

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

2 -----X

3 In the Matter of

4

- APPROVAL OF THE STENOGRAPHIC MINUTES FOR
8/1/2022 AND 8/15/2022

5

- JAMES GAROFALO - COMPLETION OF CONTINUING
EDUCATION

6

7 -----X

8 BOARD BUSINESS

9

Date: September 19, 2022

Time: 7:30 p.m.

10

Place: Town of Marlborough

11

Town Hall

12

21 Milton Turnpike

13

Milton, New York 12547

14

13 BOARD MEMBERS: CHRIS BRAND, Chairman

CINDY LANZETTA

14 JAMES GAROFALO

STEVE CLARKE

15 STEPHEN JENNISON

16

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.

17 PATRICK HINES, ENGINEER

JEN FLYNN, PLANNING BOARD SECRETARY

18

19

20

21

22

23

24 -----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

1 CHAIRMAN BRAND: I'd like to call the
2 meeting to order with the Pledge of Allegiance to
3 the flag of our country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of
6 Marlborough Planning Board, Monday, September 19,
7 2022. Regular meeting at 7:30 p.m. On the agenda
8 tonight we have the approval of the stenographic
9 minutes for August 1st and August 15th. Also on
10 the agenda we have River Vista Drive/Kris Korner
11 at 9 River Vista Drive in Marlboro for a public
12 hearing of their lot line. We have Lighthouse
13 Holdings at 131 Idlewild Road for a final of their
14 site plan. Jeff Aldrich, 132 Milton Turnpike in
15 Milton, for a final of their subdivision. Mad
16 Batter Baker Tale, 578 Route 44/55, Marlboro, for
17 a sketch of their site plan. Deborah Troncillito
18 at 89 Western Avenue in Marlboro for a sketch of a
19 lot line. The agenda does denote planning board
20 application discussion and a conceptual site plan
21 discussion with the engineer, which we will not be
22 having this evening. The next deadline is Friday,
23 September 23rd, 2022. The next scheduled meeting,
24 Monday, October 3rd, 2022.

25 I'd like to have a motion for the

BOARD BUSINESS

1 approval of stenographic minutes for August the
2 1st and August the 15th, please.

3 MR. JENNISON: I'll make a motion.

4 MR. CLARKE: I'll second it.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Any objection?

8 (No response.)

9 CHAIRMAN BRAND: So moved. First on the
10 agenda tonight we have a public hearing for River
11 Vista Drive and Kris Korner.

12 MR. GAROFALO: Excuse me, Mr. Chairman?

13 CHAIRMAN BRAND: Yes.

14 MR. GAROFALO: I have some courses to
15 record.

16 CHAIRMAN BRAND: Please.

17 MR. GAROFALO: Three one-hour courses.

18 The open meetings law for zoning and planning
19 boards, part 2; enhancing transparency
20 effectiveness in planning proceedings; and
21 short-term rentals.

22 (Time noted: 7:32 p.m.)

23

24

25

C E R T I F I C A T E

1
2
3
4 I, STACIE SULLIVAN, a shorthand reporter and
5 Notary Public within and for the State of New
6 York, do hereby certify:

7 That I reported the proceedings in the
8 within-entitled matter and that the within
9 transcript is a true and accurate record to the
10 best of my knowledge and ability.

11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage and that I am in no way interested in the
14 outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand.

17
18 Stacie Sullivan

19 Stacie Sullivan, CSR
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25

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

2 -----X

3 In the Matter of

4

RIVER VISTA DRIVE/KRIS KORNER

5

Project No. 22-6012
9 River Vista Drive, Marlboro
Section 103.3; Block 3;
Lots 28.9, 28.121, 28.122

6

7

8 -----X

9 PUBLIC HEARING - LOT LINE

10 Date: September 19, 2022
11 Time: 7:33 p.m.
12 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

13

14 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
15 JAMES GAROFALO
STEVE CLARKE
16 STEPHEN JENNISON

17

18 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY

19

20 APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

21

22

23

24

-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 CHAIRMAN BRAND: First on the agenda
2 tonight we have the public hearing for the lot
3 line for River Vista Drive/Kris Korner, 9 River
4 Vista Drive, Marlboro. Legal notice. Please take
5 notice the lot line revision and subdivision
6 application, a public hearing will be held by the
7 Marlborough Planning Board pursuant to the State
8 Environmental Quality Review Act, or SEQRA, and
9 the Town of Marlborough Town Code Section 134-9 on
10 Monday, September 19th, 2022, for the following
11 application: River Vista Drive and Kris Korner,
12 at the Town Hall, 21 Milton Turnpike, Milton, New
13 York, at 7:30 p.m. or as soon thereafter as may be
14 heard. The applicant is seeking approval of a lot
15 line revision or a subdivision involving three
16 lots of lands located 9 River Vista Drive,
17 Marlboro, New York; Section 103.3, Block 3, Lots
18 28.9, 28.121, and 28.122. Any interested parties
19 either for or against this proposal will have an
20 opportunity to be heard at this time. Chris
21 Brand, Chairman, Town of Marlborough Planning
22 Board.

23 Mr. Galella, how are you this evening?

24 MR. GALELLA: Good. Thank you.

25 CHAIRMAN BRAND: Excellent. How many

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 mailings did you send out and how many did you get
2 returned?

3 MR. GALELLA: Nineteen out of 26.

4 CHAIRMAN BRAND: You sent out 19; is
5 that what you're saying?

6 MR. GALELLA: Twenty-six.

7 CHAIRMAN BRAND: You sent out 26.

8 MS. FLYNN: There should have been way
9 more than that.

10 CHAIRMAN BRAND: Yes. I'm looking at 50
11 -- 66 probably that should have gone out.

12 MS. FLYNN: Five hundred feet from each
13 lot.

14 MR. GALELLA: Five hundred feet from the
15 perimeter.

16 MS. FLYNN: From each lot. So even if
17 there's duplicates, there should have been more
18 than 26.

19 MR. GALELLA: I just came up with 26.

20 MS. FLYNN: There's a list.

21 CHAIRMAN BRAND: Yeah, I can give you
22 the list. I have 28 for Lot 28.9, 25 for 28.121,
23 and 13 for 28.122, River Vista Drive. There are
24 some redundancies, but I wouldn't say enough to
25 make it 26.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: What do you want me to do?

2 CHAIRMAN BRAND: That's a good question.

3 If you can just stay at the table and use the
4 microphone, that will probably be helpful. It's
5 her first night here.

6 MR. GAROFALO: I think it might be
7 appropriate to hear anyone who happens to be here
8 and then hold it over to the next meeting.

9 CHAIRMAN BRAND: Is there any objection
10 to that?

11 MR. CLARKE: No.

12 MR. JENNISON: What would cause the
13 confusion of the list?

14 MR. HINES: Three lots, redundancies.

15 MR. JENNISON: Right. But did you go
16 into the office to get the list? Because I see
17 you have a list. Where did you come up with that
18 list?

19 MR. GALELLA: It was generated on Parcel
20 Viewer, on Ulster County Parcel Viewer.

21 MS. FLYNN: They are responsible to do
22 that.

23 MR. JENNISON: To go where, Jen?

24 MS. FLYNN: To get the 500 perimeter
25 from corner to corner, to get the addresses.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. JENNISON: Correct. So he would go
2 to this site, or does he come to you?

3 MS. FLYNN: Ulster County Parcel Viewer.

4 MR. JENNISON: So how did your list come
5 up with 26 but we came up with 52? That's what
6 I'm trying to understand.

7 MR. HINES: There's probably multiple
8 redundancies because they're adjoining lots, three
9 lots.

10 MR. GALELLA: I only got 19 back out of
11 26.

12 MR. JENNISON: Right. But how did you
13 come up with 26, is what I'm asking you?

14 MR. GALELLA: So on the map you can
15 generate to scale and you follow the perimeter to
16 500 feet beyond the boundary of the three lots,
17 and it came up with 26 parcels.

18 MR. HINES: Let me just compare both
19 lists as we proceed.

20 CHAIRMAN BRAND: Okay.

21 MR. JENNISON: Do we want to hold this
22 while he --

23 CHAIRMAN BRAND: No. We'll go ahead.
24 Is anyone here for the public hearing this
25 evening? So, Mr. Galella, why don't you provide

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 an overview for those people that are here. Use
2 the microphone or your best loud voice.

3 MR. GALELLA: Sure. Currently there are
4 three parcels in the area, and we're just changing
5 the lot lines of the property to fit a private
6 road to access, to make the three lots conform,
7 which you need a private road to do that. I have
8 a map here if anybody needs to see it.

9 MR. MEDIN: So it --

10 CHAIRMAN BRAND: I'm sorry. If you are
11 here for the public hearing, if you could just
12 stand up and state your name for the stenographer.
13 As I'm sure you heard, tonight is her first night,
14 and we're trying to make it as easy possible on
15 her.

16 MR. MEDIN: My name is Larry Medin,
17 M-E-D-I-N. I live at 58 Woodcrest Lane. I think
18 our property, it goes down to the river, abuts the
19 two lots that are coming in on the backside. So
20 are those the two that you're talking about, that
21 road, that dirt road down?

22 MR. GALELLA: Right. There's a road
23 that drives in off of Kris Korner's. There's one,
24 two, three lots, and then that road -- that access
25 point would become a private road, this

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 cul-de-sac. So this is Kris Korner's, the
2 cul-de-sac (indicating).

3 MR. MEDIN: That's the cul-de-sac and
4 this is the existing road (indicating)?

5 MR. GALELLA: Correct.

6 MR. MEDIN: And then these are -- the
7 river is here, and these are the two lots, and
8 then this is our property here (indicating).

9 MR. GALELLA: Okay.

10 MR. MEDIN: All you're doing is wanting
11 to change these lot lines to facilitate a road
12 that would go into both of these lots?

13 MR. GALELLA: Right. This would be the
14 extent of the private road. That's the
15 cul-de-sac. Then there'd be a driveway, driveway,
16 and driveway (indicating). You can't have three
17 lots on a common road, but there's three lots
18 already generated here. In order to access them,
19 you need a private road. That common driveway has
20 to turn into a private road.

21 MR. MEDIN: Thank you.

22 MR. GALELLA: You're welcome.

23 CHAIRMAN BRAND: Thank you. Is there
24 anyone else who has a question or comment they'd
25 like to make?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. SMITH: Robert Smith, speaking for
2 Judith Barnham who lives at 59 Hillside Drive. So
3 there are currently three lots, access off of the
4 what will be the private road, and there will
5 remain three lots. So you're only changing the
6 front lot line, basically, for all of them to
7 access the road?

8 MR. GALELLA: Correct. There's some lot
9 lines -- you have to bring the property line to
10 the center of the private road, so we're just kind
11 of shifting those lines so it conforms.

12 MR. SMITH: Thank you.

13 CHAIRMAN BRAND: Anyone else? Please
14 just state your name for the stenographer.

15 MR. KITSON: My name is Joe Kitson,
16 K-I-T-S-O-N, 78 Hillside Drive. I have a question
17 where the property is exactly. That one on the
18 corner that's highlighted --

19 MR. GALELLA: Oh, that's the largest
20 subdivision. But it's to the right-hand side. So
21 it says --

22 CHAIRMAN BRAND: If you'd like, you can
23 come up to the table, and there's a map there that
24 he can show you. That might clarify things for
25 you.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: So you're looking at 9 and
2 10 on that map, which is 9, 10 (indicating).

3 MR. KITSON: Bottom right. Okay. So
4 you're talking when you go down Hillside Drive,
5 the access road, that road that goes into the rock
6 that we call it?

7 MR. GALELLA: It's actually Kris
8 Korner's, that little loop.

9 MR. KITSON: Well, I'm the last house on
10 Hillside Drive. And then you go down the hill on
11 Kris Korner's, and you're talking about the road
12 that goes in?

13 MR. GALELLA: Correct.

14 MR. KITSON: My property is right on
15 that line. You got the black netting.

16 MR. GALELLA: Right.

17 MR. KITSON: We abut.

18 MR. GALELLA: Nothing changes there.

19 MR. KITSON: That's all I wanted to see.
20 I have no idea what your plan is.

21 MR. GALELLA: This property line has to
22 be brought to the center of the private road
23 (indicating).

24 MR. KITSON: So you don't have to move
25 anywhere onto anybody else's property?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: No.

2 MR. KITSON: Okay. Thank you. And what
3 about water diversion or anything like that? Is
4 that going to affect anything?

5 MR. GALELLA: Nothing is going to change
6 as far as grading. That road has been there for
7 20 years already.

8 MR. KITSON: All right. Thank you.

9 CHAIRMAN BRAND: So that will come up
10 under the engineer's comments, because they will
11 be doing a road construction for the project road,
12 and our engineer will get into that. But they
13 will take into consideration grading and I assume
14 the storm water prevention and all that good
15 stuff.

16 MR. KITSON: Okay. Thank you.

17 MR. WOOD: So, Roy Wood, 18 Rivercrest
18 Lane. So I guess you just answered it, Chris. So
19 it will be paved? That will be like a regular
20 road?

21 CHAIRMAN BRAND: Pat, do you just -- I
22 know you're counting. I don't want to interrupt
23 you.

24 MR. HINES: Yes. The road will be
25 constructed to the Town of Marlborough private

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 road specifications. And prior to the maps being
2 stamped secured, you'll have to be posted to
3 assure that construction.

4 MR. WOOD: And what does that mean? It
5 means it's plowed? Drainage? What does that
6 mean, it's a private road? Or it's all the
7 responsibility --

8 MR. HINES: It's the responsibility of
9 the lot owners that are part of the private road
10 maintenance agreement. We are requiring an access
11 maintenance agreement to be filed between the
12 parties, and it's required that they maintain it
13 for that access. Typically it has -- I haven't
14 read this one, but if there's two inches of snow,
15 it has to be plowed. If potholes are more than
16 two inches deep, they have to be repaired.

17 MR. WOOD: Just so I understand, Nick,
18 so that road is there already; it's just not
19 paved. Are you moving it?

20 MR. GALELLA: No, no. It's there. It
21 was cut in when that original subdivision map was
22 done.

23 MR. WOOD: It goes in and it comes out
24 the same way? It doesn't go up?

25 MR. GALELLA: No. It goes in the

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 cul-de-sac.

2 MR. WOOD: There's no potential access
3 to the other side?

4 MR. GALELLA: No.

5 CHAIRMAN BRAND: Thank you.

6 MS. NYCZ: I'm Kaylee Nycz, N-Y-C-Z, at
7 8 River Cliff. So on this depiction, on Lot 11,
8 that's actually two lots, though; right?

9 MR. GALELLA: Correct.

10 MS. NYCZ: So the last one is at the
11 back, and it's correct to say that you don't own
12 the third lot?

13 MR. GALELLA: I do.

14 MS. NYCZ: You do. So you own all three
15 now?

16 MR. GALELLA: Yes.

17 MR. HINES: That's the intent of the
18 subdivision; that landlocked parcel in the back,
19 he now owns it and they're rearranging the lot
20 lines in order to provide that access.

21 CHAIRMAN BRAND: Arranging the lot lines
22 to reconfigure. Did you have -- did he answer it?

23 MS. NYCZ: No. That was it. Thank you.
24 I didn't realize you had acquired the third lot in
25 the group.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. McDONOUGH: I'm Kaylee's neighbor.
2 I'm at 6 River Cliff Drive.

3 THE COURT REPORTER: What's your name?

4 MR. McDONOUGH: Mike McDonough. I'm
5 adjacent to the property, and I don't want to go
6 off on a tangent, but she kind of mentioned
7 something. If and when this whole -- I was told
8 there's a landlocked parcel. Is that Lot No. 7?

9 MR. GALELLA: No. It's -- Lot 11 shows
10 12 acres there. So the top part of it, four
11 acres, was cut off at some point.

12 MR. McDONOUGH: But wasn't Lot 11
13 already parceled with 2 and recombined like about
14 twelve, 15 years ago? I do remember something.
15 But Lot 11 is still one lot; right?

16 MR. GALELLA: No. It's two lots.

17 MR. McDONOUGH: It will be subdivided?

18 MR. GALELLA: It has been.

19 MR. McDONOUGH: So there will be -- I'm
20 saying, where I live and where my neighbors live,
21 Lot 9 is being developed; is that correct? Or can
22 you not tell? Lot 9 is in my backyard. Lot 8
23 is -- I don't even know if it's available for
24 sale. So you're saying Lot 7, 8, 11, 10, and 9,
25 these are all unoccupied parcels?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GALELLA: No, no. My parcels there
2 are 9 and 11. Eleven has been split into two
3 pieces. Seven and 8, those are built on.

4 MR. McDONOUGH: Is that you, 7? Are you
5 7?

6 MR. WOOD: No, I don't think --

7 MR. McDONOUGH: I don't think -- 7, 8,
8 9, 10, and 11, I think they're vacant parcels that
9 are being developed. I know that because I look
10 at my window every day. My question is: Are
11 there going to be, you know, six more houses on
12 the bottom of Hillside, which I think that's what
13 I'm seeing?

14 MR. GALELLA: No. Seven and 8 access
15 off of Rivercrest Drive. That's the cul-de-sac up
16 to the top left. It comes off of 9W.

17 MR. McDONOUGH: Okay. So 11 is getting
18 split in two. Nine is being developed. It's like
19 in my backyard. I'm adjacent to 9. So 9, 10, 11.
20 Eleven will become two parcels.

21 MR. GALELLA: Ten is not part of this.

22 MR. McDONOUGH: Okay. 11 will be double
23 parcels. So we're going to have four wells
24 drilled.

25 MR. GALELLA: Three.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. McDONOUGH: Are you guys taking into
2 consideration with -- I know the water line hasn't
3 gone up there, but if you put in four new parcels,
4 you're taking into consideration that a lot more
5 wells are going to be needed; right? Because
6 there's no water, there's no sewer, there's
7 nothing.

8 MR. GALELLA: There's well and septic
9 there.

10 MR. McDONOUGH: Is that being thought
11 about?

12 MR. HINES: So the underlying zoning is
13 that the lot sizes are the size they are in the
14 zoning so that they are able to provide water and
15 sewer, water from the site and sewer on the site,
16 which is why they are the size they are. The
17 minimum lot size is one acre. These lots are
18 proposed to be well in excess of that. Lot 9 is
19 3.1; Lot 11A is 7.2; and 11B is 4.4 acres in size.

20 MR. McDONOUGH: So I'm counting three
21 more wells being drilled in the next few months.

22 MR. HINES: Uh-huh. But there's the
23 same number of lots.

24 MR. McDONOUGH: No. I understand. I'm
25 just asking.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. HINES: The situation that happened
2 here is Lot 11B in the upper right-hand corner
3 there was created by an act of courts. There was
4 litigation which created a landlocked parcel. And
5 this is an attempt to --

6 MR. McDONOUGH: This will allow the
7 right-of-way at least to 11B.

8 MR. HINES: Correct. And the lot sizes
9 have to change to reflect that.

10 MR. McDONOUGH: There's nothing north of
11 11; right?

12 MR. HINES: No.

13 MR. WOOD: So 11B is north of this, or
14 it's part of the 11 we're looking at?

15 MR. GALELLA: It's part of the 11.

16 MR. WOOD: So 11 is cut in half.

17 MR. McDONOUGH: Is it 50/50?

18 MR. GALELLA: No. It's 60/40.

19 MR. McDONOUGH: So I didn't understand
20 the discrepancy. I assumed there was a
21 right-of-way. I know this area very well, as we
22 all do. We're neighbors here. Thank you.

23 MR. WOOD: Just one clarification.
24 There were deed restrictions with this whole area
25 that Mr. Martuscello has a copy of. I'm assuming

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 you're in compliance with all the deed
2 restrictions that are on file.

3 MR. GALELLA: I'm aware of them.

4 MS. LANZETTA: You know, we looked at a
5 lot of those, and a lot of them had expired. I
6 think they were only good for ten to 20 years. A
7 lot of the deed restrictions have expired.

8 MR. WOOD: Yes, just checking the box.

9 MR. HINES: This was originally the
10 American Land Preservation subdivision which had
11 those deed restrictions, and those deed
12 restrictions had a sunset clause in them after ten
13 years. It's a little unusual, but that's what
14 occurred.

15 CHAIRMAN BRAND: Pat, how are we looking
16 on your count there? You're counting -- she's
17 counting?

18 MS. CLEMENTE: I think pretty much
19 not -- there's quite a few on this list.

20 MR. HINES: There are several missing.

21 MS. CLEMENTE: Yes.

22 CHAIRMAN BRAND: So, Pat, did you have
23 any additional comments that you wanted to run
24 through?

25 MR. HINES: Just that we're here for a

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 public hearing. We've gone over this numerous
2 times. We did delve into the legal issues.
3 Meghan and Jeff's office have been going through
4 those. There will be a requirement for security
5 of the proposed road. And I just made mention
6 that they are Type II actions under SEQRA. I
7 believe that the discrepancies in the mailing list
8 between the Town's list, there are certainly some
9 missing.

10 MS. CLEMENTE: Yes.

11 MR. HINES: So there may be -- there's
12 probably going to have to be notice -- renotice.

13 CHAIRMAN BRAND: Are there any comments
14 from the Board here?

15 MR. GAROFALO: James Garofalo. I have
16 one comment. It's a follow-up comment from the
17 last meeting, and that was the applicant was going
18 to look at the location of the cul-de-sac to
19 determine if it was correctly located with a
20 portion of the property on the cul-de-sac itself
21 and whether or not that would have to be offered
22 to the Town, that small little slice of land.
23 Were you able to find out if it was correctly
24 located on the map?

25 MR. GALELLA: The map is correct.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. GAROFALO: So there is a portion of
2 the property that is on the road?

3 MR. GALELLA: I guess it would have to
4 remain. I don't know of a survey that said that's
5 the way it has -- it's not going to alter the
6 right-of-way.

7 CHAIRMAN BRAND: Pat, do you have any
8 additional insight?

9 MR. GALELLA: The lot next to it has --
10 that whole property is in the middle of the
11 cul-de-sac.

12 MR. HINES: That's an existing
13 condition. Not the fault of this applicant. But
14 certainly the cul-de-sac area is there for the
15 Town roadway. Someone constructed it a little bit
16 in the wrong location, but the area of the
17 cul-de-sac is sufficient. I don't know if it's
18 this applicant's problem to resolve someone else's
19 issues from the past.

20 MR. GAROFALO: I'm not saying that the
21 cul-de-sac should be moved. It's a question --
22 I'm just saying that I'm not questioning whether
23 the cul-de-sac should be moved, just whether that
24 tiny piece of land should be offered to the Town.

25 CHAIRMAN BRAND: So I guess at this

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 time -- is there anyone else that's here for the
2 public hearing that would like to have an
3 opportunity to be heard before we move on?

4 (No response.)

5 CHAIRMAN BRAND: So I'll look to counsel
6 for some assistance here. In order to keep the
7 public hearing, we're going to just keep it open
8 until the next meeting?

9 MS. CLEMENTE: Yes. And we can do a
10 resolution at the next meeting if that's what you
11 want also.

12 CHAIRMAN BRAND: Yes. I think that
13 would be good, unless we have significant --

14 MS. CLEMENTE: Unless there's --

15 CHAIRMAN BRAND: -- and then we can
16 choose to not act on it, if that's the case. So I
17 guess I'd like a motion to continue the public
18 hearing. And, Jen, the next available date for a
19 public hearing would be?

20 MR. HINES: It will be have to be
21 renoticed.

22 MS. LANZETTA: They have to have time to
23 send out notices.

24 CHAIRMAN BRAND: That's why I'm asking.

25 MR. HINES: So it may be better to put

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 it off for a date certain and renote it.

2 MS. FLYNN: Well, it would have to be
3 either October 17th or November 7th, which we are
4 upstairs on the 7th.

5 CHAIRMAN BRAND: So probably not a good
6 choice. So the first available option was
7 November --

8 MS. FLYNN: October 17th, but that's if
9 he gets all these mailings out this week.

10 MR. GALELLA: I'll put them out
11 tomorrow.

12 MS. FLYNN: My list is there with your
13 list. So if you could double-check all of that.

14 MR. GALELLA: So am I sending out the
15 ones that were not --

16 CHAIRMAN BRAND: Everyone gets one.

17 MR. GALELLA: Send them all again?

18 CHAIRMAN BRAND: Correct. All whatever
19 that is, 67 or whatever that number was.

20 MR. HINES: There are some duplicates.
21 It's not quite that high, but there are clearly
22 some --

23 CHAIRMAN BRAND: My point is the ones he
24 sent out for this meeting don't count for next
25 meeting. You have to resend out all of them to

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 every landowner. You don't have to send
2 duplicates if it's the same owner, but you do have
3 to make sure that everyone gets one for that
4 meeting. What was that date, Jen? I'm so sorry.

5 MS. FLYNN: That's okay. October 17th.

6 CHAIRMAN BRAND: So I'd like a motion
7 to --

8 MS. CLEMENTE: -- continue the public
9 hearing.

10 CHAIRMAN BRAND: -- continue the public
11 hearing through to the October 17th meeting.

12 MR. GAROFALO: I'll so move.

13 CHAIRMAN BRAND: Is there a second?

14 MS. LANZETTA: I'll second it.

15 CHAIRMAN BRAND: Any discussion?

16 (No response.)

17 CHAIRMAN BRAND: Any objection?

18 (No response.)

19 CHAIRMAN BRAND: So we will try again on
20 the 17th for this. Those of you that are here, if
21 you know your neighbors and you know they'd be
22 interested, please let them know that that's when
23 it will be happening.

24 MS. LANZETTA: Do we need a motion to
25 direct legal counsel to prepare the proper

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 paperwork?

2 CHAIRMAN BRAND: So moves Member
3 Lanzetta. Is there a second?

4 MR. CLARKE: Yes. I'll second.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: We will authorize the
8 attorney then to prepare a resolution of approval.

9 MR. GALELLA: So there's no way to get
10 on the 3rd of October meeting? That's too soon?

11 CHAIRMAN BRAND: You would not be able
12 to get everything out and put the thing in the
13 newspaper.

14 MR. GALELLA: I mean, I can send them
15 out tomorrow.

16 MS. FLYNN: It doesn't have to go to the
17 newspaper again.

18 CHAIRMAN BRAND: Why not?

19 MS. FLYNN: Because that's what I was
20 told previously. It's already been in the
21 newspaper. Does it?

22 CHAIRMAN BRAND: I would think that it
23 does.

24 MS. CLEMENTE: I would think that you
25 have to renotece it entirely from scratch.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 CHAIRMAN BRAND: You definitely don't
2 have time for that, I don't think, for the October
3 3rd.

4 MS. FLYNN: Not if it's going back in
5 the paper.

6 CHAIRMAN BRAND: Correct. So we'll go
7 for the October 17th date.

8 MS. FLYNN: The 17th.

9 CHAIRMAN BRAND: Anything else?

10 (No response.)

11 (Time noted: 7:56 p.m.)

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C E R T I F I C A T E

I, STACIE SULLIVAN, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within-entitled matter and that the within transcript is a true and accurate record to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X

In the Matter of

3

LIGHTHOUSE HOLDINGS

4

Project No. 22-6009
131 Idlewild Road, Marlboro
Section 108.3; Block 1; Lot 21.114

5

6 -----X

7
8 FINAL - SITE PLAN

9

Date: September 19, 2022

Time: 7:57 p.m.

10

Place: Town of Marlborough

Town Hall

11

21 Milton Turnpike

Milton, New York 12547

12

13 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
14 JAMES GAROFALO
STEVE CLARKE
15 STEPHEN JENNISON

16

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
17 PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY

18

19

APPLICANT'S REPRESENTATIVE: PATTI BROOKS
20 CHRIS STAFFON

21

22

23

24 -----X

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

25

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda,
2 Lighthouse Holdings, for a final of their site
3 plan at 131 Idlewild Road in Marlboro. Thank you
4 for coming out. I apologize for the mix-up for
5 those of you who came.

6 Pat, do you want to start us off with
7 your comments, please?

8 MR. HINES: I will. My first comment is
9 going to be not entirely my comment, but Cindy
10 Lanzetta has rendered the definition of recycled
11 agricultural buildings. It is an allowable use
12 under the zone, but if you read into the
13 definition, clearly the recycled agricultural
14 buildings have a size requirement, but not only
15 that, they have a requirement that they have been
16 used in active agriculture for ten years prior to
17 qualifying as a recycled agricultural building.
18 So this building has a 2017 building permit, which
19 was originally intended to be an accessory
20 building for a residential use. So I know the
21 applicants are just hearing that tonight, so they
22 may want to explore that a little more and come
23 back.

24 CHAIRMAN BRAND: Just so that I'm clear,
25 the code says it has to be in use for ten years

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 before it can become -- presented for recycled
2 use?

3 MR. HINES: Correct. It's in the
4 definition section of the code under recycled
5 agricultural building. The definition of that is
6 an agricultural building that has been in
7 agricultural use for greater than ten years.

8 MR. CLARKE: So does that mean it's a
9 commercial building now, not an agricultural
10 building?

11 MR. HINES: It's an accessory building
12 that wasn't an accessory to anything, is the
13 problem. It was approved as an ag building,
14 accessory to a residential use. The residential
15 use isn't there. The recycled ag use is
16 apparently not there. They may be heading for the
17 ZBA yet is my only initial take on it, but they're
18 just hearing that tonight. They may want to take
19 a step back and take a look at it yourselves.

20 CHAIRMAN BRAND: It was 2017 you said?

21 MR. HINES: I believe so.

22 MS. LANZETTA: Whereas a nonagricultural
23 product in a rural agricultural zone is not --

24 THE COURT REPORTER: I'm sorry. I can't
25 hear you.

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MS. LANZETTA: You are not allowed to
2 warehouse nonagricultural material in a rural
3 agricultural zone even under special use.

4 CHAIRMAN BRAND: Patti.

5 MS. BROOKS: Yes. So, obviously, we're
6 hearing this right now, thinking we had a neg dec
7 and approval resolution. So, obviously, I'm not
8 prepared to address it at this point. I will need
9 to consult with the findings and consult with my
10 client, and we'll have to regroup and be asked to
11 be placed on the next agenda.

12 CHAIRMAN BRAND: You can certainly do
13 that. Jen, you're good for the October 3rd for
14 them?

15 MS. FLYNN: Yes.

16 CHAIRMAN BRAND: That gives you plenty
17 of time to regroup, Patti. My apologies.
18 Obviously, we would have alerted you to this fact
19 earlier had we known.

20 MS. BROOKS: I am going to be out of
21 town for the rest of the week. I know I will not
22 be able to address it by Friday, which technically
23 is the deadline.

24 CHAIRMAN BRAND: Just let Jen know when
25 you're ready.

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MS. BROOKS: As soon as I have the
2 information, I will submit it.

3 CHAIRMAN BRAND: Any additional comments
4 or questions from the Board? Mr. Garofalo.

5 MR. GAROFALO: James Garofalo. I have
6 an additional comment, and that is that the
7 engineer's report of July 18th, Number 2,
8 requested that the sight distance at the access
9 drives should be identified. You did identify the
10 eastbound. You also specifically mentioned that
11 there was severe sight distance limitations to the
12 west. I think you did a good job in the sense of
13 it was a very poor connection with the gravel road
14 to the -- the gravel lane to the gravel road at
15 the intersection, and separating that out was a
16 good idea. I think the question comes up, though,
17 is whether or not you can better site the two
18 access drives potentially closer to the knoll to
19 improve the sight distance. Clearly, we're not
20 going to ask you to remove that or remove the
21 curve, but it's a question of public safety that
22 we want to have, you know, really good -- the best
23 sight distance we can if it's limited, and maybe
24 it may need a warning sign in addition to that.
25 But maybe you would look at moving the access

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 points or make it one point and then have that
2 split off -- and then have them split off, I'm
3 sorry, but to take a look at that to see if you
4 can improve the sight distance for the safety of
5 both the employees and the traveling public.
6 Thank you.

7 CHAIRMAN BRAND: Just to clarify also,
8 Patti, did you receive the -- I had questions
9 about the highway superintendent's comments
10 regarding the gravel lane. Was that clear to you?

11 MS. BROOKS: Yes. I had met with him
12 and requested the comments and reviewed the old
13 file. And then we went and we looked at the site,
14 and those -- yes, I'm aware.

15 CHAIRMAN BRAND: As long as it makes
16 sense to you, then I'm good. Any other questions
17 or comments here?

18 MR. JENNISON: Mrs. Lanzetta, what was
19 the code? Can you please --

20 MS. LANZETTA: It's under the terms
21 defined in the Town Code 155-1, under Building,
22 and you will see a C, Building, Recyclable
23 Agricultural.

24 MR. JENNISON: 151 what?

25 MS. LANZETTA: 155-1(C).

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 MR. HINES: It's in the definition
2 section.

3 MR. JENNISON: When did you find this
4 out? When did you read this?

5 MS. LANZETTA: Today. I've been
6 sick for the last -- I was away for a couple of
7 weeks, and when I came back, I got sick, and I was
8 just trying to catch up today and realized going
9 through the law that we had a problem.

10 MR. HINES: It's kind of unique because
11 the code has a separate section outside the
12 definitions regarding recyclable agricultural
13 buildings. So I didn't read the definition
14 either, because there's a separate section of the
15 code regarding this use, and it doesn't state it
16 in that code section. It states it in the
17 definitions.

18 MR. JENNISON: So what is the recourse
19 for them? To go to the ZBA for --

20 MR. HINES: I'm going to give them a
21 chance to take a look at it, like we said, and
22 come up with a course of action. That is a viable
23 option for them. But use variances are very hard
24 to get. They're probably -- by definition use
25 variances are difficult to get.

LIGHTHOUSE HOLDINGS - FINAL SITE PLAN

1 CHAIRMAN BRAND: Because it's outside
2 the code.

3 MR. HINES: Yes.

4 CHAIRMAN BRAND: It's not like they're
5 an acre short or 25 feet --

6 MR. JENNISON: I guess my whole issue is
7 that the gentleman purchased the property based
8 on -- that's what I'm trying to wrap my whole head
9 around here. I know I'm not articulating it
10 correctly. So that's where my problem lies.
11 Okay.

12 MR. GAROFALO: James Garofalo. I think
13 this is a problem for all of us; that we have to
14 be much more careful in reading the code. And
15 it's not just one member, but we all have to be
16 vigilant on the code and properly inform the
17 applicants as soon as we discover something. It
18 doesn't fall on one member. It falls on us as a
19 Board. Thank you.

20 CHAIRMAN BRAND: All right. I
21 apologize. We will see you when you're ready.
22 Thank you.

23 (Time noted: 8:06 p.m.)

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C E R T I F I C A T E

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IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X

In the Matter of

3

LANDS OF JEFFREY ALDRICH

4

Project No. 22-6008
132 Milton Turnpike, Milton
Section 103.1; Block 1; Lot 33.2

5

6 -----X

7
8 FINAL - SUBDIVISION

9

Date: September 19, 2022
Time: 8:07 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

10

11

12

13 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
14 JAMES GAROFALO
STEVE CLARKE
15 STEPHEN JENNISON

16

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY

17

18

19 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

20

21

22

23

24 -----X

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

25

ALDRICH - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Next on the agenda we
2 have Jeff Aldrich at 132 Milton Turnpike in Milton
3 for a final of their subdivision. Pat, did you
4 just want to run through your comments?

5 MR. HINES: Yes. I believe that they
6 addressed our comments. We received Health
7 Department approval for the septic system. We
8 received a letter from the Water Department
9 stating that they have no exception to serving
10 this site with water as it is in the water
11 district. And that's all we have, so procedurally
12 they're done with us. I believe that Meghan's
13 office has done an approval resolution for you.

14 MS. CLEMENTE: Yes.

15 CHAIRMAN BRAND: Any comments or
16 questions from the Board?

17 MR. GAROFALO: James Garofalo. I just
18 have one question. There is a maximum road grade
19 for private roads. Is there one for driveways?

20 MR. HINES: No.

21 MR. GAROFALO: There is not. Thank you.

22 MR. HINES: We typically hold 14 percent
23 for driveways. I don't know if it's in the code,
24 but that's been our standard.

25 MR. GAROFALO: Does this meet that?

ALDRICH - FINAL SUBDIVISION

1 MR. HINES: We don't have a grading
2 plan. I don't know.

3 MS. BROOKS: Yes, it does.

4 MR. HINES: I didn't see any excessive
5 slopes that would have raised my attention to the
6 scale.

7 MR. GAROFALO: Eventually you get that?
8 You get the grade?

9 MR. HINES: The Town code enforcement
10 officer, when they issue a CO, they will review
11 that.

12 MR. GAROFALO: Okay. Thank you.

13 MS. BROOKS: But the existing grades are
14 less than 15 percent, so there would not be
15 regrading required that we would have to prove
16 that we could meet the 15 percent as we do on some
17 applications.

18 CHAIRMAN BRAND: Any other comments or
19 questions?

20 (No response.)

21 CHAIRMAN BRAND: So, that with that
22 being said, you have before you on the application
23 of Jeffrey Aldrich for a two-lot subdivision, the
24 Town of Marlborough Planning Board, SEQRA negative
25 declaration and notice of determination of

ALDRICH - FINAL SUBDIVISION

1 nonsignificance for this project. Jen, would you
2 poll the Board?

3 MS. FLYNN: Chairman Brand?

4 CHAIRMAN BRAND: Yes.

5 MS. FLYNN: Member Lanzetta?

6 MS. LANZETTA: Yes.

7 MS. FLYNN: Member Lofaro?

8 CHAIRMAN BRAND: Absent.

9 MS. FLYNN: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. FLYNN: Member Jennison?

12 MR. JENNISON: Yes.

13 MS. FLYNN: Member Garofalo?

14 MR. GAROFALO: Yes.

15 MS. FLYNN: Member Troncillito?

16 CHAIRMAN BRAND: Absent. We also have
17 for you a resolution of approval by the Town of
18 Marlborough Planning Board. Is there anything we
19 need to consider or it's pretty straightforward?

20 MS. CLEMENTE: No. It's pretty
21 straightforward. And they've already received the
22 Department of Health for the approval for
23 construction.

24 CHAIRMAN BRAND: Jen, would you poll the
25 Board?

ALDRICH - FINAL SUBDIVISION

1 MS. FLYNN: Chairman Brand?

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Lanzetta?

4 MS. LANZETTA: Yes.

5 MS. FLYNN: Member Lofaro?

6 CHAIRMAN BRAND: Absent.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 MS. FLYNN: Member Jennison?

10 MR. JENNISON: Yes.

11 MS. FLYNN: Member Garofalo?

12 MR. GAROFALO: Yes.

13 MS. FLYNN: Member Troncillito?

14 CHAIRMAN BRAND: Absent. Both

15 resolutions are carried. You also have before you
16 for the matter of Jeffrey Aldrich --

17 MR. HINES: Excuse me. We didn't do the
18 recreation.

19 MS. BROOKS: That's what he's doing now.

20 MR. HINES: Oh, I'm sorry.

21 CHAIRMAN BRAND: I appreciate that, Pat.
22 Recreation Fee Findings for the Town of
23 Marlborough Planning Board. Whereas, the Planning
24 Board has reviewed a subdivision application known
25 as Jeff Aldrich with respect to real property

ALDRICH - FINAL SUBDIVISION

1 located 132 Milton Turnpike in the Town of
2 Marlboro. Chairman Brand offered the following
3 resolution, which was seconded by Member Jennison:
4 It is hereby resolved that the Planning Board
5 makes the following findings pursuant to Section
6 277(4) of the Town Law: Based on the present and
7 anticipated future need for park and recreational
8 opportunities in the Town of Marlborough, and to
9 which the future population of this subdivision
10 will contribute, parklands should be created as a
11 condition of approval of this subdivision.
12 However, a suitable park of adequate size to meet
13 the above requirement cannot be properly located
14 within the proposed project site. Accordingly, it
15 is appropriate that in lieu of providing parkland
16 the project sponsors render to the Town payment of
17 a recreation fee to be determined in accordance
18 with the prevailing schedule established for that
19 purposed by the Town of Marlborough. This
20 approved subdivision, known as the Jeff Aldrich
21 subdivision, resulted in one lot for a total of
22 \$2,000 in Recreation Fees.

23 Whereupon the following vote was taken.
24 Chairman Brand says yes. Clarke?

25 MR. CLARKE: Yes.

ALDRICH - FINAL SUBDIVISION

1 CHAIRMAN BRAND: Garofalo?

2 MR. GAROFALO: Yes.

3 CHAIRMAN BRAND: Jennison?

4 MR. JENNISON: Yes.

5 CHAIRMAN BRAND: Lanzetta?

6 MS. LANZETTA: Yes.

7 CHAIRMAN BRAND: Lofaro and Troncillito
8 are absent. I believe you're all set with that.

9 (Time noted: 8:11 p.m.)

10 C E R T I F I C A T E

11 I, STACIE SULLIVAN, a shorthand reporter and
12 Notary Public within and for the State of New
13 York, do hereby certify:

14 That I reported the proceedings in the
15 within-entitled matter and that the within
16 transcript is a true and accurate record to the
17 best of my knowledge and ability.

18 I further certify that I am not related to
19 any of the parties to this action by blood or
20 marriage and that I am in no way interested in the
21 outcome of this matter.

22 IN WITNESS WHEREOF, I have hereunto set my
23 hand.

24

Stacie Sullivan

25

Stacie Sullivan, CSR

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

2 -----X

In the Matter of

3

MAD BATTERS BAKER'S TALE

4

Project No. 21-5028
578 Route 44/55, Marlboro
Section 95.2; Block 2; Lot 10

6

7 -----X

8 SKETCH - SITE PLAN

9

Date: September 19, 2022

Time: 8:11 p.m.

10

Place: Town of Marlborough

Town Hall

11

21 Milton Turnpike

Milton, New York 12547

12

13 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
14 JAMES GAROFALO
STEVE CLARKE
15 STEPHEN JENNISON

16

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
17 PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY

18

19 APPLICANT'S REPRESENTATIVES: PATTI BROOKS
DAVE TODER

20

21

22

23

24 -----X

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

25

MAD BATTERS - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Next on the agenda we
2 have the Mad Batters Baker's Tale at 578 Route
3 44/55 in Marlboro for a sketch of their site plan.
4 How are you tonight?

5 MR. TODER: Very good. Thank you. How
6 are you?

7 CHAIRMAN BRAND: Good. Pat, do you want
8 to go through your comments?

9 MR. HINES: Sure. This project was
10 before the Board last in December. There's been
11 some significant changes to the plan as presented.
12 The project received variances in May of 2022 for
13 several pre-existing, non-conforming issues on the
14 site. The change of use would have caused them to
15 lose that protection.

16 The project needs to go to DOT as it
17 fronts on 44/55. They may have issues with the
18 loading dock being in their right-of-way as well
19 as the accessible parking space backing in and out
20 of their right-of-way as well, so the distance to
21 circulate.

22 The existing dumpsters are labeled to be
23 relocated -- or should be labeled to be relocated.
24 They're currently located at the front access
25 drive. They're proposed to be placed in the

MAD BATTERS - SKETCH SITE PLAN

1 dumpster enclosure in the back, and we'd ask that
2 a detail of that dumpster enclosure be provided.

3 We're asking that the areas to be paved
4 are more clearly defined.

5 The details for the parking space
6 identified as the previous 200 square foot
7 required parking space, which they can remain to
8 be, but I just wanted to note that the parking
9 size has been recently modified by the Town Board
10 so they can be 9 by 18, rather than the previous
11 200 square feet. We're suggesting that a detail
12 of the parking spaces be proposed that are shown
13 on the plans.

14 It will need to go to Ulster County
15 Planning as it's on the State highway.

16 The Board previously requested that the
17 topography be depicted on the plans, and that has
18 been shown.

19 We're suggesting the Board declare its
20 intent for Lead Agency as the County Health
21 Department, County Planning, and DOT are involved
22 or interested agencies.

23 And any submissions that are sent to the
24 County Health Department should be copied to the
25 Planning Board. There's a letter from the project

MAD BATTERS - SKETCH SITE PLAN

1 engineer stating that he has been working with the
2 County Health Department on approval of the
3 revised location for the new septic system, and we
4 don't have any information pertaining to that, and
5 I think that should be in the Planning Board's
6 file so it can be -- for completeness. That's all
7 we have.

8 CHAIRMAN BRAND: Great. Anything from
9 you?

10 MR. TODER: Yes. So this is effectively
11 an update, because we've been working --

12 CHAIRMAN BRAND: I'm sorry. Can you say
13 your name for the record?

14 MR. TODER: Dave Toder, T-O-D-E-R, of
15 Bolder Architecture, B-O-L-D-E-R.

16 So we have the site plan with the
17 contour lines as requested. Some of that is still
18 in development in coordination with the DOT,
19 but -- and as noted, the septic system design is
20 underway with the Health Department. And then
21 the -- a few items are also remaining, like the
22 landscape plan, which is somewhat dependent on the
23 DOT finalizing. And the lighting plan is mostly
24 existing lighting we believe. But those are --
25 those are dependent on the finalization of the

MAD BATTERS - SKETCH SITE PLAN

1 other parts, so hopefully that's all tying itself
2 up shortly, and then we'll complete the final
3 remaining items for submission in the near future.

4 CHAIRMAN BRAND: Just so you know, the
5 County Planning Board is relatively particular
6 about the lighting details, so that should be
7 included before it goes up to County.

8 MR. TODER: Absolutely. Thank you.

9 CHAIRMAN BRAND: Comments or questions
10 from the Board? Mr. Garofalo, I'll start with
11 you.

12 MR. GAROFALO: Okay. I have a few very
13 minor questions and comments. At the entrance
14 there appears to be a boulder which is not on the
15 property, and, you know, that becomes a question
16 of who owns that and do you have a right to move
17 it. So I will leave that question.

18 Also, several of the boulders appear to
19 be over the property lines, so you may want to
20 correct that so that they all appear on the
21 property.

22 MR. TODER: Thank you.

23 CHAIRMAN BRAND: That's why they hired
24 Bolder Architecture for this project.

25 MR. GAROFALO: Also, I will suggest

MAD BATTERS - SKETCH SITE PLAN

1 taking a look at the angled parking that you have
2 and seeing if you angle it slightly more that you
3 create a larger space between the garage and
4 Parking Space 5 so that the trucks will be able to
5 get to the dumpster enclosure easier. And I think
6 there's probably plenty of room for that.

7 I am somewhat concerned that where the
8 boulders are being removed that it's sufficiently
9 wide there, that people may be enticed to park
10 there. And that's something that you probably
11 don't want to have occurring, because that would
12 be where, if you were bringing in a truck, the
13 truck would want to be backing up into the loading
14 area from there.

15 Also, the strip of grass, I'm not sure
16 why it's only five feet, because when you have a
17 truck in there, potentially that truck could be
18 blocking the sight distance coming out of the
19 driveway.

20 The door to the bakery by the ramp, the
21 way it swings open, I think you might want to take
22 a look at hinging it on the other side to make it
23 easier for someone who would be in a wheelchair;
24 that they wouldn't have to maneuver around it and
25 potentially go off of the platform onto the steps.

MAD BATTERS - SKETCH SITE PLAN

1 But if you hinge it on the other side, I think
2 that make it a little bit more convenient. So if
3 you could take a look at that. I think they also
4 have different requirements for the landing under
5 the ADA code, and I think it may be a little less
6 if you hinge it on the other side.

7 As mentioned before, the parking space
8 area has to be 162 square feet, which would be
9 9 by 18, so you may be able to reduce the amount
10 of paved area.

11 You have a stone retaining wall, and I'm
12 not sure if that goes up or down from the parking
13 lot, but there's a question in my mind as to how
14 high that is and whether or not you would need a
15 fence so nobody accidentally walks off it if it's
16 very high. If it's low, it may not make any
17 difference. But I think it's important to know
18 how high that retaining wall is and whether or not
19 you need to fence that.

20 MR. HINES: So the topography shows it
21 being very low. There's a topo line running along
22 the top and then --

23 MS. BROOKS: We can show some spot
24 elevations there.

25 MR. GAROFALO: Okay. If it's just two

MAD BATTERS - SKETCH SITE PLAN

1 feet or so, that's not going to be a problem. It
2 may be more of a problem for people backing up,
3 that you wouldn't want them to hit the retaining
4 wall. If it's too low, so you may want to have
5 some indicators so that people backing up don't
6 accidentally bump into it, which is a little bit
7 difficult when you have that angled parking. The
8 people will be -- may need a little bit more space
9 to back up. And if you can show the aisle space
10 also, that would be good. And I don't think
11 you're going to have a problem with that since you
12 can make the parking spaces smaller.

13 And in your final details, make sure
14 that there is signage for the accessible parking.
15 Again, DOT may have a problem with that being on
16 their property. They may not. Thank you.

17 MS. BROOKS: We did meet with DOT on the
18 site, and it was DOT that suggested putting that
19 five-foot grass strip with some small shrubs,
20 because this is a pre-existing access way. So
21 their goal here is just to channelize it to the
22 greatest extent possible, because it is
23 pre-existing. So they're not requiring a new
24 permit. Dave and I were discussing the
25 handicapped parking. While we were there, there

MAD BATTERS - SKETCH SITE PLAN

1 were cars pulling in, and then they were able to
2 actually back around the building where the
3 loading area is and pull out without going onto
4 the highway. But Dave's suggestion is taking the
5 handicapped space and rotating it 90 degrees,
6 which we will present to DOT.

7 MR. GAROFALO: So you can actually -- if
8 no one was parked in the accessible spots, the
9 truck could come in that way and then go out the
10 other way? There is no change in elevation there;
11 it's flat?

12 MS. BROOKS: Correct. That is flat.
13 But there is no proposal for -- basically, the
14 access in and out will be the one driveway. So a
15 vehicle, a truck, will pull into the blacktop
16 driveway, pull into that loading area, then back
17 into the driveway to exit the same way they came
18 in.

19 MR. GAROFALO: Okay. I would suspect
20 that some of them may do the opposite. They may
21 back into that space in order to have the rear of
22 the truck closer to the doorway, but anyway.
23 Thank you very much.

24 CHAIRMAN BRAND: Anything else from the
25 Board? I would just note that, Pat, I think you

MAD BATTERS - SKETCH SITE PLAN

1 skipped over Comment Number 4 about the shale
2 parking for the commercial entity and that the
3 Planning Board does require paved parking with
4 curbs. Is there a reason why you're not paving
5 the parking, or am I misreading that?

6 MS. BROOKS: It does say proposed
7 blacktop parking. It says existing shale, and
8 then in Parking Spaces -- unless I don't know
9 where you're talking about -- Spaces 6 through 18,
10 in the center, it says proposed blacktop parking
11 lot.

12 MR. HINES: Yeah, it just wasn't clear
13 to me what the limits of that paving are going to
14 be.

15 MS. BROOKS: Just the limits of the red,
16 of the parking spaces themselves.

17 CHAIRMAN BRAND: So it will all be
18 paved. Perfect. Okay. Anything else?

19 (No response.)

20 CHAIRMAN BRAND: So you will address
21 these -- yes, Patti. Go ahead.

22 MS. BROOKS: I do have one question.
23 Mr. Garofalo was talking about dimensioning the
24 aisle. Right now we have it dimensioned at
25 24 feet and we also have the parking spaces at 20.

MAD BATTERS - SKETCH SITE PLAN

1 Does the aisle still need to remain 24, or did
2 that width change as well?

3 MR. HINES: No, that stays the same.

4 CHAIRMAN BRAND: That stays the same.
5 Just the spaces changed to 9 by 18.

6 MR. GAROFALO: I apologize for not
7 seeing that 24.

8 MS. BROOKS: I just wanted to make sure
9 I had the correct width when we came back.

10 CHAIRMAN BRAND: Great. All right.

11 MR. HINES: So the Board could declare
12 its intent to be Lead Agency?

13 CHAIRMAN BRAND: I would like to have a
14 motion to do that, please, to declare our intent
15 to be Lead Agency for New York State DOT and
16 Ulster County Health Department as involved
17 agencies.

18 MR. GAROFALO: Member Garofalo so moves.

19 CHAIRMAN BRAND: So moves. Is there a
20 second?

21 MS. LANZETTA: I second that.

22 CHAIRMAN BRAND: Any discussion?

23 (No response.)

24 CHAIRMAN BRAND: Any objections?

25 (No response.)

MAD BATTERS - SKETCH SITE PLAN

1 CHAIRMAN BRAND: All right. We are now
2 Lead Agency.

3 MR. HINES: No, you're not.

4 CHAIRMAN BRAND: We have now declared
5 the intent to be the Lead Agency. Thank you, Pat.
6 Excellent. Thank you. Intent approved.

7 MS. FLYNN: Before I send it to Ulster
8 County, you'll give me an updated packet of --

9 MS. BROOKS: Yes. This is not a
10 complete package. I think you need more materials
11 for the complete package. Yes.

12 MS. FLYNN: Okay. Thank you.

13 (Time noted: 8:24 p.m.)

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C E R T I F I C A T E

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2
3 I, STACIE SULLIVAN, a shorthand reporter and
4 Notary Public within and for the State of New
5 York, do hereby certify:

6 That I reported the proceedings in the
7 within-entitled matter and that the within
8 transcript is a true and accurate record to the
9 best of my knowledge and ability.

10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage and that I am in no way interested in the
13 outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand.

16 Stacie Sullivan

17 Stacie Sullivan, CSR
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25

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

2 -----X

3 In the Matter of

4

DEBORAH TRONCILLITO

5

Project No. 22-6014
89 Western Avenue, Marlboro
Section 108.2; Block 6;
Lots 14.100 and 14.200

6

7

8

9 -----X

10

SKETCH - LOT LINE

11

Date: September 19, 2022

12

Time: 8:24 p.m.

13

Place: Town of Marlborough

14

Town Hall

15

21 Milton Turnpike

16

Milton, New York 12547

17

BOARD MEMBERS: CHRIS BRAND, Chairman

18

CINDY LANZETTA

19

JAMES GAROFALO

20

STEVE CLARKE

21

STEPHEN JENNISON

22

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.

23

PATRICK HINES, ENGINEER

24

JEN FLYNN, PLANNING BOARD SECRETARY

25

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

-----X

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

TRONCILLITO - SKETCH LOT LINE

1 CHAIRMAN BRAND: Finally on the agenda
2 we have Deborah Troncillito, 89 Western Avenue in
3 Marlboro, for a sketch of their lot line. Pat,
4 would you go over your comments, please?

5 MR. HINES: Sure. This is a lot
6 consolidation. You used to be able to do this by
7 deed, but Ulster County now wants a stamped final
8 from the Planning Board. It's combining two lots
9 in common ownership. There are currently
10 accessory uses that cross the lot lines, and this
11 will clean it up. There will be a 1.65 acre lot
12 proposed. There is no new construction proposed.
13 And the resulting lot will meet all bulk
14 requirements with no pre-existing, non-conforming
15 issues. So you will have a larger compliant lot.
16 So I take no exception to the Board granting
17 approval.

18 CHAIRMAN BRAND: Can we have a
19 resolution of approval prepared for that?

20 MS. CLEMENTE: Yes.

21 CHAIRMAN BRAND: Before I do that, any
22 questions or comments?

23 MR. GAROFALO: I just have a couple of
24 comments. One is the EAFs are not required for
25 these, and that will become clear when we pass the

TRONCILLITO - SKETCH LOT LINE

1 new form that we'll not have to do that. But I
2 would specifically note that on those forms, that
3 you want to take a close look at Item Number 9,
4 dealing with the energy because normally you want
5 to answer "yes" and not "no" on that question.

6 MS. BROOKS: Yes. When there is no new
7 construction, it has to be "no," because I'm not
8 to be complying with any energy code standards if
9 I'm not constructing anything. Again, I
10 understand that it's a Type II, but until this
11 Board types it, I have to fill out the short form
12 EAF.

13 MR. GAROFALO: Do we not require a
14 County sign-off because it's just a lot line since
15 this is County road?

16 CHAIRMAN BRAND: I believe so.

17 MR. HINES: Yes. There's no new
18 construction proposed.

19 MR. GAROFALO: So we don't have to worry
20 about that. Thank you.

21 CHAIRMAN BRAND: Anything else from the
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: So on the application
25 of Deborah Troncillito for a consolidation of two

TRONCILLITO - SKETCH LOT LINE

1 lots into one, we have a resolution of approval by
2 the Town of Marlborough Planning Board dated
3 September 19, 2022. Jen, would you poll the
4 Board?

5 MS. FLYNN: Chairman Brand.

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Lanzetta.

8 MS. LANZETTA: Yes.

9 MS. FLYNN: Member Lofaro.

10 CHAIRMAN BRAND: Absent.

11 MS. FLYNN: Member Clarke.

12 MR. CLARKE: Yes.

13 MS. FLYNN: Member Jennison.

14 MR. JENNISON: Yes.

15 MS. FLYNN: Member Garofalo.

16 MR. GAROFALO: Yes.

17 MS. FLYNN: Member Troncillito.

18 CHAIRMAN BRAND: Yes -- I almost said
19 yes for him, but he's absent. I believe that does
20 it for you.

21 MS. BROOKS: Thank you very much.

22 CHAIRMAN BRAND: Anything else before we
23 adjourn?

24 (No response.)

25 CHAIRMAN BRAND: So would anyone like to

TRONCILLITO - SKETCH LOT LINE

1 make a motion to adjourn, then?

2 MR. CLARKE: I'll move.

3 MR. JENNISON: Second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: See you next time.

9 (Time noted: 8:30 p.m.)

10 C E R T I F I C A T E

11 I, STACIE SULLIVAN, a shorthand reporter and
12 Notary Public within and for the State of New
13 York, do hereby certify:

14 That I reported the proceedings in the
15 within-entitled matter and that the within
16 transcript is a true and accurate record to the
17 best of my knowledge and ability.

18 I further certify that I am not related to
19 any of the parties to this action by blood or
20 marriage and that I am in no way interested in the
21 outcome of this matter.

22 IN WITNESS WHEREOF, I have hereunto set my
23 hand.

24

Stacie Sullivan

25

Stacie Sullivan, CSR