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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

POND VIEW

Project No. 20-4009  
19 Sunrise Drive, Milton  
Section 102.4; Block 2; Lots 32.813 & 30.4

----- X

PUBLIC HEARING - LOT LINE

Date: November 2, 2020  
Time: 7:30 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

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

APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA

----- X

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

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POND VIEW

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CHAIRMAN BRAND: It is 7:30 and we do have a quorum, so I will call the meeting to order.

Agenda, Town of Marlborough Planning Board, November 2, 2020. Regular meeting at 7:30 p.m. We have the approval of the stenographic minutes for 10/5. On the agenda this evening is Pond View, a public hearing for the lot line at 19 Sunrise Drive in Milton; Twin Pond, final, site plan, 2007 Route 9W, Milton; and Justin Votta, sketch of a lot line at 9 Riverview Lane in Marlboro. We do have a discussion without the lawyer, engineer, stenographer with Mark Francos for a bed and breakfast at 387 Lattintown Road. We have ongoing on the agenda the review of the site plan checklist. The next deadline is Friday, November 6, 2020. The next scheduled meeting is Monday, November 16, 2020.

I would like to have a motion to approve the stenographic minutes for 10/5.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRONCILLITO: I'll second that.

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POND VIEW

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CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos for the approval of the stenographic minutes?

(No response.)

CHAIRMAN BRAND: No. So moved.

I would like a motion to reopen the public hearing for the Pond View application lot line at 19 Sunrise Drive in Milton.

MR. LOFARO: I'll make a motion to open the Pond View --

CHAIRMAN BRAND: Public hearing.

MR. LOFARO: -- public hearing.

CHAIRMAN BRAND: Excellent. Is there a second?

MR. TRONCILLITO: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: No. So this is an opportunity for anyone who is here to speak for or against this application.

Do we have anybody that we know of, Jen, that's here for that?

MS. FLYNN: There is nobody waiting.

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POND VIEW

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CHAIRMAN BRAND: There's nobody waiting.

Okay. Pat, you have nothing for this; right?

MR. HINES: No. All of our comments were addressed. I believe the only outstanding issue was to have them sign the driveway maintenance agreement. I know we got that in several pieces, but it looks like everyone signed it.

CHAIRMAN BRAND: Okay. Jeff, how about from you?

MR. BATTISTONI: Yes. This is Jeff Battistoni. I will say that the agreement for the fifth lot on the private road was fully signed. We did receive it. I distributed it to everybody so you would be able to see that.

I did prepare an approval resolution.

I do want to just mention one thing. There is a section in your code, and I'm just going to read a little bit of one section. It's 130-14.16(D)(1). It says, "Where a subdivision plat containing a private road is approved and filed with the Ulster County Clerk, such

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POND VIEW

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subdivision plat shall contain a note clearly stating that the subdivision contains a private road which the Town of Marlborough has no responsibility to maintain nor provide services for, nor make improvements to," and it continues on. So I just added a condition to the resolution that that note be added to the plat.

CHAIRMAN BRAND: Okay. So then we do have before you the application of Nicholas Gallela/Pond View for a lot line change and the resolution of approval by the Town of Marlborough Planning Board.

MS. FLYNN: I just have a question before we do that. He gave me copies of, I believe, what was a final map. So he has to redo that map to add that note?

MR. BATTISTONI: That's correct. He would revise the plat just to add that note and put a further revision date on it.

MS. FLYNN: Okay.

CHAIRMAN BRAND: I probably should have asked if there's anything else from the Board before we jumped into that.

MS. LANZETTA: Well, I just wanted to

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POND VIEW

6

know, did we close the public hearing yet?

CHAIRMAN BRAND: We did not, no.

MS. LANZETTA: Before we take any  
action, we need to do that.

CHAIRMAN BRAND: So I'd like to have a  
motion to do so.

MS. LANZETTA: I'll make a motion to  
close the public hearing.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos to close it?

(No response.)

CHAIRMAN BRAND: All right. So  
carried.

Anything from the Board before we  
proceed to the resolution of approval?

(No response.)

CHAIRMAN BRAND: No?

MR. GAROFALO: Could you say what this  
is a resolution approval for, please?

CHAIRMAN BRAND: This is the  
application of Nicholas Gallela/Pond View for the

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POND VIEW

7

lot line change.

MR. GAROFALO: Okay. Thank you.

CHAIRMAN BRAND: You're welcome.

Jen, would you poll the Board, please?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Are we voting on a  
resolution?

CHAIRMAN BRAND: Yes.

MS. LANZETTA: Okay. Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: So carried. I think  
you're all set, Mr. Gallela.

MR. GALLELA: Thank you very much.

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POND VIEW

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MS. FLYNN: Mr. Gallela, I will need a check, please, before they can do anything else with the maps.

MR. GALLELA: Okay. I'll stop in.

MS. FLYNN: Okay.

MR. GALLELA: Jeff, can you e-mail me that resolution, the wording of that, to myself and my attorney?

MS. FLYNN: Yes. I'll have to do that on Wednesday when we go back to the office. I don't have the updated one with me.

MR. GALLELA: Okay. Just so I can put it on the map.

MS. FLYNN: Okay.

MR. HINES: I think Jeff Battistoni cited the section of the code where that wording could be verbatim copied as well.

MR. GALLELA: Okay. Thank you.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:38 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 9th day of November 2020.

  
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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X  
In the Matter of

TWIN POND

Project No. 16-9013  
2007 Route 9W, Milton  
Section 103.1; Block 1; Lot 3

----- X

FINAL - SITE PLAN

Date: November 2, 2020  
Time: 7:38 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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TWIN POND

11

CHAIRMAN BRAND: Next on the agenda,  
Twin Pond, final, site plan, 2007 Route 9W,  
Milton.

Patti, do you want to start off  
with this one?

MR. HINES: Was that Pat or Patti?

CHAIRMAN BRAND: Either, I suppose. I  
said Patti.

MR. HINES: I'm going to defer to Patti  
on this one. I don't have anything new, and I  
know the Board discussed some minor changes. I  
got an e-mail from Patti this afternoon  
identifying what those were, so if she wants to  
discuss how those are going to get addressed, I  
think that would be appropriate.

MS. BROOKS: Sure. We did make some  
changes to the map that we circulated actually to  
the entire Board today, making sure that the  
parking spaces were 10 by 20. As I stated in the  
e-mail, they were drafted on the map as being 10  
by 25 to 30, so we shortened them up.

We extended the slatted fence.

We addressed the debris in the back.

Subsequent to that, we did get an

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e-mail from Mr. Battistoni regarding some outstanding issues regarding the site plan, and I addressed that as well.

I just want to say that it's four years this month since we made application. I do want to make sure that we are very careful about crossing the Is -- no. We're going to dot the Is and cross the Ts and make sure that we address all of the concerns that Mr. Battistoni raised prior to requesting final approval and the drafting of a final resolution. I'm not looking in any way to try to expedite approval at this point in time. I think we're beyond that. I want to make sure that it's done correctly and that we have a good record.

So with that being said, I guess I would defer to Mr. Battistoni with regard to the comments that you raised in your e-mail earlier this evening.

MR. BATTISTONI: Yes. This is Jeff Battistoni. I did send out an e-mail late today. It was about 4:30. I did send it to the Planning Board Members. You may not have seen it because it was sent so late. I did review the file

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today. In reviewing it I looked back and found the application was dated from 2016. The application referred to an existing site plan approval. I'm thinking if I prepare an approval resolution, I'll need to amend that existing site plan approval.

The application referred to an existing used car sales business and wanting to add to it a pallet sorting and storage business. In other words, two uses on one parcel. The code does allow the mixture of uses, however it's my understanding that that used car business isn't there any longer and so the application probably should be amended to reflect that fact. It's just an approval for this new pallet business.

The next thing was that the particular section of the code at issue regarding fencing requires a fence that's eight feet in height. There was still a note on the plat that said six feet. That just needed to be corrected.

Finally, the Ulster County Planning Board had a letter of recommendation from 2018. I just wanted to make sure that all of their concerns were addressed. One referenced

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lighting, and I think that the existing lighting is going to continue to be used. Whether any shields are going to be applied to it, I didn't know. So those were my comments.

MS. BROOKS: With regard to item number 1, I did circulate just the title block portion. I'm sure that Jen has it in her file, but I can also scan the overall site plan map that previously had been approved for the site that had the site plan approval date and title block.

The Planning Board early on determined that the used car sales would be in direct conflict with the commerce business that was taking place there. The applicant has determined that it will just be a single use site.

Jeff, procedurally is it better that I revise the application itself and resubmit that or send a letter of addendum? Which is preferred?

MR. BATTISTONI: I would leave that up to the Board as to their past experience with those sorts of things. I would be satisfied with a letter of addendum, but I don't know how the Board has handled those things in the past.

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MS. BROOKS: I almost feel that might be cleaner, to have a separate letter that would be part of the final resolution. We have a letter dated such and such that revised the application.

Board, again, of course, I defer to you.

CHAIRMAN BRAND: Any objections to that?

MR. LOFARO: No.

MR. GAROFALO: No.

CHAIRMAN BRAND: I think that's a good plan of action.

MS. BROOKS: With regard to the third item, thank you for pointing that out. Certainly the fence height will be whatever is required by code.

And then the last item. With regard to the lighting, I went through my four years' worth of documentation quickly this evening before the meeting because it was my recollection that Mr. Mannese had worked with Central Hudson and they had assisted him in getting the lighting that was in conformance with the Ulster County

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Planning Board. I did drive to the site today. The building lighting is just under soffit lighting. There's two kinds of front door lights. There are, by the road, two light poles with lights directing towards the parking lot. So I do need to confirm the lighting and get that proper documentation to the Planning Board. That is outstanding.

CHAIRMAN BRAND: Anything else from the Board on this?

MR. GAROFALO: Yes. I have one question that deals with the gate. In the material that you sent you indicated that the employees lock the gate at the end of the day and then open it up. I wanted to make sure that, number one, there weren't deliveries that might arrive before the employees. It could be the employees are the ones using the trucks and that that's not the situation that would occur, but I wanted to check on that.

And the second thing I was concerned about was whether or not the closed gate has been set up so that the fire department, if there were a fire after hours, would be able to easily get



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TWIN POND

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in to the site.

CHAIRMAN BRAND: I thought my  
recollection of that discussion was that the gate  
is never closed. It's never been closed.

MS. LANZETTA: But then Patti said that  
they are locking it at night. So we've had  
conflicting --

CHAIRMAN BRAND: You have to turn on  
your mic.

MS. LANZETTA: You're muted.

MS. BROOKS: Sorry about that. That  
gate has not been locked since they took the  
second pier down. It has been open. The  
applicant said that if he ever put the gate in in  
the future, he would make sure that it was far  
enough off the road so that a tractor trailer  
could come off. One of the reasons that he  
stopped locking it was just as James said, it was  
too close to the road and it was prohibiting  
traffic access. So at this point in time there  
is a gate that is always left open. If the Board  
wants there not to be a gate there at all, I  
don't really think the applicant cares one way or  
another. If the Board were concerned that they

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TWIN POND

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wanted it gated for safety purposes. The applicant said he's willing to do whatever the Board feels is best.

CHAIRMAN BRAND: I have no thoughts one way or the other on the gate really.

MS. LANZETTA: I think it's better to have no gate unless there are provisions for the fire department to be able to get in.

Bob, what are your thoughts on that?

MR. TRONCILLITO: Well, the way Dan operates there, the vehicles are going in and out through most of the day and night. He really doesn't need a gate whatsoever. If he has one, just leave it open, which he has been doing, which would be fine.

MR. HINES: Fire departments carry a universal key as well --

MR. TRONCILLITO: Oh, yeah. We have numerous.

MR. HINES: -- in the form of 36-inch bolt cutters.

CHAIRMAN BRAND: That's funny.

Anything else on this one?

(No response.)

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TWIN POND

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CHAIRMAN BRAND: So then, Patti, you will draft the addendum for Jeff to review?

MS. BROOKS: Yes. Along with addressing the lighting issue.

CHAIRMAN BRAND: Okay. Great. Is there anything else for this?

MR. TRONCILLITO: Can I ask a question? Can his approval be forthcoming for the next meeting? I mean this has been going on for so long. Is there anything else that would be outstanding?

CHAIRMAN BRAND: I don't believe there is, except for --

MR. HINES: I think we're on some clean-up items, catching up from the history of the project.

MR. TRONCILLITO: Good. Okay. Thank you.

CHAIRMAN BRAND: You're welcome.

MS. BROOKS: So my understanding is as I did address three out of the four items, and right now Jeff is waiting for me to address the lighting comment to the Ulster County Planning Board. Once you receive that, do you believe you

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TWIN POND

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have enough information to draft a resolution,  
Jeff?

MR. HINES: We're waiting on the  
letter, too, removing the used car lot from the  
application.

MS. BROOKS: Right. Well, as I said --  
yeah. I know how to address those three. I  
don't have the Ulster County Planning Board one  
formulated yet, but I'll figure out what he did.  
I just wanted to clarify that those were the last  
four outstanding items.

MR. BATTISTONI: This is Jeff  
Battistoni. I think I will have enough  
information to draft a resolution.

MS. BROOKS: Okay. Thank you.

CHAIRMAN BRAND: Thank you, Patti.

(Time noted: 7:48 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 9th day of November 2020.

  
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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X  
In the Matter of

JUSTIN VOTTA

Project No. 20-4015  
9 Rivercrest Lane, Marlboro  
Section 103.3; Block 3; Lot 28.500

----- X

SKETCH - LOT LINE

Date: November 2, 2020  
Time: 7:48 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO  
STEVE CLARKE  
ROBERT TRONCILLITO

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

APPLICANT'S REPRESENTATIVE: JUSTIN & BRIANNA VOTTA

----- X

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JUSTIN VOTTA

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CHAIRMAN BRAND: Next up, Justin Votta, sketch of a lot line at 8 Riverview Lane in Marlboro.

Pat, could you just run through your comments quickly?

MR. HINES: Sure.

MS. VOTTA: It's actually 9 Rivercrest Lane.

CHAIRMAN BRAND: Sorry. It is written that way. I just read it wrong.

MR. HINES: My first comment, I believe, and I'm having trouble locating that right now, was that the site plan -- the checklist wasn't filled out. I think all the information required was there, but we don't have that filled out checklist. I think you're working on a new lot line. That checklist is very extensive for the lot line.

The project meets the criteria for your streamlined lot line approval process. It's transferring .08 acres of land between two adjoining parcels.

I know I had a third comment, but I can't seem to locate it.

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JUSTIN VOTTA

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CHAIRMAN BRAND: They spelled Marlboro wrong.

MR. HINES: They had Marlboro consistently spelled wrong on the project. That's a little pet peeve of mine.

These are Type 2 actions, lot line changes. When the DEC changed the regulations back in, 2018 I believe, it added lot line changes as Type 2 actions, so no SEQRA action is required.

CHAIRMAN BRAND: Jeff?

MR. BATTISTONI: I will just echo Pat's comments. This is a Type 2 action for SEQRA.

This does qualify for your streamlined review process, so you don't have to hold a public hearing.

I did prepare an approval resolution. Obviously, I added a condition that they correct the spelling of Marlboro on the map. Other than that, I think the approval resolution is ready to go.

CHAIRMAN BRAND: Anything from the Board on this one?

MR. CLARKE: What road is this on?



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CHAIRMAN BRAND: Riverview Lane in  
Marlboro.

MS. VOTTA: Rivercrest Lane.

CHAIRMAN BRAND: Rivercrest.

MR. BATTISTONI: Rivercrest, right.

MR. CLARKE: So that's -- is it  
Riverview or is it Rivercrest? Which one is it?

MS. VOTTA: It's Rivercrest.

MR. CLARKE: It says Ridgecrest on the  
map.

MS. VOTTA: Yeah, it does.

MR. HINES: It does say Ridgecrest.

MS. VOTTA: Tom said it will be  
corrected.

MR. HINES: It says it in multiple  
locations.

MS. VOTTA: Yeah. It's Rivercrest.

MR. HINES: It's incorrect on the tax  
map up above. So while you're fixing that --  
it's in two spots, on the map itself and then up  
in the location map.

MS. VOTTA: Okay. Tommy said he sees  
it.

CHAIRMAN BRAND: Anything else from the

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Board?

MR. GAROFALO: Yes. I have two comments. One is the concern over the fact that the checklist wasn't filled out, although it was signed.

And the second thing is on the EAF it looks like it's been filled in, but usually you see at the end a number of items marked that have been filled in by the computer. Those are usually indicated. I don't see that. That often happens if it's filled out but they don't unblock the popup, which is what happens, that it doesn't automatically fill certain spaces in. So I'm somewhat concerned whether or not it's filled out the correct way.

MR. HINES: So I saw that as well. It's a Type 2 action, exempt from SEQRA.

MR. GAROFALO: So it doesn't need this?

MR. HINES: Correct.

MR. GAROFALO: Okay.

MR. HINES: They could conceivably do it without it. As long as it's a Type 2 action you don't even need a short form.

MR. GAROFALO: Okay.

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CHAIRMAN BRAND: Anything else on this one?

(No response.)

CHAIRMAN BRAND: With those changes being made, are we comfortable with going ahead with the resolution this evening?

(No response.)

CHAIRMAN BRAND: Okay. So then you do have the application of Justin Votta, Brianna Votta and Thomas Corcoran, III for a lot line revision, resolution of approval by the Town of Marlborough Planning Board November 2, 2020.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

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MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: I think you are all set after you make those corrections and submit them --

MS. VOTTA: Thank you.

CHAIRMAN BRAND: -- to the proper people. Thank you.

I believe that's all we have on the agenda this evening with the lawyer, stenographer and engineer. Do we need them for anything else this evening?

(No response.)

CHAIRMAN BRAND: No. Then we will say good night.

(Time noted: 7:53 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 9th day of November 2020.

*Michelle Conero*

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MICHELLE CONERO