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MEETING HELD REMOTELY VIA ZOOM

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

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In the Matter of

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MARLBORO FLATS

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Project No. 20-2004
8-10 Watson Avenue, Milton
Section 103.1; Block 3; Lot 15

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PUBLIC HEARING - SUBDIVISION

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Date: June 15, 2020
Time: 7:30 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI (Present at 7:40 p.m.)
JAMES GAROFALO
STEVE CLARKE

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

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APPLICANT'S REPRESENTATIVE: FRANK & TINA CRICCHIO

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

2 CHAIRMAN BRAND: It is 7:30. If Manny
3 hops in we'll let him hop in, but I would like to
4 call the meeting to order.

5 Agenda, Town of Marlborough Planning
6 Board, June 15, 2020. Regular meeting 7:30 p.m.
7 Approval of the stenographic minutes for 5/18. On
8 the agenda tonight we have Marlboro Flats.
9 That's a public hearing on a subdivision located
10 at 8-10 Watson Avenue, Milton. Bayside Mixed
11 Use, extension of their subdivision. That's at 18
12 Birdsall Avenue. We have Eric Affuso Subdivision,
13 sketch, subdivision, 46 Reservoir Road. We also
14 have a discussion without the lawyer, engineer or
15 stenographer with Rachel Sandri from Glorie Farm
16 for the farm stand. The next deadline is Friday,
17 June 19th. The next scheduled meeting is Monday,
18 July 6th.

19 Do I have a motion to approve the
20 minutes for 5/18, please?

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

22 CHAIRMAN BRAND: Steve Clarke makes the
23 motion. Is there a second?

24 MR. LOFARO: Aye.

25 CHAIRMAN BRAND: Joe Lofaro. All those

2 in favor?

3 MR. CLARKE: Aye.

4 MS. LANZETTA: Aye.

5 MR. GAROFALO: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye.

8 Any opposed?

9 (No response.)

10 CHAIRMAN BRAND: So moved.

11 First up, Marlboro Flats, public
12 hearing. Give me just one minute to read the
13 public hearing. "Legal notice, subdivision
14 application. Please take notice a public hearing
15 will be held remotely by the Town of Marlborough
16 Planning Board pursuant to the State
17 Environmental Quality Review Act (SEQRA) and the
18 Town of Marlborough Town Code Section 185-9 on
19 Monday, June 15, 2020 for the following
20 application: Marlboro Flats, LLC, at 7:30 p.m. or
21 as soon thereafter as may be heard. The applicant
22 is seeking approval of a three-lot subdivision
23 application for lands located at 8-10 Watson
24 Avenue, Milton, New York 12547, Section 103.1,
25 Block 3, Lot 15. This meeting and public hearing

2 will be held remotely via Zoom. Please see the
3 attached summary regarding access. Any interested
4 parties either for or against this proposal will
5 have an opportunity to be heard at this time.

6 Chris Brand, Chairman, Town of Marlborough
7 Planning Board."

8 So I'd like to hear from Pat probably
9 first.

10 MR. HINES: We still have our comments
11 -- previous comments outstanding. We didn't
12 receive any new mapping.

13 A common driveway access and
14 maintenance agreement would be required.

15 Any easements for the utilities are
16 going to need to be reviewed by Jeff Battistoni's
17 office.

18 We have comments from the highway
19 superintendent regarding paving of the swale in
20 front of the existing wall there.

21 Then this is on for a public hearing
22 tonight. If there's any substantive comments,
23 they would need to be addressed by the applicant,
24 as well as our previous technical comments.

25 I do note that there were two letters

2 mailed in -- or e-mailed in that I received. I
3 did review each of those.

4 CHAIRMAN BRAND: I believe one of those
5 persons is here. They'll have an opportunity to
6 speak in a second as well.

7 Jeff, did you have anything to add to
8 that?

9 MR. BATTISTONI: I would just say that
10 at the last Planning Board meeting there was talk
11 of possibly keeping the water and sewer separate
12 so that there wasn't a need for an easement.
13 Again, I don't know whether any new submittal was
14 made. It didn't sound like Pat had seen anything,
15 and I don't believe I did either. I'm just
16 curious to see what the applicant presents
17 tonight, if anything.

18 MS. FLYNN: Tina and Frank, if you'd
19 unmute yourself, please.

20 CHAIRMAN BRAND: Who is that?

21 MS. FLYNN: Tina and Frank to unmute
22 themselves.

23 CHAIRMAN BRAND: Okay. Anything from
24 the Board before we hear from the public?

25 MR. GAROFALO: Yes. I have a comment. I

2 wanted to reiterate the fact that some of the
3 technical comments that were made previously were
4 to have information on the driveway, the back-up
5 aisle and the size of the parking spaces which
6 were not provided in the plan. Thank you.

7 CHAIRMAN BRAND: Thank you, Mr.
8 Garofalo.

9 This is a public hearing. Any person
10 either for or against the project will have an
11 opportunity to do that. Just unmute your mic and
12 state your name for the stenographer, and
13 hopefully that will go smoothly.

14 MR. HINES: If you want, maybe I can do
15 a little introduction for those that aren't
16 familiar with this. I don't know if the
17 applicant's representative is here.

18 This is a proposed three-lot
19 subdivision resulting in three duplexes, the
20 existing duplex on the site and two new
21 two-family houses.

22 UNIDENTIFIED SPEAKER: Two more
23 duplexes. Sorry.

24 MR. HINES: That's what's proposed on
25 the plans right now. Each of them will be served

2 by a driveway. One will be a shared driveway with
3 the existing.

4 Water and sewer will be provided via
5 connections to the existing Town services in the
6 street.

7 I just wanted to make that clear for
8 anyone that wanted to comment.

9 CHAIRMAN BRAND: Thank you, Pat. I
10 appreciate that.

11 MS. LANZETTA: Can we put up the map?
12 Is that possible?

13 MS. FLYNN: Yes.

14 CHAIRMAN BRAND: Is there anyone that
15 would like to make a comment on this proposal?

16 MS. HOMA: I would.

17 CHAIRMAN BRAND: Please.

18 MS. HOMA: Okay. I live across the
19 street --

20 CHAIRMAN BRAND: Can you state your
21 name for the stenographer? I'm sorry.

22 MS. HOMA: Okay. My name is Debra
23 Homa. I live at 23 Watson, across the street.

24 That is the only house that is a rental
25 unit on this road. The rest we all own and take

2 care of. So that's already a duplex that already
3 has six cars at it. How are you going to do
4 that? I mean this is going to hurt our property
5 values, putting two more duplexes back there.

6 MS. FLYNN: I'm looking for it. I'm
7 sorry.

8 MS. HOMA: How are you going to park
9 all those cars there? Seriously. There's six
10 cars already for the two that are there.

11 CHAIRMAN BRAND: Pat, how many parking
12 spaces would they be allotted for each of these?

13 MR. HINES: So per your code, each of
14 the residential units requires one-and-a-half, so
15 we've provided two parking spaces for each unit.
16 Each of the newer duplexes will have four spaces,
17 as well as there's been additional parking shown
18 for the existing structure to the rear. Currently
19 I do believe there is on-street parking alongside
20 of that retaining wall in the frontage as well,
21 which is what I believe the current speaker is
22 talking about. But the newer ones as well as the
23 existing one will have new parking areas
24 constructed.

25 MS. HOMA: I'm new to this area, okay.

2 I've always lived where there was kind of zoning.
3 You couldn't do this where I lived before.

4 MR. HINES: We do have zoning. So this
5 use is allowed in the zone based on the lot
6 sizes.

7 MS. HOMA: It doesn't look that big
8 back there. I mean I've looked at it and I can't
9 imagine putting two houses there. There's houses
10 that are right there that people just bought that
11 they're going to be backing up to this.

12 Again, our neighborhood was really
13 starting to look better. To me this is not a
14 good thing to be doing.

15 MR. CRICCHIO: You moved here four
16 years ago?

17 MS. HOMA: I moved here just a little
18 over a year ago. I have seen all the
19 improvements, even in a year what has been
20 happening here.

21 MR. CRICCHIO: I'm sure when I do it it
22 will be very tasteful.

23 MS. HOMA: You already took down the
24 two trees.

25 MR. CRICCHIO: I took the two -- go

2 ahead.

3 MS. CRICCHIO: You had to.

4 MS. HOMA: You had to, I'm sure, for
5 driveways and all of that. Again, you don't live
6 there. These are all single-family homes except
7 for that house, and putting two more in there,
8 it's just going to change the way the street is.

9 CHAIRMAN BRAND: Jen -- I'm sorry. Jen,
10 what's going on --

11 MS. HOMA: And I didn't know there were
12 going to be duplexes. I thought it was just two
13 singles. So you're talking four other families
14 kind of moving in there.

15 CHAIRMAN BRAND: Jen, are you there?

16 MS. FLYNN: Yes.

17 CHAIRMAN BRAND: Are we sharing your
18 screen? Are you seeing the map? I'm not seeing
19 the map right now.

20 MS. FLYNN: It says I'm sharing it.

21 MR. HINES: All I see is your --

22 CHAIRMAN BRAND: I see your desktop.

23 MS. HOMA: Now it is. It switched
24 over. You did have it.

25 MS. FLYNN: Is it not there?

2 MR. HINES: It's your desktop.

3 MS. FLYNN: Let me try again. I'm
4 sorry.

5 CHAIRMAN BRAND: Anyone else while
6 she's bringing up the map?

7 Mr. Wilson I believe. Is he here?

8 MR. HINES: There we go.

9 MS. FLYNN: Sorry.

10 CHAIRMAN BRAND: Mr. Wilson, are you
11 here?

12 UNIDENTIFIED SPEAKER: Glen, I think
13 that might be you.

14 CHAIRMAN BRAND: Glen, did you want to
15 comment? I believe you mailed something in as
16 well.

17 MR. CARLSON: This is T.J. I'll go
18 now. I live at 12 Watson. I sent in a letter,
19 too.

20 CHAIRMAN BRAND: Thank you.

21 MR. CARLSON: I guess like -- I have
22 two points that I want to bring up on my own, but
23 I do want to respond to one of the parking things
24 that was brought up. I guess although technically
25 you could fit cars in the street, the storm

2 runoff all goes right in front of that wall. I
3 don't know how suitable that would be for off-
4 street parking because it's like during any
5 rainstorm those cars would pretty much just get
6 the underbellies soaked.

7 For my own points, basically the first
8 one was a flooding concern because the back area
9 there is basically marshlands.

10 According to what I got from Glen
11 Williams, the previous owner of that property had
12 installed a pipe bisecting the land from the end
13 of a spring on the bottling plant's property to
14 right in front of Glen's property. So my concern
15 right now is if that pipe that was installed is
16 not rated for the weight of the driveway or the
17 housing units, it could potentially collapse and
18 flood out his property, my property, Glen's
19 property or any combination depending on where it
20 would break. So I just want to make sure that
21 that's been addressed.

22 MR. HINES: With the map in front of
23 you, can you walk me through where that pipe is?
24 I haven't seen that pipe and it's not depicted on
25 the map. If you could give me an idea of where

2 that pipe is. Or Frank, if you know where it is.

3 MR. CARLSON: So the lands now were
4 formerly John Low. Do you see that box there?

5 MR. HINES: Yes.

6 MR. CARLSON: Okay. The upper left-
7 hand corner of that yellow box.

8 CHAIRMAN BRAND: Jen, can you move the
9 mouse.

10 MR. CARLSON: Basically it's from where
11 the corner of the John Low property/Brooklyn
12 Bottling --

13 MR. HINES: It says iron pipe found 2.7
14 feet off line. That area?

15 MR. CARLSON: It's from there and it
16 just goes straight across. It's about a 12-inch
17 diameter. It's just like --

18 MR. CRICCHIO: It's more of a 30-inch
19 pipe, T.J. That's over 200 feet long probably.

20 MR. CARLSON: Yeah.

21 MR. HINES: So that's something --
22 we're going to have to look at that pipe and see
23 if there's an easement associated with it and
24 what that pipe does. This is actually the purpose
25 we have of these public hearings. That's the

2 exact reason. So that's not shown on the map and
3 it's something that we would be interested in
4 reviewing as well.

5 MR. CARLSON: Okay, great. I think
6 that's one of the biggest threats to people and
7 property right now. Like if it's rated, then it's
8 fine. If it's not, then that could be a problem.

9 MS. FLYNN: Did I move it so you could
10 see it or no?

11 MR. HINES: I know where it is now. I
12 just didn't know whether -- it basically runs
13 north and south. I didn't know if it ran north
14 and south or east and west.

15 MR. CRICCHIO: It runs north and south.

16 MR. HINES: North and south, yup.

17 CHAIRMAN BRAND: Do you have any
18 additional information on that pipe, Frank?

19 MR. CRICCHIO: You know what, when I
20 bought it I think the Town -- if I'm not
21 mistaken, Gael, he inspected it to get some of
22 that water that was running off that hill to go
23 down into the stream. You follow what I'm saying?
24 That was way before I bought it.

25 MR. WILLIAMS: That was years before

2 you bought it, Frank.

3 MR. CRICCHIO: Excuse me?

4 MR. WILLIAMS: This is Glen, your
5 neighbor next door. I'm at 6 Watson.

6 MR. CRICCHIO: That was way before I
7 bought it, Glen, that they put that in there.

8 MR. WILLIAMS: That was one year before
9 you bought it. You buried that pipe. You didn't
10 have an engineer. It's dumping right underneath
11 my inground pool. There's a lot of groundwater
12 back here that we've dealt with over time. I've
13 actually gotten more flooding since this pipe was
14 installed. It ends right at my property. It dumps
15 all that water onto me.

16 My biggest concern is the vehicular
17 traffic on this stone stack wall. The topography,
18 you're up 5 feet higher than me.

19 The easement to get to the back of the
20 buildings is the biggest concern. It's right on
21 the property line. To travel over those pipe and
22 to do it right -- I guess you could do it. I'm
23 real concerned about -- this was a dry stacked
24 stonewall that wasn't meant for vehicular
25 traffic.

2 MR. CRICCHIO: It floods, Glen,
3 recently or no?

4 MR. WILLIAMS: We haven't had rain in
5 weeks, so no.

6 MR. CRICCHIO: I'm talking about in the
7 last couple years, or three years.

8 MR. WILLIAMS: Yes.

9 MR. CRICCHIO: You have?

10 MR. WILLIAMS: Yes.

11 MR. CRICCHIO: Okay.

12 CHAIRMAN BRAND: Where is that water
13 coming from, Mr. Williams?

14 MR. WILLIAMS: It's coming from that
15 culvert pipe. The previous man that bought it
16 from the Stupple people, there were so many old
17 clay french drains on that property that he ended
18 up getting a tractor. He spent like two years
19 regrading that property. Ultimately he thought
20 the culvert pipes -- we have thousands of dollars
21 of drainage that we paid for on our property to
22 help get the tributaries out -- under the road
23 and to the river. We had so much water in our
24 backyard, we spent like \$9,000 just to get that
25 off the property. There was so much water we had

2 to do something. We had the excavator there so we
3 ended up putting in a pool. We always had water
4 so now we have something I can swim in, you know
5 what I mean.

6 CHAIRMAN BRAND: So does that pipe exit
7 on your property?

8 MR. WILLIAMS: Yes.

9 MR. HINES: That's something that we're
10 going to need to have shown on the plan. I'm
11 going to have to take a look at that in the
12 field, that condition. It's not currently
13 depicted on the plan. If the Town put it in, I
14 would hope there would be an easement in favor of
15 the Town for that.

16 MR. WILLIAMS: The Town did not install
17 this pipe.

18 MR. HINES: They didn't. Okay. I
19 heard Gael Appler's name kicked around there.

20 MR. WILLIAMS: Gael came and took a
21 look at it when they were having problems, when
22 you had that big storm probably about five years
23 ago.

24 MS. LANZETTA: Irene?

25 MR. WILLIAMS: Irene, Sandy. All that.

2 It was like a slot machine. That thing pumped so
3 much water out it displaced tombstone-sized rocks
4 through the culvert and did a lot of damage. It
5 was within inches of coming into the house. It
6 took the apron of our driveway and flapped it
7 like a magic carpet. It was a mess for days.

8 MR. HINES: That's something my office
9 will follow up on. We'll need that depicted on
10 the plan as well.

11 CHAIRMAN BRAND: Jen, I think you can
12 take the map down now, unless somebody else asks
13 for it, that way I can see everything.

14 MS. FLYNN: There you go.

15 CHAIRMAN BRAND: Thank you.

16 Anyone else?

17 MR. CARLSON: I just have one more
18 quick point to bring up. This one should be a
19 little more straightforward. With the way all
20 the houses on our corner are situated, the
21 backyard that we're talking about right now is
22 the back -- like faces the backyards of about
23 four other properties. So basically it's like
24 every house on this corner looks in that
25 direction. Right now, putting two buildings back

2 there would just be like they'd be looking in our
3 windows and we'd be looking in their windows. My
4 concern at this point would be sort of -- and
5 it's also visible from Dock Road when you're
6 coming down. My other concern would just be
7 making sure there's adequate privacy so it's like
8 -- honestly, if it's not so obvious that there's
9 these two houses or apartment complexes back
10 there, I don't think it would necessarily hurt
11 people's home values as much. It would be easier
12 on the community just as long as some level of
13 privacy and trees, shrubs, something is taken
14 into effect so everybody is not staring at it. I
15 think that would go a good way towards making
16 things better.

17 CHAIRMAN BRAND: Frank, do you have any
18 plans for landscaping back there?

19 MR. CRICCHIO: Whatever they want.
20 We'll put trees up for them. I have no problem
21 with that.

22 CHAIRMAN BRAND: I think that was one
23 of the other comments in one of the letters that
24 we received as well that asked for some type of
25 screening for privacy.

2 Anyone else?

3 MS. MCCOY: I'm Gwendolyn McCoy. I'm at
4 634 South Road. I'm the house above where you're
5 going to be putting the development.

6 So all that in the back where you have
7 your property line, that's my backyard down
8 there. So I want to know how -- where is all the
9 cars going to be parking at there?

10 CHAIRMAN BRAND: Ms. McCoy, are you on
11 a video right now? Can you see the screens?

12 MS. McCOY: Yeah, I see the screens but
13 you just don't see me.

14 CHAIRMAN BRAND: Okay. So we can put
15 the map back up, Jen.

16 MS. McCOY: I saw the map. But like I
17 said, just where you took all the trees down, you
18 left that one tree. I'm that house that's right
19 above your property line. So all that down there
20 is my backyard, and I have to go down there to
21 mow.

22 My question is are cars going to be
23 parking down that way and where -- are the houses
24 going to be facing this way or are they going to
25 be facing the road?

2 MR. CRICCHIO: They'll be facing the
3 road.

4 MS. MCCOY: Facing the road. Okay.

5 Their windows will be looking in my windows.

6 MR. CRICCHIO: I don't know where your
7 house is. Which one is yours?

8 MS. MCCOY: I'm up on the hill. I'm
9 634. Where you throw everything down, down where
10 Maple Avenue is. All those houses there.

11 MR. CRICCHIO: Okay. I'll take a ride
12 by there tomorrow.

13 MR. HINES: I'm looking at the map and
14 it looks like this property is surrounded by
15 Brooklyn Bottling, and then the only other --

16 MS. MCCOY: Okay. I'm two houses down
17 from Brooklyn Bottling.

18 MR. HINES: Okay.

19 MR. CARLSON: I know what she's talking
20 about. On Maple Avenue there are a few trailers.

21 MS. MCCOY: The trailers there. All
22 that property across from the trailers. I'm the
23 house that sits right up above those trailers,
24 and then there's one next to me.

25 MR. CARLSON: I guess the question

2 would be are those trees related to the project
3 we're talking about right now?

4 MS. McCOY: Are you going to be tearing
5 down all those trees, too? Then they'll be right
6 in my backyard.

7 MR. CRICCHIO: No.

8 MS. CRICCHIO: No more trees down.

9 MS. McCOY: Okay. It seems like a lot,
10 though. Okay. All right. I understand what you're
11 saying --

12 CHAIRMAN BRAND: Thank you, Ms. McCoy.

13 MS. McCOY: -- but that's a lot.

14 CHAIRMAN BRAND: Jen, you can get rid
15 of that screen again? Sorry to keep --

16 MS. FLYNN: You're good.

17 CHAIRMAN BRAND: I saw Ms. Rubin type
18 something. Does she want to say that also,
19 wherever she is? Your microphone is not on, Ms.
20 Rubin.

21 UNIDENTIFIED SPEAKER: We can't hear
22 her.

23 CHAIRMAN BRAND: We're having technical
24 difficulties. Maybe your volume is not up or
25 something. It appears as though your mic is on.

2 You can type it. I think specific concerns are
3 what we're actually looking for.

4 MS. WITT: I have a question.

5 CHAIRMAN BRAND: Go ahead, Ms. Witt.

6 MS. WITT: Yes. How many bedrooms is
7 each of these units going to be, and is there a
8 limit to the number of tenants in each one?

9 MR. CRICCHIO: They'll be two bedrooms
10 each.

11 MS. WITT: And the second question. Is
12 there a limit to how many tenants can be in a
13 two-bedroom unit?

14 MR. CRICCHIO: Well the other house is
15 a two bedroom and there's one tenant in one
16 house, okay, and there's two tenants in the other
17 house.

18 Normally when I have apartment houses
19 like that I just like to keep husband and wife. I
20 mean there's really no room for kids. You follow
21 what I'm saying?

22 MS. CRICCHIO: Or one child.

23 MS. WITT: So would you be putting a
24 limit as to the number of tenants in each unit?

25 MR. CRICCHIO: Yes.

2 MS. WITT: And that would be two, from
3 what you said?

4 MR. CRICCHIO: Yes.

5 MS. CRICCHIO: Two to three.

6 MS. WITT: Two to three. Okay.

7 CHAIRMAN BRAND: Thank you.

8 MR. HINES: That's something beyond the
9 Planning Board's control. We don't have the
10 ability to control tenant occupancy of
11 structures.

12 CHAIRMAN BRAND: There's nothing in our
13 code for that. Right, Pat?

14 MR. HINES: That's beyond the purview
15 of the Planning Board, how many residents are in
16 a single-family home.

17 CHAIRMAN BRAND: Anyone else with a
18 comment or question?

19 MR. GIANSANTE: Phil Giansante at 1
20 Maple Avenue. I'm concerned about the cars as
21 well. I know there's only two people. You're
22 saying one and one. There's like five or six
23 cars usually in that driveway, now that I'm out
24 walking every day.

25 MR. CRICCHIO: You're right, but her

2 husband just passed away, okay, and she getting
3 rid of two cars.

4 MR. GIANSANTE: In the back if they
5 have the same, that was my point, it will be up
6 to fifteen cars.

7 MR. CRICCHIO: You know what -- I mean
8 there's parking for the cars. I mean there's only
9 going to be so many spots for each car.

10 MR. GIANSANTE: The other thing is I've
11 lived here for 43 years. I mean my kids were
12 friends with the Stupples, you know, who lived in
13 that original house up front. The backyard was
14 always a swamp. I guess maybe this pipe took care
15 of the water because there were always cattails
16 and all kinds of critters the kids would bring
17 out of the swamp back there.

18 MR. CRICCHIO: You know what. If you
19 went back there now -- I mean you could walk back
20 there. I drive my car back there. It's dry.

21 MR. GIANSANTE: So they did something
22 -- is this that pipe?

23 MR. CRICCHIO: I think probably way in
24 the back they swaled it down so it goes into the
25 stream instead of going onto the property.

2 MR. GIANSANTE: Okay.

3 CHAIRMAN BRAND: Thank you.

4 Anyone else?

5 MS. CLARK: Yes. Are we unmuted?

6 CHAIRMAN BRAND: Go ahead. Clark?

7 MS. CLARK: Clark. Hi. We're actually
8 new to the neighborhood on 36 Dock Road. We
9 bought this house for many reasons but mostly
10 because of the privacy that we have back here.

11 Having a building, a new duplex right in our
12 backyard is just going to be really an eyesore,
13 hard to adjust to. We're a little disappointed
14 because we didn't know about it when we bought
15 the house. Really I don't know enough about the
16 area to give, you know, much input other than to
17 say that our feelings are that it would be a
18 really big eyesore and it would take away the
19 serenity of the feeling that, you know, this
20 little neighborhood has here, which is peaceful
21 and -- yeah. So I hope that helps.

22 We're obviously not for it. I'm sorry
23 for my honesty but -- yes. So that's how we feel
24 about it.

25 CHAIRMAN BRAND: I think the applicants

2 heard that privacy is definitely an issue. He
3 said that he would put some type of landscaping
4 up there. We'll hope to see that on upcoming
5 plans as well. Hopefully that will help you out a
6 little.

7 MS. CLARK: Well thank you for
8 listening.

9 CHAIRMAN BRAND: You're very welcome.
10 Thank you.

11 MS. HOMA: Can I ask one more question?
12 CHAIRMAN BRAND: Sure. I don't know
13 who is speaking now.

14 MS. HOMA: Debra Homa.

15 CHAIRMAN BRAND: Okay. Yes.

16 MS. HOMA: How come it can be two and
17 it's not just one? Like if you look, that makes
18 it really tight back there. Like if it was one
19 unit it would be so much better than if you're
20 trying to stick two houses back there.

21 CHAIRMAN BRAND: I believe he's
22 sticking with what's allowable.

23 MS. HOMA: That is allowable. It
24 doesn't look big enough to be putting two in.

25 MR. HINES: The zoning in the hamlet,

2 in the R Zone here is 10,000 square foot per
3 unit. Your code for duplexes doubles that size.
4 These lots are in excess of 20,000. One of them
5 is -- proposed lot 1 is 20,500. Proposed lot 2
6 is just under an acre. Proposed lot 3 is just
7 over three-quarters of an acre. So they have the
8 lot area for the zone. That's the lot size. I
9 just wanted to let you know what the lot sizes
10 are in the zone.

11 MS. HOMA: Okay. So there's no like
12 compromising or anything?

13 MR. HINES: That's contingent on water
14 and sewer being available. The water and sewer
15 allows the smaller lot sizes.

16 MS. HOMA: Okay. Thank you.

17 MR. HINES: That brings up the question
18 of the pipe and why the Town is going to want to
19 take a look at that pipe. Because the sewers
20 currently are proposed as gravity sewers, if
21 there's a 30-inch pipe running perpendicular to
22 the proposed sewer laterals, that's something we
23 have to take a look at.

24 CHAIRMAN BRAND: Pat, you said your
25 office will be doing an on-site --

2 MR. HINES: Yes. This is the exact
3 reason why we have these public hearings. The
4 local knowledge brings out these points that
5 aren't depicted on the maps. I would have had to
6 look at the neighbor's property to locate that.

7 CHAIRMAN BRAND: Anyone else?

8 MR. WILLIAMS: Glen Williams. I've got
9 something to say. My concern is we just spent ten
10 years rehabbing this 1800 train house. You know,
11 the Milton train station. 1883 or whatever. Now
12 we're going to put two duplexes or three
13 duplexes. Is there any type of construction?
14 Would it be like old school construction, like
15 stick built colonial style houses? Is there any
16 type of mandate or precedent set for what type of
17 construction can be done or --

18 MR. CRICCHIO: I mean I don't know what
19 we're putting up yet. Like I said, it will be
20 very tasteful.

21 MR. WILLIAMS: I heard your words
22 Frank, tasteful. I appreciate that. Sure.

23 MR. CRICCHIO: Do you like the way the
24 other house looks?

25 MR. WILLIAMS: Yes. It is tasteful. The

2 colonial looks -- the Stupple house, you did it
3 justice. But now it's -- I don't know how it
4 became 8-10 or whatever. That happened overnight,
5 too. It's like we're getting bigger and bigger.
6 Not that I'm against change. I don't want to be
7 on Team Frank. The motor vehicles in the roadways
8 and the headlights. We have over \$100,000 worth
9 of motor vehicles that we park in our driveway
10 that are going to be subject to like stone chips,
11 and rocks, and dust, and everything else now
12 because your elevation is so much higher. We're
13 right on the property line. You've got to squeeze
14 that road in. I guess you can do it, I just -- I
15 don't want to see it. I don't think it's real
16 feasible, especially with that retaining wall
17 that we share. That thing is not built for cars.

18 CHAIRMAN BRAND: Is the proposed
19 driveway on the retaining wall?

20 MR. HINES: It's a couple feet off of
21 it.

22 CHAIRMAN BRAND: You're below the
23 retaining wall, Mr. Williams?

24 MR. WILLIAMS: Yes. 5 feet below it. I
25 welcome the entire Planning Board down to 6

2 Watson Avenue to take a look at it, whenever you
3 feel compelled to. You need to see -- a plat, or
4 a plot or a map isn't going to show you this.
5 There's engineering that needs to be done. I'm
6 sure it can be done. I don't know if everyone is
7 planning on doing all that type of work. I need
8 to be honest that it's --

9 MR. CRICCHIO: Glen, I was there a
10 couple weeks ago after you told me about that. I
11 was with a guy who is going to do the road. He
12 said if anything, it's going to be better than
13 the way it is right now, all right, as far as
14 water goes. I mean you're not getting any water
15 into your driveway right now from my property.

16 MR. WILLIAMS: Only in downpours. When
17 it gets really wet, then --

18 MR. CRICCHIO: I mean, look, you know
19 anything you've wanted I've done for you there.
20 I'm sure that --

21 MR. WILLIAMS: I never asked you for
22 anything, Frank.

23 MR. CRICCHIO: I know. I'm going to
24 make it nice, trust me. I never want to impose on
25 your property or, you know, devalue your

2 property. You follow what I'm saying?

3 MR. WILLIAMS: I hear what you're
4 saying but I don't believe what you're doing,
5 putting three new buildings in my backyard --

6 MS. CRICCHIO: Two.

7 MR. WILLIAMS: Okay. I misspoke. Three
8 lots. It's going to be three lots. My bad.

9 MR. CRICCHIO: That's all right.

10 CHAIRMAN BRAND: Thank you, Mr.
11 Williams.

12 MR. WILLIAMS: Thank you.

13 MS. LANZETTA: Frank, are the new
14 buildings going to be similar in style to the
15 building in the front?

16 MR. CRICCHIO: Yes.

17 MS. WITT: Discounting rumors, but I
18 have heard through neighborhood talk that maybe
19 they were going to be two prefab units. I think
20 there was some concern among the neighbors as to
21 what type of prefab units they were.

22 MR. CRICCHIO: You can design anything
23 you want prefab. Colonial, a ranch. Anything I
24 want. You follow me?

25 MS. WITT: Have you made the decision?

2 Any kind of decision?

3 MR. CRICCHIO: I haven't, no. Not yet.

4 It will be a farm-style house.

5 MR. HINES: Even the size of the
6 footprints is going to dictate that it's two
7 stories I believe. Right, Frank?

8 MR. CRICCHIO: Yes.

9 MR. HINES: You're not going to get the
10 two units on a single story on here.

11 MR. CRICCHIO: No.

12 CHAIRMAN BRAND: Mr. Garofalo, did you
13 have something to add as well?

14 MR. GAROFALO: Yes. I just wanted to
15 reiterate that when they redo the plans, that any
16 color yellow that's being used, that they change
17 it to something else so that it's easier to read
18 online and on the maps. Thank you.

19 CHAIRMAN BRAND: Thank you.

20 Anyone else?

21 (No response.)

22 CHAIRMAN BRAND: I don't know that I
23 see everyone on my screen. Anyone else for the
24 public hearing comment section?

25 (No response.)

2 CHAIRMAN BRAND: No. All right then. I
3 would like a motion to close the public hearing.

4 MR. HINES: That will be contingent on
5 the applicant waiving the 62-day timeframe for
6 you to take action.

7 CHAIRMAN BRAND: Frank, are you okay
8 with that?

9 MR. CRICCHIO: Say that again.

10 MR. HINES: If the Board closes the
11 public hearing, there's a 62-day timeframe in
12 which the Board has to render its decision. We're
13 just asking you waive that. We're not saying that
14 the Board is going to use that time. Procedurally
15 it will give us some flexibility. You owe us
16 some plans. We need to do a little field review.

17 MR. CRICCHIO: Okay. No problem.

18 CHAIRMAN BRAND: With that being said,
19 I'd like to have a motion to close the public
20 hearing.

21 MR. LOFARO: I'll make a motion to
22 close the public hearing.

23 CHAIRMAN BRAND: Joe Lofaro. Is there
24 a second?

25 MR. CLARKE: I'll second.

2 CHAIRMAN BRAND: Steve. Anyone in
3 disagreement with closing the public hearing?
4 We'll do it that way.

5 (No response.)

6 CHAIRMAN BRAND: No. Okay. The public
7 hearing is closed.

8 Frank, you're going to then get those
9 plans fixed up and Pat is going to do an on-site
10 inspection of the site. Obviously from what
11 you've heard tonight, you're going to include
12 some landscaping to provide some privacy.

13 MR. CRICCHIO: Absolutely. If Pat could
14 give me a call when he's going up there, maybe I
15 could just meet him up there if that's possible.
16 If not, I mean --

17 MR. HINES: We can do that. You can
18 show me where those pipes are and such. We're
19 going to need them shown on the plans, so your
20 surveyor is going to need to pick those up. We're
21 going to have to work out the inverts on the
22 sewer and water to make sure that those crossings
23 are appropriate with the size of the pipe that's
24 crossing the property there.

25 MR. CRICCHIO: Okay. Great.

2 CHAIRMAN BRAND: Thank you, everyone,
3 that participated.

4 MR. CRICCHIO: Thank you.

5

6 (Time noted: 8:05 p.m.)

7

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

9

10

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 22nd day of June 2020.

22

23

Michele Conero

24

MICHELLE CONERO

25

2

MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X
In the Matter of

5

6

BAYSIDE MIXED USE

7

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

9

10

----- X

11

EXTENSION - SUBDIVISION

12

13

Date: June 15, 2020
Time: 8:05 p.m.

14

15

BOARD MEMBERS: CHRIS BRAND, Chairman
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: JUSTIN DATES

----- X

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

2 CHAIRMAN BRAND: Next up on the agenda
3 is Bayside Mixed Use, extension of the
4 subdivision.

5 Justin, go ahead.

6 MR. DATES: Can everyone hear me all
7 right?

8 CHAIRMAN BRAND: Yes.

9 MR. DATES: Justin Dates with Maser
10 Consulting. I guess we're on the agenda tonight
11 to request a 90-day extension for the subdivision
12 approval for the Bayside Mixed Use project.

13 Since our last meeting with the
14 Planning Board, the applicant has addressed the
15 final item of the resolution items which was fees
16 and some escrow to the Planning Board. We paid
17 recreation fees for the three lots being created.
18 There was Planning Board escrow replenishment
19 which was provided. The applicant made a
20 municipal planning contribution to the Town.
21 Then also the sewer reserve capacity for the
22 commercial portion of the project was also
23 provided. Those were what was worked out and
24 identified with the Planning Board as needing to
25 be fulfilled to complete the resolution items for

2 the subdivision piece of the project.

3 So we're here for an extension request.

4 Those amounts have been paid. We would look to
5 get the subdivision plat signed so we can get
6 that filed and wrap up the couple last remaining
7 site plan resolution items.

8 CHAIRMAN BRAND: Thank you, Justin.

9 Jeff, you sent out a resolution. Do you
10 want to just --

11 MR. BATTISTONI: I did send out a
12 resolution. What I will say is that the prior
13 approval had a number of conditions in it, and
14 they've all been met except one related to the
15 payment of fees. As Justin said, the applicant
16 did pay just about every fee that's due. The only
17 fees that I'm aware of would just be the current
18 consulting fees for the Town. So I think the
19 extension is really very simple and
20 straightforward.

21 CHAIRMAN BRAND: Anything from the
22 Board?

23 MR. HINES: Justin, I would just think
24 that this map is going to get filed in the very
25 near future now that the bulk of those fees have

2 been paid.

3 MR. DATES: Yes. As soon as we can get
4 it signed it will be filed so that we can move on
5 with the business corridor overlay piece of the
6 project with the Town Board.

7 MR. HINES: Right.

8 CHAIRMAN BRAND: Anything else from the
9 Board?

10 MR. GAROFALO: I have two questions.

11 One question has to do with the fees and whether
12 or not the escrow fee replenishment, whether that
13 covers the work that you're doing today or
14 whether or not after today they will actually owe
15 money on the consultant fees?

16 CHAIRMAN BRAND: The consultants are
17 billing for tonight's meeting, as well as the
18 stenographer. So they would still owe money, yes,
19 to answer that question.

20 MR. HINES: It's my understanding the
21 escrow account has been re-funded.

22 CHAIRMAN BRAND: Jen?

23 MS. FLYNN: I am looking. I don't have
24 it in front of me but I believe they did send in
25 a check for 1,600. I don't know how much of that

2 is left over but I know they sent that in.

3 MR. DATES: I think that there was --
4 so there were two requests for replenishment. The
5 one that we had talked about back in the -- what
6 was it? Like May was 1,350. They did provide
7 that with the three other checks that I
8 described. And then just recently there was
9 another request for \$1,600 which should be in the
10 Planning Board's possession. So I'm hoping that
11 that covers what we need to get the plat signed.

12 MS. FLYNN: It does, but it will not be
13 enough to cover what you're doing now.

14 CHAIRMAN BRAND: It will have to be
15 replenished.

16 MS. FLYNN: Right.

17 MR. DATES: Again?

18 MS. FLYNN: Yes.

19 MR. DATES: Okay. How can we -- how do
20 we get that squared away so that we can then drop
21 off the maps? What's the quickest way that we
22 can get to that point?

23 MS. FLYNN: Well the maps are going to
24 be signed. It's just you have to know that you
25 don't have a final bill yet. I do have money in

2 there but it's not going to cover this meeting
3 also.

4 MR. DATES: Okay. I thought there was
5 about like a \$1,300 plus -- on the plus side once
6 that 1,600 went in.

7 MS. FLYNN: Yes, but I still don't -- I
8 still get late billing from the lawyer and the
9 engineer, so it's not up to date with what I
10 have. You know what I mean? It's not even
11 including today's meeting.

12 MR. DATES: Understood. Understood.

13 MS. FLYNN: I'm sorry.

14 MR. GAROFALO: My general concern, not
15 specific to this project, it could be any
16 project, is we get to this point and the Board
17 turns down the project and there's money owed.
18 That's my concern. What I would like to see is a
19 policy to make sure that there's escrow money to
20 make sure that the consultants are properly paid
21 even if the project does not get approved because
22 it's going to be very difficult. That's something
23 that we have to, I think, talk about as far as
24 our procedures go. But that's -- that is my
25 concern, to make sure that our professionals who

2 are doing work are going to get paid regardless
3 of whether the project is voted up or voted down.

4 MS. FLYNN: Just so you know, James, I
5 do work with Tommy Corcoran so that when I do
6 have people that don't pay me, I send him a note
7 stating how much they owe so that if they come
8 for a permit or anything, they can't get it
9 without paying me first.

10 MR. HINES: Generally the escrows --
11 Jen keeps the escrows ahead. That's the purpose,
12 to keep those balances moving forward. It's not
13 often an issue.

14 CHAIRMAN BRAND: That's what I was
15 going to say as well.

16 MR. GAROFALO: The second thing is I
17 think maybe at one of the prior meetings I talked
18 about the idea of the stonewalls that are going
19 to be taken down, that they be put back -- the
20 stones be put back somewhere on the site,
21 preferably where people can see it, and I don't
22 see that in the resolution. You know, we had
23 talked about this.

24 Justin, I think you had mentioned that
25 you didn't think the applicant would have a

2 problem with doing that. I don't know if you
3 talked to him about it. That's certainly
4 something that I would like to see done because
5 that's something that the Town has indicated,
6 that they want to preserve stonewalls. The fact
7 that they're being taken down, I don't have a
8 problem with that as long as the stones are being
9 used somewhere else to enhance or continue the
10 Town's --

11 CHAIRMAN BRAND: Does the Board agree
12 with Mr. Garofalo, that we would like to add that
13 as part of the resolution, that the stonewalls be
14 repurposed or --

15 MS. LANZETTA: This is Cindy Lanzetta.
16 I don't think -- that's a condition that should
17 have been in the original resolution. I don't
18 like the thoughts of starting to add new
19 conditions for extensions. I mean, you know,
20 either give somebody an extension or say you have
21 to come back for the process. I don't think at
22 this point it's fair to applicants to start
23 adding additional conditions after we reviewed
24 the whole project. That's my opinion.

25 CHAIRMAN BRAND: Good point.

2 Steve Clarke?

3 MR. CLARKE: One of the things that --
4 you know, we tried to grapple with something that
5 creates a community feeling. You know, I think
6 the fact that we've always had these stonewalls
7 in the Town, you know, it kind of ties things
8 together. I like the idea. Down there that's not
9 much of a stonewall but it's on that property.
10 You know, it would be nice if the applicant
11 would, you know, consider doing that. You know,
12 I'm like Cindy, it's a little late in the process
13 to ask them to come back and do that.

14 CHAIRMAN BRAND: Joe?

15 MR. LOFARO: I agree with what Cindy
16 and Steve just said. It doesn't seem to make
17 sense to change it after they've been approved
18 already. That doesn't seem fair to them. If
19 they'd like to use them on there, that's great. I
20 don't see us being able to make them.

21 CHAIRMAN BRAND: Manny? Turn on your
22 mic, Manny. Can I turn on his mic for him?

23 Jen, can you turn on his mic?

24 MS. FLYNN: I can't. It just tells me
25 to ask him to unmute.

2 CHAIRMAN BRAND: He's frozen I think
3 anyway.

4 I'm kind of in agreement with Cindy as
5 well. That's four of the seven.

6 MR. CAUCHI: Sorry about that. I was
7 talking and there was nothing. (Inaudible.)

8 MS. FLYNN: He froze again.

9 MR. CAUCHI: I would have the general
10 consent as well. I think this is the last
11 extension. I hope that they can go ahead and
12 develop, and the next time they come to the table
13 I think that the criteria should change.
14 Hopefully they can move forward with this last
15 extension and what they need to do to develop.

16 CHAIRMAN BRAND: Okay. If there's
17 nothing else; Jen, would you poll the Board?

18 MS. FLYNN: Chairman Brand?

19 CHAIRMAN BRAND: No.

20 MS. FLYNN: Member Lanzetta?

21 MS. LANZETTA: Yes.

22 MS. FLYNN: Member Garofalo?

23 MR. GAROFALO: No.

24 MS. FLYNN: No.

25 Mr. Trapani?

2 CHAIRMAN BRAND: Absent.

3 MS. FLYNN: Member Lofaro?

4 MR. LOFARO: Yes.

5 MS. FLYNN: Member Clarke?

6 MR. CLARKE: Yes.

7 MS. FLYNN: Member Cauchi?

8 MR. CAUCHI: Yes.

9 MS. FLYNN: Four yeses, two nos, one
10 absent.

11 CHAIRMAN BRAND: The resolution passes.

12 I think you're all set then, Justin.

13 MR. DATES: Thank you. Just a question
14 for the Board. The submission of the plat to the
15 Board, is it two mylars?

16 MS. FLYNN: Yes.

17 MR. DATES: Okay. Thank you, everyone.

18 I appreciate your time.

19 CHAIRMAN BRAND: Thank you.

20

21 (Time noted: 8:16 p.m.)

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

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6

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

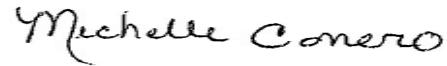
10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 22nd day of June 2020.

18

19



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MICHELLE CONERO

21

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23

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MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X
In the Matter of

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6

ERIC AFFUSO SUBDIVISION

7

Project No. 20-2006
46 Reservoir Road, Marlboro
Section 108.2; Block 2; Lot 23.300

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11

SKETCH - SUBDIVISION

12

13

Date: June 15, 2020
Time: 8:16 p.m.

14

15

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

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

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APPLICANT'S REPRESENTATIVE: ERICA AFFUSO &
ERIC AFFUSO

23

24

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

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

4 Do you want to just give us a little
5 summary of what it is you have proposed?

6 MS. AFFUSO: Sure. So I submitted maps.
7 It was a subdivision of an acre off a family
8 property with a proposed house on the 1-acre lot
9 that was being proposed for subdivision.

10 CHAIRMAN BRAND: Okay. Jen, can we
11 bring that up, that map, do you think?

12 MS. FLYNN: I'm going to try.

13 CHAIRMAN BRAND: While you're doing it,
14 maybe Pat can go through his comments on this.

15 MR. HINES: This is our initial review.
16 The subdivision checklist that was submitted was
17 not filled out by the applicant's representative.
18 That's something that we're going to need filled
19 out.

20 In addition, I did not get an
21 environmental assessment form for the project, so
22 that will need to be submitted. That should be
23 filled out off the DEC's interactive website.

24 MS. AFFUSO: Quick question. For the
25 EAF form from the website, is that the short form

2 or the long form? The short form was submitted
3 in the application.

4 MR. HINES: A short form would be fine.
5 I did not get that.

6 MS. AFFUSO: It was attached. I put it
7 in like an envelop and I handed it to Tommy
8 Corcoran outside in the parking lot so I didn't
9 have to go in the building.

10 MR. HINES: I did not receive that. It
11 is the short storm. It is an unlisted action, so
12 the short form would be appropriate. I can reach
13 out to Tommy and get a copy of that.

14 MS. AFFUSO: It was definitely in that
15 envelop. I will double check why that wasn't in
16 there. I did fill out that EAF form.

17 MS. FLYNN: I do have it. I'll e-mail
18 it to you, Pat.

19 MR. HINES: So then I'll have that.

20 MS. AFFUSO: All right. Thank you.

21 MS. FLYNN: Do I have it up?

22 CHAIRMAN BRAND: It was up just a
23 second ago.

24 MS. FLYNN: There?

25 CHAIRMAN BRAND: Keep going, Pat.

2 MR. HINES: We're looking to see where
3 the driveway location is. Right now there's no
4 driveway location shown to the residence and the
5 road grade is relatively steep there. So we'll
6 need to see the grading, the sight distance and
7 details for driveway access to the house. That
8 wasn't shown.

9 We'll need to send the highway
10 superintendent -- once that's shown, have the
11 highway superintendent weigh in on that location.
12 We'll need that detail.

13 For the Planning Board, the applicant
14 has not requested but is obviously asking for a
15 waiver of the boundary and topography survey of
16 the balance parcel. I think there's 23 acres on
17 the parcel, and this 1-acre subdivision is off
18 the one corner along the road frontage on the
19 northeast corner, I believe, of the lot. So the
20 Board should consider whether or not they're
21 willing to grant that waiver of the whole survey
22 of the 23 acres. They did give us boundary and
23 topography on the area of the 1-acre lot that's
24 proposed.

25 The bulk table should be addressed to

2 show what is proposed as well as just what is
3 required.

4 Ulster County Health Department
5 approval of the septic systems will be required.
6 I did note that the reserve area is not 10 feet
7 off the rear property line. That may be a
8 drafting issue. Public Health Law 75-A requires
9 that the septic systems be a minimum of 10 feet
10 off any property line.

11 There are grapevines depicted about 50
12 percent of the lot and then over into the parent
13 parcel. I bring that up because the status of the
14 agricultural use of the balance parcel, I'm not
15 sure if that's an active farm. Section 155-52
16 increases the side and rear yard buffers if it is
17 an actively farmed parcel. So I don't know if
18 Erica can explain that to us now or if you want
19 to wait to address these all --

20 CHAIRMAN BRAND: Erica, why don't you
21 jump in on that one. Are the grapevines actively
22 being farmed right now?

23 MS. AFFUSO: Yes, they are. For this
24 map, what you see for the acre, they do actually
25 go over farther on the other acres that are

2 attached to the property, you just don't see them
3 on this map. If you look at the last line, that
4 last row, that's not the last row of the vines
5 that you see on that map. That's just how that
6 map was drawn up, but it goes across.

7 MR. HINES: The reason I bring that up
8 is that Section 155-52 requires a 75-foot side
9 yard and rear yard for an agricultural buffer if
10 the parent parcel is active. So the house
11 location as now shown would have -- that side
12 yard which is now shown at I think 50 would need
13 to be shown at 75 for that. There's a note
14 required. I'm not sure -- is that commercial
15 grapevines? I don't know. That depends on how
16 Section 155-52 is interpreted.

17 MS. AFFUSO: For Section 155-52 it
18 would have to be commercial grapevines?

19 MR. HINES: For farmlands. It's
20 protecting from spraying and impacts associated
21 with that. If it's in active agricultural it
22 says, and it sounds like it is, it sounds like
23 that side yard setback may need to be increased.

24 CHAIRMAN BRAND: So they can either
25 move the house down or move the property line

2 back 25 feet?

3 MR. HINES: It's the side yard. The
4 rear yard is 75 by default in this zone. That
5 agricultural buffer would kick in along that side
6 yard as well where the grapevines are shown. So
7 the house would have to move towards the private
8 road to the right of the map. I don't have a
9 north arrow. To the east. I do see a north arrow
10 on the map. If you can have your consultant take
11 a look at 155-52 and they can address those.

12 And then there's a comment. I know it
13 says Eric Affuso is the owner, but --

14 MS. AFFUSO: We're both here.

15 MR. AFFUSO: Hi, Pat.

16 MS. AFFUSO: Sorry. I just had my face
17 on the camera.

18 MR. HINES: There's a reference to
19 remaining lands of DA-2 Development Corporation.

20 MR. AFFUSO: It was just deeded over to
21 me about three months ago, Pat. I do have the
22 deed.

23 MR. HINES: If we can get that cleaned
24 up, that would be good. I think we're going to
25 need a new map anyway. I just wanted to make sure

2 the record owners were correct.

3 My last comment had to do with that
4 environmental assessment form.

5 I think the main --

6 MS. AFFUSO: You do have that
7 environmental assessment form, right, just so I
8 don't fill it out a second time?

9 MS. FLYNN: Yes, I do have it.

10 MR. HINES: Jen can e-mail me that. It
11 wasn't in that application packet I got.

12 MS. AFFUSO: For the septic, what was
13 that you said about that? Just because it
14 wasn't, you said, 50 feet?

15 MR. HINES: If you look at the map, to
16 the rear property line the septic reserve area is
17 touching the rear property line and there's a 10-
18 foot minimum separation requirement. So when you
19 send that to County Health it will have to be
20 revised by your engineer to move that septic
21 system so that there's a 10-foot separation
22 distance.

23 MS. AFFUSO: From that and then the
24 back lot line?

25 MR. HINES: From the back lot line.

2 It's shown touching the back lot line. I sent
3 your engineer these comment. He has them.

4 MS. AFFUSO: Okay. Perfect. Thank you.

5 MR. HINES: He should know what to do
6 with them. Have him take a look at that septic.
7 Have him take a look at the agricultural buffer.

8 And then the roadway access, just show
9 us where the driveway is. It looks relatively
10 steep based on the topography along the road
11 frontage.

12 MR. AFFUSO: Pat, that side -- 75 feet
13 on the side yard, does that survey map have to be
14 redone?

15 MR. HINES: Yes.

16 MR. AFFUSO: I'll give her whatever
17 property she needs.

18 MR. HINES: You can move the property
19 line or you can move the side yard setback line.
20 You can move the house.

21 MR. AFFUSO: Whatever works.

22 MR. HINES: Yeah. If you like where the
23 house is, then you want to move the property
24 line. That works, too.

25 MS. AFFUSO: The house would have to

2 move east?

3 MR. HINES: East. You can fudge that
4 property line, too, towards the west and gain
5 that based on Section 155-52.

6 MS. AFFUSO: Okay.

7 MR. AFFUSO: Pat, are you requiring a
8 total survey of the 23 acres?9 MR. HINES: I'm suggesting to the
10 Planning Board that they consider waiving that.11 MR. AFFUSO: Okay. I do have it if it's
12 needed.13 MR. HINES: We've done that on larger
14 lots before. You're not impacting the lot at
15 all. It's just that 1 acre in the very corner.
16 It's up to the Board. It's the Board's decision.
17 Again, you'd be surveying 23 acres and topo'ing
18 23 acres that's not changing.

19 MR. AFFUSO: Okay.

20 CHAIRMAN BRAND: Does anyone on the
21 Board feel the need for him to survey those 23
22 acres?23 MS. LANZETTA: If he's doing it anyway.
24 I have a question about, you know, this
25 -- we have to think about segmentation. Right

2 now the parcel to the west of the proposed 1-acre
3 new lot is all developed. So if there was to be
4 any further development of this property, I'm not
5 sure how access to the parcels in the back would
6 be gained. We have to think about what would
7 happen if the rest of the property was to be
8 developed.

9 MR. AFFUSO: I have no desire to do it.

10 Again, that's today.

11 MS. LANZETTA: That's why we have to
12 think about if you ever sell that property and
13 somebody else comes back to us, and now how -- do
14 you have any access or an easement on the private
15 road that is by Evangelista's there?

16 MR. AFFUSO: I have no easement on that
17 road.

18 MS. LANZETTA: So then the only way you
19 could get further back into your property would
20 be the section that you've already pretty much
21 all developed up by the road. So that could be a
22 problem.

23 MR. HINES: It has frontage further
24 west as well as on Reservoir Road, around the
25 hairpin there.

2 MS. LANZETTA: That's all like rocks.

3 MR. HINES: Yeah.

4 CHAIRMAN BRAND: Pat, I know you
5 mentioned the driveway. Just to be clear, our
6 newly adopted standard was 17 degrees? Not to
7 exceed 17 degrees? Is that correct?

8 MR. HINES: 14.

9 CHAIRMAN BRAND: 14.

10 MR. AFFUSO: So the driveway entrance
11 is exactly alongside of Evangelista's driveway.
12 Further west of that it gets steeper. That
13 entrance is not steep at all.

14 MR. HINES: It's just not shown on the
15 map right now. There is no driveway shown.

16 MS. AFFUSO: Just have Mr. Feeney put
17 that and the map right next to Evangelista's
18 there where the driveway would be?

19 MR. HINES: Hopefully not too close. We
20 want it separated somewhat. We'll have the sight
21 distance shown there.

22 MS. AFFUSO: Is there any rules of how
23 far distance wise, just so I know when I talk to
24 him?

25 MR. AFFUSO: He'll know.

2 MR. HINES: Have him put it where it
3 works best is usually -- you know, the further
4 separated, the better.

5 MS. AFFUSO: Okay.

6 MR. HINES: Again you're running into
7 topography there as you move west.

8 MS. LANZETTA: That's why I'm thinking
9 if that's -- if that entrance there for your
10 driveway would be the only way to eventually get
11 back on that back piece parcel further back in
12 there, it might be something that you might have
13 to think about in terms of if there was future
14 development, you know, how you would do that.
15 That's what we're supposed to be looking at, too.
16 If there's future development, how are you going
17 to get to the back there.

18 CHAIRMAN BRAND: You're saying you
19 can't do it from the other side, Cindy?

20 MS. LANZETTA: It would be very
21 difficult. Again, if we had the topography then
22 we could look at this intelligently. We don't
23 have the rest of the topography so we can't tell
24 by looking at the maps that we have.

25 MR. GAROFALO: The other issue with

2 where the driveway is is sight distance. You want
3 to have good sight distance from the driveway.

4 One of the other things that I'm
5 concerned about is when you look on the southern
6 part of the property, you have that stream and
7 there's only a very small portion that is on your
8 property that currently is piped. So it looks
9 like if there was a connection to the other
10 portion where that stream is, you'd have to have
11 the stream crossing.

12 MR. AFFUSO: What stream are you
13 talking to on the south?

14 MR. GAROFALO: In between the two
15 ponds.

16 MS. AFFUSO: The south end?

17 MR. HINES: The lower pond is not on
18 the --

19 CHAIRMAN BRAND: Jen, can you bring the
20 map up again?

21 MR. HINES: That portion labeled gravel
22 drive on the map is off the Affuso property onto
23 what I think people are calling Evangelista.

24 MR. GAROFALO: Right. But there's a
25 small portion where the stream comes and is piped

2 across their property.

3 MR. HINES: Very small. Yup.

4 MR. GAROFALO: My concern is if you
5 were going to get to the other side, unless you
6 were using that portion of the property you would
7 have to actually have a stream crossing.

8 MR. AFFUSO: Okay.

9 MR. GAROFALO: Two other things. On the
10 EAF, please take a look at item number 10,
11 because I think that's wrong, because the map
12 shows you're putting in a new well. That's not an
13 existing water supply.

14 And number 13 I think may also be not
15 correct, but I'm sure --

16 MS. AFFUSO: What was that one?

17 MR. GAROFALO: That has to do with
18 water bodies. It looks to me like you have a
19 water body further back, not directly on the
20 parcel but it's on the adjoining parcel, and it
21 specifically talks about adjoining the proposed
22 action.

23 MR. HINES: The parent parcel has a big
24 pond on it.

25 MR. GAROFALO: So please go through the

2 whole -- I know you're going to go through the
3 whole thing, but I wanted to bring those
4 particularly to your attention.

5 MS. AFFUSO: That's fine. Thank you.

6 MR. AFFUSO: So what pipe are you
7 referring to in that stream?

8 MR. GAROFALO: It goes under the road.

9 MR. HINES: It goes under the private
10 road.

11 MR. AFFUSO: All right.

12 MR. HINES: A little piece of it goes
13 under the proposed lot.

14 MS. AFFUSO: The very far back corner;
15 right?

16 MR. HINES: Yeah.

17 CHAIRMAN BRAND: Does the one pond feed
18 the other?

19 MR. AFFUSO: Yeah. The stream doesn't
20 really move. It's seasonal, Chris.

21 CHAIRMAN BRAND: Right. Okay. Anything
22 else from the Board?

23 MR. CLARKE: The driveway was a concern
24 of mine.

25 I just really think you ought to think

2 about expanding the size of the lot 10, or 15
3 feet, or 20 feet on some of the those lines just
4 to correct the setback issues. I think it would
5 be easier to have a larger lot and not have to
6 fight the issues on setbacks.

7 MR. AFFUSO: I should have done the
8 surveying myself, Steve. That won't be a problem.

9 MR. CLARKE: All right. It would just
10 make life easier, that's all.

11 MS. AFFUSO: For my to do list, or our
12 to do list, you already sent the notes to Dave
13 Feeney?

14 MR. HINES: I did.

15 MS. AFFUSO: So then -- I've never done
16 this before. We just bring those notes back to
17 you?

18 MR. HINES: He'll know what to do. If
19 he has any questions he can feel free to call me.

20 MS. AFFUSO: Okay.

21 CHAIRMAN BRAND: So you'll clear that
22 up and then come back to us; correct?

23 MR. AFFUSO: The next meeting, Chris?

24 MS. LANZETTA: I'm still unclear about
25 being able to look at the larger parcel in terms

2 of access to future development issues.

3 MR. HINES: Did you say you had the
4 survey on the parent parcel completed?

5 MR. AFFUSO: It's not in my hand but
6 it's been done. It should be in my hands shortly.

7 MR. HINES: That included topo?

8 MR. AFFUSO: I'm not sure.

9 CHAIRMAN BRAND: Pat, would it be
10 possible for them to build a driveway such that
11 if there were future development that could
12 somehow be converted to some type of access road
13 to access that property?

14 MR. HINES: The lot would have to be
15 larger to accommodate the loss, or they could
16 move the lot -- leave a 50-foot strip as the
17 parent parcel alongside that private roadway
18 there. There are ways to do it. I can talk with
19 their engineer once he has the idea. 50 feet
20 along -- I think the private road, I heard, was
21 Evangelista Road?

22 MS. AFFUSO: Evangelista. Yeah.

23 MR. HINES: If they left a 50-foot
24 strip with the parent parcel, that could be
25 potentially developed into a road. I'm just

2 talking out loud. I also don't know -- as Cindy
3 said, not the topography but on the opposite side
4 of the lot from this subdivision, if that is able
5 to be accessed. If you look at the location map
6 up on top of the plan, if there's adequate there.
7 I'm not sure what the topography is there. The
8 lot has two points on it where it touches
9 Reservoir Road, this one, the easterly most point
10 of the subdivision, and then just west of there
11 is another lot. There may be room on the other
12 side. I don't know. So that would be something
13 for their engineer to take a look at.

14 CHAIRMAN BRAND: I would just let the
15 engineer know we do have concerns regarding
16 access to the remaining property, and hopefully
17 he can --

18 MR. AFFUSO: For future development?

19 MR. HINES: Potential.

20 CHAIRMAN BRAND: Anything else on this
21 one?

22 (No response.)

23 CHAIRMAN BRAND: No. All right. So you
24 guys will clear that up and then get in touch
25 with Jen and we'll reschedule you for another

2 appearance. Okay?

3 MS. AFFUSO: Okay.

4 CHAIRMAN BRAND: Thank you. Have a
5 good night.

6 MR. AFFUSO: Thank you all very much.

7

8 (Time noted: 8:35 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 22nd day of June 2020.

23

24

25



MICHELLE CONERO

2

MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X
In the Matter of

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7 PLANNING BOARD APPLICATIONS

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BOARD BUSINESS

12

13

Date: June 15, 2020
Time: 8:35 p.m.

14

15

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

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

21

22

23

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

24

25

2 CHAIRMAN BRAND: Before we go to the
3 discussion without the lawyer, engineer or
4 stenographer, I believe Member Lanzetta had
5 an addition that she wanted to bring up.

6 MS. LANZETTA: Yeah. I'm concerned that
7 -- like for instance, I personally feel like with
8 some of the applications that we're getting, even
9 though we have a checklist things are not being
10 adequately provided to the Planning Board. Like
11 for instance in this past case, you know, Pat has
12 to make a list stating the fact that we were
13 missing a lot of items that should have been in
14 the file before we -- in my opinion, before we
15 reviewed it. I know Jen works hard and tries to
16 make sure that certain things are included.

17 Actually, as far as the applicant is
18 concerned, if we wait until they come before us
19 at the Planning Board where they're paying for a
20 stenographer, they're paying for a lawyer and
21 they're paying for Pat's services as well as, you
22 know, our time and they're not really prepared
23 and haven't provided enough of the stuff for us
24 to really be able to comment intelligently on the
25 project, I don't think we're doing the applicant

2 a favor and I don't think we're doing ourselves a
3 favor.

4 So I'd like for us to think about --
5 I'm not sure how to do this -- to make sure that
6 the things that we need have been provided so we
7 have a complete application. It might be perhaps
8 that Pat might be the person to review it and
9 maybe make preliminary comments to the applicant
10 saying you need to give us this, this, this,
11 this, this before you can be put on the Planning
12 Board agenda. I just feel like we've had a number
13 of applications that I don't think the applicants
14 were truly -- I didn't think that the application
15 was truly complete. I'd like for us to have a
16 better process on this. That was my concern.

17 MR. HINES: I reviewed this early on
18 and realized that there was not the checklist.
19 Some of it -- I believe a lot of it falls on the
20 consultants. When my office does a submission for
21 a client to a planning board we make sure that
22 every document that's required is provided. It
23 sometimes boggles me that we don't get forms that
24 are in the application packet, they're just
25 skipped over by whether it be the applicant or

2 their consultant.

3 CHAIRMAN BRAND: I did shoot out an
4 e-mail about this. Pat, do you think it would be
5 -- I mean obviously we want to make the process
6 quickly and as pain free as possible for the
7 applicants. Do you think that a review -- a
8 pre-review, like Cindy is calling it, by your
9 office before they came to the Board would end up
10 costing the same amount to the applicant as doing
11 it at a meeting? Would there be a significant
12 savings do you think? Do you think it would
13 speed up the process?

14 MR. HINES: I think it will slow it
15 down a bit. I think the applicants want to get to
16 the meeting. That's their goal. I don't know
17 that the applicants are complaining. You do have
18 this kind of first meeting which is what this
19 meeting is all about, their initial appearance.
20 So I don't know if we're hearing from the
21 applicants that they're frustrated. I'd be
22 frustrated with my consultant if I was them.

23 MS. LANZETTA: I feel like sometimes --
24 another thing that I don't care for is we have
25 the checklist for a reason, and then if the

2 applicant is not going to provide us with what
3 we've asked for, I think they should have a
4 written reason why. I don't like them coming and
5 assuming that on the spur of the moment that they
6 should -- I mean honestly, why shouldn't we have
7 that topography for the Affuso subdivision? I
8 mean we could have gotten a lot farther tonight
9 in figuring out, I think, you know, what would be
10 an adequate way to access the rest of the
11 property, whether or not that was a possibility,
12 avoid any issues with segmentation. We didn't
13 have that information which they were supposed to
14 check off and provide us with. Then I feel like
15 it puts us in a bad position that, you know, you
16 don't -- you know, I just don't -- I don't feel
17 that I should have to waive something when
18 there's no reason presented to me that I should
19 have to waive something.

20 MR. HINES: They just didn't provide it
21 this time. I assumed that they were going to
22 request the waiver.

23 MS. LANZETTA: Why? Why do they get a
24 waiver and the next guy doesn't?

25 MR. HINES: Well, I can tell you we

2 have in the past, numerous times, waived on large
3 parcels such as this. I think the Board needs to
4 be consistent if they're going to -- it gets very
5 expensive to do topography. 23 acres isn't very
6 large. 60 acres is large. Topography is
7 relatively cheap if you do it by aerial photos or
8 aerial topography methods. You can get it for a
9 \$100 an acre on aerial topography. You can't do
10 it this time of year.

11 If it's the Board's policy to get it, I
12 think you just need to be consistent. That's why
13 I suggested the waiver. We've had larger lots get
14 this waiver when they were only doing small lot
15 subdivisions.

16 CHAIRMAN BRAND: I don't see how it
17 really impacts the proposal, really, to have them
18 survey the extra pieces if it's not being -- as
19 far as being untouched, it really has nothing to
20 do with the proposal.

21 MR. CAUCHI: I have a question. Doesn't
22 the building inspector play a role in this?
23 Doesn't he usually guide the applicant? Isn't he
24 the frontline people and he directs them which
25 way they should go as far as writing up the

2 applicant? I mean he has a role, doesn't he?

3 MS. LANZETTA: He has a role. He's
4 supposed to make sure that they follow the zoning
5 codes and that what they're proposing is
6 acceptable within the framework of what they want
7 to do. That doesn't say that what they're doing
8 is -- he's not the one -- he can say yes, that's
9 acceptable but he doesn't -- you know, we still
10 have to follow our own Town codes and make sure
11 everything is in compliance, you know, as
12 planning goes.

13 MR. CLARKE: Cindy, it sounds like you
14 want to appoint a gatekeeper, and that's fine.
15 But, you know, if it's going to be Tom Corcoran
16 or whoever that does this, I don't know. We're
17 still kind of a small town and, you know, within
18 one or two meetings they generally are in
19 compliance with us. I don't have a serious
20 problem with that. If you want to have a
21 gatekeeper that says okay, you can not come
22 before the Planning Board until these things are
23 done, we should appoint one.

24 MS. FLYNN: I do scan everything and
25 send it to the Board before. If you do have

2 questions I do send it back to the applicants.

3 Most of the time the ones that don't go to like a
4 Patti Brooks or whatever, they just want to get
5 to that first meeting and then work it out, you
6 know.

7 MS. LANZETTA: I'm just saying they're
8 paying for additional consultants that they don't
9 necessarily need to pay for. If that's what they
10 choose to do. It just seems to be not an
11 efficient process. Again, I'm saying if we have
12 a checklist. I agree with Pat, we should be
13 consistent. I don't think -- I don't see -- if I
14 was going to subdivide an acre off my property, I
15 can't imagine that I would just show you a corner
16 of my property and say here's the 1 acre that I
17 want. I don't see how that's, you know, kosher,
18 you know. You have to look at -- you're asking
19 for the deed, you want to look at the whole
20 property, and you have to think in the long term
21 what else is happening with the rest of this
22 property besides the one little acre that you've
23 decided to carve off here.

24 MR. GAROFALO: The problem you get in
25 with a gatekeeper is the gatekeeper can decide

2 they don't like the project and never let it get
3 to the Board. So I think that you have to be very
4 careful about having a gatekeeper who has too
5 much power to prevent the application from
6 getting to the Board. To a certain extent this is
7 a question for the applicant. Does the applicant
8 want to waste time going to meetings every two
9 weeks or does the applicant want to just get it
10 done and get it done correctly, and part of that
11 has to do with what costs them more. The cost of
12 the time that he's holding on to the property,
13 et cetera. Is that costing him more or are the
14 consultant fees costing him more. But again, I
15 think the problem that you can have with a
16 gatekeeper, if you're not very careful, is that
17 they will hold up the project too much. That is
18 something which can get applicants very unhappy
19 about.

20 MS. LANZETTA: You know, I didn't say
21 gatekeeper. I just said somebody that can make
22 sure that the checklist is being followed. That's
23 all I'm asking. I mean why do we have a checklist
24 if it's not going to be -- if the items are not
25 being provided for us.

2 CHAIRMAN BRAND: I think if being an
3 elementary school teacher has taught me
4 everything -- anything, it's that people don't
5 follow directions. We could give them, adults,
6 children, anything, we give them our expectations
7 and there's very few people that are getting
8 hundreds on everything. So I'm kind of torn. I
9 understand your point for sure, but I think that
10 they are here to come to the meetings and they
11 work it out at the meetings. I don't know that
12 having a review process is going to save them
13 much more time or money. I don't know.

14 MR. LOFARO: Can we just put some kind
15 of disclaimer in the packet saying potential
16 timesaving and money saving options and give them
17 the option to do what they want to do? It seems
18 like most people are pretty happy with the
19 process. Nobody is really complaining. It affects
20 us sometimes like today, but they're not really
21 complaining as far as I know.

22 CHAIRMAN BRAND: They don't complain to
23 us, Joe. They complain elsewhere.

24 MR. HINES: The Planning Board is
25 holding me up.

2 CHAIRMAN BRAND: I hear that all the
3 time.

4 MR. GAROFALO: And the fees are too
5 much. That's the other complaint.

6 MR. LOFARO: I'm talking about
7 complaints because they didn't fill out the
8 application correctly and things took longer.
9 It's not necessarily our fault. People are going
10 to complain regardless I guess.

11 CHAIRMAN BRAND: Let's give it some
12 additional thought. I don't want to hold up Ms.
13 Sandri any longer. We'll give it some thought. If
14 you have any good ideas, send them out. Let me
15 know your thinking. We'll come to some kind of
16 conclusion. Okay?

17 I think that's it for the consultants.
18 Speaking of which, you guys have a good night.
19 Thank you.

20

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

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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 22nd day of June 2020.

18

19

20

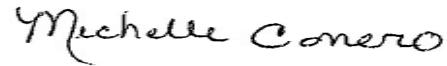
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MICHELLE CONERO