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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

TWIN POND

Project No. 16-9013
2007 Route 9W, Milton
Section 103.1; Block 1; Lot 3

----- X

FINAL - SITE PLAN

Date: December 7, 2020
Time: 7:30 p.m.

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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TWIN POND

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CHAIRMAN BRAND: It is 7:30, so I would like to call the meeting to order with the reading of the agenda. Agenda, Town of -- I would like just to remind all the participants, if you're here for the agenda, just please keep yourself on mute until it's your turn, and then we'll give you the heads up to turn your mic on and you'll be heard at that time.

Agenda, Town of Marlborough Planning Board, December 7, 2020. Regular meeting 7:30 p.m. Approval for the stenographic minutes for 11/16. On the agenda this evening we have Twin Pond, final for their site plan at 2007 Route 9W, Milton; Nason Subdivision, sketch of a subdivision at 89 Peach Lane, Marlboro. We are going to take them off of the agenda this evening. They asked to be removed. So we will remove them from the agenda. Alden and Carol Link, a sketch of their subdivision at 36 Green Tree Lane in Milton; Hart/Canosa LLR, a sketch of a lot line at 162 Old Indian Road, Milton; Guarino Subdivision, a sketch for their subdivision on Lattintown Road in Marlboro. We have a discussion without the lawyer, engineer or

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TWIN POND

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stenographer for Joe Ortega for a brewery and Robert Scialpi for a 22 subdivision it says. Also on agenda this evening is a review of the site plan checklist. The next deadline will be held on -- the next deadline will be Friday, December 11, 2020. Our next scheduled meeting will be Monday, December 21, 2020.

Do I have a motion for the approval --

MR. GAROFALO: Mr. Chairman, can I ask for a possible addition to the agenda?

CHAIRMAN BRAND: Absolutely.

MR. GAROFALO: Since we received some materials dealing with the short-term rentals, can we add that to the end of the agenda in case there's time?

CHAIRMAN BRAND: Is there any objection to adding that?

MS. LANZETTA: I don't mind adding it. I'm just wondering, since we just got it this afternoon, if anybody else has had a chance to review it.

CHAIRMAN BRAND: I looked at it very briefly.

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TWIN POND

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MR. CAUCHI: You want to review the resolution that's going to be introduced? Is that what we're talking about?

CHAIRMAN BRAND: Let's put it on the agenda. If there's no objection, we'll put it on the agenda and we can see where the discussion leads.

MR. CAUCHI: I'm okay with that.

CHAIRMAN BRAND: Short-terms rentals.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: You're welcome, Mr. Garofalo.

Do I have a motion to approve the stenographic minutes for 11/16?

MR. CAUCHI: I'll make that motion to approve.

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Any discussion?

Thank you, Cindy.

Any opposed to approving the stenographic minutes for 11/16?

(No response.)

CHAIRMAN BRAND: No. So moved.

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TWIN POND

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First up, Twin Pond, final, site plan.

Pat, you have nothing for this;

correct?

MR. HINES: This is at the point where it's ready for approval. Jeff has done the draft approval, the negative dec and such. We're good.

CHAIRMAN BRAND: Anything from the Board on this before I defer to Jeff?

MR. GAROFALO: Yes. I have one thing. That is, there had been some discussion about the gate either being moved or removed at Route 9W. I didn't see any change in any plans or that put into writing, so I want to make sure that that is somehow documented so that it happens.

CHAIRMAN BRAND: It was my understanding at the last meeting that Ms. Brooks detailed that the trucks were able to park safely with the gate being closed and that the gate would not be closed. So I think that was really a non-issue for me.

Does anyone else -- Patricia, am I wrong with that? Patti?

MS. BROOKS: I spoke with Dane Mannese about it. He said on the rare occasion that he

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TWIN POND

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does have the gate closed and locked, a tractor with a trailer is able to safely get off the road with the location that it is right now. I told him that that was a concern of the Board. He said if he ever did replace the gate, he would make sure he put it that far back or further off the road.

CHAIRMAN BRAND: Is that sufficient?

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: You're welcome.

Mr. Troncillito did take a ride up there the other night to check out the lights. Did you want to let us know what you came up with there, Mr. Troncillito?

MR. TRONCILLITO: I took a ride up there after the meeting last time. To be honest with you, you recommended to take a picture. There wasn't enough light to take a picture. There was more light in the surrounding businesses than there was there in Dane's lot. I don't think there's a problem at all there.

CHAIRMAN BRAND: Thank you. Go ahead.

MS. BROOKS: I was just going to say I tried taking a photograph as well but the light

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TWIN POND

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along the highway was more than the parking lot.
Because the way they have the light situated,
it's directed into the parking lot.

CHAIRMAN BRAND: Perfect.

Anything else from the Board on this
one?

(No response.)

CHAIRMAN BRAND: Jeff?

MR. BATTISTONI: I prepared the Part 2
and Part 3 for the EAF. I did prepare the
negative declaration resolution. I prepared the
approval resolution. I think it's pretty
thorough, and I think they're ready to be
adopted.

CHAIRMAN BRAND: All right. That being
said, is it a separate negative dec or is it just
the resolution that we have, Jeff?

MR. BATTISTONI: You've got two
resolutions, one for the negative dec and one for
the approval of the site plan.

CHAIRMAN BRAND: I did not see the
negative dec. I just have the resolution.

As far as the Planning Board for the
Town of Marlborough resolution for a negative

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TWIN POND

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declaration and application of Twin Pond Enterprises, Incorporated, I will be polling the Board this evening. Jen is having technical issues.

So I am a yes for the negative dec.

Mr. Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Mr. Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Yes. Ms. Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Mr. Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: Mr. Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Mr. Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Excellent. Jeff has also prepared for us the Planning Board of the Town of Marlborough resolution for the application of Twin Pond Enterprises, Incorporated for site plan approval.

I'm offering the following resolution.

Do I have a second?

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TWIN POND

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MR. TRONCILLITO: I'll second that.

CHAIRMAN BRAND: Mr. Troncillito. I
would poll the Board.

Chairman Brand, yes.

Mr. Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Mr. Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Ms. Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Mr. Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: Mr. Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: And Mr. Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Yes. It looks like
you're all set.

And to be very honest Mrs. Brooks, I
looked at this list and was relatively shocked to
see that this started in, 2016 was the last
thing.

MS. BROOKS: Yes, it did.

CHAIRMAN BRAND: So congratulations.

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MS. BROOKS: Thank you. And thank you for the Board's patience throughout this entire process.

CHAIRMAN BRAND: You are welcome. Thank you.

MS. BROOKS: Have a good night.

(Time noted: 7:35 p.m.)

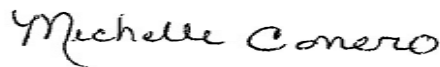
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public for and within the State of New York, do hereby certify:

That hereinbefore set forth is a true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of December 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

ALDEN & CAROL LINK

Project No. 20-4014
36 Green Tree Lane, Milton
Section 102.4; Block 2; Lot 15.113

----- X

SKETCH- SUBDIVISION

Date: December 7, 2020
Time: 7:35 p.m.

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

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

APPLICANT'S REPRESENTATIVE: SPENCER HALL

----- X

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CHAIRMAN BRAND: Next on the agenda we have Alden and Carol Link for the subdivision at 36 Green Tree Lane in Milton.

Pat, you had just a couple of comments here.

MR. HINES: Yes. The Board had discussed waiving some of the requirements, and I think there were some e-mail discussions on that.

The topography in the area where there's no proposed development was proposed to be waived. The requirement that residential structures within 200 feet of the property line be waived.

I did note that the Board had some e-mail back and forth regarding providing a Google Earth or County Planning parcel mapping for the hearing so that the adjoining structures could be shown.

One lot was previously subdivided many years and ago and then combined with the parent parcel it is with now. It was a re-subdivision putting it back the way it was at one point.

You had discussed a survey regarding any proposed easements or drainage pipes that

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exist on the site. He has confirmed that there are none on that site.

We had questioned whether there was a 50-foot right-of-way. This was an actual subdivision map, so the roadways are truly 50-foot wide dedicated.

This project requires a public hearing. We believe this is the point where, if the Board desires, they can schedule that.

CHAIRMAN BRAND: Thank you.

Jeff, did you have anything on this one?

MR. BATTISTONI: No.

CHAIRMAN BRAND: All right. Anything from the Board on this?

(No response.)

CHAIRMAN BRAND: Is there anyone on the Board who is opposed to waiving the requirements, including the residential structures and the lot line topography in the areas not proposed to be developed?

(No response.)

CHAIRMAN BRAND: No. All right. So we will waive those.

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MS. LANZETTA: I think for the record you might want to include, at least my willingness to waive it is because they have the Department of Health approvals for the septic already.

CHAIRMAN BRAND: Okay. Any other comment on that?

(No response.)

CHAIRMAN BRAND: Okay. So we can go ahead and schedule a public hearing.

Mr. and Mrs. Link, and I believe Mr. Hall, you're here as well for this project, our public hearing date is January 4th. Does that work for you?

MR. HALL: Yes.

CHAIRMAN BRAND: So we will go ahead and schedule the public hearing for January 4th.

I did get a message from the secretary reminding you to make sure your escrow payments are up to date for this project. You will need to send out the mailings, obviously, for the public hearing.

Okay. I think that's it for Alden and Carol Link, unless you have anything else.

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(No response.)

CHAIRMAN BRAND: No. All right. We will see you on January 4th. Please contact the Planning Board secretary to go over your escrow payments.

(Time noted: 7:40 p.m.)

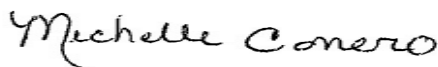
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IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of December 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

HART/CANOSA LLR

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

----- X

SKETCH - LOT LINE

Date: December 7, 2020
Time: 7:40 p.m.

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

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

APPLICANT'S REPRESENTATIVE: JAMES HART

----- X

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CHAIRMAN BRAND: Next on the agenda is Hart/Canosa LLR for a lot line at 162 Old Indian Road in Milton.

Pat, you just had a couple of comments on that.

MR. HINES: I do. The map submitted shows encroachment of a barn onto lot 10.3 -- or from 10.3 onto 10.4. There appears to be underground electric lines that run across those same lots showing those two encroachments. I'll defer to Jeff on that, but it is clearly shown on the maps that they don't meet the setback requirements. The barn at least doesn't meet the setback requirement.

Lot line changes are Type 2 actions now under SEQRA. No additional environmental review is required.

With the exception of the first comment I had regarding those encroachments, the project meets the requirements for a streamlined lot line review.

CHAIRMAN BRAND: Pat, am I incorrect in thinking that the code enforcement officer sent a memo saying that the setbacks were okay for this

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one?

MR. HINES: I don't know how that could be when the barn spans the property line.

MR. CLARKE: Maybe he feels it's existing.

CHAIRMAN BRAND: Jeff, I'll defer to you.

MR. BATTISTONI: I'm looking at the map right now. I do see the barn drawn so that it is partially on the one parcel and partially on the other. I would think that would be a problem.

CHAIRMAN BRAND: So although this does meet our streamlined lot line change process, it includes the approval --

MR. HART: So our proposed lot line change --

CHAIRMAN BRAND: Could you identify yourself, who ever is speaking? I'm sorry.

MR. HART: I'm James Hart, property owner --

CHAIRMAN BRAND: Thank you.

MR. HART: -- of lot 4. So the proposed lot line revision that we're looking to make, what we were proposing does not -- we're

1 not changing anything on our lot line around the
2 barn. That was the existing condition prior to
3 us submitting this application. We were looking
4 to just -- you can see the property line. We
5 were just seeking to just move that southern
6 boundary. We're on a flag lot. Our house was
7 constructed with the condition of that barn about
8 fourteen years ago. Nothing we're proposing to
9 change now impacts where that barn is located in
10 relation to what we're proposing. I don't know
11 if that matters or not. We were just looking to
12 move the southern boundary before it goes into
13 the 15-foot wide -- I believe it's a 15-foot wide
14 flag lot easement. We were just looking to move
15 that southern boundary about 30 feet in a
16 southern direction. You can see where the
17 lighter colored boundary is. The dark boundary
18 is what we're proposing on the map. I don't know
19 if that matters, but the barn -- that condition
20 has existed since our house was constructed about
21 fourteen years ago. You'll see a notation lot
22 line to be moved and then there's a bolder
23 border. That's what we were proposing to move.

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25 MR. BATTISTONI: Chairman Brand, this

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is Jeff Battistoni. I see what the applicant is saying. It seems that this is an existing encroachment. The application essentially has nothing to do with that. They're moving a line elsewhere on the property. From my point of view, the Board could accept that encroachment and leave it the way it is.

MR. HART: Also I wanted to indicate that upon construction of our house, when we built it originally, we had amended the deed at the time that gave us access off the existing driveway structure onto our property. I believe that was submitted with our application as well. That's why we never used that other -- that flag lot boundary as a means for egress or ingress from the property, because we modified the deed to get egress and ingress off the existing driveway that was on the subdivision.

MR. HINES: So I'm okay with that as long as Jeff is okay with it. I just wanted to bring it up to the Board. It's an existing condition at not changing.

MR. CLARKE: How long has that barn been there?

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MR. HART: Probably over seventy years.

MR. CLARKE: So that was pre-existing before zoning.

MR. HINES: Before the subdivision.

MR. HART: It was clearly there before the subdivision was created.

MR. CLARKE: So a previous Board said it was okay.

MS. LANZETTA: Can you explain what the reason was for the flag lot like that if you had access off the road?

MR. HART: When the subdivision was created -- that happened subsequent to the subdivision being created initially. So the access and the modification to the deed happened probably over thirty years ago when the subdivision was first created.

MS. LANZETTA: Why do you need that parcel that goes out to the road?

MR. HINES: It's a 280-A. Town Law 280-A requires access to a public street or road shown on a subdivision. It's similar to what we're going to see in a little bit. That 15-foot strip actually is presumptive evidence of access

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to a public street. In order to get a building permit they have to have that.

MR. HART: When the subdivision was created there was no, obviously, talk at the time about modifying the deed and extending the access for egress and ingress to our property. At that time we did that upon transferring of the deed into our name and then, you know, prior to construction on the property.

MR. HINES: It should remain so it gives you access to a public street. They have an easement for an alternative access. They do need that strip which gives them -- exempts them from Town Law 280-A.

MS. LANZETTA: That's not even a private road. That's just --

MR. HINES: It's just an easement right-of-way.

MS. LANZETTA: I'm saying what they use now into the subdivision --

MR. HINES: It's just an easement across other properties. It's a common driveway, for lack of a better term.

MS. LANZETTA: Okay. That's what I was

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wondering.

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

MR. GAROFALO: Yes, I have a comment. The zoning table, even though it shows what the minimums are, I think it's a good idea to always remind people that what we really want is both to see the minimums and what is actually there.

In this case there are probably two setbacks that don't meet the minimums. However, the important thing I think here is the fact that there's another one that currently doesn't meet the minimum, but by moving the lot line it will meet the minimum. So if anything, they're improving the situation over what exists today. I think that's an important part of what's going on here, which could get lost in everything else. This transfer is actually improving one of the setbacks to make it meet the minimums.

CHAIRMAN BRAND: Additional comments or questions?

(No response.)

CHAIRMAN BRAND: So then Jeff, with all that being said, the pre-existing nonconforming

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barn straddling lot lines really doesn't alter the resolution of approval that you have; correct?

MR. BATTISTONI: That's correct. The barn does not.

CHAIRMAN BRAND: So I think that really -- how about the electric lines? That was pre-existing as well; correct?

MR. HINES: Hold on. What Mr. Garofalo just said is in fact true. It looks like the rear lot line of the Canosa lot will not be conforming after this lot line change. The rear lot setback is 75 -- I was misinterpreting where the lot line was going to be moved to. The rear lot becomes 38.7 feet where 75 is required.

MR. HART: I think that's actually the side setback of the residence. That's not the rear of the residence.

MR. HINES: It's the rear of the lot, --

MR. HART: Okay.

MR. HINES: -- because we measure the lots based on where the frontage touches the road. So that is a zoning issue.

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MS. HART: If the lots run -- when you reference the road, do you mean --

MR. HINES: Old Indian Road is the road. The fact you have an easement isn't -- I think this is going to have to go to the ZBA if they want to move forward. I apologize. I thought the lots were going the other way. This is actually changing -- the rear lot line gets closer to Canosa.

MR. GAROFALO: Based on that definition, if they moved it 12 feet to the north, both of those -- would both of these meet?

MR. HINES: No, because the rear is 75 in this zone.

MR. GAROFALO: Okay.

CHAIRMAN BRAND: So the new adjustment does not meet the standards for the -- which was that, Pat?

MR. HINES: It's the rear lot line on the Canosa lot, it's lot 10.3, which is now 38.7. I understand that the front of the house is -- the architectural front of the house is there. The front yard setbacks are, by definition, off of Old Indian Road.

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MR. HART: Was it out of compliance prior then, because --

MR. HINES: It may have been but now you're making it more --

MR. BATTISTONI: Nonconforming.

MR. HINES: -- nonconforming. Yup.

CHAIRMAN BRAND: So Pat, this would have to go before the ZBA as is. Do you see a way for them to redraw the line to be conforming?

MR. HINES: No, because it looks like -- it looks like the rear lot would not meet front yard in the existing condition, the two-story house in the rear. I think that it needs ZBA referral. I'll defer to Jeff, but it looks to me the rear yard needs to be 75 and it's proposed to be 38.7.

MR. BATTISTONI: I agree with Pat.

MR. HINES: Unfortunately I thought the lot transfer was going the other way.

CHAIRMAN BRAND: It looks as though this is going to require --

MR. HINES: A referral to the ZBA would be in order.

CHAIRMAN BRAND: Okay. Mr. Hart, is

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that clear? And Mrs. Hart?

MR. HART: What does that entail?

CHAIRMAN BRAND: To be quite honest, I haven't done that. I don't know.

MR. HINES: It would be an approval by a separate board. The Zoning Board of Appeals would have to give you relief from that deficiency, that rear yard setback deficiency. They may very well grant that. This Board can't act until you have that Zoning Board of Appeals relief.

CHAIRMAN BRAND: Just procedurally, they would go to the ZBA and ask for --

MR. HINES: You could refer them to the ZBA for a rear yard setback.

CHAIRMAN BRAND: And then they would come back to us --

MR. HINES: It would come back after that. Yup.

MR. HART: Were there any other concerns on what we proposed before we go down that path and then come back before you?

MR. HINES: No. I don't see any. It looks like the argument there -- the Affuso lot,

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lot 10.4, becomes conforming for front yard under this. Right now I don't believe it has adequate front yard.

CHAIRMAN BRAND: I believe that's what James was referring to earlier.

MR. HINES: Yes.

MR. GAROFALO: Yes.

MR. HINES: That's what caught my attention. When Jim said that, I was like yeah, that's true. Now the other one has a rear yard issue.

MR. GAROFALO: My problem was I was looking at it architecturally and didn't realize that the front yard had to be 75 feet from the road.

CHAIRMAN BRAND: All right.

MR. GAROFALO: I think it goes to their benefit that the people that they will have the insufficient rear setback to are the people that are actually benefiting from this.

MR. HINES: Right. Right.

MR. CAUCHI: Let me understand this. You're saying that that front line of Affuso should be 75? Is that what you're saying?

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MR. HINES: No. The front yard for Affuso is 50 feet.

MR. CAUCHI: Right now the new lot line from the two-story house is 64 feet?

MR. HINES: Right. That's not an issue. That's cleaning up. I don't believe they have 50 feet now, which is required. They're cleaning up that front yard issue but then creating a rear yard issue on the Canosa lot.

MR. CAUCHI: Okay.

MR. HINES: It's 38.7 and --

MR. CAUCHI: 38.7.

MR. HINES: -- it's required to be 75.

MR. CAUCHI: So what's the distance between the lot line where it is right now after the new one? I thought I heard him say 30 feet. So even if you leave it right there, it's 68 feet, it's not 75 feet; right?

MR. HINES: They're nonconforming right now. They're kind of flipping a nonconformity. They're cleaning up one and creating another.

MR. CAUCHI: The existing is nonconforming as you said, so --

MR. GAROFALO: The question becomes

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they're making it more nonconforming. They're making it worse. That becomes the issue that they have to go to the ZBA for.

CHAIRMAN BRAND: And Pat, again procedurally, we refer them to the ZBA or they apply to the ZBA?

MR. HINES: You can refer them.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: Can we give a recommendation along with that referral?

MR. HINES: You can. I don't like preempting another board. Some boards do it, some don't.

MS. LANZETTA: Shouldn't it be -- shouldn't the zoning code officer be the one to --

MR. HINES: Either you as the Planning Board can or the code enforcement officer.

CHAIRMAN BRAND: We can go ahead and refer them to the ZBA. I don't see that as being an issue. I'll talk to Jen about that process after the meeting.

So Mr. Hart and Mrs. Hart --

MR. HINES: I had a chance to look up

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in your definitions lot line. Your front lot line is the line separating the lot from the street. Where there's no road alongside any lot, the front lot will be the lot line which abuts the street. So clearly Canosa is parallel to Old Indian Road.

CHAIRMAN BRAND: Okay.

MR. HINES: The rear yard is the opposite and most distant from the front yard.

CHAIRMAN BRAND: Okay. I think that's where we are. We will go ahead and work on that referral to the ZBA.

MR. GAROFALO: Do we need to vote on that?

MR. BATTISTONI: I would say yes. I normally see boards make a motion to refer a matter to a ZBA.

CHAIRMAN BRAND: All right. I'd like to have a motion.

MR. GAROFALO: I so move.

CHAIRMAN BRAND: Perfect. Thank you. Is there a second?

MR. LOFARO: I'll second that.

CHAIRMAN BRAND: Any opposed for

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referring it to the ZBA?

(No response.)

CHAIRMAN BRAND: All right. So moved.

MR. HART: I know this is probably irrelevant at this point, but when the house was constructed, I mean that's something that should have been identified when we -- you know, when we were first getting approvals at the time.

MR. HINES: Yes.

MR. HART: I remember having conversations about the setbacks and there seemed to be, at least at the time in the conversations I recall, was that there was some interpretation of the setbacks based on -- the conversations that we had were based on the architectural positioning of that house on the lot as far as the setbacks go. There was no discussion about the orientation to the road frontage. So I just wanted to put that out there.

MR. HINES: I understand how it happened. I don't know who told you that. You can argue that with the code enforcement officer.

MR. HART: That's okay.

MR. HINES: It's just a hurdle. I

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don't think it's fatal as long as the ZBA goes
along with it.

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

MS. HART: Thank you.

CHAIRMAN BRAND: You're welcome.

(Time noted: 7:53 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of December 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

GUARINO SUBDIVISION

Project No. 20-4011
Lattintown Road, Marlboro
Section 102.4; Block 3; Lot 13

----- X

SKETCH - SUBDIVISION

Date: December 7, 2020
Time: 7:53 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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CHAIRMAN BRAND: Next on the agenda we have the Guarino Subdivision, sketch of the subdivision on Lattintown Road.

Pat, I saw you had five comments.

MR. HINES: Yes. The first one is procedural. We had declared our intent for lead agency and circulated the documents to Ulster County DPW, Planning, as well as the DEC because of the wetlands there. We have not heard back from any of those agencies. The time for them to object to your lead agency has passed, so we're suggesting you declare yourself lead agency for review of this Unlisted action.

We'll need Ulster County approval for the septic systems.

We need a sign off from the Ulster County Department of Highways and Bridges, or DPW, for the driveways. I know Carmen had some conversations with them and I have some e-mails.

I'm suggesting that based on the limited envelop on lot 2 -- the lot geometry is a little convoluted there. It gives you a very small building envelop. We're recommending a note be added to the plans requiring staking of

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2 the structure prior to issuance of the building
3 permit. That will avoid any zoning issues in the
4 future. There's very limited buildable area.
5 The square or the rectangle that's shown
6 currently encompasses the entire buildable area.
7 A little bit of mislocation by a contractor could
8 cause a lot of hardship. We're suggesting that
9 note.

10 A public hearing for this will be
11 required.

12 CHAIRMAN BRAND: Jeff, did you have
13 anything on this?

14 MR. BATTISTONI: I do. I did send an
15 e-mail to the Board Members today, and I attached
16 a copy of New York State Town Law Section 280-A.
17 It's actually entitled permits for buildings not
18 on improved mapped streets. It provides that a
19 building permit is not supposed to be issued for
20 construction of a building on an unimproved
21 street. There's a subdivision 2 that says before
22 such building permit shall be issued, the street
23 shall be 'suitably improved' to the satisfaction
24 of the Planning Board. Then it says
25 alternatively, in the Board's discretion, the

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Board can require a performance bond from the owners sufficient to cover the cost of the improvement. So that's what the statute says. There are two exceptions to that. One is a person can go to the ZBA and see if they can get relief from that. The other is the Town Board, by resolution, can establish open development areas within the Town. I didn't know whether that has occurred here or not.

MR. HINES: We have done that in the past. That refers to those flag lots. That's the Guarino, Ashlyen Drive. I knew this was going to happen. We have two Guarino applications open before us right now. This one is on Lattintown Road. That's why I've been calling Guarino Ashlyen Drive a different name. This one is on Lattintown Road and has public access to the County roadway.

MR. BATTISTONI: I apologize.

MR. HINES: I knew it was going to occur. We have two Guarino subdivisions.

MR. BATTISTONI: That's funny because I was going to say on the agenda it says Lattintown Road and we need to correct that.

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MR. HINES: The same applicant,
different parcels.

MR. BATTISTONI: Got you.

CHAIRMAN BRAND: So that conversation
is not applicable here, Jeff?

MR. BATTISTONI: No.

MR. HINES: It will be for when Ashlyen
Drive comes back, yes.

MR. BATTISTONI: That's for a different
application. My apologies.

MR. HINES: The same applicants,
though.

CHAIRMAN BRAND: Okay. Thank you.
Comments from the Board on this?

MR. CLARKE: I still think that one lot
is really small. It originally came in front of
us as a two-lot subdivision. I had my objections
before. I know it barely meets the requirements.
But, you know, I can't say as a Board Member I'm
really thrilled with this. It really is tight
when you factor in the 100 foot away from the
wetlands.

MR. HINES: The lot geometry is a
challenge. Couple that with the wetlands and the

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associated buffer, there's a very small building envelop there. That's why I want that note.

MR. LOFARO: I would agree about the size and everything Steve said. As long as we have Pat's note in there, I think it kind of covers everybody involved. I'd hate to see them not be able to build on the lot.

MS. LANZETTA: Okay. I was looking at the pond as reflected in the latest sketch that we got. I know when we first discussed this there was a lot of talk about the pond being shared by lots 1 and 2. Now it looks like the pond is totally on 2. I'm wondering --

MR. HINES: I thought the discussion was to put the pond on one lot and not both to keep the Hatfields and McCoys away.

MS. LANZETTA: Yeah. Has it been redrawn to reflect that?

MR. MESSINA: This is Carmen Messina. Yes, it has.

MS. LANZETTA: Okay. So you've added more to lot 2 and taken away from lot 1?

MR. MESSINA: No. Well, lot 1 -- yes. We changed the configuration of all the lots to

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make sure that the pond would be all on lot 2.

MR. HINES: Believe it or not, I would check that but I have the Ashlyen file in my box tonight.

MR. BATTISTONI: I started a bad trend.

CHAIRMAN BRAND: We should limit one application at a time.

Anything else from the Board on this?

(No response.)

CHAIRMAN BRAND: All right then. So I think Pat recommended or suggested that the Planning Board can declare itself lead agency for review of this Unlisted action. Do I have a motion to do so?

MR. LOFARO: I'll make that motion to declare lead agency.

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

MR. TRONCILLITO: I'll second that.

MR. HINES: It's lead agency for an Unlisted action. We can type the action at this time.

CHAIRMAN BRAND: That was Mr. Troncillito on the second. Any discussion on

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that?

(No response.)

CHAIRMAN BRAND: Any opposed to the Planning Board declaring itself lead agency for the review of this Unlisted action?

(No response.)

CHAIRMAN BRAND: No. So carried. Pat, are we ready for the public hearing?

MR. HINES: I think so. The sooner the better. We can hear from any of the neighbors. They have some outside agencies to secure. Now that the lead agency is done, they can resolve those. Yeah. So the sooner the process, the better.

CHAIRMAN BRAND: Excellent. Our public hearing date for this will be January 4th, if that works for you, Mr. Messina.

MR. MESSINA: It does.

CHAIRMAN BRAND: Okay. So January 4th. The same thing I said to the other applicant, please just check with Jen to make sure your escrow is in order and that you have the mailings.

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MR. MESSINA: Okay. Will do.

CHAIRMAN BRAND: Okay.

MR. MESSINA: Thank you very much.

CHAIRMAN BRAND: You're welcome.

(Time noted: 8:07 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of December 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

NASON SUBDIVISION

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

----- X

SKETCH - SUBDIVISION

Date: December 7, 2020
Time: 8:07 p.m.

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

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

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MR. HINES: Chris, I know Nason isn't on tonight. Jeff and I have had some conversations regarding the status of that SEQRA review. I was wondering if the Board would declare its intent for lead agency on that. Similarly, there are wetlands on that site. I hate to wait a month until they come back just to cost them a month.

If we can declare -- back on the Nason Subdivision on Peach Lane, declare your intent for lead agency for that Unlisted action as well, and we can circulate and keep that going.

CHAIRMAN BRAND: Is there any objection to that?

MR. HINES: That was Jeff's suggestion.

CHAIRMAN BRAND: Any objection from anyone on the Board?

(No response.)

CHAIRMAN BRAND: No. I'd like to have a motion to declare our intent to act as lead agent for the Unlisted action for the Nason four-lot subdivision.

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MR. GAROFALO: I'll so move.

CHAIRMAN BRAND: So moved. Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Okay. Any opposed to acting as lead agency for this Unlisted action?

(No response.)

CHAIRMAN BRAND: No. So moved.

All right. I believe that's it on the agenda for the stenographer, attorney and engineer, unless anyone has anything else before we allow them to go.

(No response.)

(Time noted: 8:09 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
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That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of December 2020.

Michelle Conero

MICHELLE CONERO