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

5

6 POLLOCK SITE PLAN

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

10

FINAL - SITE PLAN

11

12 Date: March 21, 2022
13 Time: 7:30 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
20 CINDY LANZETTA
21 JOSEPH LOFARO
22 JAMES GAROFALO
23 STEVE CLARKE
24 ROBERT TRONCILLITO
25 STEPHEN JENNISON

19

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

22

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH
- X

23

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

1 POLLOCK SITE PLAN

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, March 21, 2022. Regular
10 meeting at 7:30 p.m. On the agenda
11 tonight we have the Pollock Site Plan
12 at 39 Main Street in Milton for a
13 final of their site plan; Buttermilk
14 Spa Expansion for a resubmit at
15 220 North Road in Milton for a sketch
16 of their site plan; and Maria Mekeel
17 of 32 Bingham Road for a sketch of a
18 lot line. Also on the agenda tonight
19 we have Frankos to review his
20 resolution, and we will have a
21 discussion, possibly briefly, about
22 the lot line application. The next
23 deadline is Friday, March 25, 2022.
24 The next scheduled meeting is Monday
25 April 4, 2022.

1 POLLOCK SITE PLAN

2 Anything from the Board before
3 we begin tonight?

4 (No response.)

5 CHAIRMAN BRAND: No. All right
6 then. First up, Pollock Site Plan.

7 MR. MEDENBACH: Greetings.

8 CHAIRMAN BRAND: How are you?

9 MR. MEDENBACH: Barry Medenbach.
10 Robert will not be here tonight, he's
11 out of town.

12 CHAIRMAN BRAND: Pat, did you
13 just want to run through your
14 comments? I know we were hung up on
15 the geotechnical report.

16 MR. HINES: Yeah. We received
17 a copy of the geotech report. We
18 reviewed it. I gave you five bullet
19 items out of that, all of which
20 indicate that blasting shouldn't be
21 required. It most likely shouldn't
22 occur on the site. Those bullet
23 items are directly out of the report.
24 It also states that they're
25 requesting to have a -- because of

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

2 the fact that the rock may be
3 susceptible to having what they call
4 gravel size and potentially cobble
5 size pieces, the landscape rock wall
6 catchment should be provided at the
7 base of the cut, and then a drape
8 wire should be considered to contain
9 particles where the slope is closer
10 to the occupied areas. They're
11 suggesting that blasting not occur on
12 the site due to the fact it will
13 cause the rock to weather further.
14 They also had a comment on the top of
15 the rock, that it is severely
16 weathered and may need to be graded
17 back greater than what is currently
18 shown.

19 Then we had a comment that Jeff
20 picked up in the minutes regarding --
21 or actually reviewing the plans, that
22 the lot line change plan will need to
23 be broken out as a separate lot line
24 change plan. I know that the Board
25 has asked in the past that a deep

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

2 plot of the entire, I'll call it the
3 Kent parcel be provided showing the
4 entire parcel subject to the lot line
5 change.

6 CHAIRMAN BRAND: Jeff, did you
7 have anything to add to that?

8 MR. BATTISTONI: I'll just say
9 that at the last meeting the Board
10 asked me or directed me to prepare a
11 SEQRA resolution. I started working
12 on that. That's when I realized that
13 we didn't have the geotechnical
14 report yet so I stopped.

15 As I was looking through the
16 application, I think we had been
17 focusing on the site plan issue, and
18 I remembered there was a lot line
19 revision as well. I really need a
20 separate map for that.

21 So those were just the two
22 issues. Pat has mentioned them. I
23 think the applicant's engineer is
24 going to agree in terms of that
25 second issue.

1 POLLOCK SITE PLAN

2 CHAIRMAN BRAND: The floor is
3 yours.

4 MR. MEDENBACH: I'm kind of
5 aware of all that.

6 As far as the conditions in the
7 geological report, we have no problem
8 complying with all of them. They're
9 all reasonable things. Some of them
10 we already had on the plans. Some of
11 them, you know, were conditions.

12 Just to talk about it, though.
13 He says that there's a possibility
14 when we're done with the final face
15 of the rock, there could be some
16 loose stones that want to fall down.
17 He said, you know, we should put some
18 kind of a catchment area there. We
19 actually have a 3-foot area there
20 now. We can put some kind of brush
21 in there so it doesn't come forward,
22 or we could even put mesh on there
23 which he recommends. We would like
24 to leave that decision until we see
25 what the final cut of the rock is.

1 POLLOCK SITE PLAN

2 CHAIRMAN BRAND: And as far as
3 the lot line change plan?

4 MR. MEDENBACH: You know, we
5 should have submitted that plan. I
6 apologize. We have the subdivision
7 in the set of site plans. There's a
8 separate map that does need to be
9 filed with the County, and, you know,
10 that map just titled it a little
11 different.

12 CHAIRMAN BRAND: So Pat and
13 Jeff, with that being said, I know
14 there was discussion of maybe moving
15 this meeting to the April 4th, the
16 next meeting. Are we good moving
17 forward to the April 4th meeting for
18 all those things to be accomplished
19 by?

20 MR. BATTISTONI: I think the
21 Board may need to address Pat's
22 letter. Do you want to allow for the
23 possibility of blasting or do you
24 want to prohibit blasting from
25 occurring? Do you want to say that

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

2 the determination about -- I forget
3 what Mr. Medenbach was just saying
4 about the --

5 CHAIRMAN BRAND: The fencing?

6 MR. BATTISTONI: Yeah. The
7 catchment area. Could that be
8 determined later on or is that part
9 of the approval now?

10 CHAIRMAN BRAND: Comments from
11 the Board?

12 MS. LANZETTA: From what I've
13 read, and I'm not an engineer, it
14 seemed like the mechanical removal of
15 the rock would be just as good, if
16 not better, than the blasting. I
17 would prefer to not have that
18 blasting.

19 MR. LOFARO: I agree. I would
20 prefer if we can stay away from
21 blasting.

22 MR. JENNISON: I concur.

23 CHAIRMAN BRAND: Is that
24 something that we can determine, that
25 they're not going to be blasting?

1 POLLOCK SITE PLAN

2 MR. BATTISTONI: I think that
3 can be a condition of your approval,
4 but it would be part of your SEQRA
5 resolution as well.

6 CHAIRMAN BRAND: I know that
7 was one of the concerns that was
8 brought up at the public hearing as
9 well, the blasting. I think we're in
10 agreement that we would prefer to see
11 no blasting in that area.

12 MR. HINES: So that note on the
13 plan would need to be removed and
14 then stating that all rock will be
15 removed by mechanical means.

16 MS. LANZETTA: Yes.

17 CHAIRMAN BRAND: And are we
18 comfortable with the rock catch basin
19 that the applicant's representative
20 described?

21 MR. TRONCILLITO: I think so,
22 because then if it needs netting,
23 that could always be done. You're
24 not going to know until they get to
25 the final cut basically.

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

2 MR. HINES: So we could have
3 the geotech engineer evaluate the
4 finished grades at the site. That
5 could be added as a note to the plans
6 and a condition of the approval.

7 MR. TRONCILLITO: And if they
8 need the wire netting, then so be it.

9 CHAIRMAN BRAND: I would agree
10 with that as well.

11 MR. LOFARO: Do we have to
12 leave a minimum requirement now,
13 though, to say it at least has to be
14 this?

15 CHAIRMAN BRAND: I don't believe so.
16 Right?

17 MR. HINES: Well, there is that
18 area. I previously was concerned
19 about the drainage from that rock
20 cut, so they added -- they added some
21 distance between the curb line and
22 the rock cut in order to install
23 drainage. There's a small area
24 there, I think it's 3 feet, to
25 provide for that. A drain could be

1 POLLOCK SITE PLAN

2 put in so water doesn't run across
3 over the curb and into the parking
4 lot. It will serve the same purpose
5 of providing some distance, and it
6 certainly -- because tenants' cars
7 are going to get hit with rocks, it's
8 something that he's going to want to
9 address, anyway.

10 MR. MEDENBACH: I might point
11 out that it's Bob's intent of trying
12 to get some kind of vine to grow on
13 that rock face when it's all done so
14 you don't have this big exposed
15 freshly cut rock. We don't know what
16 that is yet. We've been talking with
17 different people. It's something
18 that we can get to grow and maybe
19 hang down from the top or whatever.
20 So with that said, the netting may
21 help.

22 MR. CLARKE: I have one other
23 comment. This has nothing to do with
24 rock. I would prefer that Mr. Pollock --
25 I'm not up with the new technology.

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

2 CHAIRMAN BRAND: These are very
3 nice, by the way.

4 MR. CLARKE: I'm Steve Clarke.
5 I'm back on the Board. I would
6 prefer that Mr. Pollock would buy a
7 little more land from Mr. Kent so we
8 can have all 48 spots. I know that's
9 not realistic. I cannot support this
10 project unless Mr. Pollock and the
11 Town come to a very long-term
12 agreement, maybe in perpetuity, for
13 parking. That is, to me, the biggest
14 issue. If we don't have public
15 parking, --

16 MR. MEDENBACH: Right.

17 MR. CLARKE: -- this is not
18 going to work.

19 MR. MEDENBACH: Right. Bob is
20 providing a parking lot that is tied
21 to this approval.

22 MR. CLARKE: Is it in some form
23 of a legal agreement in perpetuity so
24 that five years later it doesn't get
25 pulled? It's not just a goodwill

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

2 measure?

3 MR. HINES: That's been one of
4 my comments all along, that there be
5 a long-term legal agreement.

6 MR. CLARKE: Okay. I know I
7 haven't been here in a long time.
8 That really is my -- you know, the
9 overriding concern. This is what I
10 hear from a lot of people in Town,
11 that, you know, this cannot work
12 unless there's some kind of parking.

13 MR. HINES: We've done that
14 with both the Falcon and the
15 Brickhouse Restaurant, having that
16 off-street parking with the
17 connection permanently done with
18 legal covenants or agreements that
19 were filed.

20 MR. CLARKE: Okay. Well, as
21 long as that's included, I can
22 support. I think most people are
23 ambivalent or maybe somewhat in favor
24 of it, but you have to have some way
25 to park people so that there can be

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

2 space to drive through. Right now on
3 a Friday afternoon it's one lane.

4 That's without this.

5 MR. HINES: This is one way
6 you're saying?

7 MR. CLARKE: There's one lane
8 in the Hamlet of Milton to park,
9 because you've got parking on either
10 side and you've got one lane.

11 CHAIRMAN BRAND: So we are
12 adding the no blasting to the
13 resolution.

14 MR. GAROFALO: Can I have a
15 minute here?

16 CHAIRMAN BRAND: Sure.

17 MR. GAROFALO: I think that the
18 applicant has done very well in
19 providing two lanes in front of the
20 buildings. I think that will make a
21 very big improvement to traffic in
22 that area.

23 The one question that I have is
24 did you reconsider moving the
25 accessible parking spaces over to

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

2 Milton Turnpike next to that corner?

3 MR. MEDENBACH: It could. We
4 thought it was better where it is,
5 you know, at the other end. Just for
6 access, it's adjacent to the loading
7 zone area. That's an area that's
8 going to be open more. We didn't see
9 a real benefit to moving it down to
10 the corner.

11 MR. GAROFALO: The benefit -- I
12 took a while thinking about why
13 Provac had it at the corner instead
14 of in the middle. What I think the
15 reasoning was is the curb is there to
16 separate cars from pedestrians. You
17 have curb cuts where you have
18 driveways and they have to interact,
19 and you have a cut on the corner
20 where people, for accessibility, need
21 to go down and cross the street. I
22 think it's not a good idea to have a
23 40-foot curb cut in the middle,
24 because what's going to happen is
25 people are going to end up parking on

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

2 the sidewalk. I'm afraid that
3 somebody is going to get hit because
4 a car doesn't park where they are
5 supposed to be. I really would like
6 to see that moved. It also means
7 that you have only one ramp on the
8 sidewalk that goes down to the
9 corner. So you maintain a continuous
10 curb the entire rest of the way along
11 the frontage. I think that's a much
12 safer situation for the pedestrians
13 than having that giant basically curb
14 cut. I think that that is something
15 that would be confusing and is not a
16 safe situation. I think it would be
17 easy enough to change that and
18 probably easier to construct to
19 maintain that one straight curb.

20 MR. MEDENBACH: If that's the
21 Board's choice, we'll make the move.
22 I don't see a real benefit to it. I
23 thought the handicap would also help
24 serve the post office which is at the
25 other end of the site, too. There's

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

2 no handicap parking anywhere there.

3 So this will be the first one and

4 maybe the only one for quite awhile.

5 MR. GAROFALO: When you have it
6 near the intersection, now you not
7 only provide that they can go all the
8 way across to the post office, they
9 can cross easily to the other side of
10 the street, either street. So I
11 think it actually puts it in a better
12 location. But mostly what I'm
13 concerned about is the safety of
14 pedestrians on that sidewalk. I
15 think that having a curb cut like
16 that is just asking for people to end
17 up parking on the sidewalk and
18 potentially hitting pedestrians.

19 MR. MEDENBACH: I don't see
20 that as a problem at all. It's a
21 handicap space. People respect those
22 quite a bit.

23 CHAIRMAN BRAND: At our last
24 meeting we agreed that we were good
25 for final approval, so I don't know

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

2 that we need to ask the applicant to
3 change things unless it's significant
4 new information that's arisen.

5 MR. GAROFALO: I think that is
6 something that I put forward at the
7 last meeting, and I think it's
8 critical. I think that it puts the
9 applicant, the applicant's engineer
10 and the Town at risk if somebody gets
11 hit there. I think it's much safer,
12 a better idea to follow those
13 guidelines than it is to do what's
14 being proposed.

15 MR. JENNISON: I'm fine with
16 the way it is right now to move
17 forward.

18 MR. TRONCILLITO: Leave it the
19 way we decided at the beginning.
20 Simple as that. Every time we turn
21 around we're going to start changing
22 stuff again? My God, I said this
23 last month. Geez.

24 CHAIRMAN BRAND: Cindy?

25 MS. LANZETTA: I would defer to

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

2 James because he is a traffic
3 engineer. I would say that if he
4 raises some legitimate concerns,
5 maybe the applicant could take a look
6 and see if it is something that could
7 be considered.

8 MR. MEDENBACH: I'm sorry. I
9 didn't -- look into what is that now?

10 MS. LANZETTA: I think he's got
11 a legitimate concern. I defer to
12 that because he's a traffic engineer.
13 So it is something that he has raised
14 a couple times. I just think it's
15 something that maybe you should look
16 at and see if there would be any
17 possibility of reconfiguring that.

18 CHAIRMAN BRAND: Joe?

19 MR. LOFARO: I'm okay with
20 keeping it the way we were dealing
21 with over the last several months.
22 It seems like everybody has been okay
23 with that up until now.

24 CHAIRMAN BRAND: Steve?

25 MR. JENNISON: I'm fine the way

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

2 it is.

3 CHAIRMAN BRAND: Sorry, the
4 other Steve. Steve Clarke, the
5 newbie.

6 MR. CLARKE: Whatever you guys
7 want to do is fine.

8 CHAIRMAN BRAND: So I think --

9 MR. TRONCILLITO: No problem
10 with me.

11 CHAIRMAN BRAND: The majority
12 of the Board says we'll keep it as
13 is, so we'll go with that.

14 So Jeff and Pat, back to you.
15 We will include no blasting in the
16 resolution. We'll have the
17 geotechnician reevaluate after the
18 excavation to see if the netting is
19 necessary. Other than that, we are
20 good with the --

21 MR. HINES: Normally a condition
22 like that would be prior to a
23 certificate of occupy, that the
24 geotech provide a report as to the
25 stability of the wall.

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

2 CHAIRMAN BRAND: Prior to CO.

3 And then the new lot line -- sorry.

4 I can't write and talk. The new lot
5 line change map will be submitted.

6 We'll have that so we'll be able to
7 have the final for April 4th?

8 MR. BATTISTONI: Yes.

9 CHAIRMAN BRAND: Excellent.

10 Anything else on this one?

11 MR. CLARKE: Out of curiosity,
12 is there a target audience for these
13 apartments?

14 MR. MEDENBACH: I'm sorry. A
15 target --

16 MR. CLARKE: Is there a target
17 audience for these apartments? Are
18 they going to be -- what is the
19 target audience?

20 MR. MEDENBACH: I think
21 primarily they're going to be for
22 Bob's employees.

23 MR. CLARKE: Okay.

24 MR. MEDENBACH: That was the
25 main reason why he set out to do

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

2 this.

3 MR. CLARKE: That's fine. I
4 just was kind of -- I've heard a lot
5 of speculation about what might be,
6 whether it would be his customers
7 that would not want to come up for
8 the weekend but actually have a place
9 in Milton. I just wondered what --
10 you know, for his employees, that's
11 great.

12 MR. MEDENBACH: These are very
13 modest apartments that are basically
14 for employees.

15 MR. CLARKE: Okay. Thank you.

16 CHAIRMAN BRAND: I think that
17 wraps up the Pollock Site Plan.

18

19 (Time noted: 7:45 p.m.)

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

2

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

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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 1st 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 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 SKETCH - SITE PLAN

11 Date: March 21, 2022
12 Time: 7:45 p.m.
13 Place: Town of Marlborough
14 Town Hall
21 Milton Turnpike
Milton, NY 12547
- X

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

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

21 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH
22

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

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

2 CHAIRMAN BRAND: Moving on to
3 the Buttermilk Spa Expansion
4 Re-submittal.

5 Pat, we'll start with you, as
6 always.

7 MR. HINES: Sure. I had a
8 conversation with Mr. Medenbach
9 regarding this today. So this
10 project previously was approved in
11 August of 2019. I wasn't aware of
12 the history of the extensions.
13 Apparently it did not get any
14 extensions. The approvals would have
15 lapsed in August of 2020. Some of
16 this information I got after I talked
17 to Mr. Medenbach. I think it's here
18 for re-approval of your previous 20
19 -- August 2019 approval that you've
20 already granted. Because that
21 approval lapsed, it's a
22 reapplication. It will require a new
23 public hearing and that will start
24 their clock again to get the project
25 to building permit and construction

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

2 under your Town Code 155-31(K). That
3 allows site plan approval for one
4 year and completion within two years.
5 It gives the Planning Board
6 flexibility to extend the expiration
7 -- each of those expirations for two
8 additional one-year periods. So I
9 think because -- in talking to Jen
10 earlier this evening, they did not
11 get their extensions, their approvals
12 have lapsed and they are back before
13 you. Your original SEQRA findings
14 could be reaffirmed and a public
15 hearing would be required.

16 CHAIRMAN BRAND: Jeff, anything?

17 MR. BATTISTONI: I agree with
18 what Pat said. I think we can
19 schedule the public hearing tonight.

20 CHAIRMAN BRAND: Okay.

21 Anything from the Board?

22 (No response.)

23 CHAIRMAN BRAND: So will you be
24 ready to go -- Jen, when can we
25 schedule that public hearing?

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

2 MS. FLYNN: The 18th.

3 CHAIRMAN BRAND: April 18th?

4 MS. FLYNN: Yes.

5 CHAIRMAN BRAND: Does that work
6 for you?

7 MR. MEDENBACH: Yeah. So I
8 don't know if I completely follow
9 that. You're just going to reaffirm
10 the approval we have that will be
11 good until August 2022?

12 CHAIRMAN BRAND: Well, we have
13 to --

14 MR. HINES: Well, apparently --
15 had you proceeded with getting
16 extensions --

17 MR. MEDENBACH: So we can't do
18 that then?

19 MR. HINES: It doesn't appear
20 that you can do that. Granted there
21 was COVID issues and people weren't
22 filing for extensions.

23 MR. MEDENBACH: All right. So
24 that's the conversation we had this
25 afternoon.

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

2 MR. HINES: Yeah. I wasn't
3 aware that they didn't proceed with
4 their extension. Had they gotten
5 their extension in 2020 and '21,
6 their approval would be running until
7 August of this year. They thought
8 they would get a building permit by
9 then.

10 MR. MEDENBACH: All right.

11 CHAIRMAN BRAND: Right. And
12 Mr. Pollock did ask me about that
13 specifically. We were meeting
14 regularly. Even though we were
15 virtual, we were meeting.

16 I would like to have a motion
17 -- actually, Joe, thank you for
18 reminding me -- to schedule that
19 public hearing for April 18th.

20 MR. LOFARO: I'll make a motion
21 to schedule the public hearing.

22 CHAIRMAN BRAND: Joe. Any
23 second?

24 MR. TRONCILLITO: I'll second
25 it.

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

2 CHAIRMAN BRAND: All right.

3 Bobby. Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: We will
6 schedule the public hearing. And
7 then are we comfortable in drafting a
8 resolution to just reapprove it,
9 barring significant input from the
10 public hearing, just to extend it?

11 MS. LANZETTA: Yes.

12 MR. CLARKE: Yes.

13 MR. TRONCILLITO: Yes.

14 MR. GAROFALO: Yes.

15 MR. JENNISON: Yes.

16 MR. LOFARO: Yes.

17 CHAIRMAN BRAND: All right. So
18 I guess we'll make it a motion,
19 Cindy.

20 MS. LANZETTA: I'll make that
21 motion.

22 CHAIRMAN BRAND: Motion. A
23 second?

24 MR. LOFARO: Second.

25 CHAIRMAN BRAND: Joe. Any

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

2 discussion?

3 (No response.)

4 CHAIRMAN BRAND: So we will
5 have the attorney draft a resolution
6 that would grant the extension.

7 MR. MEDENBACH: Thank you.

8 CHAIRMAN BRAND: I think that's
9 it.

10 MR. MEDENBACH: Thank you very
11 much.

12 CHAIRMAN BRAND: Thank you.

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14 (Time noted: 7:50 p.m.)

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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

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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 1st 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 MARIA MEKEEL

7 Project No. 22-6002
8 32 Bingham Road, Marlboro
Section 108.4; Block 8; Lots 22.11 & 22.200

9 - X

10

SKETCH - LOT LINE

11

12

13

14

Date: March 21, 2022
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

- X
MICHELLE L. CONERO

3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 M A R I A M E K E E L

2 CHAIRMAN BRAND: Next on the
3 agenda we have Maria Mekeel for a
4 sketch of their lot line.

5 How are you tonight?

6 MR. MESSINA: Fine. How are
7 you?

8 CHAIRMAN BRAND: So Pat, I will
9 start with you.

10 MR. HINES: So this is a lot
11 line change transferring 2 plus or
12 minus acres of property between
13 adjoining parcels.

14 The only comment I had was
15 there's two lots -- two building
16 dwelling units on lot 1. The side
17 yard setback is labeled on there at
18 50.5 which is for the single-family
19 residential structure. There is a
20 mobile home on the site which is less
21 than 50.5, and that would be the
22 controlling side yard setback. It
23 scales just about at the 35 feet.
24 We're asking that that be labeled as
25 such.

1 M A R I A M E K E E L

2 We did receive the code
3 enforcement officer's gatekeeper
4 letter which was sent to the Planning
5 Board. The project is in the RAG-1
6 Zone and qualifies for your streamlined
7 lot line change procedure.

8 CHAIRMAN BRAND: Jeff?

9 MR. BATTISTONI: I went ahead
10 and prepared a resolution for this
11 evening in case the Board wanted to
12 consider this. Because it qualifies
13 for your streamlined review
14 procedure, you can waive the public
15 hearing.

16 It's a Type 2 action for SEQRA.
17 The only condition I put in the
18 resolution was payment of fees.

19 I guess, just hearing Pat, do
20 we need to maybe change it just to
21 update the bulk table? It would be
22 one change. We could add that as a
23 second condition if the Board wants.

24 CHAIRMAN BRAND: Comments or
25 questions from the Board?

1 M A R I A M E K E E L

2 MR. GAROFALO: I have one
3 question. The existing driveway is
4 not -- is partially not on the
5 private road. Is that something that
6 we need to have documentation on?

7 CHAIRMAN BRAND: It's not on
8 the private road you said?

9 MR. GAROFALO: Yes. It looks
10 like there's a private road outlined
11 there, and a portion of the driveway
12 is not on that.

13 MR. HINES: That's an existing
14 condition and the easement exists. I
15 don't know if Carmen named that, but
16 it's Carmen's Way. The easement
17 exists. Should it become an issue
18 between these neighbors, the ability
19 to fix it is there because the
20 easement is there. It's there now.
21 It exists whether this lot line
22 change occurs or not. I didn't
23 choose to comment on that. The
24 easement certainly is there which
25 describes it as a private roadway.

1 M A R I A M E K E E L

2 It's really just a common driveway
3 under your code. The ability to fix
4 it is there if there's a neighbor
5 dispute. I always feel that
6 easements are private matters, not
7 part of what is before us to review.

8 MR. GAROFALO: Thank you.

9 MS. LANZETTA: I have a
10 question. Because they have the two
11 buildings on the lot line, is that a
12 preexisting nonconforming situation?

13 MR. BATTISTONI: I took it to
14 be that way in looking at the
15 application. In other words, that
16 exists already. It's not being
17 changed by the movement of the lot.

18 MS. LANZETTA: Right.

19 MR. HINES: The lot size
20 conforms for the two buildings. It's
21 4 acres. The resulting lot would
22 allow the two buildings to remain.

23 MS. LANZETTA: Okay. That's
24 what I was trying to understand,
25 because in our code it said that --

1 M A R I A M E K E E L

2 I 'm sorry, not in our code. In our
3 resolution it says that the lot line
4 revision meets all codes and
5 regulations regarding setbacks, lot
6 sizes, road and driveway
7 configurations and other applicable
8 regulations, codes and laws. I 'm
9 just wondering if that's really true.

10 MR. BATTISTONI: Maybe we
11 should write in except for existing
12 nonconforming --

13 MR. HINES: Two residences on
14 one lot.

15 MR. BATTISTONI: Right.

16 MS. LANZETTA: I would feel
17 better about that. I think we need
18 to point that out.

19 CHAIRMAN BRAND: Anything else
20 on that?

21 (No response.)

22 CHAIRMAN BRAND: So with the
23 change that Cindy mentioned, are we
24 comfortable with the resolution?

25 Is there anything else

1 M A R I A M E K E E L

2 pertinent, Jeff, that you wanted to
3 go over for the resolution? It's
4 pretty straightforward; right?

5 MR. BATTISTONI: Yes. I
6 believe I mentioned that we could add
7 a second condition that the bottom of
8 the bulk table would be updated to
9 show a 35-foot minimum side yard
10 setback.

11 MS. LANZETTA: Yes.

12 CHAIRMAN BRAND: So with that
13 being said; Jen, would you poll the
14 Board.

15 MS. FLYNN: Chairman Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Lanzetta?

18 MS. LANZETTA: Yes.

19 MS. FLYNN: Member Lofaro?

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Clarke?

22 MR. CLARKE: Yes.

23 MS. FLYNN: Member Jennison?

24 MR. JENNISON: Yes.

25 MS. FLYNN: Member Garofalo?

1 M A R I A M E K E E L

2 MR. GAROFALO: Yes.

3 MS. FLYNN: Member Troncillito?

4 MR. TRONCILLITO: Yes.

5 CHAIRMAN BRAND: All right.

6 Thank you. You're all set.

7

8 (Time noted: 7:55 p.m.)

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1 M A R I A M E K E E L

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

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Michele Conero

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23 MICHELLE CONERO

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 FRANKOS SHORT-TERM RENTAL

7 Project No. 21-5024
8 387 Lattintown Road, Marlboro
Section 108.2; Block 9; Lot 26

9 - X

10

RESOLUTION - MINOR SITE PLAN

11

12 Date: March 21, 2022
13 Time: 7:55 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15

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

19

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

21

APPLICANT'S REPRESENTATIVE: MARK FRANKOS &
22 WHITNEY BALDWIN

23

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

1 F R A N K O S S H O R T - T E R M R E N T A L

2 CHAIRMAN BRAND: On the agenda
3 we do have the Frankos matter to
4 discuss for the review of their
5 previously approved resolution of
6 their minor site plan application.

7 So just to bring everybody up
8 to speed, this was a short-term
9 rental that was approved for us, but
10 it was approved for six bedrooms.
11 The building inspector pulled the
12 card when he was ready to do your
13 permit and, according to the Town's
14 records, you have only four bedrooms,
15 one of which would be occupied by you
16 obviously. So that would be three
17 bedrooms.

18 MR. FRANKOS: So we discovered
19 upon -- I didn't expect to see
20 everybody so soon. Hopefully if
21 ever. So Friday morning I walked in
22 to make an appointment with Tom to
23 have the fire inspection process
24 begin. He informed me of the
25 discrepancy of the number of

1 F R A N K O S S H O R T - T E R M R E N T A L

2 bedrooms. Cindy from the assessor's
3 office was also there. So the
4 discrepancy begins in 2001 when the
5 Town of Marlborough sent out mailers
6 to owners assessing the housing stock
7 and trying to have owners verify the
8 number of bedrooms and units and size
9 of homes. So two owners previous in
10 2001, the response for it came back
11 four bedrooms. This home has always
12 had six bedrooms. I assure you it
13 was not a misleading application in
14 that I was claiming that there are
15 six where at some point between 2001
16 and 2022 somebody along the way added
17 rooms. For a home that was built in
18 1873 for a family of ten, plus
19 seasonal farm workers, it was a
20 158-acre Weygant Farm that was then
21 renovated in the 1950s. There have
22 been renovations since then.

23 In fact, I passed on to Jen
24 something I found on the third floor
25 in the bedroom behind recessed

1 F R A N K O S S H O R T - T E R M R E N T A L

2 bookcase walls that were built into
3 the knee walls. Benjamin Gilberte,
4 who was the owner during the 1945 to
5 1980 period, he ran for Town
6 treasurer. So I found this record
7 that I passed on to some of the
8 people around town who knew Maureen
9 DeMarco and passed it on to the
10 Marlborough Library. So 1950,
11 whenever he ran, late '50s, early
12 '60s, is the last point where that
13 addition or construction or use, and
14 I would guess that it had been used
15 as a bedroom all the way back to the
16 1870s. So Cindy and Tom are both
17 very clear on being able to work to
18 rectify that.

19 The sticking point -- and we've
20 already pulled a FOIL report with
21 Ulster County for the Board of Health
22 for our property records to
23 definitively pin down the size and
24 date and engineering design of the
25 septic that, as far as we know,

1 F R A N K O S S H O R T - T E R M R E N T A L

2 predates 2002. I spoke with the
3 owner previous to us, Asaf Ahmet, and
4 he informed me that the previous
5 owner, Abhai -- what's his last name?

6 MS. BALDWIN: I don't know. Is
7 it Marance?

8 MR. FRANKOS: I can't remember
9 his last name. The previous owner
10 who owned the home from 1982 to 2002
11 had installed a septic. So we've
12 already filled out that FOIL report
13 to find out what the County has.
14 Without an understanding that that
15 septic design can handle the two
16 additional bedrooms, which have
17 already been there, he can't sign off
18 on that process as that -- those are
19 the steps.

20 So I can't guess as to how that
21 mistake was made or if that was
22 deceptively a listing of four
23 bedrooms to evade assessing the house
24 at a higher value to escape taxes.
25 Those are only best guess, speculation.

1 FRANKOS SHORT - TERM RENTAL

2 All I can do is what we've been doing
3 from the beginning. We bought a
4 foreclosed home. There's no shortage
5 of mysteries and things to iron out
6 and figure out how to get everything
7 on board.

8 CHAIRMAN BRAND: And the
9 building inspector spoke to you
10 regarding the bedrooms on the third
11 floor?

12 MR. FRANKOS: Yes. We're
13 willing to work with him on the steps
14 needed to clarify that as a safe and
15 occupiable space. He is just then
16 going to wait for us to get our FOIL
17 report back.

18 I already vetted septic
19 engineers, John Steinmeier from
20 Kingston. He's supposed to get back
21 to me with several different options
22 based on what I might expect to get
23 back from Ulster County. We'll take
24 it from there. The FOIL report is
25 expected no later than April 15th. I

1 F R A N K O S S H O R T - T E R M R E N T A L

2 would expect it is a simple record, I
3 should get that before then, and then
4 be in contact with Tom and take those
5 steps.

6 CHAIRMAN BRAND: So Jeff and/or
7 Pat, am I mistaken in thinking that
8 this is just a matter to clarify with
9 the building inspector at this point
10 and then wait on their determination
11 to -- do you have something else to
12 add, Jen?

13 MS. FLYNN: I did talk to Tommy
14 today. He did say that once they get
15 their septic approved for as many
16 bedrooms as they say they have, once
17 they get that approval then he will
18 submit the permit.

19 CHAIRMAN BRAND: For the six
20 bedrooms?

21 MS. FLYNN: Yes.

22 CHAIRMAN BRAND: So there's
23 really nothing else that this Board
24 would be required to do. Okay. If
25 for some reason the --

1 F R A N K O S S H O R T - T E R M R E N T A L

2 MS. FLYNN: I was supposed to
3 get a letter from him today stating
4 that, but he must have been out on
5 his inspections.

6 CHAIRMAN BRAND: Jeff, if for
7 some reason two of the bedrooms
8 aren't to snuff -- up to snuff or
9 it's determined that the septic can't
10 handle the occupancy, how do we go
11 about rectifying that?

12 MR. BATTISTONI: I would work
13 with the applicant because I think
14 the applicant has been good here --

15 CHAIRMAN BRAND: Absolutely.

16 MR. BATTISTONI: -- in terms of
17 what they are trying to do. If we
18 get to a point where the septic is
19 undersized for the number of
20 bedrooms, we could see whether it
21 could be expanded. If it couldn't,
22 then we would have to look at
23 changing the approval in terms of the
24 number of bedrooms.

25 CHAIRMAN BRAND: And that would

1 F R A N K O S S H O R T - T E R M R E N T A L

2 just be a one-time -- is that
3 something he would have to come back
4 for and then we could just draw up
5 the resolution -- a new resolution
6 indicating that this is the number of
7 bedrooms that he could have?

8 MR. BATTISTONI: He could
9 modify his drawing showing the number
10 of bedrooms. I think it would be
11 straightforward. My hope is that the
12 septic system would be large enough
13 to handle the number of bedrooms.
14 I'd rather address it when we get to
15 it.

16 MR. FRANKOS: I'd ask for it to
17 be different options. You always
18 plan for best case, worst case
19 scenario. Worst case in our case is
20 a perfectly functioning septic. Part
21 of the proposal of the design, should
22 it come in less than would be
23 acceptable under New York State
24 Health Laws for the number of
25 bedrooms, is to sister on in circuit

1 F R A N K O S S H O R T - T E R M R E N T A L

2 an additional 500-gallon tank. That
3 would definitely move that beyond the
4 minimum requirement. It's definitely
5 not something I expected to come to
6 this point in the road, but hurdles
7 are hurdles and they are meant to be
8 worked through if it comes to that.
9 Because even though this is for what
10 we would assume the lifetime of our
11 ownership of this house, the use of a
12 fairly well occupied bnb situation,
13 this then remains after our
14 curatorship of this home a
15 six-bedroom home that needs -- should
16 it ever have all six bedrooms filled
17 to the maximum capacity, it's the
18 proper thing to do for the home as
19 well. So if it were to come to that
20 circumstance, that's part of what I'm
21 getting either tomorrow or Wednesday.

22 CHAIRMAN BRAND: Great. So
23 you'll work in coordination with the
24 building inspector and keep us
25 posted. If there is some reason for

1 F R A N K O S S H O R T - T E R M R E N T A L

2 you to return to make a modification,
3 we'll put you on the agenda at that
4 time.

5 MR. FRANKOS: Definitely.

6 MR. GAROFALO: I have a comment.

7 CHAIRMAN BRAND: Sure.

8 MR. GAROFALO: I think the
9 short-term rental law requires that
10 there be no changes, and the addition
11 of a septic may put this outside of
12 that law. So that's one thing that
13 if it turns out that it is not big
14 enough and they have to change it,
15 I'm not sure what that would do to
16 the application, other than you can
17 certainly approve it for the three.

18 MR. BATTISTONI: I think if
19 there's a six-bedroom house there and
20 the septic system is too small, the
21 septic system needs to be improved
22 whether there had been a short-term
23 rental application or not. So I
24 don't think that's a change.

25 MS. LANZETTA: That's no major

1 F R A N K O S S H O R T - T E R M R E N T A L

2 change.

3 But I will -- I would like to
4 remind everyone that on January 18th
5 Mr. Garofalo had said is there
6 someone who checks the tax rolls to
7 see that -- what the houses are taxed
8 on and the number of bedrooms.

9 Chris, you said that that was the
10 building inspector's job. I'm just
11 wondering if there's some way that we
12 can make sure that this doesn't
13 happen again.

14 MS. FLYNN: The short-term
15 rentals, I'm now going to pull the
16 property card to go with the
17 application.

18 MS. LANZETTA: I wasn't sure.
19 I didn't want to give you more work.
20 I wasn't sure where it really lies.

21 MS. FLYNN: It's not a big
22 deal. I mean it's right there. I
23 can just pull it, anyhow.

24 CHAIRMAN BRAND: Mr. Frankos'
25 application has triggered lots of new

1 F R A N K O S S H O R T - T E R M R E N T A L

2 changes in the application process.

3 So we will be -- just so that

4 everyone is aware, we will be pulling

5 the property card to make sure that

6 the number of bedrooms we have on

7 file are the number of bedrooms that

8 you could be able to be approved for.

9 You are probably the only one that's

10 going to get this short-term rental

11 thing in the entire Town ever because

12 apparently the way that the law was

13 written, it says that you -- and we

14 encouraged you to do so, to change

15 from a bed and breakfast application

16 to a short-term rental. However, the

17 building inspector didn't think that

18 was really the spirit of the law and

19 that if you were an owner occupied,

20 that you had to -- you must follow

21 the bed and breakfast regulations and

22 rules, that the short-term rental --

23 the way it's written is -- the way

24 it's written is that as a short-term

25 rental, the intent of the law was for

1 F R A N K O S S H O R T - T E R M R E N T A L

2 people who owned adjacent properties
3 because --

4 MR. HINES: The same lot or
5 next door.

6 CHAIRMAN BRAND: The same lot
7 or next door. Adjacent. Right. So
8 basically what you've done by -- we
9 told you to do this. We've taken out
10 the 50 percent rule so no one would
11 ever go for a bed and breakfast
12 anymore because then that 50 percent
13 rule no longer applies in the
14 short-term rental regulations. So
15 you will be the first and last to get
16 the short-term rental owner occupied
17 in the Town of Marlborough.
18 Congratulations, sir.

19 MR. FRANKOS: That was painful.

20 MS. LANZETTA: I don't agree.
21 I don't understand that interpretation.

22 MS. FLYNN: Before we get into
23 that --

24 CHAIRMAN BRAND: I'm going to
25 say unless you have anything to add,

1 F R A N K O S S H O R T - T E R M R E N T A L

2 we'll let you go so that you're not
3 adding onto the escrow account for
4 you and --

5 MR. FRANKOS: Nothing other
6 than I know this has been not an easy
7 part of everybody here because
8 nobody, not even we who have been
9 running this business, because it's
10 not really a business in that we're
11 offering genuine hospitality. This
12 has been the most difficult part of
13 navigating those challenges, to make
14 sure that we're in legal compliance.
15 So we're aware of the difficulty of
16 pinning down what this Town's
17 specific legal protection, accepted
18 use and those definitions, and they
19 are very, very difficult things to
20 do. Whether it be Airbnb or VRBO,
21 the model of internet companies to do
22 things and break stuff and then ask
23 permission later. We're the people
24 on the ground who are their partners,
25 but we're also the people sitting

1 F R A N K O S S H O R T - T E R M R E N T A L

2 this day before a town. As you know
3 and as we've learned to understand,
4 local municipalities, for very good
5 reason, and not the State and not the
6 national government, are the people
7 who regulate those uses. Cold Spring
8 is a very different town than
9 Marlborough and Beacon and Kingston
10 and Hudson and the other towns that
11 are very Airbnb trendy. So to go
12 through these steps and even at the
13 finish line to discover a discrepancy
14 on the number of bedrooms. If a
15 couple of punches need to be taken
16 and whatever expense that we've had
17 to and will have to do to provide a
18 safe and legal and clear
19 representation, then we'll take the
20 first place and only prize and
21 hopefully everybody is a little more
22 clear on how this Town looks at
23 regulating that and growing an
24 awareness in Marlborough, while at
25 the same time protecting the

1 F R A N K O S S H O R T - T E R M R E N T A L

2 emotional and regular experience of
3 people who do not either welcome that
4 or want to have a minimal impact from
5 that. So thank you.

6 CHAIRMAN BRAND: Thank you.

7 You're all set.

8

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

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1 F R A N K O S S H O R T - T E R M R E N T A L

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

4

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Michele Conero

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MICHELLE CONERO

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1

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

4

5

6 VERIZON - MARLBORO HIGH SCHOOL

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

9

10 - X

11

TASK ORDER MODIFICATION
BOARD BUSINESS

12

Date: March 21, 2022
Time: 8:20 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

13

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

15

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

17

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

19

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: I have a new
3 task order modification from Mike
4 Musso. I did talk to Jeff -- I'm
5 sorry?

6 MR. HINES: HDR Engineers.

7 CHAIRMAN BRAND: Okay. And I
8 e-mailed Jeff back and asked him if
9 it was something I should just
10 sign -- print out and sign. He
11 recommended that I get a resolution
12 from the Board.

13 So task order 2022-01,
14 modification number 1 -- are we still
15 recording this, Jen? You're still
16 recording; right?

17 MS. FLYNN: Yes.

18 CHAIRMAN BRAND: Maybe she
19 could add this to the minutes, this
20 section.

21 MS. FLYNN: I'll send it to
22 her.

23 CHAIRMAN BRAND: Okay. So
24 regarding task order 2022-01,
25 modification number 1, we have a task

1 VERIZON - MARLBORO HIGH SCHOOL

2 order modification between the Town
3 of Marlborough and Henningson, Durham
4 & Richardson Architecture.

5 Basically -- regarding the Verizon
6 wireless application review to
7 provide with -- HDR to provide
8 services.

9 Jeff, is there anything else
10 that we need to really go over with
11 this, do you think?

12 MR. BATTISTONI: No. I think
13 it's a good idea to get a motion to
14 authorize you to sign that.

15 Separately I will say that
16 Young Sommer basically submitted a
17 letter to the Town complaining about
18 their consultant costs before this
19 Board. But regardless, I think this
20 consultant is doing a nice job and
21 it's actually nice of them to say
22 we're exceeding our initial estimate.

23 We think this is a more realistic
24 estimate.

25 CHAIRMAN BRAND: So that being

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 said, do I have a resolution to
3 execute task order 2022-01,
4 modification number 1?

5 MS. LANZETTA: I'll make that
6 motion.

7 CHAIRMAN BRAND: Is there a
8 second?

9 MR. JENNISON: I'll second.

10 CHAIRMAN BRAND: Discussion?

11 MR. JENNISON: Yes. Are you
12 going to share this -- I'm trying to
13 understand. We approved \$7,500 and
14 now there's a modification number 1.
15 What is that amount? If somebody
16 could please explain to me on our
17 code, the initial deposit of 7,500,
18 when he put the bill in for 7,500, he
19 was supposed to put half the escrow
20 back in to cover possible future
21 expenditures. Who handles all that?
22 And now he's going for modification,
23 but yet you don't tell me how much
24 the modification is, the price tag.

25 CHAIRMAN BRAND: Jen holds

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

2 that. She takes care of the escrow
3 accounts.

4 MS. FLYNN: I take the invoices
5 and the deposits. I don't say how
6 much they get charged.

7 MR. JENNISON: Because we
8 approved \$7,500 on the initial bid.
9 Correct?

10 MS. FLYNN: No. That was their
11 initial escrow.

12 MR. HINES: That's required in
13 your wireless code.

14 MR. JENNISON: I thought when
15 Mike came -- is it Mike or Mark?

16 MR. HINES: Mike.

17 MS. LANZETTA: Mike.

18 MR. JENNISON: Mike Musso, he
19 gave a cost estimate of \$7,500 --

20 CHAIRMAN BRAND: Yes. So --

21 MR. JENNISON: -- which matched
22 exactly what our code said.

23 CHAIRMAN BRAND: Right. And
24 this modification, Steve, for our
25 engineer's fee is \$7,500 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 initial budget estimate which was
3 authorized. For modification number
4 1 an additional \$4,900 is proposed
5 for a new project budget of 12,400.
6 Work will be conducted and tracked on
7 a time and materials basis. If the
8 level of effort associated with the
9 above costs go up and the fee needs
10 to be expanded, HDR will prepare an
11 additional modification to the task
12 order, including an additional
13 description of the scope of items and
14 fee for the Town's consideration.

15 MR. JENNISON: So when the Town
16 put up the cell tower at the Town and
17 when Steve Osborne put his cell tower
18 up, did we use Mike at that time?

19 MS. LANZETTA: Mm'hm'.

20 CHAIRMAN BRAND: Yes.

21 MR. JENNISON: What was his
22 fee? I just want to make sure that
23 we're in, you know, the same amount
24 of monies. I'm always concerned that
25 even if Verizon -- okay, there's 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 certain amount of money that I'd be
3 willing to spend and it would
4 irritate the hell out of me --

5 CHAIRMAN BRAND: Yeah. I think
6 we're certainly in order with the
7 other -- the previous ones that have
8 been completed. Basically we kind of
9 go at his discretion. He's the
10 expert and he looks into things as
11 needed. The more issues that arise,
12 obviously the more work that he has
13 cut out for him.

14 MR. JENNISON: But I haven't
15 seen any issues.

16 CHAIRMAN BRAND: Well, they did
17 the balloon test that he oversaw and
18 supervised.

19 MR. JENNISON: Right.

20 CHAIRMAN BRAND: Other than
21 that, you'd have to look through his
22 billing that we get, which you're
23 more than willing to -- you're able
24 to see if you'd like.

25 MR. JENNISON: Okay. Yeah. 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 just want to make sure that it's on
3 par. I was concerned about when
4 somebody puts in a \$7,500 bill and
5 now they are asking for a
6 modification. Is there going to be
7 modification number 2 next month and
8 modification number 3 the month
9 after?

10 MR. HINES: There could be.

11 CHAIRMAN BRAND: There could be.

12 MS. FLYNN: Well, that's just
13 like any applicant, though. I have
14 to go back months later and say hey,
15 I got another bill, I need another
16 \$300, you know. It's not -- the
17 \$7,500 -- well, \$6,000 of it went to
18 Mike Musso and \$3,000 of it went to
19 VanDewater. So that's all gone, you
20 know.

21 MR. JENNISON: Just his bid was
22 \$7,500.

23 MR. HINES: They haven't spent
24 all of that yet. I think he's
25 looking forward to what else he has

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

2 to do. It's based on the scope of
3 what this Board -- he's your
4 consultant. He's working for you.

5 MS. FLYNN: So in actuality we
6 should have \$14,000 from them instead
7 of \$7,500.

8 CHAIRMAN BRAND: Yes.

9 MS. LANZETTA: And just so you
10 know, I'm up at the County and
11 they're saying that a lot of these
12 telecommunications companies are
13 really trying to cut corners and
14 pressure the communities that they're
15 going into.

16 MR. HINES: The Federal
17 Government is on their side.

18 MS. LANZETTA: What?

19 MR. HINES: The Federal
20 Government is on their side.

21 MS. LANZETTA: Well, yes. And
22 so they're getting kind of -- they're
23 getting pushy about the whole thing.
24 You have to remember that Verizon,
25 they knew very well what they were

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 supposed to do with that balloon
3 test. There wouldn't have been a
4 need for a second balloon test if
5 they had done their own due diligence
6 and worked with the Town correctly
7 right from the get-go. So, you know,
8 again, a lot of times it's the
9 applicants that end up causing
10 themselves a lot more fees because
11 they don't do what they are supposed
12 to do in the first place.

13 CHAIRMAN BRAND: And we see
14 that time and time again for sure.

15 MR. HINES: We see people --
16 you know, applicants have some
17 consultants that know what this Board
18 is looking for and they can move a
19 project through, and then you have
20 other consultants that, you know,
21 it's called design by our comments.
22 Just keep turning in new maps and
23 hope they get it right hopefully.

24 CHAIRMAN BRAND: Any other
25 discussion on task order 2022-01,

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 modification number 1?

3 (No response.)

4 CHAIRMAN BRAND: Any opposed to
5 me signing this?

6 MR. GAROFALO: I abstain.

7 CHAIRMAN BRAND: Mr. Garofalo,
8 yes.

9 MR. BATTISTONI: So 6-0 with
10 one abstention?

11 CHAIRMAN BRAND: Yes.

12

13 (Time noted: 8:30 p.m.)

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

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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 1st day of April 2022.

18

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Michele Conero

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MICHELLE CONERO

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