

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

4 In the Matter of
5

6 - BOARD BUSINESS
7

8 - CONTINUING EDUCATION - MEMBER LANZETTA
9 -----X
10

11 BOARD BUSINESS

12 Date: November 4, 2024
13 Time: 7:00 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, New York 12547
18

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

25 ALSO PRESENT: PAT HINES
26

27 GERARD COMATOS, ESQ.
28

29 JEN FLYNN
30

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

-BOARD BUSINESS-

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

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, November 4, 2024, Regular Meeting at
7 7:00 p.m.

8 On the agenda this evening we have the
9 approval of the minutes for October 7 and October 21,
10 2024.

11 Public Hearings, we have Madison Square York
12 Markle for a public hearing of their site plan at 46
13 Partington Lane in Marlboro. Under Ongoing Application
14 Review, we have the Marlborough Resort Lattintown for a
15 preliminary of their site plan at 626 Lattintown Road
16 in Marlboro. ELP Solar Truncali for a preliminary of
17 their site plan at 335 Bingham Road in Marlboro. We
18 have Dock Road for a sketch of their site plan at
19 103-137 Dock Road in Marlboro. We have the Buttermilk
20 Falls Resort Hotel for a sketch of their site plan at
21 220 North Road in Milton. We have Office Warehouse,
22 sketch of a site plan at 2021-2025 Route 9W in Milton.
23 New application review, we have Matthew Bernhardt for a
24 short-term rental, sketch of a site plan, at 351 Old
25 Post Road.

-BOARD BUSINESS-

1 The next deadline is Friday, November 22nd.

2 The next scheduled meeting, Monday, December 2nd, 2024.

3 I would like a motion to table the October 7
4 minutes again until the next meeting.

5 MR. GAROFALO: I will make that motion.

6 MR. CALLO: I'll second that.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: I'd also like to have a
10 motion for the approval of the October 21st meeting
11 minutes.

12 MR. TRONCILLITO: So moved.

13 MR. CALLO: I'll second.

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: Perfect. First up this
17 evening, we have a public hearing for --

18 MS. LANZETTA: I have --

19 CHAIRMAN BRAND: Sorry. Announcements.

20 MS. LANZETTA: I have an hour of education
21 credit for doing Regulating Controversial Uses.

22 CHAIRMAN BRAND: Any other announcements?

23 MS. FLYNN: Yes. I'd like to add our
24 calendar for next year for discussion.

25 Time noted: 7:02 p.m.

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

4 In the Matter of
5

6 MADISON SQUARE YORK MARKLE
7 -----X

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

12 PUBLIC HEARING - SITE PLAN

13 Date: November 4, 2024
14 Time: 7:02 p.m.
15 Place: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, New York 12547

19 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
20 FRED CALLO
21 JAMES GAROFALO
22 CINDY LANZETTA
23 BOB TRONCILLITO
24 -----X

25 ALSO PRESENT: PAT HINES

26 GERARD COMATOS, ESQ.

27 JEN FLYNN

28 APPLICANT'S REPRESENTATIVE: STEVEN MARKLE
29
30
31
32
33
34 -----X

35 Stacie Sullivan, CSR
36 staciesullivan@rocketmail.com

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: First up then, we have a
2 public hearing for Madison Square York Markle, a public
3 hearing for a site plan at 46 Partington Lane in
4 Marlboro.

5 Legal Notice, Site Plan Application. Please
6 take notice a public hearing will be held by the
7 Marlborough Planning Board pursuant to Town of
8 Marlborough Town Code Section 155.31 and 155.32 on
9 Monday, November 4, 2024, for the following
10 application, Madison Square York Street, LLC,
11 Short-Term Rental, at the Town Hall, 21 Milton
12 Turnpike, Milton, New York, at 7:00 p.m. or as soon
13 thereafter as may be heard. The applicant is asking
14 for site plan approval and special use permit for a
15 short-term rental on lands located at 46 Partington
16 Lane, Marlboro, New York, 12542, Section 108.2, Block
17 7, Lot 25.210. Any interested parties, either for or
18 against this proposal, will have an opportunity to be
19 heard at this time. Chris Brand, Town of Marlborough
20 Planning Board.

21 Is that applicant or the representative here
22 for that project?

23 MS. FLYNN: I'm going to go look out here.

24 MS. LANZETTA: Do we have a picture of
25 this -- a picture of the map that he prepared that we

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 could put out for people to look at?

2 MR. HINES: So they were to bring that. We
3 haven't received a site plan. That was to be brought
4 today.

5 CHAIRMAN BRAND: Correct. We'll give Jen a
6 minute to check.

7 MR. HINES: They were to include a map with
8 the mailing.

9 CHAIRMAN BRAND: All right. So I say we will
10 just leave it open, and we'll push it to the end if
11 there's time.

12 MS. LANZETTA: Maybe we could take -- are
13 there people, if they had an opportunity to look at the
14 map, can we take their input?

15 CHAIRMAN BRAND: Is there anyone here for
16 that public hearing?

17 MS. RAGUSEO: Yes.

18 CHAIRMAN BRAND: Did you have questions or
19 concerns? If you could state your name for the
20 stenographer first.

21 MS. RAGUSEO: Amalia Raguseo. My daughter,
22 Gina. We both live -- Gina Smerden.

23 Our only concern is that they realize that
24 they cannot come through my lands, that the land
25 stops -- the road stops at their house and does not

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 continue. That's my only concern. And then, of
2 course, what is he going to use the house for?

3 (Mr. Steven Markle entered the room.)

4 CHAIRMAN BRAND: We just started the public
5 hearing. If you could maybe give everyone here an
6 overview of what it is that you have proposed.

7 MR. MARKLE: So it's 46 Partington Lane.
8 You're familiar with it. It's a vacation rental. So
9 we have people there. It's primarily like weekends.
10 It's limited to four people max. Typically, it's two.
11 Just couples coming up to hang out for the weekend.
12 You know, when we meet them, we go over everything with
13 them, and we tell them, there's the tree line; that's
14 the property line. You can go this way; you can't go
15 that way. Ten miles an hour in the driveway. You know
16 how I am about that anyway.

17 MS. RAGUSEO: Yes.

18 MR. MARKLE: It's a pretty quiet scenario.

19 MS. RAGUSEO: No children running around the
20 grounds?

21 MR. MARKLE: No more than you have at any
22 other house.

23 MS. RAGUSEO: We don't have that problem.

24 MR. MARKLE: You know, I can't prohibit
25 children from being there, but, again, it's a four

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 person maximum. It would be no more -- it's a
2 two-bedroom house. It would be no more than four.

3 MS. RAGUSEO: Like I was saying, the only
4 concern is that people continue -- don't come through
5 or drive through up towards Western Avenue, out that
6 way.

7 MR. MARKLE: I think with the condition of
8 the road there, it's not something I'm too worried
9 about.

10 MS. RAGUSEO: But you will, of course, inform
11 the people who rent there that they're only to come to
12 a certain point?

13 MR. MARKLE: Yeah, yeah. We're going to do
14 something different in that area, anyway, because I
15 purchased that other acre there. So we're going to try
16 and limit so that it's --

17 MS. RAGUSEO: What other acre did you
18 purchase?

19 MR. MARKLE: Between -- right by your house,
20 Sorrentino's other one acre.

21 MS. SMERDEN: The one that's still up for
22 sale?

23 MR. MARKLE: Yes.

24 MS. RAGUSEO: All right.

25 CHAIRMAN BRAND: Is there anyone else here

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 who has a question or comment regarding this project?

2 (No response.)

3 CHAIRMAN BRAND: No. I'd like a motion to
4 close the public hearing.

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

6 CHAIRMAN BRAND: Is there a second?

7 MR. CALLO: Second.

8 CHAIRMAN BRAND: Any objection?

9 (No response.)

10 CHAIRMAN BRAND: Pat, did you have comments
11 for this one as well?

12 MR. HINES: Yes. They were from the previous
13 meeting, but it's just that it is a short-term rental,
14 with the Town Code section cited. Short-term rentals,
15 the fee title is owned by a person who owns the title
16 and who owns a dwelling that is next door or directly
17 across the street. It was described that they own all
18 the parcels on the private roadway.

19 We didn't receive a plot plan, and I thought
20 one was to be provided depicting the uses.

21 MR. MARKLE: I gave it to you last time;
22 right, Jen?

23 MS. FLYNN: What?

24 MR. MARKLE: Well, I gave the whole map.

25 MR. HINES: Just one, though?

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

3 MR. HINES: So the occupancy is limited to
4 two guests per bedroom. The number of occupants should
5 be clearly depicted on the plans.

12 MR. MARKLE: Yeah, with the exception of one.

13 MS. RAGUSEO: I own a piece of the driveway.

14 MR. MARKLE: Yeah.

15 MS. RAGUSEO: Somebody said you own the whole
16 thing. There's a portion you don't own.

17 MR. MARKLE: Yeah, that one portion.

18 CHAIRMAN BRAND: Gerry, did you have anything
19 to add to this?

20 MR. COMATOS: No. Are you suggesting that
21 they have a maintenance agreement?

22 MR. HINES: I just want to make sure there's
23 no limitations --

24 MR. COMATOS: You don't have a maintenance
25 agreement with that lady?

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 MR. MARKLE: No.

2 MR. HINES: I just wanted to make sure there
3 was no limitations in any filed maintenance agreements
4 that said, you know, no commercial use or anything like
5 that.

6 MR. MARKLE: None.

7 MS. LANZETTA: Yeah, because we had an
8 incident where somebody was on a private road and --

9 MR. HINES: The rest of the people objected.

10 MS. LANZETTA: Yes. So how do we handle this
11 in this case?

12 MR. COMATOS: We wouldn't know without a
13 title search if there were any limitations on the use
14 of the private road.

15 MR. MARKLE: There is none. There's no
16 maintenance agreement. There's never been one.

17 MR. COMATOS: And I certainly would like to
18 take your word for it, but we don't know that's the
19 fact without a title search.

20 MR. MARKLE: I can have somebody provide your
21 office with all the documentation.

22 CHAIRMAN BRAND: I think we'll need that.

23 MR. MARKLE: That's no problem.

24 CHAIRMAN BRAND: I'm sorry to jump around. I
25 saw that you had those mailings. How many did you send

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 out and how many came back?

2 MR. MARKLE: Nothing came back.

3 MS. FLYNN: They don't come back. Just out.

4 MR. MARKLE: We were curious about that.

5 MS. RAGUSEO: We missed that part. What
6 happened?

7 MS. LANZETTA: It's been the policy here that
8 if it's on a shared road, a private road, that all of
9 the people involved have to be in agreement.

10 MR. MARKLE: Eighteen went out. One was
11 undeliverable.

12 CHAIRMAN BRAND: You can give those to Jen.
13 Comments or questions from the Board on this one?

14 MR. GAROFALO: I just want to make a note on
15 the application form that the Zoning District I believe
16 is R-1, which is where these are permitted, short-term
17 rentals.

18 CHAIRMAN BRAND: Cindy. I'm sorry.

19 MS. LANZETTA: No. I'm just saying do we
20 need to get an approval from all adjoining property
21 owners to the private road?

22 MR. COMATOS: That depends on what's in the
23 land records and whether there are any agreements that
24 limit use of the private road. I wouldn't know that
25 without a title search.

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Gerry, is that something
2 they do and provide you with?

3 MR. COMATOS: Yes.

4 MR. MARKLE: Yes. We can do that.

5 CHAIRMAN BRAND: If you can get that done as
6 quickly as possible.

7 MR. MARKLE: No problem.

8 CHAIRMAN BRAND: Anything else on this?

9 MS. LANZETTA: I'm just saying that if there
10 isn't anything in writing, perhaps they should talk to
11 the other landowners and see if they can come to some
12 kind of agreement, it would seem to me.

13 MR. COMATOS: If the two of you are the only
14 owners of land that uses this private road, then you
15 can come to an agreement that permits the use for this
16 purpose.

17 MR. MARKLE: Do you have any issues with it?

18 MS. RAGUSEO: My only issue, as I said to you
19 before, is that they don't come through my property. I
20 don't want people walking through it. I don't want
21 people driving through it. You own to a certain point,
22 and then from that point onwards is mine and my
23 daughter's.

24 MR. MARKLE: I agree.

25 MS. RAGUSEO: And we don't want anyone coming

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 up that way. Very simple.

2 MR. MARKLE: I think we're both in agreement.

3 MS. RAGUSEO: So as long as that's being told
4 to the people.

5 MR. COMATOS: I'd be happy to review a
6 proposed agreement whereby she recognizes the right to
7 use the private road for a short-term rental insofar as
8 it is on your property.

9 MR. MARKLE: What would that entail? What
10 would you need from me exactly?

11 MR. COMATOS: A mutual, an agreement between
12 the two of you.

13 MS. RAGUSEO: So we came to an agreement. As
14 long as he abides by my rules, it --

15 MS. SMERDEN: See, we have a right-of-way.

16 MR. COMATOS: That's a beautiful oral
17 agreement that you just made. You need it in writing.

18 MS. RAGUSEO: We also have the right-of-way
19 through his land. We have a right-of-way. That
20 property belonged to us. The piece that he's talking
21 about belonged to us at one point. It was sold out of
22 the family. We're not going to go into that, but we
23 kept the right-of-way when we came to the Planning
24 Board and Zoning. We followed all that. We have all
25 the maps. We kept our right-of-way to that. But he

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 stopped the right-of-way from that place, because I
2 knew that my brother-in-law was going to sell it, and
3 we didn't want to -- people to come through that way.
4 So we fixed it so they can't come through.

5 MR. COMATOS: We can keep this simple or make
6 it simple. I'll draft a consent, and I'll submit it to
7 you, and it will effectively memorialize her permission
8 to use the private road for this particular purpose.

9 MS. LANZETTA: I think that would work. And
10 there is an opportunity farther down the road, if both
11 parties don't follow the agreement, because this is a
12 special use, this can come back for us for review if
13 there's a lot of complaints. Correct?

14 MR. COMATOS: If there's complaints, there's
15 always, you know, recourse. A person who is aggrieved
16 by wrongful activity always has a remedy under the
17 Code.

18 MR. GAROFALO: So you can make complaints to
19 the Town, and if there are too many complaints, then
20 they will potentially pull the permit for this
21 activity. So he has very good reason to make sure that
22 he stays on your good side.

23 MR. MARKLE: Sounds good.

24 MS. RAGUSEO: We're good. We don't want to
25 stop you from doing this.

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 MR. MARKLE: I didn't think so.

2 CHAIRMAN BRAND: I will let you submit all
3 the paperwork to the attorney, and he will provide you
4 with the --

5 MR. MARKLE: Well, I think he's just saying
6 we don't even need the other stuff as long as we have
7 an agreement.

8 MR. COMATOS: I will prepare a written
9 consent for the two of you to read and consider.

10 MR. MARKLE: Okay.

11 CHAIRMAN BRAND: Do we need to review the
12 deeds to make sure that there's nothing on file for
13 them?

14 MR. COMATOS: I would like to see copies of
15 their deeds, verify that they're the current owners. I
16 mean, I think I can take it at face value that you are
17 the owners of two lots, and you own an adjacent lot.
18 So I can take it from there.

19 MR. MARKLE: Okay. Great.

20 MS. RAGUSEO: You want us to submit the deeds
21 to you?

22 MR. COMATOS: I would like to see a copy of
23 your deed.

24 MR. MARKLE: I have all the copies.

25 MS. RAGUSEO: So have all the copies. So

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 you'll take care of it all?

2 MR. MARKLE: No problem. So we'll submit it
3 to you, and then you'll get us a copy of the consent
4 letter?

5 MR. COMATOS: That's right.

6 MR. MARKLE: Okay. Perfect.

7 CHAIRMAN BRAND: Cindy, did you have
8 something?

9 MS. LANZETTA: I was going to say, based on
10 that, would we be able to give a conditional approval?

11 CHAIRMAN BRAND: I was going to say that.

12 Can I have a motion to have the attorney draft an
13 approval for the next meeting after reviewing all these
14 and making sure that everything is in order?

15 MR. TRONCILLITO: Yes.

16 CHAIRMAN BRAND: We do have until
17 December 2nd.

18 MR. GAROFALO: And can we close the public
19 hearing?

20 CHAIRMAN BRAND: We did close the public
21 hearing.

22 MR. GAROFALO: Oh, okay.

23 CHAIRMAN BRAND: Can I have the motion to
24 authorize the attorney?

25 MR. TRONCILLITO: So moved.

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Second?

2 MR. CALLO: Second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: All right. Thank you. We
6 will see you back on the 2nd.

7 MR. MARKLE: All right. Thank you.

8 Time noted: 7:16 p.m.

9

10

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

12

13 Certified to be a true and accurate transcript.

14

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Stacie Sullivan

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Stacie Sullivan, CSR

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

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

4 MARLBOROUGH RESORT LATTINTOWN

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

-----X

9
10 PRELIMINARY - SITE PLAN

11 Date: November 4, 2024
12 Time: 7:16 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 CINDY LANZETTA
21 BOB TRONCILLITO

22 17 ALSO PRESENT: PAT HINES

23 18 GERARD COMATOS, ESQ.

24 19 JEN FLYNN

25 20 APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA
21 DANIEL PATRICK, ESQ.
22 SEAN LARGOTTA

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

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

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

4 Pat, I'll start you off with your comments
5 first, whenever you're ready.

6 MR. HINES: So the applicants at the previous
7 meeting identified that the access road from Lattintown
8 Road would be modified to a 16-foot roadway, ten foot
9 paved with three-foot shoulders. That's going to
10 require approval from the Code Enforcement Office and
11 the jurisdictional fire department, because that's
12 going to be the main access to the site being less than
13 20 feet wide. It's less than what is a fire access
14 road for the New York State Fire Code, Appendix D.

20 The note which states contractors -- there's
21 a note which states contractors shall coordinate with
22 the Town regarding the access road to be modified. We
23 want that actual design there. We don't want the
24 contractors coordinating with the Town at some point in
25 the future. We want that actual -- what's going to be

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

1 there to be shown, and that will be on the approved
2 plans.

11 I think it was pretty clear at the last
12 meeting and in some letters that we received since the
13 public hearing that that is the primary concern of the
14 kind of community character issue of Ridge Road. And
15 you had the rendering of that structure, and it
16 appeared kind of shockingly large to me, anyway. I
17 think some of the Planning Board may have noted that
18 too. That building is almost -- it's 44 feet high I
19 think in the front facing Ridge Road. So I'll leave
20 that to the Board, to discuss that with the applicant,
21 but certainly the neighbors had that concern.

22 Design of the drainage swale on the west side
23 of Ridge Road should be provided. That was discussed
24 at the meeting as well as during our drainage review.

25 The applicant should update the Planning

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

1 Board with regard to water supply for the project.
2 Status of the water district extension should be
3 addressed. Extension of the water district would
4 require approval from the DEC, the Ulster County Health
5 Department, and potentially the Town of Newburgh and
6 New York City DEP. Review of the water system by the
7 Town's water engineering company, Brinnier & Larios
8 should be received.

9 I know the applicants are working through the
10 Town Board and Brinnier & Larios, but an update for the
11 Board should be provided.

12 Just a note, there's a concrete -- I don't
13 know if you want to hit all these technical ones.
14 There's a lot of technical comments.

15 CHAIRMAN BRAND: You can skip over some of
16 the --

17 MR. HINES: I'll skip over some of those.

18 The applicant should address all the public
19 comments received at the public hearing.

20 The automatic gate depicted at the driveway
21 is depicted as a lift gate, while the details show a
22 cantilever gate. That should be cleaned up.

23 We have comments on the stormwater. I'm
24 going to pick out ones that are not those.

25 A stormwater facilities maintenance agreement

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

1 will be required.

2 And then the rest are all SWPPP comments.

3 The major concerns we heard at the public
4 hearing were the drainage, which are addressed in our
5 numerous comments, and the location of the staff
6 housing in proximity to Ridge Road and the kind of
7 community character. This is a special use, and the
8 Board does have to address impacts to community
9 character and such under your special use permit
10 requirements. So, with that, I'll turn it over back to
11 you guys.

12 CHAIRMAN BRAND: Did you want to address any
13 of the comments that were brought up there?

14 MR. LaPORTA: Yeah, we certainly can. We
15 received the comment letter, and they are mostly
16 technical in nature. And I think that they can all be
17 adequately addressed. We'll have our geotech look at
18 the road widening, make sure the shoulders are strong
19 enough, and we'll get the Code Enforcement official's
20 interpretation and letter. We'll go through all those
21 technical processes.

22 I just wanted to focus on what you identified
23 as, I guess, the larger concern from the comments
24 received about the location of the locker room
25 structure -- the dorm and locker room structure.

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

1 So that building, the rendering that was
2 displayed at the previous meeting, that was just a
3 snapshot from dead right in front of the building. It
4 was a very close view. That is not what it would look
5 like from the road or the neighboring properties. It
6 would be much further set back.

7 At the conclusion of the last meeting, you
8 know, we committed that we would provide a response to
9 the outstanding technical comments, and doing that, we
10 made a submission where we did add significant
11 landscaping along the north and the east property
12 lines.

I also wanted to note too that when we put the stormwater management area in front of Ridge Road, we are building the grade up there. So on top of the vegetative buffer, we -- you know, we're raising the grade a few feet, so those trees will be that much taller. We have looked at the visuals of that, and at maturity, you're hardly going to see this building.

20 We did take a look at alternative locations.
21 That really wasn't feasible for a number of reasons.
22 We need to have the security access point there.
23 There's the fork in the road there, and we are going to
24 have our gate there. It will be a lift gate. That
25 cantilever detail, we'll clean that up. But the

MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN

1 security office is going to be there. There is a
2 security office on the Lattintown side. It's a large
3 property. We need control of both sides of it. And,
4 you know, it's just not feasible to separate the staff
5 dorms and the security office into two separate
6 buildings.

7 You know, in addition, the soils conditions
8 on the main campus side, we reduced all the buildings
9 down to one-story structures because of the soils
10 conditions we have over there. But this building
11 needed to have the additional stories to house the
12 staff there, so we also needed to build it into the
13 slope so that we could have access from both sides to
14 avoid elevators for ADA accessibility purposes.

15 So while the building is approximately
16 40 feet tall, it is built into the slope, and it sits
17 very far back. It's heavily screened. And the other
18 areas that we evaluated just weren't feasible. As you
19 go further into the site, there's a low area. There's
20 that little stream that runs through there. All that
21 soil is very wet over there. The only flat area that I
22 identified is well within the 75-foot setback to the
23 agricultural land buffer on the south property line,
24 and there are steep slopes to get to it, so it's really
25 not a feasible area to build.

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1 So we did look at all the potential
2 alternatives. We did what we could to screen the
3 building, but, you know, this is the location that we
4 need this building. We tried to be consistent with the
5 community character. The architecture, the color
6 selection actually resembles the lodge, which is
7 existing on the other side of the property. So we
8 were, you know, trying to keep that within that
9 context.

10 CHAIRMAN BRAND: Would you be able to provide
11 the Board with some renderings of the landscaping and
12 buffering that you're referring to?

13 MR. LaPORTA: We certainly could.

14 CHAIRMAN BRAND: That would be great.

15 MR. LaPORTA: We did bring it today. We just
16 can't display it unless you want me to open my laptop,
17 and I could show you.

18 CHAIRMAN BRAND: Sure, we can do that.

19 MR. GAROFALO: Mr. Chairman, I think I'd also
20 like to see it from the property owners' point of view,
21 because I think the building is set up high compared to
22 the neighbors. And if you look on C-157, there's a
23 pretty steep decline down to the neighboring
24 properties. So I think to get some real perspective on
25 how they're going to see it, I think it would be nice

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1 to see a rendering based on their point of view.

2 Because it's not only high, but it's also high up in
3 elevation compared to the other structures.

4 CHAIRMAN BRAND: While he's pulling that up,
5 any other additional comments or questions from the
6 Board?

7 MS. LANZETTA: Yes. I wanted to thank you
8 for addressing the comments from the County, from
9 Ulster County Planning. And the only thing that -- and
10 I think they were pretty well addressed, but the one
11 thing I picked up on was their comment on the limits of
12 disturbance around the cabins. And I would like to see
13 that there be a note saying that the remaining existing
14 vegetation is not to be removed. I don't think we need
15 a conservation easement, but I would like to see a note
16 to the effect that you're going to try to retain --

17 MR. LaPORTA: Of course.

18 MS. LANZETTA: I know you said you're going
19 to make every effort to retain vegetation, but I would
20 like to see that actually noted on the plans.

21 MR. LaPORTA: We can definitely do that.

22 I don't know the best place to put this.

23 CHAIRMAN BRAND: That's fine.

24 MR. LaPORTA: So this is the first view that
25 we did. You can see here, this structure is going to

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1 be removed, which I think is a strong visual positive.
2 What we did -- the first view here you can see that
3 it's -- the building is screened. We actually did
4 three views from each vantage point, and the reason
5 that we did this is because we didn't want to just show
6 the full mature -- like, we're going to put in the
7 trees, they're going to be smaller at the three-year
8 point, but they're still going to provide screening at
9 that point. We just didn't want to go in there and
10 show, oh, this is what it will look like in 20 years.
11 So for each view we did three different --

12 CHAIRMAN BRAND: This view is?

13 MR. LaPORTA: This is --

14 MS. LANZETTA: Initial.

15 MR. LaPORTA: Well, the initial view would be
16 this view right here. After construction, this is the
17 initial view. And, you know, as these trees mature,
18 you can really -- like, I can probably Zoom in. I
19 think this is a touch screen. It's very difficult to
20 see.

21 MR. GAROFALO: That's from the entrance to
22 the east of the building?

23 MR. LaPORTA: This is from the east. If I go
24 back a couple of, it's --

25 MS. LANZETTA: Where the distillery is.

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1 MR. LAPORTA: -- where the former building
2 that we were considering for the distillery. As I flip
3 through these, we did go further to the north on Ridge
4 Road here to try and catch the best perspective we
5 could from a neighboring property, but we obviously
6 can't go on the property. So we took what was
7 available from the right-of-way here. And, you know,
8 there is actually like a vegetative buffer that exists
9 between the properties right now. On the computer
10 model, I don't have that at the moment, but we are
11 putting in a line of trees right here, which, you
12 know -- at construction they'll be small trees, but
13 these things will grow three to five feet a year.

14 MS. LANZETTA: What are they?

15 MR. LAPORTA: They're all evergreens. I
16 think they're the Green Giant variety and a few
17 different varieties of pine.

18 Actually, we have a picture here of the house
19 through the vegetation. That's from our property
20 looking out. It's screened in the current condition.
21 And when these trees get taller -- we selected a
22 species that could grow to 40 feet tall. This isn't
23 even at full maturity.

24 MR. TRONCILLITO: Are they Thuja, Green
25 Giants?

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1 MR. LaPORTA: Yeah, those are the Green
2 Giants.

3 MR. TRONCILLITO: They grow three, four foot
4 a year.

5 MR. LAPORTA: Yeah, that's what we were
6 proposing there, and we also did put some of the
7 evergreens on the east property line of Ridge Road.
8 So, you know, I think what we're showing is that we're
9 willing to do a heavy level of screening to make sure
10 that these buildings aren't visible and disruptive to
11 the community character in any way, you know. On top
12 of that -- it's hard to see at the angle here, but the
13 grade is going up, and these trees are sitting on top
14 of the raised grade in front of the pond here. So we
15 did, you know -- and we've been working on this
16 throughout the week. We've heard the comment, and we
17 did show it on the landscaping plan that we submitted
18 in advance of the cutoff as well. So we're, you
19 know -- we've been very proactive to try and consider
20 the concerns. We did look. It's just not feasible for
21 us to move the building for a number of reasons: The
22 setbacks, the location, the security control, and the
23 soils as well.

24 MR. GAROFALO: Are those tall trees going to
25 be the ones immediately in front of the building or

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1 along the road?

2 MR. LaPORTA: The tall ones, I don't think we
3 put the tall ones -- we put them on the property line,
4 but not on the road. I don't think we'd want those to
5 grow that tall on the road, but we're open to -- we're
6 happy to swap out species.

7 MR. GAROFALO: You have some that are --
8 you're showing some that are along the road, and then
9 you're showing some that are right directly in front of
10 the building. That was my question. Are those trees
11 going to be the ones along the road, or are those going
12 to be the ones directly in front of the building?

13 MR. LaPORTA: The tall ones that we were
14 showing, those are the -- I think we have a different
15 type of tree in front of the building, not the big tall
16 ones. But I think we picked something that would grow
17 to 18 to 20 feet in height. We actually did decide
18 that we're going to put some more landscaping right on
19 the north side of the building, not right against the
20 building, but we do have a little grass island there
21 that we could add some trees right in front of it.

22 I think we have an elevation view of that as
23 well. From the north elevation, we are proposing to
24 put some -- build some trees that are slightly shorter
25 than the building, but cover a majority of it right in

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1 front of it on the north wall too. We're providing
2 screening, you know, at the lines and within the
3 property as well.

4 MR. TRONCILLITO: Just watch the spacing. On
5 those Thuja, you gotta keep them fairly tight, speaking
6 from experience, to get your full windbreaker and full
7 barrier.

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

10 MR. GAROFALO: Yes. I have a few.

11 One, you are showing a tennis court next to a
12 road. I would suggest you put a fence in there so the
13 balls don't go running over the road. It's a minor
14 detail.

15 On C-130, you show what's called a standby
16 power for the solar. Are those batteries?

17 MR. LaPORTA: No. We're proposing
18 generators.

19 MR. GAROFALO: Okay. You have a number of
20 steep slopes on some of the roadways, and take a look
21 and see if those might require a hill sign, warning
22 sign in front of them.

23 I'm a little confused about where you're
24 placing the gates. And, you know, you had talked about
25 it being near or to the west of the dorms. And is

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1 there -- are the gates placed such that you can't get
2 from Ridge Road to the main building?

3 MR. LaPORTA: Most of our traffic is going to
4 come in from Lattintown Road, but for the purposes of
5 the distillery and the restaurants, there's going to
6 need to be some access through that gate. The primary
7 access to the site is Lattintown Road, though.

8 MR. GAROFALO: The distillery is -- okay.
9 The distillery is after. But you will be able to
10 actually physically drive from Ridge Road to the main
11 building without going through a gate?

12 MR. LARGOTTA: No, no. You have to go
13 through a gate.

14 MR. HINES: There's a gate on Lattintown
15 entrance.

16 MR. LARGOTTA: Yeah, there's two gates.

17 MR. GAROFALO: With regard to the main
18 access, if it's 16 feet, putting the shoulders on, one
19 of the things that I'm concerned about is the vertical
20 clearance; to make sure where you have the road, that
21 you don't have any branches which would interfere with
22 fire trucks or other trucks coming in. So I think
23 that's important, to take a look at those trees and see
24 if you have branches. Since you're moving the road
25 over three feet, whether or not there will be any

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1 branches that would interfere with, particularly, the
2 clearance on the fire trucks because that's pretty
3 high.

4 MR. LaPORTA: Certainly. I think the
5 canopies are fairly high on many of those trees, but we
6 could add a note that we're going to trim back to
7 maintain, I don't know, a 20-foot clear width or
8 something, and while we have a contractor there, make
9 sure there's a nice, clean corridor. Obviously, it
10 would need to be an ongoing maintenance thing that
11 we're going, you know, to keep --

12 MR. GAROFALO: Initially I'm going to be
13 concerned because you may have some rather large trunks
14 splitting off of some these old trees. I think you
15 need to take a close look at that, particularly in the
16 beginning, to make sure that trucks can get underneath
17 them.

18 MR. LARGOTTA: We'll know right from the
19 beginning because we're bringing construction trucks
20 in.

21 MR. LaPORTA: We will definitely have
22 construction truck traffic. We're also going to need
23 to have some sort of arborist take a look at those
24 trees and everything we're doing with them, just given
25 that we're widening the road. We're going to try and

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1 protect the roots throughout construction. We're going
2 to have a very close eye on those trees, but,
3 obviously, with our own traffic, we need to make sure
4 that that pathway is clear.

5 MR. GAROFALO: Yes, especially if you bring
6 in any extra tall loads with that construction
7 equipment.

8 All of these types of facilities, we're
9 looking to see some wayfinding so that people will be
10 able to find where they're going and emergency vehicles
11 will be able to find specific locations within the
12 site. So I think you need to take a very close look at
13 how people and emergency services will be able to
14 locate various buildings within the site.

15 And also, with regard to that, most of the
16 larger signs in our Code require approval by the
17 Planning Board and the Building Department, Code
18 Enforcement. So if you're planning on putting any kind
19 of big signs up, I would suggest you talk to us now,
20 rather than having to come back later. Get it all done
21 at once would be probably preferable both to you and to
22 us.

23 MR. LaPORTA: We did show signage location at
24 Lattintown Road. And, you know, this project is going
25 to have branded signage for wayfinding throughout the

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1 property. Something that we definitely will want to
2 iron out while we're working under a conditional
3 approval and dealing with all the technical comments.
4 We certainly want to take care of all of those. We are
5 providing a lighted bollard in front of every guest
6 cabin, and there's where we're going to have our
7 signage so that, you know, the numbers will be
8 illuminated as well.

9 MR. GAROFALO: You also need to find the
10 road, the various roads to the various cabins, because,
11 again, somebody who is responding to something may
12 never have been there before, and they need to be able
13 to find it, day or night, quickly.

14 MR. LaPORTA: Absolutely. We'll -- we're
15 going to eventually name the roads. They won't be Road
16 A, B, C, D forever. But there's going to need to be a
17 special branded signing package. It's going to be
18 important to us too, because the guests need to know
19 how to navigate the site as well.

20 MR. GAROFALO: Thank you.

21 CHAIRMAN BRAND: Anything else from the
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: So I believe the last time
25 you were here you were preparing a Negative

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1 Declaration?

2 MR. PATRICK: Yes. We sent the draft last
3 Monday.

4 CHAIRMAN BRAND: Gerry.

5 MR. COMATOS: I've reviewed it, and I've made
6 some comments to the applicant.

7 CHAIRMAN BRAND: Have those been addressed?

8 MR. COMATOS: The primary comment has been
9 addressed regarding the dormitory, the housing for
10 employees. I think that they've explained that quite
11 satisfactorily this evening.

12 CHAIRMAN BRAND: Then, as far as the rest of
13 the Negative Dec goes, you think everything was in
14 order for that?

15 MR. COMATOS: From my point of view, it's a
16 good document in its present form, subject to further
17 clarification as to the community character effects of
18 the dormitory.

19 CHAIRMAN BRAND: So at this point we're not
20 in a position to issue any kind of approval.

21 MR. COMATOS: Well -- and, also, Pat. I
22 haven't really spoken to Pat.

23 CHAIRMAN BRAND: Pat, did you have a chance
24 to review it as well?

25 MR. HINES: We did. We haven't generated

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1 comments. I have Post-It note comments, so there are
2 things that should be addressed. Before you adopt
3 that, you would have to go through a Part 2 to identify
4 if there are any potential significant impacts. A lot
5 of mine are edits. If the Board is okay with the
6 community character of the staff housing -- I don't
7 know if you're there yet, but it's certainly up to the
8 Board. They make some statements in there, and on page
9 6: Accordingly, as analyzed herein, this core
10 development attributes will be not be introduced into
11 the neighborhood or community at large. So that's --
12 again, this Neg Dec is your document once you adopt it.

13 I know DOT responded to the Lead Agency
14 circulation on October 2nd, and they stated please
15 forward a copy of the traffic study. A traffic study
16 shall be prepared and submitted to DOT for further
17 review and comment. I don't know if that went to DOT.

18 MR. LaPORTA: I haven't seen that letter.

19 MR. HINES: This was the October 2nd Lead
20 Agency circulation response. I'm not sure when we got
21 it, but it was probably after the last meeting when we
22 received that.

23 MR. PATRICK: They should have gotten a copy
24 when it was circulated, when we made the submission in
25 August, September.

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1 MR. HINES: There's a lot of discussion in
2 that -- again, Creighton Manning did the traffic
3 review, not my office. There's discussion of fair
4 share contributions in the Neg Dec, and I don't know
5 that the Board was aware of that, of doing some fair
6 share improvements at several of the intersections.

7 MS. LANZETTA: Would these be the County
8 roads or local roads?

11 MR. LaPORTA: I think that the one that had
12 any impact from our project would be 9W and Lattintown
13 Road. The other intersections that had existing
14 problems weren't from traffic coming from our
15 direction. So we laid out a fair share contribution,
16 which is, you know, a pretty typical way to do these
17 things based on our percentage of the traffic
18 contributed to that intersection.

25 MR. PATRICK: To clarify, that intersection

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1 currently operates in a poor condition. The traffic
2 study that was prepared analyzed that intersection,
3 along with other intersections, and indicated that this
4 project would have minor impact on that currently
5 poorly operating intersection. Rather than having us
6 upgrade that intersection, we're proposing a fair share
7 contribution of what is commensurate to the minor
8 impact that we would be -- generate into it.

9 MR. GAROFALO: But the cost --

10 MR. PATRICK: But it would rely on another
11 agency doing it.

12 MR. HINES: That's always the issue with fair
13 share contributions, is that until you get a hundred
14 percent of the fair share contribution, that money will
15 sit somewhere, I guess, and those impacts aren't
16 addressed. I think there's some number in here that
17 says four percent and some other --

18 MR. TRONCILLITO: Plus it's Orange County.

19 MR. HINES: 7.2 percent traffic volume. So I
20 don't know where that fair share is coming from, and
21 how much that is, and who's going to calculate that.
22 That would be something that would have to probably
23 involve the Town Board for security of that. I'm not
24 real clear what that is and what those numbers are and
25 whose fair share is paying the other percentage of the

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1 fair share to get anything accomplished. Four percent
2 of an intersection is --

3 MR. GAROFALO: Part of what I'm concerned
4 about is that the perception of that being a future
5 improvement when I don't think -- I think there's a
6 chance that DOT may say we don't accept this as an
7 improvement. You have to do -- something else would
8 have to be done. The public perception, the same --
9 you know, I understand we're going to have more delay
10 in the hamlet, but I think the reality of the report
11 stating that there was going to be some spill-back to
12 King Street was not clearly stated, but that's part of
13 the impact I understand that's going to happen.
14 There's not much that can be done about it, but I
15 think, perceptually, to be clear about what's going to
16 happen, I think it's important to be transparent to the
17 public. Not that I'm necessarily expecting them to do
18 anything about it.

19 MR. HINES: We don't know DOT's position
20 either.

21 CHAIRMAN BRAND: So I guess where we are now
22 is that I'd like to have your office to continue to
23 communicate with Pat and Gerry.

24 MR. HINES: I just want to touch on it also;
25 in the Neg Dec, there's a statement that the report

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1 showed -- this is the acoustical study that was done --
2 that the report shows that the site is readily able to
3 meet all daytime noise code limitations at nearby
4 receptors. And then there's discussion of evening
5 events, and there's mitigation measures proposed that
6 would become enforcement in the future. And it has
7 bulleted items of such things as design and oversight
8 of the appropriate -- by appropriate acoustical
9 professionals to ensure that measures are implemented
10 to meet noise code limits and minimize potential
11 acoustical impacts, including, but not limited to,
12 location and direction of speakers, performer
13 locations, layout, and sound levels. There will be a
14 house limiter, as it's stated here, that would give the
15 applicant final control over any sound system setup.
16 The limiter will be implemented in such a manner as
17 preventing the possibility of deejays or performers
18 overriding it. The applicant has committed to carrying
19 out a post-construction evaluation to ensure the design
20 can comply with noise limits. This may include
21 meetings with neighboring residents to gain feedback,
22 post operational sound survey to assist in calibrating
23 sound systems. And those are the issues with the
24 outside noise.

25 So I don't know if the Board knew that that

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1 was included as mitigation measures. That may be
2 something the Board wants to discuss. I was concerned
3 about the point -- the term that said daytime noise
4 code limits at nearby receptors versus, I guess, if
5 you're going to try to meet the -- any evening limits
6 by those bulleted items I discussed.

15 MR. GAROFALO: Are we under a time
16 constraint?

17 MR. HINES: No.

18 CHAIRMAN BRAND: No. So I guess what I'd
19 like you --

20 MR. TRONCILLITO: I just got one question.
21 You mentioned something about 40-foot on the dwellings.
22 What did you say? Unless I didn't hear it right.

23 MR. LaPORTA: No. I think we were talking
24 about the height of the staff dorm building.

25 MR. TRONCILLITO: You're talking 40 feet?

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1 MR. HINES: It's 44 feet to the peak of the
2 roof based on the rendering. That's on the side facing
3 Ridge Road. The other side is buried 14 feet into the
4 embankment. So there's a -- they have -- the rendering
5 had specifically the elevations of each floor, and I
6 think it's 44 feet. It's 14 foot -- negative 14 foot
7 at the front because you're measuring from the grade in
8 the back. Then it's 24 to the peak on the other side.
9 I did a quick calculation of 38. It's over 30.

10 MR. TRONCILLITO: Windows on the back side,
11 then.

12 MR. HINES: The back side, it's -- the Ridge
13 Road side is the higher side.

14 MR. TRONCILLITO: I know that. But what's it
15 to the windows?

16 MR. HINES: Oh, I don't know.

17 MR. TRONCILLITO: That's all right.

18 MR. LaPORTA: I'll see if I have that.

19 CHAIRMAN BRAND: In the meantime, just to
20 keep this meeting moving along, I'd like you guys to
21 work with Pat and Gerry to try and have a more workable
22 document ready for us for the 2nd.

23 MR. PATRICK: We can do that.

24 CHAIRMAN BRAND: Anything else?

25 MR. PATRICK: Would the Board consider

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1 approval of the site plan or a preliminary site plan at
2 that meeting as well? The client is under some tight
3 time lines for financing.

4 MS. LANZETTA: What is our responsibility as
5 far as making sure that they have the proper agreements
6 with DEP and the Town for water? Do we have to -- is
7 that something that can be a condition of approval?

8 MR. COMATOS: It could be a condition, yes.

9 MS. LANZETTA: Because that's a major deal.
10 I mean, you have to have water.

11 MR. PATRICK: And we know that, and we're
12 certainly going to keep continuing trying to get water
13 as well, but in order to solidify some financing so we
14 can continue drafting documents and moving this
15 forward, we need some certainty to provide to some of
16 the investors that this project can actually move
17 forward.

18 CHAIRMAN BRAND: It's my understanding you're
19 close to some type of agreement as far as the water
20 goes?

21 MR. PATRICK: We have a conceptual agreement
22 as far as what it's going to look like. I just
23 received a draft to begin actually drafting the
24 agreement itself and present it to the Town Board and
25 Supervisor. So the terms are more or less laid out.

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1 It's just a matter of putting everything on paper and
2 in writing at this point.

3 MR. HINES: I think right now you're heading
4 towards the smaller tank?

5 MR. PATRICK: Correct. And a contribution to
6 the Town.

7 MR. HINES: And a contribution to the water
8 district?

9 MR. PATRICK: Yes.

10 MR. HINES: The Town's water consultant,
11 Brinnier & Larios, is working with them on that.

12 MR. TRONCILLITO: That's not what the Town
13 Supervisor told us -- me, personally. That's all I'm
14 saying.

15 MR. PATRICK: It went back and forth for a
16 while. I think this is over the past week or so, it's
17 been confirmed that the approach is going to be us
18 making a contribution and providing a tank on site for
19 just our site, not adding a larger tank for the
20 district itself.

21 MR. TRONCILLITO: I will give him a call
22 tomorrow.

23 MS. LANZETTA: Because I think that --
24 really, the size of the tank makes a difference to the
25 whole site plan.

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1 MR. PATRICK: Yeah. Right now it's a 600,000
2 gallon tank, and that's for on site purposes.

3 MR. HINES: No, no. Did you say 600,000?

4 MR. PATRICK: 60,000. Sorry.

5 MR. LaPORTA: Yeah, we're going with the
6 smaller tank, but through the entire process, we've
7 been land banking the amount that we're going to keep
8 it to the same height, and it's, you know, well within
9 our site. So we actually showed both ways for a while.
10 You know, I've been part of the dialogue, and it seems
11 like that while we were open to the either/or approach,
12 that it's trending towards we do our smaller tank on
13 site and the contribution to the water district. So
14 that's, you know, where we're at right now, and it
15 seems like we're, you know, getting close and just
16 ironing out some of the details on it.

17 MR. GUASTAMACCHIA: As far as the tank
18 goes --

19 CHAIRMAN BRAND: Could you just say your name
20 for the stenographer?

21 MR. GUASTAMACCHIA: I'm sorry. Vincent
22 Guastamacchia, G-U-A-S-T-A-M-A-C-C-H-I-A.

23 As far as the size of the tank would be on
24 the Ridge for it to serve the purpose for the Town, it
25 would be drastically larger than the staff housing, at

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1 a much higher altitude. So if we're concerned about
2 aesthetic, that's why we were choosing the financial
3 contribution as opposed to the monstrosity that would
4 be on the top.

5 MS. LANZETTA: And that's why I want to be
6 sure that in the site approval process that we take
7 into account what's actually being planned.

8 MR. GUASTAMACCHIA: Correct. And I believe
9 that's what we were saying.

10 MR. PATRICK: Yes.

11 CHAIRMAN BRAND: Gerry, do you see a problem,
12 after working through this Negative Declaration, having
13 some type of draft Resolution of Approval for
14 December 2nd?

15 MR. COMATOS: Yeah, it's doable. I think
16 that there's a lot that Pat raised today regarding the
17 Neg Dec and the EAF Part 2. Again, as Pat mentioned,
18 those are ultimately your documents to be adopted, so
19 we want to make sure that they are properly prepared.
20 So there's some work to do there, but apart from that,
21 recognizing that the water agreement will be a
22 condition of approval, it's conceivable to adopt the
23 Negative Dec and conditional approval at the same time.

24 CHAIRMAN BRAND: Is there any objection to
25 that?

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1 (No response.)

2 CHAIRMAN BRAND: So let's go ahead, and I'll
3 offer that formally as a motion to authorize the
4 attorney to prepare the conditional approval for
5 December 2nd, based on clearing up all these issues and
6 the Negative Declaration. Do I have a second?

7 MS. LANZETTA: I'll second that.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: Okay. Gerry, you guys have
13 your work cut out between now and December 2nd. Thank
14 you.

15 MR. PATRICK: Thank you very much.

16 MR. LaPORTA: Thank you.

17 Time noted: 7:53 p.m.

18

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

20

21 Certified to be a true and accurate transcript.

22

23

Stacie Sullivan

24

Stacie Sullivan, CSR

25

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

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

4 ELP SOLAR TRUNCALI

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

8 -----X

7 PRELIMINARY - SITE PLAN

9 Date: October 7, 2024
10 Time: 7:54 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

20 ALSO PRESENT: PAT HINES
21 GERARD COMATOS, ESQ.
22 JEN FLYNN

23 APPLICANT'S REPRESENTATIVES: EVAN YOUNG
24 ROSARIO GIUFRÉ
25 JOEL TRUNCALI

24 -----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 CHAIRMAN BRAND: Moving right along, we have
2 ELP Solar Truncali for a preliminary site plan at 335
3 Bingham Road in Marlboro.

4 Pat, do you want to start off with your
5 comments first, please?

6 MR. HINES: So the plans have been revised to
7 show the location of the proposed dry hydrant. I just
8 want confirmation from the jurisdictional fire
9 department that they're okay with that. I think the
10 applicant has been working with them.

11 CHAIRMAN BRAND: Did you receive that?

12 MR. YOUNG: I got an email late, 6:20
13 tonight. The Fire Department is okay with the fire
14 hydrant as is. They did ask for a specific connection,
15 a six-inch female adapter, which we plan to
16 incorporate.

17 MR. TRONCILLITO: Did he give you a correct
18 thread?

19 MR. YOUNG: Six-inch NH female adapter, yeah.

20 MR. HINES: In response to the Lead Agency
21 circulation, DEC identified that the wetland
22 regulations are proposed to change in January of 2025.
23 They're in a bit of a state of flux right now. But
24 they are scheduled to be updated in January '25. The
25 wetlands on the site are currently not DEC protected.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 However, DEC warns that potential jurisdiction under
2 Article 24 could be exercised in the future.

3 The Planning Board members previously
4 identified, and this office identified, concerns
5 regarding orchard trees in the buffer area. They've
6 provided a visual simulation that shows the orchard
7 trees in a maintained condition. Additional visual
8 simulations have been provided from the rear of the
9 residential property on Bingham Road. I believe it may
10 be that gentleman's property in the back there with the
11 pool. The applicants have identified that the orchard
12 trees used for screening purposes will be maintained by
13 the owner of the project and kept pruned and disease
14 free as necessary to remain healthy. The proposed
15 condition shows evergreen trees planted. We're looking
16 for the time frame there. The evergreen screening
17 trees are depicted much higher in the simulation than
18 the existing orchard trees, so I don't know if there
19 was a time frame of what was shown there. If that's a
20 15 year out or a 10 year out.

21 MR. GIUFRÉ: That's at five years out.

22 MR. HINES: I don't know if the Board saw
23 that simulation.

24 MR. YOUNG: I do have hard copies for the
25 Board. I can hand those out.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 MR. HINES: The applicant has incorporated
2 additional stormwater management into the plan,
3 including placing the level spreaders into the plan at
4 a hundred foot maximum to support returning the flow to
5 sheet flow.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 sediment activities. Soil restoration techniques in
2 Section 8 are very important on these solar sites.

3 This is a special use in your code,
4 ground-mounted solar, so it is subject to your special
5 use standards, and any impacts to the neighborhood
6 should be addressed in those special use standards.
7 And any approval should address those.

8 A decommissioning plan must be approved by
9 the Planning Board and Town Board. The operation and
10 maintenance plan should be incorporated into any
11 approvals. And security for the decommissioning in a
12 form acceptable to the Town attorney should also be
13 addressed.

14 So a lot of our technical comments have been
15 addressed. They've increased the landscaping to the
16 rear of the residential property. The Board should be
17 able to weigh in on that. And they've addressed a lot
18 of our previous concerns. We have these new technical
19 ones that are able to be addressed by applicant.

20 CHAIRMAN BRAND: Comments or questions from
21 the Board?

22 MR. TRONCILLITO: What are the heights of the
23 plantings going to be at the back of John's house?

24 MR. YOUNG: At year one, at the time of the
25 construction, eight to ten feet. By year five, we've

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 modeled them at 18 to 25 feet. There's about two to
2 three feet per year over the course of five years.

3 MR. TRONCILLITO: Thank you.

4 MS. LANZETTA: I appreciate the extra
5 vegetative screening that you've put in along the
6 borders here. I still have an issue with the orchards,
7 especially along the -- I'm not even sure where we are.
8 Along the long row here (indicating). There are places
9 here, you're only 15 feet from those orchards. Now, if
10 there's spraying of those orchards, the spray could
11 possibly go on to those panels. Is that an issue?

12 MR. YOUNG: I don't believe so. You know,
13 these orchards will be maintained by the owner. The
14 owner is committed to that. You know, I don't believe
15 it will be an issue.

16 MS. LANZETTA: It's horticultural oils and
17 things of that nature.

18 MR. YOUNG: If it is an issue, the owner will
19 have to manage it. Either use a different spraying
20 method or take care of it. Clean the panel.

21 MS. LANZETTA: You'll have a formal agreement
22 that these will be maintained?

23 MR. YOUNG: The agreement is in the approval,
24 you know. So assuming this is approved, the Town Code
25 Enforcement will be subject to enforcement of the

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 vegetation being properly managed.

2 MS. LANZETTA: Well, again, I personally feel
3 that it would make more sense to take those out,
4 because I don't know how you can really get back in
5 there and spray them and maintain them. And if they're
6 not maintained, then they're worse than having nothing.
7 So unless -- I don't really like the thoughts of the
8 Town having to be the policeman on this. I would
9 prefer to see them -- as I said at the last meeting,
10 I'd prefer to see those taken out, and even if natural
11 shrubs and habitat were allowed to grow up, I think
12 that would be a better thing than having trees that are
13 going to be difficult to maintain.

14 MR. YOUNG: So we could certainly do that.

15 You know, if this Board would consider natural
16 vegetation naturalizing as part of that 25-foot
17 vegetative buffer, I think we can do that, but,
18 otherwise, the Code requires a 25-foot vegetative
19 buffer around the entire extent of the array. We could
20 certainly talk about that if that's something that the
21 Board would consider.

22 MS. LANZETTA: I mean, this looks great, but,
23 you know, in order to maintain this, I don't know how
24 he's going to be able to get on this side without being
25 close -- that close to the residential property to be

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 spraying. You know, I'd rather see, perhaps, more of
2 these taken out and a few more evergreens put in
3 instead.

4 I don't know what your thoughts are. You
5 would prefer to have them coming and spraying these
6 trees?

7 MR. VANDENDOOREN: I'd prefer not to be
8 sitting here tonight looking at all of you, but, yes, I
9 would much rather have a fruit tree there that was
10 planted by generations ago to look at in the backyard
11 instead of a pine tree. You guys keep saying
12 evergreens. It's a pine tree. It's disgusting. It's
13 ugly looking. You know what I'm saying.

14 CHAIRMAN BRAND: Could you state your name
15 for the stenographer?

16 MR. VANDENDOOREN: John VandenDooren.

17 MS. LANZETTA: You do understand they have to
18 spray?

19 MR. VANDENDOOREN: I do. And you did
20 actually bring up a great point. If I was allowed to
21 speak, I was going to ask you how would Mr. Truncali --
22 and this is what I would -- I don't want this, but if I
23 had the opportunity, I'd rather have those fruit trees
24 there. But how would Mr. Truncali get in each of those
25 lanes and be able to actually turn around? You did a

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 phenomenal job planting in those extra pine trees, but
2 it doesn't look like Mr. Truncali can even get in there
3 with his tractor, let alone the sprayer he has to tow
4 behind and make a complete turn. I just -- the picture
5 looks great, but it's not realistic. Let's be honest
6 here. This isn't what it's going to look like down the
7 road.

8 MR. TRUNCALI: I did explain to them that
9 they're going to have to leave roadways so the tractors
10 can drive through. You know, where the roads are going
11 the opposite direction that they are now, they're going
12 to have to probably take out every other tree so that
13 you can drive the other way.

14 MR. VANDENDOOREN: Go that way.

15 MR. TRUNCALI: Right.

16 MR. YOUNG: You know, the applicant is
17 responsible for the maintenance per the O & M plan.
18 Right. It might not be Mr. Truncali managing the
19 maintenance of these trees. The applicant will be. It
20 might not be a big tractor. They're going to have to
21 manage these trees properly, and like anything else on
22 the site plan, you know, it will be enforced by the
23 Town.

24 MS. LANZETTA: Well, again, I think if the
25 adjacent owner prefers the apple trees, but I really

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 think that there's a problem here, and I think there's
2 a problem for you guys, because I think you're going to
3 end up getting sprays and stuff on the solar panels.
4 It's going to be very hard to maintain the two rows
5 along that side.

6 MR. GIUFRÉ: The entire eastern portion?

7 MS. LANZETTA: Yes.

8 MR. YOUNG: If we took out the eastern
9 portion and put a call-out on the -- you know, that
10 vegetation will naturally revegetate without mowing,
11 would that satisfy the 25-foot vegetation requirement?

12 MS. LANZETTA: Let sumac and stuff like that
13 grow up.

14 CHAIRMAN BRAND: Weeds.

15 MS. LANZETTA: I mean, you're going to have
16 your evergreens here, but then you would allow like
17 sumac and natural -- you know, the stuff that normally
18 grows up if you don't cut it back.

19 MR. GAROFALO: Doesn't the Code specifically
20 say not to be clear-cutting outside the area where the
21 solar farm is?

22 MR. YOUNG: I've got the Code here.

23 CHAIRMAN BRAND: I mean, I think he said it
24 best. It's the applicant who would be responsible. If
25 it gets on the panels, they're going to have to figure

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 that out. If the apple trees aren't being
2 maintained --

3 MS. LANZETTA: Yeah, but that's why it's
4 silly to -- it doesn't make sense to have apple trees
5 there, because they have to be maintained continually
6 with spraying and fungicides and all that stuff.

7 CHAIRMAN BRAND: He said they're going to
8 take care of it.

9 MR. YOUNG: I understand your point. I
10 completely understand. I just want to make sure that,
11 at the end of the day, we have a site plan that adheres
12 to the Code. You know, 155-32.2(F), a minimum 25-foot
13 perimeter buffer, except for the roadway access, which
14 may be partially or totally within the perimeter lot
15 line setback, consisting of natural and undisturbed
16 vegetation supplemented with evergreen plantings in
17 accordance with the Town of Marlborough Zoning Code.

18 MS. LANZETTA: I don't think, if you're
19 taking out the trees, you're still -- as long as you're
20 not grading right down to the ground.

21 MR. HINES: And I don't know the trees are
22 considered natural vegetation. They're human planted.

23 MS. LANZETTA: I don't see where there's a
24 problem taking the trees themselves out, as long as
25 you're allowing the natural vegetation to grow up. I

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 don't know about the rest of the Board.

2 CHAIRMAN BRAND: I don't have an issue with
3 it, but I just think the trees are there, and they're
4 already providing some vegetation. I think it's kind
5 of counterproductive to tear something down to hope
6 that these new things may grow up in that area.

7 MR. TRONCILLITO: Just to make sure I
8 understand, you're going to have the apple trees, and
9 then you're going to have the pine trees behind that?

10 MR. YOUNG: Correct.

11 MR. GAROFALO: Eventually the apple trees
12 will be taken out because they'll get too old, and
13 they'll be replanting something there.

14 MS. LANZETTA: So you want to just let them
15 decline -- well, no. The whole idea is keeping them
16 sprayed.

17 MR. GAROFALO: Yes. But even if you do that,
18 eventually the trees get too old. And don't they
19 normally take them out?

20 MS. LANZETTA: Yes. I mean, do we want --
21 that's not a natural vegetation, the apple trees.

22 That's not natural vegetation. That's gotta be
23 maintained, and I don't know that it's necessary. It's
24 going to cause problems for -- I think it will cause
25 problems for the solar. And it's like why are we

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 spraying it?

2 CHAIRMAN BRAND: I don't have -- either way
3 is fine with me. If the majority of the people feel
4 strongly one way or the other, I'm fine with that.

5 MR. TRONCILLITO: Well, my opinion is, the
6 gentleman that lives right there doesn't have a problem
7 with the apple trees and then the pine trees behind it
8 for a big barrier.

9 MS. LANZETTA: Yeah, I'm not talking about
10 that portion. I'm not talking right here (indicating).
11 I'm talking about this whole line here, because there
12 are portions here where there's only 15 feet clearance
13 between the edge of the solar panel and the apple tree.
14 (indicating). So how are you even going to get
15 tractors back in there once you plant up all the --
16 these are all going to be evergreens here (indicating).

17 MR. TRUNCALI: I mean, the rows are only
18 12-foot wide in some of those trees, anyway. The
19 tractor is only six-foot wide. You can get through
20 there.

21 CHAIRMAN BRAND: Do you see it being an
22 issue?

23 MR. TRUNCALI: I'm sure they're going to
24 leave enough room between the trees and the fence so
25 they can get through there.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 MS. LANZETTA: Okay. Again, who is going to
2 monitor it? Who is going to -- I mean --

3 MR. HINES: Your only options are to put
4 notes on the plans and include it in the resolution.
5 Then it becomes a Code Enforcement issue.

6 MS. LANZETTA: Okay. I brought up my
7 objections. That's it.

8 CHAIRMAN BRAND: I mean, I'm good either way,
9 like I said. If you think that would be a better plan
10 and it wouldn't interfere with your panels and it would
11 cause less headaches in the end, I would say cut them
12 down and let natural vegetation grow in as well.

13 MR. GIUFRÉ: If the Board is amenable to
14 that, that may just be --

15 CHAIRMAN BRAND: Is there anyone against that
16 option?

17 MR. GIUFRÉ: -- an option.

18 MR. CALLO: No.

19 MR. YOUNG: Just on the eastern side.

20 MR. HINES: Yes.

21 MR. YOUNG: We can do that.

22 CHAIRMAN BRAND: Okay. Anything else?

23 MR. GAROFALO: Yes.

24 CHAIRMAN BRAND: James.

25 MR. GABOFAILO: I'd like to talk about the

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 noise study. You might want to turn to your
2 October 25th, 2024, page 2. You have two tables there.

3 MR. YOUNG: Yep. Got it.

4 MR. GAROFALO: In looking at this, I think
5 that, you know, you have a maximum allowable decibel
6 level at the property line. You didn't need to put in
7 that column. What you really needed in that column was
8 what was going to be the decibel level at each of those
9 points. And for the first one, which is 800 --
10 450 feet, using your calculation below where you had
11 90 decibels at 46.5, if you add eight decibels, you're
12 at 54.5 decibels there. And that's at a 96. So you're
13 very close to the maximum allowable, and I think that's
14 what we needed in that column, particularly when you
15 have some that are eight decibels higher than your 98.
16 And, yes, some of the more distant ones you have
17 another doubling, taking off another six decibels. But
18 I think we need the calculations for each of those
19 there.

20 And you also mention in -- later on, talking
21 about the -- that they're encompassed by solar panels,
22 fence, and a 25-foot minimum vegetation buffer. The
23 fence that I saw proposed on here, it's a wire fence.
24 That's not going to stop the noise at all. That's
25 going to go right through that. If it was a stockade

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 fence, maybe you can get some reduction there. The
2 vegetation, I think you can find a source that will
3 probably give you a one or two decibel reduction based
4 on the vegetation buffer. I'm not sure how much the
5 solar panels would be a buffer.

6 But I think it's important to show what these
7 values are and then to look at them and say, you know,
8 is there something else we need to do to make sure that
9 we are under the 55? Because what you don't want to
10 get into is building this thing and then having
11 neighbors call up the police department and say they're
12 making too much noise and getting fined. You're much
13 better off taking a look at it now, and, you know,
14 maybe it's something as simple as, you know, putting in
15 a cinder block -- a small cinder block wall.

16 The other thing is, when you look at these
17 noise measurements, there are two noise sources. And,
18 when you have two noise sources close to each other,
19 there's an amplification that occurs. Now, if it's a
20 hundred decibels and a hundred decibels, it's not 200
21 decibels. It's a hundred and a few more decibels. So
22 that's another consideration. And I think that maybe
23 what you're going to want to do is think of things that
24 you can do that you might want to do now, but also to
25 test it out once it's operating and to see where you

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 are at the property line or at a certain distance from
2 your doubling and get an exact reading, and then take a
3 look and make sure that you can come under what you
4 need to be. Because you don't want to get into a
5 situation where you have --

6 MR. YOUNG: Well, that's an enforcement
7 thing. The purpose of this assessment was to show this
8 Board that the application is going to adhere to the
9 Zoning Code.

10 MR. GAROFALO: What I'm seeing is if you put
11 these numbers in, I think you're going to be -- some of
12 these are going to be potentially a few decibels over.

13 MR. YOUNG: So this is a conservative
14 estimate based on the open field inverse square law.
15 Right. So between these inverters, there's all the
16 orchard vegetation, the evergreens, all the panels.
17 And the fence, sure, you can discount that. Right.
18 But what we're saying is that, during operation, this
19 project is going to adhere to the Zoning requirements
20 of 55 decibels. It's actually 65 decibels during the
21 day. Right. So we took the lower of that, which is
22 actually at night, and at night, you know, these
23 transformers don't really produce a lot of noise,
24 because, well, the sun is not out, but this was a
25 conservative look to show this Board that the applicant

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 commits to adhering to the Zoning Code based on the
2 information we have today.

3 MR. GAROFALO: I think what you should --
4 again, what you should show is from the doubling of the
5 distance this is what the decibel ratings would be.

6 MR. YOUNG: It varies, right, because --

11 MR. YOUNG: The exact decibel rating will
12 vary based on the noise of the source, depending on
13 various operating conditions. You know, at the end of
14 the day, it has to be below the Town Zoning
15 requirement, which is what we've modeled here. That's
16 where we're at. You know, the exact decibel rating is
17 not -- is that relevant to this Board at this time?

18 MR. GAROFALO: Well, I think it's important
19 to show that you will be below, and what I'm seeing is
20 you're going to be very, very close. And what I am
21 concerned about is that you're -- that you will be
22 below and that you will not be generating complaints,
23 because that's not going to be good for you, not going
24 to be good for the residents, not going to be good for
25 the industry.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 MR. YOUNG: At 90 decibels --

2 MR. GAROFALO: But you're at 98. Maximum
3 decibel --

4 MR. HINES: You've got 107.

5 MR. YOUNG: That's the maximum source. What
6 we're saying in the last paragraph here is that the
7 equipment pad will produce noise in the range of 70 to
8 90 decibels under various operating conditions, well
9 below the maximum source decibel rating. The maximum
10 source decibel rating is what it would take to get 55
11 decibels at that distance. You know, we're not --
12 we're stating that we're going to operate between 70
13 and 90 decibels. For example, 90 decibels will result
14 in approximately 46 and a half at a distance of 450
15 feet.

16 MR. GAROFALO: So you're reversing it?

17 MR. YOUNG: Yes.

18 MR. GAROFALO: You're not saying --

19 MR. HINES: The equipment is at 106.

20 MR. YOUNG: Correct.

21 MR. GAROFALO: And I think you would have
22 been better off saying, at 90 decibels, at those
23 distances, this is what it's going to sound like.

24 MR. HINES: Yes.

25 MR. YOUNG: Now that we've explained it, is

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 it sufficient for this Board to -- for your review?

2 CHAIRMAN BRAND: Pat, do you have any
3 concerns with that?

4 MR. HINES: I was with Jim, saying it's
5 106 decibels. I thought that's the noise, maximum
6 decibel rating at source.

7 MR. YOUNG: That's what it could be at that
8 distance.

9 MR. HINES: You're going backwards, saying
10 that's the highest noise at the distance to get to 55?

11 MR. YOUNG: Correct.

12 MR. GAROFALO: Whether I'm reading it or
13 whether the public is reading it, if the public reads,
14 oh, you're going to be producing 107 decibels, that's
15 not what they want to hear.

16 MR. YOUNG: That's the maximum it could
17 produce to result in a 55 decibel rating at the
18 property at that distance.

19 MR. HINES: I think this chart would serve
20 everyone's purpose better if we went with 90 decibels,
21 if you're saying that's the maximum, calculate the
22 distance to the property line, and give us that decibel
23 rating.

24 MR. GAROFALO: For each of those items.

25 MR. YOUNG: Okay.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

3 MR. GAROFALO: Understand also that because
4 of the fact that you have two sources next to each
5 other, you know, we have to understand that it may be a
6 little higher than what you're showing, but that will
7 probably be okay because you'll probably be low enough.

8 MR. YOUNG: Okay.

9 CHAIRMAN BRAND: Anything else, Jim?

10 MR. GAROFALO: No. That's it.

11 CHAIRMAN BRAND: Any other comments or
12 questions from the Board?

13 (No response.)

14 CHAIRMAN BRAND: All right. So we'll see you
15 on the 2nd.

16 MR. YOUNG: Yes. What does the Board think
17 about, you know, completing SEOR, moving that forward?

18 CHAIRMAN BRAND: Is there anyone
19 uncomfortable with having the attorney authorize a
20 Negative Declaration and Resolution of Approval for
21 this project for the next meeting?

22 MR. GAROFALO: No.

23 CHAIRMAN BRAND: Can I have that as a motion?

24 MR. GAROFALO: I'll make that motion.

25 MR. CALLO: I'll second it.

ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN

1 CHAIRMAN BRAND: Any objection or discussion?

2 (No response.)

3 CHAIRMAN BRAND: All right. We'll see you on
4 the 2nd hopefully with the Resolution of Approval and
5 Negative Declaration.

6 MR. YOUNG: Thank you. We'll make these
7 revisions per the MHE's comment letter and address the
8 noise.

9 CHAIRMAN BRAND: If you could just show the
10 vegetation.

11 MS. FLYNN: By Friday.

12 MR. YOUNG: Yep. We'll get it done.

13 CHAIRMAN BRAND: Actually, not by Friday.

14 MR. YOUNG: We'll get it done.

15 CHAIRMAN BRAND: Thank you.

16 Time noted: 8:21 p.m.

17

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

19

20 Certified to be a true and accurate transcript.

21

22 Stacie Sullivan

23 Stacie Sullivan, CSR

24

25

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

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

4 DOCK ROAD

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

7 -----X
8

9 SKETCH - SITE PLAN

10 11 12 Date: November 4, 2024
11 12 Time: 8:22 p.m.
12 Place: Town of Marlborough
13 14 15 Town Hall
14 15 21 Milton Turnpike
15 Milton, New York 12547

16 17 18 19 20 21 22 23 24 25 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
17 18 19 20 21 22 23 24 25 FRED CALLO
18 19 20 21 22 23 24 25 JAMES GAROFALO
19 20 21 22 23 24 25 CINDY LANZETTA
20 21 22 23 24 25 BOB TRONCILLITO

16 17 18 19 20 21 22 23 24 25 ALSO PRESENT: PAT HINES

17 18 19 20 21 22 23 24 25 GERARD COMATOS, ESQ.

18 19 20 21 22 23 24 25 JEN FLYNN

20 21 22 23 24 25 APPLICANT'S REPRESENTATIVES: ANGELO LAINO, P.E.
21 22 23 24 25 MARK BLANCHARD, ESQ.
22 23 24 25 SCOTT LEYTON

24 25 -----X
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DOCK ROAD - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up we have Dock Road
2 for a sketch of the site plan at 103-137 Dock Road in
3 Marlboro.

4 MR. BLANCHARD: Good evening everyone. We're
5 glad to be back. My name is Mark Blanchard from
6 Blanchard & Wilson Law Firm, here on behalf of the
7 applicant. We've had responsive comments from your
8 engineering and planning consultant. Angelo Laino is
9 here from VHB. He's going to address the engineering
10 issues. I think we're progressing nicely, actually,
11 the way I see it. I think the ask we would have, as we
12 leave the table tonight, we'd see the Board's comfort
13 level with setting a public hearing for your December
14 meeting. But why don't we go ahead, and I'll leave it
15 to Angelo. He can talk about the engineering comments.
16 Mr. Hines, if you have something specific you want to
17 start out with. How would you like us to start this
18 evening?

19 CHAIRMAN BRAND: Pat is going to start off
20 with his comments first.

21 MR. HINES: So our first comment, it looks
22 like you're utilizing a piece of tax lot 17.2. Is that
23 going to be a lot line change or an easement across
24 that line?

25 MR. LAINO: That's up by Dock Road?

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1 MR. HINES: Yes.

2 MR. LAINO: Yes, there will be a lot line
3 modification.

4 MR. HINES: So that may need some Zoning. I
5 haven't seen it done in a Zoning analysis, but it looks
6 you're getting pretty close to those buildings there,
7 where those lot lines will fall.

8 MR. BLANCHARD: Yes. We have done the Zoning
9 analysis. We can show that map, the buildings that are
10 there. That's subject to a potential change on that
11 site. So everything that we want to do to clean up
12 that corner coming off -- we've taken a look at, and we
13 can show that. We're not creating a setback issue,
14 something like that.

15 MR. HINES: So the building north of the
16 access drive is what's going to remain?

17 MR. LAINO: For now it will remain.

18 MR. HINES: You got a head shaking behind
19 you.

20 MR. BLANCHARD: That building was most likely
21 going to not be there.

22 MR. HINES: That was the one I had a concern,
23 if that was a lot line change parcel. So if that's
24 going to be incorporated into the plan, then it's not
25 an issue.

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1 MR. BLANCHARD: Right.

2 MR. HINES: Just the bulk table needs to be
3 updated, the required one and both.

4 MR. LAINO: Yeah. I think there's a typo on
5 that, the one and both. The multiple dwelling, the
6 setback in the table is right. We just need to delete
7 the one and both.

8 MR. HINES: It would be helpful to have a
9 demolition plan, separate and apart, showing which of
10 those buildings are going to stay and which are going
11 to go.

12 MR. LAINO: We can do that.

13 MR. HINES: This next one, we became
14 intimately familiar with our Zoning definition of net
15 density at the last meeting. And I don't know if I
16 need to read that at all, but slopes greater than
17 25 percent need to come out of the calculation, so
18 we're going to need -- realizing that those aren't
19 natural topography out there, it's a result of years of
20 mining operation. So we need to do that calculation
21 for density based on the 25 percent greater slopes
22 coming out. I don't know what it does there. I know
23 you're at 4.6 now with the 25 acres. Quick
24 calculation, you need about 17 usable acres to get your
25 density.

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1 MR. LAINO: Can I ask what happens if we're
2 below that, if the usable area is below 17 acres?

3 MR. HINES: So I think that would reduce the
4 unit count or send you to the ZBA. And I think it's
5 not natural topography you're dealing with. It was
6 created. It's what you were dealt based on mining
7 operations in the past. So that may be your ZBA
8 argument. I don't know.

9 MR. BLANCHARD: Well, we believe some of
10 those calculations will change based on our
11 introduction of fill into the site and how we're
12 treating that topography.

13 MR. HINES: It's not post construction. It's
14 existing topography in the Code.

15 MR. BLANCHARD: Right. I understand what
16 you're saying.

17 MR. HINES: You would have to give us the
18 slope calculation, taking out 25 percent or greater,
19 showing the balance. And, again, we became very
20 familiar with that on a previous application a month
21 ago.

22 Comments from the Water and Sewer Department.

23 Your landscape sheet identifies irrigation
24 for the site. We just need to work that out with the
25 Water Department to make sure that there is no cross

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1 connections and adequate back flow prevention.

2 We did get the SWPPP. That's under review by
3 this office. It's actually sitting behind me. We're
4 taking a look at that. We've got the computer model of
5 it, and I just got the hard copy.

6 Parking in the vicinity of the clubhouse we
7 discussed earlier. Their response is that that's what
8 fits there. The clubhouse is located to take advantage
9 of the view, and the lot narrows in that area. And
10 they stated most of the residents are going to walk to
11 the clubhouse, so there is that.

12 The jurisdictional fire department should
13 review hydrant locations.

14 Sidewalks have been added to the plans in
15 many locations. In the cottage section, there is
16 sidewalks. In the, I'll call it, townhouse section,
17 the sidewalks are not proposed. I know that's an issue
18 for the Planning Board. I'm sure they'll discuss that
19 with you.

20 We have a concern -- and I'm sure you're
21 aware; you purchased this property -- that it's in
22 close proximity to the existing wastewater treatment
23 plant. You acknowledge that in your response letter.
24 Just don't want to introduce residents if there's odor
25 issues. The Town's sewer engineers, Brinnier & Larios,

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1 raised a similar concern. So it's kind of a buyer
2 beware, but we want you guys to take a look at that and
3 make sure that you have adequate separation and don't
4 have issues with the Town's plant. Certainly don't
5 want to introduce those issues by putting residents
6 in -- close enough to have that issue.

16 MR. LAINO: You said sewer. I thought you
17 meant the school district.

18 MR. LEYTON: Yeah, you said sewer district.

19 MR. HINES: If I said that, I mean school
20 district.

21 MR. LAINO: We did. We met with the school
22 district. They indicated that because it's a private
23 road, they will not enter the site. They asked -- they
24 did have a concern. They said that pickup along 9W is
25 the preferred spot. They did just ask if there was a

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1 space provided off of the road to stage students while
2 they're waiting for the bus. So we did show on the
3 site plan there is a sidewalk by 9W where students can
4 wait off the road to be picked up by the bus.

5 MR. HINES: Was there any plans for any kind
6 of structure, gazebo?

7 MR. LAINO: There's no plans for that.

8 MR. HINES: I'll defer to the Board on that.

9 The Board did authorize Notice of Intent for
10 Lead Agency. That was circulated on August 25th. No
11 objections have been received, and this Board can
12 declare itself Lead Agency for the SEQRA review.

13 CHAIRMAN BRAND: Before we continue, I'd like
14 to have that as a motion; that we declare Lead Agency
15 status for SEQRA review.

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

17 CHAIRMAN BRAND: Mr. Garofalo. Is there a
18 second?

19 MR. TRONCILLITO: I'll second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 CHAIRMAN BRAND: Comments or questions from
25 the Board?

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1 MR. TRONCILLITO: Yeah. Do you have a time
2 line of when you're going to tear them buildings down?
3 I'm just curious so we don't get into a problem there.

4 MR. LEYTON: I think when we start
5 construction, so that's probably in -- an April date.

6 CHAIRMAN BRAND: Mr. Garofalo.

7 MR. GAROFALO: Yes. I think we need to see
8 some information concerning the approval that was given
9 to the Falcon based on their parking on the site, since
10 they are indicating that they will not be able to
11 accommodate the Falcon parking.

12 MR. LEYTON: What are you looking for?

13 MR. HINES: Falcon parking.

14 MR. LEYTON: What are you looking for
15 specifically for the Falcon parking? I couldn't
16 understand what you're looking for.

17 MR. GAROFALO: There must have been when the
18 Falcon was approved an approval for them to have
19 parking on the site, because they have a parking lot
20 there, so that I wondered if there was some kind of
21 agreement with the owner at the time that they would
22 have parking as long as the Falcon was up in that -- on
23 that lot.

24 MR. LEYTON: You're putting two things
25 together. You're putting the Town's approval of the

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1 Falcon with the property that I own. Those are two
2 separate things. Your approval for the Falcon
3 regarding parking is your approval of the Falcon.
4 There's no agreement with the current owner or the past
5 owner, other than a month to month lease, with the
6 Falcon for parking. So that's nothing to do with your
7 approval of the Falcon.

8 MR. BLANCHARD: To expand on that, there was
9 Planning Board approval that noted that area off of the
10 Falcon's property for them to use as off-site parking,
11 just as almost like approving an off-site alternative
12 use. But then the two owners, then, were required to
13 get into some kind of an agreement. And there is no
14 such agreement. There was no agreement previously
15 other than a month to month. There was no easement or
16 some kind of a recorded document, certainly. There
17 could have been a side contract, but there was no
18 contract with the prior owner. Only a month to month.

19 MR. HINES: But the Falcon's approval may
20 have had conditions that, if they lost that, they would
21 have to make alternative parking available.

22 MR. GAROFALO: I think that's one thing we
23 kind of need to know.

24 MR. LEYTON: That would be with your
25 approvals. You have to look at your approvals.

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1 MR. GAROFALO: I think it was stated before
2 that one of the things that we were looking at was
3 sidewalks along the road particularly since people are
4 going to be walking to both the -- your community
5 center and over to Route 9W. I was surprised to see
6 the sidewalks of the individual units, and I'm not sure
7 why they all go past the units and end in a cul-de-sac,
8 but that may be something that you decided to do. But
9 I think it's more -- it's very important to run the
10 sidewalks along the road, at least on one side or the
11 other. And I think near Route 9W you did that. You
12 flip it over from one side to the other.

13 One of the things that I had suggested was
14 that you commit to putting outlets in the parking
15 garages to act as Type 3 charging for cars, and, you
16 know, I'm not asking for the super deluxe charging
17 station, but I think it's reasonable to have outlets in
18 garages, particularly since a lot of people like to
19 have that. Even if they have a regular car, you want
20 to charge up your battery because it went dead; you
21 want to hook it up to something. But I think that's
22 something that I would like to see committed to because
23 then every single unit there would have the ability to
24 charge their vehicle, maybe not as fast they would like
25 to, but overnight they would be able to charge it, and

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1 that's what's most people are going to be doing.

2 Again, I was somewhat concerned over the
3 license plate reader and the call box situation,
4 because you may have people coming in, you know,
5 24/7/365. Is there going to be somebody to monitor
6 that call box? And if the reader can't read it, the
7 license plates, because there's too much snow -- you
8 know, they get snow on the license plate or it's
9 snowing too hard, et cetera -- for there to be a way
10 that people can get into the site. And I see that as
11 being, in bad weather, potentially problematic. I'm
12 also concerned about the fact that you need 24/7 on the
13 call box because you don't want one or two cars getting
14 stuck there, trying to get in.

15 CHAIRMAN BRAND: Is the call box going to
16 have a code? If the thing doesn't work, can you punch
17 in a code?

18 MR. LAINO: So the intent would be that the
19 call box would be for visitors who can call the unit,
20 and from the unit, they would open the gate for them.
21 There is a turnaround right after the call box, so if
22 somebody can't get in touch with the person they're
23 visiting, they can make a turn. A larger vehicle like
24 an Amazon truck might have to do a three-point turn,
25 which is not uncommon in developments like this, but a

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1 regular passenger car would be able to just zip around
2 and get out. There is adequate space for two people to
3 queue at the call box before getting close to 9W.

4 As far as the license plate reader, we've
5 used those in the past and not had any problems with
6 it. I understand your concern about the snow. It
7 makes sense. We can look into giving residents a
8 remote control or some other means to open the gate if
9 the equipment is not working.

10 MR. LEYTON: I've put seven or eight of these
11 communities in, a lot larger, and we haven't had any
12 complaints. I'm not sure how they do it. I don't know
13 if it's a license plate reader. I don't know if it's
14 the fob. But whatever we're doing, we haven't ever had
15 a complaint.

16 MS. LANZETTA: Where are some of these?

17 MR. LEYTON: Long Island. They get snow down
18 there.

19 MR. GAROFALO: Not as much.

20 MR. TRONCILLITO: What about access for
21 emergency vehicles besides breaking the gate down?

22 MR. LAINO: They typically -- emergency
23 vehicles, they typically have siren triggers that will
24 open the gate. It will have a mechanism for emergency
25 vehicles to get in. Then there will be manual

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1 emergency gates off of Dock Road for vehicles to
2 utilize that as well.

3 MR. GAROFALO: I'm not only concerned about
4 two people backing up at the call box, but I'm also
5 worried about is the person at the call box standing
6 there going to be blocking someone who is a resident,
7 and then you're going to get more than two people
8 potentially.

9 MR. LAINO: There should be adequate -- it's
10 wide enough for two lanes to come in. So the residents
11 are able to bypass the people at a call box if needed.

12 MR. GAROFALO: As I mentioned before with the
13 traffic loops, you know, they don't last forever. They
14 do have to be replaced. I know that the DOT is now
15 going away from traffic loops to new detectors like
16 they have at Young Avenue and Route 9W. They can
17 detect vehicles. And that may be something that you
18 want to look into, because, particularly, if it goes
19 bad, now you're going to have to have somebody come in
20 and fix it, block up the road, and those kinds of
21 issues. But I think it's important for you to think
22 about the long-term use of something like that.

23 With regard to the vegetation, to notice
24 which ones on your plans, which ones are native species
25 and which ones are not. And native is, we're talking

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1 about the continental United States.

2 MR. LAINO: Is there a specific species that
3 you saw that's not native?

4 MR. GAROFALO: I am not a -- I'm a traffic
5 person. I don't know that much about trees.

6 MR. LAINO: Yeah, I'm a pavement guy. I'm
7 the same way. I don't know anything about trees.

8 MR. GAROFALO: That's really up to your guys
9 to take a look at what is natural and what is -- excuse
10 me, not natural -- what is native and what is not
11 native.

12 MR. LAINO: And it's typical. Our landscape
13 architects typically wouldn't propose anything that's
14 not native and drought tolerant, I guess.

15 MR. GAROFALO: They might, because there's
16 some non-native stuff that grows very well around here.

17 MR. HINES: I've seen Japanese barberry on
18 landscape plans.

19 MR. LAINO: I don't think we have any of
20 that.

21 MR. GAROFALO: I had mentioned prior -- at
22 the prior meeting about the wetlands that was mapped on
23 the school property at the bottom of that area, and I'm
24 very sure that that probably continues into the site.
25 That part of the site has not been disturbed. Maybe

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1 the one that might have been in the middle might have
2 been wiped out and disturbed, but I'm pretty sure that
3 the one that is there probably extends into your
4 property. And I think it's very important for you to
5 understand that that area I've seen become almost a
6 pond, you know, with a foot of water sitting there.
7 And, you know, right now you have a turnaround there,
8 but it's very close to the houses. So I think it's in
9 your best interests to take a look at that because you
10 don't want water, you know, in those houses.

11 MR. LAINO: Understood. So we, in August of
12 2024, we had a wetlands scientist visit the site. I
13 guess there was wetlands in the past. He did not find
14 any wetland species or evidence of wetlands on the site
15 or adjacent to it. Whether or not it ponds during a
16 rain event, that's a different story. We would manage
17 that stormwater.

18 MR. GAROFALO: It was marked by a wetlands
19 person prior to the school being expanded, and when
20 they expanded, they put in new buildings, and therefore
21 there's more water going there than prior to them
22 identifying that as a wetland. I happen to live across
23 the street, so I look down and I see quite often that
24 there is water ponding up there, sometimes for extended
25 periods. That's why I'm warning you, because that's

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1 not something that, you know, you want to necessarily
2 ignore. And I can probably -- I might be able to find
3 a copy of what the school district did in their
4 mapping, but it goes right up against the property.

5 MR. LAINO: That would be helpful.

6 MR. GAROFALO: Has there been any
7 communication with the Town Board about possibly
8 providing park space in terms of a trail along the
9 ridge in lieu of paying for the --

10 CHAIRMAN BRAND: Rec fees.

11 MR. GAROFALO: -- rec fee? Thank you.

12 MR. BLANCHARD: No. We haven't had the Town
13 inquire as to any kind of dedication or easement or
14 conservation easement or something along those lines.

15 MR. GAROFALO: That's something you might
16 want to do. Okay. We do have a trail system that runs
17 by the Falcon over toward the Hudson River. This would
18 be very close to that. And I can tell you that the
19 views up there are pretty awesome, but that may be or
20 may not be something that you want to get involved in.
21 I know the Falcon trail, a large number of people came
22 out and worked on that trail to make it happen. But
23 the important thing was getting the owners to agree to
24 allow it to develop. And I don't think that we would
25 necessarily expect you to go in there and clear out all

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1 the stuff that's up there on that ridge in order to
2 make the trail, but I think the important thing is
3 having the opportunity to do that. And there would
4 have to be fencing or something to keep people from
5 falling off that cliff, okay, but the views are pretty
6 spectacular, and some of the residents there might like
7 to be able to go up there themselves.

8 MR. BLANCHARD: It's something we can look
9 into.

10 MR. LEYTON: You're talking about the ridge
11 that's between the school and our property --

12 MR. GAROFALO: Yes.

13 MR. LEYTON: -- that runs east/west?

14 MR. GAROFALO: Yeah. There's maybe 25,
15 30 feet from their fence to where it drops off. It's
16 hard for me to tell because it's so heavily vegetated,
17 but I do know the views are -- you can get some pretty
18 nice views. They were originally going to put a gazebo
19 at the end of it. The terrain turns a little bit, and
20 they were going to put a gazebo there. You may or may
21 not be able to find copies of the old plan and what
22 they were thinking about doing. But that's something
23 that I offer you to think about.

24 MR. LEYTON: Thank you. We'll look into it.

25 CHAIRMAN BRAND: Anything else, James?

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1 MR. GAROFALO: That's it.

2 MR. HINES: Your status with DOT, I've heard
3 rumor of a left-turn lane being proposed.

4 MR. LAINO: There is a left-turn lane being
5 proposed. We received comments from the DOT. We've
6 addressed those comments, and we've sent back a
7 preliminary site plan. And they're currently reviewing
8 it hopefully for the last time.

9 MR. HINES: It would be helpful for the Board
10 to get that.

11 MR. LAINO: We can provide that. I think we
12 were waiting for the DOT to buy in. That's why the
13 turn lane and the crosswalk, it's not been put on the
14 site plan yet because it hasn't been vetted fully with
15 the DOT. As soon as that happens, we'll add it to the
16 site plan.

17 CHAIRMAN BRAND: That will be southbound,
18 obviously, the left-hand turn lane.

19 MR. LAINO: That's correct.

20 MR. GAROFALO: I think it's important for the
21 Board to see the communications going on.

22 MR. TRONCILLITO: That would be nice.

23 MR. BLANCHARD: We're certainly sensitive to
24 that. We were afraid of putting something out there
25 that wasn't yet approved. Let's say, for example, the

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1 Board was in love with that idea, but then DOT says no.
2 We're sensitive to that dynamic. That's all. But we'd
3 be happy to share the communication.

4 CHAIRMAN BRAND: Any other comments or
5 questions?

6 MS. LANZETTA: Yeah. Now, these are all
7 going to be owned?

8 MR. BLANCHARD: Yes.

9 MS. LANZETTA: Each of the units are for
10 sale. So they're townhouses?

11 MR. LEYTON: Uh-huh.

12 MS. LANZETTA: I'm curious why you feel you
13 need to have a gated community in Marlboro.

14 MR. LEYTON: Why not have a gated community?

15 MS. LANZETTA: We haven't had any gated
16 communities.

17 MR. LEYTON: That's why.

18 MS. LANZETTA: And this gate is going to
19 cause a lot of issues, I think, as far as I can see.

20 MR. LEYTON: Well, people like them. They're
21 secure. They feel secure by having only people that
22 are living there or servicing or neighbors or guests.
23 So it's a sense of comfort. We've sold many
24 properties, and gated communities are something that's
25 a check for many people that they like. So these are,

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1 you know, expensive, luxury homes that people want to
2 have a gate.

3 MS. LANZETTA: Well, I think this gate is
4 going to be problematic, because it's -- I think it is
5 going to be identified as a possible traffic issue.

6 And as far as connectivity, the sidewalks are
7 not adequate. And in your responses to our questions,
8 you talk about that it's expected that the majority of
9 people utilizing the clubhouse will walk from their
10 homes, which means that they will be walking in the
11 street, because there's no connectivity for any of
12 these homes towards the bottom to walk anywhere other
13 than the street to get to the clubhouse. So that's
14 really -- that is not a -- it's a safety issue.

15 And, again, you point out again that, in
16 accordance with the Planning Board's request, sidewalks
17 have been added to the plans. The sidewalks, again,
18 are all strictly up at the very top. There's nothing
19 that connects the lower portion to the clubhouse.

20 And then when we talk about the lighting, you
21 say that the lighting is sufficient because you want it
22 to be kept minimal because lighting is provided
23 minimally for vehicles wayfinding in accordance with
24 the applicant's intent for the property. So, in other
25 words, you think it's fine to keep low lighting because

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1 it's going to be all vehicles, but you're in a sense
2 acknowledging that people aren't going to need lights
3 to walk down to this clubhouse, which you're saying
4 people are going to walk to. But you're not providing
5 the sidewalks or lighting. So I have a real problem
6 with that.

7 MR. CALLO: Do your other communities have
8 sidewalks?

9 MR. LEYTON: Some do. We have communities
10 without curbs also, so it's a lot easier to walk.

11 MR. GAROFALO: Is the idea of having the
12 turnaround at the end of the sidewalk stops, is that so
13 you can basically take a vehicle and just kind of plow
14 and then turn around and come back? Was that the
15 thought behind that?

16 MR. LAINO: I think the thought behind that
17 was there would just be some benches or something, nice
18 seating area or something. There's no intent for --
19 those are all walkways, so I don't know that they're
20 going to be plowed.

21 MR. GAROFALO: I wasn't thinking necessarily
22 of a full-size plow, but maybe one of these smaller
23 John Deere something -- smaller vehicles to, you know,
24 clear the snow out of the sidewalk.

25 MS. LANZETTA: So going back to the sidewalks

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1 and the inefficiency of what you have here, it bothers
2 me too that you don't have the connections, the
3 crosswalks, to interact. And if you have children in
4 these buildings and they are -- you know, the whole
5 idea of wanting to have multifamily housing in the
6 hamlet center was so that people would be able to walk
7 or ride their bikes and utilize the beauty of our
8 hamlet downtown areas and go to restaurants and go to
9 the store and go to the Falcon. So we want to make it
10 connected, all of this connected.

11 And even the children that will be in these
12 buildings down here, now they're going to have to walk
13 in the road to walk up to catch the bus on Route 9W.
14 But they shouldn't be walking in a road. Kids should
15 not be walking in the roads, especially, God forbid,
16 there's snow and snow banks and it's crazy. But the
17 reality in Marlboro is that they won't walk in the
18 road. They probably won't even walk on the sidewalk.
19 The kids I'm talking about. Because their parents are
20 going to drive them up to here (indicating). And then
21 they're all going to sit in their cars with the kids in
22 the cars and wait for the bus to come. That's the way
23 things go here.

24 MR. LEYTON: You don't think they'll drive
25 them another one or two minutes to the school? You

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1 don't think they're going to go there?

2 MS. LANZETTA: Well, perhaps.

3 MR. LEYTON: They're in the car. They're not
4 going to go a little bit, go to 9W, and make a right
5 there?

6 MS. LANZETTA: So they're going to be
7 required to take their children to school as part of
8 living in this --

9 MR. LEYTON: No. But you said you're going
10 to drive the kids to the top and they're going to sit
11 there. And I don't think so. I think they're going to
12 get to the top, and they're going to take a right, and
13 they're going to take one minute to drive them to the
14 school that's adjacent.

15 MS. LANZETTA: What if they're going to the
16 high school?

17 CHAIRMAN BRAND: I live right across the
18 street from the elementary school, and there are six
19 cars on my road every day waiting for kids to get off
20 the bus right across the street.

21 MR. BLANCHARD: You're putting us in a
22 difficult position. I mean, you're saying something
23 that's speculation or maybe based on experience of what
24 you're seeing.

25 MS. LANZETTA: It's experience.

DOCK ROAD - SKETCH SITE PLAN

1 MR. BLANCHARD: But for us to -- the design
2 of that road, interior road -- we'll call it whatever
3 we want. I can't take issue with use of the word road,
4 right, but with the gate, and as we come in, it's
5 really an extended driveway. I'm not trying to be
6 split hairs. I'm not trying to be nuanced here or
7 something of that nature. But it's not as if that is
8 an extension of 9W in there. I mean, we're
9 anticipating a very slow rate of speed, and we're
10 anticipating the children walking with their parents.
11 It's difficult for us to fully address your comment. I
12 see where it's coming from. But the sidewalk -- we
13 looked at it nine ways from Sunday. This design that
14 you have in front of you is the design that works best
15 we think in this site plan. And without a sidewalk in
16 front of those houses, we think it works walking up the
17 hill, the kids and their parents.

18 MR. LAINO: Can I interject for one second?

19 MR. BLANCHARD: Please.

20 MR. LAINO: There's site limitations that we
21 also have to consider. The site is not accessible from
22 a topography standpoint. Some of the roads are sloped
23 at 9 percent. That's not an accessible route. So
24 we're providing sidewalks to acquiesce to the Board's
25 request. However, if they can't have crosswalks, they

DOCK ROAD - SKETCH SITE PLAN

1 can't have ADA ramps, because they're not accessible.
2 So if we provide those things, then they would have to
3 be accessible, which is not possible because of the
4 topography of the site. As you get down towards the
5 townhouses, those driveways are 20 feet long, 20 to
6 22 feet long, which is the minimum for a driveway. We
7 would have to extend out north and south -- those
8 driveways north and south five feet to get a sidewalk
9 in, which will push us further into the hill on both
10 sides. Otherwise, you would have a car pulling into
11 the garage and the tail would hang over the sidewalk.
12 So there's some limitations that would cause problems
13 if we put these sidewalks in. I don't know that they'd
14 be useable unless we start expanding the site, which we
15 didn't want to do.

16 MS. LANZETTA: Do we have the discretion to
17 make a more narrow sidewalk?

18 MR. HINES: You can go four feet with
19 turnouts.

20 MR. LAINO: Four feet with turnouts.

21 MR. GAROFALO: There are at least sections
22 where you don't have any houses that at least the
23 sidewalks could be at least there. And as far as the
24 steepness of the road, I think that the ADA allows the
25 sidewalks to follow the grade of a street, but you can

DOCK ROAD - SKETCH SITE PLAN

1 check that out. So that if you have 9 percent, I think
2 the sidewalks, as long as they follow the same grade as
3 the street, that that might be acceptable to the ADA.

4 MS. LANZETTA: Because I go down Newburgh
5 and -- you know, First Street, and they have sidewalks.

6 MR. LAINO: You can put a sidewalk -- so ADA,
7 it's a little bit gray, because it understands that not
8 everything can be accessible based on limitations.
9 Right. So if -- we're creating this site, so we can't
10 create an accessible route because the topography is
11 too steep. If there's an accident, the owner gets
12 sued. It's a problem. Right. So we -- the sidewalks
13 were placed to get people from -- off the road from --
14 as they're transitioning from the low portion up to the
15 high portion, and then as best as we could without
16 getting too close to the cottage units, we put
17 sidewalks up to 9W.

18 MS. LANZETTA: So how is it that it's okay to
19 walk on this grade down to the -- to your clubhouse,
20 that's okay to be in a road at the same grade with cars
21 going up and down, and that's okay to walk on that, but
22 you can't put a sidewalk there?

23 MR. LEYTON: These are the deficiencies or
24 limitations that Angelo just discussed. In order to
25 put sidewalks across those driveways there, it moves

DOCK ROAD - SKETCH SITE PLAN

1 everything backwards. It moves everything back into
2 the site. We'd have variance issues to the north with
3 the rear of the yards there.

4 MR. GAROFALO: What about putting a sidewalk
5 at least in the areas where you don't have -- there's
6 several areas where you don't have driveways and
7 putting the sidewalks in?

8 MR. LEYTON: How useful is that and what's
9 the aesthetics of that also?

10 MR. GAROFALO: It almost brings it to the
11 clubhouse. I mean, there's only -- once you start on
12 the south side, you can -- you can get to the road, and
13 then there's only one driveway, and then there's a --
14 then you do have a sidewalk that picks up from the
15 accessible parking spaces, as well as over here between
16 the two sections (indicating). You know, there's no
17 driveways there. And, you know, that might be at least
18 a partial connection if you don't have a full
19 connection the entire way, at least part of the way,
20 where they'll probably be driving the fastest too
21 because there's no driveways. People would probably
22 drive faster where there aren't any driveways. To at
23 least have the partial sidewalk along there.

24 I would also mention that on your Figure C2,
25 the reserved parking, that needs to have the active

DOCK ROAD - SKETCH SITE PLAN

1 sign for the accessible parking in New York State.

2 MR. LAINO: Yes. I believe that was changed.

3 Right. The active sign?

4 MR. GAROFALO: That was changed over ten
5 years ago.

6 MR. LAINO: No, I know. I'm saying, I'm
7 looking at my plan. It has the active.

8 MR. GAROFALO: Mine doesn't on C2. If you're
9 taking out the building that's on the northeast corner
10 of Route 9W, maybe that might be a place where you
11 could have one or two parking spaces.

12 MR. BLANCHARD: That's a separate owner,
13 separate lot. That's a separate property.

14 MR. GAROFALO: Okay. That's not the building
15 you're taking down.

16 MR. LAINO: It will be.

17 MR. HINES: It's under a separate ownership.

18 MR. BLANCHARD: It's a separate project.

19 MS. LANZETTA: Again, I have a -- I'm just
20 going -- I'm not going to keep arguing about this. I
21 don't like the fact that none of these -- there's no
22 connectivity. This doesn't go with the master plan.

23 And the idea of a gated community, the gate
24 is -- I don't see the -- I don't think that this is
25 something that is normal in the Mid-Hudson Valley. I

DOCK ROAD - SKETCH SITE PLAN

1 know of no other gated communities in this area. And I
2 think it's going to cause problems. And I think you
3 should take into account that the practice is that
4 you're going to have cars that will be queuing up right
5 here close to 9W as other people are trying to want to
6 get by them to get to work. And I think, you know,
7 unless you really take into account how you can deal
8 with the school issue, and certainly that gate is not
9 going to help things there either with that whole
10 issue.

11 Those are my real concerns about this whole
12 project. I just -- I just don't like that it's not
13 following any of our guidelines, none of our guidelines
14 in our master plan.

15 CHAIRMAN BRAND: I agree with Cindy on the
16 sidewalk component as well and the connectivity. I
17 think the better connectivity you can have inside, the
18 better.

19 Any other comments or questions?

20 MR. CALLO: I mentioned before, it probably
21 would help us all, actually, to have a better
22 appreciation for your project, if we could walk back
23 there some day with somebody and actually see what your
24 problems are and the topography of the land and what
25 Jim has told me over here, actually see it for myself.

DOCK ROAD - SKETCH SITE PLAN

1 Like, oh, wow, that's a steep grade. I wouldn't want
2 to bike it, going down that sidewalk on a bike or
3 whatever.

4 But I also want to mention about, you are on
5 top of the elementary school. And you mentioned to me
6 about the topography of going down the slope. I
7 thought maybe what Jim said, about making that park
8 space or something like that, that they can walk
9 through there and end up where the walkers or riders
10 dropoff is, and the kids don't have to walk out to 9W.
11 They can just walk to the building that's right there
12 and in their backyard. Somehow. Some trail. Like, it
13 goes down, it's an S, it goes down like that
14 (indicating). I don't care if it's cinder. I don't
15 care if it's gravel. I don't care what it is. But mom
16 and dad, instead of walking out to 9W, waiting in their
17 car or waiting in the rain or driving out and down the
18 street and back in at the light and turn around and
19 then all the way back, the kids should just walk to the
20 actual door where the school is. Imagine that. That's
21 what everybody used to say back in the day; you can
22 walk to school. But here's your opportunity to
23 actually do that.

24 MR. BLANCHARD: I remember one of our first
25 meetings, we were going down to the river, sort of the

DOCK ROAD - SKETCH SITE PLAN

1 back way into the elementary property. That was a
2 concept that was discussed, but there's a myriad of
3 issues with that relating -- I forget. It was so long
4 ago, I forget. Actually, Supervisor Lanzetta was here
5 when we first started meeting about that, and we talked
6 about -- we can come back to you with the information.
7 It was so long ago I forget, but there was insurance
8 issues. There were pathway issues. That's not -- on
9 paper that looks much more accessible than it actually
10 is. But conceptually to have the kids walk out the
11 back door to their elementary school would be ideal,
12 but we did look into that initially and found that it
13 wasn't feasible.

14 MR. GAROFALO: It's a very steep dropoff, and
15 even here where the T is, you're in a very low bowl.
16 And, you know, this is a major sledding hill. It's
17 that steep to go up that. As I said, this area here I
18 think is wet (indicating).

19 MR. CALLO: I was talking about further up by
20 the river.

21 MR. GAROFALO: It is a very steep cut.

22 CHAIRMAN BRAND: Anything else on this one?
23 So we did move to declare ourselves Lead Agency.

24 MR. HINES: County Planning status?

25 MS. LANZETTA: I haven't seen it yet.

DOCK ROAD - SKETCH SITE PLAN

1 MR. HINES: We should send that now.

2 MS. LANZETTA: Yeah. I can tell you right
3 now, you better have good lighting plans too for going
4 up to County.

5 CHAIRMAN BRAND: After we --

6 MR. HINES: Right now the access roads are
7 the only thing lit.

8 CHAIRMAN BRAND: After we get comments back
9 from County Planning, we could think about scheduling a
10 public hearing, but I would like to see their comments
11 first. Did you guys meet with them as well? Did you
12 have a meeting?

13 MR. BLANCHARD: We had a Zoom meeting a while
14 ago.

15 CHAIRMAN BRAND: Let's get this sent up to
16 them for their review, and then we'll pick up from
17 there.

18 MR. HINES: They're going to need traffic and
19 SWPPP too.

20 MR. LEYTON: We should have traffic very
21 soon, DOT.

22 MR. LAINO: You mean the traffic study?

23 MR. HINES: Yes, when we send it out to
24 County.

25 MR. LEYTON: I thought you meant DOT's

DOCK ROAD - SKETCH SITE PLAN

1 comments.

2 MR. HINES: No.

3 CHAIRMAN BRAND: Okay. Thanks guys.

4 MR. LAINO: Thank you.

5 Time noted: 9:04 p.m.

6

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

10

11 Certified to be a true and accurate transcript.

12

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Stacie Sullivan

14

Stacie Sullivan, CSR

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

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

4 BUTTERMILK FALLS RESORT HOTEL

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

9 -----X
10 SKETCH - SITE PLAN
11
12 Date: November 4, 2024
13 Time: 9:04 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, New York 12547
18
19

20 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
21 FRED CALLO
22 JAMES GAROFALO
23 CINDY LANZETTA
24 BOB TRONCILLITO

25 ALSO PRESENT: PAT HINES
26 GERARD COMATOS, ESQ.
27 JEN FLYNN
28
29

30 APPLICANT'S REPRESENTATIVE: ROBERT POLLOCK
31

32

33

34

35

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

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up, Buttermilk Falls
2 Resort, site plan and special use.

3 MR. POLLOCK: Mr. Comatos, do you want to
4 explain what this is all about?

5 MR. COMATOS: Well, it's my understanding
6 that the sole purpose -- or the sole request is to
7 schedule the second public hearing that's required for
8 this particular application.

9 CHAIRMAN BRAND: Jen, public hearing
10 schedule.

11 MS. FLYNN: December 2nd; right? That was
12 what was on the Legal Notice.

13 MR. POLLOCK: Yes. Now, this is based on a
14 lawsuit -- do you want to go into it or not really --
15 based on a lawsuit that was in Liberty, New York.

16 MR. COMATOS: That is the Matter of the
17 Kittredge case, and it applies here because of the
18 three approvals that are being sought: Lot line
19 realignment, site plan, and special use permit. So
20 according to the Matter of Kittredge case, in this
21 context, after the Negative Declaration was adopted, a
22 second public hearing is required.

23 CHAIRMAN BRAND: Okay. So we'll schedule
24 that for December 2nd.

25 MR. POLLOCK: Thank you.

BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN

1 CHAIRMAN BRAND: That was easy.

2 Time noted: 9:05 p.m.

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

7

8 Certified to be a true and accurate transcript.

9

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Stacie Sullivan

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Stacie Sullivan, CSR

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

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

4 OFFICE WAREHOUSE

5 Project No. 24-2009
6 2021-2025 Route 9W, Milton
7 Section 103.1; Block 1; Lot 2.200

6 -----X

7 SKETCH - SITE PLAN

8
9 Date: November 4, 2024
10 Time: 9:06 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

21
22 ALSO PRESENT: PAT HINES

23 GERARD COMATOS, ESQ.

24 JEN FLYNN

25

APPLICANT'S REPRESENTATIVES: JEFFREY ECONOM
AL VARRONE

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

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next up we have the Office
2 Warehouse, sketch of a site plan at 2021-2025 Route 9W
3 in Milton.

4 Pat, I'll let you start us off.

5 MR. HINES: Sure. I don't know that we ever
6 received a gatekeeper letter on this. Typically the
7 Code Enforcement Department will write one. Do you
8 have one?

9 MR. ECONOM: No. I have a note here to ask.
10 We did meet with Tom in the beginning of the project.
11 So I was going to ask, do you want me to call Tom and
12 ask him to do it?

13 MS. FLYNN: We don't get letters from him
14 anymore. Do we need one?

15 MS. LANZETTA: If we ask for one.

16 MR. HINES: Yeah, I think if we ask for one.
17 It's a unique use. I just want to make sure that he's
18 okay with it. It seems to fit in the zone.

19 MR. ECONOM: Yeah. We met with him. Office
20 was allowed. Warehouse was allowed. Do you want me to
21 contact him, then?

22 MS. FLYNN: No. I'll do it tomorrow or
23 Wednesday.

24 MR. HINES: Jen usually does it.

25 MR. ECONOM: Okay.

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 MR. HINES: That's just to check the box
2 here.

3 Health Department approval for the septic
4 system. I know you mentioned that the application is
5 in to them. A lot of this stuff is just checking the
6 box.

7 DOT access approval is required. The
8 applicants have identified that a submission has been
9 made to DOT. I don't know if you've heard anything
10 from them.

11 MR. ECONOM: We've got a few minor comments
12 back from them. We're addressing them, having the
13 surveyor going out and pick up some additional
14 information for them and move it along. We do
15 currently have a residential driveway.

16 MR. VARRONE: Yes.

17 MR. ECONOM: That was approved for the
18 initial -- what the applicant has been working out
19 there.

20 MR. VARRONE: The head of DOT for the zone,
21 we originally went to him for a commercial application.
22 He told us, like, what are you doing? We said we're
23 kind of on the fence. He goes, you know what, just do
24 this application. I'll be fine with it.

25 MR. ECONOM: And he gave a residential

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 permit, so now we have to upgrade that to a commercial.

2 MR. VARRONE: We're following his guidelines.

3 MR. HINES: There's not an area added for
4 stormwater management. I know you want to have a
5 discussion with my office on that. Is that site
6 like -- was it a mine, or was there mining activity?

7 MR. VARRONE: No.

8 MR. HINES: It seems like soil has been
9 removed from there.

10 MR. VARRONE: No removal of soil.

11 MR. ECONOM: No soil removal.

12 MR. VARRONE: Or brought in.

13 MR. ECONOM: It's all rock.

14 MR. VARRONE: It's all rock. A lot of
15 hammering to get accessibility into the back.

16 MR. HINES: It looks like there's been some
17 activity on the site.

18 Bulk table has been updated.

19 We're suggesting the Planning Board declare
20 its intent to confirm that we can circulate to DOT,
21 Health Department, Marlborough Water Department, Town
22 of Lloyd, and Ulster County Planning.

23 The EAF was filled out on the DEC's
24 interactive website. It identified threatened or
25 endangered species; that being two fish species that

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 are in the Hudson River, which certainly will not be
2 impacted by this. They're in that checked zone area.
3 So other than the sturgeon, there was no significant
4 issues in the EAF.

5 The landscaping plan has been incorporated
6 into the set. It just identifies proposed trees.
7 We'll need a common name and species.

8 MR. ECONOM: We're working on that right now.

9 MR. HINES: I guess you met with the
10 jurisdictional fire department. Turnouts have been
11 added.

12 MR. ECONOM: Met with the Fire Department via
13 we were texting. Emailing. We had the one, when
14 you're coming up the hill, we had the one pull-off.
15 They asked us to move it to the end, so there's no
16 pull-off at the upper corner. We originally had a
17 pull-off here (indicating). They asked us to move it
18 here (indicating). So we just slid a couple of
19 spaces -- equal number of spaces, but this is the
20 turnaround at the end of the project here (indicating).

21 MR. HINES: You put one at the other end?

22 MR. ECONOM: Yes. They were all fine. The
23 Fire Department was okay.

24 MR. HINES: So we're suggesting that a note
25 be added to the plans that the building corners be

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 staked out in the field prior to pouring the
2 foundations because you're at setback lines.

3 MR. VARRONE: Yeah. We would normally do
4 that.

5 MR. HINES: You identify that an agreement
6 between Central Hudson Gas & Electric for the crossing
7 is in the works.

8 MR. VARRONE: That's completed.

9 MR. ECONOM: We submitted the agreement.

10 MR. VARRONE: Central Hudson we're talking
11 about.

12 MR. COMATOS: It's an actual agreement with
13 Central Hudson?

14 MR. VARRONE: Yes.

15 MR. COMATOS: Does it modify the easement or
16 just give you consent to --

17 MR. ECONOM: Just gives us consent to go
18 underneath.

19 MR. VARRONE: We submitted the proposed plan
20 to them, and they were okay with everything. There's
21 no objection.

22 MR. ECONOM: We had to follow a height
23 distance underneath the utility.

24 MR. VARRONE: We had an on-site survey and
25 the whole nine yards with them.

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 MR. HINES: You confirmed that the lighting
2 will be dark sky compliant.

3 Then we have a question of blasting. I know
4 you just mentioned hammering.

5 MR. ECONOM: No blasting.

6 MR. VARRONE: No blasting.

7 MR. HINES: There will have to be notes on
8 the plans stating no blasting.

9 So I think the Board should declare its
10 intent for Lead Agency. My office will circulate. And
11 I think you're working towards those other outside
12 agency approvals. When they start coming, we can get a
13 public hearing going.

14 CHAIRMAN BRAND: Can I have a motion to have
15 the Planning Board declare its intent to act as Lead
16 Agency?

17 MR. CALLO: I'll make that motion.

18 CHAIRMAN BRAND: Second?

19 MR. GAROFALO: I'll second it.

20 CHAIRMAN BRAND: Any objection?

21 (No response.)

22 CHAIRMAN BRAND: Any discussion?

23 (No response.)

24 CHAIRMAN BRAND: Discussion or objection.

25 It's getting late. Okay.

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 MR. HINES: Do you need to meet on the
2 stormwater, or are you good with that under parking
3 storage you're going to propose?

4 MR. ECONOM: I am, but I would like for you
5 to visit and see that, okay, I got rock. I got
6 building. Pavement. It's sort of --

7 MR. HINES: Let's try to set something up
8 next week. I'm off the week after that. I have
9 emails.

10 MR. ECONOM: Just let me know what's
11 convenient for you, and we'll make it happen.

12 MR. HINES: Great.

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

15 MS. LANZETTA: Yeah, I just want to call
16 attention to the lighting. You want to make sure that
17 all of your lighting is full cutoff and dark sky, and
18 the County is going to want to see a lighting plan.

19 Also, you mention that architectural plans
20 are being prepared. I saw you put some photographs in,
21 but I want to call your attention to the fact that we
22 have Route 9W design guidelines. It has like a lot of
23 ideas and explanations of the kinds of things that
24 we're looking for. You know, you could take a look at
25 that so you have a better idea of what we're looking

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 for. If you are insistent -- ideally, we'd like to see
2 something with a peaked roof, but if you don't, then I
3 would ask you to consider possibly doing solar, because
4 that's a good spot for solar, and County is going to be
5 asking, you know, what kinds of things you're doing for
6 sustainability and stuff. And if you could utilize
7 that for solar, that would be a plus in your favor too.
8 You're close to the electric. You know, I don't know
9 what kind of things that you'd have to set up with
10 Central Hudson, but you're real close to a lot of their
11 lines there. So it's something that you might want to
12 consider as well.

13 MR. CALLO: Your building is going to be one
14 of the first ones you see when you come into town, when
15 you come from Lloyd into the Town of Marlborough.

16 MR. ECONOM: Correct. So we want to make it
17 look --

18 MR. CALLO: Lead the way.

19 MR. VARRONE: It's not a building that I'm
20 looking to sell. I'm not going anywhere, and I'm a
21 long-time resident. I grew up in New Paltz, so I know
22 the area very well.

23 MS. LANZETTA: Check out the guidelines.

24 MR. VARRONE: My original idea was to put
25 solar on the roof, but I didn't know what complications

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 that would lead to in the approval process, and I
2 didn't want to get sideways with that, you know.

3 MS. LANZETTA: Talk to Central Hudson and see
4 if they would be interested and what kind of deal they
5 would work with you if you wanted to do something like
6 that.

7 MR. HINES: Roof-mounted solar won't
8 complicate this process at all. It's pretty
9 streamlined in the Code.

10 MR. GAROFALO: The solar applications have
11 become a little bit more complicated when there's
12 battery storage.

13 MS. LANZETTA: They should be able to tap
14 right in, I would think.

15 MR. HINES: They're not going to do a
16 transmission.

17 MR. VARRONE: No, no.

18 MR. GAROFALO: That's when you get into a
19 problem.

20 CHAIRMAN BRAND: Questions or comments? Was
21 that it, Cindy?

22 MS. LANZETTA: Just make sure it's dark sky
23 compliant.

24 MR. ECONOM: It is. The note's on there.

25 MR. VARRONE: The pictures of the buildings

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 you were showing, that's on which --

2 MS. LANZETTA: If you go to the -- it's a
3 little hard to find, but just put in Design Guidelines,
4 and then scroll a little bit, and you'll see Route 9W.

5 MR. VARRONE: I'm flexible to whatever you
6 want as long as it's affordable and it's not some
7 astronomical cost.

8 MS. LANZETTA: There's a lot of choices here.
9 But it's -- you know, take a look at some of the other
10 stuff that's been done recently along 9W.

11 MR. ECONOM: Central Hudson is happy with
12 this because how they accessed --

13 MR. HINES: They can get in there easier.

14 MR. ECONOM: Well, they used to go across the
15 drainage ditch to try to follow the utility lines, so
16 now we're allowing them to come through the driveway
17 and up in the back. With that one turnaround, they can
18 actually get right up to -- on top of their utilities.
19 So they were very happy.

20 CHAIRMAN BRAND: James, brief comments.

21 MR. GAROFALO: On the EAF, Item 11 talks
22 about private OWTS, and I think you're having a sewer
23 connection?

24 MR. ECONOM: No. Onsite wastewater treatment
25 system. It's a septic system.

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 MR. GAROFALO: So you're using a septic
2 system?

3 MR. ECONOM: Yes.

4 MR. GAROFALO: Okay. Take a look at the
5 accessibility parking requirements. Also, I'm a little
6 concerned about -- your parking is on the edge of the
7 property. And where are you going to be putting the
8 snow once it starts piling up?

9 MR. VARRONE: Which parking are you referring
10 to?

11 MR. GAROFALO: The parking in the west side.

12 MR. VARRONE: The back. That is overflow.

13 That's not parking within the requirements of what's
14 necessary to make the project. I could delete that
15 parking.

16 MR. GAROFALO: It's extra large, so you might
17 want to note that on the plan, how large it is.

18 MR. ECONOM: It's noticed there, 10 by 30.

19 MR. GAROFALO: You can use some of that for
20 some of the snow storage.

21 Mr. Hines mentioned that should be staked out
22 because you're so close to the property line. I don't
23 know. Do we need an Ag statement when they're this --
24 this is nonresidential property. I'm not sure you need
25 one.

OFFICE WAREHOUSE - SKETCH SITE PLAN

1 MR. ECONOM: We talked to Tom. It was about
2 the whole thing with the apple trees and everything.
3 We didn't -- there are no apple trees along this side
4 anymore (indicating).

5 MR. VARRONE: Next to Russo's property.

6 MR. GAROFALO: That's all the comments I
7 have.

8 CHAIRMAN BRAND: Great. All right. So we
9 will circulate this and hear back from the coordinating
10 agencies. Thank you guys.

11 MR. VARRONE: Thank you.

12 MR. ECONOM: Thank you. Have a good evening.

13 Time noted: 9:18 p.m.

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

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18 Certified to be a true and accurate transcript.

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Stacie Sullivan

21

Stacie Sullivan, CSR

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

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

4 MATTHEW BERNHARDT STR

5 Project No. 24-2018
6 351 Old Post Road, Marlboro
7 Section 108.4; Block 5; Lot 11

8 -----X

7 SKETCH - SITE PLAN

8
9 Date: November 4, 2024
10 Time: 9:19 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

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

21
22 ALSO PRESENT: PAT HINES

23
24 GERARD COMATOS, ESQ.

25 JEN FLYNN

26
27 APPLICANT'S REPRESENTATIVES: MATTHEW BERNHARDT
28 MICHELE BERNHARDT

29

30

31

32 -----X

33 Stacie Sullivan, CSR
34 staciesullivan@rocketmail.com

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Finally, we have Matthew
2 Bernhardt for a short-term rental sketch of their site
3 plan.

4 Pat, do you just want to go over your
5 comments quickly?

6 MR. HINES: Sure. They're here for a
7 short-term rental. Again, short-term rentals are
8 regulated under Chapter 155-32.3.

17 I'm just checking, do you own the house next
18 door or across the street?

19 MR. BERNHARDT: Yes.

20 MB. HINES: so that checks that box.

Concern regarding the use of the attic, third floor attic, as habitable space. I think the Building Code may require that to be sprinklered on the third floor. I'm not a hundred percent sure. Just check with the Building Department before you get too far. I

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 think third floor living space in a wood building needs
2 to be sprinklered.

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

11 MR. CALLO: You don't share your driveway
12 with anybody else, do you?

13 MR. BERNHARDT: No.

14 MR. GAROFALO: The zoning you can find on the
15 Ulster County Parcel Viewer.

16 MR. BERNHARDT: Okay.

17 MR. GAROFALO: Just look up your name. It
18 should be right there.

19 We need the gross square footage of each of
20 the buildings. Now, there's cottages on there also?

21 MR. BERNHARDT: Yep.

22 MR. GAROFALO: Are those rented?

23 MR. BERNHARDT: No.

24 MR. GAROFALO: Okay. With regard to the
25 attic space, does that have to be something that's, you

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 know, within the Building Department and Assessor's
2 office listed as a bedroom?

3 MR. HINES: I'm not sure. That's going to be
4 a Tommy question, to figure out the actual use. I
5 don't know what it's listed as now. I just know if
6 it's going to be habitable space on the third floor,
7 it's got Fire Code compliance.

8 MR. GAROFALO: It's one parking space per --

9 MR. HINES: One per bedroom.

10 MR. GAROFALO: So you have six here. I think
11 there's a garage.

12 MR. BERNHARDT: I wouldn't park my car in
13 that garage.

14 MR. GAROFALO: That's a possibility, that you
15 could use that, or you go out and you need to outline.

16 MR. BERNHARDT: We can outline. We have two
17 spots that are available in front and then additional
18 space in the back of the property that can be used.
19 Probably four or five spaces.

20 MR. GAROFALO: It's the equivalent of a
21 9-by-18 space.

22 MR. BERNHARDT: Yep.

23 MR. GAROFALO: And the proposed hours of
24 operation are 24/7/365. It's not applicable. It is
25 applicable. You can rent it out any time. It's 24/7.

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 MR. BERNHARDT: Okay. So check that box?

2 MR. HINES: Yeah. You wrote NA.

3 MR. BERNHARDT: I apologize. I thought it
4 meant like someone would need to be on site or in the
5 house.

6 MR. GAROFALO: Is there a need for an
7 agricultural statement on this one?

8 MR. HINES: I don't think so. There's no
9 construction proposed.

10 CHAIRMAN BRAND: Anything else, James?

11 MR. GAROFALO: Do we need the square footage
12 of those cottages?

13 MR. HINES: You're not proposing those as
14 part of the use so they're not part of the application.

15 MR. BERNHARDT: No.

16 MR. GAROFALO: I think on the plan it's noted
17 as 4819 square footage, so if you can put that in the
18 application. I think it's on one of the plans that you
19 have.

20 MR. BERNHARDT: Put it in the application.

21 Okay.

22 MR. GAROFALO: Yeah. I don't know if that
23 included or excluded the attic.

24 MR. BERNHARDT: It should include.

25 CHAIRMAN BRAND: So the only thing we need is

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 a public hearing?

2 MR. HINES: It does require a public hearing.

3 MS. LANZETTA: How many public hearings do we
4 have for December?

5 MS. FLYNN: We have four.

6 CHAIRMAN BRAND: Do you have a time
7 constraint situation?

8 MS. LANZETTA: Can't we put him first thing?
9 I don't think he's going to get much.

10 CHAIRMAN BRAND: Jen?

11 MS. FLYNN: We can put them first.

12 CHAIRMAN BRAND: So we'll put you first on
13 the public hearing on the 2nd.

14 MS. LANZETTA: So you don't have to wait.

15 MR. BERNHARDT: Thank you.

16 CHAIRMAN BRAND: Just make sure you send out
17 the proper amount of mailings. Talk to Jen.

18 MR. BERNHARDT: Okay.

19 MS. LANZETTA: I think everybody knows that
20 this was originally a resort-type situation.

21 MR. GAROFALO: I did not.

22 MR. BERNHARDT: It's one of the oldest
23 buildings in Marlboro or one of the oldest houses in
24 Marlboro.

25 CHAIRMAN BRAND: Thank you. We'll see you on

MATTHEW BERNHARDT STR - SKETCH SITE PLAN

1 December 2nd.

2 Time noted: 9:25 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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10 Stacie Sullivan

11 Stacie Sullivan, CSR

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