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2 STATE OF NEW YORK : COUNTY OF ULMSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

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5 In the Matter of

6 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
255 Ridge Road  
Milton, New York 12547  
7 SBL #102.4-3-8.320, 102.4-2-12, 13, 29

8 -----X

9 DATE: September 12, 2024

10

TIME: 6:00 P.M.

11

12 PLACE: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

13

14 BOARD MEMBERS:

15

16 LENNY CONN, CHAIRMAN  
JEFF MEKEEL  
GEORGE SALINOVICH, Absent  
ANDREW NIKOLA  
LARRY BARTOLOTTI

17

18 ALSO PRESENT:

19

20 DANIEL J. PATRICK, ESQ.  
PAT MITCHELL, Passero Engineering  
MICHAEL ACHEBAUM, Applicant  
PAUL LeSHCHEV, Applicant

21

22 JEN FLYNN, Zoning Board  
Secretary

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23

24 LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
(845) 674-3937

25

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 CHAIRMAN CONN: Let's stand for  
3 the pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: On the agenda  
6 tonight, we have a Marlboro Resort  
7 Lattintown for an area variance of  
8 11.38 feet. Before we open the public  
9 hearing, I'd like to read from the  
10 legal notice.

11 MR. NIKOLA: Town of Marlboro  
12 Zoning Board of Appeals legal notice.  
13 Please take notice that a public  
14 hearing will be held by the Town of  
15 Marlboro Zoning Board of Appeals,  
16 further known as ZBA at the town hall,  
17 21 Milton Turnpike, Milton, New York,  
18 on September 12, 2024, at 6:00 P.M. or  
19 soon thereafter as may be heard. The  
20 owner/applicant, Marlboro Resorts, LLC  
21 is seeking relief from Town of  
22 Marlborough Code 155, Attachment 2 I,  
23 area variance of 11.38 feet. Location:  
24 255 Ridge Road, Milton, New York 12547.  
25 Tax parcel: Section, 102.4. Block 3.

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 Lot 8.320. Section, 102.4. Block 2.  
3 Lot 12, 13, and 29. Any interested  
4 parties, either for or against this  
5 application will have the opportunity  
6 to be heard at this time. Lenny Conn,  
7 Chairman, Town of Marlborough Zoning  
8 Board of Appeals.

9 CHAIRMAN CONN: Thank you. Do we  
10 have the official mailings?

11 MR. PATRICK: Yes.

12 MS. FLYNN: 60 mailings went out  
13 and 40 were returned.

14 CHAIRMAN CONN: At this time, I  
15 will open it up for the public hearing.  
16 When you come up to the podium, please  
17 state your name for the record, and  
18 we'll try to keep it to 3 minutes with  
19 everyone here. And just as a side  
20 note, the only thing this variance is  
21 for is for a preexisting nonconforming  
22 storage building that has been on this  
23 property for decades, at least.

24 MR. PATRICK: Yes.

25 CHAIRMAN CONN: That based on new

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 town code is 11.38 feet of the setback  
3 that is needed. So, that being said,  
4 whoever would like to come up and speak  
5 first come to the podium, state your  
6 name for the record.

7 MS. SCAFFIDI: I'll go. My name  
8 is Kathleen Scaffidi, and I live  
9 directly across from the building that  
10 you're talking about. We have recently  
11 had more developments with the Fjord  
12 Winery going up. It has caused my  
13 property to become underwater. I have  
14 spent over \$50,000 on one house -- no,  
15 I'm sorry, \$25,000 on one house,  
16 \$25,000 on another house because of  
17 water. I want to know with all of the  
18 things that you are planning, and you  
19 are planning a massive amount for this  
20 small town, what are you going to do to  
21 mitigate any kind of water runoff from  
22 that area? I have other issues. What  
23 about the traffic? 9W shuts down very  
24 frequently, I'm sure you know, and they  
25 use that as a conduit to get around the

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 accident. I have seen so many -- you  
3 can't even get out of your driveway to  
4 get onto Ridge Road when there is an  
5 accident on 9W. The drainage, what are  
6 you going to do to mitigate the noise?  
7 I'm sure that with having a  
8 distillery -- I don't drink so I don't  
9 really care about a distillery -- but  
10 there is going to be a lot of noise, a  
11 lot of bakers, there is going to be --  
12 it's going to be inflammable? What is  
13 the contingency plan on your part to,  
14 you know, to avoid any kind of  
15 problems? Obviously, with machinery,  
16 there is going to be noise, you know,  
17 we live in an area that is -- it's  
18 farmland. It's -- we deal with  
19 tractors, and that is all, you know.  
20 We're not into, you know, a lot of  
21 interaction with people, whether it's  
22 workers, whether it's visitors. I  
23 mean, they, you know, they're more than  
24 welcome to come, but in this -- in this  
25 size that you're planning, the hours of

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 operation, as I said, I live across the  
3 street from Fjord, that is basically  
4 with a reservation only, very few  
5 people, they limit it to maybe 15 cars  
6 per hour. What you're planning sounds  
7 like it's going to be on a very large  
8 scale, and in order for you to have  
9 food fair, that means you're going to  
10 also have trucks delivering, you're  
11 going to have refuse. Where are all of  
12 these trucks going to go, you know?  
13 They're going to be right in front of  
14 my house. Meanwhile, I own three homes  
15 on that road, one right after the  
16 other, and they were bought by my  
17 father-in-law 70 years ago, and that is  
18 where we lived. And to see it being  
19 cannibalized by what you're planning,  
20 you know, I understand, hey, you know,  
21 it's a nice area, and everybody wants  
22 to enjoy it, but you got to remember  
23 the people who have lived here and who  
24 have paid taxes for over 70 years that,  
25 you know, we have rights too. At least

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2 I thought we did. I really am

3 concerned about what the distillery and

4 I don't know -- I don't really know

5 very much about distilleries. What

6 about the fumes? I know they're

7 flammable. They're going to be spewed

8 into the air. I have read somewhere

9 that they have -- they release

10 something with mold, that means my

11 house is -- your house is going to all

12 need to be power washed every two years

13 because of a yeast buildup on your

14 homes. Lastly, but very importantly,

15 what's this going to do to our value,

16 our home's value? You know, there is

17 the property values. I mean, we pay to

18 live here, and we pay, you know, our

19 taxes. They're not cheap. But this is

20 really going to be a detriment to

21 anyone who tries to sell their home.

22 No one really wants to live across from

23 a -- you know, either a -- what you're

24 talking about the barn, yes, that has

25 been there for 70 years. I can attest

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 to that. But it hasn't been used in  
3 years, it hasn't been used, and we  
4 don't complain about it because  
5 everybody has let the weeds grow, so  
6 you don't really see it, but you're  
7 planning on making it front and center  
8 so that every time I look out my window  
9 that is what I'm going to see. You  
10 know, I know you're saying about, oh,  
11 you're going to put greenery and make  
12 it "nice"/nice, but, you know, I don't  
13 know whether or not you will hold true  
14 to your statement. The other part is  
15 that you have something like 150 acres.  
16 Surely this can be placed in an area  
17 that is not going to be detriment to  
18 all of these homeowners. So, I think  
19 that is all I have to say.

20 CHAIRMAN CONN: Thank you.

21 MS. SCAFFIDI: You're welcome.

22 CHAIRMAN CONN: For the general  
23 audience, what the applicant is doing  
24 is an allowed use in that area. What  
25 also is an allowed use is to be several

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 hundred apartments there, and from what  
3 I understand through what I've read in  
4 the preliminary paperwork, they're  
5 trying to preserve as much of the  
6 natural environment that is there as  
7 they move forward with their project.  
8 And as commented in our meetings when  
9 we have public hearings, we are patient  
10 and want to hear what you have to say,  
11 but most of the complaints/suggestions  
12 that you have are planning board  
13 issues. We're more than willing to  
14 listen to what anyone has to say at  
15 this public hearing, but unfortunately,  
16 most everything that you've brought up,  
17 Ms. Scaffidi, is going to be a planning  
18 board issue upon site plan approval,  
19 and they will go over everything that  
20 you mentioned with lighting, with  
21 noise, with sound, with traffic. That  
22 is where all of that gets into with the  
23 planning board.

24 MS. SCAFFIDI: It seems though  
25 that they have already progressed to

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 that point. I mean, we've just get  
3 notified of this and -- but I mean,  
4 it's like a -- it's almost like a done  
5 deal. I mean --

6 MS. FLYNN: Can I just say  
7 something?

8 CHAIRMAN CONN: Please.

9 MS. FLYNN: They will have another  
10 public hearing for the planning board.  
11 It is not a done deal. They still have  
12 to go through the full process of their  
13 site plan. I'm also the secretary for  
14 the planning board. So, they will have  
15 another letter sent out to everybody  
16 for that public hearing, which is  
17 basically what all of you want to go to  
18 for that public hearing. This is just  
19 for the building just for the road  
20 frontage. It's not for anything else  
21 for that site plan.

22 MS. SCAFFIDI: Well, with the road  
23 frontage though, you realize you're  
24 going to be having a lot of traffic, a  
25 lot of trucks delivering things.

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2 MS. FLYNN: That is also planning  
3 board.

4 MS. SCAFFIDI: Planning board,  
5 okay.

6 CHAIRMAN CONN: Anyone else?

7 MS. NIGRO: Yes. I want to say,  
8 first, thank you for reiterating so  
9 many concerns for our people. But I  
10 also want to bring --

11 CHAIRMAN CONN: Just for the  
12 record, please state your name.

13 MS. NIGRO: Yes, my name is Maria  
14 Nigro. I live close to Ridge Road, not  
15 exactly on Ridge Road. But I want to  
16 point out to you folks who are planning  
17 this for your client, I got to say,  
18 I've looked at your plans, and I  
19 appreciate them. I think this town  
20 certainly would benefit from resorts of  
21 the magnitude that you guys are  
22 planning. It's nice. When I was  
23 living in the city every weekend, my  
24 husband and I were looking for places  
25 to go to that would offer this kind of

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 ambiance, we would get away from the  
3 noise, the traffic, all of the soot,  
4 all of the things we had to deal with,  
5 and this is wonderful, and I think it  
6 would bring revenue for your clients,  
7 certainly will bring revenue for the  
8 town, but the distillery where you're  
9 planning on putting it affects a  
10 multitude of residences there. Because  
11 unlike other streets, if you will, in  
12 the Marlboro area, this is one of the  
13 more highly congested residential  
14 places in Marlboro. We have a lot of  
15 seniors. We have a lot of children.  
16 The children are picked up, they're  
17 dropped off by the school buses at  
18 3:00, and right dead center where all  
19 of this activity is going on, you're  
20 planning on putting a distillery --  
21 what I have to say -- tons and tons of  
22 acreage in the back, okay, where it may  
23 not have as much eyesore, as much of a  
24 hazard in terms of traffic and the  
25 like, if the board considers giving you

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 the variance, which is right spank on  
3 Ridge Road, the board ultimately, and  
4 the planning session agrees, to give  
5 you the rights to do the distillery  
6 there, it would hurt every single one  
7 of us, okay, because we do not have  
8 sidewalks in Marlboro. That is part of  
9 the culture of living in an environment  
10 of farms and rural. That is what we're  
11 here for, the peace and quiet and  
12 serenity of our lifestyle. There are  
13 no curbs and there are no sidewalks so  
14 our children, okay, walk in the  
15 streets. Our residents walk their dogs  
16 on Ridge Road. Mothers with baby  
17 strollers walk on Ridge Road to cross  
18 over to Christina Way, which is a  
19 cul-de-sac and a little bit more  
20 quieter. Everyone who uses Ridge Road  
21 are local members of this town and use  
22 that to get from A to B, okay. It  
23 doesn't have commercial traffic, unless  
24 9W is blocked for whatever reason, and  
25 then they come up from Lyons Lane or

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 Old Indian, you're going to create

3 havoc with respect to the number of

4 vehicles, not only in terms of, you

5 know, the need for the distillery

6 itself, the trucks and all of that kind

7 of stuff. Those aren't as much as the

8 significant traffic of people that like

9 their booze. Let's face it, it's a

10 cash cow for everybody. It will make

11 an enormous amount of traffic for

12 owners. But what I find interesting,

13 in the planning stages of your client

14 is that they make the resort at the

15 extreme end which is beautiful, you

16 have a petting zoo, you have a spa, you

17 have all sorts of the wonderful things,

18 okay, that sell this high-end resort to

19 these outsiders who are entitled to

20 come for the ambience of what we have

21 here in Marlboro is the clean air, the

22 quietness. But you don't put the

23 distillery where your guests are going

24 to be. Why is that? Simple in my

25 mind, you want to segregate them, you

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 want to sell the high-end resort for  
3 peace, quiet and serenity. But you  
4 want to put the distillery of noise,  
5 traffic, a danger to our people right  
6 in the center of where we live. I say  
7 no to the variance. I say no to the  
8 distillery there where you're planning  
9 on putting it. We're too highly  
10 congested as a residential area. I've  
11 got to give you folks some research  
12 that I did, you know, with regard to  
13 heavy drinking and people because a  
14 distillery doesn't offer that glass of  
15 wine, that bottle of beer. It offers  
16 hard liquor, high-end hard liquor,  
17 whiskey, scotch, vodka, you name it.  
18 That is what it offers. People like  
19 drinking it. I don't. So maybe I'm an  
20 advocate because I don't, I don't know.  
21 Maybe I'm an advocate as a mother as  
22 well, and I'm interested in the welfare  
23 of our children, okay, that may  
24 necessarily ride their bikes or walk  
25 with their moms and pops where they

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 walk the dog in the street. I could  
3 tell you that, if you look at the  
4 statistics with regard to DWI, they're  
5 high, extremely high, okay. You are  
6 putting that hazard and that danger in  
7 our back yard, in our front lawn. That  
8 is a no, that is a no. I came here 18  
9 years ago, my husband and I with my  
10 daughter, to get away from that in the  
11 city. I came for peace and quiet. My  
12 neighbors have come for peace and  
13 quite. Some of them have been here  
14 longer then I have. I enjoyed the  
15 quietness and serenity, okay, of what  
16 this country and this town offers. You  
17 are going to take that away from me.  
18 You're going to put a freaking bar  
19 right in the my lawn. I don't want you  
20 there, okay? There is a need for  
21 everything in life. There is a need  
22 for distilleries, wineries, whatever  
23 the case may be, right. We're all  
24 entitled to have a little bit of  
25 everything, but do we need to put it

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 where it's high residential? We don't  
3 have a house here and there. We're  
4 almost neck to neck in houses, okay.  
5 It is a developing community. If you  
6 see the tabloid, you see these plans as  
7 they're coming to you. There is a  
8 house under construction, there is  
9 another one that was just finished a  
10 few months ago. One of my neighbors  
11 that I was visiting. Did you get this  
12 notice? Okay, she has been a resident  
13 about a year or so. It's an evolving  
14 place where people want tranquility and  
15 quiet, and look at your plans, guys,  
16 because I've seen those plans, the  
17 serenity you offer, okay, in your  
18 resort, beautiful, okay, it looks  
19 great. The distillery of your hard  
20 liquor, that doesn't go with families  
21 with a nice swimming pool or whatever.  
22 You have at the extreme end. You put  
23 it in our back yards. Town folks say  
24 no. This is not what we came up here  
25 and what we want to live, say no to

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 that. That is beyond ridiculous. We  
3 have children. We have mothers and  
4 fathers that walk their dogs there  
5 because we have no sidewalks, guys. We  
6 walk the streets and this is the danger  
7 you're putting us in, okay, if you say  
8 yes to this. Find it. And don't get  
9 me wrong, there is a time and a place  
10 for everything, there is a time and  
11 place for your distillery. There is a  
12 time and place for the restaurant and  
13 all of this, but not in the front of  
14 our lawn and that's where you're going  
15 to put it. I can't tell you, in the  
16 statistics that I read, DWI and the  
17 amount of accidents -- I have been a  
18 bodily injury adjustor for an insurance  
19 company for many years, and I could  
20 tell you the horror stories I had to  
21 read and handle and adjudicate. It's a  
22 no folks. It's a no. Alcohol and  
23 driving vehicles, that is bad. And  
24 while we may have said we're lucky so  
25 far, tomorrow we're not that lucky.

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2 So, I've said my peace. I thank you  
3 very much for your time, and that's all  
4 I have to say.

5 MR. BARTOLOTTI: Thank you.

6 CHAIRMAN CONN: Thank you. I  
7 realize this is extremely personal for  
8 everybody. Obviously that is why we're  
9 here. I know there is a lot of people  
10 here that want to speak. I would  
11 respectfully ask if we can keep it to  
12 as close as three minutes so we can  
13 give everybody the proper amount of  
14 time. Also, that being said, what the  
15 applicant chooses to make with that  
16 building is ultimately up to them. Why  
17 they are here, they're not here because  
18 they want a distillery and it's up to  
19 us to give them a variance or not give  
20 a variance on a distillery. They're  
21 trying to use preexisting nonconforming  
22 building that was built as you spoke,  
23 Ms. Nigro, was probably over 70 years  
24 ago. The town codes and setbacks from  
25 the road then were different, and they

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 changed over the years so that is why  
3 we call it preexisting now  
4 nonconforming building. It was legal  
5 back then when it was put in.  
6 Unfortunately, with the town codes and  
7 laws changed, and what's needed for  
8 setbacks for structures from roads has  
9 increased, but the building is still  
10 there. So, we're -- the public hearing  
11 will stay open after tonight. We're  
12 not closing the public hearing. We're  
13 not making a decision on this tonight,  
14 but I want everybody to be clear this  
15 is not whether we vote yes or no on a  
16 distillery, that is not what this is.  
17 What they ultimately choose to do with  
18 that, in their site plan with final  
19 approval with the planning board, is  
20 going to be up to them and between them  
21 and the planning board. So, that being  
22 said, next.

23 MR. KORMANNSHAUS: Claus  
24 Kormannshaus. I live at 249 Ridge  
25 Road. This is my wife, Rosella Perrone

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 Kormannshaus. And I live right at 249  
3 Ridge road, literally right next door  
4 to this building. I don't like looking  
5 at it as it is, but I realize the  
6 orchard uses it for storage and what  
7 have you. I get this is not about the  
8 distillery, this is about a variance,  
9 but I'm not stupid. I mean, we  
10 approved the variance for that, to make  
11 it into a distillery, that is what the  
12 plan is. We were in Italy on vacation.  
13 We knew nothing about this. We got  
14 home and Kathy our neighbor said, did  
15 you hear what's going on? I said, no.  
16 I saw the notice, but it didn't  
17 register for me because it didn't  
18 mention any of this. I had to look it  
19 up based on the information that I got  
20 from our neighbors. Maria also told  
21 us, I'm thinking, you got to be kidding  
22 me. My wife is disabled. She has  
23 extensive back surgeries. We use Ridge  
24 Road as a place for us to walk so she  
25 can get healthier. The car speed down

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2 that road is 25 miles an hour. 50 is  
3 too slow for all of the people, you  
4 know, 60. There is kids on the road  
5 all the time, kids on bicycles. There  
6 is kids on four-wheelers that shouldn't  
7 be on the road, but they are. You  
8 know, think about it, if you have a  
9 distillery, you've got people that are  
10 going to drink alcohol. We're not  
11 talking a glass of wine and a couple of  
12 beers. We're talking hard liquor,  
13 couple of shots. Nobody goes anywhere  
14 to have a shot and go home. People go  
15 to get hammered. They go there to  
16 drink. People that drink alcohol are  
17 used to it and one shot is never  
18 enough. You know, driving under the  
19 influence is illegal, but it's  
20 dangerous. My son comes up from North  
21 Carolina with our grandkids. I don't  
22 want them getting hit by the car. I  
23 love my dogs. Those are my other kids.  
24 They're my family. I don't want them  
25 getting run over. I don't want my wife

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2 getting hit while she's trying to get  
3 some exercise to improve her condition.  
4 That's a horrible thought, you know.  
5 And the worse part is, yeah, right now  
6 we're just speculating, we're  
7 discussing, but what happens when it  
8 occurs, then what? Oh, I'm sorry,  
9 maybe a lawsuit or that's too bad, and  
10 then what? If she's dead, she's dead.  
11 If the dog is dead, they're dead. If  
12 anyone gets hurt, they get hurt. The  
13 story won't fix it. You know, you can  
14 arrest the driver if you want, but does  
15 that really rectify what happened?  
16 Does it make it better? No. You know,  
17 and just think of the behaviors, you  
18 know, people get drunk, they get rowdy,  
19 they get loud, they get argumentative.  
20 They may have a weapon, next thing you  
21 know somebody gets shot. Are you  
22 kidding me? This happens in these  
23 places all the time. You can't turn on  
24 the news without hearing about it. We  
25 want to invite this to our quiet

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2 neighborhood. I mean, I bought the  
3 house back in 2012 to move there  
4 because I have an acre and a half  
5 because I don't have anybody right next  
6 to me, because it's quiet, it's a  
7 beautiful area. You know, again, I am  
8 not foolish enough to believe it, oh,  
9 hold on, let's just give a variance for  
10 a building that exists because the  
11 apple orchard needs it for their  
12 orchards. No, I get you're going to  
13 turn it into something else. I get it.  
14 Think about it though. Is that really  
15 the place for that? And then when it  
16 happens, when someone gets hurt or gets  
17 killed, then what? Is it going to make  
18 it better? Is it going to fix it? Can  
19 you go back and undo what happened?  
20 No. Dead is dead. Think about it.  
21 How would you feel if your child or  
22 your spouse was injured by a drunk  
23 driver and they died, or even just  
24 permanently disfigured or anything like  
25 that, or even had to go to the hospital

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2 and that they're going to be okay  
3 maybe, but how would that make you  
4 feel? That's really upsetting. And  
5 it's something to think about. You  
6 know, that road is small, you know.  
7 When we have the overflow from 9W, it's  
8 a mess. You know, like Kathy said, you  
9 can't get out of your own driveway.  
10 Walking down that road is dangerous as  
11 it is. There is a slight hill there.  
12 People a lot of times don't look. I'm  
13 a golfer. Every now and then I come  
14 back from the golf course, I have to  
15 pull out and back into my driveway. I  
16 have been really close to having an  
17 accident because people tend to speed  
18 down that road and these are people  
19 from around here. What about people  
20 from the city? They're always in a  
21 hurry. They can't get to it fast  
22 enough, you know. You see them on the  
23 highway, flash their lights, get out of  
24 the way like they're in a hurry,  
25 they're somewhere. You're going to put

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 that right on Ridge Road, really?

3 That's upsetting. Do you want to add

4 anything?

5 MS. KORMANNSHAUS: Yes. I used to  
6 live in the city and I know how noise  
7 concerned distilleries are. Now you  
8 have to understand this is going to be  
9 next to us, okay. And the other thing  
10 from the distillery, besides all of the  
11 booze is, when they come out to smoke  
12 outside, and they're drunk and noisy.

13 I have walked way too many times in way  
14 too many streets in New York City where  
15 it is 12 degrees and they have no coats  
16 on, they're drunk out of their mind,  
17 they're puking on the sidewalk,  
18 smoking, smoking pot, or other things  
19 most of the time, and that would be in  
20 our back yard. We don't hear a noise  
21 come 7:00, and the depreciating value  
22 of our house, again, we are 5 feet away  
23 from it, and then you put all of the  
24 rich people in one area, but you put  
25 the dormitory for your workers right

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 next to the distillery.

3 MR. KORMANNSHAUS: Right in our  
4 back yard.

5 MS. KORMANNSHAUS: I know you're  
6 saying we're here for a variance, but  
7 come on. You're ruining the  
8 neighborhood.

9 CHAIRMAN CONN: Thank you.

10 MR. BARTOLOTTI: Thank you.

11 CHAIRMAN CONN: Anyone else?

12 MR. WERBA: Hello, Bill Werba. I  
13 want to look at this from a different  
14 angle, and I'm going to ask you guys to  
15 consider this in the future. I own a  
16 farm, which is adjacent to the property  
17 on the north side of where they're  
18 proposing to put their facility. My  
19 concern is, first of all, I don't think  
20 a high-end resort fits in an  
21 agricultural community surrounded by  
22 agriculture. Second thing is these  
23 people are going to have to adjust to  
24 what we do. We run spray equipment all  
25 hours of the night. We run windmills,

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2                    helicopters and frost mitigation

3                    situations. We're not a very -- it's

4                    not very quiet. We have pickers, which

5                    are noisy. They play their on music

6                    and they do a lot of stuff. We have

7                    sprayers on the road, who will go very

8                    slow, not compatible with your high-end

9                    people with their high-end automobiles.

10                  That is not going to work. It's

11                  dangerous enough now with people

12                  passing tractors and sprayers on the

13                  back road. It's just not compatible.

14                  We have the workers and buses, cars, we

15                  have UTVs and RTVs and all kinds of

16                  vehicles that go on the road all under

17                  20 miles an hour. Your people, your

18                  high-end people aren't going to want to

19                  go 20 miles an hour I assure you. Even

20                  the local people don't want to go 20

21                  miles an hour behind the tractor. You

22                  got to consider that. I hear all of

23                  the people talking about their concerns

24                  about the noise and the housing. I

25                  don't live there. I live -- I don't

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 live on the farm, so to me it's just --  
3 it would just be an inconvenience with  
4 the traffic. Please consider it. And  
5 I don't know if this is the forum for  
6 considering that or not. It sounds  
7 like there is another meeting that is  
8 going to be brought up.

9 CHAIRMAN CONN: Most of your  
10 concerns and complaints will be brought  
11 up at the planning board prior to site  
12 plan approval, and then we will have  
13 another public hearing.

14 MR. WERBA: It just doesn't seem  
15 compatible for this area. It just  
16 doesn't. And I think everybody else is  
17 saying that, but they're saying it in a  
18 different way. Thank you.

19 MR. NIKOLA: Thank you.

20 CHAIRMAN CONN: Next?

21 MR. PITMAN: John Pitman, I'm here  
22 to represent my wife who couldn't be  
23 here tonight. And you know, she's with  
24 the Scaffidi Family Trust. That is my  
25 mother-in-law. I'm not going to read

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 this letter that she wrote except for  
3 one line that wasn't covered. It says  
4 the variance request fails to meet the  
5 criteria as outlined by the New York  
6 State Town Lawn Balancing Test, section  
7 267-3B, and this does not justify the  
8 detrimental changes proposed. That is  
9 it, that is all I have. True or not  
10 true.

11 CHAIRMAN CONN: Thank you.

12 MR. BARTOLOTTI: Thank you.

13 MR. PATRICK: If I could address  
14 that point?

15 CHAIRMAN CONN: Yes.

16 MR. PATRICK: So, we did make a  
17 formal written submission which  
18 addressed the five-factor balance and  
19 test that you spoke of. Understanding  
20 the law, there is a balance test which  
21 evaluates whether the proposed  
22 variance -- whether the potential  
23 benefits of the applicant outweigh way  
24 the potential detriment to the  
25 community and we evaluated that test,

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 the balancing test in detail. We're  
3 not going to go through it because it  
4 has been addressed. So, we do hear the  
5 concerns of the public, but we do want  
6 to remind that this application is  
7 about the setback variance for the  
8 existing structure is a less than 1,300  
9 square-foot structure that has existed  
10 for 70 years, proposing to improve the  
11 side, which includes raising that  
12 building. This is a small building.  
13 This is not going to be a large, giant  
14 industrial distillery operation. There  
15 is going to be distillery operations to  
16 support the on-site consumption as a  
17 result at the top. There will be a  
18 small tasting room that will allow  
19 residents, nearby community to come and  
20 join, have a drink and leave. But this  
21 is not going to be a large bar. It's  
22 not going to be a huge pavilion of  
23 drinking. It's mostly intended to  
24 support the onsite consumption and the  
25 use. But, again, that is getting away

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 from the fact that we're here for the  
3 setback variance. We are proposing  
4 significant improvements to the  
5 right-of-way. We're cleaning up the  
6 building and making it look much  
7 better. Right now it's in very poor  
8 shape. It's a dangerous shape, it's an  
9 old building. It needs to be renovated  
10 and it needs to be approved, and there  
11 will be significant planning that would  
12 be proposed to help screen the sound,  
13 the noise, and the individuals from off  
14 site. So, I think we're making a huge  
15 improvement with this application. We  
16 certainly hear your comments and we're  
17 taking them to heart. I'm taking notes  
18 this entire time. Because we are  
19 hoping to address those comments when  
20 we do get to the planning board public  
21 hearing. We're here for very a limited  
22 issue tonight, but there will be a  
23 public hearing for the use and the site  
24 plan application hopefully in the next  
25 month or two. Again, we will be

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 sending out notices when that's  
3 scheduled. But right now we're just  
4 here for the very limited application  
5 or the setback variance. And the  
6 owner, Michael Achenbaum, would like to  
7 say something.

8 CHAIRMAN CONN: State your name.

9 MR. ACHEBAUM: I am Michael  
10 Achenbaum. Nice to meet you all. Wish  
11 it was under calmer circumstances. The  
12 realty is I don't hide behind my  
13 attorneys and so on, and I appreciate  
14 everything that he said, but I am  
15 totally willing to meet with you all,  
16 whether at the planning board meeting,  
17 another time, totally would sit down  
18 and discuss everything with you. The  
19 assumption that this was done where we  
20 chose to put it on the other side from  
21 the other experience that is going on  
22 on the other side of the property has  
23 nothing to do with our mindset about  
24 why we did it over there. It was a  
25 preexisting building. We wanted to do

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 a distillery. This is what the best  
3 use that we thought of it. Most of the  
4 space is going to be taken up by  
5 beautiful kind of those copper-  
6 looking -- they're not really  
7 mechanical -- it's like a slow drip  
8 process for small-batch product. We're  
9 not -- this is not a large processing  
10 plant. It's going to be, you know, a  
11 few hundred cases of alcohol throughout  
12 the entire year of production. It's  
13 not meant to be something that -- what  
14 you're envisioning is not what we're  
15 planning. And I apologize, because we  
16 have met with the planning board a few  
17 times. We have been very open book  
18 about everything, the entirety of the  
19 project. We've gone three times in  
20 front of the planning board and really  
21 tried to be expressive of what our  
22 ideas are and what we're trying to  
23 accomplish here. We're maintaining  
24 most, if not all -- we're cutting back  
25 a little bit of the apple orchards but

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 were going to take another field and do  
3 additional plantings of additional  
4 products because we want to expand that  
5 experience on the property. We utilize  
6 most of the existing roads on the  
7 property, and barely -- we're  
8 minimizing the destruction of the  
9 beauty of the property. So, what we're  
10 trying to envision here is not what  
11 you're considering, especially with  
12 this particular use. There is only  
13 about 10 parking spots, and it's really  
14 the experience that if I was to  
15 describe it is someone wants to come  
16 and bring a bottle to take off property  
17 and taste something, have cheese and  
18 crackers with it. It's not meant for  
19 people to stay and spend 4, 5 hours  
20 drinking. It's really a tasting  
21 experience to sell the product  
22 wholesale and be part of the overall  
23 experience is what the property is  
24 meant to offer, which is a unique  
25 countryside, the way maybe a city

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 person envisions it. It's a unique  
3 countryside experience. High-end  
4 manner. It's just not what you guys  
5 are all thinking. And I apologize  
6 because you weren't obviously at the  
7 various times we've spoken about what  
8 we were doing. But we really have a  
9 different vision of what this  
10 experience will be. And I very much  
11 hear your concerns, sir, about the  
12 safety of people and so on, but it's  
13 just not a high-traffic thing that  
14 we're looking to create, it's not. We  
15 can't even take that many people at a  
16 time. It's really not that experience.  
17 So. Yes, ma'am?

18 MS. NIGRO: So, if you can't take  
19 that many people at a time, what we  
20 will have, we will have people in their  
21 car and on our lawn waiting to get a  
22 parking spot to get a tasting. It  
23 happens.

24 MR. ACHENBAUM: I can't argue  
25 that --

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 MS. NIGRO: People stay on our  
3 property when they go up to the  
4 vineyard.

5 MR. ACHEMBAUM: It's something for  
6 us to consider how we operate it. And  
7 maybe it will be largely by appointment  
8 only. I have to think it through.

9 Ma'am, this is a phase for us -- to be  
10 totally straightforward, this is a  
11 phase three component of our project.

12 This is at the latter end of what we're  
13 intending on doing. I wasn't probably  
14 going to build this until '27, '28.

15 This is not something that I'm starting  
16 construction on. The dorm is something  
17 that will be built. It's not a dorm,

18 but it's staff housing. And, you know,  
19 that is where our security office is as  
20 well, right next door to this building

21 so we will have security all the time  
22 right next door. But as I said, I  
23 don't hide behind my attorneys. I'm an  
24 experienced operator. I built a lot of  
25 projects over the years, more than

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 happy to come back and meet with  
3 you-all, and to discuss things. But  
4 this is a very small component of what  
5 we're trying to accomplish here, and  
6 it's really experiential. It's not  
7 meant to be a bar, it's not. It's only  
8 1,300 square feet. Most of the space  
9 will be utilized by the equipment.  
10 There is not a space for people to be  
11 there drinking. So, I hear everything  
12 that you're saying. I'm a little  
13 shocked because we haven't had any  
14 negative feedback up to this point, and  
15 we want to have the opportunity to  
16 think about a lot of things that have  
17 been said and we do appreciate the  
18 views of everyone that showed up. And  
19 we will try to answer a lot of these  
20 questions. For example, you raised the  
21 thing about the baker. I never knew  
22 about the size component of that aspect  
23 of things. I will look into it. So,  
24 we'll dig into that afterwards. But I  
25 don't think from what we're doing

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 you're going to have the issues that  
3 you're envisioning. For example, if  
4 you're doing a small batch facility  
5 what the real impact would be across  
6 the street. I can't answer something  
7 like that right now. But we will try  
8 to take up all of these issues at the  
9 planning meeting. So thank you for all  
10 of your thoughts, and we are going take  
11 it all into consideration. But thank  
12 you. Sorry, I hope that is helpful.

13 CHAIRMAN CONN: You're the  
14 applicant. If you want to speak, you  
15 speak.

16 MR. ACHEBAUM: I don't want you  
17 to think that we're ducking; we're not.  
18 We haven't had a chance to hear these  
19 issues before, and it's something that  
20 we need to obviously take into  
21 consideration. Thank you.

22 MS. FLYNN: Can I just say, you  
23 haven't heard from them yet because you  
24 haven't sent out a public notice. That  
25 is the whole reason.

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 MR. ACHEBAUM: We did come three  
3 times to the planning board.

4 MS. FLYNN: They didn't know that  
5 though.

6 MR. ACHEBAUM: We didn't send  
7 letters to everyone, but it was on the  
8 public website and everything that we  
9 were coming in front of them. So, I  
10 assumed that people would, you know,  
11 small town, I didn't know, you know.  
12 So, I recognize that there are people  
13 that have various issues, particularly  
14 with the distillery. I'm a little bit  
15 surprised because it really isn't what  
16 they're envisioning, and the intent  
17 wasn't to put it over on the other side  
18 and put it near you, ma'am. That  
19 wasn't the thought process. It was  
20 truly -- it is an existing building,  
21 it's -- for us, it's a good use of that  
22 existing building on this side, you  
23 know, and it's something for us to  
24 understand there are going to be  
25 issues, and we need to think about to

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 confront those issues so there aren't  
3 ongoing problems.

4 MS. SCAFFIDI: Maybe not noise,  
5 but to me I am more concerned about the  
6 flammability of the byproduct. I'm  
7 also concerned with the vapors.

8 MR. ACHENBAUM: I don't understand  
9 the science of that issue so I will  
10 look into that. So, I can't  
11 intelligently respond.

12 MS. SCAFFIDI: That's my grandson  
13 over there. He plays in my yard all  
14 the time. I don't want anything to  
15 happen to him by ingesting this stuff.

16 MR. ACHENBAUM: Ma'am, if that's a  
17 real issue, then I won't do the  
18 distillery.

19 MS. SCAFFIDI: I appreciate that.

20 MR. ACHENBAUM: I need to look  
21 into the science of the issue. I just  
22 don't think that -- I don't believe  
23 that, from what we're creating, it's --  
24 we're not doing a massive brewery,  
25 we're not. I don't think that will be

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 an issue. I need to dig a little  
3 deeper into it. This is in like a very  
4 broad-stroke planning stage for us  
5 right now, that particular aspect. I  
6 haven't laid this out. I know that  
7 1,300 square feet is not a lot of  
8 space. I know the size of those  
9 canisters, or whatever you call those  
10 bins, are huge, and for us to make that  
11 few hundred gallons, whatever that  
12 gallon amount is for the year, it's  
13 not -- this is literally for us in our  
14 mind experiential. This is adding to  
15 the overall experience, adding  
16 something that we thought for the town  
17 and for our clients that add something  
18 unique that isn't offered here right  
19 now. And it's about bringing a unique  
20 experience to Marlboro. That's what we  
21 are trying to create. And a concern  
22 that this is going to lower values, 100  
23 percent -- I will give you  
24 statistics -- that is just not  
25 accurate. What we're doing on this

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 property is going to raise the value,  
3 100 percent it will raise the values of  
4 your homes. So, but the issues of  
5 safety and all of those other issues  
6 are things we can look at how to  
7 minimize the impact on everyone. And I  
8 understand your comment, if someone  
9 gets hurt. There is no reversing the  
10 hurt, 100 percent. Heard it loud and  
11 clear. How we operate it may be by  
12 appointment; how we operate it is maybe  
13 limit the individuals coming in at any  
14 given time. I'm not there yet. But I  
15 hear the issues, and I've been in this  
16 business a very long time now. I may  
17 look a little bit younger, but I'm 52,  
18 and I have been doing this for 25  
19 years, and I have run major bar and  
20 food beverage operations, and I get it,  
21 and we will figure out a way to make  
22 you all feel as comfortable as  
23 possible. I am not going to make  
24 everyone happy, but I promise I will do  
25 my best.

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 MS. SCAFFIDI: One of the  
3 things --

4 CHAIRMAN CONN: Ms. Scaffidi, do  
5 you have -- you've come up and spoken  
6 at the podium. Other people have come  
7 up and spoken. I appreciate your  
8 candor and being honest with everybody.  
9 They're answering the questions that  
10 you've brought up. What I would prefer  
11 not to get into a back and forth  
12 question and I'm not criticizing you.  
13 I totally understand how this is so  
14 personal for everybody, I really do.  
15 That is why I would like to get on to  
16 anyone else that would like to speak  
17 and if anyone has anything new. I  
18 think we've covered the main topics of  
19 what everyone is concerned about. But  
20 if we can cover as many topics as  
21 possible, if anybody has anything new,  
22 that way the applicant can answer those  
23 if they want.

24 MR. WERBA: I think the town  
25 should consider what value this adds to

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 the town. What are we going to get  
3 from this? Seems to me it's going to  
4 wear our roads out. Seems to me this  
5 is like a casino. We live, you eat,  
6 all in one enclosed area. Not likely  
7 these people are going to buy from the  
8 community. They're not going to stop  
9 and get gas. They're not going to stop  
10 at any of our facilities or local  
11 restaurants. Your objective is to feed  
12 them. What are we gaining from this?  
13 Maybe we're gaining a lot of tax money,  
14 I don't know. We're certainly not  
15 gaining anything that I could see.  
16 We're changing our environment. We're  
17 disrupting a lot of lives, and it's not  
18 going to benefit the local business by  
19 any means. But you should consider  
20 that.

21 CHAIRMAN CONN: Thank you. Anyone  
22 else? Yes, Ms. Nigro?

23 MS. NIGRO: I understand this was  
24 an existing structure built. If you  
25 wanted to do something nice, you didn't

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 need to put a distillery there you  
3 could put a souvenir shop or the fruit  
4 market shop so that people from the  
5 town and the people from the resort  
6 could benefit from, but why a  
7 distillery?

8 MR. ACHENBAUM: Honestly, once  
9 again, it was a preexisting building.  
10 We want to have that element of the  
11 project, if it wasn't put off on the  
12 other side as a -- we're just putting  
13 it on the side because it's damaging to  
14 people on Ridge Road, we didn't  
15 approach it from that thought process.  
16 So, it really was, we wanted to do a  
17 small batch facility where people  
18 come -- have a tasting room, where  
19 people come in, try a sip of it. They  
20 buy a bottle. They have an experience  
21 where they sit and sip. I highly doubt  
22 people would have a second shot of it.  
23 The thought process is not that  
24 facility. It really isn't. What he  
25 said was very true, that is just not

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 how we envisioned the experience. I  
3 can't say that whether I should or  
4 shouldn't change the use to some  
5 alternative. All I can say is that  
6 wasn't the thought process of how we  
7 approached it.

8 CHAIRMAN CONN: Thank you. Anyone  
9 else?

10 MR. ACHEBAUM: Can I say one  
11 other thing; a comment to the last  
12 speaker?

13 CHAIRMAN CONN: Yes.

14 MR. ACHEBAUM: Statistics don't  
15 bear out what you're saying, sir.  
16 People will spend a lot of money into  
17 the town, statistics of overnight stays  
18 spending back into the town are  
19 dramatically larger then a day trip  
20 brought to the town. People will spend  
21 a lot of money into the facilities,  
22 into the town. They're not just  
23 wanting to eat meals on property, it's  
24 not an accurate statement. I'm sorry,  
25 but the math -- we can get you stats on

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 it -- it will show that that is not  
3 true. People will spend a lot of money  
4 into the town. It's just not how it  
5 works. There is a lot of statistics on  
6 it. It's one of the things we have  
7 been discussing on the town and we will  
8 bring a lot of tax revenues to the city  
9 and to the state and to the county,  
10 so --

11 CHAIRMAN CONN: Thank you.  
12 MR. NIKOLA: Just to give you a  
13 broad spectrum of this, I know you said  
14 the souvenir shop or market, whatnot.  
15 The one thing that I want to say is,  
16 whatever the applicant decides to do  
17 with the building, he would still be  
18 coming in front of us for that area  
19 variance, whether it's a distillery or  
20 storage. If he had to change the use  
21 of the building, he still needs the  
22 variance because it's nonconforming  
23 with the preexisting codes. So  
24 whatever they decide to do, that,  
25 again, is planning board issues. We're

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 only here to answer that part of the  
3 town code that needs to be adjusted for  
4 that variance. Hopefully, that  
5 clarifies a lot. We understand all of  
6 your concerns. And, again, you will  
7 have another opportunity. I think the  
8 applicant has been very receptive in  
9 answering all of your concerns tonight  
10 as well.

11 MS. SCAFFIDI: When do we know  
12 when this is on the agenda again? Most  
13 of us are not tied into board meeting  
14 agenda.

15 MR. PATRICK: So, we will be  
16 attending the meeting on Monday. The  
17 planning board has not yet scheduled  
18 the public hearing. As soon as they  
19 schedule the public hearing, we will  
20 circulate notices again identifying the  
21 night, time, and place of that meeting.  
22 But right now we don't know when that  
23 public hearing is going to be. As soon  
24 as we know, we will circulate the  
25 notices as well.

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 MS. FLYNN: Everything is posted  
3 on that website the Wednesday before  
4 the meeting and it's the 1st and the  
5 3rd every month.

6 MR. LYONS: Mr. Chairman?

7 CHAIRMAN CONN: Yes, sir.

8 MR. LYONS: How do you determine  
9 this change of use? Do you make a  
10 decision on your board and you send  
11 that to the planning board, or what  
12 makes you determine whether it's  
13 acceptable or a setback is acceptable?  
14 I mean --

15 CHAIRMAN CONN: They were referred  
16 to us, I believe by the planning board  
17 when they were first there, and they  
18 previewed their site plan and noticed  
19 that this building did not meet today's  
20 current setback codes.

21 MR. PATRICK: What typically  
22 happens, we submit the application to  
23 the building department. They issue  
24 the letter. If we don't comply -- in  
25 this instance with the setback, it says

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 you need a variance, go to the zoning  
3 board, there is a state-mandated test  
4 that the zoning board considers,  
5 mandated plan as he brought up earlier  
6 the five factors that the board  
7 considers when you evaluate an area  
8 variance. So this application is  
9 before the planning board for the site  
10 plan application. We were referred by  
11 the building inspector as part of the  
12 work in process. He's the one that  
13 makes that determination if a non  
14 variance is needed. This board has the  
15 authority to grant it or not grant the  
16 variance based on how they apply the  
17 five-factor balance test, which we have  
18 written about extensively in our  
19 submission earlier this summer.

20 MR. LYONS: What's the timetable  
21 on that variance, your decision?

22 CHAIRMAN CONN: If it's granted?

23 MR. LYONS: Or if it's denied.

24 CHAIRMAN CONN: It goes with the  
25 property.

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 MR. LYONS: No, the decision of  
3 the Zoning Board of Appeals --

4 CHAIRMAN CONN: Yes.

5 MR. LYONS: To grant the variance  
6 for that use of that building --

7 CHAIRMAN CONN: Yes.

8 MR. LYONS: How -- what is the  
9 timetable? Is it going to be a month  
10 from now that you decide that, or two  
11 months from now?

12 CHAIRMAN CONN: It depends on  
13 where we are with the public hearing.

14 MR. MEKEEL: It's not in front of  
15 us yet. So, the only thing that is in  
16 front of us currently is the setback  
17 variance. So once we vote on that,  
18 whatever way we do vote on it, and that  
19 is probably going to be next month  
20 because it has to go in front of Ulster  
21 County, then that will be taken back to  
22 the planning board. Once it goes to  
23 the planning board, they will show  
24 their project in front of them, and  
25 then the planning board will say, okay,

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 doing a change of use now, you have to  
3 go in front of the zoning board again  
4 for the change of use.

5 MR. LYONS: So your decision --

6 MR. MEKEEL: That could be 6  
7 months, 12 months, 18 months.

8 MR. LYONS: But your decision goes  
9 back to the planning board; is that  
10 correct?

11 MR. MEKEEL: For the setback  
12 variance, yes.

13 CHAIRMAN CONN: And again, I  
14 understand everyone's personal  
15 feelings. If they were going to do  
16 nothing more than this than make it a  
17 storage shed, I don't think we would  
18 have the -- a lot of the concern that  
19 we have tonight. But that's not up to  
20 us. We're not here on -- our agenda is  
21 not -- they're not here because they  
22 want to turn this building into a  
23 distillery; we can't really look into  
24 that. What they choose to do with it,  
25 and what the planning board upon site

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 plan approval allows them to do is  
3 planning board. We don't get into --  
4 you want to make it into a distillery,  
5 that is really not a concern of ours.  
6 It's this building doesn't meet current  
7 setback codes.

8 MR. BARTOLOTTI: We're here for an  
9 area variance.

10 MS. NIGRO: So, you're going to  
11 grant a variance no matter what they're  
12 planning on putting there?

13 CHAIRMAN CONN: No, ma'am. There  
14 is nothing happening tonight. This  
15 meeting, public meeting will stay open  
16 because they have to go before the  
17 Ulster County Planning Board, and  
18 Ulster County Department, because this  
19 property is within 500 feet of the  
20 county road so it has to get their  
21 approval and be seen by them also. So,  
22 until they look at it and give us  
23 feedback, we can't rule yay or nay on  
24 the variance. But I just don't want  
25 people to think -- I'm getting the

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 feeling that you guys are going to say  
3 yes to them putting a distillery in my  
4 back yard, and that is not the case.  
5 That may be ultimately what happens.  
6 The applicant has been very honest and  
7 open about listening to your concerns  
8 tonight. And literally, they didn't  
9 have to say a thing tonight. They  
10 could sit here and take notes and say  
11 nothing. But they have been very open  
12 and honest and listening to all of your  
13 concerns and also having their own  
14 comment. So, I don't know how much  
15 better to say it, I understand. We  
16 hear all of the concerns. And, again,  
17 the applicant is going to go through  
18 all of this again when the public  
19 hearing happens with the planning board  
20 because that is where most of these  
21 decisions on the site plan are going to  
22 be made. Anybody else?  
23 MS. SCAFFIDI: May I just give you  
24 these letters so that they can become  
25 part of the -- of this meeting minutes?

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2 CHAIRMAN CONN: That was from your  
3 earlier -- yes, absolutely.

4 MS. SCAFFIDI: My daughter who is  
5 the trustee of my property, and my  
6 other daughter who lives right across  
7 from the building in question.

8 CHAIRMAN CONN: Sure.

9 (Whereupon, 4 LETTERS were put  
10 into the record as of this date by the  
11 Reporter.)

12 MS. FLYNN: Can I ask a question  
13 as a resident?

14 CHAIRMAN CONN: Yes. Just state  
15 your name for the record.

16 MS. FLYNN: Virginia Flynn, 235  
17 Ridge Road. They did come up in front  
18 of the planning board before a meeting  
19 to talk with the public so that they  
20 could get to know their surroundings,  
21 their neighbors because, you know, to  
22 hear their problems for or against it.

23 Would you be willing, when you go in  
24 front of the planning board again, make  
25 a meeting with me before the meeting so

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 that way you don't get charged for  
3 every page, number one, and just have a  
4 discussion with them?

5 MR. ACHEBAUM: Of course.

6 MS. FLYNN: So that you're not  
7 going back and forth with us, you know  
8 what I mean?

9 MR. ACHEBAUM: We're coming back  
10 next week. I'm not even sure why --

11 MS. FLYNN: Monday night.

12 MR. ACHEBAUM: We're coming back  
13 again Monday to unofficially come back  
14 and schedule the official meeting  
15 finally. So, I could either try to get  
16 them here earlier that day before that  
17 meeting, or --

18 MS. FLYNN: If we can talk and  
19 make a date, and you send a letter out  
20 to them letting them know what day you  
21 want to have this discussion on.

22 MR. ACHEBAUM: Sure.

23 MS. FLYNN: And we can do that.

24 MR. ACHEBAUM: I would love to do  
25 it either that day because I am here,

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 or we can do it in between the meeting  
3 that is scheduled after that so we will  
4 find a date in between those two.

5 MS. FLYNN: Unless you want to do  
6 it next month here before the meeting.  
7 It's up to you.

8 MR. ACHENBAUM: Okay. Are you  
9 here on the 16th?

10 MS. FLYNN: I'm here every day.

11 MR. ACHENBAUM: I just want to  
12 make sure so you and I can make a date  
13 when I come back next week.

14 MS. FLYNN: And then you can send  
15 letters out to have a discussion before  
16 the planning board meeting.

17 MR. ACHENBAUM: Yes.

18 MS. FLYNN: Okay, perfect. Thank  
19 you.

20 MR. ACHENBAUM: Not a problem at  
21 all.

22 CHAIRMAN CONN: Good? I don't  
23 want to leave anyone out. All right.

24 MR. BARTOLOTTI: I'd like to read  
25 into the record I received one hour of

1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING  
2 training from New York Planning  
3 Federation, New York State Freshwater  
4 Wetlands Agregation training.

5 CHAIRMAN CONN: Thank you.

6 MR. NIKOLA: I will make a motion  
7 to adjourn.

8 MR. BARTOLOTTI: I will second.

9 CHAIRMAN CONN: All in favor?

10 MR. MEKEEL: Aye.

11 MR. NIKOLA: Aye.

12 MR. BARTOLOTTI: Aye.

13 CHAIRMAN CONN: Aye.

14 (Whereupon, at 7:03 P.M., the  
15 Hearing was adjourned.)

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1 MARLBORO RESORT LATTINTOWN - PUBLIC HEARING

2

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

4

5 STATE OF NEW YORK )  
6 COUNTY OF ULMSTER ) : SS.:  
7

8 I, LISA M. ROSSO, a Notary Public for  
9 and within the State of New York, do hereby  
10 certify:

11 That I was authorized to and did  
12 stenographically report the foregoing  
13 proceedings, and that the transcript is a  
14 true record.

15 I further certify that I am not related  
16 to any of the parties to this action by  
17 blood or by marriage and that I am in no way  
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand this 19th day of September 2024.

21

22

23 

---

 LISA M. ROSSO

24

25