

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

2 -----X

3 In the Matter of

4 - BOARD BUSINESS

5 - CONTINUING EDUCATION - MEMBER GAROFALO

6 - CONTINUING EDUCATION - MEMBER LANZETTA

7 -----X

8 BOARD BUSINESS

9

10 Date: December 16, 2024

11 Time: 7:00 p.m.

12 Place: Town of Marlborough
Town Hall

13 21 Milton Turnpike

14 Milton, New York 12547

15

16 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON

17 FRED CALLO

18 JAMES GAROFALO

19 STEVE JENNISON

20 CINDY LANZETTA

21 JOE LOFARO

22 BOB TRONCILLITO

23

24 ALSO PRESENT: PAT HINES

25

GERARD COMATOS, ESQ.

26

JEN FLYNN

27

28

29

30

31

-----X

32 Stacie Sullivan, CSR

33 staciesullivan@rocketmail.com

-BOARD BUSINESS-

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

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board. Approval of minutes, December 2, 2024.
7 Public Hearings: Marlboro Property Management, public
8 hearing for a subdivision at Burma Road. Ongoing
9 Application Review: Dock Road, sketch of a site plan
10 at 103-137 Dock Road in Marlboro. ELP Solar Truncali
11 for a preliminary of the site plan at 335 Bingham Road
12 in Marlboro. Buttermilk Falls Resort Hotel for a final
13 of their site plan at 220 North Road in Milton.
14 Marlborough Resort Lattintown for a preliminary site
15 plan at 626 Lattintown Road in Marlboro. And Highland
16 Solar, a preliminary site plan, 206 Milton Turnpike,
17 Milton. New Application Review: Hill Top Farms B&B
18 Linda Caradonna, sketch of a site plan at 798
19 Lattintown Road in Marlboro.

20 I'd like to have a motion to approve the
21 minutes for December 2nd.

22 MR. GAROFALO: Mr. Chairman, I don't know if
23 those minutes got distributed.

24 CHAIRMAN BRAND: All right. I'm going to
25 table the minutes for the December 2nd meeting. First

-BOARD BUSINESS-

1 up Marlboro Property Management.

2 MR. GAROFALO: Mr. Chairman, I have an
3 announcement.

4 CHAIRMAN BRAND: Sorry. Announcements.

5 MR. GAROFALO: I attended a course, Session
6 2, the Update of Case Law, two hours.

7 I also would like to say that it has been a
8 pleasure working with the Board, and as of the next
9 reorganization meeting, I expect not to be reappointed,
10 but it has been a pleasure these last five years, and I
11 thank you very much. And you will still be seeing me,
12 but on the other side of the table. Thank you very
13 much.

14 CHAIRMAN BRAND: Thank you, Mr. Garofalo. We
15 appreciate your service.

16 MS. LANZETTA: I too attended the same
17 certification course that James did, the Update of Case
18 Law, for two hours.

19 Time noted: 7:02 p.m.

20

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

22

23 Certified to be a true and accurate transcript.

24

25

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 MARLBORO PROPERTY MANAGEMENT

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

7 PUBLIC HEARING - SUBDIVISION

8 Date: December 16, 2024
9 Time: 7:03 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES

18 GERARD COMATOS, ESQ.

19 JEN FLYNN

20 APPLICANT'S REPRESENTATIVES: SAM DONG
21 DAVE MEAD
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: First up, public hearing,
2 Marlboro Property Management. Do you have the
3 mailings?

4 MR. HINES: It's a continuation.

5 CHAIRMAN BRAND: Sorry. Is there anyone here
6 that would like to speak or ask questions about this
7 property or proposal? Go ahead. Please just state
8 your name for the stenographer.

9 MS. GARBELLANO: My name is Elissa
10 Garbellano.

11 I just have a couple of things I did bring up
12 last meeting about the subdivision and it being -- it
13 was submitted for a single family, and it was a
14 multi-family. So I wanted to know if there was any
15 update, because there's nothing online still saying if
16 anything was approved.

17 MS. LANZETTA: We're waiting ourselves to
18 hear if there's been any update.

19 MS. GARBELLANO: So we won't know today.
20 Okay. So is there any way today that it would get
21 approved without those?

22 MS. LANZETTA: No.

23 MS. GARBELLANO: Okay. Will there be another
24 meeting like this?

25 CHAIRMAN BRAND: There will definitely be

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 several meetings.

2 MS. GARBELLANO: Okay. Do you want me to go
3 over all this now, or no?

4 CHAIRMAN BRAND: For sure.

5 MS. GARBELLANO: Okay. A couple of things I
6 have is the line of where the leach field is, it does
7 go in a straight line into our well. It's downhill.
8 So there is concern that if it is a multi-dwelling and
9 having one leach field coming to our well line. So I
10 do plan to have the water tested and make sure there's
11 no change in that over time.

12 The last Planning Board application, it was
13 approved, but the square footage was left blank. So
14 that was for the single family, but, obviously, we are
15 waiting for the second time through.

16 My other question was, on the proposal it
17 says the well is in front of the house, where there's a
18 big rock, hill. When they were drilling for the well,
19 it looked like it was on the side of the house. So I
20 would like to know, is the well still in front of the
21 house? And the house does look like it's farther down
22 the hill and not as close to Burma Road. So, the
23 measurements, are they going to be measured?

24 My concern is that because they were applied
25 for as a single-family home and now that it's

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 multi-family, the only reason why it was found out was
2 because I came to speak about it. So I'm concerned
3 that the lines -- are they accurate? Now, did someone
4 go back out there and measure to make sure that they're
5 actually directly in front of the property lines?

6 MS. LANZETTA: Which lot are you referring to
7 with the well being close to the road?

8 MS. GARBELLANO: So if you look at the --

9 MR. HINES: Lot 1. I believe that's the lot
10 under construction.

11 MS. GARBELLANO: So right now that one has a
12 multi-family home put already.

13 MR. HINES: Two families.

14 MS. GARBELLANO: Well, I'm not a hundred
15 percent sure. There's doors behind it as well. I'm
16 assuming it's possibly a two family, but it could be
17 underneath as well, additional apartments, is my
18 concern.

19 So the leach field does go in a direct line
20 of our well. So that is my concern.

21 My other question is, with all of that
22 information given to you guys now from last meeting,
23 what holds them accountable for building two additional
24 homes that are supposed to be single family? But this
25 is supposed to be a single family as well, and now

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 there's multi-family already. There's no consequences.
2 You're not going to have them knock it down. So if
3 they build two more multi-families, we're just going to
4 have six or more additional families with all of their
5 waste going into our yard. So those are part of my
6 questions.

7 MR. JENNISON: Ma'am, which one are you on
8 the map?

9 MS. GARBELLANO: So I'm right here

10 (indicating).

11 MR. JENNISON: Dominick. Gotcha.

12 MS. GARBELLANO: So those are my biggest
13 concerns, the leach field into our well. We do drink
14 our well water. I hope that I don't have to get a full
15 house water system. We had it tested when we first
16 moved into the house, and it was fine.

17 So my other thing was about how -- is there
18 anything in place -- I couldn't find anything on the
19 Town Code or the Board on the website at all saying
20 what would -- how do you go out and check to make sure
21 everything is actually being done, and what happens if
22 you do something that's not what you guys were supposed
23 to do, how do you make sure they do it the next time,
24 that it's all correct?

25 MS. LANZETTA: So the house on Lot 1 is

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 existing.

2 MS. GARBELLANO: It's existing.

3 MS. LANZETTA: And it's a duplex?

4 MS. GARBELLANO: I assume that it's a
5 multi-family. I'm not sure how many they plan to have
6 there, but what is on there appears to be more than one
7 house -- or more than one living.

8 MS. LANZETTA: You have a duplex on Lot 1
9 already?

10 MR. MEAD: Lot 1 is a duplex, yes. Two
11 family. That is a two-acre lot. The other lots are
12 single-acre lots with single-family homes.

13 MS. GARBELLANO: But all of the applications
14 were for a single family that was approved already.

15 CHAIRMAN BRAND: Pat, do you have anything on
16 this as well?

17 MR. HINES: We are awaiting a submission to
18 address our comments. I was under the impression we
19 were going to receive a plan with a revised bulk table,
20 a plan labeling the proposed house on the Lot 1 as a
21 two family, as apparently under construction. We
22 didn't get any of that.

23 Lot 1 has approval from the Ulster County
24 Health Department for the septic system. A New York
25 State licensed PE architect or land surveyor must

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 certify that the subsurface sanitary sewer disposal
2 system has been installed per the Health Department's
3 approval. So the building inspector will get a letter
4 from the applicant's design professional that will
5 certify the construction of that.

6 But, again, we don't have anything new since
7 the last meeting. The bulk table has not been adjusted
8 to show Lot 1 being a two family. The house still just
9 says proposed house. It doesn't identify a two family.
10 The other remaining lots do not have sufficient lot
11 area to support a two family under the Zoning, so they
12 have to be single family.

13 But we were as surprised -- the Board was
14 when you brought it up. So we do have those
15 outstanding comments from last time and are awaiting
16 submission of the plans that show it as a proposed two
17 family, as well as the application should be updated to
18 depict that.

19 MS. GARBELLANO: So is there anything that if
20 it's -- if they -- I know it doesn't support a two
21 family on those two other lots, but if they did put a
22 two family on there, like what would happen then?
23 Because there's already a two family on it with a
24 single-family application, is my question.

25 MR. COMATOS: Then it wouldn't get a CO.

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 MR. HINES: So what they've done is in the
2 approval from the Health Department, which I have in my
3 hand, which is actually dated today, says four bedrooms
4 total. So they could build a four bedroom single
5 family, and what they've done was build a four bedroom,
6 two family. So they didn't increase the bedroom count.
7 Septic systems are designed based on bedroom count.

8 MS. LANZETTA: But the building permit that
9 they got, is there a difference between a building
10 permit for a single-family house and a duplex?

11 MR. HINES: The plan should have shown a
12 two-family house.

13 CHAIRMAN BRAND: Can you clarify that for us?

14 MR. MEAD: The building permit was for a
15 four-bedroom two-family house.

16 MR. JENNISON: When you originally built it?

17 MR. MEAD: Yes.

18 MR. JENNISON: Right. But did you update the
19 bulk table?

20 MR. MEAD: The bulk table?

21 MR. JENNISON: What we had asked you at the
22 last meeting.

23 MR. MEAD: Yes. We got everything on the
24 maps that we think you need. Everything should be
25 there.

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 MR. JENNISON: Did you submit that to the
2 engineer prior to tonight's meeting? That's what we're
3 asking.

4 MR. MEAD: No, I did not. Sorry.

5 MR. JENNISON: Because they haven't received
6 anything.

7 MS. GARBELLANO: Well, in the application, if
8 it's the correct one online, it does not say -- it says
9 single-family home.

10 MR. JENNISON: And that's what we had asked
11 them to address.

12 MS. GARBELLANO: My second part is that it's
13 a RAG-1, so it's for agricultural protection really,
14 and I just feel like having three additional homes on
15 what used to be an apple orchard, Marlboro is one of
16 the biggest contributors in the state for apples, and
17 it's taking all of that potential away.

18 MS. LANZETTA: It does allow for single acre,
19 single-family homes. But you are -- that is in the
20 midst of already a very subdivided area, so it's still
21 in the character of what is there.

22 MS. GARBELLANO: Okay.

23 MS. LANZETTA: But when I was looking at the
24 map too, I had a question. I was more concerned about
25 the adjacent well on Richard Backofen, which is right

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 below this lady's property. The distance between the
2 well and their septic, isn't it supposed to be
3 200 feet?

4 MR. HINES: It is if it's down gradient, yes.

5 MS. LANZETTA: And it meets that
6 specification?

7 MR. HINES: I don't typically measure that.
8 The Health Department issues those. We can check that.

9 MS. LANZETTA: Really? We don't measure
10 that?

11 MR. HINES: I typically don't, because they
12 came in with their approved Health Department plans.

13 MS. LANZETTA: But that's for that one that's
14 already been built. I'm looking at the one that's on
15 Lot 2.

16 MR. HINES: They have permits in the file for
17 those as well.

18 MS. LANZETTA: Even though that well might be
19 within that 200 feet setback.

20 MR. HINES: I will check that.

21 MS. LANZETTA: When it's down gradient, it's
22 not supposed to be -- the leach field isn't supposed to
23 be any closer than 200 feet down gradient.

24 MR. MEAD: I thought it was 100 feet.

25 MS. LANZETTA: Isn't it?

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 MR. HINES: Yeah. It's 200 feet if the well
2 is downgrade and 100 feet if the well is upgrade.

3 MS. LANZETTA: It looks to me with the
4 topography, that that's down gradient.

5 MS. GARBELLANO: It is down gradient.

6 MR. MEAD: Which lot was that on?

7 MS. LANZETTA: If you look at the septic for
8 Lot 2 and you look at where the well is for Richard
9 Backofen, I'm just wondering if there's sufficient
10 separation there down gradient.

11 MR. HINES: It sure doesn't look like it.

12 CHAIRMAN BRAND: Anything else?

13 MS. GARBELLANO: Just the measurements. I
14 don't know if you guys -- if you do go out and measure
15 it yourselves. But that's my concern, that what was
16 submitted was not what was actually done. So I would
17 like if there was extra eyes on it just to make sure
18 it's done appropriately. Thank you.

19 CHAIRMAN BRAND: Anyone else who would like
20 to speak?

21 MS. LANZETTA: I was always under the
22 impression that we were supposed to take that into
23 account, our engineer.

24 MR. JENNISON: No, I know, but it's not our
25 responsibility to go out and look.

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 MS. LANZETTA: You can just look on the map.
2 That's why we have a map (inaudible.)

3 MR. JENNISON: (Inaudible.)

4 CHAIRMAN BRAND: Pat --

5 MS. FLYNN: I'm sorry. When the Board talks,
6 we can't hear you.

7 CHAIRMAN BRAND: Can you clarify that? Do
8 you actually go out and do these measurements in the
9 field? Is someone responsible for that?

10 MR. HINES: We do not.

11 MS. LANZETTA: The reason we require them on
12 the map is so that we should be able to look at these
13 things and be able to make comment on them, isn't it?

14 MR. HINES: It's absolutely not 200 feet. No
15 way.

16 CHAIRMAN BRAND: So what does that mean?

17 MR. HINES: It doesn't meet -- but they have
18 a valid Health Department approval for it, so I will
19 contact the Health Department and question it.

20 CHAIRMAN BRAND: I'd like a motion to close
21 the public hearing.

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

23 MR. CALLO: Second it.

24 CHAIRMAN BRAND: Any discussion?

25 (No response.)

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: Any objection?

2 (No response.)

3 MR. GAROFALO: Mr. Chairman, I have a few
4 comments.

5 CHAIRMAN BRAND: Yes.

6 MR. GAROFALO: On the new map, you measured
7 the two roads. It looks like Burma Road narrows down,
8 so I wasn't sure where you took the measurements from,
9 whether you took it from the widest point or where it
10 narrows down, which is also along the frontage. That's
11 one thing I'd like you to take a look at.

12 The second thing is, in the bulk table, the
13 minimum side yard requirement is 35 slash 80, and if
14 you look over to Lot 2 and 3, you would think that
15 doesn't meet it because the numbers are lower than 80.
16 But, in fact, it does meet it because those two numbers
17 are -- one number is the lowest or the shortest one,
18 and the other is the sum of both. And in the Code it
19 just says both. It doesn't really say sum of both, but
20 that probably should be in the Code, and in the bulk
21 table too. So, actually, those numbers, 48 should be
22 48 plus 43.5. It should be the sum of those two
23 numbers, which is over 80, and the same with the other
24 one. If you could put the correct numbers in, which is
25 the second number should be the sum, or put them on

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 different lines, where you say shortest one and the
2 other say sum of both. That would be much more
3 clearer, and I think the Board should be aware of that
4 and make sure that the bulk table shows it in that
5 fashion as it is in the Code. Most of the time it's
6 not going to make any difference, but it will be
7 confusing. And this is also why it's a good idea for
8 the Board to require these measurements on the plan so
9 that you can see where these things were done right and
10 where they were not done right. So the second number
11 is really the sum of the two, which would be over 80
12 for both of them.

13 MR. MEAD: That was for Lot 1 you said?

14 MR. GAROFALO: No. This is Lot 2 and Lot 3.
15 You have 48 and 78.1. And normally we would see
16 something like that, with the requirement of 80, and
17 say we've gotta send you to the Zoning Board, or you
18 have to change it. But here you just put the wrong
19 numbers in. So you need to correct those two numbers
20 on the bulk table, as well as take a look at those two
21 streets and see if where you measured them, if they're
22 really equal, or is Burma Road really narrowed down and
23 really the narrower of the two. Because it looks like
24 it just widens out when you get to the intersection.

25 MR. MEAD: Okay.

MARLBORO PROPERTY MGT - PUBLIC HEARING SUBDIVISION

1 MR. GAROFALO: Thank you.

2 CHAIRMAN BRAND: All right. Thank you.

3 Time noted: 7:19 p.m.

4

5

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

7

8 Certified to be a true and accurate transcript.

9

10 Stacie Sullivan

11 Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 DOCK ROAD

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

7 SKETCH - SITE PLAN

8
9 Date: December 16, 2024
10 Time: 7:19 p.m.
Place: Town of Marlborough
11 Town Hall
21 Milton Turnpike
12 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES
18
GERARD COMATOS, ESQ.
19
JEN FLYNN
20
21
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DOCK ROAD - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Moving on, Dock Road, sketch
2 of a site plan, 103-137 Dock Road. Is anyone here for
3 that?

4 (No response.)

5 CHAIRMAN BRAND: Pat, do you want to give us
6 your comments on that?

7 MR. HINES: Are they here?

8 CHAIRMAN BRAND: They're not.

9 MR. HINES: So we don't have anything new
10 from them. I didn't know why they were on. So we
11 issued comments regarding the Stormwater Pollution
12 Prevention Plan that was submitted, and those comments
13 are attached.

14 We are awaiting comments from the
15 November 2024 Planning Board meeting that are
16 outstanding.

17 We note that we sent SWPPP comments.

18 Structures are located in close proximity to
19 the Town's wastewater treatment plant. We have brought
20 that up on several occasions, as well as Brinnier &
21 Larios, the Town's sewer engineers, who also raised
22 that concern.

23 We cited Ten States Standards, the design
24 standards. New York State is one of the ten states in
25 the Ten States Standards. Compatibility of the

DOCK ROAD - SKETCH SITE PLAN

1 treatment process with present and future land use,
2 including noise, odors, air quality, and anticipated
3 sludge processing and disposal techniques shall be
4 considered. Wastewater facilities should be separate
5 from habitation or any area likely to be built up
6 within a reasonable future period. So that's more for
7 citing of the facilities initially, but here they're
8 placing houses I think 130 feet within the lot line for
9 the sewage treatment plant. So we think -- that's an
10 ongoing concern of both my office as well as Brinnier &
11 Larios's office.

12 And then we're awaiting status of the DOT
13 review of the access drive and the traffic study and
14 suggest that all information to outside agencies be
15 submitted to the Planning Board as well.

16 But I didn't know why they were back on
17 tonight because we didn't receive anything updated.

18 CHAIRMAN BRAND: Thank you.

19 MR. GAROFALO: Mr. Chairman?

20 CHAIRMAN BRAND: Yes.

21 MR. GAROFALO: Could we have some comments
22 from the Board, particularly myself, since I won't be
23 here for the next time they do arrive? Member
24 Lanzetta, do you want to go first?

25 MS. LANZETTA: Well, I would like to call the

DOCK ROAD - SKETCH SITE PLAN

1 Board's attention to the correspondences that we got in
2 regards to this, and I think they all make very
3 pertinent points. I have made a lot -- I have a lot of
4 the same comments that were mentioned in the
5 correspondences, and I have additional concerns.

6 And I'd like to bring up the fact that when
7 Bayside, which is the sister multi-family development
8 that is across the way, when that was looked at, that
9 was considered by the Town Board, and they had found a
10 Positive Declaration in regards to all of the concerns
11 that were raised with that particular development. And
12 they were able to do scoping and address -- get a lot
13 of information from a lot of different agencies and
14 address a lot of the things that eventually made it a
15 much better development. And I think that because this
16 is so similar -- the Bayside was 25 acres. This is
17 24 acres. The Bayside was 104 apartment units, and
18 this one is 103 apartment units. There's a lot of
19 similarities. They're going out onto 9W. In fact,
20 this one has even more potential issues that have to be
21 very carefully examined. I really think since we have
22 sent out Lead Agency to the various other stakeholders,
23 and to my knowledge, nobody else has stepped forward to
24 say that they want to be also one of the lead agencies,
25 I think it's pertinent for us to find that this

DOCK ROAD - SKETCH SITE PLAN

1 particular development does need a lot of information
2 gathering to examine the possible negative -- or as
3 they say in SEQR, the positive effects, and, therefore,
4 we should do a findings statement that that's the case;
5 that this needs a Positive Declaration. And we can get
6 more information in a timely manner than if we don't.
7 That's -- I would be happy to go into more detail on
8 that, but that's something I think we should be
9 thinking about tonight.

10 CHAIRMAN BRAND: James.

11 MR. GAROFALO: Yes. The applicant's
12 representative mentioned that they didn't want to put
13 sidewalks in along with the garages and driveways
14 because there wasn't enough room. I think it would be
15 appropriate for him to actually show the distance
16 between the edge of the garage and the road so we can
17 see that, in fact, there is not enough room to put
18 those sidewalks in. Perhaps a better place to put
19 sidewalks, there's certainly some areas that I think
20 they could do it within the development and not have to
21 deal with that. But maybe in lieu of that, they can
22 think about putting sidewalks along Route 9W where the
23 school is. That might be actually more useful to the
24 Town as an option. And I just throw -- I'll just throw
25 that out.

DOCK ROAD - SKETCH SITE PLAN

1 There were two other properties at this site
2 entrance where it looks like they're going into those
3 properties. They are 109.1-3, 17.200, and 16. And we
4 should have bulk tables for those properties as well,
5 because the Board should not allow reduction in the
6 size of a parcel without looking at those bulk tables,
7 because it may make them nonconforming or more
8 nonconforming if they are already nonconforming. So I
9 think it's very important to have those details.

10 MR. HINES: We have that as a comment as
11 well. And, also, they needed to be added to the
12 application.

13 MR. GAROFALO: As far as the gated access at
14 the entrance, they mentioned they have other locations
15 where they have done this. Certainly having them
16 provide that information, provide video to see how it
17 works, and provide a comparison to make sure they have
18 a similar number of units or more along a similar type
19 road, because that's something that I think is -- to
20 me, is very concerning, is the 55 feet from the call
21 box to Route 9W and the potential for having traffic
22 backed up onto Route 9W, which is a major artery
23 through the entire town.

24 I was somewhat disappointed in one of their
25 comment responses that there was a cop-out of not

DOCK ROAD - SKETCH SITE PLAN

1 providing an electric plug for cars. A type 1 level
2 for electric cars is nothing more than a normal
3 three-prong outlet that you would find anywhere in your
4 house. Clearly, they're going to have garage doors,
5 and they're going to bring electricity into those
6 garages. It makes perfect sense that they provide
7 something like that in the garage. As a homeowner, I
8 appreciate having that just so I can get -- use my
9 tools and things like that. I think that's something
10 that they should be providing, and not at the request
11 of the residents. If they want to do that for Level 2
12 and Level 3, faster charges, that's fine, but at least
13 they should be providing a Level 1 in all of those
14 buildings.

15 With regard to the trees, yes, they mentioned
16 that they would clear them up to 3.5, but some of that
17 road is pretty steep, and you may need to have it
18 higher than 3.5 feet in order to provide adequate sight
19 distance.

20 One of the things that they could do, if they
21 want to have more security, is provide video of who
22 comes in and who goes out as opposed to having a gate.
23 Again, I express my concern about having gated access
24 so close to Route 9W. Thank you.

25 MS. LANZETTA: I also just want make the

DOCK ROAD - SKETCH SITE PLAN

1 point that it's come to my attention that they now own
2 the properties that are fronting on Route 9W, and I
3 think, just as we did with Bayside, to look at it more
4 as a mixed use development, because we would run into
5 issues with segmentation if we know that they own the
6 properties up front and we're not looking at them as
7 part of the entire development of that parcel. Just
8 like Bayside, they don't have to actually give us
9 specific plans at this point, but we have to think of
10 it in terms of how it will impact the development that
11 they are proposing now, and, also, it will allow us to
12 make a better development, such as requiring those
13 sidewalks up front, around 9W, and things of that
14 nature. So it really is a more involved project than
15 it appears to be and certainly than what their present
16 environmental assessment document shows it to be. And,
17 so again, I would say that sooner than later this Board
18 should issue a Positive Declaration on this and -- this
19 and the adjacent properties and begin to do scoping and
20 get all the kinds of information, additional
21 information that we need to make sure that this is
22 going to be a really good development that's going to
23 be something that Marlboro can be, you know, happy
24 with, because it is going to have a lot of impacts.

25 MR. GAROFALO: Mr. Chairman, since the

DOCK ROAD - SKETCH SITE PLAN

1 applicant's consultants could not find the wetlands on
2 the property, I have a Marlboro Elementary School plan,
3 which shows wetlands on the school property going into
4 their property. I would like to loan this to the
5 Planning Department for their records, and, therefore,
6 the applicant would have access to get a copy.

7 CHAIRMAN BRAND: Thank you. You can give
8 that to Jen. She'll forward it. Anything else on
9 this?

10 MS. LANZETTA: Would we be able to make a
11 Positive Declaration at this point, or would you want
12 to provide us --

13 MR. COMATOS: You would have to wait until we
14 receive the EAF Part 2. We would need an EAF Part 2
15 before we make a Positive Declaration.

16 MS. LANZETTA: Okay. Because I know when the
17 Town did it for the Bayside, they just went off the
18 initial EAF.

19 MR. COMATOS: The EAF Part 2 shows more
20 detailed impacts, and it's part of the SEQR process, so
21 we would need the EAF Part 2 first.

22 MR. GAROFALO: It really shows them what they
23 have to study in the Environmental Impact Statement.

24 MS. LANZETTA: Well, I thought scoping was to
25 get the additional information.

DOCK ROAD - SKETCH SITE PLAN

1 MR. HINES: The scoping is more -- I like to
2 define that more as the table of contents for the
3 Environmental Impact Statement. But the first step is
4 go through that Part 2 and identify either the no
5 impacts or small impacts and the moderate to large, and
6 then, as you have one or more moderate to large
7 impacts, that puts you in a position to issue a
8 Positive Declaration.

9 MS. LANZETTA: All right. But what about our
10 concerns about segmentation now that we understand that
11 the rest of the properties are also attached to this
12 larger parcel in the sense that there will be future
13 development and how that might impact the development
14 that's going in that they're proposing now? How do we
15 address that?

16 MR. HINES: In your Positive Declaration,
17 that could be one of the items; to make sure that you
18 incorporate all properties owned or controlled by the
19 applicant.

20 MS. LANZETTA: But you're saying we have to
21 wait for them to provide us with the Part 2?

22 MR. HINES: You can do a Part 2 yourself.

23 MR. COMATOS: The Part 2 is essentially your
24 document. Sometimes the applicant prepares it.
25 Sometimes your consultants do. We can certainly do it

DOCK ROAD - SKETCH SITE PLAN

1 here.

2 MR. HINES: And as it's prepared, typically
3 we walk through them. I read all 18 sections and hit
4 the bullet points that are highlighted, and as we walk
5 through that, those items that the Board determines
6 that may be a moderate to large impact are then
7 identified. And those are the reasons why you would
8 issue your Positive Declaration. You would fill out a
9 Part 3 that says traffic, sidewalks, connectivity,
10 other projects, threatened/endangered species,
11 drainage, proximity to the sewer plant. All those
12 issues will come up as you walk through that Part 2,
13 and that will be the basis for your Positive
14 Declaration, if you find those to be moderate to large
15 impacts.

16 MS. LANZETTA: It's been our policy to get
17 farther into the application before we go through
18 those -- the Part 2 EAF, like we'll be doing tonight.
19 My suggestion is that we do it sooner rather than
20 later, because this is a very important, huge impact on
21 our community, and so rather than wait until we're even
22 further into this --

23 MR. HINES: SEQR suggests you do it sooner
24 than later.

25 MS. LANZETTA: Well, I would like to make a

DOCK ROAD - SKETCH SITE PLAN

1 motion that we begin the second part of the EAF in
2 order to address some of the concerns that have been
3 raised in relation to this particular application.

4 MR. LOFARO: I second it.

5 CHAIRMAN BRAND: Joe. Any objection?

6 (No response.)

7 CHAIRMAN BRAND: So we will issue a Positive
8 Declaration.

9 MR. HINES: No.

10 MS. LANZETTA: We're going through the EAF.

11 MR. GAROFALO: Mr. Chairman, can we have the
12 notes of Mr. Hines added to the website since he didn't
13 go through all the SWPPP details and stuff? I think,
14 as a matter of course, it would probably be better if
15 all his comments were added to the website so the
16 public could see them, rather than have to FOIA them.
17 Also, it provides a reminder to all of us of what his
18 comments were, because many times he's just referring
19 to his previous comments. I think it would be helpful
20 to the Board to have that.

21 CHAIRMAN BRAND: Jen, could you make that
22 happen?

23 MS. LANZETTA: Thanks, Jen.

24 CHAIRMAN BRAND: Anything else for us?

25 MS. LANZETTA: Perhaps the correspondences

DOCK ROAD - SKETCH SITE PLAN

1 too that come to the Board could be a matter of public
2 record.

3 CHAIRMAN BRAND: Jen, could you do that as
4 well?

5 MS. FLYNN: What?

6 CHAIRMAN BRAND: The correspondence, emails
7 regarding this.

8 MS. LANZETTA: Well, the formal letters that
9 we receive.

10 MS. FLYNN: That's a lot of stuff. That's a
11 lot to put on a website. That's a lot.

12 CHAIRMAN BRAND: Can we just put if further
13 information is required, they can contact you?

14 MS. FLYNN: The comments, if you guys want
15 her to put it in the minutes, but everything on the
16 website, that's a lot of stuff to put on the website.

17 MS. LANZETTA: I'm just saying, the
18 correspondence we got from Scenic Hudson or the
19 information we get from Ulster County Planning Board,
20 that's all pertinent to the application. If people
21 don't know that as they're coming in, they might not
22 get a full scope of what's happening with an
23 application.

24 MR. JENNISON: I appreciate the letters that
25 came. My concern is those letters are not signed by

DOCK ROAD - SKETCH SITE PLAN

1 each individual that are listed on that letter that
2 came to us. I can print out a letter, and I can start
3 adding names. Not everybody who is listed is --
4 there's like 30 names. Not each person signed their
5 name to that. It just said, you know, here's a list of
6 people who, you know, approved this.

7 MS. LANZETTA: So you're saying if they're
8 signed letters like --

9 MR. JENNISON: Like look at these, they're
10 signed, actually signed (indicating).

11 MS. LANZETTA: Where official -- like the
12 Ulster County comments are not signed.

13 MR. GAROFALO: Certain agency letters makes a
14 whole lot of sense.

15 MS. LANZETTA: Yeah, the Ulster County
16 letters should be on there.

17 CHAIRMAN BRAND: Anything else?

18 (No response.)

19 Time noted: 7:39 p.m.

20

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

22

23 Certified to be a true and accurate transcript.

24

25

Stacie Sullivan
Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 ELP SOLAR TRUNCALI

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

7 FINAL - SITE PLAN

8
9 Date: December 16, 2024
10 Time: 7:39 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES
18
19 GERARD COMATOS, ESQ.
20 JEN FLYNN

21 APPLICANT'S REPRESENTATIVES: EVAN YOUNG
22 ROSARIO GIUFRÉ
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

ELP SOLAR TRUNCALI - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next up we have ELP Solar
2 Truncali for a final of their site plan.

3 MR. HINES: Our comments are that this is
4 before the Board tonight for a consideration of a
5 Negative Declaration and conditional final approval.

6 Our office has reviewed the draft Negative
7 Declaration with the Part 2 and 3 of the EAF and have
8 no additional comments. The draft Resolution by
9 Gerry's office captures the conditions of approval,
10 which need to be addressed prior to stamping of the
11 plans. I did review those documents, provided comments
12 to Gerry's office as we were moving through.

13 CHAIRMAN BRAND: Gerry, do you want to
14 comment on that?

15 MR. COMATOS: I'm sorry?

16 CHAIRMAN BRAND: Any comments on that?

17 MR. COMATOS: No additional comments. All of
18 Pat's comments have been incorporated into the Negative
19 Declaration and the Resolution of Approval, and I'm
20 satisfied with both documents.

21 CHAIRMAN BRAND: Great. Can I have a -- any
22 comments from the Board?

23 MR. TRONCILLITO: Yeah. I got one question.

24 CHAIRMAN BRAND: Sure.

25 MR. TRONCILLITO: John VandenDooren, the

ELP SOLAR TRUNCALI - FINAL SITE PLAN

1 neighbor that's right in front, he was wondering if the
2 trees could be planted along the fence line. I don't
3 know if he discussed that with you at all. That's what
4 he was asking me to ask.

5 MR. YOUNG: We have not heard from John. You
6 know, we're ready to move forward with the plans as is.

7 MR. TRONCILLITO: Okay. Would you want him
8 to get ahold of you? I'm just relaying the message.
9 It's up to you.

10 MR. YOUNG: You can give John, you know, my
11 contact information. But, I mean, we have a
12 Resolution. We have a Resolution with the site plan
13 data on it. You know, we're ready to move forward.

14 MR. TRONCILLITO: I don't want to hold up the
15 project.

16 MR. YOUNG: Certainly I'd be happy to talk to
17 him.

18 MR. TRONCILLITO: Thank you.

19 CHAIRMAN BRAND: Can I have a motion to
20 approve the Negative Declaration?

21 MR. JENNISON: I make the motion.

22 MR. CALLO: I'll second it.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: Any objection?

ELP SOLAR TRUNCALI - FINAL SITE PLAN

1 (No response.)

2 CHAIRMAN BRAND: Can we also have a motion
3 for the Resolution of Approval?

4 MR. JENNISON: I'll make a motion.

5 CHAIRMAN BRAND: Is there a second?

6 MR. GAROFALO: I'll second.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: Jen, do you want to poll the
10 Board for the Resolution of Approval for ELP Solar?

11 MS. FLYNN: Chairman Brand.

12 CHAIRMAN BRAND: Yes.

13 MS. FLYNN: Member Lanzetta.

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Lofaro.

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Callo.

18 MR. CALLO: Yes.

19 MS. FLYNN: Member Jennison.

20 MR. JENNISON: Yes.

21 MS. FLYNN: Member Garofalo.

22 MR. GAROFALO: Yes.

23 MS. FLYNN: Member Troncillito.

24 MR. TRONCILLITO: Yes.

25 CHAIRMAN BRAND: You're all set. Thank you.

ELP SOLAR TRUNCALI - FINAL SITE PLAN

1 MR. YOUNG: Thank you.

2 Time noted: 7:42 p.m.

3

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

5

6 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 BUTTERMILK FALLS RESORT HOTEL

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

7 FINAL - SITE PLAN

8
9 Date: December 16, 2024
Time: 7:42 p.m.
10 Place: Town of Marlborough
Town Hall
11 21 Milton Turnpike
Milton, New York 12547
12

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

17 ALSO PRESENT: PAT HINES
18
GERARD COMATOS, ESQ.
19
JEN FLYNN
20

21 APPLICANT'S REPRESENTATIVE: MICHAEL MORIELLO, ESQ.
22 ROBERT POLLOCK
23 BARRY MEDENBACH
24

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

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda,
2 Buttermilk Falls Resort Hotel for a final of their site
3 plan.

4 Pat, do you want to run through your
5 comments?

6 MR. HINES: Our comments are similar to the
7 last project. The applicant is before the Board
8 tonight for consideration of a conditional final
9 approval. We have submitted several versions of
10 mark-ups to the project attorney as well as Gerry's
11 office.

12 I do have a note that for the Planning
13 Board's attention to the second-to-last paragraph of
14 Chapter 11, which extends the approvals for the project
15 in the context of the maximum allowable approvals under
16 the Zoning. I've never seen that one before. I want
17 to make sure that if the Board is going to approve that
18 Resolution, that you know they're not going to come
19 back to you for extensions. That language is giving
20 them the full extensions provided in your Code at this
21 point, not in the future.

22 CHAIRMAN BRAND: Comments from the Board?

23 MR. GAROFALO: Yes. I have a few comments.

24 I'll start out with the elephant in the
25 closet. It's something that I brought up in the very

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 beginning which dealt with the gatehouse being a
2 structure in the front yard. Even though it's been
3 moved, which pretty much removed the traffic impact,
4 it's still a structure in the front yard. And I had
5 asked for information as to the design, if they could
6 design it so it would not be classified as a structure,
7 but I have not seen anything. I think the Board needs
8 some more information on that structure.

9 MR. MEDENBACH: Can I just comment? The Code
10 Enforcement Officer wrote a letter on that. Were you
11 aware of that?

12 MR. GAROFALO: He wrote a letter on the --

13 MR. MEDENBACH: Saying that the structure was
14 part of the facility and not an accessory. It was
15 quite a long evaluation. I can find the letter if you
16 want.

17 MR. GAROFALO: That would be good, if you
18 have that.

19 The second thing is, as we discussed earlier,
20 there is no requirement to provide that 25 feet from
21 the center line of the road as a right-of-way to
22 dedicate it to the Town. They're been using as a right
23 to use and not the 25 feet, and the Town is not going
24 to accept that.

25 MR. HINES: So that language was revised in

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 the approval to say if accepted by the Town. I left it
2 open if the Town wanted to accept it or not.

3 MR. GAROFALO: There were a few very minor
4 things which I have not -- some of which were in the
5 most recent plans; some of which have not been added to
6 the plans.

7 One is the directional sign on Milton
8 Turnpike to tell people to turn off of Main Street onto
9 Milton Turnpike to get to southbound 9W.

10 MR. MORIELLO: Jim, I think Barry can speak
11 to that.

12 MR. MEDENBACH: Can you -- which change are
13 you referring to? Did you see our plan that was set up
14 with just the signs?

15 MR. GAROFALO: I saw details of the sign, but
16 I didn't see anything that physically located it.

17 MR. MEDENBACH: Yeah. There's a whole
18 separate sheet that we submitted. Because they were
19 getting so many signs, we put all the signs on one
20 sheet as a site plan.

21 MR. GAROFALO: I saw the detail of the sign.

22 MR. MEDENBACH: We have the details.

23 MR. GAROFALO: What I didn't see is where it
24 was being located. I presume you have plan details
25 because of your other development on that specific

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 site.

2 MR. MEDENBACH: If I may approach the Board.
3 (Handing).

4 MR. GAROFALO: What I'm talking about -- and
5 you can leave this out because there's another error in
6 here. On this particular sheet, you have these parking
7 spaces just past the accessible spaces marked as
8 accessible parking only, and on the other plans, it's
9 outlets for the electrification.

10 MR. MEDENBACH: That's a minor thing.

11 MR. GAROFALO: Right. These are all minor
12 corrections that I hope you can do. On your typical,
13 you're showing arrows, not chevrons, for the signs.
14 Arrows are much better for driver recognition than
15 chevrons on the signs.

16 MR. MEDENBACH: You got it. Is that it?

17 CHAIRMAN BRAND: Pat, can you clarify your
18 Comment Number 2 about paragraph -- or Chapter 11?

19 MR. HINES: Yes. So, in the Resolution the
20 applicant's representatives prepared and submitted to
21 us, those sections of the Code, 155-31K and L, refer to
22 that plans are valid for, and I'm going to quote, two
23 years and then one-year extensions, and then you can
24 get further extensions. The verbiage they put in is
25 tonight, if you accept that verbiage, you would be

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 granting them some seven years' approvals rather than
2 having them come back. Typically, the applicants would
3 come back prior to those approvals sunsetting to
4 request those extensions. It's a rather unique
5 language that I saw in the resolutions.

6 MS. LANZETTA: So it's not the same as our
7 Code?

8 MR. HINES: It is the same as your Code, but
9 they're looking for you to grant those extensions
10 before they even need them, I guess is what they're
11 saying.

12 MS. LANZETTA: We haven't seen the
13 Resolution, so we weren't able to look at that.

14 MR. GAROFALO: Historically, they have the
15 basic, and then if they need more time, they've come
16 in. And I don't remember any time in my five years
17 where we did not grant the extension of time, and in
18 some cases, multiple extensions of the time. In a
19 larger project, you know, they're concerned about
20 getting to a point where, you know, maybe the Board
21 four years down the road is completely different and
22 maybe they don't grant an extension. But,
23 historically, the Board has almost always in my five
24 years granted the extensions. And part of that deals
25 with their desire to minimize their potential of the

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 Board shutting them down. But, on the other hand, by
2 only granting one-year extensions, the Board protects
3 itself when there are changes in the laws or other
4 things come up or a developer does not do something
5 that they are supposed to, that you now have an
6 opportunity to say, wait a minute; if you want your
7 extension, fix it, or show us that you are actually
8 making progress in your development. Because if you're
9 not making any progress at all, then, you know, the
10 Board may say, wait a minute; why are we granting you
11 an extension unless you come up with a reason? And the
12 reason might be, we're having trouble getting a
13 wetlands permit or we're having trouble getting a
14 permit from DOT. There are many reasons why a
15 developer may not be able to start within the first --
16 to get the first year start that you would grant these
17 extensions, but it brings them back to the Board, and
18 the Board then has an opportunity to look at what has
19 been done.

20 MS. LANZETTA: And that's why it's in our
21 Code.

22 MR. GAROFALO: And that's kind of why it's in
23 the Code. But there's nothing -- I don't know if
24 there's anything to prevent the Board from granting
25 that, other than the fact that you lose leverage on the

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 developer to make sure that they are continuing to do
2 some work or progress, just like we shut down
3 applications if they don't progress their application
4 before the Board. It's declared inactive. It's the
5 same type of thing. You don't want it sitting around
6 for four years and doing nothing to move the
7 application forward and then complaining that, you
8 know -- this is, you know, at the discretion of the
9 Board. And it's a "may" condition. We may grant the
10 extension. We do not have to grant the extensions.

11 MS. LANZETTA: I've just never -- I mean,
12 it's in our Code now what the proper procedure is as
13 far as the Town Board is concerned, so I'm wondering do
14 we have the ability to waive this.

15 MR. MORIELLO: The reason I asked for that
16 and put that in the agreement -- it's not a waiver. I
17 think that your law provides that you can request this
18 type of relief. The reason that I did that is because,
19 especially since COVID and since the prices for
20 everything have gone up so much, I have had developer
21 after developer who has been mired in problems with
22 financing, with building times, with schedules with the
23 bank, and also just getting post approval permits can
24 take a quite a while. So the reason I put that in
25 there was to say to the Board -- it's not a question of

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 us trying to evade review or anything that. It's a
2 question of the realities of coming back in and getting
3 reapproved. You have to remember it. You have to come
4 back in and get it reapproved. And this just obviates
5 that necessity. If the Board is not satisfied with it,
6 you know, we can come back in for review. But I will
7 tell you that I've had, especially the one notable
8 exception, not speaking out of school here, because
9 it's in the paper all the time, but the Kingstonian
10 project has been delayed a tremendously long time.
11 I've had -- I've had six litigations myself, and
12 there's been other lawyers that have had three or four
13 other ones with it. So you never know what's going to
14 happen, and it takes a tremendously long time, and
15 we're continually back in renewing permits for that
16 project.

17 MR. GAROFALO: The one thing, when I read the
18 law, okay, it says three one-year, not one to three.
19 So when I read that, it seems to me that it's more
20 intended that they do come back every year and grant
21 one-year extensions and not grant a three-year
22 extension because it wasn't written as you can grant
23 one- to three-year extensions. That's my personal
24 reading of it. But, you know, I certainly sympathize,
25 because I've seen it a lot of times, whether it's the

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 money, getting the money to do it, or getting the
2 permits to do it, that it does take a long time. But,
3 on the other hand, I don't think it's that hard for
4 applicants to send a letter saying we need to extend
5 this because we're this far and we're having this
6 problem.

7 CHAIRMAN BRAND: Gerry, would you speak to
8 that?

9 MR. COMATOS: I agree. I think that it does
10 constitute a waiver of some provisions of the Code, and
11 I don't believe that the Planning Board is authorized
12 to grant a waiver of that sort. So if you're inclined
13 to approve the application, I would not include this
14 particular provision about automatic extensions of
15 approvals. They're essentially building in the maximum
16 number of extensions, and I don't think -- to do that I
17 don't think is necessarily good policy either.

18 MS. LANZETTA: I know the Town Board just
19 recently updated that whole Code and granted additional
20 time for site plan review. I just don't see where
21 we -- you know, it's really the Town Board's purview to
22 make these codes, and I think we have to abide by them.

23 MR. MORIELLO: I'm not going to go against
24 Gerry and the Board. We can certainly take that entire
25 paragraph out and just omit it from the Resolution.

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 CHAIRMAN BRAND: Gerry, do we have a
2 Resolution of Approval for this project?

3 MR. COMATOS: We do. Pat and I have reviewed
4 it. All of our comments have been incorporated. We
5 will see that that particular section is stricken, and
6 that's ready for your approval.

7 MS. LANZETTA: So, then, you'll circulate it
8 and we can possibly vote on that at the next meeting?

9 MR. MORIELLO: Well, we've circulated this
10 twice already.

11 MS. LANZETTA: We haven't received it.

12 MR. MORIELLO: The Board has received it
13 twice.

14 MS. LANZETTA: The Planning Board has not
15 received it.

16 MR. MORIELLO: Yes, they have.

17 CHAIRMAN BRAND: Gerry, could you verify what
18 it is?

19 MS. LANZETTA: We haven't seen it.

20 MR. MORIELLO: Well, that's not because we
21 didn't send it.

22 MR. COMATOS: We've had it. We've circulated
23 multiple drafts, including the most recent, what we
24 considered to be the final draft but for the deletion
25 of the paragraph regarding the building extensions. I

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 have it in front of me. I thought you had it too.

2 MS. LANZETTA: Did anybody else get it?

3 MR. GAROFALO: I think it might have been
4 mailed on Monday, emailed. We may have gotten it
5 today.

6 MR. MORIELLO: We've emailed it to the Board
7 at least on two occasions with the red line changes in
8 it both times.

9 MS. LANZETTA: I think we were waiting for
10 all of the changes going back and forth between you
11 guys. I haven't seen what was proposed to be the
12 final.

13 MR. MORIELLO: There were no changes in it
14 from the last time that we were here, but the Board had
15 said that they hadn't read it, so we -- at that meeting
16 we said you have it before you. The only change that
17 I'm aware of is the one that Pat is just bringing up
18 now -- and Gerry -- about taking out this paragraph.
19 That's -- the rest of it is the exact same as the last
20 meeting we were at.

21 CHAIRMAN BRAND: Gerry and Pat, you guys are
22 both satisfied with the Resolution?

23 MR. HINES: There was a couple of recent
24 changes, I just want to clarify, just edits going
25 through there. You know, there was a condition to be

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 satisfied prior to an issuance of the Certificate of
2 Occupancy. I modified that to say prior to the
3 Planning Board stamping the plans, just as a timing
4 issue. There was a stormwater facilities maintenance
5 agreement between the applicant and the Town of
6 Marlborough. It said Planning Board. I suggested that
7 be Town Board. We added a Town Board approval of the
8 stormwater facilities maintenance agreement. And then
9 we questioned that whole paragraph, which we just
10 discussed, regarding the timing of the extensions.

11 MR. MORIELLO: Yes. I remember those that
12 Pat sent in. We made those minor changes before the
13 last submittal. I think they were done fairly close to
14 the meeting date of the last submittal, and we also
15 submitted a proposed stormwater management agreement,
16 which certainly Pat and the Town Board will be
17 reviewing going forward.

18 CHAIRMAN BRAND: Gerry, you're satisfied as
19 well?

20 MR. COMATOS: Yes, I am.

21 MR. GAROFALO: Mr. Chairman, I have a few
22 other little, tiny minor changes hopefully they can
23 make.

24 CHAIRMAN BRAND: James.

25 MR. GAROFALO: On the electronic charging

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 stations, you should use signs conforming to the MUTCD,
2 the most recent issue, the 11th edition, Section 2B.53,
3 and these are the R11-117 signs.

4 The -- also, I think it would be important to
5 note, as far as the trees and the bushes, which are
6 native species and to add a note that the native
7 species should not be replaced by non-native species.
8 That's something that we should generally require for
9 all of them to do so they don't just change out
10 something that we approved.

11 CHAIRMAN BRAND: Anything else, James?

12 MR. GAROFALO: Yeah. The signage, besides
13 putting the arrows in, I think we should also see the
14 color and size of those signs, that they are
15 appropriately sized.

16 These are all minor details. I don't think
17 they really affect the approval of this project, other
18 than getting some of the real details done before
19 construction so that you don't have problems later on.

20 CHAIRMAN BRAND: With that being said, I'd
21 like a motion to approve the Resolution as prepared by
22 the consultant.

23 MR. JENNISON: I'll make a motion.

24 MR. TRONCILLITO: I'll second.

25 CHAIRMAN BRAND: Any discussion?

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 MS. LANZETTA: I would have liked time to
2 read the entire thing after it was done being marked
3 up.

4 MR. GAROFALO: This is with the section
5 stricken?

6 CHAIRMAN BRAND: Yes. Any objection?

7 (No response.)

8 CHAIRMAN BRAND: Jen, do you want to poll the
9 Board -- actually, is there any objection?

10 (No response.)

11 CHAIRMAN BRAND: All right. You're all set.
12 Thank you.

13 MR. MORIELLO: Not a roll call vote?

14 CHAIRMAN BRAND: We just approved it.

15 MR. MORIELLO: Very good. Thank you for all
16 your time and effort on this.

17 CHAIRMAN BRAND: Sorry. Jen, can we go back
18 and poll the Board on the approval of the last one,
19 please?

20 MS. FLYNN: Chairman Brand.

21 CHAIRMAN BRAND: Yes.

22 MS. FLYNN: Member Lanzetta.

23 MS. LANZETTA: Yes.

24 MS. FLYNN: Member Lofaro.

25 MR. LOFARO: Yes.

BUTTERMILK FALLS RESORT HOTEL - FINAL SITE PLAN

1 MS. FLYNN: Member Callo.

2 MR. CALLO: Yes.

3 MS. FLYNN: Member Jennison.

4 MR. JENNISON: Yes.

5 MS. FLYNN: Member Garofalo.

6 MR. GAROFALO: Yes.

7 MS. FLYNN: Member Troncillito.

8 MR. TRONCILLITO: Yes.

9 Time noted: 8:02 p.m.

10

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

12

13 Certified to be a true and accurate transcript.

14

15 Stacie Sullivan

16 Stacie Sullivan, CSR

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

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

5 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; Lot 12, 13, 29
 10 -----X

11 FINAL - SITE PLAN

12 Date: December 16, 2024
 13 Time: 8:03 p.m.
 14 Place: Town of Marlborough
 15 Town Hall
 16 21 Milton Turnpike
 17 Milton, New York 12547

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

25 ALSO PRESENT: PAT HINES
 GERARD COMATOS, ESQ.
 JEN FLYNN

APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA
 DANIEL PATRICK, ESQ.
 MICHAEL ACHENBAUM

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

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 CHAIRMAN BRAND: Marlborough Resort
2 Lattintown. Pat, would you go through your comments
3 first?

4 MR. HINES: Sure. All previous comments by
5 this office must be addressed. We have outstanding
6 technical comments from several meetings.

7 We've provided the mark-up of the proposed
8 preliminary approval Resolution. The Resolution should
9 be updated and reviewed by the Planning Board prior to
10 any approvals.

11 Certain design elements remain outstanding.
12 The sign-off by all Town consultants, including, but
13 not limited to, my office, Brinnier & Larios, Creighton
14 Manning, and Van DeWater Law, are required.

15 And numerous outside agency approvals are
16 required. I've done my best to incorporate all of
17 those outside agency approvals into the proposed
18 preliminary approval Resolution. And I provided
19 comments to Gerry's office on the Resolution.

20 CHAIRMAN BRAND: Gerry, do you have anything
21 else?

22 MR. COMATOS: I've incorporated all of Pat's
23 comments, and all the final comments were incorporated
24 this afternoon. I don't know whether the Board has had
25 a chance to review the final revised version. Probably

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 not.

2 CHAIRMAN BRAND: Comments or questions of the
3 Board?

4 MR. GAROFALO: My major concern is the access
5 drive and making sure that that is both a suitable
6 width and also suitable for handling the heavy fire
7 trucks both during normal times and when there's snow
8 on the ground. So I'm very concerned that that be
9 appropriately designed and accepted by the Town.

10 MR. HINES: So I've added that as a specific
11 condition. It's small letter R. The applicant shall
12 seek and obtain final design approval of the Lattintown
13 Road access drive and a sign-off by the Code
14 Enforcement Officer and jurisdictional fire department.

15 MR. GAROFALO: Should we have your office
16 also review the design?

17 MR. HINES: Yes. That was the intent, myself
18 and Creighton Manning's office as well as --

19 MR. GAROFALO: That is really a heavy
20 engineering type issue.

21 MR. HINES: Yes. It also needs DEC wetland
22 permits as well, any improvements on that drive because
23 it's within the adjacent areas. Wetlands on both
24 sides.

25 CHAIRMAN BRAND: Gerry, do you have anything

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 for this?

2 MR. COMATOS: Nothing to add.

3 MS. LANZETTA: I have not received anything.

4 I got kind of a strange forward that goes back and
5 forth between people talking about the approval,
6 considering numerous additions and different things
7 like that, but I have no Resolution.

8 CHAIRMAN BRAND: Do you just want to run
9 through maybe what's there?

10 MR. COMATOS: It's a Resolution that
11 addresses all of the elements of the Code in terms of
12 the requirements for site plan approval and special use
13 permit. It identifies that those conditions have been
14 satisfactorily met. And as Pat said, there are
15 numerous post approval conditions that we've carefully
16 listed. And so we believe that we do have all of the
17 conditions of the approval adequately and
18 comprehensively covered.

19 MS. LANZETTA: I would like to see these
20 documents before I vote to approve them.

21 MR. COMATOS: I don't blame you.

22 MS. LANZETTA: How do I get them?

23 MR. PATRICK: If I may also add, a lot of the
24 conditions -- or most of the conditions in this draft
25 Resolution come from the Negative Declaration that was

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 approved two weeks ago. So this really just condenses
2 down a lot of what was decided two weeks ago in the
3 larger 39-page Negative Declaration. It also specifies
4 a lot of outside agencies that we need approval from
5 before we will submit the plans for signature. So
6 there's nothing too new in this. It's not anything
7 ground breaking. It's really just a reorganization of
8 what's already been before the Board.

9 MR. JENNISON: I don't think we're
10 questioning that. I think we're really questioning our
11 housekeeping and what we're doing. You know, we
12 require Pat Hines on Friday to make sure everything
13 that we're going to go over on Monday is to us by
14 Friday at 4:00 so we have the weekend to review. And
15 now we've seen three resolutions -- I'm sorry to put
16 you on the spot, Gerry -- that we have not received,
17 and we should have by Friday afternoon at the latest so
18 we have the weekend to review it. I think that's what
19 we're asking for.

20 I'm not questioning whether it's done or not,
21 and I'm prepared to vote for it, but, just for
22 housekeeping purposes, Mr. Chairman, I'd really like to
23 make sure that resolutions show up at our doorstep by
24 email and that they're checked through Jen on Friday.

25 MR. COMATOS: I agree with you completely.

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 These resolutions have been in draft form for some
2 time, and the drafts have been circulated. And it just
3 so happens that there have been some last-minute
4 changes. None of them are material. Most of them are
5 housekeeping in nature, but I agree that the deadline,
6 that Friday deadline, should be adhered to, and I will
7 admit that they haven't been in these two instances.

8 MR. JENNISON: Okay. Thank you.

9 MR. HINES: Sometimes my comments that are
10 being generated Thursday, Friday, go to Gerry's office,
11 which requires some changes to them. That happens as
12 well.

13 MR. JENNISON: Exactly. And I'm looking at
14 the email that Mrs. Lanzetta was referring to. It
15 says, Thank you, from Jen, and then it says, Yes, it
16 should, from Pat. But there's no Resolution attached
17 to that. You know what I mean? It's just a back and
18 forth between the office. So that's all I'm asking
19 for.

20 MR. GAROFALO: There were also half a dozen
21 comments that I made at the last meeting, and I don't
22 know if any of those have been addressed.

23 CHAIRMAN BRAND: So, essentially, the
24 Resolution mirrors the Negative Declaration and the
25 conditions that were outlined?

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 MR. COMATOS: They are in complete harmony.

2 MR. HINES: And it identifies all the outside
3 agency -- there's numerous outside approvals required
4 here.

5 MR. GAROFALO: Would this close off them
6 answering my comments that I made last time?

7 MR. COMATOS: You would have to refresh my
8 memory as to what comments you're referring to.

9 MR. GAROFALO: I made comments concerning the
10 fire access gate not being a lift gate, whether or not
11 the skeet shooting area needed to be cleared, native
12 species, also information on showing the sign faces so
13 that they meet the MUTCD. So there's a number of
14 different comments that I referred to various drawings.

15 MR. COMATOS: I have not confirmed that those
16 conditions are reflected on any modified site plan.

17 MR. GAROFALO: They're small -- they don't
18 really address the environmental problems, for the most
19 part, that might occur on the site, but they are
20 housekeeping things, which should be cleared up prior
21 to it going into final design. You don't want them
22 putting in an improper gate that's not approved by the
23 State for the fire access or something like that.

24 MR. LaPORTA: We're happy to address those
25 comments as well. I think those are all technical

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 comments that can go through engineering. But we're
2 absolutely going to have a gate that meets the Fire
3 Code requirements and MUTCD compliance signage. You
4 know, we stand fully committed to all of those things.

5 MR. GAROFALO: Unfortunately, since we didn't
6 have the minutes, that's not something you could have
7 looked at, but if we approved the minutes, then that
8 would have been on the website, and you could have
9 looked at those and taken notes.

10 MR. LaPORTA: I'm almost certain that I took
11 notes at the meeting and have all of your comments.

12 CHAIRMAN BRAND: Gerry, I'll go back to where
13 are we on this? So we have a Resolution of Approval
14 that's prepared that we're going to vote on?

15 MR. COMATOS: I won't speak for Pat, but I
16 think Pat is satisfied that all of his comments have
17 been incorporated. Pat did identify several additional
18 third-party approvals that are necessary conditions.
19 They've been included in this most recent draft. And
20 as I mentioned, there's -- there are no new
21 developments here from the factors that were considered
22 when the Negative Declaration was adopted. Everything
23 is completely consistent with that. And I think the
24 only problem is that each of you haven't had,
25 obviously, a chance to read the final Resolution.

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 MS. LANZETTA: But it's basically very
2 similar to the December 2nd Resolution?

3 MR. COMATOS: Yes. The changes have been,
4 like we have already said, mirrored in the Negative
5 Declaration, and are, I would say, mostly in the nature
6 of housekeeping.

7 CHAIRMAN BRAND: Again, both of you are
8 satisfied with the document?

9 MR. COMATOS: I am.

10 MR. JENNISON: I will make a motion to
11 approve.

12 CHAIRMAN BRAND: Is there a second?

13 MR. TRONCILLITO: I'll second.

14 CHAIRMAN BRAND: Any discussion?

15 (No response.)

16 CHAIRMAN BRAND: Any objection?

17 (No response.)

18 CHAIRMAN BRAND: Jen, would you poll the
19 Board?

20 MS. FLYNN: Chairman Brand.

21 CHAIRMAN BRAND: Yes.

22 MS. FLYNN: Member Lanzetta.

23 MS. LANZETTA: Yes.

24 MS. FLYNN: Member Lofaro.

25 MR. LOFARO: Yes.

MARLBOROUGH RESORT LATTINTOWN - FINAL SITE PLAN

1 MS. FLYNN: Member Callo.

2 MR. CALLO: Yes.

3 MS. FLYNN: Member Jennison.

4 MR. JENNISON: Yes.

5 MS. FLYNN: Member Garofalo.

6 MR. GAROFALO: Yes.

7 MS. FLYNN: Member Troncillito.

8 MR. TRONCILLITO: Yes.

9 MR. PATRICK: Thank you very much.

10 MR. ACHENBAUM: Happy holidays everyone.

11 Time noted: 8:13 p.m.

12

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

14

15 Certified to be a true and accurate transcript.

16

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Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 HIGHLAND SOLAR

4 Project No. 24-2010
5 206 Milton Turnpike, Milton
6 Section 95.4; Block 3; Lots 7.21, 7.11, 7.22
-----X

7 PRELIMINARY - SITE PLAN

8 Date: December 16, 2024
9 Time: 8:14 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

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

16
17 ALSO PRESENT: PAT HINES

18 GERARD COMATOS, ESQ.

19 JEN FLYNN

20 APPLICANT'S REPRESENTATIVE: NIC CUNHA

21
22
23
24 -----X
25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 CHAIRMAN BRAND: Next up, Highland Solar. Do
2 you want to run through your comments for us, Pat?

3 MR. HINES: So we have some comments here. I
4 believe they're before the Board tonight to request a
5 draft Negative Dec and/or approval resolutions, but
6 these notes are kind of going to follow and would be
7 included in those.

8 The decommissioning plan and cost estimate
9 must be submitted to the Town Board for approval.
10 Decommissioning security must be in a form acceptable
11 to the Town attorney.

12 Ulster County Planning comments have been
13 received with a no decision as no quorum was present.
14 I don't know if since then if there was a quorum and
15 there may be comments. I wanted to highlight that. I
16 believe Ms. Lanzetta seems to have them.

17 MS. LANZETTA: Yes.

18 MR. HINES: So those should be provided to
19 the applicant, because Ulster County, although they
20 have 30 days, they also have I think two days prior to
21 consideration of any final approvals. So those
22 comments would be valid.

23 A Stormwater Facilities Maintenance Agreement
24 must be executed for the long-term operation and
25 maintenance of the stormwater management facilities.

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 Security for the stormwater improvements and
2 inspection fee in compliance with Section 135-11 and 12
3 of the Town Code.

4 Changes were requested to the landscaping
5 plan based on input from the adjoining owner during the
6 public hearing. The applicants were going to meet with
7 that adjoining owner and discuss changes regarding his
8 preferences on the landscaping. I don't know if that
9 occurred. The applicants may be able to address that.

10 And, again, the project is before the Board
11 to authorize the attorney to prepare a Negative Dec and
12 approval Resolution for the Board's consideration at a
13 future meeting.

14 CHAIRMAN BRAND: Cindy.

15 MS. LANZETTA: We did receive the
16 recommendations from Ulster County Planning Board, and
17 one of the things I wanted to bring up to the Board and
18 to Pat and Gerry is they had mentioned that being that
19 it's in a State Certified Agricultural District 2 in
20 Ulster County, the applicant must coordinate New York
21 State Ag and Markets Board regarding this proposal and
22 address their concerns as part of the approval process.
23 Have you done that?

24 MR. CUNHA: Yeah, we're in contact with
25 NYSDAM, and we're waiting for their determination

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 letter. But sometimes that is required prior.
2 Sometimes it's a condition of approval. It's not
3 really in the Code. We have already initiated that
4 process and can provide that communication and the
5 determination from them when we receive it.

6 MS. LANZETTA: Okay. Because that's
7 something that I wasn't aware of that we should be
8 making sure.

9 MR. HINES: I also -- in projects that are in
10 the Ag district, and this is a Type 1 action, I will
11 confirm, but I usually include Ag and Markets in the
12 lead agency circulation. They often don't respond, but
13 I do believe they are an involved agency, so I include
14 them.

15 MS. LANZETTA: Well, that's just good for the
16 Planning Board to know because that -- which reminds
17 me, I just sent everybody the new Ulster County
18 Agricultural Preservation plan, so this is all
19 important to Marlboro.

20 Some of the other things were not quite so
21 much of a concern, like the decommissioning, which we
22 also had pointed out to you. And they mentioned that
23 they were concerned about the fire access. The
24 inspection. But basically -- you know, you'll get a
25 copy of this, and basically those were the major things

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 that they were concerned about.

2 MR. HINES: Were they advisory, or were they
3 mandatory?

4 MS. LANZETTA: They were required
5 modifications. We'll make sure you get a copy of this
6 too.

7 MR. CUNHA: What were the required
8 modifications?

9 MS. LANZETTA: That you coordinate with Ag
10 and Markets. They also said that they felt that the
11 landscaping and the berming could be improved.

12 MR. CUNHA: Yeah, I thought we did talk about
13 that last time. I think that's the Board's discretion.

14 MS. LANZETTA: We've discussed that. I mean,
15 that's something we, as a Planning Board, respond that
16 we did look into that seriously. The stormwater
17 inspection thing we had discussed at the last meeting.
18 And just the fire -- oh, and then the prime soils.
19 That's something that we don't have any regulations on
20 the Town level. It says required modifications, but,
21 honestly, they're trying to push the Town Board into
22 making some regulations regarding that. That's really
23 not something that the Planning Board can do. But they
24 did recommend -- and this is something that we could
25 add in there, because they recommended that

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 agricultural uses coexist with this project, that at
2 the minimum they would like to see native species
3 pollinator seed mix utilized under the solar panels.

4 MR. CUNHA: I believe that's already
5 stipulated on the plans. That's our standard.

6 MS. LANZETTA: So we should be good with the
7 comments.

8 CHAIRMAN BRAND: James.

9 MR. GAROFALO: Yes. I have some questions
10 and comments.

11 On CS-101, there is a four-foot wide personal
12 gate, and I was wondering why that was on the east side
13 of the project. It seems kind --

14 MR. CUNHA: I can confirm. It's likely
15 access, because I think the two systems are split. I'm
16 not sure exactly where it is off the top of my head,
17 but CS-101, there's a four-foot access gate?

18 MR. GAROFALO: Yeah. It's in the lower part
19 on the east where you have that little jut-out.
20 There's a section where there's no panels.

21 MR. HINES: I think it allows them access to
22 the other side of the fence for maintenance. In other
23 words, if you don't have those gates, everyone is stuck
24 in the fence.

25 MR. GAROFALO: Well, they have the fire

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 access. It seemed kind of weird to put it way over
2 there where they have to walk all the way around the
3 fence to get to it. It seemed kind of an odd place.

4 MR. HINES: I saw that. I envisioned it
5 being for the guys with the lawn maintenance equipment
6 being able to get in on the other side of the fence.

7 MR. CUNHA: That's likely what it is. That's
8 what it sounds like. A four-foot access gate is
9 usually maintenance.

10 MR. GAROFALO: It just seems like a weird
11 place, because where you would be parking would be very
12 far away from that.

13 MR. CUNHA: I mean, landscaping and lawn
14 cutting and stuff like that happens throughout the
15 site.

16 MR. GAROFALO: It seems very inconvenient.

17 On LP-101, there's an asterisk next to some
18 of the trees, and I don't know what that refers to. If
19 you can take a look at that. Ideally, we would like to
20 see asterisks put next to native species trees so we
21 would know which ones are native and which ones are
22 not.

23 The last request I have, I had put through
24 channels. I had asked Jen to follow up on this, but
25 you have not from the last go-around. Put the number

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 and email of the owner on the application. At least
2 provide those to the Board.

3 MR. CUNHA: I believe I did send an updated
4 one. I can double-check that was sent, but I did
5 receive that request and sent it back.

6 MR. GAROFALO: Okay.

7 CHAIRMAN BRAND: I'd like to have a motion to
8 authorize the attorney for an approval Resolution for
9 the next meeting.

10 MS. LANZETTA: I make that motion.

11 MR. LOFARO: I'll second it.

12 CHAIRMAN BRAND: Joe, second. Any
13 discussion?

14 (No response.)

15 CHAIRMAN BRAND: Any objection?

16 (No response.)

17 MR. CUNHA: I have a few questions, if the
18 Board would allow me. I did send over a SEQR Neg Dec
19 draft, if that makes things easier. I'm not sure if
20 you saw that yet.

21 MR. COMATOS: I haven't read through it, but
22 I certainly will.

23 MR. CUNHA: Okay. And then following up on
24 that, just so I make sure I'm clear with the process,
25 from a conditional approval Resolution and a SEQR

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 Resolution red-lining process, does that happen between
2 us and you guys directly, or do we have to wait each
3 meeting to get comments? Or how does that usually
4 work? Then how does the Board get it? Does that come
5 from us or you guys?

6 MR. COMATOS: We'll be drafting the Negative
7 Declaration and Resolution of Approval, and we'll be
8 circulating it to the members of the Board and to you,
9 so that if anybody has any comments, they can let us
10 know.

11 MR. CUNHA: Okay. Makes sense.

12 An update on the neighbor, we did reach out
13 to the neighbor. I gave him my card last meeting. I
14 haven't heard from him. I gave him a call and left a
15 message.

16 MR. GAROFALO: The December 9th memo that you
17 sent out did not have that information.

18 MR. CUNHA: Yes. It's been -- sorry. There
19 it is now. I will submit a memo and stipulate when we
20 have contacted him, but we did. We have not heard back
21 yet. Likely, what that will look like is we strike an
22 agreement with him just to provide funding for
23 landscaping on his side of the property line. It
24 would -- his concern was the trees would be too tall
25 and block his view. They're five to eight feet in

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 planted height as stands right there. And that's
2 unlikely to block his view. So we'll likely keep the
3 landscaping plan as is and then provide him additional
4 funding to get additional landscaping on his side of
5 the fence.

6 MR. GAROFALO: What I'm talking about is the
7 owner of the property that you're putting the cells on,
8 to get their information, because that should be on the
9 application, their email and phone number.

10 MR. CUNHA: Yes. I believe I provided an
11 updated application. I will follow up again and make
12 sure that the Board sees that. But we did address
13 that.

14 MR. GAROFALO: Thank you.

15 MR. CUNHA: A facilities maintenance
16 agreement, is it a standard template that the Town has
17 that will be provided to us?

18 MR. COMATOS: I'll send you a draft.

19 MR. CUNHA: Then, from a security bonding
20 standpoint, is a surety bond sufficient?

21 MR. COMATOS: That's acceptable, if it's in
22 the correct amount and if it's a highly-regarded surety
23 company.

24 MR. CUNHA: Can we provide that language to
25 you directly?

HIGHLAND SOLAR - PRELIMINARY SITE PLAN

1 MR. COMATOS: Yes.

2 MR. CUNHA: Okay. I think that covers all my
3 questions. How do I get your contact info to send
4 everything?

5 MR. COMATOS: Get it through Jen.

6 MR. HINES: I know you have mine.

7 MR. CUNHA: I have yours.

8 CHAIRMAN BRAND: Great. Thank you.

9 Time noted: 8:25 p.m.

10

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

12

13 Certified to be a true and accurate transcript.

14

15 Stacie Sullivan

16 Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 HILL TOP FARMS BnB LINDA CARADONNA

4 Project No. 24-2022
5 798 Lattintown Road, Milton
6 Section 102.2; Block 2; Lot 24
-----X

7 SKETCH - SITE PLAN

8 Date: December 16, 2024
9 Time: 8:26 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES

18 GERARD COMATOS, ESQ.

19 JEN FLYNN

20 APPLICANT'S REPRESENTATIVE: LINDA CARADONNA
21
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Finally, Hill Top Farms B&B,
2 Linda Caradonna.

3 Pat, do you want to run through your comments
4 quickly?

5 MR. HINES: Sure. The applicant is for a bed
6 and breakfast. Under your Code, Section 155 -- it says
7 55 -- 32.4, the plans should have each section of that
8 Code referenced. There's bulleted items in that Code
9 we typically like to see on the plan. The bed and
10 breakfast must be owner occupied. It does state that
11 the owner will reside in the residence and rent out a
12 maximum of three bedrooms. So that will be six guests.
13 So that needs to be shown on the plans. Three bedrooms
14 rented, six guests maximum.

15 A total of five parking spaces are required
16 to be depicted on the plans; one for each rental
17 bedroom and two for the residential use. And I just
18 reference the Code Section 155-27, Table 1, for the
19 parking requirements.

20 I know that in your application you stated
21 there was plenty of parking. Typically we like to see
22 where those five required spaces are.

23 MR. JENNISON: It does show it on the map.
24 There's four parking spots and one garage.

25 MR. TRONCILLITO: Pat, just be aware, can you

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 make sure she can read your lips because she's deaf.

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

4 MR. GAROFALO: Yes.

5 CHAIRMAN BRAND: James.

6 MR. GAROFALO: The floor plan, if you could
7 darken it up, because you really can't read the floor
8 plan, that would be helpful.

9 MS. CARADONNA: Yes. I have a floor plan.
10 You want me to have it right now?

11 MR. GAROFALO: No. You don't have to give it
12 to me right now. We have a copy of it, but all the
13 interior stuff is almost impossible to read. You just
14 have to make it darker so you can see where the rooms
15 are.

16 When you send out the notices for the public
17 hearing, you may want to include one of the maps
18 showing where the property is on the parcel maps.

19 MS. CARADONNA: Okay.

20 MR. GAROFALO: If you already have the parcel
21 map, just add that when you send it out, because we'll
22 get fewer people in here because they'll see where you
23 are and they'll say, hey, I'm far away from you.

24 MS. CARADONNA: No question. Very good.

25 MR. GAROFALO: It's a good idea to add that.

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 It's not a requirement.

2 On the plan there is a garage that's crossed
3 out. I presume that it's no longer there, but you have
4 some greenhouses, and you could just put a box to show
5 where those are.

6 MS. CARADONNA: Yeah. Nobody will be in
7 there. I won't rent them out.

8 MR. GAROFALO: That will be helpful.

9 One of the concerns that generally comes up
10 with short-term rentals and bed and breakfasts are
11 people wandering onto other people's property. So you
12 should -- it's helpful if it's clearly delineated where
13 the property boundaries are. You have a stone wall
14 over a good part of it, which is helpful to keep people
15 from wandering off, but that's one of the concerns that
16 sometimes occur with the neighbors.

17 On Item 13, which talks about show signing
18 for the proposed home occupation, no sign is permitted
19 for short-term rentals. I'm not sure if -- bed and
20 breakfasts, do they have signage or not?

21 MR. HINES: I believe they can have one
22 two-by-two or something like that. It was a very small
23 identification sign.

24 MR. GAROFALO: So you can have something like
25 that, but you should mark that if you're going to do

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 that on the plan.

2 The Board should consider changing the form
3 so that people actually mark this as Y for yes, N for
4 no, NA for not applicable. That should be in the
5 beginning of it as a change in the form, and if you're
6 going to change the form, it should be dated that it's
7 a change in the form.

8 That's nothing you have to do. Okay. But
9 the main thing is darken the spots, because one of the
10 things that the building inspector will want to know is
11 how do the people who are living there get out. So he
12 needs to see where all the rooms are and the halls,
13 et cetera, and all the access points. So that's an
14 important thing to do. That's all I have.

15 MS. LANZETTA: I have a question. Are you
16 going to make the pool accessible to the people who are
17 coming?

18 MS. CARADONNA: Yes.

19 MS. LANZETTA: Does that involve any Board of
20 Health or anything like that?

21 MR. HINES: I don't know the answer to that.
22 It'd probably be an issue.

23 CHAIRMAN BRAND: I think it does. Some Place
24 Upstate, they actually had Health Department inspection
25 of their pool. So that might be something to consider.

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 MS. LANZETTA: Discuss it with the building
2 inspector and see if there's special requirements if
3 you do allow them to use the pool; if he needs to do a
4 special inspection of any type or anybody else.

5 MS. CARADONNA: Okay.

6 MS. LANZETTA: Sometimes when you involve the
7 public in a business, it becomes different than just a
8 residential.

9 CHAIRMAN BRAND: Public hearing, Jen?

10 MS. FLYNN: It would be January 21st.

11 MR. HINES: That's a Tuesday.

12 MS. FLYNN: Yes, that's a Tuesday, and that's
13 upstairs.

14 MR. JENNISON: I will not be here. Jen, we
15 should not have public hearings upstairs. I want that
16 on the record.

17 CHAIRMAN BRAND: Noted. I think there will
18 be five people, tops. I'd like to have a motion to
19 schedule a public hearing for January 21st.

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

21 CHAIRMAN BRAND: Is there a second?

22 MS. LANZETTA: I'll second it.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: Any objection?

HILL TOP FARMS B&B - SKETCH SITE PLAN

1 MR. JENNISON: Me.

2 CHAIRMAN BRAND: So we'll do that. If
3 there's no comments, outstanding comments, can I
4 authorize the attorney -- have a motion for the
5 Resolution as well?

6 MS. LANZETTA: Prepared?

7 CHAIRMAN BRAND: Yes.

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

9 MR. TRONCILLITO: I'll second that.

10 CHAIRMAN BRAND: Any discussion?

11 MR. GAROFALO: The only thing I would suggest
12 that you do is make sure that you have the interior
13 layout prior to the public hearing, because the public
14 may want to see that.

15 CHAIRMAN BRAND: Excellent. All right.
16 You're all set. Thank you. Anything else?

17 (No response.)

18 Time noted: 8:34 p.m.

19

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

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22 Certified to be a true and accurate transcript.

23

24

Stacie Sullivan
Stacie Sullivan, CSR

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