

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

- - - - - X  
In the Matter of

LIGHTHOUSE HOLDINGS

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

- - - - - X

PUBLIC HEARING - SITE PLAN

Date: August 15, 2022  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

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

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

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

6                    (Pledge of Allegiance.)

7                    CHAIRMAN BRAND: Agenda, Town  
8                    of Marlborough Planning Board,  
9                    Monday, August 15, 2022. Regular  
10                   meeting at 7:30 p.m. On the agenda  
11                   tonight we have the approval of the  
12                   stenographic minutes for July 18th.  
13                   We also have a public hearing for the  
14                   site plan of Lighthouse Holdings at  
15                   131 Idlewild Road in Marlboro; a  
16                   public hearing for the subdivision of  
17                   Jeff Aldrich at 132 Milton Turnpike  
18                   in Milton; a final for the lot line  
19                   of Romar Farms on James Street in  
20                   Marlboro; and a preliminary site plan  
21                   for the Bayside Amended project at 18  
22                   Birdsall Avenue in Marlboro. The  
23                   next deadline would be Friday,  
24                   August 19, 2022. The next scheduled  
25                   meeting for September 5th is

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2               cancelled, so we will be meeting on  
3               Monday, September 19, 2022.

4               I would like to have a motion  
5               to approve the stenographic minutes  
6               for 7/18, please.

7               MR. JENNISON: I'll make a  
8               motion.

9               MR. LOFARO: I'll second it.

10              CHAIRMAN BRAND: Jennison. Joe  
11              seconded. Any discussion?

12              (No response.)

13              CHAIRMAN BRAND: Any objection?

14              (No response.)

15              CHAIRMAN BRAND: So moved.

16              First on the agenda tonight is  
17              the public hearing for Lighthouse  
18              Holdings for the site plan at 131  
19              Idlewild Road.

20              Legal notice for the site plan  
21              application. "Please take notice a  
22              public hearing will be held by the  
23              Marlborough Planning Board pursuant  
24              to the State Environmental Quality  
25              Review Act, or SEQRA, and the Town of

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2            Marlborough Town Code section 155-31  
3            on Monday, August 15, 2022 for the  
4            following application: Lighthouse  
5            Holdings, at the Town Hall, 21 Milton  
6            Turnpike at 7:30 p.m. or as soon  
7            thereafter as may be heard. The  
8            applicant is asking for an amended  
9            site plan approval and to obtain a  
10           special use permit under Section  
11           155-12 C(4)(g) and 155-21 on lands  
12           located at 131 Idlewild Road in  
13           Marlboro, New York 12542, Section  
14           108.3; Block 1; Lot 21.114. Any  
15           interested parties either for or  
16           against this proposal will have an  
17           opportunity to be heard at this time.  
18           Chris Brand, Chairman, Town of  
19           Marlborough Planning Board."

20                   Mailings?

21                   MS. BROOKS: 12 were mailed  
22                   out, 10 were returned.

23                   CHAIRMAN BRAND: Would you like  
24                   to just give an overview of the  
25                   project for the people that are here

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2               in attendance?

3               MS. BROOKS:  Absolutely.

4               CHAIRMAN BRAND:  Thank you.

5               MS. BROOKS:  So again, this is  
6               a site plan for the conversion of a  
7               6,000 square footage agricultural  
8               building which was constructed in,  
9               2017 I want to say.  It was a lot  
10              that was approved as part of a  
11              subdivision in 2016.  The property  
12              was sold this past October, purchased  
13              by the applicants, and they would  
14              like to use it as a warehouse for  
15              overflow for their existing business  
16              in Newburgh for traffic control  
17              supplies.

18              CHAIRMAN BRAND:  Thank you.

19              Pat, did you want to run  
20              through your comments first?

21              MR. HINES:  Sure.  As Patti  
22              stated, the project is before you for  
23              a conversion of an existing  
24              agricultural building under your Town  
25              Code Section 155-22 entitled

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2                recyclable agricultural buildings.  
3                It gives the Board some flexibility  
4                in the uses that are allowed in those  
5                buildings.

6                The Health Department approval  
7                for the septic system. This building  
8                was constructed without a septic  
9                system, so there's a need for a new  
10               septic system. We'll need that  
11               approval.

12               I had some comments from the  
13               July 18th meeting, which I received  
14               responses back on August 10th. There  
15               are some outstanding items there.  
16               The need for an accessible parking  
17               space to be shown.

18               They did add a note that said  
19               no vehicles would be stored greater  
20               than 48 hours on the site.

21               There was no right-of-way for  
22               the access drive, so the new driveway  
23               has been shown, kind of right next to  
24               the previous shared driveway that was  
25               just kind of developed over time it

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2            looks like. So we'll need the  
3            highway superintendent's sign off on  
4            that new driveway. He may have a  
5            concern on that turn in the proximity  
6            of the two driveways. That's a new  
7            change we had to the plans just  
8            recently.

9            Then we talked at the last  
10           meeting about the history of the  
11           project and how this building came to  
12           be. Apparently there was no site  
13           plan approval and it was permitted by  
14           the Building Department as an  
15           agricultural building. It wouldn't  
16           require a site plan as an ag  
17           building. Here it is five years  
18           later before you for a different use.

19           CHAIRMAN BRAND: Thank you.

20           Anything from the Board?

21           MR. GAROFALO: I have a couple  
22           quick things. One, you mentioned in  
23           the letter that you were going to add  
24           the sight distance. I didn't see  
25           that on the plan.

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2                   MS. BROOKS:   Okay.

3                   MR. GAROFALO:   I think the need  
4                   for an accessible parking space  
5                   really depends on whether the public  
6                   is going to be coming to the building --

7                   MS. BROOKS:   Correct.

8                   MR. GAROFALO:   -- or whether  
9                   it's going to be just a warehouse.   I  
10                  don't think at the last meeting we  
11                  got an indication one way --

12                  MS. BROOKS:   That's right.   I  
13                  did research it between the last  
14                  meeting -- the applicant was out of  
15                  the country when the deadline was, so  
16                  I wasn't able to consult with him on  
17                  all of the answers before the meeting  
18                  this evening.   But no, there will be  
19                  no public there.   I did research the  
20                  ADA New York State requirements, and  
21                  so we are not required to have a  
22                  handicap spot.   I did do an  
23                  inspection of the site today, though.  
24                  I mean the easterly doorway is at  
25                  grade.   So although we won't be



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2            paving anything there, certainly it  
3            is wheelchair accessible right now.  
4            But no, we're not planning on putting  
5            an ADA compliant spot.

6            MR. GAROFALO:    So the only  
7            thing you really need to do is have  
8            the sight distance from the Highway  
9            Department.

10           MS. BROOKS:    Yes.    I did again,  
11           you know, visit the site today  
12           because I also noticed that the  
13           distances were not on there.    The  
14           sight distance to the west on both of  
15           the driveways is extremely limited.  
16           On the easterly driveway the sight  
17           distance to the west is limited  
18           because of the knoll in the road,  
19           and the westerly driveway obviously  
20           because of the severe bend in the  
21           road.    However, where the proposed  
22           driveway -- the westerly proposed  
23           driveway is actually will be higher  
24           up.    Right now the existing driveway  
25           has limited sight distance to the

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2            east as well because of that knoll.  
3            By shifting the westerly driveway to  
4            the east, we will be gaining sight  
5            distance. The sight distance to the  
6            east on both of those driveways is in  
7            excess of 400 feet. It is a 30  
8            mile-an-hour speed limit there.

9            CHAIRMAN BRAND: Patti, the  
10           last time there was discussion  
11           regarding what was the original  
12           driveway for the -- since it wasn't  
13           an approved site plan, it was just  
14           agricultural use last time as far as  
15           we could research.

16           MS. BROOKS: Well, yeah. I  
17           did, I brought a copy of the original  
18           filed subdivision map that was  
19           approved in 2016. It did show the  
20           existing farm lane with the gravel  
21           apron on the east end of the  
22           property, which is the easterly  
23           driveway.

24           CHAIRMAN BRAND: Okay.

25           MS. BROOKS: There was a

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2               proposed driveway on the westerly end  
3               coming off in the exact location as  
4               I've shown it on the proposed plan  
5               right now.

6               CHAIRMAN BRAND:   And that's  
7               what was approved previously?

8               MS. BROOKS:   That's what was  
9               approved.   At that point in time it  
10              was approved for a four-bedroom  
11              dwelling but also a 70 by 100 foot  
12              proposed agricultural building.   That  
13              was actually part of the approval of  
14              the subdivision approval in 2016.

15              CHAIRMAN BRAND:   Okay.   Thank  
16              you.

17              MR. GAROFALO:   Do you think it  
18              would be safer to have the one driveway in  
19              and the other driveway out?

20              MS. BROOKS:   That's a good  
21              question.   I guess if I have to meet  
22              the highway superintendent out there,  
23              if the Board would prefer to leave it  
24              up to his jurisdiction.

25              MR. CLARKE:   This is Idlewild

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2               Road, though.

3               MS. BROOKS:  It is.  There are  
4       very few houses on Idlewild Road.  
5       It's obviously a dead-end road.  
6       Beyond this property to the west, I  
7       drove up there today, again all the  
8       way to the end of the road just to  
9       kind of get a lay of the land.  It's  
10      posted at 30 miles-an-hour but I  
11      don't see anybody going 30.  I  
12      certainly was not going 30  
13      miles-an-hour on it.  You know, it's  
14      a very circuitous, hilly, curvy road.  
15      So although sight distance is  
16      limited, traffic is also extremely  
17      limited on that roadway.

18              CHAIRMAN BRAND:  Anything else  
19      from the Board?

20              (No response.)

21              CHAIRMAN BRAND:  This is a  
22      public hearing.  If you have any --  
23      anyone here is interested in speaking  
24      or asking questions about this  
25      project, I would just ask that you

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2               state your name. We don't have a  
3               stenographer this evening so we're  
4               recording it. I just ask anyone,  
5               before you speak, just state your  
6               name. That would be very helpful.

7               Mr. Casey.

8               MR. CASEY: Kevin Casey,  
9               Idlewild Road in Marlboro. Can I  
10              approach up there?

11              CHAIRMAN BRAND: Of course.

12              MR. CASEY Patti, do you mind?

13              MS. BROOKS: Of course not.

14              Have a seat.

15              MR. CASEY: I'm kind of at a  
16              loss here tonight. For some reason I  
17              have a -- I think I have it.  
18              Originally when this was approved it  
19              was supposed to be for a house and an  
20              apple warehouse as it was put to us.  
21              It's an allowable use in the  
22              agricultural zone, it's not a  
23              problem. At a point subsequent to  
24              this -- to the final approval, I'm  
25              kind of at a loss for words with

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2               something now showing up that I saw  
3               on the map. I wish Tommy Corcoran  
4               was here because he could probably  
5               help with this.

6               MS. BROOKS: I have the  
7               original map we were just looking at.

8               MR. CASEY: Okay. I own the  
9               land right across -- I had owned the  
10              land right across the street. I was  
11              in the process of a subdivision to  
12              give my daughter a piece of land to  
13              build a house which currently is  
14              right here. During that period of  
15              time the house was after the -- came  
16              in after the warehouse. We were a  
17              little dismayed to see that that  
18              warehouse was just dropped here  
19              without a house. It kind of ruined  
20              her, you know, sight from her house,  
21              but that's our problem.

22              There was a point where there  
23              was an agreement, and again I wish  
24              Tommy was here, where there was  
25              supposed to be a minimum of 12-foot

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2           tall pine trees or conifer trees  
3           along the Idlewild Road side for a  
4           natural barrier against this  
5           warehouse.

6           Also, there was a driveway that  
7           was put in where this -- if you look  
8           at your map, where it says farm  
9           lane --

10           MS. BROOKS: They don't have  
11           this map.

12           MR. CASEY: The one that says  
13           gravel lane. On the original map it  
14           said farm lane, the one I'm looking  
15           at here, and that was to be used as a  
16           construction road. After construction  
17           that road was supposed to have been  
18           taken out. If Tommy was here,  
19           believe me, my memory would be a  
20           little bit better. I just thought  
21           I'm not seeing what I remember.

22           So what I'm asking -- what I  
23           was going to ask is to have the  
24           original site plan enforced, which I  
25           guess it kind of is because those

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2            pine trees aren't shown on here. I  
3            don't know if there is a map of what  
4            I saw where they denoted where the  
5            pine trees were to be planted. It  
6            also said the driveway to be removed.  
7            Now, Tommy Corcoran is going to have  
8            to help with that because -- I think  
9            I have that map in my possession. I  
10           wasn't prepared to bring it here  
11           tonight. I didn't think I needed it.  
12           I'm going to have to go back and  
13           look.

14                    There's a little bit more  
15                    history that I'd rather not get into  
16                    unless I really have to here. I mean  
17                    is that something that -- by the way,  
18                    I'm Kevin. And you are?

19                    MR. STAFFON: I'm Chris. Good  
20                    to meet you.

21                    MR. CASEY: Chris, nice to meet  
22                    you.

23                    My problem is my daughter's  
24                    house is right here and we look right  
25                    at the warehouse. The trees were



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2               supposed to have been planted there.  
3               Again, we don't see it here. Is that  
4               something you would be willing to do  
5               to eliminate this driveway or not?

6               MR. STAFFON: No, we wouldn't  
7               be willing to do that.

8               MR. CASEY: Okay.

9               MR. STAFFON: You can plant  
10              trees in front of her house.

11              MR. CASEY: I know I could. I  
12              know I could. That wasn't the  
13              agreement. I would like -- we have  
14              to further this a little bit then. I  
15              have to -- Tommy Corcoran has to be  
16              brought in on this because he was  
17              well aware of it.

18              So that being the point, I  
19              guess I'll have to go a little bit  
20              further. This original proposal --  
21              now, this is for a recycled  
22              agricultural building. Correct?

23              MR. STAFFON: Correct.

24              MR. CASEY: How can you have a  
25              recycled agricultural building for a

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2               building that was never agricultural?

3               CHAIRMAN BRAND:  We brought  
4               that up.  I spoke to Tommy as well.  
5               Basically once it's approved as an  
6               agricultural use, it's beyond our  
7               scope to see what it was actually  
8               used for.  If it was approved for  
9               that, that is what it is.

10              MR. CASEY:  I can tell you that  
11              I'm going to put 100 by 100 foot  
12              agricultural use building on my  
13              property right now, I can hold it for  
14              three or four years and then I can  
15              come in and ask for a -- I can ask to  
16              have the use amended to be a recycled  
17              agricultural building even though the  
18              building was never agricultural?

19              CHAIRMAN BRAND:  Apparently.

20              MR. CASEY:  I can do that?

21              CHAIRMAN BRAND:  Apparently.

22              MS. BROOKS:  Again, I think  
23              part of the issue is that when a  
24              building permit is issued in good  
25              faith for an agricultural building,

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2               unless somebody comes to the Building  
3               Department or the Zoning Department  
4               and makes a formal complaint and says  
5               a building permit was issued for an  
6               agricultural building and it's not  
7               being used as an agricultural  
8               building --

9               MR. HINES:   I don't think you  
10              get building permits for agricultural  
11              buildings.   They're exempt.

12             MS. BROOKS:   He did get a  
13              building -- I know because I called  
14              and Penny researched --

15             MR. CLARKE:   It is an option.  
16              For the building we put up --

17             MR. HINES:   Insurance companies  
18              want them but per New York State code  
19              you don't have to.

20             MS. BROOKS:   As a result of the  
21              last meeting I was asked to research  
22              it.   I researched it and the only  
23              thing that was in the file was the  
24              building permit for the original  
25              building that was issued, and then

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2               there was a violation issued in  
3               January after Chris took ownership  
4               and was using it not as an  
5               agricultural building. He now is  
6               remedying that situation by applying  
7               to the Town for the recycled  
8               agricultural building.

9               MR. JENNISON: Wouldn't this be  
10              in the minutes?

11              MR. TRONCILLITO: So Chris,  
12              what you're saying, you wouldn't even  
13              do it in good faith to be a good  
14              neighbor? You wouldn't even consider  
15              it?

16              MR. STAFFON: To install the  
17              trees?

18              MR. TRONCILLITO: Yes.

19              MR. STAFFON: No, we probably  
20              wouldn't consider that, only because  
21              it would be -- well, number one,  
22              there's financial costs to installing  
23              the pine trees. Also taking care of  
24              them, maintaining them. We kind of  
25              like the way that we come up on the

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2           hill, make our left there and are  
3           able to see the view of the  
4           warehouse. I mean that's something  
5           we enjoy, the property and the way  
6           it's situated. So I think having a  
7           line of pine trees would kind of ruin  
8           that view for us as well.

9           MR. HINES: So the agricultural  
10          -- the recycled agricultural does  
11          give this Board the flexibility to  
12          make sure that the use is consistent  
13          and in harmony, I think it says, with  
14          the surrounding land uses. So it  
15          does give you the ability to analyze  
16          those impacts and determine if the  
17          use meets that section of the code in  
18          front of you right now.

19          MS. BROOKS: The gravel road to  
20          the west of this goes back to, I  
21          don't know how many tractor trailer  
22          storage containers. So, you know,  
23          the character of the --

24          MR. STAFFON: If we're talking  
25          about impact, we have probably half

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

2               the amount of impact, or maybe even a  
3               third or a quarter of the amount of  
4               impact that the previous tenant or  
5               previous occupant, the owner, had  
6               with his tractor trailers. I mean  
7               we're there maybe once a week. You  
8               know, he had tractor trailers in and  
9               out of there all day long.

10              MR. CASEY: In the morning and  
11              at night. He did.

12              MS. BROOKS: And it is an  
13              attractive building. I mean it  
14              doesn't look just like an empty  
15              warehouse. It's got nice windows in  
16              the front of it. We could supply  
17              photographs of it, or certainly the  
18              Planning Board Members are welcome to  
19              drive by and drive through the site.

20              MR. CASEY: I just wish I could  
21              pinpoint -- Jen, you found nothing in  
22              there as far as --

23              MS. FLYNN: I spoke to Tommy as  
24              well. He said that it was as an  
25              agricultural building and that the

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

2               Greiners came in and said they are  
3               using it for that.

4               MR. CASEY:   I understand.   I'm  
5               talking about referring to the pine  
6               trees and removal of the construction  
7               road.

8               MS. FLYNN:   I didn't know that  
9               it was under the estate of Ernest  
10              Greiner.   I'll have to look at that  
11              tomorrow and see.

12              CHAIRMAN BRAND:   We'll go back  
13              and check.

14              MR. CASEY:   I know I'm probably  
15              being a day late and a dollar short.  
16              I would have came more prepared.   I  
17              thought it was -- I thought when  
18              someone pulled this map out I was  
19              going to see those trees and removal  
20              of that temporary driveway on there.  
21              There is a map somewhere that shows  
22              this as a construction driveway to be  
23              removed at a later date and it shows  
24              where those trees were supposed to be  
25              planted.   I'm nuts but I'm not crazy.

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

2                   MS. BROOKS:  I do not have a  
3                   copy of that map.  This is what was  
4                   filed with the County Clerk.

5                   MR. CASEY:  Then it's my fault  
6                   for not trying to have it enforced  
7                   earlier.  The previous occupant, he  
8                   was a very good neighbor and, you  
9                   know, he was respectful of us as far  
10                  as his trucks and all that, even  
11                  though we knew he didn't belong  
12                  there.  It wasn't an agricultural  
13                  entity, it was a construction  
14                  business.  We didn't push anything.  
15                  Sometimes you have to be thankful of  
16                  what you have instead of what you  
17                  might have.

18                  I see no problem.  We have no  
19                  problem now.  It's just -- I know out  
20                  there somewhere there's a map that  
21                  shows that natural barrier and  
22                  removal of that road.

23                  Again, the use of the building,  
24                  it's just sporadic?  It's just  
25                  overflow and --



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

2                   MR. STAFFON:  Yeah.  So our  
3                   operation is real simple.  We do 90  
4                   percent of the manufacturing in  
5                   Newburgh.  This warehouse is strictly  
6                   for overflow goods.  If we have too  
7                   many boxes or too much raw material,  
8                   plastics or aluminum, we'll store  
9                   them there interim of us  
10                  manufacturing.  So we're there if we  
11                  need to be maybe once a week, twice a  
12                  week.  It all depends on how many  
13                  orders we have and the given time of  
14                  year and how busy we are in Newburgh.  
15                  Really we needed the extra space  
16                  because we were running out of it.

17                 MR. CASEY:  And your plans are  
18                 just to keep it as that?

19                 MR. STAFFON:  Yeah.

20                 MR. CASEY:  Nothing else?

21                 MR. STAFFON:  Yup.

22                 MR. CASEY:  All right.  There's  
23                 not much more I can say unless --

24                 MS. FLYNN:  If you find that  
25                 map --

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

2                   MR. CASEY:   I'm going to go  
3       home tonight or tomorrow morning and  
4       look for it.

5                   MS. FLYNN:   And you'll come see  
6       me tomorrow?

7                   MR. CASEY:   I'll be in contact  
8       with Tommy also.   He is well aware of  
9       it because that's when we put -- I  
10      remember putting the stipulation of  
11      the height of the trees, because what  
12      would prevent someone from planting  
13      seedlings there.   You know, he said  
14      well let's make it -- it was Tommy's  
15      suggestion, let's make it a minimum  
16      height on the trees.   I'm not  
17      dreaming this up.

18                  MR. TRONCILLITO:   I know where  
19      you're coming from because I did the  
20      same thing and I put them in.

21                  MR. CASEY:   Believe me, it's  
22      not a -- it's not a nuisance now and  
23      I'm sure it's not going to be a  
24      nuisance.   My thing is I just wanted  
25      the previous site plan adhered to.

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

2               Staring me in the face somehow it  
3               isn't adhered to other than the  
4               driveway. I still don't believe that  
5               driveway belongs there because we  
6               were assured that the access was  
7               going to be off of the water plant  
8               road, which isn't a water plant  
9               anymore, it's a plastic recycling  
10              facility. I guess that's for another  
11              day.

12              My main thing I think would be  
13              this road. That's not something  
14              you're willing to --

15              MR. STAFFON: That's the main  
16              access. We kind of treat the  
17              building like you suggested, sir,  
18              where this is our entry point and  
19              then we exit out of the west side.  
20              It's one big loop. It's a lot easier  
21              if we have a delivery come in, what  
22              is this east, the eastern road, to  
23              come and we're able to unload them  
24              right here inside the building and  
25              then they exit the other way. They'd

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

2               have to figure out a way to turn  
3               around.

4               MR. CASEY:   There is plenty of  
5               road back there to turn around.  You  
6               know that.

7               MR. STAFFON:  Yeah, but it  
8               would seem like it's hindering to  
9               some degree.

10              MR. CASEY:   I'm just say what  
11              was previously agreed on.  Again,  
12              you know --

13              MR. TRONCILLITO:  Let me ask  
14              you a question.  What if he has the  
15              map that shows all the stuff that  
16              Kevin is talking about, then what?  
17              Then what happens?

18              MS. BROOKS:   I'm not sure who  
19              it was approved by.

20              MR. TRONCILLITO:  I'm curious  
21              what happens then, you know.

22              MR. CASEY:   We're going to find  
23              it.

24              MR. STAFFON:  Even if we find  
25              it, I wasn't aware of it when we

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

2               purchased the building.

3               MR. TRONCILLITO: I know that.

4               MR. STAFFON: That's why I'm  
5       trying to understand what our  
6       responsibility would be even if there  
7       was a map that existed with trees.

8               MR. CASEY: That may solve my  
9       problems. What if we do find a map  
10      that shows that this should have been  
11      done by the previous landowner. Is  
12      that something you can enforce or  
13      not? If you couldn't, then it's a  
14      mute point.

15              CHAIRMAN BRAND: Jeff?

16              MR. BATTISTONI: I would like  
17      to see whether there was a site plan  
18      approval. We keep talking about a  
19      map. Normally it's a site plan, and  
20      I assume there would be a  
21      resolution --

22              MR. CASEY: It was on the site  
23      plan.

24              MR. BATTISTONI: -- of  
25      approval. I'd have to look at the

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

2               conditions. But yes, I would like to  
3               get our facts straight first.

4               MR. CASEY: Would there be a  
5               reason to have the site plan -- a  
6               site plan for the previous --

7               MR. BATTISTONI: Not for an ag  
8               building.

9               CHAIRMAN BRAND: It was  
10              originally proposed as an ag building  
11              and a house. Right?

12              MS. BROOKS: Mm'hm'.

13              MR. CASEY: The ag building. I  
14              forgot. Yeah.

15              MR. HINES: That section of the  
16              code does give you flexibility  
17              because it states that -- I'm trying  
18              to read here without glasses on. It  
19              says operate without public hazard,  
20              nuisance caused by odor, noise,  
21              smoke, dust, traffic generation. It  
22              goes on to mention things. So you  
23              have to determine that this building  
24              will operate as the changed use as  
25              such. I think it gives the Board

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

2               flexibility.

3               MR. CASEY:  Honestly, to me it  
4               sounds like it would be much less of  
5               an impact than we had with the  
6               previous owner.  I'm not opposed to  
7               his business.  I'm not opposed to him  
8               in any way.  It's more the process  
9               that bothers me.  When we all abide  
10              by the rules -- you know, we all try  
11              to abide by the rules and a few just  
12              blatantly don't.

13              MR. CLARKE:  Patti, did you see  
14              a previous map?  Have you pulled a  
15              previous map?

16              MS. BROOKS:  The only previous  
17              map I have in our records and in the  
18              County records is the subdivision map  
19              that we did in 2016.

20              MR. CASEY:  So there would be a  
21              map subsequent to this?

22              MS. BROOKS:  Not prepared by my  
23              firm.

24              MR. HINES:  I'm trying to think  
25              if there wasn't a site plan first and

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

2               then this ag building/house came. In  
3               other words, Greiner may have come in  
4               -- prior to this lot being created,  
5               it was part of a larger parent parcel.

6               MS. BROOKS: Perhaps by another  
7               firm. Not by our firm.

8               MR. HINES: Right.

9               MR. CASEY: It was after the  
10              subdivision.

11              MR. HINES: After.

12              MR. CASEY: It was definitely  
13              after the subdivision.

14              CHAIRMAN BRAND: So let's have  
15              Tommy look into that.

16              MR. CASEY: I'll stop to see  
17              Tommy tomorrow and I'll see if he  
18              remembers things differently when I  
19              talk to him.

20              MR. BATTISTONI: Do you want to  
21              keep the public hearing open?

22              CHAIRMAN BRAND: I don't think  
23              so. I think we know his concerns.

24              MR. CASEY: I don't have a  
25              reason to delay what he needs. If



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

2               this map appears --

3               MR. HINES:  I don't think the  
4               Board is going to make a decision  
5               tonight.  I think we're going to do  
6               some more research.

7               CHAIRMAN BRAND:  Absolutely.  
8               Absolutely.

9               MR. HINES:  They're just  
10              talking about closing the public  
11              hearing portion if they want.

12              CHAIRMAN BRAND:  And I think we  
13              know your concerns.  Now that we have  
14              the correct filed -- the owner's  
15              name, we should be able to do better.

16              MR. CASEY:  Okay.

17              CHAIRMAN BRAND:  We'll find out  
18              what we can.

19              MR. CASEY:  Perfect.

20              CHAIRMAN BRAND:  Thank you.

21              MR. CASEY:  Thank you.

22              CHAIRMAN BRAND:  Is there  
23              anyone else here for the public  
24              hearing on this issue for Lighthouse  
25              Holdings?

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

2                   (No response.)

3           MR. JENNISON:  I'll make a  
4       motion to close the public hearing.

5           CHAIRMAN BRAND:  Is there a  
6       second?

7           MR. GAROFALO:  I'll second it.

8           CHAIRMAN BRAND:  Any discussion?

9                   (No response.)

10          CHAIRMAN BRAND:  Any objection?

11                   (No response.)

12          CHAIRMAN BRAND:  All right.

13       The public hearing is closed.

14           MS. BROOKS:  I do have -- Chris  
15       was able to provide to me the updated  
16       Board of Health permit for the site,  
17       so I can submit that for the record.

18                   And then Mr. Garofalo had  
19       pointed out last month that I was  
20       missing, I think an address --

21           MR. JENNISON:  E-mail address.

22           MS. BROOKS:  -- an e-mail  
23       address on the one sheet.  We have a  
24       hard copy, which I will give to Jen  
25       both of these this evening.

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

2                   CHAIRMAN BRAND:   Great.   Thank  
3                   you.

4                   So is the Board comfortable  
5                   drafting an approval resolution at  
6                   this time with the understanding that  
7                   obviously we're researching the  
8                   previous approvals.   If any of those  
9                   things are there, there would be  
10                  conditions in the new approval?

11                  MR. STAFFON:   Why would there  
12                  be conditions in the new approval?

13                  CHAIRMAN BRAND:   Well for  
14                  example, if it -- if the old  
15                  subdivision maps did say that there  
16                  had to be trees or something like  
17                  that and that was approved and part  
18                  of the subdivision approval --  
19                  previous subdivision approval.

20                  MR. JENNISON:   But why would  
21                  the new owner be responsible for  
22                  that?

23                  MR. STAFFON:   Why put it in  
24                  there?

25                  CHAIRMAN BRAND:   Jeff?

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

2                   MR. HINES:   Because it wasn't  
3       done the first time.

4                   MR. BATTISTONI:   He's still  
5       responsible.   If there's a prior site  
6       plan approval, whatever conditions  
7       are on that would carry forward.

8                   MR. JENNISON:   It would carry  
9       to the new owner?

10                  MR. BATTISTONI:   Yes.

11                  MR. HINES:   Because they should  
12       have been done.   They should have  
13       been implemented if they were  
14       conditions of the approval.

15                  MR. CLARKE:   If this was done  
16       as an agricultural building and Mr.  
17       Greiner went in for a permit, --

18                  MR. BATTISTONI:   Building  
19       permit.

20                  MR. CLARKE:   -- there would be  
21       no site plan.

22                  MR. BATTISTONI:   I agree, but  
23       people are saying --

24                  MR. HINES:   There was a house  
25       on that original approval that's not

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

2               there.  This was an accessory use to  
3               that residential use.

4               MR. CLARKE:  So maybe there was  
5               a site plan.

6               CHAIRMAN BRAND:  Yes.

7               MR. HINES:  It wouldn't be here  
8               if it wasn't for that map that  
9               created the residential use and the  
10              accessory building.  You can't come in  
11              and just say I'm putting a warehouse  
12              here.

13              MS. BROOKS:  Well you can come  
14              in and say you're putting an  
15              agricultural building.  Absolutely.  
16              That was a principal permitted use or  
17              it wouldn't have gotten a building  
18              permit.  You can't have an accessory  
19              structure without --

20              MR. JENNISON:  The way I'm  
21              understanding it, the new owner, if  
22              it does have it, they would be  
23              responsible then?

24              CHAIRMAN BRAND:  Correct.

25              MR. JENNISON:  I guess we have

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

2               to put it in then.

3               CHAIRMAN BRAND:   So can I have  
4               that motion?

5               MR. JENNISON:   I'll make that  
6               motion.

7               MR. TRONCILLITO:   Second.

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

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

12              MR. HINES:   That was for Jeff  
13              to draft --

14              CHAIRMAN BRAND:   Correct.

15              MR. HINES:   -- the resolution.

16              MS. BROOKS:   So here's what  
17              they're doing.   They're authorizing  
18              the attorney to draft a resolution  
19              for consideration by the Board at the  
20              next meeting.   If somebody turns up a  
21              site plan which was approved by the  
22              Planning Board and had particular  
23              stipulations on it, then the property  
24              is bound by those stipulations.   The  
25              fact that the previous owner didn't

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

2            do it, maybe you have recourse to go  
3            back to the previous owner, but this  
4            Board is bound to make whoever owns  
5            the property now and is coming before  
6            them comply to whatever was  
7            previously approved. We don't know  
8            if that map exists or not. They need  
9            to research it to find out.

10                  Am I correct?

11                  CHAIRMAN BRAND: Correct.

12                  MR. HINES: The ordinance does  
13            give the Board flexibility to review  
14            the recycled ag. It's not a given.  
15            It's something that gets a special  
16            use I believe for this Board to  
17            consider. It could be conditioned on  
18            any reasonable conditions.

19                  CHAIRMAN BRAND: Anything else  
20            on this one?

21                  (No response.)

22                  CHAIRMAN BRAND: All right.

23            Thank you.

24                  MR. STAFFON: Thank you very  
25            much.

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

2                   MS. BROOKS:   Thank you.

3                   MS. FLYNN:   Patti, that meeting  
4                   is September 19th.

5                   MS. BROOKS:   You're not going  
6                   to have one the day after Labor Day.  
7                   Okay.

8

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

10

11

12

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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  
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 22nd day of August 2022.  
18

19  
20  
21                    *Michelle Conero*

22                    \_\_\_\_\_  
23                    MICHELLE CONERO  
24  
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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD  
----- X  
In the Matter of

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

----- X

PUBLIC HEARING - SUBDIVISION

Date: August 15, 2022  
Time: 8:00 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOSEPH LOFARO  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO  
STEPHEN JENNISON  
ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

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

2 CHAIRMAN BRAND: Next on the  
3 agenda we have the public hearing for  
4 the subdivision of Jeff Aldrich at  
5 132 Milton Turnpike in Milton.

6 "Legal notice. Please take --  
7 "subdivision application." Sorry.  
8 "Please take notice a public hearing  
9 will be held by the Marlborough  
10 Planning Board pursuant to the State  
11 Environmental Quality Review Act, or  
12 SEQRA, and Town of Marlborough Town  
13 Code Section 134-9 on Monday,  
14 August 15, 2022 for the following  
15 application: Jeff Alrich, at the Town  
16 Hall, 21 Milton Turnpike, Milton, New  
17 York at 7:30 p.m. or as soon  
18 thereafter as may be heard. The  
19 applicant is seeking approval of a  
20 two-lot subdivision application for  
21 lands located at 132 Milton Turnpike,  
22 Milton, New York 12547, Section  
23 103.1; Block 1; Lot 33.200. Any  
24 interested parties either for or  
25 against this proposal will have an

1 JEFF ALDRICH

2 opportunity to be heard at this time.  
3 Chris Brand, Chairman, Town of  
4 Marlborough Planning Board."

5 Pat, did you want to start us off?

6 MR. HINES: Ulster County DPW  
7 has signed off on the driveway,  
8 although the lot does access Milton  
9 Turnpike, a County road. That's been  
10 completed.

11 I think we're waiting for the  
12 septic system approval permit for the  
13 septic system for the proposed house.

14 Otherwise we have no out-  
15 standing comments. We reviewed it a  
16 couple of times and all of our  
17 previous comments have been addressed.

18 CHAIRMAN BRAND: Patti,  
19 mailings? How many did you send out,  
20 how many were returned?

21 MS. BROOKS: 44 out for a total  
22 of \$345.40. I wish we would stop  
23 doing certified, return receipt  
24 letters at the tune of \$7.85 apiece.

25 CHAIRMAN BRAND: 44 out. How

1 JEFF ALDRICH

2 many returned?

3 MR. HINES: And 20 minutes.

4 MS. BROOKS: Longer than that.

5 It takes hours to --

6 MR. HINES: I meant each one.

7 CHAIRMAN BRAND: Patti, 44 out?

8 MS. BROOKS: 44 out. 9 of them

9 -- so 44 minus 9 would be 35. 35

10 back. Heavy math late in the evening.

11 CHAIRMAN BRAND: Comments from

12 the Board on this one? Any comments

13 or questions?

14 (No response.)

15 CHAIRMAN BRAND: This is a

16 public hearing. If anyone is here

17 that has a question or comment for

18 this, please just state your name for

19 the record and you'll be heard at

20 this time.

21 MR. SABUDA: I'm Robert Sabuda.

22 Can we see what you're all saying?

23 CHAIRMAN BRAND: Absolutely.

24 Come on up to the table if you'd

25 like.

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

2 MS. BROOKS: I'm sorry, sir.

3 Where are you located?

4 MR. SABUDA: 67 Milton Turnpike.

5 MS. BROOKS: So here's Sherman  
6 Road, Milton Turnpike, the Russin  
7 house. Are you the one highlighted?

8 MR. SABUDA: Yes.

9 MS. BROOKS: Okay.

10 MR. SABUDA: It's going to be  
11 one home?

12 MR. HINES: One home.

13 MS. BROOKS: One home. So  
14 basically the lot that we're creating  
15 is located here and you are here.

16 MR. SABUDA: Is the builder  
17 allowed to come back, since it's  
18 considered a subdivision, and then  
19 build more homes in here or is this  
20 only for one home for this size lot?

21 MS. BROOKS: It's proposed for  
22 one home for the 19.01 acre parcel.  
23 The proposed purchaser at this point  
24 in time represented that he is  
25 putting one proposed home on it and

1        J E F F   A L D R I C H

2                not subdividing it further. That  
3                would not preclude him or another  
4                owner in the future from either  
5                subdividing the rest of the property  
6                or coming back at some point in time  
7                and trying to subdivide it.

8                MR. HINES: They would have to  
9                go through this whole process again.

10               MR. SABUDA: Got it. Where is  
11               the driveway?

12               MS. BROOKS: Right here.

13               MR. HINES: The County has  
14               approved that driveway location.

15               MR. SABUDA: Okay. Great.  
16               That's it. Thank you.

17               MS. BROOKS: Thank you for  
18               coming. When you send out all those  
19               letters you like to know somebody --

20               MR. SABUDA: I wanted see  
21               what's going on.

22               MS. BROOKS: Thank you.

23               MR. HINES: Maybe we should  
24               send a copy of the plan with it.

25               MS. BROOKS: We do send a copy

1 JEFF ALDRICH

2 of the tax map highlighting the  
3 parcel.

4 CHAIRMAN BRAND: Is anyone else  
5 here for this public hearing?

6 (No response.)

7 MR. JENNISON: I'll make a  
8 motion to close the public hearing.

9 CHAIRMAN BRAND: Is there a  
10 second?

11 MR. LOFARO: I'll second it.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: The public  
17 hearing is closed.

18 So that being said, having no  
19 substantial input from the public  
20 hearing, should we have a resolution  
21 drafted for the next meeting?

22 MR. JENNISON: I'll make that  
23 motion.

24 CHAIRMAN BRAND: Mr. Jennison.

25 MR. LOFARO: Second.



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

2 CHAIRMAN BRAND: Seconded by  
3 Lofaro. Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any objection?

6 (No response.)

7 CHAIRMAN BRAND: All right. We  
8 will have that set for the next  
9 meeting.

10 MS. BROOKS: Thank you very  
11 much for your time.

12 CHAIRMAN BRAND: Thank you.

13

14 (Time noted: 8:06 p.m.)

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25

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

2  
3 C E R T I F I C A T I O N  
4

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 22nd day of August 2022.  
18  
19  
20

21 *Michelle Conero*

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

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

- - - - - X  
In the Matter of

ROMAR FARMS

Project No. 22-6013  
James Street, Marlboro  
Section 109.1; Block 4; Lots 63 & 70.341

- - - - - X

FINAL - LOT LINE

Date: August 15, 2022  
Time: 8:06 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

- - - - - X

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

1        R O M A R   F A R M S

2                    CHAIRMAN BRAND:   Next up we  
3        have a final for the lot line of  
4        Romar Farms on James Street in  
5        Marlboro.

6                    Pat, do you want to start off  
7        with your comment?

8                    MR. HINES:   The only comment I  
9        have is that we picked up on --  
10       Meghan picked up on the discrepancy  
11       in the lot areas, some of the  
12       calculations, and Carmen was going to  
13       adjust those.

14                   MR. MESSINA:   I sent you the  
15       PDF.   Did you get it?

16                   MR. HINES:   If you sent it to  
17       me after Wednesday afternoon --

18                   MR. MESSINA:   The day we spoke.

19                   MR. HINES:   That was Wednesday  
20       afternoon when I was walking out the  
21       door.

22                   MR. MESSINA:   We have corrected  
23       it.

24                   MR. HINES:   There was a  
25       mathematical error in the lot sizing.

1       R O M A R   F A R M S

2                   MR. CLARKE:   How could that  
3       happen?

4                   MR. HINES:   You have to talk to  
5       Carmen.

6                   MR. MESSINA:   Math was not my  
7       first subject.

8                   CHAIRMAN BRAND:   Any questions  
9       or comments from the Board regarding  
10      this one?

11                   (No response.)

12                   CHAIRMAN BRAND:   No.   Jeff, I  
13      see that you have prepared a  
14      resolution of approval.   Anything  
15      you'd like to highlight for that?

16                   MR. BATTISTONI:   I think we do  
17      have to handwrite a condition in.  
18      Just submission of a map with the  
19      corrected acreage.   He may well have  
20      it but I haven't seen it yet.   That's  
21      a condition.   When we get the map, I  
22      would just sign off on it.

23                   CHAIRMAN BRAND:   Okay.   Can I  
24      have that as a motion?

25                   MR. TRONCILLITO:   I'll make the

1        R O M A R   F A R M S

2                motion.

3                MR. JENNISON:    Second.

4                CHAIRMAN BRAND:    Bobby,  
5                seconded by Steve.    Any discussion?

6                (No response.)

7                CHAIRMAN BRAND:    Any objection?

8                (No response.)

9                CHAIRMAN BRAND:    All right.    So  
10               then for the application of Romar  
11               Farms for a lot line resolution, we  
12               have the resolution of approval by  
13               the Town of Marlborough Planning  
14               Board for August 15, 2022.

15               Jen, would you poll the Board.

16               MS. FLYNN:    Chairman Brand?

17               CHAIRMAN BRAND:    Yes.

18               MS. FLYNN:    Steve Clarke?

19               MR. CLARKE:    Yes.

20               MS. FLYNN:    Member Lanzetta?

21               CHAIRMAN BRAND:    Absent.

22               MS. FLYNN:    Member Lofaro?

23               MR. LOFARO:    Yes.

24               MS. FLYNN:    Member Troncillito?

25               MR. TRONCILLITO:    Yes.

1       R O M A R   F A R M S

2                   MS. FLYNN:   Member Garofalo?

3                   MR. GAROFALO:   Yes.

4                   MS. FLYNN:   Member Jennison?

5                   MR. JENNISON:   Yes.

6                   CHAIRMAN BRAND:   All right.

7       You're all set.

8                   MR. BATTISTONI:   There are two --  
9       it's a subdivision.

10                  CHAIRMAN BRAND:   Lot line.

11                  MR. BATTISTONI:   Got you.   Yes.  
12       I'm sorry.

13                  CHAIRMAN BRAND:   So no rec fees.

14                  MR. BATTISTONI:   It's a Type 2  
15       action.

16                  CHAIRMAN BRAND:   All right,  
17       great.

18                  MR. MESSINA:   Thank you.

19                  CHAIRMAN BRAND:   Thank you.

20

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

22

23

24

25

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of August 2022.

---

MICHELLE CONERO



1  
 2 STATE OF NEW YORK : COUNTY OF ULSTER  
 TOWN OF MARLBOROUGH PLANNING BOARD  
 3 - - - - - X  
 In the Matter of  
 4

5 BAYSIDE AMENDED  
 6

7 Project No. 22-6011  
 18 Birdsall Avenue, Marlboro  
 Section 109.1; Block 4; Lot 29  
 8

9 - - - - - X  
 10 PRELIMINARY - SITE PLAN

11 Date: August 15, 2022  
 12 Time: 8:10 p.m.  
 Place: Town of Marlborough  
 Town Hall  
 13 21 Milton Turnpike  
 Milton, NY 12547  
 14

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

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

21 APPLICANT'S REPRESENTATIVES: ERIC BAXTER &  
 DANIEL RIEGER  
 22

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

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

2                    CHAIRMAN BRAND:   Finally on the  
3                    agenda we have the preliminary site  
4                    plan for the Bayside Amended project  
5                    located at 18 Birdsall Avenue in  
6                    Marlboro.   How's it going?

7                    MR. BAXTER:   Good evening.

8                    CHAIRMAN BRAND:   Pat, did you  
9                    want to run through your comments  
10                   quickly?

11                   MR. HINES:   Sure.   So my first  
12                   comment is the comments from August  
13                   1st should be addressed.

14                   We requested an updated  
15                   stormwater pollution prevention plan  
16                   which I received today.

17                   MR. BAXTER:   Yeah.

18                   MR. HINES:   Notably it's  
19                   missing dust control, and dust  
20                   control has been an issue on the site  
21                   recently.

22                   MR. BAXTER:   Okay.

23                   MR. HINES:   That will have to  
24                   be revised to address fugitive dust  
25                   control.

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:   Yup.

3                   MR. HINES:   The Town is getting  
4                   complaints from Purdy Avenue  
5                   residents and neighbors.  It's an  
6                   issue.

7                   MR. BAXTER:   We know it's an  
8                   issue.  Unfortunately it's super,  
9                   super dry.

10                  MR. HINES:   You can get a water  
11                  truck.  There's ways to mitigate  
12                  that.  That just needs to get done.

13                  We're looking for a map that  
14                  specifically identifies the blasting  
15                  area.  I know we had some highlighted  
16                  colorized --

17                  MR. BAXTER:   That should have  
18                  been -- that was in the submission  
19                  that we submitted on Thursday,  
20                  Friday.

21                  MR. HINES:   Okay.  I'll give you  
22                  the same answer I just gave Carmen.

23                  MR. BAXTER:   Yup.

24                  MR. HINES:   These comments were  
25                  done before that as I was away

1       B A Y S I D E   A M E N D E D

2               Thursday and Friday.

3               The Planning Board, we  
4       discussed last time the third-party  
5       pre-blast survey. I think that's  
6       going to be addressed.

7               MR. BAXTER: That's been done  
8       already. We brought on a third party  
9       instead of the firm that's doing the  
10      blasting.

11              MR. HINES: And then there was  
12      the discussion of the Town requiring  
13      escrow for review for the blasting,  
14      either from my office or a third-  
15      party person to review that as well.

16              Then addressing the Marlborough  
17      School District letter was still  
18      outstanding on August 11th. It may  
19      have been addressed since then.

20              MR. RIEGER: Yeah. There's  
21      been direct communication at this  
22      point. I think we're just trying to  
23      hammer down an exact meeting date.  
24      There's been ongoing communication  
25      between --

1       B A Y S I D E   A M E N D E D

2               MR. BAXTER:  And we did address  
3       their comments in that letter.  I  
4       know you just got it.  We did address  
5       a lot of the comments.

6               MR. RIEGER:  We hit on a few of  
7       the comments and then we set up  
8       another meeting with them to start  
9       discussing, you know, planning -- if  
10      we were to get through the blasting,  
11      to start scheduling so they're on the  
12      same page.

13              MR. BAXTER:  To get a schedule  
14      of the blasting so it coincides with  
15      the times and approval.

16              MR. RIEGER:  With what their  
17      concerns were.

18              MR. HINES:  And then you guys  
19      received the screen shot of the  
20      County Planning comments.  That  
21      probably should be reviewed as well.

22              MR. RIEGER:  Did you see those?

23              MR. BAXTER:  Yes.  It was  
24      mainly about making sure any of the  
25      blasting isn't done during drop off

1       B A Y S I D E   A M E N D E D

2               and pick up, and that was --

3               MR. RIEGER: We received that  
4               this afternoon. I believe most of  
5               that would be --

6               MR. BAXTER: Would be part of  
7               the schedule.

8               MR. RIEGER: With the school.

9               CHAIRMAN BRAND: Just as an  
10              aside, I live right across the  
11              street, the dust is out of control.

12              MR. BAXTER: Understood.

13              CHAIRMAN BRAND: I mean it's  
14              going to be added to the plan.  
15              Anything you can do to try and get a  
16              handle on that sooner than later  
17              would certainly be appreciated. I  
18              can't open my window because the  
19              sills are jammed with dust in my  
20              bedroom. Yesterday there was like a  
21              straight up dust bowl tornado down in  
22              the retention pond. It's pretty  
23              ugly.

24              The second thing I would say to  
25              you guys is the letters that went out

1       B A Y S I D E   A M E N D E D

2               were more than confusing.

3               MR. BAXTER:  Sorry.  The first  
4               round or this latest?

5               CHAIRMAN BRAND:  Both actually.  
6               So the round of letters caused great  
7               confusion with some of the residents.  
8               There were people calling me, people  
9               calling the Town wanting to know --  
10              they weren't clear as to which person  
11              was really the person in charge.  The  
12              letter, once again as your first  
13              letter did, kind of indicates that  
14              this is already happening and you  
15              should go ahead and get this done.  
16              So that was something that -- moving  
17              forward, those types of letters I  
18              would caution you on sending out to  
19              the community without being sure that  
20              it's clear as to why we're getting  
21              them and that it's not a done deal  
22              necessarily.

23              MR. BAXTER:  Yup.

24              CHAIRMAN BRAND:  That being  
25              said, I did have the third-party

1       B A Y S I D E   A M E N D E D

2               person, the Vermont company come in  
3               and do the pre-blast assessment. I  
4               would recommend to it anyone. It is  
5               very painless. That was a good  
6               process and she was very nice.

7               MR. BAXTER: Good.

8               MR. JENNISON: Have you been  
9               into the school yet? Has the pre-  
10              blast person been in the school?

11              MR. BAXTER: We're not sure yet  
12              but he's been in touch with --

13              MR. RIEGER: We were in touch  
14              with Larry Cavazza. We met him at  
15              the last meeting and we've been in  
16              touch with him a couple times. We  
17              put Maine Blasting directly in touch  
18              with him, and then we connected him  
19              also with the pre-blast survey  
20              company. I believe either the  
21              superintendent or the principal was  
22              aware for the last few days, so we've  
23              just been trying to coordinate. I  
24              think today was the first day that  
25              they were actually able to get



1       B A Y S I D E   A M E N D E D

2               everybody talking together.

3               MR. JENNISON:  You have the  
4               superintendent and --

5               MR. RIEGER:  That will most  
6               likely occur this week if everything  
7               goes as planned.

8               MR. JENNISON:  Okay.

9               MR. BAXTER:  It's our  
10              intention, obviously, to be a good  
11              neighbor and work with the school as  
12              much as possible.

13              MR. RIEGER:  Most of the  
14              concerns were at the school, so we  
15              know we have to make it work.

16              CHAIRMAN BRAND:  So Pat, where  
17              are we with the review of the  
18              blasting as far as the application  
19              and the voting on the resolutions  
20              this evening?

21              MR. HINES:  So I think -- it's  
22              up to the Board.  I know a draft was  
23              done.  I do think a condition should  
24              be that map depicting the blasting  
25              areas, and we should -- the Board

1       B A Y S I D E   A M E N D E D

2               should determine if we want to have a  
3               third-party inspection, not just the  
4               pre-blast but on the site, kind of to  
5               be the Town's eyes and ears of what's  
6               going on out there during it.

7               I don't know how we handle the  
8               school district letter. I guess we  
9               can say that that has to be satisfied  
10              before they do it as well.

11              We can add some conditions I  
12              think to address it.

13              CHAIRMAN BRAND: Jeff?

14              MR. BATTISTONI: So two things.  
15              We prepared a negative declaration  
16              for SEQRA purposes. The prior  
17              findings that were done did investigate  
18              blasting as a possibility. I think  
19              the Board can simply restate those  
20              findings. I think that's all you  
21              need to do for SEQRA.

22              We did prepare a draft  
23              resolution. We weren't quite sure  
24              what conditions to put in, but maybe  
25              I'll just rattle these off if you

1       B A Y S I D E   A M E N D E D

2               don't mind.

3                       CHAIRMAN BRAND:   Please.

4                       MR. BATTISTONI:   The first is  
5               payment of all fees.

6                       Second, approval of a blasting  
7               map and blasting schedule by the  
8               school district and the engineer for  
9               the Planning Board.

10                      The third is that the blasting  
11               schedule has to be approved by the  
12               school district so that they're  
13               maximizing blasting when school is  
14               not in session.   In particular, if it  
15               is in session, they want to make sure  
16               there's no blasting that occurs when  
17               students are boarding or alighting  
18               from buses or outdoors for recess.   I  
19               think that was a comment from County  
20               Planning.

21                      The applicant shall conduct  
22               pre-blast surveys and also post-blast  
23               surveys.   We didn't put in that that  
24               had to be by a third-party company  
25               but it seems like they've already

1       B A Y S I D E   A M E N D E D

2               done that.

3               MR. JENNISON:  I think we should.

4               MR. HINES:  Do you want to  
5               state that?

6               CHAIRMAN BRAND:  I think we  
7               should include that as well, even  
8               though it's already done.

9               MR. BATTISTONI:  It says the  
10              applicant shall conduct pre-blast  
11              surveys. I'll just add by a third-  
12              party company.

13              CHAIRMAN BRAND:  Sure.

14              MR. BATTISTONI:  Okay.  I'll  
15              put that in for the post-blast survey  
16              as well.

17              MR. HINES:  That's only for  
18              people that accept it.  You can't --

19              MR. BATTISTONI:  That's right.

20              MR. HINES:  I've done this with  
21              wells in the past and people say no.

22              MR. BATTISTONI:  It does say if  
23              you're not allowed access to the  
24              property, than obviously you don't  
25              have to do this.

1       B A Y S I D E   A M E N D E D

2                   CHAIRMAN BRAND:  Do you know  
3                   generally the timeframe?  I know the  
4                   person who is running this, they said  
5                   that like August 20th was the  
6                   deadline for that.  Basically the  
7                   Board hasn't made a determination.  
8                   It's the 15th.  That would give you  
9                   five days it try and get that  
10                  scheduled.

11                 MR. BATTISTONI:  Those surveys  
12                  done.

13                 MR. HINES:  It's not before the  
14                  approval, it's before they do their  
15                  first blast.

16                 CHAIRMAN BRAND:  I mean we got  
17                  it done just in case.  If there was  
18                  no blasting, then I don't need it,  
19                  right.  Is there generally a  
20                  timeframe that's --

21                 MR. BATTISTONI:  This approval  
22                  doesn't set a timeframe, it just  
23                  establishes conditions they have to  
24                  meet before they can blast.  So if it  
25                  takes them three weeks to do the pre-

1       B A Y S I D E   A M E N D E D

2               blasting surveys, then they have to  
3               do all that before they can blast.  
4               It's kind of up to them as to how  
5               quickly they can move things along.

6               CHAIRMAN BRAND:   Okay.

7               MR. JENNISON:   If somebody  
8               declines, they have to document it,  
9               right?

10              MR. HINES:   Or doesn't respond.

11              MR. JENNISON:   Or doesn't respond.

12              CHAIRMAN BRAND:   We had a  
13              person that came from the street on  
14              the back, which is in your 500 feet,  
15              and she basically said I just ignore  
16              those letters. Well then, there you go.

17              UNIDENTIFIED SPEAKER:   Is there  
18              a time limit to respond to your  
19              inquiry?

20              MR. BAXTER:   I'm not aware of  
21              it, but --

22              MR. RIEGER:   We probably have --

23              MR. HINES:   He got the letter.  
24              It said August 20th.

25              CHAIRMAN BRAND:   The third-

1       B A Y S I D E   A M E N D E D

2               party person.

3               MR. BAXTER:  When they came in.

4               CHAIRMAN BRAND:  They sent out  
5       a separate letter, Vermont something,  
6       and they said they wanted them done,  
7       the deadline was August 20th.

8               Did you get that too, Mr.  
9       DeMarco?

10              MR. DeMARCO:  Yes.

11              CHAIRMAN BRAND:  It said August  
12       20th.  Correct?

13              MR. DeMARCO:  Yeah.  They want  
14       it done before August 20th.

15              CHAIRMAN BRAND:  Right.

16              MR. RIEGER:  If that becomes an  
17       issue, if there needs to be an extra  
18       period of time that's reasonable, I'm  
19       sure we can talk to that.  That's on  
20       us to, you know, to have that  
21       discussion with them.  That's not a  
22       problem.

23              CHAIRMAN BRAND:  Okay.

24              MR. GAROFALO:  I do think it  
25       would be appropriate for the Board to

1       B A Y S I D E   A M E N D E D

2               wait until we get the comments from  
3               the school district based on all this  
4               information, as well as to require  
5               that if they do decide to use a  
6               crushing machine, that that comes  
7               back to the Board so that we can  
8               review where it is and how much  
9               noise, et cetera that that might  
10              make.

11              The plan that they have shows  
12              an estimated area for blasting which  
13              basically included the access road  
14              and where the residential buildings  
15              are, which is, you know, where --

16              MR. HINES:   The high point.

17              MR. GAROFALO:  -- where they  
18              have to do the biggest digging.  It  
19              didn't seem to include -- based on  
20              the survey area where they looked at  
21              the 300 feet, it didn't seem to  
22              include the western most portion  
23              where there were a few spots that  
24              they thought -- they must have  
25              thought originally they were going to



1       B A Y S I D E   A M E N D E D

2               be blasting there. I think if it is  
3               limited to the areas where they  
4               estimated the blasting would occur,  
5               it may very well be that some of the  
6               houses on the very western part of  
7               Purdy would fall out of the 300 foot  
8               zone.

9               The estimated area also did not  
10              show any blasting for the commercial  
11              building or behind the commercial  
12              building where the parking lot is.  
13              It did show it on the access road  
14              which may actually go partially into  
15              that area.

16             I think some more detailed  
17             clarification of the blasting area on  
18             a map and hold their feet to the fire  
19             for those areas would be appropriate  
20             because it may affect other  
21             buildings. It may actually be a  
22             positive mitigation that they have  
23             basically drawn back where they are  
24             going to be doing the blasting.

25             MR. HINES: I think that's the

1       B A Y S I D E   A M E N D E D

2               intent of the one comment we just  
3               had, that my office will have to sign  
4               off on the map.

5               MR. GAROFALO:  I'm thinking we  
6               as a Board should have the  
7               opportunity to see that and make the  
8               decision based on that map, based on  
9               what the school board's input is.  
10              Hopefully it will be positive based  
11              on what they're talking to them for.  
12              I think that that is something that  
13              we should be deciding and not  
14              abrogating to the school district, in  
15              the same way as the when DEIS was  
16              done and the parking over at the  
17              school district was being negotiated.  
18              It was waited until they had an  
19              agreement to work out all of the, you  
20              know, final approvals.

21              MR. JENNISON:  Can we finish  
22              hearing Jeff's comments, or were you  
23              done?

24              MR. BATTISTONI:  No.  I can  
25              continue if you want.

1       B A Y S I D E   A M E N D E D

2                   CHAIRMAN BRAND:   Yeah.

3                   MR. BATTISTONI:   I'm going to  
4                   go back to the second one which was  
5                   the approval of a blasting map and a  
6                   blasting schedule by the school  
7                   district and the engineer for the  
8                   Planning Board.  It does say that  
9                   this shall involve scheduling so that  
10                  someone from the engineer's office  
11                  will be present on site when blasting  
12                  is to occur.  We had talked about  
13                  that.  I want to add the words with  
14                  satisfactory escrow deposit.  In  
15                  other words, they should deposit in  
16                  escrow to cover the time for the  
17                  engineer to monitor the blasting.

18                  CHAIRMAN BRAND:   Okay.

19                  MR. BATTISTONI:   Okay.  I'm  
20                  going through a few others.  They  
21                  also have to submit an engineering  
22                  report of the current conditions  
23                  that's acceptable to the school  
24                  district.

25                  They've got to provide proof of

1       B A Y S I D E   A M E N D E D

2               all the permits.

3               They've got to obtain their  
4               blasting permit from the Town.

5               They have to maintain all  
6               required insurances until discharged  
7               by the Town.

8               They have to update their SWPPP  
9               so it's acceptable to the engineer.

10              We mentioned tonight about the  
11              dust control.

12              So those are the conditions  
13              that we put in just based upon what  
14              we heard from the meetings.

15              Also addressing what County  
16              Planning had recommended.

17              MR. BAXTER: I think in regards  
18              to any map and any blasting, it's our  
19              intent to follow any blasting code  
20              that the Town has in place. Part of  
21              that code is from wherever you're  
22              blasting, that you have to do a pre-  
23              blast survey. So if they have not  
24              done that and they plan on blasting  
25              somewhere they didn't do the survey,

1       B A Y S I D E   A M E N D E D

2               that's illegal and they cannot do  
3               that.  It's our responsibility to  
4               make sure that they do that.

5               In regards to crushing, I  
6               understand but I think that's a very  
7               minor -- I know it has dust.  I would  
8               like that to be something if we do  
9               plan on crushing, at the moment we  
10              don't, that that's something we  
11              present a plan to Pat's office and  
12              Pat can sign off on that if we're  
13              doing crushing.  I think it's a  
14              little extra for us to come in just  
15              for a crushing plan.

16              Pat, I don't know if you agree  
17              or disagree with that.

18              MR. CLARKE:  What are you  
19              planning on doing with the material?  
20              How is it going to be disposed of?

21              MR. BAXTER:  At the moment  
22              we're planning on just exporting it.

23              MR. CLARKE:  Exporting it?

24              MR. BAXTER:  If someone wants  
25              to buy it or take it.

1       B A Y S I D E   A M E N D E D

2                   MR. CLARKE:  You have limited  
3                   access to that site.  How are you  
4                   planning on transporting it?

5                   MR. BAXTER:  There was always a  
6                   cut and fill on the site, whether it  
7                   was rock or just dirt.  Basically  
8                   we're working on getting a temp or a  
9                   DOT access off of 9W and removing it  
10                  from there.

11                  MR. CLARKE:  Okay.

12                  MR. BAXTER:  We always had to  
13                  export the material.

14                  MR. CLARKE:  Okay.  That's  
15                  fine.  I just want to know you have a  
16                  plan in place.

17                  MR. BAXTER:  Yup.

18                  MR. RIEGER:  In terms of --

19                  CHAIRMAN BRAND:  I'm sorry,  I  
20                  forgot.  Could you guys just state  
21                  your names?

22                  MR. BAXTER:  Eric Baxter.

23                  MR. RIEGER:  Daniel Rieger.

24                  CHAIRMAN BRAND:  Thank you.

25                  MR. RIEGER:  In terms of the

1       B A Y S I D E   A M E N D E D

2               engineering report being approved by  
3               the school district, what's the  
4               process for that? Is there an  
5               engineer that works for the school  
6               district? Does it go through Larry  
7               Cavazza?

8               MR. HINES: It would go through  
9               the school district, the  
10              superintendent, Larry Cavazza. We'd  
11              be looking for an indication that  
12              they're satisfied.

13             MR. BAXTER: Okay.

14             MR. HINES: Initially they  
15              wrote a letter saying no problem and  
16              then they followed up with a letter  
17              saying wait a minute, we have these  
18              concerns. We wrote another letter  
19              back saying that the concerns of the  
20              other letter have been addressed to  
21              their satisfaction.

22             CHAIRMAN BRAND: So Pat, did  
23              those additions address your concerns  
24              as far as the escrow and the third  
25              party?

1       B A Y S I D E   A M E N D E D

2                   MR. HINES:   Yes.   It's up to  
3                   the Board.   We're giving technical  
4                   comments.

5                   CHAIRMAN BRAND:   Right.

6                   MR. GAROFALO:   I think that not  
7                   getting the school board's comments  
8                   first puts them in a worse position.  
9                   We would be basically saying it's  
10                  okay without knowing what their full  
11                  reservations are.   I think that  
12                  that's something that we should be  
13                  very careful for because the school  
14                  district is a big employee.   They're  
15                  the neighbor who is closest to all of  
16                  the major blasting, and they are  
17                  responsible for, you know, the safety  
18                  of all these kids. So I think it's --

19                  MR. CLARKE:   Do you think the  
20                  school board is going to have the  
21                  ability to have some comprehensive  
22                  plan?   They better hire Pat.

23                  MR. BAXTER:   Yeah.   We've  
24                  received those comments and we've  
25                  addressed them with them.



1       B A Y S I D E   A M E N D E D

2                   MR. RIEGER:   We still need to  
3       get approved to do this.

4                   MR. GAROFALO:   That's what I'm  
5       saying.   We should wait until we get  
6       those approved and then go ahead and  
7       vote.

8                   CHAIRMAN BRAND:   Jeff, what was  
9       your section regarding the school?  
10      Can you read that, sorry, part again?

11                  MR. BATTISTONI:   I have a few.  
12      One condition would be approval of a  
13      blasting map and a blasting schedule  
14      by the school district and the  
15      engineer for the Planning Board.

16                  CHAIRMAN BRAND:   So basically  
17      the school district would have to  
18      sign off on it?

19                  MR. BATTISTONI:   They do.   They  
20      have to make sure that the blasting  
21      schedule maximizes blasting when  
22      school is not in session.   If it is  
23      in session, it has to be when there's  
24      no boarding or alighting from buses,  
25      recesses.   There are several things

1       B A Y S I D E   A M E N D E D

2               in here that require sign off or  
3               approval from the school district.

4               CHAIRMAN BRAND:  You don't feel  
5               as though that's adequate?

6               MR. GAROFALO:  I feel that it  
7               is better if we wait for them to  
8               negotiate those conditions.

9               MR. CLARKE:  They have no  
10              expertise.  How are they going to  
11              negotiate?  They have no expertise on  
12              the school board.

13              MR. JENNISON:  And is it fair  
14              to make them wait 34 days, until the  
15              19th of September?

16              MR. GAROFALO:  They still have  
17              to finish the blasting plan and get  
18              them to agree to all of the conditions.

19              CHAIRMAN BRAND:  When were you  
20              considering starting?

21              MR. RIEGER:  As soon as we get  
22              approval.

23              MR. BAXTER:  Yeah.  Well as  
24              soon as --

25              MR. RIEGER:  We have to go

1       B A Y S I D E   A M E N D E D

2               through all the steps.

3               MR. BAXTER:  When they're  
4               satisfied with the pre-blast surveys,  
5               we're ready to get started right  
6               away.

7               MR. GAROFALO:  I could see us  
8               having a special meeting just for  
9               that.

10              CHAIRMAN BRAND:  Does the Board  
11              think that's required?

12              MR. JENNISON:  I don't think so.

13              MR. CLARKE:  I don't think so.

14              MR. TRONCILLITO:  You've got  
15              all these checks and balances that  
16              are being put in place; A, by the  
17              builder; A, by the school; A, by the  
18              town engineer.  How the hell much  
19              more do we have to do?  I don't know.

20              MR. RIEGER:  I believe in your  
21              proposal we're going to bring a third  
22              party on site.

23              MR. CLARKE:  They're going to  
24              mat these things.  If they screw up,  
25              the mats are going to keep it under

1       B A Y S I D E   A M E N D E D

2               control.

3               CHAIRMAN BRAND:  We have that  
4               in there, the third party?

5               MR. BATTISTONI:  I've written  
6               that in.  I'll submit a new one.

7               MR. RIEGER:  Including the  
8               escrow.  We have to hire his firm.

9               CHAIRMAN BRAND:  It's not a  
10              public hearing, but Mr. DeMarco, I  
11              will acknowledge you.

12              MR. DeMARCO:  Al DeMarco.  I'm  
13              concerned about the third-party pre-  
14              blast survey company.  Who chose that  
15              company?

16              MR. BAXTER:  We got -- we were  
17              recommended a few different pre-blast  
18              surveys and got quotes and chose  
19              them.

20              MR. DeMARCO:  Who recommended  
21              to you --

22              MR. BAXTER:  The blasting  
23              company because they know the people.

24              MR. DeMARCO:  I know.  That's  
25              the problem.

1       B A Y S I D E   A M E N D E D

2                   MR. CLARKE:   Well who would you  
3       have?   There's only so many choices.

4                   MR. DeMARCO:   Can I explain  
5       first?   Agrew Mountain Survey is the  
6       company that they hired.   Okay.  
7       First off, their registration has  
8       expired with the State of Vermont  
9       Department of State.   Also, there's  
10      only one principal to that company  
11      which is Jody Keefe.   Her husband is  
12      Guy Keefe who is a manager of Maine  
13      Blasting.   So how can it be an  
14      independent third party if the wife  
15      is doing the pre-blast survey for the  
16      company that her husband works for?

17                  MR. BAXTER:   I don't know.

18                  MR. DeMARCO:   So it's not an  
19      independent third party.

20                  MR. GAROFALO:   Is this  
21      something that you would have  
22      preferred that the Town hire someone  
23      and they put up an escrow account  
24      and --

25                  MR. DeMARCO:   Well, I mean we

1       B A Y S I D E   A M E N D E D

2               can go through another company and  
3               then have the --

4               MR. BAXTER:   I mean all these  
5               companies have their insurances and  
6               everything like that.   I mean --

7               MR. DeMARCO:   I mean the whole  
8               idea that this was approved that it  
9               was going to be an independent third  
10              party and now we don't have an  
11              independent third party.

12              MR. RIEGER:   We took a list of  
13              referrals and we picked one.   We  
14              didn't do the background search to  
15              the same extent.

16              CHAIRMAN BRAND:   Pat, what do  
17              you think?   Does your company --

18              MR. HINES:   We do not do  
19              pre-blast surveys, no.

20              CHAIRMAN BRAND:   Do you have an  
21              independent -- perhaps more  
22              independent third party?

23              MR. HINES:   I can certainly get  
24              names.   We're well along in this  
25              process.

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:  Yeah.  It's a  
3       painless process.  They go and --

4                   CHAIRMAN BRAND:  I know it's  
5       painless but I didn't know --

6                   MR. HINES:  It's the first time  
7       I'm hearing this.

8                   MR. BAXTER:  It's the first  
9       time I'm hearing it, too.

10                  CHAIRMAN BRAND:  It sounds less  
11       than independent.

12                  MR. BAXTER:  Yeah.

13                  CHAIRMAN BRAND:  Yeah.

14                  MR. DeMARCO:  And another  
15       comment.  We get these letters from  
16       the company that this is a, you know,  
17       forgone conclusion that blasting has  
18       been approved.  You know, I brought  
19       that up at the last meeting.  Then to  
20       find out the independent third party  
21       is not an independent third party.  I  
22       mean how do the residents of the Town  
23       feel?  I mean the Planning Board is  
24       supposed to protect the residents of  
25       the Town.

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:  Yeah.  Whatever  
3                   the -- we'll take responsibility for  
4                   that, but we don't read the letters  
5                   that go out.  It was sent without us  
6                   seeing it.  Again, we take  
7                   responsibility.

8                   MR. RIEGER:  If you have a  
9                   different company that you would like  
10                  us to use for the third party, we are  
11                  happy to use anybody.  That's not  
12                  really something that we necessarily  
13                  care about.  We want everybody to be  
14                  comfortable.  So whoever it is, we're  
15                  fine with.

16                  MR. BATTISTONI:  Just along  
17                  those lines, could a homeowner say I  
18                  don't want that company coming in my  
19                  house, I'm hiring my own company to  
20                  do an independent pre-blast survey  
21                  and I'm going to supply that  
22                  information to them?

23                  CHAIRMAN BRAND:  I think now  
24                  then the financial burden falls upon  
25                  the resident, right?  This way --



1       B A Y S I D E   A M E N D E D

2                   MR. HINES:  Maybe they would be  
3       reimbursed.

4                   CHAIRMAN BRAND:  Not for the  
5       survey itself, though.

6                   MR. BAXTER:  I feel like we're  
7       following everything per the Town  
8       Code.  There's a Town Code for this  
9       and we're obliging by that.  I  
10      understand the concern, but all these  
11      pre-blast companies have insurance  
12      and they've been in business.  
13      They're following the correct  
14      procedure to the Town Code.  Most of  
15      the time this is done within the same  
16      company and we still hire -- it is  
17      still a third-party company.  It's  
18      not the same company doing it.  I get  
19      that someone's wife or husband is a  
20      manager of the thing.  Like I didn't  
21      know that.  I still think it's a  
22      third-party company.

23                  MR. DeMARCO:  Right now she's a  
24      yoga teacher and -- what else is she?

25                  MR. RIEGER:  Pat, if you have a

1       B A Y S I D E   A M E N D E D

2               suggestion, we're happy to --

3               MR. GAROFALO:  You can have the  
4               information that she gathers given to  
5               another -- given to the Town to hold  
6               on to.

7               MR. HINES:  It would have to go  
8               through the Town.  That's a  
9               reasonable thing, to have it  
10              submitted -- each survey submitted to  
11              the Town.

12             MR. BAXTER:  I think that's  
13             something each homeowner would have  
14             to --

15             MR. HINES:  I will concur that  
16             most pre-blast surveys are done by  
17             the blasting company.  That's what  
18             I've seen in the past.  This does  
19             sound a little incestuous.

20             MR. RIEGER:  One thing that we  
21             were told by the company is that each  
22             individual homeowner would have to  
23             sign off to allow for the --

24             MR. HINES:  I am aware of that.  
25             Giving away photos of their house, so

1       B A Y S I D E   A M E N D E D

2               there are privacy issues.

3               CHAIRMAN BRAND: Right. Is  
4               there something, Jeff, that we can  
5               add in there, into the resolution, to  
6               perhaps address that concern?

7               MR. BATTISTONI: I guess I  
8               don't understand that. Do you mean  
9               that the company they've hired isn't  
10              acceptable, that they have to hire a  
11              different company?

12              CHAIRMAN BRAND: I don't know.

13              MR. HINES: A more third party.

14              MR. BATTISTONI: That would be  
15              truly, fully independent.

16              UNIDENTIFIED SPEAKRE: Hire a  
17              different company for the post-blast  
18              company.

19              MR. CLARKE: More than one  
20              degree of separation.

21              CHAIRMAN BRAND: I think that  
22              would be acceptable. A separate one  
23              for the post blast. I mean --

24              MR. BATTISTONI: I could write  
25              that in.

1       B A Y S I D E   A M E N D E D

2                   MR. BAXTER:   That's fine.

3                   CHAIRMAN BRAND:   No connection.

4       Let's do some homework.

5                   MR. RIEGER:   We'll hire Mr. DeMarco.

6                   MR. BAXTER:   He charges a lot I

7       heard.

8                   MR. HINES:   If my company is  
9       going to do that, I just want it  
10      clear, it's not an engineer that I'm  
11      going to have out there. I have a  
12      licensed blaster that works for my  
13      company who does this kind of review  
14      for us.

15                  CHAIRMAN BRAND:   Yes.

16                  MR. BATTISTONI:   I just put  
17      someone from the engineer's office.

18                  MR. CLARKE:   Is it your  
19      son-in-law?

20                  MR. HINES:   No. And I don't  
21      have one of those. I only have sons.

22                  MR. GAROFALO:   Does your contract  
23      with the Town accommodate that?

24                  MR. HINES:   Yes. We do  
25      inspections on construction sites for

1       B A Y S I D E   A M E N D E D

2               the Town. Field reviews. We don't  
3               call them inspections.

4               CHAIRMAN BRAND: Is that  
5               satisfactory, Mr. DeMarco?

6               MR. DeMARCO: So we're going to  
7               what?

8               CHAIRMAN BRAND: We're going to  
9               have another person do the post  
10              inspection.

11              MR. DeMARCO: Post inspection.  
12              What about the pre-blast?

13              CHAIRMAN BRAND: It would still  
14              be them. I mean she just goes  
15              through with a camera and videotapes  
16              everything.

17              MR. DeMARCO: Okay.

18              MR. RIEGER: It's very  
19              difficult to lie because it's a video.

20              CHAIRMAN BRAND: She goes  
21              through and -- she walked around my  
22              house and she noticed cracks that are  
23              in the sheetrock. She documents that.

24              MR. HINES: Did you know they  
25              were there?

1       B A Y S I D E   A M E N D E D

2                   CHAIRMAN BRAND:   I did.

3           Fortunately, yeah.  I guess there are  
4           certain areas that are more  
5           susceptible than others to cracking  
6           or damage.  She kind of pinpoints  
7           those areas.  There are certain  
8           things that I asked her to videotape  
9           specifically because I was concerned  
10          about them being costly.

11                  MR. HINES:  You can't have one  
12          crack either, there's got to be two.

13                  MR. CLARKE:  How about your  
14          septic system?

15                  CHAIRMAN BRAND:  Let's not go  
16          there.  It's in fine working order as  
17          of today, yes.

18                  MR. BATTISTONI:  So I added one  
19          more condition.  It reads the third-  
20          party company performing the post-  
21          blast survey will be fully  
22          independent and will be different  
23          from the pre-blast third-party  
24          company.

25                  CHAIRMAN BRAND:  And Mr.

1       B A Y S I D E   A M E N D E D

2               DeMarco will research them  
3               thoroughly.

4               All right. Okay. So anything  
5               else from the Board?

6               MR. GAROFALO: I just want to  
7               mention that the Route 9W portion,  
8               they spread all those cuttings out.  
9               I haven't seen any dust. You still  
10              have a large pile there. Maybe you  
11              can move it.

12              MR. BAXTER: Yeah. I meant to  
13              mention that today. They've been  
14              taking a lot of mulch and covering  
15              the dirt with it. That looks like  
16              it's been doing the job.

17              MR. HINES: With the weather  
18              now, any equipment you're going to  
19              move --

20              CHAIRMAN BRAND: That's not  
21              where the trucks are?

22              MR. BAXTER: There's been big  
23              piles in the back that they're moving  
24              and starting to cover with.

25              MR. RIEGER: It's unbelievably

1       B A Y S I D E   A M E N D E D

2           dry.  Hopefully we get some rain soon.

3           CHAIRMAN BRAND:  That being  
4           said, we'll have Jeff prepare the  
5           SEQRA negative declaration, notice of  
6           determination of nonsignificance for  
7           the application of Bayside Marlboro,  
8           LLC for the approval of an amendment  
9           to a site plan from the Town of  
10          Marlborough Planning Board.

11          Jen, would you poll the Board.

12          MS. FLYNN:  Chairman Brand?

13          CHAIRMAN BRAND:  No.

14          MS. FLYNN:  Member Clarke?

15          MR. CLARKE:  Yes.

16          MS. FLYNN:  Member Lanzetta?

17          CHAIRMAN BRAND:  Absent.

18          MS. FLYNN:  Member Lofaro?

19          MR. LOFARO:  Yes.

20          MS. FLYNN:  Member Troncillito?

21          MR. TRONCILLITO:  Yes.

22          MS. FLYNN:  Member Garofalo?

23          MR. GAROFALO:  No.

24          MS. FLYNN:  Member Jennison?

25          MR. JENNISON:  Yes.



1       B A Y S I D E   A M E N D E D

2                   CHAIRMAN BRAND:   All right.

3           That passes.

4                   Before you you also have the  
5           application of Bayside Marlboro, LLC  
6           for the amended site plan application  
7           for the resolution of approval by the  
8           Town of Marlborough Planning Board  
9           with the aforementioned changes.

10                  Jen, would you poll the Board.

11                  MS. FLYNN:   Chairman Brand?

12                  CHAIRMAN BRAND:   No.

13                  MS. FLYNN:   Member Clarke?

14                  MR. CLARKE:   Yes.

15                  MS. FLYNN:   Member Lanzetta?

16                  CHAIRMAN BRAND:   Absent.

17                  MS. FLYNN:   Member Lofaro?

18                  MR. LOFARO:   Yes.

19                  MS. FLYNN:   Member Troncillito?

20                  MR. TRONCILLITO:   Yes.

21                  MS. FLYNN:   Member Garofalo?

22                  MR. GAROFALO:   No.

23                  MS. FLYNN:   Member Jennison?

24                  MR. JENNISON:   Yes.

25                  CHAIRMAN BRAND:   Carried.

1       B A Y S I D E   A M E N D E D

2                   All right, gentlemen. You're  
3       all set.

4                   MR. RIEGER: Thank you.

5                   MR. BATTISTONI: I'll submit an  
6       updated resolution tomorrow with  
7       those changes.

8                   CHAIRMAN BRAND: All right.  
9       Anything else?

10                  MR. GAROFALO: I think at the  
11       next meeting we need to discuss the  
12       submission deadline and making sure  
13       that all the materials be in on time  
14       for these submissions. Here we're  
15       getting stuff the day of, you know,  
16       two days. The engineer cannot review  
17       them. I think we should make it  
18       clear.

19                  CHAIRMAN BRAND: I think they  
20       did submit them but Pat was out of  
21       the office. Most of those things  
22       were submitted I believe before the  
23       deadline.

24                  MR. GAROFALO: Some of them  
25       were and some of them weren't. I

1       B A Y S I D E   A M E N D E D

2           think we need to make it clear to  
3           people coming for public hearings  
4           that this material should be  
5           provided --

6                   CHAIRMAN BRAND:   Okay.

7                   MR. GAROFALO:   -- and discuss  
8           that at the next meeting.

9                   CHAIRMAN BRAND:   I'll put that  
10          on the agenda.

11                   Motion to adjourn.

12                   MR. JENNISON:   Motion to  
13          adjourn.

14                   MR. LOFARO:    Second.

15

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

17

18

19

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21

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23

24

25

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

2  
3 C E R T I F I C A T I O N  
4

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 22nd day of August 2022.  
18  
19  
20

21 *Michelle Conero*

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