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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

NASON SUBDIVISION

Project No. 20-4005
89 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13.200

----- X

PUBLIC HEARING - SUBDIVISION

Date: February 1, 2021
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: MARTIN & KATRINA NASON

----- X

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

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CHAIRMAN BRAND: It is 7:30, so I will call the meeting to order.

Agenda, Town of Marlborough Planning Board, February 1, 2021. Regular meeting 7:30 p.m. On the agenda this evening we have the Nason Subdivision at 89 Peach Tree Lane in Marlboro for a public hearing for their subdivision. We have the Hart/Canosa Lot Line Revision at 162 Old Indian Road for a final for the lot line. We have Cricchio, Frank and Tina, on South Street/Cricchio Lane for a sketch of a lot line. After we have a discussion without the lawyer, engineer or stenographer for the Encore Restaurant. The next deadline would be Friday, February 5, 2021. The next scheduled meeting would be Tuesday, February 16, 2021.

First on the agenda tonight -- does anybody have anything before we get started, actually, going through the agenda items?

MR. TRONCILLITO: I attended two classes. I've got the certificates here.

CHAIRMAN BRAND: Excellent. Do you want to just read what they were and how long

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they were, and then the stenographer can add that to the --

MR. TRONCILLITO: The one was Working With Elected Officials. I think that one was two hours. The one from the Department of State was Winter Webinar Planning Board Overview. That one was two hours, the first one was one hour.

CHAIRMAN BRAND: Okay. Thank you, Bob. Anything else?

MR. TRONCILLITO: That other stuff I'd like to discuss at the end --

CHAIRMAN BRAND: We'll do that at the end.

MR. TRONCILLITO: -- that the two chiefs want to bring up.

CHAIRMAN BRAND: All right. Great.

So let's jump in. For the Nason Subdivision, legal notice for the subdivision application. Please take notice a public hearing will be held remotely by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act (SEQRA) and Town of Marlborough Town Code Section 134-9 on Monday, February 1, 2021 for the following application: Nason

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Subdivision, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval for a four-lot subdivision for property located at 89 Peach Tree Lane, Section 95.4; Block 3; Lot 13.200. Due to public health and safety concerns related to COVID-19 and pursuant to Governor's Executive Order, a public hearing will be held remotely via Zoom. The meeting ID and password as well as the other information will be made available on the Town website or from the Planning Secretary. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Town of Marlborough Planning Board.

Who is the representative here for this? Is that you, Mr. Messina?

MR. MESSINO: No.

MS. LANZETTA: No, he hasn't been doing it.

CHAIRMAN BRAND: Do we have someone here for the Nason Subdivision?

MR. HINES: It should be Jonathan

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Millen.

CHAIRMAN BRAND: Do we have him here?

MR. HINES: Are the Nasons on?

CHAIRMAN BRAND: I don't see them.

MS. FLYNN: I sent out e-mails today.

MR. HINES: They've been at the
previous meetings along with their --

CHAIRMAN BRAND: Maybe we can just
table this and come back to it.

Do I have to do something with the
public hearing, Jeff, or can I just leave it
open?

MR. BATTISTONI: I assume -- why don't
you take a motion just to adjourn it and reopen
it later in the meeting.

CHAIRMAN BRAND: Okay. Do I have that
motion?

MR. CLARKE: I'll make that motion to
adjourn the meeting.

MR. LOFARO: Second.

CHAIRMAN BRAND: Seconded made by Joe.
Any opposed?

(No response.)

(Time noted: 7:33 p.m.)

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(Time resumed: 8:20 p.m.)

CHAIRMAN BRAND: It looks as though Mr. and Mrs. Nason are back. Are you there?

MS. NASON: Yes, we are.

CHAIRMAN BRAND: You are here. Is your representative here?

MS. NASON: No. I don't see Jonathan on here.

CHAIRMAN BRAND: We did adjourn the public hearing. I guess we can have a motion to reopen the public hearing.

MR. BATTISTONI: Correct.

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

CHAIRMAN BRAND: Thank you, Joe. Is there a second?

MR. TRONCILLITO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos?

(No response.)

CHAIRMAN BRAND: Good. All right. We're back in the public hearing section.

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Pat, did you just want to run through your comments?

MR. HINES: I don't have any new comments. We had scheduled the public hearing and the applicant wanted to await any comments before they did their revisions. We have our January 4th comments out there still. The applicant's representative will address those in the next submission after closing the public hearing and any changes the Board or the public request tonight.

CHAIRMAN BRAND: Okay. Jeff, did you have anything for this one?

MR. BATTISTONI: No, I don't.

CHAIRMAN BRAND: All right. This is a public hearing. If you're here to either speak or have questions about this project, please just state your name for the stenographer and then we'll let you go.

MR. ALBINDER: Hello. My name is Dan Albinder. I live on --

CHAIRMAN BRAND: How are you doing?

MR. ALBINDER: -- how are you doing --
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CHAIRMAN BRAND: Okay. Did you have a question or a comment?

MR. ALBINDER: Yes, I do. So we're apple farmers, been around since like the '70s at that location. My question is is there a possibility of putting in like a buffer zone, maybe a 25 feet no cut area? Right now it's like a thicket with large trees on the line. My concern is just like the drift for spray with the houses there.

MR. HINES: This is Pat Hines speaking. The Town of Marlborough has a section in the code that has requirements for parcels that adjoin agriculture to increase the setbacks to 75 feet. That has been depicted on this project, the agricultural buffer setbacks for exactly that reason, for overspray issues. So everything has been moved into the site that 75 feet. It has an increased side yard and rear yard setback.

MR. ALBINDER: Okay. I just thought maybe I would ask and see if they would consider it.

MR. HINES: It's been addressed numerous times. So many times that in fact it's

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a section of the code.

MR. CAUCHI: That's not what he's saying, Pat. What he's saying, Pat, is right now there's a natural barrier of thickets right there. It's like a natural fence right there. We understand that we have -- the applicant has the setback of 75 feet from his property line, but what he's saying is that there is such a natural barrier of thickets there, that it prevents any spraying to flow into that property if any -- because of the winds that may be carrying it. What he wants to know is that if he could have those thickets not cut and stay as a natural barrier, a natural fence between his property and the new lots that are being proposed for the subdivision.

MR. HINES: So the answer to that question --

MR. CAUCHI: Did I understand you there correctly, Mr. Albinder?

MR. ALBINDER: Yeah. That's true. Just for the record, like I'm totally okay with them doing what they're doing. It's their prerogative and they've been good neighbors and I

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wish them luck. I'm just trying to request a mitigation so there will be no problems with the new neighbors.

MR. HINES: So those notes have been placed on the plans. Actually, that same buffer regulation that I'm stating does require actually planting of a buffer if there isn't that existing vegetation. So that note could be modified to restrict clearing of some portion of that. I would hate to say they couldn't manage 75 feet of their property that was more for an overspray. The Planning Board could require a note requiring that some portion of that buffer remain in its existing condition.

CHAIRMAN BRAND: Isn't there something in there that there has to be like a berm or some type of vegetation?

MR. HINES: It says berm or vegetation. It doesn't say the whole 75 feet, but you can provide that. I would suggest if the Board is more aware -- I'm not aware how thick the vegetation is -- some strip, 50 foot, 25 foot, 35 foot, of that be maintained in this existing condition.

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MR. GAROFALO: Is that like a conservation easement type of situation?

MR. HINES: I think it would just be a note on the map. I don't think we need to encumber the lots with a conservation easement. You do have that agricultural buffer note that is referenced on there, and that note could be just further elaborated on to be no clear cutting of the vegetation. It's often difficult to tell people what they can do with trees on their land. Trees die, they should be removed rather than being hazardous. It has to be worded carefully.

MR. GAROFALO: What I was saying is that like one, not suggesting that we put one in.

MR. HINES: It acts similar to that but it's a zoning code provision rather than a conservation easement.

CHAIRMAN BRAND: Thank you, Dan. Any other questions or comments, Dan?

MR. ALBINDER: No. I appreciate you guys considering. Thank you.

CHAIRMAN BRAND: Absolutely.

Anyone else here to speak either for or against or comments or questions regarding this

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project?

MR. GAROFALO: I have one question.
Did we get a letter from the highway
superintendent?

MR. HINES: No. That's outstanding in
my January 4th comments.

MR. GAROFALO: Thank you.

MR. HINES: It's comment number 3 on
there.

MR. CAUCHI: I have one question as
well. Whatever happened with the driveways? Is
that what you're talking about? Are the
driveways going to be combined or can they be
separate?

MR. HINES: They were separated.
Originally the applicants did not want them
combined. They're currently shown separated.

MR. CAUCHI: So they are separated now?

MR. HINES: Yes. Yes. That was the
applicant's preference.

MR. CAUCHI: And what's the separation?
Is there any --

MR. HINES: It's not a lot. It looks
like 10 to 15 feet. I don't have any way to

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scale it on my computer here right now. They're separated enough where they would be distinct driveways. They're not common at the points.

MR. CAUCHI: Thank you.

MS. NASON: Pat, I actually spoke to John Alonge because Jonathan had asked me to ask him about the driveways. John told me that this has to be done first, then you get something in writing saying something about the driveways, and then he comes and takes a look at them. Is that correct?

MR. HINES: I don't have any reason for him not to look at them now.

MS. NASON: Oh, okay.

CHAIRMAN BRAND: Anything else from the public or the Board?

(No response.)

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

MR. GAROFALO: I'll move to close the public hearing.

CHAIRMAN BRAND: Excellent. Is there a second?

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MR. LOFARO: Second.

MR. HINES: The only caveat there is -- the applicant owes us some information -- I would recommend you get the applicant to waive the 62-day timeframe for a decision.

CHAIRMAN BRAND: Are you okay with that, Ms. Nason?

MS. NASON: What are we missing?

MR. HINES: If the Planning Board closes the public hearing and no action is taken within 62 days, it causes a default approval. Your engineer owes us some information. We would like you to waive that 62-day timeframe. It doesn't mean it's going to impose the 62 days but it doesn't give you a default approval if your engineer doesn't do what we're requesting.

MS. NASON: Is there a way you can tell me what is being requested so I can make sure that that gets done?

MR. HINES: Your engineer has my January 4th comments. Your surveyor. It's an erosion and sediment control plan, Ulster County approval of the septic systems, the highway superintendent's comments, a wetland

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certification block, the correct spelling of the Town of Marlborough, sight distance located at the driveways. Those items. He has them. There's not a lot of heavy lifting there.

MS. NASON: He told me at the last meeting he had done the SWPPP and all that.

MR. HINES: I got the SWPPP. The SWPPP is done. Comment 6 acknowledges that. Yes. There's just some clean-up items. This is just a procedural matter. If you would waive the 62-day timeframe I would feel more comfortable with the Planning Board closing your public hearing. In the alternative, they leave it open.

MS. NASON: Does that mean it would take at least that before it gets filed?

MR. HINES: Absolutely not. It's up to your engineer. It's back in his court. It's just a procedural matter for the Board.

MS. NASON: Sure.

MR. HINES: If he gets it to us in two weeks you could be scheduled for a meeting a month out.

MS. NASON: So we have to have another meeting?

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CHAIRMAN BRAND: Yes.

MR. HINES: Yes.

MS. NASON: Oh, okay.

MR. HINES: There's definitely one more meeting. The Board doesn't have an approval resolution. So your surveyor/engineer needs to address our January 4th comments. The Board can authorize Jeff to do a draft approval resolution for when you're next before the Board if they so desire.

MS. NASON: Okay. I thought it was a preliminary approval based on the public hearing and then this was the public hearing. I didn't know there was another meeting after this as well.

MR. NASON: The last time they said one more meeting.

CHAIRMAN BRAND: Just to be clear. Ms. Nason, you are waiving the 62-day --

MS. NASON: Yeah.

CHAIRMAN BRAND: So then there was a motion that was seconded. We had discussion. Are there any opposed to adjourning the public hearing?

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MR. HINES: Closing.

CHAIRMAN BRAND: Closing the public hearing. My fault. Closing.

(No response.)

CHAIRMAN BRAND: So the public hearing is closed.

Are we comfortable with Jeff doing -- as Pat said, drafting that resolution as long as all the other of Pat's issues are addressed?

MS. LANZETTA: Well we have to wait for Pat's issues to be addressed. And also we would like to have a note on the map saying that natural vegetation needs to be retained adjacent to that -- the gentleman who was just here, his property.

MR. HINES: And I will provide that comment to the applicant's representative again as well since they're not here.

CHAIRMAN BRAND: I mean they could, in theory, put something different there; right?

MS. LANZETTA: Yeah.

MR. HINES: Yeah. If they want to put a row of trees, that would be fine too. That section of the code for agricultural buffers does

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require the submission for landscaping and/or berms. This Board has allowed natural vegetation to remain. It doesn't make sense to cut trees down and put a landscape buffer in. It sounds like there's a thick row of trees there right now that effectively screens it.

CHAIRMAN BRAND: Okay. Jeff, did you have anything on this one?

MR. BATTISTONI: I don't.

CHAIRMAN BRAND: Okay. So I think that, unless there's anything else from the Board, that does it for Mr. and Mrs. Nason.

Okay. All right. Thank you.

MS. NASON: Thank you.

(Time noted: 8:32 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 12th day of February 2021.

Michelle Conero

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

HART/CANOSA LOT LINE REVISION

Project No. 20-4017
162 Old Indian Road, Milton
Section 102.4; Block 1; Lots 10.3 & 10.4

----- X
PUBLIC HEARING - SUBDIVISION

Date: February 1, 2021
Time: 7:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: JAMES & KATHLEEN HART

----- X
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CHAIRMAN BRAND: Next is the Hart/
Canosa Lot Line Revision, 162 Old Indian Road.

Do I have somebody here for that?

MR. HART: James Hart and my wife
Kathleen.

MS. LOBODELL: I'm here, too. Michelle
Lobodell.

CHAIRMAN BRAND: Thanks for coming.

Pat, did you just want to go over your
comments for this one?

MR. HINES: Sure. This was referred to
the Zoning Board of Appeals. The ZBA took a
different stance than my office previously did
and stated that a variance was not required. So
they do not need that approval for the, I think
it was the front yard setback for one of the lots
that was being modified.

There's an encroachment for the barn
that's an existing condition.

This project complies with the
requirements for the streamlined lot line change.
Lot line changes are Type 2 actions now under
SEQRA. No SEQRA review is required.

If the Board so desired, it could take

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action tonight, unless there are any other comments.

CHAIRMAN BRAND: Jeff, did you have something for this as well?

MR. BATTISTONI: Yes. This is Jeff Battistoni. I will say that, as Chris pointed out, or Pat mentioned, that the matter was referred to the ZBA and the ZBA did decide that a variance was not needed. I think the ZBA probably has a different interpretation of a rear line from what the Planning Board was looking at. It's up to the Planning Board whether they want to go with that.

Separately, the barn is an existing encroachment which is not being affected by this subdivision application, the lot line adjustment, so I think that's okay.

CHAIRMAN BRAND: Okay. Questions or comments from the Board?

MR. GAROFALO: I have some comments. The letter from the ZBA seemed to indicate that we had referred it with a -- requesting them to approve it, and I think that when the -- when we referred it to the ZBA we specifically did not

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give a recommendation to them so that they could decide on their own whether or not they would approve or not approve the variance. They did apparently change, from what we had, the distances where the lot line was. So when we saw it, both the rear and the front yard, the distance between those two houses, both required a variance. From the new drawing that I saw, they changed it so that the front yard was now in compliance but the rear yard on the other property was not in compliance.

Now, the fact of the matter is the distance between those two buildings, there's no way they can make both in compliance. There's not enough room. I think there was 105 feet or something, and they need like 125. So there's no way they can make both in compliance.

According to the definition that we were looking at, the rear yard still doesn't make the required distance and still should -- in the way I look at it, still should need a variance. I think the fact that they reduced it from needing two variances to needing one variance is good. There's nothing they can really do about

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the distances.

I think that this should go back to the ZBA with a specific request from the Planning Board to have them grant a variance for that rear yard. That's my opinion on the way we should handle it. It is unfortunate that the ZBA does not do as good a job as we do posting their agendas and their minutes on the website so that we can look at it and actually see how they were looking at this particular issue. I think that we as a Board should request that the Town Board have the ZBA post those materials on the website in order to help us do our job. So it's -- in looking at this, it's my opinion that we should refer it back to the ZBA specifically asking for them to look at the variance on the rear yard and why we're asking them to look at the rear yard for a variance.

CHAIRMAN BRAND: Pat, thoughts on that?

MR. HINES: I mean that's why we did refer it to the ZBA. I believe that the ZBA's interpretation is that what we're considering rear and front yards are side yards. I wasn't at the meeting. We sent it once. I don't know if

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there's any reason to send it again. I'll leave that to the Board or Jeff to weigh in on.

MR. GAROFALO: Well one thing that we should do, and this is -- I've said this before, is on the bulk table we should have a requirement that they not only put what is required rear yard, front yard, all this information, but they should show what is the existing, what is the proposed, and also identify which ones are not in compliance, and then to show those numbers -- the side yard distances, the rear and front yard, to show those on the plan so that we can see is what we think is the rear yard what they're putting the number on for the rear yard or this is an interpretation perhaps of what the rear yard is. Or it could be that they just looked at the front yard and said oh, they made it in compliance by moving the lot line so that it now meets the front yard distance and therefore they don't need a variance.

MR. CAUCHI: Maybe it's grandfathered in, James. I mean do we really want them to go back to the ZBA and do this exercise?

Jeff, I mean is there any legal issue

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that we need to be concerned about or is this something that -- I'm thinking that it's grandfathered in and one of the lots is in compliance. You said yourself, James, you can't stretch anything to make this thing in compliance. I understand in a perfect world we want everything with I's dotted and crossed T's, but do we want really this applicant to go back to the ZBA and do this? I mean right now Pat is saying hey, he's good with moving forward with the negative declaration here. What are we doing here?

MR. GAROFALO: I think it's a question of the interpretation of what rear yard and front yard are, and I think that should be clear.

And, you know, my question is whether or not they were actually looking -- even looking at the rear yard for whether or not it needed a variance.

I agree with you they have a very good argument to say, you know, this is not their fault, this is what the distances are, they've done what they should do in order to reduce the number of variances that are required. I think

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they have a very good argument with the ZBA.

My concern here is whether or not the ZBA properly looked at it according to the definitions or just looked at the front yard. I would love to have seen their minutes to see what they were actually looking at, but that's not something we have because it's not posted.

MR. HART: I don't know if my clarification is helpful at this time, but they looked at the wholistic situation of both properties and both of them were out of conformance with the setback requirements. They looked at the line that we're seeking to move as our front yard property line. We reduced -- to your point, the original distance, we wanted to move the line. We now reduced it to just really make it into compliance. It's about 16 feet as opposed to the 30 feet that we initially proposed, because by moving it that 16 feet it does put it into compliance with the front yard setback of the 50-foot distance. So it was about 34 and some change. They basically approved these revised plans to push it into that 50-foot distance to comply with the front yard setback.

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They took the approach of both yards are not in conformance. If we make this move here, it at least puts one of the two properties into conformance. That was the discussion that was had at the Zoning Board meeting. Whether that's helpful or not I don't know.

The bottom line is that the subdivision was created back in the early '80s I believe, late '70s, early '80s. So to that point, I don't know how we get -- we can't change the distance between the houses at this point. I know we built our house about fourteen years ago, you know. We worked closely with the Town at the time.

As a property owner I would just appreciate any consideration that can be given going forward here. This has been -- this is going on two months now and costs incurred by us as well between the Zoning Board of Appeals and the Planning Board respectively. So any considerations that can be given to make this path as smooth as possible for us would be appreciated at this point.

MR. TRONCILLITO: I don't see where

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there would be a problem. The Zoning Board, I'm sure they looked at everything, X, Y and Z. If they blessed it, then so be it.

CHAIRMAN BRAND: That was going to be my question. Pat and Jeff, I mean are you both comfortable with the Zoning Board's determination with regard to this?

MR. BATTISTONI: This is Jeff Battistoni. I think the Zoning Board of Appeals probably made a mistake. Nevertheless, they have their decision. The applicant did go there already. They got a decision that a variance isn't needed. I think this Board could rely on that.

CHAIRMAN BRAND: Anything else on that, Pat? You're muted, though, Pat.

MR. HINES: We sent them once and I don't see the benefit of sending them back.

CHAIRMAN BRAND: Go ahead, Steve.

MR. CLARKE: I'm concerned about this if it goes up for sale at some point in the future, that there may be an issue there.

I would suggest that maybe we consider giving them a provisional approval tonight and

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ask the Zoning Board of Appeals to offer that variance -- they're obviously in compliance with that idea -- offer a variance so that when they go to sell the property at some point in the future, it's a clean property.

MR. GAROFALO: Can we give them the approval with a requirement that they go back to the ZBA and get a variance on that rear yard? Can we send it back to the ZBA with a recommendation that they approve the variance? Although that's not something we've done in the past, but this might be a perfect case where we refer it with an indication that we would like them to approve it. Is that something we can do?

CHAIRMAN BRAND: Jeff, could we put in the approval resolution whatever findings the Zoning Board attorney came up with in there, and wouldn't that cover all the bases pretty much?

MR. BATTISTONI: This is Jeff Battistoni. I think I prepared a resolution on this matter and I referred to the fact that it had been referred to the ZBA and the ZBA had rendered their decision that a variance wasn't necessary. I think that's built into the draft

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resolution that I prepared.

MR. CAUCHI: I'm satisfied with that, and I think we should move forward with that notion.

MR. LOFARO: I agree. It seems the ZBA did their job. They determined that this was the best course of action. He admitted that they worked the lines, they made what was going to be best for what they had. So it seems like they did have a discussion about it. I see no reason to put them through going back to the ZBA.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: I would see them concerned about what's going to happen again when they sell that property in the future, that this is going to be a problem, and it would seem that it would be better for them to clear up this matter now, when it's easier, than to try at some time in the future. I think we can move this along with those two recommendations; putting, one, it as a caveat in the approval and, two, sending it back to the ZBA with a request that they approve the variance.

MR. LOFARO: Can we do that without the

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expense to the homeowner, though?

MR. GAROFALO: No. They're still going to have an expense in sending it back to the ZBA.

MR. CAUCHI: I don't understand. If you're going to go back to the ZBA, to this agency, and you're going to tell them hey, you didn't do your due diligence correctly and this is what we want you to do and this is how you're going to do it, I think you're going to, you know, stir up the pot here of other consequences. I think that if these guys looked at it and they did -- they looked at it, they reviewed it and it's coming to us, I don't understand why going back to them and telling them hey, we don't feel you did your due diligence, that's going to get us some really good -- I really don't see it that way.

Again, the owner, the applicant, he told us hey, look, if we could see this process -- they've been at it for awhile, you can see this process they're going through. I don't think that down the line if they're going to sell it they're going to say hey, this is out of compliance and your property is not going to be

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sold because this is not in compliance when you have other documentation that says hey, yes, it went through the boards and it went through the system and there is certain criteria that's not there, it's grandfathered in. I don't see why we're making such an issue, especially going back and telling another branch of government right here, telling them hey, you didn't do your due diligence and this is what we want you to do. I'll tell you, if I was them I wouldn't take that so kindly.

MR. GAROFALO: It's a recommendation. I think that what we're telling them is that their -- our interpretation of the rear yard is different from what their interpretation of the rear yard is and that we see this as still being not in compliance. I think that's something that's very valid. I hate to do that. I really hate to do that, but I think it's something that you're almost forced to do.

MR. CLARKE: Manny, if they go ahead to sell this property and somebody comes up with the fact it's nonconforming and the Zoning Board of Appeals has not issued a variance, that could be

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a real issue in the future. They may not be able to sell it for what they want. As a Planning Board, we're supposed to be helping overcome those issues.

MR. CAUCHI: Jeff, is that correct? Jeff, you're the lawyer, you tell us. If we're giving them a negative declaration and we have paperwork from the ZBA saying that hey, we understand that it's not -- the clarity level is not where we want it, okay, but sometimes, you know, we have to see certain things, you know, distorted and we still got to -- you know, I'm not saying that -- what is the legal point of view right now if these people go down -- in twenty years from now they're going to sell this house? Are there going to be any obstacles that this crossroads right now is going to prevent them to sell their house? Can you please tell me the legal interpretation of that?

MR. BATTISTONI: This is Jeff Battistoni again. This lot line revision map would get filed with the County Clerk and that would indicate approval from the Planning Board. The resolution refers to the decision of the ZBA

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that a variance wasn't needed. So I would not think that a lot owner would have a problem selling the lot in the future.

MR. CAUCHI: Thank you.

CHAIRMAN BRAND: So with that being said, we do have the resolution prepared. If you feel as though it's not adequate, I would suggest probably voting no.

That being said, we have the resolution of approval for the application of James G. Hart Junior and Kathleen M. Hart for a lot line revision, the resolution of approval by the Town of Marlborough Planning Board dated February 1, 2021.

Jeff, did you want to review anything else on that before we go to Jen polls the Board?

MR. BATTISTONI: This is Jeff Battistoni. I would simply say that I tried to trace the background and the application thoroughly in that resolution.

CHAIRMAN BRAND: Thank you, Jeff.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

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MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Bobby, yes or no?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Yes. Okay. We
unanimously -- there's nothing else with that,
Jeff? Just the resolution?

MR. BATTISTONI: That's correct.

CHAIRMAN BRAND: All right. Mr. Hart
and Mrs. Hart, Canosas and whoever else was here
for that, you seem to be all set.

MS. HART: Thank you.

MR. HART: Thank you very much for your
time.

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MR. HINES: There's a need to get the maps down and have them stamped and signed. There's a process left.

MS. HART: I'll follow up with that. Thank you.

(Time noted: 7:55 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 12th day of February 2021.

Michelle Conero

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

FRANK & TINA CRICCHIO

Project No. 21-5001
South Street/Cricchio Lane
Section 108.4; Block 9; Lots 19.11 & 19.12

----- X

SKETCH - LOT LINE

Date: February 1, 2021
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

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CHAIRMAN BRAND: Next on the agenda we have Cricchio, Frank and Tina, South Street/Cricchio Lane. Is there someone for that?

MR. MESSINA: Yes. Carmen Messina for the applicant.

CHAIRMAN BRAND: Okay, Mr. Messina.

MR. MESSINA: Yes. Do you want me to give you a brief description?

CHAIRMAN BRAND: Yes, please.

MR. MESSINA: Okay. This is a lot line revision between two properties located on Cricchio Lane. Lot number 1 is a 2-acre parcel owned by Frank and Tina Cricchio. Lot number 2 at 62 Cricchio Lane is owned by Frank Cricchio and Jeanette Alesci. The project proposes that lot number 2 transfer approximately 3.8 acres -- can you hear me?

CHAIRMAN BRAND: Yes.

MR. MESSINA: Okay. Lot number 2 to transfer approximately 3.8 acres to lot number 1, making it a total of 5.83 acres and reducing lot number 2 to 1.65 acres.

CHAIRMAN BRAND: I have the parcel viewer up. I'm hoping you guys can see that.

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MS. LANZETTA: I was hoping, Jen, that you could switch to the 2016 aerial.

CHAIRMAN BRAND: I pulled it up.

MS. LANZETTA: Do you see over to the left it says base maps?

CHAIRMAN BRAND: Okay.

MS. LANZETTA: Just move it forward a little bit. I'm sorry. Up. Right there. You got it.

CHAIRMAN BRAND: I can zoom in a little bit more.

So we're talking about these parcels here; correct?

MS. LANZETTA: Come up. I mean --

MR. TRONCILLITO: To the left of the driveway.

CHAIRMAN BRAND: This one?

MS. LANZETTA: No. Come over.

MR. TRONCILLITO: The other way. To the right. This one?

MS. LANZETTA: No. Yeah. Yeah.

MR. MESSINA: That's lot number 1.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: Move it up and you'll

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see the second lot. Keep going. It's a long lot. Keep going.

CHAIRMAN BRAND: This one?

MS. LANZETTA: At the bottom are the other houses.

CHAIRMAN BRAND: Okay. Comments or questions from the Board?

MS. LANZETTA: Yeah. I asked if you would put that up because I want to point out that there are three houses that are not shown adjacent to the lot line change, two of which also utilize that private road for purposes of going in and out of their property. Tom Corcoran had drawn that to our attention, that there's concerns about easements, and right-of-ways, and maintenance, and those kinds of things that we need to look at.

CHAIRMAN BRAND: Okay. Pat, I should have had you go first actually. Can you go through your comments as well?

MR. HINES: Yes. So my comments are that, again, this is a lot line change so you'll have that streamlined process.

The existing utilities aren't shown,

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the water and sewer, for each of the lots. I'm just concerned that with the massive change in the size of the lots, we want to make sure that the water and sewer stay with each parcel. They can be depicted along with a note on the map.

The lot width. There's a long, narrow, I'll say flag pole -- the pole of the flag pole lot here. I just wanted to know what that width is. Per Town Law 280-A purposes that can not be less than 15 feet wide. I don't know if Carmen can address that.

Then we picked up on the building inspector's comments regarding the common driveway access and maintenance agreement should be required if there is not one at this time.

MR. MESSINA: Carmen Messina for the applicant. Pat, are you talking about the strip that goes from lot number 2 to South Street?

MR. HINES: Yes.

MR. MESSINA: We made that 15 feet wide. Let me just say that the right-of-way -- when this property was sold it was subject to a right-of-way. It didn't give a width at that time but it said that each -- this property

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2 that's lot number 2 should share that driveway
3 with the lots -- it wasn't lots at the time but
4 the land to the east. Subsequently on filed map
5 number 6889, the surveyor said that it was a
6 15-foot right-of-way shared half by the lots that
7 we are addressing and the land and lots to the
8 east. Frank Cricchio tells me that there is a
9 lot line agreement. I didn't check that. He
10 takes care of that himself, so --

11 CHAIRMAN BRAND: Jeff, did you have
12 anything for this one?

13 MR. BATTISTONI: Just two things. If
14 I'm looking at this map correctly, there's a new
15 lot being drawn very close to the garage back on
16 lot 2. Does that sound correct?

17 MS. LANZETTA: Mm'hm'.

18 MR. BATTISTONI: I think that's
19 something that the building inspector mentioned
20 in his letter, that we just need to confirm that
21 lot line would be distant enough from the garage.

22 And then also --

23 MR. MESSINA: The distance we've
24 located is 15 feet from that garage. The new lot
25 line.

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MS. LANZETTA: Is that an allowable setback in that zone?

MR. HINES: It's an accessory structure so it would only need to be 10 feet off.

MR. BATTISTONI: That answers that question.

MR. HINES: So Carmen, while we have you, the water and sewer, do you know where the wells and septics are for the houses?

MR. MESSINA: I have located a fire hydrant on lot number 2. I don't know if you see, it's on the lower southwest corner, fire hydrant. There is also another fire hydrant. I thought I located it but I don't see it on this plan. It might have gotten left off of it.

MR. TRONCILLITO: There's a private road to the west. There's a hydrant all the way up at the end.

MR. MESSINA: Yes. It's somewhere. I located it. I thought I put it on the map but I don't see it.

MR. HINES: You're using that as an indication that they have Town water then. The only question is if septic systems are on the

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appropriate lots.

MR. MESSINA: Yes.

CHAIRMAN BRAND: So we'll just want that on the maps. Right, Pat?

MR. HINES: Yes. I would take a note stating no encroachments will be created. That's fine.

MR. MESSINA: State that again. You want to see what the --

MR. HINES: The septic systems to be depicted that they're on the lots. If they can't be located, that this map doesn't result in any encroachments.

MR. MESSINA: Okay.

CHAIRMAN BRAND: Any other questions or comments from the Board?

MR. GAROFALO: Yes. On the checklist, item number 6, copy of the deed. Do we need copies of these deeds for these two properties?

MS. LANZETTA: I saw the deed. I think that's part of the information we have. Isn't it?

MR. MESSINA: It was submitted.

MR. GAROFALO: If it is, then it should

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be checked.

MS. LANZETTA: I read the deeds because I read about the right-of-way for that 15-foot area. So that's -- those right-of-ways are clear in the deed but we have nothing that talks about those clear properties -- adjacent properties that are utilizing that right-of-way. We need more clarification on that.

MR. GAROFALO: Item number 13, which is also not checked, which calls for the name, section, lot and block and the acreage of the adjoining owners.

Number 18 which deals with the dedication of the road, which would be South Road. Is there 25 feet from the center line, and is that something that we would normally, for a lot line, require them to provide?

MR. HINES: We normally don't do that for a lot line because it's not a subdivision, which is why we don't have the public hearings any more. So we don't do that.

MR. MESSINA: Carmen Messina. Let me just clarify. There's only one lot of that subdivision to the east, filed map number 9140.

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Lot number 1 is the only lot that borders the properties we're talking about. It's a long -- they have a long, narrow strip to South Street.

MR. GAROFALO: And is the name, section, lot, block and the acreage of the adjoining owners something that is really necessary if we're not going to be having a public hearing on something like this? I would imagine that's one of the things that you would use to notify the adjoining properties.

MR. MESSINA: For that lot number 1, filed map 9140, it's tax map number 108.4-9-20.1. It's located on the map back by lot number 2.

MR. GAROFALO: I think the name, section, lot -- section, block and lot are on most -- for most of the adjoining properties. I don't know if it's all of them or not. Certainly there's some of them. The acreage is not there. I don't know if that's something that we really need to have since we're not having a public hearing.

MS. LANZETTA: If you go back to that aerial on the tax map parcel viewer, you will see that there's -- when I pulled up the names of the

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people who live in those houses, they are not all the same names as are on this map.

MR. MESSINA: You're correct. Those other houses have the right to use half of the properties that we're talking about on our project. They don't -- they do not border our properties. The strip -- lot number 1 of that filed map 9140, I believe, owns a strip of land that's 25 feet wide, goes all the way to South Street, and that's what borders our property. That's why you won't see any tax map numbers for the other lots even though they have the right to use that driveway that exists today.

MS. LANZETTA: Usually for a subdivision we require anything within 200 feet to be shown on the map. Now, even though we've been trying to lessen the requirements for the lot line changes, in this case I think those two houses, because of the fact that they do utilize that private road, should be taken into account. We wouldn't have known that, that those houses are even there or utilizing that road, if we didn't -- if the zoning enforcement officer hadn't called that to our attention. So, you

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know, I'm really concerned about those properties and the fact that they're utilizing that road that is part of this lot line change because how do we get clarification -- suppose it gets sold and somebody decides that they don't want to let those people utilize that property any more? I don't know what kind of arrangement you have with those people that are using that.

MR. MESSINA: Well, they have a deed that says that they have the right to use that strip. Our project is a lot line revision which does nothing to any of the adjacent properties.

MR. HINES: It won't change any of the rights that they currently have.

MS. LANZETTA: How do we know what rights they have, because we're not seeing that reflected in the deed that we have reviewed for this lot line change?

MR. HINES: I guess the answer that Carmen is trying to say is this lot line doesn't give them or take away from them anything that they had or didn't have.

MS. LANZETTA: Well I'm just -- I thought we're supposed to see the deed for these

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two lots, the easement, the right-of-way to utilize that.

MR. HINES: The Board certainly has the right to ask for that, yes.

MS. LANZETTA: I've seen it. That's pertinent to those two particular lots. I'm just confused where our responsibility is to find out how those other people are utilizing that right-of-way when it's not in the deeds that we have in our -- you know, for to us review. How do we, you know --

MR. MESSINA: I might clarify. This project doesn't change -- as Pat mentioned, doesn't change. They've been using that right-of-way and they will continue to use that right-of-way. We didn't change it. We didn't block them from using it. What they did before, they will continue to do. They have the right to use that right-of-way, as stated in the deed, that is lot number 2 on our project. You saw that together with the right-of-way.

MS. LANZETTA: I didn't see their right to utilize it, though, in that deed. I'll go back and look, but I didn't --

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MR. MESSINA: Well let me just clarify. That exception, that subject to the right-of-way, was for the -- there was one big piece of property, the property we're doing and the property to the east. They sold a portion to Cricchio and they retained the right to use that driveway that existed between -- long -- way back when. I forget the date on it. It was a long time ago. So that's how they get their right to use that. They've been using it without any problems, and they'll continue to use it, because our project doesn't change anything about that.

CHAIRMAN BRAND: Jeff, is there a way to clear this up?

MR. BATTISTONI: I believe Mr. Cricchio -- Mr. Messina said before that there was a private road maintenance agreement and that Mr. Cricchio had it. Is that correct?

MR. MESSINA: Well, I didn't see it but he told me there was. I'm going to give you that caveat.

MR. BATTISTONI: Can you ask him to supply a copy so that I can look at it?

MR. MESSINA: I will.

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MR. BATTISTONI: Okay.

MR. GAROFALO: Part of that question is is that on file with the County Clerk's office? Hopefully you can take a look at that.

MR. MESSINA: I don't -- let me just say this about the maintenance agreement. Whether there is one or there isn't one, what exists today will exist tomorrow if we get this approved. For the lot line revision we did not change the location of the driveway, we did not change the location of the outer boundary of the property. So what exists today will exist tomorrow.

CHAIRMAN BRAND: Jeff?

MR. BATTISTONI: I think Mr. Messina is probably right about that. I would prefer to look at these deeds and that private road maintenance agreement, if it exists.

CHAIRMAN BRAND: Okay. And then with -- if there is a private road -- if there's not one, then what?

MR. CAUCHI: Get one.

MR. BATTISTONI: I'm looking at the lot line revision map. It looks as though they're

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removing one line, creating a new one, and that they won't be affecting any existing easement for access. I would still rather just look at deeds and see how an easement might be described in it, whether there's a metes and bounds description of it or whether it simply referred to an existing gravel drive. So I would like to look at some things here.

CHAIRMAN BRAND: Okay.

MR. MESSINA: Let me clarify. I mean in the deed that we described for lot number 2, in that description there is a provision for the sharing of that right-of-way. All it mentions is a gravel drive. It doesn't give you any dimensions. It says where it exists at the time. It apparently was there when they sold that property to the Cricchios. We located the driveway to show where it is. Based on that we located the property lines to show where that is in relationship to the gravel drive. So I mean we're not changing anything. I don't know -- if there isn't a maintenance agreement, then they're not required to have one because we're not changing anything is my point. You know, I don't

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know how I can say it otherwise.

CHAIRMAN BRAND: I understand.

MR. BATTISTONI: This is Jeff Battistoni. What I had attached to the application are two pages from a deed. I don't think I have the whole deed. I would like to see the whole deed. It looks like a schedule A that contains a property description, and then it says together with and subject to the right of all parties hereto to use the existing roadway or driveway leading from African Lane --

MR. MESSINA: Which is South Street.

MR. BATTISTONI: -- which lies partly on the land hereby conveyed. Maybe you followed all of what's in that deed but I'd rather see the whole deed. And the same thing, if there is a private road maintenance agreement, I'd like to see it.

MS. LANZETTA: Yeah. It does say so long as the said parties of the first part shall own and personally occupy the premises on the opposite side of the roadway. They do talk about the strip being 15 feet wide. So it doesn't -- yeah. It's not clear to me.

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CHAIRMAN BRAND: Can we do this: How about Mr. Messina, you provide Mr. Battistoni with the information that he wants so that he can review that for our next meeting. If everything looks to be in order, we can proceed from there.

MR. MESSINA: Okay. Let me just clarify what you want. A deed for the property -- the Cricchio property?

MR. BATTISTONI: I'm going to say yes. Again, there's a partial copy of a deed attached to the application. I'd like to see the whole thing so I can verify what it's for. And if there is a private road maintenance agreement, I'd like to see it.

MR. MESSINA: Well you've got to remember, this happened -- let me see. I don't remember the date. It was a long time ago because it was called African Lane and it hasn't been called that for probably seventy years.

MR. TRONCILLITO: The horse and buggy days.

MR. MESSINA: Correct. And so this description that's schedule A that you saw there, that description covers the total property that

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we're involved with today. They have subsequently, since that deed, had a couple of subdivisions and they made a few lots. This deed that you see encompasses all the properties that are in this application. When that deed was sold to the Cricchios, it was sold by the people who owned the property now that's to the east, and they retained that right-of-way -- that right-of-way as it existed at the time. Like I said, they didn't give any indication of any dimensions. So you can see on the map that the property line in many places goes down the middle of that driveway, and of course over time it's probably changed a little bit. Sometimes you see it off to the east back by lot number 2. I don't see what a maintenance agreement has to do with this application because we're not impacting anybody other than the properties that we are -- that are owned by the applicants.

MR. BATTISTONI: This is Jeff Battistoni again. I'm going to read some language from that description which I just read before. It says, "Together with and subject to the right of all parties hereto to use the

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existing roadway or driveway leading from African Lane." I don't know who all parties hereto are, and I didn't know what African Lane was. Sorry.

MR. MESSINA: I understand.

MR. BATTISTONI: It just seems that I've got a part of a deed here. You may know the things about this, Mr. Messina, but I don't from looking at what's here.

MR. MESSINA: I can understand that. We want to ascertain -- I mean, like I said, they've used that right-of-way. They use it today. They'll use it tomorrow. The maintenance agreement, I don't know how that would fall into this project.

MR. BATTISTONI: Ask Mr. Cricchio if he has it, number one. It may be a document that's on file with the Ulster County Clerk. Ask him if he has it and supply a copy to me.

MR. MESSINA: Okay.

MR. BATTISTONI: I don't think there's any big delay. I can have an answer by next meeting.

MR. MESSINA: Okay.

CHAIRMAN BRAND: All right.

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MR. GAROFALO: One more thing. Item number 43 which reads, "After approval is given by the Planning Board, the Building Department needs to be contacted for further guidance." I think normally we put that on as a note on the plan. I don't know as if that is required. Maybe we can waive that and they can fill in item 43. Is that something that's really necessary to add on to this plan as a note?

CHAIRMAN BRAND: Jeff and/or Pat on that?

MR. HINES: Go ahead, Jeff.

MR. BATTISTONI: I don't think it needs to be added to the plan as a note. I mean in a sense it doesn't say much that's definite. It says, "After final approval is given by the Planning Board, the Building Department needs to be contacted for further guidance." That's pretty nebulous.

MR. GAROFALO: For a lot line can we just let them answer not applicable and just kind of waive that?

MR. BATTISTONI: I'm fine with that.

MR. GAROFALO: And finally, the

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checklist needs to be stamped.

MR. MESSINA: Okay.

CHAIRMAN BRAND: Okay.

MR. MESSINA: Thank you.

CHAIRMAN BRAND: Thank you, Mr. Messina. We'll see you at the next meeting.

MR. MESSINA: Okay. How do I get that -- just when I get that deed, give it to Jen and/or should I somehow get it to --

CHAIRMAN BRAND: You can give it to Jen and she'll put it in the file. We can get it to Jeff that way.

MR. MESSINA: Okay. Thanks.

MR. BATTISTONI: Thank you.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:20 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 12th day of February 2021.

Michelle Conero

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

KNOX BOXES FOR NEW COMMERCIAL CONSTRUCTION

----- X

BOARD BUSINESS

Date: February 1, 2021
Time: 8:20 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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: I believe, Mr. Troncillito, you had something you wanted to bring before the Board this evening.

MR. TRONCILLITO: Yes. Pat, I'd like you to listen in on that because I think your comments are going to be encouraging here.

Both fire chiefs spoke to me, the fire chief of Marlborough, the fire chief of Milton. In Marlborough we have 21 Knox Boxes -- over 21 Knox Boxes. Milton has a handful. Tommy Corcoran was in favor of having something put on the checklist for new commercial construction only. New commercial construction, to make sure that the Knox Boxes are put on the buildings. That was a request from both fire chiefs.

If nobody is familiar with what they are, I started this program many years ago when I was chief. When you get an automatic alarm at 2:00 in the morning and you're standing there waiting for somebody to show up with a key, it's very frustrating because you have to get in the building to see if anything is happening. Just because you don't see smoke on the outside doesn't mean there isn't something on the inside.

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What I always recommended is when they do install them, install them to their burglar alarm system so when the Knox Box is opened, the burglar alarm goes off and the police show up. We still always call the police. If there's nothing showing and we've got to go in the building, we always call the police to be there also.

Pat, I don't know if this is something that can be put on a commercial checklist.

MR. HINES: We can ask for it as a comment. It's not in your code right now. The authority having jurisdiction, the Building Department, certainly can require it.

My department utilizes them as well. I always tell the applicants that the Knox Box is a lot cheaper than their door, because we do have other methods of getting in their buildings.

MR. TRONCILLITO: We've taken a few doors. After we've taken a few doors they put the Knox Box in.

MR. HINES: They usually put the Knox Box in. Correct.

MR. TRONCILLITO: Here's the question.

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This went before the Town Board and didn't go anyplace. What is our next -- how do we do this now? Do we just rely on Tommy?

MR. HINES: That's typically where it comes from. That's not in the code. Again, you're an administrative review board. You check the boxes on the code. I think Tommy's office, being in the building code, takes the authority having jurisdiction. He is, in your Town, the authority having jurisdiction and can require that. It makes sense. Like I just said, doors are expensive. Firefighters certainly have a master key.

CHAIRMAN BRAND: Can we put that in the comments for all new commercial things so that the applicants are aware of it?

MR. HINES: Yes, we can. Normally I put in for commercial comments from the jurisdictional fire department. That can always be a fire department comment as well. You want to make sure -- you know, there are other proprietary products. Knox Box is the most popular one. We want to make sure if that's the one they use, that's --

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MR. TRONCILLITO: Just to make people aware, the keys that open them are controlled by the chief officers. They have them in their vehicles.

MR. HINES: Yes.

MR. TRONCILLITO: Like I said, we've got many of them and they have saved a lot of doors and they've helped us out tremendously.

CHAIRMAN BRAND: Great. We'll include that in the comments section for all new commercial development, and then hopefully --

MR. HINES: Most commercial developers are familiar with them. They're a \$400 item.

MR. GAROFALO: Is there a generic name for these that I could add to the checklist?

MR. HINES: They're lock boxes. They're typically called Knox Boxes because that's the most popular brand. There's Central Lock. There's other brands. Knox Box is kind of what everyone calls them regardless of the manufacturer.

MR. TRONCILLITO: Each fire department has its own code so somebody from Timbukto couldn't get into them.

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MR. HINES: If the department uses Knox Boxes, then they use Knox Boxes. You can't put a Central Lock Box in and have a key to Knox Boxes. Once the department decides which one they're using, that's the one.

MR. GAROFALO: Is that the one you're using?

MR. HINES: That's the one I use in my department as well. It's the most common.

MR. GAROFALO: In Marlborough and Milton?

MR. TRONCILLITO: Marlborough and Milton are using the same one. James, I'll send you the information because they don't do forms anymore. They do everything online. I'll send it to you and you can see all the information there.

MR. HINES: It's all very well controlled. In my department the chiefs have keys, and there's also kind of a sword in the stone process in the trucks where the key can be released remotely. No one can take it and use it.

MR. GAROFALO: I saw your comments on

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the site plan application. I will take a look at those and see if I can make some modifications to bring those in line with your comments.

MR. HINES: They're just suggestions.

Yup.

MR. GAROFALO: And there was a revision to the application portion of it. I will send you that also. The main change was we added in the e-mail requirement, that that be provided for the professionals.

MR. HINES: That's a great way to communicate with them, as well as to get comments back and forth.

CHAIRMAN BRAND: Jeff, did you have an opportunity to review that as well?

MR. BATTISTONI: Only briefly. I just saw Pat's comment. My question -- one question I have is is the checklist meant as an initial form for an applicant and the Planning Board to look at or is it updated as you go throughout the review process for an application?

MS. LANZETTA: It's initial I think.

CHAIRMAN BRAND: Yeah.

MR. HINES: That's one of the comments

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I had. There seems to be -- we took the concept plan and we took the site plan detail and put them all in one checklist. I think we should take a look at that because some of the information is redundant. It asks for very detailed information, the site plan, the concept plan generic. Take a look at my comments again. I know you all just got them today.

CHAIRMAN BRAND: Okay. Anything else on that, or anything else from the Board before we conclude and go to, Mr. Vinnie is all I have written down here. Anything else?

(No response.)

CHAIRMAN BRAND: Okay.

(Time noted: 8:40 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 12th day of February 2021.

Michelle Conero

MICHELLE CONERO