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MEETING HELD REMOTELY VIA ZOOM

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

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5 In the Matter of

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7 DAVID & SUSAN YOUNG

8 Project No. 20-4002
50 Millhouse Road, Marlboro
9 Section 108.4; Block 5; Lot 20.21

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SKETCH - SUBDIVISION

12

Date: April 20, 2020
Time: 7:35 p.m.

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

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

20

21

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

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23

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

25

1 DAVID & SUSAN YOUNG

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2 CHAIRMAN BRAND: I will call the
3 meeting to order. The agenda for the Town of
4 Marlborough Planning Board for April 20, 2020,
5 the regular meeting will begin at 7:30. We have
6 the approval of stenographic for February 18th
7 and March 2nd. On the agenda this evening are
8 Young, David and Susan --

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

10 CHAIRMAN BRAND: -- sketch for a
11 subdivision; Boneh Zion Realty, sketch, site
12 plan; Marlboro Flats, sketch, subdivision; Nason
13 Subdivision, sketch, subdivision; and Bayside
14 Mixed Use, extension, site plan. The next
15 deadline is Friday, April 24th. The next
16 scheduled meeting will be Monday, April 4th. As
17 I stated previously, we're going to be doing that
18 via Zoom, and we'll be inviting the public as
19 well.

20 Manny, since you're ready to go, I'll
21 take that motion to approve the stenographic
22 minutes for February 18th and March 2nd. Is
23 there a second?

24 MR. LOFARO: I'll second.

25 CHAIRMAN BRAND: Any opposed?

2 (No response.)

3 CHAIRMAN BRAND: No. All right. So
4 moved.5 First up, Young, David and Susan,
6 sketch, subdivision.7 MR. SAMUELSON: Good evening. Jay
8 Samuelson, Engineering Properties.9 We were last before you about -- I
10 believe it was in early March. Since that time
11 we have gone back -- I don't know, Jen, if you
12 can give me permission to share my screen, I can
13 put up a copy of the subdivision map.14 MS. FLYNN: I don't know how to do
15 that. I can --16 CHAIRMAN BRAND: You might be able to
17 do it anyway, Jay, if you just go to share.18 MR. CLARKE: That was the other thing
19 they said at that meeting today. You probably
20 need somebody under 30 to conduct one of these
21 meetings.

22 MS. FLYNN: I don't know how to do it.

23 MR. SAMUELSON: There you go.

24 As you remember, this is a four-lot
25 subdivision that spans both the Town of

2 Marlborough and the Town of Newburgh. All of the
3 proposed dwellings are located in the Town of
4 Marlborough.

5 We originally did not have a house and
6 septic proposed on lot 4, but Pat reminded me
7 that since it's under 5 acres it requires
8 approval as part of the realty subdivision.
9 Since our last meeting we have revised the plan
10 to show a house, well and septic on lot 4.

11 In that time we had also scheduled our
12 joint site inspection with the Ulster County
13 Health Department. That was supposed to happen
14 in early March. The day of it we got a phone
15 call saying that due to everything that was going
16 on, they weren't going to be able to make it.
17 They did state go ahead, do your test pits,
18 document it through pictures and send us the
19 results, and depending on where we go they may be
20 able to utilize that as the site inspection.
21 That was all sent back to them in late March, so
22 they have that. We're waiting on a response from
23 them.

24 Two other issues that we've been
25 working through are the archeological. We did do

2 a phase 1-A and 1-B. All the fieldwork is
3 complete, and the archeologist said he did not
4 find anything and he would be recommending no
5 further study. I was hoping to have that report
6 today to be able to upload to SHPO but I have not
7 yet seen it. I'm anticipating receiving that any
8 day now. As soon as I do I will provide the
9 Board with a copy. I will also submit up to
10 SHPO.

11 The other issue we've been working
12 through is the report from the EAF about the Bald
13 Eagle. We had our environmental specialist go
14 out, walk the site, and he provided a letter
15 which I did copy to the Board as I submitted that
16 back to DEC late last week. So we're waiting to
17 hear an answer from them on that. Basically they
18 were saying due to the distance of this
19 subdivision to the actual Hudson River, that
20 there would not be any impact to the known eagles
21 nest that are not on this property.

22 We've continued through Newburgh. We
23 know that you guys declared your intent for lead
24 agency in early March. I believe Newburgh, last
25 Thursday night, did make a motion to accept that

2 and have you guys be lead agency.

3 Pat, correct me if I'm wrong.

4 MR. HINES: That is the case. Newburgh
5 deferred to Marlborough as lead agency.

6 MR. SAMUELSON: So at this point in
7 time, I know we still have those couple
8 outstanding issues, but the next item would be to
9 set a public hearing. I understand we do have
10 those couple outstanding items.

11 CHAIRMAN BRAND: You'll have them
12 before the next scheduled meeting?

13 MR. SAMUELSON: I don't know how fast
14 the DEC is going to respond. That's on the
15 eagle. You have a copy of the letter saying that
16 there should be no impact based upon the
17 environmental consultant. SHPO, I expect to have
18 that back. That usually takes about a week. I
19 expected to have the report today, so I wouldn't
20 be surprised if I get it tomorrow morning.

21 MS. FLYNN: You wouldn't have enough
22 time for the first meeting in May.

23 CHAIRMAN BRAND: It would be the second
24 meeting in May.

25 MR. SAMUELSON: I don't think I could

2 get notices out or anything else in time for May
3 4th anyway.

4 CHAIRMAN BRAND: Okay. Pat, did you
5 want to run through your comments for this?

6 MR. HINES: Sure. Jay Samuelson had
7 touched on them. Our first comment was the
8 status of the Ulster County Health Department
9 approval. As Jay said, they have done their field
10 testing but they'll have to weigh in on that.

11 There was a comment from Orange County
12 Planning, and Ulster County picked up on it,
13 about a separation distance. I know the Health
14 Department is aware of that as well. They're
15 taking a look at the separation distance between
16 one of the existing septic systems on the site
17 and one of the proposed wells. That will be
18 reviewed by the Health Department.

19 We had a comment both on the DEC and
20 the Office of Parks, Recreation, Historic
21 Preservation. Both of those issues came up in
22 the initial EAF and both of those agencies were
23 included in the lead agency circulation so they
24 provided comments.

25 The DEC has deferred lead agency to

2 Marlborough. The Parks & Rec have not mentioned
3 it but that's been timed out now.

4 We're looking for the highway
5 superintendent to weigh in on the location of the
6 new driveways. Both of the County Planning,
7 Orange and Ulster, both suggested the possibility
8 of a common driveway with lot 4 and the existing
9 driveway. We'll look for the applicant to
10 address that.

11 CHAIRMAN BRAND: Jay, can we just pause
12 there. Is the applicant okay with that, the
13 shared driveway?

14 MR. SAMUELSON: I don't think they have
15 an issue sharing this driveway here that we're --
16 that's the wrong one. The driveway that's here
17 between lots -- that's on lot 3 and lot 4, I
18 don't think there would be any issue sharing this
19 portion of the driveway.

20 CHAIRMAN BRAND: You don't have an
21 issue with that as well; right?

22 MR. HINES: No. They'll need a common
23 driveway access and maintenance agreement that
24 Jeff's office can review. It will eliminate the
25 number of driveways. They're very close as

2 proposed, so it makes sense to combine them, or
3 at least put them together.

4 CHAIRMAN BRAND: And both County
5 agencies preferred it that way?

6 MR. HINES: Yeah. Again, the driveways
7 are all in Ulster, in Marlborough. Both of them
8 did bring it up in their review. Both of them
9 reviewed it as if it was all there. It makes
10 sense. I don't know that they intend to build a
11 house on lot 4. I know originally that was a
12 vacant parcel but we did have to show it
13 buildable.

14 MR. SAMUELSON: They don't have a
15 problem doing that as a combined driveway. I did
16 discuss that with them originally as an option.

17 MR. HINES: I did provide the Planning
18 Board with the Orange County comments as well. I
19 sent them over to Jay. I thought Newburgh had
20 done that.

21 Newburgh did defer the lead agency.

22 You heard back and/or timed out from
23 all of your agencies.

24 An action for you tonight would be to
25 declare yourself the lead agency as we move

2 forward here.

3 It does need a public hearing. Your
4 Board operates a little different than Newburgh.
5 Newburgh will not schedule their public hearing
6 until the lead agency makes a SEQRA determination
7 and your Board has the public hearing prior to
8 doing that. So there's a bit of a catch 22 here.
9 If you were planning on scheduling that public
10 hearing in the next -- the second meeting coming
11 up, I think those timeframes may catch up to each
12 other. Newburgh won't do that until you, as lead
13 agency, declare your SEQRA determination.

14 Then I have a comment that's both for
15 Jeff Battistoni and Newburgh's Planning Board
16 attorney. The unique situation here being
17 crossing the Town and County lines, I believe --
18 and I know the Newburgh attorney has also
19 concurred -- that there needs to be some kind of
20 legal filing in both of the Counties that show
21 the lots having a connection to each other and
22 can't be sold as separate parcels and/or
23 transferred through a tax sale. So there needs
24 to be some nexus between the portions of each lot
25 in each Town and each County. Three of the lots

2 have that issue. One of the new lots is
3 completely in Ulster County, Town of Marlborough.
4 I'll defer to Jeff on that, but there may be
5 something legal between the two Planning Board
6 attorneys to work out how that happens.

7 That's the status of our review.

8 CHAIRMAN BRAND: Jeff?

9 MR. BATTISTONI: I think in terms of
10 the comment that Pat just made, I'll be able to
11 work that out with the attorney for the Planning
12 Board in Newburgh. I don't see a problem with
13 that.

14 CHAIRMAN BRAND: Perfect.

15 MR. SAMUELSON: If there are any
16 additional notes that you would like us to add to
17 the plan in that regard, I'd be happy to add
18 them, that way it's on the map when it's filed in
19 both Towns and both Counties.

20 MR. HINES: I think they're looking for
21 some kind of covenants to be filed in both
22 Counties as well.

23 MR. SAMUELSON: Okay.

24 MR. HINES: I'm not sure how that
25 happens. This is kind of a unique situation.

2 CHAIRMAN BRAND: Jay, would you mind
3 unsharing your screen for a minute so we can see
4 -- thank you.

5 Anything from any Board Members on
6 this?

7 (No response.)

8 CHAIRMAN BRAND: Going once.

9 (No response.)

10 CHAIRMAN BRAND: All right. So then I
11 would like to have a motion to declare the Town
12 of Marlborough Planning Board as the lead agency
13 for this project moving forward.

14 MR. LOFARO: I'll make the motion.

15 CHAIRMAN BRAND: Joe Lofaro made the
16 motion. Is there a second?

17 MR. CAUCHI: I'll second it.

18 CHAIRMAN BRAND: All right. Any
19 discussion on that?

20 (No response.)

21 CHAIRMAN BRAND: Any opposition to that
22 motion?

23 (No response.)

24 CHAIRMAN BRAND: No. So carried.

25 So Pat, you'll circulate that?

2 MR. HINES: There's no circulation.

3 That's just a motion that you make. Once you've
4 made your SEQRA determination, we will, as part
5 of the type 1 action, circulate your findings and
6 your neg dec I believe in this case. Once you
7 issue a negative dec, we'll circulate that to all
8 the involved agencies. It's a type 1 action
9 because of the proximity to the national historic
10 site, the Gomez Millhouse within 2,000 feet.

11 That's why we have the additional circulation and
12 lead agency coordination.

13 CHAIRMAN BRAND: Great. So we're going
14 to go ahead and schedule the public hearing for
15 -- Jen, what's that date?

16 MS. FLYNN: May 18th.

17 CHAIRMAN BRAND: May 18th.

18 MS. FLYNN: Jay, I'm going to need
19 money for your escrow. It is low.

20 MR. SAMUELSON: Send me an e-mail and
21 I'll make sure they drop off a check.

22 MS. FLYNN: Okay. Thank you.

23 CHAIRMAN BRAND: So public hearing May
24 18th. Anything else on that that we need to take
25 care of this evening?

2 MR. HINES: I think that's the only
3 thing we can do.

4 CHAIRMAN BRAND: Perfect. Thank you,
5 Mr. Samuelson.

6 MR. SAMUELSON: Thank you. Have a good
7 night.

8 MR. BATTISTONI: Chairman, just to
9 interrupt. Did you make a motion to actually set
10 that public hearing for the 18th?

11 CHAIRMAN BRAND: I did not make an
12 official motion. It's not something we've done
13 in the past.

14 MR. BATTISTONI: Okay.

15 CHAIRMAN BRAND: Should we?

16 MR. BATTISTONI: No. I think as long
17 as you've authorized the applicant to advertise
18 for that date, I think that's okay.

19 CHAIRMAN BRAND: I think we're set.
20 That's how we've done it in the past.

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22 (Time noted: 7:45 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:

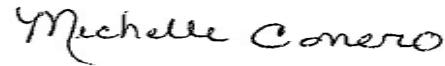
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 April 2020.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

5 In the Matter of

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7 BONEH ZION REALTY

8 Project No. 20-4003
21 Truncali Road

9 Section 108.4; Block 1; Lots 26.110, 26.117, 26.113,
26.114 & 26.118

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SKETCH - SITE PLAN

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Date: April 20, 2020
Time: 7:45 p.m.

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

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

APPLICANT'S REPRESENTATIVE: KELLY NYWENING

----- X

MICHELLE L. CONERO

3 Francis Street

Newburgh, New York 12550

(845)541-4163

2 CHAIRMAN BRAND: Next up, Boneh Zion
3 Realty, logging.

4 MS. NYWENING: How are you this
5 evening?

6 CHAIRMAN BRAND: I'm well. How are
7 you?

8 MS. NYWENING: Good. So I'm acting on
9 behalf of Boneh Zion Realty as their forester in
10 regards to this timber sale, the permitting
11 process specifically.

12 We submitted both a sketch application
13 for site plan as well as a property maintenance
14 plan that were reviewed by Pat Hines on the 16th
15 of March. He made several comments, all of which
16 were addressed in writing. I believe the Board
17 has a copy of those comments.

18 Do you have any other questions for us?

19 CHAIRMAN BRAND: Pat, did you just want
20 to run through some of those comments to refresh
21 our memory? That was a long time ago.

22 MR. HINES: My first comment goes
23 through the application identifying the size of
24 the parcel, areas proposed to be impacted, and
25 just a delineation of the total number of trees.

2 There are 644 trees which were identified as
3 various species. I noted that there was Eastern
4 Hemlocks of a certain size. The Hemlocks are
5 being currently impacted by an invasive species
6 and they are on the decline, not only on this
7 project but in the general area.

8 We just requested the applicant
9 evaluate whether there was any proposed buffer to
10 the neighboring parcels. Some of the Board
11 Members may remember when this was a subdivision
12 some of the neighbors along Mount Zion Road were
13 concerned about the impacts, and there was some
14 significant buffer areas provided for them.

15 The cul-de-sac is proposed to be the
16 landing area for the logging operation. That
17 area currently consists of a gravel roadway
18 subbase.

19 The hours of operation are identified
20 as weekdays 8 to 8, I believe, consistent with
21 the Town's restrictions.

22 Best management practices for timber
23 harvesting identified in the New York State DEC
24 guidelines for that were provided.

25 We are asking the highway

2 superintendent to comment on the access to Mount
3 Zion Road.

4 We had a note that the -- we just noted
5 that this parcel was originally a Nature
6 Conservancy owned parcel and was sold to the
7 Truncalis. The deed from Truncali to the current
8 owner was not in the application package -- the
9 Nature Conservancy to Truncali. There's a bunch
10 of deeds out. I believe David Somerstein, that
11 we did not have.

12 I made a comment that the application
13 is covered under Section 75 of the clearing and
14 grading. Uniquely many of the towns I represent
15 have that ordinance in the clearing and grading.
16 Your ordinance is a separate ordinance. I do
17 believe it's Section 141, trees. This is a site
18 plan under that. I know Cindy Lanzetta picked up
19 on that in my comments.

20 The EAF did not identify threatened or
21 endangered species on the site.

22 There is an average of 30 trees per
23 acre proposed to be removed which is slightly
24 higher than most selective timber harvests, the
25 30 trees per acre. I'll let the applicant's

2 representative address that.

3 A permit term of six months is
4 identified in the code. Actually, that's in the
5 clearing and grading code, not the tree code, so
6 that one is not appropriate.

7 Then we had quite a discussion with the
8 -- myself and Jeff Battistoni regarding some
9 restrictive covenants and other legal documents
10 that have been imposed on the site by the
11 original subdivider, Truncali. I believe that
12 there are restrictions in those regarding tree
13 cutting, tree clearing, cutting of trees in the
14 drainage ways, which warrants discussion with the
15 Planning Board. Probably that would be the most
16 important thing to discuss at this point.

17 CHAIRMAN BRAND: Jeff, do you want to
18 maybe touch upon that for us?

19 MR. BATTISTONI: I agree with that
20 comment that Pat just made. I think there's a
21 preliminary issue here that the Board has to
22 address. I know this is a very old subdivision.
23 It's one that I'm not familiar with in terms of
24 the actual subdivision plat. There is a
25 declaration from 2004 that was recorded with the

2 Ulster County Clerk. It's 19 pages long, as I
3 recall, and it has many restrictive covenants
4 that apply to the property, that apply to all of
5 the lots, and there are specific covenants that
6 apply to some of them. However, there's language
7 throughout that document that limits tree
8 removal. I had sent an e-mail to the Planning
9 Board Members where I summarized that language.
10 I don't know if any of you have that e-mail with
11 you or not. I can read some of that if you want.
12 That's up to you.

13 CHAIRMAN BRAND: I don't think it's
14 necessary. We all received a copy of it. I mean
15 maybe the applicant could help us to understand
16 this a little better. Again, I'm not a lawyer
17 but when I read that it seemed to me very clear
18 cut that this specific type of logging was not
19 permitted on this property due to the covenants
20 of the deeds.

21 MS. NYWENING: So I am also not a
22 lawyer so I can't speak as to that particular of
23 legalese in this covenant. I will refer you to
24 several documents that were sent by the landowner
25 to me. I believe Pat forwarded it on to the

2 Planning Board just this afternoon. It was from
3 another engineering firm, Gardiner Engineering in
4 New Paltz, and also from the applicant's
5 attorney, who I'm trying to read his name. It's
6 very small. Joseph Steffi, Esquire. Both of
7 those comments have been received. If they're
8 not, they will be. That's as far as I can speak
9 as to the restrictive covenant in place.

10 I can answer some of Pat's earlier
11 comments about -- his original comments on the
12 site plan. As far as the 30 trees per acre, that
13 is a high average, as Pat noted. There is an
14 extensive Hemlock woolly adelgid infestation
15 that's present in Ulster County. I just worked
16 on a property in Olivebridge of a similar forest
17 type and more than three-quarters of the Hemlocks
18 are dead and posing a significant safety hazard
19 to the landowner and also wildfire risks to the
20 area. We think it's prudent to remove these
21 Hemlocks before they're totally dead and
22 noncommercial any more. People won't buy dead
23 trees, so it makes sense that while we can have a
24 logger come in and get them we should. There's
25 also 140 trees per acre, on average 4 inches in

2 diameter, 4.5 feet above the ground or larger.

3 So while it represents a significant portion,
4 that's sure to decline. It's not a significant
5 portion of the stock overall.

6 You also asked us to address the buffer
7 between the neighboring residential parcels which
8 is a minimum of 50 feet at all places. We're
9 certain that we're not posing any risk of timber
10 trespass on the neighboring properties.

11 CHAIRMAN BRAND: Anything from the
12 Members of the Board?

13 MS. LANZETTA: Yes. Well -- I don't
14 know why I'm getting some feedback. Anyway --

15 CHAIRMAN BRAND: Can you mute Al's mic?
16 I think that will help her significantly.

17 MS. FLYNN: Okay. Done.

18 MS. LANZETTA: That's much better.

19 I didn't read what the applicant's
20 lawyer had sent, so I haven't had the
21 opportunity --

22 MR. HINES: I have not seen that
23 either. I haven't seen that from Joe
24 Saffiotti.

25 MS. NYWENING: I think it was sent

2 today.

3 MS. LANZETTA: I did read what the
4 engineer had sent over from Gardiner and -- well
5 first of all, I really do think that the covenant
6 document in itself kind of makes this whole
7 discussion moot because if you follow what the
8 covenants stipulate, there can't be any logging
9 on that property until those lots are sold. And
10 also --11 CHAIRMAN BRAND: Can I just pause you
12 right there?13 Jeff, is that your understanding as
14 well, there could be no logging until the lots
15 are sold?16 MR. BATTISTONI: That I don't know.
17 There's a provision in, I think it's paragraph
18 number 3 that says no lot or portion thereof may
19 be used for any business or commercial purposes
20 whatsoever. I don't know whether that's intended
21 to prevent this sort of commercial logging
22 enterprise. There are certain buffer areas
23 required. There are building envelopes where
24 limited clearing was allowed. It's actually a
25 very complex set of restrictions.

2 MS. LANZETTA: And so therefore you
3 take that into account, number one, whether or
4 not we should even be entertaining this
5 application.

6 Number two, if we do entertain it and
7 we look at it under our tree provisions, Code
8 141, we would require more by way of site plan
9 information than what the applicant has provided.
10 And then also take into account that we have a
11 limit on tree removal over a certain height. I
12 think these -- this section would come into that
13 zone.

14 MS. NYWENING: If I can add a couple of
15 things. Since the letter from the attorney was
16 not received by the Planning Board, I'll just
17 summarize it briefly. Arguing that restrictive
18 covenants should be enforced when the intention
19 of the parties is clear and the limitation is
20 reasonable and not offensive to public policy,
21 and that specifically the person looking to
22 enforce restrictive covenants must have an actual
23 benefit of enforcement. I'm not making any
24 comment other than to summarize that for you.

25 Cindy, might I ask what in the site

2 plan is lacking? You said more would be
3 required. What specifically?

4 MS. LANZETTA: Topographic maps.

5 MS. NYWENING: I believe those were
6 provided. If they weren't, I'll be sure that
7 they are.

8 MS. LANZETTA: I have to go through the
9 entire list. It's in Section 141, trees. Also
10 under site plan review. I think that's -- I
11 think that might be 151. I'm not sure. I'm
12 afraid to exit out of here to look at the Town
13 code.

14 MS. NYWENING: That's fine.

15 MS. LANZETTA: Then we also have the
16 tree line -- the ridge line protection zone. I
17 think this also enters into the ridge line
18 protection zone.

19 CHAIRMAN BRAND: Pat or Jeff, anything
20 on that?

21 MR. HINES: I would suggest -- we don't
22 have the benefit of the applicant's counsel.
23 Possibly we can defer this and allow Jeff and the
24 applicant's counsel to discuss the issues. I had
25 originally asked, and Jeff and I read through the

2 20-page restrictive covenant. Often times those
3 agreements are between Truncali and Sommerfield
4 and not necessarily part of the Planning Board's
5 application. There's always an enforcement issue
6 of private restrictions that probably could be
7 looked at. I don't know what the applicant --

8 MS. LANZETTA: Well I know it says in
9 here --

10 MR. HINES: It does have some
11 drainage --

12 MS. LANZETTA: Well, in 19 -- it says,
13 "The foregoing obligation and limits of clearing
14 for building envelopes may be enforced by any lot
15 owners and/or by the Town of Marlborough which
16 municipal entity shall have the right but not the
17 obligation to enforce." So we are the Town of
18 Marlborough.

19 MR. BATTISTONI: Right. And I'll chime
20 in on that too, Cindy. I didn't mean to
21 interrupt you. I agree with what you just said.
22 I think throughout the covenant there are
23 references to the fact that they can be
24 enforceable by any and all of the lot owners in
25 addition to the subdivider, and obviously the one

2 you just mentioned about enforceable by the Town.
3 So if the applicant is going to make an argument
4 that well this is really only to be enforced by
5 the original subdivider, I'm not going to agree
6 with that.

7 CHAIRMAN BRAND: So I'm kind of in
8 agreement with Pat at this point. I think
9 there's just so many outstanding legal issues
10 that I think we need to really get some clarity
11 on this before we can proceed any further.

12 Are we kind of in agreement with that
13 as well, would you say?

14 MR. LOFARO: Sounds good.

15 MR. CLARKE: Yes.

16 MR. GAROFALO: Could I say something?
17 James Garofalo.

18 CHAIRMAN BRAND: Mr. Garofalo, your
19 microphone is not -- your camera is not on.

20 MR. GAROFALO: No, it's not. Because I
21 don't have one. Sorry. Not a legal requirement.

22 Anyway, it seems reasonable that if
23 you're going to develop the property, that you
24 would be allowed to remove dead trees, to remove
25 trees where the buildings were going to be in the

2 process of normally building buildings and roads,
3 and whatever else you had to do. So I could see
4 how removing those trees in those types of areas
5 could fit in to actually developing the property
6 as it was subdivided and requested to be approved
7 by the Town. So I think those areas, clearly
8 they would have the right to go in and remove the
9 trees, because if they were building the
10 buildings what would they do? They would have a
11 logger come in and they would sell the trees and
12 have those trees taken out. But that's not over
13 the entire parcel. So I think that the big
14 question is in those other areas where it wasn't
15 intended to have trees removed and the whole idea
16 of the subdivision was to maintain these buffers
17 in these areas where the trees would be, that
18 becomes the real question as to whether or not
19 you should be able to log in those areas.

20 There are a few other things that I
21 certainly would like to see with regard to this
22 particular proposal. One is they had the hours
23 from 8 a.m. to 8 p.m. I don't think, unless they
24 come up with a lighting plan, they should be
25 permitted to log during the period 30 minutes

2 after sunset to 30 minutes before sunrise. That
3 should be a stipulation in there also, unless
4 they want to come up with some kind of lighting
5 plan to do that logging in those specific areas.

6 I would also like to know what the
7 meaning of the log landing area by the cul-de-sac
8 really means. Is it they're going to store logs
9 there and you won't be able to turn around? I
10 think that that needs to be clarified. That's
11 not part of the bigger, major legal issue that is
12 being dealt with. Those are smaller issues I
13 wanted to bring up now so they won't be
14 forgotten. Thank you.

15 MS. NYWENING: Can I address those
16 smaller issues while we're at it?

17 CHAIRMAN BRAND: Sure.

18 MS. NYWENING: As far as the 30-minute
19 sunrise/sunset, nobody intends to cut or remove
20 timber. For the purpose of loading log trucks
21 which come with highway-regulated lighting
22 systems, they could possibly load at night. Just
23 to put the logs on the trucks and ship them to
24 the mill. Nobody can cut timber before it's
25 light or after it's dark.

2 As far as the log landing goes, this
3 Truncali Road extension, I don't believe it's a
4 public right-of-way, and I'll check into that.
5 Currently the access is gated, and so there's no
6 public thoroughfare on that road. Where the log
7 landing area is, which is indeed where they'll
8 store logs for loading on a log truck, while that
9 will be on the cul-de-sac it should have no
10 impact on the right-of-way for travel.

11 CHAIRMAN BRAND: I think that gets into
12 the broader question that we had discussed a
13 little bit where part of the subdivision included
14 that the road was finished and donated as a Town
15 road, I believe it said, before anything got
16 done.

17 There are several outstanding legal
18 issues I think with this whole project.

19 MR. CLARKE: Chris, this is Steve. I
20 think that -- from my perspective, I can't make a
21 decision. This is a legal decision. I want an
22 opinion from the lawyers.

23 CHAIRMAN BRAND: I think that's where
24 we're definitely headed.

25 MR. BATTISTONI: So just along those

2 lines, I have not seen the applicant's attorney's
3 memo or letter that was drafted today or
4 submitted today. I will look -- I'll get a copy
5 of that, I'll review that and I'll deal with
6 their attorney somewhat, and then I'll prepare an
7 opinion letter for you.

8 CHAIRMAN BRAND: Do you think you'll be
9 able to have that for the Monday, May 4th,
10 meeting?

11 MS. NYWENING: Sorry. I'll speak with
12 the landowner. I will find out. I don't believe
13 he sent out an official opinion letter, just his
14 comments. We'll check before the next meeting.

15 CHAIRMAN BRAND: Jeff, does that
16 timeline work for you, May 4th, or do you want to
17 push it back until May 20th?

18 MR. BATTISTONI: Oh, boy. In normal
19 circumstances May 4th would be fine. It's harder
20 to work today given the circumstances we're in.
21 I'll certainly try for May 4th.

22 CHAIRMAN BRAND: Okay.

23 MS. NYWENING: We can be flexible on
24 that.

25 MR. CLARKE: Would the applicant

2 consider a logging permit for the diseased trees,
3 the Hemlock trees only?

4 MR. HINES: I was going to mention that
5 as one of the things that -- Kelly, if you could
6 provide a map showing where those Hemlock stands
7 are. If they are infected with woolly adelgid
8 you're going to have some pretty ugly trees
9 standing there in a year or two for many, many --

10 MS. NYWENING: The Hemlocks are pretty
11 evenly scattered throughout the entire harvesting
12 area as shown on the site plan map. I can
13 probably show you. If you want to read it. This
14 entire area that's to be logged has Hemlocks.

15 MR. HINES: I didn't know if there was
16 one area that was a monoculture of them, in a wet
17 area or something.

18 MS. NYWENING: No. You can actually
19 see them on the aerial photo. It's a leaf-off
20 photo, so anything green in the photo is a
21 Hemlock or a White Pine. In this case it's
22 mostly entirely Hemlocks.

23 And Pat is right, it's a major issue.
24 Really tall trees, when they're standing dead,
25 they're a major liability for safety sake to

2 leave stand. Also they're not worth anything
3 commercially and they pose serious expense to the
4 landowner to have. Like I said, other landowners
5 in Ulster County are kind of up a creek with a
6 lot of their dead standing Hemlock. It's a major
7 issue. If anybody else has Hemlocks they should
8 consider taking action.

9 MS. LANZETTA: Did you say that you had
10 somebody up there and identified that these trees
11 have been affected by the woolly adelgid?

12 MS. NYWENING: To identify the woolly
13 adelgid you need to reach the foliage on these
14 trees which is impossible. It's the way that the
15 insect moves and its proximity to this site. So
16 the closest area that I personally know of is 35
17 road miles, so probably 20 as the crow flies,
18 from this particular site. So it's active in the
19 area. Its movement depends on weather, kind of
20 micro site conditions. You can probably get
21 clarification of an invasive species maybe from
22 Cornell, to see how quickly it would get to this
23 area. It's inevitable that it will. They've
24 moved all the way across Pennsylvania to New York
25 at this point.

2 MS. LANZETTA: So you have not
3 identified it specifically to those sites?

4 MS. NYWENING: No.

5 MS. LANZETTA: And just so you know,
6 the ridge line and steep slope protection
7 ordinance is 155-41.1.

8 MS. NYWENING: I'm sorry. 155-41.1?

9 MS. LANZETTA: Yes. And then the
10 requirements for the site plan are on 155-31.
11 There's a possibility that there might have to be
12 some -- we might have to do some kind of looking
13 at what the viewshed would look like if you were
14 to begin to eliminate those trees.

15 MS. NYWENING: Did you say from
16 neighboring properties?

17 MS. LANZETTA: From across the river.

18 MS. NYWENING: Yeah. Unimpacted but --

19 MS. LANZETTA: That's a pretty visible
20 site there.

21 MS. NYWENING: Well so it's offered on
22 the other side of the wetland. You can't see
23 this hill slope from any public right-of-way.
24 It's on the backside.

25 MS. LANZETTA: I don't know. That is

2 on the eastern side of the slope.

3 MS. NYWENING: This is on the western
4 side of the slope.

5 MS. LANZETTA: No, it's not.

6 MS. NYWENING: I'll resend the
7 topographic map.

8 MS. LANZETTA: Okay.

9 CHAIRMAN BRAND: So let's do this. I
10 think just in the interest of time, these other
11 issues, if the attorneys can't work it out, all
12 of this is neither here nor there. Let's move
13 forward with letting Jeff and the other attorney
14 come to some type of decision.

15 We will put you tentatively on the May
16 4th agenda. If that doesn't work out we will put
17 you on the May 20th agenda.

18 MR. HINES: May 18th.

19 MS. FLYNN: I also need an escrow
20 check.

21 MS. NYWENING: Right. The landowner
22 has been notified of that.

23 MS. FLYNN: Okay.

24 CHAIRMAN BRAND: Anything else?

25 (No response.)

2 CHAIRMAN BRAND: Thank you, Kelly.

3

4 (Time noted: 8:08 p.m.)

5

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

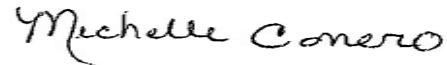
7

8 I, MICHELLE CONERO, a Notary Public
9 for and within the State of New York, do hereby
10 certify:11 That hereinbefore set forth is a
12 true record of the proceedings.13 I further certify that I am not
14 related to any of the parties to this proceeding by
15 blood or by marriage and that I am in no way
16 interested in the outcome of this matter.17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 24th day of April 2020.

19

20

21



22

MICHELLE CONERO

23

24

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2

MEETING HELD REMOTELY VIA ZOOM

3

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

----- X

5 In the Matter of

6

7 MARLBORO FLATS

8 Project No. 20-4004
9 8-10 Watson Avenue, Milton
Section 103.1; Block 3; Lot 15

----- X

10

SKETCH - SUBDIVISION

11

Date: April 20, 2020
Time: 8:08 p.m.

12

13

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

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

20

21 APPLICANT'S REPRESENTATIVE: FRANK CRICCHIO & TINA
CRICCHIO

22

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

25

2 CHAIRMAN BRAND: Next up, Marlboro
3 Flats, sketch, subdivision.

4 Frank, I have to say this is my first
5 meeting where the applicants are drinking wine.
6 I appreciate that. I like that.

7 MS. FLYNN: He's not sharing with us.

8 MR. CRICCHIO: How do you know I'm
9 drinking wine?

10 CHAIRMAN BRAND: I can see you, Frank.
11 That's how this works.

12 Frank, are you representing yourself
13 for this?

14 MR. CRICCHIO: Right now, yeah. I mean
15 my -- yeah.

16 CHAIRMAN BRAND: Do you want to give us
17 a little rundown?

18 MR. CRICCHIO: It's a three-lot
19 subdivision here on Western Avenue. You got the
20 paperwork in front of you. It's more or less cut
21 and dry, I mean for the subdivision.

22 So I mean any questions from you guys?

23 CHAIRMAN BRAND: Pat?

24 MR. HINES: I can jump in. It is a
25 three-lot subdivision. There's an existing two-

2 family home on the site. There's a proposal to
3 subdivide off two additional lots for a total of
4 three. I believe each of those additional lots
5 are proposed to have duplex houses --

6 MR. CRICCHIO: Correct.

7 MR. HINES: -- constructed on them.

8 My second comment has to do with the
9 need to show parking. There needs to be 1.5
10 parking spaces per residence based on the zoning
11 code. There will need to be depicted three
12 parking spaces. I don't know if you have these,
13 Frank, but I shared them with your engineer. You
14 need to show three spaces for each of the -- on
15 each of the lots.

16 Again, this was a sketch plan so we'll
17 be looking for water and sewer provisions for
18 each of the new structures. The water service
19 for the -- water and sewer for the existing
20 structure should be depicted. It does have
21 municipal sewer there but you'll need to show
22 those lines depicted.

23 I have a comment for the highway
24 superintendent to take a look at the driveway
25 locations.

2 The existing house, does it have a
3 driveway or is it just on-street parking?

4 MR. CRICCHIO: It does have a driveway,
5 yes.

6 MR. HINES: It would become a shared
7 driveway for the other lot?

8 MS. CRICCHIO: They're separate.

12 MR. HINES: It's kind of shared.

13 MR. CRICCHIO: Yeah. I can always
14 provide parking in front of the house also.

15 MR. HINES: We just have to look at
16 that. I just wanted to make sure that there
17 wasn't a shared driveway arrangement. There can
18 be but it just needs to have appropriate legal
19 mechanisms to --

20 MR. CRICCHIO: Okay.

21 MR. HINES: If you're proposing them to
22 be shared, that's fine. Jeff's office just needs
23 an access and maintenance agreement if you want
24 to do that.

25 Erosion and sediment control and a

2 grading plan we'll be looking for.

3 Obviously this was a schematic plan
4 initially.

5 The driveway for lot 2, there's an
6 existing catch basin in the road, so we need that
7 with a catch basin there. You can work with the
8 highway superintendent on that when he takes a
9 look.

10 There's a random contour line depicted
11 on the plans. Jen has the screen split for us.

12 MR. CRICCHIO: What was that again?

13 MR. HINES: There's just a random
14 contour line. The 100 contour is labeled between
15 the two driveways. Your engineer can clean that
16 up.

17 MR. CRICCHIO: Okay.

18 MR. HINES: My comment 10 is about the
19 shared driveway for lots 1 and 3 as you move
20 forward.

21 There's a shed to be relocated?

22 MR. CRICCHIO: Yeah.

23 MR. HINES: We're just looking to show
24 where that's going to be relocated, just to make
25 sure it's consistent with the accessory building

2 requirements.

3 There's not a roadway dedication shown
4 right now. I just want to make sure that there's
5 25 feet from the center line to the parcel. The
6 Town has a policy to acquire 25 feet from the
7 center line as an offer of dedication for
8 subdivisions. I'm not sure exactly where that
9 center line is. Your surveyor can depict that on
10 the resubmission.

11 We're suggesting that a note be added
12 to the plans that the house sites be staked in
13 the field prior to building permit because of the
14 proximity to the setback lines, and it kind of
15 saves you from any potential zoning issues. The
16 houses are very close to the side yard setbacks,
17 the two new houses that are proposed. I note that
18 they be staked in the field prior to a building
19 permit and an as-built drawing prior to CO to
20 make sure that you're compliant with the zoning
21 because of the proximity to the setbacks.

22 The location map needs to be cleaned
23 up. I had to chase it around on the tax maps a
24 little bit to find that. If they can give us a
25 better location map.

2 And then when I was looking at the tax
3 maps, and I don't know why but the frontage on
4 the tax map for this parcel was much less than is
5 depicted on the survey. I don't know if there
6 was a combined lot at one point. The tax maps
7 only show about -- the tax maps aren't legal,
8 they're only for taxing purposes. I noticed as I
9 was searching for the parcel that the frontage
10 was smaller than depicted on the survey. I
11 didn't know if there were any lot line changes
12 that had been done in the past.

13 MR. CRICCHIO: Not that I know of. Not
14 since I've owned it, no.

15 MR. HINES: It's a little weird when
16 you look at the tax maps. As long as the
17 surveyor is going to stamp it, I'm okay with it.
18 It just caught my eye.

19 Those are the comments we have on the
20 sketch.

Just for the Board, it is two new proposed duplexes and one existing duplex in the hamlet area. They are permitted.

24 MR. CRICCHIO: So what's next?

25 CHAIRMAN BRAND: Jeff, did you have

2 anything for that, too?

3 MR. BATTISTONI: From a legal point of
4 view; no, I don't.

5 CHAIRMAN BRAND: Okay. Jen, you can
6 put the screen away there.

7 I think what's next is you would talk
8 to your engineer and clean up some of the things
9 that Pat just spoke about. You could probably
10 have that ready for May 4th to review again.

11 MR. CRICCHIO: Okay.

12 MR. HINES: As long as you make the
13 submission. I think you have an extra week this
14 month.

15 CHAIRMAN BRAND: She has down April
16 24th for the deadline.

17 MS. FLYNN: Yeah. There's no extra
18 week.

19 MR. HINES: There's an extra Wednesday
20 and Thursday but not an extra Monday.

21 CHAIRMAN BRAND: If you could get that
22 before the deadline, Frank, that could be great,
23 and then we could put you on the agenda for May
24 4th.

25 MR. CRICCHIO: When's the deadline?

2 CHAIRMAN BRAND: April 24th. Friday.

3 MR. CRICCHIO: Friday. Okay. We'll
4 try. If not, then we'll go to the next one.

5 MR. HINES: Frank, your engineer should
6 have those comments. I believe my office sent
7 them.

8 MS. CRICCHIO: Good.

9 MR. CRICCHIO: Thank you, Pat.

10 MR. GAROFALO: James Garofalo. Can I
11 make some comments --

12 CHAIRMAN BRAND: Absolutely.

13 MR. GAROFALO: -- before they leave?

14 Could you ask your engineer not to use
15 yellow because that yellow on a white background
16 is almost totally illegible. So just have him
17 change the color to something else.

18 Also, I'd like to know -- there's a
19 wall that runs along the road. I'd like to know
20 how high that wall is and how far back it is from
21 the roadway. That has to do with sight distance.
22 Put it on the plan so it's very clear.

23 MR. HINES: That same wall is why I
24 asked about the parking too, James.

25 MR. GAROFALO: Okay. And I think it

2 would also be helpful to see on lot 1 where the
3 driveway is going to be and where their parking
4 is going to be. Also to clarify on the new
5 buildings whether their driveways are going to be
6 paved or they're going to be some kind of gravel.

7 MR. CRICCHIO: Okay.

8 MR. GAROFALO: To have that
9 specifically on the plan to say this is paved or
10 this is whatever.

11 MR. HINES: Along with that there
12 should be a detail of that, James, just to show
13 that once they do put that on there.

14 CHAIRMAN BRAND: Anything else from the
15 Board?

16 (No response.)

17 CHAIRMAN BRAND: James, is that it for
18 you?

19 MR. GAROFALO: That's it for me. Thank
20 you.

21 CHAIRMAN BRAND: Excellent. So we will
22 either see you on the 4th or the 18th.

23 MR. CRICCHIO: You got it. Thank you.

24

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

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.

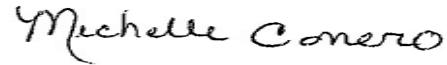
12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of April 2020.

18

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21

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

3

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

5 In the Matter of

6

7 NASON SUBDIVISION

8 Project No. 20-4005
89 Peach Lane, Marlboro
9 Section 95; Block 3; Lot 13.200

10 - - - - - X

11 SKETCH - SUBDIVISION

12 Date: April 20, 2020
13 Time: 8:15 p.m.

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

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

21 APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

22 - - - - - X

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

25

2 CHAIRMAN BRAND: Next up, Nason
3 Subdivision, sketch, subdivision.

4 MR. MILLEN: My name is Jonathan
5 Millen, I'm a licensed land surveyor and I'm
6 representing Martin and Katrina Nason at 89 Peach
7 Lane in Marlboro.

8 We have a proposed four-lot
9 subdivision. Two of the lots are at the minimum
10 size, one-acre zoning. They will both have wells
11 and septic. Both lots would have wells and
12 septic.

13 There's a parcel that's 26 acres which
14 would be the developed parcel as well.

15 The 7.46 acre parcel has an existing
16 house, well and septic, pond, various
17 outbuildings, et cetera.

18 We are looking to see whether or not
19 the Town is in favor of the lot layout, and, if
20 so, then we would go ahead and have the septic
21 done by Talcott Engineering.

22 CHAIRMAN BRAND: Pat, do you want to go
23 through your comments?

24 MR. HINES: Sure. My first comment will
25 impact proposed lot 4 possibly. The Town has an

2 agricultural buffer, Section 155-52 of the Zoning
3 Code. It basically states that any lots next to
4 active agriculture have to have an additional
5 buffer. It makes the rear and side yards 75 feet
6 when they abut active agriculture. It comes down
7 to protecting other residential parcels from
8 noise and spraying and such from farming. So you
9 need to take a look at that, 155-52.

10 There's a DEC wetland on the site, a
11 regulated wetland. We need that flagged, the
12 buffers surveyed and validated. It does encroach
13 on the two smaller lots that are proposed. The
14 actual location of that needs to be depicted
15 pretty clear, as well as the driveway for lot 1,
16 the larger lot. I'm squinting at the computer as
17 I'm reading.

18 Wells and septic, as you mentioned,
19 will need approval in the future.

20 Highway superintendent review of the
21 driveways. We're looking to show the sight
22 distance on those driveways, particularly the
23 driveway for lot 1. If you can do that on the
24 updated maps when you submit them.

25 You need to show the limits of clearing

2 and grading proposed to make sure that -- that's
3 a comment because of the extensive length of the
4 driveway on lot 1. You may exceed the one-acre
5 disturbance and need to provide a stormwater
6 pollution prevention plan. The next -- not the
7 sheet that Jen has up now but the other sheet
8 will show that driveway length which is quite
9 extensive. I'm not sure exactly how long it is.
10 Maybe the applicant's surveyor can weigh in on
11 that. It's probably 1,200 feet or more in from
12 the road. I'm just guessing on the lot line
13 there.

14 The use of all accessory structures --
15 it's way back there. Just for the Board's
16 reference, the 7-acre lot is 700 feet long from
17 the road, and that lot extends well back from
18 behind there.

19 MS. FLYNN: Are you seeing this other
20 one I have up?

21 MR. HINES: Yes. Good, Jen.

22 So I have a couple of comments on that
23 driveway. I'm going to have to have the fire
24 department weigh in on the length of that
25 driveway. I know there's been a turnaround

2 proposed. We're going to want to see that.

3 We're going to want to see the proposed grading
4 and the profile for that driveway as well as the
5 sizing of the culverts.

6 There are a lot of accessory structures
7 on the site, particularly on the lot that has the
8 single-family home existing. The use of those
9 and compliance of those structures with the
10 zoning should be addressed. Accessory structures
11 in front yards and in front of buildings will
12 have to be addressed. Any of those accessory
13 structures that are to remain should be labeled
14 as to their use.

15 We just talked about the fire
16 department weighing in on the length of that
17 driveway.

18 Just for the surveyor, there's a random
19 setback line that's pointing to the 378 contour
20 line. I think it's just a mislabeled portion of
21 the map.

22 And then if we could have the finished
23 floor elevations for all of these structures.
24 That goes with requesting the grading.

25 The building inspector had identified a

2 potential issue with the location of the septic
3 based on the house locations and the schematic
4 wetland buffer. The septic on lot 3, I think
5 there's only 50 feet available between the rear
6 of the proposed structure and what is now
7 depicted as the DEC wetland buffer. I think that
8 wetland buffer needs to be better defined by the
9 DEC in order to anchor that with a validation
10 map.

11 MR. MILLEN: Right.

12 CHAIRMAN BRAND: Has this already been
13 cleared? I actually drove down this road earlier
14 today. Has the whole thing been cleared off?

15 MR. MILLEN: No. Nothing has been
16 cleared on this site.

17 CHAIRMAN BRAND: Okay. So that's not
18 where I'm thinking it is.

19 Jeff, did you have anything on this
20 one?

21 MR. BATTISTONI: I just think Pat has a
22 lot of comments that need to be addressed.
23 That's all.

24 CHAIRMAN BRAND: Absolutely.

25 Jen, you could put the screen away

2 there.

3 MR. MILLEN: Those comments will be
4 available?

5 MR. HINES: My office should have sent
6 them to you. If they didn't, I apologize.

7 MR. MILLEN: I haven't seen them. I
8 haven't seen them yet.

9 MS. LANZETTA: I have a couple of
10 questions. If you are able to meet the setbacks
11 for lots 3 and 4 and figure out how you're going
12 to do a septic, if it's possible to have a shared
13 driveway, I would think -- you know, I would
14 think that that would be preferable.

15 And also the other -- the larger
16 parcel, I know it's very wet. To make sure that
17 we don't run into any issues with segmentation,
18 I'd like to know what the possibility would be
19 for -- if you could put additional houses back
20 there, what that would entail. Otherwise, you
21 know, it's a pretty big lot.

22 MR. MILLEN: Right.

23 MS. LANZETTA: We have to think -- you
24 know, right now it's a minor subdivision but we
25 have to do our due diligence and make sure that

2 we're not doing some kind of a segmented review
3 of something that you're going to come back with
4 in the near future, or fairly near future. I
5 want to know what the possibility is for build
6 out on that other lot.

7 MR. MILLEN: Okay.

8 CHAIRMAN BRAND: Anything else from the
9 Board?

10 MR. CLARKE: I like the idea of the
11 shared driveways.

12 The question I would have, and I don't
13 know the answer to it but Pat probably does. Can
14 you put septic in that area of wetlands? Is it
15 possible to do that?

16 MR. HINES: It would depend on the soil
17 testing. But if it's in the DEC regulated
18 buffer, they would require a permit and would
19 most likely not meet the DEC's permit issuing
20 standards because it's kind of a self-created,
21 able-to-be-mitigated permit issue. If you can
22 avoid, minimize and mitigate is their process.
23 If you can avoid it -- certainly a new septic
24 system could be located somewhere else on a very
25 large parcel as that. It's very important to

2 figure out where that actual wetland buffer is.
3 The DEC will come out and flag that and then the
4 surveyor can pick up those flags, measure that
5 100-foot buffer and then really define where that
6 is. But soils testing and permitting would be
7 the issues.

8 MR. CLARKE: That piece of property is
9 going to have a lot of trouble perking.

10 MR. HINES: I would imagine so with the
11 amount of wetlands.

12 MR. CLARKE: I'm pretty familiar with
13 that piece.

14 MR. HINES: That's why we want the
15 wetlands delineated. I think that's an important
16 step before it comes back, the DEC wetland
17 verification.

18 CHAIRMAN BRAND: Anything else from the
19 Board?

20 MR. GAROFALO: James Garofalo. There
21 are some travel ways that are shown on the plan.
22 I was wondering if those were going to be -- some
23 of them are in the wetland buffer. Whether those
24 are going to be abandoned or not. That's number
25 one.

2 Number two, has any thought been given
3 to instead of having the extremely long driveway
4 to, I guess it's lot number 2, to bringing that
5 off of the other lot so there would be one less
6 stream crossing? You'd have a shared driveway.

7 MR. MILLEN: As opposed to the stream
8 crossing that's happening on the existing lot you
9 mean?

10 MR. GAROFALO: Instead of adding one
11 stream crossing, that long driveway would be --
12 rather do that than to bring it off of the other
13 lot.

14 MR. MILLEN: So then you'd have two
15 shared driveways, one for the existing parcel
16 which will be shared until they cross the stream
17 and then move back across the lot?

18 MR. GAROFALO: Yes.

19 MR. MILLEN: It would be shared for the
20 two lots.

21 MR. GAROFALO: To at least look at
22 that.

23 CHAIRMAN BRAND: Is that doable, Pat?

24 MR. HINES: I would have the applicant
25 look at it. I'm interested in seeing the profile

2 of the proposed driveway too for that same
3 reason, how that grading is going to work out. I
4 think key to this is going to be the DEC, where
5 they draw that wetland line. If they follow that
6 stream up to the pond. We'll be coming into a
7 permitting issue. I know currently that wetland
8 has been shown off of the DEC's website as a
9 check zone broad brush, but the actual
10 delineation in the field is going to be what the
11 DEC goes off of for permitting.

12 CHAIRMAN BRAND: Okay.

13 MR. GAROFALO: The other thing would
14 be, as with the other project, take a look at the
15 right-of-way along the road to make sure that
16 they don't have to have a dedication, to have
17 that 25 feet.

18 MR. MILLEN: Right. Right.

19 MR. GAROFALO: Thank you. That's all
20 the comments I have.

21 MR. MILLEN: Okay. The one question I
22 have was there was a comment about a setback
23 line, that there was some confusion regarding
24 what the line --

25 MR. HINES: It's just a random label.

2 It says setback line but it has a leader and it's
3 just out in the middle of the -- I think it's a
4 drafting issue.

5 MR. MILLEN: Okay.

6 CHAIRMAN BRAND: Anything else from the
7 Board?

8 (No response.)

9 CHAIRMAN BRAND: Pat, how long do you
10 think it will take to hear back from DEC on this?

11 MR. HINES: The applicant would have to
12 reach out to their wetlands people. They would
13 schedule the delineation. I'm not sure what
14 their status is currently. That's done alone in
15 the field, so they may be doing that work. DEC
16 has personnel. It's free of charge, you just
17 schedule it with them and they come out and do
18 the survey.

19 CHAIRMAN BRAND: I would say for the
20 applicant, when that happens, to contact the
21 office and we'll put you on whatever next agenda
22 that we have when that's completed.

23 MR. MILLEN: The plan will be to
24 address the comments and to have the wetlands
25 delineated and the new plan submitted prior to

2 the next meeting?

3 CHAIRMAN BRAND: Correct.

4 MR. HINES: Prior to your next
5 scheduled. It's in your court, Jonathan. You
6 get it back to us and then the Chairman will
7 schedule you.8 MR. MILLEN: Okay. Very good. Thank
9 you. I appreciate the time.10 CHAIRMAN BRAND: Thank you for being
11 patient.

12 MR. MILLEN: Sure.

13 CHAIRMAN BRAND: Have a good night.

14

15 (Time noted: 8:30 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.

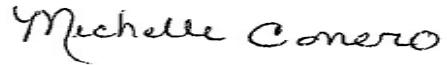
12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of April 2020.

18

19

20



21

MICHELLE CONERO

22

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MEETING HELD REMOTELY VIA ZOOM

3

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

----- X

5 In the Matter of

6

7 BAYSIDE MIXED USE

8 Project No. 19-3011
9 18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

----- X

11

EXTENSION - SITE PLAN

12

Date: April 20, 2020
Time: 8:30 p.m.

13

14

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

18

19

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

20

21

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

22

23

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

25

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

4 How are you today, Justin?

5 MR. DATES: Good. How is everyone?

6 CHAIRMAN BRAND: Good.

7 MR. DATES: Thanks for accommodating
8 this meeting this way.

9 CHAIRMAN BRAND: Absolutely.

10 MR. DATES: So yeah, I submitted a
11 letter for an extension to the site plan approval
12 for Bayside. Based on the prior extension, it
13 will expire on May 6th of this year. So we're
14 looking for our second one-year extension on the
15 site plan.

16 CHAIRMAN BRAND: Okay. Pat, you don't
17 have anything on this; right?

18 MR. HINES: Jeff and I had spoken and
19 worked on his resolution. This is the last
20 extension of the site plan that's permitted under
21 your zoning. You have one year from issuance and
22 then two one-year extensions, this being the
23 second extension. So at the conclusion -- next
24 May this project, if it does not have a building
25 permit, the approvals will lapse.

2 CHAIRMAN BRAND: Jeff?

3 MR. BATTISTONI: Pat is correct in what
4 he said. I did draft a resolution for you to
5 consider. I think everybody should have a copy
6 of that.

7 CHAIRMAN BRAND: Any questions from the
8 Board?

9 MR. GAROFALO: Yes, I have some
10 questions.

11 CHAIRMAN BRAND: Please.

12 MR. GAROFALO: James Garofalo. I
13 wasn't sure about the dates, why it's -- one date
14 is the 20th and the other date is the 6th.
15 They're not the same. It looks like the last
16 resolution was signed on the 20th but I wasn't
17 sure. I wanted to clarify to make sure that it
18 was very clear what the date is going to be and
19 what the appropriate dates were. That's number
20 one.

21 The second thing has to do with the
22 costs. There was a letter dated October 4, 2018.
23 It's on the website July 3, 2019. It's under
24 that category and it deals with a whole mess of
25 different costs. I think it's clarifying when

2 those fees are due and what exactly they are. I
3 think there was a letter talking about the
4 recreation fee per lot. I think that letter
5 talks about the fee per unit. So I think we
6 should get a clarification on what fees are due
7 when, not only to have it clarified in our
8 records but also for the applicant so he knows
9 when he has to pay certain fees.

10 CHAIRMAN BRAND: I think some of that
11 was already cleared up today.

12 Jeff, am I correct in saying that this
13 -- the original approval was with our old rec fee
14 schedule so that's the rec fee schedule that they
15 would follow?

16 MR. BATTISTONI: That's what my advice
17 would be, yes.

18 CHAIRMAN BRAND: Is that the
19 outstanding issue, James, that you were talking
20 about, the rec fees, or were there other fees
21 associated that you wanted clarification on?

22 MR. GAROFALO: Well there were a whole
23 set of fees that were talked about. Some of
24 those may be due with the certificate of
25 occupancy or prior to construction. I think the

2 fees that are mentioned in that letter we should
3 have clarified so that the applicant knows
4 exactly what and when he has to pay them.

5 MR. DATES: Mr. Chairman, so that was
6 -- March 2nd when I was before the Board for the
7 subdivision approval extension, that was my main
8 question. I believe that for the subdivision
9 we've addressed all the outstanding resolution
10 items subject to the fees owed. So there was a
11 question regarding if any escrow was needed and
12 at that time what I believed was the rec fees for
13 the subdivision. So we're creating three lots
14 for the subdivision. It was three times 1,500
15 based on the prior rec fees. Since that time
16 that's what I've been trying to get confirmed so
17 that the applicant can post those checks,
18 whatever they may be, so we get the subdivision
19 signed off. We're kind of -- with the site plan
20 -- with the two separate approvals, the site plan
21 we can't get approved until we have the
22 subdivision signed off on. That's one item.

23 MR. HINES: That is a condition.

24 MR. DATES: Correct. And we also have
25 the business corridor overlay requirement of the

2 site plan which I can't go to the Town Board
3 until I have the subdivision approved. So we're
4 kind of in a quandary here to get the subdivision
5 approved so I can continue and move on to site
6 plan approval. The fees for the subdivision is
7 what we're looking for to get cleaned up.

8 CHAIRMAN BRAND: Do you have a
9 clarification on that, Jeff? Can we provide
10 clarification?

11 MR. HINES: I'm talking out loud here,
12 but I believe there is a developer's agreement
13 with this project which was executed with the
14 Town Board that spells out a lot of this.

15 Justin, is that the case?

16 MR. DATES: Not a developer's
17 agreement. The agreement that was put together
18 was for the sewer, that we have an agreement with
19 the Town. There were items in the findings
20 statement that were associated with sewer fees,
21 rec fees, that they would need to be paid. The
22 sewer has a specific breakdown how that gets paid
23 at the time of --

24 MR. HINES: Third, third and third.

25 MR. DATES: Yeah, yeah. But right now

2 I'm just trying to get a handle on the
3 subdivision fees for the applicant. If we can
4 get that squared away, I can work with the Board
5 to get the plat signed and then we can continue
6 on with the couple items remaining for the site
7 plan.

8 CHAIRMAN BRAND: Pat?

9 MR. HINES: Those are on two separate
10 tracks. The three-lot subdivision and the site
11 plan are separate. I just want to caution that
12 the Town doesn't want to accept a three-lot
13 subdivision rec fee and not get rec fees on the
14 site plan. The site plan rec fees are
15 substantial at \$1,500 times 104 units.

16 CHAIRMAN BRAND: 156,000.

17 MR. DATES: Correct.

18 MR. HINES: I think we, being me,
19 Justin and Jeff, can work out those fee issues
20 with the subdivision separate from this site plan
21 that we're looking at right now.

22 CHAIRMAN BRAND: Okay.

23 MR. BATTISTONI: I would think we can
24 get a consensus on that fairly quickly.

25 MR. HINES: Yes.

2 MR. DATES: Great.

3 CHAIRMAN BRAND: Any other questions or
4 comments from the Board?

5 MR. HINES: Back to James' comment.

6 There were substantial agreements with the water
7 and sewer with the Town, when those would be
8 paid. I don't have the July letter that Mr.
9 Garofalo is referring to but it could be some of
10 that that's in there that went along with the
11 water and sewer agreements.

12 CHAIRMAN BRAND: To my understanding
13 that's the only agreement that the Town made with
14 the developer was with regard to the sewer and
15 water.

16 MR. GAROFALO: James Garofalo.

17 October 4, 2018 is the date of the letter. It's
18 on our website under other material July 3, 2019.
19 So I just wanted to clarify that, where that is,
20 so you don't go looking all over for it.

21 MR. HINES: Who is the letter from?

22 MR. DATES: I believe that's a memo
23 from Maser. Is that correct?

24 MR. GAROFALO: I believe that's so. I
25 don't have it in front of me.

2 MR. DATES: Okay.

3 MR. HINES: We'll check into that.

4 MS. FLYNN: Do I need to unmute Al?

5 CHAIRMAN BRAND: Sure. If he has
6 something. There he is. He's coming in.

7 MR. LANZETTA: Can I just say something
8 about that? There's a whole bunch of items that
9 Justin knows about as far as what the Town and
10 the applicant came up with. There's a \$20,000
11 fee that they were going to give the Town also
12 for code revisions, plus the recreation fees,
13 plus -- there's a whole bunch of items that we
14 came to some kind of understanding. So they're
15 part of the whole thing of, you know, what has to
16 happen before anybody signs any maps or anything
17 like that. I just wanted to make you aware of
18 that. Ron Blass did all that. There's a letter
19 from Ron stating all the fees and everything.
20 The sewer. Everything that was arranged. I just
21 wanted to say that.

22 CHAIRMAN BRAND: Thank you.

23 Jeff prepared the extension resolution.
24 I don't have it in front of me right now.

25 Jen, would you poll the Board?

2 MS. FLYNN: Chairman Brand?

3 CHAIRMAN BRAND: No.

4 MS. FLYNN: Member Garofalo?

5 MR. GAROFALO: No.

6 MS. FLYNN: 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 Clarke?

13 MR. CLARKE: Yes.

14 MS. FLYNN: Member Cauchi?

15 MR. CAUCHI: Yes.

16 CHAIRMAN BRAND: The motion passes.

17 Jen, can you pull up the resolution for
18 the rec fees for me, please? Can you scroll up a
19 little bit, Jen?

20 MS. FLYNN: This is the one that's 104
21 for 156,000.

22 CHAIRMAN BRAND: Right. This is for
23 the actual site plan for each of the units.

24 MR. HINES: That's the site plan.

25 CHAIRMAN BRAND: So I'm assuming since

2 we have this and it's being recorded, I don't
3 necessarily need to read it all.

4 If you can just scroll down to the
5 bottom, Jen.

6 So what we've seen is that there will
7 be 104 total units for \$156,000 in recreation
8 fees.

9 Jen --

10 MR. HINES: That is for the multi-
11 family use. There also will be fees associated
12 once they come back with the site plan on the
13 other lots.

14 CHAIRMAN BRAND: Correct.

15 Okay. Jen, could you poll the Board?

16 MS. FLYNN: Chairman Brand?

17 CHAIRMAN BRAND: Yes.

18 MS. FLYNN: Member Cauchi?

19 MR. CAUCHI: Yes.

20 MS. FLYNN: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. FLYNN: Member Garofalo?

23 MR. GAROFALO: Yes.

24 MS. FLYNN: Member Lanzetta?

25 MS. LANZETTA: Yes.

2 MS. FLYNN: Member Lofaro?

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Trapani?

5 MR. TRAPANI: Yes.

6 CHAIRMAN BRAND: Excellent. You could
7 put the screen away, Jen. I need a better way to
8 say that, put the screen away.

9 Justin, anything else this evening?

10 MR. DATES: Just a quick question on
11 that. So for the subdivision to get signed, that
12 \$156,000 is what's needed at this time?

13 MR. HINES: No. That is the site plan.

14 MR. DATES: That's the site plan.

15 Okay.

16 MR. HINES: You, myself and Jeff
17 Battistoni are going to work out what is owed on
18 the subdivision, which I believe is just three
19 lots. There's going to be a caveat there that
20 the rec fees for the site plan also get
21 collected.

22 MS. FLYNN: Do we need to do a rec fee
23 -- another one for the subdivision?

24 MR. HINES: We should have done one for
25 the subdivision already. Prior to that if --

2 yeah. I don't know what to say with the
3 subdivision right now because originally they
4 were tracked together, subdivision and site plan,
5 and now they're following a separate track.
6 That's where we have to catch up.

7 MS. FLYNN: Because they're both under
8 the same one.

9 MR. HINES: The subdivision lapsed at
10 one point and we had to reapprove it.

11 MR. DATES: Right.

12 CHAIRMAN BRAND: Great. So you guys
13 will work that out. If need be --

14 MR. HINES: If need be we'll take
15 action.

16 CHAIRMAN BRAND: Correct. At the next
17 meeting.

18 Anything else, Justin?

19 MR. DATES: I don't think so. That's
20 it.

21 CHAIRMAN BRAND: Thank you.

22 MR. DATES: Thank you.

23

24 (Time noted: 8:43 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.

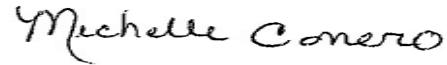
12 I further certify that I am not
13 related to any of the parties to this proceeding by
14 blood or by marriage and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of April 2020.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

3

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

----- X

5 In the Matter of

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BOARD BUSINESS

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DISCUSSION

10 ----- X

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BOARD BUSINESS

12

Date: April 20, 2020
13 Time: 8:43 p.m.

14

15

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

19

20

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

21

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23

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

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2 CHAIRMAN BRAND: Anything else from
3 anyone on the Board?

4 MS. LANZETTA: Well, I know Steve said
5 he had attended that webinar today, and I did
6 too. We got a lot of good information on the
7 requirements for conducting these meetings,
8 especially when we do get into public hearing
9 issues. I'm hoping that they'll make that
10 program available. That they taped it and
11 they'll make it available. If they do, we'll
12 pass it on. I would highly recommend that all of
13 us should watch it and have an idea of what's
14 going on, because this might be going on for a
15 few more months at least. I think we have to
16 feel more comfortable with doing these things
17 online.

18 CHAIRMAN BRAND: Yes.

19 MR. HINES: I can share -- like I said
20 before, the Town of Newburgh did have public
21 hearings. I can share a public hearing notice
22 that they generated. It worked out very well and
23 there was public involvement.

24 MS. FLYNN: That would be good if you
25 shared that with me.

2 MR. HINES: I will.

3 MR. CLARKE: Jen, just remember we're
4 supposed to get credits for this thing but
5 they're not sending them out.

6 CHAIRMAN BRAND: How long was it for,
7 Steve?

8 MR. CLARKE: An hour-and-a-half.

9 CHAIRMAN BRAND: An hour-and-a-half and
10 both you and Cindy attended?

11 MR. GAROFALO: I also attended, which
12 is why I was giving you comments. I think we not
13 only need this for the public hearings but we
14 need to improve the notice of our regular
15 meetings.

16 CHAIRMAN BRAND: Jen and I talked about
17 that already. The next meeting we will be
18 posting on the website the Zoom meeting number,
19 the call in number, the password so that people
20 can attend.

21 MS. FLYNN: It will be part of the
22 agenda.

23 MR. HINES: I can give you a sample
24 agenda where we did that as well.

25 CHAIRMAN BRAND: That way people can

2 log in remotely. And then Jen's full-time job
3 apparently during the meetings will be to monitor
4 who is doing what.

5 MR. HINES: You did a fine job tonight.
6 That was awesome for your first time.

7 MS. LANZETTA: Very good.

8 Could you also add to my list, I had
9 attended online the National Heritage Important
10 Areas webinar for an hour. I sent out
11 information that Jen passed on to the rest of the
12 Board on upcoming webinars that they're going to
13 have. They're very good.

14 CHAIRMAN BRAND: Excellent.

15 MR. GAROFALO: I just wanted to say one
16 of the examples that they gave was a planning
17 board member deciding they were going to join the
18 meeting late and not having access. That's what
19 happened to me. I couldn't find the e-mail. It
20 took me a while to actually find the e-mail. If
21 it had been right there on the agenda I would
22 have been good. But, you know, we got like fifty
23 e-mails this period, Jen.

24 MS. FLYNN: I sent a reminder out this
25 morning, so it should have been at the top.

2 CHAIRMAN BRAND: Pat, can I just ask
3 you to re e-mail me a copy of these comments?
4 It's lost in a thread somewhere.

5 MS. FLYNN: I will send it out. He
6 sent it to me all together. I will forward it to
7 everybody.

8 CHAIRMAN BRAND: Excellent. That will
9 help me write up my report.

10 Anything else?

11 MR. CAUCHI: Jen, can you also find
12 this letter that Al was talking about with all
13 the lists of fees that he was mentioning before?

14 MS. FLYNN: For Bayside.

15 MR. CAUCHI: I would like to see that
16 letter.

17 MS. FLYNN: I will scan it in tomorrow
18 and send it to everybody.

19 MR. CAUCHI: Thank you.

20 CHAIRMAN BRAND: All right.

21 MS. LANZETTA: Just to add to that
22 note, if you guys go on the Town of Marlborough
23 website and look under the Planning Board minutes
24 and agendas, a lot of times there's a search
25 feature and you can just put in there like

2 Bayside and that will bring up all the stuff Jen
3 has downloaded over the years at this point about
4 all these different projects. A lot of times you
5 can find stuff on there.

6 MS. FLYNN: What he wants is from the
7 Town Board.

8 MS. LANZETTA: That's also available.
9 There's a search feature right on the front page,
10 I think, where you can just put in Bayside and it
11 will pull up all kinds of stuff.

12 CHAIRMAN BRAND: All right, guys. I
13 think it went pretty smoothly.

14 I will have a motion to adjourn I
15 guess.

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

17 CHAIRMAN BRAND: Is there a second?

18 MS. LANZETTA: I'll second it.

19 CHAIRMAN BRAND: That was Cindy that
20 seconded it we'll say. Any opposition to
21 adjourning the meeting?

22 (No response.)

23 CHAIRMAN BRAND: So carried. Good job
24 guys. I will see you at the next meeting.

25 (Time noted: 8:48 p.m.)

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

5

6 I, MICHELLE CONERO, a Notary Public

7 for and within the State of New York, do hereby
8 certify:

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 24th day of April 2020.

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Michelle Conero

MICHELLE CONERO