

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

In the Matter of

- BOARD BUSINESS

- CONTINUING EDUCATION - MEMBER LANZETTA

BOARD BUSINESS

Date: September 16, 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: GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

-BOARD BUSINESS-

1 CHAIRMAN BRAND: I'd like to call the meeting
2 to order with the Pledge of Allegiance to the Flag of
3 our Country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, September 16, 2024, regular meeting at
7 7:00 p.m. On the agenda this evening we have the
8 approval of the minutes for the August 19th, 2024,
9 meeting.

10 For Public Hearings this evening, we have
11 Schreiber two-lot subdivision, a public hearing for
12 their subdivision at 45 Old Indian Road in Milton. We
13 also have a public hearing for Lynn David Properties, a
14 public hearing on their subdivision at 397-407 Willow
15 Tree in Milton. And the Wilklow two-lot subdivision, a
16 public hearing on their subdivision at 37-43 Baileys
17 Gap Road in Marlboro.

18 Under Ongoing Application Review, we have
19 Highland Solar for a sketch of their site plan at 206
20 Milton Turnpike. We have the Buttermilk Falls Resort
21 for a sketch of their site plan at 220 North Road in
22 Milton. We have Summit Drive Properties for a sketch
23 of their site plan at Summit Drive in Marlboro. We
24 have the Lattintown -- Marlborough Resort Lattintown, a
25 sketch of their site plan at 628 Lattintown Road in

-BOARD BUSINESS-

1 Marlboro. And we have the Willow Tree Resort Hotel for
2 a sketch of their site plan at 300-304 Willow Tree in
3 Milton.

4 Under the New Application Review, we have the
5 Mekeel Marlboro Mini Storage for a sketch of their site
6 plan at 1430 Route 9W in Marlboro, and Dane DeSantis
7 for a short-term rental for a sketch of a site plan at
8 224 Highland Avenue in Marlboro.

9 Under Special Topics and Discussions, we have
10 Regulating the Development of Warehousing.

11 The next deadline is Friday, September 27th,
12 2024. The next scheduled meeting, Monday, October 7th,
13 2024.

14 First up, I'd like to have a motion for the
15 approval of the minutes of the August 19th meeting.

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

17 MR. JENNISON: Second.

18 CHAIRMAN BRAND: Any discussion?

19 (No response.)

20 CHAIRMAN BRAND: Any objection?

21 (No response.)

22 Time noted: 7:02 p.m.

23 (Whereupon Planning Board meeting proceeded.)

24 CHAIRMAN BRAND: I was remiss in the
25 beginning. I didn't go over Announcements. I know

-BOARD BUSINESS-

1 Cindy attended some training. I didn't go over it at
2 the outset, but if you want to read that into the
3 minutes.

4 MS. LANZETTA: It's for one hour for the New
5 York Planning Federation on wetlands.

6

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

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9 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 SCHREIBER - TWO-LOT SUBDIVISION

4 Project No. 24-2011
5 45 Old Indian Road, Milton
6 Section 103.3; Block 1; Lot 40.200
-----X

7 PUBLIC HEARING - SUBDIVISION

8 Date: September 16, 2024
9 Time: 7:03 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: GERARD COMATOS, ESQ., PLANNING
18 BOARD ATTORNEY

19 JEN FLYNN, PLANNING BOARD SECRETARY

20 APPLICANT'S REPRESENTATIVES: JOHN NOSEK
21 MICHAEL SCHREIBER
22 DONALD SCHREIBER
23
24

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

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: First up on the agenda we
2 have a public hearing for the Schreiber two-lot
3 subdivision at 45 Old Indian Road.

4 Legal Notice, Subdivision Application.

5 Please take notice a public hearing will be held by the
6 Marlborough Planning Board pursuant to the State
7 Environmental Quality Review Act, or SEQRA, and the
8 Town of Marlborough Town Code Section 134-09, Section
9 C, on Monday, September 16, 2024, for the following
10 application, Subdivision of the lands of Schreiber, at
11 the Town Hall, 21 Milton Turnpike, Milton, New York, at
12 7:00 p.m. or as soon thereafter as may be heard. The
13 applicant is seeking approval of a two-lot subdivision
14 for lands located at 45 Old Indian Road in Milton,
15 Section 103.3, Block 1, Lot 40.200. Any interested
16 parties, either for or against this proposal, will have
17 an opportunity to be heard at this time. Chris Brand,
18 Chairman, Town of Marlborough Planning Board.

19 Do you have the mailings that you sent out?

20 MR. NOSEK: Yes.

21 CHAIRMAN BRAND: You gave them to the
22 secretary?

23 MS. FLYNN: Twenty.

24 CHAIRMAN BRAND: Perfect. Would you like to
25 just give us a brief overview of what it is that you

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 have planned?

2 MR. NOSEK: Sure.

3 CHAIRMAN BRAND: Could you just state your
4 name for the stenographer?

5 MR. NOSEK: John Nosek, Nosek Engineering.
6 I'm the engineer for the project representing
7 Mr. Schreiber.

8 This is a proposed two-lot subdivision on
9 5.8 acres of land, 45 Old Indian Road. Currently
10 Mr. Schreiber's house is at this location right here
11 (indicating). He has his loop-around driveway that's
12 there with his septic system. And what we're looking
13 do is cut off a new lot towards the rear of the parcel,
14 one new single-family home, which would have access off
15 of Old Indian Road. That lot would be serviced by a
16 septic system. We've done our soils testing and have
17 submitted to the Ulster County Health Department, and
18 we're waiting approval. Also, we would be connecting
19 to the existing water line in Old Indian Road, and a
20 new service line would come up and connect to the new
21 home. And that's pretty much what we're looking to do.

22 CHAIRMAN BRAND: Thank you. Comments or
23 questions from the Board first?

24 MS. LANZETTA: I was just wondering if -- is
25 there still agricultural land on the east side to that

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 lower portion of the lot that you want to prepare?

2 MR. SCHREIBER: Yes.

3 MS. LANZETTA: And the south side. So the
4 house -- I can't tell from here. Is that 75-foot
5 buffer on the east side?

6 MR. NOSEK: The east side is the left side
7 looking at the map?

8 MS. LANZETTA: On the right.

9 MR. NOSEK: Okay. I'm not exactly sure
10 whether it's the left or the right, but our proposed
11 dwelling is almost situated almost in the middle of the
12 lot. So there's, I would say, probably -- actually,
13 it's called out. A hundred feet to the property line
14 on the one end and probably at least 150 feet to the
15 property line on the other end.

16 MS. LANZETTA: Thank you.

17 CHAIRMAN BRAND: Any other comments or
18 questions from the Board?

19 (No response.)

20 CHAIRMAN BRAND: This is a public hearing.
21 Any interested parties who are here to speak in regards
22 to this project will have an opportunity to be heard at
23 this time. If you do have a question or comment,
24 please come to the podium, state your name clearly for
25 the stenographer, and you can be heard. Anyone? No.

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 All right. Our engineer is not here, but I
2 will read his comments.

3 MR. JENNISON: Move to close the public
4 hearing.

5 CHAIRMAN BRAND: Is there a second?

6 MR. TRONCILLITO: I'll second that.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Any objection?

10 (No response.)

11 CHAIRMAN BRAND: The engineer noted that the
12 Water Superintendent has recommended a one-inch water
13 line be installed to serve the project.

14 Did you have a copy of these?

15 MR. NOSEK: I do.

16 CHAIRMAN BRAND: Okay. The Ulster County
17 Health Department approval for the subsurface sanitary
18 sewer disposal system is required.

19 The plan has been revised to provide a
20 50-foot front yard setback for the flag lot based on
21 the first lot line most parallel to the street.

22 A note should be added to the plans requiring
23 stake out of the foundation as a portion of the
24 structure is at the front yard setback.

25 Reference to the former 37.91 foot front yard

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 setback can be removed from the plans.

2 A cross grading easement is required in order
3 to provide for construction of the driveway as
4 proposed. Cross grading easement will require approval
5 from the Planning Board attorney.

6 The front yard setback for Lot Number 2 in
7 the bulk table should be identified at 50 feet.

8 The Highway Superintendent's sign off on the
9 driveway location should be received.

10 The previous Planning Board member comments
11 included the Agricultural Data Statement to be
12 provided. It's noted that the Ag notes have been
13 placed on the plans.

14 You'll need -- emails for all the parties was
15 requested.

16 Item Number 28 on the checklist states show
17 all houses, accessory structures, wells, septic within
18 200 feet of the parcel.

19 The EAF should be revised for Number 9
20 regarding the Energy Code to state "Yes" that the
21 project will meet or exceed the Energy Code based on
22 the New York State Building Code.

23 Under Item Number 2 of the EAF, the Planning
24 Board member requested that the Highway Department
25 approval be added.

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 And the limits of disturbance have been
2 identified on the plans. The calculated disturbance
3 should be added. It's noted that the EAF identifies a
4 half acre of disturbance.

5 MR. NOSEK: So if I could respond to a few
6 them of them very quickly. Under the new plan showing
7 the grading, the limits of disturbance did go up a
8 little bit, to 0.7 acres. So we made that change to
9 the Environmental Assessment form, as well as checked
10 off the appropriate note regarding compliance with the
11 Energy Code. And we added in the environmental form
12 that the Highway Department approval is also required.
13 So I have that to hand that to the secretary. And also
14 included is the Agricultural Data Statement, which has
15 four parcels identified as agricultural lands within
16 500 feet. So that form has been filled out, and I have
17 it, so if I may hand it to the secretary.

18 CHAIRMAN BRAND: Please.

19 MS. FLYNN: Thank you.

20 MR. NOSEK: With regard to the remaining
21 comments, we have no objection. Two or three of them
22 are just general statements. But we are awaiting
23 Ulster County Health Department approval. We've done
24 our testing. We've done our witnessing. We're just
25 waiting on their approval. There are some notes and

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 some notation that needs to be corrected on the plan,
2 which we don't have a problem with. The front yard
3 setback has been corrected, so we're now 50 feet
4 minimum, but in the bulk table it still shows the old
5 dimensions, so we need to correct that. I did submit
6 electronically to the Highway Superintendent, and I
7 didn't hear, but we have no problem, whatever comments
8 he has.

9 And so, other than that, there's no comments
10 that we have any objection to. I don't know if the
11 Board feels inclined to give an approval subject to
12 these comments or what your feeling is, but we don't
13 have any objection to any of them.

14 CHAIRMAN BRAND: Gerry, do you have anything
15 else to add on this?

16 MR. COMATOS: No. I haven't seen the cross
17 grading easement.

18 MR. NOSEK: Okay. When we did the driveway,
19 the Town engineer asked to us do a grading plan, and
20 when we did the grading plan, the driveway comes in,
21 and on the portion where the property corner is, the
22 grading needs to extend a little bit into the
23 adjoiner's lot to be able to get back to grade because
24 of the cut in the hill going up. So we showed on the
25 plan a 25 foot by 25 foot grading easement, which would

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 allow that grading to be completed. It is possible to
2 put a retaining wall in, a small one, that would
3 eliminate that need, but we felt it was kind of an
4 unnecessary expense, and a grading easement would do
5 the trick.

6 MR. COMATOS: So that will be in a separate
7 document?

8 MR. NOSEK: Yes, separate document.

9 MR. COMATOS: Would you like to submit it to
10 me and I'll take a look at it?

11 MR. NOSEK: Yes.

12 CHAIRMAN BRAND: So with the caveat that the
13 Highway Superintendent's sign off is received and Gerry
14 has time to review that other document, I'd like to
15 have a motion to authorize the attorney for a
16 Resolution of Approval at the next meeting.

17 MR. JENNISON: So moved.

18 CHAIRMAN BRAND: Is there a second?

19 MR. TRONCILLITO: Second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 CHAIRMAN BRAND: All right. I believe you're
25 all set.

SCHREIBER TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 MR. NOSEK: The next meeting date is when,
2 just so I know?

3 MS. FLYNN: October 7th.

4 MR. NOSEK: Thank you.

5 CHAIRMAN BRAND: Thank you.

6 Time noted: 7:11 p.m.

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

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

In the Matter of

LYNN DAVID PROPERTIES

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

PUBLIC HEARING - SUBDIVISION

Date: September 16, 2024
Time: 7:12 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: CARMEN MESSINA
KEVIN HARDY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

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

4 Legal Notice, Subdivision Application.

5 Please take notice a public hearing will be held by the
6 Marlborough Planning Board pursuant to the State
7 Environmental Quality Review Act, or SEQRA, and the
8 Town of Marlborough Town Code Section 134-09(C) on
9 Monday, September 16th, 2024, for the following
10 application, Lynn David Properties, four-lot
11 subdivision with lot line change, at the Town Hall, 21
12 Milton Turnpike, Milton, New York, at 7:00 p.m. or as
13 soon thereafter as may be heard. The applicant is
14 seeking approval of an application for a four-lot
15 subdivision and lot line for lands located at 397-407
16 Willow Tree Road in Milton, Section 102.2, Block 5, Lot
17 Numbers 23 and 26. Any interested parties, either for
18 or against this proposal, will have an opportunity to
19 be heard at this time. Chris Brand, Chairman, Town of
20 Marlborough Planning Board.

21 Do you have the mailings, sir?

22 MR. HARDY: Yes.

23 CHAIRMAN BRAND: Can you give those to the
24 secretary, please.

25 MR. HARDY: Sure.

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 MS. FLYNN: Do you know how many went out?

2 MR. HARDY: Twenty-six went out and three
3 came back.

4 MS. FLYNN: Okay.

5 CHAIRMAN BRAND: We'll start off with
6 comments or questions from the Board. Any comments or
7 questions from the Board?

8 MR. GAROFALO: Yes. One of which was -- I
9 have two comments; one of which was to add the road
10 widths to the plans since that's an indicator of what
11 the front yard is. And I think it's important long
12 term that that be included in case there are ever any
13 changes. Also, to stake out and identify in metes and
14 bounds the highway by use in case that ever is an
15 object of dispute. I think both of those things should
16 be added to the plans. Thank you.

17 CHAIRMAN BRAND: Pat, would you like to run
18 through your comments?

19 MR. HINES: So our first comment just
20 identifies the Zoning Board of Appeals variances that
21 were granted. The front yard setback with three
22 structures off of Willow Tree. And I believe that the
23 ZBA determined that Willow Tree was the front yard.
24 Lot 1 with three existing structures and the front yard
25 setback on Lot A, which is also off of Willow Tree.

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 The Highway Superintendent has reviewed the
2 plans, and he has stated that he finds the project has
3 safe and suitable sight distance and is requesting a
4 15-inch culvert, 25 feet long at each driveway.

5 And, previously, the EAF was to be revised
6 regarding the Energy Code to check yes, as all new
7 structures are required to meet the Energy Code.

8 CHAIRMAN BRAND: Thank you. Is there anyone
9 from the public that would like an overview of this
10 project or plans to speak?

11 Sir, please state your name for the
12 stenographer.

13 MR. ROBINSON: Cory Robinson. I live at 107
14 Mulberry Lane.

15 I just felt there was some critical
16 information missing from the plans at this point. I'd
17 like topography and septic testing. How do you know
18 that you can make these lots if you don't know that you
19 have usable septic on the area?

20 MR. MESSINA: Want me to respond that?

21 CHAIRMAN BRAND: You may.

22 MR. MESSINA: Yes. We have the contours
23 down, but we didn't have them when -- we only received
24 them after we submitted our last submission, and we are
25 now -- we did some preliminary perc tests, and we are

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 in contact with the Board of Health for them to come
2 and look at the septic deep tests. So we will get
3 them, and if we don't, we won't get approval.

4 MR. ROBINSON: Okay. I just felt that was
5 something that should be included as part of the public
6 process before any action is taken by the Board.

7 Were the sight lines submitted to the Board's
8 consultants for review? I know -- I saw that the
9 Highway Super signed off on the driveways, but I was
10 wondering if those sight lines were ever prepared and
11 submitted for the consultant.

12 MR. MESSINA: They're listed on the plan, on
13 the lower left side.

14 MR. ROBINSON: I saw the table, but I didn't
15 see the profiles or how that was determined.

16 MR. MESSINA: The profiles for the driveway?

17 MR. ROBINSON: Yes.

18 MR. MESSINA: We didn't provide those.

19 MR. ROBINSON: For the sight lines that you
20 gave, there's no topography on the plan either, so I
21 was just curious how you came up with those sight
22 distances.

23 MR. MESSINA: We went out there, and we used
24 the standard measurements for the height of the driver
25 and the public traveling on the road, and determined

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 those numbers that we put into the sight plan chart.

2 MR. ROBINSON: Understood, but you typically
3 need to review the profile of the road to come up with
4 that, given how steep it is.

5 MR. MESSINA: Now we do have the contours.

6 MR. ROBINSON: Yeah. It wasn't on the plan.

7 MR. MESSINA: Right.

8 MR. ROBINSON: Those were my concerns, if you
9 had the topography and you know the septic that you're
10 showing can be usable. It's just really steep out
11 there. That's all. Thanks.

12 MR. MESSINA: Thank you.

13 CHAIRMAN BRAND: Thank you. Is there anyone
14 else who would like to comment or question?

15 (No response.)

16 MR. JENNISON: I move to close the public
17 hearing.

18 MR. LOFARO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 CHAIRMAN BRAND: So moved.

24 MR. GAROFALO: Mr. Chairman, there's one
25 other comment I'd like to make, and that is, I have

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 long been in favor of requiring applicants to provide
2 the sight line drawings. Vertical and horizontal
3 drawings for sight lines, I think those should be
4 required by the Board. Thank you.

5 CHAIRMAN BRAND: I believe as long as those
6 issues are addressed that we could make a motion to
7 authorize the attorney to draft a Resolution of
8 Approval for our next meeting.

9 MR. HINES: We do need the septic system
10 testing and approvals from the Health Department as
11 well as the sight lines.

12 CHAIRMAN BRAND: Sure, as soon as that's
13 received. Is there a motion?

14 MR. TRONCILLITO: I'll make it.

15 CHAIRMAN BRAND: Is there a second?

16 MR. LOFARO: I'll second.

17 CHAIRMAN BRAND: Any discussion?

18 (No response.)

19 CHAIRMAN BRAND: Any objection?

20 (No response.)

21 CHAIRMAN BRAND: As long as the septic
22 approval and everything, sight line distances, and
23 whatever else is required, then --

24 MR. MESSINA: So we need the Board of Health
25 approvals. And that's it; right?

LYNN DAVID PROPERTIES - PUBLIC HEARING SUBDIVISION

1 MR. HINES: I believe that Mr. Garofalo in
2 the one comment was looking for the sight lines to be
3 labeled at the driveways as well, the actual distances
4 shown. Is that correct?

5 CHAIRMAN BRAND: Yes.

6 MR. MESSINA: Is that the sense of the Board?

7 CHAIRMAN BRAND: I think it should be on
8 there as well. As long as you indicate it on the plans
9 somewhere, I think that's fine. Good. Thank you.

10 Time noted: 7:19 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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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 34-43 Baileys Gap Road, Marlboro
6 Section 95.4; Block 1; Lot 15
-----X

7 PUBLIC HEARING - SUBDIVISION

8 Date: September 16, 2024
9 Time: 7:19 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
Stacie Sullivan, CSR
25 staciesullivan@rocketmail.com

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have
2 Wilklow two-lot subdivision for a public hearing of
3 their subdivision at 37-43 Baileys Gap Road in
4 Marlboro.

5 Legal Notice, Subdivision Application.
6 Please take notice a public hearing will be held by the
7 Marlborough Planning Board pursuant to the State
8 Environmental Quality Review Act, or SEQRA, and the
9 Town of Marlborough Town Code Section 134-09(C) on
10 Monday, September 16, 2024, for the following
11 application, Frederick and Sharon Wilklow, at the Town
12 Hall, 21 Milton Turnpike, Milton, New York, at 7:00
13 p.m. or as soon thereafter as may be heard. The
14 applicant is seeking approval of a two-lot subdivision
15 application for lands located at 37-43 Baileys Gap in
16 Marlboro, New York, 12542, Section 95.4, Block 1, Lot
17 15. Any interested parties, either for or against this
18 proposal, will have an opportunity to be heard at this
19 time. Chris Brand, Chairman of the Town of Marlborough
20 Planning Board.

21 Pat, we'll go back to the regular routine and
22 start off with your comments first.

23 MR. HINES: Sure. So we had rather lengthy
24 discussions about the shared well issue. I just noted
25 that the Planning Board previously had this same issue

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 on the Faurie and Masterson two-lot subdivision back in
2 August of 2023. They had a shared well on that site as
3 well. You had a condition of approval, and I quoted
4 the condition of approval there. I just noted that
5 there was a lot of discussion at the last meeting, and
6 you have encountered this once before. And it had an
7 agreement that if separate ownership was to occur, a
8 new well must be installed to serve the lot that lost
9 its water capacity.

10 It's certainly up to the Board to review, but
11 I just wanted to remind the Board that back in August
12 of '23 you had a similar situation.

13 There was a question that the sign be
14 depicted on the plan.

15 The Zoning Board of Appeals previously
16 granted an agricultural buffer under Section 155-52C.

17 The EAF has been revised, noting that the
18 Town's former landfill and current transfer station is
19 located across the street from the site, not on this
20 property.

21 And a water line easement was previously
22 drafted regarding that shared well, and that should be
23 approved if the Board continue -- or is willing to
24 entertain the shared well issue.

25 MR. LOFARO: I have a question for you, Pat.

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 There is no easement on this property that says
2 anything about having to put the second well in. You
3 just referenced another property.

4 MR. HINES: I'm referencing the previous
5 approval the Board granted in 2023 had a similar
6 situation. It was kind of a family parcel that had a
7 lot across the street that was served by the well on
8 the opposite side of the street, and the Board required
9 an easement in that case and notes on the map that said
10 that should the ownership transfer out of the,
11 quote-unquote, family, that a new well had to be
12 installed. So that was how you addressed it
13 previously.

14 MS. LANZETTA: I remember that conversation,
15 and I went back and looked at the minutes and your
16 recommendations at that time that had to do with the
17 Faurie and Masterson project.

18 MR. HINES: Yes.

19 MS. LANZETTA: And it was noted at that time
20 that they were under a time constraint, so we were
21 trying to work quickly with the applicant. They were
22 going to put 350 acres in a conservation easement.
23 It's a family farm. They were doing a subdivision, but
24 between the fact that there was the time constraint,
25 and, also, that particular property was at the top of

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 one of the Marlboro Mountains. Trying to get well
2 digging equipment up there in a quick way might have
3 been difficult situation for them. I can't speak for
4 the rest of the Board, but at that time we entertained
5 that and were willing to do that, even though you had
6 told us at that time that the operation and maintenance
7 of a shared well on a separate parcel of property can
8 become very problematic should issues with the well
9 arise and/or access and maintenance of the well become
10 an issue.

11 Now, this particular subdivision does not
12 have that same sense of time constraints. They're in
13 an area where it seems like it's fairly easy to get a
14 well drilling operation in there and get a well done.
15 I think this is something that the Board has to really
16 take a look at as far as best practices, and if we're
17 going to be having subdivisions, we make sure that
18 septic permits are in place so that they have proper
19 waste water treatment. And I do think that we also
20 have to require that there be proper water provisions.
21 And this idea of continuing to allow shared wells
22 and -- that have easements that then we have to follow
23 to make sure that the people buying the new properties
24 understand that these wells are shared and that there
25 could be maintenance issues or that they have to have

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1 sunset transfers put into the legalese. It just -- I
2 think we're setting up untenable situations if we're
3 going to do that.

4 MR. HINES: We gave you a similar comment
5 back in June; that we recommended a new well be
6 installed in compliance with the federal regulations.
7 I just noted there was conversations at the last
8 meeting.

9 MS. LANZETTA: And, again, I know you pointed
10 out that particular -- the Masterson situation, but I
11 think that part of the issue was the time constraint on
12 that as well. So, you know, of course it's going to be
13 up to the Board whether or not they want to continue to
14 make allowances, but I would not be in favor of that.

15 CHAIRMAN BRAND: Gerry, how complicated of an
16 issue is this in your opinion?

17 MR. COMATOS: The worst-case scenario is
18 somebody might buy the lot and not realize it has no
19 access to the existing well and, therefore, would have
20 to drill a new well. So I think it's -- the worst-case
21 scenario is that of an unwitting purchaser, who would
22 be on notice by virtue of the filing of the map that
23 created the lot that he or she is buying which shows
24 the shared well and refers to the well sharing
25 agreement and an easement, but that could happen.

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1 CHAIRMAN BRAND: Is that something that you
2 could add to the -- like a note on the deed or the maps
3 that would indicate to the new buyer this is something
4 that they need to be on the lookout for?

5 MR. COMATOS: An appropriate notation can be
6 made on the map. And, in addition to that, a
7 declaration of easement could be recorded, and any
8 purchaser would be on notice of those conditions.

9 MS. LANZETTA: What about if there was any
10 potential contamination and you had to do some kind of
11 a remediation; who would be responsible for that?
12 Would both parties have to contribute to that, or how
13 does that work?

14 MR. COMATOS: The agreement could provide
15 that if there are maintenance issues, the costs have to
16 be shared by both parties.

17 MR. GAROFALO: Wouldn't the worst scenario be
18 that they found out, once they purchased the property
19 and had to create a new well, that they couldn't for
20 some reason? And setting this as a precedent in other
21 cases, there may be much more likelihood of this event
22 happening, that they would drill and not be able to get
23 water. And I think that is probably the worst case
24 scenario.

25 MR. COMATOS: That's an even worse case than

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 the one I posed. Not only because they have to drill a
2 well, but they find out after acquiring the property
3 it's cutting off their rights to use the former shared
4 well, and they cannot physically drill an effective
5 well that produces sufficient quality or quantity of
6 potable water. So your worst-case scenario is worse
7 than mine.

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

10 MR. GAROFALO: I just have one comment,
11 question. On the EAF, on Item Number 13, it's noted
12 that there are no regulated wetlands on or adjacent to
13 the parcel. Is it also true that there are no water
14 bodies that are adjacent to this parcel?

15 MS. BROOKS: That are regulated, none.

16 MR. GAROFALO: So there are none.

17 MR. HINES: There is a pond.

18 MS. BROOKS: That are regulated he asked.

19 CHAIRMAN BRAND: There's a stream across the
20 street.

21 MS. BROOKS: A stream, yes, which we did
22 discuss at the June meeting, I believe.

23 MR. GAROFALO: Thank you.

24 CHAIRMAN BRAND: This is a public hearing.
25 If anyone from the public hearing would like more

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 information or have a comment or question, just come up
2 to the podium, state your name for the stenographer
3 clearly, and you'll be heard at this time.

4 (No response.)

5 MR. JENNISON: I move to close the public
6 hearing.

7 MR. TRONCILLITO: I second.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: The public hearing is
13 closed.

14 So I think really what this is coming down to
15 is the idea of the well; correct?

16 MS. BROOKS: Yes. There's actually two
17 issues. One was with regard to the sign. The sign is
18 actually shown on the map. The question was, what is
19 the sign? So it is -- I brought a photo of it that you
20 can pass along. It is the sign for Bad Seed. It is --
21 again, that is a user highway, user Town highway. We
22 typically show a computed highway bounds of 25 feet off
23 the center line for the remaining lands. The sign is
24 17 feet off the highway. As you can see in the
25 photograph, it is not obstructing sight distance, and

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1 it is well off what actually is used by the Highway
2 Superintendent at this point in time. So my question
3 with regard to that is: Do I need a letter from the
4 Highway Superintendent saying the sign can remain? You
5 know, what is the remedy for that particular situation?
6 It's a user highway. It's not a dedicated highway.
7 But we, again, show a computed highway bounds of
8 25 feet off the center line, where the sign is 17 feet
9 off.

10 CHAIRMAN BRAND: I don't think a letter is
11 required. I think they just wanted you to indicate
12 that it was there.

13 MS. BROOKS: Okay. So, then, with regard to
14 the well easement, the easement document was supplied
15 to the Planning Board attorney for review. It was
16 revised to state that it would only be in place for as
17 long as Lot Number 1 was owned by the son and Lot
18 Number 2 was owned by the daughter. This is an estate
19 planning situation. With regard to the potential of
20 not --

21 CHAIRMAN BRAND: I'm just going to interrupt.
22 Not even to their children?

23 MS. BROOKS: Correct. And I believe that
24 Gerry has a copy of that easement. He has reviewed it
25 with regard to that restriction.

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1 CHAIRMAN BRAND: Gerry, I guess what I need
2 to know is, are you comfortable with the easement
3 standing as it is?

4 MR. COMATOS: Not as it is. I understand the
5 fact that it's not a permanent easement. It's not
6 going to run with the land forever. It's personal to
7 the two particular children, and when either one of
8 them no longer owns either lot, the right to the shared
9 well terminates. That leaves the question of what
10 happens then? Somebody is going to have to dig a well.

11 MS. BROOKS: I thought that the -- I thought
12 it said in there that they needed to drill a well.
13 Again, we had submitted this well over a month ago, and
14 I thought that it was accepted last month as being an
15 acceptable form. So we're happy to entertain whatever
16 revisions. I thought we had resolved that last month.
17 We had not received any comments.

18 MS. LANZETTA: The other thing is, is the
19 Board ready to make this a regular occurrence when we
20 have people that are of -- should they come before us
21 and want to continue this practice? Personally, I
22 don't think this is best practice.

23 MS. BROOKS: And I don't necessarily think
24 that the applicant is asking the Board to consider it
25 for every application. I think each individual that

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 comes before this Board needs to be taken on its own
2 merits. Every application needs to be looked at
3 independently and individually. So I certainly
4 understand what you're saying, and I would not
5 prescribe that that happen on a regular basis if this
6 lot were being sold to a third party. But this is
7 estate planning for the Wilklow family, and at this
8 point in time, they're asking for that consideration,
9 only as long as the son and daughter own the property.
10 It's very restrictive.

11 MS. LANZETTA: Well, it's already been
12 brought to our attention that we've done it before. So
13 if we do it again, then we'll have two instances that
14 will be brought to our attention, and it begins to look
15 like it's regular practice here.

16 MS. BROOKS: Well, I think these are very
17 specific individual circumstances for these two
18 situations.

19 CHAIRMAN BRAND: I do tend to agree with
20 Cindy; that this certainly should not become a standard
21 practice, but I think this is a very isolated case
22 within the family. So that being said, Pat, I think
23 that's really the only outstanding issue, right, is the
24 legal documentation regarding the well and what should
25 happen if there is none; correct?

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 MR. HINES: Yeah, whether the Board is going
2 to entertain it, and then if the legal documentation is
3 acceptable to the attorney, that will follow suit if
4 you do.

5 MR. GAROFALO: What's the distance between
6 the well and the property line?

7 MS. BROOKS: At the closest location, it's
8 about 43 feet.

9 MR. GAROFALO: What would be the normal area
10 of draw for a well like that? Do you have any idea?

11 MS. BROOKS: I'm --

12 MR. HINES: You don't know until you drill
13 it.

14 CHAIRMAN BRAND: Do you know how deep it is?

15 MS. BROOKS: No, I don't. But, again, you
16 could drill two wells 20 feet apart from one another,
17 and one of them can go down 120 feet and the other one
18 can go down 400 feet and get no water. Right. It's a
19 matter of hitting a vein. So to be able to say what
20 happens if they drill down and they don't get any
21 water, they get a divining rod, they move over 25 feet,
22 and they drill another well. I don't know anywhere in
23 this area I have ever heard of in the 45 years that
24 I've been doing this that somebody couldn't get a well
25 approved by the Board of Health.

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: I guess, with that being
2 said, I would like to make a motion to have the
3 attorney -- authorize the attorney to prepare a
4 Resolution of Approval for not necessarily the next
5 meeting, but for whatever meeting follows you being
6 pleased with the agreement, the easement for the well.

7 MR. COMATOS: I'd just like to clarify
8 whether the agreement should specifically say that when
9 the rights come to an end, that a new well has to be
10 drilled by someone?

11 MS. BROOKS: And it definitely -- the intent
12 of the applicant -- and if it is not specified, we'll
13 make sure that it gets added -- is that Lot Number 1
14 would be responsible for drilling their own well upon
15 transfer of the lot.

16 MR. COMATOS: Prior to the transfer of the
17 lot?

18 MS. BROOKS: Prior to the transfer of the
19 lot. However you would like it worded, we're fine with
20 that. Again, we're adding a reference to the water
21 line easement on the filed subdivision map, and I
22 prepared the metes and bounds descriptions for the
23 conveyances. It will be recited in the deed as well.

24 MS. LANZETTA: I think you also have to put
25 in there any kind of maintenance or possible, you know,

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 contaminated --

2 MS. BROOKS: I believe that's in there.

3 MR. COMATOS: I think I have some comments.

4 MS. BROOKS: Absolutely. I welcome them.

5 MR. COMATOS: I think that we can straighten
6 out the terms of the easement by the time of the next
7 meeting.

8 CHAIRMAN BRAND: For October 7th?

9 MR. COMATOS: Sure.

10 CHAIRMAN BRAND: So that being said, I make a
11 motion to authorize the attorney. Do I have a second?

12 MR. JENNISON: Second.

13 CHAIRMAN BRAND: Any discussion?

14 (No response.)

15 CHAIRMAN BRAND: Any objection?

16 (No response.)

17 CHAIRMAN BRAND: All right. We should have
18 it for the next meeting. Please make sure it's
19 comprehensive.

20 MR. COMATOS: Right.

21 MS. BROOKS: And is the attorney allowed to
22 reach out to me directly to correspond with regard to
23 the --

24 CHAIRMAN BRAND: Absolutely.

25 MS. BROOKS: Okay. Great. Thank you very

WILKLOW TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 much.

2 Time noted: 7:38 p.m.

3

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

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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 HIGHLAND SOLAR

6 Project No. 24-2010
 7 206 Milton Turnpike, Milton
 8 Section 95.4; Block 3; Lots 7.21, 7.11, 7.22
 9 -----X

10 SKETCH - SITE PLAN

11 Date: September 16, 2024
 12 Time: 7:38 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 REPRESENTATIVE: NICK CUNHA

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

HIGHLAND SOLAR - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda this
2 evening, under Ongoing Application Review, we have
3 Highland Solar for a sketch of their site plan at 206
4 Milton Turnpike in Milton.

5 Pat, would you start us off with your
6 comments?

7 MR. HINES: Sure. In response to discussions
8 at the 5 August meeting, the lithium ion battery
9 storage component has been removed from the project.

10 CHAIRMAN BRAND: That's true?

11 MR. CUNHA: Yes.

12 CHAIRMAN BRAND: So there's going to be no
13 storage facilities. The last time, that was a big
14 question. No storage?

15 MR. CUNHA: That has been removed.

16 CHAIRMAN BRAND: Sorry, Pat. Keep going.

17 MR. HINES: The Town Code requires the
18 decommissioning cost estimate and Town Board approval
19 of the cost estimate will be required prior to final
20 approval. They did submit the decommissioning plan and
21 cost estimates that are under review.

22 Jurisdictional emergency services comments
23 should be received.

24 The Planning Board attorney's comments
25 regarding the need for easements across multiple lots.

HIGHLAND SOLAR - SKETCH SITE PLAN

1 This parcel has multiple lots. So there's multiple
2 parcels involved here and the access to the solar
3 arrays involves multiple parcels.

4 MR. COMATOS: Is this property leased?

5 MR. CUNHA: This is going to be a leased
6 property, yes. That was an outstanding question for
7 us. It seems that it might be a courtesy subdivision
8 or an actual subdivision, but there's one tax ID, and
9 then subparcels, and we were curious if the setbacks
10 applied to just the larger parcel or the smaller one,
11 and then this was brought up too, if any easements are
12 required. But if it's all under common ownership, what
13 setbacks, if any, would need to be adhered to?

14 MR. COMATOS: That's a difficult question.
15 The first question, are easements required? Because
16 they're multiple parcels, but there's one owner of all
17 the parcels. And the space is going to be leased. So
18 I don't see any need for easements. The lease would
19 cover it.

20 MR. CUNHA: Typically, we'll have an access
21 easement that will just connect everything with the
22 landowner. That's in our lease agreement. So that
23 should cover that.

24 MR. COMATOS: It seems to me that all can be
25 covered by the lease.

HIGHLAND SOLAR - SKETCH SITE PLAN

1 MR. CUNHA: Okay.

2 MR. HINES: So our next one is that the width
3 of access drives should be dimensioned so the emergency
4 services can evaluate access.

5 Visual simulation of the poles at Milton
6 Turnpike should be provided in the future. There are
7 six poles I believe proposed right at the access drive.

8 CHAIRMAN BRAND: Do you have those
9 simulations?

10 MR. CUNHA: So that is a comment I had. I'm
11 happy to do visual simulations. We submitted -- my
12 understanding is visuals was a concern brought up at
13 the last meeting. We submitted two pieces of
14 information on that topic. One was the glare study
15 that kind of clears the concern for glare. Feel free
16 to read at leisure, but, basically, there shouldn't be
17 a glare from the system based on that study. There's
18 also antiglare coating on the panels, so that should
19 settle that. From a visualization standpoint, in the
20 comments it was brought up we should do a visual
21 simulation from the pole farm. We did also a line of
22 sight proposal analysis that was submitted. And there
23 are a few different sensitive regions; I think 9, 10,
24 and 11 on the map submitted, which is basically right
25 in front of the property and then behind the property

HIGHLAND SOLAR - SKETCH SITE PLAN

1 on Mahoney Road. I don't know if those are sufficient
2 to the Board; if the Board wanted additional
3 simulations in addition to what Pat brought up in
4 Question 6 -- or Comment 6, but that was a comment that
5 I wanted to address as well.

6 CHAIRMAN BRAND: Keep going, Pat. Sorry.

7 MR. HINES: We're recommending the Board
8 declare its intent for lead agency for the project.
9 There are other involved agencies that access is on a
10 County roadway. County Planning will be there. It is
11 a Type I action under SEQRA, has greater than 2.5 acres
12 in an Ag district are disturbed, as well as greater
13 than ten acres. So a coordinated review is required.

14 A Stormwater Pollution Prevention Plan has
15 been submitted and is under review.

16 We have comments on the EAF. Page 2 of 13,
17 put in the actual or projected application dates.

18 Government approvals, small letter i. The
19 project is located in a community with a local
20 waterfront revitalization program. That box is checked
21 no. It should be checked yes.

22 C-1 states that administrative approval only
23 is required. That's checked yes. That's not the case.
24 The project requires multiple approvals and it's a site
25 plan special use.

HIGHLAND SOLAR - SKETCH SITE PLAN

1 C-2A, the municipality does have an adopted
2 comprehensive land use plan.

3 B-3 identifies the project as the Marlborough
4 Fire Department. I believe it's in the Milton Fire
5 District. I know Mr. Troncillito can confirm that.

6 And just Section D-2E, I couldn't read the
7 acreage.

8 But I would suggest that the EAF could be
9 updated with those changes, and then if the Board
10 desires, we can do a notice of intent for lead agency,
11 and we can circulate that.

12 CHAIRMAN BRAND: That being said, I'd like to
13 have a motion to have the Planning Board declare its
14 intent to act as lead agency for review.

15 MR. TRONCILLITO: So moved.

16 CHAIRMAN BRAND: Do we have a second?

17 MR. GAROFALO: I'll second.

18 CHAIRMAN BRAND: Any discussion?

19 (No response.)

20 CHAIRMAN BRAND: Any objection?

21 (No response.)

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

24 MR. CALLO: I noticed you made a dry basin on
25 the top for the solar. Thank you very much. Is there

HIGHLAND SOLAR - SKETCH SITE PLAN

1 one going to be made for the bottom right portion of
2 that, too, for the extra runoff?

3 MR. CUNHA: On the southeast?

4 MR. CALLO: It looks like there's a stream
5 there that cuts right in the middle. So I see the dry
6 basin up, top right for the top portion of the solar.
7 Is there going to be one for the bottom portion of the
8 solar as well?

9 MR. CUNHA: We did not intend on that. It
10 slopes from -- correct me if I'm wrong. Everything
11 kind of slopes towards the stream except for that
12 northern portion that slopes down eastward, and that's
13 where the basin is put in there. We have level
14 spreaders as well. So I don't think a stormwater basin
15 was proposed at that time. There is a wetland I think
16 right kind of in the middle of the site, south of the
17 river, and so that's a natural drainage area as well.

18 MR. CALLO: Okay. Thank you.

19 CHAIRMAN BRAND: Mr. Garofalo.

20 MR. GAROFALO: I have a few comments. One of
21 which is the Planning Board has not determined that
22 lithium batteries are not going to be approved
23 anywhere. Obviously, there was some discussion about
24 concerns, and if you read the latest minutes after they
25 get posted, you'll see some other discussions about

HIGHLAND SOLAR - SKETCH SITE PLAN

1 lithium batteries and concern about fires and et
2 cetera, but as far as I know, the Board has not set
3 down that they do not want lithium batteries anywhere
4 for these type of facilities, but we can certainly
5 appreciate your removing those from the application.

6 There are a few other items. One is you may
7 want to post the area no hunting so you don't have any
8 hunters taking pot shots at your batteries.

9 On the checklist, Item Number 39, you
10 actually have in your EAF on page 7-13 the hours of
11 operation. So that's actually a yes there.

12 On the EAF, page 4-13, D-1G, you're actually
13 doing some nonresidential construction, so that should
14 be a yes. Excuse me if I have to do some pausing
15 because I did not get the engineer comments, and I'm
16 trying to not reiterate those again.

17 In some of your documentation you talk about
18 the application of herbicides, and since this is a
19 formerly organic farm area, I am somewhat concerned to
20 make sure that the owner knows that you are -- have in
21 two areas identified that you might be using
22 herbicides. And I think they need to be -- you need to
23 talk to the owners, because I don't think they want to
24 find out after 20 years if you're using herbicides that
25 that's going to cause some problems if they want to

HIGHLAND SOLAR - SKETCH SITE PLAN

1 reintroduce this as an organic farm. I don't know
2 enough about herbicides and organic farming to be able
3 to say there are ones that you can or cannot use, but I
4 think there needs to be some clear discussion with the
5 owner regarding the use of herbicides and which ones
6 you might use or could use. And I think that
7 conversation needs to be held.

8 On Item E-2D, there's no average depth of the
9 water table cited.

10 In your discussion, there has been noted that
11 there are some turtles, not bog turtles, on the site,
12 and identifying where those might be might be a good
13 thing to have.

14 On the glare study, those are some very nice
15 diagrams, but I think those would have been much better
16 off if you had done those in a larger format, 11-by-17,
17 because they're very difficult to read. But I think
18 they point out some good things.

19 And on page 56 of that design report, figure
20 1, there are some red dots in the red area, and I'm not
21 sure exactly what those are supposed to indicate, and
22 if you could provide some indication what those mean
23 exactly.

24 There are some questions in my mind when you
25 talk about the discrete receptors and the height above

HIGHLAND SOLAR - SKETCH SITE PLAN

1 the ground, I'm not sure why you're using five and a
2 half and 15 feet. Maybe some additional explanation
3 could be used as to why those are used as receptors.

4 On your cost of decommissioning, is there a
5 specific cost for the actual monitoring of the site? I
6 don't think that's included in your tasks. And that's
7 later discussed on page 6. It's indicated.

8 And those are my comments. Thank you.

9 CHAIRMAN BRAND: Thank you, Mr. Garofalo.

10 MS. LANZETTA: Hi. I have a couple of
11 comments. The glare, you know, when I come down 84 and
12 right above the Taconic -- I'm not sure what those
13 hills are. I don't know if they're part of the
14 Taconics or the Hudson Highlands, but you can see the
15 Milton dome very well from that spot. And cars on 84
16 there, coming down, can definitely see that area. I'm
17 not sure if there would be any glare to the traffic
18 coming down 84 there, so you might want to take a look
19 at that, because that could impact a lot, a lot of
20 cars, a lot of people driving.

21 MR. HINES: On the Stormville Mountain, is
22 that where you're saying, going down the Stormville
23 Mountain?

24 MS. LANZETTA: Isn't Stormville the one by
25 Fishkill?

HIGHLAND SOLAR - SKETCH SITE PLAN

1 MR. HINES: It's a little east of there.

2 MS. LANZETTA: This is even beyond there,
3 beyond the Taconics. When you're coming down that big
4 hill by the Taconics.

5 MR. GAROFALO: Is that where the pullover is?

6 MR. HINES: I think that's the Stormville
7 Mountain with the rest area.

8 MS. LANZETTA: Yeah. So both of those spots,
9 the Milton Sports Dome is very visible, but especially,
10 I think even more so, the one that's higher up, more
11 past the Taconic there.

12 MR. HINES: Further east?

13 MS. LANZETTA: Yeah. So, I mean, those are
14 both places that there might be some glare that needs
15 to be examined.

16 And then the other thing I wanted to ask you
17 about the landscape plans, things that are going to be
18 done. And I see you're doing a phased construction.
19 Are you planning on doing the landscaping for each
20 phase as each phase is completed, or are you waiting to
21 do the entire project and then do the landscaping?

22 MR. CUNHA: Let me clarify that. I believe
23 the landscaping comes in after the phasing in
24 construction. If there's a specification that you want
25 in there, we're happy to comply with that. I have to

HIGHLAND SOLAR - SKETCH SITE PLAN

1 double-check the construction schedule to see what
2 comes first, but from a phasing standpoint, it's five
3 acres at a time. They do the site prep, the
4 construction work before they put any panels in.
5 That's mostly for erosion and sediment control. So
6 that's what the phasing is for. Then vegetation I can
7 confirm, whether or not that comes before or after.

8 MR. HINES: So you're going to build the
9 whole project at once? The phasing plan that you were
10 reviewing is for the Stormwater Pollution Prevention.
11 You can't exceed more than five acres as you're
12 developing the site.

13 MS. LANZETTA: Okay. So all landscaping will
14 be done after the entire project -- all the solar
15 panels are set?

16 MR. CUNHA: I believe so. I can confirm
17 that. If the Board has a preference either way, I'm
18 happy to make sure we can comply with that.

19 MS. LANZETTA: No. I was just curious.

20 MR. CUNHA: I believe it comes at the end.
21 And they're eight-foot planting heights that we're
22 proposing on the southern portion, which is most
23 proximate to the Milton Turnpike, and then six-foot
24 plantings the rest of the way.

25 MS. LANZETTA: Thank you.

HIGHLAND SOLAR - SKETCH SITE PLAN

1 MR. GAROFALO: Can you please identify the
2 native species within the plantings that you're going
3 to be doing, because the Planning Board prefers to see
4 some native species. And we're not talking to
5 Marlboro. We're talking the United States, continental
6 United States. Thank you.

7 CHAIRMAN BRAND: Any other comments or
8 questions?

9 (No response.)

10 CHAIRMAN BRAND: All right. I think that's
11 all for you. We'll see you at the next meeting.

12 MR. CUNHA: How do I ask any of the questions
13 we have? Do we have to submit those questions to the
14 Board, or can I ask them now?

15 CHAIRMAN BRAND: I'm sorry?

16 MR. CUNHA: If I have questions based on
17 these comments (indicating) and any of the ones
18 presented here, do I submit written questions?

19 CHAIRMAN BRAND: You can submit them to my
20 secretary, Jen, and she will --

21 MR. HINES: Is it something you want to
22 discuss now?

23 MR. CUNHA: Yes.

24 CHAIRMAN BRAND: Yeah, go ahead.

25 MR. CUNHA: Regarding visual simulations, did

HIGHLAND SOLAR - SKETCH SITE PLAN

1 the Board have any preferences outside of the one you
2 just noted? I can double-check the map, but the panels
3 are facing south. So if the direction you're speaking
4 of goes from north to south, then glare wouldn't be an
5 issue. But I can check a map.

6 MS. LANZETTA: Well, you would be coming from
7 the east heading west. So it would be bouncing -- you
8 know, whatever would bounce -- from the west going down
9 more. Well --

10 MR. HINES: They should be oriented
11 90 degrees to that.

12 CHAIRMAN BRAND: It's facing south.

13 MR. CALLO: Do the panels move to the sun?

14 MR. CUNHA: No, these are not trackers.
15 They're fixed tilt. But from a visual simulation
16 standpoint and/or line of sight, did the Board think
17 that any other receptors were required to show, other
18 than 9, 10, 11, and 12, which is basically three in the
19 front of the site and one in the rear of the site? I'm
20 happy to show more lines of sight. If you drive by,
21 it's right across the intersection here, it's a pretty
22 well hidden site. It's right next to the dome and
23 Nexamp project to the east. They're pretty well hidden
24 back there, especially with leaf-on conditions. So if
25 the Board wants to see any others, happy to do so.

HIGHLAND SOLAR - SKETCH SITE PLAN

1 Leaf conditions are quickly dwindling, so the time to
2 do those simulations is kind of upon us, so I want to
3 make sure that I get that in with the vendor
4 beforehand.

5 MS. LANZETTA: If you have an opportunity to
6 look at the work that was done by Nexamp, you're less
7 likely -- I know they were kind of directed by Scenic
8 Hudson as to where they thought they should be showing
9 the visualizations from. So that might give you the
10 best idea of what people in the Hudson Valley region
11 would be looking for.

12 MR. CUNHA: Okay. Great. And then the next
13 question I had was regarding kind of the multiple
14 sublots in this parcel. So does the Board see any
15 issue with the way these panels are laid out in regards
16 to the Zoning Code? Because it's common ownership of
17 these subparcels. Do we have to then put setbacks on
18 each one of these subparcels or is a setback around the
19 larger parent parcel sufficient?

20 CHAIRMAN BRAND: I'll defer to you, Pat.

21 MR. HINES: Are they separate tax lots or
22 just separate deeds?

23 MR. CUNHA: I think they're separate tax
24 lots. It's like .1, .2, .3, all under the parent.

25 MR. HINES: I'm going to have to give that

HIGHLAND SOLAR - SKETCH SITE PLAN

1 one some thought. Can they be consolidated?

2 MR. CUNHA: I'm not sure the owner wants to
3 do that because he's going to keep farming on the
4 western portion.

5 CHAIRMAN BRAND: Can he subdivide that piece
6 off where this work is?

7 MR. CUNHA: I'm sure he could. I'm not sure
8 if he would be willing to do that. I haven't discussed
9 that with him.

10 MR. HINES: Why don't you speak to the owner
11 and see if he's amenable to a consolidation which
12 eliminates that whole issue?

13 MR. CUNHA: I'm happy to do so. Then --
14 that's it, I think. That answers all my questions.

15 CHAIRMAN BRAND: If you have any other
16 additional questions, just feel free to email the
17 secretary. Thank you.

18 MR. CUNHA: Thank you.

19 Time noted: 8:00 p.m.

20

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

22

23 Certified to be a true and accurate transcript.

24

25

Stacie Sullivan

Stacie Sullivan, CSR
Court Reporter

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

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

5 BUTTERMILK FALLS RESORT HOTEL

6 Project No. 23-2019
 7 220 North Road, Milton
 8 Section 103.1; Block 2; Lots 12.200, 13,
 9 11.200, 10, 11.100, 75, 71, 72
 10 -----X

11 SKETCH - SITE PLAN

12 Date: September 16, 2024
 13 Time: 8:01 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

GERARD COMATOS, ESQ., PLANNING
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: MICHAEL MORIELLO, ESQ.
 SOLOMON LATHAM
 ROBERT POLLOCK

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

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

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

4 Pat, would you like to start us off with your
5 comments, please.

6 MR. HINES: Sure. For Buttermilk Falls
7 Resort, we are -- the Ulster County Health Department
8 and DEC approval for the septic systems are still out
9 there.

10 My office is completing the final review of
11 the Stormwater Pollution Prevention Plan that has been
12 submitted.

13 The status of the Parks and Rec archeology
14 issue?

15 MR. MORIELLO: I can give a report on that.
16 Joe Diamond has been working with Parks and Recreation
17 on the restrictive covenant. The one restrictive
18 covenant that we submitted to your Board is identical
19 to what we're submitting to them, except that I put in
20 another paragraph calling for reversion. I think what
21 they're asking us to do is unconstitutional. I think I
22 said that at the last meeting. And if the law changes
23 or if their regulation changes as a result of a
24 lawsuit, I put a reversionary interest in that document
25 so the restriction won't apply anymore. I don't know

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 that they'll agree to it or not. So I was going to
2 send it up there to them, and we'll see what they say.

3 MR. HINES: The next comment we have is
4 regarding the water system. Looking for comments from
5 the Water Department should they have any. And the
6 Health Department approval will be required for that
7 extension of the water mains within the site, as there
8 are hydrants on it as well.

9 Status of the Highway Superintendent's
10 comments regarding the access points. Looking for a
11 sign off from the Highway Superintendent. I don't
12 believe we have that yet.

13 Status of the traffic review from the Town's
14 traffic consultant. I haven't seen anything recently
15 from Creighton Manning Engineers. I don't know what
16 the status of their review is or whether anything was
17 submitted.

18 MR. LATHAM: I requested it. I spoke to them
19 directly, and I haven't heard back.

20 MR. HINES: Okay.

21 MS. LANZETTA: Pat, didn't you say you were
22 going to contact them also?

23 MR. HINES: If I did, I did not do that. I
24 will.

25 MR. LATHAM: They did have a lot of changes

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 in their staffing, so that might have slowed things
2 down.

3 MR. HINES: The applicant submitted a
4 complete architectural rendering packet, both with
5 river views and distant sight views. I just want to
6 make sure the Planning Board has reviewed those and
7 found those acceptable. Everything is really earth
8 tone colors, browns. It's quite an extensive visual
9 simulation that you received.

10 The public hearing comments were minimal
11 regarding the access. That's where we're at.

12 CHAIRMAN BRAND: Comments or questions from
13 the Board?

14 MR. TRONCILLITO: Mr. Pollock, were you going
15 to do this in one phase, or is it multiple phases that
16 you propose?

17 MR. POLLOCK: We're going to have two phases.

18 MR. LATHAM: Three phases.

19 MR. POLLOCK: Three.

20 MR. TRONCILLITO: Three phases.

21 MR. POLLOCK: Cabins. The main building.
22 And what's the third phase?

23 MR. LATHAM: It's not all going to be done at
24 one time, so there's going to be the cabins and the
25 parking that goes with the cabins, the hotel and the

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 parking that goes with the hotel, and then the banquet
2 hall and the parking that goes with the banquet hall.

3 CHAIRMAN BRAND: Any additional comments or
4 questions from the Board?

5 MR. GAROFALO: I have three comments. One is
6 I'm still waiting to see a wayfinding plan. I'm very
7 concerned particularly, not with people getting lost,
8 but with emergency services not being able to find
9 places within the site.

10 There is the issue of the garage and their
11 curb cut. Code 155-31G(8)(a) calls for maximum safety
12 and 130-12C(2) talks about a maximum of 30 feet. I
13 don't think there would be any problem making one --
14 you can certainly make one, maybe even two, and still
15 find parking spaces elsewhere on the site, which would
16 compensate for any losses that might occur there. You
17 will, of course, be going to the Highway Superintendent
18 and talking to him. I can see that he probably should
19 waive the minus two grade that should occur, because
20 that's really more of a drainage issue, whereas the
21 size of the curb cut is really a safety issue. And I
22 would not want to be on the receiving end of a lawsuit
23 if there were ever an accident there with that large
24 curb cut. I understand that there would be minimum
25 use. You've talked about that. But this is something

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 that -- it's recognized that large curb cuts like that
2 are not a safe --

3 MR. LATHAM: You are referring to the parking
4 garage that is at the western end?

5 MR. GAROFALO: Yeah.

6 MR. LATHAM: That is an existing parking
7 garage. It's existing. It already exists. It's
8 there.

9 MR. GAROFALO: Yes. I know that. But we're
10 asking for many existing locations where there are
11 changes, particularly along Route 9W, that these curb
12 cuts be narrowed down. And this is something that is
13 part of the Code, and I would encourage you to do that,
14 and certainly ask for a waiver on the minus two grade,
15 because I don't think that makes any sense since it is
16 existing. That would not make any sense to have you do
17 that.

18 The other issue is the gatehouse, which is a
19 structure in the front yard. Maybe you can design it
20 in such a way that it would not be considered a
21 structure in the front yard, but I leave that up to
22 you, to either come up with a plan or look for some
23 kind of waiver. And I'm not sure if that waiver is
24 something that we can provide or the ZBA or who would
25 provide a waiver on something like a gatehouse in a

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 front yard. But, in any case, that's, I think, an
2 issue. Either redesign or have to look for some
3 waiver.

4 Those are my comments. Thank you.

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

7 (No response.)

8 CHAIRMAN BRAND: Pat, could you just check
9 into the gatehouse and the front yard?

10 MR. HINES: Yes.

11 CHAIRMAN BRAND: So we're waiting to hear
12 back from all these other bodies on these things. We
13 will see you guys at the next meeting, I believe.
14 There's nothing else for tonight.

15 MR. MORIELLO: My question, the long EAF, is
16 the Board ready to go through that at all?

17 CHAIRMAN BRAND: I'm sorry. Could you repeat
18 that?

19 MR. MORIELLO: We put in suggested answers to
20 the part 2 of the long EAF. We were wondering if the
21 Board was going to go through part 2 tonight.

22 CHAIRMAN BRAND: I have not personally. Pat,
23 did you go through the long EAF response form?

24 MR. HINES: I did. And the applicant made
25 suggestions, but it's certainly up to the Board based

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 on that. We can walk through that now.

2 CHAIRMAN BRAND: Sure.

3 MR. HINES: It's rather long, but it's
4 something that I do very often.

5 MR. MORIELLO: Does the Board need any blank
6 copies of it? I have some extras here.

7 MR. HINES: So Number 1 is impact on land,
8 and this is -- you know, they've submitted a long form
9 EAF a while ago and numerous supplemental reports and
10 studies. So, based on that, the Board's answers will
11 help in determining whether or not the project will
12 have a significant environmental impact.

13 Impact on land. Proposed action may involve
14 construction on, or physical alteration of, the land
15 surface of the proposed site. We're suggesting that
16 that would be a yes. The bulleted items underneath
17 that: The proposed action may involve construction on
18 land where depth to water table is less than three
19 feet. We would identify that as a no, or small impact.

20 CHAIRMAN BRAND: Hold on. I'm going to take
21 a timeout. We're not going to go through this whole
22 thing tonight here. I mean, you're asking us to fill
23 this out for you, is that what you're asking?

24 MR. MORIELLO: We don't have to do it
25 tonight, but we're going to have to do it at some

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 point. It's your document. We have suggested answers,
2 but your Board has to come up with part 2.

3 CHAIRMAN BRAND: I'm sorry. Could you just
4 repeat that again?

5 MR. MORIELLO: I say it's -- the part 2 of
6 the EAF is the Planning Board's document. We just gave
7 suggested answers.

8 MR. HINES: I can shorten this narrative by
9 hitting the ones that I believe may be moderate to
10 large.

11 CHAIRMAN BRAND: Perfect.

12 MR. HINES: So we'll just assume that the
13 ones we don't hit are small or no's.

14 The next item is that proposed action may
15 involve construction on slopes of 15 percent or
16 greater. And we're suggesting that would be a moderate
17 to large impact. The next one, item E, proposed action
18 may involve construction that continues for more than
19 one year or in multiple phases. That has a moderate to
20 large impact. The other bulleted items there will be
21 skipped.

22 Impact on geological features. Proposed
23 action may result in modification or destruction of or
24 inhibit access to any unique or unusual land forms.
25 We're suggesting that would be a no.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 Impacts on surface water. Proposed action
2 may affect one or more wetlands or other surface water
3 bodies. We're going to say that's a yes.

4 Proposed action may create turbidity in a
5 water body either from upland erosion or by runoff from
6 bottom sediments. Actually, we're suggesting that
7 would be a no.

8 Proposed action may cause soil erosion or
9 otherwise create a source of stormwater discharge that
10 may lead to siltation or other degradation of the
11 receiving bodies. I would suggest that that would be a
12 moderate impact.

13 Proposed action may affect water quality.
14 No. And it doesn't result in any wastewater treatment
15 facility.

16 Impact on ground water. Proposed action may
17 result in new or additional use of ground water or may
18 have the potential to introduce contaminants to ground
19 water or an aquifer. I would suggest that's a no.
20 There is no ground water use on the property. They're
21 going to be connected to the municipal water system.

22 Impact on flooding. Proposed action may
23 result in development on lands subject to flooding.
24 That is a yes. There's a small stream water course
25 through the area.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 Proposed action may require modification of
2 existing drainage patterns. That would be a small to
3 moderate impact.

4 So none of the other bulleted items under
5 that would be large impact.

6 Impacts on air. Proposed action may include
7 a state regulated air emission source. That is a no.

8 Impacts on plants and animals. We would
9 identify that as a no. There are no impacts to
10 threatened or endangered species. The EAF did identify
11 threatened or endangered species associated with the
12 Hudson River; those being sturgeon. I don't believe
13 the project will have any impact on the sturgeon
14 species there.

15 Proposed action may impact agricultural
16 resources. We're on page 5. We would suggest that as
17 no. The project is actually generating agricultural
18 uses on the site.

19 Impact to aesthetic resources. The land use
20 of the proposed action are obviously different from or
21 in sharp contrast to current land use patterns between
22 the proposed project and a scenic or aesthetic
23 resource. That's identified as a yes due to the
24 proximity to the Hudson River.

25 Proposed action may be visible from an

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 officially designated federal, state or local scenic or
2 aesthetic resource. We would identify that as moderate
3 to large impact.

4 Proposed action may result in the
5 obstruction, elimination or significant screening of
6 one or more officially designated scenic views. I'll
7 look to the Board for that. I think based on the
8 record --

9 MS. LANZETTA: Wouldn't you say moderate
10 because they are -- isn't SHPO requiring them to put an
11 easement on there?

12 MR. HINES: So we can check that as a
13 moderate.

14 Proposed action may diminish public
15 enjoyment, appreciation of designated aesthetic
16 resources. I'm going to look to the Board for that
17 one? I mean, the renderings kind of blend that in
18 pretty good.

19 CHAIRMAN BRAND: I would say no.

20 MR. HINES: Next is impact on historic and
21 archeological resources. That's a yes.

22 Item B there is: Proposed action may occur
23 wholly or partially within or substantially contiguous
24 to an area designated as sensitive for archeological
25 sites. That is a moderate to large impact, and they

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 are addressing that with SHPO.

2 Proposed action may occur wholly or partially
3 within or substantially contiguous to an archeological
4 site not included on the SHPO inventory. I guess that
5 site is going to be included on SHPO inventory.

6 MR. MORIELLO: Joe says it's eligible for
7 listing, yes.

8 MR. HINES: I'm going to put that as a
9 moderate impact because it's not currently listed, but
10 it's going to be. And, again, they reference the
11 archeological report prepared by Mr. Diamond.

12 Number 11, impact on open space and
13 recreation. Proposed action may result in a loss of
14 recreational opportunities or a reduction of an open
15 space resource as designated in any adopted municipal
16 plan. That's a no.

17 Impact on critical environmental areas,
18 Number 12. That would be a no. It is not located in a
19 critical environmental area.

20 Impacts on traffic, Number 13. Proposed
21 action may result in change to existing transportation
22 systems. We're going to suggest that's a yes. It
23 doesn't exceed any of the thresholds below, so those
24 would all be no to small, a through f. And, again, a
25 traffic study has been prepared.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 Impact on energy. Proposed action may cause
2 an increase in the use of energy in any form. That's
3 going to be a yes, but it doesn't exceed any of the
4 thresholds that are identified, a through e.

5 Impact on noise, odor, and light. Proposed
6 action may result in an increase in noise, odors, or
7 outdoor lighting.

8 CHAIRMAN BRAND: That's a yes.

9 MR. HINES: That's going to be a yes. And
10 the proposed action may produce noise levels above
11 established local regulation. Proposed action may
12 result in blasting. That's a no. Proposed action may
13 have odors. Proposed action may result in light
14 shining on adjoining properties. Proposed action may
15 result in creating night glow. They're going to use
16 dark sky compliant lighting. So none of the bullets
17 under that item have been exceeded.

18 Impact on human health. Proposed action may
19 have an impact on human health from exposure to new or
20 existing sources of contaminants. That's identified as
21 a no. It doesn't exceed any of the bulleted items.

22 Number 17, consistency with community plans.
23 Proposed action is not consistent with adopted land use
24 plans. That is a no. The action is permitted based on
25 the underlying zoning.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 Consistency with community character. The
2 proposed project is inconsistent with existing
3 community character. We're suggesting that's a no.
4 This is really an expansion of a resort type
5 recreational use that occurs on the project.

6 And, with that, you have completed the part 2
7 of the EAF.

8 MR. POLLOCK: Thank you.

9 CHAIRMAN BRAND: Thank you, Pat.

10 MR. MORIELLO: Pat, one question on -- I'm
11 sorry because I missed it -- no moderate to large
12 impacts on flooding and no moderate to large impacts to
13 plants and animals; right?

14 MR. HINES: Correct.

15 MR. MORIELLO: Very good. Thank you to the
16 Board for your time.

17 CHAIRMAN BRAND: Thank you.

18 Time noted: 8:20 p.m.

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

21 Certified to be a true and accurate transcript.

22

23

 Stacie Sullivan

24

Stacie Sullivan, CSR
Court Reporter

25

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

2 -----X
In the Matter of

3 SUMMIT DRIVE PROPERTIES

4 Project No. 23-1004
5 Summit Drive, Marlboro
6 Section 108.4; Block 6; Lot 29.311
-----X

7 SKETCH - SITE PLAN

8 Date: September 16, 2024
9 Time: 8:20 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: MATT TOWNE
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up we have Summit Drive
2 Properties for a sketch of their site plan on Summit
3 Drive in Marlboro.

4 Pat, if you just want to go through your
5 comments once you're ready.

6 MR. HINES: So this is the Summit Drive
7 multifamily project. They submitted a revised
8 Stormwater Pollution Prevention Plan, which is under
9 review by my office. It already went through one
10 review, and they submitted those revisions.

11 There is a need for extension of the sewer
12 district to serve the project. I don't know where
13 that's at. I think Gerry has been working on that
14 somewhat.

15 MR. COMATOS: In process.

16 MR. HINES: Snow storage areas have been
17 depicted on the plans in consultation with the Highway
18 Superintendent. We're recommending that those snow
19 storage areas be actual easements filed so that the
20 applicants have the authority -- or the Town has the
21 ability to use those, not just depicted on the plan,
22 but there will be actual snow storage easements for the
23 Highway Department.

24 Additional landscaping has been proposed
25 along the access drive based on comments from the

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 Planning Board. I believe there's been some small
2 bollard style lighting added that was discussed.

3 MR. TOWNE: Yeah. One of the comments from
4 the Highway Super actually was not to have the bollard
5 lighting along the entrance drive because he thought it
6 would just get knocked over from snow removal. So we
7 have it down closer to where the parking area is.

8 MR. HINES: So we had discussed lighting at
9 the access drive.

10 MS. LANZETTA: Do you want us to talk now?

11 MR. HINES: I guess. It's up to two guys.

12 MS. LANZETTA: Well, first of all, the area
13 that they put aside for the -- to push the snow, now
14 our Highway Department is not obliged to do it in any
15 special way; correct?

16 MR. HINES: Correct.

17 MS. LANZETTA: So they're just going to go
18 along and basically push it up against the entranceway,
19 which is like a driveway, like they would do with my
20 driveway, and then it's up to the people that are
21 living back there to have their maintenance people or
22 whoever to be sure that they get in there and clear
23 that drive out, correct, and when they clear that out,
24 they'll push it to the sides?

25 MR. HINES: Yeah, I think the issue is it's a

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 cul-de-sac, and cul-de-sacs are -- I've never plowed
2 snow for a municipality, but I know some of the
3 cul-de-sacs are a problem for highway departments to
4 find places because there's a lot of driveways that
5 come out. So the intent there is to give the Town a
6 spot to put that snow. It may be that they'll bring a
7 loader in and move it in there, but it gives them the
8 ability to place it there.

9 MS. LANZETTA: So they might kind of try to
10 kind of push it to one side or the other, but they're
11 not obligated to do that?

12 MR. HINES: Right. They're not obligated at
13 all. It's an area available to them.

14 MR. TOWNE: Right. It's to keep any
15 improvements out of those areas also, like landscaping
16 or lighting was the intention.

17 MS. LANZETTA: Yeah, but the problem is if
18 it's a snowy night, they plow it around, and now your
19 people are coming home from work, and they're trying to
20 figure out how to get into that drive. And it's not
21 really even apparent because there's no lights there or
22 anything. It seems to me it's going to be difficult to
23 find that drive, you know, if you don't at least have a
24 light standing above, a street light, that would
25 illuminate that portion. I don't think you need

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 bollards. Bollards can get covered, anyway, with snow.
2 But it seems to me there should be some type of
3 lighting there to make it clear that that's at least
4 where the entranceway is for people to get down into
5 that private road. Because you're going to have a big
6 pile of snow.

7 MR. TOWNE: Yes. I mean, the driveway will
8 be plowed by the owner, you know, as the snow is
9 falling, so that will remain open.

10 MR. GAROFALO: Is there any intent to have a
11 sign for the development at the end by the cul-de-sac
12 which would indicate where the entrance was?

13 MR. TOWNE: We don't have one proposed.
14 Again, that kind of conflicts with the Highway Super's
15 comments, you know, and what -- he wanted those two
16 areas on either side of the driveway clear so the snow
17 could be piled there. So I'm not sure where a sign
18 would go. You know, the topography, it starts to go
19 down.

20 MR. GAROFALO: But the snow removal would not
21 normally be kept within the Town right-of-way and not
22 plowed into the property?

23 MR. TOWNE: It would be plowed into the
24 property. That's why we would have easements.

25 MR. HINES: In this case I think because of

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 the cul-de-sac I want them to be able to store some
2 snow on the property.

3 CHAIRMAN BRAND: Finish up with your
4 comments, Pat. Let's keep going through this.

5 MR. HINES: The Stormwater Facilities
6 Maintenance Agreement will be required to be executed
7 to assure long-term operation and maintenance of those
8 stormwater facilities.

9 The stormwater management facility has been
10 depicted to be fenced now as it will contain standing
11 water.

12 I have a comment on the sewer line at the
13 angle that it comes in on Grand Street, for the
14 applicant to take a look at it. It comes in at more
15 than a 90-degree angle there.

16 I have additional comments on the sewer
17 system designs.

18 I need -- the applicant needs to depict an
19 access point for the operation of maintenance of the
20 stormwater retention pond. Right now there's really no
21 way to access that.

22 MR. TOWNE: I do show, and if you check the
23 grading plan, there is a pathway. I mean, it's not
24 gravel, but like an excavator could definitely get over
25 there.

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 MR. HINES: Okay. Previously, the Board
2 discussed the one dumpster that's located in the front
3 yard area. I don't know if there's a better place to
4 put that. It's as you come into the driveway there on
5 the left.

6 MR. TOWNE: Yeah, I think I could move that
7 down. I took a look at that. I could move it closer
8 to the building.

9 MR. HINES: Fire Department comments on the
10 plan should be received.

11 MR. TOWNE: Just real quick, you mentioned a
12 truck turning area. I mean, this is a New York State
13 Fire Code approved turning area that I have at the end.

14 MR. TRONCILLITO: Where are you showing that
15 on there?

16 MR. TOWNE: I mean, it's kind of dashed.
17 It's at the end, though. It's the 110-by-70
18 T-turnaround.

19 MS. LANZETTA: It's between the last two on
20 the left, on the bottom.

21 MR. TRONCILLITO: Okay. Thank you.

22 MR. HINES: That's the dashed area at the end
23 there.

24 MR. TRONCILLITO: Did you run it by the
25 chief?

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 MR. TOWNE: I had previously.

2 MR. HINES: Previously there was a big area
3 right here (indicating).

4 MR. TOWNE: Yeah. So it's this, and it's
5 actually wider than it needs to be (indicating).

6 MR. HINES: So you flipped it from where it
7 was?

8 MR. TOWNE: Yeah.

9 MR. HINES: Gotcha. So the Fire Department
10 should comment on that.

11 MR. TOWNE: I mean, they approved it on
12 December 14th, '23, so I can send them.

13 MR. HINES: On that arrangement or the
14 previous one?

15 MR. TOWNE: This was the previous one.

16 MR. HINES: We need the new -- because it's
17 new, we need to update that. The other one used to be
18 opposite.

19 We had ADA compliance standards for the
20 symbols. I just want to make sure that was done.

21 MR. TOWNE: Yeah, that was done.

22 MR. HINES: Native land species were
23 requested.

24 And a public hearing for the project is
25 required, and I think we're probably at that point.

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

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

3 MR. GAROFALO: I have a couple of comments.

4 On the site access, right before it gets to
5 the parking lot, there are two symbols on either side
6 of the road. There are circles with lines going
7 through those. What are those supposed to be?

8 MR. TOWNE: Those are bollards.

9 MR. GAROFALO: Where were you intending on
10 possibly moving the dumpster?

11 MR. TOWNE: Yes. I was going to move it
12 closer to the first building, the northernmost
13 building, plan right. I could just slide it down so
14 it's -- well, that's not going to work. I mean, I had
15 it -- I originally had it at the southern end. I'll
16 think about that.

17 MR. GAROFALO: Did you consider maybe taking
18 two landscape islands in the parking lot, combining
19 those, and then putting the dumpster -- having, you
20 know, another turnaround and put the dumpster in there
21 so it would actually be out of the front yard? That
22 might be another thing to consider whether you can do
23 that.

24 MR. TOWNE: Thank you.

25 MR. GAROFALO: Also, I want to remind you, if

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 you do decide to put a sign up for the project, a lot
2 of the signs require both Building Department and the
3 Planning Board review. So if there's any thought about
4 putting any kind of a sign which falls under the
5 Planning Board review, you can save yourself some money
6 by coming in.

7 MR. TOWNE: I'll ask the owner. So far,
8 there's been no intention of putting a sign up.

9 CHAIRMAN BRAND: Is that all, James?

10 MR. GAROFALO: Yes. Thank you.

11 CHAIRMAN BRAND: Any other comments or
12 questions from the Board -- Pat. Sorry.

13 MR. HINES: Did we send this to County
14 Planning yet?

15 CHAIRMAN BRAND: No.

16 MR. HINES: We should probably do that as
17 well.

18 MS. LANZETTA: Especially if it's going up to
19 County Planning, I know they're going to be looking at
20 your lighting suggestions, and there's very minimal
21 lighting. I don't think they're going to be happy with
22 the fact that a lot of these things are not totally
23 shielded, like the wall packs don't look like they're
24 shielded. They really should all be dark sky
25 compliant. The bollards could be better shielded as

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 well.

2 MR. TOWNE: They are all dark sky compliant.
3 They're all down shielded.

4 CHAIRMAN BRAND: The County likes to have the
5 spec sheets for all of them.

6 MR. TOWNE: Yes.

7 MS. LANZETTA: But you are very light on the
8 lighting. Very light on the lighting. I think you
9 should really think about having some type of lighting
10 where you have any dumpsters, because people will be
11 going out at night, and that will be difficult for them
12 to find them and look for raccoons or whatever else
13 while they're out there.

14 You should be thinking about sustainability.
15 How are you going to be heating these? Are they going
16 to be heat pumps? Is there an opportunity for some
17 solar? Those are things that you might want to
18 consider. And, also, are you going to offer any EV
19 charging stations?

20 You only have like basically one car spot for
21 each apartment, and there's probably going to be people
22 that will actually need two spots. So that's -- you
23 know, you're not going to have that much parking space.
24 So I don't know what kind of grading you have in the
25 area across from the parking spaces where you're

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 planning on putting snow during the winter, but you
2 might want to consider maybe some permeable pavement
3 there. It will help with the -- when the snow is
4 melting, it will help with drainage, and it will also
5 offer some additional parking space on that side for
6 visitors. You're going to really need more space.

7 CHAIRMAN BRAND: So where the snow thing is
8 make that like a temporary parking spot?

9 MS. LANZETTA: You see where those three
10 trees are? Yeah. If you could grade that so that at
11 least you'd have additional parking space when you
12 don't have snow packed up there. And you might want to
13 not put those trees there. I love the trees, but I
14 have a feeling if you're going to be pushing snow up
15 there that the trees are going to get mowed over
16 anyway.

17 MR. TOWNE: Along the entrance drive, is that
18 where you're talking?

19 MS. LANZETTA: No. When you're in the
20 parking lot, you see the three large trees? I don't
21 know if they're maples.

22 MR. TOWNE: Yes. I see. Okay.

23 MS. LANZETTA: They're in the snow area, and
24 they're going to end up getting smashed up if you get
25 snow and it's getting pushed up against them. So

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 either move them back or just -- it doesn't even pay to
2 put them there, but instead, like I said, I would
3 suggest you look at permeable paving there for
4 additional parking area.

5 MR. TOWNE: Okay. I will say, I mean, the
6 parking proposed does meet the Code requirements.

7 MS. LANZETTA: I know it meets it, but, I
8 mean, realistically people nowadays, if you have a
9 two-bedroom apartment, you have two cars.

10 MR. TRONCILLITO: You got 24 apartments.

11 MR. TOWNE: That's right.

12 MR. TRONCILLITO: So you're going to need
13 spots for a minimum of 48 cars.

14 MR. TOWNE: I mean, the Code says how many I
15 provided. That's why I provided that amount.

16 MS. LANZETTA: Yeah. And I'm just saying any
17 opportunity that you can find to offer additional
18 parking might be a good idea.

19 MR. TOWNE: So you want one space per unit,
20 is that what you guys are saying? Because I want to
21 provide, you know --

22 MR. JENNISON: I thought it was one and a
23 half.

24 MR. TOWNE: That's what I'm proposing. I'm
25 proposing 36.

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 MR. GAROFALO: The 1.5 cars per unit is
2 pretty normal parking for these types of structures,
3 but the County will be commenting on wanting to see
4 some EV parking spaces.

5 MR. TOWNE: Sure.

6 CHAIRMAN BRAND: Plus if somebody has a -- if
7 there's a visitor at any point, they're going to need a
8 parking space as well.

9 MR. TOWNE: Okay. How many -- usually I go
10 by the Code.

11 CHAIRMAN BRAND: If there's room to fit more,
12 I would fit more I guess is what we're saying.

13 MR. TOWNE: Well, I can find room.

14 CHAIRMAN BRAND: You might want to do that.

15 MR. TOWNE: I just need to know how many you
16 want. That's all.

17 CHAIRMAN BRAND: I mean, you've met the
18 minimum requirements, but I'm thinking if I was a
19 resident there, that I might have people visit and want
20 them to be able to park. I know that the neighboring
21 community there is already not really for this project,
22 and I'm sure they do not want to see multiple cars up
23 on that cul-de-sac when you have visitors there.

24 MR. GAROFALO: Are these going to be rental
25 units?

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 MR. TRONCILLITO: Yes.

2 MR. TOWNE: I'm not sure -- yeah. Yeah,
3 they're going to be rental units.

4 MR. GAROFALO: See, one of the things that
5 they can do, when you're dealing with rental units, is
6 they can control to a certain extent the number of cars
7 people have by assigning spaces. You can't do that
8 with a condominium complex, but if somebody comes in
9 with four cars, you know, the rental people are gonna
10 say, look, that's the end of your lease. They may even
11 put it in the lease as to how many cars you can have on
12 the property. So when you talk about parking for these
13 type of facilities, a rental type situation has much
14 more control over an owner occupied situation.

15 CHAIRMAN BRAND: Have you ever lived in a
16 place like this, James? Because I have, and there's
17 people there that have cars that would come and visit.

18 MR. GAROFALO: I have. And I have done
19 studies on many, many, over my 30 years, and I have
20 looked at the census data on rental units and parking
21 for rental units all over Region 8, and 1.5 is pretty
22 normal. And, yes, there will be people that will come
23 in with multiple cars, and they'll want to park their
24 boats and all kinds of things, and the advantage of the
25 rental companies is they can get rid of those people

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 because the other people will complain. But if you
2 have a condominium association, then you have a much
3 more difficult problem because, basically, all they can
4 do is fine the people. They don't have the same
5 ability to control the number of parking spaces that
6 are being used.

7 CHAIRMAN BRAND: Point taken. Thanks, James.
8 Can I have a motion to send this to Ulster
9 County Planning Board?

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

11 CHAIRMAN BRAND: Is there a second?

12 MR. GAROFALO: I'll second it.

13 CHAIRMAN BRAND: Any discussion?

14 (No response.)

15 CHAIRMAN BRAND: Any objection?

16 (No response.)

17 MS. FLYNN: I don't need any other material
18 from them to send up there? What I have is good to
19 send?

20 CHAIRMAN BRAND: They're going to provide you
21 with the most updated material that they want to be
22 sent to County. Yes?

23 MR. TOWNE: Yes. Sure.

24 CHAIRMAN BRAND: When that's ready, then Jen
25 will send it. What is the second meeting in October,

SUMMIT DRIVE PROPERTIES - SKETCH SITE PLAN

1 Jen?

2 MS. FLYNN: For us?

3 CHAIRMAN BRAND: Yes.

4 MS. FLYNN: The 21st.

5 CHAIRMAN BRAND: So is that enough time to
6 get it to County and back? October 21st, yes. So we
7 will tentatively schedule your public hearing. We'll
8 tentatively schedule it for October 21st. That's
9 assuming you can get everything to County before the
10 deadline. Otherwise, we'll have to push it back.

11 MR. TRONCILLITO: I still think we need more
12 parking. How can you say a car and a half when a
13 husband and wife works? You're going to cut her car in
14 half? You try that with my wife and see what happens.

15 MR. GAROFALO: Because some will have two and
16 some will have one and some will have none, although,
17 in this area, it will be very few that have none.

18 CHAIRMAN BRAND: Thank you.

19 Time noted: 8:39 p.m.

20

21

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

22 Certified to be a true and accurate transcript.

23

24

Stacie Sullivan

25

Stacie Sullivan, CSR
Court Reporter

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

2 -----X
In the Matter of

3 MARLBOROUGH RESORT LATTINTOWN

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

7
8 SKETCH - SITE PLAN

9
10 Date: September 16, 2024
Time: 8:40 p.m.
11 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
12 Milton, New York 12547

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

18 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

19 GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

20 JEN FLYNN, PLANNING BOARD SECRETARY

21
22 APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA
23 ANTHONY GIOFFRE, ESQ.
MICHAEL ACHENBAUM

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

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

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

4 Pat, if you would start off with your
5 comments for us, please.

6 MR. HINES: Our first comment is that we
7 would like the Planning Board to declare its intent for
8 lead agency. I don't believe we have circulated lead
9 agency.

10 MR. GIOFFRE: The Board did that on June 3rd.

11 CHAIRMAN BRAND: Can you repeat that, sir?

12 MR. GIOFFRE: The Board declared its intent
13 for lead agency on June 3rd. Six-zero vote.

14 CHAIRMAN BRAND: Second, Pat.

15 MR. HINES: The second one has to do with a
16 Type 1 action that we'll talk about.

17 We did receive a Stormwater Pollution
18 Prevention Plan on the project. We just got the
19 information on Friday, so that will be under review by
20 my office.

21 The project is before the Zoning Board of
22 Appeals for variances. I don't know what the status of
23 those are.

24 MS. FLYNN: They are being sent up to County
25 from there.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. HINES: DEC permits will be required for
2 construction activities in the wetland and adjacent
3 areas. Any DEC permits that have been filed for, we
4 request copies of any permits be submitted to the Board
5 for their files.

6 DEC approval for the sewage treatment plant
7 will be required as well as the Health Department.

8 The project is modifying a bridge on the
9 site. There's a memo from Passaro regarding the
10 floodplain modeling. It just notes that memo is to the
11 Town of Saugerties Planning Board. There's a typo
12 there.

13 Comments from the jurisdictional fire
14 department should be received.

15 The wetland validation survey signed by DEC
16 is outstanding.

17 The cover letter identified that a traffic
18 study had been submitted. I don't have that traffic
19 study, but I don't know if it was sent to Creighton
20 Manning directly.

21 MR. LAPORTA: It was sent, and it was
22 included in our August 28th submission package, but we
23 can send it digitally or provide hard copies.

24 CHAIRMAN BRAND: Sent to the Board or sent to
25 Creighton Manning?

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 MR. LAPORTA: Both. It was part of our
2 package that we delivered on the 20th.

3 MR. GAROFALO: I would recommend --

4 MR. HINES: I don't think we got anything on
5 the 20th.

6 MR. GAROFALO: Yes. I have a traffic report.
7 It's in my packet. But I would recommend that we tell
8 Creighton Manning not to look at it, because there's a
9 certain issue that needs to be resolved prior to their
10 looking at it, which may involve a major change in the
11 traffic report. And I can go into that after he
12 finishes the engineering comments, but I would
13 recommend that you tell them not to look at it until we
14 get an answer.

15 CHAIRMAN BRAND: Okay. Pat.

16 MR. HINES: The engineering report for the
17 water system should be submitted to Brinnier & Larios
18 Engineering, the Town's water system operator.

19 I don't know if the applicant wants to update
20 the Board on tank sizing and such that was decided.

21 MR. LAPORTA: Yeah. Yeah, we could do that.
22 Shortly after we appeared at the second August meeting,
23 we received feedback from Brinnier & Larios, and we're
24 starting to structure now the entry to the water
25 district. And we just turned around and submitted

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 today, actually, a narrative and bunch of supporting
2 figures. Pretty bulky file -- it was about 50
3 megabytes -- back to Brinnier & Larios. It's, you
4 know, the narratives that I believe would be the basis
5 of a map plan and report to enter the water district.
6 And we are trying to establish a meeting now between
7 engineering and legal to establish the form and format
8 of, you know, what this petition to enter the district
9 will look like.

10 So we submitted, you know, a lot of the
11 materials, which are, you know, probably similar to
12 what's in the water and sewer engineer's report
13 regarding the water. We did propose the two
14 alternatives, and it seems like the favorable
15 alternative is the one where we would make a monetary
16 donation to the water district and still have storage
17 on site for our own use for redundancy. And we're
18 awaiting the next steps there, but, again -- just to
19 turn that stuff around today. There's -- you know,
20 we're moving forward on that, and, you know, eager to
21 keep that matter moving as well.

22 CHAIRMAN BRAND: Okay.

23 MR. HINES: So the New York City DEP and Town
24 of Newburgh will most likely be involved in the issues
25 regarding the water district expansion as they are the

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 provider of the water to the Marlborough district.
2 Details of that should also be coordinated with the
3 water system engineers.

4 The EAF does not identify threatened or
5 endangered species, but the federal IPAC report does.
6 They've given us a threatened or endangered species
7 report that identifies tree clearing limitations to
8 mitigate potential impacts to protected bat species.
9 That report identifies 6.5 acres of just under 50 acres
10 of forest on the site will be removed. So a little
11 over -- you know, it's not a big percentage. Tree
12 clearing will be limited to a time frame. There would
13 be requirements for implementing fugitive dust control
14 and site lighting design that minimizes impacts of
15 fugitive light and only directing that light in a
16 downward direction. And those items are all identified
17 in that report regarding protected bats. The report
18 identifies that the other species in the IPAC report do
19 not have suitable habitat on the site.

20 A rather detailed acoustical report has been
21 provided. Numerous mitigation measures are identified
22 in the acoustical report. Each of those should be
23 included in any potential future approvals. We are
24 requesting that the outdoor music areas be specifically
25 identified on the plans to depict the distance for

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 sound attenuation identified in the report. The report
2 concludes that 800 feet from a sensitive receptor is
3 required in order to reduce the decibels to levels
4 consistent with the Town Code.

5 The Planning Board previously requested a
6 signage package that should be provided. The EAF
7 identifies that in the Coastal Resources section that
8 the town -- it says no when the Town has an approved
9 local waterfront revitalization program. That should
10 be checked yes.

11 They submitted a view shed analysis report.
12 The Planning Board members should review that with
13 regard to confirming that all the view shed receptors
14 have been identified in the report. It was very
15 detailed. There was views from a whole lot of places
16 around here, including places across the river. They
17 took photos from those locations and towards the
18 project. The majority, I think, or most all of those
19 sites were all screened with the exception of -- is it
20 Locust Grove that you can see everything in Marlboro,
21 but I don't know that they're going to see much of this
22 site. You can certainly see the dome from there. That
23 was clear.

24 Just a note that the DEC wetland regulations
25 are changing October -- January 1st. So what were now

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 not DEC wetlands may become DEC regulated wetlands.
2 It's just kind of a heads-up that those changes are
3 coming. Certain vernal pool areas and other what they
4 call unique wetlands will become regulated.

5 Again, a comment on the water system
6 regarding the need for the district extension, permits
7 from the DEC, as well as the Town of Newburgh
8 inter-municipal agreement may need to be amended.
9 Dennis Larios is familiar with all of those.

10 They gave us a very extensive materials
11 management plan regarding the former archeological --
12 agricultural impacted soils. We're asking that a cut
13 and fill analysis be provided in support of that, just
14 to make sure no material -- or how much material has to
15 be removed from the site.

16 CHAIRMAN BRAND: Thank you, Pat.

17 MR. LAPORTA: And none of that material
18 should be removed from that site. We have adequate
19 space to cap it, and we do plan to do that, either in
20 the area of the solar array or under some of the
21 landscaped berms.

22 CHAIRMAN BRAND: Comments or questions from
23 the Board?

24 MR. GAROFALO: Yes. I have a lot of comments
25 and questions.

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 I'll start with the one that I had posed the
2 last time you were here, which is that the ten-foot
3 wide access to Lattintown Road is totally inadequate.
4 I understand you want to preserve the trees, but as a
5 two-way access, that is totally inadequate. The
6 American Association of State Highway and
7 Transportation Officials design a passenger car vehicle
8 as seven feet. You can't pass two vehicles going in
9 opposite directions on a ten-foot road.

10 The traffic model that you used, minimum lane
11 that they allow input into that is eight feet. It is
12 clearly not even acceptable as a fire access, which the
13 fire departments here have allowed 15 feet, but clearly
14 ten feet is not adequate as even a fire access.

15 Now, whether you want to make that one way
16 in, one way out, or put another lane on the opposite
17 side of the trees or take out a row of trees, that's
18 something for you to consider, but if you're making it
19 a one way in or a one way out, that totally changes the
20 distribution of the traffic in your traffic study, and
21 that's why I would recommend that Creighton Manning not
22 look at this study until a decision has been made on
23 what you want to do with that ten-foot access. It
24 is -- I don't care if you have a pull-out here and
25 there. When you have that much traffic on it, you

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 can't have two-way traffic. I don't think you can find
2 anywhere in this town we have a ten-foot lane that's
3 newly constructed as two-way traffic. So I think
4 that's something that you have to take some thought
5 about what you want to do. I understand you want to
6 preserve the trees. I like trees too, but a ten-foot
7 access, two way, is not acceptable with this kind of
8 traffic. I've been doing this for over 30 years, and
9 I've never seen this kind of thing proposed.

10 MR. LAPORTA: Well, this is an existing
11 condition. It's not a new roadway, and, you know, we
12 are not only trying to preserve the very mature trees,
13 but we're also in a wetland buffer there that we don't
14 want to widen the impervious. We are providing
15 pull-offs, which is an improvement to the current
16 situation, which, you know, exists right now. And, you
17 know, we would also -- we would like Creighton Manning,
18 the consulting engineer, to review that as well. I
19 don't see any reason why we shouldn't get their input
20 on that and the totality of the study.

21 CHAIRMAN BRAND: That's the whole point of a
22 traffic study, for them to review those types of
23 things.

24 MR. GAROFALO: That's a dangerous situation,
25 particularly at night when it's not lit, to have

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 two-way traffic on a ten-foot road is, in my opinion,
2 totally unacceptable. That's why I think you should
3 think about it. Maybe preserve that as ten feet, to
4 look at it as a one-way access. You're in or out, but
5 it's going to change your distribution of traffic
6 throughout the network. And I can certainly appreciate
7 why you want to preserve that as it is, but it will not
8 work well. Particularly at night, you're going to have
9 two cars coming at each other and they're going to have
10 nowhere to go, particularly with those trees there.

11 And you're going to have accidents. It's a very
12 dangerous and bad situation that I brought up to you --

13 CHAIRMAN BRAND: James, that point is well
14 taken. The traffic study will review that as well.
15 Next point, please.

16 MR. GAROFALO: Okay. Next point. There's
17 some grades here at 12 percent. You'll need the Fire
18 Department to approve those. The -- when you're
19 looking at King Street, the level of service there,
20 that happens to be impacted by the queuing that comes
21 back from Western Avenue. And you can see from your
22 model that your 95th percentile queue does reach back
23 past the lane length. So that is part of the reason
24 why you have a problem there. People do allow other
25 people to enter. They're very courteous there, but you

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 are going to have some rather extreme delays in that
2 area. I personally wouldn't have had you look at that
3 many intersections if I had been there at the County
4 meeting. There is an intersection that you're looking
5 at that's in Orange County, and I would suggest that
6 eventually this material also be provided to the Town
7 of Newburgh. I do not believe that the bypass that
8 you're proposing there would be acceptable to DOT, and
9 I would ask that be run through DOT. I don't think
10 they're going -- they would want to have a regular
11 left-hand turn. I don't see anywhere where they allow
12 that kind of a bypass lane, since people normally would
13 stay in the through lane. So I think that needs to
14 be -- you need to talk to DOT as to whether or not they
15 would even allow that kind of a situation.

16 MR. HINES: Which intersection is that,
17 James?

18 MR. GAROFALO: I'm sorry?

19 MR. HINES: Which intersection is that in the
20 Town of Newburgh?

21 MR. GAROFALO: I think it's Lattintown and
22 Route 9W.

23 As far as the parking goes, the -- you know,
24 you're going to meet the criteria that's in the Code.
25 I think the problem is, with 60 cabins, you're going to

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 have 60 cars coming, and then how many employees are
2 you going to have on the site? And I would suggest you
3 take a look at that, and it may very well be more than
4 five. Since you only have 65 parking spaces, I would
5 suggest you take a look at that. The Board can require
6 you to put in more parking spaces. I do not see any
7 accessible parking spaces.

8 MR. ACHENBAUM: Sorry. We have -- a lot of
9 our staff is going to be living on site as well, and we
10 have parking on the far side of the site specific to
11 the staff. So their parking is by the dorm side.
12 That's where the check-in for staff is, on the dorm
13 side, on the staff housing side, on the Ridge Road
14 side. So the staff is largely going to be parking on
15 the far side of the site, not interfering with the
16 250 spots that I think that we have on the other side.
17 And in the second or third phase, we have spots by most
18 of the units, but in the first phase, they're parking.
19 They're never using their car again unless they leave
20 to go off site to someone else's facility, like a
21 winery. So I think we have a lot of diversity in our
22 parking.

23 CHAIRMAN BRAND: Back to you, Mr. Garofalo.

24 MR. GAROFALO: I would also suggest you take
25 a look within the comprehensive plan, because they talk

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 about the Marlboro hamlet and the fact that they're
2 going to have to relook at that situation. I think it
3 gives some false indication that those plans are going
4 to necessarily move forward, since they have certainly
5 been delayed by DOT, and the comprehensive plan
6 basically indicates that they're probably going to have
7 to take a look at that.

8 For the left turn analysis, including the
9 speeds, I think it would be helpful -- I think we all
10 know that there's a problem making left turns on Route
11 9W. So that's something that, you know, you're going
12 to have to take a look at whether the left-turn
13 warrants are there or not.

14 On page 23 of the report, you indicate the
15 sight distance is under 445 feet. You should put the
16 actual distance that it is, not just under, because how
17 much it is under may certainly determine what kind of
18 correction needs to be done.

19 Along with the actual trip numbers, putting
20 in the trip rates I think is very helpful to the
21 reviewers. You're giving them that information so they
22 can check that.

23 CHAIRMAN BRAND: Mr. Garofalo, I'm going to
24 suggest that any of these traffic type issues that you
25 have concern with, that you could put into writing, and

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 we can send them along to Creighton Manning for review
2 as well. Is there anything you have that's not traffic
3 related?

4 MR. GAROFALO: I think they're all traffic
5 related.

6 CHAIRMAN BRAND: Yeah, any of those things,
7 let's put them in writing, we'll send them along to the
8 applicant as well as to Creighton Manning.

9 Any other comments or questions on this one?

10 MR. HINES: I think they're looking for a
11 referral to County Planning.

12 CHAIRMAN BRAND: Yeah. They were referred to
13 County Planning. Unfortunately, at the last meeting,
14 Ulster County Planning Board didn't have a quorum so
15 they weren't able to review this. So they hopefully
16 will have a quorum and be able to review it at the next
17 meeting. So I think that puts us back to the
18 October 21st meeting for the public hearing. Does that
19 work?

20 MR. GIOFFRE: I'm sorry. We're going to be,
21 so I understand, on the Ulster County Planning Board's
22 agenda for October 2nd?

23 CHAIRMAN BRAND: Yes. So, long story, but
24 Ms. Lanzetta was our representative. If you are from
25 that town, you have to recuse yourself, and that

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 recusal left them with a non quorum situation, so they
2 weren't able to review it. So, hopefully, at the next
3 Ulster County Planning Board, there will be a quorum.

4 MR. GAROFALO: I don't think we should
5 schedule the public hearing until the issue of the
6 ten-foot access is resolved to get -- and I think that
7 Creighton Manning could probably give a quick answer to
8 that.

9 CHAIRMAN BRAND: I'm going to say that no one
10 in the public is going to be concerned about the
11 ten-foot access drive. Creighton Manning will reply on
12 their own. So October 21st would be the next possible
13 date that we hold the public hearing.

14 MR. GIOFFRE: But if we're on the October 2nd
15 Ulster County Planning Board agenda, could we be on the
16 October 7th agenda for a public hearing here?

17 CHAIRMAN BRAND: We won't have the response
18 from them. They'll have to write something up and send
19 it to us. I just want to make sure you have everything
20 so you're not wasting your time and efforts here again.
21 I know you're in a push for this, but that's really the
22 first feasible date.

23 MR. GIOFFRE: I certainly appreciate that,
24 but if the Board is willing, we can certainly, if the
25 Board would permit an October 7th public hearing, which

MARLBOROUGH RESORT LATTINTOWN - SKETCH SITE PLAN

1 you can keep open to the 21st for the comments.

2 CHAIRMAN BRAND: I don't want to start it
3 unless we have those comments.

4 So, Jen -- can I have a motion to schedule
5 the public hearing for October 21st?

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

7 CHAIRMAN BRAND: Second?

8 MR. JENNISON: Second.

9 CHAIRMAN BRAND: Any discussion?

10 (No response.)

11 CHAIRMAN BRAND: Any objection?

12 (No response.)

13 CHAIRMAN BRAND: We'll see you on
14 October 21st.

15 MR. GIOFFRE: Thank you very much.

16 Time noted: 9:01 p.m.

17

18

19

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

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 WILLOW TREE RESORT HOTEL

4 Project No. 23-1006
5 300-304 Willow Tree Road, Milton
6 Section 102.2; Block 5; Lot 12
-----X

7 SKETCH - SITE PLAN

8
9 Date: September 16, 2024
10 Time: 9:02 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING
19 BOARD ATTORNEY

20 JEN FLYNN, PLANNING BOARD SECRETARY

21 APPLICANT'S REPRESENTATIVES: JONATHAN DeJOY
22 YVES JADOT

23
24 -----X
25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up, Willow Tree Resort
2 for a sketch of their site plan at 300-304 Willow Tree
3 in Milton.

4 MR. HINES: So we received a revised concept
5 plan for the project. It has moved the internal cabin
6 uses on the site around. One of the important changes
7 is that it moved the -- that's the main dining area
8 plan (indicating). But the cabins have been moved
9 internally to the site over 200 feet away from Quaker
10 Hill Road now. They were previously located fairly
11 close to that.

12 So we're suggesting that a long form EAF
13 should be submitted for the project. A short form EAF
14 has been provided. The site is very, very close to
15 exceeding ten acres of disturbance, at 9 point --
16 higher than 9.5, I'll say.

17 The project will require approval from DEC
18 and Ulster County Health Department for the two large
19 septic systems that are proposed.

20 I didn't see water supply for the project
21 addressed on the concept plan.

22 I think the jurisdictional fire department
23 and the Building Department should weigh in early now
24 based on the width of the roads that are going to these
25 cabin structures. They look very narrow and may not

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 meet the Fire Code requirements.

2 I note that the parking spots on there are
3 shown at 10 by 20. The parking requirements have now
4 been reduced to 9 by 18. That will be able to shrink
5 the footprint of your parking area.

6 I noted that you included the agricultural
7 setback zone, 155-52. The 75 foot setback is one
8 component of that, but there are also -- item E under
9 that, that requires landscaping and berms and buffers
10 and such that will have to be addressed.

11 I talked about the cabins being moved away
12 from Quaker Hill, and, also, on the western portion of
13 the site, a privacy fence has been added -- the darker
14 green areas on the very western side -- in order to
15 provide some screening there as well.

16 There's a large structure shown in the pond
17 area, now more central to the site, by the roundabout
18 cul-de-sac. I don't know what that is. It's kind of
19 sticking over the pond.

20 MR. JADOT: That's a deck. Like a pool deck.

21 MR. HINES: It's a deck or pool?

22 MR. JADOT: It's just a deck. It's a natural
23 swimming pool.

24 MR. HINES: It just wasn't called out. I
25 didn't know if it was a building or whatever.

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 MR. JADOT: That's just a deck.

2 MR. HINES: So that will be called out in the
3 future. I believe the site currently has some orchards
4 on it. So that will need to be addressed on the site
5 regarding the historic use of the site as orchards and
6 any potential agricultural residue, chemical residue on
7 the site.

8 We talked about the pond structure.

9 The Board should discuss potential traffic
10 impacts regarding the site. I know we don't have that
11 long form EAF yet, but Willow Tree Road is not the
12 fastest driving thoroughfare in the area, so I don't
13 know whether the Board wants to go with traffic or --
14 if you want a traffic study generated, you can bring
15 Creighton Manning onboard, but I'll defer to the
16 Board's discussion on that.

17 CHAIRMAN BRAND: So, I guess in order to
18 determine that, are there cars going to be going
19 through the site, or, essentially, they're parking the
20 car?

21 MR. JADOT: No. The cars won't go through
22 the site. They will just go right around the
23 roundabout that you see in front of the main building,
24 and then we'll park their cars in the parking lot.

25 MS. LANZETTA: So it will be valet parking.

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 MR. JADOT: Probably, yeah.

2 CHAIRMAN BRAND: How are you moving around on
3 the site?

4 MR. JADOT: I'm sorry?

5 CHAIRMAN BRAND: How will I get from my car
6 to my campsite?

7 MR. JADOT: We will take them there. We will
8 have like small car, like golf cart type of thing to
9 take them there.

10 CHAIRMAN BRAND: Golf carts or something?

11 MR. JADOT: We haven't really decided on
12 this, but we will drive people to the cabin. But one
13 of the main reason that we're here today is because we
14 expanded. Originally, it was like 30 cabins. Now it's
15 30 cabins and 20 rooms. That's what we wanted to
16 discuss today, to see if there was any opposition.

17 MS. LANZETTA: So there will be no internal
18 traffic?

19 MR. JADOT: No.

20 MR. GAROFALO: I think the show of a traffic
21 study revolves around whether or not this is just going
22 to be a simple resort hotel or whether you're going to
23 be holding major events here. Because if you are just
24 doing a normal resort hotel and you provide the trip
25 generation, I think we will be well below the threshold

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 to require a traffic study. But if you're going to be
2 holding major events here, where you're going to have
3 all kinds of people coming, then there's going to be an
4 issue with parking.

5 And I have to apologize to the other people.
6 I got the parking mixed up. You're the location that
7 has 60 rooms and 65 parking spaces. So you're the ones
8 who are going to have a potential problem with parking.

9 MR. JADOT: Actually, it's 50 rooms. It's
10 not 60. It's 50. And we have 65 parking spaces.

11 I wanted to address this concern about
12 events. Originally, yes, when we had 30 cabins, we had
13 this building that you see over there that was
14 basically designed to hold events. When we realized
15 that, you know, 30 cabins was not viable for a project,
16 we decide to just not focus on events anymore, but
17 instead to add rooms to it, to the concept. So that
18 main building there now becomes 20 rooms. It's not a
19 space for events. Are we going to have events? It is
20 possible that somebody decides to rent the entire place
21 for a wedding, but like we said before, it's not made
22 for more than a hundred people, and that's very
23 unlikely that people would actually rent the space for
24 a wedding.

25 MR. GAROFALO: Looking at your plan, I see 30

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 cabins and 30 rooms in the main building, so if you've
2 changed that, then we're going to want to see that.

3 MR. DEJOY: I believe the plans show the 30
4 cabins and the 20 rooms. In the letter from my office
5 it may have said 30 rooms in the main building, but
6 that must have been a typo.

7 MR. GAROFALO: No. The plan says 30.

8 MR. HINES: The plan does say 30, but the
9 detail plan for the rooms show 20.

10 MR. DEJOY: I see. My apologies.

11 MR. GAROFALO: I would suggest you take a
12 look at that also to see if there's someplace where you
13 could fit a bus in, particularly maybe in the beginning
14 of the circle, where they can drop the people off,
15 circle around, and then park their bus. Also, it will
16 need accessible parking on the site.

17 I am concerned about, you know, the gatehouse
18 that's shown there, because the gatehouse would be a
19 structure in the front yard, unless you can design it
20 so that it is -- does not fit our description as a
21 gatehouse. I would certainly be also concerned about
22 the proximity of the gatehouse to Willow Tree Road,
23 because I would not want traffic backing up into Willow
24 Tree Road. So I would certainly want to have that
25 moved as far away from Willow Tree Road, if it's going

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 to be allowed at all. And that's something that we're
2 looking into, who would be waiving that, if it had to
3 be waived.

4 The tractor shed also is a structure in the
5 front yard. I don't know if that's existing. I think
6 the -- it would be much more likely that that might be
7 permitted since sheds and stuff are more agriculturally
8 oriented, and that might be seen as more acceptable,
9 plus the fact it's a lot further away from the road.
10 But take a look at if you can redesign that or move
11 that to make it more an acceptable situation.

12 Also, prior to the roundabout, I would put a
13 triangle in there to better direct traffic as you would
14 in a normal roundabout and not have this huge wide open
15 area, which can be very confusing to drivers. Thank
16 you.

17 CHAIRMAN BRAND: Could you address the water
18 supply issue that Pat brought up?

19 MR. DEJOY: Unfortunately, our engineer
20 couldn't be here tonight, so I will do my best to look
21 at the plans.

22 MR. HINES: It's just not depicted.

23 MR. DEJOY: It's not on here. Yves, do you
24 recall from last time?

25 MR. JADOT: No.

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 MR. DEJOY: So we'll have to get back to you
2 on that one. Sorry.

3 CHAIRMAN BRAND: Anything else from the Board
4 on this one? No -- oh, sorry.

5 MS. LANZETTA: A couple more things that you
6 need to take a look at would be your lighting. And,
7 again, we want to make sure that there's adequate
8 lighting, if there's going to be people walking around
9 and enjoying this beautiful place. So at night, you
10 might want some bollards that shine down. Everything
11 needs to be dark sky compliant.

12 And you might take a look, too, at what you
13 can do as far -- for sustainability, especially like
14 possibly installing any solar or heat pumps. And,
15 also, some of your folks, if they're -- even if they're
16 going to be spending the weekend, they might need to
17 recharge their vehicles. So you might want to make
18 sure that you put EV chargers in the parking lot so
19 they can take care of that.

20 CHAIRMAN BRAND: Thank you.

21 MR. GAROFALO: One more comment, and that is,
22 perhaps you should provide some more detail on your
23 major loop road so that the Fire Department can issue
24 some comments. It's not clear exactly what you're
25 doing, but they have to handle some pretty heavy

WILLOW TREE RESORT HOTEL - SKETCH SITE PLAN

1 trucks.

2 CHAIRMAN BRAND: All right. Thank you.

3 MR. DEJOY: Thank you everyone.

4 Time noted: 9:13 p.m.

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

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9 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 MEKEEL MARLBORO MINI STORAGE

4 Project No. 24-2013
5 1430 Route 9W, Marlboro
6 Section 109.1; Block 5; Lot 12
-----X

7 SKETCH - SITE PLAN

8
9 Date: September 16, 2024
10 Time: 9:14 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

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

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

21 APPLICANT'S REPRESENTATIVES: MARIA MEKEEL
22 JEFF MEKEEL
23 CARMEN VASILE

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

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Moving on to New Application
2 Review, Mekeel Marlboro Mini Storage for sketch of
3 their site plan at 1430 Route 9W in Marlboro.

4 Pat, do you have any comments for them?

5 MR. HINES: No, I do not.

6 CHAIRMAN BRAND: Do you just want to tell us
7 what your plan is?

8 MS. MEKEEL: Yep. So we are hoping to move
9 on to phase 3. As you know, we are the Marlboro Mini
10 Storage, and we have two buildings there already, and
11 we would just like to move on to phase 3. That was
12 previously approved, but with, you know, economic times
13 that we've had, we are only now available to do that.

14 CHAIRMAN BRAND: So you already have an
15 application and it was approved?

16 MS. MEKEEL: This was approved previously.

17 MR. HINES: In 2002.

18 CHAIRMAN BRAND: There's no change to the
19 2002 approval?

20 MS. MEKEEL: Nothing changed.

21 MR. HINES: So that approval has lapsed.

22 MS. MEKEEL: Yep.

23 CHAIRMAN BRAND: Yes.

24 MR. HINES: So they're going to be back for a
25 new review. I do -- I didn't generate a memo, but I

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 did take the opportunity today to -- the EAF that was
2 submitted needs to be filled out on the DEC website.
3 It will populate. You sent an EAF, but it was done by
4 hand. If you do it on the DEC website --

5 MS. MEKEEL: No. We did.

6 MR. HINES: Okay. The two pages after that
7 didn't come out. It would generate information
8 populated from the DEC website.

9 MS. MEKEEL: No. Talk to him (indicating).
10 He did it.

11 MR. HINES: And then it goes in their
12 database and fills in a lot of it for you.

13 MS. MEKEEL: Okay.

14 MR. HINES: I was looking for if the Town had
15 a copy of the original approval, 2002. That would be
16 helpful.

17 MS. FLYNN: I'll have to look for it.

18 MR. HINES: County Planning will be required.
19 DOT review will be required. I was interested in those
20 minutes, because in the HD zone, I don't -- I think we
21 may have reviewed this as an accessory storage --
22 wholesale and accessory storage as a use in the HD
23 zone, and I think back in 2002 it was considered
24 storage in the zone. I just wanted to get a handle on
25 how that was approved back then. I think we need the

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 building inspector's gatekeeper letter that will more
2 define this use as a use in the HD zone. And then I
3 just noted that the original plan that was submitted is
4 stamped approved in 2002.

5 CHAIRMAN BRAND: Pat, we can just kind of run
6 with this like we did with the Highland condominium,
7 where they fill out a new application?

8 MR. HINES: Yeah. It needs a new application
9 to be processed. The site was set up. It's designed
10 for it. I think they did the grading. It's been
11 leveled. And the majority of it -- really, it's going
12 to be putting in -- I think there might be one more
13 course of drainage. I don't know if that was put in
14 originally. And then the two additional storage
15 buildings.

16 There are things that have changed. You
17 know, the Fire Code now has emergency access at
18 20 feet. So we're going to have to get something from
19 the Fire Department there. Their emergency access back
20 then was 14 feet. It may be adequate. It's been there
21 for years. So there's -- I don't know if you have your
22 same engineer on board.

23 MR. MEKEEL: No, we didn't speak with them.

24 MR. GAROFALO: I think it might make sense to
25 get the as-built plans so we can see more clearly, you

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 know, what's there and what's going to be there.

2 MR. HINES: That was the intent of my
3 question. I think you're going to have to bring your
4 engineer on board to give us a plan of what's there and
5 what's proposed, what's changed on the site.

6 MR. JENNISON: Are you doing any climate
7 control?

8 MS. MEKEEL: No. Just exactly the same as
9 what's there.

10 MR. GAROFALO: Two other suggestions. On
11 Item 9, dealing with the Energy Code, you want to
12 answer yes to that because you can't get approval
13 from -- for your building without meeting the energy
14 requirements.

15 MR. HINES: I don't think they're heated.
16 There's no energy in there.

17 MR. VASILE: No heat.

18 MR. GAROFALO: There are lights.

19 MS. MEKEEL: There's no lights inside.

20 MR. GAROFALO: Are there lights outside?

21 MS. MEKEEL: Yeah, but they're on timers.

22 MR. GAROFALO: That's energy use. You want
23 to say you hopefully meet the Code.

24 Also, I would T-off the access. The way you
25 have it, it looks like you're coming in an angle with

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 the two roads, and I would actually make that more of a
2 T.

3 MS. MEKEEL: I'm not sure what you mean.

4 MR. HINES: I think that's an existing
5 condition.

6 MS. MEKEEL: The roads are existing.

7 MR. HINES: Two of the original four -- is it
8 two or four?

9 MS. MEKEEL: Two are there.

10 MR. HINES: Two are there, and they're
11 proposing two more.

12 MS. MEKEEL: Right. Phase 1 is done. Phase
13 2 is done. We're looking to do phase 3.

14 MR. VASILE: You can't build a building until
15 your other ones fill up, because they're like \$400,000,
16 and you don't want to have them sitting there.

17 MR. GAROFALO: Also make sure you have a bulk
18 table, because things may have changed since the
19 original approvals.

20 MS. MEKEEL: A what?

21 MR. GAROFALO: Bulk table. The setbacks, et
22 cetera.

23 MS. MEKEEL: Well, the setbacks are all on
24 here. They are on the plan.

25 MR. HINES: Yeah. We just want to make sure

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 that the Zoning hasn't changed. It's 22 years.

2 MR. LOFARO: Does this mean that the second
3 egress is going to be used now?

4 MS. MEKEEL: I don't think so. No.

5 MR. HINES: No. It's still emergency right
6 now.

7 MR. JENNISON: That's the one far down here
8 on the left?

9 MS. MEKEEL: Yes.

10 MR. COMATOS: The third one, the third one
11 down.

12 MR. JENNISON: There was -- you did have a
13 fire issue down there?

14 MS. MEKEEL: We did, in the second building.

15 MR. JENNISON: How was the access for the
16 fire department?

17 MR. TRONCILLITO: Just fine.

18 MS. MEKEEL: It was fine. They didn't use
19 the emergency access.

20 MR. JENNISON: They did not.

21 MS. MEKEEL: They came in the main.

22 MR. TRONCILLITO: Yeah, we came in the main
23 one.

24 MR. JENNISON: And they sat out on the road
25 too; right?

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 MR. TRONCILLITO: No. They laid a line from
2 the hydrant. Went into Herman's so we didn't block 9W.

3 MR. JENNISON: Right.

4 MR. TRONCILLITO: Piece of cake. Put the
5 fire out and that was it.

6 MR. JENNISON: So because this is
7 preexisting, this was already approved?

8 MR. HINES: Yeah, it was approved. Their
9 approval lapsed over the 22 years.

10 MR. JENNISON: So, basically, you're starting
11 all over.

12 MR. HINES: It is a start over, but, I mean,
13 there's a lot of basis in the past there.

14 CHAIRMAN BRAND: What did you say?

15 MR. HINES: I said it is a start-over
16 application, but there's a lot of information from the
17 original. Obviously, this was anticipated. It was
18 reviewed. I don't know that there's been changes in
19 the HD setbacks, but those are things that we'll take a
20 look at.

21 MR. JENNISON: Okay. So you'll need to do
22 your part and take a look at it?

23 MR. HINES: Yeah. They're going to need a
24 design professional to give us what's there now, what
25 you're proposing, update the original plan.

MEKEEL MARLBORO MINI STORAGE - SKETCH SITE PLAN

1 MS. MEKEEL: Okay.

2 CHAIRMAN BRAND: Okay. Sounds good.

3 Time noted: 9:22 p.m.

4

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

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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 DANE DeSANTIS STR

4 Project No. 24-2014
5 224 Highland Avenue, Marlboro
6 Section 108.12; Block 1; Lot 48.200
-----X

7 SKETCH - SITE PLAN

8
9 Date: September 16, 2024
10 Time: 9:23 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING
19 BOARD ATTORNEY

20 JEN FLYNN, PLANNING BOARD SECRETARY

21 APPLICANT'S REPRESENTATIVE: DANE DeSANTIS

22
23
24 -----X
25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DANE DESANTIS STR - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up we have Dane
2 DeSantis for a sketch of a site plan at 224 Highland
3 Avenue. Do you want to just give us a brief overview
4 of why you're here?

5 MR. DeSANTIS: Yeah. I'm just here to seek
6 approval for an airbnb in my single-family home. One
7 room. It's a three-bedroom house, two and a half
8 bathroom. Rent out one bedroom on airbnb.

9 CHAIRMAN BRAND: Okay. Pat.

10 MR. HINES: So my first comment is to try to
11 determine whether this is a bed and breakfast, as he
12 just described, or a short-term rental.

13 MR. DeSANTIS: That's what I had spoken to
14 the Town about, and they said that it would be
15 considered a bed and breakfast because I live in the
16 home.

17 MR. HINES: You're going to live in the home.
18 I didn't know if the home next door was also owned by
19 you.

20 MR. DeSANTIS: No. My father owns the house
21 next door.

22 MR. HINES: Okay. When I saw the both the
23 names -- and the short-term rental would be allowed if
24 you owned the adjoining home. So you are going for the
25 bed and breakfast. That clarifies it.

DANE DESANTIS STR - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Does that -- I'm sorry.
2 Does our Code allow that provision, like if it's family
3 owned, or it has to be owned by the same individual?

4 MR. HINES: It says owned by the same
5 individual.

6 CHAIRMAN BRAND: Thank you.

7 MS. LANZETTA: But the bed and breakfast has
8 to be owned by the same individual.

9 MR. HINES: The bed and breakfast use has to
10 be owner occupied.

11 MS. LANZETTA: So you have to own the place.

12 MR. HINES: Yes. So he does. I just saw the
13 same -- the names were the same next door to each
14 other.

15 MS. LANZETTA: Does he? I thought he stated
16 his father owned that place.

17 MR. DeSANTIS: Well, I own the house. We're
18 in the process of transferring the title. It's just --
19 it's my father's property. We subdivided it two years
20 ago. I built the house and live in it with my wife.
21 But we haven't done the real property transfer because
22 we privately built the home. So there was never some
23 sort of loan or anything on the house. So we're in the
24 process of switching the title. It's just a financial
25 issue. We're deciding the best way to do it. But the

DANE DESANTIS STR - SKETCH SITE PLAN

1 Certificate of Occupancy is issued in my name, and you
2 know, everything -- I've been -- I have all the
3 documentation to attest to.

4 CHAIRMAN BRAND: That's good enough.

5 MS. LANZETTA: I don't know if it is.

6 CHAIRMAN BRAND: I mean, he answered the
7 question. That's what I was interested in.

8 MR. JENNISON: Wasn't there a court case
9 adjudicated on whether the owner has to live on the
10 property?

11 MR. GAROFALO: That's with the short-term
12 rentals, and they haven't changed our Code yet.

13 MR. JENNISON: That's what I'm saying.

14 MR. COMATOS: A court case pending where?

15 MR. JENNISON: I was told our Code is out of
16 date because of a court case. That's why I'm going to
17 you when it comes to the occupancy. Somebody had
18 fought it all the way up through the court system and
19 won that they don't have to be occupied.

20 MR. GAROFALO: But I think that's short-term
21 rental. Bed and breakfast might be different.

22 MR. COMATOS: There's a distinction with the
23 bed and breakfast being owner occupied. I'll try to
24 find the case. I'm not familiar with it. But the
25 implication of the case is that our Code is not in

DANE DESANTIS STR - SKETCH SITE PLAN

1 compliance.

2 MR. GAROFALO: It has to do with interstate
3 commerce, I think. That it impedes interstate
4 commerce.

5 MR. JENNISON: It was one of the classes I
6 took for my continuing ed. So it was definitely for
7 the Planning Board, New York State Planning Board.

8 MR. GAROFALO: I have two questions
9 specifically dealing --

10 CHAIRMAN BRAND: Wait. We're not ready for
11 questions. Pat.

12 MR. DeSANTIS: Can I make a comment?

13 MR. COMATOS: Can you get me a citation?

14 CHAIRMAN BRAND: Pat, can you finish your
15 comments, please.

16 MR. HINES: Yes. So with the bed and
17 breakfast, it needs to be owner occupied. I think he
18 can do a real estate transaction and make that happen.
19 It appears that there's adequate parking. They
20 depicted four parking spaces on the plan; three in the
21 driveway, one on the street. There are other sections
22 of the Code that need to be complied with. And then in
23 the bed and breakfast code, I think each of those
24 should be identified on the plan sheet. And then this
25 can move forward.

DANE DESANTIS STR - SKETCH SITE PLAN

1 MS. LANZETTA: Do we make that a condition of
2 moving forward, that he provide evidence that he owns
3 the property?

4 MR. HINES: Yes. Clearly it says owner
5 occupied.

6 CHAIRMAN BRAND: He would have to.
7 Otherwise, he couldn't do it if he wasn't the owner.
8 The other condition is -- what's the percent, Pat, do
9 you remember?

10 MR. HINES: The percentage has been removed
11 from your Code.

12 CHAIRMAN BRAND: Okay. So you just have to
13 live there.

14 MR. GAROFALO: There are two other legal
15 questions here, one of which is, because there was a
16 variance granted, would he need to go back to the ZBA
17 dealing with this change in use?

18 CHAIRMAN BRAND: What was the variance?

19 MR. DeSANTIS: The variance was for a side
20 yard setback lot width, which was approved, and doesn't
21 affect any of the requirements for a bed and breakfast
22 or short-term rental.

23 MR. COMATOS: So the structure is fine. He's
24 just seeking a change of use.

25 MR. GAROFALO: And the other item is a bed

DANE DESANTIS STR - SKETCH SITE PLAN

1 and breakfast requires two parking spaces plus one
2 for -- per bedroom, and unless you're in the Milton
3 hamlet or if you're in the Marlboro hamlet and adjacent
4 to a commercial zone, you can't use the on street
5 parking to account for your parking spaces.

6 I also am concerned about one of -- the third
7 parking space, which is in the Town right-of-way. I
8 think it would be more appropriate if he were to more
9 carefully look at the dimensions, the width of the
10 driveway, and see if he could accommodate the third
11 parking space on the property and not in the Town
12 right-of-way.

13 MS. LANZETTA: I drove by there the other
14 day. It's an adorable, adorable house. And it looked
15 like you have four parking spaces, at least.

16 MR. DeSANTIS: We can fit easily three going
17 side to side. Just the plans were hard to draw on that
18 way. We had -- that map was drawn, and then we got a
19 note from the Highway Supervisor saying we can make the
20 parking -- the driveway 25 feet wide. So it's plenty
21 wide to fit three cars next to each other, and we often
22 have three cars next to each other.

23 MR. GAROFALO: I think you need to show if it
24 is 25 feet wide, show that dimension because we're
25 talking 9 by 18, that would be -- you'd be able to fit

DANE DESANTIS STR - SKETCH SITE PLAN

1 the cars. But the way it's shown on the plan, you only
2 have, in my opinion, two parking spaces, but, as you
3 said, I think you can fit three. I don't know if
4 within our regulations they've removed the requirement
5 that you -- actually, in a bed and breakfast, I think
6 you could make a change to the driveway if you needed
7 to.

8 MR. HINES: Yes. It's not mentioned that --
9 it's just not mentioned in the regulation.

10 MR. GAROFALO: Or with a short-term rental, I
11 think they took it out too.

12 MR. HINES: Yeah. Originally, you couldn't
13 make any changes to the parking spot.

14 MR. GAROFALO: But if you don't have 25 feet,
15 then you can think about widening it a little bit so
16 you could fit the parking in there.

17 MR. DeSANTIS: Yes. I believe that that's no
18 issue. I can just change the plan to show the three
19 slots next to each other, and I'll add a photo for you
20 guys to see three vehicles parked in the driveway.

21 MR. GAROFALO: The most important thing is
22 that you mention it, the width. Clearly you have
23 42 feet. That's more than enough.

24 MR. DeSANTIS: Then I had a question
25 regarding the labeling of a bed and breakfast or

DANE DESANTIS STR - SKETCH SITE PLAN

1 short-term rental. If it's easier for the Planning
2 Board for me to change the application to short-term
3 rental --

4 CHAIRMAN BRAND: You can't do a short-term
5 rental.

6 MR. HINES: You are only a bed and breakfast.
7 I saw the common ownership next door, the name. That
8 would work. If you owned the property next door, you
9 can be a short-term rental, different from the bed and
10 breakfast, owner occupied.

11 MR. DeSANTIS: Then what would you want from
12 me to show ownership? Because I have the Certificate
13 of Occupancy in my name, if that's sufficient for you.

14 CHAIRMAN BRAND: Gerry, what would you need?

15 MR. COMATOS: A deed.

16 MR. DeSANTIS: Okay. We're in the process of
17 having a new deed drawn up, so it's just a matter of
18 time.

19 CHAIRMAN BRAND: Once you get that finalized,
20 then I would say you can return, but I wouldn't come
21 back until you have that, because you have to prove
22 that you own it.

23 MR. DeSANTIS: No worries.

24 CHAIRMAN BRAND: Thank you very much.

25 MR. DeSANTIS: Thank you, guys.

DANE DESANTIS STR - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Anything else? Due to the
2 lateness of the evening, we are postponing our Special
3 Topics and Discussion. Anything else before we
4 adjourn?

5 (No response.)

6 Time noted: 9:33 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
Senior Court Reporter

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