

1

## 5 - READING OF AGENDA

6 - APPROVAL OF 3/21/22 MINUTES WITH  
REVISIONS

JAMES CAROENLO COURSES COMPLETED

10 BOARD BUSINESS

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

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

22

33

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                   BOARD BUSINESS

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

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23

24

25

*Michele Conero*

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MICHELLE CONERO

1

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

5 BUTTERMILK SPA EXPANSION RE-SUBMITTAL  
6

7 Project No. 22-6003  
8 220 North Road, Milton  
9 Section 103.1; Block 2; Lot 13  
- X

10 PUBLIC HEARING - SITE PLAN

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

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

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

21 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

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

1                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

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                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

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           B U T T E R M I L K    S P A    E X P A N S I O N    R E - S U B M I T T A L

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                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L  
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                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

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                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L  
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           B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

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           B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

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                   B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L  
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. )  
7  
8  
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1           B U T T E R M I L K   S P A   E X P A N S I O N   R E - S U B M I T T A L

2

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

4

5

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

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

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

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

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*Michele Conero*

22

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MICHELLE CONERO

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1

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

5

6 CORRADO SUBDIVISION

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

10

SKETCH - SUBDIVISION

11

12 Date: April 18, 2022  
13 Time: 7:41 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 21 Milton Turnpike  
17 Milton, NY 12547  
18

19

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

20

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

21

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

22

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

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-usuable, 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 C O R R A D O S U B D I V I S I O N

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.)

14

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

2

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

4

5

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

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

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

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

18

19

20

21

*Michele Conero*

22

---

MICHELLE CONERO

23

24

25

1

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

5

## BAYSIDE

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

10

EXTENSION/FINAL - SITE PLAN

11

Date: April 18, 2022  
12 Time: 8:00 p.m.  
Place: Town of Marlborough  
13 Town Hall  
21 Milton Turnpike  
Milton, NY 12547  
14

15

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

16

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

17

APPLICANT'S REPRESENTATIVE: ERIC BAXTER

18

19

20

21

22

23

24

25

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

1 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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 BAYSIDE

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

1 B A Y S I D E

2

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

4

5

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

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

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

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

18

19

20

21

*Michele Conero*

22

---

MICHELLE CONERO

23

24

25

1

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

5

6 VERIZON - MARLBORO HIGH SCHOOL

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

9 - X

10

PRELIMINARY - SITE PLAN

11

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

15

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

18

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

20

21 APPLICANT'S REPRESENTATIVE: SCOTT OLSON & FRANK  
22 MURRAY

23

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

25

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                   VERIZON - MARLBORO HIGH SCHOOL

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                   VERIZON - MARLBORO HIGH SCHOOL

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

2 some 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 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 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

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

2

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

4

5

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

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

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

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

18

19

20

21

*Michele Conero*

22

---

MICHELLE CONERO

23

24

25

1

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

4

5

KEEBOMED, INC.

6

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

9 - X

10

SKETCH - SITE PLAN

11

12

13

14

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

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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

21

22

23

24

25

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.)

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

2

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

4

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

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

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

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

17

18

*Michele Conero*

19

---

MICHELLE CONERO

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

4

5

JEFF ALDRICH

6

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

10

SKETCH - SUBDIVISION

11

12

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14

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

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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 J E F F A L D R I C H

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 J E F F A L D R I C H

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 J E F F A L D R I C H

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

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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

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5

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

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

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

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

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*Michele Conero*

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MICHELLE CONERO

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

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

8 - X  
9

10 BOARD BUSINESS

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

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

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

21

22 - X

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

25

1                   BOARD BUSINESS

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

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.

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.)

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

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

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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.

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*Michele Conero*

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MICHELLE CONERO

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