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

----- X
In the Matter of

ENGEL

Project No. 19-3015
6 Purdy Avenue, Marlboro
Section 109.1; Block 1; Lots 19.100 & 19.200

----- X

SKETCH - LOT LINE

Date: November 4, 2019
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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

REPORTED BY: KARI L. REED

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

Proceedings

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

(Pledge of Allegiance said)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, November 4, 2019, regular meeting, 7:30 p.m.

Approval of stenographic minutes for 10/7.

Engel, sketch lot line.

Royal Energy, preliminary site plan.

Danskammer house, sketch, lot line.

Next deadline, Friday, November 8th.

Next scheduled meeting, Monday, November 18th.

CHAIR BRAND: I'd like to have a motion to approve the stenographic minutes for the October 7th meeting, please.

MS. LANZETTA: I'll make that motion.

CHAIR BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIR BRAND: Any discussion?

(No response)

CHAIR BRAND: All those in favor?

1 Proceedings

2 (Chorus of ayes)

3 CHAIR BRAND: Any opposed?

4 (No response)

5 CHAIR BRAND: So moved.

6 Before we begin, I'd also just like to
7 read into the minutes that member Joe Lofaro
8 has attended the Ulster County Planning
9 Department's Road Safety for All Users, and
10 received two hours worth of credit for that
11 attendance.

12 Jen, could you just put that in his
13 file?

14 MS. FLYNN: Yeah.

15 CHAIR BRAND: Thank you.

16 First up, Engel, sketch lot line.

17 MS. BROOKS: Good evening. So we were
18 before the Board a few months ago doing a
19 subdivision to create two individual lots,
20 each with a single family residence on it.
21 Mr. Engel owned both of the properties and was
22 interested in being able to convey or separate
23 out the second lot. Once he saw where the lot
24 line was and the proximity to his personal
25 residence, he decided he didn't want somebody

Proceedings

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2 living that close to him. So he has removed
3 the second dwelling, and is now interested in
4 consolidating the parcels back to one 2.17
5 acre lot.

6 MR. HINES: Months ago?

7 MS. BROOKS: Yeah. It wasn't that long
8 ago, was it?

9 MR. HINES: 2007?

10 MS. BROOKS: No, there actually should
11 be a newer map on that.

12 MR. HINES: Was there?

13 MS. BROOKS: It was just a couple
14 months ago, yup.

15 MR. HINES: I don't that, I have a 2007
16 number.

17 MS. BROOKS: It was just last year.

18 CHAIR BRAND: Pat, do you just want to
19 skim through your comments I guess?

20 MR. HINES: Yeah. We don't have any
21 technical comments on this. It's literally
22 just going back to the way it was before the
23 previous subdivision, so.

24 CHAIR BRAND: Okay. And so --

25 MR. HINES: It's just a matter of

1 Proceedings

2 refiling the map. And it meets your
3 streamlined subdivision regulations and upper
4 lot line consolidations.

5 CHAIR BRAND: And in accordance with
6 that Jeff has worked out a resolution of
7 approval by the Town of Marlborough Planning
8 Board for a lot line consolidation application
9 of Robert C. Engel and Jonathan Engel.

10 Jen, would you poll the Board?

11 MS. FLYNN: Chairman Brand.

12 CHAIR BRAND: Yes.

13 MS. FLYNN: Member Lanzetta.

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Truncali.

16 MR. TRUNCALI: Yes.

17 MS. FLYNN: Member Trapani.

18 MR. TRAPANI: Yes.

19 MS. FLYNN: Member Lofaro.

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Clarke.

22 CHAIR BRAND: Absent.

23 MS. FLYNN: Member Cauchi.

24 MR. CAUCHI: Yes.

25 CHAIR BRAND: So moved.

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MS. FLYNN: And the -- I'm sorry. The date on the map is 10/24?

MS. BROOKS: Actually, I will date it tomorrow, because it says sketch and I want to change it to final. So actually I should date it today because I can't date it after the approval; correct?

CHAIR BRAND: I would think today's date --

MS. BROOKS: Is that correct?

CHAIR BRAND: -- would be fine.

MS. FLYNN: Okay.

MS. BROOKS: Is that correct, Jeff, do you think that's the best way to do it?

MR. BATTISTONI: I'll follow the chairman's lead. He said today's date would be fine, I'll go along with that.

MS. BROOKS: Today's date, okay.

MS. FLYNN: Thank you.

MR. HINES: Pat, read your map reference.

MS. BROOKS: I know, I see that. That will be corrected.

MR. HINES: That will be fixed too

Proceedings

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then?

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MS. BROOKS: Yes.

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MR. HINES: That's what led me astray

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there.

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MS. BROOKS: Yes. It was definitely

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2000, yup.

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MR. HINES: So it was '17.

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MS. BROOKS: I saw that, yeah.

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CHAIR BRAND: Thank you. Thank you.

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 26th day of November, 2019.

Kari L. Reed
KARI L. REED

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

----- X
In the Matter of

ROYAL ENERGY

Project No. 19-3002
1666 Route 9W, Milton
Section 103.3; Block 3; Lot 68

----- X

PRELIMINARY - SITE PLAN

Date: November 4, 2019
Time: 7:36 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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

REPORTED BY: KARI L. REED

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

11 CHAIR BRAND: Next up, Royal Energy, preliminary
12 site plan.

13 MS. BROOKS: You want to do Danskammer
14 next, right?

15 CHAIR BRAND: Next.

16 MS. BROOKS: Royal Energy.

17 CHAIR BRAND: Yeah, Royal Energy.

18 Do you just want to maybe run through,
19 Pat, while Patty is getting herself ready
20 there.

21 MR. HINES: Sure. Our first comment is
22 that we had commented previously on the
23 stormwater pollution prevention plan. We
24 received a revised one. I noticed that there
25 were some technical issues with that, so I

Proceedings

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2 sent the applicant's representative some
3 comments directly that had to do with the type
4 of storm event that they were using to model
5 it, and they changed it in the
6 post-development but not in the
7 pre-development, so they were able to give me
8 that electronically. So with those changes
9 the stormwater pollution prevention plan is
10 now acceptable.

11 I have a comment. The under drain --
12 the retaining wall detail that they gave us
13 has an under drain, and the importance of that
14 is that it's up against the stormwater
15 detention pond, so that could serve as a
16 method of the pond leaking out through the
17 under drain, so they need to take a look at
18 that.

19 The next comment had to do with the
20 status of the Health Department approval. I
21 received an email today forwarded from --

22 MS. BROOKS: Tony Cuccio maybe?

23 MR. HINES: Tony Cuccio from Andy
24 Willingham, I was going to say Mike Bergow,
25 but it's Andy Willingham. So that has been

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signed off on by the county. We're looking for detail of the standard parking space to make sure that it meets the 2000 or 200 square foot requirement of the code.

The status of the DOT driveway is outstanding, but I believe that they're waiting for a SEQRA determination, not spelled the way it is on the detail.

MS. BROOKS: So that was dictation.

MR. HINES: I have someone new working for me.

The plans continue to show the propane tanks on the east property line. I think those need to be revised or removed. They're shown relocated based on Tom Corcoran's comments.

We're looking -- a fence has been provided on top of the retaining wall, but because of the grading of the retaining wall or the retention pond, the entire pond needs to be fenced. There's no aquatic fence or safety fence that are in the DEC guidelines.

We will need security for the public and private improvements, and that should be a

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condition of any approval based on those sections and the code that require posting of inspection fees based on cost estimates.

And then I put in there, I know that Member Lanzetta had mentioned that she was going to be looking for some photo renderings from publicly available locations, and I think we'll be looking for those as well.

That's the extent of our comments.

CHAIR BRAND: Okay.

MS. BROOKS: So I did circulate this evening the renderings that are showing the view from the north and from the south, as well as the original ones that we had proposed. That's not something that generally the Board has asked for in the past, and I'm sure that all of you passing the site will acknowledge that the improvement over what the existing site conditions are will be fairly dramatic.

MS. LANZETTA: I had asked it for the last time that Royal wanted to enlarge the warehouse down on 9W, and they had provided it for me. I would like a photo simulation so we

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can get a better, accurate idea of what it's going to look like when you go by on 9W in either direction.

MS. BROOKS: A photo simulation was presented on the other one?

MS. LANZETTA: Yeah.

MS. BROOKS: On -- okay, so I'll have to find out who did that, because that is the only rendering that we have for this particular building.

MS. LANZETTA: These are architectural drawings.

MS. BROOKS: Right.

MS. LANZETTA: But I want photo simulations with the existing -- you can get those done, they're not expensive, up at Ulster County Planning. They're suggesting, you know, in all of our training classes that planning boards ask for that so we can get a better, more accurate idea of what something is going to really look like when you go by it.

MS. BROOKS: Okay. Because the Ulster County Planning Board obviously hadn't asked

1 Proceedings

2 for it. But that's -- you know, I will say --

3 MS. LANZETTA: I know you resubmitted,
4 so I don't know if they, they might --

5 MS. BROOKS: We resubmitted just for
6 the area variance and the -- and the town
7 code. I think the Planning Board site plan
8 had been reviewed. But again, I will see what
9 I can do. Obviously if it was done for
10 Brooklyn, I will be able to contact that
11 same --

12 MS. LANZETTA: No, not Brooklyn.

13 MR. HINES: No.

14 MS. LANZETTA: It was done for Royal
15 when they wanted to --

16 MR. HINES: At the winery.

17 MS. LANZETTA: -- expand their
18 warehouse down on 9W in Marlboro.

19 MR. HINES: Across from Tom Bank. Was.

20 CHAIR BRAND: Kedem?

21 MS. BROOKS: Oh, Kedem. That's not
22 Royal.

23 CHAIR BRAND: No, that's Kedem.

24 MS. BROOKS: That's Kedem.

25 MS. LANZETTA: Royal and Kedem are the

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same.

MR. HINES: They're the same. We always thought they were the same. They're --

MS. BROOKS: There may be some similar partners, but no, they're not.

MS. LANZETTA: Okay.

MS. BROOKS: Okay, so.

MS. LANZETTA: Kedem had done that for us when we requested it. So we have requested it on a number of projects.

MS. BROOKS: Okay. I'll see what I can do about that.

So we had requested, again, the New York State Department of Transportation is unable to give a final approval until a SEQRA determination is made, so we had requested the Board to consider that as a part of the review this evening.

We did receive an email that the plans have been acceptable. But they don't actually get the permit itself until they hire the contractor because the contractor is the person who has the insurances that actually get the permit.

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And I believe that we have addressed
all the rest of the --

MR. LOFARO: What about the
construction of the --

MS. BROOKS: Oh, yes. Somebody has
asked at one of the last meetings what the
construction was going to be. So that is --
it's a metal construction with a foam
insulation.

MR. HINES: I thought this was going to
be the attempt at the rendering.

MS. BROOKS: No, no, no, no.

(Laughter)

MR. HINES: So you said you have an
indication from DOT?

MS. BROOKS: I received it today, yeah.

MR. HINES: Oh, okay.

MS. BROOKS: Yup.

MR. HINES: We didn't have that.

MS. BROOKS: No, no, you have not
received that yet.

MR. HINES: That's what I was looking
for, because, as Patty just said, the DOT
doesn't issue the actual permits until you

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have a contractor on board, the insurance, their insurance is in line and the postees are paid. But typically if we get an indication from DOT saying these plans are approvable upon submission of those other items, that that satisfies this Board.

MS. BROOKS: I know you prefer not to have me bring so much the night of the meeting, so we will include that in the Friday submission.

CHAIR BRAND: Okay.

Any other questions or comments from the Board?

(No response)

MS. LANZETTA: And we talked about color, and you said that the colors that are on these renderings --

MS. BROOKS: The renderings.

MS. LANZETTA: -- here, they're kind of gray?

MS. BROOKS: Gray, mm-hmm.

MS. LANZETTA: With blue?

MS. BROOKS: That -- and again that -- we did submit that a few months ago. So if

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the Board would like to see something different, I would like to hear about it this evening.

MS. LANZETTA: Yeah. Because we never received -- we never -- we were never -- the Board never received it.

MS. BROOKS: It was sent to the Ulster County Planning Board and it was part of the submission package which I resubmitted. I submitted the original package so you would see that I had submitted it previously.

CHAIR BRAND: And all of the other buildings on the site would be color coordinated?

MS. BROOKS: Consistent, yeah. The renderings that we've shown tonight show that they're going to make them compatible.

MS. LANZETTA: But they'll be painted to match this?

MS. BROOKS: Yes. It has -- the one has both.

MR. HINES: No blue stripe.

CHAIR BRAND: Probably just be these.

MS. LANZETTA: I don't know if anybody

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has any --

CHAIR BRAND: I mean, blue is not horrible. I don't have any objection to the color.

MS. LANZETTA: As I said, I just want to see it, what it's going to look like from the road.

CHAIR BRAND: So --

MS. BROOKS: Oh. And, I'm sorry, the propane tanks I think were the last outstanding issue.

MS. LANZETTA: Yes.

MS. BROOKS: I wasn't sure how the applicant wanted to handle it. I spoke with them today. They're actually done with their grapeseed production, squeezing, manufacturing for the season now. And they have opted to reduce the tank to 1,200 gallons in size, which only needs to be ten feet from the boundary line. So, based on that, we'll be able to -- and those are for Jen, they can be part of the file.

MS. FLYNN: Thank you.

CHAIR BRAND: And then when --

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MS. BROOKS: So when we make the submission on Friday we'll show the relocation and downsizing of the tanks, to be in compliance with Mr. Corcoran's letter.

CHAIR BRAND: They will need to then re-upgrade once they do the grapeseed pressing again, or they're no longer going to do that at the facility?

MR. HINES: They'll just need more frequent deliveries I guess.

MS. BROOKS: They will need more frequent deliveries. I mean they only do it for a very, very short period of time. So when they, I guess, looked at where they could put them and meet the setbacks, I gave them the options. I sent them Mr. Corcoran's letter after we received it two weeks ago, gave them the option of moving it 25 feet off the boundary or relocating, and that was their decision that they came down with today.

CHAIR BRAND: Jeff, do you think we would be in a position to issue the SEQRA notice of nonsignificance determination for the next meeting?

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MR. BATTISTONI: The next meeting, I think so. I think that you need your photo simulation, but assuming that's going to be satisfactory, yes.

CHAIR BRAND: Okay. Are we necessarily in agreement with that?

MS. LANZETTA: Mm-hmm.

MS. BROOKS: I mean I think at the next meeting we actually are hopeful that we would be able to not only receive the neg DEC but a conditional final approval. I think that we have substantially met the requirements if we have Board of Health, we have DOT, which will be submitted by this Friday. Basically the -- my understanding is the reason that we weren't able to do it at this evening's meeting is that we didn't have the Ulster County Planning Board comments back because they don't meet until Wednesday evening, so.

MR. HINES: Yeah, the SEQRA --

MS. LANZETTA: And on the SEQRA.

MR. HINES: -- the SEQRA was held up on the visual assessment that we knew was going to be asked for.

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MS. LANZETTA: And the updated plans
for the -- for the new --

CHAIR BRAND: Propane tanks.

MS. LANZETTA: -- propane tanks being
added, you know.

MS. BROOKS: Right. That's a pretty
minor detail, because they've been existing
for some period of time. I mean that's a code
compliance issue, which certainly the
applicant will have to meet regardless of
whether the site plan approval is granted.

CHAIR BRAND: Correct.

MR. HINES: Right. But we do have the
whole site plan before us.

MS. BROOKS: Yes.

CHAIR BRAND: I have no issue with
that. We could have Jeff draft a --

MR. BATTISTONI: Okay.

CHAIR BRAND: -- draft a conditional
approval, and hopefully all those conditions
will be --

MS. BROOKS: Issues will be addressed,
yeah.

CHAIR BRAND: -- ready by then.

Proceedings

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Okay. I think that's it, right?

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MS. BROOKS: All right. Thank you very

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much.

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CHAIR BRAND: Thank you.

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So that would be on November, let me

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just, November 18th.

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

----- X
In the Matter of

DANSKAMMER HOUSE

Project No. 19-3014
5 West Street/3 King Street
Section 108.12; Block 3; Lots 14 & 16

----- X

SKETCH - LOT LINE

Date: November 4, 2019
Time: 7:45 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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: KENNETH COOL

REPORTED BY: KARI L. REED

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

8 CHAIRMAN BRAND: Next up, Danskammer House.

9 MR. COOL: Good evening. We're here to
10 ask the Board's approval of a consolidation of
11 two lots that we own at 5 West Street and 3
12 King Street in Marlboro, both under the
13 ownership of the Danskammer House, LLC.

14 CHAIR BRAND: So the empty parcel that
15 you're consolidating --

16 MR. COOL: Yes.

17 CHAIR BRAND: -- that's the one next to
18 the new --

19 MR. COOL: Rick's Restaurant, correct.

20 CHAIR BRAND: Rick's Restaurant. And
21 it's just an empty lot right now?

22 MR. COOL: It's an empty lot.

23 CHAIR BRAND: And there's no plans to
24 do anything other than keep it an empty lot?

25 MR. COOL: The only thing we are going

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to do -- no, we have no plans for any built structures at all.

MRS. COOL: We plan to make it look pretty by landscaping.

MR. COOL: And we plan to have a pathway that leads down to the center of the village for our guests, because they are -- they are frequenting Rick's and the Raccoon Saloon and Falcon and all the other small shops.

CHAIR BRAND: Excellent.

Pat, did you want to run through your comments?

MR. HINES: Yeah. The first comment is that tax lot 14 of this project has an approved home occupation restricted to 50 percent of the homeowner occupied structure. That continues to be a condition of the original approval.

Tax lot 16, which is the one next to the restaurant we were just discussing, is located in a separate zone, in a C-1 zone, where the other one is in the R zone. So that probably -- it has no site plan approval, and

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I think that we're also combining tax lots and amending the site plan at the same time, because the Danskammer House residential lot has that home occupation site plan. And this will be adding to that lot. And it's not just a lot consolidation but also an amendment to the site plan, which I don't know if you have an application for. And I know there was some indication that that is what truly that you're doing, you're changing the site plan because you're adding land to a -- you know, any other use, if you were expanding a restaurant parcel or something to that effect. So I think we need to call it a lot line and amended site plan.

The change there is that the lot line change would meet your, or the lot consolidation typically would meet your streamlined process, but I think the amended site plan does not allow you to do that because it needs that amended site plan approval, which also requires a public hearing. And I'm kind of talking out loud, but I think Jeff had the same --

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MR. BATTISTONI: No, I agree with everything Pat just said, that because there is a site plan approval for one of these two lots, to consolidate the two into one you'd need to amend that site plan approval. So the application wouldn't qualify for your expedited process, and there would be a public hearing required.

CHAIR BRAND: Okay.

MS. LANZETTA: Just, just for my own personal edification, because, you know, this doesn't apply to this particular application, but when you have two different zones like that, just suppose they decided that they -- that they wanted to make use of the commercial -- does this become all residential or it stays like in a sense half and half? Or if they wanted to use, let's say they wanted to utilize that commercial to make a restaurant instead, like how does that work?

MR. BATTISTONI: I don't know the answer to that offhand. That's a good question.

MR. HINES: They're complicating that

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2 by consolidating it because now you have a
3 mixed use site plan when you combine the lots,
4 because you have this residential component
5 and commercial. Some codes, and I don't
6 believe yours does, addresses that. I work
7 for another municipality, and that code says
8 the applicant gets to pick. And you need to
9 be careful in things like that because you
10 could add a small --

11 CHAIR BRAND: Right.

12 MR. HINES: -- commercial component to
13 a very large residential lot, and all of a
14 sudden you get to pick. As we're going on
15 here I'll take a look and see if I can't find
16 it addressed in the code as well. My initial
17 take is that this is going to end up with a
18 lot in two zones, which is not uncommon in
19 Marlboro, because your HD zone is a
20 measurement off of 9W and it's 500 foot and
21 parallel to 9W. So you have many lots that
22 have multiple zones. And most specifically
23 that HD zone that runs up 9W. It splits an
24 untold number of lots up that corridor.

25 CHAIR BRAND: Go ahead.

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MR. TRUNCALI: So even if they're not using the lot for -- you know, they're not making any changes or anything, they still have to have that public hearing?

MR. HINES: Yeah. I think it changes their site plan. They're adding a -- even if it was a residential lot, because it has that commercial site plan use, that bed and breakfast use, home occupation, I believe it changes that site plan that this Board previously approved.

MR. LOFARO: Does that allow them to use that new piece of property for a bed and breakfast?

MR. HINES: Yeah, exactly, yeah, that's what it will show, that it's not going to have -- it's not going to have a questionable use, they're going to show it as connected to that bed and breakfast site plan. And if they're landscaping it or building a retaining wall or putting gardens in there, I think that's something they would be able to continue to do. So it's a procedural issue not a -- not preventing them from what they're

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doing.

CHAIR BRAND: Right.

MR. HINES: But I think because they have that underlying site plan, tagging this lot on there changes that site plan.

MS. LANZETTA: But we don't know if somebody else purchased that property, if they decided to turn the B&B into a commercial restaurant --

MR. HINES: Right.

MS. LANZETTA: -- now they've got partial commercial.

MR. HINES: I would say -- I would say no to that right now, because I think your code has the zones remain the same, it doesn't change the zone. Now, uniquely, if you went to the Town Board, they could change that zone and it would most likely not be considered spot zoning because it abuts that adjoining zone. So it will be easier legally to combine that into -- to make it like a zone change, because it's contiguous, it's not spot zoning, making an island.

MS. LANZETTA: Okay.

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MR. HINES: I don't want to give them that hint, but that --

MR. COOL: Well, no. But let me be very clear. If it's going to be an elongated process, we'll look -- we'll just withdraw the application. You know, I --

MR. HINES: I don't see it as that. But I think it just needs a public hearing.

MR. COOL: So what -- but what would be the requirements of a public hearing, other than being a public hearing? Are you going to ask us for yet more surveys and more documentation? I need to know that now.

MR. BATTISTONI: Right. You would need to amend your site plan approval. You have a site plan approval for one lot. You're going to be adding another lot to it, so that site plan has to get amended.

MR. COOL: But that doesn't, in essence, the survey document already show all of that?

MR. BATTISTONI: I haven't seen the existing site plan approval, so I don't know.

MR. HINES: So I don't -- I think this

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map could be amended to say "amended site plan" in the title block.

MR. COOL: Just amended in the title block?

MR. HINES: Survey plat, lot line, consolidation, amended site plan.

MS. LANZETTA: Mm-hmm.

CHAIR BRAND: Yes. Now, would we also, because you're saying you're putting a pathway in down to King Street there. We'd probably want to see that on the plans as well.

MR. COOL: It's already on the plans that you have right here.

MR. HINES: Yeah. No, there's nothing on this new one.

MR. COOL: Yeah, we can put that on, but --

MR. HINES: And that would be -- that would be a good thing to do if you had a -- if you knew where it was going right now? I don't know if you know where it's going, but if you knew --

MR. COOL: Well, you -- all of you can walk out there tonight and you'll see white

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lines that will show exactly where it's going.

CHAIR BRAND: Could you just have
the -- your --

MR. COOL: The surveyor?

CHAIR BRAND: Or the map person just
draw it on the map and then show the maps and
if you have some --

MR. COOL: Sure, we can have -- we can
ask other -- we can ask the person to do that,
absolutely.

MR. LOFARO: And put the landscaping on
it as well in the plan?

MR. COOL: Yeah, we'll put the
landscaping. That we are not going to leave.
We're not going to allow it to be --

MRS. COOL: I don't know that we can
draw every bush that we are going to put in.

MR. HINES: No.

MR. LOFARO: No.

MR. HINES: I think you could just
ghost out some landscaped areas.

MR. LOFARO: Right.

MR. HINES: I'm not trying to
complicate things, but it will give the board

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an idea.

MR. LOFARO: Right, right. It just helps you in the long run, that's all.

CHAIR BRAND: Right.

MR. COOL: Okay.

MR. HINES: And it helps this board, you know. If you were ever to sell this use as the home occupation -- actually, I think the home occupation extinguishes, as you said, but if someone else was coming in here and all of a sudden it doesn't become a parking lot for much expanded use, it gives the code enforcement officer, they can open up and say okay, here's what -- here's it was approved five years ago, when we may or may not be sitting here.

CHAIR BRAND: Correct.

So just, so amended, so they would have to go through the amended site plan process, and then we could include the lot consolidation in with the site plan?

MS. LANZETTA: Yes.

MR. HINES: Yes. It would be all that streamlined process.

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CHAIR BRAND: Okay.

MR. HINES: And then it cleans it -- it cleans it all up. You've got your amended site plan approval, you've got your lots consolidated. And in the meantime I will look at the zoning issue, but it's my recollection that your -- it stays in separate zones.

MS. LANZETTA: Okay.

MR. COOL: To be clear, the amended site plan process entails what, other than the revision of the survey?

MR. HINES: And a public hearing.

MR. COOL: And just a public hearing?

MR. HINES: Yes.

MRS. COOL: And we would have to send out the notifications again.

MR. COOL: And we would have to send out --

MR. HINES: Right.

MR. COOL: -- the dozen postcards, okay.

MS. LANZETTA: So would we be able to set up the public hearing?

CHAIR BRAND: How long do you think you

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would --

MR. HINES: It is a County Planning referral.

MR. COOL: Oh.

CHAIR BRAND: Why is that?

MR. HINES: Proximity to 9W. It's a C lot, it has to be within 500 feet of a county road highway.

CHAIR BRAND: Yeah, so you'd have to complete the site plan application process. And then we would forward all that information to the county and they would look at it, and when we hear back from them, then we can schedule the public hearing.

MR. COOL: The public hearing.

MS. LANZETTA: I think the date of public hearing we'll obviously set it up --

MR. HINES: They could happen together.

MS. LANZETTA: I don't think it will be much time at all.

CHAIR BRAND: Yeah.

MR. COOL: Well, we're going to be out of town for a month, so we have some practical constraints. But we can -- if we decide that

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we want to go forward with the process, we can have our surveyor do this immediately, that should not be an issue. I just don't want a series of everything that's coming along down the pike that are going to complicate the issue.

So, to be very clear, I need to know this evening what it entails, because otherwise we will withdraw the application.

CHAIR BRAND: I think exactly what we said.

MR. COOL: Okay.

CHAIR BRAND: So the site plan.

MR. COOL: Then I think we could -- that we can accomplish.

CHAIR BRAND: I think we're good. Jeff, yes?

MR. BATTISTONI: Is it a Type II action, do you think?

MR. HINES: Yes.

MR. BATTISTONI: Yeah, okay.

MR. COOL: What is a Type II action?

MR. BATTISTONI: It's just for environmental review purposes. Type II is the

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best you can have for an applicant, meaning there's no further environmental review. So that's good for you.

MR. COOL: Okay. So the short form EAF suffices?

MR. HINES: Yeah.

MS. LANZETTA: Mm-hmm.

MR. HINES: There's no need for an EAF if it's a Type II. It's no further SEQRA required.

MR. COOL: Okay.

MRS. COOL: And just for the sake of argument, if we decided to do nothing, in other words not consolidate or change the lot line or whatever, what could we do with that lot? Leave it ugly?

MR. HINES: Leave it the way it is or come in with a site plan. So constructing, in constructing in that C zone would require site plan approval. So I think it -- I think it's in your best interests to get that done, consolidate it all together and get the lot together, then you have an approval in your hands that -

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MR. COOL: But let's push this just a little bit further. Construction, we're not talking about construction. All we're talking about is a pathway and vegetation.

MR. HINES: So you could landscape it, but I think if you're -- I don't know what your walkway consists of, if it's --

MR. COOL: It's going to be --

MRS. COOL: Gravel.

MR. COOL: -- item three.

MR. HINES: -- pavers or --

MRS. COOL: Gravel.

MR. HINES: Gravel. I don't know what the condition of the lot is right now, but placing gravel in there probably is not an issue for the code enforcement officer. I envisioned that you were going to put a stone path or something like that.

MR. COOL: No. Well, there will be some stone steps obviously, as all of Marlboro is on a steep slope. And we'll be respecting the topography of the landscape.

CHAIR BRAND: Yeah, I think Tommy, he did refer you to the Planning Board, so I

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think that's probably the best course of
option -- action for you.

MR. COOL: Okay. We'll do all due
consideration and we'll be back in touch.

CHAIR BRAND: Okay. Thank you.

MS. LANZETTA: Thank you.

MR. BATTISTONI: Thank you.

CHAIR BRAND: Anything else from the
Board?

(No response)

CHAIR BRAND: No? All right, motion to
adjourn.

MR. CAUCHI: I'll make that motion.

CHAIR BRAND: Is there a second?

MR. TRUNCALI: I'll second.

CHAIR BRAND: All in favor?

(Chorus of ayes)

CHAIR BRAND: So moved.

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

