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

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In the Matter of

HUDSON VALLEY TREE HOUSE

Project No. 17-1019
80 Gobblers Knob, Marlboro
Section 108.3; Block 2; Lot 64

----- X

PUBLIC HEARING

Date: October 2, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: LAUREN BAGLIO

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: I'd like to call the meeting to order with the Pledge of Allegiance to the flag of our country.

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, October 2, 2017. Regular meeting 7:30 p.m. Hudson Valley Tree House, public hearing, site plan, 80 Gobblers Knob, Marlboro, New York. Next deadline: Friday, October 6th. Next scheduled meeting: Monday, October 16th.

Legal notice. Special use permit. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code 155-32 on October 2, 2017 for the following application: Hudson Valley Tree House, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a special permit for a home occupation, bed and breakfast, on lands located at 80 Gobblers Knob, Marlboro, New York, Section 108.3, Block 2, Lot 64. Any interested

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parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

Yes.

MS. FLYNN: Since we don't have her, if somebody talks, if they could say their name before they talk, that way she can take the notes from the recorder.

CHAIRMAN BRAND: Absolutely. Before we begin with the public input I would just like the applicant to give us a brief rundown of what's going on so the people in attendance can input wisely.

MS. BAGLIO: So at the last meeting I had to provide a site plan which I had Brooks & Brooks do, which you received.

Then the other thing (inaudible) which I submitted from the last meeting.

CHAIRMAN BRAND: Okay. So basically a bed and breakfast being occupied out of your home. Seasonally or year round?

MS. BAGLIO: Weather permitting.

CHAIRMAN BRAND: Weather permitting.

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MS. BAGLIO: Yeah.

CHAIRMAN BRAND: Okay. Pat, do you just want to run through your comments first?

MR. HINES: Yeah. Our comments were provided. This is here for the home occupation, the use of the bed and breakfast. It's restricted to fifty percent of the building per your code. We previously had plans submitted depicting the house layout.

We have a letter from the jurisdictional fire department which I attached. They have a concern about access to the structure. Coincidentally, I believe they were at the house for a fire last month. They're very aware of it. We'll have to address that with the applicant.

The code enforcement officer has identified the need for five parking spaces. Those have been added to the site plan, not taking credit for the two garage spaces which they could take credit for. There are potentially seven spaces depicted on the plans, five of which are shown delineated. They'll need to increase the driveway blacktop area for two

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spaces on either side of where it exists today.

MS. BAGLIO: Okay. Can I speak on those?

CHAIRMAN BRAND: Sure. Sure.

MS. BAGLIO: Okay. I have -- so in the first submission I included measurements of my windows to fire escape routes for each room as well as demonstrations --

UNIDENTIFIED SPEAKER: Could you speak up, please?

MS. BAGLIO: Sure. For the first submission for August 7th's meeting I included measurements for the window sills to fire escape routes for each room as well as a demonstration, images of how to go about those two routes for each room, which I have a copy of if anyone wants to review. I can give that to you and you can pass it around.

Then the incident on August 28, 2017. I called 911 because there was smoke coming from my garage. The fire department responded in four-and-a-half minutes, which I believe is an incredible response time. They backed the fire truck into my driveway. As you will see, the

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call time -- I'm going to give you guys documents. I should give it to you ahead of time so you can follow along. So these are phone records with data timestamps. So you'll see I called 911 at 8:52. After I talked to the 911 gentleman on the phone they connected me to the fire department, I talked to the fire department and the call ended at 8:56, then I sent my husband a picture of our garage after I opened it. I sent it to him at 9:03, which leaves seven minutes in between. That's when the chief told me I could open up the garage, because you're not supposed to open anything and let oxygen breed the fire. He said keep it closed, I'm going to suit up, as I'm suiting up I want you to open the garage when I say go. All that happened within those seven minutes. Between having gone there before the seven minutes, suited up, having -- you know, getting in place. The third image is a picture of me with officer and Chief Masten. Behind me is my house. You see the fire truck is pulled back up into my driveway no problem. They got in there safely and in a timely manner. It was really unbelievable how fast they responded.

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I'm very proud of our fire department. That's the timeline.

And then for the detailed construction of the parking spaces for the Hudson Valley Tree House, I have to give you that, too. So this is -- basically I highlighted where the parking needs to be filled in. We're just going to put in rocks basically. It's -- what is it called?

CHAIRMAN BRAND: Item 4.

MR. HINES: Item 4.

MS. BAGLIO: Yeah. So I mean it's not really hard to do. We just order it and have it delivered, have it laid down and we have parking. There you go.

CHAIRMAN BRAND: Okay. Ron, did you have anything on this before I let the public input?

MR. BLASS: No.

CHAIRMAN BRAND: Nothing.

Okay. This is your opportunity to speak either for or against this project. As the secretary did ask, please just state your first and last name before you begin.

MS. BAGLIO: Oh, wait. We have to

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submit the --

CHAIRMAN BRAND: I do. The mailings, yes. I forget that every time.

MS. BAGLIO: I'm really organized today.

CHAIRMAN BRAND: Thank you. How many did you send out and how many were returned?

MS. BAGLIO: Okay. I sent out eighteen and I received twelve back. I used the Ulster County Parcel Viewer and I did 600 feet instead of 500 just for precaution.

CHAIRMAN BRAND: Okay. If you just want to give those to the secretary, she'll take them.

Now if you are an interested party either for or against, please stand up, state your name. Go right ahead, sir.

MR. KRAIZA: My name is Michael Kraiza, I live at 58 Gobblers Knob. I've spent twenty-one years in the fire department in this Town before I resigned. If there is a response time in four-and-a-half minutes they would have needed a helicopter. You can't drive a car a little over the speed limit and make it in four-

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2 and-a-half minutes. It takes you two minutes to
3 get up our road. I think what the applicant
4 might be confused with, she has a dispatch time
5 or a dispatch request. It could be from the
6 senior officer who could just call in. They can
7 be anywhere in the Town. Chances are I'd get a
8 call pretty quick if there was a fire on Gobblers
9 Knob, too. Twenty-one years there and I live
10 right in that neighborhood, I got like five calls
11 probably before the fire trucks were out of the
12 station. My brother has been active in there, my
13 father's been active in there, I was active in
14 there. Probably the first one on the scene was
15 either Eric Masten, and I think it was Michael
16 Troncillito. Michael Troncillito was probably
17 based out of his shop that day, less than a mile
18 from there. So if they come in and say 38-1 or
19 38-2 on the scene, that cuts right into Kingston.
20 That's the dispatcher that gets that kind of
21 call. It doesn't mean a fire truck was there and
22 ready to go. I got questioned from the fire
23 trucks later, they had to go up and turn around
24 in Mr. Alonge's yard, after they went down by my
25 house and saw they couldn't get down. They wrote

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their own issues. As far as those response times go, just because there's a dispatch noted for Kingston doesn't mean the fire truck was there and ready to do business.

CHAIRMAN BRAND: Thank you.

MR. DUNN: Good evening. My name is Bruce Dunn, I'm an attorney located in Newburgh, New York. I'm here tonight representing the landowners on Gobblers Knob with the exception of the applicant. That's Charles and Rose Alonge, Gerald and Jean Murphy, William Hopper, John Roper and Michael Kraiza.

What we feel is that this application for a special use wouldn't be likely to have the kind of impact as it does have if it weren't for a special use. That's what this Board must -- and under the code -- let me turn this down a little bit. What this Board and under the code, as it says, shall determine from what shall be submitted as a full site plan whether or not the character of the community and the neighborhood will be adversely affected. My clients each believe and know that it would be. As a matter of fact, I've heard from each one of them that

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long before there was an application before this Board, and apparently long before the applicant knew that she needed a special use permit, there was both vehicular and pedestrian traffic all along Gobblers Knob in the private road area, way beyond the actual easement that the applicant has available to her for use. Now, if there weren't going to be an adverse impact, like I say there wouldn't be a need for a special use. If there weren't going to be, you know -- the process is in the agricultural district, a permitted use as you know -- I'm not going to lecture you as to the code because I've included the relevant portions. If you have a permitted use you can go do that in the agricultural -- rural agricultural zone. If you don't have a permitted use and need a special use, it's because it's unusual, it's likely to impact the community, the neighborhood and the area, otherwise the zoning code wouldn't say it's a special use that you need a permit. We know that it is impactful. We know it has adverse effects because of the traffic, both vehicular and pedestrian, that my clients have experienced long before this application was

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pending before this Board.

We would love the opportunity for each of you to conduct a site visit, just not all at once because I don't know how many cars can fit on that road. I had the opportunity the other day to, for the first time, perhaps if I was even a guest at the applicant's house, to go on Gobblers Knob. In my GPS I put 80 Gobblers Knob. My GPS took me to the top of the hill and suggested that I make a right down what couldn't be traveled by anything more bigger than a four-wheeler. So I became acquainted with the road. I took some pictures and I've included those in the package. If you start with where the pictures start on Gobblers Knob, the intersection looking from each way on the first page, you can see by the telephone pole that's where Gobblers Knob is. So far so good. You get a little closer, you look like -- you turn in, beginning of South Street, another view. Not too bad. I can probably sum up my entire presentation by noting, as I did on the first page, the sign has been hanging there for about thirty years which says dead end, private road,

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residents only. It's not intended, never has been intended for anything but a rural community of neighbors who, thank goodness, for all of these years have gotten along. This is a private road. There's a whole section of private roads, and I've put it in the materials, of what this Town expects a private road to be except for those which predate the code. There's isn't a way in a million years that this private road would qualify as what this Town expects a private road to be these days. Maybe that's on purpose. In 1989 or in 1986 when the site plan was approved, this is the kind of private road you had. Back then, so I'm told -- I'm no more familiar with it than I was before last Thursday. From what I'm told there was no pavement whatsoever, it was your classic orchard road. Some part of the road, Gobblers Knob, is still a classic orchard road. That's the part that goes from the top and down to the area where the applicant is. There's no turnaround on this road. We'll get to that.

The next phase, if you proceed up Gobblers Knob, the first driveway is off to your

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left. You can see in the distance from these two pictures a small sign, the sign that has the address for 80 Gobblers Knob on the right there. Flipping the page, these pages -- these two pictures show what it looks like to get to 80 Gobblers Knob. Where you're coming up that straight-a-way uphill, but nonetheless coming up the straight-a-way and making, instead of what your GPS told you, making that sharp, almost more than a hairpin turn to the right to get into what is called the driveway part of Gobblers Knob. We can see the car that I was driving provides for maybe one extra pedestrian, certainly not another car. That's the way it is all the way up that road. This is the driveway.

The first picture on the next page, the distance. Coming closer you can see the house off to your right. Moving closer, there's the house and what's called the driveway then goes down toward the garage. As it turns out, just like that site plan was from 1986, that road was never built according to that site plan. It's not fifty feet wide. This easement is not fifty feet wide. In fact, the easement, fifty feet as

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described in the survey, ends up about halfway into their driveway. We're not sure when they widened or plan to widen -- I didn't see the pictures either, when they plan to widen this driveway whether or not they're going to be encroaching on the easement. I haven't seen any site plan that's been provided. When you go past -- and then the picture on the bottom of that page, when you go past what is the driveway part that they call going down into their house, to the left is a road that goes up around the bend. Right here it looks like you can probably take a car up there. When you make that next turn, treacherous is an understatement.

The second to the last page of pictures, as you go back down this driveway, and my car in it, I was thankful that the car had that feature that I could watch up front and see where my car was on the road because if it didn't have that I don't know that I could have backed down the road. There was nowhere to turn around without going into the driveway.

Then the last picture again shows from about where the easement ends that is available

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for this applicant. Looking back down toward South Street where you can see that turn, the one you have to make coming up to go down. So what invariably has to happen with respect to vehicular traffic is that cars coming to 80 Gobblers Knob are going to go all the way up the hill, in the private road where there are rights-of-way, it's not the applicant's. Her interest stops at that easement. There's nothing more. Go up into the private right-of-way next to the properties of the other landowners, turn around in the driveway and then come back down and maybe make this turn as they're coming back down.

On top of the vehicular traffic, which is annoying, it's dangerous because it is totally rural and there are children who play, not used to cars coming, and animals that they allow to run because they're not used to cars coming either.

What we found -- what the landowners found is that the guests who are coming to 80 Gobblers Knob don't get to see much from that deck or from that house except trees. That's why the applicant said in her initial preparation of

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this briefing they call it the Tree House. But these visitors, they want to see the Hudson Valley, they want to see the river. They come up the private driveway, onto the properties of my clients so that they can get the view of the Hudson Valley. One of my clients, Mr. Alonge, had to ask people to leave his deck because they were there.

The permission of a bed and breakfast, home occupation, which I know from reading the minutes of the meetings doesn't seem to be very impactful to some of you, does have an impact if you're living in the area. If you've lived in this neighborhood for thirty-two years and you haven't experienced anything but your neighbors on your road. It's the expression of your code -- I'm not going to -- I don't expect to lecture you on your code, like I said. It's the expectation of those who wrote your code that that sort of thing gets reviewed, reviewed strongly, and if there is that kind of an impact, the character change to a neighborhood, you're denying the application.

The comment about that it wouldn't be

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impactful if it weren't the special use. It wouldn't be impactful if we didn't expect and the applicant didn't expect to be busy. But she does. She will be. There will be guests if you grant the permit. We hope you don't. It will be busy and there will be a change in the character of this neighborhood. It will no longer be rural. It will no longer be agriculture.

The description of rural agricultural district. The purpose of this district is to encourage continuation of agriculture and uses compatible with the soil, topography, location of this district, to preserve important natural resources and to create conditions conducive to rural life and country living. People don't come to Gobblers Knob without the expectation of a friendly, uninterrupted rural life, country living.

In fact, when the applicant came a few years ago, in a conversation with one of my clients she says I came up from the city for the privacy, for the beauty, to get away from all the noise and other people. Of course. That's why people have lived there so long. Mr. Alonge,

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whose father owned property for all of those years so that they would not be interfered with.

Take the next step, dead end, private road, residents only. Two of my clients own the road. The other clients above have rights-of-way. The applicant was given an easement, or the previous owner was given an easement, fifty feet, which on the map looks nice and wide, nice and flat, but it's not. That's not the way the road is developed. That's not the way the road is now. To expect other strangers like myself to go there and not be used to that is asking too much.

Some of the problems, and I'll -- some of the boards that I represent, some of the boards I speak to, I can go on forever. I'll try not to do that.

CHAIRMAN BRAND: Thank you.

MR. DUNN: Some of the problems we have with the application. Perhaps by now she submitted the deed. I don't know. I thought not. I see the application in the name of Hudson Valley Tree House. Hudson Valley Tree House doesn't appear as an entity with the Department of State. I don't know if it's a d/b/a with the

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-- in Ulster County. It becomes a concern -- it becomes a concern who is operating or planning to operate that because of the liability aspect. That liability aspect, if granted, would be shared by the operator, the owner of 80 Gobblers Knob. Ask any personal injury lawyer and you know for sure that the owners of the land of the easement are going to be named, and you know for sure that if the Town, by this Board, has certified that a site plan is acceptable for a home occupation, a bed and breakfast, you know the Town is going to be in that lawsuit as well. So it's important to know who is operating what. Hudson Valley Tree House doesn't exist.

Ulster County, I'll submit, as I put in my package, will want to know what food service operator is serving meals and a permit for that. The State wants to know who is operating the permitted bed and breakfast, if it otherwise qualifies in the State laws. What we have -- what we see here, what I see anyway, application 1 and application supplement 2 is Hudson Valley Tree House with Lauren Baglio. I think there's a Todd Decker in there, too. So I don't know

1 whether Todd Decker is part of this application.
2
3 If a deed has been submitted, he was part of the
4 contract. We don't know. Certainly in the event
5 that there was a lawsuit, the personal injury
6 lawyer will know.

7 In terms of it's operation. In the
8 application we saw the application and supplement
9 number 2, that under the Town code this premises
10 apparently is supposed to have qualified because
11 fifty percent of it is -- not more than fifty
12 percent of it is used for it's guests. If you
13 take a look at the premises and the floor plans
14 that were provided and understand the testimony,
15 or the statement anyway, on August 7th by the
16 applicant, she indicates we have one floor of the
17 home that is not used at all. I suggest in my
18 view of the floor plan that's the basement. From
19 what I understand from those who may have seen
20 the house in the past, the basement is empty.
21 Couldn't do anything in there anyway. Not to
22 mention the fact that it's a double foundation.
23 I'll get to that in a second. We have one floor
24 of the home that is not used at all and we have
25 an office and a study that isn't used. I think

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that's what I saw on the third floor, or what I call the third floor. If you're counting what's fifty percent of what and you're counting one floor of the home that's not used at all, that's the basement, and you're talking about the next level up where two rooms sit available, and the next level up where one master bedroom sits, and the study isn't used, among all three floors you probably have fifty percent that's not used by guests, but you've got three floors at that point. The State doesn't permit any guests to occupy a room on the third floor. This part of the application is also confusing because there are two rooms on what I call the second floor, one room on what I call the third floor. That's three bedrooms. There aren't any other bedrooms. If this is an owner occupied -- supposed to be an owner occupied business and all three bedrooms are rented out, where is the owner going? Not in the basement. Not in the study. There's no other bedroom. The answer to that, on August 21st after Chairman Brand asked how many guests do you have, are you planning, the applicant says four, six max. Four or six max. Basically we

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have three rooms, two are adjoining and one is separate. If somebody is in one, we block out the other because people want their privacy and they don't necessarily want to be close to other guests. It can range from four to six. It's predominantly four. But there are three bedrooms. There's never been any suggestion by the applicant other than that they might go out, that there would be an issue. They're allowed six if they have one for the owner occupant and it's not on the third floor.

The next problem that we have with the application relates to the site plan. The site plan that we saw with the original application, that one page, was a 1986 I believe -- a 1986 site plan before anything was built. This shows, it seems to me, twenty-five feet in the front yard --

UNIDENTIFIED SPEAKER: We have an updated site plan now. Do you want to see this one?

MR. DUNN: Show me twenty-five feet (inaudible). I'll show you what I can read with a magnifying glass. Perhaps a 200 gallon septic,

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which is five times less than it needs to be for three bedrooms anyway. This is more likely a close to as is site plan. I still don't see the size of the septic. I don't see where it is. I see a septic area. I see that the property line of the applicant's premises does in fact cross into the easement, or at least the way they blacktopped -- not blacktop, the way the actual road goes. Coming down the gravel driveway is an overstatement I believe of what it looks like to me.

But all in all, Section 155-32 that you referred to both in the announcement of public notice as well as what is provided in the code, describes the need for a much better site plan. I know that -- I'm aware that this Board can waive certain aspects of the conceptual site plan but not the actual site plan.

If you're familiar with South Street and Gobblers Knob, if you've gone up, you'll know that it's -- it's mountainous, it's steep. To not have topography anywhere on the map, we believe it's something that let's you think that the area is flat. It's not. I looked up at the

1
2 applicant's house from Gobblers Knob down below
3 and could barely see it it's so high. What I was
4 actually looking for was what I've been told was
5 the deck which extends out. It's higher than the
6 deck would be on 4 by 4s without enough
7 substantial footing to hold it in place. It
8 might have passed the code in 1980, 1990 but it
9 no longer would pass the code. In fact, has been
10 fortified, with or without a permit we don't
11 know, because they started to slip down the hill.
12 I don't know if that's when the applicant owned
13 the property.

14 What I believe the Board, among all of
15 these other things they're considering, is
16 whether or not the septic is acceptable for four
17 to six additional guests in a home occupied
18 business, whether the well that was probably 1990
19 is capable of providing water to this facility.
20 And in addition, whether or not that well is
21 capable of providing sufficient water in the
22 event that a fire truck actually had to put out a
23 fire, if the fire truck got up there.

24 MR. HINES: The fire department is not
25 going to use the well.

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MR. DUNN: I can't hear you.

MR. HINES: The fire department is not going to use the well to put a fire out.

MR. DUNN: Well, they have no hydrant, there's no pond. If it's not coming out of the well it's coming out of the tanker truck.

I didn't hear you read the letter either, but when I was up there that tanker truck was going up there pretty fast. It happened to back down to go get more water. The whole hill --

MR. HINES: (Inaudible.)

MR. DUNN: So it seems to me -- and the Board -- the site plan for the Board in consideration of the granting of a special permit, special use permit, be interested in the utilities that would be provided.

Fire safety is a big problem. Again, I didn't hear the letter the fire company wrote. I couldn't hear it. If in fact -- I couldn't get down to that. If in fact there is exit out windows for a -- in the event of an emergency where a roll out ladder is in a closet some fifteen, ten feet away from the bed with

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instructions on some door, then that roll out ladder, while it may support (inaudible), I don't know, out the window. I don't know where that goes because this -- if it's anywhere where this house is on the downhill slide, you're not going to meet at the end of the driveway as the instructions give.

CHAIRMAN BRAND: Mr. Dunn, I'm going to ask you if you could to just kind of wrap things up as quickly as possible.

MR. DUNN: Okay. Almost the most important relates to the access and the traffic. The pictures that I took, my personal experience, the steep slopes, the traffic flow patterns, the entrances and exits and all the streets, the proposed map just don't fit the answer to the question should I have a commercial business, not to mention the fact that it's owned privately, there is no commercial access permitted over the privately owned road, and that sign has been there for thirty-two years, dead end, private road, residents only. Thank you.

CHAIRMAN BRAND: Thank you.

MS. BAGLIO: Can I respond to all of

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them? I'll do it as fast as possible.

CHAIRMAN BRAND: You don't necessarily have to address each one of those.

MS. BAGLIO: I'll bullet point it.

CHAIRMAN BRAND: Can I just get some more input from the public and then I will go back to you for like a closing kind of thing, if that's all right with you?

MS. BAGLIO: I've prepared and I'd really like to answer all those questions. Like five minutes.

CHAIRMAN BRAND: I'm going to go with the other members of the thing and then I'll come back to you.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: Please state your name for the record.

MR. MAHAN: My name is Matthew Mahan. I would like to thank you very much for your input. However, he says he is representing all the landowners except for the applicant. I disagree. You don't represent me.

MR. DUNN: You're not a part of the subdivision.

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MR. MAHAN: But I am part of the persons on that road.

MR. DUNN: You're not a part of the subdivision.

MR. MAHAN: And again, he states that it says private road, residents only. You're not a resident of that road and yet you went up that road.

MR. DUNN: I did.

MR. MAHAN: Thank you. So my point is the road, is it steep? Yes. I got married and I had my reception on that road. I had a horse drawn carriage up that road. Is it steep? Yeah. If the horse can bring up a carriage and my big belly up there, it's not that steep. I've had functions where I've had three hundred people. He says you all can't go up there at once. I've had functions where I've had three hundred people at once. You know what? The road can handle it.

He says the well can't substantiate the extra things. I built that house. The well puts out 80 gallons a minute. When we first drilled it it was overflowing. It was artesian.

As far as the septic goes, the septic

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is more than adequate.

As far as he's saying that the deck is slipping off the hill; you know what, it's been thirty years there. The deck is still good. That deck is made out of genuine redwood. The redwood there is going to outlast me.

As far as he says it's residents only, then no other people can go up that hill. It's just a generality. Other people -- guests of people go up there all the time. I have guests and I have lived on that road not for thirty-two years but for fifty-seven years. I have had guests there my entire life.

We are a giving peoples. We welcome people. We don't want trespassers, no. If someone is trespassing, that's what we have a police department for. The police -- if you have a problem with a trespasser, you call the police department. However, we are generous people. We welcome our neighbors. They're our neighbors. We don't want, you know, hoodlums or anything. They screen the people.

There is a clear and obvious sign that says 80 Gobblers Knob and there's an arrow

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pointing which way to go.

The fire department was up there just recently. They backed the truck down. They didn't have a problem. Was it in record time? Maybe not. But you go to the top of Mount Zion or the top of Mountain Road, it's going to take time for a truck to get up there, too. It's understand -- understandable.

So I dislike people bullying other people. We want to welcome good neighbors. My opinion is these are good neighbors. So I thank you.

CHAIRMAN BRAND: Thank you.

Mr. Alonge.

MR. ALONGE: Charles Alonge, I live on 44 Gobblers Knob. The first time I met this Lauren she says I moved up here from the city to get away from people, okay. Next thing I know she's operating a bed and breakfast. Didn't come ask anybody, didn't -- you know, she didn't ask the neighbors. She's been operating for six months. The Town doesn't fine her. The Town doesn't do anything about it. They hand her an application.

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Mr. Clarke, you live on a hill. You've got a beautiful view. This is my view, Mr. Clarke.

Manny, you live on a hill. This is my view, Manny. Take a look. How would you like the house next door to you to open up a B&B and have people walking around your road, cars parking on that lawn, taking pictures?

Mr. Clarke, how would you like that?

MR. CLARKE: It happens.

MR. ALONGE: Okay. Mrs. Lanzetta, you live on a dead end road. Beautiful. You can walk. I have cars running around now. I have people walking around.

You go on the Tree House website, that's their view from her driveway which she doesn't own. This is her view from her house. That's her view. She put my view on the website, Marlboro Tree House.

As for Mr. Mahan, before I built up there you had to park your car at the bottom of the hill and walk up. For the last thirty years you haven't done nothing but pick up a rock. Nothing. So don't come up here and say you're a

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hero.

MR. MAHAN: I didn't say I was a hero.

CHAIRMAN BRAND: Mr. Alonge --

MR. ALONGE: Okay. You have tractor trailers going up our road now, we have (inaudible) coming up our road. Where is the code enforcer? You's people, the first meeting I came you're going to waive the site plan. Okay. I go to the building inspector, he tells me it's not his jurisdiction. Well who's going to inspect this house before you make it a bed and breakfast? Can you explain that to me? I'm a taxpayer, I want to know.

CHAIRMAN BRAND: I did do some research and there is no necessary inspection that's required on a bed and breakfast. They do do fire inspections yearly. Should the code enforcement officer find another code violation at that time, it's their -- as it stands right now our code does not require an inspection for a bed and breakfast.

MR. HINES: For any home occupation.

CHAIRMAN BRAND: For any home occupation. Thank you.

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MR. ALONGE: Is the Town going to take responsibility if they pass this? Is the Town going to be responsible?

MS. ALONGE: How about the liability on the road? We own the road.

MR. ALONGE: Mr. Hines, you're a fireman. I know you're a fireman, Mr. Hines. This truck doesn't get up there and people die, are you going to be responsible?

MR. HINES: No. We have addressed that as a comment that the Board is working on.

MR. ALONGE: I want an answer. Who is going to be responsible, Mr. Hines?

MS. ALONGE: If somebody gets hurt on the road are we liable?

MR. HINES: One at a time.

CHAIRMAN BRAND: Please.

MR. ALONGE: Which is already happening. The fire truck can't get up there. I've been a fireman eighteen years. I know what it is to get a truck in there and I know what it is to go off road, okay. So do you.

I bought this property thirty years ago to be left alone. I pay taxes. I pay a lot of

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taxes. Mr. Clarke probably pays less than I pay. Manny, I don't know. I pay \$18,000 a year in taxes and I don't get nothing from the Town of Marlborough. Now you's are going to tell me that you're going to put a B&B on my private road and I've got to put up with people walking around, which I've had already.

I got robbed last year. They did \$10,000 worth of damage to my house. Where is my -- who's protecting me here? This is what I want to ask you guys.

UNIDENTIFIED SPEAKER: You say you got robbed?

MR. ALONGE: Yes, I got robbed. \$10,000 damage to the inside of my house, okay. So now I got security cameras.

This lady went on my lawn and took a picture from my lawn.

MS. BAGLIO: I did not go on your lawn.

MR. ALONGE: Well who took the picture?

CHAIRMAN BRAND: Mr. Alonge --

MR. ALONGE: It's on the website that you pulled down. It's not on there now.

MS. BAGLIO: I took pictures from the

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road.

MR. ALONGE: Okay.

CHAIRMAN BRAND: Mr. Alonge and everyone else that comes up, I'm just going to ask you to direct your comments to the Board, please.

MR. ALONGE: This Board is putting me and my six neighbors in jeopardy. That's all I'm telling you. And the code enforcer and the building inspector you's got, I don't know what he does all day long because I got chickens at the end of my road, I've got tractor trailers at the end of my road and they've been dumping dirt off my road. I don't know how that's legal. Maybe you can ask Mr. Mahan that question. That's all I've got to say.

CHAIRMAN BRAND: Thank you, Mr. Alonge. Mr. Garofalo.

MR. GAROFALO: James Garofalo, 3 Young Avenue. I am not a neighbor. I just want -- I did want to make some comments.

One, with regard to GPS units, these things in the cars. They all have websites, they all have e-mail. If there is a problem with them

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identifying your driveway, et cetera, e-mail them, they will change it. They need to change these things because when we eventually have automated vehicles, they don't want to be running off of cliffs or bridges or through your house. So please take care of that as soon as you can.

With regard to signs, I believe signs on private roads, if they have been put up by the municipality, because they may not have any effective enforcement to them.

There are a few things about the site plan that I have questions about. One is I did not see an accessible space on the plan. There's no driveway width indicated anywhere on the plan. There are minimum widths for driveways. Parking spaces. There are dimensional requirements in the zoning for parking spaces. In order for you to waive something like that, they don't need it, you should know what you're waiving in terms of dimensions of those parking spaces. I believe that in the code it requires those parking spaces actually be paved with asphalt. You can check that.

One of the gentleman mentioned grades.

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The code does have grade requirements for driveways. Obviously this is an existing driveway for the most part, but you should know what the grade is on the driveway.

The same with the sight distance when you come down to the road. This is an odd situation in the sense I'm not sure about the ownership of that private driveway when it comes down to the road, but the code normally says within the right-of-way of the town road that driveway is supposed to be paved. Now, this is kind of a weird situation so I don't know if that is going to happen here or not. Certainly, you know, if the Board is going to waive certain things, and you certainly have those -- there certainly are things that should be waived, such as the size of parking spaces. I don't know why we have such a large parking space in our code, but you should know what they are so that you can -- so that you can waive that.

I'm really not clear about the situation with the right-of-way. Looking at the plan, it looks like when you come up the driveway, you peel off onto the paved part and

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there's parking. It almost -- I'm wondering if they couldn't loop this back down so that there would be a loop in that driveway and actually improve some of the private road, improving the access.

So I'd like to thank the Board. I hope you will ask for some of this information to be put on the plans. I certainly would like to know what the sight distance is at the bottom of the road, whether or not you need some signs to let people know that there's limited sight distance there or not. I encourage you to have this information put on all plans, not just this one, all plans, so that you can make your decisions based on what's on the plan and what's in the code. Thank you very much.

CHAIRMAN BRAND: Thank you. Please state your name.

MR. HAWVER: I'm William Hawver, I live on 54 Gobblers Knob. I built the house there in 1985 and moved in in 1986.

I've watched that road and been a part of everything that's happened to that road since we built there. It was unbelievable back in

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1985. Vehicles couldn't get up there to deliver materials for us to build our houses. We had tractors to go from the bottom with backhoes and bulldozers to get stuff up within proximity where we could carry the materials to our house.

I've always had a great relationship with all of my neighbors up there. Known most of them many years. The Mahans are great people. They throw a big party every year and they block the entire road. Sometimes we can't get up. Sometimes they've had people drunk and disorderly break glass all over the road. You know something, it's once a year, they're great people and we put up with it, you know. I get the invitation, I don't drink so I don't go there. I love those people. They're very good neighbors. Glad to have them.

This road is so steep, I have so many times myself -- it faces due north and it doesn't get any sun access. It's the last road to thaw out. It's very slick. Before we put up the guardrails, on numerous occasions I ended up in Ms. Mahan's front yard with my vehicle and almost into her front yard. Most of the time back then

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it was because I was plowing or something and I came out the bottom in which this lady lives and turned onto the main hill. Exiting from her house onto the hill, making that turn which is beyond 90 degrees, it's very dangerous because your car is already turning and it's -- we've walked down the hill. Almost everybody that's lived there has gone down doing 360s to the bottom of Mahan's driveway. Always very fearful of children and people, young drivers coming up the hill, our own kids learning how to drive. Most of that road two cars can not pass on. It's always in my mind coming up that hill when it's slick and icy that one of my neighbors is going to come down. You know, like I said, we all have experience, we're pretty good at waiting or letting somebody have time to make it up the hill. If you don't make it up that hill, you're coming down backwards. People that don't know that might come up right behind you. Many people up there have visitors and stuff and ended up with their cars sideways across the hill.

It's a private road . We are responsible for the upkeep of the road. We do

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the best we can. I put on cleats, I put cleats over my shoes because you can't walk on this hill, so that I can get out there with a shovel and sand it. These people know that. They've seen me out there doing it. They're afforded the luxury of having the road sanded. It doesn't stop it from being dangerous. It's still dangerous. If you don't know what you're doing and your car ends up sideways across that hill and you happen to get out on the low side of the car, you're taking your life in your hands because the cars have slid down the hill while people were trying to get out of them.

If you moved onto my road and you're my neighbor, welcome. But if you're bringing a business and people that don't know the area of the road and you're going to endanger myself, my family and others that have lived up there, we pay taxes. You're welcome. If you want to live up there, you're welcome. Pitch in, help us out keep the road. To operate a business on that private road makes it very uncomfortable for everybody that lives up there.

I hope that the Board really looks at

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this. If you're willing to grant something like this, feel the responsibility when you do that. You're making people that have been here a long time and paid a lot of taxes and improved the area. Thank you.

CHAIRMAN BRAND: Please state your name.

MR. MURPHY: Yes. Good evening. My name is Gerard Murphy, I live at 50 Gobblers Knob.

In December this year I've been in that house five years. We relocated from the State of Maryland. My wife grew up next to a peach orchard when she was a child. When we came up here we looked at over fifteen different properties in Dutchess and Ulster County. No property matched what we saw on Gobblers Knob. The views of the orchard, the private road, the welcoming residential community that we have up there was enough for us to make our purchase.

We've been there five years. It's quiet, it's peaceful. But that has changed this year. We have people turning around in our driveway, asking us for directions to the B&B,

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walking through our front yard, waving at us, greeting us with hellos. We give them a hello back but I guess if they're people we don't recognize, we don't expect to see them up there. So this has changed the character of this quiet, dead end, residential street. We don't appreciate the business that's been set up at the bottom of the hill. It's a commercial establishment. It's inconsistent with the rest of the character of the neighborhood and it has taken away some of our peace and our quiet with the extra activity.

We would request that the Board consider that this is a residential neighborhood, it is in an agricultural setting and the establishment of a commercial enterprise on this road is inconsistent with the neighborhood. Thank you.

CHAIRMAN BRAND: Please state your name for the record.

MR. BAGLIO: My name is Lawrence Baglio, I'm the brother of Lauren.

First off, I'd like just to start and say a lot of the concerns that had been presented

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earlier have already been addressed. The snow issue, the hill. I believe -- I'm terrible with names -- the lawyer up there stated that he got information from my sister's site weather permitting. If there's a bad snow, if there is dangerous conditions, they don't allow people to come up.

This gentleman here also mentioned finding the house with GPS. That has already been taken care of. Anyone, I'm sure, that has a smart phone, you can plug in the address right now and you'll see that it's changed already.

My sister has worked very hard to comply with everything that you asked of her.

I know an additional concern would be people walking up the road. I know she would have no problem saying this is our property, this is the only place you're allowed to go.

The concerns that other people are presenting can be addressed very simply.

It's a small house. If they have a certain number of guests it would be less cars than if our family came to visit. We have a very large family.

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Not all of us have SUVs. Everybody -- people have cars. They haven't complained about getting up the hill or going over the driveway.

I believe that a lot of the concerns are being inflated and are not really factual and aren't really strong arguments against what they are trying to do. They don't want their house destroyed. They don't want their property destroyed. They screen the people that come in. They only want responsible people to come up and enjoy the things, the tourism of the Hudson Valley, to help bring people to different orchards, help local businesses get money, put taxes back into the system, or the wineries. The things that they love they want other people to enjoy them. They're not bringing hoards of people up here. They're not -- it's a small, small operation.

I hope that in fact you realize and take that into consideration when the decision is made. Thank you.

CHAIRMAN BRAND: Thank you. Anyone else for or against? Please state your name for the record.

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MR. HAVILON: My name is Lawrence Havelon, I live in Marlboro.

My questions are more generic questions, not necessarily directed at this particular application. How big is the house square feet wise? Out of curiosity.

While you're looking I'll address my real issue here. It's an issue I've had personally in the house next to where I live on Perkinsville Drive, and that is a problem with noise. We have a sound ordinance in the Town of Marlborough right now which if I asked the police chief he would say it's (inaudible).

Before approving plans for bed and breakfasts or Airbnbs or whatever, I would ask the Planning Board to make sure that the sound ordinance they have in the Town is appropriate and can deal with sound problems when they have them. It's more likely to happen from people out of town than our own neighbors who you can usually talk to. When it's people from out of town it's sometimes difficult. My recommendation to the Board, as a suggestion to the Board is look at your sound ordinance. Ask the police if

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he's happy with it. If he's not, please go to the Town Board. I've gone to the Town Board myself with the new sound ordinance which they have. They have not brought it to the floor yet for a variety of reasons. My biggest concern is the sound levels.

The second. The other concern I have is taxes. As a bed and breakfast do they pay taxes to the Town of Marlborough? Is that an appropriate question for here?

MR. BLASS: They're assessed based on comparable value or assessed based on capitalization.

MR. HAVILON: I'm talking about for the renter. In other words, I'm a guest and I go there and it costs \$100, is there a 3 percent or 5 percent or something?

MS. LANZETTA: No.

MR. BLASS: Sales tax?

MR. HAVILON: Sales tax. Yes, sales tax.

MS. LANZETTA: There's no additional taxes.

MR. BLASS: The State of New York sales

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tax.

MR. HAVILON: There's no Ulster County tax?

MS. LANZETTA: No.

MR. BLASS: I'm not really sure.

MR. HAVILON: We want to make sure if there is an Ulster County tax that we have a process in place that can take care of that.

UNIDENTIFIED SPEAKER: There is, I believe it's either a 2 or 4 percent tax for tourism for places such as bed and breakfasts and motels and things like that.

MR. HAVILON: So we don't know whether that is part of the planning process. This is the Planning Board. It's part of the planning process if that's going to take place.

I'm all for growth in the Town. I think growth in the Town is a terrific thing. I think it has to be with your eyes wide open and let's look at these things and let's say yes, we want to do this and let's do it this way with this sound ordinance, with the taxes in place, with looking at things that can benefit the rest of us as well as the guests coming in from the

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city.

Any word on the size of the house?

MS. BAGLIO: 1,970. 1,970 square feet.

MR. HAVILON: It is. Okay. All right.
I think that's all I have.

Like I say, and I want to be very clear about the difficulties with sound problems, if it's ignored it's going to come back to haunt us again. Not to say they're going to have wild parties there, this particular application. Any application that comes in with an Airbnb or a bed and breakfast, everybody is aware and knows exactly what the ordinance reads and they have to live by.

MR. TRAPANI: Pat, wasn't it 60 decibels within a certain amount of footage?

MR. HINES: Yeah. Within a certain distance of the property line based on the time of day.

MR. HAVILON: There's more to it. It's more complicated than that. Trust me, I know.

MR. HINES: I know you know.

MR. HAVILON: Really, if a neighbor can hear it inside of his house, no matter what time

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of day it is, what time of night it is, it's too loud. That's the way the ordinance reads right now. It's not sophisticated. We need a much more powerful sound ordinance that makes sense to all of us.

MR. HINES: It's difficult to enforce.

MR. HAVILON: It isn't enforceable.

I've had multiple discussions with the police chief. He's not happy with the way it is right now. The Town Board is not happy.

I would encourage you, regardless of what happens here, go to the Town Board and ask them if they can work on that and get that done as well. Thank you.

CHAIRMAN BRAND: Thank you. Mr. Garofalo.

MR. GAROFALO: I'd just like to point out that the bed and breakfast, it's owner occupied therefore the owner is right there. If there's a noise problem -- the noise problems in the Town have been people renting their houses out and the owners not being there. Maybe not even in the country, for all I know, or the state. They're not there and then they make a

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lot of noise. Bed and breakfasts, the owners are supposed to be there in the building. So it's a very different situation as far as noise goes.

The second thing is I don't know if the Board can consider some kind of seasonal restriction that, you know, maybe they can't, you know, from January 2nd to March 30th or something. I don't know if they can have a restriction like that or not, or whether the owners would want to. I bring that up for consideration. I'm not sure about what the Town law says about that but I want to bring that out as a possible compromise to the people off of the road -- off of the driveway in the winter. Thank you.

CHAIRMAN BRAND: Go ahead.

MR. KRAIZA: My name is Michael Kraiza, I live at 58 Gobblers Knob.

There's a lot of comments tonight, some of which were proponents of this bed and breakfast, which I am not. One was from Mr. Mahan who indicates about the road and we're all good neighbors. Mr. Mahan lives on the bottom of the hill. Most of the people that slide in the

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winter have a problem above his driveway. You need to go above his mother's driveway, I should say, to make the turn off to the applicant's property. That's where the problem arises, in that one area. At least twice a year I've got to go down there and end up helping somebody out. Usually the somebodies don't live there, they spun out. The reason you're stuck helping them is because they're blocking the road. One car spins around and blocks the road, a fire truck can't get up, you can't get out. You're stuck there. There's sand barrels there. You know, we've cleaned up over the years, sanded and salted up there. The applicants I don't think have ever come help us out in the winter with any of the snow removal. That hill is a problem and it's always going to be just by the nature of it.

The other gentleman in the back indicated that his sister was taking good care of things and some of the issues have been taken care of. She can't take care of snow. It's always going to be a problem there. It's just a problem getting in and out of that place.

The application, I read owner occupancy

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but the application shows three bedrooms on it. That's all three in the house. Where is she staying? If you wanted to be under the fifty percent, if you can't count the basement space because if you count that you've got a three-story house. You've got a catch 22 issue going on there with what they stay in there with.

The GPS issue, no. Good luck with that. If I got all the packages from all the people that came to 80 Gobblers Knob, you could fill probably half this room with the ones I turn around. The ones I get left on my door step, yes, they come up looking for 80. They don't find it. It still happens. This weekend was another one, they come to my house. I'm at the end of the road so they think that's 80. They're riding 200 yards up a driveway that looks like a driveway just because they're going up to the house. So they end up at my house all the time.

During May of this year -- I first saw this website up last January. There were some reviews about it. There was a picture taken from Mr. Alonge's deck. It wasn't taken from the ground. It wasn't taken from the road. When

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you're looking down at the base of the flag pole, you're not taking it from the ground. Nice view. I first saw it, then it went off, I didn't see it again. Looked it up a couple weeks later, this Tree House Airbnb was gone.

In May I started noticing out of state plates up and down the road. The second time I got put off of my own road in a ditch with my car in the rocks because somebody is coming down the road too fast. That Airbnb website, I look again, it's back up. It's nice. It says be respectful of our neighbors, be quiet, be slow. They don't do that. They come flying. You've got to get out of their way. It's a skinny little road there. The only way you do it is go in a ditch. I look up again, there's seventeen people's reviews in May. Nobody even filled out an application here until July. There's seventeen reviews posted. They were busy in and out of there. I wondered where the noise was coming from and then I ended up seeing.

My house was also broken into, unsuccessfully like Charlie. But I had an attempted break in. His break in at his house,

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they got in. They tore his house up. He says 10,000, I don't doubt it. I saw the damages. My house was kicked. I had a different reinforced door. The police were up and looked at it. They don't know who it is but it's kind of quiet up there. Nobody's coming in from the back.

There's no fire trucks getting there in four minutes either, or seven minutes. That can't happen. It just -- it's almost three miles up to there and you have to go up the hill. The break ins and security up there.

I was here at one of the last meetings and the applicant was saying she's worried about the privacy of her guests. How about the privacy of us that live up there? I mean I pay like 13,000 a year in taxes. I pay that because I want to live on a private road. I don't want transients walking around, asking me where the B&B is. I don't care what you put restrictions on your site. They get out and walk around. That's what they're there for. They're in the country. They're coming up and renting cars and they want to look around.

The traffic problem, liability problems

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are a lot, though. I'm not a proponent of the application either.

The owner occupancy also worries me. If they have three rooms posted on there and they are looking to rent all three out, they're not going to be there. That defeats the whole purpose. I mean you can shake your head, you can bat your eyes, you can do whatever you want, but there's three on the application. I didn't prepare the application and put all the rooms on it.

You moved up here and bought a single-family residence on a private road. Most people do it for that reason. To bring a business on to it isn't right. You get the chance to decide on that on special use.

CHAIRMAN BRAND: Ms. Alonge, yes.

MS. ALONGE: I just wanted to -- Rose Alonge, 44 Gobblers Knob.

I just wanted to reiterate what Jerry and Bill had said about the privacy issue. I mean I built my house -- my baby is twenty-nine and I built it before he was born. Now I'm raising my grandchildren. They're three and

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they're six. I was out there in the spring and there's people walking around. They're three and they're six. I do not want strangers walking around when I have my three year old and my six year old grandchildren, okay. For me, I want privacy, and that's why I live up there.

I'm also worried about the liability aspect. If somebody gets hurt on my road, me and Charlie and Jerry own the road, who is going to be responsible if somebody gets hurt on my road? It's a private road. Is the Town going to be responsible? Is she going to be responsible? That's the concerns that I have, someone gets hurt.

CHAIRMAN BRAND: Thank you. Anyone else? Please state your name for the record.

MS. MAHAN: My name is Mary Mahan. Of all of the neighbors, I am the closest. They bought the house that my deceased son built, so I know the house. I've lived there almost sixty years, so I know the road. I live on probably the steepest part of the drive. We had troubles way back when.

As far as the turn goes, before I lived

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on Gobblers Knob I lived on Mount Zion Road. Those of you who know the hairpin turn on Mount Zion Road, that has been there, I checked it out, almost to the early 1700s. It's still in probably close to the same condition as it was then.

As far as security, when they built up above me my security went down. I had people coming up. Talking about needing directions, I can't tell you how many people have stopped at my house to ask where 60 or 80, or whatever, Gobblers Knob is. UPS uses GPS now but prior to that I had to give directions.

I stand now to try to personalize this. I must, must ask your forgiveness, I don't hear well, I missed almost half of everything because I was looking at people's heads. I hope I'm not reiterating too much.

My reason for coming, I sold the house to them. That doesn't make it different for me. What makes it different is they're a nice young couple, the kind of couple I think you'd want to attract in Marlboro. They are running a business that has two, three, four people for one or two

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nights a week, if that many. How does it impact us? People walking on your property? I had that all the time. I don't know where all the vitriol is coming from. We're supposed to be a community, we're supposed to be neighbors.

My grand kids went up to look at Charlie and Rose's flagpole. He chased them. He's got probably one of the nicest views around. I can understand people going to look at the view. If I were Charlie I would be so proud that people liked my view. This really has to be neighbors caring for each other, caring about each other and what we're all doing.

I'm the oldest member on this road. Actually, it was Brian Troncillito who took a bulldozer and built the road. We built kind of on top of that. So I've been there the longest. I've always gotten along with my neighbors. I don't know why there are problems now. There shouldn't be. They're a young couple bringing business to Town. Don't you want more tourists? Don't you want more people to appreciate the beauty of Marlboro and the surround? If we kill every bit of initiative that people have, we're

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going to lose a lot.

Those are my thoughts. Thank you.

CHAIRMAN BRAND: Thank you. Mr.

Alonge.

MR. ALONGE: I just want to say Mr. Mahan stood up here. Before I built up there they used to park their cars at the bottom of the road and walk up. That's how bad the ice is, okay. We built up there. It cost me \$7,000 to have a D8 come in there and make the road. I didn't ask anybody for any money. I've been plowing out Mr. Mahan for thirty years up and down the hill. A tank of gas every snowstorm. Never asked anybody for a dollar for gas.

I don't know what this Board can tell me. What do I do as a taxpayer? Where is she going to park all these cars?

Can I see the site plan? Her driveway is on my side of the road. That's pretty nice. So far \$60,000 in blacktop. Mr. Mahan didn't give a dime. I went to Ms. Lauren here to ask her for some money two years after they lived there, we don't have any. Yet she wants to bring commercial vehicles up and down the road and use

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my road. Doesn't even come knock on the door and ask me. So that's the kind of lady she is. If you think anything is going to change, I don't think it will.

CHAIRMAN BRAND: Thank you.

MR. ALONGE: Sorry for yelling before.

CHAIRMAN BRAND: That's quite all right. We're used to it. Yes.

MR. DECKER: My name is Todd Decker, I am (inaudible).

It wasn't two years, it was maybe just a couple months after we lived -- excuse me, after we purchased the home. We recently got married the year before. All of my savings went into the home, went into the marriage. As much as I would love to help contribute, we just didn't have the money at the time.

I'd also like to note since we lived there, any repairs -- we don't have access to that road. We've come in during this process. We know what our easement is now. Before we didn't. So throughout this process we've learned.

Also the easement, you need to take a

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look at the site plan. That sharp right turn, initially I thought that was our driveway. Now we know it's part of Gobblers Knob.

Every year when it snows I take my snowblower and I clear the entire road because nobody else does. So I just want to make that clear, that I do help in terms of the road, clearing that path from our blacktop. Take a look at the site plan, the driveway all the way to where that turn is, I do that every time it snows. I just want to make that clear. Thank you.

CHAIRMAN BRAND: Anyone else from the public?

(No response.)

CHAIRMAN BRAND: All right. I will give you an opportunity to respond to some of those things.

MS. BAGLIO: I'll try to be as brief as possible.

So the first thing that I knew needed to be addressed was that Google Maps and Waze was directing people to the wrong address. That since has been fixed. I have a letter from

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Google Maps saying success. Everything is now going to the correct address. I have an e-mail from Waze saying everything is going to the correct address. So they won't go past the house, they'll go to the right house.

If you look on the map, you'll see the neighbors 1 through 7. The yellow is the easement. The orange is a road that we don't use, that's private. Our guests will not go past our easement now that the records for it -- the directions are correct. We do, you know, show the sign, pictures, get this right, don't go past that.

Also, since there is a concern about guests going past the easement and walking around and -- I understand that's a concern. To solve that concern you'll see number 6 on the agreement and rules, guests do not -- they have to stay on our property at all times unless they're coming or going.

They also -- you'll see number 10, there was a concern about noise. We have quiet hours after 10 p.m., meaning like no music, no -- because some guests may not want -- they want to

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go to sleep. We want our guests to respect other guests at the same time. We've never had loud parties or any people that were loud outside of our home.

Also, at the end we have (inaudible) sign it and date it so they know that we are serious about this, these aren't flimsy rules, that we really want them to take them seriously. We also have security cameras all around our home too so we can see where people are on our property, what they are doing.

As far as the road is concerned, the privacy of the neighbors from 3 to 7, they'll be able to maintain that now that people will not be going past the easement, now that the Maps and Waze is correct. And they will not be walking on the property because they have signed an agreement saying they will not leave the property unless they're in a car driving out.

I also addressed the concern about the ice and the snow. If we feel like the road is not safe we will call them, tell them I'm sorry, we're going to cancel and you can rebook or we'll refund your money, no problem. I don't want

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people coming up if it's not safe. I don't want to put anybody in that position, nor do I want them to have a bad experience. I want them to feel that they're safe coming to my home.

 If you look at neighbors 3 through 7, nobody will be driving past anybody's property. They will be passing neighbor 1, which is a rental, and neighbor 2 which are the Mahans and they are happy with us. They don't mind that I'm trying to run a B&B. They're going to really get the brunt of the traffic as far as their privacy goes. They're okay with it. It will be maintained on the lower end of the road, meaning people are not going to drive past my neighbors that want their privacy. I understand that.

 So I feel like that resolves the main concerns.

 I just want to say I never meant to upset anybody. I thought that I was allowed to walk on the road. I didn't know that I wasn't allowed to go past my easement. Now I know that. Now I will not walk past the road. I will not wave at my neighbors with an iced tea just walking the loop. I will stay on my property and

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will not go off it.

I do feel like now that we have the site map and things are very clear, I do understand, you know, where the boundaries are. I can respect my neighbors' requests to just keep everyone, you know, within those property lines. I can respect that. That is perfectly understandable.

Let's see what else. The unpaved part of the road of Gobblers Knob, it's about 600 feet from the easement when you go up Gobblers Knob and you make the turn onto the gravel road. From our driveway all the way out to the turn my husband and I have been filling in the potholes with rocks, we've been cutting, you know, any branches, removing things that got in the way. We have been doing all the snow removal for the 600 feet of the road. We kind of feel like we aren't, you know -- I feel like we're contributing. Like in my eyes we're contributing. We're maintaining 600 feet of the road. I feel like that's a big chunk for one neighbor to do. In my eyes I thought we were doing good by everyone by doing a good chunk of

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the road. I didn't realize people felt like we weren't contributing.

Now the first -- in the first couple months that we did live there, Mr. Alonge did ask for money for the road, but he asked for money for the road that is past my easement, so above my easement all the way at the top from neighbors 3 to 7. That's where the improvements were being made. They weren't being made on the road that is a part of my easement and the road that I use. So, you know, at the time, yeah, we didn't have money and that was initially the reason. Now that we've gone through all of this I'm realizing that wasn't even a part of my easement, meaning that's not part of the road I should have to pay for.

As far as the view goes, I understand that like the view is amazing, but people don't know it if they don't see it. If you turn on my road you're not going to see the view. It's not like Marlborough is known for the view from Charlie's house. If they want to see a beautiful view I'm going to send them to Benmarl, I'm going to send them to Raccoon Saloon right over the

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waterfall, I'm going to send them to the Falcon. I'm going to send business into town. I'm going to tell them which orchards to go to, I'm going to tell them like where to, you know, basically put money back into the Town. I think that, you know, a lot of people are going up to the Catskills and they're kind of skipping over Marlboro. It's such a wonderful area. They're spending more money here. They want to come back and spend more money here. Our home is an experience for them to be with the locals and get a real idea of what Marlboro is like and what the people are like. We're really kind to these people. By the time they leave I hug them goodbye, they send us thank you cards. I keep in touch with them afterwards through our Instagram page. It's a very communal thing. I feel like I'm doing it for the neighborhood. I really think this would be great for the Town. I think a lot of money could go back into businesses that are local to us.

CHAIRMAN BRAND: Thank you.

MS. BAGLIO: You're welcome.

MS. LANZETTA: Can I ask you a

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question?

MS. BAGLIO: Sure.

MS. LANZETTA: On the yellow easement line that you have that you kind of squiggled on the upper portion, can you tell me about that?

MS. BAGLIO: So we did a survey. Our land was much closer to the home than it was so I just crossed it out.

MS. LANZETTA: The black line you have across is actually your property line?

MS. BAGLIO: Right, right.

MS. LANZETTA: And there's -- what is the condition of that easement today? That's on somebody else's property, though; right? Correct?

MS. BAGLIO: I'm sorry?

MS. LANZETTA: The easement itself is on somebody else's property?

MS. BAGLIO: Right. So if you see how it goes up, the orange curve --

MS. LANZETTA: I'm looking right above here in this section.

MR. CLARKE: By neighbor 1.

CHAIRMAN BRAND: You indicate the road

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goes back down to the --

MS. BAGLIO: No, no, no. Sorry. I was just enclosing my property. That was supposed to be my property lines, that's not a road. Where it hooks up with the orange. So there's basically like a loop of a dirt road. When they built the road, this part goes actually onto my neighbor's property. We don't use that road at all because it's private property, and it's also not maintained. We don't maintain it.

MS. LANZETTA: I was just wondering if there was an opportunity to get back to the road up here.

MS. BAGLIO: No.

MS. LANZETTA: Okay. Thank you.

MS. BAGLIO: You're welcome.

CHAIRMAN BRAND: Anything else from the Board? Comments, questions?

(No response.)

CHAIRMAN BRAND: Ron, I do have a quick question. Obviously the issue of liability has come up several times on the private drive. What exactly is the extent of the liability for the private road owners?

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MR. BLASS: Let me start with the Town. By virtue of issuing a land use permit the Town assumes no liability. So with respect to an accident that occurred on a private road, I would expect that anyone with an ownership interest in the road and anyone with an easement interest in the road might be named as a defendant.

UNIDENTIFIED SPEAKER: Be a what?

MR. BLASS: Named as a defendant. Sue, in other words. Might have some potential liability.

This is clearly an environment where the weather plays a big role.

I've looked at the maintenance agreements that seem to apply to this private road and they impose very few specific obligations. They're not state-of-the-art maintenance agreements. I think the testimony was pretty clear tonight that it is a pitch in and help out method of maintenance which is exacerbated by winter conditions.

But on the liability question, I think anyone with an ownership interest, or anyone with an easement interest, or anyone who assumes a

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function of maintenance would be a potential target.

CHAIRMAN BRAND: Okay. And then Pat, my other question was in regards to the fifty percent rule and the applicant's -- some of the residents spoke about the three floors and the basement. Is this considered a three-story dwelling then because of that basement? Do we count ground up? How does that work?

MR. HINES: I think you count ground up. We ran into this with the last bed and breakfast, what portions of the building were going to be counted. Tommy Corcoran had weighed in on the application before it got here, so that's under the code enforcement purview. You do have the plan sheets there. I'm a little concerned about the three-bedroom rental versus who lives there and who doesn't.

CHAIRMAN BRAND: That was going to be my next question.

MR. HINES: So there are those issues. What I would suggest right now is we heard a lot of issues from the public, we heard the applicant. I think it would be beneficial

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for the Planning Board to do a field review. It begs for the Board to go take a field review.

CHAIRMAN BRAND: I did actually go on site and I did see some of the concerns that were brought up. I would certainly encourage if you're not familiar with the site to do that. Definitely the road and the turn.

We did get a letter from the fire department that they did have concerns for the emergency situation and access to the property, including the switchback and getting fire apparatus that would need to backed down approximately 400 feet on Gobblers Knob. The chief, Eric Masten, indicated that it would hinder a timely deployment of water supply hose. He also said that the loose stone and overgrown tree branches and other vegetation could also be a hindrance to emergency vehicles, and indicated obviously foul weather conditions would be a problem for them as well.

My question to the applicant would be to go back to that three-room question that came up. If this is an owner occupied dwelling and there are only three bedrooms and you're renting

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three bedrooms, where does the occupied part come into that?

MS. BAGLIO: I would stay in the study if that's, you know, a concern about where we're sleeping. We're still in the house. We don't leave the house. We don't rent all three rooms and go. We're always there.

As far as what the rules are for bedrooms versus where somebody is sleeping, I didn't know like how -- what the rules are for that. Initially we just would rent out -- you know, we try to rent out the master bedroom because it has a lot more to offer and it's more expensive, but it usually doesn't rent out. If the two -- usually the two bedrooms downstairs, like I said, unless there's two couples traveling they'll be renting out those two. And then the third, if we get lucky, which hasn't happened, I would sleep in the study. I don't really care about my own comfort. I can sleep anywhere. It was more of like maximizing, you know, the opportunity to make money. If we can't do that, if we can't sleep in our study, that's not something that you would approve, then we will

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only rent out two at a time.

Basically what happens is when somebody rents a room we'll make sure to block out the other one so that this way there is a room that we're always occupying. I didn't realize that was a concern. You know, like I said, I can sleep anywhere. If it's in the study I don't mind. If that's not okay, we'll just do two rooms at a time instead of all three.

MR. HINES: As far as the owner occupancy and the requirement, --

MS. BAGLIO: We are always there.

MR. HINES: -- the home occupation bed and breakfast ordinance requires that.

CHAIRMAN BRAND: I had a lengthy discussion with the code enforcement officer and I was relatively shocked to find out that bed and breakfasts don't require any type of inspection before this. I did just speak with another Board Member earlier and we saw that one of the towns is proposing a type of inspection, and then if you have this inspection then they were granted some type of -- you were able to advertise and say that you were an inspected bed and breakfast.

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I'm just curious if that's something -- we did hear some concerns possibly about the deck and the stability of the deck and some other things. Would you be willing to have the code enforcement officer do an inspection of the property before we went through any approval process?

MS. BAGLIO: Just so I'm clear, you're saying right now there isn't -- that isn't in place, that's something you're introducing?

CHAIRMAN BRAND: It isn't. We're not introducing it. I'm asking you if you, as the applicant, would be comfortable with the code enforcement officer looking through? It's just something -- I am going to -- I write a monthly report and I am going to include that in my monthly report to the Town Board. I think that's something that maybe they should look at that section of the code --

MS. BAGLIO: Okay.

CHAIRMAN BRAND: -- perhaps make a recommendation that the code enforcement officer should in fact check some of these places out before we allow people to come in. I'm thinking

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in my head that perhaps I would use you as the guinea pig so to speak.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: Would you be willing to have the code enforcement officer inspect the property?

MS. BAGLIO: My only question is for that, when they built the home and they got the permit for the home, wasn't that already established? They got approval to build the house based on how it was already built?

CHAIRMAN BRAND: Yes.

MS. BAGLIO: I'm not sure what the difference would be.

CHAIRMAN BRAND: I think code issues. Obviously if it was to code -- for my concern, speaking with the code enforcement officer, I'm thinking along the lines of we brought up the deck. Say for example a homeowner builds a deck but they didn't go through the necessary approval processes to built that deck. We don't know about that deck. We're not sure if that deck is up to code. I would feel uncomfortable having people out on the deck that I didn't know was up

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to code. It would obviously not be today's building code, it would be whatever when the home was built.

MS. BAGLIO: Right. I think that's a safe thing to do. I don't see why not. I just wanted to ask questions about it.

CHAIRMAN BRAND: Okay. Obviously we've never done this before so I probably have to work out some kinks with that as well. You saying you're comfortable with it makes me feel a little more comfortable.

MS. BAGLIO: Okay. I just wanted to make sure I understood it before I agreed to it.

CHAIRMAN BRAND: Okay. I guess at this time I would like to have a motion to adjourn the public hearing.

MR. LOFARO: Can I just ask Ron a question?

CHAIRMAN BRAND: I'm sorry. Yes.

MR. LOFARO: If a special use permit is issued does the Town have liability if there's a fire issue and a fire truck can't put out the fire, if somebody gets killed in a fire?

MR. BLASS: There is generally a

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concept of governmental immunity with respect to the issuance of permits. Municipalities are not liable for taking actions that affect the population at large. So in other words, if there was a faulty testing and maintenance of a fire hydrant that was not functional during a fire, that's a classic case where the municipality is not responsible to anyone who was injured because municipality can not be held responsible for breach of a duty to the public at large. The exception to that rule is if someone was digging a ditch without adequate support on the sides and asked the building inspector whether it was safe to go into the ditch and he said yes, then there would be potential liability in that situation because there's a duty being assumed by the building inspector to a particular person as opposed to the public at large. So that's -- there's a lot of governmental immunity.

MR. LOFARO: Okay.

MS. LANZETTA: The assumption being that the Planning Board is doing it's due diligence as it comes to it's decision.

MR. BLASS: Exactly. And it's

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performing a duty owed to the public at large as opposed to the particular project.

CHAIRMAN BRAND: Anything else from the Board?

MR. CAUCHI: I have one question. With respect to both parties, is it okay for us to go up there and view -- I'm not familiar with this road, that whole private road. Is it okay for us to go up there and just observe and just take in what we see? Can we do that as a Board or as an individual?

CHAIRMAN BRAND: Do you have an issue with that?

MS. BAGLIO: No.

MR. DUNN: All my clients say yes, go ahead.

CHAIRMAN BRAND: I would definitely recommend that you should do that. Like I said, I was there. I think that we should all do that before we continue with any approvals.

MR. CAUCHI: I would like to because I'm not familiar with that private road going to the top. This way I can get a better framework of what everybody is saying.

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MR. HINES: I would suggest that the applicant also meet with the jurisdictional fire department to see if there's anything they can do to improve the access to the site. If there's a certain issue they have, if that radius can be increased in order to get fire apparatus and other emergency vehicles in there. If they can have that meeting and report back. Maybe we can get a more favorable letter from the fire department if they can resolve that issue.

CHAIRMAN BRAND: Okay. So I'd like to have a motion to adjourn the public hearing until our next regularly scheduled meeting.

MR. DUNN: Mr. Chairman, before you do that can I just ask two quick questions? Is it possible for me to get copies of what was submitted tonight at the public hearing? I brought my copies for everybody.

CHAIRMAN BRAND: Absolutely. We can do that.

MR. DUNN: Thank you.

CHAIRMAN BRAND: Do I have a motion to adjourn the public hearing until our next regularly scheduled meeting?

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MR. CAUCHI: I'll make a motion to adjourn the public hearing to --

CHAIRMAN BRAND: October 16th.

MR. CAUCHI: -- October 16th.

CHAIRMAN BRAND: Will that give everyone enough time to get up to Gobblers Knob?

MS. LANZETTA: Mm'hm'.

MR. CLARKE: Second.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So we will do a site visit. You will speak with the fire department and see if anything can be worked out with that.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: We will meet again on October 16th I believe. Correct?

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MS. BAGLIO: Between now and the 16th everyone will come and visit? Do I schedule that with you guys so I can make sure I'm home? I can give you a walk through. How does that work?

CHAIRMAN BRAND: I will speak to you after the meeting to arrange that, okay. Is that fine? Okay.

MR. HINES: You can't have it all at once, that would constitute --

CHAIRMAN BRAND: Correct.

MR. HINES: I'll defer to Ron on that.

MS. LANZETTA: Two at a time.

CHAIRMAN BRAND: I don't think we're going to need to go in. That's not really the -- it's really just the road I think is the main concern for all of us.

MS. BAGLIO: Okay.

CHAIRMAN BRAND: I appreciate that. So we'll work -- they'll just do that. If you see a strange car, it will be us probably.

All right. A motion to adjourn.

MR. CAUCHI: I'll make a motion to adjourn the meeting.

MS. LANZETTA: I'll second that.

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CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Thank you.

(End of meeting.)

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

I, Michelle Conero, certify that the foregoing transcript of the proceedings for the Town of Marlborough Planning Board of the State of New York, County of Ulster, held on October 2, 2017, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

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DATED: October 11, 2017