

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

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

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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.

24                  The next deadline is Friday, August 23, 2024.  
25                  The next scheduled meeting will be Tuesday, September

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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: (Hanging).

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.

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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.

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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?

15                  MR. GAROFALO: I just have one. In the  
16 documents, it was noted that there would be five  
17 phases, and I just wanted to make sure that you read  
18 through the Town Code dealing with the amount of time  
19 that you have to do the construction.

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



*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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.

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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?

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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?

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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,

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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.



*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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?

8                   MR. LOUCKS: No. They're going to be  
9                   evergreen type tree plantings, and they will be in the  
10                  spacing there to visually screen.

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?

16                  MR. LOUCKS: Our proposal was to plant four-  
17                  to five-foot trees at planting, and then they usually  
18                  grow a few feet a year, and then you have a six- to  
19                  eight-foot tree within the first year.

20                  MR. VANDENDOOREN: Understood.

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

23                  MR. LOFARO: (Hanging).

24                  MR. VANDENDOOREN: I believe he kind of  
25                  mentioned that a little bit. So you have the two sets

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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: Residentials.

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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

*ELP SOLAR TRUNCALI - PUBLIC HEARING SITE PLAN*

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       (handling).

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.

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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

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

5 MAZZA - TWO-LOT SUBDIVISION

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

10 FINAL - LOT LINE

11 Date: August 19, 2024  
 12 Time: 7:39 p.m.  
 13 Place: Town of Marlborough  
 14 Town Hall  
 15 21 Milton Turnpike  
 16 Milton, New York 12547

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

24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING  
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: CARMEN MESSINA  
 JOHN MAZZA

-----X  
 Stacie Sullivan, CSR  
 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

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18 Certified to be a true and accurate transcript.

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Stacie Sullivan

21

Stacie Sullivan, CSR  
Court Reporter

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

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

5 LYNN DAVID PROPERTIES

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

10 SKETCH - SUBDIVISION

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

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

24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING  
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: CARMEN MESSINA  
 KEVIN HARDY

-----X  
 Stacie Sullivan, CSR  
 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.

9                   The Highway Superintendent's comments  
10                  regarding the driveway location should be received. We  
11                  had previously suggested the possibility of combining  
12                  the driveways for Lots 2 and 4, as they are located  
13                  immediately next to each other. We don't have that.  
14                  So that's going to be up to the Highway Superintendent.

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.

23                  And then we just have a comment about the  
24                  roadway dedication parcels. With the Town Board not  
25                  being interested in actual dedications at this time,



*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.

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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  
TOWN OF MARLBOROUGH PLANNING BOARD

2 -----X  
In the Matter of

3 WILKLOW - TWO-LOT SUBDIVISION

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

7 SKETCH - SUBDIVISION

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

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING  
BOARD ATTORNEY

19 JEN FLYNN, PLANNING BOARD SECRETARY  
20

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
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,  
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



*WILKLOW TWO LOT SD - SKETCH SUBDIVISION*

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

*WILKLOW TWO LOT SD - SKETCH SUBDIVISION*

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

*WILKLOW TWO LOT SD - SKETCH SUBDIVISION*

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

*WILKLOW TWO LOT SD - SKETCH SUBDIVISION*

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

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12 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

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

5 DOCK ROAD

6 Project No. 24-2003  
 7 103-137 Dock Road, Marlboro  
 8 Section 109.1; Block 3; Lot 13, 14,  
 9 14.200, 15, and 29.100  
 10 -----X

11 SKETCH - SITE PLAN

12 Date: August 19, 2024  
 13 Time: 8:06 p.m.  
 14 Place: Town of Marlborough  
 15 Town Hall  
 16 21 Milton Turnpike  
 17 Milton, New York 12547

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

25 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER  
 GERARD COMATOS, ESQ., PLANNING  
 BOARD ATTORNEY  
 JEN FLYNN, PLANNING BOARD SECRETARY

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

-----X  
 Stacie Sullivan, CSR  
 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.

20                  We received a drainage report that would  
21 ultimately have to be developed into a Stormwater  
22 Pollution Prevention Plan. That drainage report  
23 component is under review.

24                  The traffic study should be submitted to the  
25 Board and circulated with the lead agency to the DOT.

*DOCK ROAD - SKETCH SITE PLAN*

1                   Jurisdictional emergency services should be  
2                   included in the EAF circulation. I did note that the  
3                   EAF doesn't have the two final pages that are generated  
4                   off the DEC's website when you populate the form, so  
5                   that the pages that are generated automatically weren't  
6                   there. It stopped at page 13. So I will need those  
7                   pages for the circulation.

8                   A big change for the Board's attention is  
9                   that the access drive is now at Route 9W, the main  
10                  access drive, and no longer to Dock Road. So it will  
11                  be fronting on the state highway and not on Dock Road,  
12                  which the Board discussed with the applicants. It is  
13                  now a gated access drive. There will be an access  
14                  control at the Route 9W access and emergency gates at  
15                  the Dock Road emergency access gates. So that's a  
16                  change in the project, but I think the Board was  
17                  generally in favor of that and encouraging that all  
18                  along. That will change the traffic study somewhat,  
19                  taking the Dock Road traffic out of the mix and having  
20                  that new access drive.

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

23                  The building height should be further  
24                  clarified. Building height is identified at 35 feet,  
25                  which would require fire access roads at 26 feet for

*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.

9

10

\_\_\_\_\_ *Stacie Sullivan*

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Stacie Sullivan, CSR  
Court Reporter

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

2 -----X  
In the Matter of

3 MITCHELL M & CO.

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

7 SKETCH - SUBDIVISION

8 Date: August 19, 2024  
9 Time: 8:45 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER  
18 GERARD COMATOS, ESQ., PLANNING  
BOARD ATTORNEY  
19 JEN FLYNN, PLANNING BOARD SECRETARY  
20

21 APPLICANT'S REPRESENTATIVE: CHRIS TERRIZZI  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
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.

11                  The project exceeds the number of lots  
12                  permitted on a private road. I believe the applicant  
13                  is going to request a variance from the Town Code. A  
14                  waiver of that section of the Code must be granted by  
15                  the Town Board. The Town Board does need to submit  
16                  that waiver and solicit comments from the Planning  
17                  Board. I gave you the Code sections there. It's not a  
18                  Zoning Code. It's a Town Code, so the Town Board would  
19                  be the one that could grant that waiver.

20                  A DOT highway access permit will be required.

21                  A Stormwater Pollution Prevention Plan will  
22                  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

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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



*MITCHELL M & CO. - SKETCH SUBDIVISION*

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

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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.)

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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?

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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.

24                 MR. HINES: The Town Highway Superintendent  
25                 is the arbiter. I think that's the intent of this

*MITCHELL M & CO. - SKETCH SUBDIVISION*

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



*MITCHELL M & CO. - SKETCH SUBDIVISION*

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 &amp; 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.

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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

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

5 MARLBOROUGH RESORT LATTINTOWN

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

11 SKETCH - SITE PLAN

12 Date: August 19, 2024  
 13 Time: 9:01 p.m.  
 14 Place: Town of Marlborough  
 15 Town Hall  
 16 21 Milton Turnpike  
 17 Milton, New York 12547

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

25 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER  
 26  
 27 GERARD COMATOS, ESQ., PLANNING  
 28 BOARD ATTORNEY  
 29  
 30 JEN FLYNN, PLANNING BOARD SECRETARY

31 APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA  
 32 DANIEL PATRICK, ESQ.

33 -----X  
 34 Stacie Sullivan, CSR  
 35 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       (handling).

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

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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.

11 There's, you know, a lot that goes -- a lot  
12 of consideration that goes into that when, you know,  
13 placing storage. You don't just put storage to put  
14 storage. There's a lot of factors that need to be  
15 looked into: How often will the water turn over, the  
16 pressure at the street, the pressure -- you know, what  
17 the benefits are. So we're -- you know, we provided  
18 two options, which, you know, one would provide a  
19 benefit to the water district, but we'd still provide  
20 our in-house system, and, two, you know, we'd provide a  
21 bigger system. So that's being evaluated, but we did,  
22 in the meantime, provide a very detailed water and  
23 sewer report as those two options are both open to  
24 being considered under SEQRA. We filled in as many of  
25 the other blanks as we can. So we've advanced the

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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



*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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.

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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.

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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.

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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

*MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN*

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

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25

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

2 -----X  
In the Matter of

3 MARLBORO PROPERTY MANAGEMENT

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

7 SKETCH - SUBDIVISION

8 Date: August 19, 2024  
9 Time: 9:36 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING  
BOARD ATTORNEY

19 JEN FLYNN, PLANNING BOARD SECRETARY  
20

21 APPLICANT'S REPRESENTATIVES: SAM DONG  
DAVID MEAD  
22  
23  
24

-----X  
25 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 systems 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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