

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

In the Matter of

ELP SOLAR TRUNCALI

Project No. 24-2004
335 Bingham Road, Marlboro
Section 108.3; Block 8; Lot 21

PUBLIC HEARING - SITE PLAN

Date: August 19, 2024
Time: 7:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: RYAN LOUCKS
JOEL TRUNCALI

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

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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, August 19, 2024. Regular meeting at
7 7:00 p.m. On the agenda tonight we have the approval
8 of the minutes for the August 5th meeting. For Public
9 Hearings, we have ELP Solar Truncali, a public hearing
10 of their site plan at 335 Bingham Road in Marlboro.
11 Under Ongoing Application Review, we have John Mazza
12 for a final of their lot line at 2 Dragotta Road in
13 Marlboro; Lynn David Properties for a sketch of a
14 subdivision at 397-407 Willow Tree in Milton; Wilklow
15 two-lot subdivision for a sketch of a subdivision at
16 37-43 Baileys Gap Road in Marlboro; Dock Road, a sketch
17 of their site plan at 103-137 Dock Road in Marlboro;
18 Mitchell M & Company for a sketch of a subdivision at
19 1559 Route 9W in Marlboro; and the Marlborough Resort
20 Lattintown for a sketch of their site plan at 626
21 Lattintown Road in Marlboro. Under New Application
22 Review, we have Marlboro Property Management for sketch
23 of a subdivision on Burma Road in Marlboro.

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1 3rd, 2024, and that meeting will be held upstairs.

2 Can I get a motion for the approval of the
3 minutes for the August 5th meeting, please.

4 MR. TRONCILLITO: So moved.

5 CHAIRMAN BRAND: Is there a second?

6 MR. GAROFALO: I'll second.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any objection?

10 (No response.)

11 CHAIRMAN BRAND: Any announcements from the
12 Board before we start?

13 (No response.)

14 CHAIRMAN BRAND: Jen, do you have any
15 communication?

16 MS. FLYNN: No.

17 CHAIRMAN BRAND: First up we have a public
18 hearing for ELP Solar Truncali for their site plan.
19 Legal Notice, Site Plan and Special Use Permit
20 Application. Please take notice a public hearing will
21 be held by the Marlborough Planning Board pursuant to
22 the Town of Marlborough Town Code Section 155-31 and
23 Section 155-32 on Monday, August 19, 2024, for the
24 following application: ELP Solar Truncali at the Town
25 Hall, 21 Milton Turnpike, Milton, New York, at 7:00

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1 p.m. or as soon thereafter as may be heard. The
2 applicant is asking for a site plan approval and
3 special use permit for a solar energy farm on lands
4 located at 335 Bingham Road, Marlboro, New York,
5 Section 108.3, Block 3, Lot 21. Any interested
6 parties, either for or against this proposal, will have
7 an opportunity to be heard at this time. Chris Brand,
8 Chairman, Town of Marlborough Planning Board.

9 Would you like to start us out with how many
10 mailings did you send out? You could just give them to
11 Jen. She'll look at them.

12 MR. LOUCKS: (Handing).

13 CHAIRMAN BRAND: If you could provide us with
14 a brief overview for those here for the public hearing.

15 MR. LOUCKS: Certainly. Do you want me to go
16 over any of the things we've supplied supplemental from
17 last month or just the project in general?

18 CHAIRMAN BRAND: Just the project in general.

19 MS. FLYNN: Thirty-nine mailings were sent
20 out.

21 MR. LOUCKS: So the property is approximately
22 an 80-acre parcel that's going to be developed into a
23 five megawatt solar project encompassing approximately
24 16 acres. We've included access drives that are
25 following the existing farm trails, the farm paths.

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1 We've included screening as well along the northern
2 side of the property. Two rows of the existing orchard
3 shall be maintained by the facility. The balance is to
4 remain as an orchard as well.

5 We've submitted a Stormwater Pollution
6 Prevention Plan as well as a glare analysis, visual
7 renderings, decommissioning plan, and a few other
8 clerical documents.

9 CHAIRMAN BRAND: Great. Pat, would you like
10 to run through your comments first.

11 MR. HINES: Sure. My first comment has to do
12 with the review of the interconnect documents. I know
13 Gerry has mentioned that his office has reviewed those.
14 I got an email today.

15 Comments from the jurisdictional fire
16 department, we received those today. They are
17 requesting a dry hydrant be provided at the pond, at a
18 location to be worked out by them, to provide
19 protection for this facility as well as adjoining
20 facilities.

21 We have a concern regarding the stormwater
22 management. We did review the Stormwater Pollution
23 Prevention Plan. The DEC has adopted the Maryland
24 Department of Environmental Stormwater Design
25 Guidelines. They're a little ahead of DEC's

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1 regulations. It involves returning all flow in these
2 solar arrays to sheet flow. We hear a lot during these
3 projects that they're going to be green and not disturb
4 the ground when, in fact -- and I'll use the one in
5 town we talked about last time -- there are issues with
6 stormwater runoff, either compacting the soils, putting
7 the solar arrays perpendicular rather than parallel.
8 They've made an attempt to do that here, but they do
9 have some areas and some fairly steep slopes that are
10 not parallel to the contours. The Maryland design
11 guidelines for stormwater take that into account and
12 require level spreaders be incorporated into the
13 designs that return it to sheet flow, and based on the
14 slopes, the distance between the level spreaders is
15 controlled. Again, DEC has adopted those, and we would
16 recommend that the applicants take a look at that,
17 incorporate that into their stormwater design in order
18 to minimize impacts to down gradient properties from
19 these.

20 They submitted additional information
21 regarding visuals for the Planning Board's review. You
22 are uniquely qualified in that role. Living here and
23 being very familiar with that, I always defer to the
24 boards for those visual impacts.

25 I do not see where we declared our intent for

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1 lead agency for the SEQRA review. I believe you need
2 to do that at this point in order to bring the other
3 agencies on board.

4 There were County Planning comments received
5 dated July 10th. This Board typically requires a line
6 by line response to those.

7 There is a need for the decommissioning
8 security amounts to be approved by the Town Board.

9 Surface water flow from the arrays flow
10 generally from the high point of 670 down to a low
11 point on the property of 560, and there's concern
12 regarding some of that runoff that may be directed
13 towards the residential houses where implementation of
14 the Maryland design guidelines would assist in
15 protecting those.

16 We're looking for any pipe crossings on
17 Bingham Road that are crossing Bingham Road.

18 I want to make sure an actual survey was
19 completed. I know there's a reference to some use of
20 GIS -- Ulster County GIS information. I didn't see a
21 field survey in the packet. So I don't know if you
22 have a survey map showing the actual property lines.

23 We talked about not being parallel.

24 And then any substantive comments received at
25 the public hearing tonight should be addressed.

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1 CHAIRMAN BRAND: Great. Thank you. Before
2 we open it up for comments or questions from the
3 public, can I have a motion for the Planning Board to
4 declare its intent to act as lead agency?

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

6 MR. LOFARO: I'll make the motion.

7 CHAIRMAN BRAND: Seconded by Joe. Any
8 discussion on that?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: So moved. Comments or
13 questions from the Board before we open it up to the
14 public?

20 MR. LOUCKS: So the phasing is speaking more
21 towards area disturbance, the amount of area that would
22 be disturbed at one time. So the phasing plan is to
23 keep under five acres. Once you break the five acres,
24 there's a waiver you go through the DEC process to
25 obtain. So construction was set up to not require

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1 disturbance of more than five acres at one time. Once
2 you break that, additional inspection requirements
3 would be brought in, but that's more of a stormwater
4 and construction point than a time line for
5 construction.

6 MR. GAROFALO: Thank you.

7 CHAIRMAN BRAND: Cindy.

8 MS. LANZETTA: I appreciate the visual
9 simulations that you guys did. I was looking at KOP-1
10 on Bingham Road, and, you know, we had talked about the
11 continuance of the orchard as being a partial offset,
12 you know, to the visual impact, but barring that or
13 even, in addition to that, I was wondering if it would
14 be possible to plant in front along the road, in front
15 of the pond, some of those evergreens, because I think
16 that would actually have a bigger impact from the road,
17 to screen the visual impact than even the orchards do
18 because they're set back far.

19 MR. LOUCKS: That we would have to adjust
20 some of the leased areas, so I would have to figure
21 that out. We can look at that as well and see if
22 there's any opportunity for that.

23 MS. LANZETTA: If the landlord was agreeable,
24 it would just be a matter of doing the plantings. I
25 don't think it would involve a lot of upkeep or

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1 anything, any additional work on your part as the
2 lessee.

3 MR. LOUCKS: Sure.

4 MR. TRONCILLITO: One question on the
5 barriers, like between John's house and where they're
6 going to go, is there going to be a sufficient barrier
7 there?

8 MR. LOUCKS: I would say yes, but I guess
9 that's maybe a question for --

10 MR. TRUNCALI: What was the question?

11 MR. TRONCILLITO: In regards to John's house,
12 barriers there so he's got something.

13 MR. TRUNCALI: I mean, what type of barriers?

14 MR. TRONCILLITO: I didn't hear you.

15 MR. TRUNCALI: What do you want to put there?

16 MR. TRONCILLITO: I don't know. I'm just
17 asking if they have plans there to protect him. That's
18 all.

19 MR. TRUNCALI: Not that I know of.

20 MR. TRONCILLITO: That should be looked at.

21 MS. LANZETTA: Which property are you talking
22 about?

23 MR. TRONCILLITO: John. He's right next
24 door.

25 MR. VANDENDOOREN: 331 Bingham.

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1 MS. FLYNN: Can I make a suggestion that you
2 guys speak a little louder. Stacie is having a hard
3 time hearing you.

4 MS. LANZETTA: We were looking at the maps
5 and looking at what kind of landscaping and information
6 there was on the official simulation.

7 MR. TRONCILLITO: John, could you point out
8 where your house is here so everybody knows, right up
9 here on the map?

10 MR. VANDENDOOREN: So this would be my
11 residence right here (indicating). Two garages up
12 front. The house sitting all the way in the back.
13 That would be 333 Bingham Road to the left.

14 CHAIRMAN BRAND: Can you just state your name
15 for the stenographer?

16 MR. VANDENDOOREN: My name is John
17 VandenDooren. I live at 331 Bingham Road.

18 CHAIRMAN BRAND: Thank you.

19 MR. TRONCILLITO: Thank you, John.

20 CHAIRMAN BRAND: This is a public hearing, so
21 if you're here to ask questions or have comments,
22 either for or against, please stand and say your name
23 clearly for the stenographer so that your questions can
24 be recorded. Is anyone here interested in speaking or
25 have questions or concerns regarding this project?

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1 Just state your name for the stenographer.

2 MS. VANDENDOOREN: I'm Caitlin VandenDooren.

3 I live at 331 Bingham Road.

4 I didn't really plan to speak, but I guess
5 our biggest concern is our property and what's coming
6 into it, and if there's going to be any sort of barrier
7 or anything that the company is trying to provide to us
8 and our neighbors. Because we have to live with it for
9 the next probably 30 or so years. It has a big impact.

10 And then, also, as far as things like that we
11 don't even truly understand, but battery storage, where
12 are those going to be placed, and is that any sort of
13 concern? Or if, say, for example, I know if those were
14 to catch fire and burn for certain periods of time,
15 like do we have to evacuate in those scenarios, and
16 what happens if we do? Who takes on that expense for
17 all bordering neighbors?

18 CHAIRMAN BRAND: There is a storage plant for
19 this facility; correct?

20 MR. LOUCKS: Yes. We did provide some
21 documentation to the local fire department. I'm not
22 sure if they referenced that in their correspondence.

23 MR. JENNISON: Where is it going to be on the
24 map, the storage facility?

25 MR. LOUCKS: Off the top of my head, I don't

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1 have that piece in front of me. I don't think we note
2 them on the map, but I'll have them noted on the
3 drawings.

4 MR. TRONCILLITO: If you are going to do
5 storage, I would highly recommend that you sit down
6 with my chief and explain it to him, Exactly what
7 you're going to do, and then he's going to give you his
8 concerns. These things are not friendly situations.

9 MR. HINES: I was under the impression the
10 battery storage was removed early on.

11 MR. JENNISON: That's what I thought.

12 MR. HINES: That's what they told us.

13 MR. TRONCILLITO: So we're not going to have
14 batteries?

15 MR. HINES: I was under the impression it was
16 originally proposed, and based on input from the Board,
17 it was removed.

18 MR. LOUCKS: That may be correct.

19 MR. HINES: I'll defer to the applicant's
20 representative.

21 MR. LOUCKS: I'll confirm with the owner. It
22 may have been removed at one point, and we'll confirm
23 with them.

24 MS. LANZETTA: Are those white pieces
25 batteries?

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1 MR. HINES: I don't know.

2 MR. LOUCKS: That would be the inverter, I'm
3 assuming.

4 MR. HINES: There is equipment cabinets
5 associated with this.

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

8 MR. VANDENDOOREN: May I come up?

9 CHAIRMAN BRAND: Yes.

10 MR. VANDENDOOREN: So, again, John
11 VandenDooren, 331 Bingham Road.

12 I guess my question wouldn't be to the Board.
13 It would be to you. It's your company that's building
14 it. How far from the property line -- if you don't
15 mind if I can come up?

16 MR. LOUCKS: Sure.

17 MR. VANDENDOOREN: So my property line, I
18 would assume, because Joel had a surveyor come in here,
19 would be that black line (indicating). I think it's
20 probably a little closer to my house, but they might
21 have gave me a few feet here. So from the start of the
22 property line, how far away are you moving -- are you
23 putting a fence? Between the fence and my property
24 line, how tall are the trees? What kind of trees are
25 they going to be? And then from the fence itself,

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1 where is the first solar gonna start away from the
2 fence?

3 MR. LOUCKS: Sure. I mean, I can give you
4 some of the general information. The fence line would
5 be here. Here's your property. This would be the
6 fence line. When you say the closest --

7 MR. VANDENDOOREN: The fence line is the
8 little round circles?

9 MR. LOUCKS: Yes. I guess I'm going to say
10 the closest without measuring --

11 MR. VANDENDOOREN: An approximate would be --

12 MR. LOUCKS: -- would be about here
13 (indicating). This would be a hundred foot per inch,
14 so probably a hundred feet.

15 MR. VANDENDOOREN: So from this solar panel
16 to this line measured in this (indicating)?

17 MR. LOUCKS: I was saying to the property.

18 MR. VANDENDOOREN: Understood. How many
19 trees are going to be there and what type of trees have
20 you guys agreed upon?

21 MR. LOUCKS: We've provided a rendering
22 showing the trees. We don't have a view looking at it
23 from your property, per se, but you're more than
24 welcome to look at the few renderings --

25 MR. VANDENDOOREN: I see everybody from the

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1 Town Board received one of those. I personally feel
2 like it would have been beneficial from your company if
3 you guys sent us one of those. We did get the
4 certified mail, so I was very thrilled about that.
5 Joel Truncali was very nice and showed me probably
6 about two weeks ago on his phone this outline, so I
7 was -- kind of knew in the back of my head what it
8 looked like, which was extremely generous on his
9 behalf. But I just feel like coming into this, now I'm
10 throwing in a ton more questions that I'm just a little
11 iffy about. There's going to be a mesh here; correct?

12 MR. LOUCKS: When you say mesh, what do you
13 mean?

14 MR. VANDENDOOREN: What is all this
15 (indicating)? Is this trees? Shrubs? What's exactly
16 going there between the property line and the fencing?

17 MR. LOUCKS: So there's the existing orchard,
18 and then there's a row of plantings that are being
19 planted to the north of that existing orchard.

20 MR. VANDENDOOREN: So the preexisting orchard
21 that's there is going to remain there --

22 MR. LOUCKS: Yes.

23 MR. VANDENDOOREN: -- intact?

24 MR. HINES: Two rows. Two rows of trees.

25 MR. LOUCKS: Two rows.

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1 MR. VANDENDOOREN: Two rows. So two sets of
2 trees going around the house. In between the trees --
3 because Mr. Truncali, he drives his tractor up there
4 and he sprays on both sides, so, obviously, there's a
5 wide enough gap between the two sets of trees for him
6 to drive his tractor up. So will shrubs be placed in
7 between them? More apple trees? More pear trees?

11 MR. VANDENDOOREN: Approximately how tall are
12 they going to be when you first get them? Are they
13 going to go from a two foot and then, hopefully, over
14 the next 20 years, grow to be 35 feet, or are we
15 planning on bringing in ten footers?

20 MR. VANDENDOOREN: Understood.

21 CHAIRMAN BRAND: Here's some visual
22 renderings if you want.

23 MR. LOFARO: (Holding). .

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1 of trees. They're actually pear trees. And he's got
2 the preexisting road that goes up that he can spray in
3 between. So between the actual set of pear trees --
4 let's go with an approximate 15 to 20 feet; that leaves
5 him enough room for his tractor to drive up -- how many
6 sets of trees are going to be placed in between? And
7 is it just going to be a single line, or are you
8 planting multiple in that roadway? Do you understand
9 what I'm saying?

10 MR. LOUCKS: Yeah. We typically would offset
11 trees to fill that gap as best as possible, knowing
12 that they're going to be growing into that area. So
13 usually they're installed in a staggered manner to best
14 fill the area without overcrowding and resulting in a
15 failure of the tree.

16 MR. HINES: Chris, maybe for clarity, we can
17 ask the applicant to provide a blow-up of the
18 landscaping proposed in that area.

19 MR. JENNISON: If you turn the pages, right
20 here.

21 CHAIRMAN BRAND: I'm sorry, Pat. I missed
22 that.

23 MR. HINES: I was suggesting, in order to
24 address the homeowner's comment --

25 MR. JENNISON: You've got the orchard. Then

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1 you can see -- probably see from the corner of your
2 house (indicating). That's with years of growth.

3 CHAIRMAN BRAND: Pat.

4 MR. HINES: In order to address the
5 homeowner's comment, we may be able to request the
6 applicant's representative provide a blow-up, a larger
7 scale of the landscape plan in that area.

8 CHAIRMAN BRAND: Yes. I'd like that.

9 MR. LOUCKS: Certainly. Is it just in the
10 southern area or around the entire property boundary?

11 CHAIRMAN BRAND: Just blow-ups of all the
12 simulations.

13 MR. JENNISON: Residential.

14 MR. VANDENDOOREN: I believe Mr. Truncali
15 told me, but how long is this solar field planning to
16 be here? Twenty? Twenty-five? Thirty?

17 CHAIRMAN BRAND: It's a 25-year lease.

18 MR. HINES: I don't know how long.

19 Typically, when they do their decommissioning plans,
20 they're out 20 to 25 years.

21 MR. VANDENDOOREN: Okay.

22 MS. VANDENDOOREN: So there is a
23 decommissioning plan in place? Like equipment won't be
24 left once --

25 MR. HINES: Correct. Part of the Town Code

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1 requires a decommissioning plan and posting of security
2 long term to assure that when this is no longer
3 functioning or technology changes and this goes away,
4 all the components of this are removed.

5 CHAIRMAN BRAND: Thank you.

6 MR. VANDENDOOREN: I would just like to say
7 thank you. By no means am I a no for this, because
8 Mr. Truncali has probably worked way harder in his
9 career than I probably ever will, but it just sucks to
10 make this beautiful orchard -- now I'm going to have to
11 have solar panels behind my house, and the value of my
12 house is going to drop. If I could buy his orchard
13 right now, I would do it tomorrow. But I can't. I
14 can't afford that with my family. I wish nothing but
15 the best for Mr. Truncali in his life, but if this goes
16 through, for his sake, because he's worked his ass off
17 his whole life, I'll be happy for him, but I'll be sad
18 to see this leave.

19 CHAIRMAN BRAND: Thank you. Anyone else? If
20 you can just state your name for the stenographer and
21 come up the podium.

22 MR. BONA: Andrew Bona, 330 Bingham Road. My
23 neighbors, who had a preplanned vacation, couldn't be
24 here. They asked me if I could -- I have a signed
25 letter from them -- if it would be all right if I read

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1 it. We're next door neighbors. And if there's no one
2 else who wants to go after, maybe I can speak shortly
3 directly after this.

4 CHAIRMAN BRAND: Go ahead.

5 MR. BONA: So, again, my name is Andrew Bona.
6 I live at 330 Bingham Road. I'll get a little bit more
7 into myself after I read my neighbors' letter. They
8 live -- they reside at 328 Bingham Road. They're my
9 direct next door neighbors, Alberto and Susan Alvarez.
10 Like I said, unfortunately they couldn't be here
11 tonight. They had a preplanned vacation. So this is
12 written by Alberto Alvarez.

13 Dear Members of the Board, We reside at 324
14 Bingham Road, directly across the street from the
15 proposed large scale solar energy farm. First, we
16 would like to thank you for the notice and opportunity
17 to have our concerns heard. Unfortunately, we are away
18 on vacation, and because of the short notice, we cannot
19 attend.

20 Our family has lived at this residence for
21 about 17 years. We have raised our four children here.
22 Three have been born here and still go to Marlboro
23 public schools. We have been pleased to have been part
24 of this community, along with being active in the
25 community events and local sports. We fell in love

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1 with the Marlboro community and our surrounding
2 agricultural environment for many years. We are afraid
3 that our cherished view of the beautiful apple orchards
4 and our surrounding environment is in danger.

5 Our questions and concerns are the
6 following -- and I guess I'll just read these off
7 without having answers right away because they're not
8 here.

9 Our 14-year-old son enjoys riding his bike on
10 Bingham Road along with his friends. Our new fear is
11 that new, incoming traffic of construction and utility
12 vehicles for construction and demolition of beautiful
13 live apple trees. We currently have a driveway with a
14 blind spot, and this has been an ongoing cause of
15 concern. There have been accidents in front of our
16 property in the past. Now that my children are in
17 their teenage years, they go beyond our property line
18 to visit friends and family who live locally, riding
19 their bikes. What safety plans are in place to protect
20 the roads and the people who walk, run, or ride their
21 bikes?

22 In regards to safety under Town of
23 Marlborough Code 155-32.2(8) Safety: All solar energy
24 systems shall be designed and located in order to
25 prevent reflective glare from impacting roadways and

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1 contiguous properties. Being that our properties are
2 so close, how will the solar farm address the safety
3 concerns?

4 From our research, this is considered a large
5 scale solar farm operation. It is recommended to live
6 at least 0.3 miles and/or 1640 feet from large scale
7 solar farms. Between our property and our neighbor's
8 property, we are within these parameters. What
9 standards and recommendations will the Town of
10 Marlborough enforce?

11 As per New York State ERDA Solar Guide for
12 local government, we would like to understand how the
13 Town of Marlborough will enforce these main points
14 given to protect the residential properties. Height
15 restrictions and excessive setbacks from buildings and
16 property lines? A full environmental assessment form,
17 EAF, on farm solar development is considered a Type II
18 action under New York State Environmental Quality
19 Review process? Visual impact assessment requirements?

20 From our understanding after reading the
21 proposed site plans, Drawing C-101 indicates they're
22 proposing a minimum 25-foot buffer consisting of two
23 rows of existing orchard vegetation to remain around
24 the perimeter of this project. This buffer does not
25 provide adequate screening for the solar panels. The

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1 apple trees, which are deciduous, will not provide
2 adequate screening. Is Marlborough going to enforce
3 proper supplemental screening to protect the visuals of
4 the glare and the new unfortunate eyesore? This is
5 more to protect our neighbors, but, unfortunately, our
6 new view would be impossible to screen.

7 The view from our home is on a hillside --
8 the view from our home is the hillside of an orchard.
9 The panels will be placed on the hillside where the
10 elevational change is 130 feet. Therefore, it is
11 impossible to be screened from our home. Our beautiful
12 view is the main reason we love our property, and we
13 are afraid our new view will change one of the things
14 we love most about Marlboro.

15 With the removal of the trees, what plans are
16 in place to protect water runoff? Is there a
17 stormwater protection plan and study? We're currently
18 dealing with floodings of surrounding ponds, and we are
19 afraid this only will get worse. Solar panels are
20 considered impervious surfaces that just will increase
21 the flow of rainwater. We understand that currently
22 there is a watershed on this property. Will the
23 proposed project have a negative impact on the existing
24 watershed?

25 Just as a reference, I am a registered

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 licensed architect, and I point this out only because I
2 deal with environmental land issues through
3 municipalities and want to make sure the Town of
4 Marlborough will not overlook important environmental
5 issues.

6 I'm almost done.

7 We understand that it is not our property
8 that is going to be leased, and we respect the owner's
9 choice to choose as they will with their own property.
10 If it was up to us, we would not want this project to
11 happen across the street from us and everything would
12 stay the same, but we ask the Town of Marlborough to
13 not rush to approve this project without taking a full
14 consideration of the impact on the environmental -- on
15 the environment, such as EMF exposure, fire hazard,
16 water runoff, and issues to our residential properties
17 surrounding the proposed large scale solar farm.

18 It says, With our permission, could we record
19 your responses? Alberto and Susan Alvarez.

20 CHAIRMAN BRAND: Can you leave that with the
21 secretary?

22 MR. BONA: Yeah. This is for you guys
23 (handing).

24 CHAIRMAN BRAND: And the applicant, not
25 necessarily here this evening, but should address all

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 those concerns.

2 MR. BONA: Like I said, they're not here --
3 I'm sorry. What did you say?

4 CHAIRMAN BRAND: The applicant will address
5 all of the concerns that are raised in the public
6 hearing, not necessarily right now, but that's their
7 requirement. They have to address the concerns.

8 MR. BONA: Okay. Yeah, I have my own
9 concerns too. Like I said, my name is Andrew Bona. I
10 live at 330 Bingham Road. I've lived here for
11 approximately ten years. My family has lived on this
12 road since about 1955.

13 A little background about myself, I was a
14 town employee for many years. I was a firefighter. I
15 was a police officer. I chose to live in this spot for
16 numerous reasons. One being that it's kind of out of
17 the way, in the middle of vast agriculture. You know,
18 I find it a little ironic that I'm coming to this
19 hearing only two weeks after Mazzstock just got done
20 performing. To give you guys a little bit of a back
21 story, about ten years ago, I received a notice to come
22 in front of this committee for the purpose of that, and
23 at the time I didn't want to, you know, annoy any of my
24 neighbors or cause any waves, and the last ten years,
25 I've been dealing with hell on earth for one week a

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 year at my house, where it shakes uncontrollably with
2 music.

3 So, you know, when I received another letter
4 to come here, I didn't want to ignore it. This is my
5 place of residence, my neighbors' homes, our castles,
6 where they raise their children. I don't have any.
7 And I just have a number of concerns.

8 I don't know what Mr. VandenDooren said
9 because I missed part of that, but first I want to
10 point out that the drawings come off a little bit
11 misleading, because they're two dimensional. This is
12 on a large hillside. There's 130 feet of elevational
13 change from the gate to the top of the hill, and I
14 don't think there's any way the builder can do anything
15 to mitigate glare. I just don't think it's possible.
16 So my concerns are obviously the glare, the traffic
17 hazards caused by the glare.

18 I'm worried about my neighbors' and my
19 property value. You know, I bought basically a shack
20 that I've spent ten years to rehabilitate. And now,
21 when I go to sell my house, do I have to worry about
22 selected buyers because nobody is going to want to live
23 next to this? This is not a small scale solar farm.
24 Just to give you guys some context, these spans are
25 over 300 feet. Each section is the size of a football

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 field that go from the bottom all the way to the top of
2 the hill that we have to live directly across.

3 My other concerns are the noise. I mean,
4 from what I see online, I'm not an expert, but there's
5 constant 30 to 40 decibels humming off these things
6 constantly. And, yeah, 30 to 40 decibels may be
7 perfectly fine for being hearing safe, but when they're
8 happening 24/7, what does that do to somebody, somebody
9 who is home all day who has to listen to that?

10 My next concern is from the fire side. I've
11 spoken to the fire chief, who already said that,
12 basically, if these things caught fire, they have no
13 way to extinguish it. As far as he knows, there's no
14 sort of special foams to extinguish these fires, and
15 they would just have to let them burn. There are toxic
16 metals, I believe, inside these batteries.

17 You have a pond on this property 30 feet from
18 this proposed site that feeds into one of the main
19 tributaries of the Hudson River for this Town. What
20 happens if something happens? What happens to our well
21 water? We all share a water table here. We don't have
22 Town water.

23 I'd rather address these concerns now than in
24 the future when there's a problem. I have nothing
25 against Mr. Truncali. I know he probably doesn't want

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 to hear all this. But, yeah, he's worked many years,
2 and he's developed a great business. But we have to
3 live here. This is a company who's outside of town.
4 They have no vested interest in this town. I could
5 understand if this was being put on public property,
6 but it's not. This isn't getting fed back into the tax
7 pool. This is about one person in the town who is
8 making a lot of money at the misery of other people,
9 and I think the Board should reconsider this.

10 And the final thing I'll say is that these
11 laws are put in place to protect the homeowners, to
12 protect the residents, and I don't believe that
13 variances should be issued. This is a residential
14 area. This is not a commercial area. If this was a
15 flat solar farm, it would be a lot different. It would
16 be a lot different. But this is up a giant hill, and
17 this is going to be an eyesore for everybody. This
18 town has been -- this part of the town has been
19 orchards for years and years, and, you know, the
20 history of this town is nothing but agriculture. Our
21 Town logo is an apple. It's not a solar panel. That's
22 all I have to say. Thank you.

23 CHAIRMAN BRAND: Thank you. Any other
24 additional questions or comments?

25 MR. CALLO: I have a question. On the map,

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 which direction is north on that map?

2 MR. LOUCKS: To the top of the page.

3 MR. CALLO: So those solar panels -- I have
4 solar panels -- they face directly south; right?

5 Facing north wouldn't do you any good.

6 MR. LOUCKS: Yep.

7 MR. CALLO: So they would all be facing
8 towards the bottom of the page?

9 MR. LOUCKS: Correct.

10 MR. CALLO: So is the bottom of the page the
11 higher part of the property?

12 MR. HINES: Yes.

13 MR. CALLO: So they would actually be facing
14 away from that road as far as the glare is concerned;
15 is that correct?

16 MR. LOUCKS: Correct. If you look at the
17 rendering from KOP-1.

18 MR. BONA: They're facing towards the house
19 regardless. I mean, you have a house on top of the
20 hill in the Town of Newburgh, somebody is going to
21 suffer a glare regardless.

22 MR. CALLO: I understand. I just wanted to
23 know which way I was reading the map. That's all.

24 CHAIRMAN BRAND: Anything else?

25 MR. GAROFALO: Mr. Chairman, I'd like to make

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 a procedural suggestion, and that is when we send out
2 the notice of a public hearing, we include in that
3 notice the URL for the Planning Board's agenda page,
4 which has posted all these documents that appear, and
5 people would be able to look at before coming to the
6 public hearing. And I think that would help people
7 understand the projects, understand the issues a little
8 better, but I'd like to make that suggestion for future
9 public hearings.

10 CHAIRMAN BRAND: Thank you. Anything else?

11 MR. JENNISON: I just want to clarify
12 something. The certified letters go out ten days prior
13 to public hearing?

14 MS. FLYNN: Yes.

15 MR. JENNISON: In that letter, what does it
16 say? Does it say they can come up to your office to
17 view documents? Does it say anything -- I don't know
18 what the letter says. My apologies.

19 MR. VANDENDOOREN: If you give us one moment,
20 we'll pull it up for you.

21 MS. VANDENDOOREN: It even said like 7:30,
22 for example.

23 MR. JENNISON: It does say 7:30.

24 MS. VANDENDOOREN: Oh, you have it?

25 MR. JENNISON: Yes. He just shared it with

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 me. This could easily be amended to say, you know, on
2 the letter exactly what Mr. Garofalo says or they can
3 come up to your office and view documents, correct, and
4 see all of the maps and the scale size?

5 MS. FLYNN: Yes.

6 MR. VANDENDOOREN: I would appreciate that.

7 CHAIRMAN BRAND: Any other questions or
8 comments?

9 (No response.)

10 CHAIRMAN BRAND: I'd like a motion to close
11 the public hearing.

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

13 CHAIRMAN BRAND: Second?

14 MR. CALLO: Second.

15 CHAIRMAN BRAND: Any discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: So you will address the
20 concerns that were raised at the public hearing, and we
21 will see you at the next meeting. In the meantime,
22 we'll act as lead agency to circulate.

23 MS. LANZETTA: Did you get a copy of the
24 Ulster County Planning Board --

25 MR. LOUCKS: I did not. I was going to ask

ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN

1 if there's a comment letter from your engineer.

2 MR. HINES: There is. You should have gotten
3 one from my office as well on Friday.

4 MR. LOUCKS: I did not, but I'll check.

5 CHAIRMAN BRAND: Thank you.

6 Time noted: 7:38 p.m.

7

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

9

10 Certified to be a true and accurate transcript.

11

12 Stacie Sullivan

13 Stacie Sullivan, CSR
14 Court Reporter

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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 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 FINAL - LOT LINE

8
9 Date: August 19, 2024
10 Time: 7:39 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

23 GERARD COMATOS, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVES: CARMEN MESSINA
27 JOHN MAZZA

28

29

30

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

MAZZA TWO-LOT SD - FINAL LOT LINE

1 CHAIRMAN BRAND: Next we have John Mazza for
2 a final of the lot line at 2 Dragotta Road in Marlboro.

3 Pat, you're all set. No comments.

4 Everything has been addressed; correct?

5 MR. HINES: Yes. This was referred to
6 Gerry's office for final approval documents at the last
7 meeting, and I believe those have been produced.

8 CHAIRMAN BRAND: So we have before us the
9 SEQRA Negative Declaration and Notice of Determination
10 of Nonsignificance for this project. Is there anything
11 you would like to point out for us?

12 MR. COMATOS: No.

13 CHAIRMAN BRAND: No. Jen, would you poll the
14 Board.

15 MS. FLYNN: Chairman Brand.

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Lanzetta.

18 MS. LANZETTA: Yes.

19 MS. FLYNN: Member Lofaro.

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Callo.

22 MR. CALLO: Yes.

23 MS. FLYNN: Member Jennison.

24 MR. JENNISON: Yes.

25 MS. FLYNN: Member Garofalo.

MAZZA TWO-LOT SD - FINAL LOT LINE

1 MR. GAROFALO: Yes.

2 MS. FLYNN: Member Troncillito.

3 MR. TRONCILLITO: Yes.

4 CHAIRMAN BRAND: You also have before you the
5 application for a two-lot subdivision Resolution of
6 Approval by the Town of Marlborough Planning Board,
7 August 19, 2024. Jen, would you poll the board.

8 MS. FLYNN: Chairman Brand.

9 CHAIRMAN BRAND: Yes.

10 MS. FLYNN: Member Lanzetta.

11 MS. LANZETTA: Yes.

12 MS. FLYNN: Member Lofaro.

13 MR. LOFARO: Yes.

14 MS. FLYNN: Member Callo.

15 MR. CALLO: Yes.

16 MS. FLYNN: Member Jennison.

17 MR. JENNISON: Yes.

18 MS. FLYNN: Member Garofalo.

19 MR. GAROFALO: Yes.

20 MS. FLYNN: Member Troncillito.

21 MR. TRONCILLITO: Yes.

22 CHAIRMAN BRAND: Subdivision Recreation Fee
23 Findings, Town of Marlborough Planning Board. Whereas
24 the Planning Board has reviewed a subdivision
25 application known as John Mazza with respect to real

MAZZA TWO-LOT SD - FINAL LOT LINE

1 property located at 2 Dragotta Road in the Town of
2 Marlborough, Member Callo offered the following
3 resolution, which was seconded by Member Lanzetta:

4 It is hereby resolved that the Planning Board
5 makes the following findings pursuant to Section 277(4)
6 of the Town Law:

7 Based on the present and anticipated future
8 need for park and recreational opportunities in the
9 Town of Marlborough, and to which the future population
10 of this subdivision will contribute, parklands should
11 be created as a condition of the approval of the
12 subdivision. However, a suitable park of adequate size
13 to meet the above requirement cannot be properly
14 located within the proposed project site.

15 Accordingly, it is appropriate that, in lieu
16 of providing parkland, the project sponsors render to
17 the Town payment of a recreation fee to be determined
18 in accordance with the prevailing schedule established
19 for that purposed by the Town of Marlborough.

20 This approved subdivision known as John Mazza
21 resulted in one new lot for a total of \$2,000 in
22 recreation fees.

23 Whereupon the following vote was taken:

24 Brand, yes. Callo.

25 MR. CALLO: Yes.

MAZZA TWO-LOT SD - FINAL LOT LINE

1 CHAIRMAN BRAND: Garofalo.

2 MR. GAROFALO: Yes.

3 CHAIRMAN BRAND: Jennison.

4 MR. JENNISON: Yes.

5 CHAIRMAN BRAND: Lanzetta.

6 MS. LANZETTA: Yes.

7 CHAIRMAN BRAND: Lofaro.

8 MR. LOFARO: Yes.

9 CHAIRMAN BRAND: Troncillito.

10 MR. TRONCILLITO: Yes.

11 CHAIRMAN BRAND: Dated today, August 19,
12 2024. I believe you're all set.

13 MR. MESSINA: Thank you.

14 Time noted: 7:41 p.m.

15

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

17

18 Certified to be a true and accurate transcript.

19

20 Stacie Sullivan

21 Stacie Sullivan, CSR
22 Court Reporter

23

24

25

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

4 In the Matter of
5

6 LYNN DAVID PROPERTIES
7

8 Project No. 23-1025
9 397-407 Willow Tree Road, Milton
10 Section 102.2; Block 5; Lot 23 and 26
11 -----X

12 SKETCH - SUBDIVISION

13 Date: August 19, 2024
14 Time: 7:42 p.m.
15 Place: Town of Marlborough
16 Town Hall
21 Milton Turnpike
Milton, New York 12547

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

24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER
25

26 GERARD COMATOS, ESQ., PLANNING
27 BOARD ATTORNEY

28 JEN FLYNN, PLANNING BOARD SECRETARY
29

30 APPLICANT'S REPRESENTATIVES: CARMEN MESSINA
31 KEVIN HARDY
32

33 -----X
34 Stacie Sullivan, CSR
35 staciesullivan@rocketmail.com

LYNN DAVID PROPERTIES - SKETCH SUBDIVISION

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

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

6 MR. HINES: Sure. This project is back
7 before us. The wells and septic approvals from Ulster
8 County are outstanding.

15 Just confirmation that all variances that
16 were required have been received. I did not get a copy
17 of the variance approval from the ZBA yet.

18 Member Garofalo had a comment about the front
19 yard and which is the wider of the roadways for the
20 front yard setback. It looks like Willow Tree's wider
21 than Mulberry, but that was a comment from the last
22 meeting.

LYNN DAVID PROPERTIES - SKETCH SUBDIVISION

1 the plans show a highway by use boundary on them.

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

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

5 One is I think when we deal with the road widths, it
6 should be put on the plan. And this is to actually
7 protect the applicant, because if the road is -- if one
8 of the roads is widened at some later point, the Zoning
9 may say the side yard becomes the front yard. I think
10 this protects the owner because if they have to go back
11 at some point, they can point to the ZBA and say this
12 is something that the Town did, expanding the road.
13 This was not our fault. So I think it's important to
14 put those road widths directly on the plan as proof of
15 what they were at the time of the application.

16 The second thing is one of the things that we
17 looked at with regard to the road dedication was a
18 combination of things. One is to show on the plans the
19 future road, and basically that's just a line on the
20 25 feet from the center line, and then to use the
21 highway by use line as the distance from -- for the
22 setback. And in order to do that, that should be
23 staked out, reviewed by the engineer or Highway
24 Superintendent, and then surveyed and put on the plans
25 so that it's very clear where that setback line is.

LYNN DAVID PROPERTIES - SKETCH SUBDIVISION

1 And if something should happen -- the ditch gets
2 widened or something -- it's very clear that this is
3 not a problem that the applicant created when they come
4 before a Board in the future. So I think this protects
5 the applicant and also is good for our planning process
6 that it be very clearly defined what those setbacks are
7 and whether or not any variances are required.

8 CHAIRMAN BRAND: Thank you. Any additional
9 comments or questions?

10 MR. TRONCILLITO: No. Just my curiosity is
11 how much more do we have to know before we get them
12 straightened out here?

13 CHAIRMAN BRAND: That was going to be my next
14 question. As long as we get back from the Highway
15 Superintendent, the confirmation the variances have
16 been received from the Zoning Board of Appeals, and the
17 Ulster County Health Department, I see no reason why we
18 couldn't authorize the attorney for a draft resolution
19 on this.

20 MR. HINES: Public hearing.

21 CHAIRMAN BRAND: Public hearing. We can
22 schedule the public hearing. My fault. Jen, when
23 would the next available date be for that?

24 MS. FLYNN: September 16th.

25 CHAIRMAN BRAND: Does that work for you?

LYNN DAVID PROPERTIES - SKETCH SUBDIVISION

1 MR. MESSINA: Yes.

2 MR. GAROFALO: Mr. Chairman, in order for
3 them to get any variances, I think you need to have a
4 highway by use line set so that those distances can be
5 given to the ZBA.

6 CHAIRMAN BRAND: Jen, do you know what they
7 are?

8 MS. FLYNN: I sent you guys the ZBA.

9 MR. HINES: So they received variances on
10 March 14th from the ZBA, and I'm reading, front yard
11 setback of Lot 1, preexisting structures, 20.4 feet off
12 Willow Tree. Lot 1 with three existing structures with
13 nonconforming use to continue use as depicted on the
14 map and side yard setback. Lot A with existing
15 structure 31.6 feet off of Willow Tree.

16 MR. MESSINA: A point of clarification, I
17 think they may have meant, instead of side yard, front
18 yard. Because they granted us the variance of 31.6
19 feet and the existing offset is 16 -- 18 -- I'm sorry.
20 Front yard, 18.6. So when you add them up, that gives
21 you 50. So I think they meant front yard instead of
22 side yard there.

23 MR. HINES: Maybe Jen can check with the ZBA
24 on that. Carmen, those were based on the highway by
25 use boundaries that you had depicted on the original

LYNN DAVID PROPERTIES - SKETCH SUBDIVISION

1 map?

2 MR. MESSINA: That's correct.

3 CHAIRMAN BRAND: Anything else?

4 (No response.)

5 CHAIRMAN BRAND: Public hearing?

6 MR. TRONCILLITO: Public hearing, and then go
7 for the final.

8 CHAIRMAN BRAND: As long as there's no
9 substantial comments at the public hearing. All right.
10 So we'll see you on the 16th.

11 MR. MESSINA: Thank you.

12 Time noted: 7:48 p.m.

13

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

15

16 Certified to be a true and accurate transcript.

17

18

Stacie Sullivan

19

Stacie Sullivan, CSR
Court Reporter

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21

22

23

24

25

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

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

4 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
9 SKETCH - SUBDIVISION

10 Date: August 19, 2024
11 Time: 7:48 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, New York 12547

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

24
25 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

26 GERARD COMATOS, ESQ., PLANNING
27 BOARD ATTORNEY

28 JEN FLYNN, PLANNING BOARD SECRETARY

29
30 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next up, Wilklow two-lot
2 subdivision, sketch of their subdivision at 37-43
3 Baileys Gap Road in Marlboro. Hi.

4 MS. BROOKS: Good evening.

5 CHAIRMAN BRAND: Pat, do you want to start us
6 off with your comments?

7 MR. HINES: Sure. This is a two-lot
8 subdivision. All improvements are existing. It's an
9 agricultural parcel that has a cidery, I guess it is,
10 and a single-family residential house. The intent here
11 is to subdivide off an existing single-family house.

12 The lots are served by a single well. I know
13 Ms. Brooks submitted an agreement regarding that well.
14 I think it was received today, so that's in the
15 process.

16 They did receive a variance from the
17 agricultural buffer requirements in the Code, Section
18 155.52 (C).

19 This Board waived the requirements of the
20 complete survey, including topography on the entire
21 20-acre parcel.

22 A deed plot has been shown depicting the
23 blown-up area showing the metes and bounds of the
24 proposed single-family residential lot.

25 The EAF was to be revised regarding Item 19

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 and the proximity to the Town's former landfill slash
2 current transfer station.

3 A photograph of the driveway access was to be
4 submitted. I believe that was submitted to the Board
5 today.

6 And the project does require a public
7 hearing, which I believe is in a state right now that
8 that public hearing could be scheduled.

9 CHAIRMAN BRAND: Anything to add, Patti?

10 MS. BROOKS: No. Just a couple of things
11 that we had added to the map at the request of the
12 Board, was to show where the parking areas were. We
13 did note on the map we have two different types of
14 fences. They're in the legend. One is an eight-foot
15 high box wire agricultural fence. That's separating
16 the agricultural lands from this property. And the
17 other is a six-foot high solid board stockade fence,
18 which is also shown in the photographs that were
19 submitted.

20 We did outline on the map the different
21 agricultural areas. There's fruit trees, vineyard,
22 open field, and fruit trees. So we did demark those on
23 the map also as an assistance to the Zoning Board as
24 well as the Planning Board.

25 We did note on the map that the variance was

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 granted on August 8th. And we concur that we believe
2 we're ready for a public hearing at this time.

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

5 MS. LANZETTA: I just want to call the
6 Board's attention to the fact that it's been the policy
7 of the Board to ensure that any subdivisions are lots
8 that have well and waste water treatment have septic tanks,
9 and I'm concerned about not having a private well on
10 Lot 1. Right now you can say it's -- the family is
11 sharing all of this space and everything, but that
12 could change tomorrow. And even if you had an easement
13 in place, it becomes very convoluted, I think, for
14 anybody purchasing that property, wanting to use it, to
15 have to figure out how they're going to interact with
16 the neighboring party in order to get their water, what
17 kinds of protections the neighbors might be doing, you
18 know, in regards to protecting the well. And I just
19 think that it would be a much cleaner, better situation
20 to have your own well on Lot 1.

21 CHAIRMAN BRAND: Patti.

22 MS. BROOKS: Yes, I just want to point out
23 that one of the provisions of the water line easement,
24 as we had discussed at the last meeting, is this
25 declaration agreement: Easement shall remain in effect

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1 as long as the declarants or one of their children,
2 Albert Wilklow or Becky Wilklow Marnell, are the owners
3 of either of the lots set forth herein. This
4 declaration agreement easement shall terminate at the
5 time either Lot Number 1 or Lot Number 2 are not owned
6 by the declarants or either of their children, Albert
7 Wilklow or Becky Wilklow Marnell.

8 So we did limit it just to the family. The
9 Board members had raised that concern. We have in the
10 past had the shared well when it has remained in the
11 family. And in light of the concerns of what can
12 happen if it transfers outside of the family, that's
13 been addressed in the declaration easement, and at that
14 point in time a new well will be constructed on Lot
15 Number 1.

16 MS. LANZETTA: But suppose the family member
17 is not the person who is living on Lot 1, so then it
18 will be their responsibility at that point to have to
19 drill a well.

20 MS. BROOKS: Correct. Whoever buys Lot
21 Number 1, at that point in time --

22 MS. LANZETTA: So it's buyer beware, is what
23 you're saying.

24 MS. BROOKS: Well, it's also noted on the map
25 that it's subject to the declaration easement. It will

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 be also noted in the deed. So there will be notice.

2 MS. LANZETTA: It is buyer beware, so that
3 they need to understand that they're not getting a well
4 necessarily.

5 MS. BROOKS: But they will be given notice.
6 Absolutely. But it's buyer beware with many things.

7 MS. LANZETTA: But, in effect, we're doing a
8 subdivision and allowing a lot without their own water.

9 MS. BROOKS: That is what we're asking for,
10 yes.

11 MS. LANZETTA: And that has not been our
12 policy ever in the past.

13 MS. BROOKS: It has been done in the past.

14 MS. LANZETTA: Not by us.

15 CHAIRMAN BRAND: Gerry, do you have anything
16 to add to that?

17 MR. COMATOS: Well, there's -- apparently,
18 according to Pat, the declaration has already been
19 recorded.

20 MS. BROOKS: It has not been recorded. We
21 generally record it with the filing of the map. It's
22 been executed, not recorded.

23 MR. COMATOS: Oh, okay. I haven't seen it.
24 And I'd like to see it.

25 Legally, any person who is interested in

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1 buying this lot is on notice, legal notice, that the
2 map has been filed, and the lot -- the map that created
3 the lot will have a notation on it as to the shared
4 well. So it's buyer beware, but the buyer will be on
5 notice, on constructive notice, by virtue of the
6 recording of the declaration and by virtue of the
7 filing of the map.

8 CHAIRMAN BRAND: Has your office reviewed
9 that declaration?

10 MR. COMATOS: No. I haven't seen it.

11 MS. FLYNN: That just came today.

12 MS. BROOKS: I apologize. I was away on
13 vacation when the deadline was, so I had limited access
14 to submit documents.

15 MR. COMATOS: Typically, anybody who buys a
16 lot gets a title search done and is on constructive
17 notice of what's recorded in the clerk's office and
18 what's on file in the clerk's office. So they are on
19 notice and made aware of the fact that there is no well
20 on Lot 1, and they're also on notice of the fact that
21 the declaration, which allows the sharing of the well,
22 will terminate upon the sale of Lot 1 to a third party.
23 And the way it's supposed to work out is that the
24 absence of the well on Lot 1 is something that should
25 be factored into the purchase price and the contract of

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 sale. And I'm kind of projecting what should happen.
2 What should happen doesn't always necessarily happen.
3 But, you know, the absence of the well should be
4 factored into the purchase price, and either the seller
5 should drill a well or give the buyer a credit for the
6 cost of drilling a new well on Lot 1. That's how it's
7 supposed to work. And the protection is being afforded
8 by the filing of the map with the notations on it and
9 the recording of the declaration, which sets forth the
10 rights to use the shared well, but which rights will
11 terminate upon the sale of Lot 1 to a non-family
12 member.

13 MS. LANZETTA: But we, as the Planning Board,
14 are supposed to be looking at setting up a situation
15 that isn't more difficult for a future home buyer when
16 the opportunity to just have it done cleanly and
17 correctly now is at our discretion.

18 MR. COMATOS: That's a policy matter, and
19 it's up to the Board.

20 CHAIRMAN BRAND: What would it cost? Is
21 there a reason why they wouldn't put in another well?

22 MS. BROOKS: Because at this point in time
23 there's not a need. It's sister and brother. They've
24 both been living there for over five years. There's
25 not a need. It's worked out very well for the two of

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1 them. And, again, this is, you know, basically estate
2 planning at this point in time for Fred and Sharon. I
3 don't know what the immediacy is of the conveyances.

4 MS. LANZETTA: I think our engineer had
5 suggested that it makes for a cleaner subdivision to
6 have the well put in, and I would say that I would want
7 to see another well put in.

8 MR. LOFARO: I agree with you, Cindy. I
9 think it's way clearer to have the two wells and just
10 take care of the problem now. It's going to be so much
11 easier than dealing with it later.

12 MR. TRONCILLITO: Just a question. If they
13 have the documentation that if they do sell it and all
14 that documentation is going to go, before you get a
15 mortgage, you've gotta show that you got a well and you
16 got septic and all that stuff, why wouldn't this
17 documentation protect a future buyer? I'm trying to
18 understand that.

19 MS. LANZETTA: Well, then they'd have to
20 drill a well before they can get a mortgage.

21 MR. TRONCILLITO: Of course. And that's
22 basically what the documentation is saying. There's
23 documentation to protect who's ever -- for the people
24 that are going to sell it or whatever, and then, when
25 you go to buy it, you've got all this stuff. Okay. I

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1 gotta get a well. I'm not going to get a mortgage
2 without a well. I gotta pop a hole in the ground.

3 MS. BROOKS: Based on the discussions of the
4 Board at the June meeting, at the point in time the
5 Board seemed to be a majority in favor of allowing the
6 shared well, and based on that, the applicants have
7 incurred the expense of going to their attorney and
8 having the easement drawn up, which was a condition
9 that the Board had requested in June.

10 MS. LANZETTA: We didn't request that. We
11 were examining and discussing it, but we didn't ask
12 them to actually go do that.

13 MS. BROOKS: Again, I would have to go back
14 and check the minutes, but my notes say that the Board
15 was okay with a shared well as long as we had an
16 easement and maintenance agreement. That's what my
17 notes say.

18 CHAIRMAN BRAND: Pat, in your experience, how
19 common is this in other municipalities?

20 MR. HINES: Not very.

21 MR. GAROFALO: There is a possibility that
22 the person might have the money and not need a mortgage
23 to buy the house.

24 MS. BROOKS: Oh, it has nothing to do with a
25 mortgage, though. They'll still get a title search.

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 It will still be on the filed subdivision map. It will
2 still be on the deed of conveyance. It's not a
3 mortgage that triggers the title search or having an
4 attorney read the deed and alert his client. That is
5 the constructive notice.

6 MR. COMATOS: Well, the fact of the matter is
7 that upon the sale of Lot 1 to a non-family member, the
8 owner of Lot 1 will have no access to potable water,
9 will have no further rights to use the well. So it
10 does behoove the buyer and the buyer's attorney to
11 recognize these facts, which they can do and should do
12 by virtue of the fact that the map is on file and the
13 declaration of easement is recorded in the clerk's
14 office. How they deal with it, this issue, at that
15 time, I would like to think it would be ascertained and
16 addressed, but it's conceivable that somebody might buy
17 the lot without an attorney and not have any idea that
18 as of the moment of closing, the owner of Lot 1 will
19 have no further rights to use the well on the other
20 lot.

21 MS. LANZETTA: I'm saying it behooves the
22 Planning Board to assure that any lot that they allow
23 to be subdivided has adequate water and septic.

24 MR. COMATOS: I'm not arguing with you.

25 MR. GAROFALO: There's always the potential

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 that this property would not be able to find water.
2 That's maybe remote in this particular case, but that's
3 always a possibility when you set up a precedent like
4 this, is a lot gets sold, and it turns out that they
5 can't find any water on the property.

6 CHAIRMAN BRAND: Any other comments or
7 questions?

8 MR. GAROFALO: I have some other comments.

9 CHAIRMAN BRAND: Go ahead.

10 MR. GAROFALO: That deals with Lot Number 2
11 and whether or not within this concept of a subdivision
12 we can have changes made on Lot Number 2 since the
13 driveway width is way too large, there's a sign on the
14 State property, there's no accessible parking there.
15 Are these things which are -- are these things that are
16 in our purview to have them changed at this point?

17 MR. HINES: It's certainly under the Board's
18 purview. We're looking at that lot as an agricultural
19 lot right now. I believe that cidery is being operated
20 under Ag and Markets regulations and not by any
21 approval of this Board. I don't believe it came before
22 this Board.

23 MS. BROOKS: Not to the best of my knowledge.

24 MR. HINES: It's under Ag and Markets Law
25 that permits it. This Board has never reviewed that

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 use on this site.

2 MR. GAROFALO: Yeah, I was wondering about
3 how some of these things would have gotten through.
4 What about the sign that's on -- I'm not sure what kind
5 of sign that is that's on the Town property.

6 MS. BROOKS: It's either a speed limit sign
7 or a curve sign. It's a road sign. I'll clarify what
8 it says.

9 MR. GAROFALO: In the west corner, southwest
10 corner.

11 MS. BROOKS: Okay. I see where you mean,
12 James. I'll clarify that.

13 MR. GAROFALO: I would appreciate that.
14 Thank you.

15 CHAIRMAN BRAND: So, obviously, our attorney
16 didn't have a chance to review the documentation you
17 provided today. I'm comfortable in scheduling a public
18 hearing for you after he's reviewed those documents,
19 and then the Board will make a determination as to
20 whether we think that's sufficient or if we really do
21 feel as though it needs a well.

22 MR. COMATOS: Understood.

23 CHAIRMAN BRAND: That would be September 16th
24 as well, Jen?

25 MS. FLYNN: Yes.

WILKLOW TWO LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Does that work for you,
2 Patti?

3 MS. BROOKS: That works for me.

4 CHAIRMAN BRAND: Okay. So let's schedule the
5 public hearing for the 16th. And you'll provide
6 everything?

7 MS. BROOKS: Yes.

8 Time noted: 8:04 p.m.

9

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

11

12 Certified to be a true and accurate transcript.

13

14

Stacie Sullivan

15

Stacie Sullivan, CSR
Court Reporter

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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 DOCK ROAD

5 Project No. 24-2003
6 103-137 Dock Road, Marlboro
7 Section 109.1; Block 3; Lot 13, 14,
8 14.200, 15, and 29.100

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

9 Date: August 19, 2024
10 Time: 8:06 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

23 GERARD COMATOS, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVES: ANGELO LAINO, P.E.
27 MARK BLANCHARD, ESQ.

28

29

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

DOCK ROAD - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up on the agenda, Dock
2 Road, sketch of the site plan for 103-137 Dock Road in
3 Marlboro.

4 Pat, are you ready to go through your
5 substantial comments?

6 MR. HINES: Sure. This is the first time
7 we've seen actual design plans. We've been working
8 with schematic sketches and such. This is a big set of
9 plans, so this number of comments is not in any way
10 unusual.

11 So we are now in receipt of an application.
12 The project was before the Board numerous times under
13 the application it made to the Town Board for a zone
14 change. This Board now has an application, and we are
15 recommending at this time to declare your intent for
16 lead agency for this project. We had been holding off
17 on that as the Board couldn't declare its intent
18 because you didn't have an application on which to even
19 act on. So that's a major step ahead for the project.

DOCK ROAD - SKETCH SITE PLAN

21 The bulk table is lacking the one and both
22 side yard indications.

DOCK ROAD - SKETCH SITE PLAN

1 structures greater than 30 feet in height. And I gave
2 you the reference for the Fire Code, Appendix D for
3 aerial access.

4 Parking in proximity to the clubhouse,
5 there's only three spaces, two of which I believe are
6 accessible, at the end of the map at the clubhouse, on
7 the very east side. It looks like some people may want
8 to drive to the clubhouse. There is the visitor
9 overflow parking, but it's several hundred feet away
10 from the clubhouse. It may be that the topography is
11 prohibiting that. It just caught my eye that there
12 wasn't a lot -- that one parking spot, non-accessible,
13 is going to be a premium parking spot on a hot morning
14 if you're going to the clubhouse.

15 The emergency access road appears to require
16 an easement across the Town's sewer plant parcel. I
17 don't think I was aware of that in the past, but
18 clearly it's shown on the plans now. So that's a Town
19 Board action that they're going to have to grant that
20 easement. There are two gates proposed, one at Dock
21 Road and one by Building 103, which is the southerly
22 most building on the access road.

23 The plans do not address stormwater runoff
24 from the emergency access road which is curbed and
25 flows quite a distance from Building 103 down. So

DOCK ROAD - SKETCH SITE PLAN

1 those plans need to address that drainage that'll
2 channelize that drainage down there.

3 There's substantial grading on the site.
4 There's cuts and fills in excess of 30 feet in order to
5 get the topography to work from the upper portions, the
6 cottage units, down through the more conventional
7 townhouse units. So there's some significant fills.

8 Some of the units are located on significant
9 fills, and we'll need that addressed as well. Just
10 wondering if the site is balanced for cuts and fills.
11 I just talk about the fills and any special
12 construction technique for the multifamily units that
13 are located on extensive fills.

14 The discharge locations for all stormwater
15 outfalls. A lot of the stormwater is being conveyed
16 across Dock Road, but the plans don't cross Dock Road.
17 So we need to see the pipe network that's going to be
18 coming down the hill and crossing Dock Road.

19 Access to the water meter systems and the
20 RPZs, the reduced pressure zones -- basically, the back
21 flow preventers to the site -- are located on areas
22 that have no vehicular access. That's going to be a
23 maintenance issue for your water department and even if
24 the owners of the complex have any maintenance need to
25 be done on those, they're located on steep slopes off

DOCK ROAD - SKETCH SITE PLAN

1 the roadways.

2 Inverts for the sewer line, existing sewer on
3 Dock Road, are identified as to be coordinated in the
4 future.

5 I notice that the water services to each of
6 the residential structures are two inch in diameter.
7 That seems large. That would require two-inch meters
8 for each of the houses. That's not typical for the
9 Marlborough Water Department. It probably could be
10 three-quarter inch water services, unless there's some
11 unusual flow or pressure issues that I'm not aware of.

12 Hydrant locations should be reviewed by the
13 Fire Department and the code department. We just
14 suggest that a hydrant should be located closer to the
15 clubhouse. The water lines kind of terminate at the
16 turn there from the emergency access road in. It's
17 something that could be addressed with the Fire
18 Department.

19 The future SWPPP should address the need for
20 a five-acre waiver. Obviously, greater than five acres
21 will be disturbed at one time in order to build on this
22 site based on the cuts and fills.

23 Again, this used to be a quarry. A lot of
24 material was removed out of here over the years. This
25 is kind of a de-reclamation plan for the quarry. It

DOCK ROAD - SKETCH SITE PLAN

1 wasn't a permitted quarry as far as I can tell. It was
2 just operating for years and years prior to being
3 permitted, and right now there's some really strange
4 grades on that site as a result of the former quarry,
5 and this site is kind of stuck with those,
6 incorporating them into the plan.

7 The Board discussed sidewalks previously.
8 Sidewalks aren't currently proposed in the plan. Just
9 to remind the Board that you did have that discussion.

10 The similar comment for the other meter pit.

11 Several of the structures are located in close
12 proximity the Town's wastewater treatment plant. I
13 have a concern regarding any future complaints
14 regarding odors or operations of the plant. I'm
15 suggesting a note be placed on plans that the applicant
16 is aware of that to prevent any future issues; that
17 once those folks move in there and become voters and
18 start complaining about the proximity to the sewer
19 plant that they built next to you. Just acknowledgment
20 of that and some sort of note on the plans.

21 Trash removal on the site. There is no
22 community dumpster or recycling. I don't know if
23 individual pick-up is going to be proposed by private
24 carters, but right now, for the Board, there's no
25 dumpster anywhere on the site or recycled collection.

DOCK ROAD - SKETCH SITE PLAN

1 There's a chain-link fence detail that's six
2 to 12 feet high. That fence would exceed the Town
3 Code.

4 Request that all lighting be confirmed as
5 dark sky compliant.

6 There's minimal lighting proposed on the
7 site. Some of the access roads are lit, but as you get
8 towards the multifamily or the townhouse side uses,
9 there is zero lighting along the street. No street
10 lighting, just for the Board. The area clubhouse has
11 zero lighting. There's no lighting proposed at the
12 clubhouse at this time. That should be reviewed.

13 Just the comment that the catch basins have
14 four foot deep sumps. I don't know if that's part of
15 your SWPPP. That's unusual here. I haven't ever seen
16 a four feet deep sump, but I'll look for that in the
17 SWPPP. Typically, 18 inches is used in Marlboro.

18 There's an internal drop manhole. Comments
19 from the Sewer Superintendent should be received
20 regarding the use of internal drops rather than
21 external drop manholes. That's kind of a technical
22 comment.

23 And I am going to skip a couple of real
24 technical ones.

25 Health Department approval for the water main

DOCK ROAD - SKETCH SITE PLAN

1 system and all the RPZ devices is required.

2 The standard Marlborough hydrant should be
3 called out on the plans.

4 The hydrant detail does not address drainage
5 of the hydrants when they're turned off. It has a
6 concrete thrust block. That should be gravel to allow
7 the hydrant to drain, unless there's a groundwater
8 condition that prohibits that.

9 Meter pit details should be provided on
10 future plans.

11 And we're suggesting the Board review the
12 landscaping plan. Substantial landscaping is proposed
13 along the frontage of commercial properties that back
14 up to the site from Route 9W and around the house that
15 remains on Dock Road. But there's not a lot of
16 detailed landscaping outside of the property formation
17 and that house.

18 So that's the comments we have on the plans
19 to date. Some of them are very technical in nature.
20 Some of them are more general. I think we need that
21 updated traffic study for the roadway that was --
22 access road that was moved. And we can circulate for
23 lead agency.

24 CHAIRMAN BRAND: That being said, I'd like to
25 entertain a motion to have the Planning Board declare

DOCK ROAD - SKETCH SITE PLAN

1 its intent to act as lead agency.

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

3 MR. TRONCILLITO: I'll second it.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: So moved. Comments or
9 questions from the Board?

10 MR. GAROFALO: Yes, Mr. Chairman.

11 I'd like to start with the traffic study.

12 There was a traffic study that was provided to the
13 Board. I'd like to go over some of the things in that
14 first.

15 The new study shows the access to the site
16 being directly onto Route 9W. When a prior EIS came
17 out for another project in the same area, it was clear
18 that there was a vertical alignment problem with Dock
19 Road and Route 9W. Adding additional traffic would
20 have been a problem. That's one of the reasons why we
21 recommended moving the access.

22 There are some concerns that I have about
23 the -- some of the analysis. The no build growth
24 projects, I believe there should have been additional
25 ones added for Highland and Marlborough, ones that were

DOCK ROAD - SKETCH SITE PLAN

1 in the planning process. It's not clear if the New
2 York State DOT traffic forecaster was used for the
3 background growth and what location was selected, if it
4 was used. The existing traffic generally shows a split
5 of 45/55, 55/55. An even split was shown on the
6 analysis, figure 2. Those were somewhat deceptive, and
7 it looks like it's no longer a stop, but it's not --
8 clearly it was analyzed as a stop coming out of Dock
9 Road.

10 Also, the load trip generation, which is no
11 longer under vehicles per hour, normally in the EAF,
12 you wouldn't necessarily do a capacity analysis unless
13 there's known problems in the area. We know what these
14 problems are. It's documented on the plan and the
15 hamlet study.

16 THE COURT REPORTER: Mr. Garofalo, I need you
17 to speak louder.

18 MR. GAROFALO: The load trip generation under
19 a hundred vehicles per hour during peak hours normally
20 suggests that you would need a capacity analysis,
21 unless there are known problems. The known problems
22 include the hamlet, and, also, that is identified both
23 in the hamlet study and the comprehensive plan. We
24 know we have a problem with the left turns coming out
25 onto Route 9W. And there are several ways you can

DOCK ROAD - SKETCH SITE PLAN

1 solve that particular problem. You can prohibit left
2 turns, which doesn't seem to be appropriate here
3 because there's no place for people to turn around.
4 You could combine traffic. Try to get a traffic
5 signal. That's not happening because Dock Road just
6 does not have enough traffic. Even if you looked at it
7 probably during the summer, instead of October, since
8 the summer, I would expect more traffic out of the
9 yacht club.

10 The other thing that is being done here is
11 you're separating the left turns. That's really the
12 solution that was needed, the solution that you're
13 proposing. We know there are going to be levels of
14 service. Even with the changes that I suggested, maybe
15 even a little worse, clearly left turns are a lot worse
16 as shown in the model, because the right turns are
17 averaging in with the left turns. But I think that's
18 something that we generally are going to have to
19 accept, that this is really the best solution, is
20 separating of those movements to a site specific
21 access.

22 I think we know enough about the capacity in
23 that area. We know there's going to be an issue,
24 always is, but I don't think you need to do a
25 re-analysis. I do not think this needs to be sent to

DOCK ROAD - SKETCH SITE PLAN

1 an independent traffic consultant to review. I think
2 that would be a waste of money. I think there's enough
3 information. We know what the issue is. We know this
4 is the best way to solve that particular issue.

5 There are some other things that I think need
6 to be done with regard to the sight distance. I think
7 we need some drawings so we can see where those areas
8 that we need sight distance easements needed. You
9 apparently have enough sight distance. That shouldn't
10 be a problem. It could also help, if in the future you
11 wanted to locate a sign, we would know where not to put
12 it.

13 The speed information is not in the report.
14 I would presume that you have hourly and directional
15 speed information on Route 9W, identifying where that
16 was, and providing that information I think would be
17 helpful to the Town. And I think that information
18 should also be provided to the Town police.

19 In the Route 9 corridor study, there is
20 information on accidents, and they also look at the
21 driveways along the corridor. And I would suggest you
22 take a look at that document and look at that specific
23 area of Dock Road where the site access is and to see
24 the report on what is shown in that study. I'm not
25 asking to you find new information. I think that

DOCK ROAD - SKETCH SITE PLAN

1 information is good enough and is on the Town website.

2 That's all I have to say about the traffic report.

3 I do have some other comments about the
4 access, and I will get into those as I go through some
5 other comments.

6 In the application form, the Town is no
7 longer requiring dedication of 25 feet to the center
8 line of roads. So that's not going to be a problem on
9 Dock Road. It doesn't apply to Route 9W because it's a
10 state highway.

11 Historically, in the prior project, they
12 identified two wetlands. I read your wetland analysis,
13 which I think was done prior to my statements that in
14 the prior analysis they identified two wetlands. It
15 could be that one or both of those may have been filled
16 in under a nationwide permit, because I don't know what
17 size they were, and I think they may have been moving
18 soil around. So it's possible those no longer exist.

19 However, it's very clear from the school
20 district's documents on the prior development, when
21 they expanded the elementary school, which you back up
22 onto, that they added buildings and that prior to doing
23 that, there was a wetland at the bottom of that hill.
24 And that probably may extend into your property. And
25 living across the street from that, I've seen that

DOCK ROAD - SKETCH SITE PLAN

1 entire area a pond. So I am a little concerned to make
2 sure that you are aware of the situation there so that
3 people don't get flooded out, because I'm sure there's
4 a lot more water going into that area prior to them
5 actually delineating a wetland there.

6 On C2.00, the accessible sign does not
7 conform to the New York State standard. It needs to be
8 the active symbol, just like you have in the pavement
9 markings.

10 Under 155-30, the -- I'm not sure I
11 understand why you have such a small front yard when
12 that regulation, A1, talks about a front yard of
13 40 feet and others of 30 feet.

14 Also, one of the questions that comes up is,
15 what is the front yard? The front yard, under 155-16,
16 E, the front yard is the wider of the two streets,
17 which is likely Route 9W. So your front yard may
18 actually be on Route 9W because you have a corner lot.
19 You have access to both Dock Road and Route 9W at the
20 corner. So take a look at that. You may have the
21 wrong alignment on what the different yardages are.
22 And I'm not sure if the yardages that you were using
23 came out of the rezoning and some agreement in the
24 rezoning, because I don't see that in the Code, which
25 you have 10 feet and I think 15 feet.

DOCK ROAD - SKETCH SITE PLAN

1 On SV-2, there's a stone wall. I'm not sure
2 if you're removing that or not. We had asked about
3 some information about the Falcon parking, which is on
4 the site, and I did not see any reference at all to
5 that under the existing conditions or what's going to
6 happen with that in the future. It may be something
7 you're still dealing with.

8 On C2.01, you show a traffic loop in the
9 road. My experience with traffic loops is they don't
10 last forever, and you might want to look at some new
11 technology. Also, the problem with traffic loops is
12 getting them sensitive enough to detect people on
13 bicycles, much less, in this case, somebody who is
14 walking. That's not going to detect somebody who is
15 walking. What are they going to do? Walk around the
16 fence on somebody else's property? So you may want to
17 have a different type of detection there so that
18 pedestrians and bicyclists will be able to leave the
19 site with the fence opening for them.

20 There is, I think, a need to have some
21 wayfinding so that if the fire and emergency services
22 has to come on the property, they will be able to know
23 very quickly where the units are. So they have to
24 go -- if they have to make the first left, they know
25 what unit numbers are that way. You need some

DOCK ROAD - SKETCH SITE PLAN

1 wayfinding. And you may want to look at signing for
2 the property itself besides a private road sign, which
3 I think requires Town Board approval to get the name
4 approved.

5 The County is going to want to see some
6 efforts to have electric charging stations. And here
7 what I might suggest is that you plan to have the
8 outlets in the garage, because people will work in
9 their garage anyway. People like to have outlets. And
10 this will be long-term charging, because people will
11 probably be here overnight. So the cheapest way for
12 you to provide electric charging stations is provide
13 them inside the garage or at the edge of the garage for
14 long-term charging.

15 I am somewhat concerned about some of the
16 trees blocking the sight lines of people coming out of
17 the interior roads.

18 Bear with me for a second. At the entrance,
19 you have a call box. And what I'm concerned with here
20 is what the distance is between the call box and the
21 road. Is a truck, who stops to make a delivery or
22 someone who is in a tractor trailer who is bringing --
23 helping somebody move, is that truck going to be
24 sticking out very close to Route 9W, blocking people
25 from coming in?

DOCK ROAD - SKETCH SITE PLAN

1 Also, the -- when I look at that road, it
2 looks like it goes over the property lines, so that's
3 something that I think needs to be clarified. And
4 maybe what you want to do is take this whole section
5 and move it further onto the property so that there is
6 no back-up at all to Route 9W.

7 I wouldn't expect that there would be a
8 rather random arrival of people coming in, and it's not
9 a lot of people. So you may have enough storage there,
10 but I'm more worried about people who don't belong
11 there. People coming in. The post office. You know,
12 all kinds of delivery people. Who are they going to
13 call on the call box? If they call somebody from Unit
14 43, are they even going to be there, or is there going
15 to be a general place that they can call, maybe the
16 clubhouse, where they can let them through? For that,
17 you know, are people going to have to arrange to
18 have -- to tell them, oh, I have a delivery coming, and
19 the deliveries that they won't know about. Maybe a
20 special package delivery which may come. So I think
21 you need to take a look at this and see whether or not
22 you can move it further into the site or not or whether
23 that actually works and come up with a plan to make
24 sure that's going to function and not cause problems
25 with the people who are trying to get into the site.

DOCK ROAD - SKETCH SITE PLAN

1 Now, there is on some of your site plans,
2 that piece of property that's opposite -- on the
3 opposite side of Dock Road, which is in some of your
4 plans and not in other of your plans. And I think that
5 needs to be discussed. You don't seem to be proposing
6 anything there, and maybe it's not there to be
7 developable, but on some of the plans you're showing it
8 and on some of the plans you're not showing it. I
9 think that needs to be clarified, what exactly is going
10 to be happening to that particular piece of property.

11 One of the things that I discussed before was
12 that in one of the prior applications, they had looked
13 at putting a trail along the fence line, going to a
14 gazebo, which would overlook the water. I don't know
15 as if you would be interested in doing that for the
16 residents, or there had been some discussion at one
17 point that the Town might like this; the Town might not
18 like it. It might be an easement. It might be
19 something that you give the property to the Town in
20 lieu of Recreation Fees. But I don't know how the Town
21 Board would react to that. Clearly, the school
22 district is not going to want a trail running directly
23 against the fence, but there's a good piece of property
24 there where you can leave enough buffer between the
25 school fence and where the trail would be. I would

DOCK ROAD - SKETCH SITE PLAN

1 suspect that like the other trails in town, you
2 could -- there would probably be an abundance of
3 volunteers that would come and help clear that mess out
4 to make a trail, if that was something that you would
5 consider. You can look at prior -- from that prior
6 study that show what they were going to do in that
7 area, and I leave that to you to think about and
8 whether that could be something that would be very
9 positive to the community or positive to the neighbors,
10 if it's just set up for the neighbors themselves.

11 I appreciate your listening to my comments.

12 Thank you.

13 MR. LAINO: I tried to get everything.

14 CHAIRMAN BRAND: Cindy.

15 MS. LANZETTA: I'm very disappointed that my
16 request for the sidewalks was not really taken into
17 account when you came forward with this project.

18 I noticed in the expanded environmental
19 assessment you have in here in the master plan that
20 this was an area identified for residential development
21 with hamlet style design qualities and additional road
22 and pedestrian connectivity. And it says that this
23 would serve as an extension of a hamlet center,
24 providing residential options in walking distance to
25 the hamlet center and other local destinations, such as

DOCK ROAD - SKETCH SITE PLAN

1 parks and schools. And I'm looking at this, and I'm
2 saying, how does somebody who is in this gated
3 community walk up into town? And I'm also wondering
4 how does somebody in this community get down to the
5 pool without driving down to one of the, I call them,
6 five spots there possibly to park? I mean, this has no
7 thought into how people move throughout this entire
8 area. I'm worried about -- now, is this still going to
9 be -- it's not going to be age restricted?

10 MR. BLANCHARD: It is not a formal
11 age-restricted project that would require the auditing
12 requirements as such to be the exception to the Fair
13 Housing Act. It is not an age-restricted community.

14 MS. LANZETTA: So then we have to think
15 there's going to be some families in here.

16 MR. BLANCHARD: Excuse me. I'm sorry. We're
17 talking about two different things. Maybe I should
18 just elaborate. I just want to repeat what we said
19 last time.

20 To have your formal age-restricted
21 designation as an exception to the Fair Housing Act,
22 you would have to undergo what I just referenced, the
23 formal auditing requirements, deed restrictions,
24 certain things to do. We are marketing -- the project
25 is not -- so without that in place, then you turn to

DOCK ROAD - SKETCH SITE PLAN

1 design and market. So while we acknowledge the Rutgers
2 study, what our greatest impact might be, I believe
3 it's 28 kids as potential public school age children,
4 we are not creating a project that is going to be a
5 family-oriented, family-marketed type of project. So
6 while the formal age restriction will not exist, we are
7 certainly looking for a robust market right now that is
8 for sort of like a second home type of buyer's market
9 or someone who is retiring or some maybe some kind of
10 an empty nester type of a thing. It is not a project
11 that is going to be marketed and geared toward
12 attracting sort of a first time family home buyer
13 situation. I just want to add that to the record as a
14 point of clarification.

15 MS. LANZETTA: But it's not exclusionary
16 either; right?

17 MR. BLANCHARD: Correct. That's what I'm
18 saying. That's why I think we have to be careful. I
19 mean, I'm talking about a marketing plan. I'm talking
20 about a design plan. It is not a formal legal
21 exclusion, but it does bear witness that that is the
22 intention of the project, is not one for a first time
23 home buying family type of consumer.

24 MR. CALLO: I have a question. But somebody
25 could buy a house there and live there for two, three

DOCK ROAD - SKETCH SITE PLAN

1 years, and be in that age group, the empty nesters, and
2 then all of a sudden move away or something happens,
3 and decide to rent one of these units out privately.
4 That could happen; correct?

5 MR. BLANCHARD: Of course. Absolutely.

6 MR. CALLO: Then you end up renting. The two
7 bedroom, three bedroom, whatever these units are, could
8 be rented to somebody that actually has children down
9 the road. So when you talk about these 103 units,
10 there's gonna be a few kids in there at least.

11 MR. BLANCHARD: Of course. No, we're not
12 saying that there aren't. I just want to set the
13 context as to what our intentions are.

14 MR. CALLO: I understand where you're coming
15 from. I appreciate that. There's still going to be a
16 few kids in there. But if they don't have basketball
17 courts, they don't have basketball courts. They know
18 that coming into the project.

19 What I'm concerned about is how these kids
20 are going to get to the schools next to it. I had
21 mentioned before having the trail. The slope in the
22 back is too hard to get to the elementary school just
23 to have a walking path, unfortunately. A bus of some
24 sort is going to have to get in there and pick these
25 children up, either a small bus or a big bus, depending

DOCK ROAD - SKETCH SITE PLAN

1 on how many kids. And picking them up on 9W is not
2 safe. If you've ever been in town stuck behind a
3 school bus with kids getting on it, it takes a while
4 for those kids to get on, especially the smaller ones.
5 So I want to make sure that bus is off the road and in
6 the complex somewhere.

7 MS. LANZETTA: Let me be clear. This is a
8 private road; right?

9 MR. BLANCHARD: Correct.

10 MS. LANZETTA: So buses don't go into private
11 roads. And the thing is they also don't walk up,
12 because if you go by any street in Marlboro, you'll see
13 that the parents will drive their kids up to here, and
14 there will be a line of cars at the same time that
15 people who want to get out of here too, and so, you
16 know, you're gonna have some issues with that.

17 MR. BLANCHARD: Well, I mean, on the flip
18 side of that speculation is the convenience -- look,
19 the proximity to the actual school buildings might
20 behoove the parents to continue to just drive the child
21 to the school building itself. I mean, there's -- the
22 impact of the bus question is something for us that
23 we're considering and we'll come back. We're taking in
24 these questions, these comments, this evening, but I
25 think there's two sides to that question.

DOCK ROAD - SKETCH SITE PLAN

1 MS. LANZETTA: Well, according to the
2 environmental assessment, you're anxious because you
3 live so closely to two of our major schools, is to
4 increase the pedestrian opportunities, and why these
5 kids can't walk up to 9W and walk just down to the
6 schools, one of the biggest impediments is there's no
7 sidewalks within their own development. And as I said,
8 you know, to have to walk in a road or have to
9 basically drive down to the exercise place is just
10 really counterintuitive. And, also, beyond what any of
11 those things say, it doesn't comply with the master
12 plans that were, you know, adopted by this town, you
13 know, to develop an area like this so close to town
14 where everybody still now is going to have to get in a
15 car and drive into town to do everything that they want
16 to do. So I think you really have to take a look at
17 that. And so that's all I'm going to say about that.

18 MR. GAROFALO: One of the things that might
19 help you -- and I saw this -- was people did not
20 believe in some of the national numbers. Okay. You
21 have these books that say X number of kids and this
22 many policemen and firemen and stuff like that. I
23 think that what you should do is supplement the
24 information that you gave and use the census data. You
25 know how many policemen there are part time, full time.

DOCK ROAD - SKETCH SITE PLAN

1 Look at that and say, okay, here's the population, and
2 here's the police -- look at the average number of
3 full-time police -- and where do we fit compared to the
4 national average? Dealing with school kids, we have X
5 population of school kids there. We could do it by all
6 the units and come up with a number that represents
7 Marlboro and where we are, because it would also help
8 to know if we are way below some of these numbers and
9 really need more police or we have more than adequate
10 police to help substantiate that we don't need more
11 police. To look at something very local and compare
12 that to some of these national recommendations I think
13 would be helpful in convincing the public that the
14 numbers that you're presenting are good for us.

15 MR. BLANCHARD: Understood. Thank you.

16 CHAIRMAN BRAND: Any other comments or
17 questions?

18 MR. TRONCILLITO: No.

19 CHAIRMAN BRAND: Okay. So you have a lot to
20 digest and take care of before we see you again.

21 MR. BLANCHARD: May I ask a question,
22 Mr. Chairman?

23 CHAIRMAN BRAND: Of course.

24 MR. BLANCHARD: Mr. Hines, will you forward
25 your comments to us?

DOCK ROAD - SKETCH SITE PLAN

1 MR. HINES: They should have gone out
2 already. I'll hand them to you right now. Sorry.

3 MR. BLANCHARD: No. That's okay.

4 Time noted: 8:44 p.m.

5

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

7

8 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR
Court Reporter

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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 MITCHELL M & CO.

5 Project No. 22-6007
6 1559 Route 9W, Marlboro
7 Section 103.3; Block 4; Lot 44

8 -----X

7 SKETCH - SUBDIVISION

8
9 Date: August 19, 2024
10 Time: 8:45 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 BOB TRONCILLITO

23
24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING
26 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPlicant's REPRESENTATIVE: CHRIS TERRIZZI

22

23

24

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

MITCHELL M & CO. - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next up, Mitchell M & Co.
2 for a sketch of a subdivision at 1559 Route 9W in
3 Marlboro.

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

6 MR. HINES: Sure. We received a letter from
7 the Highway Superintendent last January, dated last
8 January, that identifies he has no interest in
9 accepting this roadway as a Town Road, and it would
10 therefore become a private road.

20 A DOT highway access permit will be required.

23 Wells and septic approval from Ulster County.

24 Common driveway access and -- or common
25 driveway and private road access and maintenance

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1 agreements will be required.

2 A stormwater facilities maintenance agreement
3 most likely will be required for the long-term
4 operation and maintenance of the improvements. That or
5 a drainage district. It may be -- I haven't seen the
6 stormwater improvements yet, so that could be a
7 determination in the future.

8 The existing structure on Lot 1 does not meet
9 Zoning bulk requirements for a front yard. Fifty-foot
10 setback, where 45 is existing. And side yard, a
11 35-foot setback, where 32 is existing. I believe that
12 will need ZBA approval.

13 Security for the private road will be
14 required prior to approvals of the plans, and notes
15 should be added that no building permit will issue
16 until the private road and stormwater improvements have
17 been constructed and accepted as complete by the Town
18 of Marlborough. That's a requirement of the Code. I
19 believe I cite it later.

20 The Town of Marlborough may wish to submit as
21 lead agency circulation. DOT is an involved agency as
22 well as the Town Board and Zoning Board of Appeals.

23 Approval for the road name will be required.

24 And then notes should be added to the plan
25 regarding the private road section regarding

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1 construction with completion time frames. Your Code
2 has a requirement that any private road be constructed
3 within three years of posting of the security.

4 CHAIRMAN BRAND: Thank you. Questions or
5 comments from the Board? Cindy.

6 MS. LANZETTA: I just don't think we should
7 be moving forward on this at all until -- it's
8 obviously not allowed under our Town Code. So until
9 that situation changes, I don't see why we should be
10 lead agency or anything on this project.

11 MR. TRONCILLITO: I agree.

12 CHAIRMAN BRAND: He said for the Town Board
13 to act as lead agency, not us, but I agree with you.

14 MR. HINES: So for the Town Board to take any
15 action, we have to implement SEQR. So they can't get
16 to that -- and I'll defer to Gerry on that.

17 MR. COMATOS: That's correct.

18 MR. HINES: So we need to -- someone has to
19 be lead agency, and every other agency has to fall in
20 line behind that lead agency.

21 CHAIRMAN BRAND: Your comment indicated --
22 you suggested the Town of Marlborough act as lead
23 agency, not the Planning Board.

24 MR. HINES: I said what?

25 CHAIRMAN BRAND: Comment Number 10, the Town

MITCHELL M & CO. - SKETCH SUBDIVISION

1 of Marlborough may wish to circulate, not us.

2 MR. HINES: I intended that to be the
3 Planning Board. I did not want the Town Board. I
4 apologize for that.

5 MR. GAROFALO: There is a concern that I have
6 about the Highway Superintendent's letter, and that has
7 to do with the Item Number 2, the waiver will not be
8 establishing a precedent. And that has to do with the
9 fact that the subdivision was in 2006, and since then,
10 there are three related codes, all of which have
11 changed since then. One in 2018, 2009, 2010. And what
12 I'm somewhat concerned about is whether or not these
13 codes may have been changed specifically to prohibit
14 what was allowed before. I think we need some
15 clarification on the changes and exactly what was done
16 with regard to that waiver; how many units did that
17 waiver account for. If it only accounted for five
18 lots, then, you know, granting seven is, you know,
19 another step beyond that. So I think we need to have
20 much more detail concerning what that original waiver
21 was for and what these changes in the Code meant after
22 that waiver was given. And I think that information
23 should be provided to the Town Board so the Town Board
24 is aware of what changes are actually proposed here.

25 MS. LANZETTA: I find that -- the letter

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1 problematic, and I think that the Town Board -- I think
2 it will be interesting to see if the Town Board wants
3 to take this up, because as Jim said, in 2010, the Town
4 Board voted to limit the number of houses on a private
5 road, because even though the letter from the
6 Superintendent of Highways says the waiver favors the
7 public and the Town by not having the expense to
8 maintain the Town road, there's a lot of issues with
9 public roads -- I mean, with private roads that led the
10 Town to put a limit on the amount of houses on a
11 private road. It's not -- we're not -- private roads
12 have a lot of issues associated with them. So while we
13 may not, as taxpayers, have to pay for them initially,
14 in the long run, they end up costing the Town money and
15 a lot of bad issues are associated with them. So --
16 but I think we're kind of jumping ahead, because I
17 think the Town Board has to take action first, and then
18 we would make our comments regarding all of these
19 things.

20 MR. GAROFALO: I think it would be helpful to
21 the Town to have those comments ahead of time, rather
22 than to wait for them to give us 30 days to comment on
23 it. I think that it sets a different tone; that we
24 need more information to begin with and they should
25 have this information too at the outset and not later

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1 on.

2 CHAIRMAN BRAND: But, Pat, you're saying to
3 get the ball rolling, we should act as lead agency to
4 circulate to these other involved agencies?

5 MR. HINES: That is my opinion, yes.

6 MS. LANZETTA: But what are we circulating?
7 Because it's not legal.

8 MR. HINES: Well, it happens all the time.
9 Projects will need Zoning variances all the time, and
10 you circulate as lead agency.

11 MR. CALLO: Last week we turned away an
12 applicant that was trying to get a subdivision. It
13 would have been a fourth property on a private road,
14 even though one of the properties on that private road
15 actually now has access to a County road. We turned
16 that person away because they have to get somebody else
17 to sign off, and there was problems with the
18 properties. That was only going from three to four.
19 How can we even look at something that has seven on a
20 private road? How do we even entertain that? Why
21 would you even be here wasting your money on --

22 MR. HINES: Well, there's provisions in that
23 private road for waivers. Specifically, I gave you the
24 sections of the Code. The waiver must be granted by --
25 Section 130-14.17 B has a waiver provision that refers

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1 it to the Town Board, and it requires the Town Board to
2 refer it back to you.

3 MS. LANZETTA: So why didn't we send that
4 other guy for that too?

5 MR. GAROFALO: Isn't it the Highway
6 Superintendent that has to consult with the Town Board
7 dealing with that waiver? It doesn't necessarily come
8 from us.

9 MR. HINES: I'm not saying that. It's going
10 to come from the applicant. I'm just saying you're
11 going to circulate lead agency, and you're going to
12 include the Town Board as an involved agency.

13 MR. JENNISON: That's what I'm saying. So if
14 we accept lead agency, we're going to refer it to the
15 Town Board.

16 MR. HINES: Yeah, the applicant is going to
17 apply to it. The Town Board is one of the agencies
18 potentially having approval here.

19 MR. JENNISON: I make a motion that we should
20 take on lead agency.

21 MR. LOFARO: I second it.

22 CHAIRMAN BRAND: Any discussion?
23 (No response.)

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

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1 MR. JENNISON: We're going to circulate it
2 back to the Town Board.

3 MR. HINES: Well, the applicant is going to
4 approach the Town Board and request the waiver under
5 the Town Code.

6 MR. JENNISON: So when that happens, we'll
7 see you back.

8 MS. LANZETTA: But we'll have to have a
9 discussion on how we want to respond, and James is
10 saying that it might be helpful for the Town Board to
11 be aware of our concerns before they entertain the
12 whole thing.

13 MR. HINES: That's not the process.

14 MR. GAROFALO: They can give us the
15 information. We're going to have 30 days. They give
16 us a minimum of 30 days.

17 MR. HINES: Correct.

18 MR. GAROFALO: That we have that information
19 before the 30 days start, and I think they should have
20 that information also when it goes before them.

21 CHAIRMAN BRAND: Good enough.

22 MS. LANZETTA: I'm still not clear. So
23 that's why I'm saying we're going to refer this to the
24 Town Board, but we're not going to send them our
25 thoughts about it?

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1 MR. HINES: We're not going to refer this to
2 the Town Board. We are going to circulate a notice
3 under the State Environmental Quality Review Act that
4 you intend to act as lead agency. The Town Board,
5 should the applicant wish to apply to the Town Board
6 for the waivers under the Town street specifications,
7 they can do that. But that doesn't come as a referral
8 from you to the Town Board. The Town Board can't act
9 until you close out SEQRA, but they can begin the
10 process, and they can go through their process.

11 MS. LANZETTA: If they didn't get involved,
12 then we would just do a Neg Dec -- I mean a Positive
13 Dec?

14 MR. HINES: If who didn't get involved?

15 CHAIRMAN BRAND: If the Town Board doesn't
16 grant them the variances for the private road.

17 MS. LANZETTA: If they don't want to pick it
18 up.

19 MR. HINES: Then it doesn't meet Code, and
20 you can't approve it.

21 MR. GAROFALO: It's actually brought to the
22 Town Board in consultation with the Highway
23 Superintendent.

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1 letter. The Town Board -- there's a procedure in there
2 that says the Town Board can grant the waiver, but it
3 also has the caveat that it has to refer it to the
4 Planning Board with a 30-day comment period to seek
5 your input. So there's a process in the Code.

6 Similarly, I believe they need variances for
7 the existing structure, but, you know, we deal with
8 this all the time. We have projects before us that
9 require variances that don't meet the requirements.
10 They have to get -- you're lead agency. It goes to the
11 ZBA, and they're held up until you close out SEQRA.

12 Now, for some minor variances, we've held off
13 on lead agency so that there was an uncoordinated
14 review. For Type I actions you can't do that. They
15 haven't even typed this action yet. But for Type I
16 actions, it requires a coordinated review. So the
17 Zoning Board has to wait for you as -- sometimes we
18 hold off on declaring lead agency and let them go to
19 the ZBA and let the ZBA do an uncoordinated review for
20 small variances. Some variances are Type II actions.

21 MR. TRONCILLITO: The only concern I have, if
22 we start making these private roads bigger and bigger,
23 what we had run across, especially in a snowstorm, I
24 mean, the Town roads are clear, and the private roads
25 are still full of snow, and you can't get a piece of

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1 fire apparatus through. And who is going to maintain
2 the private road and for how long? I can take you
3 right around town and show you some. They're in sad
4 shape.

5 MR. HINES: I mean, newer private roads, your
6 private road spec has been, I'll say, beefed up over
7 time. It's not the old dirt roads that 30 years ago
8 when I came here, you had the Hatfield and McCoy
9 agreements that said you fight it out. So you have a
10 standard private road access and maintenance agreement
11 now that VanDeWater's office has developed over the
12 years. So those kind of questions are addressed in
13 there. And your private road cross sections and
14 pavement sections and such have been beefed up over the
15 years.

16 MR. TRONCILLITO: You can have all the
17 agreements in the world, but if they don't maintain
18 them, then they're done. You know, I've seen it.

19 MS. LANZETTA: But they're talking about
20 waiving even our specs, our present specs.

21 MR. HINES: No. Your private road allows up
22 to 14 percent. Your Town road does not. Your Town
23 road is a maximum of 10 percent. Your private road
24 maximum grade -- this road is shown at 14 percent,
25 which is your maximum private road grade. I don't see

MITCHELL M & CO. - SKETCH SUBDIVISION

1 anywhere where they're not meeting the spec other than
2 the number of lots.

3 MR. TERRIZZI: Right. That's the only part
4 that's out of spec regarding the private road, is the
5 number of lots.

6 CHAIRMAN BRAND: Say that again.

7 MR. TERRIZZI: The only part that's out of
8 spec regarding the private road is the number of lots
9 that we're proposing on the road. The rest of it, as
10 far as grade and typical section, follows the standard
11 private road spec.

12 CHAIRMAN BRAND: Thank you.

13 Time noted: 9:00 p.m.

14

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

16

17 Certified to be a true and accurate transcript.

18

19 Stacie Sullivan

20 Stacie Sullivan, CSR
21 Court Reporter

22

23

24

25

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

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

4 MARLBOROUGH RESORT LATTINTOWN

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

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

9 Date: August 19, 2024
10 Time: 9:01 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

22 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

23 GERARD COMATOS, ESQ., PLANNING
24 BOARD ATTORNEY

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA
27 DANIEL PATRICK, ESQ.

28

29

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

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up, Marlborough Resort
2 Lattintown for a sketch of a site plan at 626
3 Lattintown Road in Marlboro.

4 Pat, do you want to start us off with your
5 comments while they're getting ready?

6 MR. HINES: I think the applicant has a
7 presentation. We received a cover letter that
8 identified numerous reports. I don't think we received
9 those reports. Maybe we received them recently.

10 MR. PATRICK: You have not received anything
11 yet. For the record, my name is Daniel Patrick. I'm
12 joined by Chris LaPorta from Passero Engineering. We
13 do have a brief presentation to provide you as far as
14 an update for where this project stands. We had
15 anticipated submitting something last week in advance
16 of this meeting, but, you know, we figured we'd come
17 and provide an update, and then update things as
18 necessary following tonight's update, instead of
19 dropping a whole bunch of documents on you two days
20 before the meeting. With that said, I'll turn it over
21 to Chris. He's got a brief presentation just to give
22 an update of what's being prepared, what's forthcoming,
23 and then we've got a few requests.

24 CHAIRMAN BRAND: Thank you.

25 MR. LaPORTA: I do have a brief presentation

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 and some 11-by-17s of a much larger package that we
2 plan to deliver tomorrow, but just to keep this simple,
3 I can hand out the current site plan renderings
4 (handing).

5 One of the things I want to do tonight is
6 kind of explain the package that we're submitting
7 tomorrow. And I've actually never given a presentation
8 about how I'm going to submit a package, but there are
9 so many documents, and my understanding is last time
10 there was -- like it was hard to store all these
11 full-sized sets of plans, so that's just one of the
12 things I wanted to hit on.

13 So here's the same plan that I just handed
14 out. This is our current site plan, which looks a lot
15 like the previous site plan. We haven't made many
16 significant changes. I think the bulk of what we've
17 been doing is working on our environmental studies,
18 some of which I'll get into shortly.

19 You know, a few of the, I would say, minor
20 changes that we made is that we -- instead of having
21 the hammerheads on the north end, we decided to put a
22 conductor road in here. There's an existing road
23 there, and with slight improvements, we were able to
24 get something in there at 10 percent. You know, one of
25 the general objectives of this project is to utilize

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 the existing road network and minimize cuts and fills
2 and tree clearing, but this being kind of the back
3 connector road with limited cuts and fills that
4 balance, we're able to get a 10 percent road in here.
5 And I will get a little bit more into that as I advance
6 through the presentation here.

7 But everything is still generally the same,
8 so I'm not going to spend a whole lot of time
9 representing the whole project to everybody. But our
10 main resort is over here. Lattintown Road is on the
11 west side. The Lattintown Creek runs through not
12 exactly the center of the parcel, but it's a, I guess,
13 significant dividing line, as there's a bridge, which
14 we are planning to replace here. And then, when you
15 get over to this side, we have cabin units throughout
16 the wooded area, a few along the hillside. A little
17 recreational area here with some tennis and pickleball.
18 And it's hard to see it this size, but there's a little
19 pavilion over here by the pond.

20 We have our solar array here. One of the
21 things we did was added a significant landscaped berm
22 here. And this area, actually, the grade does pitch
23 back into our site. So this thing is now not visible
24 from -- well, anywhere really except our own property.
25 There's -- the adjoining lands here are agricultural,

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 so I don't think it would impact too many people in the
2 view shed.

3 And then over here in the orchard we have
4 more cabin -- cabin units, and the -- well, it's the
5 clubhouse dining restaurant area and the water tank.

6 Down here we have another small recreational pavilion
7 building. And on this side we have the dorms and the
8 distillery building.

9 So the plan is pretty much intact just as we
10 presented it last time. I think the big thing here is
11 that we went through our environmental reports. I
12 don't want to get into too much detail because there
13 are so many of them and everybody hasn't seen them yet.
14 They're coming tomorrow. But I think the key findings,
15 some of the big documents, the SWPPP, we are prepared
16 to submit tomorrow. It's about 800 pages long, so it's
17 a massive document. We were able to successfully hit
18 all the water quality and peak flow requirements. We
19 utilized green infrastructure practices, such as porous
20 pavement which leverage infiltration for runoff
21 reduction. And it -- it worked beautifully. We had
22 some good sandy materials in the main resort area. We
23 did percolation testing or falling head permeability
24 testing and were able to vet that out properly.

25 Now, we do have some other scattered

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 practices, such as bioretention and infiltration basins
2 scattered throughout the site.

3 We did do a habitat assessment. I know that
4 was one comment last time. I think that we had -- the
5 EAF map didn't have much, but the IPaC I think had a
6 few hits. So we had a habitat assessment done, and
7 really the only impact that we could potentially have
8 is easily mitigatable by limiting tree clearing between
9 the months of November and March, which is, I guess,
10 the breeding season for bats when they're roosting in
11 the trees. So if you avoid clearing during those
12 times, they're usually in their caves.

13 So we did do an agricultural soils management
14 plan, and the good news about that is that we can cap
15 the materials on site. Usually, when there's
16 agricultural soils, there could be concerns about
17 arsenic, pesticides, herbicides, things like that. So,
18 you know, the good news is that we have a lot of
19 opportunities on the site to cap that with clean top
20 soil material under landscaped berms. And one large
21 area we have is the solar array, which would, you know,
22 probably solve any problem we possibly have.

23 We are planning to minimize the disturbance
24 to the orchards in general. We like them and we want a
25 lot of them to stay. But in the limited areas where

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 the soil tests say you need to do stuff, you know,
2 that's going to be our plan of action.

3 We do have a traffic impact study, and, you
4 know, there's no significant adverse traffic impacts to
5 the existing roadway network. There's -- you know,
6 it's a giant report, and when we present to the public,
7 we will have our transportation engineer here to
8 present it fully. I think that generally everything
9 was pretty well -- there was one intersection that
10 already has problems, which is very far from the site,
11 and that's, you know, obviously something that we'll
12 address through the County review and the Town review
13 and, you know, figure out what's right there. But
14 it's, you know, an intersection that's -- I don't think
15 it's even in Ulster County. I think it's where
16 Lattintown hits Route 9W.

17 We studied a lot of intersections. The
18 County gave us a big list. So, you know, that one is a
19 little bit finicky, but, again, we're really not
20 anticipating adverse impacts from our development. And
21 we'll, you know, be happy to present that to the public
22 when we get into the hearings, and once everybody has
23 had adequate time to digest the report.

24 The view shed impacts, no view shed impacts
25 isn't really new news. We did submit our visual study

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 in the previous submission back in May. We did the --
2 we followed the -- I think it's the DEC Visual EAF
3 guidelines where you study a five-mile radius with the
4 vegetation height, and then anything identified that
5 still could potentially be visible, you actually need
6 to go out and field verify and take some photographs,
7 which we have in the appendices of that report. Just
8 that it was worth a bullet point.

9 And when I get into the submission package,
10 what I tried to do -- now that we have so many reports,
11 I didn't want them all to be EAF indexes or appendixes,
12 so I pulled it out of there and restructured a bit.

13 Our HECRAS update is going to be provided.
14 It does require a bridge selection to complete the
15 study, but we're confident that we're going to be able
16 to mitigate flooding by increasing the span, by raising
17 the bridge a couple of feet, and also by providing some
18 additional culverts on the east side of the bridge. So
19 we're working hard now to find a bridge vendor that
20 works for our needs. And the final, final version of
21 that report will, you know, be developed as we proceed
22 here.

23 And we did have an acoustical study. That
24 was one of the questions that was raised at the gateway
25 meeting, and, obviously, without final architectural

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 design, it can't be finalized yet, but as you read the
2 report, you'll see that essentially the big area of
3 concern would be outside of the events building, and
4 where is that going to go, and how far are the nearest
5 residential receptors. So we looked into that, and our
6 acoustical consultant tells us that, you know, with
7 directional speakers and putting in limiters, having
8 the equipment plug into an in-house system with
9 limiting devices on it, that we should be able to avoid
10 having any impacts. And that's something the ownership
11 group has been very sensitive to. They've been in this
12 business for a while and know that sound issues with
13 neighbors are something that will never go away, and
14 that's not something that they want to get into.

15 So some of the other submission contents, we
16 are going to have a cover letter kind of explaining the
17 entire package, as well as responding to the comments
18 that we received through Pat's office. And also
19 verbally, when we appeared in June, we took notes of a
20 lot of comments and did our best to lay them all out on
21 paper and show we considered and addressed those
22 comments. So that's all going to be in there.

23 We do have a water and sewer engineer's
24 report that we're providing. It's fairly developed
25 now. We are still actively discussing the water

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1 district. You know, if it's necessary or not to
2 execute the intramunicipal agreement. And we did lay
3 out two options which we're still working on with the
4 Town, which would be we'd provide, you know, Option 1,
5 a smaller tank, which would be privately owned, to make
6 sure we take care of our needs without impacting
7 off-site, or potentially, you know, the Town -- we'd
8 put a bigger water tank. And we've kind of laid out
9 the benefits, and the Town's engineering consultant is
10 reviewing that now.

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1 design of the wastewater treatment plant. We have a
2 lot of information about that in the water and sewer
3 report, and a lot of analysis about our water
4 distribution systems and our sanitary sewer collection
5 systems.

6 We provided a packet with our Zoning Board
7 correspondence. So we've had some back and forth
8 letters and submissions. We appeared in front of the
9 ZBA and are scheduled for a public hearing on
10 September 12th. That is for the front setback of the
11 distillery building, which is an existing noncompliant
12 building, but it's still required to seek an area
13 variance for the setback. So we submitted an
14 application and presented to the Zoning Board, and
15 we'll have a little packet just kind of giving a
16 snapshot where we are now, and our approval will be
17 pending our public hearing, which I believe is
18 September 6th.

19 The FEAf has been updated. There was, I
20 believe, some comments. I think I checked the wrong
21 box on the LWRP thing, but we actually went through and
22 tuned up the whole the FEAf, because as we dive into
23 design development now, like our limited disturbance
24 might have changed by an acre. So we rescrubbed it.
25 Actually, the wastewater plant, we were previously

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1 proposing two buildings for a phased approach, but now
2 we've determined that we could do it in one building,
3 which is less overall square footage, but some empty
4 space will remain for when the second membrane units
5 are required as the project develops. So we've
6 accounted for all those minor square footage changes
7 and all of that stuff and the numbers of buildings in
8 our descriptions, and those documents are updated as
9 well as the checklist. I don't remember off the top of
10 my head. There was one comment about one box was
11 checked. We submitted a form, but checked no, so I
12 checked yes and resubmitted that document, just to
13 clean up the paperwork.

14 And we've introduced one new drawing that
15 we're calling the civil plan supplement. That's one of
16 the things that I wanted to get into. You know, as
17 you're all aware, our plan set is over 40 pages of full
18 size. It's giant. We needed to do roadway profiles.
19 We needed to do emergency vehicle maneuvering plans and
20 a lot of other things. So we developed a booklet
21 that's 11-by-17, and this is actually the cover sheet.
22 I'll share it here. I don't know how well it will
23 present on the screen. But I basically thought it
24 would be nice to put one plan booklet together in an
25 11-by-17 format that identifies everything that you

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 would want to see if you were looking at this from an
2 emergency services perspective.

3 So what this map here is, it's kind of a
4 stick figure of our road networks. And green means
5 less than 10 percent. Red means more than 10 percent.
6 So what we wanted to show is that from Ridge Road,
7 there's a green avenue to access any of the cabin units
8 or basically any building on the entire site. And the
9 same thing from Lattintown Road. There's a pathway
10 that's less than 10 percent that you could get anywhere
11 on the site.

12 Now, we are still constructing, you know, the
13 same thing as we proposed last time, the 12 percent
14 seasonal access road that we'll have the ability to,
15 you know, gate during inclement weather, but, you know,
16 we will have the much flatter pathway to the south here
17 to provide an alternative access.

18 So this booklet has a lot of figures in it.
19 It has all the roadway profiles. This map here, you
20 can't see it too well, but it actually is a key map.
21 So it will say like, profile 1, profile 2, profile 3,
22 and it has road names, so you could like say, I want to
23 see this area, and flip right to that page and find it.

24 We put a figure in there that we showed all
25 of the hydrant locations with a dashed circle for hose

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 length locations so you can see that every building has
2 coverage.

3 This plan set in itself I think was close to
4 30 pages. So we provided it as a supplement, as an
5 11-by-17 booklet here. And I guess I'll just dive
6 right into the submission contents, because it's a lot,
7 and I realize this table is probably a little hard to
8 read up on the screen, but tonight we did bring with us
9 11-by-17s of the plan sets and that supplement, as well
10 as the rendering that I already handed out. It's a
11 little bulky, so I just didn't want to run up before
12 the meeting and start throwing giant plan sets at
13 everybody, but I am happy to distribute a set for
14 convenience to everybody that's, you know, here
15 tonight, if they'd just like to take one of these
16 copies home with them. We -- our intent, which is
17 totally flexible -- we could change the number of
18 prints of any item that we make -- was to try to do it
19 efficiently. So the full-size plan sets, I know Pat's
20 office will want one. We're going to provide one for
21 County Planning, and we thought we'll provide at least
22 one to leave at Town Hall so that, you know, if
23 11-by-17, if the level of detail is a little bit tough
24 for anyone on the Board, at least there's a full-size
25 set. You know, basically, on demand, if there's three

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1 people that want full-size sets, we're willing to
2 deliver them within a day. So we're -- we decided to
3 take that approach. A lot of the smaller documents,
4 like the FEAf, we'll print 12 copies of those. Some of
5 the larger documents, like the SWPPP, we're going to
6 provide three copies of the SWPPP, which, as I
7 mentioned, is 800 pages. If you think there would be
8 more interest to review --

9 MS. FLYNN: I need two. One for Pat. One
10 for me.

11 MR. LaPORTA: I thought that in an early
12 discussion we were under the understanding that County
13 Planning might want to see the SWPPP, so we did have
14 one just in case. Again, hard to see here, but there's
15 package 1 and package 2. So we wanted to make package
16 2 be a stand-alone box that's ready to go to County
17 Planning, and then package 1 would have all the
18 materials. You know, like I said, some of the
19 manageable reports, it's easy enough. We'll give 12
20 copies, but the SWPPP is a good example. The
21 agricultural soil management plan, that's another one
22 that's a few inches thick. We could do three copies of
23 that. We already have them all ready to go and
24 deliver, but if there's anything -- if any of it is too
25 much, we're happy to come take a few back, or if

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1 there's not enough, we're happy to bring more. We're
2 just trying to make the submission packages manageable,
3 given the large amount of paper that comes along with
4 them.

5 That was -- you know, one of the primary
6 reasons I wanted to come here tonight was to explain a
7 little of that, so that it's not confusing when a bunch
8 of giant boxes roll in the door. And, you know, I also
9 wanted to discuss our next steps a little bit.

10 You know, we're really excited to be
11 advancing this project, and we do have a target of
12 opening early summer, around Memorial Day, of 2026.
13 For that to happen, we really do need the stars to
14 align. So we're doing everything in our power to be
15 timely with our submissions and provide information and
16 help in any way we can. We do have some key procedural
17 steps that need to happen next. There's many, many
18 steps, but I listed a few of them here, and, actually,
19 the third one on that list isn't even that important
20 for tonight's discussion, but the first two are.

21 We do need to send this package to County
22 Planning. I am aware that, you know, that -- I think
23 some sort of procedural step would need to happen to
24 write a cover letter and send it over. We're hoping
25 that one of the things that could happen is that this

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 package could be forwarded to County Planning in
2 advance of their September meeting. And if that
3 happens, there's a chance that we would have County
4 Planning comments in September. You know, if that
5 happens, what we would like to do is, you know, give
6 this Board adequate time to review the package and
7 appear for a public hearing on September 16th. So
8 that, you know, that's a month from today, so there
9 would be a lot of time to really digest all of these
10 materials as well. Then, I don't know -- I'm just
11 putting my request out there. I don't know if we need
12 to come back in early September to schedule it or if
13 that's something possibly that we could today, but
14 those are my two requests here, because, you know, we
15 really have a very tight construction window and just
16 want to, you know, keep the wheels turning and keep the
17 feedback cycle going. We are aware that there's going
18 to be ongoing comments and responses and feedback, and
19 we're happy to continue the process. We're just
20 looking to get a few of those steps moving tonight.

21 MS. LANZETTA: I think one of the major
22 issues that we were concerned about is the fact that
23 none of this goes forward unless you have a water
24 source. You know, when this Board met with the Town
25 Board in July, I think it was, they had not been in

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 discussions with you about working out some kind of a
2 situation for you to do that. And we have our
3 supervisor here, so I was just wondering if you could
4 enlighten us from the Town Board perspective what's
5 happening with the water.

6 SUPERVISOR CORCORAN: We had some follow-up
7 meetings after that meeting with Chris and Michael, and
8 we're in discussion with Dennis Larios right now, and I
9 think Gerry is also involved in these, when Dennis
10 gives us some information back. And depending on --
11 there's two options: A larger tank on the property for
12 the district or compensation for the district for
13 future projects. Right now we're leaning towards one
14 option, and then once we get that option figured out,
15 we will notify the applicant, and we'll move forward
16 from there. But I'm just basically, realistically,
17 waiting on Dennis Larios, our water engineer. I can't
18 give you a definite until I get that.

19 MS. LANZETTA: So you're moving forward on
20 a -- the other part of it, too, is the tank, at the
21 last meeting we had, they had said that they had
22 decided against the tank, and now the tank seems to be
23 possibly back on the docket. So if you do decide to go
24 with a tank, you're going to need a better visual,
25 probably a balloon test or something regarding that.

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1 MR. LaPORTA: Oh, we'd be happy to do that
2 too. We really don't want this tank to be higher than
3 18 feet tall. And, you know, we don't believe this
4 area is visible, but we are providing -- we are keeping
5 some orchard on the north side, and we're going to
6 provide landscaping around the tank as well.
7 Obviously, the aesthetics of this tank are very
8 important to us. The tank has always been on the
9 table. We're just trying to figure out what that looks
10 like, and we put forward two options in the engineer's
11 report, both of which are semi developed, but we really
12 need to figure out which direction we're going to put
13 all the engineering nuts and bolts into it, like
14 sizing, booster pumps, and those types of things. So
15 we're --

16 MS. LANZETTA: Let me just interrupt you a
17 minute. I know you're anxious to get to County, but
18 that's the kind of stuff that they're going to want to
19 know, is what's actually going on this site. And so it
20 sounds like you need to have more information in order
21 for County to really get an idea of what's going to be
22 happening here.

23 CHAIRMAN BRAND: When do they meet?

24 MS. LANZETTA: The first Wednesday of each
25 month.

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1 MR. LAPORTA: There is a water report in the
2 submission, and the tank being 18 feet tall, we did do
3 our visual EAF study with the GIS study, and we are --
4 we don't believe that there's any visual impact, but
5 we're happy to fly a drone, fly some balloons, do
6 whatever we need to, and I'm, you know, hoping we could
7 make our submission to the County and maybe give them
8 notice in a collaborative effort that we'll put those
9 balloons up, and they could come take a look at them as
10 well. That's something we're more than happy to
11 entertain.

12 MS. LANZETTA: I'm not saying that they're
13 going to say that, but I'm just saying they want -- you
14 know, you just said to me, We think we're going to do a
15 tank, but maybe we won't, so --

16 MR. LaPORTA: No. There's a tank one way or
17 another.

18 MR. PATRICK: Yeah, there's a tank one way or
19 another. It's the size of the tank that's kind of up
20 in the air right now. We're either going to install a
21 larger tank to accommodate the needs of the Town or a
22 smaller tank to accommodate just our project and a
23 contribution to the Town for the water district
24 improvement. So there will be a tank one way or
25 another. It's just the sizing of the tank.

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1 MR. TRONCILLITO: What's the gallonage that
2 you're looking at?

3 MR. LAPORTA: Well, if it's private, it would
4 probably be in the ballpark of 50,000. If it becomes a
5 public tank, it would probably be in the ballpark of
6 300,000 gallons.

7 MR. TRONCILLITO: Is that going to supplement
8 the sprinkler system in the big building?

9 MR. LAPORTA: Yes. It will supplement all of
10 our sprinkler systems. We are looking at the plus or
11 minus 18 feet height regardless of the diameter of the
12 tanks. So we have notched out a part of the site and
13 landscaped it, and that could be adjusted if we go with
14 the smaller diameter. But we've set that land aside,
15 and we're ready to proceed with either alternative.

16 MR. PATRICK: And we value the County's input
17 as well as the Town's input, which is why we're trying
18 to advance the discussion with the County, make the
19 submission, so we can have a collaborative application
20 forum so we can help address this as well advised as we
21 can.

22 CHAIRMAN BRAND: Mr. Corcoran.

23 SUPERVISOR CORCORAN: Just to follow up,
24 because you had asked what we were talking about, I
25 mean, in the meetings we had, just to let you know, you

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 know, we have a report that's been done by the Town.
2 It's out there. If you didn't see it, anybody on the
3 Planning Board, you can get it. It's in my office.
4 But it's about a 20-year-old plan. In that plan it
5 actually says that property was one of the locations
6 that was picked for a 500,000 gallon reserve tank.
7 Now, we had a meeting with the applicant and Dennis
8 Larios -- and I think you were there, Pat.

9 MR. HINES: Yes, I was there.

10 SUPERVISOR CORCORAN: And we're thinking that
11 that is out of date and that it doesn't pertain to what
12 we really need in our system right now. But that's
13 what Dennis is actually trying to figure out, if a
14 300,000 gallon tank -- because we went down in size --
15 is something that we really need, or is it really going
16 to do anything for the district? Is it more beneficial
17 for the district to get compensation to do other
18 projects that are really needed within the town?
19 Because currently we've been operating with no -- not
20 many issues. We have issues, but not many issues the
21 way we have been running. But the tank that's up off
22 of Milton Turnpike needs to have updates to it, and so
23 maybe the money that we can get into the district would
24 help fix that tank and make it better for the district,
25 rather than have the applicant build another tank that

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 really isn't going to do much for the district. But,
2 at the same time, I'm also asking -- they have to
3 provide a tank on their property, like what Bobby is
4 talking about, that's going to make -- that when you
5 have the sprinkler system come on, you have enough
6 water to put out a fire. That's the main thing. I
7 believe if you -- I'm not an engineer, but if you
8 believe their engineering report, they say they have
9 enough to do that, but that would have to be something
10 that Pat would have to verify and see if that's
11 accurate.

12 But I'm going to tell you we are leaning
13 towards more of the compensation side -- I'm going to
14 give you that heads-up -- than we are rather than
15 having a larger tank. It's not a hundred percent, but
16 that's where we're leaning, just to give you guys a
17 heads-up from the Board. So that's some background.
18 Hopefully, we'll have something within the next week.

19 CHAIRMAN BRAND: Pat, is there any reason
20 they can't send this to County for some type of preview
21 with what they have at this point? Clearly, this giant
22 packet -- I mean, we haven't reviewed it. You haven't
23 reviewed it. Is there any reason why County can't
24 review it?

25 MR. HINES: It sounds like they're going to

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1 get a hand truck load of stuff to take a look at. I
2 think the sooner it gets to the County, the better.
3 Give them some time. As long as the Board is
4 comfortable with that, not having seen it, but a lot of
5 these reports are very technical in nature.

6 CHAIRMAN BRAND: Is anybody against sending
7 it to County at this point?

8 MS. LANZETTA: I think it's going to take
9 them a long time for them to review it, so it might be
10 in our best interests to send it up, and the County's
11 best interests as well.

12 CHAIRMAN BRAND: Okay. So can I have a
13 motion to send it?

14 MS. LANZETTA: I'll make a motion to send it
15 to Ulster County Planning.

16 CHAIRMAN BRAND: Second?

17 MR. GAROFALO: I'll second it.

18 CHAIRMAN BRAND: Any discussion or objection?
19 (No response.)

20 CHAIRMAN BRAND: So you will send that to
21 Ulster County Planning Board. Anything else on this?

22 MR. GAROFALO: I have a question. Who did
23 your traffic study, and where did you get the scope
24 from?

25 MR. LaPORTA: We have transportation

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1 engineers in house. We have a transportation
2 department. Our engineer's name is David Kruse. He
3 will be happy to come present the report in September
4 once everyone has a chance to digest it. I've been
5 working with him for years. He's great. He does a
6 good job. At the gateway meeting, it was -- the County
7 had a lot of interest in the intersections we'd be
8 studying. So we had a few, and then we had a call with
9 them, and they said, well, we'd like this one, this
10 one, and this one, and we added them all to the scope.
11 So we're hoping that that's suitable, but we understand
12 it will be reviewed by not only the County, but also
13 the Town's consulting engineer, I believe Creighton
14 Manning as well, and the entire Board.

15 MR. JENNISON: Before winter hits, I'd be
16 interested in a site visit.

17 MR. LaPORTA: Of course.

18 MR. JENNISON: We'll arrange that through
19 Jen.

20 MR. LaPORTA: Yes. We'd be happy to
21 accommodate that. You know, Michael Achenbaum's team I
22 think has openly said before that they'd welcome site
23 visits. Michael would have been here tonight. He
24 loves coming to these meetings. He's actually out of
25 the country. He has a sick family member. And, also,

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 I got us in here kind of on short notice. We hit right
2 at the deadline just because we realized some of these
3 procedural requirements, and Michael will definitely be
4 back again at the following meetings, but we'd be happy
5 to accommodate a site visit.

6 MR. JENNISON: Thank you.

7 CHAIRMAN BRAND: Thank you.

8 MR. PATRICK: Is it possible to schedule a
9 public hearing for the second meeting in September?

10 CHAIRMAN BRAND: I don't think so. We need
11 time to review it, have the engineer review it. We
12 haven't really seen anything yet.

13 MR. PATRICK: Understood. I had to ask.

14 CHAIRMAN BRAND: Can't hurt to ask.

15 MR. PATRICK: Of course not.

16 Time noted: 9:35 p.m.

17

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

19

20 Certified to be a true and accurate transcript.

21

22 Stacie Sullivan

23

Stacie Sullivan, CSR
Court Reporter

24

25

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

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

4 MARLBORO PROPERTY MANAGEMENT

5 Project No. 24-2012
6 Burma Road, Marlboro
7 Section 108.3; Block 1; Lot 21.132

8 -----X

7 SKETCH - SUBDIVISION

8
9 Date: August 19, 2024
10 Time: 9:36 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 BOB TRONCILLITO

23
24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPlicant's REPRESENTATIVES: SAM DONG
DAVID MEAD

23

24

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

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Finally, under New
2 Application Review tonight, we have Marlboro Property
3 Management for a sketch of the subdivision on Burma
4 Road in Marlboro.

5 If you just want to provide us with an
6 overview of what it is you have planned.

7 MR. MEAD: Planned?

8 CHAIRMAN BRAND: Yes. Why are you here?

9 MR. MEAD: Yeah, we're here for the
10 subdivision on Burma Road. Three lots. Did you get
11 the application for -- to permit to construct the
12 septic? Everything should be in the application.

13 CHAIRMAN BRAND: Pat, do you want to run
14 through your comments, then?

15 MR. HINES: Sure. This is a proposed
16 three-lot subdivision. The property lines are depicted
17 to the center line of the roads. In compliance with
18 Town policy, it should be documented on the plan.
19 That's with regard to the dedication or the reserved
20 strips.

21 Lot 1 has an accessory structure labeled as
22 old barn.

23 MR. MEAD: That barn is not there anymore.
24 That barn had fallen in.

25 MR. HINES: Then my comment would be an

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 updated survey would be required. If things aren't
2 there, they shouldn't be depicted.

3 MR. MEAD: Well, part of it is there. The
4 top of it is not. The foundation of it is there. The
5 barn is not.

6 MR. HINES: So if it's a foundation, it
7 should be labeled as such. The reason being it's an
8 accessory structure in the front yard, the way it's
9 depicted on this map.

10 We will need actual field topography.

11 There's ten-foot contours interpolated from I don't
12 know what source. But the requirement for this is
13 actual field topography.

14 Lot 1 appears to have two proposed septic
15 systems. There is one --

16 MR. MEAD: There's one for Lot 1 and one for
17 Lot 2.

18 MR. HINES: No. There's -- each one has a
19 proposed septic, but there is also a box over here that
20 says proposed SCS area (indicating). So I don't know
21 what that is, but we only need one septic system.

22 Driveway locations and any grading for the
23 driveway. You have these two flag lots. Lots 2 and 3
24 are flag lots. And once we get the topography,
25 oftentimes in order to put driveways there and make

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 them 90-degree turns that you're showing there, the
2 grading becomes difficult crossing lot lines. So those
3 driveways should be depicted and the grading for those
4 driveways should be shown.

5 Sight distance at the existing and proposed
6 driveways should be depicted.

7 Any improvements on the lot that's now or
8 formerly Slater, which is the one-acre lot, Tax Lot
9 21.120, should be shown, because it's within the
10 distance that's required on the map. If there's a
11 house there or any -- there's a well shown, so I would
12 assume there's a house and a driveway. Those should be
13 shown.

14 Ulster County Health Department approval for
15 wells and septic will be required.

16 And any easements associated -- it looks like
17 there's stormwater facilities within Burma Road that
18 discharge onto proposed Lot 1. There are two catch
19 basins and a 12-inch diameter pipe. So if those are
20 Town owned, any easement associated with them should be
21 depicted.

22 So those are what I have as preliminary
23 comments on this sketch. And if you didn't get all of
24 them, I'm going to give you a copy.

25 CHAIRMAN BRAND: Comments or questions from

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 the Board?

2 MS. LANZETTA: I'm just wondering, are you
3 Mr. Dong?

4 MR. DONG: Yes.

5 MS. LANZETTA: You just need to notarize in a
6 couple of places to show that the paperwork has been
7 done correctly.

8 MR. DONG: Gotcha.

9 CHAIRMAN BRAND: Anything else from the
10 Board?

11 MR. GAROFALO: Yes. I have a few things.

12 Please provide the emails for all the people
13 on page 1 and 2. That's to help the Town contact
14 people in case there are any questions.

15 On the EAF, Item Number 9, which deals with
16 the energy, people are always getting that wrong.
17 You're not going to get your building permit unless you
18 meet or exceed the energy requirements. So what
19 they're talking about exceeding, this is the
20 opportunity if you're doing something special, like
21 these other guys were putting in solar, you can say,
22 we're putting in solar. You know, they can say, oh,
23 they're doing something good. So that's a positive
24 thing. But you need to meet or exceed it.

25 The road widths, you have a corner lot. You

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 need to have the road widths. As Lot Number 1 is a
2 corner lot, we need to have the road widths for each of
3 those roads. The reason for that is the larger of the
4 two roads is going to be your frontage. If they're
5 equal size, then you can pick and choose, but,
6 otherwise, it's the larger. It has nothing to do with
7 where your driveway is or which way you face the house.
8 It's that the larger of the two roads is considered
9 your front yard. And that should be put on the plan so
10 that if there is ever any change, it will be documented
11 that's what it was.

12 MR. MEAD: So you're saying the larger road
13 would be Idlewild?

14 MR. GAROFALO: I don't know which one. They
15 have to be measured. Go to the DOT website and look
16 for the road widths. And that's going to change the
17 bulk table.

18 Also, you have measured one of the setbacks
19 from the center line of the road, and what you need to
20 do is -- we've gone from having 25 feet from the center
21 line of the road to doing it based on the highway use,
22 which would be for ditches and stuff. That's where you
23 measure it from, that point, to the building, not from
24 the center line of the road.

25 MR. MEAD: Okay.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Anything else, Mr. Garofalo?

2 MR. GAROFALO: That is it. Thank you.

3 CHAIRMAN BRAND: Anything else?

4 (No response.)

5 CHAIRMAN BRAND: So you'll clean these up and
6 come back to us?

7 MR. DONG: Yes. Absolutely.

8 CHAIRMAN BRAND: Thank you.

9 Time noted: 9:44 p.m.

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

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14 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR
Court Reporter

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