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

----- X

In the Matter of

BRODY RIDGE

Project No. 8-2015
First Street
Section 103.1; Block 4; Lot 47.130

----- X

SIX-LOT SUBDIVISION

Date: April 21, 2014
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
MICHAEL LOGUE
JOEL TRUNCALI

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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BRODY RIDGE

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CHAIRMAN PORCO: Let's rise for the Pledge.

(Pledge of Allegiance.)

CHAIRMAN PORCO: We'll call the meeting to order.

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, April 21, 2014. Regular meeting 7:30 p.m. Approval of stenographic minutes for 3/3 and 3/17. Brody Ridge, extension, six-lot subdivision; Nieco (Larkin), final, site plan; Frank Cricchio, discussion, site plan. Next deadline: Friday, April 25th. Next scheduled meeting: Monday, May 5th.

CHAIRMAN PORCO: Okay. The minutes from March 3rd, we should have had a chance to review those. Are there any changes, corrections to those?

(No response.)

CHAIRMAN PORCO: If there is none, a motion to approve them.

MR. TRUNCALI: I'll make the motion.

CHAIRMAN PORCO: Joel. A second?

MR. LOGUE: I'll second it.

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BRODY RIDGE

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CHAIRMAN PORCO: Mike. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried. March 17th, you may not have had a chance to review them. We'll table them for the next meeting.

Brody Ridge, extension, six-lot subdivision. Is that yours?

MR. HINES: No.

CHAIRMAN PORCO: We have a letter here. "It's our understanding conditional final approval for Brody Ridge Subdivision will expire May 5, 2014. On behalf of the owner we request a three- month extension of the conditional final approval so we have time to finalize the conditions of the approval."

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BRODY RIDGE

4

Did you look at that, Ron, as far as the timing of everything?

MR. HINES: That's the dates.

CHAIRMAN PORCO: Are we on the correct schedule?

MR. HINES: That is now.

CHAIRMAN PORCO: Any questions from the Board on that?

MR. LOGUE: No.

CHAIRMAN PORCO: Any discussion?

(No response.)

CHAIRMAN PORCO: If there's no discussion, I guess we can have a motion to approve a three-month extension.

MR. LOGUE: I'll make that motion for a three-month extension.

CHAIRMAN PORCO: Mike. A second?

MR. TRUNCALI: I'll second it.

CHAIRMAN PORCO: Joel. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

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MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

(Time noted: 7:35 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: May 14, 2014

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

----- X

In the Matter of

NIECO (LARKIN)

Project No. 13-6003
Highview Road
Section 103.1; Block 2; Lot 87.300

----- X

FINAL - SITE PLAN

Date: April 21, 2014
Time: 7:35 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
MICHAEL LOGUE
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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NIECO (LARKIN)

7

CHAIRMAN PORCO: Neico (Larkin),
final, site plan.

MR. BROWN: We had a public hearing, we
closed it. The only outstanding item was the
drainage.

Some things did come up at the public
hearing, however the area that the owners were
concerned about probably does not actually drain
-- at least the development area. I did revise
the drainage report and reduce the flow further,
so the hundred-year storm we've got about 2 CFS
running out of that pipe. The flows are very,
very minimal on the site.

I have Pat's comments here. I'm pretty
sure we had already given you the DOT approval.

MR. HINES: I just want to confirm.

MR. BROWN: It should be in the file
but I can provide copies of the correspondence.
We haven't pulled the DOT permit yet. We
typically don't do that until after we're ready
for construction. They do give us letters saying
it's approved.

So we're looking for a final approval
tonight, or conditional as it may be.

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NIECO (LARKIN)

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CHAIRMAN PORCO: Kathi, are the permits in the file?

MR. TRUNCALI: Pat is looking.

MR. HINES: I have DOT here.

MR. BROWN: In response to their comments, you can see that on sheet 2 we actually are putting in a commercial entrance there. We taper it down after the first ten foot off the property line. My client is going to be on the hook for that, the cost of that. What's shown on there is a result of our meetings with the DOT. This is what they came up with.

Did you find the DOT, Pat?

MR. HINES: No. It was just that they had received it. DOT has a sign off in the file actually back in July.

MR. BROWN: Right.

MR. HINES: And the Health Department was also in July, July 10, 2013. DOT is July 16, 2013.

CHAIRMAN PORCO: Okay.

MR. HINES: Both of which need a final highway work permit and a permit to construct, but there's reference that they're approvable.

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NIECO (LARKIN)

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The only other comment I have is when Charlie took a look at the previous drainage report and probably some changes in the regs that have occurred, the detention pond on the site has now doubled in size and the pipe -- the discharge pipe is a little larger going down towards Milton Turnpike. Actually, right in front of the new town hall it comes out. I just wanted to have Charlie follow up with the discharge location where that water goes and just make sure the highway superintendent doesn't have a concern with that. So those two things should be a condition of approval. I want to make sure we're not going to cause an icing problem where that discharge is. Before it was just a four-inch pipe and it was a low flow pipe. Now the pipe is larger because the pond is larger.

CHAIRMAN PORCO: Is that his jurisdiction or is that County?

MR. HINES: That's Town there. The other side is County.

CHAIRMAN PORCO: That part of Milton Turnpike is the Town?

MR. TRAPANI: That's County.

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NIECO (LARKIN)

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MR. HINES: In front of the new town
hall?

MR. TRAPANI: That's County.

MR. HINES: Is it?

MR. TRAPANI: I'm pretty sure.

MR. HINES: I thought it was from the
other side of 9W over. Most County highways
connect highways to highways.

CHAIRMAN PORCO: Milton Turnpike
crossing 9W?

MR. TRAPANI: That stops by Main
Street.

MR. HINES: Old 9W.

MR. TRAPANI: It goes across from the
school, goes down to Main Street, then the Town
has --

MR. HINES: Main Street used to be 9W.
That's probably why. It was State highway to
State highway.

MR. BROWN: Okay.

CHAIRMAN PORCO: Just double check with
them to make sure.

MR. TRAPANI: I'm pretty sure --

MR. BROWN: Okay.

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NIECO (LARKIN)

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MR. TRAPANI: -- there will not be any more water heading down that way because I'll tell you what, last week we had another half inch of rain and that road would have been underwater.

MR. BROWN: We're actually diverting some of our water away from that. Because of that meeting I tried to catch as much of that as I could, not from the area but uphill of it, and brought it into ours. That was one of the reason the pond got bigger. We were actually decreasing the amount of runoff from our site going to that location. I did, on behalf of Frank Skartados, a lot of research on that. I went up to the DOT. Their records for Route 9W are archaic. They have nothing. It's my understanding from talking to some people that there is or was a culvert underneath that road and that at times water does bubble out at the intersection with the road that goes --

MR. TRAPANI: By the little league field. The little brook.

MR. BROWN: And it possibly was underneath the footings when they expanded the building.

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NIECO (LARKIN)

12

MR. HINES: Mickey's Cafe.

MR. BROWN: Something needs to be done over there. I have, again, a lot of information on it. I'm willing to provide engineering or whatever, but the real thing is who is going to pay for it. What the DOT told me is if we could verify that there's a pipe underneath that road and it's not functioning as intended, they will replace it. DOT did tell me that. How do you verify it?

CHAIRMAN PORCO: Why are they asking us to verify it? It's a State highway.

MR. BROWN: Because what they are saying is as it topped the road -- if it tops 9W, now they're on the hook.

MR. TRAPANI: It wasn't too far from that last week. Can't they put food coloring to find out where it's coming out?

MR. BROWN: The other problem, and I don't want to throw anybody under the bus, is what Young's Motors have been doing up the hill. I don't know what they have in terms of a permit. They knocked everything down to rock. There's a substantial amount coming from them across to the

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NIECO (LARKIN)

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bank property.

MR. TRAPANI: It came across there and from there across to the little league field.

MR. BROWN: Which is really screwy. If you look at the aerial photos and go back to '03, '07, '11, whatever they are, '13, check the dates, they have cut a lot of trees and cleared a lot of property up that hill. You can't really see it from the road. You look at it on the aerial surveys and you can see it. I mean the aerial photographs. I don't know if they've come in for site plan, if they are going to come in for site plan.

I see that look, Pat.

MR. HINES: They don't have any approvals from this Board.

MR. BROWN: It's unrelated to this project but I really think that's why the problem has gotten worse. Again, if somebody can definitely show there's a pipe there, the DOT will replace it.

If it rains, does the water really bubble out over there?

MR. LOGUE: It's always running right

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NIECO (LARKIN)

14

on the edge of New Road. Just off of 9W it's
always bubbling out of the ground.

MR. BROWN: Probably in front of Frank
Skartados's place to get it into where the next
box culvert is. That's where all the gas lines
are.

MR. LOGUE: There's two of them.

MR. TRAPANI: The brook is right down
there.

MR. BROWN: If you can get to the
brook, problem solved.

MR. HINES: Or problem chased
downstream.

MR. BROWN: It's going to end up --

CHAIRMAN PORCO: Problem for the next
guy. So really other than having County verify
that --

MR. HINES: That's all we have
outstanding.

CHAIRMAN PORCO: The pipe outlet, that
would just be a condition with final.

MR. HINES: I'm okay with that.

CHAIRMAN PORCO: If they can give a
letter for that.

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NIECO (LARKIN)

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Any other questions from the Board?

(No response.)

CHAIRMAN PORCO: Did we do a SEQRA
determination on it?

MR. HINES: I don't know that we did.

MS. NATLAND: What?

MR. HINES: SEQRA.

MR. BROWN: I don't think you did. I
think we closed the public hearing and that was
it. I forgot to waive the sixty-two days but
I'll do it retroactively right now if you want.

MR. HINES: The applicant had submitted
a short form way back when for the amended site
plan approval identifying that it's a two-acre
disturbance existing and proposed. It's zoned
for the use. It requires approval from this
Board and it will modify the previous approval.
Based on the information submitted, we would
recommend a negative declaration.

CHAIRMAN PORCO: Can we have a motion
for a negative declaration?

MR. RICCIARDONE: I'll make a motion
for a neg dec for this application.

MR. TRAPANI: I'll second it.

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NIECO (LARKIN)

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CHAIRMAN PORCO: Frank and Ben. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried. Conditional site plan approval for this application. Do we have a motion for that?

MR. LOGUE: I'll make a motion for that.

CHAIRMAN PORCO: Mike.

MR. RICCIARDONE: I'll second it.

CHAIRMAN PORCO: Frank seconds it. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

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NIECO (LARKIN)

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CHAIRMAN PORCO: Aye.

The motion is carried.

MR. BROWN: I'll work that out. Okay.

Thank you very much.

(Time noted: 7:44 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: May 14, 2014

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

----- X

In the Matter of

FRANK CRICCHIO

44 Western Avenue
Section 108.1; Block 2; Lot 47

----- X

DISCUSSION - SITE PLAN

Date: April 21, 2014
Time: 7:44 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
BEN TRAPANI
FRANK RICCIARDONE
MICHAEL LOGUE
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: DAVID FEENEY

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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FRANK CRICCHIO

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CHAIRMAN PORCO: Next is Frank Cricchio, discussion on a site plan.

MR. FEENEY: Basically what I just put in front of you is a survey we just did for 44 Western. It's not meant to be a proposed site plan or anything. It's just so we have something to look at as we talk. This was meant to be just a discussion of what we're proposing to do there.

We had some questions, you might have some questions, and then we'll develop this further into a proposed site plan.

Basically what Mr. Cricchio is looking to do is replace the structure that was there and rundown. Eight, nine years ago it was a five-unit apartment building. We're looking at doing potentially a six-unit apartment building and include off-street parking. In the past there was none.

In general my question is design it around the parking issue. I'll start with that.

So with the proposed six-unit apartment building, what would be the parking -- off-street parking requirements? Is it one-and-a-half spots per unit regardless of whether the unit is a one

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FRANK CRICCHIO

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bedroom or a two bedroom? That's the way I kind
of read your code. I'm just looking for
clarification on that. I know a lot of town
codes --

MR. HINES: We're not going to design
this for you tonight.

MR. FEENEY: It seems to be one-
and-a-half and then it talks about senior living
with no definition of what senior is.

MR. HINES: Senior is a different use.

MR. FEENEY: It doesn't really define.

MR. HINES: There's a whole section of
the code on senior housing. If the code says
one-and-a-half, that's what it is. I'm not --

MR. FEENEY: It does.

MR. HINES: I haven't reviewed that yet
tonight.

MR. CRICCHIO: Whether it's a one
bedroom or two bedroom.

MR. HINES: It doesn't differentiate.

MR. FEENEY: Also 200 square feet per
parking spot.

MR. HINES: Yes. 10 by 20.

MR. FEENEY: It doesn't say 10 by 20,

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FRANK CRICCHIO

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just 200 square feet.

MR. HINES: Yes. I guess you can go 9
by 22.

MR. FEENEY: 9 1/2 by 18 is kind of a
norm. This is 200.

MR. HINES: I believe somewhere in the
code it's 9 by 20 is the -- 9 by 20 I think is
the code.

MR. FEENEY: I found 200 square feet.
That's the reference. It seems like a --

MR. HINES: It's 10 by 20 in
Marlborough.

MR. FEENEY: It's 9 by 20 in towns
south of here. In keeping with the rest of the
parcels along that area of Western, they all seem
to basically frontload directly off of Western
with no --

MR. HINES: That's going to be a --
that's a County road there. The County DPW is
going to have some input. I think they currently
frontload. I don't know if that will meet
current County standards. That's going to be a
design challenge.

CHAIRMAN PORCO: What do you mean

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FRANK CRICCHIO

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frontload?

MR. FEENEY: Basically everybody kind of pulls straight in and then would have to generally back out onto Western or stop on Western and back into their spot versus having any kind of turning.

CHAIRMAN PORCO: Okay.

MR. BRAND: That's where the parking would be, right in the front?

MR. FEENEY: Yeah. It's really -- that's why I showed it. It's a tight lot and it slopes down to the creek in the back. All the parking would generally have to be in the front in one way or another. We could probably definitely fit it all in if we could frontload like everybody else does in that stretch. If we had to pull in the driveway and have turning aisles and everything, it might get tough getting the parking.

MR. HINES: Is someone going to enter from the rear, a rear entrance on the first floor?

MR. FEENEY: No. It would be enter from the front with two units on the ground

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FRANK CRICCHIO

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level, two units up and possibly two one-bedroom units down below. That's kind of how we're looking at it right now. Again, parking is going to --

MR. HINES: Two of the units will be below grade. Take advantage of that topography.

MR. FEENEY: There would be egress from the back as well, but the main entrance would be from the front, especially if all the parking is up front.

MR. CRICCHIO: Am I allowed off-street parking for any of these apartments?

MR. HINES: What zone is it in?

MR. FEENEY: C. It's C and it allows a credit of I think up to the first five spaces.

MR. HINES: The first five spaces are credited for off-street parking. The intent of that was for retail. That's when it was retail. That's been changed but the parking calculations didn't change. There's certainly that credit for parking on the street, if there is parking on the street.

MR. FEENEY: How is that defined?

MR. HINES: If you can park on the

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FRANK CRICCHIO

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street.

MR. TRUNCALI: How far do you have to walk?

MR. FEENEY: There's Orange Street. You can park on the shoulder of Orange Street. Again, there's not delineated parking spots.

MR. CRICCHIO: So I'm allowed off-street parking?

MR. HINES: The parking allows in that zone a credit for five per use. That's when the uses were all retail. It was only apartments above retail. That's been changed now to allow just apartments.

MR. TRUNCALI: Can people park along Orange Street by the post office?

MR. LOGUE: They park there all the time.

MR. TRUNCALI: There's no signs?

MR. FEENEY: It doesn't say no parking.

MR. RICCIARDONE: There are signs that -- no parking signs are not there.

MR. CRICCHIO: Exactly.

MR. BLASS: C-1?

MR. HINES: C-1.

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FRANK CRICCHIO

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MR. RICCIARDONE: If you wanted to park across from the post office you could even though they pull out there. There's no signs there that say no parking.

MR. FEENEY: Those are our questions I think.

MR. CRICCHIO: I think that's it. Our concern was the parking.

MR. RICCIARDONE: If you take the five for off-street, it's five.

MR. FEENEY: It's five. A big difference. Huge difference.

MR. RICCIARDONE: It is huge.

MR. CRICCHIO: We need to get a hold of the County.

MR. HINES: I would make sure that you're actually backing out on --

MR. FEENEY: If we do honestly four and take credit for the five off street, I think we'll be fine with a single driveway, pulling in and providing aisles. It would be nicer.

MR. CRICCHIO: Much nicer.

CHAIRMAN PORCO: Can you get any parking around the back for the two lower

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apartments or there's not enough room?

MR. FEENEY: Possibly, depending on how many we're trying to put up front. If we're trying to get nine, then I would say definitely not. If we're looking at four, maybe one or two we might be able to do something. It becomes tight with really providing turning aisles or back out space or something like that.

MR. TRUNCALI: What's the side yard setback?

MR. FEENEY: It's zero.

MR. HINES: Zero or five feet. If it's abutting the adjoining lot it's zero. If not, it's five feet.

MR. TRUNCALI: You could always move the building.

MR. CRICCHIO: Right.

MR. RICCIARDONE: You could move the building north -- I mean west. Is it possible to get something to come around the building this way with a couple spaces back here if you pulled it further this way?

MR. FEENEY: Again, if we're not trying to do nine, then that's --

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MR. RICCIARDONE: That's the whole thing. If you're --

MR. CRICCHIO: We're going to bring it back up a little bit.

MR. RICCIARDONE: Give you some options.

MR. TRUNCALI: Those bottom apartments will have entrance from the back?

MR. CRICCHIO: Yes.

MR. FEENEY: The original intent, especially with parking up front, the main entrance would be from the front. If you walk in the main entrance hallway, two apartments on that level, stairs up to two apartments, stairs down to the bottom two, and egress also out the back as well.

MR. RICCIARDONE: The bottom apartments?

MR. FEENEY: The bottom apartments. With the parking in the front rather than creating the condition they have to walk around. That's good, five off-street credit.

The side yard setback is five feet if it's not abutting?

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MR. HINES: Yeah. If it's zero it's touching, similar to Western Avenue and the buildings are touching, and then zero or five it says.

MR. FEENEY: It just says zero.

MR. TRAPANI: Frank, do you think there's enough parking on Western Street for four or five other cars? You're from there.

MR. CRICCHIO: There was no parking when Festas had it and there was always --

MR. TRAPANI: I'm just saying from your standpoint. People might say I don't want this because I can't find a parking space on the street. That's my only concern.

MR. FEENEY: There's definitely --

MR. TRAPANI: As long as there's enough room.

MR. CRICCHIO: I have other places where they can park also.

MR. TRAPANI: I hate to have somebody say I might want to rent it but I can't find a parking space out there. If you can't fit them in to the complex, they need a place to park. Looking out for you.

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MR. CRICCHIO: Thank you.

MR. FEENEY: I think we can definitely most likely do something around back, especially if it's just provide an area that people can park, although it might not be a parking space, let's put it that way. We'll get the mandated parking spaces.

MR. HINES: I think the important first step is check with the County and see what kind of entrance they want there. If they tell you you're not backing out onto the road --

MR. FEENEY: The size and quantity, I think we can do away with backing out. I think it would be better for everybody. Okay. That's all my questions.

MR. CRICCHIO: I think we're okay then.

MR. HINES: Ideally if you could get one per unit on the site it would probably -- your tenants are probably going to say where am I going to park.

MR. FEENEY: Six is probably doable. Nine starts pushing it.

MR. HINES: If you could get one per unit and take credit for the rest. If I'm

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renting a place I'm going to want an off-street parking spot.

MR. CRICCHIO: I'm going to build these places so I can get tenants in there.

MR. HINES: The first time someone snowplows --

MR. CRICCHIO: No doubt. Okay. Thank you very much.

CHAIRMAN PORCO: Anything else for the Board?

(No response.)

CHAIRMAN PORCO: If there is nothing else, a motion for adjournment.

MR. LOGUE: I'll make that motion.

MR. RICCIARDONE: Frank.

CHAIRMAN PORCO: Everyone say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

(Time noted: 7:58 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: May 14, 2014