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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. 20-4006
46 Reservoir Road, Marlboro
Section 108.2; Block 2; Lot 23.300

----- X

RESOLUTION - SUBDIVISION

Date: August 17, 2020
Time: 7:30 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
JAMES GAROFALO
STEVE CLARKE
MANNY CAUCHI (Present at 7:35 p.m.)

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

APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & ERICA AFFUSO

----- X

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

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CHAIRMAN BRAND: I'll call the meeting to order. Agenda, Town of Marlborough Planning Board, August 17, 2020. Regular meeting 7:30 p.m. Approval of stenographic minutes for 7/20. On the agenda tonight we have the Eric Affuso Subdivision, resolution for the subdivision at 46 Reservoir Road in Marlboro; Dwyer Airbnb, sketch for a site plan at 203 Ridge Road in Milton; Guarino, sketch for a subdivision on Lattintown Road. Apparently we also have a discussion without the lawyer, engineer and stenographer for Bill Davidson and Nick Galella. The next deadline is Friday, August 21, 2020. The next scheduled meeting is Tuesday, September 8, 2020.

Since we didn't get the minutes for 7/20, I'd like a motion to table that until the next meeting.

MR. LOFARO: I'll make a motion to table the minutes until the next meeting.

CHAIRMAN BRAND: A second?

MR. GAROFALO: I'll second that.

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: Okay. First up we have

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the Eric Affuso Subdivision, resolution for
subdivision.

She was here. Is she still here?

MS. AFFUSO: I'm here.

CHAIRMAN BRAND: There you are.

Pat, you have nothing further on this;
right?

MR. HINES: No. We had discussed my
previous comments. Jeff has made a neg dec and
draft resolution for the Board's use.

CHAIRMAN BRAND: Jeff, before I get
into that, did you have anything you wanted to
clarify or --

MR. BATTISTONI: I'll simply say that I
submitted two resolutions for the Board to
consider. One was the neg dec resolution and one
was the approval resolution.

CHAIRMAN BRAND: Excellent. Thank you.

In the matter of the Eric Affuso
Subdivision, we do have -- anything from the
Board before I jump in? I'm sorry.

MR. CLARKE: No.

MR. TRAPANI: No.

CHAIRMAN BRAND: No. Okay.

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For the application of Eric P. Affuso for the two-lot subdivision, the Town of Marlborough Planning Board has a SEQRA negative declaration and notice of determination of non-significance.

Jen, would you poll the Board, please?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Trapani?

MS. LANZETTA: He's muted.

CHAIRMAN BRAND: Thumbs up or thumbs down, Ben.

MS. FLYNN: I still can't hear you.

CHAIRMAN BRAND: Can I unmute him?

MS. FLYNN: I tried and it told me to ask him to be unmuted.

CHAIRMAN BRAND: Ben, click on the little microphone in the bottom left-hand corner of the screen.

Ben, I'm going to go verbal. This is yes, this is no (indicating thumbs up/thumbs down). Where are you?

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ERIC AFFUSO SUBDIVISION

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MR. TRAPANI: (Indicating thumbs up.)

CHAIRMAN BRAND: Okay. That's a yes for
Member Trapani.

MS. FLYNN: Member Lofaro?

MR. LOFARO: I'll give it a yes also.

MS. FLYNN: Member Clarke?

MR. CLARKE: I'll give it two thumbs
up. Yes.

MS. FLYNN: Member Cauchi?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Actually, let me see. I
think he is just now coming in.

Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Is he there? Manny?
Should we --

CHAIRMAN BRAND: Are you there, Manny?

MS. FLYNN: It says it's connecting.

CHAIRMAN BRAND: I'll give him a
minute. That's fine.

MS. FLYNN: There he is.

Manny, do you accept the subdivision
for Affuso?

CHAIRMAN BRAND: The SEQRA negative

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declaration for Affuso.

MS. FLYNN: It's connecting again.

Put a thumbs up if yes, thumbs down if
no.

CHAIRMAN BRAND: I don't see him at
all.

MS. FLYNN: I can see his head.

CHAIRMAN BRAND: I'm just going to
leave an absent for now. That carries anyway.

For the application of Eric P. Affuso
for the two-lot subdivision, the resolution of
approval by the Town of Marlborough; Jen, would
you poll the Board please?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: (Indicating thumbs up.)

CHAIRMAN BRAND: Thumbs up. That's a
yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

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MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: There he is.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Excellent. Included in this is the recreation fee findings for the Town of Marlborough Planning Board. I'll read it. Whereas the Planning Board has reviewed a subdivision application known as the Affuso Subdivision with respect to real property located at 46 Reservoir Road in Marlborough, New York 12542 in the Town of Marlborough, Member Lofaro offered the following resolution which was seconded by Member Clarke. It is hereby resolved that the Planning Board makes the following findings pursuant to Section 277-4 of the Town Law. Based on the present and anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of the subdivision will contribute, parkland should be created as a condition of approval of the subdivision. However, a suitable

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park of adequate size to meet the above requirement can not be properly located within the proposed project site. Accordingly as appropriate, that in lieu of providing the land the project sponsors render to the Town payment of a recreation fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. This approved subdivision known as the Affuso Subdivision resulted in one lot for a total of \$2,000 in recreation fees.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

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MS. FLYNN: Member Trapani?

MR. TRAPANI: (Indicating thumbs up.)

CHAIRMAN BRAND: All right. And that will be for today. Jen, I'll get that to you.

So I believe, Ms. Affuso, you're all set.

MS. AFFUSO: All right. So do I owe you guys money? Is that what happened?

MS. FLYNN: You paid your escrow fees today but that's not a final bill. On top of your escrow fees is recreation fees which is the \$2,000 that they just did.

MS. AFFUSO: Okay. It's just another check to bring down to the Town? You'll e-mail me?

MS. FLYNN: Okay.

MS. AFFUSO: Okay. Thank you.

Thank you, guys. I'll miss seeing you on Monday nights.

CHAIRMAN BRAND: Drop off the maps at the Town Hall.

MS. AFFUSO: Thanks, everyone. Have a good night. Thank you.

(Time noted: 7:38 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 24th day of August 2020.



MICHELLE CONERO

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HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

DWYER AIRBNB

Project No. 20-4010
203 Ridge Road, Milton
Section 108.2; Block 3; Lot 5

----- X

SKETCH - SITE PLAN

Date: August 17, 2020
Time: 7:38 p.m.

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

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

APPLICANT'S REPRESENTATIVE: FRANK DWYER & DANIELLE DWYER

----- X

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DWYER AIRBNB

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CHAIRMAN BRAND: Next up on the agenda is the Dwyer Airbnb, sketch for a site plan at 203 Ridge Road, Milton.

Mr. Dwyer, are you there? Or his representative perhaps?

MR. DWYER: So I'm Frank Dwyer. This is my daughter Danielle. I own the property. Danielle resides there. We're just --

MR. HINES: I'm having a hard time hearing them.

CHAIRMAN BRAND: Me, too. Is there a way you can turn up your volume or get closer to the microphone maybe?

MR. DWYER: Can you hear me now?

CHAIRMAN BRAND: That's much better.

MR. DWYER: Sorry about that. So I guess we started this whole process back in January with an initial meeting. We had -- I bought the property back in -- I guess about a year and change ago, and we renovated the property. Danielle has moved in with her husband and is now looking to Airbnb it. The rooms in it.

We provided the maps with regard to

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what would be allocated to be used.

So we're in the process now of --
again, we don't know what we don't know. We want
to do this legally. We want to do this the right
way. We enjoy Marlborough quite extensively, and
I think there is an opportunity for future
business to do what we're looking to do. We're
asking for your approval on this venture.

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

MR. HINES: I didn't know the
applicants were representing themselves. I did
send it to the surveyor -- my comments went to
the surveyor that was on the map that was
submitted.

CHAIRMAN BRAND: Who was that surveyor?

MR. HINES: Spencer Hall I want to say.
Yes. Spencer S. Hall.

CHAIRMAN BRAND: I see. Okay.

MR. HINES: That was on the 11 by 17
map that was submitted.

That leads into my first comment is
that the application is not filled out
completely. We've been seeing a lot of that

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lately. We'll need the Town's application forms, checklists and those items filled out completely.

A short environmental assessment form is required to be filled out on the DEC's website and submitted to the Board. It will give the Board information from the DEC's files and such.

It is an Unlisted action and the Board would become lead agency eventually.

We're suggesting that a project narrative be submitted that identifies the use of the project, the percentage of the structure to be utilized, compliance with the owner occupancy requirements.

I heard the first gentleman speak stating that they bought the house a year ago and the lady on there is occupying the house. It has to be owner occupied, so submission of who owns the house is a requirement. So we'll need to know who owns the house to meet that owner occupancy requirement.

Often times the Board requires a number of rental periods per year that will be utilized.

This is a special use in the Town code, so it does require a public hearing. At some

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point the neighbors will be notified and you'll be having a public hearing. This will all be useful information for the Board and for the public.

The section, block and lot should be identified on the survey.

The underlining zoning bulk requirements.

MR. DWYER: It's not on there?

CHAIRMAN BRAND: We can hear you, whoever that is.

MR. TRAPANI: I'm sorry, guys.

MR. HINES: We have Ben on audio now.

CHAIRMAN BRAND: But we can't see you anymore.

MR. TRAPANI: Good.

(Chuckling.)

MR. TRAPANI: I'm sorry, guys.

CHAIRMAN BRAND: That's all right.

MR. HINES: I'm getting down here by my comment 6. Bed and breakfasts are identified as special uses in all the zones that they're permitted in.

Section 155-23 of the home occupations

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also applies. Each of those items should be identified in the narrative.

Then there's parking spaces that are depicted on the surveyor's map, and they don't meet our standard parking lot requirements. They need to be 200 square foot, roughly 10 by 20 -- not roughly. 10 by 20 parking depicted and how those are going to be delineated on the site should be identified.

So that's our review of the initial submission.

CHAIRMAN BRAND: Mr. Dwyer?

MR. DWYER: So do we get that list of requirements?

MR. HINES: Absolutely. Unfortunately, because the application was filled out, I sent it to your surveyor. Either Jen or I can follow up and get you a copy of that. By all means.

MS. FLYNN: I'll send you a copy.

MR. DWYER: That's fine. There's a lot of, I guess, jargon that you were using regarding this that we don't understand as homeowners. So does this require getting -- how do we get people to understand this? Will my surveyor be able

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to --

MR. HINES: Typically the surveyor, as a design professional, can assist you. There are some changes to the map that he needs to make. He can certainly develop this site plan. Some of it will be discussion with you, the narrative on how you're going to operate, how many times per year you intend on renting. Those are the kinds of questions we'll have from the public during the public hearings that the Board will need to address as well.

CHAIRMAN BRAND: I think the most important portion of what Pat discussed with you, other than the missing EAF and application that needs to be there, was the idea that the Town requires owner occupancy. So whoever is listed as the owner would have to occupy the building during the rental periods.

The Town also requires that only -- is it fifty percent, Pat?

MR. HINES: Normally for home occupations it's thirty-five but they have a fifty-percent limit.

There was an architectural plan

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submitted but it didn't have the calculations of how much of the residence is utilized. I notice it was just covering the bedroom portions. I don't know -- we always go through this with bed and breakfasts. There has to be some component of the kitchen and eating areas and such. I assume you're serving the breakfast as part of the bed and breakfast. That's something that needs to be reviewed.

MR. DWYER: That's the difference with Airbnb. It's just a room for the night. That's it. They don't have access to -- they can come through the front of the house, but --

MR. HINES: That's why that narrative will come in handy. If you can identify that. If there is no food service portion of that, that would be helpful.

CHAIRMAN BRAND: We'll just need to see specifically what percentage of the total property or building itself is being utilized by the renters.

MS. LANZETTA: Can I also mention that we've had a number of people come to the Planning Board that are -- perhaps some of them want to do

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a home occupied bed and breakfast but some want to do more a short-term rental, like Airbnb. The Town Board is aware that we don't have any code that addresses this. They are meeting -- in fact, they'll be meeting shortly to develop additional codes that would be more in line with the short-term rental. So if you do have the option, if you want to wait and see what kinds of, you know, changes to the code might be coming in the future as opposed to what we have presently in place.

MR. DWYER: When do you foresee that happening?

MS. LANZETTA: They're meeting August 24th. In fact, all the Boards are meeting with the Ulster County Planning director to discuss what's going on in other towns and, you know, to raise questions about how we might craft something for our community. We do know that this is something that the community is -- you know, needs to address. I'm sure the Town Board is going to try to work as quickly as they can, but I can't give you a timeline.

MR. DWYER: Okay.

CHAIRMAN BRAND: Mr. Dwyer, was your

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DWYER AIRBNB

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intention to rent out, did you say just a room?
Are you renting out the house? What's the plan?

MR. DWYER: Just two rooms.

CHAIRMAN BRAND: Two rooms of the
house?

MR. DWYER: Two bedrooms and two
bathrooms.

CHAIRMAN BRAND: So that would not be a
full rental. That would probably come under the
B&B. Like I said, it would have to be owner
occupied and not more than fifty percent of the
total area of the structure.

MR. DWYER: Okay.

CHAIRMAN BRAND: The checklist can be
picked up from the Town Hall.

MR. HINES: They did have it. It's just
not complete.

CHAIRMAN BRAND: Okay. Try and -- every
single item should be addressed on the checklist.
That makes everyone's life a little bit easier.
And then the short form EAF Pat referred to is
available on the DEC -- New York State DEC
website. It's an interactive thing that gets
filled out online. Open the address and it kind

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DWYER AIRBNB

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of walks you through what needs to be done.

MR. HINES: The Town's Planning Board application section has a link to it as well.

CHAIRMAN BRAND: And your professional should be familiar with that I would hope.

MR. DWYER: Okay. All right. Fair enough. I guess we'll get a handle on this checklist.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: Is there a parking space in the garage, too?

MR. DWYER: Yes -- no.

MS. DWYER: We don't have it accessible. That's where we park.

MR. DWYER: Yeah. We don't allow anybody to --

MR. GAROFALO: For calculation for the overall site, you do have a parking space in the garage?

MS. DWYER: Mm'hm'.

MR. DWYER: Right.

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

MR. CLARKE: I'm just a little confused

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about this. If you're not serving breakfast and you're using the company called Airbnb as your source of people that are going to rent, we don't have a code that covers that, and I don't see why they couldn't, just like everybody else, rent it out until we codify and have rules and regulations. I don't understand why you're saying that if it's two rooms and not a house it comes under bed and breakfast.

CHAIRMAN BRAND: Because that's what our code entails right now. I spoke to Tom at length about this. Basically anything shorter than a month rental is considered a short-term rental. If it was more than a month and he was renting it out, then it wouldn't be an issue.

I'm assuming you're renting for less than a month if it's just a bedroom or two. That's what we have in our statute that covers that type of rental usage in the Town.

The fact that -- I went through this with Tom as well. It's just a business. It's called Airbnb. Walmart is called Walmart but they don't sell walls. That's just the name of the company. It really has very little to do with the

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DWYER AIRBNB

23

fact that it's a bed and breakfast. I use it as a rental company as well, and it's not a bed and breakfast by any means.

MS. DWYER: Some of them do. Some of them offer that.

CHAIRMAN BRAND: Yes. For sure. They have all sorts of interactive crossovers between Vacation Rental By Owner, Airbnb. There's a ton of them. The name itself doesn't really indicate that it's necessarily a bed and breakfast.

MS. DWYER: So do you feel we should wait until the code for Airbnb specifically is complete?

CHAIRMAN BRAND: I think what Mrs. Lanzetta was referring to is not really addressing the Airbnb thing. That's pretty well established. It was really for people that were looking to rent their entire homes as a short-term rental. There may be some tweaking of the B&B portion of it as well. I think what you're describing to me, and jump in if you feel that I'm misspeaking, but it sounds to me like a classic what our Town considers a bed and breakfast usage under the code.

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MR. DWYER: So we would put out a calendar, so to speak, and whoever decided to stay longer term could stay. How ever long you want really. Some people have indicated that, you know, they would stay two, three, a month at a time.

CHAIRMAN BRAND: How long?

MR. DWYER: It could be up to a month.

MR. HINES: You need to be careful. If they stay more than a month it becomes their residence.

CHAIRMAN BRAND: Yeah. And then I think it almost is becoming a boarding house at that point.

MR. HINES: Yeah. It also becomes difficult to get them to leave. You have to evict them.

MR. CAUCHI: You have to allow some of the kitchen as well. You're saying you don't want them using the kitchen. You're going to be renting these rooms and you're not going to allow them in the kitchen? I'm quite confused at that point. The comment you made before --

MR. DWYER: Well, I'll let my daughter

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answer this. She's been involved with Airbnb now for probably six, seven years in probably thirty different countries. They all basically operate the same way. You just have use of one particular room. You're just renting a room for the night. It's kind of like a hotel.

MS. DWYER: And some offer use of their kitchen space and some just don't.

MR. CAUCHI: I know for myself, when I want to get up I want a cup of coffee. You have to at least offer me a cup of coffee.

MS. DWYER: A lot of them will also offer small coffee --

MR. CAUCHI: That's what I'm saying. Coffee. Like a continental type of breakfast. Correct?

MS. DWYER: We don't do that.

CHAIRMAN BRAND: This is where what Pat was talking about, the narrative, becomes extremely important for our guide -- for guiding us in making these decisions. We need to know exactly what it is you're doing there, what percentage of the house is being used, what your intentions are as far as rentals go, length of

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rentals. All those types of things should be filled out with the completed application. I think that will answer a lot of these questions that are popping up.

MR. DWYER: Okay.

MR. GAROFALO: Just so you know, there was a problem with a former application where the neighbors had a problem because the people who were coming were wandering all over the place. The boundaries of the property were not well delineated. I think on your property you've got some stone walls which delineate where the property is. You may want to think about that because that may be something that the neighbors may bring up and be concerned about, people just wandering onto their property.

CHAIRMAN BRAND: To echo what Mr. Garofalo said, I would certainly reach out to them first before they get the public hearing notice and this is the first that they hear about it. It could go a long way to smooth out any issues before they arise.

MS. DWYER: Okay.

MR. DWYER: Sounds good. Thank you very

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much for your time. I appreciate it.

CHAIRMAN BRAND: Thank you.

MS. DWYER: Thank you.

(Time noted: 7:53 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 24th day of August 2020.

Michelle Conero

MICHELLE CONERO

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GUARINO SUBDIVISION

HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

GUARINO SUBDIVISION

Project No. 20-4011
Lattintown Road, Marlboro
Section 102.4; Block 3; Lot 13

----- X

SKETCH - SUBDIVISION

Date: August 17, 2020
Time: 7:53 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

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CHAIRMAN BRAND: Next up, Guarino, sketch, subdivision, Lattintown Road, Marlboro.

MR. MESSINA: I'm here.

CHAIRMAN BRAND: Do you want to give us a little overview of what's going on here?

MR. MESSINA: This project proposes a two-lot subdivision of a five-acre parcel. It has an existing house located on Lattintown Road, just south of Penny Lane.

Lot number 1 would contain the existing house and be about one acre and lot 2 would be four acres.

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

MR. HINES: The map that was submitted recently does not have the required contours. We'll need the topography depicted on there.

The site plan checklist identifies DEC wetlands and a 100-foot buffer. We'll need those delineated in the field by the DEC and surveyed by the surveyor with the appropriate certification block.

Location of the driveway needs to be

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approved. I believe that road is a County road, so County DPW approval for the driveways would be required.

The EAF was not filled out on the DEC's website, so we'll need that done through there to give us that appropriate information. I did run it through there quickly. I believe this is also in the agricultural zone, so that will also be identified on that website.

The other features -- I looked at the aerial photos of the site. There's a pond that crosses from the lands of Decker to the north onto this parcel. That pond is not depicted, so we'll need those site features added to the plan.

The subsurface sanitary sewer disposal system will need approval for the new house by Ulster County.

There is no septic system depicted for the existing house, so that will need to be shown.

I was questioning whether any other parcels have rights to what's called the farm road along the southern property which is proposed to be the driveway. I see that the

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applicant is the adjoining owner as well, so it may not be an issue. I'm just making sure there are no rights to that farm road to any parcels to the rear.

The project, when I checked on the DEC's website it's in the coastal resources zone and the Town of Marlborough's waterfront revitalization area. Those items need to be checked on the environmental assessment form as well and addressed by the applicant's representative.

So quite a few clean-up items on the application to start with.

CHAIRMAN BRAND: Does this meet the necessary requirements for the speed line --

MR. HINES: No. This is a subdivision. This isn't a lot line. It's one lot becoming two.

CHAIRMAN BRAND: Okay. Just double checking.

Anything else?

MR. HINES: That's all I have on it.

CHAIRMAN BRAND: Questions or comments from the Board?

MR. GAROFALO: Yes. I think the sight

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distances are needed.

Also to depict whether or not 25 feet from the center line of the road has been dedicated for the road.

MR. HINES: Jim, this is a County road. Normally we don't get involved in that dedication.

MR. GAROFALO: Okay.

MR. HINES: That will be something the County addresses when they get the driveway permits.

The sight distances are appropriate that they have on there, certainly.

CHAIRMAN BRAND: Anything else?

MR. CAUCHI: I have one clarification. I heard Pat saying that it's zoned right now as agricultural. Should he change it to residential, R-1?

MR. HINES: No, no. It's in the correct zone for the Town but it's in an agricultural district for the County, so it needs an ag data statement. Part of your environmental review is to consider that. When I said in an ag zone, it's different terminology. County agricultural

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district versus -- your underlying zoning is depicted correctly as RAG-1. There are two separate issues. One is kind of a County taxing/environmental issue that it's identified as farmland and the other is your underlining Town of Marlborough zoning.

MR. CAUCHI: Thank you for that clarification.

CHAIRMAN BRAND: Jeff, did you have anything on this at all?

MR. BATTISTONI: No. I think Pat's letter is very thorough and identifies the information that is needed.

CHAIRMAN BRAND: Okay. Mr. Messina, did you have any questions?

MR. MESSINA: I wanted to ask Pat. Did you send me a list of those comments, Pat?

MR. HINES: You should have. I will. They went out -- actually, they went out Thursday I think.

MR. MESSINA: By e-mail? Did you send it by e-mail?

MR. HINES: It would have been e-mail. Unless my office didn't have your e-mail. I don't

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do that. The people that work for me send those out. I will follow up with them tomorrow.

MS. FLYNN: I can send it to him, Pat.

MR. HINES: Okay.

CHAIRMAN BRAND: Anything else on this one?

MR. MESSINA: The DEC has -- I think it was in last -- yes. Last July Josh Fisher went out and flagged the wetlands. We located those points on the map. I have that map from the DEC.

MR. HINES: I just don't see the flags. And then they need that certification block. The DEC has a block that they require on there once you do map those, Carmen.

MR. MESSINA: Okay. I can't remember all the comments. There were quite a few.

What is the procedure for us to get on to the public hearing for the next public hearing that we're allowed to get on to? I know we couldn't get on to this one coming up because we never --

MR. HINES: I think you need to resubmit based on the comments. Once the Board feels that they have a complete application, we

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would move forward. Certainly we need an indication from County Highway that they're going to allow the driveways there and address my comments. So you'll be back before another meeting, I think, before that happens.

MR. MESSINA: So I should send a copy of this sketch plan to the County?

MR. HINES: I think you should have the topos and the sight distance, like in the comments. Yes. Then you'll need Health Department for the septics as well.

MR. MESSINA: We don't need that to be on the preliminary meeting, do we? Or do we? Approval.

MR. HINES: It's kind of a tight site because of the DEC wetlands. I would encourage that that work be done sooner than later.

MR. MESSINA: We've done some preliminary soil testing and it looked pretty well. I don't think the Department of Health will come out until we get some kind of sketch approval. Usually that's what they tell me. They just don't want to come out and spend their time without knowing something is going to go forward.

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I'll check with them and see. If we can get them out there before that, I will.

CHAIRMAN BRAND: Once you receive Pat's comments it might clarify some of that for you, too.

MR. MESSINA: Okay.

MS. FLYNN: Our next meeting is September 21st. We're not having one on September 7th. That's Labor Day.

MR. MESSINA: So the next meeting --

MS. FLYNN: My cut off would be September 11th.

MR. MESSINA: And the meeting would be the 21st of September?

MS. FLYNN: Yes.

MR. MESSINA: Okay.

CHAIRMAN BRAND: All right.

MR. MESSINA: I can get -- you'll e-mail me those, Jen, --

MS. FLYNN: Yes, I will.

MR. MESSINA: -- the comments? Thank you.

CHAIRMAN BRAND: Anything else on this one?

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(No response.)

CHAIRMAN BRAND: All right. Thank you,
Mr. Messina.

MR. MESSINA: Thank you.

(Time noted: 8:01 p.m.)

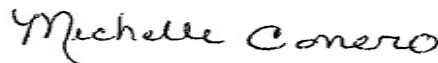
C E R T I F I C A T I O N

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 24th day of August 2020.



MICHELLE CONERO

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HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

POND VIEW

Project No. 20-4009
19 Sunrise Drive, Milton
Section 102.4; Block 2; Lots 32.813 & 30.4

----- X

SKETCH - LOT LINE

Date: August 17, 2020
Time: 8:01 p.m.

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

ALSO PRESENT: PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Apparently the next two are discussions without the lawyer, engineer or stenographer. Do we need them here for anything else before we move on to the next two, do you think?

(No response.)

CHAIRMAN BRAND: No. Then you have a great evening, Michelle, Pat and Jeff.

Mr. Galella, did you have something?

MR. GALELLA: I have a question for discussion. I spoke to Pat to clarify the question you needed tonight. I just want to withdraw, I guess, the discussion for tonight's meeting.

MS. FLYNN: I can't understand you. I'm sorry.

MR. GALELLA: I'm sorry. My engineer had previously spoken to Pat and clarified any questions regarding the resolution tonight as part of the discussion. I just wanted to withdraw the discussion for tonight.

In light of next month's agenda, is it possible that I can move along the lot line condition? I had submitted to Pat the items he

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POND VIEW

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did have on the list. It's something I wanted to move along, if I could, tonight.

CHAIRMAN BRAND: Pat?

MR. HINES: So I think what he's requesting is to potentially schedule his public hearing for the 23rd.

I did receive Ulster County Health Department approval for the septic system, and I received a well drilling report from James Wild Well Drilling identifying the five gallons per minute and the five-hour test.

Those were my major items outstanding. So it's up to the Board if they want to -- I think he has a buyer for the lot. If he comes back on the 23rd to set that public hearing, he'll be off until sometime in October.

MS. FLYNN: It's the 21st.

MR. HINES: The 21st. I'm sorry. I have a meeting on the 23rd as well. I don't have a lot of nights I don't.

It's up to the Board if you feel comfortable at this point scheduling that public hearing or if you want to wait for him to reappear.

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MS. LANZETTA: Did Jeff leave? I had raised some questions, some legal questions with him that I thought he would address with the Board. We didn't know that this was going to be an item on the agenda, so --

MS. FLYNN: I don't think I have his cellphone. Let me see.

CHAIRMAN BRAND: How about this, Mr. Galella. We can reach out to him regarding that and if everything seems to be on the up and up as far as Jeff's opinion and the rest of the Board, we can schedule --

MR. HINES: This would be just to schedule the public hearing. It certainly wouldn't be for an approval. It's just Mr. Galella was concerned there was no "first" meeting in September. But it's certainly up to the Board, not me.

CHAIRMAN BRAND: I personally have no problem moving ahead with the public hearing on the 21st. I mean whatever needs to be addressed, we could do it at the public hearing.

How does everyone else feel?

MR. LOFARO: That sounds fine.

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POND VIEW

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CHAIRMAN BRAND: Steve? Manny? Ben?

MR. CAUCHI: I'm okay with that.

MR. CLARKE: I have no strong feelings.

MR. GAROFALO: I'm okay.

MS. FLYNN: This is for the lot line?

CHAIRMAN BRAND: This is for Pond View.

MR. GALELLA: Pond View.

MR. HINES: Pond View lot line change public hearing. I think it will be important to hear from the neighbors on the private road as well.

CHAIRMAN BRAND: Let's go ahead and schedule that for the 21st then.

MS. FLYNN: Okay. I'll get that to Jeff.

CHAIRMAN BRAND: Just make sure you get all the mailings out and everything in time, Mr. Galella.

MR. GALELLA: Will do. Thank you, Chris.

CHAIRMAN BRAND: You're all set with Summit Drive? You have no discussion for this evening?

MR. GALELLA: I don't think so, no.

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POND VIEW

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Like I said previously, my engineer is working on some items. Basically lot geometry. He had questions.

MR. HINES: I spoke to their engineer today -- Mr. Galella's engineer today. He had questions on where front yards were measured and issues regarding the flag lots and such. I addressed those with his engineer.

CHAIRMAN BRAND: Okay. Good enough. We'll see you on the 21st then, Mr. Galella.

MR. GALELLA: Thank you.

(Time noted: 8:07 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.

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Michelle Conero

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