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MEETING HELD REMOTELY VIA ZOOM

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

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In the Matter of

MARLBORO FLATS

Project No. 20-2004  
8-10 Watson Avenue, Milton  
Section 103.1; Block 3; Lot 15

----- X

PUBLIC HEARING - SUBDIVISION

Date: June 15, 2020  
Time: 7:30 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI (Present at 7:40 p.m.)  
JAMES GAROFALO  
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: FRANK & TINA CRICCHIO

----- X

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

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CHAIRMAN BRAND: It is 7:30. If Manny hops in we'll let him hop in, but I would like to call the meeting to order.

Agenda, Town of Marlborough Planning Board, June 15, 2020. Regular meeting 7:30 p.m. Approval of the stenographic minutes for 5/18. On the agenda tonight we have Marlboro Flats. That's a public hearing on a subdivision located at 8-10 Watson Avenue, Milton. Bayside Mixed Use, extension of their subdivision. That's at 18 Birdsall Avenue. We have Eric Affuso Subdivision, sketch, subdivision, 46 Reservoir Road. We also have a discussion without the lawyer, engineer or stenographer with Rachel Sandri from Glorie Farm for the farm stand. The next deadline is Friday, June 19th. The next scheduled meeting is Monday, July 6th.

Do I have a motion to approve the minutes for 5/18, please?

MR. CLARKE: I'll make that motion.

CHAIRMAN BRAND: Steve Clarke makes the motion. Is there a second?

MR. LOFARO: Aye.

CHAIRMAN BRAND: Joe Lofaro. All those

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in favor?

MR. CLARKE: Aye.

MS. LANZETTA: Aye.

MR. GAROFALO: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

First up, Marlboro Flats, public hearing. Give me just one minute to read the public hearing. "Legal notice, subdivision application. Please take notice a public hearing will be held remotely by the Town of Marlborough Planning Board pursuant to the State Environmental Quality Review Act (SEQRA) and the Town of Marlborough Town Code Section 185-9 on Monday, June 15, 2020 for the following application: Marlboro Flats, LLC, at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a three-lot subdivision application for lands located at 8-10 Watson Avenue, Milton, New York 12547, Section 103.1, Block 3, Lot 15. This meeting and public hearing

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will be held remotely via Zoom. Please see the attached summary regarding access. Any interested 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."

So I'd like to hear from Pat probably first.

MR. HINES: We still have our comments -- previous comments outstanding. We didn't receive any new mapping.

A common driveway access and maintenance agreement would be required.

Any easements for the utilities are going to need to be reviewed by Jeff Battistoni's office.

We have comments from the highway superintendent regarding paving of the swale in front of the existing wall there.

Then this is on for a public hearing tonight. If there's any substantive comments, they would need to be addressed by the applicant, as well as our previous technical comments.

I do note that there were two letters

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mailed in -- or e-mailed in that I received. I did review each of those.

CHAIRMAN BRAND: I believe one of those persons is here. They'll have an opportunity to speak in a second as well.

Jeff, did you have anything to add to that?

MR. BATTISTONI: I would just say that at the last Planning Board meeting there was talk of possibly keeping the water and sewer separate so that there wasn't a need for an easement. Again, I don't know whether any new submittal was made. It didn't sound like Pat had seen anything, and I don't believe I did either. I'm just curious to see what the applicant presents tonight, if anything.

MS. FLYNN: Tina and Frank, if you'd unmute yourself, please.

CHAIRMAN BRAND: Who is that?

MS. FLYNN: Tina and Frank to unmute themselves.

CHAIRMAN BRAND: Okay. Anything from the Board before we hear from the public?

MR. GAROFALO: Yes. I have a comment. I

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wanted to reiterate the fact that some of the technical comments that were made previously were to have information on the driveway, the back-up aisle and the size of the parking spaces which were not provided in the plan. Thank you.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

This is a public hearing. Any person either for or against the project will have an opportunity to do that. Just unmute your mic and state your name for the stenographer, and hopefully that will go smoothly.

MR. HINES: If you want, maybe I can do a little introduction for those that aren't familiar with this. I don't know if the applicant's representative is here.

This is a proposed three-lot subdivision resulting in three duplexes, the existing duplex on the site and two new two-family houses.

UNIDENTIFIED SPEAKER: Two more duplexes. Sorry.

MR. HINES: That's what's proposed on the plans right now. Each of them will be served

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by a driveway. One will be a shared driveway with the existing.

Water and sewer will be provided via connections to the existing Town services in the street.

I just wanted to make that clear for anyone that wanted to comment.

CHAIRMAN BRAND: Thank you, Pat. I appreciate that.

MS. LANZETTA: Can we put up the map? Is that possible?

MS. FLYNN: Yes.

CHAIRMAN BRAND: Is there anyone that would like to make a comment on this proposal?

MS. HOMA: I would.

CHAIRMAN BRAND: Please.

MS. HOMA: Okay. I live across the street --

CHAIRMAN BRAND: Can you state your name for the stenographer? I'm sorry.

MS. HOMA: Okay. My name is Debra Homa. I live at 23 Watson, across the street.

That is the only house that is a rental unit on this road. The rest we all own and take

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care of. So that's already a duplex that already has six cars at it. How are you going to do that? I mean this is going to hurt our property values, putting two more duplexes back there.

MS. FLYNN: I'm looking for it. I'm sorry.

MS. HOMA: How are you going to park all those cars there? Seriously. There's six cars already for the two that are there.

CHAIRMAN BRAND: Pat, how many parking spaces would they be allotted for each of these?

MR. HINES: So per your code, each of the residential units requires one-and-a-half, so we've provided two parking spaces for each unit. Each of the newer duplexes will have four spaces, as well as there's been additional parking shown for the existing structure to the rear. Currently I do believe there is on-street parking alongside of that retaining wall in the frontage as well, which is what I believe the current speaker is talking about. But the newer ones as well as the existing one will have new parking areas constructed.

MS. HOMA: I'm new to this area, okay.



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I've always lived where there was kind of zoning.  
You couldn't do this where I lived before.

MR. HINES: We do have zoning. So this  
use is allowed in the zone based on the lot  
sizes.

MS. HOMA: It doesn't look that big  
back there. I mean I've looked at it and I can't  
imagine putting two houses there. There's houses  
that are right there that people just bought that  
they're going to be backing up to this.

Again, our neighborhood was really  
starting to look better. To me this is not a  
good thing to be doing.

MR. CRICCHIO: You moved here four  
years ago?

MS. HOMA: I moved here just a little  
over a year ago. I have seen all the  
improvements, even in a year what has been  
happening here.

MR. CRICCHIO: I'm sure when I do it it  
will be very tasteful.

MS. HOMA: You already took down the  
two trees.

MR. CRICCHIO: I took the two -- go

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ahead.

MS. CRICCHIO: You had to.

MS. HOMA: You had to, I'm sure, for driveways and all of that. Again, you don't live there. These are all single-family homes except for that house, and putting two more in there, it's just going to change the way the street is.

CHAIRMAN BRAND: Jen -- I'm sorry. Jen, what's going on --

MS. HOMA: And I didn't know there were going to be duplexes. I thought it was just two singles. So you're talking four other families kind of moving in there.

CHAIRMAN BRAND: Jen, are you there?

MS. FLYNN: Yes.

CHAIRMAN BRAND: Are we sharing your screen? Are you seeing the map? I'm not seeing the map right now.

MS. FLYNN: It says I'm sharing it.

MR. HINES: All I see is your --

CHAIRMAN BRAND: I see your desktop.

MS. HOMA: Now it is. It switched over. You did have it.

MS. FLYNN: Is it not there?

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MR. HINES: It's your desktop.

MS. FLYNN: Let me try again. I'm  
sorry.

CHAIRMAN BRAND: Anyone else while  
she's bringing up the map?

Mr. Wilson I believe. Is he here?

MR. HINES: There we go.

MS. FLYNN: Sorry.

CHAIRMAN BRAND: Mr. Wilson, are you  
here?

UNIDENTIFIED SPEAKER: Glen, I think  
that might be you.

CHAIRMAN BRAND: Glen, did you want to  
comment? I believe you mailed something in as  
well.

MR. CARLSON: This is T.J. I'll go  
now. I live at 12 Watson. I sent in a letter,  
too.

CHAIRMAN BRAND: Thank you.

MR. CARLSON: I guess like -- I have  
two points that I want to bring up on my own, but  
I do want to respond to one of the parking things  
that was brought up. I guess although technically  
you could fit cars in the street, the storm

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runoff all goes right in front of that wall. I don't know how suitable that would be for off-street parking because it's like during any rainstorm those cars would pretty much just get the underbellies soaked.

For my own points, basically the first one was a flooding concern because the back area there is basically marshlands.

According to what I got from Glen Williams, the previous owner of that property had installed a pipe bisecting the land from the end of a spring on the bottling plant's property to right in front of Glen's property. So my concern right now is if that pipe that was installed is not rated for the weight of the driveway or the housing units, it could potentially collapse and flood out his property, my property, Glen's property or any combination depending on where it would break. So I just want to make sure that that's been addressed.

MR. HINES: With the map in front of you, can you walk me through where that pipe is? I haven't seen that pipe and it's not depicted on the map. If you could give me an idea of where

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that pipe is. Or Frank, if you know where it is.

MR. CARLSON: So the lands now were formerly John Low. Do you see that box there?

MR. HINES: Yes.

MR. CARLSON: Okay. The upper left-hand corner of that yellow box.

CHAIRMAN BRAND: Jen, can you move the mouse.

MR. CARLSON: Basically it's from where the corner of the John Low property/Brooklyn Bottling --

MR. HINES: It says iron pipe found 2.7 feet off line. That area?

MR. CARLSON: It's from there and it just goes straight across. It's about a 12-inch diameter. It's just like --

MR. CRICCHIO: It's more of a 30-inch pipe, T.J. That's over 200 feet long probably.

MR. CARLSON: Yeah.

MR. HINES: So that's something -- we're going to have to look at that pipe and see if there's an easement associated with it and what that pipe does. This is actually the purpose we have of these public hearings. That's the

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exact reason. So that's not shown on the map and it's something that we would be interested in reviewing as well.

MR. CARLSON: Okay, great. I think that's one of the biggest threats to people and property right now. Like if it's rated, then it's fine. If it's not, then that could be a problem.

MS. FLYNN: Did I move it so you could see it or no?

MR. HINES: I know where it is now. I just didn't know whether -- it basically runs north and south. I didn't know if it ran north and south or east and west.

MR. CRICCHIO: It runs north and south.

MR. HINES: North and south, yup.

CHAIRMAN BRAND: Do you have any additional information on that pipe, Frank?

MR. CRICCHIO: You know what, when I bought it I think the Town -- if I'm not mistaken, Gael, he inspected it to get some of that water that was running off that hill to go down into the stream. You follow what I'm saying? That was way before I bought it.

MR. WILLIAMS: That was years before

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you bought it, Frank.

MR. CRICCHIO: Excuse me?

MR. WILLIAMS: This is Glen, your neighbor next door. I'm at 6 Watson.

MR. CRICCHIO: That was way before I bought it, Glen, that they put that in there.

MR. WILLIAMS: That was one year before you bought it. You buried that pipe. You didn't have an engineer. It's dumping right underneath my inground pool. There's a lot of groundwater back here that we've dealt with over time. I've actually gotten more flooding since this pipe was installed. It ends right at my property. It dumps all that water onto me.

My biggest concern is the vehicular traffic on this stone stack wall. The topography, you're up 5 feet higher than me.

The easement to get to the back of the buildings is the biggest concern. It's right on the property line. To travel over those pipe and to do it right -- I guess you could do it. I'm real concerned about -- this was a dry stacked stonewall that wasn't meant for vehicular traffic.

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MR. CRICCHIO: It floods, Glen,  
recently or no?

MR. WILLIAMS: We haven't had rain in  
weeks, so no.

MR. CRICCHIO: I'm talking about in the  
last couple years, or three years.

MR. WILLIAMS: Yes.

MR. CRICCHIO: You have?

MR. WILLIAMS: Yes.

MR. CRICCHIO: Okay.

CHAIRMAN BRAND: Where is that water  
coming from, Mr. Williams?

MR. WILLIAMS: It's coming from that  
culvert pipe. The previous man that bought it  
from the Stupple people, there were so many old  
clay french drains on that property that he ended  
up getting a tractor. He spent like two years  
regrading that property. Ultimately he thought  
the culvert pipes -- we have thousands of dollars  
of drainage that we paid for on our property to  
help get the tributaries out -- under the road  
and to the river. We had so much water in our  
backyard, we spent like \$9,000 just to get that  
off the property. There was so much water we had



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to do something. We had the excavator there so we ended up putting in a pool. We always had water so now we have something I can swim in, you know what I mean.

CHAIRMAN BRAND: So does that pipe exit on your property?

MR. WILLIAMS: Yes.

MR. HINES: That's something that we're going to need to have shown on the plan. I'm going to have to take a look at that in the field, that condition. It's not currently depicted on the plan. If the Town put it in, I would hope there would be an easement in favor of the Town for that.

MR. WILLIAMS: The Town did not install this pipe.

MR. HINES: They didn't. Okay. I heard Gael Appler's name kicked around there.

MR. WILLIAMS: Gael came and took a look at it when they were having problems, when you had that big storm probably about five years ago.

MS. LANZETTA: Irene?

MR. WILLIAMS: Irene, Sandy. All that.

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It was like a slot machine. That thing pumped so much water out it displaced tombstone-sized rocks through the culvert and did a lot of damage. It was within inches of coming into the house. It took the apron of our driveway and flapped it like a magic carpet. It was a mess for days.

MR. HINES: That's something my office will follow up on. We'll need that depicted on the plan as well.

CHAIRMAN BRAND: Jen, I think you can take the map down now, unless somebody else asks for it, that way I can see everything.

MS. FLYNN: There you go.

CHAIRMAN BRAND: Thank you.

Anyone else?

MR. CARLSON: I just have one more quick point to bring up. This one should be a little more straightforward. With the way all the houses on our corner are situated, the backyard that we're talking about right now is the back -- like faces the backyards of about four other properties. So basically it's like every house on this corner looks in that direction. Right now, putting two buildings back

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there would just be like they'd be looking in our windows and we'd be looking in their windows. My concern at this point would be sort of -- and it's also visible from Dock Road when you're coming down. My other concern would just be making sure there's adequate privacy so it's like -- honestly, if it's not so obvious that there's these two houses or apartment complexes back there, I don't think it would necessarily hurt people's home values as much. It would be easier on the community just as long as some level of privacy and trees, shrubs, something is taken into effect so everybody is not staring at it. I think that would go a good way towards making things better.

CHAIRMAN BRAND: Frank, do you have any plans for landscaping back there?

MR. CRICCHIO: Whatever they want. We'll put trees up for them. I have no problem with that.

CHAIRMAN BRAND: I think that was one of the other comments in one of the letters that we received as well that asked for some type of screening for privacy.

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Anyone else?

MS. McCOY: I'm Gwendolyn McCoy. I'm at 634 South Road. I'm the house above where you're going to be putting the development.

So all that in the back where you have your property line, that's my backyard down there. So I want to know how -- where is all the cars going to be parking at there?

CHAIRMAN BRAND: Ms. McCoy, are you on a video right now? Can you see the screens?

MS. McCOY: Yeah, I see the screens but you just don't see me.

CHAIRMAN BRAND: Okay. So we can put the map back up, Jen.

MS. McCOY: I saw the map. But like I said, just where you took all the trees down, you left that one tree. I'm that house that's right above your property line. So all that down there is my backyard, and I have to go down there to mow.

My question is are cars going to be parking down that way and where -- are the houses going to be facing this way or are they going to be facing the road?

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MR. CRICCHIO: They'll be facing the road.

MS. McCOY: Facing the road. Okay. Their windows will be looking in my windows.

MR. CRICCHIO: I don't know where your house is. Which one is yours?

MS. McCOY: I'm up on the hill. I'm 634. Where you throw everything down, down where Maple Avenue is. All those houses there.

MR. CRICCHIO: Okay. I'll take a ride by there tomorrow.

MR. HINES: I'm looking at the map and it looks like this property is surrounded by Brooklyn Bottling, and then the only other --

MS. McCOY: Okay. I'm two houses down from Brooklyn Bottling.

MR. HINES: Okay.

MR. CARLSON: I know what she's talking about. On Maple Avenue there are a few trailers.

MS. McCOY: The trailers there. All that property across from the trailers. I'm the house that sits right up above those trailers, and then there's one next to me.

MR. CARLSON: I guess the question

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would be are those trees related to the project we're talking about right now?

MS. McCOY: Are you going to be tearing down all those trees, too? Then they'll be right in my backyard.

MR. CRICCHIO: No.

MS. CRICCHIO: No more trees down.

MS. McCOY: Okay. It seems like a lot, though. Okay. All right. I understand what you're saying --

CHAIRMAN BRAND: Thank you, Ms. McCoy.

MS. McCOY: -- but that's a lot.

CHAIRMAN BRAND: Jen, you can get rid of that screen again? Sorry to keep --

MS. FLYNN: You're good.

CHAIRMAN BRAND: I saw Ms. Rubin type something. Does she want to say that also, wherever she is? Your microphone is not on, Ms. Rubin.

UNIDENTIFIED SPEAKER: We can't hear her.

CHAIRMAN BRAND: We're having technical difficulties. Maybe your volume is not up or something. It appears as though your mic is on.

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You can type it. I think specific concerns are what we're actually looking for.

MS. WITT: I have a question.

CHAIRMAN BRAND: Go ahead, Ms. Witt.

MS. WITT: Yes. How many bedrooms is each of these units going to be, and is there a limit to the number of tenants in each one?

MR. CRICCHIO: They'll be two bedrooms each.

MS. WITT: And the second question. Is there a limit to how many tenants can be in a two-bedroom unit?

MR. CRICCHIO: Well the other house is a two bedroom and there's one tenant in one house, okay, and there's two tenants in the other house.

Normally when I have apartment houses like that I just like to keep husband and wife. I mean there's really no room for kids. You follow what I'm saying?

MS. CRICCHIO: Or one child.

MS. WITT: So would you be putting a limit as to the number of tenants in each unit?

MR. CRICCHIO: Yes.

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MS. WITT: And that would be two, from what you said?

MR. CRICCHIO: Yes.

MS. CRICCHIO: Two to three.

MS. WITT: Two to three. Okay.

CHAIRMAN BRAND: Thank you.

MR. HINES: That's something beyond the Planning Board's control. We don't have the ability to control tenant occupancy of structures.

CHAIRMAN BRAND: There's nothing in our code for that. Right, Pat?

MR. HINES: That's beyond the purview of the Planning Board, how many residents are in a single-family home.

CHAIRMAN BRAND: Anyone else with a comment or question?

MR. GIANANTE: Phil Giansante at 1 Maple Avenue. I'm concerned about the cars as well. I know there's only two people. You're saying one and one. There's like five or six cars usually in that driveway, now that I'm out walking every day.

MR. CRICCHIO: You're right, but her



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husband just passed away, okay, and she getting rid of two cars.

MR. GIANSANTE: In the back if they have the same, that was my point, it will be up to fifteen cars.

MR. CRICCHIO: You know what -- I mean there's parking for the cars. I mean there's only going to be so many spots for each car.

MR. GIANSANTE: The other thing is I've lived here for 43 years. I mean my kids were friends with the Stupples, you know, who lived in that original house up front. The backyard was always a swamp. I guess maybe this pipe took care of the water because there were always cattails and all kinds of critters the kids would bring out of the swamp back there.

MR. CRICCHIO: You know what. If you went back there now -- I mean you could walk back there. I drive my car back there. It's dry.

MR. GIANSANTE: So they did something -- is this that pipe?

MR. CRICCHIO: I think probably way in the back they swaled it down so it goes into the stream instead of going onto the property.

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MR. GIANSANTE: Okay.

CHAIRMAN BRAND: Thank you.

Anyone else?

MS. CLARK: Yes. Are we unmuted?

CHAIRMAN BRAND: Go ahead. Clark?

MS. CLARK: Clark. Hi. We're actually

new to the neighborhood on 36 Dock Road. We bought this house for many reasons but mostly because of the privacy that we have back here. Having a building, a new duplex right in our backyard is just going to be really an eyesore, hard to adjust to. We're a little disappointed because we didn't know about it when we bought the house. Really I don't know enough about the area to give, you know, much input other than to say that our feelings are that it would be a really big eyesore and it would take away the serenity of the feeling that, you know, this little neighborhood has here, which is peaceful and -- yeah. So I hope that helps.

We're obviously not for it. I'm sorry for my honesty but -- yes. So that's how we feel about it.

CHAIRMAN BRAND: I think the applicants

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heard that privacy is definitely an issue. He said that he would put some type of landscaping up there. We'll hope to see that on upcoming plans as well. Hopefully that will help you out a little.

MS. CLARK: Well thank you for listening.

CHAIRMAN BRAND: You're very welcome. Thank you.

MS. HOMA: Can I ask one more question?

CHAIRMAN BRAND: Sure. I don't know who is speaking now.

MS. HOMA: Debra Homa.

CHAIRMAN BRAND: Okay. Yes.

MS. HOMA: How come it can be two and it's not just one? Like if you look, that makes it really tight back there. Like if it was one unit it would be so much better than if you're trying to stick two houses back there.

CHAIRMAN BRAND: I believe he's sticking with what's allowable.

MS. HOMA: That is allowable. It doesn't look big enough to be putting two in.

MR. HINES: The zoning in the hamlet,

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in the R Zone here is 10,000 square foot per unit. Your code for duplexes doubles that size. These lots are in excess of 20,000. One of them is -- proposed lot 1 is 20,500. Proposed lot 2 is just under an acre. Proposed lot 3 is just over three-quarters of an acre. So they have the lot area for the zone. That's the lot size. I just wanted to let you know what the lot sizes are in the zone.

MS. HOMA: Okay. So there's no like compromising or anything?

MR. HINES: That's contingent on water and sewer being available. The water and sewer allows the smaller lot sizes.

MS. HOMA: Okay. Thank you.

MR. HINES: That brings up the question of the pipe and why the Town is going to want to take a look at that pipe. Because the sewers currently are proposed as gravity sewers, if there's a 30-inch pipe running perpendicular to the proposed sewer laterals, that's something we have to take a look at.

CHAIRMAN BRAND: Pat, you said your office will be doing an on-site --

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MR. HINES: Yes. This is the exact reason why we have these public hearings. The local knowledge brings out these points that aren't depicted on the maps. I would have had to look at the neighbor's property to locate that.

CHAIRMAN BRAND: Anyone else?

MR. WILLIAMS: Glen Williams. I've got something to say. My concern is we just spent ten years rehabbing this 1800 train house. You know, the Milton train station. 1883 or whatever. Now we're going to put two duplexes or three duplexes. Is there any type of construction? Would it be like old school construction, like stick built colonial style houses? Is there any type of mandate or precedent set for what type of construction can be done or --

MR. CRICCHIO: I mean I don't know what we're putting up yet. Like I said, it will be very tasteful.

MR. WILLIAMS: I heard your words Frank, tasteful. I appreciate that. Sure.

MR. CRICCHIO: Do you like the way the other house looks?

MR. WILLIAMS: Yes. It is tasteful. The

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colonial looks -- the Stupple house, you did it justice. But now it's -- I don't know how it became 8-10 or whatever. That happened overnight, too. It's like we're getting bigger and bigger. Not that I'm against change. I don't want to be on Team Frank. The motor vehicles in the roadways and the headlights. We have over \$100,000 worth of motor vehicles that we park in our driveway that are going to be subject to like stone chips, and rocks, and dust, and everything else now because your elevation is so much higher. We're right on the property line. You've got to squeeze that road in. I guess you can do it, I just -- I don't want to see it. I don't think it's real feasible, especially with that retaining wall that we share. That thing is not built for cars.

CHAIRMAN BRAND: Is the proposed driveway on the retaining wall?

MR. HINES: It's a couple feet off of it.

CHAIRMAN BRAND: You're below the retaining wall, Mr. Williams?

MR. WILLIAMS: Yes. 5 feet below it. I welcome the entire Planning Board down to 6

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Watson Avenue to take a look at it, whenever you feel compelled to. You need to see -- a plat, or a plot or a map isn't going to show you this. There's engineering that needs to be done. I'm sure it can be done. I don't know if everyone is planning on doing all that type of work. I need to be honest that it's --

MR. CRICCHIO: Glen, I was there a couple weeks ago after you told me about that. I was with a guy who is going to do the road. He said if anything, it's going to be better than the way it is right now, all right, as far as water goes. I mean you're not getting any water into your driveway right now from my property.

MR. WILLIAMS: Only in downpours. When it gets really wet, then --

MR. CRICCHIO: I mean, look, you know anything you've wanted I've done for you there. I'm sure that --

MR. WILLIAMS: I never asked you for anything, Frank.

MR. CRICCHIO: I know. I'm going to make it nice, trust me. I never want to impose on your property or, you know, devalue your

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property. You follow what I'm saying?

MR. WILLIAMS: I hear what you're saying but I don't believe what you're doing, putting three new buildings in my backyard --

MS. CRICCHIO: Two.

MR. WILLIAMS: Okay. I misspoke. Three lots. It's going to be three lots. My bad.

MR. CRICCHIO: That's all right.

CHAIRMAN BRAND: Thank you, Mr. Williams.

MR. WILLIAMS: Thank you.

MS. LANZETTA: Frank, are the new buildings going to be similar in style to the building in the front?

MR. CRICCHIO: Yes.

MS. WITT: Discounting rumors, but I have heard through neighborhood talk that maybe they were going to be two prefab units. I think there was some concern among the neighbors as to what type of prefab units they were.

MR. CRICCHIO: You can design anything you want prefab. Colonial, a ranch. Anything I want. You follow me?

MS. WITT: Have you made the decision?



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Any kind of decision?

MR. CRICCHIO: I haven't, no. Not yet.  
It will be a farm-style house.

MR. HINES: Even the size of the  
footprints is going to dictate that it's two  
stories I believe. Right, Frank?

MR. CRICCHIO: Yes.

MR. HINES: You're not going to get the  
two units on a single story on here.

MR. CRICCHIO: No.

CHAIRMAN BRAND: Mr. Garofalo, did you  
have something to add as well?

MR. GAROFALO: Yes. I just wanted to  
reiterate that when they redo the plans, that any  
color yellow that's being used, that they change  
it to something else so that it's easier to read  
online and on the maps. Thank you.

CHAIRMAN BRAND: Thank you.

Anyone else?

(No response.)

CHAIRMAN BRAND: I don't know that I  
see everyone on my screen. Anyone else for the  
public hearing comment section?

(No response.)

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CHAIRMAN BRAND: No. All right then. I would like a motion to close the public hearing.

MR. HINES: That will be contingent on the applicant waiving the 62-day timeframe for you to take action.

CHAIRMAN BRAND: Frank, are you okay with that?

MR. CRICCHIO: Say that again.

MR. HINES: If the Board closes the public hearing, there's a 62-day timeframe in which the Board has to render its decision. We're just asking you waive that. We're not saying that the Board is going to use that time. Procedurally it will give us some flexibility. You owe us some plans. We need to do a little field review.

MR. CRICCHIO: Okay. No problem.

CHAIRMAN BRAND: With that being said, I'd like to have a motion to close the public hearing.

MR. LOFARO: I'll make a motion to close the public hearing.

CHAIRMAN BRAND: Joe Lofaro. Is there a second?

MR. CLARKE: I'll second.

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CHAIRMAN BRAND: Steve. Anyone in disagreement with closing the public hearing? We'll do it that way.

(No response.)

CHAIRMAN BRAND: No. Okay. The public hearing is closed.

Frank, you're going to then get those plans fixed up and Pat is going to do an on-site inspection of the site. Obviously from what you've heard tonight, you're going to include some landscaping to provide some privacy.

MR. CRICCHIO: Absolutely. If Pat could give me a call when he's going up there, maybe I could just meet him up there if that's possible. If not, I mean --

MR. HINES: We can do that. You can show me where those pipes are and such. We're going to need them shown on the plans, so your surveyor is going to need to pick those up. We're going to have to work out the inverts on the sewer and water to make sure that those crossings are appropriate with the size of the pipe that's crossing the property there.

MR. CRICCHIO: Okay. Great.

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CHAIRMAN BRAND: Thank you, everyone,  
that participated.

MR. CRICCHIO: Thank you.

(Time noted: 8:05 p.m.)

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 22nd day of June 2020.

*Michelle Conero*

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X  
In the Matter of

BAYSIDE MIXED USE

Project No. 19-3011  
18 Birdsall Avenue, Marlboro  
Section 109.1; Block 4; Lot 29

----- X

EXTENSION - SUBDIVISION

Date: June 15, 2020  
Time: 8:05 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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CHAIRMAN BRAND: Next up on the agenda is Bayside Mixed Use, extension of the subdivision.

Justin, go ahead.

MR. DATES: Can everyone hear me all right?

CHAIRMAN BRAND: Yes.

MR. DATES: Justin Dates with Maser Consulting. I guess we're on the agenda tonight to request a 90-day extension for the subdivision approval for the Bayside Mixed Use project.

Since our last meeting with the Planning Board, the applicant has addressed the final item of the resolution items which was fees and some escrow to the Planning Board. We paid recreation fees for the three lots being created. There was Planning Board escrow replenishment which was provided. The applicant made a municipal planning contribution to the Town. Then also the sewer reserve capacity for the commercial portion of the project was also provided. Those were what was worked out and identified with the Planning Board as needing to be fulfilled to complete the resolution items for

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the subdivision piece of the project.

So we're here for an extension request. Those amounts have been paid. We would look to get the subdivision plat signed so we can get that filed and wrap up the couple last remaining site plan resolution items.

CHAIRMAN BRAND: Thank you, Justin.

Jeff, you sent out a resolution. Do you want to just --

MR. BATTISTONI: I did send out a resolution. What I will say is that the prior approval had a number of conditions in it, and they've all been met except one related to the payment of fees. As Justin said, the applicant did pay just about every fee that's due. The only fees that I'm aware of would just be the current consulting fees for the Town. So I think the extension is really very simple and straightforward.

CHAIRMAN BRAND: Anything from the Board?

MR. HINES: Justin, I would just think that this map is going to get filed in the very near future now that the bulk of those fees have

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been paid.

MR. DATES: Yes. As soon as we can get it signed it will be filed so that we can move on with the business corridor overlay piece of the project with the Town Board.

MR. HINES: Right.

CHAIRMAN BRAND: Anything else from the Board?

MR. GAROFALO: I have two questions. One question has to do with the fees and whether or not the escrow fee replenishment, whether that covers the work that you're doing today or whether or not after today they will actually owe money on the consultant fees?

CHAIRMAN BRAND: The consultants are billing for tonight's meeting, as well as the stenographer. So they would still owe money, yes, to answer that question.

MR. HINES: It's my understanding the escrow account has been re-funded.

CHAIRMAN BRAND: Jen?

MS. FLYNN: I am looking. I don't have it in front of me but I believe they did send in a check for 1,600. I don't know how much of that



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is left over but I know they sent that in.

MR. DATES: I think that there was -- so there were two requests for replenishment. The one that we had talked about back in the -- what was it? Like May was 1,350. They did provide that with the three other checks that I described. And then just recently there was another request for \$1,600 which should be in the Planning Board's possession. So I'm hoping that that covers what we need to get the plat signed.

MS. FLYNN: It does, but it will not be enough to cover what you're doing now.

CHAIRMAN BRAND: It will have to be replenished.

MS. FLYNN: Right.

MR. DATES: Again?

MS. FLYNN: Yes.

MR. DATES: Okay. How can we -- how do we get that squared away so that we can then drop off the maps? What's the quickest way that we can get to that point?

MS. FLYNN: Well the maps are going to be signed. It's just you have to know that you don't have a final bill yet. I do have money in

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there but it's not going to cover this meeting also.

MR. DATES: Okay. I thought there was about like a \$1,300 plus -- on the plus side once that 1,600 went in.

MS. FLYNN: Yes, but I still don't -- I still get late billing from the lawyer and the engineer, so it's not up to date with what I have. You know what I mean? It's not even including today's meeting.

MR. DATES: Understood. Understood.

MS. FLYNN: I'm sorry.

MR. GAROFALO: My general concern, not specific to this project, it could be any project, is we get to this point and the Board turns down the project and there's money owed. That's my concern. What I would like to see is a policy to make sure that there's escrow money to make sure that the consultants are properly paid even if the project does not get approved because it's going to be very difficult. That's something that we have to, I think, talk about as far as our procedures go. But that's -- that is my concern, to make sure that our professionals who

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are doing work are going to get paid regardless of whether the project is voted up or voted down.

MS. FLYNN: Just so you know, James, I do work with Tommy Corcoran so that when I do have people that don't pay me, I send him a note stating how much they owe so that if they come for a permit or anything, they can't get it without paying me first.

MR. HINES: Generally the escrows -- Jen keeps the escrows ahead. That's the purpose, to keep those balances moving forward. It's not often an issue.

CHAIRMAN BRAND: That's what I was going to say as well.

MR. GAROFALO: The second thing is I think maybe at one of the prior meetings I talked about the idea of the stonewalls that are going to be taken down, that they be put back -- the stones be put back somewhere on the site, preferably where people can see it, and I don't see that in the resolution. You know, we had talked about this.

Justin, I think you had mentioned that you didn't think the applicant would have a

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problem with doing that. I don't know if you talked to him about it. That's certainly something that I would like to see done because that's something that the Town has indicated, that they want to preserve stonewalls. The fact that they're being taken down, I don't have a problem with that as long as the stones are being used somewhere else to enhance or continue the Town's --

CHAIRMAN BRAND: Does the Board agree with Mr. Garofalo, that we would like to add that as part of the resolution, that the stonewalls be repurposed or --

MS. LANZETTA: This is Cindy Lanzetta. I don't think -- that's a condition that should have been in the original resolution. I don't like the thoughts of starting to add new conditions for extensions. I mean, you know, either give somebody an extension or say you have to come back for the process. I don't think at this point it's fair to applicants to start adding additional conditions after we reviewed the whole project. That's my opinion.

CHAIRMAN BRAND: Good point.

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Steve Clarke?

MR. CLARKE: One of the things that -- you know, we tried to grapple with something that creates a community feeling. You know, I think the fact that we've always had these stonewalls in the Town, you know, it kind of ties things together. I like the idea. Down there that's not much of a stonewall but it's on that property. You know, it would be nice if the applicant would, you know, consider doing that. You know, I'm like Cindy, it's a little late in the process to ask them to come back and do that.

CHAIRMAN BRAND: Joe?

MR. LOFARO: I agree with what Cindy and Steve just said. It doesn't seem to make sense to change it after they've been approved already. That doesn't seem fair to them. If they'd like to use them on there, that's great. I don't see us being able to make them.

CHAIRMAN BRAND: Manny? Turn on your mic, Manny. Can I turn on his mic for him?

Jen, can you turn on his mic?

MS. FLYNN: I can't. It just tells me to ask him to unmute.

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CHAIRMAN BRAND: He's frozen I think  
anyway.

I'm kind of in agreement with Cindy as  
well. That's four of the seven.

MR. CAUCHI: Sorry about that. I was  
talking and there was nothing. (Inaudible.)

MS. FLYNN: He froze again.

MR. CAUCHI: I would have the general  
consent as well. I think this is the last  
extension. I hope that they can go ahead and  
develop, and the next time they come to the table  
I think that the criteria should change.  
Hopefully they can move forward with this last  
extension and what they need to do to develop.

CHAIRMAN BRAND: Okay. If there's  
nothing else; Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: No.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: No.

MS. FLYNN: No.

Mr. Trapani?

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CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Four yeses, two nos, one  
absent.

CHAIRMAN BRAND: The resolution passes.

I think you're all set then, Justin.

MR. DATES: Thank you. Just a question  
for the Board. The submission of the plat to the  
Board, is it two mylars?

MS. FLYNN: Yes.

MR. DATES: Okay. Thank you, everyone.  
I appreciate your time.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:16 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 22nd day of June 2020.

*Michelle Conero*

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MICHELLE CONERO



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MEETING HELD REMOTELY VIA ZOOM

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

----- X  
In the Matter of

ERIC AFFUSO SUBDIVISION

Project No. 20-2006  
46 Reservoir Road, Marlboro  
Section 108.2; Block 2; Lot 23.300

----- X

SKETCH - SUBDIVISION

Date: June 15, 2020  
Time: 8:16 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: ERICA AFFUSO &  
ERIC AFFUSO

----- X

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

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CHAIRMAN BRAND: Next up, Eric Affuso  
Subdivision, sketch, subdivision.

Do you want to just give us a little  
summary of what it is you have proposed?

MS. AFFUSO: Sure. So I submitted maps.  
It was a subdivision of an acre off a family  
property with a proposed house on the 1-acre lot  
that was being proposed for subdivision.

CHAIRMAN BRAND: Okay. Jen, can we  
bring that up, that map, do you think?

MS. FLYNN: I'm going to try.

CHAIRMAN BRAND: While you're doing it,  
maybe Pat can go through his comments on this.

MR. HINES: This is our initial review.  
The subdivision checklist that was submitted was  
not filled out by the applicant's representative.  
That's something that we're going to need filled  
out.

In addition, I did not get an  
environmental assessment form for the project, so  
that will need to be submitted. That should be  
filled out off the DEC's interactive website.

MS. AFFUSO: Quick question. For the  
EAF form from the website, is that the short form

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or the long form? The short form was submitted in the application.

MR. HINES: A short form would be fine. I did not get that.

MS. AFFUSO: It was attached. I put it in like an envelop and I handed it to Tommy Corcoran outside in the parking lot so I didn't have to go in the building.

MR. HINES: I did not receive that. It is the short storm. It is an unlisted action, so the short form would be appropriate. I can reach out to Tommy and get a copy of that.

MS. AFFUSO: It was definitely in that envelop. I will double check why that wasn't in there. I did fill out that EAF form.

MS. FLYNN: I do have it. I'll e-mail it to you, Pat.

MR. HINES: So then I'll have that.

MS. AFFUSO: All right. Thank you.

MS. FLYNN: Do I have it up?

CHAIRMAN BRAND: It was up just a second ago.

MS. FLYNN: There?

CHAIRMAN BRAND: Keep going, Pat.

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MR. HINES: We're looking to see where the driveway location is. Right now there's no driveway location shown to the residence and the road grade is relatively steep there. So we'll need to see the grading, the sight distance and details for driveway access to the house. That wasn't shown.

We'll need to send the highway superintendent -- once that's shown, have the highway superintendent weigh in on that location. We'll need that detail.

For the Planning Board, the applicant has not requested but is obviously asking for a waiver of the boundary and topography survey of the balance parcel. I think there's 23 acres on the parcel, and this 1-acre subdivision is off the one corner along the road frontage on the northeast corner, I believe, of the lot. So the Board should consider whether or not they're willing to grant that waiver of the whole survey of the 23 acres. They did give us boundary and topography on the area of the 1-acre lot that's proposed.

The bulk table should be addressed to

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show what is proposed as well as just what is required.

Ulster County Health Department approval of the septic systems will be required. I did note that the reserve area is not 10 feet off the rear property line. That may be a drafting issue. Public Health Law 75-A requires that the septic systems be a minimum of 10 feet off any property line.

There are grapevines depicted about 50 percent of the lot and then over into the parent parcel. I bring that up because the status of the agricultural use of the balance parcel, I'm not sure if that's an active farm. Section 155-52 increases the side and rear yard buffers if it is an actively farmed parcel. So I don't know if Erica can explain that to us now or if you want to wait to address these all --

CHAIRMAN BRAND: Erica, why don't you jump in on that one. Are the grapevines actively being farmed right now?

MS. AFFUSO: Yes, they are. For this map, what you see for the acre, they do actually go over farther on the other acres that are

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attached to the property, you just don't see them on this map. If you look at the last line, that last row, that's not the last row of the vines that you see on that map. That's just how that map was drawn up, but it goes across.

MR. HINES: The reason I bring that up is that Section 155-52 requires a 75-foot side yard and rear yard for an agricultural buffer if the parent parcel is active. So the house location as now shown would have -- that side yard which is now shown at I think 50 would need to be shown at 75 for that. There's a note required. I'm not sure -- is that commercial grapevines? I don't know. That depends on how Section 155-52 is interpreted.

MS. AFFUSO: For Section 155-52 it would have to be commercial grapevines?

MR. HINES: For farmlands. It's protecting from spraying and impacts associated with that. If it's in active agricultural it says, and it sounds like it is, it sounds like that side yard setback may need to be increased.

CHAIRMAN BRAND: So they can either move the house down or move the property line

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back 25 feet?

MR. HINES: It's the side yard. The rear yard is 75 by default in this zone. That agricultural buffer would kick in along that side yard as well where the grapevines are shown. So the house would have to move towards the private road to the right of the map. I don't have a north arrow. To the east. I do see a north arrow on the map. If you can have your consultant take a look at 155-52 and they can address those.

And then there's a comment. I know it says Eric Affuso is the owner, but --

MS. AFFUSO: We're both here.

MR. AFFUSO: Hi, Pat.

MS. AFFUSO: Sorry. I just had my face on the camera.

MR. HINES: There's a reference to remaining lands of DA-2 Development Corporation.

MR. AFFUSO: It was just deeded over to me about three months ago, Pat. I do have the deed.

MR. HINES: If we can get that cleaned up, that would be good. I think we're going to need a new map anyway. I just wanted to make sure

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the record owners were correct.

My last comment had to do with that environmental assessment form.

I think the main --

MS. AFFUSO: You do have that environmental assessment form, right, just so I don't fill it out a second time?

MS. FLYNN: Yes, I do have it.

MR. HINES: Jen can e-mail me that. It wasn't in that application packet I got.

MS. AFFUSO: For the septic, what was that you said about that? Just because it wasn't, you said, 50 feet?

MR. HINES: If you look at the map, to the rear property line the septic reserve area is touching the rear property line and there's a 10-foot minimum separation requirement. So when you send that to County Health it will have to be revised by your engineer to move that septic system so that there's a 10-foot separation distance.

MS. AFFUSO: From that and then the back lot line?

MR. HINES: From the back lot line.



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It's shown touching the back lot line. I sent your engineer these comment. He has them.

MS. AFFUSO: Okay. Perfect. Thank you.

MR. HINES: He should know what to do with them. Have him take a look at that septic. Have him take a look at the agricultural buffer.

And then the roadway access, just show us where the driveway is. It looks relatively steep based on the topography along the road frontage.

MR. AFFUSO: Pat, that side -- 75 feet on the side yard, does that survey map have to be redone?

MR. HINES: Yes.

MR. AFFUSO: I'll give her whatever property she needs.

MR. HINES: You can move the property line or you can move the side yard setback line. You can move the house.

MR. AFFUSO: Whatever works.

MR. HINES: Yeah. If you like where the house is, then you want to move the property line. That works, too.

MS. AFFUSO: The house would have to

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move east?

MR. HINES: East. You can fudge that property line, too, towards the west and gain that based on Section 155-52.

MS. AFFUSO: Okay.

MR. AFFUSO: Pat, are you requiring a total survey of the 23 acres?

MR. HINES: I'm suggesting to the Planning Board that they consider waiving that.

MR. AFFUSO: Okay. I do have it if it's needed.

MR. HINES: We've done that on larger lots before. You're not impacting the lot at all. It's just that 1 acre in the very corner. It's up to the Board. It's the Board's decision. Again, you'd be surveying 23 acres and topo'ing 23 acres that's not changing.

MR. AFFUSO: Okay.

CHAIRMAN BRAND: Does anyone on the Board feel the need for him to survey those 23 acres?

MS. LANZETTA: If he's doing it anyway.

I have a question about, you know, this -- we have to think about segmentation. Right

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now the parcel to the west of the proposed 1-acre new lot is all developed. So if there was to be any further development of this property, I'm not sure how access to the parcels in the back would be gained. We have to think about what would happen if the rest of the property was to be developed.

MR. AFFUSO: I have no desire to do it. Again, that's today.

MS. LANZETTA: That's why we have to think about if you ever sell that property and somebody else comes back to us, and now how -- do you have any access or an easement on the private road that is by Evangelista's there?

MR. AFFUSO: I have no easement on that road.

MS. LANZETTA: So then the only way you could get further back into your property would be the section that you've already pretty much all developed up by the road. So that could be a problem.

MR. HINES: It has frontage further west as well as on Reservoir Road, around the hairpin there.

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MS. LANZETTA: That's all like rocks.

MR. HINES: Yeah.

CHAIRMAN BRAND: Pat, I know you mentioned the driveway. Just to be clear, our newly adopted standard was 17 degrees? Not to exceed 17 degrees? Is that correct?

MR. HINES: 14.

CHAIRMAN BRAND: 14.

MR. AFFUSO: So the driveway entrance is exactly alongside of Evangelista's driveway. Further west of that it gets steeper. That entrance is not steep at all.

MR. HINES: It's just not shown on the map right now. There is no driveway shown.

MS. AFFUSO: Just have Mr. Feeney put that and the map right next to Evangelista's there where the driveway would be?

MR. HINES: Hopefully not too close. We want it separated somewhat. We'll have the sight distance shown there.

MS. AFFUSO: Is there any rules of how far distance wise, just so I know when I talk to him?

MR. AFFUSO: He'll know.

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MR. HINES: Have him put it where it works best is usually -- you know, the further separated, the better.

MS. AFFUSO: Okay.

MR. HINES: Again you're running into topography there as you move west.

MS. LANZETTA: That's why I'm thinking if that's -- if that entrance there for your driveway would be the only way to eventually get back on that back piece parcel further back in there, it might be something that you might have to think about in terms of if there was future development, you know, how you would do that. That's what we're supposed to be looking at, too. If there's future development, how are you going to get to the back there.

CHAIRMAN BRAND: You're saying you can't do it from the other side, Cindy?

MS. LANZETTA: It would be very difficult. Again, if we had the topography then we could look at this intelligently. We don't have the rest of the topography so we can't tell by looking at the maps that we have.

MR. GAROFALO: The other issue with

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where the driveway is is sight distance. You want to have good sight distance from the driveway.

One of the other things that I'm concerned about is when you look on the southern part of the property, you have that stream and there's only a very small portion that is on your property that currently is piped. So it looks like if there was a connection to the other portion where that stream is, you'd have to have the stream crossing.

MR. AFFUSO: What stream are you talking to on the south?

MR. GAROFALO: In between the two ponds.

MS. AFFUSO: The south end?

MR. HINES: The lower pond is not on the --

CHAIRMAN BRAND: Jen, can you bring the map up again?

MR. HINES: That portion labeled gravel drive on the map is off the Affuso property onto what I think people are calling Evangelista.

MR. GAROFALO: Right. But there's a small portion where the stream comes and is piped

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across their property.

MR. HINES: Very small. Yup.

MR. GAROFALO: My concern is if you were going to get to the other side, unless you were using that portion of the property you would have to actually have a stream crossing.

MR. AFFUSO: Okay.

MR. GAROFALO: Two other things. On the EAF, please take a look at item number 10, because I think that's wrong, because the map shows you're putting in a new well. That's not an existing water supply.

And number 13 I think may also be not correct, but I'm sure --

MS. AFFUSO: What was that one?

MR. GAROFALO: That has to do with water bodies. It looks to me like you have a water body further back, not directly on the parcel but it's on the adjoining parcel, and it specifically talks about adjoining the proposed action.

MR. HINES: The parent parcel has a big pond on it.

MR. GAROFALO: So please go through the

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whole -- I know you're going to go through the whole thing, but I wanted to bring those particularly to your attention.

MS. AFFUSO: That's fine. Thank you.

MR. AFFUSO: So what pipe are you referring to in that stream?

MR. GAROFALO: It goes under the road.

MR. HINES: It goes under the private road.

MR. AFFUSO: All right.

MR. HINES: A little piece of it goes under the proposed lot.

MS. AFFUSO: The very far back corner; right?

MR. HINES: Yeah.

CHAIRMAN BRAND: Does the one pond feed the other?

MR. AFFUSO: Yeah. The stream doesn't really move. It's seasonal, Chris.

CHAIRMAN BRAND: Right. Okay. Anything else from the Board?

MR. CLARKE: The driveway was a concern of mine.

I just really think you ought to think



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about expanding the size of the lot 10, or 15 feet, or 20 feet on some of the those lines just to correct the setback issues. I think it would be easier to have a larger lot and not have to fight the issues on setbacks.

MR. AFFUSO: I should have done the surveying myself, Steve. That won't be a problem.

MR. CLARKE: All right. It would just make life easier, that's all.

MS. AFFUSO: For my to do list, or our to do list, you already sent the notes to Dave Feeney?

MR. HINES: I did.

MS. AFFUSO: So then -- I've never done this before. We just bring those notes back to you?

MR. HINES: He'll know what to do. If he has any questions he can feel free to call me.

MS. AFFUSO: Okay.

CHAIRMAN BRAND: So you'll clear that up and then come back to us; correct?

MR. AFFUSO: The next meeting, Chris?

MS. LANZETTA: I'm still unclear about being able to look at the larger parcel in terms

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of access to future development issues.

MR. HINES: Did you say you had the survey on the parent parcel completed?

MR. AFFUSO: It's not in my hand but it's been done. It should be in my hands shortly.

MR. HINES: That included topo?

MR. AFFUSO: I'm not sure.

CHAIRMAN BRAND: Pat, would it be possible for them to build a driveway such that if there were future development that could somehow be converted to some type of access road to access that property?

MR. HINES: The lot would have to be larger to accommodate the loss, or they could move the lot -- leave a 50-foot strip as the parent parcel alongside that private roadway there. There are ways to do it. I can talk with their engineer once he has the idea. 50 feet along -- I think the private road, I heard, was Evangelista Road?

MS. AFFUSO: Evangelista. Yeah.

MR. HINES: If they left a 50-foot strip with the parent parcel, that could be potentially developed into a road. I'm just

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talking out loud. I also don't know -- as Cindy said, not the topography but on the opposite side of the lot from this subdivision, if that is able to be accessed. If you look at the location map up on top of the plan, if there's adequate there. I'm not sure what the topography is there. The lot has two points on it where it touches Reservoir Road, this one, the easterly most point of the subdivision, and then just west of there is another lot. There may be room on the other side. I don't know. So that would be something for their engineer to take a look at.

CHAIRMAN BRAND: I would just let the engineer know we do have concerns regarding access to the remaining property, and hopefully he can --

MR. AFFUSO: For future development?

MR. HINES: Potential.

CHAIRMAN BRAND: Anything else on this one?

(No response.)

CHAIRMAN BRAND: No. All right. So you guys will clear that up and then get in touch with Jen and we'll reschedule you for another

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ERIC AFFUSO SUBDIVISION

68

appearance. Okay?

MS. AFFUSO: Okay.

CHAIRMAN BRAND: Thank you. Have a  
good night.

MR. AFFUSO: Thank you all very much.

(Time noted: 8:35 p.m.)

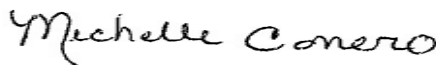
C E R T I F I C A T I O N

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 22nd day of June 2020.



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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X  
In the Matter of

PLANNING BOARD APPLICATIONS

----- X

BOARD BUSINESS

Date: June 15, 2020  
Time: 8:35 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE

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

----- X

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

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CHAIRMAN BRAND: Before we go to the discussion without the lawyer, engineer or stenographer, I believe Member Lanzetta had an addition that she wanted to bring up.

MS. LANZETTA: Yeah. I'm concerned that -- like for instance, I personally feel like with some of the applications that we're getting, even though we have a checklist things are not being adequately provided to the Planning Board. Like for instance in this past case, you know, Pat has to make a list stating the fact that we were missing a lot of items that should have been in the file before we -- in my opinion, before we reviewed it. I know Jen works hard and tries to make sure that certain things are included.

Actually, as far as the applicant is concerned, if we wait until they come before us at the Planning Board where they're paying for a stenographer, they're paying for a lawyer and they're paying for Pat's services as well as, you know, our time and they're not really prepared and haven't provided enough of the stuff for us to really be able to comment intelligently on the project, I don't think we're doing the applicant

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a favor and I don't think we're doing ourselves a favor.

So I'd like for us to think about -- I'm not sure how to do this -- to make sure that the things that we need have been provided so we have a complete application. It might be perhaps that Pat might be the person to review it and maybe make preliminary comments to the applicant saying you need to give us this, this, this, this, this before you can be put on the Planning Board agenda. I just feel like we've had a number of applications that I don't think the applicants were truly -- I didn't think that the application was truly complete. I'd like for us to have a better process on this. That was my concern.

MR. HINES: I reviewed this early on and realized that there was not the checklist. Some of it -- I believe a lot of it falls on the consultants. When my office does a submission for a client to a planning board we make sure that every document that's required is provided. It sometimes boggles me that we don't get forms that are in the application packet, they're just skipped over by whether it be the applicant or

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their consultant.

CHAIRMAN BRAND: I did shoot out an e-mail about this. Pat, do you think it would be -- I mean obviously we want to make the process quickly and as pain free as possible for the applicants. Do you think that a review -- a pre-review, like Cindy is calling it, by your office before they came to the Board would end up costing the same amount to the applicant as doing it at a meeting? Would there be a significant savings do you think? Do you think it would speed up the process?

MR. HINES: I think it will slow it down a bit. I think the applicants want to get to the meeting. That's their goal. I don't know that the applicants are complaining. You do have this kind of first meeting which is what this meeting is all about, their initial appearance. So I don't know if we're hearing from the applicants that they're frustrated. I'd be frustrated with my consultant if I was them.

MS. LANZETTA: I feel like sometimes -- another thing that I don't care for is we have the checklist for a reason, and then if the



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applicant is not going to provide us with what we've asked for, I think they should have a written reason why. I don't like them coming and assuming that on the spur of the moment that they should -- I mean honestly, why shouldn't we have that topography for the Affuso subdivision? I mean we could have gotten a lot farther tonight in figuring out, I think, you know, what would be an adequate way to access the rest of the property, whether or not that was a possibility, avoid any issues with segmentation. We didn't have that information which they were supposed to check off and provide us with. Then I feel like it puts us in a bad position that, you know, you don't -- you know, I just don't -- I don't feel that I should have to waive something when there's no reason presented to me that I should have to waive something.

MR. HINES: They just didn't provide it this time. I assumed that they were going to request the waiver.

MS. LANZETTA: Why? Why do they get a waiver and the next guy doesn't?

MR. HINES: Well, I can tell you we

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have in the past, numerous times, waived on large parcels such as this. I think the Board needs to be consistent if they're going to -- it gets very expensive to do topography. 23 acres isn't very large. 60 acres is large. Topography is relatively cheap if you do it by aerial photos or aerial topography methods. You can get it for a \$100 an acre on aerial topography. You can't do it this time of year.

If it's the Board's policy to get it, I think you just need to be consistent. That's why I suggested the waiver. We've had larger lots get this waiver when they were only doing small lot subdivisions.

CHAIRMAN BRAND: I don't see how it really impacts the proposal, really, to have them survey the extra pieces if it's not being -- as far as being untouched, it really has nothing to do with the proposal.

MR. CAUCHI: I have a question. Doesn't the building inspector play a role in this? Doesn't he usually guide the applicant? Isn't he the frontline people and he directs them which way they should go as far as writing up the

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applicant? I mean he has a role, doesn't he?

MS. LANZETTA: He has a role. He's supposed to make sure that they follow the zoning codes and that what they're proposing is acceptable within the framework of what they want to do. That doesn't say that what they're doing is -- he's not the one -- he can say yes, that's acceptable but he doesn't -- you know, we still have to follow our own Town codes and make sure everything is in compliance, you know, as planning goes.

MR. CLARKE: Cindy, it sounds like you want to appoint a gatekeeper, and that's fine. But, you know, if it's going to be Tom Corcoran or whoever that does this, I don't know. We're still kind of a small town and, you know, within one or two meetings they generally are in compliance with us. I don't have a serious problem with that. If you want to have a gatekeeper that says okay, you can not come before the Planning Board until these things are done, we should appoint one.

MS. FLYNN: I do scan everything and send it to the Board before. If you do have

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questions I do send it back to the applicants. Most of the time the ones that don't go to like a Patti Brooks or whatever, they just want to get to that first meeting and then work it out, you know.

MS. LANZETTA: I'm just saying they're paying for additional consultants that they don't necessarily need to pay for. If that's what they choose to do. It just seems to be not an efficient process. Again, I'm saying if we have a checklist. I agree with Pat, we should be consistent. I don't think -- I don't see -- if I was going to subdivide an acre off my property, I can't imagine that I would just show you a corner of my property and say here's the 1 acre that I want. I don't see how that's, you know, kosher, you know. You have to look at -- you're asking for the deed, you want to look at the whole property, and you have to think in the long term what else is happening with the rest of this property besides the one little acre that you've decided to carve off here.

MR. GAROFALO: The problem you get in with a gatekeeper is the gatekeeper can decide

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they don't like the project and never let it get to the Board. So I think that you have to be very careful about having a gatekeeper who has too much power to prevent the application from getting to the Board. To a certain extent this is a question for the applicant. Does the applicant want to waste time going to meetings every two weeks or does the applicant want to just get it done and get it done correctly, and part of that has to do with what costs them more. The cost of the time that he's holding on to the property, et cetera. Is that costing him more or are the consultant fees costing him more. But again, I think the problem that you can have with a gatekeeper, if you're not very careful, is that they will hold up the project too much. That is something which can get applicants very unhappy about.

MS. LANZETTA: You know, I didn't say gatekeeper. I just said somebody that can make sure that the checklist is being followed. That's all I'm asking. I mean why do we have a checklist if it's not going to be -- if the items are not being provided for us.

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CHAIRMAN BRAND: I think if being an elementary school teacher has taught me everything -- anything, it's that people don't follow directions. We could give them, adults, children, anything, we give them our expectations and there's very few people that are getting hundreds on everything. So I'm kind of torn. I understand your point for sure, but I think that they are here to come to the meetings and they work it out at the meetings. I don't know that having a review process is going to save them much more time or money. I don't know.

MR. LOFARO: Can we just put some kind of disclaimer in the packet saying potential timesaving and money saving options and give them the option to do what they want to do? It seems like most people are pretty happy with the process. Nobody is really complaining. It affects us sometimes like today, but they're not really complaining as far as I know.

CHAIRMAN BRAND: They don't complain to us, Joe. They complain elsewhere.

MR. HINES: The Planning Board is holding me up.

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CHAIRMAN BRAND: I hear that all the time.

MR. GAROFALO: And the fees are too much. That's the other complaint.

MR. LOFARO: I'm talking about complaints because they didn't fill out the application correctly and things took longer. It's not necessarily our fault. People are going to complain regardless I guess.

CHAIRMAN BRAND: Let's give it some additional thought. I don't want to hold up Ms. Sandri any longer. We'll give it some thought. If you have any good ideas, send them out. Let me know your thinking. We'll come to some kind of conclusion. Okay?

I think that's it for the consultants. Speaking of which, you guys have a good night. Thank you.

(Time noted: 8:48 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 22nd day of June 2020.

*Michelle Conero*

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MICHELLE CONERO