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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

HSC MILTON, LLC/DOLLAR GENERAL

Project No. 20-4013
Route 9W, Milton
Section 103.1; Block 2; Lot 74

----- X

PUBLIC HEARING
SITE PLAN/LOT LINE

Date: March 1, 2021
Time: 7:30 p.m.

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: CARYN MLODZIANOWSKI,
KENNETH FIORETTI, PHILIP GREALY & JOHN CAPPELLO

----- X

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

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CHAIRMAN BRAND: It is 7:30 and I believe all the Board Members are here, so I will call the meeting to order.

Agenda, Town of Marlborough Planning Board, March 1, 2021. Regular meeting 7:30 p.m. We have the approval of stenographic minutes for February 1st. The revised agenda includes HSC Milton, LLC/Dollar General on Route 9W for a continuation of their public hearing for the site plan and lot line. We have the Nason Subdivision at 89 Peach Lane in Marlboro for a final approval of their subdivision. We have Mondello & Perretta on James Street in Marlboro for a sketch of a lot line change. And we have WMG Property Holdings on 565 Lattintown Road, a sketch of a subdivision. Tonight the discussion without the lawyer, engineer and stenographer, the continued discussion of the Planning Board site plan review. The next deadline is Friday, March 5, 2021. The next scheduled meeting is Monday, March 15, 2021. It's a terrible time to get the hiccups.

Can I have a motion to approve the stenographic minutes for February 1st, please?

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MR. TRONCILLITO: I'll make the motion.

MR. CAUCHI: Second.

CHAIRMAN BRAND: Bobby. Manny on the second. Any discussion?

(No response.)

CHAIRMAN BRAND: Any non-approvals?

(No response.)

CHAIRMAN BRAND: All right. That passes. Good.

First on the meeting is HSC Milton, LLC --

MS. LANZETTA: Can I interrupt one minute, Chairman? I just need to have it put into the minutes that I attended a New York Planning Federation training session, Working With Developers to Foster Involvement in the Community. I got a one-hour credit.

CHAIRMAN BRAND: Okay. Mr. Garofalo, did I see that you completed a training as well?

MR. GAROFALO: Yes. It's Working With Developers to Foster Investment in the Communities. That's one hour. And also, I attended the webinar Implications of Large Solar Installations and Leasing on Farmlands.

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CHAIRMAN BRAND: And how long was that, Mr. Garofalo?

MR. GAROFALO: I believe that was an hour, also.

CHAIRMAN BRAND: Okay. Excellent. Just make sure you guys get those to Jen.

MR. CLARKE: Chris, I completed a program with Rockland County about three weeks ago. It was one hour.

CHAIRMAN BRAND: Okay. Excellent. Anything else?

(No response.)

CHAIRMAN BRAND: All right then. First up, HSC Milton, LLC/Dollar General for the public hearing.

I would like to have a motion to reopen the public meeting, please.

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

CHAIRMAN BRAND: Joe. Is there a second?

MR. GAROFALO: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

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CHAIRMAN BRAND: Any not in favor?
(No response.)

CHAIRMAN BRAND: All right. This is a public hearing -- continuation of the public hearing for the HSC Milton, LLC/Dollar General.

Pat, perhaps you could start with your comments.

MR. HINES: Our first comment just identifies that they've provided DOT with some additional information regarding the potential increase in traffic along the 9W corridor from the Hudson Valley Wine Village which is located north of the project site in the Town of Lloyd. Their applicant is still working with DOT to determine whether DOT is going to require a left-turn lane into the site, a southbound left-turn lane, which will involve some redesign of that 9W corridor. So we're awaiting for that, that approval or determination from DOT.

Similarly, we're waiting for Ulster County Health Department approval for the subsurface septic system. The applicant identified last time that they were waiting for some more favorable weather rather than the two

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feet of snow that's been out there.

At the last public hearing the Board heard from a neighbor, but we did confirm that that neighbor's property is not impacted by this development. It's located across the street and south of the property.

We've identified the two inspection costs that the applicant is going to begin working on. Private inspection costs and fees associated with 155-47.2B and the stormwater inspection fees for that.

We're kind of in a cleanup mode and are waiting for outside agencies at this point. But I know the public hearing is still open. I came in the middle of your discussion at the beginning of the meeting regarding this.

CHAIRMAN BRAND: Jeff, did you have anything to add to this?

MR. BATTISTONI: I do not.

CHAIRMAN BRAND: Okay. Anything from the Board before I open it to the public?

MR. GAROFALO: Yes. I have one thing. In the minutes for February 16, 2021, on page 7 I discussed having the merchandise areas outside to

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be marked on the ground. They put a note on the plans saying that they would not block the walk. I don't think that's -- that's not what I intended because nobody is going to look at that. That is basically going to be ignored. While one person may think leaving two feet is enough, that certainly would not be enough. So I think that it would be easy enough for them to mark on the plan two areas, whether they be 4 by 20 or whatever size they want, and to use some kind of mechanism to mark those areas on the sidewalk, whether it be non-slip paint, or an etching, or they color the concrete or something. But I think that that should be put on the plan and actually implemented.

Thank you.

CHAIRMAN BRAND: Thank you, James.

Anything else from anyone on the Board?

(No response.)

CHAIRMAN BRAND: All right. Caryn and/or John, did you guys have anything to add?

MR. CAPPELLO: I'm going to let Caryn speak to this because she's made many of the revisions to the plan. We also have -- just so

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you know, under the alias of Rich Dandrea we have Phil Grealy here, our Traffic Consultant, if the Board has any questions.

MS. MLODZIANOWSKI: Thanks, John. Yes. Good evening. This is Caryn Mlodzianowski from Bohler Engineering for the record. We have our full team here this evening. We have the applicant as well, Ken Fioretti from HSC Milton, LLC.

As mentioned, the public hearing for this project was opened on February 16th. We received a couple of additional comments, one being the concern to show and to have a potential for cross access in the future should it be needed to the parcel to the south of us where we're adjusting the lot line between. We did go ahead and add that future cross access area. That would line up nicely with our property should improvements be proposed on the adjacent property in the future, that that option is there. That could be reviewed at that time.

I will turn it over to Phil Grealy for a quick DOT update and then I will run through the rest with the Board.

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DR. GREALY: Good evening,
Mr. Chairman, Members of the Board. Philip
Grealy, Maser Consulting.

Just a quick recap, and this is as of
my conversation today with New York State DOT.
So we had submitted all of the information. I
think at the last meeting we talked about some of
the improvements, the sidewalk, and we will be
dedicating to the State of New York a strip of
land along the frontage to accommodate that
sidewalk and so that all of the features are
within the State highway boundary.

New York State DOT has okayed the
location of our access. We've actually committed
to and submitted all the information relative to
the stage 2 portion of the permit.

New York State DOT is still reviewing
whether or not they will require us to develop a
separate left-turn lane on Route 9W southbound.
The reason why they're still evaluating that is
because the nature of this is a minor traffic
generator in terms of commercial character, but
because of the heavy volumes on 9W, they are
looking at that and will tell us as part of our

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permit whether or not we have to reconfigure that portion of 9W. At this point they haven't made that determination. We have allocated the area and the land to do that. Because all of the other driveways along this section of 9W do not have separate turn lanes, they are looking at that as the whole corridor. At this point we have not gotten a final determination. That may come under the work permit. But the location of our access is approved and we'll move forward with the land dedication and those other portions of the permit. So we will await their final input on that. It's a thing where there's certain guidelines that they have, but it's not necessarily a requirement. They are in the process of making that determination in consideration of the whole stretch of 9W there. So that's just a quick update.

As Caryn pointed out, we're providing that cross access for the parcel to the south, which is also a good planning item.

CHAIRMAN BRAND: Thank you.

MS. MLODZIANOWSKI: And another topic that was discussed a couple weeks ago, they said

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-- in the County's comments was the site lighting. We had a quick turnaround from the last meeting, so we've been working on that. It looks like we can get the average parking lot candles below the average that the IES recommends, which is the document that Ulster County referenced by removing one of the fixtures. So we're happy to follow up with a plan that shows that calculation. The average foot candles being below what was recommended in the document from the County as well. And again, there's no spillover of lighting off of our property, and there should be no impact of that to surrounding properties as well.

Also, to address the outdoor sales and display area on the sidewalk, we've got to definitely address that concern that was brought up. Those areas are shown on our plans. The one area which is to the left of the store if you're facing the store would be just a propane sales cabinet. So that's a fixture that won't move. It shouldn't impact any pedestrian pattern on the sidewalk. Typically this isn't an issue for Dollar General as they have a wider sidewalk than

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a lot of stores you'll see. The sidewalk here is 10 feet. It's a very generous sidewalk and a clear path for ADA from the parking to the storefront. We don't anticipate any other concerns as far as the displays go. It's hard to mark out a set area because those are seasonal items that change throughout the year, whether it's a box of pool noodles or snow shovels or something. It's just hard to say what that area actually looks like because the items change. But I think, you know, we'd be hard pressed to find something that's large enough to block a 10-foot sidewalk. It will only take up a couple of feet.

Those are the plan updates that we have since the last meeting a couple of weeks ago. We're happy to answer any other questions or comments this evening. We are hopeful that if there are no new comments, that we can have a closing of the public hearing and continue on towards SEQRA and hopefully an approval, which we understand would be conditional pending permits from the Health Department and DOT, which we're okay with.

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So from there I'll turn it over to the Board. Thank you.

CHAIRMAN BRAND: Thank you. Anything else from the Board on this?

MR. GAROFALO: I just would like to reiterate. I'm not worried about you being less than the area that you show, okay. What I'm worried about is using too much of that 10 feet. That 10 feet is very wide. I think that you can easily probably fit whatever you want to put out there, but I would still like to see it marked. Again, it could be an area marked larger than what you anticipate using. That would be fine as long as you're still providing a good and easy access along the sidewalk. So I'm not looking for something that's two feet by two feet to hold your shovels. I'm looking for something that's in general the size of the area that you're showing, even if you're going to be using a lot less. So I'm not asking you to specify, you know, exactly what you might need on any given time, but a full block of this is as much as you think you're going to need and you still will not be blocking the access.

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There's one other comment that I would like to make, and you can do this or not. That is, on plan C-902 you talk about a bicycle rack. A bicycle rack and bicycle parking 30 years ago were really synonymous with each other. I would like to -- if you could, change that to bicycle parking, because what you're showing I think will end up being the model for what other people will be doing. It's not that important, but if you can do that while you're making these other changes, that would be appreciated. Thank you.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: Thank you. Anything else from the Board?

(No response.)

CHAIRMAN BRAND: This is a public hearing, so any interested party that's here from the public that would like to ask questions or make comments either for or against this proposal will have an opportunity to do so at this time. Please, if you are not actively speaking, I would encourage you to turn your microphones off. If you would like to make a comment, you can go ahead and turn your mic on and just state your

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name for the stenographer and you'll be heard at this time.

Anyone from the public here to make a comment?

(No response.)

CHAIRMAN BRAND: No. Okay then. So we did have a brief discussion regarding the public hearing. I didn't really see an issue with adjourning the public hearing until our next meeting. I believe Jeffrey, or Mr. Battistoni, our Attorney, agreed with that, just in case something does come up, all of the outstanding things from the County comes in in that timeframe. How does the Board feel about doing that?

MR. CAPPELLO: Can I just ask the Board before you vote. We believe there's -- you know, the Planning Board always has the ability to comment. What we really have here, the issues that are left, are the left-turn lane, which is solely in the hands of the DOT; the Health Department, which, you know, either we're going to dig those pits when the weather clears and they're going to meet the Health Department

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regulations or we would have to adjust it and then potentially, depending on the adjustment, you know, you could reopen or reconsider. But we believe that based upon everything we've done, that that is not likely to happen. As far as the County comments, their comments were, you know, the access way, which the DOT has approved; and providing the ability for a shared driveway, which we noted on the plan; the lighting which we've adjusted. I know we just, you know, submitted it, but once again that's a number. We've adjusted it and met their comments. So I think we've addressed their comments to the greatest extent that we can.

So what's left -- I mean we will certainly work with Mr. Garofalo to find a way on the site plan to mark that area or a minimum clear space that will be provided to address those comments.

We would, therefore, like if the Board can close the public hearing, because in going to the DOT and spending what we need to spend to do all the survey work to get the dedication process moving, you know, they're going to want to see

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the hearing closed and potentially a negative declaration under SEQRA. I believe all the issues really aren't necessarily site plan issues. The DOT, the left-turn lane and, as Phil said, the area is marked and it's in the road. It's not on the site. It's either going to be accommodated or not. So we're hoping that, you know, we can get some closure here in finality and be able to move this forward.

CHAIRMAN BRAND: Jeff, comments on that, if any?

MR. BATTISTONI: This is Jeff Battistoni. I'm just looking back at my notes from the last meeting. It seems to me that three people spoke at the public hearing. One of them was Bridgette Supernova who read a written statement and I believe submitted the written statement subsequent to that. Tonight no one from the public spoke. If the Board would like to accommodate the applicant by closing the public hearing, I think you can do that.

MR. HINES: Yes. I don't envision -- you know, we've heard from the first meeting. I don't envision anything new that we're going to

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hear from the public which would be a reason to keep the public portion of the meeting open.

MS. LANZETTA: I would make a motion to close the public hearing.

MR. TRONCILLITO: Second.

MR. GAROFALO: Do we need a waiver on the time period? Does that start a clock for us?

CHAIRMAN BRAND: It does. Just to clarify, Ms. Lanzetta made a motion and Mr. Troncillito seconded it.

I guess this would be the discussion. Is that part of your discussion question, Mr. Garofalo?

MR. GAROFALO: Yes, that will be part of my discussion question. And I believe certain things such as the DOT permit. Possibly we could eventually approve that with the stipulation that the permit be acquired. I think that's been done in the past.

MS. LANZETTA: I don't see where any of the issues concerning the site plan have not been addressed. The other outstanding items could be -- in a worst-case scenario could be dealt with with a conditional approval.

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MR. HINES: I know we're in that motion right now. DOT and the Health Department will require closing SEQRA before they can issue those permits procedurally. We do have to work towards that as well, as you said.

CHAIRMAN BRAND: Is the applicant willing to waive the 62-day shock clock, so to speak, as far as that goes if we're closing now?

MR. CAPPELLO: Yes. If SEQRA is completed and we can move, we would -- you know, we would certainly hope we don't need the waiver, but if necessary, we'd go on the record that we would.

CHAIRMAN BRAND: Good. That being said, any further discussion from the Board?

(No response.)

CHAIRMAN BRAND: No. Is there anyone opposed to closing the public hearing from the Board?

(No response.)

CHAIRMAN BRAND: No. Okay. We will close the public hearing.

I believe that does it for HSC Milton, unless I'm missing anything. Is there anything

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else?

MR. CAPPELLO: Am I pushing my luck to ask for a negative dec under --

CHAIRMAN BRAND: That certainly is pushing your luck this evening. We do that by resolution. I believe the Board would probably be in agreement to have the attorney prepare that for our next meeting, though.

MR. HINES: That's what I was going to suggest.

MR. CAPPELLO: Thank you very much. Enjoy the rest of the evening.

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

DR. GREALY: Good night.

(Time noted: 7:52 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 14th day of March 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

NASON SUBDIVISION

Project No. 20-4005
89 Peach Lane, Marlboro
Section 95; Block 4; Lots 3 & 13.200

----- X

FINAL - SUBDIVISION

Date: March 1, 2021
Time: 7:52 p.m.

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

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CHAIRMAN BRAND: Next on the agenda we have the Nason Subdivision, final for their subdivision at 89 Peach Lane in Marlboro.

The attorney has provided us with a SEQRA negative declaration and notice of determination of non-significance, as well as a resolution of approval by the Town of Marlborough Planning Board for the four-lot subdivision.

Jeff, do you want to just hit the highlights for us before we open it up?

MR. BATTISTONI: Yes. This is Jeff Battistoni. I'm just going to mention that in the approval resolution I added a condition D which says a note shall be added to the map substantially as follows: The 75-foot buffer shown on the map related to adjoining active agricultural lands as a recommendation for buffer purposes. This existing vegetation shall be substantially maintained or replaced in the case of dying or damaged vegetation so long as the adjoining land remains in active agriculture. I thought that would compliment what the Board has been discussing.

I do think the applicant submitted an

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updated plan today. I think they simply added a note, but I did not get to see it. I just tried to bring it up on my phone and I couldn't read it.

MR. HINES: They did add a note. It's not as detailed as what you suggested. I think we can leave that as a condition and they can modify the plan one more time.

CHAIRMAN BRAND: Questions or comments from the Board on the approval?

(No response.)

CHAIRMAN BRAND: No. Good. Then in the application of Martin Nason and Katrina Nason, the four-lot subdivision before the Town of Marlborough Planning Board, the SEQRA negative declaration, notice of determination of non-significance.

Jen, would you poll the Board, please?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

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MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: The application of
Martin Nason and Katrina Nason for the four-lot
subdivision you have before you, the resolution
of approval by the Town of Marlborough Planning
Board for the four-lot subdivision.

Jen, would you poll the Board?

MS. FLYNN: Member Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

CHAIRMAN BRAND: That would
be Troncillito.

MS. FLYNN: I have Truncali and Trapani
on this one.

CHAIRMAN BRAND: So we're going to go

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to Troncillito first.

MS. FLYNN: Okay. Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So carried.

I think that does it for --

MR. HINES: We need to do the rec fee.

CHAIRMAN BRAND: Recreation fees. I'm
sorry.

MR. HINES: That's fine.

CHAIRMAN BRAND: That's all right.
Thank you.

The recreation fee findings for the
Town of Marlborough Planning Board. Whereas the
Planning Board has reviewed a subdivision
application known as Nason, Martin and Katrina,
with respect to real property located at 89 Peach

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2 Tree Lane in the Town of Marlborough, Member
3 Troncillito offered the following resolution
4 which was seconded by Member Garofalo. It is
5 hereby resolved that the Planning Board makes the
6 following findings pursuant to Section 2774 of
7 Town Law. Based on the present and anticipated
8 future need for parkland opportunities in the
9 Town of Marlborough and to which the future
10 population of the subdivision will contribute,
11 parkland should be created as a condition of
12 approval of the subdivision. However, a suitable
13 park of adequate size to meet the above
14 requirement cannot be properly located within the
15 proposed project site. Accordingly, it is
16 appropriate that in lieu of providing parkland
17 the project sponsors render to the Town payment
18 of a recreation fee to be determined in
19 accordance with the prevailing schedule
20 established for that purpose by the Town of
21 Marlborough. This approved subdivision known as
22 89 Peach Tree Lane resulted in three lots for a
23 total of \$6,000 in recreation fees. Whereupon,
24 the following vote was taken.

25 Chairman Brand? Yes.

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Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: And Trapani? No.

That would be Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: All right. I believe that does it for the Nason Subdivision.

MR. BATTISTONI: Mr. Chairman, this is Jeff Battistoni. I'll submit a cleaned up resolution with the proper names on it tomorrow.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:00 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 14th day of March 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

MONDELLO & PERRETTA

Project No. 21-5003
James Street, Marlboro
Section 109.1; Block 4; Lots 65 & 67

----- X

SKETCH - LOT LINE

Date: March 1, 2021
Time: 8:00 p.m.

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

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CHAIRMAN BRAND: Next on the agenda we have Mondello & Perretta at James Street for a sketch of a lot line.

Their representative is Messina & Associates; right?

MR. MESSINA: Yes. Carmen Messina, surveyor for the project.

CHAIRMAN BRAND: Do you want to just give us a brief overview?

MR. MESSINA: Yes. This is a lot line revision between the lands of Mondello, designated as lot number 1, and the lands of Perretta, designated as lot number 2. Part of the house, pool area and fence of lot number 2 are encroaching on lot number 1.

The purpose of this lot line revision is to transfer a portion of lot number 1 to lot number 2 so that the entire house, pool area, fence will be contained within the property lines of the revised lot number 2.

CHAIRMAN BRAND: Thank you.

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

MR. HINES: Sure. I looked at the bulk

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tables for lot 2 and the -- I'm going to paraphrase my comment, but the front yard for lot 2 would be James Street, which is the nearest public street. The rear yard would be the opposite yard to that, kind of parallel to Warren Street. The side yard setbacks would be the other two lots. I don't think this lot line results in a 35-foot side yard setback from where the house encroached onto the lands of lot 1. The bulk table identifies it as 119 feet, but I don't see that. I see it as something less than 10 feet.

MR. MESSINA: You're talking about -- Carmen Messina. You're talking about the front -- the side line? One side line is --

MR. HINES: Yes.

MR. MESSINA: That's a typographical error. It should be 12.9, not 112.9.

MR. HINES: I agree with that then.

So I believe this has to go to the ZBA. We're creating a nonconforming lot here. Although we're removing an encroachment, I don't know that this Board can approve a lot that doesn't meet setbacks.

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MR. MESSINA: Well, this is a difficult situation where obviously the owners of that property are deceased and it's now in the estate and owned by their grandchildren. In order for them to sell that, we needed to have the house contained on its own lot. We were trying to do it. Everything we try is diminishing some other requirement for other lots. So we were trying to do the least amount of making the lot more --

CHAIRMAN BRAND: Nonconforming.

MR. MESSINA: -- nonconforming. Thank you. So the lot line that we propose is like -- I believe it was .007 of a foot -- of an acre, I'm sorry. Of course, that diminishes lot number 1. If we were to make it bigger, we would have diminished that even more. So we tried to strike a balance. I know it doesn't meet the side line requirements of 35 feet, but that's what we were trying to accomplish.

MR. HINES: I think that balance is a ZBA decision, not this Board. I'll defer to Jeff on it.

I do have additional questions, though. This lot -- the house on lot 2 looks like -- I'm

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trying to determine if that's a single-family residence. It sure looks like two houses stuck together.

MR. MESSINA: Well, the original -- there's been two additions to the original house. It is a one-family house.

MR. HINES: Okay. And then the other issue for the ZBA is there are three houses on the portion that's giving land to this, and that is also not an allowable use in this zone. You're making that lot smaller.

MR. MESSINA: Yeah. That's what I was just eluding to before. We were trying to minimize that question.

MR. HINES: I understand what you're trying to accomplish. I'm with you, Carmen. I think the ZBA is the one that makes those decisions.

MR. MESSINA: Okay.

MR. HINES: I'll defer to Jeff, but I think that this Board can't give you less than the bulk requirements.

CHAIRMAN BRAND: Jeff?

MR. BATTISTONI: This is Jeff

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Battistoni. I agree with what Pat said. I do think this should be referred to the ZBA.

MS. LANZETTA: I have a question about process. You know, we're talking about trying to make everything more streamlined and to facilitate projects going through as quickly as possible. Would it have made more sense for the code enforcement officer, when he looked at this and gave us the referral, to have perhaps said that this does not meet the requirements and have the applicant go directly to the Zoning Board before coming to us?

MR. HINES: Well, there's two ways to get to the Zoning Board. One way is that referral from the code enforcement officer and the other is from this Board. Maybe he didn't interpret it that way. I'm not sure.

MS. LANZETTA: I'm just saying that now Mr. Messina has postponed going there and came to us to be told he's got to turn around and go back there. I'm just wondering if, you know, the code enforcement officer might be able to catch things like this and send them directly to the ZBA before they come before us.

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MR. HINES: He often does catch these
and puts them on his note to us as well.

CHAIRMAN BRAND: Additional comments or
questions from the Board on this one?

(No response.)

CHAIRMAN BRAND: No.

MR. CAUCHI: On Tommy's letter it said
that he had a conversation with Pat about this
property. Did he have a conversation with you,
Pat, in reference to this property?

MR. HINES: If he did it was before I
saw the map and -- if he did it was before I had
the map in front of me.

MR. MESSINA: It was.

MR. HINES: It may have had to do with
the three houses on the one lot. Lot 1 has three
structures on it. I think that was the gist of
our conversation. I did not have this map in
front of me at the time.

MR. CAUCHI: Okay.

CHAIRMAN BRAND: So essentially the
engineer and the lawyer are in agreement that
this is a ZBA determination.

If there's no additional discussion,

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can I have a motion to refer this to the ZBA?

MR. TRONCILLITO: I'll make that motion.

You go up there, up on James Street, that's a tight area with all those houses. It's a collage of stuff that's been there for, my God, years. So now they've got to try to figure it out. The Zoning Board will hopefully make it more pleasurable for them.

CHAIRMAN BRAND: So Bob made the motion. Is there a second?

MS. LANZETTA: I'll make that second.

CHAIRMAN BRAND: Okay. Any discussion?

MR. GAROFALO: Do we send it over with specific instructions as to what the concerns are?

MS. LANZETTA: That's a good idea.

MR. CAUCHI: What are the concerns? It seems to me that you can't really -- I guess the only place you have property is on lot number 1. So they have to -- they have to change the lot line?

MR. HINES: Or the ZBA can bless this map. As long as they say that they're going to

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approve the side yard setback of, I don't know, 5 feet and that they're going to approve three lots on an existing 3 plus or minus acre parcel. I mean those are the two points they need to weigh in on.

CHAIRMAN BRAND: Cindy, go ahead.

MS. LANZETTA: I just think that Pat's comments should accompany the referral.

CHAIRMAN BRAND: That's what I was going to suggest as well. We can attach the comments. I think the Zoning Board is capable of figuring that out.

MR. HINES: We'll clean up that bulk table before we send it, which may have been an issue with Tom, too. If you look at the bulk table, it complies.

CHAIRMAN BRAND: Right. So Mr. Messina, maybe fix that before we send it over to the ZBA as well.

MR. MESSINA: I'll change that typographical error to say 12.9.

CHAIRMAN BRAND: Great. Anyone not in agreement with sending it to the ZBA?

MR. CAUCHI: What are we asking? For

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them to give us a variance? Is that what we're asking for?

MR. HINES: To give both lots a variance. They can determine whether the three lots on one -- the three houses on one lot remain the same, that would be their interpretation, but then the side yard setback for lot 2, whatever that dimension is, that should be dimensioned, and it doesn't meet it. It's not an existing condition. It's something that's being created by this.

CHAIRMAN BRAND: So it would be 12.9 but now it's 13.4 or something like that?

MR. HINES: No. It's 13.4 encroached on the other lot.

CHAIRMAN BRAND: Okay.

MR. HINES: I don't know what --

MR. MESSINA: Carmen Messina for the applicant. It would be -- the new side line would be 12.9 feet.

CHAIRMAN BRAND: And there's no way you can squeak that in closer?

MR. MESSINA: You mean further?

MR. HINES: It would be further.

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CHAIRMAN BRAND: Further, yes.

MR. HINES: The reason why he's avoiding that is there -- lot 1 is 3 acres -- 3.03 acres. If you do the math on the way the Board used to have it, it was that each of these lots would have to have -- each of the houses on that lot would need 3 acres. As he adds some to lot 2, it's going to make the other lot more nonconforming.

MR. MESSINA: Yes. That was our concern.

MR. HINES: I think it is nonconforming because the use in the R-1 Zone only allows one and two-family uses.

CHAIRMAN BRAND: Right.

MR. CLARKE: Chris.

CHAIRMAN BRAND: Yes. Go ahead, Steve.

MR. CLARKE: Can we have a definitive letter from the Zoning Board of Appeals so we don't have what we had with that Kanosa property where it was kind of up in the air?

The other thing is is there any water or sewer to these properties? Town water or sewer?

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MR. MESSINA: No. They all have wells and septic.

MR. CLARKE: Okay.

CHAIRMAN BRAND: Individual wells and septic?

MR. MESSINA: Yes.

MR. TRONCILLITO: There's no water up there.

MR. HINES: Each of the three houses on lot 1 have its own.

MR. MESSINA: Carmen Messina for the applicant. I would just like to add, obviously we're doing this out of necessity so the estate can sell this house and move forward with their estate closing.

CHAIRMAN BRAND: Okay. Understood. So there was a motion. There was a second. There was discussion.

Is there anyone not in favor of passing this along to the ZBA?

(No response.)

CHAIRMAN BRAND: No. All right. We'll do so. Hopefully they will make their determination quickly and we can get back on

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this.

All right, Mr. Messina?

MR. MESSINA: Okay. Thank you very
much.

CHAIRMAN BRAND: All right. Thank you.
Good luck.

(Time noted: 8:10 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 14th day of March 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

WMG PROPERTY HOLDINGS

Project No. 21-5005
565 Lattintown Road, Marlboro
Section 108.2; Block 2; Lot 47

----- X

SKETCH - SUBDIVISION

Date: March 1, 2021
Time: 8:10 p.m.

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: CORY ROBINSON

----- X

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Newburgh, New York 12550
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CHAIRMAN BRAND: Finally on the agenda, the main portion of the agenda, we have the WMG Property Holdings at 565 Lattintown Road in Marlboro.

This would be Maser Consulting. Is that you, Mr. Robinson?

MR. ROBINSON: Hi. Good evening, Members of the Board. Cory Robinson, Maser Consulting, on behalf of my applicant here.

So I guess I'll just run through the project real quick.

CHAIRMAN BRAND: Please.

MR. ROBINSON: So we submitted an application for a two-lot subdivision, construction of a new single-family dwelling on the newly created lot. This is on Lattintown Road. It's, you know, probably a mile south of Old Indian Road. The current lot -- the existing lot today is 3.7 acres. We're proposing to create a 2.2 acre lot that will be the parent lot to house the existing two-family dwelling and create a new lot that's 1.5 acres for the new structure.

You know, the new structure is going to

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have an associated well and septic system also.

CHAIRMAN BRAND: Okay.

MR. ROBINSON: I think that's the gist of it.

I received comments from the engineer today.

CHAIRMAN BRAND: Which leads me to my next point. Pat, do you just want to run through those quickly?

MR. HINES: Sure. The existing structure on lot 1 is a two-family home that was identified by Mr. Corcoran. We're suggesting that be labeled as a two-family home. It meets all the code requirements, and any of the setback issues are pre-existing and not changing.

The project accesses Ulster County's highway, so approval for the driveway will come from Ulster County. That will be required.

The Ulster County Health Department needs to review the septics and wells.

There's most likely going to be a need for a culvert at the driveway. The grading identifies it as such. We'll need that culvert shown.

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The limit of disturbance looks like it crosses the lot line. I think it's just a drafting cleanup.

Those are our only comments on this.

CHAIRMAN BRAND: Great. Thank you, Pat.

Any comments or questions from the Board?

MS. LANZETTA: Yes. I'd like to say that it was a pleasure to see an application that was totally filled out correctly, and to see such well done maps and to see the aerial photograph that you provided us as well. It really is a good example of the type of applications that we would like to see coming in to our Planning Board. So thank you very much.

MR. ROBINSON: Thank you.

CHAIRMAN BRAND: You're in charge of all new submissions, Mr. Robinson.

MR. GAROFALO: Actually, the submission points out something which is very interesting and I think should eventually be changed on our checklist. That is, while we need a seal and signature on the checklist, he mentioned under

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2 the surveyor's seal and signature at final. That
3 may be something that we want to change in our
4 checklist, to require that they put in a block
5 for that signature. That signature is really
6 something that you're going to look forward to
7 when you sign off on the final document. So
8 maybe that's something that we can think about
9 for the checklist, is changing that one item.

10 CHAIRMAN BRAND: Okay. Thank you.

11 Anything else from the Board on this
12 one?

13 MR. CLARKE: I just --

14 CHAIRMAN BRAND: I think you're off
15 there, Steve. I'm not sure. It looks like
16 you're on, but we can't hear you.

17 MS. LANZETTA: Steve, we can't hear
18 you.

19 MR. HINES: He lost his internet.

20 MR. CLARKE: -- sight distance so that
21 it's clear.

22 MR. HINES: They did depict the sight
23 distance. The County will take a look at that.

24 CHAIRMAN BRAND: Great. Thank you,
25 Steve.

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MS. LANZETTA: I'd make a motion to set a public hearing.

CHAIRMAN BRAND: Sure. Mr. Robinson, when do you think you would be ready to do that? That's in coordination with Jen. The first meeting in April?

MR. ROBINSON: I think that's reasonable. I need to coordinate with the County for the driveway, and the Health Department. I can do that in the meantime.

CHAIRMAN BRAND: Okay.

MS. FLYNN: April 5th or April 19th?

CHAIRMAN BRAND: Mr. Robinson, I'll defer to you.

MR. ROBINSON: I think we can shoot for April 5th.

MS. FLYNN: April 5th?

MR. ROBINSON: Yeah.

CHAIRMAN BRAND: So Cindy has made a motion to have the public hearing at the April 5th meeting. Do I have a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Joe Lofaro.

Any comments?

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(No response.)

CHAIRMAN BRAND: Any further discussion
on the public hearing?

(No response.)

CHAIRMAN BRAND: No. All right.
Any nos for the public hearing on
April 5th?

(No response.)

CHAIRMAN BRAND: No. All right.
Thank you, Mr. Robinson. We will see
you on April 5th then.

MR. ROBINSON: All right. Thank you
all. Have a great night.

(Time noted: 8:18 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
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Michelle Conero

MICHELLE CONERO