



1                   BOARD BUSINESS

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

6                   (Pledge of Allegiance.)

7                   CHAIRMAN BRAND: Agenda, Town of  
8                   Marlborough Planning Board, Monday,  
9                   January 3, 2022. Regular meeting at  
10                  7:30 p.m. On the agenda tonight we  
11                  have the Tonsing Subdivision at 20  
12                  Walnut Lane for a public hearing of  
13                  their subdivision; the Pollock Site  
14                  Plan at 39 Main Street in Milton for  
15                  a sketch of their site plan; Frankos  
16                  Short-Term Rental at 387 Lattintown  
17                  Road, Marlboro for a sketch of their  
18                  minor site plan; Verizon - Marlboro  
19                  High School at 50 Cross Road,  
20                  Marlboro for a sketch of their site  
21                  plan. The next deadline is Friday,  
22                  January 7, 2021. The next scheduled  
23                  meeting is Tuesday, January 18, 2022.  
24                  I should have said '22 for the  
25                  deadline as well.

1                   BOARD BUSINESS

2                   Before I begin I would like to  
3                   welcome Stephen Jennison to the  
4                   Board. Congratulations

5                   MR. JENNISON: Thank you.

6                   CHAIRMAN BRAND: Welcome  
7                   aboard.

8                   Anything from the Board before  
9                   we begin?

10                  MR. GAROFALO: I have one  
11                  thing. I just wanted to inform  
12                  Member Jennison that I have recused  
13                  myself from the Verizon - Marlboro  
14                  High School application because I  
15                  have a contract, a rental contract  
16                  with them. I don't want to receive  
17                  any e-mails or other information or  
18                  discussion unless it's already public  
19                  on the website.

20                  CHAIRMAN BRAND: Thank you.

21

22                  (Time noted: 7:33 p.m.)

23

24

25

## 1 BOARD BUSINESS

2

# 3 CERTIFICATION

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 11th day of January 2022.

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20

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25

MICHELLE CONERO

1

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

5

6 TONSING SUBDIVISION

7 Project No. 21-5027  
8 20 Walnut Lane, Milton  
9 Section 103.1; Block 4; Lots 21 & 22  
- X

10

PUBLIC HEARING - SUBDIVISION

11

12 Date: January 3, 2022  
13 Time: 7:34 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547  
18

19

BOARD MEMBERS: CHRIS BRAND, Chairman  
20 CINDY LANZETTA  
21 JOSEPH LOFARO  
22 JAMES GAROFALO  
23 STEVE CLARKE  
24 ROBERT TRONCILLITO  
25 STEPHEN JENNISON

19

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

22

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

23

- X  
MICHELLE L. CONERO  
3 Francis Street  
24 Newburgh, New York 12550  
25 (845) 541-4163

1 TONSING SUBDIVISION

2 CHAIRMAN BRAND: First on the  
3 agenda is the Tonsing Subdivision for  
4 a public hearing for their  
5 subdivision at 20 Walnut lane.

6 MS. BROOKS: How are you?

7 CHAIRMAN BRAND: Happy new  
8 year.

9 MS. BROOKS: Happy new year.

10 CHAIRMAN BRAND: "Legal notice,  
11 two-lot subdivision application.

12 Please take notice that a public  
13 hearing will be held by the Town of  
14 Marlborough Planning Board pursuant  
15 to the State Environmental Quality  
16 Review Act, or SEQRA, and Town of  
17 Marlborough Town Code Section 134-5  
18 on Monday, January 3, 2022 for the  
19 following application: Tonsing  
20 Subdivision, at the Town Hall, 20  
21 Milton Turnpike at 7:30 p.m. or as  
22 soon thereafter as may be heard.

23 This application for a two-lot  
24 subdivision for property located at  
25 20 Walnut Lane in Milton, New York

1 TONSING SUBDIVISION

2 12547, Section 103.1; Block 4; Lots  
3 21 and 22. Any interested parties  
4 either for or against this proposal  
5 will have an opportunity to be heard  
6 at this time. Chris Brand, Town of  
7 Marlborough Planning Board Chairman."

8 MS. BROOKS: So I want to start  
9 by apologizing. I did not see a  
10 record, when I was preparing for  
11 today's meeting, where we had  
12 submitted the revised maps before the  
13 holiday. So there were a couple of  
14 minor changes that the Board had  
15 requested at the December 6th meeting  
16 which are incorporated into this two-  
17 lot subdivision.

18 Again, the subdivision is to  
19 subdivide the property on the  
20 northerly side of Walnut Lane, which  
21 is 3.79 acres and contains two pre-  
22 existing dwelling units, from the  
23 11.17 acres located on the southerly  
24 side of Walnut Lane which is vacant  
25 property.

1 TONSING SUBDIVISION

2 The changes that we made to the  
3 map were to note that the tax map lot  
4 line was going to be removed. It  
5 actually never should have been two  
6 separate tax parcels. It's all in  
7 one deed. That would be remedied  
8 with this.

9 We clarified that the old house  
10 is an abandoned old house and is not  
11 habitable.

12 What other changes did we make?  
13 Let me go back to my notes.

14 We already discussed that the  
15 two deeds do not include the roadway.  
16 Within the deed there's two separate  
17 described parcels. One is totally on  
18 the north side of Walnut, one is  
19 totally on the south side of Walnut.  
20 It did provide for a 50-foot roadway  
21 in those original deeds.

22 I have been unable to discern  
23 where the water line serving the  
24 existing house is. If we have a  
25 resolution this evening it will have

1 TONSING SUBDIVISION

2 to be conditioned on that. With the  
3 holidays I wasn't able to get anybody  
4 out there to mark that for me.

5 MR. HINES: I don't know that  
6 we need to show that location. If we  
7 can just confirm that it is served by  
8 the municipal water system.

9 MS. BROOKS: Yes. It is noted  
10 that lot -- note number 9 that the  
11 parcel is serviced by the municipal  
12 water supply.

13 CHAIRMAN BRAND: Great. Thank  
14 you.

15 If there are any interested  
16 parties who have questions or would  
17 like to speak either for or against  
18 this project, you'll have an  
19 opportunity to be heard.

20 Please stand. If you could  
21 state your name for the stenographer  
22 and speak as loudly as possible.

23 MS. FLYNN: Patti, could you  
24 state how many went out and how many  
25 came back?

1 TONSING SUBDIVISION

2 CHAIRMAN BRAND: I'm sorry I  
3 didn't ask that.

4 MS. BROOKS: 37 were mailed out  
5 and 25 we received the green cards  
6 back on.

7 MS. FLYNN: Thank you.

8 CHAIRMAN BRAND: Thank you,  
9 Jen.

10 Is anyone from the public here  
11 -- please state your name for the  
12 stenographer.

13 MR. PHILLIPS: Bill Phillips,  
14 park manager of Walnut Mobile Home  
15 Park.

16 The only concern we have with  
17 this -- it's not a problem with the  
18 development. We have a water issue  
19 up there. The water issue we have up  
20 there is it's a swamp up on the back  
21 end. When it rains we get flooded on  
22 the park side, on the dead end in one  
23 area. There's a stream that runs  
24 along the mobile homes. It's only  
25 maybe less than 4 feet from the back

1 TONSING SUBDIVISION

2 of the homes. We're constantly  
3 getting complaints. They're  
4 re-leveling their homes because it's  
5 so much water.

6 I would like to see if there's  
7 any way somehow, if the development  
8 goes through, maybe they can divert  
9 this water somehow and get it on  
10 their side. It's coming from their  
11 side onto our side. It's been a  
12 concern for many, many years.

13 We did have interest in doing  
14 something with this land similar to  
15 what they're doing to try to divert  
16 this water.

17 The water is a concern. If you  
18 ever take a walk back there and look  
19 at the homes, it's only 4 feet from  
20 the things. We can't get a backhoe  
21 back there to make it any deeper to  
22 divert it because there's trees and  
23 the rock wall for this side.

24 CHAIRMAN BRAND: Just to  
25 clarify, you're on the west side of

1 TONSING SUBDIVISION

2 the proposed lots?

3 MR. PHILLIPS: Correct. Where  
4 the mobile home is. Where Walnut  
5 Park Lane is. If you come down, it's  
6 a straight -- it's a dead end road.  
7 On that property, if we get a lot of  
8 water and -- so that was the only  
9 concern we have, if we could do  
10 something with that.

11 CHAIRMAN BRAND: Just to  
12 clarify, they're not proposing any  
13 construction on lot 2. They won't be  
14 making any changes at all.

15 MR. PHILLIPS: On that side?

16 MR. HINES: They're not doing  
17 any construction at all.

18 MR. PHILLIPS: We did try to do  
19 something. That's why we were  
20 wondering on that. It's subdivided.  
21 I'm not sure if they bought anything  
22 from either side where the two houses  
23 are.

24 MS. BROOKS: What they are  
25 proposing to do is subdivide this

1 TONSING SUBDIVISION

2 away from this.

3 MR. PHILLIPS: Correct.

4 MS. BROOKS: So they're not  
5 really creating any new lots.

6 MR. PHILLIPS: So you're not  
7 doing anything right now with this?

8 MS. BROOKS: No.

9 MR. PHILLIPS: Sorry. I spoke  
10 out of turn.

11 CHAIRMAN BRAND: That's fine.  
12 That's why we have this.

13 MR. PHILLIPS: Sorry about  
14 that.

15 MS. BROOKS: Thank you.

16 CHAIRMAN BRAND: Is there  
17 anyone else from the public?

18 (No response.)

19 CHAIRMAN BRAND: Comments or  
20 questions from the Board?

21 MS. LANZETTA: Patti, I thought  
22 we were asking for the setbacks for  
23 the nonconforming front houses. Did  
24 you --

25 MS. BROOKS: I'm sorry. I

1 TONSING SUBDIVISION

2 hadn't made note of that. I  
3 certainly can add those.

4 MS. LANZETTA: Can you tell us  
5 verbally what they are? Do you know?

6 MS. BROOKS: No. Nope. I did  
7 not bring my scale tonight.

8 Do you have one, Pat?

9 MS. LANZETTA: I mean I know  
10 this is nonconforming because we have  
11 two houses on one lot. I just wanted  
12 to know -- and obviously the side  
13 yards possibly are a problem. I just  
14 wanted to know the front of the yard.

15 MS. BROOKS: It looks like the  
16 sides and the rear should not be an  
17 issue. Certainly the front yards  
18 are. The required is 35 feet and I'm  
19 scaling probably about 30.

20 MS. LANZETTA: So then it would  
21 be that additional nonconforming  
22 situation.

23 MS. BROOKS: We would not be  
24 increasing the nonconformity because  
25 the metes and bounds that are shown

1 TONSING SUBDIVISION

2 on here are already what the deed  
3 lines are. Again, I have to be  
4 before this Board because it's in one  
5 deed and one tax parcel. The deeds  
6 that we submitted, if you read the  
7 deeds you'll see that they are two  
8 totally separately described parcels.  
9 When those lots were created they  
10 were created with Walnut Lane being  
11 50 feet wide. This lot separation,  
12 this subdivision, is not creating a  
13 new roadway, it is simply depicting  
14 what already the deed says. We're  
15 not creating or increasing a  
16 nonconformity. That's always what  
17 the front yard was.

18 CHAIRMAN BRAND: The road is 24  
19 feet? Is that what I'm seeing on the  
20 map there, 24? Is it 50 feet?

21 MS. BROOKS: It's a 50-foot  
22 wide roadway, yes.

23 MR. HINES: If that road is 50  
24 feet, those houses are all 35 back.

25 MS. BROOKS: Yeah. I

1 TONSING SUBDIVISION

2 apologize. I usually have a scale.

3 MR. HINES: I don't have one  
4 myself. 1 inch is 50. They look to  
5 be all an inch or more.

6 MS. BROOKS: I definitely do  
7 not have one.

8 CHAIRMAN BRAND: Other  
9 questions or comments from the Board  
10 while she's seeking that?

11 (No response.)

12 CHAIRMAN BRAND: Pat, did you  
13 want to run through your comments  
14 quickly?

15 MR. HINES: Our first comment  
16 just identifies it as what would  
17 normally be a natural subdivision.  
18 We don't have that in the code.

19 There's no new construction  
20 proposed at all.

21 They've identified and we  
22 discussed lot 22 which shows up on  
23 tax maps but doesn't show up in any  
24 of the County records or in the  
25 deeds, as Patti said.

1 TONSING SUBDIVISION

2 We would recommend a negative  
3 declaration if there are no  
4 substantive comments from the public  
5 hearing.

6 Again, we did discuss offline  
7 the fact that there are two houses  
8 here, they're existing, and there's  
9 no new construction proposed.

10 I do believe, eyeballing this  
11 map, that those houses have  
12 sufficient front yard. 1 inch equals  
13 50 scale.

14 CHAIRMAN BRAND: Pat and/or  
15 Jeff, I know some of the Board  
16 Members did have a question liking to  
17 be consistent with all of our  
18 resolutions of approval. There was a  
19 concern about the two houses being on  
20 the one lot and approving this as  
21 such. Pat or Jeff, I notice you did  
22 make comments of that in the  
23 resolution. Could you maybe clarify  
24 the thinking there?

25 MR. BATTISTONI: There is a

1 TONSING SUBDIVISION

2 provision in the resolution that  
3 notes the existing structures and  
4 notes that they're not becoming any  
5 less nonconforming by this proposed  
6 subdivision. I think this is okay  
7 and that the Board has done this with  
8 prior applications of the same  
9 nature.

10 CHAIRMAN BRAND: Thank you.

11 Other questions or comments?

12 MR. GAROFALO: I just have one  
13 comment. That is, even though the  
14 distances aren't being changed, I  
15 certainly would like to see in any  
16 subsequent plans that the bulk table  
17 not just have the requirements but  
18 also show what exactly is there now  
19 and what is proposed, which in this  
20 case are the same thing. Thank you.

21 CHAIRMAN BRAND: Any other  
22 comments or questions from the Board?

23 (No response.)

24 CHAIRMAN BRAND: Any other  
25 comments or questions from the

1 TONSING SUBDIVISION

2 public?

3 (No response.)

4 CHAIRMAN BRAND: So at this  
5 time I'd like to have a motion to  
6 close the public hearing.

7 MR. JENNISON: I'll make a  
8 motion.

9 MR. CLARKE: Second.

10 CHAIRMAN BRAND: Any discussion?  
11 (No response.)

12 CHAIRMAN BRAND: Any objection?  
13 (No response.)

14 CHAIRMAN BRAND: The public  
15 hearing is closed.

16 Jeff, you did prepare for us a  
17 SEQRA negative determination --  
18 notice of determination of  
19 nonsignificance as well as a  
20 resolution of approval. Anything  
21 you'd like to highlight?

22 MR. BATTISTONI: I'll simply  
23 say that for SEQRA purposes there's  
24 no new construction proposed.

25 There's no construction proposed at

1 TONSING SUBDIVISION

2 all, no site disturbance either, so  
3 that's very straightforward I think.

4 The resolution again is  
5 straightforward as well.

6 CHAIRMAN BRAND: Thank you.

7 Jen, would you poll the Board  
8 for the SEQRA determination?

9 MS. FLYNN: Chairman Brand?

10 CHAIRMAN BRAND: Yes.

11 MS. FLYNN: Member Lanzetta?

12 MS. LANZETTA: Yes.

13 MS. FLYNN: Member Troncillito?

14 MR. TRONCILLITO: Yes.

15 MS. FLYNN: Member Lofaro?

16 MR. LOFARO: Yes.

17 MS. FLYNN: Member Clarke?

18 MR. CLARKE: Yes.

19 MS. FLYNN: Member Jennison?

20 MR. JENNISON: Yes.

21 MS. FLYNN: Member Garofalo?

22 MR. GAROFALO: Yes.

23 CHAIRMAN BRAND: We also have  
24 before us the application of Gregory  
25 Tonsing and Dorothy Tonsing, trustee

1 TONSING SUBDIVISION  
2 of the Dorothy Tonsing living trust,  
3 a resolution of approval by the Town  
4 of Marlborough Planning Board.

5 Jen, would you poll the Board?

6 MS. FLYNN: Chairman Brand?

7 CHAIRMAN BRAND: Yes.

8 MS. FLYNN: Member Lanzetta?

9 MS. LANZETTA: Yes.

10 MS. FLYNN: Member Troncillito?

11 MR. TRONCILLITO: Yes.

12 MS. FLYNN: Member Lofaro?

13 MR. LOFARO: Yes.

14 MS. FLYNN: Member Clarke?

15 MR. CLARKE: Yes.

16 MS. FLYNN: Member Jennison?

17 MR. JENNISON: Yes.

18 MS. FLYNN: Member Garofalo?

19 MR. GAROFALO: Yes.

20 CHAIRMAN BRAND: Thank you.

21 We have the recreation fee  
22 findings for the Town of Marlborough  
23 Planning Board.

24 Whereas the Planning Board has  
25 reviewed a subdivision application

1 TONSING SUBDIVISION

2 known as the Tonsing Subdivision with  
3 respect to real property located at  
4 20 Walnut Lane in the Town of  
5 Marlborough, Member Lanzetta offered  
6 the following resolution which was  
7 seconded by Member Jennison. It is  
8 hereby resolved that the Planning  
9 Board make the following findings  
10 pursuant to Section 277-4 of the Town  
11 Law. Based on the present and  
12 anticipated future need for park and  
13 recreational opportunities in the  
14 Town of Marlborough and to which the  
15 future population of this subdivision  
16 will contribute, parkland should be  
17 created as a condition of approval of  
18 the subdivision. However, a suitable  
19 park of adequate size to meet the  
20 above requirement cannot be properly  
21 located within the project site.  
22 Accordingly, it is appropriate the  
23 project sponsors render to the Town  
24 payment of a recreation fee to be  
25 determined in accordance with the

1 TONSING SUBDIVISION

2 prevailing schedule established for  
3 that purpose by the Town of  
4 Marlborough. This subdivision known  
5 as the Tonsing Subdivision resulted  
6 in one new lot for a total of \$2,000  
7 in recreation fees.

8 Jen, would you poll the Board?

9 MS. FLYNN: Chairman Brand?

10 CHAIRMAN BRAND: Yes.

11 MS. FLYNN: Member Clarke?

12 MR. CLARKE: Yes.

13 MS. FLYNN: Member Garofalo?

14 MR. GAROFALO: Yes.

15 MS. FLYNN: Member Lanzetta?

16 MS. LANZETTA: Yes.

17 MS. FLYNN: Member Lofaro?

18 MR. LOFARO: Yes.

19 MS. FLYNN: Member Troncillito?

20 MR. TRONCILLITO: Yes.

21 MS. FLYNN: Member Jennison?

22 MR. JENNISON: Yes.

23 CHAIRMAN BRAND: All right. I  
24 think that does it.

25 MS. BROOKS: Thank you very

1 TONSING SUBDIVISION

2 much.

3 I'll get a copy of the  
4 resolution from Jeff. I also just  
5 wanted to note that in addition to  
6 whatever is in the resolution, we  
7 will be adding the front yard  
8 setbacks to the map and we will be  
9 adding the bulk charts for the  
10 individual lots as recommended by the  
11 Planning Board Members.

12 MS. LANZETTA: Thank you.

13 CHAIRMAN BRAND: Thank you.

14

15 (Time noted: 7:42 p.m.)

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1 TONSING SUBDIVISION

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3 CERTIFICATION

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 11th day of January 2022.

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MICHELLE CONERO

1

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

5

6 POLLOCK SITE PLAN

7 Project No. 21-5019  
8 39 Main Street, Milton  
9 Section 100.1; Block 2; Lots 44 & 45  
- X

10

SKETCH - SITE PLAN

11

12 Date: January 3, 2022  
13 Time: 7:42 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547  
18

19

BOARD MEMBERS: CHRIS BRAND, Chairman  
20 CINDY LANZETTA  
21 JOSEPH LOFARO  
22 JAMES GAROFALO  
23 STEVE CLARKE  
24 ROBERT TRONCILLITO  
25 STEPHEN JENNISON

19

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

21

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH  
& DAVID POLLOCK  
- X

23

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

1                   POLLOCK SITE PLAN

2                   CHAIRMAN BRAND: Next on the  
3                   agenda tonight we have the Pollock  
4                   Site Plan for a sketch of their site  
5                   plan at 39 Main Street in Milton.

6                   How are you tonight?

7                   MR. MEDENBACH: Greetings.

8                   CHAIRMAN BRAND: Pat, when  
9                   you're ready, I think we'll start  
10                  with you.

11                  MR. HINES: Okay. The  
12                  applicant submitted revised plans per  
13                  our previous conversations.

14                  I had some additional comments.  
15                  I did note that the applicant is  
16                  before the ZBA for two variances, one  
17                  being the parking -- the size of the  
18                  parking spots. Where your code  
19                  requires 200 square feet, they're  
20                  proposing 9 by 18s.

21                  They are also before the ZBA  
22                  for the section of the code that  
23                  requires a distance of one and-a-half  
24                  times the height of the highest  
25                  structure between multiple dwellings

1       POLLOCK SITE PLAN

2           on an individual lot.

3           I believe you're on for next

4           week for that, --

5           MR. POLLOCK: Yes.

6           MR. HINES: -- consideration of

7           those.

8           MR. MEDENBACH: Wednesday I

9           believe.

10           MR. HINES: I just want to make  
11           sure they are also granting that same  
12           parking lot size waiver on the  
13           Brewster --

14           MR. MEDENBACH: I had not put  
15           that in the application. Since you  
16           brought that up, we will.

17           MR. HINES: You might want to  
18           hit that as well.

19           The location of the fire  
20           department connections have been  
21           deferred and will be an issue for the  
22           code enforcement officer during the  
23           building permit.

24           We're still waiting for input  
25           from the water and sewer departments.

1                   POLLOCK SITE PLAN

2                   In response to our previous  
3                   comment they increased the size of  
4                   the dumpster pads and added an  
5                   additional one. There's a rather  
6                   large facility for the dumpsters on  
7                   the site.

8                   There's proposed easement for  
9                   the adjoining house to place its  
10                  sewer line across the parcel. I just  
11                  think that needs to be legally  
12                  adopted by some covenant or easement  
13                  described there.

14                  There's a mention that the  
15                  geotech work is being done to  
16                  identify the amount -- identify the  
17                  competency of the bedrock on the  
18                  site. There also is now a note we  
19                  have identified previously that --  
20                  the applicant identified previously  
21                  there would not be blasting. They  
22                  modified that note to state unless  
23                  absolutely necessary and required.  
24                  It's language out of the Town's code  
25                  that they put in there. They'll

1       POLLOCK SITE PLAN

2           require a pre-blast survey and  
3           permits. I did drive by there the  
4           other day. There's a substantial  
5           amount of rock to be removed from  
6           this site. I would ask that as the  
7           geotech is taking a look at that --

8           MR. MEDENBACH: We have a  
9           geologist on board. He just hasn't  
10          produced his report yet. Hopefully  
11          we'll have that for the next meeting.

12          MR. HINES: These masks are  
13          killing me.

14          MR. MEDENBACH: A geologist, we  
15          hired one. I don't have his findings  
16          yet.

17          MR. HINES: Two items that he  
18          does look at is whether or not the  
19          rock can be mechanically removed and  
20          also that the rock to the rear is  
21          competent so there's not a retaining  
22          wall needed.

23          MR. MEDENBACH: Right. I  
24          understand that.

25          MR. HINES: We talked about the

1           POLLOCK SITE PLAN

2           retaining wall. I realize now that  
3           there is this rock removal issue,  
4           that he also looks at that.

5           MR. POLLOCK: Okay.

6           MR. HINES: There's a 45 foot  
7           cut to the rear of that property  
8           proposed.

9           The status of the County DPW is  
10           outstanding. We haven't heard from  
11           them. I know you've been working  
12           with them. If we can get some input  
13           on the entrance drive --

14           MR. MEDENBACH: We have an  
15           e-mail. I'll get something formal.

16           MR. HINES: Central Hudson we  
17           talked about last time. Central  
18           Hudson and the Town of Marlborough  
19           will be required to work with you on  
20           the frontage there. I want to keep  
21           the Board up to date. If you'd keep  
22           the Board up to date with your  
23           negotiations with Central Hudson. I  
24           did note that they're going to have a  
25           cantilevered arm that they're

1           POLLOCK SITE PLAN

2           proposing to move the power lines out  
3           over the street and away from the  
4           building. My concern was the  
5           distance of moving the power lines in  
6           the condition they're in today, they  
7           would be coming very close to the  
8           building, someone could reach out the  
9           window and accidentally touch a power  
10           line. I think they've been working  
11           with them to have them cantilever  
12           back over the street.

13           MR. POLLOCK: Correct.

14           MR. HINES: Keep the Board  
15           abreast of that.

16           MR. POLLOCK: We just got in  
17           touch with Central Hudson. He came  
18           back today and sent me an e-mail  
19           right now I think.

20           MR. HINES: Maybe you can copy  
21           the Board on those e-mails to keep  
22           the file complete as you work with  
23           them.

24           With your geologist on board  
25           now, if you could quantify the amount

1       POLLOCK SITE PLAN

2           of rock material with the Board as  
3           we're working towards a SEQRA review.  
4           It's quite a bit of material and  
5           there will be traffic associated with  
6           the construction of the site, removal  
7           of that rock, additional truck  
8           traffic and such. If we can get a  
9           handle on that, that would be  
10          helpful.

11           We talked about the Brewster  
12          Street parking. I'm suggesting that  
13          there be a note on this plan  
14          requiring the construction. It's  
15          kind of an off-site improvement. It  
16          meets your code but just a note  
17          saying that that will be constructed  
18          as well.

19           We just talked about the  
20          variance. I think you need a similar  
21          variance for the parking size as  
22          you're working through the ZBA.

23           This does require a public  
24          hearing. I think the plans are in a  
25          form where the public input probably

1       POLLOCK SITE PLAN

2           could be reached right now. We have  
3           the grading, we have the layout  
4           pretty firmed up. I'm suggesting, if  
5           the Board is comfortable, that you  
6           schedule the public hearing at a near  
7           date.

8           Then it also is in your local  
9           waterfront revitalization area. I  
10          did review that somewhat, and I think  
11          this project meets the intent of that  
12          in many ways. The redevelopment of  
13          the portion of the hamlet, parking  
14          improvements, accessibility are  
15          important goals in that plan. I  
16          think it's consistent with that. I  
17          don't know if the Board wants the  
18          applicant to go through each one. I  
19          did preview that today and it seems  
20          to meet a lot of the objectives of  
21          that waterfront revitalization plan.  
22          Because of its location, the Board is  
23          tasked with that review as well.

24           That's all I have.

25           CHAIRMAN BRAND: Thank you.

1                   POLLOCK SITE PLAN

2                   MR. MEDENBACH: I just have a  
3                   question on item number 5. Are you  
4                   just looking for the easement  
5                   description? What are you looking  
6                   for?

7                   MR. HINES: I think there needs  
8                   to be an easement. I know right now  
9                   it says --

10                  MR. MEDENBACH: A description.

11                  MR. HINES: If it's center line  
12                  or --

13                  MR. POLLOCK: It's on the map.

14                  MR. HINES: It's shown on the  
15                  map but it's not an easement. I just  
16                  think that person needs to have --  
17                  once they put that in, it's going to  
18                  be on your property, or some  
19                  subsequent owner's.

20                  MR. MEDENBACH: It's right on  
21                  the edge. It just skirts it. He  
22                  doesn't have to put it in the middle  
23                  of the street. It doesn't interfere  
24                  with any of our construction.

25                  MR. HINES: It is on Mr.

1       POLLOCK SITE PLAN

2                   Pollock's property.

3                   MR. MEDENBACH: There's a legal  
4                   description we prepared. It hasn't  
5                   been filed yet.

6                   MR. HINES: I think Jeff's  
7                   office needs that.

8                   MR. MEDENBACH: I will give you  
9                   a copy of that description.

10                  MR. BATTISTONI: I probably  
11                  will need an actual easement  
12                  agreement, not just a description.

13                  MR. MEDENBACH: Okay. We'll  
14                  have our attorney do that.

15                  MR. BATTISTONI: Great.

16                  CHAIRMAN BRAND: Questions or  
17                  comments from the Board?

18                  MR. GAROFALO: I have some  
19                  comments. First, there was some  
20                  mention about bicycle parking and  
21                  there isn't any on the site. I'm not  
22                  suggesting that you necessarily put  
23                  some on the site. It would be nice.  
24                  If you do do bicycle parking on this  
25                  site or other sites, I suggest you

1       POLLOCK SITE PLAN

2           look at the Dollar General  
3           application. They did a good job  
4           with their bicycle parking. The  
5           Chestnut Petroleum, the bicycle  
6           parking across the street at the  
7           library, those are what we don't want  
8           to see.

9                    MR. MEDENBACH: I didn't quite  
10          follow that. Can you repeat that?  
11          You don't want to see, what is that?

12                    MR. GAROFALO: Their type of  
13          bicycle parking is not the kind of  
14          bicycle parking that's good for  
15          bicycles. If you look at the Dollar  
16          General --

17                    MR. MEDENBACH: The one on 9W  
18          there?

19                    MR. GAROFALO: Yes. They have  
20          a plan. You can take a look at that.  
21          That's actually pretty good.

22                    MR. MEDENBACH: So you like the  
23          Dollar General one?

24                    MR. GAROFALO: Yes.

25                    MR. MEDENBACH: Okay. Got it.

1                   POLLOCK SITE PLAN

2                   MR. GAROFALO: If you wanted to  
3                   make it in the shape of a P, you  
4                   could do that or something else. The  
5                   letter P or something else. Newburgh  
6                   -- it's Beacon, actually, has a  
7                   design that looks like a bicycle.

8                   MR. MEDENBACH: I'm not  
9                   following you. Are you talking about  
10                   marking on the pavement or something?

11                   MR. GAROFALO: No.

12                   MR. HINES: It's the rack.

13                   MR. MEDENBACH: Oh, the type of  
14                   rack?

15                   MR. GAROFALO: Correct. It  
16                   turns and it goes across and it goes  
17                   back down. Not what you see at the  
18                   library across the street.

19                   MR. POLLOCK: Okay.

20                   MR. GAROFALO: The second thing  
21                   is I asked for the length of the  
22                   parking spaces that were on the  
23                   street, in particular the loading  
24                   zone. When you're going for an  
25                   application to not have a loading

1           POLLOCK SITE PLAN

2           zone on the property, it makes sense  
3           to look at the loading zone on the  
4           street as being a good substitute.

5           It gives a good reason. But you need  
6           to put the length as well as the  
7           width so there's an understanding of  
8           the size of the truck you can get in.

9           MR. MEDENBACH: Okay.

10           MR. GAROFALO: The same with  
11           the other parking spaces. As I  
12           mentioned before, this is not a  
13           condition where you're actually  
14           creating on-street parking. There's  
15           already on-street parking there. The  
16           advantage of what you're doing here  
17           is you're making the travel way  
18           wider. That's really the bonus here  
19           that you're doing.

20           I want to thank you for trying  
21           to put in an accessible parking space  
22           on the street. I'm not sure that it  
23           meets the accessible requirements.  
24           You should take a closer look at what  
25           you have. If you can't get it on

1           POLLOCK SITE PLAN

2           there, then so be it, because there  
3           are pretty strict requirements for  
4           that.

5                   The next thing is I understand  
6           that the back part of the property is  
7           being acquired as part of this  
8           application. You really should see a  
9           bulk table for the property that  
10           that's coming off to make sure that  
11           by taking that -- by acquiring that  
12           property you're not creating a  
13           nonconforming use on the other  
14           property. We really need to see the  
15           other property, a bulk table showing  
16           required, existing and proposed.

17                   CHAIRMAN BRAND: Pat, do you  
18           see that being an issue for that  
19           property, for what they're proposing?

20                   MR. HINES: I didn't see an  
21           issue with it. It's not a bad idea  
22           to label it. As Mr. Garofalo  
23           mentioned, there is a survey sheet  
24           showing it along with the lands to be  
25           conveyed. It's .2 acres of land

1           POLLOCK SITE PLAN

2           being conveyed off the revised lot

3           46. Lot 46 is rather large. It's

4           certainly a good suggestion.

5           MR. GAROFALO: I'm not saying  
6           it will be a problem. It's something  
7           that should be very clear that we're  
8           not creating.

9           MR. HINES: The C-1 Zone has  
10           some very small bulk requirements.  
11           It wouldn't hurt to label it.

12           MR. GAROFALO: I do not agree  
13           with you concerning the parking. At  
14           the last meeting I asked for more  
15           details on the off-site parking. How  
16           big are those spaces? You did, I  
17           think, a much better job of showing  
18           where the spaces were. We don't know  
19           what size they are.

20           As part of your way finding you  
21           put one sign at the exit in the back.  
22           You really need to have a sign in  
23           front of those parking lots so that  
24           people know that's where they can  
25           park for these buildings.

1           POLLOCK SITE PLAN

2           MR. MEDENBACH: You're talking  
3           about on Brewster Street?

4           MR. GAROFALO: Right in front  
5           of the entrance. Correct. There  
6           needs to be signing there, otherwise  
7           whose parking spaces are those?

8           Somebody who doesn't know the area  
9           who is coming to park and visit one  
10           of these stores, they may go in the  
11           back, see the sign -- hopefully  
12           they'll make the left and not the  
13           right -- come down Brewster Street,  
14           but then there's nothing to tell them  
15           this is where you are supposed to  
16           park. So you really need a sign  
17           there, as well as a separate sign, I  
18           think, for the other store that's  
19           part of that other parking lot. You  
20           have that parking lot broken into  
21           two, one for the 39 Main Street  
22           parking and one for the store. We  
23           really should also see what are the  
24           zoning requirements for that other  
25           store to make sure that you are

1           POLLOCK SITE PLAN

2           providing enough parking for that  
3           other store as well as this property.

4           MR. MEDENBACH: We have an  
5           approved site plan for that that  
6           clearly shows that.

7           MR. POLLOCK: We just added the  
8           other parking.

9           MR. MEDENBACH: I'll send you a  
10          copy of that. This Board approved it  
11          some years ago.

12          MR. POLLOCK: And then I bought  
13          this other property for the  
14          additional parking.

15          MR. GAROFALO: The store, that  
16          property is separate?

17          MR. POLLOCK: The bakery and  
18          the laundromat, I bought additional  
19          property on Brewster Street just for  
20          this. We have additional parking.

21          MR. GAROFALO: It's not one  
22          lot?

23          MR. POLLOCK: Excuse me? What  
24          was that?

25          MR. GAROFALO: They're two

1       POLLOCK SITE PLAN

2           separate --

3            MR. MEDENBACH: They are.

4            MR. POLLOCK: They're two  
5            different -- a couple different  
6            parcels.

7            MR. HINES: They are separate  
8            lots, yes.

9            MR. MEDENBACH: He owns  
10           multiple parcels over there.

11           CHAIRMAN BRAND: I think what  
12           he's asking is is there a through  
13           from Brewster to the Frida's spot.

14           MR. POLLOCK: Yes.

15           MR. HINES: That's the only way  
16           in there.

17           CHAIRMAN BRAND: That's what  
18           he's asking, just to show this is  
19           Frida's parking.

20           MR. POLLOCK: Right now there's  
21           an entrance from Brewster Street. It  
22           could be an exit or an entry.

23           MR. MEDENBACH: It is separate  
24           from this parking area. I'll show  
25           you.

1           POLLOCK SITE PLAN

2           MR. GAROFALO: There's two  
3           lots. The other one -- it looks like  
4           they're on the same lot. This looks  
5           like a separate lot.

6           MR. MEDENBACH: Did you ever  
7           see this right-of-way here? It's a  
8           driveway into this parking lot.

9           There's a driveway. You go down to  
10          here. All this parking is through  
11          here. That lot is all part of the  
12          laundromat. This is a separate lot  
13          here that Bob owns. He also owns  
14          this lot and I believe this lot.

15          MR. GAROFALO: But part of this  
16          lot is being proposed --

17          MR. MEDENBACH: No. Not at  
18          all. Not at all. There's parking  
19          right here.

20           (Inaudible discussion.)

21          MR. MEDENBACH: There will be a  
22          connection. The four spaces are all  
23          here.

24          MR. GAROFALO: The two parking  
25          lots that you've shown, you're saying

1           POLLOCK SITE PLAN

2           that one of them -- the existing off-  
3           street parking at 39 Main Street is  
4           the 10 plus the 31. The arrow that I  
5           see goes to both parking lots, and  
6           that's what that --

7           MR. MEDENBACH: That's  
8           deceiving. I'll fix that.

9           MR. GAROFALO: If it's only  
10           this one -- if it's only this one  
11           that's off of Brewster Street, then  
12           that's where you need to have a  
13           sign --

14           MR. MEDENBACH: Right.

15           MR. GAROFALO: -- so the people  
16           know that that's where they go and  
17           hopefully won't go and park in the  
18           other lot. It's really only this one  
19           that we really would need to know  
20           what are the size of the parking  
21           spaces. I disagree with the engineer  
22           on this and that those should be 10  
23           by 20 spaces. Someone with a larger  
24           vehicle here would have a place to  
25           park that vehicle even though they

1       POLLOCK SITE PLAN

2           would have to walk further.

3            MR. MEDENBACH: 9 feet is

4            pretty standard.

5            MR. GAROFALO: I know it's

6            standard, but I think --

7            MR. MEDENBACH: I see them all

8            the time. I'm just pointing out the

9            trend for parking in this region, 9

10           by 18 is pretty standard. Patrick

11           would agree with me on that. Big

12           shopping plazas, as you go in you see

13           mixed size vehicles all over the

14           place. If someone comes in with a

15           big pick-up truck, he's not going to

16           park in between two other big pick-up

17           trucks. They just work it out.

18           MR. GAROFALO: The question

19           here is --

20           MR. MEDENBACH: It goes back to

21           the 1960s really.

22           MR. GAROFALO: -- the 10 by 20

23           is in our code. I think it makes

24           much better parking for a variance

25           behind the buildings when you have 10

1       POLLOCK SITE PLAN

2               by 20 on your off-site parking. You  
3               may have enough room. We don't know  
4               because you haven't shown it.

5               MR. MEDENBACH: We haven't  
6               shown what?

7               MR. GAROFALO: The size of  
8               those parking spaces.

9               MR. MEDENBACH: They are 9 by  
10               18 and we're going to ask for a  
11               variance. I will give you a much  
12               more detailed dimensional drawing.  
13               We'll come back with that.

14               CHAIRMAN BRAND: Anything else,  
15               Mr. Garofalo?

16               MR. GAROFALO: One second here.  
17               On top of the retaining wall, is that  
18               a retaining wall with a fence on the  
19               top of it?

20               MR. POLLOCK: A fence on top of  
21               the retaining wall?

22               MR. MEDENBACH: If the town  
23               engineer is asking us to do it, we'll  
24               put it up there. I haven't discussed  
25               it with Bob. It's something we'll

1       POLLOCK SITE PLAN

2           do.

3           MR. POLLOCK: We'll do whatever  
4           is needed.

5           MR. HINES: You wouldn't want  
6           to fall off of it.

7           CHAIRMAN BRAND: What's the  
8           height of the retaining wall?

9           MR. HINES: There's a retaining  
10          wall proposed that has a guide rail  
11          shown and not a fence. I'm  
12          suggesting that the 40 foot rock cut  
13          also be protected with a 4 foot chain  
14          link fence to keep kids, like when I  
15          was a kid I'd be rolling down that  
16          thing if I could. I think Mr.  
17          Pollock's insurance company would  
18          also appreciate that fence.

19           CHAIRMAN BRAND: Can we get a  
20          fence up there?

21           MR. POLLOCK: Yes. Of course.

22           MR. MEDENBACH: If they have to  
23          bore holes in the rock, that's what  
24          they'll do.

25           MR. POLLOCK: Whatever is

1       POLLOCK SITE PLAN

2       needed.

3                   CHAIRMAN BRAND: Anything else,

4                   Mr. Garofalo?

5                   MR. GAROFALO: Yes. Under  
6       134-24 C, normally the ZBA would  
7       request a recommendation from the  
8       Planning Board. What I would suggest  
9       is letting them know that we are  
10      waiting for their information, and  
11      once we get that we'll make our  
12      recommendation to them. That  
13      recommendation being -- the  
14      information I would be looking for is  
15      finding out the size of the loading  
16      zone, finding out the size of the  
17      parking spaces and the way finding  
18      signing for the off-site parking.

19                  CHAIRMAN BRAND: The signage  
20      has nothing to do with either of the  
21      requests, though, for the variance  
22      other than the parking lot size in  
23      general or the minimum distance  
24      between structures.

25                  MR. GAROFALO: I think it's

## 1 POLLOCK SITE PLAN

2 important for people to be able to  
3 find it. It's not like it's an easy  
4 site, even though it is within the  
5 required distance. I don't think  
6 that that's something that they can't  
7 provide. I think that's a fairly  
8 simple thing.

12 MR. POLLOCK: Okay.

13 MR. MEDENBACH: I don't think  
14 the ZBA is going to get involved in  
15 the signage.

16 CHAIRMAN BRAND: No.

20 MR. POLLOCK: Okay.

21 CHAIRMAN BRAND: Anything else,  
22 Mr. Garofalo?

1       POLLOCK SITE PLAN

2           to be relocated, the two utility  
3           poles on the --

4           MR. POLLOCK: Yes.

5           MR. MEDENBACH: We don't have a  
6           solution with Central Hudson yet on  
7           that. We're still talking to them.  
8           We'd like to see it go underground.  
9           It's just been difficult  
10           communicating with them. Once we  
11           have a plan, we'll let you know. We  
12           don't know if they're going to move  
13           the poles. I suggested that they put  
14           the poles up with a cantilevered  
15           bracket on them. Move the poles, I  
16           don't know if they want to do that.  
17           We don't have an answer for that  
18           right now.

19           MR. JENNISON: I'm asking  
20           because some of our organizations  
21           utilize those poles for the holiday  
22           lights and for --

23           MR. POLLOCK: You're still  
24           going to have poles.

25           MR. JENNISON: There are going

1       POLLOCK SITE PLAN

2           to be poles?

3                    MR. MEDENBACH: Unless they

4            decide to go underground.

5                    MR. POLLOCK: We're moving the  
6            sidewalk further in.

7                    MR. MEDENBACH: But the poles  
8            then become too close to the building  
9            is the problem.

10                  MR. POLLOCK: The idea is to  
11            cantilever the actual wires over the  
12            street.

13                  MR. MEDENBACH: Except Central  
14            Hudson hasn't approved that yet.

15                  MR. POLLOCK: They did. When I  
16            was there the guy Nathan at the time  
17            said that's the solution, and then he  
18            got transferred somewhere else. Now  
19            I'm dealing with two other people,  
20            Stan and Jason, from Central Hudson.  
21                  They're supposed to send me an e-mail  
22            right now which Al Lanzetta got and I  
23            never received. It's got to be  
24            forwarded to me. We're waiting for  
25            that to happen right now.

1                   POLLOCK SITE PLAN

2                   CHAIRMAN BRAND: Okay.

3                   MR. GAROFALO: There was one  
4                   other question that I did not get an  
5                   answer to, and that dealt with has  
6                   the fire department looked at the  
7                   issue of putting their ladders up to  
8                   the building because of the wires,  
9                   et cetera? I don't think I've seen  
10                  anything on that.

11                  MR. MEDENBACH: They haven't  
12                  responded to that. I don't know if  
13                  that was a specific question to them.  
14                  They looked at the site. They looked  
15                  at our plan. They looked at the  
16                  traffic movements. They didn't seem  
17                  to have a problem with the truck  
18                  getting in and out of the site.  
19                  That's all I know. I don't know  
20                  anything about the specifics, if they  
21                  are going to try to put a ladder up  
22                  against the front of the building or  
23                  not. I think most --

24                  MR. GAROFALO: I think part of  
25                  that issue deals with the wires.

1       POLLOCK SITE PLAN

2           Okay.

3           MR. MEDENBACH: That happens  
4           wherever you have wires in front of a  
5           building, you know.

6           MR. GAROFALO: Yes. These  
7           buildings I think are a little taller  
8           than most.

9           MR. MEDENBACH: I would think  
10          if there's power lines in front of  
11          the building, they're not going to  
12          put their ladder there.

13          MR. HINES: They also have full  
14          access to the rear. They made it 26  
15          foot wide, the drive aisle. That  
16          provides aerial access per the fire  
17          code.

18          MR. POLLOCK: We're central  
19          sprinklering. We're doing a total  
20          sprinkler job on it. Normally you  
21          don't have wires when you have  
22          sprinklers.

23          MR. HINES: Wait a minute.  
24          That's not true.

25          MR. POLLOCK: Except the big

1           POLLOCK SITE PLAN

2           buildings in Manhattan, and normally  
3           they go out. How are you supposed to  
4           build a building taller than the fire  
5           engine? You would never be able to  
6           do it unless you sprinklered the  
7           building or have standpipes inside.

8           MR. GAROFALO: I appreciate  
9           that and appreciate you lighting the  
10          aisles for the fire department.

11          Thank you.

12          MR. CLARKE: I have two issues.  
13          At the last meeting I brought up --  
14          the last meeting you were here I  
15          brought up the issue of not having 48  
16          parking spots contiguous to the  
17          apartments. I'm looking at the map  
18          and wondering why you can't put those  
19          extra 9 parking spots in the  
20          northwest corner of that property so  
21          some people don't have to walk all  
22          the way down to Brewster Street?

23          MR. MEDENBACH: Can you show me  
24          on the map where?

25          CHAIRMAN BRAND: The triangle.

1                   POLLOCK SITE PLAN

2                   MR. HINES: It's a 40-foot  
3                   elevation difference there.

4                   MR. CLARKE: This area up here?

5                   MR. MEDENBACH: That's steep.  
6                   You'd never get up there.

7                   MR. CLARKE: You'd have to chip  
8                   this out.

9                   MR. MEDENBACH: It starts right  
10                  here. That's going to be one big  
11                  rock.

12                  MR. CLARKE: You don't want to  
13                  take it out to create the other  
14                  spots?

15                  MR. MEDENBACH: We're already  
16                  taking too much out. You'd have to  
17                  have another row of parking.

18                  MR. CLARKE: Yeah.

19                  MR. MEDENBACH: We don't have  
20                  enough room for that.

21                  MR. CLARKE: If you're going to  
22                  take that out, it levels off. It  
23                  doesn't get any steeper.

24                  MR. MEDENBACH: It does. It  
25                  keeps going up. The high point is

1       POLLOCK SITE PLAN

2           there. You're fighting that hill.

3           MR. CLARKE: All right. The  
4           other issue I have is about community  
5           parking. Mr. Pollock has a lot of  
6           opportunity to create community  
7           parking. You're talking about  
8           parking for your stores and for your  
9           residents in the apartments. What  
10           about community parking? Can you  
11           interface with the Town Board and  
12           have some dedicated community parking  
13           that is open for anybody to park,  
14           just open parking?

15           MR. POLLOCK: Is it required  
16           that I give community parking?

17           MR. MEDENBACH: Are you going  
18           to enforce the parking? I think the  
19           parking lot he's putting in off of  
20           Brewster Street is basically going to  
21           be open to the public. He's not  
22           going to have somebody checking.

23           MR. CLARKE: Can it be  
24           designated? Can we have a lease  
25           agreement or something with the Town

1           POLLOCK SITE PLAN

2           Board that this is community parking,  
3           open parking for anybody?

4           MR. POLLOCK: You already have  
5           my church parking up the street from  
6           there which I don't charge the Town  
7           for right now.

8           MR. CLARKE: I want it so it's  
9           not private property, that there's  
10           some kind of an agreement that this  
11           is open for anybody to park.

12           MR. POLLOCK: You want me to  
13           give away my property to the Town  
14           you're saying?

15           MR. CLARKE: I don't want you  
16           to give it away. I want you to have  
17           some kind of agreement. You're  
18           saying you're willing to let people  
19           park there anyway. I want some way  
20           that it's designated that there will  
21           be community parking, this will be  
22           open to the public for parking so we  
23           don't have a bigger problem in the  
24           hamlet than we have now.

25           MR. GAROFALO: With regard to

1       POLLOCK SITE PLAN

2           that, what I think they would be  
3           better off doing is once they get it  
4           built and they look and they see how  
5           well it is or is not being used, then  
6           they might have an opportunity, when  
7           they build another structure or  
8           something else, to be able to argue  
9           we would like to also use this  
10          parking as shared parking between  
11          these two uses. I think you really  
12          need to have the facility occupied  
13          and in use to know whether or not you  
14          could use that parking lot for other  
15          uses. I'm not saying it's a bad idea  
16          to have public parking in the area  
17          but I think that a fair way to do it  
18          would be to, one, see how it is being  
19          used. If the applicant wants to come  
20          back and do some kind of shared  
21          parking with some other facility,  
22          then that would be up to them to come  
23          back to the Board and justify, based  
24          on the use, that there actually is  
25          available parking and that the shared

1       POLLOCK SITE PLAN

2           use would be appropriate. Like we're  
3           seeing here a certain amount of  
4           shared use between the commercial and  
5           the residential. Certainly  
6           residential peaks in the middle of  
7           the night when the commercial isn't  
8           there at all. So there's a good  
9           mixture as far as parking. We do  
10           certainly share weekend parking.

11           In terms of the other lot, I  
12           think you really have to see how it's  
13           being used. If it's fully used, then  
14           there really won't be any opportunity  
15           for the public to be using it.

16           MR. POLLOCK: I agree with you.  
17           I see this as a project to stimulate  
18           the Main Street, and hopefully we get  
19           rid of all these problems going  
20           forward. I have a lot of property by  
21           the church, which is southeast of the  
22           property, all the way to 9W that we  
23           could actually -- the other  
24           commercials in the neighborhood who  
25           don't have parking should really

1           POLLOCK SITE PLAN

2           contribute to parking into this area  
3           possibly. The only thing you have  
4           are the side streets to park in. I  
5           think if we get this project up and  
6           going, maybe some other developer  
7           will come in and they need parking.  
8           Basically the other ones that are  
9           grandfathered in, they're getting a  
10           free ride from me -- they're going to  
11           get a free ride. Even when we had  
12           the lot when we were trying to  
13           excavate a little bit, when we got  
14           down to buildings, the other  
15           commercials on the block were using  
16           that as parking. It's a dirt area.  
17           After we knocked down the two  
18           buildings, they're on that existing  
19           lot.

20           MR. HINES: We had this same  
21           conversation when Frida's Bakery was  
22           here. I believe you provided  
23           additional parking there as well.

24           MR. POLLOCK: Yeah.

25           MR. CLARKE: It's open to the

1           POLLOCK SITE PLAN

2           public. I'd like some kind of  
3           signage and some kind of agreement  
4           between the Town Board and Mr.  
5           Pollock. That's all I'm looking for.

6           MR. POLLOCK: I think it's the  
7           same thing with the Kent property  
8           where it's right on Church Street.  
9           They have a parking area there  
10          supposedly. You can use -- I don't  
11          know if it's a lease deal or he just  
12          lets you park there. I have the  
13          corner and he has the rest of the  
14          Church Street property.

15          MR. GAROFALO: I think there  
16          needs to be a clear connection that  
17          that parking is part of this site.  
18          The fact of the matter is somebody  
19          may park there to visit one of these  
20          businesses and then go to the library  
21          or someplace else. That's going to  
22          be a normal use.

23          MR. POLLOCK: Correct.

24          MR. GAROFALO: I think there  
25          needs to be a legal connection so

1       POLLOCK SITE PLAN

2           that when the next property comes in  
3           that's near there, that you might  
4           want to use this as shared parking,  
5           that the Board is aware that there is  
6           this legal connection and that you  
7           have to justify that shared parking.

8           MR. HINES: That was the intent  
9           of the note that I wanted on the  
10          plan, that this Brewster Street  
11          parking is connected to this. We did  
12          it when the Brickhouse did its second  
13          floor and they made an agreement with  
14          neighboring parking. We also did it  
15          with the Falcon with the adjoining  
16          parking. It's been done with the  
17          Board before, connecting it  
18          permanently with the use.

19           CHAIRMAN BRAND: Pat, how was  
20          that done previously? Just signage?

21           MR. HINES: No. There was a  
22          legal agreement.

23           MR. MEDENBACH: A condition of  
24          the site plan.

25           CHAIRMAN BRAND: They were

1       POLLOCK SITE PLAN

2                   different owners? It wasn't one  
3                   property owner that owned everything,  
4                   it was --

5                   MR. HINES: They were between  
6                   three different property owners.

7                   Certainly these tax maps should sign  
8                   this agreement. This parking here on  
9                   Brewster is dependent -- is required  
10                  for the use that we're looking at  
11                  here. Your code allows it in the  
12                  hamlet but it needs to have the  
13                  connection, as Mr. Clarke is saying.  
14                  It needs to be definitive that  
15                  they're there. We can't have Mr.  
16                  Pollock come in in five years from  
17                  now and say I'm going to put a  
18                  building here. I know we talked  
19                  about this when Frida's was here.  
20                  There's a lot of parking behind  
21                  Frida's that Mr. Pollock has allowed  
22                  I think the general public to use. I  
23                  don't think there's any signage back  
24                  there. I think he has a vested  
25                  interest in allowing parking because

1           POLLOCK SITE PLAN

2           he has a lot of property here. I do  
3           believe there should be a connection  
4           because you're allowing the transfer  
5           of these properties, the parking from  
6           one property to the other. That was  
7           the intent of my map note and/or  
8           legal instruments. I know the Falcon  
9           had a legal instrument with the  
10           neighboring property behind the gas  
11           station there.

12           CHAIRMAN BRAND: Just a note on  
13           the map, though, you think would be  
14           sufficient?

15           MR. HINES: They had a lease  
16           agreement. It's a long-term  
17           agreement.

18           MS. FLYNN: The property owner  
19           had to write a note stating that they  
20           were allowed to park there. Brix has  
21           that as well.

22           CHAIRMAN BRAND: You're just  
23           saying --

24           MR. HINES: I think there  
25           should be a note on the map as well.

1           POLLOCK SITE PLAN

2           When they file this map.

3           MR. GAROFALO: The signing is  
4           important. You can't find that  
5           parking --

6           MR. HINES: He may put it in  
7           his leases that some of the tenants  
8           may have to park here because it will  
9           provide for more retail.

10           MR. POLLOCK: We will put a  
11           sign there. We're agreeing to  
12           everything you're saying and we're  
13           not disagreeing. We're just listening  
14           and we are taking notes. We'll do  
15           this.

16           MR. MEDENBACH: I want to point  
17           out, too, that off-street parking is  
18           part of the approved site plan. It's  
19           a permanent feature of this site plan  
20           for that building to be built. He  
21           couldn't take that away without  
22           violating the site plan.

23           MR. POLLOCK: Correct.

24           CHAIRMAN BRAND: Any other  
25           questions or comments from the Board?

1                   POLLOCK SITE PLAN

2                   MS. LANZETTA: I just need to  
3                   remind the applicant that as part of  
4                   the recommendations from Ulster  
5                   County, required modifications --  
6                   first of all, the County loves this  
7                   project. They said that you guys  
8                   have done a tremendous job in putting  
9                   this together, and they really wanted  
10                  to make that clear to you.

11                  MR. POLLOCK: Thank you.

12                  MS. LANZETTA: They really  
13                  approve of this project very highly.

14                  Your willingness to put in two  
15                  electrical charging stations will  
16                  really make them very happy, and I  
17                  think that's forward thinking. I  
18                  think it's just practical thinking.

19                  MR. POLLOCK: We're considering  
20                  doing solar panels on the roof now  
21                  also.

22                  MS. LANZETTA: That's what I  
23                  was going to say. In your response  
24                  here you kind of said the balance of  
25                  the comments were not specific to the

1       POLLOCK SITE PLAN

2           project.

3                   MR. POLLOCK: Right now there's  
4                   such a good offer on the table  
5                   between the State and the Fed in  
6                   solar panels. Basically it's almost  
7                   -- not a giveaway but it's pretty  
8                   much there. It's really stupid for  
9                   me to not put solar panels on every  
10                   place I could put them. We can use  
11                   those -- we can use them -- we can  
12                   either put a battery or put it to  
13                   Central -- right now they recommend  
14                   selling it back to Central Hudson,  
15                   and that will pay for the electric  
16                   charging stations. That's basically  
17                   a net zero. It doesn't cost us  
18                   anything.

19                   MS. LANZETTA: I think that's  
20                   great. I do want to just remind you  
21                   that it is required. So this  
22                   Planning Board needs to make sure  
23                   that we have some good looks at some  
24                   alternative energy besides fossil  
25                   fuel.

1                   POLLOCK SITE PLAN

2                   MR. POLLOCK: At Buttermilk  
3                   Falls we put in four charging  
4                   stations eight years ago or nine  
5                   years ago. We put four charging  
6                   stations there. I wish more people  
7                   would use them. Maybe we need more  
8                   electric cars. Eventually it will be  
9                   electric cars, you know, the way  
10                  things are going right now. We'll  
11                  see. I don't mind putting charging  
12                  stations in.

13                  MS. LANZETTA: As I said, the  
14                  charging stations are great.

15                  As far as the buildings are  
16                  concerned, we need to look at some  
17                  sustainability stuff.

18                  MR. POLLOCK: It would be nice  
19                  if the municipality also put charging  
20                  stations on the street and they had  
21                  that allocated like they do in other  
22                  places in the country. I don't know  
23                  if New York State does it but I see  
24                  it happening. I was in Venice -- not  
25                  Venice. I was in Florence and they

## 1 POLLOCK SITE PLAN

had electric charging stations there ten years ago. You could only drive a mini car into Florence. They had these charging stations. You couldn't drive a regular car into the area. You had the little smart cars. The electric smart cars at the time. That was really cool. It was free also I believe. In Kingston at the court building there's a charging station also. I don't know if you noticed that. There's a couple of charging stations there. I don't mind putting them in. Municipalities have to help a little bit, I think, in giving parking and also giving electric, possibly, charging stations and things like that to the community. Maybe put it in the budget somewhere. I don't know. Take away from the school budget. I'm just kidding.

24 CHAIRMAN BRAND: Ouch.

25 Careful.

1                   POLLOCK SITE PLAN

2                   MR. GAROFALO: Do you know what  
3                   the distance between those buildings  
4                   is?

5                   MR. POLLOCK: The outbuildings  
6                   here?

7                   MR. GAROFALO: The buildings on  
8                   the plan.

9                   MR. MEDENBACH: The ones we're  
10                  building?

11                  MR. GAROFALO: Where you have  
12                  the stairs. Do you know what the  
13                  minimum distances are there?

14                  MR. MEDENBACH: I'm not sure.

15                  MR. POLLOCK: Is it 20 feet?  
16                  30 feet?

17                  MR. MEDENBACH: Hold on a  
18                  second. I think I have them written  
19                  down in one of these plans.

20                  MR. POLLOCK: I'm hoping one  
21                  day we can build one building and put  
22                  different facades on it.

23                  CHAIRMAN BRAND: It's not one  
24                  and-a-half times the height of the  
25                  structure?

1 POLLOCK SITE PLAN

2 MR. HINES: It's not near that.

3 MR. GAROFALO: It's not near

4 that. That's why I was wondering.

5 Maybe they could put that on the  
6 plan. Maybe we could look at that as  
7 a recommendation to the ZBA.

8 MR. MEDENBACH: The distance is  
9 probably about 11 feet at the  
10 smallest point.

11 MR. POLLOCK: And then at the  
12 largest?

13 MR. MEDENBACH: The one tapers  
14 some in the front. It's like around  
15 14 feet.

16 MR. GAROFALO: There was no  
17 comment from the fire department on  
18 that, was there?

19 MS. LANZETTA: I don't  
20 remember.

21 CHAIRMAN BRAND: Pat, did you  
22 have anything else on this?

23 MR. HINES: I do not.

24 CHAIRMAN BRAND: Anybody else?

25 MR. GAROFALO: Maybe we could

1           POLLOCK SITE PLAN

2           have the fire department take a look  
3           at that. If they don't have a  
4           problem with it, we can send a letter  
5           to the ZBA saying that we recommend  
6           they allow shortening the distances  
7           between the buildings.

8           CHAIRMAN BRAND: Anything else  
9           from the Board?

10           (No response.)

11           CHAIRMAN BRAND: No. All  
12           right. Thank you.

13           The public hearing. Jen, when  
14           would the next available date be for  
15           the public hearing?

16           MS. FLYNN: February 7th.

17           CHAIRMAN BRAND: February 7th  
18           public hearing. Does that work for  
19           you?

20           MR. MEDENBACH: Yes.

21           MR. POLLOCK: Sure.

22           CHAIRMAN BRAND: Can I have a  
23           motion to schedule the public  
24           hearing?

25           MS. LANZETTA: I'll make that

1       POLLOCK SITE PLAN

2                   motion.

3                   CHAIRMAN BRAND: Cindy. Is

4                   there a second?

5                   MR. LOFARO: Second.

6                   CHAIRMAN BRAND: Joe. Any

7                   discussion?

8                   (No response.)

9                   CHAIRMAN BRAND: Any objection?

10                  (No response.)

11                  CHAIRMAN BRAND: We'll see you

12                  again on February 7th.

13                  MR. MEDENBACH: Thank you very  
14                  much.

15                  MR. POLLOCK: Thank you. I  
16                  appreciate that.

17

18                  (Time noted: 8:28 p.m.)

19

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## 1 POLLOCK SITE PLAN

4

5 I, MICHELLE CONERO, a Notary Public

6 for and within the State of New York, do

7 hereby certify:

8                   That hereinbefore set forth is a true  
9 record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 11th day of January 2022.

17

18

19

20

21

22

23

24

25

# MICHELLE CONERO

25

1

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

5

6 FRANKOS SITE PLAN

7 Project No. 21-5024  
8 387 Lattintown Road, Marlboro  
9 Section 108.2; Block 9; Lot 26  
- X

10

SKETCH - SITE PLAN

11

12 Date: January 3, 2022  
13 Time: 8:28 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547  
18

19

BOARD MEMBERS: CHRIS BRAND, Chairman  
20 CINDY LANZETTA  
21 JOSEPH LOFARO  
22 JAMES GAROFALO  
23 STEVE CLARKE  
24 ROBERT TRONCILLITO  
25 STEPHEN JENNISON

26

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

30

31 - X  
32 MICHELLE L. CONERO  
33 3 Francis Street  
34 Newburgh, New York 12550  
35 (845) 541-4163

1

2                   CHAIRMAN BRAND: Frankos will  
3                   not be here this evening.

4

5                   (Time noted: 8:29 p.m.)

6

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

8

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

12                  That hereinbefore set forth is a true  
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15                  related to any of the parties to this  
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17                  I am in no way interested in the outcome of  
18                  this matter.

19                  IN WITNESS WHEREOF, I have hereunto  
20                  set my hand this 11th day of January 2022.

21

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MICHELLE CONERO

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1                   VERIZON - MARLBORO HIGH SCHOOL

2                   CHAIRMAN BRAND: We are moving  
3                   along on the agenda to Verizon -  
4                   Marlboro High School at 50 Cross  
5                   Road, a sketch of their site plan.

6                   MR. GAROFALO: Mr. Chairman, --

7                   CHAIRMAN BRAND: You are  
8                   recused, sir.

9                   MR. GAROFALO: -- is there  
10                   going to be anything after this?

11                   CHAIRMAN BRAND: Not to my  
12                   knowledge. James, you can have a  
13                   seat in the audience.

14                   MR. GAROFALO: Call me back  
15                   when you're done.

16                   CHAIRMAN BRAND: Absolutely.  
17                   Verizon. How are you?

18                   MR. OLSON: Good. Thank you.  
19                   How are you?

20                   CHAIRMAN BRAND: Good.

21                   MR. OLSON: So I'm Scott Olson,  
22                   I'm an attorney at Young Sommer. I  
23                   have Frank Murray here with me to my  
24                   right. He's with Tectonic  
25                   engineering.

1       VERIZON - MARLBORO HIGH SCHOOL

2                   We were here at the last  
3                   Planning Board meeting and we  
4                   discussed our application a little  
5                   bit. At the end of the meeting we  
6                   were asked to come back to tonight's  
7                   meeting so that the Board would  
8                   basically schedule the balloon test  
9                   that is required by Section 152-6 Y.  
10                  So that's what we're here tonight to  
11                  do.

12                  CHAIRMAN BRAND: And Mr. Musso,  
13                  you're here on behalf of the Town as  
14                  well.

15                  MR. MUSSO: Yes, I am.

16                  CHAIRMAN BRAND: Would you like  
17                  to grab a more prominent seat  
18                  perhaps.

19                  MR. MUSSO: I could just come  
20                  up here. Members of the Board,  
21                  thanks for having me here tonight.  
22                  Mike Musso from HDR working on behalf  
23                  of the Town. I know I've worked with  
24                  some of you in the past on cell  
25                  reviews going back several years to

1           VERIZON - MARLBORO HIGH SCHOOL

2           Mount Zion and the Ali site which is  
3           not too far away from Marlboro High  
4           School, a 130-foot monopole that was  
5           built, and more recently Verizon  
6           small cell nodes on 9W.

7           I've submitted an agreement and  
8           task order for consideration. I  
9           think your attorney is looking at  
10           that.

11           I just wanted to throw out some  
12           notes. This is a 90-foot monopole,  
13           as you know, on Marlboro High School.  
14           I am familiar with that campus based  
15           on the AT&T application several years  
16           ago. The campus was actually looked  
17           at at that time as an alternate.  
18           AT&T, who was the lead in that case,  
19           decided to go elsewhere. Now Verizon  
20           is coming in.

21           I understand, not just from  
22           speaking with Pat, there are  
23           complaints of lack of service, and I  
24           think maybe you're hearing that too,  
25           along the 9W corridor.

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 CHAIRMAN BRAND: We're living  
3 it.

4 MR. MUSSO: Northern Orange and  
5 lower Ulster County.

6 What our review process usually  
7 is, there will be a tech memo that  
8 will go to this Board. We'll look at  
9 the need and the justification of the  
10 site. Per your code we'll look at  
11 alternate sites and possibilities.  
12 Some of this has been provided by  
13 Tectonic and the applicant. We're  
14 still looking at those aspects of  
15 things. RF emissions are always  
16 important. We like to take a hard  
17 look at that. The visual assessment  
18 is always a major assessment for a  
19 new tower site.

20 Looking at your code, there's a  
21 requirement for a notice of a balloon  
22 test. I just wanted to throw out  
23 some ideas and maybe talk about that  
24 tonight. Your code requires a seven  
25 fourteen-day notice. There's not

1       VERIZON - MARLBORO HIGH SCHOOL  
2           great specificity on how to do that.  
3           Certainly the local paper, where  
4           other applicants would notice, would  
5           be the right thing to do, and maybe  
6           on the website also to put out there.  
7           That's another way to make things  
8           visible. Whether or not the school  
9           district wants to notice among their  
10          constituents, that may be a  
11          possibility as well.

12           If this Board wants to  
13          entertain dates at this point, I  
14          think it's probably a decent idea.  
15          It's always best to do it in off-leaf  
16          season, obviously, because you're  
17          getting the worst views. I'd be  
18          around with the applicant's crew on  
19          that day. They're going to take a  
20          look of pictures as they always do.  
21          They've already turned some of those  
22          into photo simulations. We would  
23          work with the applicant team, we'd  
24          set up a phone chain. It might be  
25          scheduled for a Saturday. Your code

1       VERIZON - MARLBORO HIGH SCHOOL  
2               says a weekend is always the best, at  
3               least for a first date. Usually  
4               winds of excess of 8 miles-per-hour,  
5               which you can see on Thursday  
6               afternoon in the forecast, or if it's  
7               rain or snow, we might need to  
8               postpone that. So a lot of this is  
9               just a phone chain that I would  
10               facilitate between the applicant and  
11               this Board. The noticing would have  
12               a weather date. Some detail on that  
13               that would come through. So that's  
14               certainly something that you could  
15               talk about tonight and maybe elect to  
16               move forward with.

17               One thing also is completeness.  
18               I'm guessing you've heard something  
19               about the shock clock from the  
20               applicant at this point. So it's  
21               really important that we put together  
22               a completeness memo, which we're  
23               working on now. It will essentially  
24               be a supplemental info request based  
25               on the code requirements and based on

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 some additional clarification or  
3 information that we might need as  
4 your consultant to look at alternate  
5 sites, to look at the justification,  
6 et cetera. Those sorts of things.

7 So that's a little bit of maybe  
8 a preview and overview. If the Board  
9 is amenable tonight, we could look at  
10 the calendar and put some dates out,  
11 realizing that the noticing has to  
12 take place fourteen and seven days.

13 It can't happen tomorrow, obviously.

14 Maybe on a Saturday, if Saturdays  
15 work well with this Board, we could  
16 look at a date. On-leaf season, it  
17 comes up quick. These days fly by.

18 As we all know, there could be some  
19 weather days involved. I think it's  
20 a good idea to start thinking about  
21 that now so we don't back up to late  
22 March or April when leaves start  
23 coming out. I know that sounds like  
24 a long ways away but I think the  
25 earlier we get it together the

1       VERIZON - MARLBORO HIGH SCHOOL

2           better.

3           Those are my comments for  
4           tonight.

5           CHAIRMAN BRAND: Thank you.

6           Jeff, as a matter of  
7           housekeeping, the short-term  
8           agreement for professional services  
9           that Mr. Musso provided tonight, is  
10           that something the Board adopts to  
11           formalize?

12           MR. BATTISTONI: Yes. You'll  
13           need to authorize that. I'll review  
14           it. I have received it. I received  
15           actually a task order and an  
16           agreement. I'll look at both of  
17           those items.

18           CHAIRMAN BRAND: So I would  
19           like to entertain a motion to  
20           authorize the attorney to review the  
21           task order agreement and allow --

22           MR. HINES: Just for timing, I  
23           know we have the shock clock and we  
24           have the dates. I think if the Board  
25           authorizes the Chairman to execute

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 this agreement subject to sign off  
3 from Jeff, it would be better.

4 CHAIRMAN BRAND: So Cindy, are  
5 you making that motion?

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

8 CHAIRMAN BRAND: Is there a  
9 second?

10 MR. TRONCILLITO: I'll second  
11 it.

12 CHAIRMAN BRAND: Any discussion?  
13 (No response.)

14 CHAIRMAN BRAND: Any objections?  
15 (No response.)

16 CHAIRMAN BRAND: No. Okay.

17 MR. HINES: I think Mike will  
18 have comfort that he's going to get  
19 paid.

20 MR. MUSSO: I know you guys.  
21 That's all right. Any questions from  
22 the attorney on our standards, just  
23 let me know. We'll work through  
24 those.

25 MR. BATTISTONI: I'll be in

1       VERIZON - MARLBORO HIGH SCHOOL

2                   touch.

3                   CHAIRMAN BRAND: Okay. Jeff,  
4                   did you have anything else on this?

5                   MR. BATTISTONI: I'll say that  
6                   I received a letter from Mr. Olson  
7                   regarding the shock clock. I will  
8                   share that with the Board. I would  
9                   like to speak with him about that,  
10                  and Mike as well. I'll see if we can  
11                  get some sort of stipulation or  
12                  agreement relating to the timeframes  
13                  that the Board is under.

14                  CHAIRMAN BRAND: Thank you.

15                  Any other comments or questions  
16                  from the Board?

17                  MS. LANZETTA: I think it would  
18                  be wise to set a date for the balloon  
19                  test.

20                  MR. LOFARO: I agree.

21                  CHAIRMAN BRAND: So then Mr.  
22                  Musso, is that something you will  
23                  phone chain as part of your services?

24                  MR. MUSSO: Yes.

25                  CHAIRMAN BRAND: Is that

1       VERIZON - MARLBORO HIGH SCHOOL

2                   something we're going to agree on or  
3                   are we resolved to allow him to act  
4                   to set those dates? Are there any  
5                   dates that don't work for anyone on  
6                   Saturday in the next fourteen to  
7                   seven days?

8                   MR. OLSON: May I just jump in?  
9                   What's your official paper and do  
10                  they publish every day? It just says  
11                  your official paper. You have to  
12                  choose.

13                  MS. LANZETTA: Southern Ulster  
14                  Times is our official paper, and it's  
15                  a weekly.

16                  MR. OLSON: I raise that  
17                  because if it's a weekly we've got to  
18                  find out what the deadlines are. You  
19                  could be looking at realistically the  
20                  end of January at the earliest.

21                  MR. JENNISON: Is the current  
22                  Board keeping them as the official  
23                  paper?

24                  MS. LANZETTA: That's the  
25                  Town's paper.

1           VERIZON - MARLBORO HIGH SCHOOL

2           MR. JENNISON: They have an  
3           organization meeting on Wednesday.  
4           Correct, Scott?

5           CHAIRMAN BRAND: Mr. Corcoran,  
6           do you know if you'll be retaining  
7           the services of the Southern Ulster  
8           Pioneer -- Southern Ulster Times as  
9           the official newspaper?

10          MR. CORCORAN: Yes.

11          CHAIRMAN BRAND: Okay.

12          MR. OLSON: What I could do is  
13          I could have my assistant contact  
14          that paper, find out what the  
15          deadlines are so that we can kind of  
16          plan for the next available Saturday,  
17          which again is probably not going to  
18          be until the end of January at best.  
19          I can communicate that to Mr. Musso.  
20          Once that's acceptable, we can do the  
21          notices and get them in the paper.

22          MR. MUSSO: I'll stay in touch  
23          with the Board. If allowable, I can  
24          suggest language for the notice,  
25          which could also go on the website,

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 if that sounds like a good idea.

3 It looks like the 29th is a  
4 Saturday. That sounds like that  
5 might be the target date.

6 CHAIRMAN BRAND: January 29th?

7 MR. MUSSO: January 29th is a  
8 Saturday. I'm just throwing that out  
9 as a possibility.

10 MR. OLSON: Just so we're  
11 clear, and I haven't done the math  
12 yet but I've seen this provision  
13 before, this very specifically says  
14 it shall be seven days and fourteen  
15 days before. It may not be exactly  
16 seven days or fourteen days but we'll  
17 make sure that it's at least fourteen  
18 days. That's the best we can do  
19 depending on the paper. It is what  
20 it is.

21 MS. LANZETTA: Mm'hm'.

22 MS. FLYNN: The Southern Ulster  
23 Times, I think their deadline is  
24 either Tuesday or Wednesday because  
25 their paper comes out on Thursday.

1                   VERIZON - MARLBORO HIGH SCHOOL

2                   MR. OLSON: Okay. For that, if  
3                   it comes out on a Thursday I can't  
4                   make it be exactly seven days and  
5                   fourteen days before a Saturday. But  
6                   thank you.

7                   CHAIRMAN BRAND: It comes out  
8                   on Thursday. They print on  
9                   Wednesday. Probably Tuesday would be  
10                   the deadline.

11                   The Board is agreeable to  
12                   allowing that to happen?

13                   MR. CLARKE: Yes.

14                   MR. TRONCILLITO: Yes.

15                   MS. LANZETTA: Yes.

16                   MR. JENNISON: Yes.

17                   MR. LOFARO: Yes.

18                   CHAIRMAN BRAND: Yes.

19                   No objections. Okay.

20                   MR. LOFARO: Do we have to put  
21                   an alternate date the following  
22                   Saturday?

23                   MR. MUSSO: The code says the  
24                   first date should be on a weekend, so  
25                   Saturday or Sunday. Maybe Saturday

1       VERIZON - MARLBORO HIGH SCHOOL

2           works better, people are riding  
3           around. But if it's bad visibility,  
4           you could choose the following  
5           Saturday. It doesn't have to be --  
6           it could be the following day, it  
7           does not have to be a weekend, as the  
8           weather date.

9                   CHAIRMAN BRAND: Set a date for  
10                  the 30th so to speak?

11                  MR. MUSSO: Yeah. If it turns  
12                  out with the notices that Saturday  
13                  the 29th is a prime date, we could  
14                  just put something in there that will  
15                  roll to the following day, weather  
16                  permitting, and then the following  
17                  day weather permitting.

18                  CHAIRMAN BRAND: Or the next  
19                  available date weather permitting.

20                  MR. MUSSO: If that works with  
21                  you. That's what we typically do.  
22                  The next available good weather day.  
23                  We'll communicate with the Town  
24                  Planning Board and/or its consultant.

25                  MS. LANZETTA: We can always

1       VERIZON - MARLBORO HIGH SCHOOL

2           update that on the website.

3            MR. OLSON: That's exactly what

4            towns like to do. Correct.

5            MR. MUSSO: I'll stay in touch  
6            with this Board. The Thursday before  
7            or even sometimes the night before.

8            I'll give you my text and phone if  
9            there's any questions.

10           MR. OLSON: As an example, we  
11           had one due tomorrow for a different  
12           municipality. I learned today at  
13           about 2:00 that that's been canceled  
14           because of the high wind. I  
15           immediately communicated that to the  
16           village, in this case, and let them  
17           know and they put it on their  
18           website.

19           CHAIRMAN BRAND: Okay. Thank  
20           you.

21           Anything else?

22           MR. OLSON: Nothing from me.

23           CHAIRMAN BRAND: Mr. Musso,  
24           anything else?

25           MR. MUSSO: Nothing tonight.

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2 CHAIRMAN BRAND: Jeff,  
3 anything?

4 MR. BATTISTONI: Not right now.  
5 MR. OLSON: Thank you. Have a  
6 good evening.

7 CHAIRMAN BRAND: Mr. Garofalo,  
8 you're cordially invited back.

9 Anything else?

10 (No response.)

11 CHAIRMAN BRAND: Thank you.

12

13 (Time noted: 8:40 p.m.)

14

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1 V E R I Z O N - M A R L B O R O H I G H S C H O O L

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 11th day of January 2022.

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MICHELLE CONERO