

1

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

5 - STEVEN JENNISON - COMPLETION OF
6 CONTINUING EDUCATION - HEARINGS &
7 MEETINGS
8 - APPROVAL OF STENOGRAPHIC MINUTES FOR
9 6/21/2022

10 - - - - - X

11 BOARD BUSINESS

12 Date: July 18, 2022
13 Time: 7:30 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547

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

29 - - - - - X

30 MICHELLE L. CONERO
31 3 Francis Street
32 Newburgh, New York 12550
33 (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

Michele Conero

24

MICHELLE CONERO

25

1

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

5

6 CORRADO SUBDIVISION

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

8

9 - X

10 PUBLIC HEARING - SUBDIVISION

11

12 Date: July 18, 2022
13 Time: 7:33 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547

15

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

19

20 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
21 PATRICK HINES
22 KATHI NATLAND

21

22 APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

23

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

1 CORRADO SUBDIVISION

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

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

2

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

4

5

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

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

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

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

18

19

20

21

Michele Conero

22

23 MICHELLE CONERO

24

25

1

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

4

5

MARIA MEKEEL

6

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

10

FINAL - SUBDIVISION

11

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

15

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

19

20 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
KATHI NATLAND

21

22 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA
23 - X

24

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

25

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

Michele Conero

22

23 MICHELLE CONERO

24

25

1

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

5

6 Lighthouse Holdings

7 Project No. 22-6009
8 131 Idlewild Road, Marlboro
Section 108.3; Block 1; Lot 21.114

9 - X

10

SKETCH - SITE PLAN

11

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

15

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

19

20 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
21 KATHI NATLAND

22

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

23

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

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

2

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

4

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

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

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

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

17

18

19

Michele Conero

20

MICHELLE CONERO

21

22

23

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1

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

5

6 TOP SEED LANDSCAPE - AMENDED

7 Project No. 22-6010
8 1943 Route 9W, Milton
9 Section 103.1; Block 1; Lot 18

9 - X

10 SKETCH - SITE PLAN

11

12 Date: July 18, 2022
13 Time: 8:15 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547

18

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

26

27 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
28 PATRICK HINES
29 KATHI NATLAND

30

31

32

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

1 TOP S E E D L A N D S C A P E

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 S E E D L A N D S C A P E

2

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18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 hear 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

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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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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

Michele Conero

22

MICHELLE CONERO

23

24

25

1

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

5 RIVER VISTA DRIVE - KRIS KORNER
6

7 Project No. 22-6012
8 9 River Vista Drive, Marlboro
Section 103.3; Block 3;
Lots 28.9, 28.121 & 28.122

9 - X
10

11 SKETCH - SITE PLAN

12 Date: July 18, 2022
13 Time: 8:58 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547
15

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

20 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
21 PATRICK HINES
KATHI NATLAND

22 APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA
23

24 - X
MICHELLE L. CONERO
3 Francis Street
25 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 RIVER VISTA DRIVE - KRIS KORNER

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 - KRISS KORNKR

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 Korners 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 RIVER VISTA DRIVE - KRIS KORNERS

2 about.

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

5 MR. GALELLA: They're on Kris
6 Korners.

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

9 MR. GALELLA: Kris Korners 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 Korners.

23 CHAIRMAN BRAND: The driveway
24 is off of Kris Korners?

25 MR. GALELLA: Yes.

1 RIVER VISTA DRIVE - KRISS KORNERS

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 Korners
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 KORNÉR

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 - KRISS KORNELL
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 - KRISS KORNKR

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 RIVER VISTA DRIVE - KRISS KORNERS

2 from him. He has concerns about the
3 private road. I think he might think
4 Kris Korners 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 RIVER VISTA DRIVE - KRIS KORNÉR

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

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5

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

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

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

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

18

19

20

21

Michele Conero

22

MICHELLE CONERO

23

24

25

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 J E F F A L D R I C H

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 J E F F A L D R I C H

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

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

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Michele Conero

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MICHELLE CONERO

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