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

----- X

In the Matter of

ROBERT YOUNG (ESTATE)

Project No. 18-2001
1871 Route 9W, Milton
Section 103.1; Block 1; Lots 28 & 30

----- X

PUBLIC HEARING - LOT LINE

Date: March 19, 2018
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVEN PAULI

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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ROBERT YOUNG (ESTATE)

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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. TRUNCALI: Agenda, Town of Marlborough Planning Board, March 19, 2018. Regular meeting 7:30 p.m. Approval of stenographic minutes for 2/20. Estate of Robert Young, public hearing, lot line; Young's 9W Plymouth, public hearing, site plan; Marlborough Distribution Route 9, LLC, public hearing, site plan; Bayside Mixed Use, public hearing, site plan and subdivision. Next deadline: Friday, March 23rd. Next scheduled meeting: Monday, April 2nd.

CHAIRMAN BRAND: Before we begin I'd like to have a motion for the approval of the stenographic minutes for February 20th.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First up, Robert Young Estate, public hearing, lot line.

MR. TRUNCALI: Legal notice, lot line revision application. Please take notice a public hearing will be heard by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code 134-33 on Monday, March 19, 2018 for the following application: Estate of Robert Young, 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 seeking approval of a lot line revision for lands located at 1871 Route 9W, Milton, New York, Section 103.1, Block 1, Lot 28-30. Any interested parties either for or against this

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ROBERT YOUNG (ESTATE)

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proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

CHAIRMAN BRAND: Do you have the mailings that you sent out?

MR. PAULI: Yes, we do.

CHAIRMAN BRAND: How many did you send out and how many came back?

MR. PAULI: We sent out 27, received 22.

CHAIRMAN BRAND: If you could just give those to the secretary, that would be great.

MS. FLYNN: Those mailings are for both; correct?

MR. PAULI: That is correct, yes. We included both.

MS. FLYNN: Thank you.

CHAIRMAN BRAND: Just so the public is aware, would you like to give a brief rundown of what it is you have proposed?

MR. ALDRICH: It's a lot line revision so I can add more acreage to the car lot -- the car lot display. The frontage that you see where my cars are displayed and where the shale hill is

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that I leveled out, I just want to add that to Young's Motors. It was never added to Young's Motors. It was always a lease. That's all it is.

CHAIRMAN BRAND: This is a public hearing. Any interested parties either for or against the project have the opportunity to speak. If you would please, just state your name for the Stenographer before you begin.

MS. YOUNG: I'm Robin Young. I just have a question about with the property being still in the estate of Robert Young. On the paperwork that I received, some of the property that they're talking about is still in the estate of Robert Young.

MR. ALDRICH: No. The estate was closed.

MS. YOUNG: Not with my paperwork that I received, Jeffrey.

MR. ALDRICH: You're an executor, I'm an executor. It was closed. We signed off on it.

MS. YOUNG: I realize that. I just received paperwork on Monday and it's showing lot

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30 saying the Estate of Robert Young.

MS. FLYNN: That's to keep the two separate --

MS. YOUNG: Right.

MS. FLYNN: -- the site plan and the lot line.

MS. YOUNG: So do they move forward with the lot line --

CHAIRMAN BRAND: This public hearing is for the lot line only at the moment, not the site plan.

MS. YOUNG: That actually has Robert Young's name on it, the Estate of Robert Young.

MR. PAULI: Currently the current deed of record for tax map lot 30 is Mr. Aldrich.

MR. ALDRICH: It's simple.

MR. HINES: The record owner is shown as Young's Motors, Incorporated care of Jeffrey Aldrich, Milton, New York. The previous owner, the estate owned it. Currently the map does depict that Young's Motors is the record owner.

MR. PAULI: That's for tax map lot 30, and then tax map lot 28 is Young's Motors Limited, Incorporated doing business as Young's

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ROBERT YOUNG (ESTATE)

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Motors.

CHAIRMAN BRAND: Anyone else? Mr. Garofalo.

MR. GAROFALO: Looking at the map online I noticed that -- I don't have a problem with what they're doing. I think that's fine. What I do have a problem with is they're showing a piece of property being removed from another piece of property without showing the public and you what's happening on that piece of property that this is being removed off of. I would think that when you file something, a change like this, that they would need to have a survey of that other piece of property that's being reduced in size and that you should see what that is to make sure that they aren't creating a problem for that other lot, whether it be setbacks or access or whatever. Normally you would require the surveys of both of the pieces of property, both the property that's being added to and the other piece of property. So in this case it's probably not a problem but I think that's something that should normally be required when this kind of lot line change is being made.

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The second thing that I'd like to point out -- can I put that up?

MR. PAULI: Certainly.

MR. GAROFALO: This piece is being added and they already own this piece. Now you have this little slip of land in between, which for -- I guess this house has access to Route 9W through, yet it looks like there's actually parking --

MR. ALDRICH: That's a right-of-way. That's what that is.

MR. GAROFALO: It's a right-of-way part way through this whole segment. If you'll look at the map, there's a part that's not covered by the right-of-way. I think ideally you'd want to have a right-of-way connecting those two pieces of property, because in fact I'm sure people are traveling across that even though the right-of-way doesn't cover that whole area. As you can see, where the dashed line is there's a right-of-way here but it doesn't cover that entire strip of the access.

MR. HINES: The Planning Board discussed both of those issues during the review

1 process here. The Board did waive the
2 requirement to survey the large parcel as the
3 majority of it was wetlands, and there's some
4 questionable right-of-ways to the back. Ms.
5 Brooks from Brooks & Brooks discussed that with
6 the Board and the Board did waive the requirement
7 to survey the entire balance parcel based on the
8 size of it.
9

10 As part of our comments we had
11 suggested a cross access right-of-way across the
12 residential lot there because of the kind of
13 mixed use. The applicant stated early on that
14 they would provide that as a condition of
15 approval, a cross access right-of-way across that
16 parcel, which kind of functions as the
17 single-family residence and part of the
18 dealership as it was in common ownership at one
19 time.

20 MR. GAROFALO: I'm glad to hear that.
21 Thank you very much.

22 CHAIRMAN BRAND: Thank you. Anyone
23 else?

24 (No response.)

25 CHAIRMAN BRAND: No. I'd like a motion

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to close the public hearing.

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Thank you. You have
before you what was prepared by Ron Blass, the
SEQRA negative declaration and notice of
determination of non-significance.

Jen, would you please poll the Board?

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

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MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

You also have before you a resolution of approval by the Town of Marlborough Planning Board.

Jen, would you please poll the Board?

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

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MR. CAUCHI: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

So carried.

(Time noted: 7:40 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 30th day of March 2018.

Michelle Conero

MICHELLE CONERO

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ROBERT YOUNG (ESTATE)

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

----- X

In the Matter of

YOUNG's 9W PLYMOUTH

Project No. 18-2002
1871 Route 9W, Milton
Section 103.1; Block 1; Lot 28

----- X

PUBLIC HEARING - SITE PLAN

Date: March 19, 2018
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVEN PAULI

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Next up on the agenda, Young's 9W Plymouth, public hearing, site plan.

MR. TRUNCALI: Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board on Monday, March 19, 2018 for the following application: Young's 9W Plymouth, 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 site plan and special permit approval on lands located at 1871 Route 9W, Milton, New York, Section 103.1, Block 1, Lots 28 and 30. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

CHAIRMAN BRAND: This was kind of a unique situation where you did -- instead of doing one thing you did two separate things. If you want to give the public a brief synopsis of the site plan.

MR. ALDRICH: It's the same parcel. It's just designating the parking lot where the

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car display is as a car display, as a parking lot.

On top of the shale hill there's an overflow, like a storage lot. Customers won't be roaming around up there, they'll be on the blacktop. That's for overflow.

There's no other lights or anything going up. It's just the lot, the same as it always has been.

CHAIRMAN BRAND: This is a public hearing. Any interested parties either for or against have the opportunity to speak at this time. If you do, please state your name for the Stenographer.

Mr. Garofalo.

MR. GAROFALO: From the plans I wasn't sure exactly the square footage of the buildings that are on this property. If it's over 10,000 square feet they're required to have a loading berth, and there are some access requirements that are important. I think it would be better if there was a clear definition on the plans exactly where the accesses are. I think this is a perfect example where the Town has been looking

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for access control along Milton Turnpike, to have defined there exactly where a twenty foot or so access is going to be. I think it's good that they've actually provided a right-of-way for this house to have access off of Milton Turnpike. I think that's a good thing. Now it looks like they're going to be coming in that way and going out onto Route 9. I don't know if that's the best thing in the world. I certainly would have preferred them to be coming in and going out on Milton Turnpike. I think you should take a look at all of the accesses on these -- on this property and have some better definition of exactly where they are.

The same with the parking spaces. As a regulation you're supposed to have 200 square feet per parking space. They're blacktopping a large area. I don't think the regulations differentiate between parking that's being used as storage for new cars or old cars as opposed to general parking. I don't think there's a differentiation. I think these blacktop areas need to be lined and striped and shown exactly what the size of these parking areas are. These

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plans show some areas where they're going to have parking, some they show where the striping is, some of it is on State property, as is the billboard actually on State property, or part of it is on State property. I think those areas should be striped and should meet the Town regulations as far as the aisle widths and the parking space sizes. That's basically my main concerns.

MR. ALDRICH: The parking lot is striped. It will be re-striped in the spring. It is striped.

MR. GAROFALO: From the aerial photo I can see that this is striped. I also can see that there's striping right -- if I can provide this.

CHAIRMAN BRAND: Sure.

MR. GAROFALO: There's striping where this access comes out on the right-of-way over here. This plan says that there's parking here. But again --

MR. ALDRICH: That right-of-way has been in -- that's been a right-of-way since before the curbing was put in. That goes back a

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few decades. You can't drive over the curb.

MR. HINES: The plans have been circulated to both the Ulster County Department of Highway & Bridges as well as New York State Department of Transportation. The Planning Board does expect both of those agencies to weigh in on those comments.

In addition, the Planning Board has requested provisions for pedestrian access be incorporated into the plans along with working with those agencies. At the last meeting the Board discussed pedestrian access actually crossing 9W and Milton Turnpike and to develop a plan related to those.

As far as the striping, I do not concur with Mr. Garofalo's analysis. The inventory parking of the vehicles, typically car dealerships will stack those two and three next to each other. They're not often moved. The size of the parking spaces are more in your ordinance to allow for the flow of vehicles. Those vehicles are more inventory than they are passenger cars. We have in the past allowed many of the not new car lots but used car lots to

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function in that manner. I know the one on 9W that comes to mind was in business for many years before. That parking was structured that way as well. So that's where that is.

It's a little early on in the process. We're waiting for those other agencies. Because of the two projects being before the Board at the same time, we thought it best to have the public hearings coincide. This Board may determine to leave the public hearing open until additional information is provided.

MR. GAROFALO: Based on your comments I would certainly recommend that the Town Board consider a change to the code so that it will be clear that that type of storage is separate from regular vehicular parking because I don't think in the code there's a differentiation. They've been treated that way but I think that should be clarified within the code. I think that would be fair for everyone to understand.

Also, under 155-27 it talks about parking areas being suitably drained and shall be paved with all-weather surface. I think some of this is gravel. Whether you consider that an

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all-weather surface or not, I think that's up to the Board. I will leave that as my final comment. Thank you very much.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

I think I would like to keep the public hearing adjourned until we meet again on this. We can keep it open, adjourn it until the next meeting.

Do I have a motion to do so?

MS. LANZETTA: When is our next meeting?

MR. HINES: Do you want to do it a month from now or your next one?

CHAIRMAN BRAND: So until the second meeting in April. Do I have a motion for that?

MR. TRAPANI: I'll make the motion.

MR. HINES: That would be April 16th.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

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MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Excellent. Thank you. You're all set.

(Time noted: 7:47 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 30th day of March 2018.

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

MARLBORO DISTRIBUTION ROUTE 9 LLC

Project No. 17-1021
1100 Route 9W, Marlboro
Section 108.4; Block 5; Lot 27

----- X

PUBLIC HEARING - SITE PLAN

Date: March 19, 2018
Time: 7:47 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM
GARY KRUPNIK

----- X

MICHELLE L. CONERO
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56 North Plank Road, Suite 1
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CHAIRMAN BRAND: Next up, Marlboro Distribution Route 9 LLC, public hearing, site plan.

MR. TRUNCALI: Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board on Monday, March 19, 2018 for the following application: Marlboro Distribution Route 9 LLC, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a site plan and special permit approvals on lands located at 1100 Route 9W, Marlboro, New York, Section 108.4, Block 5, Lot 27. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

CHAIRMAN BRAND: How many notices did you send out and how many did you get back?

MR. WILLINGHAM: Nine sent, six received.

CHAIRMAN BRAND: Can you give those to

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the secretary?

If you'd like to just give a quick overview before we get started with the public hearing.

MR. WILLINGHAM: Sure. A little bit about the property. It's a 7.8 acre property located on 9W, a half a mile south of the Village of Marlboro. It was previously used as a landscape yard. There are no real known features on it.

There's an existing septic system on it, an existing well.

I'm going to let the owner talk a little bit about the project.

MR. KRUPNIK: Good evening, ladies and gentlemen of the Board. My name is Gary Krupnik, I'm representing the LLC as the contract vendee of this property.

The facility is about 40,000 square feet of which there is 1,000 square foot of office. We have a sprinkler system in the building. It's within the height restriction, 35 feet or so. It conforms in every respect, setback and location.

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There's some outside storage. It's on the north end of the property. It's completely screened by the building itself and well set back off the road.

The existing driveway cut is a DOT approved driveway cut. It was approved over fifteen years or so ago for the prior user. It's still valid according to our contacts with the DOT. They did request some truck movement numbers from us for the property. We have the document sheets from logistics and it moves about 125 vehicles combined a month. It comes down to, in a six-day work week, a little over five vehicles per day.

It's a high storage warehouse. Pods go in, they're stored for extended periods of time and go back out again to people's houses and then picked back up again, bring them back to the facility.

The building itself is a steel and concrete block structure. It looks like this. This is also a good -- gives you a good idea of the different materials that are being used in the building. The corner of the building, which

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you'll see on Route 9, is made to look like a Pod. It's just white painted metal and it has the Pod label on it. That's the office. The concrete block that's used has a wainscot around the base, various materials and sizes, white and gray.

Pods are a national company based out of Florida. They're multi-national. They're in Canada and Europe. It's an American owned company. It was a franchise operation at one time. Corporate has been buying back all the franchise operations. Pod was one of the ones like this one here, in Marlboro, which is existing now for probably over ten years. It's location has long outgrown itself. That's the reason for the expansion.

CHAIRMAN BRAND: Thank you.

MR. KRUPNIK: Any questions?

CHAIRMAN BRAND: If you could just state your name for the Stenographer first.

MS. HERBST: Bridget Herbst. If people could turn on the microphones so we can hear all that's going on. I can't hear it.

CHAIRMAN BRAND: We have the

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microphones on. I apologize if you're unable to hear us. They are on.

She didn't hear what you said with your presentation. I don't think we're going to go through it again. I think we're good.

Any other questions from the public?

(No response.)

CHAIRMAN BRAND: Nothing at all?

Okay. Yes.

MS. MASEY: Sheila Masey. I just have a question. I know you were talking about the interior of it. Could you just say again the colors of the building?

MR. KRUPNIK: They're all earth tones. It's a Dura-Line metal. That's the main body of it. It's offset by the off white. Red is their corporate color. The only place you'll see that is on the awning. The building itself is faced with the darker color and then it bleeds into the lighter color grays. It's either beiges and browns or grays and blacks. It's all neutral.

MR. KIERSTEAD: Is the roof flat?

MR. KRUPNIK: The roof is not flat but you would not be able to tell that from Route 9.

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It's a gabled roof that's bordered by a square parapet on the front, which is what you're looking at. It will not look like a barn building.

MR. HINES: Sir, we need your name for the Stenographer.

MR. KIERSTEAD: I'm sorry. Matt Kierstead.

MS. HERBST: The front of where it meets the road, there's a fence now.

MR. KRUPNIK: Correct. That will remain.

MS. HERBST: Is that going to remain there?

MR. KRUPNIK: It will be cleaned up and it will remain.

MR. HINES: There's also additional landscape planting proposed along the northern property line to provide additional screening for the storage.

MR. KRUPNIK: The gate will remain there as well. When they're not operating, off hours, weekends, Sundays, the gate will be closed.

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CHAIRMAN BRAND: Any other questions or comments?

(No response.)

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

MR. CLARKE: I'll make a motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

You have before you prepared by the attorney the SEQRA negative declaration and notice of determination of non-significance for this project. We also have the short form environmental assessment form.

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Jen, will you poll the Board for those two items?

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

You also have before you a resolution prepared by the attorney for this project. Just to make note, it does include stipulations that one of the conditions is that it meets all the DOT requirements. So whatever is worked out with the DOT, you'll be required to meet those conditions.

MR. HINES: There is also a requirement

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that they obtain the County Health Department approval for the relocated septic system.

We did receive a Local determination and no comments from County Planning. They were generally okay with the plan.

CHAIRMAN BRAND: Anything else on that, Ron?

MR. BLASS: No.

CHAIRMAN BRAND: Jen, would you poll the Board?

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

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Thank you.

MR. KRUPNIK: Thank you.

MR. WILLINGHAM: Thank you.

(Time noted: 7:56 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 30th day of March 2018.

Michelle Conero

MICHELLE CONERO

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MARLBORO DISTRICT ROUTE 9 LLC

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

----- X
In the Matter of

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

----- X

PUBLIC HEARING - SUBDIVISION & SITE PLAN

Date: March 19, 2018
Time: 7:57 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: JASON DATES

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: Next up, Bayside Mixed Use, public hearing.

MR. TRUNCALI: Legal notice, commercial site plan application. Please take notice a public hearing will be heard by the Marlborough Planning Board on Monday, March 19, 2018 for the following application: Bayside Mixed Use, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for site plan approval on lands located at 18 Birdsall Avenue, Marlboro, New York, Section 109.1, Block 4, Lot 29. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

MR. DATES: Good evening.

CHAIRMAN BRAND: Mailings, how many were sent out and how many were returned?

MR. DATES: We sent out 104, 85 were returned, 16 not returned and 3 undeliverable.

CHAIRMAN BRAND: Could you please provide those to the secretary?

If you would, just give a brief

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overview of the project at hand.

MR. DATES: I'm here to present the Bayside Mixed Use project. The site itself is an existing single tax parcel, 25.3 acres in size. It's located in the Town's R-1 zoning district.

On the map, north is straight up the page. The lot has frontages at various spots along Purdy Avenue. It also has frontage to the east on Route 9W, and the Marlboro Middle School is the south -- the parcel to the south of the project site.

So again, it's 25.3 acres in size. On the west we do have about 7.4 acres of Army Corp wetlands which are remaining and won't be touched.

The proposed project, as I mentioned, is mixed use. Our main access will be a roadway off of Route 9W. It's aligned with Young Avenue, so there will be improvements to that traffic light. We'll have a one-way in and two-way out, three lanes at the end of that intersection, and that will bring us up into the project site. The first 750 feet or so of that roadway is proposed to be a Town road. That's this kind of orange

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shaded area here. The right-of-way would end here and then the remaining driveways would go into the residential development of the site. They would all be privately owned and maintained.

The residential development is at the top of the site here. We're looking to do 104 units, 84 two-bedroom units and 20 three-bedroom units. That's comprised in five buildings. These larger buildings around the outside are all two story. They have first floor units and second floor units. There's 24 units in each of those buildings, structures. The center building, number 5, has 8 residential units and then a clubhouse attached. So there's meeting space for the community itself.

We have parking that basically flanks all the buildings on the interior here with some on the outside to the north there. We're providing 224 spaces on site, that's two per unit, and then we have 16 that could be utilized for visitors and for the clubhouse. That meets -- exceeds, actually, the Town Code. So again, all the roadways, parking, that's all privately owned and maintained.

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We have an emergency access that's gated. It would go to Purdy. It would be only access for emergency services to use that. That's not used on a daily basis. All the traffic will be routed out to 9W.

We also have -- in the back here we have a stormwater management area which would have also a gated access just for maintenance as well. Not a daily driveway by any means to Purdy.

The buildings, as I mentioned, are two story. I have some renderings. I believe the Board has these. Here's an elevation of one of the buildings. There's a mixture of facade treatments, two different styles of vinyl siding, your typical horizontal then also a cedar shake look for accents. We have stone veneer over various parts of the front facade. We have asphalt architectural shingles. We have a split seam -- a standing seam metal roof over the access points of the building. Then in the center of these here is a small little porch area, so sliding glass doors for that. There's two color combinations that we provided. This

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one is a forest green and like a beige, that would be buildings 1 and 3, and then 2 and 4 have that same kind of beige accent with a brown. Again, the same type of facade treatments on that, the same colors. The center building, number 5, would have these combined.

I have another rendering. This is building 1. So you're coming -- if you were standing right about here, right about where the turnaround area is, it's looking kind of uphill. That's what that would look like. So that's the residential development.

We're also proposing a lot, 2.3 acres, down on Route 9W for a future commercial development. We've shown on the plans to date a 12,600 square foot two-story building on that lot. We are seeking to have the business corridor overlay zone placed on that. That's a process we're going through with the Board and the Town Board.

Then we have about a 1.2 acre site over here, a lot, that right now is vacant and will remain vacant. It's in the applicant's ownership but there's no proposed development for that.

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Along with our main access road here we had proposed some improvements for the Marlboro Middle School. We've implemented two driveways. So again, if you're traveling north or south on 9W you could come into the site and it would allow access. Here's a two-way driveway into the Marlboro Middle School and then a one-way driveway out -- back out onto the proposed road and down to 9W. So the applicant is building those coordinations, driveways for the school.

He's also looking to build some additional paved areas along that existing driveway that goes down to 9W. So all together it's picking up about 28 parking spaces. He's building that for the school as part of this application.

CHAIRMAN BRAND: I know many of the questions that I've gotten from members of the public included the phasing of construction as well as the landscape and buffering of the surrounding properties. Maybe you could address that and you could answer some questions before they're asked.

MR. DATES: Sure. So phasing. The

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first phase is really we need to get our roadway in from 9W, we need to get up into the site, and then we're looking to do building 1. In combination with that we also need to do our stormwater management facilities, the one on the west and also one down on the east side here on 9W. Water, sewer will need to be brought up into the site. Right now it's about 8.2 acres that would need to be cleared and opened up, and that's where the first phase of work would be.

Then as you go through the project, building 2 would be phase 2, building 3 is phase 3, phase 4 would then be building 4 and that center piece. So again, as we progress through the project we'd be pulling the utilities to each of those buildings, connecting up. Then phase 5 would be the commercial development. Again, we don't have any tenants identified at this point. By that time hopefully that's the case and we're going to improve that site as well.

MR. HINES: That phasing is actually the construction phasing, it's not a true phasing where the other units won't be constructed. This is one site plan. All the development is going

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to have to be completed by the applicant. It's not a true phase, it's more of a construction sequence, how you just explained.

MR. DATES: So for the landscape question, these darker shaded areas are existing vegetation that's to remain on the site. So again, you can see, as I mentioned before, the wetlands on the west side of the site, that whole area is staying. Then along the perimeter we've been able to save some of the existing vegetation to supplement that which we do have, evergreen screened plantings, White Pines, Norway Spruce that go around the perimeter. Even at those areas where we do have existing vegetation, again it's for the leaf-off screening situation. And then also there's some mixed deciduous trees within that buffer as well.

CHAIRMAN BRAND: Thank you.

This is a public hearing. I did hear from local historian Matthew Kierstead, so I'll allow him to go first. If you'd approach the podium for me, please.

MR. HINES: Chris, it may be important to inform the public that this was subject to a

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full environmental review, a draft environmental impact statement, a final environmental impact statement and findings that were adopted with the Town Board as the lead agency, and the Planning Board and other agencies participated. The environmental issues have been fully vetted previous to this site plan process that we're in now.

CHAIRMAN BRAND: Thank you.

MR. KIERSTEAD: I'm Matt Kierstead, I'm on the Marlborough -- the Hamlet Economic Development Committee, I chair the Trail Committee. One of our goals is to improve hamlet businesses and business visitation by promoting recreational trails and also community agricultural and industrial history. I am a historic preservationist. I don't oppose the project. I can't speak for the whole committee but I think it's great that we're getting some residential density that's in the hamlet.

I want to talk a little bit about Camp Young which was the historical use for the property. The proposed Bayside project is located on the former site of World War I era

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2 Camp Young. With U.S. involvement in World War
3 I, shortages of young men on the farms led to
4 nationwide shortages of food. This is just one
5 page long. Several U.S. Government programs were
6 formed to train young men and women to work on
7 farms. These programs included the 1918 U.S.
8 Labor Department's Women's Land Army, or
9 farmerettes, sort of a World War I agricultural
10 Rosie the Riveter program, employing 20,000 women
11 nationwide. The program had organizational roots
12 in New York with the first being in Bedford.
13 There were 42 units in New York, one based at
14 Vassar College in Poughkeepsie, and that one
15 associated with Marlboro's Camp Young. Young men
16 and women were trained at Camp Young and worked
17 on our local farms and also the Hudson River and
18 railroad shipping facilities. Local farmer Chip
19 Kent who is here tonight told me his family hired
20 farmerettes who were bussed to Milton from Camp
21 Young.

22 Through the proposed Bayside
23 development environmental process, which this
24 gentleman is correct is done, the entire Bayside/
25 Camp Young site has been determined eligible for

1 listing in the National Register of Historic
2 Places by the New York Office of Preservation,
3 Recreational -- Office of Parks, Recreation &
4 Historical Preservation. Sorry. That acronym is
5 always a tongue twister for me. They're the
6 State Historic Preservation Office, SHPO, the
7 review agency. They found it significant for
8 it's associations with the Young family who
9 developed Marlboro's famous (inaudible) raspberry
10 in the 1830s for the farmerettes movement and for
11 the construction style of one surviving building,
12 the farmerettes dormitory. I think Chris has
13 photographs of that. This building was
14 determined individually eligible for National
15 Register listing.
16

17 The farmerette's dorm was built using
18 architectural plans developed by the U.S.
19 Military training commission. This unusual
20 military multi-use building type had horizontal
21 ventilation louvers for sleeping comfort and
22 shading, and was also designed for agricultural
23 use after it's World War I role. This building
24 was indeed used for many, many years after and
25 survived and is in good condition, unlike the

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other buildings on the site.

I've documented historical military buildings in my preservation career and I believe we have an unusual and rare survivor here. Unusual for it's early associations with a new deal federal program predating the 1930s WPA school buildings, one of which we are in by about twenty years. It's likely rare for the scarcity, the number of similar survivors. I would not be surprised if it's one of only a handful that survived in New York or even the U.S. today.

Now in 2018 our example of a farm cadet quarters building is having it's 100 year anniversary. The building is slated for demolition. I think it deserves some love. New York SHPO required the developer to have CBRE complete, a New York State level historic structure documentation, to mitigate the impacts of demolition. Most of what I'm saying is I'm quoting from their work. A copy of this is at our public library.

The developer has thus fulfilled their legal obligations to mitigate project impacts to the Camp Young historical resources.

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I'm here tonight to ask if the Town might ask the developer for a little more, for some additional preservation or mitigation for the farmerette's dormitory. Marlboro prides itself on it's agricultural heritage, and the Women's Land Army is a fascinating and appealing part of our local agricultural history that I think needs to be interpreted and shared with the public.

So I have some asks. May I suggest that the Town consider asking the developer to consider the following: These are -- you know, you aim high, so these are sort of in an order here. The first one would be typically with a -- a community with a demolition delay bylaw would ask the developer to do a historical property. Move the farmerette's dorm building to another Marlboro location for use as a Marlboro agri-tourism center, welcome center and agricultural museum. Two, preserving the building in it's current location for that use. If you were to draw an X across this property, the building is like dead center. Three, moving the building to another location on site, accessible and visible

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from Route 9W for that use. Four, delaying demolition and allowing the Town and/or a local citizens group to move the building off site for that use. And talking to Chip, he thought maybe we could find a home for it. I think it's a matter of manpower and willpower. If all of the above are not prudent or feasible, allowing the Town and/or the Historical Society access if they wish for further documentation and/or salvage of architectural elements or machinery prior to demolition. Five, if the building must be demolished, modifying the site plan to include some kind of public access to open space. For instance, a pocket park or a trail. That would include the last item, number six, providing some kind of creative mitigation, educational mitigation, interpretive public history materials, including safety accessible on-site or off-site interpretive panels, publications, website content and the like. Thank you.

CHAIRMAN BRAND: Thank you.

MR. KIERSTEAD: Great book all about that program.

CHAIRMAN BRAND: You also provided us

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with copies of the CBRE?

MR. KIERSTEAD: The portion of it that deals with this building specifically. They did every other building on site, wells, cisterns. It's very thorough. That's the short part of it that deals with the building in question.

CHAIRMAN BRAND: Thank you. We will add that to the file.

MR. KIERSTEAD: Thank you.

CHAIRMAN BRAND: This is a public hearing. If you are here to speak either for or against, please state your name clearly. If you'd like to use the podium you may. If not, just try and be clear from your seat.

Mr. Garofalo.

MR. GAROFALO: Thank you very much. If I run over my three minutes please tell me and I'd be glad to yield the floor to somebody else, hoping with the opportunity to come back and finish all that I have to say.

I will say that I did offer to the applicant to sit down with him to go over various items. He declined and asked me to come to the public hearing, so here I am.

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I want to praise the applicant's professionals for using the word accessible and ADA reserved in most cases. However, on sheet 18 under parking stall signing, they're still using the word handicap sign. That's not used under ADA and I hope it will be replaced on future drawings.

I also want to praise the applicant for removing the on-street parking. This is one thing that I have been asking them to do from the very inception of this project because of the interference that it would cause to the Young Avenue/Route 9W traffic light and traffic control there. I'm glad to see that they've removed that. I certainly would like to see even more in the sense that there be no stopping at any time on both sides of the road to keep people from pulling over and standing, or parking, or just stopping there and causing problems to the traffic.

Also I'd like to praise the applicant for extending the sidewalk along Route 9W to Purdy Avenue, however there what I would suggest is consideration of moving the sidewalk far back

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off enough of Route 9W to allow the potential for a future left-turn lane on Purdy Avenue and a bike lane in that area. I'm not asking them to build any of this, I'm just asking that it be moved back to allow sufficient space so that this can be done without having to tear up a perfectly good sidewalk somewhere down the line.

Under section 155-31 G-17(B)(D) it discusses native plantings. I did not see anything in their drawings about what is and what is not a native plant. I think for the Board's understanding these things should be documented on plans. Is this native, is it not. If it's not, is there an alternative that can suffice and do the same. There's been no discussion of specimen trees. I don't know if there are any on the property. I can't say that I've ever been on the property to look. That's something that I'm not sure it's ever been looked into.

CHAIRMAN BRAND: That's your three minutes. Finish your thought.

MR. GAROFALO: Would you like to have somebody else come up?

CHAIRMAN BRAND: Finish your thought.

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MR. GAROFALO: That thought is done. I'm ready to go to the next thought, so I can turn it over and somebody else can go.

CHAIRMAN BRAND: Thank you. I appreciate it.

MR. GAROFALO: You're welcome.

CHAIRMAN BRAND: Anyone else for or against the project? Yes. Please state your name.

MR. WITHEROW: Good evening. Patrick Witherow here on behalf of the Marlborough Central School District.

We just wanted to come and speak in support of the project. We're working with the applicant and the developer for the site improvements that were mentioned previously.

Last Thursday night at our Board of Education the board adopted the SEQRA resolution declaring themselves as lead agency. According to our legal counsel, we're required to go through the SEQRA process prior to taking any action on accepting the proposed work to be done at the middle school, but we are within that process of determining the SEQRA determination.

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We see significant potential improvements to the traffic flow at the middle school. Currently because of the land situation, we've run into some issues with concern about student safety in the morning and the afternoon during parent pick up and drop off. We currently have parents dropping off behind where the buses are situated and we have students walk between the buses to enter the building which creates a bit of a safety concern with limited visibility in the buses. We believe the proposed improvements will significantly reduce if not eliminate the intermingling of the parent drop off traffic with bus traffic, and also work to eliminate the cut through which typically occurs at that property where people cut through to kind of take a shortcut down to 9W.

From the district's perspective we're in the process of working to accept the improvements that are proposed and we are in support of the project. Thank you.

MR. TRUNCALI: Patrick, while you're up there -- while you're both up there, I thought at one time there was talk of more parking for the

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school, possibly on that triangle piece that was down by the road. Was that offered to the school?

MR. WITHEROW: We were interested in a piece that was up on the top of the property but that was not feasible in the design of the development. We do feel with the expansion of the parking down on the road to 9W, it would be primarily event type parking so when we had a play or a chorus or musical we would have that additional parking. It's a slope down there. We wouldn't expect that to be used on a daily basis. We do feel that there are significant improvements to the property.

CHAIRMAN BRAND: Thank you. Anyone else? Ms. Mannese.

MS. MANNESE: I just have a question with regard to the traffic. I'm trying to understand, 104 units and about 300 cars. In regards to adults, two adults, one child, a teenager, that's 300 cars coming through. Right now you go down 9W and you can't get -- you're just jammed right up. Now there's another project on the other side that has gone away, but

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what happens if that gets put back on the table, because it's a project that could happen? So has that been thought about? What's the impact of that plus this to 9W?

CHAIRMAN BRAND: Did you want to address that, Justin?

MR. DATES: We did go through a full traffic analysis on the site -- we did go through a full traffic analysis. That was through the EIS process which was reviewed by both the New York State DOT and the Town's consultants as well. We did address the concerns from both sides. As I mentioned, DOT being the jurisdictional agency that runs Route 9W basically, we have addressed some of their comments. They've conceptually approved the layout of our -- of the intersection, our traffic counts and what not to date, and we're working on the permit drawings and permit process to make that happen.

MS. MANNESE: My question is if the other project is back onto the table, not only yours but to couple that, what's going to be the impact? That was something that was just

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recently being talked about. Did they do the paperwork? What could be the potential of that property being built? I'm not saying for or against, I'm just looking at the impact of what it's going to do to 9W and then the trickle effect of the aesthetics of what's going to happen to our corridor. It's very important to us that we keep sort of the feel here, so not only the impact of the traffic and jamming up but overall what it can lead to down the line.

MR. DATES: As part of the traffic analysis there is a percentage -- I'm not a traffic engineer. They do calculate growth into the study as well. It's not necessarily on a per project basis but they do take into account future expansion or growth of the area on a year-to-year basis. That's built into the projections of traffic within the study of the corridor there.

MS. MANNESE: I'm not sure if that quite answered the question. I understand what you're saying. Pertaining to us here, we know what is available for growth and what -- if it all happens how it's going to be impacted, this

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is being addressed today but that can be addressed tomorrow. I'm just saying to look at the big picture of what constantly happens there to the traffic.

I have another safety wise. This is right next to the middle school. You're putting 104 apartments there. Double it up and you're bringing 300 people. A lot of safety issues, a lot of things happening in schools today. Police officers, we're all hearing about it. How is it going to affect the school and what's being put in place for safety issues? This is very close to the school.

CHAIRMAN BRAND: Do you want to address that?

MR. DATES: Do you want me to give you numbers?

MR. CLARKE: From the school.

MR. DATES: Okay.

CHAIRMAN BRAND: I don't think she was questioning traffic. Just in general.

You're more referring to who is living there next to the middle school.

MS. MANNESE: It was twofold. I was

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asking about the traffic because of the fact that you have another potential development and how the two -- if the other one comes back on the table, and it was just on the table, and I don't know how much information you already had, what could be possibly built there, how many cars would that bring to 9W. Isn't it just like almost opposite? It's going to happen in that section. How is it going to handle it?

MR. HINES: The other project that's being referred to I believe is the former Dockside project. That project has been completely withdrawn from any applications. It is not before this Board. If that project comes back it will have to most likely go through the same environmental review process that this project went through, and that would require a new traffic analysis at which time some components of this project or the entire project may be developed. Right now before the Board is this project and that other project has been withdrawn by letter from the sponsor. There is no active application before the Board for the project that was previously in the quarry across

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the street.

MS. MANNESE: I understand it's been withdrawn. What happens if it comes back on is my question?

MR. HINES: If it comes back on it's going to have to do the same level of traffic analysis, or more detailed, as this one. At that time whoever the lead agency is under SEQRA will review it as well as the agencies having jurisdiction, the DOT and any other traffic agency in the area. That will have to be re-studied with this project in the mix then, along with any other background traffic or changes that occur in between now and when that project or if that project ever comes back before the Board.

MS. MANNESE: My second question was safety. What's happening now, it being so close to the school and near kids? That's a lot of people. I'm not saying -- I'm just saying the safety issue. You have kids that are right there at the school. You know, the possibility of having so many people so close to this and what's going to be put in place. My concern is that

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impacting the school and the school then having to hire more people to protect the school and the whole trickle effect. I just want to put that out there.

MS. LANZETTA: Could you speak a little bit -- maybe if you spoke a little bit about the demographics and the likelihood of people who inhabit these units, you know, what are they going to be there, are they -- do they tend to be working. Let's talk a little bit about that.

MR. DATES: It's apartment units so the demographics are going to be those that will be able to afford the rental prices. There's nothing specific that we corner demographically. It's two-bedroom, three-bedroom units. The two bedrooms are going to be plus or minus 1,000 square feet. The three bedrooms, plus or minus 1,200 square feet.

Safety from that standpoint, it is next to the school. The representative of the school just talked about how it will improve on-site circulation and things of that nature, how they can manage their safety better by some of the improvements that this project is instituting.

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We have sidewalks throughout the site, so you have pedestrian safety, things of that nature, crosswalks. Everything down by the school here, it's a controlled intersection and crosswalks.

The school has talked about gating these driveways so it's not used as a cut through to get to the light. I guess those are just some of the things.

CHAIRMAN BRAND: Please state your name.

MR. MONTEFERRO: Mateo Monteferro. I think the safety issue is who are we letting in there. Bottom line, are we putting in Section 8 people? Is it qualified for certain -- how is it -- it's not only the safety of the kids, it's the safety of the community itself. We have Mr. Schaffer that's ten feet away from the place. What kind of crime is this going to bring in? Are we bringing in Section 8 people, you know? We'd like to know what kind of people are going in there.

CHAIRMAN BRAND: Thank you. Yes.

MS. LYONS: Good evening. My name is

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Bonnie Lyons, I am representing myself and my mother Rosemary Lyons, owners of 23 and 25 Young Avenue in Marlboro.

We are here to raise our concern that the proposed project will interfere with our deeded right to access water from the property Bayside construction intends to develop. From the company's final site plan dated 9/22 of 2017 it appears that the project may interfere significantly with this deeded right. We have copies of the relevant deeds for the Board to review. These contain a detailed description of the relevant water supply and surrounding land and structures as well as various restrictions regarding construction in the area.

We would also like to state for the record that we did not receive a certified letter informing us of this meeting. Thank you.

CHAIRMAN BRAND: If you have those documentations, if you want to give those to the secretary, that would be great.

Please state your name for the record.

MR. HERBST: Peter Herbst, I live up on Prospect Street. Just looking at the whole

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thing, one question just comes to my mind. Why that spot for that project? There's a school next to them. There's a school across the street. You've got the busiest road in the world, that's 9W. Why would anybody buy that property with the problems that are apparent? I can't understand it. There's got to be more property in Marlboro than this piece of land. It just seems ridiculous to go through this whole thing so you can put five apartments up there -- five buildings up there. It doesn't seem like it makes any sense. There's a lot of land for sale with no problems. This is going to be a problem. It's going to be a big problem before it's over with.

Another thing, schools. How many -- what's the impact on the schools? How many people do you think -- kids are going to go to school? Any idea?

MR. DATES: That was one of the items in the EIS. We account for the generation of 20 school-age children from the project.

MR. HERBST: Three-bedroom apartments and two-bedroom apartments. 20 kids?

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MR. DATES: That's correct.

MR. HERBST: Who would have a three-bedroom apartment without a couple of kids? Even a two-bedroom apartment. 20 kids? I think you're figuring a little low. I guess you -- you must feel I'm against this.

CHAIRMAN BRAND: We appreciate your participation. Thank you.

Anyone else before I let doubles go?

MS. HOEY: Eileen Hoey. I live on Purdy Avenue. I've got a question. There's going to be two entrances on Purdy Avenue? There was always one. Now there's two?

MR. DATES: There's two --

MS. HOEY: When did it change?

MR. DATES: -- access driveways.

MS. HOEY: When did it change?

MR. DATES: This has been on the plan over a year now. So we have the emergency access here, which is --

MS. HOEY: That's my concern.

MR. DATES: It's gated. It's not a driveway. We also have one down here for access to the stormwater maintenance which is going to

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be used maybe a couple times a year.

MS. HOEY: How do you access this?

There's a lot of wetland here.

MR. DATES: That's correct.

MS. HOEY: There's wetland here.

MR. DATES: So this area here that has the hatches on it, that's the area here we're not disturbing.

MS. HOEY: Is this the building that the gentleman was talking about?

MR. DATES: No. This is the traffic.

MS. HOEY: That's the traffic?

CHAIRMAN BRAND: The building is probably right in the middle where the clubhouse is, approximately.

MR. DATES: The farm -- that's here in the center.

MS. HOEY: There's a drain here. It's right in front of my property. What happens to the water that comes east and west and drains right there?

MR. DATES: There's actually a culvert that crosses right here that comes into our site. So we need to -- we pick that up and we swale

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that around our project. So we're not doing anything to the existing Purdy roadway or the drainage. That actually comes onto our site.

MS. HOEY: And this will be closed?

MR. DATES: It's gated.

MS. HOEY: What kind of a gate?

Aesthetics appeal to me, so humor me.

MR. DATES: Right now we do have a bollard and chain that would go across that driveway. It would have a lock on it that the fire department would have a key or access to only, or Town representatives. It's not a full access driveway. It's only to be used by emergency services or the Town.

MS. HOEY: But the children who live here can walk that and play on Purdy Avenue?

MR. DATES: The County and actually --

MS. HOEY: I'd like it to be a little more difficult for them because I just don't think it's a good place for the kids. That is really -- right there there's a dip.

MR. DATES: Correct.

MS. HOEY: Animals get killed there all the time. Kids are out there, the parents are

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hollering get out of the road. They're going to get killed. And then you're going to have kids coming out here. They will. Kids are kids.

MR. DATES: Sure.

MS. HOEY: They're going to be coming out here and they're going to be playing. There's a dip there and there's water. I hope you can address that water issue because I've been there thirty years and I never -- it took me that long to get a drain. It's all puddled. You get a big puddle of water out there. So there's got to be better drainage.

MR. DATES: This is in your front yard?

MS. HOEY: No. In the road.

MR. DATES: In the road?

MS. HOEY: If we get substantial rain it goes up to the road. So I'm just thinking with all the construction and all the mass movement of earth, that's going -- I'm just advance warning you that would be an issue. I would be complaining.

MR. DATES: Okay.

CHAIRMAN BRAND: Just so that you know, one of the suggestions was also to include the

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possibility of a pedestrian thoroughfare there as well with sidewalks. The applicant stated that that would benefit the people on Purdy Avenue to walk through, to be able to go through and down to the sidewalk. It's not in the plan at this moment but that was something that was brought up.

MR. DATES: It was supported by the County and the Board.

MS. HOEY: It's not supported by me. I prefer this buffer. Do you know what the distance is, the buffer?

MR. DATES: Yeah.

MS. HOEY: I'm sorry I'm taking so much time.

MR. DATES: So from the property line, which in this particular location is right along the edge of Purdy Avenue, it is 75 feet to this line right here. That's basically where our parking lot is. So there's that 75 foot line. We are fully planting out an evergreen vegetative screen throughout that whole area.

MS. HOEY: And that will come around here? That's what this represents?

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MR. DATES: That's correct.

MS. HOEY: What about this?

MR. DATES: That's all existing
vegetation that will remain.

MS. HOEY: Okay. Do you know what the
distance is here?

MR. DATES: About 60 feet.

CHAIRMAN BRAND: I think there's a
minimum of 75 feet from every building to every
adjacent property.

MR. DATES: That's correct. The front,
side and rear setback for multiple homes is 75
feet from the parking lot.

MS. HOEY: So are we going to be able
to see or is this forest vegetation? Are we
going to be able to see these buildings?

MR. DATES: Yes. Some of them will be
seen. I mentioned we are doing a full evergreen
hedgerow basically. That will take some time to
grow in. It will grow in at 7 feet tall.

MS. HOEY: The existing trees are all
coming down?

MR. DATES: Yes. Except for these
darker areas where. Those are pockets of

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existing vegetation that we're going to keep.

MS. HOEY: Okay. Thank you.

CHAIRMAN BRAND: Thank you. Anyone else? Mr. Schaffer.

MR. SCHAFFER: David Schaffer. Could I look at something on the map --

CHAIRMAN BRAND: Sure.

MR. SCHAFFER: -- and ask you a couple questions? 185 bedrooms?

MR. DATES: The total bedrooms are 228. 228 bedrooms. There's 85 two-bedroom and 20 three-bedroom.

MR. SCHAFFER: How do we square this 20 student number?

MR. DATES: Basically we've -- we met with the County at a gateway meeting. We talked about current student rate to this type of unit type. We also looked at some other residential developments. That's how we came up with the calculation.

MR. SCHAFFER: That's a lot of kids. One more question. Where do the kids get off the bus here?

MR. DATES: I'm sorry?

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MR. SCHAFFER: Where do the kids get off the bus to go to school?

MR. DATES: The middle school?

MR. SCHAFFER: Yeah.

MR. DATES: It's on the middle school property.

MR. SCHAFFER: Where do they get off the bus?

MR. DATES: The middle school? I imagine they walk.

MR. SCHAFFER: The bus can pull right up here. Where is all this traffic coming out?

MR. DATES: It comes down through here.

MR. SCHAFFER: The same spot; right? I'm not seeing that would be a good idea. You have all the traffic running right by.

MR. DATES: This is all -- how the traffic comes out of the school onto this road is also controlled by the school.

CHAIRMAN BRAND: Thank you. Yes. Please state your name for the Stenographer.

MS. HERBST: Bridget Herbst. I have a question. The paperwork I got had 18 Birdsall Avenue. I've been up and down, I've lived there

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thirty years on Prospect and I've never seen 18
Birdsall Avenue. I've looked all over for it.

Are you going to be having the buses
come in from Birdsall Avenue up into the school,
because it's already a disaster area? You can't
get out of Birdsall any time from a quarter after
2 to about 6 at night and get on 9W and head
north. It's impossible. According to this
paperwork, it said one or two cars coming in,
except when there's fifteen backed up. When you
come up that hill at the time the buses are going
in, there are so many cars parked on that curve
and that very often will pull into the school
right in front of you despite the people on
Birdsall having the right of way. It's very,
very dangerous.

There's no way you can convince me that
you're going to put 104 units and have 20 kids
coming out of it. It's laughable. You know, I
mean I don't know where they got their figures
and I don't think they did a good job. Maybe we
should have somebody else check the figures about
the number of children and the traffic that comes
up 9W because at 8 o'clock in the morning I can't

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head north on 9W from Birdsall, and the same is true from 2:15 to 6 o'clock when people are coming north and south going home from work to either Poughkeepsie or Newburgh, you can't get out of Birdsall.

CHAIRMAN BRAND: Mr. Witherow volunteered to answer your question regarding buses.

MR. WITHEROW: So we actually see this as going to improve the traffic issue. We're well aware of the issues with the buses stacking on Birdsall. Earlier in the year we made a change to our dismissal procedure at the middle school. We used to have 20 buses that would pick the kids up, they would go from the middle school to the high school, pick up the high school and then go on their routes. We did make a change where we stage half the buses at the high school. So we only have 10 buses pick up at the middle school. Those 10 buses shuttle all the kids to the high school where they then transfer to the other buses, the kids who have to make a change onto another bus. We've done that because we are aware of the buses creating congestion on

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Birdsall.

Our understanding is when this project is done, pedestrian, vehicle, parent traffic would not be entering the district's property through Birdsall. They would come up through the new driveway that would be off of 9W. So the only traffic that would be picking students up or dropping students off at the middle school would be buses coming through Birdsall onto the middle school property, then exiting through the new driveway, and all parent traffic coming from 9W up the new driveway into the middle school property then circulating back out through the new driveway. So it should actually significantly reduce traffic on Birdsall.

CHAIRMAN BRAND: Thank you.

Anyone that has not had an opportunity to speak yet before I go to repeats?

Ms. Jungst.

MS. JUNGST: I'm Joanne Jungst, I live on Purdy Avenue. Pretty much I only want to make a comment that in the papers that you pull off the internet, the project benefits. I don't call it benefits, I call it a bribe. The Town is

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going to get \$20,000 and the school is going to get additional land for parking and a new driveway coming down to the light. I think it's grossly unfair and just wrong. It's a bribe. I don't call it a benefit. It's a bribe.

CHAIRMAN BRAND: Thank you.

Anyone else that has not had an opportunity to speak yet? I'll give you an additional three minutes if you'd like to go for repeats. Anybody on round two? Mr. Schaffer.

MR. SCHAFFER: Dave Schaffer. I'd like to know why 224 new parking spaces could not affect the traffic on Birdsall Avenue? I don't see how that's possible. Or how could it get better? I'm not seeing that.

MR. TRUNCALI: They're not going to be able to come up Birdsall Avenue.

MR. SCHAFFER: It's that many parking spots.

MR. TRUNCALI: They're not going to come up Birdsall Avenue and go into the subdivision. That's going to be blocked off by the school. They're only going to open that --

MR. SCHAFFER: It's the same amount of

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traffic going down the same road. Now you're adding 224 parking spaces.

MR. TRUNCALI: They're going to go to the light.

MR. LOFARO: You're saying you're going to have more traffic on 9W there. You can't get out from Birdsall onto 9W because you're just adding 200 plus parking spots?

MR. SCHAFFER: All the traffic that's going down Birdsall Avenue now is going to go down that new road; right?

CHAIRMAN BRAND: No. Just the buses.

MR. SCHAFFER: It's still going to stay on Birdsall Avenue?

CHAIRMAN BRAND: Correct. The buses will go through. There's a gated thing between the middle school and the Bayside property and that will be controlled, I believe, by the school district, only to be opened at times when the buses -- the buses will be the only ones allowed to go through that gate and down to the light.

MR. HINES: It's going to be controlled by the school district when the kids are coming and leaving. Vehicles are also going to be

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allowed to use it. Pedestrian vehicles.

CHAIRMAN BRAND: During dismissal
and --

MR. HINES: Drop off and dismissal.

CHAIRMAN BRAND: Parents will be able
to --

MR. HINES: Correct.

CHAIRMAN BRAND: But it won't be --
it's not open --

MR. HINES: It's not available for a
cut through from Birdsall Avenue to the light.

MR. WITHEROW: It's also our intention
during the school day to block off that access
from Birdsall to the middle school property.
That would force anybody coming to the school to
use the new driveway to come up and enter the
school property.

CHAIRMAN BRAND: Ms. Mannese.

MS. MANNESE: I go back to the school
-- the impact on the school. If we get hit again
and we get an abundance of kids coming in with
this project and other projects, other houses
that are being sold, what is the plan for, you
know, the children to go to school? Do we have

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-- is our school equipped to handle it right now? Do we have growth? Right now you have the elementary, you have the middle school and then you have the high school in the back. To me this is a perfect property. Again, I'm not against residential development but the concern of expansion of the schools. If we needed it is there land ready? I mean these poor kids, we have one field down below and then they have, I don't know what you want to call it, a tennis court that looks likes God knows what and a track that is hardly there.

 This small wooded area, you take all that wooded area out of there and you're going to have a ton of runoff going in every direction. So I'm just trying to look at the big picture of that.

 I want to support Matthew on what he's saying as far as Marlboro is concerned. We're trying to attract people here. It's extremely important to keep our agricultural heritage going and you keep taking down buildings. I initially was going to come because I love these kinds of buildings. You post a picture of a barn, people

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love it. So what are we trying to do? Are we bringing people here to boost our economy, support businesses and our farms? We need these buildings because what are we going to have? This is smack in the middle of it with two other structures. They're still structurally sound and they're beautiful to me. I've looked at them. I've taken pictures. So we have three structures, one of major historical significance and the other two that could still be done up. You go to Bowdoin Park, they redid all the buildings. Other towns get this. We are a farming town. It's our main industry. We're working with I love New York to bring people here. We need this or we're going to lose out. So I support Matthew and all his findings and what we can do to do something about the buildings. You've got three structures, one is significant.

I've already spoken about what I feel about the structure or the development as a whole.

CHAIRMAN BRAND: Thank you.

MS. MANNESE: One more thing. Sorry.

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So as far as Route 9W, I'm a big proponent. I feel we really need to utilize the corridor to show people what we have. We know the beauty beyond it. People don't know it. We need to beautify it, we need to give it a reflection of what we are. To me the stonewalls need to remain. They need to be done up and remain as much as we can. There are stonewalls right there. I look at them all the time. I'm always surveying the stonewall. Somebody driving through, they see the stonewalls, they see some mature trees, wow, what was that town we just went through. We don't want to look like Newburgh, we don't want to look like Highland. We want to get the people what is that town that we just went through, we want to come back. This is our opportunity along 9W. Rusk did a beautiful job with the stonewalls. You've got Dunkin Donuts coming up. I wish there was something there as far as stonewalls or picket fences or some kind of something that reflects farming. You've got Caradonna on the other side, farming. So what is their plan for the front to reflect our heritage here? It's extremely

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important because that's going to be our tax base. That's what's going on keep us going.

CHAIRMAN BRAND: In your plans the stonewalls were slated for demolition; correct?

MR. DATES: Yes, that's correct.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: I'll go a little bit off script. There are stonewalls from the school access to the traffic light. So there are stonewalls here. There's stonewalls a little bit north of road A in this area. I believe those are probably going to end up going. I don't know if there's any stonewalls on the property itself. Certainly as Cindy mentioned, one of the things the Town wants to do is preserve stonewalls. That raises some question at least knowing what we're losing and what we're not losing.

I'll put on my traffic professional hat and talk a little bit about traffic. That is, even though we have all these parking spaces, all these cars do not leave at the same time. Even for a single-family house in a peak hour you're only generating about one trip per unit. In a multi-family house it's much less than that. So

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this area might just -- it doesn't even qualify to do a traffic impact study because the number of trips in the peak hour is probably -- it's going to be less than 100, which is what SEQRA uses as a threshold for a traffic study in normal circumstances.

MR. HINES: They did do a traffic study.

MR. GAROFALO: They did do one. There was one done originally when Bayside was also on track at the same time.

MS. LANZETTA: Dockside.

MR. GAROFALO: Dockside. Excuse me.

Another thing. As far as school age children goes, remember that, you know, that gets rid of all the kids from up to -- maybe four years old, they don't count because they're not school age, and the older ones don't count. Even though they may be staying at home, they're not in the schools. Certainly this is a nice location because the middle school kid can just walk to school. You could almost walk to the elementary school because they're going to have sidewalks all the way down. Certainly some of

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the younger kids may not do that but this location is sufficiently close that they will not be busing these kids to those two schools.

I'm not surprised at the figure of 20. That sounds pretty reasonable to me. Although I'm not -- I don't do those kinds of studies but that is probably what I would suspect in this county.

I'd like to go through a few minor specific points. On sheet 15 there's a tree near the traffic signal pole on the State right-of-way. I would suggest getting rid of that, as well as the third tree in which is at the curve. I think because you're coming down a hill, that tree might end up obstructing your view of the traffic pole.

On the commercial building there's stairs on the north side. Because this parking lot is a right turn in/right turn out, somebody who is coming from the south that has to turn in would park in the accessible spot, can't get down those stairs. So I would certainly like it if they could look at the possibility of whether or not they could ramp that area rather than have

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stairs so that people who have mobility problems would be able to get to the front area.

On sheet number 5 they've got an extra right turn arrow up here for no reason at all. That's just there. They can remove that.

With regard to the commercial building, I've got a number of concerns about that. They are required, because of the size, 12,600 square feet I believe it was, to have a berth for the loading and unloading. I did not see dimensions on their plans for that berth, so that should be located on the map.

Also for access to roads, under Section 155-27 B(4), there shall be no access within 200 feet of any school, playground or church -- this is within 200 feet, depending on how you measure it, and that's certainly up to the Board to decide -- nor closer to the intersection of any two street lot lines than 500 feet. If this is a public road, this is clearly going to be -- that access is clearly going to be closer than 500 feet.

Now, there has been some debating as to whether or not there should be a private or a

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public road. It certainly makes sense to me that when you are going to have a public road, when you're going to have a road dedicated to the public, that the Town Board has to accept that it should be designed to the private road standards and then above that to the public road standards. One of the private road standards is at dead ends you have to have a cul-de-sac ,and it has to be at least 60 feet, because if you don't do that and it is constructed, and for whatever reason the Town Board says no we don't want to accept this, then it becomes a private road. If they don't have the design standards of a private road, then it's not a private road either. So I think it's a very bad policy not to have them meet both the private road standard and the public road standard so they don't get caught in the catch 22. That would require them to put in a cul-de-sac somewhere on the property.

CHAIRMAN BRAND: Lastly?

MR. GAROFALO: Excuse me?

CHAIRMAN BRAND: We're finishing up on your second three minutes, Mr. Garofalo.

MR. GAROFALO: I've got a lot more.

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CHAIRMAN BRAND: Final thought, most important.

MR. GAROFALO: Okay. The school district, in the superintendent's letter, discusses this as a private road. One of the things DOT talked about is having this as a right turn out only or as an entrance. Certainly that change I think should be made. That also eliminates the possibility of people just driving through. For more than a decade I have been advocating that this light be put in at Young Avenue and that it be designed to handle a fourth approach with the idea that this was going to be eventually the approach that the school would come out and be much safer for the buses and the students.

I hope you'll give me some more time after other people get their second three minutes.

CHAIRMAN BRAND: I would also encourage you if you have this all typed up, if you'd like to e-mail it to the Board, we can certainly put that in the file as well.

MR. GAROFALO: I have notes. In order

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for me to type this up it would take me quite a bit of time. I would prefer to be here and get it on the record, and also so the public can hear what I have to say. Thank you.

CHAIRMAN BRAND: Is there anyone else that would like to speak out for or against?

MR. PORCELLI: My name is Vincent Porcelli, I'm the brother-in-law of David and Cindy Schaefer. In my past life I was also a Town Board member going through the same issues that you are. It's not an easy thing to do.

One of the things I'd like to ask everyone to consider is we always focus on the construction of the project. We never focus on the destruction of what's next to it. In my brother-in-law's case his is the closest property adjacent to this building. Obviously you realize that some day you would probably take it. I think one of the things he's concerned about, as we all would be, is if it's something that's happening materially to the property adjacent to this construction, what recourse does he have to approach the Town to stop something because of the damage it's causing, and what kind of action,

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immediate action will the Town take to review it before it continues? That's a consideration that I think he would like to have you think through.

The other thing is one of the things that happened is when you're a school, I don't know if our law enforcement knows if there are any registered sex offenders in our community, but I would ask that if this project continues and becomes completed, that we pay attention that there aren't residents in our community that could jeopardize the safety of our children. Not that we can deny them of a place to live but we need to be cautious for their safety.

CHAIRMAN BRAND: Thank you.

Anyone else? Mr. Gerentine.

MR. GERENTINE: Good evening. Thank you. I wasn't going to say anything but there's a few things that have been bothering me.

As everyone knows, I was probably sitting on the other side as developer on numerous occasions. I have three different projects in the Town of Marlborough. I'm very proud of them. I recommend Maser Consulting as my engineers. We went through this process.

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They're very thorough. They cover a lot of bases and they're very straightforward on items.

I'm here tonight not only a project like this but any other project. I know the existing project has already been built. They said they might be phasing it, or any project might be phasing. I think you as a Planning Board should be considering this. If anyone is phasing any work in the future, you know, how are we assured that the work is going to be completed? I mean we have a project up on Highland Avenue that, you know, is going through different phases. It's still not completed today. There are still humps of dirt. It's an eyesore. It looks like some mined land --

MR. MONTEFERRO: As of today they brought in more.

MR. GERENTINE: That's not what I'm talking about, the other project.

Anyway, just keep in mind that on certain projects you can't ask for bonding. I don't think you can. But there again, you know, there are ways that you can control the different phases and that they can not proceed or they're

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obligated to do phase 1 first and, you know, if they're not going to do phase 2 where we don't have a whole area that's disturbed and, you know, five or six years later is still disturbed and it looks like an eyesore for the neighbors.

CHAIRMAN BRAND: I apologize. I think I misspoke earlier. This is not a phased project, as the engineer said. It's just the order of the construction that they're doing it in. I believe, as I said, this has to all be completed.

MR. HINES: Yeah. We're working with that very same issue in mind, to make sure it is all constructed and that it can stand alone.

MR. GERENTINE: Right. There again, that's great that you're working on it but there's no guarantee it's going to be done within a certain period of time. You have nothing over their head --

MR. HINES: It's strictly market driven. Correct.

MR. GERENTINE: As a developer I know. I probably shouldn't be saying this because, you know -- but there again, I have seen it in our

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Town in the past. Hopefully it won't continue that way. I hope you're aware that it won't happen.

There again, I can't say any pros or cons about the project. I don't know enough about the project. I could say about the engineers that are running this project are very capable and very straightforward people. So thank you.

MS. LANZETTA: Mr. Gerentine, while we have you, the County just completed a housing survey for Ulster County. Would you speak about the need for this type of housing in Ulster County?

MR. GERENTINE: There again, I have it on my desk. I have not read it thoroughly. It's sitting on actually two of my desks. But there again, yes, there is a great need for housing, market rental. I just spoke to the Town of Lloyd just last week regarding rentals. They're at probably two percent vacancy regarding housing. Right now there's a great need for housing. I assume that's probably the need in Marlborough, too. I don't know that for a fact. There again,

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you know, it all depends what rent you're offering, what you're offering regarding the project itself compared to other projects. So I can't say this project would fill up or not fill up. I don't know.

CHAIRMAN BRAND: Anyone else? Mr. Garofalo, I'll generously give you three minutes but that's it.

MR. GAROFALO: I'll try to talk fast.

Are the dumpster structures allowed within the 75 foot setback?

Road A has nearly a 20 foot cut in some areas. It's at a 10 percent grade. So certainly concern over how many truckloads are going to be coming out of there and if they're going to be putting them back on the site.

With regard to the commercial building, I'd like to see some limitations put on merchandise on the sidewalks because I have seen in other locations cases where materials have been put on the sidewalks in front of structures and people in wheelchairs could not get by them. So I think it's very important to make sure that that's a clear area for people to be able to use

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and not a place for merchandise to be put out.

With the access, the idea of access to Purdy Avenue, I can understand, given the grades and the situation on Purdy Avenue, it's not the best thing to have kids running around in the streets there. It's not a high volume road but certainly I can understand that. If you do put access there then kids from Purdy Avenue or people from Purdy Avenue may be walking through the site, and if that's okay with the people on the site I don't think that's necessarily a bad idea. If they're not going to like it, then that's something that you want to be very concerned about. Maybe what you need is a trail somewhere else where people can walk.

CHAIRMAN BRAND: I just want to clarify. I believe Mr. Dates said earlier that this Board did approve that access. We did not approve any access to Purdy Avenue at the last meeting.

MS. LANZETTA: We did talk about it.

CHAIRMAN BRAND: We did talk about it. We didn't say whether we were for or against it.

MS. LANZETTA: I said I was for it.

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CHAIRMAN BRAND: I don't think as a Board we did. Individuals may have.

MR. GAROFALO: That access is a two-way street. You have to understand that the people will be going in both directions.

MS. LANZETTA: I want to make sure you understand it's not a two-way street literally. We were talking about only having the sidewalk.

MR. GAROFALO: Right. The sidewalk is two-way.

One of the things that should be clarified under 130-3 C regards the right-of-way to maintain all the outlets from the surface water and the natural stream if this is a public road. So I think you want to know where those accesses -- where those easements are going to have to be and what the Town is going to have to maintain with regard to the drainage.

Also, if this is a road this should be under Chapter 130-7 C and there should be permanent monuments and they should be noted on the road itself.

I'm not sure if the plans show where there's curbing or where there isn't. One of my

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concerns is because of the slope of road A being 10 percent, this is not a place where you want to have people parking because under icy conditions, even if the car is stopped, that car is just going to go down the hill. That's a concern also because you're going to have buses coming up and down there, you don't want people parking on this road at all.

I would note that Young Avenue is not a public road, it's owned by the school district. This question about the location of the commercial access, which only applies if it's over 10,000 square feet or 10,000 square feet and over, Young Avenue would not be a consideration because that is not a Town-owned road. That's a school district owned road and the Town has refused to take that road. I think that's going to be an issue for that particular access.

CHAIRMAN BRAND: Final thought.

MR. GAROFALO: Excuse me?

CHAIRMAN BRAND: Final thought, please.

MR. GAROFALO: I would like to thank the Board and the public for staying here and listening. This is our opportunity to talk and

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to reach you and I'm very glad to have been able to do that. Thank you very much.

CHAIRMAN BRAND: Thank you.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: Anyone else? Yes.

MS. HERBST: Bridget Herbst. I have a question. The area that was in black on that map, that's part of their property and it's not part of the wetlands? The green is the wetlands? Am I correct?

MR. HINES: No.

MS. HERBST: The black is all the wetlands?

CHAIRMAN BRAND: The black is what's going to be left.

MS. HERBST: There's no chance of a road coming down and coming out onto Birdsall behind the track?

MR. HINES: Correct.

CHAIRMAN BRAND: Correct.

MS. HERBST: Because I still am trying to figure out where 18 Birdsall is. That came on my notification.

MR. DATES: I can answer that. The

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address for the site right now is 18 Birdsall Avenue because right now there's no access off of Purdy, there's no access off 9W. This property has a deeded access right across the school to get to the house that's there. That's why it's 18 Birdsall Avenue.

MS. HERBST: And that will be stopped? There won't be people coming in and out of that? They'll be coming in -- the school buses will be coming in and leaving out to 9W? They won't be coming back onto Birdsall?

CHAIRMAN BRAND: Correct.

MR. DATES: No one from this site will be accessing the site through the school. Everyone will be coming up 9W.

MS. HERBST: Thank you.

MR. CAUCHI: What is the estimated duration of this project, all five phases?

CHAIRMAN BRAND: They're not phases.

MR. DATES: The construction phases that we're speaking of, five right now -- we don't have any tenants, as I mentioned. The residential development is the prime component of the project that we're looking to get going on.

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I would estimate full build out for 1 through 4, probably again market driven, if things stay as positive as they are, two-and-a-half years, three years.

MR. CAUCHI: So you're going to have --

MR. DATES: Or it could be eighteen months.

MR. CAUCHI: Two or three years you're saying. Are you building one, rent it and have that rented and then have people living there while construction is going on? Is that the intent? What is your intent there?

MR. DATES: Again, it's going to be driven by the need for the apartments. Obviously they'd be looking to rent as potential construction is going on so that when the building is done it's filled, or move on to the next building, once that's filled they go on. It's going to be market driven, how fast can we fill up the building.

MR. CAUCHI: So what are you saying to me? Are you saying to me that you're going to have a duration of the project and you have a plan, building 1, building 2, building 3, or are

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you saying to me we're going to put up building 1, we're going to see how the occupancy is at building 1 and then when that occupancy is majority filled then we're moving to building 2?

MR. DATES: No. I think --

MR. CAUCHI: I'm not understanding that.

MR. DATES: I think what I'm saying is filling building 1 could -- leases could be set up before we're even done with building 1.

MR. CAUCHI: And you already have it already --

MR. DATES: That could.

MR. CAUCHI: -- occupied?

MR. DATES: Correct. And from a construction standpoint, obviously there's other pieces that need to be addressed before we can move on to phase 2 or --

UNIDENTIFIED SPEAKER: Just to help address that, because I'm sitting with Asher, the developer. He's intending to build these units one after the other. We're going to phase the construction, we're not phasing the occupancy of the units. We're going to go one after the other

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and we're going to rent them.

MR. CAUCHI: You're going to built them one after another. That building period is going to be two to three years?

MR. DATES: He just mentioned eighteen months. On average two years.

MR. HINES: We are waiting for that construction phase detail, what's going to be constructed when. It helps the building inspector's office to know what's supposed to be in, when they can issue a permit for occupancy while the rest are under construction. We're working on that level of detail on the plans at this point with the applicant.

MR. CAUCHI: Okay.

CHAIRMAN BRAND: Anything else?

MS. HERBST: Right now, Purdy Avenue, to make a left-hand turn in the morning to try to go to work, because I work in Poughkeepsie, you can sit there five, ten minutes because of the traffic. When the light goes red I want to know what the Town is planning on doing where it is the law that you can not block an intersection where cars do? I don't know if you can put blue

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lines down, something, because we -- years ago it used to take three or four minutes to get out of Purdy Avenue. Now with this traffic light and there's additional traffic that's going to be coming through, Purdy Avenue is going to be a mess to take a left-hand turn out of. That's any time during the day. It's not just morning and afternoon. It's any time during the day. I would love for anyone to come and sit and try to see how many cars there are that pass by that -- I understand way back when the first stages, back ten years ago when they were doing this they were going to give us an access through there so we didn't have to go through Purdy Avenue. We wanted it to remain that dead end. It was only supposed to be one access, not two.

I want to just know what is the Town going to be doing so we can -- Purdy Avenue doesn't get stuck trying to make left-hand turns?

UNIDENTIFIED SPEAKER: And Birdsall too.

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: Ron, as far as the

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public hearing goes, this obviously is not a finished project by any means. Do we adjourn the public hearing until a later date or do we just keep it open?

MR. BLASS: That's up to you. You could adjourn the public hearing or you could close the public hearing and set a time for written comments.

UNIDENTIFIED SPEAKER: No.

CHAIRMAN BRAND: What's that option?

MR. BLASS: Adjourn the public hearing or close the public hearing and set a timeframe for written comments.

CHAIRMAN BRAND: If the public hearing is adjourned we do have the opportunity to open it at a later date? It's already opened.

MR. BLASS: It would be adjourned to a specific date at which it would resume.

CHAIRMAN BRAND: Okay.

MR. HINES: The issue is whether or not you think you're going to find any new issues that weren't addressed tonight. You heard various opinions from people near the project, away from the project.

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CHAIRMAN BRAND: My concern would be just after we get more information about the actual construction phasing, we're calling it phasing, to see if that changes anything.

MR. BLASS: Well, you have 42 pages of environmental findings by the Town Board which creates a pretty decent record in and of itself. So if the Board Members don't foresee any new issues coming up at a future public hearing, we should factor that in to the decision whether to adjourn or close it.

MS. LANZETTA: I'll make a motion to close the public hearing and leave it open for written comments until the first meeting of April.

CHAIRMAN BRAND: Ben?

MR. TRAPANI: I've heard a lot of different concerns tonight. I'd like to leave it open, or whatever way it's going to be, so that if there are other concerns that come up, I would like to see them addressed.

CHAIRMAN BRAND: Steve?

MR. CLARKE: You know, I think there's a lot of concerns and I can understand the

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frustration. If you're going to have growth, which is inevitable, there's going to be more frustration. I think New York State really needs to look at the 9W corridor. I used to go to school in Newburgh. It took twelve minutes from Milton to get to Newburgh. Try to do that today. I mean this isn't going to help the situation, don't get me wrong. This is a much better situation for people south of the school there. I think it's a much safer situation for getting buses in and out. Maybe eliminate the guy with the flag down there. Getting out of Purdy to take a left turn on 9W, it's just impossible at that light, and it's not going to get any better. I understand your frustrations. This is the kind of project the planners like to see. They like to see the density remain in the core of the village. It's not a bad project from that point of view. I don't know. I know there's a lot of concerns but we're going to have growth and there's nothing that you really can do to stop it. You have to try to mitigate. We're listening to the problems. Not all of them are within the purview of the Town. There's a lot of

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issues on 9W. That's a State issue. I don't know that many other comments are going to come up.

CHAIRMAN BRAND: So close it?

MR. CLARKE: I really don't think there are.

CHAIRMAN BRAND: Joel?

MR. TRUNCALI: You know, I agree with Steve. I mean there's much more traffic everywhere since we all started driving. It takes longer to get out everywhere you go. You're not going to stop that. I don't see any new significant issues coming up, changes to this project. I don't see a problem closing it and leaving it open for written comments.

CHAIRMAN BRAND: Manny?

MR. CAUCHI: I believe to keep adjourning the meeting, the public meeting and keep the public connected until further findings and then reassemble.

CHAIRMAN BRAND: Joe?

MR. LOFARO: We should close the meeting, a week or two or next month's meeting for written comments. It seems that everything

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has pretty much been satisfied.

CHAIRMAN BRAND: I would say to adjourn it, but that's three -- sorry, four to three.

I guess we will close the public hearing. I'll entertain a motion.

MR. HINES: We need to have the applicant consent to waive the 62-day timeframe. I think they are in the back of the room.

MR. SCHAFFER: Are you going to answer the questions?

MR. HINES: Sir, we're speaking to the applicant.

MR. SCHAFFER: When he was talking he said there's nothing we can do to stop it. Is that because you're all sold on it? Everybody up there thinks it's a good idea? Yes? No? Apparently you do.

CHAIRMAN BRAND: We look at the project and we look at all the phases of the project. I'm personally by no means sold on this project.

MR. SCHAFFER: I don't care if you put 8,000 people in town. That's a bad spot.

MR. CLARKE: It's a good spot.

MR. SCHAFFER: It's not a good spot.

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MR. CLARKE: It's got water, it's got sewer, access to 9W, a stop light. You're putting in a public road.

MR. SCHAFFER: They sold it to you, so --

MR. CLARKE: They didn't sell it to me. They had met the requirements.

MR. SCHAFFER: You didn't make the requirements hard enough.

MR. CLARKE: To satisfy you.

MR. SCHAFFER: If you aim low -- you always hit your goal when you aim low enough. It's just ridiculous. You're going to put a commercial property down below that. There's a school across the street.

CHAIRMAN BRAND: Are you willing to --

MR. SCHAFFER: We have enough trouble with traffic on 9W. You're going to put a commercial set of buildings up there, and God knows what they're going to be because nobody knows what they're going to be, do they? Pizza places, McDonald's, all that kind of stuff.

CHAIRMAN BRAND: They'll have to go through the process as well, the approval

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process.

MR. SCHAFFER: Just a lot of questions about the location. A lot of questions about the location. I can't believe that you aren't more concerned about it because we are.

CHAIRMAN BRAND: Is the applicant willing to waive the 62-day --

MR. DATES: Yes.

CHAIRMAN BRAND: So by the majority of the Board we'll close the public hearing for the time. We will still accept written comments.

CHAIRMAN BRAND: Yes, Mr. Schaffer?

MR. SCHAFFER: Can I offer these into the minutes?

CHAIRMAN BRAND: Absolutely. You can give those right to the secretary.

So we'll accept written comments until the second meeting in April, which I believe is April --

MR. BLASS: 16th.

CHAIRMAN BRAND: So April 16th. So if you are here and you have any other comments, you can provide them in writing to the Town.

Do I have that motion?

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MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: A second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Nay.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Nay.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Nay.

Any opposed?

That would be me.

MR. CAUCHI: Me too.

CHAIRMAN BRAND: Two opposed? Three,
Manny, Chris and Ben opposed.

Okay. That's it. Next deadline,
March 23rd. Next scheduled meeting, Monday,
April 2nd.

Motion to close?

MR. CAUCHI: I'll make a motion to
close.

CHAIRMAN BRAND: A second?

MR. TRUNCALI: I'll second it.

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BAYSIDE MIXED USE

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye. Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 9:29 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 30th day of March 2018.

Michelle Conero

MICHELLE CONERO