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

5

6 GUARINO ASHLYEN

7 Project No. 20-4016
5 Ashlyen Drive, Marlboro
8 Section 108.2; Block 9; Lots 41 & 71

9 - X

10 PUBLIC HEARING - SUBDIVISION

11 Date: April 4, 2022
12 Time: 7:30 p.m.
13 Place: Town of Marlborough
14 Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
22

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

1 GUARINO ASHLYEN

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
8 of Marlborough Planning Board,
9 Monday, April 4, 2022. Regular
10 meeting at 7:30 p.m. On the agenda
11 we have the approval of stenographic
12 minutes for March 7th. Also on the
13 agenda is the Ashlyen Guarino public
14 hearing of the subdivision at 5
15 Ashlyen Drive in Marlboro. We have a
16 public hearing for Verizon - Marlboro
17 High School for their site plan at 50
18 Cross Road in Marlboro. The Pollock
19 Site Plan is scheduled for a final of
20 their site plan at 39 Main Street in
21 Milton. Bayside is here for an
22 extension of their site plan at 18
23 Birdsall Avenue. Dane DeSantis is
24 here for a sketch of their
25 subdivision at 226 Highland Avenue in

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2 Marlboro. Dave Jolee DuBois is here
3 for a sketch of their subdivision at
4 228 Mahoney Road in Milton. The
5 Planning Board will also be having a
6 discussion this evening for the lot
7 line application process. The next
8 deadline is Friday, April 8, 2022.
9 The next scheduled meeting is Monday,
10 April 18, 2022.

11 I'd like to have a motion to
12 approve the stenographic minutes for
13 March 7th.

14 MR. LOFARO: I'll make that
15 motion to accept the minutes.

16 CHAIRMAN BRAND: Joe. Is there
17 a second?

18 MR. TRONCILLITO: I'll second it.

19 CHAIRMAN BRAND: Any discussion?
20 (No response.)

21 CHAIRMAN BRAND: Any objection?
22 (No response.)

23 CHAIRMAN BRAND: So moved.

24 First on the agenda is Ashlyen
25 Guarino, a public hearing for the

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2 subdivision.

3 "Legal notice, subdivision
4 application. Please take notice the
5 Town of Marlborough Planning Board
6 will hold a public hearing pursuant
7 to the State Environmental Quality
8 Review Act, or SEQRA, and the Town of
9 Marlborough Town Code Section 134-9
10 on Monday, April 4, 2022 for the
11 following application: Guarino
12 Ashlyen Subdivision, at the Town Hall
13 at 21 Milton Turnpike, Milton, New
14 York at 7:30 p.m. or as soon
15 thereafter as may be heard. The
16 applicant is seeking approval for a
17 two-lot subdivision for property
18 located at 5 Ashlyen Drive in
19 Marlboro, New York, Section 108.2;
20 Block 9; Lots 41 and 71. Any
21 interested parties either for or
22 against the proposal will have an
23 opportunity to be heard at this time.
24 Chris Brand, Town of Marlborough
25 Planning Board."

1 GUARINO A SHLYEN

2 Hi.

3 MS. BROOKS: Hi. How are you?

4 CHAIRMAN BRAND: Great.

5 MS. BROOKS: We sent out 19
6 certified letters and received
7 confirmation that 17 of them were
8 delivered. One was not picked up at
9 the post office. The other one,
10 they're still attempting delivery.
11 They were mailed on March 21st.

12 CHAIRMAN BRAND: Thank you.

13 And you gave those to Jen?

14 MS. BROOKS: Yes, I gave those
15 to Jen.

16 CHAIRMAN BRAND: Excellent.

17 Pat, do you want to go through
18 your comments first?

19 MR. HINES: The majority of our
20 technical comments have been addressed.

21 I know the Planning Board
22 recently did a field review of the
23 site regarding the access, Members of
24 the Planning Board, I believe the
25 highway superintendent and the

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2 applicant's representative. We would
3 be looking for the Board's input on
4 that access and what they saw.

5 We continue to have the comment
6 regarding the highway superintendent's
7 comments regarding the use of the
8 paper street. I believe he was to
9 attend that meeting. I'm not sure if
10 he did.

11 CHAIRMAN BRAND: Jeff, you were
12 also in attendance at that meeting?

13 MR. BATTISTONI: I did attend
14 the meeting, yes.

15 CHAIRMAN BRAND: Perhaps you
16 want to start us out with your thoughts.

17 MR. BATTISTONI: I attended
18 that meeting. I can't remember the
19 date. I think it was a Friday
20 morning. Yes. Cindy was there and
21 Steve Jennison. The highway
22 superintendent was there with one of
23 his assistants. The supervisor was
24 there.

25 My impression was that the

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2 Board Members that were there, they
3 were of the opinion that we should
4 not grant an approval to build on the
5 road in its unimproved state.

6 There are options available
7 under the State Law -- Town Law
8 Section 280-a for referral. That's
9 something we can discuss tonight.

10 CHAIRMAN BRAND: Thank you.

11 Cindy and Steve?

12 MS. LANZETTA: I think Jeff had
13 also said that he was going to take a
14 look at a couple other legal questions
15 that you had concerning deeds and
16 whatnot. I don't know if you had an
17 opportunity to look at those.

18 MR. BATTISTONI: I didn't. I
19 just received the deed today for that
20 roadway. I do have to review it
21 still. That is something I will do.
22 I think, obviously, the public
23 hearing can be held tonight anyway.
24 It is something that I do want to
25 look at.

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2 MS. LANZETTA: I think Jeff
3 summed it up pretty well. The
4 consensus was that there was a real
5 concern about emergency vehicles
6 being able to access the property.

7 Setting a precedent was another
8 issue that the highway superintendent
9 was concerned about, and the deputy.

10 So I think, again, we want to
11 hear some final legal opinions coming
12 from Jeff.

13 At this point we thought that
14 coming out onto the unimproved road
15 was something that we wouldn't be
16 able to approve.

17 MR. BATTISTONI: If I may. The
18 highway superintendent noted the
19 difficulty with plowing snow in a
20 situation like that, and piling the
21 snow as well. He made that point at
22 the meeting.

23 MS. BROOKS: I'm sorry, Jeff.
24 I didn't hear what you just said.

25 MR. BATTISTONI: The highway

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2 superintendent, at that site visit,
3 noted the difficulty of plowing snow
4 on a road that's not finished of that
5 nature and stacking it up or piling
6 it up.

7 MS. BROOKS: Is there a reason
8 that the applicant or myself were not
9 made aware that there was going to be
10 a site visit so we could attend?

11 MR. BATTISTONI: I thought
12 about notifying the property owner/
13 applicant or Ms. Brooks and I thought
14 really this was something intended
15 for the Board -- the officials of the
16 Town to go and have a discussion. I
17 didn't extend the invitation.

18 MS. BROOKS: I mean as long as
19 everybody was clear, because, again,
20 without the surveyor there pointing
21 out to you exactly where the boundary
22 lines are and where the proposed new
23 lot lines are, I'm just wondering how
24 the Planning Board and the consultants
25 had enough information to be able to

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2 make an informed decision without
3 having somebody point out to them
4 where the boundaries were and where
5 the proposed boundaries would be.

6 MR. BATTISTONI: I'll just say
7 in response to that, we did have the
8 subdivision plat with us. We were
9 able to compare it to the onsite
10 physical layout of the road. I think
11 we felt comfortable that we were in
12 the right spot and looking at the
13 right dimensions. I think this was
14 more of a conceptual visit where the
15 Town was not just looking at this
16 subdivision but also this problem or
17 circumstance in general and how the
18 Town might develop a uniform policy
19 for it.

20 CHAIRMAN BRAND: Steve, did you
21 have anything to add?

22 MR. JENNISON: No. I think I
23 concur with what Cindy was saying.
24 We did meet. I did pull out my
25 wheel. We measured it off of Ashlyen

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2 I think. Correct, is that Ashlyen?

3 I think our concern was that there's

4 no cul-de-sac turnaround for

5 emergency vehicles. I believe to the

6 left is not owned by the Guarinos.

7 Correct?

8 MS. BROOKS: Well I'm not sure
9 where you're saying to the left. You
10 mean on the southerly side of Ruby
11 Road?

12 MR. JENNISON: When you're
13 going up Ruby Road, so 300 feet up,
14 at 175 foot past Ashlyen I believe is
15 where it ends, the pavement ends. I
16 think it's our -- our code says that
17 we need to have a cul-de-sac for
18 emergency vehicles to turn around.
19 There's really no way for that to
20 happen.

21 MS. BROOKS: Well if the Town
22 didn't have the original subdivider
23 accommodate that, there obviously is
24 no way that the applicant would be
25 able to do that. Even if they

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2 improve the road all the way to the
3 end of it, that still would not be
4 there. That accommodation still
5 would not be there.

6 MR. JENNISON: Correct. And
7 Mr. Lazaroff, who I believe is the
8 deputy highway superintendent, was
9 there. He did produce a document
10 about the Town Board accepting the
11 road.

12 Jeff, was it 1988 on that
13 document?

14 MR. BATTISTONI: I think that's
15 what it was on that document, yes.

16 MR. JENNISON: And I think
17 that's what -- I was basing it on
18 research from Jeff to see where all
19 this pans out. So that's where I'm
20 at, Chris.

21 CHAIRMAN BRAND: Thank you.

22 This is a public hearing. If
23 there are any interested parties here
24 to speak for or against, I would ask
25 you just to rise and state your name

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2 for the stenographer.

3 MR. MICHAEL PAPALEO: Good
4 evening, everyone. My name is Michael
5 Papaleo. We're FDN Properties. We
6 own the property to the left which is
7 a 100-acre parcel. That property was
8 at one point all one. Years back we
9 were in partners with the Guarinos
10 and then we decided to take -- set
11 our own ways. We agreed to give the
12 parcel behind the Guarinos to them
13 and we took the rest of the 100 acres
14 that remained.

15 So you guys raised a lot of
16 questions that I had for you guys.
17 I'm just going to follow through and
18 just go through it again.

19 The upgrade on Ruby Road, does
20 it have to be brought up to Town
21 spec? I guess you guys were speaking
22 about that.

23 Also the point of entry on the
24 driveway, is it at the end of Ruby
25 Road or after? I know I see it on

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2 the map but I want to confirm that.

3 Again, emergency vehicles.

4 It's very tight there for plowing,
5 highway plowing. For that driveway
6 to plow alone it's going to encroach
7 into our property. I was wondering
8 if there's any kind of -- you know,
9 are there setbacks that we need to
10 follow? Is there a certain amount of
11 feet that the driveway needs to be
12 from the property line?

13 Also, as of now it's going to
14 be really -- I wonder how they're
15 going to build, because it's
16 impossible to build or do a driveway
17 there without encroaching into our
18 property.

19 I was there just tonight and
20 they cleared out -- there's a lot of
21 activity there. If you guys went
22 there you'll notice towards the left,
23 all that property that's cleaned out
24 is all our property. They took it
25 upon themselves to clean it and do a

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2 lot of movement there without our
3 permission. They do not have
4 permission to be on the property.

5 I would like to see more bounds
6 and whatever you call it. I'm sorry
7 for the terminology. Metes and
8 bounds to see exactly where the
9 property line is and what they intend
10 to do there.

11 There's a massive hill there,
12 like a little mountain, and that's
13 like really right on our line. I
14 don't know how they intend to bring
15 in, you know, trucks and bulldozers
16 without going over our property.

17 Also, originally when we had
18 this property, we had it together for
19 many years, and then at the end when
20 we decided to go our ways, the
21 Guarinos said if anything happens, we
22 go our own ways, they wanted to have
23 the property in the back. We
24 followed through on their agreement.
25 Guarino wanted their property for a

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2 buffer and their children in the
3 future to build houses in the back.

4 So that their children can build, and
5 I would think that he would keep it
6 for a buffer, but now he's looking to
7 subdivide the property for unknown
8 people. I don't know who it is.

9 So that's where we're at. Just
10 give me one second.

11 CHAIRMAN BRAND: Do you have
12 those questions in writing there?

13 MR. MICHAEL PAPALEO: I do but
14 it's like added. I can fix it for
15 you guys if you'd like.

16 CHAIRMAN BRAND: The stenographer
17 does a swell job.

18 MR. MICHAEL PAPALEO: Those are
19 my -- my main concern is it's a
20 little too close for comfort there.
21 It really is. Like I said, they're
22 already on it. I just want to see
23 what you guys think about that.

24 Before you make a decision
25 here, you've got to take these, you

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2 know, concerns into consideration.

3 I'd appreciate it. Thank you.

4 CHAIRMAN BRAND: Thank you.

5 Are there any other parties
6 here?

7 MR. BEN PAPALEO: I'm Ben
8 Papaleo. Benidetto Papaleo. I'm
9 also partners with my brothers.
10 Three brothers, we're all partners in
11 this piece of property.

12 Also electric service to the
13 property. How do they intend to get
14 electric back there? Are they going
15 to cut through our property and try
16 to service the property with electric?

17 Also the well should be a
18 certain amount of distance from the
19 property line, and also the septic.
20 I don't know if that's current. I
21 know you guys are looking at that.

22 And also I would like the
23 property -- I want to have my
24 property fenced so I know it's not
25 going to be encroaching, because

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2 right at this point they're
3 encroaching. It's really -- you
4 know, we feel violated at this point.
5 We had a gentlemen's agreement. We
6 gave them the property and now he's
7 just doing what he wants. I'm really
8 upset. My parents and us, we've been
9 residents for thirty years in
10 Marlborough. We don't really bother
11 anyone.

12 We have 100 acres that we pay
13 taxes and it's upsetting. We -- how
14 do you say. We respect everyone's
15 property lines and this should be
16 respected. Obviously it's not. The
17 Guarinos have been neighbors with my
18 parents for thirty years. Thirty
19 years or more. Thirty-two years.
20 There should be a little bit of
21 respect. I mean come on. It's not
22 fair and it's not right.

23 Thank you guys. I appreciate.

24 MR. MICHAEL PAPALEO: I wanted
25 to say one more thing.

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2 CHAIRMAN BRAND: Please.

3 MR. MICHAEL PAPALEO: I was
4 under the understanding this one lot
5 -- originally they showed two lots.

6 You said two lots tonight. I thought
7 it was just one lot being --

8 MR. HINES: It's the existing
9 lot and one proposed lot.

10 MR. MICHAEL PAPALEO: Got you.
11 Okay. Thank you.

12 CHAIRMAN BRAND: Thank you.
13 Is there anyone else here with
14 questions or comments?

15 (No response.)

16 CHAIRMAN BRAND: Anything else
17 from the Board?

18 MR. GAROFALO: James Garofalo.
19 I would just like to make one
20 comment, and that is, just so you
21 know, you go to the Marlborough
22 website and a copy of the plan should
23 be on the website as it's shown up
24 there.

25 MR. BEN PAPALEO: Thank you.

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2 MR. TRONCILLITO: Steve, I've
3 got one question. When you were
4 there was the T-turn discussed or
5 just the cul-de-sac?

6 MS. LANZETTA: I believe they
7 talked about a T. They said that
8 they weren't even sure there was
9 enough property to do a T.

10 MR. TRONCILLITO: Thank you.

11 MS. LANZETTA: I don't want to
12 put words in anybody's mouth, but it
13 was my understanding that he did not
14 want to see anything beyond -- coming
15 in beyond the end of the blacktopped
16 portion of the road.

17 CHAIRMAN BRAND: Who is he?

18 MS. LANZETTA: Mr. Alonge. So
19 it seemed like the only other option
20 would be -- well, would be to extend
21 -- if they were to do something,
22 would be to extend the driveway all
23 the way down to that portion of Ruby
24 Road that is blacktopped. That was
25 something that we had talked about

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2 before. That seems to be the only
3 other alternative, unless they want
4 to work with the adjoining property
5 owners and get -- work together on
6 doing something to extend that
7 unimproved portion.

8 MS. GUARINO: I just need to
9 make --

10 CHAIRMAN BRAND: Just state
11 your name for the stenographer as
12 well.

13 MS. GUARINO: Kathleen Guarino.
14 I just want to make it clear that we
15 have not done any work in that area.
16 If there's been dirt moved or
17 something done, it has not been done
18 by us. We know --

19 MR. BEN PAPALEO: Just go up
20 there and look.

21 MS. GUARINO: We absolutely
22 know where the boundary is and --

23 CHAIRMAN BRAND: Continue.

24 MS. GUARINO: I just want to
25 say for the record that we have been

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2 trying to work to keep within our
3 boundaries. There hasn't been any
4 work done to create a driveway or
5 anything in trying to get this
6 resolved.

7 I would like to know what other
8 things were accepted in 1988 when the
9 road was accepted, even though it
10 wasn't fully improved as was set in
11 their plan. Maybe Mr. Lye -- when
12 the original subdivision was
13 accepted, what other changes were
14 made to the subdivision plan that we
15 weren't aware of back in 1988. Has
16 anyone had an opportunity to look at
17 that meeting and see what else was
18 accepted?

19 CHAIRMAN BRAND: We didn't go
20 back to that yet. Correct?

21 MR. BATTISTONI: I haven't
22 looked back at the 1988 subdivision
23 approval. I think we're getting a
24 bit off base there anyway. This
25 subdivision plat shows a new lot

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2 being created on a road that's not
3 paved, and that's the issue, whether
4 the Town wants to allow something
5 like that.

6 I will say that there is New
7 York State Town Law Section 280-a
8 which says that a building permit
9 shall not be issued for the
10 construction of a structure on a road
11 that is not suitably improved, but it
12 does give a couple of options. One
13 is for a performance bond to be
14 posted by the owner. Another is that
15 the owner can go to the ZBA to seek a
16 variance of that. That possibility
17 is available to the owner of the
18 property.

19 MS. BROOKS: I think we did
20 discuss that last month. I mean
21 Section 280-a requiring the road
22 improvement is separate and distinct
23 from the subdivision. There's
24 nothing preventing the Planning Board
25 from granting final approval to the

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2 subdivision this evening with regard
3 to the driveway access. We are aware
4 of the fact that before a building
5 permit would be granted, that the
6 roadway providing access shall either
7 be improved to a road specification
8 established by the Town Board or in
9 the -- or to an extent, in the
10 judgement of the Zoning Board of
11 Appeals, sufficient to allow ingress
12 and egress of fire trucks, ambulances,
13 police cars and other emergency
14 vehicles. If it is determined that
15 if access is adequate, and that
16 generally is by the fire department
17 because they're the ones who have
18 those vehicles and need to get them
19 in and out of there, that that would
20 be acceptable.

21 So again, the action before
22 this Board this evening is with
23 regard to the subdivision. If the
24 Board's determination is that we need
25 to meet one of those conditions of

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2 280-a, then the applicant is willing
3 to do that. That has nothing to do
4 with the subdivision before the Board
5 this evening.

6 We do have road frontage on --
7 so we meet provision 1 of Section
8 280-a. I think we talked about this
9 last month. Jeff and I both agree
10 about this. There's two provisions.
11 One is that it has frontage on the
12 plotted road and one is the roadway
13 is suitably improved. So condition 1
14 is met. Condition 2 will have to be
15 met before a building permit is
16 issued, just as in any other subdivision
17 where a road needs to be constructed.
18 It's really nothing different.

19 CHAIRMAN BRAND: Jeff?

20 MR. BATTISTONI: I just think
21 the issue here is a broader one. I
22 think the Planning Board wanted to
23 look not only at this particular
24 application but instances like this
25 throughout the Town and try to

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2 develop a uniform policy for all of
3 them.

4 The impression I had from two
5 Planning Board Members at the site
6 was that they would rather see the
7 road be suitably improved. They
8 don't want to grant subdivision
9 approval for a lot that is not on an
10 improved road.

11 CHAIRMAN BRAND: Is that
12 something that could be part of the
13 conditional approval, that they must
14 improve the road?

15 MS. LANZETTA: No.

16 MS. BROOKS: So I'm not sure.
17 Does the Planning Board actually have
18 the authority to reject a subdivision
19 approval when it's the building
20 permit that's criteria'd on it?

21 MR. BATTISTONI: I think that a
22 subdivision, that State statute, it
23 says before such permit shall be
24 issued such street or highway shall
25 have been suitably improved to the

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2 satisfaction of the Town Board or
3 Planning Board. So I would say that
4 that authority is there, that the
5 statute does contemplate the Planning
6 Board looking at this issue.

7 CHAIRMAN BRAND: Comments from
8 the Board? Initial comments?

9 MR. GAROFALO: Would you like
10 some more time to review the deed
11 information than you have gotten?

12 MR. BATTISTONI: I don't know
13 that that's necessary. I certainly
14 would take that time. I think the
15 issue, again, is broader than just
16 this application. I think this is
17 something the Town wanted to look at
18 to try to develop an overall policy
19 for subdivisions that involve streets
20 that aren't fully improved. I don't
21 know if that answers your question or
22 not.

23 MS. LANZETTA: This does not exit
24 onto an improved road, the driveway.

25 MS. BROOKS: So when you have a

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2 subdivision that proposes a new
3 private roadway and you have four
4 lots on a proposed private roadway,
5 that plat is filed with the County
6 Clerk before that road is constructed.

7 MR. HINES: But it's also
8 bonded.

9 MS. BROOKS: That's fine.

10 MR. HINES: It's secured.

11 MS. BROOKS: I just don't want
12 to confuse the issue.

13 MS. LANZETTA: You're going to
14 bond to improve that road before --
15 that bond would be held until that
16 road is improved before --

17 MS. BROOKS: To the satisfaction --

18 MS. LANZETTA: -- before a
19 building permit would be --

20 MS. BROOKS: It would have to
21 be. Again, I don't disagree with
22 Section 280-a at all. You know, I
23 disagree with the Board's position on
24 predicating the subdivision approval
25 on that, because what happens if they

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2 improve the road and then the
3 Planning Board changes their mind and
4 has some other reason, then they're
5 making an investment without having a
6 benefit.

7 MS. LANZETTA: So then you
8 would be willing to set up a bond to
9 improve the road as a condition of
10 approval for this subdivision?

11 MS. BROOKS: Right. I think
12 the first thing that we would need to
13 establish is what is the standard
14 that it needs to be brought up to for
15 safe and adequate access, which would
16 be determined by the Zoning Board of
17 Appeals in conjunction with the fire
18 department, and then a price could be
19 set for the bond.

20 MS. LANZETTA: Does the highway
21 superintendent weigh in on that
22 improvement?

23 MR. BATTISTONI: I'm going to
24 back up for a second. If the public
25 hearing is over I think you should

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2 close -- should we keep that open for
3 any reason? It didn't seem -- it
4 seemed as though the public was done
5 commenting.

6 CHAIRMAN BRAND: I'll keep it
7 open until we're done with the
8 discussion. Thank you.

9 MR. BATTISTONI: Yes, I think
10 the highway superintendent should
11 weigh in on that in terms of what
12 would be satisfactory to him in terms
13 of improvement of that section of the
14 road.

15 MR. HINES: Typically in the
16 example that Ms. Brooks used for a
17 private road, we have a private road
18 specification. We have certain Town
19 road specifications for varying
20 degrees of Town roads based on the
21 intensity of use. We receive a plan
22 that shows a design for one or more
23 -- one of those roadways as specified
24 in your street specifications and
25 then their consultant that develops

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2 that plan also provides a cost
3 estimate reviewed by my office and
4 recommended to the Town Board to set
5 the bond amount. So there is an
6 established procedure for that.

7 CHAIRMAN BRAND: And would this
8 be Town road specs or private road
9 specs?

10 MR. HINES: It's not a private
11 road. I think we're extending a Town
12 road. We do have a minor Town road
13 spec that's 20 feet wide.

14 The problem that arises here is
15 that, I don't know the history in
16 1988, I was just coming under my
17 company then and we didn't represent
18 the Town, but that same specification
19 has requirements for turnarounds.

20 The cul-de-sac that we heard earlier,
21 New York State Fire Code Appendix D
22 has that T turnaround allowable. It
23 is certainly wider than the 50 feet
24 proposed here or that exists here.

25 So there needs to be some sort

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2 of mechanism of making that dead end
3 road able to be navigated by fire
4 apparatus and other jurisdictional
5 emergency vehicles. Typically those
6 are sent to the applicant to resolve
7 and reviewed by this Board, the
8 highway superintendent and my office.

9 MS. LANZETTA: So your other
10 option is to extend the driveway down
11 to the portion that the highway
12 superintendent said that he would be
13 all right with.

14 MS. BROOKS: I'm sorry. I'm
15 not understanding what you mean by
16 extending the driveway all the way
17 down to that portion.

18 MR. JENNISON: Extending it
19 down to where the Town owns.

20 MS. LANZETTA: The driveway
21 would come further down along the
22 southern side of the Guarino
23 property --

24 MS. BROOKS: Oh, yeah.

25 MS. LANZETTA: -- and it would

1 GUARINO ASHLYN

2 enter Ruby Road at the blacktopped
3 area.

4 MS. BROOKS: Again, if you were
5 out there I'm sure you noticed that
6 that's not physically possible. We
7 did discuss that last month and --

8 MS. LANZETTA: We looked at it
9 and we felt it was physically possible.

10 MS. BROOKS: Again, that's why
11 I think you weren't a hundred percent
12 aware of where the boundary line is.

13 If you look at the topographic survey
14 map, it's over a 20 percent grade
15 along the property line adjacent to
16 Ruby Road.

17 MR. JENNISON: That's the line
18 of trees you're talking about; right?
19 Coming up around where the grass is?

20 MS. GUARINO: Where the trees
21 end.

22 MR. JENNISON: And then there's
23 a row of trees.

24 MS. BROOKS: I don't have the
25 trees shown on the map. I'm not sure

1 GUARINO ASHLYN

2 what you're talking about, Steve.

3 Again, that's why it's a little bit
4 disappointing that we're having a
5 public hearing and we're talking
6 about something that we didn't get to
7 participate in.

8 CHAIRMAN BRAND: Jeff, it's
9 clear that we are not moving towards
10 approval this evening. What, in your
11 estimation, would be the best
12 procedural move for us?

13 MR. BATTISTONI: Again I'm
14 going to look at this Section 280-a,
15 which is the New York State Town Law.
16 Subdivision A has a provision that
17 says, "Alternatively, in the
18 discretion of such board, a
19 performance bond sufficient to cover
20 the full course of such improvement
21 as estimated by such board shall be
22 furnished to the town by the owner."
23 It seems to me you were talking about
24 a performance bond before. It seems
25 to me that the applicant might be

1 GUARINO ASHLYN

2 willing to post one. I couldn't
3 tell.

4 CHAIRMAN BRAND: Is that a yes?

5 MS. BROOKS: Yeah. Again, we,
6 I think, need to go to the Zoning
7 Board of Appeals and find out what
8 the suitability of the improvement
9 would be. As noted, the suitability
10 of improvement determination to be
11 made by the Zoning Board is governed
12 solely by a test of adequacy of
13 emergency vehicle access under
14 280-a(5).

15 I'm happy to get with Jeff. I
16 don't think that I'm obviously in a
17 position to speak for the applicant.
18 Alan was unable to be here this
19 evening due to illness. I certainly
20 don't want to speak on behalf of the
21 applicants. I'm sure that we can get
22 together with Jeff, if the Board
23 would allow us to speak offline
24 outside this meeting, and come up
25 with something that would be

1 GUARINO ASHLYN

2 satisfactory. Obviously we're going
3 to need to get back with the highway
4 superintendent because the last time
5 the applicant spoke with him they
6 received a letter from him saying
7 that it was fine. So something has
8 happened.

9 MS. GUARINO: Which they received.

10 MS. BROOKS: Of course they
11 received it. Something has happened
12 in the interim which we were not made
13 privy to, which is unfortunate. We
14 are where we are now and we want to
15 find a way to move forward.

16 CHAIRMAN BRAND: Just to
17 clarify, there's no objection from
18 the Board having the attorney work
19 something out? Is there any
20 objection to that?

21 MS. LANZETTA: Again, I think
22 Jeff makes the point that there also
23 is a larger concern by the Town Board
24 and the highway superintendent. We
25 have to be careful that we're not

1 GUARINO ASHLYN

2 being too specific on this particular
3 subdivision as we move forward. The
4 large picture has to be looked at as
5 well.

6 If you're going to be meeting
7 with the highway superintendent, I
8 would also suggest, as the Department
9 of State had suggested to us, that
10 the Town Board also be privy to those
11 discussions. Representatives of the
12 Town Board.

13 CHAIRMAN BRAND: With that
14 caveat, is there any objection from
15 the Board?

16 MR. CLARKE: No.

17 MR. TRONCILLITO: No.

18 MS. LANZETTA: No.

19 MR. GAROFALO: No.

20 MR. JENNISON: No.

21 MR. LOFARO: No.

22 MR. CLARKE: I'll just make a
23 comment that the State Law seems to
24 be fairly clear in this, that there
25 are two options available. I don't

1 GUARINO ASHLYN

2 know that from the Planning Board or
3 the Town Board's point of view this
4 is a major thing. The State has
5 obviously looked at it. I would
6 suggest we move forward with one of
7 those two situations and it should
8 resolve it. Any other situations
9 like this could also be resolved by
10 the State rule.

11 CHAIRMAN BRAND: That being
12 said, I'd like to have a motion to
13 close the public hearing.

14 MR. JENNISON: I'll make a
15 motion to close the public hearing.

16 MR. GAROFALO: I'll second it.

17 CHAIRMAN BRAND: Any discussion?
18 (No response.)

19 CHAIRMAN BRAND: Any objection?
20 (No response.)

21 CHAIRMAN BRAND: So you will
22 then meet with the attorney and the
23 Town Board to come up with something
24 before you come back here.

25 MS. BROOKS: Yeah.

1 GUARINO ASHLYN

2 Kathy, could you state for the
3 record that you're going to waive the
4 62 day timeframe from the time the
5 public hearing is closed?

6 We're hopeful this is going to
7 get resolved very quickly. I don't
8 want to put any of us in a situation
9 where the Board has to make a
10 decision prematurely in order to have
11 a problem with the timeframe.

12 MS. GUARINO: For the record,
13 I'm willing to waive it.

14 CHAIRMAN BRAND: Great. Duly
15 noted.

16 Anything else on that?

17 MR. BATTISTONI: Not from me.

18 MS. GUARINO: For the record,
19 I'd also like it if we could be a
20 part of any other site visit that
21 happens on the property since there
22 is some question about boundary lines
23 and the topography of the actual
24 driveway in question. Perhaps if
25 either Patti can be there or someone

1 G U A R I N O A S H L Y E N

2 from her office, or either Alan or I,
3 it would be a nice courtesy to extend
4 to us.

5 CHAIRMAN BRAND: Will do.

6 Thank you.

7 MS. BROOKS: Thank you.

8

9 (Time noted: 8:00 p.m.)

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1 G U A R I N O A S H L Y E N

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 13th day of April 2022.

18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

1

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

5
6 VERIZON - MARLBORO HIGH SCHOOL

7 Project No. 21-5031
8 50 Cross Road, Marlboro
Section 108.4; Block 2; Lot 71.100

9 - X

10 PUBLIC HEARING - SITE PLAN

11 Date: April 4, 2022
12 Time: 8:00 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

14

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

18

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

21

22 APPLICANT'S REPRESENTATIVE: DAVID BRENNAN,
FRANK MURRAY & ASIF SHARIF

23

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

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

2 CHAIRMAN BRAND: Next on the
3 agenda tonight we have Verizon -
4 Marlboro High School for a site plan
5 at 50 Cross Road in Marlboro.

6 MR. GAROFALO: Mr. Chairman --

7 CHAIRMAN BRAND: You are
8 recusing yourself.

9 MR. GAROFALO: I just want to
10 point out to the public that I'm
11 recusing myself because Verizon put a
12 tower on my property.

13 CHAIRMAN BRAND: Thank you.

14 "Legal notice, special use
15 permit/site plan application. Please
16 take notice a public hearing will be
17 held by the Town of Marlborough
18 Planning Board pursuant to the Town
19 of Marlborough Town Code Section
20 152-17 and Section 155-31 on April 4,
21 2022 for the application of Cellco
22 Partnership d/b/a Verizon Wireless at
23 Marlboro High School at the Town
24 Hall, 21 Milton Turnpike, Milton, New
25 York at 7:30 p.m. or as soon

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

2 thereafter as may be heard. The
3 applicant is here for a special use
4 permit and a site plan approval of
5 the new wireless telecommunications
6 facility on lands located at 50 Cross
7 Road, Marlboro, New York 12547,
8 Section 108.4; Block 2; Lot 71.100.

9 Any interested parties either for or
10 against this proposal will have an
11 opportunity to be heard at this time.

12 Chris Brand, Chairman, Town of
13 Marlborough Planning Board."

14 MR. JENNISON: 12542.

15 CHAIRMAN BRAND: 12542. Yes.

16 Thank you. I thought maybe the high
17 school had its own zip code.

18 How many mailings were sent out
19 and how many did you get back?

20 MR. BRENNAN: Sir, we sent out
21 59 and I have one envelop that's been
22 returned. They were sent out on the
23 24th of March.

24 CHAIRMAN BRAND: Thank you.

25 You will give those to the secretary.

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

2 Before we begin tonight; Mr.
3 Musso, good evening.

4 MR. MUSSO: Good evening.

5 CHAIRMAN BRAND: How are you
6 tonight?

7 MR. MUSSO: I am well. I hope
8 the Board is well, and the public
9 also.

10 CHAIRMAN BRAND: Would you like
11 to provide us with an update?

12 MR. MUSSO: I can give you a
13 brief update tonight. Thank you for
14 the opportunity to do that.

15 We were here I believe in March
16 for a brief meeting. Shortly after,
17 a voluminous submittal of supplemental
18 information was provided. The main
19 points of that were responses to HDR's
20 comments, were some drawing updates
21 that we had asked for.

22 The big point was the visual
23 analysis. We had asked for specific
24 simulations. This of course all
25 followed a balloon test that was

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

2 noticed and that occurred on Monday,
3 January 31st.

4 Maybe the most significant
5 thing for this Board and the decision
6 for site plan/special permit was the
7 radiofrequency justification for the
8 site. So we had seen something in
9 the first submittal. Our completeness
10 memo in early January asked some
11 additional questions. I noted in
12 March that just about everything was
13 responded to.

14 One thing that was out at that
15 time was a copy of the SHPO
16 correspondence. On March 25th the
17 applicant submitted all of a two-page
18 e-mail on that. My experience here
19 with the Board, looking at another
20 cell tower a few years ago, Ann
21 Kaley, I would love to get any
22 feedback that this Board might have
23 on SHPO or visuals. I feel that if
24 the visuals were submitted, it would
25 definitely give this Board some

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

2 permutations, colors, co-location
3 scenario.

4 We know when towers are built,
5 oftentimes other carriers will
6 look to come on and co-locate.
7 We did ask for an alternate height
8 scenario. The monopole proposed at
9 the high school is 90 feet in height.
10 It's up on the bluff behind the
11 athletic fields. As you may have
12 seen during the balloon test and in
13 the application materials, in March
14 the applicant discussed that they
15 didn't feel compelled to submit
16 alternate height simulations. We
17 have 90 feet. Our tech memo is going
18 to evaluate that a little more, maybe
19 show some of the simulations with
20 dashed line height extensions. The
21 reason I asked for that is I'm not
22 proposing taller monopoles by any
23 means, and your code does not require
24 that, but the reality is that there
25 could be requests by other carriers

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

2 for taller poles. I think it's very
3 important that this Board at least
4 has some understanding of how things
5 may look.

6 That being said, the site is
7 not hidden within tree lines. The
8 topography and its coverage objectives
9 are looking to get to the west of the
10 site, Plattekill Road and Lattintown
11 Road.

12 I think the RF justification
13 that's been provided to date justifies
14 the need for a site, both on coverage
15 and also on capacity.

16 We asked for and received
17 information on surrounding cell sites
18 that Verizon uses. The two that are
19 pertinent to this site are often
20 Mount Zion Road, the tower about
21 three and-a-half miles away in
22 Marlboro, and one across the river in
23 Wappingers Falls.

24 We asked for information on the
25 aforementioned Ann Kaley cell tower,

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

2 whether or not that could be used as
3 a co-location site. After all, it's
4 already a built structure. That site
5 is about 3,000 feet to the north.

6 Based on the topography, it's just
7 not getting the coverage that would
8 be needed. I think co-location at
9 that unfortunately is ruled out.

10 But, you know, we wanted to get the
11 due diligence for that because that
12 is, I think, your highest priority in
13 the code as far as where carriers
14 could hang antennas from.

15 So this is a new site. I'd be
16 very interested tonight, as we're
17 finishing up our tech memo, which
18 I'll get to you far in advance to the
19 next meeting when this item is on the
20 agenda, I'd be very interested to
21 hear if there are any public comments
22 tonight that I can incorporate and
23 respectfully consider in our analysis.
24 Of course if there's any written
25 comments, I'll keep in touch with Jen

1 VERIZON - MARLBORO HIGH SCHOOL

2 if anything comes in on that.

3 One or two items just worth

4 mentioning. There was a letter from

5 the Ulster County Planning Board

6 regarding the referral of this

7 application. Of course now there's

8 been new information submitted. I

9 thought the comment was interesting

10 in that Ulster County is looking to

11 co-locate Town emergency services or

12 County emergency services on such

13 cell towers. So, you know, that's

14 something I think Verizon has said in

15 the past that they're absolutely

16 willing to entertain. I think this

17 is a good time maybe just to really

18 put some pen to paper if the Town

19 of Marlborough is interested, maybe

20 the DPW or fire, police, if they

21 have an antenna they might be

22 interested in co-locating. Should

23 this tower be approved and

24 constructed, I think it would be a

25 good time to think about that a

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

2 little bit further.

3 Other than that, I would
4 propose that HDR, myself, would work
5 with the Planning Board Attorney
6 sitting next to me on the shot clock.
7 That's something that you always hear
8 with these applications. The shot
9 clock was on hold for a while, until
10 the February 28th submittal. So
11 that's something -- we have to keep
12 the application moving under FCC
13 regulations. Clearly this Board is
14 doing that by having meetings and
15 these discussions and opening the
16 public hearing at this point.

17 So I look forward to getting
18 our tech memo in to you. It will be
19 somewhat voluminous. I do want to
20 include images that are key to the
21 radiofrequency justification and the
22 visuals. There will be a number of
23 findings and recommendations at the
24 end that will summarize with that.

25 CHAIRMAN BRAND: Thank you.

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

2 Comments from the applicant?

3 MR. BRENNAN: Sure. Good

4 evening, ladies and gentlemen. My
5 name is Dave Brennan with the law
6 firm of Young, Sommer out of Albany.

7 With me tonight to my left is Asif
8 Sharif who is an RF engineer from
9 Verizon Wireless. If we need to get
10 deep into any questions on RF
11 matters, he's here to help me with
12 that. Also Frank Murray from
13 Tectonic Engineering who is the site
14 acquisition specialist, who is, I
15 like to say, in charge of knocking on
16 doors and finding proposed sites.

17 So good evening, everyone.

18 This is my second appearance on this
19 matter. To follow up with what Mr.
20 Musso was starting with is to layout
21 the expectations. It's not my
22 expectation to come into Town and
23 have a public hearing and have a
24 decision tonight. Certainly he's
25 already stated his position on that.

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

2 We'd certainly agree with that.

3 Tonight I'm going to do a quick
4 overview of the project, the Board
5 has seen it, explain it to the folks
6 in the public that are here tonight
7 to comment, listen to those comments
8 and, like Mr. Musso, I'll take those
9 comments back and we'll provide
10 responses or clarifications as
11 necessary.

12 I can talk about these things,
13 probably maybe not as long as Mr.
14 Musso. I'll try to keep it brief and
15 get it over to the floor for the
16 public comment. Basically in
17 summary, this is a proposed 90-foot
18 tall monopole tower at the high
19 school, at 50 Cross Road. It's up in
20 the upper northeast corner up on the
21 bluff. It will be surrounded by a
22 50-foot fenced compound at its base
23 within which our equipment will be
24 located. The monopole then rises 90
25 feet. On top of the 90 feet is a 4-

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

2 foot lightning rod about the size of
3 one of your fingers. That's for
4 lightning protection.

5 Starting at the top, there is
6 no light proposed for aircraft
7 warning or obstruction purposes
8 because of its height and location.

9 Beneath that are the Verizon Wireless
10 antennas. I won't get too deep into
11 the RF justification other than to
12 talk about and to reiterate that
13 we've identified this area through an
14 analysis of the existing coverage as
15 well as those surrounding sites, that
16 there is a very appropriate necessity
17 for a new site to provide coverage
18 and capacity to this area, the
19 southern area of the Town. So we'll
20 be serving that with the standard
21 Verizon Wireless panel antennas that
22 you're accustomed to seeing on
23 cellphone towers. Beneath that there
24 is room for up to -- we show two
25 additional co-locators. I imagine

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

2 possibly three.

3 The visual renderings that were
4 provided did show from a variety of
5 perspectives. We discussed at the
6 last month's meeting that those
7 antennas were visible. We could
8 expect there is the ability to
9 provide service. Certainly Mr. Musso
10 and the RF folks will tell you that's
11 a function of their other sites and
12 what they are trying to do. That is,
13 as I explained previously, the
14 tension between having a very low
15 tower and keeping it as close to the
16 ground as possible or having -- in
17 the old days we'd always come in with
18 199 feet. There was no doubt that
19 there was room beneath us. That is
20 the tension of having a shorter
21 tower, is there's the possibility
22 that the next person in, although
23 there's room below, may not be able
24 to justify that from an RF perspective.

25 Within our fenced compound is

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

2 our base station equipment.

3 Basically it's a concrete pad with
4 cabinets with the radio and other
5 equipment in it. A generator is not
6 proposed at this particular location.

7 There's no on-site generator which,
8 you know, you would occasionally hear
9 that would exercise once a week.

10 We're not deploying one at this site
11 so there's no noise associated with
12 it.

13 Then from there there's a
14 12-foot wide driveway that winds its
15 way down to the existing high school
16 parking lot.

17 Utilities will start off with
18 the existing poll overhead for one
19 pole length and then underground back
20 to the site.

21 We did submit an RF safety
22 analysis that provides that even with
23 all the antennas and all the frequencies
24 deployed at full strength, it will be
25 less than 1 percent of what is allowed

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

2 by the FCC for strength. I would
3 point out that we don't operate like
4 a radio station where -- I always
5 reference PYX 106 up in Albany where
6 it transmits at 50,000 watts, trying
7 to reach Lake George. These sites go
8 off and on in response to communications
9 from your handsets. Notwithstanding
10 that, we've run the analysis as if
11 everything is turned on. There will
12 be -- one of the questions that came
13 up is there will be the 5G technology
14 deployed on this which is our 5G
15 nationwide. The C-band or mid-band.
16 We're not deploying the 5G ultra wide
17 high band which sometimes people ask
18 the distinction or question about
19 that. That was clarified in a response
20 to Mr. Musso back in March.

21 That is a quick overview of
22 what we're proposing.

23 We did do the initial visual
24 resource evaluation and an additional
25 balloon fly on notice. The Board has

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

2 that. I know it's on the Town's
3 website.

4 With that, I will answer any
5 questions and turn it back over to
6 the Board.

7 CHAIRMAN BRAND: Thank you.

8 Questions or comments from the
9 Board?

10 MR. TRONCILLITO: Just one.

11 Last month I mentioned about the
12 emergency services having access. My
13 Board of Fire Commissioners would be
14 interested because that would improve
15 the western part of our district.

16 Could you make sure that's in
17 writing, because I know what we went
18 through on Kaley Lane? That's why
19 I'm asking.

20 MR. BRENNAN: Certainly. I
21 apologize. Mr. Musso mentioned that
22 in his initial comments and I should
23 have picked up on that. I did
24 indicate last time that I thought
25 that would be no problem. I did

1 VERIZON - MARLBORO HIGH SCHOOL

2 confirm that with Verizon. We

3 routinely allow for municipal co-

4 location at no rent. There is a

5 standard process to just submit the

6 equipment, the loading, the

7 frequencies. No different than any

8 other tower. We're able to do that.

9 I can confirm that in writing

10 certainly as a condition of any

11 approval when we get to that point in

12 the discussions which will be in the

13 future. But I will -- I do have a

14 letter that I did up in Essex County

15 for one of these. I will get that in

16 to Mr. Musso so you have it in

17 writing that that is acceptable. I

18 did bring that back to Verizon after

19 the last meeting.

20 MR. TRONCILLITO: Thank you.

21 MR. BRENNAN: You're welcome.

22 CHAIRMAN BRAND: Any other

23 questions or comments from the Board

24 before I open it up?

25 (No response.)

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

2 CHAIRMAN BRAND: If you are a
3 member of the public here for this
4 public hearing and have a question or
5 a comment, please stand and state your
6 name for the stenographer, please.

7 MS. SIMONOFSKY: Nikki
8 Simonofsky, Marlboro, New York. I'm
9 just a little confused about the
10 location of the tower. Is it going
11 to be -- because you said behind the
12 athletic field. Is that towards the
13 Jackson Avenue side or is that
14 towards the Plattekill Road side by
15 the tennis courts?

16 MR. LOFARO: Jackson. Behind
17 the tennis courts, up on top of the
18 hill.

19 MS. SIMONOFSKY: Well the
20 tennis courts are on the left.

21 MR. CLARKE: It's at the
22 highest point of the property.

23 MS. SIMONOFSKY: Behind the
24 maintenance garage area. Okay.

25 And so the school board

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

2 obviously is all in favor of this
3 having an access right-of-way. Is
4 that done legally with the
5 right-of-way to get to your
6 equipment? What is the school
7 board's position? I guess that's the
8 easiest question.

9 MR. BRENNAN: Sure, ma'am. So
10 the school board has approved a lease
11 with Verizon Wireless which includes
12 the leased area, which is -- I
13 apologize. I like to talk into the
14 microphone and not throw my back to
15 you. The leased area is a 100 by 100
16 foot square within which the 50 by 50
17 compound is. From there and basically
18 following roughly the northerly
19 boundary and going from the site due
20 west is an access and utility
21 easement which then meets up with the
22 existing asphalt, I'll call it the
23 edge of the parking lot, towards the
24 northern end of the property.

25 MS. SIMONOFSKY: And then is

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

2 the school district compensated for
3 an annual fee for that placement?

4 MR. BRENNAN: Yes, they are, ma'am.

5 CHAIRMAN BRAND: Any other questions
6 or comments from the public? Please
7 state your name for the stenographer.

8 MR. GERENTINE: Richard
9 Gerentine. I'm here tonight speaking
10 as a taxpayer. Just going a little
11 bit further with Nikki's question,
12 what is the mutual financial agreement
13 with the school board and Verizon
14 regarding the tower?

15 CHAIRMAN BRAND: I don't believe they
16 disclose that. We asked that for the
17 previous one. That's not --

18 MR. GERENTINE: It should be
19 public information through the school
20 or through the Town.

21 MR. BRENNAN: Sure. I took a
22 look at it today anticipating that
23 question. I have it as \$18,000 is in
24 the lease that I looked at today. I
25 apologize, I didn't do the leasing on

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

2 this. My colleague Scott Olson is
3 normally here. I do agree with the
4 speaker that because it's with the
5 school district, it's subject to the
6 Freedom Of Information Law. I have
7 no difficulty saying that that is
8 subject to public disclosure.

9 MR. GERENTINE: So it's 18,000?

10 CHAIRMAN BRAND: That's what he
11 said.

12 MR. GERENTINE: All right.

13 UNIDENTIFIED SPEAKER: Is that
14 a year?

15 MR. GERENTINE: 18,000 a year?

16 MR. BRENNAN: I'm sorry. Yes.
17 I wish it was a month. No. It's a
18 year.

19 MR. GERENTINE: Can I go on,
20 please?

21 CHAIRMAN BRAND: Absolutely.

22 MR. GERENTINE: Thank you.

23 Here again I have to agree with Mr.
24 Troncillito regarding the access on
25 the antenna for Ulster County

1 V E R I Z O N - M A R L B O R O H I G H S C H O O L
2 services, fire services, highway
3 services. It's very much needed back
4 here. A very big need over the
5 years. I would hope that's included
6 into the contract in many different
7 ways because it is totally needed.

8 There's no other place to put it.
9 You're doing something that can
10 accommodate a lot of things.

11 I'm also speaking here tonight
12 as a -- that we very much need this
13 antenna. You go around Town, you're
14 talking on 9W, you're talking by the
15 school. You can't even talk on the
16 cellphone. I mean it's really
17 embarrassing. You're at a football
18 game, a baseball game, you're at
19 other sporting events. I mean you
20 can't speak at all up there.

21 Hopefully that's going to be resolved
22 if this antenna goes up. Correct?

23 MR. BRENNAN: Yes. It will
24 provide a significant improvement in
25 the coverage in quality of signal and

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

2 service in the Town.

3 MR. GERENTINE: So we would be
4 able to communicate on our cellphone
5 up there?

6 MR. BRENNAN: I can only speak
7 as long as you have Verizon Wireless.

8 MR. GERENTINE: All right.

9 Also I'm here because I want to put a
10 cell tower down in my place in the
11 middle of Town. Unfortunately we're
12 not high enough and we don't meet the
13 zoning regulations and many other
14 factors. I contacted Verizon. We've
15 been talking about this for six
16 years, seven years. I don't know how
17 many years. Many years, let's put it
18 that way. It is definitely needed.
19 There's no question that we lack
20 service throughout our Town in many
21 different areas. Hopefully this will
22 correct a lot of that missing of the
23 service.

24 But there again, very important
25 that you have, you know, the different --

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

2 911, the fire district, town
3 highway and everything else to be
4 included. I mean if you're going to
5 come back and you're going to charge
6 the Town people for the antenna, you
7 have to charge them, we didn't gain
8 anything throughout this whole thing.
9 That definitely would have to be in
10 the contract.

11 I mean there are a couple
12 drawbacks. I mean there again this
13 is progress. I think it's very
14 positive progress. I'm totally
15 behind this. Hopefully it can move
16 forward.

17 What is the timeframe if you
18 get approval within the next couple
19 months?

20 MR. BRENNAN: My belief is it's
21 on the build plan for this year, but
22 sometimes I am wrong about that. At
23 this point we're permitting sites and
24 we're putting them into construction
25 fairly quickly. I would have to

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

2 confirm that. I expect at this point
3 it's going into construction and we
4 want to build it.

5 MR. MUSSO: If I could add to
6 that. If this is approved it would
7 still need a building permit which
8 would have a foundation analysis and
9 a structural analysis and things like
10 that.

11 MR. GERENTINE: So there again,
12 other than my concerns that I brought
13 up here tonight, I'm totally behind
14 this project. The sooner the better
15 because I think it benefits all
16 taxpayers in the Town of Marlborough.

17 Good luck. Get going.

18 MR. BRENNAN: Thank you.

19 CHAIRMAN BRAND: Thank you.

20 MS. TEDDIANN SCHMELZ: My name
21 is Teddiann Schmelz. I live on
22 Elliott Lane which is right at the
23 top of that hill. I have a lot of
24 health concerns regarding that tower.
25 My mother-in-law is right next to

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

2 where that tower is going to go. You
3 know, what can you tell me as far as
4 any kind of health issues? What is
5 the distance that it's going to be
6 from her house?

7 CHAIRMAN BRAND: Mr. Musso.

8 MR. MUSSO: I'd be happy to
9 take a shot at that. It's a great
10 question. I'm not exactly sure where
11 your home is but I do have a map I
12 could show you where this is and we
13 could look at it, we can zoom out.

14 The standard that's applied to
15 this, the health-based standard is
16 known as the maximum permissible
17 exposure level. It's endorsed by the
18 Federal Government. It's published
19 by the FCC who controls signal and
20 bandwidth and the licenses of
21 carriers like Verizon. The sister
22 agencies have also looked at that
23 standard.

24 We're getting into things
25 called 5G now. If you watch any kind

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

2 of sports show or anything with
3 commercials, you hear about 5G.

4 There's 5G that's out now operating
5 at very similar frequencies to what
6 has been cellular and PCS for many
7 years, since the late 1990s. It was
8 noted here by the applicant rep
9 tonight that it is called mid-band.

10 Not to bore you with numbers, but
11 3,500, 3,700 megahertz. There's
12 something coming down the pike which
13 is much higher frequency, and that's
14 something the public is more
15 concerned with. However, that's not
16 being proposed here. If that ever
17 was proposed to be at that site, an
18 applicant like Verizon, if they
19 wanted to upgrade and change they
20 would have to go through a process
21 with that.

22 So the health-based standards
23 of everything that's being proposed
24 right now are things that have been
25 endorsed over time.

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

2 I know that this Board knows
3 that debating RF initiatives and
4 safety if compliance is demonstrated
5 is something that municipal
6 governments can't take an action on,
7 meaning it's kind of out of their
8 hands. I'll say forget that because
9 this is a very important question and
10 concern.

11 The applicant has submitted a
12 radiofrequency emissions report and
13 statement. They did include the
14 tower, the height, the topography and
15 frequencies that they would be
16 operating at. Essentially if you're
17 on the end or distance up or down
18 topography, you're going to be
19 probably within the order of 1 to 5
20 percent of the allowable level.

21 You're going to be 20 times or more
22 below that. In fact, you may be
23 getting more from your cellphone at
24 times. Your cellphone has signal.

25 So it's an excellent question.

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

2 The documentation that has been
3 submitted to this point shows
4 compliance with the health-based
5 criteria that's out there.

6 One other thing that's come up
7 sometimes with questions are things like
8 electronic devices or pacemakers.

9 The frequencies that are allowed by
10 commercial carriers are actually --
11 those devices are regulated by the
12 Food and Drug Administration. They
13 are very cognizant of saying is there
14 any electric disruption to things. So
15 the frequencies that people like
16 Verizon are allowed to operate on are
17 very specific. In this case of the
18 tower, you're well below the health-
19 based standard.

20 MS. TEDDIANN SCHMELZ: There's
21 a lot of studies that tell you within
22 meters, like 300 meters, 400 meters,
23 that you can really get a lot of
24 different health issues. Any health
25 issues. So I'm very concerned about

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

2 that. I don't know if -- how ever
3 you decided where it's going to go,
4 do you know the distance between the
5 homes, because there's a lot of homes
6 up there?

7 MR. MUSSO: Right. That's
8 something we're looking at. I have a
9 map here with the proposed site and
10 the distance to homes. There are a
11 lot of studies. A lot of them have
12 not been endorsed. I have to say
13 that.

14 I think the concerns about the
15 higher frequency 5G, which is really
16 for urban and downtown areas, it's
17 not going to make its way into
18 Marlborough for a long time. There's
19 going to be more study and scrutiny
20 about it than what's being proposed
21 at this site.

22 So I hope that answered some of
23 this. Our tech memo we submitted,
24 there will be a section on
25 radiofrequency compliance that will

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

2 help explain this in words a little
3 bit better.

4 MS. MARIE SCHMELZ: Marie
5 Schmelz. I do live -- I can see the
6 goal post from the extra high school
7 football field. I really -- is this
8 a done deal? I mean was this meeting
9 just a formality and it's already in
10 place and it's going to happen
11 regardless of what we want?

12 CHAIRMAN BRAND: Nothing is a
13 done deal until it's complete.

14 MS. MARIE SCHMELZ: By that
15 time it's too late to do anything
16 then, isn't it?

17 CHAIRMAN BRAND: That's why we
18 have these meetings, to address your
19 concerns. We look at the health and
20 safety standards. We have a
21 consultant to address many of these
22 issues.

23 MS. MARIE SCHMELZ: What would
24 it do to ground -- underground, like
25 to our water? We're all well water

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

2 up there. I mean the frequencies are
3 above but I'm sure it must drop down
4 to the ground, too.

5 MR. MUSSO: Well, that's
6 another good question, because I'm
7 working on a couple sites actually on
8 municipal water tanks where antennas
9 are placed on them. So that question
10 has come up. When you hear radiation
11 you might think of x-rays, gamma
12 rays. This is a different type of
13 radiation. It doesn't readily
14 penetrate surfaces or the body. It's
15 relatively low signal that is aimed
16 at the horizon. After all, that's
17 where you're using your cellphone, in
18 a car, maybe out for a hike, maybe in
19 your yard or home, watching a
20 sporting event at the high school.
21 So the physics behind this would not
22 allow anything deleterious to go on
23 with things like drinking water or
24 affecting surfaces.

25 One of the dangers that I've

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

2 experienced with this are on rooftops
3 at say apartment buildings where
4 people might be using the rooftop to
5 sunbathe. Being within one or two
6 feet, there's actually a heating
7 factor that might be realized. Once
8 you get out of that near field, which
9 is just a couple feet from the face
10 of the antenna, you're going to be
11 very quickly in compliance with that
12 health-based standard I was talking
13 about.

14 So definitely good questions.
15 I hope that gave you a little bit of
16 insight.

17 MS. MARIE SCHMELZ: All those
18 children that are in that building,
19 they're all going to be safe?

20 MR. MUSSO: This is compliant
21 with the standard that's out there.
22 I think each and every one of those
23 children have a cellphone and a
24 tablet.

25 MS. MARIE SCHMELZ: Sure they

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

2 do, but that's not -- that doesn't
3 mean that they have enough foresight
4 and common sense to say that this is
5 going to be harmful to me somewhere
6 down the road.

7 MR. MUSSO: I have no further
8 comment on that.

9 MS. MARIE SCHMELZ: Okay.
10 Thank you.

11 CHAIRMAN BRAND: Thank you.
12 Any other additional comments
13 or questions? Nikki.

14 MS. SIMONOFSKY: Nikki
15 Simonofsky again. Just to follow up
16 with Mr. Troncillito's comment and
17 Mr. Gerentine's comment, would County
18 Emergency Services also be provided
19 on the tower at no charge or only
20 Town?

21 MR. TRONCILLITO: I'm going to
22 call the fire coordinator tomorrow
23 morning. He will get with Eric who
24 is the head man in the emergency
25 services up there to see if they'd be

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

2 interested in coming down.

3 CHAIRMAN BRAND: You said yes
4 to that as well. Correct?

5 MR. BRENNAN: There's not going
6 to be an objection to putting up the
7 antennas that are needed for the
8 municipal services, whether it's
9 County or local -- the fire district
10 or highway.

11 MR. TRONCILLITO: Right now our
12 County is in the middle of a whole
13 complete new radio system. The
14 biggest problem is about getting
15 tower sites and getting permission to
16 put those towers up for emergency
17 services, the police and fire. The
18 biggest problem is down here in the
19 southern end. The northern end has
20 serious problems with communication.
21 They might be interested. I'm going
22 to give them a call tomorrow.

23 MR. BRENNAN: Understood. I
24 was going to ask you what the
25 situation -- I've done this for

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

2 different counties where I've helped
3 them with their system. I was
4 wondering if it was a County system
5 or the individual districts.

6 MR. TRONCILLITO: A complete
7 County system.

8 MR. BRENNAN: It's not going to
9 make a difference what level of
10 municipal entity it is that needs the
11 assistance with this.

12 CHAIRMAN BRAND: Great.

13 Anything else from the public?
14 (No response.)

15 CHAIRMAN BRAND: Jeff, anything
16 to add here?

17 MR. BATTISTONI: I don't have
18 anything to add.

19 CHAIRMAN BRAND: Anything else
20 from the Board?

21 (No response.)

22 CHAIRMAN BRAND: Mr. Musso, we
23 are good with closing the public
24 hearing this evening and moving
25 forward and digesting these comments?

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

2 MR. MUSSO: Your inclination,
3 yeah. If that's something that you
4 find acceptable. I know you still
5 have to have my report which I'm
6 committed to submitting, of course,
7 and discussing. But I would have no
8 problem with that.

9 CHAIRMAN BRAND: That being
10 said, I'd like a motion to close the
11 public hearing.

12 MR. JENNISON: I'll make a
13 motion to close the public hearing.

14 MR. LOFARO: Second.

15 CHAIRMAN BRAND: Steve.
16 Seconded by Joe.

17 MR. LOFARO: Sure.

18 CHAIRMAN BRAND: Any discussion?
19 (No response.)

20 CHAIRMAN BRAND: Any objection?
21 (No response.)

22 CHAIRMAN BRAND: Okay. Thank
23 you. I think we'll move on to the
24 next --

25 MR. BRENNAN: Okay. We'll be

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

2 on the agenda next month, sir?

3 CHAIRMAN BRAND: Yes.

4 Mike, a question about the shot
5 clock moving forward.

6 MR. BATTISTONI: We'll work on
7 that. I think we're within the
8 timeframe. I'll also work with the
9 applicant's attorney on that.

10 MR. BRENNAN: I did a quick
11 rundown. I think we're within the
12 shot clock. Mr. Musso indicated that
13 there was -- it was paused during the
14 pendency. Even running 150 days from
15 the initial submission, we have time
16 into May, and then with the pause on
17 it, too. We can address that at the
18 next meeting. We appreciate that the
19 Board is diligently considering this.
20 While we have to pay attention to
21 that, I'm not hitting on the table
22 about that at all. You're not the
23 problem case about shot clock issues.

24 CHAIRMAN BRAND: Great. Thank
25 you.

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

2 MS. FLYNN: So the April 18th
3 meeting?

4 CHAIRMAN BRAND: Yes. The next
5 meeting. Yeah, April 18th.

6 MS. FLYNN: Okay.

7 MR. BRENNAN: Wonderful. Thank
8 you very much for your time tonight,
9 and thank you to the public.

10 CHAIRMAN BRAND: We thank those
11 of you that came out and asked
12 questions tonight.

13

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

15

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

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of April 2022.

18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

1

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

5

6 POLLOCK SITE PLAN

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

10 FINAL - SITE PLAN

11 Date: April 4, 2022
12 Time: 8:40 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547

17

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

25

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

26

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

27

28 - X
29 MICHELLE L. CONERO
30 3 Francis Street
31 Newburgh, New York 12550
32 (845) 541-4163

1 POLLOCK SITE PLAN

2 CHAIRMAN BRAND: Next on the
3 agenda we have the Pollock Site Plan
4 at 39 Main Street in Milton for its
5 final on their site plan. We are
6 here for final.

7 Jeff, I know that you have
8 prepared a SEQRA negative declaration
9 and notice of determination of
10 nonsignificance as well as a
11 resolution of site plan approval for
12 the combined applications. Anything
13 we need to know before I ask for
14 comments or questions from the Board?

15 MR. BATTISTONI: I'll say that
16 there are actually two applications
17 here. One was for a lot line
18 revision, the other was for site plan
19 approval. They were so intertwined
20 that I combined them for purposes of
21 the approval resolution. In the
22 SEQRA resolution a lot line revision
23 is a Type 2 action anyway, so it
24 doesn't need any environmental
25 review. I just thought that was a

1 P O L L O C K S I T E P L A N

2 good way to handle it so you've got
3 one resolution that covers both of
4 the applications.

5 CHAIRMAN BRAND: Great. Thank
6 you.

9 MR. GAROFALO: I have one
10 comment. On page 5 of the SEQRA,
11 there was a change to the square
12 footage. In your written comments
13 you said 162 but on the document I
14 think it says 166. I don't know if
15 you corrected that.

16 MR. BATTISTONI: Are you
17 questioning my typing?

18 MR. GAROFALO: Not your typing.

19 MR. BATTISTONI: You're correct,
20 it does say 166. It should say 162.
21 Please make that correction.

22 CHAIRMAN BRAND: Page 5, 166,
23 make it 162.

24 MR. BATTISTONI: Yes. Mr.
25 Garofalo pointed it out to me twice.

1 P O L L O C K S I T E P L A N

2 I apologize for that.

3 MR. GAROFALO: Just one other
4 thing. It's really at the purview of
5 the Town Board. I hope that in the
6 review of the transportation
7 improvements, that consideration will
8 be given to moving the accessible
9 spots to the west near or adjacent to
10 Milton Turnpike in accordance with
11 the U.S. Government guidelines that
12 have been also approved as a standard
13 by the U.S. DOT, both for pedestrian
14 safety, for drainage, access to the
15 building and many other reasons. I
16 hope that will be a change that will
17 end up made in the final plans.
18 That's up to the Board.

19 I think certainly this is
20 probably the best project
21 environmentally, transportation
22 improvements and public improvements
23 that I have seen as a Board Member.

24 Thank you.

25 CHAIRMAN BRAND: Thank you.

1 POLLOCK SITE PLAN

2 MR. POLLOCK: Thank you.

3 CHAIRMAN BRAND: Mr. Clarke.

4 MR. CLARKE: Yes. I have been
5 asking -- I'm on board with the
6 project. I'm always concerned about
7 municipal parking. I have asked Mr.
8 Pollock and the Town Board to get
9 together and try to come forward with
10 a legal document that gives long-
11 term municipal parking for, you know,
12 the Hamlet of Milton. It's going to
13 be a disaster if these eight shops
14 are successful. With the existing
15 businesses that are there, with the
16 post office, I don't know how you're
17 going to drive down this thing unless
18 we have a long-term legal document
19 that says we have dedicated parking.
20 I haven't seen any movement on this.
21 Is there any movement on that?

22 MR. MEDENBACH: In the
23 resolution, the draft resolution it
24 says he has to provide proof of
25 permanent use of the parking.

1 POLLOCK SITE PLAN

2 MR. CLARKE: For his apartments?

3 MR. MEDENBACH: Yes.

4 MR. CLARKE: I am asking -- he
5 has businesses there. Where are the
6 people going to park that are going
7 to go to the businesses? That's my
8 concern.

9 MR. MEDENBACH: I believe --
10 well, I believe all of Bob's
11 businesses have their own parking.
12 There's another parking lot behind --

13 MR. CLARKE: Eight spots.

14 MR. MEDENBACH: So you're
15 talking about just general parking
16 for the public use?

17 MR. CLARKE: Yes, I am. This
18 is what I'm asking for, because in
19 the long term you're not going to be
20 able to drive in this thing if this
21 is successful. I know Mr. Pollock
22 has a lot of parking areas. I'm just
23 asking for me to give approval to
24 this thing, I want to see an
25 agreement between the Town and Mr.

1 P O L L O C K S I T E P L A N

2 Pollock for long-term municipal
3 parking on some of the areas that he
4 owns.

5 MR. POLLOCK: I thought we --

6 MS. LANZETTA: I understand
7 Steve's concerns. There's been a lot
8 of concerns brought up by the public
9 about parking in Milton. I don't
10 think it's fair to put one applicant
11 in charge of working with the Town to
12 do that. I think if the Town Board
13 was to ask all of the businesses in
14 the Milton hamlet area to come
15 together to try to come up with some
16 additional ideas for parking, that
17 would be a fair approach than
18 penalizing an applicant who is doing,
19 you know, what is required of them
20 under our present Town Code.

21 MR. GAROFALO: And is in fact
22 making other improvements, such as
23 providing accessible spots on the
24 street and the loading which will be
25 available to the public and will

1 POLLOCK SITE PLAN

2 hopefully, to a certain degree,
3 settle some of those issues which may
4 arise in that particular area. But
5 they certainly have provided adequate
6 parking for the uses that are
7 proposed. Thank you.

8 CHAIRMAN BRAND: Any additional
9 comments from the Board?

10 (No response.)

11 CHAIRMAN BRAND: That being
12 said, you have before you the
13 combined application of 39 Main
14 Street, Milton, LLC and James D. Kent
15 Junior for a lot line revision at 39
16 Main Street in Milton for a site plan
17 approval of the Town of Marlborough
18 Planning Board for a SEQRA negative
19 declaration and notice of
20 determination of nonsignificance.

21 Jen, would you poll the Board.

22 MS. FLYNN: Chairman Brand?

23 CHAIRMAN BRAND: Yes.

24 MS. FLYNN: Member Clarke?

25 MR. CLARKE: No.

1 P O L L O C K S I T E P L A N

2 MS. FLYNN: Member Garofalo?

3 MR. GAROFALO: Yes.

4 MS. FLYNN: Member Jennison?

5 MR. JENNISON: Yes.

6 MS. FLYNN: Member Lanzetta?

7 MS. LANZETTA: Yes.

8 MS. FLYNN: Member Lofaro?

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Troncillito?

11 MR. TRONCILLITO: Yes.

12 CHAIRMAN BRAND: You also have
13 before you the combined application
14 of 39 Main Street, LLC and James D.
15 Kent Junior for a lot line revision
16 at 39 Main Street, LLC for a site
17 plan approval from the Town of
18 Marlborough Planning Board for a
19 conditional approval resolution of
20 the site plan and lot line revision.

21 Jen, would you poll the Board.

22 MS. FLYNN: Chairman Brand?

23 CHAIRMAN BRAND: Yes.

24 MS. FLYNN: Member Clarke?

25 MR. CLARKE: No.

1 POLLOCK SITE PLAN

2 MS. FLYNN: Member Garofalo?

3 MR. GAROFALO: Yes.

4 MS. FLYNN: Member Jennison?

5 MR. JENNISON: Yes.

6 MS. FLYNN: Member Lanzetta?

7 MS. LANZETTA: Yes.

8 MS. FLYNN: Member Lofaro?

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Troncillito?

11 MR. TRONCILLITO: Yes.

12 CHAIRMAN BRAND: So moved.

13 Pat, Jeff, do we have anything
14 else for this? No; right?

15 MR. BATTISTONI: No. I'll
16 clean up that one typo and get a
17 clean copy to the Planning secretary.

18 MR. MEDENBACH: Thank you.

19 MR. POLLOCK: Thank you.

20

21 (Time noted: 8:47 p.m.)

22

23

24

25

1 P O L L O C K S I T E P L A N

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of April 2022.

18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

1

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

5

6 BAYSIDE

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

10 EXTENSION - SITE PLAN

11 Date: April 4, 2022
12 Time: 8:47 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547
17

18 BOARD MEMBERS: CHRIS BRAND, Chairman
19 CINDY LANZETTA
20 JOSEPH LOFARO
21 JAMES GAROFALO
22 STEVE CLARKE
23 ROBERT TRONCILLITO
24 STEPHEN JENNISON
25
26 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
27 PATRICK HINES
28 VIRGINIA FLYNN
29

30 APPLICANT'S REPRESENTATIVE: ERIC BAXTER &
31 DANIEL RIEGER
32
33 - X

34 MICHELLE L. CONERO
35 3 Francis Street
36 Newburgh, New York 12550
37 (845) 541-4163
38

1 BAYSIDE

2 CHAIRMAN BRAND: Next up on the
3 agenda we have Bayside, 18 Birdsall
4 Avenue, Marlboro for an extension of
5 their site plan.

6 MR. BAXTER: How are you? Eric
7 Baxter, developer.

8 MR. RIEGER: Dan Rieger, developer.

9 MR. BAXTER: Thanks for having
10 us tonight. We're here to extend the
11 building permit which was granted in
12 May of last year.

13 We consulted with the town
14 engineer and the town attorney and
15 these are the proper steps that are
16 needed. We need to come in front of
17 the Planning Board to extend -- for
18 two one-year extensions of the
19 building permit.

20 CHAIRMAN BRAND: Thank you.

21 Pat, do you want to review your
22 comments?

23 MR. HINES: My comments are
24 only that I cited the section of the
25 code regarding site plan timeframes.

1 BAYSIDE

2 The initial timeframe is a building
3 permit timeframe and then there's a
4 construction phase timeframe. Their
5 building permit timeframe will lapse
6 in May I believe. They are requesting
7 two one-year extensions. The Board
8 can address those at the same time or
9 one year at a time. I believe the
10 applicants are requesting that two-
11 year to give them time to complete
12 their project.

13 I do know that these applicants
14 are not the original people that got
15 the approval but they are the current
16 developers for the project.

17 I would suggest that we
18 identify the exact timeframes in the
19 resolution to be prepared for the
20 Board to adopt so we have the
21 chronology of where we're at so that
22 can follow along.

23 MR. GAROFALO: I would like to
24 point out that it's, I think, the
25 Building Department that does the

1 BAYSIDE

2 building permits and we do the -- we
3 extend the site plan approval, not
4 the building permits I think is the
5 way it works.

6 MR. HINES: It's a construction
7 timeframe in your site plan approval.

8 MR. GAROFALO: Right. But it's
9 not the building permit.

10 MR. HINES: The building permit
11 is an initial section in that approval
12 and then there's a construction
13 timeframe. They're in that building
14 permit phase right now where they
15 have received their building permit I
16 believe.

17 MR. BAXTER: Correct.

18 MR. HINES: Or near receiving
19 your building permit.

20 MR. BAXTER: We received it May
21 -- well, the previous developer
22 received it May of 2021. We're
23 taking over the project to actually
24 complete it.

25 CHAIRMAN BRAND: Thank you.

1 B A Y S I D E

2 Anything else from the Board?

3 MR. GAROFALO: I guess there's
4 a question as to when did we actually
5 originally approve this?

6 CHAIRMAN BRAND: Do we have
7 that date?

8 MS. FLYNN: I do not. I didn't
9 bring the folder.

10 MR. BATTISTONI: My suggestion
11 would be that I prepare an approval
12 resolution for the next meeting and
13 bring it. It would recite all of
14 those dates. I think there was an
15 approval, and then extensions, then a
16 re-approval extension. There's quite
17 a bit of background here. All of
18 those dates would be recited in the
19 resolution for you.

20 MR. CLARKE: I think there was
21 more than one building. There was
22 the commercial building that got a
23 different date than the apartments on
24 top.

25 MR. BATTISTONI: I think there

1 BAYSIDE

2 was a subdivision approval and a site
3 plan approval. It was very complicated.

4 MR. HINES: One of the situations
5 we have here, and I have discussed it
6 with the Riegers, is that they are not
7 currently in a position where they're
8 purchasing the commercial portion of
9 the project. There was a subdivision
10 that involved the multi-family units
11 and the commercial units. They're
12 working out issues regarding that.
13 Certain improvements are on the
14 commercial lot, so we've been tracking
15 what was required there. Originally
16 the project was -- while it was a
17 subdivision commercial and
18 multi-family, I don't know that we
19 envisioned this phased construction.
20 There are issues that need to be
21 resolved moving forward as one lot is
22 sold and the other is not. I began
23 those conversations with the
24 applicant's representative. Things
25 like drainage and stormwater

1 B A Y S I D E

2 improvements are located across the
3 lots. There's necessary grading --
4 cross grading across the lots that
5 has to occur, what the commercial
6 lot looks like if it's not developed
7 in conjunction with the multi-family.
8 So those are issues that we'll be
9 working through as well. There may
10 be some site plan approvals necessary
11 in the future to resolve those issues.

12 CHAIRMAN BRAND: When this was
13 originally approved, the site plan
14 and the lot line, we kind of looked
15 at it like we did with Pollock, 39
16 Main Street. The site plan was
17 inclusive of both the commercial and
18 the residential portion. So if they
19 are not doing the commercial portion
20 of this project, isn't that not a
21 continuation of the original site
22 plan?

23 MR. HINES: That very well
24 could be, or there may be a need to
25 amend that. Right now we're not in

1 B A Y S I D E

2 that position. They haven't
3 accomplished that yet. I've had
4 discussions with them that certain
5 components of this project are
6 interconnected on that site. They
7 may be back before you for amended
8 site plan to clean that up. They
9 have two years to resolve it.
10 Someone else could build that within
11 two years. It's out there. It's an
12 issue.

13 CHAIRMAN BRAND: It's definitely
14 an issue.

15 MR. GAROFALO: There's certainly
16 limits to the extensions that the
17 Planning Board is allowed to provide
18 as well as the Building Department.
19 I think that's why it's important to
20 take a look at when the initial
21 approval was given, because the
22 extensions are based on the initial
23 approval date.

24 MR. HINES: I agree. There
25 were some re-approvals.

1 B A Y S I D E

2 MR. BATTISTONI: I think the
3 initial approval date for the site
4 plan was -- I'm sorry, I'm looking at
5 the plat actually -- June 4th of 2018.

6 MR. HINES: That was the
7 subdivision.

8 MR. BATTISTONI: That was the
9 subdivision. There were re-approvals
10 in addition to the extension. So the
11 resolution I prepare will recite that
12 entire history so you'll have it all
13 there.

14 CHAIRMAN BRAND: To clarify;
15 Mr. Baxter, your intention is to not
16 build the commercial portion of the
17 site plan, it would just be the
18 residential portion?

19 MR. BAXTER: Yes. At the
20 moment, due to market conditions,
21 commercial isn't really viable right
22 now. It's our intent to develop the
23 residential portion of the property.

24 CHAIRMAN BRAND: All right.

25 Questions or comments from the Board?

1 B A Y S I D E

2 MR. TRONCILLITO: I just have
3 one question. That land was cleared.
4 Are you going to at least clean that
5 up and make it presentable if you're
6 not going to build on it?

7 MR. BAXTER: Yes. It will get
8 cleaned up. As the town engineer
9 mentioned, there is drainage that we
10 have to cut through that site. We do
11 have to do work on that site, and
12 that's why it was cleared.

13 MR. TRONCILLITO: Okay.

14 MR. BAXTER: So once we close
15 on the property, we'll do our erosion
16 control and SWPPP and that's when
17 we'll be allowed to clean what's been
18 done on the property. We needed to
19 drop the trees before March 31st in
20 order to get working this year.

21 MR. TRONCILLITO: Okay. Thank
22 you.

23 MR. BAXTER: Thank you.

24 CHAIRMAN BRAND: Jeff, just as
25 a heads up, I'm personally going to

1 BAYSIDE

2 want some type of clarification on
3 the initial site plan approval with
4 the commercial aspect as a portion of
5 what was approved versus an extension
6 on that not being included and how
7 that plays out. In my mind it's not
8 the same site plan.

9 MR. BATTISTONI: I don't think
10 we'd be making that change now. I
11 think the extension would be granted
12 for the entire project. If they
13 decide not to build something and
14 want to make a modification later on
15 for that, that would be a subsequent
16 application.

17 CHAIRMAN BRAND: So the site
18 plan would still include residential
19 whether or not they build it?

20 MR. BATTISTONI: That's what
21 I'm thinking, yes.

22 CHAIRMAN BRAND: All right.
23 Any other questions or comments?

24 MR. TRONCILLITO: Do we vote on
25 this?

1 B A Y S I D E

2 CHAIRMAN BRAND: He's going to
3 prepare a more detailed resolution
4 for the next meeting.

5 MR. TRONCILLITO: Okay.

6 MR. BAXTER: Sorry to
7 interrupt. We're working towards a
8 closing with our financial lender.
9 Obviously this would need to be in
10 place because the bank will need to
11 feel comfortable closing on the land
12 with this in place. Is there any way
13 to have a resolution tonight or --

14 CHAIRMAN BRAND: No.

15 MR. BATTISTONI: No. I think
16 this is too complicated for a verbal.
17 You might -- no. It's too
18 complicated for that.

19 MR. BAXTER: Okay. Understood.
20 Thank you.

21 MR. HINES: The Board meets
22 twice a month.

23 MR. BATTISTONI: April 18th.

24 MR. BAXTER: Great. Sorry. I
25 thought it was once a month. That

1 B A Y S I D E

2 helps. Thank you.

3 CHAIRMAN BRAND: Jeff will have
4 that for the April 18th meeting.

5 Correct?

6 MR. BATTISTONI: Yes. Correct.

7 MR. BAXTER: Thank you. Have a
8 good night.

9

10 (Time noted: 8:55 p.m.)

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1 B A Y S I D E

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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 12th day of April 2022.

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Michele Conero

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MICHELLE CONERO

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1

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

4

5

DANE DeSANTIS

6

7 Project No. 22-6005
226 Highland Avenue, Marlboro
Section 108.12; Block 1; Lot 48
8 - X

9

10 SKETCH - SUBDIVISION

10

11

12

13

Date: April 4, 2022
Time: 8:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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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

21

22

23

24

25

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRO

- X

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

1 DANE DESANTIS

2 CHAIRMAN BRAND: Next on the
3 agenda we have Dane DeSantis for a
4 sketch of a subdivision at 226
5 Highland Avenue in Marlboro.

6 I'd just like to thank you for
7 the nice red folder.

8 MR. STRIDIRO: I wanted to be
9 prepared here.

10 CHAIRMAN BRAND: Perhaps you
11 could provide us with just an
12 overview of what we're doing here and
13 what's proposed.

14 MR. DeSANTIS: So basically my
15 father and my family have lived on
16 that section of Highland Avenue since
17 the beginning of the 1900s. I'm sure
18 some of you might know them. Anyway,
19 it was originally one piece of land.
20 I think my grandfather created lots
21 for my aunts and uncles, my father.
22 The lot that my father's currently
23 on, him and my mother, just has extra
24 unused property that my long-term
25 girlfriend and I are trying to build

1 D A N E D e S A N T I S

2 a one-family single-family home on.

3 CHAIRMAN BRAND: Thank you.

4 Did you have something?

5 MR. STRIDIROUN: It's a two-lot
6 subdivision in an R Zone. We meet
7 all of the requirements in the zoning
8 other than the lot width which is on
9 lot 1. The lot width is 75 feet
10 required and we have 52 feet.

11 CHAIRMAN BRAND: That's a
12 perfect site plan for Pat and your
13 comments.

14 MR. HINES: Comment number 1 is
15 they don't meet lot width. They're
16 going to need a referral to the
17 Zoning Board of Appeals. They're
18 requesting a variance for proposed
19 lot 1. As Mr. Stridiron just said,
20 there's 75 feet required where 52.1
21 feet is proposed. That's the amount
22 frontage that they are providing.

23 I also have a comment that your
24 side yard setbacks are 10 feet for
25 one and both are 25. This map

1 D A N E D e S A N T I S

2 currently shows that one side yard.

3 They're both shown at 10. One needs
4 to be shown at 15.

5 MR. STRIDIIRON: Combined 25.

6 MR. HINES: The building
7 envelop needs to depict that,
8 otherwise someone could come in and
9 say I'm in the building envelop when
10 in fact you wouldn't be. So that
11 needs to be cleaned up.

12 If you prevail at the Zoning
13 Board, we're recommending that a
14 grading plan be prepared. The
15 topography that you've shown here has
16 two swales that kind of come together
17 at the house location, just on that
18 grading. I want to make sure you
19 don't cause any ponding for
20 yourselves or your neighbors. So a
21 grading plan and a finished floor
22 elevation for that house should be
23 provided.

24 You're proposing a rather wide
25 driveway that isn't typical for that

1 D A N E D e S A N T I S

2 area. The driveway is about 30 feet
3 in width where it says proposed
4 parking area and extends out into the
5 street. I don't know if that's your
6 intention or --

7 MR. DeSANTIS: Just to the
8 finished road area. Just to the
9 finished road.

10 MR. HINES: You're proposing
11 over a 30 foot wide driveway.

12 MR. DeSANTIS: We can narrow
13 it.

14 MR. HINES: We would suggest
15 that be narrowed down.

16 MR. STRIDIIRON: I wasn't sure
17 the amount of detail you wanted on
18 this. I didn't know if it had to go
19 to a plot plan for building permit.
20 I was just doing general -- this is
21 what we want to do in general. I
22 didn't know if it had to go for site
23 plan or plot plan for a building
24 permit.

25 MR. HINES: We will need that

1 D A N E D e S A N T I S

2 detail.

3 MR. STRIDIIRON: Okay.

4 MR. HINES: The finished floor
5 elevation for the sanitary sewer
6 should be depicted as well as the
7 depth to sewer line to make sure you
8 can meet it.

9 We are suggesting that a note
10 be added to the plans that the
11 building should be staked out prior
12 to issuance of the building permit.
13 Because of the location of the
14 building at the setback lines, to
15 avoid any issues where it's at the 10
16 foot setback and they build a
17 building at 9'9" and it becomes an
18 issue. So that note will help the
19 Building Department when they come in
20 for a permit.

21 Then the short form wasn't
22 filled out on the DEC's website, it
23 was hand done. The DEC's website
24 will populate certain areas of that.

25 MR. STRIDIIRON: I submitted --

1 D A N E D e S A N T I S

2 MS. FLYNN: He did do it. He
3 did hand it in later.

4 MR. HINES: Okay. I didn't have
5 that. If it's in, that's fine.

6 MR. STRIDIIRON: That was
7 through the EAF Mapper.

8 MR. HINES: The one I have is
9 hand done.

10 CHAIRMAN BRAND: Jen, number 6
11 is complete?

12 MR. HINES: Just to show you
13 I'm not crazy.

14 MR. STRIDIIRON: I remember that.

15 MR. HINES: The only action the
16 Board can take tonight would be the
17 referral to the ZBA for that lot
18 width, 75 feet required, 52.1 is
19 proposed.

20 CHAIRMAN BRAND: Questions or
21 comments from the Board?

22 MR. GAROFALO: In the revised
23 EAF that was done online, does that
24 have the additional information at
25 the end or was that restricted

1 D A N E D e S A N T I S

2 because of the pop-up?

3 MR. HINES: I don't have that.

4 I can't answer that, James.

5 MR. STRIDIIRON: We have a
6 printout of the correct one if you'd
7 like to see.

8 MR. GAROFALO: Thank you.

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

11 MS. LANZETTA: I just want to
12 remind the Board that we have
13 received a letter from the code
14 enforcement officer saying he's no
15 longer looking at these projects and
16 that it would be our responsibility
17 to review these for area variances.

18 I want to let you know that under
19 134-24, waiver of requirements and
20 variances in our Town Code, that it
21 says that we are allowed to do that
22 without the necessity of a decision
23 or a determination by the official
24 charged with the enforcement of the
25 zoning regulations. It does say that

1 D A N E D E S A N T I S

2 in reviewing such application, the
3 Zoning Board of Appeals shall request
4 the Planning Board to provide a
5 written recommendation. So I would
6 suggest that the Board make -- I
7 don't know how we handled this in the
8 past. I think we need to be sure
9 that we forward a written recommendation
10 to the Zoning Board of Appeals so
11 they know that we are the agency that
12 is asking them to review this.

13 MR. HINES: I also received
14 that letter. That's why I did a more
15 detailed review of the bulk table
16 requirements.

17 MR. LOFARO: Excuse me, Cindy.
18 Is it a recommendation to review or a
19 recommendation to --

20 MS. LANZETTA: That they have
21 to review it for an area variance
22 before we can entertain the application.

23 MR. HINES: He'll speak to Jeff
24 and either my office or Jeff's office
25 will write a referral for the Board.

1 D A N E D e S A N T I S

2 We'll send that.

3 MS. FLYNN: To?

4 MR. HINES: To the ZBA.

5 MS. FLYNN: I have a little
6 thing that I send over why you're
7 recommending.

8 MR. HINES: Jen said she's
9 going to do that referral.

10 MS. FLYNN: I just tell them
11 we're recommending that for setbacks
12 and give her a letter, and then she
13 gives me a letter back with them
14 signed.

15 CHAIRMAN BRAND: I'm sorry.
16 Can you repeat that, Jen?

17 MS. FLYNN: When we refer the
18 applicants over to the ZBA I will
19 give Penny a letter stating their
20 name, the SBL number, that we sent
21 them over there so she has a letter
22 from us stating that we sent them. I
23 usually copy Pat's comments on them.

24 MR. HINES: Jen has a process
25 is what she's saying.

1 D A N E D e S A N T I S

2 MS. LANZETTA: Great. Thank
3 you.

4 MR. GAROFALO: On the revised
5 copy, on page 1, item 2, does it
6 include the ZBA as one of the
7 government agencies?

8 MR. HINES: Once again, I
9 haven't seen that yet.

10 MR. GAROFALO: Item 2 on page
11 1.

12 MR. STRIDIIRON: I just put the
13 Planning Board on there at that
14 point.

15 MR. GAROFALO: Okay. Because
16 you have to go to the ZBA. I think
17 the ZBA should be on there also.

18 MR. STRIDIIRON: Sure. We also
19 filled out an application for the
20 Zoning Board because we foresaw this
21 being an issue. We have already
22 started that process. We have
23 handled -- given them what we thought
24 would be some sort of information
25 they could have so that we kind of do

1 D A N E D e S A N T I S

2 this simultaneously, in our hopes.

3 CHAIRMAN BRAND: So Jen, just
4 to clarify, you will notify the
5 Zoning Board of Appeals of the
6 referral with Pat's comments?

7 MS. FLYNN: Yes.

8 CHAIRMAN BRAND: And then for
9 my own clarification, they'll wait
10 for the determination before they
11 reappear to us or are they running
12 this concurrently?

13 MR. HINES: You can't make any
14 decision until they do.

15 CHAIRMAN BRAND: We'll wait
16 until they decide.

17 MR. GAROFALO: Could you also
18 provide to us the e-mail addresses of
19 the rest of your team? It doesn't
20 have to be on the document itself.
21 Just provide those so our consultants
22 can have them in case they have any
23 questions.

24 MR. HINES: We know where to
25 find Darren.

1 D A N E D e S A N T I S

2 MR. STRIDIROON: I can't hide.

3 CHAIRMAN BRAND: We'll wait to
4 hear from the Zoning Board of Appeals
5 before we can proceed.

6 MR. DeSANTIS: Thank you very
7 much.

8 MR. STRIDIROON: Thank you.

9 CHAIRMAN BRAND: Just to cross
10 all the Ts, nothing for you guys, I
11 would like a motion to refer this to
12 the ZBA.

13 MR. CLARKE: I'll make a motion
14 that we refer this for their review
15 back to us.

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

18 MR. JENNISON: Second.

19 CHAIRMAN BRAND: Any discussion?
20 (No response.)

21 CHAIRMAN BRAND: Any objection?
22 (No response.)

23 CHAIRMAN BRAND: Okay. We're
24 official.

25 (Time noted: 9:05 p.m.)

1 D A N E D e S A N T I S

2

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

4

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

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16 set my hand this 12th day of April 2022.

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Michele Conero

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MICHELLE CONERO

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1

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

5

6 DAVE & JOLEE DUBOIS
7

8 Project No. 22-6006
9 228 Mahoney Road, Milton
Section 95.4; Block 2; Lot 15
- X

9

10 SKETCH - SUBDIVISION
11 Date: April 4, 2022
12 Time: 9:05 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

14

15 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
16 JOSEPH LOFARO
JAMES GAROFALO
STEVE CLARKE
17 ROBERT TRONCILLITO
STEPHEN JENNISON
18
19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN
20

21 APPLICANT'S REPRESENTATIVE: DAVE DuBOIS &
CARNEY RHINEVAULT
22

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

1 DAVID & JOLEE DUBOIS

2 CHAIRMAN BRAND: Finally DuBois,
3 sketch of a subdivision at 228
4 Mahoney Road in Milton. Sorry to keep
5 you waiting.

6 Do you want to give us a brief
7 overview of what it is you have
8 proposed?

9 MR. DUBOIS: There's a 1.3 acre
10 piece that's already kind of
11 subdivided off the farm, separated by
12 a road. We want to build a house on
13 the other side. Since there's
14 already a dwelling on the property,
15 we're going to cut it in half so that
16 we can put our house up on the hill.

17 CHAIRMAN BRAND: Great. Thanks.

18 Pat.

19 MR. HINES: I'm sorry. You're
20 proposing to build a house on the 1.2
21 acre parcel?

22 MR. DUBOIS: I'm going to build
23 my house up on the hill, up on the --

24 MR. HINES: By creating the 1.2
25 acre parcel, we need to have that

1 DAVID & JOLEE DUBOIS

2 engineered.

3 MR. DUBOIS: It is. We're just
4 waiting for the paperwork to come
5 back. It's all been Board of Health
6 approved.

7 MR. HINES: That is less than a
8 5 acre lot so that needs to be proven
9 out. We'll need well and septic, all
10 the development details.

11 MR. DUBOIS: Paul Mele, I don't
12 know if you know him.

13 MR. HINES: Mr. Mele will have
14 a copy. I do know him. I can share
15 with you a copy. I don't have your
16 information. Here's a copy of our
17 comments. They're fairly detailed. He
18 should have gotten one today from my
19 office, although I see that we really
20 butchered his last name because I
21 wasn't in my office until later
22 today.

23 We'll need a bulk table added
24 to the plans, and Mr. Mele can
25 probably address those. It's a zoning

1 DAVID & JOLEE DUBOIS

2 compliance table for each of the
3 lots, including the smaller lot. It
4 will say what's allowed in that zone
5 and how you're meeting that.

6 The 2-acre parcel -- the 1.2
7 acre parcel, the smaller parcel, will
8 need the driveway, well, septic,
9 County Health Department and approval
10 from the highway superintendent for
11 the driveways.

12 Parcel B has an existing
13 dwelling and garage. That must be
14 included in the bulk table that is
15 proposed.

16 The setbacks and all that
17 should be called out.

18 There's a farm road and it's
19 depicted on plan there. It kind of
20 runs between the parcels. Oftentimes
21 those have rights, easements and
22 such. If the surveyor can show us
23 that, or a note that they don't, that
24 there are no rights across there. If
25 it extends to other farms as we've

1 DAVID & JOLEE DUBOIS

2 seen in Town, many of them do -- I
3 see you're shaking your head. We'll
4 have to have the surveyor weigh in on
5 the fact there is no other person or
6 entity that has rights.

7 MR. DUBOIS: There's no rights.

8 MR. HINES: Okay. I did
9 receive the agricultural data
10 statement filled out tonight.

11 The site plan checklist had
12 some items that are checked but are
13 not here. We need those.

14 The adjoining parcels, you're
15 supposed to have the acreage
16 depicted. These are all things your
17 surveyor can put in there. It was
18 checked that they're there and
19 they're not.

20 We will need a metes and bounds
21 description for the new lines that
22 are shown in there. They're not all
23 there. It says to be provided in the
24 future, although a lot of them are
25 there.

1 DAVID & JOLEE DUBOIS

2 The lots all extend into the
3 center line of the Town roadway, so
4 the Town will require a dedication
5 strip 50 feet from the center line on
6 all the lots. The survey will have
7 to be updated showing offers of
8 gratuitous dedication and succession
9 of those lots. That will change your
10 lot lines or lot areas on those lots.
11 Your surveyor will understand that if
12 you don't.

13 They don't show topography on
14 the whole site. I'm not suggesting
15 they should. I think the Board
16 should entertain a waiver request
17 from the applicant to not survey the
18 balance parcel. They have shown
19 detailed surveys of the small lot
20 that's kind of the natural
21 subdivision lot.

22 I don't know what the intent of
23 detail A is, unless that's where
24 you're proposing to put the house on
25 the other lot. There's a markup on

1 DAVID & JOLEE DUBOIS

2 that corner there. There's a small
3 piece of topography shown on lot A as
4 a blowup. That may be where you're
5 thinking of putting a house. I don't
6 know why it's there. That should be
7 further clarified.

8 CHAIRMAN BRAND: Can we stop
9 there? Is the Board in agreement
10 that we can waive the topography for
11 this?

12 MR. CLARKE: Yes.

13 MR. TRONCILLITO: Yes.

14 MS. LANZETTA: Yes.

15 MR. GAROFALO: Yes.

16 MR. JENNISON: Ayes.

17 MR. LOFARO: Yes.

18 MR. CLARKE: It doesn't have
19 very steep topography. The other
20 thing I would make sure you tell Paul
21 Mele is that there is an active
22 orchard around this 1.3 acres that
23 has different setbacks.

24 MR. HINES: Which is my comment
25 15.

1 D A V I D & J O L E E D U B O I S

2 The next is sight distance at
3 the driveway should be depicted. I
4 sent this to the wrong County as I
5 was dictating. Submission to Ulster
6 County Planning will be required as
7 the project is located co-terminus
8 with the Town of Lloyd/Town of
9 Marlborough line on that northern
10 portion.

23 MR. DUBOIS: So in that case it
24 would be the back of that lot?

25 MR. CLARKE: It would be the

1 DAVID & JOLEE DUBOIS

2 1.3 acre lot.

3 MR. HINES: The 1.3.

4 MR. DUBOIS: The line there,
5 that's what we're talking about?

6 MR. CLARKE: The setbacks
7 increase.

8 MR. HINES: Anything touching
9 All State Apple or Stockdale will be
10 at a 75 foot setback.

11 MR. CLARKE: We have a similar
12 lot on Keats Lane. It never came
13 back because it was unbuildable.

14 MR. HINES: I gave Mr. Mele the
15 section of the code in my item 15
16 that I gave you tonight. He can read
17 into that. It's a little hidden
18 section of the code. Actually
19 underneath the bulk table is where
20 it's referred to. If he looks at
21 that. One of those lines would be a
22 rear yard anyway on the small lot.
23 The second line, which normally would
24 be a side yard, would have a smaller
25 setback because the active agricultural

1 DAVID & JOLEE DUBOIS

2 would become increased.

3 MR. RHINEVAULT: I'm Carney
4 Rhinevault, the man who drew the map.
5 The agricultural setback is 75 feet,
6 you said?

7 MR. HINES: Correct.

8 MR. RHINEVAULT: Is that just
9 for the house or does that include
10 the septic system, because --

11 MR. HINES: It does not include
12 the --

13 MR. RHINEVAULT: -- I really
14 wanted the septic system down in the
15 lower right-hand corner.

16 MR. HINES: It doesn't include
17 the septic system. It's the building
18 envelop for the house.

19 MR. RHINEVAULT: Just the house?

20 MR. HINES: If you read that
21 section of the code. There are other
22 requirements in that code for
23 planting, buffers, berms and such.
24 You really need to look into that
25 Section 155-52, agricultural

1 DAVID & JOLEE DUBOIS

2 setbacks. It will have those. It's
3 only if it's active agriculture. I
4 just saw that it's All State Apple,
5 Inc. That leads me to believe that
6 might be an orchard.

7 MR. DUBOIS: It is.

8 MR. HINES: So that's where
9 that kicks in. You'll probably have
10 75 foot rear and side yards on that
11 smaller lot.

12 CHAIRMAN BRAND: So before I
13 entertain comments or questions,
14 Member Clarke made a motion to waive
15 the topography depiction. Is there a
16 second?

17 MR. TRONCILLITO: I'll second
18 that?

19 CHAIRMAN BRAND: Any discussion?
20 (No response.)

21 CHAIRMAN BRAND: Any objection?
22 (No response.)

23 CHAIRMAN BRAND: So moved.

24 Comments or questions from the
25 Board?

1 DAVID & JOLEE DUBOIS

2 MR. GAROFALO: I just have one
3 quick comment. That is, on the short
4 environmental assessment form, if you
5 do that on the website and you have
6 the pop-ups blocked, it blocks one of
7 the pages that you don't see which
8 fills in some of the information. So
9 it needs to be run and made sure that
10 the pop-ups are not being blocked,
11 because that would prevent you from
12 printing out that extra page. Thank
13 you.

14 CHAIRMAN BRAND: Cindy.

15 MS. LANZETTA: I just want to
16 point out that the Ethics Code
17 section has not been totally filled
18 out. Even though you might not have
19 any interest, it still needs to be
20 signed and notarized.

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

23 (No response.)

24 CHAIRMAN BRAND: So you'll talk
25 to your representative and have Pat's

1 DAVID & JOLEE DUBOIS

2 comments worked out and then reappear.

3 MR. DUBOIS: Yes.

4 MR. CLARKE: I would entertain
5 one other thing you might want to do.

6 Because that was an agricultural, it
7 was an orchard site in the 1930s and
8 '40s and '50s, have the soil tested.

9 You'll find your lead arsenic level.
10 There is a mitigation process for
11 that. Before you get a housing lot
12 you may want to look at that and see
13 what the mitigation is and go through
14 that process.

15 MR. HINES: The Health
16 Department normally requires that.

17 CHAIRMAN BRAND: Thank you. I
18 think you guys are all set.

19

20 (Time noted: 9:12 p.m.)

21

22

23

24

25

1 D A V I D & J O L E E D U B O I S

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of April 2022.

18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

1

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

6

7 PLANNING BOARD APPLICATION & PROCESS
8 DISCUSSION
9 - X

10

BOARD BUSINESS

11

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Date: April 4, 2022
Time: 9:12 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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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 BOARD BUSINESS

2 CHAIRMAN BRAND: Cindy, the
3 floor is yours.

4 MS. LANZETTA: Well, I know we
5 were going to talk about lot line
6 applications, and I'm assuming James
7 has something to do with that, but I
8 wanted to talk about the idea of
9 having a complete application. I
10 know we kind of touched on this when
11 Verizon came in. I think it's real
12 important now, especially with not --
13 what seems to be happening sometimes
14 with our site plan review is that
15 people will come before us with an
16 application and then they disappear.
17 In the meantime they might well be
18 running a business. It's hard for
19 the building inspector, when he gets
20 a complaint, to go out and to handle
21 this, especially if they have to go
22 before a judge, because very often
23 the so-called applicants will say
24 well, we have an application before
25 the Board, and so the judge is

1 B O A R D B U S I N E S S

2 inclined to give the people a longer
3 amount of time and then a longer
4 amount of time.

5 MR. HINES: It happens in every
6 town I represent.

7 MS. LANZETTA: Well, you know,
8 I'm just looking at our site plan
9 review. Once we determine we have a
10 complete application, then for the
11 benefit of the applicant as well as
12 for the Planning Board, you have 62
13 days to set the public hearing, and
14 then after that, basically 62 days
15 after the close of the public hearing
16 to make a determination one way or
17 the other whether or not you're going
18 to approve the site plan.

19 It seems to me that if we can
20 make a determination that we have a
21 complete application, if we make that
22 verbally part of our process, then we
23 can kind of set the clock in motion
24 so that these people don't disappear
25 for months and, you know, don't do

1 B O A R D B U S I N E S S

2 their due diligence while other
3 people, who are very good about
4 following the rules that they're
5 supposed to do and getting all the
6 proper permits and operating a
7 business and paying their taxes,
8 those people are not being penalized
9 while the other people, who are
10 running businesses and perhaps
11 inconveniencing the people around
12 them because they haven't even had a
13 public hearing, aren't really moving
14 forward with their applications, are
15 more or less taking advantage of the
16 system because we don't have a way to
17 cut them off or to hold them
18 accountable.

19 MR. GAROFALO: Maybe what we
20 should do is track the applications
21 better, and then at least the
22 Building Department, if the question
23 was coming up, they would be able to
24 see these people started their
25 application in 2017 and they still

1 B O A R D B U S I N E S S

2 haven't completed their application.
3 Basically to track it through the
4 whole system so that the Building --
5 they could communicate better with
6 the Building Department as far as
7 what's going on. They could see
8 what's going on.

9 MS. LANZETTA: I mean they can
10 see what's going on by the records
11 that we keep today. I'm saying to --
12 if we say that an application is
13 complete and we begin the review
14 process, then we set the clock
15 ticking to set public hearing, and if
16 the applicant hasn't, you know, come
17 back with the necessary information,
18 we can either have a public hearing
19 and have -- well no, we can't have a
20 public hearing. That's why I bring
21 this up.

22 MR. HINES: It's almost two
23 different things you're trying to
24 accomplish. Some people get here by
25 having violations and are referred by

1 B O A R D B U S I N E S S

2 the code office. I think that's what
3 you're trying to --

4 MS. LANZETTA: Well, yeah. I
5 mean, for instance, we have an
6 applicant right now that is operating
7 a full-time business and going like
8 hotcakes and -- you know who I'm
9 talking about. And, you know, it's
10 been --

11 MR. HINES: And they have an
12 enforcement action against them or
13 no?

14 MS. LANZETTA: Not yet. At the
15 same time I see that we have other
16 applicants here that have had
17 enforcement infractions and have had
18 a hard time with the judicial system
19 because they plead that they have
20 applications in before us.

21 MR. HINES: We also have other
22 applicants that don't have any
23 enforcement actions and they just
24 show up for three months and don't
25 come back for a year-and-a-half.

1 B O A R D B U S I N E S S

2 MR. GAROFALO: And some of that
3 you have to look at what's going on
4 in the sense that they may not have
5 money to proceed further with their
6 application because certain things
7 have to be done, or they may be
8 waiting for money to come in from the
9 bank or whatever, their investors.
10 There's a number of reasons why an
11 application may not be proceeding.

12 I think it certainly should
13 give us pause when somebody comes in
14 with an application and there's an
15 extended period before they're
16 completed. Once they're completed,
17 that's a different matter because
18 there is that time clock. Also we
19 have to waive that time clock.

20 I see that one of the
21 difficulties is that period before
22 they are completed and trying to
23 encourage them to come in and finish.

24 It's not always a matter of
25 they want to -- they're purposely

1 B O A R D B U S I N E S S

2 delaying. It may be that there are
3 other issues that they're trying to
4 resolve.

5 CHAIRMAN BRAND: Pat, is there
6 a quick fix for that in your other
7 municipalities?

8 MR. HINES: Some municipalities
9 have their planning boards -- if you
10 don't appear within a certain
11 timeframe your application is deemed
12 void and you have to reapply.

13 CHAIRMAN BRAND: And that's
14 codified?

15 MR. HINES: Yes. It has a
16 timeframe where if you don't show up
17 before the board in nine months, a
18 year. It's an extended time. Most of
19 them are a year. If the board
20 doesn't --

21 CHAIRMAN BRAND: One year?

22 MR. HINES: One year if you're
23 gone and don't come back. You could
24 have projects that do that, keep an
25 open application and it just sits

1 B O A R D B U S I N E S S

2 there and lingers for Jen to keep
3 track of escrows and us to keep an
4 open project.

5 You can codify that timeframe
6 and say if your project doesn't
7 remain active and hasn't appeared
8 before the board in a year's time.
9 Now you'll have people coming in and
10 writing you a letter saying my year
11 is almost up and I'm here to appear
12 before you and I'll see you again in
13 another year. It at least gives you a
14 time point to cut it and end it.

15 CHAIRMAN BRAND: If the
16 supervisor was available I would
17 probably have him weigh in on this
18 and send information that -- maybe
19 that's a recommendation, one year
20 from the application starting
21 process. If we don't see in you a
22 year --

23 MR. HINES: At any point. If
24 you don't come before the Board and
25 if you show up for six meetings and

1 B O A R D B U S I N E S S

2 then disappear on us, it will be a
3 timeframe where your application
4 expires.

5 CHAIRMAN BRAND: I'll include
6 that in the monthly report.

7 MR. HINES: The enforcement
8 people, I see that in every town
9 where they are referred to the
10 building department. They tell the
11 judge I'll get site plan approval.
12 They show up with an application that
13 month but they have to go to court.
14 They tell the judge we're before the
15 planning board and the judge puts it
16 out. Before they have to come back
17 to court again you get another -- a
18 little bit of information from them
19 and they say I was at the planning
20 board meeting last night. It's not
21 unusual. I don't know how you stop
22 that one. It happens in a lot of
23 towns.

24 CHAIRMAN BRAND: At least here
25 they're --

1 BOARD BUSINESS

2 MR. HINES: Local justice
3 courts aren't really a great place to
4 take zoning violations because
5 there's not a whole lot of hammer
6 there. If they lose in justice court
7 they get minimal fines. Not
8 necessarily this court system but in
9 a lot of towns.

10 MR. GAROFALO: Is that
11 something that could be rectified by
12 if they have a judgment against them
13 or something to that effect, that
14 they have to come in in two months or
15 in a certain period?

16 MR. HINES: A lot of that is
17 controlled by the courts and not by
18 us. We're an administrative review
19 board and we don't have any judicial
20 powers to say come back.

21 MR. LOFARO: Increase the
22 application fee with a refund when
23 complete. Like an extra portion.

24 CHAIRMAN BRAND: An incentive.

25 MR. LOFARO: When you meet this

1 BOARD BUSINESS

2 and this you'll get this back in a
3 certain timeframe. We're actually
4 billing them upfront so it's not
5 coming - if you want it back you need
6 to be done by this time.

7 MS. FLYNN: I usually have to
8 ask for more. They're not getting
9 anything back.

10 MR. HINES: That's the nature
11 of this process.

12 MR. LOFARO: I just thought
13 upfront. Either way.

14 MR. BATTISTONI: I may be
15 speaking out of turn because I've
16 never researched this, but I would
17 think that the Board controls its own
18 agenda. If you find you have an
19 recalcitrant applicant, you ask for
20 submissions and they don't make them,
21 you ask for submissions and they
22 don't submit them, I think you're
23 within your realm to give them a
24 notice, okay, submit this by next
25 meeting or we're dismissing your

1 B O A R D B U S I N E S S

2 application and come back when you're
3 ready. I don't know if you need it
4 codified in the town code that it has
5 to be a certain period of time.

6 CHAIRMAN BRAND: Interesting.

7 MR. BATTISTONI: I will say, to
8 take this a step further, in the
9 realm of the zoning board of appeals,
10 an application to a zoning board of
11 appeals stays enforceable. Many
12 people go to the ZBA and do nothing
13 with their application because it
14 does stop a court proceeding. So
15 ZBAs get frustrated with that. I've
16 seen the ZBAs say next month have all
17 this or we're dismissing your
18 application.

19 CHAIRMAN BRAND: As opposed to
20 having it codified, we can keep track
21 and say this person hasn't been here
22 in a year, we have a letter that's
23 ready to go, send it out to them, you
24 haven't appeared in a year, your
25 application will be terminated unless

1 BOARD BUSINESS

2 we hear differently.

3 MR. BATTISTONI: I think you
4 could do that. If somebody says I'm
5 waiting for my surveyor to do the
6 topo and he's just slow and I can't
7 help it, I'm trying, you cut them
8 some slack.

9 CHAIRMAN BRAND: Do I have a
10 motion to have Jeff prepare that
11 letter for us to use to send out
12 after a one year no show?

13 MS. LANZETTA: Do you think one
14 year?

15 MR. BATTISTONI: One year is
16 too long.

17 MS. LANZETTA: I'll say six
18 months.

19 CHAIRMAN BRAND: Six months. So
20 do I have that motion?

21 MR. LOFARO: I'll make that
22 motion.

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

25 MS. LANZETTA: I'll second that.

1 B O A R D B U S I N E S S

2 CHAIRMAN BRAND: Any discussion?

3 MR. HINES: Is it going to be
4 on your application letting them know
5 that?

6 CHAIRMAN BRAND: We can modify
7 that. I mean I don't think we're in
8 a rush for this.

9 And then maybe, Jen, you could
10 look through and see if there are
11 people that are at six months right
12 now.

13 MS. FLYNN: There's a couple.

14 CHAIRMAN BRAND: When that
15 letter is ready, we fire it off to
16 them.

17 MR. HINES: A letter to give
18 them a month to appear or you're
19 done?

20 CHAIRMAN BRAND: We'll give
21 them --

22 MR. BATTISTONI: Give them a
23 month to come to a meeting and submit
24 what's needed.

25 CHAIRMAN BRAND: Right. If you

1 B O A R D B U S I N E S S

2 don't, you're done and you have to
3 start over.

4 MR. LOFARO: In that letter say
5 you would need to come to this
6 meeting. Give them a few dates or
7 whatever.

8 CHAIRMAN BRAND: The next
9 deadline for the next scheduled
10 meeting is blank. If you're not here
11 and you don't have whatever is
12 required for that meeting, then your
13 application is terminated. I like
14 that idea. That's easier than
15 codifying it and changing the code.
16 Okay.

17 MR. GAROFALO: Do you want me
18 to add that to the forms?

19 CHAIRMAN BRAND: Let's wait
20 until we get the letter from Jeff and
21 see what it is. We can take the
22 language from the letter to put in
23 the form exactly as it's written.
24 Six months, you get the next meeting
25 or you're done.

1 B O A R D B U S I N E S S

2 MS. FLYNN: It just might be
3 easier to add a page to the
4 application than modifying the
5 application.

6 MR. GAROFALO: Especially since
7 we've been doing very large type.

8 CHAIRMAN BRAND: That's good.
9 Is that it, Cindy.

10 MS. LANZETTA: Yes.

11 CHAIRMAN BRAND: I did have a
12 question with regard to the e-mail
13 from the code enforcement officer,
14 Pat. What does that mean to us as a
15 Board in our review process? Are you
16 the guy that's going to be picking up
17 the slack?

18 MR. HINES: Yes. Normally I
19 depended on getting that letter from
20 them. I will --

21 CHAIRMAN BRAND: So your
22 initial review process becomes a
23 little --

24 MR. HINES: I'll refer any
25 variances and such.

1 BOARD BUSINESS

2 CHAIRMAN BRAND: Okay. And
3 just out of my own personal
4 curiosity, is that going to increase
5 the cost of the applicant's thing
6 now?

7 MR. HINES: I normally did it
8 in the normal course anyway. It was
9 helpful to have the code enforcement
10 officer, have his interpretation on
11 some stuff.

12 MR. GAROFALO: He still may
13 have to do some interpretations if we
14 don't know exactly where it fits.
15 Ultimately, once we pass it, he can't
16 give a permit unless it meets, I
17 guess, the zoning.

18 MR. HINES: Right. An example,
19 just a quick one, I usually don't
20 pull out the zoning map and cross
21 check what zone a project is in.
22 It's kind of like I depend on the
23 applicant's representative to know
24 their zone. Tommy has caught some of
25 those in his gatekeeper letter. When

1 B O A R D B U S I N E S S

2 I get a project, I've had to pull the
3 zoning map out and find that tax lot
4 and say all right, it's there. That
5 was something that used to get done
6 before we got it. It's going to take
7 ten minutes.

8 CHAIRMAN BRAND: Okay.

9 MR. GAROFALO: Ultimately what
10 you want to avoid is passing
11 something and then it gets to the
12 Building Department and the Building
13 Department says no, it doesn't fit in
14 this zone.

15 MS. FLYNN: So does Pat now get
16 the application first?

17 CHAIRMAN BRAND: I would think
18 no. It would be a part of his
19 initial review.

20 MR. HINES: It's going to be
21 the first comment letter I do.

22 CHAIRMAN BRAND: Right. But
23 that may lead to the you can't do
24 this. Correct?

25 MR. HINES: Yeah.

1 BOARD BUSINESS

2 CHAIRMAN BRAND: Okay.

3 MR. HINES: It may say this use
4 isn't allowed in this zone or your
5 bulk table isn't consistent with this
6 zone.

7 CHAIRMAN BRAND: Normally would
8 they have gotten that information
9 before they did the packet though,
10 Jen? They would have already paid
11 everything?

12 MR. HINES: They've already
13 submitted.

14 CHAIRMAN BRAND: Anything else?
15 (No response.)

16 CHAIRMAN BRAND: So I'm willing
17 to table the Planning Board lot line
18 application discussion until the next
19 meeting since my watch already went
20 off with the time reminder.

21 Are we good with that?

22 MR. CLARKE: Yes.

23 MR. TRONCILLITO: I'm fine with
24 that.

25 CHAIRMAN BRAND: Steve makes

1 B O A R D B U S I N E S S

2 the motion to table that until the
3 next meeting.

4 MR. LOFARO: I'll second that.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Also followed
8 by a motion to adjourn by Bob
9 Troncillito, seconded by Steve
10 Clarke.

11 Thank you.

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13 (Time noted: 9:32 p.m.)

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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 12th day of April 2022.

18

19

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21

Michele Conero

22

MICHELLE CONERO

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