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

GALLO SUBDIVISION  
Project No. 21-5020  
46 Idlewild Road, Marlboro  
Section 108.2; Block 9; Lot 40.250  
----- X

PUBLIC HEARING  
SUBDIVISION

Date: November 15, 2021  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

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

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, November 15, 2021. Regular meeting 7:30 p.m. On the agenda this evening we have the Gallo Subdivision at 46 Idlewild Road in Marlboro for a public hearing of their subdivision. We have Passante Subdivision at 64 Peach Lane for a sketch of their subdivision. The next deadline is Friday, November 19, 2021. The next scheduled meeting is Monday, December 6, 2021.

I do believe that Cindy Lanzetta had four hours of training that we need to enter into the record. That was for land use management?

MS. LANZETTA: It was the New York State Planning Federation in conjunction with the Association of Towns for a wide variety of --

MS. FLYNN: That's too much to

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write.

CHAIRMAN BRAND: We have the  
certificate.

MS. LANZETTA: Four hours.

CHAIRMAN BRAND: First up, Gallo  
Subdivision, public hearing. Are their  
representatives here?

MR. BROWN: Yes.

CHAIRMAN BRAND: "Legal notice,  
two-lot subdivision application. Please  
take notice that the Planning Board will  
hold a public hearing pursuant to the  
State Environmental Quality Review Act or  
SEQRA and the Town Marlborough Town Code  
Section 134-9 on Monday, November 15, 2021  
for the following application: Gallo  
Subdivision, at the Town Hall, 21 Milton  
Turnpike, Milton, New York at 7:30 p.m. or  
as soon thereafter as may be heard. The  
application is for a two-lot subdivision  
of property located at 46 Idlewild Road in  
Marlboro, New York 12542, Section 108.2;  
Block 9; Lot 40.250. Any interested  
parties either for or against this

proposal will have an opportunity to be heard at this time. Chris Brand, Town of Marlborough Planning Board."

How many mailings went out, how many did you get back?

MR. BROWN: 44 out, 19 were delivered.

CHAIRMAN BRAND: Pat, did you just want to run through your comments first?

MR. HINES: Sure. We received comments from the jurisdictional fire department. We also discussed at the meeting the 2020 changes to the Fire Code which requires turnoffs for fire apparatus on driveways of this length. We'll need that addressed on the plans. It may even need two for a driveway of this length. Take a look at that. I think it's Section 511 of the Fire Code.

MR. BROWN: I did go out there today. In front of the garage at the house there's a paved area. It's a paved area of 68.5 feet wide by 50 feet deep.

I have photos. The shoulders of the driveway are relatively level with the driveway, so I'd consider the pull-offs --

MR. HINES: You just need to show that you're in compliance with that. We do have a letter in the file. I think it's the Milton Fire District -- Marlboro Fire District.

We just need to make sure that the new driveway is constructed before filing the map or we have security. If the map gets filed, we have no method of accomplishing that. So either construct prior to stamping the plans or pay security in favor of the Town so that we have that done.

The 75 foot agricultural buffer, I know you've shown it on this lot here, but it needs to be shown -- it's not an issue but it needs to be shown on the Greiner lot. That side yard of 75 feet can be depicted on all of them, that the house location meets it.

I don't know if we heard from the

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highway superintendent regarding the  
relocated driveway.

MR. BROWN: We did, and he didn't  
have a problem with it.

MR. HINES: I just don't have an  
e-mail.

MR. BROWN: I'll take care of  
that. I did go out there today.  
Actually, the new location has better  
sight distance.

CHAIRMAN BRAND: If you just want  
to leave those mailings on the desk, Jen  
will take those for you.

Is that it, Pat?

MR. HINES: That's all I have.

CHAIRMAN BRAND: This is a public  
hearing. Any interested parties either  
for or against will have an opportunity to  
be heard at this time. Is there anyone  
here that would like to speak or have a  
question?

(No response.)

CHAIRMAN BRAND: No. Anything  
from the Board?

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MR. GAROFALO: Yes, I do.

Please make sure on the new plans  
-- the plan that I have is September 23,  
2021. That's the most recent plan?

MR. BROWN: Yes.

MR. GAROFALO: I believe there  
was a comment letter from the Highway  
Department. They specifically asked that  
the culvert be shown as at least 25 feet.  
If you look at that letter, that needs to  
be added to the plan.

MR. BROWN: It's actually on  
there. It's on the 100 scale. I mean it  
says 25 foot.

MR. HINES: I don't see the 25  
foot, unless it's the scale.

MR. BROWN: Okay. When the plans  
are delivered to the Town I'll make sure  
we have the revision.

MR. GAROFALO: On the plan you  
have a connection, a dashed line to the  
driveway, existing driveway unpaved. Is  
the other portion going to be paved?

MR. BROWN: It's not intended to

1  
2 be at this time. The entire driveway --  
3 again, I was out there today -- is gravel.  
4 It's in pretty good condition. It's not  
5 washing out or rutting or anything like  
6 that. Except the last few feet right in  
7 front of the garage, that is paved. It's  
8 newly seal coated.

9 MR. GAROFALO: Can you repeat  
10 that? I couldn't hear you.

11 MR. BROWN: The current driveway  
12 is gravel. It's in good condition. It's  
13 not washing out or anything like that. We  
14 were not intending on paving the relocated  
15 entrance driveway.

16 MR. GAROFALO: There is a  
17 requirement in the code, I'm not sure if  
18 it's 15 feet. There's a certain beginning  
19 distance from the road that needs to be  
20 paved. It's in the code.

21 I think it will be useful to  
22 indicate that the rest of it is going to  
23 be unpaved, too.

24 MR. BROWN: Unpaved.

25 MR. GAROFALO: As I noted



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previously, there was a correction that was needed in the agricultural notes.

CHAIRMAN BRAND: Anything else from the Board?

MR. GAROFALO: The last thing was whether or not there is 25 feet from the center line of the road.

MR. BROWN: Yes, there is.

MR. GAROFALO: There is.

MR. BROWN: We showed that on the map.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: No. I guess I would take a motion to close the public hearing.

MR. CLARKE: So moved.

CHAIRMAN BRAND: Steve. Do we have a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any objection?

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(No response.)

CHAIRMAN BRAND: Okay. The  
public hearing is closed.

So you will make those  
corrections and come back.

MR. BROWN: Would it be too  
forward to ask for a --

CHAIRMAN BRAND: I was just going  
to ask if the Board is comfortable with  
having the attorney draft a resolution for  
our next meeting. Do you feel comfortable  
with that?

MS. LANZETTA: The only thing we  
have to be clear on -- not the only thing,  
but something that needs to be clarified  
is whether or not they're going to have  
the depictions of the turn-outs on the  
map, and if they're going to do the  
construction of those turn-outs  
immediately or if they are going to have  
to, you know, have a bond or something to  
make sure that that gets done.

CHAIRMAN BRAND: Pat?

MR. HINES: It's a similar

discussion I had with changing the location of the driveway frontage. That either could be done prior to stamping the maps or with some form of security in favor of the Town.

CHAIRMAN BRAND: Is that something we can add to the resolution?

MR. HINES: It can be in the resolution, but it should also be noted on the plans.

MR. BROWN: I'm going to talk it over with my client, John Gallo. He's a contractor. He would like to go on and construct it prior to the signing of the maps.

MS. LANZETTA: As long as that's part of the condition, I would move to have the resolution prepared.

CHAIRMAN BRAND: Is there a second?

MR. TRONCILLITO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any objection?

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(No response.)

CHAIRMAN BRAND: All right. So  
we'll have that ready for the next  
meeting. Thank you.

MR. BROWN: That's December 6th.  
Thank you.

(Time noted: 7:40 p.m.)

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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 19th day of November  
2021.

  
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MICHELLE CONERO

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

PASSANTE SUBDIVISION  
Project No. 21-5025  
64 Peach Lane, Milton  
Section 95.4; Block 3; Lot 16.200

----- X

SKETCH  
SUBDIVISION

Date: November 15, 2021  
Time: 7:40 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

CHAIRMAN BRAND: Next on the agenda we have the Passante Subdivision for a sketch at 64 Peach Lane.

Do you want to give us a brief overview?

MS. BROOKS: Absolutely. This is a two-lot subdivision of property situate on the easterly side of Peach Lane.

The existing house will remain on a 4.193 acre parcel and they are proposing to create a new 1.12 acre lot.

CHAIRMAN BRAND: Pat, you have several comments.

Did you get a copy of them?

MS. BROOKS: I did.

MR. HINES: Patti just got them tonight because I think we sent them to Brinnier & Larios.

We need to make changes to the bulk table. Obviously there's an existing structure on lot 2-A and a proposed structure on lot 2-B to be shown.

The driveway locations need to be depicted on the plans, and the highway

superintendent should weigh in on those driveway locations.

When the driveway locations are depicted, we'll be looking for the sight distance to be shown.

There's a requirement for a 25 foot dedication. I know that it notes each lane -- it has to be a 33 foot wide roadway. There needs to be a 25 foot strip from the center line as part of a dedication along the frontage. Some portions of the lot look like it meets it but in others it looks like it gets narrower.

Health Department approval for the septic systems will be required.

The existing well and septic serving lot 2-A should be proposed.

We just talked about the sight distance.

The agricultural setback, I'm assuming that Paradise Valley Orchards, LLC to the rear is an active farm.

MS. BROOKS: Absolutely.



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2 MR. HINES: The agricultural  
3 notes will be required on the plans as  
4 well as the agricultural setback  
5 requirements for 155-52 D and E which  
6 address the agricultural buffers. The  
7 rear yard by default is 75 feet but  
8 there's some additional language in there  
9 that should be addressed.

10 The EAF does not have any flags  
11 for any significant environmental impacts.

12 We're suggesting this Board could  
13 declare its intent for lead agency.

14 We just talked about the ag  
15 notes.

16 I'm not sure but it looks like  
17 the structure -- I scaled it on the map  
18 and it looks like the existing structure  
19 on lot 2-A does not have a 75 foot rear  
20 yard setback.

21 MS. BROOKS: I scaled it as well.  
22 It's 70 feet.

23 MR. HINES: So I think it needs a  
24 variance.

25 MS. BROOKS: I'm not sure if it

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does when it's constructed prior to the --

MR. HINES: I don't know how old  
the house is.

MS. LANZETTA: No.

MS. BROOKS: No?

MS. LANZETTA: We've been told  
the code enforcement officer wants these  
to go before the ZBA from here on forward.

MS. BROOKS: Okay.

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

MR. CLARKE: I have a question.  
Is the septic system going to be a pump-up  
system?

MS. BROOKS: So I obviously did  
not perform the survey or the subdivision.  
The surveyor/engineer is not interested in  
doing Planning Board representation so the  
Passantes asked me if I would assist them  
with that.

I had a few issues myself. I  
only met and saw this map for the first  
time last Wednesday. I have a couple of  
concerns.

1  
2 I did point out to them that  
3 they're showing the proposed house at a  
4 lower elevation than the septic and that  
5 that should be addressed with the  
6 engineer.

7 MR. CLARKE: You might want to  
8 reverse those two.

9 MS. BROOKS: Yeah. I don't know  
10 that they would be able to because of the  
11 75 foot setback. They would have to  
12 design a pump-up system.

13 MR. CLARKE: I would suggest  
14 this, knowing that property, do your perc  
15 test first because there may be some  
16 issues with perc.

17 MS. BROOKS: My understanding is  
18 that perc tests were already done and  
19 submitted to the Planning Board and were  
20 part of the Planning Board submission. I  
21 think I saw them online.

22 CHAIRMAN BRAND: We have them.

23 MR. HINES: I don't review those  
24 because Ulster County does those.

25 MS. BROOKS: Right. There are a

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couple of issues that --

MR. CLARKE: As long as you're aware.

MS. BROOKS: I would like to hear all the comments so I make sure that if there's anything I did not already pick up on, that we address it.

MR. HINES: The septic are currently shown upgradient of the house location.

MS. BROOKS: Yes.

MS. LANZETTA: I'm wondering too if the present proposed septic, the 75 foot agricultural buffer, the buffer is supposed to be a vegetated buffer. You don't want to be planting anything in the septic area. I'm not sure how we're going to deal with that.

MS. BROOKS: Again, I'm going to have to discuss it with the engineer. It seems like it would be more appropriate for the septic system to be over where the well is and to have the well on the higher end of the property. That is an issue I

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need to --

MR. CLARKE: You may want to move the house a little to the east.

MS. BROOKS: Yeah. One of the items that I picked up -- because of course I knew that you were going to be asking for the bulk charts for each individual lot, the lot depth. Since I have to go to the Zoning Board of Appeals anyway, the definition of lot depth is the mean of the lot depth. So the mean of it where the proposed house is is only 190. Because it's, as you can see, a very odd shaped lot with a triangle the way it is, I believe that I would also need an area variance for that lot depth. Or I had suggested to the landowners that perhaps they shift the lot line between 2-A and 2-B slightly to the east which would do a couple of things. It would make the lot deeper, it would give a larger building envelop. That is something that I did suggest to the applicants.

CHAIRMAN BRAND: Any other

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questions or comments from the Board?

MR. GAROFALO: I have one comment. I'm not sure how you deal with the second side yard setback. I don't think it's going to be necessarily an issue in putting that in the bulk table. I'm not sure exactly how that's done.

MS. BROOKS: I'm sorry, Mr. Garofalo. I didn't understand.

MR. GAROFALO: There are two side yard setbacks.

MR. HINES: There's only one.

MR. GAROFALO: It's showing one. The other one probably doesn't come in to play, but I'm not sure how --

MR. HINES: It doesn't. It's only because of the geometry. The current geometry of the lot, there's only one side yard. Your code says if you have this geometric or a corner lot, you have a front yard, a rear yard and then one side yard.

MR. GAROFALO: Okay.

MS. BROOKS: I said the side yard

1 on that side was 195 feet because I  
2 measured it actually perpendicular to the  
3 house and intersected it to the rear. I  
4 can just leave that one blank then when  
5 you're saying the total.  
6

7 Okay. And then with regard to  
8 the highway bounds, obviously Peach Lane  
9 is a user highway. Along the roadway is a  
10 stonewall. You can see that in certain  
11 areas the stonewall is substantially more  
12 than 25 feet from the property line and in  
13 other locations it's only about 17 or 18  
14 feet from the center line of the roadway.  
15 The applicants would -- again, it's a user  
16 highway and the Town Highway Department  
17 has only used up to the stonewall. They  
18 would not like to see that stonewall  
19 destroyed. If it becomes part of the Town  
20 highway, then potentially that stonewall  
21 could be removed by the highway  
22 superintendent. I would like the  
23 opportunity to discuss that with the  
24 highway superintendent when we do the site  
25 visit and see whether, in this particular

1 instance, a waiver of that 25 foot would  
2 be appropriate due to the presence of the  
3 existing stonewall and the fact that we're  
4 always trying to preserve them.  
5

6 MR. CLARKE: I visited the site  
7 before the meeting today. You know, the  
8 drainage there is really excellent. There  
9 probably isn't any good reason to use the  
10 25 feet because the drainage is within the  
11 boundaries. It's really good drainage.

12 MS. BROOKS: Thank you for that.  
13 I'm glad you got to see the property  
14 today.

15 If anybody else had any objection  
16 to that -- obviously I'll discuss it with  
17 the highway superintendent. I think I  
18 will. I'm not a hundred percent sure of  
19 my entire role.

20 MR. GAROFALO: Historically the  
21 Highway Department has taken partial  
22 distances. I.e. on one project it took 25  
23 feet in one area but the other area they  
24 left much shorter because there had to be  
25 a retaining wall and they didn't want to



1 have to deal with that. Historically they  
2 have made allowances with regard to the  
3 right-of-way. They may want the 25 feet  
4 up to the stonewall and then jog it over.  
5 They may want that. That is something  
6 that they have done before.

7  
8 CHAIRMAN BRAND: Anything else  
9 from the Board?

10 (No response.)

11 CHAIRMAN BRAND: No. So Pat made  
12 a recommendation that we adopt the lead  
13 agency for a review under SEQRA. Do I  
14 have a motion for that?

15 MR. CLARKE: I'll make that  
16 motion.

17 CHAIRMAN BRAND: Steve. Is there  
18 a second?

19 MR. GAROFALO: I'll second it.

20 CHAIRMAN BRAND: James. Any  
21 discussion?

22 (No response.)

23 CHAIRMAN BRAND: Any objection?

24 (No response.)

25 CHAIRMAN BRAND: No. So moved.

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2                   So you will be going -- it looks  
3                   like you're heading to the ZBA. I know in  
4                   the past we've run concurrent schedules.  
5                   Is that something we are going to do here  
6                   or --

7                   MR. HINES: I thought they were  
8                   going to redesign the lot so it meets it  
9                   possibly.

10                  MS. BROOKS: Well we would be  
11                  able to redesign the lot for the lot depth  
12                  but not to get 75 feet from the house.

13                  MR. HINES: That 75 feet may be  
14                  an issue, yes. I just scaled it.

15                  MS. BROOKS: As did I.

16                  MR. HINES: I don't like scaling  
17                  maps for sending people to the ZBA. It  
18                  looks like it's only 70 feet.

19                  MS. LANZETTA: You have to get a  
20                  referral from the code enforcement officer  
21                  anyway.

22                  MS. BROOKS: Yes. It wasn't  
23                  mentioned in his letter. He sent us to  
24                  the Planning -- you know, sent the  
25                  applicant to the Planning Board.

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MR. HINES: I don't think he knew it because there was no building envelop or bulk table showing the deficiencies. Had there been a building envelop on there, he may have caught it.

CHAIRMAN BRAND: So we will leave the ball in your court as far as the ZBA and/or -- you have to go to the ZBA.

MR. HINES: It looks like they're heading to the ZBA for the existing rear yard on the existing structure. They can either change the lot line somewhat to provide the lot depth or they can plead their case.

MR. CLARKE: That was an abandoned orchard when they built that house, then it became an active orchard.

MR. HINES: The rear yard is 75 feet anyway, even independent of the agricultural setback.

MR. CLARKE: Okay.

CHAIRMAN BRAND: So we will allow you to make some decisions.

MS. BROOKS: I'll consult with

the applicant and their consultant.

CHAIRMAN BRAND: Okay. Great.

Thank you.

MS. BROOKS: Thank you very much.

(Time noted: 7:47 p.m.)

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 19th day of November  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

- - - - - X

In the Matter of

- Carryover of Educational Credits
- Code Book and Code Book Supplements

- - - - - X

BOARD BUSINESS

Date: November 15, 2021  
Time: 7:48 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

- - - - - X

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

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CHAIRMAN BRAND: Is there  
anything else from the Board?

MS. LANZETTA: I just wanted to  
mention to the Board Members and to Jen  
that at the workshop I attended they did  
say that now they've changed the rule and  
you can carry over any educational credits  
to next year if you already met yours for  
this year. I just thought that would be  
good to note. If you're having a lean  
year, you can carry it over.

I also want to say that I think  
from what I saw -- we also discussed  
short-term rental legislation. From I  
heard from all the people that were  
involved with that workshop, we're doing  
pretty good. I just wanted to say we're  
doing pretty good.

CHAIRMAN BRAND: Excellent.  
Anything else?

MR. GAROFALO: I think last time  
we got this general code supplement. Are  
we going to get the rest of the code or  
are we just going to get the supplements?

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BOARD BUSINESS

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MS. LANZETTA: You haven't gotten  
a code book?

MR. GAROFALO: No.

CHAIRMAN BRAND: Do we need to do  
that?

MS. LANZETTA: They don't do it  
anymore. Do they have it online?

CHAIRMAN BRAND: Maybe.

Jen, can you look into that?

I know they are very expensive,  
the books. I'll have her check. We'll  
find out the answer to that and get back  
to you guys.

Anything else?

(No response.)

CHAIRMAN BRAND: No. All right.  
Motion to adjourn.

MR. TRONCILLITO: So moved.

MS. LANZETTA: Second.

MR. GAROFALO: Aye.

MS. LANZETTA: Aye.

CHAIRMAN BRAND: Aye.

MR. TRONCILLITO: Aye.

MR. CLARKE: Aye.

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(Time noted: 7:51 p.m.)

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 19th day of November  
2021.

  
\_\_\_\_\_  
MICHELLE CONERO