically.

2 As you come across -- we're going to build a
3 new bridge. I think we told you that previously.

4 We're using all the existing trails that were for the
5 shooting that was on the property originally. And so
6 we really tried to minimize where we're siting these to
7 make it make sense to minimize how much damage we do.

8 There's 22 two-bedroom units all along here.

9 And then, as you come here, these are paddle courts and
10 tennis courts. And these are some existing lakes.
11 This is an existing, over here, little cabin. And then
12 these are eight one-bedroom units. This is all future
13 phase work.

14 Another issue is we've spoken to the water
15 department, and we did a study -- he can get into this
16 more, but we did a study, and what they were asking for
17 we weren't sure was going to work. So we've made an
18 offer to give a cash sum to the community, to the water
19 district, instead. If they determine that engineering
20 wise, it actually is ineffective, what they had asked
21 for, we'll just give an equivalent cash sum to the Town
22 instead, and they can apply it to the water district
23 use however they want to.

24 MS. LANZETTA: Just let me ask you. Is that
25 in lieu of building a water tank?

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. ACHENBAUM: Yes, because the tank
2 won't -- according to Chris's calculations and his
3 team's calculations, it physically won't work. That
4 doesn't have enough pressure to actually change the
5 pressure in the system. So rather than building
6 something that doesn't actually serve the purpose that
7 the Town would want, we would rather just, you know,
8 before our TCO, hand you guys a check for the amount.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 reasonable thing to investigate putting a water storage
2 tank on top of the hill. So we're basically leaving
3 both options, and we're going to develop an engineer's
4 report.

5 MR. ACHENBAUM: The way we presented it is
6 it's up to the Water Board, not us, whether they take
7 the cash or whether we build the tank. We just need to
8 know as soon as possible so we can budget and move
9 forward if we have to build a tank.

10 MS. LANZETTA: Have you already started
11 negotiations with the Town and the Town of Newburgh to
12 see if that water would be available to you?

13 MR. LaPORTA: We talked to the water
14 superintendent, and we want to kind of come in with
15 Marlborough to talk to Newburgh to start the
16 discussions. We thought engineer to engineer would be
17 the way to start those discussions, and we're ready to
18 do that now. So that's something that should be
19 happening in very short order.

20 MS. LANZETTA: Is it true that unless you do
21 get that additional water from the Town of Newburgh,
22 you will not be able to pursue this project?

23 MR. LaPORTA: We do need that water. There
24 is a mechanism in the agreement that the Town can
25 purchase another 100,000 gallons of capacity from

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 Newburgh.

2 MR. ACHEBAUM: Two hundred. The Town has
3 the right to buy 200,000 additional gallons per day.
4 So they would have to effectuate it. We would have to
5 contribute to the purchase of that. It's a one-time
6 purchase to get the right. It's an option.

7 MS. LANZETTA: But you do have to have that
8 agreement in existence before you can really get
9 approval for this project?

10 MR. LaPORTA: Yes. Before we get our final
11 approvals, we'll need that capacity.

12 MS. LANZETTA: Okay. Thank you.

13 MR. ACHEBAUM: Back to me. Sorry. So, yes,
14 as I was saying, the rest of this is two-bedroom units
15 on the side hill. That's mostly open grass. There's
16 some apple trees over here. And then this is on the
17 top of the ridge, and we sort of want to try to squeeze
18 as much as possible between the trees and take back
19 some of this from the farming and use it just more as
20 an aesthetic for the benefit of those units.

21 And that's really, you know, where we sort of
22 were last time with the project, just that we obviously
23 have spent four or five months, you know, perfecting
24 drawings and submitting a massive package to you guys.
25 I know it was a little bit of short amount of time from

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 the time we sent it in to you guys until now, but we
2 apologize for that.

3 MR. HINES: Is there a distillery that's
4 being proposed?

5 MR. ACHENBAUM: Oh, yeah. Sorry. That's in
6 the last phase, though. As you can see, that's down
7 here, and that's, you know, definitely phase 2 or 3.
8 But that's down at the bottom. It's an existing
9 building, so we would like to have the optionality in
10 the future of turning that into a distillery.

11 CHAIRMAN BRAND: Thank you. Pat, did you
12 want to run through your comments?

13 MR. HINES: Sure. The project is a Type I
14 action under SEQRA. I just describe the scope of the
15 project there. It disturbs greater than 10 acres, and
16 it also is in the Ulster County AG District Number 1,
17 which would trigger a Type I action to disturb 2.5
18 acres or larger or 25 percent of any of the other Type
19 I actions. We are recommending the Planning Board
20 declare itself lead agency for the environmental
21 review. We've listed some of the involved agencies
22 there, and certainly we will clarify that list prior to
23 sending it out.

24 A Stormwater Pollution Prevention Plan will
25 be required for future submissions.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 We do want this plan to go to the Town Code
2 Enforcement Officer to review the various uses that
3 were just identified. And we need one of those
4 gatekeeper-type letters to make sure that these uses
5 are consistent with permitted uses in the zone. And I
6 know the Town has some examples similar to this that
7 the Code Enforcement Officer can use as past practice
8 for these uses, but I want to make sure each of these
9 uses that are identified are allowed in that section of
10 the zone.

11 MR. LaPORTA: We did receive an
12 interpretation.

13 MR. GIOFFRE: For the record, my name is Tony
14 Gioffre, counsel for the project. We did receive a
15 May 10, 2024, communication from Mr. Corcoran, which
16 confirms that all the uses are permitted pursuant to
17 the Code, and that's been submitted as part of the
18 record.

19 MS. LANZETTA: I saw that you mentioned it in
20 the record, but I have not received it or seen it.

21 MR. GIOFFRE: We can provide another copy.

22 MS. LANZETTA: Thank you.

23 MR. LaPORTA: That was in the big booklet,
24 the spiral-bound booklet that we provided.

25 MS. LANZETTA: I looked through that. I

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 didn't see it.

2 MR. LaPORTA: If it wasn't, that's a mistake
3 on my part. It was supposed to be.

4 MS. LANZETTA: Do you know the page?

5 MR. LaPORTA: Off the top of my head, no.

6 MR. GIOFFRE: We can either provide a copy to
7 you right now or we can certainly provide it.

8 MS. LANZETTA: If you can submit it, we'd
9 like to see it.

10 MR. GAROFALO: As well as submitting any
11 correspondence you have with the Water Department. I
12 think it would be helpful for us too.

13 MR. HINES: DEC permits will be required.
14 There are wetland disturbances of both the wetlands and
15 the regulated adjacent areas.

16 There is a proposed sanitary sewer treatment
17 system, which will have a surface discharge. That will
18 need a DEC approval, as I believe it's surface
19 discharge. Right?

20 MR. LaPORTA: Yeah. We're going to discharge
21 to the stream.

22 MR. HINES: So that will need DEC approval.

23 The DEC adjacent area buffer didn't print on
24 many of the sheets, so that will need to get cleaned
25 up.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 The documents reference a Flood Study, and we
2 discussed earlier that you're doing a study through the
3 bridge and through the stream across the site. This
4 Board will need that as well.

5 I noticed portions of the sewage treatment
6 plant are located within the side yard setback.

7 MR. LAPORTA: These are underground tanks.

8 MR. HINES: Understood. We'll have to take a
9 look at that as well. It depends on whether they're
10 structures or not structures. I'll discuss that with
11 the Code Enforcement Officer as well.

12 Comments from emergency services should be
13 received, and the width of any fire access lane should
14 be addressed. Fire access roads, according to the New
15 York State Fire Code, are 20 feet wide, although it
16 does have a caveat that the authority having
17 jurisdiction -- in this case, the Building
18 Department -- can waive those requirements.

19 MR. LAPORTA: We have had meetings with the
20 Fire Department, and they seemed willing to go as low
21 as 15 feet. We decided to go 16 to go above that, but
22 we are really trying to preserve the aesthetic of the
23 land.

24 MR. HINES: At some point we'll need a
25 letter. Although it seems like the Fire Department

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 would be the people to weigh in on it, it's actually
2 the Code Enforcement Officer is the authority having
3 jurisdiction. So we'll need that document for the
4 files at some point moving forward.

5 Grading plans were provided. They're
6 incomplete in some locations. I realize these are
7 preliminary plans.

8 A Traffic Study is mentioned, and we will be
9 looking for that as we move through the Environmental
10 Impact Statement process. The Planning Board may wish
11 to hire Creighton Manning, the traffic consultant that
12 you've utilized in the past to assist in the review of
13 those traffic-related issues.

14 An engineering report and details of the
15 water system will be required, and I will address that.
16 I believe Dennis Larios's office is working with the
17 Town on the water, and I'll be wearing that similar hat
18 in the Town of Newburgh. So Larios will probably be
19 doing the Marlborough work and I will be involved in
20 the Town of Newburgh situation that was just discussed.

21 Various uses on the site will require reduced
22 pressure zones to protect the water system. That's
23 just for as you move through the design.

24 A Stormwater Facilities Maintenance Agreement
25 will be required, as the Town is a regulated MS4, and

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 that is our process to assure post-construction
2 operatio, and maintenance of any stormwater.

3 The EAF submitted and the Fish and Wildlife
4 letter had a discrepancy in the limits of disturbance.
5 The EAF identifies a greater number than the Fish and
6 Wildlife Service submission.

7 Uniquely, the EAF does not identify Indiana
8 bat -- the EAF does not identify any threatened or
9 endangered species, but the Fish and Wildlife Service
10 has identified two threatened species and three other
11 species of concern. I know you're going to be
12 addressing those as part of the environmental review.

13 I'm looking for a parking calculation for all
14 those uses that you identify on the site. The Board
15 has the flexibility of modifying those parking
16 requirements, but we want to work backwards from
17 calculating the total use on that site, realizing that
18 this is a unique use and the Board may be willing to
19 reduce the parking requirements as appropriate.

20 MR. LaPORTA: We do plan to -- in the Traffic
21 Impact Study, we'll put a section about parking too.
22 We just did the counts over around the Memorial Day
23 weekend, and we'll be submitting that in our next
24 package.

25 MR. HINES: Even on the bulk table on the

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 plans in that area there, if there could be a required
2 parking so it's clear that the Board is looking at
3 what's required and what they are ultimately going to
4 approve.

5 You just discussed project phasing. I'm
6 assuming that everything in the green there, Phase 1,
7 will be constructed at one time, or is there going to
8 be separate --

9 MR. ACHENBAUM: The intent is for that all to
10 be constructed at one time, yes.

11 MR. HINES: So there's a couple of phases,
12 not many.

13 The application checklist has many locations
14 that are supposed to bear -- not that kind of bear --
15 signatures in several locations. That will need to be
16 completed.

17 And that's the extent of our comments right
18 now. I think the action the Board could take tonight
19 would be to declare it's lead agency for the
20 environmental review, circulate to the interested and
21 involved agencies, and start that process.

22 CHAIRMAN BRAND: That being said, can I have
23 a motion for the Board to declare itself as lead agency
24 for the environmental review of the project?

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

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Is there a second?

2 MR. CALLO: Second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 CHAIRMAN BRAND: Pat, you also mentioned
8 retaining the services of Creighton Manning Engineering
9 to review and assist with any traffic-related issues.

10 MR. GAROFALO: I would suggest that we wait
11 until after we get the traffic report, because it may
12 not be necessary to hire them and it would save them a
13 lot of money if we did not have to hire them. I would
14 suggest we at least wait until after we receive the
15 report.

16 MS. LANZETTA: I think it would be good to
17 wait until we get the final figures that they did the
18 tallies on and then forward that to Creighton Manning
19 with the traffic report so the review can begin as soon
20 as possible. It's been our policy to involve Creighton
21 Manning in all of these other projects that we've
22 reviewed, and I would rather not hold it up to see if
23 we can handle that as opposed to using our traffic
24 engineers as early as possible to expedite our review
25 of the traffic study.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. GAROFALO: But this will also have to go
2 through the County review. And the list of agencies
3 should include the County. As you noted, this will
4 access a County road. And, therefore, there will be --
5 you know, the County will be taking a look at this, and
6 they're the ones who insisted on the scope. So I think
7 it would be -- we should wait until after the report is
8 done and then go to Creighton Manning. It will take a
9 while for the County to look at this anyway, so I don't
10 think that we'd necessarily lose any time, because
11 Creighton Manning will certainly be able to look at it
12 faster than the County.

13 MS. LANZETTA: Well, the County might
14 appreciate having Creighton Manning review it, because
15 they typically run everything by Creighton Manning
16 themselves.

17 CHAIRMAN BRAND: Pat, my question to you was,
18 did you suggest that we retain the services of
19 Creighton Manning Engineering to review this?

20 MR. HINES: I did, consistent with your
21 previous policies. When you do that is a policy of the
22 Board, but the sooner the better in the SEQR process is
23 usually better.

24 CHAIRMAN BRAND: Did you have a comment for
25 that as well?

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. ACHENBAUM: The report will be ready in
2 about two weeks, so it's really up to you guys.

3 CHAIRMAN BRAND: I'd like to have a motion
4 that the Board retain the services of Creighton Manning
5 Engineering to assist in the review of any
6 traffic-related issues.

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

8 MR. JENNISON: I'll second it.

9 CHAIRMAN BRAND: Any discussion, other than
10 what we've heard?

11 (No response.)

12 CHAIRMAN BRAND: Any objection?

13 (No response.)

14 CHAIRMAN BRAND: So moved. Additional
15 comments or questions from the Board?

16 MR. GAROFALO: Yes. I have a bunch of
17 comments and questions.

18 I see you don't have a copy of the plans with
19 you, but on A-101, there are a number of abbreviations.
20 Please tend to spell those out. You don't have to do
21 it now, but, please, in the future, when you have these
22 abbreviations, let us know what they are.

23 And I don't know if it's an ADA requirement
24 that the staffing needs to be able to get down to the
25 lower floors or not, but that's something you should

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 check out because I'm not sure.

2 MR. ACHEBAUM: The staff enters on the lower
3 floor, if you're a staff member. If you're living in
4 the building, you can come in from the higher floor.
5 He did check this, but we'll review it again. He had
6 checked this issue. I had raised the same issue, sir.
7 He said it was fine the way he designed it, but we'll
8 check.

9 MR. GAROFALO: I'm just asking you to take a
10 look at it.

11 MR. ACHEBAUM: Thank you.

12 MR. GAROFALO: Again, I'm not always
13 expecting the answers tonight.

14 MR. ACHEBAUM: Okay.

15 MR. GAROFALO: There's a number of locations
16 where you indicate that there might be a future
17 improvement, and -- in the site, adding additional
18 space, and I don't know as if you might want to include
19 that in your Traffic Study and other studies so that
20 this isn't being segmented. So please consider that.
21 They don't look like they're huge improvements, but
22 because they're smaller improvements relative to the
23 whole site, you may want to consider doing that.

24 MR. LaPORTA: I'll need to look into what
25 those are. I don't remember calling out future

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 improvements that were significant. Nothing I can
2 remember.

3 MR. GAROFALO: There are extensions to the
4 building. I'm not sure if it's on the second floor or
5 what have you, but take a look at your plans --

6 MR. ACHEŃBAUM: Okay. Thank you.

7 MR. GAROFALO: -- to see that. I think, in
8 terms of the parking, what I think would be valuable to
9 the Board is to see: These are the uses, the square
10 footage. This is the parking that's associated with
11 that. And also if there is a loading or unloading area
12 that's associated with those particular spots, that
13 would be good to have.

14 In the briefing document you talk about
15 patrons wanting to patronize local businesses. That's
16 good. But be also aware that we have had issues with
17 people in facilities wandering off the properties and
18 creating problems for neighbors. So be attentive to
19 looking at how you might want to discourage, prevent
20 that kind of thing from happening, and being a good
21 neighbor.

22 Item 7 on the checklist is a required item,
23 so please take a look at that. Even though it may not
24 pertain to any of you having any connection with the
25 government here, it's still a required document to be

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 provided.

2 If there are any waivers or variances, you
3 should not only tell us what they are, but you want to
4 substantiate what those waivers and variances are going
5 to be.

6 In the plantings, you could just highlight
7 which ones are native plants. Native to North America
8 is sufficient. Just to indicate to us that you are
9 providing some native plantings.

10 The County is going to want some detailed
11 lighting information. Member Lanzetta I think can give
12 you a better idea of what they may be looking for
13 later.

14 It will certainly require an Ag Statement
15 because you are next to agricultural lands.

16 In the block table, pay special attention to
17 155-14E, which deals with properties that are through
18 properties that have frontage on two roads, because it
19 affects what your front yard is. And, also,
20 155-16G(b), which deals with accessory buildings in the
21 front yard, and there may be instances where you want
22 to look for variances or waivers on things like that.
23 But when you're doing the bulk table, take a look at
24 those two codes. And this is something that may be the
25 Planning Board will be talking to the Town Board about

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 in the future. I'd like to see that done, because
2 these resorts are not typical of what we -- what was
3 forecast when they were making the Zoning Code.

4 On the EAF, on page 2, Item B (i) (ii), there
5 is a local waterfront revitalization program. It's on
6 the Town website. You can find it there under
7 documents.

8 There is a concern over disturbance in areas
9 that are 15 percent to 25 percent, 25 percent and more.
10 I think one of the things that would be good to have is
11 you have a map which shows the entire project, but what
12 you really can't see is what areas that you're
13 disturbing with the buildings, et cetera, and the
14 roads, whether or not they're in these areas or not.
15 So I think in some of your blow-ups to be able to see
16 where those areas are would be helpful, and for you to
17 take a look at the Code dealing with slopes.

18 In Exhibit H, your -- on the third page of
19 the letter 5/6/2024 and 5/7/2024, there is a
20 discrepancy, and you've cleared up one of the things,
21 which is you are going to be modifying one of the
22 bridges. So I think it's in the 5/6/2024 document you
23 say you're not. So that needs to be corrected.

24 I would say with regard to the Traffic
25 Study -- you know, I spent 35 years doing these in the

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 region, and one of the things that I am not surprised
2 about is the amount of extra work that is required that
3 is probably above and beyond what really needs to be
4 done. But we've had people here who have complained
5 about traffic for a five-lot subdivision. So
6 understand that -- you know, I can understand where the
7 County is coming from in making this kind of
8 requirement. You may want to look at the Route 9
9 design study because that does have some accident data
10 in it. New York State DOT also has a new traffic
11 forecast model, which will allow you to forecast the
12 background growth for Route 9W. And if they don't have
13 Region 8, they only have Region 9 on the website, you
14 may have to contact them directly to get the Region 9
15 information concerning that.

16 There are a number of projects which are in
17 the Town, which probably should be included, even
18 though they won't have that big of an impact; Bayside,
19 which is partially already occupied. So you want to
20 reduce the traffic from that by the actual occupancy.
21 That was in progress in May. Dockside. Buttermilk
22 Falls. There again, I would say don't look at the
23 whole study. I did a 19-page review on that. Just
24 look at what they're generating to the south towards
25 your project. Also talk to the Town of Lloyd because

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 their projects are much larger, and they're going to be
2 generating a lot more traffic than these other projects
3 or background growth.

4 On page 4 of that traffic exhibit, the --
5 you're showing 11th edition trip generation data except
6 for the resort, which is the -- was put in the 10th
7 edition. Now, it's not going to change -- I don't
8 think it will change any of your calculations, because
9 I think they're the same, but note that that's a
10 change. If you're going to put those pages in, make
11 sure you get the right ones in.

12 With regard to the study on the spa and the
13 Vancouver study, additional documentation as to the
14 exact studies. And if you have a URL, put the URL in
15 there so that they are well sourced, including the trip
16 generation handbook, date it, because there are many
17 versions of it, to make sure the correct version is
18 being used. And like the spa data, reference it. You
19 go through it. There's no reference -- you have the
20 data in there, but there should be some reference to
21 that table.

22 The staff housing would be -- you know,
23 basically that's internal trips, so zero external
24 trips. I would put a zero in there rather than just a
25 dash marking. I believe that the Board still considers

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 that as housing, which you will still be subject to the
2 parkland fees, and that will be discussed later.

3 The sight distances should be put on the
4 plans, because that's what's going to survive after all
5 this is said and done, to have those.

6 There's a sign improvement that is
7 recommended. It should be noted that that's for the
8 southbound only. There are photos of some of the
9 intersections. You're better off, rather than having
10 these little photos, have a full page on each one.
11 There are actually two locations that are missing, Old
12 Indian and Ridge and U.S. Route 9 at Lyons and
13 Rivercrest. Those are not in the document that was
14 provided.

15 So those are some of the things that you
16 should add to the Traffic Study.

17 MR. LAPORTA: We will add those to the
18 Traffic Study. We did a preliminary letter when we
19 went out and took the photos. Afterwards, we got a
20 last-minute comment from the County to add those two
21 intersections, so we didn't have the photos in the
22 report, but the full TIS is going to take care of all
23 of that.

24 MR. GAROFALO: I understand. I'm just
25 saying, you know, in the traffic report, I think you're

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 better off with a full page where you can actually see
2 the intersection clearly.

3 On C-110 drawing, it looks like the orchard
4 is overlapping the solar farm. I don't think that's
5 intended, but you may need to have some visual
6 protection of the solar farm from the neighbors. And
7 you probably want to have at least one parking space so
8 that somebody who is maintaining that facility has a
9 place to pull over and is not necessarily parking in
10 the road.

11 I'm a little concerned about the access to
12 Lattintown Road, which is noted as being ten feet.
13 Unless that's going to be one way in or out, I think
14 ten feet is not sufficient on the plan.

15 MR. LaPORTA: We did provide some pull-offs.
16 If you look at the entrance, there's some huge, mature
17 trees that line that road, and the whole thing is in a
18 wetland buffer. So we're providing the existing width
19 of the road, but we're going to add a couple of
20 pull-offs just so that vehicles, if they need to pass
21 each other, they'll have the ability to do that.

22 MR. ACHEŃBAUM: It's one of the things I
23 think if you came and saw what's on that road, you
24 would say you don't want me killing those trees. It's
25 really stunning, and it's one of the nicest parts of

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 the property. And so I would really ask that you guys
2 take the opportunity at some point to maybe come by --
3 we can arrange a tour -- so you understand some of the
4 things that you're visually -- it's just better to
5 visually see it actually sometimes. Thank you.

6 MR. GAROFALO: That's certainly something
7 that we can do, but that's certainly a concern of mine,
8 being a traffic person and seeing that. And I can see
9 how the Fire Department wouldn't necessary like that,
10 although they may not be coming from that direction;
11 that that would be a concern particularly. And I will
12 have to wait until I see your distribution to see how
13 much traffic you have coming out of there, as opposed
14 to the other access. But that's something that would
15 be a concern of mine; that ten feet is just not enough
16 for a two-lane road.

17 You also have a sign that's out there. There
18 are a number of signs that you should go through the
19 Code and look at that require both the Code Enforcement
20 and Planning Board approval. So you may want to get --
21 do that in the process so you don't have to come back
22 to the Planning Board again, because nobody likes to
23 have to come back to us a second time.

24 With the garden center, take a look and see
25 if that is accessible from the hotel, because it looks

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 like all you have is stairs going down there, but take
2 a look at that.

3 MR. LaPORTA: Those aren't stairs. It's just
4 kind of delineating that there's a walkway, some sort
5 of hardscape surface there.

6 MR. GAROFALO: It would also be helpful to
7 give not only -- you have some -- Road A, B, C, D, but
8 also some of these minor ones, to also label them so
9 they can be discussed more easily.

10 Also, it looks like there's some rather
11 significant road grades that are involved, so I think
12 that in some areas you may want to give us some
13 indication of what these road grades are. Some of them
14 are pretty flat, but some of them look like they're
15 very steep.

16 MR. LaPORTA: We'll provide profiles. I
17 didn't put them in the plan site yet, but we've been
18 reviewing these steep areas, and, in particular, when
19 you're approaching from the east, we're making a
20 12 percent road to avoid massive fills to deal with the
21 grade, and we're going to have a secondary road at
22 5 percent that goes around by the lake, kind of in the
23 pink area pictured on the screen.

24 MR. ACHENBAUM: So this is the steeper road
25 that exists today, but it's a dirt road obviously, and

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 then what we're going to do is we're going to cut this
2 road in, coming across and then around, so that way
3 it's at 5 percent, so that way if there's ever an issue
4 like icy roads for fire trucks, they can come the other
5 way.

6 MR. GAROFALO: On -- a lot of the plans don't
7 agree with your C-500 in the sense that there are three
8 signs when you have the accessible parking. There's
9 one in the middle also. So it's on your detail, but
10 not necessarily on your other plans, and certainly try
11 to avoid errors being made in that kind of situation.

12 I thank you very much for my extended --
13 listening to my extended comments. Thank you.

14 MR. ACHEŃBAUM: Thank you.

15 CHAIRMAN BRAND: Cindy.

16 MS. LANZETTA: First of all, I want to thank
17 you. I really like this concept of the course pavement
18 for the parking, and I like your attention to the
19 lighting and trying to keep it Dark Sky compliant.
20 That's going to be very important to the County as
21 well.

22 I'm wondering why you're looking at putting
23 in an independent solar station as opposed to
24 integrating it into the rooftops of your facilities.

25 MR. LaPORTA: I think there's a couple of

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 things. One, the solar -- the location for the array,
2 it's in a field that's already cleared, so we wouldn't
3 need to do tree clearing, and just the yield that
4 you'll get when you're doing it on rooftops.

5 MR. ACHENBAUM: A lot of our roofs are in the
6 forest, especially the houses are all in the forest.
7 So that's one issue, which is a lot of the units
8 wouldn't get any sun most of the time. And that field
9 has a great sun pattern, so it actually would be
10 incredibly effective as far as creating power. That's
11 the justification internally that we were discussing
12 about it.

13 MR. GAROFALO: I could also see how
14 long-range maintenance issues will be probably lower
15 when you have them on the ground than when you have
16 them on the buildings and you have to redo the roofs.

17 MS. LANZETTA: I'm just -- I know it's
18 probably coming along in some of the designs, but to
19 have EV charging stations.

20 MR. ACHENBAUM: We have them. They are at
21 the main parking lot, and I'm sure we're going to have
22 some at the staff as well. But the main parking lot,
23 there's a whole row where I have electric cars under
24 like a covered, what would you call it, carport thing
25 for the small electric vehicles. And then we're having

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 electric charging for hotel guests' cars as well.

2 MS. LANZETTA: That's great.

3 MR. GAROFALO: The County is going to be
4 asking for a percentage of the parking to be -- have
5 electric, but you also should think about the fact that
6 in New York State, I think in 2035, that's all they're
7 going to be selling for cars here. So, long range, you
8 want to definitely think about not having to dig up all
9 your pavement, et cetera.

10 MS. LANZETTA: As I said, I have a sense of
11 what the County will be asking, so I just wanted to
12 give you a heads-up.

13 I do want to point out again on your EAF,
14 that on C.2.(a), this Town does have a plan, an adopted
15 comprehensive land use plan, so I just wanted to make
16 sure you correct that.

17 The other thing I wanted to mention was that
18 I see you've put in the 75-foot agricultural buffer
19 pretty much all around the property, actually, but it's
20 also in the legislation, in the Code, it doesn't
21 require only the 75-foot setback. It also requires a
22 buffer of some sort. You know, vegetated or a berm.
23 So you're going to have to take that into account too.
24 And I'm thinking, even though that's only required when
25 you're adjacent to the agricultural property, over on

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 Ridge Road, you're close to some residential
2 properties, and you might take that into account too,
3 to continue the vegetative buffer around that area,
4 because that way they won't complain about having to
5 look at your parking lots down there. But you are
6 going to have to come up with some type of vegetative
7 buffer as well as the setback.

8 MR. LaPORTA: I think a lot of it probably is
9 naturally vegetated, but we could look at any select
10 areas, like those parking lots, for example, that
11 you're talking about, or maybe we could thicken it up
12 just to make sure the neighbors' properties are
13 screened.

14 CHAIRMAN BRAND: I think the Code also says
15 you can do a berm, like a hill, in lieu of the
16 vegetation.

17 MS. LANZETTA: That's actually harder than
18 vegetation, I think.

19 Then, of course, if you are going to put in
20 the water tank, then I think we would have to take a
21 look at the visual aspects of that in more detail. So
22 at some point, when you actually make a decision on
23 that, there might be some additional work that needs to
24 be done.

25 MR. LaPORTA: Okay. We were -- what we were

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 looking at probably wouldn't exceed 15 feet in height.
2 We're looking at -- we were going to put in something,
3 whether it's 50, 60,000 gallons, just for our own
4 pressure, because with that location, with respect to
5 our own buildings, it will make sure that we don't have
6 any off-site impacts for pressures and whatnot, but if
7 the larger tank works out, it will be another
8 250,000 gallons. That would reach a height around
9 15 feet or so. We would try to site it so that we can
10 plant vegetation around it and screen it, and I think
11 that in our landscaping plans we show a pretty good
12 buffer on it right now.

13 MS. LANZETTA: Well, it is one of the highest
14 spots on your property, so we'd have to get an idea,
15 perhaps a balloon test, to actually be able to -- and
16 Bowdoin Park is probably the most likely place where
17 something like that would be visible from, over in
18 Poughkeepsie, because you are in Marlboro. A lot of
19 places that you put in your visual assessment really
20 were places more that look at Milton, so just keep that
21 in mind.

22 MR. GAROFALO: Could we also get copies of
23 any County documents? They obviously did the scope,
24 but to have that as a document, I think that would be
25 helpful.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. LaPORTA: It was mostly phone calls we've
2 had with the County. I don't have any documents from
3 them yet.

4 MR. GAROFALO: Okay. If you have them, fine.
5 If you don't, you don't.

6 CHAIRMAN BRAND: Any other comments or
7 questions from the Board?

8 (No response.)

9 CHAIRMAN BRAND: All right. We will -- it
10 looks like they're doing some work. We'll see you
11 again at our next meeting.

12 MR. ACHENBAUM: Thank you so much.

13 Time noted: 8:08 p.m.

14

15 Certified to be a true and accurate transcript.

17

18 Stacie Sullivan, CSR

20

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

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

4 MAZZA - TWO-LOT SUBDIVISION

5 Project No. 24-2007
6 2 Dragotta Road, Marlboro
7 Section 108.4; Block 6; Lot 5.100 and 5.200

6 -----X

7 SKETCH - SUBDIVISION

8 Date: June 3, 2024
9 Time: 8:08 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 STEVE JENNISON
18 CINDY LANZETTA
19 JOE LOFARO

20 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
21 GERARD COMATOS, ESQ., PLANNING
22 BOARD ATTORNEY

23 JEN FLYNN, PLANNING BOARD SECRETARY

24 APPLICANT'S REPRESENTATIVES: CARMEN MESSINA
25 JOHN MAZZA

26

27

28 -----X

29 Stacie Sullivan, CSR
30 staciesullivan@rocketmail.com

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda, we have
2 a lot line change for Mazza. Would you like to provide
3 us a brief overview of what it is you're proposing this
4 evening?

5 MR. MESSINA: Yes. For the record, my name
6 is Carmen Messina. I'm the surveyor. To my left is
7 John Mazza, trustee for the Mazza Trust.

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 subdivided into two lots, creating each house being on
2 a separate piece of property, which would eliminate the
3 nonconforming use of two houses on one property. In
4 order to accomplish this, we will need some variances
5 from the ZBA, which we are scheduled to go to on, I
6 believe, June the 13th.

7 CHAIRMAN BRAND: Thank you. Pat, would you
8 like to go over your comments?

9 MR. HINES: Sure. This project is subject to
10 an encroachment agreement. There's an existing garage
11 that extends into the right-of-way of Dragotta Drive.
12 Draft copies of that agreement have gone back and forth
13 between the Town and the applicant. That will need to
14 be completed prior to filing this map.

15 We have this roadway center line issue.
16 Mr. Messina has shown a highway boundary by use as well
17 as added Note 1 that says, Reserved for highway use.
18 We just want to make sure that Gerry's office is okay
19 with depicting it in that method.

20 Zoning Board of Appeals is required. Carmen,
21 I don't know whether there's any more, but I notice the
22 five-foot side yard setback where ten foot is required.
23 I don't know if there are any others.

24 MR. MESSINA: We're going to require -- well,
25 we're going to need clarification from the Board as to

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 exactly what variances we're going to need, especially
2 that issue about the center line. We propose showing a
3 reserved --

4 MR. HINES: Understood.

5 MR. MESSINA: -- which is different than
6 dedicated. Do you want this -- you require this
7 25 feet from the center line to be dedicated to the
8 Town; is that correct?

9 MR. HINES: That's my take on the Code.

10 MR. MESSINA: Okay. Well, we think that
11 reserved in the -- I think it's in the subdivision
12 regulations. It talks about reserving for future
13 highway use. It doesn't talk about dedication. And,
14 of course, those two words are importantly different.

15 MR. HINES: So that would be great, if you
16 can get that interpretation from the ZBA.

17 MR. MESSINA: Okay. But we'd like -- in
18 order for us to go to the ZBA, we're going to need to
19 have a sense of the Board, what you require for us to
20 get this approval. If you require us to have -- give
21 you or dedicate to you that 25-foot strip, we'll need
22 to know that so when we go to the Board, we can ask
23 them if that determination is correct, about that being
24 the way it's stated in the subdivision regulations.
25 And, if so, if they agree, then we will need an area

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 variance because Lot Number 1 of our subdivision will
2 now be only 8,000 square feet instead of 10,000 square
3 feet, and there will be no other way for us to make it
4 10 if you require us to dedicate to you.

5 MR. HINES: So you know my feeling on that.
6 I don't want to discuss it for 45 minutes again.

7 MR. MESSINA: Okay.

8 MR. HINES: I think if you want to get that
9 relief, that would be the way to go.

10 MR. JENNISON: Pat, can you tell me where it
11 says "dedicate" in the Code?

12 MR. HINES: I don't have that offhand, but I
13 gave it -- the last time we went through this
14 discussion, I gave you the sections of the Code.

15 MR. JENNISON: I can't find "dedicated." I
16 find "reserved." We can take it off from the time
17 here, but I really need you to tell me where it says
18 dedicated.

19 MR. HINES: I will pull those sections of the
20 Code. It may be the semantics of the words.

21 MR. JENNISON: Is it semantics? I don't
22 believe it's semantics. Reserved and dedicated are two
23 different terms.

24 MR. HINES: Which aren't defined in your
25 Code. But I can give you the sections that I

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 referenced last time. I'll email you those tomorrow.

2 I just don't have them in front of me right now.

3 CHAIRMAN BRAND: Comments or questions from
4 the Board? Gerry, do you have anything regarding that?

5 MR. COMATOS: No. I'm curious to see the
6 Code sections. And I think that the applicant is going
7 to need guidance in order to finish his application to
8 the ZBA on -- did you say June 13th?

9 MR. MESSINA: Correct.

10 MS. FLYNN: June 13th is the ZBA meeting.

11 MR. MESSINA: I can give you the reference
12 that you gave us in the previous project about the same
13 subject. And it was --

14 CHAIRMAN BRAND: Pat, let me ask you a
15 question. When there's a dedicated parcel to the Town,
16 is that still a calculation for the lot, or is that
17 still considered your usable lot?

18 MR. HINES: No. When you dedicate it, it
19 comes off your lot. The Town becomes fee ownership of
20 that.

21 CHAIRMAN BRAND: And that's reflected in the
22 tax rolls and all those types of things. You get a
23 reassessed value for all those things?

24 MR. HINES: Yeah. You'd get a reassessment
25 when you file a subdivision, yes. The lot size would

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 be that much smaller.

2 MR. GAROFALO: And it sounds like they
3 wouldn't want the full 25 feet in this case because it
4 will put it pretty close to the building. So it would
5 probably be something less than 25 feet. I think it
6 would be very helpful, though, both to us and the ZBA,
7 if in the bulk table, it showed the requirements, the
8 existing conditions for each of the lots, and what's
9 being proposed, because then you can clearly see what
10 is requiring a variance and what is not and which ones
11 were newly-established requirements and what you may or
12 may not be actually improving the situation on.

13 MR. MESSINA: Can I address that? I mean, in
14 this situation, where they're existing buildings, the
15 proposed is the existing.

16 MR. GAROFALO: Well, you're moving the lot
17 lines, though.

18 MR. MESSINA: Where we show new lot lines,
19 that's not existing. That's proposed. But where the
20 buildings are already --

21 MR. GAROFALO: I'm not asking about that.
22 What I'm asking is, you have the changed lot lines, so
23 the front yard is changing from the existing condition
24 to the proposed condition in some cases, or some of
25 those measurements are changing between the existing

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 condition and the proposed conditions because you are
2 moving the lines. You're not moving the buildings.
3 You're moving the lines. And that changes the
4 different yards, and that's what, you know, I think the
5 variance is going to be based on, is those differences.
6 So seeing the differences I think is very important to
7 understanding what is new and what is a variance that
8 may already be a situation that exists.

9 MR. MAZZA: The front yard, the front lot --
10 the front of the lot is the same now, proposed, and
11 existing. It's not changing. Changing what the
12 requirement is for taking the land back is making a
13 change.

14 MR. GAROFALO: But you're also moving some of
15 the other lot lines.

16 MR. MAZZA: The only lot line that's moving
17 is way south of that. Has nothing to do with that
18 piece of property. I only wanted to do a lot line
19 change so that I could put a garage up for Lot Number
20 3. So I made the two-family house a one-family house
21 so I can gain 10,000 square feet and take it off the
22 south side of the lot, far from the north piece which
23 is in question about, the 25 feet. When I proposed --
24 I asked Tommy to come take a look with me, see what I
25 wanted to do, and he made mention that because I'm

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 going to do a lot line change on the back side, on the
2 south side, the Town will want me to make a two-lot
3 subdivision; to take two houses on one parcel and make
4 it two houses on two parcels.

5 MR. GAROFALO: Which is a very good thing to
6 be doing.

7 MR. MAZZA: So what I'm saying, then, is that
8 we are trying to make a nonconforming situation
9 conforming as best as possible so I can take the
10 property from the southern piece, just so I have a
11 little more real estate to make a small garage for Lot
12 3's house, existing house. The question that's coming
13 up, though, is on that South Street, the north piece,
14 which is the 25 feet that's in question, is now
15 changing other potential variances we might need. So,
16 for example, right now we have the 10,000 square feet
17 required for that parcel. If we are to have to give up
18 a piece, then we have an area variance required as
19 well. So part of the thing that we need to get clear
20 here so that we can go to the ZBA is exactly what --
21 when you look at the request that we're making, what
22 variances do you believe we need so that we can
23 actually ask for the proper variances to be able to
24 come back hopefully with resolution.

25 MR. GAROFALO: I understand that. Okay. But

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 basically what I'm saying is show the existing
2 condition also so that we can see what the changes are.

3 Also, Lot 1 is a corner lot, and on a corner
4 lot, the front yard is determined by the wider of the
5 two streets. So take a look at the width of the
6 streets to see which street is actually the front yard
7 for Lot Number 1. If they're the same size, then you
8 can pick and choose. But it's the wider of the two
9 streets becomes the front yard.

10 MR. MAZZA: I recognize that's a rule in the
11 book. Does that have to stand? And the reason I ask
12 that is, logically, the front of the house has an
13 address on South Street. It's the narrower piece of
14 the corner. That's the front for the last hundred
15 years. Now it's going to change to Dragotta Road.

16 MR. GAROFALO: It doesn't change anything
17 about the house itself, your address, or anything like
18 that. It just changes, basically, the bulk table as to
19 which they consider to be the front yard. It has
20 nothing to do with any requirement for you to move the
21 front door or the driveway or anything like that. It's
22 just an issue of which is actually considered the front
23 yard. And it may very well be South Street. I don't
24 know, because I don't know what the width of those
25 streets are off the top of my head.

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MR. MESSINA: Well, Dragotta Road would be
2 the wider of the two because that's been dedicated in
3 1962 as 50 feet wide, and, of course, South Street is
4 less than that. If you require that to be the front,
5 then we would need additional variances. So these are
6 the things we need to know, because now we would need a
7 rear variance for the Lot Number 1. We would need a
8 variance because now the accessory building is closer
9 to the road than the house. So these are the things we
10 need to know, the sense of the Board. Are they going
11 to require these things for us so we can present this
12 to the ZBA for their determination?

13 MR. MAZZA: In essence, I'm asking then -- I
14 recognize the rule about Dragotta Road would have to be
15 the front of the house by the way the code is written.
16 That, though, does create two more variances that we
17 need to get. If we leave the front of the house the
18 way it is now, considered the front, those two
19 variances are not required. So just for the sake of
20 more bureaucracy and writing up another variance -- two
21 more variances, do we need to do that?

22 CHAIRMAN BRAND: I don't think it's a matter
23 of -- if Dragotta Road is the wider road, then that's
24 always been the front yard.

25 MR. MAZZA: Not historically. I mean, it

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 will be now, I guess, if we're making this request, but
2 the front has always been the front. The property had
3 gone through other variances and other things in 1989,
4 somewhere about that, and it was the front then, and it
5 was the front prior to that.

6 CHAIRMAN BRAND: South Street?

7 MR. MAZZA: South Street, yeah.

8 MR. GAROFALO: There may have been changes in
9 the width of the roads. There may have been changes in
10 the Code.

11 MR. MAZZA: Everything is the same. Nothing
12 has changed.

13 MR. GAROFALO: The Code specifically dealing
14 with corner lots is to have the front yard on the
15 larger of the two streets, which is something we
16 generally run into more with, say, Route 9W, where we
17 have corner lots on Route 9W. Clearly then Route 9W is
18 considered the front yard, and that's with major
19 presentation that they're concerned about, is the front
20 yard.

21 MR. MAZZA: So the answer -- then I'll ask
22 the question: Are you asking us, then, to get those
23 two additional variances and make the front then
24 Dragotta Road?

25 MR. GAROFALO: I don't know that we can waive

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 those or not.

2 CHAIRMAN BRAND: I'm sorry. I didn't hear
3 the question. Gerry, would you be able to weigh in on
4 this for us so that the applicant is able to -- not
5 necessarily this evening, but provide the applicant
6 with some sort of guidance?

7 MR. COMATOS: It appears to me that, given
8 the frontage by Code is deemed to be along Dragotta
9 Road, that the applicant is going to need a variance of
10 the side yard requirement from the ZBA; the side yard
11 being essentially the north side of the property, north
12 side of Lot 1.

13 CHAIRMAN BRAND: Because that's the side yard
14 facing South Street.

15 MR. HINES: It would also need a rear yard at
16 that point and the accessory structure in the front
17 yard.

18 MR. MAZZA: That's what I'm saying. It's
19 creating a number of variances that are going to have
20 to be asked for in addition to --

21 CHAIRMAN BRAND: I think what you said is
22 important; that you're taking a nonconforming structure
23 and trying to make it less nonconforming.

24 MR. MAZZA: Right.

25 CHAIRMAN BRAND: I think the ZBA takes that

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 into consideration.

2 MR. GAROFALO: That's really the more
3 important situation, is you're fixing that, but it's
4 important to lay out all of the other issues so that in
5 the future it's very clear you know what happened and
6 that, you know, you got the appropriate variances from
7 the ZBA. But I would hope that that is the key thing
8 that they will look at, is the fact that you are fixing
9 something. And we had another project where there
10 were, I think, eight or nine things wrong, and they
11 came up and they said, look, we can fix two of them
12 completely, we can fix three of them partially, we
13 can't fix the other ones, but they made a movement to
14 make it more conforming. And that's really what you're
15 doing here, which is a good thing in my book.

16 MR. MAZZA: Okay.

17 CHAIRMAN BRAND: Did we answer your question,
18 Mr. Messina?

19 MR. MESSINA: Yeah, about that, yes. Now I
20 need to have the answer to are you going to require us,
21 in order to get approval from the Planning Board, that
22 we dedicate 25 feet from the center line of this
23 property?

24 MR. MAZZA: Well, you said get clarification
25 from the ZBA?

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MR. MESSINA: No. Are they going --

2 CHAIRMAN BRAND: The ZBA is not going to
3 provide you with relief for those types of things.

4 MR. MESSINA: In that subdivision regulation,
5 it says the Board may, not shall, deem that they want
6 that property. It's not foregone that they would ask
7 for that dedication. If you read -- I can read you
8 the --

9 MR. JENNISON: What section are you on?

10 MR. MAZZA: 134-19B.

20 MR. GAROFALO: I think there's another Code
21 that comes into mind. I don't have it off the top of
22 my head, but I think there is another Code that deals
23 with this aspect, and that's something that we should
24 be providing you with to give you a definitive answer.
25 But even if it's required, I don't know as if we would

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 necessarily want the full 25 feet because how close
2 that would put it to the building. That would be
3 something that I think we'd have to go out and take a
4 look at.

5 CHAIRMAN BRAND: Pat and/or Gerry, since this
6 is obviously going to be a recurring phenomenon that
7 we're seeing here, can we provide some type of
8 clarification for the future, to check the relevant
9 parts of the Code and what the interpretation is?

10 MR. COMATOS: Yes.

11 MR. HINES: Yes, we can do that. Not
12 tonight.

13 CHAIRMAN BRAND: Not tonight. Of course.

14 MR. MESSINA: What did you say?

15 MR. HINES: I said, yes, we can do that.

16 MR. MESSINA: This has come up in that
17 previous project.

18 CHAIRMAN BRAND: Yes. We remember.

19 MR. HINES: Yes.

20 MR. MESSINA: This is the comments we
21 received from the engineer stating that subdivision
22 regulation that we just read from.

23 MR. HINES: There were two sections that I
24 quoted.

25 MR. MESSINA: And there was another one that

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 said something about 25 feet. Never mentioned anything
2 about dedication, though.

3 CHAIRMAN BRAND: So we will clarify that for
4 you moving forward. You have your work to do with the
5 ZBA. I think we've clarified what you need to do with
6 that.

7 MR. MESSINA: I'd like to know, all the
8 members of the Planning Board will require us to give
9 you 25 feet?

10 CHAIRMAN BRAND: Our job is to follow the
11 Code as it's written.

12 MR. MESSINA: Okay. So you're going to
13 provide us with this --

14 CHAIRMAN BRAND: We're going to provide some
15 clarification, interpretation on that since obviously
16 it's been an ongoing issue. And we will discuss it and
17 confer. But right now that's neither here, nor there.
18 We have to get the ZBA approvals for you first, and
19 then we can discuss that.

20 MR. HINES: Well, we haven't referred it to
21 the ZBA yet.

22 CHAIRMAN BRAND: I thought he said he already
23 had --

24 MR. HINES: Somehow he's on the agenda. I
25 don't know how.

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MR. MESSINA: We went to the ZBA.

2 MR. HINES: For this project?

3 MR. MESSINA: Yeah, for this project.

4 MR. HINES: This is the first time you've
5 been here before the Board.

6 MR. MESSINA: I understand. But we got sent
7 there by the Code Enforcement Officer.

8 MR. HINES: Why did he send you there for?

9 MR. MESSINA: He sent us there to get
10 variances for the side line of Lot Number 2. It's only
11 proposed five feet, and it needs to be ten. Rear
12 variances for that Lot Number 2, where it's 8.1 and we
13 need 20. And we needed some variances because the
14 existing garage was -- it was only -- one was five feet
15 and one was six, and we needed ten for each. Of
16 course, when we went there, then the whole process
17 stopped because someone, after all these years of doing
18 this on this street, that garage being over the line of
19 Dragotta Road, they said that no longer could be
20 accepted. So we stopped, and we got the Town, and
21 Mr. Mazza agreed to work that out. And so we have done
22 that. Now we want to go back and get all the variances
23 we need, but if we don't need the one for the 25 feet
24 dedication, we won't ask them for that. So I was
25 hoping that we'd get some kind of vote from the Board.

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: You love for us to vote.

2 MR. MESSINA: Yeah. Because otherwise --

3 because we need to know what we're asking for. And if
4 the members of the Board don't want to ask us for
5 25 feet for this requirement for us to get --

6 CHAIRMAN BRAND: We're trying to ascertain
7 exactly what that means.

8 MR. JENNISON: I did find 155-14H. It says:
9 Minimum front line distance. The minimum distance of a
10 front lot line from the center line of the road
11 abutting that lot shall be not less than 25 feet.

12 So, if that's the case, we've had in 1989, if
13 I'm reading that right, this Board said that South
14 Street was the front?

15 MR. MESSINA: Correct.

16 MR. JENNISON: Now, the way I'm understanding
17 it, is that this Board, same Board, is now saying that
18 Dragotta is the front street. Well, if we're going to
19 go off past practices, which this Board has done in the
20 past, then South Street should remain the front. Is
21 that fair?

22 MR. MESSINA: That's the way we see it.
23 Because, obviously, that building has been there long
24 before Dragotta Road existed.

25 MR. HINES: Then that applies, the section of

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 Code you just read.

2 MR. JENNISON: Right. I'm just saying from
3 1989, when this Board did make a variance, then it
4 shouldn't come into play.

5 MS. LANZETTA: We didn't make the variance.

6 MR. JENNISON: This Planning Board -- you
7 said you came before the Planning Board in 1989 -- said
8 South Street was the front.

9 CHAIRMAN BRAND: This would not be the first
10 time that we have noticed inconsistency with previous
11 boards.

12 MR. HINES: Dragotta may not have been there.

13 MR. MAZZA: No. It was there.

14 MR. HINES: Oh, it was?

15 MR. MESSINA: Yes. That building has been
16 there for 90 years probably.

17 MR. JENNISON: I think we should keep South
18 Street as the front and move forward.

19 MR. GAROFALO: I don't know that we have that
20 option. That poses a legal question as to whether the
21 Board would have the authority to change that.

22 MR. COMATOS: Exactly. I don't think -- I
23 think it's either the Code Enforcement Officer has to
24 make a determination, and based on that, the ZBA has
25 jurisdiction to determine which is the front.

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MR. JENNISON: You know as well I do -- I
2 mean, I've been in this town a long time -- it just
3 seems like every time the highway repaves and does it
4 over, it just keeps moving six inches, maybe a foot.
5 And then -- because how is Dragotta that wide now
6 compared to South Street? It's over time that
7 resurfacing has been done.

8 MR. MAZZA: That piece of Dragotta is an
9 interesting piece in itself. There was a house in the
10 middle of that street, right in the middle of the
11 street. My driveway was Dragotta Road. At a period of
12 time, 1979, give or take, the house was demo'd. The
13 road was straightened. What was Dragotta Road became
14 my driveway, and that piece of Dragotta Road is now
15 very wide, only because of -- it actually flares out
16 and gets wide right there because the real estate was
17 available. If you look at the way the road actually
18 went in its size, it's the same size as South Street,
19 but that piece widens out because that particular event
20 took place. It is crazy.

21 MR. MESSINA: It just seems that this is just
22 making -- we're trying to make these lots conforming,
23 and every time we try to do that, we get something that
24 makes them nonconforming. We had 10,000 square feet.
25 Now we're going to have to have eight if you require us

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 to dedicate to you.

2 CHAIRMAN BRAND: Why would you not just ask
3 for all the possible variances that could apply? And
4 if you don't need them, you don't need them.

5 MR. MAZZA: The Zoning Board was a little
6 reluctant to give like contingent variances. Right.
7 If it's not required, why are you asking for it. So
8 it's kind of the chicken and the egg. We're going back
9 and forth.

10 CHAIRMAN BRAND: I would ask for it, and I
11 would explain to them that we're trying to ascertain
12 exactly how the Code applies to this situation again
13 and that we're -- you're asking for the variance so
14 that should it happen that Plan A applies to you, then
15 you're covered. If not, then you won't need that
16 variance. I don't see that they would deny you that,
17 that you've applied for too many variances that were
18 not required.

19 MR. MAZZA: Would it be possible to get the
20 answer to the question whatever Code references are --
21 the 25 feet is what it's supposed to be in reasonable
22 time so that we can have the understanding to go to the
23 ZBA then?

24 CHAIRMAN BRAND: I think that's not a
25 problem. Will that be a problem, Gerry or Pat?

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MR. COMATOS: I have time this week to do it,
2 to look into it.

3 CHAIRMAN BRAND: So we will try our best.

4 MR. GAROFALO: When is the deadline for the
5 ZBA submittal?

6 MR. HINES: I guess they're already on there,
7 it sounds like.

8 MR. MESSINA: We are on the docket, yes.

9 MR. GAROFALO: So they have some time to
10 submit changes?

11 MS. FLYNN: No. They're already on the
12 agenda for this month.

13 MR. GAROFALO: But do they have to submit the
14 material in advance?

15 MR. HINES: Yes.

16 MS. FLYNN: They can't submit anything new
17 for next week, no. That would be like me giving you
18 something.

19 MR. GAROFALO: Right. That's what I was
20 trying to get at.

21 CHAIRMAN BRAND: What did your application --
22 what did you already apply for?

23 MR. MESSINA: Well, we asked for the ones I
24 mentioned: The side lines for Lot Number 2, the
25 variances for the existing garage, and the rear yard

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 for the Lot Number 2.

2 CHAIRMAN BRAND: I don't sit on the Zoning
3 Board of Appeals, and I don't know what they will say,
4 but I would say to you that it can't hurt to ask them
5 for any additional variances that might be required.

6 MR. MESSINA: Let me just add. We were at
7 the ZBA for the second time, trying to get approvals
8 for things that may happen, and they said, no, we need
9 to know what the Planning Board is going to ask you to
10 do. So, I don't know, maybe we can change their minds
11 when we go back, but that's what -- we were there, and
12 that's what they told us.

13 CHAIRMAN BRAND: I know the secretary for the
14 Zoning Board of Appeals. I will have her explain and
15 detail the case to the Chairman of that Board with your
16 application, and we will say why there may be
17 additional variances requested that are not on that
18 initial application.

19 MR. MESSINA: I appreciate that.

20 MR. MAZZA: I would ask, then, for two pieces
21 of information, then: One on the 25 feet, if it were
22 possible, and second, if South Street can remain the
23 front, because if Dragotta Road has to be the front,
24 then we have other variances that we need to request.

25 CHAIRMAN BRAND: Can they even do that? Can

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 the Zoning Board do that?

2 MR. HINES: I don't know the answer to that.

3 CHAIRMAN BRAND: Let's do this. To save some
4 time, why don't we email me -- email the requests to
5 Jen. We will forward them to Pat and the attorney, who
6 will then be in contact with the Zoning Board chairman.

7 MR. GAROFALO: I'm not sure that the Zoning
8 Board can change the streets. They can change the
9 dimensions that are required.

10 CHAIRMAN BRAND: Which is why they're going
11 to ask for that variance.

12 MR. GAROFALO: But I don't think they can
13 change the street.

14 MR. HINES: Only they can interpret the Code.
15 So if they want to give an interpretation, they're able
16 to do that.

17 MR. MESSINA: So when we go to the ZBA, we
18 will ask them for their determination of these rules
19 that you say exist.

20 MR. HINES: I think Gerry and I are going to
21 give you a letter that gives our reasoned opinion on
22 those two sections of Code that we discussed here, as
23 well as which street is the front.

24 MS. LANZETTA: Then the ZBA has their own
25 legal counsel; correct?

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 MS. FLYNN: They don't go to every meeting.

2 Only if ZBA needs them, will they be there. They don't
3 have a lawyer. They don't have an engineer. They only
4 have a stenographer. Unless needed, then they come.

5 MS. LANZETTA: Well, we used to have a
6 separate ZBA attorney that could also issue an opinion.
7 Apparently, the Town doesn't do that anymore.

8 CHAIRMAN BRAND: Gerry, maybe in this case,
9 we could ask that you do attend that meeting so that
10 you have an understanding now of what's happening and
11 you can kind of explain the situation and what might be
12 required.

13 MR. COMATOS: Sure.

14 MR. MESSINA: I'll ask -- I'd like to just
15 add one thing. We're not unsympathetic to the idea of
16 the engineer thinking towards the future. We think
17 it's a good idea. But there's really -- I said at the
18 other project we had, there's -- the State Law --
19 Highway Law, Section 189, says that every road that's a
20 road by use, prescriptive road, which South Street is,
21 the highway superintendent or the Town can widen that
22 road to 49 and a half feet, three rods. They don't
23 have to do anything, because it's already in the law.
24 So you have that backup if you ever need to widen South
25 Street. So I don't know what the impetus is to do it

MAZZA TWO-LOT SD - SKETCH SUBDIVISION

1 now.

2 MR. HINES: Because you're here before us
3 with a subdivision to get it done, cleaned up, and
4 shown on a map.

5 CHAIRMAN BRAND: I can't answer why New York
6 State laws are the way they are or the Town Code is the
7 way it is.

8 MR. GAROFALO: Because they have more
9 lawyers.

10 CHAIRMAN BRAND: Probably. So I think we're
11 all set here. We will move forward. You'll go to the
12 ZBA, and hopefully, we can get some clearer
13 understanding. Okay.

14 MR. MAZZA: Thank you.

15 CHAIRMAN BRAND: Good luck.

16 Time noted: 8:43 p.m.

17

18

19 Certified to be a true and accurate transcript.

20

21

Stacie Sullivan

22

Stacie Sullivan, CSR

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 WILKLOW - TWO-LOT SUBDIVISION

5 Project No. 24-2008
6 37-43 Baileys Gap Road, Marlboro
7 Section 95.4; Block 1; Lot 15

8 -----X

7 SKETCH - SUBDIVISION

8
9 Date: June 3, 2024
10 Time: 8:43 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22
23 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
24
25 GERARD COMATOS, ESQ., PLANNING
26 BOARD ATTORNEY

27
28 JEN FLYNN, PLANNING BOARD SECRETARY

29
30 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

31

32

33

34

35

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

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Finally, Wilklow two-lot
2 subdivision for a sketch of a subdivision of 37-43
3 Baileys Gap Road in Marlboro, New York.

4 Patti, if you want to give us a brief
5 overview of what you have proposed here.

6 MS. BROOKS: Absolutely. We're proposing a
7 two-lot subdivision of approximately 20 acres of land
8 located on the northerly side of Baileys Gap Road, west
9 of Orchard Road. There currently is on the property a
10 single-family residence and a cidery building with a
11 house and garage. We're looking to separate the one
12 house out onto a 1.06-acre parcel. The secondary
13 house, garage, and cidery building with the
14 agricultural lands will remain on Lot Number 2, which
15 will be approximately 19 acres in size.

16 We had been before the Planning Board a few
17 years ago with an application on this. At that point
18 in time the owners decided to withdraw. They required,
19 and still do as referenced in the application, a
20 variance from the agricultural separation requirements.
21 It's been noted on the plan that we require a variance
22 from Section 155-52C to permit a residential structure
23 to be 44.7 feet from a boundary line where the required
24 setback is 75 feet.

25 CHAIRMAN BRAND: That's to separate which

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 part?

2 MS. BROOKS: So the house on Lot Number 1
3 would only be 44.7 feet from the boundary line, and
4 there's the agricultural buffer requirement of the
5 75 feet. We also don't have the opportunity to
6 actually plant within that because of the location of
7 the existing structures.

8 CHAIRMAN BRAND: In between the house and the
9 cidery?

10 MS. BROOKS: Yes. This is being done for
11 estate planning purposes. The Wilklows' daughter lives
12 in the house on Lot Number 1. Their son manages the
13 cidery building and agricultural lands on Lot Number 2.
14 And they're looking to separate them at this point in
15 time so that they can deed their daughter one parcel
16 and their son the other parcel.

17 CHAIRMAN BRAND: But it's still staying all
18 within the same family?

19 MS. BROOKS: It's still going to stay within
20 the same family. There is a shared well at this point
21 in time, and the applicants have requested that as long
22 as the siblings own the property, that they're allowed
23 to continue to share the well, with proper easements in
24 place, with the knowledge that once either parcel is
25 sold outside the family, a new well would be required

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 to be drilled.

2 CHAIRMAN BRAND: Is the well on the house
3 side or the cider side?

4 MS. BROOKS: The well is on the cider side.
5 See the southeast corner of the building, and there's
6 that W with a circle around it, just below where it
7 says tanks?

8 CHAIRMAN BRAND: Yes.

9 MR. GAROFALO: Is that fencing between the
10 two properties existing, or is that proposed?

11 MS. BROOKS: Existing.

12 CHAIRMAN BRAND: Pat, do you just want to run
13 through your comments?

14 MR. HINES: Sure. The first comment just
15 describes the action.

16 My second comment, I couldn't find the well
17 on Lot 1, but I did eventually find Note 8 and found
18 the well at the cidery.

19 It does need a Zoning variance for the
20 agricultural setback.

21 I'm assuming they want a waiver of a complete
22 survey on the 20-acre parcel. They've given us a deed
23 plot in the upper left-hand corner that shows the
24 topography and the parcel in its entirety. I don't
25 have any issue with the deed plot and waiving the

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 entire survey.

2 And then the shared well brings up its own
3 issues. You recently allowed a similar condition on
4 another, in quote, family owned -- common family
5 ownership. I have four siblings, and I don't think
6 that agreement would work out in my family. That's a
7 whole other issue, but if the Board is willing to defer
8 installation of that well until such time in the
9 future, we recommend that certain legal documents,
10 covenants, whatever Gerry's office wants to call them,
11 be implemented that require should any of those parcels
12 transfer, that they -- Lot 1 needs its own well, but I
13 also think there needs to be some form of maintenance
14 agreement that should two siblings no longer get along,
15 that they can't terminate the well. Or if the well
16 breaks or if the well pump burns out. There's a whole
17 host of issues that can come up with this.

18 CHAIRMAN BRAND: Thank you, Pat.

19 MR. COMATOS: Given the septic area on Lot 1,
20 is there enough separation from the septic area and the
21 likely location of a well?

22 MS. BROOKS: Yes. The well on Lot Number 1,
23 if one ever needed to be constructed, would be in the
24 lawn area in the front, and there's plenty of
25 separation.

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Pat, we've previously
2 allowed a subdivision --

3 MR. HINES: Yes, up on Lattintown Road.

4 CHAIRMAN BRAND: Not just for the well, but
5 also for the agricultural buffer. We allowed them to
6 not construct it at the time of the subdivision, but
7 also put in a covenant --

8 MR. HINES: In that case they had the room to
9 do it. In this case they don't have --

10 MS. LANZETTA: Was that Trapani?

11 MS. BROOKS: Yes.

12 MR. HINES: I think Faurie Masterson we
13 recently did that on.

14 MS. BROOKS: It was Trapani.

15 MR. GAROFALO: How high is that fence?

16 MS. BROOKS: I don't know. I'll have to find
17 out.

18 CHAIRMAN BRAND: So that variance would have
19 to go to the ZBA?

20 MR. HINES: Yes.

21 MS. BROOKS: Yes. It would be a variance not
22 only for the 75-foot setback, but also for the
23 construction of the buffer. You know, we would be
24 asking for the fencing in lieu of the buffer.

25 MR. JENNISON: Patti, how are you going to

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 handle the driveway going from Lot 1 into Lot 2?

2 MS. BROOKS: So there's a separate driveway
3 that they installed on the easterly side of the house
4 that they've been using to access the house on Lot
5 Number 1. The blacktop pad that you see on the
6 westerly side of the house, that was where the
7 driveway --

8 MR. JENNISON: That's why I didn't see it.

9 MS. BROOKS: Yeah. So the driveway on the
10 westerly side of the house, that blacktop, that's
11 always been there, but in case they ever need to block
12 that off, that's why they put the new driveway on the
13 east side of the house. A few years ago when we were
14 here for the first application, that driveway on the
15 easterly side of the house was not installed.

16 MR. GAROFALO: Should they have, if they're
17 going to use that one on the west side, have an
18 easement to access it?

19 MS. BROOKS: I don't know whether they're
20 just going to allow it to be permitted by license at
21 this point in time, because, again, if the properties
22 ever separate, the more encumbrances there are on the
23 individual properties, the more difficult it makes to
24 untangle them later on. You heard that earlier this
25 evening, where the estate occurred and now we have

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 nobody to go to try to undo an easement that had been
2 granted. So I will ask the applicants, but I don't
3 believe that that is the intent. I believe that's why
4 they put the separate driveway in.

5 CHAIRMAN BRAND: Before we do anything else,
6 I'd like to have a motion to waive the topography for
7 Lot 2.

8 MR. HINES: The complete survey.

9 CHAIRMAN BRAND: For the complete survey.

10 MR. JENNISON: I'll make the motion.

11 MR. GAROFALO: I'll second it.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: All right. So that part is
17 taken care of.

18 MR. GAROFALO: There's a couple of other
19 points I would like to make. One is I think there's a
20 stream on the adjacent parcel across the street, which
21 is also where the Town transfer station is and the
22 former dump is, and that should have been noted on Item
23 19 on the EAF. Also, one of the things that I'm always
24 concerned about is seeing totally wide open curb cuts.
25 And I know you've provided a sight distance from part

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 of it, but I really hate to see those kinds of curb
2 cuts on properties.

3 CHAIRMAN BRAND: You're talking about the
4 cidery?

5 MR. GAROFALO: Yes, on the cider side. It's
6 a totally open curb cut along that -- a good part of
7 that frontage in front of the buildings.

8 CHAIRMAN BRAND: I've been there before.
9 There's like saw horses and stuff there. It's not wide
10 open really.

11 MS. BROOKS: I'll provide a photograph.

12 CHAIRMAN BRAND: They're very particular
13 about parking.

14 MS. BROOKS: Yeah, they're very careful about
15 parking in there.

16 CHAIRMAN BRAND: I actually parked on the
17 blacktop by the house and got yelled at.

18 MR. GAROFALO: Maybe they do need a little
19 blacktop for the accessible parking, but this being a
20 farm, I don't think it's necessarily required. I'm not
21 sure.

22 CHAIRMAN BRAND: Any other comments or
23 questions?

24 (No response.)

25 CHAIRMAN BRAND: So you will go to the ZBA.

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 Did you make that application already?

2 MS. BROOKS: I haven't, because I was seeking
3 a referral from this Board, I did not ask for one from
4 the Building Department.

5 CHAIRMAN BRAND: So you will go to the ZBA?

6 MS. BROOKS: Yes. I'm looking for a referral
7 from the Planning Board.

8 CHAIRMAN BRAND: Can I have a motion to refer
9 this to the ZBA?

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

11 CHAIRMAN BRAND: Is there a second?

12 MR. JENNISON: Second.

13 CHAIRMAN BRAND: Any discussion?

14 (No response.)

15 MR. GAROFALO: Please note that the legal
16 notice for the public hearings has changed, so make
17 sure --

18 MS. BROOKS: Yes.

19 CHAIRMAN BRAND: She knows. Anything else?

20 MS. BROOKS: I believe I might have requested
21 it.

22 CHAIRMAN BRAND: Thank you very much.

23 Anything else before we adjourn?

24 (No response.)

25 CHAIRMAN BRAND: Thank you.

WILKLOW TWO-LOT SD - SKETCH SUBDIVISION

1 (Time noted: 8:55 p.m.)

2

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

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5 Certified to be a true and accurate transcript.

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7 Stacie Sullivan

8 Stacie Sullivan, CSR

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