

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

- - - - - X  
In the Matter of

BOARD BUSINESS

- Welcome new Board Member Stephen Jennison
- Recusal of James Garofalo re Verizon - Marlboro High School

- - - - - X

BOARD BUSINESS

Date: January 3, 2022  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON

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

- - - - - X

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

1        B O A R D   B U S I N E S S

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        B O A R D   B U S I N E S S

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        B O A R D   B U S I N E S S

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

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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.

18

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MICHELLE CONERO

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

- - - - - X  
In the Matter of

TONSING SUBDIVISION

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

- - - - - X

PUBLIC HEARING - SUBDIVISION

Date: January 3, 2022  
Time: 7:34 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

1        T O N S I N G   S U B D I V I S I O N

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        T O N S I N G   S U B D I V I S I O N

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.

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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



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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?

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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

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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        T O N S I N G   S U B D I V I S I O N

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

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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

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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

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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

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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.



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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

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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

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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

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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

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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

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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

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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        T O N S I N G   S U B D I V I S I O N

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.)

16

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

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

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

---

MICHELLE CONERO

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

- - - - - X  
In the Matter of

POLLOCK SITE PLAN

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

- - - - - X

SKETCH - SITE PLAN

Date: January 3, 2022  
Time: 7:42 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH  
& DAVID POLLOCK

- - - - - X

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.

9 MR. MEDENBACH: We agree. We  
10 will provide that as part of the site  
11 plan approval before this Board.

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.

17 MR. GAROFALO: No. I think we  
18 should look at that as part of our  
19 recommendation.

20 MR. POLLOCK: Okay.

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

23 MR. JENNISON: I just have a  
24 question about the two utility poles  
25 that are being moved. Are they going

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

2 had electric charging stations there  
3 ten years ago. You could only drive  
4 a mini car into Florence. They had  
5 these charging stations. You  
6 couldn't drive a regular car into the  
7 area. You had the little smart cars.  
8 The electric smart cars at the time.  
9 That was really cool. It was free  
10 also I believe. In Kingston at the  
11 court building there's a charging  
12 station also. I don't know if you  
13 noticed that. There's a couple of  
14 charging stations there. I don't  
15 mind putting them in. Municipalities  
16 have to help a little bit, I think,  
17 in giving parking and also giving  
18 electric, possibly, charging stations  
19 and things like that to the  
20 community. Maybe put it in the  
21 budget somewhere. I don't know.  
22 Take away from the school budget.  
23 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

20

21

22

23

24

25

POLLOCK SITE PLAN

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

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

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

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

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

---

MICHELLE CONERO

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

- - - - - X  
In the Matter of

FRANKOS SITE PLAN

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

- - - - - X

SKETCH - SITE PLAN

Date: January 3, 2022  
Time: 8:28 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON

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

- - - - - X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(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  
13 record of the proceedings.

14 I further certify that I am not  
15 related to any of the parties to this  
16 proceeding by blood or by marriage and that  
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  
22  
23

24 \_\_\_\_\_  
25 MICHELLE CONERO

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

- - - - - X  
In the Matter of

VERIZON - MARLBORO HIGH SCHOOL

Project No. 21-5031  
50 Cross Road, Marlboro  
Section 108.4; Block 2; Lot 71.100

- - - - - X

SKETCH - SITE PLAN

Date: January 3, 2022  
Time: 8:29 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSEN &  
FRANCIS MURRAY

- - - - - X

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

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

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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.

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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

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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

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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

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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

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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

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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



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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

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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.

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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,

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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.

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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

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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

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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.

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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.)

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

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MICHELLE CONERO