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

----- X

In the Matter of

BAYSIDE MIXED USE

Project No. 19-3011
18 Birdsall Avenue, Marlboro
Section 109.1; Block 4; Lot 29

----- X

PUBLIC HEARING - SUBDIVISION/SITE PLAN

Date: September 16, 2019
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: JUSTIN 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: 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, September 16, 2019. Regular meeting 7:30 p.m. Approval of stenographic minutes for August 5th and August 19th. Bayside Mixed Use, public hearing, subdivision/site plan; Chris Noto, public hearing, subdivision; Top Seed Landscape, public hearing, site plan; Garone's Mountain Fresh Farms, final, site plan; Royal Energy, sketch, site plan; Brooklyn Bottling, site plan; Greiner BSD Realty NY, sketch, subdivision/lot line. Discussion only with no engineer, lawyer or stenographer for Richard Schultz, Bob Villone and Bob Villone. Next deadline: Friday, September 20th. Next scheduled meeting: Monday, October 7th.

May I have a motion for the approval of the stenographic for August 5th and August 19th?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

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MR. LOFARO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

First up, Bayside Mixed Use, public hearing, subdivision/site plan.

We had a carryover of the public hearing, so I would like a motion to reopen the public hearing.

MR. CLARKE: I'll so move.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All in favor?

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MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

The public hearing is open.

This is a public hearing. Any parties either for or against the Bayside Mixed Use have an opportunity to speak at this time. I would ask that if you've already spoken previously, to please direct your comments, new comments, specific to the subdivision.

Mr. Garofalo.

Mr. Garofalo, before you begin I'd like to commend you on the letter and the materials you submitted to the Board. Highly thorough and informative.

MR. GAROFALO: Thank you.

James Garofalo. I'd like to thank the Board for holding over the meeting. I'd like to thank Maser for the quick response.

I'm going to refer to their September 6, 2019 letter. We'll start with response number

1
2 2. I wanted to have it clarified. It says a
3 meeting was held with the Town Highway
4 Superintendent and Town Supervisor back in early
5 2018 to review the proposed design of the Town
6 road section for the project and its terminus. I
7 was wondering whether or not the Board's
8 consulting engineer was or was not at that
9 meeting or whether there was a representative
10 from the Planning Board at that meeting?

11 CHAIRMAN BRAND: Justin?

12 MR. DATES: No, they were not at that
13 meeting. It was myself --

14 CHAIRMAN BRAND: Is that microphone
15 turned on, Justin?

16 MR. DATES: I'm sorry. It was myself,
17 the Supervisor and the Highway Superintendent
18 that were at that meeting.

19 MR. GAROFALO: Thank you. I again
20 reiterate the comment about importance, given
21 that this is going to be the most heavily
22 utilized dead end in the Town.

23 With respect to response number 5, I
24 appreciate the map that they put in there. It
25 doesn't look like the loading zone is -- where it

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accesses the new public road is probably 200, 250 feet from the school property. I'm not sure about the loading zone itself, whether it's over 200 feet from the school to the north, the elementary school.

Very clearly what I found in all of their responses is that they did not respond to the written comments. I believe they only responded to the meeting minute comments. One of the written comments dealt with the loading zone and the distance of 500 feet from the nearest intersection, which they're going to be creating, which is clearly, whether you measure from the loading zone or whether you measure from where the access road meets the public road, it's probably under 300 feet from that intersection. There may already have been a precedent set in the Chestnut Petroleum instance where they did get referred to the Zoning Board.

Next I would like to say that I'm somewhat disappointed to their response on item number 6 dealing with the stonewalls. I always knew that something was going to be staying there, that everything basically north of the new

1 intersection was going to be taken out. I'm very
2 sorry that they are not either taking that
3 stonewall material and putting it up Purdy Avenue
4 or up from Route 9W, up where the school district
5 is. If it was along Purdy Avenue people coming
6 southbound would see it. If it were along the
7 school driveway on their property, again people
8 coming northbound would see it. I don't see it
9 as being that much of a hardship to move it from
10 one part of the property to the other, assuming
11 there are costs involved in creating a stonewall.

12
13 I was very glad to see response number
14 9 dealing with native species. I hope the Board
15 will think about requiring all of the developers
16 to put this information directly on the plans so
17 that years from now when somebody decides oh, I'm
18 building this and I want to replace plant A with
19 plant B, it will be on the plans showing what is
20 native and what is not native.

21 There certainly were a number of
22 different aspects that I talked about in the
23 written material we dealt with here. One was the
24 right-of-way under Chapter 130-7(c),
25 clarification of some of the easements under

1
2 130-3(c).

3 I understand there were certain
4 comments that I made that would probably be dealt
5 with when the commercial building was brought up
6 online dealing with the ADA accessibility from
7 the eastern parking lot that has direct access to
8 Route 9W and the other part of the building. I
9 understand it's going to be a two-level building,
10 that it would not be easy for someone coming
11 southbound who required an accessible parking
12 space, going in there would find none and would
13 have to go all the way around. Somebody parking
14 up above would have a hard time getting down
15 below.

16 Some of the other questions that I
17 asked dealt with the number of truckloads of soil
18 that was going to be moved, whether there were
19 tracking pads to keep that dirt from getting onto
20 Route 9W.

21 I certainly wondered whether or not the
22 people on Purdy would or would not want something
23 like a nature trail so that they could walk from
24 Purdy to the school without necessarily walking
25 through the development.

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One of the early comments that DOT had made dealt with the desirability of making the school access right turn in/right turn out or basically just right turn out, basically restricting left turns out of there. I don't know as if that was necessarily dealt with directly with DOT but certainly that was one of their earlier comments.

I don't know if Maser was ever sent a copy of the twenty-page material that I had sent earlier or not, but most of these things, and there may be a few other things I didn't mention, are contained in there. I certainly would like those questions asked.

One of the other big ones was whether or not the sidewalk along Route 9W should be moved a little further away from the road in order to allow future left-hand turns into Purdy. I wasn't sure if they had bothered to look at what was in the Route 9W design report to see how the location of their sidewalk fit with what they wanted to do with Route 9.

I want to again thank you very much for holding this open. I hope you will hold their

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feet to the fire and get some answers on some of these questions. I hope that as they came through with some of their answers, they will certainly hopefully come through with at least the stonewall, maybe some other answers to some of these questions.

Again, I am not against this project but I hope that my comments will lead to a better project. Thank you again.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

Anyone else for the public hearing?

(No response.)

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

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor to close the public hearing?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Approved.

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

MR. HINES: Sure. The applicant did provide a narrative response to the comments from the previous public hearing.

I just want to point out that this public hearing and this approval is for the subdivision aspect, the creation of the three lots out of the subdivision. Many of the items that we had heard at the recent public hearings are site plan related issues which has a valid approval from this Board.

There was a narrative in the report regarding the activities that the applicant and their representatives have performed regarding the potential historic structure on the site and a report back and sign-off letters from the Office of Parks, Recreation & Historic Preservation regarding the activities they had

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offering the structure for any agency, group or interested party that would take it. They went as far as having newspaper legal notices posted per the protocol that was approved by the Office of Park, Recreation & Historic Preservation.

The commercial portion of the project is located in the BC Overlay Zone. The Town Board has made that BC Overlay Zone on the site such that the loading requirements which were just discussed do meet those requirements. I believe those loading requirements are more for warehouse type uses that access directly to the street. If you read that section of the code, it is under parking and loading zones and it identifies one every 500 feet. Certainly this project is not of a scale where there would be multiple loading zones discharging to a public street.

The activity before the Board tonight is to reaffirm the previous issued negative declaration and to approve the subdivision application which was previously approved by this Board if the Board has sufficient information. I believe it has sufficient information.

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I will note that while I was not at the meeting, that Justin, the Highway Superintendent and the Town Supervisor were at the -- there were multiple meetings on the site with the representatives of Maser, the school district, the Highway Superintendent, which representatives of Justin's office and myself were at. There have been meetings with the school district, the Town. It was preferred by the Highway Department not to put a cul-de-sac. It's not a true dead-end road. It will have access into the site plan portion of this site and will also have access into the school district properties, so it's not a conventional dead-end cul-de-sac road as was discussed. It's going to have areas to peel off either into the site plan or into the school property. It was the desire not to create that large bowl of concrete or asphalt for operation and maintenance.

CHAIRMAN BRAND: Pat, can I ask you a question regarding Mr. Garofalo's comments? He mentioned the 500 foot distance between the existing roadway and entrance. I know that was one of the reasons that Chestnut Petroleum had to

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go in front of the Zoning Board of Appeals. Does that not apply here?

MR. HINES: The BC Overlay Zone gives the Town Board great discretion in altering the zoning. This has been subject to that. It doesn't have defined setbacks, side yards, that conventional zoning. The Town Board knew the location of the project and kind of -- that approval kind of exempts any and all portions of that. It's a very flexible zone.

CHAIRMAN BRAND: Thank you for the clarification.

Any other questions from the Board?

(No response.)

CHAIRMAN BRAND: All right. You have before you the resolution of approval by the Town of Marlborough Planning Board for the subdivision of Bayside Construction, LLC.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: No.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali?

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CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani?

MR. TRAPANI: No.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: The motion carries.

Thank you, Justin.

MR. DATES: Thank you.

(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 24th day of September 2019.

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

KRIS NOTO

Project No. 19-3007
194 Highland Avenue, Marlboro
Section 108.12; Block 8; Lot 24

----- X

PUBLIC HEARING - SUBDIVISION

Date: September 16, 2019
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
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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KRIS NOTO

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CHAIRMAN BRAND: Next up, Kris Noto, public hearing, subdivision.

Legal notice, two-lot residential subdivision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to Town of Marlborough Town Code Section 134-33 on Monday, September 16, 2019 for the following application: Noto Subdivision, 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 two-lot subdivision application for lands located at 194 Highland Avenue, Marlboro, New York 12542, Section 108.12, Block 8, Lot 24. 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. BROWN: Thank you. My name is Charles Brown, I'm the engineer for the applicant. This is roughly a 1.25 acre lot. It contains a duplex which is served by Town water and an on-site septic system.

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The proposal is to cut it roughly in half and create another lot for an additional duplex which will also be serviced by Town water and an on-site septic system.

We sent out thirteen notices, two were returned to us, the rest were delivered.

CHAIRMAN BRAND: Would you please give that to the secretary if you haven't already?

Pat, before we continue do you want to go through your comments quickly?

MR. HINES: The project is here before you tonight for a public hearing. We previously commented and provided several rounds of comments on the project. Those have been addressed.

The status of the Ulster County Health Department approval, I think I got an e-mail for conceptual approval. He's waving it in front of me. That will address that comment.

We had requested an easement. The as-built location of the water main encroached off the existing Town right-of-way onto the parcels. We're suggesting an easement be provided and recorded for the operation and maintenance of that water main.

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KRIS NOTO

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CHAIRMAN BRAND: This is a public hearing. Any interested parties either for or against will have an opportunity to speak at this time.

Mr. Garofalo.

MR. GAROFALO: James Garofalo. A few notes about sheet 1 of 3. I did not see any directional arrow. I presume that up is north but I'm not sure. If I make any referrals, I'll refer to it in that sense.

I did not see a sight distance or speed limit shown on here.

Nothing as to whether or not these plantings are native or not.

I'm not sure how they're going to handle the solid waste, whether it's going to be a dumpster or have individual garbage cans to do that.

I'm not against this project but I think there's a big problem in dealing with the parking spaces. I just don't see how -- if you add four cars parked in the spaces, how the far left side would be able to actually exit out. I'm not sure if that deck -- if you could drive

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under that deck or not. It looks to me like these parking spaces are not terribly accessible when you come in the driveway. It wouldn't be terribly easy to get out.

I don't know what size the parking spaces are because there's no dimensions. I don't know what size the aisle is for driving. These numbers you should have to be able to look and decide whether or not these parking spaces are actually usable given this configuration. Now, you can make changes and fit the parking spaces in, but I think they need to show you that they can do that.

There's also on that diagram a listing that says top of the ridge. I think that might have been just put there in error. It's on the lower middle part. Apparently the ridge is still going up.

Anyway, my most important comment is look at this parking and get them to fix this parking so it's really usable and know whether or not you can drive underneath that deck. Certainly if that deck is ground level that's going to make the parking a lot harder.

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KRIS NOTO

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Thank you.

MR. BROWN: I can respond to that. The parking, the deck is even with the first floor. The parking is even with the basement. Just like we did with the other duplex, there's also three parking spaces underneath the building. I can take off the one -- I see which one he's talking about. It conflicts. When we did the foundation for the building that's already built we put two parking spaces underneath.

CHAIRMAN BRAND: Where are the parking spaces indicated?

MR. BROWN: (Indicating.)

CHAIRMAN BRAND: Oh, the existing one-story duplex?

MR. BROWN: Yeah. The existing has two underneath and the proposed one will also. I can put a note on the plans stipulating that.

MS. LANZETTA: On your existing duplex you have room for four cars right now?

MR. BROWN: Yes.

MS. LANZETTA: Two of which can back up under the deck and get out?

MR. BROWN: Yes.

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MR. HINES: Is the grading going to prohibit the two garages?

MR. BROWN: No. It's graded for that.

MR. HINES: One is going to go under the deck?

MR. BROWN: Yes. I'm going to have to come up with a beam for that deck to clear span it. Fortunately they make laminated beams that are treated now.

MR. HINES: There's more room there. That could be modified a little bit to provide a little more room there, too.

MR. BROWN: Yes.

CHAIRMAN BRAND: Any other comments from the public regarding this?

(No response.)

MS. LANZETTA: I just want to ask Pat. I haven't thought about that in terms of what Mr. Garofalo raised. Do you see a problem there?

MR. HINES: I think there needs to be modification for the circulation.

MS. LANZETTA: You think once he resubmits a different design it will be sufficient?

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KRIS NOTO

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MR. HINES: I think there's room there to move -- where it says D-2, that can move in a southerly direction towards where it says top of ridge and that will provide additional space there.

MS. LANZETTA: It's going to be hard to get up that driveway anyway.

MR. HINES: Charlie, maybe it would be better for two of those spots there if you're providing parking underneath, that way you'll have the room to circulate.

MR. BROWN: Okay.

MR. HINES: If there's a car in the first spot I don't know if they're going to make that.

I think we can give the applicant's engineer a chance to take a look at that comment.

CHAIRMAN BRAND: Any other comments from the Board?

(No response.)

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

MR. CLARKE: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

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KRIS NOTO

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MR. CAUCHI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

The public hearing is closed.

We'll take a look at that parking and
have you back.

MR. BROWN: Okay.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:55 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 24th day of September 2019.

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

TOP SEED LANDSCAPE

Project No. 19-3008
1943 Route 9W, Milton
Section 103.1; Block 1; Lot 18

----- X

PUBLIC HEARING - SITE PLAN

Date: September 16, 2019
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVEN RIVIECCIO

----- X

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CHAIRMAN BRAND: Next up, Top Seed, public hearing, site plan.

Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code Section 155-31 on Monday, September 16, 2019 for the following application: Top Seed Landscape Design, Incorporated, 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 commercial site plan approval on lands located at 1943 9W, Milton, New York, 12547, Section 103.1, Block 1, Lot 18. 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.

Do you have the mailings that you sent out?

MR. RIVIECCIO: Yup. Sixteen out, twelve back.

CHAIRMAN BRAND: Sixteen out, twelve back. Just give those to Jen, our secretary.

MR. RIVIECCIO: Right.

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CHAIRMAN BRAND: If you would like to just give us a brief overview of what it is you have planned for the public hearing.

MR. RIVIECCIO: I'm just looking to put up a commercial building on a vacant piece of property.

CHAIRMAN BRAND: This is a public hearing. Is anyone interested?

Mr. Garofalo. The Trifecta for you this evening.

MR. GAROFALO: First a rather minor matter. I don't know why this would be put up on the website but I'm going to pass it off to you and maybe you'll decide to take it off the website.

I'm not against this project. I'm not sure how procedurally you deal with the fact that this does not meet the lot area, width and depth. I just want to make a note of that.

Certainly again I'd like to see it indicated the posted speed limit on the road and drawing for how the sight distances were determined.

There's no indication if these are

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native plantings or not.

Given the distance of the dumpster to the neighbor's property, I think it would be a good idea if the dumpster were to be fenced. Also you'll be able to see it from the roadway. Do something in the front, too. A gate.

I think it would be appropriate for the Board to get in correspondence with DOT.

I want to talk about the plan. Primarily I'm going to talk about the parking. It says spaces to be provided with a P. There are nine spaces. When I count it looks like there's ten spaces. It gives the equation for how the numbered spaces are calculated. It would be a good idea after they show that, the 300 square feet, that they actually say what is required. If you look at the spaces, judging from the right-of-way line which is supposed to be ten feet, it appears that the parking space is narrower than ten feet. So again, I think you need to have the parking space size shown on the plan because if it's not ten feet it's not meeting the code.

I don't think in general you should

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allow parking spaces in an area where you're reserving the right-of-way for a sidewalk because eventually they'll come and build a sidewalk and now they're out two spaces and they would only have eight.

All of these things can be fixed, okay. There's a very simple way to fix these.

The ADA requirements for accessible spaces, under twenty-five spaces is one van accessible space. They're showing two as if the lots were two separate groups of five spaces. I believe technically they could remove one of those accessible spaces and turn it into two parking spaces and then just eliminate the two along the roadway and shift them a little bit out of the right-of-way, making them the appropriate width, and I think they could fit all of their parking spaces in there. It will take a little work on their plan to do this but I think they can get their nine spaces that are required in there. I don't think the way they've shown it is correct and I don't think you should ever allow them to put parking spaces in there. They're reserved for a right-of-way, unless those parking

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spaces are more than are required, because what you don't want to do is have them build this, put in the sidewalk and put them out of business because they don't have enough parking.

I very much appreciate your attention.
Thank you very much.

CHAIRMAN BRAND: Jeff.

MR. BATTISTONI: Mr. Chairman, I don't know if the Board actually made a motion to open the public hearing. If you didn't, you can make one now just retroactive to the time before he began to speak.

CHAIRMAN BRAND: Can I have a motion -- I thought I did that.

MS. LANZETTA: I'll make the motion to retroactively open the public hearing on this project.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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CHAIRMAN BRAND: Aye.

Thank you, Jeff.

Any other comments from the public?

(No response.)

CHAIRMAN BRAND: Any comments from the Board?

MS. LANZETTA: I was concerned because it's very hard for me to tell from this map that we have where exactly Route 9W's right-of-way is and where this project begins, and therefore how much space is going to have to be reserved, as we've asked for other applicants in the past, for a possible easement for a possible sidewalk somewhere in the future. I'm just going by what Jim was saying, that if you do take that all into account, we might be going further because of the parking area. I thought those were good comments in regard to the parking.

CHAIRMAN BRAND: I think our discussion in the past regarding sidewalks had focused on the westerly side of 9W. We didn't require the Progressive people to do it.

MS. LANZETTA: Yes, we did. I'm talking about an easement.

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CHAIRMAN BRAND: An easement for
sidewalks?

MS. LANZETTA: Yes. That's what we
asked the Progressive people to do. I went back
and read the resolution of their approval and
part of that was to set aside actually a ten-foot
easement for the possibility of there being
required sidewalks down the line.

CHAIRMAN BRAND: Is the Board in favor
of requiring them to have the ten-foot easement?

MR. TRAPANI: What we did for Milton
Hardware.

CHAIRMAN BRAND: They don't have to
build it, they have to give us the space for it.
They would not be able to put parking spaces
there.

I'm completely in favor of that as
well. I think that's something that we'd like to
see on the plans is the temporary easement for
parking in that area -- I'm sorry, for a sidewalk
at a future date.

I also attended the Ulster County
Planning Board for this meeting and they did have
a couple of comments regarding this project. One

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of them was that it really doesn't follow the comprehensive plan and the new statute, that we'd like to see buildings close to the highway with the parking on the side or in the back. I don't know if your particular layout, if that's feasible for you. I would like you to ask the engineer to take a look at that and see if that's feasible to reconfigure what you have so the building would meet the comprehensive plan.

They also made a couple of comments regarding the architectural design of your structure, they compared it to some other buildings in other municipalities, and to keep it more in line with the comprehensive plan. So maybe that's something you can ask the engineer to check on.

MS. LANZETTA: We have received the actual comments from the Ulster County Planning Department. There were a couple of required modifications that your engineer would be able to look at and address.

CHAIRMAN BRAND: We'll give you a copy of those as well.

Any other comments from the Board?

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(No response.)

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

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Mr. Corcoran?

MR. CORCORAN: Tom Corcoran. I just want to maybe ask Pat, I think the DOT regulations have changed as far as asking for easements and putting the sidewalks in the DOT actual right-of-way. The DOT in the corridors is not asking for easements anymore. They want the sidewalks in the right-of-way and not easements outside of the right-of-way. Is that correct, Pat?

MR. HINES: They have done that on several of the projects. I think we'll refer the comment to the applicant's representative and he can discuss that. DOT has conceptually approved the layout. I have an e-mail from DOT to the Board.

MR. CORCORAN: I think on this project, when I was involved with that, they were looking for the sidewalk to be within their right-of-way and not looking for the easement because under

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their new, I don't want to call them regulations but the way they're doing it now, they'd rather see the sidewalks in their right-of-ways and not put outside their right-of-ways inside the Town easements. I think that's what the DOT on this project has kind of signed off on.

CHAIRMAN BRAND: We'll take a look at that. We've seen both in the past.

I'll take a motion to close the public hearing.

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

If you could speak to your engineer to address those comments we made to you this evening and we'll reschedule you.

MR. RIVIECCIO: Are you going to have a

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list of them?

CHAIRMAN BRAND: We can provide you with a list.

MR. HINES: I'll provide his engineer with a list of the comments.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:06 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 24th day of September 2019.

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

GARONE'S MOUNTAIN FRESH FARM

Project No. 19-3009
17 Baileys Gap Road, Highland
Section 95.4; Block 1; Lot 30.100

----- X

FINAL - SITE PLAN

Date: September 16, 2019
Time: 8:06 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- 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, Garone's Mountain Fresh Farm, final, site plan

MS. BROOKS: Good evening.

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

MR. HINES: I don't have any outstanding comments on this project. They've addressed our previous comments.

They removed any reference to the helicopter landing pad that was previously there. They identified an accessible parking spot in that location.

We have no further comments.

I know Jeff's office made a draft resolution.

CHAIRMAN BRAND: Any comments from the Board?

(No response.)

CHAIRMAN BRAND: We did receive a resolution for the application of Garone's Mountain Fresh Farm, LLC for site plan approval from the Planning Board of the Town of Marlborough.

Any comments before we poll the Board,

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Jeff?

MR. BATTISTONI: No.

CHAIRMAN BRAND: Jen, would you poll
the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

CHAIRMAN BRAND: Absent.

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.

CHAIRMAN BRAND: You're all set, Ms.
Brooks.

MS. BROOKS: Thank you very much.

(Time noted: 8:09 p.m.)

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

ROYAL ENERGY

Project No. 19-3002
166 Route 9W, Milton
Section 103.3; Block 3; Lot 68

----- X

SKETCH - SITE PLAN

Date: September 16, 2019
Time: 8:09 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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CHAIRMAN BRAND: Next up, Royal Energy, sketch, site plan.

Pat, do you want to run through your comments first on this?

MR. HINES: The applicant has appeared back before the Town Board regarding the BC Overlay Zone. The Town Board -- I got a copy of their minutes -- apparently placed some conditions regarding fire suppression systems into the building. Appropriate notes should be added to the plans addressing those BC Zone comments. The building changed size since the Town Board had last seen it.

The Planning Board has previously requested curbing of the access drive. The DOT has apparently requested that that not be there. We're in a little bit of a catch 22. That's for the Board to address.

The jurisdictional fire department will ultimately need to sign off on their review of the project.

We are awaiting submission of the stormwater pollution prevention plan.

County approval for the subsurface

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sanitary disposal system.

Just a cursory review of the stormwater system, it looks like the grading for the detention pond may impact the 48-inch diameter pipe. If you do the math between the inverts and the grading, that pipe will be sticking out of the ground.

Again, the inverts in the bio-retention area are different on the labeling between the site plan and the detail sheets.

My office needs the stormwater pollution prevention plan. I think we have a similar comment as the County, that they're also awaiting review of that.

CHAIRMAN BRAND: There are several required modifications from the County. Do you have those as well?

MS. BROOKS: I haven't received them yet. I'm sure I'll get a copy shortly. Can I --

CHAIRMAN BRAND: Absolutely. I did receive a letter from the Town Supervisor, Mr. Lanzetta.

Mr. Lanzetta, since you're in attendance would you like me to read this whole

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letter into the record?

MR. LANZETTA: Just the gist of it.

CHAIRMAN BRAND: We did receive an e-mail from Supervisor Lanzetta to inform the Board that Brooks & Brooks spoke with the Town Board per the request of the Planning Board's Engineer, Mr. Hines. There were minutes included. Essentially they spoke about the change of design and the Town Board approving those changes. They talked about the updated plan and layout which included the demolition and removal of multiple buildings. Ms. Brooks said that Fire Chief Kneeter and she will be working on a plan to be mutually agreed upon.

MS. BROOKS: He's also in attendance.

CHAIRMAN BRAND: One of the things also discussed were the propane tanks and the usage two or three times a year for pressed grapes. The new commercial building would be for cold and dry storage only. Councilman Baker questioned whether or not it was allowed in the RAG district. Supervisor Lanzetta says they'll write a letter to the Planning Board letting them know changes and concerns discussed. He would like to

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request a letter from the engineer with regard to the sprinkler system. I think that pretty much covers all of the bases.

MR. LANZETTA: Thank you.

CHAIRMAN BRAND: You're welcome.

MS. BROOKS: I spoke with the engineer today once we received the comment. He will have the stormwater pollution prevention plan completed by Friday.

Is the deadline this Friday or next Friday, because we have five Mondays this month? I'm trying to clarify that.

MS. FLYNN: It's usually this Friday but I'll give until Wednesday.

MS. BROOKS: We have five Mondays. I was trying -- I just wanted to make sure that I gave the engineer the right date.

So he's going to finalize the stormwater pollution prevention control plan. We will continue to work with Chief Kneeter.

One of the Town Board requirements of course was to pre-fit the building. I think that is in accordance with what the fire department is also looking for. I did have an e-mail exchange

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back and forth with Steve today but we did not get a chance to sit down and review the plan. We will make sure we do that between now and when we have the public hearing set for next month.

CHAIRMAN BRAND: I think this Board is still waiting on a narrative or some type of description of what's actually occurring in each of the buildings.

MS. BROOKS: We actually submitted that last month. I thought that was found satisfactory by the Board.

CHAIRMAN BRAND: Okay. Maybe I missed it. I will double check.

MS. BROOKS: Okay.

MR. HINES: I don't think you were at that meeting.

MS. BROOKS: We did submit that narrative. The owner did.

CHAIRMAN BRAND: Great.

MS. LANZETTA: Being that Chief Kneeter is here, I too want to raise my concern that the fire department look at the current building that's being utilized and the ability for any apparatus to get around that building, if it's

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ROYAL ENERGY

49

sufficient or not.

CHAIRMAN BRAND: Anything else from the Board?

MS. FLYNN: Chris, we can make it the 27th because our next meeting is not until the 7th.

CHAIRMAN BRAND: The deadline?

MS. FLYNN: Yes.

MS. BROOKS: Thank you very much.

CHAIRMAN BRAND: Anything else, Ms. Brooks?

MS. BROOKS: I guess I would -- at this point in time I think that we've submitted enough information. I would ask the Board to consider scheduling a public hearing for the October meeting, this way if there are any other issues or concerns from the public we can make sure that they are incorporated into the final plans.

CHAIRMAN BRAND: That's with the understanding that you and Chief Kneeter will have worked out some type of agreement for this by that time?

MS. BROOKS: Yes.

MR. KNEETER: I'm sure we can squeeze

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it in someplace.

CHAIRMAN BRAND: How does the Board feel about that?

MS. LANZETTA: The stormwater plan is very important.

MS. BROOKS: That will be submitted before the deadline. He's on target for this Friday. As soon as he gets it done it will be submitted to the Town because we want to give the engineer adequate time to review.

MS. FLYNN: Then we'll move it back to the 25th.

MS. BROOKS: I'm good with that.

CHAIRMAN BRAND: Do you feel that's adequate time, Pat?

MR. HINES: I just don't know -- normally we have comments on those. I don't know if you want to set it for the second meeting in October to give everyone time to have the fire department work it out and the engineering details.

MS. BROOKS: We're only asking for a public hearing, not necessarily final approval. We'd like to move the process forward.

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CHAIRMAN BRAND: The public hearing for the second meeting in October?

MS. FLYNN: The 21st.

CHAIRMAN BRAND: October 21st. Does that work?

Okay. Let's go ahead and do that and schedule it for October 21st.

MS. BROOKS: So then we're fine with the 27th for the deadline. Okay.

MS. LANZETTA: You might want to submit that stormwater to County.

MS. BROOKS: Yes. My understanding -- I have not read the comments yet but my understanding was they were looking for a resubmission anyway. They had initial comments with the understanding there would be a resubmission once the stormwater was submitted. That's what a little birdie told me.

CHAIRMAN BRAND: Great. Thank you.

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

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

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That hereinbefore set forth is a
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I further certify that I am not
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interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of September 2019.

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

BROOKLYN BOTTLING

Project No. 19-3006
9 Riverview Drive, Marlboro
Section 108.3; Block 2; Lot 38.1 & 39

----- X

SITE PLAN

Date: September 16, 2019
Time: 8:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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CHAIRMAN BRAND: Next up, Brooklyn Bottling, site plan

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

MR. HINES: I'm just kind of wondering why they're here, comment number one.

I don't have any comment on this. I believe they requested to come in and talk about fire protection.

MR. BONFORTE: Mike Bonforte with Brooklyn Bottling, and Eric Collier is an engineer that we hired to help us along with the process.

We submitted a letter, I think it was dated September 5th, just to avail you to the point that we hired a specialist engineer to evaluate the water pressure and the volume that's entering the site and that would be available for fire protection purposes. That was something that we talked to the jurisdictional fire chief and Mr. Troncillito about a few times. So we want to be able to get that right. We were working with Albany Fire also. I think they had actually installed the sprinkler system in our

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production facility, although this application is for the warehouse.

What we'd like to ask the Board is that before the next submission date, I think I might have heard it's not the 20th but maybe --

MS. FLYNN: The 27th.

MR. BONFORTE: -- the 27th now. Thank you, Jen. Is that we provide everyone with a preliminary analysis from this engineering firm, it's called Mark Fellenzer Engineering, and -- we just hired Mark. It took us awhile because he was traveling. In any case, we'd like to provide you with a preliminary analysis to say we are determining that a water loop or an alternative to the water loop, which I know is a specific term, will be beneficial to the project, either way, and request for a conditional approval on that basis. We will provide a full scope comprehensive fire protection plan including that water volume, water pressure calculation in that. So it's just something that -- we're trying to avoid a winter building condition and the extra cost that goes around with that for the warehouse project.

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I don't know if I said that well enough
but --

MS. BROOKS: I think one of the issues,
again as Mike was talking about, has to do with
the building season. We did receive a neg dec on
this back on July 1st and the public hearing was
closed back on July 15th. Of course the
applicant waived the 62-day timeframe so we don't
have to worry about that. At this point in time,
if the applicant's decide to begin to construct,
they would be doing that at their own risk
knowing that they would not receive a certificate
of occupancy unless the issue of water service
and fire suppression to the building was
adequately sized and designed in accordance with
the Town requirements and in accordance with the
fire chief's -- addressing his concerns. So I
guess basically that is the asking. The
applicant will have a submission on the 27th, and
whether or not it is a hundred percent accepted,
and certainly we would understand that the
resolution for approval would be crafted such
that the protections for the municipality and the
fire service would be incorporated into them

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while allowing the applicant to move forward with construction, again at their own risk knowing they have to comply with --

MR. BONFORTE: At our own risk is acceptable. We feel confident with the engineer that we've hired. I'm sorry, should I not have said that? We need to do one of two things, either extend the existing hydrant system and do a loop or we do an alternative. We're prepared to do either to move this project forward. Sorry if I reacted. I did feel that winter build conditions are more important, Mr. Hines.

MR. HINES: I'm just looking back at my comments from May requesting the very same information.

MR. BONFORTE: What I'd like to say immediately is the construction company we were intending to use was supposed to provide that information and the analysis, this very specialized analysis, and they didn't, and then there became an issue with Albany Fire and us. We're moving away from that now. I had to go out and do it myself and contract Mr. Fellenzer. I'm not pleased about it at all but we kept waiting

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and waiting. Now we're here, including Eric Collier who I've hired in the process to move this along.

CHAIRMAN BRAND: What are your thoughts on that, Pat?

MR. HINES: I'm deeply concerned about that. I don't want to see buildings constructed without adequate fire protection from both an engineering concern and --

MR. BONFORTE: I spoke too soon. If I could say, we're not going to be able to break ground for at least another month. There are some other steps that have to take place. We need to do an appraisal with the bank. We're doing bank financing. That will take three or four weeks. We're also still -- we're in the very last stages of getting the Ulster County IDA approval, so we're looking to -- that will take another month let's say. So in that time period we feel like we'll have a fully scoped out and comprehensive plan from Fellenzer Engineering addressing all of the NFPA code that's required.

MS. BROOKS: Perhaps as an alternative, Pat, because I certainly understand your

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concerns, if part of the resolution was conditioned upon no building permit being issued prior to the resolution of that. There are some other funding and financing entities that can't move forward until site plan approval is granted, however conditional it may be. So that is the concern about moving forward to the next step.

MR. BONFORTE: Yes.

CHAIRMAN BRAND: Jeff, your thoughts?

MR. BATTISTONI: I would simply await direction from the Board as to whether they wanted me to prepare any sort of resolution for the next meeting.

CHAIRMAN BRAND: We have done it in the past where we granted conditional approval based on conditions. Is the Board comfortable with that?

MR. CLARKE: I feel like the few times you've been in front of us, you know, you presented a very fair -- it hasn't been biased. You seem to be a gentleman with a lot of integrity. I would have no trouble doing the preliminary work, you have to put your footings and your concrete. I can do that. By the time

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you get to the point where you have to put the fire suppression system in, which ever system it is, I know you will because you're not going to get a final approval without it. As far as I'm concerned I would be in favor of doing a conditional approval.

MR. COLLIER: If I could shed some light on it. I want to apologize it did take so long but we were also taking one step back further from an engineering standpoint and looking at everything with the building as a whole. We'd like to spend more time with the engineer and the jurisdictional fire department and make sure that we're on the same page. We're looking at now what's existing, new, the whole project as a whole. In conjunction, what we'd like to do is, after conditional approval if we get that, is to continue the fire protection engineering. Like you said before, either foundation or building permit, that this is conditional, that we have the approved sprinkler drawings in for submission to the building department. That's our ultimate goal. Nothing is happening but we have a timeline to get that.

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I'm going to be overseeing the whole process with a consultant as well.

CHAIRMAN BRAND: Any other thoughts on that conditional approval?

MR. CAUCHI: I have no problem with that.

MS. LANZETTA: We've had a situation before where our consultants from our fire departments have advised us that they weren't comfortable with certain projects and we went ahead and approved them. I made it clear at that time that I was not going to approve anything -- I was not comfortable approving anything that didn't have the approval of our firemen. I think our main focus has to be public health, safety and welfare. Until we get the approval from our fire department that they're able to come to some kind of consensus as to what needs to be done with this building, I would not be comfortable voting for a conditional because it's just -- I don't think it shows the proper emphasis on the safety aspects that we need to be focusing on.

CHAIRMAN BRAND: Jeff, am I wrong in thinking that part of the conditions of

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conditional approval would be exactly what Cindy just said and that would be conditions for the final approval?

MR. BATTISTONI: I can see those being conditions in the resolution, yes.

MS. BROOKS: That is the intent of the applicant, by all means. We're not asking for any approvals this evening. We're asking to try to move the process forward, that the Board would consider final approval at the next meeting based on the preliminary --

CHAIRMAN BRAND: Conditional.

MS. BROOKS: Conditional approval based on the preliminary. Obviously, as the applicants have stated, they're planning on working with Chief Troncillito over the course of that time.

MS. LANZETTA: So it's our job to make a subjective decision on these kinds of issues. If it does turn out that the applicant believes that he can do the suppression without doing the loop, and should the fire department not agree, they say no, we have to do the loop, how does that get resolved?

MS. BROOKS: Well it's an engineering

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science. Would have, could have, should have, what do I want, what do I need. I think that the engineering science of the water suppression system will speak for itself, and it's going to still be reviewed by the town engineer. We would hope that we would get concurrence at that point in time from the fire department.

MR. TRONCILLITO: We have to see all the facts first.

MS. BROOKS: Exactly. That's the point. I don't think that any of us can speak to that at this point in time until we do have all the facts.

MS. LANZETTA: My question is if it's not quite clearcut as all that. Somebody has to make a subjective --

MS. BROOKS: The point is it is that clearcut, which is why they hired Fellenzer, because there is an art and a science to the calculations, although we all know that fires are not an exact science. Don't we, Pat? I think that we feel pretty confident and the applicants have stated they will comply with what ultimately the fire department determines is required.

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MS. LANZETTA: The condition would then be included in there that as long as the fire department has agreed to --

MR. BONFORTE: Absolutely.

MR. HINES: The suggestion earlier was no building permit. I would feel a lot more comfortable with that as a condition than the condition that we're going to build at our own risk.

MS. LANZETTA: Yes.

CHAIRMAN BRAND: No building permit be issued. That would make everyone happy?

MR. BONFORTE: If I followed everybody, that would give us the time with the engineers and with the fire folks to take care of that. Right?

Just to go back, one of the reasons why we were delayed a bit was when we originally said there should be a loop based upon some initial feedback from the fire department, we said okay, we had to cost it out. Now that we're running into a time issue with winter conditions, we're saying we're willing to accept that as a cost, additional cost, because it's much more

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expensive. It's about 1,000 foot run versus what may be a good alternative of about a 50-foot run or 60-foot run from another hydrant. We have two hydrants.

MS. BROOKS: The other issue is it might not be feasible because of the rock. I mean the tests that we've done, you're talking about blasting potentially a water line around the entire building which isn't necessarily going to be at all feasible.

MR. BONFORTE: We're willing, again, to accept those conditions to move forward. Again, building permit, it would be subject to approval.

MS. LANZETTA: With those conditions that we've just described, the building permit and approval from the fire department.

MR. CAUCHI: I'm good with that.

MR. HINES: I would ask the Board to ask the jurisdictional fire department if they are okay with that. It puts them in a rather tenuous position to approve this or not.

MS. LANZETTA: I agree. I think it's supposed to be our job. I say it's subjective on our part.

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CHAIRMAN BRAND: Correct me if I'm wrong. What you're saying is, though, you're going to do what they recommend?

MR. BONFORTE: Yes.

MS. BROOKS: No.

MR. TRONCILLITO: Not really. They're not going to do --

MR. CAUCHI: Because of the time sensitivity to this, they're going to say can we have these approvals. If we sort out these engineering analysis, can we have an approval, because again there's a time sensitivity and we understand that. I understand that.

MR. CLARKE: I would say that if you want to go ahead as a single thread and have all the ducks in a row. I think what they're asking for is can we have -- move ahead with the building and we move ahead with the design and specifications so they're running parallel instead of just a single line. I think that's what they're asking for.

MS. LANZETTA: I understand that, but if they do have to start blasting and doing things, if they're moving ahead how does that

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impact -- if it does turn out that they do have to go with the loop and have to start blasting and now they started building. We don't know for sure.

MS. BROOKS: Again, I don't want to speak for the fire chief. Certainly there is engineering within the fire service. The fire chief relies upon the engineering of the experts, whether it's through fire service or through an outside engineer, to help guide us in the fire service. So I feel very comfortable that we will be able to come to a resolution. The issue is that we're aware of the fact that unless this Board authorizes a resolution to be drafted, then we will continue to be postponed. I think that was the reason for the ask this evening. We certainly have time between now and the next meeting, luckily an additional entire week, to try to work things out with the fire chief. We're hopeful that once we get to that meeting those things will have been resolved. We're also aware of the fact that unless we have that ask tonight, then Mr. Battistoni is not authorized to even draft a resolution.

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MS. LANZETTA: Again I'll just reiterate that if it does turn out that the data doesn't show the applicant's preferred resolution, if there does have to be blasting and things like that, that would affect the building -- moving forward with the building as well.

MS. BROOKS: They actually stated they're willing to do that.

MR. BONFORTE: We've costed that out with our construction company. Again, the decision was made to go forward as fast as possible with this request and accept a water loop including blasting. I mean I will -- without going too deep, we've had soil borings done on the site and we had Fellenzer Engineering on site. There was preliminary analysis, very preliminary from a Skype walkthrough and looking at the pressure data and volume data that we've already had done by Albany Fire, that he sees an alternative that doesn't require the loop at all. He'll support that with his professional work product, his professional paper. So that's why I feel confident asking for this tonight, and hopefully you can accommodate us.

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CHAIRMAN BRAND: I think we should authorize Jeff to do the conditional approval, that it doesn't meet with what we think is --

MS. BROOKS: Mr. Troncillito, are you okay with that?

MR. TRONCILLITO: Yeah. As soon as we see the data. I understand the engineering part of it. The only thing the Marlboro Fire District wanted was to provide the best fire protection we can based on what is going to be built there. That's all. If we can come to a compromise, that's great.

MS. BROOKS: Great. Thank you.

CHAIRMAN BRAND: Let's go ahead and do that. That's for October --

MS. FLYNN: 7th.

CHAIRMAN BRAND: October 7th.

MS. BROOKS: Thank you very much for the consideration.

MR. BONFORTE: Thank you.

(Time noted: 8:35 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 24th day of September 2019.

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

GREINER BSD REALTY NY

Project No. 19-3013
96 Idlewild Road, Marlboro
Section 108.3; Block 1; Lots 18.12 & 21.113

----- X

SKETCH - LOT LINE

Date: September 16, 2019
Time: 8:35 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

----- 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, Greiner Realty Subdivision.

MR. SCALZO: Good evening, Chairman Brand and the rest of the Board. My name is Darrin Scalzo, I'm the engineer representing the Greiner BSD Realty NY, LLC lot line change and a subdivision.

This is a little unusual. We're proposing a lot line change and a two-lot subdivision of approximately 86 acres of land. If I were to put it in order for you, we currently have two parcels. We have 30 acres, which is tax parcel 21.113, and approximately 55 acres on tax parcel 18.12. Both parcels are located on the southerly side of Idlewild Road. The 30 acre parcel has road frontage on multiple locations on Idlewild and contains a cold storage building on the corner of Idlewild and Burma. The 55 acre parcel has road frontage on Burma Road and a warehouse. I will use the word warehouse or facility interchangeably for this.

The applicant is seeking to create a standalone lot for the warehouse. To accomplish this we will need to combine a lot line change of

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tax lot 21.113, slide around the warehouse into tax lot 18.12, and then subdivide almost 5 acres out of tax lot 21.113.

These lots are in the RAG-1 Zoning District, and westerly portions of these lots are also in the Ridge Line Protection Zone.

In 2001 a site plan was approved for Pioneer Springs which included the 10,000 square foot water bottling plant and access out to Idlewild Road. At that time both lots were owned by the same parties and the intent was to combine the two for a total of nearly 92 acres. I'm not sure of the details but that consolidation did not occur.

Since then some minor subdivisions have taken some acreage out of the larger lot. On March 20th of this year the Greiners entered into an agreement to convey tax lot 18.12 to be BSD Realty New York, LLC. They also entered into an access right-of-way easement agreement for ingress and egress over that portion of tax lot 21.113 to get the warehouse from Idlewild Road. They also entered into a memorandum of contract to subdivide out that portion of lot 18.12,

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including the warehouse, approximately 4.5 acres, and access to the warehouse. The memorandum also includes language to convey the remaining 53 acres of tax lot 18.12 back to the Greiners. All of these recordings that I just referenced were filed in the Ulster County Clerk's Office in May.

There are no proposed improvements included in this application. Everything is exactly as it's going to remain.

The warehouse and it's contents are currently in the state as it was used last by the water bottling facility. There is a small office attached to the warehouse which is being used by BSD.

The warehouse is served by an individual well and septic system. At this time we're just seeking a subdivision. Any use for the warehouse for anything other than storage of agricultural items would be subject to a site plan review which would require them to appear before the Board. At least that's my understanding.

We have not reached out to Gael Appler for his report if need be.

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I'm putting the cart way before the horse on this one, but in moving this application forward we would also request that the Board waive the requirements for topography on this site as there will be no additional improvements.

That's what I've got.

CHAIRMAN BRAND: Pat, comments?

MR. HINES: You've got some challenging lot geometry here.

I have some questions. The existing warehouse is used for what?

MR. SCALZO: Currently the equipment that was in there for the water bottling facility is there. I was in three weeks ago and --

MR. HINES: It's not going to be a water bottling plant any more?

MR. SCALZO: That I am not sure of. They have not indicated to me that they would continue doing water bottling, however I do recall, at least my interpretation of the code, is for water draw you would need a minimum of 10 acres.

MR. HINES: That was the gist of my question.

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MR. SCALZO: Water draw would be, however should they appear before you for a site plan here on the actual active bottling of the water, the lot that they would be drawing from is over 10 acres.

MR. HINES: Tax lot 21.113 is where the wells are located I believe.

MR. SCALZO: That is correct, which would remain approximately 26.7 acres.

MR. HINES: But they're going to be under separate ownership.

MR. SCALZO: That is correct.

MR. HINES: That's not happening.

MR. SCALZO: Okay.

MR. HINES: This is a red flag here that this is a water bottling plant without a well.

MR. SCALZO: Correct. As I stated, my client has not indicated, and they would have to appear for site plan approval for any activity that's going to be going on other than agricultural activity.

MR. HINES: The applicant requested a waiver of the topography. With that, these lots

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are very large and nowhere on this plan is there a deed plot. The lots are going off the page in all directions. I would suggest the Board get some scale, a deed plot at least, that shows what's happening here. It will be a little easier for the Board --

MR. SCALZO: I can certainly add a second page.

MR. HINES: I think that would be helpful.

I think you may have mentioned, there's going to be cross access easements across these lots?

MR. SCALZO: That is correct.

MR. HINES: Access to several of the parcels is crossing property lines throughout. That will need to be shown clearly and those access agreements shown to Jeff's office.

The use of lot 1 we just discussed. Right now it is a metal warehouse. I think it's going to lose any ability to be a water bottling company. I just hope that your client, or who ever is buying that, knows that because of the lot size and the disconnect between portions of

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what was the Pioneer Springs Water Company are ending up on different lots with different ownership.

Just the bulk table requirements to show what's required. I'm requesting that you show what's provided, at least on lot 1 in that bulk table.

I do want the highway superintendent or his representative to take a look at the access. It's limiting access points by chopping -- currently I think 18.12 has access to both Idlewild and the other road.

MR. SCALZO: Burma.

MR. HINES: It's only going to have one access point in the future.

That's the extent of my comments right now.

CHAIRMAN BRAND: Jeff?

MR. HINES: The lot geometry is kind of circuitous. Lot 2 is going completely around proposed lot 1 with an, I'll say 50-foot strip.

MR. SCALZO: That is correct. It is a 50-foot strip. During the development of this subdivision it occurred to me that had I not done

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that then I would have created other lots and then it would have been subject to having to design residential well and septic for those other areas. The intent was not to create additional lots. That's why it's a jug handle around there, just to maintain that single lot status.

MS. LANZETTA: As long as you have four lots --

MR. HINES: As long as they're greater than 5 acres.

MS. LANZETTA: You don't have to do septics. Right now it looks like you have access to roads. If you just left the other two lots as they are and basically just didn't do that jug handle and just did two lots on the upper portion there, they each have access to the road. It would be a lot cleaner if you had four lots than what you're proposing here.

MR. SCALZO: Okay. This is exactly what I was hoping to get out of this.

MR. HINES: Darrin, that access, the 50-foot wide access as it appears on lot 2, it looks like a fee ownership and not an access.

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It's shown as part of this lot.

MR. SCALZO: Pardon me. I called it an access. It does appear on the filed map as a 50-foot --

MR. HINES: Fee ownership.

MR. SCALZO: Correct.

MS. LANZETTA: So that would allow you to use it to access that lot.

MR. HINES: Correct.

MR. SCALZO: That's correct.

MS. LANZETTA: It looks like you have access to -- you don't have to do that jug handle. That just complicates it.

MR. HINES: The gist of the question is if it has fee access.

MR. SCALZO: It looks like it has fee access.

MR. CLARKE: If you don't do that you're going to go --

MS. LANZETTA: Four lots is still a minor.

MR. HINES: You're going to create another lot, I'll say on the right-hand side of the page, the east side.

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CHAIRMAN BRAND: Jeff, did you have something to add?

MR. BATTISTONI: I'm guessing that the county clerk would require the lots to be shown fully on a subdivision plat. Here lot number 2 is shown partially. It runs off the page.

MR. HINES: So does 3.

MR. BATTISTONI: 3 does as well. I think the entire property needs to be shown on the plat.

I'd be a little careful about segmentation, too. I don't know what the applicant is doing here. Are they going to subdivide and come in later on with another application to do something? Maybe the Board needs to look at what it is they want to do.

MS. LANZETTA: If somebody does want to utilize this warehouse for any kind of commercial use, you know, not commercial commercial but --

MR. HINES: Not agricultural.

MS. LANZETTA: -- yeah -- that's going to impact any additional development around the perimeter.

CHAIRMAN BRAND: Tom, did you have

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something as well?

MR. CORCORAN: I apologize if somebody addressed this. Knowing that the plan gets reduced -- that property gets reduced to 5 acres, it loses it's water taking.

MR. HINES: Yes. It lost it's wells too I believe.

MR. SCALZO: It lost the big well.

MR. CORCORAN: Well or not, under 10 acres it can't take water. I missed that.

MS. LANZETTA: Tom, do you know, is that under the Ag regulations or is that Town regulations?

MR. HINES: That's your Town Code for water taking.

MR. CORCORAN: Town regulations is a minimum of 10 acres for water taking in the RAG Zone.

MR. SCALZO: There was a local law adopted, I want to say `99 or `92.

MR. CORCORAN: It was a local law. It's in the book, 155-12 under RAG-1 you'll find water taking with a minimum of 10 acres.

CHAIRMAN BRAND: Any other questions or

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comments from the Board?

MS. LANZETTA: I want to point out that the existing gravel driveway is right on the lot line, so that can be an issue.

MR. HINES: That was the gist of my access and easement comment.

MR. SCALZO: There's a farm lane that continues from Idlewild all way the tax lot 18.12. The desire of my clients was to maintain that availability for them to continue to use that passing through from Idlewild to the other lot. I designed it exactly for that reason, to run down the center of that.

CHAIRMAN BRAND: It seems you have some work to do.

MR. SCALZO: Absolutely.

CHAIRMAN BRAND: We'll see you back.

MS. LANZETTA: What about he asked about the topography waiver. Does anybody have any thoughts on that? Do we want to have the topography shown?

MR. HINES: I was concerned about the 50-foot strip that was left around there to make sure it had access. If that's not going to be an

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issue I would be less concerned. To make sure that 50-foot strip was able to be constructed into some form of access. If that's going to be eliminated --

MR. SCALZO: I will confirm with my clients. If it makes sense to eliminate the jug handle, absolutely.

MS. LANZETTA: How about if you keep it and we want topography and if you take it out, then we can waive it?

MR. HINES: Topography in that area. It's 96 some acres total.

MR. SCALZO: That I do understand, however as I had mentioned earlier in the presentation the lot does have multiple access points on Idlewild. As I say, the nature of that 50-foot was just to keep the lot as one.

I understand, Pat, your concerns about having it passable there. There is access to the lot in multiple spots along Idlewild.

MR. HINES: For now.

MR. SCALZO: I have to confer with my client. I agree with the Board's opinion, get rid of the jug handle.

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CHAIRMAN BRAND: Okay. Thank you.
MR. SCALZO: Thank you very much.

(Time noted: 8:50 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 24th day of September 2019.



MICHELLE CONERO