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1

2 STATE OF NEW YORK : COUNTY OF ULMSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4

X

In the Matter of

4

5

MAZZSTOCK

6

Project No. 17-1003

7

35 Hampton Road

8

Section 108.3; Block 3; Lot 8.4

9

----- X

PUBLIC HEARING

10

SKETCH - SITE PLAN

11

Date: April 17, 2017

12

Time: 7:30 p.m.

13

Place: Town of Marlborough

14

Town Hall

15

21 Milton Turnpike

16

Milton, NY 12547

17

18

BOARD MEMBERS: CHRIS BRAND, Chairman

19

BEN TRAPANI

20

CINDY LANZETTA

21

JOSEPH LOFARO

22

MANNY CAUCHI

23

STEVE CLARKE

24

ALSO PRESENT: RONALD BLASS, ESQ.

25

PATRICK HINES

VIRGINIA FLYNN

21

APPLICANT'S REPRESENTATIVES: LEE MAZZOLA, VINCENT  
POMARICO & VICTORIA BOURBEAU

22

----- X

MICHELLE L. CONERO

23

10 Westview Drive

24

Wallkill, New York 12589

25

(845)895-3018

1 BOARD BUSINESS

2

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

## 5 (Pledge of Allegiance.)

6 MR. CAUCHI: Agenda, Town of  
7 Marlborough Planning Board, April 17, 2017.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 3/20. Mazzstock,  
10 17-1003, sketch, site plan, public hearing; Brian  
11 Bottini, 17-1001, sketch, lot line revision;  
12 Mohammad Waheed, 16-9010, sketch, lot line  
13 revision; Luvera Properties, 16-9011, final, site  
14 plan; John and Theresa Shillieto, 17-1009,  
15 sketch, lot line revision; Hans Taylor, 17-1010,  
16 sketch, site plan; Twin Pond Enterprise, 16-9013,  
17 sketch, site plan; Crescent View, Inc.,  
18 discussion, sketch, subdivision. Next deadline:  
19 Friday, April 21, 2017. Next scheduled meeting:  
20 Monday, May 1, 2017.

21 CHAIRMAN BRAND: If everyone feels  
22 comfortable and has had an opportunity to review  
23 the March 20th minutes, I'd like a motion to  
24 approve those minutes.

25 MR. LOFARO: I'll make that motion.

2 CHAIRMAN BRAND: Is there a second?

3 MR. CAUCHI: I'll second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: All those in favor,  
7 say aye.

8 MR. CLARKE: Aye.

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN BRAND: Aye.

14 Opposed, the same sign.

15 (No response.)

16 CHAIRMAN BRAND: That carries.

17 Before we get started I would just like  
18 to enter into the public record that Member Cindy  
19 Lanzetta has a certificate from Ulster County  
20 Planning Department for an introduction to the  
21 Ulster County Land Use Referral Guide and  
22 Community Design Manual. It looks as though it  
23 was two-and-a-half hours worth of credit for that  
24 program.

25 First up on the agenda is Mazzstock.

2 "Legal notice, special permit and site plan  
3 application. Please take notice a public hearing  
4 will be held by the Marlborough Planning Board  
5 pursuant to the Town of Marlborough Town Code  
6 155-31 and 155-32 on April 17, 2017 for the  
7 following application: Lee Mazzola, Mazzstock,  
8 at the Town Hall, 21 Milton Turnpike, Milton,  
9 New York at 7:30 p.m. or as soon thereafter  
10 as may be heard. The applicant is asking for  
11 a special permit and site plan on lands  
12 located at 35 Hampton Road, Marlboro, New  
13 York 12542, Section 108.3, Block 3, Lot 8.4.  
14 Any interested parties either for or against  
15 this proposal will have an opportunity to be  
16 heard at this time. Chris Brand, Chairman.

17 Mazzstock people, come on up if  
18 you would. If you wouldn't mind, just maybe  
19 a brief description of what it is that you're  
20 doing for those that are not familiar with  
21 the process.

22 MR. POMARICO: We are putting together  
23 a three-day party with overnight camping  
24 featuring live music.

25 CHAIRMAN BRAND: Great. Did you do the

2 mailings?

3 MS. BOURBEAU: We did.

4 CHAIRMAN BRAND: Excellent. How many  
5 did you send out and how many came back?

6 MS. BOURBEAU: We sent out 59, we got  
7 39 back, 7 were returned to us as undeliverable,  
8 and there's still 13 somewhere.

9 CHAIRMAN BRAND: Okay. Just give them  
10 right to Jen.

11 This is a public hearing. Anyone here  
12 to speak either for or against the project,  
13 please just stand up, state your name for the  
14 Stenographer.

15 MS. AMHERST: Hi. My name is Susan  
16 Amherst, I reside right behind where they throw  
17 Mazzstock for the past ten years.

18 I guess I have more of a question to  
19 get some clarity what it is you're asking for.  
20 Is this the first year this has actually been  
21 applied for a special permit or has this been an  
22 ongoing event? For the past ten years I've had  
23 Mazzstock in my backyard for three or four days.  
24 I have four children and for ten years I've had  
25 to stay up all night for three nights in a row.

2 My concern is these 2 a.m. ordinances. I know in  
3 the past you describe on the website that the  
4 party doesn't get started until 2 a.m., so --  
5 it's on the website. I just want to know that  
6 the ordinance is going to stop at 2 a.m. or I am  
7 expected to go through the night until 5 in the  
8 morning, 6 in the morning? I know you have time  
9 sets to do the amplifiers and the bands set up on  
10 Thursday evening. I do work Friday. I'm  
11 assuming other people in the neighborhood work as  
12 well. So I just want to make sure if this does  
13 pass, how are you restricting and putting those  
14 noise ordinances at those particular times,  
15 because in the past they haven't been at 2 a.m.?

16 MR. MAZZOLA: Amplified music has  
17 always ended by 2 a.m., always.

18 MS. AMHURST: Not for the ten years  
19 that I've lived there. I get up at 4 in the  
20 morning. I hear the acoustic music. My bedroom  
21 -- I'm on the corner lot. I can only imagine the  
22 other neighbors. I personally -- I don't even  
23 open my windows, I keep them closed. So I'm just  
24 asking, you know, is there going to be 2 a.m.  
25 this noise ordinance? Is it going to happen or

2 am I expected to listen to the music the whole  
3 weekend, meaning through the evening? I  
4 understand during the day, I don't have a problem  
5 with that. I'm all about the peace, I'm all  
6 about the love, I'm all about what you guys are  
7 doing there. However, I want to know too, this  
8 permit that you're requesting, I see that you  
9 don't want an expiration. Is that for a yearly  
10 event or is this now being an ongoing event at  
11 your leisure? Those are my concerns as a  
12 homeowner, what I'm expecting if this passes.  
13 What does that mean for me?

14 CHAIRMAN BRAND: Just to clarify, I  
15 think that the event they're looking for is going  
16 to be the same as it's always been.

17 MR. POMARICO: Once a year.

18 CHAIRMAN BRAND: One time a year for  
19 three days. It's only going to be the three days.  
20 Ongoing every year for those three days, not  
21 multiple times throughout the year.

22 Then as far as the noise ordinances go,  
23 as far as this Board is concerned they're subject  
24 to all the regular noise ordinances of the Town.  
25 They did ask to have that part waived but we have

2 no control over that. That would be the Town  
3 Board and the code enforcement officer.

4 MS. AMHURST: Okay. So who do I  
5 contact if I'm at 4 in the morning, 5 in the  
6 morning and I constantly hear the music? Who  
7 enforces that? There's no enforcement of that if  
8 he gets a permit? That's my concern.

9 MR. MAZZOLA: Yes, there is. The State  
10 Police, the Town Police.

11 MS. AMHURST: I've never personally  
12 complained about it but I figured this is the  
13 opportunity --

14 MR. MAZZOLA: When we started last  
15 year, at 1 a.m. we did a silent disco where  
16 everyone wore headphones and there was no --  
17 should have been no noise. I can assure you we  
18 did not go past 2 a.m. last year because the  
19 State Police showed up and we shut it down  
20 completely. So I don't know where you heard live  
21 amplified music until 5 a.m.

22 MS. AMHURST: Well I've lived there  
23 since 2007.

24 MR. MAZZOLA: You live in the cape;  
25 right?

2 MS. AMHURST: Yes.

3 CHAIRMAN BRAND: At previous public  
4 hearings we did ask the code enforcement officer  
5 and he indicated there were no complaints.

6 MS. AMHURST: That's right. I never  
7 personally complained. I never knew the  
8 procedures on how to file a complaint. I never  
9 took it to that level. I figured this is my  
10 opportunity to figure out what it is I'm getting  
11 into. Like I said, I'm all for it, I just want  
12 to know what the restrictions are on it and  
13 what's expected of me, too, and --

14 CHAIRMAN BRAND: Okay.

15 MR. POMARICO: Our aim is to schedule  
16 music until 1 a.m., and then after that it's  
17 acoustic and campfire jams and, as Lee said, the  
18 silent disco. In the past we have gone later.  
19 We have gone until 3 with amplified music.

20 We've only been three days for the past  
21 two years. We were two days the previous two  
22 years and then before that single day events. We  
23 haven't always been three days. Thursday is just  
24 a set up day. And, you know, we want to do our  
25 best to respect the neighbors, and we invite you

2 to come check it out if you'd like to see it,  
3 too.

4 MS. AMHURST: Thank you.

5 MR. MAZZOLA: Anyone within 500 feet  
6 gets a free pass. You know, a lot of good things  
7 going on. There's a lot of craft vendors there,  
8 a lot of good food vendors. It's a good time.  
9 We have children's activities, we have a  
10 children's tent with supervision all day long,  
11 you know.

12 CHAIRMAN BRAND: Anyone else for or  
13 against? Mr. Garofalo.

14 MR. GAROFALO: James Garofalo. I'm for  
15 it but there's certain things I'd like to ask  
16 them and suggest to them, some of which are on  
17 the plans, some of which are not. I don't know  
18 your full plans but I would like to suggest that  
19 it would probably be a good idea if you had  
20 contacted one of the tow companies in case  
21 somebody does get stuck, that you'll be able to  
22 move them out quickly, as well as animal control.  
23 If there is a wild animal or something that you  
24 may have a problem with, then you're going to  
25 want to have that number handy. So I'm just

2 suggesting that you make sure that you have those  
3 numbers handy.

4 There's a pond there, it says it's for  
5 the fire department. Is there a stand pipe in  
6 that pond?

7 MR. MAZZOLA: No.

8 MR. GAROFALO: There's some areas that  
9 are marked out on the plan for RVs and tents.  
10 Are those -- are there stakes or some other way  
11 in which you delineate those areas so the people  
12 know where they can put their tents and park?

13 MR. MAZZOLA: Yeah. Each area is  
14 designated. We have artists' parking which is a  
15 roped off corral, then there's a section that's  
16 marked off for camping, and then if people want  
17 more private, in the back we have another  
18 section.

19 MR. GAROFALO: So there's stakes or  
20 ropes or something?

21 MR. MAZZOLA: We put caution tape and  
22 we stake it out and mark it out.

23 MR. GAROFALO: I would assume if you  
24 don't, you put caution tape along the driveway by  
25 where the pond is -- by the pond so nobody, late

2 at night, accidentally drives into the pond.

3 MR. MAZZOLA: Well there's no driving  
4 in that area. Just on the roadway into the  
5 parking.

6 MR. GAROFALO: Somebody might, in the  
7 dark, decide that they're going to park and not  
8 realize the pond is there. That's why I'm  
9 suggesting that.

10 The plan has hadcapped parking. I  
11 think it was intended to be handicap. Maybe you  
12 can get that to the proper wording, to accessible  
13 is the appropriate word. I hope that that would  
14 be signed in some way so the people that need  
15 that kind of parking would immediately see that.  
16 One of the things is that people who have  
17 problems who need that kind of parking generally  
18 need a firm base to get off and move. If it's  
19 muddy or something like that, that's going to be  
20 a problem.

21 MR. POMARICO: It's a rock pile. It's  
22 a rock pile. You wouldn't want to walk barefoot  
23 over there. It's plenty firm but flat.

24 MR. GAROFALO: Okay. There are -- one  
25 of the things I'd like the Board to do in the

2 future is ask applicants, when they come in, if  
3 they could put an actual drawing up, because  
4 sometimes it's easier to speak to the drawing and  
5 point things out to you than it is to try to  
6 describe them. I will do the best I can.

7 In between the tent area next to the  
8 pond and the one that's next to the -- where the  
9 port-a-johns are, there's an area in between  
10 those. It's not clear from the plan how wide  
11 that's going to be. I would certainly recommend  
12 that you make it very clear that it's wide enough  
13 to get emergency vehicles in.

14 MR. MAZZOLA: It's wide enough for a  
15 port-a-potty truck to come in. That's why we  
16 keep it open.

17 MR. GAROFALO: This is not -- the  
18 port-a-potties are closer to the driveway. I'm  
19 talking about so that you can drive, say an  
20 ambulance, all the way up to the stage if you had  
21 to.

22 MR. MAZZOLA: You can. We leave a  
23 roadway -- we cordon off a roadway so the bands  
24 can come in and out and unload their equipment on  
25 to the stage.

2 MR. GAROFALO: I think it would be good  
3 to mark that on the plans so it's very clear --

4 MR. POMARICO: If you look at the plans  
5 you'll see these dashed lines that delineate all  
6 these areas. If you take a scale to it, you'll  
7 see there's at least 15 to 20 feet.

22 MR. MAZZOLA: I actually have a walking  
23 trail that goes -- that diverts around my house  
24 and down. I block off my driveway and that's a  
25 walking trail for people who do park and want to

2 come down rather than walk down where the cars  
3 are coming up and down.

4 MR. GAROFALO: It's not on the plan. I  
5 looked at the plan. Maybe that's something you  
6 might want to put on the plan. Also, if you're  
7 giving something like this to people coming in so  
8 they know where to go, seeing that on their plan  
9 would immediately tell them okay, hey, I can cut  
10 through here because otherwise I might be a  
11 little leery about cutting through here or I  
12 might cut through in the wrong place. We don't  
13 want them cutting through in the wrong place.

14 You have dumpsters. It says that  
15 they're screened by trees. I imagine the trees  
16 are off your property.

17 MR. MAZZOLA: On my property.

18 MR. GAROFALO: They are?

19 MR. MAZZOLA: Yes.

20 MR. GAROFALO: It doesn't look like  
21 there's a lot of room between the dumpsters and  
22 the property line.

23 MR. MAZZOLA: The dumpster is put right  
24 on the property line where the trees are.

25 MR. GAROFALO: Okay. So the trees are

2 kind of behind --

3 MR. MAZZOLA: Behind the dumpster, yes.

4 MR. GAROFALO: Do you have trash cans  
5 all around --

6 MR. MAZZOLA: Yes.

7 MR. GAROFALO: -- the facility so  
8 people don't have to walk to the dumpsters?

9 MR. MAZZOLA: I have forty trash cans,  
10 and golf carts that go around constantly picking  
11 up the garbage.

12 MR. POMARICO: And a volunteer team.

13 MR. GAROFALO: Do you have special cans  
14 for recyclable materials?

15 MR. MAZZOLA: We do this year.

16 MR. GAROFALO: Excellent.

17 MR. MAZZOLA: We did last year.

18 MR. POMARICO: What are you doing late  
19 in August? Do you want to work this thing or  
20 what?

21 MR. GAROFALO: I'm a transportation  
22 engineer. I might come and watch it anyway.

23 CHAIRMAN BRAND: Anything else, Mr.  
24 Garofalo?

25 MR. GAROFALO: There's one other thing.

2 Because I am a transportation person, one of the  
3 things that I like to point out is drunken  
4 driving is a problem. Just as bad is driving  
5 when you're tired. Seeing these long hours that  
6 you have, I just want to make sure that you are  
7 reticent that if you have somebody working  
8 extremely long hours and leaving, staff in the  
9 middle of the night, that you don't want to have  
10 somebody working twelve hours and then going home  
11 because they're going to be very tired.

12 MR. MAZZOLA: All volunteers stay for  
13 the duration.

14 MS. BOURBEAU: First, the volunteers  
15 only work in six-hour shifts. Second is that  
16 we're a lot different than other festivals. Most  
17 festivals you have day passes and they kick their  
18 guests out when the day ends. We don't. We  
19 actually allow all of our day passes to camp  
20 overnight. That's very, very important to us.

21 MR. GAROFALO: I'd like to thank you.  
22 You obviously have been thinking about some of  
23 the things that I've been thinking of.

24 MR. MAZZOLA: It's our tenth year.

25 MR. GAROFALO: I just hope that more of

2 these things get into plans and documents in the  
3 future.

4 Thank you very much.

5 CHAIRMAN BRAND: Thank you. Anyone  
6 else for or against Mazzstock?

7 MR. SMITH: I'm for it. My name is  
8 Doug Smith, I reside at 19 Rue De Vin. I built  
9 my house there in about the year 2000. I share a  
10 common property boundary with Lee of about 250  
11 feet. In all the years that he's had the party  
12 I've never ever had a single issue, problem.  
13 Nothing I can even think of complaining about. I  
14 know the music, that once it gets past midnight,  
15 sometime between there and 2 you can physically  
16 hear it fade away and I can no longer hear it at  
17 my house.

18 The site is completely friendly. They  
19 have it set up really nice for everything. I  
20 make a point of walking over every year to say hi  
21 to everybody.

22 The lanes where vehicles drive, any  
23 fire truck that any department of Marlborough or  
24 Milton has can fit pretty much anywhere on the  
25 site or they can move a tent in a heartbeat so

2 the truck can access the site.

15 I'm a hundred percent for it. Lee does  
16 a great job. Vinnie does a great job. It's  
17 their passion. I'm a hundred percent for it. I  
18 hope they get their approvals and continue to do  
19 what they're doing in a safe manner as they have  
20 for all these years.

21 CHAIRMAN BRAND: Thank you.

22 Anyone else for or against?

23 (No response.)

24 CHAIRMAN BRAND: Pat, did you want to  
25 run through your comments?

2 MR. HINES: Sure. We were awaiting  
3 confirmation from the jurisdictional emergency  
4 services. The Board had requested information  
5 from the fire department and the police  
6 department. We received both of those.

7 CHAIRMAN BRAND: We did get those;  
8 right?

9 MR. HINES: Yes. They provided us  
10 information on the medical personnel. We have an  
11 e-mail from them stating they'll have four  
12 trained medical personnel on the site at all  
13 times.

14 A comment that you mentioned earlier,  
15 Chairman, that the Planning Board approval is  
16 guided by the current noise ordinance. Any  
17 relief from the noise ordinance has to be from  
18 other than the Planning Board. The noise  
19 ordinance is identified in Chapter 105 of the  
20 Town's code.

21 The hours of operation, which we just  
22 heard a little bit of, are kind of floating in  
23 the plan still. It allows for extended hours of  
24 operation until 3 a.m. or so. That's up to the  
25 Board. I know they're addressed in the

2 resolution as well.

3                   Ticket sales. We had previously  
4 requested how ticket sales will be controlled. I  
5 think in the narrative it was limited to 600  
6 people. I think the approval is conditioned on  
7 the number of ticket sales.

8                   Then we previously asked about the  
9 power supply, if generators were used on the  
10 site. That issue, I don't know if it was  
11 answered or not.

12                  MR. POMARICO: I don't think we ever  
13 used generators because he's got utility poles  
14 and permanent accessories on there. If we need a  
15 generator, I can't imagine it would be more than  
16 one on top of -- we haven't really expanded to  
17 the point where we need that much more from last  
18 year.

19                  CHAIRMAN BRAND: You don't generally  
20 have them at the festival?

21                  MR. POMARICO: What's that?

22                  CHAIRMAN BRAND: They're not usually  
23 there?

24                  MR. POMARICO: Not usually.

25                  MR. MAZZOLA: No.

2 MR. POMARICO: Not usually. Vendors,  
3 everybody powers off of what we provide for them.

4 Ticket sales, what the site plan  
5 mentions is -- there's a number on there. I  
6 don't remember what the max attending number is  
7 on the site plan. That's not capped for the  
8 entire weekend, that is at a given time. I don't  
9 think we've ever truly defined what our sales cap  
10 would be. We're not in this for money and we  
11 don't need any more headaches than we already  
12 have. We just really want to enjoy it. I think  
13 it's just at our own ten years into it,  
14 professional discretion to stop when it makes  
15 sense for us.

16 MR. MAZZOLA: Which is basically --

17 MR. POMARICO: If we were to --

18 MS. BOURBEAU: We cap sales all the  
19 time. We don't even get close to that.

20 MR. POMARICO: We have a set number  
21 that if it were to hit that, we're good.

22 MS. BOURBEAU: We never got close to  
23 that.

24 MR. POMARICO: Right. In other words,  
25 the pre-sales online we have at 400 or 500,

2 counting on there being another 200 or 300  
3 showing up at the door. We really don't want to  
4 deal with that many more people than that anyway.  
5 At that point it pays for itself and that's all  
6 we really care about.

7 CHAIRMAN BRAND: Thank you.

8 Anything from the Board?

9 (No response.)

10 CHAIRMAN BRAND: Ron, did you -- I'd  
11 like to have a motion to close the public  
12 hearing. First I guess we'll do that.

13 MR. CAUCHI: I'll make a motion to  
14 close the public hearing.

15 CHAIRMAN BRAND: Is there a second?

16 MR. LOFARO: I'll second.

17 CHAIRMAN BRAND: All in favor, say aye.

18 MR. CLARKE: Aye.

19 MR. TRAPANI: Aye.

20 MS. LANZETTA: Aye.

21 MR. CAUCHI: Aye.

22 MR. LOFARO: Aye.

23 CHAIRMAN BRAND: Aye.

24 Any opposed?

25 (No response.)

2 CHAIRMAN BRAND: Pat, did you want to  
3 run through the meat and bones of the resolution?

4 MR. BLASS: Me?

5 CHAIRMAN BRAND: Sorry. Ron, yes.  
6 Every week I'm good for at least one of those.

7 MR. BLASS: You have a prepared  
8 resolution on this matter calling for conditional  
9 approval. Bear with me because some of this came  
10 from the Coyote Ridge activity. I think it's  
11 important to go through the conditions that are  
12 within this document.

13 The first condition is that sound --

14 CHAIRMAN BRAND: I'm sorry. Do you  
15 guys have a copy of that? Do you have an extra  
16 copy, Jen? Can you give them Joel's so they can  
17 follow along with us?

18 MR. MAZZOLA: Thank you.

19 MR. BLASS: The first condition is that  
20 sound will not be generated in excess of the Town  
21 Code's noise regulations unless a waiver is  
22 obtained.

23 CHAIRMAN BRAND: What page are you on?

24 MR. BLASS: Page 8. So the first  
25 condition is 4-A, that the noise regulation shall

2 apply unless a waiver, which is something Pat  
3 mentioned earlier. It's not the Planning Board's  
4 function to waive the noise regulations.

5 4-B, the next condition, is something  
6 you may want to consider. This is borrowed from  
7 Coyote Ridge, as I mentioned before. If  
8 requested by the code enforcement officer, the  
9 applicant shall identify a professional measuring  
10 the sound levels at the property line during  
11 events related to the special use. This is  
12 strictly optional for the Board as to whether it  
13 wants to keep that level of potential control in  
14 monitoring the sound within the jurisdiction of  
15 the code enforcement officer.

16 The next paragraph, 4-C, I recommend  
17 that we strike this in it's entirety. This  
18 referenced an issue regarding a public address  
19 system at Coyote Ridge and it references 155-18  
20 of the Town Code. I see that that code must have  
21 been amended over the years and no longer has a  
22 prohibition against a public address system. If  
23 the Board wants to condition or monitor the use  
24 of the public -- an amplified public address  
25 system, we could discuss that if you wish.

2 CHAIRMAN BRAND: I think the noise  
3 ordinance kind of --

4 MR. BLASS: I think the noise ordinance  
5 would apply in that situation.

6 Paragraph 4-D on page 10 provides for a  
7 set up day of August 24th and a three-day annual  
8 music festival for 2017 of the 25th, 26th and the  
9 27th, these dates having come from the applicant.  
10 The special permit continues on into the future  
11 with respect to annual musical festivals. So in  
12 other words, they do not exceed one day of set up  
13 and three consecutive days of music festivals.  
14 So they don't have to come in here each and every  
15 year and repeat the approval process. If the  
16 number of days are to be expanded, then they  
17 would have to come in to you to seek modification  
18 to expand the number of days.

19 The next condition is that the  
20 applicants provide a minimum number of temporary  
21 sanitary facilities as determined by the Ulster  
22 County Department of Health based on attendance  
23 numbers, which seems to make sense.

24 F is the applicant shall take all steps  
25 necessary to provide for the presence of

2 emergency services and emergency vehicle access.

3 I heard earlier that the applicants are willing  
4 to commit to at least four trained medical  
5 personnel to operate the medical tent.

6 MR. MAZZOLA: That's correct.

7 MR. BLASS: I would recommend that we  
8 modify the second sentence of F to say applicant  
9 shall provide the Town with a commitment for at  
10 least four trained medical personnel.

11 I can make those changes overnight and  
12 give them to you tomorrow.

13 I'm not sure what the intent is with  
14 respect to alcoholic beverages, but this is a  
15 provision which does not prohibit them and says  
16 that the -- they shall be regulated towards the  
17 State and local permits, and they are to make it  
18 known to the police department at least seven  
19 days before the event to the effect that  
20 alcoholic beverages will be sold and/or allowed.

21 MR. MAZZOLA: Alcoholic beverages are  
22 not sold.

23 MR. BLASS: Not sold?

24 MR. MAZZOLA: No.

25 MR. BLASS: Then we could strike --

2 consumed? People bring their own?

3 MR. MAZZOLA: Yes, they bring their  
4 own. Nothing is sold on site.

5 MR. BLASS: I think we can strike G  
6 with respect to sale of alcoholic beverages.

7 The next condition is the promotion of  
8 ticket sales. All ticket sales should be limited  
9 to the max number of occupants for the event  
10 which shall be, a space to be filled in. If  
11 you're interested in having a maximum occupancy  
12 per event, this is the place to do it.

13 MS. BOURBEAU: So this is an issue to  
14 the ticket sales. This is all bands? This is  
15 including our artists, volunteers or are you  
16 talking about ticket sales?

17 MR. BLASS: This would be paying  
18 occupants or occupants. It would be guests and  
19 occupants. I've heard 400, 500, 900.

20 MR. MAZZOLA: We're never gone over 600  
21 per day. You know, some people buy day passes,  
22 some people buy weekend.

23 MR. BLASS: It's up to the Planning  
24 Board if you're interested in having a cap or  
25 not.

2 CHAIRMAN BRAND: Okay.

3 MR. BLASS: If you're interested in  
4 having a cap, we could determine that number now  
5 and fill in the blank.

6 CHAIRMAN BRAND: The power supply I  
7 think we've already addressed.

8 MR. BLASS: The power supply will be  
9 whatever the building inspector approves. That's  
10 just a condition.

11 Should I strike the ceiling on  
12 occupancy or shall we fill a number in?

13 CHAIRMAN BRAND: What's the Board's  
14 opinion on the occupancy issue?

15 MR. TRAPANI: As long as it's  
16 controllable.

17 MR. MAZZOLA: My general is when I  
18 can't park them on my property any more, we shut  
19 it down. We haven't had to do that, so I mean --

20 MR. CLARKE: You may have trouble  
21 enforcing that. Who's going to go count heads?

22 MR. LOFARO: How are you going to know  
23 how many heads are in there anyway? You're going  
24 to say it's three-quarters full and I'm probably  
25 pretty good, I'm not going to take anybody more

2 or something of that nature. Right?

3 MR. MAZZOLA: That's been our general  
4 rule. If we can't park them on the property,  
5 then we shut it down.

6 MS. BOURBEAU: Since we have advanced  
7 sales as well, we have it at the door, so we'll  
8 know if we're at so and so capacity and we still  
9 have 75 people that haven't come through the door  
10 yet paid, we take that into account to make sure  
11 we don't go over. Every single artist, all the  
12 guests, all the volunteers, it's all pre-counted  
13 so we know roughly how many people.

14 MR. LOFARO: If you were going to throw  
15 a number out there, is it 600, 700 people? Is  
16 that a decent number that works for you?

17 MR. MAZZOLA: Yeah.

18 MR. LOFARO: I've heard it a couple  
19 times.

20 MR. MAZZOLA: We couldn't accommodate  
21 more than that. Like I said, what I can park,  
22 that's who's there. It's always been my policy  
23 not to park on Town roads and we never have, you  
24 know.

25 MR. POMARICO: A lot of people come on

2 foot. A lot of people walk there. Some people  
3 park -- you know, like Doug Smith literally walks  
4 over. Some people take ATVs to Crispell's yard  
5 and hang out.

6 MR. CAUCHI: What's a number that's  
7 safe?

8 MR. POMARICO: I would say the upper  
9 limit, 800 attendees.

10 CHAIRMAN BRAND: It's up to us. We can  
11 scratch it or we can put a number in there. I do  
12 feel like whatever number we put in there might  
13 be hard to enforce. I don't know what a  
14 reasonable number is for that space and I don't  
15 know how we would enforce that or how that would  
16 get enforced. I obviously don't want a million  
17 people there.

18 MR. CLARKE: Chris, why don't you just  
19 say no parking on Town roads and we'll leave it  
20 up to you to decide the rest. That would be the  
21 issue.

22 CHAIRMAN BRAND: Or we could do a  
23 number.

24 MR. LOFARO: I'm okay without doing a  
25 number. That's fine. It seems like he knows

2 what he's doing, he knows when he's going to have  
3 enough or when he's going to have too many. As  
4 long as we're happy with that, I'm fine with  
5 that.

6 MS. BOURBEAU: We don't want too many.  
7 That's our headache.

8 MR. POMARICO: Overcrowding is a  
9 problem. We start to not enjoy it when there's  
10 too many people there.

11 CHAIRMAN BRAND: Pat, what do you think  
12 a reasonable number would be there?

13 MR. HINES: I heard 800 come from that  
14 side.

15 CHAIRMAN BRAND: Is that reasonable for  
16 that space would you say?

17 MR. HINES: If they bring their own  
18 cars, no. Again, it may be an enforcement issue.  
19 If 600 shows up, that gives you something to work  
20 with. It gives the neighbors comfort.

21 CHAIRMAN BRAND: So 800 with no parking  
22 on public streets, only on-site parking?

23 MR. CAUCHI: Is 800 fine?

24 MR. MAZZOLA: That's fine with me. I  
25 don't think we've ever hit that number.

2 MR. MAZZOLA: I know when I can't park  
3 them, that's enough.

4 CHAIRMAN BRAND: 800. Can we also add  
5 in all the parking will be on site?

6 MR. BLAS: No parking on public roads.  
7 All parking on site.

8 CHAIRMAN BRAND: Yeah. The only other  
9 thing I think was the one about the sound. That  
10 goes back to 4-B. The code enforcement officer,  
11 the occupant shall cover the cost of professional  
12 measurement of sound levels at the property line,  
13 page 8. How would that work?

14 MR. BLASS: If there was an issue of --  
15 well, we haven't done hours of operation yet. I  
16 think it would go hand-in-glove with hours of  
17 operation. We might want to just flip it a  
18 second and go over to page 10, 4-B, which is the  
19 days of operation, three days of music festival.  
20 The issue is whether or not we want to put hours  
21 of operation with respect to amplified music,  
22 such as no amplified music after --

23 MR. HINES: The noise ordinance says  
24 10:00. I think they have to work that issue out.

25 MR. BLASS: Let's put it this way: If

2 the noise ordinance is enforced, this festival  
3 probably can't occur.

4 CHAIRMAN BRAND: Right. We have no  
5 control over the noise ordinance.

6 MR. BLASS: No, we don't. So one way  
7 to look at 4-B, to get back to your question to  
8 me, is if the Town -- if the Planning Board is  
9 not going to be involved in the noise regulation  
10 enforcement issue, then why would we get involved  
11 in giving the code enforcement officer the power  
12 to pass on the cost of professional decibel  
13 readings at the property line.

14 CHAIRMAN BRAND: Right. They would  
15 have to follow just the regular rules.

16 MR. BLASS: It's seemingly for  
17 amplified music, decibel readings at the property  
18 line will exceed the noise regulation. So that's  
19 perhaps best regulated by you from a standpoint  
20 of hours of operation in terms of when is there a  
21 cut off, if at all, for amplified music.

22 CHAIRMAN BRAND: What do you guys  
23 normally do for that?

24 MR. POMARICO: The plan this year is to  
25 schedule the music to end, amplified, at 1 a.m.

2 on Friday and 1 a.m. on Saturday. The site plan  
3 gives some wiggle room in terms of some sort of  
4 delay, weather delay, our headliner, the most  
5 people that are there to see, their band breaks  
6 down and has to come later, because that's what  
7 they're paying to see. 1 a.m. is our goal. An  
8 exception would be maybe an encore might go  
9 another ten minutes. That's what our theme is.  
10 Legally we've put in there that we reserve the  
11 right to go later if we need to but it's not  
12 something we want to do.

13 MR. BLASS: So 2 a.m.? Is 2 a.m.  
14 workable?

15 MS. BOURBEAU: Yes.

16 MR. POMARICO: Yes.

17 MR. BLASS: No amplified music after 2  
18 a.m.

19 MR. MAZZOLA: Would that be okay with  
20 you, dear?

21 MS. AMHURST: Yes.

22 MR. MAZZOLA: Seriously.

23 MS. AMHURST: Seriously, I don't have  
24 any issues with you guys.

25 MR. MAZZOLA: My neighbors have been

2 great, all of you, and I appreciate it.

3 MS. AMHURST: I just want to feel some  
4 regularity, just some clarity --

5 MR. MAZZOLA: Absolutely.

6 MS. AMHURST: -- to make sure we're all  
7 on the same page.

8 MR. MAZZOLA: We try to end the  
9 amplified music by 1. There's always a glitch  
10 with the sound or bands showing up late.

11 MR. POMARICO: There's a lot to manage.

12 MR. MAZZOLA: We try to keep the  
13 mellower acts later, you know.

14 CHAIRMAN BRAND: Can we put 1 a.m.  
15 unless an extenuating circumstance, and then no  
16 later than 2 or something like that?

17 MR. BLASS: Sure.

18 CHAIRMAN BRAND: I think that covers  
19 all of the things here. Any other questions from  
20 the Board?

21 MR. CAUCHI: No.

22 MR. BLASS: There's an issue that just  
23 popped into my head. Clearly there's a pride of  
24 ownership in this festival from the applicants  
25 who actually own the property as well.

2 Right, you own the property?

3 MR. MAZZOLA: I do.

4 MR. BLASS: You run the festival there.

5 So if the applicants were to consent, we might  
6 consider an additional condition that the permit  
7 is conditioned on owner -- conditioned that the  
8 music festival be owned and operated by the  
9 property owner.

10 MR. HINES: The current property owner.

11 MR. BLASS: The current property owner.

12 CHAIRMAN BRAND: So if Lee sells it,  
13 the guy who buys it can't continue the festival?

14 MR. BLASS: There's a level of trust  
15 built up between the applicant and the Board  
16 which could evaporate upon the sale of the  
17 property.

18 MR. POMARICO: What about his kin?

19 What about his kin? Lee gets run over by his own  
20 oil truck and we want to celebrate one last time.

21 CHAIRMAN BRAND: Positive thinking.  
22 Could we, instead of the property owner, say the  
23 current management team of Lee Mazzola and Vinnie  
24 Pomarico, so if it differs from those two running  
25 the show --

2 MR. BLASS: So long as the applicant  
3 consents.

4 MR. MAZZOLA: I consent.

5 CHAIRMAN BRAND: To those two. Are we  
6 good with that as a Board?

7 MR. CAUCHI: Yes.

8 MR. LOFARO: Good.

9 CHAIRMAN BRAND: Okay.

10 MR. MAZZOLA: Hopefully Brian will make  
11 me a nice offer and I won't ever get run over by  
12 my own oil truck.

13 CHAIRMAN BRAND: I would like to  
14 have a motion to adopt the resolution with the  
15 following conditions that were placed upon it  
16 that we just went over with Ron together as a  
17 Board.

18 Jen, would you poll the Board?

19 MR. BLASS: I think the first thing we  
20 need to do -- did we do a negative declaration  
21 yet?

22 CHAIRMAN BRAND: Is there a negative  
23 declaration? I thought we already did that.

24 MR. CAUCHI: I'll make a motion for a  
25 negative declaration.

2 CHAIRMAN BRAND: I'll second.

3 All those in favor?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

9 Any opposed?

10 MS. LANZETTA: I'm recusing myself.

11 CHAIRMAN BRAND: Then we can do the  
12 proposed motion.

13 Jen, would you please poll the  
14 Board.

15 MS. FLYNN: Chris Brand.

16 CHAIRMAN BRAND: Aye.

17 MS. FLYNN: Member Truncali.

18 CHAIRMAN BRAND: Absent.

19 MS. FLYNN: Member Trapani.

20 MR. TRAPANI: Yes.

21 MS. FLYNN: Member Lanzetta.

22 MS. LANZETTA: Recusal.

23 MS. FLYNN: Member Lofaro.

24 MR. LOFARO: Yes.

25 MS. FLYNN: Member Cauchi.

2 MR. CAUCHI: Yes.

3 MS. FLYNN: Member Clarke.

4 MR. CLARKE: Yes.

5 CHAIRMAN BRAND: I think that does it.

6 Correct?

7 Congratulations, gentlemen. Have fun.

8 MR. MAZZOLA: Thank you.

9 MR. POMARICO: Thank you.

10

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

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

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

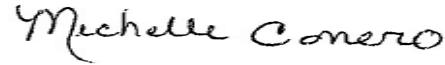
9 That hereinbefore set forth is a  
10 true record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 27th day of April 2017.

17

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MICHELLE CONERO

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

In the Matter of

5 BRIAN BOTTINI

7 Project No. 17-1001  
24 Kris Korner Drive  
Section 103.3; Block 3; Lots 31 & 33

SKETCH  
LOT LINE REVISION

11 Date: April 17, 2017  
12 Time: 8:08 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:        CHRIS BRAND, Chairman  
16                                    BEN TRAPANI  
16                                    CINDY LANZETTA  
17                                    JOSEPH LOFARO  
17                                    MANNY CAUCHI  
17                                    STEVE CLARKE

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVES: BRIAN BOTTINI

2 CHAIRMAN BRAND: Next up, Brian  
3 Bottini.

4 Mr. Bottini, how are you?

5 MR. BOTTINI: Good. How are you?

6 CHAIRMAN BRAND: Good. Would you just  
7 give us a quick rundown of what it is you're  
8 proposing again?

9 MR. BOTTINI: I have three lots --

10 CHAIRMAN BRAND: Hold on one second.  
11 Sorry, I can't --

12 Mr. Mazzola, you're already exceeding  
13 the noise ordinance.

14 MR. BOTTINI: All I'm doing is  
15 eliminating the line between lots 6 and 7 and  
16 making it one lot instead of two. I actually  
17 have three lots in a row there but the way the  
18 lay of the land is, the house is all the way over  
19 to the right side of lot 6. I don't even think I  
20 would ever even build a house, the cliff just  
21 falls off.

22 CHAIRMAN BRAND: Great. Pat, you had  
23 some -- one comment.

24 MR. HINES: It's a simple lot  
25 consolidation with two adjoining lots. It was

2 here previously and the applicant elected to wait  
3 until the new lot line change ordinance was in  
4 effect.

5 We would recommend a negative  
6 declaration. I don't believe there's any more  
7 public hearing required.

8 CHAIRMAN BRAND: Ron, you have nothing  
9 on this other than the --

10 MR. BLASS: No public hearing  
11 requirement. You're empowered to give both  
12 preliminary and final at the same time after the  
13 negative declaration.

14 CHAIRMAN BRAND: Any comments from the  
15 Board?

16 (No response.)

17 CHAIRMAN BRAND: No. Do I have a  
18 motion for a negative declaration?

19 MS. LANZETTA: I'll make that motion.

20 MR. TRAPANI: I'll second.

21 CHAIRMAN BRAND: All those in favor,  
22 say aye.

23 MR. CLARKE: Aye.

24 MR. TRAPANI: Aye.

25 MS. LANZETTA: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: That passes.

8 We do have the resolution in front of  
9 you. I'm not going to read it all. Essentially  
10 the Planning Board gives preliminary and final  
11 approval for this lot line consolidation.

12 Do I have someone who is willing to  
13 make that motion?

14 MS. LANZETTA: I'll make the motion to  
15 accept the resolution.

16 CHAIRMAN BRAND: Is there a second?

17 MR. TRAPANI: I'll second.

18 CHAIRMAN BRAND: Jen, would you please  
19 poll the Board?

20 MS. FLYNN: Chair Brand.

21 CHAIRMAN BRAND: Yes.

22 MS. FLYNN: Member Lanzetta.

23 MS. LANZETTA: Yes.

24 MS. FLYNN: Member Truncali.

25 CHAIRMAN BRAND: Absent.

2 MS. FLYNN: Member Trapani.

3 MR. TRAPANI: Yes.

4 MS. FLYNN: Member Lofaro.

5 MR. LOFARO: Yes.

6 MS. FLYNN: Member Clarke.

7 MR. CLARKE: Yes.

8 MS. FLYNN: Member Cauchi.

9 MR. CAUCHI: Yes.

10 CHAIRMAN BRAND: Excellent. Thank you.

11 MR. BOTTINI: Thank you very much.

12

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

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

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

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

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

16                  IN WITNESS WHEREOF, I have hereunto  
17                  set my hand this 27th day of April 2017.

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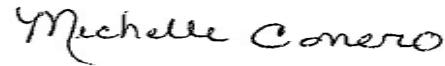
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MICHELLE CONERO

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

In the Matter of

MOHAMMAD WAHEED

Project No. 16-9010

144 Reservoir Road

Section 108.2; Block 1; Lot 23

## SKETCH

LOT LINE REVISION

11 Date: April 17, 2017  
12 Time: 8:12 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15           BOARD MEMBERS:        CHRIS BRAND, Chairman

BEN TRAPANI

CINDY LANZETTA

JOSEPH LOFARO

## MANNY CAUGHT

STEVE CLARKE

370 *Journal of Health Politics*

ALSO PRESENT: RONALD BLASS, ESO.

PATRICK HINES

**THEATRE REVIEWS**  
**VIRGINIA FLYNN**

VERGEGENSTÄNDLICHUNG

21 APPLICANT'S REPRESENTATIVES: MOHAMMAD WAHEED

22

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

(845)895-3018

25

2 CHAIRMAN BRAND: Next up, Mr.  
3 Waheed.

4 MR. WAHEED: How are you?

5 CHAIRMAN BRAND: Excellent. How are  
6 you tonight?

7 This is again a lot line revision.

8 MR. WAHEED: Right.

9 CHAIRMAN BRAND: You're just  
10 consolidating.

11 Pat?

12 MR. HINES: Similarly, this is a lot  
13 consolidation, two lots to one. There previously  
14 was a trailer on the site. I received a map  
15 today that shows the trailer removed.

16 MS. LANZETTA: No, it's not removed.

17 MR. HINES: The trailer is not removed?

18 MS. LANZETTA: It's not removed.

19 CHAIRMAN BRAND: Where did you see  
20 that?

21 MR. HINES: In that e-mail to me today.

22 MS. FLYNN: Yes. I e-mailed it to you  
23 guys.

24 MR. HINES: The trailer was not  
25 depicted on that plan.

2 MS. LANZETTA: It's on there. Not only  
3 is the trailer on there, there's two junked cars  
4 on there as well.

5 MR. WAHEED: Yeah. The point was that  
6 -- the main thing was that it's not on the map so  
7 the map gets approved, and then I was going to  
8 deal with Tom directly after to consent to make  
9 sure to get the approval and the condition. I  
10 have the demolition permit and I filled all that  
11 out. I plan to move the trailer but I'm just  
12 trying to figure out the easiest way to do it, at  
13 the same time just take care of all this.

14 CHAIRMAN BRAND: I did talk to Tom a  
15 little bit today about this matter. He did say  
16 that you've had ample time -- his opinion was  
17 ample time, and my opinion too, to remove the  
18 trailer. I would tell you that if this does get  
19 approved tonight, that I will not sign the maps,  
20 which would finalize that, unless that trailer is  
21 removed. If that doesn't happen within so many  
22 days, then you would have to start all over again  
23 with all the fees and everything.

24 MR. WAHEED: I wasn't aware that there  
25 was like a time constricted on removing that

2 trailer.

3 CHAIRMAN BRAND: There is.

4 MR. WAHEED: Can you give me until the  
5 end of the summer?

6 CHAIRMAN BRAND: I can't change what's  
7 on the books. It's thirty or -- I don't know the  
8 date off the top of my head. I don't know the  
9 number of days. Whatever that number is, it  
10 would have to be removed in that amount of time  
11 before I sign the maps. If I do then we have no  
12 -- there's no way for us to enforce it being  
13 gone.

14 MR. WAHEED: You can't put a condition  
15 that that's going to be removed? There's no  
16 question that will not be removed. It's a  
17 hundred percent. You can put a condition that it  
18 has to be removed.

19 CHAIRMAN BRAND: The condition is if  
20 it's not removed in that timeframe, then you  
21 don't get the map signed and this didn't ever  
22 happen as far as anyone is concerned, the County,  
23 the State, the tax officer. That's the  
24 condition.

25 MR. WAHEED: Do you know the time?

2 CHAIRMAN BRAND: I don't.

3 MS. LANZETTA: How much time between  
4 the time you sign -- you get final and that it  
5 has to be filed up at the County?

6 MR. BLASS: Six months.

7 MS. LANZETTA: How much?

8 MR. BLASS: Conditional final, usually  
9 you fulfill the conditions within six months.

10 MR. WAHEED: Six months is fine.

11 That's fine.

12 MR. BLASS: So I had a condition in the  
13 resolution for removal of the trailer. You can  
14 modify that condition any way you want in terms  
15 of time for removal if you wish. It could be  
16 thirty days, sixty days, ninety days, a hundred  
17 and twenty days.

18 MR. CAUCHI: It says the gap of time is  
19 six months.

20 MR. BLASS: As a matter of law you're  
21 supposed to get the conditions fulfilled within  
22 six months. If we do nothing there will be six  
23 months for the trailer.

24 MR. WAHEED: I'm not going to wait five  
25 months and twenty-five days to do this. I'm just

2 trying to figure out the easiest way. The  
3 trailer, I don't want to destroy it. I want to  
4 just tow it away, you know, so it's an easy clean  
5 up for me.

6 MR. BLASS: How about three months?

7 MR. WAHEED: I mean if it allows six  
8 months, I don't understand. That trailer was  
9 there since the '60s. I mean six more months for  
10 me to be granted to make it easier on myself, I  
11 don't see --

12 MR. BLASS: Well in part it concerns  
13 your timeline for getting the lots consolidated.

14 MR. WAHEED: Oh.

15 MR. BLASS: You certainly want to get  
16 that done by March 1, 2018 for real property tax  
17 assessment.

18 MR. WAHEED: Absolutely. Absolutely.  
19 That's a lot longer than six months.

20 MR. BLASS: So it's in your interest to  
21 remove the trailer and to get the map signed,  
22 because until the trailer is removed the map  
23 won't be signed.

24 MR. WAHEED: And what do I need to do  
25 after it's signed? That's it?

2 MR. BLASS: How long do you need?

3 MR. WAHEED: To move the trailer?

4 MR. BLASS: Yeah.

5 MR. WAHEED: I've been working on it  
6 for the past month or two. I'm trying to figure  
7 out the easiest way to do it, you know, cost  
8 wise.

9 MR. BLASS: I mean the sooner you get  
10 the map signed -- that's why you're here, to get  
11 the lots consolidated. So why do something that  
12 delays that process?

13 MR. WAHEED: It's just about the cost.  
14 You know, really, to be honest with you, if you  
15 remember the original story, I only purchased  
16 this property because my pool was on that  
17 property and this was a big mess. I didn't even  
18 want to get involved with this because I just  
19 purchased the other house and renovated  
20 everything. The outside you can all see. The  
21 lot is a lot cleaner than it was. I mean those  
22 two cars, I don't know, they're not like half a  
23 part. They're just two cars sitting there.

24 MS. LANZETTA: They're two unregistered  
25 vehicles which is illegal in the Town of

2 Marlborough to have on your property. Right now  
3 you're not in compliance with Town Code.

4 MR. WAHEED: Okay.

5 MR. CLARKE: We had this discussion the  
6 first time you were here. You're aware this  
7 really needed to happen.

8 MR. WAHEED: Yeah, yeah. I thought you  
9 meant the cars.

10 MR. CLARKE: You already had six months  
11 to think about it.

12 MR. WAHEED: I didn't have time to  
13 think about it. I had to get the map straight  
14 first beforehand. The maps, you wanted it to be  
15 the way you wanted it. That's what I was working  
16 on. And then just moving the trailer after that,  
17 you know.

18 CHAIRMAN BRAND: So we have the  
19 resolution in front of us tonight. I honestly  
20 don't know how everyone else would vote. I would  
21 certainly vote to do this. But just so you  
22 understand that you have that time, and there are  
23 some other things that have been to be taken into  
24 account. I mean I have to be able to be present  
25 to sign the map. You have to bring them to

2 County to get them filed. So your six months --  
3 you don't want to wait until five months and  
4 three weeks, like you said.

5 MR. WAHEED: I know. I'm just asking.  
6 If I do it in five months, everything is  
7 finalized and the property is cleaned up like you  
8 want --

9 CHAIRMAN BRAND: As soon as I hear the  
10 code enforcement officer, that you have exercised  
11 and completed the demolition permit and  
12 everything is taken care of, I'll sign them and  
13 they're yours.

14 MR. WAHEED: Okay. Do you know if  
15 there's a deadline for the County or something  
16 that I'm not aware of?

17 MS. LANZETTA: You've got to get  
18 everything done within the six-month timeframe  
19 from the time we give you conditional.

20 MR. WAHEED: Okay.

21 CHAIRMAN BRAND: So after tonight the  
22 clock is ticking.

23 MR. WAHEED: Six months. Absolutely.  
24 When it is completed, so if it's done in the  
25 summer or done next month, all I do is go to the

2 building inspector, --

3 CHAIRMAN BRAND: Yup.

4 MR. WAHEED: -- show him everything,  
5 that's it?

6 CHAIRMAN BRAND: He signs off on it and  
7 then Jen tells me that everything -- all the  
8 conditions have been fulfilled, I sign the map.

9 MS. FLYNN: Escrow has to be paid.

10 CHAIRMAN BRAND: The escrow is paid?

11 MS. FLYNN: The escrow has to be paid  
12 before you can sign the maps also.

13 CHAIRMAN BRAND: Right.

14 MR. WAHEED: I thought I paid all that.

15 MS. FLYNN: Now you're here again, so  
16 you have the stenographer, the lawyer who will be  
17 billing you again.

18 MR. WAHEED: That was for before?

19 MS. FLYNN: Yes.

20 MR. WAHEED: Okay.

21 CHAIRMAN BRAND: Hopefully -- like I  
22 said, otherwise you have to start all over again,  
23 new escrow, new fees.

24 MR. WAHEED: Right. It's the whole  
25 cost thing. It's a lot. I purchased that

2 property like that ---

3 CHAIRMAN BRAND: I understand.

4 MR. WAHEED: -- then I doubled my  
5 purchase by force because they had my pool and  
6 they were going to auction it. Really a  
7 nightmare.

8 MR. BLASS: Let me ask you a question.

9 Six months is definitely the outside date in the  
10 minds of the Planning Board. Would you consent  
11 to an additional condition that there's no  
12 further extensions of that six-month timeframe?

13 MR. WAHEED: Yeah, sure. That's fine.

14 MS. LANZETTA: Why does he have to  
15 consent to that?

16 MR. BLASS: Because there's a statute  
17 that basically provides for renewals,  
18 extensions --

19 MS. LANZETTA: Oh.

20 MR. BLASS: -- of the six months by two  
21 additional ninety-day periods. So what's being  
22 presented to you is either the Planning Board  
23 imposes a condition that says three months or  
24 four months, or sooner than six months, or you  
25 waive.

2 MR. WAHEED: That's fine. I agree.

3 Six months is fine. That's fine. I'm going to  
4 get right on it. I'm not waiting until five  
5 months and twenty-five days. I want to make that  
6 clear to you. I'm just trying to figure out the  
7 easiest way besides breaking everything apart and  
8 making a mess. I'm trying to take it away in  
9 mostly one piece, you know.

10 CHAIRMAN BRAND: Do I have any other  
11 comments from Board Members?

12 (No response.)

13 CHAIRMAN BRAND: Anything down there?  
14 Steve, anything?

15 MR. CLARKE: No.

16 CHAIRMAN BRAND: Okay. Jen, could you  
17 poll the Board?

18 MS. FLYNN: Chairman Brand.

19 CHAIRMAN BRAND: Yes.

20 MS. FLYNN: Member Lanzetta.

21 MS. LANZETTA: Yes.

22 MS. FLYNN: Member Truncali.

23 CHAIRMAN BRAND: Absent.

24 MS. FLYNN: Member Trapani.

25 MR. TRAPANI: Yes.

2 MS. FLYNN: Member Lofaro.

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Clarke.

5 MR. CLARKE: Yes.

6 MS. FLYNN: Member Cauchi.

7 MR. CAUCHI: Yes.

8 CHAIRMAN BRAND: Excellent. You're all  
9 set.

10 MR. WAHEED: Thank you. I appreciate  
11 your patience.

12 MR. LOFARO: Can I just suggest  
13 something to you? I don't know anything about  
14 your trailer. You seem to be concerned about the  
15 cost of getting rid of it. I'm sure a lot of  
16 people will come and take that for free, scrap  
17 metal or whatever.

18 MR. WAHEED: I have it online. You  
19 have no idea. I've had fifty people who, I want  
20 it, I want it. Once they start thinking about  
21 the cost to move it -- I have it online. It's  
22 online. I have it on E-Bay. Anything.

23 MR. LOFARO: Give it away.

24 MR. WAHEED: I have to light a fire  
25 under somebody.

2 CHAIRMAN BRAND: Good luck.

3

4 (Time noted: 8:22 p.m.)

5

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

7

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

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

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

17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 27th day of April 2017.

19

20

*Michele Conero*

21

---

MICHELLE CONERO

22

23

24

25

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

In the Matter of

## LUVERA PROPERTIES

Project No. 16-9011

1987-1989 Route 9W

Section 103.1; Block 1; Lot 5

## FINAL - SITE PLAN

Date: April 17, 2017

Time: 8:30 p.m.

Place: Town of Marlborough  
Town Hall

21 Milton Turnpike  
Milton, NY 12547

15                   BOARD MEMBERS:           CHRIS BRAND, Chairman

BEN TRAPANT

BER TRAILER  
CINDY LANZETTA

CINDI BRUNDTT  
JOSEPH LOEFER

JOSEPH LUFAR  
MANNY CAUGHT

MANN CAUCHI  
AMERICAN STAPLES

ALSO PRESENT: RONALD BLASS ESO

RONNIE BURSS,  
PATRICK HINES

PATRICK HINES  
VIRGINIA ELYNN

21 APPLICANT'S REPRESENTATIVES: DEAN LIVERA

22 \_\_\_\_\_ X

MICHELLE L. CONERO

MICHELENE H. CONNER

10 WESSEVIEW DRIVE  
WALLKILL, NEW YORK 12589

NEW YORK  
(845)895-3018

25

2 CHAIRMAN BRAND: Next up, Luvera  
3 Properties.

4 How are you?

5 MR. LUVERA: Good. And you?

6 CHAIRMAN BRAND: Good. Do you want to  
7 bring everybody up to speed on what we're doing  
8 here?

9 MR. LUVERA: We're making a site plan,  
10 revised I guess you could say, and making a  
11 rental.

12 CHAIRMAN BRAND: Okay. Pat, do you  
13 have the comments?

14 MR. HINES: We don't have any other  
15 outstanding comments other than the previous  
16 ones. The highway work permit would be required.  
17 I believe Ron's tied the rest of the action up in  
18 the resolution.

19 CHAIRMAN BRAND: Okay. Ron, do you  
20 want to run through the conditions for the  
21 approval for this?

22 MR. BLASS: Have we already done the  
23 public hearing? I apologize.

24 MR. LUVERA: Yeah.

25 CHAIRMAN BRAND: I believe so. He's

2 been here several times.

3 MR. LUVERA: We did. We're pretty much  
4 done. We were waiting for the signs.

5 MR. BLASS: So turning your attention  
6 to page --

7 CHAIRMAN BRAND: Do you have a copy he  
8 can look at as well, Jen?

9 MS. LANZETTA: Ron, we should -- with  
10 your whereases, we should insert in there, too,  
11 when the public hearing was held.

12 MR. LUVERA: Page?

13 CHAIRMAN BRAND: We're not there yet.

14 MS. LANZETTA: Between 2 and 3 --

15 MR. BLASS: I'm sorry?

16 MS. LANZETTA: Between 2 and 3 where  
17 you list that we did a neg dec and Ulster County  
18 looked at it, we should probably include in there  
19 on which date we had the public hearing.

20 MR. BLASS: Sure.

21 Turning your attention to the  
22 conditions of the conditional approval --

23 CHAIRMAN BRAND: It was March 20th.

24 MR. BLASS: March 20th was the public  
25 hearing?

2 CHAIRMAN BRAND: Yes.

3 MR. BLASS: Okay. So the first  
4 condition is 3-A on page 8, that no building  
5 permit will be issued until final approval by the  
6 DOT, access location limitations and sidewalk  
7 detail.

8 The next paragraph deals with ensuring  
9 compliance with site improvements, particularly  
10 the curbing, landscaping -- interim landscaping  
11 of the curbing with dirt and grass and ultimate  
12 installation of the sidewalks. It's been  
13 represented by the applicants, if I recall  
14 correctly, that the DOT will be telling the  
15 applicant when it wants the sidewalks installed,  
16 which may be later than DOT approval of the  
17 access for Route 9W, although I find that hard to  
18 comprehend, honestly. So paragraph 3-B deals  
19 with a performance bond.

20 CHAIRMAN BRAND: You said we're  
21 scratching that -- all of 3-B on page 8?

22 MR. BLASS: I would scratch, at Tom's  
23 request, building in compliance related to  
24 temporary CO or revocation of CO.

25 If you would shoot over to the top of

2 page 9 and take a look at alternative B which is  
3 in brackets. That basically provides for a  
4 performance bond in an amount to be determined by  
5 the building inspector for the construction of  
6 the curbing, interim landscaping within the  
7 curbing and installation of sidewalks required by  
8 NYSDOT. Within the performance bond, the time  
9 for performance with the curbing and the interim  
10 landscaping within the curbing shall be on or  
11 before November 1, and the time for performance  
12 of the sidewalks shall be within three months  
13 after DOT's requirement for sidewalk  
14 construction.

15 CHAIRMAN BRAND: So my question with  
16 that was if per chance the DOT decides that they  
17 don't need to have a sidewalk, then he would just  
18 be fine with his grass -- manicured grass in the  
19 curbing that we talked about last time?

20 MR. LUVERA: Final grass.

21 MR. BLASS: And the maintenance  
22 thereof.

23 CHAIRMAN BRAND: Correct.

24 MR. BLASS: I think there's a sidewalk  
25 detail on the plan submitted to DOT.

2 CHAIRMAN BRAND: Yes.

3 MR. BLASS: It's hard for me to  
4 comprehend how the DOT would approve the  
5 application and not require the sidewalks shown  
6 in the application. I don't predict that's going  
7 to happen. So I really -- it's somewhat  
8 predictable that the DOT approval will provide  
9 for the sidewalks, and we can run probably a  
10 common date for performance of everything.

11 MR. LUVERA: I'm not putting sidewalks  
12 in.

13 MR. BLASS: Pardon me?

14 MR. LUVERA: I'm not putting sidewalks  
15 in.

16 MR. BLASS: Oh, okay. So I may have a  
17 faulty recollection but I think last time --

18 MR. LUVERA: We took that out of the  
19 plan. The sidewalk is out of the plan and it's  
20 left in there saying that if they want sidewalks  
21 down the road there's a variance for the  
22 sidewalks.

23 UNIDENTIFIED SPEAKER: This will be  
24 constructed in the manner moving forward should  
25 the sidewalks be recommended.

2 CHAIRMAN BRAND: That's what we said  
3 but we don't know what DOT has said at all.

4 UNIDENTIFIED SPEAKER: I think he met  
5 with DOT.

6 MR. LUVERA: I met with DOT. He just  
7 wants a provision saying if they want sidewalks  
8 down the road --

9 CHAIRMAN BRAND: We don't know that. I  
10 believe you.

11 UNIDENTIFIED SPEAKER: DOT had zero  
12 position on sidewalks. They were more concerned  
13 about curbing, the physical curbing and the  
14 entrances to the location. The sidewalk was not  
15 requested.

16 CHAIRMAN BRAND: Okay.

17 MR. BLASS: So if the DOT doesn't  
18 require sidewalks, then there won't be a need for  
19 a bond to cover the installation of the  
20 sidewalks.

21 CHAIRMAN BRAND: But there will be for  
22 the curbing?

23 MR. BLASS: My understanding is that  
24 the curbing was to enclose an area, to define the  
25 width of the sidewalks, the length of the

2 sidewalks, --

3 MS. LANZETTA: Yes.

4 MR. BLASS: -- and that the interim  
5 placement of dirt and seed would be to prevent  
6 injury to pedestrians up until the time that  
7 sidewalks were installed flush with the curb.

8 MS. LANZETTA: Right.

9 CHAIRMAN BRAND: The performance bond  
10 would cover the installation of the curbing as  
11 well.

12 MR. BLASS: Yeah. Yeah.

13 MS. LANZETTA: The curbing, yeah.

14 MR. BLASS: Am I incorrect in  
15 understanding that the curbing is of a nature  
16 which would enclose an area?

17 MR. HINES: In three different spots.  
18 Four.

19 MR. BLASS: In four different spots.

20 So there will be an outer curb and an inner curb  
21 with an area between where somebody could roll an  
22 ankle if it wasn't --

23 MR. LUVERA: When we put the curbing in  
24 we're going to fill it with dirt and grass on the  
25 inside.

2 MR. BLASS: And whether sidewalks are  
3 required, you're saying, is up to the DOT and  
4 you're saying they don't want them?

5 MR. LUVERA: They don't have any need  
6 for them at this time but they want a --

7 MR. BLASS: So this curbing will be a  
8 glorified planter area.

9 MR. LUVERA: Precisely.

10 MR. HINES: It defines the access.

11 MR. BLASS: Got it.

12 CHAIRMAN BRAND: And does provide --  
13 with the grass and the maintenance of the grass  
14 does provide somewhat of a safe walking point for  
15 pedestrians.

16 MR. BLASS: So if it plays out the way  
17 the applicant predicts, then the curbing and  
18 landscaping within the curbing would need to be  
19 completed by November 1 under this condition.

20 MR. LUVERA: November 1?

21 MR. BLASS: Yeah.

22 MR. LUVERA: I probably need a little  
23 more time than that.

24 UNIDENTIFIED SPEAKER: The goal here,  
25 guys, is to get this business up and running so

2 we can produce the money --

3 MS. LANZETTA: What's a little more  
4 time?

5 CHAIRMAN BRAND: The business would be  
6 up and running but this would still have to be  
7 done before that, otherwise the performance bond  
8 kicks in and then we do it and --

9 UNIDENTIFIED SPEAKER: I certainly  
10 can't speak on Dean's behalf. Can I request the  
11 Board make it at least a year? We're kind of  
12 going into slow season, at least for his  
13 business.

14 MS. LANZETTA: I don't think the DOT  
15 will go for a year.

16 MR. LUVERA: I think the DOT may go for  
17 two.

18 MR. BLASS: Backing up a second. This  
19 approval really isn't worth anything until you  
20 have DOT approval.

21 MR. LUVERA: Correct.

22 MR. BLASS: The DOT is going to want  
23 curbing to control access to the site. That's  
24 the purpose of the curbing.

25 MR. LUVERA: Mm'hm'.

2 UNIDENTIFIED SPEAKER: We'll have a  
3 minimal at least a year to get that done from  
4 this date.

5 MR. BLASS: According to whom?

6 MR. LUVERA: DOT gave me a timeframe in  
7 which they wanted it done.

8 MR. BLASS: Well that's probably  
9 something you'll find out when you get your  
10 permit.

11 UNIDENTIFIED SPEAKER: From my  
12 understanding, we would get at least a year if  
13 not potentially two, historically speaking in a  
14 different township where I have a different  
15 project similar to this.

16 MR. BLASS: Somewhat speculative  
17 because the DOT will tell you --

18 UNIDENTIFIED SPEAKER: Right.

19 MR. BLASS: -- when it wants those  
20 curbs in to control the access to the site.

21 UNIDENTIFIED SPEAKER: My only hope is  
22 we can match at least a minimal year from today's  
23 date to get this done to match that until when --  
24 I'm speculating this is going to happen with the  
25 State.

2 MR. BLASS: So the site plan proposes  
3 the curbing and planting area, and your request  
4 of the Planning Board is to delay the completion  
5 of those traffic access management devices until  
6 a year out from today?

7 UNIDENTIFIED SPEAKER: Precisely. I  
8 mean for financial purposes here. This isn't a  
9 very small project, as I'm sure you can  
10 appreciate. They have to be bonded, there's  
11 insurance, there's flaggers. It's a process. I'm  
12 sure you can understand. Ideally, you know, we  
13 need a place to start turning a profit for this  
14 to work. That's kind of the goal at this point.  
15 We would love to do it. We have all intentions  
16 on doing it, trust me.

17 MR. LUVERA: I'm pulling in and out of  
18 there for twenty something years now the way it  
19 is. To say there's a ton more traffic right now,  
20 there isn't. You know, there's curb cuts there  
21 right now for people to pull in and out of  
22 safely.

23 MR. BLASS: I understand what you're  
24 saying. You have to understand what my role is.  
25 I don't make any decisions. We're just

2 developing what the issue is and the Board's  
3 going to make a decision, and the DOT will  
4 ultimately make a decision as well, about this  
5 timeline.

6 MR. LUVERA: Right.

7 UNIDENTIFIED SPEAKER: If it's of any  
8 interest, I can tell you that from the other  
9 tenants that were in that building, the  
10 restaurant occupying it, have left. So now that  
11 other area is vacant. I'm sure it's reducing the  
12 amount of income being brought into this project.  
13 We're trying to do this diligently.

14 MR. BLASS: What if the condition was  
15 the curbing and the planting area would be  
16 completed within the timeframe established by the  
17 DOT?

18 CHAIRMAN BRAND: That's what I was  
19 going to say.

20 MS. LANZETTA: Yeah, I think that --

21 UNIDENTIFIED SPEAKER: I would a  
22 hundred percent agree with that. That's kind of  
23 what I meant. When we said six months, we're  
24 hoping to have a time lapse. We don't want to  
25 have an issue with the local planning board

2 outside of DOT's requisite. That's my big  
3 concern.

4 CHAIRMAN BRAND: We just have that time  
5 to coincide with DOT's time schedule.

6 UNIDENTIFIED SPEAKER: I'm sure the  
7 applicant himself would agree to that if that  
8 was --

9 MR. BLASS: So with that condition, do  
10 you feel you need bonding or no?

11 CHAIRMAN BRAND: I'm sorry?

12 MR. BLASS: You need performance  
13 bonding?

14 MS. LANZETTA: Yes.

15 CHAIRMAN BRAND: I would think so.

16 MS. LANZETTA: The curbing.

17 CHAIRMAN BRAND: Again, we have no  
18 recourse if they don't.

19 MR. BLASS: We keep the condition  
20 calling for performance bonding and make the date  
21 for performance within the bond the date  
22 established by the DOT.

23 UNIDENTIFIED SPEAKER: Can I ask a  
24 question? This performance bond, wouldn't the  
25 recourse be we would never have final approval on

2 site plan, we would lose all that as opposed to  
3 the bond itself?

4 MR. BLASS: This is an interesting  
5 situation because, as you said, the businesses  
6 are already there. To the extent they're  
7 continuing --

8 UNIDENTIFIED SPEAKER: There's none  
9 there now. It's vacant. I'm there moving in and  
10 trying to get things setup. The restaurant that  
11 occupies next door to my rental is now vacant.

12 MR. BLASS: There are some commercial  
13 activities that have been there in the past and  
14 are continuing there today. It's not like you're  
15 building and developing a new site.

16 MR. LUVERA: Right.

17 MR. BLASS: I think that's the thought  
18 process for the bond, is to make sure that given  
19 the fact it's an active commercial site, that the  
20 work gets done.

21 UNIDENTIFIED SPEAKER: I understand. I  
22 just was assuming that the recourse -- having  
23 said that, the recourse would be we would have to  
24 start over.

25 MR. LUVERA: The original site plan.

2 UNIDENTIFIED SPEAKER: I think a bond  
3 for this kind of project is a bit much.

4 MR. BLASS: If it was a new development  
5 that wasn't already there, I could see that  
6 working out. Since it's already there, I  
7 think --

8 MR. LUVERA: It's been there.

9 MR. BLASS: -- the Board is looking for  
10 additional compliance.

11 UNIDENTIFIED SPEAKER: With all due  
12 respect, we've gone further than any applicant  
13 previously at this location. They just decided  
14 one day to put up a wall and rent the place.  
15 With all due regard, I think a performance bond  
16 is a bit much to ask. We clearly have an  
17 intention to get this done.

18 MR. BLASS: Again, that's up to the  
19 Board.

20 UNIDENTIFIED SPEAKER: I understand.  
21 I'm just trying to make this work for everybody.  
22 It's a big financial burden for the property  
23 owner himself. It's a big financial burden for  
24 me as a renter trying to get this business open.

25 CHAIRMAN BRAND: All the performance

2 bond does is ensure that you will do what you  
3 said that you would do.

4 UNIDENTIFIED SPEAKER: A hundred  
5 percent. Is that the total project? What does  
6 that go to from the financial side of things  
7 here?

8 CHAIRMAN BRAND: It just ensures that  
9 you put up the curbing. I don't know what fees,  
10 if any, apply to --

11 MR. CLARKE: One and two percent of the  
12 project.

13 UNIDENTIFIED SPEAKER: Okay. That was  
14 the answer that was concerning me about it.  
15 Okay.

16 CHAIRMAN BRAND: So to go congruent  
17 with DOT approval? That's where we're at. Okay.  
18 C is the same?

19 MR. BLASS: C is installation of  
20 sidewalks and curbing required by DOT. This is  
21 -- it does say that prior to the sidewalks, if  
22 they ever are required, the applicant shall add  
23 soil and grass seed to the future sidewalk area  
24 between the curbs in a fashion of drop off and is  
25 acceptable to the building inspector. So people

2 don't get hurt basically is the intent. Until  
3 sidewalks are installed the applicant shall  
4 maintain the area of grass -- soil and grass. So  
5 no sidewalks are required, it's just to maintain.

6 Activities shall be limited to the  
7 areas identified and noted on the project plans,  
8 which should not come as a surprise.

9 Then the condition for payment of all  
10 fees and defraying of all consultant expenses of  
11 the Town. A standard condition.

12 With respect to paragraph 4, there is  
13 an override by supermajority vote of the  
14 recommendations of County Planning. I believe  
15 County Planning had recommendations with respect  
16 to lighting and with respect to signage which has  
17 been handled by a variance issued by the ZBA last  
18 Thursday night as I understand it. So to the  
19 extent that there's a deviation from the  
20 recommendations of Ulster County Planning --

21 CHAIRMAN BRAND: And landscaping.

22 MR. BLASS: Landscaping as well.

23 CHAIRMAN BRAND: They asked for  
24 additional landscaping.

25 MR. BLASS: Right. Exactly. The Board

2 is basically concluding here that the lighting  
3 and landscaping on the plan are adequate given  
4 the existing nature of the use and property and  
5 the neighborhood. For that reason we would be  
6 overriding Ulster County Planning Board by a  
7 supermajority vote.

8 CHAIRMAN BRAND: Comments from the  
9 Board?

10 (No response.)

11 CHAIRMAN BRAND: Are we comfortable  
12 with moving forward with the resolution? If  
13 someone would make that motion.

14 MS. LANZETTA: I'll make the motion  
15 that we move forward with the resolution of  
16 conditional approval with the amendments that we  
17 referred to in these discussions.

18 CHAIRMAN BRAND: Is there a second?

19 MR. CLARKE: I'll second it.

20 CHAIRMAN BRAND: Jen, will you please  
21 poll the Board.

22 MS. FLYNN: Chairman Brand.

23 CHAIRMAN BRAND: Yes.

24 MS. FLYNN: Member Truncali.

25 CHAIRMAN BRAND: Absent.

2 MS. FLYNN: Member Trapani.

3 MR. TRAPANI: Yes.

4 MS. FLYNN: Member Lanzetta.

5 MS. LANZETTA: Yes.

6 MS. FLYNN: Member Lofaro.

7 MR. LOFARO: Yes.

8 MS. FLYNN: Member Cauchi.

9 MR. CAUCHI: Yes.

10 MS. FLYNN: Member Clarke.

11 MR. CLARKE: Yes.

12 MR. HINES: I'm not sure we ever did a  
13 neg dec.

14 MS. LANZETTA: Yes, we did. It's in  
15 here. It's April 17th.

16 MR. HINES: It needed that to get to  
17 DOT I believe. Today is April 17th.

18 MR. BLASS: I wrote this as if a  
19 negative dec --

20 MR. HINES: We're just ahead of  
21 ourselves. We need to do it --

22 MS. LANZETTA: Oh.

23 MR. HINES: Today is that day.

24 MS. LANZETTA: I'm looking at you like  
25 what.

2 CHAIRMAN BRAND: A motion for a  
3 negative declaration for the project.

4 MR. LOFARO: I'll make a motion for a  
5 negative declaration for the project.

6 CHAIRMAN BRAND: A second?

7 MR. TRAPANI: I'll second.

8 CHAIRMAN BRAND: All those in favor?

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN BRAND: Aye.

15 Any opposed?

16 (No response.)

17 CHAIRMAN BRAND: Excellent. I think  
18 we're good with Luvera Properties; correct?

19 MS. LANZETTA: Mm'hm'.

20

21 (Time noted: 8:46 p.m.)

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

5

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

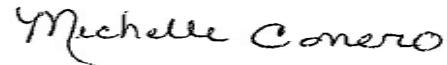
9                   That hereinbefore set forth is a  
10 true record of the proceedings.

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

15                  IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 27th day of April 2017.

17

18



19

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MICHELLE CONERO

20

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

In the Matter of

JOHN & THERESA SHILLIETO

Project No. 17-1009

63 Milton Turnpike

Section 103.1; Block 4; Lot 50.1

## SKETCH

LOT LINE REVISION

11 Date: April 17, 2017  
12 Time: 8:47 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:     CHRIS BRAND, Chairman  
16                             BEN TRAPANI  
16                             CINDY LANZETTA  
17                             JOSEPH LOFARO  
17                             MANNY CAUCHI  
17                             STEVE CLARKE

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 CHAIRMAN BRAND: Moving right along.

3 John and Theresa Shillieto.

4 Do you want to give us a description,  
5 Patti, of what's going on?

6 MS. BROOKS: Sure thing. John and  
7 Theresa Shillieto own two contiguous parcels of  
8 land located on Old Milton Turnpike near the  
9 intersection with Milton Turnpike. Lot 1 is a 1  
10 acre parcel and lot 2 is a 12.31 acre parcel.  
11 The building on tax map lot 50.1, the 1 acre  
12 parcel, was formerly a residential structure. It  
13 has not been inhabited for several years. I  
14 believe the fire department actually used it as a  
15 training facility right now. They're looking to  
16 consolidate the two parcels to combine it to a  
17 13.31 acre parcel.

18 CHAIRMAN BRAND: Pat?

19 MR. HINES: Neither myself nor the code  
20 enforcement officer was aware of the status of  
21 the building. He, in his referral to the Board,  
22 identified it as an existing residential  
23 structure. I think it needs to go away before --

24 MS. BROOKS: Yeah. It is not a  
25 residential structure. In fact, the fire

2 department has been using it as a training  
3 facility for years.

4 MR. HINES: What is it?

5 MS. BROOKS: It's a shell of a former  
6 residential structure. I mean it doesn't meet  
7 the building code of a habitable residential  
8 structure.

9 MR. BLASS: That might be managed by a  
10 condition that it remain in it's current state  
11 and not be converted to a residential structure.

12 CHAIRMAN BRAND: And/or demolished,  
13 removed?

14 MR. BLASS: Yeah.

15 MR. HINES: Then the garage, is that  
16 the same status? The garage on that same lot?

17 MS. BROOKS: I don't know what you mean  
18 about the same status.

19 MR. HINES: Is it usable? It's an  
20 accessory structure in a front yard setback. If  
21 it's not going to be habitable either, that same  
22 not can --

23 MS. BROOKS: Right. That was pre-  
24 existing.

25 MR. HINES: Now we're changing the lot

2 line.

3 MS. BROOKS: You mean not to use it as  
4 a garage?

5 MR. HINES: Yes.

6 MS. BROOKS: Yes. I understand.

7 MR. HINES: I guess the goal here would  
8 be to make these structures go away. They're not  
9 going to continue to be the fire department  
10 training center.11 MS. BROOKS: The fire department would  
12 prefer obviously that it stay there.13 CHAIRMAN BRAND: He's not here tonight.  
14 He he's always here.

15 MS. LANZETTA: Mr. Troncillito?

16 CHAIRMAN BRAND: Yes.

17 MR. TRAPANI: You have Dave out there.  
18 He would know.

19 CHAIRMAN BRAND: You're a fireman?

20 MR. MANESSE: Yeah. That particular  
21 structure doesn't have running water or electric.  
22 The fire department has blasted through the  
23 windows and the doors. We've done some  
24 structural integrity reenforcement just to make  
25 it safe to train in. It's not just training for

2 us. It's training for Ulster County. Multiple  
3 departments head to that location for multiple  
4 classes a year. They've always been more than  
5 fair in extending their home and front lawn for  
6 training.

7 CHAIRMAN BRAND: Thank you.

8 MS. BROOKS: Can you tell us anything  
9 about the garage?

10 MR. MANNESE: I mean I've been feet  
11 from it. I never gave it a second look.

12 MS. BROOKS: Nobody is using it as a  
13 garage right now?

14 MR. MANNESE: Nobody is using it.

15 There might things that are usable but --

16 MS. LANZETTA: Can we ask to have the  
17 garage removed and just leave the training  
18 facility?

19 MR. HINES: I think we just want to  
20 have the note saying it's not going to be a  
21 residential structure.

22 CHAIRMAN BRAND: And the garage won't  
23 be used as a --

24 MR. HINES: Accessory structure.

25 MS. BROOKS: In speaking with the

2 Shillietos, they're not opposed to removing that  
3 in the future. They said they would prefer not  
4 to do it at this point in time since it's  
5 currently being utilized by the fire department.  
6 If there were a concern and you wanted to -- I  
7 also understand the concern that you don't want  
8 to have derelict structures on a property that  
9 aren't being maintained. I don't think the  
10 applicant would have a problem with saying when  
11 it ceases to be used as a fire training building  
12 it would be removed.

13 CHAIRMAN BRAND: What do you think,  
14 Ron?

15 MS. BROOKS: I understand your concern.  
16 I guess what you're saying is because the --  
17 because we're combining the lots and the  
18 residence is up on the hill, technically we're  
19 not supposed to have any accessory structures in  
20 the front yard and now we're going to have two.

21 MR. HINES: Now we have two of these  
22 things.

23 MS. BROOKS: I do understand the  
24 Board's point. There are, however, extenuating  
25 circumstances in this particular application.

2 MR. BLASS: So the purpose of the  
3 application is to make one lot out of two?

4 MR. HINES: Yes.

5 MR. BLASS: And the new consolidated  
6 lot will be for the purpose of a residential  
7 structure and a fire training center -- I think  
8 that's what we're talking about -- for as long as  
9 the owner is willing to assume the liability of  
10 making it a fire training structure. So you've  
11 got a mixed use situation in addition to  
12 perpetuating a setback problem. The accessory  
13 structures is violating the setback requirements.  
14 So again, without trying to judge it, it would be  
15 much cleaner just to do a lot consolidation for a  
16 single family residential purpose as opposed to a  
17 mixed use.

18 MS. BROOKS: Okay. And just say that  
19 the dwelling -- the building shown on tax map lot  
20 50 shall never be utilized as a residential  
21 structure?

22 MR. BLASS: Right.

23 MS. BROOKS: Got it.

24 MR. BLASS: And the garage will not be  
25 used as a garage.

2 MS. BROOKS: Okay.

3 CHAIRMAN BRAND: That would be just  
4 move forward with this at the next meeting. This  
5 falls under the new law; correct?

6 MR. BLASS: I think it does. It's a  
7 consolidation.

8 MS. LANZETTA: Mm'hm'.

9 MR. HINES: We would recommend a  
10 negative declaration and you can take action if  
11 you'd like I guess.

12 MR. BLASS: You can take action now or  
13 wait until the next meeting when there's a  
14 resolution.

15 CHAIRMAN BRAND: We have a written  
16 resolution. Are Mr. and Mrs. Shillieto in a  
17 hurry for this? Could they wait until the next  
18 meeting?

19 MS. BROOKS: I don't think it matters  
20 to them.

21 CHAIRMAN BRAND: Okay. I have no  
22 problem with the negative declaration but we'll  
23 wait for the resolution to be written up so we  
24 have the terms.

25 Do I have a motion for the negative

2 declaration?

3 MR. CAUCHI: I'll make a motion for a  
4 negative declaration.

5 CHAIRMAN BRAND: Is there a second?

6 MR. LOFARO: I'll second.

7 CHAIRMAN BRAND: All those in favor,  
8 say aye.

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN BRAND: Aye.

15 Any opposed?

16 (No response.)

17 CHAIRMAN BRAND: All right. So we  
18 should be able to have that motion -- we don't  
19 have to do a public hearing. We should be able  
20 to have the motion ready for you at our next  
21 meeting I think.

22 MS. LANZETTA: Resolution.

23 MS. BROOKS: Okay.

24 (Time noted: 8:50 p.m.)

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

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6

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

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

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

16                  IN WITNESS WHEREOF, I have hereunto  
17                  set my hand this 27th day of April 2017.

18

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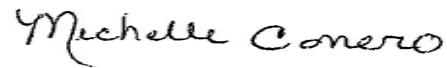
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MICHELLE CONERO

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

In the Matter of

HANS TAYLOR

Project No. 17-1010

65 Woodcrest Lane

Section 103.3; Block 3; Lot 15.2

## SKETCH - SITE PLAN

11 Date: April 17, 2017  
12 Time: 8:51 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:     CHRIS BRAND, Chairman  
16                             BEN TRAPANI  
16                             CINDY LANZETTA  
17                             JOSEPH LOFARO  
17                             MANNY CAUCHI  
17                             STEVE CLARKE

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

21 ADDICANT'S REPRESENTATIVE: HANS TAYLOR

MICHELLE T. CONERO

MICHELLE L. CONERU  
10 Wagtail Lane

10 Westview Drive  
Wallkill, New York 12589

111, New York  
(845) 895-3018

25

2 Taylor.

3 MR. TAYLOR: Good evening.

4 CHAIRMAN BRAND: How are you? Would  
5 you just like to give us a little overview of  
6 what it is you have for us?7 MR. TAYLOR: What I'm asking for, I  
8 have a lower area on the front side of my home,  
9 more towards the east, that I'd like to fill and  
10 create more lawn area. You know, just speaking  
11 with Tommy, he was really questionable about  
12 whether I actually needed to go through the  
13 process or not. I said I'd rather just get it in  
14 place in case -- you know, any more I'm watching  
15 the news and seeing DEC and all these people  
16 stopping projects. I just want to make sure that  
17 I got the documents in front of everybody, you  
18 know.19 CHAIRMAN BRAND: You're just grading in  
20 the back of the drop?21 MR. TAYLOR: Correct. I have an  
22 elevation change there that I'd like to fill in.  
23 So that's really all I'm doing on the bottom  
24 side. Virgin material. I'm not looking to  
25 import material from, you know, out of -- just it

2 would be a virgin type material. It's my own  
3 personal residence so I'm not trying to, you  
4 know, create some dumping ground. I'm looking  
5 just to extend my lower plateau area. I have  
6 plenty of room, a couple hundred feet from CSX's  
7 right-of-way. So, you know, it's under an acre.

8                   When I spoke to my engineer and Tommy,  
9 there was some question about the stormwater  
10 pollution prevention plan. I didn't think I  
11 needed one. Mr. Hines responded and said there  
12 was some erosion control plan he's looking for.  
13 You know, I'll have my engineer just generate  
14 that and change -- I know there were some issues  
15 with the contours of the mapping. I'm certainly  
16 amenable to get the document right and the plans  
17 right.

18                   CHAIRMAN BRAND: Pat, did you want to  
19 run through your comments?

20                   MR. HINES: This is here under your  
21 stormwater management regulations because it  
22 exceeds the threshold that would require  
23 submittal to the Planning Board on that. It's  
24 less than the one acre where the DEC does but  
25 your stormwater regs were more stringent when

2 they were written. There's some technical issues  
3 on the grading plan. The contours need to be  
4 adjusted. An example being the lower 90 contour  
5 crosses the 80. If you cross a contour with a  
6 contour you need to repeat that. There's a  
7 little bit more grading that's going to be needed  
8 on there.

9                   Then we're looking for some stormwater  
10 erosion and sediment control, a silt fence at the  
11 bottom of the hill. Depending on the material, I  
12 don't know where you're getting it from, if  
13 there's rocks we want to make sure they don't  
14 roll all the way down to the CSX. It's fairly  
15 steep back there.

16                   Just for Mr. Taylor's benefit, I know  
17 your septic system is somewhere in the area. I  
18 just want to make sure you stay away from that.

19                   There's a seeding specification.

20                   There's a little technical work that  
21 needs to get done on the plan, some additional  
22 detail.

23                   Because it's a residential use, less  
24 than one acre disturbance, it just needs a soil  
25 erosion and sediment control plan.

2 MR. TAYLOR: I just got the comments  
3 today. Mark is away. He had his first  
4 grandchild so he wasn't able to attend tonight.

5 CHAIRMAN BRAND: Anything from the  
6 Board?

7 MS. LANZETTA: This isn't in the  
8 coastal zone, is it? The Hudson River coastal  
9 zone?

10 MR. HINES: It would be. If they  
11 needed a permit from the State, that would  
12 trigger. My understanding is that's controlled  
13 by the Department of State, the coastal zone. If  
14 they needed a State permit they would need  
15 submission to the Department of State, but they  
16 don't need a State permit.

17 MS. LANZETTA: I'm confused. They  
18 don't need -- how would they know if they need a  
19 State permit?

20 MR. HINES: How would who know? The  
21 applicant?

22 MS. LANZETTA: Yeah.

23 MR. HINES: They would have to exceed  
24 that one-acre threshold and they would need a  
25 State permit. They don't. They're not exceeding

2 the one acre here.

3 MS. LANZETTA: Okay. All right.

4 CHAIRMAN BRAND: Any other questions or  
5 comments?

6 (No response.)

7 CHAIRMAN BRAND: So this is my first  
8 grading application before us. I haven't seen  
9 this one yet. Does this have to go through a  
10 public hearing as well?

11 MR. HINES: I believe it does.

12 MR. BLASS: I think it does under the  
13 stormwater regulations.

14 CHAIRMAN BRAND: Okay. So we can  
15 schedule that for the --

16 MR. TAYLOR: If I'm under the DEC  
17 threshold why would I have to go to --

18 MR. HINES: The Town's more stringent.  
19 I think it's 10,000 square feet. I'm shooting  
20 from the hip here. I know it's lower than what  
21 you're proposing here.

22 CHAIRMAN BRAND: Do you think you'll  
23 have that stuff ready to go for the first meeting  
24 in May?

25 MR. TAYLOR: I'm sure we can. I don't

2 think it's too much to ask for to get the  
3 contours right. The plan I'm sure our  
4 environmental engineer can generate.

5 CHAIRMAN BRAND: The only other thing  
6 would be the mailings for the residents within  
7 500 feet.

8 MS. FLYNN: My cut off is Friday.

9 CHAIRMAN BRAND: This Friday for that  
10 meeting?

11 MS. FLYNN: Yes.

12 MR. TAYLOR: I'll try. I didn't know it  
13 needed a public hearing.

14 CHAIRMAN BRAND: To be honest, I've  
15 never seen this one.

16 MS. FLYNN: He would have to come get  
17 the names and addresses tomorrow to have it out  
18 by -- dated by Wednesday for the May 1st meeting.  
19 Otherwise he has to wait until the next meeting.  
20 You need that ten days.

21 MR. HINES: It might be better to wait  
22 for the next meeting just to make that threshold.

23 CHAIRMAN BRAND: That's fine. The  
24 second one in May. Okay. So do what you can to  
25 get it done and whenever that happens --

2 MR. HINES: That way you're not chasing  
3 the mailing by Wednesday.

4 MR. TAYLOR: Yeah.

5 CHAIRMAN BRAND: I guess that's it.

6 MR. TAYLOR: Thank you.

7 CHAIRMAN BRAND: Thank you.

8 MS. FLYNN: Is he doing the second  
9 meeting in May for the public hearing or the  
10 first meeting?

11 CHAIRMAN BRAND: I would do it the  
12 second. I have no problem having a public  
13 hearing the second meeting in May for that.

14 Ron, is there a possibility for us to  
15 waive that?

16 MR. BLASS: Waive what?

17 CHAIRMAN BRAND: The public hearing for  
18 that.

19 MR. BLASS: Well it may be that a  
20 public hearing is not required. I'll let you  
21 know tomorrow morning. I'm reading and listening  
22 at the same time.

23 CHAIRMAN BRAND: Okay. If it's not  
24 required he can just get that fixed up and come  
25 to the next meeting and be done?

2 MR. BLASS: Right.

3 CHAIRMAN BRAND: I'm sorry, Jen?

4 MS. FLYNN: He's still on for the May  
5 1st meeting?

6 CHAIRMAN BRAND: Yes. I would  
7 tentatively put him on there. If he gets  
8 everything, then we're good to go.

9 MR. TAYLOR: I'll find out shortly  
10 whether I have to mail everything out?

11 CHAIRMAN BRAND: We'll contact you  
12 tomorrow. If we don't need a public hearing,  
13 then you don't have to do the mailings.

14 MR. TAYLOR: Great.

15 CHAIRMAN BRAND: It would just be  
16 fixing the maps and coming back to the next  
17 meeting.

18 MR. TAYLOR: So I'll just clean up the  
19 issues that were generated by Pat and then  
20 provide --

21 MR. HINES: Call Jen tomorrow afternoon  
22 to see if you need a public hearing.

23 MS. FLYNN: I'm not in tomorrow  
24 afternoon.

25 MR. TAYLOR: Send me a smoke signal and

2 let me know. Thank you.

3

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

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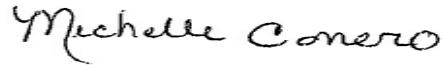
6 C E R T I F I C A T I O N

7

8 I, MICHELLE CONERO, a Notary Public  
9 for and within the State of New York, do hereby  
10 certify:11 That hereinbefore set forth is a  
12 true record of the proceedings.13 I further certify that I am not  
14 related to any of the parties to this proceeding by  
15 blood or by marriage and that I am in no way  
16 interested in the outcome of this matter.17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 27th day of April 2017.

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MICHELLE CONERO

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1 HANS TAYLOR

104

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

In the Matter of

5 TWIN POND ENTERPRISE

Project No. 16-9013

Project No. 10 3015  
2007 Route 9W  
Section 103.1; Block 1; Lot 3

## SKETCH - SITE PLAN

Date: April 17, 2017  
Time: 9:00 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15                   BOARD MEMBERS:     CHRIS BRAND, Chairman  
16    BEN TRAPANI  
16    CINDY LANZETTA  
17    JOSEPH LOFARO  
17    MANNY CAUCHI  
17    STEVE CLARKE

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
19 VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

25

2 CHAIRMAN BRAND: Next up, Twin Pond  
3 Enterprise.

4 Would you just provide the Board with a  
5 synopsis?

6 MS. BROOKS: Absolutely. We came here  
7 before the Board in December. Since that point  
8 in time the applicant has been working with  
9 Central Hudson and DOT, did some drainage work on  
10 the site and is now back with a revised plan  
11 showing the proposed relocation of the entrance  
12 to the side of the site.

13 We did submit a memorandum addressing  
14 each of the concerns that we had received from  
15 the Board and the review comments from the  
16 December 19th meeting.

17 CHAIRMAN BRAND: Do I have that?

18 MS. BROOKS: I believe you have it.

19 CHAIRMAN BRAND: Do we have the  
20 memorandum? Do you have a copy?

21 MS. FLYNN: I don't think I have that.

22 MS. BROOKS: I think we e-mailed it as  
23 well.

24 MS. FLYNN: I don't think I have that.  
25 I didn't print anything out.

2 MS. BROOKS: April 7th it was dated.

3 CHAIRMAN BRAND: So you basically went  
4 through Pat's comments from the previous meeting?

5 MS. BROOKS: Yes, item by item, and  
6 some of the others were issues that the Planning  
7 Board also had in the comments.

8 Do you have a comment letter for me?

9 MR. HINES: You didn't get one?

10 MS. BROOKS: No. Usually they e-mail  
11 it the day of. At the end of the day I went oh,  
12 I didn't get anything today.

13 CHAIRMAN BRAND: Pat, did you see this  
14 also?

15 MR. HINES: I'm checking right now. I  
16 received the maps.

17 MR. HINES: I got it on Tuesday, the  
18 11th. It's dated the 7th, yes. So I have it.

19 CHAIRMAN BRAND: Okay. Do want to run  
20 through your technical comments?

21 MR. HINES: Yup. There are some  
22 concerns on the site. I heard that there was  
23 some, I guess it was called grading work or  
24 drainage work. There's been an issue where since  
25 the applicant was before you last, on the south

2 end of the site there was some extensive grading  
3 that has diverted a significant amount of surface  
4 water to the front of the site. I know DOT was  
5 concerned about it. We were out on the Luvera  
6 site with DOT and they really didn't want to talk  
7 to us about the Luvera site, they wanted to talk  
8 to us about this site as we were proceeding  
9 there. There are drainage issues with DOT. I  
10 don't know if you're familiar with those.

11 MS. BROOKS: We met DOT out there, yup.

12 MR. HINES: It looks like some pipe has  
13 been placed onto the Luvera property during that  
14 work. Some pipes are crossing the property line  
15 now. It looks like that's going to need to be  
16 addressed. Basically a significant amount of  
17 stormwater has been diverted to the front of the  
18 site that used to be in a wetland area or pond in  
19 the back. We're going to want to see what  
20 happened on that site back there, if you can give  
21 us the grading. There's a large berm that was in  
22 the Central Hudson right-of-way that's been dug  
23 through. So I think that should be shown on the  
24 plan for the Board to figure out what's going on  
25 out there.

2 CHAIRMAN BRAND: Did you do that  
3 yourself or was that done?

4 MR. MANNESE: Yes.

5 CHAIRMAN BRAND: What did you do there?

6 MR. MANNESE: It's swamp water and  
7 there was a ditch there. We literally put a pipe  
8 in a ditch. That's pretty much it. And the pipe  
9 is crossing both lines because we both put it in.  
10 We dug it where the water was going. That's  
11 pretty much what it was. It was a swamp above me  
12 that drains down through the property. It went  
13 through a ditch. You couldn't see it because  
14 there was a dilapidated old chain link fence  
15 covering it, and underbrush and trees.

16 CHAIRMAN BRAND: That's your property  
17 or the other property?

18 MR. MANNESE: It's ninety percent mine.  
19 Now that it's geographically placed on a map you  
20 can see it crosses a little bit here and there.

21 MS. BROOKS: We did meet with DOT out  
22 there and they did have a concern about the water  
23 dumping where the outlet currently is. They were  
24 fine with continuing out towards 9W and then  
25 running the piping northerly and dumping into

2 where the existing culvert is. They recognize  
3 that the water was draining in that way but now  
4 it's being more forcefully channelized in one  
5 outlet, so they want to see it piped all the way  
6 up to the culvert, which is what's shown on the  
7 proposed plans.

8 CHAIRMAN BRAND: Where is the culvert?

9 MS. BROOKS: Right now it ends right  
10 there, that outlet. We're proposing to pipe it  
11 to here, to this catch basin, and then running it  
12 up to this three-foot box culvert that crosses  
13 9W.

14 CHAIRMAN BRAND: So this would all be  
15 underground?

16 MS. BROOKS: Correct. It's piped.

17 CHAIRMAN BRAND: This pipe I'm assuming  
18 is existing underneath the highway.

19 MS. BROOKS: Correct.

20 CHAIRMAN BRAND: All right.

21 MS. BROOKS: Their concern is that, and  
22 for anybody who is out there, it could cause  
23 flooding right here. They don't want that to  
24 happen.

25 MR. HINES: It was the date we were out

2 there.

3 MR. CLARKE: Is that just because you  
4 were draining a spot that was wet and once you  
5 get it drained you won't have that significant  
6 amount?

7 MR. HINES: There's a significant  
8 volume of water coming through there. I think  
9 the water didn't used to go in that direction.  
10 There was a large berm there that was dug  
11 through. When I say large berm, higher than the  
12 desk.

13 MR. CLARKE: I'm saying once the water  
14 drains out --

15 MR. HINES: There's a large tributary  
16 area.

17 MR. MANNESE: The water originally  
18 starts at Curry's. If you're not familiar with  
19 the area, Curry's is the pond up by Milton  
20 Turnpike and comes down through my father's  
21 property and comes down through Kent's orchard.  
22 The Town put a pipe in Mahoney Road and that  
23 water drains into the swamp land on the other  
24 side of Mahoney Road. That water comes down  
25 through Marchesse. The water has always come

2 down that way. It's just the way it goes.  
3 Nothing you can do about it. You can't stop it  
4 unless you put a berm and push it back towards  
5 Newburgh. That's literally the extent of it.

6 CHAIRMAN BRAND: Okay.

7 MR. HINES: I've got pictures. So  
8 along with that piping we're going to need pipe  
9 calculations and details showing what type of  
10 drainage system can be put in there. I'm sure  
11 DOT is going to ask you for the same thing to  
12 allow you to connect into their stormwater  
13 system.

14 The encroachment issue. That pipe now  
15 spans two properties back and forth a couple  
16 times. There may be a need for an easement on  
17 either property to allow it to remain and  
18 function.

19 So the truck turning template on the  
20 plans shows the truck driving over the newly  
21 proposed curb in some areas. That needs to get  
22 cleaned up or addressed in some way.

23 Consistent with the neighboring site  
24 plan we just discussed, this site plan has the  
25 opportunity to extend that defined curbing and

2 potential sidewalk area.

3 A further note, I know everybody said  
4 where do we starting these sidewalks.

5 CHAIRMAN BRAND: They're all  
6 connecting.

7 MR. HINES: Starting to connect  
8 together. I think the Board is going to require  
9 that.

10 DOT approval for the revised access  
11 drive. Since they were last here the access  
12 drive has been moved from the north portion of  
13 the lot to a more southerly portion of the lot.  
14 That's shown on the plans.

15 Parking spaces need to be 10 by 20.  
16 Handicap accessibility should be  
17 addressed with the appropriate signage and  
18 striping.

19 Inverts for all proposed stormwater  
20 piping should be depicted on the plans.

21 Pavement sections should be added to  
22 the plan sheet.

23 If you could update the Planning Board,  
24 there was an -- in the response there was a  
25 statement that you were working with Central

2 Hudson to purchase the fee ownership of the  
3 parcel that Central Hudson holds.

4 CHAIRMAN BRAND: As has been our  
5 practice for most of these things, we have asked  
6 for, obviously in addition to the curbing, some  
7 type of sidewalk provision to be there. What are  
8 your thoughts on that?

9 MR. MANNESE: There's only so much  
10 money. You want fencing or curbing --

11 MS. BROOKS: I guess on the Luvera  
12 property, we took their site plan. You know,  
13 again we had talked at the last meeting about  
14 trying to work together with the owner. I had  
15 reached out to Luvera's engineer, he sent me a  
16 copy of the plan with the layout of where they  
17 were putting the proposed curbing. We met with  
18 DOT to have 35 foot spacing. I guess what we  
19 will do is work with Luvera and whatever is  
20 approved for their plan we'll do a similar thing.  
21 My understanding in listening to him is that  
22 they're not putting a sidewalk in at this point  
23 in time, although they are reserving to be able  
24 to do it, which from what I understand would be  
25 on the DOT right-of-way, not on private property.

2 MS. LANZETTA: Right. The curbing  
3 would be, in essence, enclosing an area that  
4 could possibly become a sidewalk at some future  
5 point, but in the meantime could be planted with  
6 grass. That's what we asked of Luvera. That's  
7 what we probably expect here as well.

8 CHAIRMAN BRAND: That would be  
9 maintained.

10 MS. BROOKS: I guess my question on  
11 this particular one is on Luvera they already  
12 have an entirely paved access way. We were  
13 trying to make it green space from where the  
14 entrance is northerly. So the curbing I have  
15 shown on here right now is in accordance with the  
16 DOT spec for the 10 foot and 6 return. We are  
17 proposing for lawn planting, moving the green  
18 space back and putting plantings and fencing.  
19 There would be a green corridor on the Mannese  
20 property in between the boundary line and behind  
21 the hydrant, behind there and the landscaping.  
22 That's where we would be proposing pedestrian  
23 access way to be at this point in time until  
24 sidewalks were constructed. We were not planning  
25 on bringing curbing the entire 265 feet of

2 frontage.

3 CHAIRMAN BRAND: Right.

4 MS. BROOKS: I want to make sure that's  
5 acceptable.

6 CHAIRMAN BRAND: That proposed green  
7 space you have --

8 MS. BROOKS: Would be satisfactory  
9 for --

10 CHAIRMAN BRAND: I'm not sure. How  
11 wide is that?

12 MS. BROOKS: 20 feet.

13 CHAIRMAN BRAND: 20 feet across. And  
14 that would be walkable? I mean we're talking  
15 about grass there, not having to hurdle shrubs  
16 and stuff?

17 MS. BROOKS: Correct. As shown on the  
18 plan, you have the boundary line and then we have  
19 about ten feet to where we're proposing a  
20 stockade fence and landscaping because we're  
21 trying to -- we have Boxwood Hedge proposed there  
22 to try to soften the frontage of the property and  
23 direct the eye towards the landscaping and  
24 fencing as opposed to the use behind it. There  
25 would be about 10 feet in there.

2 CHAIRMAN BRAND: On the more northerly  
3 property where Russo is, what do they have?

4 MS. BROOKS: Orchard, a ditch. Yeah.

5 MR. MANNESE: It drops about three feet  
6 right to the blacktop.

7 CHAIRMAN BRAND: She's saying keep this  
8 part 20 feet green space with plantings.

9 Could you clarify the vehicle sales  
10 display?

11 MS. BROOKS: Oh, yup. As we had stated  
12 back in December, Mr. Mannese was hoping to be  
13 able to have vehicle sales continue on the site  
14 from the current -- the previous owner still has  
15 some cars he would like to sell. So the concern  
16 of the Planning Board in December was that if we  
17 had people parking there, it would potentially be  
18 hazardous with the box trailers coming in and  
19 out. So we moved -- relocated parking spaces 15  
20 through 18 up by the showroom so anybody who  
21 wanted to come in and look at the vehicle sales  
22 would park up by the showroom, then they would be  
23 able to be escorted out to the vehicle sales  
24 area. We did that in an effort to alleviate the  
25 concern that the Board had in that regard.

2 MS. LANZETTA: I'll express my  
3 feelings. I don't know about the rest of the  
4 Board. I don't like to see two uses of this  
5 property. I think the pallet/trailer use is very  
6 intensive and taking up the majority of that  
7 frontal space. I think trying to keep this area  
8 open to show off cars aesthetically would be --  
9 would not make much sense, and I still think  
10 having additional people going in and out to the  
11 back of the property is a safety issue. I just  
12 -- I don't like the thought of the two uses on  
13 this site.

14 MR. CLARKE: Can you tell us how many  
15 trailers are in and out every day?

16 MR. MANNESE: I'm pretty much the guy  
17 that moves them. During the day three or four.  
18 I move them myself generally. My drivers come  
19 in --

20 MR. CLARKE: It's not high volume.

21 MS. LANZETTA: There's a lot of  
22 activity out there. There's a lot of stuff going  
23 on there.

24 CHAIRMAN BRAND: I remember at the last  
25 conversation we talked about the height of the

2 opaque fencing where the ramp and the box  
3 trailers are. Did we come to -- I don't see that  
4 indicated on the map.

5 MS. BROOKS: It says under proposed  
6 use, open storage proposed to be fully enclosed  
7 by opening fence 6 feet in height. That's under  
8 the requirements.

9 CHAIRMAN BRAND: So 6 feet in height.  
10 Didn't we have discussion that the pallets are  
11 stacked 30 feet high so the 6 foot fence really  
12 didn't do too much for screening?

13 MR. MANNESE: The reason I bought the  
14 place was for that dock. Specifically for that  
15 dock, that open concrete area. For pallets,  
16 obviously you need a flat optimal area so they  
17 don't fall over. I could put up a 20 foot wooden  
18 fence. There's no difference between a 20 foot  
19 wooden fence and 20 feet of wooden pallets.  
20 Recently, if anybody has noticed, I keep the nice  
21 clean ones out to the edge of the road and neatly  
22 stacked and the other stuff is behind it in an  
23 effort to give it a better look. If you go  
24 higher with a fence and lower with the  
25 pallets --

2 CHAIRMAN BRAND: Can you spread them  
3 out more there so they're not that high?

4 MR. MANNESE: No. I have to put a  
5 fence in the front to stock on one side and  
6 another fence. I'm limited with where I can go  
7 now.

8 MS. LANZETTA: Going back to my  
9 concerns, I want to -- I don't want to get too  
10 far into this . Maybe the rest of the Board  
11 doesn't agree, but this has always been a single  
12 use site for quite -- at least the past two  
13 property owners have used it for single use. You  
14 know, if we start letting people have a primary  
15 business but sell a few cars on the side, what's  
16 to stop everybody up and down on Route 9W here in  
17 Milton from doing that? You know, it's not a  
18 business that compliments the business he's  
19 already in. It's a secondary business. It's  
20 more cars. I just don't think it's a good idea  
21 to have this dual use on this property.

22 CHAIRMAN BRAND: Ron, is there anything  
23 in the code specifically?

24 MR. BLASS: On mixed use?

25 CHAIRMAN BRAND: Yes.

2 MR. BLASS: I would say it's  
3 fundamentally an issue for the code enforcement  
4 officer with respect to the number of uses on one  
5 site. I'm not sure, is this in the HD zone?

6 MS. LANZETTA: Yes.

7 MR. BLASS: So the trucking terminal--  
8 truck business so to speak. Or trailer business  
9 if you will. Is permitted subject to special  
10 permit and site plan. But, you know, the  
11 addition -- I mean there is an obscure code  
12 provision regarding mixed uses. I'm not quite  
13 sure I remember what it says. I think it's a  
14 code enforcement officer issue as to what uses  
15 are allowed on this site.

16 CHAIRMAN BRAND: We obviously couldn't  
17 impose that as part of the approval as well;  
18 right?

19 MR. BLASS: Well I think the -- there  
20 came a point in time when vehicles began to be  
21 sold here. It's an ongoing activity.

22 MS. LANZETTA: That was the primary use  
23 of the property before this new use.

24 MR. BLASS: Sale of cars?

25 MS. LANZETTA: Yes.

2 MR. BLASS: And then it became a  
3 storage of trailer operation? I would say it's a  
4 code enforcement issue.

5 MS. LANZETTA: I mean we just had a guy  
6 that was selling used cars on the southern end of  
7 Route 9W and then he decided he was going to  
8 start selling wood sheds as well. That was not  
9 permissible. So I mean I do know in the code it  
10 does allow for mixed use, but do we have the  
11 latitude?

12 MR. BLASS: I think mixed use requires  
13 an approval.

14 MR. HINES: It does.

15 CHAIRMAN BRAND: It requires what?

16 MR. BLASS: Planning Board approval.

17 MS. LANZETTA: I think we have the  
18 latitude to determine whether we want several  
19 uses on this site or not.

20 MR. HINES: Whether the uses are  
21 harmonious to each other.

22 CHAIRMAN BRAND: Was the intention to  
23 continue this used car business or were you just  
24 trying to get rid of what stock you had left?

25 MR. MANNESE: No. I bought it as a car

2 lot. It's been working as a car lot. I don't  
3 need the front. I have to pay for fencing  
4 somehow. It's just the truth.

5 CHAIRMAN BRAND: Thoughts, comments?

6 MR. LOFARO: Really it's a tough call.  
7 We would like to be able to see him have two  
8 businesses there. I kind of agree with some of  
9 the things Cindy said. I'd like to be able to  
10 find a way for him to be able to do that.

11 CHAIRMAN BRAND: Anything from down  
12 that end?

13 MR. TRAPANI: I'd like to see the two  
14 businesses if it's legal, because maybe otherwise  
15 Mr. Mannese here can't afford to have that  
16 business there and then we lose another business  
17 on 9W for income tax money.

18 MR. CLARKE: I see the deed references  
19 Ulster Savings Bank. Being a businessman myself,  
20 you know, it's not inherently profitable, all  
21 businesses. Sometimes you have to do some extra  
22 things to kind of make ends meet.

23 MS. LANZETTA: Again, I caution you  
24 that everybody and their brother up and down 9W  
25 can start selling cars out front because they

2 want to supplement their business that they've  
3 got going on on the other side.

4 MR. CLARKE: And it won't be inherently  
5 profitable and they'll stop doing it. That's  
6 free enterprise. Everybody is not going to sell  
7 cars.

8 MS. BROOKS: I will definitely review  
9 the Town Code with regard to multiple uses on one  
10 lot and make sure that we are in compliance with  
11 whatever regulations there are applicable.

12 MR. BLASS: It's 155-12.1. It allows  
13 for mixed uses subject to special permit of the  
14 Planning Board. It has to be a Planning Board  
15 approval. One of the standards is that the mixed  
16 uses are compatible in nature and both are  
17 allowed in the designated zone, which is the HD  
18 Zone.

19 CHAIRMAN BRAND: Compatible in nature.

20 MR. BLASS: Compatible in nature.

21 CHAIRMAN BRAND: How is that  
22 determined, compatibility?

23 MR. BLASS: By you, the Planning Board.

24 MR. CLARKE: Compatible is the opposite  
25 of incompatible? If they're not incompatible

2 does that make them compatible?

3 MR. BLASS: Not incompatible would be  
4 compatible.

5 CHAIRMAN BRAND: So I would guess you  
6 have some homework, obviously. If it was a mixed  
7 use, that's a special use, does that require a  
8 separate application? Right now it's just a  
9 regular site plan.

10 MR. BLASS: It's a special use. I think  
11 everybody in the HD zone requires a special  
12 permit and site plan as well. This would be one  
13 additional special permit requirement. There's  
14 also a rule that says the uses shall not exceed  
15 restrictions placed on uses within the zone. So  
16 the combination of uses may be allowed only if  
17 those uses are allowed as separate entities  
18 within the zone.

19 MS. LANZETTA: They're both allowed.

20 MS. BROOKS: We listed both of them,  
21 115-12 A2A and 115-12-B4B.

22 MR. BLASS: The bottom line is it's up  
23 to the Planning Board subject to a special permit  
24 review.

25 MR. HINES: Which means not as of

2 right. It means special permit.

3 CHAIRMAN BRAND: My question was does  
4 that require a different application or it's just  
5 all in the site plan review process?

6 MR. BLASS: I think there should be a  
7 special permit for the HD uses, which is required  
8 anyway. That will trigger a site plan  
9 requirement as well. And there should be an  
10 additional request in the special permit  
11 application for mixed use.

12 MS. BROOKS: There is not a special  
13 separate application for a special use permit.  
14 There's only the site plan application. If the  
15 application -- if the use is subject to a special  
16 use permit, that's a part of the approval that's  
17 granted. The application that we already  
18 submitted does ask for both uses. I can  
19 certainly provide a narrative to clarify and at  
20 least show both uses and what the sections are in  
21 the code. I mean I certainly can provide an  
22 addendum to clarify the section of the code that  
23 has mixed uses in it.

24 MR. BLASS: Right. Especially the  
25 public hearing notice will break it down for the

2 public. Any approval would also break it down  
3 because there's different standards for a special  
4 permit as opposed to site plan.

5 MS. BROOKS: Absolutely.

6 MS. LANZETTA: I would also like to  
7 point out the incompatibility of having the  
8 vehicle sales area up front when you have your  
9 pallets and your trailers up front, and we've  
10 already identified that one of the concerns is  
11 trying to do as much in the front to shield the  
12 people going back and forth from what's happening  
13 up front, yet the idea is we want to make this  
14 area up front very visible because we're going to  
15 be showcasing cars out front. So to me the two  
16 contradict each other. I mean we could allow for  
17 more landscaping and more trees and what not up  
18 front but not if we're trying to showcase these  
19 cars sitting out by the road. That's another  
20 factor that I find does not make these very  
21 compatible uses.

22 MR. CLARKE: I'm a little confused as  
23 to where the activity is up front. I see  
24 activity in the back and I see the storage and  
25 trailers stored on the side. I don't see

2 anything in front of these trailers.

3 MS. LANZETTA: Take a ride by there.

4 CHAIRMAN BRAND: The cars are in the  
5 front she's saying.

6 MR. CLARKE: The activity is bringing  
7 in pallets, repairing them, stacking them and  
8 shipping them back out again. I think that all  
9 takes place back here.

10 MS. LANZETTA: Take a ride by a take a  
11 look at what's going on out front.

12 MR. TRAPANI: How many vehicles are out  
13 front, do you know offhand?

14 MS. LANZETTA: Vehicles. There's  
15 pallets.

16 MR. TRAPANI: I'm talking about cars.

17 MS. LANZETTA: I haven't looked at the  
18 cars.

19 MR. TRAPANI: I think that's only, as  
20 far as I know, auction cars. There was not very  
21 many out there ever at one time.

22 MS. LANZETTA: But they're proposing to  
23 put cars there.

24 MR. TRAPANI: I'm just wondering how  
25 many would be out there at a time.

2 MS. LANZETTA: It shows that they could  
3 put in one, two, three, four -- ten cars out  
4 front if they want to.

5 CHAIRMAN BRAND: It will be up to us to  
6 make that determination.

7 Sidewalks as well. I'd like to give  
8 them some kind of direction for that. I'm  
9 comfortable I think giving them the same as what  
10 we said to Luvera with the curbing on that side.  
11 As long as you're telling me that that other part  
12 is walkable. I think personally I would like to  
13 maybe see something like we did for the hardware  
14 store.

15 MS. BROOKS: The easement?

16 CHAIRMAN BRAND: An easement for future  
17 build of sidewalks.

18 MR. LOFARO: It may be subject to the  
19 DOT, though, just like Luvera would be.

20 MR. HINES: You're going to get that  
21 County Planning comment and the DOT comment when  
22 you send it to them. I think you're going to get  
23 the comment from DOT saying to extend Luvera.

24 CHAIRMAN BRAND: Extend the curb?

25 MR. HINES: In their right-of-way.

2 MS. BROOKS: I'll find out from the DOT  
3 how best to --

4 CHAIRMAN BRAND: Anything else?

5 (No response.)

6 CHAIRMAN BRAND: No. So we will.  
7 just schedule you for the next meeting I  
8 think.

9 MS. BROOKS: Yup.

10 CHAIRMAN BRAND: Thank you.

11

12 (Time noted: 9:24 p.m.)

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

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

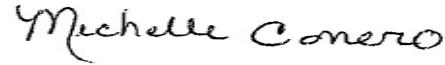
9 That hereinbefore set forth is a  
10 true record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 27th day of April 2017.

17

18



19

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MICHELLE CONERO

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