

1           STATE OF NEW YORK   :   COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

3  
 4  
               MATHEW BERNHARDT SHORT-TERM RENTAL  
 5  
               Project No. 24-2018  
 6           351 Old Post Road, Marlboro  
               Section 108.4; Block 5; Lot 11  
 7  
 8 - - - - - X

9  
 10                       PUBLIC HEARING - SITE PLAN

11                                       Date:    December 2, 2024  
    Time:    7:00 p.m.  
 12                                       Place:   Town of Marlborough  
   Town Hall  
 13   21 Milton Turnpike  
    Milton, NY  12547

14  
 15 BOARD MEMBERS:           CHRIS BRAND, Chairman  
                                   FRED CALLO  
 16                                   JAMES GAROFALO  
                                   STEVE JENNISON  
 17                                   CINDY LANZETTA  
                                   JOSEPH LOFARO  
 18                                   BOB TRONCILLITO

19  
 20 ALSO PRESENT:           GERARD COMATOS, ESQ.  
                                   PATRICK HINES  
 21                                   JEN FLYNN

22 APPLICANT'S REPRESENTATIVES:   MATHEW BERNHARDT  
    MICHELE BERHNRDIT

23  
 24 - - - - - X  
                   MICHELLE L. CONERO  
 25                   Stenographer  
                   michelleconero@hotmail.com

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

4                   (Pledge of Allegiance.)

5                   CHAIRMAN BRAND: Agenda, Town of  
6 Marlborough Planning Board, December 2, 2024.  
7 Regular meeting at 7 p.m. On the agenda this  
8 evening we have the approval of the minutes for the  
9 October 7th meeting and the November 4th meeting.  
10 For public hearings we have Mathew Bernhardt for a  
11 short-term rental, a public hearing for the site  
12 plan at 351 Old Post Road. We also have a public  
13 hearing for Marlboro Property Management for a  
14 public hearing of their subdivision on Burma Road  
15 in Marlboro, a public hearing for Highland Solar  
16 for their site plan at 206 Milton Turnpike in  
17 Milton, a public hearing for a site plan for  
18 Buttermilk Falls at 220 North Road in Milton, and a  
19 public hearing for Summit Drive for their site plan  
20 at Summit Drive in Marlboro. That will be reopened  
21 this evening. Under new application review we have  
22 Nicholas Atkin, a two-lot subdivision for a sketch  
23 of a subdivision at 6 Cubbard Drive and 33-35 Old  
24 Indian Road in Marlboro. We have Laurell Dioro for  
25 a two-lot subdivision for a sketch of a subdivision

1 on Hidden Acres Drive in Marlboro. We have Bradley  
2 Rosen for a two-lot subdivision for a sketch of a  
3 subdivision at 184 Plattekill Road in Marlboro.  
4 Under ongoing application review we have Madison  
5 Square York Markle for a final of their site plan  
6 at 46 Partington Lane in Marlboro. We have ELP  
7 Solar Truncali for a preliminary site plan review  
8 at 335 Bingham Road in Marlboro. We have Office  
9 Warehouse for a sketch of their site plan at  
10 2021-2025 Route 9W, Milton. We have the  
11 Marlborough Resort Lattintown for a preliminary  
12 site plan review at 626 Lattintown Road in  
13 Marlboro. We have Someplace Upstate for a sketch  
14 of their site plan at 20 Mt. Rose in Marlboro.  
15 Under special topics and discussion, if we're able  
16 to get to that this evening, we have the Senior  
17 Housing Code, which we do need to get to.

18 Our next deadline is Friday, December 6th.  
19 Our next scheduled meeting will be Monday, December  
20 16th.

21 May I have a motion for the approval of  
22 the October 7th and November 4th minutes, please.

23 MR. TRONCILLITO: So moved.

24 CHAIRMAN BRAND: Is there a second?

25 MS. LANZETTA: I'll second that.

1 CHAIRMAN BRAND: Any discussion?

2 MR. GAROFALO: Yes. I would like some  
3 discussion on that.

4 On page 19 of November 4th, during the  
5 Marlborough Resort we skipped over some of  
6 Mr. Hines' technical comments. I would like to have  
7 his full set of comments added to the website.

8 CHAIRMAN BRAND: Is that page 19, did you  
9 say, Mr. Garofalo?

10 MR. GAROFALO: Yes. That was on page 19  
11 of the November 4th minutes.

12 Furthermore, I'd like to suggest input  
13 from our consultants and the Chairman regarding  
14 making this a regular part of our proceedings.  
15 After all, we do not read the entire County report,  
16 we do not read all of the public letters directly  
17 at the Board meetings, but we do add them onto the  
18 website. I think we could save a little time if we  
19 did this also with a segmented reading of Mr. Hines'  
20 comments.

21 Thank you.

22 CHAIRMAN BRAND: Thank you.

23 That being said, with that addition for  
24 page 19 to include Mr. Hines' full comments, is  
25 there any objection to the approval of those two

1 sets of minutes?

2 (No response.)

3 CHAIRMAN BRAND: There being none,  
4 they're approved.

5 Jen, did you have an announcement to make  
6 as well?

7 MS. FLYNN: I do. The applicant ELP has  
8 moved from tonight to the 16th meeting.

9 CHAIRMAN BRAND: I'm sorry. Which one?

10 MS. FLYNN: ELP, the solar, Truncali.  
11 Someplace Upstate should read not 71 but  
12 56.100.

13 CHAIRMAN BRAND: Where am I seeing that?

14 MS. FLYNN: At the bottom.

15 CHAIRMAN BRAND: 109?

16 MS. FLYNN: Instead of 71 it should be  
17 56.100.

18 CHAIRMAN BRAND: Thank you.

19 MR. GAROFALO: Mr. Chairman, I also have  
20 some educational things to read into the minutes.

21 CHAIRMAN BRAND: Thank you, Mr. Garofalo.

22 MR. GAROFALO: Historical Preservation,  
23 one hour; Regulating Controversial Uses, one hour;  
24 Charge On! Preparing For Electric Mobility Future,  
25 one hour.

1 CHAIRMAN BRAND: Thank you.

2 Any other announcements?

3 (No response.)

4 CHAIRMAN BRAND: Jen, any communication  
5 tonight?

6 MS. FLYNN: No.

7 CHAIRMAN BRAND: First up we have the  
8 public hearing for Mathew Bernhardt, the short-term  
9 rental at 351 Old Post Road in Marlboro.

10 "Legal notice, site plan application.  
11 Please take notice a public hearing will be held by  
12 the Marlborough Planning Board pursuant to the Town  
13 of Marlborough Town Code Sections 155.31 and 155.32  
14 on Monday, December 2, 2024 for the following  
15 application: Mathew Bernhardt, at the Town Hall,  
16 21 Milton Turnpike, Milton, New York at 7 p.m. or  
17 as soon thereafter. The applicant is asking for  
18 site plan approval and a special use permit for a  
19 short-term rental on lands located at 351 Old Post  
20 Road, Marlboro, New York 12542, Section 108.4;  
21 Block 5; Lot 11. Any interested parties either for  
22 or against this proposal will have an opportunity  
23 to be heard at this time. Chris Brand, Chairman,  
24 Town of Marlborough Planning Board."

25 Good evening.

1 MR. BERNHARDT: Good evening.

2 MS. BERNHARDT: Hi.

3 CHAIRMAN BRAND: Would you like to provide  
4 the public with a brief overview of your proposal?

5 MR. BERNHARDT: Sure. The proposal is to  
6 do a short-term rental in one of the buildings at  
7 351 Old Post Road. It's a six-bedroom house.  
8 That's it.

9 CHAIRMAN BRAND: Thank you. Do you have  
10 the mailings that were sent out as well?

11 MR. BERNHARDT: Yes.

12 CHAIRMAN BRAND: How many of those did you  
13 send out? If you don't know off the top of your  
14 head, you can just give them to the secretary.

15 MR. BERNHARDT: Okay.

16 CHAIRMAN BRAND: Pat, would you like to go  
17 through your comments briefly?

18 MR. HINES: Sure. We received a letter on  
19 November 8th from Code Compliance regarding the use  
20 of the attic space. The attic space can't be  
21 utilized unless a sprinkler system is provided in  
22 compliance with the code.

23 I think the attorney is awaiting  
24 confirmation of adjoining ownership of the lot.

25 We did have comments from November 4th

1 about delineating the parking spaces.

2 The zoning district needed to be  
3 identified on the application.

4 Any substantive comments from the public  
5 hearing should be addressed by the applicant.

6 CHAIRMAN BRAND: Thank you.

7 Any comments or questions from the Board?  
8 (No response.)

9 CHAIRMAN BRAND: No. Any comments --  
10 sorry.

11 MS. FLYNN: I have a comment. He did fill  
12 out the first page again stating that he's not  
13 going to use the attic and that it is an R-1. I do  
14 have that.

15 CHAIRMAN BRAND: Thank you.

16 This is a public hearing. If there are  
17 any interested parties who would like to speak  
18 either for or against this or ask questions of this  
19 proposal, please come up to the podium, state your  
20 name for the stenographer slowly and you'll be  
21 heard.

22 MS. FLYNN: Twenty-nine went out.

23 MS. SCHOONMAKER RIVERA: Good evening.  
24 My name is Judith Schoonmaker Rivera. My legal  
25 address here is 21 Michael Place.



1                   CHAIRMAN BRAND:   Just your name is fine.

2                   MS. SCHOONMAKER RIVERA:   Well, just so you  
3                   know when it was Old Post Road, it was 375.  I'm  
4                   just up from them.  Also, my property was one of  
5                   the original parcels from the Shady Brook Farm  
6                   Estate.  This is all family property to me and my  
7                   neighbor.

8                   I do know that they closed on this  
9                   property in March of 2021.  We received cinnamon  
10                  buns from them at the time.

11                  I also have looked at Airbnb on the  
12                  internet and found Shady Brook Farm, a big house,  
13                  Airbnb from almost day one.

14                  I have also heard from the real estate  
15                  agent that represented the manoshi's from whom they  
16                  purchased it, who happened to be Corrina Miller,  
17                  also the granddaughter of Mark Miller from Benmarl.  
18                  She knows Marlborough.  She knows the rules and  
19                  regulations.  She couldn't do anything else.  She  
20                  was under the impression that they bought this with  
21                  the intention of doing an Airbnb.  We are now how  
22                  many years later and we're trying to make it legal.

23                  When I went on the Airbnb website, there  
24                  was a little phrase -- just going back, this  
25                  property has multiple buildings.  There are many

1 dwellings. The main house or the big house, how  
2 ever, that's what we called it. The north cottage,  
3 the south cottage. It used to have a pavilion and  
4 it has a tool house.

5           There was a comment on there saying that  
6 what I would refer to as the north cottage was  
7 going to be reserved for the residence of the  
8 owners. However, it did state they would -- it was  
9 unlikely that they would be in residence during the  
10 time that their customers would be on the property.

11           I went on recently after I see they're  
12 coming here. You can't find anything on Airbnb.

13           I'm concerned that this is a big house,  
14 they rent it out for eleven to thirteen people.  
15 That's a lot of Airbnb folk. I have seen them  
16 occasionally up and down the road. I don't think  
17 it's been rented a lot, if you judge by the amount  
18 of trash in the County Waste trash bins. Now it's  
19 overloaded. Every once in a while it would be  
20 because they had guests. Other times there was  
21 almost nothing. There were no lights, there was  
22 nothing.

23           I would also like to ask how many other  
24 properties does this gentleman and his mother own,  
25 either individually or collectively, and if any of

1       these others are also used as Airbnbs anywhere in  
2       the country?

3               My daughter went on the internet and  
4       found a whole list of buying and selling.  There's  
5       also an address in New York City that looks like a  
6       primary address.

7               I am extremely concerned about the use of  
8       this property outside Marlborough's regulations.  I  
9       don't know what the property line change of use is  
10      involved other than I know they were looking for a  
11      license.

12              Also, the traffic on Old Post Road,  
13      whether it's augmented by them or their guests, is  
14      not getting better.  It is the primary bypass to  
15      9W.  I can't imagine the people in Roseton were  
16      very happy about it.  Waze tells you that's how to  
17      get through.  Anything that adds traffic to that  
18      road -- I come out of my driveway blindly.  It's  
19      really hard with a motorcycle to turn up the road.

20              This does need to be looked at really  
21      carefully before Marlborough gives it permission.

22              CHAIRMAN BRAND:  Thank you.

23              You can if you'd like to, but you don't  
24      have to.

25              MS. BERNHARDT:  I was going to ask her to

1       come over.

2                   CHAIRMAN BRAND:  Are there any other  
3       speakers here to speak for or against this this  
4       evening?  Questions?

5                   (No response.)

6                   MR. JENNISON:  I'll move to close the  
7       public hearing.

8                   MR. TRONCILLITO:  I'll second that.

9                   CHAIRMAN BRAND:  Is there any discussion?

10                  (No response.)

11                  CHAIRMAN BRAND:  Any objection?

12                  (No response.)

13                  CHAIRMAN BRAND:  We will close the public  
14       hearing.

15                  We did have the attorney authorize a  
16       resolution of approval.  There were some issues  
17       brought up by our last speaker.

18                  I will leave it to the Board, if you feel  
19       comfortable bringing up this resolution of approval  
20       at this time.

21                  MS. LANZETTA:  I didn't get it.  Was it  
22       just sent out today?

23                  MR. COMATOS:  It was sent out last week.

24                  MR. JENNISON:  Jen, did you send it out  
25       to everybody?

1 MS. FLYNN: I did.

2 CHAIRMAN BRAND: Do you want to hit the  
3 highlights of that for us, Jerry?

4 MR. COMATOS: On the face of things, the  
5 applicant meets the requirements of the code. What  
6 the speaker seemed to be questioning is whether, if  
7 granted approval, the applicant will comply with  
8 the code. I think this all boils down to a matter  
9 of compliance.

10 MR. GAROFALO: With regard to compliance,  
11 if the applicant does not comply and has too many  
12 people there, there may end up being complaints.  
13 If there are too many complaints, he may lose his  
14 permit. He has very good reason not to have too  
15 many guests there or have them wander around off  
16 the property because there might be complaints.  
17 I'm sure he does not want to lose his permit.

18 CHAIRMAN BRAND: Thank you.

19 MR. JENNISON: Jen, the only thing I've  
20 got is the November 22nd which was the updated  
21 application.

22 I move to approve the application.

23 CHAIRMAN BRAND: Okay. Board Member  
24 Jennison offered to approve the following  
25 resolution of approval for the application of

1 Mathew Bernhardt for a minor site plan approval for  
2 a short-term rental. Do I have a second?

3 MR. TRONCILLITO: I'll second.

4 CHAIRMAN BRAND: There was a second.

5 Jen, would you poll the Board, please?

6 MS. FLYNN: Chairman Brand.

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Lanzetta.

9 MS. LANZETTA: Yes.

10 MS. FLYNN: Member Lofaro.

11 MR. LOFARO: Yes.

12 MS. FLYNN: Member Callo.

13 MR. CALLO: Yes.

14 MS. FLYNN: Member Jennison.

15 MR. JENNISON: Yes.

16 MS. FLYNN: Member Garofalo.

17 MR. GAROFALO: Yes.

18 MS. FLYNN: Member Troncillito.

19 MR. TRONCILLITO: Yes.

20 CHAIRMAN BRAND: All right. You are all  
21 set. Thank you.

22

23 (Time noted: 7:15 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

---

MICHELLE CONERO





1                   CHAIRMAN BRAND: Next up we have Marlboro  
2                   Property Management for a public hearing of a  
3                   subdivision on Burma Road in Marlboro.

4                   "Legal notice. Please take notice a  
5                   public hearing will be held by the Marlborough  
6                   Planning Board pursuant to the State Environmental  
7                   Quality Review Act, or SEQRA, and the Town of  
8                   Marlborough Town Code Section 134-09 on Monday,  
9                   December 2, 2024 for the following application:  
10                  Marlborough Property Management, at the Town Hall,  
11                  21 Milton Turnpike, Milton, New York at 7 p.m. or  
12                  as soon thereafter as may be heard. The applicant  
13                  is seeking approval for a three-lot subdivision  
14                  application for lands located at Burma Road,  
15                  Marlboro, New York 12542, Section 108.3; Block 1;  
16                  Lot 21.132. Any interested parties either for or  
17                  against this proposal will have an opportunity to  
18                  be heard at this time. Chris Brand, Chairman."

19                  Pat, would you like to start us off with  
20                  your comments?

21                  While he's doing that, sir, could you  
22                  give the secretary the mailings that you sent out.

23                  MS. FLYNN: Twenty-five went out.

24                  MR. HINES: Our first comment states that  
25                  a common driveway access maintenance agreement will

1 be required for lots 2 and 3.

2 The building envelop should be revised  
3 based on the lot line changes being revised  
4 regarding the metes and bounds of the roadway by  
5 use.

6 Turnarounds or turnouts in compliance  
7 with the Fire Code for the shared driveway should  
8 be added.

9 Conceptual approval of the driveway  
10 locations by the highway superintendent.

11 We're looking for grading plans for the  
12 driveway and house sites to identify the limits of  
13 disturbance confirming that less than 1 acre of  
14 disturbance is proposed or a stormwater pollution  
15 prevention plan would be required.

16 CHAIRMAN BRAND: Thank you.

17 Comments or questions from the Board on  
18 this one?

19 (No response.)

20 CHAIRMAN BRAND: Is there anyone here  
21 tonight for the public hearing for the Marlborough  
22 Property Management public hearing? If so, please  
23 come up to the podium and just state your name for  
24 the stenographer.

25 MS. GARBELLANO: My name is Elissa

1 Garbellano.

2 CHAIRMAN BRAND: I'm sorry. Could you  
3 say that again?

4 MS. GARBELLANO: My name is Elissa  
5 Garbellano.

6 CHAIRMAN BRAND: Could you spell that for  
7 the stenographer?

8 MS. GARBELLANO: G-A-R-B-E-L-L-A-N-O.

9 I just have a couple questions about the  
10 property. My first question is regarding the  
11 zoning. If it is to be subdivided, what would it  
12 be zoned as? Right now I think it's RAG-1. Under  
13 my impression and what I read in the zoning was you  
14 have to have at least 3 acres to make it  
15 multi-family.

16 What you guys are building right now, I'm  
17 assuming, is a two-family home. If the other two  
18 are subdivided, are those going to be two-family  
19 homes as well? I'm just assuming it's a  
20 two-family.

21 MS. LANZETTA: This is not a duplex.

22 MR. HINES: These are all proposed to be  
23 single-family residences.

24 MR. MEAD: There's one two-family on the  
25 top and two two single-families on the bottom.

1 MS. GARBELLANO: Everything that I read  
2 on the application were single-family. It does  
3 appear to be a two-family that's there now. The  
4 regulations for two-family I could only find for  
5 R-1, not RAG-1. R-1 does require at least 3 acres.  
6 That lot is not 3 acres. That's concerning to me,  
7 one.

8 Would you like me to go on or wait?

9 CHAIRMAN BRAND: Keep going.

10 MS. GARBELLANO: My other concern is I  
11 just want to make sure it is successfully  
12 subdivided. I know you plan to put two houses on  
13 it if the drainage system for the water tables are  
14 addressed. Last year 10 Austin Way had  
15 construction, they built a new house, and 9 Austin  
16 Way had a river going through their property  
17 because drainage was not appropriately done. My  
18 property is 6 and I have extensive drainage  
19 throughout my property. You could hear a river  
20 going down through one of them that goes into a  
21 storm drain. I know that the distribution of  
22 buildings and putting three buildings back there is  
23 definitely going to affect it. It's overflowing as  
24 it is. I just hope, if you guys are able to, that  
25 you guys take into consideration the neighbors. We

1 already got screwed last time.

2 The multi-family is definitely concerning  
3 to me when it's not zoned for that.

4 Those are my questions.

5 CHAIRMAN BRAND: Thank you.

6 Is there anyone else that would like to  
7 -- please come on up and state your name for the  
8 stenographer slowly.

9 MR. SLADER: My name is Doug Slader and I  
10 live right next to the big lot. I don't have all  
11 sorts of information. I'm just tired of all this  
12 overbuilding. The place is getting like a zoo up  
13 there between the ATVs and four-wheelers and  
14 everything else riding up and down the road. All  
15 the noise is really out of hand.

16 Like the lady said, there's going to be  
17 two-family houses allowed there or one-family  
18 houses?

19 CHAIRMAN BRAND: We will definitely  
20 clarify that. I know that the engineer is going  
21 through the application as we speak, as is the  
22 attorney.

23 MR. SLADER: One they just put like a  
24 hundred feet away from me and it's a two-family.  
25 Since I've been up there they put like twelve

1       houses around me.

2               CHAIRMAN BRAND: Which one is the one  
3       you're referring to, sir?

4               MR. SLADER: I'm 20 Burma Road.

5               CHAIRMAN BRAND: Which is the one you're  
6       referring to you said they just put up and it's a  
7       two-family?

8               MR. SLADER: I don't know. It's right  
9       behind me.

10              CHAIRMAN BRAND: On which road?

11              MR. SLADER: Burma.

12              MR. JENNISON: Is that up there on the  
13       map, sir?

14              MR. SLADER: I'm sure it is, but --

15              CHAIRMAN BRAND: It's very hard to see.  
16       I'm sorry to interrupt you.

17              MR. SLADER: Is that it in the green?

18              CHAIRMAN BRAND: Yes.

19              MR. SLADER: That's the one.

20              CHAIRMAN BRAND: Okay. Anything else,  
21       Mr. Slader?

22              MR. SLADER: No. I'm just getting tired  
23       of all the overbuilding. It's like a development  
24       now. It used to be nice.

25              CHAIRMAN BRAND: Thank you.

1 MR. SLADER: That's all I've got.

2 CHAIRMAN BRAND: Thank you, sir.

3 Is there anyone else from the public that  
4 would like to address this?

5 (No response.)

6 CHAIRMAN BRAND: No.

7 Pat.

8 MR. HINES: This is the first indication  
9 we've had that they're two-family houses. The  
10 septic permit that I have for lot 1, the larger  
11 lot, states a single-family, four-bedroom. It does  
12 not state --

13 MR. MEAD: It's a four-bedroom, two-  
14 family.

15 MR. HINES: The two-family would need to  
16 show additional parking as required. There would  
17 have to be four parking spots provided for a two-  
18 family home. I would suggest that it be labeled on  
19 the maps as well that it's a two-family home. It  
20 is not right now. It just says house location.  
21 This is kind of news to me sitting here.

22 CHAIRMAN BRAND: All of us. Yeah.

23 MS. LANZETTA: Do they have the correct  
24 acreage for both the lots?

25 MR. HINES: I'm assuming lot 1, the

1 larger lot, is the proposed two-family. It has the  
2 acreage, but I haven't checked it out further than  
3 that. It just says proposed house. There's no  
4 indication that -- there's not four required  
5 parking spots. The septic permit just says single-  
6 family home. It doesn't say two-family four  
7 bedrooms or two bedrooms each.

8 CHAIRMAN BRAND: Would you like to  
9 address that for us and maybe provide some  
10 clarification as to why that wasn't clear?

11 MR. MEAD: Lot 1 was made -- was supposed  
12 to be for a two-family home. It's two bedrooms on  
13 each side. It's a four-family home. The Board of  
14 Health approved that for a four-bedroom home. It's  
15 just it's a two-family.

16 CHAIRMAN BRAND: I don't recall anything  
17 on the application that indicated it was a  
18 two-family.

19 MR. MEAD: That was on all of them. I  
20 have the updated maps with the easement for the  
21 electric. Central Hudson finally got back to us.  
22 A two-family is on lot 1 and a single-family home  
23 on lots 2 and 3.

24 MR. JENNISON: Was it on your  
25 application?



1 MR. MEAD: Yes, I believe so.

2 MR. HINES: No.

3 MR. JENNISON: It's only showing the one-  
4 family. I think that's why we're all confused here  
5 tonight. We were under the assumption that they  
6 were one-family homes.

7 MR. MEAD: It should have been on the  
8 application. I'm almost positive it was.

9 CHAIRMAN BRAND: Pat, this is going to  
10 require some additional review with the new  
11 information that we have from the public hearing.  
12 Should we hold the public hearing open until we  
13 have that clarification?

14 MR. JENNISON: I think we're going to  
15 hold it open until we get clarification.

16 CHAIRMAN BRAND: Would you be able to  
17 return on the 16th?

18 MR. MEAD: Yes.

19 CHAIRMAN BRAND: You'll have all that  
20 clarified and all that information in to Pat before  
21 December 6th?

22 MR. JENNISON: Before Friday.

23 MR. MEAD: Yes. You said you needed more  
24 parking spaces? Is that what you said?

25 MR. HINES: You need double the parking

1 spaces. You have to indicate four parking spaces  
2 for that lot.

3 We're going to need to see the grading  
4 for that. If it's over an acre disturbance total,  
5 there needs to be a stormwater pollution prevention  
6 plan.

7 CHAIRMAN BRAND: Pat, the other speaker  
8 questioned the zoning as far as the RAG zone.

9 MR. HINES: It remains that zone. It's  
10 just not a multi-family. Multi-family are three or  
11 more. This would be three new lots in the RAG  
12 zone.

13 MR. JENNISON: Which is an acceptable  
14 use?

15 MR. HINES: Yes. The two-family is a  
16 surprise to me.

17 MR. JENNISON: I move that we leave the  
18 public hearing open.

19 CHAIRMAN BRAND: Until December 16th.

20 MR. LOFARO: I'll second that.

21 CHAIRMAN BRAND: Any discussion?

22 (No response.)

23 CHAIRMAN BRAND: Any objection?

24 (No response.)

25 CHAIRMAN BRAND: We'll hold the public

1 hearing open until December 16th. We'll have  
2 clarification for the people that are here for  
3 that. If you would like to return on December 16th,  
4 there will be no additional mailings. We can have  
5 some answers to the questions that you brought up  
6 for that meeting. Thank you.

7 (Time noted: 7:27 p.m.)

8

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

10

11

12 I, MICHELLE CONERO, a Notary Public for and  
13 within the State of New York, do hereby certify:

14 That hereinbefore set forth is a true record of  
15 the proceedings.

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

20 IN WITNESS WHEREOF, I have hereunto set my hand  
21 this 9th day of December 2024.

22

23

24

25

*Michelle Conero*

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MICHELLE CONERO



1                   CHAIRMAN BRAND: Next on the agenda we  
2           have Highland Solar for a public hearing of their  
3           site plan at 206 Milton Turnpike in Milton.

4                   "Legal notice, site plan and special use  
5           permit application. Please take notice that a  
6           public hearing will be held by the Marlborough  
7           Planning Board pursuant to the Town of Marlborough  
8           Town Code Section 155-31(H) and 155-32(C) on  
9           Monday, December 2, 2024 for the following  
10          application: Highland 201 Solar, LLC, at the Town  
11          Hall, 21 Milton Turnpike, Milton, New York at  
12          7 p.m. or as soon thereafter as may be heard. The  
13          applicant is asking for site plan approval and a  
14          special use permit for a solar energy farm on lands  
15          located at 206 Milton Turnpike in Milton, New York,  
16          Section 95.4; Block 3; Lots 7.11, 7.21 and 7.22.  
17          Any interested parties either for or against the  
18          proposal will have an opportunity to be heard at  
19          this time. Chris Brand, Chairman."

20                   Pat, would you like to start off with  
21          your comments, please.

22                   MR. HINES: Sure. A decommissioning plan  
23          cost estimate is going to need to be submitted to  
24          the Town Board for approval for decommissioning  
25          security. That security should be in a form

1 acceptable to the Town and the Town Attorney.

2 Ulster County Planning issued comments.  
3 They did not have a quorum but they did issue  
4 comments that are nonbinding. I believe they have  
5 the ability to fix that tomorrow possibly. We may  
6 be receiving binding comments.

7 They did have comments regarding the  
8 visual analysis which should be addressed.

9 They did identify prime soils of  
10 statewide importance and noted that the Marlborough  
11 Code doesn't restrict solar siting on statewide  
12 important and prime soils.

13 The stormwater pollution prevention plan  
14 has been revised pursuant to my office's previous  
15 comments.

16 A series of gravel diaphragms and earthen  
17 level spreaders have been placed within the project  
18 at 100 foot or less intervals to maintain sheet  
19 flow.

20 The distance between the panels is equal  
21 to or greater than the panel width. These are all  
22 DEC requirements for stormwater with the solar  
23 panels.

24 Based on discussions with the Board, a  
25 dry detention basin has been included into the

1 plans. Between the level spreaders and the dry  
2 detention pond proposed, the project reduces  
3 post-development runoff below the pre-development  
4 rates.

5 Full soil restoration in the heavily  
6 trafficked areas will be required.

7 Any substantive comments received should  
8 be addressed.

9 CHAIRMAN BRAND: Thank you.

10 Comments or questions from the Board on  
11 this one? Cindy.

12 MS. LANZETTA: The County also commented  
13 on the need -- what they perceive as the need for  
14 the Town's stormwater inspector to conduct regular  
15 site visits and that they should be keeping a daily  
16 log.

17 I see that they updated their stormwater  
18 prevention plan.

19 I'm just wondering, what do we have in  
20 place for the Town when it comes to monitoring  
21 these plans and making sure that they are in  
22 compliance with the plans?

23 MR. HINES: They'll need a stormwater  
24 facilities maintenance agreement. That's one of  
25 our previous comments. That will have to be filed

1       for the long-term operation and maintenance. They  
2       will require coverage under the DEC's stormwater  
3       regulations as well as the Town's. Typically the  
4       Town requires a security for my office to do  
5       periodic inspections. They have to do one  
6       inspection per week as long as they are less than 5  
7       acres of disturbance. If they go over 5 acres of  
8       disturbance, they have to do two inspections a week  
9       by their environmental professional and then my  
10      office follows up. We get those reports submitted  
11      to my office for review and we then periodically --  
12      the Town, as a regulated MS-4, has a duty to  
13      periodically inspect during construction, and then  
14      the post-construction stormwater maintenance  
15      agreement kicks in where they have to provide an  
16      annual report.

17                   MS. LANZETTA: So you would be considered  
18      the Town's stormwater inspector?

19                   MR. HINES: That's not our title. I  
20      don't believe the Town has one of those. As  
21      representatives of the Town, my office performs  
22      that.

23                   MS. LANZETTA: Thank you.

24                   CHAIRMAN BRAND: Any additional comments  
25      or questions from the Board?



1                   MR. GAROFALO: Yes. Some quick ones. In  
2                   the future, don't put in the reports the latest  
3                   reference, put the date, because in five years  
4                   someone may need to go back and look at the date  
5                   and figure it out. Put the actual date of the  
6                   source documents.

7                   I don't know, is it the fire department  
8                   who will want to have the access reduced to 16 feet  
9                   as we have in other instances or whether they want  
10                  to keep the 20-foot access drive?

11                  At one place it was mentioned you're  
12                  going to strip the pavement. I was wondering why  
13                  you want to do that and not just leave it intact?

14                  MS. ZOLEZI: I'm not sure where that's  
15                  referenced, but we're not disturbing the pavement  
16                  out there. There's existing gravel over top of  
17                  pavement that we're going to just top to  
18                  accommodate the WB-67s coming in during  
19                  construction. That's the intention.

20                  MR. GAROFALO: Thank you.

21                  MR. CUNHA: Regarding fire access, we did  
22                  speak to the fire chief. We will forward on his  
23                  confirmation that he's good with the site plan  
24                  access.

25                  MR. GAROFALO: Thank you.

1                   MS. LANZETTA: I just wanted to again  
2 address a couple of things that the County had  
3 mentioned. Just to bring to the Board's attention,  
4 they had recommended berming and additional  
5 landscaping in terms of visual impact. I know  
6 we've discussed this quite a bit. I think we've  
7 come to quite a bit of satisfaction with the  
8 landscaping and the attempts to improve the visual  
9 impact. We've been pretty happy with what we've  
10 come to as far as between the neighbors and the  
11 applicant.

12                   The other thing about the prime soils, I  
13 know Ulster County has brought that up a number of  
14 times. I don't know about the rest of the Board,  
15 but we have a number of agricultural properties  
16 that have come before us to have solar put on.  
17 These are pieces that, for whatever reasons, the  
18 farmers don't feel that they want to farm anymore.  
19 I personally think it's better to have the solar  
20 put there because that's basically a twenty-year  
21 commitment to, in a sense, preserve those soils  
22 while the solar panels are there and bringing  
23 income into the farmer. There's always the  
24 opportunity, at a later date, for the farmer to be  
25 able to reuse that property again for agricultural

1 purposes as opposed to if he's not able to farm it  
2 now, selling it and it becomes a huge subdivision  
3 and we lose it ultimately. I understand why Ulster  
4 County is concerned about preserving soils. I  
5 think, in an odd sort of way, putting solar on  
6 these soils is a way of preserving it.

7 CHAIRMAN BRAND: Is there anyone here  
8 from the public for this application?

9 Just before you come up, I'm going to  
10 have them provide an overview of the project so  
11 that everybody is familiar. You can come up while  
12 he's doing that.

13 If you could just provide a brief  
14 overview of the project so everybody knows what  
15 we're talking about.

16 MR. CUNHA: Good evening. My name is  
17 Nick Cunha. I'm here on behalf of Carson Power,  
18 developing the Highland Solar project.

19 It's a 4.1 megawatt AC, just under 7  
20 megawatt DC ground-mounted community solar project,  
21 again noted on 206 Milton Turnpike. We're here for  
22 a site plan and special use permit approval.

23 The system will be a fixed tilt racking  
24 system as opposed to the trackers that you can  
25 sometimes see. The system will be fixed in its

1 position.

2 Its area of use, as stipulated in the  
3 code for large solar energy systems in an RAG-1  
4 District, its area of use is less than 20 acres.  
5 Roughly 16.75 acres is what we're looking at right  
6 now.

7 The project is located on the eastern  
8 side of the property, as you can note on the site  
9 plan that's shown.

10 The western side will remain in use, as  
11 far as we understand, for agricultural purposes.

12 There's a commercial building on the  
13 western side as well that the landowner uses for  
14 contracting purposes. Those uses will remain  
15 intact.

16 On the eastern side the proposed use will  
17 be solar as shown.

18 We have been in front of the Board a few  
19 times over the last few months. We have addressed  
20 most, if not all, of the engineering and the  
21 Board's concerns.

22 The two notable changes that we have made  
23 is that we have removed battery energy storage  
24 systems from this project. That's often a concern  
25 in the Hudson Valley. We will not be having a

1 battery system on this project.

2 In addition, stormwater came up as a  
3 concern. As the town engineer noted a minute ago,  
4 we've added several features, including an  
5 additional basin to further reduce the post-  
6 construction stormwater runoff after the project  
7 will be built.

8 From a construction standpoint, we're  
9 planning to phase the project in 5-acre increments.  
10 Just for the public's awareness, that means there  
11 is -- construction starts and then site work and  
12 stabilization occurs in a 5-acre increment as the  
13 project gets built out. So disturb 5 acres,  
14 stabilize it and move on to the next phase. That's  
15 mostly to deal with erosion that occurs after you  
16 disturb soil during construction. To mitigate  
17 that, we're constructing in phases.

18 We have discussed the project with the  
19 fire safety personnel and they have issued us an  
20 approval on the project and noted the access should  
21 be sufficient. I will forward that letter on to  
22 the Board.

23 From a production standpoint, the project  
24 is 4 megawatt AC. Roughly that's about 600 homes  
25 worth of energy onto Central Hudson's distribution

1 grid. It's a community solar project, so similar  
2 to the Marlboro solar project that's also on Milton  
3 Turnpike. I believe it's just northeast of this  
4 project. The project will also be owned by Nexamp  
5 which is the owner and operator of the other  
6 project.

7 Community solar usually stipulates that  
8 you, as a neighbor or member of the public, Central  
9 Hudson will take a discount off your bill based on  
10 the energy that this provides. You'll receive a  
11 mailer, when and if this project is constructed and  
12 operational, that will allow you to opt into  
13 getting an energy discount from the project.

14 As noted, we did submit visual simulations.  
15 Based on the topography of the site, it will be  
16 visible, but we're doing our best to screen it as  
17 much as possible. We've submitted visual  
18 simulations to the Board to that effect. We're  
19 happy to follow up with any neighbors or community  
20 members that would like to see those.

21 Otherwise, from a species standpoint  
22 we've conducted surveys at the State and Federal  
23 level for endangered species. The two species that  
24 were flagged were bats and Bog Turtles. To address  
25 bats we'll be doing winter tree clearing. Most of

1       this parcel is already cleared, but there are some  
2       trees in the middle that we may need to clear. To  
3       mitigate any disturbance to the roosting season  
4       for those bats, we'll be doing winter tree  
5       clearing. To address the Bog Turtles that were  
6       identified -- basically the first phase is you have  
7       a survey that has online data. If a species gets  
8       flagged, you conduct further surveys. We have  
9       done that and confirmed there is no presence of a  
10      Bog Turtle on site. We have been issued a letter  
11      of no effect from the agencies involved with  
12      monitoring endangered species.

13               As noted earlier in this meeting as  
14      well, the site is planned to be a twenty-five year  
15      lease with the landowner. There are options to  
16      extend, I believe up to forty years, after which  
17      there will be a complete decommissioning of the  
18      site and restoration of the site and for which we  
19      intend on posting a bond to cover that work so in  
20      the unfortunate event that Carson Power and/or  
21      Nexamp is not around in thirty years, money has  
22      been set aside to cover that decommissioning cost  
23      so it's not at the behest of the Town to do so  
24      financially.

25               CHAIRMAN BRAND: Thank you. That's

1           good.

2                       Sir, if you can just state your name for  
3       The stenographer.

4                       MR. MARQUIS: My name is Timothy Marquis.  
5       My wife and I live at 194 Milton Turnpike. We're  
6       on the south end of this application.

7                       I have yet to see a map on this. I  
8       looked online today. I'd like to be able to see a  
9       map and see where these panels are in relation to  
10      my house.

11                      CHAIRMAN BRAND: Do you have the map?

12                      MR. CUNHA: That's the best --

13                      MR. MARQUIS: You have to have something  
14      better than that.

15                      CHAIRMAN BRAND: We have one. There you  
16      go. If you want, sir, you can open it up right on  
17      the table where the applicant is, that way if other  
18      people want to look at it as well.

19                      MR. CUNHA: Milton Turnpike is on this  
20      side right here.

21                      MR. HINES: The barn is right there.

22                      MR. MARQUIS: So this is my house right  
23      here. It's really not very clear. Here I am. It  
24      says I'm 3.

25                      What would you estimate to be the closest



1 solar panels to my house?

2 MR. CUNHA: As it stands right now --

3 MR. HINES: Each is 120 feet. Here's the  
4 fence. Here's the panels.

5 MR. MARQUIS: So we have more than 120  
6 feet here. We have that whole lot.

7 MR. HINES: 240 feet.

8 MR. MARQUIS: I'm good with that. Is  
9 this where you guys are going to be hooking into  
10 Central Hudson?

11 MR. CUNHA: No. That is an existing.  
12 Central Hudson will be right along the road here.

13 MR. MARQUIS: Right along Roberts'  
14 driveway. Got it. Very good. That answered a lot  
15 of my questions.

16 The other question I had was in regards  
17 to this fence. Are you guys going to be providing  
18 any kind of a visual buffer?

19 MR. CUNHA: There will be screening. I  
20 can give you my card when I leave here and I can  
21 forward on the visual. It's basically a simulation  
22 of what the screening will look like after the  
23 project is --

24 MR. MARQUIS: Will there be any trees?

25 MR. CUNHA: Yeah, we're planting trees. I

1       forget the height, but there's going to be trees  
2       all along the fence.

3               MR. MARQUIS: I have concerns about the  
4       trees. This is a County road, very noisy. That's  
5       the downside of my property. The upside of my  
6       property is the view I have from here. What I want  
7       to avoid is you guys planting trees -- I had no  
8       control over what happened at Custom Compost across  
9       the street. The trees were sixty or seventy feet  
10      and those people lost all of their view. They  
11      needed trees ten feet high. I don't want to lose  
12      my view. If there's going to be trees for a  
13      buffer, I would prefer they be on my property.  
14      When they get above where your solar panels are, I  
15      can keep them topped out, keep them nice, and I can  
16      still see above your stuff and have a view from my  
17      house so I don't devalue totally.

18             MR. CUNHA: That totally makes sense.  
19      I'll give you my contact info before we leave  
20      tonight.

21             MR. MARQUIS: Can we get something in  
22      writing?

23             MR. JENNISON: We didn't hear what you  
24      said at all.

25             MR. MARQUIS: You didn't hear anything?

1 MR. JENNISON: No.

2 MR. MARQUIS: You should have spoke up  
3 sooner.

4 MS. LANZETTA: Just raise the question  
5 and then you can negotiate later.

6 MR. MARQUIS: My questions were in  
7 regards to, one, the buffer. He said he's going to  
8 send me some stuff for the visual stuff and the  
9 fence. That's fine.

10 As far as the trees go, my comment was  
11 that at Custom Compost, when they did that  
12 application years ago, they suggested to use  
13 Poplars for a visual barrier for the people that  
14 lived on Milton Turnpike. The trees have grown  
15 beyond what those people needed for a buffer and  
16 now they've lost their entire view. I don't know  
17 if you're familiar with the property. From my  
18 house I can see a tremendous view up there. It's  
19 unbelievable, the view that I have. I don't want  
20 this gentleman to plant trees, then I lose my  
21 entire view. That's important. That was one of  
22 the things.

23 MR. CUNHA: She did confirm they were  
24 eight to twelve-foot evergreens. I totally  
25 understand your point and I'm happy to work with

1       you.

2                   MR. MARQUIS:  You're willing to put them  
3       on my property?

4                   MR. CUNHA:  That's something we can work  
5       through.

6                   MR. MARQUIS:  That's a yes?

7                   MR. CUNHA:  We'll have to hash it out.

8                   MR. MARQUIS:  Can that be written in so  
9       it has to be done that way?

10                  MS. LANZETTA:  It will be in the minutes.

11                  CHAIRMAN BRAND:  It will be in the  
12       minutes that that was requested.

13                  MR. MARQUIS:  Fine.  Okay.

14                  I'd like to ask a question.  I don't know  
15       if it's relevant to you guys approving the  
16       application or not.  I would like to know and for  
17       the public to know what percentage of this property  
18       is paid for by taxpayers?

19                  MR. CUNHA:  This is part of NYSERDA's  
20       community solar.

21                  MR. MARQUIS:  Correct.  That's taxpayers'  
22       money.  What percent are we paying and what percent  
23       are you paying to make this happen?

24                  MR. CUNHA:  I don't have those numbers.

25                  MR. MARQUIS:  I'd like to have those

1 numbers because I think they're big. I think we  
2 pay a significant percent of what these projects  
3 cost.

4 I'd like to ask the Board, in regards to  
5 that being said, what are the benefits to the  
6 community from this project? They're going to come  
7 in and do their thing. There are no permanent jobs  
8 here. There is no increase -- Kirky's Deli isn't  
9 going to be seeing anybody coming in to buy stuff,  
10 or Frida's for lunch. The taxes aren't going to  
11 increase on our property because it's a solar farm.  
12 It's going to stay the same as it always was. As  
13 far as I'm concerned, all the taxpayer dollars  
14 going into this project are not benefiting our  
15 community at all. There is no up side for us other  
16 than what he mentioned with the program where you  
17 can sign on and be part of a group of people who  
18 get a reduction in their electric bill. The  
19 reduction in the electric bill, from what I've  
20 seen, is up to ten percent, which seems good. The  
21 problem being, it's ten percent of one-third of  
22 your bill. Two-thirds of your electric bill are  
23 delivery charges. Those will not be reduced. The  
24 electric consumption, which is about a third, will  
25 be reduced by whatever the percentage, depending on

1       how many people are drawing and all the parameters  
2       they have to go by. If you have a \$100 electric  
3       bill a month, \$30 of it will be considered for a  
4       rebate or for a reduction. If you're getting five  
5       percent off on your \$30, you've got \$1.50. Over  
6       the course of the year you probably accumulate  
7       enough money to buy three cups of coffee at  
8       Starbucks. It's really not a big incentive, in my  
9       opinion, to have people say this is wonderful,  
10      let's do this.

11               There are some things I have concerns  
12      for. One of them is the amount of money that we,  
13      as taxpayers, are investing and what is our return  
14      on the investment? This thing, after twelve,  
15      thirteen years when it pays itself off and this  
16      company that this gentleman represents starts to  
17      make money, will the taxpayers get any of their  
18      money back that we invested or is this a dead-end  
19      street for us? This is a question. I don't know  
20      the answer. He may know the answer. Just a  
21      thought.

22               I have concerns about the glare from the  
23      project. My house sits on the south end. I look  
24      down at everything this company is going to do.  
25      With the change in the height of the sun in the

1 winter and summer and the angle that the panels are  
2 set at, some are lower than me, some are higher  
3 than me. I have worked on projects where the solar  
4 glare coming off of rooftops is blinding. There is  
5 nothing you're going to do. You're not going to  
6 look at it. You have to look away from it.

7 I'm concerned about noise from the  
8 inverters. Is anything going to be done about  
9 that? Is there going to be any kind of a buffer on  
10 inverters at all or do I have to listen to  
11 something -- I noticed in the one application for  
12 solar on another property, that the engineers  
13 stated that there's nothing specific in the code  
14 about the decibel rating for solar, it is just  
15 whatever is normal. I believe it's 55 between the  
16 hours of 10 and 7 in the morning and 65 decibels  
17 during the daytime. If I have a constant noise at  
18 my house of 65 decibels or less all day every day,  
19 I think I'm going to go insane. I don't think I'd  
20 like to live like that.

21 I have concerns about electromagnetic  
22 radiation coming off the panels. Everything I read  
23 says you're supposed to be 500 meters away from  
24 anybody's house. Some places say a half mile. The  
25 World Health Organization says over a mile to

1 residential stuff. There are a lot of questions I  
2 have.

3 November 15th was when we got our  
4 certified letter to come here for this meeting. I  
5 haven't seen any of the plans. I looked on the  
6 website and I couldn't find anything in regards to  
7 that map. That's the first time I've ever seen  
8 that map. I'm pleased by it because it's not a  
9 picture that I saw where the panels were very close  
10 to my house, like right up to the property line.  
11 I'm happy that it's not like that.

12 I have these questions. I don't know  
13 what the answers are, if I'm going to get answers  
14 on the glare and some of the other stuff.

15 CHAIRMAN BRAND: Did you want to address  
16 the glare or the noise from the inverters or  
17 electromagnetic radiation?

18 MR. CUNHA: Starting with the glare.  
19 These will be anti-glare panels. We did do a glare  
20 study that incorporated the system we're building  
21 and identified sensitive locations. I believe all  
22 the houses on Milton Turnpike were included, so I'm  
23 happy to share that.

24 MR. MARQUIS: Do you know where my house  
25 is? The house I'm talking about?



1                   MR. CUNHA: The box right here.

2                   MR. MARQUIS: The white one that you can  
3 see from every solar panel you're going to put  
4 there.

5                   MR. CUNHA: The panels have come a long  
6 way. There is anti-glare coating on these panels.  
7 The positioning of these panels, too, would further  
8 underscore the fact that you shouldn't have a glare  
9 issue. Don't take it from my mouth. We had a  
10 glare study done to support that. I'm happy to  
11 share that.

12                  MR. MARQUIS: That was submitted to the  
13 Board?

14                  MR. CUNHA: Yes.

15                  MR. MARQUIS: I would have like to have  
16 been here for the first couple of meetings so I  
17 wouldn't have to be up here asking questions that  
18 you probably answered already.

19                  MR. GAROFALO: All of the material that  
20 we see, for the most part, is put on the website.

21                  MR. MARQUIS: I was on it tonight. I'm  
22 not that computer literate. I like paper.

23                  MR. GAROFALO: It's under the Planning  
24 Board. You can go through and see all the  
25 different projects, including this one.

1                   MR. CUNHA: Regarding the inverter noise,  
2 we've done studies in the past that underscore  
3 this. I can look to see if I have any point  
4 reference here. The only inverters are not close  
5 to your house. They're way up in the middle of the  
6 site. I believe at the distance that those are to  
7 your house -- I can provide you information. I'll  
8 put on the record that the decibel from the  
9 inverters, which have also come a long way, should  
10 not be of concern from a noise standpoint.

11                   The electromagnetic point, I have been  
12 peppered with that research before. That's often  
13 used to counter solar. I will say there's ample  
14 research going to the contrary of that. I'm not a  
15 scientist, but I am happy to provide you  
16 information to the contrary.

17                   MR. MARQUIS: I see there's a lot of  
18 information out there and studies have been done.  
19 I question the motivation of the people who did the  
20 studies. Who paid them to do it? That's the  
21 question.

22                   MR. CUNHA: That's always a question.

23                   MR. MARQUIS: There's not a lot of  
24 anti-solar people out there doing studies on this  
25 stuff. Whoever funds the study generally gets

1       favorable results.

2                   CHAIRMAN BRAND:   Thank you.   Is there  
3       anything else?

4                   MR. MARQUIS:   Am I done?

5                   CHAIRMAN BRAND:   Yes.   Unless you have  
6       other specific questions.   We have three minutes,  
7       pretty much.

8                   MR. MARQUIS:   Okay.

9                   CHAIRMAN BRAND:   Thank you.  
10                  Are there any other comments or  
11       questions?   Please come up and state your name for  
12       the stenographer.

13                  MS. SIMONOFSKY:   Good evening.   My name  
14       is Mici Simonofsky, Marlboro, New York.   I just  
15       have a general observation and comment.   We've  
16       heard three out of the five public hearings and it  
17       seems to me that it would behoove everybody -- it  
18       would be to the benefit of everybody if the public  
19       actually had an opportunity to comment before  
20       you're ready to give a final resolution, as  
21       happened in the first public hearing.   I think a  
22       lot of questions and concerns, as Mr. Marquis  
23       brought up, could have been addressed early on and  
24       it would have saved the Board a lot of time, it  
25       would have given him some relief and it would have

1       given the applicant lots of time to possibly make  
2       changes on the plan. Your approval would have been  
3       much easier done.

4               The second thing I would like to say is,  
5       as a member of Marlborough Conservation Advisory  
6       Committee, there are a lot of environmental issues  
7       that I've heard discussed. I don't come to  
8       Planning Board meetings on a regular basis, but I  
9       am concerned that the Conservation Advisory  
10      Committee should probably have much more  
11      opportunity to look at some of these issues ahead  
12      of time, just so that we can fulfill our duty to  
13      advise the Town Board when it's necessary.

14             One of the things that I heard tonight  
15      was the possibility of how to enforce code  
16      enforcement and compliance. Perhaps that would be  
17      under the CAC's purview to help make recommendations  
18      if there's anything that comes before the Planning  
19      Board that has any kind of environmental issue.  
20      There are so many things that keep coming up in our  
21      CAC, watershed, environmental, drainage. The ridge  
22      line gave us a huge opportunity to talk about what  
23      was going on in our Town. I would appreciate, as a  
24      member of the CAC, being informed earlier on so  
25      that we can make any comments that might be to your

1           help.

2                   Thank you very much.

3                   CHAIRMAN BRAND:   Thank you.

4                   Is there anyone else this evening?

5                   (No response.)

6                   CHAIRMAN BRAND:   No.

7                   MR. JENNISON:   I move to close the public  
8           hearing.

9                   CHAIRMAN BRAND:   A motion to close it.  
10          Is there a second?

11                   MR. CALLO:    Second.

12                   CHAIRMAN BRAND:   Any discussion?

13                   (No response.)

14                   CHAIRMAN BRAND:   Any objection?

15                   (No response.)

16                   CHAIRMAN BRAND:   We can close the public  
17          hearing.

18                   MR. GAROFALO:   Mr. Chairman, I have two  
19          brief comments.

20                   CHAIRMAN BRAND:   Go ahead, Mr. Garofalo.

21                   MR. GAROFALO:   On your plan LP-501, under  
22          the lawn maintenance, the last sentence says, "If  
23          weeds are still present, refer to the supplier  
24          recommendations for preferred treatment methods."  
25          Here again, I am concerned about herbicides and

1 insecticides because of the nature of the owner of  
2 the property. I would like to make it very clear  
3 that if that is a problem to the owner, that that  
4 is reflected in the plans so that they will not  
5 treat it based on this comment.

6 Also, under the general landscape  
7 planting notes, I would like you to again put the  
8 identifier as to which of the trees are native  
9 trees so that if there are substitutions, it will  
10 be clear that you have a native tree substituted in  
11 for one that you can't seem to find and want to  
12 substitute.

13 Thank you.

14 CHAIRMAN BRAND: Thank you, Mr. Garofalo.

15 MS. ZOLEZI: Quickly, all the trees  
16 specified are native to the northeast. I asked my  
17 landscape architect that. They're all native.  
18 That's all we specify is native plantings. If  
19 there's a substitution, then the substitution can  
20 be made, but it would need to be approved and  
21 reviewed by our landscape architect, which is  
22 typically handled during construction. We've had  
23 that issue come up, that they couldn't get a tree  
24 during construction.

25 MR. GAROFALO: I think one of the

1       important things is you can say that, but put it on  
2       the plan.   Okay.

3               MS. ZOLEZI:   I believe it's probably on  
4       the plan somewhere in a note.   I can check.

5               MR. GAROFALO:   Thank you.

6               MS. ZOLEZI:   I can have them add a note.

7               CHAIRMAN BRAND:   Thank you.

8               (Time noted:   7:57 p.m.)

9

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

11

12               I, MICHELLE CONERO, a Notary Public for and  
13       within the State of New York, do hereby certify:

14               That hereinbefore set forth is a true record of  
15       the proceedings.

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

20               IN WITNESS WHEREOF, I have hereunto set my hand  
21       this 9th day of December 2024.

22

23

24

25

*Michelle Conero*

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MICHELLE CONERO

4 BUTTERMILK FALLS RESORT HOTEL  
5 Project No. 23-1019  
220 North Road, Milton  
6 Section 103.1; Block 2; Lot Multiple  
7 - - - - - X

10 Date: December 2, 2024  
Time: 7:57 p.m.  
11 Place: Town of Marlborough  
Town Hall  
12 21 Milton Turnpike  
Milton, NY 12547

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

18 ALSO PRESENT: GERARD COMATOS, ESQ.  
19 PATRICK HINES  
JEN FLYNN

21 APPLICANT'S REPRESENTATIVES: BARRY MEDENBACH  
MICHAEL MORIELLO  
22 ROBERT POLLOCK

23 ----- X  
24 MICHELLE L. CONERO  
25 Stenographer  
michelleconero@hotmail.com



1                   CHAIRMAN BRAND: Next on the agenda we  
2           have Buttermilk Falls Resort Hotel at 220 North  
3           Road in Milton.

4                   "Legal notice, lot line change, site plan  
5           and special use permit approval. Please take  
6           notice a public hearing will be held by the  
7           Marlborough Planning Board pursuant to the Town of  
8           Marlborough Town Code Section 134-9 and Section  
9           155-31 and Section 155-32 on Monday, December 2,  
10          2024 for the following application: Buttermilk  
11          Falls Resort Hotel Expansion, at the Town Hall, 21  
12          Milton Turnpike, Milton, New York at 7 p.m. or as  
13          soon thereafter as may be heard. The applicant is  
14          asking for approval of lot line changes, site plan  
15          approval and special use permit for a 63-room hotel  
16          with 36 cabins, a 60-seat restaurant and a 300-seat  
17          banquet hall, workforce housing and related  
18          accessories and service buildings on lands located  
19          at 220 North Road, Milton, New York, Section-Block-  
20          Lot numbers 103.1-2-12.100, 103.1-2-12.200,  
21          103.1-2-13, 103.1-2-11.200, 103.1-2-10,  
22          103.1-2-11.100, 103.1-2-12.1, 103.1-2-75,  
23          103.1-2-71 and 103.1-2-72. The applicants are 220  
24          North Road, LLC and Robert Pollock, as landowners,  
25          as well as incorporating lands owned by 99 South

1       Elliot Place, LLC and Chernobyl Power & light, LLC.  
2       SEQRA review for the project has been completed.  
3       Any interested parties either for or against this  
4       proposal will have an opportunity to be heard at  
5       this time. Chris Brand, Chairman."

6               Pat, would you like to start off with your  
7       comments?

8               MR. HINES: Our first comment just  
9       identifies that this Board, as lead agency,  
10      previously issued a negative declaration.

11              This is a second public hearing that is  
12      being held after that negative declaration has been  
13      adopted.

14              Previous comments at the public hearing  
15      were regarding access at the Van Orden Road access  
16      point which was clarified during the previous  
17      public hearing as being a gated emergency access.

18              The project is proposed to be served by  
19      onsite septic systems. Approval from Ulster County  
20      and the DEC for those systems is required.

21              A traffic report has been reviewed by the  
22      Town's traffic consultant.

23              The Planning Board Members previously  
24      requested additional way-finding signs be added to  
25      the plan sheets so that clients of the site, as

1 well as any emergency responders, can locate the  
2 various facilities.

3 A stormwater facilities maintenance  
4 agreement will be required for the long-term  
5 operation and maintenance of the stormwater  
6 management facilities.

7 Stormwater inspection fees should be  
8 required for periodic evaluations by the Town of  
9 Marlborough during construction.

10 We note the Planning Board reviewed visual  
11 simulations of the project from numerous vantage  
12 points, including on the east side of the Hudson  
13 River. Any substantive comments received should be  
14 addressed by the applicant's representative.

15 CHAIRMAN BRAND: Thank you.

16 Comments or questions from the Board?  
17 Cindy.

18 MS. LANZETTA: I just wanted to know,  
19 would the inspection fee be part of that facilities  
20 maintenance agreement?

21 MR. HINES: It will be part of the  
22 approval resolution, separate and apart from that.  
23 Those will both be required. Your stormwater code  
24 has provisions for that.

25 CHAIRMAN BRAND: Any other comments or

1 questions from the Board?

2 MR. GAROFALO: Yes. I have just two  
3 comments that I want to make sure are not  
4 forgotten.

5 One is the question of the structure in  
6 the front yard, the gatehouse.

7 The second is the need for Town approval  
8 for signage to Route 9W southbound at Main Street  
9 and Milton Turnpike.

10 Thank you.

11 CHAIRMAN BRAND: Would you like to give us  
12 a brief overview?

13 Raise your hand if you're here for this  
14 public hearing this evening.

15 (No response.)

16 CHAIRMAN BRAND: There's no one here for  
17 this public hearing.

18 Okay. Mr. Pollock.

19 MR. POLLOCK: I own the property on Milton  
20 Turnpike and 9W on the south side of the street,  
21 James. I don't know if you know.

22 MR. GAROFALO: Yes. I was here when we  
23 reviewed it.

24 MR. POLLOCK: Okay.

25 MR. GAROFALO: It needs Town approval.

1 MR. POLLOCK: I got it. Thank you.

2 CHAIRMAN BRAND: I'll ask one more time if  
3 there's anyone here to speak or ask questions about  
4 this project at this time?

5 (No response.)

6 MS. FLYNN: Forty went out.

7 MR. JENNISON: I move to close the public  
8 hearing.

9 MR. CALLO: I'll second that.

10 CHAIRMAN BRAND: Any discussion?

11 (No response.)

12 CHAIRMAN BRAND: Any objection?

13 (No response.)

14 CHAIRMAN BRAND: All right.

15 MR. MEDENBACH: Thank you.

16 MR. MORIELLO: Mr. Chairman, I'm Michael  
17 Moriello.

18 CHAIRMAN BRAND: Mr. Moriello.

19 MR. MORIELLO: We have a draft resolution  
20 of approval which we submitted on November 15th. I  
21 just want to let the Board know that we've  
22 incorporated all of the changes to that document  
23 that were suggested by Counselor Comatos and by Pat  
24 Hines. There's a red line version for you with  
25 those changes and then there's the final black line

1 versions. We were hoping that there would be a  
2 vote on that tonight if possible, but I didn't want  
3 to be presumptuous.

4 CHAIRMAN BRAND: We don't have that. We  
5 don't have that prepared for this meeting tonight.

6 Jerry, do you have a comment or input on  
7 that?

8 MR. COMATOS: No. Everything that  
9 Mr. Moriello said is accurate. We did review the  
10 draft resolution. As he said, we made comments and  
11 he incorporated all of our proposed changes into  
12 the document. We're satisfied with the document.  
13 I'm not sure that it's been vetted by you and  
14 whether it reflects any comments that have been  
15 made tonight.

16 MS. LANZETTA: Can you circulate that to  
17 us and we can have it on the agenda -- the next  
18 agenda?

19 MR. COMATOS: Yes.

20 MR. GAROFALO: I guess my other question  
21 is, besides the way-finding signage, were all of  
22 the other comments from the traffic consultant  
23 addressed?

24 MR. MEDENBACH: I didn't quite hear what  
25 you were saying.

1                   MR. GAROFALO: The traffic consultant  
2                   provided us with a series of other comments,  
3                   recommendations. I believe you got a copy of that.  
4                   To the extent possible, I think the public would  
5                   like to have those addressed.

6                   MR. MEDENBACH: We addressed them all. In  
7                   fact, we put a separate plan together just for  
8                   signage with the last submission. Maybe you didn't  
9                   see that yet. I believe we addressed all of the  
10                  comments that yourself and Creighton Manning came  
11                  up with, interior directional signs, we labeled the  
12                  roads. It's all in there. It's one of the new  
13                  sheets we added to the set of plans.

14                 CHAIRMAN BRAND: Could you just resend  
15                  that to us and then we'll recirculate that as well?

16                 MR. MEDENBACH: I did send a letter  
17                  commenting on that a couple weeks ago.

18                 CHAIRMAN BRAND: More than the site  
19                  details indicated on the maps? Was there more than  
20                  that?

21                 MR. MEDENBACH: I'll tell you in a second  
22                  the date of that. I think Pat received it.

23                  Did you receive my responses?

24                 MR. HINES: We did receive it.

25                 MR. MEDENBACH: There were a few things we

1 submitted in that letter which I'm not able to find  
2 right now. We addressed all of the comments that  
3 were in Creighton Manning's letter and the last two  
4 letters that Pat put together. I believe we  
5 addressed everything.

6 CHAIRMAN BRAND: Okay. We'll have Jen  
7 recirculate those to the Board for the next meeting  
8 for the resolution of approval.

9 MR. POLLOCK: Thank you.

10 CHAIRMAN BRAND: Thank you.

11 MR. POLLOCK: When is the next meeting?

12 CHAIRMAN BRAND: December 16th I believe.  
13 Have a good night.

14

15 (Time noted: 8:07 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

---

MICHELLE CONERO

1           STATE OF NEW YORK : COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

3

4

SUMMIT DRIVE PROPERTIES

5

Project No. 23-1004

6

Summit Drive, Marlboro

Section 108.4; Block 6; Lot 29.311

7

8 - - - - - X

9

PUBLIC HEARING - SITE PLAN

10

Date: December 2, 2024

11

Time: 8:07 p.m.

Place: Town of Marlborough

12

Town Hall

21 Milton Turnpike

13

Milton, NY 12547

14

BOARD MEMBERS: CHRIS BRAND, Chairman

15

FRED CALLO

JAMES GAROFALO

16

STEVE JENNISON

CINDY LANZETTA

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JOSEPH LOFARO

BOB TRONCILLITO

18

19 ALSO PRESENT: GERARD COMATOS, ESQ.

PATRICK HINES

20

JEN FLYNN

21

APPLICANT'S REPRESENTATIVE: (NO APPEARANCE)

22

23 - - - - - X

MICHELLE L. CONERO

24

Stenographer

michelleconero@hotmail.com

25

1                   CHAIRMAN BRAND: Next we have Summit Drive  
2 Properties for a continuation of their public  
3 hearing of the site plan at Summit Drive in  
4 Marlboro.

5                   Pat, you have extensive comments on that  
6 one. Would you like to review them for us, please.

7                   MR. HINES: We had a rather long public  
8 hearing on this previously. In response to.  
9 Mr. Garofalo's comments, my first comment has to do  
10 With the number of one and two-family dwellings on a  
11 roadway. I cited the section of the Fire Code  
12 Appendix D. It's a little unique because this  
13 project is not a one or a two-family home.  
14 Basically thirty dwelling units on a single public  
15 road are permitted. Single family. Based on a  
16 review of this section of the code, I think the  
17 Code Enforcement Office should weigh in on the  
18 access points, that being those single-family  
19 residential structures that have the one way into  
20 that neighborhood as well as this proposed multi-  
21 family. The Fire Code for multi-family having one  
22 access point is a very large number. It's in the  
23 higher than 150. I think it's closer to 200 to  
24 have two access points for multiple residences.  
25 There is this section of the code that you have

1 kind of a combination hybrid situation here. I  
2 know Mr. Garofalo requested that I look at that,  
3 so I gave you that code section there.

4 Numerous comments were previously  
5 addressed, sight distance issues in the nearby  
6 neighborhood.

7 The Planning Board may request Creighton  
8 Manning's evaluation. I think the Planning Board  
9 may have done that. We will follow up with  
10 Creighton Manning regarding the sight distance at  
11 that nearby intersection.

12 The project requires outside user status  
13 for sanitary sewer from the Town Board. I do not  
14 know the status of that or if the Town Board is  
15 going to grant that outside user status for  
16 sanitary sewer.

17 The Planning Board may wish to evaluate  
18 an alternative access point to the site from Grand  
19 Street. There was some discussion of that at the  
20 last meeting. We have not received any  
21 information pertaining to an alternative access  
22 point.

23 A stormwater maintenance agreement will  
24 be --

25 CHAIRMAN BRAND: I'm sorry, Pat. Is the

1 applicant's representative here this evening? Is  
2 that you, sir? No. Is anyone here from Summit  
3 Drive?

4 (No response.)

5 MR. HINES: I've been rolling along here.

6 CHAIRMAN BRAND: We'll continue with your  
7 comments.

8 MR. HINES: DEC approval for that sanitary  
9 sewer main extension would be required. It's  
10 unclear as to the ownership of that, whether it's a  
11 sanitary sewer lateral or a sewer main extension.  
12 It's referenced in the plans as an extension, which  
13 would require DEC approval.

14 We have comments on addressing the  
15 stormwater pollution prevention plan. Our comments  
16 regarding that have been substantially addressed.

17 Numerous comments from the public hearing  
18 regarding traffic and parking in the neighborhood  
19 were received last time. There were photos of  
20 vehicles parked in the cul-de-sac. I believe that  
21 was an event one of the single-family residences  
22 were having that had those pictures, but certainly  
23 parking in that area and along that roadway may be  
24 an issue with the addition of twenty-four units.

25 We have a letter dated 21 October from the

1 jurisdictional fire department requesting looping  
2 of the fire protection water system. We have not  
3 seen a response from the applicant regarding  
4 looping of that water system. Any extension of the  
5 water system into the site requires Ulster County  
6 Health Department approval.

7 We're looking for details of the level  
8 spreaders for the stormwater discharge.

9 The usable area calculations which were  
10 supplied to my office and the Board regarding the  
11 slopes should be specifically added to the plans in  
12 the area of the bulk table to identify the unit  
13 count and usable area, removing areas 25 percent or  
14 greater.

15 We just note that this project is a  
16 special use in the R Zoning District. A special  
17 use permit will have to be issued by this Board in  
18 accordance with Section 155-32. That section has  
19 general consideration for special use permits. The  
20 Board would have to evaluate the project with  
21 regard to each of those special use criterias,  
22 including impacts to the surrounding neighborhood.

23 The special use requires referral to the  
24 Ulster County Planning Board. I didn't locate the  
25 Planning Board's review in my packet. I don't know

1 if we had that yet.

2 MS. LANZETTA: They did do one review, but  
3 I'm not sure if they did it in conjunction with the  
4 special use permit.

5 MR. HINES: That would need to be followed  
6 up as well.

7 MS. LANZETTA: As you said, I haven't seen  
8 them respond at all to the comments.

9 MR. HINES: Correct. I have not.

10 MR. TRONCILLITO: Mr. Chairman, being that  
11 nobody is here representing Summit Drive, when is  
12 the next time they'll be on the agenda? I have  
13 questions to address with them like I had last  
14 time.

15 CHAIRMAN BRAND: They're not here now. If  
16 they are to apply by the deadline, the next  
17 scheduled meeting would be Monday, December 16th,  
18 would be their first opportunity to reappear.

19 MR. TRONCILLITO: Thank you.

20 MR. JENNISON: Did they say they weren't  
21 coming tonight?

22 MR. HINES: We're kind of recycling this  
23 agenda for the next meeting. It's pretty long.

24 CHAIRMAN BRAND: I know that from our  
25 public hearing most of the -- all of the

1       neighboring neighbors on that street, they were  
2       concerned with the access point on their road.

3               I'd like to have a motion to request an  
4       evaluation of the alternative access point to the  
5       site, Pat's number 4 comment.

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

7               MR. GAROFALO: Can I have some discussion?

8               CHAIRMAN BRAND: As soon as it's seconded,  
9       sure, Mr. Garofalo.

10              Is there a second?

11              MR. CALLO: Second.

12              CHAIRMAN BRAND: Any discussion? Mr.  
13       Garofalo.

14              MR. GAROFALO: Under item 1, exception 3  
15       talks about the determination by the fire code  
16       official. I think the fire code official should be  
17       involved in this. In terms of rather than talking  
18       with regard to the town code enforcement officer, I  
19       think it would be better and more productive to get  
20       the legal --

21              CHAIRMAN BRAND: Mr. Garofalo, can I  
22       interrupt you? Are you on number 4, Mr. Garofalo,  
23       or number 1?

24              MR. GAROFALO: Item number 1, exception 3  
25       talks about the fire code.



1           CHAIRMAN BRAND: Right. My motion was for  
2           number 4, the Planning Board requests an evaluation  
3           of alternative access points to the site from Grand  
4           Street.

5           MR. GAROFALO: That is something for the  
6           applicant to do -- for us to ask the applicant to  
7           take a look at.

8           MR. JENNISON: That's the motion.

9           CHAIRMAN BRAND: That's the motion on the  
10          floor. You're talking about fire things right now.

11          MR. GAROFALO: Okay. I'm talking about  
12          item 1. All right.

13          CHAIRMAN BRAND: There was a motion.  
14          There was a second. Any further discussion on item  
15          number 4?

16          (No response.)

17          CHAIRMAN BRAND: Any objection?

18          (No response.)

19          CHAIRMAN BRAND: We will have them do  
20          that.

21          Mr. Garofalo, your point about the fire,  
22          go ahead.

23          MR. GAROFALO: I would like to have the  
24          fire code official look at exception number 3 to  
25          see whether that applies, and also to have our

1 legal consultant take a look at what the  
2 disposition of this law may have been in the past  
3 as to whether it was applied in this manner.

4 MR. HINES: That's more of a code  
5 interpretation.

6 MR. GAROFALO: It's kind of a hybrid look  
7 at this code. It's for single family, yet in the  
8 spirit of the code, it seems like it might be in  
9 violation.

10 What I was wondering was whether or not  
11 there are any lawsuits, et cetera that might have  
12 been brought regarding this particular issue which  
13 would give us some insight as to whether the courts  
14 consider this to be not allowed.

15 MR. COMATOS: I understand. I'll look  
16 into it.

17 CHAIRMAN BRAND: Thank you.

18 MS. LANZETTA: I have a question, because  
19 we're asking the applicant to do a lot of different  
20 things here. Where are we in terms of SEQRA? As  
21 part of SEQRA, certainly we can ask them for  
22 alternative accesses and various other alternative  
23 configurations. Ultimately I'm looking at the  
24 special use requirements. I'm concerned about a  
25 number of the things that have been named there in

1 reference to the application, like character and  
2 appearance, parking, traffic. All of these things.  
3 The fact that it's adjacent to a residential area.  
4 These sound like SEQRA issues. How do we work this  
5 whole review in within the SEQRA process? Do we  
6 call this a Type 1 action where we need to ask for  
7 additional information or do we just continue to do  
8 what we're doing as we pick through it and say, oh,  
9 now we want this and now we want that? I'm trying  
10 to understand.

11 MR. HINES: It's not a Type 1.

12 MR. COMATOS: This is not a Type 1.

13 MR. HINES: It's an Unlisted action. That  
14 doesn't prevent you -- Type 1 requires a  
15 coordinated review and is an action that is more  
16 than likely going to require an environmental  
17 impact statement. As an Unlisted action, you can  
18 do a coordinated review and you can continue to  
19 review all of these issues that you are presenting  
20 now, traffic, stormwater, access, community  
21 character. All of those items in there.

22 MS. LANZETTA: So in essence it gives us  
23 an opportunity to do SEQRA without doing SEQRA,  
24 because most of these issues --

25 MR. HINES: You're still doing SEQRA.

1       You're doing it as an Unlisted action, not a Type  
2       1. It doesn't require a coordinated review. I do  
3       believe that we did circulate notice of intent for  
4       lead agency. We're going through the same steps in  
5       the process. It doesn't exceed any of the Type 1  
6       thresholds.

7               MS. LANZETTA: Again, I'm glad you called  
8       that to our attention for the special use permits,  
9       because it really does raise a lot of additional  
10      considerations for the Planning Board to take.

11             MR. HINES: It's not an as-of-right use.

12             MS. LANZETTA: This certainly applies  
13      because it is directly adjacent to a residential  
14      area.

15             MR. GAROFALO: I think, however, the issue  
16      of number 1 on the list is a very critical issue to  
17      the design. It really needs to be answered.

18             MR. JENNISON: My question is, I went out  
19      and I went up on Summit Drive and I drove over on  
20      Grandview. Is it within our purview to say, look,  
21      we're not going to let you use Summit Drive, you're  
22      going to have to figure out Grandview access?

23             MS. LANZETTA: You have to have reasons  
24      for that.

25             MR. HINES: I think that's the analysis

1       you're going through now.

2               CHAIRMAN BRAND: That's why we're asking  
3       them to evaluate that. The motion we just passed  
4       was item number 4.

5               MR. HINES: If you read the special use  
6       criteria, you are able to evaluate a lot of those,  
7       the traffic, the community character, the impacts  
8       to that residential community. There's a whole  
9       list of items that you have to go through for a  
10      special use permit.

11              MS. LANZETTA: Just remind me, based on  
12      the acreage that they have, how many single-family  
13      homes would be allowed on that same piece of  
14      property?

15              MR. HINES: Shooting from the hip, six.  
16      Six acres, roughly one per acre. They don't have  
17      sewer right now is the big impact. Unless the Town  
18      Board grants them sewer access, this doesn't  
19      happen.

20              MR. TRONCILLITO: According to the town  
21      supervisor, I don't know how far that's going to  
22      go.

23              MR. HINES: That's just raw bulk acreage.  
24      If they have to put in septic systems, then slopes  
25      in excess of fifteen percent are eliminated. You

1       can't site a septic system on slopes in excess of  
2       that. There are further environmental constraints  
3       that would be evaluated. I don't know what the  
4       percs are or how big those systems would be. Just  
5       one-acre zoning in that area without water and  
6       sewer would be six residential lots.

7               MS. LANZETTA: That would be six homes to  
8       -- so say, Pat, maximum two cars per home. That  
9       would be twelve vehicles going in and out?

10              MR. HINES: We haven't taken into account  
11       -- that's just raw land dividing it by the bulk  
12       requirement.

13              MS. LANZETTA: Maximum build-out would be  
14       probably six homes. So twelve vehicles going in  
15       and out at that access point.

16              MR. GAROFALO: Item 1 would still  
17       potentially be involved here. Part of the question  
18       in item 1 is this isn't all one development. This  
19       is a development that occurred and now there's  
20       another development. It's kind of like it's being  
21       segmented, but it's not being segmented in the  
22       legal sense. That's part of one of the issues that  
23       may come up as far as the legal review, whether you  
24       can continually add on in a situation like this.

25              MR. COMASTOS: I understand.

1                   MR. JENNISON: Mr. Chairman, I think we  
2                   should keep the public hearing open. I'll move to  
3                   keep the public hearing open until the next  
4                   meeting.

5                   CHAIRMAN BRAND: December 16th.

6                   MR. JENNISON: Yes, sir.

7                   CHAIRMAN BRAND: There's a motion on the  
8                   floor. Is there a second?

9                   MS. LANZETTA: I'll second that.

10                  CHAIRMAN BRAND: Any discussion?

11                  (No response.)

12                  MS. LANZETTA: Are we still going to let  
13                  them --

14                  CHAIRMAN BRAND: I will in a minute.  
15                  We're keeping it open. We'll keep the public  
16                  hearing open until -- no objection. Correct?

17                  MR. JENNISON: No.

18                  CHAIRMAN BRAND: Until December 16th.

19                  I apologize to those of you who came out  
20                  tonight for Summit Drive. The applicant is not  
21                  here. The public hearing is still open. If you  
22                  have a new concern or something new that you'd like  
23                  to bring to our attention, despite them not being  
24                  here, I invite you to come up to the podium and  
25                  state your name for the stenographer, or you can

1 hold on to that until December 16th. It's up to  
2 you.

3 MR. HINES: Do we want to go to the 16th  
4 or do you want to go to the next one to give them  
5 -- if we give the applicant these transcripts and  
6 they hear what you say, they may want to take some  
7 time and work out these issues.

8 MR. JENNISON: The next one would be in  
9 January?

10 MS. FLYNN: January 6th.

11 MR. JENNISON: I'm fine with moving it to  
12 January 6th.

13 MS. LANZETTA: I'll second that.

14 MR. HINES: Your submission deadline would  
15 be in a couple days for that next meeting.

16 CHAIRMAN BRAND: Good call. There's a  
17 motion on the floor to revise the previous motion  
18 to keep the public hearing open until January 6th.

19 MR. LOFARO: Chris, we have a  
20 representative?

21 CHAIRMAN BRAND: You're the guy from --

22 MR. GRIFFITHS: I'm on Summit.

23 MR. JENNISON: You're here for the public  
24 hearing?

25 MR. GRIFFITHS: I was going to talk.



1 CHAIRMAN BRAND: Come on up.

2 Is there any objection to keeping the  
3 public hearing open until January 6th?

4 MR. LOFARO: No.

5 MR. TRONCILLITO: No.

6 MR. JENNISON: No.

7 MS. LANZETTA: No.

8 MR. CALLO: No.

9 MR. GAROFALO: No.

10 CHAIRMAN BRAND: We will do that.

11 Thank you for pointing that out, Pat.

12 Please state your name for the  
13 stenographer.

14 MR. GRIFFITHS: Drew Griffiths, 8 Summit  
15 Drive, adjacent to the entryway -- proposed  
16 entryway for this. I'm adjacent to the entryway  
17 right now.

18 I would just like to bring up that it was  
19 brought to our attention that the deed restriction  
20 obviously can't be considered as part of the  
21 decisionmaking.

22 We were curious to know -- I was curious  
23 to know, as far as Mr. Gallo not bringing it up  
24 initially back in 2015 when he initially asked for  
25 this land that was taken from our property before

1       our house was built. My question to the Board  
2       would be if you guys were aware of this back in  
3       2015, would it have been approved for that land?

4               We were advised by the town attorney that  
5       although this can't be taken into consideration,  
6       can you guys officially make the decision to  
7       approve the project when the only entryway is from  
8       pretty much an illegitimately taken away property  
9       line that was taken in 2016? We were advised that  
10      this could be a potential civil suit because it's  
11      in the deed restriction. It clearly states that  
12      this wasn't allowed.

13             I guess one of my concerns is, can this  
14      project ultimately be allowed to continue if  
15      there's a potential civil suit in the works that we  
16      can sue and win, get this land back and now this  
17      property has no access point at all? Not to say  
18      that there will be a civil suit, but just with a  
19      pending civil suit at any time, given with the  
20      people moving into this property, it can happen at  
21      any time. With this thing fully in construction  
22      and built and residents living there, if somebody  
23      decides to sue and win that land back, there's no  
24      access point to this property off of Summit Drive  
25      if it was initially built.

1                   CHAIRMAN BRAND:   Jerry, do you have  
2                   thoughts on that?

3                   MR. COMATOS:   The Planning Board doesn't  
4                   have standing to enforce that restrictive covenant.  
5                   Only the owners of the lots in the subdivision do.  
6                   There have been cases where planning boards granted  
7                   site plan approval, for example to locate a cell  
8                   tower on a residential lot that was subject to a  
9                   similar deed restriction that restricted  
10                  improvements to those associated with single-family  
11                  residential purposes only.   The cell tower went up  
12                  pursuant to the approval, the homeowners sued and  
13                  got an order requiring that it be taken down.   It  
14                  is up to the homeowners to enforce that covenant  
15                  if site plan approval is eventually granted.

16                  MR. GRIFFITHS:   Okay.   I would just like  
17                  to also mention that per that scenario, we're  
18                  talking about families at this point, not just a  
19                  cellphone tower.   If this were to make it to the  
20                  point where these were livable family apartments at  
21                  some point and ultimately somebody on the street  
22                  decided to sue, now you're basically making these  
23                  homes unlivable like that for people that are  
24                  living there.   I'm just saying.   Not that I have  
25                  any harshness towards any family members that would

1       move in there. If it was fully built and we got  
2       that land back and these people came back home from  
3       work, there would be cones on the driveway saying  
4       private property, do not enter. It's just  
5       something to consider.

6               CHAIRMAN BRAND: Thanks.

7               MR. DALY: My name is Brendan Daly and I  
8       live on Dragotta Road.

9               I have a simple question. These guys  
10       didn't bother showing up tonight. Nobody. We turn  
11       up. We presented a case. How often does this  
12       happen? How long -- what happens if they don't  
13       show up on the 16th? What's the consequences?  
14       They're not taking it serious. The consequence  
15       should be it should be rejected. That's it.  
16       They're not here. They're not presenting. That's  
17       it.

18              CHAIRMAN BRAND: Unfortunately it's  
19       happened before.

20              MR. DALY: There's no penalty? There's no  
21       like, oh -- so we come out on our nights, our time,  
22       ours, and just wait and they don't bother. Is this  
23       a tactic, a strategy to piss us off so they just  
24       wear us out?

25              CHAIRMAN BRAND: I think they are well

1       aware of the anger level. I'm not sure about their  
2       strategies at this point, sir.

3               MR. DALY: What happens if they don't show  
4       up on the 16th?

5               CHAIRMAN BRAND: We moved it to the 6th.

6               MS. FLYNN: They still get charged.

7               CHAIRMAN BRAND: They do get charged for  
8       the time for the stenographer and the engineer, the  
9       lawyer. Other than that --

10              MR. DALY: I feel a little better. That's  
11       my time.

12              MR. HINES: To clarify, I believe the  
13       Board moved it to the first meeting in January, not  
14       the 16th.

15              MR. DALY: Okay. That's good.

16              MS. LANZETTA: I do want to say that it is  
17       really important for the Board to hear from the  
18       people who will be directly affected by these  
19       things. It will influence the decisions we make.

20              MR. DALY: Thank you.

21              MR. TRONCILLITO: With any luck, the  
22       builder might change his mind hopefully.

23              MR. DALY: That would be great. Thanks,  
24       guys.

25              MS. PALAZZOLO: My name is Lisa Palazzolo.

1 I live at 7 Summit. I will say this at every  
2 meeting. I will say it until I'm blue in the face  
3 how ridiculous putting this right behind our house  
4 is.

5 Not only did he not come last time and  
6 sent some representative that had no idea what the  
7 hell was going on. It just goes to show that he  
8 doesn't believe in this project. Maybe it sounds  
9 good on paper and it's money. This is our lives.

10 My ten-year old son and Drew's little son,  
11 they're going to be riding their bikes. There's no  
12 room in between our houses to put a road that's  
13 going to have fifty cars speeding up and down all  
14 day long. For whatever other reason, that should  
15 be the number one reason why this doesn't go in.  
16 That's all I have to say.

17 He doesn't show. He doesn't care. It's  
18 all about money for him. This is our lives. This  
19 is our kids' safety. That's it.

20 CHAIRMAN BRAND: Anyone else?

21 MS. WIECZOREK: My name is Christina  
22 Wieczorek, W-I-E-C-Z-O-R-E-K. I live at 7 Overlook  
23 Bluff, which isn't Summit but I share a yard with  
24 Drew. It's kind of right next to Summit.

25 You talked about a lot of the points I

1       wanted to bring up, and we talked about it  
2       extensively at the last meeting.

3               The one thing I wanted to bring up that I  
4       don't think was talked about today, this is  
5       considering hypothetically that Summit -- the  
6       access point does go through Summit is the snow  
7       easement. I would ask for the traffic  
8       superintendent to look at that one more time. As  
9       it states right now, the snow easement is in  
10      between the two houses where the access road is.  
11      It's already a 20-foot road. There's only 20 feet  
12      between those two houses. There's no room to put  
13      the snow. That's where the entire cul-de-sac on  
14      Summit is. That's something I believe the  
15      superintendent should take a look at if they are  
16      going to consider that.

17             I know I talked about a traffic impact  
18      study. I just want to briefly talk, Mr. Garofalo,  
19      last meeting on 10/21 you spoke about the parking,  
20      saying the rental agency can limit the number of  
21      cars people bring onto the property and they have a  
22      vested interest in keeping the number of cars low  
23      so that people have a place to park because people  
24      don't want to rent when they have to park far away  
25      from their residence. They have the opportunity to

1       write into their leases limitations on how many  
2       cars people have that are renting those units. I  
3       respect you and your extensive experience in civil  
4       engineering and planning engineering, and that is  
5       true. I do believe that's part of the problem,  
6       because management will limit how many parking  
7       spaces each apartment is allowed. People don't  
8       want to rent when they have to park far away from  
9       their residence. Any vehicle owned by tenants of  
10      those apartments that are not registered by  
11      management will find alternate parking not far from  
12      their residence. That includes Grand Street,  
13      Orange Street, Orchard Street, Hudson Terrace,  
14      Dragotta Road, Summit Drive which is curbed, and  
15      Overlook Bluff, all which are a short walk from the  
16      respective complex. Some short walks right through  
17      backyards. So being real, adults living in these  
18      units will have their own transportation in a small  
19      town that does not provide any type of public  
20      transportation.

21               We talked about Mr. Gallo. Chairman Brand  
22      asked Mr. Gallo to strongly reconsider the access  
23      point, taking a hard look. We talked about that.

24               Mr. Troncillito suggested building single-  
25      family homes.



1           The representative, at the last meeting,  
2       he asked for a copy of all the public comments  
3       along with written comments that were sent in.

4           Our neighborhood is full of the best  
5       people that I know. We haven't known each other  
6       for very long. I've lived there since 2022.  
7       That's when we bought our home. I feel so very  
8       lucky for the neighbors that I have. I really  
9       believe everybody I've come across are great  
10      people. I feel lucky and privileged to have these  
11      people as my neighbors. We're reasonable people  
12      and welcome the ability to work with Mr. Gallo to  
13      reach a mutually agreeable conclusion. We're not  
14      completely against something. It's his property.  
15      He has the ability to do something with it.

16           That being said, he has our names. He has  
17      our addresses. He has the ability to contact any  
18      one of us. It was suggested. From my  
19      understanding, not one of the concerns that was  
20      brought up last week or last meeting was addressed.  
21      It seems as though he'd rather litigate. I believe  
22      that's unfortunate because we are reasonable and  
23      good people who would like to talk about this  
24      matter and not litigation. It doesn't seem like  
25      it's going that way. I just wanted to point that

1 out that, like I said, we are reasonable people and  
2 we aren't trying to shut his plans completely down.  
3 He's not here and he doesn't seem to want to work  
4 to make it better for everybody.

5 Thank you for your time. If I don't see  
6 you all, happy holidays, merry Christmas, happy  
7 Hanukah.

8 CHAIRMAN BRAND: Just so you're clear and  
9 we're clear, it is the applicant's duty to respond  
10 to all of these comments. He has to address them  
11 in writing.

12 MS. WIECZOREK: Does he have a timeline  
13 for that or --

14 MS. LANZETTA: By the next meeting.

15 CHAIRMAN BRAND: Well, it would have to  
16 wait until the public hearing is closed.

17 MS. WIECZOREK: I've been trying to see if  
18 there's an updated plan or anything that  
19 addresses --

20 CHAIRMAN BRAND: After the public hearing  
21 is closed.

22 MS. WIECZOREK: My phone says you view  
23 this website often.

24 CHAIRMAN BRAND: It would be after the  
25 public hearing is closed.

1 MS. WIECZOREK: So after the next meeting?

2 CHAIRMAN BRAND: January 6th. Yeah, if  
3 he's here and if we close it at that time.

4 MS. WIECZOREK: Thank you very much.

5 MR. SMITH: I'll be very brief, respectful  
6 of the time.

7 My name is Kevin Smith, I live at 3 Summit  
8 Drive. I want to clarify something for the  
9 engineer. On the plans, if you scale the plans, it  
10 shows a 50-foot right-of-way between Lisa and  
11 Drew's driveway. We taped it the other day. It's  
12 41 feet, which doesn't sound like a lot, but that's  
13 a question. Whose responsibility is it for the  
14 survey of those properties since they're  
15 technically -- I mean, they were developed by the  
16 same developer. Is that something we could  
17 request, specifically meaning where the driveways  
18 are actually located?

19 MR. HINES: You're saying what is shown is  
20 a 50-foot strip?

21 MR. SMITH: I'm saying if you measure from  
22 the corner of Drew's driveway, as shown on the  
23 plans, to the corner of Lisa's, which is 8, it's 41  
24 feet.

25 MR. HINES: Just a straight line?

1 MR. SMITH: A straight line.

2 MR. HINES: We will provide that as a  
3 comment to them. We'll take a look at it as well.  
4 We have a plan stamped by a licensed surveyor.  
5 I'll take a look.

6 MR. SMITH: Thanks.

7 CHAIRMAN BRAND: Any other comments or  
8 questions? Go ahead.

9 MR. WIECZOREK: Justin Wieczorek, 7  
10 Overlook Bluff.

11 As far as the penalties concerned for  
12 someone not showing up, do we bill the stenographer  
13 or the attorney by the hour?

14 MR. HINES: Keep talking.

15 MR. WIECZOREK: The economic benefit.

16 If we are doing an alternate access point,  
17 which was being discussed, would the affected  
18 neighbors on Grand or Orchard or the other streets  
19 that we're looking at, would they need to be  
20 notified of the impact, like, hey, there's a plan  
21 being put in?

22 MR. HINES: That would be a significant  
23 change and the public hearing would be re-noticed.

24 MR. WIECZOREK: Okay. Thank you.

25 CHAIRMAN BRAND: Anything else?

1 (No response.)

2 CHAIRMAN BRAND: No. All right. Thank  
3 you, guys. I apologize for them not being here  
4 tonight.

5 (Time noted: 8:37 p.m.)

6

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

8

9 I, MICHELLE CONERO, a Notary Public for and  
10 within the State of New York, do hereby certify:

11 That hereinbefore set forth is a true record of  
12 the proceedings.

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

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 this 9th day of December 2024.

19

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23

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*Michelle Conero*

---

MICHELLE CONERO



1           CHAIRMAN BRAND: Next up, Nicholas Atkins  
2           for a two-lot subdivision for a sketch of a  
3           subdivision at 6 Cubbard Drive and 33-35 Old Indian  
4           Road in Marlboro.

5           MS. REYNOLDS: My name is Karen Reynolds.  
6           I'm a New York State licensed architect. I'm  
7           representing the two owners, Atkins and Skvarcius.

8           These two childhood friends bought this  
9           property with the idea that they both could live  
10          there. There's an existing residence on the  
11          property and a barnlike structure that has a small  
12          addition that has currently been used as -- it  
13          looks like it was used as an apartment.

14          When we went to the Building Department,  
15          they informed us there is not -- there can only be  
16          one residence on this property. This is why the  
17          owners decided to subdivide. I'm here to represent  
18          them if you have any questions.

19          CHAIRMAN BRAND: Thank you.

20          Pat, would you run through your comments.

21          MR. HINES: Sure. Again, this is their  
22          initial appearance.

23          The front property line should be depicted  
24          from the road by use. Currently the property line  
25          is shown going out to the center line of Old Indian

1 Road. That needs to be pulled back and shown at  
2 the road-by-use area with an appropriate metes and  
3 bounds description.

4 CHAIRMAN BRAND: Do you have a copy of  
5 these comments?

6 MS. REYNOLDS: I don't really understand  
7 what you're saying.

8 MR. HINES: They went to the engineer who  
9 was just here.

10 MS. REYNOLDS: By the way, we're working  
11 together with Medenbach & Eggers. They've done the  
12 survey.

13 Also, we worked together on ways to  
14 subdivide the property. It's a two-acre lot. We  
15 thought it's pretty easy, you know, to make two  
16 properties out of it. I don't understand what you  
17 mean.

18 MR. HINES: I'll point while you're here.  
19 The property line is shown to the center line of  
20 the existing road. This is a road by use.

21 MS. REYNOLDS: Yes.

22 MR. HINES: The property line should be  
23 pulled back to the road which will change the lot  
24 areas.

25 MS. REYNOLDS: That's no problem.



1                   MR. HINES: Here's a copy of what I'm  
2 going to continue to read.

3                   MS. REYNOLDS: Thank you.

4                   MR. HINES: The two-lot subdivision  
5 proposes two existing residential uses and an  
6 existing single-family home, a house and a barn  
7 that's proposed to become a residence. Each of the  
8 structures currently access off of, I want to say  
9 Cubbard Drive.

10                  An access and maintenance agreement will  
11 be required.

12                  The zoning bulk table should depict what  
13 is provided on each of the lots rather than just  
14 the zoning requirement.

15                  All information for each of the lots  
16 should be shown. Right now it only shows the  
17 requirements. They need to show what is provided  
18 for each of the lots, the front yard, side yard and  
19 rear yard, based on the location of the structures.

20                  The front yard. Under Section 155-16 E,  
21 any corner lot should be established on the wider  
22 of the two streets. I gave you the code section.  
23 You can read that to determine whether Cubbard or  
24 Old Indian is the front yard. That's a unique  
25 section in the code. It has to do with the width

1 of the street for lot 2, which is the corner lot  
2 proposed.

3 The project proposes a shared well. I'm  
4 bringing that to the Board's attention. I know the  
5 Board is absolutely not in favor of that. There is  
6 a hydrant depicted at the intersection of Cubbard  
7 Drive and Old Indian. I'm not sure if these lots  
8 are in the water district. If they are, they  
9 should be provided with potable water from there.  
10 This Board, and I don't want to speak for the  
11 Board, but they're going to discourage the use of  
12 the shared well on the site moving forward.

13 Easements for any utilities that cross  
14 each of these lots need to be shown. There are  
15 electrical lines, I believe, crossing the proposed  
16 lot lines that serve these houses.

17 Ulster County approval for the septic  
18 systems will be required.

19 The topography needs to be shown on future  
20 submissions.

21 All information on the subdivision  
22 checklist should be provided on the plans.

23 All existing houses and structures, wells  
24 and septic systems within 200 feet should be  
25 depicted.

1           Again, further review will be undertaken  
2       once we get the more detailed plans for this.

3           I'll let the Board speak to the shared  
4       well issue as well.

5           CHAIRMAN BRAND: Comments or questions  
6       from the Board on this?

7           MR. GAROFALO: I have a few. With regard  
8       to the bulk table, also show the existing. Not  
9       only the proposed, but also the existing. That's  
10      important particularly if there are any variances  
11      required, to see either they were or they weren't  
12      in play. We need the existing and the proposed.

13          On item number 1, did you mean to say 25  
14      feet and not 50 feet?

15          MR. HINES: Yes, I did. 50 foot total.  
16      25. I'm sorry.

17          MR. GAROFALO: It's 25 feet.

18          Are you going to go out and help stake out  
19      the as-of-right?

20          MR. HINES: I'll let Mr. Medenbach contact  
21      me to figure out if he wants to. I can do that  
22      with the highway superintendent. I don't know how  
23      obvious it is. I see catch basins out there. We  
24      can assist with that if the applicants request it.

25          CHAIRMAN BRAND: Pat, I'm sorry, comment 1

1       should have been a 25-foot setback?

2               MR. HINES:  It's a 50-foot right-of-way,  
3       25 from the center line.

4               MR. GAROFALO:  With regard to the street  
5       widths, New York State DOT has a local road  
6       listing.  2023 is the date of that listing.  It  
7       shows all of the local roads.  I'm not sure if the  
8       Planning Board is willing to accept those numbers  
9       rather than have them go out and survey them.  They  
10      would have the option to go out and survey them.  I  
11      think that that should be offered to applicants as  
12      an easy way to figure out which is the widest road  
13      and to inform the Highway Department, if they are  
14      going to widen any road, to tell DOT so they can  
15      change it on their listing.  That would be a very  
16      simple way for applicants to figure out which is  
17      the wider of the two roads and then document it on  
18      the plans.  You actually put it on the plan so that  
19      if there's ever a change, you can go back and refer  
20      to it and say, okay, we assumed that this was the  
21      front yard because that's the way the roads were in  
22      terms of widening.  Have the widths of the roads on  
23      the plan.

24              Is the Board okay with using that website  
25      to make it easier for the applicants?

1           CHAIRMAN BRAND: I would leave that  
2           decision up to our engineer.

3           Pat, is that reliable enough for you?

4           MR. HINES: I don't have a problem with  
5           that.

6           CHAIRMAN BRAND: Okay.

7           MR. GAROFALO: You can just look up New  
8           York State DOT local road listings. If you Google  
9           that, you should go right to a site which allows  
10          you to pick Ulster County, and then it will have a  
11          list of every single road in the county with their  
12          widths.

13          MS. REYNOLDS: The width determines the  
14          front yard, you're saying?

15          MR. GAROFALO: The wider of the two roads  
16          becomes the front yard. It doesn't matter where  
17          the driveway is. It's whichever is the wider. If  
18          they are both the same width, then you can pick  
19          whichever one you want. It's most likely Old  
20          Indian Road is probably wider. The table should  
21          reflect that's the front yard.

22          CHAIRMAN BRAND: Anything else, James?

23          MR. GAROFALO: The sight distances at the  
24          driveways, I think we should always get those. In  
25          this case it may very well be to the end of Cubbard

1 Road. We should get the sight distances from the  
2 driveways.

3 CHAIRMAN BRAND: Anything else?

4 MR. GAROFALO: That's it.

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

7 (No response.)

8 CHAIRMAN BRAND: No.

9 MS. REYNOLDS: Can I say something about  
10 the shared well?

11 CHAIRMAN BRAND: Sure.

12 MS. REYNOLDS: So right now the existing  
13 well serves the existing house and also the barn  
14 and the structure that might have been used as an  
15 apartment. We have investigated the septic system  
16 for both buildings. The septic for the barnlike  
17 structure is not feasible. It's not working. The  
18 owner that will use the barn has agreed to provide  
19 -- you know, to build a new septic system.

20 We are assuming that the existing well has  
21 provided water to both buildings. It seems there's  
22 no need to do another well. In our experience  
23 there could be a well agreement. If the well is  
24 not deep enough, we can make it deeper.

25 CHAIRMAN BRAND: The issue we have with

1       that is not the current residents there, it's what  
2       happens if they are sold. We're looking to the  
3       future to make sure that both lots are sustainable  
4       for water resources. If I'm not mistaken, this may  
5       be within the water district. Our town code  
6       stipulates that if you're in the water district,  
7       that you would need to hook up to that. I would  
8       need you to either tell me that it is or that it  
9       isn't within the water district. If it is, I would  
10      certainly make plans for what would be the new  
11      structure that's not serviced by the well to be  
12      able to be hooked up to that water district.

13               MS. REYNOLDS: Even better.

14               MR. GAROFALO: One other question. On the  
15      plan it says existing barn/apartment proposed  
16      residence. Is there an apartment in the barn now  
17      or is it just a barn?

18               MR. HINES: I think there is. That's why  
19      they're here.

20               MS. REYNOLDS: It's not really -- I  
21      understand it's not really well documented. If you  
22      can see, this is the barnlike structure. There's  
23      an adjacent building next to it. This is what we  
24      call the barn. This is what we call the apartment.  
25      The apartment looks like this. It looks as if

1       somebody has used it.  There's an oven or a stove  
2       in there.  There's also an existing bathroom.  
3       Everything is stripped to the studs because  
4       obviously somebody wanted to renovate it or put an  
5       installation in.  There's a stair going to the  
6       upstairs.  Upstairs there's been already a partial  
7       renovation with installation in the roof.  We are  
8       assuming, because there is an electric stove and  
9       because there is a shower and a toilet, and because  
10      there's something that looks like a bedroom  
11      upstairs, that it was used nonconforming  
12      preexisting as an apartment.

13               MR. GAROFALO:  Is it on the tax listings  
14      as an apartment?

15               MS. REYNOLDS:  No, I don't think so.

16               CHAIRMAN BRAND:  Thank you.  So you'll  
17      clear up some of those things and come back.  Yes?

18               MS. REYNOLDS:  Clear up what?  What's in  
19      the comments?  Yes.

20               CHAIRMAN BRAND:  The engineer's report,  
21      the water district.  Determine whether or not it's  
22      in the water district for us, the bulk table and  
23      the -- which one is the front yard, the side yard,  
24      sight distances from the driveway.

25               MS. REYNOLDS:  Okay.  This will be the



1 16th?

2 CHAIRMAN BRAND: If you can get all of  
3 those things in to our secretary by Friday at 4:00,  
4 then yes. If not, it will be the 6th.

5 MS. REYNOLDS: Of course. No problem.

6 CHAIRMAN BRAND: Thank you.

7 (Time noted: 8:50 p.m.)

8

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

10

11 I, MICHELLE CONERO, a Notary Public for and  
12 within the State of New York, do hereby certify:

13 That hereinbefore set forth is a true record of  
14 the proceedings.

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

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 this 9th day of December 2024.

21

22

23

24

25

*Michelle Conero*

---

MICHELLE CONERO

1           STATE OF NEW YORK   :   COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

3

4

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SKETCH - SUBDIVISION

11

Date: December 2, 2024

12

Time: 8:50 p.m.

13

Place: Town of Marlborough  
 Town Hall

14

21 Milton Turnpike  
 Milton, NY 12547

15

BOARD MEMBERS: CHRIS BRAND, Chairman

16

FRED CALLO

17

JAMES GAROFALO

18

STEVE JENNISON

19

CINDY LANZETTA

20

JOSEPH LOFARO

21

BOB TRONCILLITO

ALSO PRESENT: GERARD COMATOS, ESQ.

PATRICK HINES

JEN FLYNN

22

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

23

24

MICHELLE L. CONERO

Stenographer

25

michelleconero@hotmail.com

1           CHAIRMAN BRAND: Next we have Laurell  
2           Diorio for a two-lot subdivision and sketch of a  
3           subdivision on Hidden Acres Drive in Marlboro.

4           Pat, while Patti is getting ready, do you  
5           want to run through your comments?

6           MR. HINES: Sure. The project proposes  
7           access via a private roadway. Any easements or  
8           access and maintenance agreements should be  
9           submitted.

10          The project requires a variance for lot  
11          width, and therefore a variance for the front yard  
12          setback as the front yard setback is measured where  
13          the lot has adequate lot width. I think it needs  
14          both.

15          Sight distance at the access points  
16          appears insufficient based on the 30 mile-an-hour  
17          speed limit.

18          Access driveways to the residential  
19          structures should be depicted.

20          Areas in excess of 25 percent must be  
21          deducted from the usable lot area, so a slope  
22          analysis should be provided. I don't know if they  
23          are over 25 percent, but the topos were getting  
24          pretty close.

25          Once the driveways are depicted, fire

1 department turnarounds and turnouts may be required  
2 based on the fire code.

3 The septic system will require approval of  
4 Ulster County Health.

5 Wells must be fifteen feet from the  
6 property line. We're suggesting the well be  
7 dimensioned from lot 2.

8 The bulk table identifies that the lots  
9 are subject to Code Section 155-52 which is  
10 setbacks from agriculture. Those setbacks should  
11 be depicted on the plans if it is next to  
12 agricultural use. I don't know that they are. I  
13 didn't know which ones were the 75 feet.

14 That's what we have now as our initial  
15 review.

16 MS. BROOKS: I just had a couple of  
17 questions. With regard to the private roadway, the  
18 easements are in all the deeds, and we did supply  
19 the deeds to the Town and noted it on the map.

20 There is no maintenance agreement at this  
21 point in time.

22 We're proposing that the driveway for lot  
23 number 1 will not share that driveway. At this  
24 point there's nobody to have a driveway maintenance  
25 agreement with. There isn't one in place and we

1       can't compel the other owner. I was wondering how  
2       you want us to handle that.

3               MS. LANZETTA: There currently are three  
4       parcels that are using that?

5               MS. BROOKS: Four.

6               MS. LANZETTA: Well, that are actively  
7       using it?

8               MS. BROOKS: Right. This property we're  
9       subdividing right now had on it a residence and a  
10      mobile home, both of which were removed. The  
11      applicant probably shouldn't have removed it before  
12      attempting the subdivision. There were four lots  
13      actively using it and there were two dwellings on  
14      this lot.

15              MS. LANZETTA: I just wanted to call that  
16      to the Board's attention. It's not noted on your  
17      plans here that they extend all the way to the lots  
18      in the back of the property as well, the separate  
19      lots.

20              MS. BROOKS: We showed it and we showed  
21      the center line of the right-of-way going all the  
22      way to lands of Grigore.

23              MS. LANZETTA: It doesn't show up on the  
24      large map unless you look up here --

25              MS. BROOKS: It does. It does. If you

1 look at the large map, we showed the center line of  
2 the 30-foot wide right-of-way extending all the way  
3 to lands of Grigore.

4 MS. LANZETTA: You're not showing the  
5 houses so that they understand they're actively  
6 being used by three other houses right now.

7 MS. BROOKS: That was my point, is that  
8 the right-of-way is listed in all of the deeds, but  
9 there never has been a roadway maintenance  
10 agreement. We can't compel those three landowners  
11 to be part of an agreement at this point in time.  
12 That's what I was trying to say.

13 MS. LANZETTA: But it will be considered a  
14 private road at this point, or is it just -- how do  
15 we look at that?

16 MR. COMATOS: I'm trying to get my  
17 bearings here. Lot 2 looks like it's going to have  
18 its own driveway.

19 MS. BROOKS: Lot 2 currently has its own  
20 driveway. That's correct. That is a driveway that  
21 is shared by three other lots.

22 MR. HINES: They don't show the driveways.  
23 They're going to have a driveway here.

24 MR. COMATOS: Where is lot 2's driveway  
25 going to be?

1           MS. BROOKS: Lot 2's driveway comes in and  
2 wraps around. It's this gravel road. Right now  
3 they just park in here. This gravel roadway  
4 continues and goes down to a driveway here and down  
5 to a driveway here.

6           MS. LANZETTA: This shows coming in. This  
7 is the parcel that is going to be subdivided twice.  
8 This goes back to this house, to this house and to  
9 this house. There are actually houses there that  
10 are utilizing that today.

11          MR. HINES: It looks like there's some  
12 kind of easement.

13          MS. LANZETTA: It's not considered a  
14 private road. At what point does a right-of-way  
15 gravel thing become a private road?

16          MS. BROOKS: At this point it's only 20  
17 feet to 30 feet wide as per all of the deeds. It  
18 could not meet the conditions of a private road,  
19 and we're not asking for it to be construed as one.

20          MR. COMATOS: This application doesn't  
21 really concern the other lots that share the  
22 private road.

23          MS. BROOKS: That's correct.

24          MR. COMATOS: I understand Ms. Brooks'  
25 point.

1                   MS. LANZETTA:  So it's just a shared  
2                   right-of-way?

3                   MR. COMATOS:  As far as the owners of the  
4                   two lots that are not subject to this application,  
5                   they have --

6                   MS. LANZETTA:  Three lots.

7                   MR. COMATOS:  Of the two lots that are not  
8                   subject to this application which share the private  
9                   road, we have no jurisdiction over them.  They have  
10                  deeded easements and a right to use this driveway  
11                  as depicted on the map.  This driveway is not to be  
12                  shared with lot 1.

13                  I understand Ms. Brooks' point, that  
14                  there's no need for a private road maintenance  
15                  agreement.  I think that you can only approve  
16                  what's in front of you.  There's no way to compel,  
17                  that I'm aware of, the linking of a private road  
18                  maintenance agreement with the lot owners who are  
19                  not subject to the application.

20                  CHAIRMAN BRAND:  Do we know off the top  
21                  how many homes can share a driveway?  Four, is that  
22                  the number?

23                  MR. COMATOS:  Under the Town Code, private  
24                  roadways can be shared by four separate lots.

25                  CHAIRMAN BRAND:  Any other comments or



1 questions?

2 MS. LANZETTA: I'm just not saying with  
3 this, but -- you're saying anybody that has a  
4 right-of-way -- if you had several properties that  
5 had right-of-ways, they could continue to subdivide  
6 and still just be considered having -- you could  
7 have like multiple homes on right-of-ways and it  
8 never becomes a private road at any point in time?

9 MS. BROOKS: I think, Cindy, in this  
10 particular instance -- I understand what you're  
11 saying and I agree. You don't want to just keep  
12 subdividing off of a right-of-way. In this  
13 particular instance what we're subdividing is  
14 actually the fee owner of the land. It just so  
15 happens that that fee ownership is encumbered by  
16 rights that other people have behind them. We're  
17 not overburdening that right-of-way because we're  
18 going to have a separate driveway to lot number 1  
19 and the existing driveway will be used for lot 2.  
20 If some of those lots in the back came and said I  
21 want to subdivide and all they have right now is a  
22 right-of-way, that certainly is a different issue.  
23 In this particular case, the applicant owns the  
24 land and has the right of other people using her  
25 land.

1           CHAIRMAN BRAND: Jerry and Pat, would this  
2           subdivision preclude future subdivisions then since  
3           you already have four sharing that driveway? No  
4           one would be able to further subdivide any of those  
5           lots?

6           MS. BROOKS: I don't think they would be  
7           able to subdivide anyway. They don't own road  
8           frontage. You wouldn't find this happening today.

9           CHAIRMAN BRAND: Right.

10          MR. COMATOS: You're concerned about the  
11          future subdivision of lots that are remote from  
12          outside --

13          CHAIRMAN BRAND: Anything that doesn't --  
14          I mean, do any of these other lots have some type  
15          of right-of-way to that road and then they're going  
16          to come and subdivide again?

17          MR. BROOKS: If you look at the tax map  
18          plot that Cindy was showing you, lots 36, 40 and 41  
19          all have residences on them. None of them would be  
20          able to subdivide using this right-of-way. It  
21          can't be expanded to 50 feet, therefore it couldn't  
22          be --

23          CHAIRMAN BRAND: How big is 36?

24          MS. BROOKS: Acreage wise?

25          CHAIRMAN BRAND: Yes.

1 MS. BROOKS: I don't know. They couldn't  
2 subdivide anyway, they don't own any road frontage.

3 MS. LANZETTA: Okay.

4 CHAIRMAN BRAND: Okay.

5 MR. GAROFALO: I have a couple of  
6 questions.

7 CHAIRMAN BRAND: James.

8 MR. GAROFALO: The blacktop areas, are  
9 those existing blacktop?

10 MS. BROOKS: Everything -- yes.

11 MR. GAROFALO: There appears to be a sign  
12 in the blacktop. Is that an error?

13 MS. BROOKS: No. The post is on the edge  
14 of the blacktop and the sign looks like it's going  
15 into the blacktop. I'll check on that.

16 MR. GAROFALO: I'm kind of curious as to  
17 lot 2. The width of the lot, the way it's shown,  
18 I'm just kind of baffled as to how you arrived at  
19 that.

20 MS. BROOKS: I can let you know. The  
21 definition of the lot width is the distance between  
22 the two side lot lines measured parallel to the  
23 front lot line at the required setback line or the  
24 actual building line chosen by the owner. I took  
25 the road line, which is L-2, and I made it parallel

1 in the middle of the house. If I would have made  
2 it in front of the house, I would have had my 150  
3 feet required lot width. If I did it at the back  
4 of the house, I would have less than the 148.3. I  
5 took the average, saying I still need an area  
6 variance for the lot width. I took the definition  
7 in the code and applied it to the lot.

8 MR. GAROFALO: Okay. Thank you very much.

9 CHAIRMAN BRAND: Anything else?

10 MR. HINES: They're going to need a  
11 referral to the ZBA.

12 MS. BROOKS: Two things I'm requesting  
13 this evening would be a referral to the ZBA, and  
14 then the other item is with regard to the  
15 agricultural property. The only agricultural  
16 property is, of course, the farm across the street,  
17 the Quimby cattle farm. According to Section  
18 155-52 E, the Planning Board, as the jurisdictional  
19 approving body here, would determine the extent of  
20 the required buffer, which could take the form of a  
21 berm or planting of trees for screening or similar  
22 mechanism. The house proposed on lot 1 is over 100  
23 feet off the edge of the pavement and there is a  
24 cattle farm across the street, not a typical  
25 agricultural use. I'm suggesting that in this

1 instance, that the topography of the land and the  
2 nature of the agricultural use perhaps does not  
3 warrant the buffer that generally is outlined in  
4 section E. I don't know how to -- is that a waiver  
5 that I have to request? I wasn't sure if that is  
6 actually a variance I need to ask for from the ZBA  
7 or if that is a waiver that can be granted by the  
8 Planning Board. I want to bring it to the Planning  
9 Board's attention in case it's something I need a  
10 variance for. Perhaps you could opine on that.

11 MR. JENNISON: Is that right across from  
12 the Quimby's house?

13 MS. BROOKS: It's up the hill and a --

14 MS. LANZETTA: I'm very familiar with  
15 that. If it is allowed, or even if it's not  
16 allowed, I think we can opine that in this  
17 particular case I wouldn't see any issue with  
18 waiving that 75-foot setback.

19 CHAIRMAN BRAND: We have done that in the  
20 past.

21 MR. HINES: They're giving you the  
22 setback. It's the additional requirements under  
23 that setback. It says 75 feet, and then item E  
24 says it should have a berm, buffer, a planting. I  
25 think that's the relief you're looking for.

1           MS. BROOKS: Such buffer may take the form  
2           of a berm, planting of trees for screening effect  
3           or similar mechanism. Determination of the extent  
4           or the required buffer shall be reasonable and  
5           shall be the responsibility of the governing  
6           official or board to which the application is made.  
7           If this Board can make a determination that it's  
8           appropriate to have no buffer, then I don't need to  
9           ask the ZBA. I didn't know to what extent this  
10          Board --

11          CHAIRMAN BRAND: I would say just to make  
12          it neat, since you're going to the ZBA anyway, just  
13          request those two things.

14          MS. BROOKS: Again, I would ask if the  
15          Planning Board, in sending it to the ZBA, I'm sure  
16          they would be interested in your comments in that  
17          regard, could address it.

18          MS. LANZETTA: I think the purpose of the  
19          berms and the vegetative buffers is to prevent  
20          sprays -- aerial spraying from going over onto  
21          people's properties. I know the Quimbys are not  
22          doing any kind of spraying. They're raising  
23          livestock. I don't see the necessity for any  
24          particular extraordinary berm or vegetation.

25          MR. GAROFALO: Looking at the plan, are

1       you building the house in the woods?

2               MS. LANZETTA:  It's wooded.

3               MS. BROOKS:  It is wooded.

4               MR. GAROFALO:  There's already some  
5       vegetative buffer there.

6               MS. BROOKS:  There is.  And we're  
7       retaining it along the roadway because the house is  
8       100 feet back.

9               MR. JENNISON:  I don't see a need.

10              CHAIRMAN BRAND:  My only concern is that  
11       -- I don't see the need for it, but in the past  
12       we've always said what the existing conditions are  
13       isn't always what the future conditions are.  The  
14       fact that they have cows there now doesn't mean  
15       that there won't be orchards there in ten years.  
16       Even saying that, I have no qualms with the layout  
17       the way it is.

18              MR. GAROFALO:  I think it might be good to  
19       show that it's wooded to make it very clear to  
20       them.

21              Also, it's not clear to me where the  
22       driveway is.

23              MS. BROOKS:  Correct.  That was one of  
24       Pat's comments.  That needs to be added to the map.

25              CHAIRMAN BRAND:  Is there any objection to

1 speaking in favor of the agricultural buffer on her  
2 referral to the ZBA?

3 MR. LOFARO: No.

4 MR. TRONCILLITO: No.

5 MR. JENNISON: No.

6 MS. LANZETTA: No.

7 MR. CALLO: No.

8 MR. GAROFALO: No.

9 CHAIRMAN BRAND: We will note that.

10 Can I have a motion to refer to the ZBA?

11 MR. TRONCILLITO: I'll make that motion.

12 MR. GAROFALO: I'll second it.

13 CHAIRMAN BRAND: Any discussion?

14 (No response.)

15 CHAIRMAN BRAND: Any objection?

16 (No response.)

17 CHAIRMAN BRAND: They're going to the ZBA  
18 for the --

19 MR. HINES: Front yard and lot width.

20 CHAIRMAN BRAND: -- front yard and lot  
21 width. They're going to ask for the agricultural  
22 buffer. We're going to note that this Board was  
23 not opposed to removing the agricultural buffer.

24 I think that's it. Thank you.

25 (Time noted: 9:05 p.m.)



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

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I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

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That hereinbefore set forth is a true record of  
the proceedings.

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

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IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

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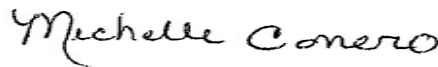
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MICHELLE CONERO

1 STATE OF NEW YORK : COUNTY OF ULSTER  
 2 TOWN OF MARLBOROUGH PLANNING BOARD  
 3 In the Matter of  
 4  
 5  
 6  
 7  
 8 - - - - - X

BRADLEY ROSEN TWO-LOT SUBDIVISION

Project No. 24-2021  
 184 Plattekill Road, Marlboro  
 Section 108.2; Block 9; Lot 36

8 - - - - - X

SKETCH - SUBDIVISION

11 Date: December 2, 2024  
 12 Time: 9:05 p.m.  
 13 Place: Town of Marlborough  
 14 Town Hall  
 21 Milton Turnpike  
 Milton, NY 12547

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

22 ALSO PRESENT: GERARD COMATOS, ESQ.  
 23 PATRICK HINES  
 24 JEN FLYNN

25 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

26 - - - - - X

27 MICHELLE L. CONERO  
 28 Stenographer  
 29 michelleconero@hotmail.com

1           CHAIRMAN BRAND: Next is Bradley Rosen, a  
2           two-lot subdivision for a sketch at 184 Plattekill  
3           Road in Marlboro.

4           Pat, do you want to go through them  
5           quickly?

6           MR. HINES: This is on the agenda as  
7           Bradley Rosen, but the application has it as BR2016  
8           Revokable Trust. My comments are titled a little  
9           different.

10          The project proposes a two-lot  
11          subdivision, creating one new building lot of 5.9  
12          acres, we'll call it, and a balance of 45 acres.  
13          The proposed lot is currently on the opposite side  
14          of South Street and Plattekill Road from the  
15          balance parcel.

16          A slope analysis should be provided  
17          showing the usable area of lot 1.

18          I believe the applicants are requesting a  
19          waiver of a detailed survey on the balance parcel.

20          CHAIRMAN BRAND: I'll stop you right  
21          there. Can I have a motion to waive that?

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

23          MR. LOFARO: I'll second it.

24          CHAIRMAN BRAND: Any objection or  
25          discussion?

1 (No response.)

2 CHAIRMAN BRAND: Okay. We'll waive that.

3 MR. HINES: Sight distance is shown at the  
4 existing farm lane. I believe you might get a  
5 little more sight distance at the proposed driveway  
6 location. That should be labeled.

7 We're looking to confirm the location on  
8 the USGS location map. I wasn't a hundred percent  
9 sure.

10 MS. BROOKS: I think the arrow was a  
11 little crooked there.

12 MR. HINES: That had me confused. That's  
13 that comment.

14 Health Department approval for the septic  
15 systems and water systems are required.

16 Fire department turnout and turnarounds  
17 are probably required based on the length of the  
18 driveway.

19 The bulk table identifies compliance with  
20 155-52 Code Section E, which we just discussed,  
21 should be addressed, which is what you put in that  
22 buffer.

23 Then the actual setbacks on proposed lot 1  
24 should be depicted in the bulk table.

25 MS. BROOKS: So we actually met out --

1       because Plattekill Road is a County highway, we did  
2       meet out there with County DPW. I have an e-mail  
3       from them that the driveway is acceptable. We  
4       actually moved it back to where the existing  
5       driveway is because the sight distance is better  
6       there and there's some drainage along the roadway.  
7       I'll bring that to the next meeting.

8               It has been to the Board of Health.  
9       They're making some revisions to the plans.

10              Similarly, we showed the edge of the  
11      woods. This property was previously an orchard.  
12      There is a wooded buffer between this and the next  
13      property. I think I'll bring maybe photographs to  
14      show the Board at the next meeting so that you can  
15      see what the existing wooded buffer is that's in  
16      place and see if that's satisfactory as a buffer or  
17      if there's something additional that you would  
18      require.

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

21              MR. GAROFALO: I'm a little surprised you  
22      didn't put the building and the access off of South  
23      Street.

24              MS. BROOKS: Because of the topography.  
25      It's much steeper coming off of South Street.

1                   MR. GAROFALO: The EAF, you should fill  
2 out item number 17.

3                   This is, again, a corner property. I  
4 notice you did put the street widths in there so  
5 you can figure out which is the front.

6                   I think we may need to take a look at the  
7 driveway grades to make sure those are compliant.  
8 It does look -- as you said, it looks like a very  
9 steep property.

10                  The speed limit on Plattekill, is that 40?  
11 Take a look at that.

12                  Thank you.

13                  CHAIRMAN BRAND: Anything else? Cindy.

14                  MS. LANZETTA: Just for the record, for  
15 our waiver of the detailed balance, it's pretty  
16 clear that Plattekill Road and South Road make a  
17 pretty manmade barrier between the two properties.  
18 The other parcel is quite large and extensive. We  
19 will be able to deal with that if it ever comes  
20 back for future subdivision. I just want to make  
21 it clear that we had a reason behind waiving it.

22                  MS. BROOKS: We did show the boundary, the  
23 overall boundary in a 200-scale inset. That was  
24 based on a survey map that had been prepared in  
25 2023 by a different surveyor.

CHAIRMAN BRAND: Thank you.

(Time noted: 9:10 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
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I further certify that I am not related to any  
of the parties to this proceeding by blood or by  
marriage and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

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MICHELLE CONERO





1                   CHAIRMAN BRAND: Next up, ongoing  
2 application review, Madison Square Markle for a  
3 final of their site plan at 46 Partington Lane in  
4 Marlboro.

5                   Pat's only comments were to address the  
6 comments from the October 7th Planning Board  
7 meeting. Is that outstanding?

8                   MR. MARKLE: I provided Jen with maps,  
9 marked them up. It shows the garage, it shows the  
10 driveway, it shows the occupancy.

11                  CHAIRMAN BRAND: Any comments or questions  
12 before we get to the resolution?

13                  (No response.)

14                  CHAIRMAN BRAND: We have before us a  
15 resolution for the application of Madison Square  
16 York Street, LLC for a minor site plan approval of  
17 a short-term rental unit.

18                  Jerry, is there anything to point out  
19 specifically?

20                  MR. COMATOS: No. It's straightforward.

21                  CHAIRMAN BRAND: Member Jennison offered  
22 this resolution which was seconded by Member  
23 Lanzetta.

24                  Jen, would you poll the Board.

25                  MS. FLYNN: Chairman Brand.

1 CHAIRMAN BRAND: Yes.

2 MS. FLYNN: Member Lanzetta.

3 MS. LANZETTA: Yes.

4 MS. FLYNN: Member Lofaro.

5 MR. LOFARO: Yes.

6 MS. FLYNN: Member Callo.

7 MR. CALLO: Yes.

8 MS. FLYNN: Member Jennison.

9 MR. JENNISON: Yes.

10 MS. FLYNN: Member Garofalo.

11 MR. GAROFALO: Yes.

12 MS. FLYNN: Member Troncillito.

13 MR. TRONCILLITO: Yes.

14 CHAIRMAN BRAND: Perfect. I believe

15 you're all set.

16

17 (Time noted: 9:13 p.m.)

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

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within the State of New York, do hereby certify:

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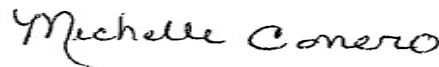
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MICHELLE CONERO

1           STATE OF NEW YORK : COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

3

4

OFFICE WAREHOUSE

5

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

7

8 - - - - - X

9

SKETCH - SITE PLAN

10

Date: December 2, 2024  
 Time: 9:14 p.m.  
 Place: Town of Marlborough  
 Town Hall  
 21 Milton Turnpike  
 Milton, NY 12547

11

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BOARD MEMBERS:       CHRIS BRAND, Chairman  
                           FRED CALLO  
                           JAMES GAROFALO  
                           STEVE JENNISON  
                           CINDY LANZETTA  
                           JOSEPH LOFARO  
                           BOB TRONCILLITO

18

19 ALSO PRESENT:       GERARD COMATOS, ESQ.  
                           PATRICK HINES  
                           JEN FLYNN

20

21

APPLICANT'S REPRESENTATIVES:   JEFFREY ECONOM  
   AL VARRONE

22

23

- - - - - X

24

MICHELLE L. CONERO

Stenographer

25

michelleconero@hotmail.com

1           CHAIRMAN BRAND: Next is Office Warehouse,  
2 sketch - site plan, 2021-2025 Route 9W.

3           MR. ECONOM: Good evening.

4           CHAIRMAN BRAND: Do you want to run  
5 through your comments, Pat?

6           MR. HINES: Sure. I was able to meet with  
7 the applicant and their representative out in the  
8 field. That addressed a lot of our previous  
9 comments.

10           The applicant had a meeting with the Code  
11 Enforcement Department regarding the use. At the  
12 pre-application meeting it was determined that the  
13 use was permitted in the HD Zone, which is the  
14 office warehouse use that they're proposing.

15           Health Department for the septic systems  
16 are required. They've indicated that they have  
17 made application to the Health Department.

18           DOT approval for the access drive and  
19 utilities is required. They have an application in  
20 to DOT.

21           Emergency vehicle turnout areas have been  
22 provided. I believe we have a signoff from the  
23 jurisdictional fire department.

24           A hydrant is proposed on the upper portion  
25 of the site to serve the site as well.

1           A stormwater pollution prevention plan  
2 must be submitted. We discussed at length that  
3 plan at the site visit.

4           A project phasing plan has been provided.  
5 They're looking to build each building one at a  
6 time, so they're going to phase them. That plan  
7 will allow the Building Department to issue COs  
8 separately for each of the buildings as those  
9 improvements are made. They're going to start with  
10 the rear building and proceed forward towards 9W.

11           They have identified that blasting is not  
12 proposed. The applicant is familiar with the site.  
13 Mechanical rock removal will be utilized where  
14 necessary.

15           We're suggesting the water main plan be  
16 sent to the Water Department for review.

17           We have a technical comment on the bedding  
18 for rock. Just utilizing gravel, we're concerned  
19 that may make a French drain effect down the hill.  
20 We're suggesting to use more of an item 4 type  
21 rather than gravel.

22           A profile of the access road was provided  
23 depicting 8 percent.

24           The Planning Board declared its intent for  
25 lead agency at the last meeting and we circulated

1       those on 7 November. That timeframe has not timed  
2       out.

3               The project requires submission to Ulster  
4       County Planning upon receipt of the SWPPP. I think  
5       the Planning Board would be in a position to send  
6       it to Ulster County Planning.

7               CHAIRMAN BRAND: How far away are we on  
8       the SWPPP?

9               MR. ECONOM: When we met with Pat out  
10       onsite, we discussed that we needed to pick up some  
11       additional survey down by the Russo property. Pat  
12       thought I was going to bring everything to the  
13       north side of the property, but the outlet from the  
14       Coltech system would be to the south. We got  
15       additional survey information. We just recently  
16       got that this week. I can have our design point  
17       taken care of. I'm probably sixty-five, seventy  
18       percent done with the drainage calculation.

19               The SWPPP for DEC is probably ninety,  
20       ninety-five percent. We're just waiting to  
21       finalize the SWPPP.

22               I will send the information to the Water  
23       Department. I have no issue with that. I've  
24       already talked to the Water Department with  
25       regards. That's how we came about with using the

1 ductile main, et cetera. He's aware. I will get  
2 that to them.

3 CHAIRMAN BRAND: Great. Questions or  
4 comments from the Board?

5 MR. GAROFALO: Yes. On the first page  
6 you can delete the Poughkeepsie Police Department.

7 MR. ECONOM: Okay.

8 MR. GAROFALO: They're not involved.

9 I don't believe you have any elevators.  
10 Correct?

11 MR. ECONOM: No.

12 MR. GAROFALO: You can delete that, too.

13 On page C-7, in the middle where you have  
14 the first turn to go into the parking, you have  
15 four bushes there and parking. I think that it  
16 would be nice if you could find another location  
17 for that parking space and move those bushes closer  
18 to the building to make sure that you're not  
19 obstructing somebody trying to make a right turn  
20 from seeing somebody coming down from the other  
21 part of the site, to make sure you have good sight  
22 distance. They're not going to be coming down  
23 fast, but it's going to be one of those looking  
24 over your shoulder to the left, which is tough. If  
25 you could move that space in a little bit or move



1       it somewhere else, that would be better.

2               Under Code 155-31 G(17), suitable  
3       landscaping is necessary for off-street parking. I  
4       think you provided some, but certainly on the upper  
5       part there is no landscaping at all. The parking  
6       spaces are almost right up against the property  
7       line. If you could take a look at additional  
8       landscaping in that area.

9               MR. HINES: It drops off in the back there  
10       pretty good with trees.

11              MR. ECONOM: It drops off and then it goes  
12       up a big hill which has got all the trees on it.  
13       Pat saw that and we discussed it out in the field.

14              MR. HINES: There's a valley behind it.  
15       You don't see it on the plan. It is quite a drop  
16       off at the back there, and wooded. There's a house  
17       way up on the hill above it. I think it's the  
18       Russo house.

19              MR. GAROFALO: Thank you.

20              CHAIRMAN BRAND: Cindy.

21              MS. LANZETTA: Before we send it up to the  
22       County, we're going to need some architectural  
23       renderings along with signs. I know you had  
24       tentatively given us something, but I asked you to  
25       take a look at the design recommendations for the

1       Route 9W corridor. I don't know if you had a  
2       chance to look at those yet.

3               MR. ECONOM: We did.

4               MS. LANZETTA: If you are planning  
5       something flat roofed, as I said, if you could  
6       include the possibility of solar. The County is  
7       going to be wanting to know how you're going to  
8       achieve sustainable opportunities when it comes to  
9       either heating, solar or EVs.

10              You might want to consider putting in a  
11       few EV chargers for the people who are going to  
12       utilize the offices. At least maybe one of the  
13       buildings.

14              Things like that are going to come up at  
15       the County meeting.

16              Of course the pictures of the lighting,  
17       the dark sky lighting that you're going to be  
18       utilizing.

19              I didn't notice a table. You say we  
20       should refer to the table to tell what kind of  
21       trees and shrubs you have. I didn't see a table  
22       for that in the information that I got, so --

23              MR. ECONOM: Maybe you have an older  
24       drawing. It's on the plan. I'll make sure it's on  
25       the next one.

1 MS. LANZETTA: Dumpsters. I didn't see  
2 the dumpsters.

3 MR. ECONOM: They're on the plan to the  
4 south of each building. If you see the little --  
5 you see the little boxes to the south where the  
6 fire truck turnaround is, there's a dumpster in  
7 each corner of the building. There's three of them  
8 out there.

9 MS. LANZETTA: They'll have some kind of  
10 enclosure?

11 MR. ECONOM: An enclosure. The enclosure  
12 detail is on the detail sheet.

13 MS. LANZETTA: Thank you. Also, I didn't  
14 see what kind of heat you're going to be heating  
15 the offices with. What are you planning on using  
16 for heat?

17 MR. VARRONE: Just a regular forced air  
18 system.

19 MR. ECONOM: A hot air system.

20 MS. LANZETTA: Electric?

21 MR. VARRONE: Electric.

22 MR. ECONOM: I don't know if Central  
23 Hudson will allow gas to the site.

24 MS. LANZETTA: I saw that they didn't want  
25 the gas. That's why I was curious what you were

1 going to utilize.

2 MR. VARRONE: We'll try to use all  
3 electric on the whole site to alleviate that.  
4 Getting the gas onto the site is problematic with  
5 Central Hudson. Their main is on the other side of  
6 the road. They are in the process of upgrading  
7 that. It's probably more cost effective to go with  
8 all electric.

9 We did look at the roofing comment and how  
10 the solar plays into this. Being that the property  
11 is going to be proposed as triple net lease  
12 property, there is no application where we can get  
13 any money back from Central Hudson. If you create  
14 a negative output, then there is -- there's no plan  
15 with this particular electric company to generate  
16 income back in. It kind of creates a problem for  
17 us to spend all that money and get zero return on  
18 it. We did take that into consideration.

19 We also did look at the corridor issue.  
20 We addressed that, I believe, with all of the  
21 screening on the back of building 3. Between  
22 building 3 and 9W, the whole rear of that building,  
23 we're proposing to screen it completely. We can  
24 show a five, ten, fifteen-year generation on the  
25 plantings there. That would alleviate any -- as we

1       noted, it's the first building once you come in to  
2       Marlboro. I know that was a concern. That was  
3       what I had suggested, we screen it totally, then  
4       there is no potential for an eyesore or somebody  
5       doesn't like the color. We're open to whatever  
6       colors and designs. It's not an issue. We felt  
7       that would really solve some of that concern.

8               MR. ECONOM: I think, Pat, when you were  
9       out there, when you realized how far back off 9W --

10              MR. HINES: They are.

11              MR. ECONOM: We're going to be quite a  
12       bit --

13              MR. HINES: They're setback pretty far.

14              MR. GAROFALO: Two other things. One, if  
15       you didn't already, please identify the native  
16       species that are going to be planted.

17              The second thing is, a lot of the signs  
18       require both the Building Code Officer and the  
19       Planning Board to approve. If you're going to put  
20       a sign out front, save yourself extra trips here by  
21       giving us that information now.

22              I think it would behoove you to, at the  
23       first turnoff, have a sign telling people which  
24       units are to the left and which ones are straight  
25       ahead to help direct people so they don't get lost.

1 Not that they're going to go very far, but I think  
2 people will appreciate not having to turn around  
3 and come back.

4 CHAIRMAN BRAND: I think we're all set  
5 with this. Thank you.

6 Once we finalize the SWPPP, we'll send it  
7 up to the County, and the architectural drawings  
8 and all that stuff.

9

10 (Time noted: 9:24 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

---

MICHELLE CONERO

1 STATE OF NEW YORK : COUNTY OF ULSTER  
 2 TOWN OF MARLBOROUGH PLANNING BOARD  
 3 In the Matter of

4  
 5 MARLBOROUGH RESORT LATTINTOWN

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

10  
 11 ----- X

12 PRELIMINARY - SITE PLAN

13 Date: December 2, 2024  
 14 Time: 9:24 p.m.  
 15 Place: Town of Marlborough  
 16 Town Hall  
 17 21 Milton Turnpike  
 18 Milton, NY 12547

19 BOARD MEMBERS: CHRIS BRAND, Chairman  
 20 FRED CALLO  
 21 JAMES GAROFALO  
 22 STEVE JENNISON  
 23 CINDY LANZETTA  
 24 JOSEPH LOFARO  
 25 BOB TRONCILLITO

19 ALSO PRESENT: GERARD COMATOS, ESQ.  
 20 PATRICK HINES  
 21 JEN FLYNN

21 APPLICANT'S REPRESENTATIVE: CHRIS LaPORTA  
 22 DANIEL PATRICK  
 23 MICHAEL ACHENBAUM

24 ----- X  
 25 MICHELLE L. CONERO  
 Stenographer  
 michelleconero@hotmail.com



1           CHAIRMAN BRAND: Next up we have  
2           Marlborough Resort Lattintown for preliminary of  
3           their site plan at 626 Lattintown Road in Marlboro.

4           Sorry for the late nature of the meeting.

5           Pat, do you want to go through your  
6           comments.

7           MR. HINES: The applicants are here  
8           tonight for an evaluation of the SEQRA process.  
9           Step one would be to review Part 2 of the EAF. A  
10          draft of that was submitted to Jeff's office and my  
11          office. I provided a markup to the applicant. We  
12          will walk through that.

13          The Planning Board did receive numerous  
14          comments from the residents of Ridge Road regarding  
15          the impacts to Ridge Road, including community  
16          character. Item 18 of the full EAF will address  
17          that when we get there and the Board's feelings on  
18          that.

19          We identified numerous outside agency  
20          permits that will be required moving forward on the  
21          project.

22          The revised plans addressing our previous  
23          comments need to be submitted.

24          We have done a couple rounds of review on  
25          the SWPPP. A revised SWPPP is one of the items

1 we'll be looking for.

2 The swale along Ridge Road must be  
3 detailed on the plans, and the capacity of that --  
4 the capacity of the culvert that crosses Ridge Road  
5 will need to be identified.

6 Additional detail on the access road into  
7 the site from Lattintown Road.

8 We're suggesting the Planning Board  
9 evaluate the landscaping in the vicinity of the  
10 Ridge Road access point to address some of the  
11 neighbors' concerns.

12 Additional testing for the stormwater is  
13 required.

14 I did have the opportunity to speak to  
15 Dennis Larios today regarding the water system.  
16 They are comfortable with the water system in the  
17 state that it is in approval right now. They're  
18 proposing to construct an onsite water system and  
19 their own fire protection water tank, separate and  
20 apart from the Town's system. It will be supplied  
21 by the Town's system but provide no benefit to the  
22 Town's system. It will provide their daily water  
23 use along with their fire suppression use. They  
24 are entering into an agreement with the Town  
25 regarding improvements or payment in lieu of

1 improvements to the Town's water system.

2 County Planning comments should be  
3 addressed. They are out there now.

4 Any information submitted to outside  
5 agencies moving forward for permits or approvals  
6 should be copied to the Planning Board as lead  
7 agency for completing the file.

8 Comments from the jurisdictional fire  
9 department regarding water supply, hydrant  
10 locations and sprinkler locations should be further  
11 evaluated.

12 With that, I can walk the Board through  
13 Part 2 of the EAF --

14 CHAIRMAN BRAND: Let's do it.

15 MR. HINES: -- as revised.

16 The first one is impact on land. Proposed  
17 action may involve construction on, or physical  
18 alteration of, the land of the proposed site. That  
19 is checked as a yes. Items A through E on the EAF  
20 under that are no to small impact. Item E,  
21 proposed action may involve construction that  
22 continues more than one year or in multiple phases.  
23 We put that as a moderate to large impact. There  
24 are three phases in about a three-year timeframe.  
25 Proposed action item F, the proposed action may

1 result in increased erosion, whether from physical  
2 disturbance or vegetation removal (including  
3 treatment by herbicides). We have that down as a  
4 small to moderate impact. Item G under there is a  
5 no, there's not any coastal erosion hazard area.

6 Item 2, impact on geological features.  
7 The proposed action may result in modification or  
8 destruction of, or inhibit access to, any unique or  
9 unusual land forms. That is a no. None of the  
10 bulleted items under that item are exceeded.

11 Item 3, impacts on surface water. The  
12 proposed action may affect one or more wetlands or  
13 other surface water bodies. We have that as a yes.  
14 Under that, item D, the proposed action may involve  
15 construction within or adjoining a freshwater or  
16 tidal wetland, or in bed or banks of any other  
17 water body. We've identified that as a moderate to  
18 large impact. The project site contains DEC  
19 regulated freshwater wetland areas and associated  
20 buffers, as well as improvements to an existing  
21 bridge on the site crossing the onsite stream.

22 Item E under that, the proposed action may create  
23 turbidity in a water body, either from upland  
24 erosion, runoff or disturbing bottom sediments. We  
25 identified that as a moderate to large impact.

1       Item G, the proposed action may include  
2       construction of one or more outfalls for discharge  
3       of wastewater to surface water. We've identified  
4       that as a moderate to large impact. The project  
5       has a surface discharge from the proposed sewage  
6       treatment plant. Item H, the proposed action may  
7       cause soil erosion, or otherwise create a source of  
8       stormwater discharge that may lead to siltation or  
9       degradation of the receiving water bodies. That is  
10      a small to moderate impact -- moderate to large  
11      impact. Item I, the proposed action may affect the  
12      water quality of any water bodies within or  
13      downstream of the site. That was identified as a  
14      moderate to large impact. Item K under that,  
15      impacts to surface water. The proposed action may  
16      require construction of new, or expansion of  
17      existing, wastewater treatment facilities. That is  
18      a moderate to large impact. The project does  
19      propose a packaged sewer plant with a surface  
20      discharge.

21               Number 4, impacts to groundwater. The  
22      proposed action may result in new or additional use  
23      of groundwater, or may have the potential to  
24      introduce contaminants to groundwater or an  
25      aquifer. That was identified as a no. The project

1 will not use groundwater resources and none of the  
2 items have been exceeded.

3           Impacts on flooding. The proposed action  
4 may result in development on lands subject to  
5 flooding. we have that as a yes because there are  
6 floodplains on the project site, but there are --  
7 the rest of the items under that are a no to small  
8 impact.

9           Again, if the Board has any exception to  
10 any of these, stop me. This is really your  
11 document.

12           Item 6, impacts on air. The proposed  
13 action may include a State-regulated air emission  
14 source. That is a no. None of the thresholds  
15 under A through F below that have been exceeded.

16           Item 7, impact on plants and animals. The  
17 proposed action may result in a loss of flora or  
18 fauna. We've identified that as a yes. Item a  
19 under there, the proposed action may cause a  
20 reduction in population or loss of individuals of  
21 any threatened or endangered species, as listed by  
22 the New York State or Federal government, that use  
23 the site, or are found on, over or near the site.  
24 We have that as a moderate to large impact. There  
25 are, I believe, bat species on the site. They are

1 proposing mitigation by tree clearing limitations.  
2 Similarly item b, the proposed action may result in  
3 a reduction or degradation of any habitat used by  
4 any rare, threatened or endangered species. We  
5 marked that as a moderate to large impact. The  
6 rest of those items, C through J, have been  
7 identified as no or small impacts.

8 Item 8, impact on agricultural resources.  
9 The project may impact agricultural resources. We  
10 marked that as a yes. Under item d of that, the  
11 proposed action may irreversibly convert  
12 agricultural land to nonagricultural uses, either  
13 more than 2.5 acres if located in an agricultural  
14 district, or more than 10 acres if not within an ag  
15 district. We have that as a moderate to large  
16 impact. The other items, items E through H, were  
17 identified as no or small impacts.

18 Number 9, aesthetic resources. The land  
19 use of the proposed action are obviously different  
20 from, or are in sharp contrast to, current land use  
21 patterns between the proposed project and a scenic  
22 or aesthetic resource. We identified that as a  
23 yes. Items c and d under that, as well as item f,  
24 the proposed action may be visible from publicly  
25 accessible vantage points, both seasonally and year

1 round. That's a moderate to large impact. We had  
2 that there as more of the impacts to the Ridge Road  
3 area as the project won't be visible from  
4 Lattintown Road. Item d, the situation or activity  
5 in which viewers are engaged while reviewing the  
6 proposed action. We checked both routine travel by  
7 residents, including travel to and from work, and  
8 recreational or tourist-based activities. Again,  
9 that's associated with the Ridge Road portion of  
10 the project. We have that as a moderate to large  
11 impact. Similar projects visible in the following  
12 distances, and it has the list of distances. We  
13 have that as a moderate to large impact regarding  
14 the visibility on Ridge Road.

15 Item 10, impact on historic and  
16 archeological resources. The proposed action may  
17 occur in or adjacent to a historic or archeological  
18 resource. We had that as a yes. However, none of  
19 the bulleted items below were exceeded. They have  
20 a no impact letter from SHPO on the project.

21 Item 11, impact on open space and  
22 recreation. We've identified that as a no as the  
23 proposed action will not result in a loss of  
24 recreational opportunities or a reduction in open  
25 space as designated in any adopted municipal plan.



1           Item 12, impact on critical environmental  
2       areas. The proposed action may be located within  
3       or adjacent to a critical environmental area. That  
4       is a no.

5           Impact on transportation. The proposed  
6       action may result in a change to existing  
7       transportation systems. That was identified as a  
8       yes. Item a under that, projected traffic increase  
9       may exceed capacity of existing roadway networks.  
10      We did receive a traffic study which was reviewed  
11      by Creighton Manning. We have a memo from  
12      Creighton Manning basically stating that the  
13      traffic will not result in any significant impacts.  
14      However, there were percentage increases at several  
15      intersections.

16           Impact on energy. The project may cause  
17      an increase in the use of any form of energy. We  
18      checked that as a yes. However, none of the  
19      bulleted items under there were exceeded, so those  
20      were all checked as no, items a through e.

21           15, impact on noise, odor and light. The  
22      proposed action may result in an increase in noise,  
23      odors or outdoor lighting. We checked that as a  
24      yes. Item a, the proposed action may produce sound  
25      above noise levels established by local regulation.

1 We have that as a moderate to large impact. They  
2 have identified certain mitigation measures to  
3 address that, including sound monitoring and the  
4 acoustical report that they submitted.

5 Item 16, impacts on human health. The  
6 proposed action may have an impact on human health  
7 from exposure to new or existing sources of  
8 contaminants. That was identified as a no. None  
9 of the bulleted items under that were identified as  
10 being exceeded.

11 Consistency with community plans. We  
12 identified that as a yes. Item a under that, the  
13 proposed action's land use components may differ  
14 from, or in sharp contrast to, current surrounding  
15 land use patterns. That was identified as a  
16 moderate to large impact. Again, the Ridge Road  
17 portion of the project. Item e, the proposed  
18 action may cause a change in density of development  
19 that is not supported by existing infrastructure or  
20 is distant from existing infrastructure. We  
21 checked that as a moderate to large impact as the  
22 extension of the water mains and the construction  
23 of the sewage treatment plant are required. Item  
24 f, the proposed action is located in an area  
25 characterized by low-density development that will

1       require new or expanded public infrastructure.  
2       Again, that was a moderate to large impact  
3       regarding the utilities for the site. Item g under  
4       that is identified as a no or small impact.

5               Item 18, consistency with community  
6       character. The proposed project is inconsistent  
7       with the existing community character. We checked  
8       that as a yes. Once again, having more to do with  
9       the Ridge Road portion of the project. Under that,  
10      item e, the proposed action is inconsistent with  
11      the predominant architectural scale and character.  
12      We identified that as a moderate to large impact.  
13      Again, that has to do with the Ridge Road portion  
14      of the project.

15             With that, that would be the Board's  
16      document for Part 2, unless anyone has any  
17      questions or wants to change any of that.

18             Each of those items that were identified  
19      as a moderate to large impact have been addressed  
20      in the draft of the determination of significance  
21      that the Board has before it.

22             Both of these documents are the Board's  
23      documents, the Part 2, which we just went over, as  
24      well as the draft of the neg dec that I know the  
25      Board has.

1 CHAIRMAN BRAND: Comments or questions on  
2 the EAF?

3 MR. GAROFALO: I just have some minor site  
4 plan questions.

5 CHAIRMAN BRAND: Is that on the EAF?

6 MR. GAROFALO: It will not affect the EAF.

7 CHAIRMAN BRAND: Can we hold off on it  
8 then?

9 MR. GAROFALO: Yes.

10 CHAIRMAN BRAND: We have the EAF. I would  
11 like a motion to accept and approve the EAF form as  
12 presented.

13 MR. HINES: Part 2.

14 MR. LOFARO: So moved.

15 MR. JENNISON: Second.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Okay. Any objection?

19 (No response.)

20 CHAIRMAN BRAND: So that is approved.

21 The next step would be the negative  
22 declaration. Right, Pat?

23 MR. HINES: Yes. The applicant has  
24 prepared a draft negative declaration. My office  
25 and Jerry's office have gone through it. There

1       have been several iterations. We've had some  
2       conference calls regarding it. You have that  
3       document before you now. I know Jerry and I had a  
4       lot to do with changing it.

5               CHAIRMAN BRAND: Any comments that you'd  
6       like to make regarding that?

7               MR. COMATOS: As Pat said, we thoroughly  
8       reviewed it. Our proposed modifications were  
9       accepted throughout. We think that the final  
10      version addresses all of the impacts that were  
11      identified in the EAF Part 2.

12              CHAIRMAN BRAND: I'd like to have a motion  
13      to approve the negative declaration.

14              MR. TRONCILLITO: So moved.

15              MR. CALLO: Second.

16              CHAIRMAN BRAND: Any comments or  
17      questions?

18              (No response.)

19              CHAIRMAN BRAND: Okay. Any objection?

20              (No response.)

21              CHAIRMAN BRAND: The negative dec is  
22      approved.

23              Mr. Garofalo, your comments.

24              MR. GAROFALO: I have a few comments. On  
25      C-120, it notes that there was a skeet shooting

1 area. You don't have to answer these questions  
2 now, but I was wondering if that's going to need to  
3 be cleaned up in some manner.

4 On C-132, it's unclear if the access to  
5 the cabin bar is accessible. Take a look at that.  
6 I think in general you want to put all of the  
7 access points on the building so we can see if the  
8 accessible parking spaces are close to the access  
9 points.

10 On C-153, I think you should look at the  
11 road G and H intersection and see if you can square  
12 that off rather than have those really tight angles  
13 on them.

14 On L-100, note which are native species  
15 for the vegetation that's being planted.

16 On C-530, show the sign faces. In  
17 particular I want to make sure that the accessible  
18 parking sign is the active version of the signage.  
19 Show all of the signs. You can indicate the MUTCD  
20 sign that's appropriate.

21 On C-135, and it might be on another plan  
22 also, you have lift gates. Under State Fire Code  
23 2020, Code D103.5, item 2, lift gates are not  
24 mentioned as being appropriate for the fire access.  
25 Take a look at that code, please.

1 Thank you.

2 CHAIRMAN BRAND: Any other comments or  
3 questions from the Board?

4 MS. LANZETTA: I had gotten the  
5 architectural designs for the workforce housing. I  
6 appreciate that they look more like an agricultural  
7 building. I would prefer that you not go with any  
8 kind of a white siding. Most of our recommendations  
9 have been for anything within those agricultural  
10 areas and ridge line and things of visual that you  
11 would be able to see quite well, they should be  
12 earthen colors.

13 MR. ACHENBAUM: Earthen being gray? I'm  
14 not understanding. I try to -- I'm being honest.  
15 I didn't love the design of the original, but I was  
16 matching the original lodge. That was the reason  
17 we chose the darker colors. I chose the lighter  
18 colors because it matches the housing in the area.  
19 I don't care what color it is.

20 MS. LANZETTA: Housing is a preferential  
21 choice of the landowner's. We don't tell people  
22 how to put their houses unless they are in the  
23 ridge line protection area, in which case we do  
24 tell them they have to be natural earthen colors.  
25 I understand the reason you --

1           MR. ACHENBAUM: I was just trying to match  
2 whatever else was in the area.

3           MS. LANZETTA: We would prefer something  
4 that blends in, like an olive, charcoal, dark slate  
5 gray. Whatever --

6           MR. ACHENBAUM: Okay. We'll come back  
7 with anything you'd like. It doesn't really matter  
8 to us. I was trying to do what everyone else did.

9           MS. LANZETTA: The white will make it much  
10 more visible. That's not what we want to do.

11          MR. ACHENBAUM: Not a problem. We will  
12 tone it down into a more bland color.

13          CHAIRMAN BRAND: Tagging onto what Cindy  
14 said, I think one of the biggest concerns that we  
15 heard from the adjacent landowners was the housing.  
16 I'm relatively comfortable, after seeing the  
17 landscaping plan that they presented and the way  
18 it's in the bank kind of.

19               Is there anyone that is uncomfortable with  
20 that as it's been presented at this point?

21               (No response.)

22          CHAIRMAN BRAND: I think that was really  
23 the one big hurdle.

24           MS. LANZETTA: I have to say that I was  
25 wondering about putting it further back onto the



1 property, but then I imagine there are issues with  
2 the security gate. Once you put it inside, then  
3 you have a lot of additional security issues. I  
4 understand their need to keep it on the exterior of  
5 the security access.

6 MR. GAROFALO: I think definitely the  
7 building color is important there, too.

8 CHAIRMAN BRAND: Any other comments or  
9 questions?

10 (No response.)

11 CHAIRMAN BRAND: No. What do we have  
12 left, Pat, other than approval? Or Jerry? What  
13 other obstacles?

14 MR. HINES: There are numerous outside  
15 agency approvals that are required. That neg dec  
16 is kind of a gateway. You just issued a gateway to  
17 those agencies. They couldn't take any action  
18 until that was issued. DEC can start looking at  
19 permits for things, the Health Department. All  
20 those other agencies can now act as you, as lead  
21 agency, have issued your SEQRA findings.

22 CHAIRMAN BRAND: Is there a time limit for  
23 those things to happen?

24 MR. HINES: There's not. It's back in  
25 their court to go solicit those.

1                   MR. GAROFALO: One of the big issues that  
2 I see is making sure that we get the designs for  
3 that access road off of Lattintown Road that will  
4 support the types of vehicles and will have the  
5 vertical clearance also, so to see the detailed  
6 designs and have those reviewed and make sure you  
7 can handle the weight of the trucks.

8                   MR. HINES: That access road also requires  
9 a DEC permit.

10                  MR. PATRICK: We understand that there are  
11 several outstanding agencies that need to approve  
12 aspects of this application. We're asking this  
13 Board to issue a preliminary site plan approval as  
14 well as a special permit approval so we can  
15 continue to work through the Town's process while  
16 we work through the outside agency processes as  
17 well.

18                  We are comfortable with the conditions  
19 that have been raised in Mr. Hines' recent memo  
20 dated today. We're happy to incorporate those into  
21 the plans if the Board would be willing to approve  
22 conditionally this application based on what's been  
23 raised.

24                  MS. LANZETTA: I would like to ask the  
25 Town Board and Highway Department if they could

1 address the suggestion that there might be some  
2 mitigation that could be shared between the  
3 developer and the Town that was raised in the  
4 traffic report and the conclusions. I just don't  
5 want to jump over that without getting their input  
6 as to whether or not there's something that they  
7 feel that they can work with us in asking as a  
8 condition.

9 MR. GAROFALO: I think we really need to  
10 see those road designs before we can approve this,  
11 because if they can't do it, then that's a major  
12 problem.

13 CHAIRMAN BRAND: Right. I agree. I think  
14 we're not there at this point. I would like to see  
15 what information comes back from these other  
16 agencies at the December 16th meeting.

17 MR. PATRICK: We could certainly -- I  
18 think the road was just to handle the fire truck.  
19 We have a geo-technical engineer. If a section  
20 needs to be thicker, if the gravel shoulders don't  
21 work, we're going to do it. As we continue to get  
22 comments from the fire department and emergency  
23 services, if 18 feet wide doesn't work, we're going  
24 to go to 20. We're going to work through those  
25 technical comments. We stand committed to that.

1       We really wanted to save the trees. If going 20  
2       feet means we lose two trees or we need to replant  
3       two trees, we'll do that. We just want to keep the  
4       process moving. When we get our conditional  
5       approval, we're still going to continue to work on  
6       all these technical comments to your satisfaction.  
7       I just don't want that to be the hang up.

8               CHAIRMAN BRAND: We're just not prepared  
9       tonight to do that. We can revisit that on the  
10      16th. We'll see what we hear back from the other  
11      agencies at that point.

12             MR. PATRICK: Which other agencies?

13             MR. HINES: You probably won't hear from  
14      other agencies --

15             CHAIRMAN BRAND: By January 6th.

16             MR. HINES: We want to be sure we identify  
17      each of those approvals that are outstanding and  
18      any other approvals required in a conditional  
19      approval.

20             CHAIRMAN BRAND: Jerry, thoughts?

21             MR. PATRICK: I want to be clear that we  
22      probably won't have approval from the State or from  
23      the County, all these other agencies, within the  
24      several months given the amount of work and the  
25      lead times for those reviews.

1           MR. COMATOS: It's difficult to project  
2 when all of these conditions will be filled.

3           I agree with Pat. I think the key thing  
4 is to identify all of the external third-party  
5 permits and approvals and properly reflect them as  
6 conditions of approval.

7           CHAIRMAN BRAND: Do we have a timeline for  
8 that, Pat, at all? A rough timeline for those,  
9 identifying those other agencies?

10          MR. HINES: There's a draft document going  
11 around right now. I marked it up as early as today  
12 on my desk. It was today when I was working on  
13 that. Either at the next meeting or the one after  
14 would be appropriate.

15          CHAIRMAN BRAND: Do we want to authorize  
16 the attorney to draft a conditional approval for  
17 the next meeting if all of those conditions are  
18 met? Do I have a motion?

19          MR. TRONCILLITO: Is there anything that  
20 they can do prior to some of these conditions or  
21 releases that we have to approve? Is there  
22 anything that they can do to help them along a  
23 little bit? I'm just asking here.

24          CHAIRMAN BRAND: I don't know. I don't  
25 know what that would be, to be honest.

1                   MR. ACHENBAUM: Hi, guys. Sorry. From  
2                   our perspective, the further I continue to push  
3                   this out, the more difficult it is for me to  
4                   achieve the common goals of the project date wise.  
5                   We have no problem saying that you attach a list of  
6                   all the various agencies that we have to get the  
7                   additional approvals from. The reality is I can't  
8                   go forward and I cannot get a building permit  
9                   without those approvals. I cannot raise investor  
10                  capital or get a loan without moving this forward.  
11                  It's really stunting my ability. I can't fund more  
12                  into this until I know I have this conditional site  
13                  plan approval. I would ask, whether it be tonight,  
14                  if you guys aren't prepared to, then on the 16th,  
15                  to have that list. I think they know the list of  
16                  the various agencies, it just has to be tacked to  
17                  this at this point, and just say subject to a  
18                  litany of requirements, you know, you can get your  
19                  permits later on, because I have no problem with  
20                  that. That allows me to push forward.

21                 CHAIRMAN BRAND: That's the motion I just  
22                 made.

23                 MR. ACHENBAUM: Sorry.

24                 CHAIRMAN BRAND: Do I have a second for  
25                 that?

1 MR. LOFARO: Second.

2 CHAIRMAN BRAND: Is there any discussion  
3 as far as that goes?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 MR. JENNISON: No.

7 CHAIRMAN BRAND: We will authorize the  
8 attorney to draft a conditional approval resolution  
9 -- I'm just writing -- additional resolution of  
10 approval with the -- how do I want to say that?  
11 With the agencies identified or the -- with all  
12 conditions listed. I'll just say that. Okay.

13 MR. ACHENBAUM: Thank you.

14

15 (Time noted: 9:44 p.m.)

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

---

MICHELLE CONERO



1           STATE OF NEW YORK   :   COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

3

4

SOMEPLACE UPSTATE

5

Project No. 23-1008  
 20 Mt. Rose, Marlboro  
 Section 109.1; Block 4; Lots 56.100, 57 & 58

7

8 - - - - - X

9

SKETCH - SITE PLAN

10

11

Date: December 2, 2024

12

Time: 9:45 p.m.

13

Place: Town of Marlborough  
 Town Hall

14

21 Milton Turnpike  
 Milton, NY 12547

14

15 BOARD MEMBERS:

CHRIS BRAND, Chairman

FRED CALLO

16

JAMES GAROFALO

17

STEVE JENNISON

18

CINDY LANZETTA

19

JOSEPH LOFARO

20

BOB TRONCILLITO

21

19

ALSO PRESENT:

GERARD COMATOS, ESQ.

20

PATRICK HINES

21

JEN FLYNN

22

23

22 APPLICANT'S REPRESENTATIVE:

PATTI BROOKS

NEIL J. ALEXANDER

23

- - - - - X

24

MICHELLE L. CONERO

Stenographer

25

michelleconero@hotmail.com

1                   CHAIRMAN BRAND: Finally we have Someplace  
2 Upstate.

3                   Pat, do you want to start off with your  
4 comments.

5                   MR. HINES: This project has been away for  
6 awhile. The project is before you. It's a special  
7 use in the zone.

8                   Code Section 155-32 E should be addressed  
9 by the Planning Board, that is your special use.  
10 Items 1 through 9 as well as E through O will need  
11 to be specifically addressed as the Planning Board  
12 moves through the process in order to issue a  
13 special use permit for this.

14                  The code enforcement officer has given us  
15 an opinion that the lots must be consolidated in  
16 order to meet the acreage requirement for the use.  
17 A 10-acre minimum is required for the use. They  
18 have numerous parcels that add up to more than  
19 that. They have no single parcel that meets that  
20 requirement at this time.

21                  A traffic report has been prepared. The  
22 Planning Board may wish to have the Town's traffic  
23 consultant, Ken Wersted, evaluate the traffic  
24 report and the assumptions in that report. There  
25 were numerous assumptions, such as number of people

1       that are going to come in by bus and other  
2       assumptions in there. I don't know how you  
3       guarantee that there's going to be buses, but there  
4       were reductions in the amount of traffic identified  
5       by that.

6               The bus access --

7               CHAIRMAN BRAND: Sorry. I'm going to jump  
8       in right there. I think that's a great idea.

9               Can I have a motion to have the Planning  
10      Board --

11              MS. LANZETTA: I have a question before we  
12      even go through all of this. I would like to know,  
13      under 155-32 for special use it says that any  
14      existing violations of any applicant would entitle  
15      the Planning Board to withhold review. I'd like to  
16      know what the status is with this. From reading  
17      the newspaper and whatnot, I was under the  
18      impression that they were in violation of -- they  
19      weren't supposed to be having events. It's obvious  
20      they have been having events. Their own study that  
21      they did for the noise was done in October when  
22      they were supposedly not supposed to be having  
23      events. I'm wondering why it is that this is even  
24      before us.

25              MR. GAROFALO: I'd like to answer that.

1 In the code it says the Planning Board may withhold  
2 or suspend review. It does not say should or  
3 shall. It's a condition. It would be a decision.  
4 Any decision like that I think would be something  
5 that we have not done that I can recall. As a  
6 matter of fact, we probably have some of these  
7 short-term rentals which may have been in violation  
8 which come before us. We don't even know that  
9 they're in violation because we don't get that kind  
10 of information generally. I'm concerned about  
11 taking that kind of action of withdrawing or  
12 suspending because that makes us like the judge and  
13 jury and deciding guilty before it's been  
14 determined.

15 MS. LANZETTA: James, the people that have  
16 been in violation were not before us with an active  
17 application and went ahead and did what they felt  
18 like doing anyway. I mean, they come to us because  
19 it's been brought to their attention that they're  
20 in violation. These people have -- it had been  
21 brought to their attention and -- excuse me. They  
22 made an application, they never followed through  
23 and they continued to do the activities that they  
24 were told that they were not supposed to do that  
25 were in violation. They have been held to account

1       by the Town Board. As far as I knew, they were in  
2       court over this. Nothing has changed as far as I'm  
3       concerned. I'm wondering why we are reviewing this  
4       under those circumstances.

5               CHAIRMAN BRAND: Before I let you jump in,  
6       I'm pretty sure the question was directed to Jerry  
7       originally.

8               MR. COMATOS: The matter has been in  
9       court. There was a proposed settlement stipulation  
10      that was circulated. It's my understanding it was  
11      the applicant who ultimately refused to sign it and  
12      that the enforcement proceeding is still pending.  
13      It has not been resolved. However, it is my  
14      understanding that regardless of the pendency of  
15      the enforcement action by the Town, that the  
16      consensus of, I believe the code enforcement  
17      officer and the Town Board and the court, is that  
18      the application continue to be processed before the  
19      Planning Board.

20              MS. LANZETTA: How come we have here that  
21      the code enforcement officer opined that the lots  
22      must be consolidated, and why are we considering it  
23      when that consolidation hasn't been done?

24              MR. GAROFALO: I think they've already  
25      agreed to do --

1           CHAIRMAN BRAND: James, I'm going to just  
2 stop you. Again, I'm pretty sure she wants the  
3 legal.

4           MR. COMATOS: Things of that sort can be  
5 done with the stroke of a pen. At any time the  
6 applicant can consolidate the lots. It's my  
7 understanding that all of the components are owned  
8 and controlled by the applicants. It can certainly  
9 be done as a condition of any approval. I don't  
10 see the fact that the lots are not currently  
11 consolidated and constitute the requisite 10 acres  
12 is an impediment to continue with review of the  
13 application.

14          MR. ALEXANDER: It also was a condition of  
15 the ZBA's approval. We went over that extensively  
16 with the ZBA, because until we -- we have existing  
17 lots up there, several of them, right. They are  
18 essentially subdivided by having them as separate  
19 lots which could each be developed separately.  
20 Until we know we have the approvals for the resort  
21 hotel, we wouldn't want to consolidate them and  
22 erode our rights. Each of those lots could be used  
23 for multi-family housing, affordable housing. They  
24 could be used for several different uses all under  
25 the existing code, subject to your review.

1           Were we to obtain resort hotel approval,  
2       we've shown that the three lots that are the  
3       subject of this application would aggregate to  
4       forty percent larger than that 10-acre minimum. It  
5       would be 14 acres.

6           We agreed with the ZBA as an expressed  
7       condition that should we obtain all of our  
8       approvals, we will consolidate them. Obviously  
9       that would have to be done prior to getting a  
10      building permit to do anything out there.

11          We're not hiding from it. We're just  
12      trying to not have our other land use rights eroded  
13      until such time as we know that we can obtain the  
14      approval for a resort hotel.

15          I think it's also important to note a  
16      distinction that your code provides -- I don't have  
17      it right in front of me, but that may section only  
18      relates to the special permit, if I'm correct. It  
19      doesn't relate to the site plan, by the way, the  
20      enforcement provision. We have both of them in  
21      front of you.

22          I think ultimately, though, the reality  
23      here is if you read the papers -- by the way, my  
24      name is Neil Alexander. I'm a partner of the law  
25      firm of Cuddy & Feder. I represent the applicants.

1       We are not the litigation counsel. We're just land  
2       use counsel here. It's a different law firm  
3       altogether in the court proceeding.

4               If you read the papers that the Town moved  
5       with in the court proceeding, what really becomes  
6       clear is you wanted the applicant to come through  
7       and finish the land use process.

8               We were here in December -- November and  
9       December of last year. The referral was made to  
10      the ZBA. A period of time -- sorry, Jen. I  
11      thought you were talking to me. A period of time  
12      went by. We then supplemented our application to  
13      the ZBA and moved through that process, obtained  
14      that approval. Actually, the statute of  
15      limitations had just run when we submitted to you  
16      on September 27th. We knew our approvals from the  
17      ZBA were beyond appeal, so we came back to you to  
18      move forward with you. We only got involved in the  
19      spring. I can't talk to that earlier period as to  
20      why there was not as active a processing.

21              If you read the court papers, what's very  
22      clear is the Town wants to see the applicant move  
23      through the process. That's what Patti and I are  
24      hoping to do is to have a technical discussion.  
25      We're very comfortable with the idea of getting



1 Creighton Manning involved.

2 The only thing I would say, Chairman, is  
3 maybe we hold off to see exactly what the scope is.  
4 It may be more than, I think, just traffic. Maybe  
5 we want to discuss sound as well. We think having  
6 our studies peer reviewed would be great. We're  
7 comfortable with that. We'd love to move through  
8 this process with you and optimize the site plan  
9 that you have in front of you and discuss how to  
10 operate here as a resort hotel.

11 MS. LANZETTA: We also want to be able to  
12 work with an applicant in good faith. If they are  
13 actively violating an injunction not to continue to  
14 have these events, and then to actually use the  
15 events as supporting information to the Planning  
16 Board, that really makes me very --

17 MR. ALEXANDER: I understand.

18 MS. LANZETTA: -- upset that you are not  
19 operating in good faith. It makes me think that we  
20 can use this section of the law, which is to keep  
21 people coming back to the table and not violating  
22 as they're doing it.

23 MR. ALEXANDER: Right. I hear you. I  
24 understand that. Zoning is about the use, not the  
25 user. We understand the issues associated with the

1 user. We really want to focus on the use. I think  
2 engaging is the best way to do that. Having a  
3 place where we can engage is to everybody's mutual  
4 benefit.

5 My understanding -- I wasn't in the  
6 courtroom. My understanding was that the judge was  
7 looking for the injunction as a means to get us to  
8 the table, not as any other method.

9 MS. LANZETTA: As a means to stop the  
10 activities that are going on that are in violation  
11 of our present zoning.

12 MR. ALEXANDER: I'm not -- like I said,  
13 I'm not counsel in the litigation. I know there  
14 are arguments that have been reserved there that  
15 I'm not interested in discussing really here from  
16 the standpoint of I'm a land use attorney. I'm an  
17 environmental attorney. That's what I want to  
18 focus on. Let's talk about, you know, traffic, and  
19 sound, and turning radius, and landscaping, and  
20 lighting, and fencing, and signage, and all the  
21 issues and elements of a site plan.

22 As I said from the get-go, we have 40  
23 percent more land than the special permit requires  
24 for a resort hotel as part of this application. My  
25 sense is that we can appropriately mitigate any

1 concerns.

2           We did obtain variances to the extent that  
3 those buildings are closer pursuant to the tourist  
4 vacation buildings Section 18-B. I think the ZBA  
5 was also sharing your concerns about the use as  
6 opposed to the applicant. They understood that  
7 adaptively using those existing buildings was more  
8 environmentally beneficent and better for the  
9 neighborhood than raising buildings and building  
10 new buildings to do the same thing a few feet  
11 further back. This way the application as  
12 proposed, we have a very limited amount of site  
13 disturbance, which I know Pat is going to want to  
14 talk about as well, and we have some thoughts  
15 about. At least the adaptive reuse allows for the  
16 least amount of a "construction period."

17           We understand your misgivings. I am not  
18 diminishing them, I'm just trying to side step  
19 them. I hear you and I don't have anything to say  
20 back about them candidly.

21           MR. TRONCILLITO: If they had done this  
22 from the beginning instead of going through all the  
23 expense of lawyers and this and courts, this all  
24 would have been done for God's sake.

25           MR. ALEXANDER: I don't disagree with you

1       at all. I wasn't here and I wasn't involved.  
2       Since I have gotten involved, I think we've tried  
3       to focus on moving the process so you have control,  
4       so you have certainty. I'm in a hard position  
5       because I don't want to get caught with an --

6               MR. TRONCILLITO: It was a sour taste left  
7       in a lot of our mouths.

8               MR. ALEXANDER: I'm not going to try to  
9       talk to that any other way. I hear you a hundred  
10      percent.

11              CHAIRMAN BRAND: Great. Moving along  
12      then. There's a motion on the floor to have the  
13      Planning Board have the Town's traffic consultant  
14      evaluate the traffic report that was submitted.

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

16              CHAIRMAN BRAND: Is there a second?

17              MR. GAROFALO: I'll second it.

18              CHAIRMAN BRAND: Any discussion?

19              (No response.)

20              CHAIRMAN BRAND: Any objection?

21              (No response.)

22              CHAIRMAN BRAND: Good. Pat, we were on  
23      number 4.

24              MR. HINES: That continues with they gave  
25      us a bus turning movement, a template over an

1       aerial photo. The bus obviously creates numerous  
2       conflicts with opposing traffic if you follow that.  
3       It also kind of treats it as two dimensional. The  
4       grade of the roadway should be taken into  
5       consideration for those bus turning movements.  
6       We're suggesting Ken's office look at those as  
7       well. We heard rumors last year, maybe two years  
8       ago about a bus being --

9               MR. TRONCILLITO: Twice.

10              MR. HINES: -- twice stuck across the  
11       roadways up there. That's something that really  
12       needs to be evaluated with regard to the existing  
13       roadways and the ability of buses to really access  
14       the site.

15              MS. LANZETTA: Pat, who is Ken Wersted?

16              MR. HINES: He's with Creighton Manning.  
17       He's our traffic consultant. I'm sorry.

18              The bus access through the parking areas.  
19       When the buses get there, how they turn around and  
20       go back the other way should be evaluated. That  
21       wasn't included in those turning templates.

22              The narrative report identifies thirty to  
23       forty full venue gatherings to be hosted each year.  
24       It appears that the proposed parking lot for the  
25       events will be an existing lawn area. I've stated

1       this before. That seems like a lot of uses to be  
2       placing on an existing lawn. If you have a rainy  
3       season and you have two weekends in a row of rain,  
4       you're putting this many uses on a grass lawn, I  
5       think that needs to be significantly looked at.  
6       Typically venues or commercial site plans that this  
7       Board is looking at require permanent facilities,  
8       pavement, so that you don't have issues with  
9       tracking of mud, vehicles being stuck or emergency  
10      vehicle access into the site being restricted due  
11      to the type of use. It's up to the Board, but I  
12      have the concern regarding the use -- the intensity  
13      of use on grass lawn areas.

14               MS. BROOKS: I want to clarify, though,  
15      that that training field is not grass. I will  
16      clarify what the surface of that is. That's where  
17      the horse ring is. It is a solid surface. I just  
18      want to clarify for the record the training field  
19      is not grass.

20               MR. ALEXANDER: I have one other thought  
21      as we're doing this to optimize it back to that  
22      access. As we talk about it going down Mt. Rose,  
23      something to think about, and it just kind of  
24      dawned on me. I apologize I didn't flag it sooner.  
25      Maybe we can think about it over the coming days

1       and weeks. We own both sides of Mt. Rose. There  
2       may be value in de-mapping Mt. Rose for truck --  
3       for all the movements and making that sort of back  
4       of house.

5               MR. TRONCILLITO: Say that again.

6               MR. ALEXANDER: I'm thinking maybe --

7               MR. TRONCILLITO: You've got the James  
8       Street side and the Mt. Rose side.

9               MR. ALEXANDER: The Mt. Rose side is the  
10       southern side. We own both sides of that road for  
11       a large portion of it. Something I hadn't thought  
12       about before until this evening, it's not just a  
13       Planning Board issue, obviously it would be a Town  
14       Board issue, perhaps we consider de-mapping that  
15       road past where our property begins on the south  
16       side and then you gain back a whole bunch of width  
17       into this property. The Town doesn't have to  
18       maintain it anymore. The Town doesn't do snow, any  
19       of the maintenance, long-term maintenance, it  
20       becomes ours, but it also becomes back of the  
21       house. What it really --

22               MR. TRONCILLITO: You have to get around  
23       the corner and start going up the hill.

24               MR. ALEXANDER: I'm sorry?

25               CHAIRMAN BRAND: I'm going to stop you

1 right there. That's something you can present at  
2 another time.

3 MR. ALEXANDER: Fair enough, Chairman.  
4 It's late. I apologize.

5 CHAIRMAN BRAND: 7.

6 MR. HINES: They've provided a sound  
7 study. We have some comments on that. We  
8 commented in general. My office does not have any  
9 expertise other than to generally comment on that.  
10 I don't know if the Board wants to retain the  
11 services of an independent acoustical expert.

12 CHAIRMAN BRAND: Do we have someone?

13 MR. HINES: I don't. I think we should  
14 probably get one.

15 CHAIRMAN BRAND: I'd like to have that  
16 motion.

17 MR. LOFARO: I'll make a motion to do  
18 that.

19 MS. LANZETTA: Second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 CHAIRMAN BRAND: All right. 8.

25 MR. HINES: That continues with the sound



1 study.

2 I think we'll drop down to number 14. 14,  
3 again we have a very busy venue here, thirty to  
4 forty full venue operations per year. It looks  
5 like they're going to rely on portable toilet  
6 facilities. We're suggesting the Health Department  
7 review that. We suggest a narrative report  
8 regarding the operation and maintenance of those,  
9 the duration of time in which they're there. They  
10 have some pretty fancy ones, but in August they get  
11 not really fancy pretty quick. I have a concern  
12 about it, a permanent venue utilizing portable  
13 facilities to operate. Again, it's up to the  
14 Board. I've had these comments on other facilities  
15 in the Town.

16 The narrative report identifies the  
17 existing facility has been undergoing renovations  
18 for the past year and a half. All guest rooms will  
19 be contained in existing structures. I'm  
20 interested to know how many guest rooms were there  
21 prior to the renovations and if guest rooms have  
22 been added over the last year and a half. I don't  
23 know what those renovations are, but those should  
24 be further clarified.

25 The Planning Board may wish to have the

1 applicants evaluate the subsurface sanitary sewer  
2 disposal systems serving the site.

3 MS. LANZETTA: Absolutely.

4 MR. HINES: I don't know where they are.  
5 I don't know what they are. I don't know the  
6 condition they're in. Certainly that evaluation  
7 should be undertaken.

8 The narrative identifies --

9 CHAIRMAN BRAND: Explain that to me, Pat.  
10 How do we do that? The applicants will provide  
11 that?

12 MR. HINES: They can evaluate the existing  
13 conditions. Sometimes it involves excavating,  
14 figuring out the septic tank sizes that meet the  
15 current code. Again, they're taking this facility  
16 from what it was to what it is proposed, so there's  
17 a change of use that we're evaluating here.

18 CHAIRMAN BRAND: Is there any objection to  
19 that?

20 MR. LOFARO: No.

21 MR. TRONCILLITO: No.

22 MR. JENNISON: No.

23 MS. LANZETTA: No.

24 MR. CALLO: No.

25 MR. GAROFALO: No.

1           CHAIRMAN BRAND: We will go ahead and ask  
2           the applicant to evaluate 16.

3           MS. LANZETTA: I think you'll remember we  
4           made one of our Airbnbs do that. They haven't been  
5           back since.

6           MR. HINES: There's a use on the site. I  
7           think it's Casas, C-A-S-A-S, has three separate  
8           attached apartments of up to five bedrooms. I want  
9           to make sure that's five bedrooms cumulatively,  
10          that it's not fifteen bedrooms.

11          MS. BROOKS: That's correct.

12          MR. HINES: Three of them may have up to  
13          five bedrooms. Again, that goes back to the  
14          sanitary sewer disposal system, how much use and  
15          where does that facility have its subsurface  
16          sanitary disposal system.

17                 The definition of resort hotels states an  
18          area of land located in a hotel or -- does it say  
19          ground --

20          MS. BROOKS: Group.

21          MR. HINES: Sleeping accommodations for  
22          twenty or more persons hired out for compensation  
23          which has a public lobby serving guests and  
24          contains one or more dining rooms and recreational  
25          facilities. A narrative of how this site complies

1       with that should be provided. I think there are  
2       some outdoor venue areas that I don't see listed in  
3       that definition. We're looking for further  
4       information from the applicant.

5               The EAF identifies that it's located  
6       adjacent to sensitive archeological sites. The  
7       Office of Park, Recreation, Historic Preservation  
8       needs to weigh in on it.

9               The Planning Board may wish to declare  
10      your intent for lead agency for review.

11              Also, the limits of disturbance should be  
12      specifically identified on the plan. The EAF shows  
13      it at .7 acres. I think any kind of treatment for  
14      that parking area which we discussed and just the  
15      general -- just to determine the limits of  
16      disturbance to make sure there's less than 1 acre  
17      of disturbance on the site.

18              CHAIRMAN BRAND: I'd like to have a motion  
19      for the Planning Board to declare its intent for  
20      lead agency for review of this project, please.

21              MR. ALEXANDER: Can I be heard on the  
22      exemption from SEQRA? I don't know if you had a  
23      chance to look at that. I believe there's a basis  
24      to argue this project is Type 2 exempt from SEQRA.

25              CHAIRMAN BRAND: It can be an Unlisted

1       action and still --

2               MR. ALEXANDER: I think it's exempt from  
3       SEQRA under 617 5(c) (18) because it's a reuse of a  
4       residential, commercial structure or structure --  
5       this is in footnote 7 on page 6 of my letter, if  
6       you all had a chance to read it. When you have a  
7       reuse of a residential or commercial structure  
8       containing mixed residential and commercial uses,  
9       where the residential/commercial use is a permitted  
10      use under the applicable zoning ordinance,  
11      including permitted by a special use permit, and  
12      you don't cross any of the thresholds for Type 1,  
13      then you can be considered exempt from SEQRA.

14             MR. COMATOS: I'll reserve judgment on  
15      that.

16             MR. ALEXANDER: Okay.

17             CHAIRMAN BRAND: In the meantime, I'd like  
18      to have a motion, should that hold up, that the  
19      Planning Board declare its intent for lead agency  
20      for review of this project.

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

22             CHAIRMAN BRAND: Is there a second?

23             MR. CALLO: I'll second it.

24             CHAIRMAN BRAND: Any discussion?

25             (No response.)

1 CHAIRMAN BRAND: Any objection?

2 (No response.)

3 CHAIRMAN BRAND: All right. Jerry,  
4 depending on your review, we will move forward with  
5 that.

6 Comments, questions from the Board?

7 MS. LANZETTA: I just want to say that in  
8 the process of doing this, if there are continuing  
9 violations until they come to some conclusion, the  
10 Town and the applicant, if we become aware of  
11 additional violations, then I will invoke my right  
12 to ask the Board to withhold review -- any further  
13 review.

14 MR. TRONCILLITO: I agree with that.

15 CHAIRMAN BRAND: Any other comments or  
16 questions?

17 MR. GAROFALO: Yes. I have a bunch of  
18 comments.

19 The variances are based on the center line  
20 of the road. Based on the review for that  
21 property, that was a subdivision, I think we're  
22 falling under the same front yard restrictions.  
23 I'm wondering if that would have to also be staked  
24 out for use. The variances actually should be by  
25 use of the road. I'll leave that question for our

1 consultants to consider for next time.

2 The other thing is about the southern part  
3 of Mt. Rose Road, to look at the rights on that  
4 farm lane and whether or not in the future that  
5 road actually might be constructed through and  
6 would have another connection in the system rather  
7 than terminating it. If it does remain terminated  
8 or if it is shortened, then consideration might  
9 have to be given to whether or not a cul-de-sac or  
10 some kind of turnaround is put in there.

11 I am concerned about the design of the  
12 parking lot layout and making that more of a  
13 perpendicular access.

14 Also the signing. It seems that most of  
15 the traffic would probably be coming up and making  
16 the left to get to the southern part of Mt. Rose.  
17 It might be reasonable to put some signs so that  
18 people know to go to the left. There's a few that  
19 might turn to the right.

20 You might need to have some parking lot  
21 lighting if activities are going to be later.

22 One of the things that's mentioned is that  
23 the gazebo would not be part of the use, yet it's  
24 indicated that that's one of the post-ceremonial  
25 sites. That would need to be clarified. If it is

1       going to be used, then whether or not there needs  
2       to be some kind of reasonable access to the people  
3       on that particular site, because that's pretty far  
4       away.

5               MR. JENNISON: While James is in thought,  
6       I'm interested in the barn as a legal use of event  
7       space. Has that ever had a site plan approval,  
8       fire inspection or Board of Health approval to use  
9       it as a venue other than a barn for agricultural?

10              MR. ALEXANDER: We'll have to investigate  
11       that. I don't know. I mean, I know the Lordi  
12       family obviously operated out there for a very long  
13       time. I don't know what has occurred previously.

14              MR. JENNISON: I'm interested in if it's a  
15       legal usable event space.

16              MR. ALEXANDER: Fire occupancy and things  
17       like that for an event space. I got you.

18              CHAIRMAN BRAND: James.

19              MR. GAROFALO: Make sure that the signage  
20       will conform to the MUTCD.

21              The tennis court --

22              MR. BROOKS: I'm sorry, James. Conform to  
23       what?

24              MR. GAROFALO: The Manual on Uniform  
25       Traffic Control Devices.



1           Make sure the tennis court has some  
2       fencing around it, because you don't -- the people  
3       can run over the balls, but the people chasing the  
4       balls, you don't want them to get run over. It  
5       doesn't have to be 20 feet high. Just high enough  
6       so the people won't just immediately go running  
7       after loose balls.

8           This is kind of a weird property because  
9       it's both a through property and it has -- it's  
10      also a corner property. Take a very close look at  
11      the zoning requirements because of the nature of  
12      the roads and the situation.

13           Also, when we did the site visit there was  
14      a building that looked like it was falling down.  
15      That should be -- it was like a small building. It  
16      may have been knocked down already. If it hasn't  
17      been, it should be secured so nobody accidentally  
18      walks into it or gets hurt from it.

19           MS. BROOKS: James, is that the one that's  
20      off the site that says shed remains? That's not  
21      part of this application. In the upper left-hand  
22      corner?

23           MR. GAROFALO: That could be. That could  
24      be. Again, you have a ceremonial site near that  
25      tree.

1 MS. BROOKS: Look at the way upper left  
2 corner off the site. It's off of James Street.

3 MR. ALEXANDER: I think that's one of the  
4 lots that was removed. I think that's SBL --

5 MR. GAROFALO: I don't remember exactly  
6 where it was on the site. If there is one that's  
7 still on the site, make sure you secure it so  
8 nobody gets hurt. Thank you.

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

11 (No response.)

12 CHAIRMAN BRAND: No.

13 Patti, do you have anything else?

14 MS. BROOKS: I don't think so at this  
15 point in time. We have the comments that need to  
16 be addressed.

17 MR. ALEXANDER: I think the only thing is,  
18 if anyone else has -- Patti, I'm sure you may have  
19 some of it, but if anyone has any more information  
20 about any paper street extension for Mt. Rose Road  
21 to James -- I'm sorry, I can't read your last name  
22 from this far away. I apologize.

23 CHAIRMAN BRAND: Garofalo.

24 MR. ALEXANDER: I would have addressed you  
25 by your last name.

1                   MR. GAROFALO: I'm James. I know who I  
2                   am.

3                   MR. ALEXANDER: Fair enough. I didn't  
4                   mean to -- I didn't want to come across as  
5                   disrespectful.

6                   If anyone has, the Town has, Pat has or  
7                   somebody has more information about Mt. Rose Road  
8                   user road versus paper street aspects so we can  
9                   take a look at that issue.

10                  MS. BROOKS: We marked on here based on  
11                  consultation with the highway superintendent and  
12                  the DOT records that Mr. Garofalo spoke of earlier  
13                  the length of the roads. The end of the Town-  
14                  maintained road is here. The highway superintendent  
15                  asked for an additional turnaround snow storage area  
16                  here that was added. Beyond that, it is just a farm  
17                  right-of-way.

18                  MR. GAROFALO: I am very concerned about  
19                  the variances. I think that's a very important  
20                  thing to find out about, how that's going to apply,  
21                  not only to you but to other projects in the  
22                  future.

23                  MR. ALEXANDER: I mean, I think on Mt.  
24                  Rose -- I know we're calling it a night. Just to  
25                  tie back to that last point, part of what we're

1       thinking about was doing an appendix D, a  
2       hammerhead at the front of our property and then  
3       de-mapping the rest, then you don't have to worry  
4       about the variances on either side that were  
5       granted because you now have a completely owned  
6       piece of property on both sides all the way  
7       through. It doesn't have through traffic. You  
8       don't have the pedestrian/vehicular conflicts  
9       between the parking areas and that barn. That was  
10      the thought. Obviously there would need to be Town  
11      Board approval. As we're going through the site  
12      plan, if you like that idea as the design for some  
13      of the reasons I was noting just now or others, I  
14      think there may be value in us collaborating that  
15      way. I think it could ameliorate other concerns  
16      that would otherwise come up.

17               MS. BROOKS: With regard to -- I know  
18      you're speaking of James Street. With regard to  
19      that, obviously it is a user highway. Obviously  
20      they're not using or maintaining a 50-foot width at  
21      this point in time. Is that determined through  
22      meeting with the highway superintendent and the  
23      town engineer and determining where the user rights  
24      end?

25               MR. GAROFALO: Well, I think first we want

1       to determine whether or not it's applicable in this  
2       particular case.  If it is applicable, then you're  
3       going to want to meet with the highway  
4       superintendent and Mr. Hines to delineate that.

5               MS. BROOKS:  Is that a determination of  
6       Planning Board counsel?

7               CHAIRMAN BRAND:  For which portion?

8               MS. BROOKS:  James Street.

9               MR. GAROFALO:  They're going to look over  
10       the code, I hope, and let us know whether or not  
11       this really should apply based on what the Zoning  
12       Board did previously.

13              MS. BROOKS:  Understood.

14              CHAIRMAN BRAND:  All right.  Thank you.

15

16              (Time noted:  10:32 p.m. )

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

I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of  
the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

*Michelle Conero*

---

MICHELLE CONERO

1           STATE OF NEW YORK : COUNTY OF ULSTER  
               TOWN OF MARLBOROUGH PLANNING BOARD  
 2 - - - - - X  
 In the Matter of

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SENIOR CITIZEN HOUSING CODE

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BOARD BUSINESS - DISCUSSION

10

Date: December 2, 2024

11

Time: 10:32 p.m.

12

Place: Town of Marlborough

13

Town Hall

21 Milton Turnpike

Milton, NY 12547

14

BOARD MEMBERS:

CHRIS BRAND, Chairman

15

FRED CALLO

16

JAMES GAROFALO

17

STEVE JENNISON

CINDY LANZETTA

18

JOSEPH LOFARO

BOB TRONCILLITO

19

ALSO PRESENT:

GERARD COMATOS, ESQ.

20

PATRICK HINES

21

JEN FLYNN

22

23

MICHELLE L. CONERO

Stenographer

24

michelleconero@hotmail.com

25

1                   CHAIRMAN BRAND: Last on the agenda  
2                   tonight for special topics is the Senior Housing  
3                   Code.

4                   There's an e-mail that went out. Scott  
5                   sent out some changes to the Senior Housing Code.  
6                   I told him that we would review that e-mail and, if  
7                   you have any input, that you would contact him  
8                   directly. I know Cindy has already done so.

9                   MS. LANZETTA: And James.

10                  CHAIRMAN BRAND: And James. Thank you.

11                  A motion to adjourn.

12                  MR. JENNISON: I'll make the motion.

13                  MR. LOFARO: Second.

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15                  (Time noted: 10:34 p.m.)

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

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I, MICHELLE CONERO, a Notary Public for and  
within the State of New York, do hereby certify:

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9

That hereinbefore set forth is a true record of  
the proceedings.

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

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IN WITNESS WHEREOF, I have hereunto set my hand  
this 9th day of December 2024.

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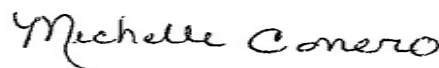
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MICHELLE CONERO