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

5

6 Lighthouse Holdings

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

10

PUBLIC HEARING - SITE PLAN

11

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

19

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

26

27 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
28 PATRICK HINES
29 VIRGINIA FLYNN
30

31

32 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
33 - X

34

35 MICHELLE L. CONERO
36 3 Francis Street
37 Newburgh, New York 12550
38 (845) 541-4163
39
40

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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,

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

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

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

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

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

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.)

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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

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Michele Conero

22

MICHELLE CONERO

23

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25

1

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

4

5

6 JEFF ALDRICH

6

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

8

9 - X

10

PUBLIC HEARING - SUBDIVISION

11

12

13

14

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

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

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

21

22

23

24

25

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- X

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

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

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 J E F F A L D R I C H

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 J E F F A L D R I C H

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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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

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5

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

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

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

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

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21

Michele Conero

22

23 MICHELLE CONERO

24

25

1

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

5

6 ROMAR FARMS

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

10

FINAL - LOT LINE

11

12 Date: August 15, 2022
13 Time: 8:06 p.m.
14 Place: Town of Marlborough
15 Town Hall
16 21 Milton Turnpike
17 Milton, NY 12547
18

19

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

26

27 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
28 PATRICK HINES
29 VIRGINIA FLYNN
30

31

32 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA
33

34

35 - X
36 MICHELLE L. CONERO
37 3 Francis Street
38 Newburgh, New York 12550
39 (845) 541-4163
40

1 ROMAR FARMS

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 ROMAR FARMS

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

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25

1 R O M A R F A R M S

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

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5

6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
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11 I further certify that I am not
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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.

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Michele Conero

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MICHELLE CONERO

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1 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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.

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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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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

4 MR. DeMARCO: Can I explain
5 first? Agnew 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 BAYSIDE AMENDED

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.

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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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 SPEAKER: 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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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 BAYSIDE AMENDED

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.)

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

2

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

4

5

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

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

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

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

18

19

20

21

Michele Conero

22

23 MICHELLE CONERO

24

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