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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

MARLBORO FLATS

Project No. 20-4004
8-10 Watson Avenue, Marlboro
Section 103.1; Block 3; Lot 15

----- X

FINAL - SUBDIVISION

Date: April 19, 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

----- X

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Newburgh, New York 12550
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CHAIRMAN BRAND: It is 7:30 so I'd like to call the meeting to order by reading the agenda.

Agenda, Town of Marlborough Planning Board, April 19, 2021. Regular meeting at 7:30 p.m. Approval of stenographic minutes for 3/15.

On the agenda this evening we have Marlboro Flats for a final of their subdivision, possibly, at 8-10 Watson Avenue. We have HSC Milton, LLC/Dollar General for a final of their site plan/lot line on Route 9W, Milton. We have WMG Property Holdings for a preliminary of their subdivision at 565 Lattintown Road in Marlboro. We have the Crimivarolis for a sketch of their subdivision at 282 Orchard Street. We have Rivercrest Lot 6 for a sketch of a subdivision at 12 Rivercrest Lane. We have James and Monica Bishop for a sketch of a subdivision to be held on New Road and Mahoney Road. And we have William Swartz and Maxine Francis for a sketch of a lot line at 73 and 79 Ridge Road. Finally on the agenda tonight we have the Kent Family Farm for a sketch of their site plan at 152 and

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178 North Road.

There will be a discussion without the lawyer, engineer and stenographer for our ongoing Planning Board site plan review. The next deadline will be Friday, April 23, 2021. And the next scheduled meeting would be Monday, May 3, 2021.

Can I have a motion for the approval of the stenographic minutes for March 15th, please?

MS. LANZETTA: I'll make that motion.

MR. GAROFALO: I'll second it.

CHAIRMAN BRAND: Is there any discussion first?

(No response.)

CHAIRMAN BRAND: No. Any nos?

(No response.)

CHAIRMAN BRAND: No. So we will consider those approved.

I think there was possibly some confusion about Marlboro Flats, so I don't know if Frank, Tina or their representative are here. If so, you could turn on your mic.

MS. FLYNN: They are not. They will not be here until May 3rd.

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CHAIRMAN BRAND: So they're definitely not here?

MS. FLYNN: No.

CHAIRMAN BRAND: All right.

MS. LANZETTA: Can I interrupt for one minute, Chris?

CHAIRMAN BRAND: Of course.

MS. LANZETTA: I just wanted to have read into the record my education credits.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: I had forgotten last time. I had 1.5 hours for the Ulster County Ag & Markets training, and I also attended The What, Why and How of Site Plan Review for an additional hour.

CHAIRMAN BRAND: Great. Thank you. I'm sorry. I should have asked.

MR. TRONCILLITO: Chris, I have the same thing. I've got The What, Why and How of the Site Plan Review. I finished that one.

CHAIRMAN BRAND: Great. Just make sure you get those certificates to Jen. Perfect.

(Time noted: 7:33 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 25th day of April 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

HSC MILTON, LLC/DOLLAR GENERAL

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

----- X

FINAL - SITE PLAN/LOT LINE

Date: April 19, 2021
Time: 7:33 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 &
JOHN CAPPELLO

----- X

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CHAIRMAN BRAND: Next up, HSC Milton, LLC/Dollar General for a final of their site plan/lot line.

Jeff, I know you have prepared for us a conditional approval resolution. Perhaps you might want to go through some of the fine points there

MR. BATTISTONI: Yes. I did prepare that resolution. I wasn't able to circulate it until this morning, so I apologize for that delay.

I will point out that I summarized the history of the application. It's an application for site plan approval and a lot line revision, so both of those approvals are combined in one resolution.

I went through the factors from the Town Code regarding site plan review that the Board is supposed to consider, and then I listed a number of conditions. Included in them were the Board of Health approval, the New York State DOT approval, there are conditions regarding the posting of inspection fees and security and things of that nature.

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So I think the resolution is ready. I did circulate it today. Mr. Garofalo had one comment that I incorporated into the resolution. Mr. Cappello had a comment, I forwarded his e-mail to everyone, and I did make the change he requested. I don't know if people had any comments on that.

And I believe Mr. Garofalo had one other issue he wanted to raise tonight.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: Yes. I wanted to add a condition of approval. I hate to add things at the end, but all I can say is don't blame the messenger because we're really all at fault for not catching this earlier. That is, I would like to see added as a condition that a 5-foot paved, graded walkway be located opposite the front door in line with the accessible parking -- with the accessible parking access aisle. It should be added to the plans and constructed from the sidewalk to the parking area, and any adjustment to landscaping and drainage that's needed to accommodate it in conjunction with New York State Department of Transportation requirements for

1 approval within the State right-of-way, because a
2 portion of that may be in the State right-of-way.
3 It's just a small section to connect the sidewalk
4 to the parking lot so that somebody who is
5 mobility challenged who is on the sidewalk can
6 walk over to the parking lot and directly into
7 the building and they don't have to go all the
8 way around to the driveway.
9

10 I don't think it's a big thing, but I
11 don't want to hold them up, and that's why maybe
12 we could add that as a condition of approval. We
13 can go ahead and pass that and have that added to
14 the plans and constructed.

15 CHAIRMAN BRAND: James made a motion to
16 add a condition of the 5-foot paved, graded
17 walkway added to the plans to be constructed. Do
18 I have a second for that?

19 MS. MLODZIANOWSKI: Mr. Chairman?

20 CHAIRMAN BRAND: Yes.

21 MS. MLODZIANOWSKI: This is Caryn
22 Mlodzianowski from Bohler Engineering.

23 I just wanted to make sure I understand
24 the request so that we can address it. I think
25 we might have already added that on the plan. Is

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it possible I could share my screen just to make sure I'm clear on that?

CHAIRMAN BRAND: Yes.

MS. MLODZIANOWSKI: Thank you.

Mr. Garofalo, is the area -- I don't know if my map is up, but is that sidewalk connection area I show with the crosswalk what you're talking about?

MR. GAROFALO: It's kind of hard to see, but yes, that looks like what I was talking about. Yes, that looks like what I was talking about. It's on the landscaping plan that I went back and looked at. It looked like you had landscaping all the way across. That's basically exactly what I want to see.

MS. MLODZIANOWSKI: I see. Okay. Perfect. Yes, the previous version had landscaping all the way across and then we added a connection here and adjusted the landscaping accordingly.

MR. GAROFALO: I appreciate that.

CHAIRMAN BRAND: Excellent.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: So Jeff, do we need to

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add that as a condition?

MR. BATTISTONI: I think it's on the plans. The resolution refers to each sheet of the plan, so I think that's covered already.

CHAIRMAN BRAND: Okay. So James, are you satisfied with that?

MR. GAROFALO: I'm satisfied with that.

CHAIRMAN BRAND: All right. Any other discussion from the Board?

(No response.)

CHAIRMAN BRAND: Pat, I'm assuming you have nothing on this further?

MR. HINES: We have nothing further.

An interesting letter from DOT today deferring the left-turn lane after they build it and do some studies, but it's under their purview, so --

CHAIRMAN BRAND: Great. So then you have before you the Planning Board of the Town of Marlborough conditional approval resolution for the site plan and lot line revision for the application of The Gela Group, LLC and Emanuel A. Cauchi as owners and HSC Milton, LLC as applicant for the site plan approval and lot line revision.

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Jen, would you poll the Board, please?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: 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 Cauchi?

CHAIRMAN BRAND: He is recused from
voting.

So then I think that does it for this
step for HSC Milton, LLC/Dollar General.

MS. MLODZIANOWSKI: Thank you for your
review and hard work on this with us.

CHAIRMAN BRAND: Thank you.

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

(Time noted: 7:40 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 25th day of April 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

PRELIMINARY - SUBDIVISION

Date: April 19, 2021
Time: 7:40 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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CHAIRMAN BRAND: Next on the agenda tonight, moving right along, we have WMG Property Holdings for a preliminary subdivision at 565 Lattintown Road in Marlboro.

Pat, do you just want to start off with your comments quickly?

MR. HINES: Sure. Ulster County Highway Department has submitted a conceptual approval with the caveat that the sight distance triangle be protected from any future construction. That sight distance triangle and notes have been added to the plan. We're suggesting it should also be incorporated in any deed out of the subdivision.

I had a comment regarding Ulster County Health Department approvals. I have received those approvals today from the applicant's engineer.

And just a comment that our previous comments have been addressed.

So with that I believe the project is in a sufficient form for a negative declaration and approval resolution being prepared for the next meeting.

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

Thank you, Pat.

MR. GAROFALO: I have one comment. With regard to the sight lines, the sight lines look like it goes through the driveway where the two-family house is, and that driveway is extremely wide. I can see the potential for people to be parked in that driveway and actually blocking the sight lines. I'm a little concerned about that. I certainly would have liked to have seen the driveway narrowed so that people would not park in that part of the driveway.

I don't know if that's within our purview to be asking for something like that. But I could certainly see that being an obstruction to the people -- the sight lines coming out of that house.

CHAIRMAN BRAND: Thank you, James.

Anything else from the Board?

(No response.)

CHAIRMAN BRAND: So at this stage of the game are we comfortable asking the attorney to draft a negative declaration and approval

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resolution for the next meeting?

MS. LANZETTA: I would make that motion.

MR. CLARKE: I'll second that.

CHAIRMAN BRAND: Seconded by Steve Clarke. Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos?

(No response.)

CHAIRMAN BRAND: Excellent. So we will go ahead and have that ready for our next meeting, the negative declaration, Jeff, and the resolution of approval?

MR. BATTISTONI: Yes. That's fine.

CHAIRMAN BRAND: Excellent. All right. We will see you then.

(Time noted: 7:43 p.m.)

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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

GEORGE & CAROLE CRIMIVAROLI

Project No. 21-5004
282 Orchard Street
Section 95.4; Block 1; Lot 27.210

----- X

SKETCH - SUBDIVISION

Date: April 19, 2021
Time: 7:43 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 REPRESENTATIVES: GEORGE & CAROLE
CRIMIVAROLI

----- X

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CHAIRMAN BRAND: Next up we have Crimivaroli, a sketch of their subdivision at 282 Orchard Road.

Pat, I see you have some other comments.

MR. HINES: Yeah. We received the marked-up plan. Lot 2 identifies numerous zoning deficiencies that are pre-existing. The Planning Board and Building Department's opinion regarding these pre-existing grandfathered conditions should be received. They're not changing any but they are losing lot area, so I don't know if those are protected or not. Typically they are okay. Your standard, you have allowed them to be there, but I just wanted to note that on the plan.

There's a roadway dedication parcel for Orchard Hills. Appropriate offers of dedication and offers of concession should be submitted for Jeff's review so that when this is filed, the Town has ownership of that roadway.

The trailer on the site was identified by the code enforcement officer as being noncompliant. I think the applicants' response

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was the trailer was going to be moved on the site, but the trailer is not permitted on that site at all.

The water supply for lot 2 is not depicted on the plans and the septic system for lot 1 is not depicted on the plans.

So I think there are some more clean-up items that are needed based on the recent submission.

MR. CRIMIVAROLI: The septic is showing for lots 1 and 2, the latest one we submitted.

MR. HINES: I have no water supply on lot 2 and I have no septic on lot 1.

MR. CRIMIVAROLI: I sent you an e-mail with the latest plan. I think it was -- when did we get that?

MR. HINES: It may have been after these were accomplished.

MR. CRIMIVAROLI: Okay. But we do have -- the latest plan does show the septic and well for both parcels -- both lots.

And the trailer -- we did sell the trailer. The person did not come and pick it up yet, but it will be gone in a day or two.

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CHAIRMAN BRAND: Great.

Other questions or comments from the Board?

MR. GAROFALO: Yes. I have a few comments. I think the EAF might have been done with the DEC information block by the blocker because usually we see -- usually, we see what they automatically fill in. I think that needs to be taken a look at.

Also, one of the rear lot lines is noted as being 25.9 feet and I think that's actually 106.2. So instead of being nonconforming, it may actually be conforming.

MR. CRIMIVAROLI: Well, the 25.9 is to the greenhouse. The actual house is 106.2.

MR. GAROFALO: Okay. That clarifies that. Thank you.

I'm also concerned with the dedication to the Town. There's a row of trees in there which are very nice looking trees, but I'm somewhat concerned as to whether or not they're actually blocking the sight lines coming out of there and what the implications are to the Town if that's not taken care of.

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Are we creating a problem for the Town needing to remove some of those trees in order to create some proper sight lines?

MS. CRIMIVAROLI: Pulling out of the little house or the big house?

MR. GAROFALO: Where the greenhouse is.

MR. CRIMIVAROLI: We don't use the greenhouse right now.

MS. CRIMIVAROLI: It's just the little house.

MR. CRIMIVAROLI: The house with the driveway.

MS. CRIMIVAROLI: And there's no -- it's not obstructed to the house. I pulled into the greenhouse lot today because we were by the trailer. I mean I had no problem pulling out with the arborvitaes.

MR. GAROFALO: They're very beautiful. They look nice. They do an excellent job of screening. But I think that's something that the Highway Department should take a look at, specifically whether or not that's going to be a problem.

MR. HINES: Once this is filed, the

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Highway Department would have the ability to remove those if they thought it was an issue.

MR. CRIMIVAROLI: Yes. They would be located on the highway --

MR. HINES: They would be within the highway bounds at that point.

MS. CRIMIVAROLI: Part of the Town property.

CHAIRMAN BRAND: Okay. Anything else, James?

MR. HINES: While I have a chance, I did receive an updated map which does address the well and septic systems since I did these comments.

CHAIRMAN BRAND: Okay. So four and five are --

MR. HINES: Yup. I'm reviewing it on my phone right now, but they are there.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: I'm not sure if this requires an agricultural statement because I think it's 100 to 200 feet away from agricultural land.

CHAIRMAN BRAND: Pat?

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MR. CRIMIVAROLI: The agricultural statement is on there. You need it taken off or --

MR. GAROFALO: No. It is on there? Okay. I didn't see it on there. It could be I just missed it.

MS. CRIMIVAROLI: I'm not sure.

CHAIRMAN BRAND: Is it in the notes section?

MS. CRIMIVAROLI: We're looking at it right now.

CHAIRMAN BRAND: Okay. Jen, can you spin that? There you go. Can you zoom in a little, Jen? I don't know if that's going to help me. That green is tough to read.

MR. GAROFALO: That's it. That's fine.

CHAIRMAN BRAND: Anything else from the Board on this?

(No response.)

CHAIRMAN BRAND: So Jen, you could stop sharing that I think.

Pat, do you have anything?

MR. HINES: No. I think it would be appropriate to schedule the public hearing.

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CHAIRMAN BRAND: That's what I was going to go with. So do I have a motion to schedule a public hearing?

Jen, when is the first available day for that?

MS. FLYNN: May 17th.

CHAIRMAN BRAND: May 17th. So do I have a motion to schedule a May 17th public hearing?

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Joe. A second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Cindy. Any discussion on the public hearing for May 17th?

(No response.)

CHAIRMAN BRAND: No. Okay.

So you guys will just have to meet with Jen to get the mailings sent out for the public hearing. We can do that and hopefully everything will fall into place after that.

MS. CRIMIVAROLI: Is that when it's approved or is it two weeks after that?

CHAIRMAN BRAND: It probably -- we would have to see if there's any significant

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comments from the public regarding it, which I don't really anticipate.

Jeff, are we comfortable perhaps having something ready to go if there is no significant input from the public at the public hearing?

MR. BATTISTONI: I'll leave that up to the Board. I can prepare resolutions if you want.

I do have one question. Is the applicant committing to move this trailer off of the property?

MS. CRIMIVAROLI: Yes.

MR. CRIMIVAROLI: Yes.

MR. BATTISTONI: Okay.

CHAIRMAN BRAND: Is the Board comfortable with that, if the public hearing doesn't have any significant --

MR. LOFARO: Sounds good.

MR. TRONCILLITO: That's all right.

CHAIRMAN BRAND: I'd like to have that motion then.

MR. TRONCILLITO: I'll make that motion.

MR. CLARKE: Second.

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CHAIRMAN BRAND: Bob Troncillito.

Seconded by Steve.

So there you go, Jeff. Hopefully we can take care of that at the next one.

MR. BATTISTONI: Okay.

MR. CRIMIVAROLI: Jeff, do you want us to have the surveyor send you the metes and bounds for the Town road?

MR. BATTISTONI: That will be necessary at some point, yes.

MR. CRIMIVAROLI: Okay.

MR. BATTISTONI: I don't have to have it for the resolution, but it will be needed.

MR. CRIMIVAROLI: Okay.

CHAIRMAN BRAND: Anything else for Crimivaroli?

(No response.)

CHAIRMAN BRAND: No. All right.

Thank you, guys. I appreciate it.

MR. CRIMIVAROLI: Thank you very much.

(Time noted: 8:02 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 25th day of April 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

RIVERCREST LOT 6

Project No. 21-5007
12 Rivercrest Lane
Section 103.3; Block 3; Lot 28.6

----- X

SKETCH - SUBDIVISION

Date: April 19, 2021
Time: 8:02 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: NICHOLAS GALELLA &
GARY RICH

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: We are moving right along this evening. Rivercrest Lot 6, sketch of a subdivision at 12 Rivercrest Lane.

Pat, did you just want to go over your comments quickly?

MR. HINES: We'll need Health Department approval. It was depicted on the maps. We didn't have -- I know I got an e-mail from the applicant today. I haven't had a chance to look at it.

This Lot 6 was created from a subdivision that had quite a history. It started out as a Chelsea Homes subdivision and then eventually became American Land Preservation Corporation back in the late '90s.

We're suggesting that the subdivision be checked for any restrictions on future subdivision. The cast of characters that were involved were pretty interesting early on.

I don't know anyone who knows the history. Maybe Bob knows the history.

MR. TRONCILLITO: Sure do.

MR. HINES: I think we need to get some more deed information here to make sure that

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there's not any restrictions that were the result of the Chelsea Homes subdivision, the American Land Preservation.

I noted the deed that was submitted was only the most recent transferring this Lot 6 to the current owner, but I don't know of anyone that was with the Board. I was with the Board then and it had quite a history. I think it warrants a little research.

The well on lot 6-B should be identified as existing. It's depicted as a separate symbol from the well on lot A.

The highway superintendent's comments on the new driveway should be received.

I just also want to make sure that Rivercrest Lane is a dedicated Town roadway considering the history. I believe it is.

The finished floor on the proposed structure should be identified due to grading on the driveway being steep and then the grade across the houses being relatively steep.

CHAIRMAN BRAND: Just as a reminder for that, what's the -- 14 percent, is that what it is?

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MR. HINES: 14 percent is the maximum in your code for a driveway. You've got to be careful. It can't be 14 percent right up to the house. In other words, there needs to be a landing so your car can pull out of the driveway or your car -- that grading needs to address a flat area for the parking area. You can't be at 14 right up to the house.

CHAIRMAN BRAND: Okay.

MR. HINES: I have that comment on the next project as well, you'll see that, 17 percent touching the house.

CHAIRMAN BRAND: All right. Did you get all that, Mr. Rich? You're on mute there, Mr. Rich. Can you hear me, Mr. Rich?

MR. GALELLA: Nicholas Galella.

CHAIRMAN BRAND: Mr. Galella.

MR. GALELLA: If he's unable to connect, I've got the information, I'll forward it to my attorney.

We're looking at nothing on the subdivision that is restricted. My attorney has the deed. He'll look into it.

CHAIRMAN BRAND: Okay. Anything else

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from the Board on this one?

MR. GAROFALO: Is the driveway going to be paved?

CHAIRMAN BRAND: Mr. Galella?

MR. RICH: I believe so. Right, Nick?

MR. HINES: We have Mr. Rich now.

MR. RICH: Pat, I looked. I didn't find anything in the face, but I didn't chase it back that far with --

MR. HINES: Gary, it had quite a history back when it was before us. I think Bob Troncillito may know the history. I don't feel comfortable telling you the whole history on --

MR. RICH: That's fine. That's fine. You told me information I didn't know.

MR. HINES: Yup.

CHAIRMAN BRAND: Any other comments or questions?

(No response.)

CHAIRMAN BRAND: No other comments or questions.

So we're going to get that researched and checked out. We'll wait to hear from the highway superintendent and make those corrections

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and check for any covenants, conditions, restrictions or reservations of right-of-way.

Pat, is that mostly due to the American Land Preservation Corporation being involved with this?

MR. HINES: And the owner before that as well. There was -- I'll look into it on this site -- some disputes over property ownership. I think it went to foreclosure, the American Land Preservation Company took it over.

And, again, we had quite a bit of public hearing from the neighbors on view shed protection. I believed at the time there was a no further subdivision note, but I don't see it in the current deed that we have.

MR. RICH: It's not on the current filed map, either, anywhere.

CHAIRMAN BRAND: Jeff, was that the e-mail that I saw today to Jen?

MR. BATTISTONI: There was an e-mail today I think from Jen Flynn where she went back and copied a portion of a subdivision map.

There is a note that says any further subdivision will be subject to Health Department

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approval and Town of Marlborough Planning Board approval. So that would make me think that particular map didn't have that restriction, but I would like to get a more complete summary of the background.

CHAIRMAN BRAND: Okay.

MR. CAUCHI: One point of clarification. As far as the setback from the front yard, from the road to the proposed dwelling, is that 58.1? Is that the setback? I thought the requirement was 75 feet.

MR. HINES: No. Not in this zone.

MR. CAUCHI: I could have sworn the front setback was 50 feet. Aren't the setbacks 75 feet?

MR. HINES: The rear yard setback is 75.

MR. CAUCHI: What's the front?

MR. HINES: The front is 50 for the RAG-1.

MR. CAUCHI: I'm sorry. I didn't hear you, Pat.

MR. HINES: 50 for the front yard. The rear is 75.

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MR. CAUCHI: So from the front is 50
then?

MR. HINES: Yes.

MR. CAUCHI: I must have it backwards.
All right. Thank you.

CHAIRMAN BRAND: All right. So you
will research that deed and double check and make
these corrections, Mr. Rich?

MR. RICH: Yes.

CHAIRMAN BRAND: Excellent.
Anything else from the Board on this
one.

(No response.)

CHAIRMAN BRAND: No. All right. So we
will see you at a subsequent meeting then. Thank
you.

MR. GALELLA: Thank you.

MR. HINES: Manny, I'm checking a
couple of the other maps I have here. It is 50
on different projects.

(Time noted: 8:08 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 25th day of April 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

JAMES & MONICA BISHOP

Project No. 21-5008
New Road /Mahoney Road
Section 103.1; Block 1; Lot 49

----- X

SKETCH - SUBDIVISION

Date: April 19, 2021
Time: 8:08 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: ZACH ANDERSON & ADAM
DiVALENTINO

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Next up we have Bishop, James and Monica, for a subdivision at New Road and Mahoney Road.

Is that applicant here, or their representative?

MR. ANDERSON: Yes. We're both here.

CHAIRMAN BRAND: All right. Do you want to just give us a brief overview of what it is you're planning on?

MR. ANDERSON: Yes. So what we're planning on here is we have 7.8 acres currently that is owned by James and Monica Bishop. We're looking at subdividing that into two parcels, two residential lots, one being 3.6 acres and one being 4.2 acres. That is really the overview of what we're looking to do here.

The one lot we are looking at developing into a residential property right away. The other one will stay in James and Monica Bishop's ownership.

CHAIRMAN BRAND: Pat, did you want to run through your comments on this one?

MR. HINES: Sure. First off, the short environmental assessment form we received was the

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older form, the pre-DEC website based form, so we'll need that updated on that format.

A roadway dedication parcel will be required for both of the roadways this project fronts on.

Well and septic locations will require approval from the Health Department.

Grading for the driveway and house should be provided. Access from the driveway to the house has an 8-foot topography difference.

CHAIRMAN BRAND: Pat, you skipped 3 which is the one I had a question about.

MR. HINES: I'm sorry. There's a 20-foot wide right-of-way identified as existing travel way. I'm just wondering who that right-of-way is in favor of, what implications it has on the lot. I notice that the lot has a different property owner name identified, which may be the potential purchaser, but that's unusual to have it on the subdivision plan.

MR. ANDERSON: So that lot or that right-of-way was -- is part of the original property that is -- the right-of-way into that property that the current owner has used to

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access the property. That will stay. I do believe it will stay in his, more or less, right.

MR. HINES: So who is it in favor of if it's a right-of-way if it's all on this parcel?

MR. ANDERSON: I don't know. I would have to check that and check the deed again.

MR. HINES: So they own fee ownership out to the Town road; correct?

MR. ANDERSON: That is correct.

MR. HINES: So it's unusual that there's a right-of-way. Typically that would be in favor of another parcel. We'll need some further information on that.

And then the lot line, is that a potential purchaser where it says the DiValentino property?

MR. ANDERSON: Yes, it is.

MR. HINES: The septic locations will need to be there.

Grading for the driveway, that needs to be -- I think there was a 17 percent grade depicted on the driveway at one point.

MR. ANDERSON: Yup. Yup.

MR. HINES: That exceeds the maximum

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allowable. And then also I think that 17 percent kind of terminated at the location of the house. So that grading is going to have to be resolved and the driveway access modified.

The bulk table identifies the setbacks that are provided. The setbacks for the front and rear yard and both side yards should be clarified. They don't seem to depict what's on the plan.

MR. ANDERSON: Okay. So you want actual dimensions there to --

MR. HINES: Yes.

MR. ANDERSON: -- the houses? Okay.

MR. HINES: The barn on the remaining lands appears to be an accessory use, but I don't know what it's accessory to. Is that going to remain a farm lot or something?

MR. ANDERSON: Yes. It's going to remain as is.

CHAIRMAN BRAND: Is there agriculture going on there now?

MR. ANDERSON: No, there currently is not.

MR. HINES: I think we should have some

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notes clarifying what the use of that property is and that there is no -- any proposed use of that property will need to come back to the Planning Board for approval.

MR. ANDERSON: Okay.

MR. HINES: I have a question. You're limiting that lot then to that small piece there, so I think we should get the sight distance depicted there now to make sure that that lot is buildable in the future, the remaining lands.

MR. ANDERSON: On the north side of the property?

MR. HINES: Correct. Just because of the limited frontage there.

MR. ANDERSON: Yup.

MR. HINES: It looks like it's on a turn on Mahoney Road there. Again, sight distance at Mahoney Road, which we just talked about.

MR. ANDERSON: Yup.

MR. HINES: There's a note identifying the subdivision is contingent upon the owner's review and approval. That should be removed. That's not something we would see on a

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subdivision map. This was -- and, quite frankly, if the owner doesn't want to subdivide it, it shouldn't be before us.

MR. ANDERSON: Right. Right. It was in the checklist. That's why we added it there.

MR. HINES: Again, the driveway exceeds permissible grades, which we just talked about.

Finished floor elevations from the structure and point elevations along the driveway should be required.

The highway superintendent's comments on the driveway location.

And then there most likely should be also a culvert at the driveway access point which can be addressed when you review it with the highway superintendent.

MR. ANDERSON: Yup.

MR. HINES: I think this one needs to come back. Before the Board can take any action, we need some additional information.

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

MS. LANZETTA: I have a question. The remaining lands, the Planning Board is supposed

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to make sure that that -- any remaining lands still can be a buildable lot. It's my understanding that that's part of our responsibility.

And I'm not sure -- I see that there's a small area there before the brook that goes to Mahoney Road. Is that going to be -- would that be sufficient to place a house? Because I don't know that you could -- I mean how can we ensure that the remaining lands would still be able to be developable as it's being subdivided?

MR. HINES: That's the intent of my comment as well, to show that the sight distance and driveway works, number one.

Typically for lots greater than 5 acres, under the Realty Subdivision Laws you don't have to prove those out as building lots. This is greater than 5 acres. But if the Board wants to have soil testing and such there, that is certainly a concern based on the topography and the limited access.

MS. LANZETTA: It doesn't look like you could go up too far on that lot.

MR. HINES: It gets pretty steep there.

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Yup.

MS. LANZETTA: And when I look at the tax maps, that barn there, the way it looks from the aerials, it almost looks like the barn is being utilized by the adjacent property. Is that possible?

MR. ANDERSON: It's actually the same owner between the two properties. The owner of the property that we're looking at subdividing owns the property with the house on it next to it as well.

MS. LANZETTA: Okay. So they are utilizing the barn right now?

MR. ANDERSON: That is correct. It's just a storage barn. They're just storing --

MR. DiVALENTINO: The house is also vacant now, too. It was his mother's house and she passed. His intent was -- that front part is steep. His intent was to potentially build, you know, back closer to the lot that we're trying to split out where it's more buildable. He would just put a driveway through that existing part on the lower end of that steep slope.

MS. LANZETTA: So he would come to the

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other -- come to it from the other side?

MR. DiVALENTINO: Our intent was -- he doesn't have a plan for what he's going to do on the part that he's keeping closer to Mahoney Road at this time. So that's why, you know, the two options would be we were maintaining that right-of-way from New Road to access it that way, I know we need to depict that a little bit better, and then as well as having access from Mahoney Road where he -- you know, where he has the 30 foot out to the road there.

MR. HINES: We're going to need a lot more detail on that, and there may be some legal issues.

Just for the stenographer, if the two folks that were speaking, I know I carried on a conversation with you, but she's going to need your names.

MR. DiVALENTINO: My name is Adam DiValentino. It's on the screen there.

MR. ANDERSON: I am Zach Anderson with CPL Engineering.

MR. HINES: And maybe Michelle had figured that out before I asked you that. I

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don't know.

MR. DiVALENTINO: I have one other question, too, while I've got you, Mr. Hines. So number 3, the well and septic locations, obviously we need the approval, you know, before we -- we need approval for everything before we do anything, right. Are you asking for us to just show the location or are you asking us to design the septic ahead of time?

MR. HINES: Both. So you'll need approval from the Health Department before you can complete the subdivision process. So the well and septic locations should be shown on the plan, and there will be a requirement for the Health Department to sign off on that.

MR. DiVALENTINO: Okay. I was confused by that. It wasn't clear in the application. I thought -- it wasn't clear in the application. But understood.

MS. LANZETTA: And, you know, if you ever want to do anything with the remaining lands as far as houses, you're going to need an approved septic for there, too. So you might want to talk to the engineer about, you know,

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future plans for that property and get an idea of what would be necessary.

MR. DiVALENTINO: I mean that's necessary, to sub -- I'm trying to purchase and develop one lot, so I have to design a septic for a lot that I'm not going to -- that's not being developed at this time and I'm not purchasing?

MS. LANZETTA: Okay. I didn't know that you were not interested in the other adjacent property.

MR. DiVALENTINO: No. That's why it says proposed DiValentino property. I was going through the process because I'm, you know, working with Mr. Bishop to purchase the land. You know, he wants to keep one for his use in the future, which he doesn't have a plan for yet, and the second, you know, I -- you know, I'm in the early stages of my plan, as you can tell, which is why I'm here tonight.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: Any additional comments from the Board?

MR. BATTISTONI: I have a question. Maybe I'm not understanding this correctly, but

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is a new 4.21 acre lot being created on Mahoney Road?

MR. ANDERSON: No.

MR. DiVALENTINO: So the 7.81 total, my intent is to purchase 3.6 and leave the remaining 4.21.

MR. HINES: So that lot is less than 5 acres so it does have to prove to be developed at this point. I'm looking at a very small scale map I received. If the balance parcel is less than 5 acres, then that will have to be proven out to be a building lot.

CHAIRMAN BRAND: And that would require soil and water --

MR. HINES: Soil testing. Yup.

MR. BATTISTONI: As I see this, that new lot, the 4.21 acres, would front on Mahoney Road. Is that correct?

MR. DiVALENTINO: Yes, that's correct.

MR. BATTISTONI: And then there's a barn there that would then be in the front yard of that lot which would not be something that would be permitted. I mean right now that barn is way in the rear of the lot that accesses New

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Road.

MR. HINES: It's kind of still in the front. This lot -- the parent parcel has frontage on New and Mahoney and it's an existing condition.

MR. BATTISTONI: Okay. I see that.

MR. HINES: Typically we don't enforce zoning against existing structures, but I think because that lot is less than 5 acres it does need to be proven out to be buildable.

CHAIRMAN BRAND: Is it more than 5, Pat? Is it 5 on the money?

MR. HINES: 5 or larger under the Realty Subdivision Laws can be a balance parcel --

CHAIRMAN BRAND: So if he --

MR. HINES: -- with the idea if you have 5 acres you can most likely put a septic on there. Less than that needs to be proven to be buildable.

CHAIRMAN BRAND: So if he were to adjust those configurations and make it like 5.0 and 3.0, it would work, or 2.8?

MR. HINES: That's up to them. It

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might be easier to do some deep soil testing on the site and perc tests and prove it out buildable.

MR. DiVALENTINO: Is that what you need? I guess what detail do you need to be proven buildable? Just that we can put in a septic?

MR. HINES: You need a septic. We'd like to take a look at that access. We need the further detail of that. Maybe that's the purpose of the right-of-way. Access by right-of-way causes difficulties as well, although you do have some frontage on Mahoney Road.

MR. DiVALENTINO: I thought the minimum requirement was 25 feet. We have 31. I thought we were in the clear.

MR. HINES: You're probably going to have more than that, too, because we're going to look for a dedication on Mahoney Road from 25 feet in from the center line.

MR. DiVALENTINO: Okay.

MR. HINES: So you do have presumptive access at that distance.

CHAIRMAN BRAND: Any other questions?

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MS. LANZETTA: I have a question. But if the only place that they can access -- they can put the driveway off of Mahoney would be on the portion -- the only portion where they could put a septic, then is it a problem?

MR. HINES: It looks like there's some culverts crossing where you said the stream is. There's two 48-inch diameter culverts depicted in the existing condition.

MR. DiVALENTINO: I think Mr. Bishop's plan for the future, if he does intend to build, would be, you know, further away -- you know, deeper into the property, closer to the parcel that I'm purchasing. So, you know, as you can see, you know, based off the topography it's pretty steep out there. There's a road that goes around the bottom of that hill out to Mahoney Road, but, you know, I think the buildable area is in closer to the -- you know, south closer to the New Road side.

MR. GAROFALO: Would he need a right-of-way through what would be your property?

MR. DiVALENTINO: Well, that's what we're saying. He could -- there is a

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right-of-way there currently which we could keep intact and -- I mean that was our intent as long as the Board had no issues with it. He would also have his right-of-way -- you know, his access from Mahoney Road.

MR. HINES: His fee access from Mahoney. It's just interesting that a right-of-way can't be in favor of the parcel. It has to be in favor of someone else. There's never a right-of-way only on one parcel. You can't give yourself a right-of-way, actually, I don't believe. I'll defer to Jeff on that.

MR. BATTISTONI: I agree with you.

MR. HINES: I think we need some more information on the further development of the parent parcel and then some information on that right-of-way and how that's going to function and what it does in the present condition.

MR. DiVALENTINO: Okay. Understood.

CHAIRMAN BRAND: All right. So we will see you at a subsequent meeting then.

MR. DiVALENTINO: Thank you.

CHAIRMAN BRAND: Thank you.

MS. LANZETTA: Can I just also call

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attention to the fact on the application, the tax section, block and lot is incorrect. So I just want to make sure that we -- in case anybody looks at that, to look it up.

CHAIRMAN BRAND: Thank you.

MR. HINES: It is not lot 49, Cindy?

MS. LANZETTA: It is, but it's 103.1-1-49, not the extra 0s.

CHAIRMAN BRAND: Jen has it correct on the application -- on the agenda.

MS. LANZETTA: Great.

CHAIRMAN BRAND: Okay. All right. Thank you, guys.

(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 25th day of April 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

WILLIAM SWARTZ & MAXINE FRANCIS

Project No. 21-5009
73 & 79 Ridge Road
Section 108.2; Block 3; Lots 28.210 & 28.100

----- X

SKETCH - LOT LINE CHANGE

Date: April 19, 2021
Time: 8:20 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 REPRESENTATIVES: PATRICIA BROOKS

----- X

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

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CHAIRMAN BRAND: All right. Next up we have William Swartz and Maxine Francis for a sketch of a lot line at 73 and 79 Ridge Road.

Is that you, Patti?

MS. BROOKS: Yes, it is.

CHAIRMAN BRAND: Excellent. Do you want to just give us a brief overview of what's going on here?

MS. BROOKS: Absolutely. We have lot 1 and lot 2 from a previous subdivision. Lot 2 is now being sold and so they're looking to grant some additional road frontage to lot 1 and adjust the lot line to give it more separation distance off the blacktopped driveway. So we've got parcel A of 0.06 acres and parcel B of 156 square feet which will be swapped between the two parcels.

CHAIRMAN BRAND: Thank you.

Pat, do you want to run over your brief comments?

MR. HINES: Sure. This one is a poster child for your streamlined lot line change.

My first comment just reiterates what Patti Brooks just said. It's in the RAG zone.

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It qualifies for your process. Lot line changes are Type 2 actions, and I see no reason why the Planning Board can't grant approval for this lot line change.

CHAIRMAN BRAND: Questions or comments from the Board?

(No response.)

CHAIRMAN BRAND: No. With that being said, from Pat and Patti's fine work, do we have a motion to authorize the attorney to prepare a resolution of approval for this?

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Joe.

MR. GAROFALO: I'll second it.

CHAIRMAN BRAND: James. Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos?

(No response.)

CHAIRMAN BRAND: All right. That was easy.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: See you at the next meeting.

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MS. BROOKS: Yes, you will.

CHAIRMAN BRAND: All right. Thank you.

(Time noted: 8:25 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 25th day of April 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

KENT FAMILY FARM

Project No. 21-5010
152 & 178 North Road
Section 103.1; Block 2; Lots 24 & 25.1

----- X

SKETCH - SITE PLAN

Date: April 19, 2021
Time: 8:25 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 REPRESENTATIVES: PATRICIA BROOKS,
CHIP KENT & JIM KENT

----- X

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CHAIRMAN BRAND: Finally tonight, Kent Family Farm, sketch of a site plan at 152 and 178 North Road.

Patti, tell me what's going on there.

MS. BROOKS: Absolutely. This is an agricultural site plan or a site plan of an existing agricultural property showing the proposed expansion of Kent Family Farms to include a New York State farm brewing license with the production and sales of cider, continued sales of agricultural fruit products within the existing 3,560 square foot barn.

They also hope to, in the future, rehabilitate the historic residential dwelling to be used for a farm history display, small event space for agricultural meetings, training for their own staff.

Both Jim and Chip are with us this evening as well.

CHAIRMAN BRAND: Excellent. Chip and/or Jim, anything to add to that?

MR. CHIP KENT: No. I think Patti covered it pretty well.

CHAIRMAN BRAND: She usually does.

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MR. CHIP KENT: Yes. That's why she gets paid the big bucks. She looks better than us on video, also.

CHAIRMAN BRAND: No arguments here.

Pat, do you want to run through your comments?

MR. HINES: Sure. Our first one just identifies the project in the R-1 Zone on 26.7 acres proposing an agricultural use along with the farm winery and cidery.

Note 7 identifies a building under construction, but no building that is under construction appears on the map. I don't know if we want to hit these as we go.

MS. BROOKS: That's an easy one. As you can tell by the date on the map, we actually had done the survey a year ago. During that point in time the barn was under construction. It since has been completed. I took it from under construction on the map, but did not revise note number 7. That will be revised. Thank you.

MR. HINES: So we're looking for details of what the gravel parking lot and the overflow parking area will be developed as. We

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noted that parking spaces are delineated but most likely won't be on the gravel if that is the case. The accessible parking spaces are shown on gravel and those cannot be gravel. They need to be constructed out of a hard surface in compliance with ADA. So that will have to be shown on the plans. You may want to address accessible parking in front of the historic building as well.

MS. BROOKS: In front of the agricultural building it says gravel parking to be paved, and then we had the proposed gravel parking lot to the south. So we were proposing that the parking spaces on the north side, again right in front of the barn, including the handicap spaces, would be paved and then the southerly parking lot would be gravel.

MR. HINES: Okay. So we'll need details of both of those just to show how that's going to be depicted.

The septic system is shown to the rear of the historic site. It's on a bit of a steep slope. That will need Health Department approval. I noted that there's a water tank

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shown in the center of it right now.

MS. BROOKS: My understanding -- I know that the septic system was designed by a professional engineer. My understanding in speaking with the applicants today is that it has since been installed since we performed the survey.

MR. HINES: Okay. So we'll need those Health Department approvals that were granted for that installation.

Signage. We're looking -- the parking lot is identified as one way in and out. There should be appropriate signage depicting those out on the street. I question whether two access points on Church Street are required. If the one functions further from the intersection, it may move traffic away from the intersection a bit. I don't know what your take is on that, or your client's take on that, or the highway superintendent's take on that.

MR. CHIP KENT: The second one is down by Church. It's more for the church and stuff. It's there already existing. You have the one on Church and then the one on North.

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MR. HINES: The overflow parking shows two on Church Street proposed.

MR. CHIP KENT: Okay.

MR. HINES: We really need two egress and ingress access points on Church if -- I would suggest the one further to the east may function better than the one closest to the intersection.

MR. CHIP KENT: Sure.

MS. BROOKS: Yes.

MR. HINES: I think, Patti, you may have defined agricultural meetings as training for their own staff. Is that what I heard? I'm just trying to get a handle on what an agricultural meeting is.

MR. CHIP KENT: The one that she walked into from Cornell. That was one of them. And then we do, you know, staff meetings. Also we have to do our, you know, other meetings for keeping the guys up to date on operations.

MR. HINES: And I just question whether you're going to have special events, weddings, large gatherings?

MR. CHIP KENT: Nothing in the plans yet because my wife said she would divorce me.

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MR. HINES: There might be room for another wedding then.

And then we're looking for hours of operation identified. Don't hem yourself in. Make them as broad as necessary.

MR. CHIP KENT: 24/7 -- no, I'm only kidding. We're looking -- it would be like your typical breweries and stuff around. It would be seasonal and then you'll be like Thursdays from 4 to 9 and Fridays, and then Saturdays you'd be like 2 to 9 and Sundays similar hours.

MR. HINES: Maybe just work with Patti Brooks and get those on the map, that would be helpful. Again, don't hem yourself into something that you don't -- go as broad as you think you need in conjunction with the Planning Board's review.

CHAIRMAN BRAND: Comments and questions from the Board?

MR. GAROFALO: I had some comments. With regard to the gravel driveway, part of that will have to be paved. Take a look at 130-12(C)(1). So the very front of the entrance will have to be paved.

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Also, the sight distances.

And next is at that second Church Street access, if you're going to remove that access, maybe you can take out that whole triangle of gravel parking there that's not being used and just have them park so they have to back out into that aisle. That might save a little.

And the angled parking by that accessory gravel lot near North Road, maybe you could straighten that parking out because. Have a huge space in there and, again, you might save yourself some gravel just squaring that off to the existing parking and making it more perpendicular.

MS. BROOKS: I think my mapper got a little carried away there because that's also where the proposed walking path is. I really want to limit the parking in that area and not have it so close to the road. You know, this is sort of an overflow field/parking lot that will not be graveled.

MR. CHIP KENT: Let me explain that field. What we want to make is a permeable surface there. We took the larger pieces of

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stone and stuff and we put them lower, and then we put the medium size up, and then we got to the top and we made it so that, you know, it will accept the rain and so on. Being a farm, you know, we're very cognizant of our water runoff. The same thing with the parking lot around the brewery.

I mean can you do like a crushed stone, crushed shale? In keeping with the farm we don't really have any paved roads. And then we were going to do some, you know, like bluestone entrance to the brewery, you know, ADA compliant and everything.

MR. HINES: Yeah, that's what I was just going to say. Whatever you do there needs to be ADA compliant. I'll leave it up to the Board. Typically the Board requires paved, but, again, this is an agricultural use so I'll defer to the Board.

MR. CHIP KENT: I can draw some stuff up, you know, on how that would look with the grade on the stones and such. There's some very large bluestone.

MR. CAUCHI: I would be satisfied with

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that.

CHAIRMAN BRAND: I think so, too, for agricultural use. It seems fine as long as it's ADA compliant.

MR. TRONCILLITO: That would fall into the farmers use with that. It would really look nice, besides.

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

MR. GAROFALO: I'm not sure what the parking requirements for something like this would be because it's not something that is, I think, listed on our table.

MS. BROOKS: Correct. It is not, James.

MR. GAROFALO: It looks like there's plenty of parking, but I'm not sure how we're supposed to deal with this.

MS. BROOKS: Basically I asked for input from the applicant because he already has the site there, already has parking, already has the pick your own. Basically I think -- I shouldn't be speaking for you, Chip.

MR. CHIP KENT: Don't worry. You're

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better at it than I am.

MS. BROOKS: I think that, you know, we had ample -- as you said, we have ample parking on here. We did not have anything to judge it against as far as the parking requirements, so we erred on the side of more parking rather than less with the overflow areas.

CHAIRMAN BRAND: Do you have any thoughts on that, Pat, at all?

MR. HINES: Your ordinance says if there isn't a designated parking count for that use, the ITE or other information can be utilized. I think the applicant's experience may be some of the best information we can have.

CHAIRMAN BRAND: Okay.

MR. TRONCILLITO: Because there are some of the other areas where there was -- there is no paved surfaces. Their overflow is going into fields, you know, and they've got their gravel driveways and stuff like that. Basically we're talking about the same thing here I would assume.

MR. CHIP KENT: We actually got a line on some really nice stone. We have some crushed

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shale which really makes it smooth. We used some stone dust up behind to do a patio with the larger stuff that we had from our own place. We're going to put down some pea gravel just to make that nice and clean. I think out front we could actually -- you know, we already talked about how to make it, you know, compliant, and we were talking about using a couple of elements to make a bike rack.

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

MR. BATTISTONI: Is there a restaurant or a food service component to this?

MR. CHIP KENT: So in order to fall under, you know, the brewing license you have to serve something, whether it's a pretzel or -- our Governor says we can't serve chicken wings. Anyway, something we'll have. In the future, you know, maybe, you know, we'll do some burgers or some flat bread pizza or something. That's not right now.

MR. GAROFALO: Is there a right-of-way component along the roads that we need to deal with here, the 25 foot?

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MR. HINES: We do that for subdivisions, --

MR. GAROFALO: Okay.

MR. HINES: -- not site plans. It's when there's an actual filing of the subdivision map. That is when we do that.

MR. GAROFALO: Okay.

CHAIRMAN BRAND: Great. So if there's no other questions, it sounds like we just have some --

MS. LANZETTA: I do have -- I have a couple of questions. I'm assuming that the building will have to still pass any pertinent building codes and, you know, safety codes. Is that true for public habitation?

MR. HINES: I would defer to the Building Department on that. Oftentimes these agricultural buildings are exempt. The building code went from 100 to 300 for public assembly in the 2020 code, so that's significant. I don't think you're putting 300 people in these buildings.

MR. CHIP KENT: I hope not.

MR. HINES: Certainly the code

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enforcement officer would have jurisdiction on that.

MS. LANZETTA: That's not up to the Planning Board?

MR. HINES: Right.

MS. LANZETTA: Okay. And then the other thing I'm concerned about is the house, the historic house. I think it would be wonderful if it's rehabilitated, but I don't know if there's any timetable involved with that. If there isn't, I am concerned with the public kind of walking around, enjoying the grounds, because it's a beautiful area, and perhaps meandering around that building, and the way it is right now I think it's -- it's a danger.

MR. CHIP KENT: I agree with you, Cindy, a hundred percent. Our intent is to save it. What we want to do first off is secure it, the siding, the windows, and then we'll finish off the inside. But when I say finish it off, no electric, no heat. Just kind of keep it historic for now, you know, until we can make a few bucks selling some hard cider and then -- but have it so that it's walkable all the way around.

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Gael Appler has done fantastic work for us so far and, you know, he's committed to helping us rehab that. I believe -- I don't know. I'm not going to say who said it, but it's within a year or two you have to, you know, finish off or make it complete, which would be, you know, a reasonable timeline. It has to be secure for us, anyway, before we even open.

MS. LANZETTA: That would be my concern, because even -- if it turns out that you're not able to get to that project for awhile, I would feel a lot better if it was fenced off in some way, just to make sure that people aren't, as I said, you know, meandering too close to it. You know, a couple drinks, who knows.

MR. CHIP KENT: I think we'll have it better than that. I think we'll have it so it's, you know -- so it looks a whole lot better than that.

CHAIRMAN BRAND: Anything else from the Board?

MR. TRONCILLITO: Let's get it open, Chip. Let's get going here.

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MR. CHIP KENT: Okay. I'm trying.

CHAIRMAN BRAND: Excellent. All right. Patti, you're going to make some revisions and we'll see you again at the next meeting?

MS. BROOKS: Yeah. Does this need to go to the Ulster County Planning Board and are we ready to schedule a public hearing?

MR. HINES: It has to go to Ulster County because it's certainly in an Ag District. I think yes is the answer to Ulster County.

CHAIRMAN BRAND: Do we want to wait to schedule the public hearing until after we hear back from Ulster County?

MS. BROOKS: Right. I guess if you're scheduling public hearings, the second meeting in May. The Ulster County Planning Board meets the first Wednesday. We potentially would be hearing back from them by then.

CHAIRMAN BRAND: Does that sound reasonable to the Board, to schedule a public hearing for May 17th?

MS. LANZETTA: Sure.

MR. TRONCILLITO: Sure.

MR. LOFARO: Yes.

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MS. BROOKS: I'll make some of the changes that we talked about this evening and get Jen a good complete package that she can send up to the County.

MS. LANZETTA: And since it is going up to County, I would suggest you put some lighting details on that, because I know they're going to want that.

MS. BROOKS: Yes. Thank you, Cindy.

CHAIRMAN BRAND: Let's go back and clear up the record. Do I have a motion to have the public hearing on the 17th of May?

MR. TRONCILLITO: I'll make that motion.

CHAIRMAN BRAND: Bob. Is there a second?

MR. CAUCHI: I'll second.

CHAIRMAN BRAND: Manny has got the second. Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos?

(No response.)

CHAIRMAN BRAND: All right. So we will have the public hearing on the 17th, and you'll

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send us everything we need to send up to County.

MS. BROOKS: Absolutely.

CHAIRMAN BRAND: All right. Perfect.

Thank you.

MS. BROOKS: Thank you very much.

MR. CHIP KENT: Thanks, guys.

MR. TRONCILLITO: Good luck, Chip.

(Time noted: 8:40 p.m.)

(Time resumed: 8:43 p.m.)

MR. CAUCHI: I have one comment towards

Pat.

Pat, I'm just trying to understand this Kent Family Farm here. So they have a building up. Are we saying that that building does not even have a building permit? They went and constructed that without -- is that what I'm understanding now?

MR. HINES: I don't know the answer to that, but it may have been constructed as an agricultural building.

MR. CLARKE: The answer is if it's an agricultural building, a building permit is not required.

MR. CAUCHI: Wait a second. If it has

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to do with public use and public -- people going
in there --

MR. CLARKE: It has to have a safety
inspection by the building inspector.

MR. CAUCHI: So it has to have a safety
inspection. What does that consist of, a safety
inspection? I'm just trying to -- what does
that --

MR. CLARKE: The building inspector is
going to go in and look at the details of the
building and, you know, make sure --

MR. HINES: It's a fire and safety kind
of thing. You know, agricultural buildings are
exempt from the building code, but when they
reach the point of public assembly, they are no
longer exempt. Again, the new building code
raised the public assembly times three. It used
to be 100, now it's 300.

MR. CLARKE: As far as the water system
and the septic system, because more than 25
people are going to be using it, it will be
considered a public place, and that runs into a
different part of compliance.

MR. HINES: It's called a community

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water system under the Health Department.

MR. CAUCHI: But shouldn't we know all of this before -- we're going to meet kind of -- I'm personally going to be like in left field if we're going to have a public meeting and then all of a sudden you're going to have people coming in and asking us those questions. We should have those questions beforehand, no? I'm just trying to wrap my mind around it. I'm just sitting here and thinking about this. I'm not too abreast on this agricultural building code or --

MR. HINES: Or the lack thereof.

MR. CAUCHI: Should we maybe have -- before May 17th, shouldn't we do a little bit of -- maybe have a dialogue?

Or Chris, can you have some dialogue with the building inspector and keep us abreast? Or shouldn't we get some homework done here before we go and have a public meeting and you have the public -- and I don't want us to feel flatfooted there. If we're going to be asked a lot of questions, we've got to do our due diligence, no? Am I thinking wrong?

MS. BROOKS: As the applicant, I

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definitely can reach out to the building inspector, and I also can reach out to Ag & Markets. Absolutely. I agree with you, Manny. I don't want to get caught with egg on my face, either. I think, you know, we all need to make sure that we're as informed as possible.

MR. CAUCHI: I mean I think what they're doing is a good thing, but I just want to make sure we have our Is dotted and our Ts crossed, especially if we're going to face the public. Again, being not an agricultural building --

MR. HINES: I'm hoping that the application went through code enforcement already. We usually get this application can proceed. We have a gatekeeper.

MS. LANZETTA: Yeah. We've received a letter from Tom Corcoran. I got it. I assume you all received it.

MR. HINES: Yes, with the packet.

MS. LANZETTA: You saw it, too, Pat?

MR. HINES: Yeah. It came in the package.

MS. BROOKS: I have not seen it.

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MR. CAUCHI: I didn't get that letter in my package.

MS. LANZETTA: I think it was also sent electronically.

MS. FLYNN: It should be like your third page or something. It was attached right behind the name and stuff.

MR. LOFARO: I'm in the packet right now and I don't see it.

MS. LANZETTA: Jen sent it electronically. Tom had a lot of comments in regards to it, but having --

MS. FLYNN: Do you want me to pull it up?

CHAIRMAN BRAND: Yes. Can you do that?

MS. LANZETTA: I think one of the things that would be helpful is if everybody from this group was to look at that Ag & Market presentation that is available through Ulster County Planning, because it gives you a lot of information about how we review site plans for Ag projects. I don't think -- I'm not sure that Tom was aware when he wrote this, that this was an allowable use even though our zoning is not --

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does not have this as a use in that zoning. The fact that it is in an agricultural district allows them to do this.

MR. HINES: Mm'hm'.

MR. GAROFALO: Well, I think Tom looks at his job as the gatekeeper as is this allowed in the zone and not to be doing what we're doing in terms of looking at the details, but to just be asking that question. Sometimes he adds some extra things in which he sees, but he doesn't view himself as a full gatekeeper to prevent things from coming to us other than if they're not allowed in the zone.

MR. HINES: He gave us ten, eleven comments on this one. One of them is to Manny's point, no building permits on the new building, number one. The agricultural. Any inspections on the barn to be used for public assembly. This is a commercial use. He had similar questions to this.

MR. CLARKE: If you're going to invite the public in, though, you know, there are other people than the Planning Board.

The Department of Health. You know,

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he's probably going to have to have water because he's in the water district. The septic field has to be approved by the Board of Health. You know, those are two big issues.

I don't know where we as a Planning Board stand on this thing, but, you know, he's in compliance as far as I know. He does have to pass the hurdles of the Board of Health.

MR. HINES: It's one of the reasons why I even asked whether they were going to have events there. I have another municipality that has -- the Town of Wawayanda has extensive farms and has a lot of these applications. Quite frankly, some of them never even made it to the Planning Board. They just called themselves farms and started hosting weddings and opening cideries and breweries, so --

MR. CLARKE: There are some stipulations. We've had a couple of things that have been before the Board just in questioning and, you know, I think -- Cindy, you can correct me if I'm wrong, but I think that 50 percent of your revenues generated have to be from on farm products.

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MS. LANZETTA: Yes.

MR. HINES: It does.

MS. LANZETTA: Grown on your farm.

MR. HINES: Grown on that farm, yup.

CHAIRMAN BRAND: Is that loading up, Jen? What are we doing here?

MR. GAROFALO: The days and hours of operation are on the plan.

MS. FLYNN: Did you see it?

MR. HINES: No. We saw the PDF label is all.

MS. FLYNN: Did it come up?

MS. LANZETTA: It's not coming up.

MR. HINES: Double click and it will come up.

CHAIRMAN BRAND: Can you open another window for her? She's presenting that screen I think is what's happening.

Can you see it on your screen, Jen?

MS. FLYNN: I can.

CHAIRMAN BRAND: All right. So under options, I think you want to go to the other screen that you see that on.

MS. FLYNN: Under what options?

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CHAIRMAN BRAND: Under your sharing options.

MS. FLYNN: You know what, I think it's because --

CHAIRMAN BRAND: You know what you can do, Jen --

MS. FLYNN: I got it.

CHAIRMAN BRAND: There you go.

MS. FLYNN: Sorry.

CHAIRMAN BRAND: Patti, are you still here?

MS. BROOKS: I am.

CHAIRMAN BRAND: And you can see that as well, I'm assuming?

MS. BROOKS: Yes, I can.

CHAIRMAN BRAND: So those are some questions probably that we would need to have answers to.

MS. BROOKS: Okay. Is this something that Jen can send to me?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Yes.

MR. CAUCHI: So it does say no building permit -- no building permit on the new building.

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So that's the agricultural barn, right. So that's where the public assembly is going to be, so that's considered commercial use.

MS. BROOKS: I think we have to figure out what the definition of public assembly is and how it relates to Ag & Markets versus building codes. Again, I don't feel prepared to answer those questions tonight. They're all good questions and they should be addressed. I certainly will make sure to do so.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: All right. Good. All right, Jen.

MR. CAUCHI: Wait a second. Are we -- is Patti there?

MS. BROOKS: I am. I'm still here. Yup.

MR. CAUCHI: Patti, so can we have someone at our first May meeting so we can look at this thing? I just don't want to be flatfooted for the public hearing. That's all.

MS. BROOKS: Not a problem. Absolutely.

MR. CAUCHI: I mean we need to give the

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public answers. We just want to give the right answer to benefit your applicant and to embrace him, not to, you know, shutter him and be, you know, vague. That's not what we want to do as a Board.

MS. BROOKS: As I said, I don't disagree at all.

MR. CAUCHI: Okay.

CHAIRMAN BRAND: Okay. All right, Jen.

MR. GAROFALO: He's going to work on the plan, anyway.

MS. FLYNN: Are they coming to the May 3rd meeting or they're just going to give me the information to give to you guys before the public --

MS. BROOKS: I'm happy to make a presentation.

CHAIRMAN BRAND: At the meeting?

MS. BROOKS: Yes.

MS. FLYNN: At the meeting. Okay.

MS. BROOKS: Okay.

CHAIRMAN BRAND: So we'll put you on the agenda for that. Okay. I think we're done with that.

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MS. LANZETTA: And again, I would recommend that you guys take an hour and watch the presentation from Ag & Markets people so you have a better idea. We get a lot of this kind of stuff coming before us and I think it would be helpful to understand how Ag & Markets law is different from our local law.

MS. BROOKS: Cindy, that's available on the Ulster County Planning Board website?

MS. LANZETTA: Yes.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: So maybe if we all try and set aside an hour before the next meeting to do that so we're all a little bit more knowledgeable.

MR. CAUCHI: What's the correct heading on that, Cindy?

MS. LANZETTA: Jen sent it out to you already.

MR. CAUCHI: I'm going to look it up. I just want to know the exact name.

MS. LANZETTA: Jen, do you want to re-send it to everybody again?

MR. CAUCHI: That would be helpful.

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MS. LANZETTA: You sent it out about a week ago.

MS. FLYNN: Okay.

MS. LANZETTA: Send it around, or I can send it to you again. Or just Google Ag & Markets in your mail.

CHAIRMAN BRAND: All right. So I think we're good with the attorney, stenographer and engineer, unless there's additional questions for them.

(No response.)

CHAIRMAN BRAND: No. All right, guys. Thank you.

(Time noted: 8:55 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 25th day of April 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

- 1. Town Board Amendment to Local Law
- 2. Minor Site Plan Classification

----- X

BOARD BUSINESS

Date: April 19, 2021
Time: 8:40 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

----- X

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

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CHAIRMAN BRAND: Just quickly before we dismiss the lawyer, engineer and stenographer; Jeff, were you able to send the notice regarding the public law to the Town Board, and, if so, did we receive any type of response?

MR. BATTISTONI: I'm sorry. The notice regarding the public law. I'm sorry. What is that?

CHAIRMAN BRAND: The error in the --

MR. BATTISTONI: I did. I sent that to the supervisor. Whether it went to the whole Town Board, I can't remember. I did receive a response. I'll forward that to everyone.

I think the idea was yes, that's something they should correct, but they will wait until they have a few other items to correct as well. It takes a local law -- in other words, you have to have a resolution of introduction, you have to hold a public hearing, you have to have a resolution of adoption. They'd rather incorporate a few other changes at the same time.

CHAIRMAN BRAND: Sure. And in moving forward in the meantime, what's the ramifications of that for this Board, I guess would be my

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question?

MR. BATTISTONI: Sometimes in law they use the term harmless error. I would use that here. I think there was just some unintentional oversight. I would find it hard to think that someone would object to the granting of a waiver with an error in the code like that.

CHAIRMAN BRAND: Okay. Any other questions for either Jeff or Pat before --

MR. GAROFALO: Yes. Did you have a chance to look at my question concerning the minor site plan and whether we could define these as Type 2?

MR. BATTISTONI: No. I saw you sent me an e-mail with questions about nonconforming uses, about the minor site plans. I have to think about that.

MR. GAROFALO: Okay. Hopefully you can think about that for next time.

MR. BATTISTONI: You're asking whether a minor site plan can be classified as a Type 2 action?

MR. GAROFALO: Yes. Under the new law where they defined the minor site plan as being

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the short-term rental and the home occupancy with the bed and breakfast. I put in a version of the code dealing with the home occupancy, that it specifically says there can't be any impacts due to traffic, blah, blah, blah. So just take a look at that and hopefully --

MR. BATTISTONI: And you did attach that to your e-mail. That's right. Yes, I will look at that.

MR. GAROFALO: Thank you.

(Time noted: 8:43 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 25th day of April 2021.

Michelle Conero

MICHELLE CONERO