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

-----X
In the Matter of:

CRIMI VAROLI

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

-----X

PUBLIC HEARING - SUBDIVISION

Held Remotely via
Zoom Videocommunications

May 17, 2021
7:30 p.m.

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

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

APPLICANT'S REPRESENTATIVE: GEORGE and CAROL CRIMI
VAROLI

Reported by: Kari L. Reed

MICHELLE L. CONERO
PMB #276
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 Proceedings

2 CHAIR BRAND: It's seven o'clock. I'd
3 like to call the meeting to order by reading the
4 agenda.

5 Agenda. Town of Marlboro Planning
6 Board, May 17th, 2021, regular meeting, 7:30 p.m.
7 On the agenda this evening we have a public
8 hearing for Crimi Varoli of their subdivision at
9 282 Orchard Street. We also have a public hearing
10 for the Kent Family Farm located at 152 and 178
11 North Road. We have a sketch of a lot line for
12 Black Dog Design at First Street in Milton. And
13 we have a sketch of a lot line for Mondello &
14 Perretta on James Street in Marlboro. This
15 evening we do have a discussion without the
16 lawyer, engineer and stenographer for Stole
17 Bozinovski I'm going to go with, who's questioning
18 the possibility of a warehouse with offices at 9W
19 and Old Indian Road. And then of course we have
20 our ongoing Planning Board Site Plan Review. The
21 next deadline is Friday, May 21st. The next
22 scheduled meeting is Monday, June 7th, 2021.

23 Anything from the Board before we jump
24 in?

25 MR. GAROFALO: I just have one thing I

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2 want to add, to remind people, this is James
3 Garofalo, to remind people to say their name
4 before they talk. Thank you.

5 CHAIR BRAND: Thank you. Thank you.
6 Great. So first up we have the Crimi Varoli
7 Public Hearing Subdivision. I do have the legal
8 notice for that here.

9 "Legal Notice. Subdivision
10 application. Please take notice a public hearing
11 will be held remotely by the Marlborough Planning
12 Board pursuant to the State Environment Quality
13 Review Act, or SEQRA, and the Town of Marlborough
14 Town Code Section 134-9 on Monday, May 17th, 2021,
15 for the following application of George and Carol
16 Crimi Varoli for a public hearing at 7:30 p.m. or
17 as soon thereafter as may be heard. The applicant
18 is seeking approval for a two lot division for
19 property located at 282 Orchard Road, Section
20 95.4; Block 1; Lot 27.210. Due to public health
21 and safety concerns related to COVID-19 and
22 pursuant to Executive Orders from the Governor,
23 this meeting and public hearing will be held
24 remotely via Zoom. The meeting ID and password as
25 well as call-in information is available on the

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2 Town website or from the Planning Secretary. Any
3 interested parties either for or against this
4 proposal will have an opportunity to be heard at
5 this time. Chris Brand, Town of Marlborough
6 Planning Board Department."

7 Mr. and Mrs. Crimi Varoli, did you do
8 the mailings?

9 MRS. CRIMI VAROLI: Yes, we did.

10 CHAIR BRAND: How many went out and how
11 many were returned?

12 MRS. CRIMI VAROLI: Twenty-four went
13 out. We got 23 of the cards back, and we got one
14 letter of return that was undeliverable.

15 CHAIR BRAND: Great. You'll just need
16 to give those to the, to Jen at some point.

17 MRS. CRIMI VAROLI: Okay.

18 CHAIR BRAND: All right. Before we
19 open this up to the public, Pat, is Pat here
20 actually?

21 MR. HINES: Pat is here.

22 CHAIR BRAND: All right, Pat, do you
23 just want to read your --

24 MR. HINES: I'm off one Zoom meeting
25 and joined yours at 7:30.

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2 CHAIR BRAND: Perfect.

3 MR. HINES: Yeah. I just have some
4 cleanup items. There was a trailer that was --
5 this is a, for the public, this is a two lot
6 subdivision. It's kind of a natural subdivision,
7 which we don't have that term in our zoning, but
8 it's a lot that's split by an existing road by
9 use, and they're looking to just split off either
10 side of the road into individual lots. They are,
11 both lots have existing improvements, both have
12 single family residential structures and some
13 accessory buildings on them. We have previously
14 commented on the water and sewer, and that
15 information has been added to the plans.

16 So there was a trailer in the front
17 yard setback. That must be removed prior to the
18 stamping of the plans. I know we discussed that
19 last time.

20 There's a requirement for the offer of
21 dedication and cession of that portion of the 50
22 foot strip between the two new lots that will be
23 the town road right-of-way. Apparently it's a
24 town road by use. This will provide the town with
25 the right-of-way for highway purposes. There was

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2 a request that the highway superintendent sign off
3 on that roadway dedication and to address the
4 existing row of I think cedar trees along that, so
5 it will become a town right-of-way and will be
6 owned by the town, so that would then be under the
7 purview of the highway superintendent whether
8 those remain.

9 And just our last comments are that
10 there is no new construction proposed, and that we
11 would be in a position to recommend a negative
12 declaration for the project based on the plans
13 that were submitted and the fact that there is no
14 new construction proposed, it's just going to be
15 lot lines on a filed map and a dedication for
16 highway purposes.

17 CHAIR BRAND: Great.

18 Anything from the Board on this one?

19 (No response.)

20 CHAIR BRAND: No? Okay. This is a
21 public hearing then for any interested parties
22 either for or against this project to have an
23 opportunity to speak at this time. I would ask
24 you to unmute yourself and just state your name
25 for the stenographer if you have a question or a

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2 comment, you can do so at this time.

3 MS. FUHRMANN: Hi. My name is Phyllis
4 Fuhrmann, and our property is at 291 Orchard Road.
5 And we are just concerned about the lot.

6 CHAIR BRAND: Yes.

7 MS. FUHRMANN: Okay, we're concerned
8 about the lot lines that were drawn up. And I
9 think my nephew, Larry Fuhrmann, might be able to
10 express it a bit more clearly. Larry? Are you on
11 mute?

12 MR. FUHRMANN: I just unmuted. It's
13 the iPad that's causing problems. Okay, I just
14 shut off the iPad.

15 CHAIR BRAND: There you go.

16 MR. FUHRMANN: Okay. Hi, I'm Larry
17 Fuhrmann. My question comes in on the parcel for
18 proposed lot two. The northwesterly boundary
19 along with the southwesterly boundary and the
20 bottom three points that border our properties.
21 Has this been recorded on a survey, a licensed
22 survey as far as establishing of those boundaries?
23 Because we couldn't find any of the stakes.

24 CHAIR BRAND: None of those, if I'm not
25 mistaken, none of the original existing boundaries

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2 are changing.

3 MR. FUHRMANN: Right, but --

4 MR. HINES: We did receive, we did
5 receive a survey prepared by a licensed surveyor
6 depicting those boundaries. If this project is
7 approved, the Board could require that those
8 boundaries be staked, but it's not something that
9 we would do until approval. Again, I'm Pat Hines
10 speaking. But we do have a survey, the plan was
11 prepared by a New York State licensed surveyor.

12 MR. FUHRMANN: Understood. All right,
13 so long as we would be able to establish what
14 those boundaries actually are per the map that we
15 got available, then we would know if there's no
16 encroachment on our farm? That's the only three
17 points that we're trying to establish.

18 CHAIR BRAND: Pat again, those lines
19 that he's referring to aren't changing for this.

20 MR. HINES: No, they're not. The only
21 lines that are changing are along the roadway.
22 But it's not an unusual request for the Planning
23 Board to require the pins be marked in the field.

24 MR. FUHRMANN: Okay.

25 MR. HINES: But it would be up to the

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2 Board. But again, they're not changing any lines.
3 It's, what is in fact in their deed has been
4 represented by a licensed surveyor.

5 MR. FUHRMANN: Okay, so that was done
6 by a licensed surveyor who obviously --

7 MR. HINES: Correct.

8 MR. FUHRMANN: -- established the whole
9 parcel to begin with?

10 MR. HINES: Yes, as well as the
11 subdivision and the portion of the property being
12 dedicated to the town, yes.

13 MR. FUHRMANN: Okay. We don't have an
14 objection then.

15 CHAIR BRAND: Any other comments from
16 the public on this?

17 (No response.)

18 CHAIR BRAND: I will ask again, any
19 other comments from the public?

20 (No response.)

21 CHAIR BRAND: No, all right. That
22 being said, I guess I would take a motion to close
23 the public hearing.

24 MR. CAUCHI: I make that motion.

25 CHAIR BRAND: Manny. Is there a

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2 second?

3 MR. GAROFALO: James Garofalo, a
4 second.

5 CHAIR BRAND: James Garofalo, second.
6 Any objections?

7 (No response.)

8 CHAIR BRAND: No, good.

9 Jeff, I know that you created or
10 prepared, not, I guess created and prepared a
11 SEQRA negative declaration and noted that it's a
12 determination of non significance as well as a
13 resolution of approval. Is there anything that
14 you want to address or go over?

15 MR. BATTISTONI: This is Jeff
16 Battistoni. I'll just say a few things. I did
17 prepare the part two and three of the Short
18 Environmental Assessment Form, I did prepare a neg
19 dec resolution, I did prepare an approval
20 resolution. The conditions in my approval
21 resolution address each of the items that Pat
22 Hines had raised in his letter, so I think the
23 Board is covered there. If the Board were
24 inclined it could add an additional condition
25 about placing pins at those three intersecting

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2 points. That's not in my resolution at the
3 moment. And I did say that a recreation fee would
4 not be required because there are already existing
5 homes on the lots, but I'll leave that up to the
6 Planning Board.

7 CHAIR BRAND: Okay. Questions,
8 comments from the Board regarding the pins and/or
9 recreation fees?

10 MR. LOFARO: well, I don't think that
11 they -- we need to do the pins. They seem to be
12 satisfied with the end result that's been done, so
13 why should we put them through the pins.

14 As far as the recreation fee, it seems
15 to me that they both have established houses there
16 already, it's not really adding anything new. So
17 I don't think that we should charge them for the
18 recreation fee myself.

19 CHAIR BRAND: I'd be in complete
20 agreement with that, Joe.

21 MR. GAROFALO: I think it might, this
22 is James Garofalo, I think it might be appropriate
23 to have them pin the area that is going to be
24 dedicated, so the four points or more that would
25 be needed on the dedication to put those pins in,

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2 so it was clear to the highway department where
3 the boundaries are.

4 CHAIR BRAND: Pat, do you think that's
5 necessary?

6 MR. HINES: It's not, it's not
7 unreasonable, that's for sure. That land is going
8 to the town, and it will demarcate that for the
9 future.

10 CHAIR BRAND: Is the Board in agreement
11 with that, to add that to the resolution, that we
12 pin the areas to designate the highway dedication
13 portion of the parcel?

14 MR. CLARKE: Chris?

15 CHAIR BRAND: Yes.

16 MR. CLARKE: Steve Clarke. That is,
17 that's a county highway, that's not a town
18 highway. So I don't know who the dedication goes
19 to.

20 CHAIR BRAND: Pat?

21 MR. CLARKE: That's County Route 11.

22 MR. HINES: I wasn't aware of that. We
23 have been coordinating with the Town Highway
24 Superintendent, and they didn't object to that.

25 (Laughter.)

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2 MR. GAROFALO: The county might though.

3 MR. HINES: The county might. So --

4 CHAIR BRAND: Mr. Crimi Varoli, is that
5 -- are you on a county road or is that a town
6 road, as far as you know?

7 MR. CRIMI VAROLI: I believe it's a
8 county road. It's marked as County Route 11.

9 CHAIR BRAND: What does that do for us
10 here, Pat and Jeff?

11 MR. HINES: Well, it's going to
12 complicate things a little bit, that the county, I
13 would add that condition that the county would
14 have to accept that dedication rather than the
15 town.

16 CHAIR BRAND: Jeff, can you add that
17 in?

18 MR. BATTISTONI: I can do that. The
19 condition can be, in my resolution it says
20 submission to and approval of roadway dedication
21 documents by the attorney for the Planning Board,
22 I could say and/or the attorney for the county.
23 And then in item C it says submission of a letter
24 from the Town Highway Superintendent signing off,
25 it could say and/or the County Superintendent of

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2 Highways.

3 CHAIR BRAND: Are we comfortable with
4 that?

5 MR. CAUCHI: I'm in accord with that,
6 that sounds fine.

7 MR. GAROFALO: That sounds good to me.
8 Any question about pinning I think should go to
9 the county.

10 CHAIR BRAND: All right.

11 MR. GAROFALO: If they want that as
12 part of the dedication.

13 CHAIR BRAND: So, with that being said,
14 those additions being made by Jeff, you have the
15 application of George and Crim -- George Crimi
16 Varoli and Carol Crimi Varoli for the two lot
17 subdivision, SEQRA negative declaration and Notice
18 of Determination of Nonsignificance.

19 Jen, would you poll the Board?

20 THE SECRETARY: Chairman Brand.

21 CHAIR BRAND: Yes.

22 THE SECRETARY: Member Lanzetta.

23 MS. LANZETTA: Yes.

24 THE SECRETARY: Member Troncillito.

25 MR. TRONCILLITO: Yes.

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2 THE SECRETARY: Member Lofaro.

3 MR. LOFARO: Yes.

4 THE SECRETARY: Member Clarke.

5 MR. CLARKE: Yes.

6 THE SECRETARY: Member Cauchi.

7 MR. CAUCHI: Yes.

8 THE SECRETARY: Member Garofalo.

9 MR. GAROFALO: Yes.

10 CHAIR BRAND: We also have the
11 application of George and Crimi, sorry, George
12 Crimi Varoli and Carol Crimi Varoli for a two lot
13 subdivision, the resolution of approval by the
14 Town of Marlborough Planning Board, dated May
15 17th, 2021. And Jeff, we obviously will be making
16 those corrections on this resolution as well for
17 the County Super, Highway Superintendent signing
18 off as opposed to the Town Superintendent?

19 MR. BATTISTONI: I'll make those
20 changes and have the revised documents to you
21 tomorrow.

22 CHAIR BRAND: Great. With those
23 corrections being made, Jen, would you poll the
24 Board for the resolution of approval.

25 THE SECRETARY: Chairman Brand.

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2 CHAIR BRAND: Yes.

3 THE SECRETARY: Member Lanzetta.

4 MS. LANZETTA: Yes.

5 THE SECRETARY: Member Troncillito.

6 MR. TRONCILLITO: Yes.

7 THE SECRETARY: Member Lofaro.

8 MR. LOFARO: Yes.

9 THE SECRETARY: Member Clarke.

10 MR. CLARKE: Yes.

11 THE SECRETARY: Member Cauchi.

12 MR. CAUCHI: Yes.

13 THE SECRETARY: Member Garofalo.

14 MR. GAROFALO: Yes.

15 CHAIR BRAND: I think I'm in agreement,
16 this really doesn't require a recreation fee.
17 Unless the majority of the Board feels
18 differently, we will consider this as a done deal.

19 MR. CAUCHI: So moved.

20 CHAIR BRAND: All right, Mr. Crimi
21 Varoli and Mrs. Crimi Varoli, congratulations,
22 you're all set.

23 MR. CRIMI VAROLI: One question,
24 actually two questions. How many surveys did the
25 town need from our surveyor, how many copies of

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2 that?

3 THE SECRETARY: We need two Mylars,
4 four paper copies for us, and then whatever you
5 need.

6 MR. HINES: So I just want to clarify
7 that. Those maps can't signed until we get a sign
8 off from Ulster County on that dedication. I know
9 it wasn't labeled on the maps as a county road,
10 and they may require that as well.

11 MR. CRIMI VAROLI: We can have that
12 changed.

13 MR. HINES: Yeah.

14 MRS. CRIMI VAROLI: So I can't bring
15 them tomorrow from my surveyor?

16 MR. HINES: Yeah, I don't think that --
17 that roadway is going to have to be labeled as a
18 county road.

19 MR. CRIMI VAROLI: Okay.

20 THE SECRETARY: And plus we won't, we
21 won't have in all of the billing either to be
22 signed that quickly.

23 MR. CRIMI VAROLI: Okay.

24 CHAIR BRAND: All right.

25 MR. CRIMI VAROLI: And the trailer has

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2 been removed, Chris, from the property.

3 MR. HINES: Yeah, I thought we
4 discussed that last time.

5 MR. CRIMI VAROLI: Yeah, it has been
6 removed.

7 CHAIR BRAND: Excellent. All right,
8 guys, enjoy. Thank you.

9 MRS. CRIMI VAROLI: We just wait now,
10 Chris?

11 CHAIR BRAND: Pretty much, yeah.

12 MR. HINES: Yeah. Your design
13 professional should coordinate with the county to
14 determine that they will accept that dedication
15 and any requirements they have for that, the
16 surveyor.

17 MR. CRIMI VAROLI: Okay.

18 MRS. CRIMI VAROLI: Okay.

19 CHAIR BRAND: Good?

20 MRS. CRIMI VAROLI: Okay.

21 (Time noted: 7:47 p.m.)

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CHAIR BRAND: All right then, moving on, we have the Kent Family Farm public hearing for a site plan, 152 and 178 North Road. We just have the legal notice for the site plan application. "Please take notice, a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, or SEQRA, and Town of Marlborough Town Code, Section 155.31, on Monday, May 17th, 2021 for the following application of the Kent Family Farm. Due to health and safety concerns related to COVID-19 and pursuant to Executive Orders from the Governor, this meeting and public hearing will be held remotely via Zoom. The meeting ID and password as well as call-in information will be available on the Town website or from the Planning Secretary. At the public hearing at 7:30 p.m. or as soon thereafter as may be heard, the applicant is asking for a site plan approval on lands located at 152 and 178 North Road, Section 103.1; Block 2; Lot 24.25 -- or 24 and 25.1. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman of the Town of

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2 Marlborough Planning Board Department."

3 Ms. Brooks, are you there?

4 MS. BROOKS: I am here.

5 CHAIR BRAND: How many mailings did you
6 do? You know the drill.

7 MS. BROOKS: I know the drill. So
8 there were a total of 41 mailings, totaling \$287.
9 Of them we received, 32 were delivered with return
10 receipts, five were delivered but we're still
11 waiting for receipts, and four were undeliverable.

12 CHAIR BRAND: Thank you. And you're
13 going to -- how many were undeliverable, I'm
14 sorry, four did you say?

15 MS. BROOKS: Four.

16 CHAIR BRAND: And you --

17 MS. BROOKS: We did the printouts from
18 the USPS for each one that was not delivered, and
19 these will all be delivered to Jen in the morning.

20 CHAIR BRAND: Excellent. Do you just
21 want to give the public a brief overview of what's
22 going on here?

23 MS. BROOKS: Absolutely. This is an
24 agricultural site plan to allow the convergence of
25 an existing barn into a farm winery, cidery and

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2 store. It will enhance and supplement the
3 existing farm operations of a farm stand,
4 orchards, packing house and cooler. And is
5 located on the easterly side of North Road just
6 northerly of Church Street in the Hamlet of
7 Milton.

8 CHAIR BRAND: Great.

9 Pat, did you want to run through your
10 comments?

11 MR. HINES: Sure. We have a comment,
12 as does the County Health Department. We did
13 receive their comments, or County Planning
14 Department. Their only comment was the need for
15 approval of the septic system serving the
16 facility. We have that similar comment as well
17 that that's needed in our comments.

18 The proposed use, they're identified as
19 an active farm, and are protected by the Ag and
20 Markets Law as the retail facilities and cidery,
21 and they're here for that approval.

22 We reviewed the Environmental
23 Assessment Form for the project and found no
24 significant environmental impacts. The plans have
25 been revised per our previous comments. We just

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2 noted that two threatened or endangered species
3 were identified, both of which were sturgeon
4 species in the Hudson River, not associated with
5 this project but within the DEC defined reporting
6 area. So we find that there would be no impact to
7 those Atlantic or short-nosed sturgeon. Based on
8 that we would recommend a negative declaration as
9 long as no substantial comments are received from
10 the public that would raise any environmental
11 questions tonight.

12 CHAIR BRAND: Great. Thank you.

13 This is a public hearing. Any
14 interested parties who have questions or comments
15 either for or against this proposal will have an
16 opportunity to be heard at this time. Please turn
17 your mic on and state your name for the
18 stenographer one at a time if you have any
19 questions.

20 MR. TATELBAUM: My name is Ron
21 Tatelbaum, at 14 River Knoll in Milton. Thank you
22 for the opportunity of being able to speak, I
23 appreciate it.

24 I just, before I start, I have a lot of
25 technical questions about the application, then I

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2 have some concerns I'd like to bring forward as
3 well. But before I even start, I'd ask the Board
4 to consider delaying this for another meeting.
5 Fritz Stiefel just died this week. His property
6 is adjacent to the proposal there. And I think
7 it's only fair to give the family of the Stiefels
8 the opportunity to be here and speak for or
9 against this. I have no idea what their feelings
10 are. But I think it would be, you know, with this
11 recent death this week that it's just, you know --

12 MRS. TATELBAUM: It's courteous.

13 MR. TATELBAUM: It's just courteous,
14 it's common courtesy to delay this for that
15 reason.

16 CHAIR BRAND: Okay. And you had some
17 technical questions as well you said?

18 MR. TATELBAUM: Yeah, I had technical
19 questions. I'll start off with the Planning Board
20 application. And it says the -- "to include a New
21 York State Farm Brewing License for the production
22 and sales of cider and sales of agricultural food
23 products within an existing three -- 3,560 square
24 foot barn." And my question is about that barn.
25 It recently went up, and I'm not sure it's ever

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2 been a barn and I'm not sure why it's called a
3 barn. The project also includes "rehabilitation
4 of an historic residential dwelling for a farm
5 history display", which is very nice, "and small
6 event space for agricultural meetings." But
7 there's nothing else written about that. I don't
8 know if that small space, small event space for
9 agricultural meetings is for ten people or 50
10 people or even more, and I think we need more
11 definition on what that space is going to be used
12 for and how big that space is going to be. And
13 I'd also like to see what that building is going
14 to look like after it's rehabilitated. Is that, I
15 don't know if any of the Board members have been
16 inside the building?

17 CHAIR BRAND: I've been inside the
18 barn. Not the other.

19 MR. TATELBAUM: Is it a barn?

20 CHAIR BRAND: Yes, it's a post and beam
21 barn.

22 MR. TATELBAUM: Really?

23 CHAIR BRAND: It's very nicely done.

24 MR. TATELBAUM: Okay.

25 CHAIR BRAND: It was not there before

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2 though.

3 MR. TRONCILLITO: I've been in it also.

4 MR. TATELBAUM: And it's a barn?

5 MR. TRONCILLITO: It's a barn.

6 MR. TATELBAUM: It's been used as a
7 barn?

8 MR. TRONCILLITO: I don't know what
9 it's used for, but it's a barn.

10 MR. TATELBAUM: Okay. Yeah, it's fine.
11 I mean, I've -- it just went up, and I don't know
12 if it's ever been used as a barn or not.

13 On the map, the site map, the proposed
14 uses list several uses. Active agricultural farm
15 land, pick your own farm and farm stand, a farm
16 winery and cidery. I thought this was for a farm
17 brewery, not winery. This may be a technical
18 mistake or, I don't know why it says winery.

19 MR. CLARKE: If you have a -- if you
20 are a farmer and you have a state license for
21 brewing, for cidery, distilling or winery, you
22 can, under that license under any one of those
23 four you can sell other local products in that
24 building that you're using for your main
25 production and with the product you produce, the

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2 product you have a license to produce.

3 MR. TATELBAUM: Right. The license, as
4 I understand it, is a brewery license. And you
5 can sell your --

6 MR. CLARKE: I believe it's a hard
7 cider license.

8 MR. TATELBAUM: I'm not sure there is
9 a -- I'm not aware of a hard cider license. When
10 I looked this up there's a farm brewery license
11 which includes cider.

12 MR. CLARKE: Right, that would be --
13 all right, fine.

14 MR. TATELBAUM: And you're allowed,
15 you're allowed to sell wine in there as long as
16 it's New York State wine. It doesn't have to be
17 produced there. But if it's really -- it's a
18 brewery, not a, not a, quote, winery.

19 It also lists a U-pick sales and a farm
20 produce store and agricultural meetings. The farm
21 produce store wasn't on the initial application I
22 read before. And I have questions about whether
23 the -- whether the Board will allow any outdoor
24 seating at this establishment. Is that part -- is
25 that part of the application, outdoor seating?

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2 MR. CAUCHI: My understanding, the
3 application is just for a site plan approval.
4 This is not for any kind of special purpose or
5 mixed use, it's just a site plan. Which does not
6 have to do anything with outdoor seating or any
7 kind of public assembly at all, to my
8 understanding.

9 MS. BROOKS: well, again, you know,
10 this is an agricultural use. There are going to
11 be people outside in conjunction with this use,
12 just as there are people outside existing on the
13 property. The reason that we didn't have the
14 U-pick or the farm stand as part of this
15 application is because, first of all, it's not new
16 on the site. This is a I don't know how many
17 generation farm, Chip.

18 MR. KENT: Seven.

19 MS. BROOKS: How many?

20 MR. KENT: Seven.

21 MS. BROOKS: Seven. So seven
22 generations have been using this as active
23 agricultural property, including farm stand, farm
24 stand, farm sales. So that was not part of this
25 site plan application. What triggered the site

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2 plan was the construction of the new building with
3 the cidery. So the questions that you're asking,
4 yes, absolutely there will be people outside.
5 That's what we are trying to do is create an
6 environment where people can enjoy the farm and
7 the site and the environs.

8 MR. TATELBAUM: And how many people do
9 you think will be there at one time?

10 MS. BROOKS: There's no way of telling
11 that. There's -- we made sure that we had
12 accommodation for regular parking and overflow
13 parking. Right now when you have your fall pick
14 your own, if it rains on a weekend then
15 unfortunately not a lot of people come. But if
16 you have a beautiful fall weekend, right now
17 already there are a substantial number of people
18 coming. That's what this area is all about.

19 MR. TATELBAUM: Right. So when I
20 looked at the site -- I appreciate that, thank
21 you. But when I looked at the site plan I counted
22 up I think 79 parking spots plus overflow. So if
23 there's, if there's 80 parking spots that's a
24 minimum of probably two people per spot, that's at
25 least 160 people, probably more than that, plus

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2 the overflow. So that's a substantial amount of
3 people. Which I'm going to get to a little later
4 when I get to my concerns. But that, that is --
5 that's -- that -- that just raised my -- raised my
6 awareness of what's going on there.

7 In the application is there any use for
8 outdoor music there, will that be, I guess I'm
9 asking the Board, does the Board want to approve
10 outdoor music there or are they asking for that
11 or --

12 CHAIR BRAND: I -- Patty?

13 MS. BROOKS: I'm going to have to defer
14 to Chip. You know, I don't know. We did not
15 apply for outdoor music. Obviously anything that
16 happens on this site that is agriculturally
17 related will have to fall under Ag and Markets
18 regulations. And certainly I don't believe that,
19 that for -- I don't know. I mean, when they're,
20 when they're running the sprayers in the morning I
21 know they don't have to abide by a noise
22 ordinance. But I'm not really, you know, these
23 are, these are questions --

24 MR. KENT: Let me help with a couple of
25 questions. First, Ron, we run a pretty decent

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2 operation right across the street from you. And
3 it's not, it's not going to be any different.
4 We've had outdoor music there, and I don't
5 think you've -- you probably didn't hear it.

6 As far as the licensing goes, we grow
7 grapes, we grow apples.

8 MR. TATELBAUM: Yup.

9 MR. KENT: We're probably going to grow
10 hops in the future. But we have no plans on
11 growing beer right now. We most certainly will
12 make wine, we most certainly will make cider, all
13 from our own product. It's what we -- it's what
14 we grow, it's what we do. And we're not going to
15 be any different than any one of the other U-pick,
16 cidery-winery operations within this town, which
17 is, if you look at it, the beginning part of this
18 town is we're an agricultural community. And in
19 order to keep this going for an eighth generation,
20 we've had to do something that I probably didn't
21 want to do. The last thing I want to do is go
22 into a whole other venture, but this what I have
23 done. I built a very expensive, very beautiful
24 barn that's an asset to this town. So yes,
25 they're going to have a few cars there. We'll

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2 probably have some outdoor music. But, you know,
3 I live there too, so I'm not going to do anything
4 detrimental, you know --

5 MR. TATELBAUM: Yeah.

6 MR. KENT: -- to the area.

7 MR. TATELBAUM: The question for the
8 Board is, the question for the Board is the
9 outdoor music. That, I've had issues with that on
10 both sides of me, from my neighbor on one side and
11 Buttermilk on the other side, and I'm just
12 concerned that more music coming from -- from your
13 location, to be honest with you. And yes, you're
14 a great neighbor. Your place across the street is
15 run very nicely. I see you over there all the
16 time. I appreciate it, and I appreciate having
17 the farm on my street.

18 But again, going back to the
19 application, it says a New York State Farm Brewing
20 license. And to my knowledge a farm brewing
21 license is for beer and cider, not for wine, one.

22 MR. KENT: It's also for wine, because
23 you brew wine, you --

24 MR. TATELBAUM: Oh, okay.

25 MR. KENT: -- brew, you ferment, you

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2 brew, it's the same thing.

3 MR. TATELBAUM: Okay, all right.

4 Let's go back to that barn for just a
5 second, because it just bothers me a bit. I'm not
6 sure where's the horse, where's the buggy here.
7 Because that barn went up, and I never saw it used
8 as a barn, Chip, to be honest with you. And I
9 think it went up for this purpose here.

10 MS. BROOKS: So I just want to say that
11 any questions really need to be directed to --

12 MR. TATELBAUM: At the Board, okay.

13 MS. BROOKS: -- the Planning Board. We
14 certainly don't want to end up with a dialogue
15 between --

16 MR. TATELBAUM: Okay, fine.

17 MS. BROOKS: -- the land owner and
18 the --

19 MR. TATELBAUM: That's fine. It's just
20 that you said it's a brand new building, Chip said
21 it's a brand new building, and it's a brand new
22 building for this purpose, let's be honest, that's
23 what it is.

24 I'd like to move on, though, to the --
25 the -- the short Environmental Assessment Form.

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2 And just a couple of clerical things here. That
3 the, number five, for example, this is near the
4 proposed action. Actually, on the proposed action
5 this is a residential area. You have agriculture,
6 there is agriculture on that property, but it's an
7 R-1 property, not an agricultural property.

8 MR. KENT: It's in an Ag district,
9 though.

10 MR. TATELBAUM: But is it -- well, I'll
11 ask the Board if they can answer to me what's the
12 difference between an R-1 and an Ag district, an
13 Ag district.

14 CHAIR BRAND: Yeah, right now we're
15 just going to have you list your concerns and then
16 we'll go through and either --

17 MR. TATELBAUM: Okay.

18 CHAIR BRAND: -- Patty or the Board can
19 address them.

20 MR. TATELBAUM: Okay. And then
21 question number five it says, "is the proposed
22 action a permitted use under the zoning
23 regulations", and they said "yes." And also, "is
24 it consistent with the adopted comprehensive
25 plan", they said "yes." I'm not sure the current

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2 zoning regulations include a farm brewery in an
3 R-1 district. And please correct me if I'm -- if
4 I'm wrong.

5 CHAIR BRAND: I believe it's due to the
6 agricultural designation.

7 MR. HINES: Yeah. As long as 50
8 percent of the material is grown on the site, then
9 it is a permitted use.

10 MR. TATELBAUM: what is a permitted
11 use?

12 MS. BROOKS: well, agriculture is
13 allowed --

14 MR. HINES: The agriculture.

15 MS. BROOKS: -- in the R-1 zone with a
16 minimum lot --

17 MR. TATELBAUM: Ten acres, it's ten
18 acres.

19 MS. BROOKS: Ten acres. So we're over
20 ten acres.

21 MR. TATELBAUM: Yup.

22 MS. BROOKS: So the agriculture is a
23 permitted principal use.

24 MR. TATELBAUM: Yes.

25 MS. BROOKS: And the farm winery,

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2 brewery, cidery, whatever we're going to call it,
3 is permitted in agriculture. So yes, I will
4 not -- I believe that my answer is correct on
5 that.

6 MR. TATELBAUM: Well, I'll ask the
7 Board the question, because I think that there's
8 some confusion here, at least on my part, because
9 that is an R-1 district where agriculture,
10 agricultural activities are occurring on ten acres
11 of property, but it's not an agricultural
12 district. And --

13 MS. LANZETTA: It is an agricultural
14 district.

15 MR. TATELBAUM: -- my question to the
16 Board is do the same rules apply to an R-1
17 district if it happens to have agriculture on it
18 as to an agricultural district -- an R
19 agricultural zoning. That's my question.

20 MR. HINES: So --

21 MR. CLARKE: Let me, let me explain
22 what an Ag district is. There are two Ag
23 districts that were created in the 1970s under a
24 law that was passed to protect farmers that are
25 becoming in urbanized areas, and they allowed

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2 farming practices to go on, like running wind
3 machines at midnight or spraying at three o'clock
4 in the morning. That is -- it's not a local
5 district, it's a state or a county-wide district
6 when we say an Ag district. You can look up on
7 the parcel site, Ulster County parcel site and you
8 can overlay the Ag districts in the town and see
9 where those county Ag districts are in Milton.

10 MR. HINES: So they're a little
11 different than zoning districts, as was just
12 mentioned. But the Ag district under the county
13 agricultural district protects farming and the
14 right to farm through the county and the state
15 regulations, and then there's underlying town
16 zoning that are separate from an Ag district. So
17 the parcel is in an agricultural district.
18 Portions of the parcel are in an R-1 zone greater
19 than ten acres, so they have the protection of
20 agriculture on that as well.

21 MR. TATELBAUM: Okay.

22 MS. LANZETTA: And those Ag districts
23 are regulated under Ag and Market Laws, which are
24 state laws.

25 MR. TATELBAUM: Okay. Let's keep

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2 moving here. It says on question number eight,
3 "will the proposed action result in a substantial
4 increase in traffic above present levels", and the
5 answer was "no." And I was kind of surprised by
6 that, because it has to increase traffic. You
7 want more traffic, I mean, you want people there.
8 So I was a little surprised at the answer "no",
9 why that was there.

10 And the next, and part C of that says,
11 "are any pedestrian accommodations or bicycle
12 routes available on or near the site of the
13 proposed action." And once again the answer there
14 was "yes", which I was surprised also because I
15 walk on that street all the time. Chip, you walk
16 on the street all the time. It's a very dangerous
17 street now. And adding people who are going to be
18 drinking to that area, and it's just, it's not
19 consistent with what the application says.
20 There's no sidewalk there, there are blind spots
21 around the curb there. I think everybody in the
22 town has gone down that road, you know what it's
23 like. There's plenty of people who speed there.
24 I know the police had a sensor on there telling
25 you how fast you were going. And when I would

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2 walk nobody went the speed limit on that road. So
3 to say that there won't be any increase in traffic
4 there, it's just not --

5 MRS. TATELBAUM: The pedestrians, it's
6 not safe for pedestrians.

7 MR. TATELBAUM: It's not, it's just
8 not, it's just not, it's not true and it's not
9 safe for the pedestrians who are there. And I'd
10 like to have the Board address that as well when I
11 finish if that's what you'd like to do.

12 The barn that was put up, I think that
13 Tommy Cochran, Tommy is not here right now, but
14 I'm not sure that went up, I mean, that has
15 been -- that has been -- it's been inspected and
16 so forth and it was planned, and I don't know
17 where this -- how that stands. Because Tommy said
18 there was no building permit for that particular
19 ag, calling it a barn. And I'd ask the Board how
20 a building goes up without a building permit, and
21 where that stands now, and can you get a permit
22 after a building goes up. And I would ask the
23 Board to respond to that when I finish.

24 And last but not least, on the
25 application, the very last question says, "Has the

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2 site of the proposed action or adjoining property
3 been the subject of remediation, ongoing or
4 completed, for hazardous waste." And the answer
5 was "yes." And it says, "If yes, describe it",
6 and there's no description. So I was a little bit
7 concerned. I don't know if that's a typo, that
8 there is nothing there, or that there is something
9 there. If there is, I'd like to know about it.
10 And I'm sure most neighbors -- I'm sure Chip wants
11 to know about it as well on that site. Does the
12 Board have any knowledge of that at all?

13 CHAIR BRAND: No. And as I said, the
14 Board --

15 MS. BROOKS: I can tell, I can tell you
16 why that comes up is because of the proximity to
17 the Hudson River and the dredging for the PCBs.
18 So, just as it says, that there's Atlantic
19 sturgeon that can be affected by this property --
20 by this proposal. Again, it's a catch-all. It's
21 pre filled in by the state environmental mapper.
22 We have no control over those answers.

23 MR. TATELBAUM: Okay.

24 And we can't change those answers, but
25 that's the reason that that comes up.

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2 CHAIR BRAND: And, as I said, stated
3 before, we're just listening to your concerns
4 right now and then we will have them addressed.

5 MR. TATELBAUM: Okay. Thank you.

6 In Tommy's response to his analysis,
7 which I have in front of me here, he said the
8 3,560 square foot barn was not existing as
9 presented in the application, this is new
10 construction. And again, built without a building
11 permit or any inspections on the barn to be used
12 as a -- (cross talk). I'd like the Board to
13 address that as well.

14 One last thing, a couple, a couple more
15 things. Is the Board comfortable with events
16 being held on the property, and if so, what kind
17 of events is the Board comfortable allowing on
18 there.

19 CHAIR BRAND: That would be part of our
20 review on their application to see what they
21 are -- what they propose.

22 MR. TATELBAUM: well, if they propose
23 nothing, then there wouldn't be any events on
24 there, is that, is that how it works?

25 CHAIR BRAND: I guess obviously that

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2 raises the question. We will have to look, take a
3 look at that.

4 MR. TATELBAUM: Okay. And is this, is
5 this a special use permit application?

6 CHAIR BRAND: No.

7 MR. TATELBAUM: It's not?

8 MR. CAUCHI: It's a subdivision.

9 MR. TATELBAUM: I'm sorry?

10 MR. CAUCHI: It's a subdivision.

11 MS. LANZETTA: No, it's not.

12 MR. HINES: It's not a subdivision.

13 MR. TATELBAUM: Can somebody explain to
14 me what -- what -- if this is a special use permit
15 or not?

16 CHAIR BRAND: Pat, maybe on that one,
17 do you know the answer to that, Pat?

18 MR. HINES: Yeah. The agricultural use
19 is a permitted use on the site.

20 CHAIR BRAND: The agriculture is, but
21 the special, the farm brewery or the winery,
22 whatever you want to call it.

23 MR. CAUCHI: Sorry.

24 MR. HINES: Which is flowing out of the
25 agricultural use on the site

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2 MR. TATELBAUM: when I looked --

3 MR. HINES: No pun intended.

4 MR. TATELBAUM: well, Pat, when I
5 looked on our town code, and I look at uses for
6 agriculture RHE, I don't see a farm brewery or
7 winery as a special permit there or an accessory
8 or a -- it's just not there.

9 MR. HINES: Correct.

10 MR. TATELBAUM: So --

11 MR. HINES: It's just defined.

12 MR. TATELBAUM: -- if it's not there --

13 MR. HINES: If it's not there, it's
14 defined under agricultural and controlled by the
15 state Ag and Markets, which is --

16 (Cross talk.)

17 MR. TATELBAUM: It has nothing to do
18 with our town --

19 MR. HINES: Correct.

20 MR. TATELBAUM: It has nothing to do
21 with our town, okay, fine.

22 MR. HINES: Right. And it revolves and
23 I'll address the barn question as we go forward
24 too.

25 MR. TATELBAUM: Okay. The very, the

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2 very last thing that I want to talk about and have
3 the Board address as well is the safety on that
4 road and what can be done to make sure that we're
5 all safe, the Board members as well as us who live
6 nearby. Because right now the road is a dangerous
7 road. Things can be done to make it less
8 dangerous. Is the Board going to entertain doing
9 that, or is the Board going to allow that to
10 happen with the road remaining the way it is,
11 which I think is a mistake.

12 MRS. TATELBAUM: Well, it's a -- it's a
13 accident waiting to happen with people drinking
14 and driving on a curvy dark road, where right now
15 without it, as we're walking they're going 40, 50
16 miles an hour and I have to jump off the road so
17 cars can go. So if that's going to happen, then
18 what's the protection going to be for the
19 pedestrians. And we also have Buttermilk people
20 who are walking on there and all sorts of people.
21 And so what is to be -- if there's no sidewalks,
22 if there's not proper lighting, if people are
23 speeding, they're drinking, it's a little
24 unnerving. It's not against anybody, Chip, for
25 you to have, you know, to have a business. It's

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2 really a lot about safety from my point of view.
3 I walk every day, I walk on that road. It's
4 frightening for me to think of people opening nine
5 in the morning, closing nine at night, they're
6 drinking, they're driving, it's dark, and I need
7 assurances from the Board that you're going to
8 protect me.

9 MR. KENT: Are these the same questions
10 you rose against Buttermilk, Red House, Macy's and
11 all the other drinking establishments? You have
12 weddings right next to you.

13 MRS. TATELBAUM: They don't -- they
14 don't -- they don't come on the road. They're
15 not -- they're not driving past my house.

16 CHAIR BRAND: We've got the concern
17 about the safety on the road and the possible
18 hazards there.

19 MRS. TATELBAUM: Yeah. This has
20 nothing to do with Buttermilk or anything else, it
21 doesn't have anything to do with your apple
22 orchard either. It has nothing to do with that.
23 I'm just worried about that.

24 MR. KENT: Listen, we're all one
25 community. We're all one community, it's all one

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2 vibe.

3 MR. TATELBAUM: It is, yeah. And you
4 live right -- you live right there, so you know
5 what it's like.

6 MRS. TATELBAUM: Yeah.

7 MR. TATELBAUM: We've talked about it
8 before.

9 MR. KENT: Yeah, no problem.

10 MR. TATELBAUM: And I don't want to
11 sound that I'm talking against this idea, because
12 I want Chip to have a very successful farm, I love
13 his place across the street. I just see this as a
14 concern, a safety concern for those of us who live
15 nearby.

16 MR. KENT: You should have walked
17 across the street, Ron, and talked to me.

18 CHAIR BRAND: Do you have any
19 additional concerns?

20 MR. TATELBAUM: It's just that, last
21 concern, last question is what is the Board going
22 to do to help protect those of us who walk on the
23 street. That's my last -- last question.

24 CHAIR BRAND: All right, we've got
25 that. Thank you.

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2 Other questions or comments from
3 members of the community?

4 MR. MCKNIGHT: Yes. My name is Ted
5 MCKnight. And I live up behind Chip on top of the
6 hill in the old Page House, and so I actually look
7 down upon this barn from my house. And I also
8 have a small farm, and my partner is a farmer.
9 And so I want to encourage the need for the farms
10 to have a viable way of maintaining viability over
11 the period of time.

12 The questions that have been raised
13 about the winery versus cidery versus brewery, the
14 federal TTB regards cider as a wine, so
15 technically it will be -- it's a -- it's
16 nomenclature.

17 I've talked to Chip about what he's
18 doing there. He'd made adjustments that I can see
19 in terms of being -- fitting in as opposed to
20 making it glaringly different. I appreciate the
21 concerns of the neighbors because I live up the
22 hill. I walk on that road too. I just wanted to
23 give my support to Chip because we need farms, and
24 the farms need to be viable. And it's all about a
25 community aspect.

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2 I would have concerns again about the
3 noise that you had talked about, the Tatelbaums.
4 But, you know, I've been in dialogue with Chip on
5 how, you know, how that fits into the community,
6 and I've appreciated, you know, his -- his
7 concerns, you know, his hearing my concerns. So I
8 just want to be in support of the idea. Farms
9 need to exist.

10 CHAIR BRAND: Thank you.

11 Anyone else who would like to have a
12 comment regarding this application?

13 (No response.)

14 CHAIR BRAND: So anything from the
15 Board on this before I close the public hearing?

16 MS. FAVRE: Hello? Sorry, I was having
17 a little technical issue. My name is Elizabeth.
18 I'm logged in with my husband JC. We live -- our
19 property borders on the Church Street side. And
20 we're really excited about this project.

21 Our question was kind of similar to one
22 that was raised earlier just about like if there's
23 going to be any boundaries so to speak for outdoor
24 activities or if the vision is just people kind of
25 at the barn drinking and then wandering the

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2 property. We just were wondering if there was any
3 more information about that because that would be,
4 I guess, you know, for lack of a better word a
5 concern of ours to have any cars full of people
6 meandering and maybe, you know, like wandering
7 into our yards or whatever on the weekends. So
8 I'm just wondering if any thought has been put
9 into that yet, if that's something we should
10 anticipate or if the Board has any answers on
11 that.

12 MR. KENT: We might not allow them to
13 walk through the orchard, just to keep control.

14 MS. FAVRE: Yeah. Okay, yeah, that
15 would be definitely probably our hope. But, you
16 know, I was wondering if there was an answer on
17 that.

18 CHAIR BRAND: Yeah. We, right now
19 we're just conducting the review of it and we're
20 taking the considerations and comments that you're
21 giving and that will help us to ask better
22 questions as this process moves forward.

23 MS. BROOKS: And Elizabeth, I do see
24 where you are located, pretty substantially down
25 Church Street. So although you were circulated a

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2 letter because of being within 500 feet of the
3 overall property, do you understand where you are
4 in relationship -- well, of course you do because
5 you know where the barn is and where the parking
6 is proposed near the corner. So --

7 MS. FAVRE: Yeah, we do, we do. We,
8 just knowing how much like we, you know, we've
9 been to other vineyards and cider houses all over
10 the county, and it kind of runs the gamut. Some
11 places it seems like the guests are just free to
12 roam and like take Instagram photos all over the
13 property. And we don't, you know, we don't have
14 any boundary right now between our yard and the
15 farm and we love it like that. But it would be
16 not ideal I would say if everyone is kind of just
17 hanging out all over the property all the time.
18 But I do want to say we are excited about the
19 cider house. And like everyone has been saying,
20 we hope that there's a way for it to start up as a
21 success because we want what's good for the town
22 and good for our neighbors and their farming
23 business for sure. So that was our one question.

24 MS. BROOKS: Yeah. I definitely at
25 this point in time, and again, Chip, correct me if

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2 I'm wrong, but there is no proposal to extend the
3 operation that far easterly or southerly.

4 MR. KENT: Not at all.

5 CHAIR BRAND: Any other comments or
6 questions from the public?

7 MR. TATELBAUM: Yes, I'm sorry, one
8 more, one more question. As part of the site plan
9 I read somewhere in our code that if the plan is
10 not one hundred percent complete, that is, in this
11 situation the barn is put up and the house is
12 rehabilitated but they can't open it until
13 everything is done. Is that -- did I read that
14 correctly?

15 MR. CLARKE: No.

16 MR. TATELBAUM: I didn't. Please help.

17 CHAIR BRAND: Pat?

18 MR. HINES: So the applicant has
19 disclosed that the application before us is for
20 the use of the barn. There is the historic house
21 on the site, which is also proposed to eventually
22 be rehabilitated back to the -- its original state
23 or as close thereof. They have disclosed to the
24 Planning Board that that building will be secured
25 initially, and as the farm is successful and as

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2 finances are available, the historic house will be
3 rehabilitated. But that has been disclosed to the
4 Board, the Board is aware of that. And that will
5 be forthcoming as it does -- site plans are valid
6 for a period of time, I believe it's two years
7 with the possibility of a one year extension. So
8 basically they would have one -- three years to
9 undertake the rehabilitation of the house into the
10 historic site that it is. I think it gives the
11 hamlet an opportunity to keep that facility and
12 possibly bring it back, making it an asset to the
13 hamlet.

14 CHAIR BRAND: And Pat, did you also
15 have something previously you said you wanted to
16 address regarding the barn?

17 MR. HINES: Sure. There was a lot of
18 questions, there was questions regarding the barn
19 and how it was constructed and whether there was a
20 building permit. And those issues are between the
21 applicant and the building department. The
22 Planning Board does not get into building permits.
23 We see squares on a map and they're depicted as
24 buildings.

25 Certainly barns can be constructed in

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2 New York State without benefit of a building
3 permit. As that use changes, there will be
4 certain need for inspections by the code
5 enforcement officer as they see fit and in
6 conformance with the New York State building code
7 for the change of use from the barn to the use
8 that's before the Board now, winery, cidery, I'm
9 not up on the terms there, but for that use that's
10 proposed. And that will be something for the
11 applicant, his design professionals and the code
12 enforcement officer to work through on those
13 issues. I do know that there was some comments
14 from the building inspector, and those are outside
15 the purview of the Planning Board, those are under
16 the building inspector's purview as the code
17 enforcement officer and a representative of the
18 Department of State for buildings. And that's how
19 those will be handled.

20 MR. TATELBAUM: All right, thanks, Pat.
21 Just in regards to the, in regards to the barn and
22 its new use as a brewery, winery, whatever you
23 want to call it there, and I thought I read in the
24 town code, and this is a question that Pat maybe,
25 with the Board, that in order to recycle a

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2 building it had to be used for ten years in its
3 original use before it can go for recycling.

4 MR. HINES: Yeah, they're not proposing
5 a recycled ag building here, this is going to be
6 considered an agriculture building still. That
7 recycled building has to do with if this barn was
8 going to be converted into say a multifamily
9 residence or one of the apple coolers we've seen
10 converted into warehouses, that's where this comes
11 in. But this is still an agricultural use under
12 New York State Ag and Markets law.

13 MR. TATELBAUM: It's just, and I
14 apologize for the question.

15 MR. HINES: No, understood.

16 MR. TATELBAUM: It's part of our town
17 code, so it's hard for me to --

18 MR. HINES: This is the purpose of the
19 public hearing, this is exactly why we're here.

20 MR. TATELBAUM: I appreciate that.
21 Thank you.

22 CHAIR BRAND: Any other questions or
23 comments from the public?

24 MS. BLASHKA: Hi, this is Rachael and
25 Richard Blashka. We are on Church Street. We

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2 fully support Chip and we're really excited for
3 the project and what we think only good can bring
4 to our -- to our great community.

5 CHAIR BRAND: Great, thank you.

6 MS. BLASHKA: Thanks.

7 CHAIR BRAND: Anyone else from the
8 public?

9 (No response.)

10 CHAIR BRAND: So Jeff, I did hear Mr.
11 Tatelbaum, and I apologize if I'm mispronouncing
12 your name, note that there was a death of an
13 adjacent land owner. In order to accommodate
14 that --

15 MR. BATTISTONI: Yes.

16 CHAIR BRAND: -- should we still
17 accept, or close the public hearing but accept
18 written comments from them until some point
19 certain?

20 MR. BATTISTONI: That's entirely
21 discretionary with the Board. You're not required
22 to do that. You can if you want. I would not
23 accept written comments. If someone had passed
24 away, technically somebody would have to be
25 appointed as executor, administrator of their

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2 estate. That takes time. I don't know that you
3 would get written comments in any hurry.

4 CHAIR BRAND: Well, I think maybe MR.
5 TATELBAUM was thinking like their children or
6 family members may just not have the opportunity
7 to get it together for this meeting and --

8 MS. LANZETTA: I would like to point
9 out that we were asked on a previous site plan
10 revision that because there was a neighbor that
11 was in contract with somebody to buy their house
12 that we postpone closing a public hearing, and we
13 chose not to. And I, I don't see where this is
14 that different. I think if we start taking into
15 account secondhand information about other owners,
16 other neighbors that haven't, you know, made the
17 effort to reach out to us personally, I personally
18 don't feel that that's a good enough excuse to
19 hold a public hearing open.

20 MR. KENT: May I say something?

21 CHAIR BRAND: Of course.

22 MR. KENT: I am friends with the family
23 my whole life. Fritz was my neighbor, along with
24 willie. I know his nephew, I know his sister, I
25 know the whole family. And I'm not going to tell

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2 you what they said about it, but they are all for
3 it. They were just down there. So not to --

4 MS. LANZETTA: well, I appreciate that
5 but I'm talking in terms of policy for the
6 Planning Board. And I would, as I said, as far as
7 policy is concerned, I would prefer not to begin
8 holding open public hearings for the purpose of
9 possibly somebody making a comment at some point
10 further date.

11 MS. BROOKS: I just want to state for
12 the record that we did send the mailings out on
13 May 1st, which was 17 days ago, so there also
14 provided ample opportunity. We always try to get
15 out the letters as early as possible to make sure
16 that people have the maximum amount of time to be
17 able to respond.

18 CHAIR BRAND: So then I will entertain
19 a motion to close the public hearing, and if you
20 feel strongly to close it, vote accordingly.

21 MR. GAROFALO: Mr. Chairman, I have a
22 few comments first, if we could handle those
23 beforehand.

24 CHAIR BRAND: Absolutely.

25 MR. GAROFALO: I would ask you to take

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2 a look at section 130-12(C)(1) which deals with
3 paving a portion of the entrance to the parking
4 lot. Also, I'd appreciate it if under note ten if
5 you would change "handicap" to "accessible."
6 Also, under the ADA regulations you need to show a
7 paved area between the door and where the
8 accessible parking is. So I think a further
9 notation on the plan to show, A, where the door
10 is; and B, that that area is going to be paved
11 from the accessible parking. Unfortunately,
12 people don't always look at the notes. So I think
13 it's always better to actually have it on the, on
14 the plan portion itself.

15 CHAIR BRAND: James, Mr. Garofalo, we
16 had this discussion at a previous meeting that
17 some of the agricultural uses weren't necessarily
18 required to have that. Am I incorrect in saying
19 that, Jeff and/or Pat?

20 MR. BATTISTONI: I don't know the
21 answer to that. I can look that up for you.

22 MR. HINES: Yeah, I don't know the
23 answer to the agriculture. But we did talk about
24 this last time, and I believe that the main
25 parking lot was proposed to be paved completely.

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2 I believe Ms. Brooks did reaffirm that at the last
3 meeting. I did carry the accessible parking
4 comments on my previous comments.

5 MS. BROOKS: Right. Yeah, at the last
6 meeting it was stated by the Board that they were
7 fine to keep the gravel parking to keep the rural
8 nature of it. And it was suggested that I put a
9 note on the map saying that the accessible parking
10 spaces would meet all ADA standards for
11 construction and signage, and that the Board was
12 leaving that up to the building department to make
13 sure that it was done as part of the certificate
14 of occupancy. That's why I left it general,
15 because at that point in time there was the
16 discussion about what had to be done and what
17 didn't have to be done. So that was left up for
18 to make sure that it was done correctly and the
19 research would be done to find out what
20 regulations were applicable to this use.

21 CHAIR BRAND: And Jeff and/or Pat,
22 maybe just double check on that to see what's
23 required for agricultural usage and the parking.

24 MR. BATTISTONI: Yeah.

25 CHAIR BRAND: Just take a look.

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2 MR. TATELBAUM: Chris, I'd like to ask
3 one, one last thought just came to mind along that
4 stream. I would ask the Planning Board to
5 consider working with the highway department about
6 putting no parking signs up there and/or speed
7 signs as well. If people start parking on the
8 sides of that road, it's going to get even worse.
9 It's bad now, but it's going to be a real problem
10 if they start doing that.

11 MR. HINES: So I just want to caution
12 that the no parking signs have to be legislated by
13 the Town Board prior to the --

14 MR. TATELBAUM: Okay. I don't know who
15 the right person is. I would think the Planning
16 Board would want to push that to the Town Board as
17 part of this -- as part of this project.

18 CHAIR BRAND: Thank you.

19 Mr. Garofalo, did you have additional
20 comment as well?

21 MR. GAROFALO: Yes, I did have two
22 other ones. And that these are, in terms of the
23 parking itself, you may want to think about if
24 you're not paving the entire lot how you're going
25 to get people to angle park, because the general

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2 way that people will park is not at an angle. And
3 it may be something that you may want to consider
4 putting a vehicle there so that people can see
5 that they should angle park.

6 Also, on the overflow parking you have
7 a -- we have a walkway path near the church. And
8 what I think is the tendency is people will pull
9 all the way up to the grass unless you do
10 something to indicate that they are to leave a
11 portion of that space open. And it may be having
12 a person there to stop them before they go all the
13 way to the grass or think about what you might
14 want to do to protect that path for the
15 pedestrians. I think it's a good idea to have
16 that path, but you should think about how you're
17 going to preserve that as an operational function
18 of that parking lot when and if it is needed.

19 In terms of what is considered
20 substantial traffic in terms of capacity, that is
21 normally considered on the level of 100 or more
22 vehicles in the peak hour, unless there is a
23 existing capacity problem. I don't see that as
24 being any kind of capacity problem at this
25 location. Maybe you get that many people once

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2 when you had beautiful weather and suddenly we get
3 a thunderstorm and everybody leaves. But on a
4 day-to-day basis I don't think that's going to
5 happen. That is separate from your concerns about
6 safety. But in terms of the roadway capacity I
7 don't think that's, that's a problem. I think it
8 might be also appropriate to show the site
9 distances at the driveways. And those are the --
10 those are all of my comments. Thank you very
11 much.

12 MS. LANZETTA: Okay, I would make a
13 motion to close the public hearing.

14 MR. TRONCILLITO: I second that.

15 THE SECRETARY: Chris, you're muted.

16 CHAIR BRAND: I don't know how that
17 happened. Any objection to closing the public
18 hearing?

19 (No response.)

20 CHAIR BRAND: None heard, so we will
21 close the public hearing.

22 I didn't -- Pat's comments included
23 that the office would recommend a negative
24 declaration. We did hear a lot of concerns
25 regarding safety, parking, wandering drinking

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2 people and others, but I don't know if there were
3 significant --

4 MR. HINES: Yeah, I just wanted to, I
5 think we did, we did hear the traffic and safety
6 issues. And a lot of that seems to be more
7 enforcement issues as an existing condition.

8 CHAIR BRAND: Right.

9 MR. HINES: That there seems to be
10 speeding and some issues along that roadway. I
11 would suggest, and I've seen this before, where
12 those people that have those concerns should
13 contact the local police and maybe they can step
14 up the enforcement there. I will say that in the
15 past where I have seen that happen it's oftentimes
16 many of the very local people that end up having
17 encounters with the local police when they request
18 that. And I've seen that occur on several
19 planning board projects. But it's really an
20 enforcement issue. It sounds like it's an
21 existing condition beyond what the Planning Board
22 can review. But I certainly encourage the, either
23 the Planning Board and/or the people that
24 commented to address those concerns with the, you
25 know, you do have a local police force there that

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2 can probably step up some enforcement there to
3 assist in that.

4 MS. BROOKS: And I just also, I'm
5 sorry, Pat, I just wanted to also state that was
6 one of the reasons that the applicant is proposing
7 the walking path from the cidery to the overflow
8 parking area, because in the situation that there
9 may be more people on site. And again, you know,
10 once this is approved by the building department
11 there obviously will be a limitation to the number
12 of occupants inside that building. Which I'm sure
13 will be far below what we have accommodated for
14 on-site parking. And that is the other reason
15 that the applicant put the walking path well
16 within the bounds of his property, to prevent
17 people from going on the roadway.

18 MR. GAROFALO: This is James Garofalo.
19 I'd also like to thank you for making the changes
20 to the overflow parking area. Thank you.

21 CHAIR BRAND: With that being said, are
22 we comfortable in authorizing the attorney to
23 draft a SEQRA negative declaration for this?

24 MR. CLARKE: Yes.

25 MS. LANZETTA: The biggest outstanding

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2 issue right now is the Board of Health approval?

3 MS. BROOKS: Yes. I can tell you that
4 I have spoken with Anthony Puccio at the Ulster
5 County Department of Health. I explained the
6 situation to him. He asked us to fill out an
7 application and submit the fee with the signed,
8 sealed engineer drawings for the septic system.
9 Those were hand delivered to the Ulster County
10 Department of Health last week. And we do expect
11 a after the fact permit to be issued shortly. So
12 we know that any approvals that are granted need
13 to be conditioned upon the receipt of that permit.
14 But in my conversations with Mr. Puccio there were
15 no issues based on the flows that were projected
16 for the site and the system that was installed.

17 MR. HINES: The other issue that I
18 heard from two of the commenters that I really, I
19 don't have a handle on is the events, and
20 realizing there may be, you know, we did indicate
21 there might be music, but I know some of the other
22 venues around this area have had events which I'll
23 say annoyed the neighbors. And I think we may
24 even want to get a handle on with that maybe notes
25 on the plan or maximum time of day, you know.

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2 I've seen some of these farms that haven't even
3 had Planning Board approval hold rather large
4 weddings and other events that have caused some
5 concerns. So I think, and it's just me speaking
6 and hopefully, you know, for the benefit of the
7 Board on how to get a handle on those.

8 CHAIR BRAND: Any other comments from
9 the Board or thoughts on that?

10 MS. LANZETTA: Well, I do, in my
11 understanding of Ag and Markets law, if they have
12 music that is strictly for entertainment purposes
13 while the people are sitting in the brewery or
14 cidery and drinking, that seems to be part of the
15 marketable approach and fits in with what they're
16 doing. If it gets to the point where they're
17 charging people to come in and listen to music or
18 charging people for a particular event, then it's
19 no longer an agricultural event because it's not
20 there secondary to the primary purpose of
21 promoting the cidery. In that case they would
22 need a special permit from the town, and they
23 would have to come before us again and go through
24 the public hearing process.

25 MS. BROOKS: Chip, I think you said at

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2 the meeting two weeks ago that you were not
3 proposing to have any weddings or large paid party
4 type events at the site?

5 MR. KENT: No, not at this time, no. I
6 mean, you know, listen. We're just going to, like
7 Cindy said, you know, it's part of the vibe, it's
8 part of how you operate, you know, a cidery.
9 People don't want to come and just sit inside. I
10 mean, we have a gorgeous view of the river.
11 They're going to want to sit outside and hear a
12 little music. And, you know, if any one of our
13 neighbors has any issues, please, just stop down.
14 I'm around here in the red truck or a tractor all
15 day long like a rat in a maze. I live there.
16 It's not going to get wild, trust me.

17 MS. BROOKS: Yeah. I'm just trying to
18 figure out how we can put some kind of a note on
19 the map. Again, we put that the hours of
20 operation, we did say that outside activities were
21 going to be daylight hours.

22 MR. HINES: Patty, does referencing the
23 Ag and Market regulation, would that be all
24 encompassing I guess then, that Cindy just
25 mentioned?

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2 MS. BROOKS: Yeah. I mean, I'm happy
3 to add whatever notes to try to clarify that
4 because, you know, I understand the neighborhood
5 concerns. I'm just trying to find a balance here
6 to, so --

7 MS. LANZETTA: I don't think it's a
8 matter of putting the regulations on the map. The
9 regulations are out there and it's pretty -- it's,
10 I want to say it's pretty well understood if you
11 read through the Ag and Market regulations that if
12 it's there for just to help promote the cidery,
13 that if it's just secondary to -- the main thing
14 is that you want people to come and enjoy
15 themselves at this brewery, cidery, and if they
16 have some form of entertainment that is just
17 secondary to them drinking and purchasing the
18 apples and that type of thing, then it's okay,
19 it's fine. But if it becomes that you're trying
20 to get people to come for the music first and then
21 oh, by the way, do you want to drink too, then
22 it's no longer an agricultural use anymore. And
23 then it becomes something that it becomes an event
24 in of itself, in which case it would need a
25 special permit.

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2 MS. BROOKS: So how about if I put a
3 note on the map saying no events are allowed which
4 are outside Ag and Markets permitted uses?

5 MS. LANZETTA: Yeah. I just think if
6 you, if you just -- I don't -- I think with the
7 noise ordinance being in place and all music would
8 have to stop at ten o'clock anyway, you know, I
9 just don't see where there's going to be a
10 problem, unless you start getting big bands there,
11 and if you're going to start getting big bands and
12 start charging people to come in, then -- then it
13 becomes another animal.

14 MR. CAUCHI: I have a comment as well.
15 Is this going to be an all year round, opened all
16 year or is it going to be seasonal as like the
17 fruit, what's the intent there?

18 MR. KENT: Do you want me to answer
19 that?

20 MR. CAUCHI: Sure.

21 MR. KENT: We spent a lot of money on a
22 barn. So if it's all season, all year, then it
23 is. That's what is on the permit.

24 MR. CAUCHI: Okay. Okay. And I
25 apologize, before when I said subdivision I meant

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2 site plan, because I had a long day. But that's
3 another thing is that it's such a -- it's such a
4 fine line, being a target market there and what
5 that whole definition is and what commercial use
6 is. It's just a fine line here. Because I
7 understand it's -- it -- because ag market,
8 there's no regulations, from my understanding.
9 It's -- and we need to make sure that, A, if we're
10 going to do this into a hamlet of market which is
11 so close -- I mean of Milton, that we do have some
12 regulations, and that, again, it falls in between
13 the two components of commercial use and ag
14 markets. So it's a fine line. So I am not
15 opposing the project, but we just have to be, you
16 know, safety and concerned with the community of
17 people around us, around that live around there.
18 Thank you.

19 MR. LOFARO: As I'm listening to
20 everything you guys are saying, just like Cindy
21 said, I'm reading through the guidelines and
22 review of local laws affecting direct farm market
23 activities, everything is here and all spelled
24 out, and I have a copy of it here, there's a
25 website here that I could put back to you guys.

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2 It came actually from something that Cindy sent me
3 a month or so ago. And all the information is
4 here, and all the regulations are right here in
5 front of me. So it really shouldn't be that much
6 that needs to be written down on the map I don't
7 think.

8 MR. TATELBAUM: Could you share that
9 site? I hate to interrupt but I'd love to see it.

10 MR. LOFARO: I'll get it to Jen and let
11 Jen get it out.

12 CHAIR BRAND: Yeah, you could, I think,
13 MR. TATELBAUM, are you able to view the chat
14 portion of the meeting?

15 MR. TATELBAUM: I can, yup, yup.

16 CHAIR BRAND: So Joe, maybe you could
17 post it in the chat and then they could just grab
18 it from there.

19 MR. LOFARO: Yeah, I'm sorry, Chris, I
20 just don't know how to do it.

21 CHAIR BRAND: All right.

22 MR. TATELBAUM: All right.

23 MR. CAUCI: And I have one question,
24 concern with Jeff. If, if this is going under
25 the, the you know, the agriculture and market

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2 headline, that means that who's going to regulate,
3 like that means that, you know, it's going to
4 bypass the whole building department and, and the
5 whole -- that whole segment of our enforcement we
6 have for the town. Who regulates this use of
7 under the label of Ags and Market, who regulates
8 it?

9 MR. BATTISTONI: So I'll say a few
10 things. That there is the state Department of
11 Agriculture and Markets and they have regulations
12 which supersede or override local regulations in
13 instances, and then they are charged with
14 enforcement.

15 I do want to mention something
16 separate. I took a look at the alcoholic beverage
17 control law, and as I see it there's a brewer's
18 license for beer. There's a cider's producers or
19 wholesalers license for cider. There's a
20 distillers license for hard liquor. And there's a
21 farm winery license and a winery license for wine.
22 So there are four different licenses that apply.
23 And my understanding is this applicant is going to
24 seek two of those, one for a cidery and one for a
25 winery. So the New York State Alcoholic -- the

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2 ABC Board, Alcoholic Beverage Control Board would
3 have, number one, approval authority for the
4 licenses, they might have conditions attached to
5 them, they would have enforcement authority.

6 MR. CAUCHI: And also for public
7 assembly too and all the safety requirements that
8 goes with that, they would do that as well?
9 Because if you're -- it seems like to me that this
10 ag market is just going to bypass that the --

11 MR. KENT: No, Manny, no. Manny, no,
12 we have to go according to building code. Any
13 other things --

14 MR. CAUCHI: I'm just trying to get an
15 understanding of what ag market --

16 MR. KENT: I'm just trying to answer.
17 Can I answer your question?

18 MR. CAUCHI: Sure.

19 MR. KENT: All right. Let me finish.

20 MR. CAUCHI: I prefer the lawyer answer
21 it, but you can.

22 MR. KENT: That's okay, I've been at
23 this for a little while, and he is answering it.

24 MR. CAUCHI: Good.

25 MR. KENT: Okay, good. So Ag and

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2 Markets has their own enforcement group.

3 MR. TATELBAUM: Okay.

4 MR. KENT: They send them around just
5 like the Health Department does. We have to fall
6 under code, according to Tommy, or code
7 enforcement like anything else. Then so he has
8 jurisdiction over that. No different than our
9 U-pick market.

10 MR. CAUCHI: So if that's the case,
11 Chip, I don't mean to be a -- pointing, you know
12 pointing with you, but why didn't you get a
13 building permit when you were doing that barn
14 there? If that's -- if that's -- if you know the
15 answer, why didn't you do that, so why we don't to
16 go through all this mud here.

17 MR. KENT: Because Manny.

18 MR. CAUCHI: Go ahead.

19 MR. KENT: Under Ag rules I don't have
20 to have a permit to build a building.

21 MR. CAUCHI: That's what I'm saying to
22 you, that's your -- that's what my question was.
23 You're trying to say, you've telling me no, I have
24 to go through Tommy. Now you're --

25 MR. KENT: So --

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2 MR. CAUCHI: Now you're -- I'm just
3 trying to get an understanding, that's all.

4 MR. KENT: Yeah. Well, I wish you
5 would listen.

6 MR. CAUCHI: Just go over the part
7 that's new to me.

8 MR. KENT: I wish you would listen to
9 the whole meeting. Anyway, I can do a building
10 without a permit as an ag building on an ag piece
11 of property in an Ag district. But now that I'm
12 going to switch it to doing a brewery, I have to
13 come under code first for occupancy. And that's
14 when it switches.

15 CHAIR BRAND: Okay. So --

16 MR. GAROFALO: One other question,
17 Mr. Chairman. James Garofalo. From what you said
18 it would be possibly open all year, and do you
19 want to remove the word "seasonally" from the
20 plan?

21 MS. BROOKS: Well, the hours of
22 operation, the days of operation was seven days a
23 week seasonally. The brewery, the cidery, I don't
24 even know what to call it now.

25 MR. KENT: We brew cider.

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2 MS. BROOKS: would NOT be seven days a
3 week. So perhaps, Mr. Garofalo, thank you for
4 bringing that up, we could clarify seven days a
5 week agricultural seasonally, and Thursday through
6 Sunday for farm winery, cidery, something along
7 those lines to clarify that. Thank you.

8 MR. GAROFALO: Thank you.

9 CHAIR BRAND: So are we holding off on
10 authorizing the attorney until some of these other
11 questions are being answered for the negative
12 declaration, are we comfortable that they are not
13 environmentally impactful enough to wait?
14 Comments, thoughts from the Board?

15 MR. CLARKE: I think the answers, you
16 know, have been given, that some of these things
17 are fairly generic. You know, this would appear,
18 you know, to qualify for a neg dec.

19 CHAIR BRAND: I'll entertain that
20 motion.

21 MR. TRONCILLITO: I'll make a motion.

22 MS. LANZETTA: Don't we usually do this
23 in combination with the resolution?

24 CHAIR BRAND: Not necessarily. We've
25 done the negative declaration previous to the

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2 resolution. We did that for Dollar General, a
3 couple of other ones where we issued the negative
4 dec, first, Jeff?

5 MR. BATTISTONI: I don't remember that
6 specifically with Dollar General, but there may
7 have been other applications where you have.

8 CHAIR BRAND: Okay. I have no problem
9 either way.

10 There was a motion. Was there a
11 second?

12 MR. CLARKE: I'll second it.

13 CHAIR BRAND: Any further discussion?
14 Are there any objections to the
15 negative declaration?

16 (No response.)

17 No? Jeff, can you go ahead and prepare
18 that for the following meeting?

19 MR. BATTISTONI: Okay, I will do that.

20 CHAIR BRAND: Thank you.

21 THE SECRETARY: Matt, can you put
22 yourself on mute, please?

23 CHAIR BRAND: I was kind of digging the
24 kid music.

25 THE SECRETARY: Yeah.

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2 CHAIR BRAND: All right, so I believe
3 Kent Family Farm is finished for this evening. At
4 the following meeting you're going to address some
5 of these concerns that were raised from the public
6 hearing?

7 MS. BROOKS: So I guess my question is,
8 so you've made a motion for Jeff to prepare a neg
9 dec for the following meeting. Is he also
10 authorized to prepare a resolution of approval for
11 the site plan?

12 CHAIR BRAND: No, I don't think, that
13 motion was not made.

14 MS. BROOKS: So I guess I'm asking for
15 that motion. The only items that I have to make
16 was there were a couple of minor changes, item
17 number ten from accessible parking spaces to show
18 how the access is going to go from the parking
19 space to the door, to clarify which portions of
20 the use are going to be year round, which I think
21 we have discussed verbally, it just needs to be
22 put to paper. And I didn't have any other
23 changes. Site distances at the driveways. But
24 they seem to be very minor map changes that needed
25 to be made, if the Board would consider having the

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2 counsel draft the resolution. I'm just throwing
3 it out there.

4 MR. GAROFALO: This is James Garofalo.
5 Please also look at 130.12(c)(1) dealing with the
6 driveways.

7 MS. BROOKS: The paving entrance, yes.

8 MR. GAROFALO: Yes.

9 MS. BROOKS: I did make note of that.

10 Thank you, James.

11 CHAIR BRAND: And Jeff and Pat are
12 going, and/or Pat are going to look at that as
13 well. I'll leave that up to the Board. I thought
14 there was some other questions regarding the music
15 and other questions and occupancy or what -- I
16 made a bunch of notes here. If the Board is
17 comfortable with that, I'm okay with that as well.
18 I was thinking we would negative dec it and then
19 wait to see for some of these other things to be
20 clarified at the following meeting and for the
21 other outstanding -- the comments that were
22 brought up at the public hearing to be addressed.

23 MR. GAROFALO: The capacity, is that
24 related to what the building inspector will
25 determine for the building --

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2 MS. BROOKS: Yeah.

3 MR. GAROFALO: -- with the capacity of
4 the building?

5 MS. BROOKS: Absolutely. I thought
6 that we had decided that all of the other issues
7 were either going to be building department
8 related or already covered by Ag and Market.

9 CHAIR BRAND: I'll leave it to the
10 Board.

11 MR. CAUCHI: Well, did we have Tommy's
12 list of questions, I mean, would that --

13 MS. LANZETTA: Yes, we went over those
14 at one of the first meetings.

15 MR. CAUCHI: Okay.

16 MS. BROOKS: And Manny, did you read my
17 response memo?

18 MR. CAUCHI: No. I've been out of
19 town, I just came back, so I apologize. I'm very
20 tired today, so I'm going to be quiet.

21 MS. LANZETTA: I would make a motion
22 that the resolution be drawn up.

23 MR. TRONCILLITO: I'll second that.

24 CHAIR BRAND: Okay. Any discussion?
25 Motion has been made and seconded. Any objections

1 Proceedings

2 to it?

3 (No response.)

4 CHAIR BRAND: No. All right, Jen, you
5 have your request homework for you.

6 MR. GAROFALO: One other, one last
7 thing. On your memo you put the public hearing
8 was, I think, on the 11th instead of on the 17th,
9 that was probably a typo. I'm sure you sent out
10 all the notices for the correct day, but I just
11 want to note that too to be careful of that in the
12 future. Thank you.

13 MS. BROOKS: Thank you, thank you.

14 MR. GAROFALO: It just shows that I do
15 read these.

16 MS. BROOKS: Thank you, I appreciate
17 it.

18 CHAIR BRAND: We know you read them.
19 We know.

20 MR. CLARKE: This is Steve Clarke.
21 Where are we at on the public hearing, are we
22 going to close it, are we going to continue it?

23 CHAIR BRAND: It was already closed.

24 MS. BROOKS: It was closed earlier.

25 MR. CLARKE: Okay.

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CHAIR BRAND: So we're closed and the attorney has been authorized to write up the negative dec and the Resolution of Approval for the following meeting.

THE SECRETARY: For the 6/7 meeting?

CHAIR BRAND: Yes. The 6/7. Okay?
All right then, thank you.

MS. BROOKS: Thank you very much. I know it was a long public hearing and I appreciate everybody's patience.

CHAIR BRAND: Great.

(Time noted: 8:56 p.m.)

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2 CHAIR BRAND: Moving on, we have Black
3 Dog Design, First Street in Milton, for a sketch
4 of their lot line. Is the person here or their
5 representative here?

6 MR. FEENEY: Chris, it's Dave Feeney.

7 CHAIR BRAND: Hey, how's it going.

8 MR. FEENEY: It's my property, it's
9 under my company's name.

10 CHAIR BRAND: Okay, great. Do you want
11 to just give us a little brief overview of what's
12 happening here, and then I'm going to shoot it to
13 Pat and Jeff quickly and --

14 MR. FEENEY: Sure. So there's a, I
15 actually have four lots there in a five lot
16 subdivision that was approved by the Board under a
17 different owner I think about a year ago. Lot
18 number 1 and 2, each about two acres, I'm looking
19 to combine them, just merely, you know, eliminate
20 the lot line in between them so I'll have one lot
21 of approximately four acres for a single family
22 residence.

23 CHAIR BRAND: Excellent.

24 Pat, did you want to run through your
25 comments quickly on this one?

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2 MR. HINES: Well, since Mr. Feeney is
3 the applicant that solves a lot of my issues.

4 So my first comment just identifies Lot
5 1 and 2 of the Doug Smith subdivision are going to
6 be combined. The lot consolidation will result in
7 two residential lots becoming one. The
8 consolidation will result in probably one less or
9 actually one less driveway emanating from the
10 hammerhead, which was some concern of the highway
11 superintendent.

12 This is a Type II action. We just need
13 a stamped surveyor. But Mr. Feeney is one, so if
14 you can provide us with a survey map that is
15 stamped in the future, I don't have any objection
16 to that.

17 And then the bulk table just to be
18 updated to show the two lots combined and the lot
19 area. Right now you have greater than, you know,
20 the 40,000 square feet, but if you can just throw
21 in the ones you have to clean that up.

22 MR. FEENEY: Sure.

23 MR. HINES: And that's all I have.

24 CHAIR BRAND: Comments or questions --

25 MR. HINES: I didn't know Mr. Feeney

1 Proceedings

2 was the applicant.

3 CHAIR BRAND: Comments or questions
4 from the Board?

5 (No response.)

6 CHAIR BRAND: None. So because this is
7 a Type II action and it falls under our town's
8 streamlined process, Jeff went ahead and prepared
9 a Resolution of Approval. Jeff, did you want to
10 just hit us with the highlights?

11 MR. BATTISTONI: Yes, I'll just say a
12 couple of things. You did mention this is a Type
13 II action, so you need no further environmental
14 review. A consolidation is a Type II action. And
15 consolidations do fall within your ability to
16 waive a public hearing under your code Section
17 134-2. And I had added a second condition here
18 that says "submission of a plat endorsed and
19 stamped by a land surveyor licensed in New York",
20 because I didn't think that the plat was stamped
21 that way. You might want to just add to that
22 condition inclusion of a complete bulk table.

23 CHAIR BRAND: Okay. With that addition
24 are we comfortable making that addition, is there
25 any objection to making that addition from the

1 Proceedings

2 Board?

3 MR. GAROFALO: No. I have just one
4 question of the application, and that is, you do
5 want to waive the public hearing; correct?

6 MR. FEENEY: Correct. I didn't think a
7 public hearing was needed.

8 MR. GAROFALO: Thank you.

9 CHAIR BRAND: All right. With that
10 addition being made, you have the application of
11 Black Dog Design and Construction, LLC for
12 consolidation of two lots into one, a resolution
13 of approval by the Town of Marlborough Planning
14 Board dated May 17th, 2021. Jen, would you poll
15 the Board.

16 THE SECRETARY: Chairman Brand.

17 CHAIR BRAND: Yes.

18 THE SECRETARY: Member Lanzetta.

19 MS. LANZETTA: Yes.

20 THE SECRETARY: Member Lofaro.

21 MR. LOFARO: Yes.

22 THE SECRETARY: Member Clarke.

23 MR. CLARKE: Yes.

24 THE SECRETARY: Member Cauchi.

25 MR. CAUCHI: Yes.

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THE SECRETARY: Member Garofalo.

MR. GAROFALO: Yes.

THE SECRETARY: Member Troncillito.

MR. TRONCILLITO: Yes.

CHAIR BRAND: Mr. Feeney, I appreciate the thoroughness. That was easy. Thank you.

MR. FEENEY: They've got to be easy sometimes, right.

CHAIR BRAND: Sometimes you win.

MR. BASTTISTONI: We'll submit a modified or a revised resolution tomorrow with that one change.

CHAIR BRAND: Thank you, Jeff.

MR. FEENEY: Thank you, everyone.

(Time noted: 9:00 p.m.)

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2 CHAIR BRAND: Finally on the formal
3 agenda we have Mondello & Perretta for a sketch of
4 a lot line at James Street in Marlboro.
5 Mr. Messina, I believe that's you; correct?

6 MR. MESSINA: That's correct.

7 CHAIR BRAND: Do you just want to give
8 us a brief overview?

9 MR. MESSINA: Yes. Since we met last
10 time we have revised the lot lines for Lot number
11 2. We have increased the west side line from our
12 previous, our first proposal of 12.9 feet to 35
13 feet, meeting the zoning requirements. We also
14 increased the existing rear line setback from 21.8
15 feet to 28.5, still 21.5 feet shy of the required
16 50. So we then recently went to the ZBA. We have
17 been granted a 21.5 variance for the rear line
18 setback.

19 CHAIR BRAND: So the ZBA granted the
20 variance?

21 MR. MESSINA: They did.

22 CHAIR BRAND: Pat, do you just want to
23 zip through your comments?

24 MR. HINES: Sure. And I was not aware
25 when I did these that the ZBA granted a variance.

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2 So that's a good thing.

3 The project was revised to keep the
4 three acres on the tax lot parcel 65, which has
5 three single family residences. You had just
6 addressed the rear lot line where I had, so if the
7 ZBA granted you that, they would have taken into
8 consideration that pool as well. So they have
9 given you that relief. This lot line does not
10 make any existing nonconformities more
11 nonconforming. And Carmen, I don't, is there an
12 easement for access on that driveway that they're
13 utilizing?

14 MR. MESSINA: Yeah, they've been using
15 that, the paved driveway. We have referenced
16 that, if you see Perretta, I'm going to get my
17 picture up here on my screen, we have labeled it
18 the Perretta right-of-way. Which they've been
19 using since I believe 1956, and it's been labeled
20 on the map as the Perretta right-of-way, and it
21 points to a paved blacktop drive.

22 MR. HINES: I did see it was labeled.
23 So you're saying that they have a right to use
24 that, to continue to use that on a prescriptive
25 easement I guess is what I'm trying to call it,

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2 but I'll defer --

3 MR. MESSINA: I think that's correct,
4 yes.

5 MR. HINES: I'll defer to Jeff on that.
6 But otherwise this now I believe qualifies for
7 your streamlined lot line revision as well.

8 CHAIR BRAND: Jeff, how about the
9 easement, any comments on that? Jen, you can stop
10 sharing that, that's fine.

11 MR. BATTISTONI: It might be better for
12 the public record if there were an easement on
13 file with the county clerk as opposed to just a
14 prescriptive easement, which means somebody has
15 that right through use over a period of time.

16 CHAIR BRAND: Do we have any
17 documentation to support that, Mr. Messina, or
18 it's just been past practice for the -- since '56?

19 MR. MESSINA: Yeah, it was all in one
20 family and they didn't have any written agreement,
21 they just started using it, and I believe it was
22 around 1956 until the present.

23 CHAIR BRAND: So Jeff?

24 MR. BATTISTONI: I don't think it would
25 be difficult for an easement to be granted here,

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2 for the parties to sign off on that, that could be
3 a condition of approval.

4 MR. MESSINA: Can, so we write
5 something up that would say they get, and file it
6 with the county stating that the easement is over
7 the blacktop area shown on the map, would that be
8 sufficient?

9 MR. BATTISTONI: I think so, yes. If
10 somebody drafts that document for the applicant
11 and submits it to me for approval, that would be
12 fine.

13 CHAIR BRAND: Comments or questions
14 from the Board?

15 MR. GAROFALO: Yes. I think we need
16 something in writing from the ZBA for our records.

17 CHAIR BRAND: Did we get anything from
18 them, Jen?

19 THE SECRETARY: No.

20 CHAIR BRAND: Mr. Messina, do you have
21 that?

22 MR. MESSINA: I don't. We just got it,
23 we got approval last Thursday, so I don't know
24 their, what their process is for informing the
25 Planning Board. Because we had had discussions

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2 with them that we were there pursuant to the
3 Planning Board asking us to go there for the
4 variance. So I don't know what their process is.
5 But I will check with the Chairman Giametta and
6 have him send that over to you.

7 THE SECRETARY: I can, I can just walk
8 across the wall and ask Penny.

9 MR. MESSINA: Okay, thank you.

10 CHAIR BRAND: And we'll send that to
11 Jeff as well so that he can just double check it.

12 THE SECRETARY: Okay.

13 CHAIR BRAND: Any other comments from
14 the Board on this one?

15 (No response.)

16 CHAIR BRAND: So with that being said,
17 and the streamlined process, as long as Jeff is
18 happy with the easements, are we satisfied in
19 having him prepare a Resolution of Approval for
20 this lot line in our streamlined process?

21 MR. LOFARO: I make a motion to accept.

22 MS. LANZETTA: I'll second that.

23 CHAIR BRAND: Any objection?

24 (No response.)

25 CHAIR BRAND: No? All right, Jeff.

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2 MR. BATTISTONI: I'll do that.

3 THE SECRETARY: Come in on the 6/7
4 meeting?

5 CHAIR BRAND: Yes.

6 MR. MESSINA: That's it for now?

7 CHAIR BRAND: I think we are satisfied
8 with Mondello and Perretta. Pat, before I ask you
9 to leave, I just need to know, what time are you
10 in the office in the morning, I need to call you.
11 Probably I can email but it's easier here.

12 MR. HINES: I will be in the office
13 tomorrow 8:15.

14 CHAIR BRAND: Okay. I will be calling
15 you.

16 THE SECRETARY: And Jeff, are we still
17 doing Zoom meetings?

18 MR. BATTISTONI: You know, that's a
19 good question. The Governor has been extending
20 the authorization for 30 days. He's been doing
21 that over and over and over again. And I'm
22 starting to wonder when he's just not going to do
23 that. That is going to make it difficult for us.
24 I suspect that next month you can still do a Zoom
25 meeting. But we don't have that authorization

1 Proceedings

2 yet.

3 THE SECRETARY: Okay. So for the 6/7
4 meeting I'll make it a Zoom.

5 MR. BATTISTONI: Yes.

6 THE SECRETARY: Okay. Thank you.

7 CHAIR BRAND: All right. Anything else
8 before we ask the lawyer and engineer and
9 stenographer to leave us?

10 (No response.)

11 CHAIR BRAND: All right then, thank
12 you, Jeff and Pat, and Kari for filling in.

13 (Time noted: 9:07 p.m.)

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