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

----- X

In the Matter of

RALPH PARTINGTON

Project No. 16-9002
20 Partington Lane
Section 108.2; Block 7; Lot 38

----- X

SKETCH - SUBDIVISION

Date: May 2, 2016
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: RALPH PARTINGTON

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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RALPH PARTINGTON

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

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, May 2, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for 3/7 and 3/21. Ralph Partington, sketch, subdivision; Gela Group/Sylvia Preziosi, sketch, lot line revision. Next deadline: Friday, May 6th. Next scheduled meeting: Monday, May 16th.

CHAIRMAN BRAND: Can I have a motion for the approval of the stenographic minutes for the 3/7 and 3/21 meetings?

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

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RALPH PARTINGTON

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MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: It's been awhile since our last meeting and we have the Stenographer here, I'd like to submit for the record some training. All Members present at the March 21st meeting were granted one-hour credit for their participation in Ulster County Planning Board by order of the Town Board.

I also have two hours worth of credit for Chris Brand and Cindy Lanzetta for attending the Robert Freeman New York State Committee on Open Government Open Meetings Law.

I have two-and-a-quarter hours for Cindy Lanzetta and Ben Trapani for attending the Zoning for Solar on March 22, 2016.

First up on the agenda is Ralph Partington, sketch, subdivision.

MR. PARTINGTON: I'm new to this so I don't know what to do.

CHAIRMAN BRAND: Give us a brief presentation of what it is you have.

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RALPH PARTINGTON

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MR. PARTINGTON: We have Partington Lane, 20 and 30. It's going to be divided up to 4.25 acres and 4 acres. The line is going to run right down the driveway.

There's two houses on the property now. It's going to be basically broken up so each house has it's own property.

CHAIRMAN BRAND: Pat, do you want to go through your review comments?

MR. HINES: Sure. As the applicant said, it is a proposed two-lot subdivision of a lot that's a little over 8 acres resulting in a 4.7 plus or minus and a 3.25 plus or minus lot.

The plans identify a well located on lot 1 which appears to serve both of the single-family residences at this time.

MR. PARTINGTON: Yes.

MR. HINES: You're going to need to have a separate independent well for lot 2. That shared well is not -- it has to have it's own water and sewer supply.

MR. PARTINGTON: Okay.

MR. HINES: That's going to be a requirement.

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RALPH PARTINGTON

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Also, the number of lots that are accessing that common driveway, is it three or is it four? The reason I ask is that Partington Lane is labeled as a private road and at some point it veers off and it looks like there's additional parcels.

MR. PARTINGTON: Right. This parcel here -- Dave Smith has the parcel behind us.

CHAIRMAN BRAND: That's lot 2, this parcel here that you're talking about?

MR. HINES: The parent parcel, lot 1 and 2.

CHAIRMAN BRAND: I'm just curious.

MR. PARTINGTON: Lot 1 and 2, it says on the map Partington Lane veers off to the right. So this is kind of acting as a driveway, the one that goes up through the center of the maps. It serves Dave Smith also.

MR. HINES: It also, I guess, serves Raguseo.

MR. PARTINGTON: To the right you have -- Raguseo has a right-of-way and Sorentino has a right-of-way.

MR. HINES: There's a lot happening. I

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RALPH PARTINGTON

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think for -- I think we need a copy of all the right-of-way access and maintenance agreements associated with this to be submitted for Ron's review to make sure everyone has access.

MR. PARTINGTON: I'm not sure at this point there are any agreements. It's just kind of been --

MR. HINES: That's why it begs the question I'm asking.

MR. PARTINGTON: -- a hundred years of you have the right to drive through here.

MR. BLASS: Is it a public road?

MR. HINES: A common driveway.

CHAIRMAN BRAND: Is that the only access for those lots, Raguseo and --

MR. PARTINGTON: No. In fact, they barely use it. Sorentino does use it. Raguseo, maybe one car a year. They have access from Western Avenue. Obviously Dave Smith, he has no other access.

Let's say there are no documents. How would I fulfill that?

MR. BLASS: Well I think the first issue that may arise is that there's a limitation

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RALPH PARTINGTON

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on shared use of a private road for subdivision
at four lots.

MR. PARTINGTON: Right.

MR. BLASS: It looks like you've got
four plus using this road system. It's a private
driveway system really.

MR. PARTINGTON: Right.

MR. BLASS: So you're over the four-lot
limit.

MR. PARTINGTON: Okay.

MR. TRUNCALI: Would it be four if one
has access on Western Avenue or a different
street?

MR. BLASS: Well, one solution would be
that that lot owner gives up, relinquishes any
rights to use the driveway and uses Western
Avenue exclusively, then you can subtract that
lot from the equation, if that's possible,
feasible.

MR. PARTINGTON: Sometimes people
aren't as willing to do things that seem as
simple as we would like them to be.

MR. BLASS: That's one good reason to
get the instruments that exist, if any.

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RALPH PARTINGTON

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MR. PARTINGTON: Does it really count if these two lots both have road frontage on Plattekill Road?

MR. BLASS: It probably counts if they are going to be using the driveway system.

MR. PARTINGTON: Okay. When I looked at it, I just figured the frontage covered those two lots.

MR. BLASS: You raise an interesting issue. I'm not sure that I'm prepared to answer that question tonight. There's a lot of issues that pop out on this map, unfortunately for you.

MR. PARTINGTON: Sure.

MR. BLASS: Also, did you just say that the lot line between lots 1 and 2 will be up the middle of the driveway?

MR. PARTINGTON: The side of the driveway.

MR. HINES: My next comment suggests that they split the lot line down the center line so they each own a portion of the access.

MR. PARTINGTON: How would that change or benefit either party?

MR. HINES: Because of 280-A.

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RALPH PARTINGTON

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MR. BLASS: This is like a driveway;
isn't it? It's not really a private road?

MR. HINES: It's labeled as a private
road in the front.

MR. BLASS: It's a private road. From
Plattekill Road extending northward it may be a
private road twenty feet wide up to the V.

MR. PARTINGTON: Right.

MR. BLASS: And then it bears to the
left on the map and it's labeled as a driveway.
Right?

MR. PARTINGTON: Correct.

MR. BLASS: And then as it veers due
north what is it? A private road?

CHAIRMAN BRAND: It's labeled both on
the map, private road and driveway.

MR. PARTINGTON: That's where the maps
say Partington Lane continues, if you hit the Y
and go to the right.

MR. BLASS: So I think another issue is
whether or not this driveway access for lots 1
and 2 can be deemed a private road for purposes
of 280-A of the Town Code which says that no
building permits shall issue for lots unless they

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RALPH PARTINGTON

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front and get access on a road improved by a subdivision plat. So this is a subdivision plat which proposes the approval of the driveway.

MR. HINES: The parent parcel --

MR. BLASS: Both lots 1 and 2 have frontage?

MR. PARTINGTON: Yes.

MR. BLASS: How many feet? A minimum of 15?

MR. PARTINGTON: Yeah.

MR. BLASS: Okay. So the 280 issue goes away. That's not an issue.

MR. PARTINGTON: Okay.

MR. BLASS: The issue of X number of lots sharing a private road is still an issue, --

MR. PARTINGTON: Okay.

MR. BLASS: -- which could go away if those lots are only going to be accessing a public highway such as Western Avenue, which you won't know. Right now you've got a five or more than five, I'm not sure which, lots sharing a private access way.

MR. PARTINGTON: Okay.

MR. BLASS: The Town Code caps the

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RALPH PARTINGTON

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available number of lots at four. So in order to get five or five plus down to four, the way to do it theoretically is to have parties using the driveway system give up or relinquish their right to do that and instead use -- exclusively use the public highway on which the lots front.

MR. PARTINGTON: Got you. Okay.

MR. BLASS: So in answering Pat's question about getting instruments, if any, that give them rights to use that access way; first of all you'll find out whether there's any instruments or not.

MR. PARTINGTON: Right.

MR. BLASS: Unfortunately it doesn't put the question to bed because they could be using the access way for fifty years and have prescriptive rights by law, adverse possession rights by law as opposed to by instrument. But you won't know until you find out.

MR. PARTINGTON: Okay. I think -- is it deeded -- is it on old deeds where we got the information? Old deeds for Raguseo especially? Where did we find the right-of-way? How do you know that information?

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RALPH PARTINGTON

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MS. LANZETTA: There's a couple listed in this deed for this property.

MR. PARTINGTON: Say it again.

MS. LANZETTA: There's a couple listed in the deed for this particular property.

MR. PARTINGTON: Okay.

MS. LANZETTA: You have to research what's out there.

MR. PARTINGTON: Okay.

MR. BLASS: You probably want to start by getting copies of the deeds in to all of the surrounding lot owners.

MR. PARTINGTON: Okay.

MR. BLASS: You might want to retain the services of a title company to assist you in that.

MR. PARTINGTON: Okay.

MR. BLASS: They can do it pretty fast. This is Ulster County. You might want to get a title company that has an office in Kingston and a presence in the clerk's office up there. But you would want to start by getting those deeds. That would give you some indication.

MR. PARTINGTON: All right. I can do

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that.

MR. HINES: Next, the definition of rear yard and front yard, and it's going to shake out as to whether this is a driveway or a road coming into the site because lot 2, what you have labeled as a side yard, a new division line between the two houses would, by our code definition, be the rear yard. The rear yard is defined as a lot line opposite in the most distance from the front yard, that being Plattekill Road.

MR. PARTINGTON: Okay.

MR. HINES: That would be a zoning bulk table issue. Your surveyor can take a look at that.

That similar would be an issue for the front yard on lot 1 where it's labeled as 40.2 which is intended to be a side yard in the bulk table.

MR. PARTINGTON: Okay.

MR. HINES: That would also be an issue.

The rear yard is an existing condition, so that's not an issue of the 30.8 feet. That's

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RALPH PARTINGTON

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not changing, that's the way it is today.

I believe that that new common property line running between the buildings is a rear yard for lot 2 and a front yard for lot 1, and neither of those would meet the bulk requirements. If in fact that proves out not to be a road, this easement area, then you may need to go to the ZBA to cure that defect.

MR. PARTINGTON: Okay.

MR. HINES: There is a shed on lot 1 which exists in the front of the primary structure. That is also a zoning issue.

Just a note that this would have to go to County Planning. I would suggest that we hold off on the County Planning submission until we clarify the rest of the comments.

CHAIRMAN BRAND: Can I just ask on the map where you have lot 2, the house that's listed up here, are there two houses on that lot right now, on the same lot?

MR. HINES: On the parent parcel there's two houses.

CHAIRMAN BRAND: Okay. So is that not going to be three lots then?

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MR. HINES: No. It's going to jog around that. The lot geometry of lot 1 jogs around the entire lot 2.

CHAIRMAN BRAND: Got you.

I guess it looks as though you have some work to do --

MR. PARTINGTON: Yup.

CHAIRMAN BRAND: -- and then come back before us. As Pat said, it does have to go to the County and we would have to hold a public hearing.

MR. PARTINGTON: Okay. Will do. We'll take care of it. Thanks a lot.

(Time noted: 7:46 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of May 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GELA GROUP/SYLVIA PREZZIOSI

Project No. 16-9003
1970 Route 9W
Section 103.1; Block 2; Lots 65 & 66

----- X

SKETCH - LOT LINE REVISION

Date: May 2, 2016
Time: 7:46 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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CHAIRMAN BRAND: Next up is Gela Group/Sylvia Preziosi.

MR. CAUCHI: Mr. Chairman, I'm going to recuse myself from this review.

MR. BLASS: For future purposes I'll give you a brief rundown on the recusal, which just occurred, at the request of Ms. Lanzetta.

The proper procedure is as Manny just exercised, to first recuse yourself if you have an interest in the subject; and secondly, to remove yourself from the podium, which has been done. So you've just seen it in exercise before I said anything.

MS. LANZETTA: Thank you, Ron.

Are there any changes on this from the original submission?

MS. BROOKS: Yes. I showed some additional information on the map to try to clarify why we're doing a lot of line revision. We had put together the proposal rather quickly to try to make the deadline. In reviewing it I didn't feel that it was really clear enough to explain what actually happened here.

The map that you have in front of you

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shows an overall parcel of approximately 6 acres of land situated on the easterly side of 9W, southerly side of Mahoney Road. Sylvia Prezziosi conveyed a portion of her property in 2014 to Gela Group, believing that she had conveyed to Gela Group the two commercial buildings that are at the northerly end of the property. She used an old original deed that had been conveyed to Fred Prezziosi, not taking into consideration that some twenty years ago the parcels had all been consolidated into one piece, into one deed.

I think that the confusion came about because if you look at the tax map plot you'll see that although it's one deed describing the entire property, it's been assessed as three separate parcels. Again, the assessment has been incorrect in that tax map lot 66 was assessed with all the commercial buildings on it, tax parcel 65 was assessed with a single-family home which is now shown on the map, and lot 64 with a single-family home. I think it was split for assessment purposes so that they would have separate assessments for the separate dwellings and commercial buildings. I'm not sure how the

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assessment got split but it did. So that led Sylvia to believe she actually had three separate parcels when in fact all she really has is one deed encompassing all of those structures.

So after she sold the property we were hired in the spring of 2015 to survey what Gela Group had purchased, and it was at that point in time that we made them aware of the fact that they hadn't really purchased everything that they thought they had, and in fact that the lot line went through the middle of the commercial building.

So Sylvia, at that point in time, committed that since she had intended to sell those commercial buildings, that was always the idea, that before she sold the remaining lands she would cause a lot line revision to be done so that Gela Group would own everything that they were supposed to.

The lot line revision is to increase tax parcel lot 66 of 1.6 acres to add 0.89 for a total of 2.49 acres. So it will be a commercial lot in conformance with commercial density requirements. The remaining lands, lot number 2,

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will be 3.5 acres in size and contain two single-family residences.

CHAIRMAN BRAND: Pat?

MR. HINES: This cleans up probably a pretty bad situation that exists with the lot line with the deed lines running through the building. It could be construed as a subdivision or a lot line change. Either way you run through the same process. I think it's semantics.

It's got to have a public hearing and go to the County.

Basically it's moving that existing deed line which runs through one of the commercial buildings fronting on Route 9W in a southerly direction, separating the commercial use of the parcel, whether it's one parcel or three deed parcels, and cleaning up a previous real estate transaction that occurred.

The new side yard is 25 feet. I did just receive tonight a note from Tom Corcoran, the building inspector. It says this is the HD district. The side yard setbacks are 25 with a combined of 50. Since one side yard that exists is only 18.2, however I believe that's a second

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front yard in an existing condition which is the Mahoney Road frontage. So he was recommending that the new lot line be 31.8 for a total of 50, but I don't think that is a side. I think because of their definition it has two front yards as a corner lot. The new resulting side yard meets the code at 25 feet on the southerly portion of the commercial structure.

MR. TRUNCALI: I thought which ever road was facing was considered the front yard.

MS. BROOKS: I didn't bring the code with me. I think the code says if you are a corner lot, it might be under the definition of corner lot, that both of them need to be considered. Yeah, that's something that we can look into.

My concern would be we also need to make sure -- you see the manhole with the meter that's shown just southerly of the lot line? That is the water meter -- the water line and the service for the water -- the municipal water for the house on the southerly lot. So we do need to make sure that that water service stays on the southerly lot. It's scaling like 31.5 feet.

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We're just about there. Certainly I can work with Pat and Tommy Corcoran and review the code. If that lot line needs to be adjusted, we'll do what we have to do.

CHAIRMAN BRAND: Questions or comments from the Board?

MR. TRUNCALI: Is Sylvia selling the other house? I heard that was for sale.

MS. BROOKS: Which house?

MR. TRUNCALI: The second house that's on the other parcel.

MS. BROOKS: It's not another parcel. That's one lot with two houses on it. Yeah, both houses are going together on one lot.

MR. TRUNCALI: She's selling that house also. I'm wondering why she wouldn't subdivide that off at the same time.

MS. BROOKS: My understanding was that the sale was two houses are going to one purchaser is what I've been told by her attorney.

MR. TRUNCALI: Okay.

MS. BROOKS: I did make them aware of the fact that if they wanted to separate out those houses they were going to require

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subdivision approval. However, being the HD district and requiring two acres, that may pose a difficulty.

CHAIRMAN BRAND: Any other questions or comments?

(No response.)

CHAIRMAN BRAND: So this also needs to go to the County.

MS. BROOKS: Do we not have the agreement with the County Planning Board any more?

CHAIRMAN BRAND: Which agreement are you referring to?

MR. BLASS: This is on a State highway.

MS. BROOKS: But lot line revisions, subdivisions never went up to County Planning.

MR. BLASS: We do have an agreement.

MS. BROOKS: The agreement with County Planning says that realty subdivisions -- the only thing that really needs to go to them are site plans, area variances, things like that. If you do have the agreement with the County, it will specify what needs to be sent and what doesn't. Subdivisions and lot line revisions

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didn't used to have to go. Unless that agreement has been altered, I would just suggest that maybe we check and verify.

MR. BLASS: We'll take a look.

CHAIRMAN BRAND: We still need to have a public hearing.

MS. BROOKS: Absolutely.

CHAIRMAN BRAND: Let's schedule that.

MR. BLASS: What this really needs I think is for Tom to make a definitive ruling on the bulk and area regulations as they apply to what's shown on the map, which I don't think he's had a chance to do yet --

MR. HINES: He hasn't. I just saw this tonight.

MR. BLASS: -- in full. Let's just say Tom has done something. I'm not sure that he's completed the task but he's the guy that makes the call, not the Planning Board.

CHAIRMAN BRAND: Right.

MR. BLASS: So what the Planning Board needs is a bulk and area determination by Tom on this plan relative to the zoning regulations, which he has either started or finished, I'm not

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sure. We'll find out.

CHAIRMAN BRAND: So we have to have a determination before we schedule a public hearing? Can we schedule the public hearing with the assumption he'll be completed by then?

MR. BLASS: I think you can schedule the public hearing.

MS. BROOKS: That gives us a whole month. I'll make sure I meet with Tommy. If we need to come back to the workshop meeting again to review the results prior to the public hearing, I'll do that as well.

CHAIRMAN BRAND: If we can get that before then.

MS. BROOKS: Absolutely. I'll make sure we do.

CHAIRMAN BRAND: The public hearing will be the first Monday in June, which is --

MS. FLYNN: June 6th.

CHAIRMAN BRAND: -- June 6th. We'll go ahead and put you on for that depending on Tommy. If we hear back from him we'll see you at the workshop.

MS. BROOKS: Absolutely. Do you have a

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comment letter?

MR. HINES: I do.

CHAIRMAN BRAND: Is there anything else from the Members of the Board?

(No response.)

CHAIRMAN BRAND: No. I'll take a motion to adjourn.

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: Do we need to make a motion to go into the attorney.

MR. BLASS: You can adjourn the meeting because attorney/client conferences are totally outside the context of the Open Meetings Law. So you don't need an executive session.

CHAIRMAN BRAND: I'll take that motion to adjourn.

(Time noted: 7:59 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of May 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

TRONCILLITO BROTHERS

Project No. 16-9004
267 Lattintown Road
Section 108.3; Block 2; Lot 36

----- X

DISCUSSION

Date: May 2, 2016
Time: 7:59 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
STEVE CLARKE

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. TRAPANI: Can I ask one thing first?

CHAIRMAN BRAND: Certainly.

MR. TRAPANI: With the Troncilitto parcel that had the mobile homes, or whatever you want to call them, the RVs, whatever you want to call them, did they go in front of the Town? I mean there's more mobile -- RVs down there now. I was just wondering if I missed something along the way. I hadn't heard anything about that. I mean there's a whole -- it almost looks like the Kingston thing up there with all the RVs. I was just wondering. Maybe I missed something.

MS. LANZETTA: Nope.

CHAIRMAN BRAND: No. Not to my knowledge.

MR. TRAPANI: All right. There's a lot more than there were when they first came here. When they first came here there was three or four. Now it's all over the place. I don't know.

MR. HINES: Sounds like a code enforcement job.

MR. TRAPANI: I don't know if they went

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to the Town Board or Zoning.

MS. LANZETTA: Nothing. They didn't
come back to us. Nothing.

MR. TRAPANI: That's my question.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: A motion to adjourn.

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: A second?

MR. CAUCHI: I'll second.

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: We are adjourned.

(Time noted: 8:00 p.m.)

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