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2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 ROBERT YOUNG (ESTATE)
8

9 Project No. 18-2001
10 1871 Route 9W, Milton
11 Section 103.1; Block 1; Lots 28 & 30
12 ----- X

13 PUBLIC HEARING - LOT LINE
14

15 Date: March 19, 2018
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: CHRIS BRAND, Chairman
23 JOEL TRUNCALI
24 BEN TRAPANI
25 CINDY LANZETTA
26 JOSEPH LOFARO
27 MANNY CAUCHI
28 STEVE CLARKE
29

30 ALSO PRESENT: RONALD BLASS, ESQ.
31 PATRICK HINES
32 VIRGINIA FLYNN
33

34 APPLICANT'S REPRESENTATIVE: STEVEN PAULI
35

36 ----- X
37 MICHELLE L. CONERO
38 PMB #276
39 56 North Plank Road, Suite 1
40 Newburgh, New York 12550
41 (845)541-4163
42

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, March 19, 2018.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 2/20. Estate of Robert
10 Young, public hearing, lot line; Young's 9W
11 Plymouth, public hearing, site plan; Marlborough
12 Distribution Route 9, LLC, public hearing, site
13 plan; Bayside Mixed Use, public hearing, site
14 plan and subdivision. Next deadline: Friday,
15 March 23rd. Next scheduled meeting: Monday,
16 April 2nd.

17 CHAIRMAN BRAND: Before we begin I'd
18 like to have a motion for the approval of the
19 stenographic minutes for February 20th.

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

21 CHAIRMAN BRAND: Is there a second?

22 MR. TRAPANI: I'll second.

23 CHAIRMAN BRAND: All those in favor?

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. TRUNCALI: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: So carried.

10 First up, Robert Young Estate, public
11 hearing, lot line.12 MR. TRUNCALI: Legal notice, lot line
13 revision application. Please take notice a
14 public hearing will be heard by the Marlborough
15 Planning Board pursuant to the State
16 Environmental Quality Review Act and the Town of
17 Marlborough Town Code 134-33 on Monday, March 19,
18 2018 for the following application: Estate of
19 Robert Young, at the Town Hall, 21 Milton
20 Turnpike, Milton, New York at 7:30 p.m. or as
21 soon thereafter as may be heard. The applicant
22 is seeking approval of a lot line revision for
23 lands located at 1871 Route 9W, Milton, New York,
24 Section 103.1, Block 1, Lot 28-30. Any
25 interested parties either for or against this

2 proposal will have an opportunity to be heard at
3 this time. Chris Brand, Chairman, Town of
4 Marlborough Planning Board.

5 CHAIRMAN BRAND: Do you have the
6 mailings that you sent out?

7 MR. PAULI: Yes, we do.

8 CHAIRMAN BRAND: How many did you send
9 out and how many came back?

10 MR. PAULI: We sent out 27, received
11 22.

12 CHAIRMAN BRAND: If you could just give
13 those to the secretary, that would be great.

14 MS. FLYNN: Those mailings are for
15 both; correct?

16 MR. PAULI: That is correct, yes. We
17 included both.

18 MS. FLYNN: Thank you.

19 CHAIRMAN BRAND: Just so the public is
20 aware, would you like to give a brief rundown of
21 what it is you have proposed?

22 MR. ALDRICH: It's a lot line revision
23 so I can add more acreage to the car lot -- the
24 car lot display. The frontage that you see where
25 my cars are displayed and where the shale hill is

2 that I leveled out, I just want to add that to
3 Young's Motors. It was never added to Young's
4 Motors. It was always a lease. That's all it
5 is.

6 CHAIRMAN BRAND: This is a public
7 hearing. Any interested parties either for or
8 against the project have the opportunity to
9 speak. If you would please, just state your name
10 for the Stenographer before you begin.

11 MS. YOUNG: I'm Robin Young. I just
12 have a question about with the property being
13 still in the estate of Robert Young. On the
14 paperwork that I received, some of the property
15 that they're talking about is still in the estate
16 of Robert Young.

17 MR. ALDRICH: No. The estate was
18 closed.

19 MS. YOUNG: Not with my paperwork that
20 I received, Jeffrey.

21 MR. ALDRICH: You're an executor, I'm
22 an executor. It was closed. We signed off on
23 it.

24 MS. YOUNG: I realize that. I just
25 received paperwork on Monday and it's showing lot

2 30 saying the Estate of Robert Young.

3 MS. FLYNN: That's to keep the two
4 separate --

5 MS. YOUNG: Right.

6 MS. FLYNN: -- the site plan and the
7 lot line.

8 MS. YOUNG: So do they move forward
9 with the lot line --

10 CHAIRMAN BRAND: This public hearing is
11 for the lot line only at the moment, not the site
12 plan.

13 MS. YOUNG: That actually has Robert
14 Young's name on it, the Estate of Robert Young.

15 MR. PAULI: Currently the current deed
16 of record for tax map lot 30 is Mr. Aldrich.

17 MR. ALDRICH: It's simple.

18 MR. HINES: The record owner is shown
19 as Young's Motors, Incorporated care of Jeffrey
20 Aldrich, Milton, New York. The previous owner,
21 the estate owned it. Currently the map does
22 depict that Young's Motors is the record owner.

23 MR. PAULI: That's for tax map lot 30,
24 and then tax map lot 28 is Young's Motors
25 Limited, Incorporated doing business as Young's

2 Motors.

3 CHAIRMAN BRAND: Anyone else? Mr.

4 Garofalo.

5 MR. GAROFALO: Looking at the map
6 online I noticed that -- I don't have a problem
7 with what they're doing. I think that's fine.
8 What I do have a problem with is they're showing
9 a piece of property being removed from another
10 piece of property without showing the public and
11 you what's happening on that piece of property
12 that this is being removed off of. I would think
13 that when you file something, a change like this,
14 that they would need to have a survey of that
15 other piece of property that's being reduced in
16 size and that you should see what that is to make
17 sure that they aren't creating a problem for that
18 other lot, whether it be setbacks or access or
19 whatever. Normally you would require the surveys
20 of both of the pieces of property, both the
21 property that's being added to and the other
22 piece of property. So in this case it's probably
23 not a problem but I think that's something that
24 should normally be required when this kind of lot
25 line change is being made.

2 The second thing that I'd like to point
3 out -- can I put that up?

4 MR. PAULI: Certainly.

5 MR. GAROFALO: This piece is being
6 added and they already own this piece. Now you
7 have this little slip of land in between, which
8 for -- I guess this house has access to Route 9W
9 through, yet it looks like there's actually
10 parking --

11 MR. ALDRICH: That's a right-of-way.
12 That's what that is.

13 MR. GAROFALO: It's a right-of-way part
14 way through this whole segment. If you'll look
15 at the map, there's a part that's not covered by
16 the right-of-way. I think ideally you'd want to
17 have a right-of-way connecting those two pieces
18 of property, because in fact I'm sure people are
19 traveling across that even though the
20 right-of-way doesn't cover that whole area. As
21 you can see, where the dashed line is there's a
22 right-of-way here but it doesn't cover that
23 entire strip of the access.

24 MR. HINES: The Planning Board
25 discussed both of those issues during the review

2 process here. The Board did waive the
3 requirement to survey the large parcel as the
4 majority of it was wetlands, and there's some
5 questionable right-of-ways to the back. Ms.
6 Brooks from Brooks & Brooks discussed that with
7 the Board and the Board did waive the requirement
8 to survey the entire balance parcel based on the
9 size of it.

10 As part of our comments we had
11 suggested a cross access right-of-way across the
12 residential lot there because of the kind of
13 mixed use. The applicant stated early on that
14 they would provide that as a condition of
15 approval, a cross access right-of-way across that
16 parcel, which kind of functions as the
17 single-family residence and part of the
18 dealership as it was in common ownership at one
19 time.

20 MR. GAROFALO: I'm glad to hear that.
21 Thank you very much.

22 CHAIRMAN BRAND: Thank you. Anyone
23 else?

24 (No response.)

25 CHAIRMAN BRAND: No. I'd like a motion

2 to close the public hearing.

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

4 CHAIRMAN BRAND: Is there a second?

5 MR. CAUCHI: I'll second it.

6 CHAIRMAN BRAND: All in favor?

7 MR. CLARKE: Aye.

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. TRUNCALI: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN BRAND: Aye.

14 Any opposed?

15 (No response.)

16 CHAIRMAN BRAND: Thank you. You have
17 before you what was prepared by Ron Blass, the
18 SEQRA negative declaration and notice of
19 determination of non-significance.

20 Jen, would you please poll the Board?

21 MS. FLYNN: Member Truncali?

22 MR. TRUNCALI: Yes.

23 MS. FLYNN: Member Trapani?

24 MR. TRAPANI: Yes.

25 MS. FLYNN: Member Lanzetta?

2 MS. LANZETTA: Yes.

3 MS. FLYNN: Member Lofaro?

4 MR. LOFARO: Yes.

5 MS. FLYNN: Member Cauchi?

6 MR. CAUCHI: Yes.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 MS. FLYNN: Chair Brand?

10 CHAIRMAN BRAND: Yes.

11 You also have before you a resolution
12 of approval by the Town of Marlborough Planning
13 Board.

14 Jen, would you please poll the Board?

15 MS. FLYNN: Member Lanzetta?

16 MS. LANZETTA: Yes.

17 MS. FLYNN: Member Truncali?

18 MR. TRUNCALI: Yes.

19 MS. FLYNN: Member Trapani?

20 MR. TRAPANI: Yes.

21 MS. FLYNN: Member Lofaro?

22 MR. LOFARO: Yes.

23 MS. FLYNN: Member Clarke?

24 MR. CLARKE: Yes.

25 MS. FLYNN: Member Cauchi?

1 ROBERT YOUNG (ESTATE)

12

2 MR. CAUCHI: Yes.

3 MS. FLYNN: Chair Brand?

4 CHAIRMAN BRAND: Yes.

5 So carried.

6

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

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

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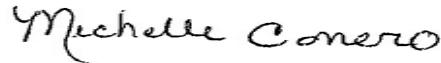
11 I, MICHELLE CONERO, a Notary Public
12 for and within the State of New York, do hereby
13 certify:

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 30th day of March 2018.

22

23 
24

25 MICHELLE CONERO

1 ROBERT YOUNG (ESTATE)

13

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

In the Matter of

5 YOUNG ' S 9W PLYMOUTH

PUBLIC HEARING - SITE PLAN

11 Date: March 19, 2018
12 Time: 7:40 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 MANNY CAUCHI
21 STEVE CLARKE

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

APPENDIX: REPRESENTATIVE — STEVEN RAY E.

2 CHAIRMAN BRAND: Next up on the agenda,
3 Young's 9W Plymouth, public hearing, site plan.

4 MR. TRUNCALI: Legal notice, commercial
5 site plan application. Please take notice a
6 public hearing will be held by the Marlborough
7 Planning Board on Monday, March 19, 2018 for the
8 following application: Young's 9W Plymouth, at
9 the Town Hall, 21 Milton Turnpike, Milton, New
10 York at 7:30 p.m. or as soon thereafter as may be
11 heard. The applicant is asking for a site plan
12 and special permit approval on lands located at
13 1871 Route 9W, Milton, New York, Section 103.1,
14 Block 1, Lots 28 and 30. Any interested parties
15 either for or against this proposal will have an
16 opportunity to be heard at this time. Chris
17 Brand, Chairman, Town of Marlborough Planning
18 Board.

19 CHAIRMAN BRAND: This was kind of a
20 unique situation where you did -- instead of
21 doing one thing you did two separate things. If
22 you want to give the public a brief synopsis of
23 the site plan.

24 MR. ALDRICH: It's the same parcel.
25 It's just designating the parking lot where the

2 car display is as a car display, as a parking
3 lot.

4 On top of the shale hill there's an
5 overflow, like a storage lot. Customers won't be
6 roaming around up there, they'll be on the
7 blacktop. That's for overflow.

8 There's no other lights or anything
9 going up. It's just the lot, the same as it
10 always has been.

11 CHAIRMAN BRAND: This is a public
12 hearing. Any interested parties either for or
13 against have the opportunity to speak at this
14 time. If you do, please state your name for the
15 Stenographer.

16 Mr. Garofalo.

17 MR. GAROFALO: From the plans I wasn't
18 sure exactly the square footage of the buildings
19 that are on this property. If it's over 10,000
20 square feet they're required to have a loading
21 berth, and there are some access requirements
22 that are important. I think it would be better if
23 there was a clear definition on the plans exactly
24 where the accesses are. I think this is a
25 perfect example where the Town has been looking

2 for access control along Milton Turnpike, to have
3 defined there exactly where a twenty foot or so
4 access is going to be. I think it's good that
5 they've actually provided a right-of-way for this
6 house to have access off of Milton Turnpike. I
7 think that's a good thing. Now it looks like
8 they're going to be coming in that way and going
9 out onto Route 9. I don't know if that's the
10 best thing in the world. I certainly would have
11 preferred them to be coming in and going out on
12 Milton Turnpike. I think you should take a look
13 at all of the accesses on these -- on this
14 property and have some better definition of
15 exactly where they are.

16 The same with the parking spaces. As a
17 regulation you're supposed to have 200 square
18 feet per parking space. They're blacktopping a
19 large area. I don't think the regulations
20 differentiate between parking that's being used
21 as storage for new cars or old cars as opposed to
22 general parking. I don't think there's a
23 differentiation. I think these blacktop areas
24 need to be lined and striped and shown exactly
25 what the size of these parking areas are. These

2 plans show some areas where they're going to have
3 parking, some they show where the striping is,
4 some of it is on State property, as is the
5 billboard actually on State property, or part of
6 it is on State property. I think those areas
7 should be striped and should meet the Town
8 regulations as far as the aisle widths and the
9 parking space sizes. That's basically my main
10 concerns.

11 MR. ALDRICH: The parking lot is
12 striped. It will be re-striped in the spring.
13 It is striped.

14 MR. GAROFALO: From the aerial photo I
15 can see that this is striped. I also can see
16 that there's striping right -- if I can provide
17 this.

18 CHAIRMAN BRAND: Sure.

19 MR. GAROFALO: There's striping where
20 this access comes out on the right-of-way over
21 here. This plan says that there's parking here.
22 But again --

23 MR. ALDRICH: That right-of-way has
24 been in -- that's been a right-of-way since
25 before the curbing was put in. That goes back a

2 few decades. You can't drive over the curb.

3 MR. HINES: The plans have been
4 circulated to both the Ulster County Department
5 of Highway & Bridges as well as New York State
6 Department of Transportation. The Planning Board
7 does expect both of those agencies to weigh in on
8 those comments.

9 In addition, the Planning Board has
10 requested provisions for pedestrian access be
11 incorporated into the plans along with working
12 with those agencies. At the last meeting the
13 Board discussed pedestrian access actually
14 crossing 9W and Milton Turnpike and to develop a
15 plan related to those.

16 As far as the striping, I do not concur
17 with Mr. Garofalo's analysis. The inventory
18 parking of the vehicles, typically car
19 dealerships will stack those two and three next
20 to each other. They're not often moved. The
21 size of the parking spaces are more in your
22 ordinance to allow for the flow of vehicles.
23 Those vehicles are more inventory than they are
24 passenger cars. We have in the past allowed many
25 of the not new car lots but used car lots to

2 function in that manner. I know the one on 9W
3 that comes to mind was in business for many years
4 before. That parking was structured that way as
5 well. So that's where that is.

6 It's a little early on in the process.
7 We're waiting for those other agencies. Because
8 of the two projects being before the Board at the
9 same time, we thought it best to have the public
10 hearings coincide. This Board may determine to
11 leave the public hearing open until additional
12 information is provided.

13 MR. GAROFALO: Based on your comments I
14 would certainly recommend that the Town Board
15 consider a change to the code so that it will be
16 clear that that type of storage is separate from
17 regular vehicular parking because I don't think
18 in the code there's a differentiation. They've
19 been treated that way but I think that should be
20 clarified within the code. I think that would be
21 fair for everyone to understand.

22 Also, under 155-27 it talks about
23 parking areas being suitably drained and shall be
24 paved with all-weather surface. I think some of
25 this is gravel. Whether you consider that an

2 all-weather surface or not, I think that's up to
3 the Board. I will leave that as my final
4 comment. Thank you very much.

5 CHAIRMAN BRAND: Thank you, Mr.
6 Garofalo.

7 I think I would like to keep the public
8 hearing adjourned until we meet again on this.
9 We can keep it open, adjourn it until the next
10 meeting.

11 Do I have a motion to do so?

12 MS. LANZETTA: When is our next
13 meeting?

14 MR. HINES: Do you want to do it a
15 month from now or your next one?

16 CHAIRMAN BRAND: So until the second
17 meeting in April. Do I have a motion for that?

18 MR. TRAPANI: I'll make the motion.

19 MR. HINES: That would be April 16th.

20 CHAIRMAN BRAND: Is there a second?

21 MR. CLARKE: I'll second.

22 CHAIRMAN BRAND: All those in favor?

23 MR. CLARKE: Aye.

24 MR. TRAPANI: Aye.

25 MS. LANZETTA: Aye.

2 MR. TRUNCALI: Aye.

3 MR. CAUCHI: Aye.

4 MR. LOFARO: Aye.

5 CHAIRMAN BRAND: Aye.

6 Excellent. Thank you. You're all set.

7

8 (Time noted: 7:47 p.m.)

9

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

11

12 I, MICHELLE CONERO, a Notary Public
13 for and within the State of New York, do hereby
14 certify:15 That hereinbefore set forth is a
16 true record of the proceedings.17 I further certify that I am not
18 related to any of the parties to this proceeding by
19 blood or by marriage and that I am in no way
20 interested in the outcome of this matter.21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 30th day of March 2018.

23

24

25



MICHELLE CONERO

1 YOUNG ' S 9W PLYMOUTH

22

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

In the Matter of

5 MARLBORO DISTRIBUTION ROUTE 9 LLC

PUBLIC HEARING - SITE PLAN

11 Date: March 19, 2018
12 Time: 7:47 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 MANNY CAUCHI
21 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM
22 GARY KRUDNICK

2 CHAIRMAN BRAND: Next up, Marlboro
3 Distribution Route 9 LLC, public hearing, site
4 plan.

5 MR. TRUNCALI: Legal notice, commercial
6 site plan application. Please take notice a
7 public hearing will be held by the Marlborough
8 Planning Board on Monday, March 19, 2018 for the
9 following application: Marlboro Distribution
10 Route 9 LLC, at the Town Hall, 1650 Route 9W,
11 Milton, New York at 7:30 p.m. or as soon
12 thereafter as may be heard. The applicant is
13 asking for a site plan and special permit
14 approvals on lands located at 1100 Route 9W,
15 Marlboro, New York, Section 108.4, Block 5,
16 Lot 27. Any interested parties either for or
17 against this proposal will have an
18 opportunity to be heard at this time. Chris
19 Brand, Chairman, Town of Marlborough Planning
20 Board.

21 CHAIRMAN BRAND: How many notices did
22 you send out and how many did you get back?

23 MR. WILLINGHAM: Nine sent, six
24 received.

25 CHAIRMAN BRAND: Can you give those to

2 the secretary?

3 If you'd like to just give a quick
4 overview before we get started with the public
5 hearing.6 MR. WILLINGHAM: Sure. A little bit
7 about the property. It's a 7.8 acre property
8 located on 9W, a half a mile south of the Village
9 of Marlboro. It was previously used as a
10 landscape yard. There are no real known features
11 on it.12 There's an existing septic system on
13 it, an existing well.14 I'm going to let the owner talk a
15 little bit about the project.16 MR. KRUPNIK: Good evening, ladies and
17 gentlemen of the Board. My name is Gary Krupnik,
18 I'm representing the LLC as the contract vendee
19 of this property.20 The facility is about 40,000 square
21 feet of which there is 1,000 square foot of
22 office. We have a sprinkler system in the
23 building. It's within the height restriction, 35
24 feet or so. It conforms in every respect,
25 setback and location.

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There's some outside storage. It's on the north end of the property. It's completely screened by the building itself and well set back off the road.

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The existing driveway cut is a DOT approved driveway cut. It was approved over fifteen years or so ago for the prior user. It's still valid according to our contacts with the DOT. They did request some truck movement numbers from us for the property. We have the document sheets from logistics and it moves about 125 vehicles combined a month. It comes down to, in a six-day work week, a little over five vehicles per day.

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It's a high storage warehouse. Pods go in, they're stored for extended periods of time and go back out again to people's houses and then picked back up again, bring them back to the facility.

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The building itself is a steel and concrete block structure. It looks like this. This is also a good -- gives you a good idea of the different materials that are being used in the building. The corner of the building, which

2 you'll see on Route 9, is made to look like a
3 Pod. It's just white painted metal and it has
4 the Pod label on it. That's the office. The
5 concrete block that's used has a wainscot around
6 the base, various materials and sizes, white and
7 gray.

8 Pods are a national company based out
9 of Florida. They're multi-national. They're in
10 Canada and Europe. It's an American owned
11 company. It was a franchise operation at one
12 time. Corporate has been buying back all the
13 franchise operations. Pod was one of the ones
14 like this one here, in Marlboro, which is
15 existing now for probably over ten years. It's
16 location has long outgrown itself. That's the
17 reason for the expansion.

18 CHAIRMAN BRAND: Thank you.

19 MR. KRUPNIK: Any questions?

20 CHAIRMAN BRAND: If you could just
21 state your name for the Stenographer first.

22 MS. HERBST: Bridget Herbst. If people
23 could turn on the microphones so we can hear all
24 that's going on. I can't hear it.

25 CHAIRMAN BRAND: We have the

2 microphones on. I apologize if you're unable to
3 hear us. They are on.

4 She didn't hear what you said with your
5 presentation. I don't think we're going to go
6 through it again. I think we're good.

7 Any other questions from the public?

8 (No response.)

9 CHAIRMAN BRAND: Nothing at all?

10 Okay. Yes.

11 MS. MASEY: Sheila Masey. I just have
12 a question. I know you were talking about the
13 interior of it. Could you just say again the
14 colors of the building?

15 MR. KRUPNIK: They're all earth tones.
16 It's a Dura-Line metal. That's the main body of
17 it. It's offset by the off white. Red is their
18 corporate color. The only place you'll see that
19 is on the awning. The building itself is faced
20 with the darker color and then it bleeds into the
21 lighter color grays. It's either beiges and
22 browns or grays and blacks. It's all neutral.

23 MR. KIERSTEAD: Is the roof flat?

24 MR. KRUPNIK: The roof is not flat but
25 you would not be able to tell that from Route 9.

2 It's a gabled roof that's bordered by a square
3 parapet on the front, which is what you're
4 looking at. It will not look like a barn
5 building.

6 MR. HINES: Sir, we need your name for
7 the Stenographer.

8 MR. KIERSTEAD: I'm sorry. Matt
9 Kierstead.

10 MS. HERBST: The front of where it
11 meets the road, there's a fence now.

12 MR. KRUPNIK: Correct. That will
13 remain.

14 MS. HERBST: Is that going to remain
15 there?

16 MR. KRUPNIK: It will be cleaned up and
17 it will remain.

18 MR. HINES: There's also additional
19 landscape planting proposed along the northern
20 property line to provide additional screening for
21 the storage.

22 MR. KRUPNIK: The gate will remain
23 there as well. When they're not operating, off
24 hours, weekends, Sundays, the gate will be
25 closed.

2 CHAIRMAN BRAND: Any other questions or
3 comments?

4 (No response.)

5 CHAIRMAN BRAND: No. Okay. I'd like a
6 motion to close the public hearing.

7 MR. CLARKE: I'll make a motion.

8 CHAIRMAN BRAND: Is there a second?

9 MR. LOFARO: I'll second it.

10 CHAIRMAN BRAND: All those in favor?

11 MR. CLARKE: Aye.

12 MR. TRAPANI: Aye.

13 MS. LANZETTA: Aye.

14 MR. TRUNCALI: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN BRAND: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN BRAND: So carried.

21 You have before you prepared by the
22 attorney the SEQRA negative declaration and
23 notice of determination of non-significance for
24 this project. We also have the short form
25 environmental assessment form.

2 Jen, will you poll the Board for those
3 two items?

4 MS. FLYNN: Member Truncali?

5 MR. TRUNCALI: Yes.

6 MS. FLYNN: Member Trapani?

7 MR. TRAPANI: Yes.

8 MS. FLYNN: Member Lanzetta?

9 MS. LANZETTA: Yes.

10 MS. FLYNN: Member Lofaro?

11 MR. LOFARO: Yes.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 MS. FLYNN: Member Clarke?

15 MR. CLARKE: Yes.

16 MS. FLYNN: Chair Brand?

17 CHAIRMAN BRAND: Yes.

18 You also have before you a resolution
19 prepared by the attorney for this project. Just
20 to make note, it does include stipulations that
21 one of the conditions is that it meets all the
22 DOT requirements. So whatever is worked out with
23 the DOT, you'll be required to meet those
24 conditions.

25 MR. HINES: There is also a requirement

2 that they obtain the County Health Department
3 approval for the relocated septic system.

4 We did receive a Local determination
5 and no comments from County Planning. They were
6 generally okay with the plan.

7 CHAIRMAN BRAND: Anything else on that,
8 Ron?

9 MR. BLASS: No.

10 CHAIRMAN BRAND: Jen, would you poll
11 the Board?

12 MS. FLYNN: Member Truncali?

13 MR. TRUNCALI: Yes.

14 MS. FLYNN: Member Trapani?

15 MR. TRAPANI: Yes.

16 MS. FLYNN: Member Lanzetta?

17 MS. LANZETTA: Yes.

18 MS. FLYNN: Member Lofaro?

19 MR. LOFARO: Yes.

20 MS. FLYNN: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. FLYNN: Member Cauchi?

23 MR. CAUCHI: Yes.

24 MS. FLYNN: Chair Brand?

25 CHAIRMAN BRAND: Yes.

2 Thank you.

3 MR. KRUPNIK: Thank you.

4 MR. WILLINGHAM: Thank you.

5

6 (Time noted: 7:56 p.m.)

7

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

9

10

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 30th day of March 2018.

22

23



24

MICHELLE CONERO

25

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

4 In the Matter of

5
6 BAYSIDE MIXED USE7 Project No. 17-1024
8 18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

9 ----- X

10 PUBLIC HEARING - SUBDIVISION & SITE PLAN11 Date: March 19, 2018
12 Time: 7:57 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
14 Milton, NY 1254715 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
17 BEN TRAPANI
18 CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE19 ALSO PRESENT: RONALD BLASS, ESQ.
20 PATRICK HINES
VIRGINIA FLYNN21 APPLICANT'S REPRESENTATIVE: JASON DATES
2223 ----- X
24 MICHELLE L. CONERO
PMB #276
25 56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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

4 MR. TRUNCALI: Legal notice, commercial
5 site plan application. Please take notice a
6 public hearing will be heard by the Marlborough
7 Planning Board on Monday, March 19, 2018 for the
8 following application: Bayside Mixed Use, at the
9 Town Hall, 1650 Route 9W, Milton, New York at
10 7:30 p.m. or as soon thereafter as may be heard.
11 The applicant is asking for site plan approval on
12 lands located at 18 Birdsall Avenue, Marlboro,
13 New York, Section 109.1, Block 4, Lot 29. Any
14 interested parties either for or against this
15 proposal will have an opportunity to be heard at
16 this time. Chris Brand, Chairman, Town of
17 Marlborough Planning Board.

18 MR. DATES: Good evening.

19 CHAIRMAN BRAND: Mailings, how many
20 were sent out and how many were returned?

21 MR. DATES: We sent out 104, 85 were
22 returned, 16 not returned and 3 undeliverable.

23 CHAIRMAN BRAND: Could you please
24 provide those to the secretary?

25 If you would, just give a brief

2 overview of the project at hand.

3 MR. DATES: I'm here to present the
4 Bayside Mixed Use project. The site itself is an
5 existing single tax parcel, 25.3 acres in size.
6 It's located in the Town's R-1 zoning district.

7 On the map, north is straight up the
8 page. The lot has frontages at various spots
9 along Purdy Avenue. It also has frontage to the
10 east on Route 9W, and the Marlboro Middle School
11 is the south -- the parcel to the south of the
12 project site.

13 So again, it's 25.3 acres in size. On
14 the west we do have about 7.4 acres of Army Corp
15 wetlands which are remaining and won't be
16 touched.

17 The proposed project, as I mentioned,
18 is mixed use. Our main access will be a roadway
19 off of Route 9W. It's aligned with Young Avenue,
20 so there will be improvements to that traffic
21 light. We'll have a one-way in and two-way out,
22 three lanes at the end of that intersection, and
23 that will bring us up into the project site. The
24 first 750 feet or so of that roadway is proposed
25 to be a Town road. That's this kind of orange

2 shaded area here. The right-of-way would end
3 here and then the remaining driveways would go
4 into the residential development of the site.
5 They would all be privately owned and maintained.

6 The residential development is at the
7 top of the site here. We're looking to do 104
8 units, 84 two-bedroom units and 20 three-bedroom
9 units. That's comprised in five buildings.
10 These larger buildings around the outside are all
11 two story. They have first floor units and
12 second floor units. There's 24 units in each of
13 those buildings, structures. The center
14 building, number 5, has 8 residential units and
15 then a clubhouse attached. So there's meeting
16 space for the community itself.

17 We have parking that basically flanks
18 all the buildings on the interior here with some
19 on the outside to the north there. We're
20 providing 224 spaces on site, that's two per
21 unit, and then we have 16 that could be utilized
22 for visitors and for the clubhouse. That meets
23 -- exceeds, actually, the Town Code. So again,
24 all the roadways, parking, that's all privately
25 owned and maintained.

2 We have an emergency access that's
3 gated. It would go to Purdy. It would be only
4 access for emergency services to use that.
5 That's not used on a daily basis. All the
6 traffic will be routed out to 9W.

7 We also have -- in the back here we
8 have a stormwater management area which would
9 have also a gated access just for maintenance as
10 well. Not a daily driveway by any means to
11 Purdy.

12 The buildings, as I mentioned, are two
13 story. I have some renderings. I believe the
14 Board has these. Here's an elevation of one of
15 the buildings. There's a mixture of facade
16 treatments, two different styles of vinyl siding,
17 your typical horizontal then also a cedar shake
18 look for accents. We have stone veneer over
19 various parts of the front facade. We have
20 asphalt architectural shingles. We have a split
21 seam -- a standing seam metal roof over the
22 access points of the building. Then in the
23 center of these here is a small little porch
24 area, so sliding glass doors for that. There's
25 two color combinations that we provided. This

2 one is a forest green and like a beige, that
3 would be buildings 1 and 3, and then 2 and 4 have
4 that same kind of beige accent with a brown.
5 Again, the same type of facade treatments on
6 that, the same colors. The center building,
7 number 5, would have these combined.

8 I have another rendering. This is
9 building 1. So you're coming -- if you were
10 standing right about here, right about where the
11 turnaround area is, it's looking kind of uphill.
12 That's what that would look like. So that's the
13 residential development.

14 We're also proposing a lot, 2.3 acres,
15 down on Route 9W for a future commercial
16 development. We've shown on the plans to date a
17 12,600 square foot two-story building on that
18 lot. We are seeking to have the business
19 corridor overlay zone placed on that. That's a
20 process we're going through with the Board and
21 the Town Board.

22 Then we have about a 1.2 acre site over
23 here, a lot, that right now is vacant and will
24 remain vacant. It's in the applicant's ownership
25 but there's no proposed development for that.

18 CHAIRMAN BRAND: I know many of the
19 questions that I've gotten from members of the
20 public included the phasing of construction as
21 well as the landscape and buffering of the
22 surrounding properties. Maybe you could address
23 that and you could answer some questions before
24 they're asked.

25 MR. DATES: Sure. So phasing. The

2 first phase is really we need to get our roadway
3 in from 9W, we need to get up into the site, and
4 then we're looking to do building 1. In
5 combination with that we also need to do our
6 stormwater management facilities, the one on the
7 west and also one down on the east side here on
8 9W. Water, sewer will need to be brought up into
9 the site. Right now it's about 8.2 acres that
10 would need to be cleared and opened up, and
11 that's where the first phase of work would be.

12 Then as you go through the project,
13 building 2 would be phase 2, building 3 is phase
14 3, phase 4 would then be building 4 and that
15 center piece. So again, as we progress through
16 the project we'd be pulling the utilities to each
17 of those buildings, connecting up. Then phase 5
18 would be the commercial development. Again, we
19 don't have any tenants identified at this point.
20 By that time hopefully that's the case and we're
21 going to improve that site as well.

22 MR. HINES: That phasing is actually
23 the construction phasing, it's not a true phasing
24 where the other units won't be constructed. This
25 is one site plan. All the development is going

2 to have to be completed by the applicant. It's
3 not a true phase, it's more of a construction
4 sequence, how you just explained.

5 MR. DATES: So for the landscape
6 question, these darker shaded areas are existing
7 vegetation that's to remain on the site. So
8 again, you can see, as I mentioned before, the
9 wetlands on the west side of the site, that whole
10 area is staying. Then along the perimeter we've
11 been able to save some of the existing vegetation
12 to supplement that which we do have, evergreen
13 screened plantings, White Pines, Norway Spruce
14 that go around the perimeter. Even at those
15 areas where we do have existing vegetation, again
16 it's for the leaf-off screening situation. And
17 then also there's some mixed deciduous trees
18 within that buffer as well.

19 CHAIRMAN BRAND: Thank you.

20 This is a public hearing. I did hear
21 from local historian Matthew Kierstead, so I'll
22 allow him to go first. If you'd approach the
23 podium for me, please.

24 MR. HINES: Chris, it may be important
25 to inform the public that this was subject to a

2 full environmental review, a draft environmental
3 impact statement, a final environmental impact
4 statement and findings that were adopted with the
5 Town Board as the lead agency, and the Planning
6 Board and other agencies participated. The
7 environmental issues have been fully vetted
8 previous to this site plan process that we're in
9 now.

10 CHAIRMAN BRAND: Thank you.

11 MR. KIERSTEAD: I'm Matt Kierstead, I'm
12 on the Marlborough -- the Hamlet Economic
13 Development Committee, I chair the Trail
14 Committee. One of our goals is to improve hamlet
15 businesses and business visitation by promoting
16 recreational trails and also community
17 agricultural and industrial history. I am a
18 historic preservationist. I don't oppose the
19 project. I can't speak for the whole committee
20 but I think it's great that we're getting some
21 residential density that's in the hamlet.

22 I want to talk a little bit about Camp
23 Young which was the historical use for the
24 property. The proposed Bayside project is
25 located on the former site of World War I era

2 Camp Young. With U.S. involvement in World War
3 I, shortages of young men on the farms led to
4 nationwide shortages of food. This is just one
5 page long. Several U.S. Government programs were
6 formed to train young men and women to work on
7 farms. These programs included the 1918 U.S.
8 Labor Department's Women's Land Army, or
9 farmerettes, sort of a World War I agricultural
10 Rosie the Riveter program, employing 20,000 women
11 nationwide. The program had organizational roots
12 in New York with the first being in Bedford.
13 There were 42 units in New York, one based at
14 Vassar College in Poughkeepsie, and that one
15 associated with Marlboro's Camp Young. Young men
16 and women were trained at Camp Young and worked
17 on our local farms and also the Hudson River and
18 railroad shipping facilities. Local farmer Chip
19 Kent who is here tonight told me his family hired
20 farmerettes who were bussed to Milton from Camp
21 Young.

22 Through the proposed Bayside
23 development environmental process, which this
24 gentleman is correct is done, the entire Bayside/
25 Camp Young site has been determined eligible for

2 listing in the National Register of Historic
3 Places by the New York Office of Preservation,
4 Recreational -- Office of Parks, Recreation &
5 Historical Preservation. Sorry. That acronym is
6 always a tongue twister for me. They're the
7 State Historic Preservation Office, SHPO, the
8 review agency. They found it significant for
9 it's associations with the Young family who
10 developed Marlboro's famous (inaudible) raspberry
11 in the 1830s for the farmerettes movement and for
12 the construction style of one surviving building,
13 the farmerettes dormitory. I think Chris has
14 photographs of that. This building was
15 determined individually eligible for National
16 Register listing.

17 The farmerette's dorm was built using
18 architectural plans developed by the U.S.
19 Military training commission. This unusual
20 military multi-use building type had horizontal
21 ventilation louvers for sleeping comfort and
22 shading, and was also designed for agricultural
23 use after it's World War I role. This building
24 was indeed used for many, many years after and
25 survived and is in good condition, unlike the

2 other buildings on the site.

3 I've documented historical military
4 buildings in my preservation career and I believe
5 we have an unusual and rare survivor here.

6 Unusual for it's early associations with a new
7 deal federal program predating the 1930s WPA
8 school buildings, one of which we are in by about
9 twenty years. It's likely rare for the scarcity,
10 the number of similar survivors. I would not be
11 surprised if it's one of only a handful that
12 survived in New York or even the U.S. today.

13 Now in 2018 our example of a farm cadet
14 quarters building is having it's 100 year
15 anniversary. The building is slated for
16 demolition. I think it deserves some love. New
17 York SHPO required the developer to have CBRE
18 complete, a New York State level historic
19 structure documentation, to mitigate the impacts
20 of demolition. Most of what I'm saying is I'm
21 quoting from their work. A copy of this is at
22 our public library.

23 The developer has thus fulfilled their
24 legal obligations to mitigate project impacts to
25 the Camp Young historical resources.

2 I'm here tonight to ask if the Town
3 might ask the developer for a little more, for
4 some additional preservation or mitigation for
5 the farmerette's dormitory. Marlboro prides
6 itself on it's agricultural heritage, and the
7 Women's Land Army is a fascinating and appealing
8 part of our local agricultural history that I
9 think needs to be interpreted and shared with the
10 public.

11 So I have some asks. May I suggest
12 that the Town consider asking the developer to
13 consider the following: These are -- you know,
14 you aim high, so these are sort of in an order
15 here. The first one would be typically with a --
16 a community with a demolition delay bylaw would
17 ask the developer to do a historical property.
18 Move the farmerette's dorm building to another
19 Marlboro location for use as a Marlboro agri-
20 tourism center, welcome center and agricultural
21 museum. Two, preserving the building in it's
22 current location for that use. If you were to
23 draw an X across this property, the building is
24 like dead center. Three, moving the building to
25 another location on site, accessible and visible

2 from Route 9W for that use. Four, delaying
3 demolition and allowing the Town and/or a local
4 citizens group to move the building off site for
5 that use. And talking to Chip, he thought maybe
6 we could find a home for it. I think it's a
7 matter of manpower and willpower. If all of the
8 above are not prudent or feasible, allowing the
9 Town and/or the Historical Society access if they
10 wish for further documentation and/or salvage of
11 architectural elements or machinery prior to
12 demolition. Five, if the building must be
13 demolished, modifying the site plan to include
14 some kind of public access to open space. For
15 instance, a pocket park or a trail. That would
16 include the last item, number six, providing some
17 kind of creative mitigation, educational
18 mitigation, interpretive public history
19 materials, including safety accessible on-site or
20 off-site interpretive panels, publications,
21 website content and the like. Thank you.

22 CHAIRMAN BRAND: Thank you.

23 MR. KIERSTEAD: Great book all about
24 that program.

25 CHAIRMAN BRAND: You also provided us

2 with copies of the CBRE?

3 MR. KIERSTEAD: The portion of it that
4 deals with this building specifically. They did
5 every other building on site, wells, cisterns.
6 It's very thorough. That's the short part of it
7 that deals with the building in question.

8 CHAIRMAN BRAND: Thank you. We will
9 add that to the file.

10 MR. KIERSTEAD: Thank you.

11 CHAIRMAN BRAND: This is a public
12 hearing. If you are here to speak either for or
13 against, please state your name clearly. If
14 you'd like to use the podium you may. If not,
15 just try and be clear from your seat.

16 Mr. Garofalo.

17 MR. GAROFALO: Thank you very much. If
18 I run over my three minutes please tell me and
19 I'd be glad to yield the floor to somebody else,
20 hoping with the opportunity to come back and
21 finish all that I have to say.

22 I will say that I did offer to the
23 applicant to sit down with him to go over various
24 items. He declined and asked me to come to the
25 public hearing, so here I am.

2 I want to praise the applicant's
3 professionals for using the word accessible and
4 ADA reserved in most cases. However, on sheet 18
5 under parking stall signing, they're still using
6 the word handicap sign. That's not used under
7 ADA and I hope it will be replaced on future
8 drawings.

9 I also want to praise the applicant for
10 removing the on-street parking. This is one
11 thing that I have been asking them to do from the
12 very inception of this project because of the
13 interference that it would cause to the Young
14 Avenue/Route 9W traffic light and traffic control
15 there. I'm glad to see that they've removed
16 that. I certainly would like to see even more in
17 the sense that there be no stopping at any time
18 on both sides of the road to keep people from
19 pulling over and standing, or parking, or just
20 stopping there and causing problems to the
21 traffic.

22 Also I'd like to praise the applicant
23 for extending the sidewalk along Route 9W to
24 Purdy Avenue, however there what I would suggest
25 is consideration of moving the sidewalk far back

2 off enough of Route 9W to allow the potential for
3 a future left-turn lane on Purdy Avenue and a
4 bike lane in that area. I'm not asking them to
5 build any of this, I'm just asking that it be
6 moved back to allow sufficient space so that this
7 can be done without having to tear up a perfectly
8 good sidewalk somewhere down the line.

9 Under section 155-31 G-17(B)(D) it
10 discusses native plantings. I did not see
11 anything in their drawings about what is and what
12 is not a native plant. I think for the Board's
13 understanding these things should be documented
14 on plans. Is this native, is it not. If it's
15 not, is there an alternative that can suffice and
16 do the same. There's been no discussion of
17 specimen trees. I don't know if there are any on
18 the property. I can't say that I've ever been on
19 the property to look. That's something that I'm
20 not sure it's ever been looked into.

21 CHAIRMAN BRAND: That's your three
22 minutes. Finish your thought.

23 MR. GAROFALO: Would you like to have
24 somebody else come up?

25 CHAIRMAN BRAND: Finish your thought.

2 MR. GAROFALO: That thought is done.

3 I'm ready to go to the next thought, so I can
4 turn it over and somebody else can go.

5 CHAIRMAN BRAND: Thank you. I
6 appreciate it.

7 MR. GAROFALO: You're welcome.

8 CHAIRMAN BRAND: Anyone else for or
9 against the project? Yes. Please state your
10 name.

11 MR. WITHEROW: Good evening. Patrick
12 Witherow here on behalf of the Marlborough
13 Central School District.

14 We just wanted to come and speak in
15 support of the project. We're working with the
16 applicant and the developer for the site
17 improvements that were mentioned previously.

18 Last Thursday night at our Board of
19 Education the board adopted the SEQRA resolution
20 declaring themselves as lead agency. According
21 to our legal counsel, we're required to go
22 through the SEQRA process prior to taking any
23 action on accepting the proposed work to be done
24 at the middle school, but we are within that
25 process of determining the SEQRA determination.

2 We see significant potential
3 improvements to the traffic flow at the middle
4 school. Currently because of the land situation,
5 we've run into some issues with concern about
6 student safety in the morning and the afternoon
7 during parent pick up and drop off. We currently
8 have parents dropping off behind where the buses
9 are situated and we have students walk between
10 the buses to enter the building which creates a
11 bit of a safety concern with limited visibility
12 in the buses. We believe the proposed
13 improvements will significantly reduce if not
14 eliminate the intermingling of the parent drop
15 off traffic with bus traffic, and also work to
16 eliminate the cut through which typically occurs
17 at that property where people cut through to kind
18 of take a shortcut down to 9W.

19 From the district's perspective we're
20 in the process of working to accept the
21 improvements that are proposed and we are in
22 support of the project. Thank you.

23 MR. TRUNCALI: Patrick, while you're up
24 there -- while you're both up there, I thought at
25 one time there was talk of more parking for the

2 school, possibly on that triangle piece that was
3 down by the road. Was that offered to the
4 school?

5 MR. WITHEROW: We were interested in a
6 piece that was up on the top of the property but
7 that was not feasible in the design of the
8 development. We do feel with the expansion of
9 the parking down on the road to 9W, it would be
10 primarily event type parking so when we had a
11 play or a chorus or musical we would have that
12 additional parking. It's a slope down there. We
13 wouldn't expect that to be used on a daily basis.
14 We do feel that there are significant
15 improvements to the property.

16 CHAIRMAN BRAND: Thank you. Anyone
17 else? Ms. Mannese.

18 MS. MANNESE: I just have a question
19 with regard to the traffic. I'm trying to
20 understand, 104 units and about 300 cars. In
21 regards to adults, two adults, one child, a
22 teenager, that's 300 cars coming through. Right
23 now you go down 9W and you can't get -- you're
24 just jammed right up. Now there's another
25 project on the other side that has gone away, but

2 what happens if that gets put back on the table,
3 because it's a project that could happen? So has
4 that been thought about? What's the impact of
5 that plus this to 9W?

6 CHAIRMAN BRAND: Did you want to
7 address that, Justin?

8 MR. DATES: We did go through a full
9 traffic analysis on the site -- we did go through
10 a full traffic analysis. That was through the
11 EIS process which was reviewed by both the New
12 York State DOT and the Town's consultants as
13 well. We did address the concerns from both
14 sides. As I mentioned, DOT being the
15 jurisdictional agency that runs Route 9W
16 basically, we have addressed some of their
17 comments. They've conceptually approved the
18 layout of our -- of the intersection, our traffic
19 counts and what not to date, and we're working on
20 the permit drawings and permit process to make
21 that happen.

22 MS. MANNESE: My question is if the
23 other project is back onto the table, not only
24 yours but to couple that, what's going to be the
25 impact? That was something that was just

2 recently being talked about. Did they do the
3 paperwork? What could be the potential of that
4 property being built? I'm not saying for or
5 against, I'm just looking at the impact of what
6 it's going to do to 9W and then the trickle
7 effect of the aesthetics of what's going to
8 happen to our corridor. It's very important to
9 us that we keep sort of the feel here, so not
10 only the impact of the traffic and jamming up but
11 overall what it can lead to down the line.

12 MR. DATES: As part of the traffic
13 analysis there is a percentage -- I'm not a
14 traffic engineer. They do calculate growth into
15 the study as well. It's not necessarily on a per
16 project basis but they do take into account
17 future expansion or growth of the area on a year-
18 to-year basis. That's built into the projections
19 of traffic within the study of the corridor
20 there.

21 MS. MANNESE: I'm not sure if that
22 quite answered the question. I understand what
23 you're saying. Pertaining to us here, we know
24 what is available for growth and what -- if it
25 all happens how it's going to be impacted, this

2 is being addressed today but that can be
3 addressed tomorrow. I'm just saying to look at
4 the big picture of what constantly happens there
5 to the traffic.

6 I have another safety wise. This is
7 right next to the middle school. You're putting
8 104 apartments there. Double it up and you're
9 bringing 300 people. A lot of safety issues, a
10 lot of things happening in schools today. Police
11 officers, we're all hearing about it. How is it
12 going to affect the school and what's being put
13 in place for safety issues? This is very close
14 to the school.

15 CHAIRMAN BRAND: Do you want to address
16 that?

17 MR. DATES: Do you want me to give you
18 numbers?

19 MR. CLARKE: From the school.

20 MR. DATES: Okay.

21 CHAIRMAN BRAND: I don't think she was
22 questioning traffic. Just in general.

23 You're more referring to who is living
24 there next to the middle school.

25 MS. MANNESE: It was twofold. I was

2 asking about the traffic because of the fact that
3 you have another potential development and how
4 the two -- if the other one comes back on the
5 table, and it was just on the table, and I don't
6 know how much information you already had, what
7 could be possibly built there, how many cars
8 would that bring to 9W. Isn't it just like
9 almost opposite? It's going to happen in that
10 section. How is it going to handle it?

11 MR. HINES: The other project that's
12 being referred to I believe is the former
13 Dockside project. That project has been
14 completely withdrawn from any applications. It
15 is not before this Board. If that project comes
16 back it will have to most likely go through the
17 same environmental review process that this
18 project went through, and that would require a
19 new traffic analysis at which time some
20 components of this project or the entire project
21 may be developed. Right now before the Board is
22 this project and that other project has been
23 withdrawn by letter from the sponsor. There is
24 no active application before the Board for the
25 project that was previously in the quarry across

2 the street.

3 MS. MANNESE: I understand it's been
4 withdrawn. What happens if it comes back on is
5 my question?

6 MR. HINES: If it comes back on it's
7 going to have to do the same level of traffic
8 analysis, or more detailed, as this one. At that
9 time whoever the lead agency is under SEQRA will
10 review it as well as the agencies having
11 jurisdiction, the DOT and any other traffic
12 agency in the area. That will have to be
13 re-studied with this project in the mix then,
14 along with any other background traffic or
15 changes that occur in between now and when that
16 project or if that project ever comes back before
17 the Board.

18 MS. MANNESE: My second question was
19 safety. What's happening now, it being so close
20 to the school and near kids? That's a lot of
21 people. I'm not saying -- I'm just saying the
22 safety issue. You have kids that are right there
23 at the school. You know, the possibility of
24 having so many people so close to this and what's
25 going to be put in place. My concern is that

2 impacting the school and the school then having
3 to hire more people to protect the school and the
4 whole trickle effect. I just want to put that
5 out there.

6 MS. LANZETTA: Could you speak a little
7 bit -- maybe if you spoke a little bit about the
8 demographics and the likelihood of people who
9 inhabit these units, you know, what are they
10 going to be there, are they -- do they tend to be
11 working. Let's talk a little bit about that.

12 MR. DATES: It's apartment units so the
13 demographics are going to be those that will be
14 able to afford the rental prices. There's
15 nothing specific that we corner demographically.
16 It's two-bedroom, three-bedroom units. The two
17 bedrooms are going to be plus or minus 1,000
18 square feet. The three bedrooms, plus or minus
19 1,200 square feet.

20 Safety from that standpoint, it is next
21 to the school. The representative of the school
22 just talked about how it will improve on-site
23 circulation and things of that nature, how they
24 can manage their safety better by some of the
25 improvements that this project is instituting.

11 CHAIRMAN BRAND: Please state your
12 name.

13 MR. MONTEFERRO: Mateo Monteferro. I
14 think the safety issue is who are we letting in
15 there. Bottom line, are we putting in Section 8
16 people? Is it qualified for certain -- how is it
17 -- it's not only the safety of the kids, it's the
18 safety of the community itself. We have Mr.
19 Schaffer that's ten feet away from the place.
20 What kind of crime is this going to bring in?
21 Are we bringing in Section 8 people, you know?
22 We'd like to know what kind of people are going
23 in there.

24 CHAIRMAN BRAND: Thank you. Yes.

25 MS. LYONS: Good evening. My name is

2 Bonnie Lyons, I am representing myself and my
3 mother Rosemary Lyons, owners of 23 and 25 Young
4 Avenue in Marlboro.

5 We are here to raise our concern that
6 the proposed project will interfere with our
7 deeded right to access water from the property
8 Bayside construction intends to develop. From
9 the company's final site plan dated 9/22 of 2017
10 it appears that the project may interfere
11 significantly with this deeded right. We have
12 copies of the relevant deeds for the Board to
13 review. These contain a detailed description of
14 the relevant water supply and surrounding land
15 and structures as well as various restrictions
16 regarding construction in the area.

17 We would also like to state for the
18 record that we did not receive a certified letter
19 informing us of this meeting. Thank you.

20 CHAIRMAN BRAND: If you have those
21 documentations, if you want to give those to the
22 secretary, that would be great.

23 Please state your name for the record.

24 MR. HERBST: Peter Herbst, I live up on
25 Prospect Street. Just looking at the whole

21 MR. DATES: That was one of the items
22 in the EIS. We account for the generation of 20
23 school-age children from the project.

24 MR. HERBST: Three-bedroom apartments
25 and two-bedroom apartments. 20 kids?

2 MR. DATES: That's correct.

3 MR. HERBST: Who would have a
4 three-bedroom apartment without a couple of kids?
5 Even a two-bedroom apartment. 20 kids? I think
6 you're figuring a little low. I guess you -- you
7 must feel I'm against this.

8 CHAIRMAN BRAND: We appreciate your
9 participation. Thank you.

10 Anyone else before I let doubles go?

11 MS. HOEY: Eileen Hoey. I live on
12 Purdy Avenue. I've got a question. There's
13 going to be two entrances on Purdy Avenue? There
14 was always one. Now there's two?

15 MR. DATES: There's two --

16 MS. HOEY: When did it change?

17 MR. DATES: -- access driveways.

18 MS. HOEY: When did it change?

19 MR. DATES: This has been on the plan
20 over a year now. So we have the emergency access
21 here, which is --

22 MS. HOEY: That's my concern.

23 MR. DATES: It's gated. It's not a
24 driveway. We also have one down here for access
25 to the stormwater maintenance which is going to

2 be used maybe a couple times a year.

3 MS. HOEY: How do you access this?

4 There's a lot of wetland here.

5 MR. DATES: That's correct.

6 MS. HOEY: There's wetland here.

7 MR. DATES: So this area here that has
8 the hatches on it, that's the area here we're not
9 disturbing.

10 MS. HOEY: Is this the building that
11 the gentleman was talking about?

12 MR. DATES: No. This is the traffic.

13 MS. HOEY: That's the traffic?

14 CHAIRMAN BRAND: The building is
15 probably right in the middle where the clubhouse
16 is, approximately.

17 MR. DATES: The farm -- that's here in
18 the center.

19 MS. HOEY: There's a drain here. It's
20 right in front of my property. What happens to
21 the water that comes east and west and drains
22 right there?

23 MR. DATES: There's actually a culvert
24 that crosses right here that comes into our site.
25 So we need to -- we pick that up and we swale

2 that around our project. So we're not doing
3 anything to the existing Purdy roadway or the
4 drainage. That actually comes onto our site.

5 MS. HOEY: And this will be closed?

6 MR. DATES: It's gated.

7 MS. HOEY: What kind of a gate?

8 Aesthetics appeal to me, so humor me.

9 MR. DATES: Right now we do have a
10 bollard and chain that would go across that
11 driveway. It would have a lock on it that the
12 fire department would have a key or access to
13 only, or Town representatives. It's not a full
14 access driveway. It's only to be used by
15 emergency services or the Town.

16 MS. HOEY: But the children who live
17 here can walk that and play on Purdy Avenue?

18 MR. DATES: The County and actually --

19 MS. HOEY: I'd like it to be a little
20 more difficult for them because I just don't
21 think it's a good place for the kids. That is
22 really -- right there there's a dip.

23 MR. DATES: Correct.

24 MS. HOEY: Animals get killed there all
25 the time. Kids are out there, the parents are

2 hollering get out of the road. They're going to
3 get killed. And then you're going to have kids
4 coming out here. They will. Kids are kids.

5 MR. DATES: Sure.

6 MS. HOEY: They're going to be coming
7 out here and they're going to be playing.
8 There's a dip there and there's water. I hope
9 you can address that water issue because I've
10 been there thirty years and I never -- it took me
11 that long to get a drain. It's all puddled. You
12 get a big puddle of water out there. So there's
13 got to be better drainage.

14 MR. DATES: This is in your front yard?

15 MS. HOEY: No. In the road.

16 MR. DATES: In the road?

17 MS. HOEY: If we get substantial rain
18 it goes up to the road. So I'm just thinking
19 with all the construction and all the mass
20 movement of earth, that's going -- I'm just
21 advance warning you that would be an issue. I
22 would be complaining.

23 MR. DATES: Okay.

24 CHAIRMAN BRAND: Just so that you know,
25 one of the suggestions was also to include the

2 possibility of a pedestrian thoroughfare there as
3 well with sidewalks. The applicant stated that
4 that would benefit the people on Purdy Avenue to
5 walk through, to be able to go through and down
6 to the sidewalk. It's not in the plan at this
7 moment but that was something that was brought
8 up.

9 MR. DATES: It was supported by the
10 County and the Board.

11 MS. HOEY: It's not supported by me. I
12 prefer this buffer. Do you know what the
13 distance is, the buffer?

14 MR. DATES: Yeah.

15 MS. HOEY: I'm sorry I'm taking so much
16 time.

17 MR. DATES: So from the property line,
18 which in this particular location is right along
19 the edge of Purdy Avenue, it is 75 feet to this
20 line right here. That's basically where our
21 parking lot is. So there's that 75 foot line.
22 We are fully planting out an evergreen vegetative
23 screen throughout that whole area.

24 MS. HOEY: And that will come around
25 here? That's what this represents?

2 MR. DATES: That's correct.

3 MS. HOEY: What about this?

4 MR. DATES: That's all existing
5 vegetation that will remain.

6 MS. HOEY: Okay. Do you know what the
7 distance is here?

8 MR. DATES: About 60 feet.

9 CHAIRMAN BRAND: I think there's a
10 minimum of 75 feet from every building to every
11 adjacent property.

12 MR. DATES: That's correct. The front,
13 side and rear setback for multiple homes is 75
14 feet from the parking lot.

15 MS. HOEY: So are we going to be able
16 to see or is this forest vegetation? Are we
17 going to be able to see these buildings?

18 MR. DATES: Yes. Some of them will be
19 seen. I mentioned we are doing a full evergreen
20 hedgerow basically. That will take some time to
21 grow in. It will grow in at 7 feet tall.

22 MS. HOEY: The existing trees are all
23 coming down?

24 MR. DATES: Yes. Except for these
25 darker areas where. Those are pockets of

2 existing vegetation that we're going to keep.

3 MS. HOEY: Okay. Thank you.

4 CHAIRMAN BRAND: Thank you. Anyone
5 else? Mr. Schaffer.

6 MR. SCHAFFER: David Schaffer. Could I
7 look at something on the map --

8 CHAIRMAN BRAND: Sure.

9 MR. SCHAFFER: -- and ask you a couple
10 questions? 185 bedrooms?

11 MR. DATES: The total bedrooms are 228.
12 228 bedrooms. There's 85 two-bedroom and 20
13 three-bedroom.

14 MR. SCHAFFER: How do we square this 20
15 student number?

16 MR. DATES: Basically we've -- we met
17 with the County at a gateway meeting. We talked
18 about current student rate to this type of unit
19 type. We also looked at some other residential
20 developments. That's how we came up with the
21 calculation.

22 MR. SCHAFFER: That's a lot of kids.

23 One more question. Where do the kids get off the
24 bus here?

25 MR. DATES: I'm sorry?

2 MR. SCHAFFER: Where do the kids get
3 off the bus to go to school?

4 MR. DATES: The middle school?

5 MR. SCHAFFER: Yeah.

6 MR. DATES: It's on the middle school
7 property.

8 MR. SCHAFFER: Where do they get off
9 the bus?

10 MR. DATES: The middle school? I
11 imagine they walk.

12 MR. SCHAFFER: The bus can pull right
13 up here. Where is all this traffic coming out?

14 MR. DATES: It comes down through here.

15 MR. SCHAFFER: The same spot; right?
16 I'm not seeing that would be a good idea. You
17 have all the traffic running right by.

18 MR. DATES: This is all -- how the
19 traffic comes out of the school onto this road is
20 also controlled by the school.

21 CHAIRMAN BRAND: Thank you. Yes.

22 Please state your name for the Stenographer.

23 MS. HERBST: Bridget Herbst. I have a
24 question. The paperwork I got had 18 Birdsall
25 Avenue. I've been up and down, I've lived there

2 thirty years on Prospect and I've never seen 18
3 Birdsall Avenue. I've looked all over for it.

4 Are you going to be having the buses
5 come in from Birdsall Avenue up into the school,
6 because it's already a disaster area? You can't
7 get out of Birdsall any time from a quarter after
8 2 to about 6 at night and get on 9W and head
9 north. It's impossible. According to this
10 paperwork, it said one or two cars coming in,
11 except when there's fifteen backed up. When you
12 come up that hill at the time the buses are going
13 in, there are so many cars parked on that curve
14 and that very often will pull into the school
15 right in front of you despite the people on
16 Birdsall having the right of way. It's very,
17 very dangerous.

18 There's no way you can convince me that
19 you're going to put 104 units and have 20 kids
20 coming out of it. It's laughable. You know, I
21 mean I don't know where they got their figures
22 and I don't think they did a good job. Maybe we
23 should have somebody else check the figures about
24 the number of children and the traffic that comes
25 up 9W because at 8 o'clock in the morning I can't

2 head north on 9W from Birdsall, and the same is
3 true from 2:15 to 6 o'clock when people are
4 coming north and south going home from work to
5 either Poughkeepsie or Newburgh, you can't get
6 out of Birdsall.

7 CHAIRMAN BRAND: Mr. Witherow

8 volunteered to answer your question regarding
9 buses.

10 MR. WITHEROW: So we actually see this
11 as going to improve the traffic issue. We're
12 well aware of the issues with the buses stacking
13 on Birdsall. Earlier in the year we made a
14 change to our dismissal procedure at the middle
15 school. We used to have 20 buses that would pick
16 the kids up, they would go from the middle school
17 to the high school, pick up the high school and
18 then go on their routes. We did make a change
19 where we stage half the buses at the high school.
20 So we only have 10 buses pick up at the middle
21 school. Those 10 buses shuttle all the kids to
22 the high school where they then transfer to the
23 other buses, the kids who have to make a change
24 onto another bus. We've done that because we are
25 aware of the buses creating congestion on

2 Birdsall.

17 CHAIRMAN BRAND: Thank you.

20 Ms. Jungst.

21 MS. JUNGST: I'm Joanne Jungst, I live
22 on Purdy Avenue. Pretty much I only want to make
23 a comment that in the papers that you pull off
24 the internet, the project benefits. I don't call
25 it benefits, I call it a bribe. The Town is

2 going to get \$20,000 and the school is going to
3 get additional land for parking and a new
4 driveway coming down to the light. I think it's
5 grossly unfair and just wrong. It's a bribe. I
6 don't call it a benefit. It's a bribe.

7 CHAIRMAN BRAND: Thank you.

8 Anyone else that has not had an
9 opportunity to speak yet? I'll give you an
10 additional three minutes if you'd like to go for
11 repeats. Anybody on round two? Mr. Schaffer.

12 MR. SCHAFFER: Dave Schaffer. I'd like
13 to know why 224 new parking spaces could not
14 affect the traffic on Birdsall Avenue? I don't
15 see how that's possible. Or how could it get
16 better? I'm not seeing that.

17 MR. TRUNCALI: They're not going to be
18 able to come up Birdsall Avenue.

19 MR. SCHAFFER: It's that many parking
20 spots.

21 MR. TRUNCALI: They're not going to
22 come up Birdsall Avenue and go into the
23 subdivision. That's going to be blocked off by
24 the school. They're only going to open that --

25 MR. SCHAFFER: It's the same amount of

2 traffic going down the same road. Now you're
3 adding 224 parking spaces.

4 MR. TRUNCALI: They're going to go to
5 the light.

6 MR. LOFARO: You're saying you're going
7 to have more traffic on 9W there. You can't get
8 out from Birdsall onto 9W because you're just
9 adding 200 plus parking spots?

10 MR. SCHAFFER: All the traffic that's
11 going down Birdsall Avenue now is going to go
12 down that new road; right?

13 CHAIRMAN BRAND: No. Just the buses.

14 MR. SCHAFFER: It's still going to stay
15 on Birdsall Avenue?

16 CHAIRMAN BRAND: Correct. The buses
17 will go through. There's a gated thing between
18 the middle school and the Bayside property and
19 that will be controlled, I believe, by the school
20 district, only to be opened at times when the
21 buses -- the buses will be the only ones allowed
22 to go through that gate and down to the light.

23 MR. HINES: It's going to be controlled
24 by the school district when the kids are coming
25 and leaving. Vehicles are also going to be

2 allowed to use it. Pedestrian vehicles.

3 CHAIRMAN BRAND: During dismissal

4 and --

5 MR. HINES: Drop off and dismissal.

6 CHAIRMAN BRAND: Parents will be able

7 to --

8 MR. HINES: Correct.

9 CHAIRMAN BRAND: But it won't be --

10 it's not open --

11 MR. HINES: It's not available for a
12 cut through from Birdsall Avenue to the light.

13 MR. WITHEROW: It's also our intention
14 during the school day to block off that access
15 from Birdsall to the middle school property.

16 That would force anybody coming to the school to
17 use the new driveway to come up and enter the
18 school property.

19 CHAIRMAN BRAND: Ms. Mannese.

20 MS. MANNESE: I go back to the school
21 -- the impact on the school. If we get hit again
22 and we get an abundance of kids coming in with
23 this project and other projects, other houses
24 that are being sold, what is the plan for, you
25 know, the children to go to school? Do we have

2 -- is our school equipped to handle it right now?
3 Do we have growth? Right now you have the
4 elementary, you have the middle school and then
5 you have the high school in the back. To me this
6 is a perfect property. Again, I'm not against
7 residential development but the concern of
8 expansion of the schools. If we needed it is
9 there land ready? I mean these poor kids, we
10 have one field down below and then they have, I
11 don't know what you want to call it, a tennis
12 court that looks likes God knows what and a track
13 that is hardly there.

14 This small wooded area, you take all
15 that wooded area out of there and you're going to
16 have a ton of runoff going in every direction.
17 So I'm just trying to look at the big picture of
18 that.

19 I want to support Matthew on what he's
20 saying as far as Marlboro is concerned. We're
21 trying to attract people here. It's extremely
22 important to keep our agricultural heritage going
23 and you keep taking down buildings. I initially
24 was going to come because I love these kinds of
25 buildings. You post a picture of a barn, people

2 love it. So what are we trying to do? Are we
3 bringing people here to boost our economy,
4 support businesses and our farms? We need these
5 buildings because what are we going to have?
6 This is smack in the middle of it with two other
7 structures. They're still structurally sound and
8 they're beautiful to me. I've looked at them.
9 I've taken pictures. So we have three
10 structures, one of major historical significance
11 and the other two that could still be done up.
12 You go to Bowdoin Park, they redid all the
13 buildings. Other towns get this. We are a
14 farming town. It's our main industry. We're
15 working with I love New York to bring people
16 here. We need this or we're going to lose out.
17 So I support Matthew and all his findings and
18 what we can do to do something about the
19 buildings. You've got three structures, one is
20 significant.

21 I've already spoken about what I feel
22 about the structure or the development as a
23 whole.

24 CHAIRMAN BRAND: Thank you.

25 MS. MANNESE: One more thing. Sorry.

2 So as far as Route 9W, I'm a big proponent. I
3 feel we really need to utilize the corridor to
4 show people what we have. We know the beauty
5 beyond it. People don't know it. We need to
6 beautify it, we need to give it a reflection of
7 what we are. To me the stonewalls need to
8 remain. They need to be done up and remain as
9 much as we can. There are stonewalls right
10 there. I look at them all the time. I'm always
11 surveying the stonewall. Somebody driving
12 through, they see the stonewalls, they see some
13 mature trees, wow, what was that town we just
14 went through. We don't want to look like
15 Newburgh, we don't want to look like Highland.
16 We want to get the people what is that town that
17 we just went through, we want to come back. This
18 is our opportunity along 9W. Rusk did a
19 beautiful job with the stonewalls. You've got
20 Dunkin Donuts coming up. I wish there was
21 something there as far as stonewalls or picket
22 fences or some kind of something that reflects
23 farming. You've got Caradonna on the other side,
24 farming. So what is their plan for the front to
25 reflect our heritage here? It's extremely

2 important because that's going to be our tax
3 base. That's what's going on keep us going.

4 CHAIRMAN BRAND: In your plans the
5 stonewalls were slated for demolition; correct?

6 MR. DATES: Yes, that's correct.

7 CHAIRMAN BRAND: Mr. Garofalo.

8 MR. GAROFALO: I'll go a little bit off
9 script. There are stonewalls from the school
10 access to the traffic light. So there are
11 stonewalls here. There's stonewalls a little bit
12 north of road A in this area. I believe those
13 are probably going to end up going. I don't know
14 if there's any stonewalls on the property itself.
15 Certainly as Cindy mentioned, one of the things
16 the Town wants to do is preserve stonewalls.
17 That raises some question at least knowing what
18 we're losing and what we're not losing.

19 I'll put on my traffic professional hat
20 and talk a little bit about traffic. That is,
21 even though we have all these parking spaces, all
22 these cars do not leave at the same time. Even
23 for a single-family house in a peak hour you're
24 only generating about one trip per unit. In a
25 multi-family house it's much less than that. So

2 this area might just -- it doesn't even qualify
3 to do a traffic impact study because the number
4 of trips in the peak hour is probably -- it's
5 going to be less than 100, which is what SEQRA
6 uses as a threshold for a traffic study in normal
7 circumstances.

8 MR. HINES: They did do a traffic
9 study.

10 MR. GAROFALO: They did do one. There
11 was one done originally when Bayside was also on
12 track at the same time.

13 MS. LANZETTA: Dockside.

14 MR. GAROFALO: Dockside. Excuse me.

15 Another thing. As far as school age
16 children goes, remember that, you know, that gets
17 rid of all the kids from up to -- maybe four
18 years old, they don't count because they're not
19 school age, and the older ones don't count. Even
20 though they may be staying at home, they're not
21 in the schools. Certainly this is a nice
22 location because the middle school kid can just
23 walk to school. You could almost walk to the
24 elementary school because they're going to have
25 sidewalks all the way down. Certainly some of

2 the younger kids may not do that but this
3 location is sufficiently close that they will not
4 be busing these kids to those two schools.

5 I'm not surprised at the figure of 20.
6 That sounds pretty reasonable to me. Although
7 I'm not -- I don't do those kinds of studies but
8 that is probably what I would suspect in this
9 county.

10 I'd like to go through a few minor
11 specific points. On sheet 15 there's a tree near
12 the traffic signal pole on the State
13 right-of-way. I would suggest getting rid of
14 that, as well as the third tree in which is at
15 the curve. I think because you're coming down a
16 hill, that tree might end up obstructing your
17 view of the traffic pole.

18 On the commercial building there's
19 stairs on the north side. Because this parking
20 lot is a right turn in/right turn out, somebody
21 who is coming from the south that has to turn in
22 would park in the accessible spot, can't get down
23 those stairs. So I would certainly like it if
24 they could look at the possibility of whether or
25 not they could ramp that area rather than have

2 stairs so that people who have mobility problems
3 would be able to get to the front area.

4 On sheet number 5 they've got an extra
5 right turn arrow up here for no reason at all.
6 That's just there. They can remove that.

7 With regard to the commercial building,
8 I've got a number of concerns about that. They
9 are required, because of the size, 12,600 square
10 feet I believe it was, to have a berth for the
11 loading and unloading. I did not see dimensions
12 on their plans for that berth, so that should be
13 located on the map.

14 Also for access to roads, under Section
15 155-27 B(4), there shall be no access within 200
16 feet of any school, playground or church -- this
17 is within 200 feet, depending on how you measure
18 it, and that's certainly up to the Board to
19 decide -- nor closer to the intersection of any
20 two street lot lines than 500 feet. If this is a
21 public road, this is clearly going to be -- that
22 access is clearly going to be closer than 500
23 feet.

24 Now, there has been some debating as to
25 whether or not there should be a private or a

2 public road. It certainly makes sense to me that
3 when you are going to have a public road, when
4 you're going to have a road dedicated to the
5 public, that the Town Board has to accept that it
6 should be designed to the private road standards
7 and then above that to the public road standards.
8 One of the private road standards is at dead ends
9 you have to have a cul-de-sac , and it has to be
10 at least 60 feet, because if you don't do that
11 and it is constructed, and for whatever reason
12 the Town Board says no we don't want to accept
13 this, then it becomes a private road. If they
14 don't have the design standards of a private
15 road, then it's not a private road either. So I
16 think it's a very bad policy not to have them
17 meet both the private road standard and the
18 public road standard so they don't get caught in
19 the catch 22. That would require them to put in
20 a cul-de-sac somewhere on the property.

21 CHAIRMAN BRAND: Lastly?

22 MR. GAROFALO: Excuse me?

23 CHAIRMAN BRAND: We're finishing up on
24 your second three minutes, Mr. Garofalo.

25 MR. GAROFALO: I've got a lot more.

2 CHAIRMAN BRAND: Final thought, most
3 important.

4 MR. GAROFALO: Okay. The school
5 district, in the superintendent's letter,
6 discusses this as a private road. One of the
7 things DOT talked about is having this as a right
8 turn out only or as an entrance. Certainly that
9 change I think should be made. That also
10 eliminates the possibility of people just driving
11 through. For more than a decade I have been
12 advocating that this light be put in at Young
13 Avenue and that it be designed to handle a fourth
14 approach with the idea that this was going to be
15 eventually the approach that the school would
16 come out and be much safer for the buses and the
17 students.

18 I hope you'll give me some more time
19 after other people get their second three
20 minutes.

21 CHAIRMAN BRAND: I would also encourage
22 you if you have this all typed up, if you'd like
23 to e-mail it to the Board, we can certainly put
24 that in the file as well.

25 MR. GAROFALO: I have notes. In order

2 for me to type this up it would take me quite a
3 bit of time. I would prefer to be here and get
4 it on the record, and also so the public can hear
5 what I have to say. Thank you.

6 CHAIRMAN BRAND: Is there anyone else
7 that would like to speak out for or against?

8 MR. PORCELLI: My name is Vincent
9 Porcelli, I'm the brother-in-law of David and
10 Cindy Schaefer. In my past life I was also a
11 Town Board member going through the same issues
12 that you are. It's not an easy thing to do.

13 One of the things I'd like to ask
14 everyone to consider is we always focus on the
15 construction of the project. We never focus on
16 the destruction of what's next to it. In my
17 brother-in-law's case his is the closest property
18 adjacent to this building. Obviously you realize
19 that some day you would probably take it. I think
20 one of the things he's concerned about, as we all
21 would be, is if it's something that's happening
22 materially to the property adjacent to this
23 construction, what recourse does he have to
24 approach the Town to stop something because of
25 the damage it's causing, and what kind of action,

2 immediate action will the Town take to review it
3 before it continues? That's a consideration that
4 I think he would like to have you think through.

5 The other thing is one of the things
6 that happened is when you're a school, I don't
7 know if our law enforcement knows if there are
8 any registered sex offenders in our community,
9 but I would ask that if this project continues
10 and becomes completed, that we pay attention that
11 there aren't residents in our community that
12 could jeopardize the safety of our children. Not
13 that we can deny them of a place to live but we
14 need to be cautious for their safety.

15 CHAIRMAN BRAND: Thank you.

16 Anyone else? Mr. Gerentine.

17 MR. GERENTINE: Good evening. Thank
18 you. I wasn't going to say anything but there's
19 a few things that have been bothering me.

20 As everyone knows, I was probably
21 sitting on the other side as developer on
22 numerous occasions. I have three different
23 projects in the Town of Marlborough. I'm very
24 proud of them. I recommend Maser Consulting as
25 my engineers. We went through this process.

2 They're very thorough. They cover a lot of bases
3 and they're very straightforward on items.

4 I'm here tonight not only a project
5 like this but any other project. I know the
6 existing project has already been built. They
7 said they might be phasing it, or any project
8 might be phasing. I think you as a Planning
9 Board should be considering this. If anyone is
10 phasing any work in the future, you know, how are
11 we assured that the work is going to be
12 completed? I mean we have a project up on
13 Highland Avenue that, you know, is going through
14 different phases. It's still not completed
15 today. There are still humps of dirt. It's an
16 eyesore. It looks like some mined land --

17 MR. MONTEFERRO: As of today they
18 brought in more.

19 MR. GERENTINE: That's not what I'm
20 talking about, the other project.

21 Anyway, just keep in mind that on
22 certain projects you can't ask for bonding. I
23 don't think you can. But there again, you know,
24 there are ways that you can control the different
25 phases and that they can not proceed or they're

2 obligated to do phase 1 first and, you know, if
3 they're not going to do phase 2 where we don't
4 have a whole area that's disturbed and, you know,
5 five or six years later is still disturbed and it
6 looks like an eyesore for the neighbors.

7 CHAIRMAN BRAND: I apologize. I think
8 I misspoke earlier. This is not a phased
9 project, as the engineer said. It's just the
10 order of the construction that they're doing it
11 in. I believe, as I said, this has to all be
12 completed.

13 MR. HINES: Yeah. We're working with
14 that very same issue in mind, to make sure it is
15 all constructed and that it can stand alone.

16 MR. GERENTINE: Right. There again,
17 that's great that you're working on it but
18 there's no guarantee it's going to be done within
19 a certain period of time. You have nothing over
20 their head --

21 MR. HINES: It's strictly market
22 driven. Correct.

23 MR. GERENTINE: As a developer I know.
24 I probably shouldn't be saying this because, you
25 know -- but there again, I have seen it in our

2 Town in the past. Hopefully it won't continue
3 that way. I hope you're aware that it won't
4 happen.

5 There again, I can't say any pros or
6 cons about the project. I don't know enough
7 about the project. I could say about the
8 engineers that are running this project are very
9 capable and very straightforward people. So
10 thank you.

11 MS. LANZETTA: Mr. Gerentine, while we
12 have you, the County just completed a housing
13 survey for Ulster County. Would you speak about
14 the need for this type of housing in Ulster
15 County?

16 MR. GERENTINE: There again, I have it
17 on my desk. I have not read it thoroughly. It's
18 sitting on actually two of my desks. But there
19 again, yes, there is a great need for housing,
20 market rental. I just spoke to the Town of Lloyd
21 just last week regarding rentals. They're at
22 probably two percent vacancy regarding housing.
23 Right now there's a great need for housing. I
24 assume that's probably the need in Marlborough,
25 too. I don't know that for a fact. There again,

2 you know, it all depends what rent you're
3 offering, what you're offering regarding the
4 project itself compared to other projects. So I
5 can't say this project would fill up or not fill
6 up. I don't know.

7 CHAIRMAN BRAND: Anyone else? Mr.
8 Garofalo, I'll generously give you three minutes
9 but that's it.

10 MR. GAROFALO: I'll try to talk fast.
11 Are the dumpster structures allowed
12 within the 75 foot setback?

13 Road A has nearly a 20 foot cut in some
14 areas. It's at a 10 percent grade. So certainly
15 concern over how many truckloads are going to be
16 coming out of there and if they're going to be
17 putting them back on the site.

18 With regard to the commercial building,
19 I'd like to see some limitations put on
20 merchandise on the sidewalks because I have seen
21 in other locations cases where materials have
22 been put on the sidewalks in front of structures
23 and people in wheelchairs could not get by them.
24 So I think it's very important to make sure that
25 that's a clear area for people to be able to use

2 and not a place for merchandise to be put out.

3 With the access, the idea of access to
4 Purdy Avenue, I can understand, given the grades
5 and the situation on Purdy Avenue, it's not the
6 best thing to have kids running around in the
7 streets there. It's not a high volume road but
8 certainly I can understand that. If you do put
9 access there then kids from Purdy Avenue or
10 people from Purdy Avenue may be walking through
11 the site, and if that's okay with the people on
12 the site I don't think that's necessarily a bad
13 idea. If they're not going to like it, then
14 that's something that you want to be very
15 concerned about. Maybe what you need is a trail
16 somewhere else where people can walk.

17 CHAIRMAN BRAND: I just want to
18 clarify. I believe Mr. Dates said earlier that
19 this Board did approve that access. We did not
20 approve any access to Purdy Avenue at the last
21 meeting.

22 MS. LANZETTA: We did talk about it.

23 CHAIRMAN BRAND: We did talk about it.
24 We didn't say whether we were for or against it.

25 MS. LANZETTA: I said I was for it.

2 CHAIRMAN BRAND: I don't think as a
3 Board we did. Individuals may have.

4 MR. GAROFALO: That access is a two-way
5 street. You have to understand that the people
6 will be going in both directions.

7 MS. LANZETTA: I want to make sure you
8 understand it's not a two-way street literally.
9 We were talking about only having the sidewalk.

10 MR. GAROFALO: Right. The sidewalk is
11 two-way.

12 One of the things that should be
13 clarified under 130-3 C regards the right-of-way
14 to maintain all the outlets from the surface
15 water and the natural stream if this is a public
16 road. So I think you want to know where those
17 accesses -- where those easements are going to
18 have to be and what the Town is going to have to
19 maintain with regard to the drainage.

20 Also, if this is a road this should be
21 under Chapter 130-7 C and there should be
22 permanent monuments and they should be noted on
23 the road itself.

24 I'm not sure if the plans show where
25 there's curbing or where there isn't. One of my

2 concerns is because of the slope of road A being
3 10 percent, this is not a place where you want to
4 have people parking because under icy conditions,
5 even if the car is stopped, that car is just
6 going to go down the hill. That's a concern also
7 because you're going to have buses coming up and
8 down there, you don't want people parking on this
9 road at all.

10 I would note that Young Avenue is not a
11 public road, it's owned by the school district.
12 This question about the location of the
13 commercial access, which only applies if it's
14 over 10,000 square feet or 10,000 square feet and
15 over, Young Avenue would not be a consideration
16 because that is not a Town-owned road. That's a
17 school district owned road and the Town has
18 refused to take that road. I think that's going
19 to be an issue for that particular access.

20 CHAIRMAN BRAND: Final thought.

21 MR. GAROFALO: Excuse me?

22 CHAIRMAN BRAND: Final thought, please.

23 MR. GAROFALO: I would like to thank
24 the Board and the public for staying here and
25 listening. This is our opportunity to talk and

2 to reach you and I'm very glad to have been able
3 to do that. Thank you very much.

4 CHAIRMAN BRAND: Thank you.

5 MS. LANZETTA: Thank you.

6 CHAIRMAN BRAND: Anyone else? Yes.

7 MS. HERBST: Bridget Herbst. I have a
8 question. The area that was in black on that
9 map, that's part of their property and it's not
10 part of the wetlands? The green is the wetlands?
11 Am I correct?

12 MR. HINES: No.

13 MS. HERBST: The black is all the
14 wetlands?

15 CHAIRMAN BRAND: The black is what's
16 going to be left.

17 MS. HERBST: There's no chance of a
18 road coming down and coming out onto Birdsall
19 behind the track?

20 MR. HINES: Correct.

21 CHAIRMAN BRAND: Correct.

22 MS. HERBST: Because I still am trying
23 to figure out where 18 Birdsall is. That came on
24 my notification.

25 MR. DATES: I can answer that. The

2 address for the site right now is 18 Birdsall
3 Avenue because right now there's no access off of
4 Purdy, there's no access off 9W. This property
5 has a deeded access right across the school to
6 get to the house that's there. That's why it's
7 18 Birdsall Avenue.

8 MS. HERBST: And that will be stopped?
9 There won't be people coming in and out of that?
10 They'll be coming in -- the school buses will be
11 coming in and leaving out to 9W? They won't be
12 coming back onto Birdsall?

13 CHAIRMAN BRAND: Correct.

14 MR. DATES: No one from this site will
15 be accessing the site through the school.
16 Everyone will be coming up 9W.

17 MS. HERBST: Thank you.

18 MR. CAUCHI: What is the estimated
19 duration of this project, all five phases?

20 CHAIRMAN BRAND: They're not phases.

21 MR. DATES: The construction phases
22 that we're speaking of, five right now -- we
23 don't have any tenants, as I mentioned. The
24 residential development is the prime component of
25 the project that we're looking to get going on.

2 I would estimate full build out for 1 through 4,
3 probably again market driven, if things stay as
4 positive as they are, two-and-a-half years, three
5 years.

6 MR. CAUCHI: So you're going to have --

7 MR. DATES: Or it could be eighteen
8 months.

9 MR. CAUCHI: Two or three years you're
10 saying. Are you building one, rent it and have
11 that rented and then have people living there
12 while construction is going on? Is that the
13 intent? What is your intent there?

14 MR. DATES: Again, it's going to be
15 driven by the need for the apartments. Obviously
16 they'd be looking to rent as potential
17 construction is going on so that when the
18 building is done it's filled, or move on to the
19 next building, once that's filled they go on.
20 It's going to be market driven, how fast can we
21 fill up the building.

22 MR. CAUCHI: So what are you saying to
23 me? Are you saying to me that you're going to
24 have a duration of the project and you have a
25 plan, building 1, building 2, building 3, or are

2 you saying to me we're going to put up building
3 1, we're going to see how the occupancy is at
4 building 1 and then when that occupancy is
5 majority filled then we're moving to building 2?

6 MR. DATES: No. I think --

7 MR. CAUCHI: I'm not understanding
8 that.

9 MR. DATES: I think what I'm saying is
10 filling building 1 could -- leases could be set
11 up before we're even done with building 1.

12 MR. CAUCHI: And you already have it
13 already --

14 MR. DATES: That could.

15 MR. CAUCHI: -- occupied?

16 MR. DATES: Correct. And from a
17 construction standpoint, obviously there's other
18 pieces that need to be addressed before we can
19 move on to phase 2 or --

20 UNIDENTIFIED SPEAKER: Just to help
21 address that, because I'm sitting with Asher, the
22 developer. He's intending to build these units
23 one after the other. We're going to phase the
24 construction, we're not phasing the occupancy of
25 the units. We're going to go one after the other

2 and we're going to rent them.

3 MR. CAUCHI: You're going to built them
4 one after another. That building period is going
5 to be two to three years?

6 MR. DATES: He just mentioned eighteen
7 months. On average two years.

8 MR. HINES: We are waiting for that
9 construction phase detail, what's going to be
10 constructed when. It helps the building
11 inspector's office to know what's supposed to be
12 in, when they can issue a permit for occupancy
13 while the rest are under construction. We're
14 working on that level of detail on the plans at
15 this point with the applicant.

16 MR. CAUCHI: Okay.

17 CHAIRMAN BRAND: Anything else?

18 MS. HERBST: Right now, Purdy Avenue,
19 to make a left-hand turn in the morning to try to
20 go to work, because I work in Poughkeepsie, you
21 can sit there five, ten minutes because of the
22 traffic. When the light goes red I want to know
23 what the Town is planning on doing where it is
24 the law that you can not block an intersection
25 where cars do? I don't know if you can put blue

2 lines down, something, because we -- years ago it
3 used to take three or four minutes to get out of
4 Purdy Avenue. Now with this traffic light and
5 there's additional traffic that's going to be
6 coming through, Purdy Avenue is going to be a
7 mess to take a left-hand turn out of. That's any
8 time during the day. It's not just morning and
9 afternoon. It's any time during the day. I
10 would love for anyone to come and sit and try to
11 see how many cars there are that pass by that --
12 I understand way back when the first stages, back
13 ten years ago when they were doing this they were
14 going to give us an access through there so we
15 didn't have to go through Purdy Avenue. We
16 wanted it to remain that dead end. It was only
17 supposed to be one access, not two.

18 I want to just know what is the Town
19 going to be doing so we can -- Purdy Avenue
20 doesn't get stuck trying to make left-hand turns?

21 UNIDENTIFIED SPEAKER: And Birdsall
22 too.

23 CHAIRMAN BRAND: Anything else?
24 (No response.)

25 CHAIRMAN BRAND: Ron, as far as the

2 public hearing goes, this obviously is not a
3 finished project by any means. Do we adjourn the
4 public hearing until a later date or do we just
5 keep it open?

6 MR. BLASS: That's up to you. You
7 could adjourn the public hearing or you could
8 close the public hearing and set a time for
9 written comments.

10 UNIDENTIFIED SPEAKER: No.

11 CHAIRMAN BRAND: What's that option?

12 MR. BLASS: Adjourn the public hearing
13 or close the public hearing and set a timeframe
14 for written comments.

15 CHAIRMAN BRAND: If the public hearing
16 is adjourned we do have the opportunity to open
17 it at a later date? It's already opened.

18 MR. BLASS: It would be adjourned to a
19 specific date at which it would resume.

20 CHAIRMAN BRAND: Okay.

21 MR. HINES: The issue is whether or not
22 you think you're going to find any new issues
23 that weren't addressed tonight. You heard
24 various opinions from people near the project,
25 away from the project.

2 CHAIRMAN BRAND: My concern would be
3 just after we get more information about the
4 actual construction phasing, we're calling it
5 phasing, to see if that changes anything.

6 MR. BLASS: Well, you have 42 pages of
7 environmental findings by the Town Board which
8 creates a pretty decent record in and of itself.
9 So if the Board Members don't foresee any new
10 issues coming up at a future public hearing, we
11 should factor that in to the decision whether to
12 adjourn or close it.

13 MS. LANZETTA: I'll make a motion to
14 close the public hearing and leave it open for
15 written comments until the first meeting of
16 April.

17 CHAIRMAN BRAND: Ben?

18 MR. TRAPANI: I've heard a lot of
19 different concerns tonight. I'd like to leave it
20 open, or whatever way it's going to be, so that
21 if there are other concerns that come up, I would
22 like to see them addressed.

23 CHAIRMAN BRAND: Steve?

24 MR. CLARKE: You know, I think there's
25 a lot of concerns and I can understand the

2 frustration. If you're going to have growth,
3 which is inevitable, there's going to be more
4 frustration. I think New York State really needs
5 to look at the 9W corridor. I used to go to
6 school in Newburgh. It took twelve minutes from
7 Milton to get to Newburgh. Try to do that today.
8 I mean this isn't going to help the situation,
9 don't get me wrong. This is a much better
10 situation for people south of the school there.
11 I think it's a much safer situation for getting
12 buses in and out. Maybe eliminate the guy with
13 the flag down there. Getting out of Purdy to
14 take a left turn on 9W, it's just impossible at
15 that light, and it's not going to get any better.
16 I understand your frustrations. This is the kind
17 of project the planners like to see. They like
18 to see the density remain in the core of the
19 village. It's not a bad project from that point
20 of view. I don't know. I know there's a lot of
21 concerns but we're going to have growth and
22 there's nothing that you really can do to stop
23 it. You have to try to mitigate. We're
24 listening to the problems. Not all of them are
25 within the purview of the Town. There's a lot of

2 issues on 9W. That's a State issue. I don't
3 know that many other comments are going to come
4 up.

5 CHAIRMAN BRAND: So close it?

6 MR. CLARKE: I really don't think there
7 are.

8 CHAIRMAN BRAND: Joel?

9 MR. TRUNCALI: You know, I agree with
10 Steve. I mean there's much more traffic
11 everywhere since we all started driving. It
12 takes longer to get out everywhere you go.
13 You're not going to stop that. I don't see any
14 new significant issues coming up, changes to this
15 project. I don't see a problem closing it and
16 leaving it open for written comments.

17 CHAIRMAN BRAND: Manny?

18 MR. CAUCHI: I believe to keep
19 adjourning the meeting, the public meeting and
20 keep the public connected until further findings
21 and then reassemble.

22 CHAIRMAN BRAND: Joe?

23 MR. LOFARO: We should close the
24 meeting, a week or two or next month's meeting
25 for written comments. It seems that everything

2 has pretty much been satisfied.

3 CHAIRMAN BRAND: I would say to adjourn
4 it, but that's three -- sorry, four to three.

5 I guess we will close the public
6 hearing. I'll entertain a motion.

7 MR. HINES: We need to have the
8 applicant consent to waive the 62-day timeframe.
9 I think they are in the back of the room.

10 MR. SCHAFFER: Are you going to answer
11 the questions?

12 MR. HINES: Sir, we're speaking to the
13 applicant.

14 MR. SCHAFFER: When he was talking he
15 said there's nothing we can do to stop it. Is
16 that because you're all sold on it? Everybody up
17 there thinks it's a good idea? Yes? No?
18 Apparently you do.

19 CHAIRMAN BRAND: We look at the project
20 and we look at all the phases of the project. I
21 I'm personally by no means sold on this project.

22 MR. SCHAFFER: I don't care if you put
23 8,000 people in town. That's a bad spot.

24 MR. CLARKE: It's a good spot.

25 MR. SCHAFFER: It's not a good spot.

2 MR. CLARKE: It's got water, it's got
3 sewer, access to 9W, a stop light. You're
4 putting in a public road.

5 MR. SCHAFFER: They sold it to you,
6 so --

7 MR. CLARKE: They didn't sell it to me.
8 They had met the requirements.

9 MR. SCHAFFER: You didn't make the
10 requirements hard enough.

11 MR. CLARKE: To satisfy you.

12 MR. SCHAFFER: If you aim low -- you
13 always hit your goal when you aim low enough.
14 It's just ridiculous. You're going to put a
15 commercial property down below that. There's a
16 school across the street.

17 CHAIRMAN BRAND: Are you willing to --

18 MR. SCHAFFER: We have enough trouble
19 with traffic on 9W. You're going to put a
20 commercial set of buildings up there, and God
21 knows what they're going to be because nobody
22 knows what they're going to be, do they? Pizza
23 places, McDonald's, all that kind of stuff.

24 CHAIRMAN BRAND: They'll have to go
25 through the process as well, the approval

2 process.

3 MR. SCHAFFER: Just a lot of questions
4 about the location. A lot of questions about the
5 location. I can't believe that you aren't more
6 concerned about it because we are.

7 CHAIRMAN BRAND: Is the applicant
8 willing to waive the 62-day --

9 MR. DATES: Yes.

10 CHAIRMAN BRAND: So by the majority of
11 the Board we'll close the public hearing for the
12 time. We will still accept written comments.

13 CHAIRMAN BRAND: Yes, Mr. Schaffer?

14 MR. SCHAFFER: Can I offer these into
15 the minutes?

16 CHAIRMAN BRAND: Absolutely. You can
17 give those right to the secretary.

18 So we'll accept written comments until
19 the second meeting in April, which I believe is
20 April --

21 MR. BLASS: 16th.

22 CHAIRMAN BRAND: So April 16th. So if
23 you are here and you have any other comments, you
24 can provide them in writing to the Town.

25 Do I have that motion?

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

3 CHAIRMAN BRAND: A second?

4 MR. LOFARO: I'll second.

5 CHAIRMAN BRAND: All those in favor?

6 MR. CLARKE: Aye.

7 MR. TRAPANI: Nay.

8 MS. LANZETTA: Aye.

9 MR. TRUNCALI: Aye.

10 MR. CAUCHI: Nay.

11 MR. LOFARO: Aye.

12 CHAIRMAN BRAND: Nay.

13 Any opposed?

14 That would be me.

15 MR. CAUCHI: Me too.

16 CHAIRMAN BRAND: Two opposed? Three,
17 Manny, Chris and Ben opposed.

18 Okay. That's it. Next deadline,

19 March 23rd. Next scheduled meeting, Monday,

20 April 2nd.

21 Motion to close?

22 MR. CAUCHI: I'll make a motion to
23 close.

24 CHAIRMAN BRAND: A second?

25 MR. TRUNCALI: I'll second it.

2 CHAIRMAN BRAND: All in favor?

3 MR. CLARKE: Aye.

4 MR. TRAPANI: Aye.

5 MS. LANZETTA: Aye.

6 MR. TRUNCALI: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye. Aye.

9 CHAIRMAN BRAND: Aye.

10

11 (Time noted: 9:29 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 30th day of March 2018.

18

19

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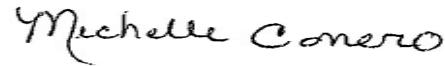
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MICHELLE CONERO