



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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, February 5, 2018.  
8 Regular meeting 7:30 p.m. Bayside Mixed Use,  
9 sketch, site plan/subdivision; Santella, sketch,  
10 lot line; Susan Bagatta, sketch, lot line;  
11 Marlboro Distribution Route 9 LLC, sketch, site  
12 plan. Next deadline: Friday, February 9th. Next  
13 scheduled meeting: Tuesday, February 20th.

14 CHAIRMAN BRAND: I'm going to revise  
15 the agenda. We're going to move Bayside to the  
16 end of the agenda. Everything else we're going  
17 with.

18 Before I begin actually, just for the  
19 record I'd like to submit that I completed a  
20 winter webinar for the New York State Department  
21 of State. I received two hours of credit for  
22 that.

23 First up, Santella. If you would, just  
24 give us a brief overview.

25 MR. MESSINA: This project is located

2 on Christina Way and Ridge Road. We're combining  
3 three lots. One lot is 10.7 acres, the other is  
4 2.0 and the third is 3.2 to be combined for a  
5 total of 15.9 acres. The dashed lines show the  
6 lines to be removed.

7 CHAIRMAN BRAND: Pat, would you run  
8 through your comments?

9 MR. HINES: Sure. Our first comment  
10 just notes that it is a consolidation of three  
11 lots into one. No new construction is proposed.

12 The next comment has to do with the new  
13 lot line streamlined lot line position. This  
14 does involve three lots so a public hearing is  
15 required. The streamlined lot line or lot  
16 consolidation is when there's two lots involved.

17 The building inspector, in his initial  
18 review, identified that there's an existing  
19 building on the remaining lands that has an open  
20 building permit from 2006. At the time the  
21 application showed one lot. The last extension  
22 period will expire in November of 2018.

23 A request for final approval of the lot line  
24 revision should be held until the barn is  
25 completed with a certificate of occupancy.

2 Two issues. It has the building  
3 department issue and the need for a public  
4 hearing.

5 CHAIRMAN BRAND: Ron, do you have  
6 anything?

7 MR. BLASS: No.

8 CHAIRMAN BRAND: Board Members?

9 MR. TRAPANI: That building that's up  
10 there, was that put up legally?

11 MR. HINES: It looks like in 2006 it  
12 was put up legally. It was never closed out with  
13 the building department, though.

14 MR. TRAPANI: Can it be four feet from  
15 the fence there on the north side?

16 MR. HINES: I don't know if the fence  
17 is representative of the property line.

18 MR. TRAPANI: Yes.

19 MR. HINES: That would be the building  
20 department. One of the things I looked at is  
21 that letter from the building department. I  
22 don't know if they had any inspections because  
23 the building permit wasn't closed out.

24 MR. TRAPANI: I know that.

25 CHAIRMAN BRAND: Anything else from the

2 Board?

3 MS. LANZETTA: I don't have the letter  
4 in front of me. Did it have to be removed?5 MR. HINES: No. He needs to -- it has  
6 an open building permit on it. It was never  
7 closed out.8 The other issue is apparently there's  
9 an issue with the deed. What you're seeing, the  
10 map that Mr. Messina has prepared has a deed line  
11 and then it has an actual field survey line which  
12 are two different locations. You'll see on the  
13 map there it appears to be a deed. Maybe Mr.  
14 Messina can explain that to you.15 MR. MESSINA: The deed varies in  
16 distance. We found that to be not in the right  
17 place. There was a stonewall there which is  
18 now --19 MR. TRAPANI: Isn't that the boundary  
20 line?21 MR. MESSINA: The stonewall is the  
22 boundary line.23 MR. TRAPANI: That's really close to  
24 the back.

25 MR. MESSINA: About fifteen feet.

2 MR. TRAPANI: It's not very much.

3 MR. MESSINA: No.

4 MR. TRAPANI: There was something done  
5 there that I know of.

6 CHAIRMAN BRAND: You're talking about  
7 where NFK Orchards is, that side of the building?

8 MR. TRAPANI: Right behind where the  
9 little building is. Right on the corner there on  
10 the north side of the old -- what's the name --  
11 Jimmy Martin's farm. Right on the corner.

12 MR. MESSINA: You're talking about the  
13 north line?

14 MR. TRAPANI: The north side.

15 MR. HINES: As you said Ben, the deed  
16 line -- if you plot the deed it goes right to the  
17 corner of that building. It's actually zero  
18 feet, not four feet. The survey that Mr. Messina  
19 has prepared based on, I guess, field  
20 representations shows it at about fifteen feet.  
21 Either way it's going to have to be resolved with  
22 the building department before you can take  
23 action to closeout the permit.

24 MR. TRUNCALI: Is that building  
25 supposed to be a barn or is it going to be a

2 residence?

3 MR. MESSINA: You know, it's under  
4 construction now. Every time I go there there's  
5 stone work being done. I don't know what the  
6 purpose of it is.7 MS. LANZETTA: The building permit says  
8 a barn. It's a permit for a garage, 31 by 31  
9 foot barn.

10 CHAIRMAN BRAND: Anything else?

11 MR. TRUNCALI: Did Tommy say in his  
12 letter he wanted them to finish that before we  
13 move forward?14 MR. HINES: He's alerting you to the  
15 fact the current building permit will expire in  
16 November 2018. Apparently he's not going to  
17 issue an extension of that.18 CHAIRMAN BRAND: Request upon approval  
19 of the lot line revision to be held until barn is  
20 complete with certificate of occupancy. The  
21 building permit has been open for eleven years.  
22 It was originally opened in 2006.23 MR. LOFARO: Should we wait for Tommy  
24 to clean that up?

25 CHAIRMAN BRAND: I would think we

2 definitely have to get that issue resolved before  
3 we can do anything else.

4 MR. MESSINA: Okay. We'll touch base  
5 with the building inspector and the applicant.

6 CHAIRMAN BRAND: Perhaps we can clarify  
7 the two different -- the deed line versus the --

8 MR. MESSINA: I mean that's clarified.

9 We determined the property line is as we showed  
10 it, the stonewall that's there.

11 CHAIRMAN BRAND: Are we satisfied with  
12 that, the stonewall being -- okay. So I would  
13 just check with Tommy and get the building permit  
14 taken care of.

15 MR. MESSINA: Okay. Thank you.

16

17 (Time noted: 7:38 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 19th day of February 2018.

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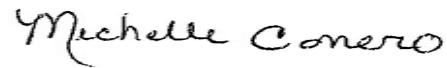
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MICHELLE CONERO

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

In the Matter of

5 SUSAN BAGATTA

10 SKETCH - LOT LINE

**SKETCH - LOT LINE**

15                   BOARD MEMBERS:     CHRIS BRAND, Chairman  
16    JOEL TRUNCALI  
17    BEN TRAPANI  
  CINDY LANZETTA  
  JOSEPH LOFARO

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 CHAIRMAN BRAND: Next up, Susan  
3 Bagatta, 1 Top Hill Road.

4 MS. BROOKS: So the Bagatta application  
5 is a lot line revision between two parcels of  
6 land totaling 10.01 acres. It's located on Top  
7 Hill Road.

8 The lot line revision is the result of  
9 a settlement of the estate of Susan Bagatta.  
10 We're proposing to take the pre-existing 1.01  
11 acre lot which is currently landlocked and convey  
12 4.94 acres to it for a total of 5.95, and we will  
13 take a 9 acre lot and reduce it by 4.94 acres for  
14 a resulting 4.06.

15 Lot number 2 is improved with a single-  
16 family mobile home. The lot line revision will  
17 afford a better front yard setback. Right now  
18 the front yard is very close to the mobile home.

19 The two residences that are on  
20 resultant lot number 2, the dwelling is over a  
21 hundred years old I've been told and the mobile  
22 home, not that particular mobile home but a  
23 mobile home, has been there for about forty-five  
24 years. That was put there when one of the sons  
25 got married.

2 At issue of course is the road  
3 frontage. I had consulted with this Board and  
4 with the building department back in August. I  
5 don't know whether Tommy has written a letter of  
6 determination. At that point in time -- Top Hill  
7 Road was actually laid out many years ago and  
8 after all the structures were built. So with  
9 regard to 280-A, that really relates to the  
10 issuance of building permits. We do have road  
11 frontage on a 50 foot wide right-of-way. The  
12 house to the south of lot number 2 was actually  
13 -- the right-of-way was created back in, I  
14 believe it was '86 as access to that lot. So  
15 although I understand that if we were going to be  
16 subdividing today, that the rules and regulations  
17 have changed. In '95 that was created and  
18 approved by the Planning Board. Basically what  
19 we have right now is pre-existing nonconformity.  
20 The building inspector said that since one of  
21 them already had a 50 foot right-of-way and the  
22 other one had the road frontage, we're not really  
23 making any material change by just swapping who  
24 owns the road frontage on Laurie and who owns it  
25 on the 50 foot private right-of-way. That's the

2 application before the Board.

3 We're actually again taking the  
4 situation and making it a little bit better  
5 because we are removing the front lot line.

6 Right now that is only about 20 feet off that  
7 mobile home and increasing the front yard  
8 setback.

9 CHAIRMAN BRAND: Ron or Pat?

10 MR. HINES: I wasn't part of any of  
11 those discussions that took place.

12 CHAIRMAN BRAND: Which discussion?  
13 With the building inspector?

14 MR. HINES: With the building inspector  
15 and/or the Planning Board that was referenced. I  
16 can't speak to those.

17 We brought up last time the fact that  
18 Top Hill Road that was just referred to, I don't  
19 know when it was created, if it was created by a  
20 subdivision or just an easement or what it is.

21 CHAIRMAN BRAND: Patti, Top Hill Road,  
22 you're saying that was established in 1995?

23 MS. BROOKS: Correct.

24 CHAIRMAN BRAND: Do we have some type  
25 of record on that?

2 MS. BROOKS: I mean I have a copy of  
3 the filed subdivision map.

4 CHAIRMAN BRAND: What's there now where  
5 it says Top Hill Road?

6 MS. BROOKS: The roadway has not been  
7 constructed in that area. They've continued to  
8 use the 20 foot wide right-of-way that's also  
9 shown on the plat, which is the driveway access  
10 to all of the properties.

11 CHAIRMAN BRAND: And that's a gravel  
12 driveway or dirt?

13 MS. BROOKS: Correct. It starts off  
14 blacktop and then when it crosses over into lot  
15 number 2 it turns into gravel, black -- you know,  
16 blacktop remains. Again, we are not proposing --  
17 this lot line revision does not propose any  
18 change whatsoever to any of the accesses to any  
19 of the lots. There's already a driveway  
20 maintenance agreement in place. Back in '95 when  
21 the subdivision was originally done we did the  
22 driveway maintenance agreements on the survey  
23 maps themselves. Subsequent to that they have  
24 filed the actual driveway maintenance agreement.  
25 I understand that this would not be conforming to

2 today's zoning, but we're not making any material  
3 change. There's no construction. We put a note  
4 on the map saying there would be no further  
5 subdivision of any lot without access to a public  
6 or a private road constructed in accordance with  
7 Town of Marlborough specifications. So we're  
8 trying to put all the safeguards in there so that  
9 the situation does not perpetuate itself. At  
10 this point we're really just trying to settle an  
11 estate.

12 MR. TRUNCALI: The mobile home on lot  
13 2, is that being used?

14 MS. BROOKS: I don't know. I don't  
15 think anybody is living right now in any of the  
16 dwellings on lot number 2 because I think that  
17 they're waiting for the estate to be settled so  
18 that they can be conveyed to the brother.  
19 Anthony owns -- will be getting the mobile home  
20 on lot number 1, and I believe that Andrew will  
21 be getting lot number 2.

22 MR. TRUNCALI: You have down lot number  
23 2 is the first one coming in off Laura?

24 MS. BROOKS: Lot number 1 is coming in  
25 off of Laurie.

2 MR. TRUNCALI: This other lot over here  
3 that says Susan Bagatta, do they have access to  
4 Pascale Place or are they just --

5 MS. BROOKS: Again, that was another  
6 subdivision that was done in 2003, 2004 when  
7 originally there was a 22 acre parcel that was  
8 conveyed -- that was subdivided off of lands of  
9 Bagatta which subsequently was conveyed to  
10 Pascale. At that point in time there was just a  
11 50-foot flag going back to it. I know that it  
12 recently, in November, was actually conveyed to  
13 the Town of Marlborough and became a Town road.  
14 When it was originally created back in 2003 it  
15 was just a 50-foot roadway accessing a 22 acre  
16 lot.

17 MR. TRUNCALI: So that is a Town road  
18 now where it says Pascale Place?

19 MS. BROOKS: Correct.

20 CHAIRMAN BRAND: The storage trailers  
21 on the site, those would have to go as well.

22 MS. BROOKS: Yes. That was noted in  
23 the memo that I sent to the Town. I did meet  
24 with the building inspector again as a result of  
25 receiving the memo in January. Basically we said

2 currently lot 1 has frontage specifically on a 50  
3 foot wide right-of-way known as Top Hill Road and  
4 lot 2 has frontage on Top Hill and Gloria. The  
5 lot line revision which is proposed to conform  
6 with the stipulation, Susan Bagatta will provide  
7 the Laurie frontage to lot number 1 and lot 2  
8 will have frontage on the aforementioned 50 foot  
9 wide right-of-way. This will provide a more  
10 conforming front yard setback for lot 1. There  
11 will be no material change to the pre-existing  
12 access of any lot. The two existing residential  
13 uses on lot 2 were permitted as pre-existing  
14 nonconforming and have been established for over  
15 forty years. I noted the restriction we placed  
16 on the map about further subdivision, and the  
17 applicant has been advised that the storage  
18 trailers must be removed. As this is an estate  
19 settlement, the applicants have requested a time  
20 period of six months to complete the removal so  
21 that the property may be transferred to the  
22 distributee who will be responsible for the  
23 removal with the administration to be performed  
24 by the Town of Marlborough code enforcement  
25 officer.

2 CHAIRMAN BRAND: The mobile home would  
3 also have to go; correct?

4 MS. BROOKS: No.

5 CHAIRMAN BRAND: You're not willing to  
6 take out the home?

7 MS. BROOKS: No. No. Again, Tommy  
8 said that they were pre-existing nonconforming.  
9 He was fine with them staying there. The storage  
10 trailers, however, are not permitted.

11 CHAIRMAN BRAND: The last time we  
12 discussed the possibility of trying to get this  
13 -- the bottom lot, what I guess you're calling  
14 lot 2, there's no way to reconfigure that to have  
15 access to Pascale Place down at the bottom so  
16 they would have frontage?

17 MS. BROOKS: Well I mean  
18 topographically it would be impossible to access  
19 it. You know, if you look at the contours, how  
20 steep it is -- again, I understand the Board's  
21 concern not to extend a nonconformity, but in  
22 this particular instance we're basically taking a  
23 nonconformity and making it better, which is when  
24 you have a nonconformity you can't make it more  
25 nonconforming. In this case and in consultation

2 with the building department, he agreed we are at  
3 least taking a nonconformity and making it more  
4 conforming.

5 MR. LOFARO: All of those lots would be  
6 able to be transferable in the future? Last time  
7 we were concerned if somebody bought one of the  
8 properties they wouldn't be able to build on it  
9 because of the driveway situation. Everything is  
10 now solved based on what you said?

11 MS. BROOKS: Yes. They're already  
12 improved lots. There are no building permits  
13 that would be able to be issued anyway. They're  
14 built out. We're not creating any new buildable  
15 lots. Again, no material change.

16 MR. HINES: I don't know if that's the  
17 case because you can get a building permit to put  
18 a garage on an approved lot or you can get a  
19 building permit to put an additional bedroom on  
20 the house.

21 MS. BROOKS: I'm saying for -- no  
22 additional residential structures can go on any  
23 of these lots.

24 MR. HINES: And that begs the other  
25 question. Is the nonconformity of two

2 residential structures on the existing 9 acre  
3 parcel -- the parcel goes from 9 acres to 4 acres  
4 plus or minus. Is that a reduction and does it  
5 lose it's protection because of the significant  
6 reduction in the lot size and having two  
7 residential structures on 10 plus or minus acres  
8 and changing that to have two residential  
9 structures on 4 acres?

10 MS. BROOKS: Again, they're in the R-1  
11 district so you still have more than double the  
12 density of what would be required for two  
13 individual structures. I do understand that this  
14 is a unique situation, but we're not creating  
15 these -- we're taking imaginary lines on the  
16 ground and basically relocating them. There is  
17 no material change, which is why the building  
18 inspector felt that this was acceptable and --

19 CHAIRMAN BRAND: We have nothing from  
20 the building inspector stating that.

21 MS. BROOKS: I thought it was the  
22 Planning Board who generally requested code  
23 compliance letters.

24 MR. BLASS: This sounds like a job for  
25 Tom Corcoran.

2 CHAIRMAN BRAND: I'm sorry?

3 MR. BLASS: This sounds like a job for

4 Tom Corcoran --

5 CHAIRMAN BRAND: Yes.

6 MR. BLASS: -- to just issue a ruling.

7 CHAIRMAN BRAND: Yes.

8 MS. BROOKS: Do we not have a letter  
9 from him?

10 CHAIRMAN BRAND: I have a letter --

11 MR. HINES: We just have a referral to  
12 the Planning Board but nothing since that initial  
13 referral.14 CHAIRMAN BRAND: It just says address  
15 storage trailers. That's the one thing. The  
16 original letter from January 8, 2018 is the only  
17 correspondence I have.18 MS. BROOKS: I shouldn't say, but if he  
19 felt that it was not in compliance it would have  
20 been addressed in that letter.21 MR. HINES: I don't know that he knew  
22 my comments, Ron's comments, the Board's comments  
23 when he issued that.24 MS. FLYNN: That's usually issued in  
25 the beginning when he checks out the application.

2 CHAIRMAN BRAND: I think I would  
3 definitely, at a bare minimum, like to kick it  
4 back to Tom. He can update to see what he says  
5 about this.

6 MS. LANZETTA: Ron, you were going to  
7 say something?

8 MR. BLASS: I did. I think it should  
9 go to Tom.

10 CHAIRMAN BRAND: I don't know if  
11 necessarily reducing the lot size is making it  
12 better. Are we in agreement that we'd like to  
13 have the building inspector re-examine this and  
14 maybe come back with something more official?

15 MR. LOFARO: Give him the opportunity  
16 to investigate all the information and get his  
17 comments.

18 MS. BROOKS: Again, I just do want to  
19 point out we had sent a letter to Tom Corcoran  
20 back on August 1st of 2017 saying enclosed please  
21 find a sketch map of lands of Bagatta lot line  
22 revision to convey 4.63 acres from existing tax  
23 lot blah, blah, blah. Lot so and so will have  
24 frontage on the existing 20 foot wide and 50 foot  
25 right-of-way and lot 70.22 will have 50 foot of

2 frontage on Laurie Road, a Town road, as well as  
3 a 50 foot right-of-way. This proposal is made to  
4 satisfy the stipulations of the will of Susan  
5 Bagatta. We respectfully request a letter of  
6 determination to ensure the 50 foot right-of-way,  
7 which already has a maintenance agreement, has  
8 sufficient access for the purpose of this  
9 proposed subdivision. Thank you in advance for  
10 your consideration. This is a letter I had  
11 written to Tommy back in August.

12 CHAIRMAN BRAND: We have that as well?

13 MS. BROOKS: Pardon?

14 CHAIRMAN BRAND: Do we have copies of  
15 the driveway maintenance agreement as well?

16 MS. BROOKS: We submitted it. Tommy  
17 called me on August 3rd saying go ahead and apply  
18 to the Planning Board. His letter of  
19 determination will state that as long as the new  
20 lot continues to have frontage on the 50 foot  
21 wide right-of-way, the lot line revision is in  
22 conformance. I have not -- again, I thought that  
23 -- I didn't think that -- you know, he said he  
24 wouldn't write a letter of determination, it  
25 would come from him at that point in time I made

2 the subdivision application.

3 CHAIRMAN BRAND: I'd like to just --

4 MS. BROOKS: You're going to request  
5 it?

6 CHAIRMAN BRAND: Absolutely.

7 We'll have you reappear once we have some type of  
8 determination. Does that work?9 MS. BROOKS: Yes. Yes. The sooner  
10 the better because it's holding up the settlement  
11 of the estate.12 CHAIRMAN BRAND: Understood. Anything  
13 else?

14 (No response.)

15

16 (Time noted: 7:55 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 19th day of February 2018.

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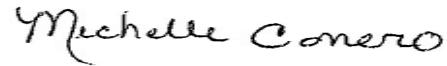
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MICHELLE CONERO

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

In the Matter of

5 MARLBORO DISTRIBUTION ROUTE 9 LCC

10 SKETCH - SITE PLAN

11 Date: February 5, 2018  
12 Time: 7:56 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15           BOARD MEMBERS:     CHRIS BRAND, Chairman  
  JOEL TRUNCALI  
16                                    BEN TRAPANI  
  CINDY LANZETTA  
17                                    JOSEPH LOFARO

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS  
ANDREW WILLINGHAM

2 CHAIRMAN BRAND: Next up, Marlboro  
3 Distribution Route 9 LLC.

4 If you could just bring us up to speed  
5 from where we were to where we are today, that  
6 would be fantastic.

7 MS. BROOKS: We supplied a memorandum  
8 of response to all of the questions that had been  
9 discussed from Pat's memo at the last meeting.  
10 There were signature blocks that needed to be  
11 added, lighting cut sheets were submitted, we  
12 revised the title block so that they were all  
13 consistent, added the fence detail. Andy met  
14 with the consultant's representative in the field  
15 regarding the stormwater pollution prevention  
16 plan. I believe that the majority of the issues  
17 that were raised in Pat's last memo have been  
18 addressed. We do have a new memo that we can  
19 review.

20 CHAIRMAN BRAND: Pat, do you want to  
21 run through your comments?

22 MR. HINES: Sure. The septic system --  
23 revised septic system needs Ulster County Health  
24 Department approval. I think that's still  
25 outstanding.

2 They did provide a narrative response  
3 to our previous comments, including those  
4 regarding the stormwater pollution prevention  
5 plan. The stormwater pollution prevention plan  
6 as well the site grading and drainage plans have  
7 been revised based on our comments. A  
8 representative of my office met with Mr.  
9 Willingham in the field to review what was  
10 impervious, pervious, and we concur with the site  
11 map on that.

12 We do need to submit this to Ulster  
13 County Planning. I haven't seen their comments  
14 on this yet.

15 A public hearing will be required.

16 The Planning Board may wish to review  
17 the architectural details of the building,  
18 including colors, rendering, signage.

19 Just a note. There's some landscaping  
20 proposed that says something to the effect of Red  
21 Cedar or light trees. We're going to want to see  
22 the exact planting chart on there so everything  
23 is consistent with what those trees are going to  
24 look like.

25 Then the previous concern regarding the

2 stormwater management discharging down that 47  
3 percent slope has been addressed with  
4 coordination of my office and Mr. Willingham with  
5 energy dissipating manholes that had been placed  
6 in there to reduce the velocity of the stormwater  
7 on it's way down that slope to the discharge  
8 point.

9 That's where we're at. A lot of the  
10 details we asked for have been addressed.  
11 Procedurally there are some outside agency  
12 reviews and some more information for the Board.

13 CHAIRMAN BRAND: Ron, did you have  
14 anything?

15 MR. BLASS: No. We should get this to  
16 Ulster County Planning, and all the updated new  
17 plans should go with the submission.

18 Do you have those, Jen?

19 MS. FLYNN: Yes.

20 MR. BLASS: I'll do that tomorrow.  
21 I'll send it to you tomorrow.

22 CHAIRMAN BRAND: Have you submitted any  
23 architectural details of the building?

24 MS. BROOKS: We submitted them several  
25 months ago. They should be part of the file. I

2 submitted another set just this last time.

3 CHAIRMAN BRAND: Can you get those  
4 digitally sent as well?

5 MS. BROOKS: I don't have digital. I  
6 can probably get them from the applicant. I  
7 submitted hard copies. I'd rather get them from  
8 him.

9 MR. WILLINGHAM: I saw them on the  
10 website.

11 MR. HINES: I don't have those.

12 MS. LANZETTA: I haven't seen them  
13 either.

14 MS. BROOKS: They're on the website.  
15 Do you post what I give you to the website?

16 MS. FLYNN: What you gave me in PDF is  
17 what's on the website.

18 MS. BROOKS: Andy was just saying he  
19 has seen these on the website.

20 CHAIRMAN BRAND: We're checking now.

21 Jen, has this been sent to County?

22 MS. FLYNN: No. At the last meeting  
23 you said we needed more information before we  
24 send it to County.

25 CHAIRMAN BRAND: Right.

2 Pat, do you feel as though we have  
3 enough information now with the architectural  
4 details?

5 MR. HINES: I'm okay. Jen did find the  
6 submission in the file. I don't know if it's  
7 telling me the materials.

8 CHAIRMAN BRAND: I think that was in  
9 the original packet.

10 MR. HINES: This was in the original.  
11 It's not giving us materials and --

12 MS. BROOKS: This one calls for split  
13 faced masonry veneer, accent color charcoal gray  
14 and a metal wall panel systems. I'll make sure --  
15 if Jen does not already have the most updated  
16 one, which I thought I had submitted another set  
17 just this last submission, but I'll make sure  
18 that I get with Jen to make sure that what goes  
19 up to County is a complete package. I can give  
20 you one complete set of everything that you can  
21 then just put it in an envelop for the County and  
22 then you don't have to guess what to put in  
23 there.

24 MS. FLYNN: Thank you.

25 MS. BROOKS: If that's all right with

2 the Board.

3 CHAIRMAN BRAND: That's fine.

4 MR. HINES: You might want to pass  
5 those up to the Board now. That might help.

6 CHAIRMAN BRAND: Any questions or  
7 comments?

8 MR. HINES: Patti, does that address  
9 signage?

10 MS. BROOKS: I believe he was planning  
11 on putting the sign in place where the existing  
12 sign is now. I have not received a detail from  
13 him. I will try and get that before this goes to  
14 County. I'm sure they'll want to see that.

15 CHAIRMAN BRAND: I'm sorry, I didn't  
16 hear the answer. It does have the signage on  
17 here or it does not?

18 MS. BROOKS: No. No. He's going to  
19 replace the existing sign. The same location.  
20 We show the location on here but --

21 CHAIRMAN BRAND: I think I'd like to  
22 see the sign as well, whatever signage they have.  
23 When we get that we'll send it to County.

24 MS. BROOKS: And then I didn't know  
25 whether any of the Board Members were interested

2 in doing a site visit because there had been some  
3 question about visibility and so forth and  
4 looking at the existing landscaping and fencing  
5 and so forth that was there. It's at the  
6 pleasure of the Board.

7 CHAIRMAN BRAND: Would anybody like to  
8 take a field trip?

9 MR. TRUNCALI: I'm pretty familiar with  
10 it.

11 MS. BROOKS: I'm sure everybody passes  
12 it on a regular basis.

13 CHAIRMAN BRAND: Twice a day. So we  
14 will wait to receive your packet, send it to  
15 County and wait to hear back from them and see if  
16 we generate any other questions or comments after  
17 that.

18 MS. BROOKS: All right. SEQRA was  
19 circulated previously. Do we have any --

20 MR. HINES: You're going to be lead  
21 agency by default. My office did the SEQRA  
22 circulation and we didn't receive anything back  
23 from anybody.

24 MS. BROOKS: I thought DOT was going to  
25 give their comments as part of the SEQRA. They

2 didn't send anything to you?

3 MR. HINES: We did not receive any  
4 acknowledgement of the SEQRA.

5 MS. BROOKS: Maybe I'll reach out to  
6 them as well. It would be good to have something  
7 in the file from them.

8 MR. HINES: We circulated the --  
9 actually, the thirty days would have been up on  
10 February 3rd. We circulated it on January 3rd.  
11 My office did the notice of intent for lead  
12 agency. The Ulster County Planning Board  
13 responded back and said this is just a SEQRA, not  
14 a 239.

15 MS. BROOKS: Yes, I saw that.

16 MR. HINES: DOT was an involved agency.  
17 We also sent it to New York State Parks,  
18 Recreation & Historic Preservation because of the  
19 proximity to the Gomez Mill House. We didn't  
20 hear from any of those agencies.

21 MS. BROOKS: Okay. I'll reach out.

22 MR. HINES: Ulster County Planning did  
23 respond back and said we're okay with you being  
24 SEQRA lead agency and we look forward to the 239  
25 submission.

2 CHAIRMAN BRAND: We do that on the  
3 website here; right?

4 MS. LANZETTA: I had to search pods.  
5 I'm not sure how you can find it otherwise.

6 CHAIRMAN BRAND: So we will wait to  
7 hear back.

8 MR. HINES: Does the Board want to  
9 schedule a public hearing or no?

10 CHAIRMAN BRAND: Should we wait to hear  
11 back?

12 MR. HINES: If you send it to them  
13 you'll hear --

14 MS. LANZETTA: The application is  
15 complete; right? We can set the public hearing?

16 MR. HINES: I think there's sufficient  
17 detail. If you wait too long and then you get a  
18 comment from a neighbor, it could change  
19 something.

20 CHAIRMAN BRAND: Then we'll --

21 MS. LANZETTA: If we don't have a  
22 snowstorm --

23 CHAIRMAN BRAND: -- schedule it for the  
24 first or second of March. The second meeting in  
25 March? First or second, do you have a

2 preference?

3 MS. FLYNN: We won't have the  
4 information in time for the first.5 MS. BROOKS: They won't review it until  
6 March. If we have the public hearing the second  
7 meeting in March we will potentially -- we'll at  
8 least have Cindy's feedback if not a written  
9 report.10 CHAIRMAN BRAND: So let's go ahead and  
11 do that for the second meeting in March, the  
12 public hearing.

13 MR. TRAPANI: The 19th.

14 MS. BROOKS: The 19th, is that the  
15 date?16 MR. TRAPANI: That's what it says up on  
17 the board.

18 MR. HINES: Yes, March 19th.

19 CHAIRMAN BRAND: Okay.

20 MS. BROOKS: Thank you very much.

21

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

23

24

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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 19th day of February 2018.

18

19

20

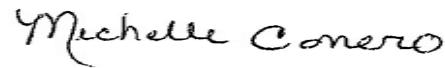
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MICHELLE CONERO

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  
Section 109.1; Block 4; Lot 29

## **SKETCH - SITE PLAN/SUBDIVISION**

Date: February 5, 2018  
Time: 8:07 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

MICHELLE L. CONERO  
PMB #276

56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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

4 MR. DATES: Justin Dates with Maser  
5 Consulting.

6 What I'll do is since our last meeting  
7 there was a series of items. The Board asked to  
8 us reach out to some departments, some agencies,  
9 get some feedback on the plans. We did do that.  
10 Some happened before our last submission, others  
11 happened just in the last few weeks. I can  
12 update the Board on those as well. Within the  
13 submission that you have we responded to  
14 comments. Letters were received from the water  
15 and sewer department. There were some minor  
16 technical items in each of those that we  
17 addressed and are in the current set of plans  
18 that you have.

19 We also received a letter from the  
20 highway superintendent regarding the turnaround  
21 at the top of our proposed Town road. The  
22 concern was coming up from 9W into the site.  
23 This is the shared property line with the middle  
24 school. We met back on December 7th with Mr.  
25 Appler and Supervisor Lanzetta to review how we

2 would address his concern about turning around at  
3 the top of the proposed Town road here. What we  
4 did is we expanded --

5 MR. HINES: Turning around maintenance  
6 trucks?

7 MR. DATES: I'm sorry?

8 MR. HINES: Snowplows?

9 MR. DATES: Snowplows, yeah. The  
10 trucks.

11 So what we did is we expanded the  
12 pavement in this area and adjusted the  
13 right-of-way so that was fully within our  
14 proposed Town right-of-way area. The overall  
15 length is about 42 feet. That's what Mr. Appler  
16 described to us would be enough room to get his  
17 plow truck -- the sander, the plow and what not  
18 out of the travel way and be able to do kind of  
19 like a K turn up at the top of the hill there.  
20 We will also provide, just beyond the  
21 right-of-way, an easement for snowplowing. That  
22 would be in favor of the Town so they could push  
23 that snow. It's a dropped curb through that  
24 area. He can push the snow onto the grass and  
25 take care of -- maintain that whole area free of

2 snow.

3 CHAIRMAN BRAND: The Town road would  
4 end right at that dotted line pretty much?

5 MR. DATES: The Town road would end  
6 there.

7 MR. HINES: Do we have an indication  
8 from the Town Board that they're going to accept  
9 this access drive as a Town road? I still have  
10 concerns of how that benefits the Town.

11 MR. DATES: We don't have the formal  
12 response. Through the EIS process we never got  
13 any indication it would not be taken.

14 MR. HINES: Other than my comments.

15 MR. DATES: Well to be clear, the  
16 right-of-way comes up and it's got the  
17 coordinated access drive through the school.  
18 That's a direct benefit to the school and not --  
19 the applicant isn't looking to take out complete  
20 liability of the general public traveling to  
21 school functions, the buses, things of that  
22 nature. That's the impetus of the dedication,  
23 which I have updates from the school as well.

24 MR. HINES: But there is an easement  
25 also associated with that. The exit, I guess for

2 lack of a better term, the buses isn't covered by  
3 that.

4 MR. DATES: This two-way access is  
5 within the right-of-way. There's a small  
6 easement across this finger of the 1.2 acre lot  
7 that the applicant is looking to retain.

8 MR. HINES: He's exposed to that very  
9 same liability they're talking about there.

10 MR. DATES: The school will benefit  
11 with the easement across that lot to gain access.

12 MR. HINES: Right. The same liability  
13 question that you just raised that he doesn't  
14 want to be exposed to, he is exposed to in that  
15 section of the roadway because that will not be a  
16 Town road, that will be an easement to the  
17 school.

18 MR. DATES: Correct.

19 MR. HINES: I think the whole thing  
20 functions just the same as if you leave it to the  
21 school the project can maintain it. I don't  
22 understand why the Town will maintain the access  
23 road.

24 MR. DATES: Because we left it to the  
25 school.

2 MR. HINES: The school district  
3 benefits too, not the Town.

4 MR. DATES: The Town is a component of  
5 the community; right?

6 MR. HINES: I guess. I think you should  
7 get an indication from the Town Board moving  
8 forward saying this is -- I don't have anything  
9 from the Town Board saying this is going to be a  
10 Town road.

11 MR. DATES: You've got it.

12 MS. LANZETTA: Let me be clear. Road A  
13 is going to become a Town road and you would  
14 offer it for dedication to become a Town road?

15 MR. DATES: That's correct.

16 MS. LANZETTA: It meets all Town road  
17 specifications?

18 MR. DATES: That's correct.

19 MS. LANZETTA: So if the Town chooses  
20 to do so, that's fine. What I'm trying to  
21 understand is this access easement. Who will be  
22 in ownership of that? Will it be a shared  
23 easement?

24 MR. DATES: This easement would be in  
25 place to benefit the school so that they can gain

2 -- this is a one way out from the school district  
3 to gain access over the applicant's property to  
4 the Town road.

5 MS. LANZETTA: And that would only be  
6 used in an emergency situation or it would be  
7 regularly used?

8 MR. DATES: Our dealings with the  
9 school, these will be gated and the school will  
10 be in control of those gates.

11 MS. LANZETTA: So will it be used  
12 regularly?

13 MR. HINES: It's how the buses are  
14 going to exit.

15 MS. LANZETTA: Really?

16 MR. DATES: Yes. And the idea of them  
17 being gated is so that it's not used as a cut  
18 through from Birdsall to get down to the light on  
19 9W or the school's driveway, which happens now.  
20 People cut through the school site. So the  
21 school was seeking to eliminate that potential  
22 cut through.

23 MS. LANZETTA: So the easement would be  
24 -- the easement would only allow the school to  
25 use that for whatever the purposes are? None of

2 the public will be able to use that?

3 MR. DATES: It would be to benefit the  
4 tax lot of the middle school property.

5 MR. HINES: The "Town road" is going to  
6 be gated, unless the school has security  
7 personnel opening the gate.

8 MS. LANZETTA: It will be gated at the  
9 Town road?

10 MR. HINES: At the school.

11 MR. DATES: The gates will be on school  
12 property, off our site on school property, both  
13 of these driveways.

14 MR. TRAPANI: Right at the edge of that  
15 road that goes down the hill now? That will be  
16 opened up just for the busses to go in one  
17 direction?

18 MR. DATES: That will be opened up for  
19 the school's control --

20 MR. HINES: Both.

21 MR. DATES: -- parents dropping kids  
22 off and the buses.

23 MR. TRAPANI: When the buses have to  
24 go, that will be the only way they can go so they  
25 can go down to where the light is?

2 MR. DATES: No. The school has the  
3 existing driveway.

4 MR. TRAPANI: They will still be able  
5 to use that?

6 MR. DATES: This driveway goes down to  
7 9W as it exists today. We're not looking to  
8 change that.

9 MR. HINES: DOT's comment was that they  
10 are looking to change that.

11 MR. DATES: We're not proposing to  
12 change anything on the school property.

13 MR. HINES: DOT wants to make that a  
14 one way.

15 MR. DATES: It is one way. It's one  
16 way out.

17 MR. HINES: I think they want to change  
18 it to the other way. I'm not sure what their  
19 comment was.

20 MR. DATES: We're looking to maintain  
21 the existing driveway as it stands on the school  
22 property going out of the site.

23 MR. TRAPANI: Are they going to use  
24 that for the buses to go down that, too, if they  
25 were going to turn right to go south on 9W? If

2 they were going to go north they would go through  
3 and go down to the light and turn left?

4 CHAIRMAN BRAND: Presumably.

5 MR. DATES: Presumably the benefit is  
6 right now the buses are coming down to here, you  
7 have your crossing guard there. For them to go  
8 north he's stopping traffic. The southbound  
9 functions much more easily. So this --

10 MR. TRAPANI: Making a right-hand turn.

11 MR. DATES: This allows direct access  
12 through our driveway down to the traffic light so  
13 they can go out.

14 CHAIRMAN BRAND: You just mentioned it  
15 quickly. I thought in the original proposal that  
16 that strip of land between the middle school and  
17 your proposed road A was going to be donated to  
18 the Town. Is that not --

19 MR. DATES: No. The Town -- that was  
20 one of the original proposals. The Town is not  
21 seeking acceptance of that property.

22 CHAIRMAN BRAND: Okay. It's going to  
23 be now --

24 MR. DATES: It's retained by the  
25 applicant.

2 MR. TRUNCALI: The school doesn't want  
3 the piece of property either?

4 MR. DATES: It's been brought up in  
5 discussions but we haven't gotten any indication  
6 that they would want it either at this point.

7 MR. HINES: It's not the most  
8 functional piece of property.

9 MR. TRUNCALI: I know in your submittal  
10 there you said you were creating twenty-four new  
11 parking spots for the school.

12 MR. DATES: There's twenty-eight  
13 actually.

14 MR. TRUNCALI: Okay. Where are they?

15 MR. DATES: If you'd go to sheet 3  
16 you'll get the overall picture. This is the  
17 existing driveway that goes along the northern  
18 boundary of the school down to 9W. We'd be  
19 looking to expand some of the pavement in that  
20 area so we could get parallel parking on each  
21 side of that road and still maintain a drive  
22 aisle down the center. We'd also be looking to  
23 put some diagonal spaces up at the top of the  
24 hill here for the school. So we have spaces  
25 right next to the school building here and then

2 down here. So twenty-eight total was what the  
3 proposal was.

4 MR. TRUNCALI: Isn't that school  
5 property to begin with there?

6 MR. DATES: That's correct. Part of  
7 our proposal to the school to benefit the school  
8 district as part of the application here is to  
9 construct additional parking and also look to  
10 provide access to our site driveway.

11 Right now we have -- I'll jump ahead  
12 since you're talking about it. We met with the  
13 school last Friday, the 26th. We're in the  
14 process of working up a memorandum of  
15 understanding. I'm assuming the Board had seen  
16 the letter back from the school district on,  
17 December 8th I believe it was.

18 CHAIRMAN BRAND: We got it.

19 MR. DATES: December 8th. We just had  
20 the meeting to kind of talk out that letter with  
21 them on January 26th. It's a memorandum of  
22 understanding to see if in fact the school wants,  
23 you know, some of these proposed items that we've  
24 got in the plans at this point. So that will be  
25 kind of a confirmation of the scope of what we're

2 going to be providing or not providing basically.

3 CHAIRMAN BRAND: What other updates do  
4 you have?

5 MR. DATES: Mr. Hines did mention, we  
6 got a letter back on December 8th from the DOT  
7 and that was from -- we submitted a preliminary  
8 permit set of plans to them to review. That's  
9 the comment letter we got back from them. There  
10 was some coordination regarding the functionality  
11 of the light and how they wanted it to function.  
12 We are incorporating that into our permit set to  
13 the DOT. So that's in the process, in production  
14 right now to get back to them.

15 MR. HINES: Wasn't there a comment  
16 about the existing school driveway? Correct?

17 MR. DATES: Yes. It actually --  
18 again, we're not going to change the school's  
19 functionality with that driveway. So from the  
20 letter, the other comment pertains to the  
21 adjacent access to the school with the proposed  
22 internal connection to the middle school. The  
23 existing driveway should be a one-way entrance or  
24 it should have a left-turn restriction.

25 MR. HINES: Right. So there were some

2 changes proposed to that.

3 MR. DATES: Actually, the one-way  
4 entrance would completely --

5 MR. HINES: Right now it's an exit. It  
6 is changing --

7 MR. DATES: It completely contradicts  
8 the flow of traffic that was presented to us by  
9 the school on how they're looking to --

10 MR. HINES: You'll have to work through  
11 that with them. There was some issue with that.  
12 They definitely --

13 MR. DATES: Our updated permit set will  
14 respond to all of these comments.

15 MS. LANZETTA: Did the DOT say anything  
16 about the proposed entranceway to the commercial  
17 property, the one that's directly off of 9W?

18 MR. DATES: No. No. That is part of  
19 our permit application, is confirming that  
20 location as best for access to the commercial  
21 parcel. That's part of our permit. Obviously the  
22 extent or the -- we don't have tenants identified  
23 right now for that commercial building but we are  
24 looking to secure the access to 9W for it.

25 MS. LANZETTA: They haven't responded

2 to that?

3 MR. DATES: The 12/8 letter that I  
4 provided is their response to our complete  
5 preliminary application to them. So incorporated  
6 is our driveway access adjacent to Young Avenue,  
7 the commercial site entrance and also the  
8 sidewalk. We didn't receive any comments  
9 suggesting that we should modify that.10 MS. LANZETTA: I do know that, and many  
11 of the comments we've gotten on other site plans  
12 along Route 9W, they do comment they don't want  
13 to have additional entranceways if possible. I'm  
14 just wondering under our current requirements is  
15 there enough parking above that commercial space  
16 to meet the requirements? Would they have to  
17 have that additional parking lot for Route 9W?18 MR. HINES: The building has two  
19 grades.20 MS. LANZETTA: I know the parking lot  
21 is up higher behind it. I'm saying are there  
22 enough parking -- is there enough parking there  
23 for the building without having the additional  
24 lower parking there?

25 MR. HINES: I don't think so.

2 MR. DATES: Right now it's 12,600  
3 square foot. It's just over 6,000 square foot  
4 footprint, two stories. It is a split elevation  
5 so we have some where the lower parking area cuts  
6 into the site, and then obviously our driveway  
7 here comes up so that the back parking lot  
8 accesses the second floor. We need forty-two  
9 spaces, we have forty-two spaces.

10 MS. LANZETTA: I'm concerned about  
11 that.

12 MR. HINES: I can envision that  
13 becoming a right in/right out only.

14 MR. DATES: Right now it is proposed as  
15 a right in/right out.

16 MR. HINES: They're not making lefts  
17 out of there or left turns into it. It would only  
18 be for coming south you could turn in and you  
19 would have to leave south.

20 MR. DATES: Because otherwise with the  
21 traffic light here they can make a left into our  
22 driveway and then access the --

23 MS. LANZETTA: Right. And that's kind  
24 of what our comprehensive plan is encouraging and  
25 that's what the State is encouraging, to get off

2 the road as much as possible and not have  
3 additional, you know, exits and entrances onto  
4 9W. That's why I'm just trying to figure out if  
5 there was some way to avoid that. You're saying  
6 no?

7 MR. DATES: As of right now we haven't  
8 gotten any feedback from them that would negate  
9 us having that right in/right out.

10 CHAIRMAN BRAND: There's six entrances  
11 in a span of 400 yards.

12 MR. HINES: The State is pretty  
13 flexible with right ins and right outs. They  
14 don't conflict with traffic.

15 CHAIRMAN BRAND: On the plans I don't  
16 really see any -- we talked about the buffering  
17 between the residents there. I see some squiggly  
18 lines I'm presuming are bushes. It doesn't give  
19 too much detail as to what's happening there.

20 MR. DATES: What plan are you looking  
21 at?

22 MS. LANZETTA: There is a landscaping  
23 plan.

24 MR. DATES: We have a full landscape  
25 plan.

2 CHAIRMAN BRAND: I'm looking at page 3  
3 right now, for example. I see that the latest  
4 designs have significant parking in between the  
5 property owned by Defini and -- maybe just go  
6 over some of that.

7 MS. LANZETTA: It's 14.

8 MR. DATES: So we have -- directly  
9 behind the commercial space there's 25 feet or so  
10 of buffer that's maintained of existing  
11 vegetation on the upper side of the hill there,  
12 and then there is some existing vegetation  
13 maintained along the property line here, maybe 10  
14 feet or so. This is a stormwater management  
15 area, a bio-retention area. You can imagine  
16 that's more of your naturalistic looking  
17 stormwater feature. We have a series of native  
18 grasses, perennials, shrubs, ornament trees that  
19 are all planted within that area to create kind  
20 of a natural looking stormwater facility. It's  
21 not your grass basin we'll say. So we do have  
22 that.

23 There's also -- along the perimeter  
24 here, the squiggly lines, these are where we're  
25 maintaining the existing vegetation from back

2 here. There's about 50 feet of existing  
3 vegetation.

4 I'll flash to the landscape plan  
5 because we did do a substantial buffer all along  
6 the perimeter there.

7 MR. HINES: 14 and 15, Justin.

8 MR. DATES: Again you can see a little  
9 bit better on your plans. You can see the pretty  
10 extensive plant out of that bio-retention area.  
11 There is an opening that kind of comes through  
12 here existing. We did propose some evergreen  
13 trees there. Then as we go -- as we go west,  
14 again we have a mixture of evergreen trees and  
15 some shade trees, wherever we can try to get a  
16 double row or just a single row of evergreen  
17 trees in there to create that buffer. You're  
18 talking about your White Pines, Norway Spruce,  
19 some White Spruce. We have a pretty good mixture  
20 of trees from an evergreen standpoint. Also, the  
21 plant plan we have for the whole site is pretty  
22 substantial. It's not your generic Maple here  
23 and, you know, White Pine here. We have a pretty  
24 good pallet of plants, aesthetic and to serve as  
25 buffers, screening, those types of plantings.

16 CHAIRMAN BRAND: I don't see that in  
17 your planting schedule, that's there's no buffer  
18 in front of that.

19 MR. DATES: In front of --

20 CHAIRMAN BRAND: The stormwater  
21 management area.

22 MR. DATES: Which one?

23 CHAIRMAN BRAND: The one you're  
24 referring to in the back of the property --  
25 towards the back.

2 MR. HINES: It is showing existing  
3 trees to remain.

4 MR. DATES: There's no structures or --  
5 I mean it's a depression in the ground that's  
6 going to be planted out. Continue?

7 CHAIRMAN BRAND: Yes.

8 MR. DATES: All right. So we also got  
9 a letter back from Ulster County Planning. It  
10 had three really, in my mind, minor items. They  
11 talked about potential signage. We would have a  
12 monument sign for the development. Commercial  
13 signage for the retail space or commercial space,  
14 you know, would be in compliance with the Town  
15 code. As I mentioned, we don't have any tenants  
16 for that right now. Even our phasing -- our main  
17 objective right now, once we go to construction,  
18 would be to get our driveway in and get this  
19 first building up. So our phasing is this is  
20 phase 5 or the last phase of the project at this  
21 point.

22 CHAIRMAN BRAND: Which page is the  
23 phasing?

24 MR. DATES: It's page 3. Page 12 does  
25 describe out the construction sequence and how we

2 are looking to build out the project.

3 CHAIRMAN BRAND: Okay.

4 MR. HINES: One of the features here is  
5 that a lot of the grading is required initially.

6 MR. DATES: Yes.

7 MR. HINES: You're going to have to  
8 grade out the commercial property because the  
9 bio-retention area has to go in at that point.

10 MR. DATES: That's correct. As Pat  
11 said, the treatment of the stormwater from the  
12 residential component of the project is split  
13 between these two, I'll call them the east and  
14 west stormwater areas. This would be fully  
15 constructed as part of -- we'd have a temporary  
16 basin in phase 1. We want to have both of these,  
17 this guy and this guy, open as temporary basin  
18 areas for phase 1.

19 MR. HINES: That's what I wanted the  
20 Board to know. The mass grading of the site is  
21 going to have to occur in phase 1, phase 2. The  
22 commercial area, whether they have a tenant or  
23 not, is going to need to be graded, retaining  
24 walls constructed. There's no interim grading  
25 plan.

2 MR. DATES: We would provide that  
3 because I don't think that at this point it's  
4 necessary to do the walls.

5 MR. HINES: So that's the intent of one  
6 of my comments. How do we get to where we're  
7 going? What if the commercial doesn't come?

8 MR. DATES: I think we have an interim  
9 grading plan.

10 MR. HINES: What does it look like in  
11 the interim in the potential ten years? It may  
12 be no years but it could be an extended  
13 timeframe. When we talk about a phasing plan  
14 we're looking for that kind of stand alone. What  
15 if the commercial doesn't come, what's that going  
16 to look like in front of 9W as you come out of  
17 the hamlet?

18 MR. DATES: Okay.

19 CHAIRMAN BRAND: Has there been any  
20 discussion at the Town Board level as far as  
21 phasing goes as to what actually has to be built?  
22 Are you going through with all five phases or is  
23 there the opportunity to build phase 1 and then  
24 call it a day?

25 MR. DATES: I mean so the project -- we

2 need to get some buildings in the ground so that  
3 we can sell some or rent some units and pay for,  
4 you know, the mass amount of earthwork and water,  
5 sewer improvements just to get our first building  
6 up and occupied. So, you know, the applicant's  
7 intent is to control the phasing from a  
8 standpoint of we have to talk about erosion  
9 control, we need to get all these factors  
10 addressed but build the buildings out and as  
11 they're complete and occupied moving on to the  
12 second phase. Even, you know, if he's showing a  
13 good rate of occupancy then he would be moving on  
14 to the next phase.

15 MR. TRAPANI: You're going to do phase  
16 1. While you're working on phase 1 hopefully the  
17 whole site is going to look nice because it may  
18 take you five years before you go into building  
19 the next building.

20 MR. HINES: It's really not that kind  
21 of construction. It's not like -- it's going to  
22 be a mass grading operation unless you come up  
23 with some plan. Right now I see it as a mass  
24 grading operation. The whole site is going to be  
25 disturbed.

2 MS. LANZETTA: Phase 1.

3 MR. DATES: I mean that's pretty  
4 accurate because we do have to do both of our  
5 stormwater areas. We need to do some grading on  
6 that hillside to get our stormwater from our  
7 roadway over to that area. I think Pat's pretty  
8 accurate in saying that.

9 MR. HINES: Typically they're going to  
10 do the water and sewer infrastructure one time  
11 rather than coming back. They're going to put a  
12 water loop in there.

13 MR. DATES: Correct.

14 MS. LANZETTA: All the major  
15 infrastructure is going to be done with the first  
16 phase?

17 MR. HINES: You're building this thing  
18 on top of the hill. You're going to be cutting  
19 your way up, cutting the top of the hill off.  
20 That's the question I beg. What does the  
21 commercial area look like? Is there an interim  
22 grading plan? We want to know what that's going  
23 to look like in between. Is there an interim  
24 grading solution for that? You always look at  
25 what if only two of the buildings are built, what

2 is the site going to look like.

3 CHAIRMAN BRAND: That was kind of my  
4 question.

5 MR. HINES: That's why we're taking a  
6 look at the phasing plan. There's phasing plans  
7 that we're going to build one building as a  
8 phase. What I see here is a construction  
9 sequencing plan. This is a single phased  
10 project. It's all going to be built. There may  
11 be a construction sequence to build those whereas  
12 a true phasing plan would say we're going to  
13 build phase 1, maybe build 2, 3 and 4. As we  
14 move towards approval there's a common area there  
15 that should be constructed. After a certain  
16 number of units should trigger when that central  
17 common area building is constructed rather than  
18 -- you don't want the developer waiting until he  
19 has full occupancy and having the building  
20 department force him to build a building. One  
21 third of the buildings or something should  
22 trigger the need for all the improvements on the  
23 site. It may be a two-phased plan, the  
24 residential and commercial. The rest I think is  
25 a construction sequencing plan, what's it going

2 to look like over time, how long it's going to  
3 take. I think Justin is familiar with that. He  
4 works on large projects like this.

5 MR. DATES: I understand. The interim  
6 grading is something we'll look at.

7 CHAIRMAN BRAND: Just out of curiosity,  
8 where do the plantings come in in the phasing so  
9 everybody that lives there -- is it going to be  
10 barren wasteland for awhile?

11 MR. DATES: No. I think what we would  
12 have -- we have plans for the buildings, the  
13 foundation plantings, street trees. That type of  
14 stuff would go in as we complete -- for example,  
15 for the roadway we have street trees coming up  
16 the road, lighting coming up the road. In my  
17 mind that would be in place to help sell the  
18 units. I don't think we can leave kind of a  
19 barren open land to help us move with the sale of  
20 the units without, you know, putting in those  
21 improvements. Again, before we move on to the  
22 other phases as we're calling them, we're saying  
23 we're going to be at final stabilization. We're  
24 going to have all our sidewalks, all our paving,  
25 we're going to have all the permanent vegetation

2 -- that's the landscaping, that's the lawn,  
3 that's all those components -- before we're going  
4 to go open up more land from an erosion control  
5 standpoint.

6 CHAIRMAN BRAND: Okay. As far as the  
7 construction traffic, that will all be on your  
8 road; correct? All the construction vehicles and  
9 equipment, that will all be coming from the 9W  
10 access site; correct?

11 MR. DATES: Yes. Right now that is how  
12 we have access into the property. That's what  
13 we'll be looking at.

14 MR. HINES: The good thing is the Town  
15 of Newburgh has several projects much larger than  
16 this and they're renting them before they're  
17 building them. There's a definite market for  
18 rental units of this type in this area. So  
19 they're proceeding along but they're masquerading  
20 not even a third of the site while they work on  
21 one.

22 You've got the Indiana bat issue.  
23 They're cutting every tree down between November  
24 1st to March 31st of the first year. No one  
25 wants to get in to August wishing you hadn't cut

2 all the trees down and have to wait until  
3 November before you can put your foundation in.  
4 I envision this being a masqueraded site, which  
5 is a good thing if they can proceed through and  
6 build the four buildings, that way you have a one  
7 or two year construction phase rather than  
8 constant building there.

9 This will be a tough site to occupy  
10 because of the layout, too. Having one entrance,  
11 that means all the construction traffic comes  
12 past where your residents are if you build  
13 building number 1 and then rent it out.

14 That's our comments. I see more  
15 construction phasing.

16 MS. LANZETTA: That's the way it's put  
17 on -- I don't know what page it is -- for the  
18 soil erosion. It says general construction  
19 sequencing. That's what you're saying?

20 MR. HINES: Right. It's a sequence.  
21 All four buildings as part of the site plan.  
22 That's something the building department has to  
23 work with. It's a fairly large project for the  
24 building department. This is one site plan, so  
25 at what point does he give a CO? Is he giving a

2 CO per building, one CO for all four buildings?

3 The applicant will have to work that out with the  
4 building department, what improvements need to be  
5 in, what sidewalks need to be in. That should be  
6 clearly identified on the plan if in fact they're  
7 going to occupy building 1 before 2, 3 and 4, how  
8 construction traffic is going to get by. There's  
9 a lot of detail there that needs to get done on  
10 that.

11 MS. LANZETTA: Do you think we should  
12 send the construction sequence to him and see if  
13 he can work with --

14 MR. HINES: See if he can manage it.  
15 Yeah.

16 MR. DATES: Is that something the Board  
17 would do or are you looking for us to make that  
18 submission?

19 CHAIRMAN BRAND: I would suggest you  
20 make the submission.

21 MR. HINES: I think it would be better  
22 if you present your construction sequencing and  
23 work through how you're going to work that out.

24 MR. DATES: Okay.

25 MR. HINES: I would recommend in your

2 resolution you have that worked out showing how  
3 it's going to be so it's not a surprise moving  
4 forward. The applicant is going to want that  
5 too. If they have thirty units built and can't  
6 get a CO for them, they're not going to be real  
7 happy either.

8 CHAIRMAN BRAND: Anything else?

9 MR. DATES: Speaking about Ulster  
10 County Planning, we got that letter back. They  
11 were seeking a potential sidewalk. They were  
12 talking about the north/south connection through  
13 our site. So they're looking at a sidewalk out  
14 to Purdy. Our discussions throughout the EIS  
15 process was limit direct access to Purdy. So if  
16 that's something that the Board would want added  
17 to the plan, I think we could simply do it but we  
18 would need that feedback.

19 CHAIRMAN BRAND: Where would you need  
20 it?

21 MR. DATES: Up at the top of the site  
22 here we have an emergency access. We would look  
23 to just propose a sidewalk to that location, if  
24 the Board is looking for that.

25 MS. LANZETTA: It would be nice for the

2 kids to be able to walk.

3 CHAIRMAN BRAND: I think most of the  
4 discussions that we had previously, particularly  
5 the traffic. I don't know that they would be  
6 pedestrian traffic.

7 MS. LANZETTA: I think we go along with  
8 the County in trying to make accessibility to  
9 pedestrians. If the kids want to go and run the  
10 track or something, rather than walking all the  
11 way down to 9W and then back up again, it would  
12 be nice.

13 MR. DATES: The other comment from the  
14 County was the coordination of the business  
15 corridor overlay. We did provide a submission to  
16 the Town Board on that. They referred it to the  
17 Planning Board at their November 13th meeting.  
18 We'd be looking for any feedback or  
19 recommendations to go back to the Town Board so  
20 we can continue that process.

21 MR. BLASS: Well the business corridor  
22 overlay zone has the Planning Board go first all  
23 the way through site plan approval, then the Town  
24 Board then goes second by amending the zoning  
25 map.

2 MR. DATES: Okay.

3 MR. BLASS: So there's really not much  
4 of a function for a recommendation from the  
5 Planning Board to the Town Board.

6 MR. DATES: I thought it was it got  
7 referred to the Planning Board so they could make  
8 any recommendation or comments or -- that's not  
9 how I understood the procedure.

10 MR. BLASS: The Planning Board has to  
11 do the entire site plan review first, then it  
12 goes back to the Town Board for zoning map  
13 amendment. It's reversed from the way it is in  
14 most towns.

15 MR. DATES: Okay.

16 MR. BLASS: That's just the way it is.  
17 The site plan will be the ultimate  
18 recommendation.

19 MR. DATES: Okay. Even though the  
20 business corridor overlay is only a small  
21 component of this project?

22 MR. BLASS: Well the Town Board can't  
23 do anything until the Planning Board does a site  
24 plan.

25 MR. DATES: Understood. So is it an

2 approval or --

3 MR. BLASS: Site plan approval.

4 MR. DATES: We have to wait until full  
5 site plan approval?

6 MR. BLASS: Yes.

7 MR. DATES: Okay.

8 MR. BLASS: If you get a full site plan  
9 approval, then it would go back to the Town Board  
10 for a zoning map amendment.

11 CHAIRMAN BRAND: Could they do them  
12 separately, two separate site plans, the  
13 commercial aspect being one parcel?

14 MR. BLASS: I think there's a  
15 subdivision.

16 MR. DATES: We are creating an  
17 individual lot for the commercial piece.

18 CHAIRMAN BRAND: What would that do?

19 MR. BLASS: I mean you could segment or  
20 bifurcate the site plan review process but I  
21 don't know how you're going to approve the  
22 commercial area which shares stormwater  
23 management, and access, and sidewalks, and  
24 everything else.

25 CHAIRMAN BRAND: Okay.

2 MR. BLASS: It's probably better to do  
3 it as one unified site plan. If they got a site  
4 plan approval from this Board it would take maybe  
5 less than thirty days to get a zoning map  
6 amendment through the Town Board, past  
7 experience.

8 MR. DATES: This isn't the first one?

9 MR. BLASS: No, it's not the first.

10 MR. BLASS: Then you have the  
11 subdivision as well, you have the SEQRA process.  
12 The Town Board has done a findings statement  
13 after an EIS but this Board has to do it's own  
14 findings statement, which could be exactly the  
15 same as the Town Board's or different from the  
16 Town Board's as you choose. So I don't think we  
17 should be dividing the project up into segmented  
18 approvals.

19 MR. DATES: Okay. So lastly, we did  
20 get the letter from the school district on  
21 December 8th. We just had our meeting on the  
22 26th and we're doing that memorandum of  
23 understanding to confirm the scope of the school  
24 improvements that we're looking to provide.

25 We're nearing the end of our

2 coordination with SHPPO. We have a letter of  
3 resolution in to them on January 9th regarding  
4 the structures and the moving -- taking down the  
5 existing structures that are there. So I'm  
6 hopeful that, you know, very soon we'll have a  
7 final response from them on that.

12 CHAIRMAN BRAND: Do we feel as we're  
13 ready to do that yet?

14 MS. LANZETTA: I haven't seen the  
15 exterior details.

16 MR. DATES: Those were provided in our  
17 submission. We had elevations of the buildings  
18 in that original submission.

19 MS. LANZETTA: The exterior details,  
20 what it looks like?

21 MR. DATES: Yup.

22 MS. LANZETTA: Okay. I'm going to have  
23 to go back.

24 CHAIRMAN BRAND: Can you re-send them?

25 MR. DATES: Absolutely.

2 CHAIRMAN BRAND: Is there a way -- I  
3 know we had a previous applicant do a mockup of  
4 what it actually looks like so we could see  
5 physically what the site looks like. Is that a  
6 possibility for you to do for us as well?

7 MR. DATES: A physical model or like a  
8 rendering?

9 CHAIRMAN BRAND: A rendering is fine.

10 MR. DATES: You don't want a diagram?

11 CHAIRMAN BRAND: No. I would like  
12 that, though.

13 MR. DATES: I could talk to the  
14 applicant about that. Is there one particular  
15 view that you'd be looking at or --

16 CHAIRMAN BRAND: I think the overhead,  
17 maybe a couple of ground level, bird's eye.  
18 Ground level, bird's eye for the whole thing.

19 MR. DATES: Bird's eye we have our site  
20 plan. We could render that so you could see  
21 green space compared to roof, what not.

22 CHAIRMAN BRAND: Yes.

23 MR. DATES: Something of a front view  
24 of the site or the face?

25 MR. HINES: Show sections looking

2 through from the school, maybe Purdy Road. It  
3 sits up on a hill. From 9W you're going to look  
4 up and not see this.

5 MR. DATES: We did do the cross  
6 sections through the site in the EIS. That  
7 showed the grade change.

8 CHAIRMAN BRAND: The four independent  
9 housing sections, --

10 MR. DATES: Yes.

11 CHAIRMAN BRAND: -- maybe one of those  
12 front and back.

13 MR. DATES: Okay. You have the  
14 elevation of the front. You're looking for the  
15 elevation of the rear with some --

16 CHAIRMAN BRAND: Just what it's  
17 actually going to look like, the colors, the  
18 siding, the material.

19 MR. DATES: We can spruce up -- add  
20 some coloring to the elevation. We have provided  
21 that to the Board.

22 CHAIRMAN BRAND: And also the  
23 commercial space as well.

24 MR. DATES: Okay. We can provide a  
25 general -- we had a general elevation of that in

2 the EIS. It would be similar to that.

3 CHAIRMAN BRAND: Anything else from the  
4 Board?

5 (No response.)

6 CHAIRMAN BRAND: Did you have anything  
7 else?

8 MR. DATES: No. Just like I said, we'd  
9 like to get the public hearing scheduled.

10 MS. LANZETTA: I do have another -- I  
11 saw the detail that you put on the maps. You did  
12 something else that I didn't see yet. For the  
13 lights, the road lights, --

14 MR. DATES: Yes.

15 MS. LANZETTA: -- I couldn't tell by  
16 the diagram if they were full cut off.

17 MR. DATES: I actually brought -- they  
18 are a cut-off style fixture, a LED fixture. It's  
19 got -- actually, this is a pretty good diagram.  
20 So all the LEDs are in the top of the fixture.  
21 It's not your -- it's not like the light posts  
22 around the Town Hall here. You know how you can  
23 see the light source itself? This is in the top  
24 here, and through refractors and what not it puts  
25 it out.

2 MS. LANZETTA: That's what I wanted to  
3 see. Thank you.

4 CHAIRMAN BRAND: Are you guys okay? Do  
5 you feel as though we're ready for a public  
6 hearing?

7 MR. LOFARO: Yes.

8 CHAIRMAN BRAND: Ron or Pat?

9 MR. HINES: We have by default the  
10 majority of my comments.

11 Justin, there were a lot of outside  
12 agencies you've been working with. We're just  
13 going to look for input back. The fire district,  
14 you sent them something and we don't have  
15 something back.

16 MR. DATES: Can I? Actually, that's  
17 the one. It was addressed to the Chairman,  
18 January 26th, the Board of Fire Commissioners  
19 submitted a letter. Basically they took no issue  
20 to circulation, fire hydrants, emergency access  
21 that we proposed to date. They acknowledged that  
22 we do need fire sprinklers for these buildings.  
23 They are looking for lock boxes at our emergency  
24 access to Purdy. We have a gate there, so they  
25 want a lock box, and then also a lock box in all

2 the sprinkler rooms on the buildings, and then  
3 just indicating where our fire connection is for  
4 the buildings.

5 MR. HINES: At the gate, I know Bob is  
6 here, you use a KNOX system?

7 MR. TRONCILLITO: Yes. They've already  
8 been given the form.

9 MR. HINES: They can buy a padlock for  
10 the gate that runs on your KNOX key rather than  
11 have to -- in other words, you can keypad it.

12 MR. TRONCILLITO: We need the box there  
13 with the key in it.

14 MR. HINES: The key that you use to  
15 open the box can open the padlock instead. They  
16 make KNOX padlocks now.

17 MR. TRONCILLITO: I'll look at the form  
18 right now.

19 MR. HINES: Rather than putting a box  
20 on a post it may be just as easy, instead of  
21 opening the box you can open the padlock, and  
22 nobody else can take it off too. It's your KNOX  
23 key.

24 MR. TRONCILLITO: We'll look at that.

25 MR. HINES: When you said put one at

2 the gate --

3 MR. TRONCILLITO: Ours comes out of the  
4 west. It's not KNOX, it's a different name.

5 MR. HINES: Central Lock or one of  
6 those. They may be able to do that for you too  
7 rather than have a box.

8 MR. TRONCILLITO: They don't show that  
9 on the form.

10 MR. DATES: We'll coordinate that with  
11 the fire department.

12 CHAIRMAN BRAND: Did we want to do the  
13 public hearing on the second to go along with the  
14 other -- the second meeting in March?

15 MR. DATES: Would the Board entertain  
16 the first?

17 CHAIRMAN BRAND: The second meeting in  
18 March.

19 MR. DATES: Would you entertain the  
20 first meeting?

21 MR. HINES: He's saying March --

22 MS. LANZETTA: March 5th.

23 MR. HINES: It would be the 5th.

24 MS. LANZETTA: Sure. That sounds good.

25 CHAIRMAN BRAND: I'd like it to be the

2 second. I may be unable to attend that first  
3 meeting in March.

4 MR. DATES: It is my birthday so I'm  
5 looking to spend it with the Board if I could.

6 CHAIRMAN BRAND: Unless you guys are  
7 dead set against not having it then. We'll do  
8 the second meeting in March. I apologize.

9 MR. DATES: So the 19th?

10 CHAIRMAN BRAND: I believe so. The  
11 19th. Right, Jen?

12 MS. FLYNN: Yes.

13 MR. BLASS: I would like to do a new  
14 referral to County Planning tomorrow. Could you  
15 get a full set of all the newly submitted plans  
16 to Jen? The County wants another referral on  
17 the rezoning, the commercial business corridor  
18 overlay rezoning. It's their last comment.

19 MR. DATES: That was on what they  
20 received.

21 MR. BLASS: If we have an updated  
22 submission.

23 MS. FLYNN: Is that what he just gave  
24 me tonight?

25 MR. HINES: If you can get a complete

2 submission to Jen, we can send that to the  
3 County. The County asked for it.

4 MR. DATES: That's specifically for the  
5 business corridor?

6 MR. HINES: The business corridor  
7 overlay.

8 MR. DATES: Okay.

9 MR. HINES: Rather than wait until the  
10 end, procedurally it would be better to get that  
11 out sooner rather than later.

12 CHAIRMAN BRAND: Anything else?

13 MR. DATES: This will be our last  
14 submission which is the plan set and our response  
15 letter.

16 MR. HINES: Whatever is new since you  
17 last sent it.

18 CHAIRMAN BRAND: Anything else,  
19 Justin?

20 MR. DATES: Just for the public  
21 hearing, we'll coordinate mailings with --

22 CHAIRMAN BRAND: Jen. Jen does all  
23 that.

24 MR. DATES: Okay.

25 CHAIRMAN BRAND: Anything else?

2 (No response.)

3 CHAIRMAN BRAND: Anything from the  
4 Board?

5 (No response.)

6 CHAIRMAN BRAND: Motion to adjourn?

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

8 CHAIRMAN BRAND: Is there a second?

9 MR. LOFARO: Second.

10 CHAIRMAN BRAND: All those in favor?

11 MR. TRAPANI: Aye.

12 MS. LANZETTA: Aye.

13 MR. TRUNCALI: Aye.

14 MR. LOFARO: Aye.

15 CHAIRMAN BRAND: Aye.

16 Any opposed?

17 (No response.)

18 CHAIRMAN BRAND: So carried.

19

20 (Time noted: 8:57 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 19th day of February 2018.

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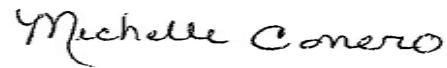
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MICHELLE CONERO