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

In the Matter of

5 EIGHTY SIX WASHINGTON

10 PUBLIC HEARING
SITE PLAN

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

21 APPLICANT'S REPRESENTATIVE: FRANK BOVA
22 NICHOLAS BOVA

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, October 16, 2017.
8 Regular meeting at 7:30 p.m. Approval of
9 stenographic minutes for 9/18. On the agenda
10 this evening is Eighty Six Washington, public
11 hearing, site plan, 1613 Route 9W, Milton, New
12 York; Hudson Valley Tree House, 80 Gobblers Knob,
13 Marlboro, public hearing, site plan; Rod and Jack
14 Gallagher, 98 Peach Lane, Marlboro, public
15 hearing, subdivision; Highland Pet Center, 131
16 Bailey Gap Road, Highland, public hearing to
17 amend the site plan; Grand Slam Auto, 1924 Route
18 9W, Milton, sketch, site plan; Bayside Mixed Use,
19 18 Birdsall Avenue, Marlboro, sketch,
20 subdivision; Trapani Farms, 818 Lattintown Road,
21 Milton, sketch, subdivision; Eric Lofaro,
22 discussion on a site plan on Route 44/55, without
23 the attorney, engineer or stenographer. The next
24 deadline is Friday, October 20, 2017. The next
25 scheduled meeting is Monday, November 6, 2017.

2 I would like to begin the meeting with
3 a motion to approve the stenographic minutes for
4 September 18th.

5 MS. LANZETTA: I have one correction.
6 In the minutes I believe -- I don't know how it's
7 written but the gentleman that was talking about
8 the noise ordinance, I believe his name is Ronald
9 Tatelbaum, T-A-T-E-L-B-A-U-M.

10 MR. CLARKE: I think it's T-I-T-E-L.

11 MS. LANZETTA: I looked it up.

12 MR. CLARKE: Okay.

13 CHAIRMAN BRAND: I have Tannenbaum.

14 MS. LANZETTA: It was a different name
15 all together on the transcript.

16 MR. HINES: It's the way you're
17 pronouncing it, Cindy. I remember when he was
18 here before.

19 CHAIRMAN BRAND: Can I have a motion to
20 approve the minutes with that one correction?

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

22 CHAIRMAN BRAND: Is there a second?

23 MR. TRAPANI: I'll second.

24 CHAIRMAN BRAND: All those in favor,
25 say aye.

2 MR. CLARKE: Aye.

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: That motion carries.

10 Before we begin, I did get an e-mail, a
11 request from the Town Board. As you know, Cindy
12 Lanzetta has been our appointee to the Ulster
13 County Planning Board and Howard Baker has been
14 the alternate for that. The Town Board is asking
15 if any members from the Planning Board would like
16 to assume that role as either the main
17 representative of the Ulster County Planning
18 Board or as the alternate. Any interest from any
19 members of the Board here?

20 (No response.)

21 CHAIRMAN BRAND: Okay. There being
22 none, I will forward that to the Town Board for
23 their consideration.24 First up, Eighty Six Washington, 1613
25 Route 9W, Milton. This is an open public hearing

2 from the last meeting. Due to the lengthy agenda
3 this evening, I'm going to ask if you have any
4 public comments, we're going to keep them to
5 three minutes this evening.

6 How many mailings did you send out, how
7 many did you get back?

8 MR. NICHOLAS BOVA: The last time we
9 were here we sent out thirty-three. We received
10 twenty-five, eight we got nothing. I have seven
11 that came back unable -- not deliverable.

12 CHAIRMAN BRAND: If you want to give
13 those to Jen, that would be great.

14 MS. FLYNN: Thank you.

15 CHAIRMAN BRAND: Is there any member of
16 the audience with something new to add to the
17 discussion of Eighty Six Washington?

18 MR. HINES: Since the project was here
19 last there's been an indication from DOT that
20 they have approved a plan for channelizing the
21 site. There's 84 plus or minus feet of curb
22 proposed, a small island on the north end and a
23 larger curb radius on the southern end of the
24 site. I have a copy of those plans now. So that
25 was one of the big items that was outstanding,

2 was the traffic control. So they're going to
3 close off -- there's going to be a 24 foot
4 entrance on the north side and a 30 foot
5 commercial entrance on the south side of the
6 site, which was part of the discussion we had.
7 It was a lengthy discussion last time. So that's
8 in the process.

9 CHAIRMAN BRAND: Thank you.

10 MR. HINES: DOT has conceptually
11 approved that.

12 CHAIRMAN BRAND: Since you have the
13 floor do you just want to go over your other
14 comments?

15 MR. HINES: Sure. You're at a point
16 now where you can make a SEQRA determination. We
17 would recommend a negative declaration for the
18 project as there's no new construction with the
19 exception of that curbing.

20 Then the Ulster County Planning
21 comments identified lighting, signage and
22 landscaping. Those will need to be addressed on
23 the plans.

24 We have a detail of the lighting that
25 is proposed.

2 Signage, it has been stated that there
3 is no additional signage or new signage proposed.

4 There's really not a lot of ability to
5 landscape the site because it's an existing site,
6 it's paved along the whole frontage there.

7 I think with that, the Planning Board
8 would be in a position to address those comments
9 maybe with a majority vote.

10 MS. LANZETTA: I feel like -- I don't
11 even -- I think they've been addressed. Why
12 would we have to override their suggestions?

13 MR. HINES: As long as you concur with
14 my analysis there.

15 MS. LANZETTA: All right.

16 CHAIRMAN BRAND: Is there anybody from
17 the audience here who wishes to speak with
18 something additional that we haven't heard either
19 for or against the project?

20 (No response.)

21 CHAIRMAN BRAND: Anything from the
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: All right. Then I'd
25 like to have a motion to close the public

2 hearing.

3 MR. CLARKE: I so move.

4 CHAIRMAN BRAND: A second?

5 MR. LOFARO: Second.

6 CHAIRMAN BRAND: All those in favor?

7 MR. CLARKE: Aye.

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN BRAND: The public hearing is
15 closed.16 We do have a -- I do need a motion for
17 a negative declaration for this project, Eighty
18 Six Washington.

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

20 CHAIRMAN BRAND: Is there a second?

21 MR. CLARKE: I'll second it.

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

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: We do have a
8 resolution that's been forwarded to you for the
9 application of Eighty Six Washington. You should
10 have all received that.

11 MS. LANZETTA: I didn't.

12 CHAIRMAN BRAND: You did not?

13 MS. FLYNN: It was e-mailed.

14 CHAIRMAN BRAND: I have it here. If
15 you'd like me to read it out loud, I will read it
16 out loud if you haven't seen it. It's pretty
17 lengthy.

18 MS. LANZETTA: Let me just read it.

19 CHAIRMAN BRAND: Ron, do you want to go
20 through the highlights of the resolution?21 MR. BLASS: I prepared this. It's all
22 generally boilerplate with the exception of
23 paragraph 2 on page 7 which lists the conditions
24 of approval as follows: Establishment of a
25 highway development district designation by the

2 Town Board, of course; payment of all relevant
3 fees and consultant costs; applicant's compliance
4 with the required modifications of the Ulster
5 County Planning Board consistent with the report
6 of Richard Paul Hanback dated September 29, 2017.
7 Mr. Hanback is a consultant for the applicant and
8 I believe has signed on to all of Ulster County
9 Planning Board's comments. The applicant's
10 inclusion of the lighting modifications put forth
11 in Mr. Hanback's report; applicant's compliance
12 with the Town's sign code in the event of new
13 signage, which there appears to be none;
14 applicant's obtaining of DOT approval for the
15 channelization design and landscaping acceptable
16 to that agency. So all of these conditions would
17 bring the project into compliance with Ulster
18 County Planning Board's recommendations, so
19 there's no need to override any of that.

20 CHAIRMAN BRAND: Excellent.

21 MS. LANZETTA: Did we just want to --
22 do we want to say that the establishment by the
23 Town Board of a highway development district?
24 Isn't that in the Business -- it's called the
25 BC --

2 MR. HINES: BC Overlay.

3 MS. LANZETTA: Should we put that in?

4 MR. BLASS: That's my mistake. You're
5 right. It's the Business Corridor Overlay.6 CHAIRMAN BRAND: With that amendment
7 being made by Member Lanzetta; Jen, would you
8 poll the Board?

9 MS. FLYNN: Chairman Brand?

10 CHAIRMAN BRAND: Yes.

11 MS. FLYNN: Member Trapani?

12 MR. TRAPANI: Yes.

13 MS. FLYNN: Member Lanzetta?

14 MS. LANZETTA: Yes.

15 MS. FLYNN: Member Lofaro?

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 CHAIRMAN BRAND: Excellent. I think
20 that concludes it. Thank you.

21 MR. FRANK BOVA: Thank you.

22

23 (Time noted: 7:41 p.m.)

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

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

10

That hereinbefore set forth is a

11 true record of the proceedings.

12

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

16

IN WITNESS WHEREOF, I have hereunto

17 set my hand this 28th day of October 2017.

18

19

Michele Conero

20

MICHELLE CONERO

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

In the Matter of

5 HUDSON VALLEY TREE HOUSE

12 Date: October 16, 2017
13 Time: 7:41 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: LAUREN RAGLIO

2 CHAIRMAN BRAND: Next up on the agenda,
3 Hudson Valley Tree House. If you want to step up
4 to the table, please.

5 This is an open public hearing. If you
6 are here to speak either for or against with
7 something new that hasn't been brought before the
8 Board's attention, stand, state your name and be
9 heard at this time.

10 MR. DUNN: Good evening.

11 CHAIRMAN BRAND: I am going to ask you,
12 just in the interest of time this evening, to try
13 to keep it brief. I'm hoping for three minutes.
14 I will allot some bonus time if necessary.

15 MR. DUNN: It's not my strong point but
16 I certainly will try.

17 Again, I'm Bruce Dunn, I'm the attorney
18 for Mr. Alonge, Mr. Murphy, Mr. Hawver, Mr. Roper
19 and Mr. Kraiza. They are, of course, the
20 neighbors on Gobblers Knob above the applicant's
21 property.

22 What I've sort of learned from last
23 time's appearance from last meeting, the
24 documents that were posted on the agenda is now
25 the map which purports to be a site plan by the

2 applicant, which in my view and in my
3 recommendation leaves many things off from what
4 it should. Most -- not most importantly but one
5 of the important things it leaves off is we don't
6 know if it has a septic tank. Another thing it
7 leaves off is we don't know where the hose gets
8 dragged for the water that puts out the fire
9 after the three minutes from the tank truck is
10 over, which is located five cars from the house
11 and can't even reach the fire. So there's a
12 number of concerns, both health and safety, for
13 any potential guests.

14 The things which have not been answered
15 by those subsequent submissions is whether or not
16 this is a two-bedroom or a three-bedroom proposed
17 bed and breakfast. If it's a three-bedroom bed
18 and breakfast, there's no place for the owner
19 occupant to stay. She indicated she would stay
20 in the study, but then what she's actually asking
21 the Board for is the approval of a four-family
22 house. If you have a four-family house in New
23 York you need even more than a 1,000 gallon
24 septic tank. If you're having four people in the
25 house, her family and three occupants in a bed

2 and breakfast, that's four families. If you have
3 what may be the first site plan, it shows a 200
4 gallon septic tank, you're going to -- and then a
5 leachfield which is smaller than the State code
6 requires, that also is going to affect the
7 property.

8 Now, I don't know how close I am to my

9 three minutes but I can also say to you that the
10 owners of the two parts of the easement, 25 foot
11 each, which extends from South Street to the
12 corner, which the fire company has described as a
13 90 degree angle, and then extends past the
14 applicant's house that 50 foot, which I'm hoping
15 you all went to see because you said you were
16 going to, or might, is a road which is certainly
17 less than even 16 feet in it's width up past the
18 applicant's house. Those owners have made,
19 according to Section 345 of the Real Property
20 Law, a declaration of intention to reserve
21 restrictions on the use of land, referring in
22 particular to that property that they own which
23 was given to the applicant's prior owner as an
24 easement just for ingress and egress, residents
25 only. Two of the prohibitions which are stated

2 in this declaration of intention to reserve
3 restrictions on the use of land, the first
4 general is there shall be no use of the
5 restricted property -- that's that 50 feet that
6 goes around her property. There shall be no use
7 of the restricted property for any commercial
8 purpose. No part of the restricted property may
9 be used at any time for any purpose or by any
10 means to facilitate, enhance, benefit or
11 otherwise support any home occupation, bed and
12 breakfast, boarding house or commercial
13 enterprise of any kind. Number two, the
14 restricted property may be used only by the
15 residents of the properties that adjoin it's
16 boundaries as such uses have been stated in only
17 those documents here before recorded in the
18 office of the Clerk of Ulster County, New York.

19 CHAIRMAN BRAND: Can I pause and ask
20 you what document you're referring to?

21 MR. DUNN: I have copies. It's a
22 document made pursuant to the requirements of
23 Section 345 of the Real Property Law of the State
24 of New York.

25 MR. BLASS: Is this a document you

2 prepared?

3 MR. DUNN: Yes.

4 MR. BLASS: Were you reading from the
5 easement itself?6 MR. DUNN: No. I was reading from this
7 document.8 MR. BLASS: So there has to be some
9 predicate for what you put in the document within
10 the easement document presumably.11 MR. DUNN: The easement says ingress
12 and egress. The sign that's been posted there
13 since 1989 when the easement was granted was that
14 sign which I presented.15 MR. BLASS: To answer the Chairman's
16 question, you were not reading from the easement
17 documents which benefit the Tree House parcel?

18 MR. DUNN: No.

19 MR. BLASS: You were reading from a
20 document which you prepared --

21 MR. DUNN: Correct.

22 MR. BLASS: -- in the nature of a
23 declaration of advocacy on behalf of your
24 clients?

25 MR. DUNN: That's right. Made pursuant

2 to Section 345 of the Real Property Law.

3 MR. BLASS: Which you prepared?

4 MR. DUNN: Of course.

5 MR. BLASS: Does that answer your
6 question, Chairman?

7 CHAIRMAN BRAND: Yes.

12 I was going to run through a series of
13 things that related to those words of shall in
14 your Zoning Code where your Zoning Code also says
15 the things that shall happen, and shall be
16 reviewed, and shall be considered. The code says
17 is not optional, it's mandatory. I'm sure you'll
18 take care of that.

19 Thank you.

20 CHAIRMAN BRAND: Anyone else that we
21 haven't heard from previously?

22 Mr. Garofalo, do you need to bring
23 something to the table?

24 MR. GAROFALO: I just wanted to
25 reiterate the points that I made before.

2 One, that given the number of parking
3 spaces, I think it has to have accessible space.

4 Number two, I think according to Town
5 Law all the spaces have to be paved.

6 The third thing is that parking spaces
7 are supposed to be 180 square feet, which is
8 about 9 by 20. I'm not sure how large they are
9 but it looks like there's plenty of room to
10 accommodate that.

11 Thank you.

12 CHAIRMAN BRAND: Thank you. Anyone
13 else?

14 MR. ALONGE: I'm going to say
15 something.

16 CHAIRMAN BRAND: Please just state your
17 name.

18 MR. ALONGE: My name is Charles Alonge,
19 44 Gobblers Knob. I'm just going to ask you guys
20 one more time who is going to be responsible if
21 you fellows pass this? Is the Town going to be
22 responsible if someone gets hurt on the road?

23 MR. BLASS: So as I said at the last
24 public hearing, the Town would have no liability
25 to someone who was hurt on the road by virtue of

2 governmental immunity concepts.

3 MR. ALONGE: Then the Town has no right
4 to tell me what to do with my road then. Am I
5 correct?6 MR. BLASS: I would say it is your
7 road. You own the road in fee subject to an
8 easement.

9 MR. ALONGE: Okay.

10 MR. BLASS: So I would say that the
11 easement rights would govern the definition of
12 the rights and responsibilities of the parties.13 MR. ALONGE: If you pass this you're
14 putting a burden on me.15 MR. BLASS: Well first of all, I'm not
16 going to pass anything.17 MR. ALONGE: I'm just saying -- we're
18 just talking here now. I don't want to -- you
19 know, who is going to take the burden? I'm the
20 guy that's going to take the burden.

21 MR. BLASS: I understand.

22 MR. ALONGE: That's all I want to know
23 is who's going to be responsible? I hope she
24 puts this down because I want to know who is
25 going to be responsible. That's all I've got to

2 say.

3 CHAIRMAN BRAND: Thank you. Anyone
4 else?

5 (No response.)

6 CHAIRMAN BRAND: Pat, do you just want
7 to run through your comments quickly?8 MR. HINES: Sure. Our first comment is
9 just identifying the issues, some of which were
10 touched on here at the last public hearing.11 The Board Members were going to go
12 individually or in small groups and field review
13 the access road. Previously we had heard about
14 the private roadway issues regarding use of the
15 roadway, rights of access, winter weather
16 conditions and maintenance of the right-of-way.17 The Board Members were going to take a look at
18 the condition of the roadway. I just wanted to
19 identify those previous issues.20 The jurisdictional fire department
21 identified concerns regarding fire apparatus
22 access to the building. This issue should be
23 addressed by the applicant's representatives to
24 determine if an approved fire access can be
25 provided. I am aware that representatives of the

2 jurisdictional fire department did go to the
3 site. I don't know if we have a new report from
4 them but I think the fire department
5 representatives were there.

6 Then just as I disclosed at the first
7 meeting, my office in 1988, working for Mr.
8 Mahan, a previous owner, did the septic system
9 design. I let the Board know that. There is a
10 1,000 gallon septic tank and a septic system
11 designed to treat 450 gallons per day. The
12 standards today would be less than that. A
13 three-bedroom house would be 330 gallons and a
14 four-bedroom house would be 440 gallons. However,
15 a four-bedroom house would, as Counsel just said,
16 require a larger septic tank. There is an
17 adequate system, at least in 1988, to treat the
18 sanitary sewer from a three-bedroom residence. I
19 did tell the Board that early on, that my office
20 had done that work for the previous owner.

21 CHAIRMAN BRAND: For the applicant, I
22 know you did do some work since we last saw you.
23 Would you like to fill us in on what happened?

24 MS. BAGLIO: So I have a letter from
25 the fire department, which I'll give you the

2 updated letter. The fire inspection was done of
3 the home.

4 CHAIRMAN BRAND: We do appreciate you
5 doing that.

6 MS. BAGLIO: Of course. This is the
7 letter from the fire department.

8 MR. DUNN: Can I have a copy?

9 MS. BAGLIO: Yes.

10 MR. DUNN: Of the other one, too.
11 Thank you.

12 MS. BAGLIO: I'll give everybody a
13 minute to read it. Do you want me to read it out
14 loud or do you want to read it silently?

15 CHAIRMAN BRAND: We'll read it.

16 As far as the Board Members are
17 concerned, did everyone have an opportunity to go
18 and inspect the site? Do you have any comments?

19 Steve, we'll start down at that end.

20 MR. CLARKE: I'll save my comments
21 until later.

22 CHAIRMAN BRAND: Okay. Joe?

23 MR. LOFARO: I'll do the same.

24 CHAIRMAN BRAND: Cindy?

25 MS. LANZETTA: What are we supposed --

2 CHAIRMAN BRAND: If you have any
3 observations that you wanted to comment on about
4 your visit.

5 MS. LANZETTA: No.

6 CHAIRMAN BRAND: Ben?

7 MR. TRAPANI: No.

8 CHAIRMAN BRAND: I did go up there as
9 well. I think most of those issues have been
10 discerned. I still do have issues concerning the
11 fire road and the liability therein. I did speak
12 at length regarding the access to private roads.
13 I did speak with the attorney as well. I think
14 one of the things that might help to mitigate
15 this process, one of the things that was
16 recommended by the attorney, I'm sure that he can
17 clarify, but essentially would be for you to kind
18 of come up with some type of instrument that
19 would absolve the private road owners of
20 liability on that road. I did also discuss with
21 the attorney the possibility of perhaps some type
22 of secondary insurance, which I'm sure that he
23 can clarify for us as well, which would name the
24 road owners as beneficiaries of the policy if
25 something were to happen, that way they're

2 absolved.

3 I think at this point the bed and
4 breakfast, you're really intensifying the use of
5 that property more so than what it was as a
6 residential use only, and I have serious concerns
7 about that.

8 MS. BAGLIO: Okay.

9 MS. LANZETTA: I didn't know we were
10 talking about the whole thing.11 CHAIRMAN BRAND: There's a lot going
12 on.13 MS. LANZETTA: I did bring some of
14 these issues up at the County Planning Board
15 meeting. I would say that the Board was kind of
16 evenly split between believing that the property
17 owner has a right to do with their property what
18 they so wish and the other half of the Board felt
19 like the increased liability on the road owners
20 was an unfair situation and had to be factored in
21 to our decision.22 There was one member who also brought
23 up the fact that this is kind of -- it's a
24 nonconforming road and that by -- usually with
25 site plan review you try to correct any issues

2 with nonconformance, not add additional stresses
3 to or additional commercial traffic to that. So
4 that was another issue that he brought up that we
5 should be thinking about as we deliberate. So
6 those were the things that came up from the
7 Ulster County Planning Board Members.

8 CHAIRMAN BRAND: Any other Board
9 Member?

10 MR. CLARKE: The declaration of
11 intention, has this been filed with anybody?

12 MR. DUNN: It will be filed.

13 MR. CLARKE: As of now it's not? It
14 was done today, last minute?

15 MR. DUNN: It has not been filed yet.

16 MR. CLARKE: My comments are I visited
17 the site. In a way I am also in the recreation
18 business because we bring thousands of people in
19 for pick your own. I just know how difficult it
20 is to get to do what you want to do. It's
21 managing the issues. 99.5 percent of your
22 clients will be okay. The other 5 or 10 percent,
23 it's going to be a conflict on a private road. I
24 applaud you for trying to bring in tourism, a bed
25 and breakfast. I think your site location on a

2 private road is just not appropriate. So I think
3 you kind of know how I'm going to vote.

4 CHAIRMAN BRAND: Joe?

5 MR. LOFARO: I kind of agree with what
6 Steve said. Liability is a big issue, the extra
7 traffic on the road. It just seems as good of an
8 idea as this is --

9 MR. DUNN: I'm sorry, I can't hear.

10 Can I come closer?

11 CHAIRMAN BRAND: Sure.

12 MR. LOFARO: I agree with Steve. I
13 have a lot of issues with the liability and the
14 extra traffic on the road. The driveway is just
15 not built for it. I mean I like the idea of the
16 business and trying to help the community, I just
17 don't see it being a fit where it is. I have
18 some concerns with it really being a good project
19 for the community.

20 CHAIRMAN BRAND: I think at this time
21 what I might recommend is that we see if we can
22 kind of address some of these concerns.

23 Ron, could you speak a little bit more
24 informed as to those instruments and insurance
25 policies that were discussed?

2 MR. BLASS: Well a private road is
3 privately owned. We can all agree with that. We
4 know who the owners are. As I said at the last
5 meeting, in the event of mishaps on that site,
6 the owner of the road is in the chain of
7 potential liability and responsibility, as would
8 be the operators of the bed and breakfast whose
9 guests may or may not be hurt in such a mishap.

10 We talked about the concept of whether
11 or not the applicant would consent, because I
12 don't think this is the appropriate grounds for
13 imposition of conditions, would consent to
14 defending and indemnifying and holding harmless
15 by agreement the owner of the road, that
16 obligation being backed up by adequate policies
17 of liability insurance which would name the
18 owners of the road as an additional insured. The
19 effect of that arrangement would be to inject an
20 additional layer of liability insurance coverage
21 between the accident and the liability insurance
22 coverage of the owner of the road which would
23 become a secondary course of recovery. So
24 fundamentally a promise to defend, indemnify and
25 hold harmless is as good as the person making the

2 promise unless it's backed up by insurance. It
3 could be structured in a way to be backed up by
4 insurance. The amount of the policy should be
5 large enough to cushion any potential claim.

6 CHAIRMAN BRAND: As far as the
7 instrument that the attorney presented earlier
8 this evening, what are the ramifications of that?

9 MR. BLASS: Well, you know, there's no
10 getting around the fact that this is a private
11 road. There's no getting around the fact that
12 the applicant has easement rights for ingress and
13 egress over that private road. I'm seeing
14 recommendations from Marlborough Hose Company 1
15 that there be improvements made to the private
16 road in the nature of widening at the hairpin
17 turn I believe. That was also a comment that
18 Cindy brought back from the Ulster County
19 Planning Board. That raises an interesting issue
20 as to whether or not the easement gives the
21 beneficiary of the easement any rights to make
22 modifications or improvements to the private
23 road, or, in the absence of the easement speaking
24 to the issue, whether or not the common law of
25 the State of New York gives that right to the

2 holder of the easement, the beneficiary of the
3 easement. So it raises a legal question as to
4 whether or not these improvements could even be
5 accomplished.

6 CHAIRMAN BRAND: Okay. So I think,
7 like I said, what my recommendation to you at
8 this time would be, and I don't know if the Board
9 is in agreement, maybe we can try to work some of
10 these things out and give you some more time to
11 address those concerns that we have.

12 MS. BAGLIO: Sorry. I just have to
13 gather my thoughts.

14 With the road, you're talking about
15 getting an insurance plan that makes the owners
16 of that road not liable if there's an accident
17 that's caused on the road; correct?

18 CHAIRMAN BRAND: For your guests.

19 MS. BAGLIO: And that would be strictly
20 for my guests, not for any other person that is
21 driving on the road; correct?

22 CHAIRMAN BRAND: I think that's what I
23 was considering, just your guests, because that's
24 what's intensifying the use of the property.

25 MS. BAGLIO: Okay. That would be like

2 an umbrella insurance on top of my homeowners
3 insurance basically?

4 CHAIRMAN BRAND: To be very frank, I
5 don't know the answer to that.

6 MR. BLASS: It would be an additional
7 insured endorsement on top of your existing
8 homeowners liability insurance, the amount to be
9 considered.

10 MS. BAGLIO: I'm sorry. Additional
11 insured -- I'm writing it down.

12 MR. BLASS: Let me ask you a question.
13 Do you have umbrella coverage? Do you know what
14 your coverage is?

15 MS. BAGLIO: I have two forms of
16 insurance.

17 MR. BLASS: Most people don't know what
18 their coverage is.

19 MS. BAGLIO: I know that my coverage is
20 for people within the home, not on the road.
21 That would have to be a completely different
22 insurance.

23 MR. BLASS: What I'm talking about is
24 preparing an agreement under which you would hold
25 harmless the owners of the road, and that

2 agreement would have to be backed up by policies
3 of insurance in an amount to be considered. The
4 way to implement that arrangement is through an
5 additional insured coverage in an amount to be
6 considered. So your existing homeowners
7 liability policy might be supplemented by an
8 additional insured endorsement which would back
9 up the hold harmless obligation.

10 MS. BAGLIO: Okay.

11 MS. LANZETTA: Even if she was able to
12 prepare all of this, how could we ensure that
13 something like this remained in effect during the
14 time that she's operating her business? I mean
15 then it becomes on who? I don't think the
16 building inspector is responsible for making sure
17 that she carries the insurance. Who would have
18 to be responsible for that?

19 MR. BLASS: The additional insured
20 endorsement would provide for notice to be given
21 to the owners of the road of any lapse in payment
22 of premiums or of any effort to cancel. So to a
23 large degree this mitigation measure, if you
24 will, is an arrangement between the applicant and
25 the owners of the private road. There wouldn't

2 be an enforcement mechanism.

3 Now, we could write -- if this was to
4 be carried out it would be a condition on consent
5 of the applicant. All things are possible with
6 the consent of the applicant, such as adding the
7 Town of Marlborough as a party entitled to notice
8 of nonpayment of premium or cancellation. I'm
9 not too sure I would recommend the Town assuming
10 that function. So this would be a private
11 arrangement backed up by policies of insurance
12 with the beneficiary of the arrangement, the
13 owner of the private road, being entitled to
14 notice of any change of coverage or nonpayment of
15 premium of the policy. The agreement is only as
16 good as the policies of insurance that back it
17 up. The entire arrangement is the injection of
18 additional insurance coverage into the situation.
19 So it might even be wise to consider that the
20 additional insurance endorsement include a 5
21 million dollar umbrella to provide ample
22 additional coverage.

23 UNIDENTIFIED SPEAKER: How much?

24 MR. BLASS: 5 million.

25 MS. BAGLIO: Okay. I'm really confused

2 about the paper that was given about changing the
3 use of the easement. It was or wasn't filed? It
4 wasn't filed?

5 MR. DUNN: It will be.

6 MS. BAGLIO: Okay. What did that mean
7 for me? Is that something I'm supposed to get
8 notice of and agree to or -- I don't know how
9 that works. If there's an easement already in
10 place?

11 MR. BLASS: I'm not too sure how it
12 works either so we're in the same boat. I
13 believe it's intended to be a clear signal to you
14 of litigation to follow.

15 MS. BAGLIO: Okay.

16 CHAIRMAN BRAND: Anything else from the
17 Board?

18 MS. LANZETTA: I just want to say that
19 this is a good example of why private roads are
20 so problematic, because it pits neighbors against
21 neighbors. I really -- it is an issue that
22 perhaps the Town Board needs to revisit.

23 CHAIRMAN BRAND: I'll make a note in my
24 report as well.

25 MS. BAGLIO: So --

2 CHAIRMAN BRAND: So I think again what
3 I'd like for you to do is try to provide some
4 clarification as to those and see if that's a
5 possibility before we render a decision.

6 MS. BAGLIO: I want to ask a question,
7 though.

8 CHAIRMAN BRAND: Sure.

9 MS. BAGLIO: So even though it's
10 considered a private road, to me I thought
11 private roads by definition were just intended --
12 I'm reading from a note here. A road intended to
13 serve access to abutting residential properties.
14 It doesn't say anything about restrictions as to
15 who can drive on it. So my question is -- you
16 know, I understand the liability issue but I
17 always feel like you're not liable unless you're
18 negligent, right? If two people get in a car
19 accident on the road, this person hit this
20 person, they're liable. You can't just sue the
21 person that owns the road because it happened on
22 the road. If an accident is caused because of
23 the road, then they're liable. If the road is
24 taken care of they are not being negligent and
25 they can't get sued.

2 CHAIRMAN BRAND: I think the private
3 road is really the big question mark here. Some
4 of those things that are out of control,
5 including maintenance of the road. If something
6 were to happen outside of that, then that's where
7 the other people who own the road would now
8 become liable. You're kind of forcing that upon
9 them at this point. That's really why there are
10 big levels of discomfort.

11 MS. BAGLIO: So I would -- so opening
12 this business put stress on them to maintain the
13 road to not get sued for liability?

14 MS. LANZETTA: You can sue for
15 anything.

16 MS. BAGLIO: Okay. All right.

17 MR. BLASS: I would say that
18 fundamentally opening the bed and breakfast puts
19 stress on you with respect to the adequacy of the
20 maintenance of the road.

21 MR. DUNN: With respect to what?

22 MR. BLASS: It puts stress on the
23 applicant with respect to the issue of
24 maintenance of the road.

25 MS. BAGLIO: Right.

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MR. BLASS: Secondary stress on the

owner, primary stress on you.

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MS. BAGLIO: I feel like when we first

entered this I didn't realize, you know, where

our boundaries are and concerns of, you know,

clearing certain things. When I talked to the

chief he was like, you know, just trim up this,

trim up that and, you know, I have to -- I made

the road go from 10 foot wide to like an extra 6

because we just cleared away brush, we cut down

all sorts of stuff and hacked away at all of the

overgrown. We made it wider and cleaner. I feel

because of us doing a bed and breakfast there are

things we're doing to make the surrounding area

more beautiful. I feel like my neighbors would

benefit from that. I thought I was doing

something great. I didn't realize it would be

negative.

20

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22

I do feel like our guests, now the GPS

is corrected, they're not going to go beyond the

other homes, they're going to keep their privacy.

23

24

I do understand that a lot of people

come and enjoy your business --

25

MR. CLARKE: You can not control them.

2 MS. BAGLIO: If there's only two people
3 it's not a big crowd.

4 MR. CLARKE: It's not but there will be
5 a percentage of them that will break your rules
6 and that will create stress in the community.
7 Our job here as a Board is not to create stress,
8 it's to alleviate stress.

9 MS. BAGLIO: All right. With the
10 umbrella insurance, if that is manageable and
11 that can be obtained and that is agreed upon, is
12 there anything else that would stop me from
13 opening this?

14 CHAIRMAN BRAND: I think the other
15 concern that I personally had was the number of
16 bedrooms. You said you were agreeable to just
17 having it be -- you have three bedrooms?

18 MS. BAGLIO: Right.

19 CHAIRMAN BRAND: Just renting out two
20 bedrooms so that fulfills that owner occupation
21 portion.

22 MS. BAGLIO: So the umbrella insurance
23 of 5 million; right?

24 CHAIRMAN BRAND: He just kind of -- I
25 think he just kind of gave you an example of 5

2 million. I'm not sure --

3 MS. BAGLIO: If I'm able to get that.

4 With an agreement to hold harmless considered
5 additional insured the people that own the road.

6 Okay. If that is in place and there is no
7 liability to the owners of the road, besides the
8 bedroom, is there anything else?

9 CHAIRMAN BRAND: Those are really the
10 big obstacles for me personally.

11 MS. BAGLIO: So the liability and the
12 two bedrooms. Okay. Anything to add?

13 MR. DUNN: Can I just say a couple
14 things? I don't think you've closed the public
15 hearing. What's happening here, I think the
16 applicant should know that the liability isn't
17 just for the road. If a 5 million dollar policy
18 came floating down, that does not protect the
19 neighborhood or the community. If the fire
20 company wants to widen the road and change the
21 grade and do all that, there's got to be an
22 application made to the Town. There's no part of
23 this private road -- I agree 1989, 1986, the
24 subdivision was approved, this was a private
25 road. It was at a time when a car couldn't even

2 drive on it. So here's a private road, no part
3 of which conforms to any requirement under this
4 code's requirements for current roads. This code
5 says before you can expand a private road it has
6 to do that. So if somebody is going to widen,
7 extend and change the grade and height underneath
8 the ground to this private road, it must conform
9 to the standards of the current private roads in
10 the Town. Nobody is going to do that.

11 These people who come -- might come to
12 visit to you, how are they going to realize that
13 your property ends 8 feet behind their car where
14 they park and that they can't go beyond that 8
15 feet? In fact, the entire route to your house
16 until you get there isn't your property. You
17 have rights to ingress and egress but nobody else
18 does. So these people are going to trespass.
19 They can't not trespass coming in. It isn't just
20 the liability issue. I just want you to know
21 that.

22 CHAIRMAN BRAND: I think also the duly
23 filed instrument insuring, we would have to go
24 over that as well with our attorney exactly what
25 happens to this project as well.

2 MS. BAGLIO: This thing? Oh, this.

3 CHAIRMAN BRAND: Yes.

4 MS. BAGLIO: Okay.

5 CHAIRMAN BRAND: Okay. So help me out,
6 Ron. Just clerically do we keep the public
7 hearing open for this, adjourn it until such date
8 when she's prepared to reappear?

9 MR. BLASS: Yeah. I think that the
10 Board has asked the applicant to rethink the
11 matter and come in potentially with conditions on
12 consent of the applicant. So it probably would
13 be a good idea to adjourn the public hearing
14 while that process stays open.

15 MS. LANZETTA: We can set a date.

16 MR. BLASS: You'd want to pick a date
17 certain. Where are we? This is --

18 CHAIRMAN BRAND: October 16th, the
19 second meeting.

20 MR. BLASS: This is your second
21 meeting. You could make it the first meeting of
22 November.

23 MS. FLYNN: I don't know if you can.
24 Are they voting in here on that Tuesday?

25 UNIDENTIFIED SPEAKER: They are on the

2 7th. You'll be set up for elections.

3 MS. FLYNN: We can't do that Monday
4 unless we do it upstairs. I don't think we'll
5 have enough room upstairs.

6 MR. BLASS: You can do the second
7 meeting in November.

8 CHAIRMAN BRAND: Does that work for
9 everybody? I'd like to have a motion to adjourn
10 the public hearing until the second meeting in
11 November.

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

13 CHAIRMAN BRAND: Is there a second?

14 MR. LOFARO: Second.

15 MR. HINES: Your second meeting is
16 November 20th.

17 CHAIRMAN BRAND: November 20, is that
18 the date?

19 MR. HINES: Yes.

20 CHAIRMAN BRAND: Thank you.

21 All those in favor, say aye.

22 MR. CLARKE: Aye.

23 MR. TRAPANI: Aye.

24 MS. LANZETTA: Aye.

25 MR. LOFARO: Aye.

2 CHAIRMAN BRAND: Aye.

3 All those opposed?

4 (No response.)

5 CHAIRMAN BRAND: So carried. Thank
6 you.

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8 (Time noted: 8:19 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 28th day of October 2017.

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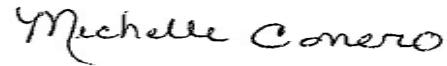
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MICHELLE CONERO

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

In the Matter of

ROD & JACK GALLAGHER

Project No. 17-1023
98 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13

PUBLIC HEARING
SUBDIVISION

12 Date: October 16, 2017
13 Time: 8:19 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

21 ADDITIONAL REPRESENTATIVE: RATTI BROOKS

MICHELLE L. CONERO

3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next on the agenda,
3 Rod and Jack Gallagher, public hearing,
4 subdivision.

5 Legal notice, subdivision application.

6 Please take notice a public hearing will be held
7 by the Marlborough Planning Board pursuant to the
8 State Environmental Quality Review Act, SEQRA,
9 Town of Marlborough Town Code 134-33 on Monday,
10 October 16, 2017 for the following application:
11 Rod and Jack Gallagher, at the Town Hall, 1650
12 Route 9W, Milton, New York at 7:30 p.m. or as
13 soon thereafter as may be heard. The applicant
14 is seeking approval of a subdivision application
15 for lands located at 98 Peach Lane, New York,
16 12542, Section 95.4, Block 3, Lot 13. Any
17 interest parties either for or against the
18 proposal will have an opportunity to be heard at
19 this time. Chris Brand, Chairman, Town of
20 Marlborough Planning Board.

21 MS. BROOKS: We sent out ten certified
22 letters and received eight back.

23 CHAIRMAN BRAND: Do you just want to
24 give us a quick overview?

25 MS. BROOKS: Sure. The application

2 before the Board is a two-lot subdivision of
3 86.35 acres. We are proposing to separate the
4 two lots by Peach Lane. It's located currently
5 on the easterly and westerly sides of Peach Lane.

6 Lot number 1 on the easterly side of
7 Peach Lane will be 50.70 acres and lot 2 on the
8 westerly side is 35.65 acres.

9 Lot 2 is currently improved with a
10 residence that has been unoccupied for
11 approximately twenty years. They do have a
12 purchaser for that lot who will be constructing a
13 new home on the lot.

14 Lot 1, the 50.7 acres, will be offered
15 for sale as a vacant lot.

16 CHAIRMAN BRAND: Pat, did you want to
17 run through your comments?

18 MR. HINES: The latest map does have
19 the metes and bounds information that we
20 requested.

21 The highway superintendent's comments.
22 Maybe Patti Brooks can identify, is there a
23 50-foot wide dedication strip on either side of
24 this natural subdivision?

25 MS. BROOKS: Yes. We computed the lots

2 at 25 feet off the center line. When the lots
3 are conveyed, automatically Peach Lane will
4 become a highway as it is right now because we're
5 not conveying the road strips to any of the lots.

6 MR. HINES: I think our resolution just
7 says we're requesting an offer for those parcels,
8 just to clear up that ownership.

9 MR. BLASS: A dedication strip on
10 either side of the road?

11 MS. BROOKS: Yeah. I guess I can add a
12 note saying land within the highway bounds are --

13 MR. BLASS: The map doesn't have a
14 dedication strip shown on either side?

15 MS. BROOKS: No. It just shows two
16 totally separate lots with nothing for the
17 roadway itself.

18 MR. BLASS: In order to widen the road
19 the Town is going to need a dedication offer.

20 MS. BROOKS: No, because the way we
21 show it right now, when the parcels are conveyed
22 they're not going to own anything other than the
23 25 feet off the center line. That entire area in
24 there, we call that highway bounds. So this can
25 be conveyed up to the westerly highway bounds and

2 this can be conveyed up to the easterly highway
3 bounds.

4 MR. BLASS: 25 feet off center?

5 MS. BROOKS: 25 feet off the center
6 line.

7 MR. BLASS: We'll need an offer of
8 dedication on that.

9 MS. BROOKS: On the map or a
10 separate --

11 MR. BLASS: On the map.

12 MS. BROOKS: Okay.

13 MR. BLASS: What's the last revision
14 date, Patti?

15 MS. BROOKS: October 10th.

16 MS. LANZETTA: Does that go to the Town
17 Board, the offer of dedication?

18 MR. BLASS: If it's accepted it would
19 be accepted by the Town Board in the future. It
20 doesn't make much sense to accept the offer of
21 dedication until and unless the highway
22 superintendent wants to widen the road. At that
23 time the Town Board would have the authority to
24 accept the offer.

25 MR. HINES: Our only other -- it's kind

2 of a continued comment. The existing structure
3 on the site, typically we require those to be
4 removed prior to filing the map so that you don't
5 end up with two houses or two structures or two
6 dwellings.

7 MS. BROOKS: They're definitely going
8 to have to apply for a demolition permit of that
9 dwelling I think at the same time or prior to
10 them getting a building permit for lot number 2.
11 Is that what you're saying?

12 MR. HINES: No. Usually we don't stamp
13 the maps approved with the structures on there,
14 although we did recently have one where you
15 convinced the Board. Some kind of fire training
16 structure.

17 MS. BROOKS: No, no, no. That was
18 totally separate because they wanted to leave
19 that house on there. I mean this house will be
20 removed. Right now it is an existing dwelling on
21 there. That hadn't previously been anything that
22 had been --

23 MR. HINES: It currently meets zoning?

24 MS. BROOKS: It currently meets zoning.
25 There is no reason to remove it at this point.

2 MR. BLASS: So right now the proposed
3 resolution of approval has a condition saying
4 demolition and removal of the delipidated
5 structure on the premises prior to the filing of
6 the plat.

7 MS. BROOKS: I would rather have that
8 be prior to the filing of a building permit for
9 lot 2.

10 MR. BLASS: Prior to the application
11 for building permit for lot 2?

12 MS. BROOKS: Correct.

13 MR. BLASS: There's a house on lot 1?

14 MS. BROOKS: There's no house on lot 1.

15 MR. BLASS: It's on lot 2?

16 MR. HINES: It's on lot 2. The
17 existing structure doesn't cause any zoning
18 non-conformities. The previous one we were
19 discussing did have the zoning non-conformities.
20 So filing of the map didn't create a zoning
21 issue. They could conceivably reconstruct that
22 house.

23 MS. BROOKS: Correct. They're not
24 planning on it. Conceivably, yes, they could.

25 MR. HINES: That's all we have.

2 CHAIRMAN BRAND: Is there any member
3 from the public here to speak for or against this
4 application?

5 MR. CLARKE: I think this is a good
6 idea. The property has been vacant for an
7 extended period of time. Seeing somebody wants
8 to buy the west side, I suspect there will be a
9 buyer for the east side also.

10 MS. BROOKS: I hope so.

11 CHAIRMAN BRAND: Anything else from the
12 Board? From the public?

13 (No response.)

14 CHAIRMAN BRAND: Can I have a motion --
15 I'm sorry. I didn't see you. Please stand up
16 and state your name for the Stenographer.

17 MR. PIZZA: Nick Pizza, 239 Milton
18 Turnpike. Is there a site plan that I can
19 review?

20 MS. BROOKS: Come on up.

21 MR. PIZZA: Thank you.

22 MS. BROOKS: Here's your property.
23 Basically what's happening is this is on
24 different sides of Peach Lane. For them to sell
25 this side of the road they have to subdivide it.

2 It's one parcel right now. Somebody is
3 purchasing this lot to the best of my knowledge.

4 MR. PIZZA: Thank you.

5 CHAIRMAN BRAND: You're welcome.

6 Anyone else from the public?

7 (No response.)

8 CHAIRMAN BRAND: I'd like to have a
9 motion to close the public hearing.

10 MR. CLARKE: So moved.

11 CHAIRMAN BRAND: A second?

12 MR. TRAPANI: I'll second it.

13 CHAIRMAN BRAND: All those in favor?

14 MR. CLARKE: Aye.

15 MR. TRAPANI: Aye.

16 MS. LANZETTA: Aye.

17 MR. LOFARO: Aye.

18 CHAIRMAN BRAND: Aye.

19 Any opposed?

20 (No response.)

21 CHAIRMAN BRAND: We do have a short
22 form assessment -- environmental assessment form.
23 I'd like to have a motion to approve the short
24 E.A.F. form.

25 MR. HINES: Approving the negative dec.

2 MR. BLASS: Part 2.

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

4 CHAIRMAN BRAND: Is there a second?

5 MR. LOFARO: I'll second it.

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

8 MR. CLARKE: Aye.

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. LOFARO: Aye.

12 CHAIRMAN BRAND: Aye.

13 Any opposed?

14 (No response.)

15 CHAIRMAN BRAND: Excellent. We do have
16 the resolution of approval before us. We are
17 changing the demolition and removal of the
18 dilapidated structure prior to -- we're just
19 taking that whole sentence out.20 MR. BLASS: The applicant requested to
21 change to removal prior to an application for a
22 building permit on lot 2.

23 CHAIRMAN BRAND: Prior to the --

24 MR. BLASS: I can put that in tomorrow
25 morning and re-send it to you.

2 CHAIRMAN BRAND: Do I have a motion --
3 actually Jen, with that on there can you just
4 poll the Board?

5 MS. FLYNN: Member Lanzetta?

6 MS. LANZETTA: Yes.

7 MS. FLYNN: Member Trapani?

8 MR. TRAPANI: Yes.

9 MS. FLYNN: Member Lofaro?

10 MR. LOFARO: Yes.

11 MS. FLYNN: Member Clarke?

12 MR. CLARKE: Yes.

13 MS. FLYNN: Chair Brand?

14 CHAIRMAN BRAND: Yes.

15 MS. BROOKS: Were there other
16 conditions? I didn't hear the resolution.

17 MR. BLASS: Metes and bounds are on the
18 map now?

19 MS. BROOKS: Yes.

20 MR. BLASS: That's already been taken
21 care of.

22 MS. BROOKS: Okay.

23 MR. BLASS: Payment of fees.

24 MS. BROOKS: Thank you.

25 CHAIRMAN BRAND: You're all set. Thank

2 you.

3

4 (Time noted: 8:28 p.m.)

5

6

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

8

9

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

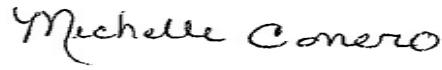
13 That hereinbefore set forth is a
14 true record of the proceedings.

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 28th day of October 2017.

21

22



23

MICHELLE CONERO

24

25

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

In the Matter of

5 HIGHLAND PET CENTER

7 Project No. 17-1014
8 131 Bailey Gap Road, Highland
Section 95.4; Block 1; Lot 18.2

9 _____ X
10 _____

11 PUBLIC HEARING
AMENDED SITE PLAN

12 Date: October 16, 2017
13 Time: 8:28 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: LOUIS DUROIS

2 CHAIRMAN BRAND: Next up, Highland Pet
3 Center.

4 Legal notice, commercial site plan
5 application. Please take notice a public hearing
6 will be held by the Marlborough Planning Board on
7 Monday, October 16, 2017 for the following
8 application: Highland Pet Center, at the Town
9 Hall, 1650 Route 9W, Milton, New York at 7:30
10 p.m. or as soon thereafter as may be heard. The
11 applicant is asking for a commercial site plan
12 application on lands located at Bailey Gap Road,
13 Highland, New York, Section 95.4, Block 1, Lot
14 18.2. Any interested parties either for or
15 against this proposal will have the opportunity
16 to be heard at this time. Chris Brand, Chairman,
17 Town of Marlborough Planning Board.

18 Would you just like to give us a quick
19 overview and speak to the mailings that were
20 sent?

21 MR. DUBOIS: First we'll turn in the
22 public hearing.

23 MR. RIZZA: We sent seventeen out and
24 got thirteen back.

25 MS. FLYNN: Thank you.

2 MR. DUBOIS: This is an application to
3 add on a fourteen-kennel addition to the existing
4 facility as noted on the plans. That's about it.
5 There's not much more I can say. We're going to
6 add on.

7 CHAIRMAN BRAND: Pat, do you want to
8 run through your comments?

9 MR. HINES: Our previous comments have
10 been addressed. We did receive Ulster County
11 Planning comments.

12 It abuts the town line with the Town of
13 Lloyd. The only comment they had was suggesting
14 the use of LED lighting on the site.

17 CHAIRMAN BRAND: Does the applicant
18 have a problem with the LED lighting that was
19 recommended?

20 MR. DUBOIS: I would like to check that
21 out with the animals. Where you live but I want
22 to make sure it's okay as a part of a kennel
23 operation.

24 MS. LANZETTA: That would be part of
25 the conditions of approval. You know, if you

2 want to postpone --

3 MR. DUBOIS: No, I don't want to
4 postpone.

5 MS. RIZZA: What was different than
6 what we had?

7 MR. DUBOIS: Is LED lighting -- we
8 don't have LED lighting right now.

9 MS. RIZZA: Where? I don't understand.

10 MR. RIZZA: The flood lights are LED.

11 MS. LANZETTA: The plans that were
12 submitted reflected that they were sulphur I
13 believe.

14 MR. HINES: High pressure sodium.

15 MR. DUBOIS: We'll go in accordance.

16 MS. RIZZA: All the lighting we've been
17 using is LED lighting. I thought it was
18 something different than what we've been using.

19 CHAIRMAN BRAND: They have very
20 specific lighting recommendations.

21 MS. RIZZA: Okay. That's fine.

22 CHAIRMAN BRAND: This is a public
23 hearing. The audience will have an opportunity
24 to speak at this time. If so, just state your
25 name for the record.

2 MR. SAGER: Norm Sager. I'm actually
3 the one who initially sold them for the
4 subdivision. Actually they've been awesome
5 neighbors from my perspective.

6 CHAIRMAN BRAND: Thank you.

7 MS. RIZZA: Thank you. He's actually
8 our closest neighbor.

9 CHAIRMAN BRAND: Excellent. Anyone
10 else for or against?

11 (No response.)

12 CHAIRMAN BRAND: Anything from the
13 Board?

14 (No response.)

15 CHAIRMAN BRAND: Pat, we're waiting for
16 a final set of plans?

17 MR. HINES: That would be a condition
18 of approval.

19 CHAIRMAN BRAND: A condition. So I
20 will have a motion first to close the public
21 hearing.

22 MR. CLARKE: So moved.

23 CHAIRMAN BRAND: A second?

24 MR. TRAPANI: I'll second it.

25 CHAIRMAN BRAND: All those in favor,

2 say aye.

3 MR. CLARKE: Aye.

4 MR. TRAPANI: Aye.

5 MS. LANZETTA: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye.

8 Any opposed?

9 (No response.)

10 CHAIRMAN BRAND: The public hearing is
11 closed.

12 We can do a negative declaration and
13 then a conditional approval based on when we get
14 the plans?

15 MR. HINES: The lighting and the final
16 set of plans.

17 CHAIRMAN BRAND: We'll just add the
18 plans for conditional approval.

19 MR. BLASS: The lighting is a required
20 modification of Ulster County Planning Board, so
21 the resolution in front of you speaks to making
22 that a condition.

23 CHAIRMAN BRAND: So I have a motion for
24 a negative declaration first.

25 MS. LANZETTA: I'll make a motion for a

2 negative declaration on this project.

3 CHAIRMAN BRAND: Is there a second?

4 MR. LOFARO: Second.

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

7 MR. CLARKE: Aye.

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN BRAND: Can I have a motion to
15 accept the amended resolution of approval before
16 us?

17 MS. LANZETTA: I'll make the motion to
18 accept the amended resolution for approval.

19 CHAIRMAN BRAND: Is there a second?

20 MR. CLARKE: I'll second that.

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

23 MR. CLARKE: Aye.

24 MR. TRAPANI: Aye.

25 MS. LANZETTA: Aye.

2 MR. LOFARO: Aye.

3 CHAIRMAN BRAND: Aye.

4 Any opposed?

5 (No response.)

6 CHAIRMAN BRAND: So carried. I think
7 you're all set. Thank you.

8 MR. DUBOIS: Thank you.

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10 (Time noted: 8:33 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 28th day of October 2017.

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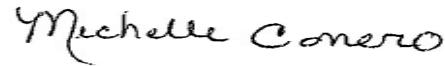
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MICHELLE CONERO

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

In the Matter of

5 GRAND SLAM AUTO

7 Project No. 17-1018
8 1924 Route 9W, Milton
Section 103.1; Block 2; Lot 61

11 SKETCH = SITE PLAN

12 Date: October 16, 2017
13 Time: 8:33 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: THOMAS CORCORAN

2 CHAIRMAN BRAND: Next up, Grand Slam
3 Auto, sketch, site plan.

4 Mr. Corcoran, would you like to give us
5 an overview of what it is you're presenting this
6 evening?

7 MR. CORCORAN: A 24 by 20 square foot
8 building, two-car garage with a small office on
9 the side. At this point it's for used car sales.
10 It's located north of Milton Turnpike at the
11 location on the map.

12 CHAIRMAN BRAND: What's there now?

13 MR. CORCORAN: It's a vacant lot.

14 CHAIRMAN BRAND: Anything else you want
15 to tell us about it?

16 MR. CORCORAN: Not really. I have the
17 comments. I'll address those as Pat goes along.

18 CHAIRMAN BRAND: Pat, do you want to go
19 over your comments?

20 MR. HINES: This has to go to New York
21 State DOT. It fronts on the DOT highway.
22 Approval for the access drive and the water main
23 utility connection in the State highway is
24 required.

25 There's a soil erosion sediment control

2 plan that states the project is a residential
3 project and not subject to the SPDES permit
4 requirements. It is a commercial project, not a
5 residential project.

6 MR. CORCORAN: Right.

7 MR. HINES: DOT is going to require
8 their details for curbing, drainage and pavement
9 within the DOT right-of-way.

10 We're going to need details for the
11 water service in the DOT right-of-way.

12 There's an approval for the septic
13 system from Ulster County. The septic system
14 that's approved is a pumped raised bed system.
15 There's no detail for the pump. This is more for
16 the applicant. When someone goes to construct
17 that they're going to have to know what that pump
18 station is going to look like. Ulster County has
19 approved the septic system.

20 Details of the proposed paving on the
21 site. There is curbing along the frontage. It's
22 not clear when they reviewed the plans where the
23 paving is going to start and stop. Shading or an
24 area depicted on the plans should be there.

25 Landscaping or screening. So

2 compliance with the Town's landscaping
3 requirements for parking lots and road frontage
4 should be addressed.

5 Limits of disturbance.

6 Lighting.

7 This has to go to County Planning. We
8 know the County is going to be looking for
9 lighting compliant with their standards. The LED
10 and the night sky details should be added.

11 The Board should declare it's intent
12 for lead agency. DOT and County Health
13 Department are involved agencies and County
14 Planning is an interested agency.

15 CHAIRMAN BRAND: Ron, do you have
16 anything?

17 MR. BLASS: No. We should circulate,
18 though.

19 CHAIRMAN BRAND: Anything from the
20 Board?

21 MR. CLARKE: This is a site -- an area
22 that's prone to flooding under high water events
23 like hurricanes. I want to know what you're
24 going to do about showing water runoff. Now it's
25 an open site. You're going to add non-porous

2 materials there. I just want to know how you're
3 going to manage that.

4 MR. CORCORAN: The site will be raised
5 and then the swales will be conforming to
6 stormwater management procedures to bring it back
7 into the stream in the rear of the property.

8 MR. CLARKE: What I'm saying is if
9 you're going to blacktop, add buildings. It's a
10 relatively small site.

11 MR. CORCORAN: There's no proposal for
12 blacktop.

13 MR. CLARKE: There's no proposal for
14 blacktop. Okay.

15 MR. HINES: I'm seeing that.
16 Commercial sites are required to be blacktopped
17 in the Town. We don't have gravel paving
18 permitted. We haven't permitted any gravel
19 paving on any sites. That's one of my comments.
20 I couldn't see the paving details and I can't
21 tell the limits of paving.

22 MR. CORCORAN: There's a mandatory
23 paving requirement in the code?

24 MR. HINES: We have not approved any
25 commercial sites with non-paved surfaces.

2 MR. CORCORAN: So it's not in the code
3 book, it's just something that's practice?

4 MR. HINES: The code book is not very
5 clear. It does say no dust surfaces. The policy
6 of the Board is commercial properties are paved.

7 MR. CORCORAN: Okay.

8 CHAIRMAN BRAND: And we have asked all
9 of the other applicants in this zone to consider
10 a sidewalk, or at least a dedication of an area
11 for a sidewalk. You can either include that in
12 your plans or we can see what DOT says about
13 that.

14 MR. CORCORAN: Okay.

15 CHAIRMAN BRAND: That's been something
16 we've been pretty consistent with with all the
17 applicants along the 9W corridor.

18 MR. CORCORAN: It won't be a problem
19 with dedication.

20 CHAIRMAN BRAND: Anything else from the
21 Board?

22 MR. HINES: Also Tom, if the site is
23 going to be raised up, a finished floor elevation
24 on the building and any grading should be shown
25 on the plans. Right now there's no grading plan.

2 MR. CORCORAN: Right.

3 CHAIRMAN BRAND: I guess at this time
4 I'd like to have a motion to declare our notice
5 of intent for lead agency. Do I have that
6 motion?

7 MR. TRAPANI: I'll make that motion.

8 CHAIRMAN BRAND: Do I have a second?

9 MR. CLARKE: Second.

10 CHAIRMAN BRAND: All those in favor?

11 MR. CLARKE: Aye.

12 MR. TRAPANI: Aye.

13 MS. LANZETTA: Aye.

14 MR. LOFARO: Aye.

15 CHAIRMAN BRAND: Aye.

16 So we will circulate this to the New
17 York State DOT, County Health Department and
18 Ulster County Planning. We'll hear back and put
19 you back on the schedule.

20 MR. CORCORAN: Thank you.

21

22 (Time noted: 8:39 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 28th day of October 2017.

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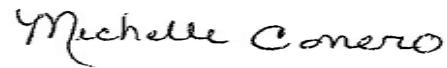
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MICHELLE CONERO

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

In the Matter of

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

11 SKETCH - SUBDIVISION/SITE PLAN

12 Date: October 16, 2017
13 Time: 8:39 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVES: JUSTIN DATES
22 DOMINIC GORDISCO

23 - - - - - MICHELLE L. CONERO
24 3 Francis Street
25 Newburgh, New York 12550
25 (845)541-4163

2 CHAIRMAN BRAND: Next up, Bayside
3 Mixed Use.

4 MR. DATES: My name is Justin Dates
5 with Maser Consulting. We're here to present the
6 Bayside project. Also here is the attorney,
7 Dominic Cordisco.

8 I think this project has been around
9 the Town for quite some time. You may be
10 familiar with what's going on. I'll run through
11 the project, all the proposals that the applicant
12 has. Please stop me whenever you want to ask any
13 questions or I can take them at the end of the
14 presentation.

15 So the project just recently, August
16 14th, completed the EIS with the Town Board, and
17 there's a Findings Statement that I provided --
18 the adopted Findings Statement I provided as part
19 of our application which outlines all the
20 environmental studies that we had gone through
21 for the project and what the applicant is looking
22 to do with this property here.

23 CHAIRMAN BRAND: Okay. The
24 environmental impact statement that you prepared,
25 this has been ongoing, obviously, for awhile.

2 MR. DATES: Yes.

3 CHAIRMAN BRAND: You weren't required
4 to do a new environmental impact statement? You
5 just went with the old one from the first
6 application process; is that correct?

7 MR. DATES: So we had some -- there was
8 -- some time period went by between when we
9 submitted the DEIS and we had the public hearing
10 on that, received comment back, and then there
11 was -- with the market the applicant didn't move
12 ahead to the full FEIS at that point addressing
13 the comments. After that time period we revisited
14 the project with the Town Board and it's
15 consultants and it was decided that a
16 supplemental DEIS was not required. We
17 progressed on to put together our FEIS with the
18 new project I'm going to explain in the proposal
19 tonight.

20 CHAIRMAN BRAND: Okay. Thanks.

21 MR. DATES: This is the PDF of the
22 plans that you have. This is kind of large. I
23 hope this is easier. On all the plans north is
24 going to be straight up the page. Purdy Avenue
25 will always be on the top of the paper. Route 9W

2 will be on your right. Marlboro is down here on
3 the south. This little piece here, that's
4 Birdsall Avenue. The site, Bayside Construction,
5 LLC is the owner of the property and the
6 developer of the project. It's a single tax
7 parcel, a little over 25 acres in size, and it's
8 in the Town's R-1 zoning district. There are
9 about eight structures existing on site. The
10 majority of the -- the remainder of the site is
11 all wooded through here. Also on the western
12 side of the property here, this hatched area here
13 is 7.4 acres of Army Corp wetlands. We did
14 receive a jurisdictional determination on that.
15 That was received back in April of this year.

16 What are we looking to do here? So the
17 project is a mixed use project. It's going to be
18 developed with a 104-unit apartment complex.
19 It's made up of five buildings.

20 Access to the site. This is the
21 intersection right now with 9W and Young Avenue.
22 We're looking to propose a fourth light to this
23 intersection, so modifications to the traffic
24 light obviously -- modifications per our access
25 into the site will be undertaken with DOT.

2 This first about 750 feet of the road
3 into the project site we are looking to create a
4 Town road. There would be dedication of the
5 roadway that we're looking at right now. Once up
6 into the site, from this point on would all be
7 privately owned drive aisles, parking areas for
8 the residential development.

9 The residential development sits at the
10 top of the project site here. This is going to
11 be the highest point. There's five buildings.
12 We numbered them clockwise 1, 2, 3, 4, 5 is in
13 the center, and there's a clubhouse in the center
14 building. So 104 units. 20 will be three-
15 bedroom, 84 are two-bedroom. That's the
16 composition of the project.

17 Per Town Code, multiple dwellings are
18 special use within the R-1 District.

19 It's not age restricted, it will be
20 market rate.

21 Each unit is to have at least 1.5
22 spaces per unit. That will be a total of 156
23 spaces would be required by Town Code. We're
24 actually providing 2 spaces. They're two and
25 three bedrooms. That's more appropriate for the

2 development. We have a total of 224 spaces, and
3 that does include 16 extra spaces for the
4 clubhouse, whatever function may go on there.
5 Those are extra spaces.

6 So the main access up into the site is
7 kind of a circular circulation on top up here.
8 We do have an emergency access that's gated that
9 will go to Purdy. So not a full-time access.
10 It's gated in case of an emergency. We also have
11 another access, just a maintenance driveway.
12 We have stormwater facilities on the west side of
13 the site that we need access to. That will be
14 gated as well. So again, not a full-time
15 driveway.

16 Some of the components. We met quite a
17 few times with the school, with the school
18 district that is, to coordinate aspects of the
19 project with them and how it's going to function
20 with the school and its operations. So what we
21 have is -- this is the top of our road here, the
22 middle school. We have a two-way driveway at the
23 end here and then an exit aisle that goes back
24 out to the main road here. As everybody knows,
25 if you're trying to exit the middle school here

2 and you're using the road, their existing
3 driveway down to 9W, left-hand turns can be
4 problematic. You have a crossing guard there and
5 things of that nature. This is going to give
6 them access, them being buses or parents or --
7 you know, during activities, things of that
8 nature, out to 9W to a signalized intersection
9 and a left turn. There's a dedicated left-turn
10 lane down at the bottom of the intersection. We
11 also have a dedicated left-turn lane into the
12 site if you're traveling north on 9W. We think
13 that's a big benefit to the school.

14 Also on-site parking is always
15 problematic. There's not enough parking during
16 functions and things of that nature. The
17 applicant is going to construct 28 parking spaces
18 for the school, adding some pavement to the
19 existing drive. We can make it wide enough that
20 we can get parking on either side. Also expanded
21 parking in this area of the school to pick up
22 about 7 spaces there. So it's 28 all together
23 they're looking to build out, stripe, what not
24 for the school.

25 Also they shared their proposed

2 circulation, how they're going to have bus drop
3 off and pick up, things of that nature. He's
4 agreed to do the striping of that existing upper
5 parking area there as part of the project.

6 That's the residential component of the project.

7 There is also -- we've shown a box,
8 12,600 square feet, for the proposed commercial
9 use down along 9W. Again, access off of 9W, a
10 right in/right out scenario. It also has a
11 driveway off of our main drive.

12 Per the code it needs 42 parking
13 spaces. We proposed 42 parking spaces.

14 What we are looking at is the Town, as
15 previously discussed on another project, the
16 Business Corridor Overlay is along this stretch
17 of 9W. We would need to facilitate development
18 of this piece of the project as commercial use
19 using that mechanism.

20 The project is going to be broken down
21 into three separate lots. There's just over a 1
22 acre lot here that will be retained by the owner.
23 It's vacant. There's no proposed development for
24 it at this point. Just North Avenue, that
25 commercial lot we were talking about being set up

2 with the Business Corridor Overlay, it's just
3 over 2.4 acres. The remainder of the site would
4 be the lot for the residential development
5 itself. So there's three lots. Assuming the
6 Town accepts access dedications, this would be
7 the right-of-way for the Town road into the
8 project.

9 We are adding sidewalks, parking,
10 roadway, rooftops, impervious surfaces. The
11 project itself is going to disturb about 13.7
12 acres of the site, so we have provided a full
13 SWPPP for the project and how we're going to
14 mitigate the stormwater measures. We have a
15 series of some dry swales and catch basins,
16 piping and what not that will convey stormwater
17 collection to the proposed mitigation areas as a
18 measurement. We have a large bio-retention area
19 there in the back, and there's also one that's
20 proposed up along 9W. This is Purdy Avenue right
21 here. It's right at that southwest corner of
22 that intersection.

23 The project would be set up in five
24 phases, the first being we have to have this road
25 to get into the project and develop any portion

2 of the site. Phase 1 is just over 8 acres. We
3 would need a 5 acre waiver to do that. Really
4 what it does is it opens up the site from the
5 standpoint of getting our driveway in. This
6 first building is proposed, and then also we
7 would be doing installation of the mitigation of
8 the bio-retention area on the western side of the
9 site as well as northeasterly here.

10 One of Pat's comments, you can see
11 drainage is collected and conveyed and split to
12 either side of the site there. Some of the
13 roadway drainage here comes across and gets into
14 that northeast basin. So we really need to open
15 up just over 8 acres to get things in place.
16 We're only getting one 24-unit building initially
17 after all the stormwater and roadway construction
18 and things of that nature. That's the building
19 that's proposed for construction in phase 1.

20 Then we would be moving in a clockwise
21 fashion. Phase 2 would be the next 24-unit
22 building. Phase 3 is 24. Phase 4 would be these
23 two buildings here. Phase 5, being the last,
24 would be the commercial user. As I mentioned,
25 right now there's no user identified. At that

2 point the applicant wants to get the residential
3 component of the project constructed.

4 The project is in the Town water
5 district so we would be looking to hook up to
6 Town water. We'd like to connect to the existing
7 water main up in Purdy. It's a six-inch line
8 that we'd connect to. Down on Route 9W we look
9 to connect to the 12-inch line that's in 9W as
10 well. We have a looped system through the site.

11 The fire hydrants, we can coordinate
12 locations, confirm locations with the
13 jurisdictional fire department when the time
14 comes.

15 And then sewer. The applicant has
16 entered into a sewer agreement with the Town.
17 Only a portion of the site -- there's a small
18 portion of the site over on this side that is
19 within the sewer district. The remainder is not.
20 As I mentioned, the sewer agreement has
21 established reserved capacity for that portion of
22 the site outside the sewer district. That's
23 within the EIS, that document. We can provide
24 you with that. We'd look to sewer right down to
25 the intersection with Young Avenue at the

2 proposed driveway.

3 MR. TRAPANI: Those two exits to Purdy
4 Avenue, --

5 MR. DATES: Yes.

6 MR. TRAPANI: -- how are they going to
7 be closed off so that people will not use them?

8 MR. DATES: They're gated.

9 MR. TRAPANI: They're going to be
10 gated?

11 MR. DATES: Yes.

12 MR. TRAPANI: Unless there's an
13 emergency?

14 MR. DATE: Yeah. So that would have to
15 be -- for the emergency access, which is right
16 here, that can be coordinated with the fire
17 department.

18 MR. TRAPANI: They can coordinate it
19 there and the fire department has to go Purdy
20 Avenue and go in that way?

21 MR. DATES: I'm sorry?

22 MR. TRAPANI: They can coordinate it
23 from inside the area, inside there someplace
24 where they can open up the gates automatically?
25 Say the fire department has to get in there right

2 away or the ambulance has to go up that way.

3 MR. DATES: If they have a key to the
4 lock that's on there or something else is
5 desired.

6 MR. TRAPANI: A lockbox. How about by
7 the school side there, that road going in. Can a
8 fire truck get in there if they have to?

9 MR. DATES: This is gated as well. The
10 gates are on the school property. They would be
11 in charge of, you know, supplying the key. Like
12 I said, whatever the mechanism is.

13 MR. TRAPANI: If the other roads were
14 blocked off or --

15 MR. DATES: Exactly. If there's a
16 problem on 9W from Birdsall, there could be
17 access all the way to Purdy through the site for
18 emergencies.

19 CHAIRMAN BRAND: The entrances through
20 the school are all gated as well?

21 MR. DATES: Yes.

22 CHAIRMAN BRAND: You said the school is
23 going to be supervising that to get off site to
24 go to the light. How would you have access to
25 that, if it's gated, as a parent dropping off or

2 something?

3 MR. DATES: The school has expressed to
4 us that they would control the opening and
5 closing of the gate. What we heard is people
6 from Birdsall are cutting through the parking
7 lot. They want to deter that by having a gate
8 but they're going to regulate it's use during
9 like pick up/drop off, those types of things.

10 CHAIRMAN BRAND: Got you. You said one
11 side of the school was two-way and the other was
12 single access?

13 MR. DATES: Yup. The western most is a
14 two-way.

15 CHAIRMAN BRAND: That's right around
16 the new utility structure?

17 MR. DATES: The utility structure is
18 right in the center. We flank either side of
19 that. The two-way would go on the left and the
20 one-way out would be on the right-hand side.
21 Again, we met out on the site with the school,
22 walked the areas and, you know, based on their
23 study that they did for circulation that seemed
24 to work well.

25 MR. HINES: One of the exits is only

2 going to be for buses. Right now they have a
3 conflict with passenger vehicles and buses. I've
4 never seen it happen. When we had meetings out
5 there there was nothing there. The idea is the
6 buses will have a direct route in and passenger
7 vehicles won't be driving through the buses
8 anymore. Strictly those gates will be controlled
9 by school personnel at certain times of the day
10 when they need them.

11 MR. DATES: We've preserved a
12 substantial amount of existing vegetation. I
13 mentioned the majority of the site now is all
14 wooded. We're trying to be conscious of
15 preserving what is out there and supplementing
16 with screen plantings. As you can see, around
17 the perimeter of the site there is substantial
18 evergreen screens that we'll be putting in to
19 supplement the existing vegetation that's out
20 there. We've provided a full landscape plan in
21 the package. Again, we're fully landscaping the
22 entire project, street trees, ornamental trees,
23 we have foundation plantings, parking lot
24 plantings. The stormwater management areas that
25 I mentioned, the bio-retention, those will be

2 planted out with the proper species of plant to
3 help mitigate. They're generally there to look
4 like natural wooded type features. Again, this
5 is kind of down lower from Purdy. This is all
6 bordered by vegetation. I don't think you're
7 really going to see much of a difference if you
8 were looking into the site from this location at
9 the stormwater management area.

10 And then lastly, the lighting plan
11 I'll show you. We have proposed LED pole-mounted
12 fixtures, 16 foot height, full cutoff. So again,
13 night sky, we're cognizant of that and
14 restricting any unnecessary lighting. Those
15 would be throughout the site, up the roadway,
16 throughout the parking areas, all that for now.
17 For the commercial space we have a couple of wall
18 mounted fixtures, again cutoff, just to achieve
19 proper lighting there.

20 One of the things I want to touch on,
21 we received comments from the DOT after the
22 Findings were adopted. So the Findings were
23 adopted August 14th. We received comments on
24 August 24th from the DOT which we have responded
25 to, and I provided the Board with a copy of that.

2 September 7th we responded to those comments.
3 There was some back and forth between them to
4 clarify our study. Like I said, our response had
5 been sent back to them but we have not heard
6 back.

7 Again, our driveway traffic signal,
8 it's all the highway work permit through the DOT
9 to secure all those approvals.

10 MS. LANZETTA: I have a question. The
11 lower portion that you're going to be going to
12 the Town Board to ask for BC consideration, I'm
13 just wondering what our responsibility is as a
14 Board until such time as we get that direction
15 from the Town Board, whether we can consider
16 looking at just one portion of the subdivision or
17 if we have to wait so it's not segmented, review
18 it as a whole? How does that work?

19 MR. BLASS: I think you have to do a
20 cumulative SEQRA assessment of the entire site,
21 full build out, both residential and the
22 commercial, otherwise it would be segmentation.
23 I think the Town Board may -- we should ask the
24 Town Board to send a letter to the Planning Board
25 stating it's intention to approve this for

2 Business Corridor Overlay. That would open up
3 your rights to do a site plan review. There will
4 be a subdivision component. This commercial site
5 will be subdivided off as well. I think SEQRA
6 would require one coordinated review.

7 MR. HINES: We're done with SEQRA.

8 MS. LANZETTA: You're looking for a BC
9 designation for both the lower portions; correct?

10 MR. DATES: No. Just the 2.4 acres.

11 MS. LANZETTA: Wouldn't it make more
12 sense to do that now, just get the commercial?

13 MR. HINES: They've got to do that now.

14 MS. LANZETTA: I'm saying for both
15 sections. He's saying they just want --

16 MR. HINES: For the 1 acre there?

17 MS. LANZETTA: It would make more sense
18 to ask the Town Board now to give you that
19 designation than to have to go back at a later
20 time. It's very unlikely that somebody is going
21 to want to put a residential structure on that.

22 MR. CORDISCO: Understood. It's just
23 that -- Ms. Lanzetta, Dominic Cordisco. Nice to
24 see you again. There's just no end use
25 identified for that parcel at this time, nor has

2 it been designed. The prior environmental review
3 that culminated in 2016 with a Findings Statement
4 -- actually, no. The Findings Statement was this
5 past summer in August, contemplated the 12,000
6 square foot commercial development along Route
7 9W, but that was the only commercial development
8 that was analyzed at that time.

9 MS. LANZETTA: If we do -- so then we
10 have to look at that residential parcel.

11 MR. HINES: Any use you'll have to.

12 CHAIRMAN BRAND: Is that your
13 presentation?

14 MR. DATES: Yes. If you have any
15 questions.

16 CHAIRMAN BRAND: Pat, do you want to
17 run through your comments?

18 MR. HINES: I have some comments. My
19 first one is bringing you up on the history,
20 where you're at, the number of lots, the fact
21 there was already a full environmental review of
22 the project. As Ron as I were just talking, this
23 Board will have to adopt the Town Board's
24 findings or issue it's own as you move through
25 the process.

2 It's 104 total units. I don't know if
3 you said that. The bedroom count has changed
4 over the years. I think there's three bedrooms
5 in the mix now as well. I don't know if you gave
6 the bedroom count.

7 MR. DATES: Yes. Sorry. 20 three-
8 bedrooms and 84 two-bedrooms.

9 MR. HINES: Our second comment is just
10 that the Town Board must review and approve the
11 BC Overlay.

12 Plans must be coordinated with DOT.
13 That comment goes on to talk about the recent
14 comments we had from DOT after the Town Board
15 adopted the Findings. We're suggesting that in
16 addition to DOT, Creighton Manning receive those
17 as well. They did review the initial traffic
18 study for the Town.

19 The fourth comment discusses the school
20 district interconnects. I was present at several
21 of those meetings with the school district. This
22 is the layout the school district was happy with
23 at those meetings. I know things change with
24 school districts.

25 CHAIRMAN BRAND: Do we have something

2 from them?

3 MR. HINES: I don't think we have
4 anything from them other than we were out in the
5 field with the superintendent of schools and
6 superintendent of buildings and grounds and a
7 couple other folks from the school a couple
8 times. Physically we were out in the field
9 talking about how that was going to layout. That
10 does affect the question the Town road versus
11 there's going to be a strip of no man's land
12 there as part of the site plan. I'm assuming the
13 school is going to need some form of easement or
14 access agreement. Maybe the Town road gets
15 changed to touch the school. I don't know.

16 MR. DATES: We did call out for
17 easements over those portions that are not
18 right-of-way or Town property.

19 MR. HINES: Also, the highway
20 superintendent's comments on the Town road. It's
21 going to be a difficult road to maintain with no
22 cul-de-sac, no end, no termination, where you
23 start and stop with the plows. We're going to
24 need some input from the Town highway
25 superintendent on that. I see it as a snow

2 plowing maintenance nightmare. Where does that
3 start and stop and who puts the snow where?
4 Those kinds of things will need to be worked out.

5 CHAIRMAN BRAND: Did you say earlier
6 that only the portion of the road coming in from
7 9W was going to be dedicated to the Town and the
8 rest of the parking area was going to be
9 maintained privately, private road systems?

10 MR. DATES: Yes.

11 CHAIRMAN BRAND: Where is that?

12 MR. DATES: This line right here,
13 that's the cut off. The Town will be doing to
14 the right, the private will be to the left.

15 MR. HINES: What's the reason for that?

16 MR. DATES: Well, because we see it as
17 a benefit to the school district and the Town as
18 a circulation standpoint and getting that fourth
19 leg of the intersection put in. We'd like --

20 MR. HINES: That could be accomplished
21 by just making what you show as a Town road an
22 easement to the school. Just continue that down.

23 MR. DATES: An easement to the school?
24 That entire right-of-way?

25 MR. HINES: Instead of being a Town

2 road. I don't see the benefit to the Town
3 accessing your site. I understand the
4 interconnect with the school district and you're
5 incorporating an easement in there. You don't
6 have to answer now. We have a ways to go here.

7 MR. DATES: I'll review that with the
8 highway super. We need to circulate to them as
9 well; right?

10 MR. HINES: Working out with the school
11 district the extra parking spaces. The Board will
12 need some input from the school district that
13 those things are going to happen and the
14 mechanism of how that happens. I don't know if
15 you build on there, how that works.

16 The buildings are going to be 34.1 feet
17 high. They're graded at 30 feet. The access
18 drives within the complex have to be 26 foot wide
19 for aerial access in accordance with the Building
20 Code. They are shown on the plans at 26 feet
21 now.

22 The first parking area coming off the
23 school on the east side, you have the crosswalk
24 running out behind the cars. Go back to where
25 you were. Right where your pointer is. The

2 crosswalk here is shown behind this. I think it
3 needs to just jog around.

4 MR. DATES: Okay. We were trying to
5 maintain the --

6 MR. HINES: You have to go out here and
7 with cars backing up. Jogging that around would
8 be a better pedestrian flow.

9 And then you talked about the number of
10 phases. The concern is that you don't have a
11 commercial tenant right now but because of the
12 topography there and making that road go in,
13 there's going to be extensive regrading of the
14 commercial lot and what that's going to look like
15 and how that's going to look until you get your
16 commercial tenant. There's some retaining walls.
17 There's extensive grading to get to the drainage
18 over there. We don't want something that looks
19 like a quarry in front of there for a couple of
20 years or eternity.

21 MR. DATES: Understood.

22 MR. HINES: The plans will have to work
23 that out. Even on the remaining lot there's
24 quite a bit of grading. How that's going to look
25 in your phasing plan.

2 Plans submitted to the water and sewer
3 department. They're at a state now where they
4 can do that.

5 It needs to go to Ulster County
6 Planning. Earlier might be better here. The
7 project is fairly detailed because it's been
8 before various boards in the environmental impact
9 process. Referral to County Planning is
10 required.

11 Also just things like utilities and
12 lighting. If that does become a Town roadway,
13 you have lights within the Town roadway and how
14 that's going to be maintained, which may be
15 another reason you leave it to the developers.
16 That way we can maintain the lights and utilities
17 and such.

18 That's our comments right now.
19 Obviously there's more detail that's going to be
20 going on.

21 CHAIRMAN BRAND: Thanks. Pat...

22 Ron, do you have anything at this
23 point?

24 MR. BLASS: No.

25 CHAIRMAN BRAND: Anything from the

2 Board?

3 MR. CLARKE: Yeah. At that last
4 planning session they talked about a big project
5 like this, bringing everybody together.6 MS. LANZETTA: Have you done an Ulster
7 County Gateway?

8 MR. DATES: Yes.

9 MR. CLARKE: This would be a project
10 that's suited for that.11 MR. DATES: We did. Before we got
12 fully into the negative dec process we did have a
13 gateway meeting with the County. I don't have
14 the date. I can get the date for you.15 MR. CLARKE: No. I thought it was a
16 great idea, bring everybody together early so we
17 can resolve issues. Not literally but all
18 together.19 CHAIRMAN BRAND: At that initial
20 meeting the choices were pretty limited. It was
21 like Tuesday at 10:30 a.m. or something like
22 that. I think that's problematic for most of the
23 Board Members here. If you continue along those
24 lines, I'd like to see the time be considered
25 where most of this Board at least could probably

2 attend that as well, or maybe even have some kind
3 of meeting with them.

4 Anything else?

5 (No response.)

6 CHAIRMAN BRAND: No?

7 MS. LANZETTA: Maybe you addressed this
8 already in the environmental review. The height
9 of the buildings, was there a visual analysis
10 done in relation to historic sites, perhaps
11 across the river?

12 MR. DATES: We did do cross sections
13 through the site. The EAF showed grading and
14 building height and the existing vegetation and
15 that type of visual analysis. That's what we
16 provided in the FEIS.

17 MS. LANZETTA: Did it take into account
18 the historic sites across the river that might be
19 within the viewshed?

20 MR. DATES: No. We did not study
21 anything that far off.

22 MS. LANZETTA: You might have to do
23 that.

24 MR. HINES: The Office of Parks,
25 Recreation & Historic Preservation was involved.

2 There was a phase 1 A and B done on the site.

3 MR. DATES: Yes.

4 MR. HINES: That wasn't a comment that
5 they had brought up.

6 MS. LANZETTA: It wasn't?

7 MR. HINES: Parks & Rec did not. The
8 Office of Historic Preservation didn't bring that
9 up in the environmental review.

10 MR. DATES: No.

11 MR. HINES: They did require a cultural
12 resources survey on the site.

13 MR. DATES: Yes.

14 CHAIRMAN BRAND: I remember from the
15 first initial proposal they had there was an
16 issue that was brought up regarding the deeded
17 water rights for the Traphagen estate cross the
18 road. Has that been cleared up?

19 MR. DATES: Our response in the FEIS
20 and the Findings was basically that was set up at
21 a time when public water was not available to any
22 of these sites. Subsequent to that, you know,
23 the Town water district was established and water
24 is available. You know, we're connecting to take
25 advantage of that for the site. We don't want to

2 have -- it's kind of a health and safety concern
3 to have some type of spigot or, you know,
4 makeshift well pump to the cistern. We're not
5 looking to compromise the health and safety.

6 CHAIRMAN BRAND: Okay. Anything else?

7 (No response.)

8 CHAIRMAN BRAND: So the Town Board is
9 the lead agency for this project; correct?

10 MR. BLASS: Correct.

11 CHAIRMAN BRAND: So we just send them
12 on their way to do their homework and meet again;
13 correct?

14 MR. BLASS: Yeah. Pat's got quite a
15 few comments here. I like the idea of an early
16 meeting with Ulster County Planning.

17 CHAIRMAN BRAND: Me, too.

18 MR. BLASS: Eventually the Board is
19 going to have to do it's own Findings Statement.
20 It's not bound by the Town Board's statement.
21 You will be taking a second look at the
22 environmental issues if you wish, to the extent
23 you wish.

24 MS. LANZETTA: I'd also like to see a
25 letter from the Town Board --

2 MR. BLASS: Oh, yeah.

3 MS. LANZETTA: -- saying that they feel
4 this is a candidate for BC designation.

5 MR. BLASS: I will correspond with the
6 supervisor tomorrow and make that recommendation.

7 CHAIRMAN BRAND: Okay. Thank you.

8 MR. DATES: So the highway department
9 and water, sewer, those Town agencies we can get
10 plans to and request for their review or is that
11 to be circulated through your office, Pat?

12 MR. HINES: You can go to them direct.

13 MR. DATES: Go to them direct.

14 MR. HINES: I saw Mr. Cordisco give the
15 fire service rep a card, too.

16 CHAIRMAN BRAND: Thank you.

17 MR. DATES: Thank you very much.

18 MR. CORDISCO: Thank you all.

19

20 (Time noted: 9:17 p.m.)

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

5

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 28th day of October 2017.

18

19

20

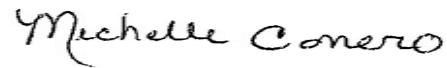
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MICHELLE CONERO

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

In the Matter of

5 TRAPANI FARMS

10

11 SKETCH - SUBDIVISION

12 Date: October 16, 2017
13 Time: 9:17 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 CINDY LANZETTA
17 JOSEPH LOFARO
17 STEVE CLARKE

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
20 VIRGINIA ELYNN

21

2 CHAIRMAN BRAND: Next up, Trapani Farms
3 subdivision.

4 Just for the record I'd like to note
5 that Member Trapani recused himself from this
6 discussion.

7 Whenever you're ready.

8 MS. BROOKS: The application before the
9 Board is a two-lot subdivision of approximately
10 89.5 acres. The Board may recall that we were
11 here last October, we received approval for a
12 two-lot subdivision which is shown on here as
13 Marco & Krista lands only. There's currently a
14 house under construction on that lot.

15 CHAIRMAN BRAND: That's lot 2?

16 MS. BROOKS: No. It actually is lot 1
17 from the filed map. It says house under
18 construction. It's just immediately to the west
19 of lot 2.

20 CHAIRMAN BRAND: Okay.

21 MS. BROOKS: So that was the
22 subdivision that was approved last year of the
23 daughter Krista. Now Scott and Tim, two sons,
24 are interested in constructing a home on the
25 property as well.

Because of the agricultural setback requirements we are proposing also a lot line revision with adjoining lands of Trapani so we can meet our setbacks and have the house in the location that's desired on that lot.

16 CHAIRMAN BRAND: Pat?

17 MR. HINES: I have a concern regarding
18 future access to the northerly most portion of
19 the parent parcel because of the pond and the lot
20 line layout. I'm just not real clear why that's
21 not all incorporated into this lot. It probably
22 would be cleaner. Or make it part of the lot to
23 the right. I think they are in common ownership.

24 MS. BROOKS: Right. What they're
25 proposing to do, because they want to continue to

2 use that for farming purposes, particularly the
3 pond because they use it for irrigation, they
4 were wanting to keep that pond as part of the
5 remaining lot 3. They will have an easement to
6 go over lot 1 as needed to be able to access that
7 pond. The desire was not to include it in that
8 residential lot but keep it as part of the
9 overall farmland.

10 MR. HINES: Can they combine it with
11 the larger parcel in the rear? It's the same
12 ownership.

13 MR. TRAPANI: What's that?

14 MS. BROOKS: Come here, Ben. Come be
15 the applicant.

16 So the concern is because right now the
17 way we have it, we have this pond -- all of this
18 is part of lot 3.

19 MR. TRAPANI: Right.

20 MS. BROOKS: His question is can we add
21 this to your other parcel. In other words, we're
22 taking this lot line revision and adding that
23 piece. Can we take that pond and add it to the
24 other parcel?

25 MR. HINES: Instead of making it a lot

2 that's disconnected.

3 MS. BROOKS: It would be a contiguous
4 piece. I know this is in a trust.

5 MR. TRAPANI: That's it. The other
6 parcel is in a trust.

7 MR. HINES: So it's not the same owner.
8 I thought it was the same ownership.

9 MS. BROOKS: I mean the problem is that
10 adjacent tax map lot 2 that we're getting the
11 parcel A from is actually in a trust. It's not
12 in Trapani Farms. The desire is to keep that
13 pond for irrigation purposes.

14 MR. HINES: Isn't it connected with the
15 pipe?

16 MS. BROOKS: Yes.

17 MR. TRAPANI: Both ponds. Yeah.

18 MR. HINES: They would have access, I
19 guess, to the pond. It's just -- it's creating a
20 future disconnect, you know.

21 CHAIRMAN BRAND: Do we know the area of
22 that existing space?

23 MR. HINES: I didn't hear you.

24 CHAIRMAN BRAND: Do we know the area of
25 that existing space?

2 MR. HINES: There's no access to it
3 because of the pond.

4 CHAIRMAN BRAND: I see. There's
5 another pond.

6 MR. HINES: Yeah.

7 MS. BROOKS: I mean it's not
8 necessarily cut off because they would have a
9 right-of-way over the 25-foot access strip, both,
10 across lot number 1. They would retain easement
11 across that.

12 MR. HINES: I didn't see that. Is that
13 on there? Is there a note on there I missed?

14 MS. BROOKS: No. It probably is not on
15 there.

16 MR. HINES: Okay.

17 CHAIRMAN BRAND: You're saying they
18 would be able to access it through this dirt
19 road?

20 MS. LANZETTA: They'd be able to put a
21 septic in?

22 MS. BROOKS: I'm sorry? Say it again.

23 MS. LANZETTA: I was wondering if this
24 would be a buildable lot.

25 MS. BROOKS: It's not. That's why we

2 have the land hook on there. It is part of lot
3 .

4 MR. HINES: Across there, that's the
5 location of the same lot. That's a tax lot
6 connection symbol.

7 MR. TRAPANI: The biggest reason we're
8 putting it on the other parcel is it's a little
9 bit more well up on the hill where my
10 grandchildren would be able to play instead of on
11 a steep slope. Grandpa wants them to have a
12 baseball field, you know. That's basically the
13 big reason.

14 CHAIRMAN BRAND: Do you want to go over
15 your comments?

16 MR. HINES: I'll keep running. That
17 was my first comment. You can discuss that more
18 as this moves forward.

19 The highway superintendent's comments
20 on both driveway locations should be received.

21 This was subdivided back in 2016. I
22 don't know that that has any implications in
23 Ulster County. In Orange County where I do a lot
24 more work this would become a major subdivision
25 because of that.

2 MS. BROOKS: It would become a major
3 subdivision if there were more than four lots in
4 a two-year time period. So this is not a major,
5 no. We're still only three lots.

6 MR. HINES: Yup. Just south of here
7 that wouldn't be the issue.

8 Septic systems need to be designed for
9 each of the lots.

10 Section 155-52, the agricultural
11 setbacks, there's requirements in that for
12 buffers. Previously for the last subdivision in
13 2016 notes were put on the plans. It was kind of
14 left to the owner, future owners of the lots.
15 That was -- 155-52 has requirements for not only
16 the 75 foot setbacks but it has vegetative earth
17 and berm screens and such.

18 CHAIRMAN BRAND: This is the one we
19 said they had to do berms and screens if they
20 ever sell the property?

21 MS. BROOKS: Outside the family.

22 MR. HINES: It was an exception but it
23 was kind of common ownership. It's like this
24 one. Estate family planning something or other.

25 MS. BROOKS: Actually the one son

2 that's building here is the one who is running
3 the farm right now anyway. So this will -- this
4 is his forever home. I told him put it where you
5 want it because it's forever. He's not going
6 anywhere.

7 MR. HINES: If the Board is willing,
8 the same notations and such would be appropriate.

9 CHAIRMAN BRAND: Anything else, Ron?

10 MR. BLASS: No.

11 CHAIRMAN BRAND: Anything from the
12 Board?

13 MS. BROOKS: I mean I guess the major
14 issue to try and resolve this evening if we could
15 is with regard to the lot configuration we have
16 right now and the desire of the applicant to have
17 a right-of-way over lot number 1 to continue to
18 be able to farm both sides and utilize the pond
19 on the remaining lands. I mean I think that's
20 the major comment right now that we need to
21 address and what the Board's feelings on that
22 are.

23 MS. LANZETTA: Personally I think being
24 that, you know, it's a farming community and this
25 is something that they really need for their

2 livelihood, you know, I have no problem with it
3 the way it is myself.

4 CHAIRMAN BRAND: I certainly don't as
5 well. As long as the right-of-way is there so
6 they can access.

7 MR. HINES: The right-of-way wasn't
8 there. That changes it a little bit.

9 MS. BROOKS: We'll add the right-of-way
10 and also put notes on there that it is understood
11 that the lands on the northerly side are always
12 to remain part of lot 3 to be used for
13 agricultural purposes, to try and put some
14 safeguards in there to protect somebody in the
15 future not trying to come and make that into a
16 buildable lot.

17 MR. CLARKE: Are you just doing this so
18 the lots are equal size?

19 MR. TRAPANI: So that they're equal
20 size?

21 MR. CLARKE: It seems to me that it
22 would be more logical to make lot number 1 like a
23 4-acre lot, just to include everything up there.
24 If you're trying to balance between two
25 individuals and make things equal, I can see why

2 you're doing that.

3 MR. TRAPANI: That was the basic thing.
4 We bought this piece of property. Scott offered
5 it out to his siblings and told them if they all
6 wanted an acre on this part here he would give it
7 to them for a very minimal charge, if they wanted
8 it to help out his brothers and sisters. So they
9 tried to keep it basically the same acreage so
10 that nobody would say Steve, you got two --

11 MR. CLARKE: I can appreciate that.

12 MR. TRAPANI: You know how that is
13 sometimes.

14 MR. CLARKE: I can appreciate that.

15 CHAIRMAN BRAND: Anything else from the
16 Board?

17 (No response.)

18 CHAIRMAN BRAND: I think I would be
19 satisfied with that notation.

20 Okay. So we do have to do a public
21 hearing? We can schedule that for --

22 MS. FLYNN: 11/20.

23 CHAIRMAN BRAND: -- November 20th as
24 well.

25 MS. BROOKS: Okay. We'll see you

2 then.

3

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

5

6

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

8

9

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

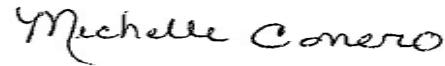
13 That hereinbefore set forth is a
14 true record of the proceedings.

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 28th day of October 2017.

21

22



23

MICHELLE CONERO

24

25