

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

2 -----X
In the Matter of

3 MAPLE BRANCH MANOR STR

4 Project No. 25-1006
5 23 Woodcrest Lane, Milton
6 Section 103.3; Block 3; Lot 22
-----X

7 PUBLIC HEARING - SITE PLAN

8 Date: September 16, 2025
9 Time: 7:00 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

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

17 ALSO PRESENT: PAT HINES
18 HANNAH ATKINSON, ESQ.
19 JEN FLYNN
20

21 APPLICANT'S REPRESENTATIVE: CONSTANCE RAY
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

MAPLE BRANCH MANOR STR - PUBLIC HEARING SITE PLAN

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

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, September 15, 2025, regular meeting at
7 7:00 p.m. and preliminary conference, which there are
8 none of, but if there were to be one, it would have
9 started at 6:30.

10 On the agenda this evening we have a public
11 hearing for Maple Branch Manor, a short-term rental, a
12 public hearing for a site plan at 28 Woodcrest Lane in
13 Milton. For Ongoing Application Review, we have Dock
14 Road for a preliminary of their site plan and lot line
15 for 103-137 Dock Road in Marlboro.

16 The next deadline is Wednesday,
17 September 24th. The next scheduled meeting, Monday,
18 October 6th, 2025.

19 First up -- first, any announcements from the
20 Board?

21 (No response.)

22 CHAIRMAN BRAND: Jen, no communications?

23 MS. FLYNN: No.

24 CHAIRMAN BRAND: First up we have the public
25 hearing for the Maple Branch Manor short-term rental.

MAPLE BRANCH MANOR STR - PUBLIC HEARING SITE PLAN

1 Legal Notice, Minor Site Plan and Special Use Permit
2 Application. Please take notice a public hearing will
3 be held by the Marlborough Planning Board pursuant to
4 the Town of Marlborough Town Code Section 155.31 and
5 Section 155.32 on Monday, September 15, 2025, for the
6 following application, Maple Branch Manor short-term
7 rental, at the Town Hall, 21 Milton Turnpike, Milton,
8 New York, at 7:00 p.m. or as soon thereafter as may be
9 heard. The applicant is asking for site plan approval
10 and special use permit for a short-term rental on lands
11 located 28 Woodcrest Lane in Milton, New York, Section
12 103.3, Block 3, Lot 22. Any interested parties, either
13 for or against this proposal, will have an opportunity
14 to be heard at this time. Chris Brand, Chairman, Town
15 of Marlborough Planning Board.

16 Is the applicant here this evening? Would
17 you like to come up to the table, please. Would you
18 please state your name for the stenographer?

19 MS. RAY: I'm Constance Ray.

20 CHAIRMAN BRAND: Do you have the mailings
21 that you sent out?

22 MS. RAY: I do.

23 CHAIRMAN BRAND: Great. Do you know how many
24 that were sent out?

25 MS. RAY: Twenty-one.

MAPLE BRANCH MANOR STR - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Just give those to the
2 secretary. That will be great.

3 Would you just like to provide a very brief
4 overview for the public? Do you have any information
5 on what it is you have planned here?

6 MS. RAY: Say that again.

7 CHAIRMAN BRAND: If you can just give a brief
8 overview of what it is you're planning on doing there.

9 MS. RAY: Oh, I'm kind of an Airbnb that's
10 geared towards wedding parties. There are a lot of
11 wedding venues around here, but no place to stay. So I
12 turned what was Marlboro Hotel into Maple Branch Manor.
13 It's a seven bedroom, nine bathroom house now that
14 has -- that's geared for wedding parties. No weddings.
15 Just sleeping.

16 CHAIRMAN BRAND: Great. Thank you. Is there
17 anyone here who would like to speak on this project?

18 (No response.)

19 CHAIRMAN BRAND: Are there any comments or
20 questions from the Board?

21 (No response.)

22 CHAIRMAN BRAND: Pat, would you like to
23 review your comments quickly?

24 MR. HINES: Yeah. This was referred to the
25 Ulster County Planning. We received a no County impact

MAPLE BRANCH MANOR STR - PUBLIC HEARING SITE PLAN

1 based on that referral.

2 The Town of Marlborough Building Department
3 issued their -- I'll call it a gatekeeper letter
4 regarding the site, identifying no issues.

5 And I believe that the jurisdictional fire
6 department did a field review of it. It was discussed
7 at the last meeting. It was going to occur the next
8 day.

9 So we don't have any outstanding issues with
10 this. And it is a special use, so it's here for the
11 public hearing.

12 CHAIRMAN BRAND: Great. Thank you. If
13 there's nothing else from the Board, I'd like a motion
14 to close the public hearing.

15 MR. JENNISON: I'll make a motion to close
16 the public hearing.

17 MR. CALLO: I second that.

18 CHAIRMAN BRAND: Any objection -- any
19 discussion? Sorry.

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 CHAIRMAN BRAND: So it seems as though we're
24 all set. I would like to also have a resolution to
25 authorize our attorney for a Resolution of Approval for

MAPLE BRANCH MANOR STR - PUBLIC HEARING SITE PLAN

1 the October 6th meeting.

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

3 MR. TRONCILLITO: I'll second it.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: So we will see you on
9 October the 6th, and we will have the Resolution of
10 Approval ready to vote at that time.

11 MS. RAY: Oh, so I'm not good to go until
12 October 6th?

13 CHAIRMAN BRAND: Correct.

14 MR. HINES: Probably October 7th.

15 CHAIRMAN BRAND: Correct.

16 MS. RAY: Okay. Thanks.

17 CHAIRMAN BRAND: Thank you.

18 Time noted: 7:05 p.m.

19

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

21

22 Certified to be a true and accurate transcript.

23

24

Stacie Sullivan

25

Stacie Sullivan, CSR

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

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

PRELIMINARY - SITE PLAN/LOT LINE

Date: September 15, 2025
Time: 7:06 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

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

ALSO PRESENT: PAT HINES

HANNAH ATKINSON, ESQ.

JEN FLYNN

APPLICANT'S REPRESENTATIVES: MARK BLANCHARD, ESQ.
ABIGAIL RUDOW
RON CYPERS

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DOCK ROAD - PRELIMINARY SITE PLAN/LOT LINE

1 CHAIRMAN BRAND: Next on the agenda we have
2 Dock Road for a preliminary of their site plan and lot
3 line at 103-137 Dock Road in Marlboro.

4 Pat, while they're coming up, do you want to
5 just go through your comments?

6 MR. HINES: We don't have any new plans since
7 the last meeting. We did submit to County, and they
8 have a completed review date of 6 August, which we
9 received the County review, and the Board should
10 discuss the County referrals. There are several
11 required modifications, which would either have to be
12 addressed or overridden by a supermajority vote. I
13 would suggest the Board review that tonight.

14 We have noted that one of the County comments
15 is regarding third-party review of the Stormwater
16 Pollution Prevention Plan. My office has issued
17 several rounds of comments, and we're down to very
18 technical comments on the Stormwater Pollution
19 Prevention Plan.

20 The Board previously reviewed the Part II of
21 the long form EAF at the meeting in June. At the
22 July 21st meeting, the Board accepted the applicant's
23 additional information regarding the Part II of the
24 EAF, and at that point there was no potential
25 significant environmental impacts identified after the

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1 Board's review of that. You will be in a position to
2 address a SEQRA determination in the very near future.
3 Any substantive changes caused by the County Planning
4 comments should be taken into consideration during that
5 SEQRA review -- completion of the SEQRA process.

6 We did receive a Draft Negative Declaration.
7 We have provided the first round of comments on there.
8 The Board has that in front of you. Unfortunately, our
9 changes were in red, but they're just shown as a little
10 lighter gray on your comments. But the applicants have
11 addressed our first round of comments, and I know
12 Hannah's office is also reviewing that document.

13 So that's where we're at with the process,
14 and I'll defer to Hannah on the legal procedures that
15 are outstanding.

16 CHAIRMAN BRAND: Hannah.

17 MS. ATKINSON: Yes. So I've been in
18 communication with the applicant's attorney, and based
19 on a particular case which describes a town law
20 statute, my office is under the impression that there
21 needs to be a second public hearing as to the lot line
22 adjustment.

23 And I actually took some time to reach out to
24 the Department of State today to figure out whether
25 that would mean only the lot line adjustment would be

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1 the subject of that second public hearing or if the
2 rest of the application should also play into that as
3 well, and the feedback that I received was that it
4 wouldn't make sense to do separate approvals for the
5 site plan as for the lot line adjustment, because it's
6 all kind of part of the same project and the lot line
7 adjustment is an integral piece of the site plan
8 approval.

9 And so, for that reason, I think it makes
10 sense to move forward with SEQRA, wrap that up, have
11 that second public hearing, and then have a Resolution
12 of Approval to adopt, hopefully, to approve both the
13 site plan and the lot line adjustment.

14 CHAIRMAN BRAND: Great. Thank you. Before
15 we get into comments or questions from the Board, I
16 would like to address the Ulster County Planning
17 Board's recommendation. Everyone should have a copy of
18 that packet.

19 MR. JENNISON: Has the applicant received the
20 Ulster County Planning Board comments?

21 CHAIRMAN BRAND: Yes.

22 MR. BLANCHARD: We have. We're prepared to
23 speak on it when the Board is ready to hear from us.

24 MR. JENNISON: Okay. So you did get it.

25 CHAIRMAN BRAND: So the first recommendation

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1 was in regards to easements. All easements will need
2 to be identified on the plans. Ulster County Planning
3 Board further recommends cross-access easements along
4 the parcels owned by the applicant fronting on the
5 Route 9W corridor, as well as the T-shaped turnaround
6 associated with the cottages nearest the Marlboro
7 Elementary School site. The applicant should allow for
8 the opportunity to connect to this project across the
9 school district parcel for access across to the
10 existing traffic signal as an alternative means for
11 making safe turning movements onto and from the Route
12 9W corridor.

13 I have to apologize. I did not bring my
14 reading glasses this evening. I'm doing the best I
15 can.

16 Comments or questions from the Board
17 regarding this first portion?

18 MR. JENNISON: I'd like to hear the
19 comments --

20 CHAIRMAN BRAND: Sure.

21 MR. JENNISON: -- if that's possible before I
22 make comments.

23 CHAIRMAN BRAND: Did you have a comment
24 regarding that recommendation?

25 MR. BLANCHARD: Yes. Absolutely. We -- I

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1 would -- so, Mark Blanchard, land use counsel for the
2 application.

3 We would say -- I think the Ulster County
4 Planning Board -- I was -- the Town had forwarded them
5 55 documents, so they certainly reviewed a robust
6 record that this Board has been reviewing. I think our
7 take-away from the application side from the comments
8 are that the Ulster County Planning Board has commented
9 on policy issues, and they've commented on some
10 specific site plan planning opinions that they have.
11 We didn't see anything in here that would cause us to
12 change any of the design. We didn't see anything in
13 here that was new.

14 A lot of this stuff that Ulster County --
15 many of the issues that Ulster County raised were
16 issues that we had already talked about. For example,
17 the access -- getting an easement from the school board
18 to have access through the middle school property,
19 that's something we had looked at very early on. So
20 that was not deemed to be feasible.

21 The other thing was the interconnectivity of
22 the sidewalks within the application site, within the
23 project site. That's something we've done our best
24 with. We've offered as many internal sidewalks that we
25 can offer.

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1 The other issue was the sidewalk -- improving
2 the sidewalk connectivity on 9W, and the frontage
3 that's connected to this project, we are improving,
4 that sidewalk area.

5 The Ulster County Planning Board had a
6 recommendation relating to affordable housing. The
7 Town of Marlborough doesn't have an affordable housing
8 set aside requirement. We are in compliance with the
9 Town of Marlborough Town Code. So I get that the
10 Ulster County Planning Board has a concern about
11 affordability and access to new housing, but that's
12 not -- that's a policy decision that they are
13 advancing. That's not something where we would change
14 our unit count.

15 They have -- for some reason, they have --
16 the Ulster County Planning Board stated that the gated
17 portion, having a check-in as you come into a private
18 road -- remember, the road is not going to be
19 rededicated to the Town. So the private road issue,
20 they have offered the opinion that that doesn't
21 coincide with the community character. We disagree.

22 So I think when you go through each of these
23 comments, they either have already been addressed
24 through our discussions with this Board or they have --
25 they are opinions that we disagree with as -- with our

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1 design, and we believe that there's -- the Board -- my
2 ask to the Board is that under the statute, as
3 Mr. Hines already said, you are empowered to vote with
4 a supermajority to -- I hate to say disregard, but to
5 move forward with the project as currently presented
6 without impacts from the Ulster County Planning
7 Department.

8 MS. LANZETTA: You have to have a reasoned
9 explanation for each of those required modifications as
10 to why you don't feel that that's -- that insufficiency
11 should be addressed. And so I think you're being a
12 little disingenuous telling the Board that they can
13 just willy-nilly overrule what the County Planning has
14 suggested. I --

15 MR. BLANCHARD: May I respond to that?

16 MS. LANZETTA: Excuse me. Just let me --

17 MR. BLANCHARD: Sure. When you're ready, I'm
18 ready.

19 MS. LANZETTA: That's a fact. But you are
20 right. When I got these recommendations, I thought, my
21 God, in November of 2024, these are the exact issues we
22 raised -- the Planning Board raised with you guys. And
23 since then there has been almost no response to any of
24 our concerns to make this project a better project.
25 And, you know, it's -- all of the issues with

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1 connectivity and sidewalks, safety for people who are
2 trying to walk within this project, is all still the
3 same problems that we had from the very beginning going
4 forward.

5 Now, I've looked at the other projects that
6 your company has done, and they're some beautiful
7 projects. But I think it's interesting to note that at
8 those projects, you talk about that you have wonderful
9 interior walkways in those projects. The Vineyard at
10 Brookfield, you have residents walk safely to the
11 clubhouse, using a carefully designed network of
12 internal walkways. I'm wondering why the Town of
13 Marlborough can't have this kind of attention to a
14 project that's coming in so that the health, safety,
15 and welfare of the people who are going to be
16 purchasing these properties will be protected and will
17 have the same amenities as some of your other nice
18 places have.

19 MR. BLANCHARD: May I answer?

20 MS. LANZETTA: Sure.

21 MR. BLANCHARD: So let's go back to the
22 beginning. I'll push back on a couple of things.

23 Number one, I'm not being disingenuous at
24 all. I started off my comments by noting that the
25 Ulster County Planning Board reviewed 55 documents, the

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1 same documents -- and I said the same number of
2 documents that this Board has reviewed. So when I said
3 that it's the exact same things we have been going over
4 and discussing, I didn't suggest to this Board, I
5 didn't imply to this Board, I didn't even hint to this
6 Board that you could willy-nilly overrule the Ulster
7 County. What I said to you was that we have gone
8 through their issues.

9 For example, the exiting into the middle
10 school. Not happening. It's not feasible. You --

11 CHAIRMAN BRAND: Elementary school.

12 MR. BLANCHARD: Excuse me?

13 CHAIRMAN BRAND: Elementary school.

14 MR. BLANCHARD: Elementary school.

15 MS. LANZETTA: But you --

16 MR. BLANCHARD: Excuse me. It's my turn.

17 That's not feasible. We went through that.
18 We went through the sidewalks. It's not that we didn't
19 change what we're offering for the sidewalks. We have
20 offered as much as possible. We offered more. There's
21 a lot more linear footage of sidewalk now thanks to
22 your Board's comments than there was when we submitted
23 our plans.

24 And we also told you that having a fully
25 connected sidewalk network on the interior of the

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1 project would mean that the houses get pushed back in
2 order to preserve the parking -- off-street parking
3 space in the driveway itself.

4 So these are reasoned elaborations. These
5 are reasons that we have discussed with you. We have
6 amended our project. We have submitted document after
7 document showing how the interconnectivity is
8 appropriate.

9 The whole gate -- we've said it time and time
10 again. The gate to get into this community is a
11 traffic calming device where people come into the
12 community, coming into a driveway setting, not a
13 thoroughfare. It's a private road. There's no
14 difference with that gate than there is for a keypad on
15 a building with numerous units, internal units, for a
16 condominium project. It is not some sort of exclusive
17 thing. As I said to you time and time again, there are
18 no deed restrictions. There is -- the Fair Housing
19 Act. No one is looking to restrict anyone from
20 purchasing or visiting. It's just that this gate
21 getting in serves to slow traffic throughout. There's
22 a lower speed limit internally. That's how it works.

23 Every single thing that's in here that the
24 County has raised, we have talked about. The County
25 says we have not -- they have not seen the submission

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1 to DOT. We have permission to apply to DOT now,
2 because they have approved our design. A former Board
3 member said that our left-turn lane is the best design
4 possible for that traffic. We talked about moving the
5 access on 9W. Topography-wise, we can't do it. So all
6 of these objections or recommendations raised by the
7 County aren't -- I'm not asking to willy-nilly ignore
8 them. I'm saying the County is a little late to the
9 party. Not their fault. The way the procedures are.
10 But we have gone through all of these issues, and we
11 have settled these issues. So there's a robust record
12 in front of you of having seen this information.

13 MS. LANZETTA: You think we've settled it.
14 As far as I'm concerned, I don't think we've settled
15 it. Something like the cross easements are something
16 that would be easy enough for you to do. You don't
17 have to actually look at doing a road through the
18 school property, but if you had an easement for future
19 possible development, how would that negatively impact
20 your project other than to at some point in the future,
21 if that ever was a possibility, you could access
22 possibly that light farther up?

23 MR. BLANCHARD: We can't access through a
24 school property.

25 MS. LANZETTA: I'm not saying your accessing.

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1 I'm saying, why would you not have a cross easement for
2 possible future planning?

3 MR. BLANCHARD: We looked into that. It
4 doesn't make sense. It's not -- an easement is a
5 simple concept. Getting the easement in this situation
6 is not a simple undertaking. We looked at the concept
7 of the easement. It was one of the early -- that
8 concept came up I believe when Supervisor Lanzetta
9 was -- one of our first meetings was looking at the
10 elementary school property. And it was -- it's not
11 feasible. It's not something that we can do.

12 CHAIRMAN BRAND: If I can just jump in.

13 MR. BLANCHARD: Sure.

14 CHAIRMAN BRAND: I don't think she's
15 referring to an easement through the elementary school
16 property. She's talking about an easement from the one
17 property where the project will be and the as-yet
18 undeveloped property on 9W.

19 MR. BLANCHARD: That's another issue. We
20 looked at that. We almost -- we were thinking -- we
21 explored that with DOT and this Board. If we went
22 north -- wait. I always get it --

23 MR. CYPERS: You're right.

24 MR. BLANCHARD: North. If we go north, the
25 topography going back into the Dock Road site doesn't

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1 permit it. The slope, the road is too steep. We had
2 an engineering write-up on that issue. We submitted
3 that, I believe. Sorry, but I believe we submitted
4 that in to the Town's consultants.

5 CHAIRMAN BRAND: I guess the point I think
6 that Cindy is trying to make is that we don't know what
7 the future holds. Say that gas station is destroyed
8 and it's gone. Now you have the opportunity to
9 purchase that, and we can put a light and the traffic
10 will come down Birdsall, but you don't have the
11 easement across your own piece of property to get
12 there. Am I wrong?

13 MS. LANZETTA: Well, the number of ease --
14 there's a variety of easements that the County had
15 recommended that you will get, and if they're on your
16 own property -- I'm not talking about going onto other
17 people's properties, but just to make those so that
18 they're not -- those particular easement areas are not
19 developed in case at some point in time you want to use
20 those easements to travel onto the adjoining
21 properties.

22 MR. BLANCHARD: We're missing each other.

23 MS. LANZETTA: I just wanted to make the note
24 that in November we asked you for communications
25 between you and the DOT, and we still as a Board have

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1 never seen those internal communications back and
2 forth. And as a matter of fact, I contacted the DOT at
3 the end of June, and they said that they did not know
4 that you owned the properties now up on 9W and that
5 they -- the last time that they had seen any maps on
6 the project were from October 2024.

7 MR. BLANCHARD: Excuse me.

8 MS. LANZETTA: I have an email right here
9 from the DOT stating that.

10 MR. BLANCHARD: We have your Highway
11 Supervisor and I believe his deputy and the Town
12 Supervisor sat with the principals of this project with
13 DOT and the engineers on at least four occasions. So
14 if anyone is being disingenuous -- excuse me, with all
15 due respect -- the Town has been involved every step of
16 the way, maybe not a Planning Board liaison, but the
17 Town of Marlborough Highway Department has been
18 involved every step of the way with our meetings with
19 DOT. And the group sitting here before you applying
20 for the Orchards on Hudson residential project is not
21 the group that owns the adjacent parcels. I've said
22 that transparently. It's a different investment group
23 for a different purpose. And it has nothing to do with
24 ownership.

25 Can we agree what I am saying to you is

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1 the -- it's not a question of ownership. It's a
2 question of topography and grading. Coming in on a
3 northerly part of the commercial property, the existing
4 property, if we had the easement there, once you get
5 through that property and come up into Dock Road, the
6 landscape -- the topography doesn't work. It's not a
7 feasible construction alternative for a drive. It's
8 not.

9 MS. LANZETTA: Well --

10 MR. BLANCHARD: Please.

11 MS. LANZETTA: The other properties, as
12 Creighton Manning suggested, you don't have to build
13 them out. You don't even have to have the -- you know,
14 the plans for that at this point, but to have the
15 easements coming from the private road into those
16 properties, because we're trying to limit the access on
17 and off of Route 9W. Now would be the time to put
18 those in, which is something that the County also
19 refers to, too. And why wouldn't that be a good idea
20 at this time?

21 MR. BLANCHARD: I don't understand why we're
22 not hearing each other.

23 The easement -- the easement, it's not a
24 viable construction solution. We are still getting out
25 onto 9W and the easement -- where the easement would

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1 take you into the residential project is not feasible.
2 You cannot construct a road at that grade. I don't
3 know how else to say it.

4 MS. LANZETTA: I'm not talking about getting
5 in and out of the residential property. I'm talking
6 about now is the time to be looking at those additional
7 commercial properties at 9W and have them access that
8 same road so that they're not putting in additional
9 access entrances on 9W while your people are -- while
10 the people who are in their residential unit are also
11 trying to get out at the same point in time.

12 MR. BLANCHARD: Look, I think maybe I'm
13 understanding you now. If this question is -- so,
14 then, this is a future hypothetical based on
15 undeveloped land that we don't even have a plan for
16 yet. That's the burden of the applicant coming in for
17 the commercial properties. I mean, maybe that is a
18 solution at that time. I see what you're saying. You
19 want to limit existing curb cuts off of the existing
20 commercial parcels to come all out through Dock?

21 MS. LANZETTA: Yes.

22 MR. BLANCHARD: But that's an impossibility
23 right now. We can't be held to that standard. The
24 whole commercial portion is not even on the back of an
25 envelope yet, all that portion. Those are just

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1 concepts. Perhaps ideas. That's the burden of that
2 applicant. That doesn't solve -- that doesn't create
3 or solve or do anything to what I'm doing on Orchards
4 on Hudson. That's a future project, and that's
5 inappropriate, to hang up this application on a
6 hypothetical future project.

7 MS. LANZETTA: It's not hanging up. It's
8 just adding an additional easement on the property in
9 case there's future development.

10 MR. BLANCHARD: But that's for that
11 applicant, that owner, that application, to deal with.
12 They come -- that's a mitigation measure for that
13 project. If that project is identified, and this Board
14 and your consultants identify a potential traffic
15 impact for their curb cuts, then they come and ask the
16 owner for an easement. That's their problem. I hate
17 to say it that way. I'm just trying to distill it down
18 to its most simplest terms. That's the burden on the
19 future application. How are we going to give an
20 easement to a hypothetical project? I don't understand
21 this.

22 CHAIRMAN BRAND: Pat, do you have anything to
23 add on this one?

24 MR. HINES: So we did discuss the topographic
25 constraints between the condominium project and the

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1 commercial projects there.

2 MR. BLANCHARD: Well, then maybe I'm not
3 answering the right question.

4 MR. HINES: I think that what Mr. Blanchard
5 is saying is that while some of the principals in the
6 condo project may be principals in the commercial
7 properties, they are different commercial entities,
8 different LLCs for lack of a better term.

9 MR. BLANCHARD: Yes. Right. I was
10 transparent about that. There is a portion of shared
11 ownership, but it's a different investment group.
12 We've been transparent about -- I'm not trying to trick
13 anyone, but that project is under different ownership.
14 Sorry to cut you off, but it's different ownership, and
15 there are multiple ideas of what would be allowed.
16 It's a great zoning for us right there for a commercial
17 property. That overlay zone is fantastic. But we
18 don't know what's happening there yet.

19 MR. JENNISON: Hannah, didn't you address
20 this?

21 MS. ATKINSON: Well, what we addressed was
22 the issue of segmentation, and that's why we're not
23 looking at these future projects --

24 MR. JENNISON: Exactly. So why are we
25 discussing it?

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1 MS. LANZETTA: It was raised by the County.

2 CHAIRMAN BRAND: So I tend to agree with
3 that, that it really does fall on the next applicant.
4 That being said, I would like to have a motion to
5 override the first required modification regarding
6 easements.

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

8 MR. LOFARO: I'll second.

9 CHAIRMAN BRAND: Any discussion?

10 (No response.)

11 CHAIRMAN BRAND: Any objection?

12 MS. LANZETTA: I object.

13 CHAIRMAN BRAND: So that passes. The next
14 required modification was the U.S. Route 9W access. It
15 will require highway work. The project needs to be
16 further integrated with the Town's sidewalk projects in
17 the hamlet area, including the placement of the
18 crosswalks.

19 Perhaps I misunderstood. Does your plan not
20 include sidewalks at that entry point at 9W? It does.

21 MS. RUDOW: It does.

22 MR. BLANCHARD: It does. We have provided a
23 sidewalk on -- look, remember, our project is narrow
24 and gets wider as you go back. So the actual frontage
25 that's owned by the Orchards on Hudson project is

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1 putting in as much sidewalk that's possible there.

2 MR. CYPERS: It's on the south end of the
3 boulevard entrance between the boulevard entrance and
4 Route 9 and Dock Road.

5 CHAIRMAN BRAND: Hannah, we can -- obviously,
6 the other part with the highway work permit from the
7 New York State DOT, that could be a condition of the
8 approval?

9 MR. HINES: Well, I don't know that I saw the
10 phase 1. We've had language, and Ken Wersted is aware
11 that there is a phase 1 concept approval from DOT,
12 which then allows them to go to phase 2, the detailed
13 design.

14 MR. JENNISON: But why are we requiring a
15 sliver of sidewalk on that side?

16 CHAIRMAN BRAND: It's part of the 9W
17 corridor.

18 MR. JENNISON: But it makes no sense.

19 CHAIRMAN BRAND: It does make sense because
20 as the next property becomes, they all get
21 interconnected. If we don't do it now, there will
22 never be any sidewalks anywhere.

23 MR. JENNISON: But we're on the west side all
24 the way through, all the way down.

25 CHAIRMAN BRAND: There are sidewalks directly

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1 across the street from Dock Road that would
2 interconnect to where they are.

3 MR. JENNISON: So we have it coming down all
4 the way by the Raccoon Saloon --

5 CHAIRMAN BRAND: Correct.

6 MR. JENNISON: -- to the Falcon?

7 CHAIRMAN BRAND: Correct.

8 MR. JENNISON: Right. Then across the
9 street, they're going to put what? Ten feet? Five
10 feet?

11 CHAIRMAN BRAND: Then should the other
12 property get developed, they'll connect to that and
13 still be able to go and use the crosswalk.

14 MR. JENNISON: But Sinclair is not going to
15 have it. And we're not going to put it in front of the
16 elementary school going down on each side.

17 MS. LANZETTA: We don't know that. DOT could
18 possibly do that.

19 MR. JENNISON: In front of the elementary
20 school?

21 MS. LANZETTA: Yes. Along Route 9W.

22 MR. JENNISON: Yeah. Okay. I've been here a
23 long time.

24 CHAIRMAN BRAND: So it sounds --

25 MR. CYPERS: So we've done --

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1 CHAIRMAN BRAND: -- we have a modification;
2 correct?

3 MS. ATKINSON: I'm so sorry. Could you
4 please repeat?

5 CHAIRMAN BRAND: Yes. On page 2 of the
6 Ulster County Planning Board Review, Route 9W Access,
7 Required Modifications, the New York State DOT highway
8 work permit, obviously, that will be a condition of
9 approval; correct?

10 MS. ATKINSON: Yes.

11 MR. HINES: Yes.

12 CHAIRMAN BRAND: So then I would like a
13 motion to accept that required modification because it
14 will be a condition of the approval, and they'll put in
15 the sliver of sidewalk to be connected to the next
16 sliver of sidewalk.

17 MR. TRONCILLITO: So moved.

18 CHAIRMAN BRAND: Is there a second?

19 MR. LOFARO: Second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection to that?

23 (No response.)

24 CHAIRMAN BRAND: So we will approve that,
25 Number 2.

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1 The next required modification that I see is
2 a review of the current pedestrian plan for the project
3 is needed and should include the development of a
4 complete street design. Connections for all residents,
5 including ADA compliant access, need to be included.
6 Clear connections from the clubhouse area to Route 9W
7 need to be defined. Additionally, there's limited
8 parking at the clubhouse, requiring owners and visitors
9 to walk a considerable distance to access the nearest
10 additional open parking area to the southwest.
11 Sidewalk connections between the parking area and the
12 clubhouse are recommended as a required modification.

13 You, sir, already addressed that. You said
14 that it would require moving the homes back, and that
15 gate itself was limiting the speed limit, and there
16 would be low speed limits on the site.

17 MR. BLANCHARD: Correct. But bringing the
18 homes back changes -- we looked at that. So there were
19 multiple instances where we could either, number one,
20 create a variance -- the need for variance, or we're
21 limiting the backyard. Some of that topography slopes
22 off -- where is that? That's the south side; right?

23 MS. RUDOW: Yes.

24 MR. BLANCHARD: The south side residences
25 would lose a lot of backyard. If the houses were

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1 pushed back into the backyard, then they would have --
2 so we just determined that the sidewalk in those
3 locations -- limited locations throughout the parcel,
4 where they do not appear on the plan, there are other
5 factors that determined that they weren't feasible in
6 that location. Like I said, there's hundreds of more
7 linear feet within the internal plan now than when we
8 first started.

9 MR. CYPERS: There's over a thousand feet of
10 sidewalk now.

11 MR. HINES: There was zero when you first
12 started.

13 MR. BLANCHARD: Right. It was zero. Right.

14 CHAIRMAN BRAND: Comments or questions from
15 the Board on that one?

16 MS. LANZETTA: Again, I think there's
17 tremendous safety issues associated with that. You're
18 going to have people who have to be walking down in the
19 street to get to the clubhouse, because even if they
20 drive down to the clubhouse, there's very limited
21 parking they have, and they have to walk quite a ways
22 if they go into the adjacent parking spaces that are
23 for visitors or anybody else. You don't have
24 crosswalks for them to even get over to -- safely
25 over -- from the parking lot to the clubhouse. I think

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1 it's very, very poorly thought-out, and I think it's a
2 real safety hazard.

3 MR. CYPERS: Now, remember, there's no
4 through -- this is not a through street. It's a dead
5 end between the townhomes and the clubhouse. So there
6 will be very little traffic. There will be very slow
7 traffic. The traffic will probably go at a rate that's
8 not very different than people walking. So that's one
9 of the reasons why we felt it was an inappropriate
10 adjustment for us.

11 MS. LANZETTA: But you have to remember that
12 all of those houses, if they're like my street, which
13 is very -- it's a dead end and it's very quiet, very
14 few houses -- has a lot of Amazon trucks running up and
15 down and DoorDash and all other kinds of -- FedEx. All
16 kinds of traffic. Garbage trucks coming in and out.
17 So the people who are going to walk down the streets --
18 or, you know, apparently they won't be able to walk
19 down the streets because it's just not going to be
20 feasible for people to access the -- their amenity
21 without getting into their car and driving down to the
22 bottom and finding a place to park. But it just seems
23 to me that with the additional traffic that is entailed
24 with, you know, the lifestyles today, that they should
25 at least have crosswalks and safe lighting and --

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1 because they won't be able to walk around inside that
2 project, which is supposed to be and is supposed --
3 under our Comprehensive Plan is supposed to be walkable
4 and is supposed to be connected to the rest of the
5 community.

6 MR. CYPERS: We haven't determined the
7 procedures for Amazon trucks and FedEx trucks. We
8 haven't -- you know, we can certainly have crosswalks.
9 So I think you're advancing an idea that is really an
10 exaggeration. It's going to be a quiet community.
11 People can easily walk to the clubhouse. They more
12 than likely will want to do that. There's not going to
13 be a lot of traffic. There's no through traffic.

14 That's our -- this is our 27th project, and
15 we believe that's the right way to design this project,
16 with some sidewalks and some areas that don't have
17 sidewalks.

18 MR. BLANCHARD: And the connectivity --

19 MS. LANZETTA: Well, your other projects have
20 had really nice -- you know, projects that people
21 can --

22 MR. CYPERS: Those have through streets, and
23 that was a different consideration at those projects.
24 This is a different project. Orchards on Hudson is
25 different.

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1 CHAIRMAN BRAND: I tend to agree with the
2 fact that there won't be through traffic. Most of the
3 residents will be there. So I'd like to have a motion
4 to deny the required modification for the Ulster County
5 Planning Board regarding where we are right now.

6 MR. LaMELA: I'll make the motion.

7 CHAIRMAN BRAND: Is there a second?

8 MR. TRONCILLITO: Second.

9 CHAIRMAN BRAND: Any discussion?

10 (No response.)

11 CHAIRMAN BRAND: Any objection?

12 (No response.)

13 MS. LANZETTA: I object. I'm sorry.

14 CHAIRMAN BRAND: The next required
15 modification is Wayfinding, Required Modification. I'm
16 assuming that this will be part of your project, the
17 house numbering range, directions to the clubhouse,
18 incorporating the building signage that will be there.

19 MR. CYPERS: Sure.

20 CHAIRMAN BRAND: And we will make that a
21 condition of approval when we get there. So I would
22 like to accept this required modification for
23 wayfinding. Is there a motion?

24 MR. JENNISON: Motion.

25 CHAIRMAN BRAND: Second?

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1 MR. LaMELA: I'll second.

2 CHAIRMAN BRAND: Any objection -- any
3 discussion? Sorry.

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 CHAIRMAN BRAND: So we will include that one.
8 The next required modification is that the six parking
9 spaces by the roadway of the complex be relocated or
10 removed from the design to avoid the proposed unsafe
11 backing movements into the development's main
12 right-of-way. Exploring opportunities for parallel
13 parking design is recommended.

14 Comments from you on that?

15 MS. RUDOW: We looked at the line of sight.
16 We think that with the speed of the vehicles that will
17 be traveling through here that there's ample, you know,
18 safety opportunities for backing up in that space. It
19 would mean having -- providing fewer visitor parking
20 spaces, which we've heard from this Board as a concern
21 on the other end. So we're trying to balance providing
22 enough parking on the space for visitors -- on the site
23 for visitors with making sure that it's safe.

24 MR. BLANCHARD: And like the sidewalk issue,
25 this represents a greater number -- I believe we

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1 started with four, if I'm not mistaken. So thanks to
2 the Board's earlier comments, we've increased from four
3 to six. So just, again, it's a design issue that the
4 final design was a result of taking the Board's
5 recommendations and comments and increasing it.

6 CHAIRMAN BRAND: I'd like a motion to
7 override that requirement.

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

9 CHAIRMAN BRAND: Second?

10 MR. LOFARO: I'll second.

11 CHAIRMAN BRAND: Any discussion?

12 (No response.)

13 CHAIRMAN BRAND: Any objection?

14 MS. LANZETTA: I object.

15 CHAIRMAN BRAND: Sustainability, Required
16 Modification. The Town and the applicant should look
17 at the ways it's going to meet the NYStretch Energy
18 Code and actively seek to reduce the carbon footprint.
19 Recommends that the infrastructure necessary to develop
20 electric vehicle charging stations should be provided
21 given the growing trend and goals of New York State and
22 the County to reduce automotive emissions.

23 Do you have any plans for electric parking
24 stations, or they would be the homeowner's
25 responsibility to mount in their garage I believe you

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1 said earlier at one point?

2 MS. RUDOW: We spoke with the MEP. They're
3 going to make sure each unit is enabled for it, but
4 each homeowner can add on for electric vehicle
5 charging, you know, at the time of purchase.

6 CHAIRMAN BRAND: No plans to have them
7 elsewhere on the property? The clubhouse? Anything
8 like that?

9 MS. RUDOW: No. I think having it in the
10 unit is sufficient.

11 CHAIRMAN BRAND: Discussion from the Board?

12 MR. HINES: I believe there was discussion
13 that they would be making the provisions for the
14 electrical systems to be capable of having them in the
15 garages.

16 MR. BLANCHARD: Right. And I think that's in
17 line with the -- the comment from the County is that --
18 recommends that the infrastructure necessary to develop
19 should be provided, and I believe we are in compliance
20 with that, actually.

21 MR. CYPERS: We're going to do that.

22 CHAIRMAN BRAND: I'd like to have a motion to
23 override that required modification.

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

25 MR. CALLO: Second.

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1 MR. HINES: Yeah, I think you can accept that
2 based on the conversation you just had.

3 MS. ATKINSON: I would say, right, that it's
4 satisfied.

5 MR. JENNISON: So you believe that this is
6 satisfied. They don't have to have separate ones.

7 MR. HINES: It goes back to the discussion
8 that there's very few, I'll say, public -- well, it's
9 in a gated community -- very few parking spaces other
10 than for the individual units, the garage and the
11 driveway in front.

12 CHAIRMAN BRAND: So we've met that. So I'd
13 like to have a motion to accept that. That was to
14 deny. I'd like to have a motion to accept the required
15 modification about the NYStretch Energy Code.

16 MR. JENNISON: I should rescind.

17 CHAIRMAN BRAND: Yes.

18 MR. JENNISON: I'll rescind my motion to
19 deny.

20 CHAIRMAN BRAND: So the required
21 modification, yes, I'm calling it Number 6 for the
22 NYStretch Energy Code, can I have a motion to accept
23 that one?

24 MR. CALLO: I accept.

25 CHAIRMAN BRAND: Is there a second?

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1 MR. TRONCILLITO: Second.

2 CHAIRMAN BRAND: Any discussion?

3 (No response.)

4 CHAIRMAN BRAND: Any objection?

5 (No response.)

6 CHAIRMAN BRAND: Consistency Determination.

7 Coastal zone consistency determination by the Town's
8 local waterfront advisory committee will be necessary.
9 I'll call this Number 7.

10 Supervisor Corcoran, since you are here, it's
11 my understanding that the waterfront advisory committee
12 is no longer effect in our Town.

13 SUPERVISOR CORCORAN: Not on our reorg
14 anymore, correct. They were not adopted at our reorg
15 meeting.

16 CHAIRMAN BRAND: I'd like to have a motion to
17 override the --

18 MR. HINES: Can I jump in?

19 CHAIRMAN BRAND: Sure.

20 MR. HINES: You have a Town ordinance,
21 Chapter 99, Local Waterfront Advisory Program
22 Consistency Review. And 99-3, Applicability B(2):
23 Planning Board shall be responsible for consistency
24 review of any Planning Board action. So, as you move
25 forward in the approvals, there are 13 items that you

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1 need to address that can be part of your Resolution
2 regarding the coastal -- or the local waterfront
3 revitalization. So there is -- while there is no
4 required review by the Town's local waterfront advisory
5 committee, even in this ordinance there's no review by
6 the local waterfront advisory committee. It defers
7 that consistency review to Town Board will be
8 responsible for Town Board actions; Planning Board
9 consistency for any Planning Board actions; Zoning
10 Board for any -- and it goes on and on describing that.

11 CHAIRMAN BRAND: So we're accepting that
12 modification.

13 MR. HINES: You will be accepting that, and
14 that will be part of your review. Prior to your final
15 approval, that review will have to be done, and it will
16 need to be done -- it will be done prior to the
17 Resolution. It will be incorporated as part of that.

18 MR. TRONCILLITO: Who is going to do that?

19 MS. LANZETTA: The Planning Board.

20 MR. HINES: The Planning Board. It's 13
21 items that you review and say, yes, this project
22 complies or, no, it doesn't. But it's something,
23 regardless of the local waterfront advisory, Chapter 99
24 defers this to you, so you'll be accepting that.

25 MR. JENNISON: Can we get that checklist,

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1 please?

2 MR. HINES: Sure. It's in the Town Code, but
3 I can provide that to the Planning Board.

4 CHAIRMAN BRAND: So I'd like a motion to
5 accept that required modification for consistency --

6 MR. BLANCHARD: Mr. Chair?

7 CHAIRMAN BRAND: Yes, sir.

8 MR. BLANCHARD: I think what Mr. Hines is
9 saying, this -- you really -- respectfully, you should
10 not accept this determination because it's the local
11 waterfront advisory committee that the County is asking
12 for the determination to come from. I believe what --
13 the status now is that this Board does that, not the
14 local waterfront -- unless you're saying the Planning
15 Board is also the committee.

16 MR. HINES: No. There is no review by the
17 committee. I think it's a misstated requirement, but I
18 think that the Planning Board, consistent with Chapter
19 99, will undertake that.

20 MR. BLANCHARD: You do it as your Board, not
21 as --

22 MR. HINES: Right. In addition, as the
23 project moves forward -- and when we did Lead Agency,
24 we submitted the project to the New York State
25 Department of State for a coastal consistency

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1 requirement, similar to this, and that will be a
2 condition of approval, that acceptance. A coastal
3 consistency from the Department of State will be a
4 requirement of any approval of this Board. So there's
5 going to be two consistency reviews regarding the
6 coastal consistency and the waterfront, but the
7 waterfront is under the purview of this Board.

8 MS. RUDOW: We would note we included a
9 consistency analysis in the expanded Environmental
10 Assessment, along with the Waterfront Assessment that's
11 required by the Town. So that's all included in the
12 record.

13 CHAIRMAN BRAND: So I'd like to have a motion
14 to accept that consistency determination required
15 modification.

16 MR. HINES: As modified in the Planning Board
17 moving forward.

18 CHAIRMAN BRAND: As modified as per Town
19 Code.

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

21 CHAIRMAN BRAND: Second?

22 MR. CALLO: Second.

23 CHAIRMAN BRAND: Discussion?

24 (No response.)

25 CHAIRMAN BRAND: Objection?

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1 (No response.)

2 CHAIRMAN BRAND: So we'll say yes.

3 Stormwater, Required Modification. SWPPP
4 should be reviewed by a third-party consultant.

5 Pat, you spoke to that. Could you just
6 clarify again?

7 MR. HINES: Yeah, that's in my office's
8 comments. That is being done. We are the, quote,
9 unquote, third-party reviewer. In addition, the
10 project will require a Stormwater Facilities
11 Maintenance Agreement regarding the long-term operation
12 and maintenance of those improvements as well as
13 security for the project to assure that those are
14 placed, and the Town has a process for that.

15 CHAIRMAN BRAND: So that's something we
16 should accept, then; correct?

17 MR. HINES: Correct.

18 CHAIRMAN BRAND: So I'd like to have a motion
19 to accept that required modification.

20 MR. LaMELA: I'll make the motion.

21 CHAIRMAN BRAND: Is there a second?

22 MR. CALLO: Second.

23 CHAIRMAN BRAND: Discussion?

24 (No response.)

25 CHAIRMAN BRAND: Objection?

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1 (No response.)

2 CHAIRMAN BRAND: We've gone through all of
3 the recommended -- recommendations.

4 So I spoke with our attorney before the
5 meeting and earlier today on the phone, and the
6 applicant did provide us with a sample -- with their
7 version of the Negative Declaration. However, it's not
8 this Board's practice to get the Negative Declaration
9 from the applicant. So moving forward, this will be
10 the overall plan that I'd like to follow. By the
11 October 6th meeting, I'd like to authorize -- and I'll
12 say it all. Then we'll go through it piece by piece.
13 But for the October 6th meeting, I'd like to have the
14 attorney have the authorization to draft our own
15 Negative Declaration and the EAF Part II. And,
16 apparently, that has --

17 MR. HINES: Part III.

18 CHAIRMAN BRAND: Part III. That has to be
19 approved prior to the public hearing. So we will, on
20 the October 6th meeting, look over the Negative
21 Declaration prepared by the attorney and EAF Part III.
22 If both approved, we hold the public hearing on the
23 same date. Should there be no substantial issues
24 raised and nothing brought up or addressed at the
25 public hearing at the October 6th meeting, we would

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1 then authorize the attorney for a Resolution of
2 Approval for the October 20th meeting. So I will vote
3 to do that one step at a time.

4 Hannah, do you have anything to add?

5 MS. ATKINSON: No. I think that's correct.

6 CHAIRMAN BRAND: Thank you. So I'd like to
7 have a motion to authorize the attorney to prepare a
8 Negative Dec for the October 6th meeting.

9 MR. TRONCILLITO: I'll make the motion.

10 MR. HINES: A draft for the Board's
11 consideration.

12 CHAIRMAN BRAND: Thank you.

13 MR. TRONCILLITO: A draft.

14 CHAIRMAN BRAND: Is there a second?

15 MR. LaMELA: I'll second it.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Any objection?

19 (No response.)

20 CHAIRMAN BRAND: So the second part of that
21 will be to authorize, I believe, Pat and Hannah to work
22 on that together, the EAF Part III. So I'd like to
23 authorize them to have that ready for the public
24 hearing -- I'm sorry, for the October 6th meeting. EAF
25 Part III, could I have a motion?

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1 MR. LaMELA: I'll make the motion.

2 CHAIRMAN BRAND: Second?

3 MR. LOFARO: I'll second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: I'd like to have a motion to
9 schedule the public hearing for this project on the
10 same date to be held after the review of the Negative
11 Dec. The public hearing will be on October 6th.

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

13 CHAIRMAN BRAND: Is there a second?

14 MR. JENNISON: I'll second.

15 CHAIRMAN BRAND: Any discussion on that?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: Just so we're clear, the
20 applicant's attorney was in agreement that that was
21 something that was necessary to do.

22 MR. BLANCHARD: Well, Mr. Chairman, may I
23 speak to that?

24 CHAIRMAN BRAND: Of course.

25 MR. BLANCHARD: What I'd said to the

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1 attorney, to Hannah -- sorry. Ms. Atkinson. I
2 couldn't remember your last name.

3 MS. ATKINSON: That's okay.

4 MR. BLANCHARD: What I had said was I
5 agreed -- I had asked for the following actions to
6 occur: The case, which was kindly provided to me,
7 stated that the Negative Declaration would happen
8 first. That starts the timing on a public hearing that
9 is -- a public hearing held within 62 days after the
10 complete preliminary plat is received.

11 So the public hearing on the site plan itself
12 I believe has been open, conducted, and closed. The
13 Town law requires the public hearing for comments on
14 the plat; i.e., the layout, the boundaries, how the
15 boundary lots are being amended. In this instance,
16 it's relatively minor. It's closer to 9W.

17 But it's my understanding -- I think the case
18 is pretty clear in the Town law -- the public
19 hearing -- now, anyone from the public can come up and
20 say what they have to say, of course, but the purpose
21 of the public hearing for this Board's purview is
22 comments into the preliminary plat. So I saw the
23 Negative Dec, the Board being free to adopt that
24 Negative Declaration, because the case actually speaks
25 to that. That would start the clock on the 62 days for

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1 the preliminary plat presentation. So I just don't
2 want to get too mixed up into that we're reopening site
3 plan issues.

4 CHAIRMAN BRAND: So, Hannah, can you speak to
5 that as well because I know we discussed that? I just
6 don't want to misspeak.

7 MS. ATKINSON: Yes. Thank you.

8 I did some research on that today because I
9 think that's a fair point; that there's some question
10 there. And the difference between the Town law when it
11 comes to the timing of the public hearing as to a lot
12 line adjustment is different than the wording about the
13 timing of a public hearing as opposed to a site plan.
14 And because those are different, there's maybe some
15 confusion about how the ordering is to take place.

16 So the request of applicant's attorney was
17 that the Board would go ahead and adopt the site plan.
18 Then have the public hearing -- please correct me if
19 I'm misstating -- to adopt the site plan -- or rather
20 approve the site plan. Then have the public hearing as
21 to the lot line. Then in a separate Resolution of
22 Approval adopt the lot line.

23 Is this correct?

24 MR. BLANCHARD: Almost. And maybe I -- what
25 I had asked for is that we had submitted a draft Neg

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1 Dec to the attorneys. Not to steamroll, but just to
2 get the discussion started. What I was hoping we could
3 do is adopt a Neg Dec -- I was actually hoping we could
4 do it tonight. But I wanted to adopt the Negative
5 Declaration. Then hold a public hearing for the
6 subdivision. And then we would approve -- close the
7 public hearing and approve the plat and the site plan
8 resolution in that same meeting. So it wasn't
9 necessarily a site plan, and then, at a later meeting,
10 the subdivision or the plat. I saw the subdivision --
11 the planning -- the site plan resolution and the
12 subdivision resolution being approved consecutively at
13 the same meeting, but following an earlier meeting
14 where we had the Neg Dec approved.

15 Sounds to me like -- like, for example,
16 perhaps we could -- here's what I would suggest -- or
17 here's what I would request. Perhaps at the
18 October 6th meeting -- oh, the Board won't have enough
19 time to look at it yet. All right. I was hoping we
20 could do the Neg Dec and then have the other items.

21 MR. HINES: I think that's the procedure
22 order that we're talking about right now. It just may
23 happen --

24 CHAIRMAN BRAND: I also think just because I
25 think it's going to be a very lengthy process for this

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1 Resolution of Approval, I would like to have -- I'm not
2 saying we're approving it, but I would like to
3 authorize Hannah to begin work on that so that if
4 everything goes swimmingly at the October 6th meeting,
5 that she's on the ground, running, all ready to do
6 that. So can I have a motion for that?

7 MS. LANZETTA: I have a few things that I
8 would like --

9 MR. JENNISON: I make that motion.

10 CHAIRMAN BRAND: Is there a second?

11 MR. LaMELA: I second.

12 CHAIRMAN BRAND: Any discussion?

13 MS. LANZETTA: Yes. There's still issues
14 that I would like to take a look at that might affect
15 some kind of conditions for approval. I'd like to get
16 additional information about this school board meeting
17 that was conducted and the outcome of that that you
18 were supposed to have in September, and --

19 MR. CALLO: I've attended all the school
20 board meetings. They have not come in front of the
21 school board.

22 MS. LANZETTA: Okay. Well, it was my --

23 MR. BLANCHARD: No. We were -- the school
24 board reached out to our team to see if we could have a
25 discussion, but it wasn't -- they don't have

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1 jurisdictional approval. They were -- it was more of a
2 briefing. We were not -- we were not -- there's no
3 public hearing provided to the school board. Nothing
4 of that nature. We had already reached out to them and
5 got a clarification on their busing policy, which we
6 came back to this Board with clarification relating to
7 whether or not the school bus would enter into the
8 property, which they do not. But the school board, it
9 was more of a briefing to keep them up to -- bring them
10 up to speed on the project. But this Board doesn't
11 require any referral or recommendation from the school
12 board.

13 MS. LANZETTA: Well, we were concerned, as a
14 Planning Board, about the safety of the kids and their
15 ability to get to school safely and for you to have a
16 spot for them if they waited for the bus and --

17 MR. BLANCHARD: So just like every other
18 property on Route 9, we're going to be -- they're going
19 to be picked up in front, like myriad other properties,
20 and we have a designated site that this Board has
21 control over, not the school board.

22 MS. LANZETTA: Yeah. So you basically are
23 giving them a sidewalk to lean on. And I think the
24 school board -- I don't know about the school board,
25 but there were people at the school that thought there

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1 was going to be like some kind of a safe area that
2 would be protected in some way for them to wait. I
3 know I spoke with Mr. Rydell, and he said that it is
4 true that they will go into a private site to some
5 extent. So I was going to wait until you had continued
6 discussions, because we raised the issue, and Ulster
7 County has raised the issue that they're worried
8 there's a safe place for the kids, and I thought you
9 would be having discussions -- further discussions with
10 the school.

11 MR. BLANCHARD: So this issue, you raised it.
12 We've addressed it on numerous occasions and in
13 numerous meetings. The school board may provide their
14 preference to us as to having a shelter or something
15 along those lines, but we are providing exactly what we
16 can. We are not -- we don't have the property rights
17 to go off of our property and put more sidewalks that
18 are not existing right now in the Town of Marlborough
19 across other people's land. The lack of sidewalks that
20 are outside our property boundaries is not something
21 that the private landowner can fix.

22 So we are giving -- you want to say we're
23 giving them a small strip of sidewalk. I would say it
24 this way. We're giving them as much sidewalk as --
25 that falls within the ownership that our deed says that

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1 we own. So we're giving everything we can. When you
2 look at the map, it's not -- maybe you think it's not a
3 lot, but we're giving as much sidewalk as we can
4 possibly give.

5 MS. RUDOW: We also did share a site plan
6 with the school themselves and discuss it, and we have
7 confirmation via email that has been submitted to this
8 Board that they confirmed that's what was discussed; it
9 was in keeping with what we had discussed with them.

10 MR. BLANCHARD: We also had their policy of
11 not entering a private road by email, which we shared
12 with the Board.

13 MS. LANZETTA: Well, as I said, Mr. Rydell
14 said that they have a different arrangement down in
15 Middlehope, where they will come in and pick up the
16 children. They won't come in the long way, but they
17 will come in to get off the road so that it's safer for
18 the children.

19 CHAIRMAN BRAND: They won't even go on my
20 road.

21 MR. JENNISON: They won't go on my road.

22 MS. LANZETTA: I'm just telling you --

23 MR. JENNISON: I live on the most dangerous
24 curve in Marlboro. My brother got hit on 9W.

25 MS. LANZETTA: I'm telling you what the

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1 superintendent explained; that it is something that can
2 be negotiated. And, still, I'm talking about some type
3 of a shelter that would be farther back on your own
4 property, not up on 9W necessarily.

5 MS. RUDOW: We have a --

6 CHAIRMAN BRAND: Before you address that, I
7 did have a motion that was seconded. We asked for a
8 discussion. I think she discussed -- sorry, not she,
9 Mrs. Lanzetta. Is there any additional discussion
10 regarding authorizing the attorney to draft a
11 Resolution of Approval, the very foundational stuff,
12 the background stuff is what we're referring to at this
13 point?

14 (No response.)

15 CHAIRMAN BRAND: Any objection to that?

16 (No response.)

17 CHAIRMAN BRAND: So we will allow Hannah to
18 begin that work. Anything --

19 MS. ATKINSON: That would be for the 20th,
20 that subsequent meeting.

21 CHAIRMAN BRAND: Correct.

22 MR. BLANCHARD: So regarding the Negative
23 Declaration, the Board -- we can agree the Board is
24 empowered to act on that. Really I think the memos are
25 clear; you believe your path toward the Negative

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1 Declaration has now been satisfied. If that vote can't
2 happen this evening, I'd like to request that that vote
3 happen on October 6th, Mr. Chairman.

4 CHAIRMAN BRAND: That's the plan.

5 MR. BLANCHARD: Oh, the Neg Dec on October
6 6th. Sorry. Thank you.

7 CHAIRMAN BRAND: As well as the EAF Part III,
8 as well as the public hearing.

9 MR. BLANCHARD: I'm sorry. Sir, what was
10 that?

11 CHAIRMAN BRAND: As well as the EAF Part III
12 and the public hearing. It will all be on the same
13 date, October 6th.

14 MR. BLANCHARD: Wonderful. Thank you.

15 CHAIRMAN BRAND: I'm sorry. Cindy, do you
16 have anything else before we go?

17 MS. LANZETTA: Just again, as another thing
18 that I don't think we've had enough time to discuss is
19 the visual impact as seen from the river. And I would
20 like to have the Board consider requiring
21 non-reflective, natural materials, colors that would
22 blend in, more earth-tone colors for the project as
23 opposed to white.

24 CHAIRMAN BRAND: Can we push that off to the
25 6th and discuss that then? It will give us --

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1 MS. LANZETTA: Okay.

2 CHAIRMAN BRAND: -- time to reflect on that.

3 MR. HINES: There was renderings provided,
4 wasn't there?

5 MR. CYPERS: Correct. Yes.

6 MR. HINES: There was renderings provided.

7 MS. LANZETTA: They were like colored white
8 cottages.

9 CHAIRMAN BRAND: Is there anything else from
10 your end?

11 MS. FLYNN: I just want to state that my
12 cutoff is the 24th. It has to be in by the 24th.

13 MR. BLANCHARD: 9/24. Thank you.

14 CHAIRMAN BRAND: Firmly, the 24th.

15 MR. BLANCHARD: You mean for the Negative
16 Declaration?

17 MS. FLYNN: For any submission.

18 CHAIRMAN BRAND: Anything else before we go?

19 MR. BLANCHARD: No.

20 CHAIRMAN BRAND: Anything else from the
21 Board?

22 (No response.)

23 CHAIRMAN BRAND: No. All right. I'd like to
24 have a motion to adjourn.

25 MR. TRONCILLITO: I make that motion.

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

2 (Meeting adjourned.)

3 Time noted: 8:00 p.m.

4

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

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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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