

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

-----X  
In the Matter of

DOCK ROAD

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

SKETCH - SITE PLAN

Date: May 5, 2025  
Time: 7:13 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

ALSO PRESENT: PAT HINES

GERARD COMATOS, ESQ.

JEN FLYNN

APPLICANT'S REPRESENTATIVES: MARK BLANCHARD, ESQ.  
SCOTT LEYTON  
ANGELO LAINO  
ABIGAIL RUDOW  
RON CYPERS

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

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1                   CHAIRMAN BRAND: I'd like to read the rest of  
2                   the agenda to get started. Tonight we have the  
3                   approval of the minutes for the April 7, 2025, meeting.  
4                   We have a public hearing for Laurell Diorio for a  
5                   two-lot subdivision for her subdivision on Hidden Acres  
6                   Drive in Marlboro. Under Ongoing Application Review,  
7                   we have the Jeff Aldrich six-lot subdivision for a  
8                   sketch of a subdivision at Milton Turnpike in Milton,  
9                   and Nicholas Atkins for a two-lot subdivision for a  
10                  sketch of the subdivision at 6 Cubbard Drive and Old  
11                  Indian Road in Marlboro.

12                  Next deadline is Friday, May 9th. The next  
13                  meeting will be Monday, May 19th, and that will be held  
14                  upstairs in the conference room.

15                  So any -- oh, can I have a motion to approve  
16                  the minutes for the April 7th meeting, please?

17                  MS. LANZETTA: I make that motion.

18                  MR. LOFARO: I'll second it.

19                  CHAIRMAN BRAND: Any discussion?

20                  (No response.)

21                  CHAIRMAN BRAND: Any objection?

22                  (No response.)

23                  CHAIRMAN BRAND: Excellent. So we did have  
24                  the preliminary conference, but there's just a couple  
25                  of other things that we wanted to go over as our own

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1 Board. And, Pat, I'm going to start with you. I  
2 definitely don't want you to read all of these  
3 comments, but maybe just go through some highlights or  
4 what it is that you feel is outstanding and needs to be  
5 addressed straightaway.

6 MR. HINES: Sure. We had issued comments  
7 back in mid -- mid to end of March. The applicants  
8 have responded I think it was for -- actually, it was  
9 later. It was early April, for the April 7th meeting.  
10 The applicants have responded. We had a meeting with  
11 the applicants and their representative in my office on  
12 the 16th that was very productive. We went over the  
13 comments.

14 We addressed additional information that  
15 needs to be provided, one of which was the DOT  
16 conceptual plans. I don't know if the Board had seen  
17 them. I had seen them. I know there was a lot of  
18 meetings with DOT that I don't think the Board members  
19 were party to. So I asked for a copy of that. I know  
20 they were submitted to the Board. So the Board now has  
21 their concept of plan approval. They provided us with  
22 the emails from DOT giving them that concept and  
23 telling them to go ahead with the phase two of the  
24 three phase DOT permit process. And that phase two  
25 process is the detailed design, which they've indicated

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1 is underway at this time. That's where they're going  
2 to go out and get property lines, show their striping  
3 details, DOT compliant signage, and produce plans that  
4 DOT will require. So they're in that stage 2 design or  
5 part 2 design now.

6 Creighton Manning, the Town's traffic  
7 consultant, does have those plans. I did talk to Ken  
8 Wersted. He's aware of that. He's in constant  
9 communication with DOT for many of these municipalities  
10 he represents.

11 We talked about the lot line change  
12 subdivision aspect of the project, which we talked  
13 about earlier tonight. That'll be an application to  
14 the Board, and they'll proceed with the site plan  
15 subdivision process so that at the end of it, those  
16 maps could be filed.

17 The Fire Department was outstanding at that  
18 time. We heard tonight that they have had a meeting  
19 with the jurisdictional Fire Department  
20 representatives. We will need a sign-off from them  
21 ultimately as part of the Planning Board check the box,  
22 that we've heard from the jurisdictional agencies.

23 They're going to provide siren-activated  
24 gates and lock boxes. I just want to be clear that --  
25 one of the comments was the FD-issued lock box. I

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1 believe that's going to be purchased by the applicant.  
2 It will be a lock box --

3 MR. TRONCILLITO: Yes. The applicant  
4 purchases it.

5 MR. HINES: -- of the make and model they  
6 use, but the fire department is not giving you that.  
7 You're going to purchase that yourself. They'll  
8 install the keys in it, I believe.

9 We had a discussion with the proximity to the  
10 sewage treatment plant. I believe that the condominium  
11 offering mechanism that they've said they're going to  
12 do, a disclosure, is appropriate. If anyone has ever  
13 bought a condo, those offering plans are part of the  
14 purchase. When you purchase a condo, they give you a  
15 copy of that. That's your buyer beware. Hopefully,  
16 your attorney will advise you on that.

17 We did receive a draft part 2 EAF from the  
18 applicant's representatives. I do have that with me  
19 tonight if the Board wishes to go over that, or if you  
20 want to take more time and look at that. I know you  
21 got it early last week, but that is something we can do  
22 tonight, to walk through to determine if the Board  
23 concurs with their answers. I have a couple of changes  
24 I would suggest, but, again, that's your document as  
25 the Board, that part 2. They took a shot at it, but

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1       you, as Lead Agency, are responsible. They're  
2       responsible for the part 1. You're responsible for the  
3       part 2 and 3, ultimately.

4               The school bus stop, I had brought that up  
5       because I had a very different answer in the  
6       municipality south of here. The Marlboro school  
7       district told us that they would not stop on 9W, but  
8       that's a different area of 9W. That's a 55-mile an  
9       hour speed limit in the Town of Newburgh where that  
10      project is, and this is a 30-mile an hour section,  
11      which may be the difference.

12             CHAIRMAN BRAND: They stop at the bottom --

13             MR. HINES: Yeah, they do. The project I had  
14      in Newburgh, they said there's no way we're stopping  
15      there; we're coming in. So they put a school bus stop  
16      into that facility.

17             We have a lot of technical comments, as they  
18      said. We have stormwater comments. We have comments  
19      on the water system that they have all identified as  
20      something that needs to get done. Notes on the plans,  
21      and things like that have been addressed. So they're  
22      moving forward with their detailed design, and at some  
23      point in the process, the Board, as Lead Agency, should  
24      review the part 2 to determine if there is any  
25      potential significant impacts or to give the applicant,

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1       if you identify things that aren't adequately  
2       addressed, you can give the applicants the opportunity  
3       to further address those in part 2 and/or part 3 of  
4       that document.

5               CHAIRMAN BRAND: After this portion is  
6       complete, I would like to do that this evening, just go  
7       over it and see how your opinions differ from theirs.

8               MR. HINES: We can do that.

9               CHAIRMAN BRAND: Perfect. Anything else?  
10      Gerry, do you have anything on this one?

11              MR. COMATOS: No, I don't.

12              CHAIRMAN BRAND: Comments or questions from  
13      the Board?

14              MS. LANZETTA: Yeah. Again, I bring up the  
15      issue of segmentation. You know, that's not addressed  
16      necessarily in the second -- part 2 of the  
17      Environmental Assessment Form. Looking at the possible  
18      mitigation for the Route 9W corridor, I don't know if  
19      it would make a difference to DOT if they understood  
20      that the retail spaces will be further developed in the  
21      future and the existing situation right now would not  
22      allow for channelization into this entranceway. So I  
23      don't know if they think that this is going to be good  
24      for the other additional parcels that are going to get  
25      developed. If we did it all at one time, we would be

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1       sure to get the proper mitigation on Route 9W that  
2       you're going to need.

3               So, you know, when I think about Hudson West,  
4       the Bayside project, we looked at that as a whole.  
5       That was two separate, you know, developments, so to  
6       speak, but we looked at it as a whole so that we could  
7       get the best plan in place. And I think that's been a  
8       very successful multifamily project on Route 9W, and I  
9       think it would behoove us to look at this entire -- all  
10      these holdings at one time to make sure that we get the  
11      proper mitigation for the traffic that we're going to  
12      need.

13              CHAIRMAN BRAND: Is your plan to have those  
14      retail spaces be accessed via 9W?

15              MR. BLANCHARD: Well, right now that's very  
16      preliminary. You have the ownership of the parcels  
17      that would potentially serve as retail parcels share  
18      membership with the ownership of the residential.  
19      That's the only commonality. The segmentation occurs  
20      when you have one portion of a project that is  
21      absolutely dependent upon the other, but you are just  
22      breaking it up to make it look like the impact is  
23      smaller, but the one can't exist without the other.

24              In this instance, the segment -- I don't  
25      think it is an impermissible segmentation issue. At



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1       any stage, if the retail there is developed, it's --  
2       number one, we've already determined it's going to be a  
3       reduction of curb cuts, the existing curb cuts. We'd  
4       be bringing that number down. And DOT is going to be  
5       approving that anyway. So it's not as if -- anything  
6       that happens with the retail -- or the potential retail  
7       portion of that site is going to undergo the same  
8       scrutiny that you're seeing right here, both with this  
9       Board, with your professional staff, and with DOT. So  
10      it's kind of apples to oranges with all due respect  
11      with the Hudson West project and with us, because the  
12      retail portion, if anything, would be supplemental.  
13      Right. You can support a retail project when you have  
14      the population. You have the population supporting the  
15      hamlet. Retail is a concept that we might have. Those  
16      parcels might be something else. How those parcels are  
17      developed depends on how this site does in terms of the  
18      viability, the saleability, those kinds of things.  
19      It's not a planning dependence. It's an economic  
20      dependence. And there's always -- there's no  
21      preclusion to DOT approval and study when we move  
22      forward, if we move forward, with the retail portion.

23                So it is spec -- I understand what your  
24      concern is in terms of getting the most bang for the  
25      buck with the environmental mitigation, but where the

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1        retail -- the only way that right now -- we looked at  
2        how that retail portion, how it might be folded into  
3        helping this project. The only way we could come up  
4        with was moving the entrance to the project north. And  
5        you heard from even your own people tonight that DOT  
6        agreed that's not a viable option.

7                So, from our perspective, the retail remains  
8        speculative, and it remains something we would have to  
9        come back to this Board and back to DOT on in the  
10       future.

11               MS. LANZETTA: But if we're extending that  
12       turning lane, wouldn't it make sense to make a longer  
13       turning lane than the one that's being proposed right  
14       now?

15               MR. BLANCHARD: I think there was an issue  
16       with that with DOT.

17               MR. TRONCILLITO: I don't think you could.

18               MR. LAINO: I don't know if I can answer that  
19       now. We have to design it in order for me to answer  
20       that.

21               MR. BLANCHARD: I mean, again, that  
22       mitigation measure is, again, speculation based on --  
23       we're not even sure the zoning is favorable right  
24       there. That's that overlay, that CD overlay zone,  
25       really a brilliant thing the Town did in terms of

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1 bringing that kind of commercial zoning right up  
2 against that 9W corridor. But in terms of speculating  
3 on what would be a mitigation measure, we're not even  
4 sure what we would propose to go in there. Again, it's  
5 not -- the Orchard on the Hudson residential project  
6 isn't precluding at all any study or any design. It's  
7 just that we don't have anything to bring forward. So  
8 it's really not -- from my perspective, I don't see  
9 how -- I don't think there's a strong -- with all due  
10 respect, I don't think there's a strong argument for  
11 segmentation.

12 MS. LANZETTA: Well, if they're going to  
13 allow a turning lane and you want to add some entrance  
14 to this, it would be in the Town's best interests and  
15 in any future development to have that taken into  
16 account as we look at the traffic flow through this  
17 area.

18 MR. JENNISON: From what I'm hearing, they  
19 don't know what's going in there yet.

20 MS. LANZETTA: Yeah, but there's no doubt  
21 that there will be some type of retail or commercial  
22 development there because that's what that calls for  
23 under the zoning.

24 MR. BLANCHARD: That's what's allowed. The  
25 residential could have remained if those parcels were

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1 occupied. But, look, let's assume you're correct. It  
2 is -- it should be -- that should be retail or  
3 commercial right up against 9W. And retail we think  
4 with what we're putting in behind, the residential  
5 project, it seems like it's a good fit conceptually.  
6 Definitely. I don't want to get away from that. But  
7 in terms of a design right now, you're trying to  
8 mitigate a potential impact that we can't even describe  
9 to you yet.

10 MS. LANZETTA: You're not looking at allowing  
11 channelization through this entrance; is that correct?  
12 Because it's a private entrance.

13 MR. LAINO: That's right.

14 MS. LANZETTA: So then there's gonna have to  
15 be some entrance that's farther north and there's gonna  
16 have to be some type of mitigation to be able to turn  
17 in there.

18 MR. BLANCHARD: That would be acceptable to  
19 this Board and to DOT.

20 MS. LANZETTA: Well, if you have a turning  
21 lane that's farther extended, it would make more sense  
22 to do it now, during this preliminary planning stage,  
23 than to wait and then you guys come back and say, okay,  
24 now what are we gonna do?

25 MR. BLANCHARD: I don't know how to answer

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1           that.

2                   MR. LEYTON: We have no idea. At this point  
3           there's been zero conceptual planning on that parcel.  
4           Zero. The purpose of purchasing those houses were that  
5           they were a deterrent to the visibility on 9W. So it  
6           was not -- there's no retail plan in place at all. I  
7           haven't spoken to one person. Haven't thought about  
8           it. We haven't put pencil to paper. We're  
9           concentrating on the residential development.

10                   MS. LANZETTA: So if you purchased it to make  
11           the residential look better, why don't you just make it  
12           part of the residential and do some landscaping?

13                   MR. LEYTON: I don't know -- I'm not making  
14           it part of the residential because the residential is  
15           the residential. They're going to be condominiums.  
16           This is something else. Maybe it will be medical. I  
17           have no idea. I have absolutely no idea what it will  
18           be.

19                   MR. TRONCILLITO: If they do get to a point  
20           and they do want to do something here, they go back to  
21           the DOT. They work on extending the turning lane, and  
22           that's it, I mean.

23                   MS. LANZETTA: Yeah, but what if now all of a  
24           sudden DOT says, you know, this was okay for this, but  
25           we're not going to let you have additional turning

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1       lanes for commercial? I mean, that's a possibility.  
2       Then you're -- then you have an issue.

3               MR. LEYTON: I'm SOL. I agree. I don't  
4       know. I'm concentrating --

5               MS. LANZETTA: That's why it makes more sense  
6       to just do it --

7               MR. LEYTON: No --

8               MS. LANZETTA: -- at one time.

9               MR. LEYTON: -- because it would take a whole  
10       study, a whole idea of who the person would be there.  
11       There are many people -- if they want to be there. I  
12       have no idea if anybody wants to be there. But if they  
13       want to be there, what kind of things would they want,  
14       where would they want the parking, where would they  
15       want flow. Every person or every vendor is different.  
16       I haven't touched a single possible user, so I don't  
17       know. So I'm not going to design it today for  
18       something I have no idea what it's going to be. That's  
19       all.

20               MR. BLANCHARD: Like, for example, I worked  
21       on a project in Yonkers for a Chick-fil-A. They have  
22       very specific national guidelines on their ingress and  
23       egress, certain things. So if we were going to really  
24       develop that retail concept as you described it, we'd  
25       have to press pause on this application, find a

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1 potential tenant, right, or find a potential user,  
2 figure out -- your zoning offers an array of options.  
3 Figure out which one fits best, a restaurant or maybe  
4 an urgent care. I'm just saying urgent care. I'm just  
5 saying. Those are two opposing interests, but  
6 permissible. So then we'd have to find like a tenant  
7 on each one. Then, on each one, figure out, if they're  
8 a national vendor, what their standards are. So I hear  
9 what you're saying with a conceptual --

10 MS. LANZETTA: You're still going to have to  
11 channelize. You're not going to be allowing in and  
12 out, in and out.

13 MR. HINES: It's only becoming one lot.  
14 They're all being combined into one.

15 MR. BLANCHARD: Right. But what I'm  
16 saying is -- right. But there's -- in order to answer  
17 your question the way you want it answered, we have to  
18 pause this process and come back in probably eight  
19 months to a year with like with a pre-lease with a  
20 tenant, with a plan.

21 MR. HINES: I don't see having to go that  
22 far. I mean, there is the ability to do an alternative  
23 analysis, kind of a worse case, if you pick a couple of  
24 those users and plug it in there. That's a possibility  
25 of doing it under SEQOR, is to do that alternative

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1 analysis based on the underlying zoning. And you know  
2 the lot size. You know -- it's up to the Board.

3 MR. BLANCHARD: I hear what you're saying.  
4 An alternative analysis, though, wouldn't go into the  
5 detail of like DOT conceptual approval.

6 MR. HINES: No. You're not doing DOT turning  
7 lanes in that case.

8 MR. BLANCHARD: Right. Well, I'm just saying  
9 there's --

10 CHAIRMAN BRAND: Moving on, do we have  
11 anything else on that one?

12 MR. CALLO: No.

13 MR. JENNISON: What did you ask, Chris? I'm  
14 sorry.

15 CHAIRMAN BRAND: Any other comments from the  
16 Board?

17 MR. JENNISON: No. Where are we at with  
18 this? Did we decide?

19 MR. TRONCILLITO: We're going to let it go  
20 the way it is or what?

21 MR. CALLO: Let it go the way it is.

22 CHAIRMAN BRAND: I mean, it really -- it  
23 helps us, as Cindy is saying, but really I think the  
24 onus is on the applicant. What he's saying is if  
25 there's somebody else and the DOT says you can't do it,



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1           then they can't do it. If they have to put in a bigger  
2           turning lane, but it doesn't fit, then they don't get  
3           the Chick-fil-A that they wanted, so to speak.

4                     MR. BLANCHARD: I used that as one example.

5                     MS. LANZETTA: That's why, if we say that --  
6           we have to make the DOT -- if we're doing the entire  
7           project, the parcels owned, then we let the DOT know  
8           that this project -- this parcel is also possibly  
9           something in the near future that's going to be  
10          developed as commercial; under those circumstances, is  
11          this going to be a sufficient mitigation considering  
12          that there will be new development here as well?

13                    MR. BLANCHARD: Honestly, I don't think DOT  
14          could even answer. DOT wouldn't entertain that  
15          possibility because it's too speculative for even DOT  
16          to answer in that way. Right now DOT has that  
17          possibility in front of them. There's a parcel that's  
18          unoccupied. Even occupied is always available for  
19          development. So, I mean, I think there's no way for  
20          DOT to drill down and answer the question, other than  
21          conceptually, but conceptually is not getting you what  
22          you're looking for.

23                    MR. LAINO: Yeah. Turn lane length typically  
24          depends on use and trip generation and things like  
25          that. So if we don't know what the use is, we can't

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1 give the DOT an informed -- you know, informed analysis  
2 of what is going to be there.

3 MR. BLANCHARD: And DOT is not going to want  
4 to -- as of late, maybe they did in the past, but I  
5 would say in the last five years, I don't see a lot of  
6 that coming out of them, like helpful sort of  
7 alternative analyses. It's basically very -- you know,  
8 sort of like what you give them is what you're getting  
9 back. I don't think -- what I'm saying is I don't  
10 think DOT would give a speculative answer on a  
11 speculative concept.

12 MS. LANZETTA: Now, are they going to ask for  
13 any additional property from you in order to put this  
14 in, this turning lane?

15 MR. LEYTON: To put the other part in?

16 MR. CYPERS: Do you mean the existing turn  
17 lane?

18 MS. LANZETTA: To put in the turning lane,  
19 are you going to have to give them any property in  
20 order to make that happen?

21 MS. RUDOW: No. It's shown on the concept  
22 plan what the boundary property line is, and all of the  
23 improvements are on the right-of-way.

24 MS. LANZETTA: Okay. Because we've had  
25 issues with DOT in the past saying that they don't

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1 really know what their right-of-way is, at least as we  
2 come into the hamlet of Marlboro.

3 MR. BLANCHARD: They haven't raised that.

4 MR. HINES: Their phase 2 plans is going to  
5 have to show all property right-of-way.

6 MR. LAINO: That's something they would have  
7 identified in preliminary. They would have said we  
8 need -- you need to provide a ten-foot taking. They  
9 didn't do that.

10 CHAIRMAN BRAND: Pat, I would like to go over  
11 the EAF part 2. Just review the differences. I don't  
12 know if we're going to take action on it this evening,  
13 but I would like to see what they propose and what your  
14 take is.

15 MR. HINES: So the applicants have prepared a  
16 Full Environmental Assessment Form. This Board has  
17 circulated it previously to interested and involved  
18 agencies. I know the Board has it.

19 The project -- I believe you gave us an  
20 updated one for the 106 units. Based on previous  
21 comments that we gave, the unit count did change from  
22 103 during this process to 106. This is going to be a  
23 little bit of an extended process. I'm going to read  
24 this document. And this, again, is the Board's  
25 document. Feel free to stop me at any point if you

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1        have any questions, comments, want to change any of  
2        these answers. This is the applicant's version, which  
3        is typical. The applicants provide this to the Board,  
4        but then you're going to be the arbiters of whether or  
5        not you find these to be -- and they changed this  
6        document several years ago. It used to be no, small,  
7        moderate, large. Now they only have no or small and  
8        moderate to large. The important things are the large  
9        impacts and whether or not they have been appropriately  
10       addressed in any documents you have to date.

11                So the first one is Impact on Land. Proposed  
12       action may involve construction on, or physical  
13       alteration of, the land surface of the proposed site.  
14       That obviously is a yes.

15                Proposed action may involve construction on  
16       land where depth to water table is less than three  
17       feet. They have that as a no or small impact, and they  
18       have provided detailed geotechnical analysis in order  
19       to support their building design and their stormwater  
20       plans to identify that.

21                Proposed action may involve construction on  
22       slopes greater than 15 -- 15 percent or greater. That  
23       is the moderate to large impact that they have  
24       identified.

25                Proposed action may involve construction on

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1 land where bedrock is exposed, or generally within five  
2 feet. That is a no, and that is borne out in the  
3 geotechnical analysis they provided to date.

4 Proposed action may involve the excavation  
5 and removal of more than 1,000 tons of natural  
6 material. That is a no or small impact. There is  
7 actually material going to be imported into this site  
8 rather than removed.

9 Proposed action may involve construction that  
10 continues for more than one year or in multiple phases.  
11 They've identified that as a moderate to large impact.

12 Proposed action may result in increased  
13 erosion, whether from physical disturbance or  
14 vegetation removal, including from treatment by  
15 herbicides. They have identified that as a no to small  
16 impact, and we're recommending that that be a moderate  
17 to large impact, which has been addressed in their  
18 Stormwater Pollution Prevention Plan.

19 Proposed action is or may be located within a  
20 Coastal Erosion hazard area. And that is a no.

21 Number 2 is Impact on Geological Features.  
22 Proposed action may result in the modification or  
23 destruction of, or inhibit access to, any unique or  
24 unusual land forms on the site. So that's a no. There  
25 are no unique or unusual land forms. As was mentioned

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1 previously, this site was extensively mined, I'll say,  
2 three or four decades ago. It was a long time.

3 So skipping down to Number 3, Impacts on  
4 Surface Water. Proposed action may affect one or more  
5 wetlands or other surface water bodies. They have that  
6 as a no. We're suggesting that is a yes.

7 And I will jump down to bulleted Item E.  
8 Proposed action may create turbidity in a water body,  
9 either from upland erosion, runoff, or by disturbing  
10 bottom sediments. We're suggesting that would be a  
11 moderate to large impact.

12 Also, down on H, Proposed action may cause  
13 soil erosion, or otherwise create a source of  
14 stormwater discharge that may lead to siltation or  
15 other degradation of the receiving water body. We're  
16 suggesting that that is a moderate to large impact. So  
17 I'm on Number 3, H there.

18 The next item down that I had -- and the ones  
19 I'm skipping, I'm suggesting are all no's, unless you  
20 want to read each one of those.

21 CHAIRMAN BRAND: That's fine.

22 MR. HINES: Smaller letter I under Number 3,  
23 Proposed action may affect the water quality of any  
24 water bodies within or downstream of the project site.  
25 And we're suggesting that that also be a moderate to

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1 large impact.

2 The other bulleted items under that were all  
3 no or small.

4 Impact on Groundwater. Proposed action may  
5 result in new or additional use of ground water, or may  
6 have the potential to introduce contaminants to ground  
7 water or an aquifer. That is a no. This project will  
8 be served by connections to the municipal water system,  
9 and none of the bulleted items under there would be  
10 exceeded.

11 Impact on Flooding, Number 5. Proposed  
12 action may result in development on lands subject to  
13 flooding. That is a no, and it does not have any  
14 bulleted items under there exceeded.

15 Number 6, Impacts on Air. Proposed action  
16 may include a state regulated air emission source.  
17 This project does not have such a need for a permit,  
18 nor does it exceed any of the bulleted items under A  
19 through F below that.

20 Impact on Plants and Animals. They're  
21 suggesting that is a yes. We concur with that.

22 A, they have proposed action may cause a  
23 reduction in population or loss of individuals of any  
24 threatened or endangered species, as listed by New York  
25 State or the federal government, that use the site or

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1 are found on, over, or near the site. They have that  
2 as a no. We concur with that.

3 However, Item B they have as a no, and we  
4 believe it may be a moderate to large impact. The  
5 proposed action may result in a reduction or  
6 degradation of any habitat used by any rare,  
7 threatened, or endangered species. We're suggesting  
8 that is a moderate to large impact. The EAF did  
9 identify potential habitat for bald eagles at least  
10 wintering in this area. I don't believe there was  
11 nesting sites, but everyone is aware that you can see  
12 an eagle down that way in the winter along the river.

13 The other items under that were all no's  
14 until we got to Item G, and I'm going to use the  
15 Board's local knowledge for that. G is: The proposed  
16 action may substantially interfere with  
17 nesting/breeding, foraging, or over-wintering habitat  
18 for the predominant species that occupy or use the  
19 site. They have that as a no to small impact. I don't  
20 know how the Board feels about that. I don't believe  
21 there's a lot of breeding habitat there. It's been  
22 substantially cleared in the past. So if the Board  
23 concurs with that no, we will leave it at that.

24 MS. LANZETTA: Wouldn't that also involve the  
25 bald eagles?



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1                   MR. HINES: That's why I have the question  
2                   there. It's up to the Board.

3                   MS. LANZETTA: It's a possibility.

4                   CHAIRMAN BRAND: I would say yes.

5                   MR. HINES: So we'll go moderate to large  
6                   there. The rest of those items were no or small.

7                   Impact on Agricultural Resources. That is  
8                   identified as a no. The proposed action may impact  
9                   agricultural resources. As previously identified, this  
10                  project site was a mine and would have been manmade or  
11                  man-impacted soils, so none of those items below in  
12                  Item 8, none of those thresholds would be impacted.

13                  Impact on Aesthetic Resources. The land use  
14                  of the proposed action are obviously different from, or  
15                  are in sharp contrast to, current land use patterns  
16                  between the proposed project and a scenic or aesthetic  
17                  resource. They have that checked as a yes. We concur  
18                  with that.

19                  However, under A, Proposed action may be  
20                  visible from any officially designated federal, state,  
21                  or local scenic or aesthetic resource, they have that  
22                  as a small to no, and we're suggesting that that's a  
23                  potential moderate to large. I know the Board has  
24                  those visual analyses that were provided, and based on  
25                  that review, I would take the Board's input on whether

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1           that would be a no or a moderate to large.

2                   MS. LANZETTA: Moderate to large.

3                   MR. LOFARO: Moderate to large.

4                   MR. JENNISON: Why is that?

5                   MR. TRONCILLITO: Why would it be a moderate  
6           to large?

7                   MS. LANZETTA: You can see it.

8                   MR. TRONCILLITO: From where?

9                   MS. LANZETTA: From the pictures that they  
10          provided to us on the --

11                   MR. TRONCILLITO: I understand that, but from  
12          where? From the village? From across the river?

13                   MS. LANZETTA: From the local trail you can  
14          see it, the nature trail. And you can see it from  
15          across the river too, you'll be able to.

16                   CHAIRMAN BRAND: And from the river.

17                   MS. LANZETTA: And from the river.

18                   MR. HINES: So under there they have -- under  
19          B, they have a no.

20                   Under C, Proposed action may be visible from  
21          publicly accessible vantage points, and they've  
22          identified that seasonally, screened but visible during  
23          other seasons. They've checked that as a moderate to  
24          large. And the year-round they've checked that as a  
25          small to no. I think the Board would maybe concur with

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1       that; that during the winter, you may see that, or fall  
2       and spring, but summer, trees may block it.

3               Similarly, the next item, D, The situation or  
4       activity in which viewers are engaged while viewing the  
5       proposed action, under routine travel by residents,  
6       they have that as a no, but under recreational and  
7       tourism based activities, they have that as a moderate  
8       to large.

9               MS. LANZETTA:   Yes.

10              MR. HINES:   Proposed action may diminish  
11       public enjoyment, appreciation of the designated  
12       aesthetic resource.  They have that as a no.  The next  
13       item, Item F, is also a no; similar projects visible  
14       from distances.

15              Impact on Historic and Archeological  
16       Resources.  That is a no.  We have in the file a  
17       sign-off letter from the Office of Parks, Recreation,  
18       Historic Preservation, as well as the fact that it's  
19       significantly human-impacted properties.

20              Number 11, Impact on Open Space and  
21       Recreation.  Proposed action may result in a loss of  
22       recreational opportunities or reduction in open space  
23       resource as designated in any adopted municipal open  
24       space plan.  That is a no.

25              Number 12, Impact on Critical Environmental

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1 Areas. The proposed action may be located within or  
2 adjacent to a critical environmental area. It is not.  
3 The Town of Marlborough does not have a critical  
4 environmental area designated there.

5 Impact on Transportation. Proposed action  
6 may result in a change to existing transportation  
7 systems. They have that as a yes.

8 Under Item A there, projected traffic  
9 increase may exceed capacity of existing roadway  
10 network. They have that as a small to large.

11 MS. LANZETTA: I would say moderate to large  
12 impact.

13 MR. HINES: Or no to small.

14 CHAIRMAN BRAND: On Route 9W?

15 MR. HINES: Yes.

16 MS. LANZETTA: I think it's a moderate to  
17 large impact.

18 MR. JENNISON: Why is that?

19 MS. LANZETTA: Because all the people going  
20 in and out and the ability to -- it's already a level  
21 F.

22 MR. JENNISON: Aren't we addressing that with  
23 the turning lane in there?

24 MR. TRONCILLITO: Wouldn't the traffic study  
25 evaluate that?

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1                   MS. LANZETTA: I think it's pretty obvious  
2                   that it's level F already. Now, just suppose you  
3                   have -- with the turning lane, you have a bus that's  
4                   stopping to pick up the kids here, and somebody is  
5                   making a left to go south, now they can't see past the  
6                   bus that's there. If the bus starts to take off and  
7                   they go to make the left, somebody -- they can't see if  
8                   there's somebody coming south.

9                   MR. LOFARO: If this bus is stopped, the red  
10                  light is on, and this guy can't go left anyway. He  
11                  shouldn't be moving.

12                 MS. LANZETTA: Right. But as the bus starts  
13                 to pull up, he's still not going to be able to see down  
14                 the road. I mean, there's a lot of potential impact.  
15                 We know it's not a good situation to begin with.  
16                 There's buses waiting to make a left to go up Birdsall  
17                 to go take the kids to --

18                 CHAIRMAN BRAND: Think about how long you  
19                 have to wait to make a left onto Western Avenue.

20                 MR. JENNISON: I know that, but is this the  
21                 project that's making a significant impact?

22                 MS. LANZETTA: I think it's going to add to  
23                 it.

24                 MR. JENNISON: Because I don't see a hundred  
25                 people coming out of here all at once.

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1           MR. CYPERS: We have a traffic study that  
2 supports what you're saying --

3           MR. JENNISON: Exactly.

4           MR. CYPERS: -- that the amount of traffic  
5 coming out during peak mornings and evenings is not  
6 such that would merit a light, nor is it even such that  
7 would merit the turning lane that the DOT insisted that  
8 we install, which we have of course said we would do  
9 that. So it's -- you know, the studies bear out the  
10 way we answered the question.

11           MR. HINES: The turning lane pulls the  
12 traffic out of the flow and allows traffic to continue  
13 to go south. Without the turning lane, one car turning  
14 in blocks the entire southbound flow until you get a  
15 gap.

16           MR. BLANCHARD: And that's what we can show.  
17 These questions should be answered or juxtaposed  
18 against the information we provided in our traffic  
19 study.

20           MS. LANZETTA: We're also waiting to get our  
21 own information from our own consultants.

22           CHAIRMAN BRAND: Let's leave that one. We'll  
23 circle back to that, 13A.

24           MR. HINES: B is proposed action may result  
25 in the construction of paved parking area for 500 or

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1 more vehicles. That is a no.

2 Proposed action will degrade existing transit  
3 access. That is a no.

4 Proposed action will degrade existing  
5 pedestrian or bicycle accommodations. I don't know  
6 that there is any bicycle accommodations on that  
7 portion of 9W.

8 Proposed action may alter the present pattern  
9 of movement of goods or people, and I have that as a  
10 no. We have that answered as a yes, and the Board is  
11 going to have to address A underneath there. We'll  
12 come back.

13 Impact on Energy. Proposed action may cause  
14 an increase in the use of energy of any form. I often  
15 check that yes. They have it as a no. Obviously,  
16 they'll use energy, but there is no exceeding of -- the  
17 thresholds down below there are rather large, but we'll  
18 hit those.

19 The proposed action will require a new, or an  
20 upgrade to an existing, substation. We have no  
21 indication of that.

22 Proposed action will require the creation or  
23 extension of an energy transmission or supply system to  
24 serve more than 50 single- or two-family residences or  
25 to serve a commercial or industrial use. I don't

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1 believe we have any indication that Central Hudson  
2 can't supply power there right now, so we're suggesting  
3 that to be a no.

4 Proposed action may utilize more than 2,500  
5 megawatt hours of electricity per year. I don't  
6 believe this project will near that threshold.

7 Proposed action may involve heating and/or  
8 cooling of more than 100,000 square feet of building  
9 area when complete. And that is a no.

10 Impact on Noise, Odor, and Light. They have  
11 suggested that proposed action may result in an  
12 increase in noise, odors, or outdoor lighting. They  
13 have that as a yes.

14 Proposed action may produce sound above noise  
15 levels established by local regulation. They have that  
16 as a no.

17 Proposed action may result in blasting within  
18 1500 feet of any residence, hospital, school, licensed  
19 day care, or nursing home. Based on their geotech  
20 reports, there will no blasting on this site due to the  
21 reason why it was a sand and gravel pit.

22 Proposed action may result in routine odors  
23 for more than one hour a day. That is a no.

24 Proposed action may result in a light shining  
25 onto adjacent properties. We will be reviewing the



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1       lighting plan in more detail, but the lights are  
2       identified as dark sky compliant, which is also the  
3       answer to Item E below that.

4               Impact on Human Health. Proposed action may  
5       have an impact on human health from exposure to new or  
6       existing sources of contaminants. They have that as a  
7       no. I'm suggesting that would be checked as a yes, and  
8       the reason for that is Item A below, Proposed action is  
9       located within 150 feet of a school, hospital, licensed  
10      day care center, group home, nursing home, or  
11      retirement community. The project is adjacent to the  
12      school. So that would be -- whether it would be a  
13      small or a moderate to large impact. Again, this  
14      doesn't have any smoke stacks. It doesn't have any  
15      emission sources other than vehicles.

16              MR. JENNISON: Small.

17              MR. HINES: But we can put that as a small  
18      impact then.

19              The other items, B through L, do not exceed  
20      any of the thresholds for this project.

21              Consistency with Community Plans. Proposed  
22      action is not consistent with adopted municipal plans.  
23      They have that as a no. Zoning for the project was  
24      changed many years ago. The project complies with the  
25      zoning. And I will take input from the Board there,

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1 but underneath that, they have -- because it was  
2 checked no, they didn't address any of the items below.  
3 I can read them.

4 MS. LANZETTA: I think number A, that the  
5 land use component is in sharp contrast to the current  
6 surrounding land use patterns. The way the design is  
7 for the multifamily housing is not similar to the  
8 hamlet construction where things are tiered, instead it  
9 goes straight down, and it's also a private housing  
10 place that we have no such thing in the rest of the  
11 town, to have a private multifamily housing. So I  
12 don't think it's -- it's different from the surrounding  
13 land use patterns.

14 MR. BLANCHARD: With all due respect to that  
15 issue with the privacy, that's not a Code requirement.  
16 I don't see how you can look at Hudson West, over 100  
17 unit residential development, look at our proposal, the  
18 fact that there is just simply a gatehouse doesn't --  
19 we don't need a variance for that. It's not restricted  
20 under your Code. It's just part of the design. The  
21 residential zoning is allowed there. And you have  
22 residential projects, brand new residential projects,  
23 very close to us. So I think the Board has to -- it's  
24 not a matter of opinion. It's a matter of what you can  
25 pull out of the record. The Board has to find a

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1 substance to back up that finding, and I think your  
2 Board needs more work to find the substance to back up  
3 that finding.

4 MS. LANZETTA: Well, right now, Hudson West,  
5 anybody can go actually walk up the sidewalk to that  
6 community and visit or take part in anything happening  
7 in that community, whereas with this --

8 MR. HINES: That was developed -- it's a Town  
9 road.

10 MS. LANZETTA: I know. So this is -- we  
11 don't have anything that's comparable in the hamlet  
12 center.

13 MR. BLANCHARD: But you do when you have  
14 people -- they're not allowed to go into someone else's  
15 driveway, set up their barbecue.

16 MS. LANZETTA: This is a multifamily housing  
17 unit.

18 MR. BLANCHARD: But that's not going to be a  
19 burden to the Town. The owner -- the condominium  
20 association is going to plow that road. It's going to  
21 blacktop the road. It's going to fix that up. It's  
22 not a burden to the taxpayer.

23 CHAIRMAN BRAND: This is just a review. We  
24 are not voting on this by any means this evening. So  
25 let's mark that as something to come back to as well.

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1                   MR. JENNISON: Which one is that, A?

2                   CHAIRMAN BRAND: A, 17A.

3                   MR. HINES: You would be addressing the  
4 answer to 17, Proposed action is not consistent with  
5 adopted land use plans, and then under A, you would  
6 have an answer.

7                   The other ones under there, Proposed action  
8 would cause the population of the city to increase by  
9 5 percent. Proposed action inconsistent with land use  
10 plan or zoning regulations. Clearly, it's not.  
11 Proposed action is inconsistent with county plans or  
12 other regional land use plans. Proposed action may  
13 cause a change in the density of development that is  
14 not supported by existing infrastructure or is distant  
15 from existing infrastructure. Proposed action is  
16 located in an area characterized by low density  
17 development which would require new or expanded public  
18 infrastructure. And proposed action may induce  
19 secondary development impacts, i.e., residential or  
20 commercial development not included in the proposed  
21 action.

22                  CHAIRMAN BRAND: So F would be the only one I  
23 would think no to small; right? I mean, no and small  
24 are the same.

25                  MR. HINES: It's not in there. I think your

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1       hamlets are -- you're not in low density, like a  
2       five-acre zoning.

3               CHAIRMAN BRAND:   Okay.   Number 18.

4               MR. HINES:   Consistency with Community  
5       Character.   Proposed action is inconsistent with the  
6       existing community character.   They have that suggested  
7       as a no.   I'll defer to the Board on that, but I think  
8       you should review the items underneath.

9               Proposed action may replace or eliminate  
10       existing facilities, structures, or areas of historic  
11       importance to the community.   Proposed action may  
12       create a demand for additional community services,  
13       police, fire, schools.   Proposed action may displace  
14       affordable or low-income housing.

15              CHAIRMAN BRAND:   Can you just go through on  
16       these your recommendations as well?   So that first one,  
17       eliminate existing facilities, structures, that's  
18       definitely no.   They're not doing that.   Demand for  
19       additional community services, school, police, or fire,  
20       I would think that could be moderate to large with 103  
21       units.

22              MS. LANZETTA:   Yes.   It's 106.

23              MS. RUDOW:   I think we would just maintain,  
24       as part of the record, we submitted a full expanded  
25       environmental assessment that addresses the issues.   We

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1       tried to anticipate a lot of these comments. We had a  
2       certified ecologist go out to the site and review the  
3       potential for impacts to bald eagles, for example, and  
4       found no potential for adverse impacts. We did a full  
5       analysis of potential impacts to the school district,  
6       to the municipal services, and found we're going to  
7       have a positive fiscal impact as a result of this  
8       project. So we would maintain that the record that  
9       we've provided does support the findings that we put  
10      forth in our suggested EAF part 2 responses.

11               CHAIRMAN BRAND: Thank you.

12               MR. JENNISON: Chris, did I just hear you say  
13      that's a moderate on B?

14               CHAIRMAN BRAND: I would think so, moderate  
15      to large, for sure, for police and fire, 106 units.

16               MR. TRONCILLITO: I know when the other place  
17      went in, our call volume went up. So to say that the  
18      call volume isn't going to go up isn't being very  
19      truthful. Simple as that.

20               MR. JENNISON: You're saying moderate.

21               MR. TRONCILLITO: Yeah.

22               MR. BLANCHARD: We have presented  
23      information. We presented a study that showed what  
24      projected calls would be.

25               MR. TRONCILLITO: What did they project?

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1                   MR. BLANCHARD: I haven't -- they presented  
2                   that over a year ago to your Board. I'm not sure. I  
3                   mean, no one is hiding the ball here. We said to the  
4                   Fire Department, yes, you're going to have increases.  
5                   We said to the PD -- there's a formula that we can  
6                   derive and see what we think that your increased calls  
7                   would be, but it's not as if we're putting in something  
8                   that is going to have a drastic increase on your police  
9                   and fire. And we also have asked the police department  
10                  to comment, or this Board did when it circulated the  
11                  information.

12                 CHAIRMAN BRAND: I'm just going to stress  
13                  again, it's just a discussion. We're just looking at  
14                  things that we think may differ. We'll certainly go  
15                  back and check the documents, but we're certainly  
16                  relying on our professionals. Thank you.

17                         Keep going, Pat.

18                   MR. HINES: C, Proposed action may displace  
19                   affordable or low-income housing. That is not the  
20                   case.

21                   Proposed action may interfere with the use of  
22                   enjoyment of officially recognized or designated public  
23                   resources.

24                   Proposed action is inconsistent with the  
25                   predominant architectural scale and character.

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1                   Proposed action is inconsistent with the  
2                   character of the existing natural landscape.

3                   And, again, so what I heard is that you may  
4                   check that as a yes, and then you will further discuss  
5                   impacts to demands for community services. I mean, I  
6                   know I did see the fiscal analysis, and certainly  
7                   you'll have more tax base, but I think Mr. Troncillito  
8                   is concerned more about call volume.

9                   CHAIRMAN BRAND: I think B, E, and  
10                  possibly -- B and E are the ones to look at as well.  
11                  That was the end of that?

12                  MR. HINES: With that, that is the end.

13                  CHAIRMAN BRAND: So, Pat, I would ask you to  
14                  go ahead and look at those ones that we are -- your  
15                  recommendations differed from theirs and see if you can  
16                  support those or perhaps they have some documentation  
17                  to prove that.

18                  MR. HINES: Sure. Typically, the applicants  
19                  will take a shot at that as well to address some of  
20                  those changes. Provide a supplemental --

21                  CHAIRMAN BRAND: I notice you're taking  
22                  copious notes, so if you saw those ones that we  
23                  disagreed with, if you wanted to provide rationale  
24                  specific to those.

25                  MR. BLANCHARD: We're happy to do that.



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1 Every answer that we put on this proposed part 2 is  
2 because of the analysis that we have provided. We  
3 looked at the analysis and arrived at that answer. So  
4 we'll do a summary for you.

5 CHAIRMAN BRAND: Sure.

6 MR. HINES: But, again, that's your input on  
7 it. This document is this Board's. So they're going  
8 to adopt this, and it's them, as Lead Agency, that are  
9 going to make those determinations.

10 MR. BLANCHARD: I just -- I think we're  
11 getting -- there's a little bit of like, is this -- did  
12 we provide you with self-serving answers that we picked  
13 out of thin air? Maybe that's just me. We tried to  
14 provide very honest answers that are tied to studies  
15 that we had provided. Very objective. It is your  
16 document, of course. But everything that we answered  
17 is based upon studies -- engineering, professional  
18 studies, that are stamped, that are sealed, that people  
19 stand behind.

20 CHAIRMAN BRAND: We understand. Anything  
21 else from the Board?

22 (No response.)

23 CHAIRMAN BRAND: All right. Thank you guys.

24 MR. BLANCHARD: Just if we can have a point  
25 of clarification.

*DOCK ROAD - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND:   Sure.

2                   MR. BLANCHARD:   Just in terms of next steps,  
3                   so we have -- your next meeting is May 19th.  You have  
4                   a June 2nd meeting.  You've gotta June 16th meeting.  
5                   You know, we continue -- or I continue to ask -- we  
6                   continue to ask and hope for that -- I think we have  
7                   members of the public that want to get more involved.  
8                   We're continuing to ask for the scheduling of a public  
9                   hearing.  A public hearing could be sort of scheduled  
10                  for June while we're addressing these things.  We could  
11                  be back on May 19th, if that's what you want, to  
12                  address the stuff.  We can have correspondence go to  
13                  the engineer before that.  But just kind of -- I think  
14                  we're -- I was speaking with the Ulster County Planning  
15                  Department.  They're familiar with the project.  
16                  They're waiting for your referral.  I think if we're  
17                  getting to a place where if we could schedule the  
18                  public hearing for -- if June 2nd is too soon, for  
19                  June 16th, perhaps.  You could always pull it, but we'd  
20                  like to get something on the schedule.

21                  MR. COMATOS:   I don't think this has been  
22                  referred to Ulster County.

23                  MR. BLANCHARD:   No, it has not.

24                  MS. LANZETTA:   No, it hasn't.  They won't --  
25                  they don't want to see it until we make a

*DOCK ROAD - SKETCH SITE PLAN*

1 recommendation on our SEQR.

2 CHAIRMAN BRAND: I'd like you to come back on  
3 May 19th.

4 MR. JENNISON: That's not going to work.

5 CHAIRMAN BRAND: Sorry?

6 MR. JENNISON: No, because we're upstairs.  
7 That's why we shouldn't be meeting upstairs.

8 CHAIRMAN BRAND: It's not a public -- I mean,  
9 it is a public meeting.

10 MR. JENNISON: And you see how many people  
11 are here.

12 CHAIRMAN BRAND: Yes, I do. The room  
13 capacity is limited, but time is of the essence, I  
14 think.

15 MR. HINES: Well, the deadline for your  
16 responses will be Friday.

17 MS. FLYNN: My cutoff is Friday for the next  
18 meeting.

19 MR. CYPERS: Can you summarize what you'd  
20 like us to supply for the next meeting?

21 CHAIRMAN BRAND: Let's put you on for the  
22 June 2nd meeting instead because there are numerous  
23 people that come to this. I guess Mr. Jennison is  
24 correct. I'd like to review your responses to our  
25 comments on the EAF as well as Pat's. We're still

*DOCK ROAD - SKETCH SITE PLAN*

1 waiting for Creighton Manning.

2 MR. HINES: Yes. Again, it's under DOT's  
3 jurisdiction. They will review the information, but,  
4 quite frankly, whatever this Board says will be  
5 overruled by DOT.

6 CHAIRMAN BRAND: I think what we'll do, as a  
7 Board, we'll review the EAF, those comments,  
8 particularly those ones where there was some  
9 discussion. Try to make your best informed answer  
10 based on the materials provided and the recommendation.

11 MR. JENNISON: That will be June 2nd?

12 CHAIRMAN BRAND: June 2nd.

13 MR. TRONCILLITO: What are we going to be  
14 doing June 2nd? Are we just going to be sitting here,  
15 talking again, or are we going to move forward?

16 CHAIRMAN BRAND: I believe we can take action  
17 on EAF part 2 at that point, yes.

18 MR. HINES: You could adopt the part 2. You  
19 could make a SEQR determination on June 2nd.

20 MR. JENNISON: Now, will that give enough  
21 time to send it to County?

22 MS. FLYNN: Not for June.

23 MS. LANZETTA: It will go up for July.

24 CHAIRMAN BRAND: After we make the SEQR  
25 determination on June 2nd, then generally that's when

*DOCK ROAD - SKETCH SITE PLAN*

1           they want to see it. So after we're done, we can send  
2           it up for their next meeting, so that will be the July  
3           one.

4                   MR. LEYTON: Chairman Brand, I know you said  
5           we took copious notes, but is it possible for Mr. Hines  
6           to be able to, since he wrote it, particularly tell us  
7           what the differences are between --

8                   CHAIRMAN BRAND: Absolutely. Actually, I  
9           took --

10                  MR. HINES: We have a stenographer, so we can  
11           get that.

12                  CHAIRMAN BRAND: I have a marked-up copy. We  
13           can get that to you sometime this week.

14                  MR. LEYTON: The stenographer went through  
15           everything. I don't think she picked out the things  
16           that are -- if you can give us a succinct list what the  
17           items are.

18                  CHAIRMAN BRAND: I'll have Jen email you all  
19           the ones I noted that possibly are different.

20                  MR. LEYTON: Thank you.

21                  MR. HINES: I can give you a mark-up, if  
22           that's what you want. I thought you guys were playing  
23           along, but I'll mark this up and get it to you so it's  
24           easy.

25                  MR. CYPERS: Yeah, that would be good.

*DOCK ROAD - SKETCH SITE PLAN*

1 CHAIRMAN BRAND: Okay. Great. Thank you  
2 guys.

3 Time noted: 8:08 p.m.

4

5

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

7

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 LAURELL DIORIO TWO LOT SD

4 Project No. 24-2020  
5 Hidden Acres Drive, Marlboro  
6 Section 108.2; Block 2; Lot 37  
-----X

7 PUBLIC HEARING - SUBDIVISION

8 Date: May 5, 2025  
9 Time: 8:09 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

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

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
21  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1                   CHAIRMAN BRAND: Next on the agenda, we have  
2                   the Laurell Diorio public hearing. Legal Notice,  
3                   Subdivision Application. Please take notice a public  
4                   hearing will be held by the Marlborough Planning Board  
5                   pursuant to the State Environmental Quality Review Act,  
6                   or SEQRA, and the Town of Marlborough Town Code Section  
7                   134-9 on Monday, May 5, 2025, for the following  
8                   application: Diorio Realty, LLC, at the Town Hall, 21  
9                   Milton Turnpike, Milton, New York, 12545, at 7:00 p.m.  
10                  or as soon thereafter may be heard. The applicant is  
11                  seeking approval of a two-lot subdivision application  
12                  for lands located at 35-37 Hidden Acres Road, Marlboro,  
13                  New York, 12542, Section 108.2, Block 2, Lot 37. Any  
14                  interested parties, either for or against the proposal,  
15                  will have an opportunity to be heard at this time.  
16                  Chris Brand, Chairman, Town of Marlborough Planning  
17                  Board.

18                         Patti, do you have the mailings you sent out?

19                         MS. BROOKS: Yes.

20                         CHAIRMAN BRAND: How many?

21                         MS. BROOKS: Fourteen were sent out and two  
22                         were returned as undeliverable.

23                         CHAIRMAN BRAND: Just out of curiosity, are  
24                         any of you here for the public hearing?

25                         MS. REED: (Indicating).



*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1                   CHAIRMAN BRAND:  You're here for the public  
2                   hearing, so, Patti, would you like to just give a brief  
3                   overview of what you have proposed here?

4                   MS. BROOKS:  Absolutely.  We have a two-lot  
5                   subdivision of 2.44 acres of land located on the  
6                   intersection of Mt. Zion Road and Hidden Acres Drive.  
7                   There formerly was a residence and a mobile home on the  
8                   property.  We are subdividing it to construct two new  
9                   single-family residences.

10                  CHAIRMAN BRAND:  Thank you.  Do you have any  
11                  questions since you're the only person?

12                  MS. REED:  My name is JoAnn Reed.  I own  
13                  property on 111 Mt. Zion Road.  My property adjoins  
14                  this property.

15                  I am very concerned between it's all shale up  
16                  there, so there's going to be jackhammering or blasting  
17                  it's going to have to go through.  So I'm worried about  
18                  my foundation.  I'm worried about my well water.  I'm  
19                  also worried about the runoff of water, because it sits  
20                  up here; my property sits down here (indicating).  So I  
21                  want to make sure my property is protected, if there's  
22                  an engineering report or something that says I'm not  
23                  going to get flooded, especially on the one side.  So  
24                  my property adjoins -- if you're looking at it, it  
25                  would be the right side.  The right side and the back

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1           of the property is my property.

2                   MR. JENNISON: JoAnn, could you point that  
3           out for me? Where are you at?

4                   MS. REED: I can't tell. She's better at  
5           this than I am.

6                   MS. BROOKS: JoAnn was at the Zoning Board  
7           meeting, so I wanted to be able to show where her house  
8           is in relationship to the subdivision. So we're  
9           proposing a new dwelling here and a new dwelling back  
10          here, and JoAnn's house is here, right on Mt. Zion Road  
11          (indicating). So looking at that map, it's up by the  
12          zoning table to the right. Right in there  
13          (indicating).

14                  MR. JENNISON: And that's all downhill?

15                  MS. REED: It is. It's pitched. So the back  
16          of my property is this way, and then it goes down, and  
17          the house -- my house sits right on Mt. Zion Road,  
18          across the street from the Quimby Farm. If you go  
19          right around the corner and you make a left, that's  
20          where Hidden Acres is. You have to go up. So my  
21          problem is on this side, adjoins, and all that water is  
22          going to be coming down if there's not proper drainage,  
23          and like I said, I'm worried about my foundation.  
24          Because I know being up there -- it was Jimmy's  
25          house -- the shale, you can't even dig a flower without

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1 hitting something up there. So I am concerned. And  
2 I'm also worried about my well water up there. Which  
3 way is it going? What's going to happen?

4 Because there's been even storms that water  
5 has run off onto that side of my property. So I am  
6 concerned.

7 CHAIRMAN BRAND: Patti, I'm assuming there's  
8 no blasting that's going to be happening up there?

9 MS. BROOKS: There is no blasting anticipated  
10 at the site.

11 I will tell you that the contractor contacted  
12 me regarding the proposed driveway that we showed  
13 coming in. He did have a concern about that because he  
14 was afraid -- there is a shale banking there. So what  
15 he's looking to do -- and the engineer or the attorney  
16 is working on drafting an agreement -- they want to  
17 bring the driveway through -- come up Hidden Acres  
18 Drive, then go through Lot Number 2 into Lot Number 1,  
19 so that they don't have to impact any of this rock area  
20 that's close to the road that JoAnn is concerned about.

21 The septic systems, where those septic  
22 systems are proposed on both of the lots, there was  
23 ample dirt. She is correct. This area in here is all  
24 rock. This area down here where the proposed house is  
25 isn't (indicating). The existing well right now is

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1           quite close to her house, but the new well is proposed  
2           to be quite a bit farther away.

3                   MS. REED: I'm worried about my well, that  
4           I'm not going to dry up.

5                   MR. TRONCILLITO: Patti, are they going to be  
6           raised beds, do you know, the septic?

7                   MS. BROOKS: I don't know.

8                   CHAIRMAN BRAND: Just so I'm clear, you're  
9           thinking about changing the design that you have before  
10          us tonight with the driveway?

11                   MS. BROOKS: Not the design. Just the  
12          location of the driveway and the expansion of the  
13          easement.

14                   MS. LANZETTA: I have a question, because I  
15          was not at the meeting in March. When we reviewed this  
16          back in December --

17                   MR. JENNISON: Point of order -- I'm sorry --  
18          are we still in the public comment session?

19                   CHAIRMAN BRAND: Yes. The public hearing is  
20          still in session. We can comment during the public  
21          hearing.

22                   MR. JENNISON: Okay. All right.

23                   MS. LANZETTA: Yeah, this has to do with the  
24          driveways. Originally our discussion back then was  
25          that there were four lots that were currently using the

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1 private road, and it was said at that time that the  
2 other driveway for Lot 1 would not be utilizing it, and  
3 now we have it utilizing it, and I never saw in any of  
4 the minutes where that came up as a discussion again  
5 and how it was that that came about.

6 MR. HINES: It's only tonight.

7 MS. BROOKS: It's just tonight for the first  
8 time.

9 MS. LANZETTA: Well, so now we're back to  
10 square one. How can that be if we can only have four  
11 houses on that driveway?

12 MS. BROOKS: Because as long as there is road  
13 frontage on the additional lot, it is allowed to have  
14 driveway access off the private road.

15 MR. HINES: As long as there's legal road  
16 frontage. You can have six as long as two of them have  
17 legal frontage.

18 MS. LANZETTA: What is legal road frontage?

19 MR. HINES: In this case 150-foot width.

20 MR. JENNISON: Access to a Town road; right?

21 MR. HINES: No. It can access off the  
22 private road. It has to have frontage. In other  
23 words, you wouldn't want to encourage a bunch of  
24 driveways. If you're building a private road, we don't  
25 want the first two houses coming out on the Town road

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1           when it has the ability to use it.

2                   MS. REED: I have a question. Isn't it the  
3           road there? When you go up Hidden Acres, you have to  
4           make a left. Where the houses are going, you're on the  
5           road. Have any of you driven up there and seen?

6                   MS. BROOKS: I don't understand what you  
7           mean.

8                   MS. REED: Where Hidden Acres is --

9                   CHAIRMAN BRAND: Ms. Reed, can you speak up  
10          for the stenographer? She's typing all your questions.  
11          You can be at the map. Just be clear so she can hear  
12          you.

13                  MS. REED: All right. Where is --

14                  MR. JENNISON: You started talking lower.

15                  MS. REED: Sorry. I just asked where the  
16          house was going. I'm sorry. The other house is over  
17          here?

18                  MS. BROOKS: Yes.

19                  MS. REED: Where is the driveway going?

20                  MS. BROOKS: So the driveway will come in the  
21          way it comes in now. This is the private road. Then  
22          this is where the entrance is going into where they  
23          cleared, where the house is going, and a new driveway  
24          will just wrap around here into that house  
25          (indicating).

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1                   MS. REED: So that property is actually  
2 facing on my side. It would be on my side.

3                   MS. BROOKS: The driveway will be. Going  
4 pretty much where the mobile home used to be.

5                   MS. REED: Which is right there at the  
6 boundary line. That's where the driveway is going. So  
7 then the waterfall is going to come my way if there's  
8 not proper drainage.

9                   MS. BROOKS: So if you look at the contours,  
10 the contours are heading towards the roadway this way  
11 (indicating), and then, yes, it does slope down this  
12 way, but this water is heading towards the road,  
13 towards Mt. Zion Road.

14                  MS. REED: If you don't put the proper  
15 drainage in, it's coming to me. I went through this,  
16 no offense, with the Town of Newburgh, with my  
17 property, and that property got flooded because they  
18 didn't put the proper drainage in. Again, I want to  
19 make sure my property is not going to be damaged and my  
20 house is not going to be damaged from this.

21                  CHAIRMAN BRAND: Pat, what type of mitigation  
22 can we do there?

23                  MR. HINES: So the project does not meet the  
24 thresholds to require a stormwater management report.  
25 It's a development of one-acre lots, two one-acre, plus

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1           or minus, lots. So it doesn't disturb greater than one  
2           acre by any means. So there's enough natural area  
3           there remaining that we wouldn't require a stormwater  
4           management report.

5                   CHAIRMAN BRAND: Do you foresee that being a  
6           possible issue?

7                   MR. HINES: I just heard Ms. Brooks say the  
8           topo here going below Lot 1 is heading towards the  
9           road, so water falling off this site would flow this  
10          direction (indicating).

11                  MR. CALLO: Patti, have both those lots been  
12          cleared already?

13                  MR. HINES: See these contours here, this is  
14          indication the --

15                  MR. CALLO: Are there any problems right now?

16                  CHAIRMAN BRAND: Fred, Fred. Hold on, Fred.

17                  MS. REED: I haven't been up to the house  
18          this week, so I'm not sure. I will go up tomorrow  
19          because of all the rain today. There has been  
20          before -- because now, all of a sudden, I'm getting a  
21          lot of water on the one side. I've actually had some  
22          trees fall also from that side, because of the water, I  
23          guess, you might say.

24                  CHAIRMAN BRAND: Pat, basically you're saying  
25          that blue line, it's going to follow?



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1                   MR. HINES: This blue line here, the runoff  
2                   from this lot indicating that it will flow in this  
3                   direction, northerly direction, based on the contours.  
4                   And I think Ms. Brooks was demonstrating that on the  
5                   map.

6                   CHAIRMAN BRAND: That's your house right  
7                   there (indicating)?

8                   MS. BROOKS: Yeah. It's very close to the  
9                   road. Probably -- oh, I have a map right here. I can  
10                  give you a distance. So the house is approximately 110  
11                  feet easterly of the most easterly boundary line.

12                  MS. REED: And there's no drainage on Mt.  
13                  Zion Road. No ditches. No nothing. Her mom  
14                  (indicating) lives across the street from -- on Quimby  
15                  Farm, which is right across the street. There's no  
16                  drainage. There's no nothing.

17                  CHAIRMAN BRAND: Okay. Thank you. Any other  
18                  comments? Anyone else care to speak?

19                  (No response.)

20                  MR. JENNISON: I move to close the public  
21                  hearing.

22                  CHAIRMAN BRAND: Motion to close the public  
23                  hearing. Is there a second?

24                  MR. CALLO: I second.

25                  CHAIRMAN BRAND: Pat, you didn't review your

*LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION*

1           comments. Real quickly, do you want to do that --  
2           sorry. Any discussion or objection to closing the  
3           public hearing?

4                       (No response.)

5                       CHAIRMAN BRAND: All right. We'll close it.  
6                       Pat, anything in your comments there?

7                       MR. HINES: So comments from the Highway  
8           Superintendent on the access drive. We heard tonight  
9           it's going to be modified.

10                      Health Department approval for the septic  
11           system I think is outstanding.

12                      MS. BROOKS: It is. Andy Willingham reached  
13           out to all three of the sanitariums today, because he  
14           wasn't sure who was reviewing it, to find out the  
15           status, and nobody got back to him. So we're not sure  
16           of the status of that. It was submitted at the end of  
17           February.

18                      MR. HINES: The project previously received  
19           approval from the ZBA for a rear yard variance. So we  
20           have these two outstanding items.

21                      CHAIRMAN BRAND: So you'll come back with the  
22           revised driveway?

23                      MS. BROOKS: We'll come back with the revised  
24           driveway easement. I'll meet with the Highway  
25           Superintendent, see if he can meet me out there, see if

LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION

1       there's anything that we can -- just make sure that  
2       with regard to the drainage, if there's anything that  
3       can be done while they're putting the driveway in.  If  
4       there's anything that -- any recommendations that he  
5       might have or any plans he might have.  And then that  
6       way hopefully we'll be killing two birds with one  
7       stone, so to speak, having him review the driveway  
8       itself and, perhaps, Mt. Zion Road and the drainage.

9 CHAIRMAN BRAND: Great. Thank you. Nothing  
10 else from the Board on this one?

11 (No response.)

12 CHAIRMAN BRAND: Thank you.

13 Time noted: 8:24 p.m.

14

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

16 Certified to be a true and accurate transcript.

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

19 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 JEFF ALDRICH 6 LOT SD

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

7 SKETCH - SUBDIVISION

8 Date: May 7, 2025  
9 Time: 8:25 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

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

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
21  
22  
23

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

*JEFF ALDRICH 6 LOT SD - SKETCH SUBDIVISION*

1                   CHAIRMAN BRAND: Next on the agenda we have  
2                   Jeff Aldrich for a six-lot subdivision, a sketch of a  
3                   subdivision on Milton Turnpike in Milton.

4                   Pat, I'll let you start with your comments  
5                   first.

6                   MR. HINES: So the project has come back to  
7                   us with the roadway being designed as a dedicated Town  
8                   roadway. It will eliminate the requirement for the  
9                   waiver request to the Town Board. During a joint  
10                  meeting, it was requested that a conventional  
11                  cul-de-sac consistent with Town road specifications be  
12                  designed.

13                  They gave us a conceptual build-out of the  
14                  parcel, identifying 13 lots. I did note that there's  
15                  two Lot 3's, but I think one is supposed to be 13.

16                  A revised EAF was submitted for the  
17                  build-out. The project should be circulated to Parks  
18                  and Recreation for their review. It does identify  
19                  potential areas for cultural resources.

20                  The Highway Superintendent's comments on the  
21                  Town roadways should be received.

22                  Health Department approval of the septic  
23                  systems would be required.

24                  We will need a Stormwater Pollution  
25                  Prevention Plan, as the project proposes to construct a

*JEFF ALDRICH 6 LOT SD - SKETCH SUBDIVISION*

1 Town roadway and also disturb greater than one acre.

2 We'll need the design of the roadway.

3 The concept plan shows a piece of a solar  
4 farm on the lot. I think that might be a drafting  
5 issue. The solar farm should stay on the balance  
6 parcel.

7 And further review will be undertaken when we  
8 receive the detail plans.

9 But I think they're here tonight to address  
10 the concept plan and the Town roadway.

11 CHAIRMAN BRAND: Patti.

12 MS. BROOKS: Yes. Some of the Board members  
13 were at the gateway meeting, and so I wanted to make  
14 sure the rest of the Board members were aware of the  
15 change to a Town road.

16 We had been requested at that meeting and  
17 previously to develop a concept plan. The concept plan  
18 that you see before you, there were a couple of  
19 revisions that should be made on one of them. We had  
20 moved the lots out of the solar, but this was an older  
21 plan so it hadn't be revised. And, also, the T  
22 turnaround needs to be changed to a cul-de-sac. So we  
23 will make those minor revisions. But this really,  
24 again, was just a conceptual plan to show the maximum  
25 build-out that the Board had requested.

*JEFF ALDRICH 6 LOT SD - SKETCH SUBDIVISION*

1                   The one thing that I still do not have a copy  
2                   of is the site plan special use permit conditions for  
3                   the solar farm because I do need to make sure that I  
4                   incorporate them. So if I could get a copy of them.

5                   MR. COMATOS: I'll send them to you tomorrow.

6                   MS. BROOKS: Thank you, Gerry.

7                   CHAIRMAN BRAND: Patti, just for  
8                   clarification on this map, the proposal for -- not the  
9                   giant mark-up ones, which are the ones that will be --

10                  MS. BROOKS: So the lots we're proposing at  
11                  this point in time?

12                  CHAIRMAN BRAND: Yes, the lots that you are  
13                  proposing.

14                  MS. BROOKS: I can't read the lot numbers  
15                  that are on the map that's on the screen, but these are  
16                  the lots that we're looking for at this point in time  
17                  (indicating). So two on either side and then  
18                  (indicating).

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

21                  (No response.)

22                  CHAIRMAN BRAND: No comments or questions.

23                  MR. HINES: So the Board should declare their  
24                  intent for Lead Agency now that we have the full  
25                  build-out plan. We can circulate to Parks and Rec and

*JEFF ALDRICH 6 LOT SD - SKETCH SUBDIVISION*

1 get that going.

2 CHAIRMAN BRAND: Can I have that motion,  
3 please?

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

5 MR. JENNISON: I'll second it.

6 CHAIRMAN BRAND: Any discussion?

7 (No response.)

8 CHAIRMAN BRAND: Any objection?

9 (No response.)

10 CHAIRMAN BRAND: Okay.

11 MS. BROOKS: Pat, should I still make a CRIS  
12 inquiry?

13 MR. HINES: Yes, go ahead. Because if I do  
14 it too, I get a nasty response back from them saying it  
15 was already done.

16 MS. BROOKS: Okay. I know that the Board  
17 can't take any other action this evening. This was  
18 more updating now that we've refined the plan.

19 MR. HINES: Let me send you the Notice of  
20 Intent for Lead Agency.

21 MS. BROOKS: I'll incorporate that with my  
22 CRIS request?

23 MR. HINES: Yes.

24 CHAIRMAN BRAND: So I just want to make sure  
25 I understand this properly. We have all of these lots



*JEFF ALDRICH 6 LOT SD - SKETCH SUBDIVISION*

1 shown now. You're only building those (indicating),  
2 but we're reviewing it all as one thing. But these  
3 other -- like lot 3, 4, 5, 6, 7, 8, they're going to  
4 remain as one part of that parent parcel?

5 MS. BROOKS: Correct.

6 CHAIRMAN BRAND: This is just for us. Okay.

7 MR. HINES: This is for the SEQR review for  
8 the ultimate build-out.

9 CHAIRMAN BRAND: Gotcha.

10 MS. BROOKS: The application before the Board  
11 is still a five-lot subdivision with a lot line  
12 revision.

13 CHAIRMAN BRAND: Thank you for providing  
14 that.

15 Time noted: 8:29 p.m.

16

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

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20 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 ATKINS NICHOLAS 2 LOT SD

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

6 -----X  
7 SKETCH - SUBDIVISION

8 Date: May 5, 2025  
9 Time: 8:30 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

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

20 APPLICANT'S REPRESENTATIVES: KARIN REYNOLDS

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

*ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION*

1                   CHAIRMAN BRAND: Next up we have the Atkins  
2                   minor subdivision, two-lot subdivision, at 6 Cubbard  
3                   Drive.

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

6                   MR. HINES: Sure. This project has come a  
7                   long way. The project received the necessary variances  
8                   from the ZBA. I attached a copy for the Board's use.

9                   The subdivision plan should be updated noting  
10                  those variances were received.

11                  The Health Department approval for the lots  
12                  is required.

13                  Each of the lots will now be served by Town  
14                  water.

15                  Unless exempt by County Planning -- I think  
16                  it might be as a two-lot subdivision. So no County  
17                  Planning referral will be needed, and I think we can  
18                  schedule the public hearing for the next available  
19                  date.

20                  CHAIRMAN BRAND: Jen, when would that be?

21                  MS. FLYNN: June 2nd.

22                  MS. REYNOLDS: So we had the public hearing  
23                  with the ZBA, and there is one more that came back  
24                  (handling).

25                  MS. FLYNN: Thank you.

*ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION*

1                   MS. REYNOLDS: There was one neighbor that  
2                   came, and he had no objections.

3                   CHAIRMAN BRAND: For the ZBA?

4                   MS. REYNOLDS: Yes.

5                   MR. HINES: Unfortunately, with the  
6                   subdivision, this Board also has to have a public  
7                   hearing.

8                   MS. REYNOLDS: Okay.

9                   CHAIRMAN BRAND: So you'll also be required  
10                  to send out those mailings.

11                  MS. REYNOLDS: Yes.

12                  MS. FLYNN: It just has to be certified, but  
13                  no return receipt.

14                  MS. REYNOLDS: Okay.

15                  CHAIRMAN BRAND: Gerry, do you have anything?

16                  MR. COMATOS: No, I don't.

17                  CHAIRMAN BRAND: Comments or questions about  
18                  this one?

19                  (No response.)

20                  CHAIRMAN BRAND: So we'll schedule the public  
21                  hearing for June 2nd. Just make sure those mailings go  
22                  out, and you should be good.

23                  MS. REYNOLDS: Okay.

24                  MS. FLYNN: I'll send you the legal notice  
25                  once it's approved by the lawyer.

*ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION*

1                   CHAIRMAN BRAND: Are we comfortable at this  
2                   time authorizing the attorney, should there be no  
3                   significant input from the public hearing, to prepare a  
4                   Resolution of Approval for this as well?

5                   MR. TRONCILLITO: Just as well.

6                   MR. JENNISON: Yes.

7                   CHAIRMAN BRAND: I'd like to have that  
8                   motion.

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

10                  MR. TRONCILLITO: I'll second it.

11                  MR. HINES: Do you know where you're at with  
12                  the Health Department?

13                  MS. REYNOLDS: Yes. We got approval for the  
14                  septic. So I didn't understand what you said about the  
15                  Town water. There was a -- when it's two lots, then  
16                  it's exempt?

17                  MR. HINES: No. They're both going to be  
18                  connected to Town water.

19                  MS. REYNOLDS: Well, it's a question.

20                  MR. HINES: I believe we heard back from the  
21                  Water Department that said both lots have to be  
22                  connected.

23                  CHAIRMAN BRAND: It's not a question. They  
24                  have to be connected.

25                  MS. REYNOLDS: Okay.

## ATKINS NICHOLAS 2 LOT SD - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Any other questions?

2 MS. REYNOLDS: No. Thank you.

3 CHAIRMAN BRAND: Anything else from the

4 Board?

5 (No response.)

6 CHAIRMAN BRAND: Motion to adjourn?

7 MR. LOFARO: Motion to adjourn.

8 MR. CALLO: Second.

9 Time noted: 8:33 p.m.

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

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13 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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