

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

2 -----X  
In the Matter of

3 SCHREIBER - TWO-LOT SUBDIVISION

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

7 FINAL - SUBDIVISION

8 Date: October 7, 2024  
9 Time: 7:00 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

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

16  
17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING  
BOARD ATTORNEY

19 JEN FLYNN, PLANNING BOARD SECRETARY  
20

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

24 -----X  
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.

9                   Under Ongoing Application Review, we have the  
10 Schreiber two-lot subdivision for a final of their  
11 subdivision at 45 Old Indian Road in Milton. We have  
12 Lynn David Properties for a final of their subdivision  
13 at 307-407 Willow Tree in Milton. We have the Wilklow  
14 two-lot subdivision for a final of their subdivision at  
15 37-43 Baileys Gap Road in Marlboro. ELP Solar Truncali  
16 for a sketch of their site plan at 335 Bingham Road,  
17 Marlboro. Marlboro Property Management for a sketch of  
18 their subdivision on Burma Road in Marlboro. And the  
19 Buttermilk Falls Resort Hotel for a sketch of the site  
20 plan at 220 North Road in Milton.

21                  Under New Application Review, we have Kristin  
22 Polonco, BnB, for a sketch of the site plan at 16 Wygan  
23 Road in Marlboro; Madison Square York Markle for a  
24 sketch of their site plan at 46 Partington Lane,  
25 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.

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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

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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 systems 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.

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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?

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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 Troncillito.

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

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10 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR  
Court Reporter

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

In the Matter of

LYNN DAVID PROPERTIES

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

FINAL - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVES: CARMEN MESSINA  
KEVIN HARDY

Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*LYNN DAVID PROPERTIES - 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

23 Certified to be a true and accurate transcript.

24

25

Stacie Sullivan

Stacie Sullivan, CSR  
Court Reporter



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

In the Matter of

WILKLOW TWO-LOT SUBDIVISION

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

FINAL - SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVES: PATRICIA BROOKS  
FREDERICK WILKLOW

Stacie Sullivan, CSR  
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.

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

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18  
19 Certified to be a true and accurate transcript.

20  
21 Stacie Sullivan

22 Stacie Sullivan, CSR  
23 Court Reporter  
24  
25

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

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 SKETCH - SITE PLAN

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

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

19 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

20 GERARD COMATOS, ESQ., PLANNING  
 21 BOARD ATTORNEY

22 JEN FLYNN, PLANNING BOARD SECRETARY

23 APPLICANT'S REPRESENTATIVES: EVAN YOUNG  
 24 JOEL TRUNCALI

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?

4                   MR. HINES: Sure. Our first comment has to  
5                   do with additional coordination with the Fire  
6                   Department. I believe a letter has been submitted from  
7                   the Fire Department this evening. I don't know if it's  
8                   been distributed.

9                   We ask the applicant to address the 18  
10                  August 2024 letter submitted on behalf of the residents  
11                  of Bingham Road. The Planning Board should evaluate  
12                  the view shed analysis and line of sight drawings  
13                  provided.

14                 The applicant's representatives have provided  
15                 a flow path analysis for the solar array areas with  
16                 steep slopes. The velocity analysis provided is for  
17                 vegetative channels. Vegetative channels do not exist  
18                 within this solar farm. Specific vegetation is  
19                 included in that velocity design chart that they  
20                 utilized. And we continue to have concerns regarding  
21                 stormwater runoff at the velocity of that on the sites,  
22                 especially when the sites are just starting under  
23                 construction and there's not a vigorous landscaping  
24                 growth.

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  
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*          

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Stacie Sullivan, CSR  
Court Reporter

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25

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

2 -----X  
In the Matter of

3 MARLBORO PROPERTY MANAGEMENT

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

7 SKETCH - SUBDIVISION

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

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

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

20 APPLICANT'S REPRESENTATIVES: SAM DONG  
21 DAVID MEAD

22  
23  
24 -----X  
Stacie Sullivan, CSR  
25 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 septics within  
8                   200 feet of the property be depicted.

9                   A common driveway access and maintenance  
10                  agreement will be required between Lots 2 and 3.

11                  Currently, the lot lines are shown running to  
12                  the center line of the road. The roadway by use should  
13                  be determined utilizing metes and bounds along the  
14                  property frontage on both Idlewild and Burma Road.

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.

22                  Sight distance at each driveway should be  
23                  depicted. I think they're going to want line of sight  
24                  drawings depicted on the sight lines to see where those  
25                  go.

*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.

7                   Bulk table setbacks for the front yards  
8                   should be taken from the roadway by use boundary and  
9                   not the center line of the road.

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-foot 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*

1                   MR. MEAD: No. His driveway is over here  
2                   (indicating).

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.

8                   MR. MEAD: There's nothing being built over  
9                   there. I don't know --

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

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Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR  
Court Reporter

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

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

5 BUTTERMILK FALLS RESORT HOTEL

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

11 SKETCH - SITE PLAN

12 Date: October 7, 2024  
 13 Time: 7:44 p.m.  
 14 Place: Town of Marlborough  
 15 Town Hall  
 16 21 Milton Turnpike  
 17 Milton, New York 12547

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

24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING  
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

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

-----X  
 Stacie Sullivan, CSR  
 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.

9                   So, for instance, you know, if you look at  
10                  the SEQR regulations, you'll see that there's a 30-day  
11                  time period for Notice of Lead Agency; there's a 60-day  
12                  time period for this. None of them ever hold, and the  
13                  SEQR process kind of goes on in its own ambit for a  
14                  while.

15                  And that's the same thing here. I mean,  
16                  we'll waive any kind of default on the lot line  
17                  revisions. That's not a problem at all.

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.

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

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6 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR  
Court Reporter

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

2 -----X  
In the Matter of

3 KRISTIN POLONCO BED AND BREAKFAST

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

7 SKETCH - SITE PLAN

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

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

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

20 APPLICANT'S REPRESENTATIVES: KRISTIN POLONCO  
21 NELSON POLONCO  
22  
23  
24

-----X  
25 Stacie Sullivan, CSR  
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*

1 comfortable doing that.

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.

8 MR. GAROFALO: One of the things that may be  
9 helpful to keep the crowd size down is when the letters  
10 get sent out, if you could have a map showing where you  
11 are, because it's going to be -- I don't know what the  
12 distance is.

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

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

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Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR  
Court Reporter

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

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

5 MADISON SQUARE YORK MARKLE

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

10 SKETCH - SITE PLAN

11 Date: October 7, 2024  
 12 Time: 8:02 p.m.  
 13 Place: Town of Marlborough  
 14 Town Hall  
 15 21 Milton Turnpike  
 16 Milton, New York 12547

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

24 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

25 GERARD COMATOS, ESQ., PLANNING  
 BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVE: STEVEN MARKLE

-----X  
 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

23           Certified to be a true and accurate transcript.

24

25

Stacie Sullivan

Stacie Sullivan, CSR  
Court Reporter

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

2 -----X  
In the Matter of

3 JEFF ALDRICH SIX-LOT SUBDIVISION

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

7 SKETCH - SUBDIVISION

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

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

17 ALSO PRESENT: PAT HINES, PLANNING BOARD ENGINEER

18 GERARD COMATOS, ESQ., PLANNING  
BOARD ATTORNEY

19 JEN FLYNN, PLANNING BOARD SECRETARY  
20

21 APPLICANT'S REPRESENTATIVES: PATRICIA BROOKS  
JEFF ALDRICH  
22  
23  
24

-----X  
25 Stacie Sullivan, CSR  
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.

7                   The main reason that we are here this evening  
8                   is basically regarding one of the comments that Pat had  
9                   with regard to the Town Code requiring that the owner  
10                  of any lot or parcel that abuts an approved private  
11                  road shall be the fee owner to the center line of the  
12                  private road. I know that it's not this Board's  
13                  ability or purview to be able to waive that. I have  
14                  long held that that is not good planning just because  
15                  it creates problems in the future, and I've been  
16                  involved in a few of them where, when the roadway does  
17                  want to get extended and converted to a Town road, it  
18                  oftentimes can be legally difficult to compel the  
19                  landowner, who owns to the center line of the road, to  
20                  comply with that.

21                  We would like to have the proposed private  
22                  road be retained under the ownership of Mr. Aldrich.  
23                  Because this is Chapter 130, streets and sidewalks,  
24                  it's not a subdivision code, so the Planning Board  
25                  can't vary it, and it's not a Zoning Code, so the ZBA

*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?

16                 MR. COMATOS: I'm not sure whether there's a  
17                 provision in the Code allowing the Town Board to grant  
18                 waivers of variances. I'd have to look into it.

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.

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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.

8                   The project also involves a lot line change,  
9                   transferring 1.1 acres of property. That involves I  
10                  believe -- I don't know who owns it, but the owner of  
11                  the baseball field parcel. The Town, I assume.

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 owing 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.



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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

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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.

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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

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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

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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

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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

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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.

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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



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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

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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

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1 permission to reach out to him independently?

2 CHAIRMAN BRAND: Absolutely. As always.

3 Time noted: 8:27 p.m.

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

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8 Certified to be a true and accurate transcript.

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

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Stacie Sullivan, CSR  
Senior Court Reporter

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