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

----- X

In the Matter of

DANSKAMMER HOUSE

Project No. 17-1013
5 West Street
Section 108.12; Block 3; Lot 14

----- X

PUBLIC HEARING - SITE PLAN

Date: July 17, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM

----- X

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

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

(Pledge of Allegiance.)

MR. CAUCHI: Agenda, Town of Marlborough Planning Board, July 17, 2017. Regular meeting 7:30 p.m. Approval of stenographic minutes for 6/5, 6/19. Danskammer House, lot 108.12-3-14, site plan, public hearing; Maria Stavroulakis, lot 95.4-3-15, subdivision, public hearing; Highland Pet Center, lot 95.4-1-18.2, revised sketch, amended site plan; Verizon Wireless, lot 109.1-2-14, final, site plan, property Jason Warden; Verizon Wireless, 109.1-3-26.2, final, property James Garofalo, site plan; Verizon Wireless, 108.4-5-24, final, property Absolutely Auto, site plan; Reservoir Road, lot 108.2-9-43.131, 132, 133, 134, 135, sketch, lot line; Eighty Six Washington, 103.3-4-19, sketch, site plan; Vincent & Moran, lot 102.2-6-2, 3 and 4, sketch, lot line; Smith Subdivision, lot 103.1-4-47.130, sketch, subdivision; Janet, discussion, 102.2-5-14, subdivision, without attorney,

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engineer or stenographer. Next deadline:
Friday, July 21, 2017. Next scheduled meeting:
Monday, August 7, 2017.

CHAIRMAN BRAND: I'd like to have a
motion for the approval of the stenographic
minutes for June 5th and June 19th, please.

MR. CLARKE: So moved.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: Second.

CHAIRMAN BRAND: Any discussion?

(No response.)

All those in favor of the approval?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First up, Danskammer House. Come up to
the table.

MR. CAUCHI: "Legal notice, amended

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DANSKAMMER HOUSE

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special use permit. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to Town of Marlborough Town Code 155-32 on Monday, July 17, 2017 for the following application; Danskammer House, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a special permit for a home occupation bed and breakfast on lands located at 5 West Street, Marlboro, New York, Section 108.2, Block 3, Lot 14. Any interested parties either for or against this proposal will have any opportunity to be heard at this time."

CHAIRMAN BRAND: First off, why don't you give us a brief overview of the --

MS. COOL: I have the legal notice materials.

CHAIRMAN BRAND: How many did you send out and how many were returned?

MS. COOL: We sent out 66, 44 were returned, 3 were returned as undeliverable and 19 not delivered.

CHAIRMAN BRAND: Great.

MR. WILLINGHAM: Good evening. My name

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is Andy Willingham, Willingham Engineering. I'm here to present the Danskammer Bed & Breakfast.

The project is located at 5 West Street, outside the core of the Village of Marlboro. It's originally a house from 1870, a beautiful house that the owners, Ken and Linda Cool, have beautifully renovated.

The project is converting -- it's an existing four-bedroom house to a four-room bed & breakfast, owner occupied.

They have upgraded the property as well, including the driveway, the patio in the rear, a garden, a small orchard, a berry patch. It's really quite nice, what they've done to the property.

All parking will be provided on the site for users.

That's really it. That's the summary of my project.

CHAIRMAN BRAND: Okay. This is a public hearing. If you're here to speak either for or against the project, please stand, state your name for the Stenographer and go ahead and voice your opinion.

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I would like to note for the record that I did receive a letter from Joanne Pagnotta who is a local history researcher who thought that the project would be a beneficial addition to the Town of Marlborough. So I'll enter that into the record as well.

Please stand and state your name.

MS. MERRILL: My name is Dianne Merrill, I live at 14 West Street which is kind of across the street.

They did a fabulous job. Actually, before they took it over to make it a bed and breakfast it was rapidly becoming a bed and breakfast for the ground hogs and mice. I think they did a fabulous job. It's made me feel good about the property values on my street.

Thank you for doing that and I wish you the best of luck.

CHAIRMAN BRAND: Please stand.

MR. PALENTI: My name is Ralph Palenti, I'm the neighbor, 7 West Street, of the Cools.

They did an excellent job in providing such needed repairs to the house. The house was in total disarray. Actually, the property values

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I'm sure would not have gone up like they would with the addition -- with the work that the Cools have done. Being a next door neighbor to them, they are very caring and considerate neighbors. It would be a wonderful addition to the neighborhood, the bed and breakfast.

CHAIRMAN BRAND: Anyone else? Mr. Garofalo.

MR. GAROFALO: James Garofalo, 3 Young Avenue.

I'm not a neighbor of this property. I certainly am in favor of it.

I was sad to see that there is not, though, a sidewalk which would connect the sidewalk to the south of the property halfway to basically the sidewalk at the Coach's Doghouse.

If the Chairman will allow me, I will give you an aerial photo.

CHAIRMAN BRAND: Certainly. Thanks.

MR. GAROFALO: You're welcome. I could understand if it would be reasonable if they didn't want to put it in immediately. If it could be something bonded and may be done three, four years down the road. Something to consider.

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I think it would help them and I think it would be a positive for the Town also. If it doesn't happen now, I hope that the Members of the Town Board will hear me in thinking about yes, we do need more sidewalks in that area.

The two other things that I would like to say, which peripherally deal with this particular project, I've complained to the Town Board about it. Certainly the Planning Board does not make regulations, the Town Board does, but when you speak with a common voice I think it is heard and I think you could have an impact. The impact areas are two that I'm thinking of. One which is the residency requirement. You have people that can rent their houses and be out of the country and there be noise complaints. Certainly there's been a rental property in this Town where there have been noise complaints, you can talk to the police chief, and they've come to the Town Board. That's just an example of -- I think that that residency requirement is a little bit too much. I hope that the Board will consider talking to the Town Board about it.

You have off-site parking for

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facilities that are allowed. This is certainly a case where you are at least close to the property. You have another bed and breakfast that is cottages that are not occupied that are probably not within sight of the main residence. I think that there may be a precedent for allowing nonresidency of the structure. I certainly would encourage you to talk to the Town Board and maybe give them some time in the future.

The second thing I'd like to talk about is we all need continuing sensitivity training. I made a copy of some guidelines. I'll hand them to you in a second. I just want to read one of the things. It says the words you use and the way you portray individuals with disabilities matter. The fact is the word handicapped is not found in the American with Disabilities Act. I don't think it is any place in the Town documents. My wife's father was wounded in Guadalcanal. I have great respect for him. I think it's important that we respect everyone. I hope that you will read this and I hope that you will talk to the Town about passing it around so

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that they too may read it, act on it and change the way the documents are presented in the Town and by engineers, et cetera.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

MS. LANZETTA: Jim, can you send that to me electronically?

MR. GAROFALO: There's an URL. You can get it directly. I cut and pasted.

Once again, I'm in favor of this project. I hope that there will be some consideration in the future for getting a sidewalk because I think it would improve things in that area and connect them to the rest of the village where hopefully the people that come and stay there will want to walk to.

Thank you.

CHAIRMAN BRAND: Thank you. Does anyone else want to speak on the Danskammer House? Mr. Lanzetta.

MR. LANZETTA: Al Lanzetta, Supervisor, Town of Marlborough.

This is something that we need in the community. The Town Board supports this and I

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support it. Thank you.

CHAIRMAN BRAND: Anyone else?

(No response.)

CHAIRMAN BRAND: Anything from the Board?

MR. CLARKE: If my understanding is correct, we're going to have issues. As a Board we have to follow rules and regulations. You probably have a little bit of leeway there but not a lot. I think this is a wonderful project. It's the kind of project that our community -- it helps build our communities in a positive way. I don't think either we or the Town Board should be an impediment to promoting projects like this. If we need legislation to create a different set of rules that would fit this type of housing, I think we need to do that. Those are my comments.

CHAIRMAN BRAND: Anyone else from the public or the Board?

(No response.)

CHAIRMAN BRAND: Pat, do you want to run through your comments?

MR. HINES: Sure. Most are the main comments I had from last time. The applicant's

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representative has provided a floor analysis of the proposed bed and breakfast. It's not really consistent with what the Board has done in the past with bed and breakfast uses. Their analysis limits the square footage to the actual bedrooms with no common areas, no dining room. Specifically the bed and breakfast use requires other portions of the house. Typically there's a dining area utilized for a bed and breakfast, some common seating areas. I think there's a problem with the analysis that they've identified. This is a home occupation in this zone. It needs to be exactly that, a home occupation utilizing less than 50 percent of the structure. I think that their analysis is deficient in that they've kind of selectively cordoned off areas that are just the bedroom guest rooms with no other uses. We've gone through this before with other applicants to a great extent, delineating those areas of the structure that are dedicated to the bed and breakfast areas, such as the kitchen where I assume the breakfast will be cooked, the dining room area where I assume that food and other

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meals will be consumed by the clients, as well as the living room. So I just direct the Board that I think the latest information should be submitted to the building department for an analysis consistent with the home occupation use.

The other issue that we have, there's a July 7th letter from the applicants to the Planning Board identifying that the owners shall retain one bedroom suite within the dwelling for their own use and they shall be in the residence whenever the bed and breakfast operations are active. This again is under a home occupation. It needs to be in the primary residence of the applicant. It's not a hotel use, which wouldn't be permitted, where you're going to have someone there when there are guests there. I think there's a flaw with the application that either needs to go to the ZBA for clarification or the building department.

I know we heard from the public that it's a good idea, but you don't want every house in Town turned into, under your definition, a tourist hotel.

I think my previous comments are still

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outstanding and I think that they should be deferred initially to the building department and possibly to the ZBA should they wish to grant relief for this "home occupation" that is not going to be owner occupied.

I think that an analysis of the common areas that are going to be utilized should be further refined before the Board can take any action.

CHAIRMAN BRAND: Thank you.

Did you have anything, Ron?

MR. BLASS: No. I would echo what Pat said. Bed and breakfasts are a home occupation use under the Zoning Code as currently written. There's been an implicit undercurrent here that it might be a good idea for the Town Board to take a look at that rule and consider changing it. Right now owner occupancy means that the residence is the primary occupancy of the owner and that the bed and breakfast use is secondary in terms of dimension to the owner occupancy. Those are the fundamental criteria of a home occupation. So it is conceivable that the Town could legislate in favor of a bed and breakfast

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which is not limited to being a home occupation.
That would seem to be the path for the Town Board
to consider.

MR. CANTOR: Mr. Chairman, may I? My
name is Richard Cantor, I'm with the firm of
Teahan & Constantino. I'm here with Andy and on
behalf of Mr. and Mrs. Cool.

With all due respect to Mr. Hines and
Mr. Blass, I would submit that both of the points
they've raised are incorrect. The Marlborough
Code does not, does not spell out how the
percentage of use is to be computed and what
elements of the building are to be included or
excluded. The basic rule of law is that zoning
is a fancy word as is derogation. Zoning is in
derogation of the common law and is to be
strictly construed against the municipality. In
the absence of definitions in the code telling
you what to include and what not to include, I
think that rule of law makes our analysis
appropriate.

In addition, in the memo from Mr.
Hines, we received it this evening, it's not
dated, I assume it was just prepared, he refers

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to a computation and previous analyses for other bed and breakfasts in the Town. When Mr. and Mrs. Cool went to the building and zoning department after your last meeting to inquire about previous applications and determinations, they were told there are no previous applications and determinations in the Town of Marlborough on this issue of how you compute the percentage to be included and the percentage to be excluded. So in the absence of code definition and in the absence of prior history, your Board, without going to the Zoning Board, has more than ample discretion to conclude that this application satisfies the percentage requirements.

The other piece raised by Mr. Hines and Mr. Blass is the assertion that the bed and breakfast must be the primary residence of Mr. and Mrs. Cool. Your code does not use the term primary residence, it just refers to residence. There's a Third Department case, Town of Marlborough is in the Third Department, it's called Prizzio against the City of Albany, a 1992 case, which directly contradicts Mr. Hines and directly contradicts Mr. Blass and states that in

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the absence of a requirement in a code that a home occupation be the primary residence, that a secondary or transitory residential use is enough by the owner. So the case law in this Third Department, which includes Ulster County and this Town, is that the residence proposed by Mr. and Mrs. Cool, that is that they will be in residence at such time as there is any bed and breakfast occupant, satisfies the code requirement.

So I would submit that they have presented applications that are consistent with the code and that merit approval by the Board. We hope that you will see fit to close the hearing, consider a negative declaration and consider approval of the application. Thank you.

MR. BLASS: So the Planning Board has a dilemma in front of it this evening. By law it is not the body which interprets the Zoning Law. That is done in the first instance by the code enforcement officer, and in the event of dispute with the code enforcement officer's interpretation it proceeds to the Zoning Board of Appeals.

Now, the supplemental submission of the

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applicant, I think it's dated July 7th, came to the Planning Board subsequent to a June 23rd letter of the code enforcement officer which fundamentally laid out the local regulations that apply to bed and breakfasts and summarizes them. The code enforcement officer, to the best of my knowledge, I think he's on vacation or was on vacation, has not seen the supplemental submission of the applicant which has two interesting components. One, it has a component that says that residency by the owner will occur only during occupancy by guests. Secondly, it represents that the bedrooms each have their own independent bathroom and the bedrooms will be the only thing available to the guests of the B&B. It indicates that one bedroom suite will be reserved for the owner to reside at a time when there are guests. It proceeds then to say that the living room will not be used, the bedroom will not be used, the kitchen will not be used and other common areas, if any, will not be used for the bed and breakfast. So as the submission is presented to the Planning Board this evening, nobody is going to use the living room, nobody is

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going to use the dining room, nobody is going to use the kitchen, because all of the guests and the owner occupant are reserving their occupancy to bedrooms which are apparently lockable with lockable doors.

So I think that -- by the way, under the Town Code as I read it, and I call the Board's attention to a letter dated May 19, 2009 that I composed to the Town Board which presents an analysis of the regulations regarding bed and breakfasts, it's clear that owner occupancy is the only pigeon hole for bed and breakfasts. It is also clear that the use of the facility as a bed and breakfast must be secondary in scope and dimension to the owner occupancy.

So as presented by the applicant on July 7th, I don't believe that the structure is going to be used secondarily for a bed and breakfast but it will be used primarily for a bed and breakfast, both by virtue of occupancy and division within the structure itself.

Since the Planning Board is not a body which is empowered to interpret the Zoning Law, and since that's the function of the building

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inspector as gatekeeper and the Zoning Board of Appeals as a reviewing body, I don't see that you have much option but to refer this to the code enforcement officer to take a look at the July 7th submissions and to make a ruling based on them.

MS. LANZETTA: I would like to say as far as the amount of usage on the property, percentage of usage, my daughter has a home business. She's a massage therapist. People come in and they sit in her living room and wait for her other clients to leave and so that she can do the massage. They use her bathroom. Sometimes they are sitting in the kitchen for awhile talking. To my mind that's all common area. I don't think of that as being her business. Her living room, her kitchen, her bathroom is not part of her business. Her massage room is part of her business. I don't see where the applicant has a problem with, you know, saying that they meet the percentages because only the bedrooms are reserved specifically for that use. I do agree with you that there's a problem with the owner occupation.

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Is it possible that the Town Board, too, could take a look at revising the legislation that would enable something like this to take place? Is that a lengthy process?

MR. BLASS: No. No. There's nothing that compels the Town to make a bed and breakfast only available under the umbrella of home occupation. It could be taken out of that context and made a special permit use on whatever reasonable terms and conditions the Town Board finds to be applicable.

The reason that I imposed the May 19, 2009 letter was because I think there was some consideration being given at the time to making some modifications in the Zoning Law to address the home occupancy constriction of bed and breakfasts.

So there are two avenues. One, there's a solution that the Town Board could develop. Two, it may very well be that the code enforcement officer thinks that Pat Hines and Ron Blass don't know what they're talking about and could rule quite to the contrary. In either case there would be a remedy for the issue.

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MR. CLARKE: I think that -- based on the discussions tonight, I don't think as a Board Member I want to make a decision. I want more information. The easiest thing would be for the Town to create the legislation to enable this to go through, then everybody would be happy. I just think that -- from the comments I think that the code enforcement officer has to give a formal written letter as to what our regs should be or the Town Board needs to adjust the legislation.

CHAIRMAN BRAND: I guess what I'd like to propose is that we adjourn the public hearing for the moment, wait until we hear back from the code enforcement officer and/or representatives of the Town Board to see if there's any type of remedy that they have.

Do I have a motion to close the public hearing?

MR. BLASS: Adjourn the public hearing --

CHAIRMAN BRAND: Adjourn.

MR. BLASS: -- for a month. The first Monday in August.

CHAIRMAN BRAND: August 2nd. I will

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not be here for that meeting.

MR. BLASS: Maybe the first Monday in September, or that would be Labor Day; right? We have the Tuesday following Labor Day.

CHAIRMAN BRAND: We can do the second one in August.

MR. BLASS: The second Monday.

CHAIRMAN BRAND: The second Monday in August.

MR. BLASS: The second Monday in August -- the third Monday in August.

CHAIRMAN BRAND: The second meeting.

MR. HINES: The 21st.

MR. BLASS: The second meeting in August, the third Monday.

CHAIRMAN BRAND: Correct.

Do I have a motion to adjourn the public hearing until the second meeting in August?

MR. HINES: August 21st.

MR. LOFARO: I'll make the motion to adjourn the meeting until --

CHAIRMAN BRAND: Adjourn the public hearing until August 21st.

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MR. LOFARO: -- August 21st.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So you'll be in
contact with the zoning officer to see if there's
a remedy in store. Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of August 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MARIA STAVROULAKIS

Project No. 17-1012
73 Peach Lane
Section 95.4; Block 3; Lot 15

----- X

PUBLIC HEARING - SUBDIVISION

Date: July 17, 2017
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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MARIA STAVROULAKIS

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CHAIRMAN BRAND: Next up, Maria Stavroulakis. This is a public hearing for Maria Stavroulakis.

MR. CAUCHI: "Legal notice, subdivision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, SEQRA, and Town of Marlborough Town Code 134-32 on Monday, July 17, 2017, for the following application: Maria Stavroulakis, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 or as soon thereafter as may be heard. The applicant is seeking approval of a subdivision application for lands located at 73 Peach Lane, Milton, New York, Section 95.4, Block 3, Lot 15. Any interested parties either for or against this proposal will have any opportunity to be heard at this time."

CHAIRMAN BRAND: Would you like to state your name and give us a brief overview?

MR. JAMES: My name is Robert James, I'm the engineering surveyor on the project.

What we have here is a two-lot subdivision on Peach Lane, 25 acre total -- just

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One of the lots is going to have the existing house to remain on it, the 4-acre lot. The remaining 21 acres with a flag 50-foot strip will be reaching back about 400 feet before it opens up.

The existing house lot has its own septic system. It will have to have a new well drilled on it as the existing well is going to go to lot number 2.

I suppose that's about it.

CHAIRMAN BRAND: This is a public hearing. If you're here to speak either for or against this project, please stand and state your name for the Stenographer and voice your opinion.

Mr. Garofalo.

MR. GAROFALO: James Garofalo, 3 Young Avenue.

The one thing that I'm concerned about with this type of application is that the Board make sure that when you create a flag lot, that where this access is going to be, that there's reasonable sight distance for the people coming out and the people along the roadway. I think it

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Thank you.

CHAIRMAN BRAND: Thank you.

Any other public comments for or against this project?

(No response.)

CHAIRMAN BRAND: Anything from the Board?

MR. CLARKE: Jim, to address your issues, this Apple Blossom Farms, this would be incorporated into Apple Blossom Farms. It's not like it's a standalone lot with a flag going into

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MARIA STAVROULAKIS

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CHAIRMAN BRAND: The access.

MR. CLARKE: The access would probably be from the west or from the north.

CHAIRMAN BRAND: And there was no plan for development on the site?

MS. LANZETTA: No.

Two things. One is that Twaalfskill Creek, I don't think that's a correct identification on that creek. I think it's just an unnamed creek. Twaalfskill is a lot further north in Highland.

The other thing is the proposed drilled well is awful close to that road. Do you have to have a truly representative idea of where the well is going to go or can you just put it anywhere to show you're going to drill a well?

MR. HINES: It has to be drilled where it's shown on the plan. The requirement is a 15 foot separation from a property line for the well to meet the Public Health requirement.

MS. LANZETTA: That's 50 feet from the road and the property line?

MR. HINES: Yes. It's a 100 scale map.

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(No response.)

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MARIA STAVROULAKIS

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MR. CLARKE: It's not.

MR. HINES: Okay. Then that would not apply.

MR. CLARKE: My daughter and I own it.

MR. HINES: That's a mute point. With that, we don't have any other outstanding issues.

CHAIRMAN BRAND: I'd like a motion to close the public hearing.

MR. CLARKE: So moved.

CHAIRMAN BRAND: A second?

MR. CAUCHI: Second.

CHAIRMAN BRAND: All in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: The public hearing is closed.

MR. JAMES: I have the notices. Twelve went out, eleven came back.

CHAIRMAN BRAND: I'd like a motion for a negative declaration.

MR. CAUCHI: I'll make a motion for a negative declaration.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

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CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

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MARIA STAVROULAKIS

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MS. NATLAND: I don't have the resolution. Do you have the resolution?

CHAIRMAN BRAND: I don't. You can just poll the Board. We'll give preliminary and we'll go over the final.

MS. NATLAND: You want me to poll --

CHAIRMAN BRAND: Is there anyone that does not approve of that?

MR. CLARKE: No.

MR. TRAPANI: No.

MS. LANZETTA: No.

MR. CAUCHI: No.

MR. LOFARO: No.

CHAIRMAN BRAND: Okay.

MR. BLASS: So you have a rec fee finding to make as well.

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MS. NATLAND: Yes.

CHAIRMAN BRAND: So we'd like to have a motion to accept the recreation fee of \$1,500 per lot for the subdivision. Do I have a motion for that?

MR. CAUCHI: I'll make a motion to set the rec fee at \$1,500 per lot.

MS. NATLAND: Here it is. She's got it in here.

MS. LANZETTA: The resolution?

MS. NATLAND: No. The rec fees. The resolution I don't have. I looked in the file and it's not in here.

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CHAIRMAN BRAND: Okay. So whereas the Planning Board has reviewed a subdivision application known as Maria Stavroulakis with respect to real property located at 73 Peach Lane

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MR. HINES: Just the new lot.

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Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Member Trapani?

MR. TRAPANI: Yes.

CHAIRMAN BRAND: Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: And yes for Chairman Brand.

Okay. That will do it. I think you're all set. Sorry for the confusion.

MR. JAMES: Thank you.

(Time noted: 8:15 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of August 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MARIA STAVROULAKIS

Project No. 17-1012
73 Peach Lane
Section 95.4; Block 3; Lot 15

----- X

PUBLIC HEARING - SUBDIVISION

Date: July 17, 2017
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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

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MARIA STAVROULAKIS

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MARIA STAVROULAKIS

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MS. LANZETTA: No.

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CHAIRMAN BRAND: I'd like a motion to close the public hearing.

MR. CLARKE: So moved.

CHAIRMAN BRAND: A second?

MR. CAUCHI: Second.

CHAIRMAN BRAND: All in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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CHAIRMAN BRAND: Aye.

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(No response.)

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MARIA STAVROULAKIS

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MR. HINES: Just the new lot.

CHAIRMAN BRAND: Got you. For a total of \$1,500 in recreation fees, parent parcel excluded. Where upon the following vote was taken:

Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Member Trapani?

MR. TRAPANI: Yes.

CHAIRMAN BRAND: Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: And yes for Chairman Brand.

Okay. That will do it. I think you're all set. Sorry for the confusion.

MR. JAMES: Thank you.

(Time noted: 8:15 p.m.)

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

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

That hereinbefore set forth is a
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I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of August 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HIGHLAND PET CENTER

Project No. 17-1014
131 Bailey's Gap Road
Section 95.4; Block 1; Lot 18.2

----- X

REVISED SKETCH - AMENDED SITE PLAN

Date: July 17, 2017
Time: 8:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

----- X

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Newburgh, New York 12550
(845)541-4163

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HIGHLAND PET CENTER

CHAIRMAN BRAND: Next up, the
Highland Pet Center, revised sketch and
amended site plan

MR. HINES: I don't have anything
new on this. I don't think they're here.

CHAIRMAN BRAND: Is anyone here for
Highland Pet Resort?

(No response.)

CHAIRMAN BRAND: No.

MR. HINES: I think they anticipated
sending something. They didn't send us anything.

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

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

----- X

In the Matter of

VERIZON WIRELESS
Property of Jason Warden

Project No. 17-1004
1488 Route 9W
Section 109.1; Block 2; Lot 14

----- X

FINAL - SITE PLAN

Date: July 17, 2017
Time: 8:16 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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CHAIRMAN BRAND: Next up, Verizon Wireless, 1488 Route 9W, final, Jason Warden.

How are you this evening?

MR. OLSON: Good, thank you. How are you?

CHAIRMAN BRAND: Great. Would you like to just give us a brief overview for those new in attendance this evening of what is being proposed, briefly?

MR. OLSON: Sure. Which one is this one? I have three of them.

CHAIRMAN BRAND: This is Jason Warden.

MR. OLSON: Just as a brief overview, this is one application of three that we actually have pending before the Board tonight.

As the Board knows, we have several other nodes in the Town of Newburgh. I just might add, there are four nodes there. They just agreed that they don't require zoning. We're getting the building permit process wrapped up. So we have a total of about nine or ten. Some of them are on Town property. In this Town it doesn't require this Board's involvement.

Basically we're talking about putting a

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new utility pole, a wooden utility pole with an antenna and a few pieces of equipment on the pole itself. There will be no ground equipment. This will just be right outside of the right-of-way. We talked about that.

It's essentially providing hot spot coverage along portions of Route 9 right now that have too much traffic that there's not enough coverage. The capacity is going through the roof. We showed you the maps during the public hearing of all the different hot spots along Route 9. We were able to do that small kind of innocuous facility instead of having a new tower to accomplish the same thing basically, or more than one tower.

That's basically where we are.

CHAIRMAN BRAND: Pat, do you have any other --

MR. HINES: We don't have any outstanding comments on this. I know Ron Blass and Mike Musso, your Telecommunications Consultant, had worked up resolutions and negative decs for it.

MR. BLASS: On Friday I sent to the

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Board a completed part 2 long form environmental assessment form which the Board should vote to accept this evening.

You also have a prepared negative declaration of environmental significance with respect to Verizon node 11. As of this afternoon, after taking into account Mike's comments, you had a resolution of special permit approval as well.

I don't think there are any outstanding issues that would interfere with considering approval tonight.

CHAIRMAN BRAND: I spoke to Mike today. He had none.

MR. BLASS: Right.

CHAIRMAN BRAND: So would we go first with a negative declaration on the project?

MR. BLASS: The first order of business would be to accept the part 2 environmental assessment form.

CHAIRMAN BRAND: Do I have a motion to accept the node 11 environmental assessment form?

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Do I have a second?

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MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

MR. BLASS: The second order of
business would be a negative declaration.

CHAIRMAN BRAND: A motion for a
negative declaration for node 11 on the property
of Jason Warden?

MS. LANZETTA: I'll make that motion.

MR. CLARKE: Second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

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MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

MR. BLASS: Lastly, there's a
resolution of approval.

CHAIRMAN BRAND: We all got that ahead
of time.

Kathy, I'll just poll the Board on the
resolution.

Chairman Brand, yes.

Member Truncali is not here.

Member Trapani?

MR. TRAPANI: Yes.

CHAIRMAN BRAND: Member Lanzetta?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Member Lofaro?

MR. LOFARO: Yes.

CHAIRMAN BRAND: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: Okay. One down.

(Time noted: 8:20 p.m.)

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

----- X
In the Matter of

VERIZON WIRELESS
Property of James Garofalo

Project No. 17-1005
3 Young Avenue
Section 109.1; Block 3; Lot 26.2

----- X

FINAL - SITE PLAN

Date: July 17, 2017
Time: 8:20 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

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CHAIRMAN BRAND: Next up is Verizon Wireless, node 9 which is the property of Mr. Garofalo.

Do I have a motion?

MS. LANZETTA: I'll make a motion to accept the environmental assessment form.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Do I have a motion for the negative declaration for node 9 on the property of James Garofalo?

MS. LANZETTA: I'll make that motion for a negative dec.

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CHAIRMAN BRAND: Is there a second?
MR. CLARKE: I'll second.
CHAIRMAN BRAND: Any discussion?
(No response.)
CHAIRMAN BRAND: All those in favor,
say aye.
MR. CLARKE: Aye.
MR. TRAPANI: Aye.
MS. LANZETTA: Aye.
MR. CAUCHI: Aye.
MR. LOFARO: Aye.
CHAIRMAN BRAND: Aye.
I would poll the Board as to the
resolution of approval.
I am a yes.
Member Trapani?
MR. TRAPANI: Yes.
CHAIRMAN BRAND: Lanzetta?
MS. LANZETTA: Yes.
CHAIRMAN BRAND: Lofaro?
MR. LOFARO: Yes.
CHAIRMAN BRAND: Cauchi?
MR. CAUCHI: Yes.
CHAIRMAN BRAND: Clarke?

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MR. CLARKE: Yes.

CHAIRMAN BRAND: That was node 9.

(Time noted: 8:23 p.m.)

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

----- X
In the Matter of

VERIZON WIRELESS
Property of Absolutely Automotive

Project No. 17-1006
1024 Route 9W
Section 108.4; Block 5; Lot 24

----- X

FINAL - SITE PLAN

Date: July 17, 2017
Time: 8:24 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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CHAIRMAN BRAND: Absolutely Automotive.

MR. BLASS: Absolutely Automotive is Verizon node 5. That is the site which is substantially contiguous to the Gomez Mill House historic site. As of this moment State Parks has not responded to the referral. I don't think that this matter is right for determination tonight.

CHAIRMAN BRAND: So we will postpone that until our next meeting.

MR. OLSON: I don't think they're going to respond. We've checked into it from our end and our consultants have found -- I just found this out very late this afternoon, I apologize -- that it's basically not required. So I don't know --

Pat, I know you said you were reaching out to them. I'm assuming that has happened.

MR. HINES: The way to reach out to them is through their CRIS system. Mike Musso's office has been coordinating that and did submit that as part of the lead agency circulation.

MR. OLSON: Okay.

MR. HINES: We're waiting for that to

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time out.

CHAIRMAN BRAND: They did acknowledge the submission. That's all that we've received this far.

MR. BLASS: We also have a lead agency circulation on this because it's a Type 1 action under SEQRA, unlike the other two. I'm not quite sure the thirty days circulation has not expired. So it's not right for a second reason.

CHAIRMAN BRAND: Okay.

MR. OLSON: I can't fight that one.

CHAIRMAN BRAND: So we will see you next time.

MR. CAUCHI: Are we going to put a time on this or we're just --

MR. HINES: It will time out. The lead agency circulation will time out before your next meeting. If you don't hear from them you can make your lead agency determination. Hopefully Mike Musso or someone else from the Board may -- I need comments from them. If you don't hear from them --

MR. OLSON: We'll see what we can do on our end to try to get them to acknowledge that.

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MR. HINES: I've never seen State Parks not acknowledge the CRIS system.

CHAIRMAN BRAND: Particularly a submission.

MR. OLSON: I know. Like I said, our office said it's not a requirement.

CHAIRMAN BRAND: Okay.

MR. OLSON: Until next time.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:25 p.m.)

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

----- X
In the Matter of

RESERVOIR ROAD

Project No. 17-1011
Section 108.2; Block 9; Lots 131, 132, 133, 134 & 135

----- X

SKETCH - LOT LINE

Date: July 17, 2017
Time: 8:24 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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3 Francis Street
Newburgh, New York 12550
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CHAIRMAN BRAND: Reservoir Road,
sketch, lot line.

MR. DATES: I'm Justin Dates from Maser
Consulting presenting the project.

Since our last meeting we made a couple
of modifications to the plan. We also met with
Mr. Hines to go over the driveway situation that
came up at the last meeting.

This particular subdivision was done in
2006. There were five original lots, five lots
as they stand today.

What we are looking to do is lot 1 is
referenced as Mr. Truncali's lot. That is going
to remain as is. No changes, no modifications.

MR. HINES: Just to reiterate, the
previous application had modifications to that
lot. The layout, as presented in the latest
submission, has removed any changes to that lot
for consideration with one exception, and that is
that it will now have its own driveway off of
Reservoir Road. We'll hit that later. The
highway superintendent has comments on it.

MR. DATES: So that's lot 1. We stuck
with the same nomenclature as the original to

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hopefully not confuse anyone.

Across the way or east of lot 1 is lot 2 and lot 4. These two are going to be combined. That was also proposed in the prior application. What we've done is we've shown an individual driveway for lot 2 as well.

There was a 50-foot right-of-way which was part of this rear lot here. That's getting divided up between the blue and the orange here. This will be combined to one lot and is getting a small portion of that existing right-of-way or flag area that goes out to Reservoir Road.

MR. HINES: And that was a former private road --

MR. DATES: Correct.

MR. HINES: -- within there. That's now going to become two driveways.

MR. DATES: That's correct. Then lot 3 will also get a portion of that private -- former private road area and it will have its individual driveway out to Reservoir Road.

So all the lots now, there's no more private road, they are all serviced by individual driveways. There's been just kind of a

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RESERVOIR ROAD

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modification to lot lines.

CHAIRMAN BRAND: So that right-of-way, that 50-foot right-of-way still goes through to lot 4?

MR. DATES: No. It is divvied up between 2 and 3. Lot 4's access is up above Reservoir Road. I gave a copy of the prior approved map. That was where the approval and the intended access for that lot was. So we're not looking to change that.

CHAIRMAN BRAND: Pat, do you have comments?

MR. HINES: Ron and I were just talking about the need to extinguish the former right-of-way and if the filing of this revised map takes care of that. I don't know the answer to that but that's certainly something the future owners of the blue lot and orange lot would certainly want to have happen.

MR. BLASS: We can do a simple instrument that relinquishes the easement or right-of-way.

MR. DATES: Okay. We did some research and did not find the actual filed private road

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agreement. Is that what you're referring to?

MR. BLASS: There's no easement of record?

MR. DATES: Our surveyors did not come up with anything. The only thing we came up with, and I put it in the memo, is there was a mention in the deed that they had access over that private road area.

MR. BLASS: If I was the purchaser of the lot I would want to have something in the chain of title that clarified this.

MR. DATES: Okay.

MR. BLASS: It's not a big deal. It's like a half a page instrument.

MR. DATES: Okay.

MS. LANZETTA: We need Mr. Truncali's agreement on that as well, because now he loses his right to use that as access?

MR. DATES: Yes. His original lot was to access that private road area. Those were the two that we saw in the deed. It would have to be extinguished.

MS. LANZETTA: But you have to have his acknowledgement that he's willing to do that as

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well? Some type of a written document that says that; right?

MR. BLASS: Yes.

MR. DATES: Yes.

MR. BLASS: Relinquishment of any easement or right-of-way, half a page long, recorded with the Ulster County Clerk against the property.

MS. LANZETTA: That would be a condition of this approval?

MR. BLASS: That would be a condition of approval.

MR. HINES: The only other issue is that Gael Appler took a look at the new proposed driveway locations, which was in our previous comments, and he has a comment that the proposed driveways into lot 3 and the lot owned by Truncali is obstructed by two Locust trees. These trees have to be cut down by the property owners before I would sign off on these two driveways. That would also need to be a condition of approval, that those two trees identified in the highway superintendent's comments are removed. That could be done prior

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RESERVOIR ROAD

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to filing of the map and then you know it's done.

MR. DATES: Would the Board entertain that being a condition of a building permit on these lots?

MS. LANZETTA: I don't think the building inspector likes to have to go back and --

MR. HINES: It's difficult to track years later.

MS. LANZETTA: -- look for those kinds of things. I'd rather see it upfront that they need to be removed. I don't want to see those trees removed but I don't think it's up to the building inspector to have to follow up on all this.

MR. DATES: Okay. We're fine with that then.

CHAIRMAN BRAND: So the next step would be to schedule -- are there any comments from the Board? I'm sorry.

MR. LOFARO: No.

MR. CAUCHI: No.

MR. TRAPANI: No.

CHAIRMAN BRAND: The next step would be

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to schedule a public hearing?

MR. BLASS: You need a public hearing.

CHAIRMAN BRAND: Correct. We could do that at the second meeting in August. If you guys are okay with that, I'd be willing to do that.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: Let's schedule a public hearing for the second meeting in August, August 21st.

MR. DATES: You're not having the first meeting?

CHAIRMAN BRAND: We are. I'm not going to be here. Business as usual without me being here. If you're comfortable doing that, I'm comfortable. If you want to do August 7th, you would have to get all the mailings out and everything.

MR. DATES: Ten days prior.

MR. HINES: Is that going to happen? Jen is out this week.

CHAIRMAN BRAND: She'll be here then.

MR. HINES: I'm saying for the mailings.

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CHAIRMAN BRAND: Kathy is here. She's
got it well under control. We can do it for
August 7th.

MR. DATES: Okay.

CHAIRMAN BRAND: We'll go for
August 7th.

MR. DATES: Thank you.

CHAIRMAN BRAND: You're welcome.

(Time noted: 8:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of August 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

EIGHTY SIX WASHINGTON

Project No. 17-1015
1613 Route 9W
Section 103.3; Block 4; Lot 19

----- X

SKETCH - SITE PLAN

Date: July 17, 2017
Time: 8:25 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: FRANK BOVA
NICHOLAS BOVA

----- X

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

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CHAIRMAN BRAND: Next up, Eighty Six Washington, sketch, site plan.

Give us an overview of what you have going on.

MR. FRANK BOVA: Since the last time we were here I did some changes to the drawings, which I don't believe you have the latest drawing either. It doesn't really go along with some of the things that are on here.

MR. HINES: I think this is actually your first time here.

MR. FRANK BOVA: Your number 1 on here, it's incomplete.

MR. HINES: I don't have the letter from the Town Board.

MR. FRANK BOVA: I'm not really sure how it works. I apologize for that.

We're just trying to get approval for a building that we purchased in Milton to conduct our business there. There's basically changes and upgrades to the property. We're going through with the planning process.

CHAIRMAN BRAND: So this is different than the other proposal you had?

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MR. FRANK BOVA: No. I just made some of the changes that were needed to be put on there. It's a different set of drawings.

I talked to the building inspector --

MR. BLASS: This is a highway business corridor overlay zone matter. The Town Board has reviewed the concept plan, found it acceptable for review and has shifted it to the Planning Board for site plan review.

CHAIRMAN BRAND: Do you want to run through your comments, Pat?

MR. HINES: Number one -- actually, my number one is a little different because the ordinance has been changed somewhat. It has been referred from the Town Board to you. Basically it's now before you as a site plan.

We're looking for some additional detail which may or may not be on that map. I don't have the larger map. I got this e-mailed to me. It's the same map I believe. So we would be looking for -- it's only here for sketch right now.

Future submissions should address drainage, grading and erosion and sediment

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control.

I'm under the impression that the building in the rear is not there yet.

MR. FRANK BOVA: It is not there. I was asked to include my five-year plan for the property. That's what I would eventually like to do, the building in the back.

MR. HINES: I guess are you applying for that now?

MR. FRANK BOVA: As part of this, yes.

MR. HINES: If it's a five-year plan your approvals are going to lapse between now and five years. You're creating -- I understand someone may have told you that.

MR. FRANK BOVA: They did tell me that, yes. The building inspector did.

MR. HINES: What we would be looking for as if the Board is reviewing that to be constructed is grading, drainage, erosion and sediment control, the parking requirements, a narrative description of the proposed use, hours of operation, site lighting, landscaping. It's the things on the site plan checklist that are required. I think you need DOT input for the

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driveway. The Board just recently reviewed, I think Empire Landscaping or one of the landscaping proposals.

MR. FRANK BOVA: My neighbor. Yes, it's my neighbor.

MR. HINES: It's your neighbor. Similar to that project that came in under this process. Hopefully this process will be more streamlined since that was the first one. We'll need that information. If you can get your consultant that list of items that are lacking from the plan.

The overseas containers that are shown there now, are they proposed to remain?

MR. FRANK BOVA: Until the building in the back is built, yes.

MR. HINES: They are specifically not allowed. Based on 155-16, overseas containers may not be used for accessory storage buildings. They are containers that have wheels that go on either trucks or trains. Those are not permitted.

We're basically looking now for -- it's here for sketch. I think the Board can ask any

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questions they want now as far as what the site is going to be used for, but then you need a detailed site plan submission for review. If it's five years out, you may be back here again.

MR. FRANK BOVA: You have two years to break ground?

MR. HINES: Two years to get a building permit and I think it's three years to accomplish that building permit. You're right at that limit if you get your building permit. Getting a building permit means you're submitting design plans and paying fees.

MR. FRANK BOVA: I understand.

CHAIRMAN BRAND: What exactly is happening here again?

MR. FRANK BOVA: It's just a storage building in the back. The building that is there existing in the front is storage and is going to be office space.

MR. HINES: What's the nature of the storage?

MR. FRANK BOVA: I'm sorry?

MR. HINES: What are you storing in the building?

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MR. FRANK BOVA: Equipment.

CHAIRMAN BRAND: What's the business?

MR. FRANK BOVA: It's a construction business. We do some abatement, flooring, concrete resurfacing.

MR. HINES: If there's going to be any outdoor storage of equipment or materials, that should be depicted on the plans. There's a section in the zoning as to how that's regulated as well.

CHAIRMAN BRAND: Will this be open to the public as well?

MR. FRANK BOVA: No. No. Nobody but my employees.

MR. HINES: It sounds like a contractor yard type of use.

MR. FRANK BOVA: Contractor yard. Basically, yeah.

MS. LANZETTA: Can you tell me a little bit about this ATV trail, what that is in the back?

MR. FRANK BOVA: You know, there's a couple of items that came up when we had the drawings done. There is an ATV trail north of

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the property. It's not mine. I don't know whose it is. They kind of included it on my property. It's in the back.

MR. HINES: Probably the surveyor picked it up when he did the survey.

MR. FRANK BOVA: Correct. I don't use it. It's part of the property in the back that -- it's all woods anyway. I don't know who made it or did it but a bunch of people that live in the Town I think use it.

MS. LANZETTA: You're not concerned about anybody coming in that way to --

MR. FRANK BOVA: No.

MS. LANZETTA: -- mess with your storage?

MR. FRANK BOVA: No.

MS. LANZETTA: No.

CHAIRMAN BRAND: That doesn't have to be fenced in for the storage?

MR. HINES: Outdoor storage would have to be fenced in. That's why I was referring to that section of the Code.

MR. CLARKE: What about this deed overlap? There's a slight discrepancy.

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MR. FRANK BOVA: Between DiNoto there's a small deed overlap there. There's also one I believe in small little cut pies. I'm not really sure if there's a deed overlap or not.

CHAIRMAN BRAND: So both of the deeds are for that property?

MR. FRANK BOVA: There's a small -- there's two of them I believe, one in the back here and one also -- there's like a small piece right in the front here.

MS. LANZETTA: Can you remind me, do we send these plans to the firehouse for review or does the applicant do that to get their input?

MR. HINES: There's been a variety of methods to do that. I would suggest the Town send them so we can track them. I think that's the latest thing. Jen sends them so we have an acknowledgement that they did go out. I think we should wait until we get the more detailed plan. Right now this is kind of schematic.

When you get the topography and the larger scale -- I haven't seen the larger scale drawing yet. Once that's brought up to the requirements, and showing the parking

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requirements, and that would more detail the access, grading. I think Jen is following that up with a transmittal so we know the date that they were sent.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: So you'll get the revised maps including all of the engineer's comments and then come back to us at our next meeting, which is August 7th.

MR. FRANK BOVA: Yup. What time is it?

CHAIRMAN BRAND: I'm sorry?

MR. FRANK BOVA: What time is the meeting on the 7th?

CHAIRMAN BRAND: 7:30.

MR. FRANK BOVA: The ones that are complete, I don't have to worry about them?

CHAIRMAN BRAND: Say it again.

MR. FRANK BOVA: The ones noted as complete I don't have to worry about?

CHAIRMAN BRAND: Correct. So number 1 is taken care of.

MR. HINES: If you get those to your

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consultant, if he has any questions he can give me a call.

MR. FRANK BOVA: Are you Patrick Hines?

MR. HINES: Yes.

MR. FRANK BOVA: Thank you.

(Time notes: 8:42 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of August 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

VINCENT & MORAN

Milton Turnpike
Project No. 17-106
Section 102.2; Block 6; Lots 2, 3 & 4

----- X

SKETCH - LOT LINE

Date: July 17, 2017
Time: 8:42 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

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CHAIRMAN BRAND: Next up, Vincent & Moran, Milton Turnpike, sketch, lot line.

Just give us an overview of what's happening.

MR. MESSINA: Carmen Messina, Surveyor for the applicant, Joanne Vincent.

This is a lot line revision of three lots. Lot number 3 is a piece of property that has no buildings on it, it's vacant land to be given to lots 1 and 2. Lot 1 was 1.04 acres and it will become 2.38. Lot number 2 of 1 acre will become 2.34 acres. Lot 3, which is 24.31 acres, is now 21.6.

CHAIRMAN BRAND: Pat, do you want to go over your comments?

MR. HINES: The bulk table on lot 3, it looks like you have an extra decimal place in there.

MR. MESSINA: Yes.

MR. HINES: We're just stating that all this is doing is extending the rear lot lines back from lot 1 and lot 2 further back into lot 3.

The access easement is going to need to

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be modified. It's shown to come all the way back now where currently the easement terminates at the existing real property lines. It will be extended back, it looks like an additional -- I don't have the footage -- 200 and some feet. 281. We'll need that.

To coordinate, there's the owners of record and each of the tax lots.

MR. MESSINA: I'll put the tax maps.

MR. HINES: Just so we know which section, block and lot goes with which lot. That will clean that up.

It's three lots so it doesn't meet your streamlined lot line requirement. It does require a public hearing. I think it has sufficient information to schedule that at this time.

CHAIRMAN BRAND: Any comments from the Board?

(No response.)

CHAIRMAN BRAND: Okay. So we can go ahead and schedule a public hearing for Vincent and Moran. Your choice, August 7th or August 17th?

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MR. HINES: 21st.

MR. MESSINA: August 7th is fine.

CHAIRMAN BRAND: August 7th, public hearing. So you'll make those changes and be back for the public hearing.

MR. MESSINA: I will send out the letters.

CHAIRMAN BRAND: Get the information from Kathy or Jen if she's back.

MR. MESSINA: Thanks.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:46 p.m.)

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

SMITH SUBDIVISION

Project No. 17-1017
First Street
Section 103.1; Block 4; Lot 47.130

----- X

SKETCH - SUBDIVISION

Date: July 17, 2017
Time: 8:46 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY NATLAND

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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

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CHAIRMAN BRAND: Next up, Smith
Subdivision, sketch.

MR. SAMUELSON: Good evening. Jay
Samuelson, Engineering, Surveying & Properties
here representing the owner, Doug Smith.

This is a 10.8 acre property located
along First Street. We're proposing five new
lots.

I believe this property has been before
you in the past with different applicants that
had looked for six or seven lots in the previous
applications. Mr. Smith is looking to develop
this as a five-lot subdivision and move forward.
We're here with sketch plan tonight to see if
there's anything else we would like to discuss or
look at specifically.

CHAIRMAN BRAND: Pat.

MR. HINES: As Mr. Samuelson said, this
has been before you on several occasions over the
last decade. It had various proposals for town
road extensions, private roadways, a water main
extension. It's now back to probably it's most
basic form of wells and septic on five lots.

You'll see that there are approved

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subsurface sanitary disposal systems that were approved sometime in the past by Ulster County. I think those were done when there was Town water proposed.

MR. SAMUELSON: There was Town water proposed for a couple of the lots at that time, not all of them. Now there is only one lot in the water district. We would like to discuss that with the Health Department as doing a well as there would be significant water main upgrades for one lot.

MR. HINES: We're on board with that. We're also asking that the town water department be involved in those discussions because there is a hydrant right where that driveway is. I'm not sure what it is. I think between the Health Department and the water department, that issue can be resolved.

We are recommending that the Health Department does weigh in on the septic systems since there is now additional wells on the site. I forget the extent. I know there was a water main extension along First Street.

Also previously was a cul-de-sac at the

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end of the paved Town maintained portion of First Street which is where the three lots, 1, 2 and 3, driveways come out. Gael Appler's comments on those driveway locations. It's a busy little spot there and I believe the Lynch lot has a driveway in that vicinity as well. Gael's comments on that should be received.

The lot length to wise ratios, especially as the lot numbers get lower on the site, are rather large. They are conducive to future subdivision, so we're suggesting if the Board finds those lots acceptable, they are kind of flag lots, that a no further subdivision note be added to those. I think that with the layout of well and septic it's probably not possible anyway. Just so we don't see this again in the future with running additional common driveways.

CHAIRMAN BRAND: 1, 2 and 3?

MR. HINES: Yes.

MR. SAMUELSON: We take no objection to that.

MR. HINES: And then future submissions should show the grading, drainage, erosion and sediment control and such.

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I think the next step would be to go to the water department, health department and Gael Appler, to get his comments and generate the more detailed plans that the Board needs.

CHAIRMAN BRAND: Any comments from the Board?

MR. CAUCHI: No.

MR. HINES: Jay, do you know the status? I'm just wondering if there should be a withdrawal of --

MR. SAMUELSON: I believe the prior application was completely withdrawn because there was a conditional approval, there was a bond approved. From what I understand that application has been completely withdrawn. All the fees have been paid. It's off the books. If you need a letter to that effect I can try to get the previous owner to write that letter. I believe the property is under contract to be sold. Doug is not the original owner.

MR. HINES: I think he was the applicant last time.

MR. SAMUELSON: He may have been part of the team. It's now him personally. He bought

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it out personally.

CHAIRMAN BRAND: Go ahead.

MR. KNEETER: May I have drawings of that to the fire department?

CHAIRMAN BRAND: Sure.

MR. KNEETER: We had commented on the last one, Brody Ridge.

MS. LANZETTA: Isn't it required that if you're in the water district that you have to hook up? Just the same as if you're in the sewer district.

MR. BLASS: It's different in every town. It depends on what your water code says, which I don't have with me tonight. Not necessarily. Not necessarily. If you have a code provision that says you must connect if you're in the district, then yes. That's what needs to be checked out. I can check that out and let you know.

CHAIRMAN BRAND: Pat, do you think this requires substantial revisions before the public hearing?

MR. HINES: Yeah. We're not there.

CHAIRMAN BRAND: Got you. We'll see

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you at the August 7th meeting.

MR. SAMUELSON: Yes.

CHAIRMAN BRAND: Thank you.

MR. HINES: It's up to Mr. Samuelson.

MR. SAMUELSON: It's depending when I
can get some answers out of the highway
superintendent. After I get those answers we'll
be back.

CHAIRMAN BRAND: We'll see you when we
see you.

(Time noted: 8:52 p.m.)

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