

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

In the Matter of

- BOARD BUSINESS

- TRAINING EDUCATION - MEMBER LaMELA

BOARD BUSINESS

Date: January 6, 2025  
Time: 7:00 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
FRED CALLO  
STEVE JENNISON  
CINDY LANZETTA  
JOE LOFARO  
BOB TRONCILLITO  
JOHN LaMELA

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

Stacie Sullivan, CSR  
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, January 6, 2025, regular meeting at  
7                   7:00 p.m. On the agenda this evening we have the  
8                   approval of the minutes for the December 2nd and  
9                   December 16th meetings. We have a public hearing for  
10                  Summit Drive Properties of their site plan at Summit  
11                  Drive in Marlboro. Under Ongoing Application Review,  
12                  we have Marlboro Property Management for a final of  
13                  their subdivision on Burma Road in Marlboro. We have  
14                  Highland Solar for a final of their site plan at 206  
15                  Milton Turnpike in Milton. We have Nicholas Atkins  
16                  two-lot subdivision for a sketch of their subdivision  
17                  at 6 Cubbard Drive and 33-35 Old Indian Road. Under  
18                  New Application Review, we have Nathanson B&B for a  
19                  sketch of a site plan at 69 Bingham Road. The next  
20                  deadline is Friday, January 10th. The next scheduled  
21                  meeting is Tuesday, January 21st.

22                  Before we start, I would like to take a  
23                  minute to congratulate Mr. John LaMela on his  
24                  appointment to the Planning Board. Mr. LaMela, welcome  
25                  to the Board. I also would like to congratulate

-BOARD BUSINESS-

1 Ms. Lanzetta on her reappointment. Congratulations,  
2 Ms. Lanzetta and John.

3 I would like to have a motion for the  
4 approval of the December 2nd and 16th minutes  
5 respectively.

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

7 MR. TRONCILLITO: I'll second it.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: So moved. Announcements.

13 MR. LaMELA: Mr. Chairman, first I'd like to  
14 say it's an honor to be appointed as a member of this  
15 Board and work alongside of you all. I'm grateful for  
16 the opportunity by the Town and look to live up to what  
17 the Town expects of me.

18 That said, I'd like to announce the  
19 completion of the Department of State Planning Board  
20 Overview, earning the hour and a half certificate to  
21 the annual training.

22 CHAIRMAN BRAND: Great. You can just give  
23 that to the secretary before we leave tonight. Ms.  
24 Lanzetta.

25 MS. LANZETTA: I just wanted to say that a

-BOARD BUSINESS-

1 couple of weeks ago, I had read in the Southern Ulster  
2 Times, it was reported that our Planning Board had made  
3 a motion to have an Approval Resolution made for the  
4 Orchards on Hudson project, and I realized that that  
5 was not correct. And so I sent an email to the editor  
6 with the subject line, Correction, and explained to him  
7 why it was not correct. And so we went back and forth  
8 about it, and I thought it was -- I thought everything  
9 was understood. And then I was very surprised to see  
10 it as a letter to the editor in the following week's  
11 paper, and I had not submitted it as a letter to the  
12 editor. It was simply for a correction. And he had  
13 also -- the editor had put in there that -- my name,  
14 stating Town of Marlborough Planning Board. And I was  
15 upset because I thought that perhaps people would read  
16 that -- I stand behind everything in the correction,  
17 but I didn't want people to think that I was writing on  
18 behalf of the Marlborough Town Board, because I wasn't.

19 And so I just want my fellow members to know  
20 that this was never meant to go out publicly as a  
21 letter to the editor. It was simply a correction. And  
22 I believe that the Southern Ulster Times is going to be  
23 a little more careful when they print in the future.

24 CHAIRMAN BRAND: Thank you.

25 MS. FLYNN: Mr. Chairman, do you want me to

-BOARD BUSINESS-

1 tell everybody their hours that carried over, or do you  
2 just want me to send an email?

3 CHAIRMAN BRAND: You can send it out to the  
4 Board.

5 Time noted: 7:07 p.m.

6

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

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9 Certified to be a true and accurate transcript.

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11 Stacie Sullivan

12 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 SUMMIT DRIVE PROPERTIES

4 Project No. 23-1004  
5 Summit Drive, Marlboro  
6 Section 108.4; Block 6; Lot 29.311  
-----X

7 PUBLIC HEARING - SITE PLAN

8 Date: January 6, 2025  
9 Time: 7:08 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  
STEVE JENNISON  
14 CINDY LANZETTA  
JOE LOFARO  
15 BOB TRONCILLITO  
JOHN LaMELA  
16

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

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1                   CHAIRMAN BRAND: First on the agenda tonight  
2                   we have the public hearing for the site plan at Summit  
3                   Drive in Marlboro. Can I have a motion to reopen the  
4                   public hearing?

5                   MR. LOFARO: I'll make that motion.

6                   MR. CALLO: I'll second it.

7                   CHAIRMAN BRAND: Just to keep everybody in  
8                   the loop, we did receive a letter from Willingham  
9                   Engineering. I'd like to read it into the record. It  
10                  was addressed to myself and the Board members, and it  
11                  reads as follows:

12                 Dear Chair Brand and Planning Board members,  
13                 considering the feedback obtained from the Board and  
14                 the public at the initial public hearing, the property  
15                 owner has decided to re-evaluate the project layout and  
16                 design. We anticipate significant redesign to the  
17                 proposed development to reflect these comments as much  
18                 as practical. After this redesign has occurred, we  
19                 will submit to the Board for review. As the layout is  
20                 anticipated to alter significantly from what the Board  
21                 and public have reviewed, it is our request at this  
22                 time that the public hearing be closed and postponed  
23                 until the forthcoming revised site layout has been  
24                 submitted, reviewed by the Board and its consultants,  
25                 and revised to a point at which it is appropriate to

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1       reopen the public hearing. Thank you for your  
2       consideration in this matter. Please feel free to  
3       contact me at your convenience. Signed, Willingham  
4       Engineering, Matthew Towne, Professional Engineer.

5               That being said, if you are a member of the  
6       public who is here for the public hearing, you would  
7       have an opportunity to speak, but I would encourage you  
8       to only do so if you have something new. We will be  
9       adjourning the public hearing at this time unless you  
10      have something dire that you need to explain. When and  
11      if they do reapply, we will reopen the public hearing  
12      with the materials that are newly presented, but at  
13      this time it looks like any comments you may have may  
14      not be relevant to what's being -- on the table at this  
15      time.

16             Yes, sir. Please. If you could just state  
17      your name for the stenographer.

18             MR. GRIFFITHS: It's Drew Griffiths, 8 Summit  
19      Drive.

20             Just for anything further, I know at the last  
21      meeting we mentioned that the -- I'm trying to recall,  
22      but per the Fire Code or something with the single  
23      access point, we mentioned that there was already the  
24      maximum allowed number of houses/dwellings on this road  
25      for a single access point, so I was wondering if it's



*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1 something that could be considered for the future. Now  
2 that they're proposing something else, it still brings  
3 up the same point of the access code and the dilemma  
4 with that. So is there any way that we can kind of  
5 present that to them, like, hey, given your entrance  
6 through Summit Drive --

7 CHAIRMAN BRAND: Those comments were  
8 addressed by our engineer in his comments to them. We  
9 don't know if the new proposal is even going to be on  
10 Summit Drive at this point, so I can't really answer  
11 that.

12 MR. GRIFFITHS: Okay. Cool. Thank you.

13 MR. TRONCILLITO: Mr. Chairman, the  
14 information I got today was that he didn't have access  
15 to Grand Street. His property doesn't extend down to  
16 there. Now, that's going to have to get looked at in a  
17 little bit more detail. Did you see anything on that,  
18 Pat?

19 MR. HINES: I don't have it in front of me  
20 right now. I know they had access to the sewer. I  
21 think we need to wait and see what they're going to  
22 propose.

23 MR. WIECZOREK: Justin Wieczorek, 7 Overlook  
24 Bluff.

25 This thing has been beaten to death already,

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1           but with the significant revision, if and when it  
2           happens, whether it's six weeks, six months, six years,  
3           would that reopening of the public hearing with the  
4           significant redesign require a new circulation of  
5           public notice to affected neighbors?

6                     CHAIRMAN BRAND:  It would not.  We would just  
7           ask the attorney -- I don't believe that it would.  
8           Gerry, am I wrong with that interpretation?

9                     MR. COMATOS:  Well, unless you -- if you  
10          adjourn it without date and then you decide to  
11          establish a date, then I think notice of that date  
12          would have to be given.

13                    CHAIRMAN BRAND:  It would have to be via mail  
14          or via the website?

15                    MR. COMATOS:  Probably the same means that  
16          public notices are always given.  So if you're going to  
17          adjourn it without date and then reschedule it for a  
18          specific date, there's no means of knowing, so I think  
19          under those circumstances you want to renotice.

20                    CHAIRMAN BRAND:  Okay.

21                    MR. WIECZOREK:  Thank you.

22                    CHAIRMAN BRAND:  He said we would have to  
23          renotify it, the public hearing.  Mr. Garofalo.

24                    MR. GAROFALO:  James Garofalo.  The issue  
25          that was brought up -- I first brought it up

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1           October 2nd, 2023 -- that's on page 51 of the  
2           minutes -- dealing with the number of dwelling units on  
3           a single access and later on realized that this was not  
4           a Town Code but a Fire Code, D107.1. And because that  
5           may have implications to other developments within the  
6           town that are currently before the Board, I think I  
7           would like to have information considering how the  
8           courts have adjudicated that particular code. Thank  
9           you.

10                   CHAIRMAN BRAND: Thank you. Is there anyone  
11           else who would like to have an opportunity to speak?

12                   (No response.)

13                   MR. JENNISON: I'd like to make a motion to  
14           indefinitely postpone this public hearing.

15                   CHAIRMAN BRAND: Indefinitely adjourn.

16                   MR. JENNISON: Indefinitely adjourn.

17                   MR. TRONCILLITO: I would second that.

18                   CHAIRMAN BRAND: Any discussion?

19                   MS. LANZETTA: I just want -- not on that  
20           one. Not on the motion.

21                   CHAIRMAN BRAND: There's a motion to  
22           indefinitely adjourn the public hearing until a date to  
23           be determined. We have a second. Any discussion?

24                   (No response.)

25                   CHAIRMAN BRAND: Any objection?

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1 (No response.)

2 CHAIRMAN BRAND: So we will do so, and the  
3 property owners will be notified. All right.

4 MS. LANZETTA: I also want to bring up the  
5 code that Pat Hines called to our attention with  
6 special permits. Now, even though multi-family is  
7 allowed in residential, it is only allowed as a special  
8 use. So if you go and look at Town Code 155-32E, under  
9 special use, there are even more requirements for us as  
10 a Planning Board to take into consideration when we do  
11 any site plan within a residential area.

12 And I think if I just read this first  
13 sentence, it says: General consideration for special  
14 use permits. In permitting any special use, the  
15 Planning Board shall take into consideration the public  
16 health, safety, and general welfare and the comfort and  
17 convenience of the public in general in the town and  
18 the immediate neighborhood in particular.

19 And if you go through the Code, you will see  
20 that there are special things that our Planning Board  
21 is obligated to take a look at. Now, when it comes  
22 by -- when you have a site plan that's by use, you  
23 know, pretty much everything is dictated by the law.  
24 But when it's a special use, it allows the Planning  
25 Board additional leeway and subjectivity in deciding on

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1        what's best for that community that this particular  
2        site plan is going into.

3                    And I have gone back and looked at our other  
4        multi-family projects, and we have never had to dictate  
5        to those projects how many parking spaces that they  
6        should have because they've come in automatically with  
7        two parking spaces per unit and also additional parking  
8        for guests. So this is really the first time that  
9        we've run into this. And I was looking at the  
10       standards for the multi-family, and I think it's  
11       important to note that the standard is one and a half  
12       parking spots, but that says that that is the minimum  
13       established. That doesn't mean that we don't have the  
14       leeway to ask for additional parking. And I think  
15       based on what the people in the neighborhood have said,  
16       I think it behooves this Planning Board to let the  
17       applicant know that anything they come back with is  
18       going to have to have additional parking. I would like  
19       to say that we would say that they have to have at  
20       least two parking spaces per unit and also accommodate  
21       additional parking so that we're not negatively  
22       impacting the adjoining neighborhood and risking their  
23       safety.

24                    So being that they're looking at redoing this  
25       project, I think I would like for the Planning Board to

*SUMMIT DRIVE PROPERTIES - PUBLIC HEARING SITE PLAN*

1           let them know that we are expecting additional parking,  
2           and I think that would significantly impact the amount  
3           of units that they're going to have in that project.

4                   CHAIRMAN BRAND: Thank you. Anything else on  
5           this one?

6                   (No response.)

7                   Time noted: 7:18 p.m.

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

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Certified to be a true and accurate transcript.

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          Stacie Sullivan          

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Stacie Sullivan, CSR

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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 FINAL - SUBDIVISION

8 Date: January 6, 2025  
9 Time: 7:18 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  
STEVE JENNISON  
14 CINDY LANZETTA  
JOE LOFARO  
15 BOB TRONCILLITO  
JOHN LaMELA

16  
17 ALSO PRESENT: PAT HINES  
18  
GERARD COMATOS, ESQ.  
19  
JEN FLYNN

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

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1                   CHAIRMAN BRAND: Moving along, under Ongoing  
2                   Application Review, we have Marlboro Property  
3                   Management for a final of their subdivision.

4                   Pat, you have a couple of comments?

5                   MR. HINES: So in order to address our  
6                   previous comments, the limits of disturbance have been  
7                   added to the plan, which identify 1.28 acres of  
8                   disturbance between the three lots. Projects with one  
9                   to five acres -- residential projects one to five acres  
10                  of disturbance require an erosion and sediment control,  
11                  and coverage under the DEC Stormwater permit is  
12                  required. So that will be a condition of approval.

13                  They've added the Fire Department turn-outs  
14                  to the plans based on the driveway lengths. They  
15                  actually went above and beyond what is required.

16                  Plans have been revised to show individual  
17                  driveways for each of the lots. There was a former  
18                  common driveway serving Lots 2 and 3. They're now  
19                  having individual ones, so the previous comments  
20                  regarding common driveway access and maintenance  
21                  agreements are eliminated.

22                  A ten-foot wide utility easement has been  
23                  depicted on the plans to share access to utilities  
24                  across the site. The filing of that easement should be  
25                  a condition of approval.



*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1                   We received an email from the Code  
2           Enforcement Officer -- or to the Code Enforcement  
3           Officer from the Ulster County Health Department,  
4           addressing the setbacks for the subsurface sanitary  
5           sewer disposal systems. They apparently met in the  
6           field and confirmed that the well on proposed Lot 2 has  
7           a disconnect in the flow of surface water between that  
8           lot and the adjoining lot. The email states that:  
9           This department has confirmed that their previous  
10          permit issued for the subsurface sanitary sewer  
11          disposal system remains valid. And that was written by  
12          the Ulster County Health Department representative.  
13          There's a copy of that attached to my comments. That's  
14          from Chris Kessler of Ulster County. I know that came  
15          up during the public hearing.

16                   Notes have been added to the bulk table,  
17          identifying Lot 1 is proposed for a two-family house.  
18          Lot 1 would require a two-acre minimum. It has greater  
19          than that. It has 2.51 acres. Lots 2 and 3 do not  
20          have sufficient area to permit a two-family residential  
21          use, as that was a comment during the public hearing.  
22          People were concerned that the additional lots would be  
23          constructed as two-family.

24                   So, with those couple of comments included in  
25          the Resolution of Approval, we have no further

*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1           comments.

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

4                   (No response.)

5                   CHAIRMAN BRAND:  No.  We also have -- before  
6           us this evening we have a SEQR Negative Declaration and  
7           Notice of Determination of Non-Significance for the  
8           Town of Marlborough Property Management -- sorry, the  
9           application of Marlboro Property Management.  Jen,  
10          would you poll the Board?

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 LaMela.

22                  MR. LaMELA:  Yes.

23                  MS. FLYNN:  Member Troncillito.

24                  MR. TRONCILLITO:  Yes.

25                  CHAIRMAN BRAND:  We also have a Resolution of

*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1 Approval by the Town of Marlborough Planning Board.  
2 Gerry, is there anything you would like to highlight  
3 there?

4 MR. COMATOS: No. In addition to the  
5 Resolution of Approval, can you also accept the short  
6 EAF?

7 CHAIRMAN BRAND: I'd like to have a motion to  
8 approve the short Environmental Assessment Form.

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

10 CHAIRMAN BRAND: Is there a second?

11 MR. CALLO: Yes, second.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: That being said, we have the  
17 Resolution of Approval prepared for the application.  
18 Jen, would you poll the Board?

19 MS. FLYNN: Chairman Brand.

20 CHAIRMAN BRAND: Yes.

21 MS. FLYNN: Member Lanzetta.

22 MS. LANZETTA: Yes.

23 MS. FLYNN: Member Lofaro.

24 MR. LOFARO: Yes.

25 MS. FLYNN: Member Callo.

*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1 MR. CALLO: Yes.

2 MS. FLYNN: Member Jennison.

3 MR. JENNISON: Yes.

4 MS. FLYNN: Member LaMela.

5 MR. LaMELE: Yes.

6 MS. FLYNN: Member Troncillito.

7 MR. TRONCILLITO: Yes.

8 CHAIRMAN BRAND: Subdivision Recreation Fee  
9 Findings, Town of Marlborough Planning Board. Whereas  
10 the Planning Board has received a subdivision  
11 application known as Marlboro Property Management with  
12 respect to real property located at Burma Road in the  
13 Town of Marlborough. Member Lanzetta offered the  
14 following resolution, which was seconded by Member  
15 Callo.

16 It is hereby resolved that the Planning Board  
17 make the following finds pursuant to Section 277(4) of  
18 the Town Law. Based on the present and anticipated  
19 future need for park and recreational opportunities in  
20 the Town of Marlborough and to which the future  
21 population of this subdivision will contribute,  
22 parklands should be created as a condition of approval  
23 of this subdivision. However, a suitable park of  
24 adequate size to meet the above requirement cannot be  
25 properly located within the proposed project site.

*MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION*

1       Accordingly, it is appropriate that, in lieu of  
2       providing parkland, the project sponsors render to the  
3       Town payment of a recreation fee to be determined in  
4       accordance with the prevailing schedule established for  
5       that proposed by the Town of Marlborough. This  
6       approved subdivision known as Marlboro Property  
7       Management resulted in two lots for a total of \$4,000  
8       in recreation fees. Whereupon the following vote was  
9       taken: Chairman Brand, yes. Callo.

10               MR. CALLO: Yes.

11               MR. HINES: Chairman.

12               CHAIRMAN BRAND: Yes.

13               MR. HINES: The duplex increases that. I  
14       believe it's going to be -- there's four total units  
15       there, one of which they get credit for. So I believe  
16       there's three rec fees due.

17               CHAIRMAN BRAND: So I'll amend that to say  
18       three -- it goes by the units. You're correct. So  
19       three lots for \$6,000?

20               MR. HINES: Yes. Three units.

21               CHAIRMAN BRAND: With that amendment, the  
22       following vote was taken: Brand, yes. Callo.

23               MR. CALLO: Yes.

24               CHAIRMAN BRAND: LaMela.

25               MR. LaMELA: Yes.

## MARLBORO PROPERTY MANAGEMENT - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Jennison.

2 MR. JENNISON: Yes.

3 CHAIRMAN BRAND: Lanzetta.

4 MS. LANZETTA: Yes.

5 CHAIRMAN BRAND: Lofaro.

6 MR. LOFARO: Yes.

7 CHAIRMAN BRAND: Troncillito.

8 MR. TRONCILLITO: Yes.

9 CHAIRMAN BRAND: All right. I believe you're  
10 all set.

11 MR. DONG: Thank you. I appreciate it.

12 Time noted: 7:24 p.m.

13

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

15

16 Certified to be a true and accurate transcript.

17

18

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 FINAL - SITE PLAN

8 Date: January 6, 2025  
9 Time: 7:24 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  
STEVE JENNISON  
14 CINDY LANZETTA  
JOE LOFARO  
15 BOB TRONCILLITO  
JOHN LaMELA

16  
17 ALSO PRESENT: PAT HINES  
18 GERARD COMATOS, ESQ.  
19 JEN FLYNN  
20

21 APPLICANT'S REPRESENTATIVE: VARDAAAN GURUNG  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*HIGHLAND SOLAR - FINAL SITE PLAN*

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

4                   Pat, would you like to go through your  
5 comments and the draft EAF for the Board?

6                   MR. HINES: So I prepared -- the applicant  
7 prepared a draft part 2. I reviewed it. I made  
8 changes to it and additional suggestions. This is a  
9 Type I action. I'm suggesting the Board walk through  
10 this. I'll walk the Board through that and make sure  
11 that you concur with our suggested answers, and I know  
12 that additional documents were prepared by Gerry's  
13 office for this. Based on the information submitted in  
14 the long form EAF, the site plan, the visual  
15 assessments, stormwater management plans, et cetera, we  
16 have reviewed those items and made the following  
17 suggestions.

18                   Impact on Land. Proposed action may involve  
19 construction on, or physical alteration of, the land  
20 surface of the proposed site. That answer is a yes.  
21 Item A under that: Proposed action may involve  
22 construction on land where depth to water table is less  
23 than three feet. We're suggesting that's a small  
24 impact. The proposed action may involve construction  
25 on slopes greater than 15 percent. We're suggesting



*HIGHLAND SOLAR - FINAL SITE PLAN*

1       that's a small impact. The Stormwater Pollution  
2       Prevention Plan has been incorporated and modified to  
3       address slopes greater 15 percent. Proposed action may  
4       involve construction on land where bedrock is exposed,  
5       or generally within five feet. That's a no. Proposed  
6       action may involve excavation of material of more than  
7       1,000 tons of natural material. That's a no. Proposed  
8       action may involve construction that continues for more  
9       than one year or multiple phases. That is a no. Item  
10      F, proposed action may result in increased erosion,  
11      whether from physical disturbance or vegetation  
12      removal, including from treatment by herbicides. We're  
13      suggesting that's a small impact based on the  
14      Stormwater Pollution Prevention Plan that has been  
15      prepared. And the project is not located in a coastal  
16      hazard area. That would be a no.

17               Number 2, Impact on Geological Features.

18      Proposed action may result in the modification or  
19      destruction of, or inhibit access to, any unique or  
20      unusual land forms on the site. That answer is no, so  
21      we do not need to address any bulleted items under  
22      that.

23               Impacts on Surface Water. And this is one of  
24      the changes I made. The proposed action may affect one  
25      or more wetlands or other surface water bodies. We

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 checked that as a yes. And Item A, B, and C under  
2 those will be no. Item D, proposed action may involve  
3 construction within or adjoining a freshwater or tidal  
4 wetland, or in the bed or banks of any water body. We  
5 suggest that that be a small impact. They do have  
6 wetlands on the site, which they've avoided to the  
7 greatest extent they could. Proposed action may create  
8 turbidity in a water body, either from upland erosion,  
9 runoff or by disturbing bottom sediments. And we  
10 suggest that was a small impact based on the  
11 information provided in the Stormwater Pollution  
12 Prevention Plan. Items F and G, under that, we suggest  
13 it would be no. There is no outfalls or intakes for  
14 the discharge of surface water or wastewater. Item H,  
15 proposed action may cause soil erosion or otherwise  
16 create a source of stormwater discharge that may lead  
17 to siltation or other degradation of the receiving  
18 bodies, and we have that as a small impact. Proposed  
19 action may affect water quality of any water bodies  
20 within or downstream of the site. That was Item I.  
21 We're suggesting that would be a small impact based on  
22 the Stormwater Pollution Prevention Plan to be  
23 implemented. Proposed action may involve application  
24 of pesticides or herbicides around any water body. I  
25 believe the applicant stated that they would not be

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 utilizing herbicides on the site.

2 MR. GURUN: That's correct.

3 MR. HINES: So we would suggest that would be  
4 a no. Proposed action may require the construction of  
5 new, or expansion of existing, wastewater facilities,  
6 and that is a no.

7 Impacts on Groundwater. Proposed action may  
8 result in new or additional use of groundwater, or may  
9 have the potential to introduce contaminants to  
10 groundwater or an aquifer. We identify that as a no,  
11 and Items A through H under there are not exceeded in  
12 any way.

13 Impacts on flooding. Proposed action may  
14 result in development on lands subject to flooding.  
15 That is a no. And those items -- none of the bulleted  
16 items are exceeding.

17 Impacts on Air. Proposed action may include  
18 a state regulated air emission source. That is a no.  
19 No air emission source or permits are required.

20 Impacts on Plants and Animals. Proposed  
21 action may result in a loss of flora or fauna. We  
22 suggest that that is a yes and went through the items  
23 below that and found there to be no impact. Item A,  
24 may cause reduction in population or loss of  
25 individuals of any threatened or endangered species,

*HIGHLAND SOLAR - FINAL SITE PLAN*

1       that's going to be a no, as their clearing limits --  
2       their clearing time frames are limited and the majority  
3       of the site is existing orchard trees, which do not  
4       provide suitable habitat for protected bat species.  
5       Proposed action may result in degradation of any  
6       habitat used by rare, threatened or endangered species.  
7       That's the same comment as I had above. It's a no.  
8       Proposed action may cause a reduction in population or  
9       loss of individuals of any species of special concern.  
10      None of those were identified on the site. Proposed  
11      action may result in a reduction or degradation of any  
12      habitat used by any species of special concern and  
13      conservation need as listed by the state or federal  
14      government. That is also a no. The items underneath  
15      that, E through I, are also all no's. None of those  
16      are exceeded.

17               CHAIRMAN BRAND: Pat, can I just ask, if  
18      they're all no's, why don't we just check no for 7?

19               MR. HINES: Because there were -- it was  
20      identified as a potential bat habitat, I believe, in  
21      the clearing greater than ten acres, but it's all  
22      orchard. So we checked that. We could put it as a no,  
23      but I just thought, you know, there is some land  
24      clearing; there is some tree clearing.

25               CHAIRMAN BRAND: Okay.

*HIGHLAND SOLAR - FINAL SITE PLAN*

1                   MR. HINES: Item 8, Impact on Agricultural  
2 Resources. Proposed action may impact agricultural  
3 resources. We checked that and suggested that as a  
4 yes. Proposed action may impact soil classified within  
5 group 1 through 4 of the New York State Land  
6 Classification System. That is a small impact. We did  
7 discuss -- I know Ms. Lanzetta brought it up -- that  
8 installation of solar panels on farmland does not  
9 necessarily irretrievably impact the farmland on the  
10 site. Those solar panels can be decommissioned and  
11 that land returned to farming. Item B, Proposed action  
12 may sever, cross, or otherwise limit access to  
13 agricultural land. We suggest that to be a small  
14 impact, as the farmer is obviously aware of the impacts  
15 to his parcel based on the installation of the solar  
16 system. Proposed action may result in the excavation  
17 or compaction of the soil profile of agricultural land.  
18 We suggest that's a small impact. The systems are put  
19 in place on -- usually on helical piles to reduce the  
20 amount of compaction in the soil, and decompaction  
21 techniques are included in the Stormwater Pollution  
22 Prevention Plan. Proposed action may irreversibly  
23 convert agricultural land to a non-agricultural use,  
24 either 2.5 acres in an Ag district or ten or more acres  
25 not in an Ag district. We suggested that would be a

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 small impact based on the conversations we had during  
2 the review of the project. Item E, F, and G were all  
3 determined to be no.

4 Number 9, Impacts on Aesthetic Resources.

5 The land use of the proposed action is obviously  
6 different from, or in sharp contrast to, current land  
7 use patterns between the proposed project and a scenic  
8 or aesthetic resource. We checked that as a yes. The  
9 Board did get visual simulations of the project from  
10 publicly accessible areas, and there was discussion  
11 during the public hearings with neighboring property  
12 owners. Proposed action may be visible from any  
13 officially designated federal, state, or local scenic  
14 or aesthetic resource. That's a no. Proposed action  
15 may result in the obstruction, elimination or  
16 significant screening of one or more officially  
17 designated scenic views. None of those exist there.  
18 That's a no. Proposed action may be visible from  
19 publicly accessible vantage points: i, seasonally and  
20 ii, year round. And we suggested that both of those  
21 are a small impact based on the visual analysis that  
22 was provided to the Board and reviewed. D, The  
23 situation or activity in which viewers are engaged  
24 while viewing the proposed action is: i, Routine  
25 travel by residents, including travel to and from work

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 and ii, Recreational or tourism based activities. We  
2 suggest that both of these would be small based on  
3 visual simulation and the limited viewshed that the  
4 project can be seen from. Items E and F under there  
5 were both no.

6 Number 10, Impact on Historic and  
7 Archeological Resources. That is a no. And we did  
8 receive sign-off from the Office of Parks Recreation  
9 and Historic Preservation regarding no impact.

10 Item 11, Impact on Open Space and Recreation.  
11 Proposed action may result in a loss of recreational  
12 opportunities or a reduction of an open space resource  
13 as designated in any adopted municipal open space plan.  
14 That would be a no.

15 Number 12, Impact on Critical Environmental  
16 Areas. The project is not located in a designated  
17 critical environmental area.

18 Number 13, Impact on Transportation.  
19 Proposed action may result in a change to existing  
20 transportation systems. That is a no, and the project  
21 doesn't exceed any bulleted items underneath that. It  
22 will be very limited traffic after construction,  
23 probably once or twice a month for vegetation  
24 maintenance and servicing the equipment.

25 Impacts on Energy. Proposed action may cause

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 an increase in the use of any form of energy. We  
2 suggest that is a no as the bulleted items below that  
3 are significant energy users.

4 15, Impact on the Noise, Odor, and Light.  
5 Proposed action may result in an increase in noise,  
6 odors, or outdoor lighting. We did have a review of  
7 the potential noise from the project, and studies were  
8 provided to the Board with comments, and revisions  
9 made, so we're suggesting that would be a no. There is  
10 no site lighting, and the noise impacts have been  
11 evaluated by the Board.

12 Impact on Human Health. The proposed action  
13 may have an impact on human health from exposure to new  
14 or existing sources of contaminants. We suggest that  
15 is a no.

16 Consistency with Community Plans. Proposed  
17 action is not consistent with adopted municipal land  
18 use plans. The project is an allowable use under the  
19 Zoning. We suggest that as a no.

20 No. 18, the final one, Consistency with  
21 Community Character. The proposed project is  
22 inconsistent with the existing community character.  
23 And we have that as a no. As you see in Marlboro here,  
24 many of the farmers are relying on the installation of  
25 solar arrays to provide a source of income so they can



*HIGHLAND SOLAR - FINAL SITE PLAN*

1 continue farming.

2 So, with that, there was no moderate or large  
3 impacts identified, and the Board would be in a  
4 position to adopt that part 2 and also address that in  
5 a Negative Declaration.

6 CHAIRMAN BRAND: Comments or questions from  
7 the Board?

8 (No response.)

9 CHAIRMAN BRAND: I'd like to have a motion,  
10 then, to adopt the full EAF as presented by our  
11 engineer.

12 MR. LOFARO: I'll make that motion.

13 CHAIRMAN BRAND: Is there a second?

14 MR. TRONCILLITO: I'll second it.

15 CHAIRMAN BRAND: Any discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: We also have prepared for us  
20 the SEQR Negative Declaration and Notice of  
21 Determination of Non-Significance. Jen, would you poll  
22 the Board?

23 MS. FLYNN: Chairman Brand.

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: Member Lanzetta.

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 MS. LANZETTA: Yes.

2 MS. FLYNN: Member Lofaro.

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Callo.

5 MR. CALLO: Yes.

6 MS. FLYNN: Member Jennison.

7 MR. JENNISON: Yes.

8 MS. FLYNN: Member LaMela.

9 MR. LaMELA: Yes.

10 MS. FLYNN: Member Troncillito.

11 MR. TRONCILLITO: Yes.

12 CHAIRMAN BRAND: We also have a Resolution of  
13 Approval. Gerry, is there anything you would like to  
14 point out?

15 MR. COMATOS: No. It speaks for itself. I  
16 think it's ready for adoption.

17 CHAIRMAN BRAND: All right. Jen, would you  
18 poll the Board?

19 MS. FLYNN: Chairman Brand.

20 CHAIRMAN BRAND: Yes.

21 MS. FLYNN: Member Lanzetta.

22 MS. LANZETTA: Yes.

23 MS. FLYNN: Member Lofaro.

24 MR. LOFARO: Yes.

25 MS. FLYNN: Member Callo.

*HIGHLAND SOLAR - FINAL SITE PLAN*

1 MR. CALLO: Yes.

2 MS. FLYNN: Member Jennison.

3 MR. JENNISON: Yes.

4 MS. FLYNN: Member LaMela.

5 MR. LaMELA: Yes.

6 MS. FLYNN: Member Troncillito.

7 MR. TRONCILLITO: Yes.

8 CHAIRMAN BRAND: All right. I believe you're  
9 all set, sir.

10 MR. GURUN: Thank you, sir. I appreciate it.  
11 I have two quick questions on the process, if you don't  
12 mind. The Town Board approval of the decommissioning  
13 plan, would we typically go through Pat and Gerry for  
14 that approval before going to the Board? Maybe that's  
15 a question for you, Pat.

16 MR. HINES: Yes.

17 MR. GURUN: Perfect. Then, second question,  
18 the time frame usually for getting the signed  
19 resolutions, is that a couple of days? Couple of  
20 weeks?

21 MS. FLYNN: When I have it date stamped,  
22 probably by Wednesday. I'll email it to you.

23 MR. GURUN: Perfect. Thank you. Appreciate  
24 it.

25 CHAIRMAN BRAND: Thank you.

Certified to be a true and accurate transcript.

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

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 ATKINS NICHOLAS 2 LOT SD

4 Project No. 24-2019  
5 6 Cubbard Drive/33-35 Old Indian Road, Marlboro  
6 Section 103.3; Block 1; Lot 14  
-----X

7 SKETCH - SUBDIVISION

8 Date: January 6, 2025  
9 Time: 7:39 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  
STEVE JENNISON  
14 CINDY LANZETTA  
JOE LOFARO  
15 BOB TRONCILLITO  
JOHN LaMELA

16  
17 ALSO PRESENT: PAT HINES  
18  
GERARD COMATOS, ESQ.  
19  
JEN FLYNN

20  
21 APPLICANT'S REPRESENTATIVES: KARIN REYNOLDS  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1                   CHAIRMAN BRAND: Next on the agenda under  
2                   Ongoing Application Review is Atkins Nicholas for a  
3                   sketch of a subdivision at 6 Cubbard Drive and 33-35  
4                   Old Indian Road in Marlboro.

5                   MS. REYNOLDS: Good evening. My name is  
6                   Karin Reynolds. I'm representing the owners of 6  
7                   Cubbard Drive for the subdivision. So the two owners  
8                   bought this lot on Cubbard Drive, corner of Old Indian.

9                   MS. FLYNN: Excuse me. Can you talk into the  
10                  mic, please?

11                  MS. REYNOLDS: Sorry. I said good evening.  
12                  Did you hear that? Okay.

13                  So I'm here for the subdivision for the lot  
14                  at Old Indian and Cubbard Road. And we had the meeting  
15                  in December, and we updated the plan as per the  
16                  comments by Pat Hines. And I just wanted to remind  
17                  that the lot was bought by two owners. The reason for  
18                  the subdivision is that it's an existing residence and  
19                  the barn structure was a preexisting nonconforming  
20                  apartment, and so one owner wants to use the residence  
21                  and Atkins wants to use the apartment. However, in the  
22                  Town of Marlborough only one residence is permitted, so  
23                  this is the reason for the subdivision.

24                  And there is two issues. One is -- as per  
25                  the technical review comments of Pat Hines, one is the

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 setbacks and one is the well. So at the time when this  
2 updated plan was submitted, I had spoken with the Water  
3 Department in terms of the well. There's an existing  
4 well that currently feeds the residence and the barn  
5 and the apartment. So the two owners -- they're  
6 friends -- they would like to leave it like that.  
7 However, the Town -- the Planning Board suggests not to  
8 use -- not to do a shared well. So the owners are  
9 prepared to install a second well on Lot 1 in order to  
10 satisfy the demands of the Planning Board.

11 So when I spoke with the Water Department,  
12 the superintendent said -- I raised the question about  
13 the property being in the water district, and he said,  
14 you know, he's okay with a second well as long as it  
15 meets DOH, Department of Health, and nobody can be  
16 forced to be -- to tie into the Town water. So -- and  
17 this kind of resulted in the current plan that shows a  
18 second well.

19 So this plan was submitted before Christmas,  
20 and we received the second review comments of Pat Hines  
21 just beginning of this year. And the plan, as you see  
22 it here, had been already submitted, and Pat Hines  
23 informed us that, per the Town Code, if a property is  
24 in the water district, you know, it needs to tie into  
25 the water district. So just, again, the two owners,

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1       they prefer a shared well.

2               And as the access to these two buildings is  
3       currently from Cubbard Drive, there will be a  
4       right-of-way -- an easement required to access the  
5       residence. So currently everything is accessed from  
6       Cubbard Drive, and so there's already an easement --  
7       you know, agreement required for the access, so why not  
8       also have a well agreement? And so that's the question  
9       to the Planning Board. If that's not acceptable, then  
10      the second well would be preferred.

11             The second issue is with the setbacks. The  
12      wider road is Old Indian, so per Town Code, the front  
13      yard is to be shown from Old Indian, and that leaves  
14      the barn structure with an apartment with a rear  
15      backyard that's not conforming with the requirements.  
16      However, I want to point out that the existing yard  
17      setbacks to the existing property lines are existing,  
18      so we're not -- the owners don't want to build anything  
19      new. They just want to renovate this one barn with the  
20      apartment. So existing yards to existing property  
21      lines are what they are. They're nonconforming. The  
22      setback from the barn to the house property line is  
23      48 feet, and there's an existing garage that has a  
24      setback of 28. So that's all existing.

25             So now should there be a variance required to



## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 address these existing setbacks that are preexisting,  
2 nonconforming? All other setbacks -- new setbacks are  
3 in -- conforming with the Town zoning. So do you have  
4 any questions or comments?

5 CHAIRMAN BRAND: I'm going to let Pat run  
6 through his comments first.

7 MS. REYNOLDS: Okay. Thank you. Sorry.

8 CHAIRMAN BRAND: That's fine.

9 MR. HINES: So the plans have been revised,  
10 as was stated, so that the front yard setback from the  
11 road by use, 25 foot reserve area from the center line,  
12 has been depicted. It is noted that Old Indian Road  
13 has a width of 25.5 feet, which is greater than Cubbard  
14 Drive, which is 22.2 feet. So the front yard, as was  
15 stated, is Old Indian Road.

16 These comments were based on the plan, as was  
17 stated, that is proposing an additional well, but I  
18 don't believe your Town Code allows that, and I know we  
19 received a letter from the water superintendent  
20 confirming the need to connect.

21 Health Department approval for the septic  
22 system for Lot 2 is going to be required.

23 A variance for the rear yard setback for  
24 proposed Lot 2. That existing structure was an  
25 accessory structure on the site, and now it's losing

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1       that protection because of the subdivision and the  
2       conversion of that structure to a residential use. So  
3       I believe this Board should refer the project to the  
4       Zoning Board of Appeals for a rear yard setback. Where  
5       75-foot is required, 48.8 feet is provided. And while  
6       they're at the ZBA, they can confirm that the garage  
7       located in front of the proposed residence on Lot 2 is  
8       permitted at that location. That is an accessory  
9       structure now in front of the primary use on that lot,  
10      so I would suggest they get an interpretation from the  
11      ZBA and/or a variance for that.

12               Easements for access across Lot 2 for Lot 1  
13      should be reviewed by the Planning Board attorney's  
14      office.

15               My Comment 6 has to do with what I just  
16      discussed with the garage and the setbacks associated  
17      with that garage and being in front of the residence.

18               Comment 7 is the comment -- I identified the  
19      Town Code section. Connection to public water system  
20      required, and I gave you a verbatim on that. And I  
21      believe that the water superintendent concurs with that  
22      and has issued a letter stating that the structure  
23      should be connected to the water system as they are  
24      located within a hundred feet of an available water  
25      source at the property lines.

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1           A public hearing will be required when the  
2           project comes back from the Zoning Board of Appeals.

3           And the County review of the project, as it's  
4           located within 500 feet of Route 9W, is also --

5           CHAIRMAN BRAND: Pat, just so that I'm clear,  
6           the applicant's representative was mentioning that  
7           their Lot 1 -- or I don't remember which one it was --  
8           was preexisting, but you lose all that when you're  
9           subdividing?

10          MR. HINES: Yes. It's here because it's not  
11          a residential structure right now. So they're doing  
12          this subdivision to clean up -- I think it may have  
13          been at one time an apartment. I don't know it has  
14          that protection now. I believe we were shown photos of  
15          a building that is down to its studs. So you're  
16          creating a new residential lot at this point based on  
17          this subdivision, and that lot needs to conform and/or  
18          receive variances from the underlying bulk  
19          requirements.

20          CHAIRMAN BRAND: Any comments or questions  
21          from the Board?

22                 (No response.)

23          CHAIRMAN BRAND: So I would like to have a  
24          motion to refer this applicant to the Zoning Board of  
25          Appeals.

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

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

2 CHAIRMAN BRAND: Is there a second?

3 MR. CALLO: Second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: Pat, we should probably wait  
9 until the ZBA has met before we send it to County?

10 MR. HINES: I suggest when it comes back, you  
11 would address any public hearing.

12 CHAIRMAN BRAND: Then as far as County  
13 Planning?

14 MR. HINES: Also. They should wait.

15 CHAIRMAN BRAND: Jen, when is there -- when  
16 is the next meeting of the ZBA?

17 MS. FLYNN: It is --

18 MS. REYNOLDS: February 11.

19 MS. FLYNN: No. The Zoning Board is  
20 February 13th.

21 MS. REYNOLDS: Okay.

22 MS. FLYNN: But you have to have it in by  
23 January 29th.

24 MS. REYNOLDS: Okay.

25 MS. FLYNN: The application is online.

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 MS. REYNOLDS: Okay.

2 CHAIRMAN BRAND: Just so that we're clear,  
3 you'll be going to the ZBA to do your rear yard  
4 setbacks and the garage issue as an accessory  
5 structure. And you're also clear that the applicant  
6 will be required to connect to the water system as  
7 opposed to the two wells?

8 MS. REYNOLDS: Okay. So does that apply for  
9 both lots?

10 CHAIRMAN BRAND: Pat, I mean, the first one  
11 that has the well, they would have to do both or just  
12 the new one?

13 MR. HINES: Based on the letter from the  
14 water superintendent --

15 CHAIRMAN BRAND: I didn't see the letter.

16 MS. FLYNN: I sent it out this morning to the  
17 Board.

18 MR. HINES: I'll read you the Code. It says:  
19 Connection to public water system required, and it  
20 states: The owner of all houses, buildings, or  
21 properties used for human occupation, employment,  
22 recreation, or other purposes situated within the  
23 district and abutting on any street, alley, or  
24 right-of-way in which there is now located or may in  
25 the future be located a public water system of the

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 district, is hereby required at his expense to install  
2 suitable plumbing facilities therein and to connect  
3 such facilities directly to the proper water system, in  
4 accordance with the provisions of this chapter, within  
5 90 days after the date of official notices to do so,  
6 providing that such public water system is within  
7 100 feet of the owner's property line.

8 CHAIRMAN BRAND: And they're both within  
9 100 feet?

10 MR. HINES: Yes.

11 CHAIRMAN BRAND: So they both have to hook up  
12 to the water system?

13 MR. HINES: I think that's the gist of the  
14 water superintendent's memo as well.

15 MS. REYNOLDS: There's no exemption from that  
16 if there is a well?

17 MS. LANZETTA: We can't.

18 CHAIRMAN BRAND: That's not something that  
19 this Board can --

20 MR. HINES: You may be able to petition the  
21 Town Board for relief. I don't know. It's not in the  
22 Zoning section. It's in the Town Code water section.

23 CHAIRMAN BRAND: So you'll go to the ZBA, and  
24 then we'll hear back from you.

25 MS. REYNOLDS: Okay. Thank you.

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Thank you.

2 Time noted: 7:52 p.m.

3

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

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6 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR

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

In the Matter of

NATHANSON B&B

Project No. 25-1000  
69 Bingham Road, Marlboro  
Section 108.4; Block 8; Lot 36

SKETCH - SITE PLAN

Date: January 6, 2025  
Time: 7:53 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
FRED CALLO  
STEVE JENNISON  
CINDY LANZETTA  
JOE LOFARO  
BOB TRONCILLITO  
JOHN LaMELA

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

APPLICANT'S REPRESENTATIVES: SHULAMIT NATHANSON  
ASA NATHANSON

Stacie Sullivan, CSR  
staciesullivan@rocketmail.com



*NATHANSON B&B - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND: Finally, for New Application  
2                   Review, we have Nathanson B&B for a sketch of their  
3                   site plan at 69 Bingham Road.

4                   Would you like to give us a brief overview of  
5                   what it is that you're proposing this evening?

6                   MR. NATHANSON: Short-term rental.

7                   CHAIRMAN BRAND: Pat, would you like to go  
8                   over your comments?

9                   MR. HINES: Sure. The project, based on the  
10                  application, is here for a bed and breakfast use under  
11                  the Code. It's going to be owner occupied, and one  
12                  bedroom is going to be rented.

13                  MS. NATHANSON: Yes.

14                  MR. NATHANSON: Yes.

15                  MR. HINES: Okay. That specific section of  
16                  the Code, you have the short-term rental section and  
17                  you have the bed and breakfast, so this is here under  
18                  155-32.4. They're going to propose a single bedroom,  
19                  which will permit a maximum of two guests. Children  
20                  under 12 are not considered guests.

21                  They haven't depicted a parking area for the  
22                  use of the site. It's a rather large lot. It looks  
23                  like there's sufficient parking.

24                  And the project is a special use in the  
25                  zoning and requires a public hearing.

*NATHANSON B&B - SKETCH SITE PLAN*

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

3                   MS. LANZETTA: I just want to say it's  
4 probably the best application we've had for a B&B,  
5 short-term rental, and I appreciate that very much.

6                   CHAIRMAN BRAND: Jen, when would the next  
7 public hearing be?

8                   MS. FLYNN: We could try to do the 3rd. Get  
9 it to Gerry's office by the end of this week to get it  
10 approved.

11                  CHAIRMAN BRAND: February 3rd, does that work  
12 for you?

13                  MS. NATHANSON: Yes. It's good.

14                  CHAIRMAN BRAND: Can I have a motion to  
15 schedule a public hearing for February 3rd for this?

16                  MR. TRONCILLITO: I'll make it.

17                  MS. LANZETTA: I'll second it.

18                  CHAIRMAN BRAND: Any discussion?

19                  (No response.)

20                  CHAIRMAN BRAND: Any objection?

21                  (No response.)

22                  CHAIRMAN BRAND: All right. We will see you  
23 on February 3rd. Just speak with the secretary to get  
24 the --

25                  MS. FLYNN: I'll get the legal notice ready

## NATHANSON B&amp;B - SKETCH SITE PLAN

1           for you. Then I'll email it to you. You have to mail  
2           it out to all the residents within 500 feet from corner  
3           to corner, certified mail.

4                       MS. NATHANSON: Yeah. Okay. Very good.

5                       Time noted: 7:56 p.m.

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

8

9   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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