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

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Regular Meeting

- Approval of Stenographic Minutes for 4/2, 4/16
- Affuso/Noto Logging
- Bayside Mixed Use
- Discussion Without Lawyer, Engineer, and Stenographer

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Town Hall
21 Milton Turnpike
Marlboro, New York

May 7, 2018
7:33 p.m.

BOARD MEMBERS: CHRIS BRAND, Chair
STEVE CLARKE
CINDY LANZETTA
JOE LOFARO
BEN TRAPANI
JOEL TRUNCALI

ALSO PRESENT: RON BLASS, Town Attorney
PAT HINES, P.E., Town Engineer
VIRGINIA FLYNN, Secretary

1 Proceedings

2 CHAIR BRAND: Let's call the meeting
3 to order. We'll start with the Pledge of
4 Allegiance to the flag.

5 (Pledge of Allegiance recited.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, May 7, 2018, regular
8 meeting, 7:30 p.m.

9 Approval of stenographic minutes for
10 4/2 and 4/16.

11 Affuso/Noto Logging Public Hearing
12 Site Plan.

13 Bayside Mixed Use Final Subdivision
14 and Site Plan.

15 Discussion without lawyer, engineer
16 and stenographer, Gabriel Boyd Auto Repair shop.

17 Next deadline, Friday, May 11th.

18 Next scheduled meeting, Monday, May
19 21st.

20 CHAIR BRAND: I'd like to have a
21 motion for the approval of stenographic minutes
22 from April 2nd and April 16th.

23 MS. LANZETTA: I make that motion.

24 CHAIR BRAND: Is there a second?

25 MR. LOFARO: I'll second.

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2 CHAIR BRAND: Any discussion?

3 (No response.)

4 CHAIR BRAND: All those in favor?

5 (Chorus of ayes.)

6 CHAIR BRAND: So carried.

7 First up. Affuso Nato -- Affuso/Noto
8 Logging Public Hearing.

9 MR. TRUNCALI: (Reading:) Legal
10 Notice, Commercial Site Plan Application. Please
11 take notice, a public hearing will be held by the
12 Marlborough Planning Board on Monday, May 7th,
13 2018 for the following application, Affuso/Noto
14 Timber Harvest, at the Town Hall, 21 Milton
15 Turnpike, Milton, New York, at 7:30 p.m. or as
16 soon thereafter as may be heard.

17 The applicant is asking for a tree
18 harvesting site plan approval under Chapter 141 of
19 the Town of Marlborough Town Code on lands located
20 at Mt. Zion/Reservoir Road, Section 101 -- 108.1,
21 Block 1, Lots 6, 20, 23, 24 and 25, and adjacent
22 real property in the Town of Plattekill.

23 Any interested parties either for or
24 against this proposal will have an opportunity to
25 be heard at this time.

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2 Chris Brand, Chairman of the Town of
3 Marlborough Planning Board.

4 CHAIR BRAND: Do you have the emails,
5 the certified mailings? How many did you send
6 out, how many were --

7 MR. HELLER: Twenty-one, I got 17
8 back. But I haven't been to my PO box today
9 either, so.

10 CHAIR BRAND: Okay. If you'd just
11 like to give those to the secretary.

12 MR. HELLER: Yeah.

13 CHAIR BRAND: And then, for the public
14 in attendance, if you can just give an overview of
15 what the plans are.

16 MR. HELLER: Sure. Can I stand?

17 CHAIR BRAND: Sure.

18 MR. HELLER: Okay.

19 I'm Jordan Heller. I'm a forester for
20 Greene Lumber Company. We've purchased timber
21 from Purdy, Noto and Affuso. It's really New
22 Unionville Road is where the access is, through
23 Plattekill. It's about a 58 acre harvest. We've
24 got about four or five parcels combined, all in
25 the Town of Marlborough. There's about ten trees

1 Affuso-Noto Logging

2 per acre being harvested. The property boundaries
3 are delineated with four inch flagging, and the
4 trees are marked in blue or orange as well, so the
5 landowners know which trees are being harvested.

6 We follow New York State best
7 management practices so that there's no erosion
8 from the skid trail to the landing areas. The
9 tops will be lopped down so that it kind of
10 maintains a nice wooded aesthetic so it's not an
11 eyesore, so to speak, because when people see
12 trees going down, they get a little nervous, which
13 is understandable because, you know, it changes
14 the look of the woods, there's no doubt about
15 that. But it's good because it lets more light
16 down into the forest floor, which helps trees
17 regenerate. It sparks the growth in the seeds
18 that are dormant in the soil. So it's really kind
19 of like weeding your garden, so to speak.

20 CHAIR BRAND: Thank you.

21 MR. HELLER: Yup.

22 CHAIR BRAND: This is a public
23 hearing. If you're interested in speaking either
24 for or against this project, just stand up, state
25 your name for the stenographer, and be heard at

1 Affuso-Noto Logging

2 this time.

3 Mr. Garofalo.

4 MR. GAROFALO: James Garofalo. I'm in
5 favor of this project, but I would like them to
6 consider a few things. One is I understand the
7 town has a new noise ordinance. It may or may not
8 come into effect at the time they're doing this,
9 but I just want them to be aware that they should
10 check that to make sure that it hasn't changed
11 since the last time they may have looked at it.

12 I don't know if they're going to be
13 doing any planting. But if they're going to be
14 doing any planting following this, I would just
15 ask that they look at native species and not look
16 at look some of the exotic trees, et cetera.

17 The last thing is, Ulster County is a
18 hibernation area for bats. I would ask that the
19 tree cutting be done during the standard period
20 between November 15th and March 31st, while the
21 bats are out of the trees and in hibernation.

22 Thank you very much.

23 CHAIR BRAND: Thank you, Mr. Garofalo.

24 Anyone else? Yes.

25 MR. MAHAN: My name is Matthew Mahan.

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2 Do you have a right-of-way to the
3 properties?

4 MR. HELLER: Yeah. We are getting it
5 through Cariola and New Unionville Road. That's
6 in the Town of Plattekill. So we're actually
7 going through the process of getting -- we don't
8 technically need a timber harvest permit from the
9 Town of Plattekill, but because we are granting in
10 the Town of Plattekill for our log staging area, I
11 am going through the process of getting a permit
12 for that as well.

13 MR. MAHAN: Do you have a
14 right-of-way?

15 MR. HELLER: Yeah. I've got it all
16 documented too.

17 MR. MAHAN: Yeah.
18 would I be able to see these
19 right-of-ways?

20 CHAIR BRAND: Sure, I don't have a
21 problem with that, we can make that available for
22 you.

23 MR. MAHAN: Okay. Thank you.

24 MR. HINES: It would be a good thing
25 to remember, the access to the site is from

1 Affuso-Noto Logging

2 existing parcels in the Town of Plattekill --

3 MR. MAHAN: Yeah.

4 MR. HINES: -- off of a public road,
5 which are contiguous to the parcels in Marlboro.

6 MR. HELLER: Right.

7 MR. HINES: So there's a group of land
8 owners that have granted permission to contiguous
9 parcels that have access, free access up to a town
10 road in the Town of Plattekill.

11 Does that describe what your question
12 was?

13 MR. MAHAN: That describes it, but I
14 would like to see it.

15 MR. HINES: I believe the applicant
16 has a map showing the parcels, which he can share
17 with you, where the proposed haul roads are from
18 the road in the Town of Plattekill.

19 MR. HELLER: Should I do this now
20 or --

21 CHAIR BRAND: Yeah.

22 THE ARBITRATOR: Okay.

23 MS. LANZETTA: You can come up.

24 MR. HENNEKENS: I would also like to
25 see the map.

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2 CHAIR BRAND: Yeah.

3 MR. HELLER: That's the -- that purple
4 line is the Town of Plattekill - Marlborough line.

5 MR. MAHAN: Okay.

6 MR. HELLER: And then there's New
7 Unionville Road over here.

8 MR. MAHAN: Okay.

9 MR. HELLER: And these are the lots
10 owned by Cariola. So we're landing down here at
11 the cul-de-sac at the end of New Unionville Road,
12 and we're skidding right through his property, so.
13 It's an existing trail as well, so we're not
14 breaking new ground, so to speak, for a skid
15 trail.

16 MR. MAHAN: Is this the pond?

17 MR. HELLER: That's the pond, yeah.

18 MR. HENNEKENS: which pond is that?

19 MR. MAHAN: That's Manzone.

20 MR. HENNEKENS: That's Manzone?

21 MR. MAHAN: Yeah.

22 MR. HENNEKENS: And then coming back
23 down through here?

24 MR. HELLER: Yeah. There you go.

25 MR. MAHAN: Is it all right if I keep

1 Affuso-Noto Logging

2 this?

3 MR. HENNEKENS: Do you have a copy of

4 it?

5 MR. HELLER: Can I email you a copy of

6 it?

7 MR. MAHAN: Yes.

8 MR. HELLER: I don't have a pen, of

9 course. Actually, if you want to just write your
10 email there, that would be great.

11 MR. HENNEKENS: So you'd be harvesting
12 over here by the pond also, up in here?

13 MR. HELLER: Back there, yeah. Which
14 actually --

15 MR. HENNEKENS: Over here?

16 MR. HELLER: Yeah. There's a trail
17 that goes, well, right along the property
18 boundary.

19 MR. MAHAN: Yeah, we know the trail.

20 MR. HELLER: Yeah.

21 You're -- I got a question for you.
22 Is your -- you own the parcels that adjoin that,
23 the back parcels?

24 MR. MAHAN: I do.

25 MR. HELLER: I think --

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2 MR. MAHAN: And see, I think I might
3 own part of that. That's what I'm saying.

4 MR. HELLER: Okay.

5 MR. MAHAN: That's why I would like to
6 see it.

7 MR. HELLER: Does your mother own land
8 up there as well?

9 MR. MAHAN: Yes, she does.

10 MR. HELLER: Okay. So two years ago a
11 colleague of mine was working on this project, and
12 we canned it because we didn't have enough timber
13 to harvest. And I think I remember Gabe saying he
14 got yelled at by a lady back there. So I was just
15 wondering if that was possibly your mother.

16 MR. MAHAN: Possibly.

17 MR. HELLER: He said don't go onto
18 their property. I said well, that's not what
19 we're here to do, but I will not, so.

20 MR. MAHAN: Right. And the thing is,
21 is I want to make sure. The last time it was
22 harvested, they took trees off my property.

23 MR. HELLER: Was it John Morgan?

24 MR. MAHAN: I don't know who it was.

25 MR. HELLER: Okay.

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2 MR. MAHAN: But, you know, I don't
3 want to see that happen.

4 MR. HELLER: No, that's not happening.

5 MR. MAHAN: And they made a mess of
6 both easements. There was one over here and one
7 over here. They made a mess out of both of them.

8 MR. HELLER: Yeah. No, we won't.
9 Just to put it into context for you, we have seven
10 mills in New York, and we cut about thirty-five
11 million feet of timber every year. So we are --

12 MR. MAHAN: So you destroy a lot of
13 property.

14 MR. HELLER: No, we don't destroy.

15 MR. HENNEKENS: What are you going to
16 do on the trials to put them back to pristine
17 condition, to what they are right now?

18 MR. MAHAN: The way they are.

19 MR. HELLER: Well, they get back
20 bladed, so the ruts are all --

21 MR. MAHAN: So they get back bladed?

22 MR. HELLER: Yeah.

23 MR. HINES: Folks, we have a
24 stenographer here. You need to address the Board
25 since there's a stenographer taking the

1 Affuso-Noto Logging

2 proceedings.

3 CHAIR BRAND: Please.

4 MR. HELLER: Okay. Sorry.

5 MR. MAHAN: So the roads are going to
6 be put back as they are now?

7 MR. HELLER: Well, I mean they're --

8 MR. MAHAN: Because I'll take photos
9 prior and after.

10 MR. HELLER: That's fine.

11 MR. MAHAN: Okay.

12 MR. HELLER: I do that prior to
13 harvest anyway --

14 MR. MAHAN: Okay.

15 MR. HELLER: -- just because I, you
16 know, I like everybody to know what was there to
17 start. So I mean the trails back here, they're
18 brushed in. I mean they're not fully brushed in,
19 but, you know, they're not -- they're just ATV
20 trails. There's nothing crazy back there. It's
21 not like there's a road back there.

22 MR. HENNEKENS: Right. And we
23 don't -- we prefer --

24 MR. HELLER: Yeah. No, you'll --

25 MR. HENNEKENS: -- not to have a road

1 Affuso-Noto Logging

2 back there.

3 MR. HELLER: Oh, okay. Well, now I
4 understand.

5 MR. HENNEKENS: That's the way we like
6 it.

7 MR. HELLER: Okay, well --

8 MR. HENNEKENS: We live there.

9 MR. HELLER: Sure.

10 MR. HENNEKENS: This is our backyard.

11 MR. HELLER: I understand that. But I
12 mean there -- I mean there will be, you know,
13 there's going to be that primary trail there, but
14 it will be, you know, back bladed, no ruts. And
15 it's mostly rock back there anyway, so we're not
16 going to make a mess.

17 And I take -- I don't know, that
18 bothers me that you say we destroy land. I mean
19 if we destroyed land, we wouldn't be in business.
20 So I'd really appreciate you don't use that
21 terminology. I understand that logging does kind
22 of have that connotation. There have been people
23 that have not done a good job in the past.

24 MR. HENNEKENS: Well, that's what's
25 happened in the past.

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2 MR. HELLER: Well, and I --

3 MR. HENNEKENS: These areas have been
4 logged before.

5 MR. HELLER: Sure, and I respect that,
6 but that's not what we're here to do.

7 MR. HENNEKENS: Okay. And the
8 properties back there are scarred from it.

9 MR. HELLER: Sure.

10 MR. HENNEKENS: And have remained that
11 way for the last, you know, 25, 30 years.

12 MR. HELLER: Yeah, I understand that,
13 totally.

14 MR. HENNEKENS: And that's what we
15 don't want to see.

16 MR. HELLER: Sure.

17 MR. MAHAN: Who's responsible for the
18 property lines?

19 MR. HELLER: This property was
20 actually marked by Lower Hudson Forestry Services,
21 so that would be -- that would be them. We
22 purchased -- this timber went out to bid, we
23 purchased it off a bid. So there is a second --
24 there is a middleman involved who will oversee the
25 job to make sure everything is put back as it

1 Affuso-Noto Logging

2 should be.

3 MR. MAHAN: what happens if they take
4 trees off my property?

5 MR. HELLER: We're not going to take
6 trees off your property. So all of the trees are
7 marked for tally. So if you want to see what
8 trees are marked, they're marked in blue. Well,
9 back here, I'm not sure. They're either marked in
10 blue or orange. And they've got a stump dot, you
11 know, they've got a -- they have a mark at the
12 base of the tree, so after the tree is cut, you
13 can see what was cut.

14 MR. MAHAN: And if they do take trees
15 off my property, what happens?

16 MR. HELLER: I mean then it goes to
17 court obviously or whatever, however you want to
18 deal with that. But that's not going to happen, I
19 guarantee that.

20 MR. MAHAN: You guarantee it?

21 MR. HELLER: Yeah.

22 MR. MAHAN: Thank you.

23 MR. HELLER: Absolutely. I mean
24 that's not -- trust me, I wouldn't have a job if I
25 was doing this. I'm a young guy. If I was

1 Affuso-Noto Logging

2 crossing over boundary lines, I wouldn't have a
3 job. You know, that's not my intent.

4 MR. HENNEKENS: So what do you do with
5 what's -- with the excess that's left from the
6 trees, do you leave it out there in the forest or
7 do you take it out?

8 MR. HELLER: Yeah, the tops are left
9 in the woods. The straight portion of the stem is
10 taken out, but the tops are lopped down usually to
11 a height --

12 MR. HENNEKENS: But where?

13 MR. HELLER: The tree falls on the
14 ground, the top lays where it lays, it doesn't get
15 moved around. I mean if it gets hung up in
16 another tree it gets pulled down and then it lays
17 down wherever that was. But it gets lopped down
18 to, you know, three or four feet high.

19 MR. HENNEKENS: And any of these
20 existing trails, there's numerous trails that are
21 like veins running through the forest. If any of
22 those get blocked, are you going to unblock them?

23 MR. HELLER: Oh, yeah. I mean they
24 need to be unblocked, sure.

25 MR. HENNEKENS: Everything does.

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2 MR. HELLER: Yeah.

3 MR. HENNEKENS: And then some of these
4 are just foot trails.

5 MR. HELLER: Right.

6 MR. HENNEKENS: They need to be
7 maintained.

8 MR. HELLER: Yeah. Yeah. No, they'll
9 all be put back to bed when they're done, you
10 know. It's not going to be a war zone. I know,
11 I've heard of --

12 MR. HENNEKENS: That's what I --

13 MR. HELLER: I've heard the stories of
14 what's happened in this town before, and trust me,
15 that's not what we are here to do. We don't want
16 to be banned from the Town of Marlborough, so.

17 MR. HENNEKENS: And who's going to be
18 the person in charge of the project?

19 MR. HELLER: Myself and --

20 MR. HENNEKENS: Who do we talk to? Do
21 you have a card?

22 MR. HELLER: Yeah, I've got them in my
23 truck, but I can get those for you before I leave
24 obviously.

25 MR. HENNEKENS: I appreciate it.

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2 MR. HELLER: But it will be --

3 MR. HENNEKENS: So I know who to call.

4 MR. HELLER: But it will be myself and
5 a guy named Chris Prentice, who owns Lower Hudson
6 Forestry Services. He's the consultant.

7 MR. HENNEKENS: I'd also like to have
8 his name and number and --

9 MR. HELLER: Sure.

10 MR. HENNEKENS: -- and all the contact
11 information.

12 MR. HELLER: Yeah. I can put that on
13 the back of the card for you.

14 MR. HENNEKENS: If you would, please.

15 MR. HELLER: Absolutely.

16 MR. HENNEKENS: Thank you.

17 CHAIR BRAND: Yes, sir.

18 MR. NICKLIN: Hi. My name is Bill
19 Nicklin. I'm the executor of the estate of Freda
20 Nicklin and the trustee for the Frank Nicklin
21 Trust. And do you mind if I come up and take a
22 look at the map?

23 MR. HELLER: Sure.

24 MR. NICKLIN: We have a lot, I think
25 it's 199 and 203, so I'd like to see it.

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2 MR. HELLER: Yeah.

3 MR. NICKLIN: How do I --

4 MR. HELLER: Actually, I have another
5 map that shows all of the lots. Well, all the
6 lots that adjoin the property within 500 feet.

7 MR. NICKLIN: All right.

8 MR. HELLER: Just, you can find it.
9 So there you go, that shows the lots that adjoin
10 the property, right here.

11 MR. NICKLIN: Where is -- I'm lost on
12 the map, I'm sorry.

13 MR. HELLER: Okay. So --

14 MR. NICKLIN: Where is 199, for
15 instance?

16 MR. HELLER: Oh, well, that's -- the
17 map is not at a scale where you'd see 199.

18 MR. NICKLIN: All right. Do you mind
19 if we look at another map that I might have?

20 MR. HELLER: Sure.

21 MR. NICKLIN: Okay, thanks.

22 MR. HELLER: Yeah.

23 THE BOARD SECRETARY: Are you showing
24 him this?

25 MR. HELLER: That's it.

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2 THE BOARD SECRETARY: Oh, okay.

3 MR. HELLER: Is 199 a county road or a
4 town road?

5 MR. NICKLIN: 199 is the homestead of
6 Franklin and Freda Nicklin.

7 MR. HELLER: Oh. You're talking about
8 the -- I got you, okay.

9 MR. NICKLIN: Okay?

10 MR. HELLER: You're talking off of --
11 so you're this parcel here, two point one-ten?

12 MR. NICKLIN: Yes, right. So that,
13 I'm a trustee for that, and that is 203?

14 MR. HELLER: That is 200 --

15 MR. NICKLIN: Well, according to the
16 town tax records that's 203. Okay. So where
17 is -- there are two Noto properties; is that
18 correct?

19 MR. HELLER: Yeah.

20 MR. NICKLIN: Okay. Where are they on
21 this map?

22 MR. HELLER: That's a good question.
23 Let me look at my key. I just had them.

24 Okay, I might not have them on here.
25 Okay. You actually have three parcels back there.

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2 MR. NICKLIN: Right.

3 MR. HELLER: You've got twenty --

4 MR. NICKLIN: well, there's only two
5 that I care about, because those are the two that
6 are adjacent to the property.

7 MR. HELLER: Are you concerned about
8 22 and 24?

9 MR. NICKLIN: I'm not concerned about
10 anything at the moment.

11 MR. HELLER: Oh, okay.

12 MR. NICKLIN: I'd just like to get the
13 record straight and see a map that actually laid
14 out where these are relative to the --

15 MR. HELLER: Oh, okay.

16 MR. NICKLIN: -- to these properties.
17 And there's Hannigan.

18 MR. HELLER: All right. So you're --
19 so this map is oriented like this. This is
20 oriented north, just like this one.

21 MR. NICKLIN: That's it, okay.

22 MR. HELLER: So we're looking at it
23 the same way now. So this is your property here.

24 MR. NICKLIN: Right.

25 MR. HELLER: And then --

1 Affuso-Noto Logging

2 MR. HINES: This is one here.

3 MR. HELLER: Oh, that's it.

4 MR. NICKLIN: Right. This is --
5 that's the Franklin Nicklin and Freda Nicklin
6 homestead. This is an adjacent property to that.
7 At one time they were all the same property.

8 MR. HELLER: Yup.

9 MR. NICKLIN: Okay. It appears,
10 according to this, that, that is Hannigan, number
11 seven.

12 MR. HELLER: Number seven, that's
13 William Lovey.

14 MR. NICKLIN: Who?

15 MR. HELLER: William Lovey.

16 MR. NICKLIN: You got me. I don't
17 know William --

18 MR. HELLER: It might have been -- it
19 might have changed over the years.

20 MR. NICKLIN: -- Lovey over the years.

21 I think it would be a good idea if
22 somebody actually knew where these properties are,
23 who owns them, where the property lines are and
24 which are the properties that you're going to log.

25 MR. HELLER: They're all --

1 Affuso-Noto Logging

2 MR. HINES: We do.

3 MR. HELLER: They're all marked.

4 MR. HINES: They're marked there in
5 the center.

6 MR. HELLER: With an orange flag. And
7 these are -- everything in red is what's -- the
8 key is down here if you want to see what the key
9 is.

10 MR. NICKLIN: Okay, I can see, okay.

11 I have a question about what type of
12 equipment do you use when you're in there.

13 MR. HINES: You need to address the
14 Board.

15 MR. NICKLIN: Oh, okay. I'd like to
16 have some idea of what kind of equipment is going
17 in and out of there, if possible.

18 MR. HELLER: Yeah. It's a Timberjack
19 360 skidder. It's like a big four wheel drive
20 articulated tractor that's just -- you know, it's
21 got a cable on it for skidding the trees out. And
22 they'll probably have some sort of bulldozer or
23 something in there to put the trails to bed.

24 AUDIENCE MEMBER: They're not coming
25 out this way?

1 Affuso-Noto Logging

2 MR. NICKLIN: No, no, no.

3 CHAIR BRAND: Your original numbers
4 were ten per acre, you said?

5 MR. HELLER: Yes.

6 CHAIR BRAND: Ten trees per acre --

7 MR. HELLER: Yeah.

8 CHAIR BRAND: -- on average?

9 MR. HELLER: Yeah, right.

10 MR. CLARKE: But the trees are marked,
11 if you want to see where it's at. I'm sure you
12 know where your lines are, you can walk up there.

13 MR. NICKLIN: Well, I'm not sure I
14 know where the lines are, because I just had a
15 survey done, and there was a three acre difference
16 between what the town has on their tax records --

17 MR. CLARKE: Okay.

18 MR. NICKLIN: -- and what a recent
19 survey that was done and presented to two
20 different legal teams, all right. So what I'm
21 worried about is if the survey that was just done
22 is three acres off from what's on the tax records,
23 and you're probably using lines from tax records?

24 MR. HELLER: From deeds, yeah.

25 MR. NICKLIN: Right.

1 Affuso-Noto Logging

2 MR. HELLER: I don't know, I didn't
3 mark the lines, the consultant marked the lines.

4 MR. NICKLIN: Okay. Right.

5 MR. HELLER: So yeah.

6 MR. NICKLIN: So I'm not quite sure if
7 we know exactly where the lines are. But I would
8 be willing to, I don't have it with me now, bring
9 in what the recent survey shows. I don't know how
10 big of a hurry you're in, but I think it would be
11 a good idea to get the actual lines where a survey
12 was just done and paid for by an engineering firm.

13 MR. HELLER: My question to you is was
14 it done on the ground or was it done on a
15 computer?

16 MR. NICKLIN: It was done on the
17 ground.

18 MR. HELLER: Oh, so everything is
19 flagged --

20 MR. NICKLIN: Yes.

21 MR. HELLER: -- like the lines are
22 flagged?

23 MR. NICKLIN: Yes.

24 MR. HELLER: Not just the corners, the
25 lines are actually flagged?

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2 MR. NICKLIN: I have a map that shows
3 about 50 different points, so.

4 MR. HELLER: Okay.

5 MR. NICKLIN: They were -- I know that
6 they were in there. I didn't -- I didn't pay for
7 it. Someone else paid for it who's interested in
8 buying the property.

9 MR. HELLER: Got you.

10 MR. NICKLIN: All right. So I'd be
11 willing to produce that and you could check the
12 engineering's -- engineer's licenses or whatever
13 is needed to do this.

14 Let me put it this way. I am not
15 against what you're doing, okay, put it on the
16 record. I'm a proud member of the Ruffed Grouse
17 Society. We like to see trees come down so you
18 get good grouse.

19 MR. HELLER: You like Aspen.

20 MR. NICKLIN: Yeah.

21 MR. HELLER: Aspen and --

22 MR. NICKLIN: We like brush and other
23 stuff. So it's not that I'm against what you're
24 trying to do. I just want to make sure that it's
25 done right, that the lines are right. The last

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2 thing we need to do is find out that there's a
3 tree near a line that's marked.

4 MR. HELLER: Sure.

5 MR. NICKLIN: And we find out that the
6 line isn't where everyone thought it was.

7 MR. HELLER: Right.

8 MR. NICKLIN: So I don't know if
9 there's a grace period here to get papers in or
10 when you're going to meet again or --

11 CHAIR BRAND: You can drop it off with
12 the secretary at the Town Hall, with Jen.

13 MR. NICKLIN: Pardon?

14 CHAIR BRAND: You can drop the map
15 off --

16 MR. NICKLIN: Okay.

17 CHAIR BRAND: -- with the secretary.

18 MR. NICKLIN: Right.

19 CHAIR BRAND: And then she'll submit
20 it and she can provide them to the --

21 MR. NICKLIN: And I have copies of the
22 deeds too if you'd like to see those --

23 CHAIR BRAND: Sure.

24 MR. NICKLIN: -- to those two
25 properties? Have you seen them before?

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2 MR. HELLER: I mean deeds in Ulster
3 County are usually horrible. So I would like
4 to -- I'd prefer to see the survey than the deeds.

5 MR. NICKLIN: I'll give you the whole
6 kit and caboodle, and we'll --

7 MR. HELLER: No, I mean I understand
8 your concern. And I mean --

9 MR. NICKLIN: Right.

10 MR. HELLER: -- when I mark lines I
11 like to see survey maps, but, you know, along with
12 the deed description. That's just --

13 MR. NICKLIN: Right. well --

14 MR. HELLER: -- so all the evidence is
15 there.

16 MR. NICKLIN: Yeah.

17 MR. HELLER: So absolutely, no, I
18 understand your concern.

19 MR. NICKLIN: All right.

20 what do I have, a week to get them in
21 or something like that?

22 CHAIR BRAND: I think the sooner the
23 better. As soon as possible I would say.

24 MR. NICKLIN: All right. I'll have
25 them dropped off within a week.

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2 CHAIR BRAND: Excellent.

3 MR. NICKLIN: And then another
4 question I have is, does the Department of
5 Environmental Conservation have rules or laws or
6 something like that that you have to follow?

7 MR. HELLER: I mean yeah. We can't --
8 if there's an endangered species on the property,
9 we can't, you know, we can only harvest during a
10 certain time period. There aren't any on this
11 particular property or these properties. We
12 can't -- if you were to harvest within a wetland
13 you would need a special permit for that. We are
14 not harvesting within a wetland. Other than
15 that -- oh, if there's a stream crossing, then you
16 need to get a -- if it's a classified stream then
17 you need to get a stream crossing permit, but we
18 don't have any classified streams on the property
19 to cross. So other than that, there's a document
20 which you can Google. If you Google NYSDEC Best
21 Management Practices Forestry, you can see the
22 handbook that we go by.

23 MR. NICKLIN: All right.

24 MR. HELLER: Okay.

25 MR. NICKLIN: Are you required to have

1 Affuso-Noto Logging

2 insurance of any type, or --

3 MR. HELLER: Oh, yeah.

4 MR. NICKLIN: Okay.

5 MR. HELLER: Yeah, we are heavily
6 insured.

7 MR. HINES: Yeah, the forester that
8 marked the timber, this is the gentleman whose
9 company who works for -- the forester who marked
10 the timber is also a certified by the DEC.

11 MR. NICKLIN: Okay.

12 MR. HINES: So he's a certified
13 forester. And they have a list of those that they
14 find acceptable, and that forester is on that
15 list, I checked.

16 MR. NICKLIN: All right. I'm a firm
17 believer that anything that can go wrong goes
18 wrong.

19 MR. HELLER: Oh, yeah.

20 MR. NICKLIN: All right. So what kind
21 of -- do you put money in escrow or how do we
22 track you down if something goes wrong? I've had
23 experience with other foresters where --

24 MR. HELLER: Well, it's all documented
25 right here.

1 Affuso-Noto Logging

2 MR. NICKLIN: Yeah, right.

3 (Laughter.)

4 MR. NICKLIN: where they go, they
5 disappear and go bankrupt.

6 MR. HELLER: Yeah, no, that's not us.

7 MR. NICKLIN: And then so how do we
8 know that there's moneys there, should something
9 go wrong?

10 MR. HELLER: That is at the Planning
11 Board.

12 MS. LANZETTA: The Planning Board
13 requires a performance bond.

14 MR. NICKLIN: who does?

15 MS. LANZETTA: The Planning Board.

16 MR. NICKLIN: Oh, okay. Thank you.

17 MS. LANZETTA: The Town requires that.

18 MR. NICKLIN: Do you know about how
19 much money --

20 MR. HINES: In this case, because the
21 loading area is in the Town of Plattekill, it
22 won't -- we require a performance bond to protect
23 the Town roads. In this situation there are no
24 roads impacting Marlboro, so I don't believe that
25 we would collect a performance bond on the timber

1 Affuso-Noto Logging

2 itself.

3 MR. NICKLIN: Right. But depending on
4 these lines, there may be damage of trees that
5 were cut that shouldn't have been cut?

6 MR. HINES: But that would be a
7 private matter between the landowners, in other
8 words, because this is --

9 MR. NICKLIN: Oh, okay.

10 MS. LANZETTA: I disagree with you,
11 Pat, because --

12 MR. HINES: We can check that, that's
13 fine.

14 MS. LANZETTA: Uh?

15 MR. HINES: We can check on that,
16 that's fine.

17 MS. LANZETTA: Yeah, because I don't
18 see any reference to it. I see for the
19 performance bond it has to do with making sure
20 that the requirements and the conditions in the
21 maintenance plan were all met. I don't see
22 anything about a road.

23 MR. HINES: Yeah, technically we do it
24 on the roads, but that's on my to-do list. I
25 don't know that there's a maintenance plan to look

1 Affuso-Noto Logging

2 at this.

3 MS. LANZETTA: well, performance bonds
4 to ensure that the performance of forestry plan,
5 requirements of the article --

6 MR. HINES: Forestry, okay.

7 MS. LANZETTA: -- permit conditions,
8 so I think we can ask for a performance bond.

9 MR. HINES: Yeah, you can, that's
10 fine. we always did it in the past because it was
11 on our roads. I just didn't realize that this
12 wasn't, but that's fine.

13 MR. HELLER: That's not a problem, I
14 mean I deal with that all the time, so. Most
15 towns ask for some sort of performance bond, so
16 that's not --

17 MR. NICKLIN: well, how about --

18 MR. HELLER: No surprise to me, so.

19 MR. NICKLIN: I'm sorry.

20 MR. HELLER: Yeah.

21 MR. NICKLIN: How about, seeing we own
22 those properties adjacent, how do we protect
23 ourselves should something go wrong? Do we have
24 to chase you down and take you to court and all
25 that kind of stuff?

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2 MR. HELLER: I don't know. I've never
3 had a problem, so I don't know. I mean my phone,
4 I have my phone by me all the time, so I pick it
5 up.

6 MR. NICKLIN: I've had more problems
7 than you can imagine, so we ought to get that
8 straightened out ahead of time.

9 MR. HELLER: Sure. I mean I've got to
10 get cards for these two guys, you can have one as
11 well.

12 MR. NICKLIN: Right. And I think that
13 we probably ought to get that straightened out.

14 MR. CLARKE: Well, if you had to check
15 the property and surveyed it, it should be marked,
16 and then that should clearly show if there's any
17 marked trees on your property.

18 MR. HELLER: And generally I --

19 MR. NICKLIN: I absolutely agree with
20 you. And you said should be, which I absolutely
21 agree with that. But what happens if it isn't?

22 MR. MAHAN: And what happens if my
23 property is not surveyed? I have to survey my
24 property so that they can log?

25 MR. CLARKE: No. They've got a

1 Affuso-Noto Logging

2 survey, and they're doing it to the best of their
3 ability.

4 MR. MAHAN: You have it surveyed?

5 MR. HELLER: It's marked, yes.

6 MR. MAHAN: No, no.

7 MR. HELLER: The lines are marked.

8 MR. MAHAN: I asked the question, was
9 it surveyed?

10 MR. HELLER: By a surveyor, no.

11 MR. MAHAN: Okay. So what happens if
12 he goes on my property?

13 MR. CLARKE: Go look on your property
14 and see if there's any trees marked, because the
15 trees are already marked.

16 MR. MAHAN: Okay. So --

17 MR. CLARKE: That's what I would
18 suggest.

19 MR. MAHAN: And if I say that tree is
20 on my property and he says it's on somebody else's
21 property --

22 MR. CLARKE: No, he's not going to say
23 that. He's going to put his hands up and say
24 okay.

25 MR. HELLER: Yeah, we'll go to lawyers

1 Affuso-Noto Logging

2 at that point.

3 MR. MAHAN: So what you're saying is,
4 if I say a tree is on my property, you do not
5 touch it --

6 MR. HELLER: well --

7 MR. MAHAN: -- is that correct?

8 MR. HELLER: -- if it's marked and
9 it's on your property --

10 MR. MAHAN: If it's marked, it's on my
11 property, if I say it's on my property, we go
12 through courts before you cut it down?

13 MR. HELLER: Oh, yeah.

14 MR. MAHAN: Okay.

15 MR. HELLER: Absolutely.

16 MR. MAHAN: Okay. I'm good with that.

17 MR. HELLER: Yeah, if there's a
18 discrepancy, of course.

19 MR. HENNEKENS: How soon is this
20 supposed to start?

21 MR. HELLER: I don't know. It depends
22 on the weather. Probably July or August, when
23 it's dry.

24 MR. HENNEKENS: Okay. Can we get an
25 actual map showing your staging area, the roads

1 Affuso-Noto Logging

2 that -- or the trails that you propose to go down
3 with your trucks? I'd like to know your whole
4 operation, I'd like to see everything that you're
5 going to do back there.

6 THE BOARD SECRETARY: It's all with
7 the Planning Board. If you want to come and look
8 at it, it's all in my office, you can FOIL for it.

9 MR. HENNEKENS: Okay. Now, okay, so
10 his staging area and everything else is in your
11 office?

12 MR. HELLER: I'm going to --

13 THE BOARD SECRETARY: The application
14 and everything that he's doing is in my office.

15 MR. HENNEKENS: Okay

16 MR. HELLER: I'm going to make it
17 easy. You gave me your emails, I'm just going to
18 send the packet that I submitted to the Board,
19 just so you have it.

20 MR. HENNEKENS: That's what we would
21 like.

22 MR. HELLER: So it's direct and you
23 don't have to go searching for it.

24 MR. HENNEKENS: Bill, if you put your
25 email back down, back on that one.

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2 MR. HELLER: No, no, no, not that one,
3 that's his.

4 MR. HENNEKENS: He has it written down
5 somewhere, if you put your email down there, he'll
6 send it to you also.

7 MR. NICKLIN: Okay, thank you.

8 CHAIR BRAND: Did you have something
9 as well, sir?

10 MR. KALEY: Yes. I received a
11 notification. My name is Brian Kaley. I own a
12 five acre parcel. And my basic question is where
13 this project is in relation to my parcel.

14 MR. HELLER: Sure.

15 MR. KALEY: Okay.

16 MR. HINES: Could you give us your
17 name again?

18 MR. KALEY: Kaley, K-a-l-e-y. Brian.

19 MR. HINES: Oh, here it is, yeah.

20 MR. HELLER: So here's parcel number
21 16.

22 MR. KALEY: Okay, I'll help you.

23 MR. HELLER: So you're --

24 MR. KALEY: I'll put a mark on it.
25 I'm these two.

1 Affuso-Noto Logging

2 MR. HELLER: Oh, I got it, don't
3 worry.

4 MR. KALEY: Okay. You're sure?

5 MR. HELLER: I know where you are.

6 MR. KALEY: Okay. Just as long as I
7 know where you are when this is all done, then
8 we'll --

9 MR. HELLER: You got it.

10 MR. KALEY: All right. Thank you,
11 sir.

12 MR. HENNEKENS: You're saying all of
13 these trails that you're coming out on are logging
14 roads, they're easements that run through these
15 properties, you're not landlocked anywhere?

16 MR. HELLER: I'm trying to -- you used
17 a lot of words there. So the parcels aren't
18 landlocked. All of the landowners, Noto, Purdy,
19 Affuso, Benecke, they're all in agreement that we
20 are harvesting all of their properties.

21 MR. HENNEKENS: Okay.

22 MR. HELLER: And they're all coming
23 out to Mr. Cariola's property in the Town of
24 Plattekill. So that's all -- that's --

25 MR. HENNEKENS: And you've got

1 Affuso-Noto Logging

2 permission from Mr. Cariola to come through him?

3 MR. HELLER: Oh, yeah. No, he's
4 great, he's great to work with. But yeah, that's
5 all documented. And all of the adjoining
6 landowners and Greene Lumber Company, we all have
7 a document stating, you know, what's going on to
8 protect Mr. Cariola because, you know, it is his
9 liability, so.

10 MR. HENNEKENS: Okay. And you're
11 going to -- you'll be able to show me your fueling
12 station, your staging areas where you're going to
13 fuel your trucks and everything; correct?

14 MR. HELLER: I mean we don't fuel
15 trucks on the landing. I mean the skidder will be
16 fueled on the landing. But the logs will be
17 stacked, you know, right at the end of New
18 Unionville Road. You drive New Unionville Road
19 all the way to the end, you're going to see the
20 landing.

21 MR. HENNEKENS: That's what -- if
22 you're starting in June or July, I'll be back
23 there tomorrow looking at everything.

24 MR. HELLER: Sure.

25 MR. HENNEKENS: Trying to see where

1 Affuso-Noto Logging

2 your trees are and where the other properties are.

3 MR. HELLER: Yeah. I mean we can go
4 for a walk if you want, if you want to do this
5 together.

6 MR. HENNEKENS: And you're going to
7 send me every -- all the documentation you have.

8 MR. HELLER: Yeah.

9 MR. HENNEKENS: All your maps,
10 everything that you have --

11 MR. HELLER: Yeah.

12 MR. HENNEKENS: -- that I'm looking at
13 right now?

14 MR. HELLER: Absolutely.

15 MR. HENNEKENS: And you're going to
16 show me your staging area and your routes?

17 MR. HELLER: Sure, yeah.

18 MR. HENNEKENS: Okay. I appreciate
19 that.

20 MR. HELLER: You got it.

21 So your -- so I believe your little
22 sliver is right down here.

23 MR. KALEY: That's me. All right, so
24 it's the shaded area?

25 MR. HELLER: Yeah. But everything in

1 Affuso-Noto Logging

2 red is what's being harvested. Well, everything
3 outlined in red is what will be harvested. And
4 it's not actually -- your property is within 500
5 feet of the harvest boundary, which is why you
6 received a letter.

7 MR. KALEY: All right. But there
8 should be no impact at all on the parcel?

9 MR. HELLER: No, none at all.

10 MR. KALEY: Okay. All right, can I
11 give you my email address?

12 MR. HELLER: Sure.

13 MR. KALEY: All right. Since we've
14 gone this far with it.

15 MR. HELLER: We have, I've -- we have
16 gone this far with it. Okay.

17 CHAIR BRAND: Anyone else from the
18 public? Mr. Garofalo.

19 MR. GAROFALO: James Garofalo.

20 MR. KALEY: All right. So you'll send
21 me the packet just so I --

22 MR. GAROFALO: I just wanted to
23 suggest that perhaps, Pat --

24 CHAIR BRAND: Hold on, I'm sorry, I
25 thought he was complete.

1 Affuso-Noto Logging

2 MR. KALEY: Okay?

3 MR. HELLER: You got it.

4 MR. KALEY: Okay.

5 CHAIR BRAND: All done?

6 MR. KALEY: Yes.

7 CHAIR BRAND: Great. Go ahead,

8 Mr. Garofalo.

9 MR. GAROFALO: I just wanted to
10 suggest that perhaps the Board could have the
11 applicant give a contact list which the Board
12 could put up on the website, and could also give
13 the Town of Plattekill, so that anybody else who
14 doesn't happen to be at this meeting would have
15 access to this information easily also.

16 MR. HINES: It is all on the website.

17 THE BOARD SECRETARY: It is on the
18 website. It is there.

19 MR. GAROFALO: Good. Thank you.

20 CHAIR BRAND: You're welcome.

21 Anything else from the public?

22 (No response.)

23 CHAIR BRAND: No, all right. I'd like
24 a motion to close the public hearing.

25 MR. LOFARO: I'll make a motion.

1 Affuso-Noto Logging

2 CHAIR BRAND: Second?

3 MR. CLARKE: I'll second.

4 CHAIR BRAND: Any discussion?

5 (No response.)

6 CHAIR BRAND: All those in favor?

7 (Chorus of ayes.)

8 CHAIR BRAND: So moved.

9 As far as procedurally are we prepared
10 for a resolution from our last meeting?

11 MR. BLASS: Yes, that would be a good
12 idea.

13 CHAIR BRAND: Okay.

14 MS. LANZETTA: And I would like to
15 have you take a look at the issuance or the
16 importance of the issuance of the performance bond
17 and how much that would be.

18 MR. BLASS: Yeah.

19 MR. HINES: And that's the procedure.
20 we do it based on damage to the road and
21 incorporate that in. We'll take a look at it as
22 well.

23 CHAIR BRAND: Excellent. I think
24 that's all.

25 THE BOARD SECRETARY: So he's going to

1 Bayside Mixed Use

2 be on the May 11th meeting?

3 CHAIR BRAND: He's going to be on the
4 May 11th agenda.

5 THE BOARD SECRETARY: Okay.

6 MR. HELLER: There's nothing I need to
7 provide, though, correct, other than that we're --

8 CHAIR BRAND: No.

9 THE BOARD SECRETARY: No.

10 MR. HELLER: Okay. Thank you.

11 THE BOARD SECRETARY: It's not May
12 11th.

13 MR. HINES: It's not May 11th.

14 THE BOARD SECRETARY: Just a second.

15 CHAIR BRAND: Friday is May 11th. May
16 21st.

17 THE BOARD SECRETARY: The 21st.

18 MR. HELLER: May 21st?

19 THE BOARD SECRETARY: Mm-hmm.

20 MR. HELLER: Okay. Thank you.

21 CHAIR BRAND: Thank you.

22 Next up, Bayside Mixed Use.

23 Ron, I know you forwarded to the Board
24 some different resolutions, do you maybe want to
25 run through them?

1 Bayside Mixed Use

2 MR. BLASS: Yeah. There's two
3 resolutions in front of the Board. The first one
4 is for purposes of SEQR. And it is a resolution
5 pursuant to which the Planning Board adopts the
6 Notice of Finding Statement which we prepared
7 after a full environmental assessment. So that's
8 resolution number one.

9 Resolution number two is --

10 MR. HINES: Folks in the back. Yeah,
11 folks in the back, the acoustics in here are
12 terrible, we can hear you and not --

13 MR. BLASS: So resolution number two
14 is the resolution of Conditional Site Plan
15 Approval with respect to the residential component
16 and with respect to the commercial component. One
17 of the conditions of site plan approval is a three
18 lot subdivision approval by this Board in the
19 future.

20 So, and the third item of business
21 would be to fix a public hearing date for the
22 subdivision. The public hearing notice that was
23 used in this case referred to the site plan only
24 and didn't reference the subdivision. So it would
25 be inappropriate to move forward on a subdivision

1 Bayside Mixed Use

2 until that public hearing notice was appropriate.

3 So I think we could schedule a public
4 hearing for the subdivision at the first meeting
5 in June.

6 MR. HINES: June 4th.

7 MR. BLASS: June 4th.

8 CHAIR BRAND: I know that you and I
9 have talked as well as with Pat regarding the
10 property owners and whether that does come into
11 consider -- in our deliberations with the Board as
12 far as the lines and the property as well. Dennis
13 Doyle did kind of refer to that during the SEQR
14 process that it could be discussed there. Is
15 there anything that this board needs to take into
16 consideration for that?

17 MR. BLASS: It's my opinion that any
18 water rights in the possession of a neighbor of
19 the project is a private right, and there's ample
20 case law providing that planning boards and
21 municipal boards do not sit to enforce private
22 property rights. So it's my opinion that, both
23 for purposes of SEQR and for purposes of approval
24 of the project, private water rights are not
25 significant for this board to consider.

1 Bayside Mixed Use

2 CHAIR BRAND: Anything from the Board?

3 MR. LOFARO: No.

4 MR. CLARKE: Yes. This is probably a
5 little late to bring this up, but as far as the
6 historic building that has been discovered on the
7 property, there are some people in the community
8 that would like to preserve a portion of that. I
9 would request that the developer find a way to
10 maybe cut that building in half, in thirds, and
11 move a portion of that, have the construction
12 company move a portion of that to a unused portion
13 of the property for a period of probably the
14 development period, until perhaps the town
15 somebody else can find a suitable site for that.
16 That would be my request.

17 CHAIR BRAND: And at the meeting where
18 we discussed that, there were several
19 recommendations provided to you as far as the Camp
20 Young and what's being done with that?

21 MR. DATES: Yeah.

22 CHAIR BRAND: Have yourself or
23 Mr. Sussman considered any of those?

24 MR. DATES: So Mr. Sussman and
25 Mr. Kierstad have been in contact with each other.

1 Bayside Mixed Use

2 Mr. Kierstad --

3 CHAIR BRAND: Yeah.

4 MR. DATES: -- he has been looking for
5 someone that would look to dismantle that
6 particular building, move it somewhere else. They
7 are in contact. But no one has been -- has come
8 forward yet to do that. As per the --

9 MR. CLARKE: I would suggest that
10 instead of dismantling the building, cut it in
11 half or in thirds, it probably has a pretty good
12 sill underneath it. Just take a cable or a chain
13 and an excavator and haul it to an unused portion
14 of the site. That would be my suggestion.

15 MR. DATES: I can run that by the
16 owner.

17 MR. CLARKE: Okay.

18 MR. DATES: Yeah.

19 CHAIR BRAND: Anything else?

20 MR. TRUNCALI: What phase of the
21 operation would that building be removed in?

22 MR. DATES: It would be one of the
23 first, first phases, demolition and the site
24 planning.

25 CHAIR BRAND: Anyone else?

1 Bayside Mixed Use

2 MR. BLASS: So we're talking about
3 maybe adding an additional condition to the
4 resolution of conditional approval that obligates
5 the developer to take reasonable preservation
6 efforts with respect to that structure, and to
7 allow it to be dismantled and moved either onto
8 the property or onto another property?

9 MS. LANZETTA: You know, I'm not
10 really real comfortable with this at this point
11 because, first of all, it's -- technically it's
12 not an historic building. It's historic -- it has
13 value to us, but it's not technically an historic
14 building. And whether, if we are really talking
15 about, you know, the historic value, cutting it in
16 half or in quarters and moving pieces around, you
17 know, I don't know if that diminishes the value of
18 it, you know.

19 MR. CLARKE: Yeah, it does. But if
20 it's destroyed it has zero value. So the
21 diminished value might be more than zero value.

22 MS. LANZETTA: But it seems like
23 you're asking -- that would be quite a bit to ask
24 the applicant to do. And what would be considered
25 reasonable is a subjective, you know, decision,

1 Bayside Mixed Use

2 you know.

3 MR. CLARKE: It's a request. It's not
4 contingent upon anything.

5 MS. LANZETTA: No, but that's what --
6 that's what legal is asking, are we putting it in
7 as a condition.

8 MR. CLARKE: No, it's just a request.

9 MS. LANZETTA: Oh, okay.

10 MR. CLARKE: My position is just a
11 request.

12 CHAIR BRAND: do you know --

13 MR. CLARKE: You know, it would be a
14 good thing for the developer.

15 MS. LANZETTA: Yeah. And I agree with
16 you, I would -- you know, he's already, the
17 developer has already said he's more than willing
18 to offer it to anybody that could help to take it
19 away or take portions away.

20 MR. CLARKE: In the time frame --

21 MS. LANZETTA: And I --

22 MR. CLARKE: In the time frame there's
23 nobody that's going to do that. In a longer time
24 frame there's a possibility.

25 MS. LANZETTA: You think so?

1 Bayside Mixed Use

2 MR. CLARKE: No, but --

3 CHAIR BRAND: Do you know, did
4 Mr. Kierstad -- he had no -- no plan of action
5 yet, it's just suggested?

6 MR. DATES: No. The last
7 correspondence I saw between him and Mr. Sussman
8 was he was still searching for -- he was still
9 reaching out to contacts to see who would be
10 interested.

11 CHAIR BRAND: But if there was
12 somebody out there, he's not against them coming
13 in to take control of the building?

14 MR. DATES: No, no. And to point out,
15 our letter of resolution with SHPO was that yes,
16 in fact this is not an historic building. We are
17 able to take that down. But one of the
18 stipulations was that Bayside Construction, LLC
19 would offer the buildings for sale or donation,
20 all or in part. So he's looking to meet that
21 obligation that was imposed by SHPO. And if
22 anyone knows anyone, he'd be more than happy to
23 discuss that with them and how they can take
24 pieces of the building or the whole building,
25 whatever.

1 Bayside Mixed Use

2 CHAIR BRAND: Right.

3 MS. LANZETTA: So realistically if,
4 let's say if you were to receive approval for the
5 site plan tonight, you still are looking at a
6 public hearing and then another approval before
7 any work can commence on this property.

8 MR. HINES: Right.

9 MS. LANZETTA: So we're talking about
10 probably a couple month window still?

11 MR. BLASS: Maybe just a month.

12 MS. LANZETTA: An additional month?

13 MR. BLASS. Yeah. We could have the
14 public hearing June 4th.

15 THE BOARD SECRETARY: The sixth.

16 MR. BLASS: The sixth.

17 THE BOARD SECRETARY: The fourth,
18 correct.

19 MR. BLASS: And approve the
20 subdivision that evening after we close the public
21 hearing.

22 MR. HINES: There are some other
23 conditions of approval, there's a list of some ten
24 conditions in the resolutions. They have some
25 work to do, Health Department rules, DOT

1 Bayside Mixed Use

2 approvals, prior to this map getting signed and
3 organized and complete. So the applicant --

4 (Cross talk.)

5 MS. LANZETTA: What would you say
6 realistically before they could begin?

7 MR. HINES: It depends on the
8 applicant and how much effort they put into
9 resolving those conditions. If they resolve them
10 within a month, then it would be a month. So they
11 have DOT permits and approvals out there still,
12 the Health Department for the water system. They
13 have some pretty substantial approvals that they
14 need to get to. So it's a minimum a month, it
15 could be two months.

16 MS. LANZETTA: Based on that, do they
17 have to get the approval from the Town Board for
18 the BC overlay district as well?

19 MR. BLASS: Yes.

20 MS. LANZETTA: So is that going to
21 involve another public hearing?

22 MR. BLASS: It will.

23 MS. LANZETTA: So we're talking at
24 least a couple months probably.

25 MR. BLASS: Yeah, a few.

1 Bayside Mixed Use

2 MS. LANZETTA: At least.

3 MR. BLASS: Yeah.

4 MS. LANZETTA: So, you know, the
5 people who would like to preserve that building
6 will have at least two, maybe three months --

7 MR. BLASS: Right.

8 MS. LANZETTA: -- to get something
9 done.

10 MR. BLASS: So what about adding the
11 condition to the effect that the developer shall
12 make good faith efforts to donate the structure to
13 anyone that takes it prior to demolition.

14 MR. HINES: That's consistent with
15 SHPO'S response letter as well.

16 MR. BLASS: Yeah. It's SHPO'S
17 condition.

18 CHAIR BRAND: Yeah, let's do that.

19 MR. BLASS: Okay. So that's going to
20 put the burden on somebody to come forward and
21 accept a donation --

22 CHAIR BRAND: Right.

23 MR. BLASS: -- offer to move the
24 building.

25 MS. LANZETTA: Sounds good to me.

1 Bayside Mixed Use

2 CHAIR BRAND: Okay. So anything else?

3 MR. TRAPANI: So with the water rights
4 that the Lyons have, they don't have any rights to
5 that now or the water that's up there, is that
6 written down or --

7 MR. BLASS: They have the same rights
8 they have always had. My understanding is that,
9 A, there's a public water -- a public water system
10 serves the area. And, B, the rights that they
11 have, have not been used for a permanent water
12 supply. And, C, it's a private matter between
13 landowners, based on deeds and covenants that
14 arose in the past. And, lastly, there's ample
15 case law regarding that a town has no right to
16 hold up an approval in order to enforce private
17 property rights.

18 MR. TRAPANI: So that water has never
19 been used before for anything?

20 MR. BLASS: I would venture a guess,
21 without having any idea, that it hasn't been used
22 since the public water supply was brought to the
23 area, but I don't know.

24 CHAIR BRAND: It's not a public
25 hearing, but I know you guys did come. Did you

1 Bayside Mixed Use

2 want to add anything to that, Mr. and Mrs. Lyons,
3 anything?

4 MS. LYONS: I could talk?

5 CHAIR BRAND: Yes.

6 MS. LYONS: I would just say we will
7 not be saying anything tonight until we get in
8 front of a judge. Thank you.

9 CHAIR BRAND: Okay.

10 So the first resolution is the
11 Adoption of Approving the Town Board's Final
12 Statements on its own without modifications as far
13 as the State Environmental Quality Review Act is
14 concerned. That's the first; correct?

15 MR. BLASS: Yeah.

16 CHAIR BRAND: Yes.

17 Jen, poll the Board.

18 THE BOARD SECRETARY: Chair Brand.

19 CHAIR BRAND: Yes.

20 THE BOARD SECRETARY: Member Truncali.

21 MR. TRUNCALI: Yes.

22 THE BOARD SECRETARY: Member Trapani.

23 MR. TRAPANI: Yes.

24 THE BOARD SECRETARY: Member Lanzetta.

25 MS. LANZETTA: Yes.

1 Bayside Mixed Use

2 THE BOARD SECRETARY: Member Lofaro.

3 MR. LOFARO: Yes.

4 CHAIR BRAND: Member Clarke.

5 MR. CLARKE: Yes.

6 THE BOARD SECRETARY: Member Cauchi.

7 He's not here.

8 CHAIR BRAND: Okay.

9 The next resolution is the Planning
10 Board of Town of Marlborough resolution for the
11 Application of Construction for Site Plan Approval
12 only. We will be having separate public hearings
13 and approvals for the subdivision as well as for
14 the business corridor overlay district. That's
15 going to the --

16 MR. HINES: The Town Board, yes.

17 CHAIR BRAND: -- the Town Board,
18 right. Okay.

19 Ron, do you just want to, you don't
20 need to read the whole thing, but did you want to
21 highlight any of the conditions other than the one
22 that we have?

23 MR. BLASS: Well, the conditions are
24 on page 13 of the resolution. As I said before,
25 the subdivision, basically it's a subdivision of

1 Bayside Mixed Use

2 the commercial component off of the residential
3 component.

4 MR. HINES: And also a --

5 MR. BLASS: Yeah, in addition to a one
6 acre parcel. DOT approval from 9w access and
7 Ulster County Health Department approvals for the
8 water system and sewer management. DEC for the
9 sewer system expansion. Marlboro Highway
10 Superintendent, road access permit for emergency
11 access on Hurley Road. NYSDEC Stormwater SPDES
12 approval. The Marlboro School District licenses
13 or other approvals for the making and improvements
14 on school district property. Construction of
15 phasing the plan would need approval by the
16 Planning Board Engineer. And payment of all fees
17 and consulting costs to the Town. Lastly, the
18 filing of the final subdivision plan, which may
19 occur as early as June 6th.

20 CHAIR BRAND: And we're also including
21 the provision for the building.

22 MR. BLASS: Yeah. What's the name of
23 the structure?

24 CHAIR BRAND: Camp Young.

25 MR. BLASS: Camp Young?

1 Bayside Mixed Use

2 CHAIR BRAND: Yeah.

3 MR. BLASS: So I have, the developer
4 shall exercise best efforts to donate the Camp
5 Young structure on the site prior to demolition
6 should interested persons come forward who are
7 willing to move it.

8 MS. LANZETTA: Did you say best
9 efforts?

10 MR. BLASS: Yeah.

11 MS. LANZETTA: Can't you just say
12 shall offer a donation of Camp Young to any
13 interested parties?

14 MR. BLASS: The developer shall offer
15 to donate the Camp Young structure on the site --

16 MS. LANZETTA: To any interested --

17 MR. BLASS: -- prior to demolition,
18 should interested parties come forward timely --

19 CHAIR BRAND: Should we, other than
20 speaking with Mr. Kierstad, I mean have you guys
21 undertaken anything to put like a public notice, a
22 legal notice, anything like that?

23 MR. DATES: No, not that I'm aware of.

24 CHAIR BRAND: Some type of
25 advertisement or --

1 Bayside Mixed Use

2 (Cross talk.)

3 MR. DATES: Not that I'm aware of, no.
4 And actually, I was just going to ask how we would
5 satisfy that condition. If -- the email exchange
6 or letter from Mr. Kierstad stating that
7 Mr. Sussman has been in contact with him and has
8 offered up the building --

9 CHAIR BRAND: Yeah.

10 MR. DATES: -- would that suffice as
11 satisfying that condition?

12 MR. BLASS: Yeah. I think that -- you
13 know, it may be that there's no takers.

14 MR. DATES: That's what I'm -- that's
15 what I'm worried about. And then I just want to
16 make sure that I can satisfy that condition.

17 MR. HINES: It may be another
18 requirement of the Office of Parks, Recreation and
19 Soil Preservation that, you know, consistent with
20 their requirements you're looking for someone,
21 anyone, any entity that's interested. So if they
22 have the contacts --

23 MR. DATES: Okay.

24 MR. HINES: -- it may add another
25 level of I won't say advertisement, but that's the

1 Bayside Mixed Use

2 way this -- that, that building is available.

3 MS. LANZETTA: Yes, that would be
4 good.

5 MR. BLASS: So I'm putting in the
6 phrase timely with respect to coming forward with
7 the capacity to move it.

8 MR. DATES: Can we put in prior to
9 demolition? I think you had stated that before.

10 MR. BLASS: I said developer offers to
11 donate the Camp Young structure prior to the
12 demolition should interested parties come forward
13 who timely have the capacity to move the
14 structure.

15 MR. DATES: Okay.

16 MR. BLASS: Okay?

17 MR. DATES: Mm-hmm.

18 MR. BLASS: which implicitly means
19 prior to demolition.

20 MR. DATES: Yes.

21 MR. BLASS: Otherwise it's kind of
22 academic.

23 MR. DATES: Mm-hmm.

24 CHAIR BRAND: Anything else from the
25 Board before Jen polls you?

1 Bayside Mixed Use
2 (No response.)
3 CHAIR BRAND: Jen, would you poll the
4 Board.
5 THE BOARD SECRETARY: Sure.
6 Chair Brand?
7 CHAIR BRAND: No.
8 THE BOARD SECRETARY: No?
9 CHAIR BRAND: No.
10 THE BOARD SECRETARY: All right.
11 Member Truncali.
12 MR. TRUNCALI: Yes.
13 THE BOARD SECRETARY: Member Trapani.
14 MR. TRAPANI: Yes.
15 THE BOARD SECRETARY: Member Lanzetta.
16 MS. LANZETTA: Yes.
17 THE BOARD SECRETARY: Member Lofaro.
18 MR. LOFARO: Yes.
19 THE BOARD SECRETARY: Member Clarke.
20 MR. CLARKE: Yes.
21 THE BOARD SECRETARY: Member Cauchi.
22 Absent.
23 CHAIR BRAND: Absent.
24 So carried.
25 So we will see you again on June 4th.

1 Bayside Mixed Use

2 MR. DATES: Okay.

3 MS. LANZETTA: Do we have to make a
4 motion to do that or --

5 MR. BLASS: Yeah, we should make a
6 motion to have a public hearing on the subdivision
7 aspect. June 6th or June 4th?

8 THE BOARD SECRETARY: The fourth.

9 CHAIR BRAND: Fourth.

10 MR. BLASS: June 4th.

11 CHAIR BRAND: So do I have a motion?

12 MS. LANZETTA: I make a --

13 (Cross talk.)

14 MR. LOFARO: I make a motion for the
15 June 4th public hearing.

16 CHAIR BRAND: Second?

17 MS. LANZETTA: Second.

18 CHAIR BRAND: Any discussion?

19 (No response.)

20 CHAIR BRAND: All in favor, say aye.

21 (Chorus of ayes.)

22 CHAIR BRAND: Any opposed?

23 (No response.)

24 CHAIR BRAND: So carried.

25 See you on June 4th.

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MR. DATES: June 4th, great.

CHAIR BRAND: Thanks.

MR. DATES: Thank you.

CHAIR BRAND: Next up, Discussion
Without Lawyer, Engineer and Stenographer, Gabriel
Boyd, North Road, Milton Auto Repair.

(Time noted: 8:23 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this ____ day of June, 2018.

KARI L. REED