

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

In the Matter of

SCHREIBER - TWO-LOT SUBDIVISION

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

7 FINAL = SUBDIVISION

3 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
4 FRED CALLO
5 JAMES GAROFALO
6 CINDY LANZETTA
7 JOE LOFARO
8 BOB TRONCILLITO

17 ALSO PRESENT: PAT HINES PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN - PLANNING BOARD SECRETARY

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

23

24

25

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

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, October 7, 2024, regular meeting at
7 7:00 p.m. On the agenda tonight we have the approval
8 of the minutes for the September 16, 2024, meeting.

Under New Application Review, we have Kristin Polonco, BnB, for a sketch of the site plan at 16 Wygan Road in Marlboro; Madison Square York Markle for a sketch of their site plan at 46 Partington Lane, Marlboro; and Jeff Aldrich six-lot subdivision for a

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 sketch of the subdivision on Milton Turnpike in Milton.

2 Under Special Topics and Discussion, we have
3 the regulating of the development of warehousing.

4 The next deadline is Friday, October 11th.

5 The next scheduled meeting is Monday, October 21, 2024.

6 I would like to have a motion for the
7 approval of the minutes for the September 16, 2024,
8 meeting.

9 MR. TRONCILLITO: So moved.

10 MR. GAROFALO: I'll second.

11 CHAIRMAN BRAND: Any discussion?

12 (No response.)

13 CHAIRMAN BRAND: Any objection?

14 (No response.)

15 CHAIRMAN BRAND: So moved. Any announcements
16 from the Board? Anyone have anything?

17 Jen, no communications, I'm assuming?

18 MS. FLYNN: Not on this one, no.

19 CHAIRMAN BRAND: First up then under Ongoing
20 Application Review, Schreiber two-lot subdivision, for
21 a final of their subdivision at 45 Old Indian Road in
22 Milton. How are you?

23 MR. NOSEK: Good evening. For the record,
24 John Nosek, Nosek Engineering, representing Donald and
25 Michael Schreiber.

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 So we're here tonight before the Board. We
2 had made some changes from the last meeting as per the
3 Town engineer's comments.

4 We did remove that little triangle area that
5 required an easement and just included that portion of
6 land over Lot Number 2, so it would eliminate the need
7 for a grading easement.

8 We did have a meeting with the Highway
9 Superintendent who had asked that we show a basin here
10 (indicating), in line with the existing culvert pipe,
11 which we added to the plans.

12 I believe that there was some notes and
13 things that had to be corrected for the bulk table and
14 so forth, and the EAF form required revision, and I
15 submitted that Ag Data Statement. And we added the
16 area of disturbance on the plans.

17 And, so with that being said, we are still
18 waiting on the Ulster County Health Department
19 approval. It should come any day. I resubmitted about
20 four weeks ago. So we're hoping that the Board is in a
21 position that they feel comfortable taking action for
22 approval tonight.

23 CHAIRMAN BRAND: Pat, do you have some
24 comments for this one?

25 MR. HINES: Yes. I note that the Health

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 Department approval is outstanding. So we don't have
2 that yet.

3 A note has been placed on the plan stating
4 the foundation will be staked out in the field prior to
5 construction to ensure placement based on the current
6 zoning requirements. The post structure is very close
7 to the setback line.

8 We just noted what Mr. Nosek mentioned, that
9 the lot line or lot sizes have changed slightly in
10 order to keep the grading all on the proposed lot,
11 rather than providing the easement.

12 The area of disturbance has been depicted,
13 identifying .7 acres of disturbance.

14 Previously the Board requested that all house
15 wells and septic within 200 feet of the application be
16 depicted.

17 And the EAF Note 9 was revised to check yes
18 for the Energy Code.

19 CHAIRMAN BRAND: Thank you, Pat. Comments or
20 questions from the Board?

21 MR. GAROFALO: I have two simple comments.
22 One, I think that the water line is going right against
23 the property line, and I believe that should be staked
24 out at that point to make sure it doesn't go over to
25 the other property.

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 MR. NOSEK: Okay.

2 MR. GAROFALO: I'll talk a little louder.

3 Make sure that the water line stays on the property.

4 It's like right at the corner of the other property.

5 MR. NOSEK: Okay.

6 MR. GAROFALO: Second is, when you moved the
7 house so that it was a 50-foot front yard, I don't know
8 as if you looked at the rear yard, what the rear yard
9 distance changed, but take a look at that to see if
10 that changed.

11 MR. NOSEK: Okay. I thought that was
12 changed, but we'll double-check that. That was
13 corrected on the bulk table, but we'll make sure of
14 that.

15 MR. GAROFALO: Thank you.

16 CHAIRMAN BRAND: Any other comments or
17 questions?

18 (No response.)

19 CHAIRMAN BRAND: We do have before us the
20 application of Donald Schreiber, Town of Marlborough
21 Planning Board, SEQR Negative Declaration, Notice of
22 Determination of Non-Significance. Jen, would you poll
23 the Board.

24 MS. FLYNN: Chairman Brand.

25 CHAIRMAN BRAND: Yes.

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 MS. FLYNN: Member Lanzetta.

2 MS. LANZETTA: Yes.

3 MS. FLYNN: Member Lofaro.

4 MR. LOFARO: Yes.

5 MS. FLYNN: Member Jennison.

6 CHAIRMAN BRAND: Absent.

7 MS. FLYNN: Member Callo.

8 MR. CALLO: Yes.

9 MS. FLYNN: Member Garofalo.

10 MR. GAROFALO: Yes.

11 MS. FLYNN: Member Troncillito.

12 MR. TRONCILLITO: Yes.

13 CHAIRMAN BRAND: You also have before you the
14 application of Donald Schreiber for the two-lot
15 subdivision the Resolution of Approval by the Town of
16 Marlborough Planning Board dated October 7, 2024.

17 Anything you would like to go over on that?

18 MR. COMATOS: Yes, Chairman Brand. It's now
19 apparent that a cross grading easement is not required
20 because the grading areas are now within the
21 boundaries. So each parcel will be dealt with by the
22 fee owner of the lots. So Condition E of the
23 Resolution of Approval can be stricken.

24 CHAIRMAN BRAND: We'll scratch E. Anything
25 else?

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 MR. COMATOS: That's it.

2 CHAIRMAN BRAND: Jen, would you poll the
3 Board.

4 MS. FLYNN: Chairman Brand.

5 CHAIRMAN BRAND: Yes.

6 MS. FLYNN: Member Lanzetta.

7 MS. LANZETTA: Yes.

8 MS. FLYNN: Member Lofaro.

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Jennison.

11 CHAIRMAN BRAND: Absent.

12 MS. FLYNN: Member Callo.

13 MR. CALLO: Yes.

14 MS. FLYNN: Member Garofalo.

15 MR. GAROFALO: Yes.

16 MS. FLYNN: Member Troncillit

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: Subdivision Recreation Fee

19 Findings, Town of Marlborough Planning Board. Whereas

20 the Planning Board has reviewed a subdivision known as

21 Schreiber Two-Lot Subdivision with respect to real

22 property located at 45 Old Indian Road in Marlboro.

23 Member Lofaro offered the following resolution, which

24 was seconded by Member Troncillito: It's hereby

25 resolved that the Planning Board makes the following

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 finds pursuant to Section 277(4) of the Town Law:
2 Based on the present and anticipated future need for
3 park and recreational opportunities in the Town of
4 Marlborough, and to which the future population of this
5 subdivision will contribute, parklands should be
6 created as a condition of approval of this subdivision.
7 However, a suitable park of adequate size to meet the
8 above requirement cannot be properly located within the
9 proposed project site. Accordingly, it is appropriate
10 that, in lieu of providing parkland, the project
11 sponsors render to the Town payment of a recreation fee
12 to be determined in accordance with the prevailing
13 schedule established for that purposed by the Town of
14 Marlborough. This approved subdivision known as
15 Schreiber Two-Lot Subdivision resulted in one lot for a
16 total of \$2,000 in recreation fees.

17 Whereupon the following vote was taken:

18 Chairman Brand, yes. Callo.

19 MR. CALLO: Yes.

20 CHAIRMAN BRAND: Garofalo.

21 MR. GAROFALO: Yes.

22 CHAIRMAN BRAND: Lanzetta.

23 MS. LANZETTA: Yes.

24 CHAIRMAN BRAND: Lofaro.

25 MR. LOFARO: Yes.

SCHREIBER TWO-LOT SD - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Troncillito.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: All right. I think you're
4 all set.

5 MR. NOSEK: Thank you.

6 Time noted: 7:09 p.m.

7

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

9
10 Certified to be a true and accurate transcript.

11 Stacie Sullivan

12 Stacie Sullivan, CSR
13 Court Reporter

14

15

16

17

18

19

20

21

22

23

24

25

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

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

4 LYNN DAVID PROPERTIES

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

8 -----X
9 FINAL - SUBDIVISION

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

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

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

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVES: CARMEN MESSINA
27 KEVIN HARDY

28

29

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

LYNN DAVID PROPERTIES - FINAL HEARING SUBDIVISION

1 CHAIRMAN BRAND: Next up we have Lynn David
2 Properties for a final of their subdivision at 397-407
3 Willow Tree in Milton.

4 Pat, I think you have three comments. Would
5 you like to go over them quickly?

6 MR. HINES: Yes. Most of them are
7 statements.

8 The project received variances on 15 March
9 2024.

10 There's a 14 August 2024 letter from the
11 Highway Superintendent regarding the driveways. Each
12 driveway will need a 15-inch by 25-foot HDPE plastic
13 pipe, with no shared driveway is required. The plan
14 should be revised to depict those culverts.

15 And the EAF was revised regarding the Energy
16 Code compliance answer.

17 CHAIRMAN BRAND: Any comments or questions
18 from the Board at this point?

19 MR. GAROFALO: Yes. I have some. Normally,
20 wouldn't the ZBA determination be put on the plans
21 themselves, those variances would be identified on the
22 plans?

23 MR. COMATOS: It sounds like good practice,
24 but I don't think it's legally required.

25 MR. HINES: Oftentimes, you can note, put an

LYNN DAVID PROPERTIES - FINAL HEARING SUBDIVISION

1 asterisk on the bulk table and say variances were
2 granted with the date.

3 MR. GAROFALO: And the other question that
4 came up at the public hearing from Corey Robinson was
5 to have the horizontal and vertical sight lines
6 depicted on plans. That was mentioned on page 20 of
7 the public hearing. That's all that I have.

8 CHAIRMAN BRAND: Thank you. Anything else
9 from the Board?

10 (No response.)

11 CHAIRMAN BRAND: For the application of Lynn
12 David Properties, LLC, the Town of Marlborough Planning
13 Board has the SEQR Negative Declaration, Notice of
14 Determination of Non-Significance. Jen, would you poll
15 the Board.

16 MS. FLYNN: Chairman Brand.

17 CHAIRMAN BRAND: Yes.

18 MS. FLYNN: Member Lanzetta.

19 MS. LANZETTA: Yes.

20 MS. FLYNN: Member Lofaro.

21 MR. LOFARO: Yes.

22 MS. FLYNN: Member Callo.

23 MR. CALLO: Yes.

24 MS. FLYNN: Member Garofalo.

25 MR. GAROFALO: Yes.

LYNN DAVID PROPERTIES - FINAL HEARING SUBDIVISION

1 MS. FLYNN: Member Troncillito.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: You also have before you the
4 application of Lynn David Properties, LLC, for a
5 four-lot subdivision and lot line revision, a
6 Resolution of Approval by the Town of Marlborough
7 Planning Board dated October 7, 2024. Anything that
8 you'd like to point out?

9 MR. COMATOS: I'm sorry?

10 CHAIRMAN BRAND: Gerry, you want to point out
11 anything for the Resolution of Approval?

12 MR. COMATOS: No. Other than the addition of
13 Member Garofalo's comment regarding placement of the
14 sight lines on the map.

15 CHAIRMAN BRAND: Okay. Jen, would you poll
16 the Board.

17 MS. FLYNN: Chairman Brand.

18 CHAIRMAN BRAND: Yes.

19 MS. FLYNN: Member Lanzetta.

20 MS. LANZETTA: Yes.

21 MS. FLYNN: Member Lofaro.

22 MR. LOFARO: Yes.

23 MS. FLYNN: Member Callo.

24 MR. CALLO: Yes.

25 MS. FLYNN: Member Garofalo.

LYNN DAVID PROPERTIES - FINAL HEARING SUBDIVISION

1 MR. GAROFALO: Yes.

2 MS. FLYNN: Member Troncillito.

3 MR. TRONCILLITO: Yes.

4 CHAIRMAN BRAND: You also have before you the
5 Subdivision Recreation Fee Findings, Town of
6 Marlborough Planning Board. Whereas the Planning Board
7 has reviewed a subdivision application known as Lynn
8 David Properties with respect to real property located
9 at 397-405 Willow Tree in the Town of Marlborough.

10 Member Callo offered the following resolution, which
11 was seconded by Member Lanzetta: It is hereby resolved
12 that the Planning Board makes the final finds pursuant
13 to Section 277(4) of the Town Law: Based on the
14 present and anticipated future need for park and
15 recreational opportunities in the Town of Marlborough,
16 and to which the future population of this subdivision
17 will contribute, parklands should be created as a
18 condition of approval of the subdivision. However,
19 suitable park of adequate size to meet the above
20 requirement cannot be properly located within the
21 proposed project site. Accordingly, it's appropriate
22 that, in lieu of providing parkland, the project
23 sponsors render to the Town payment of a recreation fee
24 to be determined in accordance with the prevailing
25 schedule established for that purposed by the Town of

LYNN DAVID PROPERTIES - FINAL HEARING SUBDIVISION

1 Marlborough. This approved subdivision known as Lynn
2 David Properties resulted in three lots for a total of
3 \$6,000 in recreation fees.

4 Whereupon the following vote was taken:

5 Chairman Brand, yes. Callo.

6 MR. CALLO: Yes.

7 CHAIRMAN BRAND: Garofalo.

8 MR. GAROFALO: Yes.

9 CHAIRMAN BRAND: Lanzetta.

10 MS. LANZETTA: Yes.

11 CHAIRMAN BRAND: Lofaro.

12 MR. LOFARO: Yes.

13 CHAIRMAN BRAND: Troncillito.

14 MR. TRONCILLITO: Yes.

15 CHAIRMAN BRAND: All right. I believe you're
16 all set.

17 MR. MESSINA: Thank you.

18 MR. HARDY: Thank you.

19 Time noted: 7:13 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
2 TOWN OF MARLBOROUGH PLANNING BOARD

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

4 WILKLOW TWO-LOT SUBDIVISION

5 Project No. 24-2008
6 34-43 Baileys Gap Road, Marlboro
7 Section 95.4; Block 1; Lot 15

8 -----X
9 FINAL - SUBDIVISION

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

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

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

25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVES: PATRICIA BROOKS
27 FREDERICK WILKLOW

28

29

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

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

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

4 Pat, did you want to go over your two brief
5 comments?

6 MR. HINES: One comment is the discussion
7 regarding the well issue. Any approval should address
8 the shared well to the satisfaction of the Planning
9 Board members and Planning Board attorney.

10 And then we just noted that the variance was
11 granted for the agricultural buffers under Section
12 155-52C.

13 CHAIRMAN BRAND: Thank you. Comments or
14 questions from the Board?

15 MS. LANZETTA: I just wanted to be on record
16 for saying that I don't want to continue this practice
17 of allowing new subdivisions that don't have individual
18 private wells. I'd just like that as a matter of
19 record.

20 MR. GAROFALO: I also agree. I mean, you can
21 just look at the divorce rates, and you can see people
22 don't agree with each other -- I think it might be 40
23 percent -- and whether it would be in the family or
24 not, there are disagreements that occur between people.
25 And I think it's much better to resolve this issue

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

1 early rather than leave it for later when there could
2 be much more serious problems. So I think we should
3 not, except under really extreme situations, allow a
4 lot to be without a well. I think it's a very bad
5 policy for the Board to have, and I think it would be
6 potentially disastrous for some of the applicants that
7 might come before us, because even though it may be in
8 the family and it may be fine now, that doesn't mean
9 it's not going to break down in the future.

10 And I had a personal event happen in that I
11 saw -- had a telephone pole on my property, and,
12 apparently, somewhere earlier there was a disagreement
13 between property owners, and, you know, the owner of
14 the property basically shut off the electricity to the
15 other property. And these kinds of things can happen.
16 And I think it behooves us to protect the public, and I
17 think they'll be in a much better situation to
18 negotiate out putting in another well now, rather than
19 later, when there may be a time constraint or maybe
20 another problem might arise.

21 CHAIRMAN BRAND: Thank you. For the
22 application of Frederick and Sharon Wilklow, the Town
23 of Marlborough Planning Board has issued a SEQR
24 Negative Declaration, Notice of Determination of
25 Non-Significance. Jen, would you poll the Board.

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

1 MS. FLYNN: Chairman Brand.

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Lanzetta.

4 MS. LANZETTA: No.

5 MS. FLYNN: Member Lofaro.

6 MR. LOFARO: Yes.

7 MS. FLYNN: Member Callo.

8 MR. CALLO: Yes.

9 MS. FLYNN: Member Garofalo.

10 MR. GAROFALO: No.

11 MS. FLYNN: Member Troncillito.

12 MR. TRONCILLITO: Yes.

13 CHAIRMAN BRAND: That motion passes.

14 You also have before you for the application

15 of Frederick and Sharon Wilklow for the two-lot

16 subdivision the Resolution of Approval by the Town of

17 Marlborough Planning Board dated October 7, 2024.

18 Gerry.

19 MR. COMATOS: There is a condition in

20 addition to the two regular conditions that requires

21 the recording of a declaration of easement and well

22 sharing agreement. I've reviewed the draft. I

23 requested modifications, which have been made. The

24 declaration of easement is personal to the family

25 members. When Lot 2 is no longer owned by a member of

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

1 that family, the owner of Lot 2 will have to drill a
2 new well on the property before the lot can be conveyed
3 to a third party.

4 CHAIRMAN BRAND: And you're satisfied with
5 that condition?

6 MR. COMATOS: Yes.

7 CHAIRMAN BRAND: Jen, would you poll the
8 Board.

9 MS. FLYNN: Chairman Brand.

10 MR. GAROFALO: Can I ask a question? You
11 said that before they sell it, they have to drill it?

12 MR. COMATOS: Yes. That's right.

13 MR. GAROFALO: Okay.

14 CHAIRMAN BRAND: Jen, would you poll the
15 Board.

16 MS. FLYNN: Chairman Brand.

17 CHAIRMAN BRAND: Yes.

18 MS. FLYNN: Member Lanzetta.

19 MS. LANZETTA: No.

20 MS. FLYNN: Member Lofaro.

21 MR. LOFARO: Yes.

22 MS. FLYNN: Member Callo.

23 MR. CALLO: Yes.

24 MS. FLYNN: Member Garofalo.

25 MR. GAROFALO: Yes.

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

1 MS. FLYNN: Member Troncillito.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: Motion carries.

4 For the third time, we have Subdivision
5 Recreation Fee Findings, Town of Marlborough Planning

6 Board. Whereas the Planning Board has reviewed a

7 subdivision application known as the Wilklow Two-Lot
8 Subdivision with respect to real property located at

9 37-43 Baileys Gap Road. Member Brand offered the

10 following resolution, which was seconded by Member

11 Garofalo: It's hereby resolved that the Planning Board

12 makes the following finds pursuant to Section 277(4) of

13 the Town Law: Based on the present and anticipated

14 future need for park and recreational opportunities in

15 the Town of Marlborough, and to which the future

16 population of the subdivision will contribute,

17 parklands should be created as a condition of the

18 approval of this subdivision. However, a suitable park

19 of adequate size to meet the above requirement cannot

20 be properly located within the proposed project site.

21 Accordingly, it is appropriate that, in lieu of

22 providing parkland, the project sponsors render to the

23 Town payment of a recreation fee to be determined in

24 accordance with the prevailing schedule established for

25 that proposed by the Town of Marlborough. This

WILKLOW TWO-LOT SD - FINAL SUBDIVISION

1 approved subdivision known as the Wilklow Two-Lot
2 Subdivision resulted in one lot for a total of \$2,000
3 in recreation fees. Whereupon the following vote was
4 taken: Brand, yes. Callo.

5 MR. CALLO: Yes.

6 CHAIRMAN BRAND: Garofalo.

7 MR. GAROFALO: Yes.

8 CHAIRMAN BRAND: Lanzetta.

9 MS. LANZETTA: Yes.

10 CHAIRMAN BRAND: Lofaro.

11 MR. LOFARO: Yes.

12 CHAIRMAN BRAND: Troncillito.

13 MR. TRONCILLITO: Yes.

14 CHAIRMAN BRAND: You're all set.

15 Time noted: 7:19 p.m.

16

17

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

18

19 Certified to be a true and accurate transcript.

20

21

Stacie Sullivan

22

Stacie Sullivan, CSR
Court Reporter

23

24

25

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

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

4 ELP SOLAR TRUNCALI

5 Project No. 24-2004
6 335 Bingham Road, Marlboro
7 Section 108.3; Block 8; Lot 21

8 -----X
9 SKETCH - SITE PLAN

10 Date: October 7, 2024
11 Time: 7:20 p.m.
12 Place: Town of Marlborough
13 Town Hall
14 21 Milton Turnpike
15 Milton, New York 12547

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

23
24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: EVAN YOUNG
JOEL TRUNCALI

23

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

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we have
2 ELP Solar Truncali. Pat, while they're setting up,
3 would you like to run through your comments?

25 The planting list on the landscaping plan

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 we're requesting to show the number of each species to
2 be planted on that chart.

3 There's a landscape plan note that says allow
4 buffers to naturally revegetate, no mowing. Orchard
5 trees are to remain in the buffer zone. I know orchard
6 trees that aren't maintained and pruned can often
7 become rapidly unsightly with the way they grow. So I
8 don't know if the Board is concerned with that. Also,
9 we've heard in the past here that leaving orchard trees
10 without agricultural management practices can cause
11 issues for neighboring farms regarding pests and
12 diseases.

13 We're asking that the dimensions between the
14 solar arrays be shown.

15 We continue to have concerns with the design
16 of the stormwater management plan. We believe that
17 additional stormwater management should be provided,
18 consistent with the DEC and the Maryland Environmental
19 Stormwater Guidance that the DEC has adopted.
20 Typically, level spreaders and other stormwater
21 management practices should be appropriately spaced
22 within the arrays.

23 In areas where slopes are greater than
24 10 percent and where the panels are not parallel to the
25 contours, these should be treated as impervious areas

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 in the stormwater model.

2 And the applicants have identified noise will
3 be generated from the inverters, transformers, and the
4 battery storage units. And we heard at the public
5 hearing that noise was an issue, so we're requesting
6 that the amount of noise be identified that's being
7 generated and then the noise at the property line. It
8 should be de minimis, but we just want to check that.

9 CHAIRMAN BRAND: Comments or questions from
10 the Board?

11 MR. TRONCILLITO: Yes. I have a couple,
12 please. Thank you. Last meeting, there wasn't going
13 to be any batteries. Now there is batteries?

14 MR. YOUNG: There's been batteries from the
15 beginning.

16 MR. TRONCILLITO: Well, that's not what was
17 told to me when I asked the question. That's why I'm
18 asking.

19 MR. GAROFALO: Excuse me. I think maybe
20 you're thinking of other solar development.

21 MR. TRONCILLITO: No. I'm thinking about
22 this one.

23 MR. GAROFALO: Okay.

24 MR. YOUNG: Well, I'll clarify that. I mean,
25 there are batteries on this project. You know, we

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 built a record the past six months which have -- which
2 support that. It's been identified in the EAF since
3 April, and, you know, we provided a response to that
4 effect on one of Mr. Hines' comments. There is battery
5 storage. We've certainly been coordinating with Chief
6 Mike Troncillito.

7 MR. TRONCILLITO: I have his letter here.

8 MR. YOUNG: Yep. We have his letter. But
9 there is battery storage. Would it be helpful if I
10 provided an update on changes that we've made since the
11 last time we were here?

12 MR. TRONCILLITO: What I would like -- I know
13 I would like is, are these going to be in those
14 explosion-proof containers that they've got out there
15 now for the batteries? And what is the noise that's
16 going to be coming out of the humming and stuff?

17 MR. YOUNG: We can certainly look into the
18 noise and provide that information to the Board. I
19 don't have a decibel rating off the top of my head, but
20 I think that's something we could certainly provide.
21 I'd like to provide that in writing in response to Mr.
22 Hines' comment so that we're all on the same page.

23 Last time we were here was August, I believe.
24 We did submit materials in advance of that meeting. I
25 think the Board may or may not have reviewed them. I

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 think Mr. Hines noted a couple of things in his letter.
2 I do have supplemental material here tonight, if I
3 could hand it out to the Board.

4 CHAIRMAN BRAND: Sure.

5 MR. YOUNG: So the material that I'm
6 providing tonight includes a revised landscaping plan,
7 an additional visual simulation, and the letter from
8 Chief Mike Troncillito, for the record.

9 MR. TRONCILLITO: What height are you going
10 to have the greenery there?

11 MR. YOUNG: What's that?

12 MR. TRONCILLITO: What size are they going to
13 be?

14 MR. YOUNG: The battery storage?

15 MR. TRONCILLITO: No. The greenery that
16 you're going to have.

17 MR. YOUNG: So the main revision we made to
18 the landscaping plan was specific to the lands of John
19 and Caitlin, who we have here tonight. We've increased
20 the year one planting size of the evergreens to eight
21 to ten feet. Previously, they were four to five. You
22 know, but we've been speaking with John and Caitlin.
23 We have some -- we're going to try to incorporate some
24 additional revisions into that section of landscaping.
25 You know, because you can see from the visual

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 simulation that we've provided, it's -- it's still
2 pretty obvious what's going on, you know, but I think
3 there's a specific species that we can try to
4 incorporate, maybe even get rid of the shrubs in that
5 specific location. They don't seem to be very helpful.
6 But we can anticipate those changes next month maybe.

7 MR. TRONCILLITO: Thank you. Joel, I got a
8 question for you. Is the right-of-way, that setback
9 could be a little bit more without interfering with
10 what you're doing up there?

11 MR. TRUNCALI: That's up to them. If they
12 can fit it in there, I'm fine with that.

13 MR. TRONCILLITO: Okay.

14 CHAIRMAN BRAND: Is there a possibility for
15 that?

16 MR. TRONCILLITO: Did you hear my question I
17 asked Joel?

18 MR. YOUNG: Setback in what specific
19 location?

20 MR. TRONCILLITO: Well, around the homes. I
21 know they got concerns.

22 MR. YOUNG: What do we got now? So the Town
23 zoning requires a 50-foot setback. Right now, the
24 panels -- I mean, I don't have a ruler on me, but the
25 panels are probably greater than a hundred feet.

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 MR. TRONCILLITO: Greater than a hundred?

2 MR. YOUNG: Correct. At least from the front
3 yard, along that specific residential location.

4 MR. TRONCILLITO: What about next to John's
5 house?

6 MR. YOUNG: Yeah, we're looking at about a
7 hundred feet-ish. The fence -- so, to give you some
8 context, the fence is probably, along that property
9 boundary, 20 feet away from the setback at the tightest
10 location, and then the panels are a minimum of 15 feet
11 additional.

12 MR. TRONCILLITO: Were you just going to
13 weave that fence?

14 MR. YOUNG: What's that?

15 MR. TRONCILLITO: Were you going to weave the
16 fence?

17 CHAIRMAN BRAND: Is it just a plain chain
18 link, or is it --

19 MR. YOUNG: No. So the fence is an
20 agricultural style fence, similar to, you know, common
21 apple orchard fencing, you know, diameter,
22 pressure-treated posts with woven wire. And we did
23 incorporate the wildlife friendly section through that
24 fence detail, you know, to allow an opening for
25 rabbits, squirrels, and small wildlife to traverse.

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 Yeah, that's the update.

2 CHAIRMAN BRAND: Any additional comments or
3 questions?

4 MR. GAROFALO: Yes. With regard to the
5 noise, you should be able to get the dBA's a certain
6 distance away from the equipment, and then we know that
7 once you double -- every time you double the distance,
8 it goes down another 6 dBA's. So having an exact
9 distance away would also be helpful so that we can have
10 an idea of what it would be.

11 MR. YOUNG: Certainly.

12 MR. GAROFALO: There's going to be a slight
13 decline with vegetation, but because it's not solid
14 vegetation, it won't be that much. But definitely we
15 need to know what the number is there, what the number
16 is at the far end. Those are the two real numbers that
17 we need.

18 With regard to the plantings, if you could
19 also identify which are native species, that would be
20 helpful for the Board too.

21 MR. YOUNG: Okay. I believe all species that
22 have been included are native, but I will verify that.

23 MR. GAROFALO: Could you put that on the
24 plan, then, if there are?

25 MR. YOUNG: Certainly.

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 MR. GAROFALO: Or if there are some that are
2 not, identify which ones are and which ones are not.

3 MR. YOUNG: Yep.

4 CHAIRMAN BRAND: Cindy.

5 MS. LANZETTA: I want to thank you for the
6 extra vegetation you're putting in front of the pond.

7 I'm concerned, like our engineer has pointed
8 out, that the orchards, especially to the east and the
9 front part where the sprayers really can't get in
10 because, you know, you have your facility here, that
11 those are not going to be able to be kept up, and there
12 have been, you know, concerns about, if they're not
13 sprayed, that funguses and things will proliferate, and they
14 they end up not looking attractive, anyway, and they
15 don't provide any vegetation -- vegetative buffer. So
16 my suggestion would be to look at doing some additional
17 plantings along those edges or allowing natural
18 vegetation to grow in, but to keep the trees there, I
19 don't think that's going to be helpful for anybody if
20 they're not going to be regularly sprayed and
21 maintained.

22 MR. YOUNG: Understood.

23 CHAIRMAN BRAND: Any other comments or
24 questions?

25 (No response.)

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 CHAIRMAN BRAND: All right. So you'll make
2 some adjustments, and we will see you again.

3 MR. YOUNG: Yes.

4 MR. TRONCILLITO: Just look to see if the
5 setback could be increased without hindering the whole
6 operation. It's just a question. Thank you.

7 MR. YOUNG: Okay. Maybe we can provide some
8 dimensions for the Board to consider, and then we can
9 go from there.

10 CHAIRMAN BRAND: All right. Thank you.

11 Time noted: 7:32 p.m.

12

13

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

15 Certified to be a true and accurate transcript.
16

17 Stacie Sullivan

18 Stacie Sullivan, CSR
19 Court Reporter

20

21

22

23

24

25

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

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

4 MARLBORO PROPERTY MANAGEMENT

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

8 -----X

7 SKETCH - SUBDIVISION

8
9 Date: October 7, 2024
10 Time: 7:32 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

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

26 JEN FLYNN, PLANNING BOARD SECRETARY

27
28 APPLICANT'S REPRESENTATIVES: SAM DONG
29 DAVID MEAD

30

31

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

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda, Marlboro
2 Property Management for a sketch of a subdivision on
3 Burma Road in Marlboro.

4 Pat, whenever you're ready, you can start us
5 off with your comments.

6 MR. HINES: Sure. At the last meeting the
7 Board requested all houses, wells, and septic systems
8 200 feet of the property be depicted.

15 Septic permits have been submitted for
16 Lots -- I think it's Lots 1 and 3. Lot 2 was missing.
17 I think that was submitted subsequent to this comment,
18 though.

19 Highway Superintendent comments regarding the
20 driveway should be received.

21 A two-foot contour interval is required.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 Road widths were requested to be labeled
2 along the property frontage to determine front yard in
3 accordance with the Code. The front yard in the Code
4 is the widest of the roads. I think it might be
5 Idlewild Road, but just dimension those widths so that
6 can be determined.

10 MR. MEAD: On the driveway maintenance
11 agreement, is that a common driveway, or is it -- do
12 you want an agreement for both driveways or --

13 MR. DONG: Essentially, do you want the
14 common driveway to be an agreement on both driveway
15 together or just --

16 MR. HINES: There needs to be an access
17 easement and a maintenance agreement for that portion
18 of the driveways that are shared.

19 MR. MEAD: But the maintenance agreement,
20 just each driveway on its own property, and then a
21 common maintenance agreement where it meets the road?

22 MR. HINES: No. Where it T's off to the
23 other properties, you're fine. But where it's shared
24 between the two lots needs to have the access easement
25 and maintenance agreement.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 MR. MEAD: Okay. Then we had -- the topo was
2 getting readjusted to two-feet intervals instead of
3 five. That's being taken care of.

4 MR. HINES: Yeah. That's in the Code.

5 MR. MEAD: The width of the road, I don't
6 know if he got that for you yet. That will be on the
7 map next time.

8 MR. HINES: We just need to see the
9 dimensions of the width of the roads, all the roads.
10 It looks from your map that Idlewild is the wider of
11 the roads, but our Code says that when you have a
12 corner lot or a lot fronting on two roads, that the
13 wider of the roads is the front yard.

14 MR. MEAD: So the driveway is coming off of
15 Burma for the other two lots. That's Lot 2 and 3?

16 MR. DONG: Yeah.

17 MR. MEAD: They're nowheres near attached to
18 Idlewild Road.

19 MR. HINES: Right. So that wouldn't, then,
20 be the front yard for those lots. It's really the
21 corner lot where that question is.

22 MR. DONG: Gotcha.

23 MR. HINES: I misspoke. It looks like Burma
24 may be the wider of them, but that needs to be
25 dimensioned.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 MR. MEAD: Was there anything else that we
2 needed to take care of before the next --

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

5 MR. GAROFALO: Yes. On the southern driveway
6 to Lot 2 and 3, could that be moved two feet or more so
7 that you have a better sight line? So move it to the
8 south and maybe not have it directly centered in the
9 right-of-way. And then the second one is the north
10 driveway. Could you look at running that between the
11 700- and 705-foot contours and look at putting it at
12 the apex of the curve rather than where it is to get
13 much better sight distances?

14 MR. DONG: So, first of all, you're talking
15 about the two lots. You want the driveway to be moved
16 two feet to which direction?

17 MR. GAROFALO: Right now you probably have it
18 in the center of that section. I was wondering if you
19 could move it over a few feet in order to, I think --
20 what is the sight distance there shown as now?

21 MR. MEAD: There's 61 feet, 1.8 inches,
22 that's what it says is there.

23 MR. DONG: No.

24 MR. MEAD: Each driveway, 30 feet wide. I
25 don't know how we can move that over either way and

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 still maintain a proper width driveway.

2 MR. HINES: They're not talking about moving
3 the property lines. They're talking about the proposed
4 driveway.

5 MR. MEAD: Right. So which way would you
6 want to move it?

7 MR. GAROFALO: I think it's to the south.
8 Look at the sight distances. What are the two sight
9 distances out of that lot?

10 MR. MEAD: I'm not really sure. So you're
11 talking about where it makes a turn coming in, on the
12 turn?

13 MR. GAROFALO: I'm talking about Lots 2 and
14 3, which is the southern driveway. What are the two
15 sight distances coming off of that driveway?

16 MR. MEAD: I'm not really sure here.

17 MR. HINES: I don't see those. I don't think
18 the sight distance is depicted yet.

19 CHAIRMAN BRAND: What did you say, Pat? I'm
20 sorry.

21 MR. MEAD: I'm really not sure --

22 MR. HINES: I don't see the sight distance
23 depicted on the plans.

24 MS. LANZETTA: Is that SSD, 367.8 feet, which
25 is a little -- in the center of Burma Road?

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 MR. MEAD: Coming in off of Burma Road, we
2 have a 60-foot access to make those two driveways come
3 into the property. So I don't understand where you're
4 saying which way to move the driveway. We can't move
5 the lot line.

6 MR. GAROFALO: No, I'm not saying to move the
7 lot line. Within that lot line, I think based on the
8 sight distances, they would be a little bit better, if
9 you get 200 feet, if you can move it a little more than
10 two feet.

11 MR. HINES: I see them now. I think they're
12 going to want to go maybe north; right?

13 MR. GAROFALO: I could have my directions
14 wrong.

15 MS. LANZETTA: You want to move it up,
16 towards the center, right on the property line.

17 CHAIRMAN BRAND: Pat, would that make a
18 significant impact in your opinion, to change it?

19 MR. GAROFALO: Yes. It says sight line sight
20 distance to the right is 197.1 feet. That's why I'm
21 suggesting if it could be moved over 2.9 feet, you
22 would have 200 feet of sight distance.

23 MR. DONG: So move it to the north?

24 MR. GAROFALO: Move it to the south.

25 MR. HINES: North is up.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 MR. GAROFALO: Then we can get 200 feet of
2 sight distance.

3 MR. MEAD: Okay.

4 MR. GAROFALO: And on the other one, rather
5 than have the driveway come out near the intersection,
6 look at putting the driveway on the other side, where
7 it will come out of the apex of the curve. Now, I
8 don't know how the -- that might also be the high point
9 of the road too, based on the fact that this is a hill.
10 So that might be a better place to put it for your
11 sight distance, if it isn't the high point of this
12 area. Because then you have a nice clear shot in both
13 directions. Take a look at that location as an
14 alternative driveway. It might also end up being
15 shorter than what you're showing.

16 MR. MEAD: Okay.

17 MR. GAROFALO: If you can at least take a
18 look at that to improve the sight distance, I think
19 that would be good.

20 MR. MEAD: Okay. We'll definitely look into
21 that, see what we can take care of.

22 MR. GAROFALO: I believe part of the Slater
23 driveway is also on the property, and I don't know if
24 that's a -- some kind -- if that's an issue that you
25 have to look at.

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

3 MR. GAROFALO: It looks like part of the
4 corner of the driveway is on the other property.

5 MR. MEAD: The corner of his driveway is on
6 our property; is that what you're saying?

7 MS. LANZETTA: Yes, just a little bit.

10 MR. DONG: We're just going to leave it
11 alone.

12 MR. GAROFALO: I'm just concerned from a
13 legal point of view; is that a problem that they have
14 to deal with?

15 MR. COMATOS: No. It's an existing
16 condition, and it's not going to change by the
17 subdivision.

18 MR. GAROFALO: Also, can you make sure that
19 you have a driveway that there's actually a turn-around
20 area at the end of the driveway so cars aren't backing
21 out?

22 MR. MEAD: Okay.

23 MR. GAROFALO: Thank you.

24 MR. MEAD: Thank you.

25 CHAIRMAN BRAND: Anything else?

MARLBORO PROPERTY MANAGEMENT - SKETCH SUBDIVISION

1 (No response.)

2 CHAIRMAN BRAND: So you'll make those
3 adjustments and return. Great. Thank you.

4 Time noted: 7:43 p.m.

5

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

7 Certified to be a true and accurate transcript.
8

9 Stacie Sullivan

10 Stacie Sullivan, CSR
Court Reporter

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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

4 BUTTERMILK FALLS RESORT HOTEL

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

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

9 Date: October 7, 2024
10 Time: 7:44 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

21 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

22 GERARD COMATOS, ESQ., PLANNING
23 BOARD ATTORNEY

24 JEN FLYNN, PLANNING BOARD SECRETARY

25 APPLICANT'S REPRESENTATIVES: MICHAEL MORIELLO, ESQ.
26 BARRY MEDENBACH
27 ROBERT POLLOCK

28

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

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

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

4 Pat, whenever you're ready, you can start
5 with your comments.

6 MR. HINES: Yeah. Our first set of comments
7 are all technical comments on the Stormwater Pollution
8 Prevention Plan. I think they're more technical in
9 nature. That can be addressed by Mr. Medenbach in the
10 revised SWPPP.

11 I think the major item here tonight is the
12 discussion of a potential Negative Declaration that has
13 been drafted. At the last meeting, we reviewed the
14 part 2 of the EAF, and the applicant's representative
15 have prepared a draft of the Negative Declaration
16 that's been reviewed by my office as well as Gerry's
17 office, I believe.

18 MS. LANZETTA: Was there any discussion about
19 the Creighton Manning recommendations?

20 MR. HINES: So Creighton Manning did issue a
21 more recent letter that identifies some intersections
22 that were operating at, I think, E's and F's in the
23 peak hours, but they felt that during that short
24 duration of time, that would operate as acceptable. I
25 think the applicants have identified that they would

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 hire some on-site traffic control if there was issues
2 regarding that. I do note that there's a lot more peak
3 traffic, if identified, than there is parking spaces on
4 the site. The peak hour traffic was in the 800s, I
5 believe, and there's 400 and some parking spaces
6 identified.

7 But I didn't see any real red flags in
8 Creighton Manning's comments.

9 MR. GAROFALO: I think there are also certain
10 issues that they point out as far as we don't have the
11 way signing. And they also talk about pedestrian
12 signing.

13 And the Highway Superintendent's letter only
14 addressed two of the access points, and I think we need
15 more from the Highway Superintendent, as well as
16 comments that I gave at the last public hearing have
17 not been addressed, including the potential structure
18 in the front yard and one of the driveway accesses. So
19 I think these need to be addressed.

20 I don't necessarily agree with Creighton
21 Manning on using sandwich signs. I think you'd find
22 that they would be much more expensive to have people
23 putting these out and bringing them back in. I think
24 you would be much better off with more permanent
25 signing. Also, to protect yourself because if somebody

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 forgets to put a sign up, that could cause some
2 problems. So I think you would be better off having
3 the signing be more permanent in nature.

4 And we should see a plan showing all the
5 signing, so that we know that the emergency vehicles,
6 if they have to respond, or if people need to find a
7 certain area on the site, that they will be able to
8 find it. I think you need to have a plan for these
9 things.

10 And we need to have that driveway on the
11 garage fixed. And I think that's certainly within
12 reason for this property. And, yes, we may have to
13 take a look at the parking again.

14 CHAIRMAN BRAND: Any additional comments or
15 questions?

16 (No response.)

17 CHAIRMAN BRAND: Gerry, did you want to talk
18 about the Negative Declaration?

19 MR. COMATOS: I think it's thorough. Pat and
20 I reviewed it. We edited it to a certain extent, and I
21 think overall it's a very good, strong document.

22 CHAIRMAN BRAND: Okay.

23 MR. GAROFALO: I agree with the findings. I
24 just think that we need to have more documentation with
25 regard to making sure that these things are done and

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 are on the plan.

2 MR. HINES: The site plan review continues
3 beyond the Neg Dec. This kind of gets them to the
4 outside agencies that they need to go to. They have
5 numerous outside agency approvals, none of which will
6 react without the Negative Declaration, but certainly
7 there is continued comments.

8 MR. GAROFALO: I don't have any problem with
9 that, but I do want to make sure that these issues are
10 not forgotten.

11 CHAIRMAN BRAND: Gerry, do you think we'll
12 have that for -- soon, the Negative Dec?

13 MR. COMATOS: Something I would like to
14 discuss with Mr. Moriello, the case that he cited is
15 applicable here. It's a third department appellate
16 division case.

17 And, Mike, correct me if I'm wrong, but one
18 of its conclusions is that the application is deemed
19 complete when the Board adopts the Negative
20 Declaration.

21 MR. MORIELLO: Correct. That's correct.

22 MR. COMATOS: It seems to me that, although
23 what you said, that the site plan review process
24 continues, I don't know whether the Board is in a
25 position to deem the application complete, and adopting

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 the Negative Declaration tonight will be tantamount to
2 saying it is complete under the applicable case.

3 MR. MORIELLO: Gerry, I can say a few words
4 about that. I think the term "complete" in that case,
5 which is kind of an outlier, but it does apply in our
6 third department. I don't like it, but it's the way it
7 is. What that case says is that SEQR doesn't require a
8 public hearing if you're going to have -- if you end up
9 with a Negative Declaration. It requires public
10 hearings always with the EIS's.

11 But good boards and good practice demands now
12 that you have a public hearing associated with the SEQR
13 process so you give the public a chance to speak. So
14 what the lawyers cleverly argued in that case is that
15 the board had a public hearing on SEQR, but they didn't
16 have a subsequent public hearing on the subdivision.
17 And the same language, statutory language, that they
18 cite is in both. So the term "complete" means, for the
19 purposes of SEQR, within the context of the overall
20 site plan special use permit review.

21 I will say -- state right now that these
22 issues, these site plan issues, there is a -- I don't
23 want to get too far in the weeds, but there's another
24 case called AJC Associates versus the Town of Perinton,
25 which says that the issues that James is talking about,

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 site plan issues related to traffic, signage, are
2 endemic to site plan review. So they're not a part
3 of -- they exist outside of the ambit of SEQR. You
4 have to look at them, anyway. So I would say that that
5 continuing review on all those questions, we can
6 certainly do.

7 The particular statute in the Kittredge case
8 is a statute that says for the purposes of SEQR and
9 continuing on with the public hearing process, you
10 can't have -- you cannot have an approval until you
11 complete a separate public hearing. If you decide to
12 have a public hearing for SEQR, you either have to
13 continue that public hearing or have a separate public
14 hearing for the underlying subdivision review. The
15 same language is used in site plan review, 274A and
16 274B, for special use permits also. So, most times, to
17 be safe on any of those reviews, you would conduct a
18 separate public hearing.

19 But for the purposes of this project, I
20 certainly would agree that those issues can be looked
21 at under site plan in the future. That's not a problem
22 for the Board.

23 MS. LANZETTA: Once the SEQR determination is
24 made, then this -- the time clock begins to complete
25 the site plan process?

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 MR. MORIELLO: No. The only time clock that
2 applies -- and we will waive it. We agree to waive it
3 here, and I'll put it in writing if you want. The only
4 time period is for subdivision approval. We only have
5 a lot line revision here, so it's no big deal. The
6 other time periods the courts have ruled are directory.
7 You know, they put the time periods in, but they don't
8 hold anybody to them.

18 CHAIRMAN BRAND: Any other comments or
19 questions?

20 MR. COMATOS: Subject to that, site plan
21 review will continue. I can't speak for Pat, but I
22 think that the Negative Declaration, as I said, is
23 complete and a good document, and the remaining issues
24 that you want to scrutinize can be looked at as part of
25 the continuing site plan review. So I think it's

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 satisfactory, you know, to close the SEQR whenever
2 you're inclined to do so.

3 MR. GAROFALO: That's including Mr. Hines'
4 comments?

5 MR. COMATOS: Yes.

6 MR. MORIELLO: James, we've -- just so the
7 Board knows too, all of the comments, I agreed with
8 every comment that Gerry and every comment that Pat
9 had. And so did Bob and Barry. And we put them all in
10 the document. There isn't any of them that were
11 changed.

12 CHAIRMAN BRAND: So that being said, can I
13 have a motion to authorize the attorney to have a SEQR
14 Negative Dec prepared?

15 MS. LANZETTA: I'll make the motion.

16 MR. GAROFALO: I'll second it.

17 CHAIRMAN BRAND: Any objection or discussion?

18 (No response.)

19 MR. POLLOCK: Thank you.

20 MR. MORIELLO: Do you want to vote on it
21 tonight or at the next meeting?

22 CHAIRMAN BRAND: We'll do it at the next
23 meeting after we get the actual draft.

24 MR. MORIELLO: Okay. I'll clarify it with
25 Gerry for then. Very good. Thank you very much to the

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 Board.

2 Time noted: 7:55 p.m.

3

4

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

5

6 Certified to be a true and accurate transcript.

7

8

Stacie Sullivan

9

Stacie Sullivan, CSR
Court Reporter

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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

4 KRISTIN POLONCO BED AND BREAKFAST

5 Project No. 24-2015
6 16 Wygan Road, Marlboro
7 Section 108.2; Block 9; Lot 22.113

8 -----X

7 SKETCH - SITE PLAN

8
9 Date: October 7, 2024
10 Time: 7:56 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

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

27
28 JEN FLYNN, PLANNING BOARD SECRETARY

29
30 APPLICANT'S REPRESENTATIVES: KRISTIN POLONCO
31 NELSON POLONCO

32

33

34

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

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Under New Application

2 Review, we have Kristin Polonco for a sketch of the
3 site plan of a B & B at 16 Wygan Road in Marlboro.

4 Would you like to give the Board an overview
5 of what it is you have proposed?

6 MS. POLONCO: Say again. I'm sorry.

7 CHAIRMAN BRAND: If you could just provide
8 the Board an overview of what you're proposing.

9 MS. POLONCO: I'm proposing to -- I put in an
10 application to start a short-term rental B & B.

11 CHAIRMAN BRAND: Okay. Pat, do you have
12 comments?

13 MR. HINES: Sure. The applicant identifies
14 that they're going to use two of the three bedrooms as
15 a bed and breakfast rental. Under your Code, Section
16 155-32.4, a bed and breakfast under the Code must be
17 owner occupied, which is indicated as the case here.

18 We need a plan for parking that shows four
19 parking spaces, one for each of the bedrooms and two
20 for the existing structure.

21 Notes on the plat plan should state that a
22 maximum of two guests per bedroom are permitted. The
23 Code goes on to say that children 12 and under are not
24 counted as guests.

25 That plan should show the minor requirements

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

1 for the bed and breakfast, Items 14 through 22 of the
2 minor application plan. And those are detailed on
3 here. So we just need a sketch plan showing the lot
4 lines, the layout of where the house is on the lot, and
5 the parking.

6 The project is a special use in the zone, and
7 a public hearing will be required once we get that
8 information. But it looks like the application
9 generally complies, and we need some supplemental
10 information to support.

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

13 MS. LANZETTA: Yes. I see that you tried to
14 put information in here, but it just -- it doesn't show
15 up very well (indicating). So, you know, I am not
16 quite sure if you just went out with a cell phone and
17 took pictures of the parking area and maybe put a
18 couple cars there, to get a better idea. You don't
19 have to do anything crazy, but just stuff that we can
20 really see better.

21 MS. POLONCO: Okay.

22 CHAIRMAN BRAND: Any other comments or
23 questions?

24 MR. GAROFALO: Yes. Unlike some places in
25 the Code, the parking spaces, 162 square feet. They

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

1 don't have to be exact, but that's what's in the Code.
2 It's not 200. It's 162. Fill out pages 3 and 4 of the
3 checklist. Also, on page 1, you have the number of
4 bedrooms to be rented as three.

5 MS. POLONCO: Correct.

6 MR. GAROFALO: What was just said is you're
7 only going to rent two.

8 MS. POLONCO: Because it's owner occupied.

9 MR. GAROFALO: So the number there should be
10 two because you're only going to be renting two of
11 them. And you'll need -- under the number of parking
12 spaces, you'll need to have four, which is two for the
13 bed and breakfast, and one for each room. So it's a
14 total of four that you're going to need to show us.

15 From the aerial, it looks like there's nearby
16 agricultural uses. Do they need to have an
17 agricultural note on the plans?

18 CHAIRMAN BRAND: No.

19 MR. GAROFALO: One of the problems that we've
20 seen in the past with bed and breakfast short-term
21 rentals is people wandering off of the property and
22 onto other people's property, and then the neighbors
23 complaining. And that's something that you want to
24 avoid, because you're only going to get three strikes
25 and you're going to be out. So you might want to take

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

1 a look at how the property is defined and show us to
2 indicate that there's going to be a reasonable way for
3 people to understand where they can't go. It could be
4 fences. It could be trees. It could be rocks.
5 Whatever. Just show us what's there. Because we don't
6 want you getting in trouble for people wandering off
7 onto other people's properties. We don't want to see
8 that. You don't want to see that. Nobody wants to see
9 that.

10 MS. POLONCO: Of course.

11 MR. GAROFALO: Any indication that you can
12 give us to make us feel more comfortable, I think it
13 would be good.

14 MS. POLONCO: Okay.

15 MR. GAROFALO: Thank you.

16 CHAIRMAN BRAND: Jen, our next meeting, I
17 know we have no space for a public hearing, so the next
18 one would be November 4th. That would be upstairs.

19 MS. FLYNN: I have to look. I'm not sure.

20 CHAIRMAN BRAND: I'm pretty sure.

21 MS. FLYNN: I think it is upstairs. You guys
22 decided that you don't want to do public hearings up
23 there.

24 CHAIRMAN BRAND: I don't know that this one
25 is going to garner that many people. I would be

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

2 MS. FLYNN: I'll put it down for the 4th.

3 CHAIRMAN BRAND: November 4th. And you'll
4 have all those things fixed by then?

5 MS. POLONCO: Correct. Yes.

6 CHAIRMAN BRAND: So we'll schedule a public
7 hearing for November 6th -- 4th. Sorry.

13 CHAIRMAN BRAND: Five hundred feet.

14 MR. GAROFALO: Five hundred feet. There may
15 be people that have no interest, but they see the map
16 and they see where you are, and they'll have absolutely
17 no interest in coming. So it behooves you to think
18 about adding a map that would clearly show where the
19 property is, and maybe some of these people will not
20 come. Because many questions we have, people, they
21 come and they say, where are you, and then they just
22 walk away because they don't have anything to say. But
23 that can be helpful. Thank you.

24 CHAIRMAN BRAND: Thank you.

25 MS. POLONCO: Thank you.

KRISTIN POLONCO BED AND BREAKFAST - SKETCH SITE PLAN

1 Time noted: 8:02 p.m.

2

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

4

Certified to be a true and accurate transcript.

5

Stacie Sullivan

7

Stacie Sullivan, CSR
Court Reporter

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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

4 MADISON SQUARE YORK MARKLE

5 Project No. 24-2016
6 46 Partington Lane, Marlboro
7 Section 108.2; Block 7; Lot 25.210

8 -----X

7 SKETCH - SITE PLAN

8
9 Date: October 7, 2024
10 Time: 8:02 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

23
24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVE: STEVEN MARKLE

22

23

24 -----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

MADISON SQUARE YORK MARKLE - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda, Madison
2 Square York Markle, sketch of a site plan at 46
3 Partington Lane in Marlboro.

4 Would you just like to provide us with a
5 brief overview of what you have proposed this evening?

6 MR. MARKLE: 46 Partington Lane, it's a
7 two-bedroom residence. We're going to use it as a
8 short-term rental.

9 CHAIRMAN BRAND: Pat.

10 MR. HINES: As was mentioned, the applicant,
11 different from the previous one, this one is for a
12 short-term rental. They're under Code Section
13 155-32.3. The difference between the two is that the
14 short-term rental does not have to be owner occupied,
15 but it has to be next door or across the street from
16 the proposed use. I believe I looked on Ulster County
17 Parcel, and you are across the private road from this.

18 MR. MARKLE: Our properties connect. Not
19 across the private road.

20 MR. HINES: Oh, they connect?

21 MR. MARKLE: Yes. Right where the stream is
22 there, where you have the curve on the top of the page
23 there.

24 MR. HINES: So it is adjoining.

25 MR. MARKLE: Yep.

MADISON SQUARE YORK MARKLE - SKETCH SITE PLAN

1 MR. HINES: So that checks that box. We did
2 not receive that map. That was the confusion.

3 MR. MARKLE: I brought some other maps just
4 in case.

5 MR. HINES: Occupancy is limited to two
6 guests per bedroom. That should be noted on any plans.
7 The number of occupants should be clearly depicted on
8 the plan.

9 A parking plan must be submitted to identify
10 adequate parking for the site.

11 And is the access via a private road?

12 MR. MARKLE: It is.

13 MR. HINES: So that private road access and
14 maintenance agreement, if there is one, should be
15 submitted.

16 MR. MARKLE: There's no maintenance
17 agreement, but I own all the adjoining properties.

18 CHAIRMAN BRAND: So you're owner of all the
19 properties that access the private road?

20 MR. MARKLE: Yeah. The Raguseos are the
21 only -- well, there's ones behind Partington Lane that
22 don't use that portion of the road. And then the
23 Raguseos, but they have their own ingress and egress
24 through Apple View Court.

25 CHAIRMAN BRAND: Comments or questions from

MADISON SQUARE YORK MARKLE - SKETCH SITE PLAN

1 the Board?

2 MR. GAROFALO: Just one. I just want to
3 reiterate what you just heard me say about people
4 wandering off the property. So just be aware of that
5 and think about how you might want to try to limit the
6 boundaries, but since you own some of the properties
7 that are adjacent, that may be in your best interests.

8 MR. MARKLE: Well, there's the one, it's
9 gotta pretty defined tree line. So we'll let everybody
10 know. Just about the parking, it has a two-car garage.
11 I mean, that's for two cars, two rooms. Is that okay?

12 MR. HINES: It's good for two of them.

13 CHAIRMAN BRAND: Absolutely.

14 MR. GAROFALO: It should show them on the
15 plan.

16 MR. MARKLE: Okay.

17 CHAIRMAN BRAND: So you'll get those
18 materials to the engineer to review?

19 MR. MARKLE: Yes. I have the maps and stuff
20 now, marked two-car garage and occupancy of four. If
21 you want to look at it and make sure it's okay, I can
22 hand them over now.

23 CHAIRMAN BRAND: Do you have a digital copy?
24 Do you want the maps, Pat?

25 MR. HINES: Yeah. I'll take one tonight if

MADISON SQUARE YORK MARKLE - SKETCH SITE PLAN

1 you have it.

2 CHAIRMAN BRAND: If you can just give them to
3 Pat.

4 MS. LANZETTA: Are we scheduling this for a
5 public hearing?

6 CHAIRMAN BRAND: Does this require a public
7 hearing?

8 MR. HINES: Yes. It's a special use as well.

9 MS. FLYNN: The 4th?

10 CHAIRMAN BRAND: The 4th, yeah. We'll do the
11 November 4th public hearing. That will be upstairs.

12 I would again take Mr. Garofalo's suggestion
13 about including the map so when you send out the
14 mailings to everyone, they see where it is.

15 MR. MARKLE: Yes.

16 CHAIRMAN BRAND: We will see you on
17 November 4th.

18 MR. MARKLE: Great. Thank you.

19 Time noted: 8:06 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
2 TOWN OF MARLBOROUGH PLANNING BOARD

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

4 JEFF ALDRICH SIX-LOT SUBDIVISION

5 Project No. 24-2017
5 Milton Turnpike, Milton
5 Section 103.1; Block 1; Lot 33.210

6 -----X
7 SKETCH - SUBDIVISION

8
9 Date: October 7, 2024
9 Time: 8:06 p.m.
10 Place: Town of Marlborough
10 Town Hall
10 21 Milton Turnpike
11 Milton, New York 12547

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

16
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: PATRICIA BROOKS
22 JEFF ALDRICH

23

24

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

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next up, we have Jeff
2 Aldrich six-lot subdivision for a sketch of a
3 subdivision on Milton Turnpike in Milton.

4 MS. BROOKS: We basically have submitted an
5 initial sketch. I did review Pat's comments. We
6 didn't have any questions about any of them.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 can't vary it. So I didn't know who it is.

2 Oftentimes, with streets and sidewalks, if it's
3 something like the Town Highway Superintendent would
4 rather have a T turnaround than a cul-de-sac, that
5 generally is under the purview of the Highway
6 Superintendent, even though in the Code it says
7 cul-de-sac. If he makes a determination, I'd rather --
8 but this is more an ownership legal planning type
9 question more than a construction question.

10 So my main question this evening, and I guess
11 I'll direct it to Gerry, is: What do you do in an
12 instance like that, and who does have jurisdiction over
13 that section -- that chapter, that particular chapter?

14 CHAIRMAN BRAND: Just to clarify, Pat, she's
15 referring to your Comment 10 there?

16 MR. HINES: Comment Number 4.

17 CHAIRMAN BRAND: Okay.

18 MR. HINES: Your private code says exactly
19 what Patti just said; that each of the owners would own
20 to the center line, so everyone owns a piece of the
21 private road.

22 CHAIRMAN BRAND: So you're proposing that
23 they would not do that; that Mr. Aldrich would maintain
24 control of the road?

25 MS. BROOKS: Correct.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 MR. LOFARO: No maintenance agreement or
2 anything?

3 MS. BROOKS: Oh, no. Of course there would
4 be. It just has to do with the ownership. Because,
5 again, if -- Jeff personally has no plans to further
6 develop the property as long as he's living there.
7 But, again, we've got 50 acres of developable property.
8 So it doesn't make good planning sense to say that it
9 never can be extended or turned into a Town road. And
10 when each -- if we had four different lot owners, then
11 having agreements, who is going to pay for it, it just
12 has in the past created a lot of problems that I have
13 recognized. So maybe a long-term solution is having
14 the Town Board change the Code, but in the interim, is
15 it the Town Board that we go to?

19 MS. BROOKS: I guess the other question is:
20 Does the Zoning Board have the authority to grant
21 variances to anything other than the Zoning Code?
22 Right. That would be --

23 MR. COMATOS: No.

24 MS. BROOKS: They don't. That's what I
25 thought.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Do you want to run through
2 the rest of your comments for us, Pat?

3 MR. HINES: Sure. The project is a six-lot
4 subdivision of an 86, plus or minus, acre parcel of
5 property. It fronts on New Road as well as Milton
6 Turnpike. This project is off of New Road and is
7 proposing access off of New Road.

12 MS. BROOKS: It's now the Town of
13 Marlborough, now --

14 MR. HINES: So they need to be party to the
15 application if they're inheriting 1.1 acres.

16 MS. BROOKS: Yes.

17 MR. HINES: It's certainly a wonderful thing
18 for the Town to get.

19 MS. BROOKS: Originally, we could not include
20 that in the first conveyance to the Town, because the
21 Central Hudson parcel, as you can see, bisects the
22 field. Part of the fields are actually on lands of
23 Central Hudson. So this really is going to be
24 contiguous to, although not really -- it's still part
25 of the ball field -- to what Jeff recently conveyed to

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 the Town for Youngs Field.

2 MR. HINES: The site contains DEC wetlands.

3 Any circulation will include DEC. They are not
4 impacting any of the wetlands currently depicted on the
5 plan.

6 Our Comment 4 has to do with what we just
7 discussed, the private road owning to the center line
8 versus what the applicant's desire is. So I guess
9 that's a Town Board issue, but that will be worked out.

10 The private road dimensions should be
11 utilized. The right-of-way dimensions should be
12 utilized for setbacks.

13 The dead end private roads also are
14 identified as ending in cul-de-sacs.

15 MS. BROOKS: Yes.

16 MR. HINES: So that would be another issue
17 that would have to be addressed. The Town Code doesn't
18 allow the hammerhead T turnarounds that are identified
19 on the map.

20 Sight distance at the road and the driveways
21 on New Road should be depicted. Appropriate line of
22 sight measurements. The speed limit on New Road should
23 be identified. A required and proposed sight distance
24 chart should be provided.

25 Health Department Approval will be needed.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 A Stormwater Pollution Prevention Plan will
2 be needed.

3 So, right now, the lot lines are depicted to
4 the center line road of New Road. That's obviously a
5 road by use. So the metes and bounds of the road by
6 use should be added to the plans, and setback lines
7 should be taken from the road by use versus the center
8 line of the roadway.

9 The area of the solar farm should be
10 addressed. It looks like the solar farm lease
11 encroaches on proposed Lots 1 and 2. I don't know if
12 those folks want to be the owners of a piece of a solar
13 farm, so it may be cleaner to actually not do that.

14 And EAF Item 10 should be checked that
15 individual wells will be provided, along with EAF
16 Number 11.

17 CHAIRMAN BRAND: Comments or questions from
18 the Board?

19 MR. GAROFALO: With regard to most of the
20 solar farm, look very closely at the landscaping and
21 the buffer between them and the property. So this is a
22 case where, I guess, the solar farm is existing and
23 might be putting in houses, so that's something that we
24 need to think about, whether you require there to be
25 some landscaping to protect the owners of these future

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 parcels or whether that's something that will come in
2 later under the site plan.

3 CHAIRMAN BRAND: Anything else, Mr. Garofalo?
4 Cindy.

5 MS. LANZETTA: Yes. This is a major
6 subdivision, and it's obvious to me with the way it's
7 configured thus far that there is a good possibility
8 that there could be future development of this
9 property, certainly with all the additional acreage.
10 So I don't think -- I think it would be segmentation to
11 not look at a larger possibility here and how this
12 whole piece would eventually be developed. You know,
13 we have our private road restrictions, and we're pretty
14 close to that already. I'm not sure how many more
15 subdivisions that they want to get off of this private
16 road and what is the possibility of additional roads
17 coming in on Milton Turnpike. You know, I just would
18 like to get a much better idea of the possible buildout
19 of this, and I think we're required to under SEQR.

20 MR. GAROFALO: To a certain extent, it
21 benefits the applicant to look at that, because once
22 you subdivide these and people are building houses, it
23 becomes very difficult to go back and suddenly make
24 changes to make the rest of the property better, better
25 layout, et cetera.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 MS. LANZETTA: And because the Town is
2 looking for connectivity and not private roads, and you
3 can't have two private roads in a subdivision, and so
4 if it was a possibility of something going all the way
5 through Milton Turnpike at some point, these are all
6 the kinds of things that should be looked at when
7 you're looking at a larger piece like this.

8 CHAIRMAN BRAND: Any other comments or
9 questions?

10 (No response.)

11 CHAIRMAN BRAND: Pat or Gerry, do you know --
12 there's some -- Cindy was referencing major
13 subdivisions, and there's a time frame. We ran into
14 this with another project; that they did a minor
15 subdivision like this and then they wanted to extend
16 it, but there's some kind of time frame in there that
17 they're not allowed to do something else?

18 MS. BROOKS: I think it's three years, and
19 that's New York State Realty Subdivision Law, where if
20 it's a minor subdivision and you do another one within
21 three years, that you try to do another minor, it would
22 automatically be classified as a major.

23 So this is actually a minor subdivision in
24 accordance with New York State Realty Subdivision Law,
25 which says that you can have four lots -- and a lot is

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 a parcel of land under five acres in size. So we have
2 four lots that are under five acres in size, and we
3 have two lots that are over five acres in size. So
4 according to New York State Realty Subdivision Law,
5 this is a minor subdivision.

6 MS. LANZETTA: In our subdivision laws, we
7 talk about four lots, anything over four lots.

8 CHAIRMAN BRAND: Is a major?

9 MS. LANZETTA: Yes.

10 MR. JENNISON: So is it the hope that your
11 private road will eventually become a Town road?

12 MS. BROOKS: Yes. Again, to get back to
13 Cindy's point, I have laid out what I think would be an
14 ultimate development on this property. We went back
15 and forth on do you want to submit the whole thing and
16 then phase it. You know, how should we handle this?
17 Because I had the same concern as Cindy. And Jeff and
18 I went back and forth. He said, listen, I'm -- I don't
19 know what I'm going to do down the road. I want my
20 privacy, so I don't want to submit something that I
21 personally don't want to do and may never happen. So,
22 you know, we're in a Catch-22. I have no problem
23 submitting the ultimate development plan that we had
24 laid out as long as I know that the level of review of
25 it is not going to be that we need to get to the stage

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 of preliminary approval just for the review of it.

2 CHAIRMAN BRAND: You're asking to have the
3 review just cover the six parcels, six lots?

4 MS. BROOKS: Right. Because we don't know
5 if, when, or ever that other one would come through.

6 But in anticipation, and in my mind, in good planning,
7 to do so now and retain the ownership under one single
8 ownership certainly would make any future development
9 easier, regardless of whether it's a private road or a
10 Town road.

11 MR. JENNISON: My concern is with a
12 cul-de-sac now, because we have another customer in
13 front of us that we had a beautiful cul-de-sac up at
14 Dragotta, and now they want to break that off and put
15 in this development. I'm not so sure I like
16 cul-de-sacs anymore. I like this hammerhead because we
17 need the fire trucks to be able to get in and turn
18 around.

19 MR. HINES: There's a lot of towns moving
20 away from cul-de-sacs because of the size. There's
21 more green infrastructure with a T turnaround and less
22 pavement, but right now your Code says --

23 MR. JENNISON: I know. And I think maybe
24 something -- a note from us asking the Town Board to
25 consider moving away from cul-de-sacs. You know, I

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 come from being out west, stationed out west, and their
2 planning process is that when they put in these new
3 developments, the contractor has to bring gas lines
4 from the house out to the road. They have to bring
5 water lines out to the road. They have to do curb and
6 gutter. And they have to put playgrounds in. So when
7 infrastructure finally reaches them, they must, by law,
8 hook up to that at that point. And the town readily
9 accepts it because the road is exactly the way they
10 wanted it, and that's due to strategic planning. And
11 that's ideal, is what we want to be. So that's all.

12 MR. TRONCILLITO: Well, the Highway
13 Superintendent wants hammerheads. He doesn't want
14 cul-de-sacs.

15 MR. JENNISON: That's for our Highway
16 Superintendent. I think cul-de-sacs are not where we
17 need to be. We need to ask for a Code change.

18 MS. LANZETTA: And, again, the ideal is to
19 have connectivity so you have -- you don't have a bunch
20 of ending roads. You have roads that connect to other
21 roads. And that's why we're looking at the possibility
22 of this entire parcel, and eventually, as it gets
23 subdivided, how are you going to get that connectivity,
24 instead of having these little hammerheads?

25 MR. JENNISON: You're saying from New to

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 Milton Turnpike?

2 MS. LANZETTA: Yes.

3 MR. JENNISON: A cut between?

4 MS. LANZETTA: Yeah.

5 MS. BROOKS: Yeah. That really is never
6 proposed based on sight distances and topography. The
7 ultimate development of this is just to bring it as far
8 as Lot 1 of the previous subdivision.

9 MR. GAROFALO: I think historically, at least
10 with the Bayside, what I think happened was the Highway
11 Superintendent, along with the Town Supervisor, and I'm
12 not sure who else went there, maybe someone from the
13 Fire District, but they got together and looked at that
14 road. And even though that's probably one -- it's
15 going to be one of the more heavily traveled roads,
16 decided that they were not going to put in the
17 required -- put in a cul-de-sac. The process that they
18 used, I'm not really sure of, because I was not part of
19 the government at that point. But that -- there might
20 be a mechanism to allow you to go from a cul-de-sac to
21 a turnaround like that.

22 MS. BROOKS: I'm sorry. You were referring
23 to another roadway?

24 CHAIRMAN BRAND: Yes.

25 MR. GAROFALO: Yes.

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 MS. BROOKS: I got lost there for a minute.
2 I'm sorry.

3 MR. GAROFALO: This was done for the Bayside
4 development opposite Young Avenue, where there were a
5 large number of units, and buses are going to be coming
6 down there. But they decided that they would not put
7 in a cul-de-sac there, even though I was -- I will tell
8 you, I was against that, but they did decide to do
9 that, and whatever process that was, that may be what
10 you need to talk to them about.

11 MS. BROOKS: And I think that historically
12 has been done for T turnaround versus cul-de-sac,
13 because it had to do with road maintenance and health
14 and safety. So that -- but I do believe that the other
15 provision of the Code about boundary lines going to the
16 center line is not really a Highway Department
17 jurisdiction. You know, that would more be Planning or
18 Town Board.

19 So I agree with you, Mr. Garofalo; there have
20 been several instances where the T turnarounds have
21 been encouraged above the cul-de-sacs. But I guess,
22 you know, I will consult with the Planning Board
23 attorney and the Town Board. But we wanted basically
24 to see how the Planning Board also felt about that, if
25 you believed that that is something that potentially

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 you would to want to see changed in the Code overall,
2 as far as the ownership of private roadways.

3 CHAIRMAN BRAND: I think it's -- for me
4 personally, it would be dependent. If you know that
5 there's no future development, then I wouldn't be
6 against a cul-de-sac. There's no opportunity for more
7 development. But I think in this kind of case, where
8 there is the opportunity for more development, it might
9 make sense to avoid that cul-de-sac issue.

10 MS. LANZETTA: I was told about a situation
11 in another town that somebody owned the private road,
12 and they decided they didn't want trucks coming on the
13 road, and because they owned it, they were allowed to
14 say we're not -- I'm not letting Amazon come up to your
15 house or -- and they were allowed to do that because
16 they owned the road.

17 MS. BROOKS: So I think that has to do with
18 coming up with a darned good roadway maintenance
19 agreement.

20 MR. GAROFALO: An easement.

21 MS. BROOKS: Oh, yeah, easement and
22 maintenance agreement, covenants, and restrictions,
23 whatever. And that probably -- I had never heard that
24 before, but that's certainly -- I mean, I could see
25 putting a provision in of not wanting somebody to keep

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 their tractor trailer there parked overnight or
2 something along those lines, but I think that generally
3 is in a regular Town Code, as far as not being able to
4 bring that. But that is definitely something to make
5 sure is included in any roadway maintenance agreement,
6 I would say, not to be able to prohibit.

7 CHAIRMAN BRAND: I also think we might like
8 to see that full drawing that you have. We can limit
9 the scope of our review to not include the buildout,
10 but it might be a good reference point for us, just to
11 see.

12 MS. LANZETTA: I think to do adequate SEQR,
13 we have to.

14 CHAIRMAN BRAND: Maybe as an addendum or
15 something.

16 MS. BROOKS: Yes.

17 CHAIRMAN BRAND: Any other comments or
18 questions for this one?

19 (No response.)

20 CHAIRMAN BRAND: No. All right.

21 MS. BROOKS: So I will follow up with both
22 the Town Board and with Mr. Comatos and see where we go
23 from there.

24 CHAIRMAN BRAND: Perfect. Thank you.

25 MS. BROOKS: Thank you very much. And I have

JEFF ALDRICH SIX-LOT SD - SKETCH SUBDIVISION

1 permission to reach out to him independently?

2 CHAIRMAN BRAND: Absolutely. As always.

3 Time noted: 8:27 p.m.

4

5

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

7

8 Certified to be a true and accurate transcript.

9

10

Stacie Sullivan

11

Stacie Sullivan, CSR
Senior Court Reporter

12

13

14

15

16

17

18

19

20

21

22

23

24

25