

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

2 -----X
In the Matter of

3 MARLBOROUGH FIRE DEPARTMENT

4 Project No. 25-1007
5 14 Grand Street, Marlboro
6 Section 108.12; Block 1; Lot 18
-----X

7 PUBLIC HEARING - SITE PLAN

8 Date: October 20, 2025
9 Time: 7:00 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
STEVE JENNISON
14 CINDY LANZETTA
JOE LOFARO
15 BOB TRONCILLITO (RECUSED - NOT PRESENT)
JOHN LaMELA

16
17 ALSO PRESENT: PAT HINES

18 HANNAH ATKINSON, ESQ.

19 JEN FLYNN
20
21
22
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-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

MARLBOROUGH FIRE DEPT - PUBLIC HEARING SITE PLAN

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: I'd like to have a moment of
6 silence for the recent passing of George Salinovich.

7 (Moment of Silence.)

8 CHAIRMAN BRAND: Agenda, Town of Marlborough
9 Planning Board, October 20th, 2025, regular meeting,
10 7:00 p.m. On the agenda this evening we have the
11 Public Hearing for the Marlborough Fire Department, a
12 public hearing for a site plan at 14 Grand Street,
13 Marlboro. And under the Ongoing Application Review
14 portion of our meeting, we have the Dock Road,
15 preliminary final for a site plan and lot line at
16 103-137 Dock Road in Marlboro.

17 Are there any announcements?

18 (No response.)

19 CHAIRMAN BRAND: All right. Moving forward,
20 we'll start with the public hearing for the Marlborough
21 Fire Department.

22 Mr. Troncillito, are you going to be recusing
23 yourself?

24 MR. TRONCILLITO: Yes, sir.

25 (Whereupon Member Troncillito is not

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1 present.)

2 CHAIRMAN BRAND: Legal Notice. Application
3 for Exemption from Local Land Use Regulations.

4 Please take notice a public hearing will be
5 held by the Marlborough Planning Board pursuant to the
6 *Matter of County of Monroe versus City of Rochester*,
7 "balancing of public interests" standard on Monday,
8 October 20th, 2025, for the following application,
9 Marlborough Fire Department Renovation and Addition
10 Project, at the Town Hall, 21 Milton Turnpike, Milton,
11 New York, at 7:00 p.m. or as soon thereafter as may be
12 heard. The applicant is asking for exemption from site
13 plan and lot line review for a renovation and addition
14 project on lands located at 14 Grand Street, Marlboro,
15 New York, 12542, Section 108.12, Block 1, Lot 18. Any
16 interested parties either for or against this
17 application will have an opportunity to be heard at
18 this time. Chris Brand, Chairman of the Town of
19 Marlborough Planning Board.

20 MS. ATKINSON: Mr. Chairman, I want to
21 mention that initially I had thought this was a -- they
22 were asking for an exemption from site plan and lot
23 line review, but I touched base with the applicant, and
24 it sounds like they've already been approved for the
25 lot line adjustment that we saw, which was from 2023;

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1 that the Board has already reviewed and approved the
2 requested lot line adjustment, which was a
3 consolidation of lots.

4 MR. HINES: This map was submitted
5 (indicating).

6 CHAIRMAN BRAND: That was what year? 2023?

7 MS. ATKINSON: Uh-huh. So they'll just be
8 asking for exemption from your site plan review.

9 CHAIRMAN BRAND: Is there anyone here from
10 the public that would like an opportunity to be heard
11 at this time? Yes, please.

12 MS. SIMONOFISKY: From here or there?

13 CHAIRMAN BRAND: Come on down.

14 MS. SIMONOFISKY: Mici Simonofsky, Marlboro,
15 New York.

16 I think I speak for the entire hamlet of
17 Marlborough when I say this is a wonderful idea; that
18 our firemen not only deserve to have better
19 accommodations, but it is a necessity due to changes in
20 state law and the number of volunteers they have,
21 including women, who need their own private spaces as
22 well. So I am totally for it, and I hope I speak for
23 the entire community when I say please approve this
24 immediately. Thank you.

25 CHAIRMAN BRAND: Thank you. Anyone else?

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1 (No response.)

2 MR. JENNISON: I make a motion to close the
3 public hearing.

4 MR. CALLO: Second.

5 CHAIRMAN BRAND: Any discussion?

6 (No response.)

7 CHAIRMAN BRAND: Any objection?

8 (No response.)

9 CHAIRMAN BRAND: The public hearing is
10 closed. Anything from the Board on this one?

11 (No response.)

12 CHAIRMAN BRAND: No. Hannah, I know that you
13 have a Resolution by the Planning Board for the Town of
14 Marlborough with regard to this.

15 MS. ATKINSON: Yes. It basically just
16 discusses everything that the Board reviewed at the
17 last meeting. We went through the nine factors
18 required for Monroe, and I wrote up a little blurb for
19 each of them as I heard the Board determine. So the
20 Board can review and then vote to approve the waiver,
21 and knowing that SEQRA will then be undertaken by the
22 fire district, as opposed to the Planning Board,
23 because once you waive your review, you will no longer
24 be an involved agency.

25 CHAIRMAN BRAND: Pat, did you have anything

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1 to add to that?

2 MR. HINES: I have nothing to add.

3 CHAIRMAN BRAND: Great. Anything from the
4 Board?

5 MS. LANZETTA: I just appreciate the work
6 that Hannah did, being very thorough in addressing the
7 concerns that have been brought before the public from
8 past litigation.

9 CHAIRMAN BRAND: As always. So, then, before
10 us we have the Resolution. Member Lofaro offered the
11 following Resolution, which was seconded by Member
12 Jennison, who moved for its adoption. Chairman Brand
13 is a yes. Lanzetta.

14 MS. LANZETTA: Yes.

15 CHAIRMAN BRAND: Lofaro.

16 MR. LOFARO: Yes.

17 CHAIRMAN BRAND: Callo.

18 MR. CALLO: Yes.

19 CHAIRMAN BRAND: Jennison.

20 MR. JENNISON: Yes.

21 CHAIRMAN BRAND: LaMela.

22 MR. LaMELA: Yes.

23 CHAIRMAN BRAND: And Troncillito recused. I
24 believe that's it then. Thank you.

25 Time noted: 7:06 p.m.

MARLBOROUGH FIRE DEPT - PUBLIC HEARING SITE PLAN

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

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

In the Matter of

DOCK ROAD

Project No. 24-2003
103-137 Dock Road, Marlboro
Section 109.1; Block 3; Lot 13,
14, 14.200, 15, 16, 17.200, 18, 19
Section 108.4; Block 3; Lot 29.100

PRELIMINARY FINAL - SITE PLAN/LOT LINE

Date: October 20, 2025
Time: 7:06 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
STEVE JENNISON
CINDY LANZETTA
JOE LOFARO
BOB TRONCILLITO
JOHN LaMELA

ALSO PRESENT: PAT HINES

HANNAH ATKINSON, ESQ.

JEN FLYNN

APPLICANT'S REPRESENTATIVES: MARK BLANCHARD, ESQ.
SCOTT LEYTON

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

DOCK ROAD - PRELIMINARY FINAL SITE PLAN/LOT LINE

1 CHAIRMAN BRAND: Next on the agenda we have
2 Dock Road for a preliminary final of the site plan --
3 for their site plan and lot line at 103-137 Dock Road.

4 So our attorney has prepared the Resolution
5 for this application, a preliminary approval. Hannah,
6 did you just want to go over the highlights, please?

7 MS. ATKINSON: Yes. So the Board should have
8 a slightly revised version from what was previously
9 posted on Friday on the website. Just a couple of
10 changes for clarity and to be more concise on top of
11 things.

12 The first section is just the history of the
13 Board's review of this project. I want to note a
14 slight change on page 5. I have a whereas clause just
15 further explaining how the applicant offered to donate
16 a portion of the land comprising the project to serve
17 as parking to serve the community, but also
18 specifically recognizing the need for parking near The
19 Falcon. So that's now included as a whereas clause on
20 page 5.

21 On page -- starting on page 9, I went through
22 each of the County comments, and then the Board's
23 responses to those comments beginning on page 10, some
24 of which, as we know, the Board voted to adopt as
25 conditions of approval, which now are included as

DOCK ROAD - PRELIMINARY FINAL SITE PLAN/LOT LINE

1 conditions, and some of which the Board chose to
2 override or in contravention of the County's comments.

3 I would note, as it's mentioned on page 13,
4 the Board will be considering preliminary subdivision
5 approval. I know in the past the Board has moved on
6 certain lot line changes to jump straight to final
7 approval, and there is a provision in the Code which
8 provides that if there's a lot line adjustment or
9 consolidation of two or fewer lots, the Board can both
10 waive the public hearing and issue one single as
11 opposed to separate preliminary and final approvals.
12 This project involves -- Mark, is it three lots?

13 MR. BLANCHARD: Yes.

14 MS. ATKINSON: And so the applicant has
15 agreed to move forward just with preliminary for now
16 and will come back for a final approval. That could
17 happen as soon as the next meeting, but it will just
18 depend on however they choose to move on that.

19 And I will note, too, that if there is a two
20 step -- like in this case, if they come back with a
21 final lot line plat that is identical -- or I believe
22 the wording is substantially similar to the preliminary
23 plat, then you can choose to waive the public hearing
24 on that. So that could be a really quick wrap it up
25 kind of situation next month or shortly thereafter, a

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1 meeting.

2 There is a whole slew of conditions that I've
3 included with the help of Pat -- thank you, Pat --
4 beginning on page 13. These include rec fees, payment
5 of other fees in escrow, a Stormwater Facility
6 Maintenance Agreement. I included in that section the
7 requirement for performance security in an amount and
8 form required by the Code. This could but doesn't need
9 to be in the form of a bond. The Planning Board has
10 the authority to decide that they would like to see a
11 bond, but it doesn't require that in the Code. So I
12 just said in an amount and form required by the Code
13 section. I think that probably will be sufficient.

14 In condition at (v), there are easements
15 required, one of which will be for emergency access
16 across the wastewater treatment plant parcel.

17 We discussed -- oh, one of the County
18 comments was as to signage. So I included signage as a
19 condition as well as I believe on the subsequent page
20 we discussed nonreflective and earth-tone colors to
21 further mitigate the visual impacts.

22 There are other discretionary permits and
23 approvals required from the DEC, the Department of
24 State, the DOT, the Department of Health, filing in the
25 Department of Law of the condominium offering plan,

DOCK ROAD - PRELIMINARY FINAL SITE PLAN/LOT LINE

1 which will include as a special provision the proximity
2 of the property to the wastewater treatment plant and
3 notice thereof.

4 In part (f)(3), there's to be the offer of
5 dedication of property to be used as a municipal
6 parking lot. We discussed that.

7 And I included a time provision, as this
8 Board has chosen to do in the past, to require that
9 these conditions be satisfied within six months.

10 And then the only other comment I have is
11 that the Chairman can sign these maps upon the
12 completion of all these conditions.

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

15 MR. LOFARO: I have a question. Who is going
16 to check the conditions? Who is responsible for that?

17 CHAIRMAN BRAND: So, Hannah, most of the
18 conditions that we have are more legal than physical;
19 correct?

20 MR. HINES: Yeah. They're both. Plan
21 revisions are required, outside agency approvals, and
22 the legal. So typically we use this as a guide, and
23 once those are all done, my office will do a letter to
24 Jen stating the condition and how it was done.

25 MR. LOFARO: What about the bonds? Should we

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1 consider a bond? It sounds like something we probably
2 should.

3 MS. ATKINSON: That will be worked out
4 through my office.

5 CHAIRMAN BRAND: Any other comments or
6 questions from the Board? Did you have anything, sir?

7 MR. BLANCHARD: We have -- I have one concern
8 and then I have a question. Let's do the first one.

9 I raised this with Hannah this afternoon at
10 the eleventh hour. And I apologize for the late
11 notice. But if we could go back to the page numbered
12 10, it's the first condition -- it's the first response
13 to the County of Ulster responses. When the Board --

14 CHAIRMAN BRAND: Which number?

15 MR. BLANCHARD: We're at Number 1. I have a
16 little bit of an older version. It's my -- I'm on page
17 10, but it's the Planning Board determined at its
18 September 15th meeting as follows. Then Number 1. If
19 you can follow me down to the second sentence: If
20 adjacent parcels --

21 CHAIRMAN BRAND: Hold on one second, because
22 that's not my page 10.

23 MR. BLANCHARD: Okay. I'm sorry. It's the
24 first response to Ulster.

25 MS. FLYNN: It's the last line on page 10.

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1 MR. BLANCHARD: So if you continue into page
2 11, you'll see the second sentence and the third
3 sentence, beginning with, If adjacent parcels with
4 frontage on 9W are developed, and then the second -- it
5 would be the third sentence. The Planning Board is
6 satisfied that such a connection will be the obligation
7 of a future applicant.

8 So we thought about this -- these two
9 sentences over the weekend, and here is the concern.
10 We're asking that those two sentences be deleted, and
11 here's why. That concept of the cross easement is the
12 Board -- these two sentences recognize that concept is
13 on a future applicant and really a future owner. The
14 owner of that commercial parcel would have to seek an
15 easement from the condominium. So it's a burden on
16 that future owner. That burden remains whether this
17 comment is in there or not. That future owner has that
18 burden. As per the application they bring, they may
19 trigger that. They may need an easement from the
20 condominium. But in the offering plan for the
21 condominium, in terms -- for its disclosure, the
22 condominium would then have to disclose to future
23 buyers this potential, and this potential may never be
24 real.

25 So it severely diminishes or could

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1 potentially severely diminish the offering -- the
2 condominium value when it's really the obligation of a
3 future applicant and a different owner. So it doesn't
4 diminish your jurisdiction. It doesn't enhance your
5 jurisdiction. It's really just a recognition of an
6 obligation, but on a different owner. It could
7 potentially hurt the offering plan. We're -- since it
8 doesn't hurt or enhance the Board's jurisdiction, we're
9 asking that those two sentences be deleted.

10 CHAIRMAN BRAND: Hannah.

11 MS. ATKINSON: So, yes, I think the reason
12 that we included this is because it directly responds
13 to the County comments. And if you flip back to page
14 9, the comment from the County was that the Planning
15 Board -- County Planning Board further recommends cross
16 access easements along the parcels owned by the
17 applicant fronting Route 9W. So this response was
18 based on the Board's discussion of that County comment
19 and saying that if there are to be cross access
20 easements, recognizing that that will be the
21 obligation, as Mark said, of the adjacent property
22 owners if they so choose to develop the commercial or
23 whatever it is along 9W.

24 So I agree that on the one hand this isn't
25 actually speaking to any obligation of this applicant.

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1 It's just saying that if there are to be cross access
2 easements, it will be, in fact, the responsibility of
3 some future applicant. So that is true. And I will
4 say that I have not worked directly with condominium
5 offering plans, but I don't really necessarily see how
6 stating that there is a potential for some other
7 adjacent property to request a cross access easement of
8 this applicant would be detrimental to the property
9 value of the parcels. But that's maybe perhaps because
10 I don't know realty law.

11 MR. BLANCHARD: I would just point out -- are
12 you finished? I'm sorry.

13 MS. ATKINSON: That was it.

14 MR. BLANCHARD: So the County comment was
15 based on an incorrect statement that the County was
16 incorrectly thinking that it was all those parcels are
17 in common ownership. So I think what this statement
18 does is it clarifies. It says that the Board did
19 identify that issue. But putting the obligation on a
20 different owner for a potential future project is
21 something that we don't -- it's just cleaner, and it's
22 better for the -- immensely better for the condominium
23 offering plan if this isn't in there. Really it's not
24 an obligation on the condominium. We're just asking
25 that to be deleted.

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1 CHAIRMAN BRAND: Hannah, do you see an issue
2 with that?

3 MS. ATKINSON: I don't see an issue with it.
4 I think that ultimately the effect will be the same,
5 whether this language is included or not. The effect
6 will be if there is future development on adjacent
7 parcels, then this Board will know; the County is
8 likely to say they need cross access easements, and
9 they'll be in the same spot as they would otherwise be
10 with or without this language. They'll just go to this
11 applicant and say, Can we have an easement; yes or no?
12 So I don't think it would be harmful if the Board
13 removed this language.

14 CHAIRMAN BRAND: Any objection from the
15 Board?

16 MR. LEYTON: Hannah, it's hard to hear you
17 since you're not on the microphone, and I'm hard of
18 hearing. I'm not really that hard of hearing, just a
19 little hard of hearing.

20 So these are two separate parcels that we
21 obviously talked about, and the -- having at all any
22 possibility of having an easement from something that's
23 a future development could be -- let's just go to
24 crazy. It could be a cannabis shop. And then forcing
25 that onto the easement from -- with the road that comes

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1 in off of 9W to the residential would be a horrendous
2 thing to happen. So there are two separate parcels.
3 When we do come forth with a plan for the commercial
4 property, it will stand on its own, and there should be
5 no relationship, no mention of any potential easements
6 between these two properties.

7 MR. HINES: I think we're good.

8 MS. ATKINSON: We agreed.

9 MR. LEYTON: I like to hear myself talk.

10 MS. LANZETTA: I don't agree, because in our
11 discussions about this before -- and we have to make
12 the case as a Planning Board that we've considered what
13 the County has asked us to consider. And in those
14 discussions, even though you guys were not willing to
15 consider looking at this immediately because you were
16 insistent that there would be -- there could be future
17 owners, it was my understanding that it would be put
18 into the records that we were looking at cross
19 easements if that commercial property was ever further
20 developed, because we have to do that under our
21 Comprehensive Plan, under our Route 9W Corridor Study,
22 under Complete Streets. The County is asking us to do
23 it as well. And to act like we're not taking that into
24 consideration and making that a part of the record for
25 the Resolution, I think is being remiss in doing what

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1 we're supposed to do as a Planning Board.

2 MR. BLANCHARD: But I respectfully submit I
3 believe you have done that. The first sentence of that
4 response does acknowledge that reviewing a
5 hypothetical, potential, speculative project, pulling
6 obligations out of a hypothetical speculation and
7 putting it as an obligation is really not the Board's
8 purview to do that, and you're acknowledging you're not
9 doing that here.

10 MS. LANZETTA: No. The reason that we didn't
11 make you do it now is because you felt it was so
12 speculative. But we're acknowledging that in the
13 future, in order to do the planning that we're
14 responsible to do and have less access onto Route 9W,
15 any future development is going to have to consider
16 these cross easements.

17 MR. BLANCHARD: But that's on the future
18 development. A separate owner, a separate project.
19 That mention burdens us, burdens the condominium
20 offering plan. It's --

21 MS. LANZETTA: Well, you didn't bring that up
22 when we had the discussion on this.

23 MR. BLANCHARD: -- economically detrimental.

24 Excuse me?

25 MS. LANZETTA: You said that -- you never

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1 brought that fact up when we had the original
2 discussion on all this.

3 MR. BLANCHARD: It's two different things.
4 It's two different things. We acknowledged on the
5 record, we acknowledged, that the future applicant, a
6 future owner, might have to come to the condominium and
7 ask for an easement. We've acknowledged that. No one
8 is retracting that acknowledgment. All I'm saying now
9 is that from a drafting standpoint, when we look at
10 this language, which places a detriment on a current
11 owner who is coming forth with a project, there's -- it
12 doesn't enhance. It doesn't diminish. This language
13 does nothing for your jurisdiction. Your jurisdiction
14 remains the same. The obligation on the future
15 applicant remains the same.

16 CHAIRMAN BRAND: And, Hannah, that was
17 essentially your point as well, that these things would
18 have to be taken care of regardless of whether this
19 language is in there or not.

20 MS. ATKINSON: Right. The question isn't as
21 to jurisdiction. I think the point that Cindy is
22 making is that it does make the record fuller in
23 explaining the Planning Board's reasoning for its
24 response to County. I think that's true; that having
25 these sentences to say, yes, not only did we review the

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1 concept of cross access easements, but you made some
2 type of determination as to how they would fit into
3 future planning I think is correct.

4 I guess my main question would be -- because
5 I'm not sure how this could negatively impact the
6 applicant, especially because the statement isn't that
7 this parcel would be subject to an easement. It would
8 be that some other future applicant -- it would be
9 their responsibility to request of this applicant an
10 easement. So it's not saying that this land is
11 currently presently burdened by this.

12 MR. BLANCHARD: Right. No. I agree with
13 that. But we have to disclose that. The offering plan
14 would have to disclose the mere possibility, and the
15 mere possibility that may never come to fruition will
16 have a discernible impact. So the condominium offering
17 plan is going to be impacted negatively by this
18 disclosure.

19 MS. ATKINSON: You think fewer people will
20 buy because of this?

21 MR. BLANCHARD: We think it's going to hurt
22 the price point, yeah. I mean, it's not a number of
23 purchasers. It's going to -- look, we're trying to
24 maximize value and maximize the benefit. It also
25 maximizes the benefit to the Town. So, from our

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1 perspective, this sentence -- the deletion of these two
2 sentences doesn't delete the obligation to the future
3 owner, but it potentially hurts us after -- you know,
4 we're asking for it to come out.

5 MR. LEYTON: We met the requirements of the
6 DOT, and that is really the most important part, and
7 also the highway and safety department of this town.
8 So to obligate an easement that is not necessary or not
9 ordered so by the DOT or anything else like that --
10 we've made the lanes wider. We made the entrance gates
11 longer so that they can have more traffic build up
12 there. So we did everything. So, again, to even
13 mention an easement is -- and you contravened -- what's
14 it called?

15 MR. BLANCHARD: Acting in contravention.

16 MR. LEYTON: Contravention. You contravened
17 [sic] -- I hope that's the right word, but you've
18 contravened so many other things here. Now to hang
19 your hat on, well, we can't totally contravene this
20 thing is I think a little crazy because you
21 contravened 15 other Ulster County things. Thank you
22 for that. But the same thing with this. You can
23 contravene this, a hundred percent.

24 CHAIRMAN BRAND: Each of the others we've
25 explained, though. Is there a motion to exclude those

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1 two sentences from this, page 11?

2 MR. JENNISON: I'll make the motion.

3 MR. LaMELA: I'll second.

4 CHAIRMAN BRAND: Any discussion?

5 MS. LANZETTA: So then it's not a defensible
6 situation, you know, with the present consideration
7 that -- we discussed these things. It was agreed to.
8 Now, in a sense, we should add a little bit of an
9 addendum saying, well, we just found out this might
10 affect the applicant's bottom line, so we've changed
11 our mind.

12 MS. ATKINSON: Pat suggested that we just
13 remove the first of these two sentences at issue and
14 leave the latter, which would be: The Planning Board
15 is satisfied that such a cross easement would be the
16 obligation of a future applicant. Would that be a
17 satisfactory compromise?

18 MR. BLANCHARD: But recognizing that the
19 Planning Board -- the cross easement issue then has to
20 be disclosed.

21 MS. ATKINSON: Either way.

22 MR. BLANCHARD: Yeah. Because you have to
23 disclose the possibility to the -- within the offering
24 plan so the potential buyer sees that. That's what
25 we're -- since it's speculative, that's why we're

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1 asking for it to be deleted. The full County comment
2 is in here and your full response is in here. We're
3 just trying to clean it up for the sale.

4 MS. ATKINSON: That wouldn't be the basis for
5 the Planning Board to make a determination whether or
6 not the applicant can make more or less from the sales.
7 I don't think that's one of your considerations. But I
8 think that the Board has the authority to vote whether
9 or not to exclude these sentences, and you can make
10 that determination on the merits.

11 CHAIRMAN BRAND: There's a motion to exclude
12 those two sentences. All those opposed?

13 MS. LANZETTA: Aye.

14 MR. CALLO: Aye.

15 CHAIRMAN BRAND: All those approve?

16 MR. JENNISON: Aye.

17 MR. LaMELA: Aye.

18 MR. LOFARO: Aye.

19 CHAIRMAN BRAND: Aye.

20 MR. TRONCILLITO: Aye.

21 CHAIRMAN BRAND: So that goes.

22 MR. JENNISON: 5-2.

23 CHAIRMAN BRAND: So we will strike those two.

24 MR. BLANCHARD: Then, Mr. Chairman, the
25 second comment that we had was the -- in reviewing the

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1 conditions and speaking with our engineers today, the
2 six-month time frame, we believe it's too short, you
3 know, for these conditions to be met prior to -- I was
4 a little confused. Prior to the issuance of the
5 building permit or prior to the --

6 MR. HINES: Stamping of the plan.

7 MS. ATKINSON: Stamping of the plan. And
8 that's why we included that you can get an extension of
9 up to two years. You can come back with an application
10 to ask for an extension.

11 MR. LEYTON: I'm sorry. Can you explain what
12 the time frames are exactly? Six months for what to
13 what?

14 MS. ATKINSON: Six months from this approval
15 that all the conditions would be satisfied.

16 MR. LEYTON: All the conditions.

17 MR. HINES: But it has provisions for
18 extension. The Town Code allows for two years.

19 MR. LEYTON: I appreciate that. I just want
20 to know what I'm getting into. So six months for all
21 the conditions. Where do the conditions start?

22 MS. ATKINSON: Beginning on 14, I believe.
23 Oh, no. Thirteen.

24 MR. LEYTON: All these have to be done within
25 six months?

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1 MR. BLANCHARD: Or we come back for an
2 extension.

3 MR. LEYTON: And we have to come in front of
4 the Planning Board for that?

5 MR. BLANCHARD: The Planning Board grants it
6 by motion, yes. Is that right?

7 MR. HINES: Typically, you give an update on
8 all the conditions at that time.

9 MR. LEYTON: Excuse me?

10 MR. HINES: Typically, you give an update on
11 the conditions at that time. We're waiting for DOT;
12 we've made submissions to the Health Department, so the
13 Board sees there's progress being made on the
14 conditions.

15 MR. BLANCHARD: So it's like six months we
16 come back and provide a status update?

17 MR. LEYTON: Okay. And a maximum of a
18 two-year extension, so it's two years and six months?

19 MR. HINES: The Code has provisions for two
20 years from approval that you must --

21 MR. LEYTON: Six months and then you --

22 MR. HINES: You must obtain a building permit
23 within two years or the approval lapses.

24 MS. FLYNN: No. They have one year to get a
25 permit. Then two years -- no. It's one year to start.

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1 Three to finish. Then they have three extensions.

2 MR. LEYTON: Can pulling the building permit
3 be extended also?

4 MR. HINES: After you get a building permit
5 from the Building Department, but you have the time
6 frame here that adds up to I think two years. It's one
7 year with a one-year extension and then -- to get a
8 building permit, and then your building permits can be
9 extended through the Building Department.

10 MR. BLANCHARD: The clarification is, if we
11 extend -- let's say we come back in six months and we
12 extend this. Then that obligation -- that one-year
13 obligation to pull the building permit is really de
14 facto. That's extended as well, because this approval
15 is extended.

16 MR. HINES: But within two years, you're
17 going to have to have it complete.

18 MR. LEYTON: Have the building permit.

19 MR. HINES: The building permit in hand.

20 MR. LEYTON: Okay. That's very livable.

21 CHAIRMAN BRAND: That's Town Code.

22 MR. BLANCHARD: Yes.

23 CHAIRMAN BRAND: So the following amendment
24 to the Resolution, the Planning Board of Marlborough --
25 the Planning Board of the Town of Marlborough offers

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1 the following Resolution. Officer Brand offered the
2 following Resolution, which was seconded by Member
3 LaMela.

4 MR. LEYTON: I'm sorry. Just give me one
5 second with my attorney.

6 (Brief pause in the proceedings.)

7 CHAIRMAN BRAND: Do you have a question,
8 Mr. Callo?

9 MR. CALLO: Yeah, I have a question for you.
10 How soon do the structures that are boarded up on 9W
11 get taken down and removed? Because they look pretty
12 hideous with all the traffic coming and going in the
13 town.

14 MR. LEYTON: Not attractive. I agree. I
15 don't have a time frame other than it will be part of
16 the whole -- I can't do development without tearing it
17 down. So it will be really the beginning of
18 construction. March, I imagine, would be the start
19 date. But, again, it's just an estimate. I have to
20 get financing and the rest of it once we get the
21 approval.

22 CHAIRMAN BRAND: So the Resolution goes with
23 the amendments. Chairman Brand is yes. Lanzetta.

24 MS. LANZETTA: No.

25 CHAIRMAN BRAND: Lofaro.

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1 MR. LOFARO: Yes.

2 CHAIRMAN BRAND: Callo.

3 MR. CALLO: Yes.

4 CHAIRMAN BRAND: Jennison.

5 MR. JENNISON: Yes.

6 CHAIRMAN BRAND: LaMela.

7 MR. LaMELA: Yes.

8 CHAIRMAN BRAND: Troncillito.

9 MR. TRONCILLITO: Reluctantly, yes.

10 CHAIRMAN BRAND: In addition to that, we have
11 the Site Plan Recreation Fee Findings, Town of
12 Marlborough Planning Board.

13 Whereas the Planning Board has reviewed a
14 site plan application known as Dock Road with respect
15 to real property located at 103-137 Dock Road in the
16 Town of Marlborough. Member LaMela offered the
17 following resolution, which was seconded by Member
18 Troncillito.

19 It is hereby resolved that the Planning Board
20 makes the following findings pursuant to Section 277(4)
21 of the Town Law: Based on the present and anticipated
22 future need for park and recreational opportunities in
23 the Town of Marlborough and to which the future
24 population of this site plan will contribute, parklands
25 should be created as a condition of approval of this

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1 site plan. However, a suitable park of adequate size
2 to meet the above requirement cannot be properly
3 located within the proposed project site. Accordingly,
4 it is appropriate that, in lieu of providing parkland,
5 the project sponsors render to the Town a payment of a
6 recreation fee to be determined in accordance with the
7 prevailing schedule established for that purposed by
8 the Town of Marlborough. This site plan known as Dock
9 Road resulted in 106 units for a total of \$212,000 in
10 Recreation Fees.

11 Whereupon the following vote was taken:

12 Chairman Brand, yes. Callo.

13 MR. CALLO: Yes.

14 CHAIRMAN BRAND: LaMela.

15 MR. LaMELA: Yes.

16 CHAIRMAN BRAND: Jennison.

17 MR. JENNISON: Yes.

18 CHAIRMAN BRAND: Lanzetta.

19 MS. LANZETTA: Yes.

20 CHAIRMAN BRAND: Lofaro.

21 MR. LOFARO: Yes.

22 CHAIRMAN BRAND: Troncillito.

23 MR. TRONCILLITO: Yes.

24 CHAIRMAN BRAND: The end. I believe you're
25 all set for this evening.

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1 MR. BLANCHARD: We hadn't seen a copy of
2 that. Can you forward us a copy of that?

3 CHAIRMAN BRAND: I'm sure our attorney will
4 do so. The rec fee or --

5 MR. BLANCHARD: The rec fee. I hadn't seen
6 that one.

7 CHAIRMAN BRAND: We will definitely get that
8 out to you. Anything else before we leave this
9 evening?

10 (No response.)

11 CHAIRMAN BRAND: We are adjourned.

12 Time noted: 7:34 p.m.

13

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

15

16 Certified to be a true and accurate transcript.

17

18 Stacie Sullivan

19 Stacie Sullivan, CSR

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