

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

3 -----X
4 In the Matter of

5 SOME PLACE UPSTATE

6 Project No. 23-1008
7 20 Mt. Rose, Marlboro
8 Section 109.1; Block 4; Lots 57, 58, 71 and
9 56.1
10 -----X

11 SKETCH - SITE PLAN

12 Date: January 2, 2024
13 Time: 7:50 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, New York 12547

18 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
19 FRED CALLO
20 JAMES GAROFALO
21 CINDY LANZETTA
22 JOE LOFARO

23 ALSO PRESENT: MEGHAN CLEMENTE, ESQ., PLANNING BOARD
24 ATTORNEY
25 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

27 -----X
28 Stacie Sullivan, CSR
29 staciesullivan@rocketmail.com

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1 CHAIRMAN BRAND: That brings us to Some Place
2 Upstate. Do you want to come on up, Patti, and find a spot?
3 So I think with this one I'm going to let Meghan run the
4 show to start off with, because I know you weren't
5 originally on there. I know there's some questions
6 regarding the legalities of some of these things, so I am
7 going to go right to Meghan.

8 MS. BROOKS: Sure.

9 MS. CLEMENTE: So the -- I talked to Patti in
10 November about the acreage issue, which it looks like the
11 applicant is agreeing to consolidate the two lots, two of
12 the four --

13 MS. BROOKS: Correct.

14 MS. CLEMENTE: -- which would get rid of part
15 of the acreage issue. So now they'd have one lot that's 16,
16 I think.

17 MS. BROOKS: They would have one lot that's
18 12.49, they would have one that is 10.57, and then the
19 parking would be on the 3.45 across the street.

20 CHAIRMAN BRAND: I'm sorry. Can you say
21 those numbers again?

22 MS. BROOKS: Absolutely. The main resort
23 complex would be 10.57. The lot to the west would be 12.49.

24 MR. GAROFALO: What's on the lot to the west?

25 MS. CLEMENTE: That's the orchard.

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1 MS. BROOKS: Orchard, vineyard. There is one
2 dwelling on there that's called the Rose House, which would
3 have six bedrooms in it for rent as part of the resort.

4 CHAIRMAN BRAND: Then the parking was?

5 MS. BROOKS: Then the parking is on the
6 southerly side on 3.45 acres.

7 MS. CLEMENTE: But all four parcels are still
8 under the same cohesive site plan still?

9 MS. BROOKS: Correct.

10 MS. CLEMENTE: So first what they would need
11 to do is go for -- in front of this Board for a lot line for
12 that one lot -- for those two lots. That's one, what
13 they're going to need to do.

14 MS. BROOKS: I don't believe that they would
15 need a lot line revision, because they're not lots in a
16 previously approved subdivision plat, so I think they can
17 just be done with lot consolidation.

18 MS. CLEMENTE: Okay.

19 MS. BROOKS: Either way.

20 MS. CLEMENTE: Something needs to be done
21 there.

22 MS. BROOKS: Correct. And we would not do
23 that lot consolidation -- I mean, that would be a condition
24 of site plan approval, because, obviously, they're not going
25 to consolidate the lots if --

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1 MS. CLEMENTE: Well, they won't be able to
2 get approval if they don't consolidate the lots.

3 MS. BROOKS: They understand that. But we
4 don't -- if they consolidate the lots now, then they would
5 have to come back before this Board for subdivision approval
6 if they didn't achieve their goal with the property.

7 MS. CLEMENTE: Yes. So --

8 CHAIRMAN BRAND: Can I take a timeout there,
9 not being a lawyer or an engineer?

10 MS. CLEMENTE: Yes. Go ahead.

11 CHAIRMAN BRAND: So my thing is they have to
12 do it to get the approval. She's saying they don't want to
13 do it unless they get the approval.

14 MS. CLEMENTE: Yes.

15 MS. BROOKS: It would be a conditional.
16 There's many conditions that we do with both subdivisions
17 and site plans. And that would be one of the conditions, is
18 that that lot is legally consolidated by deed in the County
19 Clerk's office and that we show proof of filing, just as we
20 kind of did with the site plan with Keebomed where you
21 didn't have site plan approval until that document was
22 filed.

23 MS. CLEMENTE: Yes.

24 MR. GAROFALO: Then you'd have to tie the
25 parking -- the small parking area legally into the rest of

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1 the --

2 MS. BROOKS: The applicants have no
3 problem -- at that point there will be three parcels, and
4 they have no problem with legally tying those three parcels
5 together for site plan purposes and also tying this approval
6 to only them as the individual landowners. Generally
7 speaking, a site plan will run with the land. They
8 understand that some of the other Board concerns have to do
9 with the longevity of the site and what could happen when
10 they're not there anymore. So they're actually also willing
11 to tie that site plan to them being the owners.

12 MS. CLEMENTE: So that brings me to my other
13 thing -- concern, which is that this last parcel, which is
14 the three acres, is under the acreage requirement of ten,
15 which the parcel is included in the site plan for this use
16 of the resort use for all of these parcels, which would mean
17 that they still need to meet the acreage requirement of ten
18 acres for each of the parcels. So this three-acre parcel,
19 even though they're not using it for -- the resort is not
20 located on this three-acre parcel, they still need to meet
21 it if it's going to be included in the site plan.

22 MS. BROOKS: Or apply to ZBA for a variance
23 on that one.

24 MS. CLEMENTE: Yes.

25 MS. BROOKS: Again, I mean, there are -- I

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1 can name numerous businesses in town that not only have
2 their parking on a separate lot, but they don't even own
3 that separate lot. So we will seek -- I understand what
4 you're saying. We will seek an area variance for that.

5 CHAIRMAN BRAND: Anything else on that,
6 Meghan?

7 MS. CLEMENTE: No.

8 CHAIRMAN BRAND: So, Patti, where are we with
9 your applicants?

10 MS. BROOKS: We made application to the
11 Zoning Board of Appeals and submitted that, and then Jen was
12 going through the stenographic minutes and noticed that it
13 said in there at the very, very end, last page --

14 CHAIRMAN BRAND: That the chairman is not
15 allowing --

16 MS. BROOKS: The chairman said we're not
17 making -- not that you weren't allowing, that you were not
18 making the referral to the ZBA at this point. So what we're
19 asking for at this point from the Planning Board is that
20 referral. I believe that, in reading through the minutes,
21 the two items that were preventing the Board from feeling
22 comfortable with making a referral at that point in time had
23 to do with the fact that we still had not had our public
24 information meeting and we were interested to hear what the
25 public comment was, and also with regard to the fact that

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1 we -- the applicants at that point in time had not agreed to
2 combine those two parcels to make sure that the main resort
3 was the ten acres. So we were waiting to see exactly what
4 approvals would be needed from the ZBA, was my
5 understanding, before you would make the referral.

6 MR. GAROFALO: Weren't there some issues with
7 the bulk table, the distances to -- for some of the
8 buildings?

9 MS. BROOKS: That's the application that has
10 currently been made, is for the setback variances, because
11 we're required to have 50 feet for any structure used in the
12 resort. That is the application that currently is before
13 the Zoning Board. We will need to amend it to seek the area
14 variance for the 3.45 acres to be used for the parking.

15 CHAIRMAN BRAND: What do you think, Meghan?

16 MS. CLEMENTE: I would think that the area
17 variance would be okay to refer that one for the one parcel.
18 But I don't -- the remainder, because if they don't agree to
19 do the area variance for the one parcel, then the remainder
20 of the variances are -- they -- you would have to submit --
21 they would have to submit a new application for the
22 remainder of the --

23 MS. BROOKS: Well, the way I'm looking at it,
24 if they don't grant either one of these variances, we don't
25 go forward. So what is the problem with asking for them

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1 concurrently? Do you feel that they should be entertaining
2 one of them before the other?

3 MS. CLEMENTE: I feel that they should be
4 entertaining the area variance first, because the ten
5 acre -- the acreage is a requirement for this use that they
6 are asking for the site plan for, and they do not have that,
7 and this Planning Board very well could have just outright
8 denied the application, and they didn't.

9 CHAIRMAN BRAND: When you say the area,
10 you're talking about for the parking, the 3.45?

11 MS. CLEMENTE: Yes. For the parking and then
12 for the other two lots.

13 MR. GAROFALO: They would have an option,
14 though, if they didn't get that for the 3.5, finding parking
15 within the 10.57 and 12.4?

16 MS. BROOKS: Correct.

17 MS. CLEMENTE: Uh-huh.

18 MS. BROOKS: So that would not stop the
19 application.

20 CHAIRMAN BRAND: Is there a reason why --
21 just curiosity -- why they're just not combining the 3.4 in
22 with the 12.49 or the 10.57?

23 MS. BROOKS: Because they're under separate
24 ownership. The two parcels that they're combining are under
25 their personal names. The other two are under LLCs. It has

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1 to do with the financing. And you can't just redo the
2 mortgage.

3 CHAIRMAN BRAND: Fair enough.

4 MS. BROOKS: Yeah, I'm just trying to
5 understand, Meghan.

6 MS. CLEMENTE: No, I understand. I do. I
7 would just say, just for coherence, I understand that it --
8 to get everything done and just because if they don't grant
9 one thing -- if they don't grant both of them, then you
10 don't move forward. I understand that, but if they don't
11 grant the -- I mean, you could do a referral to the ZBA for
12 both of them and see what the ZBA says, but if the ZBA
13 grants the variances for the map the way that it was
14 written, which is -- I didn't, quite frankly, look too
15 closely at the maps that were sent by you last week. I
16 looked at your submission. I didn't look closely at the
17 maps and the setbacks to see if they were any different, but
18 I think the Board has some problems with the uses as well as
19 the number of uses. I know I had some problems with the
20 number of uses and so did Pat. Then you might have -- you
21 might find yourself back in front of the ZBA again.

22 MS. BROOKS: I guess if they don't get the
23 variance for the 3.45 acres for the parking, there is ample
24 location. It, obviously, would be less convenient. It
25 would require some changes to the plan. I like the parking

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1 where it is right now because it's far removed from any of
2 the neighbors. But the critical variances have to do with
3 the structures. So if the Zoning Board says we will allow
4 you to have the variances on buildings such and such, but
5 not buildings such and such, then they need to redevelop
6 their plan accordingly. So until we get that from the
7 Zoning Board, we can't even refine our plan to the Planning
8 Board on what uses can be done in each building. That's why
9 I thought that it would make more sense to go to the Zoning
10 Board at this point in time and resolve that.

11 MS. LANZETTA: It kind of makes sense, you
12 know. It just -- if they are not even allowed as many uses,
13 then they might be able to get the parking on those two
14 sites and not even need the additional variance. It's hard
15 to say.

16 CHAIRMAN BRAND: And the reason they didn't
17 put the parking on one of those two is just --

18 MS. BROOKS: Because the space already -- the
19 space already exists there. It's already flat, level, and
20 has worked quite well as a parking area. So it's logical to
21 put it there. It's far removed from the neighbors and it's
22 already existing.

23 CHAIRMAN BRAND: Right. Can I go backwards a
24 step? So you're saying that with the consolidation and/or
25 lot line, that they are tying the usage to that? That's

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1 what you said; right?

2 MS. BROOKS: (Nodding head).

3 CHAIRMAN BRAND: So five years, they move,
4 this goes out of business, those lots are still
5 consolidated; correct?

6 MS. BROOKS: The two lots would be, yes.

7 CHAIRMAN BRAND: The two lots would stay
8 consolidated.

9 MS. BROOKS: Because once they're
10 consolidated, the only way that they could become
11 unconsolidated is if they appear before this Board for a
12 subdivision.

13 MS. CLEMENTE: Yeah. We would do that by
14 deed.

15 CHAIRMAN BRAND: The consolidation?

16 MS. CLEMENTE: Yes.

17 MS. BROOKS: One deed.

18 CHAIRMAN BRAND: Gotcha. Questions or
19 comments from the Board? And I apologize for the late --
20 not putting this on the agenda. We weren't really sure if
21 it was happening or not. Does the Board have any issue with
22 referring this to the ZBA at this time for those two issues?
23 Do you have any issue with that, Meghan?

24 MS. CLEMENTE: No. As long as both of them
25 are addressed, the area variance -- as long as the area

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1 variance is addressed with the three-acre parcel, I think
2 that's okay.

3 CHAIRMAN BRAND: So we're submitting to the
4 ZBA for area variance on the 3.45 lot and the setbacks for
5 multiple buildings on both of the other lots; am I correct
6 with that?

7 MS. BROOKS: That is correct.

8 CHAIRMAN BRAND: Can I have a motion for
9 that?

10 MR. GAROFALO: Do you have a bulk table for
11 those?

12 MS. BROOKS: I do. It's on the most
13 currently submitted map. There are actually seven setbacks.

14 CHAIRMAN BRAND: Do I have a motion to refer
15 them to the ZBA at this point for those two things?

16 MR. GAROFALO: I'll make the motion to refer
17 them.

18 MR. CALLO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 MR. GAROFALO: I think it's important,
24 particularly since the ZBA only meets once a month, to do
25 this to let them move forward, rather than delaying them an

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1 entire month.

2 MS. BROOKS: So at this point I'm not sure
3 whether the ZBA is willing to entertain it --

4 MS. FLYNN: You probably won't be until
5 February.

6 MS. BROOKS: Would the Board give any
7 consideration because --

8 CHAIRMAN BRAND: This Board or their board?

9 MS. FLYNN: The Zoning Board.

10 MS. BROOKS: Well, I mean, I know the
11 decision, obviously, is the Zoning Board chairman's.

12 MS. FLYNN: Chris, Chairman Brand?

13 CHAIRMAN BRAND: I'm not sure what the
14 question is. What is the question, Patti?

15 MS. FLYNN: Well, I was going to ask the
16 question.

17 CHAIRMAN BRAND: Sure.

18 MS. FLYNN: If you would write an email to
19 Chairman Conn, telling him about the setbacks and the area
20 variance, ask him if they --

21 CHAIRMAN BRAND: I don't tell other chairmen
22 how to do their jobs.

23 MS. FLYNN: Okay. He said he wouldn't -- my
24 deadline was last week.

25 MS. BROOKS: Right. And we had the

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1 application in.

2 MS. FLYNN: But you didn't finish here. You
3 weren't allowed to go in front of him, was his statement.
4 So you have to wait until February.

5 CHAIRMAN BRAND: It's only 28 days, February.

6 MS. FLYNN: You could email him or call him.

7 MS. BROOKS: Are you permitted to give me his
8 contact --

9 MS. FLYNN: Not his phone number, no.

10 MS. BROOKS: No, no. Email. Or I can email
11 you and you can forward it. Again, I understand that there
12 has to be protocols. So I don't have a problem with that.

13 MR. GAROFALO: Can we get the updated -- or
14 have you already gotten the updated maps?

15 MS. FLYNN: For the Zoning Board.

16 MR. GAROFALO: For us.

17 MS. FLYNN: For the Zoning Board.

18 MS. BROOKS: It is the updated map. It's
19 submitted to the Zoning Board. It goes on the website.
20 It's available to everybody.

21 MS. FLYNN: It is on the website right now.

22 CHAIRMAN BRAND: Okay. So that will be
23 referred to the ZBA for the area variance and the setbacks
24 on the two buildings?

25 MS. BROOKS: Seven. Seven buildings.

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1 CHAIRMAN BRAND: I said multiple buildings.

2 MS. BROOKS: Oh, multiple. Okay. Because if
3 it changes, I don't want to be tied down.

4 CHAIRMAN BRAND: Meghan, just for further
5 clarification, this, obviously, is going to require a public
6 hearing, but we're waiting until we hear from the ZBA;
7 correct?

8 MS. CLEMENTE: Yes. I mean --

9 CHAIRMAN BRAND: There's no reason --

10 MS. CLEMENTE: -- you can come back here, but
11 --

12 MS. BROOKS: You need a more refined
13 application before we're ready for a public hearing. The
14 public meeting was to hear what the neighbor concerns were.
15 Now we have to go to the Zoning Board. I think between what
16 we heard from the neighbors and what the feedback is from
17 the Zoning Board, what types of approvals are or are not
18 granted will then dictate the design that comes back to this
19 Board. And at that point in time, I think once we have a
20 solid application, we will be in that position.

21 CHAIRMAN BRAND: Great.

22 MR. CALLO: What did you take back from that
23 meeting that you had downstairs as far as the -- what are we
24 going to hear from them again probably in a public hearing?

25 MS. BROOKS: From the neighbors?

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1 MR. CALLO: Yeah.

2 MS. BROOKS: The --

3 MR. CALLO: Besides we don't want it.

4 MS. BROOKS: Right. Well, the concerns were
5 those that one would expect. Right. It's lights --
6 lighting, noise, and traffic. So those are, I think, the
7 three major items that the applicant needs to work to
8 mitigate and find a way to come up with a solution.

9 CHAIRMAN BRAND: All right. Thank you, then.

10 MS. BROOKS: Thank you very much. I
11 appreciate being put on the agenda.

12 MS. FLYNN: Actually, James, it's not on the
13 website, because they're not formal yet. So their updated
14 map is not on the website.

15 MS. BROOKS: Can I send it to you, then, Jen,
16 separately and ask you to add it to the Planning Board file,
17 and that way it can go on the website?

18 MS. FLYNN: Yes.

19 MS. BROOKS: I'll make a point to do that
20 tomorrow so that all the Board members can have access to it
21 as well. Thank you very much. I appreciate the late
22 addition.

23 Time noted: 8:08 p.m.

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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