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

In the Matter of

5 BAYSIDE MIXED USE

7 Project No. 19-3011
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

PUBLIC HEARING - SUBDIVISION/SITE PLAN

10 Date: September 16, 2019
11 Time: 7:30 p.m.
12 Place: Town of Marlborough
13 Town Hall
21 Milton Turnpike
Milton, NY 12547

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

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA FLYNN

20 APPLICANT'S REPRESENTATIVE: JUSTIN DATES

23 MICHELLE L. CONERO

25 MICHELLE E. C.
PMB #276

24 56 North Plank Road, Suite 1

30 North Main Road, Saugerties
Newburgh, New York 12550

25 (845) 541-4163

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, September 16, 2019.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for August 5th and August
10 19th. Bayside Mixed Use, public hearing,
11 subdivision/site plan; Chris Noto, public
12 hearing, subdivision; Top Seed Landscape, public
13 hearing, site plan; Garone's Mountain Fresh
14 Farms, final, site plan; Royal Energy, sketch,
15 site plan; Brooklyn Bottling, site plan; Greiner
16 BSD Realty NY, sketch, subdivision/lot line.
17 Discussion only with no engineer, lawyer or
18 stenographer for Richard Schultz, Bob Villone and
19 Bob Villone. Next deadline: Friday, September
20 20th. Next scheduled meeting: Monday, October
21 7th.

22 May I have a motion for the approval of
23 the stenographic for August 5th and August 19th?

24 MR. CAUCHI: I'll make that motion.

25 CHAIRMAN BRAND: Is there a second?

2 MR. LOFARO: I'll second it.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: All those in favor?

6 MR. CLARKE: Aye.

7 MR. TRAPANI: Aye.

8 MS. LANZETTA: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN BRAND: So moved.

15 First up, Bayside Mixed Use, public
16 hearing, subdivision/site plan.

17 We had a carryover of the public
18 hearing, so I would like a motion to reopen the
19 public hearing.

20 MR. CLARKE: I'll so move.

21 CHAIRMAN BRAND: Is there a second?

22 MR. TRAPANI: I'll second.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: All in favor?

2 MR. CLARKE: Aye.

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. CAUCHI: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye.

8 The public hearing is open.

9 This is a public hearing. Any parties
10 either for or against the Bayside Mixed Use have
11 an opportunity to speak at this time. I would
12 ask that if you've already spoken previously, to
13 please direct your comments, new comments,
14 specific to the subdivision.

15 Mr. Garofalo.

16 Mr. Garofalo, before you begin I'd like
17 to commend you on the letter and the materials
18 you submitted to the Board. Highly thorough and
19 informative.

20 MR. GAROFALO: Thank you.

21 James Garofalo. I'd like to thank the
22 Board for holding over the meeting. I'd like to
23 thank Maser for the quick response.

24 I'm going to refer to their September
25 6, 2019 letter. We'll start with response number

2 . I wanted to have it clarified. It says a
3 meeting was held with the Town Highway
4 Superintendent and Town Supervisor back in early
5 2018 to review the proposed design of the Town
6 road section for the project and its terminus. I
7 was wondering whether or not the Board's
8 consulting engineer was or was not at that
9 meeting or whether there was a representative
10 from the Planning Board at that meeting?

11 CHAIRMAN BRAND: Justin?

12 MR. DATES: No, they were not at that
13 meeting. It was myself --

14 CHAIRMAN BRAND: Is that microphone
15 turned on, Justin?

16 MR. DATES: I'm sorry. It was myself,
17 the Supervisor and the Highway Superintendent
18 that were at that meeting.

19 MR. GAROFALO: Thank you. I again
20 reiterate the comment about importance, given
21 that this is going to be the most heavily
22 utilized dead end in the Town.

23 With respect to response number 5, I
24 appreciate the map that they put in there. It
25 doesn't look like the loading zone is -- where it

2 accesses the new public road is probably 200, 250
3 feet from the school property. I'm not sure
4 about the loading zone itself, whether it's over
5 200 feet from the school to the north, the
6 elementary school.

7 Very clearly what I found in all of
8 their responses is that they did not respond to
9 the written comments. I believe they only
10 responded to the meeting minute comments. One of
11 the written comments dealt with the loading zone
12 and the distance of 500 feet from the nearest
13 intersection, which they're going to be creating,
14 which is clearly, whether you measure from the
15 loading zone or whether you measure from where
16 the access road meets the public road, it's
17 probably under 300 feet from that intersection.
18 There may already have been a precedent set in
19 the Chestnut Petroleum instance where they did
20 get referred to the Zoning Board.

21 Next I would like to say that I'm
22 somewhat disappointed to their response on item
23 number 6 dealing with the stonewalls. I always
24 knew that something was going to be staying
25 there, that everything basically north of the new

2 intersection was going to be taken out. I'm very
3 sorry that they are not either taking that
4 stonewall material and putting it up Purdy Avenue
5 or up from Route 9W, up where the school district
6 is. If it was along Purdy Avenue people coming
7 southbound would see it. If it were along the
8 school driveway on their property, again people
9 coming northbound would see it. I don't see it
10 as being that much of a hardship to move it from
11 one part of the property to the other, assuming
12 there are costs involved in creating a stonewall.

13 I was very glad to see response number
14 9 dealing with native species. I hope the Board
15 will think about requiring all of the developers
16 to put this information directly on the plans so
17 that years from now when somebody decides oh, I'm
18 building this and I want to replace plant A with
19 plant B, it will be on the plans showing what is
20 native and what is not native.

21 There certainly were a number of
22 different aspects that I talked about in the
23 written material we dealt with here. One was the
24 right-of-way under Chapter 130-7(c),
25 clarification of some of the easements under

2 130-3(c).

3 I understand there were certain
4 comments that I made that would probably be dealt
5 with when the commercial building was brought up
6 online dealing with the ADA accessibility from
7 the eastern parking lot that has direct access to
8 Route 9W and the other part of the building. I
9 understand it's going to be a two-level building,
10 that it would not be easy for someone coming
11 southbound who required an accessible parking
12 space, going in there would find none and would
13 have to go all the way around. Somebody parking
14 up above would have a hard time getting down
15 below.

16 Some of the other questions that I
17 asked dealt with the number of truckloads of soil
18 that was going to be moved, whether there were
19 tracking pads to keep that dirt from getting onto
20 Route 9W.

21 I certainly wondered whether or not the
22 people on Purdy would or would not want something
23 like a nature trail so that they could walk from
24 Purdy to the school without necessarily walking
25 through the development.

2 One of the early comments that DOT had
3 made dealt with the desirability of making the
4 school access right turn in/right turn out or
5 basically just right turn out, basically
6 restricting left turns out of there. I don't
7 know as if that was necessarily dealt with
8 directly with DOT but certainly that was one of
9 their earlier comments.

10 I don't know if Maser was ever sent a
11 copy of the twenty-page material that I had sent
12 earlier or not, but most of these things, and
13 there may be a few other things I didn't mention,
14 are contained in there. I certainly would like
15 those questions asked.

16 One of the other big ones was whether
17 or not the sidewalk along Route 9W should be
18 moved a little further away from the road in
19 order to allow future left-hand turns into Purdy.
20 I wasn't sure if they had bothered to look at
21 what was in the Route 9W design report to see how
22 the location of their sidewalk fit with what they
23 wanted to do with Route 9.

24 I want to again thank you very much for
25 holding this open. I hope you will hold their

2 feet to the fire and get some answers on some of
3 these questions. I hope that as they come
4 through with some of their answers, they will
5 certainly hopefully come through with at least
6 the stonewall, maybe some other answers to some
7 of these questions.

8 Again, I am not against this project
9 but I hope that my comments will lead to a better
10 project. Thank you again.

11 CHAIRMAN BRAND: Thank you, Mr.
12 Garofalo.

13 Anyone else for the public hearing?
14 (No response.)

15 CHAIRMAN BRAND: I would like a motion
16 to close the public hearing.

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

18 CHAIRMAN BRAND: Is there a second?

19 MR. CLARKE: I'll second it.

20 CHAIRMAN BRAND: Any discussion?
21 (No response.)

22 CHAIRMAN BRAND: All those in favor to
23 close the public hearing?

24 MR. CLARKE: Aye.

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. CAUCHI: Aye.

4 MR. LOFARO: Aye.

5 CHAIRMAN BRAND: Aye.

6 Approved.

7 Pat, did you want to run through your
8 comments quickly?

9 MR. HINES: Sure. The applicant did
10 provide a narrative response to the comments from
11 the previous public hearing.

12 I just want to point out that this
13 public hearing and this approval is for the
14 subdivision aspect, the creation of the three
15 lots out of the subdivision. Many of the items
16 that we had heard at the recent public hearings
17 are site plan related issues which has a valid
18 approval from this Board.

19 There was a narrative in the report
20 regarding the activities that the applicant and
21 their representatives have performed regarding
22 the potential historic structure on the site and
23 a report back and sign-off letters from the
24 Office of Parks, Recreation & Historic
25 Preservation regarding the activities they had

2 offering the structure for any agency, group or
3 interested party that would take it. They went
4 as far as having newspaper legal notices posted
5 per the protocol that was approved by the Office
6 of Park, Recreation & Historic Preservation.

7 The commercial portion of the project
8 is located in the BC Overlay Zone. The Town
9 Board has made that BC Overlay Zone on the site
10 such that the loading requirements which were
11 just discussed do meet those requirements. I
12 believe those loading requirements are more for
13 warehouse type uses that access directly to the
14 street. If you read that section of the code, it
15 is under parking and loading zones and it
16 identifies one every 500 feet. Certainly this
17 project is not of a scale where there would be
18 multiple loading zones discharging to a public
19 street.

20 The activity before the Board tonight
21 is to reaffirm the previous issued negative
22 declaration and to approve the subdivision
23 application which was previously approved by this
24 Board if the Board has sufficient information. I
25 believe it has sufficient information.

2 I will note that while I was not at the
3 meeting, that Justin, the Highway Superintendent
4 and the Town Supervisor were at the -- there were
5 multiple meetings on the site with the
6 representatives of Maser, the school district,
7 the Highway Superintendent, which representatives
8 of Justin's office and myself were at. There
9 have been meetings with the school district, the
10 Town. It was preferred by the Highway Department
11 not to put a cul-de-sac. It's not a true dead-
12 end road. It will have access into the site plan
13 portion of this site and will also have access
14 into the school district properties, so it's not
15 a conventional dead-end cul-de-sac road as was
16 discussed. It's going to have areas to peel off
17 either into the site plan or into the school
18 property. It was the desire not to create that
19 large bowl of concrete or asphalt for operation
20 and maintenance.

21 CHAIRMAN BRAND: Pat, can I ask you a
22 question regarding Mr. Garofalo's comments? He
23 mentioned the 500 foot distance between the
24 existing roadway and entrance. I know that was
25 one of the reasons that Chestnut Petroleum had to

2 go in front of the Zoning Board of Appeals. Does
3 that not apply here?

4 MR. HINES: The BC Overlay Zone gives
5 the Town Board great discretion in altering the
6 zoning. This has been subject to that. It
7 doesn't have defined setbacks, side yards, that
8 conventional zoning. The Town Board knew the
9 location of the project and kind of -- that
10 approval kind of exempts any and all portions of
11 that. It's a very flexible zone.

12 CHAIRMAN BRAND: Thank you for the
13 clarification.

14 Any other questions from the Board?
15 (No response.)

16 CHAIRMAN BRAND: All right. You have
17 before you the resolution of approval by the Town
18 of Marlborough Planning Board for the subdivision
19 of Bayside Construction, LLC.

20 Jen, would you poll the Board?

21 MS. FLYNN: Chairman Brand?

22 CHAIRMAN BRAND: No.

23 MS. FLYNN: Member Lanzetta?

24 MS. LANZETTA: Yes.

25 MS. FLYNN: Member Truncali?

2 CHAIRMAN BRAND: Absent.

3 MS. FLYNN: Member Trapani?

4 MR. TRAPANI: No.

5 MS. FLYNN: Member Lofaro?

6 MR. LOFARO: Yes.

7 MS. FLYNN: Member Clarke?

8 MR. CLARKE: Yes.

9 MS. FLYNN: Member Cauchi?

10 MR. CAUCHI: Yes.

11 CHAIRMAN BRAND: The motion carries.

12 Thank you, Justin.

13 MR. DATES: Thank you.

14

15 (Time noted: 7:46 p.m.)

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

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

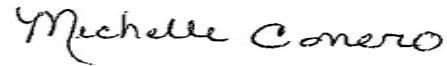
10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of September 2019.

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MICHELLE CONERO

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

In the Matter of

KRIS NOTO

Project No. 19-3007
194 Highland Avenue, Marlboro
Section 108.12; Block 8; Lot 24

PUBLIC HEARING - SUBDIVISION

Date: September 16, 2019
Time: 7:46 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA FLYNN

20 ARBITRANT'S REPRESENTATIVE: CHARLES BROWN

2 CHAIRMAN BRAND: Next up, Kris Noto,
3 public hearing, subdivision.

4 Legal notice, two-lot residential
5 subdivision application. Please take notice a
6 public hearing will be held by the Marlborough
7 Planning Board pursuant to Town of Marlborough
8 Town Code Section 134-33 on Monday, September 16,
9 2019 for the following application: Noto
10 Subdivision, at the Town Hall, 21 Milton
11 Turnpike, Milton, New York at 7:30 p.m. or as
12 soon thereafter as may be heard. The applicant
13 is seeking approval of a two-lot subdivision
14 application for lands located at 194 Highland
15 Avenue, Marlboro, New York 12542, Section 108.12,
16 Block 8, Lot 24. Any interested parties either
17 for or 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 MR. BROWN: Thank you. My name is
22 Charles Brown, I'm the engineer for the
23 applicant. This is roughly a 1.25 acre lot. It
24 contains a duplex which is served by Town water
25 and an on-site septic system.

10 Pat, before we continue do you want to
11 go through your comments quickly?

12 MR. HINES: The project is here before
13 you tonight for a public hearing. We previously
14 commented and provided several rounds of comments
15 on the project. Those have been addressed.

2 CHAIRMAN BRAND: This is a public
3 hearing. Any interested parties either for or
4 against will have an opportunity to speak at this
5 time.

6 Mr. Garofalo.

7 MR. GAROFALO: James Garofalo. A few
8 notes about sheet 1 of 3. I did not see any
9 directional arrow. I presume that up is north
10 but I'm not sure. If I make any referrals, I'll
11 refer to it in that sense.

12 I did not see a sight distance or speed
13 limit shown on here.

14 Nothing as to whether or not these
15 plantings are native or not.

16 I'm not sure how they're going to
17 handle the solid waste, whether it's going to be
18 a dumpster or have individual garbage cans to do
19 that.

20 I'm not against this project but I
21 think there's a big problem in dealing with the
22 parking spaces. I just don't see how -- if you
23 add four cars parked in the spaces, how the far
24 left side would be able to actually exit out.
25 I'm not sure if that deck -- if you could drive

2 under that deck or not. It looks to me like
3 these parking spaces are not terribly accessible
4 when you come in the driveway. It wouldn't be
5 terribly easy to get out.

6 I don't know what size the parking
7 spaces are because there's no dimensions. I
8 don't know what size the aisle is for driving.
9 These numbers you should have to be able to look
10 and decide whether or not these parking spaces
11 are actually usable given this configuration.
12 Now, you can make changes and fit the parking
13 spaces in, but I think they need to show you that
14 they can do that.

15 There's also on that diagram a listing
16 that says top of the ridge. I think that might
17 have been just put there in error. It's on the
18 lower middle part. Apparently the ridge is still
19 going up.

20 Anyway, my most important comment is
21 look at this parking and get them to fix this
22 parking so it's really usable and know whether or
23 not you can drive underneath that deck.

24 Certainly if that deck is ground level that's
25 going to make the parking a lot harder.

2 Thank you.

3 MR. BROWN: I can respond to that. The
4 parking, the deck is even with the first floor.
5 The parking is even with the basement. Just like
6 we did with the other duplex, there's also three
7 parking spaces underneath the building. I can
8 take off the one -- I see which one he's talking
9 about. It conflicts. When we did the foundation
10 for the building that's already built we put two
11 parking spaces underneath.

12 CHAIRMAN BRAND: Where are the parking
13 spaces indicated?

14 MR. BROWN: (Indicating.)

15 CHAIRMAN BRAND: Oh, the existing one-
16 story duplex?

17 MR. BROWN: Yeah. The existing has two
18 underneath and the proposed one will also. I can
19 put a note on the plans stipulating that.

20 MS. LANZETTA: On your existing duplex
21 you have room for four cars right now?

22 MR. BROWN: Yes.

23 MS. LANZETTA: Two of which can back up
24 under the deck and get out?

25 MR. BROWN: Yes.

2 MR. HINES: Is the grading going to
3 prohibit the two garages?

4 MR. BROWN: No. It's graded for that.

5 MR. HINES: One is going to go under
6 the deck?

7 MR. BROWN: Yes. I'm going to have to
8 come up with a beam for that deck to clear span
9 it. Fortunately they make laminated beams that
10 are treated now.

11 MR. HINES: There's more room there

12 That could be modified a little bit to provide a
13 little more room there, too.

14 MR. BROWN: Yes.

15 CHAIRMAN BRAND: Any other comments
16 from the public regarding this?

17 (No response.)

18 MS. LANZETTA: I just want to ask Pat.
19 I haven't thought about that in terms of what Mr.
20 Garofalo raised. Do you see a problem there?

21 MR. HINES: I think there needs to be
22 modification for the circulation.

23 MS. LANZETTA: You think once he
24 resubmits a different design it will be
25 sufficient?

2 MR. HINES: I think there's room there
3 to move -- where it says D-2, that can move in a
4 southerly direction towards where it says top of
5 ridge and that will provide additional space
6 there.

7 MS. LANZETTA: It's going to be hard to
8 get up that driveway anyway.

9 MR. HINES: Charlie, maybe it would be
10 better for two of those spots there if you're
11 providing parking underneath, that way you'll
12 have the room to circulate.

13 MR. BROWN: Okay.

14 MR. HINES: If there's a car in the
15 first spot I don't know if they're going to make
16 that.

17 I think we can give the applicant's
18 engineer a chance to take a look at that comment.

19 CHAIRMAN BRAND: Any other comments
20 from the Board?

21 (No response.)

22 CHAIRMAN BRAND: I'd like a motion to
23 close the public hearing.

24 MR. CLARKE: I'll make that motion.

25 CHAIRMAN BRAND: Is there a second?

2 MR. CAUCHI: I'll second.

3 CHAIRMAN BRAND: All those in favor?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRMAN BRAND: Aye.

10 The public hearing is closed.

11 We'll take a look at that parking and
12 have you back.

13 MR. BROWN: Okay.

14 CHAIRMAN BRAND: Thank you.

15

16 (Time noted: 7:55 p.m.)

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

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

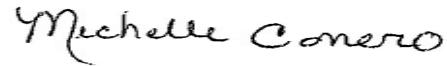
10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of September 2019.

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MICHELLE CONERO

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

In the Matter of

TOP SEED LANDSCAPE

Project No. 19-3008
1943 Route 9W, Milton
Section 103.1; Block 1; Lot 18

PUBLIC HEARING - SITE PLAN

Date: September 16, 2019
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVEN RIVIECCIO

MICHELLE L. CONERO
PMB #276

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

2 CHAIRMAN BRAND: Next up, Top Seed,
3 public hearing, site plan.

4 Please take notice a public hearing
5 will be held by the Marlborough Planning Board
6 pursuant to the Town of Marlborough Town Code
7 Section 155-31 on Monday, September 16, 2019 for
8 the following application: Top Seed Landscape
9 Design, Incorporated, at the Town Hall, 21 Milton
10 Turnpike, Milton, New York at 7:30 p.m. or as
11 soon thereafter as may be heard. The applicant
12 is asking for a commercial site plan approval on
13 lands located at 1943 9W, Milton, New York,
14 12547, Section 103.1, Block 1, Lot 18. Any
15 interested parties either for or against this
16 proposal will have an opportunity to be heard at
17 this time. Chris Brand, Chairman, Town of
18 Marlborough Planning Board.

19 Do you have the mailings that you sent
20 out?

21 MR. RIVIECCIO: Yup. Sixteen out,
22 twelve back.

23 CHAIRMAN BRAND: Sixteen out, twelve
24 back. Just give those to Jen, our secretary.

25 MR. RIVIECCIO: Right.

2 CHAIRMAN BRAND: If you would like to
3 just give us a brief overview of what it is you
4 have planned for the public hearing.

5 MR. RIVIECCIO: I'm just looking to put
6 up a commercial building on a vacant piece of
7 property.

8 CHAIRMAN BRAND: This is a public
9 hearing. Is anyone interested?

10 Mr. Garofalo. The Trifecta for you
11 this evening.

12 MR. GAROFALO: First a rather minor
13 matter. I don't know why this would be put up on
14 the website but I'm going to pass it off to you
15 and maybe you'll decide to take it off the
16 website.

17 I'm not against this project. I'm not
18 sure how procedurally you deal with the fact that
19 this does not meet the lot area, width and depth.
20 I just want to make a note of that.

21 Certainly again I'd like to see it
22 indicated the posted speed limit on the road and
23 drawing for how the sight distances were
24 determined.

25 There's no indication if these are

2 native plantings or not.

3 Given the distance of the dumpster to
4 the neighbor's property, I think it would be a
5 good idea if the dumpster were to be fenced.

6 Also you'll be able to see it from the roadway.
7 Do something in the front, too. A gate.

8 I think it would be appropriate for the
9 Board to get in correspondence with DOT.

10 I want to talk about the plan.

11 Primarily I'm going to talk about the parking.
12 It says spaces to be provided with a P. There
13 are nine spaces. When I count it looks like
14 there's ten spaces. It gives the equation for
15 how the numbered spaces are calculated. It would
16 be a good idea after they show that, the 300
17 square feet, that they actually say what is
18 required. If you look at the spaces, judging
19 from the right-of-way line which is supposed to
20 be ten feet, it appears that the parking space is
21 narrower than ten feet. So again, I think you
22 need to have the parking space size shown on the
23 plan because if it's not ten feet it's not
24 meeting the code.

25 I don't think in general you should

2 allow parking spaces in an area where you're
3 reserving the right-of-way for a sidewalk because
4 eventually they'll come and build a sidewalk and
5 now they're out two spaces and they would only
6 have eight.

7 All of these things can be fixed, okay.
8 There's a very simple way to fix these.

9 The ADA requirements for accessible
10 spaces, under twenty-five spaces is one van
11 accessible space. They're showing two as if the
12 lots were two separate groups of five spaces. I
13 believe technically they could remove one of
14 those accessible spaces and turn it into two
15 parking spaces and then just eliminate the two
16 along the roadway and shift them a little bit out
17 of the right-of-way, making them the appropriate
18 width, and I think they could fit all of their
19 parking spaces in there. It will take a little
20 work on their plan to do this but I think they
21 can get their nine spaces that are required in
22 there. I don't think the way they've shown it is
23 correct and I don't think you should ever allow
24 them to put parking spaces in there. They're
25 reserved for a right-of-way, unless those parking

2 spaces are more than are required, because what
3 you don't want to do is have them build this, put
4 in the sidewalk and put them out of business
5 because they don't have enough parking.

6 I very much appreciate your attention.

7 Thank you very much.

8 CHAIRMAN BRAND: Jeff.

9 MR. BATTISTONI: Mr. Chairman, I don't
10 know if the Board actually made a motion to open
11 the public hearing. If you didn't, you can make
12 one now just retroactive to the time before he
13 began to speak.

14 CHAIRMAN BRAND: Can I have a motion --
15 I thought I did that.

16 MS. LANZETTA: I'll make the motion to
17 retroactively open the public hearing on this
18 project.

19 MR. TRAPANI: I'll second.

20 CHAIRMAN BRAND: All those in favor?

21 MR. CLARKE: Aye.

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2

CHAIRMAN BRAND: Aye.

3

Thank you, Jeff.

4

Any other comments from the public?

5

(No response.)

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CHAIRMAN BRAND: Any comments from the Board?

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MS. LANZETTA: I was concerned because it's very hard for me to tell from this map that we have where exactly Route 9W's right-of-way is and where this project begins, and therefore how much space is going to have to be reserved, as we've asked for other applicants in the past, for a possible easement for a possible sidewalk somewhere in the future. I'm just going by what Jim was saying, that if you do take that all into account, we might be going further because of the parking area. I thought those were good comments in regard to the parking.

20

21

22

23

CHAIRMAN BRAND: I think our discussion in the past regarding sidewalks had focused on the westerly side of 9W. We didn't require the Progressive people to do it.

24

25

MS. LANZETTA: Yes, we did. I'm talking about an easement.

2 CHAIRMAN BRAND: An easement for
3 sidewalks?

4 MS. LANZETTA: Yes. That's what we
5 asked the Progressive people to do. I went back
6 and read the resolution of their approval and
7 part of that was to set aside actually a ten-foot
8 easement for the possibility of there being
9 required sidewalks down the line.

10 CHAIRMAN BRAND: Is the Board in favor
11 of requiring them to have the ten-foot easement?

12 MR. TRAPANI: What we did for Milton
13 Hardware.

14 CHAIRMAN BRAND: They don't have to
15 build it, they have to give us the space for it.
16 They would not be able to put parking spaces
17 there.

18 I'm completely in favor of that as
19 well. I think that's something that we'd like to
20 see on the plans is the temporary easement for
21 parking in that area -- I'm sorry, for a sidewalk
22 at a future date.

23 I also attended the Ulster County
24 Planning Board for this meeting and they did have
25 a couple of comments regarding this project. One

2 of them was that it really doesn't follow the
3 comprehensive plan and the new statute, that we'd
4 like to see buildings close to the highway with
5 the parking on the side or in the back. I don't
6 know if your particular layout, if that's
7 feasible for you. I would like you to ask the
8 engineer to take a look at that and see if that's
9 feasible to reconfigure what you have so the
10 building would meet the comprehensive plan.

11 They also made a couple of comments
12 regarding the architectural design of your
13 structure, they compared it to some other
14 buildings in other municipalities, and to keep it
15 more in line with the comprehensive plan. So
16 maybe that's something you can ask the engineer
17 to check on.

18 MS. LANZETTA: We have received the
19 actual comments from the Ulster County Planning
20 Department. There were a couple of required
21 modifications that your engineer would be able to
22 look at and address.

23 CHAIRMAN BRAND: We'll give you a copy
24 of those as well.

25 Any other comments from the Board?

2 (No response.)

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

5 MR. CAUCHI: I'll make that motion.

6 CHAIRMAN BRAND: Mr. Corcoran?

7 MR. CORCORAN: Tom Corcoran. I just
8 want to maybe ask Pat, I think the DOT
9 regulations have changed as far as asking for
10 easements and putting the sidewalks in the DOT
11 actual right-of-way. The DOT in the corridors is
12 not asking for easements anymore. They want the
13 sidewalks in the right-of-way and not easements
14 outside of the right-of-way. Is that correct,
15 Pat?

16 MR. HINES: They have done that on
17 several of the projects. I think we'll refer the
18 comment to the applicant's representative and he
19 can discuss that. DOT has conceptually approved
20 the layout. I have an e-mail from DOT to the
21 Board.

22 MR. CORCORAN: I think on this project,
23 when I was involved with that, they were looking
24 for the sidewalk to be within their right-of-way
25 and not looking for the easement because under

2 their new, I don't want to call them regulations
3 but the way they're doing it now, they'd rather
4 see the sidewalks in their right-of-ways and not
5 put outside their right-of-ways inside the Town
6 easements. I think that's what the DOT on this
7 project has kind of signed off on.

8 CHAIRMAN BRAND: We'll take a look at
9 that. We've seen both in the past.

10 I'll take a motion to close the public
11 hearing.

12 MR. CAUCHI: I'll make that motion.

13 CHAIRMAN BRAND: Is there a second?

14 MR. LOFARO: I'll second.

15 CHAIRMAN BRAND: All those in favor?

16 MR. CLARKE: Aye.

17 MR. TRAPANI: Aye.

18 MS. LANZETTA: Aye.

19 MR. CAUCHI: Aye.

20 MR. LOFARO: Aye.

21 CHAIRMAN BRAND: Aye.

22 If you could speak to your engineer to
23 address those comments we made to you this
24 evening and we'll reschedule you.

25 MR. RIVIECCIO: Are you going to have a

2 list of them?

3 CHAIRMAN BRAND: We can provide you
4 with a list.

5 MR. HINES: I'll provide his engineer
6 with a list of the comments.

7 CHAIRMAN BRAND: Thank you.

8 (Time noted: 8:06 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 24th day of September 2019.

23

24

25

Michele Conero

MICHELLE CONERO

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

In the Matter of

GARONE'S MOUNTAIN FRESH FARM

Project No. 19-3009
17 Baileys Gap Road, Highland
Section 95.4; Block 1; Lot 30.100

FINAL - SITE PLAN

Date: September 16, 2019
Time: 8:06 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA FLYNN

20 APPLICANT'S REPRESENTATIVE: RATTI BROOKS

23 MICHELLE L. CONERO
PMB #276
24 56 North Plank Road, S
Newburgh, New York 12550
25 (845) 541-4163

2 CHAIRMAN BRAND: Next up, Garone's
3 Mountain Fresh Farm, final, site plan

4 MS. BROOKS: Good evening.

5 CHAIRMAN BRAND: Pat, do you want to
6 run through your comments?

7 MR. HINES: I don't have any
8 outstanding comments on this project. They've
9 addressed our previous comments.

10 They removed any reference to the
11 helicopter landing pad that was previously there.
12 They identified an accessible parking spot in
13 that location.

14 We have no further comments.

15 I know Jeff's office made a draft
16 resolution.

17 CHAIRMAN BRAND: Any comments from the
18 Board?

19 (No response.)

20 CHAIRMAN BRAND: We did receive a
21 resolution for the application of Garone's
22 Mountain Fresh Farm, LLC for site plan approval
23 from the Planning Board of the Town of
24 Marlborough.

25 Any comments before we poll the Board,

2 Jeff?

3 MR. BATTISTONI: No.

4 CHAIRMAN BRAND: Jen, would you poll
5 the Board?

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Truncali?

9 CHAIRMAN BRAND: Absent.

10 MS. FLYNN: Member Trapani?

11 MR. TRAPANI: Yes.

12 MS. FLYNN: Member Lanzetta?

13 MS. LANZETTA: Yes.

14 MS. FLYNN: Member Lofaro?

15 MR. LOFARO: Yes.

16 MS. FLYNN: Member Clarke?

17 MR. CLARKE: Yes.

18 MS. FLYNN: Member Cauchi?

19 MR. CAUCHI: Yes.

20 CHAIRMAN BRAND: You're all set, Ms.
21 Brooks.

22 MS. BROOKS: Thank you very much.

23

24 (Time noted: 8:09 p.m.)

25

1

GARONE'S MOUNTAIN FRESH FARM

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3

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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
for and within the State of New York, do hereby

certify:

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

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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 24th day of September 2019.

18

19

Michele Conero

20

MICHELLE CONERO

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22

23

24

25

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

4 In the Matter of
5

6 ROYAL ENERGY
7

8 Project No. 19-3002
9 166 Route 9W, Milton
10 Section 103.3; Block 3; Lot 68
----- X

11 SKETCH - SITE PLAN
12

13 Date: September 16, 2019
14 Time: 8:09 p.m.
15 Place: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, NY 12547
19

20 BOARD MEMBERS: CHRIS BRAND, Chairman
21 BEN TRAPANI
22 CINDY LANZETTA
23 JOSEPH LOFARO
24 MANNY CAUCHI
25 STEVE CLARKE

26 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
27 PATRICK HINES
28 VIRGINIA FLYNN
29

30 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
31
32

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

2 CHAIRMAN BRAND: Next up, Royal Energy,
3 sketch, site plan.

4 Pat, do you want to run through your
5 comments first on this?

6 MR. HINES: The applicant has appeared
7 back before the Town Board regarding the BC
8 Overlay Zone. The Town Board -- I got a copy of
9 their minutes -- apparently placed some
10 conditions regarding fire suppression systems
11 into the building. Appropriate notes should be
12 added to the plans addressing those BC Zone
13 comments. The building changed size since the
14 Town Board had last seen it.

15 The Planning Board has previously
16 requested curbing of the access drive. The DOT
17 has apparently requested that that not be there.
18 We're in a little bit of a catch 22. That's for
19 the Board to address.

20 The jurisdictional fire department will
21 ultimately need to sign off on their review of
22 the project.

23 We are awaiting submission of the
24 stormwater pollution prevention plan.

25 County approval for the subsurface

2 sanitary disposal system.

3 Just a cursory review of the stormwater
4 system, it looks like the grading for the
5 detention pond may impact the 48-inch diameter
6 pipe. If you do the math between the inverts and
7 the grading, that pipe will be sticking out of
8 the ground.

9 Again, the invert sizes in the bio-retention
10 area are different on the labeling between the
11 site plan and the detail sheets.

12 My office needs the stormwater
13 pollution prevention plan. I think we have a
14 similar comment as the County, that they're also
15 awaiting review of that.

16 CHAIRMAN BRAND: There are several
17 required modifications from the County. Do you
18 have those as well?

19 MS. BROOKS: I haven't received them
20 yet. I'm sure I'll get a copy shortly. Can I --

21 CHAIRMAN BRAND: Absolutely. I did
22 receive a letter from the Town Supervisor, Mr.
23 Lanzetta.

2 letter into the record?

3 MR. LANZETTA: Just the gist of it.

4 CHAIRMAN BRAND: We did receive an
5 e-mail from Supervisor Lanzetta to inform the
6 Board that Brooks & Brooks spoke with the Town
7 Board per the request of the Planning Board's
8 Engineer, Mr. Hines. There were minutes
9 included. Essentially they spoke about the
10 change of design and the Town Board approving
11 those changes. They talked about the updated
12 plan and layout which included the demolition and
13 removal of multiple buildings. Ms. Brooks said
14 that Fire Chief Kneeter and she will be working
15 on a plan to be mutually agreed upon.

16 MS. BROOKS: He's also in attendance.

17 CHAIRMAN BRAND: One of the things also
18 discussed were the propane tanks and the usage
19 two or three times a year for pressed grapes.
20 The new commercial building would be for cold and
21 dry storage only. Councilman Baker questioned
22 whether or not it was allowed in the RAG
23 district. Supervisor Lanzetta says they'll write
24 a letter to the Planning Board letting them know
25 changes and concerns discussed. He would like to

2 request a letter from the engineer with regard to
3 the sprinkler system. I think that pretty much
4 covers all of the bases.

5 MR. LANZETTA: Thank you.

6 CHAIRMAN BRAND: You're welcome.

7 MS. BROOKS: I spoke with the engineer
8 today once we received the comment. He will have
9 the stormwater pollution prevention plan
10 completed by Friday.

11 Is the deadline this Friday or next
12 Friday, because we have five Mondays this month?
13 I'm trying to clarify that.

14 MS. FLYNN: It's usually this Friday
15 but I'll give until Wednesday.

16 MS. BROOKS: We have five Mondays. I
17 was trying -- I just wanted to make sure that I
18 gave the engineer the right date.

19 So he's going to finalize the
20 stormwater pollution prevention control plan. We
21 will continue to work with Chief Kneeter.

22 One of the Town Board requirements of
23 course was to pre-fit the building. I think that
24 is in accordance with what the fire department is
25 also looking for. I did have an e-mail exchange

2 back and forth with Steve today but we did not
3 get a chance to sit down and review the plan. We
4 will make sure we do that between now and when we
5 have the public hearing set for next month.

6 CHAIRMAN BRAND: I think this Board is
7 still waiting on a narrative or some type of
8 description of what's actually occurring in each
9 of the buildings.

10 MS. BROOKS: We actually submitted that
11 last month. I thought that was found
12 satisfactory by the Board.

13 CHAIRMAN BRAND: Okay. Maybe I missed
14 it. I will double check.

15 MS. BROOKS: Okay.

16 MR. HINES: I don't think you were at
17 that meeting.

18 MS. BROOKS: We did submit that
19 narrative. The owner did.

20 CHAIRMAN BRAND: Great.

21 MS. LANZETTA: Being that Chief Kneeter
22 is here, I too want to raise my concern that the
23 fire department look at the current building
24 that's being utilized and the ability for any
25 apparatus to get around that building, if it's

2 sufficient or not.

3 CHAIRMAN BRAND: Anything else from the
4 Board?

5 MS. FLYNN: Chris, we can make it the
6 27th because our next meeting is not until the
7 7th.

8 CHAIRMAN BRAND: The deadline?

9 MS. FLYNN: Yes.

10 MS. BROOKS: Thank you very much.

11 CHAIRMAN BRAND: Anything else, Ms.
12 Brooks?

13 MS. BROOKS: I guess I would -- at this
14 point in time I think that we've submitted enough
15 information. I would ask the Board to consider
16 scheduling a public hearing for the October
17 meeting, this way if there are any other issues
18 or concerns from the public we can make sure that
19 they are incorporated into the final plans.

20 CHAIRMAN BRAND: That's with the
21 understanding that you and Chief Kneeter will
22 have worked out some type of agreement for this
23 by that time?

24 MS. BROOKS: Yes.

25 MR. KNEETER: I'm sure we can squeeze

2 it in someplace.

3 CHAIRMAN BRAND: How does the Board
4 feel about that?

5 MS. LANZETTA: The stormwater plan is
6 very important.

7 MS. BROOKS: That will be submitted
8 before the deadline. He's on target for this
9 Friday. As soon as he gets it done it will be
10 submitted to the Town because we want to give the
11 engineer adequate time to review.

12 MS. FLYNN: Then we'll move it back to
13 the 25th.

14 MS. BROOKS: I'm good with that.

15 CHAIRMAN BRAND: Do you feel that's
16 adequate time, Pat?

17 MR. HINES: I just don't know --
18 normally we have comments on those. I don't know
19 if you want to set it for the second meeting in
20 October to give everyone time to have the fire
21 department work it out and the engineering
22 details.

23 MS. BROOKS: We're only asking for a
24 public hearing, not necessarily final approval.
25 We'd like to move the process forward.

2 CHAIRMAN BRAND: The public hearing for
3 the second meeting in October?

4 MS. FLYNN: The 21st.

5 CHAIRMAN BRAND: October 21st. Does
6 that work?

7 Okay. Let's go ahead and do that and
8 schedule it for October 21st.

9 MS. BROOKS: So then we're fine with
10 the 27th for the deadline. Okay.

11 MS. LANZETTA: You might want to submit
12 that stormwater to County.

13 MS. BROOKS: Yes. My understanding --
14 I have not read the comments yet but my
15 understanding was they were looking for a
16 resubmission anyway. They had initial comments
17 with the understanding there would be a
18 resubmission once the stormwater was submitted.
19 That's what a little birdie told me.

20 CHAIRMAN BRAND: Great. Thank you.

21

22 (Time noted: 8:15 p.m.)

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

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

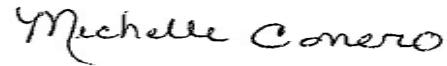
10 That hereinbefore set forth is a
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15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of September 2019.

18

19



20

MICHELLE CONERO

21

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23

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25

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

4 In the Matter of
5

6 BROOKLYN BOTTLING
7

8 Project No. 19-3006
9 Riverview Drive, Marlboro
Section 108.3; Block 2; Lot 38.1 & 39
----- X

10 SITE PLAN
11

12 Date: September 16, 2019
13 Time: 8:15 p.m.
Place: Town of Marlborough
14 Town Hall
21 Milton Turnpike
Milton, NY 12547

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

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
VIRGINIA FLYNN

20 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
21
22

23 ----- X
MICHELLE L. CONERO
PMB #276
24 56 North Plank Road, Suite 1
Newburgh, New York 12550
25 (845)541-4163

2

CHAIRMAN BRAND: Next up, Brooklyn

3

Bottling, site plan

4

Pat, do you want to run through your
comments first?

6

7

MR. HINES: I'm just kind of wondering
why they're here, comment number one.

8

9

I don't have any comment on this. I
believe they requested to come in and talk about
fire protection.

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MR. BONFORTE: Mike Bonforte with
Brooklyn Bottling, and Eric Collier is an
engineer that we hired to help us along with the
process.

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We submitted a letter, I think it was
dated September 5th, just to avail you to the
point that we hired a specialist engineer to
evaluate the water pressure and the volume that's
entering the site and that would be available for
fire protection purposes. That was something
that we talked to the jurisdictional fire chief
and Mr. Troncillito about a few times. So we
want to be able to get that right. We were
working with Albany Fire also. I think they had
actually installed the sprinkler system in our

2 production facility, although this application is
3 for the warehouse.

4 What we'd like to ask the Board is that
5 before the next submission date, I think I might
6 have heard it's not the 20th but maybe --

7 MS. FLYNN: The 27th.

8 MR. BONFORTE: -- the 27th now. Thank
9 you, Jen. Is that we provide everyone with a
10 preliminary analysis from this engineering firm,
11 it's called Mark Fellenzer Engineering, and -- we
12 just hired Mark. It took us awhile because he
13 was traveling. In any case, we'd like to provide
14 you with a preliminary analysis to say we are
15 determining that a water loop or an alternative
16 to the water loop, which I know is a specific
17 term, will be beneficial to the project, either
18 way, and request for a conditional approval on
19 that basis. We will provide a full scope
20 comprehensive fire protection plan including that
21 water volume, water pressure calculation in that.
22 So it's just something that -- we're trying to
23 avoid a winter building condition and the extra
24 cost that goes around with that for the warehouse
25 project.

2 I don't know if I said that well enough
3 but --

4 MS. BROOKS: I think one of the issues,
5 again as Mike was talking about, has to do with
6 the building season. We did receive a neg dec on
7 this back on July 1st and the public hearing was
8 closed back on July 15th. Of course the
9 applicant waived the 62-day timeframe so we don't
10 have to worry about that. At this point in time,
11 if the applicant's decide to begin to construct,
12 they would be doing that at their own risk
13 knowing that they would not receive a certificate
14 of occupancy unless the issue of water service
15 and fire suppression to the building was
16 adequately sized and designed in accordance with
17 the Town requirements and in accordance with the
18 fire chief's -- addressing his concerns. So I
19 guess basically that is the asking. The
20 applicant will have a submission on the 27th, and
21 whether or not it is a hundred percent accepted,
22 and certainly we would understand that the
23 resolution for approval would be crafted such
24 that the protections for the municipality and the
25 fire service would be incorporated into them

2 while allowing the applicant to move forward with
3 construction, again at their own risk knowing
4 they have to comply with --

5 MR. BONFORTE: At our own risk is
6 acceptable. We feel confident with the engineer
7 that we've hired. I'm sorry, should I not have
8 said that? We need to do one of two things,
9 either extend the existing hydrant system and do
10 a loop or we do an alternative. We're prepared
11 to do either to move this project forward. Sorry
12 if I reacted. I did feel that winter build
13 conditions are more important, Mr. Hines.

14 MR. HINES: I'm just looking back at my
15 comments from May requesting the very same
16 information.

17 MR. BONFORTE: What I'd like to say
18 immediately is the construction company we were
19 intending to use was supposed to provide that
20 information and the analysis, this very
21 specialized analysis, and they didn't, and then
22 there became an issue with Albany Fire and us.
23 We're moving away from that now. I had to go out
24 and do it myself and contract Mr. Fellenzer. I'm
25 not pleased about it at all but we kept waiting

2 and waiting. Now we're here, including Eric
3 Collier who I've hired in the process to move
4 this along.

5 CHAIRMAN BRAND: What are your thoughts
6 on that, Pat?

7 MR. HINES: I'm deeply concerned about
8 that. I don't want to see buildings constructed
9 without adequate fire protection from both an
10 engineering concern and --

11 MR. BONFORTE: I spoke too soon. If I
12 could say, we're not going to be able to break
13 ground for at least another month. There are
14 some other steps that have to take place. We
15 need to do an appraisal with the bank. We're
16 doing bank financing. That will take three or
17 four weeks. We're also still -- we're in the
18 very last stages of getting the Ulster County IDA
19 approval, so we're looking to -- that will take
20 another month let's say. So in that time period
21 we feel like we'll have a fully scoped out and
22 comprehensive plan from Fellenzer Engineering
23 addressing all of the NFPA code that's required.

24 MS. BROOKS: Perhaps as an alternative,
25 Pat, because I certainly understand your

2 concerns, if part of the resolution was
3 conditioned upon no building permit being issued
4 prior to the resolution of that. There are some
5 other funding and financing entities that can't
6 move forward until site plan approval is granted,
7 however conditional it may be. So that is the
8 concern about moving forward to the next step.

9 MR. BONFORTE: Yes.

10 CHAIRMAN BRAND: Jeff, your thoughts?

11 MR. BATTISTONI: I would simply await
12 direction from the Board as to whether they
13 wanted me to prepare any sort of resolution for
14 the next meeting.

15 CHAIRMAN BRAND: We have done it in the
16 past where we granted conditional approval based
17 on conditions. Is the Board comfortable with
18 that?

19 MR. CLARKE: I feel like the few times
20 you've been in front of us, you know, you
21 presented a very fair -- it hasn't been biased.
22 You seem to be a gentleman with a lot of
23 integrity. I would have no trouble doing the
24 preliminary work, you have to put your footings
25 and your concrete. I can do that. By the time

2 you get to the point where you have to put the
3 fire suppression system in, which ever system it
4 is, I know you will because you're not going to
5 get a final approval without it. As far as I'm
6 concerned I would be in favor of doing a
7 conditional approval.

8 MR. COLLIER: If I could shed some
9 light on it. I want to apologize it did take so
10 long but we were also taking one step back
11 further from an engineering standpoint and
12 looking at everything with the building as a
13 whole. We'd like to spend more time with the
14 engineer and the jurisdictional fire department
15 and make sure that we're on the same page. We're
16 looking at now what's existing, new, the whole
17 project as a whole. In conjunction, what we'd
18 like to do is, after conditional approval if we
19 get that, is to continue the fire protection
20 engineering. Like you said before, either
21 foundation or building permit, that this is
22 conditional, that we have the approved sprinkler
23 drawings in for submission to the building
24 department. That's our ultimate goal. Nothing
25 is happening but we have a timeline to get that.

2 I'm going to be overseeing the whole process with
3 a consultant as well.

4 CHAIRMAN BRAND: Any other thoughts on
5 that conditional approval?

6 MR. CAUCHI: I have no problem with
7 that.

8 MS. LANZETTA: We've had a situation
9 before where our consultants from our fire
10 departments have advised us that they weren't
11 comfortable with certain projects and we went
12 ahead and approved them. I made it clear at that
13 time that I was not going to approve anything --
14 I was not comfortable approving anything that
15 didn't have the approval of our firemen. I think
16 our main focus has to be public health, safety
17 and welfare. Until we get the approval from our
18 fire department that they're able to come to some
19 kind of consensus as to what needs to be done
20 with this building, I would not be comfortable
21 voting for a conditional because it's just -- I
22 don't think it shows the proper emphasis on the
23 safety aspects that we need to be focusing on.

24 CHAIRMAN BRAND: Jeff, am I wrong in
25 thinking that part of the conditions of

2 conditional approval would be exactly what Cindy
3 just said and that would be conditions for the
4 final approval?

5 MR. BATTISTONI: I can see those being
6 conditions in the resolution, yes.

7 MS. BROOKS: That is the intent of the
8 applicant, by all means. We're not asking for
9 any approvals this evening. We're asking to try
10 to move the process forward, that the Board would
11 consider final approval at the next meeting based
12 on the preliminary --

13 CHAIRMAN BRAND: Conditional.

14 MS. BROOKS: Conditional approval based
15 on the preliminary. Obviously, as the applicants
16 have stated, they're planning on working with
17 Chief Troncillito over the course of that time.

18 MS. LANZETTA: So it's our job to make
19 a subjective decision on these kinds of issues.
20 If it does turn out that the applicant believes
21 that he can do the suppression without doing the
22 loop, and should the fire department not agree,
23 they say no, we have to do the loop, how does
24 that get resolved?

25 MS. BROOKS: Well it's an engineering

2 science. Would have, could have, should have,
3 what do I want, what do I need. I think that the
4 engineering science of the water suppression
5 system will speak for itself, and it's going to
6 still be reviewed by the town engineer. We would
7 hope that we would get concurrence at that point
8 in time from the fire department.

9 MR. TRONCILLITO: We have to see all
10 the facts first.

11 MS. BROOKS: Exactly. That's the
12 point. I don't think that any of us can speak to
13 that at this point in time until we do have all
14 the facts.

15 MS. LANZETTA: My question is if it's
16 not quite clearcut as all that. Somebody has to
17 make a subjective --

18 MS. BROOKS: The point is it is that
19 clearcut, which is why they hired Fellenzer,
20 because there is an art and a science to the
21 calculations, although we all know that fires are
22 not an exact science. Don't we, Pat? I think
23 that we feel pretty confident and the applicants
24 have stated they will comply with what ultimately
25 the fire department determines is required.

2 MS. LANZETTA: The condition would then
3 be included in there that as long as the fire
4 department has agreed to --

5 MR. BONFORTE: Absolutely.

6 MR. HINES: The suggestion earlier was
7 no building permit. I would feel a lot more
8 comfortable with that as a condition than the
9 condition that we're going to build at our own
10 risk.

11 MS. LANZETTA: Yes.

12 CHAIRMAN BRAND: No building permit be
13 issued. That would make everyone happy?

14 MR. BONFORTE: If I followed everybody,
15 that would give us the time with the engineers
16 and with the fire folks to take care of that.
17 Right?

18 Just to go back, one of the reasons why
19 we were delayed a bit was when we originally said
20 there should be a loop based upon some initial
21 feedback from the fire department, we said okay,
22 we had to cost it out. Now that we're running
23 into a time issue with winter conditions, we're
24 saying we're willing to accept that as a cost,
25 additional cost, because it's much more

2 expensive. It's about 1,000 foot run versus what
3 may be a good alternative of about a 50-foot run
4 or 60-foot run from another hydrant. We have two
5 hydrants.

6 MS. BROOKS: The other issue is it
7 might not be feasible because of the rock. I
8 mean the tests that we've done, you're talking
9 about blasting potentially a water line around
10 the entire building which isn't necessarily going
11 to be at all feasible.

12 MR. BONFORTE: We're willing, again, to
13 accept those conditions to move forward. Again,
14 building permit, it would be subject to approval.

15 MS. LANZETTA: With those conditions
16 that we've just described, the building permit
17 and approval from the fire department.

18 MR. CAUCHI: I'm good with that.

19 MR. HINES: I would ask the Board to
20 ask the jurisdictional fire department if they
21 are okay with that. It puts them in a rather
22 tenuous position to approve this or not.

23 MS. LANZETTA: I agree. I think it's
24 supposed to be our job. I say it's subjective on
25 our part.

2

CHAIRMAN BRAND: Correct me if I'm wrong. What you're saying is, though, you're going to do what they recommend?

5

MR. BONFORTE: Yes.

6

MS. BROOKS: No.

7

MR. TRONCILLITO: Not really. They're not going to do --

9

MR. CAUCHI: Because of the time sensitivity to this, they're going to say can we have these approvals. If we sort out these engineering analysis, can we have an approval, because again there's a time sensitivity and we understand that. I understand that.

15

MR. CLARKE: I would say that if you want to go ahead as a single thread and have all the ducks in a row. I think what they're asking for is can we have -- move ahead with the building and we move ahead with the design and specifications so they're running parallel instead of just a single line. I think that's what they're asking for.

23

MS. LANZETTA: I understand that, but if they do have to start blasting and doing things, if they're moving ahead how does that

2 impact -- if it does turn out that they do have
3 to go with the loop and have to start blasting
4 and now they started building. We don't know for
5 sure.

6 MS. BROOKS: Again, I don't want to
7 speak for the fire chief. Certainly there is
8 engineering within the fire service. The fire
9 chief relies upon the engineering of the experts,
10 whether it's through fire service or through an
11 outside engineer, to help guide us in the fire
12 service. So I feel very comfortable that we will
13 be able to come to a resolution. The issue is
14 that we're aware of the fact that unless this
15 Board authorizes a resolution to be drafted, then
16 we will continue to be postponed. I think that
17 was the reason for the ask this evening. We
18 certainly have time between now and the next
19 meeting, luckily an additional entire week, to
20 try to work things out with the fire chief.
21 We're hopeful that once we get to that meeting
22 those things will have been resolved. We're also
23 aware of the fact that unless we have that ask
24 tonight, then Mr. Battistoni is not authorized to
25 even draft a resolution.

2 MS. LANZETTA: Again I'll just
3 reiterate that if it does turn out that the data
4 doesn't show the applicant's preferred
5 resolution, if there does have to be blasting and
6 things like that, that would affect the building
7 -- moving forward with the building as well.

8 MS. BROOKS: They actually stated
9 they're willing to do that.

10 MR. BONFORTE: We've costed that out
11 with our construction company. Again, the
12 decision was made to go forward as fast as
13 possible with this request and accept a water
14 loop including blasting. I mean I will --
15 without going too deep, we've had soil borings
16 done on the site and we had Fellenzer Engineering
17 on site. There was preliminary analysis, very
18 preliminary from a Skype walkthrough and looking
19 at the pressure data and volume data that we've
20 already had done by Albany Fire, that he sees an
21 alternative that doesn't require the loop at all.
22 He'll support that with his professional work
23 product, his professional paper. So that's why I
24 feel confident asking for this tonight, and
25 hopefully you can accommodate us.

2 CHAIRMAN BRAND: I think we should
3 authorize Jeff to do the conditional approval,
4 that it doesn't meet with what we think is --

5 MS. BROOKS: Mr. Troncillito, are you
6 okay with that?

7 MR. TRONCILLITO: Yeah. As soon as we
8 see the data. I understand the engineering part
9 of it. The only thing the Marlboro Fire District
10 wanted was to provide the best fire protection we
11 can based on what is going to be built there.
12 That's all. If we can come to a compromise,
13 that's great.

14 MS. BROOKS: Great. Thank you.

15 CHAIRMAN BRAND: Let's go ahead and do
16 that. That's for October --

17 MS. FLYNN: 7th.

18 CHAIRMAN BRAND: October 7th.

19 MS. BROOKS: Thank you very much for
20 the consideration.

21 MR. BONFORTE: Thank you.

22

23 (Time noted: 8:35 p.m.)

24

25

2

3

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

5

6

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

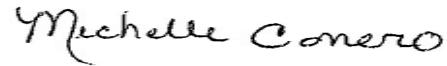
10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of September 2019.

18

19



20

MICHELLE CONERO

21

22

23

24

25

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

In the Matter of

GREINER BSD REALTY NY

Project No. 19-3013
96 Idlewild Road, Marlboro
Section 108.3; Block 1; Lots 18.12 & 21.113

SKETCH - LOT LINE

Date: September 16, 2019
Time: 8:35 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

MICHELLE L. CONERO
RMB #276

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

2 CHAIRMAN BRAND: Next up, Greiner
3 Realty Subdivision.

4 MR. SCALZO: Good evening, Chairman
5 Brand and the rest of the Board. My name is
6 Darrin Scalzo, I'm the engineer representing the
7 Greiner BSD Realty NY, LLC lot line change and a
8 subdivision.

9 This is a little unusual. We're
10 proposing a lot line change and a two-lot
11 subdivision of approximately 86 acres of land.
12 If I were to put it in order for you, we
13 currently have two parcels. We have 30 acres,
14 which is tax parcel 21.113, and approximately 55
15 acres on tax parcel 18.12. Both parcels are
16 located on the southerly side of Idlewild Road.
17 The 30 acre parcel has road frontage on multiple
18 locations on Idlewild and contains a cold storage
19 building on the corner of Idlewild and Burma.
20 The 55 acre parcel has road frontage on Burma
21 Road and a warehouse. I will use the word
22 warehouse or facility interchangeably for this.

23 The applicant is seeking to create a
24 standalone lot for the warehouse. To accomplish
25 this we will need to combine a lot line change of

2 tax lot 21.113, slide around the warehouse into
3 tax lot 18.12, and then subdivide almost 5 acres
4 out of tax lot 21.113.

5 These lots are in the RAG-1 Zoning
6 District, and westerly portions of these lots are
7 also in the Ridge Line Protection Zone.

8 In 2001 a site plan was approved for
9 Pioneer Springs which included the 10,000 square
10 foot water bottling plant and access out to
11 Idlewild Road. At that time both lots were owned
12 by the same parties and the intent was to combine
13 the two for a total of nearly 92 acres. I'm not
14 sure of the details but that consolidation did
15 not occur.

16 Since then some minor subdivisions have
17 taken some acreage out of the larger lot. On
18 March 20th of this year the Greiners entered into
19 an agreement to convey tax lot 18.12 to be BSD
20 Realty New York, LLC. They also entered into an
21 access right-of-way easement agreement for
22 ingress and egress over that portion of tax lot
23 21.113 to get the warehouse from Idlewild Road.
24 They also entered into a memorandum of contract
25 to subdivide out that portion of lot 18.12,

2 including the warehouse, approximately 4.5 acres,
3 and access to the warehouse. The memorandum also
4 includes language to convey the remaining 53
5 acres of tax lot 18.12 back to the Greiners. All
6 of these recordings that I just referenced were
7 filed in the Ulster County Clerk's Office in May.

8 There are no proposed improvements
9 included in this application. Everything is
10 exactly as it's going to remain.

11 The warehouse and it's contents are
12 currently in the state as it was used last by the
13 water bottling facility. There is a small office
14 attached to the warehouse which is being used by
15 BSD.

16 The warehouse is served by an
17 individual well and septic system. At this time
18 we're just seeking a subdivision. Any use for
19 the warehouse for anything other than storage of
20 agricultural items would be subject to a site
21 plan review which would require them to appear
22 before the Board. At least that's my
23 understanding.

24 We have not reached out to Gael Appler
25 for his report if need be.

2 I'm putting the cart way before the
3 horse on this one, but in moving this application
4 forward we would also request that the Board
5 waive the requirements for topography on this
6 site as there will be no additional improvements.

7 That's what I've got.

8 CHAIRMAN BRAND: Pat, comments?

9 MR. HINES: You've got some challenging
10 lot geometry here.

11 I have some questions. The existing
12 warehouse is used for what?

13 MR. SCALZO: Currently the equipment
14 that was in there for the water bottling facility
15 is there. I was in three weeks ago and --

16 MR. HINES: It's not going to be a
17 water bottling plant any more?

18 MR. SCALZO: That I am not sure of.
19 They have not indicated to me that they would
20 continue doing water bottling, however I do
21 recall, at least my interpretation of the code,
22 is for water draw you would need a minimum of 10
23 acres.

24 MR. HINES: That was the gist of my
25 question.

2 MR. SCALZO: Water draw would be,
3 however should they appear before you for a site
4 plan here on the actual active bottling of the
5 water, the lot that they would be drawing from is
6 over 10 acres.

7 MR. HINES: Tax lot 21.113 is where the
8 wells are located I believe.

9 MR. SCALZO: That is correct, which
10 would remain approximately 26.7 acres.

11 MR. HINES: But they're going to be
12 under separate ownership.

13 MR. SCALZO: That is correct.

14 MR. HINES: That's not happening.

15 MR. SCALZO: Okay.

16 MR. HINES: This is a red flag here
17 that this is a water bottling plant without a
18 well.

19 MR. SCALZO: Correct. As I stated, my
20 client has not indicated, and they would have to
21 appear for site plan approval for any activity
22 that's going to be going on other than
23 agricultural activity.

24 MR. HINES: The applicant requested a
25 waiver of the topography. With that, these lots

2 are very large and nowhere on this plan is there
3 a deed plot. The lots are going off the page in
4 all directions. I would suggest the Board get
5 some scale, a deed plot at least, that shows
6 what's happening here. It will be a little
7 easier for the Board --

8 MR. SCALZO: I can certainly add a
9 second page.

10 MR. HINES: I think that would be
11 helpful.

12 I think you may have mentioned, there's
13 going to be cross access easements across these
14 lots?

15 MR. SCALZO: That is correct.

16 MR. HINES: Access to several of the
17 parcels is crossing property lines throughout.
18 That will need to be shown clearly and those
19 access agreements shown to Jeff's office.

20 The use of lot 1 we just discussed.
21 Right now it is a metal warehouse. I think it's
22 going to lose any ability to be a water bottling
23 company. I just hope that your client, or who
24 ever is buying that, knows that because of the
25 lot size and the disconnect between portions of

2 what was the Pioneer Springs Water Company are
3 ending up on different lots with different
4 ownership.

5 Just the bulk table requirements to
6 show what's required. I'm requesting that you
7 show what's provided, at least on lot 1 in that
8 bulk table.

9 I do want the highway superintendent or
10 his representative to take a look at the access.
11 It's limiting access points by chopping --
12 currently I think 18.12 has access to both
13 Idlewild and the other road.

14 MR. SCALZO: Burma.

15 MR. HINES: It's only going to have one
16 access point in the future.

17 That's the extent of my comments right
18 now.

19 CHAIRMAN BRAND: Jeff?

20 MR. HINES: The lot geometry is kind of
21 circuitous. Lot 2 is going completely around
22 proposed lot 1 with an, I'll say 50-foot strip.

23 MR. SCALZO: That is correct. It is a
24 50-foot strip. During the development of this
25 subdivision it occurred to me that had I not done

2 that then I would have created other lots and
3 then it would have been subject to having to
4 design residential well and septic for those
5 other areas. The intent was not to create
6 additional lots. That's why it's a jug handle
7 around there, just to maintain that single lot
8 status.

9 MS. LANZETTA: As long as you have four
10 lots --

11 MR. HINES: As long as they're greater
12 than 5 acres.

13 MS. LANZETTA: You don't have to do
14 septic. Right now it looks like you have access
15 to roads. If you just left the other two lots as
16 they are and basically just didn't do that jug
17 handle and just did two lots on the upper portion
18 there, they each have access to the road. It
19 would be a lot cleaner if you had four lots than
20 what you're proposing here.

21 MR. SCALZO: Okay. This is exactly
22 what I was hoping to get out of this.

23 MR. HINES: Darrin, that access, the
24 50-foot wide access as it appears on lot 2, it
25 looks like a fee ownership and not an access.

2 It's shown as part of this lot.

3 MR. SCALZO: Pardon me. I called it an
4 access. It does appear on the filed map as a
5 50-foot --

6 MR. HINES: Fee ownership.

7 MR. SCALZO: Correct.

8 MS. LANZETTA: So that would allow you
9 to use it to access that lot.

10 MR. HINES: Correct.

11 MR. SCALZO: That's correct.

12 MS. LANZETTA: It looks like you have
13 access to -- you don't have to do that jug
14 handle. That just complicates it.

15 MR. HINES: The gist of the question is
16 if it has fee access.

17 MR. SCALZO: It looks like it has fee
18 access.

19 MR. CLARKE: If you don't do that
20 you're going to go --

21 MS. LANZETTA: Four lots is still a
22 minor.

23 MR. HINES: You're going to create
24 another lot, I'll say on the right-hand side of
25 the page, the east side.

2 CHAIRMAN BRAND: Jeff, did you have
3 something to add?

4 MR. BATTISTONI: I'm guessing that the
5 county clerk would require the lots to be shown
6 fully on a subdivision plat. Here lot number 2
7 is shown partially. It runs off the page.

8 MR. HINES: So does 3.

9 MR. BATTISTONI: 3 does as well. I
10 think the entire property needs to be shown on
11 the plat.

12 I'd be a little careful about
13 segmentation, too. I don't know what the
14 applicant is doing here. Are they going to
15 subdivide and come in later on with another
16 application to do something? Maybe the Board
17 needs to look at what it is they want to do.

18 MS. LANZETTA: If somebody does want to
19 utilize this warehouse for any kind of commercial
20 use, you know, not commercial commercial but --

21 MR. HINES: Not agricultural.

22 MS. LANZETTA: -- yeah -- that's going
23 to impact any additional development around the
24 perimeter.

25 CHAIRMAN BRAND: Tom, did you have

2 something as well?

3 MR. CORCORAN: I apologize if somebody
4 addressed this. Knowing that the plan gets
5 reduced -- that property gets reduced to 5 acres,
6 it loses it's water taking.7 MR. HINES: Yes. It lost it's wells
8 too I believe.

9 MR. SCALZO: It lost the big well.

10 MR. CORCORAN: Well or not, under 10
11 acres it can't take water. I missed that.12 MS. LANZETTA: Tom, do you know, is
13 that under the Ag regulations or is that Town
14 regulations?15 MR. HINES: That's your Town Code for
16 water taking.17 MR. CORCORAN: Town regulations is a
18 minimum of 10 acres for water taking in the RAG
19 Zone.20 MR. SCALZO: There was a local law
21 adopted, I want to say '99 or '92.22 MR. CORCORAN: It was a local law. It's
23 in the book, 155-12 under RAG-1 you'll find water
24 taking with a minimum of 10 acres.

25 CHAIRMAN BRAND: Any other questions or

2 comments from the Board?

3 MS. LANZETTA: I want to point out that
4 the existing gravel driveway is right on the lot
5 line, so that can be an issue.

6 MR. HINES: That was the gist of my
7 access and easement comment.

8 MR. SCALZO: There's a farm lane that
9 continues from Idlewild all way the tax lot
10 18.12. The desire of my clients was to maintain
11 that availability for them to continue to use
12 that passing through from Idlewild to the other
13 lot. I designed it exactly for that reason, to
14 run down the center of that.

15 CHAIRMAN BRAND: It seems you have some
16 work to do.

17 MR. SCALZO: Absolutely.

18 CHAIRMAN BRAND: We'll see you back.

19 MS. LANZETTA: What about he asked
20 about the topography waiver. Does anybody have
21 any thoughts on that? Do we want to have the
22 topography shown?

23 MR. HINES: I was concerned about the
24 50-foot strip that was left around there to make
25 sure it had access. If that's not going to be an

2 issue I would be less concerned. To make sure
3 that 50-foot strip was able to be constructed
4 into some form of access. If that's going to be
5 eliminated --

6 MR. SCALZO: I will confirm with my
7 clients. If it makes sense to eliminate the jug
8 handle, absolutely.

9 MS. LANZETTA: How about if you keep it
10 and we want topography and if you take it out,
11 then we can waive it?

12 MR. HINES: Topography in that area.
13 It's 96 some acres total.

14 MR. SCALZO: That I do understand,
15 however as I had mentioned earlier in the
16 presentation the lot does have multiple access
17 points on Idlewild. As I say, the nature of that
18 50-foot was just to keep the lot as one.

19 I understand, Pat, your concerns about
20 having it passable there. There is access to the
21 lot in multiple spots along Idlewild.

22 MR. HINES: For now.

23 MR. SCALZO: I have to confer with my
24 client. I agree with the Board's opinion, get
25 rid of the jug handle.

2 CHAIRMAN BRAND: Okay. Thank you.

3 MR. SCALZO: Thank you very much.

4

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

6

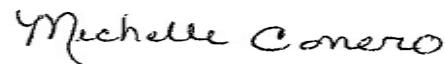
7 C E R T I F I C A T I O N

8

9 I, MICHELLE CONERO, a Notary Public
10 for and within the State of New York, do hereby
11 certify:12 That hereinbefore set forth is a
13 true record of the proceedings.14 I further certify that I am not
15 related to any of the parties to this proceeding by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 24th day of September 2019.

20

21



22

MICHELLE CONERO

23

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25