

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

2 -----X

3 In the Matter of

4 - BOARD BUSINESS

5 - CONTINUING EDUCATION - MEMBER LANZETTA

6 -----X

7 BOARD BUSINESS

8

9 Date: November 4, 2024

10 Time: 7:00 p.m.

11 Place: Town of Marlborough  
Town Hall

12 21 Milton Turnpike

13 Milton, New York 12547

14

15 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
16 FRED CALLO  
17 JAMES GAROFALO  
18 CINDY LANZETTA  
19 BOB TRONCILLITO

20 ALSO PRESENT: PAT HINES

21 GERARD COMATOS, ESQ.

22 JEN FLYNN

23

24

25

26

27

28

29

-----X

30 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*-BOARD BUSINESS-*

1                   CHAIRMAN BRAND: I'd like to call the meeting  
2 to order with the Pledge of Allegiance to the Flag of  
3 our Country.

4                   (Pledge of Allegiance.)

5                   CHAIRMAN BRAND: Agenda, Town of Marlborough  
6 Planning Board, November 4, 2024, Regular Meeting at  
7 7:00 p.m.

8                   On the agenda this evening we have the  
9 approval of the minutes for October 7 and October 21,  
10 2024.

11                  Public Hearings, we have Madison Square York  
12 Markle for a public hearing of their site plan at 46  
13 Partington Lane in Marlboro. Under Ongoing Application  
14 Review, we have the Marlborough Resort Lattintown for a  
15 preliminary of their site plan at 626 Lattintown Road  
16 in Marlboro. ELP Solar Truncali for a preliminary of  
17 their site plan at 335 Bingham Road in Marlboro. We  
18 have Dock Road for a sketch of their site plan at  
19 103-137 Dock Road in Marlboro. We have the Buttermilk  
20 Falls Resort Hotel for a sketch of their site plan at  
21 220 North Road in Milton. We have Office Warehouse,  
22 sketch of a site plan at 2021-2025 Route 9W in Milton.  
23 New application review, we have Matthew Bernhardt for a  
24 short-term rental, sketch of a site plan, at 351 Old  
25 Post Road.

-BOARD BUSINESS-

1           The next deadline is Friday, November 22nd.  
2           The next scheduled meeting, Monday, December 2nd, 2024.

3           I would like a motion to table the October 7  
4           minutes again until the next meeting.

5           MR. GAROFALO: I will make that motion.

6           MR. CALLO: I'll second that.

7           CHAIRMAN BRAND: Any discussion?

8           (No response.)

9           CHAIRMAN BRAND: I'd also like to have a  
10          motion for the approval of the October 21st meeting  
11          minutes.

12          MR. TRONCILLITO: So moved.

13          MR. CALLO: I'll second.

14          CHAIRMAN BRAND: Any objection?

15          (No response.)

16          CHAIRMAN BRAND: Perfect. First up this  
17          evening, we have a public hearing for --

18          MS. LANZETTA: I have --

19          CHAIRMAN BRAND: Sorry. Announcements.

20          MS. LANZETTA: I have an hour of education  
21          credit for doing Regulating Controversial Uses.

22          CHAIRMAN BRAND: Any other announcements?

23          MS. FLYNN: Yes. I'd like to add our  
24          calendar for next year for discussion.

25          Time noted: 7:02 p.m.

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

2 -----X  
In the Matter of

3 MADISON SQUARE YORK MARKLE

4 Project No. 24-2016  
5 46 Partington Lane, Marlboro  
6 Section 108.2; Block 7; Lot 25.210  
-----X

7 PUBLIC HEARING - SITE PLAN

8 Date: November 4, 2024  
9 Time: 7:02 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
13 FRED CALLO  
JAMES GAROFALO  
14 CINDY LANZETTA  
BOB TRONCILLITO  
15

16 ALSO PRESENT: PAT HINES

17 GERARD COMATOS, ESQ.

18 JEN FLYNN

19 APPLICANT'S REPRESENTATIVE: STEVEN MARKLE  
20

21  
22  
23  
24 -----X  
Stacie Sullivan, CSR  
25 staciesullivan@rocketmail.com

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1                   CHAIRMAN BRAND: First up then, we have a  
2                   public hearing for Madison Square York Markle, a public  
3                   hearing for a site plan at 46 Partington Lane in  
4                   Marlboro.

5                   Legal Notice, Site Plan Application. Please  
6                   take notice a public hearing will be held by the  
7                   Marlborough Planning Board pursuant to Town of  
8                   Marlborough Town Code Section 155.31 and 155.32 on  
9                   Monday, November 4, 2024, for the following  
10                  application, Madison Square York Street, LLC,  
11                  Short-Term Rental, at the Town Hall, 21 Milton  
12                  Turnpike, Milton, New York, at 7:00 p.m. or as soon  
13                  thereafter as may be heard. The applicant is asking  
14                  for site plan approval and special use permit for a  
15                  short-term rental on lands located at 46 Partington  
16                  Lane, Marlboro, New York, 12542, Section 108.2, Block  
17                  7, Lot 25.210. Any interested parties, either for or  
18                  against this proposal, will have an opportunity to be  
19                  heard at this time. Chris Brand, Town of Marlborough  
20                  Planning Board.

21                  Is that applicant or the representative here  
22                  for that project?

23                  MS. FLYNN: I'm going to go look out here.

24                  MS. LANZETTA: Do we have a picture of  
25                  this -- a picture of the map that he prepared that we

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1           could put out for people to look at?

2                   MR. HINES:   So they were to bring that.  We  
3           haven't received a site plan.  That was to be brought  
4           today.

5                   CHAIRMAN BRAND:  Correct.  We'll give Jen a  
6           minute to check.

7                   MR. HINES:  They were to include a map with  
8           the mailing.

9                   CHAIRMAN BRAND:  All right.  So I say we will  
10          just leave it open, and we'll push it to the end if  
11          there's time.

12                   MS. LANZETTA:  Maybe we could take -- are  
13          there people, if they had an opportunity to look at the  
14          map, can we take their input?

15                   CHAIRMAN BRAND:  Is there anyone here for  
16          that public hearing?

17                   MS. RAGUSEO:  Yes.

18                   CHAIRMAN BRAND:  Did you have questions or  
19          concerns?  If you could state your name for the  
20          stenographer first.

21                   MS. RAGUSEO:  Amalia Raguseo.  My daughter,  
22          Gina.  We both live -- Gina Smerden.

23                   Our only concern is that they realize that  
24          they cannot come through my lands, that the land  
25          stops -- the road stops at their house and does not

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1           continue. That's my only concern. And then, of  
2           course, what is he going to use the house for?

3                       (Mr. Steven Markle entered the room.)

4                       CHAIRMAN BRAND: We just started the public  
5           hearing. If you could maybe give everyone here an  
6           overview of what it is that you have proposed.

7                       MR. MARKLE: So it's 46 Partington Lane.  
8           You're familiar with it. It's a vacation rental. So  
9           we have people there. It's primarily like weekends.  
10          It's limited to four people max. Typically, it's two.  
11          Just couples coming up to hang out for the weekend.  
12          You know, when we meet them, we go over everything with  
13          them, and we tell them, there's the tree line; that's  
14          the property line. You can go this way; you can't go  
15          that way. Ten miles an hour in the driveway. You know  
16          how I am about that anyway.

17                      MS. RAGUSEO: Yes.

18                      MR. MARKLE: It's a pretty quiet scenario.

19                      MS. RAGUSEO: No children running around the  
20          grounds?

21                      MR. MARKLE: No more than you have at any  
22          other house.

23                      MS. RAGUSEO: We don't have that problem.

24                      MR. MARKLE: You know, I can't prohibit  
25          children from being there, but, again, it's a four

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1 person maximum. It would be no more -- it's a  
2 two-bedroom house. It would be no more than four.

3 MS. RAGUSEO: Like I was saying, the only  
4 concern is that people continue -- don't come through  
5 or drive through up towards Western Avenue, out that  
6 way.

7 MR. MARKLE: I think with the condition of  
8 the road there, it's not something I'm too worried  
9 about.

10 MS. RAGUSEO: But you will, of course, inform  
11 the people who rent there that they're only to come to  
12 a certain point?

13 MR. MARKLE: Yeah, yeah. We're going to do  
14 something different in that area, anyway, because I  
15 purchased that other acre there. So we're going to try  
16 and limit so that it's --

17 MS. RAGUSEO: What other acre did you  
18 purchase?

19 MR. MARKLE: Between -- right by your house,  
20 Sorrentino's other one acre.

21 MS. SMERDEN: The one that's still up for  
22 sale?

23 MR. MARKLE: Yes.

24 MS. RAGUSEO: All right.

25 CHAIRMAN BRAND: Is there anyone else here



*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1           who has a question or comment regarding this project?

2                       (No response.)

3                       CHAIRMAN BRAND: No. I'd like a motion to  
4           close the public hearing.

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

6                       CHAIRMAN BRAND: Is there a second?

7                       MR. CALLO: Second.

8                       CHAIRMAN BRAND: Any objection?

9                       (No response.)

10                      CHAIRMAN BRAND: Pat, did you have comments  
11           for this one as well?

12                      MR. HINES: Yes. They were from the previous  
13           meeting, but it's just that it is a short-term rental,  
14           with the Town Code section cited. Short-term rentals,  
15           the fee title is owned by a person who owns the title  
16           and who owns a dwelling that is next door or directly  
17           across the street. It was described that they own all  
18           the parcels on the private roadway.

19                      We didn't receive a plot plan, and I thought  
20           one was to be provided depicting the uses.

21                      MR. MARKLE: I gave it to you last time;  
22           right, Jen?

23                      MS. FLYNN: What?

24                      MR. MARKLE: Well, I gave the whole map.

25                      MR. HINES: Just one, though?

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1                   MR. MARKLE: Yes. I had 12 last time, and  
2                   then I just left the one.

3                   MR. HINES: So the occupancy is limited to  
4                   two guests per bedroom. The number of occupants should  
5                   be clearly depicted on the plans.

6                   The plan should show parking adequate for the  
7                   use.

8                   And the access drive is a private road, but I  
9                   believe you said you own all the parcels on the private  
10                  road. We were suggesting Gerry's office weigh in on  
11                  the use of the private road.

12                  MR. MARKLE: Yeah, with the exception of one.

13                  MS. RAGUSEO: I own a piece of the driveway.

14                  MR. MARKLE: Yeah.

15                  MS. RAGUSEO: Somebody said you own the whole  
16                  thing. There's a portion you don't own.

17                  MR. MARKLE: Yeah, that one portion.

18                  CHAIRMAN BRAND: Gerry, did you have anything  
19                  to add to this?

20                  MR. COMATOS: No. Are you suggesting that  
21                  they have a maintenance agreement?

22                  MR. HINES: I just want to make sure there's  
23                  no limitations --

24                  MR. COMATOS: You don't have a maintenance  
25                  agreement with that lady?

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1                   MR. MARKLE: No.

2                   MR. HINES: I just wanted to make sure there  
3 was no limitations in any filed maintenance agreements  
4 that said, you know, no commercial use or anything like  
5 that.

6                   MR. MARKLE: None.

7                   MS. LANZETTA: Yeah, because we had an  
8 incident where somebody was on a private road and --

9                   MR. HINES: The rest of the people objected.

10                  MS. LANZETTA: Yes. So how do we handle this  
11 in this case?

12                  MR. COMATOS: We wouldn't know without a  
13 title search if there were any limitations on the use  
14 of the private road.

15                  MR. MARKLE: There is none. There's no  
16 maintenance agreement. There's never been one.

17                  MR. COMATOS: And I certainly would like to  
18 take your word for it, but we don't know that's the  
19 fact without a title search.

20                  MR. MARKLE: I can have somebody provide your  
21 office with all the documentation.

22                  CHAIRMAN BRAND: I think we'll need that.

23                  MR. MARKLE: That's no problem.

24                  CHAIRMAN BRAND: I'm sorry to jump around. I  
25 saw that you had those mailings. How many did you send

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1 out and how many came back?

2 MR. MARKLE: Nothing came back.

3 MS. FLYNN: They don't come back. Just out.

4 MR. MARKLE: We were curious about that.

5 MS. RAGUSEO: We missed that part. What  
6 happened?

7 MS. LANZETTA: It's been the policy here that  
8 if it's on a shared road, a private road, that all of  
9 the people involved have to be in agreement.

10 MR. MARKLE: Eighteen went out. One was  
11 undeliverable.

12 CHAIRMAN BRAND: You can give those to Jen.  
13 Comments or questions from the Board on this one?

14 MR. GAROFALO: I just want to make a note on  
15 the application form that the Zoning District I believe  
16 is R-1, which is where these are permitted, short-term  
17 rentals.

18 CHAIRMAN BRAND: Cindy. I'm sorry.

19 MS. LANZETTA: No. I'm just saying do we  
20 need to get an approval from all adjoining property  
21 owners to the private road?

22 MR. COMATOS: That depends on what's in the  
23 land records and whether there are any agreements that  
24 limit use of the private road. I wouldn't know that  
25 without a title search.

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1                   CHAIRMAN BRAND: Gerry, is that something  
2 they do and provide you with?

3                   MR. COMATOS: Yes.

4                   MR. MARKLE: Yes. We can do that.

5                   CHAIRMAN BRAND: If you can get that done as  
6 quickly as possible.

7                   MR. MARKLE: No problem.

8                   CHAIRMAN BRAND: Anything else on this?

9                   MS. LANZETTA: I'm just saying that if there  
10 isn't anything in writing, perhaps they should talk to  
11 the other landowners and see if they can come to some  
12 kind of agreement, it would seem to me.

13                  MR. COMATOS: If the two of you are the only  
14 owners of land that uses this private road, then you  
15 can come to an agreement that permits the use for this  
16 purpose.

17                  MR. MARKLE: Do you have any issues with it?

18                  MS. RAGUSEO: My only issue, as I said to you  
19 before, is that they don't come through my property. I  
20 don't want people walking through it. I don't want  
21 people driving through it. You own to a certain point,  
22 and then from that point onwards is mine and my  
23 daughter's.

24                  MR. MARKLE: I agree.

25                  MS. RAGUSEO: And we don't want anyone coming

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1 up that way. Very simple.

2 MR. MARKLE: I think we're both in agreement.

3 MS. RAGUSEO: So as long as that's being told  
4 to the people.

5 MR. COMATOS: I'd be happy to review a  
6 proposed agreement whereby she recognizes the right to  
7 use the private road for a short-term rental insofar as  
8 it is on your property.

9 MR. MARKLE: What would that entail? What  
10 would you need from me exactly?

11 MR. COMATOS: A mutual, an agreement between  
12 the two of you.

13 MS. RAGUSEO: So we came to an agreement. As  
14 long as he abides by my rules, it --

15 MS. SMERDEN: See, we have a right-of-way.

16 MR. COMATOS: That's a beautiful oral  
17 agreement that you just made. You need it in writing.

18 MS. RAGUSEO: We also have the right-of-way  
19 through his land. We have a right-of-way. That  
20 property belonged to us. The piece that he's talking  
21 about belonged to us at one point. It was sold out of  
22 the family. We're not going to go into that, but we  
23 kept the right-of-way when we came to the Planning  
24 Board and Zoning. We followed all that. We have all  
25 the maps. We kept our right-of-way to that. But he

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1           stopped the right-of-way from that place, because I  
2           knew that my brother-in-law was going to sell it, and  
3           we didn't want to -- people to come through that way.  
4           So we fixed it so they can't come through.

5                     MR. COMATOS: We can keep this simple or make  
6           it simple. I'll draft a consent, and I'll submit it to  
7           you, and it will effectively memorialize her permission  
8           to use the private road for this particular purpose.

9                     MS. LANZETTA: I think that would work. And  
10          there is an opportunity farther down the road, if both  
11          parties don't follow the agreement, because this is a  
12          special use, this can come back for us for review if  
13          there's a lot of complaints. Correct?

14                    MR. COMATOS: If there's complaints, there's  
15          always, you know, recourse. A person who is aggrieved  
16          by wrongful activity always has a remedy under the  
17          Code.

18                    MR. GAROFALO: So you can make complaints to  
19          the Town, and if there are too many complaints, then  
20          they will potentially pull the permit for this  
21          activity. So he has very good reason to make sure that  
22          he stays on your good side.

23                    MR. MARKLE: Sounds good.

24                    MS. RAGUSEO: We're good. We don't want to  
25          stop you from doing this.

*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1                   MR. MARKLE: I didn't think so.

2                   CHAIRMAN BRAND: I will let you submit all  
3 the paperwork to the attorney, and he will provide you  
4 with the --

5                   MR. MARKLE: Well, I think he's just saying  
6 we don't even need the other stuff as long as we have  
7 an agreement.

8                   MR. COMATOS: I will prepare a written  
9 consent for the two of you to read and consider.

10                  MR. MARKLE: Okay.

11                  CHAIRMAN BRAND: Do we need to review the  
12 deeds to make sure that there's nothing on file for  
13 them?

14                  MR. COMATOS: I would like to see copies of  
15 their deeds, verify that they're the current owners. I  
16 mean, I think I can take it at face value that you are  
17 the owners of two lots, and you own an adjacent lot.  
18 So I can take it from there.

19                  MR. MARKLE: Okay. Great.

20                  MS. RAGUSEO: You want us to submit the deeds  
21 to you?

22                  MR. COMATOS: I would like to see a copy of  
23 your deed.

24                  MR. MARKLE: I have all the copies.

25                  MS. RAGUSEO: So have all the copies. So



*MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN*

1           you'll take care of it all?

2                   MR. MARKLE: No problem. So we'll submit it  
3           to you, and then you'll get us a copy of the consent  
4           letter?

5                   MR. COMATOS: That's right.

6                   MR. MARKLE: Okay. Perfect.

7                   CHAIRMAN BRAND: Cindy, did you have  
8           something?

9                   MS. LANZETTA: I was going to say, based on  
10          that, would we be able to give a conditional approval?

11                  CHAIRMAN BRAND: I was going to say that.  
12          Can I have a motion to have the attorney draft an  
13          approval for the next meeting after reviewing all these  
14          and making sure that everything is in order?

15                  MR. TRONCILLITO: Yes.

16                  CHAIRMAN BRAND: We do have until  
17          December 2nd.

18                  MR. GAROFALO: And can we close the public  
19          hearing?

20                  CHAIRMAN BRAND: We did close the public  
21          hearing.

22                  MR. GAROFALO: Oh, okay.

23                  CHAIRMAN BRAND: Can I have the motion to  
24          authorize the attorney?

25                  MR. TRONCILLITO: So moved.

MADISON SQ. YORK MARKLE - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Second?

2 MR. CALLO: Second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: All right. Thank you. We  
6 will see you back on the 2nd.

7 MR. MARKLE: All right. Thank you.

8 Time noted: 7:16 p.m.

9

10

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

12

13 Certified to be a true and accurate transcript.

14

15 Stacie Sullivan

16 Stacie Sullivan, CSR

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

3 -----X  
 4 In the Matter of

5 MARLBOROUGH RESORT LATTINTOWN

6 Project No. 24-2001  
 7 626 Lattintown Road, Marlboro  
 8 Section 102.4; Block 3; Lot 8.320  
 9 Section 102.4; Block 2; Lot 12, 13, 29  
 10 -----X

11 PRELIMINARY - SITE PLAN

12 Date: November 4, 2024  
 13 Time: 7:16 p.m.  
 14 Place: Town of Marlborough  
 15 Town Hall  
 16 21 Milton Turnpike  
 17 Milton, New York 12547

18 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
 19 FRED CALLO  
 20 JAMES GAROFALO  
 21 CINDY LANZETTA  
 22 BOB TRONCILLITO

23 ALSO PRESENT: PAT HINES

24 GERARD COMATOS, ESQ.

25 JEN FLYNN

26 APPLICANT'S REPRESENTATIVES: CHRIS LaPORTA  
 27 DANIEL PATRICK, ESQ.  
 28 SEAN LARGOTTA

29 -----X  
 30 Stacie Sullivan, CSR  
 31 staciesullivan@rocketmail.com

*MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN*

1                   CHAIRMAN BRAND: Next on the agenda tonight,  
2                   we have Marlborough Resort Lattintown for a preliminary  
3                   of the site plan at 626 Lattintown Road in Marlboro.

4                   Pat, I'll start you off with your comments  
5                   first, whenever you're ready.

6                   MR. HINES: So the applicants at the previous  
7                   meeting identified that the access road from Lattintown  
8                   Road would be modified to a 16-foot roadway, ten foot  
9                   paved with three-foot shoulders. That's going to  
10                  require approval from the Code Enforcement Office and  
11                  the jurisdictional fire department, because that's  
12                  going to be the main access to the site being less than  
13                  20 feet wide. It's less than what is a fire access  
14                  road for the New York State Fire Code, Appendix D.

15                  Details of that roadway widening should be  
16                  incorporated into the plan set. Shoulder improvements  
17                  must identify appropriate design to support loading  
18                  from anticipated vehicle traffic, including delivery  
19                  trucks and emergency vehicles.

20                  The note which states contractors -- there's  
21                  a note which states contractors shall coordinate with  
22                  the Town regarding the access road to be modified. We  
23                  want that actual design there. We don't want the  
24                  contractors coordinating with the Town at some point in  
25                  the future. We want that actual -- what's going to be

*MARLBOROUGH RESORT LATT. - PRELIMINARY SITE PLAN*

1       there to be shown, and that will be on the approved  
2       plans.

3               During the previous Planning Board meetings,  
4       residents of Ridge Road had a concern regarding the  
5       staff dormitory and locker room structure. The  
6       Planning Board may wish to have the applicant evaluate  
7       placing the staff dorm and locker room structure  
8       further west on the site and adjust the parking areas  
9       to include the additional parking where that staff dorm  
10      is currently proposed.

11             I think it was pretty clear at the last  
12      meeting and in some letters that we received since the  
13      public hearing that that is the primary concern of the  
14      kind of community character issue of Ridge Road. And  
15      you had the rendering of that structure, and it  
16      appeared kind of shockingly large to me, anyway. I  
17      think some of the Planning Board may have noted that  
18      too. That building is almost -- it's 44 feet high I  
19      think in the front facing Ridge Road. So I'll leave  
20      that to the Board, to discuss that with the applicant,  
21      but certainly the neighbors had that concern.

22             Design of the drainage swale on the west side  
23      of Ridge Road should be provided. That was discussed  
24      at the meeting as well as during our drainage review.

25             The applicant should update the Planning

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1 Board with regard to water supply for the project.  
2 Status of the water district extension should be  
3 addressed. Extension of the water district would  
4 require approval from the DEC, the Ulster County Health  
5 Department, and potentially the Town of Newburgh and  
6 New York City DEP. Review of the water system by the  
7 Town's water engineering company, Brinnier & Larios  
8 should be received.

9 I know the applicants are working through the  
10 Town Board and Brinnier & Larios, but an update for the  
11 Board should be provided.

12 Just a note, there's a concrete -- I don't  
13 know if you want to hit all these technical ones.  
14 There's a lot of technical comments.

15 CHAIRMAN BRAND: You can skip over some of  
16 the --

17 MR. HINES: I'll skip over some of those.

18 The applicant should address all the public  
19 comments received at the public hearing.

20 The automatic gate depicted at the driveway  
21 is depicted as a lift gate, while the details show a  
22 cantilever gate. That should be cleaned up.

23 We have comments on the stormwater. I'm  
24 going to pick out ones that are not those.

25 A stormwater facilities maintenance agreement

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1           will be required.

2                   And then the rest are all SWPPP comments.

3                   The major concerns we heard at the public  
4           hearing were the drainage, which are addressed in our  
5           numerous comments, and the location of the staff  
6           housing in proximity to Ridge Road and the kind of  
7           community character. This is a special use, and the  
8           Board does have to address impacts to community  
9           character and such under your special use permit  
10          requirements. So, with that, I'll turn it over back to  
11          you guys.

12                   CHAIRMAN BRAND: Did you want to address any  
13          of the comments that were brought up there?

14                   MR. LaPORTA: Yeah, we certainly can. We  
15          received the comment letter, and they are mostly  
16          technical in nature. And I think that they can all be  
17          adequately addressed. We'll have our geotech look at  
18          the road widening, make sure the shoulders are strong  
19          enough, and we'll get the Code Enforcement official's  
20          interpretation and letter. We'll go through all those  
21          technical processes.

22                   I just wanted to focus on what you identified  
23          as, I guess, the larger concern from the comments  
24          received about the location of the locker room  
25          structure -- the dorm and locker room structure.

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1                   So that building, the rendering that was  
2                   displayed at the previous meeting, that was just a  
3                   snapshot from dead right in front of the building. It  
4                   was a very close view. That is not what it would look  
5                   like from the road or the neighboring properties. It  
6                   would be much further set back.

7                   At the conclusion of the last meeting, you  
8                   know, we committed that we would provide a response to  
9                   the outstanding technical comments, and doing that, we  
10                  made a submission where we did add significant  
11                  landscaping along the north and the east property  
12                  lines.

13                 I also wanted to note too that when we put  
14                 the stormwater management area in front of Ridge Road,  
15                 we are building the grade up there. So on top of the  
16                 vegetative buffer, we -- you know, we're raising the  
17                 grade a few feet, so those trees will be that much  
18                 taller. We have looked at the visuals of that, and at  
19                 maturity, you're hardly going to see this building.

20                 We did take a look at alternative locations.  
21                 That really wasn't feasible for a number of reasons.  
22                 We need to have the security access point there.  
23                 There's the fork in the road there, and we are going to  
24                 have our gate there. It will be a lift gate. That  
25                 cantilever detail, we'll clean that up. But the



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1 security office is going to be there. There is a  
2 security office on the Lattintown side. It's a large  
3 property. We need control of both sides of it. And,  
4 you know, it's just not feasible to separate the staff  
5 dorms and the security office into two separate  
6 buildings.

7 You know, in addition, the soils conditions  
8 on the main campus side, we reduced all the buildings  
9 down to one-story structures because of the soils  
10 conditions we have over there. But this building  
11 needed to have the additional stories to house the  
12 staff there, so we also needed to build it into the  
13 slope so that we could have access from both sides to  
14 avoid elevators for ADA accessibility purposes.

15 So while the building is approximately  
16 40 feet tall, it is built into the slope, and it sits  
17 very far back. It's heavily screened. And the other  
18 areas that we evaluated just weren't feasible. As you  
19 go further into the site, there's a low area. There's  
20 that little stream that runs through there. All that  
21 soil is very wet over there. The only flat area that I  
22 identified is well within the 75-foot setback to the  
23 agricultural land buffer on the south property line,  
24 and there are steep slopes to get to it, so it's really  
25 not a feasible area to build.

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1                   So we did look at all the potential  
2                   alternatives. We did what we could to screen the  
3                   building, but, you know, this is the location that we  
4                   need this building. We tried to be consistent with the  
5                   community character. The architecture, the color  
6                   selection actually resembles the lodge, which is  
7                   existing on the other side of the property. So we  
8                   were, you know, trying to keep that within that  
9                   context.

10                  CHAIRMAN BRAND: Would you be able to provide  
11                  the Board with some renderings of the landscaping and  
12                  buffering that you're referring to?

13                  MR. LaPORTA: We certainly could.

14                  CHAIRMAN BRAND: That would be great.

15                  MR. LaPORTA: We did bring it today. We just  
16                  can't display it unless you want me to open my laptop,  
17                  and I could show you.

18                  CHAIRMAN BRAND: Sure, we can do that.

19                  MR. GAROFALO: Mr. Chairman, I think I'd also  
20                  like to see it from the property owners' point of view,  
21                  because I think the building is set up high compared to  
22                  the neighbors. And if you look on C-157, there's a  
23                  pretty steep decline down to the neighboring  
24                  properties. So I think to get some real perspective on  
25                  how they're going to see it, I think it would be nice

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1           to see a rendering based on their point of view.  
2           Because it's not only high, but it's also high up in  
3           elevation compared to the other structures.

4                   CHAIRMAN BRAND: While he's pulling that up,  
5           any other additional comments or questions from the  
6           Board?

7                   MS. LANZETTA: Yes. I wanted to thank you  
8           for addressing the comments from the County, from  
9           Ulster County Planning. And the only thing that -- and  
10          I think they were pretty well addressed, but the one  
11          thing I picked up on was their comment on the limits of  
12          disturbance around the cabins. And I would like to see  
13          that there be a note saying that the remaining existing  
14          vegetation is not to be removed. I don't think we need  
15          a conservation easement, but I would like to see a note  
16          to the effect that you're going to try to retain --

17                   MR. LaPORTA: Of course.

18                   MS. LANZETTA: I know you said you're going  
19          to make every effort to retain vegetation, but I would  
20          like to see that actually noted on the plans.

21                   MR. LaPORTA: We can definitely do that.

22                   I don't know the best place to put this.

23                   CHAIRMAN BRAND: That's fine.

24                   MR. LaPORTA: So this is the first view that  
25          we did. You can see here, this structure is going to

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1           be removed, which I think is a strong visual positive.  
2           What we did -- the first view here you can see that  
3           it's -- the building is screened. We actually did  
4           three views from each vantage point, and the reason  
5           that we did this is because we didn't want to just show  
6           the full mature -- like, we're going to put in the  
7           trees, they're going to be smaller at the three-year  
8           point, but they're still going to provide screening at  
9           that point. We just didn't want to go in there and  
10          show, oh, this is what it will look like in 20 years.  
11          So for each view we did three different --

12                   CHAIRMAN BRAND: This view is?

13                   MR. LaPORTA: This is --

14                   MS. LANZETTA: Initial.

15                   MR. LaPORTA: Well, the initial view would be  
16          this view right here. After construction, this is the  
17          initial view. And, you know, as these trees mature,  
18          you can really -- like, I can probably Zoom in. I  
19          think this is a touch screen. It's very difficult to  
20          see.

21                   MR. GAROFALO: That's from the entrance to  
22          the east of the building?

23                   MR. LaPORTA: This is from the east. If I go  
24          back a couple of, it's --

25                   MS. LANZETTA: Where the distillery is.

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1                   MR. LaPORTA:  -- where the former building  
2                   that we were considering for the distillery.  As I flip  
3                   through these, we did go further to the north on Ridge  
4                   Road here to try and catch the best perspective we  
5                   could from a neighboring property, but we obviously  
6                   can't go on the property.  So we took what was  
7                   available from the right-of-way here.  And, you know,  
8                   there is actually like a vegetative buffer that exists  
9                   between the properties right now.  On the computer  
10                  model, I don't have that at the moment, but we are  
11                  putting in a line of trees right here, which, you  
12                  know -- at construction they'll be small trees, but  
13                  these things will grow three to five feet a year.

14                 MS. LANZETTA:  What are they?

15                 MR. LaPORTA:  They're all evergreens.  I  
16                 think they're the Green Giant variety and a few  
17                 different varieties of pine.

18                 Actually, we have a picture here of the house  
19                 through the vegetation.  That's from our property  
20                 looking out.  It's screened in the current condition.  
21                 And when these trees get taller -- we selected a  
22                 species that could grow to 40 feet tall.  This isn't  
23                 even at full maturity.

24                 MR. TRONCILLITO:  Are they Thuja, Green  
25                 Giants?

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1                   MR. LaPORTA: Yeah, those are the Green  
2                   Giants.

3                   MR. TRONCILLITO: They grow three, four foot  
4                   a year.

5                   MR. LaPORTA: Yeah, that's what we were  
6                   proposing there, and we also did put some of the  
7                   evergreens on the east property line of Ridge Road.  
8                   So, you know, I think what we're showing is that we're  
9                   willing to do a heavy level of screening to make sure  
10                  that these buildings aren't visible and disruptive to  
11                  the community character in any way, you know. On top  
12                  of that -- it's hard to see at the angle here, but the  
13                  grade is going up, and these trees are sitting on top  
14                  of the raised grade in front of the pond here. So we  
15                  did, you know -- and we've been working on this  
16                  throughout the week. We've heard the comment, and we  
17                  did show it on the landscaping plan that we submitted  
18                  in advance of the cutoff as well. So we're, you  
19                  know -- we've been very proactive to try and consider  
20                  the concerns. We did look. It's just not feasible for  
21                  us to move the building for a number of reasons: The  
22                  setbacks, the location, the security control, and the  
23                  soils as well.

24                  MR. GAROFALO: Are those tall trees going to  
25                  be the ones immediately in front of the building or

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1           along the road?

2                   MR. LaPORTA:   The tall ones, I don't think we  
3           put the tall ones -- we put them on the property line,  
4           but not on the road.  I don't think we'd want those to  
5           grow that tall on the road, but we're open to -- we're  
6           happy to swap out species.

7                   MR. GAROFALO:   You have some that are --  
8           you're showing some that are along the road, and then  
9           you're showing some that are right directly in front of  
10          the building.  That was my question.  Are those trees  
11          going to be the ones along the road, or are those going  
12          to be the ones directly in front of the building?

13                   MR. LaPORTA:   The tall ones that we were  
14          showing, those are the -- I think we have a different  
15          type of tree in front of the building, not the big tall  
16          ones.  But I think we picked something that would grow  
17          to 18 to 20 feet in height.  We actually did decide  
18          that we're going to put some more landscaping right on  
19          the north side of the building, not right against the  
20          building, but we do have a little grass island there  
21          that we could add some trees right in front of it.

22                   I think we have an elevation view of that as  
23          well.  From the north elevation, we are proposing to  
24          put some -- build some trees that are slightly shorter  
25          than the building, but cover a majority of it right in

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1 front of it on the north wall too. We're providing  
2 screening, you know, at the lines and within the  
3 property as well.

4 MR. TRONCILLITO: Just watch the spacing. On  
5 those Thuja, you gotta keep them fairly tight, speaking  
6 from experience, to get your full windbreaker and full  
7 barrier.

8 CHAIRMAN BRAND: Any other comments or  
9 questions from the Board?

10 MR. GAROFALO: Yes. I have a few.

11 One, you are showing a tennis court next to a  
12 road. I would suggest you put a fence in there so the  
13 balls don't go running over the road. It's a minor  
14 detail.

15 On C-130, you show what's called a standby  
16 power for the solar. Are those batteries?

17 MR. LaPORTA: No. We're proposing  
18 generators.

19 MR. GAROFALO: Okay. You have a number of  
20 steep slopes on some of the roadways, and take a look  
21 and see if those might require a hill sign, warning  
22 sign in front of them.

23 I'm a little confused about where you're  
24 placing the gates. And, you know, you had talked about  
25 it being near or to the west of the dorms. And is



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1           there -- are the gates placed such that you can't get  
2           from Ridge Road to the main building?

3                   MR. LaPORTA: Most of our traffic is going to  
4           come in from Lattintown Road, but for the purposes of  
5           the distillery and the restaurants, there's going to  
6           need to be some access through that gate. The primary  
7           access to the site is Lattintown Road, though.

8                   MR. GAROFALO: The distillery is -- okay.  
9           The distillery is after. But you will be able to  
10          actually physically drive from Ridge Road to the main  
11          building without going through a gate?

12                   MR. LARGOTTA: No, no. You have to go  
13          through a gate.

14                   MR. HINES: There's a gate on Lattintown  
15          entrance.

16                   MR. LARGOTTA: Yeah, there's two gates.

17                   MR. GAROFALO: With regard to the main  
18          access, if it's 16 feet, putting the shoulders on, one  
19          of the things that I'm concerned about is the vertical  
20          clearance; to make sure where you have the road, that  
21          you don't have any branches which would interfere with  
22          fire trucks or other trucks coming in. So I think  
23          that's important, to take a look at those trees and see  
24          if you have branches. Since you're moving the road  
25          over three feet, whether or not there will be any

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1        branches that would interfere with, particularly, the  
2        clearance on the fire trucks because that's pretty  
3        high.

4                MR. LaPORTA:   Certainly.   I think the  
5        canopies are fairly high on many of those trees, but we  
6        could add a note that we're going to trim back to  
7        maintain, I don't know, a 20-foot clear width or  
8        something, and while we have a contractor there, make  
9        sure there's a nice, clean corridor.   Obviously, it  
10       would need to be an ongoing maintenance thing that  
11       we're going, you know, to keep --

12               MR. GAROFALO:   Initially I'm going to be  
13        concerned because you may have some rather large trunks  
14        splitting off of some these old trees.   I think you  
15        need to take a close look at that, particularly in the  
16        beginning, to make sure that trucks can get underneath  
17        them.

18               MR. LARGOTTA:   We'll know right from the  
19        beginning because we're bringing construction trucks  
20        in.

21               MR. LaPORTA:   We will definitely have  
22        construction truck traffic.   We're also going to need  
23        to have some sort of arborist take a look at those  
24        trees and everything we're doing with them, just given  
25        that we're widening the road.   We're going to try and

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1 protect the roots throughout construction. We're going  
2 to have a very close eye on those trees, but,  
3 obviously, with our own traffic, we need to make sure  
4 that that pathway is clear.

5 MR. GAROFALO: Yes, especially if you bring  
6 in any extra tall loads with that construction  
7 equipment.

8 All of these types of facilities, we're  
9 looking to see some wayfinding so that people will be  
10 able to find where they're going and emergency vehicles  
11 will be able to find specific locations within the  
12 site. So I think you need to take a very close look at  
13 how people and emergency services will be able to  
14 locate various buildings within the site.

15 And also, with regard to that, most of the  
16 larger signs in our Code require approval by the  
17 Planning Board and the Building Department, Code  
18 Enforcement. So if you're planning on putting any kind  
19 of big signs up, I would suggest you talk to us now,  
20 rather than having to come back later. Get it all done  
21 at once would be probably preferable both to you and to  
22 us.

23 MR. LaPORTA: We did show signage location at  
24 Lattintown Road. And, you know, this project is going  
25 to have branded signage for wayfinding throughout the

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1 property. Something that we definitely will want to  
2 iron out while we're working under a conditional  
3 approval and dealing with all the technical comments.  
4 We certainly want to take care of all of those. We are  
5 providing a lighted bollard in front of every guest  
6 cabin, and there's where we're going to have our  
7 signage so that, you know, the numbers will be  
8 illuminated as well.

9 MR. GAROFALO: You also need to find the  
10 road, the various roads to the various cabins, because,  
11 again, somebody who is responding to something may  
12 never have been there before, and they need to be able  
13 to find it, day or night, quickly.

14 MR. LaPORTA: Absolutely. We'll -- we're  
15 going to eventually name the roads. They won't be Road  
16 A, B, C, D forever. But there's going to need to be a  
17 special branded signing package. It's going to be  
18 important to us too, because the guests need to know  
19 how to navigate the site as well.

20 MR. GAROFALO: Thank you.

21 CHAIRMAN BRAND: Anything else from the  
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: So I believe the last time  
25 you were here you were preparing a Negative

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1 Declaration?

2 MR. PATRICK: Yes. We sent the draft last  
3 Monday.

4 CHAIRMAN BRAND: Gerry.

5 MR. COMATOS: I've reviewed it, and I've made  
6 some comments to the applicant.

7 CHAIRMAN BRAND: Have those been addressed?

8 MR. COMATOS: The primary comment has been  
9 addressed regarding the dormitory, the housing for  
10 employees. I think that they've explained that quite  
11 satisfactorily this evening.

12 CHAIRMAN BRAND: Then, as far as the rest of  
13 the Negative Dec goes, you think everything was in  
14 order for that?

15 MR. COMATOS: From my point of view, it's a  
16 good document in its present form, subject to further  
17 clarification as to the community character effects of  
18 the dormitory.

19 CHAIRMAN BRAND: So at this point we're not  
20 in a position to issue any kind of approval.

21 MR. COMATOS: Well -- and, also, Pat. I  
22 haven't really spoken to Pat.

23 CHAIRMAN BRAND: Pat, did you have a chance  
24 to review it as well?

25 MR. HINES: We did. We haven't generated

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1        comments. I have Post-It note comments, so there are  
2        things that should be addressed. Before you adopt  
3        that, you would have to go through a Part 2 to identify  
4        if there are any potential significant impacts. A lot  
5        of mine are edits. If the Board is okay with the  
6        community character of the staff housing -- I don't  
7        know if you're there yet, but it's certainly up to the  
8        Board. They make some statements in there, and on page  
9        6: Accordingly, as analyzed herein, this core  
10       development attributes will be not be introduced into  
11       the neighborhood or community at large. So that's --  
12       again, this Neg Dec is your document once you adopt it.

13                I know DOT responded to the Lead Agency  
14       circulation on October 2nd, and they stated please  
15       forward a copy of the traffic study. A traffic study  
16       shall be prepared and submitted to DOT for further  
17       review and comment. I don't know if that went to DOT.

18                MR. LaPORTA: I haven't seen that letter.

19                MR. HINES: This was the October 2nd Lead  
20       Agency circulation response. I'm not sure when we got  
21       it, but it was probably after the last meeting when we  
22       received that.

23                MR. PATRICK: They should have gotten a copy  
24       when it was circulated, when we made the submission in  
25       August, September.

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1                   MR. HINES: There's a lot of discussion in  
2                   that -- again, Creighton Manning did the traffic  
3                   review, not my office. There's discussion of fair  
4                   share contributions in the Neg Dec, and I don't know  
5                   that the Board was aware of that, of doing some fair  
6                   share improvements at several of the intersections.

7                   MS. LANZETTA: Would these be the County  
8                   roads or local roads?

9                   MR. HINES: I believe it's at the  
10                  intersections of the state roads where that's stated.

11                  MR. LaPORTA: I think that the one that had  
12                  any impact from our project would be 9W and Lattintown  
13                  Road. The other intersections that had existing  
14                  problems weren't from traffic coming from our  
15                  direction. So we laid out a fair share contribution,  
16                  which is, you know, a pretty typical way to do these  
17                  things based on our percentage of the traffic  
18                  contributed to that intersection.

19                  MR. GAROFALO: I certainly had concern  
20                  whether the drawing that was provided on that  
21                  improvement would be acceptable to DOT, as opposed to a  
22                  normal left-hand turn situation. I think I would want  
23                  to see what DOT says about that because that might  
24                  affect the cost.

25                  MR. PATRICK: To clarify, that intersection

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1           currently operates in a poor condition. The traffic  
2           study that was prepared analyzed that intersection,  
3           along with other intersections, and indicated that this  
4           project would have minor impact on that currently  
5           poorly operating intersection. Rather than having us  
6           upgrade that intersection, we're proposing a fair share  
7           contribution of what is commensurate to the minor  
8           impact that we would be -- generate into it.

9                   MR. GAROFALO: But the cost --

10                  MR. PATRICK: But it would rely on another  
11           agency doing it.

12                  MR. HINES: That's always the issue with fair  
13           share contributions, is that until you get a hundred  
14           percent of the fair share contribution, that money will  
15           sit somewhere, I guess, and those impacts aren't  
16           addressed. I think there's some number in here that  
17           says four percent and some other --

18                  MR. TRONCILLITO: Plus it's Orange County.

19                  MR. HINES: 7.2 percent traffic volume. So I  
20           don't know where that fair share is coming from, and  
21           how much that is, and who's going to calculate that.  
22           That would be something that would have to probably  
23           involve the Town Board for security of that. I'm not  
24           real clear what that is and what those numbers are and  
25           whose fair share is paying the other percentage of the



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1 fair share to get anything accomplished. Four percent  
2 of an intersection is --

3 MR. GAROFALO: Part of what I'm concerned  
4 about is that the perception of that being a future  
5 improvement when I don't think -- I think there's a  
6 chance that DOT may say we don't accept this as an  
7 improvement. You have to do -- something else would  
8 have to be done. The public perception, the same --  
9 you know, I understand we're going to have more delay  
10 in the hamlet, but I think the reality of the report  
11 stating that there was going to be some spill-back to  
12 King Street was not clearly stated, but that's part of  
13 the impact I understand that's going to happen.  
14 There's not much that can be done about it, but I  
15 think, perceptually, to be clear about what's going to  
16 happen, I think it's important to be transparent to the  
17 public. Not that I'm necessarily expecting them to do  
18 anything about it.

19 MR. HINES: We don't know DOT's position  
20 either.

21 CHAIRMAN BRAND: So I guess where we are now  
22 is that I'd like to have your office to continue to  
23 communicate with Pat and Gerry.

24 MR. HINES: I just want to touch on it also;  
25 in the Neg Dec, there's a statement that the report

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1       showed -- this is the acoustical study that was done --  
2       that the report shows that the site is readily able to  
3       meet all daytime noise code limitations at nearby  
4       receptors. And then there's discussion of evening  
5       events, and there's mitigation measures proposed that  
6       would become enforcement in the future. And it has  
7       bulleted items of such things as design and oversight  
8       of the appropriate -- by appropriate acoustical  
9       professionals to ensure that measures are implemented  
10      to meet noise code limits and minimize potential  
11      acoustical impacts, including, but not limited to,  
12      location and direction of speakers, performer  
13      locations, layout, and sound levels. There will be a  
14      house limiter, as it's stated here, that would give the  
15      applicant final control over any sound system setup.  
16      The limiter will be implemented in such a manner as  
17      preventing the possibility of deejays or performers  
18      overriding it. The applicant has committed to carrying  
19      out a post-construction evaluation to ensure the design  
20      can comply with noise limits. This may include  
21      meetings with neighboring residents to gain feedback,  
22      post operational sound survey to assist in calibrating  
23      sound systems. And those are the issues with the  
24      outside noise.

25                   So I don't know if the Board knew that that

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1 was included as mitigation measures. That may be  
2 something the Board wants to discuss. I was concerned  
3 about the point -- the term that said daytime noise  
4 code limits at nearby receptors versus, I guess, if  
5 you're going to try to meet the -- any evening limits  
6 by those bulleted items I discussed.

7 MR. LaPORTA: Yeah, which is -- we had a  
8 sound professional put that report together, and it's,  
9 you know, easy to meet the daytime requirements, is my  
10 understanding, and that all these measures could easily  
11 be deployed to make sure that we're in compliance until  
12 we have the -- all those final designs established.  
13 You know, that's why all those mechanisms are built in  
14 there, and we're willing to make all those measures.

15 MR. GAROFALO: Are we under a time  
16 constraint?

17 MR. HINES: No.

18 CHAIRMAN BRAND: No. So I guess what I'd  
19 like you --

20 MR. TRONCILLITO: I just got one question.  
21 You mentioned something about 40-foot on the dwellings.  
22 What did you say? Unless I didn't hear it right.

23 MR. LaPORTA: No. I think we were talking  
24 about the height of the staff dorm building.

25 MR. TRONCILLITO: You're talking 40 feet?

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1                   MR. HINES: It's 44 feet to the peak of the  
2                   roof based on the rendering. That's on the side facing  
3                   Ridge Road. The other side is buried 14 feet into the  
4                   embankment. So there's a -- they have -- the rendering  
5                   had specifically the elevations of each floor, and I  
6                   think it's 44 feet. It's 14 foot -- negative 14 foot  
7                   at the front because you're measuring from the grade in  
8                   the back. Then it's 24 to the peak on the other side.  
9                   I did a quick calculation of 38. It's over 30.

10                  MR. TRONCILLITO: Windows on the back side,  
11                  then.

12                  MR. HINES: The back side, it's -- the Ridge  
13                  Road side is the higher side.

14                  MR. TRONCILLITO: I know that. But what's it  
15                  to the windows?

16                  MR. HINES: Oh, I don't know.

17                  MR. TRONCILLITO: That's all right.

18                  MR. LaPORTA: I'll see if I have that.

19                  CHAIRMAN BRAND: In the meantime, just to  
20                  keep this meeting moving along, I'd like you guys to  
21                  work with Pat and Gerry to try and have a more workable  
22                  document ready for us for the 2nd.

23                  MR. PATRICK: We can do that.

24                  CHAIRMAN BRAND: Anything else?

25                  MR. PATRICK: Would the Board consider

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1 approval of the site plan or a preliminary site plan at  
2 that meeting as well? The client is under some tight  
3 time lines for financing.

4 MS. LANZETTA: What is our responsibility as  
5 far as making sure that they have the proper agreements  
6 with DEP and the Town for water? Do we have to -- is  
7 that something that can be a condition of approval?

8 MR. COMATOS: It could be a condition, yes.

9 MS. LANZETTA: Because that's a major deal.  
10 I mean, you have to have water.

11 MR. PATRICK: And we know that, and we're  
12 certainly going to keep continuing trying to get water  
13 as well, but in order to solidify some financing so we  
14 can continue drafting documents and moving this  
15 forward, we need some certainty to provide to some of  
16 the investors that this project can actually move  
17 forward.

18 CHAIRMAN BRAND: It's my understanding you're  
19 close to some type of agreement as far as the water  
20 goes?

21 MR. PATRICK: We have a conceptual agreement  
22 as far as what it's going to look like. I just  
23 received a draft to begin actually drafting the  
24 agreement itself and present it to the Town Board and  
25 Supervisor. So the terms are more or less laid out.

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1           It's just a matter of putting everything on paper and  
2           in writing at this point.

3                   MR. HINES: I think right now you're heading  
4           towards the smaller tank?

5                   MR. PATRICK: Correct. And a contribution to  
6           the Town.

7                   MR. HINES: And a contribution to the water  
8           district?

9                   MR. PATRICK: Yes.

10                  MR. HINES: The Town's water consultant,  
11          Brinnier & Larios, is working with them on that.

12                  MR. TRONCILLITO: That's not what the Town  
13          Supervisor told us -- me, personally. That's all I'm  
14          saying.

15                  MR. PATRICK: It went back and forth for a  
16          while. I think this is over the past week or so, it's  
17          been confirmed that the approach is going to be us  
18          making a contribution and providing a tank on site for  
19          just our site, not adding a larger tank for the  
20          district itself.

21                  MR. TRONCILLITO: I will give him a call  
22          tomorrow.

23                  MS. LANZETTA: Because I think that --  
24          really, the size of the tank makes a difference to the  
25          whole site plan.

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1                   MR. PATRICK: Yeah. Right now it's a 600,000  
2                   gallon tank, and that's for on site purposes.

3                   MR. HINES: No, no. Did you say 600,000?

4                   MR. PATRICK: 60,000. Sorry.

5                   MR. LaPORTA: Yeah, we're going with the  
6                   smaller tank, but through the entire process, we've  
7                   been land banking the amount that we're going to keep  
8                   it to the same height, and it's, you know, well within  
9                   our site. So we actually showed both ways for a while.  
10                  You know, I've been part of the dialogue, and it seems  
11                  like that while we were open to the either/or approach,  
12                  that it's trending towards we do our smaller tank on  
13                  site and the contribution to the water district. So  
14                  that's, you know, where we're at right now, and it  
15                  seems like we're, you know, getting close and just  
16                  ironing out some of the details on it.

17                  MR. GUASTAMACCHIA: As far as the tank  
18                  goes --

19                  CHAIRMAN BRAND: Could you just say your name  
20                  for the stenographer?

21                  MR. GUASTAMACCHIA: I'm sorry. Vincent  
22                  Guastamacchia, G-U-A-S-T-A-M-A-C-C-H-I-A.

23                  As far as the size of the tank would be on  
24                  the Ridge for it to serve the purpose for the Town, it  
25                  would be drastically larger than the staff housing, at

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1           a much higher altitude. So if we're concerned about  
2           aesthetic, that's why we were choosing the financial  
3           contribution as opposed to the monstrosity that would  
4           be on the top.

5                   MS. LANZETTA: And that's why I want to be  
6           sure that in the site approval process that we take  
7           into account what's actually being planned.

8                   MR. GUASTAMACCHIA: Correct. And I believe  
9           that's what we were saying.

10                  MR. PATRICK: Yes.

11                  CHAIRMAN BRAND: Gerry, do you see a problem,  
12           after working through this Negative Declaration, having  
13           some type of draft Resolution of Approval for  
14           December 2nd?

15                  MR. COMATOS: Yeah, it's doable. I think  
16           that there's a lot that Pat raised today regarding the  
17           Neg Dec and the EAF Part 2. Again, as Pat mentioned,  
18           those are ultimately your documents to be adopted, so  
19           we want to make sure that they are properly prepared.  
20           So there's some work to do there, but apart from that,  
21           recognizing that the water agreement will be a  
22           condition of approval, it's conceivable to adopt the  
23           Negative Dec and conditional approval at the same time.

24                  CHAIRMAN BRAND: Is there any objection to  
25           that?



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1 (No response.)

2 CHAIRMAN BRAND: So let's go ahead, and I'll  
3 offer that formally as a motion to authorize the  
4 attorney to prepare the conditional approval for  
5 December 2nd, based on clearing up all these issues and  
6 the Negative Declaration. Do I have a second?

7 MS. LANZETTA: I'll second that.

8 CHAIRMAN BRAND: Any discussion?

9 (No response.)

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 CHAIRMAN BRAND: Okay. Gerry, you guys have  
13 your work cut out between now and December 2nd. Thank  
14 you.

15 MR. PATRICK: Thank you very much.

16 MR. LaPORTA: Thank you.

17 Time noted: 7:53 p.m.

18

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

20

21 Certified to be a true and accurate transcript.

22

23

Stacie Sullivan

24

Stacie Sullivan, CSR

25

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

2 -----X  
In the Matter of

3 ELP SOLAR TRUNCALI

4 Project No. 24-2004  
5 335 Bingham Road, Marlboro  
6 Section 108.3; Block 8; Lot 21

7 -----X  
8 PRELIMINARY - SITE PLAN

9 Date: October 7, 2024  
10 Time: 7:54 p.m.  
11 Place: Town of Marlborough  
12 Town Hall  
21 Milton Turnpike  
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
14 FRED CALLO  
15 JAMES GAROFALO  
CINDY LANZETTA  
BOB TRONCILLITO

16 ALSO PRESENT: PAT HINES  
17  
18 GERARD COMATOS, ESQ.  
19 JEN FLYNN

20 APPLICANT'S REPRESENTATIVES: EVAN YOUNG  
21 ROSARIO GIUFRE  
22 JOEL TRUNCALI

23 -----X  
24 Stacie Sullivan, CSR  
25 staciesullivan@rocketmail.com

*ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN*

1                   CHAIRMAN BRAND: Moving right along, we have  
2                   ELP Solar Truncali for a preliminary site plan at 335  
3                   Bingham Road in Marlboro.

4                   Pat, do you want to start off with your  
5                   comments first, please?

6                   MR. HINES: So the plans have been revised to  
7                   show the location of the proposed dry hydrant. I just  
8                   want confirmation from the jurisdictional fire  
9                   department that they're okay with that. I think the  
10                  applicant has been working with them.

11                  CHAIRMAN BRAND: Did you receive that?

12                  MR. YOUNG: I got an email late, 6:20  
13                  tonight. The Fire Department is okay with the fire  
14                  hydrant as is. They did ask for a specific connection,  
15                  a six-inch female adapter, which we plan to  
16                  incorporate.

17                  MR. TRONCILLITO: Did he give you a correct  
18                  thread?

19                  MR. YOUNG: Six-inch NH female adapter, yeah.

20                  MR. HINES: In response to the Lead Agency  
21                  circulation, DEC identified that the wetland  
22                  regulations are proposed to change in January of 2025.  
23                  They're in a bit of a state of flux right now. But  
24                  they are scheduled to be updated in January '25. The  
25                  wetlands on the site are currently not DEC protected.

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1       However, DEC warns that potential jurisdiction under  
2       Article 24 could be exercised in the future.

3               The Planning Board members previously  
4       identified, and this office identified, concerns  
5       regarding orchard trees in the buffer area. They've  
6       provided a visual simulation that shows the orchard  
7       trees in a maintained condition. Additional visual  
8       simulations have been provided from the rear of the  
9       residential property on Bingham Road. I believe it may  
10      be that gentleman's property in the back there with the  
11      pool. The applicants have identified that the orchard  
12      trees used for screening purposes will be maintained by  
13      the owner of the project and kept pruned and disease  
14      free as necessary to remain healthy. The proposed  
15      condition shows evergreen trees planted. We're looking  
16      for the time frame there. The evergreen screening  
17      trees are depicted much higher in the simulation than  
18      the existing orchard trees, so I don't know if there  
19      was a time frame of what was shown there. If that's a  
20      15 year out or a 10 year out.

21              MR. GIUFRE': That's at five years out.

22              MR. HINES: I don't know if the Board saw  
23      that simulation.

24              MR. YOUNG: I do have hard copies for the  
25      Board. I can hand those out.

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1                   MR. HINES: The applicant has incorporated  
2 additional stormwater management into the plan,  
3 including placing the level spreaders into the plan at  
4 a hundred foot maximum to support returning the flow to  
5 sheet flow.

6                   The applicants also provided a noise analysis  
7 pursuant to the Board's comments. The minimum distance  
8 from the property line to the noise sources is  
9 533 feet, and it's noted that any receptors are beyond  
10 that distance. That's just to the property line. So  
11 the only way to mitigate noise is by distance, and they  
12 provided that analysis.

13                  We just need the SWPPP updated to identify  
14 the use of level spreaders, and there'll just be  
15 notations in the final SWPPP.

16                  The SWPPP identifies the limits of  
17 disturbance as 21.9 plus or minus acres. They've  
18 depicted a phasing plan that shows that could be  
19 accomplished in five-acre increments in compliance with  
20 the stormwater regulation.

21                  The SWPPP does contain time of year -- and  
22 when I say SWPPP, that's the Stormwater Pollution  
23 Prevention Plan -- time of year limitations for various  
24 work activities. Strict compliance needs to be  
25 required. They have time of year erosion control

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1 sediment activities. Soil restoration techniques in  
2 Section 8 are very important on these solar sites.

3 This is a special use in your code,  
4 ground-mounted solar, so it is subject to your special  
5 use standards, and any impacts to the neighborhood  
6 should be addressed in those special use standards.  
7 And any approval should address those.

8 A decommissioning plan must be approved by  
9 the Planning Board and Town Board. The operation and  
10 maintenance plan should be incorporated into any  
11 approvals. And security for the decommissioning in a  
12 form acceptable to the Town attorney should also be  
13 addressed.

14 So a lot of our technical comments have been  
15 addressed. They've increased the landscaping to the  
16 rear of the residential property. The Board should be  
17 able to weigh in on that. And they've addressed a lot  
18 of our previous concerns. We have these new technical  
19 ones that are able to be addressed by applicant.

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

22 MR. TRONCILLITO: What are the heights of the  
23 plantings going to be at the back of John's house?

24 MR. YOUNG: At year one, at the time of the  
25 construction, eight to ten feet. By year five, we've

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1 modeled them at 18 to 25 feet. There's about two to  
2 three feet per year over the course of five years.

3 MR. TRONCILLITO: Thank you.

4 MS. LANZETTA: I appreciate the extra  
5 vegetative screening that you've put in along the  
6 borders here. I still have an issue with the orchards,  
7 especially along the -- I'm not even sure where we are.  
8 Along the long row here (indicating). There are places  
9 here, you're only 15 feet from those orchards. Now, if  
10 there's spraying of those orchards, the spray could  
11 possibly go on to those panels. Is that an issue?

12 MR. YOUNG: I don't believe so. You know,  
13 these orchards will be maintained by the owner. The  
14 owner is committed to that. You know, I don't believe  
15 it will be an issue.

16 MS. LANZETTA: It's horticultural oils and  
17 things of that nature.

18 MR. YOUNG: If it is an issue, the owner will  
19 have to manage it. Either use a different spraying  
20 method or take care of it. Clean the panel.

21 MS. LANZETTA: You'll have a formal agreement  
22 that these will be maintained?

23 MR. YOUNG: The agreement is in the approval,  
24 you know. So assuming this is approved, the Town Code  
25 Enforcement will be subject to enforcement of the

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1       vegetation being properly managed.

2                   MS. LANZETTA: Well, again, I personally feel  
3       that it would make more sense to take those out,  
4       because I don't know how you can really get back in  
5       there and spray them and maintain them. And if they're  
6       not maintained, then they're worse than having nothing.  
7       So unless -- I don't really like the thoughts of the  
8       Town having to be the policeman on this. I would  
9       prefer to see them -- as I said at the last meeting,  
10      I'd prefer to see those taken out, and even if natural  
11      shrubs and habitat were allowed to grow up, I think  
12      that would be a better thing than having trees that are  
13      going to be difficult to maintain.

14                  MR. YOUNG: So we could certainly do that.  
15      You know, if this Board would consider natural  
16      vegetation naturalizing as part of that 25-foot  
17      vegetative buffer, I think we can do that, but,  
18      otherwise, the Code requires a 25-foot vegetative  
19      buffer around the entire extent of the array. We could  
20      certainly talk about that if that's something that the  
21      Board would consider.

22                  MS. LANZETTA: I mean, this looks great, but,  
23      you know, in order to maintain this, I don't know how  
24      he's going to be able to get on this side without being  
25      close -- that close to the residential property to be



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1       spraying. You know, I'd rather see, perhaps, more of  
2       these taken out and a few more evergreens put in  
3       instead.

4               I don't know what your thoughts are. You  
5       would prefer to have them coming and spraying these  
6       trees?

7               MR. VANDENDOOREN: I'd prefer not to be  
8       sitting here tonight looking at all of you, but, yes, I  
9       would much rather have a fruit tree there that was  
10      planted by generations ago to look at in the backyard  
11      instead of a pine tree. You guys keep saying  
12      evergreens. It's a pine tree. It's disgusting. It's  
13      ugly looking. You know what I'm saying.

14              CHAIRMAN BRAND: Could you state your name  
15      for the stenographer?

16              MR. VANDENDOOREN: John VandenDooren.

17              MS. LANZETTA: You do understand they have to  
18      spray?

19              MR. VANDENDOOREN: I do. And you did  
20      actually bring up a great point. If I was allowed to  
21      speak, I was going to ask you how would Mr. Truncali --  
22      and this is what I would -- I don't want this, but if I  
23      had the opportunity, I'd rather have those fruit trees  
24      there. But how would Mr. Truncali get in each of those  
25      lanes and be able to actually turn around? You did a

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1 phenomenal job planting in those extra pine trees, but  
2 it doesn't look like Mr. Truncali can even get in there  
3 with his tractor, let alone the sprayer he has to tow  
4 behind and make a complete turn. I just -- the picture  
5 looks great, but it's not realistic. Let's be honest  
6 here. This isn't what it's going to look like down the  
7 road.

8 MR. TRUNCALI: I did explain to them that  
9 they're going to have to leave roadways so the tractors  
10 can drive through. You know, where the roads are going  
11 the opposite direction that they are now, they're going  
12 to have to probably take out every other tree so that  
13 you can drive the other way.

14 MR. VANDENDOOREN: Go that way.

15 MR. TRUNCALI: Right.

16 MR. YOUNG: You know, the applicant is  
17 responsible for the maintenance per the O & M plan.  
18 Right. It might not be Mr. Truncali managing the  
19 maintenance of these trees. The applicant will be. It  
20 might not be a big tractor. They're going to have to  
21 manage these trees properly, and like anything else on  
22 the site plan, you know, it will be enforced by the  
23 Town.

24 MS. LANZETTA: Well, again, I think if the  
25 adjacent owner prefers the apple trees, but I really

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1 think that there's a problem here, and I think there's  
2 a problem for you guys, because I think you're going to  
3 end up getting sprays and stuff on the solar panels.  
4 It's going to be very hard to maintain the two rows  
5 along that side.

6 MR. GIUFRE': The entire eastern portion?

7 MS. LANZETTA: Yes.

8 MR. YOUNG: If we took out the eastern  
9 portion and put a call-out on the -- you know, that  
10 vegetation will naturally revegetate without mowing,  
11 would that satisfy the 25-foot vegetation requirement?

12 MS. LANZETTA: Let sumac and stuff like that  
13 grow up.

14 CHAIRMAN BRAND: Weeds.

15 MS. LANZETTA: I mean, you're going to have  
16 your evergreens here, but then you would allow like  
17 sumac and natural -- you know, the stuff that normally  
18 grows up if you don't cut it back.

19 MR. GAROFALO: Doesn't the Code specifically  
20 say not to be clear-cutting outside the area where the  
21 solar farm is?

22 MR. YOUNG: I've got the Code here.

23 CHAIRMAN BRAND: I mean, I think he said it  
24 best. It's the applicant who would be responsible. If  
25 it gets on the panels, they're going to have to figure

*ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN*

1       that out.  If the apple trees aren't being  
2       maintained --

3               MS. LANZETTA:  Yeah, but that's why it's  
4       silly to -- it doesn't make sense to have apple trees  
5       there, because they have to be maintained continually  
6       with spraying and fungicides and all that stuff.

7               CHAIRMAN BRAND:  He said they're going to  
8       take care of it.

9               MR. YOUNG:  I understand your point.  I  
10       completely understand.  I just want to make sure that,  
11       at the end of the day, we have a site plan that adheres  
12       to the Code.  You know, 155-32.2(F), a minimum 25-foot  
13       perimeter buffer, except for the roadway access, which  
14       may be partially or totally within the perimeter lot  
15       line setback, consisting of natural and undisturbed  
16       vegetation supplemented with evergreen plantings in  
17       accordance with the Town of Marlborough Zoning Code.

18               MS. LANZETTA:  I don't think, if you're  
19       taking out the trees, you're still -- as long as you're  
20       not grading right down to the ground.

21               MR. HINES:  And I don't know the trees are  
22       considered natural vegetation.  They're human planted.

23               MS. LANZETTA:  I don't see where there's a  
24       problem taking the trees themselves out, as long as  
25       you're allowing the natural vegetation to grow up.  I

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1 don't know about the rest of the Board.

2 CHAIRMAN BRAND: I don't have an issue with  
3 it, but I just think the trees are there, and they're  
4 already providing some vegetation. I think it's kind  
5 of counterproductive to tear something down to hope  
6 that these new things may grow up in that area.

7 MR. TRONCILLITO: Just to make sure I  
8 understand, you're going to have the apple trees, and  
9 then you're going to have the pine trees behind that?

10 MR. YOUNG: Correct.

11 MR. GAROFALO: Eventually the apple trees  
12 will be taken out because they'll get too old, and  
13 they'll be replanting something there.

14 MS. LANZETTA: So you want to just let them  
15 decline -- well, no. The whole idea is keeping them  
16 sprayed.

17 MR. GAROFALO: Yes. But even if you do that,  
18 eventually the trees get too old. And don't they  
19 normally take them out?

20 MS. LANZETTA: Yes. I mean, do we want --  
21 that's not a natural vegetation, the apple trees.  
22 That's not natural vegetation. That's gotta be  
23 maintained, and I don't know that it's necessary. It's  
24 going to cause problems for -- I think it will cause  
25 problems for the solar. And it's like why are we

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1       spraying it?

2                   CHAIRMAN BRAND:  I don't have -- either way  
3       is fine with me.  If the majority of the people feel  
4       strongly one way or the other, I'm fine with that.

5                   MR. TRONCILLITO:  Well, my opinion is, the  
6       gentleman that lives right there doesn't have a problem  
7       with the apple trees and then the pine trees behind it  
8       for a big barrier.

9                   MS. LANZETTA:  Yeah, I'm not talking about  
10      that portion.  I'm not talking right here (indicating).  
11      I'm talking about this whole line here, because there  
12      are portions here where there's only 15 feet clearance  
13      between the edge of the solar panel and the apple tree.  
14      (indicating).  So how are you even going to get  
15      tractors back in there once you plant up all the --  
16      these are all going to be evergreens here (indicating).

17                  MR. TRUNCALI:  I mean, the rows are only  
18      12-foot wide in some of those trees, anyway.  The  
19      tractor is only six-foot wide.  You can get through  
20      there.

21                  CHAIRMAN BRAND:  Do you see it being an  
22      issue?

23                  MR. TRUNCALI:  I'm sure they're going to  
24      leave enough room between the trees and the fence so  
25      they can get through there.

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1 MS. LANZETTA: Okay. Again, who is going to  
2 monitor it? Who is going to -- I mean --

3 MR. HINES: Your only options are to put  
4 notes on the plans and include it in the resolution.  
5 Then it becomes a Code Enforcement issue.

6 MS. LANZETTA: Okay. I brought up my  
7 objections. That's it.

8 CHAIRMAN BRAND: I mean, I'm good either way,  
9 like I said. If you think that would be a better plan  
10 and it wouldn't interfere with your panels and it would  
11 cause less headaches in the end, I would say cut them  
12 down and let natural vegetation grow in as well.

13 MR. GIUFRE': If the Board is amenable to  
14 that, that may just be --

15 CHAIRMAN BRAND: Is there anyone against that  
16 option?

17 MR. GIUFRE': -- an option.

18 MR. CALLO: No.

19 MR. YOUNG: Just on the eastern side.

20 MR. HINES: Yes.

21 MR. YOUNG: We can do that.

22 CHAIRMAN BRAND: Okay. Anything else?

23 MR. GAROFALO: Yes.

24 CHAIRMAN BRAND: James.

25 MR. GAROFALO: I'd like to talk about the

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1 noise study. You might want to turn to your  
2 October 25th, 2024, page 2. You have two tables there.

3 MR. YOUNG: Yep. Got it.

4 MR. GAROFALO: In looking at this, I think  
5 that, you know, you have a maximum allowable decibel  
6 level at the property line. You didn't need to put in  
7 that column. What you really needed in that column was  
8 what was going to be the decibel level at each of those  
9 points. And for the first one, which is 800 --  
10 450 feet, using your calculation below where you had  
11 90 decibels at 46.5, if you add eight decibels, you're  
12 at 54.5 decibels there. And that's at a 96. So you're  
13 very close to the maximum allowable, and I think that's  
14 what we needed in that column, particularly when you  
15 have some that are eight decibels higher than your 98.  
16 And, yes, some of the more distant ones you have  
17 another doubling, taking off another six decibels. But  
18 I think we need the calculations for each of those  
19 there.

20 And you also mention in -- later on, talking  
21 about the -- that they're encompassed by solar panels,  
22 fence, and a 25-foot minimum vegetation buffer. The  
23 fence that I saw proposed on here, it's a wire fence.  
24 That's not going to stop the noise at all. That's  
25 going to go right through that. If it was a stockade



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1       fence, maybe you can get some reduction there. The  
2       vegetation, I think you can find a source that will  
3       probably give you a one or two decibel reduction based  
4       on the vegetation buffer. I'm not sure how much the  
5       solar panels would be a buffer.

6               But I think it's important to show what these  
7       values are and then to look at them and say, you know,  
8       is there something else we need to do to make sure that  
9       we are under the 55? Because what you don't want to  
10      get into is building this thing and then having  
11      neighbors call up the police department and say they're  
12      making too much noise and getting fined. You're much  
13      better off taking a look at it now, and, you know,  
14      maybe it's something as simple as, you know, putting in  
15      a cinder block -- a small cinder block wall.

16             The other thing is, when you look at these  
17      noise measurements, there are two noise sources. And,  
18      when you have two noise sources close to each other,  
19      there's an amplification that occurs. Now, if it's a  
20      hundred decibels and a hundred decibels, it's not 200  
21      decibels. It's a hundred and a few more decibels. So  
22      that's another consideration. And I think that maybe  
23      what you're going to want to do is think of things that  
24      you can do that you might want to do now, but also to  
25      test it out once it's operating and to see where you

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1 are at the property line or at a certain distance from  
2 your doubling and get an exact reading, and then take a  
3 look and make sure that you can come under what you  
4 need to be. Because you don't want to get into a  
5 situation where you have --

6 MR. YOUNG: Well, that's an enforcement  
7 thing. The purpose of this assessment was to show this  
8 Board that the application is going to adhere to the  
9 Zoning Code.

10 MR. GAROFALO: What I'm seeing is if you put  
11 these numbers in, I think you're going to be -- some of  
12 these are going to be potentially a few decibels over.

13 MR. YOUNG: So this is a conservative  
14 estimate based on the open field inverse square law.  
15 Right. So between these inverters, there's all the  
16 orchard vegetation, the evergreens, all the panels.  
17 And the fence, sure, you can discount that. Right.  
18 But what we're saying is that, during operation, this  
19 project is going to adhere to the Zoning requirements  
20 of 55 decibels. It's actually 65 decibels during the  
21 day. Right. So we took the lower of that, which is  
22 actually at night, and at night, you know, these  
23 transformers don't really produce a lot of noise,  
24 because, well, the sun is not out, but this was a  
25 conservative look to show this Board that the applicant

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1 commits to adhering to the Zoning Code based on the  
2 information we have today.

3 MR. GAROFALO: I think what you should --  
4 again, what you should show is from the doubling of the  
5 distance this is what the decibel ratings would be.

6 MR. YOUNG: It varies, right, because --

7 MR. GAROFALO: And then apply -- okay, we're  
8 going to take another one or two percent off for the  
9 vegetation. We're going to take this much off for the  
10 solar panels.

11 MR. YOUNG: The exact decibel rating will  
12 vary based on the noise of the source, depending on  
13 various operating conditions. You know, at the end of  
14 the day, it has to be below the Town Zoning  
15 requirement, which is what we've modeled here. That's  
16 where we're at. You know, the exact decibel rating is  
17 not -- is that relevant to this Board at this time?

18 MR. GAROFALO: Well, I think it's important  
19 to show that you will be below, and what I'm seeing is  
20 you're going to be very, very close. And what I am  
21 concerned about is that you're -- that you will be  
22 below and that you will not be generating complaints,  
23 because that's not going to be good for you, not going  
24 to be good for the residents, not going to be good for  
25 the industry.

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1                   MR. YOUNG:   At 90 decibels --

2                   MR. GAROFALO:   But you're at 98.   Maximum  
3                   decibel --

4                   MR. HINES:   You've got 107.

5                   MR. YOUNG:   That's the maximum source.   What  
6                   we're saying in the last paragraph here is that the  
7                   equipment pad will produce noise in the range of 70 to  
8                   90 decibels under various operating conditions, well  
9                   below the maximum source decibel rating.   The maximum  
10                  source decibel rating is what it would take to get 55  
11                  decibels at that distance.   You know, we're not --  
12                  we're stating that we're going to operate between 70  
13                  and 90 decibels.   For example, 90 decibels will result  
14                  in approximately 46 and a half at a distance of 450  
15                  feet.

16                  MR. GAROFALO:   So you're reversing it?

17                  MR. YOUNG:   Yes.

18                  MR. GAROFALO:   You're not saying --

19                  MR. HINES:   The equipment is at 106.

20                  MR. YOUNG:   Correct.

21                  MR. GAROFALO:   And I think you would have  
22                  been better off saying, at 90 decibels, at those  
23                  distances, this is what it's going to sound like.

24                  MR. HINES:   Yes.

25                  MR. YOUNG:   Now that we've explained it, is

*ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN*

1           it sufficient for this Board to -- for your review?

2                   CHAIRMAN BRAND:   Pat, do you have any  
3           concerns with that?

4                   MR. HINES:   I was with Jim, saying it's  
5           106 decibels.   I thought that's the noise, maximum  
6           decibel rating at source.

7                   MR. YOUNG:   That's what it could be at that  
8           distance.

9                   MR. HINES:   You're going backwards, saying  
10          that's the highest noise at the distance to get to 55?

11                   MR. YOUNG:   Correct.

12                   MR. GAROFALO:   Whether I'm reading it or  
13          whether the public is reading it, if the public reads,  
14          oh, you're going to be producing 107 decibels, that's  
15          not what they want to hear.

16                   MR. YOUNG:   That's the maximum it could  
17          produce to result in a 55 decibel rating at the  
18          property at that distance.

19                   MR. HINES:   I think this chart would serve  
20          everyone's purpose better if we went with 90 decibels,  
21          if you're saying that's the maximum, calculate the  
22          distance to the property line, and give us that decibel  
23          rating.

24                   MR. GAROFALO:   For each of those items.

25                   MR. YOUNG:   Okay.

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1                   MR. HINES: For each of those items, rather  
2                   than the maximum.

3                   MR. GAROFALO: Understand also that because  
4                   of the fact that you have two sources next to each  
5                   other, you know, we have to understand that it may be a  
6                   little higher than what you're showing, but that will  
7                   probably be okay because you'll probably be low enough.

8                   MR. YOUNG: Okay.

9                   CHAIRMAN BRAND: Anything else, Jim?

10                  MR. GAROFALO: No. That's it.

11                  CHAIRMAN BRAND: Any other comments or  
12                  questions from the Board?

13                  (No response.)

14                  CHAIRMAN BRAND: All right. So we'll see you  
15                  on the 2nd.

16                  MR. YOUNG: Yes. What does the Board think  
17                  about, you know, completing SEQR, moving that forward?

18                  CHAIRMAN BRAND: Is there anyone  
19                  uncomfortable with having the attorney authorize a  
20                  Negative Declaration and Resolution of Approval for  
21                  this project for the next meeting?

22                  MR. GAROFALO: No.

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

24                  MR. GAROFALO: I'll make that motion.

25                  MR. CALLO: I'll second it.

*ELP SOLAR TRUNCALI - PRELIMINARY SITE PLAN*

1 CHAIRMAN BRAND: Any objection or discussion?

2 (No response.)

3 CHAIRMAN BRAND: All right. We'll see you on  
4 the 2nd hopefully with the Resolution of Approval and  
5 Negative Declaration.

6 MR. YOUNG: Thank you. We'll make these  
7 revisions per the MHE's comment letter and address the  
8 noise.

9 CHAIRMAN BRAND: If you could just show the  
10 vegetation.

11 MS. FLYNN: By Friday.

12 MR. YOUNG: Yep. We'll get it done.

13 CHAIRMAN BRAND: Actually, not by Friday.

14 MR. YOUNG: We'll get it done.

15 CHAIRMAN BRAND: Thank you.

16 Time noted: 8:21 p.m.

17

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

19

20 Certified to be a true and accurate transcript.

21

22

Stacie Sullivan

23

Stacie Sullivan, CSR

24

25

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

2 -----X  
In the Matter of

3 DOCK ROAD

4 Project No. 24-2003  
5 103-137 Dock Road, Marlboro  
6 Section 109.1; Block 3; Lot 13, 14,  
14.200, 15, and 29.100  
-----X

7 SKETCH - SITE PLAN

8  
9 Date: November 4, 2024  
10 Time: 8:22 p.m.  
11 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

12  
13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
FRED CALLO  
14 JAMES GAROFALO  
CINDY LANZETTA  
15 BOB TRONCILLITO

16 ALSO PRESENT: PAT HINES  
17  
18 GERARD COMATOS, ESQ.  
JEN FLYNN

19  
20 APPLICANT'S REPRESENTATIVES: ANGELO LAINO, P.E.  
MARK BLANCHARD, ESQ.  
21 SCOTT LEYTON  
22  
23

24 -----X  
Stacie Sullivan, CSR  
25 staciesullivan@rocketmail.com



*DOCK ROAD - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND: Next up we have Dock Road  
2                   for a sketch of the site plan at 103-137 Dock Road in  
3                   Marlboro.

4                   MR. BLANCHARD: Good evening everyone. We're  
5                   glad to be back. My name is Mark Blanchard from  
6                   Blanchard & Wilson Law Firm, here on behalf of the  
7                   applicant. We've had responsive comments from your  
8                   engineering and planning consultant. Angelo Laino is  
9                   here from VHB. He's going to address the engineering  
10                  issues. I think we're progressing nicely, actually,  
11                  the way I see it. I think the ask we would have, as we  
12                  leave the table tonight, we'd see the Board's comfort  
13                  level with setting a public hearing for your December  
14                  meeting. But why don't we go ahead, and I'll leave it  
15                  to Angelo. He can talk about the engineering comments.  
16                  Mr. Hines, if you have something specific you want to  
17                  start out with. How would you like us to start this  
18                  evening?

19                  CHAIRMAN BRAND: Pat is going to start off  
20                  with his comments first.

21                  MR. HINES: So our first comment, it looks  
22                  like you're utilizing a piece of tax lot 17.2. Is that  
23                  going to be a lot line change or an easement across  
24                  that line?

25                  MR. LAINO: That's up by Dock Road?

*DOCK ROAD - SKETCH SITE PLAN*

1                   MR. HINES:   Yes.

2                   MR. LAINO:   Yes, there will be a lot line  
3                   modification.

4                   MR. HINES:   So that may need some Zoning.  I  
5                   haven't seen it done in a Zoning analysis, but it looks  
6                   you're getting pretty close to those buildings there,  
7                   where those lot lines will fall.

8                   MR. BLANCHARD:  Yes.  We have done the Zoning  
9                   analysis.  We can show that map, the buildings that are  
10                  there.  That's subject to a potential change on that  
11                  site.  So everything that we want to do to clean up  
12                  that corner coming off -- we've taken a look at, and we  
13                  can show that.  We're not creating a setback issue,  
14                  something like that.

15                  MR. HINES:   So the building north of the  
16                  access drive is what's going to remain?

17                  MR. LAINO:   For now it will remain.

18                  MR. HINES:   You got a head shaking behind  
19                  you.

20                  MR. BLANCHARD:  That building was most likely  
21                  going to not be there.

22                  MR. HINES:   That was the one I had a concern,  
23                  if that was a lot line change parcel.  So if that's  
24                  going to be incorporated into the plan, then it's not  
25                  an issue.

*DOCK ROAD - SKETCH SITE PLAN*

1                   MR. BLANCHARD: Right.

2                   MR. HINES: Just the bulk table needs to be  
3 updated, the required one and both.

4                   MR. LAINO: Yeah. I think there's a typo on  
5 that, the one and both. The multiple dwelling, the  
6 setback in the table is right. We just need to delete  
7 the one and both.

8                   MR. HINES: It would be helpful to have a  
9 demolition plan, separate and apart, showing which of  
10 those buildings are going to stay and which are going  
11 to go.

12                  MR. LAINO: We can do that.

13                  MR. HINES: This next one, we became  
14 intimately familiar with our Zoning definition of net  
15 density at the last meeting. And I don't know if I  
16 need to read that at all, but slopes greater than  
17 25 percent need to come out of the calculation, so  
18 we're going to need -- realizing that those aren't  
19 natural topography out there, it's a result of years of  
20 mining operation. So we need to do that calculation  
21 for density based on the 25 percent greater slopes  
22 coming out. I don't know what it does there. I know  
23 you're at 4.6 now with the 25 acres. Quick  
24 calculation, you need about 17 usable acres to get your  
25 density.

*DOCK ROAD - SKETCH SITE PLAN*

1                   MR. LAINO: Can I ask what happens if we're  
2 below that, if the usable area is below 17 acres?

3                   MR. HINES: So I think that would reduce the  
4 unit count or send you to the ZBA. And I think it's  
5 not natural topography you're dealing with. It was  
6 created. It's what you were dealt based on mining  
7 operations in the past. So that may be your ZBA  
8 argument. I don't know.

9                   MR. BLANCHARD: Well, we believe some of  
10 those calculations will change based on our  
11 introduction of fill into the site and how we're  
12 treating that topography.

13                  MR. HINES: It's not post construction. It's  
14 existing topography in the Code.

15                  MR. BLANCHARD: Right. I understand what  
16 you're saying.

17                  MR. HINES: You would have to give us the  
18 slope calculation, taking out 25 percent or greater,  
19 showing the balance. And, again, we became very  
20 familiar with that on a previous application a month  
21 ago.

22                               Comments from the Water and Sewer Department.

23                   Your landscape sheet identifies irrigation  
24 for the site. We just need to work that out with the  
25 Water Department to make sure that there is no cross

*DOCK ROAD - SKETCH SITE PLAN*

1 connections and adequate back flow prevention.

2 We did get the SWPPP. That's under review by  
3 this office. It's actually sitting behind me. We're  
4 taking a look at that. We've got the computer model of  
5 it, and I just got the hard copy.

6 Parking in the vicinity of the clubhouse we  
7 discussed earlier. Their response is that that's what  
8 fits there. The clubhouse is located to take advantage  
9 of the view, and the lot narrows in that area. And  
10 they stated most of the residents are going to walk to  
11 the clubhouse, so there is that.

12 The jurisdictional fire department should  
13 review hydrant locations.

14 Sidewalks have been added to the plans in  
15 many locations. In the cottage section, there is  
16 sidewalks. In the, I'll call it, townhouse section,  
17 the sidewalks are not proposed. I know that's an issue  
18 for the Planning Board. I'm sure they'll discuss that  
19 with you.

20 We have a concern -- and I'm sure you're  
21 aware; you purchased this property -- that it's in  
22 close proximity to the existing wastewater treatment  
23 plant. You acknowledge that in your response letter.  
24 Just don't want to introduce residents if there's odor  
25 issues. The Town's sewer engineers, Brinnier & Larios,

*DOCK ROAD - SKETCH SITE PLAN*

1       raised a similar concern. So it's kind of a buyer  
2       beware, but we want you guys to take a look at that and  
3       make sure that you have adequate separation and don't  
4       have issues with the Town's plant. Certainly don't  
5       want to introduce those issues by putting residents  
6       in -- close enough to have that issue.

7               Electric charging stations may be provided in  
8       the future is the response. I think the Board was  
9       looking for some of those. I think you were looking to  
10      put them in garages if you were going to place them.

11             The applicants identified that they met with  
12      the sewer district in October and a bus pickup area  
13      along 9W is the preferred method. That's not like a  
14      gazebo or anything. That's a spot for cars to pull  
15      off?

16             MR. LAINO: You said sewer. I thought you  
17      meant the school district.

18             MR. LEYTON: Yeah, you said sewer district.

19             MR. HINES: If I said that, I mean school  
20      district.

21             MR. LAINO: We did. We met with the school  
22      district. They indicated that because it's a private  
23      road, they will not enter the site. They asked -- they  
24      did have a concern. They said that pickup along 9W is  
25      the preferred spot. They did just ask if there was a

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1 space provided off of the road to stage students while  
2 they're waiting for the bus. So we did show on the  
3 site plan there is a sidewalk by 9W where students can  
4 wait off the road to be picked up by the bus.

5 MR. HINES: Was there any plans for any kind  
6 of structure, gazebo?

7 MR. LAINO: There's no plans for that.

8 MR. HINES: I'll defer to the Board on that.

9 The Board did authorize Notice of Intent for  
10 Lead Agency. That was circulated on August 25th. No  
11 objections have been received, and this Board can  
12 declare itself Lead Agency for the SEQRA review.

13 CHAIRMAN BRAND: Before we continue, I'd like  
14 to have that as a motion; that we declare Lead Agency  
15 status for SEQRA review.

16 MR. GAROFALO: I'll make that motion.

17 CHAIRMAN BRAND: Mr. Garofalo. Is there a  
18 second?

19 MR. TRONCILLITO: I'll second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: Any objection?

23 (No response.)

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

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1                   MR. TRONCILLITO: Yeah. Do you have a time  
2 line of when you're going to tear them buildings down?  
3 I'm just curious so we don't get into a problem there.

4                   MR. LEYTON: I think when we start  
5 construction, so that's probably in -- an April date.

6                   CHAIRMAN BRAND: Mr. Garofalo.

7                   MR. GAROFALO: Yes. I think we need to see  
8 some information concerning the approval that was given  
9 to the Falcon based on their parking on the site, since  
10 they are indicating that they will not be able to  
11 accommodate the Falcon parking.

12                  MR. LEYTON: What are you looking for?

13                  MR. HINES: Falcon parking.

14                  MR. LEYTON: What are you looking for  
15 specifically for the Falcon parking? I couldn't  
16 understand what you're looking for.

17                  MR. GAROFALO: There must have been when the  
18 Falcon was approved an approval for them to have  
19 parking on the site, because they have a parking lot  
20 there, so that I wondered if there was some kind of  
21 agreement with the owner at the time that they would  
22 have parking as long as the Falcon was up in that -- on  
23 that lot.

24                  MR. LEYTON: You're putting two things  
25 together. You're putting the Town's approval of the



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1 Falcon with the property that I own. Those are two  
2 separate things. Your approval for the Falcon  
3 regarding parking is your approval of the Falcon.  
4 There's no agreement with the current owner or the past  
5 owner, other than a month to month lease, with the  
6 Falcon for parking. So that's nothing to do with your  
7 approval of the Falcon.

8 MR. BLANCHARD: To expand on that, there was  
9 Planning Board approval that noted that area off of the  
10 Falcon's property for them to use as off-site parking,  
11 just as almost like approving an off-site alternative  
12 use. But then the two owners, then, were required to  
13 get into some kind of an agreement. And there is no  
14 such agreement. There was no agreement previously  
15 other than a month to month. There was no easement or  
16 some kind of a recorded document, certainly. There  
17 could have been a side contract, but there was no  
18 contract with the prior owner. Only a month to month.

19 MR. HINES: But the Falcon's approval may  
20 have had conditions that, if they lost that, they would  
21 have to make alternative parking available.

22 MR. GAROFALO: I think that's one thing we  
23 kind of need to know.

24 MR. LEYTON: That would be with your  
25 approvals. You have to look at your approvals.

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1                   MR. GAROFALO: I think it was stated before  
2                   that one of the things that we were looking at was  
3                   sidewalks along the road particularly since people are  
4                   going to be walking to both the -- your community  
5                   center and over to Route 9W. I was surprised to see  
6                   the sidewalks of the individual units, and I'm not sure  
7                   why they all go past the units and end in a cul-de-sac,  
8                   but that may be something that you decided to do. But  
9                   I think it's more -- it's very important to run the  
10                  sidewalks along the road, at least on one side or the  
11                  other. And I think near Route 9W you did that. You  
12                  flip it over from one side to the other.

13                 One of the things that I had suggested was  
14                 that you commit to putting outlets in the parking  
15                 garages to act as Type 3 charging for cars, and, you  
16                 know, I'm not asking for the super deluxe charging  
17                 station, but I think it's reasonable to have outlets in  
18                 garages, particularly since a lot of people like to  
19                 have that. Even if they have a regular car, you want  
20                 to charge up your battery because it went dead; you  
21                 want to hook it up to something. But I think that's  
22                 something that I would like to see committed to because  
23                 then every single unit there would have the ability to  
24                 charge their vehicle, maybe not as fast they would like  
25                 to, but overnight they would be able to charge it, and

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1           that's what's most people are going to be doing.

2                       Again, I was somewhat concerned over the  
3           license plate reader and the call box situation,  
4           because you may have people coming in, you know,  
5           24/7/365. Is there going to be somebody to monitor  
6           that call box? And if the reader can't read it, the  
7           license plates, because there's too much snow -- you  
8           know, they get snow on the license plate or it's  
9           snowing too hard, et cetera -- for there to be a way  
10          that people can get into the site. And I see that as  
11          being, in bad weather, potentially problematic. I'm  
12          also concerned about the fact that you need 24/7 on the  
13          call box because you don't want one or two cars getting  
14          stuck there, trying to get in.

15                   CHAIRMAN BRAND: Is the call box going to  
16          have a code? If the thing doesn't work, can you punch  
17          in a code?

18                   MR. LAINO: So the intent would be that the  
19          call box would be for visitors who can call the unit,  
20          and from the unit, they would open the gate for them.  
21          There is a turnaround right after the call box, so if  
22          somebody can't get in touch with the person they're  
23          visiting, they can make a turn. A larger vehicle like  
24          an Amazon truck might have to do a three-point turn,  
25          which is not uncommon in developments like this, but a

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1 regular passenger car would be able to just zip around  
2 and get out. There is adequate space for two people to  
3 queue at the call box before getting close to 9W.

4 As far as the license plate reader, we've  
5 used those in the past and not had any problems with  
6 it. I understand your concern about the snow. It  
7 makes sense. We can look into giving residents a  
8 remote control or some other means to open the gate if  
9 the equipment is not working.

10 MR. LEYTON: I've put seven or eight of these  
11 communities in, a lot larger, and we haven't had any  
12 complaints. I'm not sure how they do it. I don't know  
13 if it's a license plate reader. I don't know if it's  
14 the fob. But whatever we're doing, we haven't ever had  
15 a complaint.

16 MS. LANZETTA: Where are some of these?

17 MR. LEYTON: Long Island. They get snow down  
18 there.

19 MR. GAROFALO: Not as much.

20 MR. TRONCILLITO: What about access for  
21 emergency vehicles besides breaking the gate down?

22 MR. LAINO: They typically -- emergency  
23 vehicles, they typically have siren triggers that will  
24 open the gate. It will have a mechanism for emergency  
25 vehicles to get in. Then there will be manual

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1 emergency gates off of Dock Road for vehicles to  
2 utilize that as well.

3 MR. GAROFALO: I'm not only concerned about  
4 two people backing up at the call box, but I'm also  
5 worried about is the person at the call box standing  
6 there going to be blocking someone who is a resident,  
7 and then you're going to get more than two people  
8 potentially.

9 MR. LAINO: There should be adequate -- it's  
10 wide enough for two lanes to come in. So the residents  
11 are able to bypass the people at a call box if needed.

12 MR. GAROFALO: As I mentioned before with the  
13 traffic loops, you know, they don't last forever. They  
14 do have to be replaced. I know that the DOT is now  
15 going away from traffic loops to new detectors like  
16 they have at Young Avenue and Route 9W. They can  
17 detect vehicles. And that may be something that you  
18 want to look into, because, particularly, if it goes  
19 bad, now you're going to have to have somebody come in  
20 and fix it, block up the road, and those kinds of  
21 issues. But I think it's important for you to think  
22 about the long-term use of something like that.

23 With regard to the vegetation, to notice  
24 which ones on your plans, which ones are native species  
25 and which ones are not. And native is, we're talking

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1           about the continental United States.

2                   MR. LAINO: Is there a specific species that  
3           you saw that's not native?

4                   MR. GAROFALO: I am not a -- I'm a traffic  
5           person. I don't know that much about trees.

6                   MR. LAINO: Yeah, I'm a pavement guy. I'm  
7           the same way. I don't know anything about trees.

8                   MR. GAROFALO: That's really up to your guys  
9           to take a look at what is natural and what is -- excuse  
10          me, not natural -- what is native and what is not  
11          native.

12                   MR. LAINO: And it's typical. Our landscape  
13          architects typically wouldn't propose anything that's  
14          not native and drought tolerant, I guess.

15                   MR. GAROFALO: They might, because there's  
16          some non-native stuff that grows very well around here.

17                   MR. HINES: I've seen Japanese barberry on  
18          landscape plans.

19                   MR. LAINO: I don't think we have any of  
20          that.

21                   MR. GAROFALO: I had mentioned prior -- at  
22          the prior meeting about the wetlands that was mapped on  
23          the school property at the bottom of that area, and I'm  
24          very sure that that probably continues into the site.  
25          That part of the site has not been disturbed. Maybe

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1       the one that might have been in the middle might have  
2       been wiped out and disturbed, but I'm pretty sure that  
3       the one that is there probably extends into your  
4       property. And I think it's very important for you to  
5       understand that that area I've seen become almost a  
6       pond, you know, with a foot of water sitting there.  
7       And, you know, right now you have a turnaround there,  
8       but it's very close to the houses. So I think it's in  
9       your best interests to take a look at that because you  
10      don't want water, you know, in those houses.

11               MR. LAINO: Understood. So we, in August of  
12      2024, we had a wetlands scientist visit the site. I  
13      guess there was wetlands in the past. He did not find  
14      any wetland species or evidence of wetlands on the site  
15      or adjacent to it. Whether or not it ponds during a  
16      rain event, that's a different story. We would manage  
17      that stormwater.

18               MR. GAROFALO: It was marked by a wetlands  
19      person prior to the school being expanded, and when  
20      they expanded, they put in new buildings, and therefore  
21      there's more water going there than prior to them  
22      identifying that as a wetland. I happen to live across  
23      the street, so I look down and I see quite often that  
24      there is water ponding up there, sometimes for extended  
25      periods. That's why I'm warning you, because that's

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1 not something that, you know, you want to necessarily  
2 ignore. And I can probably -- I might be able to find  
3 a copy of what the school district did in their  
4 mapping, but it goes right up against the property.

5 MR. LAINO: That would be helpful.

6 MR. GAROFALO: Has there been any  
7 communication with the Town Board about possibly  
8 providing park space in terms of a trail along the  
9 ridge in lieu of paying for the --

10 CHAIRMAN BRAND: Rec fees.

11 MR. GAROFALO: -- rec fee? Thank you.

12 MR. BLANCHARD: No. We haven't had the Town  
13 inquire as to any kind of dedication or easement or  
14 conservation easement or something along those lines.

15 MR. GAROFALO: That's something you might  
16 want to do. Okay. We do have a trail system that runs  
17 by the Falcon over toward the Hudson River. This would  
18 be very close to that. And I can tell you that the  
19 views up there are pretty awesome, but that may be or  
20 may not be something that you want to get involved in.  
21 I know the Falcon trail, a large number of people came  
22 out and worked on that trail to make it happen. But  
23 the important thing was getting the owners to agree to  
24 allow it to develop. And I don't think that we would  
25 necessarily expect you to go in there and clear out all



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1 the stuff that's up there on that ridge in order to  
2 make the trail, but I think the important thing is  
3 having the opportunity to do that. And there would  
4 have to be fencing or something to keep people from  
5 falling off that cliff, okay, but the views are pretty  
6 spectacular, and some of the residents there might like  
7 to be able to go up there themselves.

8 MR. BLANCHARD: It's something we can look  
9 into.

10 MR. LEYTON: You're talking about the ridge  
11 that's between the school and our property --

12 MR. GAROFALO: Yes.

13 MR. LEYTON: -- that runs east/west?

14 MR. GAROFALO: Yeah. There's maybe 25,  
15 30 feet from their fence to where it drops off. It's  
16 hard for me to tell because it's so heavily vegetated,  
17 but I do know the views are -- you can get some pretty  
18 nice views. They were originally going to put a gazebo  
19 at the end of it. The terrain turns a little bit, and  
20 they were going to put a gazebo there. You may or may  
21 not be able to find copies of the old plan and what  
22 they were thinking about doing. But that's something  
23 that I offer you to think about.

24 MR. LEYTON: Thank you. We'll look into it.

25 CHAIRMAN BRAND: Anything else, James?

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1                   MR. GAROFALO: That's it.

2                   MR. HINES: Your status with DOT, I've heard  
3 rumor of a left-turn lane being proposed.

4                   MR. LAINO: There is a left-turn lane being  
5 proposed. We received comments from the DOT. We've  
6 addressed those comments, and we've sent back a  
7 preliminary site plan. And they're currently reviewing  
8 it hopefully for the last time.

9                   MR. HINES: It would be helpful for the Board  
10 to get that.

11                  MR. LAINO: We can provide that. I think we  
12 were waiting for the DOT to buy in. That's why the  
13 turn lane and the crosswalk, it's not been put on the  
14 site plan yet because it hasn't been vetted fully with  
15 the DOT. As soon as that happens, we'll add it to the  
16 site plan.

17                  CHAIRMAN BRAND: That will be southbound,  
18 obviously, the left-hand turn lane.

19                  MR. LAINO: That's correct.

20                  MR. GAROFALO: I think it's important for the  
21 Board to see the communications going on.

22                  MR. TRONCILLITO: That would be nice.

23                  MR. BLANCHARD: We're certainly sensitive to  
24 that. We were afraid of putting something out there  
25 that wasn't yet approved. Let's say, for example, the

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1 Board was in love with that idea, but then DOT says no.  
2 We're sensitive to that dynamic. That's all. But we'd  
3 be happy to share the communication.

4 CHAIRMAN BRAND: Any other comments or  
5 questions?

6 MS. LANZETTA: Yeah. Now, these are all  
7 going to be owned?

8 MR. BLANCHARD: Yes.

9 MS. LANZETTA: Each of the units are for  
10 sale. So they're townhouses?

11 MR. LEYTON: Uh-huh.

12 MS. LANZETTA: I'm curious why you feel you  
13 need to have a gated community in Marlboro.

14 MR. LEYTON: Why not have a gated community?

15 MS. LANZETTA: We haven't had any gated  
16 communities.

17 MR. LEYTON: That's why.

18 MS. LANZETTA: And this gate is going to  
19 cause a lot of issues, I think, as far as I can see.

20 MR. LEYTON: Well, people like them. They're  
21 secure. They feel secure by having only people that  
22 are living there or servicing or neighbors or guests.  
23 So it's a sense of comfort. We've sold many  
24 properties, and gated communities are something that's  
25 a check for many people that they like. So these are,

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1       you know, expensive, luxury homes that people want to  
2       have a gate.

3               MS. LANZETTA: Well, I think this gate is  
4       going to be problematic, because it's -- I think it is  
5       going to be identified as a possible traffic issue.

6               And as far as connectivity, the sidewalks are  
7       not adequate. And in your responses to our questions,  
8       you talk about that it's expected that the majority of  
9       people utilizing the clubhouse will walk from their  
10      homes, which means that they will be walking in the  
11      street, because there's no connectivity for any of  
12      these homes towards the bottom to walk anywhere other  
13      than the street to get to the clubhouse. So that's  
14      really -- that is not a -- it's a safety issue.

15              And, again, you point out again that, in  
16      accordance with the Planning Board's request, sidewalks  
17      have been added to the plans. The sidewalks, again,  
18      are all strictly up at the very top. There's nothing  
19      that connects the lower portion to the clubhouse.

20              And then when we talk about the lighting, you  
21      say that the lighting is sufficient because you want it  
22      to be kept minimal because lighting is provided  
23      minimally for vehicles wayfinding in accordance with  
24      the applicant's intent for the property. So, in other  
25      words, you think it's fine to keep low lighting because

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1       it's going to be all vehicles, but you're in a sense  
2       acknowledging that people aren't going to need lights  
3       to walk down to this clubhouse, which you're saying  
4       people are going to walk to. But you're not providing  
5       the sidewalks or lighting. So I have a real problem  
6       with that.

7               MR. CALLO: Do your other communities have  
8       sidewalks?

9               MR. LEYTON: Some do. We have communities  
10      without curbs also, so it's a lot easier to walk.

11              MR. GAROFALO: Is the idea of having the  
12      turnaround at the end of the sidewalk stops, is that so  
13      you can basically take a vehicle and just kind of plow  
14      and then turn around and come back? Was that the  
15      thought behind that?

16              MR. LAINO: I think the thought behind that  
17      was there would just be some benches or something, nice  
18      seating area or something. There's no intent for --  
19      those are all walkways, so I don't know that they're  
20      going to be plowed.

21              MR. GAROFALO: I wasn't thinking necessarily  
22      of a full-size plow, but maybe one of these smaller  
23      John Deere something -- smaller vehicles to, you know,  
24      clear the snow out of the sidewalk.

25              MS. LANZETTA: So going back to the sidewalks

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1       and the inefficiency of what you have here, it bothers  
2       me too that you don't have the connections, the  
3       crosswalks, to interact. And if you have children in  
4       these buildings and they are -- you know, the whole  
5       idea of wanting to have multifamily housing in the  
6       hamlet center was so that people would be able to walk  
7       or ride their bikes and utilize the beauty of our  
8       hamlet downtown areas and go to restaurants and go to  
9       the store and go to the Falcon. So we want to make it  
10      connected, all of this connected.

11               And even the children that will be in these  
12      buildings down here, now they're going to have to walk  
13      in the road to walk up to catch the bus on Route 9W.  
14      But they shouldn't be walking in a road. Kids should  
15      not be walking in the roads, especially, God forbid,  
16      there's snow and snow banks and it's crazy. But the  
17      reality in Marlboro is that they won't walk in the  
18      road. They probably won't even walk on the sidewalk.  
19      The kids I'm talking about. Because their parents are  
20      going to drive them up to here (indicating). And then  
21      they're all going to sit in their cars with the kids in  
22      the cars and wait for the bus to come. That's the way  
23      things go here.

24               MR. LEYTON: You don't think they'll drive  
25      them another one or two minutes to the school? You

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1 don't think they're going to go there?

2 MS. LANZETTA: Well, perhaps.

3 MR. LEYTON: They're in the car. They're not  
4 going to go a little bit, go to 9W, and make a right  
5 there?

6 MS. LANZETTA: So they're going to be  
7 required to take their children to school as part of  
8 living in this --

9 MR. LEYTON: No. But you said you're going  
10 to drive the kids to the top and they're going to sit  
11 there. And I don't think so. I think they're going to  
12 get to the top, and they're going to take a right, and  
13 they're going to take one minute to drive them to the  
14 school that's adjacent.

15 MS. LANZETTA: What if they're going to the  
16 high school?

17 CHAIRMAN BRAND: I live right across the  
18 street from the elementary school, and there are six  
19 cars on my road every day waiting for kids to get off  
20 the bus right across the street.

21 MR. BLANCHARD: You're putting us in a  
22 difficult position. I mean, you're saying something  
23 that's speculation or maybe based on experience of what  
24 you're seeing.

25 MS. LANZETTA: It's experience.

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1                   MR. BLANCHARD: But for us to -- the design  
2 of that road, interior road -- we'll call it whatever  
3 we want. I can't take issue with use of the word road,  
4 right, but with the gate, and as we come in, it's  
5 really an extended driveway. I'm not trying to be  
6 split hairs. I'm not trying to be nuanced here or  
7 something of that nature. But it's not as if that is  
8 an extension of 9W in there. I mean, we're  
9 anticipating a very slow rate of speed, and we're  
10 anticipating the children walking with their parents.  
11 It's difficult for us to fully address your comment. I  
12 see where it's coming from. But the sidewalk -- we  
13 looked at it nine ways from Sunday. This design that  
14 you have in front of you is the design that works best  
15 we think in this site plan. And without a sidewalk in  
16 front of those houses, we think it works walking up the  
17 hill, the kids and their parents.

18                   MR. LAINO: Can I interject for one second?

19                   MR. BLANCHARD: Please.

20                   MR. LAINO: There's site limitations that we  
21 also have to consider. The site is not accessible from  
22 a topography standpoint. Some of the roads are sloped  
23 at 9 percent. That's not an accessible route. So  
24 we're providing sidewalks to acquiesce to the Board's  
25 request. However, if they can't have crosswalks, they



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1       can't have ADA ramps, because they're not accessible.  
2       So if we provide those things, then they would have to  
3       be accessible, which is not possible because of the  
4       topography of the site. As you get down towards the  
5       townhouses, those driveways are 20 feet long, 20 to  
6       22 feet long, which is the minimum for a driveway. We  
7       would have to extend out north and south -- those  
8       driveways north and south five feet to get a sidewalk  
9       in, which will push us further into the hill on both  
10      sides. Otherwise, you would have a car pulling into  
11      the garage and the tail would hang over the sidewalk.  
12      So there's some limitations that would cause problems  
13      if we put these sidewalks in. I don't know that they'd  
14      be useable unless we start expanding the site, which we  
15      didn't want to do.

16               MS. LANZETTA: Do we have the discretion to  
17      make a more narrow sidewalk?

18               MR. HINES: You can go four feet with  
19      turnouts.

20               MR. LAINO: Four feet with turnouts.

21               MR. GAROFALO: There are at least sections  
22      where you don't have any houses that at least the  
23      sidewalks could be at least there. And as far as the  
24      steepness of the road, I think that the ADA allows the  
25      sidewalks to follow the grade of a street, but you can

*DOCK ROAD - SKETCH SITE PLAN*

1 check that out. So that if you have 9 percent, I think  
2 the sidewalks, as long as they follow the same grade as  
3 the street, that that might be acceptable to the ADA.

4 MS. LANZETTA: Because I go down Newburgh  
5 and -- you know, First Street, and they have sidewalks.

6 MR. LAINO: You can put a sidewalk -- so ADA,  
7 it's a little bit gray, because it understands that not  
8 everything can be accessible based on limitations.  
9 Right. So if -- we're creating this site, so we can't  
10 create an accessible route because the topography is  
11 too steep. If there's an accident, the owner gets  
12 sued. It's a problem. Right. So we -- the sidewalks  
13 were placed to get people from -- off the road from --  
14 as they're transitioning from the low portion up to the  
15 high portion, and then as best as we could without  
16 getting too close to the cottage units, we put  
17 sidewalks up to 9W.

18 MS. LANZETTA: So how is it that it's okay to  
19 walk on this grade down to the -- to your clubhouse,  
20 that's okay to be in a road at the same grade with cars  
21 going up and down, and that's okay to walk on that, but  
22 you can't put a sidewalk there?

23 MR. LEYTON: These are the deficiencies or  
24 limitations that Angelo just discussed. In order to  
25 put sidewalks across those driveways there, it moves

*DOCK ROAD - SKETCH SITE PLAN*

1 everything backwards. It moves everything back into  
2 the site. We'd have variance issues to the north with  
3 the rear of the yards there.

4 MR. GAROFALO: What about putting a sidewalk  
5 at least in the areas where you don't have -- there's  
6 several areas where you don't have driveways and  
7 putting the sidewalks in?

8 MR. LEYTON: How useful is that and what's  
9 the aesthetics of that also?

10 MR. GAROFALO: It almost brings it to the  
11 clubhouse. I mean, there's only -- once you start on  
12 the south side, you can -- you can get to the road, and  
13 then there's only one driveway, and then there's a --  
14 then you do have a sidewalk that picks up from the  
15 accessible parking spaces, as well as over here between  
16 the two sections (indicating). You know, there's no  
17 driveways there. And, you know, that might be at least  
18 a partial connection if you don't have a full  
19 connection the entire way, at least part of the way,  
20 where they'll probably be driving the fastest too  
21 because there's no driveways. People would probably  
22 drive faster where there aren't any driveways. To at  
23 least have the partial sidewalk along there.

24 I would also mention that on your Figure C2,  
25 the reserved parking, that needs to have the active

*DOCK ROAD - SKETCH SITE PLAN*

1 sign for the accessible parking in New York State.

2 MR. LAINO: Yes. I believe that was changed.  
3 Right. The active sign?

4 MR. GAROFALO: That was changed over ten  
5 years ago.

6 MR. LAINO: No, I know. I'm saying, I'm  
7 looking at my plan. It has the active.

8 MR. GAROFALO: Mine doesn't on C2. If you're  
9 taking out the building that's on the northeast corner  
10 of Route 9W, maybe that might be a place where you  
11 could have one or two parking spaces.

12 MR. BLANCHARD: That's a separate owner,  
13 separate lot. That's a separate property.

14 MR. GAROFALO: Okay. That's not the building  
15 you're taking down.

16 MR. LAINO: It will be.

17 MR. HINES: It's under a separate ownership.

18 MR. BLANCHARD: It's a separate project.

19 MS. LANZETTA: Again, I have a -- I'm just  
20 going -- I'm not going to keep arguing about this. I  
21 don't like the fact that none of these -- there's no  
22 connectivity. This doesn't go with the master plan.

23 And the idea of a gated community, the gate  
24 is -- I don't see the -- I don't think that this is  
25 something that is normal in the Mid-Hudson Valley. I

*DOCK ROAD - SKETCH SITE PLAN*

1 know of no other gated communities in this area. And I  
2 think it's going to cause problems. And I think you  
3 should take into account that the practice is that  
4 you're going to have cars that will be queuing up right  
5 here close to 9W as other people are trying to want to  
6 get by them to get to work. And I think, you know,  
7 unless you really take into account how you can deal  
8 with the school issue, and certainly that gate is not  
9 going to help things there either with that whole  
10 issue.

11 Those are my real concerns about this whole  
12 project. I just -- I just don't like that it's not  
13 following any of our guidelines, none of our guidelines  
14 in our master plan.

15 CHAIRMAN BRAND: I agree with Cindy on the  
16 sidewalk component as well and the connectivity. I  
17 think the better connectivity you can have inside, the  
18 better.

19 Any other comments or questions?

20 MR. CALLO: I mentioned before, it probably  
21 would help us all, actually, to have a better  
22 appreciation for your project, if we could walk back  
23 there some day with somebody and actually see what your  
24 problems are and the topography of the land and what  
25 Jim has told me over here, actually see it for myself.

*DOCK ROAD - SKETCH SITE PLAN*

1       Like, oh, wow, that's a steep grade. I wouldn't want  
2       to bike it, going down that sidewalk on a bike or  
3       whatever.

4               But I also want to mention about, you are on  
5       top of the elementary school. And you mentioned to me  
6       about the topography of going down the slope. I  
7       thought maybe what Jim said, about making that park  
8       space or something like that, that they can walk  
9       through there and end up where the walkers or riders  
10      dropoff is, and the kids don't have to walk out to 9W.  
11      They can just walk to the building that's right there  
12      and in their backyard. Somehow. Some trail. Like, it  
13      goes down, it's an S, it goes down like that  
14      (indicating). I don't care if it's cinder. I don't  
15      care if it's gravel. I don't care what it is. But mom  
16      and dad, instead of walking out to 9W, waiting in their  
17      car or waiting in the rain or driving out and down the  
18      street and back in at the light and turn around and  
19      then all the way back, the kids should just walk to the  
20      actual door where the school is. Imagine that. That's  
21      what everybody used to say back in the day; you can  
22      walk to school. But here's your opportunity to  
23      actually do that.

24              MR. BLANCHARD: I remember one of our first  
25      meetings, we were going down to the river, sort of the

*DOCK ROAD - SKETCH SITE PLAN*

1 back way into the elementary property. That was a  
2 concept that was discussed, but there's a myriad of  
3 issues with that relating -- I forget. It was so long  
4 ago, I forget. Actually, Supervisor Lanzetta was here  
5 when we first started meeting about that, and we talked  
6 about -- we can come back to you with the information.  
7 It was so long ago I forget, but there was insurance  
8 issues. There were pathway issues. That's not -- on  
9 paper that looks much more accessible than it actually  
10 is. But conceptually to have the kids walk out the  
11 back door to their elementary school would be ideal,  
12 but we did look into that initially and found that it  
13 wasn't feasible.

14 MR. GAROFALO: It's a very steep dropoff, and  
15 even here where the T is, you're in a very low bowl.  
16 And, you know, this is a major sledding hill. It's  
17 that steep to go up that. As I said, this area here I  
18 think is wet (indicating).

19 MR. CALLO: I was talking about further up by  
20 the river.

21 MR. GAROFALO: It is a very steep cut.

22 CHAIRMAN BRAND: Anything else on this one?  
23 So we did move to declare ourselves Lead Agency.

24 MR. HINES: County Planning status?

25 MS. LANZETTA: I haven't seen it yet.

*DOCK ROAD - SKETCH SITE PLAN*

1                   MR. HINES: We should send that now.

2                   MS. LANZETTA: Yeah. I can tell you right  
3 now, you better have good lighting plans too for going  
4 up to County.

5                   CHAIRMAN BRAND: After we --

6                   MR. HINES: Right now the access roads are  
7 the only thing lit.

8                   CHAIRMAN BRAND: After we get comments back  
9 from County Planning, we could think about scheduling a  
10 public hearing, but I would like to see their comments  
11 first. Did you guys meet with them as well? Did you  
12 have a meeting?

13                  MR. BLANCHARD: We had a Zoom meeting a while  
14 ago.

15                  CHAIRMAN BRAND: Let's get this sent up to  
16 them for their review, and then we'll pick up from  
17 there.

18                  MR. HINES: They're going to need traffic and  
19 SWPPP too.

20                  MR. LEYTON: We should have traffic very  
21 soon, DOT.

22                  MR. LAINO: You mean the traffic study?

23                  MR. HINES: Yes, when we send it out to  
24 County.

25                  MR. LEYTON: I thought you meant DOT's



## DOCK ROAD - SKETCH SITE PLAN

1           comments.

2                       MR. HINES:   No.

3                       CHAIRMAN BRAND:   Okay.   Thanks guys.

4                       MR. LAINO:   Thank you.

5                       Time noted:   9:04 p.m.

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

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11   Certified to be a true and accurate transcript.

12

13

          Stacie Sullivan          

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Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 BUTTERMILK FALLS RESORT HOTEL

4 Project No. 23-2019  
5 220 North Road, Milton  
6 Section 103.1; Block 2; Lots 12.200, 13,  
11.200, 10, 11.100, 75, 71, 72  
-----X

7 SKETCH - SITE PLAN

8  
9 Date: November 4, 2024  
Time: 9:04 p.m.  
10 Place: Town of Marlborough  
Town Hall  
11 21 Milton Turnpike  
Milton, New York 12547  
12

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
FRED CALLO  
14 JAMES GAROFALO  
CINDY LANZETTA  
15 BOB TRONCILLITO

16 ALSO PRESENT: PAT HINES  
17  
GERARD COMATOS, ESQ.  
18  
JEN FLYNN  
19

20 APPLICANT'S REPRESENTATIVE: ROBERT POLLOCK  
21  
22  
23  
24  
-----X

25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND: Next up, Buttermilk Falls  
2                   Resort, site plan and special use.

3                   MR. POLLOCK: Mr. Comatos, do you want to  
4                   explain what this is all about?

5                   MR. COMATOS: Well, it's my understanding  
6                   that the sole purpose -- or the sole request is to  
7                   schedule the second public hearing that's required for  
8                   this particular application.

9                   CHAIRMAN BRAND: Jen, public hearing  
10                  schedule.

11                  MS. FLYNN: December 2nd; right? That was  
12                  what was on the Legal Notice.

13                  MR. POLLOCK: Yes. Now, this is based on a  
14                  lawsuit -- do you want to go into it or not really --  
15                  based on a lawsuit that was in Liberty, New York.

16                  MR. COMATOS: That is the Matter of the  
17                  Kittredge case, and it applies here because of the  
18                  three approvals that are being sought: Lot line  
19                  realignment, site plan, and special use permit. So  
20                  according to the Matter of Kittredge case, in this  
21                  context, after the Negative Declaration was adopted, a  
22                  second public hearing is required.

23                  CHAIRMAN BRAND: Okay. So we'll schedule  
24                  that for December 2nd.

25                  MR. POLLOCK: Thank you.

*BUTTERMILK FALLS RESORT HOTEL - SKETCH SITE PLAN*

1 CHAIRMAN BRAND: That was easy.

2 Time noted: 9:05 p.m.

3

4

5

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

7

8 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 OFFICE WAREHOUSE

4 Project No. 24-2009  
5 2021-2025 Route 9W, Milton  
6 Section 103.1; Block 1; Lot 2.200  
-----X

7 SKETCH - SITE PLAN

8 Date: November 4, 2024  
9 Time: 9:06 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
13 FRED CALLO  
JAMES GAROFALO  
14 CINDY LANZETTA  
15 BOB TRONCILLITO

16 ALSO PRESENT: PAT HINES

17 GERARD COMATOS, ESQ.

18 JEN FLYNN  
19

20 APPLICANT'S REPRESENTATIVES: JEFFREY ECONOM  
21 AL VARRONE  
22  
23  
24

-----X  
25 Stacie Sullivan, CSR  
staciesullivan@rocketmail.com

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND: Next up we have the Office  
2 Warehouse, sketch of a site plan at 2021-2025 Route 9W  
3 in Milton.

4                   Pat, I'll let you start us off.

5                   MR. HINES: Sure. I don't know that we ever  
6 received a gatekeeper letter on this. Typically the  
7 Code Enforcement Department will write one. Do you  
8 have one?

9                   MR. ECONOM: No. I have a note here to ask.  
10 We did meet with Tom in the beginning of the project.  
11 So I was going to ask, do you want me to call Tom and  
12 ask him to do it?

13                  MS. FLYNN: We don't get letters from him  
14 anymore. Do we need one?

15                  MS. LANZETTA: If we ask for one.

16                  MR. HINES: Yeah, I think if we ask for one.  
17 It's a unique use. I just want to make sure that he's  
18 okay with it. It seems to fit in the zone.

19                  MR. ECONOM: Yeah. We met with him. Office  
20 was allowed. Warehouse was allowed. Do you want me to  
21 contact him, then?

22                  MS. FLYNN: No. I'll do it tomorrow or  
23 Wednesday.

24                  MR. HINES: Jen usually does it.

25                  MR. ECONOM: Okay.

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1                   MR. HINES: That's just to check the box  
2                   here.

3                   Health Department approval for the septic  
4                   system. I know you mentioned that the application is  
5                   in to them. A lot of this stuff is just checking the  
6                   box.

7                   DOT access approval is required. The  
8                   applicants have identified that a submission has been  
9                   made to DOT. I don't know if you've heard anything  
10                  from them.

11                  MR. ECONOM: We've got a few minor comments  
12                  back from them. We're addressing them, having the  
13                  surveyor going out and pick up some additional  
14                  information for them and move it along. We do  
15                  currently have a residential driveway.

16                  MR. VARRONE: Yes.

17                  MR. ECONOM: That was approved for the  
18                  initial -- what the applicant has been working out  
19                  there.

20                  MR. VARRONE: The head of DOT for the zone,  
21                  we originally went to him for a commercial application.  
22                  He told us, like, what are you doing? We said we're  
23                  kind of on the fence. He goes, you know what, just do  
24                  this application. I'll be fine with it.

25                  MR. ECONOM: And he gave a residential

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1 permit, so now we have to upgrade that to a commercial.

2 MR. VARRONE: We're following his guidelines.

3 MR. HINES: There's not an area added for  
4 stormwater management. I know you want to have a  
5 discussion with my office on that. Is that site  
6 like -- was it a mine, or was there mining activity?

7 MR. VARRONE: No.

8 MR. HINES: It seems like soil has been  
9 removed from there.

10 MR. VARRONE: No removal of soil.

11 MR. ECONOM: No soil removal.

12 MR. VARRONE: Or brought in.

13 MR. ECONOM: It's all rock.

14 MR. VARRONE: It's all rock. A lot of  
15 hammering to get accessibility into the back.

16 MR. HINES: It looks like there's been some  
17 activity on the site.

18 Bulk table has been updated.

19 We're suggesting the Planning Board declare  
20 its intent to confirm that we can circulate to DOT,  
21 Health Department, Marlborough Water Department, Town  
22 of Lloyd, and Ulster County Planning.

23 The EAF was filled out on the DEC's  
24 interactive website. It identified threatened or  
25 endangered species; that being two fish species that



*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1 are in the Hudson River, which certainly will not be  
2 impacted by this. They're in that checked zone area.  
3 So other than the sturgeon, there was no significant  
4 issues in the EAF.

5 The landscaping plan has been incorporated  
6 into the set. It just identifies proposed trees.  
7 We'll need a common name and species.

8 MR. ECONOM: We're working on that right now.

9 MR. HINES: I guess you met with the  
10 jurisdictional fire department. Turnouts have been  
11 added.

12 MR. ECONOM: Met with the Fire Department via  
13 we were texting. Emailing. We had the one, when  
14 you're coming up the hill, we had the one pull-off.  
15 They asked us to move it to the end, so there's no  
16 pull-off at the upper corner. We originally had a  
17 pull-off here (indicating). They asked us to move it  
18 here (indicating). So we just slid a couple of  
19 spaces -- equal number of spaces, but this is the  
20 turnaround at the end of the project here (indicating).

21 MR. HINES: You put one at the other end?

22 MR. ECONOM: Yes. They were all fine. The  
23 Fire Department was okay.

24 MR. HINES: So we're suggesting that a note  
25 be added to the plans that the building corners be

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1       staked out in the field prior to pouring the  
2       foundations because you're at setback lines.

3               MR. VARRONE: Yeah. We would normally do  
4       that.

5               MR. HINES: You identify that an agreement  
6       between Central Hudson Gas & Electric for the crossing  
7       is in the works.

8               MR. VARRONE: That's completed.

9               MR. ECONOM: We submitted the agreement.

10              MR. VARRONE: Central Hudson we're talking  
11       about.

12              MR. COMATOS: It's an actual agreement with  
13       Central Hudson?

14              MR. VARRONE: Yes.

15              MR. COMATOS: Does it modify the easement or  
16       just give you consent to --

17              MR. ECONOM: Just gives us consent to go  
18       underneath.

19              MR. VARRONE: We submitted the proposed plan  
20       to them, and they were okay with everything. There's  
21       no objection.

22              MR. ECONOM: We had to follow a height  
23       distance underneath the utility.

24              MR. VARRONE: We had an on-site survey and  
25       the whole nine yards with them.

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1                   MR. HINES: You confirmed that the lighting  
2 will be dark sky compliant.

3                   Then we have a question of blasting. I know  
4 you just mentioned hammering.

5                   MR. ECONOM: No blasting.

6                   MR. VARRONE: No blasting.

7                   MR. HINES: There will have to be notes on  
8 the plans stating no blasting.

9                   So I think the Board should declare its  
10 intent for Lead Agency. My office will circulate. And  
11 I think you're working towards those other outside  
12 agency approvals. When they start coming, we can get a  
13 public hearing going.

14                  CHAIRMAN BRAND: Can I have a motion to have  
15 the Planning Board declare its intent to act as Lead  
16 Agency?

17                  MR. CALLO: I'll make that motion.

18                  CHAIRMAN BRAND: Second?

19                  MR. GAROFALO: I'll second it.

20                  CHAIRMAN BRAND: Any objection?

21                  (No response.)

22                  CHAIRMAN BRAND: Any discussion?

23                  (No response.)

24                  CHAIRMAN BRAND: Discussion or objection.

25                  It's getting late. Okay.

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1                   MR. HINES: Do you need to meet on the  
2 stormwater, or are you good with that under parking  
3 storage you're going to propose?

4                   MR. ECONOM: I am, but I would like for you  
5 to visit and see that, okay, I got rock. I got  
6 building. Pavement. It's sort of --

7                   MR. HINES: Let's try to set something up  
8 next week. I'm off the week after that. I have  
9 emails.

10                  MR. ECONOM: Just let me know what's  
11 convenient for you, and we'll make it happen.

12                  MR. HINES: Great.

13                  CHAIRMAN BRAND: Comments or questions from  
14 the Board? Cindy.

15                  MS. LANZETTA: Yeah, I just want to call  
16 attention to the lighting. You want to make sure that  
17 all of your lighting is full cutoff and dark sky, and  
18 the County is going to want to see a lighting plan.

19                  Also, you mention that architectural plans  
20 are being prepared. I saw you put some photographs in,  
21 but I want to call your attention to the fact that we  
22 have Route 9W design guidelines. It has like a lot of  
23 ideas and explanations of the kinds of things that  
24 we're looking for. You know, you could take a look at  
25 that so you have a better idea of what we're looking

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1       for. If you are insistent -- ideally, we'd like to see  
2       something with a peaked roof, but if you don't, then I  
3       would ask you to consider possibly doing solar, because  
4       that's a good spot for solar, and County is going to be  
5       asking, you know, what kinds of things you're doing for  
6       sustainability and stuff. And if you could utilize  
7       that for solar, that would be a plus in your favor too.  
8       You're close to the electric. You know, I don't know  
9       what kind of things that you'd have to set up with  
10      Central Hudson, but you're real close to a lot of their  
11      lines there. So it's something that you might want to  
12      consider as well.

13               MR. CALLO: Your building is going to be one  
14      of the first ones you see when you come into town, when  
15      you come from Lloyd into the Town of Marlborough.

16               MR. ECONOM: Correct. So we want to make it  
17      look --

18               MR. CALLO: Lead the way.

19               MR. VARRONE: It's not a building that I'm  
20      looking to sell. I'm not going anywhere, and I'm a  
21      long-time resident. I grew up in New Paltz, so I know  
22      the area very well.

23               MS. LANZETTA: Check out the guidelines.

24               MR. VARRONE: My original idea was to put  
25      solar on the roof, but I didn't know what complications

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1           that would lead to in the approval process, and I  
2           didn't want to get sideways with that, you know.

3                   MS. LANZETTA: Talk to Central Hudson and see  
4           if they would be interested and what kind of deal they  
5           would work with you if you wanted to do something like  
6           that.

7                   MR. HINES: Roof-mounted solar won't  
8           complicate this process at all. It's pretty  
9           streamlined in the Code.

10                  MR. GAROFALO: The solar applications have  
11           become a little bit more complicated when there's  
12           battery storage.

13                  MS. LANZETTA: They should be able to tap  
14           right in, I would think.

15                  MR. HINES: They're not going to do a  
16           transmission.

17                  MR. VARRONE: No, no.

18                  MR. GAROFALO: That's when you get into a  
19           problem.

20                  CHAIRMAN BRAND: Questions or comments? Was  
21           that it, Cindy?

22                  MS. LANZETTA: Just make sure it's dark sky  
23           compliant.

24                  MR. ECONOM: It is. The note's on there.

25                  MR. VARRONE: The pictures of the buildings

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1       you were showing, that's on which --

2               MS. LANZETTA:  If you go to the -- it's a  
3       little hard to find, but just put in Design Guidelines,  
4       and then scroll a little bit, and you'll see Route 9W.

5               MR. VARRONE:  I'm flexible to whatever you  
6       want as long as it's affordable and it's not some  
7       astronomical cost.

8               MS. LANZETTA:  There's a lot of choices here.  
9       But it's -- you know, take a look at some of the other  
10      stuff that's been done recently along 9W.

11              MR. ECONOM:  Central Hudson is happy with  
12      this because how they accessed --

13              MR. HINES:  They can get in there easier.

14              MR. ECONOM:  Well, they used to go across the  
15      drainage ditch to try to follow the utility lines, so  
16      now we're allowing them to come through the driveway  
17      and up in the back.  With that one turnaround, they can  
18      actually get right up to -- on top of their utilities.  
19      So they were very happy.

20              CHAIRMAN BRAND:  James, brief comments.

21              MR. GAROFALO:  On the EAF, Item 11 talks  
22      about private OWTS, and I think you're having a sewer  
23      connection?

24              MR. ECONOM:  No.  Onsite wastewater treatment  
25      system.  It's a septic system.

*OFFICE WAREHOUSE - SKETCH SITE PLAN*

1                   MR. GAROFALO: So you're using a septic  
2                   system?

3                   MR. ECONOM: Yes.

4                   MR. GAROFALO: Okay. Take a look at the  
5                   accessibility parking requirements. Also, I'm a little  
6                   concerned about -- your parking is on the edge of the  
7                   property. And where are you going to be putting the  
8                   snow once it starts piling up?

9                   MR. VARRONE: Which parking are you referring  
10                  to?

11                  MR. GAROFALO: The parking in the west side.

12                  MR. VARRONE: The back. That is overflow.  
13                  That's not parking within the requirements of what's  
14                  necessary to make the project. I could delete that  
15                  parking.

16                  MR. GAROFALO: It's extra large, so you might  
17                  want to note that on the plan, how large it is.

18                  MR. ECONOM: It's noticed there, 10 by 30.

19                  MR. GAROFALO: You can use some of that for  
20                  some of the snow storage.

21                  Mr. Hines mentioned that should be staked out  
22                  because you're so close to the property line. I don't  
23                  know. Do we need an Ag statement when they're this --  
24                  this is nonresidential property. I'm not sure you need  
25                  one.



## OFFICE WAREHOUSE - SKETCH SITE PLAN

1                   MR. ECONOM: We talked to Tom. It was about  
2 the whole thing with the apple trees and everything.  
3 We didn't -- there are no apple trees along this side  
4 anymore (indicating).

5                   MR. VARRONE: Next to Russo's property.

6                   MR. GAROFALO: That's all the comments I  
7 have.

8                   CHAIRMAN BRAND: Great. All right. So we  
9 will circulate this and hear back from the coordinating  
10 agencies. Thank you guys.

11                  MR. VARRONE: Thank you.

12                  MR. ECONOM: Thank you. Have a good evening.

13                  Time noted: 9:18 p.m.

14

15

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

17

18 Certified to be a true and accurate transcript.

19

20

          Stacie Sullivan          

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Stacie Sullivan, CSR

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

2 -----X  
In the Matter of

3 MATTHEW BERNHARDT STR

4 Project No. 24-2018  
5 351 Old Post Road, Marlboro  
6 Section 108.4; Block 5; Lot 11  
-----X

7 SKETCH - SITE PLAN

8 Date: November 4, 2024  
9 Time: 9:19 p.m.  
10 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON  
13 FRED CALLO  
JAMES GAROFALO  
14 CINDY LANZETTA  
15 BOB TRONCILLITO

16 ALSO PRESENT: PAT HINES

17 GERARD COMATOS, ESQ.

18 JEN FLYNN  
19

20 APPLICANT'S REPRESENTATIVES: MATTHEW BERNHARDT  
21 MICHELE BERNHARDT  
22  
23

24 -----X  
Stacie Sullivan, CSR  
25 staciesullivan@rocketmail.com

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1                   CHAIRMAN BRAND: Finally, we have Matthew  
2                   Bernhardt for a short-term rental sketch of their site  
3                   plan.

4                   Pat, do you just want to go over your  
5                   comments quickly?

6                   MR. HINES: Sure. They're here for a  
7                   short-term rental. Again, short-term rentals are  
8                   regulated under Chapter 155-32.3.

9                   The definition of that is: The rental by a  
10                  tenant of all or part of a furnished, self-contained,  
11                  detached dwelling for a period of 30 days or less, fee  
12                  title to which is owned by a person who, small letter  
13                  i, owns the fee title and, double ii, owns a dwelling  
14                  unit which is next door to or directly across the  
15                  street from the short-term rental as his or her primary  
16                  residence.

17                  I'm just checking, do you own the house next  
18                  door or across the street?

19                  MR. BERNHARDT: Yes.

20                  MR. HINES: So that checks that box.

21                  Concern regarding the use of the attic, third  
22                  floor attic, as habitable space. I think the Building  
23                  Code may require that to be sprinklered on the third  
24                  floor. I'm not a hundred percent sure. Just check  
25                  with the Building Department before you get too far. I

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1 think third floor living space in a wood building needs  
2 to be sprinklered.

3 Parking spaces should be delineated on the  
4 plan.

5 The Zoning district needs to be identified in  
6 the application.

7 And short-term rentals are a special use and  
8 require a public hearing.

9 CHAIRMAN BRAND: Comments or questions from  
10 the Board?

11 MR. CALLO: You don't share your driveway  
12 with anybody else, do you?

13 MR. BERNHARDT: No.

14 MR. GAROFALO: The zoning you can find on the  
15 Ulster County Parcel Viewer.

16 MR. BERNHARDT: Okay.

17 MR. GAROFALO: Just look up your name. It  
18 should be right there.

19 We need the gross square footage of each of  
20 the buildings. Now, there's cottages on there also?

21 MR. BERNHARDT: Yep.

22 MR. GAROFALO: Are those rented?

23 MR. BERNHARDT: No.

24 MR. GAROFALO: Okay. With regard to the  
25 attic space, does that have to be something that's, you

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1 know, within the Building Department and Assessor's  
2 office listed as a bedroom?

3 MR. HINES: I'm not sure. That's going to be  
4 a Tommy question, to figure out the actual use. I  
5 don't know what it's listed as now. I just know if  
6 it's going to be habitable space on the third floor,  
7 it's got Fire Code compliance.

8 MR. GAROFALO: It's one parking space per --

9 MR. HINES: One per bedroom.

10 MR. GAROFALO: So you have six here. I think  
11 there's a garage.

12 MR. BERNHARDT: I wouldn't park my car in  
13 that garage.

14 MR. GAROFALO: That's a possibility, that you  
15 could use that, or you go out and you need to outline.

16 MR. BERNHARDT: We can outline. We have two  
17 spots that are available in front and then additional  
18 space in the back of the property that can be used.  
19 Probably four or five spaces.

20 MR. GAROFALO: It's the equivalent of a  
21 9-by-18 space.

22 MR. BERNHARDT: Yep.

23 MR. GAROFALO: And the proposed hours of  
24 operation are 24/7/365. It's not applicable. It is  
25 applicable. You can rent it out any time. It's 24/7.

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1 MR. BERNHARDT: Okay. So check that box?

2 MR. HINES: Yeah. You wrote NA.

3 MR. BERNHARDT: I apologize. I thought it  
4 meant like someone would need to be on site or in the  
5 house.

6 MR. GAROFALO: Is there a need for an  
7 agricultural statement on this one?

8 MR. HINES: I don't think so. There's no  
9 construction proposed.

10 CHAIRMAN BRAND: Anything else, James?

11 MR. GAROFALO: Do we need the square footage  
12 of those cottages?

13 MR. HINES: You're not proposing those as  
14 part of the use so they're not part of the application.

15 MR. BERNHARDT: No.

16 MR. GAROFALO: I think on the plan it's noted  
17 as 4819 square footage, so if you can put that in the  
18 application. I think it's on one of the plans that you  
19 have.

20 MR. BERNHARDT: Put it in the application.  
21 Okay.

22 MR. GAROFALO: Yeah. I don't know if that  
23 included or excluded the attic.

24 MR. BERNHARDT: It should include.

25 CHAIRMAN BRAND: So the only thing we need is

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1 a public hearing?

2 MR. HINES: It does require a public hearing.

3 MS. LANZETTA: How many public hearings do we  
4 have for December?

5 MS. FLYNN: We have four.

6 CHAIRMAN BRAND: Do you have a time  
7 constraint situation?

8 MS. LANZETTA: Can't we put him first thing?  
9 I don't think he's going to get much.

10 CHAIRMAN BRAND: Jen?

11 MS. FLYNN: We can put them first.

12 CHAIRMAN BRAND: So we'll put you first on  
13 the public hearing on the 2nd.

14 MS. LANZETTA: So you don't have to wait.

15 MR. BERNHARDT: Thank you.

16 CHAIRMAN BRAND: Just make sure you send out  
17 the proper amount of mailings. Talk to Jen.

18 MR. BERNHARDT: Okay.

19 MS. LANZETTA: I think everybody knows that  
20 this was originally a resort-type situation.

21 MR. GAROFALO: I did not.

22 MR. BERNHARDT: It's one of the oldest  
23 buildings in Marlboro or one of the oldest houses in  
24 Marlboro.

25 CHAIRMAN BRAND: Thank you. We'll see you on

*MATTHEW BERNHARDT STR - SKETCH SITE PLAN*

1 December 2nd.

2 Time noted: 9:25 p.m.

3

4

5

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

7

8 Certified to be a true and accurate transcript.

9

10 Stacie Sullivan

11 Stacie Sullivan, CSR

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