

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

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

4 SUNRISE ON HUDSON BnB

5 Project No. 25-1008
6 Cherokee Drive, Milton
7 Section 103.3; Block 2; Lot 6

8 -----X
9 PUBLIC HEARING/FINAL - SITE PLAN

10
11 Date: December 15, 2025
12 Time: 7:00 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 BOB TRONCILLITO
22 JOHN LaMELA

23 ALSO PRESENT: HANNAH ATKINSON, ESQ.
24 PATRICK HINES
25 JEN FLYNN

26 APPLICANT'S REPRESENTATIVES: KAYLYN GARDNER
27 FRANCESCO MAURO

28

29

30

31 -----X
32 Stacie Sullivan, CSR
33 staciesullivan@rocketmail.com

SUNRISE ON HUDSON BnB – 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: Okay. Agenda, Town of
6 Marlborough Planning Board, December 15th, regular
7 meeting at 7:00 p.m. On the agenda this evening we
8 have a public hearing for Sunrise on Hudson B&B at 6
9 Cherokee Drive in Milton. Under Ongoing Application
10 Review, we have Katrina Nason for a sketch of their
11 subdivision at 99 Peach Lane; Mitchell M & Company for
12 a sketch of the subdivision at 1559 Route 9W in
13 Marlboro; and Buttermilk Falls Resort for a follow-up
14 on conditions for their site plan. Under Special
15 Topics Discussion, we have a brief ADU review
16 discussion. The next deadline will be Friday,
17 December 19th. The next scheduled meeting, Monday,
18 January 5th, 2026.

19 Is there anything from the Board before we
20 begin?

21 (No response.)

22 CHAIRMAN BRAND: All right. Legal Notice.

23 Minor Site Plan and Special Use Permit Application.

24 Please take notice a public hearing will be held by the
25 Town of Marlborough Planning Board pursuant to the Town

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1 of Marlborough Town Code Section 155.31 and Section
2 155.32 on Monday, December 15, 2025, for the following
3 application, Sunrise on Hudson Bed and Breakfast, at
4 the Town Hall, 21 Milton Turnpike, Milton, New York, at
5 7:00 p.m. or as soon thereafter as may be heard. The
6 applicant is asking for site plan approval and special
7 use permit for a bed and breakfast on lands located at
8 6 Cherokee Drive, Milton, New York, 12547, Section
9 103.3, Block 2, Lot 62. Any interested parties either
10 for or against this proposal will have an opportunity
11 to be heard at this time. Chris Brand, Chairman, Town
12 of Marlborough Planning Board.

13 Sunrise on Hudson, if you just come up to the
14 table.

15 (No response.)

16 CHAIRMAN BRAND: How many mailings were sent
17 out?

18 MR. HINES: She's not the applicant.

19 CHAIRMAN BRAND: The applicant for Sunrise on
20 Hudson. Let's do this. If you are here, if you'd like
21 to ask a question or have a statement, if you could
22 just come up to the podium, state your name clearly for
23 the stenographer, and you will have an opportunity to
24 be heard.

25 MS. ROSE: Good evening. My name is Karen

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1 Rose. I have owned my home at 2 Cherokee Drive for 28
2 years.

3 Kaylyn and Francesco filed an erroneous
4 document when they applied for a zoning change to
5 establish 6 Cherokee Drive as Sunrise on Hudson Bed and
6 Breakfast. Under Marlborough Zoning Code it states:
7 Only an owner is permitted to register a bed and
8 breakfast. An individual owner must be a permanent
9 resident of the Town of Marlborough and must occupy the
10 residence to be used as a bed and breakfast full time.

11 Since purchasing 6 Cherokee Drive, Kaylyn and
12 Francesco utilize this home as a weekend and holiday
13 home. Neither one commuted to their employment from
14 Milton. The home is usually vacant during the
15 weekdays. To be eligible to establish a bed and
16 breakfast, Kaylyn and Francesco would have to live in
17 Milton full time. At the present time they could not
18 claim they were in compliance with Marlborough Zoning
19 Code.

20 If, after a year of living full time in
21 Milton they would apply again, there are many questions
22 regarding the property.

23 One, what part of 6 Cherokee Drive will be
24 utilized as a bed and breakfast and what part of the
25 structure will be utilized as the main residence?

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1 Two, will breakfast be provided for all
2 guests or will 6 Cherokee Drive be treated as an Airbnb
3 where the guests are the only people occupying the home
4 during the stay?

5 Three, how many bedrooms are presently in the
6 home? How many bedrooms are designated for guests?

7 Do Kaylyn and Francesco plan to allow guests
8 to utilize the part of the home which is used as their
9 permanent residence? Would Kaylyn and Francesco plan
10 on commuting four days a week and leaving the premises
11 Friday, Saturday, and Sunday, enabling the whole house
12 to be utilized as an Airbnb?

13 What size septic tank does New York State
14 require for a bed and breakfast? When was the last
15 time the septic was pumped? And with potentially large
16 numbers of people utilizing the home, are there any
17 guidelines regarding extra pumping? There have been
18 times during the weekend that a septic smell is
19 prevalent from the property. Is this property
20 compliant regarding wastewater, and are the leach
21 fields sufficient to handle the increased amounts of
22 people using the plumbing?

23 Will Kaylyn and Francesco is allow their
24 paying guests to invite others on the property during
25 daytime hours? What are the noise ordinances in

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1 Milton? Will guests be able to party all evening on
2 the back deck?

3 How will parking be handled? Cherokee Drive
4 is a narrow street, especially in the winter. There
5 are six homes on Cherokee Drive. Three of these homes
6 have been occupied by the same people for over two
7 decades. Cherokee Drive has been a quiet, peaceful
8 street since I have been a resident of Milton. There
9 have never been any problems in our neighborhood. Over
10 the years a high level of trust and security has been
11 attained by the residents of Cherokee Drive.

12 My home is approximately 45 feet from the
13 structure of 6 Cherokee Drive. In the past, when
14 previous owners had family celebrations, I could hear
15 music playing in the house and conversations which took
16 place outside from my bedroom window. I usually go to
17 bed at 9:00 p.m., but I leave for work at 5:45 a.m.,
18 including Saturday morning. My son works two,
19 sometimes three, overnight shifts, including Friday
20 overnight, and appreciates the quiet of the
21 neighborhood during the early and late morning hours.

22 When one family lives in a home, it is
23 expected to have festive gatherings. Usually there's a
24 positive correlation between the decorum of the
25 neighborhood and visiting guests. I have no qualms

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1 regarding the guests of my neighbors. I have many
2 doubts, worries, and fears having a stream of total
3 strangers occupy the residence, which is approximately
4 22 feet from my property line.

5 Regarding a bed and breakfast, anybody with a
6 few hundred dollars and access to the Internet would be
7 able to sleep 22 feet from my property line. There's
8 no vetting of guests. I worked very hard to live in a
9 quiet, safe neighborhood. There is always the
10 potential for guests to participate in illegal or
11 illicit acts, which would disturb my quality of life.
12 A bed and breakfast doesn't ensure safety or quality of
13 life issues. The only aspect which is ensured if a bed
14 breakfast comes to fruition at 6 Cherokee Drive is a
15 steady flow of income to a couple who have never used
16 this location as a primary residence.

17 In regard to property value, do you think it
18 would be difficult to sell a home next to a bed and
19 breakfast to a family with young children? Imagine
20 having a steady stream of strangers walking around the
21 neighborhood. There is always a chance of nefarious
22 actions from strangers.

23 I do not want a hospitality entity operating
24 at 6 Cherokee Drive. Having a hospitality entity next
25 door will diminish my sense of security and safety,

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1 decrease my privacy, and reduce the peaceful and quiet
2 quality of life I enjoy at home.

3 To reiterate, Kaylyn and Francesco never had
4 the right to file this application for they never
5 utilized 6 Cherokee as their main residence. As a
6 bordering neighbor to 6 Cherokee Drive, I would like to
7 be notified regarding all matters relating to this
8 application. Thank you.

9 CHAIRMAN BRAND: Thank you. Anyone else?
10 Just remember to state your name for the stenographer,
11 please.

12 MR. MILLAR: Good evening. My name is Ted
13 Millar. I live on Mohawk Drive. My house is directly
14 behind the property in question at 6 Cherokee.

15 I do also concur with my neighbor about some
16 questions regarding the owners' intentions concerning,
17 for example, the potential for changes to the property
18 that could impact adjacent properties. My neighbor did
19 mention septic, which is an issue concerning that down
20 on Mohawk Drive we have had -- at times there have been
21 some drainage issues, particularly after heavy rains or
22 after rapid snow thaw.

23 I also would like to know how we can be
24 certain our properties will be protected from
25 additional runoff and other potential encroachments,

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1 such as any additions to the home or any of the
2 expansions to the driveway. So thank you.

3 CHAIRMAN BRAND: Thank you. Anyone else who
4 would like to speak?

5 MR. SCULCO: Good evening. My name is Frank.
6 I live at 5 Cherokee Drive, right across from the
7 place.

8 And, basically, what the other two just
9 spoke, I'm speechless. But the main thing concerning
10 like -- he was concerned with his property. I knew the
11 people that built the house. We grew up, me and my
12 wife, in this area. And they did have a lot of trouble
13 with drainage, and when it was built, it was only three
14 people living in that house. I don't think that
15 property is set up for a septic to run a bed and
16 breakfast. Nobody knows anything about the leach
17 fields, how long they are. Is it going to handle a
18 crowd of people? I don't think so. And the last time
19 it was pumped, I can't remember. It was before -- the
20 guy that owned the house, he passed away, him and his
21 wife both. That's when it was pumped, and that was a
22 while ago. So I don't know when it was pumped last.

23 But my concern is the septic, the noise, and
24 the quiet. It's been a quiet neighborhood. The whole
25 area up there is quiet, and I don't think we should

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1 have a bed and breakfast in that residence. That's it.

2 CHAIRMAN BRAND: Thank you. Anyone else care
3 to speak?

4 MS. FIGUEROA: Good evening. My name is
5 Yvette Figueroa, and I live at 39 Seneca Lane.

6 And I just want to have it on record that I
7 share the concerns of the three individuals who have
8 already spoken, particularly whether or not there was
9 appropriate even filing of this application.

10 And while the septic is not as big a concern
11 for me where I'm at, every other concern that has been
12 expressed is a concern for us, in addition to parking
13 being a potential problem, and not knowing whether --
14 once this application is granted, what will happen.

15 We know the house to be a two bedroom. Is it
16 going to remain a two bedroom? As was said before, who
17 is going to be there and, you know, when? And how
18 often and who? So thank you.

19 CHAIRMAN BRAND: Thank you. Anyone else?

20 MS. ORTIZ: Hi. I'm short. I'm Shailesh
21 Ortiz. I live at 8 Seneca Lane.

22 I have two small children. I have three of
23 my, as well as my children, nieces and nephews that
24 live right across the street. My neighbors have two
25 very small grandchildren that come, I don't know, every

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1 day, it feels like. It feels like. There are so many
2 small kids right now on my corner of this cute, quiet
3 little neighborhood that walk freely like it's 1970,
4 just enjoying playing outside.

5 I assume that a building like this -- a bed
6 and breakfast like this is going to be attractive to
7 perhaps people that are residing in the city. They're
8 coming here. Perhaps they're less acquainted to the
9 way in which we drive in our small, quiet neighborhood
10 where children are constantly playing outside. Some
11 aren't exactly the best at safety awareness. I really
12 think that this is a bad idea for safety reasons for
13 the kids in the community. That's it.

14 CHAIRMAN BRAND: Thank you. Anyone else care
15 to speak?

16 (No response.)

17 CHAIRMAN BRAND: Going once. Twice. No.

18 MR. JENNISON: I move to close the public
19 hearing.

20 CHAIRMAN BRAND: There's a motion to close
21 the public hearing. Second?

22 MR. CALLO: Second.

23 MS. FLYNN: Wait. Excuse me.

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: We don't even know if they sent

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1 out the mailings. They're not here.

2 MS. GARDNER: I'm here.

3 CHAIRMAN BRAND: Can you come up to the front
4 table?

5 MS. GARDNER: We have the mailings, yeah. I
6 have them.

7 MS. FLYNN: Do you know how many went out?

8 MS. GARDNER: Forty-one.

9 CHAIRMAN BRAND: So there's been a motion and
10 a second. Any objection to closing the public hearing?

11 (No response.)

12 CHAIRMAN BRAND: No. Okay. So the public
13 hearing is closed. Pat, do you want to run through
14 your comments quickly?

15 MR. HINES: Yes. We didn't have many
16 comments outstanding, although we did hear some
17 interesting comments at the public hearing portion.

18 So they had added parking pursuant to our
19 previous comments. The application does identify three
20 bedrooms. So they added the parking required for that,
21 but the information submitted to us shows two bedrooms
22 on the first floor.

23 MS. ATKINSON: And they said all three of
24 those purported three would be used for the B&B.

25 MR. HINES: So maybe the applicant can fill

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1 us in on the bedroom count and the use.

2 CHAIRMAN BRAND: Can you clarify that for us,
3 sir?

4 MR. MAURO: Yes, sure. We've been doing some
5 renovation. This is a property we bought about a year
6 ago. It came with two bedrooms, and there was, you
7 know, a family room that was converted into a third
8 bedroom. We have also basement. We are planning for a
9 fourth bedroom downstairs.

10 So I heard the concerns about, you know, when
11 are they going to rent, they're not always there, and
12 stuff like that. So we are planning to rent the rooms
13 only when we're there, and, obviously, we're gonna have
14 a room for us.

15 CHAIRMAN BRAND: Did that clarify it for you,
16 Pat?

17 MR. HINES: It does, only the bed and
18 breakfast ordinance states that you cannot add bedrooms
19 in order to meet the requirements. So I would be
20 interested to know, if they're adding two bedrooms to
21 the site, if the Health Department has approved the
22 expansion of the septic system. Septic systems are
23 designed based on bedroom counts at 110 gallons per day
24 per bedroom. So this would be -- with the four
25 bedrooms that were just mentioned, they would need a

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1 440 gallon per day septic system. So I don't know if
2 you received approval from the Health Department to
3 expand the septic systems.

4 MR. MAURO: We didn't. And, also, I don't
5 know what the details are about the septic tank. So we
6 will need to come back to you on that.

7 CHAIRMAN BRAND: Okay. Did you want to
8 continue with your comments?

9 MR. HINES: That's all I have. I mean, I
10 heard from the -- I'm concerned that the tax records
11 show two bedrooms. The application submitted shows two
12 bedrooms. The ordinance does not allow an increase in
13 bedrooms permitted. And I think those issues need to
14 be resolved, along with the septic system that we
15 heard. The other issues are more for the Board's
16 purview for noise, intensity of use, and such.

17 CHAIRMAN BRAND: Comments and questions from
18 the Board?

19 MS. LANZETTA: Yeah. I'm curious, what do we
20 need to make sure that this is their primary residence?

21 MS. ATKINSON: I believe the statute says
22 that it needs to be owner occupied. It doesn't specify
23 that it needs to be the only residence.

24 MS. FLYNN: Full time residence.

25 MS. ATKINSON: So probably evidence as to

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1 that would be good. And then all of what Pat just said
2 about the bedroom count I think is appropriate too. I
3 do see we have an upper and lower level, and the
4 basement just says basement. So it's not clear to me
5 which -- maybe there are two bedrooms upstairs for
6 renting.

7 MR. HINES: Currently there are no bedrooms
8 in the basement.

9 MS. ATKINSON: I would prefer to see more
10 information. I think it would be appropriate for the
11 Board to seek supporting evidence to clarify these
12 details and the concerns, especially as to the septic.
13 I think that's necessary.

14 MS. LANZETTA: Yeah, we denied another
15 application once before because -- well, we didn't deny
16 it. We made it clear that we needed additional septic
17 information, and it was never provided. So this would
18 be in keeping with our policy. We -- I'm really
19 curious about us being clear on like primary residence
20 or owner occupied, because we have another B&B that is
21 before us that we have similar -- that is coming up
22 before us that has similar issues about residency, and
23 so I would like to be clear as a Planning Board member
24 as to what that entails as far as our Code is
25 requesting.

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1 MS. ATKINSON: Yes. I think that's
2 appropriate. I will write up something for the Board
3 next time we look at this application.

4 CHAIRMAN BRAND: What would be proof of that?

5 MS. ATKINSON: Proof of the owner occupancy
6 or the permanence of the residents?

7 CHAIRMAN BRAND: That.

8 MS. FLYNN: Where they vote, driver's
9 license.

10 MS. ATKINSON: Yeah, mail.

11 CHAIRMAN BRAND: I mean, is this your primary
12 residence? Do you get mail there?

13 MR. MAURO: Yes.

14 MS. GARDNER: Yeah.

15 MR. JENNISON: I didn't hear their answer.

16 MS. GARDNER: Yes.

17 MR. MAURO: Yes. Anything else we can
18 provide, feel free to tell us.

19 CHAIRMAN BRAND: Okay. Anything else from
20 the Board?

21 MR. TRONCILLITO: The Building Department
22 should get involved and Tommy should take a darn good
23 look at this in regards to now we're going to put
24 bedrooms in the basement and all that kind of stuff.
25 Something has gotta get looked at and make it a lot

SUNRISE ON HUDSON BnB - PUBLIC HEARING SITE PLAN

1 more clear.

2 MS. LANZETTA: I'm assuming they have
3 building permits. Do you have building permits?

4 MR. MAURO: So this is like -- still like in
5 construction project, obviously. Let me say it
6 differently. We are also open to reduce the number of
7 bedrooms on the application if this fourth bedroom is a
8 problem, to reduce it from three to two bedrooms,
9 because the three already existed on the site.

10 MR. JENNISON: Pat, where did you come up
11 with only two bedrooms? Because I'm seeing on the
12 application it says three.

13 MR. MAURO: Yes.

14 MR. HINES: It does say three. They gave us
15 a layout plan that I'm looking at while the public was
16 speaking, and the plan that they submitted to us shows
17 two bedrooms on the first floor. And then the tax
18 records, which we looked at -- Hannah and I looked at
19 while they were speaking --

20 MS. ATKINSON: Parcel maps.

21 MR. HINES: -- parcel, shows it as two
22 bedrooms.

23 MR. MAURO: It just says three on the
24 application submitted with the intention of like
25 building one in the basement. Now, if this is

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1 something -- you know, it's blocker, we need additional
2 permits, it might go against also what we discussed
3 before about the septic tank and stuff like that, the
4 application can be amended to two bedrooms.

5 CHAIRMAN BRAND: Any additional comments or
6 questions from the Board?

7 (No response.)

8 CHAIRMAN BRAND: So I think we're going to
9 need for you to provide some clarification for that.

10 MR. HINES: Just to redo that, I think the
11 Building Department should weigh in on the bedroom
12 count, and if there's been additions to the building,
13 they should apply for a building permit, make sure
14 that's up to Code. The septic system should be checked
15 out, and if they added bedrooms, they'll need to be
16 expanded with Health Department approval. So those are
17 the technical issues. And I think somehow addressing
18 the -- whether or not it's their residence or not.

19 MR. JENNISON: Is this a walk-out basement?

20 MR. HINES: I think so.

21 MR. MAURO: Yeah.

22 MR. JENNISON: Is it finished downstairs in
23 the basement, or is it unfinished?

24 MR. MAURO: It's finished. I mean -- yeah,
25 it's finished.

SUNRISE ON HUDSON BnB - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: So we'll wait to hear back
2 from you to clarify those issues for us.

3 MR. MAURO: So, to recap, the number of rooms
4 and where we plan to have the fourth bedroom, the
5 septic. What else?

6 CHAIRMAN BRAND: Building permits.

7 MS. ATKINSON: And proof of your occupancy.

8 MR. MAURO: What will that be, can you tell
9 me?

10 MS. ATKINSON: I will provide some options.
11 I'll send them to Jen, and she'll communicate with you.

12 MR. MAURO: Sounds good.

13 CHAIRMAN BRAND: Thank you.

14 Time noted: 7:24 p.m.

15

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

17

18 Certified to be a true and accurate transcript.

19

20 Stacie Sullivan

21 Stacie Sullivan, CSR

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

4 In the Matter of
5

6 KATRINA NASON
7

8 Project No. 25-1003
9 99 Peach Lane, Milton
10 Section 95.4; Block 3; Lot 13.210
11 -----X

12 SKETCH - SUBDIVISION

13 Date: December 15, 2025
14 Time: 7:24 p.m.
15 Place: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, New York 12547
19

20 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
21 FRED CALLO
22 STEVE JENNISON
23 CINDY LANZETTA
24 BOB TRONCILLITO
25 JOHN LaMELA
26

27 ALSO PRESENT: PAT HINES
28 HANNAH ATKINSON, ESQ.
29 JEN FLYNN
30

31 APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI
32
33

34 -----X
35 Stacie Sullivan, CSR
36 staciesullivan@rocketmail.com
37

KATRINA NASON - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we have
2 Katrina Nason for a sketch of the subdivision at 99
3 Peach Lane.

4 Pat, whenever you're ready, if you want to
5 start us off with your comments.

6 MR. HINES: Sure. So the project is back
7 before you. We've had a couple of renditions of this
8 project presented. Mr. Terrizzi has now changed the
9 project to a two-lot subdivision with a single common
10 driveway.

11 The wetlands have been delineated by the DEC.
12 We'll need to have the wetlands validation signed by
13 the DEC.

16 MR. JENNISON: Excuse me a second. Ma'am, we
17 can't hear. If you're going to have a conversation,
18 please take it outside. Thank you very much.

19 MR. HINES: I'll drop back to Number 3.

20 Ulster County Health Department approval for the two
21 septic systems will be required.

22 We would like to see the amount of
23 disturbance proposed on the plan be identified. It's a
24 rather long driveway.

25 We'll need a revised application and a

KATRINA NASON - SKETCH SUBDIVISION

1 revised EAF for the two-lot subdivision.

2 I believe it's before the Board tonight for
3 the concept. We've looked at a couple different
4 concepts, including private roads, four lots, two lots.
5 It's now a two lot with a common driveway. And then
6 some additional information on the drainage in the
7 area. We have heard from other neighbors regarding
8 issues regarding drainage, and I know Mr. Terrizzi
9 provided a narrative of the drainage. And I would
10 suggest that he show that to the Board.

11 MR. TERRIZZI: Do you want to go through the
12 drainage now?

13 CHAIRMAN BRAND: Sure.

14 MR. TERRIZZI: In my submission, I
15 provided -- I don't know if you folks have it in front
16 of you. I provided a -- it's a survey of the prior
17 four-lot subdivision that was done in 2021.

18 MS. LANZETTA: Did you see that, Pat?

19 MR. HINES: I did get that, yes.

20 MR. TERRIZZI: So the gist of this is back
21 before that four-lot subdivision, the owner of the
22 parent parcel dug this pond, and the pond was fed by a
23 natural drainage course that comes from the south. And
24 they installed an 18-inch pipe downstream from a
25 24-inch pipe. And the neighbor there -- I forget her

KATRINA NASON - SKETCH SUBDIVISION

1 name -- she indicated that she's experienced some
2 significant flooding and that sort of thing since the
3 pond was installed. Now, I don't know that it has much
4 relevance to the two-lot subdivision we're proposing,
5 as this is all upstream, but I did take a walk on the
6 property to take a look at the pipes, and it is a
7 24-inch that necks down to an 18-inch only a few feet
8 away that does feed into the pond. It's kind of hard
9 to say that's for sure causing the issues she's
10 experiencing, but that's what's going on.

11 MS. LANZETTA: And the flow is from south to
12 north?

13 MR. TERRIZZI: The flow is from south to
14 north, correct.

15 CHAIRMAN BRAND: Additional comments or
16 questions from the Board?

17 (No response.)

18 CHAIRMAN BRAND: So, Pat, what else --

19 MR. HINES: So the Board asked for various
20 concepts, and there was an original concept with a
21 private road. So obvious future development. I
22 believe the applicant is taking that off the table at
23 this point and only applying now for a two-lot
24 subdivision with a common driveway. So that's scaled
25 back the project. And I think if the Board is okay

KATRINA NASON - SKETCH SUBDIVISION

1 with that, the applicant can move forward with the
2 other design information addressing the outside
3 agencies, the Health Department, identifying the amount
4 of limits of disturbance, and detailed designs of the
5 proposed culverts and such.

6 MS. LANZETTA: And just so the applicant
7 remembers that for any future development of that
8 larger parcel, we only allow a shared driveway for two
9 lots.

10 MR. TERRIZZI: Okay.

11 CHAIRMAN BRAND: Anything else on this one?
12 (No response.)

13 CHAIRMAN BRAND: So they're going to resubmit
14 and come back?

15 MR. HINES: Yeah. I think they're looking
16 for guidance. Mr. Terrizzi is here. He's looking to
17 make sure this plan is acceptable to the Board to move
18 forward to do the detail design.

19 MR. TERRIZZI: Right. All the items on Pat's
20 list here are all in development pending your guys'
21 approval.

22 CHAIRMAN BRAND: Does anybody foresee any
23 other major issues that we need to address?

24 (No response.)

25 MR. HINES: What we don't have is a revised

KATRINA NASON - SKETCH SUBDIVISION

1 application and a revised EAF to match. So Hannah and
2 I were just talking about starting SEQRA Lead Agency,
3 but it probably would be better to wait until we get
4 the actual application and the EAF.

5 MR. TERRIZZI: Would you like hard copies of
6 that, 12, for all the Board members, or is a pdf okay?

7 CHAIRMAN BRAND: A pdf is fine; right?

8 MS. FLYNN: I think we need at least ten
9 copies of everything.

10 MR. TERRIZZI: Okay.

11 CHAIRMAN BRAND: Anything else on this one?

12 (No response.)

13 CHAIRMAN BRAND: No. We'll see you again.

14 MR. TERRIZZI: Thank you.

15 Time noted: 7:30 p.m.

16

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

18

19 Certified to be a true and accurate transcript.

20

21

Stacie Sullivan

22

Stacie Sullivan, CSR

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

4 In the Matter of
5

6 MITCHELL M & CO.
7

8 Project No. 22-6007
9 1559 Route 9W, Marlboro
10 Section 103.3; Block 4; Lot 44
11 -----X

12 SKETCH - SUBDIVISION

13 Date: December 15, 2025
14 Time: 7:31 p.m.
15 Place: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, New York 12547
19

20 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
21 FRED CALLO
22 STEVE JENNISON
23 CINDY LANZETTA
24 BOB TRONCILLITO
25 JOHN LaMELA

26 ALSO PRESENT: PAT HINES
27 HANNAH ATKINSON, ESQ.
28

29 JEN FLYNN
30

31 APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI
32

33 -----X
34 Stacie Sullivan, CSR
35 staciesullivan@rocketmail.com

MITCHELL M & CO - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Next up, Mitchell M &
2 Company for a sketch of a subdivision at 1559 Route 9W,
3 Marlboro.

4 Pat, whenever you're ready to start off your
5 comments.

6 MR. HINES: This project was before us in
7 2023. It has been -- it's back now revised. They have
8 received Zoning approval for the existing structure on
9 one of the lots, and they have reduced the lot count to
10 six to comply with the private road ordinance. Two of
11 the lots front on the state highway and will be
12 utilizing the private roadway, and the other four lots
13 will have access to the private roadway as well.

14 MS. LANZETTA: Pat, can I ask you a question
15 about that?

16 MR. HINES: Sure.

17 MS. LANZETTA: Do you need to get an approval
18 from the DOT to put a driveway onto the state road?

19 MR. HINES: Yes.

20 MS. LANZETTA: Well, even if they aren't
21 planning to put the driveway on the state road, but
22 they're using the lots, don't they have to show that
23 they have the ability to utilize that --

24 MR. HINES: No. It only --

25 MS. LANZETTA: -- entrance?

MITCHELL M & CO - SKETCH SUBDIVISION

1 MR. HINES: It only has to have the frontage
2 on the road. So it encourages the use of the private
3 roadway. So it's as if you have frontage, but if you
4 put them onto the private road, we don't count it
5 towards the lot count, because we want -- even if it's
6 a town road, we want it onto the private roadway to
7 limit the cuts.

13 So the regulation is that if you have the
14 frontage, you can put it on the private road and not
15 count it, but there's no requirement to say that it has
16 to go to the road. And I don't think you want it on
17 that. We're limiting driveways to 9W.

18 MS. LANZETTA: No. I'm just trying to get
19 clarification as to whether or not you have to actually
20 be able to access another location for your driveway.

21 MR. HINES: No. It just has to do with
22 frontage.

23 MS. LANZETTA: Also, with the DOT, could they
24 deny a private road going onto that state highway?

25 MR. HINES: So the answer to that is yes.

MITCHELL M & CO - SKETCH SUBDIVISION

1 They would need a valid reason. They often do not
2 restrict -- they have to give the lot access somewhere.
3 They won't tell you, you can't access, but they can
4 restrict the access. So they do need a DOT permit. I
5 know if it has sight distance and the right lot
6 geometry to meet their standards, I don't see a reason
7 why they could deny it. It would be arbitrary, but
8 they'll have to go through that process to get that
9 done.

10 MS. LANZETTA: Okay.

11 MR. TERRIZZI: Just to address that, so that
12 process is, generally speaking, a four-step process.
13 I've been through three of those four steps with DOT.
14 They've approved the location. They've approved the
15 sight distance. They're generally okay with the
16 location of the proposed road cut. It's just a matter
17 of completing the fourth step, which is relatively
18 minor things.

19 MR. HINES: It's the details. You're at the
20 step where they want construction details compliant
21 with their standards.

22 MS. LANZETTA: So is there going to be a
23 place, because they come up to the top there, where
24 it'll be relatively flat and able to look in both
25 directions before they have to pull out?

MITCHELL M & CO - SKETCH SUBDIVISION

1 MR. TERRIZZI: Yes.

2 MR. HINES: Yes. There's a negative two
3 percent grade required off a state highway for a
4 certain distance.

5 MR. TRONCILLITO: How many lots are you
6 proposing on this private road?

7 MR. HINES: Six.

8 MR. TERRIZZI: It's six lots.

9 MR. TRONCILLITO: Pardon?

10 MR. TERRIZZI: It's six lots.

11 MR. TRONCILLITO: I thought there was only
12 four.

13 MR. HINES: There is, but the two have
14 frontage on the state highway.

15 MR. TRONCILLITO: So it's getting a back door
16 permit.

17 MR. HINES: Well, your ordinance says that
18 specifically. It encourages that. They don't want you
19 to have a four-lot private road and then having two
20 lots on the town road go into driveways. The ordinance
21 for the private roads encourages everyone comes off the
22 private road. If you have frontage, you don't -- the
23 two that have frontage don't get held against you.

24 MR. TERRIZZI: And I guess to clarify, it's
25 five new lots. So the new lots will be accessed by the

MITCHELL M & CO - SKETCH SUBDIVISION

1 private road. There's one existing lot that has the
2 driveway off of 9W.

3 MR. HINES: I thought that driveway was
4 coming to the private road as well.

5 MR. TERRIZZI: That wasn't my plan.

6 MR. HINES: Okay. So if it has that existing
7 driveway, it should be fine.

8 MR. TERRIZZI: Right. DOT was okay with the
9 existing driveway being there.

10 MR. HINES: It also doesn't say you have to
11 do it. It says you can do it.

12 CHAIRMAN BRAND: Comments or questions?

13 MS. LANZETTA: I just want to mention that I
14 went back and looked at when the applicants applied for
15 a variance from the Town Board, which the Town Board
16 did grant one variance that I'm aware of in the past,
17 but that was a very different situation because it was
18 an existing situation. And I don't think it was the
19 safety hazard that this appears to be, because I know
20 in this situation the Town Board in their discussions
21 were very concerned about putting all these houses off
22 of the state road at this particular spot. And so they
23 voted against granting a waiver in this case. So I
24 just wanted the rest of the Planning Board to be aware
25 of that, that the Town Board has concerns about the

MITCHELL M & CO - SKETCH SUBDIVISION

1 safety of the location of this road as well as them
2 mentioning that the Highway Superintendent said that he
3 would really not want any part of this -- of the Town
4 having to maintain this road, and that's why they
5 insisted that it be a public road.

6 MR. HINES: Private.

7 MS. LANZETTA: Private road. Thank you for
8 correcting.

9 MR. JENNISON: Mrs. Lanzetta, could you share
10 that with us?

11 MS. LANZETTA: Sure. It's all on the Town
12 website.

13 MR. JENNISON: What was the date on that?

14 MS. LANZETTA: I believe it was -- it's not
15 written on here. I believe it was in September or it
16 might have been October. I can get the date.

17 MR. JENNISON: Of this year?

18 MS. LANZETTA: Oh, yeah.

19 MR. HINES: The issue there, whether it was
20 going to be a public road, a town road, and the Town
21 determined that they did not want it to be a town road.

22 MS. LANZETTA: Well, they didn't want it as a
23 public road and then they didn't want to give -- yeah,
24 they didn't want to give a waiver on it.

25 MR. TRONCILLITO: Were we going to have a

MITCHELL M & CO - SKETCH SUBDIVISION

1 gateway meeting on this project?

2 MS. LANZETTA: I think we did. I think we
3 did have a gateway.

4 MR. TRONCILLITO: We did back when it was --
5 the first time it come through. What about this time?

6 MS. LANZETTA: That's true. We could have
7 another one.

8 MR. TRONCILLITO: You know, this is a
9 do-over.

10 MR. HINES: I have it as a comment, whether
11 you wanted to do that or not. I didn't get all the way
12 through my comments. Comment 12 is --

13 MR. TRONCILLITO: Oh, I'm sorry.

14 MR. HINES: I didn't attempt to go through
15 them all. The only issue with a gateway meeting is I
16 don't know who is going to be here. It has wells,
17 septic. DOT would be the only other agency. The town
18 highway is not here, town water is not here, town sewer
19 is not here.

20 MR. TRONCILLITO: Okay.

21 MR. HINES: So I don't know what your
22 procedures are for having it when those are new, but I
23 did put it down.

24 CHAIRMAN BRAND: So, that being said, do we
25 just want to maybe meet with the Fire Department as

MITCHELL M & CO - SKETCH SUBDIVISION

1 opposed to having a gigantic preliminary conference?

2 MR. TRONCILLITO: I gave my chief a complete
3 set of the plans the other day, last Tuesday.

4 CHAIRMAN BRAND: And did he have any
5 comments?

6 MR. TRONCILLITO: He didn't give me any
7 comments yet.

8 CHAIRMAN BRAND: So can you ask him to
9 provide some comments for their next appearance?

10 MR. TRONCILLITO: I definitely will.

11 MR. TERRIZZI: I do have the letter from the
12 chief when I originally submitted this, and the road
13 hasn't changed since then. It's just the lot count has
14 changed. So I can resubmit that if needed. But he
15 didn't have any issue. As long as it met the private
16 road spec, he didn't have any problems with it.

17 MS. LANZETTA: What about the school, if the
18 school bus has to stop?

19 MR. TERRIZZI: That, I'm not entirely sure
20 how that works. I don't know.

21 MS. LANZETTA: Do we need to have the
22 applicant contact the school and get a letter?

23 MR. HINES: We could. I mean, the school
24 said they were stopping on 9W at Dock Side. We had a
25 very different reaction from the same school district

MITCHELL M & CO - SKETCH SUBDIVISION

1 in Newburgh a couple years ago when they wanted to come
2 off 9W into a development.

3 MS. LANZETTA: Should we require that they
4 get something in writing from the school for us saying
5 that they will have the school bus that will stop at
6 that spot at the top of the hill?

7 CHAIRMAN BRAND: Can you reach out to the
8 school district as well?

9 MR. TERRIZZI: Of course.

10 MR. HINES: It might be helpful to put the
11 sight distance on the next one too.

12 MR. TERRIZZI: It is on there. It's probably
13 just small. Like I said, DOT was fine with the sight
14 distance that was there. We walked it. We looked. We
15 did our thing, and they were okay with it. But I do
16 understand the concern and location. I get it.

17 CHAIRMAN BRAND: Can I have a motion to have
18 the Planning Board declare its intent to act as Lead
19 Agency for this project?

20 MS. LANZETTA: I make that motion.

21 CHAIRMAN BRAND: Is there a second?

22 MR. TRONCILLITO: I'll second it.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: Any objection?

MITCHELL M & CO - SKETCH SUBDIVISION

1 (No response.)

2 MR. HINES: So we'll hold off on that until
3 we get the revised application and EAF. As soon as we
4 get that, we'll circulate it.

5 MS. ATKINSON: You should vote to type it as
6 an unlisted action.

7 CHAIRMAN BRAND: Can you repeat that, Hannah?
8 Sorry.

9 MS. ATKINSON: In order -- the reason why
10 we're circulating for Lead Agency is because it's an
11 unlisted action for SEQRA, so just type it as well.

12 CHAIRMAN BRAND: So just by motion?

13 MS. ATKINSON: Yes.

14 CHAIRMAN BRAND: Can I have a motion to
15 classify this as a Type II action?

16 MR. HINES: No. Unlisted.

17 CHAIRMAN BRAND: Sorry. Unlisted action.

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

19 MR. LaMELA: I'll second it.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

24 MR. HINES: We may have done it once before,
25 but it was a seven lot, because otherwise you wouldn't

MITCHELL M & CO - SKETCH SUBDIVISION

1 have got the DOT, but we'll do it again.

2 MR. TERRIZZI: Okay. I just have one other
3 question, Pat, on Number 6 here about the drainage
4 district lot that says it's a Town Board thing.

5 MR. HINES: So this has a proposed -- because
6 of the amount of disturbance and the construction of
7 the roadway, it has stormwater management and
8 stormwater practices, and typically we would require
9 those to be on a drainage district lot. Because this
10 is a private road, you can incorporate that area into
11 the private road lot and craft the maintenance
12 agreement, but I think those should come out -- right
13 now they span the two lots. That area should come out
14 of those lots, and it should be part of the homeowners
15 association private road agreement for the long-term
16 operation and maintenance to make sure those get
17 maintained. Putting them on two people's separate lots
18 is not conducive to having them maintained. One person
19 might like cattails and the other one might not.

20 MR. TERRIZZI: Thank you.

21 CHAIRMAN BRAND: Anything else on this one,
22 Pat?

23 MR. HINES: No. I mean, we have a couple of
24 preliminary comments, but their next submission should
25 address all that.

MITCHELL M & CO - SKETCH SUBDIVISION

1 CHAIRMAN BRAND: Anything else from the Board
2 on this one?

3 (No response.)

4 CHAIRMAN BRAND: All right. Thank you.

5 MR. TERRIZZI: Thank you.

6 Time noted: 7:42 p.m.

7

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

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10 Certified to be a true and accurate transcript.

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12 Stacie Sullivan

13 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 BUTTERMILK FALLS RESORT

4 Project No. 23-1019

5 -----X

6 FOLLOW-UP ON CONDITIONS - SITE PLAN

7 Date: December 15, 2025
8 Time: 7:43 p.m.
9 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
10 Milton, New York 12547

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

15 ALSO PRESENT: PAT HINES
16 HANNAH ATKINSON, ESQ.
17 JEN FLYNN
18

19 APPLICANT'S REPRESENTATIVE: ROBERT POLLOCK
20

21

22

23

24

25

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

BUTTERMILK FALLS RESORT - FOLLOW-UP CONDITIONS

1 CHAIRMAN BRAND: Next up, Buttermilk Falls
2 Resort, follow-up on the conditions of the site plan.

5 MS. ATKINSON: Okay. There was a
6 November 6th, 2023, approval, Resolution of Approval,
7 with a whole slew of conditions, some of which are
8 probably no longer applicable. So I drafted a memo.

9 I received -- I attached as an exhibit
10 confirmation from -- who is this -- the New York State
11 Office of Parks, Rec and Historic Preservation that
12 they do not need to see a restrictive covenant for
13 archeological protection. That had been conditioned at
14 1, 4A. So upon that confirmation, that can be a
15 condition that the Board waives.

BUTTERMILK FALLS RESORT - FOLLOW-UP CONDITIONS

1 for certain property along North Road, and the Town
2 Board just passed a Resolution this past Monday, the
3 8th, that they do not wish to take title to that
4 property. So that should be a condition that you
5 acknowledge is waived as well.

6 And then the last one is upon request from
7 the applicant's attorney, a couple of conditions at
8 2 -- at .2, which I printed out, which include the
9 approvals from the Ulster County Department of Health,
10 temporary housing approvals, kitchen slash food service
11 permit, and water supply permit. These were to be
12 satisfied prior to the Planning Board stamping the
13 plans, and the timing was off on that. It should be
14 later in the process. So these shouldn't be considered
15 conditions to be satisfied prior to the stamping, but
16 rather prior to probably --

17 MR. HINES: CO would work.

18 MS. ATKINSON: CO is fine.

19 So I would propose that the Town go
20 through -- or the Planning Board go through these
21 things to waive the condition of the restrictive
22 covenant; to acknowledge that the PILOT is not required
23 as a condition of approval; to acknowledge that the
24 Town Board waived the offer of dedication and offer of
25 cession for that property on North Road; and then to

BUTTERMILK FALLS RESORT - FOLLOW-UP CONDITIONS

1 push back the date of the requirement of these last
2 Ulster County Department of Health approvals to the CO.

3 CHAIRMAN BRAND: Is there a motion for that?

4 MS. LANZETTA: Can I just -- I have a
5 question. Do we even have to have that as a condition
6 of a CO? Because isn't that just, you know, part of
7 the doing business with Ulster County?

8 MR. HINES: Yeah. We don't do that for
9 restaurants where we say they have to get a food
10 service permit.

11 MS. LANZETTA: I would prefer to just strike
12 that section.

13 MS. ATKINSON: That would be fine. There are
14 some other conditions in that section, so probably
15 perhaps not a total.

16 MR. HINES: Just those specific ones.

17 MS. ATKINSON: Right. The other two that are
18 still required are the sanitary sewer disposal system
19 approval and the municipal water extension with the
20 fire hydrants, which may have already been satisfied.

21 MR. HINES: Yeah, they did the water. So
22 they have those other two, but they should stay in the
23 Resolution, though, as a checkmark.

24 MS. ATKINSON: But those other three you
25 could waive.

BUTTERMILK FALLS RESORT - FOLLOW-UP CONDITIONS

1 CHAIRMAN BRAND: Can I have a motion to
2 approve the recommendations of our attorney?

3 MS. LANZETTA: I make that motion.

4 MR. JENNISON: I'll second it.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Any objection?

8 (No response.)

9 MS. ATKINSON: Are there other issues that
10 remain outstanding?

11 MR. HINES: I don't think so. I think the
12 maps are here. They're waiting for me to sign off on
13 probably Wednesday, and Mr. Pollock will be on his way.

14 CHAIRMAN BRAND: Okay. That's it.

15 Time noted: 7:48 p.m.

16

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

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19 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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