

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

- - - - - X  
In the Matter of

- STEVEN JENNISON - COMPLETION OF  
CONTINUING EDUCATION - HEARINGS &  
MEETINGS
- APPROVAL OF STENOGRAPHIC MINUTES FOR  
6/21/2022

- - - - - X

BOARD BUSINESS

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

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  
KATHI NATLAND

- - - - - X

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

1        B O A R D   B U S I N E S S

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

6                    (Pledge of Allegiance.)

7                    CHAIRMAN BRAND: Agenda, Town  
8                    of Marlborough Planning Board, Monday  
9                    July 18, 2022. Regular meeting at  
10                   7:30 p.m. On the agenda tonight we  
11                   have the approval of the stenographic  
12                   minutes for June 21st. We also have  
13                   a public hearing for the Corrado  
14                   Subdivision on Burma Road in  
15                   Marlboro; Maria Mekeel for a final of  
16                   their subdivision at 34 Bingham Road  
17                   in Marlboro; Lighthouse Holdings for  
18                   a sketch of their site plan at 131  
19                   Idlewild Road in Marlboro; Top Seed  
20                   Landscape for an amended site plan  
21                   sketch at 1943 Route 9W, Milton;  
22                   Bayside, amended sketch of their site  
23                   plan at 18 Birdsall Avenue in  
24                   Marlboro; River Vista Drive, Kris  
25                   Korner, sketch of a site plan; and

1       B O A R D   B U S I N E S S

2           Jeff Aldrich, sketch of a subdivision  
3           at 132 Milton Turnpike in Milton.

4           The next deadline is Friday, July 22,  
5           2022. The next scheduled meeting is  
6           Monday, August 1, 2022.

7                   Anything from the Board before  
8           I begin?

9                   MR. JENNISON: I have one. I  
10          finished my last hour for continuing  
11          ed for the year, Meetings & Hearings.

12                   I'll give that to so you can  
13          give it to Jen for the record.

14                   CHAIRMAN BRAND: Excellent.

15                   MR. JENNISON: I'm done.

16                   CHAIRMAN BRAND: I'd like a  
17          motion for the approval of the  
18          stenographic minutes for June 21st,  
19          please.

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

22                   MR. LOFARO: Second.

23                   CHAIRMAN BRAND: Any discussion?

24                           (No response.)

25                   CHAIRMAN BRAND: Any objection?

1       B O A R D   B U S I N E S S

2                   (No response.)

3                   CHAIRMAN BRAND:   So moved.

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

5

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

7

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

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

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

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

20

21

22

23

24

25

*Michelle Conero*

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MICHELLE CONERO

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

- - - - - X  
In the Matter of

CORRADO SUBDIVISION

Project No. 22-6004  
Burma Road, Marlboro  
Section 108.3; Block 1; Lot 18.121

- - - - - X

PUBLIC HEARING - SUBDIVISION

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

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  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

- - - - - X

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

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

2                   CHAIRMAN BRAND:   First up,  
3       Corrado Subdivision, a public hearing  
4       for their site plan.   "Legal notice,  
5       subdivision application.   Please take  
6       notice a public hearing will be held  
7       by the Marlborough Planning Board  
8       pursuant to the State Environmental  
9       Quality Review Act, or SEQRA, and the  
10      Town of Marlborough Town Code Section  
11      135-33 on" -- that's the wrong date  
12      -- "Monday, June 18, 2022 for the  
13      following application - the Corrado  
14      Subdivision - at the Town Hall, 21  
15      Milton Turnpike, Milton, New York at  
16      7:30 p.m. or as soon thereafter as  
17      may be heard.   The applicant is  
18      seeking approval of a two-lot  
19      subdivision application for lands  
20      located at Burma Road in Marlboro,  
21      New York 12547; Section 108.3; Block  
22      1; Lot 18.121.   Any interested  
23      parties either for or against the  
24      proposal will have an opportunity to  
25      be heard.   Chris Brand, Chairman,

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

2               Town of Marlborough Planning Board."

3               How are you?

4               MR. SCALZO:  I am very good.

5               Thank you.

6               We have 26 out and we have 21  
7               back.  Who would like to receive  
8               those?

9               CHAIRMAN BRAND:  You can give  
10              them right to the secretary.  Can you  
11              repeat that?

12              MR. SCALZO:  26 out and 21  
13              back.

14              CHAIRMAN BRAND:  Would you like  
15              to give a brief overview of what  
16              we're doing in case anyone from the  
17              public is here?

18              MR. SCALZO:  Certainly.  We're  
19              proposing a two-lot subdivision of  
20              approximately 56.3 acres of land  
21              identified as Tax Parcel 108.3; Block  
22              1; Lot 18.121.  The parcel is on the  
23              west side of Burma Road.

24              Burma Road is all of 1,200 feet  
25              long and is nearly a straight line

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

2               from Idlewild Road to Plattekill  
3               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, sitting behind me, is a  
8               former Ms. Greiner. This is a family  
9               transaction. It's, in my opinion,  
10              one of the best things about a parent  
11              helping out a child here. So a  
12              farmer is breaking off 2.5 acres for  
13              his family. It's going to be a  
14              family transaction.

15                      The remaining portion of the  
16              lot will be approximately 53.5, which  
17              includes a ridge line protection area  
18              on the westerly portion and some  
19              wetlands which we had discussed  
20              extensively in previous meetings.  
21              That's all behind the lot that we're  
22              proposing to develop.

23                      There's also an existing block  
24              masonry garage which has some old  
25              equipment for agricultural uses, some



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

2               woodchucks underneath.

3               There are no additional  
4       improvements proposed for those  
5       remaining lands.

6               The parcels are in the RAG-1  
7       zoning district which requires a  
8       minimum of 1 acre parcels which we  
9       more than exceed.

10              Moving forward from there --  
11       that is a general overview. From our  
12       last appearance here we have -- Mr.  
13       Garofalo I believe had asked for us  
14       to look at revising the EAF, which we  
15       have, and that has been supplied. We  
16       included all of the lands that were  
17       affected by the previous action that  
18       we had done two years ago. While  
19       that area on the final sheet of the  
20       EAF did include all of those lands,  
21       it ended up bringing it up to about  
22       86, 87 acres. None of the other  
23       criteria had changed within that.  
24       They still identified the wetlands  
25       but no other outstanding areas of

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

2               concern regarding the DEC  
3               regulations.

4               Also, we did do a percolation  
5               test out on the rear portion of the  
6               lot.  Ulster County Health Department  
7               does allow for shallow systems.  They  
8               also allow for fill systems.  We  
9               chose to do a shallow depth  
10              percolation test which is 12 inches.  
11              You look for 12 inches of usable  
12              soil.  That was 20 minutes  
13              stabilized, 22 minutes stabilized  
14              percolation rate.  That lot can  
15              sustain a building, a single-family  
16              dwelling, should that ever come down  
17              the road.

18              Moving forward from there, I  
19              did receive Mr. Hines' comments just  
20              before the meeting.

21              We do have the highway  
22              superintendent's approval for the  
23              location of the driveway.  I will  
24              locate that correspondence for you,  
25              Mr. Hines, if you can't readily put

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

2               your hands on it.

3               Also, Ulster County Health  
4       Department approval for the  
5       subsurface sanitary disposal system.  
6       If you refer to last month's meeting  
7       minutes, I believe you can see in  
8       there that I slid the approval across  
9       the table to you during last month's  
10      meeting.

11              So that, in summary, is what  
12      we're trying to do here today.

13              At this point if anyone is here  
14      from the public or any further  
15      comments from the Planning Board,  
16      we'd be happy to entertain that.

17              CHAIRMAN BRAND: Thank you.

18              Pat, do you want to address  
19      some of your comments?

20              MR. HINES: He touched on all  
21      of ours.

22              I do note that my comment from  
23      the June meeting does identify that  
24      the highway superintendent signed off  
25      on the same night of the meeting.

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

2               That was by e-mail. I don't have it  
3               in my file, but I have an e-mail from  
4               the June 6th date.

5               I did see Mr. Scalzo showed me  
6               the approved plans from the Health  
7               Department.

8               We have no outstanding comments.

9               We did receive the percolation  
10              test that was referenced and do  
11              concur that a septic system could be  
12              constructed on the balance parcel.

13              CHAIRMAN BRAND: Additional  
14              comments or questions from the Board?

15              MR. GAROFALO: I have two  
16              comments. One is, if possible, I'd  
17              like to have the sight distances  
18              added onto the proposed driveway so  
19              that there's no question regarding  
20              sight distances, and on the plan  
21              before it's finalized.

22              MR. SCALZO: Okay. I  
23              understand exactly where you're  
24              going. Burma Road is a 1,200 foot  
25              length road. There are only a

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

2               handful of houses on there. I'd have  
3               to go investigate to see. I'm sure if  
4               there's a posted speed limit, it's  
5               probably 30. What are we looking at  
6               from the AASHTO book that we can't  
7               ascertain from actually physically  
8               visiting the site?

9               MR. GAROFALO: Take a picture  
10              and submit that. Submit something  
11              that you can go out and say we have  
12              at least that much sight distance.

13             MR. SCALZO: I understand your  
14             comment completely. This driveway  
15             we're proposing is nearly across the  
16             street from an existing driveway  
17             which was part of a four-lot  
18             subdivision years ago. If you  
19             insist, I suppose we'll do it. I  
20             almost think that it's a bit overkill  
21             for what we're doing here.

22             MR. GAROFALO: The thing is  
23             that who knows whether or not they  
24             did this for the prior subdivision.  
25             If they did do it and it's on record,

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

2               then that would probably be fine. My  
3               point is that these things should be  
4               on the plans so that if there ever is  
5               an accident, it's very clear.

6               Ideally it would have been done prior  
7               to the highway superintendent looking  
8               at this. For the record I think we  
9               need to have these on the plans, for  
10              the record.

11              MR. SCALZO: Mr. Garofalo, I do  
12              agree with you to an extent, if this  
13              were a County road or a more densely  
14              populated road.

15              In this case I'm going to look  
16              to the other Members of the Board.  
17              Is this something that the Board  
18              wants or just an individual Member?

19              MR. TRONCILLITO: You don't  
20              need it.

21              MR. CLARKE: Jim, have you ever  
22              been up there? Come on.

23              MR. GAROFALO: The Board can  
24              waive it. I certainly understand  
25              that under certain circumstances like

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

2           a cul-de-sac or something like that,  
3           that we would waive that.  If the  
4           Board wants to waive that  
5           requirement, then let the Board waive  
6           that requirement.

7           CHAIRMAN BRAND:  Can I have a  
8           motion to do that?

9           MR. CLARKE:  I will make that  
10          motion.

11          MR. TRONCILLITO:  I'll second  
12          it.

13          CHAIRMAN BRAND:  Any discussion?  
14          (No response.)

15          CHAIRMAN BRAND:  Any objection?  
16          (No response.)

17          CHAIRMAN BRAND:  We'll waive  
18          that requirement.

19          MR. SCALZO:  Thank you.  
20          You had a second question, sir?

21          MR. GAROFALO:  Second question.  
22          It looks like there's a farm lane  
23          access to Idlewild.  Is that  
24          something that goes by the existing  
25          warehouse?  Is that something that

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

2               you have -- lot 2 has access?

3               MR. SCALZO: Well Mr. Garofalo,  
4               we have visited that in previous  
5               meetings. From the filed map 21-144  
6               from a previous activity, there is  
7               access to our remaining lands parcel,  
8               if I'm understanding this question  
9               correctly, which was -- that was a  
10              filed document, filed instrument with  
11              the County of Ulster which does grant  
12              access to the remaining portion of  
13              the lands from Idlewild Road, and  
14              then there is an improved -- it's a  
15              farm lane that's there. It is shown  
16              by physical location. We were  
17              physically out there with  
18              instrumentation. Our land surveyor  
19              signed off that it is accurate as it  
20              appears on the map.

21              MR. GAROFALO: Thank you.

22              MR. SCALZO: Thank you.

23              CHAIRMAN BRAND: This is a  
24              public hearing. If there are any  
25              interested parties here to speak or



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

2               ask questions about this project,  
3               you'll have an opportunity to be  
4               heard at this time. State your name  
5               for the stenographer.

6               (No response.)

7               CHAIRMAN BRAND: Anyone?

8               (No response.)

9               CHAIRMAN BRAND: No. All  
10              right. I'd like a motion to close  
11              the public hearing.

12              MR. JENNISON: I'll make a  
13              motion.

14              MR. LOFARO: Second.

15              CHAIRMAN BRAND: Any discussion?

16              (No response.)

17              CHAIRMAN BRAND: Any objection?

18              (No response.)

19              CHAIRMAN BRAND: All right.

20              Mr. Battistoni, you prepared for us --

21              MR. BATTISTONI: That's the  
22              next one.

23              CHAIRMAN BRAND: So we need a  
24              motion to authorize the attorney to  
25              draft the resolution of approval and

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

2               SEQRA negative declaration and  
3               determination of nonsignificance.

4               MR. GAROFALO:  I will so move.

5               MR. LOFARO:  I'll second it.

6               CHAIRMAN BRAND:  Any discussion?

7               (No response.)

8               CHAIRMAN BRAND:  Any objection?

9               (No response.)

10              CHAIRMAN BRAND:  All right.  So  
11              you will be set for the next meeting.

12              MR. SCALZO:  Thank you very  
13              much.  The meeting which is labeled  
14              as final for your -- actually, your  
15              next item on the agenda, is that just  
16              for procedural issues?

17              CHAIRMAN BRAND:  Just passing  
18              of the actual resolution and the  
19              SEQRA determination of non-  
20              significance.  You also will have the  
21              recreation fee findings.  That's it.

22              MR. SCALZO:  Thank you very  
23              much.

24              (Time noted:  7:42 p.m.)

25

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

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

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

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

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

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

Michelle Conero

---

MICHELLE CONERO

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

- - - - - X  
In the Matter of

MARIA MEKEEL

Project No. 22-6001  
34 Bingham Road, Marlboro  
Section 108.4; Block 8; Lot 22.2

- - - - - X

FINAL - SUBDIVISION

Date: July 18, 2022  
Time: 7:42 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

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 is Maria Mekeel for a final of  
4 their subdivision.

5                    How are you tonight?

6                    MR. MESSINA: Good.

7                    CHAIRMAN BRAND: I think we're  
8 all set with this. At the last  
9 meeting we authorized the attorney to  
10 prepare a resolution and a SEQRA  
11 determination of nonsignificance.

12                    Jeff, do you have anything  
13 you'd like to add?

14                    MR. BATTISTONI: There's one  
15 comment I want to make. I believe  
16 the applicant had indicated that  
17 there was an easement for access but  
18 that it's not a recorded documentary  
19 easement, it's an easement by a note  
20 on a filed plat, both the prior one  
21 and the current one. I suggested  
22 that we actually get a recorded  
23 easement document that's also a  
24 maintenance agreement. Most banks  
25 want to see that when they're

1       M A R I A   M E K E E L

2               financing properties.

3               When I looked at the map, the  
4               existing driveway seems to have gone  
5               outside of the private road for a  
6               portion of the way here. That's a  
7               condition I added to the resolution,  
8               the approval resolution.

9               CHAIRMAN BRAND: Do you have  
10              any issues with that?

11              MR. MESSINA: I didn't hear all  
12              -- you want us to have a driveway  
13              resolution -- maintenance agreement?

14              MR. BATTISTONI: I want an  
15              easement for access on the existing  
16              driveway and a private road and then  
17              a maintenance agreement. It can be  
18              combined into one document. It  
19              shouldn't be too difficult.

20              MR. MESSINA: I think we  
21              presented, right, the previous  
22              subdivisions of that property. There  
23              were two or three. They all had that.

24              MR. BATTISTONI: I thought you  
25              said that there are notes on a filed

1       M A R I A   M E K E E L

2               map but not an actual recorded  
3               easement.

4               MR. MESSINA:   That's correct.

5               MR. BATTISTONI:  I think there  
6               should be a recorded easement.  It  
7               would only be a few pages long.  It  
8               would be an easement and a  
9               maintenance agreement.  I just think  
10              it's a good idea.

11              MR. MESSINA:  The maintenance  
12              agreement -- the homeowner is not  
13              here.  I think it's all in their  
14              family.  They're not concerned about  
15              having a maintenance agreement.

16              MR. BATTISTONI:  Right.  When  
17              they go to sell the lot, typically  
18              when a bank sees that there's a  
19              shared driveway or easement access  
20              for driveway purposes, they ask to  
21              see a maintenance agreement.  It  
22              would be good to do it now.

23              MR. MESSINA:  I have spoken to  
24              Ms. Mekeel about that.  She said if  
25              that becomes a fact, then at the time

1       M A R I A   M E K E E L

2               before they sell that property to  
3               someone else, they'll have that  
4               maintenance agreement.  Until then  
5               they would rather not do it.

6               MR. BATTISTONI:  I'm  
7               recommending to the Board that you  
8               include it as a condition in your  
9               resolution.

10              CHAIRMAN BRAND:  How does the  
11              Board feel?

12              MR. CLARKE:  Yes.

13              MR. TRONCILLITO:  Yes.

14              MS. LANZETTA:  Yes.

15              MR. GAROFALO:  Yes.

16              MR. JENNISON:  Yes.

17              MR. LOFARO:  Yes.

18              CHAIRMAN BRAND:  Yes, keep it.

19              Jeff, it's not complicated at  
20              all.  Right?

21              MR. BATTISTONI:  Not at all.  
22              It's maybe a three-page document.  It  
23              will benefit them in the long run, as  
24              well as the Town.

25              MR. TRONCILLITO:  It's not



1       M A R I A   M E K E E L

2               going to hold up the process?

3               MR. BATTISTONI:  No.  Tonight  
4               you'll approve it.  It's just a  
5               condition of the approval.

6               MR. MESSINA:  The description  
7               of the roadway, we could provide that  
8               pretty easily.  The maintenance  
9               agreement is something that can be  
10              complicated.

11              MR. HINES:  It doesn't have to  
12              be.

13              MR. BATTISTONI:  I'll leave  
14              that up to their attorney in terms of  
15              how they draft it.

16              MR. MESSINA:  I've been  
17              involved in terms of road maintenance  
18              agreements and they're more than  
19              three pages.

20              MR. BATTISTONI:  I've made my  
21              recommendation to the Board.

22              CHAIRMAN BRAND:  And the Board  
23              agreed.

24              MR. CLARKE:  I agree with Jeff.

25              CHAIRMAN BRAND:  That being

1       M A R I A   M E K E E L

2           said, you have an application of  
3       Maria Mekeel and Jeffrey Mekeel for a  
4       two-lot subdivision in the Town of  
5       Marlborough --

6           MR. MESSINA:   May I?   There's  
7       only -- there's a problem with that  
8       because there is someone who uses  
9       that roadway who is not part of this  
10      subdivision.   To get them to sign off  
11      on a road maintenance agreement may  
12      not be possible.

13           CHAIRMAN BRAND:   Jeff?

14           MR. BATTISTONI:   Who are you  
15      referring to?

16           MR. MESSINA:   I'm referring to  
17      Carmen Vasile, the trailer that's  
18      listed on there.   The lot that has  
19      the trailer on it.

20           MR. BATTISTONI:   Right, but  
21      that's where the existing driveway  
22      runs outside the private road.

23           MR. MESSINA:   We're talking  
24      about having a maintenance agreement  
25      for the driveway.   Correct?

1       M A R I A   M E K E E L

2                   MR. BATTISTONI:  We're talking  
3                   about having an easement that would  
4                   cover both the private road and the  
5                   existing driveway, a portion of which  
6                   is outside of the private road, and  
7                   then also having a maintenance  
8                   agreement.

9                   MR. MESSINA:  I understand.  
10                  How can we get that individual to  
11                  sign off when he's not party to this  
12                  subdivision?  It's not going to be  
13                  possible if he refuses.

14                  MR. CLARKE:  Is he not a relation?

15                  MR. MESSINA:  He is, but if he  
16                  doesn't want to, we cannot force him  
17                  to do it.

18                  MR. CLARKE:  Why couldn't the  
19                  road be changed to stay within the  
20                  private road?

21                  MR. MESSINA:  I didn't hear all  
22                  that.

23                  MR. CLARKE:  The issue that I  
24                  understand is that the existing  
25                  driveway is outside of the private

1       M A R I A   M E K E E L

2               road.

3               MR. MESSINA:   In some  
4               locations, correct. We're going to  
5               have the maintenance agreement,  
6               obviously, on the driveway. That's  
7               the only thing that needs to be  
8               maintained. The private road  
9               geometry is what it is and no one is  
10              going to change that. I just say if  
11              he doesn't want to be party to this,  
12              there's no way that we can make him  
13              do that, and therefore we won't be  
14              able to go ahead with this  
15              subdivision, which wouldn't be fair  
16              to the applicant.

17              MR. CLARKE:   I think as a  
18              Planning Board our responsibility is  
19              to the future. This is going to make  
20              complications in the future.

21              MR. MESSINA:   It's a point well  
22              taken. The problem is if we can't  
23              get him to agree, then we can't meet  
24              your requirements, then this  
25              subdivision will never be approved.

1       M A R I A   M E K E E L

2               That's not any fault of the  
3               applicant.

4               CHAIRMAN BRAND:  If that were  
5               the case would we be able to revisit  
6               this?

7               MR. BATTISTONI:  We could.  We  
8               could revise the resolution if need  
9               be.

10              CHAIRMAN BRAND:  Best case  
11              scenario, we'd like to see it done  
12              this way.  If you are unable to do  
13              so, you come back to us.

14              MR. HINES:  The maintenance  
15              agreement could be crafted so the two  
16              lots maintain it and that one doesn't.

17              CHAIRMAN BRAND:  He's just  
18              signing off on it.

19              So for the application of Maria  
20              Mekeel and Jeffrey Mekeel for a  
21              two-lot subdivision and SEQRA  
22              negative declaration and notice of  
23              determination of nonsignificance, I  
24              vote yes.

25              Member Lanzetta?

1        M A R I A   M E K E E L

2                    MS. LANZETTA:    Yes.

3                    CHAIRMAN BRAND:    Lofaro?

4                    MR. LOFARO:    Yes.

5                    CHAIRMAN BRAND:    Clarke?

6                    MR. CLARKE:    Yes.

7                    CHAIRMAN BRAND:    Jennison?

8                    MR. JENNISON:    Yes.

9                    CHAIRMAN BRAND:    Garofalo?

10                   MR. GAROFALO:    Yes.

11                   CHAIRMAN BRAND:    Troncillito?

12                   MR. TRONCILLITO:    Yes.

13                   CHAIRMAN BRAND:    For the  
14                   application of Maria Mekeel and  
15                   Jeffrey Mekeel for a two-lot  
16                   subdivision, you have a resolution of  
17                   approval by the Town Planning Board  
18                   dated July 18th.

19                   There was one correction on the  
20                   copies that you have. The third  
21                   paragraph down, it should say June  
22                   8th, and that had been corrected.

23                   That being said, I say yes.

24                   Member Lanzetta?

25                   MS. LANZETTA:    Yes.

1        M A R I A   M E K E E L

2                    CHAIRMAN BRAND:   Lofaro?

3                    MR. LOFARO:   Yes.

4                    CHAIRMAN BRAND:   Clarke?

5                    MR. CLARKE:   Yes.

6                    CHAIRMAN BRAND:   Jennison?

7                    MR. JENNISON:   Yes.

8                    CHAIRMAN BRAND:   Garofalo?

9                    MR. GAROFALO:   Yes.

10                   CHAIRMAN BRAND:   Troncillito?

11                   MR. TRONCILLITO:   Yes.

12                   CHAIRMAN BRAND:   Recreation fee  
13                   findings for the Town of Marlborough  
14                   Planning Board.   Whereas the Planning  
15                   Board has reviewed a subdivision  
16                   application known as Maria Mekeel  
17                   with respect to real property located  
18                   at 34 Bingham Road in the Town of  
19                   Marlborough, Member Brand offered the  
20                   following resolution which was  
21                   seconded by Member Jennison.   It is  
22                   hereby resolved that the Planning  
23                   Board make the following findings  
24                   pursuant to Section 277-4 of the Town  
25                   Law.   Based on the present and

1        M A R I A   M E K E E L

2            anticipated future need for park and  
3            recreational opportunities in the  
4            Town of Marlborough and to which the  
5            future population of the subdivision  
6            will contribute, parkland should be  
7            created as a condition of approval of  
8            the subdivision. However, a suitable  
9            park of adequate size to meet the  
10           above requirement cannot be properly  
11           located within the proposed project  
12           site. Accordingly, it is appropriate  
13           that in lieu of providing parkland,  
14           the project sponsors render to the  
15           Town payment of a recreation fee to  
16           be determined in accordance with the  
17           prevailing schedule established for  
18           that proposed by the Town of  
19           Marlborough. This approved  
20           subdivision of Maria and Jeffrey  
21           Mekeel resulted in one lot for a  
22           total of \$2,000 in recreation fees.

23                    Whereupon the following vote  
24                    was taken.

25                    Brand, yes.



1       M A R I A   M E K E E L

2                   Clarke?

3                   MR. CLARKE:   Yes.

4                   CHAIRMAN BRAND:   Garofalo?

5                   MR. GAROFALO:   Yes.

6                   CHAIRMAN BRAND:   Jennison?

7                   MR. JENNISON:   Yes.

8                   CHAIRMAN BRAND:   Lanzetta?

9                   MS. LANZETTA:   Yes.

10                  CHAIRMAN BRAND:   Lofaro?

11                  MR. LOFARO:    Yes.

12                  CHAIRMAN BRAND:   Troncillito?

13                  MR. TRONCILLITO:   Yes.

14                  CHAIRMAN BRAND:   You're all

15                  set, sir.   Thank you.

16

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

18

19

20

21

22

23

24

25

1        M A R I A   M E K E E 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 July 2022.

18  
19  
20  
21                    *Michelle Conero*

22                    \_\_\_\_\_  
23                    MICHELLE CONERO  
24  
25

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

- - - - - X  
In the Matter of

LIGHTHOUSE HOLDINGS

Project No. 22-6009  
131 Idlewild Road, Marlboro  
Section 108.3; Block 1; Lot 21.114

- - - - - X

SKETCH - SITE PLAN

Date: July 18, 2022  
Time: 7:51 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

1        L I G H T H O U S E   H O L D I N G S

2                    CHAIRMAN BRAND:   Next on the  
3                    agenda we have Lighthouse Holdings  
4                    for a sketch of their site plan at  
5                    131 Idlewild Road.

6                    MS. BROOKS:   Good evening.

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

9                    MS. BROOKS:   Absolutely.   You  
10                    have before you an application for a  
11                    site plan and special use permit for  
12                    a recyclable agricultural building  
13                    located on the southerly side of  
14                    Idlewild Road.   The property size is  
15                    2.61 acres.

16                    This was previously an approved  
17                    subdivision in 2016.   At that point  
18                    in time we proposed an agricultural  
19                    building additionally with a house,  
20                    well and septic.   The house was never  
21                    constructed and the agricultural  
22                    building was.

23                    At this point in time there's  
24                    new owners for the property. They're  
25                    interested in using the existing

1        L I G H T H O U S E   H O L D I N G S

2            agricultural building for warehouse  
3            storage of raw goods. They have an  
4            existing building with the majority  
5            of their warehousing in Newburgh.

6            There are no changes proposed  
7            to the existing site.

8            There's no additional lighting.

9            We've shown the location of the  
10          parking.

11          The proposed well and septic  
12          are as previously proposed, and they  
13          were updated with the approvals in  
14          November with the expiration being  
15          November of 2022. They are proposing  
16          to put in an existing well and  
17          septic.

18          The hours of operation will be  
19          Monday through Friday 7 to 6,  
20          Saturday and Sunday 9 to 5.

21          The number of employees is two  
22          to four.

23          The impact in the neighborhood  
24          on the site will actually be less  
25          than the existing agricultural use.

1       L I G H T H O U S E   H O L D I N G S

2                   The applicants are here this  
3       evening if you have any questions for  
4       them.

5                   CHAIRMAN BRAND:  Pat, did you  
6       want to run through your comments  
7       quickly?

8                   MR. HINES:  Sure.  My first  
9       comment states that they're here for  
10      the proposed agricultural recycled  
11      section of the code.

12                  I guess there's a question of  
13      whether this ever was an agricultural  
14      building.

15                  MR. TRONCILLITO:  I don't think  
16      it was used.

17                  MR. HINES:  It looks like it  
18      may have been vacant forever.

19                  MS. BROOKS:  May have been what?

20                  MR. HINES:  Vacant.

21                  MS. BROOKS:  The original  
22      application was for an agricultural  
23      building.  I don't know that -- that  
24      was what it was approved for.  I  
25      don't have any contradictory

1       L I G H T H O U S E   H O L D I N G S

2               information to that.

3               MR. TRONCILLITO:   What are you  
4               proposing to put in this building?  
5               I've got some neighbors that are kind  
6               of concerned of what's been happening  
7               there.   What they said was going to  
8               go in there never went in there.   I'd  
9               like to know what is going in there.

10              MS. BROOKS:   Are you talking  
11              about since these applicants have  
12              owned it?

13              MR. TRONCILLITO:   Yes.

14              MR. CHRIS STAFFON:   Would you  
15              like me to respond to that?

16              It's just going to be raw  
17              materials.   We're a manufacturer of  
18              traffic signals.   It's just going to  
19              be boxes and then plastic housings  
20              and stuff like that which we assemble  
21              together.   Nothing hazardous or toxic  
22              or anything like that.

23              MS. BROOKS:   It has been  
24              stipulated on the site plan warehouse  
25              storage of raw goods for traffic

1        L I G H T H O U S E   H O L D I N G S

2            safety supplies. There are no  
3            changes proposed to existing  
4            lighting, the security system. No  
5            exterior storage permitted. No  
6            hazardous materials to be stored at  
7            the facility. That is stated on the  
8            site plan.

9            CHAIRMAN BRAND: Pat?

10           MR. HINES: We're suggesting  
11           sight distance be shown at the access  
12           point.

13           We just heard a little history  
14           on the septic system. If you could  
15           give us a copy of those approvals.  
16           I'm assuming the septic system was  
17           designed for the house originally.

18           MS. BROOKS: It was.

19           MR. HINES: If we can get a  
20           copy of that showing it would be  
21           appropriate for this use and how this  
22           use is going to be tied in.

23           Vehicle storage. Are there any  
24           trucks? Right now there's only  
25           passenger car parking spaces provided.



1       L I G H T H O U S E   H O L D I N G S

2                   MS. BROOKS:   There are no  
3                   trucks proposed to be parked there.

4                   MR. HINES:   How do deliveries  
5                   get made?

6                   MR. CHRIS STAFFON:   It's  
7                   strictly an in and out facility.  We  
8                   get a delivery on the backside.  The  
9                   truck will pull right up to the  
10                  warehouse or we -- we're just in and  
11                  out of there.  We're not storing any  
12                  vehicles on the property.

13                  MS. BROOKS:   We do show the six  
14                  overhead door locations for the  
15                  existing building.

16                  MR. HINES:   We would suggest  
17                  there be a note added to the map that  
18                  there will be no outdoor storage of  
19                  vehicles, trucks.

20                  MS. BROOKS:   We have no  
21                  exterior storage permitted, but --

22                  MR. HINES:   I thought that was  
23                  dead storage.  I didn't know that was  
24                  vehicles.

25                  MS. BROOKS:   I guess I'm a

1       L I G H T H O U S E   H O L D I N G S

2           little bit confused.  What do you  
3           mean by vehicle storage?

4           MR. HINES:  I don't want to see  
5           fifteen tractor trailer trucks show  
6           up one day and stay there, or box  
7           trucks.  Otherwise we need to make  
8           provisions for them.

9           MS. BROOKS:  So no permanent  
10          vehicular storage on premises?

11          MR. HINES:  I would say overnight.

12          MS. BROOKS:  I would hesitate  
13          to say overnight, but --

14          MR. HINES:  That's what we just  
15          heard.

16          CHAIRMAN BRAND:  Do you foresee  
17          trucks being there overnight?

18          MR. CHRIS STAFFON:  Maybe for  
19          one night.  Occasionally if we have  
20          to -- maybe there's bad weather or  
21          something like that and we have to  
22          keep a vehicle there.

23          CHAIRMAN BRAND:  We want to see  
24          that on the map.

25          MS. BROOKS:  No vehicle storage

1       L I G H T H O U S E   H O L D I N G S

2               over 48 hours?  I mean that's not  
3               part of the code.

4               MR. TRONCILLITO:  Is that going  
5               to work for them?  How is that going  
6               to affect the business?

7               MS. BROOKS:  Again, that's not  
8               part of the code.

9               CHAIRMAN BRAND:  We want to see  
10              how they're going to be kept and how  
11              they're going to be parked.

12              MR. RAY STAFFON:  If there is,  
13              it would be one vehicle.  It wouldn't  
14              be multiple.

15              MR. HINES:  We're just trying  
16              to get a handle on what the use is  
17              and what the potential impacts are to  
18              the neighborhood.  If it's one  
19              vehicle, I don't know if we care.  If it  
20              becomes fifteen tractor trailers --

21              MR. TRONCILLITO:  The volume of  
22              traffic, that's what the concern is.  
23              Large trucks.

24              MR. CHRIS STAFFON:  Certainly  
25              the volume of truck traffic prior --

1       L I G H T H O U S E   H O L D I N G S

2               when the prior owner had it is much  
3               more than what we have now.

4               MS. BROOKS:   That's what I'm  
5               asking.   The concerns that the  
6               neighborhood has given you is not  
7               about this new applicant but it's  
8               about a prior use.

9               MR. TRONCILLITO:   I didn't know  
10              what the applicant was. I'm just  
11              talking what their concerns are is  
12              the volume of traffic and --

13              MS. BROOKS:   That previously  
14              was happening at the site.

15              CHAIRMAN BRAND:   And for this  
16              proposal, specifically for this  
17              proposal, what the truck traffic  
18              would be.

19              MR. HINES:   There was no  
20              previous use of this site was my  
21              understanding.

22              MS. LANZETTA:   Legal.

23              CHAIRMAN BRAND:   There was no  
24              agricultural use.

25              MR. TRONCILLITO:   Put it this

1       L I G H T H O U S E   H O L D I N G S

2               way.  It was used.

3               MS. BROOKS:  I'm sorry.  I'm  
4               unaware of the previous use.  I've  
5               only been working with the current  
6               applicant.

7               MR. HINES:  This is a special  
8               use in that district, recycled ag  
9               buildings, and will require a public  
10              hearing.

11              MS. BROOKS:  Pat, I did not get  
12              copies of those, your comments.

13              MR. HINES:  You did.  They were  
14              late.  You've got them now.

15              MS. BROOKS:  Okay.  I e-mailed  
16              at like a quarter to 6.

17              MR. HINES:  I answered your  
18              e-mail at 10 minutes to 6.

19              MS. BROOKS:  Okay.

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

22              MS. LANZETTA:  I'm just  
23              curious.  When we look at these  
24              recyclable agricultural buildings,  
25              normally with a site plan we look at

1       L I G H T H O U S E   H O L D I N G S

2           paved areas and that kind of stuff.  
3           Being that it's falling under a  
4           different code, how much are we  
5           required to look at that?

6                   MR. HINES:  I think portions of  
7           that code state things like to make  
8           sure it's in harmony with the  
9           neighborhood.  I can open the code  
10          section here.  That section of the  
11          code reads that you're doing this and  
12          there's no impact to the neighborhood  
13          by doing this.  You can evaluate that  
14          impact to the neighborhood and  
15          request, I guess, any reasonable  
16          conditions that you wish to apply.

17                   MS. LANZETTA:  Because I  
18          personally would prefer not to see  
19          too much impervious surface because  
20          of all the wetlands surrounding that  
21          area.  At the same time, I would be  
22          concerned about dust if that's  
23          something that the neighbors are  
24          concerned about.

25                   MR. HINES:  That's the

1        L I G H T H O U S E   H O L D I N G S

2            intensity of use we're discussing,  
3            how many trucks, how many vehicles.  
4            If it's an occasional truck and five  
5            passenger car parking spots, you  
6            don't want to pave the whole site.  
7            If they told me there were fifteen  
8            trucks coming, I would look at dust  
9            free surfaces.

10                    MS. LANZETTA:    So we need more  
11                    information about the operation.

12                    MS. BROOKS:    I guess at this  
13                    point in time what I'm hearing from  
14                    the Board, and please correct me if  
15                    I'm wrong, is that you're looking for  
16                    the number of vehicle trips that are  
17                    anticipated and at what frequency,  
18                    what kind of trucks, whether they're  
19                    seasonal or nonseasonal.    Again,  
20                    we're comparing this against an  
21                    agricultural use that was permitted  
22                    on this site.    Whether or not that  
23                    was what was most recently used on  
24                    the site I'm not in a position to  
25                    discuss because I'm working for the

1       L I G H T H O U S E   H O L D I N G S

2               new owners now.  Impacts regarding  
3               how this would compare to the  
4               previous approved agricultural use  
5               with regard to vehicle trips and  
6               usage of the building, hours of  
7               operation, et cetera.

8               MS. LANZETTA:  Thank you.

9               MR. GAROFALO:  I have a few  
10              questions.  Is there an e-mail address  
11              for the applicant?  That was left  
12              blank on the application.

13             MS. BROOKS:  Again, you had  
14              mentioned that on another  
15              application.  I went back and looked  
16              at the application and I didn't see  
17              where there was a spot specifically  
18              on the application for that e-mail  
19              address.

20             MR. GAROFALO:  Page 2.

21             MS. BROOKS:  Excuse me?

22             MR. GAROFALO:  Page 2.

23             MS. BROOKS:  Again, I saw  
24              address, telephone number.  I'm happy  
25              to add it.  The people who are



1       L I G H T H O U S E   H O L D I N G S

2               filling out the applications in my  
3               office, they see a question and they  
4               answer the question. Perhaps it needs  
5               to be clearer on the application, or  
6               maybe --

7               MR. GAROFALO:  It's right  
8               there, if you want to come and see.  
9               You can see the blank line.

10              MS. BROOKS:  Okay.

11              MR. GAROFALO:  That doesn't  
12              necessarily mean every applicant is  
13              going to have one, but then it should  
14              be answered none so we know for certain.

15              The parking for warehouse is  
16              one for each two employees but also  
17              has shall not be less than 25 percent  
18              of the building floor area, which is  
19              going to be considerably greater than  
20              the --

21              MS. BROOKS:  Is it gross floor  
22              area or is it the floor area that the  
23              employees utilize?  I don't believe  
24              it was gross floor area.

25              MR. GAROFALO:  I have the code

1       L I G H T H O U S E   H O L D I N G S

2               here. I can look it up. Needless to  
3               say, what I think we need to do is  
4               have the area where you're showing  
5               the parking, you're not going to like  
6               it because it's gravel, but show this  
7               is the area that's going to be  
8               parking, this is how much parking  
9               there is going to be.

10              MS. BROOKS: I think we showed  
11              the five parking spaces.

12              MR. GAROFALO: Yes. I have no  
13              idea how large that area is.

14              MS. BROOKS: I think the code  
15              requires a minimum of 10 by 20, 200  
16              square feet.

17              MR. GAROFALO: 162 square feet  
18              now.

19              MS. BROOKS: They reduced it.  
20              I'm above what we need to be.

21              MR. GAROFALO: It got reduced.  
22              The fact of the matter is this one  
23              for each two employees, it actually  
24              should be more. In any case, the  
25              code says one for two and 25 percent

1       L I G H T H O U S E   H O L D I N G S

2               of the building should --

3               MS. BROOKS: Right. So the  
4               required parking for two to four  
5               employees would have been one to two  
6               parking spaces and we show five  
7               parking spaces.

8               MR. GAROFALO: There's also a  
9               minimum of 25 percent of the floor  
10              area.

11              MS. BROOKS: Right. I don't  
12              believe that was gross floor area.  
13              Certainly we can both check that part  
14              of the code.

15              MR. HINES: It's also an ag  
16              building, it's not a warehouse.

17              MR. GAROFALO: We're in the  
18              right ballpark.

19              CHAIRMAN BRAND: Jeff -- Mr.  
20              Garofalo, I apologize -- so this  
21              section of the code, recyclable  
22              agricultural buildings, it's  
23              independent of these other codes.  
24              Right? So this warehouse question  
25              may not apply to this recyclable

1       L I G H T H O U S E   H O L D I N G S

2               agricultural building?

3               MR. HINES:   That section of the  
4               code is designed to give this Board  
5               great flexibility in what it's asking  
6               for, realizing that some of these  
7               buildings are out there.  We've had  
8               apple coolers converted into  
9               residential structures as part of  
10              this.  It kind of gives you  
11              discretion as to what you want to  
12              have these buildings used for.

13              CHAIRMAN BRAND:  It's independent.

14              MR. HINES:  It's independent.  
15              It's a section of the code, recycled  
16              agricultural buildings.  It doesn't  
17              say warehouse.  It doesn't say  
18              single-family residence.

19              MR. GAROFALO:  There's more  
20              than enough room there to show the  
21              parking.  My understanding of the  
22              requirements is if there's not going  
23              to be any public access to the  
24              building, then you don't have to have  
25              accessible parking.

1       L I G H T H O U S E   H O L D I N G S

2                   MS. BROOKS:   Correct.

3                   MR. GAROFALO:   Under 8 of 9 of  
4                   of the EAF you answered no, that it  
5                   will not exceed the State Energy  
6                   Code.   I think in most cases you want  
7                   to answer that yes, that you're going  
8                   to meet the State Code.

9                   MS. BROOKS:   There are no  
10                  changes proposed to this building.  
11                  I'm not aware of under what criteria  
12                  it was constructed with regard to the  
13                  New York State Energy Code.   I cannot  
14                  say that it is going to meet or  
15                  exceed the Energy Code because it's a  
16                  pre-existing building.   I don't feel  
17                  comfortable, with the knowledge that  
18                  I have, without consulting with the  
19                  building inspector, which perhaps the  
20                  Board feels necessary to do so.   I  
21                  can't change the answer on the EAF  
22                  for that.

23                  MR. GAROFALO:   I'm not sure if  
24                  the State Energy Code would be  
25                  required in this case.   Maybe that

1       L I G H T H O U S E   H O L D I N G S

2               would be -- the building inspector  
3               might have better knowledge of that.

4               MS. BROOKS: I feel comfortable  
5               with the answer that I gave.

6               MR. GAROFALO: Okay. With  
7               regard to the site plan, the western  
8               access comes out on a gravel road.  
9               Is there a shared agreement on the  
10              use of that small section of the  
11              gravel road?

12              MS. BROOKS: I will look into  
13              that.

14              MR. GAROFALO: It looks like  
15              there's a paddock, a farm road or  
16              something to the lands of Ernest  
17              Greiner via the southeast corner. Is  
18              that an actual connection?

19              MS. BROOKS: No. That's an old  
20              farm road.

21              MR. GAROFALO: Okay.

22              CHAIRMAN BRAND: I think that  
23              was one of questions that we got from  
24              neighbors as well before, that there  
25              was one -- whoever was approved

1       L I G H T H O U S E   H O L D I N G S

2               previously, that that access point is  
3               not being utilized and they are  
4               actually using the other gravel road  
5               as well.

6               Are there two gravel lanes  
7               coming out?

8               MS. BROOKS:   Yes.

9               CHAIRMAN BRAND:  Are they kind  
10              of using it as a loop?

11              MS. BROOKS:   Yes.

12              CHAIRMAN BRAND:  We have to  
13              look at this literally.

14              MS. BROOKS:   So the question is  
15              whether that was approved previously?

16              CHAIRMAN BRAND:  Apparently it  
17              was not.  I could be wrong.

18              MS. BROOKS:   So the landowner  
19              potentially to the west has a concern  
20              about the continued use of that access?

21              CHAIRMAN BRAND:  Just that it's  
22              not -- it's not what was originally  
23              approved, the usage for the access.

24              MR. GAROFALO:  Thank you.

25              CHAIRMAN BRAND:  Any other

1       L I G H T H O U S E   H O L D I N G S

2               questions or comments?

3                       (No response.)

4               CHAIRMAN BRAND:  No.  So I  
5               think, Jeff, maybe we don't need it,  
6               does the rest of the Board feel as  
7               though we need more clarification on  
8               the agricultural recyclable building,  
9               its usage previously.  Do we feel  
10              that's something we need to do before  
11              proceeding further?

12              MS. LANZETTA:  I think I would  
13              feel good getting that information,  
14              but at the same time scheduling a  
15              public hearing to get the public  
16              input as well.

17              CHAIRMAN BRAND:  Okay.

18              MR. LOFARO:  I would agree.

19              MS. BROOKS:  Can I just ask a  
20              question, though?  What I heard you  
21              say was with regard to what was  
22              happening previously at the site.  
23              Does that matter with what's  
24              happening going forward, because --

25              CHAIRMAN BRAND:  That's my



1       L I G H T H O U S E   H O L D I N G S

2               question.

3               MS. BROOKS: I would like some  
4               clarification on that.

5               CHAIRMAN BRAND: Because the  
6               section of the code is entitled  
7               recycled agricultural buildings. If  
8               it was never an agricultural  
9               building, I don't know if it being  
10              approved as an agricultural is enough  
11              to say it was an agricultural  
12              building, or do they have to show  
13              there was actually an agricultural  
14              use being done there for this section  
15              of the code to apply. That's above  
16              my pay grade, those questions.

17              MS. LANZETTA: In the beginning  
18              it says storage, processing and  
19              packaging buildings shall include  
20              coolers, packing houses. These  
21              buildings may be utilized for non-  
22              agricultural activities such as  
23              warehousing, et cetera.

24              CHAIRMAN BRAND: For the next  
25              time. Not the previous time.

1       L I G H T H O U S E   H O L D I N G S

2                   MS. LANZETTA:  When they say  
3                   agricultural buildings, they're  
4                   including storage, processing,  
5                   packaging buildings like coolers,  
6                   packing houses and barns.

7                   MS. BROOKS:  So I guess my main  
8                   concern would be that if the prior  
9                   owner went to the Building Department  
10                  and got a building permit to  
11                  construct an agricultural building  
12                  and then a new owner came in  
13                  purchasing something that, by the  
14                  building permit, was an agricultural  
15                  building, and he was aware of the  
16                  fact that there was the agricultural  
17                  reuse part of the code, and he  
18                  purchased the building knowing that,  
19                  to not allow him to move forward  
20                  based on what is already part of the  
21                  record would not necessarily --

22                  CHAIRMAN BRAND:  I understand.

23                  MS. BROOKS:  I can't say that  
24                  the people who applied for something  
25                  were legally supposed to be doing

1       L I G H T H O U S E   H O L D I N G S

2               something and perhaps weren't, but I  
3               don't know that this particular  
4               applicant buying it in good faith,  
5               believing that everything was what it  
6               should be and what was represented to  
7               him, should have to suffer the  
8               consequences for somebody not --

9               MR. TRONCILLITO:  You don't  
10              want to penalize them.

11             MS. BROOKS:  Correct.  That's  
12             what I'm saying.  I'm asking the  
13             Board to take that into  
14             consideration.  Even if the previous  
15             owner perhaps wasn't utilizing it the  
16             way the building permit was issued,  
17             perhaps that's an enforcement issue  
18             and not necessarily something that  
19             this applicant should be penalized  
20             for.

21             CHAIRMAN BRAND:  I'll definitely  
22             check with Tom just to get  
23             clarification without holding you up.

24             MR. GAROFALO:  The thing we  
25             want to be careful of here, and I

1        L I G H T H O U S E   H O L D I N G S

2            don't think this is the case in this  
3            situation, is have an applicant come  
4            in with an agricultural building and  
5            then turn around and have him decide  
6            he's going to use it as a recycling  
7            agricultural building. That's not  
8            the case here but that's something  
9            that the Board has to be careful  
10           doesn't occur.

11                    MS. LANZETTA: At the same  
12            time, if you look at where it's  
13            located and the surrounding  
14            agricultural uses and additional  
15            buildings that are in the same  
16            location, just because it's a  
17            recyclable agricultural building  
18            doesn't mean that we still can't  
19            impose certain standards that we  
20            think are important, as we would with  
21            any other site review. So I don't  
22            think it's really a big deal myself  
23            as long as we do our due diligence  
24            and just make sure that we're  
25            addressing all the issues that might

1       L I G H T H O U S E   H O L D I N G S

2               be raised that would affect the  
3               neighbors.

4               CHAIRMAN BRAND:   So is the  
5               Board comfortable scheduling a public  
6               hearing?

7               Do we have enough time for the  
8               meeting of August 1st, Patti?

9               MS. BROOKS:   I do because I do  
10              the advertising and everything.   I  
11              can supply Jen with all the paperwork.

12              CHAIRMAN BRAND:   She's on  
13              vacation.   Kathi is the person.

14              MS. BROOKS:   Yes.

15              CHAIRMAN BRAND:   Do we have a  
16              motion to schedule a public hearing  
17              for August 1st?

18              MR. TRONCILLITO:   I'll make the  
19              motion.

20              MR. JENNISON:   Second.

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

23              CHAIRMAN BRAND:   All right.   So  
24              we'll do that August 1st.

25              MR. HINES:   Are you going to be

1       L I G H T H O U S E   H O L D I N G S

2           able to get that published in time?

3           MS. BROOKS:   Pardon me?

4           MR. HINES:   Are you going to be  
5           able to get that published in time?

6           MS. BROOKS:   Today is --

7           CHAIRMAN BRAND:   The 18th.

8           MS. BROOKS:   If I get it to the  
9           paper by Wednesday -- by tomorrow  
10          morning.   I think I can, I think I  
11          can, I think I can.   I will get back  
12          to the Board if that's going to be an  
13          issue.

14          CHAIRMAN BRAND:   If not, we can  
15          push it to the following meeting.

16          MS. BROOKS:   The following  
17          meeting would be?

18          MR. HINES:   The 15th.

19          MS. BROOKS:   I will let the  
20          Board know through Kathi which date  
21          I'm able to get it advertised with  
22          the newspaper.

23          CHAIRMAN BRAND:   Great.   Thank  
24          you.

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

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

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

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

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

Michelle Conero

---

MICHELLE CONERO

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

TOP SEED LANDSCAPE - AMENDED  
  
Project No. 22-6010  
1943 Route 9W, Milton  
Section 103.1; Block 1; Lot 18

----- X

SKETCH - SITE PLAN

Date: July 18, 2022  
Time: 8:15 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

----- X

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



1 TOP SEED LANDSCAPE

2 CHAIRMAN BRAND: Next on the  
3 agenda we have Top Seed Landscape for  
4 an amended sketch of their site plan  
5 at 1943 Route 9W.

6 Is anyone here for Top Seed?

7 (No response.)

8

9 (Time noted: 8:15 p.m.)

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1 TOP SEED LANDSCAPE

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 July 2022.  
18  
19  
20

21 *Michelle Conero*

22 \_\_\_\_\_  
23 MICHELLE CONERO  
24  
25

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

BAYSIDE AMENDED  
Project No. 22-6011  
18 Birdsall Avenue, Marlboro  
Section 109.1; Block 1; Lot -4-29

- - - - - X

SKETCH - AMENDED SITE PLAN

Date: July 18, 2022  
Time: 8:16 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: ERIC BAXTER,  
DANIEL RIEGER, JUSTIN DATES & TIMOTHY HARMON

- - - - - X

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

1       B A Y S I D E   A M E N D E D

2                   CHAIRMAN BRAND:   Moving along.  
3       We have Bayside for an amended sketch  
4       of their site plan at 18 Birdsall  
5       Avenue.

6                   While they're getting ready;  
7       Pat, do you want to run through your  
8       comments?

9                   MR. HINES:   As I explained to  
10      you earlier, we issued comments in  
11      June and I did not notice that I  
12      received an application packet  
13      because my June comments were on top  
14      of it.   I did review what I had.   I  
15      don't have any written comments.   I  
16      did review their submission this  
17      afternoon when Justin called me and  
18      said we don't have your comments.  
19      Basically they've addressed a lot of  
20      our previous comments.

21                  They're here for a change of a  
22      map note.   There was a map note on  
23      the original plan.   I believe there  
24      were discussions revolved around  
25      impacts to the neighbors and the

1        B A Y S I D E   A M E N D E D

2                proximity to the school.

3                In their SEQRA resolution the  
4                Town Board was lead agency for this.  
5                The Town Board developed the SEQRA  
6                findings, not you as the Planning  
7                Board, because there were zone  
8                changes involved as well. There's a  
9                section of the SEQRA documents that  
10               identifies the potential for future  
11               blasting. It says that they will use  
12               mechanical means to the extent  
13               practicable but blasting may be  
14               required. So it's not -- at first I  
15               thought maybe it was a SEQRA issue  
16               where the Town Board made findings  
17               that said it wasn't going to be  
18               allowed to be blasted, and that's  
19               where the note came from. It's not  
20               coming from that. There's discussion  
21               in the SEQRA findings that do open up  
22               the door for blasting. It doesn't  
23               say they're going to but it kind of  
24               leaves it open for that.

25               Interestingly we received a

1        B A Y S I D E   A M E N D E D

2                letter from the school district that  
3                appeared fairly favorable in terms of  
4                the long-term hammering of the rock  
5                on the site and the issues involved  
6                with that. Dickie's Diner right up  
7                the road, we had jackhammering there  
8                for, I don't know, a couple years.  
9                That was a long time, a long process.

10               They're here to remove that map  
11               note. I think they are here for an  
12               amended site plan.

13               I was interested in finding out  
14               the impacts to -- this project is  
15               currently only building the  
16               residential portion. I want to make  
17               sure that they don't create impacts  
18               where they are boxing in the future  
19               developer that also needs to blast by  
20               putting 104 residential structures  
21               around an area that may need blasting  
22               in the future, so I have comments on  
23               that. Their response was they are  
24               not responsible for that, but I think  
25               that needs to be looked at by the

1       B A Y S I D E   A M E N D E D

2               Board as well. We know they are  
3               blasting now.

4               I asked how much material would  
5               be removed for blasting. Their  
6               response was no additional material  
7               would be removed. I would like to  
8               have a handle on how much material is  
9               going to get blasted and the duration  
10              of that, and how much of that is  
11              going to be moved around on the site.

12              With that, I think we'll let  
13              them do a presentation. We haven't  
14              had one from them yet.

15              MR. BAXTER: Thank you for  
16              having us. I'm Eric Baxter, part of  
17              the development team. That's my  
18              partner, Dan Rieger.

19              MR. DATES: Justin Dates,  
20              Colliers Engineering & Design.

21              MR. HARMON: Tim Harmon, I work  
22              for Maine Drilling & Blasting. I'm  
23              here to answer any questions you may  
24              have on blasting.

25              MR. BAXTER: So as you may see,

1       B A Y S I D E   A M E N D E D

2               we got started with the site work  
3               over there, removal of the trees,  
4               SWPPP work.

5               We're really looking to get  
6               going on foundations. We've  
7               obviously run into this note and  
8               would like to get this cleaned up.  
9               We feel it's very advantageous for  
10              both the neighbors and the project to  
11              actually remove the note regarding  
12              blasting, as we'll talk about in the  
13              presentation. The drilling may take  
14              the course of the project which will  
15              be an every day occurrence, eight  
16              hours or more a day, every day of the  
17              week, where blasting is a very short  
18              duration. You might have two or  
19              three blasts a day that each lasts a  
20              second. We should be done with that  
21              within five to six weeks of the  
22              project and it would be done.

23              So again, I think what we want  
24              to do here is inform both the  
25              Planning Board and the neighbors what



1       B A Y S I D E   A M E N D E D

2           the blasting will actually entail to  
3           make sure that the information is  
4           correct for everyone so they  
5           understand what's going on with the  
6           project.

7           So blasting facts. The blast  
8           takes about one to two seconds.  
9           Ground vibrations, if any, two  
10          seconds. Blasting will occur a few  
11          times a day. Like I mentioned, two  
12          or three times a day. The seismic  
13          impact will be two inches a second.

14          Again, this is what I spoke  
15          about previously about blasting  
16          versus jackhammering. The blasting  
17          will just take four to six weeks and  
18          all the blasting for the site will be  
19          complete. Both work will be done  
20          daily. Blasting the majority of the  
21          time is you're just drilling in  
22          certain areas and then the blast will  
23          occur. Jackhammering is the constant  
24          noise of the hammer going. We'll  
25          send videos of that.

1       B A Y S I D E   A M E N D E D

2                   As I mentioned, one to three  
3       blasts per day that lasts one to two  
4       seconds. The work done for  
5       jackhammering continues throughout  
6       the day.

7                   The noise in decibels is not  
8       that much different. 133 decibels  
9       versus 90 to 110 decibels.

10                  Again, the seismic impact, as I  
11       mentioned previously, is two inches  
12       per second.

13                  For stormwater management this  
14       is much more preferred. It's a lot  
15       more controlled where a jackhammering  
16       is detrimental to stormwater  
17       management.

18                  MR. RIEGER: One more fact  
19       that's really important is the  
20       jackhammering we're projecting is  
21       going to take 18 to 24 months. There  
22       was a project down the road, it's the  
23       same rock, it's a similar, you know,  
24       type of situation. We're expecting  
25       that's going to take that long to

1       B A Y S I D E   A M E N D E D

2               jackhammer everything that is there.

3               MR. HINES:   There's a project  
4               down the road in the Town of Newburgh  
5               by Parr Valley there.   I don't know  
6               if anybody has been watching that.  
7               They chose to jackhammer that.   They  
8               ruined two machines and multiple  
9               bits.   They finally had to surrender  
10              after nine months and do the blasting.

11              CHAIRMAN BRAND:   I just have a  
12              quick question.   If the blasting were  
13              to occur, there would be no need for  
14              future jackhammering?

15              MR. BAXTER:   As long as there  
16              are no site changes, then yes, and we  
17              do the job correctly and they get all  
18              the areas that need to be blasted.  
19              To say that there's going to be zero  
20              jackhammering is impossible for me to  
21              tell you now.   There might be one  
22              little nub that got missed here or  
23              there that you have to bring in the  
24              hammer, but it would be very minimal.

25              MR. HINES:   Utilities also

1       B A Y S I D E   A M E N D E D

2               cause problems with that.  If they  
3               don't shoot correctly and shoot  
4               utility trenches, oftentimes they  
5               have to come back and jackhammer  
6               those.  It depends on your blaster  
7               and the blasting.

8               MR. BAXTER:  It would be -- you  
9               know, instead of 18 to 24 months, it  
10              might be bring the hammer in for two  
11              days, and we might get to another  
12              site and we have the bring the hammer  
13              in for another two days six months  
14              down the road.  So it would be very  
15              minimal.

16              Do you want to speak on the  
17              process?

18              MR. HARMON:  The process of  
19              blasting?

20              MR. BAXTER:  Yes.  From pre-  
21              blast to --

22              MR. HARMON:  We would offer  
23              pre-blast surveys.  I believe in your  
24              town code it's within 300 feet.  We  
25              would send out notices, offer pre-

1       B A Y S I D E   A M E N D E D

2               blast surveys to any buildings within  
3               300 feet, certified letter. The  
4               blasting would begin. We're going to  
5               drill a pattern --

6               CHAIRMAN BRAND: Can you speak  
7               to that? There's people behind you  
8               interested in that. If I live within  
9               300 feet, you're going to come out  
10              and inspect my property?

11              MR. HARMON: Correct. We would  
12              send a representative out. We would  
13              send a representative out, they would  
14              go through the house, videotape any  
15              obvious damage that is existing so if  
16              there was a damage claim after the  
17              fact, you can see whether or not it  
18              was before or after the blast.

19              MR. HINES: It's usually third-  
20              party people that do that. Right?

21              MR. HARMON: We use our own  
22              unless it's specified that we have to  
23              use a third party. We have our own  
24              safety department that does that.

25              MR. RIEGER: Before the blast

1       B A Y S I D E   A M E N D E D

2               we send somebody out to review and  
3               look through the entire house and  
4               videotape, and then if somebody was  
5               to make a claim that there was  
6               damage, we have the evidence of what  
7               was there beforehand versus what may  
8               or may not have occurred after the  
9               blast.

10              UNIDENTIFIED SPEAKER:  You're  
11              going to go to every single home and  
12              you're going to go inside, inspect  
13              it, take pictures, the whole shebang,  
14              and if there's damage you will repair  
15              it?

16              MR. RIEGER:  Yes.

17              UNIDENTIFIED SPEAKER:  Do we as  
18              individuals get that all in writing  
19              from you?

20              MR. RIEGER:  Yes. We send  
21              certified letters out and every --  
22              it's town code.

23              MR. HARMON:  Town code is 300  
24              feet.

25              MR. RIEGER:  We send them out

1       B A Y S I D E   A M E N D E D

2               to everybody within 300 feet.

3                       UNIDENTIFIED SPEAKER:   Why 300  
4               feet?

5                       MR. RIEGER:   That's town code.

6                       UNIDENTIFIED SPEAKER:   Poughkeepsie  
7               blasts every day at noon and my house  
8               rumbles from that.   Do you think a  
9               third of a mile away from your blast  
10              site, I'm not going to get a cracked  
11              foundation?

12                      MR. HINES:   These are very  
13              different blasts.

14                      CHAIRMAN BRAND:   Can you maybe  
15              show where the proposed blasting is  
16              going to be, too?

17                      MR. HARMON:   Do you have a cut  
18              fill?

19                      MR. RIEGER:   We don't have  
20              proposed blasting locations.

21                      MR. HARMON:   I looked at the  
22              cut fill today --

23                      MR. DATES:   I have a copy.

24                      MR. HARMON:   I think that's  
25              what they're asking to see.

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:  Do you want to go  
3       back to the site map, Dan?

4                   MR. JENNISON:  Does the school  
5       have the same issue?  Are you going  
6       to go in and inspect the middle  
7       school?

8                   MR. HARMON:  Yes.  They would  
9       do a pre-blast survey on the middle  
10      school, yes.

11                  CHAIRMAN BRAND:  We received a  
12      letter from the middle school.

13                  MR. HARMON:  I'm doing this  
14      from memory, so please --

15                  CHAIRMAN BRAND:  I think at  
16      this point just even rough spots  
17      would be fine.

18                  MR. JENNISON:  Can you tell us  
19      the difference between what we get  
20      everyday at noon from across the  
21      river to what you're going to be  
22      doing?

23                  MR. HARMON:  I have no idea  
24      what's going on across the river.

25                  MR. HINES:  Quarry blasting.



1       B A Y S I D E   A M E N D E D

2                   MR. JENNISON:  They're quarry  
3       blasting every day.

4                   MR. HARMON:  Is that in  
5       Fishkill?

6                   MR. BAXTER:  Poughkeepsie.

7                   MR. HINES:  Trap Rock across  
8       the river.

9                   MR. HARMON:  These cuts -- I  
10       believe the deepest cut in the entire  
11       project that needs blasting is 16  
12       feet.  Very shallow cuts.  It's going  
13       to be very small amounts of  
14       explosives.  The less explosives  
15       used, the less vibration there is.  
16       Vibration isn't dictated by how large  
17       a blast is.  Vibration is dictated by  
18       how much explosives go off at one  
19       time.  When you're in a quarry,  
20       they're there probably shooting maybe  
21       a 50-foot hole, 60-foot hole.  That's  
22       several hundred pounds of explosives.  
23       You're looking at 20 or 30 pounds.  
24       Big difference.

25                   If I recall correctly, now this

1       B A Y S I D E   A M E N D E D

2               is 9W so the school is over here.

3               MR. HINES:   The school is  
4               off --

5               MR. HARMON:   The majority of  
6               the blasting was in this area right  
7               here. There were some shallower cuts.  
8               The majority of the blasting is in  
9               this area. There were some shallow  
10              cuts off here to the left. The  
11              deepest cuts are right in this area  
12              here.

13              UNIDENTIFIED SPEAKER:   You're  
14              saying the shallow --

15              MR. BAXTER:   Shallow is the  
16              depth. The lower the depth, the  
17              least amount of explosives. So it's  
18              even smaller in those areas.

19              MR. HARMON:   For example, the  
20              closest point to the school, I  
21              believe the most I had to blast was 8  
22              feet, so we would be drilling an 11  
23              foot hole.

24              UNIDENTIFIED SPEAKER:   Why  
25              couldn't you just jackhammer? When

1       B A Y S I D E   A M E N D E D

2               they put in the Mobil station they  
3               jackhammered.

4               MR. HARMON:   It takes forever.  
5               Jackhammering is not a quick process.

6               UNIDENTIFIED SPEAKER:   That's  
7               what they did for the Mobil and they  
8               were able to put a Mobil station in.

9               MR. HARMON:   The blasting that  
10              went on years ago, it's not like that  
11              any more.

12              UNIDENTIFIED SPEAKER:   Our  
13              homes are over 60 years old as well  
14              as Birdsall Avenue.   This is why  
15              we're afraid.

16              UNIDENTIFIED SPEAKER:   150  
17              years old.

18              MR. HARMON:   We live in the  
19              northeast.   The freeze/frost cycles  
20              that we have every single year are  
21              far more damaging to our houses.   The  
22              limits that we have of at 2 inches  
23              per second of velocity, they were  
24              designed so they won't damage your  
25              house.   They did that research back

1       B A Y S I D E   A M E N D E D

2               in the `70s and `80s. What they  
3               found was that it took over 4 inches  
4               per second of velocity to damage a  
5               house.

6               MR. HINES: Those are seismic  
7               readings that he's talking about.

8               UNIDENTIFIED SPEAKER: I  
9               understand that. I was talking to  
10              FEMA today and they also stated if we  
11              are this close to any type of  
12              blasting, we have houses over 150  
13              years old with a concrete foundation,  
14              it's subject to cracks.

15              MR. BAXTER: We did a very  
16              similar project in LaGrange with  
17              similar age homes and we had no  
18              issues or no damage.

19              UNIDENTIFIED SPEAKER: Where  
20              was that?

21              MR. BAXTER: LaGrange.

22              UNIDENTIFIED SPEAKER: Where?

23              MR. BAXTER: The development --  
24              Overlook Road.

25              UNIDENTIFIED SPEAKER: Overlook

1       B A Y S I D E   A M E N D E D

2               Road in LaGrange?

3               MR. BAXTER:   Yup.

4               MR. HARMON:   We're blasting  
5               next to hospitals all the time.  One  
6               of the projects that I personally  
7               worked on was at West Point in 2013  
8               to 2014.  There's a cathedral there.  
9               It's a historical cathedral.  We were  
10              blasting within 40 feet of that and  
11              we couldn't damage it, and we didn't  
12              because these charges are so precise  
13              now that you can do that without  
14              getting into that.

15              UNIDENTIFIED SPEAKER:  I'd  
16              rather you just jackhammer.

17              MR. JENNISON:  I think the  
18              difference what we get every day at  
19              12:00.  Everybody feels it on this  
20              side of the river.

21              MR. HARMON:  Again, you're  
22              looking at hundreds of pounds of  
23              explosives.

24              MR. CLARKE:  Are you going to  
25              mat this?

1       B A Y S I D E   A M E N D E D

2                   MR. HARMON:  Everything.  I  
3       believe in your code it's 300 feet.  
4       I could be off on that.  It might be  
5       250.  It says in your code everything  
6       has to be matted at that point and  
7       then it's suggested beyond.  I drove  
8       through the site before I came here.  
9       I would expect we would mat  
10      everything a hundred percent.  The  
11      houses over on Purdy are pretty  
12      close.  The elementary school is  
13      close.

14                  MR. CLARKE:  Over here it was  
15      supposed to be like that too and the  
16      rock went 250 yards.  I would suggest  
17      matting it.

18                  MR. BAXTER:  Yeah, yeah.

19                  MR. HARMON:  It will be matted.  
20      Everything will be designed to  
21      promote horizontal movement so it  
22      doesn't go vertical.  Safety is our  
23      top priority.

24                  MR. CLARKE:  If they can  
25      collapse buildings on one another,

1       B A Y S I D E   A M E N D E D

2               I'm sure you can do this job.

3               MR. HARMON:  Again, the last  
4               thing we want to do is damage your  
5               house.

6               UNIDENTIFIED SPEAKER:  So what  
7               guarantee will you give me if you  
8               crack my house?

9               MR. HARMON:  All of our  
10              explosive charges are carefully  
11              measured. All of the calculations are  
12              done beforehand to predict what the  
13              vibration is going to be so we can  
14              keep it well below that 2 inches per  
15              second.

16              UNIDENTIFIED SPEAKER:  What  
17              guarantee will you give me if you  
18              crack my foundation that you are  
19              going to repair it?

20              MR. RIEGER:  Do you carry  
21              insurance coverage?

22              MR. HARMON:  I couldn't, off  
23              the top of my head, tell you --

24              MR. RIEGER:  I don't know the  
25              exact coverage but his company, Maine

1       B A Y S I D E   A M E N D E D

2               Blasting & Drilling, is also the same  
3               company that's doing the aqueduct  
4               underneath the river. It's like a  
5               major company. It's one of the  
6               biggest in the area.

7               MR. HARMON: The largest in the  
8               northeast.

9               MR. RIEGER: Somebody will come  
10              and review a damage claim.

11              UNIDENTIFIED SPEAKER: You're  
12              going to give a certificate of  
13              insurance with all our names listed  
14              as additional insureds?

15              MR. RIEGER: Everything within  
16              a certain distance and everybody that  
17              receives the certified mail and we  
18              come out and do the pre-blast survey.  
19              That's part of the process.

20              UNIDENTIFIED SPEAKER: We'll  
21              all get a certificate of insurance  
22              from you?

23              MR. RIEGER: I don't know  
24              exactly how it works.

25              MR. HARMON: I don't believe



1       B A Y S I D E   A M E N D E D

2               that every person on the pre-blast  
3               survey is listed on that. That's not  
4               my department so I can't really speak  
5               to that.

6               MR. RIEGER: I don't think  
7               everybody does.

8               UNIDENTIFIED SPEAKER: That's  
9               what I'm saying.

10              MR. RIEGER: Let me get you an  
11              answer on that. Let me make a phone  
12              call and get you a better answer on  
13              that.

14              CHAIRMAN BRAND: This really  
15              isn't a public hearing. We'll have  
16              the public hearing and hopefully  
17              we'll have additional questions as  
18              well. I think the more specifics  
19              that you guys can provide at that  
20              time --

21              UNIDENTIFIED SPEAKER: Chris,  
22              there are a lot of people who wanted  
23              to be here if they had known.  
24              They've been calling me saying can  
25              you get information for me. I'm

1       B A Y S I D E   A M E N D E D

2           like, you know --

3                   CHAIRMAN BRAND:  Tonight was  
4           just a preliminary.

5                   MR. BAXTER:  This isn't the  
6           public hearing.

7                   UNIDENTIFIED SPEAKER:  But they  
8           want to be here to hear every detail.  
9           Everyone is very concerned.  I live  
10          right across from your construction  
11          site and I'll tell you it's been  
12          dirty, it's been noisy.  It's been a  
13          real summer from hell.  I've been in  
14          my house.  I can't go out in the  
15          yard.  I can't work out there for two  
16          weeks straight.  It was just noise,  
17          noise, noise.  I went to bed at  
18          night, I had that noise going in my  
19          head.

20                   MR. BAXTER:  Probably from the  
21          hammering that's going on right now.

22                   UNIDENTIFIED SPEAKER:  No.  It  
23          was from that machine, from grinding.  
24          The constant grind.

25                   MR. RIEGER:  The blasting is

1       B A Y S I D E   A M E N D E D

2               going to be significant -- not the  
3               blasting. The jackhammering is going  
4               to be significantly worse, which is  
5               why we're trying to avoid having to  
6               do that.

7                       UNIDENTIFIED SPEAKER: I'm  
8               concerned for my investment. My home  
9               is my biggest investment. If it gets  
10              destroyed -- if you take it and  
11              change the balance of that house, how  
12              is there a guarantee that ten years  
13              down the road I don't have more  
14              damage? Will it show up overnight?  
15              No.

16                     I will tell you a quick story.  
17              I got hit in the head and five years  
18              later I had a problem. It took five  
19              years.

20                     MR. BAXTER: Again, this isn't  
21              a public hearing.

22                     CHAIRMAN BRAND: I'm going to  
23              let her go as long as she wants to.

24                     UNIDENTIFIED SPEAKER: Chris,  
25              behave yourself. I know where you

1       B A Y S I D E   A M E N D E D

2               live.

3               UNIDENTIFIED SPEAKER:  Even if  
4               you talk with FEMA, it will say you  
5               can do your blasting and it could be  
6               a hairline crack without a crumble  
7               every single day.

8               CHAIRMAN BRAND:  I think that's  
9               something --

10              UNIDENTIFIED SPEAKER:  That's  
11              where I want that guarantee that if  
12              something should happen, you will fix  
13              it.

14              MR. BAXTER:  We'll get those  
15              answered by the -- we'll have those  
16              answers by the next meeting.

17              CHAIRMAN BRAND:  They're going  
18              to want those answers for the public  
19              hearing.  I think you need to button  
20              down exactly which of those homes are  
21              within 300 feet of the blast site.  
22              This site plan mailing would have to  
23              go out for that public hearing.  It  
24              would have to go out for everybody  
25              within 500 feet.  I wouldn't wanted

1       B A Y S I D E   A M E N D E D

2               to have to be the guy explaining  
3               we're going to cover your house but  
4               not your house.

5               MR. HARMON: Our engineer has  
6               that.

7               CHAIRMAN BRAND: Any questions  
8               from the Board?

9               MR. GAROFALO: Yes. The first  
10              thing, for our records can you  
11              provide PDF copies of all the  
12              materials you have shown here?

13              MR. BAXTER: Yes. That  
14              shouldn't be an issue.

15              MR. GAROFALO: We'll put that  
16              up on our website so the public can  
17              see those prior to the public hearing.

18              MR. BAXTER: That's a good idea.

19              MR. GAROFALO: I have another  
20              series of comments and questions.  
21              Under the 2014 code change, multiple  
22              dwelling units were permitted in the  
23              R-1 as a special use permit. This I  
24              think you should also be requesting  
25              an amendment to the special use

1       B A Y S I D E   A M E N D E D

2               permit.

3               Mr. Hines, in regard to your  
4               January 13, 2021 letter, it dealt  
5               with phase 1 construction costs. Can  
6               you review that and see if there's  
7               going to be any changes in that?

8               Is there a person in your  
9               office who is qualified to review the  
10              blasting plans and inspect the  
11              blasting operations if there isn't  
12              someone in the Building Department?

13              MR. HINES: Uniquely I have a  
14              licensed blaster on my staff. They  
15              are full time at the project across  
16              from the Newburgh Mall right now,  
17              which is doing a massive amount of  
18              blasting. They have been there for  
19              several months. The answer to your  
20              question is yes.

21              MR. GAROFALO: Good. When you  
22              do the mail-outs for the public  
23              hearing, some of the names may have  
24              changed since the prior ones, make  
25              sure you get an updated list.

1        B A Y S I D E   A M E N D E D

2                    Within the plan showing the  
3                    areas of disturbance, you're showing  
4                    the area of disturbance including  
5                    along the sidewalk of Route 9W. I  
6                    was wondering what was going on in  
7                    that particular area and is that  
8                    something that is a new sewer line or  
9                    is that something else going on?

10                   MR. BAXTER: I think Justin  
11                   will speak on that.

12                   MR. HINES: That area of  
13                   disturbance is in no way the blasting  
14                   limits. The blasting limit footprint  
15                   is much smaller than this.

16                   MR. BAXTER: Correct.

17                   MR. HINES: We're going to look  
18                   for a map that shows that as well. I  
19                   don't know if we have that yet.

20                   MR. DATES: You don't have  
21                   that, the limits of disturbance for  
22                   the entire site specific to all the  
23                   grading and earth work.

24                   MR. HINES: Mr. Garofalo is  
25                   talking about the sidewalk and

1       B A Y S I D E   A M E N D E D

2               utility connections in 9W across from  
3               Young Avenue.

4               MR. DATES:   We're talking about  
5               on the southern end here.

6               MR. GAROFALO:   There's a  
7               sidewalk there.   Are you putting a  
8               sewer in there?   You're disturbing  
9               that area where there's already an  
10              existing sidewalk.

11              MR. DATES:   Water and sewer is  
12              going across in the front.   That was  
13              part of an initial --

14              MR. RIEGER:   The sidewalk stops  
15              I believe at one part in front of the  
16              property.   I believe this is just an  
17              extension.

18              MR. GAROFALO:   The sidewalk  
19              stops at Young Avenue where there's a  
20              crosswalk right at the traffic light.  
21              The sidewalk goes from the southern  
22              end of the property to Young Avenue.

23              MR. DATES:   At our intersection  
24              we have some sidewalk modifications  
25              that would go in.   It wouldn't be the



1       B A Y S I D E   A M E N D E D

2               entire extent going down to the  
3               school.

4               MR. GAROFALO:   Okay.

5               MR. DATES:   There wasn't any  
6               change to that.

7               MR. GAROFALO:   There is I think  
8               a utility cut that's being made to  
9               the water main in that area.  I  
10              presume that there's no blasting to  
11              be done to that trench?

12              MR. DATES:   The water and sewer  
13              are going into -- water is going at  
14              the bottom of our access into 9W  
15              there, so we're not blasting --

16              MR. GAROFALO:   What you should  
17              take a look at is make sure the DOT  
18              does not have traffic loops.  You  
19              wouldn't want to be disturbing the  
20              traffic loops.  They recently paved  
21              over that area so they may not be  
22              visible.  I think you want to talk to  
23              DOT and make sure when you make that  
24              connection, you're not disturbing  
25              their traffic loops.

1       B A Y S I D E   A M E N D E D

2                   MR. DATES:   We have the permit  
3       before the New York State DOT right  
4       now.   If there's anything that comes  
5       up with relocation or reestablishing  
6       traffic loops, I'm sure they'll tell  
7       us.

8                   MR. GAROFALO:   You don't have  
9       that final highway permit?

10                  MR. DATES:   No.   We're going  
11       through that right now with DOT.

12                  MR. GAROFALO:   That's one of  
13       the things you should check with them.

14                  MR. DATES:   We can ask them,  
15       yes.

16                  MR. GAROFALO:   Also, on that  
17       same plan, the buildings in the  
18       southwest that are being demolished  
19       are outside the area of disturbance.  
20       Shouldn't those be included in the  
21       area of disturbance?

22                  MR. DATES:   The barn?   The very  
23       corner of the barn?

24                  MR. GAROFALO:   There are two  
25       existing buildings that are being

1       B A Y S I D E   A M E N D E D

2               removed and they are not shown here.  
3               I would suspect that that would  
4               qualify as a disturbance.

5               Over in the northeast corner  
6               you have a small piece of disturbance  
7               which is outside the property. I'm  
8               not sure if that's in the State  
9               right-of-way or in the Town  
10              right-of-way.

11              MR. DATES: So along that  
12              corner we do have some dedication of  
13              right-of-way to the New York State  
14              DOT because we're extending the  
15              sidewalk from our access north to  
16              Purdy Ave.

17              MR. GAROFALO: Is the extension  
18              of the sidewalk going to be done as  
19              part of this phase of the project?

20              MR. DATES: It is part of the  
21              current permit, yes.

22              MR. GAROFALO: Are there any  
23              updates to the status of the  
24              agreement with the utilities that we  
25              need to be informed of?

1       B A Y S I D E   A M E N D E D

2                   MR. DATES:   I'm sorry?

3                   MR. GAROFALO:   With regard to  
4                   utilities, are there any changes that  
5                   we should be informed of with regard  
6                   to your discussions with utilities?

7                   MR. DATES:   Utilities?  No.  
8                   I'm not aware of any that have  
9                   changed.

10                  MR. GAROFALO:   Have you  
11                  discussed the lock boxes at the  
12                  Marlboro Fire Department?

13                  MR. DATES:   That was on the  
14                  approved plan set, the requirement to  
15                  have those lock boxes.

16                  MR. GAROFALO:   Okay.

17                  MR. DATES:   Those are in  
18                  conjunction with the emergency access  
19                  out to Purdy, that gate.

20                  MR. GAROFALO:   I think it might  
21                  be useful for the public hearing if  
22                  you could go out and measure the  
23                  sound levels of the jackhammering  
24                  which you are doing now.  Pick a  
25                  distance.  That's something that --

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:   So we actually  
3       have videos in the presentation of  
4       the jackhammering versus blasting.  
5       Now we probably don't have sound.

6                   MR. RIEGER:   We don't have  
7       sound.

8                   MR. GAROFALO:   What I'm saying  
9       is the decibel level.

10                  MR. BAXTER:   Yes.

11                  MR. RIEGER:   We can have some  
12       jackhammering start tomorrow and do  
13       some decibels this week.

14                  MR. GAROFALO:   The materials  
15       that are going to be used in the  
16       blasting, are they hazardous?

17                  MR. HARMON:   The materials used  
18       in the blasting?

19                  MR. GAROFALO:   Yes.

20                  MR. HARMON:   We use all the  
21       best practices for IME.   If you're  
22       worried about water contamination, we  
23       do the best we can with IME best  
24       practices.   All the explosives are  
25       burned completely and there is no

1       B A Y S I D E   A M E N D E D

2               contamination. We have no chlorides  
3               in any of our explosives.

4               MR. GAROFALO: Are they  
5               transported to the site?

6               MR. HARMON: They would be  
7               transported to the site. Nothing  
8               would be stored on site. Our  
9               magazine is actually just up the road  
10              in Port Ewen.

11              MR. GAROFALO: Is this  
12              something the police and fire  
13              department should be informed of?

14              MR. HARMON: They do not need  
15              to be.

16              MR. GAROFALO: In the FEIS it  
17              was noted this was going to be a  
18              five-phased construction project.  
19              Now basically you're talking about a  
20              single phase project?

21              MR. BAXTER: No. That's for  
22              the SWPP plan I believe.

23              MR. DATES: We actually  
24              modified that in the final site  
25              plans, because actually Mr. Hines had

1       B A Y S I D E   A M E N D E D

2           a comment regarding that. Really it  
3           was construction phasing. We are not  
4           actually fully phasing out the  
5           project. We've got to do all the  
6           site work at once to achieve  
7           buildable area of access -- buildable  
8           area for all the pads to get the  
9           utilities in.

10               MR. GAROFALO: It's simply the  
11               construction phasing?

12               MR. DATES: Correct. All the  
13               site work that we're speaking about  
14               has to occur at once.

15               MR. GAROFALO: I think the  
16               Board and the public probably will  
17               want to have a better idea of the  
18               blasting, the amount of time and the  
19               time period when it will be done.

20               MR. BAXTER: Yeah. If we were  
21               to get approval at the next meeting,  
22               we'd work on the survey. I think  
23               we're actually trying to move forward  
24               with the survey to save time, whether  
25               the blasting gets approved or not, at

1       B A Y S I D E   A M E N D E D

2               our expense, and then we'd work to  
3               try to get as much blasting done  
4               prior to school starting as possible.

5               MR. GAROFALO:   Okay.   At the  
6               April meeting when you were here I  
7               noted that your wetland determination  
8               was about to expire.   It has expired.  
9               I'm somewhat concerned that you are  
10              having disturbances right up to the  
11              wetlands.   I think it would be  
12              appropriate for you to recontact the  
13              DEC and make sure that everything  
14              is --

15              MR. BAXTER:   Our consultant is  
16              ahead on that.   Thank you.

17              MR. DATES:   We had our wetlands  
18              ecologist out to the site to review  
19              the wetlands boundary as it was  
20              previously confirmed by the Army  
21              Corp.   They did not find any changes  
22              in that boundary.   The current  
23              project does not propose any  
24              disturbance to those wetlands.

25              MR. GAROFALO:   What I'm saying



1       B A Y S I D E   A M E N D E D

2               is the wetlands may have moved  
3               slightly.

4               MR. BAXTER:   We've already  
5               determined they have not.   We had  
6               surveyors go out there.

7               MR. GAROFALO:   Good.   Please  
8               provide that information so we have  
9               it for the record.

10              MR. BAXTER:   Yup.

11              MR. GAROFALO:   There have been  
12              some differences in the traffic  
13              situation out at Young Avenue.

14              Two things. One is a vehicle  
15              did hit one of the traffic poles.  
16              DOT should make sure that the traffic  
17              pole is still in inappropriate  
18              condition to handle the extra weight.  
19              It probably is.   When you talk to  
20              them, make sure that --

21              MR. DATES:   That's part of  
22              their review actually.

23              CHAIRMAN BRAND:   Are you  
24              actually moving the pole?   For your  
25              road don't you have to move the pole?

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:  Yeah.  Is that  
3       where you're talking about, where it  
4       turns into the four-way?

5                   MR. DATES:  Yes.

6                   MR. BAXTER:  That's being  
7       removed and turning into a four-way  
8       traffic stop.

9                   MR. DATES:  That's part of the  
10      DOT permit.

11                  MR. GAROFALO:  Are they  
12      actually changing the poles or is it  
13      being added to the current poles?

14                  MR. DATES:  We did work with  
15      DOT initially about placement of that  
16      and future consideration of our  
17      access.  I think we're okay, but they  
18      are reviewing that.

19                  MR. GAROFALO:  I'm just saying  
20      make sure that's not a problem since  
21      the pole has been damaged.  It  
22      doesn't look too bad, but that's  
23      something that you want to check with  
24      them.

25                  Also, because of COVID, the

1       B A Y S I D E   A M E N D E D

2               parent pick-up has created a  
3               situation where vehicles are standing  
4               in the shoulder starting at Young  
5               Avenue, going probably back at least  
6               a block if not more. That's  
7               something that they should be aware  
8               of that may affect the signal timing  
9               later. They'll be looking at that.  
10              You should make them aware of that in  
11              your discussions. Fortunately nobody  
12              has decided to go and stand in the  
13              through lane, unable to make that  
14              right-hand turn, and tie up traffic.  
15              They're so simply standing on the  
16              shoulder, which I have to credit the  
17              intelligence of some of Marlborough  
18              drivers for doing that.

19              With regard to the FEIS. The  
20              FEIS is on the Town's website. Would  
21              it be possible to add a URL to the  
22              DEIS which is incorporated as part of  
23              the FEIS but is not on the website?  
24              Can we get that posted and the URL  
25              available to that document?

1       B A Y S I D E   A M E N D E D

2                   MR. DATES:   To the DEIS?

3                   MR. GAROFALO:   The DEIS is  
4                   incorporated into the FEIS.  It's  
5                   really part of the FEIS.

6                   MR. DATES:   Correct.

7                   MR. GAROFALO:   There have been  
8                   substantial changes since then.  That  
9                   document should be available.

10                  MR. DATES:   We can provide that  
11                  to the Planning Board that they can  
12                  post it to the web.  To the Town's  
13                  website?

14                  MR. GAROFALO:   I think it's  
15                  more likely that you provide that URL  
16                  and post it and get the Town to do  
17                  that rather than posting the whole  
18                  thing.  Have the Town post it.  I'm  
19                  not sure if they are going to want to  
20                  do that.  Those are the options that  
21                  are available.

22                  MR. DATES:   I'm sorry.  The  
23                  FEIS is on the Town's website?

24                  MR. GAROFALO:   It's three  
25                  documents and then the appendices are

1       B A Y S I D E   A M E N D E D

2               broken up into two different folders.

3               CHAIRMAN BRAND:  Is that the  
4               last page?

5               MR. GAROFALO:  A few more pages  
6               but we already covered some of it.

7               With regard to the rock  
8               crushing operation, I can understand  
9               how that would reduce the number of  
10              truck trips leaving the site, but I  
11              think we want to know where it is  
12              going to be, how long it's going to  
13              be and what the noise associated with  
14              that would also be.  Certainly I can  
15              understand why you would want to do  
16              that, reduce the number of trucks and  
17              use that material on the site.

18              CHAIRMAN BRAND:  Do you have  
19              plans for that?

20              MR. BAXTER:  We just talked  
21              about putting it on the site.

22              MR. DATES:  We can talk to the  
23              site contractor and see where he  
24              thinks he'd like to set that up.

25              MR. GAROFALO:  Where are you

1       B A Y S I D E   A M E N D E D

2               going to stockpile the materials?

3               MR. DATES:   Stockpile  
4               materials, is that what you said?  
5               Stockpile?

6               MR. GAROFALO:   Yes, stockpile.  
7               Are you going to put the materials  
8               and stockpile and feed them into  
9               the --

10              MR. DATES:   Into the crusher.

11              MR. GAROFALO:   One of the  
12              concerns about not doing blasting is  
13              the amount of time that you said  
14              would be required to be doing the  
15              hammering.   I think Mr. Dates noted  
16              something to the effect of up to 20  
17              months.

18              MR. DATES:   18 to 24 months I  
19              think is what they reference.

20              MR. GAROFALO:   Which would  
21              actually be longer than your approved  
22              extension.   I think that that  
23              certainly should be a --

24              MR. BAXTER:   It's a problem.

25              MR. GAROFALO:   -- concern and

1       B A Y S I D E   A M E N D E D

2               something for the Board to consider.

3               There's also a high pressure  
4               gas main that's on the east side of  
5               Route 9W. I think it's very  
6               important that you take a look at  
7               your blasting and make sure that's  
8               not going to affect that. You may  
9               want to talk to the utility company  
10              about that because I don't think we  
11              want to have a problem with that  
12              main.

13              The last question is is there  
14              going to be fencing provided during  
15              the blasting?

16              MR. BAXTER: There's mats.  
17              There are mats that are put over the  
18              rock.

19              MR. GAROFALO: Fencing for  
20              people?

21              MR. HINES: He means security.

22              MR. GAROFALO: Security fencing.

23              MR. BAXTER: I mean there will  
24              be plenty of people --

25              MR. HARMON: Maine Drilling &

1       B A Y S I D E   A M E N D E D

2               Blasting will have a detailed site  
3               security plan dictating where there  
4               will be centuries to ensure the  
5               safety of the public. If there was  
6               any blasting extremely close to Route  
7               9, we would probably get the police  
8               involved and stop the traffic. Again  
9               with Purdy Ave, I don't believe there  
10              was any blasting close to Purdy where  
11              we would have to close it. We would  
12              have centuries post it. It would be  
13              on a detailed plan. Again, the  
14              safety of the public is always our  
15              top concern.

16             MR. BAXTER: One thing we  
17             wanted to mention too is the blasting  
18             would likely start from the school  
19             and then out, just to get that done  
20             in the summer prior to children going  
21             back to school.

22             MR. HARMON: When I spoke with  
23             the superintendent for our company  
24             today, the plan was to try to get as  
25             much of the blasting close to the



1       B A Y S I D E   A M E N D E D

2               school done before school started and  
3               work out from there, again to ensure  
4               the safety of the kids.

5               MR. GAROFALO:  I think  
6               providing those plans as well, when  
7               and where it's going to be done, will  
8               be very important for the public to  
9               see and get analyzed.

10              MR. BAXTER:  Correct.  It's  
11              still going to be a general idea.  
12              Things change in the field.  We'll  
13              try to be as exact as possible but  
14              giving more of an idea of how the  
15              process would go.

16              CHAIRMAN BRAND:  Do you think  
17              you would be ready for August 1st for  
18              the public hearing?

19              MR. BAXTER:  Yes.

20              CHAIRMAN BRAND:  You'll have  
21              all the mailings sent out?

22              MR. HINES:  It has to be in the  
23              paper tomorrow.

24              MR. BAXTER:  I think we're set  
25              up for --

1 B A Y S I D E A M E N D E D

2 MR. RIEGER: I know we got the  
3 mailing list from Jen. She sent us a  
4 list of addresses and names. We were  
5 setting everything up. I believe  
6 we're prepared for it. It needs to  
7 go out tomorrow?

8 CHAIRMAN BRAND: I believe so.

9 MR. RIEGER: We should just  
10 confirm that with Chris and make  
11 sure.

12 CHAIRMAN BRAND: I'd like a  
13 motion to schedule a public hearing  
14 for August 1st. If that's not doable  
15 for them, we'll go to next meeting.

16 MR. JENNISON: I'll make that  
17 motion.

18 MR. LOFARO: Second.

19 CHAIRMAN BRAND: Any discussion?

20 (No response.)

21 CHAIRMAN BRAND: Any objection?

22 (No response.)

23 CHAIRMAN BRAND: Okay. So the  
24 public hearing will be 8/1 or 8/15.

25 Anything else?

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:   No.

3                   CHAIRMAN BRAND:   All right.

4                   MR. BAXTER:   Thank you. We'll  
5       try to figure out how we can get this  
6       on the Town website.

7                   CHAIRMAN BRAND:   If you e-mail  
8       it to Danielle.   Call the office,  
9       they'll tell you.

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

12

13                   (Time noted:   8:58 p.m.)

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25

1 B A Y S I D E A M E N D E D

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 July 2022.  
18  
19  
20

21 *Michelle Conero*

22 \_\_\_\_\_  
23 MICHELLE CONERO  
24  
25

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

- - - - - X  
In the Matter of

RIVER VISTA DRIVE - KRIS KORNER

Project No. 22-6012  
9 River Vista Drive, Marlboro  
Section 103.3; Block 3;  
Lots 28.9, 28.121 & 28.122

- - - - - X

SKETCH - SITE PLAN

Date: July 18, 2022  
Time: 8:58 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

- - - - - X

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

1 RIVER VISTA DRIVE - KRIS KORNER

2 CHAIRMAN BRAND: Finally -- not  
3 finally. Two more to go. River  
4 Vista Drive in Marlboro.

5 Do you want to give us a brief  
6 overview of what we're looking at  
7 here?

8 MR. GALELLA: This is a lot  
9 line change that would give a  
10 currently landlocked parcel access  
11 and have all three lots be serviced  
12 by a private road. To the upper part  
13 of the map is the landlocked parcel  
14 currently. Lot 11-B we're calling  
15 it.

16 CHAIRMAN BRAND: Pat, do you  
17 want to run through your comments?

18 MR. HINES: Sure. So as was  
19 stated, this is a lot line change.

20 There's an existing landlocked  
21 parcel identified as lot 11-B. This  
22 project has quite a history. That  
23 parcel was apparently formed by a  
24 Supreme Court Judge at some point  
25 during the litigation of the American

1 R I V E R V I S T A D R I V E - K R I S K O R N E R

2 Land Preservation. How they created  
3 a landlocked parcel I don't know, but  
4 it came out of a court ordered  
5 settlement I believe in the early  
6 '90s.

7 This project is attempting to  
8 rearrange the lots between 11-A and B  
9 and lot 9 on that subdivision to  
10 provide access to the landlocked  
11 parcel 11-B which is in the upper  
12 center portion of the site.

13 Kris Korner is an existing  
14 private roadway serving two of the  
15 lots right now, not the third. This  
16 will now serve all three of the lots  
17 under the current arrangement.

18 I did ask for copies of the  
19 septic permits. I did receive those  
20 tonight by an e-mail from Nick.

21 Lot line changes are Type 2  
22 actions.

23 The Health Department we just  
24 talked about.

25 I would like to get a copy of

1 RIVER VISTA DRIVE - KRIS KORNER

2 the filed map that created lot 11, a  
3 copy of the private road maintenance  
4 agreement if there is one, or if not  
5 a proposed one. We're looking for  
6 any documentation that created the  
7 landlocked parcel. If we can have a  
8 copy of that court order, or how ever  
9 that was created, just for the file.  
10 It peaked my interest.

11 There's a small lot line on  
12 11-B in the corner that looks like  
13 it's the existing lot line. I'm not  
14 sure what that is.

15 MR. GALELLA: I'll have my  
16 surveyor clarify it. I think they  
17 picked up the direction of that  
18 stonewall in relation to the deed.

19 MR. HINES: It looks like the  
20 lot line currently went in this area  
21 and there's that small triangular  
22 piece.

23 I'm requesting that all this  
24 information be provided to myself and  
25 Jeff's office as well so we can get



1 RIVER VISTA DRIVE - KRIS KORNER

2 some history here.

3 I did see the building  
4 inspector has a concern about this,  
5 so you may have to work out those  
6 issues with him. I didn't see the  
7 issues that he brought up. He does  
8 have some concerns regarding the  
9 private road.

10 So that's what we have. I  
11 think we need a little more history.  
12 This is all an attempt to resolve a  
13 landlocked parcel to the rear.

14 CHAIRMAN BRAND: Which one was  
15 that that Tommy had a problem with?

16 MR. HINES: Just regarding the  
17 private road and the number of lots  
18 on the private road. I thought  
19 Riverview coming down to this is a  
20 Town road.

21 MR. GALELLA: Kris Korner is a  
22 Town road.

23 MR. HINES: This will be a  
24 private road off of it -- is a  
25 private road off of it right now?

1 RIVER VISTA DRIVE - KRIS KORNER

2 MR. GALELLA: It's not a  
3 private road. It's like a -- I don't  
4 know how they -- when they finalized  
5 this map, lot 9 would use -- gain  
6 access over lot 12 to come in and  
7 out. That's how it's currently  
8 setup. That landlocked parcel is in  
9 the back. I currently own all three  
10 of them right now. To rectify the  
11 situation, a private road would  
12 service the three lots by creating a  
13 new private road.

14 CHAIRMAN BRAND: Is there a  
15 house there?

16 MR. GALELLA: There are no  
17 houses on the parcels.

18 MR. HINES: Vasilla has a  
19 house. Right?

20 MR. GALELLA: There are no  
21 buildings on the parcels.

22 MR. HINES: This one here,  
23 28.1?

24 MR. GALELLA: Ralph Filocco? I  
25 don't know which lot you're talking

1 R I V E R V I S T A D R I V E - K R I S K O R N E R

2 about.

3 MR. HINES: The one that comes  
4 off the cul-de-sac.

5 MR. GALELLA: They're on Kris  
6 Korner's.

7 CHAIRMAN BRAND: They're on the  
8 private road, too?

9 MR. GALELLA: Kris Korner's is a  
10 Town road.

11 CHAIRMAN BRAND: She has access  
12 to that loop?

13 MR. GALELLA: Yes. That's a  
14 Town road, that loop. There are two  
15 other homes on that road.

16 CHAIRMAN BRAND: So Filocco has  
17 a house or not?

18 MR. GALELLA: Yes, there's a  
19 house on that parcel.

20 CHAIRMAN BRAND: Where does he  
21 access it?

22 MR. GALELLA: Kris Korner's.

23 CHAIRMAN BRAND: The driveway  
24 is off of Kris Korner's?

25 MR. GALELLA: Yes.

1 RIVER VISTA DRIVE - KRIS KORNER

2 CHAIRMAN BRAND: Questions or  
3 comments from the Board?

4 MR. GAROFALO: I have a few  
5 comments.

6 Regarding the cul-de-sac, we  
7 need to get a dedication of land  
8 since the property actually goes into  
9 the cul-de-sac.

10 MR. HINES: No. That one is  
11 not part of this. That's the Filocco  
12 Lot. That's not part of this. Lot  
13 28.11 that you're looking at is not  
14 part of this.

15 MR. GAROFALO: Do you need the  
16 -- they asked for a waiver on the  
17 two-foot contours. Do you need that  
18 for the proposed driveway?

19 MR. GALELLA: May I ask, this  
20 road is actually already cut in.  
21 It's almost flat from Kris Korner's  
22 in. There's utilities already  
23 installed on the property as well,  
24 electric and cable that's been  
25 brought in. The cut is actually

1 RIVER VISTA DRIVE - KRIS KORNER

2 there for the road already. The base  
3 has been established.

4 MR. HINES: I think he's  
5 looking at the driveway to lot 11-B.

6 MR. GALELLA: Going up there.  
7 Right. We can give grade elevations,  
8 sure. A percentage slope you're  
9 looking for?

10 MR. GAROFALO: We're waiving  
11 the two-foot contours. I think we  
12 would still need them for the  
13 driveway.

14 MR. HINES: It's up to the  
15 Board. Sure.

16 MR. GALELLA: We can provide t.  
17 I think 14 percent is a max slope on  
18 the driveway. They're all well below  
19 that. We can give a percentage of  
20 the driveway slope.

21 CHAIRMAN BRAND: Okay.  
22 Anything else, Mr. Garofalo?

23 MR. GAROFALO: Yes. There was  
24 a question about whether the project  
25 site is located adjacent to a

1 RIVER VISTA DRIVE - KRIS KORNER

2 designated sensitive area or  
3 archeological site. Do you have a  
4 SHPO letter regarding that?

5 CHAIRMAN BRAND: What's it  
6 near? It's saying that it is near  
7 one?

8 MR. GAROFALO: It's indicating  
9 that it is near one. It seems to me  
10 that that would be an appropriate  
11 letter to get.

12 CHAIRMAN BRAND: Pat?

13 MR. HINES: Because lot line  
14 changes are Type 2 actions, I didn't  
15 delve into the EAF much because there  
16 is no SEQRA review required. The  
17 action before you is a lot line  
18 change which is --

19 MR. BATTISTONI: A Type 2  
20 action. That's correct.

21 MR. GAROFALO: Okay.

22 CHAIRMAN BRAND: Anything else,  
23 Mr. Garofalo?

24 MR. GAROFALO: Thank you.

25 CHAIRMAN BRAND: Anything else

1 RIVER VISTA DRIVE - KRIS KORNER

2 from the Board?

3 MS. LANZETTA: I took a drive  
4 down there and went around that  
5 cul-de-sac. At the bottom, I don't  
6 know how you can get some fire trucks  
7 in and around that cul-de-sac. It's  
8 not a cul-de-sac, it's -- it's filled  
9 in. It's barely big enough for one  
10 car to go around. I don't know if  
11 the fire department should weigh in  
12 on this because I'm just not sure  
13 how --

14 MR. GAROFALO: That's mountable.

15 MS. LANZETTA: What do you  
16 mean?

17 MR. GAROFALO: In other words,  
18 a truck could drive over that.

19 MS. LANZETTA: There's trees in  
20 there.

21 MR. TRONCILLITO: I'll take one  
22 of our engines in there and do a  
23 three-point turn. We'll be all  
24 right.

25 MR. CLARKE: It looks like the

1 RIVER VISTA DRIVE - KRIS KORNER

2 access is not really a loop there.  
3 It's before the loop.

4 MS. LANZETTA: I'm just  
5 concerned about anybody down there,  
6 to be able to get down there with a  
7 fire truck.

8 CHAIRMAN BRAND: So Pat, where  
9 are we with this one?

10 MR. HINES: I think we need  
11 some of that information I asked for,  
12 how this lot got created, the  
13 topography within the roadway serving  
14 lot 11.

15 I did receive the Health  
16 Department approvals.

17 We need to get ourselves up to  
18 date on the legalities. If we can  
19 get that and come back, at the next  
20 meeting we'll be in a position to  
21 evaluate that.

22 CHAIRMAN BRAND: I'll try and  
23 clarify with the code enforcement  
24 officer.

25 MR. HINES: I have an e-mail



1 R I V E R V I S T A D R I V E - K R I S K O R N E R

2 from him. He has concerns about the  
3 private road. I think he might think  
4 Kris Korner's is a private road. The  
5 code doesn't allow private roads off  
6 a private road. I think this may be  
7 a Town road.

8 MR. GALELLA: It is a Town  
9 road. You can verify, of course. It  
10 is a Town road.

11 CHAIRMAN BRAND: We'll see you  
12 again on August 1st to clarify.

13 MR. GALELLA: Yes.

14 CHAIRMAN BRAND: Thank you.

15

16 (Time noted: 9:09 p.m.)

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1 R I V E R V I S T A D R I V E - K R I S K O R N E R

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 July 2022.  
18  
19  
20

21 *Michelle Conero*

22 \_\_\_\_\_  
23 MICHELLE CONERO  
24  
25

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

- - - - - X  
In the Matter of

JEFF ALDRICH

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

- - - - - X

SKETCH - SUBDIVISION

Date: July 18, 2022  
Time: 9:10 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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  
KATHI NATLAND

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: Finally, Jeff  
3 Aldrich, sketch of a subdivision at  
4 132 Milton Turnpike.

5 Do you want to give us a brief  
6 overview?

7 MS. BROOKS: Absolutely. Again  
8 the proposal before the Board is a  
9 two-lot subdivision to create a 19.01  
10 acre parcel with a residential  
11 proposed lot on the northerly side of  
12 Milton Turnpike.

13 We did get an Ulster County  
14 Department of Public Works highway  
15 access permit for the driveway.

16 What else did we do? I believe  
17 you have received confirmation from  
18 the Water Department that it's  
19 suitable for one lot.

20 We did address the questions  
21 from the previous comments with  
22 regard to showing the solar lease  
23 area. With regard to the geometry of  
24 the tax maps, the acreages.

25 We did discuss at the last

1 JEFF ALDRICH

2 meeting the location of the ball  
3 fields on Young's field. We are  
4 currently working with the Town to  
5 actually convey a parcel of land to  
6 the Town that contains the ballpark  
7 area.

8 I believe that we have  
9 addressed all of the outstanding  
10 items.

11 MR. HINES: Patti just hit  
12 every one of my comments in order.  
13 Everything we previously asked for  
14 has been shown on the plans,  
15 including the Health Department  
16 approvals we were waiting for, the  
17 solar farm easement, municipal water  
18 and Ulster County DPW for the  
19 driveway.

20 It requires a public hearing.

21 CHAIRMAN BRAND: Comments or  
22 questions from the Board?

23 MR. GAROFALO: I have some  
24 comments. Can the dedication to the  
25 Town be considered part of the

1 JEFF ALDRICH

2 recreation instead of having a  
3 recreation fee?

4 MR. HINES: I don't think they  
5 intend on dedicating it. I think  
6 they're going to leave it status quo.

7 MS. BROOKS: They are proposing  
8 to deed. Again, I don't know -- that  
9 was part of a will for the ballpark  
10 area to be used. I'm not sure what  
11 additional land is going to be  
12 conveyed.

13 MR. HINES: That's going to be  
14 outside the scope of this application.

15 MS. BROOKS: It will be outside  
16 the scope of this application.  
17 Perhaps it can be considered in the  
18 future if other development is  
19 proposed. I'm not sure we're in a  
20 position at this point in time to  
21 leave the recreation fees on this  
22 lot, but thank you for that  
23 consideration.

24 MR. GAROFALO: The existing  
25 farm lane, you're changing the access

1       J E F F   A L D R I C H

2               to the County road. Is the existing  
3               one going to be terminated?

4               MS. BROOKS: No.

5               MR. GAROFALO: The existing one  
6               is going to stay there as well as the  
7               new one?

8               MS. BROOKS: The entrance for  
9               the existing farm lane is actually  
10              going to remain on lot number 1. It  
11              then immediately turns into lot  
12              number 2. Where the access point is  
13              on the County highway is fully within  
14              lot number 1.

15              MR. GAROFALO: It looks like  
16              it's on lot number 2.

17              MS. BROOKS: I can shave that  
18              if you want, or point out to you  
19              where the dark gray lines hit the  
20              edge of pavement.

21              MR. GAROFALO: I see it now.  
22              All right.

23              The barn on existing lot 1 is  
24              in an existing condition. Is that a  
25              problem where it's basically in the

1        J E F F   A L D R I C H

2                front yard, the house needs to be far  
3                enough back and the barn is not --

4                MS. BROOKS:    Mr. Clarke, how  
5                long has that barn been there?

6                MR. CLARKE:    Well, there was a  
7                spring there. When the horses came  
8                off the road, Youngs always let them  
9                -- let the horses have a drink and  
10               have a breather halfway up that hill.

11               Actually, the house is a mirror  
12               to my house, so I assume it was  
13               constructed by that same person. I  
14               suspect that might be grandfathered  
15               in. The house is probably from the  
16               1820s or 10s. I don't know. Give or  
17               take.

18               MS. BROOKS:    We're good?

19               MR. GAROFALO:    Near where the  
20               old access is you have this  
21               rectangle. Is that an old foundation  
22               or something?

23               MS. BROOKS:    Mm'hm'. Yes, it  
24               is. It was labeled I think on the  
25               previous map as an old foundation.



1        J E F F   A L D R I C H

2            It may have gotten on a layer that  
3            got frozen.  It's an old fieldstone  
4            foundation.

5            MR. HINES:  We just had the  
6            same question.  We wanted to make sure  
7            it wasn't a cemetery.

8            CHAIRMAN BRAND:  Anything else,  
9            Mr. Garofalo?

10           MR. GAROFALO:  That's it.

11           CHAIRMAN BRAND:  Anything else  
12           from the Board?

13           (No response.)

14           CHAIRMAN BRAND:  Patti, do you  
15           want to try to schedule --

16           MS. BROOKS:  Yeah.  I'll let  
17           you know.  The newspaper is probably  
18           going to be inundated with all of  
19           these phone calls.

20           CHAIRMAN BRAND:  Can I have a  
21           motion to have the public hearing for  
22           August 1st, or the 15th if August 1st  
23           is undoable for her?

24           MR. TRONCILLITO:  I'll make  
25           that motion.

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

2 MR. LOFARO: Second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 CHAIRMAN BRAND: So moved.

8 MS. BROOKS: Thank you very

9 much.

10

11 (Time noted: 9:15 p.m.)

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

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 July 2022.  
18  
19  
20

21 *Michelle Conero*

22 \_\_\_\_\_  
23 MICHELLE CONERO  
24  
25