

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

- - - - - X
In the Matter of

- READING OF AGENDA
- APPROVAL OF 3/21/22 MINUTES WITH REVISIONS
- JAMES GAROFALO COURSES COMPLETED

- - - - - X

BOARD BUSINESS

Date: April 18, 2022
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

- - - - - X

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

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

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

6 (Pledge of Allegiance.)

7 CHAIRMAN BRAND: Agenda, Town
8 of Marlborough Planning Board,
9 Monday, April 18, 2022. Regular
10 meeting at 7:30 p.m. On the agenda
11 tonight we have the approval of the
12 stenographic minutes for March 21st.
13 Also on the agenda we have the
14 Buttermilk Spa Expansion for a
15 re-submittal, 220 North Road in
16 Milton, a public hearing for their
17 site plan. We have Corrado
18 Subdivision located on Burma Road in
19 Marlboro for a sketch of their
20 subdivision; Bayside project at 18
21 Birdsall Avenue in Marlboro,
22 extension/final of their site plan;
23 Verizon - Marlboro High School at
24 50 Cross Road in Marlboro for a
25 preliminary of their site plan;

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

2 Keebomed, Inc. at Route 9W, Marlboro
3 for a sketch of their site plan; and
4 Jeff Aldrich at 132 Milton Turnpike
5 in Milton for a sketch of their
6 subdivision. Also on the agenda
7 tonight we have a Planning Board
8 discussion for the lot line
9 application. The next deadline is
10 Friday, April 22, 2022. The next
11 scheduled meeting is Monday, May 2,
12 2022.

13 I'd like to have a motion to
14 approve the stenographic minutes for
15 March 21st, please.

16 MR. TRONCILLITO: So moved.

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

19 MR. LOFARO: Second.

20 CHAIRMAN BRAND: Any discussion?

21 MR. GAROFALO: Yes. I just
22 wanted to point out two things. One
23 is that my vote for approval will not
24 include the Verizon portion of the
25 meeting since I wasn't there.

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

2 The second thing is an
3 incorrect statement was made on page
4 16 to 17. Mr. Medenbach noted that
5 there were no accessible parking
6 spaces anywhere near the post office.
7 There actually is one in their
8 parking lot right near their front
9 door. Thank you.

10 CHAIRMAN BRAND: Thank you.
11 That being said, any other
12 discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection
15 to approving the minutes as stated?

16 (No response.)

17 CHAIRMAN BRAND: No. No
18 objection. Good.

19 Anything from the Board before
20 we begin?

21 MR. GAROFALO: Yes. I have two
22 courses that I took, both digitally
23 sent to the Planning Department,
24 Accelerated Renewable Energy Growth
25 and Community Benefit Act of 2020,

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

2 one hour, and Common Mistakes in Site
3 Plan Review, one hour. Thank you.

4 CHAIRMAN BRAND: Thank you.

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

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 25th day of April 2022.

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

BUTTERMILK SPA EXPANSION RE-SUBMITTAL

Project No. 22-6003
220 North Road, Milton
Section 103.1; Block 2; Lot 13

- - - - - X

PUBLIC HEARING - SITE PLAN

Date: April 18, 2022
Time: 7:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

- - - - - X

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

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 CHAIRMAN BRAND: All right.

3 First on the agenda tonight, the
4 Buttermilk Spa Expansion for a
5 re-submittal at 220 North Road in
6 Milton for a public hearing of their
7 site plan.

8 "Legal notice, amended special
9 use permit and site plan re-approval.
10 Please take notice a public hearing
11 will be held by the Town of
12 Marlborough Planning Board pursuant
13 to the Town of Marlborough Town Code
14 155-31 and 155-32 on Monday, April
15 18, 2022 for the following
16 application: Buttermilk Falls Spa
17 Expansion re-approval at the Town
18 Hall at 21 Milton Turnpike, Milton,
19 New York at 7:30 p.m. or as soon
20 thereafter as may be heard. The
21 applicant is asking for a commercial
22 site plan re-approval and amended
23 special use permit for the expansion
24 of existing spa on lands located at
25 220 North Road in Milton, New York,

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 Section 103.1; Block 2; Lot 13.
3 Any interested parties either for or
4 against this proposal will have an
5 opportunity to be heard at this time.
6 Chris Brand, Chairman, Town of
7 Marlborough Planning Board."

8 How many mailings went out and
9 how many were returned?

10 MR. MEDENBACH: I just handed
11 them to Jen.

12 CHAIRMAN BRAND: Okay.

13 MR. MEDENBACH: I think there
14 was like ten. There weren't a whole
15 lot.

16 CHAIRMAN BRAND: Ten out. Jen,
17 do you have them all?

18 MR. MEDENBACH: I think they
19 all came back but two.

20 CHAIRMAN BRAND: Okay. Did you
21 want to just give a brief overview
22 for anyone interested?

23 MR. MEDENBACH: This was a plan
24 that was approved a few years ago for
25 an expansion to the spa to add some

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 more treatment rooms and a little bit
3 more parking in the back. The
4 parking had been added. That had
5 been modified.

6 The addition has not been put
7 on. For various reasons the
8 construction got delayed and the
9 permit has, you know, expired. I
10 think it was renewed once before.
11 The time has now ran out, so we're
12 asking it to be renewed. We're not
13 making any changes.

14 I re-submitted the plans and
15 he's hoping to get a building permit
16 this summer sometime.

17 CHAIRMAN BRAND: Thank you.
18 Anything from the Board?

19 MR. GAROFALO: Yes. I have one
20 thing. It has been suggested that we
21 not look at applications that are not
22 completely filled out. I disagree
23 with that which is part of the reason
24 why I voted to go ahead with the
25 public hearing. I do think that the

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 applications need to be filled out
3 before we sign our approval, and this
4 application is maybe about fifty
5 percent filled out. I would hope
6 that we could get a more complete
7 document and any waivers that are
8 requested be noted on there. Thank
9 you.

10 CHAIRMAN BRAND: Thank you.
11 Anything else from the Board on this
12 one?

13 (No response.)

14 CHAIRMAN BRAND: Does anyone
15 from the public here have a comment
16 or a question? If so, you can just
17 come up to the podium, state your
18 name for the stenographer and you'll
19 be heard at this time.

20 (No response.)

21 CHAIRMAN BRAND: Going once.

22 (No response.)

23 CHAIRMAN BRAND: No. All
24 right.

25 MR. JENNISON: I'll make a

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 motion to close the public hearing.

3 CHAIRMAN BRAND: I have a
4 motion to close the public hearing.
5 Can I have a second?

6 MR. CLARKE: Second.

7 CHAIRMAN BRAND: Any discussion?
8 (No response.)

9 CHAIRMAN BRAND: Any objection?
10 (No response.)

11 CHAIRMAN BRAND: The public
12 hearing is closed.

13 We have before us a resolution
14 for the Town of Marlborough for the
15 application of 220 North Road Realty,
16 LLC for re-approval of the amended
17 site plan permit, site plan approval
18 dated April 18, 2022.

19 Jeff, any highlights?

20 MR. BATTISTONI: I'll just say
21 that I think it was when this
22 application was approved in 2019, I
23 went back and traced the history of
24 the application, the various
25 approvals and extensions, and so I

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 had done a resolution then. I used
3 that same form here. It's this one
4 here. Sorry. As I went through it,
5 I thought it was pretty complicated
6 so I highlighted what applied to this
7 new re-application so it will be a
8 little bit easier to read. I think
9 the resolution covers everything that
10 it needs to cover. It is a Type 2
11 action. You're not referring it to
12 County Planning. Again, you had done
13 that the last time and those comments
14 were addressed. I think it's ready
15 for adoption.

16 CHAIRMAN BRAND: Anything from
17 the Board?

18 MR. GAROFALO: Yes. I think we
19 should table it to the next meeting
20 until we get a more complete
21 application, because what is this
22 going to say to the other applicants,
23 that you don't have to finish the
24 checklist. This has been a point
25 that we have gone over many times. I

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 think that we need to have it
3 finished so we can give them a clean
4 approval. Thank you.

5 CHAIRMAN BRAND: Are you making
6 that as a motion?

7 MR. GAROFALO: I will so move.

8 CHAIRMAN BRAND: Is there a
9 second?

10 (No response.)

11 CHAIRMAN BRAND: There's no
12 second. Okay. Jen, would you poll
13 the Board.

14 MS. FLYNN: Chairman Brand?

15 CHAIRMAN BRAND: Yes.

16 MS. FLYNN: Member Clarke?

17 MR. CLARKE: Yes.

18 MS. FLYNN: Member Garofalo?

19 MR. GAROFALO: No.

20 MS. FLYNN: Member Jennison?

21 MR. JENNISON: Yes.

22 MS. FLYNN: Member Lanzetta?

23 CHAIRMAN BRAND: Absent.

24 MS. FLYNN: Member Lofaro?

25 MR. LOFARO: Yes.

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 MS. FLYNN: Member Troncillito?

3 MR. TRONCILLITO: Yes.

4 CHAIRMAN BRAND: So moved.

5 Thank you.

6 MR. HINES: Just for the
7 record, there were eight sent out,
8 six returned.

9 CHAIRMAN BRAND: Eight out --
10 say that again.

11 MR. HINES: Eight were sent
12 out, six were returned.

13 CHAIRMAN BRAND: Thank you.

14 MR. MEDENBACH: So we're
15 putting off the decision for two
16 weeks?

17 CHAIRMAN BRAND: No. It was
18 approved.

19 MR. MEDENBACH: You did approve
20 it. Okay. Thank you very much. I
21 missed that.

22 CHAIRMAN BRAND: Perhaps before
23 I sign the map we can get that
24 application completed.

25 MR. MEDENBACH: I don't

1 BUTTERMILK SPA EXPANSION RE-SUBMITTAL

2 understand why it's not complete.

3 I'll make sure that happens.

4 CHAIRMAN BRAND: Thank you.

5

6 (Time noted: 7:41 p.m.)

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BUTTERMILK SPA EXPANSION RE-SUBMITTAL

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

CORRADO SUBDIVISION

Project No. 22-6004
Burma Road, Marlboro
Section 108.3; Block 1; Lot 18.120

- - - - - X

SKETCH - SUBDIVISION

Date: April 18, 2022
Time: 7:41 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

- - - - - X

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

1 C O R R A D O S U B D I V I S I O N

2 CHAIRMAN BRAND: Next on the
3 agenda tonight we have the Corrado
4 Subdivision for a sketch of their
5 subdivision on Burma Road in
6 Marlboro.

7 How are you tonight?

8 MR. SCALZO: I'm fine.
9 Mr. Chairman, good to see you,
10 Members of the Board. It's been two
11 years since I was here last.

12 CHAIRMAN BRAND: Would you like
13 to provide an update?

14 MR. SCALZO: Actually, this is
15 our first run. I'll give you a
16 complete rundown.

17 Good evening again. We're
18 proposing here for the Corrados a
19 two-lot subdivision of approximately
20 56.3 acres of land identified as Tax
21 Parcel 108.3, Block 1, Lot 18.121.
22 The parcel is on the west side of
23 Burma Road. Burma Road in this case
24 is all of about 1,200 feet long.
25 It's relatively straight from

1 C O R R A D O S U B D I V I S I O N

2 Idlewild Road all the way to
3 Plattekill Road.

4 Proposed Lot 1 will be 2.51
5 acres which will be the future
6 homestead of the Corrado family.
7 Mrs. Corrado is a former Ms. Greiner,
8 so it's a family affair of some sorts
9 here. The remaining portion of the
10 lot will be approximately 53.5 acres
11 which includes some ridge line
12 protection area on the westerly
13 portion and some wetlands behind the
14 proposed lot that we're looking to
15 develop. There's also an existing
16 block masonry garage which houses
17 some old equipment, woodchucks and
18 what have you. There are no
19 additional improvements proposed for
20 the remaining lands.

21 The parcels are in the RAG-1
22 Zoning District which requires a
23 minimum of 1-acre parcels which we
24 more than exceed with our proposal
25 here.

1 C O R R A D O S U B D I V I S I O N

2 Back in 2020 -- well, it
3 started in 2019, there was an
4 approval for a subdivision/lot line
5 change for the old water bottling
6 facility, the old Pioneer Water.
7 This 56 acres was part of that lot
8 line change. We just swung the lot
9 around the back side of the warehouse
10 so they could maintain that.

11 Let's see. The lot is an
12 inactive fruit orchard. Last month
13 we had Mike Nowicki, the
14 environmental biologist, meet us all
15 out there just to confirm the
16 wetlands wouldn't impact what we were
17 trying to do with the improvements on
18 lot 1. The maps, I hope that you
19 have them in front of you, you can
20 see the wetlands flagging labeled as
21 Mr. Nowicki had put them out there.
22 They still exist out there, if
23 anybody is interested in seeing their
24 actual physical location. We did
25 also provide the 100-foot adjacent

1 C O R R A D O S U B D I V I S I O N

2 area to those for the wetlands.

3 You also may notice on the map
4 there are a few -- above the title
5 block there, there's a few revisions.
6 One of the revisions was for the
7 wetlands and the other was for minor
8 changes due to the review by the
9 Ulster County Health Department. I
10 had undersized the syphon chamber, so
11 that's the only comment. They've had
12 that back -- I don't know if you're
13 aware, but Tony Puccio has retired
14 from the Ulster County Health
15 Department. They are still getting
16 back up to speed with some of their
17 review of plans. The residential
18 stuff has kind of taken a back seat
19 to their commercial things right now.

20 The proposed driveway for the
21 lot that we have will almost be
22 opposite the existing ones across the
23 street on Burma. The sight distance
24 there is not an issue at all. We
25 have not reached out to the highway

1 C O R R A D O S U B D I V I S I O N

2 superintendent as of yet, but we'll
3 send the map after this meeting for
4 his concurrence on the driveway
5 location.

6 Mr. Hines, as I arrived this
7 evening, did hand me the engineering
8 comments regarding that. Would you
9 like me to address them or would you
10 like to have Mr. Hines address them?

11 CHAIRMAN BRAND: I'll just have
12 Pat run through them. If you want to
13 go piece by piece and address them,
14 you can feel free to do so.

15 MR. SCALZO: Very good. Thank
16 you.

17 MR. HINES: The first comment
18 is that they're subdividing off a 2.5
19 plus or minus acre parcel of property
20 leaving a balance of, 53.5 it says on
21 the map. I have 55.

22 There's really no access to the
23 balance parcel. It's cut off by the
24 wetlands on the site, both State and
25 Federal. You would be creating a lot

1 C O R R A D O S U B D I V I S I O N

2 that isn't usable, buildable,
3 accessible from anywhere. I have a
4 concern about the use of the balance
5 parcel and any development potential.

6 Also, the balance parcel
7 typically would require a deed plot,
8 at a minimum, showing that lot area
9 and the metes and bounds for that
10 balance parcel. It could be a rather
11 large scale typically, but you just
12 can't segregate off the portion of
13 the whole lot.

14 The wetlands note identifies
15 that the wetlands were flagged by
16 Ecological Solutions. We're familiar
17 with them and their work, which is
18 fine, but I need to know the extent
19 of the wetlands on the balance
20 parcel. Oftentimes if you create a
21 parcel such as this with no access or
22 no use, it ends up at a tax sale with
23 no use in the future. It's not
24 currently farmed so it's a concern I
25 have.

1 C O R R A D O S U B D I V I S I O N

2 Again, the parcel being
3 surveyed is my comment 4.

4 Health Department approval. If
5 the project moves forward, Health
6 Department approval would be
7 required.

8 Highway superintendent's
9 approval of the driveway.

10 I do have a concern regarding
11 the wetland buffer and wetlands
12 cutting across, for lack of a better
13 term, the flagpole that's created and
14 the rest of the lot being landlocked
15 so there's not a use for that lot.

16 MR. SCALZO: Thank you. Thank
17 you, Mr. Hines. I'll go through Mr.
18 Hines' comments just as I received
19 them this evening.

20 As we confirm what Mr. Hines
21 says, the project site does contain
22 Federal and State wetlands which we
23 did have flagged out, the front
24 portion. If you will, the general
25 topography of the lot is almost like

1 C O R R A D O S U B D I V I S I O N

2 a saddle. You're sitting up high on
3 the road, you dip down into the
4 wetlands and then you climb onto the
5 ridge protection area. There is a
6 buildable portion of this lot which
7 actually is behind the warehouse, the
8 old Pioneer warehouse portion which
9 you're all familiar with from my time
10 here two years ago regarding --
11 perhaps I could get Mr. Nowicki back
12 out there and we could flag the rear
13 portion of those wetlands and then
14 show that buildable portion of the
15 lot between the wetlands and where
16 the ridge line protection area
17 begins. If the Board requires that,
18 then that's what we will do.

19 With regards to access in and
20 out of the lot, we have an existing
21 farm lane which was in existence way
22 back to filed map 4287. There is
23 rights of access to that and the farm
24 lane exists as it is. I don't know
25 if you've all been to the site, but

1 C O R R A D O S U B D I V I S I O N

2 you can drive up there now through
3 that. If there was development of
4 that rear portion of the lot, the
5 current farm lane as it sits now
6 would be the access to the rear
7 portion of the lot. So with regards
8 to it being non-usable, I'm not sure
9 that I agree with that statement
10 because we know we can get back
11 there. I've driven it myself.

12 CHAIRMAN BRAND: Pat, is your
13 comment more in regards to like a
14 legal easement type of situation?

15 MR. HINES: Well, yeah. I
16 don't see -- I don't have the
17 information that Mr. Scalzo just gave
18 you.

19 MR. SCALZO: Pat, it appears on
20 the map. If you look at the --

21 MR. HINES: Well, I see the
22 reference to the easement, but I see
23 it go through --

24 MR. SCALZO: It goes through
25 there as well as the wetlands.

1 CORRADO SUBDIVISION

2 However, it's an existing condition
3 which the farmer has used for many
4 years. With regards to the wetlands,
5 I'll confirm with Mr. Nowicki that
6 that can still be used, we're not
7 disturbing any more wetlands, should
8 we have to prove development of that
9 portion of the lot. Therefore, it
10 might be top dressed with some stone
11 or something like that.

12 MR. HINES: I would suggest
13 that you provide that easement for
14 Mr. Battistoni's review. And then if
15 you can, prove out to the Board that
16 there is access to a buildable
17 portion of the lot. I don't know
18 what the width of that farm lane or
19 -- in other words, you would need a
20 wetlands permit, which may or may not
21 come from the DEC, to get there
22 apparently. I don't know if that's
23 --

24 MR. SCALZO: We'll certainly
25 check into that. It's an existing

1 C O R R A D O S U B D I V I S I O N

2 condition now. The farmer already
3 drives through it. We will confirm.

4 MR. HINES: It's hundreds of
5 feet long I believe. Right?

6 MR. SCALZO: Oh, yeah. It is
7 hundreds of feet long.

8 MR. HINES: So in order to meet
9 the current Building Code there would
10 need to be turnoffs constructed. I
11 think we need some additional detail
12 on the location of that, the access.

13 MR. SCALZO: We will get back
14 out there and we will locate that
15 farm road leading all the way back
16 into the higher elevation portions of
17 the lot.

18 I believe that rolls into the
19 second comment that Mr. Hines had
20 provided. We will be able to prove
21 the balance of the parcel as usable.
22 The wetland notes identified
23 Ecological Solutions.

24 Mr. Hines, if we were to have
25 Mike Nowicki back there to locate the

1 C O R R A D O S U B D I V I S I O N

2 rear portion of that wetlands, would
3 that satisfy the comment that you
4 provided here?

5 MR. HINES: You need to show
6 the access, if there is an access
7 easement, if you're able to get
8 through that wetlands. I don't know
9 where this farm lane goes from here.
10 It looks like it goes across lands of
11 Ferris and then into this site. I
12 don't know where it goes from there.

13 MR. SCALZO: Okay. I had
14 modeled why I provided what I had
15 provided here before. Historical
16 research, I have something that had
17 been approved by the Board back in
18 2016 for, again, the estate of Ernest
19 Greiner. They put an agricultural
20 building up there with ponds and
21 wetlands on it. I went as far as I
22 did because it wasn't required on
23 this. I will certainly move forward
24 with the request through the
25 engineering for the Planning Board.

1 C O R R A D O S U B D I V I S I O N

2 I wasn't trying to short you. I just
3 was going on information that I had
4 found historical to the Planning
5 Board's previous determinations.

6 CHAIRMAN BRAND: Thank you.

7 MR. SCALZO: That's all I have.
8 If you have any other questions
9 beyond what Mr. Hines has provided,
10 here I am.

11 CHAIRMAN BRAND: Comments or
12 questions from the Board?

13 MR. CLARKE: I was just looking
14 at the map. Even if the lot was not
15 there, if the lot was taken out, it
16 doesn't appear to be any different.
17 The access through the wetlands is --

18 MR. HINES: What I don't want
19 -- they're losing a lot of the
20 frontage. They are taking out --
21 what they're showing as that 2.5
22 buildable lot is fine. It shows that
23 the entire 50-acre parcel is at least
24 buildable. By taking out the good
25 piece in the front, and then I see

1 C O R R A D O S U B D I V I S I O N

2 the DEC wetlands maps on here, it's
3 --

4 MR. CLARKE: How would you
5 access through the wetlands even if
6 the lot wasn't there? It would only
7 be on the south side here where it
8 was. That's the only access to the
9 rest of that property. If you didn't
10 want to go through the wetlands --

11 MS. FLYNN: Steve, can you turn
12 your mic on, please?

13 MR. HINES: Right now the only
14 information I have is the buildable
15 portion of the lot. I always caution
16 the Board that if they're going to
17 subdivide off the good stuff and
18 leave something not buildable, you
19 often create landlocked or
20 non-buildable lots.

21 MR. CLARKE: Is there any other
22 properties the Greiners own that
23 could be used to access that?

24 MR. SCALZO: There are
25 contiguous properties with this, but

1 C O R R A D O S U B D I V I S I O N

2 that would introduce perhaps a lot
3 line change that we're not prepared
4 to look at at this time. I can
5 certainly discuss it with my client,
6 but with RAG-1 --

7 MR. CLARKE: See if you can.

8 MR. SCALZO: I understand
9 exactly where you're going. With
10 RAG-1 Zoning in this case and us
11 proposing a 2.5-acre lot, I can
12 certainly slide that rear property
13 line forward and see -- I can explore
14 whether or not I can meet all the
15 setbacks to get a second septic
16 system in on that portion if it comes
17 to that.

18 MR. CLARKE: All right. Thank
19 you.

20 MR. SCALZO: Thank you.

21 CHAIRMAN BRAND: Other comments
22 or questions?

23 MR. GAROFALO: I just have one
24 question I guess. That is, the
25 existing garage, if this were a farm

1 C O R R A D O S U B D I V I S I O N

2 property, being an accessory
3 building, that would probably be
4 allowed?

5 MR. HINES: That is also an issue.

6 MR. GAROFALO: But if you build
7 another building in the back, this
8 becomes on the front -- it becomes
9 into the front yard. I would
10 question whether or not that's
11 permitted to stay there.

12 The other question is is it
13 okay -- once he subdivides it, is it
14 okay to remain there since it hasn't
15 been developed?

16 MR. HINES: Once we figure out
17 the ultimate development, that may be
18 an issue. If they show a house
19 location and that ends up in the
20 front yard setback, that may need a
21 variance depending on its use. I
22 don't know what the condition of that
23 barn is.

24 MR. SCALZO: It's block. It
25 might actually even be real

1 C O R R A D O S U B D I V I S I O N

2 cinderblock. But again, the intent
3 here was for that to remain, the
4 remaining lands to be farm. While I
5 understand accessory buildings beyond
6 the front line of a house do, in some
7 municipalities, require Zoning Board
8 of Appeals approval, in this case
9 we'll have to address that when it
10 comes up. However, with the farming
11 activity, it's really an inactive
12 farm at this point, but there's farm
13 equipment in there. It wasn't for
14 anything other than storage of farm
15 equipment. Since it's been brought
16 up, the reason why I kept that
17 property line 11 feet off the
18 property line was to avoid any
19 accessory building offsets. I ran
20 parallel with that building line at
21 11 feet on purpose.

22 CHAIRMAN BRAND: Any other
23 comments or questions from the Board?
24 Jeff.

25 MR. BATTISTONI: Just a

1 C O R R A D O S U B D I V I S I O N

2 question. What is the intended use
3 then of the 56-acre parcel that would
4 result? Is it to be farm still or --

5 MR. SCALZO: Well, if you don't
6 mind, my client is here.

7 Would you happen to know what
8 the remaining portion of the lands --

9 MS. CORRADO: It could still be
10 farmland.

11 MR. SCALZO: It could still be
12 farmed.

13 MR. BATTISTONI: The only
14 reason why I ask is that I remember
15 the Greiner subdivision application a
16 couple years ago, then we got this
17 application, then we may get another
18 one. I don't know if this is just
19 being divided up into little pieces
20 and we're not looking at the overall
21 development of the property. There
22 may not be, but it's just something
23 to think about.

24 CHAIRMAN BRAND: So you have
25 your homework to do I think.

1 C O R R A D O S U B D I V I S I O N

2 MR. SCALZO: I believe I do.

3 CHAIRMAN BRAND: Is there
4 anything else from the Board?

5 (No response.)

6 CHAIRMAN BRAND: No. Probably
7 we would like to know what that
8 parcel will be used for. Jeff does
9 bring up a good point.

10 MR. SCALZO: Thank you very
11 much.

12

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

BAYSIDE

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

- - - - - X

EXTENSION/FINAL - SITE PLAN

Date: April 18, 2022
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: ERIC BAXTER

- - - - - X

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

1 B A Y S I D E

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

7 MR. BAXTER: Good evening.
8 Eric Baxter, developer and owner of
9 the property -- or soon to be owner.
10 Again, thanks for having me tonight.

11 I think much of the issue was
12 discussed at the last meeting.
13 Again, we're looking for two one-year
14 extensions for the building permit
15 for the project.

16 CHAIRMAN BRAND: Jeff, I'll
17 start with you.

18 MR. BATTISTONI: Yes. So I did
19 go ahead and prepare a resolution to
20 grant these extensions. I had
21 reviewed Code Section 155-31-K which
22 addresses extending site plan
23 approvals. Under the resolution that
24 I prepared the Board would grant two
25 one-year extensions tonight which

1 B A Y S I D E

2 would be valid through, I think it's
3 May 6, 2024.

4 It's come to my attention that
5 a couple of Board Members read the
6 section of the code differently. I
7 don't know whether anyone on the
8 Board wants to address that or not.

9 CHAIRMAN BRAND: Mr. Garofalo?

10 MR. GAROFALO: Sure. I'll take
11 that. The way I looked at the code
12 is that the extensions are
13 specifically based on from the date
14 of the final site plan approval, and
15 so you get -- to do the construction
16 you initially get two years from the
17 final site plan approval, and then
18 you can get two extensions to that of
19 one year which would be a total
20 maximum of four years. It is
21 separate from the extensions that can
22 be given for the starting of the
23 construction, which has to start
24 within one year, and then there can
25 be granted two one-year extensions.

1 B A Y S I D E

2 Again, the way I read the code is
3 it's from the site plan -- initial
4 site plan approval. This reading
5 puts the construction having to be
6 finished by May --

7 CHAIRMAN BRAND: 2022.

8 MR. GAROFALO: -- 2022 or June,
9 depending on when the official site
10 plan approval was given.

11 I think there's two things.
12 One is I think that's exactly the way
13 it was written and intended. There
14 are also some issues about giving
15 very extended site plan approvals,
16 things like the jurisdictional
17 determination of the wetlands.
18 That's going to run out I think
19 before the end of the month. I don't
20 know when the highway permit may have
21 been issued, but I know, having
22 worked on this and done
23 reinvestigations of lapsed highway
24 permits, that these are things that
25 you have to be very careful of when

1 B A Y S I D E

2 you give extensions. So I think we
3 have to be very mindful that there's
4 a reason why the Town Board has
5 limited us in our ability to extend
6 it.

7 The way I read the code, we
8 don't have authority to give two more
9 one-year extensions from the final
10 site plan approval. That's my
11 reading of it.

12 There are certain things that I
13 would also like to see. I think it's
14 been the policy that when applicants'
15 representatives come before the
16 Board, before any approval is given,
17 that we get a notarized document
18 saying that they can represent the
19 owner. So I think --

20 CHAIRMAN BRAND: We got that
21 letter.

22 MR. GAROFALO: We have a
23 letter, but we don't have a notarized
24 letter. I think that's a minor
25 point, and I'm sure you can get it

1 B A Y S I D E

2 without any problem. But I think
3 that's something that we ought to be
4 mindful of before giving any
5 approvals, to make sure we have that.

6 I also would like to be brought
7 up to date with any other meetings or
8 discussions that may have gone on
9 which may be relevant to this
10 application.

11 CHAIRMAN BRAND: Such as?

12 MR. GAROFALO: Such as school
13 the board, such as IDA. Certainly
14 within the SEQRA process there were
15 considerable comments dealing with
16 the schools and how much money they
17 would be getting. Certainly at that
18 time the schools I think were in a
19 lot worse shape than they are now,
20 but that's something which is still
21 on the taxpayers' minds. I think we
22 should get some updated information
23 as to what is going on with all of
24 these discussions with the wetlands,
25 the highway, with the IDA funding and

1 B A Y S I D E

2 the school district to make sure that
3 nothing has changed.

4 MR. BAXTER: Sorry. There's
5 no -- we're not pursuing the IDA
6 anymore. There's no IDA involved
7 with the project.

8 MR. GAROFALO: Okay.

9 CHAIRMAN BRAND: That's outside
10 of our scope, anyway.

11 MR. JENNISON: The discussion
12 between what Jeff is saying and what
13 Mr. Garofalo is saying, the
14 contradiction, we have the lawyer
15 saying one thing and we have
16 Mr. Garofalo saying another thing.

17 CHAIRMAN BRAND: Right. Okay.
18 Mr. Battistoni?

19 MR. BATTISTONI: So what I
20 would say is the code section at
21 issue is Section 155-31-K. I'll just
22 read it because it's very brief. It
23 says, "Expiration of approval. Site
24 plan review and approval shall be
25 void if construction is not started

1 B A Y S I D E

2 within one year and completed within
3 two years of the date of the final
4 site plan approval. Each of these
5 respective periods of expiration may
6 be extended in the Planning Board's
7 discretion for up to two additional
8 periods of one year each. The
9 Planning Board's authority to extend
10 the respective periods of expiration
11 shall apply to any project which
12 requested such an extension, in
13 writing, filed with the Town no later
14 than on or after January 1, 2008."
15 That's probably back when this was
16 adopted. But Mr. Garofalo is
17 saying that the first sentence says
18 that the site plan approval is void
19 if the construction is not started
20 within one year or completed within
21 two years from the site plan
22 approval, whatever that date was.
23 I've taken it here that you granted
24 extensions of the start time, and
25 then the extensions for completion

1 B A Y S I D E

2 run from the extensions on the start
3 time. So I understand what he's
4 saying because I thought the same
5 thing as I started to read through
6 this. My head was kind of spinning.
7 The way that I drafted this, the two
8 extensions are running from when the
9 extensions of the construction time
10 would have run. So they're getting
11 more time under that scenario than
12 they would if you just looked at
13 extensions from the original date of
14 the site plan approval. I don't know
15 if I explained that well at all.

16 MR. GAROFALO: I don't
17 necessarily disagree that developers
18 should have more time, but I feel
19 that the way the code was written, it
20 does not say that the extension is
21 from the start time of the
22 construction. It specifically is
23 talking about the period from the
24 final site plan approval.

25 CHAIRMAN BRAND: When was that

1 B A Y S I D E

2 date? Do we know the date of the
3 site plan approval, the original one?

4 MR. BATTISTONI: May 7, 2018.

5 In the resolution that I prepared
6 tonight, that date is -- it's the
7 very first thing stated in the
8 resolution. That's when the original
9 site plan approval was granted.

10 CHAIRMAN BRAND: So that's four
11 years.

12 MR. CLARKE: Jeff, would you do
13 the -- would you read for us again
14 about the discretion that the
15 Planning Board has?

16 MR. BATTISTONI: I'm going to
17 read the first two sentences. The
18 third one doesn't really matter.
19 "Site plan review and approval shall
20 be void if construction is not
21 started within one year and completed
22 within two years from the date of the
23 final site plan approval. Each of
24 these respective periods of
25 expiration may be extended in the

1 B A Y S I D E

2 Planning Board's discretion for up to
3 two additional periods of one year
4 each."

5 MR. CLARKE: All right, Jen.
6 Considering that we've just been
7 through COVID and the circumstances
8 that we've been under, I would like
9 to have the Board have the discretion
10 to extend this, because the economic
11 impact of trying to start a project
12 that had no hope of sales makes no
13 economic sense. So, you know, I
14 would like to go with the Planning
15 Board has some discretion to extend.
16 That's just my opinion.

17 MR. TRONCILLITO: Agreed.

18 MR. JENNISON: I concur with
19 that, Steve. That's what I read into
20 it.

21 CHAIRMAN BRAND: Any other
22 discussion?

23 MR. LOFARO: I agree as well.

24 MR. GAROFALO: I think it's not
25 a question of what we would like. I

1 B A Y S I D E

2 think it's a question of what the
3 code says. I may not like what the
4 code says and I may think that the
5 Town Board should have given us more
6 discretion, but the reading of the
7 code I think is very clear, that we
8 don't have the discretion to extend
9 it. Frankly, I'm concerned, since he
10 said he needs eighteen months to do
11 this, that even if we could extend it
12 for two years from the time of when
13 the construction was supposed to have
14 started, he still wouldn't be done,
15 especially considering some of the
16 other things he's going to have to
17 jump through before he even starts
18 construction, such as the
19 jurisdictional determination on the
20 wetlands which expires I think at the
21 end of the month. So there are some
22 things that, you know, I think even
23 if we wanted to do that, he's going
24 to have some problems getting this
25 done in the timeframe that's

1 B A Y S I D E

2 allotted. I don't think that -- even
3 if you do two years from the point of
4 construction, which is 2021, he would
5 have to be done in 2023. He would
6 have only a year to do it. I don't
7 think, given these other things that
8 they have to do, that they can meet
9 that deadline.

10 CHAIRMAN BRAND: What is your
11 timeframe, Mr. Baxter?

12 MR. GAROFALO: That is not the
13 issue here. The issue here is what
14 has the Town Board given the Planning
15 Board the authority to do. I think
16 in this case we have the authority to
17 extend it four years from the final
18 site plan approval, which means it's
19 going to run out in a month or so.

20 CHAIRMAN BRAND: What is your
21 estimated construction time?

22 MR. BAXTER: From what I
23 understand, we're extending it two
24 years from today. So it would be
25 until May 6, 2024. We would be

1 B A Y S I D E

2 ending -- ideally we would be
3 starting June 1st of this year, and
4 then it would be an eighteen-month
5 construction schedule.

6 CHAIRMAN BRAND: What recourse
7 is there, just out of curiosity, if
8 they don't finish within the time?
9 What then happens?

10 MR. BATTISTONI: If you grant
11 the extension as stated in the
12 resolution?

13 CHAIRMAN BRAND: Correct.

14 MR. BATTISTONI: What the
15 resolution says is that -- it's the
16 bottom of the second page where you
17 grant it. It says, "Since the code
18 only allows for these two one-year
19 extensions on the time for
20 completion, this shall be the final
21 extension." So this would say that
22 you wouldn't extend it any further.
23 If they got near the end and weren't
24 completed, I suppose they could apply
25 for re-approval, which has happened

1 B A Y S I D E

2 before here. It would not qualify
3 for further extensions.

4 MR. GAROFALO: And my feeling
5 is they already have had two
6 extensions and, therefore, they would
7 have to reapply.

8 CHAIRMAN BRAND: Jeff?

9 MR. GAROFALO: Certainly
10 perhaps what we could do is table
11 this until the next meeting and have
12 them come up with further discussion
13 on some of these other things that
14 they -- hoops that they need to jump
15 through.

16 CHAIRMAN BRAND: Jeff, I know
17 this was a complicated process
18 because there was the site plan
19 approval and the subdivision.
20 Correct?

21 MR. BATTISTONI: Correct.

22 CHAIRMAN BRAND: Has the site
23 plan approval received any
24 extensions?

25 MR. BATTISTONI: That's what

1 B A Y S I D E

2 we're dealing with. The subdivision
3 got --

4 CHAIRMAN BRAND: The site plan.

5 MR. HINES: The subdivision
6 approval lapsed and they came back in
7 and redid the subdivision approval.
8 I think the key word in this is that
9 each of these respective periods may
10 be extended. It's not referring to
11 one of them. It's not one approval.
12 It's the one year to begin, two years
13 to complete. It's each of those --
14 it says each. It doesn't say these
15 may be. It says each of them can be
16 extended.

17 MR. GAROFALO: But it's from
18 the final site plan approval. So
19 they are running in conjunction.
20 Your one year to start the project is
21 running at the same time as your two
22 years to get it done. If you waited
23 until the last minute, you would only
24 have one year to actually do your
25 construction.

1 B A Y S I D E

2 MR. HINES: The other interpretation
3 could be that one year can be extended
4 twice and the two years can be extended
5 twice, because it says each of these
6 periods.

7 MR. GAROFALO: Yes. What I'm
8 saying is you are extending the two
9 years, the two years from 2018 to
10 2020, which then you extended it to
11 2021, extended it to 2022.

12 CHAIRMAN BRAND: So we do have
13 the resolution granting a further
14 extension of the application of
15 Bayside construction for site plan
16 approval.

17 Jen, would you poll the Board.

18 MS. FLYNN: Chairman Brand?

19 CHAIRMAN BRAND: No.

20 MS. FLYNN: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. FLYNN: Member Garofalo?

23 MR. GAROFALO: No.

24 MS. FLYNN: Member Jennison?

25 MR. JENNISON: Yes.

1 B A Y S I D E

2 MS. FLYNN: Member Lanzetta?

3 CHAIRMAN BRAND: Absent.

4 MS. FLYNN: Member Lofaro?

5 MR. LOFARO: Yes.

6 MS. FLYNN: Member Troncillito?

7 MR. TRONCILLITO: Yes.

8 CHAIRMAN BRAND: So moved.

9 That's it.

10 MR. BAXTER: Thank you. Thank
11 you for the time.

12 MR. TRONCILLITO: When are you
13 going to put the shovel into the
14 ground?

15 MR. BAXTER: We're hoping
16 between May 15th to June 15th, in
17 that window. We're excited to get
18 going.

19 Thank you.

20

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

22

23

24

25

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

VERIZON - MARLBORO HIGH SCHOOL

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

- - - - - X

PRELIMINARY - SITE PLAN

Date: April 18, 2022
Time: 8:19 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSON & FRANK
MURRAY

- - - - - X

MICHELLE L. CONERO
3 Francis Street
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, Verizon - Marlboro High
4 School, preliminary site plan at
5 50 Cross Road in Marlboro.

6 MR. GAROFALO: I'll leave the
7 room.

8 CHAIRMAN BRAND: Welcome back.

9 MR. OLSON: Thank you. Good
10 evening. My name is Scott Olson.
11 I'm from the law firm of Young,
12 Sommer. I think I took two meetings
13 off because I was in Montgomery. I'm
14 back here.

15 I guess the public hearing was
16 closed on the 4th of April.

17 CHAIRMAN BRAND: Correct.

18 MR. OLSON: And so I think just
19 to refresh everybody's recollection,
20 we're proposing a new wireless
21 communication facility at the high
22 school. It's kind of on the top
23 portion of the hill where there's a
24 practice field sort of up there also.
25 It's a 90-foot tower with a 4-foot

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 lightning rod at the top, so it's 94
3 feet total. It's within a 50 foot by
4 50 foot compound. It will be
5 designed and built to accommodate
6 co-location should there be a need.
7 So that's, in a nutshell, where we
8 are.

9 CHAIRMAN BRAND: Thank you.

10 Mr. Musso, welcome back.

11 MR. MUSSO: Chairman, Members
12 of the Board, Members of the Public,
13 thanks for having me back. If it's
14 okay with the Board, tonight I'd like
15 to run through our tech memo that I
16 talked about at the last meeting.

17 CHAIRMAN BRAND: Please.

18 MR. MUSSO: I have it up on the
19 screen here. If you allow me, I just
20 want to go over it, this will be
21 published tomorrow, and then
22 afterwards I do have some suggestions
23 for maybe next steps that this Board
24 can entertain on this.

25 So this is what you'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 seeing tomorrow. What I wanted to do
3 is run through some of the exhibits
4 and sections just to get you
5 oriented. The report will have ten
6 sections. You may say, oh, ten
7 sections. A lot of it is going to be
8 images and photo simulations that are
9 boiled down so you have them all in
10 one place to take a look at. I'll
11 give an overview of the application
12 which I can run through briefly. I
13 summarized all the application
14 filings, the initial and also the
15 supplements that have come in. I
16 talked a little bit on the need and
17 justification for the site. It's a
18 capacity in-fill site with some
19 coverage west of 9W. We're looking
20 at here in the vicinity, of course,
21 of the high school, but Lattintown
22 Road and Plattekill Road.

23 At the last meeting, at the
24 public hearing we heard some
25 testimony about coverage. I

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 certainly heard that from the Board
3 and its community members.

4 Importantly we will talk about
5 the radiofrequency emissions that
6 would be expected and the compliance
7 of such, a little bit on the
8 applicant's alternate site analysis
9 and the priorities of your code.
10 There are several priorities of where
11 new applicants have to look to site.
12 I think they did that here.

13 Another important topic is the
14 visual impact analysis.

15 I'm going to talk a little bit
16 about co-location potential by other
17 wireless commercial carriers.

18 Remember, this is Verizon only that
19 we're talking about. Then also Town
20 and EMS antennas can be co-located.

21 Cultural ecological resources,
22 it played out that there really isn't
23 much here in terms of the site
24 itself. It's developed as a high
25 school.

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 There's also testimony from
3 SHPO. The application has been
4 submitted to them. There's nothing
5 within what's known as the area of
6 potential effects. Nothing seems to
7 be lighting up as far as
8 archeological resources and things
9 like that.

10 There are no wetlands that are
11 in close proximity, which sometimes
12 you do run into on tower sites.

13 I have some notes on structural
14 assessment.

15 Maybe, most importantly, which
16 I'll jump to, is a summary of our
17 findings and recommendations on the
18 last couple of pages.

19 So to just run down here a
20 little bit, this is just the layout
21 of the site, the plan view. You can
22 see the yellow access road that would
23 lead to the compound. It's framed
24 Plattekill Road on the top of the
25 screen. It's a 12-foot wide access

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 road and about a 50 by 50 compound
3 where the tower would be sited within
4 the middle of it. Here's a blowup
5 just of the compound itself. That
6 circle in the middle is the actual
7 monopole. This will be down in the
8 plan view. The compound would be
9 fenced. The gray shading is actually
10 the access drive that would be
11 accessible to Verizon for the need to
12 do service visits, which generally
13 are maybe monthly. They are usually
14 done at off hours. I think the
15 applicant made comments that since
16 this is an active school site, I'm
17 sure they'll be coordinating that in
18 the lease with the school district
19 itself. Off to the top right of the
20 monopole is the ground-based
21 equipment which over the years has
22 gotten smaller. These aren't housed
23 in individual sheds. These are
24 cabinets. Some are about the size of
25 the podium, actually, where the base

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 radius would be included.

3 Surrounding the outside of that is
4 what they are proposing now, a chain
5 link fence. I think that's something
6 that the Board can think about styles
7 and colors, maybe privacy slats. I
8 think they also note barbed wire.
9 I'm not sure if that's even
10 permissible in Marlborough or not.
11 That's something that maybe you want
12 to comment on. It's among the many
13 things that I'll run through in the
14 recommendations.

15 The monopole in the plan view
16 is 90 feet. They do have a lightning
17 rod at the top which tops off at 94
18 feet. Your code has two times the
19 monopole height, so you look at 180
20 or 188-foot setback. They meet those
21 setbacks which is described in the
22 application material. We don't see a
23 need for variances here. I'm
24 assuming that maybe the Town Building
25 Department would clarify 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 The applicant is requesting
3 site plan approval and special permit
4 approval, as you're aware. There's a
5 litany of application filings, from
6 initial all the way through to
7 supplemental. HDR submitted a
8 completeness memo and full request in
9 January. It's our opinion that the
10 shot clock that you've heard about
11 has been tolled up until February
12 28th when they submitted their
13 voluminous submittal. I believe
14 we're still within that shot clock.
15 Maybe the attorney could comment on
16 that a little bit.

17 I spent a lot of time looking
18 at the coverage capacity. This comes
19 into play with sites that HDR and I
20 reviewed prior. There are really two
21 components to it which we are seeing
22 more and more of. It's not just about
23 providing new service to areas where
24 you have no reception, as you know,
25 but it's also addressing capacity.

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 There are two sites within Verizon's
3 local network that really impact the
4 site area that I mentioned, around
5 the high school, middle school, west
6 of 9W in the Town of Marlborough,
7 Plattekill Road, Lattintown Road and
8 all the secondary and tertiary roads
9 off of those.

10 The existing site in question,
11 Mount Zion, which is a large tower in
12 the Town of Marlborough, limits to
13 the north, northwest of the site.
14 It's about three miles away. The
15 target area also is covered by a
16 water tank antenna site in Wappingers
17 Falls across the river. In this
18 application the applicant has
19 provided testimony we agree with that
20 both of those sites are at peak now
21 or will be very soon in terms of
22 their capacities to handle calls.
23 This is what we see in the industry,
24 more use, not only with calls but
25 with data transmissions. Cell sites

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 service an area are overworked.
3 Yes, they could be upgraded, maybe
4 more antennas, more radios. There
5 comes a point where cells need to be
6 split, and this is a classic example
7 of that. There's a couple other
8 Marlborough -- or Verizon cell sites
9 in the area. There's one at the DPW
10 hall. People may say, well, isn't
11 that providing service. No, it's at
12 the ridge on 9W going south. It
13 really cuts off anything from the
14 area. There are also small cells
15 that you may remember a few years ago
16 that are on utility poles or in the
17 right-of-way of 9W. Really a
18 separate objective than this coverage
19 area. We spent some time confirming
20 that information. The yellow circle
21 right in the middle is the target
22 site. You see some of the
23 surrounding sites that I spoke about,
24 Wappingers Falls across the river to
25 the right or to the east, Mount Zion

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 on the top left. For reference,
3 Marlborough DPW is in the middle.
4 That's not really providing any
5 service to this area to any
6 significant degree. Balmville is a
7 site in Newburgh at the bottom left.
8 That's on Bannerman Drive. Verizon
9 and some others have a cell site up
10 there. It's hard to see here with
11 the green text, but running along 9W
12 are a subset of those eleven nodes
13 that exist also. I'll talk a little
14 bit about capacity and key
15 performance indicators.

16 What the applicant provided
17 for, the Mount Zion site and then for
18 that Wappingers site, were three
19 different series of how they measure
20 capacity and cell use. For each of
21 these I won't go into detail, but
22 there's a red dashed line and that is
23 Verizon's threshold or limits of
24 where this indicator of capacity --
25 this is called forward data. This 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 indicative of how much call traffic a
3 cell site could provide. Purple and
4 yellow data plots underneath that are
5 for low band and high band. Verizon
6 is licensed at a few different
7 frequencies. You can see the trend
8 on this for this particular criteria.
9 For the Mount Zion site in
10 Marlborough, you can see how the
11 trend goes up. In many cases at
12 least one of those frequency bands is
13 exceeding the threshold. We asked
14 for some updated data going across
15 2021. The first set of these key
16 performance indicators I think just
17 went to the end of 2020. The story
18 becomes even a little bit more
19 dramatic. So they have pretty
20 regular exceedence in this criteria.
21 So long story short is they did the
22 same thing in Wappingers for that
23 existing cell site. These are the
24 three criteria that are charted out.
25 So looking at the capacity, that's an

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 important case that was made by
3 Verizon here of the need to split and
4 find a cell site in that area.

5 The other side of the coin is
6 coverage. I just wanted to go
7 through a quick before and after. I
8 know this is tough to see. The
9 profile on the left provides existing
10 Verizon coverage as measured by
11 different signal strength without the
12 proposed site at Marlboro High
13 School. If you look at white gaps,
14 that is essentially zero coverage
15 even in open space, best service
16 scenario. Orange is a signal that
17 could be reliable with no
18 obstructions, nothing in the way, if
19 you were out hiking or on the road.
20 You're not in a car, you're not in a
21 building. Yellow and green are
22 in-vehicle and in-building coverage.
23 So if you peel these back a little
24 bit, where you see the green, that
25 would be coverage from the existing

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 cell site. Around that yellow, get a
3 little bit further, the signal may
4 get out to cars and maybe not into
5 homes. Then orange would be the
6 largest. So Verizon has given
7 testimony that they're looking at
8 yellow or green. That's their design
9 criteria. If you look around
10 Marlboro High School on this, you
11 say, well gee, they have a lot of
12 yellow, they've got some green around
13 it, they do have some white. The
14 image to the right is what would be
15 provided in terms of supplemental
16 coverage. So this would provide an
17 excellent signal strength, not just
18 in vehicle but also in building. It
19 would cover the school area and the
20 roads that I had mentioned before.
21 So that's just one band of coverage
22 that we'll call the low band. That's
23 the most optimistic signal footprint
24 in terms of distance.

25 Now, the other side of the coin

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 is the other Verizon higher band, the
3 2,100 megahertz license frequency.
4 Verizon balances both coverage and
5 capacity on their different frequency
6 bands. You've heard about auctions
7 that the FCC has and the importance
8 of using different frequency. The
9 image on the left, you see much more
10 white than I have on the previous
11 image. This is at that 2,100
12 megahertz. Some of the existing cell
13 sites may not have this frequency
14 built out. More importantly, the
15 physics of it, this frequency band
16 doesn't propagate as far. So you see
17 a lot of white, you see orange,
18 inside that you see yellow, you see
19 very little green. Off to the right
20 would be what is modeled with the
21 proposed cell site at this 2,100
22 megahertz. So you can see the
23 in-fill that happens here between the
24 two of them. The coverage and
25 capacity do justify the need for the

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 site.

3 Then we get into the RF
4 emissions. In short, they're
5 compliant based on the modeling that
6 was done, based on the assumptions
7 made. Also, our experience of taking
8 real measurements at cell sites.
9 Based on the height, close to 30
10 meters, 90 feet of where the antenna
11 would be, there wouldn't be anything
12 in exceedence of the general
13 population. That's adults and
14 children type of exposure, which
15 would include residential areas or
16 school areas. So we feel they're
17 compliant with that, and I think they
18 demonstrated that.

19 There's a little bit on the
20 alternate site analysis. The
21 applicant went through the code
22 priorities and why and how they
23 landed at the school. We do know
24 that the school and Verizon have
25 entered into a lease agreement.

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 There's also a letter of
3 authorization that's been provided in
4 the file.

5 Importantly, the visuals.
6 There's a lot of these to look at in
7 the February supplement. I talk
8 about the balloon test. You remember
9 it was conducted without noticing and
10 it was redone. This is the number of
11 views that were ultimately taken. So
12 the proposed site is the purple dot
13 in the middle of the larger circle.
14 HDR had direct comments and was
15 present during the balloon test at
16 the number of locations. We had
17 comments on which ones and how to
18 simulate those. So just a few of the
19 views we put in here. You can see
20 the balloon from left to right in
21 some of the different scenarios. We
22 asked for an alternate color, gray
23 galvanized, kind of the utilitarian
24 utility pole that's being proposed.
25 That may make sense because of the

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 light stanchions that are around the
3 field, to match with the school area.
4 You can see the simulations were just
5 Verizon antennas at 90 feet. The
6 second and third image, a gray pole,
7 brown pole, and then we asked for a
8 possible co-location scenario. It is
9 possible there could be other
10 providers on this pole. A couple
11 more here with the balloon looking up
12 on the bluff where it's proposed.
13 And then the simulation with the
14 co-location. Here is another view of
15 Plattekill Road. You can see the
16 balloon in the back. That's a shot
17 of the tower and also the
18 ground-based facility around it.
19 I'll give you just one or two more
20 views. This is looking across
21 campus, I guess to the north this
22 would be. You can see the balloon in
23 the background maybe and then the
24 tower. Interesting that in the
25 foreground at least you do have a

1 VERIZON - MARLBORO HIGH SCHOOL

2 couple of views of some steel
3 fencing, some of that galvanized
4 fencing, light stanchions, you see
5 the tower in the back. For what it
6 is worth, this just gives a feel of
7 what this looks like with some
8 options.

9 One thing I did note, and I
10 just want to stress, Verizon is not
11 looking to build taller than the 90
12 foot proposed. You've heard
13 testimony at prior meetings. This is
14 not in the middle of the woods. It's
15 in an open area. They're not seeing
16 the need for expansion of this, and
17 I'm not advocating that by any means.
18 I think it's important that you do
19 consider possible height increases.
20 By Federal law a built tower or
21 structure is not considered by the
22 FCC a substantial change up to a 20
23 foot height extension. So HDR did
24 some work here. The first shot is 90
25 feet. We added 10 and 20 feet to it.

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 is extremely hypothetical but we
3 wanted just to give you a feel of
4 what this might look like. Our hope
5 would be if someone comes -- another
6 carrier is interested in co-locating
7 here, that they would be able to work
8 below Verizon, meaning not increase
9 that tower height at all. It's a
10 possibility that one day that could
11 happen. We haven't heard from other
12 carriers. Verizon hasn't heard from
13 other carriers about interest. We do
14 feel that it's likely, though. If
15 this is built, it becomes a site
16 where people could co-locate, if
17 needed, in the future.

18 So we talked about co-location.
19 We talked about cultural a little
20 bit.

21 We have some notes about
22 structural assessment. That can't be
23 done, I don't think, or it shouldn't
24 be done until there's a full
25 approval, if that happens, with this

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 Board. We do have some notes.

3 In short, our findings on the
4 last couple of pages, we do feel that
5 the application is comprehensive at
6 this time. We think the applicant
7 has been responsive to HDR's
8 questions. We do feel that there is
9 a need for this site for the reasons
10 I mentioned. We do feel that the
11 location is right within that area
12 that would provide that service to
13 Lattintown Road, Plattekill Road,
14 things that are west of 9W. It would
15 certainly provide capacity relief to
16 Verizon's network. The height seems
17 appropriate based on the setbacks
18 that it achieves. You're getting two
19 times the fall zone height. That's
20 something in the code. Let's see.
21 The health-based criteria is met. I
22 think the applicant has done what's
23 required in the code and what we
24 would ask them to do, the rest of our
25 recommendations. We feel that the

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 conventional monopole is definitely
3 the best option here. There are
4 things like colors.

5 We feel that the gray is
6 something that I think the Planning
7 Board can entertain. These would be
8 included for consideration. I won't
9 run through all of them, but we do
10 talk about colors and finishes. We
11 do talk about fencing. Landscaping
12 is not proposed, and that is
13 something that the code does require
14 or allows this Board to opine on. I
15 think that's something that could be
16 considered here. We have a note on
17 the landscaping waivers.

18 Aside from site plan approval
19 and special use permit, there are
20 going to be separate requests from
21 the applicant. Without going through
22 each and every one, I do chart them
23 out here and opine if we feel they
24 could be granted or not, or if we
25 feel that they're reasonable or not.

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 Many of these notes you might see the
3 referral, also, to the Planning Board
4 Attorney.

5 There are some administerial
6 things that are proposed about
7 providing reports upon construction,
8 down through items like insurance and
9 indemnification. There is a chart of
10 those eight here. The first column
11 is what the applicant requests
12 verbatim and then our recommendations
13 off to the right, and then on and on.
14 For construction, construction
15 practices, work period, suggestions
16 for building permit, what we need to
17 be provided per the code. Then, if
18 it is approved, of course some
19 recommendations for operations and
20 things like that.

21 I do want to note, and I have
22 this in here, that 5G is something
23 that people ask about a lot at
24 meetings. 5G millimeter wave high
25 frequency is not being proposed here.

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 There are a couple things that I put
3 in here. If there are changes to
4 what's in the site plan to what is
5 being proposed for operations now,
6 they have to come back in. The
7 Building Department is always the
8 gatekeeper. If there's any change
9 aesthetically or to say the number of
10 antennas or to different frequencies,
11 we want them to come back in to the
12 Building Department and at least get
13 approval for those things.

14 So this will be published
15 tomorrow. I'll get this to Jen and
16 then I think we can go from there.
17 We can talk more in detail at the
18 next meeting about this.

19 CHAIRMAN BRAND: Where do you
20 think we are in the process as far as
21 the approval process goes? What's
22 outstanding, in your opinion, other
23 than the landscaping, the fencing,
24 color, coat of the tower?

25 MR. MUSSO: So a number of

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 recommendations. Usually there would
3 be a SEQRA statement that's prepared.

4 I think Jeff, that's something
5 that you would prepare.

6 As part of that Part 2 of the
7 EAF, that's something that could be
8 prepared. I'd certainly work with
9 the attorney to get that done.
10 That's your part, right, going
11 through the visuals, low, moderate,
12 high, et cetera.

13 There also would be a
14 resolution that I think would capture
15 a lot of these that would be drafted
16 and circulated to you for
17 consideration.

18 Other than that, I mean really
19 everything that we've asked for has
20 been provided. So I think
21 administerially that's where we're at
22 at this point.

23 CHAIRMAN BRAND: Questions or
24 comments from the Board?

25 MR. LOFARO: I have a 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 In the event that other companies do
3 want to expand, add 10, 20 feet to
4 it, are we bound to say yes to that
5 or do we still have the right to say
6 no, we don't want them to go 20 feet
7 higher?

8 MR. MUSSO: I think you're
9 bound to ask for the information and
10 the justification. Verizon did a lot
11 of work with us here for that.

12 MR. LOFARO: That would require
13 a whole new public hearing and
14 everything? Because now everybody
15 has to see the difference.

16 MR. MUSSO: That's something
17 that may not be required, actually.
18 That's my understanding of Federal
19 law of what's a substantial change to
20 an existing site and what's not. So
21 you think of the example, Verizon
22 gets approval from this Board, they
23 construct. They want to come in and
24 swap out antennas for different
25 models. Maybe those different models

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 are slightly bigger or wider. That's
3 clearly not a substantial change
4 under the FCC. We handle that
5 typically with the Building
6 Department under a building permit.
7 A height increase, FCC says throw
8 into that bin of non-substantial
9 changes, a height increase of up to
10 20 feet. So if they go up to 20
11 feet, that's something that this
12 Board may or may not be able to
13 review in tremendous detail.

14 CHAIRMAN BRAND: Is that one
15 time that they can go up 20 feet?

16 MR. MUSSO: From the original
17 approved and then that stops. That's
18 clear in the law.

19 There's no lighting proposed.
20 If lighting was going to be proposed
21 on this for whatever reason in the
22 future, I think that's something that
23 would have to come back to this
24 Board.

25 So there's a lot of this to 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 reviewed in the process. That's how
3 we've been handling it for about the
4 last four or five years on these.
5 That's not to say if you don't see
6 it, then the Town isn't going to
7 conduct a robust review of this. If
8 there is an extension that has to --
9 again, a new structural certification
10 or even an analysis, then there could
11 be some point there to ask for some
12 more information on the aesthetics.
13 It just may not be vetted through
14 this process.

15 MR. LOFARO: Thank you.

16 MR. OLSON: Just so we're
17 clear, we are not proposing to extend
18 the tower in any way, shape or form.
19 I've been doing this with Verizon for
20 26 years, so I've got a little bit of
21 experience. We have never come to a
22 town with an application for 100-foot
23 tower, whatever tower, and then a
24 year later gone up higher. We come
25 in with what we need. So that's not

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 --

3 MR. LOFARO: It wouldn't be
4 you. It would be another carrier.

5 MR. OLSON: Another carrier
6 could come in, but if they did, they
7 would have to demonstrate to you that
8 they have to go higher. That's part
9 of the Spectrum Act. They would have
10 to demonstrate that.

11 MR. TRONCILLITO: I've got one
12 question. The emergency services, we
13 are at a site on Kaley Lane, the
14 other cell tower in the Town, and we
15 just received a freaking tax bill. I
16 was wondering how you -- the
17 emergency services, I'm saying Ulster
18 County, we have a transmitter up
19 there at the other one for our
20 homeowners for dispatch. We received
21 the tax bill on a little building
22 that we have there with our
23 transmitter and all that stuff. How
24 do you work that? If we were to be
25 on your tower, do you forward 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 tax bill on that little piece to us
3 or do you absorb the whole thing?

4 MR. OLSON: So we're typically
5 -- if the emergency services was
6 issued a specific tax bill for your
7 antenna or two antennas --

8 MR. TRONCILLITO: It's for the
9 little building that's there.

10 MR. OLSON: The building, that
11 would be your responsibility. I
12 think it depends upon how the
13 municipality does it. Is that in
14 Marlborough?

15 MR. TRONCILLITO: Yes.

16 MR. OLSON: Talk to your tax
17 assessor. I don't know how they do
18 it in Marlborough. Some towns will
19 assess the tower compound just alone.
20 Some will actually break out into sub
21 tax map parcels where each carrier,
22 Verizon, AT&T, they get a separate --
23 or the emergency services get a
24 separate tax bill. We generally
25 don't pay for anyone else's tax bill

1 VERIZON - MARLBORO HIGH SCHOOL

2 other than ours.

3 MR. TRONCILLITO: All right.
4 Just curious. I found that a little
5 strange. I mean this is -- we get
6 dispatched and this is providing
7 emergency services and we're getting
8 a damn tax bill.

9 MR. OLSON: I would think
10 you're exempt, but that's not my legal opinion.

11 MR. MUSSO: Just relating to
12 that, if I can. The applicant did
13 submit a letter dated April 8th
14 confirming what was asked I think at
15 the last meeting. If the applicant
16 can confirm this, there will be no
17 rent for Town or EMS antennas?

18 MR. OLSON: Correct. It would
19 be rent free. If the desire is
20 there, we just ask that you,
21 obviously, have to pay for your own
22 antenna and equipment and install it
23 with the provision that -- and don't
24 hold me to this. Sometimes if that
25 equipment is available when we're

1 VERIZON - MARLBORO HIGH SCHOOL

2 doing the install, sometimes we can
3 get that installed on our dime.

4 Again, don't hold me to it.

5 MR. TRONCILLITO: That's what
6 we did with the last one.

7 MR. OLSON: That's what I'm
8 thinking. It just has to all be
9 coordinated properly. We like to
10 help out when we can.

11 MR. TRONCILLITO: Thank you. I
12 appreciate it.

13 MR. CLARKE: I recall when you
14 did the tower on Mount Zion, I think
15 you sent us a document that made it
16 abundantly clear that FCC regulations
17 really didn't give us that much
18 discretion as to what we were going
19 to do. They were pretty tight about
20 yes, this tower is going to go in.
21 Did I remember that correctly?

22 MR. OLSON: Mount Zion. How
23 old is that tower?

24 MR. CLARKE: That was probably
25 seven or eight years ago.

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. OLSON: I don't know if I
3 did that one. I don't think I did.
4 I can't remember. No. I think even
5 though there are a lot of new Federal
6 regulations and laws in place, they
7 all preserve local zoning authority
8 to the local municipality. So this
9 Board has the local zoning authority
10 to consider this. If it was to be
11 denied, if you think you have a valid
12 reason to deny it, it just has to be
13 done per Federal law. So you have
14 that authority and jurisdiction. We
15 don't think that that's the proper
16 decision, but --

17 CHAIRMAN BRAND: Pat, do you
18 know on Mr. Musso's question about
19 the barbed wire fencing being
20 allowed? I just figured I'd ask. I
21 don't expect you to have the whole
22 code memorized.

23 MR. HINES: I don't. You may
24 want to consider its location.

25 CHAIRMAN BRAND: In your

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 application with the barbed wire
3 fencing, is there a rationale behind
4 that?

5 MR. OLSON: It's security. We
6 also don't have a problem taking it
7 off.

8 MR. JENNISON: I mean it's a
9 school.

10 MR. OLSON: It's a school.

11 CHAIRMAN BRAND: I don't think
12 that's necessary.

13 MR. OLSON: We'll remove it
14 from the plans.

15 CHAIRMAN BRAND: As far as
16 landscaping goes and the type of
17 fencing that you're going to be
18 using?

19 MR. OLSON: I think it's chain
20 link fence that we're proposing, like
21 the photo showed before. It's kind
22 of consistent with what the schools
23 typically have.

24 CHAIRMAN BRAND: And
25 landscaping?

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. OLSON: We didn't propose
3 any landscaping at this point.
4 There's room up there if there needs
5 to be some landscaping.

6 CHAIRMAN BRAND: That is a
7 requirement. Right, Mike?

8 MR. MUSSO: Yes. The code does
9 lay out your authority to note that.

10 CHAIRMAN BRAND: I mean if we
11 could make it look nicer than a chain
12 link fence.

13 MR. OLSON: We can certainly --
14 I know in other communities -- you
15 know, we can do something. We can
16 certainly use privacy slats. We can
17 use -- you know, I think we used
18 vinyl coated fencing at times with
19 the vinyl slats to make it different.

20 MR. MURRAY: In the green or
21 the black.

22 CHAIRMAN BRAND: Pat's question
23 was black and orange I think.

24 MR. OLSON: In my experience
25 black looks usually pretty good. For

1 VERIZON - MARLBORO HIGH SCHOOL

2 some reason it tends to blend. But
3 then green might blend well up there,
4 too. I don't know. We're okay with
5 that.

6 CHAIRMAN BRAND: So Jeff,
7 anything on this?

8 MR. BATTISTONI: I think
9 Mr. Musso, in his presentation, was
10 very thorough.

11 I do want to look at it just in
12 terms of the waivers that were
13 requested. I just want to verify
14 what they are and whether they can be
15 granted.

16 I do think the Planning Board
17 needs to decide about colors and
18 finishes and landscaping if you want
19 to.

20 CHAIRMAN BRAND: I would ask
21 you for the next meeting to have some
22 landscaping options, some fencing
23 options and the color options. The
24 closest match to whatever is at the
25 high school probably would be in the

1 VERIZON - MARLBORO HIGH SCHOOL

2 best interest.

3 MR. OLSON: In terms of -- I'm
4 sorry. In terms of --

5 CHAIRMAN BRAND: The fence.

6 MR. OLSON: The fence?

7 CHAIRMAN BRAND: Yeah. I think
8 they have black chain link around there.

9 MR. JENNISON: And the color of
10 the light poles that are already
11 existing around the sports complex.

12 MR. OLSON: Yeah. I think they
13 are a gray.

14 CHAIRMAN BRAND: The gray seems
15 the most unobtrusive I guess, or
16 least obtrusive.

17 MR. OLSON: We're in the
18 northeast. We get an occasional nice
19 blue sky. When it's cloudy and gray
20 out, then that color tends to blend
21 well. It can be painted, too. We've
22 painted them. But when we have
23 painted them, we do ask that you pick
24 the color if you want to paint it. I
25 know a few municipalities picked the

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 color and we said we really don't
3 like that color. We said well,
4 you're free to buy the paint and
5 we'll pay for the painting. We're
6 happy to paint it.

7 CHAIRMAN BRAND: Sure.

8 MR. OLSON: Honestly, the gray
9 tends to work better.

10 CHAIRMAN BRAND: Any other
11 questions or comments?

12 MR. BATTISTONI: I think if the
13 Board makes decisions at the next
14 meeting about those issues, then
15 following the meeting I can have a
16 resolution ready and we can move forward.

17 CHAIRMAN BRAND: Yeah. Let's
18 do that for the next meeting. We'll
19 just make final determinations on the
20 coloring and the landscaping and the
21 fencing and then we'll authorize the
22 attorney to work in conjunction with
23 Mr. Musso to authorize a resolution
24 of approval for you.

25 MR. OLSON: Great. If I can

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 just add something. I know we
3 haven't had a lot of discussion about
4 the shot clock. I pulled out my
5 January e-mail and I think we said --
6 well, without arguing, I'm looking at
7 it and the closest it would be would
8 be the end of April. Could we just
9 agree to extend the shot clock, to
10 the extent it's applicable, I don't
11 know, for two more months or
12 whatever?

13 MR. BATTISTONI: That's fine.

14 MR. OLSON: And reserve rights
15 or whatever.

16 MR. BATTISTONI: I think
17 through May we're fine.

18 MR. OLSON: Okay. Through May.
19 Okay.

20 MR. MUSSO: Just something for
21 the applicant. Has the school opined
22 on any color or fencing color or
23 anything like that?

24 MR. OLSON: I don't believe
25 they have. I don't believe 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 have. Of course as we look into that,
3 I'll double check.

4 MR. MUSSO: Okay. And also,
5 just a scenario. Verizon is the
6 owner, operator, constructor, right.
7 As we've seen in other places you
8 have, too, it's possible that
9 Verizon, if they construct, could
10 divest this to a tower company. I
11 have something in our memo about
12 that, that the approval and
13 conditions would run with whoever is
14 the owner, operator of this. The
15 trend sometimes is that a carrier
16 like Verizon or T-Mobile will come
17 in, construct the tower -- do the
18 zoning approvals first, construct the
19 tower, and then it's possible they
20 could divest to a company like
21 American Tower or Crown that manage a
22 large number of towers or a whole
23 portfolio. It's not a concern I
24 would say, but just something to be
25 aware of, that there could be another

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 entity that the Building Department
3 would deal with. If there's an
4 upgrade to something involving the
5 cell site, it may come from someone
6 else other than Verizon. It's just
7 another nuance to all these to be
8 aware of.

9 CHAIRMAN BRAND: Great.
10 Anything else?

11 (No response.)

12 CHAIRMAN BRAND: All right.
13 We'll see you at the next meeting.

14 MR. OLSON: And the next
15 meeting -- I'm sorry. This is every
16 two weeks?

17 MS. FLYNN: It would be May
18 2nd.

19 MR. OLSON: May 2nd. Okay.
20 Thank you.

21

22 (Time noted: 8:50 p.m.)

23

24

25

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

KEEBOMED, INC.

Project No. 21-5014
Route 9W, Marlboro
Section 103.3; Block 1; Lot 17.100

- - - - - X

SKETCH - SITE PLAN

Date: April 18, 2022
Time: 8:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

1 K E E B O M E D , I N C .

2 CHAIRMAN BRAND: Next on the
3 agenda, Keebomed, Inc., Route 9W,
4 Marlboro, a sketch of their site
5 plan.

6 Pat, did you want to run
7 through your comments first?

8 MR. HINES: Sure. Patti, did
9 you get my comments?

10 MS. BROOKS: I have it on my
11 phone. It was e-mailed to me, but I
12 haven't printed it out.

13 MR. HINES: I can hand you one.

14 MS. BROOKS: Thank you.

15 MR. HINES: This is a 2-acre
16 parcel located at 9W and Cubbard
17 Road. This project was before the
18 Board in 2004 for a two-lot
19 commercial subdivision that created
20 this parcel and the parcel to the
21 south. At that time there was an
22 access road, and I need to check -- I
23 asked Jen to pull -- after 1:00 today, I
24 asked Jen to pull out the original
25 subdivision because I'm not a hundred

1 K E E B O M E D , I N C .

2 percent sure that that access road
3 that's constructed out there was to
4 serve both parcels with the DOT when
5 it was the Pasquale two-lot
6 commercial subdivision So I can take
7 a look at that.

8 Just some cleanup. The bulk
9 table identifies the building height
10 in the HD Zone as 35 feet. There is
11 permission or it's permitted up to 45
12 feet in that zone. Just a cleanup in
13 the bulk table.

14 I concur that the use does meet
15 the HD Zoning District. It's a
16 corner lot. It's a unique corner lot
17 in that it has two corners. It's
18 three front yards and three front
19 yard setbacks, one rear yard setback
20 in the code. It's going to need a
21 referral to the ZBA because the
22 setback of Cubbard Drive doesn't meet
23 the zoning setbacks in the HD Zone.

24 I believe during the original
25 subdivision, and it's shown on this

1 K E E B O M E D , I N C .

2 plan, what's described as a roadway
3 easement. I don't know the exact
4 history of the 2004 subdivision, but
5 that would typically be dedicated to
6 the Town. Any setbacks should be
7 taken off of that roadway easement,
8 not the lot line as depicted within
9 the roadway. When the project goes
10 to the Zoning Board, that setback
11 along that road should be depicted
12 from the easement, not the lot line
13 in the road, because that could very
14 easily become the Town's ownership
15 should they exercise that easement.
16 Again, a lot of that is going to
17 shake out of the 2004 approval for
18 the subdivision. There was extensive
19 discussion of that roadway and
20 access.

21 This is a sketch plan, so we'll
22 need the parking spaces detailed.
23 There's an extension of the parking
24 lot not depicted for any use right
25 now between the building and Cubbard

1 K E E B O M E D , I N C .

2 Drive in the front. I don't know if
3 that has a use.

4 MS. BROOKS: Yeah. Do you want
5 me to wait until you finish or go
6 through each one?

7 MR. HINES: You can do it all
8 at once.

9 A grading plan will be required
10 to be submitted for the project.

11 Finished floor elevations of
12 the structure.

13 There's no provisions for water
14 and sewer on the site right now,
15 which will need to be provided.

16 There's no accessible parking
17 spaces detailed.

18 The sight distance depicted at
19 the access drive is not in compliance
20 with the standards for a 35
21 mile-an-hour roadway for stopping
22 sight distance, so we're going to be
23 looking at that.

24 The location of that access
25 drive, and that kind of goes back to

1 K E E B O M E D , I N C .

2 my comment, is the 9W access, right
3 in/right out, a better access for
4 this lot? I think it's the reason
5 that access was constructed in the
6 past. The location of the roadway
7 will need to be approved -- the
8 access will need to be approved by
9 the town highway superintendent.

10 There needs to be a negative 2
11 percent grade in from the roadway for
12 a minimum of 30 feet.

13 A stormwater plan will be
14 needed in the future, complying with
15 DEC and Town regulations.

16 There's been some clearing and
17 grading activity on the site. I
18 don't believe the current topography
19 is consistent with what exists on the
20 site today and should be updated as
21 part of the application.

22 CHAIRMAN BRAND: Patti?

23 MS. BROOKS: Yes. So did you
24 get a copy of my letter of intent?
25 That outlined that I had already met

1 K E E B O M E D , I N C .

2 with the building inspector, code
3 enforcement and that an area variance
4 would be required for the rear yard
5 setback of the building. When I
6 reviewed it with Tom, when they talk
7 about corner lots, they say the front
8 yard of any corner lot shall be
9 established on the wider of the two
10 streets abutting the lot except where
11 the widths of the two abutting
12 streets are equal, then the front
13 yard may be established on either.
14 So when I had looked at it with Tom,
15 it doesn't really matter whether it's
16 a front or a rear because they're
17 both 75 feet.

18 MR. HINES: I don't know where
19 that description comes from, but
20 they're both 75 feet.

21 MS. BROOKS: Right. Well, it's
22 155-16 F -- excuse me, E.

23 MR. HINES: Okay.

24 MS. BROOKS: So we are aware of
25 the fact that we need to go to the

1 K E E B O M E D , I N C .

2 Zoning Board of Appeals. We wanted
3 to come before this Board first to
4 see if there were any other issues to
5 get the referral.

6 We did note that as this was a
7 first submission, we recognize that
8 several checklist items are not
9 included in this and will be provided
10 at future submissions.

11 Thank you for the correction on
12 the 45 foot height. He is not
13 planning on going that tall, but it's
14 certainly nice to know that he can.

15 Bulk requirements, absolutely.
16 They should have been measured off of
17 the easement line.

18 Details of the parking spaces
19 should be provided identifying
20 compliance with recently adopted code
21 change. I am not aware of that
22 recently adopted code change, so I
23 will need to get a copy of that.

24 MR. HINES: 9 by 18 or 162
25 square feet I believe.

1 K E E B O M E D , I N C .

2 MS. BROOKS: Okay. As opposed
3 to the previous 200 I believe it was.
4 So it's gotten slightly smaller.
5 Okay. We definitely comply with that
6 then.

7 We're aware that it's going to
8 need a grading plan, finished floor
9 elevations, water and sewer, all of
10 that. Again, we need ZBA first.
11 Accessible parking spaces.

12 Oh, clearing and grading
13 activities have occurred. You'll
14 note the dates on the map. We were
15 most recently out there on March 25,
16 2022 to update the topography. The
17 topography shown on here is the
18 current and up to date. There has
19 not been any regrading since that
20 point in time.

21 CHAIRMAN BRAND: Have they
22 started construction out there?

23 MS. BROOKS: No.

24 CHAIRMAN BRAND: Just grading?

25 MS. BROOKS: Just grading.

1 K E E B O M E D , I N C .

2 Yup. He had moved some materials
3 onto the site. When I met him up
4 there I advised that it probably
5 would be a good idea to take the
6 materials off the site.

7 CHAIRMAN BRAND: There are
8 materials there now. Like trusses.

9 MS. BROOKS: Yeah. So I don't
10 think I had any -- oh, with regard to
11 the parking, that was what your
12 question was. On the easterly side
13 of the office area there's an
14 overhead door there which is where
15 the materials will be unloaded. I
16 just wanted to provide a wide enough
17 turning area for the trucks to be
18 able to come into the loading dock
19 and then make a K-turn and exit the
20 site without going into where the
21 parking area was for parking spaces 1
22 through 16. I haven't put the
23 templates on it yet. We might not
24 need it to be that large, but I
25 wanted to make sure that there was

1 K E E B O M E D , I N C .

2 enough room there for a K-turn for a
3 large truck.

4 CHAIRMAN BRAND: Questions or
5 comments from the Board?

6 MR. GAROFALO: I have a few
7 comments. One, when you go for the
8 variance, also take a look at 155-16
9 B which has to do with distances to
10 the residential neighborhood. When
11 you apply for that distance, take a
12 look at that code, too, so that they
13 give you something that would cover
14 both of those codes.

15 MS. BROOKS: I did review that
16 section of the code with Tom. All
17 uses permitted in nonresidential
18 districts which abut at the lot line
19 or on the same street shall provide
20 yards at least a minimum requirement
21 in such residential district. We do.
22 It more than exceeds what the
23 residential district is.

24 MR. GAROFALO: Okay.

25 MS. BROOKS: We're 75 feet.

1 K E E B O M E D , I N C .

2 We're asking for -- and again, side
3 yards may be varied or broken, not
4 front yards or rear yards. So we are
5 aware of that. We far exceed the 35
6 feet required in the adjacent
7 residential district.

8 What we do need a variance for,
9 though, is in Section 115-27 B
10 there's a provision that lot access
11 has to be 500 feet from an
12 intersection. Since we don't have
13 the road frontage allowing that, that
14 also will require an area variance.

15 MR. GAROFALO: Okay. On the
16 map you have inside the building O/D.
17 I think it's O/D.

18 MS. BROOKS: Overhead door.

19 MR. GAROFALO: Okay. I think
20 it's going to be very important in
21 the design of the entrance area to
22 look at those truck turning
23 movements. You may find it works
24 better if you put the parking spaces
25 1 to 6 on the other side so that

1 K E E B O M E D , I N C .

2 you'd actually have more room to turn
3 the truck. Take a look at that.
4 That might be an option.

5 I'm also concerned about having
6 people park in 1 through 6 and then
7 having to walk past a parked truck at
8 that overhead door to get to the
9 entrance to the office.

10 MS. BROOKS: There is -- it's
11 not shown on here. There's a pass
12 door which is opposite -- it's next
13 to the overhead door, opposite like
14 space 10. That's where they enter
15 into the building, not on the north
16 end.

17 MR. GAROFALO: Okay. That was
18 a concern. Anyway, that's one thing
19 that you can also look at, is moving
20 the overhead door near the entrance
21 to the other side where you have the
22 office. Again, if you can't get the
23 trucks to make the movement, then
24 that might be another option for you
25 to take a look at in order to be able

1 K E E B O M E D , I N C .

2 to get your trucks to be able to make
3 that movement.

4 I had some question about the
5 amount of blacktop that is past the
6 dumpster, the purpose of that and the
7 fact that the overhead door in the
8 far back of the building doesn't seem
9 to be -- it seems to like go out to a
10 grass area. I wasn't sure what was
11 envisioned there.

12 MS. BROOKS: Again, we don't
13 have a building design yet. This was
14 a schematic that he gave me.
15 Obviously we know the site plan needs
16 a lot more work. We're just this
17 evening looking at it conceptually.
18 Yes, I agree, you need more detail.

19 MR. GAROFALO: This is a
20 perfect example of why I think
21 applicants do not need to come in
22 with a full, complete application,
23 because it could be a waste of time
24 and money for them to fill out these
25 application forms. In this

1 K E E B O M E D , I N C .

2 particular situation, this is a
3 perfect example of why it shouldn't
4 be required. We certainly want to
5 have it done by the end of the job.
6 So I think what you did was actually
7 very good and very economical for the
8 applicant, not to waste a lot of time
9 with the form.

10 The one thing that you may want
11 to take a look and provide more
12 detail on is your landscaping,
13 because when you go in for the
14 variance, the people on the drive,
15 they're probably going to be very
16 concerned about how this looks. I
17 think providing a little bit more
18 detail on the landscaping might help
19 convince some of these people that
20 this is not going to be a terrible
21 eyesore that they're going to have to
22 look at. Whether you do vegetation
23 or fencing or what have you, I think
24 that's very important.

25 The height of the building.

1 K E E B O M E D , I N C .

2 Are you going to have utilities on
3 top of the building? Those are
4 things that they are going to see.
5 You're quite a bit below I think.

6 MS. BROOKS: Yes.

7 MR. GAROFALO: I think that
8 raises to your advantage that
9 anything you put near the drive is
10 going to substantially hide the
11 development. So I think that's --

12 MS. BROOKS: That's certainly
13 the goal.

14 MR. GAROFALO: That may be
15 something that you want to provide a
16 little bit more detail on when you go
17 to the ZBA.

18 The environmental assessment
19 form, item 2 should have also
20 included the ZBA, possible dedication
21 of the land.

22 MR. CLARKE: Patti, how are you
23 going to get the floor of the truck
24 height so a forklift can enter the
25 truck? Is it going to be at ground

1 K E E B O M E D , I N C .

2 level and you're going to dig down or
3 is the building going to be built up
4 so a truck can back right into it?

5 MS. BROOKS: I'll find out from
6 the applicant.

7 MR. CLARKE: Something to think
8 about because of the drainage issues
9 in there.

10 MS. BROOKS: Okay.

11 CHAIRMAN BRAND: Anything else?

12 MR. GAROFALO: One more thing.
13 That is, since this is new
14 construction on Route 9W, normally we
15 would require a sidewalk.

16 CHAIRMAN BRAND: Is this
17 technically on the 9W corridor or is
18 it -- we did ask the Town Board for
19 some clarification on that as far as
20 sidewalks go.

21 MR. GAROFALO: Okay.

22 CHAIRMAN BRAND: I know that
23 it's very adjacent to the other
24 cooler where they said that they did
25 not specifically want a sidewalk

1 K E E B O M E D , I N C .

2 there.

3 MR. GAROFALO: Okay.

4 CHAIRMAN BRAND: It's across
5 the street just a little bit.

6 MR. GAROFALO: I'm just
7 bringing that up. That may be an
8 issue for the Board to discuss.

9 MR. HINES: The cooler site was
10 because of the guide rail location
11 and the slope. There was just no
12 room for the sidewalk.

13 CHAIRMAN BRAND: Correct.

14 MR. GAROFALO: Thank you.

15 CHAIRMAN BRAND: Thank you.

16 MS. BROOKS: I'm sorry. Is
17 that something that the Town is
18 exploring or --

19 CHAIRMAN BRAND: We had
20 requested in the past that almost all
21 applicants of new construction in the
22 Route 9W corridor in the Business
23 Overlay or in that stretch to provide
24 a sidewalk. Some existing structures
25 gave a -- what's the word I'm looking

1 K E E B O M E D , I N C .

2 for?

3 MR. HINES: Easement area?

4 CHAIRMAN BRAND: Easement area.

5 In almost all the new construction we
6 did ask for a sidewalk.

7 MR. HINES: This has plenty of
8 room for a sidewalk in the State
9 highway corridor because of the
10 location of the property line versus
11 the pavement.

12 MS. BROOKS: Absolutely.

13 CHAIRMAN BRAND: Okay. So I
14 think that's it. All right. Thank
15 you. We'll see you. Good luck with
16 the ZBA. Keep us posted.

17

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

19

20

21

22

23

24

25

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

JEFF ALDRICH

Project No. 22-6008
132 Milton Turnpike, Milton
Section 103.1; Block 1; Lot 33.200

- - - - - X

SKETCH - SUBDIVISION

Date: April 18, 2022
Time: 9:05 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

1 J E F F A L D R I C H

2 CHAIRMAN BRAND: Next on the
3 agenda is the lands of Jeffrey
4 Aldrich, a sketch of a subdivision at
5 132 Milton Turnpike in Milton.

6 This is a new one, also, Patti?

7 MS. BROOKS: Yes.

8 CHAIRMAN BRAND: Do you want to
9 just give us a brief overview?

10 MS. BROOKS: Absolutely. We
11 are proposing a two-lot subdivision
12 of approximately 88 acres of property
13 located in between Milton Turnpike
14 and New Road. At the northwest
15 corner of this site is the newly
16 constructed solar farm. It also has
17 the primary residence of Jeff
18 Aldrich. He has a purchaser for a
19 19-acre parcel of land located at the
20 southeasterly corner of the property
21 with access on Milton Turnpike.

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

24 MR. HINES: So we're looking
25 for the bulk table to show existing

1 J E F F A L D R I C H

2 and proposed as there's existing
3 structures on the parcel.

4 Also, it was mentioned, and it
5 shows up on the aerials, there is a
6 large solar farm in the upper
7 left-hand section of this lot, the
8 majority of which would be covered by
9 the tax map that's depicted there.
10 That area is not depicted.

11 The project is located in the
12 Town's water district. The proposed
13 structures are located within the
14 water district. We're requesting
15 that it be reviewed by the Water
16 Department to determine if the parcel
17 can be adequately served by Town
18 water. I notice there are no wells
19 here but there are rather -- there
20 would be a rather long water main --
21 water line, water lateral to serve
22 the house. We want to make sure that
23 that is adequate. That water
24 district line is drawn based on the
25 hydraulic grading of the water

1 JEFF ALDRICH

2 system. The closer you get to the
3 water district line, the less likely
4 you're going to have pressure to be
5 served. That needs to be checked.

6 There is a DEC wetland on the
7 site. We're asking that that be
8 depicted. I don't think it's going
9 to impact the development, but it
10 should be shown on the site even if
11 it's based off the DEC mapping on the
12 internet.

13 If there's agriculture on the
14 site, the agricultural buffers will
15 be called into effect, that section
16 of the code that requires the ag
17 buffers. It looks like there's some
18 old orchard area on proposed lot 1.
19 Proposed lot 2 is mostly grown up
20 woods.

21 MS. BROOKS: So that leads to a
22 question. The purchaser of the 19.19
23 acres wants to use it for
24 agricultural purposes. Do the
25 buffers then apply? How do I handle

1 JEFF ALDRICH

2 that? I mean he's also putting a
3 single-family dwelling.

4 MR. HINES: So normally it is
5 -- I don't think when it's an active
6 agricultural -- we've never
7 encountered one where someone said in
8 the future that --

9 MR. CLARKE: I don't think
10 there's been agricultural on that
11 site in my lifetime.

12 MR. HINES: It just looked like
13 there was an old orchard out there.

14 MS. BROOKS: Not for a long,
15 long time.

16 MR. HINES: The lot geometry on
17 the tax maps, the Town's tax maps I
18 looked at, show two separate lots.
19 If you look at the zoning map, the
20 old tax lots on the zoning map, it
21 shows a lot in the front and a lot in the back.

22 MS. BROOKS: I'm not sure why.
23 It definitely currently is one lot,
24 33.200. Just a few years ago we
25 separated this parcel from the land

1 J E F F A L D R I C H

2 on the southerly side of the road
3 since the Town doesn't recognize
4 natural subdivisions, which is why
5 you see 33.100 on the southerly side
6 of the road in the tax map block.

7 MR. HINES: I didn't know if
8 there was a lot consolidation in the
9 past.

10 MS. BROOKS: This definitely --
11 unless it's being assessed separately
12 because of the solar farm, but this
13 is how it is on the -- definitely on
14 the County tax maps. I don't
15 generally look at the Town ones. Jen
16 has it up, as well, on the screen.

17 MR. HINES: It looks like
18 there's an encroachment on the ball
19 fields.

20 MS. BROOKS: That's not an
21 encroachment. That's why it's
22 Young's field. They donated the use
23 of that as a ball field for years.

24 MR. CLARKE: They still own it.

25 MS. BROOKS: Pardon?

1 JEFF ALDRICH

2 MR. CLARKE: They still own it.

3 MS. BROOKS: They still own it
4 and they let the Town use it. It was
5 in the will of --

6 MR. CLARKE: Yes.

7 MR. HINES: It comes out into
8 this lot. Is there an easement or
9 it's just -- just something that
10 happens there I guess.

11 MS. BROOKS: It was in the
12 will. It has never been formalized
13 with any agreements or anything else.
14 It's just Young's ball field and the
15 Town uses it.

16 MR. CLARKE: It's a good thing.

17 MS. BROOKS: Just a win/win.

18 MR. HINES: And then the solar
19 farm is depicted on the proposed
20 lot 1. I think it should be denoted
21 on the property. I want to make sure
22 that there's no encumbrance for the
23 solar farm to not subdivide off.

24 MS. BROOKS: We can show this --

25 MR. HINES: Make sure the lot

1 J E F F A L D R I C H

2 area still works and whatever is
3 there is depicted on here.

4 MS. BROOKS: That's not a problem.

5 CHAIRMAN BRAND: So there is
6 going to be a one-family parcel here,
7 or a one-family home?

8 MS. BROOKS: Yes.

9 CHAIRMAN BRAND: Any other
10 questions or comments from the Board
11 on this one?

12 MR. CLARKE: You'll come back
13 and show us the driveway eventually?

14 MS. BROOKS: We have to get a
15 curb cut from Ulster County
16 Department of Public Works. There is
17 an access point there right now, but
18 it's not an improved driveway.

19 MR. CLARKE: We're going to see
20 it on the map?

21 MS. BROOKS: Yes.

22 MR. CLARKE: Okay.

23 MS. BROOKS: We're hoping it's
24 going to be in the location of the
25 lane that's going back there now.

1 JEFF ALDRICH

2 MR. CLARKE: This guy is going
3 to show us how to make money in agriculture.

4 CHAIRMAN BRAND: James?

5 MR. GAROFALO: I think some of
6 the professionals we need some e-mail
7 addresses for in the application.

8 You're going to be providing
9 sight distances on that driveway.

10 MS. BROOKS: Yes. Once we get
11 approval from DPW of where they want
12 the access to be, we'll measure the
13 sight distance at that time.

14 MR. GAROFALO: Thank you.

15 CHAIRMAN BRAND: All right.
16 Anything else?

17 (No response.)

18 CHAIRMAN BRAND: All right.
19 Thank you, Patti.

20 MS. BROOKS: Who do I contact
21 with regard to the Town Water
22 Department? Is that still Charles?

23 CHAIRMAN BRAND: Yes.

24 MS. BROOKS: It's still
25 Charlie. Okay.

1 J E F F A L D R I C H

2

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

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1 J E F F A L D R I C H

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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 25th day of April 2022.
18
19
20

21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

- SHORT-TERM RENTALS, SECTION 155-32.3
- PROVISION OF PORTABLE TOILETS DURING CONSTRUCTION

----- X

BOARD BUSINESS

Date: April 18, 2022
Time: 9:12 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

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

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

2 CHAIRMAN BRAND: Before we
3 adjourn and before I dismiss the
4 stenographer, I did get -- as you
5 know, Member Lanzetta couldn't be
6 here tonight, but she wanted me to
7 have this be stated at the meeting.
8 I'm just going to read it verbatim.

9 "I am concerned about the
10 discussion to change the new law
11 enacted in 2021, Short-Term Rentals,
12 Section 155-32.3. As you know, the
13 Town put a lot of time and money into
14 developing and vetting this new law.
15 The Planning Board has been working
16 with a number of applicants and has
17 been successful in navigating these
18 operations and they seem acceptable
19 to all parties. We believe that the
20 law is operational as is and it would
21 be premature to change the law before
22 we have a better understanding of how
23 it's functioning. I would like to
24 see the Planning Board as a Board
25 inform the Town Board that we would

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

2 like to wait to see how the present
3 law works before any changes are
4 made. Thank you, Cindy Lanzetta."

5 So I will include this in my
6 report.

7 MR. GAROFALO: Do you want
8 comments on that?

9 CHAIRMAN BRAND: Sure. If
10 you'd like to.

11 MR. GAROFALO: With regard to
12 the bed and breakfast, I think that
13 maybe the thing to look at would be
14 the number of bedrooms. At what
15 point is someone really running a bed
16 and breakfast, because there's so
17 many bedrooms that are being rented
18 out, that that may be a very distinct
19 number that would separate the short-
20 term rentals from the bed and breakfast.

21 CHAIRMAN BRAND: I'm confident
22 that the law would not be changed
23 quickly. I've been in discussion
24 with Jen. We basically came to the
25 conclusion that any applicant that

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

2 comes to us at this point that is
3 owner occupied should be instructed
4 to proceed as a bed and breakfast.
5 If they are not owner occupied or
6 adjacent to, they should proceed as a
7 short-term rental. That's kind of
8 where we are.

9 MR. GAROFALO: I don't
10 necessarily agree with that. The
11 people that just want to rent out one
12 single room in their house, they
13 would become a bed and breakfast.

14 CHAIRMAN BRAND: They can do
15 that as a bed and breakfast as owner
16 occupied.

17 MR. GAROFALO: I think that
18 there should be the option for them
19 to just do a short-term rental if
20 it's just one room.

21 CHAIRMAN BRAND: They can now
22 technically, but they will not be
23 able to. I just don't want any
24 applicant to come in and start the
25 process to have them have to be

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

2 changed halfway through.

3 MR. GAROFALO: I can certainly
4 appreciate that. I just wanted to
5 get my view across that I think that
6 the difference between the two is
7 whether you're running a business as
8 a bed and breakfast, which to me
9 implies you're renting a certain
10 number of rooms, and I'm not going to
11 say how many, but I think there's a
12 difference. I think that, to me, is
13 where the difference should lie
14 between the two. Thank you.

15 CHAIRMAN BRAND: Thank you.

16 Okay. We're going to have to

17 --

18 MR. TRONCILLITO: I have one
19 question.

20 CHAIRMAN BRAND: Did you want
21 to put your question on the record?

22 MR. TRONCILLITO: Yeah. I
23 think it should be.

24 CHAIRMAN BRAND: Let's do it.

25 MR. TRONCILLITO: Maybe Pat can

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

2 answer this. When a contractor comes
3 in -- I experienced this Good Friday
4 and it really ended up in a big
5 confrontation. It's a good thing I'm
6 not packing. When a contractor comes
7 in here -- honest to God, I don't
8 have a problem with it. When a
9 contractor comes in, are they
10 required to provide like a
11 Johnny-On-The-Spot for when they're
12 doing their work? The reason I say
13 that is they were working across the
14 street from me, a contractor, and one
15 of the gentlemen, I hope you don't
16 mind this, defecated on my property
17 with three young ladies sitting at my
18 tenant house seeing all this.
19 Needless to say, when I got the call,
20 there was one heck of a
21 confrontation. I was the head
22 confrontationer. I don't know if
23 there's something in our code that
24 addresses --

25 MR. HINES: It's not addressed

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

2 in your code. I don't know the
3 policy of the Building Department. I
4 don't know what the scope of the
5 contractor's work was or whether he
6 was working on an approved site plan
7 or it was just work approved by the Building
8 Department.

9 MR. GAROFALO: There may be a
10 separate health code that deals with
11 that.

12 MR. TRONCILLITO: It definitely
13 was an interesting hour, to say the
14 least. I'll leave it at that.

15 CHAIRMAN BRAND: Thank you.

16 Steve, motion to adjourn.

17 MR. CLARKE: Yes.

18 CHAIRMAN BRAND: Bobby seconds
19 it. No objections. Thank you.

20

21 (Time noted: 9:18 p.m.)

22

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24

25

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of April 2022.

MICHELLE CONERO