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

----- X

In the Matter of

LITTLE BRICK HOUSE

Project No. 17-1026  
1435 Route 9W, Marlboro  
Section 109.1; Block 4; Lots 8 & 9

----- X

PUBLIC HEARING  
LOT LINE CHANGE

Date: January 16, 2018  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: WILLIAM EGGERS

----- X

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

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LITTLE BRICK HOUSE

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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.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, January 16, 2018. Regular meeting for 7:30 p.m. First on the agenda is the approval of the stenographic minutes for 12/18/17. The agenda tonight includes Little Brick House, public hearing, lot line located at 1435 Route 9W, Marlboro; Grand Slam Auto, final, site plan; Susan Bagatta, sketch, lot line, 1 Top Hill Road, Marlboro; Marlboro Distribution Route 9, LLC, sketch, site plan, 1100 Route 9W, Marlboro. The meeting will not be held upstairs. We are downstairs this evening. The next deadline will be Friday, January 19th. The next scheduled meeting is Monday, February 5, 2018.

First up, I would like to have a motion to approve the stenographic minutes for 12/18.

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second it.

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LITTLE BRICK HOUSE

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First on the agenda is the Little Brick House, public hearing, lot line.

Legal notice, lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, or SEQRA, and the Town of Marlborough Town Code 134-33 on Tuesday, January 16, 2018 for the following application: Little Brick House, at the Town Hall, 20 Milton Turnpike, 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 1435 Route 9W, Marlboro, Section 109.1, Block 4, Lots 8 and 9. Any interested parties either for or against this proposal will have an opportunity to be heard at

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this time. Chris Brand, Chairman, Town of  
Marlborough Planning Board.

How many mailings did you send out and  
how many did you receive back?

MR. EGGERS: We sent out twenty and two  
were returned.

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

Would you like to give a brief overview  
of what it is you're doing to those in the  
audience, please?

MR. EGGERS: Sure. So the property is,  
as I said, on Route 9W right at the corner of  
Warren Street. There are two existing dwellings  
on two separate tax lots. On two separate deed  
lots, two separate ownerships actually.

One of them is a very small parcel, an  
almost triangular shaped parcel. That's existing  
tax map lot 9. Currently it does not have road  
frontage on either Route 9W or Warren Street.  
The proposed lot line adjustment would be to  
convey lands to increase that parcel to a total  
acreage of 2.29 acres for the parcel in front.

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LITTLE BRICK HOUSE

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That would then provide it with road frontage.  
It would also thereby allow the septic field  
which serves that house to be on the property  
with the house.

There is a retained piece with frontage  
on Warren Street of 3 acres.

CHAIRMAN BRAND: Excellent. Thank you.

Pat, did you want to run through your  
comments first?

MR. HINES: We have a couple of  
comments that are repeat comments. We're looking  
for bulk tables for each of the lots, the  
existing and proposed.

The highway superintendent's comments  
for the driveway on Warren Street. These are  
comments I repeat from last month.

Water supply for existing lot 9, the  
small triangular lot. We don't have any  
indication of where that water comes from.

MR. POMARICO: It comes off 9W.

MR. HINES: There's a well on lot 8 as  
well as a water valve. I want to clarify the  
water supply for lot 8.

MR. EGGERS: That comes off Warren.

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So the house on lot 8, the water valve and the water supply does come from Warren Street. We did not find a water valve. Is there another valve to this house out here?

MR. POMARICO: That comes off 9W.

MR. EGGERS: The water supply does come off of 9W to the house on tax map lot 9. There's a water valve out at the intersection of Warren Street. There's a hydrant on the property, another hydrant just south of it.

MR. HINES: Both structures are currently served by municipal water?

MR. EGGERS: Yes.

MR. HINES: If we can have a note on the map that says that, that will address that comment. I don't know what the well is doing there.

MR. EGGERS: It pre-exists the water supply.

MR. HINES: The highway superintendent's comments on the driveway as a condition of approval.

We talked about the water on both the lots.

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With that, I don't have any other significant comments. I think that note should be added to the plans to address the water supply.

CHAIRMAN BRAND: Ron, did you have anything?

MR. BLASS: No.

CHAIRMAN BRAND: This is a public hearing. Any member of the public that would like to either speak for or against the project has an opportunity to do so at this time. Please stand and state your name for the record.

(No response.)

CHAIRMAN BRAND: Any comments? Going once.

(No response.)

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

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: All those in favor, say aye.

MR. TRAPANI: Aye.

MR. LOFARO: Aye.

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LITTLE BRICK HOUSE

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: The public hearing is closed.

MS. LANZETTA: Was there a second?

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Excellent. No further discussion; right?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Excellent.  
Do we have any further discussion on this?

MS. LANZETTA: I have a question just how things -- to clarify for me. When we have a subdivision like this does the Planning Board



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request the highway superintendent to weigh in on these automatically or do we have to make a special request? How is that usually handled?

MR. HINES: Typically the applicants contact the highway superintendent.

MS. LANZETTA: So they wait for your comments and if you say the highway superintendent should be contacted it's their responsibility to contact the highway superintendent?

MR. HINES: I believe that's the process. I don't think he gets a copy direct.

MS. LANZETTA: Okay. I mean it's up to the applicant then to seek out that information. Okay.

MR. HINES: Typically he schedules a meeting with them in the field.

MS. LANZETTA: Okay. I'm just trying to figure out --

MR. POMARICO: Should I apply for a permit off of Warren or just leave it there and get a letter from him saying he would okay it?

MR. HINES: To expedite stamping of the plans, meeting with him and getting a letter

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LITTLE BRICK HOUSE

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would address that comment.

MR. POMARICO: Okay. That's Mr.  
Appler?

MR. HINES: Yes.

MR. POMARICO: I'll contact him. Thank  
you.

CHAIRMAN BRAND: Do I have a motion for  
a negative declaration for this project?

MR. LOFARO: I'll make a motion for a  
negative declaration on this project.

CHAIRMAN BRAND: Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: All those in favor,  
say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: We could at this time  
give conditional approval based on the conditions  
that --

MR. HINES: Subject to my technical

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comments dated 15 January.

MR. BLASS: There's a resolution of approval in front of you. Tomorrow morning I'll add the three conditions from Pat's memo and send it over. That would be highway superintendent approval of the driveway from Warren Street, both lots to be served by public water supply and the bulk table to be added to the plans.

CHAIRMAN BRAND: And the resolution of approval to also indicate those changes?

MR. BLASS: Yes.

CHAIRMAN BRAND: Do I have -- I guess that would be Jen. Would you poll the Board?

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Truncali is not here.

Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Cauchi is not here.

CHAIRMAN BRAND: That's it. We also

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have the SEQRA negative declaration, notice of determination of nonsignificance. Can I have a motion to --

MS. LANZETTA: Didn't we do that?

CHAIRMAN BRAND: I did it out of order. I did the approval first. You're right. I'm sorry.

MS. LANZETTA: That's okay.

CHAIRMAN BRAND: We did the negative declaration. We do need to approve the short E.A.F. for the impact assessment.

Is that part of that, Ron?

MR. BLASS: E.A.F. part 2.

CHAIRMAN BRAND: Can I have a motion to approve the E.A.F.?

MS. LANZETTA: I'll make a motion to approve the short E.A.F. negative declaration.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

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All those opposed?

(No response.)

CHAIRMAN BRAND: Excellent. I think  
that does it for you.

MR. EGGERS: Thank you very much.

MR. POMARICO: Thank you all.

(Time noted: 7:46 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

GRAND SLAM AUTO

Project No. 17-1018  
1924 Route 9W, Milton  
Section 103.1; Block 2; Lot 61

----- X

FINAL  
SITE PLAN

Date: January 16, 2018  
Time: 7:46 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: TOM CORCORAN

----- 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, Grand Slam Auto, final, site plan.

Pat, how about we start with you and your comments.

MR. HINES: Basically our previous comments had been addressed on the plans. At the public hearing there were some comments regarding additional landscaping for the rear, which had been addressed.

The only outstanding comments we have are the items on the Ulster County Planning second round of comments which had to do with vehicular -- pedestrian access, landscaping and lighting. I believe those comments have each been addressed on the plans.

Pedestrian access has been addressed by a ten-foot wide easement proposed in favor of DOT should they ever desire to install sidewalks along the property frontage. This is the first project on the east side of 9W that we've looked at providing for the sidewalks. The previous projects were all on the west side of 9W.

The landscaping has been addressed on the newest plans adding additional trees.



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The lighting levels, I don't know if they've been addressed yet but they request the use of metal halite LED fixtures, which would address each of the three County comments.

CHAIRMAN BRAND: Did you have the County comments as well?

MR. CORCORAN: We had discussed before about the easement being put in. That was not a problem.

I addressed the concerns at the public hearing with the trees to border the neighbor.

You can see where the proposed sign actually is.

Then the ten-foot easement.

CHAIRMAN BRAND: As far as the height of those --

MR. CORCORAN: We'll put in the lighting they requested. We've got it on the plans.

CHAIRMAN BRAND: Ron, did you have anything?

MR. BLASS: Well the Board has already done a negative declaration on this project.

You have a resolution of conditional

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approval in front of you which hits all of the Ulster County Planning Board comments, as does the modified plan you're looking at.

I would go with the resolution that was sent out today.

MR. HINES: Ron and I discussed the resolution. Now the plans address the sidewalk easement, the original resolution.

MR. BLASS: I'd go with the version that was sent out at 12:38 p.m., to which we could add the provision for the easement as a modified condition which I'll get to you tomorrow morning. That's on the plan.

CHAIRMAN BRAND: The only question I think that we have outstanding was I believe we were remiss in asking you about the structure itself that's going up. Do you have any plans for what it is that's actually going to be going up there?

MR. CORCORAN: Not exactly. At this point it's proposed. It should be a roughly 20 by 25 garage with a 16 by 16 office on the side.

CHAIRMAN BRAND: What's the construction?

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MR. HINES: A pre-engineered building?

MR. CORCORAN: No. It will be a concrete structure for the garage. A complete concrete structure with trusses on the roof, wood construction for the office, asphalt shingles. The whole building will be -- it will look like Young's. It will be all --

CHAIRMAN BRAND: Stucco?

MR. CORCORAN: -- stucco. Correct. Basically we're going to take the Young's example and do the stucco like that.

CHAIRMAN BRAND: Does the Board have any exception to any of those?

MS. LANZETTA: Are you going to do -- color wise are you going to go with the more neutral color like Young's?

MR. CORCORAN: Yes. Grays. Probably just a two-tone gray. We'll take a gray on the building and a little darker gray from the trim work around the windows and the corners, around the garage bays.

MR. LOFARO: Sounds good.

CHAIRMAN BRAND: Okay. So we have before us a resolution of approval for the

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application of Grand Slam Auto.

Jen, would you poll the Board?

MS. FLYNN: Truncali is not here.

Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Chair Brand?

CHAIRMAN BRAND: Yes.

Okay. You're all set. Thank you.

MR. CORCORAN: Thank you.

(Time noted: 7:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

SUSAN BAGATTA

Project No. 17-1027  
1 Top Hill Road, Marlboro  
Section 109.1; Block 4; Lot 70.220

----- X

SKETCH  
LOT LINE CHANGE

Date: January 16, 2018  
Time: 7:52 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: STEVEN PAULI

----- X

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SUSAN BAGATTA

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CHAIRMAN BRAND: Next up is Susan Bagatta, 1 Top Hill Road, sketch, lot line.

Just give us an overview.

MR. PAULI: Sure. It's a lot line revision of the lands of Susan Bagatta, the estate of.

In the upper right-hand corner of the tax map you'll see the existing lot configuration. It involves two tax map parcels.

We're proposing to add to tax map lot 70.22, a 4.94 acre parcel, that comes out of tax map lot 70.232.

CHAIRMAN BRAND: So you're taking 2 from 70.232 and giving it to 70.220?

MR. PAULI: Correct.

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

MR. HINES: We have a couple comments on it. Under the existing condition both parcels have access to, is it Laura Lane, Laurie Lane. Under the proposed condition, tax lot 70.232, the 9 acre parcel which is becoming smaller, loses access to the Town road. It has New York State Town Law 280-A associated with it then which will

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SUSAN BAGATTA

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only provide access by easement.

MR. PAULI: Correct. There's no change there. That's existing. That's the way it is now.

MR. HINES: It's not, because it has access on Laurie Lane. If you look at the tax map, the one you referenced in the beginning --

MR. PAULI: Okay. Right now it is proposed to have frontage on the existing 50 foot wide right-of-way and they are going to be using an existing right-of-way off of Loretta Lane.

MR. HINES: It doesn't have access fee ownership to a Town road. It has access only by easement, which is New York State -- I'll let Ron describe the legalities.

MR. BLASS: It's 280 of the Town Law. It won't be a problem if this lot never needed a building permit because the rule is no building permit will issue unless the lot has frontage on a Town road or on a road approved by the Planning Board in a subdivision. So if there was ever a need for a building permit in the future for this lot, without frontage and accessing only by easement they couldn't get a building permit,



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SUSAN BAGATTA

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which may be a burden for the owner in the future.

MR. PAULI: I see that. Yes.

MR. BLASS: It's not like there's no house there now and a new house is proposed where there definitely would be a need for a building permit. You know, upgrades, modifications, changes requiring the building permit, you couldn't get one.

MR. PAULI: I'll have to pass that on to the client.

MR. BLASS: It could be a problem.

MR. PAULI: Yes.

MR. HINES: It had frontage on this Town road right here.

MR. PAULI: Actually, I apologize, I misspoke. You are correct. The new lot line, it is taking access off of the Town road.

MR. HINES: It's losing it's access.

CHAIRMAN BRAND: Where was the access before?

MR. HINES: I can point. At this time -- is it Laurie Lane or Lori Lane? The parcels front on that now.

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CHAIRMAN BRAND: Right.

MR. HINES: By changing the lot line -- right now both lots access here the Town road. By striking the lot line across it it losses that access to this road.

CHAIRMAN BRAND: Got you.

MR. HINES: Now it's only via an existing right-of-way and this. That creates that potential problem for the lot.

In addition, there are two residential structures on lot 70.232. There's a mobile home, which I assume is a residential structure. I don't know. It doesn't look like it has a driveway going to it. And a house. Your client only has one residential structure per lot and this lot is now losing -- I assume it losses it's protection for pre-existing because it's reducing the size of the lot significantly.

CHAIRMAN BRAND: Is that currently being used as a residential dwelling?

MR. PAULI: The mobile home, yes.

Excuse me, Pat. Can you repeat that? Right now there's a mobile home on the proposed lot number 1.

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MR. HINES: Correct. There's a house and a mobile home on what's identified as lot 3, proposed lot 2 I guess.

MR. PAULI: Yes. I see the house.

MR. HINES: And then --

MR. PAULI: A storage trailer.

MR. HINES: -- down further towards the bottom portion of the lot --

MR. PAULI: Yes, yes.

MR. HINES: -- there is a mobile home.

MR. PAULI: I can't say the status of that, whether it's a dwelling or not.

MR. HINES: And then along with that there are two storage trailers identified on the site. Trailers are not permitted to be used for storage in the Town. So those have to be removed as well.

CHAIRMAN BRAND: If the mobile home were not a residence it would have to be removed.

MR. PAULI: So we'll have to clarify what type of trailer -- what type of storage trailer that is.

MR. HINES: From the looks of them I assume they're overseas containers or tractor

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trailers, neither of which are permitted.

MR. PAULI: Neither?

MR. HINES: Right.

MR. PAULI: Okay. I'll have to pass that on.

CHAIRMAN BRAND: I think you have some homework to do before you can come before us again to address the engineer's concerns as well as ascertain whether or not that mobile home is a residence, and, if not, how they plan to remove it.

MR. PAULI: Okay. Those are the two main issues. You don't see --

CHAIRMAN BRAND: And the storage trailers.

MR. PAULI: This land -- this proposed configuration was a stipulation. We're trying to satisfy the wishes of the will, so that's where we came up with this configuration. You pointed a few things out. I hadn't gotten a comment letter yet.

MR. HINES: I can give you copies.

CHAIRMAN BRAND: You need access to Laurie Lane.

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MR. PAULI: Yes. Yes. And pass on that it would -- the Board finds it acceptable with the reservation that we wouldn't be able to get a building permit you pointed out.

MR. HINES: Yes. That puts a pretty onerous burden on the lot.

MR. PAULI: It does. It does.

MR. TRAPANI: Is there anything they could do to have both of those lots go on to Laurie Lane?

MR. HINES: I don't know the answer to that. That's something for the surveyor to work out the geometry. It doesn't look like they can accomplish what they want to do.

MR. TRAPANI: That's going to be the first thing they should look at before they even spend money on anything else.

MR. HINES: Pascale Place, isn't that a Town road? I don't know if Susan Bagatta living on the other lot could run a spur out to that Town road and that may accomplish what they want to do. I don't know who has interest in that.

MR. PAULI: That's an option you're putting out there. Yeah.

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MR. HINES: I believe Pascale Lane was recently dedicated as a Town road.

CHAIRMAN BRAND: Lot 2 would be able to be accessed from Pascale Road?

MR. HINES: It can access by the easement but it will have at least a 15 foot ownership to the Town road. That solves the 280-A issue.

MR. PAULI: Would you accept -- would you accept -- right now there's road frontage on Laurie Road. Would you accept splitting that 25 foot frontage on proposed lot 1 and 2?

MR. BLASS: If you had 15 feet of frontage on Pascale Place by reconfiguration of the lot geometry.

MR. HINES: This other lot --

MR. PAULI: Mm'hm'.

MR. HINES: I'll draw it. This is now a Town road.

MR. PAULI: Okay. We'll have to --

MR. HINES: Something like this. It may work.

MR. PAULI: That's the shortest distance.

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MR. BLASS: I'm not sure 15 feet is in the Marlborough Town Code. You have to check that out. There's a section for the minimum.

MR. PAULI: We'll have to research.

MR. BLASS: Between 15 and 50.

MR. PAULI: Yes. Okay. I'll keep those numbers in mind when I'm looking. Yes.

CHAIRMAN BRAND: Could you repeat the previous question for the engineer? If the access to Laurie Lane --

MR. PAULI: Right. If we were to reconfigure -- I see this option right here. You pointed that out. That's a good one. If we were to split --

MR. HINES: But then I think the idea is to put this here. You're bisecting --

MR. PAULI: It would.

MR. HINES: I don't know if you're accomplishing the goal you want. I think you're bisecting this.

MR. PAULI: It's currently being accessed off of Laurie Lane with an existing -- with an existing right-of-way and driveway maintenance agreement, which is the copy of the

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deed I gave you Ron. That question was brought up, was there a maintenance agreement, during the discussion in September. I wanted to supply that deed for your records --

MR. BLASS: Okay.

MR. PAULI: -- to satisfy that there is a driveway maintenance agreement.

MR. HINES: Ron and I weren't at that meeting in September. That was one of those after meetings.

CHAIRMAN BRAND: It was informational. That's an interesting question, though.

Cindy pointed out that the topography was pretty steep there at the bottom of that. Is that something to take into consideration or it's just to be touching?

MR. BLASS: It has to be accessible frontage. Sometimes you'll see somebody proposing to run through a pond.

MR. HINES: We've had that.

MR. BLASS: That doesn't work. The really steep slope might not work. It should be accessible.

MS. LANZETTA: That might not be a good



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option.

CHAIRMAN BRAND: For Pascale.

MR. PAULI: Do you require it to have a certain percent of grade --

MR. BLASS: No.

MR. PAULI: -- for being a paper road?

MR. BLASS: Conceptually it has to be accessible. So a pond won't do it.

MR. HINES: We have a 14 percent driveway grade in the code, which would give you a basis to start with.

MR. PAULI: Yes. And if it was found that with major regrading we'd be able to accomplish that, I don't --

MR. HINES: Some form of regrading. We don't know the answer to that. Let's figure out what it is, if it works. We don't have a topography here to look at.

MR. PAULI: Yes.

MR. HINES: It may be something wider than 15 feet is required. There may be some flexibility there.

MR. PAULI: It looks like we have the area to show it in that location. But no, it

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doesn't look feasible at any time it would be constructed as a driveway.

MR. HINES: Right.

CHAIRMAN BRAND: So I would consult the applicant and then come back with some type of remedy to those situations.

MR. PAULI: Okay.

CHAIRMAN BRAND: All right?

MR. PAULI: And if they conceded that they would never ask for a building permit, you would find this plan acceptable by not having any road frontage?

MR. BLASS: There would be a note on the map that says no building permits forever.

MR. PAULI: I don't consider that practical.

MR. BLASS: Not a good note.

MR. PAULI: No, no. We'll have to revisit this layout and come up with a new proposal.

CHAIRMAN BRAND: Ron, the no building permit, would that include like he wouldn't be able to build a deck or anything like that; right?

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MR. BLASS: Right.

CHAIRMAN BRAND: Nothing at all?

MR. BLASS: Right.

MR. PAULI: Yes. Understood.

CHAIRMAN BRAND: Okay. Thank you.

MR. PAULI: Okay. Thank you.

(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of February 2018.

*Michelle Conero*

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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

SKETCH  
SITE PLAN

Date: January 16, 2018  
Time: 8:05 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM

----- 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, Marlborough  
Distribution Route 9, LLC.

MR. WILLINGHAM: Andy Willingham.

CHAIRMAN BRAND: Do you want to give us  
an update?

MR. WILLINGHAM: Sure. Since the last  
submittal to the Board we put quite a bit of  
detail on there. We did a full stormwater  
design, grading. Basically close to a hundred  
percent design.

There's a couple questions still on the  
septic area due to the weather we can't determine  
right now.

CHAIRMAN BRAND: Pat, do you want to go  
through your comments, please.

MR. HINES: Andrew, do you have my  
comments?

MR. WILLINGHAM: I don't.

MR. HINES: You can follow along.

Our first comment is to coordinate --  
on the title block there's a couple different  
design professionals that are working on this.  
We're just looking for the title blocks to be  
consistent with the name of the project. A

1  
2 lighting plan submitted by a lighting designer  
3 that says some other name on it. If you can keep  
4 those consistent. Also that plan should bear the  
5 stamp of a licensed professional.

6 Just a note that building permits --  
7 the revised or new grading plans show a retaining  
8 wall along the north property line that we didn't  
9 see before. So there's a retaining wall and the  
10 fence. The retaining wall is from the north  
11 property down to this property. It's in excess  
12 of four feet so there should be a note stating  
13 that a building permit and submission to the  
14 building inspector is required for that.

15 We're looking for details of the  
16 proposed fencing. Because of the outdoor  
17 storage, eight-foot high opaque fencing is  
18 required. That is in the zoning. We need a  
19 detail of that fencing. The new fence is  
20 proposed only along the north property line and  
21 they're taking advantage of existing vegetation  
22 in locations where it is to not put the fence  
23 along the entire north property line. I believe  
24 we discussed that at the previous meeting.

25 Landscaping plans need to be submitted

1  
2 for the Board's review.

3           The most recent plan set identifies a  
4 relocation of the subsurface sanitary sewer  
5 disposal system. They're going to build out the  
6 expansion area and abandon the existing one.  
7 Ulster County Health Department approval for that  
8 is required. There's going to be a new septic  
9 tank and pumping station proposed for that.

10           We have quite a few technical comments  
11 on the stormwater pollution prevention plan that  
12 was submitted that are technical in nature. I  
13 don't think we need to hit each one of those.  
14 Certainly Mr. Willingham's office can work with  
15 my office on those.

16           Just the other note we have is that the  
17 curbing proposed on the site is only in the  
18 interior along where the building is. The  
19 exterior parking lots are designed to sheet flow  
20 the runoff from the site without curbing.  
21 Typically in the past we required commercial  
22 areas to be curbed in that area. It kind of  
23 contradicts the stormwater regulations that  
24 encourage that sheet flow of runoff to the  
25 outside rather than curbing it and piping it all.



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I just bring it up to the Board whether they want the entire site curbed. Right now they are proposing the area right against the building, those pedestrian facilities and parking lots to be curbed but the outside areas there will be no curb.

CHAIRMAN BRAND: That would be beneficial --

MR. HINES: It helps with the stormwater to allow the runoff rather than have to go with catch basins and pipes. They've included that into their stormwater pollution prevention plan. It's a more environmentally friendly design, for lack of a better term.

CHAIRMAN BRAND: There are no significant drop offs?

MR. HINES: No. It's just with other projects we have required it to be curbed. This kind of grades flat off, allows that sheet flow into the stormwater practices that they proposed.

MS. LANZETTA: The traffic in here will be primarily just the trucks? There won't be any --

MR. HINES: It's their employees.

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The way it was explained to us, no one goes to the facility to get their pod. It's their employees at the site and trucks coming and going. There is an office area, maybe to negotiate a contract with them or something.

CHAIRMAN BRAND: This is not open to the public?

MR. WILLINGHAM: No. There's no public access.

MS. LANZETTA: It seems to me with the big trucks going in, curbing is going to get messed up anyway.

MR. HINES: The trucks should circulate through. They showed the radius for that. It's more of a stormwater management grading issue than anything else.

CHAIRMAN BRAND: I don't really have an issue with no curbing.

MR. HINES: The layout has been changed to provide for parking for five tractor trailers. Previously they were parking along the access roads.

Just we had a discussion with the applicant's representative, the code enforcement

1 officer, representatives of the fire district and  
2 the town supervisor to discuss the water. They  
3 were trying originally at the site to connect to  
4 municipal water down towards the hamlet. That  
5 proved financially and technically not feasible.  
6 Number one, the cost. Number 2 was the location  
7 of a high pressure Central Hudson gas main along  
8 their side of the road which they don't want the  
9 water line anywhere near. So with that, they're  
10 proposing the fire protection system to be  
11 supplied with a buried tank, 50,000 to 60,000  
12 gallon tank on the site. You won't know it's  
13 there but that's how they're going to provide  
14 fire protection, with a tank on the site.

16 CHAIRMAN BRAND: Is that adequate for  
17 that size facility?

18 MR. HINES: That's going to be a  
19 building department issue. It looks like it  
20 works for it.

21 CHAIRMAN BRAND: I know the last time  
22 we were here there was some discussion regarding  
23 the height of the facility. Was there a change  
24 to that since the last time you were here?

25 MR. WILLINGHAM: Not that I'm aware of.

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I don't think the building has changed since the last submittal.

MR. HINES: What is the height of the building?

CHAIRMAN BRAND: It says 35 feet on this one.

MR. HINES: 35 is permitted in the zone.

CHAIRMAN BRAND: Any questions from the Board?

MS. LANZETTA: There was the discussion about Ron's note here about Section 155 E(2), that open storage needs to be totally enclosed. We talked about whether the fence needs to go around the entire perimeter.

MR. HINES: That was one of my comments. I thought we discussed the last time --

MS. LANZETTA: I don't remember exactly if we came to any kind of resolution. That's why I was just wondering where we left it, if we were going to deal with that through landscaping on the south side or --

MR. HINES: On the south site? I think

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their contention is the outdoor storage is on the north side. Right now it's shown on the north side of the building. They're screening the north side with a combination of the fence and the existing vegetation.

CHAIRMAN BRAND: The building itself?

MR. HINES: The building itself will shield it from the south side.

MR. WILLINGHAM: There also will be a drop off coming south to the site. That will help the elevation. There will be a slope and then a fence.

MR. BLASS: You're not showing a fence on the south side.

MR. WILLINGHAM: I'm talking about the north side.

MR. HINES: The north side is going to be an eight-foot fence and then a five or six-foot drop off. The south side is not currently screened.

MS. LANZETTA: Can we address that with the landscaping plan?

MR. HINES: We don't currently have a landscaping plan. Certainly landscaping along

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there would make that slope look a lot better than it does now.

MS. LANZETTA: I know that was a lot of construction fill. Still, make it look not quite so rad tad. Regular plantings, at least within view from Route 9W.

MR. WILLINGHAM: Is the view from 9W more important than from the south property?

CHAIRMAN BRAND: It's just an orchard.

MS. LANZETTA: No. I'm saying as you're coming from the south heading north, when you look at that side there it's --

MR. TRAPANI: I don't think they can do much there.

MS. LANZETTA: I'm not talking about doing anything along the side itself, just to shield the facility on the flat, to put some kind of perhaps evergreen plantings or something.

MR. WILLINGHAM: Okay. We'll look at that.

CHAIRMAN BRAND: I think on the north side you show a Spruce row, on the northwest corner, and then some other plantings on the northeast corner. Is that Spruce row going to

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continue across the whole northern -- along that  
25 yard setback?

MR. WILLINGHAM: I think it can. Not  
where the fence -- well, we could plant along  
that slope. It would be on the other side from  
the fence. The fence is right up against the  
property line on the north side. As you get near  
9W, yes.

MR. HINES: I think the screening on  
the north side -- the fence on the north side  
provides the required screening.

CHAIRMAN BRAND: So the Spruce row of  
trees is there. Assuming there are plantings on  
the northeast corner.

MR. WILLINGHAM: Okay.

CHAIRMAN BRAND: The top of the fence  
there are little star things and then you show a  
Spruce row. That's just -- that's where the  
fence is not; correct?

MR. WILLINGHAM: Right.

MR. HINES: Those may be existing.  
That's why they're stopping the fence there,  
because there's existing trees there.

CHAIRMAN BRAND: Okay.

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MR. HINES: The Board needs to determine if that's adequate and meets the intent of that part of the code. The code says opaque fence. It doesn't give you that option of vegetation.

CHAIRMAN BRAND: Do we have some type of imaging of what that fence is going to be or --

MR. HINES: No. That's just my comments.

MR. WILLINGHAM: We'll provide that.

MR. HINES: I think we need a landscape plan to show what's going to happen along the site.

MR. WILLINGHAM: Right. That still hasn't been prepared yet, the landscape plan. We'll address all that.

CHAIRMAN BRAND: Joe, do you have anything?

MR. LOFARO: No.

MS. LANZETTA: Are you going to have any lighting on here?

MR. HINES: They submitted a lighting plan. Separate from Willingham and Brooks



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there's a separate plan.

MS. LANZETTA: I'm not seeing anything.

MR. HINES: It's labeled SP-1. It doesn't have detailed lighting fixtures, which is one of our comments, but it shows the lines for the iso for the foot candles.

CHAIRMAN BRAND: What page are you on?

MR. HINES: It's this colored one, SP-1.

MS. LANZETTA: Can you provide a level of detail on the fixtures themselves? I'll tell you right now Ulster County is very particular about the shielding.

MR. WILLINGHAM: Cut off.

MS. LANZETTA: If you would put that kind of detail in. They'll be asking for it.

CHAIRMAN BRAND: You were here earlier. The building itself, what it is going to look like, some type of mockup so we could see what the material is.

MR. WILLINGHAM: Okay.

MR. HINES: Did the Board get this?

CHAIRMAN BRAND: I have it. We just weren't sure what the -- we weren't sure --

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MS. LANZETTA: We didn't get any details.

MR. HINES: No details.

MR. WILLINGHAM: Lighting fixtures, building elevations?

CHAIRMAN BRAND: Just a drawing, a mockup of what the building is going to actually look like.

MR. HINES: Just to confirm, during the meeting we had with the applicant's representative, because of the nature of the building and the S-1 warehouse, they reduced the height of the building to 30 feet to meet building issues. Your zoning code allows 35 feet.

CHAIRMAN BRAND: The map says 35.

MR. HINES: This one here is back to 30. That's the coordination we had.

CHAIRMAN BRAND: Okay. Just so we get an idea what the building will look like.

MR. WILLINGHAM: Yeah.

CHAIRMAN BRAND: Anything else?

MR. HINES: It needs, at some point, to go to County Planning. It was circulated for

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lead agency only, the original map, not the detailed plans. That circulation was sent out January 3rd. February 3rd this Board will be lead agency by default unless they hear otherwise. It still needs a 239 referral to the County.

CHAIRMAN BRAND: What did we just get back, Jen? We just got back notification?

MR. HINES: We got an e-mail from them saying it's not the 239, it's just the E.A.F., and we said yes.

CHAIRMAN BRAND: Okay. So we do nothing and we're just automatic --

MR. HINES: We sent it out. If no one objects in writing to you that they would like to serve as that, you'll be by default after February 3rd. We heard from DOT already. They seem okay with the commercial access drive there.

CHAIRMAN BRAND: I think we should wait -- personally I think we should wait until we get the updated stuff to send it to County.

MR. HINES: Correct. I just want to make sure everyone knows it still needs to go there.

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MR. WILLINGHAM: Not necessarily all the stormwater details. Certainly the lighting and the fence and landscaping. Right?

MR. HINES: Yes.

MS. LANZETTA: They want the complete information. If they ask -- they'll ask the same stormwater questions as Pat has. I would suggest that you wait until you have all of Pat's answers, what you heard here tonight, put it all together and then that should go up to County, that way you're assured of having a complete application.

CHAIRMAN BRAND: As well the mockup of the building itself.

MR. WILLINGHAM: Right. They're certainly going to ask for that, the lighting and landscaping.

That submittal is due Friday to be on for the February 6th meeting here?

MS. FLYNN: By this Friday for February, yes.

MR. HINES: The first meeting in February. We have two meetings a month.

CHAIRMAN BRAND: That would be the

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following Friday. February 9th I guess it would be for the second meeting.

MS. FLYNN: February 9th is the next deadline.

MR. WILLINGHAM: Okay.

MS. LANZETTA: County meets the first Wednesday of each month. We wouldn't be able to do much without their input. You want to get that in as quickly as possible as well.

MR. WILLINGHAM: All right.

CHAIRMAN BRAND: If you could make it back to us for the second meeting in February we could get it probably up to them for the first meeting in March --

MR. WILLINGHAM: Okay.

CHAIRMAN BRAND: -- for County.

MR. HINES: At some point you'll have a public hearing, which would be tracked along with that.

CHAIRMAN BRAND: Okay.

MR. WILLINGHAM: All right.

CHAIRMAN BRAND: Anything else?  
Anything from the Board before I proceed to close?

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MR. LOFARO: No.

CHAIRMAN BRAND: Motion to adjourn.

MS. LANZETTA: I'll make that motion.

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

The meeting is closed.

(Time noted: 8:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 3rd day of February 2018.

*Michelle Conero*

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MICHELLE CONERO