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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 16, 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: PATTI BROOKS

----- X

MICHELLE L. CONERO  
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TWIN POND

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CHAIRMAN BRAND: It is 7:30 and we do have all Board Members here, so I would like to call the meeting to order. Agenda, Town of Marlborough Planning Board, November 16, 2020. Regular meeting 7:30 p.m. Approval of stenographic minutes for 10/19 and 11/2. On the agenda this evening we have Twin Pond, final for their site plan at 2007 Route 9W, Milton; Nason Subdivision, sketch of a subdivision at 89 Peach Lane in Marlboro; Guarino, sketch of a subdivision at 5 Ashlyen Drive in Marlboro; and HSC Milton, LLC/Dollar General for their sketch of a site plan and lot line on Route 9W Milton. Also on the agenda, without the lawyer, engineer, stenographer, we have a review of the site plan checklist. The next deadline is Friday, November 20th. The next scheduled meeting is Monday, December 7th.

Can I have a motion for the approval of the stenographic for October 19th and November 2nd, please?

MS. LANZETTA: I'll make that motion.  
Cindy Lanzetta.

CHAIRMAN BRAND: Cindy. Is there a

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TWIN POND

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second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any nos on the approval of those?

(No response.)

CHAIRMAN BRAND: So moved.

First up on the agenda is Twin Pond, site plan, 2007 Route 9W, Milton.

Jeff, why don't you fill us in on where we are with this.

MR. BATTISTONI: Yes. Thank you. I prepared an approval resolution. There was a prior approval for this site, and I'd like to review that resolution if I can. I've seen the actual approved site plan but I haven't been able to get the resolution yet. I've looked for it. Pat is looking for it. Jen Flynn is looking for it. I would like to look at that.

I believe Patti Brooks is going to submit a letter amending the site plan application to show that the uses are still there. There's not a request for a mixed use.

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TWIN POND

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It's just a pallet storage business.

I think she's also going to address the lighting issue in that letter.

I expect those things to be resolved very soon. I would have the resolutions ready for the next meeting.

CHAIRMAN BRAND: Excellent.

Pat, anything to add to this?

MR. HINES: Nothing to add. We checked our previous file from the 2003 job number there and it didn't contain a resolution, just our comments and County Planning comments. I almost think the resolution was done by minutes back then, so we may have to pull the minutes. Jen said she's going to do that tomorrow.

MS. BROOKS: That's also my recollection. At that point in time we were not doing written resolutions. It all was part of the minutes.

I do have one question with regard to the lighting. Mr. Mannese, with the assistance of Central Hudson, had replaced all of the lights to be down-lit LEDs back in either 2017 or `18. He did not save any of the paperwork. I'm not

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TWIN POND

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sure how to prove the lighting that he has meets the Ulster County Planning Board standards.

MR. HINES: Central Hudson doesn't have any record?

MS. BROOKS: It was installed by James' electrician. He's trying to reach out to his electrician. So far he's been unsuccessful in finding any documentation.

MR. HINES: I guess in that case, often the Board can take a look there some night. I guess you can review the lighting conditions.

CHAIRMAN BRAND: I think if we approve -- anything else from the Board on this one?

MS. LANZETTA: Can you take pictures of the lights?

MS. BROOKS: Absolutely.

MR. LOFARO: What did we decide to do about the gate? Are they taking the gate out or leaving the gate in?

MR. HINES: Out.

MR. LOFARO: The gate is gone?

MS. BROOKS: The gate is there right now. I told him that the Board had a recommendation that the gate be removed. He said

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he would like to keep it there but he's going to make sure it's far enough off the road that a tractor with a trailer can get off the road.

CHAIRMAN BRAND: Anything else from the Board on this one?

MS. LANZETTA: The fence along the northern side of the facility, does that have to be done before you can sign the site plan, or how does that work?

MR. HINES: That will be part of the certificate of occupancy. It's part of the site plan. When he goes to get a CO from the Building Department, all those improvements will be completed.

MS. LANZETTA: That's a question I've been wondering about, because we have another business on Route 9W that we did a site plan and we signed off for it and it was never built according to the site plan specifications, and yet it's -- you know, it's an active business. Who is supposed to make sure that that's all done once we pass the site plan? What's the procedure after that is my question?

MR. HINES: The applicant needs to go

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TWIN POND

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to the Building Department, usually get a building permit. Once those issues are closed out, they get a certificate of occupancy.

This project is before us as -- it was sent to us from the code enforcement officer. This is to clean that up. He'll need to get a certificate of occupancy or certificate of compliance. The checks and balances are there with the code enforcement officer to make sure they're compliant with the site plan. If they aren't compliant, an enforcement action can be brought against the property owner for compliance.

I'm getting feedback. Does someone have two devices on?

MS. FLYNN: It looks like it's Steve.

CHAIRMAN BRAND: Steve, can you turn off your mic maybe?

MR. HINES: Is that better? That sounds better.

MS. LANZETTA: I understand we're trying to rectify some issues on this particular site plan, but if it was a new site plan and somebody began -- if they haven't followed their

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site plan as we passed it, then it's up to the building inspector not to give them a CO?

MR. HINES: Correct. Some of those improvements are done. That's the purpose of the site plan. It's kind of the guide for the applicant and the code enforcement officer. That's why often times we require notes and things that give him the ability to enforce. Anything on that site plan is enforceable through the code enforcement officer.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: Anything else on this?

(No response.)

CHAIRMAN BRAND: So Patti, you'll take some pictures of the lights, and we'll try and drive by there at night and see if we think it's suitable.

Other than that, Jeff will have a resolution ready for the next meeting, hopefully, after reviewing all those additional submittals.

MS. BROOKS: And I will have the letter regarding the lighting, and the removal of the used car sales, and revise the note on the map to reflect it's going to be an eight-foot fence in

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accordance with the code and not the six-foot.

CHAIRMAN BRAND: Anything else on that?

MR. TRONCILLITO: I'll take a ride up there after the meeting. It's only a half a mile up the road.

CHAIRMAN BRAND: All right. Take some pictures.

Thank you then, guys. We will see you at the next meeting then.

MS. BROOKS: Very good.

(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 29th 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

NASON SUBDIVISION

Project No. 20-4005  
89 Peach Lane, Marlboro  
Section 95.4; Block 3; Lot 13.200

----- X

SKETCH - SUBDIVISION

Date: November 16, 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: JONATHAN MILLEN

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CHAIRMAN BRAND: Next on the agenda is the Nason Subdivision, sketch.

Pat, did you just want to go through your comments?

MR. HINES: I had comments on April 20th, and they didn't look like some of those have been completed, so I just reiterated those.

Section 155-52, the buffer requirements for agriculture, a note be added to the plans on those.

The appropriate setbacks, specifically on lot 4 and lot 1, be identified in the bulk table. There's a 75-foot setback from active agriculture located on either side of this. Those need to be added.

The DEC wetland boundary and associated buffers were requested by the DEC. We don't have that yet.

Wells and septic details have been provided but Ulster County Health Department needs to approve those.

The highway superintendent, we requested his input on the driveways at the location of the shared driveways as well as the

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new driveway serving proposed lot 1.

We requested that the amount of disturbance be depicted on the plans. It appears to be greater than 1-acre disturbance that will occur on the entire parcel. A stormwater pollution prevention plan and coverage under the DEC is required.

There are several accessory structures. It's not indicated what they're used for but the code does not allow accessory structures in front of the main structure. It has a caveat unless they're used for agriculture. I cited the code section there, 155-16, for the applicant to take a look at. There are some sheds and various other structures on the site that may either need a variance or may need to be removed.

We had asked for the driveway profile, which we did get on these plans, showing the maximum driveway slope of 12.3. Code has a 14 percent maximum driveway. The driveway complies with that.

Along with that driveway, and Bobbie Troncillito had asked earlier, the fire department's comments on the driveway, which is

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about 1,200 feet long, should be received. I did note that there's a passing area for emergency vehicles depicted, but we need input from the jurisdictional fire department on that.

That's the comments we have now.

CHAIRMAN BRAND: Thank you, Pat.

Jeff, did you have anything on this one?

MR. BATTISTONI: No, I don't.

CHAIRMAN BRAND: Comments from the Board?

MS. LANZETTA: I just have two comments. One was on the zoning district portion on the map here where they talk about lot 1. I'm not sure if the minimum front yard and minimum rear yard numbers are correct on that. They just might want to take a look at that.

And then also I'm curious, because this has been an active farming parcel for a lot of years, where the houses are going. Is there any soil testing that's done to make sure that there's no heavy metals in the area where there might be residential use?

MR. HINES: I'm familiar with that on

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former apple orchards. I've seen that with apple orchards. I don't know what type of agriculture has been here. That's usually the Health Department doing the well and septic reviews. Similar, Orange County has the same issue when it has to do with the metals and the pesticide residue. Great question, but I don't know what type of agriculture was here.

MS. LANZETTA: It was apple trees. I'm going back to the aerials of twenty years ago. It was all apple trees.

MR. HINES: So that is often a concern. The Health Department typically handles that when they do the well and septic review. We may want to note that to the Health Department so they know that. They may not know that.

MR. CLARKE: That's been an inactive orchard for a long time. I'm sure you're going to have high arsenic levels, high lead levels. There's a mitigation process for that. It's not a stopper but you do have to test for those things, and it will show up there because it was farmed in the `30s, `40s and `50s when those materials were used.

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MR. HINES: Often the mitigation is to strip the top six inches of soil from the area of the houses and take it elsewhere and bury it.

CHAIRMAN BRAND: And then they test the well, obviously?

MR. HINES: They test the well. Often it's tied up in the top six inches of soil. It's in the soil chemistry. Those chemicals don't often migrate into the groundwater. If your kids eat the dirt. It's a digestion hazard more than anything.

CHAIRMAN BRAND: Interesting.

MR. HINES: And that's what I'm familiar with in Orange County when they do a lot of the old orchards. County Health does that review and requires that remediation.

MS. LANZETTA: Can we, as a Planning Board, make any recommendations on that?

MR. HINES: I think we should send that note to the Health Department. Yes.

CHAIRMAN BRAND: You'll do that, Pat?

MR. HINES: I can do that, yup.

CHAIRMAN BRAND: Excellent.

MR. GAROFALO: I have a few comments.

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I'm a little concerned about the driveways on lots 2 and 3 being so close to one another. Certainly I would like to see the sight distances off of the driveways. I'd prefer to see a combined driveway or to see them separated rather than have them so close to one another and present a very large curb cut together. I don't think that's necessarily the best situation.

I'm wondering if the other driveways that are going to be gravel are going to be paved for a certain portion from the road, at least to the right-of-way if not another 25 feet.

I think it should be shown that they do have the 25 feet from the center line of the road to the end of the right-of-way, because I did not see that on the plan.

Also, on lot 2 there's a fence that goes off of the property and into the right-of-way. I'm a little concerned about what is the height of that fence? Is that an obstruction to the sight distance for the drivers coming out of that driveway? So I'm a little concerned about that. I don't know what the normal regulations are concerning a fence like

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that that's actually in the right-of-way, whether that gets moved or doesn't get moved.

Also, on lot 2 there is what looks like a parallel driveway that was gravel. I'm wondering if that gets removed or not. As well as the driveway that's on the edge of the property on the other side of the pond, whether that's going to remain or whether that's going to be removed as a driveway, or at least a portion of it gets put back into grass so that it doesn't look like a second driveway.

CHAIRMAN BRAND: I believe the Nasons are here. Maybe they could address some of those questions.

Jonathan, you'll have to turn on your mic I believe, if you're the representative there.

MR. MILLEN: How about now? Can you hear me now?

CHAIRMAN BRAND: Absolutely. Yes.

MR. MILLEN: So let me just start with the comments regarding the offset for the agricultural buffer. I understand the offset is 75 feet, which we are showing for that parcel.

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Now, is there a specific note that has to be added that says this is 75 feet because it's near the agricultural?

MR. HINES: The way it's often handled is the lots that are subject to it, if you can put an asterisk in the bulk table for side yard and rear yard and cite that section of the code, because it does apply to those lots. The side yard is typically 35. You show -- you need to have -- you may have placed the building there. If I look at the bulk tables, I don't know -- the one side yard has to be 75 minimum. By putting an asterisk on there, the two lots it affects, we can reference that section of the code as well.

MR. MILLEN: Okay. So with respect to the 75 yard setback that's shown for --

MR. HINES: Where is it shown?

MR. MILLEN: Okay.

MR. HINES: Sheet 2 does show it at that. I think we just need to reference that so they know where it comes from. If you go to the bulk table -- in the future some lot buyer is going to say it's shown 75 and I go to the bulk

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table and it's shown 35 and 80. Reference that for when they look at the bulk table.

MR. MILLEN: Okay. Regarding the wetland boundary, we had the wetland flagged and we had it certified by Josh. I don't know if you can see it here. I have the wetlands --

MR. HINES: That should be shown on -- one of the maps should have that on there, the survey.

MR. MILLEN: The wetland map does show the certification. The New York preliminary wetland -- freshwater wetland boundary validation has the gentleman's name.

MR. HINES: That's not part of the plan set.

MR. MILLEN: That is sheet 3 of 4 of the plan set.

MR. HINES: Okay. Mine has that being blank.

MR. MILLEN: Well --

MR. HINES: It's in the lower left-hand corner.

MR. MILLEN: The map that I just dropped off -- what I just delivered, twelve sets

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of everything, that is all filled in. It shows the person's name who did the wetland delineation, Josh Fisher, the date it was surveyed on, the wetland designation as delineated by Michael Nowicki. I dropped copies of each of these off to the Planning Board office.

MR. HINES: Mine is blank. These are dated 8 November.

CHAIRMAN BRAND: Pat, are you looking at the digital copy or the --

MR. HINES: If it's digital it's pretty fancy because the ink is in different colors. It has a raised seal on it, so it's definitely not the digital copy. I've got a raised surveyor's seal and received by the Planning Board on 10 November `20.

MR. MILLEN: And that is blank? The freshwater wetland validation is blank?

MR. HINES: It is.

MR. MILLEN: Well there's some kind of mistake. I don't know how that happened.

MR. HINES: The copy I have has your raised seal, Jonathan.

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MR. MILLEN: And it has the 11/5/20 in the revision? So the last time it was revised was 11/5/2020.

MR. HINES: I do not have the 11/5. It says 7/7 on that sheet.

MR. MILLEN: Again I'm going back to what was delivered.

MR. HINES: This is what was delivered because it says received by Planning Board on 10 November. Your signature is dated 8 November this year.

MR. MILLEN: On that particular sheet? I apologize. I don't know how that could be, but I --

MR. HINES: Well it is. Board Members, is the wetland validation block filled out on the Board Members' sheet? Sheet 3, lower left-hand corner.

MS. FLYNN: I don't even think the electronic one sent to me was signed either.

MR. HINES: Mine has the raised seal.

MR. GAROFALO: My copy, which is 11/5/2020, does have that block filled in. It's not -- there isn't a seal there but all that

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information is filled in.

MR. MILLEN: So you have a paper copy of this where that's filled in? Sir, did you say that you have a copy of that where it's filled in?

MR. GAROFALO: Where the freshwater wetland boundary validation is filled in. It's not sealed but all of the information in that block seems to be filled in. That's the 11/5/2020.

MR. TRONCILLITO: Mine is also.

MR. MILLEN: So what are we saying, that some people didn't get --

MR. HINES: Apparently there's mixed up copies.

Anyway, just to move it forward, if it's filled in we're good.

MR. MILLEN: Okay. The well and septic details, the work was done by Mr. Terrizzi. I thought that he had provided his work as well. It has been -- I understand that it has been approved by the Health Department. We'll have to get that information from Mr. Terrizzi.

MS. NASON: Jonathan, I just got it in

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the mail Thursday or Friday, all three approvals from the Health Department for the permits.

MR. MILLEN: Right. So the septic as shown on the set of plans is the same as per Mr. Terrizzi. As Ms. Nason just mentioned, it has been witnessed and approved by the Health Department, which we'll have the documentation for the next meeting.

MR. HINES: Okay.

MR. MILLEN: Okay. With regard to the driveway, the idea about the highway, I'm not aware of -- the concept of the driveway was rather than have two separate entrances for the cars to enter and leave, that we would simply have one entrance. And rather than actually share a driveway, the concept was to have two separate driveways so there wouldn't be a need for a maintenance agreement which can sometimes cause issues. The concept being that the sight distance would be easier to handle for just one driveway essentially, even though -- I mean you could have two cars pulling in and pulling out in the same location. So that was the driving force behind that part of the design. I don't know if

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the Board has some kind of a problem with that --  
with doing a driveway design of that nature.  
That was the logic behind it.

CHAIRMAN BRAND: Okay.

MR. MILLEN: I don't know if that's an  
issue or not an issue.

MR. CAUCHI: It's not an issue for me.  
Two driveways is satisfactory for me.

MR. MILLEN: Okay.

MR. TRONCILLITO: I agree. It looks  
fine to me.

MR. GAROFALO: I don't have a problem  
with having two driveways. The problem that I  
have is it looks like one very large curb cut. I  
think the driveways either need to be further  
separated or separated in some manner, because  
they're sharing that same piece of driveway. It  
looks like -- for a driver coming up, it looks  
like there's just one driveway. I think part of  
the thing that needs to be looked at is what is  
the sight distance, where is it the best and is  
it adequate where you have it. I don't think  
it's a good idea --

MR. MILLEN: I can assure you that it

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is.

MR. GAROFALO: -- not to separate  
the --

MR. MILLEN: The concept of the curb  
cut -- whether there's two driveways or one  
driveway, you know, they're turning into their  
own separate driveways. I don't see how that  
would be an issue. There certainly is -- anybody  
who is looking at the road can see that there's  
certainly adequate sight distance. We will  
submit a sight distance report to ensure that. I  
can assure you that there is.

CHAIRMAN BRAND: The comments from the  
highway superintendent are outstanding to this,  
Pat?

MR. HINES: I don't have anything on  
this.

MS. LANZETTA: I'm just looking at this  
and looking at the map in regards to the setbacks  
for being in the agricultural district. Lot 4 on  
the northern side would have to have a 75-foot  
boundary.

MR. HINES: Yes.

MS. LANZETTA: It would also probably

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need some sort of a vegetative buffer along that edge because that is an active farmland adjacent there.

Lot 3. I don't see where lot 3 needs to have that 75-foot agricultural buffer.

Going back to lot 2, which is what I would think of as being the parent parcel but they choose to look at lot 1 as the parent parcel. Lot 2 also has active agricultural land to the south of it, and they only have a 50-foot buffer shown there right now. That would also have to be a 75-foot buffer.

MR. CLARKE: Cindy, that's not true. There is no active agriculture south of that lot.

MS. LANZETTA: I just was looking at the aerials and --

MR. CLARKE: Go look at the site.

MS. LANZETTA: It's not active right now you're saying?

MR. CLARKE: Not to the south. To the west, yes.

MS. LANZETTA: Okay. I'm just going by the aerials that are on the Ulster County tax parcel site.

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MR. CLARKE: Just ride by there and you'll see it. You have to remember that Peach Lane is a moderately active road because a lot of people turn from Milton Turnpike to go up to Highland and go across the bridge. That's mostly morning and afternoon. You know, I certainly don't have a problem with a double driveway. People, you know, they're in and out of their houses. There's very little traffic there. They'll figure it out. There is no active agriculture to the south. That's just an open field.

MS. LANZETTA: Okay. What if they decide tomorrow to start planting trees in it? Then we don't have any choice, you know, to go back and change the site plan. I mean it's still a big open field that has the possibility of agricultural use. It is in the agricultural district.

MR. CLARKE: It's never going to happen. The person that owns it has exited the agricultural industry. Believe me, there's not going to be a lot of new orchards planted in Marlborough. It's not a profitable enough

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business for that to happen. That field will never be agriculture. It may some day be developed, but, you know, that's a long ways down the road.

MS. LANZETTA: I guess the question is who determines what's an active agricultural area? It is in an agricultural district.

MR. CLARKE: Yeah. There is a lot of land in the agricultural district that is not actively farmed. At one point that was actively farmed. Go talk to the assessor. It is attached to an active farm. It may be under agricultural assessment. It may be considered support land. But that has -- that area has not be farmed actively for probably thirty years.

MS. NASON: A question. Lot 2, I think the one that our house is already on, our house couldn't be moved. It's got to be more than 75 feet off of it anyway. There's no proposal for a house further back to be close to that line. I'm confused as to why we would have to worry about being 75 feet off the southern line if we're not trying to propose a house anywhere close to that line, and we already have our house here already

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built. You know what I'm saying?

MS. LANZETTA: It's just part of the code and it needs to be reflected on the map.

MR. MILLEN: Just to be -- as I registered this, the area to the south did not appear to be in an active agricultural area. The area to the west already has a 75-foot buffer, which is the required buffer. So we could add the 45 foot -- we could change the 45 foot on lot 1 on the northerly side to reflect the 75-foot buffer. Other than that, I don't see -- we can certainly add it to the south side as well. I just didn't think that it was required based on what I saw with respect to the properties being actively farmed or not. Obviously the farm to the north is actively in progress.

MS. LANZETTA: Along the north border then there really should be a notation that there should be vegetation as well, because that's included -- it's sort of a buffer, be it a berm or vegetative.

MR. HINES: Section 155-52 details all that.

MS. LANZETTA: Yes. You know, if the

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Board doesn't feel that it needs to be shown for the southern side, I still think it really needs to be shown for the west and the north.

MR. MILLEN: Okay. The next thing I would like to talk about is the accessory structures. So there's -- I'd also like to mention the fact that lot 1 is the parent parcel because that is the parcel that essentially is the largest parcel, and it is the parcel that is, for all intents and purposes, the remainder of the land.

But with respect to the accessory structures, there's only one accessory structure on anything -- that has anything proposed being built, and that would be that aluminium/vinyl open shed. Does somebody have a problem with that being whatever that is? It's an open aluminum -- it's an open shed, aluminum and vinyl it says on the plan.

MS. NASON: It's a horse run-in. The other two sheds that are on there are animal enclosures, which those are actually going to be moved. The two that are on lot 2.

CHAIRMAN BRAND: And the horse run-in,

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is that actively used for the horses?

MS. NASON: The aluminum one is a horse run-in. That can also be moved as well, but that's actually on the --

MR. HINES: The code says if they're not used for agricultural. If they're used for agriculture it's not an issue. Non-agricultural uses are not allowed in front of the primary structure.

MS. NASON: Right.

MR. HINES: If they're horse run-ins and they're used, they can be there.

MR. MILLEN: I'll put a note to the effect they are for agricultural purposes.

MR. HINES: And you can refer to that section of the code in the comment. That would be helpful.

MR. MILLEN: Which section was that, Pat?

CHAIRMAN BRAND: 155-15(3)(b).

MR. HINES: Yes.

MR. MILLEN: Thank you. I appreciate that.

CHAIRMAN BRAND: 155-16. I'm sorry.

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MR. HINES: 16.

MR. MILLEN: 155-16(3)(8)?

CHAIRMAN BRAND: (3)(b).

MR. MILLEN: (3)(b).

The next thing I would like to discuss is the travel ways. These travel ways have been there for a very long time. They're just what used to pass as, I guess, old wagon roads. Just cleared areas. They're not active driveways. I'm not sure that they have to be grassed over or something to that effect. There was a note regarding that. Is that a requirement?

MR. GAROFALO: My only concern was the portion that's immediately adjacent to the public way in that someone might think that that is a legitimate driveway or travel way. I'm not concerned about the ones that are further up on the property, just the ones that are within the public right-of-way and at the public right-of-way.

MR. CLARKE: Jim, as long as it's been there, I don't think anybody has tried to travel up those roads. You know, they were access to an old cold storage that was on the property and

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that's all it was. I don't think anybody is going to trespass on property thinking that that's a road.

MS. LANZETTA: I just was curious. There's no easement for any of those. Right?

CHAIRMAN BRAND: Can you repeat that question, Cindy? I don't think he heard you.

MS. LANZETTA: There are no easements on any of those drive-throughs?

MR. MILLEN: No, there's no easement.

MR. HINES: They're all on lot 2. They're all on the same lot.

MS. LANZETTA: Yeah.

CHAIRMAN BRAND: Anything else on this one?

MR. MILLEN: With regard to the grading, I have included the grading for all of -- the proposed grading for the long driveway, and I am confident that the total grading on the site will be less than 1 acre. I've got the numbers for the driveway itself on sheet 4, if anybody has had a chance to review it. If the total graded area including the two sites below is less than 1 acre disturbed. I believe also

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that the yardage will be less than 1,000 yards of cut or fill. I'm trying to say I don't believe that we will need to do the stormwater pollution prevention plan if that is the case.

MR. HINES: That is the case. I looked at the grading you gave me for lot 1. It looks like it was at .75 acres --

MR. MILLEN: Yes.

MR. HINES: -- just for lot 1 and a quarter acre on lot 3 and 4, including the septic systems and such. It looks like there certainly would be.

MR. MILLEN: In other words, the septic systems are considered part of the grading?

MR. HINES: Yeah. You're disturbing -- it says 1 acre of disturbance. The code is for residential less than 25 percent impervious, that a soil erosion and sediment control plan and a stormwater pollution prevention plan should be submitted. There's no requirement for water quality and quantity control. That E&S plan is for between 1 to 5 acres of disturbance. I think if you can clarify what the actual disturbance is based on your grading plan and the well, septic

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and house location, driveways. Then being a regulated MS-4 community, Marlborough has to have you fill out the required stormwater pollution prevention plan and get coverage under the DEC.

MR. MILLEN: Okay.

MR. HINES: That's the intent of that comment. It certainly looked like you were over that 1 acre cumulative.

MR. MILLEN: I wasn't aware that the septic was considered grading, but --

MR. HINES: It's disturbance. If you can put a septic system in without disturbing the --

MR. MILLEN: Right. Okay. As far as -- so just to reiterate, it appears that we need to add a vegetative buffer and references to the agricultural setbacks as required.

MR. HINES: Yes.

MR. MILLEN: We're going to put a notice regarding the accessory structures. We're going to change the bulk table to reflect the side yard setbacks per the agricultural buffer.

MR. HINES: I think the easiest way to do that is put a note. The other setbacks are

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per code. If you put a note for the agricultural buffer, 155-52.

MR. MILLEN: Okay. All right. So I guess we would like to resubmit with these changes. I'll need to look at whether or not we can get the grading down to less than an acre, including the area of the septic.

MR. HINES: Right.

CHAIRMAN BRAND: Okay.

MS. NASON: I have a question.

MR. GAROFALO: Can you show if there's an indication of if you have 25 feet from the center line of the road to the right-of-way --

MR. MILLEN: Yes.

MR. GAROFALO: -- along the property line?

MR. MILLEN: Yes, we do have 25 feet. I will show the dimensions for that. The right-of-way was designed to be 25 feet from the center line.

CHAIRMAN BRAND: Did you have a question, Ms. Nason?

MS. NASON: I wanted to ask about the driveway. Originally when Jonathan had put the

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plan in, for lots 3 and 4 they were two separate driveways. Then it was my understanding that the Board had said that they wanted only one cut, and that's why he had made it two driveways close together, so it was really only one cut.

Personally I would -- I would prefer them two separate driveways, only because I was the one that told Jonathan I really didn't want it to be a shared driveway because I've already had an issue a couple years ago with a house I lived in in Kingston with a shared driveway. I had a big issue with that. I was really trying to stay away from that. If you guys would prefer for them to be completely separate, then I would be okay with that, too. I was just wondering if you wanted them stuck together or if you wanted them separate. I know Mr. Garofalo was saying he would rather see them separated. I thought that's how we started to begin with.

CHAIRMAN BRAND: Honestly, it doesn't matter to me. I think either is fine for me in those situations. I don't know how the rest of the Board feels.

MR. GAROFALO: I'm wondering if there

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is a restriction on the width of the curb cut.

Also, I think what you may find is you may find some disagreements about what happens in that section in the right-of-way because it's essentially going to be shared. Dealing with snow removal and maintaining it, you're going to have the same problem as if it were a shared driveway almost, because it's not going to be clear who is going to be maintaining that.

I'm not sure. Does the Town have a restriction that that has to -- you have to pave up to the right-of-way or can that be gravel?

MR. HINES: It should be paved. The first 25 feet of a driveway should be paved.

CHAIRMAN BRAND: That's in the code?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: Okay.

MR. HINES: It doesn't say they have to be shared. I think they did say they wanted them closer together. There should be some space in between them defining each person's driveway so you don't get into a Hatfield and McCoys saying I plowed my half of the driveway and you have to plow your half and where does the half start.

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MR. GAROFALO: Who is plowing onto  
whose driveway.

MR. HINES: Absolutely. I think it's  
marketing for the applicant. It's often easier  
for driveways when you have people look at a lot  
and say I don't want to get involved with my  
neighbor. I think if it was a 10-foot separation  
or more, or back to the way it was, it would be  
better.

MR. LOFARO: It seems like that's the  
better option to separate them. The applicant  
doesn't care. She would prefer to have them  
separated anyway. Why not just have them  
separated. That 10 feet sounds like more than  
enough.

MR. HINES: The applicant's  
representative, when they meet in the field with  
the highway superintendent, they can work out  
those details as well.

MS. NASON: John Alonge, he's the  
superintendent now. Right?

MR. HINES: Yes, he is.

CHAIRMAN BRAND: All right then. I  
think that's going to do it for this one.

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MS. NASON: We now have to have at least three more meetings? We have to come back again as a sketch, and then do a -- assuming that goes well, then a public hearing and then another meeting? Is that how it goes?

CHAIRMAN BRAND: Yes. That's probably what you're looking at. If everything goes, we can schedule the public hearing.

MR. MILLEN: You're saying your position with respect to the lot geometry is not -- you don't agree to the lot geometry as depicted?

MR. HINES: I don't think anyone said that. I think the Board is open.

MR. MILLEN: Couldn't I submit this as a preliminary plat -- as a plat at this point for the next meeting?

MR. HINES: Yeah. I think that's what we're looking for. Then we can schedule your public hearing.

MR. MILLEN: Potentially --

MR. HINES: Potentially two meetings.

MR. MILLEN: -- two meetings?

MR. HINES: If all the comments are

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addressed at the next meeting, the Board could set it for a public hearing, I guess in January.

CHAIRMAN BRAND: Pat, I wasn't clear about your first comment about the 2020 comments from April 20th. Were those all addressed below or were there additional comments?

MR. HINES: There were some of those that weren't hit. I think we worked through a lot of them speaking here. Some of them had to do with the driveways being separated. I had to hunt around for some of them.

MS. NASON: I had text Tommy today about how many meetings usually happen. He said there's a possibility of asking for a temporary approval if everything goes well at the public hearing. Is that a possibility? I'm asking because this house that we have here now, we have an accepted offer. Of course we can't sell the house until this is done. I can't start the house that I'm going to be living in until this is done. So I'm just trying to figure out time wise about what I can tell the buyer. Obviously I can't start digging until this is all approved and everything. With the winter, I'm getting a

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little nervous. I don't want to be homeless.

CHAIRMAN BRAND: I would think two minimum, possibly three. Hopefully two if everything is in order for the next one.

MS. NASON: It's every two weeks?

CHAIRMAN BRAND: Correct.

MS. NASON: Okay. Thank you.

CHAIRMAN BRAND: Thank you.

MR. MILLEN: Thank you very much.

(Time noted: 8:12 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 29th day of November 2020.

*Michelle Conero*

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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

ALAN & KATHLEEN GUARINO

Project No. 20-4016  
5 Ashlyen Drive, Marlboro  
Section 108.2; Block 9; Lot 41.71

----- X

SKETCH - SUBDIVISION

Date: November 16, 2020  
Time: 8:12 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

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

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CHAIRMAN BRAND: Next on the agenda is Guarino for a subdivision on Ashlyen Drive in Marlboro.

Is someone here representing them this evening?

MS. BROOKS: Yes, I am. Patti Brooks.

CHAIRMAN BRAND: Excellent.

Pat, do you want to just run through your three comments?

MR. HINES: Sure. Not a whole lot here. One is challenging. First of all, this is the number 2 Guarino project that we have. I just want to make sure this is Guarino, Ashlyen Drive, because we have another subdivision by the same owners being processed. My comments say Ashlyen Drive, just to keep track.

My only major comment is the status of Ruby Road and what they're tying into at the end. It looks like there's a stub paper street the driveways are connecting to.

MS. BROOKS: So I have a copy of the deed when Hassan Abaie conveyed the property to the Town of Marlborough in 1990. The highway limits that were included in that deed are as

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shown on the subdivision map, although I'm not sure why it wasn't, at that point in time, paved all the way to the end. It looks like they were, I don't know, 100 feet or so shy of the end of the road. I see that one of your comments is to consult with the highway superintendent. I certainly will do that and get his recommendations.

MR. HINES: I guess I'm also looking for Jeff to weigh in on whether they can connect to that paper street, or that street needs to be extended, or who owns and operates the driveway there. It has a whole host of issues.

MR. BATTISTONI: I agree. I'd hate to see them connect into a paper street.

MR. HINES: Unfortunately 1990 was before Pat. I don't have to explain what happened there.

MS. BROOKS: It wasn't before me but it wasn't my subdivision.

MR. HINES: It looks like the road kind of died out. I'm meeting with the highway superintendent. Initially we'll work on who owns it and what rights people have to who maintains

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that in the future, and if it's Town own property that you're crossing, it's not a street. That's the only major issue.

The septic systems have to go to the Health Department.

That grading is not natural.

MS. BROOKS: That was part of the original subdivision plan, because there is quite a bit of rock back there that I think is like soft shale that they must have used for fill for the roadways.

MR. HINES: They must have ran out 100 feet short.

So with that, there are some steep grades there for the highways. I just need those looked at. There's greater than 20 percent slopes shown in the area for the driveways.

Those are the two issues I have. Otherwise they meet the bulk requirements for everything.

MS. BROOKS: I actually met with the landowner out there last Friday after we had submitted the drawings. What he's interested in doing, and this again also ties into the road, is

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2 purchasing additional land from the adjoining  
3 landowner so that he extends -- where the paper  
4 street is now, extends that 50 feet in so that  
5 the driveways could be more at grade and not have  
6 the steep slopes. So I am going to be coming  
7 back with a new plan to the Planning Board. I'm  
8 not sure that he'll get an answer from the  
9 adjoining landowner on whether he's willing to  
10 convey the property by this Friday, so you might  
11 not see me for another month. But during that  
12 time we'll meet with the highway superintendent.

13 I just want to be clear with the Board.  
14 Am I permitted to reach out to Mr. Battistoni and  
15 Mr. Hines if I have any questions regarding the  
16 roadway in the interim?

17 CHAIRMAN BRAND: Absolutely. Yes. Not  
18 a problem.

19 Okay. So I think that's -- anything  
20 from the Board on this one?

21 MS. BROOKS: We want to get those  
22 driveways in off that roadway.

23 MS. LANZETTA: I have a number of  
24 questions. I was wondering, the houses adjacent  
25 within 200 feet with any other septic or any of

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those things that are required to be shown,  
number 28 of our application, is there some  
reason that they weren't shown?

MS. BROOKS: There weren't any within  
-- I think we showed everything that was on  
Guarino's. I don't think there was anything else  
that was -- you know, usually the Board of  
Health, if they feel that there's a concern, they  
require the wells and septic systems. It's really  
difficult to show wells and septic systems on  
adjoining properties that we don't have  
permission to enter. You can't find the septic  
systems anyway because they're underground. We  
can certainly show them as they were approved on  
the original plan for the Abaie subdivision.

MR. HINES: I think Cindy is asking for  
the house locations, as well, for neighboring  
houses. It helps for public hearings when people  
show up and say where is my house.

MS. BROOKS: I certainly can add them  
based on an orthodigital.

MR. HINES: I think that's close  
enough.

MS. LANZETTA: It's helpful for us to

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look at it in context.

I also was looking at the deeds. What is the status of Ashlyen Drive?

MS. BROOKS: That was conveyed to the Town at the same time that Ruby Road was. I will provide a copy of that deed to the Town for your records. I mean I'm assuming the Town already has a copy. As part of this application I'll submit the copy of the deed where the Town was conveyed those roads in fee.

MS. LANZETTA: Okay. There are a lot of restrictions on the original deed that the Guarinos had from the original subdivision that they had purchased, the first lot back in 1988. That premises came with a lot of covenants and restrictions.

MS. BROOKS: Yes.

MS. LANZETTA: How does that work? You know, when they added additional land onto their original lot, what happens with all of those restrictions and covenants?

MS. BROOKS: Well the portion of the original lot that was originally subject to those is still subject to those. The subdivision that

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we're proposing before the Board right now pretty much puts that lot back into its former state and then is a two-lot subdivision of the additional land that they purchased from FBM Properties in 2012.

MS. LANZETTA: So that's noted on the maps, all of the original restrictions and covenants?

MS. BROOKS: We don't list all of them on the map. We refer to the filed subdivision map and the deed, and we note that the lot is subject to all of those restrictions.

MS. LANZETTA: Okay. It gets confusing because if you add on to the original lot and then you start building accessory buildings in places that are no longer on the original lot, it gets -- it can get very confusing, this whole process here of subdividing.

And then there also were a lot of easements involved with the second purchase of the properties. Again, you know, unless people are taking the time to go back and read all of these old deeds and restrictions, I just worry about people purchasing lots and not really

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having a good idea what it is that they are getting themselves into.

MS. BROOKS: The restrictions that were on the 2012 deed, and actually they're mutual easements back and forth between the two landowners, actually was to allow for the provision of Ruby Road to continue into the FBM Properties' parcel. It's a rather large parcel. I believe that there was an intention at some point in time that they would continue the subdivision into that. There was also the recognition that at some point in time Guarino might subdivide, either before or after that road extension. So all of those provisions had to do with lot 1 and lot 2 being Guarino and FBM being able to utilize that 50-foot wide right-of-way.

MS. LANZETTA: So none of that has to be shown on the map itself?

MS. BROOKS: There really is no way to show it.

MS. LANZETTA: Okay.

MS. BROOKS: I'll make sure, Cindy, because -- I'll point out which lots are subject to which restrictions and which deeds, which I

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don't think is clear on the subdivision map right now.

MS. LANZETTA: I think that would be helpful. Thank you.

MR. GAROFALO: I have a few questions. Can you show the septic on lot 1, where that is?

Can you also show the 25 feet from the center line of the road to the right-of-way? I'm sure there are --

MS. BROOKS: In this particular instance there actually was a deeded 50-foot strip that was conveyed to the Town.

MR. HINES: As part of the subdivision.

MS. BROOKS: It's part of the subdivision. We'll make note of that deed and provide a copy of it to the Town. It's not necessarily 25 feet from the center line if the road was not constructed exactly in the center, --

MR. HINES: Right.

MS. BROOKS: -- but because it was a deeded 50-foot strip, that takes precedence over the 25 feet from the center line.

MR. HINES: It could be off the

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cul-de-sac bulb.

MS. BROOKS: 50 feet plus the  
cul-de-sac bulb.

MR. GAROFALO: The last thing is the  
table in the bulk requirements. I think that's a  
lot more useful if you put the requirement and  
then put what's being proposed next to it so we  
can clearly see --

MS. BROOKS: The reason that I have a  
problem with that is that the house is not always  
constructed exactly how it's shown on the map.  
So typically what we do is we show the bulk  
requirements and then we also show a building  
envelop by showing the setback lines on the lot  
itself. In this particular case I have not done  
that yet because I had a question for the Board.  
In this situation, because that roadway may  
continue at some point in time, where the Board  
would be considering the front, rear and side lot  
lines, I wanted to make sure that I interpreted  
where I would consider the front and rear the  
same way that you would. So I guess I would call  
the front yard anything facing Ruby Road or where  
Ruby Road may continue.

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MR. HINES: I think we just have to call it Ruby Road because it may never continue. Clearly the front yards are where the access to the Town road is.

MS. BROOKS: Okay.

MR. HINES: If it continues it will remain that. By default, I think on lot 1 that whole front property line is that little piece that touches Ruby. The rest of that would be the front yard.

MS. BROOKS: I'm going to have to check the code. Some of the codes I work with say when you're on a corner lot you have to consider both of them to be front yards. Some codes say you can pick which one you want. I don't recall in Marlborough.

MR. HINES: You have two front yards in Marlborough.

MS. BROOKS: Okay.

MR. HINES: Because Ruby Road only touches a piece, you only have one. The existing Guarino house would have two front yards. The other ones would have one.

MS. BROOKS: So again, Mr. Garofalo, I

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understand what you're saying. Because of the fact that people can put the house wherever they want to on the lot as long as it meets the setbacks, I would prefer showing the actual building envelop, if that would be acceptable to the Board, because I really do think that's more informational than actually putting what my proposed is.

MR. HINES: The house size changes. You've added square generic boxes to show the house and there's not necessarily any way, shape or form the house would be built that way.

MR. GAROFALO: Could we just at least see what the minimum is?

MR. HINES: I think the building envelope will show that. The house can be moved. The well and septic have to stay where approved on the subdivision plan but the house can move anywhere within the building envelope. Some codes uniquely say it can't be more than a certain percentage, but your code does not.

I'll point to the Guarino house right now on existing lot 1. A designer is not going to plot that house looking at that geometry.

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CHAIRMAN BRAND: Anything else on this  
one?

(No response.)

CHAIRMAN BRAND: No. Okay. So you'll  
be back then, Patti, with more information.

MS. BROOKS: I will be back.

CHAIRMAN BRAND: Excellent. Thank you.

MS. BROOKS: Thank you very much.

(Time noted: 8:27 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 29th day of November 2020.

*Michelle Conero*

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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

HSC MILTON, LLC/DOLLAR GENERAL

Project No. 20-4013  
Route 9W, Milton  
Section 103.1; Block 2; Lot 74

----- X

SKETCH - SITE PLAN/LOT LINE

Date: November 16, 2020  
Time: 8:27 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: JOHN CAPPELLO, CARYN  
MLODZIANOWSKI, KEN FIORETTI

----- X

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

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CHAIRMAN BRAND: Finally on the agenda we have HSC Milton, LLC/Dollar General for the site plan and lot line.

Are their representatives here this evening?

MS. MLODZIANOWSKI: Good evening. Caryn Mlodzianowski from Bohler Engineering. I'm here with Ken Fioretti from HSC Milton and John Cappello from Jacobowitz & Gubits.

MR. CAPPELLO: Hello, everyone.

MR. FIORETTI: Good evening.

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

MR. HINES: My first comment is we're still looking for a lot line change that depicts both lots and the existing and proposed geometry of those.

We sent out the notice of intent for lead agency. That went out on 29 October, so that timeframe hasn't lapsed.

DOT did prod us along, so on 2 November, although we sent them a thumb drive, we did electronically send DOT copies of the notice of intent via e-mail. Again we're waiting for

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that timeframe to lapse to make you lead agency.

We're looking for the stormwater pollution prevention plan design.

Comments from the water superintendent.

We were discussing the sprinklering of the building which is still outstanding. We haven't heard about that.

The septic system design must be reviewed and approved by Ulster County.

I know you're working with DOT, but if you could copy us on the correspondence back and forth. I think DOT just requested a Form 33 in an application from you.

Landscaping and lighting plans are outstanding.

The Board was discussing sidewalks along the frontage which was still outstanding at the last meeting.

MS. MLODZIANOWSKI: Yes. So since the last meeting we did receive approval from DOT for stage 1 of the Perm 33 process, which is essentially approval of the entrance location and geometry configuration.

They did request a traffic impact

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study, so our team is engaging a traffic consultant for that. We can provide a copy of that traffic study to the Town. That would include sight distances and things as well that are there.

So with that, we're pretty much ready to go full steam ahead with the design plans and the SWPPP to get those to everybody for review. That would include all the Planning Board comments to date. We would incorporate things such as the additional curbing requested, the revised bike rack, landscaping, lighting, grading and drainage design, and that stormwater report with the SWPPP.

We're also working on the septic system design to get that to Ulster County and to witness our perc tests on site.

Hopefully with all that we would have a complete application to continue review.

We also understand that SEQRA comments should start coming in. I don't believe any were received yet. As they do, we will incorporate those into the design plans.

CHAIRMAN BRAND: Excellent.

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Jeff, did you have anything on this one?

MR. BATTISTONI: No. I just appreciate all the comments Caryn just made. I'd say her last name but I don't think I can pronounce it. I appreciate the comments.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: All right. How about JCC there. Did you have anything?

MR. CAPPELLO: The only thing I would add is on the sidewalk issue, what we'd like to propose is a solution I've used in other municipalities. Since we kind of seem to be the first one here in building a sidewalk to nowhere, what we've done in similar situations is we've designed -- had the applicant design a sidewalk, do an offer of dedication of the land where the sidewalk is going to go to the municipality, and then put a note on the plan, and even, if requested, a restrictive covenant or declaration in the chain of title, stating that when the Town is ready and has other applicants who have come in and have the whole coordinated right-of-way, that they could form a sidewalk district, which

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is similar to a drainage district or water or sewer district, and the applicant or future property owners would not object to participating in that district. Then the Town could actually build the whole sidewalk and they could assess the cost of that sidewalk only to those properties that are benefited to the sidewalk. So it wouldn't be a cost to any other taxpayers in the Town other than those commercial properties or other properties benefiting from the sidewalk. So it would allow you the comfort that you have that but then allow you to build a sidewalk when you have a coordinated plan, you know, where all the sidewalks are going to go instead of guessing. So it would give you the protection. It would give you certainty that you can control it. It would allow you to build it when it makes sense to build it. So I think that would be a good solution. Obviously it's your decision.

MR. HINES: We have done that before, and uniquely in this case I believe the sidewalk would end up in the DOT right-of-way. A couple years ago DOT wouldn't allow that but now they're

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actually encouraging that. I think a comment similar to what Mr. Cappello was talking about would be appropriate. Make sure there's an area in the DOT right-of-way and not necessarily on your client's property for that sidewalk. DOT either wants them all on DOT or all on the private property. It looks like there's room in the right-of-way. There were some large curb areas along here. I agree with Mr. Cappello. I think we need to refine that a little better working through with the DOT.

MR. CAPPELLO: We can do that.

Hopefully we can fit it because if we do have to give land to the DOT, for some reason the process of giving land to the DOT as opposed to any other entity I've ever dealt with in my life, it's very time consuming.

MR. HINES: They need to take a look at the drainage, how that will impact that when you work out the sidewalk. I think it would work better in the State highway right-of-way for the long-term operation and maintenance.

MS. MLODZIANOWSKI: We'll take a look at that and show a reserve area.

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MR. HINES: Okay.

MS. LANZETTA: I thought we had talked about the fact that we have a study that has been done that was accepted by the Town Board calling for properties along Route 9W to begin the process of installing sidewalks. We insisted that the Mobil station that just went in in the Hamlet of Marlboro put in a sidewalk. We got a lot of resistance there. A lot of people complained it's the sidewalk to nowhere. If you don't start somewhere, it's always to nowhere.

MR. CAPPELLO: That's what a district would do for you.

MS. LANZETTA: The Town Board has talked to the public in Marlborough about doing sidewalk districts in the past, and the public here is very resistant to doing any districts. We do have an existing sidewalk law on the books that people are responsible for putting in and maintaining their own sidewalks in the community. Basically that's what they do now. Or the Town puts them in in some of the hamlets and then the people are responsible for taking care of their own sidewalks.

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MR. CAPPELLO: When you say responsible, I don't know if the Town really understands the district, that none of the other taxpayers in the Town would pay a cent.

MS. LANZETTA: We understand -- the Town Board understands districts. They've asked the Town in the past if they would be interested in doing a garbage district. They've asked the Town in the past if they'd be interested in a sidewalk district. There has never been any interest in the Town in doing additional districts because, for whatever reasons, they're not supportive of that. So we're back to where we were before where we have put a lot of money, and effort, and time, and the community involvement in doing a study along the Route 9W corridor. We have come up with the fact that we want to start putting sidewalks up and down that corridor so that eventually people will be able to walk from Milton to the Dollar Store and not have to get into a car and drive there. I think this is a prime opportunity for us to begin that process in that part of the Milton corridor.

MR. TRONCILLITO: Can I make a comment

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here?

CHAIRMAN BRAND: I, for one, would certainly like to see you put them in as opposed to the future possibility of not having sidewalks. The other applicants that we have allowed to dedicate things, it was cost prohibitive to them due to the gigantic road frontage that they had. I don't think we're looking at that same situation here with the Dollar General store that you're proposing. So I would certainly like to see them completed as part of your plans.

MR. LOFARO: I agree with you guys as well. It has to start somewhere. We really should be imposing on everybody that's building on 9W to really put in the sidewalks. I don't want to wait either.

MR. CAPPELLO: We can certainly look at it. I just want to reiterate that a district doesn't need to be within the entire Town. It could be those properties along 9W as they come in that would commit that they would not object to be part of that district. Then when you have those properties, instead of having a piecemeal

1 sidewalk built, you would have a uniform sidewalk  
2 built, financed only by those properties on 9W  
3 who would be part of the district which would  
4 help ensure you -- it would also help you that if  
5 you have four out of five properties, you could  
6 form that district and require that fifth  
7 property to be in. So it would really give the  
8 Town, I believe, more flexibility in  
9 accomplishing your goal than just waiting for  
10 each property to come in. It would give you the  
11 control and it would give you the control of  
12 properties. We certainly, you know, are willing  
13 to discuss it further. I just think this would  
14 really make more sense to accomplish the goal  
15 that you want, which is sidewalks along that  
16 whole 9W corridor, financed by those commercial  
17 businesses mostly that would benefit from those  
18 sidewalks because people would use those  
19 sidewalks, as Ms. Lanzetta said, to walk to the  
20 Dollar General, which we want people to do. So  
21 it's not that we're against it. I just think it  
22 gives you more flexibility and it gives you  
23 control over the possibility of that one property  
24 that doesn't agree to do it, if you have four out  
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of five, that you can create the district,  
include that fifth property and, you know,  
mandate it and do it yourself.

We're certainly willing -- I wanted to  
present that as an option for the Board to  
consider as we work through this. At this point  
we'll work and we'll design it, and then as we go  
through the process we can -- you can make the  
final determination. If we have to build it, we  
have to build it.

MR. TRONCILLITO: Can I make a comment  
please?

CHAIRMAN BRAND: Sure.

MR. TRONCILLITO: There's about eleven  
parcels from Stewart's up. Do you really think  
any of those eleven parcels are going to build  
sidewalks? Do we really think that? I don't  
know.

CHAIRMAN BRAND: If we're not asking  
them to do so, especially if they're pre-existing  
things -- as Ms. Lanzetta said, as the new owners  
come in and new proposals are made, if each of  
them then builds a sidewalk, eventually we have  
sidewalks going to everywhere.

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MR. TRONCILLITO: I've just got mixed emotions.

MS. LANZETTA: Bob, the alternative that is being floated right now is that they don't do it and at some point the Town steps in and tells all the property owners along 9W that they're going to do it. Do you think the Town Board is going to want to do that?

MR. TRONCILLITO: I understand. I understand the sidewalk theory. I really do. But if you look at all the businesses that are there right now, I don't see any of them wanting to spend the money for a sidewalk. Do you see them changing in the future, any of those businesses? I'm just trying to convince myself that it's worth the expense for these people. It's a great idea, I don't disagree. Gosh, if we could get the rest of them. But man, that's not going to happen.

CHAIRMAN BRAND: I don't think I foresaw a Dollar General sitting in that field five years ago. Nor did I see a Mobil at the bottom of the hill. So I think, you know, things happen quickly.

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MR. GAROFALO: I think one of the resistances deals with exactly what was said, and that is if you have four, where you have the problem is getting the fifth one to agree to do it, because, as you said, they're not going to want to do it. That I think is where you get the negative feeling of people feeling that this is being forced upon them when they have their existing business and they don't want to have it. I think that's part of the resistance to forming a district like that, is forcing people to pay for something that they're already in business and they don't want to have anything to do with it. When you have new people coming in, and businesses eventually do turn over most of the time, and it may take a very long time, but you have to look at this as a long-range piece of work where you're putting the pieces of the puzzle in slowly.

MR. TRONCILLITO: All right. Here's my other question. You're saying if a piece of property or a business turns over and new people buy it, turn it into a different business, they would be required by the Planning Board to put in

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a sidewalk then?

MR. GAROFALO: It probably depends on whether they have to come for a site plan review. If they're just changing the business itself and they're not coming to us, they're just going to the Building Department, probably not. If they're coming to us for some changes, then we would be talking about hey, we would like to see some sidewalks in here.

MS. LANZETTA: I'm up at the County -- at the Ulster County Planning Board and I watch what they do, like in New Paltz and some of these other towns, and they aren't doing it by district. They're doing it by site plan. New Paltz, you'll see that a lot of the new sidewalks going in along 299 are being done gradually as new businesses come in and site plans. If you go over to Poughkeepsie, the Town of Poughkeepsie and drive down to the mall, you'll see that there's a lot of new sidewalks. Those were all done as new businesses came in. They were not done as a district. So it's my experience that that's the way that most communities are handling it.

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MR. GAROFALO: I think if you look at Route 9W in Newburgh, you can see examples of where businesses have come in and they've put in sidewalks. Now, it hasn't always been a clean process. You had one situation where two different owners were coming in and one put the sidewalk up against the curb and the other put it in a grassed area and the two sidewalks didn't even meet. It took them months before they actually went through the process of making those two sidewalks come together. But you have to look at those things and consider them, and that's what you, I think, see on a lot of arterials, like Route 9W or Route 9 on the other side of the river, is sidewalks being put into place slowly rather than coming in a wholesale putting in sidewalks.

CHAIRMAN BRAND: Anything else on this one other than sidewalks?

(No response.)

CHAIRMAN BRAND: No?

MR. CAPPELLO: We know we have some homework to do with the DOT, and, you know, submitting a traffic study and stuff. We'll

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consider your comments on the sidewalk. I've been at this for thirty plus years and I have accomplished it through districts. I think it avoids the situation you talked about on 9W where they don't meet. It gives the Town everything they want. Where you don't have a lot of connectivity, unlike New Paltz where there is a whole system in the village with sidewalks, I think this would be a viable alternative. But it's your decision and we will abide by your decision. Right now we'll design it. In any event, we have to design it, and hopefully continue the discussion.

CHAIRMAN BRAND: Great. All right.

Thank you.

MR. CAPPELLO: Thank you all.

CHAIRMAN BRAND: That's it for agenda items other than the discussion without the lawyer, engineer and stenographer on the checklist.

Jeff and Pat, thank you. Michelle.

MR. LOFARO: Hold on a second, Chris. I have a four-hour training to submit into the record. I don't know what I do with it. I don't

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know. Do I just drop it off with Jen or --

CHAIRMAN BRAND: I think that's probably the best move.

MR. LOFARO: That's fine.

CHAIRMAN BRAND: We can enter it into the minutes tonight before Michelle leaves. You have a four-hour training for what class, Joe?

MR. LOFARO: Well it's a combination. It's four hours of classes. It was four hours worth online. It was three or four different things from zoning to the law of ethics. It's all on here. I don't know.

CHAIRMAN BRAND: Okay.

MR. LOFARO: It's one of the -- actually, in March or April we were sent something by the Planning Federation, and if you go in there -- I happened to save the e-mail. If you go in there you could mix up five or six modules that you can do four hours worth to get your training and they print you out a certificate.

CHAIRMAN BRAND: Awesome. Just drop that off with Jen.

Bob, you have one too?

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MR. TRONCILLITO: I have to find it. I have to see what I did with the darn certificate. I'll look up in my office.

CHAIRMAN BRAND: Okay. So Jeff and Pat and Michelle, unless you have anything else, you guys are out of here. Have a great night.

(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 29th day of November 2020.

*Michelle Conero*

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MICHELLE CONERO