

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

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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

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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

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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.

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 SEQR, 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?

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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?

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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,

DOCK ROAD - SKETCH SITE PLAN

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

DOCK ROAD - SKETCH SITE PLAN

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.

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.

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

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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

8 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
2 TOWN OF MARLBOROUGH PLANNING BOARD

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

4 LAURELL DIORIO TWO LOT SD

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

8 -----X

9 PUBLIC HEARING - SUBDIVISION

10
11 Date: May 5, 2025
12 Time: 8:09 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, New York 12547

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

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

26 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

27

28

29

30

31 -----X
32 Stacie Sullivan, CSR
33 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?

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.

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

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

LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION

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?

LAURELL DIORIO 2 LOT SD - PUBLIC HEARING SUBDIVISION

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

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

16 Certified to be a true and accurate transcript.

18 Stacia Sullivan

Stacie Sullivan, CSR

Stacie Sullivan, CSR

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

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

4 JEFF ALDRICH 6 LOT SD

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

6 -----X

7 SKETCH - SUBDIVISION

8
9 Date: May 7, 2025
9 Time: 8:25 p.m.
10 Place: Town of Marlborough
10 Town Hall
11 21 Milton Turnpike
11 Milton, New York 12547

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

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

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
21

22

23

24 -----X
25 Stacie Sullivan, CSR
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.

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

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

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
2 TOWN OF MARLBOROUGH PLANNING BOARD

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

4 ATKINS NICHOLAS 2 LOT SD

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

6 -----X

7 SKETCH - SUBDIVISION

8
9 Date: May 5, 2025
10 Time: 8:30 p.m.
11 Place: Town of Marlborough
12 Town Hall
13 21 Milton Turnpike
14 Milton, New York 12547

15
16 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
17 FRED CALLO
18 STEVE JENNISON
19 CINDY LANZETTA
20 JOE LOFARO
21 BOB TRONCILLITO

22
23
24 ALSO PRESENT: PAT HINES

25 GERARD COMATOS, ESQ.
JEN FLYNN

26
27 APPLICANT'S REPRESENTATIVES: KARIN REYNOLDS

28

29

30

31 -----X
32 Stacie Sullivan, CSR
33 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?

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 (handing).

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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