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

----- X

In the Matter of

MAZZSTOCK

Project No. 17-1003
35 Hampton Road
Section 108.3; Block 3; Lot 8.4

----- X

PUBLIC HEARING
SKETCH - SITE PLAN

Date: April 17, 2017
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: LEE MAZZOLA, VINCENT
POMARICO & VICTORIA BOURBEAU

----- X

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

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BOARD BUSINESS

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CHAIRMAN BRAND: I'd like to call the meeting to order with the Pledge of Allegiance to the flag of our country.

(Pledge of Allegiance.)

MR. CAUCHI: Agenda, Town of Marlborough Planning Board, April 17, 2017. Regular meeting 7:30 p.m. Approval of stenographic minutes for 3/20. Mazzstock, 17-1003, sketch, site plan, public hearing; Brian Bottini, 17-1001, sketch, lot line revision; Mohammad Waheed, 16-9010, sketch, lot line revision; Luvera Properties, 16-9011, final, site plan; John and Theresa Shillieto, 17-1009, sketch, lot line revision; Hans Taylor, 17-1010, sketch, site plan; Twin Pond Enterprise, 16-9013, sketch, site plan; Crescent View, Inc., discussion, sketch, subdivision. Next deadline: Friday, April 21, 2017. Next scheduled meeting: Monday, May 1, 2017.

CHAIRMAN BRAND: If everyone feels comfortable and has had an opportunity to review the March 20th minutes, I'd like a motion to approve those minutes.

MR. LOFARO: I'll make that motion.

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BOARD BUSINESS

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CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Opposed, the same sign.

(No response.)

CHAIRMAN BRAND: That carries.

Before we get started I would just like
to enter into the public record that Member Cindy
Lanzetta has a certificate from Ulster County
Planning Department for an introduction to the
Ulster County Land Use Referral Guide and
Community Design Manual. It looks as though it
was two-and-a-half hours worth of credit for that
program.

First up on the agenda is Mazzstock.

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"Legal notice, special permit and site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code 155-31 and 155-32 on April 17, 2017 for the following application: Lee Mazzola, Mazzstock, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a special permit and site plan on lands located at 35 Hampton Road, Marlboro, New York 12542, Section 108.3, Block 3, Lot 8.4. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman.

Mazzstock people, come on up if you would. If you wouldn't mind, just maybe a brief description of what it is that you're doing for those that are not familiar with the process.

MR. POMARICO: We are putting together a three-day party with overnight camping featuring live music.

CHAIRMAN BRAND: Great. Did you do the

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mailings?

MS. BOURBEAU: We did.

CHAIRMAN BRAND: Excellent. How many did you send out and how many came back?

MS. BOURBEAU: We sent out 59, we got 39 back, 7 were returned to us as undeliverable, and there's still 13 somewhere.

CHAIRMAN BRAND: Okay. Just give them right to Jen.

This is a public hearing. Anyone here to speak either for or against the project, please just stand up, state your name for the Stenographer.

MS. AMHERST: Hi. My name is Susan Amherst, I reside right behind where they throw Mazzstock for the past ten years.

I guess I have more of a question to get some clarity what it is you're asking for. Is this the first year this has actually been applied for a special permit or has this been an ongoing event? For the past ten years I've had Mazzstock in my backyard for three or four days. I have four children and for ten years I've had to stay up all night for three nights in a row.

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My concern is these 2 a.m. ordinances. I know in the past you describe on the website that the party doesn't get started until 2 a.m., so -- it's on the website. I just want to know that the ordinance is going to stop at 2 a.m. or I am expected to go through the night until 5 in the morning, 6 in the morning? I know you have time sets to do the amplifiers and the bands set up on Thursday evening. I do work Friday. I'm assuming other people in the neighborhood work as well. So I just want to make sure if this does pass, how are you restricting and putting those noise ordinances at those particular times, because in the past they haven't been at 2 a.m.?

MR. MAZZOLA: Amplified music has always ended by 2 a.m., always.

MS. AMHURST: Not for the ten years that I've lived there. I get up at 4 in the morning. I hear the acoustic music. My bedroom -- I'm on the corner lot. I can only imagine the other neighbors. I personally -- I don't even open my windows, I keep them closed. So I'm just asking, you know, is there going to be 2 a.m. this noise ordinance? Is it going to happen or

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am I expected to listen to the music the whole weekend, meaning through the evening? I understand during the day, I don't have a problem with that. I'm all about the peace, I'm all about the love, I'm all about what you guys are doing there. However, I want to know too, this permit that you're requesting, I see that you don't want an expiration. Is that for a yearly event or is this now being an ongoing event at your leisure? Those are my concerns as a homeowner, what I'm expecting if this passes. What does that mean for me?

CHAIRMAN BRAND: Just to clarify, I think that the event they're looking for is going to be the same as it's always been.

MR. POMARICO: Once a year.

CHAIRMAN BRAND: One time a year for three days. It's only going to be the three days. Ongoing every year for those three days, not multiple times throughout the year.

Then as far as the noise ordinances go, as far as this Board is concerned they're subject to all the regular noise ordinances of the Town. They did ask to have that part waived but we have

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no control over that. That would be the Town Board and the code enforcement officer.

MS. AMHURST: Okay. So who do I contact if I'm at 4 in the morning, 5 in the morning and I constantly hear the music? Who enforces that? There's no enforcement of that if he gets a permit? That's my concern.

MR. MAZZOLA: Yes, there is. The State Police, the Town Police.

MS. AMHURST: I've never personally complained about it but I figured this is the opportunity --

MR. MAZZOLA: When we started last year, at 1 a.m. we did a silent disco where everyone wore headphones and there was no -- should have been no noise. I can assure you we did not go past 2 a.m. last year because the State Police showed up and we shut it down completely. So I don't know where you heard live amplified music until 5 a.m.

MS. AMHURST: Well I've lived there since 2007.

MR. MAZZOLA: You live in the cape; right?

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MS. AMHURST: Yes.

CHAIRMAN BRAND: At previous public hearings we did ask the code enforcement officer and he indicated there were no complaints.

MS. AMHURST: That's right. I never personally complained. I never knew the procedures on how to file a complaint. I never took it to that level. I figured this is my opportunity to figure out what it is I'm getting into. Like I said, I'm all for it, I just want to know what the restrictions are on it and what's expected of me, too, and --

CHAIRMAN BRAND: Okay.

MR. POMARICO: Our aim is to schedule music until 1 a.m., and then after that it's acoustic and campfire jams and, as Lee said, the silent disco. In the past we have gone later. We have gone until 3 with amplified music.

We've only been three days for the past two years. We were two days the previous two years and then before that single day events. We haven't always been three days. Thursday is just a set up day. And, you know, we want to do our best to respect the neighbors, and we invite you

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to come check it out if you'd like to see it,
too.

MS. AMHURST: Thank you.

MR. MAZZOLA: Anyone within 500 feet
gets a free pass. You know, a lot of good things
going on. There's a lot of craft vendors there,
a lot of good food vendors. It's a good time.
We have children's activities, we have a
children's tent with supervision all day long,
you know.

CHAIRMAN BRAND: Anyone else for or
against? Mr. Garofalo.

MR. GAROFALO: James Garofalo. I'm for
it but there's certain things I'd like to ask
them and suggest to them, some of which are on
the plans, some of which are not. I don't know
your full plans but I would like to suggest that
it would probably be a good idea if you had
contacted one of the tow companies in case
somebody does get stuck, that you'll be able to
move them out quickly, as well as animal control.
If there is a wild animal or something that you
may have a problem with, then you're going to
want to have that number handy. So I'm just

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suggesting that you make sure that you have those numbers handy.

There's a pond there, it says it's for the fire department. Is there a stand pipe in that pond?

MR. MAZZOLA: No.

MR. GAROFALO: There's some areas that are marked out on the plan for RVs and tents. Are those -- are there stakes or some other way in which you delineate those areas so the people know where they can put their tents and park?

MR. MAZZOLA: Yeah. Each area is designated. We have artists' parking which is a roped off corral, then there's a section that's marked off for camping, and then if people want more private, in the back we have another section.

MR. GAROFALO: So there's stakes or ropes or something?

MR. MAZZOLA: We put caution tape and we stake it out and mark it out.

MR. GAROFALO: I would assume if you don't, you put caution tape along the driveway by where the pond is -- by the pond so nobody, late

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at night, accidently drives into the pond.

MR. MAZZOLA: Well there's no driving in that area. Just on the roadway into the parking.

MR. GAROFALO: Somebody might, in the dark, decide that they're going to park and not realize the pond is there. That's why I'm suggesting that.

The plan has hadcapped parking. I think it was intended to be handicap. Maybe you can get that to the proper wording, to accessible is the appropriate word. I hope that that would be signed in some way so the people that need that kind of parking would immediately see that. One of the things is that people who have problems who need that kind of parking generally need a firm base to get off and move. If it's muddy or something like that, that's going to be a problem.

MR. POMARICO: It's a rock pile. It's a rock pile. You wouldn't want to walk barefoot over there. It's plenty firm but flat.

MR. GAROFALO: Okay. There are -- one of the things I'd like the Board to do in the

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future is ask applicants, when they come in, if they could put an actual drawing up, because sometimes it's easier to speak to the drawing and point things out to you than it is to try to describe them. I will do the best I can.

In between the tent area next to the pond and the one that's next to the -- where the port-a-johns are, there's an area in between those. It's not clear from the plan how wide that's going to be. I would certainly recommend that you make it very clear that it's wide enough to get emergency vehicles in.

MR. MAZZOLA: It's wide enough for a port-a-potty truck to come in. That's why we keep it open.

MR. GAROFALO: This is not -- the port-a-potties are closer to the driveway. I'm talking about so that you can drive, say an ambulance, all the way up to the stage if you had to.

MR. MAZZOLA: You can. We leave a roadway -- we cordon off a roadway so the bands can come in and out and unload their equipment on to the stage.

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MR. GAROFALO: I think it would be good to mark that on the plans so it's very clear --

MR. POMARICO: If you look at the plans you'll see these dashed lines that delineate all these areas. If you take a scale to it, you'll see there's at least 15 to 20 feet.

MR. GAROFALO: It would be nice if the plan was actually labeled 15 feet, or whatever it is, so that it would be very clear, and also would help you in the future when you're thinking back we need to keep this 15 feet. That would be on both sides also where the vendors are to do that.

Where you have the driveway going up to the parking areas in the back, I would imagine that you're going to have vehicles going up there and people walking down along that road. There again, I think it's very important to make sure that that's wide enough so you can have both cars going up and people.

MR. MAZZOLA: I actually have a walking trail that goes -- that diverts around my house and down. I block off my driveway and that's a walking trail for people who do park and want to

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come down rather than walk down where the cars are coming up and down.

MR. GAROFALO: It's not on the plan. I looked at the plan. Maybe that's something you might want to put on the plan. Also, if you're giving something like this to people coming in so they know where to go, seeing that on their plan would immediately tell them okay, hey, I can cut through here because otherwise I might be a little leery about cutting through here or I might cut through in the wrong place. We don't want them cutting through in the wrong place.

You have dumpsters. It says that they're screened by trees. I imagine the trees are off your property.

MR. MAZZOLA: On my property.

MR. GAROFALO: They are?

MR. MAZZOLA: Yes.

MR. GAROFALO: It doesn't look like there's a lot of room between the dumpsters and the property line.

MR. MAZZOLA: The dumpster is put right on the property line where the trees are.

MR. GAROFALO: Okay. So the trees are

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kind of behind --

MR. MAZZOLA: Behind the dumpster, yes.

MR. GAROFALO: Do you have trash cans
all around --

MR. MAZZOLA: Yes.

MR. GAROFALO: -- the facility so
people don't have to walk to the dumpsters?

MR. MAZZOLA: I have forty trash cans,
and golf carts that go around constantly picking
up the garbage.

MR. POMARICO: And a volunteer team.

MR. GAROFALO: Do you have special cans
for recyclable materials?

MR. MAZZOLA: We do this year.

MR. GAROFALO: Excellent.

MR. MAZZOLA: We did last year.

MR. POMARICO: What are you doing late
in August? Do you want to work this thing or
what?

MR. GAROFALO: I'm a transportation
engineer. I might come and watch it anyway.

CHAIRMAN BRAND: Anything else, Mr.
Garofalo?

MR. GAROFALO: There's one other thing.

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Because I am a transportation person, one of the things that I like to point out is drunken driving is a problem. Just as bad is driving when you're tired. Seeing these long hours that you have, I just want to make sure that you are reticent that if you have somebody working extremely long hours and leaving, staff in the middle of the night, that you don't want to have somebody working twelve hours and then going home because they're going to be very tired.

MR. MAZZOLA: All volunteers stay for the duration.

MS. BOURBEAU: First, the volunteers only work in six-hour shifts. Second is that we're a lot different than other festivals. Most festivals you have day passes and they kick their guests out when the day ends. We don't. We actually allow all of our day passes to camp overnight. That's very, very important to us.

MR. GAROFALO: I'd like to thank you. You obviously have been thinking about some of the things that I've been thinking of.

MR. MAZZOLA: It's our tenth year.

MR. GAROFALO: I just hope that more of

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these things get into plans and documents in the future.

Thank you very much.

CHAIRMAN BRAND: Thank you. Anyone else for or against Mazzstock?

MR. SMITH: I'm for it. My name is Doug Smith, I reside at 19 Rue De Vin. I built my house there in about the year 2000. I share a common property boundary with Lee of about 250 feet. In all the years that he's had the party I've never ever had a single issue, problem. Nothing I can even think of complaining about. I know the music, that once it gets past midnight, sometime between there and 2 you can physically hear it fade away and I can no longer hear it at my house.

The site is completely friendly. They have it set up really nice for everything. I make a point of walking over every year to say hi to everybody.

The lanes where vehicles drive, any fire truck that any department of Marlborough or Milton has can fit pretty much anywhere on the site or they can move a tent in a heartbeat so

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the truck can access the site.

People do camp and park right up along my property line. I've never had anyone step foot on my property. When I walk over there people are very nice.

The day after the event I look over in the field behind my house, that's Lee's property, I don't even see a cup or a can or anything sitting there.

They have an army of volunteers ready to help anyone do anything, move about the site and make sure it's a safe venue for everybody involved.

I'm a hundred percent for it. Lee does a great job. Vinnie does a great job. It's their passion. I'm a hundred percent for it. I hope they get their approvals and continue to do what they're doing in a safe manner as they have for all these years.

CHAIRMAN BRAND: Thank you.

Anyone else for or against?

(No response.)

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

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MR. HINES: Sure. We were awaiting confirmation from the jurisdictional emergency services. The Board had requested information from the fire department and the police department. We received both of those.

CHAIRMAN BRAND: We did get those; right?

MR. HINES: Yes. They provided us information on the medical personnel. We have an e-mail from them stating they'll have four trained medical personnel on the site at all times.

A comment that you mentioned earlier, Chairman, that the Planning Board approval is guided by the current noise ordinance. Any relief from the noise ordinance has to be from other than the Planning Board. The noise ordinance is identified in Chapter 105 of the Town's code.

The hours of operation, which we just heard a little bit of, are kind of floating in the plan still. It allows for extended hours of operation until 3 a.m. or so. That's up to the Board. I know they're addressed in the

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resolution as well.

Ticket sales. We had previously requested how ticket sales will be controlled. I think in the narrative it was limited to 600 people. I think the approval is conditioned on the number of ticket sales.

Then we previously asked about the power supply, if generators were used on the site. That issue, I don't know if it was answered or not.

MR. POMARICO: I don't think we ever used generators because he's got utility poles and permanent accessories on there. If we need a generator, I can't imagine it would be more than one on top of -- we haven't really expanded to the point where we need that much more from last year.

CHAIRMAN BRAND: You don't generally have them at the festival?

MR. POMARICO: What's that?

CHAIRMAN BRAND: They're not usually there?

MR. POMARICO: Not usually.

MR. MAZZOLA: No.

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MR. POMARICO: Not usually. Vendors, everybody powers off of what we provide for them.

Ticket sales, what the site plan mentions is -- there's a number on there. I don't remember what the max attending number is on the site plan. That's not capped for the entire weekend, that is at a given time. I don't think we've ever truly defined what our sales cap would be. We're not in this for money and we don't need any more headaches than we already have. We just really want to enjoy it. I think it's just at our own ten years into it, professional discretion to stop when it makes sense for us.

MR. MAZZOLA: Which is basically --

MR. POMARICO: If we were to --

MS. BOURBEAU: We cap sales all the time. We don't even get close to that.

MR. POMARICO: We have a set number that if it were to hit that, we're good.

MS. BOURBEAU: We never got close to that.

MR. POMARICO: Right. In other words, the pre-sales online we have at 400 or 500,

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counting on there being another 200 or 300
showing up at the door. We really don't want to
deal with that many more people than that anyway.
At that point it pays for itself and that's all
we really care about.

CHAIRMAN BRAND: Thank you.

Anything from the Board?

(No response.)

CHAIRMAN BRAND: Ron, did you -- I'd
like to have a motion to close the public
hearing. First I guess we'll do that.

MR. CAUCHI: I'll make a motion to
close the public hearing.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

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CHAIRMAN BRAND: Pat, did you want to run through the meat and bones of the resolution?

MR. BLASS: Me?

CHAIRMAN BRAND: Sorry. Ron, yes. Every week I'm good for at least one of those.

MR. BLASS: You have a prepared resolution on this matter calling for conditional approval. Bear with me because some of this came from the Coyote Ridge activity. I think it's important to go through the conditions that are within this document.

The first condition is that sound --

CHAIRMAN BRAND: I'm sorry. Do you guys have a copy of that? Do you have an extra copy, Jen? Can you give them Joel's so they can follow along with us?

MR. MAZZOLA: Thank you.

MR. BLASS: The first condition is that sound will not be generated in excess of the Town Code's noise regulations unless a waiver is obtained.

CHAIRMAN BRAND: What page are you on?

MR. BLASS: Page 8. So the first condition is 4-A, that the noise regulation shall

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apply unless a waiver, which is something Pat mentioned earlier. It's not the Planning Board's function to waive the noise regulations.

4-B, the next condition, is something you may want to consider. This is borrowed from Coyote Ridge, as I mentioned before. If requested by the code enforcement officer, the applicant shall identify a professional measuring the sound levels at the property line during events related to the special use. This is strictly optional for the Board as to whether it wants to keep that level of potential control in monitoring the sound within the jurisdiction of the code enforcement officer.

The next paragraph, 4-C, I recommend that we strike this in it's entirety. This referenced an issue regarding a public address system at Coyote Ridge and it references 155-18 of the Town Code. I see that that code must have been amended over the years and no longer has a prohibition against a public address system. If the Board wants to condition or monitor the use of the public -- an amplified public address system, we could discuss that if you wish.

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CHAIRMAN BRAND: I think the noise ordinance kind of --

MR. BLASS: I think the noise ordinance would apply in that situation.

Paragraph 4-D on page 10 provides for a set up day of August 24th and a three-day annual music festival for 2017 of the 25th, 26th and the 27th, these dates having come from the applicant. The special permit continues on into the future with respect to annual musical festivals. So in other words, they do not exceed one day of set up and three consecutive days of music festivals. So they don't have to come in here each and every year and repeat the approval process. If the number of days are to be expanded, then they would have to come in to you to seek modification to expand the number of days.

The next condition is that the applicants provide a minimum number of temporary sanitary facilities as determined by the Ulster County Department of Health based on attendance numbers, which seems to make sense.

If the applicant shall take all steps necessary to provide for the presence of

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MAZZSTOCK

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emergency services and emergency vehicle access.
I heard earlier that the applicants are willing
to commit to at least four trained medical
personnel to operate the medical tent.

MR. MAZZOLA: That's correct.

MR. BLASS: I would recommend that we
modify the second sentence of F to say applicant
shall provide the Town with a commitment for at
least four trained medical personnel.

I can make those changes overnight and
give them to you tomorrow.

I'm not sure what the intent is with
respect to alcoholic beverages, but this is a
provision which does not prohibit them and says
that the -- they shall be regulated towards the
State and local permits, and they are to make it
known to the police department at least seven
days before the event to the effect that
alcoholic beverages will be sold and/or allowed.

MR. MAZZOLA: Alcoholic beverages are
not sold.

MR. BLASS: Not sold?

MR. MAZZOLA: No.

MR. BLASS: Then we could strike --

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MAZZSTOCK

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consumed? People bring their own?

MR. MAZZOLA: Yes, they bring their own. Nothing is sold on site.

MR. BLASS: I think we can strike G with respect to sale of alcoholic beverages.

The next condition is the promotion of ticket sales. All ticket sales should be limited to the max number of occupants for the event which shall be, a space to be filled in. If you're interested in having a maximum occupancy per event, this is the place to do it.

MS. BOURBEAU: So this is an issue to the ticket sales. This is all bands? This is including our artists, volunteers or are you talking about ticket sales?

MR. BLASS: This would be paying occupants or occupants. It would be guests and occupants. I've heard 400, 500, 900.

MR. MAZZOLA: We're never gone over 600 per day. You know, some people buy day passes, some people buy weekend.

MR. BLASS: It's up to the Planning Board if you're interested in having a cap or not.

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MAZZSTOCK

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CHAIRMAN BRAND: Okay.

MR. BLASS: If you're interested in having a cap, we could determine that number now and fill in the blank.

CHAIRMAN BRAND: The power supply I think we've already addressed.

MR. BLASS: The power supply will be whatever the building inspector approves. That's just a condition.

Should I strike the ceiling on occupancy or shall we fill a number in?

CHAIRMAN BRAND: What's the Board's opinion on the occupancy issue?

MR. TRAPANI: As long as it's controllable.

MR. MAZZOLA: My general is when I can't park them on my property any more, we shut it down. We haven't had to do that, so I mean --

MR. CLARKE: You may have trouble enforcing that. Who's going to go count heads?

MR. LOFARO: How are you going to know how many heads are in there anyway? You're going to say it's three-quarters full and I'm probably pretty good, I'm not going to take anybody more

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MAZZSTOCK

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or something of that nature. Right?

MR. MAZZOLA: That's been our general rule. If we can't park them on the property, then we shut it down.

MS. BOURBEAU: Since we have advanced sales as well, we have it at the door, so we'll know if we're at so and so capacity and we still have 75 people that haven't come through the door yet paid, we take that into account to make sure we don't go over. Every single artist, all the guests, all the volunteers, it's all pre-counted so we know roughly how many people.

MR. LOFARO: If you were going to throw a number out there, is it 600, 700 people? Is that a decent number that works for you?

MR. MAZZOLA: Yeah.

MR. LOFARO: I've heard it a couple times.

MR. MAZZOLA: We couldn't accommodate more than that. Like I said, what I can park, that's who's there. It's always been my policy not to park on Town roads and we never have, you know.

MR. POMARICO: A lot of people come on

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foot. A lot of people walk there. Some people park -- you know, like Doug Smith literally walks over. Some people take ATVs to Crispell's yard and hang out.

MR. CAUCHI: What's a number that's safe?

MR. POMARICO: I would say the upper limit, 800 attendees.

CHAIRMAN BRAND: It's up to us. We can scratch it or we can put a number in there. I do feel like whatever number we put in there might be hard to enforce. I don't know what a reasonable number is for that space and I don't know how we would enforce that or how that would get enforced. I obviously don't want a million people there.

MR. CLARKE: Chris, why don't you just say no parking on Town roads and we'll leave it up to you to decide the rest. That would be the issue.

CHAIRMAN BRAND: Or we could do a number.

MR. LOFARO: I'm okay without doing a number. That's fine. It seems like he knows

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MAZZSTOCK

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what he's doing, he knows when he's going to have enough or when he's going to have too many. As long as we're happy with that, I'm fine with that.

MS. BOURBEAU: We don't want too many. That's our headache.

MR. POMARICO: Overcrowding is a problem. We start to not enjoy it when there's too many people there.

CHAIRMAN BRAND: Pat, what do you think a reasonable number would be there?

MR. HINES: I heard 800 come from that side.

CHAIRMAN BRAND: Is that reasonable for that space would you say?

MR. HINES: If they bring their own cars, no. Again, it may be an enforcement issue. If 600 shows up, that gives you something to work with. It gives the neighbors comfort.

CHAIRMAN BRAND: So 800 with no parking on public streets, only on-site parking?

MR. CAUCHI: Is 800 fine?

MR. MAZZOLA: That's fine with me. I don't think we've ever hit that number.

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MR. MAZZOLA: I know when I can't park them, that's enough.

CHAIRMAN BRAND: 800. Can we also add in all the parking will be on site?

MR. BLAS: No parking on public roads. All parking on site.

CHAIRMAN BRAND: Yeah. The only other thing I think was the one about the sound. That goes back to 4-B. The code enforcement officer, the occupant shall cover the cost of professional measurement of sound levels at the property line, page 8. How would that work?

MR. BLASS: If there was an issue of -- well, we haven't done hours of operation yet. I think it would go hand-in-glove with hours of operation. We might want to just flip it a second and go over to page 10, 4-B, which is the days of operation, three days of music festival. The issue is whether or not we want to put hours of operation with respect to amplified music, such as no amplified music after --

MR. HINES: The noise ordinance says 10:00. I think they have to work that issue out.

MR. BLASS: Let's put it this way: If

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the noise ordinance is enforced, this festival probably can't occur.

CHAIRMAN BRAND: Right. We have no control over the noise ordinance.

MR. BLASS: No, we don't. So one way to look at 4-B, to get back to your question to me, is if the Town -- if the Planning Board is not going to be involved in the noise regulation enforcement issue, then why would we get involved in giving the code enforcement officer the power to pass on the cost of professional decibel readings at the property line.

CHAIRMAN BRAND: Right. They would have to follow just the regular rules.

MR. BLASS: It's seemingly for amplified music, decibel readings at the property line will exceed the noise regulation. So that's perhaps best regulated by you from a standpoint of hours of operation in terms of when is there a cut off, if at all, for amplified music.

CHAIRMAN BRAND: What do you guys normally do for that?

MR. POMARICO: The plan this year is to schedule the music to end, amplified, at 1 a.m.

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MAZZSTOCK

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on Friday and 1 a.m. on Saturday. The site plan gives some wiggle room in terms of some sort of delay, weather delay, our headliner, the most people that are there to see, their band breaks down and has to come later, because that's what they're paying to see. 1 a.m. is our goal. An exception would be maybe an encore might go another ten minutes. That's what our theme is. Legally we've put in there that we reserve the right to go later if we need to but it's not something we want to do.

MR. BLASS: So 2 a.m.? Is 2 a.m. workable?

MS. BOURBEAU: Yes.

MR. POMARICO: Yes.

MR. BLASS: No amplified music after 2 a.m.

MR. MAZZOLA: Would that be okay with you, dear?

MS. AMHURST: Yes.

MR. MAZZOLA: Seriously.

MS. AMHURST: Seriously, I don't have any issues with you guys.

MR. MAZZOLA: My neighbors have been

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great, all of you, and I appreciate it.

MS. AMHURST: I just want to feel some regularity, just some clarity --

MR. MAZZOLA: Absolutely.

MS. AMHURST: -- to make sure we're all on the same page.

MR. MAZZOLA: We try to end the amplified music by 1. There's always a glitch with the sound or bands showing up late.

MR. POMARICO: There's a lot to manage.

MR. MAZZOLA: We try to keep the mellower acts later, you know.

CHAIRMAN BRAND: Can we put 1 a.m. unless an extenuating circumstance, and then no later than 2 or something like that?

MR. BLASS: Sure.

CHAIRMAN BRAND: I think that covers all of the things here. Any other questions from the Board?

MR. CAUCHI: No.

MR. BLASS: There's an issue that just popped into my head. Clearly there's a pride of ownership in this festival from the applicants who actually own the property as well.

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MAZZSTOCK

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Right, you own the property?

MR. MAZZOLA: I do.

MR. BLASS: You run the festival there.
So if the applicants were to consent, we might consider an additional condition that the permit is conditioned on owner -- conditioned that the music festival be owned and operated by the property owner.

MR. HINES: The current property owner.

MR. BLASS: The current property owner.

CHAIRMAN BRAND: So if Lee sells it, the guy who buys it can't continue the festival?

MR. BLASS: There's a level of trust built up between the applicant and the Board which could evaporate upon the sale of the property.

MR. POMARICO: What about his kin? What about his kin? Lee gets run over by his own oil truck and we want to celebrate one last time.

CHAIRMAN BRAND: Positive thinking.
Could we, instead of the property owner, say the current management team of Lee Mazzola and Vinnie Pomarico, so if it differs from those two running the show --

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MR. BLASS: So long as the applicant consents.

MR. MAZZOLA: I consent.

CHAIRMAN BRAND: To those two. Are we good with that as a Board?

MR. CAUCHI: Yes.

MR. LOFARO: Good.

CHAIRMAN BRAND: Okay.

MR. MAZZOLA: Hopefully Brian will make me a nice offer and I won't ever get run over by my own oil truck.

CHAIRMAN BRAND: I would like to have a motion to adopt the resolution with the following conditions that were placed upon it that we just went over with Ron together as a Board.

Jen, would you poll the Board?

MR. BLASS: I think the first thing we need to do -- did we do a negative declaration yet?

CHAIRMAN BRAND: Is there a negative declaration? I thought we already did that.

MR. CAUCHI: I'll make a motion for a negative declaration.

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MAZZSTOCK

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CHAIRMAN BRAND: I'll second.

All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

MS. LANZETTA: I'm recusing myself.

CHAIRMAN BRAND: Then we can do the
proposed motion.

Jen, would you please poll the
Board.

MS. FLYNN: Chris Brand.

CHAIRMAN BRAND: Aye.

MS. FLYNN: Member Truncali.

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani.

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta.

MS. LANZETTA: Recusal.

MS. FLYNN: Member Lofaro.

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi.

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MAZZSTOCK

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MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke.

MR. CLARKE: Yes.

CHAIRMAN BRAND: I think that does it.

Correct?

Congratulations, gentlemen. Have fun.

MR. MAZZOLA: Thank you.

MR. POMARICO: Thank you.

(Time noted: 8:07 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 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

BRIAN BOTTINI

Project No. 17-1001
24 Kris Korner Drive
Section 103.3; Block 3; Lots 31 & 33

----- X

SKETCH
LOT LINE REVISION

Date: April 17, 2017
Time: 8:08 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: BRIAN BOTTINI

----- X

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

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CHAIRMAN BRAND: Next up, Brian

Bottini.

Mr. Bottini, how are you?

MR. BOTTINI: Good. How are you?

CHAIRMAN BRAND: Good. Would you just give us a quick rundown of what it is you're proposing again?

MR. BOTTINI: I have three lots --

CHAIRMAN BRAND: Hold on one second. Sorry, I can't --

Mr. Mazzola, you're already exceeding the noise ordinance.

MR. BOTTINI: All I'm doing is eliminating the line between lots 6 and 7 and making it one lot instead of two. I actually have three lots in a row there but the way the lay of the land is, the house is all the way over to the right side of lot 6. I don't even think I would ever even build a house, the cliff just falls off.

CHAIRMAN BRAND: Great. Pat, you had some -- one comment.

MR. HINES: It's a simple lot consolidation with two adjoining lots. It was

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BRIAN BOTTINI

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here previously and the applicant elected to wait until the new lot line change ordinance was in effect.

We would recommend a negative declaration. I don't believe there's any more public hearing required.

CHAIRMAN BRAND: Ron, you have nothing on this other than the --

MR. BLASS: No public hearing requirement. You're empowered to give both preliminary and final at the same time after the negative declaration.

CHAIRMAN BRAND: Any comments from the Board?

(No response.)

CHAIRMAN BRAND: No. Do I have a motion for a negative declaration?

MS. LANZETTA: I'll make that motion.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

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BRIAN BOTTINI

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MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: That passes.

We do have the resolution in front of you. I'm not going to read it all. Essentially the Planning Board gives preliminary and final approval for this lot line consolidation.

Do I have someone who is willing to make that motion?

MS. LANZETTA: I'll make the motion to accept the resolution.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Jen, would you please poll the Board?

MS. FLYNN: Chair Brand.

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta.

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali.

CHAIRMAN BRAND: Absent.

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BRIAN BOTTINI

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MS. FLYNN: Member Trapani.

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro.

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke.

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi.

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Excellent. Thank you.

MR. BOTTINI: Thank you very much.

(Time noted: 8:11 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.

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set my hand this 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MOHAMMAD WAHEED

Project No. 16-9010
144 Reservoir Road
Section 108.2; Block 1; Lot 23

----- X

SKETCH
LOT LINE REVISION

Date: April 17, 2017
Time: 8:12 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: MOHAMMAD WAHEED

----- X

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

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MOHAMMAD WAHEED

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CHAIRMAN BRAND: Next up, Mr.

Waheed.

MR. WAHEED: How are you?

CHAIRMAN BRAND: Excellent. How are
you tonight?

This is again a lot line revision.

MR. WAHEED: Right.

CHAIRMAN BRAND: You're just
consolidating.

Pat?

MR. HINES: Similarly, this is a lot
consolidation, two lots to one. There previously
was a trailer on the site. I received a map
today that shows the trailer removed.

MS. LANZETTA: No, it's not removed.

MR. HINES: The trailer is not removed?

MS. LANZETTA: It's not removed.

CHAIRMAN BRAND: Where did you see
that?

MR. HINES: In that e-mail to me today.

MS. FLYNN: Yes. I e-mailed it to you
guys.

MR. HINES: The trailer was not
depicted on that plan.

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MS. LANZETTA: It's on there. Not only is the trailer on there, there's two junked cars on there as well.

MR. WAHEED: Yeah. The point was that -- the main thing was that it's not on the map so the map gets approved, and then I was going to deal with Tom directly after to consent to make sure to get the approval and the condition. I have the demolition permit and I filled all that out. I plan to move the trailer but I'm just trying to figure out the easiest way to do it, at the same time just take care of all this.

CHAIRMAN BRAND: I did talk to Tom a little bit today about this matter. He did say that you've had ample time -- his opinion was ample time, and my opinion too, to remove the trailer. I would tell you that if this does get approved tonight, that I will not sign the maps, which would finalize that, unless that trailer is removed. If that doesn't happen within so many days, then you would have to start all over again with all the fees and everything.

MR. WAHEED: I wasn't aware that there was like a time constricted on removing that

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MOHAMMAD WAHEED

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trailer.

CHAIRMAN BRAND: There is.

MR. WAHEED: Can you give me until the end of the summer?

CHAIRMAN BRAND: I can't change what's on the books. It's thirty or -- I don't know the date off the top of my head. I don't know the number of days. Whatever that number is, it would have to be removed in that amount of time before I sign the maps. If I do then we have no -- there's no way for us to enforce it being gone.

MR. WAHEED: You can't put a condition that that's going to be removed? There's no question that will not be removed. It's a hundred percent. You can put a condition that it has to be removed.

CHAIRMAN BRAND: The condition is if it's not removed in that timeframe, then you don't get the map signed and this didn't ever happen as far as anyone is concerned, the County, the State, the tax officer. That's the condition.

MR. WAHEED: Do you know the time?

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CHAIRMAN BRAND: I don't.

MS. LANZETTA: How much time between the time you sign -- you get final and that it has to be filed up at the County?

MR. BLASS: Six months.

MS. LANZETTA: How much?

MR. BLASS: Conditional final, usually you fulfill the conditions within six months.

MR. WAHEED: Six months is fine.

That's fine.

MR. BLASS: So I had a condition in the resolution for removal of the trailer. You can modify that condition any way you want in terms of time for removal if you wish. It could be thirty days, sixty days, ninety days, a hundred and twenty days.

MR. CAUCHI: It says the gap of time is six months.

MR. BLASS: As a matter of law you're supposed to get the conditions fulfilled within six months. If we do nothing there will be six months for the trailer.

MR. WAHEED: I'm not going to wait five months and twenty-five days to do this. I'm just

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trying to figure out the easiest way. The trailer, I don't want to destroy it. I want to just tow it away, you know, so it's an easy clean up for me.

MR. BLASS: How about three months?

MR. WAHEED: I mean if it allows six months, I don't understand. That trailer was there since the '60s. I mean six more months for me to be granted to make it easier on myself, I don't see --

MR. BLASS: Well in part it concerns your timeline for getting the lots consolidated.

MR. WAHEED: Oh.

MR. BLASS: You certainly want to get that done by March 1, 2018 for real property tax assessment.

MR. WAHEED: Absolutely. Absolutely. That's a lot longer than six months.

MR. BLASS: So it's in your interest to remove the trailer and to get the map signed, because until the trailer is removed the map won't be signed.

MR. WAHEED: And what do I need to do after it's signed? That's it?

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MR. BLASS: How long do you need?

MR. WAHEED: To move the trailer?

MR. BLASS: Yeah.

MR. WAHEED: I've been working on it for the past month or two. I'm trying to figure out the easiest way to do it, you know, cost wise.

MR. BLASS: I mean the sooner you get the map signed -- that's why you're here, to get the lots consolidated. So why do something that delays that process?

MR. WAHEED: It's just about the cost. You know, really, to be honest with you, if you remember the original story, I only purchased this property because my pool was on that property and this was a big mess. I didn't even want to get involved with this because I just purchased the other house and renovated everything. The outside you can all see. The lot is a lot cleaner than it was. I mean those two cars, I don't know, they're not like half a part. They're just two cars sitting there.

MS. LANZETTA: They're two unregistered vehicles which is illegal in the Town of

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MOHAMMAD WAHEED

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Marlborough to have on your property. Right now you're not in compliance with Town Code.

MR. WAHEED: Okay.

MR. CLARKE: We had this discussion the first time you were here. You're aware this really needed to happen.

MR. WAHEED: Yeah, yeah. I thought you meant the cars.

MR. CLARKE: You already had six months to think about it.

MR. WAHEED: I didn't have time to think about it. I had to get the map straight first beforehand. The maps, you wanted it to be the way you wanted it. That's what I was working on. And then just moving the trailer after that, you know.

CHAIRMAN BRAND: So we have the resolution in front of us tonight. I honestly don't know how everyone else would vote. I would certainly vote to do this. But just so you understand that you have that time, and there are some other things that have been to be taken into account. I mean I have to be able to be present to sign the map. You have to bring them to

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MOHAMMAD WAHEED

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County to get them filed. So your six months -- you don't want to wait until five months and three weeks, like you said.

MR. WAHEED: I know. I'm just asking. If I do it in five months, everything is finalized and the property is cleaned up like you want --

CHAIRMAN BRAND: As soon as I hear the code enforcement officer, that you have exercised and completed the demolition permit and everything is taken care of, I'll sign them and they're yours.

MR. WAHEED: Okay. Do you know if there's a deadline for the County or something that I'm not aware of?

MS. LANZETTA: You've got to get everything done within the six-month timeframe from the time we give you conditional.

MR. WAHEED: Okay.

CHAIRMAN BRAND: So after tonight the clock is ticking.

MR. WAHEED: Six months. Absolutely. When it is completed, so if it's done in the summer or done next month, all I do is go to the

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MOHAMMAD WAHEED

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building inspector, --

CHAIRMAN BRAND: Yup.

MR. WAHEED: -- show him everything,
that's it?

CHAIRMAN BRAND: He signs off on it and
then Jen tells me that everything -- all the
conditions have been fulfilled, I sign the map.

MS. FLYNN: Escrow has to be paid.

CHAIRMAN BRAND: The escrow is paid?

MS. FLYNN: The escrow has to be paid
before you can sign the maps also.

CHAIRMAN BRAND: Right.

MR. WAHEED: I thought I paid all that.

MS. FLYNN: Now you're here again, so
you have the stenographer, the lawyer who will be
billing you again.

MR. WAHEED: That was for before?

MS. FLYNN: Yes.

MR. WAHEED: Okay.

CHAIRMAN BRAND: Hopefully -- like I
said, otherwise you have to start all over again,
new escrow, new fees.

MR. WAHEED: Right. It's the whole
cost thing. It's a lot. I purchased that

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MOHAMMAD WAHEED

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property like that ---

CHAIRMAN BRAND: I understand.

MR. WAHEED: -- then I doubled my purchase by force because they had my pool and they were going to auction it. Really a nightmare.

MR. BLASS: Let me ask you a question. Six months is definitely the outside date in the minds of the Planning Board. Would you consent to an additional condition that there's no further extensions of that six-month timeframe?

MR. WAHEED: Yeah, sure. That's fine.

MS. LANZETTA: Why does he have to consent to that?

MR. BLASS: Because there's a statute that basically provides for renewals, extensions --

MS. LANZETTA: Oh.

MR. BLASS: -- of the six months by two additional ninety-day periods. So what's being presented to you is either the Planning Board imposes a condition that says three months or four months, or sooner than six months, or you waive.

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MR. WAHEED: That's fine. I agree.
Six months is fine. That's fine. I'm going to
get right on it. I'm not waiting until five
months and twenty-five days. I want to make that
clear to you. I'm just trying to figure out the
easiest way besides breaking everything apart and
making a mess. I'm trying to take it away in
mostly one piece, you know.

CHAIRMAN BRAND: Do I have any other
comments from Board Members?

(No response.)

CHAIRMAN BRAND: Anything down there?
Steve, anything?

MR. CLARKE: No.

CHAIRMAN BRAND: Okay. Jen, could you
poll the Board?

MS. FLYNN: Chairman Brand.

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta.

MS. LANZETTA: Yes.

MS. FLYNN: Member Truncali.

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani.

MR. TRAPANI: Yes.

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MOHAMMAD WAHEED

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MS. FLYNN: Member Lofaro.

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke.

MR. CLARKE: Yes.

MS. FLYNN: Member Cauchi.

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Excellent. You're all set.

MR. WAHEED: Thank you. I appreciate your patience.

MR. LOFARO: Can I just suggest something to you? I don't know anything about your trailer. You seem to be concerned about the cost of getting rid of it. I'm sure a lot of people will come and take that for free, scrap metal or whatever.

MR. WAHEED: I have it online. You have no idea. I've had fifty people who, I want it, I want it. Once they start thinking about the cost to move it -- I have it online. It's online. I have it on E-Bay. Anything.

MR. LOFARO: Give it away.

MR. WAHEED: I have to light a fire under somebody.

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CHAIRMAN BRAND: Good luck.

(Time noted: 8:22 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 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LUVERA PROPERTIES

Project No. 16-9011
1987-1989 Route 9W
Section 103.1; Block 1; Lot 5

----- X

FINAL - SITE PLAN

Date: April 17, 2017
Time: 8:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: DEAN LUVERA

----- X

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

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LUVERA PROPERTIES

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CHAIRMAN BRAND: Next up, Luvera
Properties.

How are you?

MR. LUVERA: Good. And you?

CHAIRMAN BRAND: Good. Do you want to
bring everybody up to speed on what we're doing
here?

MR. LUVERA: We're making a site plan,
revised I guess you could say, and making a
rental.

CHAIRMAN BRAND: Okay. Pat, do you
have the comments?

MR. HINES: We don't have any other
outstanding comments other than the previous
ones. The highway work permit would be required.
I believe Ron's tied the rest of the action up in
the resolution.

CHAIRMAN BRAND: Okay. Ron, do you
want to run through the conditions for the
approval for this?

MR. BLASS: Have we already done the
public hearing? I apologize.

MR. LUVERA: Yeah.

CHAIRMAN BRAND: I believe so. He's

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been here several times.

MR. LUVERA: We did. We're pretty much done. We were waiting for the signs.

MR. BLASS: So turning your attention to page --

CHAIRMAN BRAND: Do you have a copy he can look at as well, Jen?

MS. LANZETTA: Ron, we should -- with your whereases, we should insert in there, too, when the public hearing was held.

MR. LUVERA: Page?

CHAIRMAN BRAND: We're not there yet.

MS. LANZETTA: Between 2 and 3 --

MR. BLASS: I'm sorry?

MS. LANZETTA: Between 2 and 3 where you list that we did a neg dec and Ulster County looked at it, we should probably include in there on which date we had the public hearing.

MR. BLASS: Sure.

Turning your attention to the conditions of the conditional approval --

CHAIRMAN BRAND: It was March 20th.

MR. BLASS: March 20th was the public hearing?

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CHAIRMAN BRAND: Yes.

MR. BLASS: Okay. So the first condition is 3-A on page 8, that no building permit will be issued until final approval by the DOT, access location limitations and sidewalk detail.

The next paragraph deals with ensuring compliance with site improvements, particularly the curbing, landscaping -- interim landscaping of the curbing with dirt and grass and ultimate installation of the sidewalks. It's been represented by the applicants, if I recall correctly, that the DOT will be telling the applicant when it wants the sidewalks installed, which may be later than DOT approval of the access for Route 9W, although I find that hard to comprehend, honestly. So paragraph 3-B deals with a performance bond.

CHAIRMAN BRAND: You said we're scratching that -- all of 3-B on page 8?

MR. BLASS: I would scratch, at Tom's request, building in compliance related to temporary CO or revocation of CO.

If you would shoot over to the top of

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page 9 and take a look at alternative B which is in brackets. That basically provides for a performance bond in an amount to be determined by the building inspector for the construction of the curbing, interim landscaping within the curbing and installation of sidewalks required by NYSDOT. Within the performance bond, the time for performance with the curbing and the interim landscaping within the curbing shall be on or before November 1, and the time for performance of the sidewalks shall be within three months after DOT's requirement for sidewalk construction.

CHAIRMAN BRAND: So my question with that was if per chance the DOT decides that they don't need to have a sidewalk, then he would just be fine with his grass -- manicured grass in the curbing that we talked about last time?

MR. LUVERA: Final grass.

MR. BLASS: And the maintenance thereof.

CHAIRMAN BRAND: Correct.

MR. BLASS: I think there's a sidewalk detail on the plan submitted to DOT.

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CHAIRMAN BRAND: Yes.

MR. BLASS: It's hard for me to comprehend how the DOT would approve the application and not require the sidewalks shown in the application. I don't predict that's going to happen. So I really -- it's somewhat predictable that the DOT approval will provide for the sidewalks, and we can run probably a common date for performance of everything.

MR. LUVERA: I'm not putting sidewalks in.

MR. BLASS: Pardon me?

MR. LUVERA: I'm not putting sidewalks in.

MR. BLASS: Oh, okay. So I may have a faulty recollection but I think last time --

MR. LUVERA: We took that out of the plan. The sidewalk is out of the plan and it's left in there saying that if they want sidewalks down the road there's a variance for the sidewalks.

UNIDENTIFIED SPEAKER: This will be constructed in the manner moving forward should the sidewalks be recommended.

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CHAIRMAN BRAND: That's what we said
but we don't know what DOT has said at all.

UNIDENTIFIED SPEAKER: I think he met
with DOT.

MR. LUVERA: I met with DOT. He just
wants a provision saying if they want sidewalks
down the road --

CHAIRMAN BRAND: We don't know that. I
believe you.

UNIDENTIFIED SPEAKER: DOT had zero
position on sidewalks. They were more concerned
about curbing, the physical curbing and the
entrances to the location. The sidewalk was not
requested.

CHAIRMAN BRAND: Okay.

MR. BLASS: So if the DOT doesn't
require sidewalks, then there won't be a need for
a bond to cover the installation of the
sidewalks.

CHAIRMAN BRAND: But there will be for
the curbing?

MR. BLASS: My understanding is that
the curbing was to enclose an area, to define the
width of the sidewalks, the length of the

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sidewalks, --

MS. LANZETTA: Yes.

MR. BLASS: -- and that the interim placement of dirt and seed would be to prevent injury to pedestrians up until the time that sidewalks were installed flush with the curb.

MS. LANZETTA: Right.

CHAIRMAN BRAND: The performance bond would cover the installation of the curbing as well.

MR. BLASS: Yeah. Yeah.

MS. LANZETTA: The curbing, yeah.

MR. BLASS: Am I incorrect in understanding that the curbing is of a nature which would enclose an area?

MR. HINES: In three different spots. Four.

MR. BLASS: In four different spots. So there will be an outer curb and an inner curb with an area between where somebody could roll an ankle if it wasn't --

MR. LUVERA: When we put the curbing in we're going to fill it with dirt and grass on the inside.

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MR. BLASS: And whether sidewalks are required, you're saying, is up to the DOT and you're saying they don't want them?

MR. LUVERA: They don't have any need for them at this time but they want a --

MR. BLASS: So this curbing will be a glorified planter area.

MR. LUVERA: Precisely.

MR. HINES: It defines the access.

MR. BLASS: Got it.

CHAIRMAN BRAND: And does provide -- with the grass and the maintenance of the grass does provide somewhat of a safe walking point for pedestrians.

MR. BLASS: So if it plays out the way the applicant predicts, then the curbing and landscaping within the curbing would need to be completed by November 1 under this condition.

MR. LUVERA: November 1?

MR. BLASS: Yeah.

MR. LUVERA: I probably need a little more time than that.

UNIDENTIFIED SPEAKER: The goal here, guys, is to get this business up and running so

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LUVERA PROPERTIES

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we can produce the money --

MS. LANZETTA: What's a little more time?

CHAIRMAN BRAND: The business would be up and running but this would still have to be done before that, otherwise the performance bond kicks in and then we do it and --

UNIDENTIFIED SPEAKER: I certainly can't speak on Dean's behalf. Can I request the Board make it at least a year? We're kind of going into slow season, at least for his business.

MS. LANZETTA: I don't think the DOT will go for a year.

MR. LUVERA: I think the DOT may go for two.

MR. BLASS: Backing up a second. This approval really isn't worth anything until you have DOT approval.

MR. LUVERA: Correct.

MR. BLASS: The DOT is going to want curbing to control access to the site. That's the purpose of the curbing.

MR. LUVERA: Mm'hm'.

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UNIDENTIFIED SPEAKER: We'll have a minimal at least a year to get that done from this date.

MR. BLASS: According to whom?

MR. LUVERA: DOT gave me a timeframe in which they wanted it done.

MR. BLASS: Well that's probably something you'll find out when you get your permit.

UNIDENTIFIED SPEAKER: From my understanding, we would get at least a year if not potentially two, historically speaking in a different township where I have a different project similar to this.

MR. BLASS: Somewhat speculative because the DOT will tell you --

UNIDENTIFIED SPEAKER: Right.

MR. BLASS: -- when it wants those curbs in to control the access to the site.

UNIDENTIFIED SPEAKER: My only hope is we can match at least a minimal year from today's date to get this done to match that until when -- I'm speculating this is going to happen with the State.

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MR. BLASS: So the site plan proposes the curbing and planting area, and your request of the Planning Board is to delay the completion of those traffic access management devices until a year out from today?

UNIDENTIFIED SPEAKER: Precisely. I mean for financial purposes here. This isn't a very small project, as I'm sure you can appreciate. They have to be bonded, there's insurance, there's flaggers. It's a process. I'm sure you can understand. Ideally, you know, we need a place to start turning a profit for this to work. That's kind of the goal at this point. We would love to do it. We have all intentions on doing it, trust me.

MR. LUVERA: I'm pulling in and out of there for twenty something years now the way it is. To say there's a ton more traffic right now, there isn't. You know, there's curb cuts there right now for people to pull in and out of safely.

MR. BLASS: I understand what you're saying. You have to understand what my role is. I don't make any decisions. We're just

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developing what the issue is and the Board's going to make a decision, and the DOT will ultimately make a decision as well, about this timeline.

MR. LUVERA: Right.

UNIDENTIFIED SPEAKER: If it's of any interest, I can tell you that from the other tenants that were in that building, the restaurant occupying it, have left. So now that other area is vacant. I'm sure it's reducing the amount of income being brought into this project. We're trying to do this diligently.

MR. BLASS: What if the condition was the curbing and the planting area would be completed within the timeframe established by the DOT?

CHAIRMAN BRAND: That's what I was going to say.

MS. LANZETTA: Yeah, I think that --

UNIDENTIFIED SPEAKER: I would a hundred percent agree with that. That's kind of what I meant. When we said six months, we're hoping to have a time lapse. We don't want to have an issue with the local planning board

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outside of DOT's requisite. That's my big concern.

CHAIRMAN BRAND: We just have that time to coincide with DOT's time schedule.

UNIDENTIFIED SPEAKER: I'm sure the applicant himself would agree to that if that was --

MR. BLASS: So with that condition, do you feel you need bonding or no?

CHAIRMAN BRAND: I'm sorry?

MR. BLASS: You need performance bonding?

MS. LANZETTA: Yes.

CHAIRMAN BRAND: I would think so.

MS. LANZETTA: The curbing.

CHAIRMAN BRAND: Again, we have no recourse if they don't.

MR. BLASS: We keep the condition calling for performance bonding and make the date for performance within the bond the date established by the DOT.

UNIDENTIFIED SPEAKER: Can I ask a question? This performance bond, wouldn't the recourse be we would never have final approval on

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site plan, we would lose all that as opposed to the bond itself?

MR. BLASS: This is an interesting situation because, as you said, the businesses are already there. To the extent they're continuing --

UNIDENTIFIED SPEAKER: There's none there now. It's vacant. I'm there moving in and trying to get things setup. The restaurant that occupies next door to my rental is now vacant.

MR. BLASS: There are some commercial activities that have been there in the past and are continuing there today. It's not like you're building and developing a new site.

MR. LUVERA: Right.

MR. BLASS: I think that's the thought process for the bond, is to make sure that given the fact it's an active commercial site, that the work gets done.

UNIDENTIFIED SPEAKER: I understand. I just was assuming that the recourse -- having said that, the recourse would be we would have to start over.

MR. LUVERA: The original site plan.

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UNIDENTIFIED SPEAKER: I think a bond for this kind of project is a bit much.

MR. BLASS: If it was a new development that wasn't already there, I could see that working out. Since it's already there, I think --

MR. LUVERA: It's been there.

MR. BLASS: -- the Board is looking for additional compliance.

UNIDENTIFIED SPEAKER: With all due respect, we've gone further than any applicant previously at this location. They just decided one day to put up a wall and rent the place. With all due regard, I think a performance bond is a bit much to ask. We clearly have an intention to get this done.

MR. BLASS: Again, that's up to the Board.

UNIDENTIFIED SPEAKER: I understand. I'm just trying to make this work for everybody. It's a big financial burden for the property owner himself. It's a big financial burden for me as a renter trying to get this business open.

CHAIRMAN BRAND: All the performance

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bond does is ensure that you will do what you said that you would do.

UNIDENTIFIED SPEAKER: A hundred percent. Is that the total project? What does that go to from the financial side of things here?

CHAIRMAN BRAND: It just ensures that you put up the curbing. I don't know what fees, if any, apply to --

MR. CLARKE: One and two percent of the project.

UNIDENTIFIED SPEAKER: Okay. That was the answer that was concerning me about it. Okay.

CHAIRMAN BRAND: So to go congruent with DOT approval? That's where we're at. Okay.

C is the same?

MR. BLASS: C is installation of sidewalks and curbing required by DOT. This is -- it does say that prior to the sidewalks, if they ever are required, the applicant shall add soil and grass seed to the future sidewalk area between the curbs in a fashion of drop off and is acceptable to the building inspector. So people

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don't get hurt basically is the intent. Until sidewalks are installed the applicant shall maintain the area of grass -- soil and grass. So no sidewalks are required, it's just to maintain.

Activities shall be limited to the areas identified and noted on the project plans, which should not come as a surprise.

Then the condition for payment of all fees and defraying of all consultant expenses of the Town. A standard condition.

With respect to paragraph 4, there is an override by supermajority vote of the recommendations of County Planning. I believe County Planning had recommendations with respect to lighting and with respect to signage which has been handled by a variance issued by the ZBA last Thursday night as I understand it. So to the extent that there's a deviation from the recommendations of Ulster County Planning --

CHAIRMAN BRAND: And landscaping.

MR. BLASS: Landscaping as well.

CHAIRMAN BRAND: They asked for additional landscaping.

MR. BLASS: Right. Exactly. The Board

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is basically concluding here that the lighting and landscaping on the plan are adequate given the existing nature of the use and property and the neighborhood. For that reason we would be overriding Ulster County Planning Board by a supermajority vote.

CHAIRMAN BRAND: Comments from the Board?

(No response.)

CHAIRMAN BRAND: Are we comfortable with moving forward with the resolution? If someone would make that motion.

MS. LANZETTA: I'll make the motion that we move forward with the resolution of conditional approval with the amendments that we referred to in these discussions.

CHAIRMAN BRAND: Is there a second?

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: Jen, will you please poll the Board.

MS. FLYNN: Chairman Brand.

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali.

CHAIRMAN BRAND: Absent.

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LUVERA PROPERTIES

MS. FLYNN: Member Trapani.

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta.

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro.

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi.

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke.

MR. CLARKE: Yes.

MR. HINES: I'm not sure we ever did a
neg dec.

MS. LANZETTA: Yes, we did. It's in
here. It's April 17th.

MR. HINES: It needed that to get to
DOT I believe. Today is April 17th.

MR. BLASS: I wrote this as if a
negative dec --

MR. HINES: We're just ahead of
ourselves. We need to do it --

MS. LANZETTA: Oh.

MR. HINES: Today is that day.

MS. LANZETTA: I'm looking at you like
what.

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CHAIRMAN BRAND: A motion for a
negative declaration for the project.

MR. LOFARO: I'll make a motion for a
negative declaration for the project.

CHAIRMAN BRAND: A second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Excellent. I think
we're good with Luvera Properties; correct?

MS. LANZETTA: Mm'hm'.

(Time noted: 8:46 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

JOHN & THERESA SHILLIETO

Project No. 17-1009
63 Milton Turnpike
Section 103.1; Block 4; Lot 50.1

----- X

SKETCH
LOT LINE REVISION

Date: April 17, 2017
Time: 8:47 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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CHAIRMAN BRAND: Moving right along.
John and Theresa Shillieto.

Do you want to give us a description,
Patti, of what's going on?

MS. BROOKS: Sure thing. John and
Theresa Shillieto own two contiguous parcels of
land located on Old Milton Turnpike near the
intersection with Milton Turnpike. Lot 1 is a 1
acre parcel and lot 2 is a 12.31 acre parcel.
The building on tax map lot 50.1, the 1 acre
parcel, was formerly a residential structure. It
has not been inhabited for several years. I
believe the fire department actually used it as a
training facility right now. They're looking to
consolidate the two parcels to combine it to a
13.31 acre parcel.

CHAIRMAN BRAND: Pat?

MR. HINES: Neither myself nor the code
enforcement officer was aware of the status of
the building. He, in his referral to the Board,
identified it as an existing residential
structure. I think it needs to go away before --

MS. BROOKS: Yeah. It is not a
residential structure. In fact, the fire

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department has been using it as a training facility for years.

MR. HINES: What is it?

MS. BROOKS: It's a shell of a former residential structure. I mean it doesn't meet the building code of a habitable residential structure.

MR. BLASS: That might be managed by a condition that it remain in it's current state and not be converted to a residential structure.

CHAIRMAN BRAND: And/or demolished, removed?

MR. BLASS: Yeah.

MR. HINES: Then the garage, is that the same status? The garage on that same lot?

MS. BROOKS: I don't know what you mean about the same status.

MR. HINES: Is it usable? It's an accessory structure in a front yard setback. If it's not going to be habitable either, that same not can --

MS. BROOKS: Right. That was pre-existing.

MR. HINES: Now we're changing the lot

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line.

MS. BROOKS: You mean not to use it as a garage?

MR. HINES: Yes.

MS. BROOKS: Yes. I understand.

MR. HINES: I guess the goal here would be to make these structures go away. They're not going to continue to be the fire department training center.

MS. BROOKS: The fire department would prefer obviously that it stay there.

CHAIRMAN BRAND: He's not here tonight. He he's always here.

MS. LANZETTA: Mr. Troncillito?

CHAIRMAN BRAND: Yes.

MR. TRAPANI: You have Dave out there. He would know.

CHAIRMAN BRAND: You're a fireman?

MR. MANESSE: Yeah. That particular structure doesn't have running water or electric. The fire department has blasted through the windows and the doors. We've done some structural integrity reenforcement just to make it safe to train in. It's not just training for

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us. It's training for Ulster County. Multiple departments head to that location for multiple classes a year. They've always been more than fair in extending their home and front lawn for training.

CHAIRMAN BRAND: Thank you.

MS. BROOKS: Can you tell us anything about the garage?

MR. MANNESE: I mean I've been feet from it. I never gave it a second look.

MS. BROOKS: Nobody is using it as a garage right now?

MR. MANNESE: Nobody is using it. There might things that are usable but --

MS. LANZETTA: Can we ask to have the garage removed and just leave the training facility?

MR. HINES: I think we just want to have the note saying it's not going to be a residential structure.

CHAIRMAN BRAND: And the garage won't be used as a --

MR. HINES: Accessory structure.

MS. BROOKS: In speaking with the

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Shillietos, they're not opposed to removing that in the future. They said they would prefer not to do it at this point in time since it's currently being utilized by the fire department. If there were a concern and you wanted to -- I also understand the concern that you don't want to have derelict structures on a property that aren't being maintained. I don't think the applicant would have a problem with saying when it ceases to be used as a fire training building it would be removed.

CHAIRMAN BRAND: What do you think, Ron?

MS. BROOKS: I understand your concern. I guess what you're saying is because the -- because we're combining the lots and the residence is up on the hill, technically we're not supposed to have any accessory structures in the front yard and now we're going to have two.

MR. HINES: Now we have two of these things.

MS. BROOKS: I do understand the Board's point. There are, however, extenuating circumstances in this particular application.

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MR. BLASS: So the purpose of the application is to make one lot out of two?

MR. HINES: Yes.

MR. BLASS: And the new consolidated lot will be for the purpose of a residential structure and a fire training center -- I think that's what we're talking about -- for as long as the owner is willing to assume the liability of making it a fire training structure. So you've got a mixed use situation in addition to perpetuating a setback problem. The accessory structures is violating the setback requirements. So again, without trying to judge it, it would be much cleaner just to do a lot consolidation for a single family residential purpose as opposed to a mixed use.

MS. BROOKS: Okay. And just say that the dwelling -- the building shown on tax map lot 50 shall never be utilized as a residential structure?

MR. BLASS: Right.

MS. BROOKS: Got it.

MR. BLASS: And the garage will not be used as a garage.

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MS. BROOKS: Okay.

CHAIRMAN BRAND: That would be just
move forward with this at the next meeting. This
falls under the new law; correct?

MR. BLASS: I think it does. It's a
consolidation.

MS. LANZETTA: Mm'hm'.

MR. HINES: We would recommend a
negative declaration and you can take action if
you'd like I guess.

MR. BLASS: You can take action now or
wait until the next meeting when there's a
resolution.

CHAIRMAN BRAND: We have a written
resolution. Are Mr. and Mrs. Shillieto in a
hurry for this? Could they wait until the next
meeting?

MS. BROOKS: I don't think it matters
to them.

CHAIRMAN BRAND: Okay. I have no
problem with the negative declaration but we'll
wait for the resolution to be written up so we
have the terms.

Do I have a motion for the negative

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declaration?

MR. CAUCHI: I'll make a motion for a negative declaration.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: All right. So we should be able to have that motion -- we don't have to do a public hearing. We should be able to have the motion ready for you at our next meeting I think.

MS. LANZETTA: Resolution.

MS. BROOKS: Okay.

(Time noted: 8:50 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 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HANS TAYLOR

Project No. 17-1010
65 Woodcrest Lane
Section 103.3; Block 3; Lot 15.2

----- X

SKETCH - SITE PLAN

Date: April 17, 2017
Time: 8:51 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: HANS TAYLOR

----- X

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

CHAIRMAN BRAND: Next up, Hans

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HANS TAYLOR

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Taylor.

MR. TAYLOR: Good evening.

CHAIRMAN BRAND: How are you? Would you just like to give us a little overview of what it is you have for us?

MR. TAYLOR: What I'm asking for, I have a lower area on the front side of my home, more towards the east, that I'd like to fill and create more lawn area. You know, just speaking with Tommy, he was really questionable about whether I actually needed to go through the process or not. I said I'd rather just get it in place in case -- you know, any more I'm watching the news and seeing DEC and all these people stopping projects. I just want to make sure that I got the documents in front of everybody, you know.

CHAIRMAN BRAND: You're just grading in the back of the drop?

MR. TAYLOR: Correct. I have an elevation change there that I'd like to fill in. So that's really all I'm doing on the bottom side. Virgin material. I'm not looking to import material from, you know, out of -- just it

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HANS TAYLOR

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would be a virgin type material. It's my own personal residence so I'm not trying to, you know, create some dumping ground. I'm looking just to extend my lower plateau area. I have plenty of room, a couple hundred feet from CSX's right-of-way. So, you know, it's under an acre.

When I spoke to my engineer and Tommy, there was some question about the stormwater pollution prevention plan. I didn't think I needed one. Mr. Hines responded and said there was some erosion control plan he's looking for. You know, I'll have my engineer just generate that and change -- I know there were some issues with the contours of the mapping. I'm certainly amenable to get the document right and the plans right.

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

MR. HINES: This is here under your stormwater management regulations because it exceeds the threshold that would require submittal to the Planning Board on that. It's less than the one acre where the DEC does but your stormwater regs were more stringent when

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they were written. There's some technical issues on the grading plan. The contours need to be adjusted. An example being the lower 90 contour crosses the 80. If you cross a contour with a contour you need to repeat that. There's a little bit more grading that's going to be needed on there.

Then we're looking for some stormwater erosion and sediment control, a silt fence at the bottom of the hill. Depending on the material, I don't know where you're getting it from, if there's rocks we want to make sure they don't roll all the way down to the CSX. It's fairly steep back there.

Just for Mr. Taylor's benefit, I know your septic system is somewhere in the area. I just want to make sure you stay away from that.

There's a seeding specification.

There's a little technical work that needs to get done on the plan, some additional detail.

Because it's a residential use, less than one acre disturbance, it just needs a soil erosion and sediment control plan.

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HANS TAYLOR

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MR. TAYLOR: I just got the comments today. Mark is away. He had his first grandchild so he wasn't able to attend tonight.

CHAIRMAN BRAND: Anything from the Board?

MS. LANZETTA: This isn't in the coastal zone, is it? The Hudson River coastal zone?

MR. HINES: It would be. If they needed a permit from the State, that would trigger. My understanding is that's controlled by the Department of State, the coastal zone. If they needed a State permit they would need submission to the Department of State, but they don't need a State permit.

MS. LANZETTA: I'm confused. They don't need -- how would they know if they need a State permit?

MR. HINES: How would who know? The applicant?

MS. LANZETTA: Yeah.

MR. HINES: They would have to exceed that one-acre threshold and they would need a State permit. They don't. They're not exceeding

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HANS TAYLOR

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the one acre here.

MS. LANZETTA: Okay. All right.

CHAIRMAN BRAND: Any other questions or comments?

(No response.)

CHAIRMAN BRAND: So this is my first grading application before us. I haven't seen this one yet. Does this have to go through a public hearing as well?

MR. HINES: I believe it does.

MR. BLASS: I think it does under the stormwater regulations.

CHAIRMAN BRAND: Okay. So we can schedule that for the --

MR. TAYLOR: If I'm under the DEC threshold why would I have to go to --

MR. HINES: The Town's more stringent. I think it's 10,000 square feet. I'm shooting from the hip here. I know it's lower than what you're proposing here.

CHAIRMAN BRAND: Do you think you'll have that stuff ready to go for the first meeting in May?

MR. TAYLOR: I'm sure we can. I don't

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HANS TAYLOR

100

think it's too much to ask for to get the contours right. The plan I'm sure our environmental engineer can generate.

CHAIRMAN BRAND: The only other thing would be the mailings for the residents within 500 feet.

MS. FLYNN: My cut off is Friday.

CHAIRMAN BRAND: This Friday for that meeting?

MS. FLYNN: Yes.

MR. TAYLOR: I'll try. I didn't know it needed a public hearing.

CHAIRMAN BRAND: To be honest, I've never seen this one.

MS. FLYNN: He would have to come get the names and addresses tomorrow to have it out by -- dated by Wednesday for the May 1st meeting. Otherwise he has to wait until the next meeting. You need that ten days.

MR. HINES: It might be better to wait for the next meeting just to make that threshold.

CHAIRMAN BRAND: That's fine. The second one in May. Okay. So do what you can to get it done and whenever that happens --

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HANS TAYLOR

101

MR. HINES: That way you're not chasing the mailing by Wednesday.

MR. TAYLOR: Yeah.

CHAIRMAN BRAND: I guess that's it.

MR. TAYLOR: Thank you.

CHAIRMAN BRAND: Thank you.

MS. FLYNN: Is he doing the second meeting in May for the public hearing or the first meeting?

CHAIRMAN BRAND: I would do it the second. I have no problem having a public hearing the second meeting in May for that.

Ron, is there a possibility for us to waive that?

MR. BLASS: Waive what?

CHAIRMAN BRAND: The public hearing for that.

MR. BLASS: Well it may be that a public hearing is not required. I'll let you know tomorrow morning. I'm reading and listening at the same time.

CHAIRMAN BRAND: Okay. If it's not required he can just get that fixed up and come to the next meeting and be done?

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HANS TAYLOR

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MR. BLASS: Right.

CHAIRMAN BRAND: I'm sorry, Jen?

MS. FLYNN: He's still on for the May
1st meeting?

CHAIRMAN BRAND: Yes. I would
tentatively put him on there. If he gets
everything, then we're good to go.

MR. TAYLOR: I'll find out shortly
whether I have to mail everything out?

CHAIRMAN BRAND: We'll contact you
tomorrow. If we don't need a public hearing,
then you don't have to do the mailings.

MR. TAYLOR: Great.

CHAIRMAN BRAND: It would just be
fixing the maps and coming back to the next
meeting.

MR. TAYLOR: So I'll just clean up the
issues that were generated by Pat and then
provide --

MR. HINES: Call Jen tomorrow afternoon
to see if you need a public hearing.

MS. FLYNN: I'm not in tomorrow
afternoon.

MR. TAYLOR: Send me a smoke signal and

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HANS TAYLOR

let me know. Thank you.

(Time noted: 9:00 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 27th day of April 2017.

Michelle Conero

MICHELLE CONERO

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HANS TAYLOR

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

----- X

In the Matter of

TWIN POND ENTERPRISE

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

----- X

SKETCH - SITE PLAN

Date: April 17, 2017
Time: 9:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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CHAIRMAN BRAND: Next up, Twin Pond Enterprise.

Would you just provide the Board with a synopsis?

MS. BROOKS: Absolutely. We came here before the Board in December. Since that point in time the applicant has been working with Central Hudson and DOT, did some drainage work on the site and is now back with a revised plan showing the proposed relocation of the entrance to the side of the site.

We did submit a memorandum addressing each of the concerns that we had received from the Board and the review comments from the December 19th meeting.

CHAIRMAN BRAND: Do I have that?

MS. BROOKS: I believe you have it.

CHAIRMAN BRAND: Do we have the memorandum? Do you have a copy?

MS. FLYNN: I don't think I have that.

MS. BROOKS: I think we e-mailed it as well.

MS. FLYNN: I don't think I have that. I didn't print anything out.

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MS. BROOKS: April 7th it was dated.

CHAIRMAN BRAND: So you basically went through Pat's comments from the previous meeting?

MS. BROOKS: Yes, item by item, and some of the others were issues that the Planning Board also had in the comments.

Do you have a comment letter for me?

MR. HINES: You didn't get one?

MS. BROOKS: No. Usually they e-mail it the day of. At the end of the day I went oh, I didn't get anything today.

CHAIRMAN BRAND: Pat, did you see this also?

MR. HINES: I'm checking right now. I received the maps.

MR. HINES: I got it on Tuesday, the 11th. It's dated the 7th, yes. So I have it.

CHAIRMAN BRAND: Okay. Do want to run through your technical comments?

MR. HINES: Yup. There are some concerns on the site. I heard that there was some, I guess it was called grading work or drainage work. There's been an issue where since the applicant was before you last, on the south

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end of the site there was some extensive grading that has diverted a significant amount of surface water to the front of the site. I know DOT was concerned about it. We were out on the Luvera site with DOT and they really didn't want to talk to us about the Luvera site, they wanted to talk to us about this site as we were proceeding there. There are drainage issues with DOT. I don't know if you're familiar with those.

MS. BROOKS: We met DOT out there, yup.

MR. HINES: It looks like some pipe has been placed onto the Luvera property during that work. Some pipes are crossing the property line now. It looks like that's going to need to be addressed. Basically a significant amount of stormwater has been diverted to the front of the site that used to be in a wetland area or pond in the back. We're going to want to see what happened on that site back there, if you can give us the grading. There's a large berm that was in the Central Hudson right-of-way that's been dug through. So I think that should be shown on the plan for the Board to figure out what's going on out there.

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CHAIRMAN BRAND: Did you do that
yourself or was that done?

MR. MANNESE: Yes.

CHAIRMAN BRAND: What did you do there?

MR. MANNESE: It's swamp water and
there was a ditch there. We literally put a pipe
in a ditch. That's pretty much it. And the pipe
is crossing both lines because we both put it in.
We dug it where the water was going. That's
pretty much what it was. It was a swamp above me
that drains down through the property. It went
through a ditch. You couldn't see it because
there was a dilapidated old chain link fence
covering it, and underbrush and trees.

CHAIRMAN BRAND: That's your property
or the other property?

MR. MANNESE: It's ninety percent mine.
Now that it's geographically placed on a map you
can see it crosses a little bit here and there.

MS. BROOKS: We did meet with DOT out
there and they did have a concern about the water
dumping where the outlet currently is. They were
fine with continuing out towards 9W and then
running the piping northerly and dumping into

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where the existing culvert is. They recognize that the water was draining in that way but now it's being more forcefully channelized in one outlet, so they want to see it piped all the way up to the culvert, which is what's shown on the proposed plans.

CHAIRMAN BRAND: Where is the culvert?

MS. BROOKS: Right now it ends right there, that outlet. We're proposing to pipe it to here, to this catch basin, and then running it up to this three-foot box culvert that crosses 9W.

CHAIRMAN BRAND: So this would all be underground?

MS. BROOKS: Correct. It's piped.

CHAIRMAN BRAND: This pipe I'm assuming is existing underneath the highway.

MS. BROOKS: Correct.

CHAIRMAN BRAND: All right.

MS. BROOKS: Their concern is that, and for anybody who is out there, it could cause flooding right here. They don't want that to happen.

MR. HINES: It was the date we were out

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there.

MR. CLARKE: Is that just because you were draining a spot that was wet and once you get it drained you won't have that significant amount?

MR. HINES: There's a significant volume of water coming through there. I think the water didn't used to go in that direction. There was a large berm there that was dug through. When I say large berm, higher than the desk.

MR. CLARKE: I'm saying once the water drains out --

MR. HINES: There's a large tributary area.

MR. MANNESE: The water originally starts at Curry's. If you're not familiar with the area, Curry's is the pond up by Milton Turnpike and comes down through my father's property and comes down through Kent's orchard. The Town put a pipe in Mahoney Road and that water drains into the swamp land on the other side of Mahoney Road. That water comes down through Marchesse. The water has always come

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down that way. It's just the way it goes.
Nothing you can do about it. You can't stop it
unless you put a berm and push it back towards
Newburgh. That's literally the extent of it.

CHAIRMAN BRAND: Okay.

MR. HINES: I've got pictures. So
along with that piping we're going to need pipe
calculations and details showing what type of
drainage system can be put in there. I'm sure
DOT is going to ask you for the same thing to
allow you to connect into their stormwater
system.

The encroachment issue. That pipe now
spans two properties back and forth a couple
times. There may be a need for an easement on
either property to allow it to remain and
function.

So the truck turning template on the
plans shows the truck driving over the newly
proposed curb in some areas. That needs to get
cleaned up or addressed in some way.

Consistent with the neighboring site
plan we just discussed, this site plan has the
opportunity to extend that defined curbing and

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potential sidewalk area.

A further note, I know everybody said where do we starting these sidewalks.

CHAIRMAN BRAND: They're all connecting.

MR. HINES: Starting to connect together. I think the Board is going to require that.

DOT approval for the revised access drive. Since they were last here the access drive has been moved from the north portion of the lot to a more southerly portion of the lot. That's shown on the plans.

Parking spaces need to be 10 by 20.

Handicap accessibility should be addressed with the appropriate signage and striping.

Inverts for all proposed stormwater piping should be depicted on the plans.

Pavement sections should be added to the plan sheet.

If you could update the Planning Board, there was an -- in the response there was a statement that you were working with Central

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Hudson to purchase the fee ownership of the parcel that Central Hudson holds.

CHAIRMAN BRAND: As has been our practice for most of these things, we have asked for, obviously in addition to the curbing, some type of sidewalk provision to be there. What are your thoughts on that?

MR. MANNESE: There's only so much money. You want fencing or curbing --

MS. BROOKS: I guess on the Luvera property, we took their site plan. You know, again we had talked at the last meeting about trying to work together with the owner. I had reached out to Luvera's engineer, he sent me a copy of the plan with the layout of where they were putting the proposed curbing. We met with DOT to have 35 foot spacing. I guess what we will do is work with Luvera and whatever is approved for their plan we'll do a similar thing. My understanding in listening to him is that they're not putting a sidewalk in at this point in time, although they are reserving to be able to do it, which from what I understand would be on the DOT right-of-way, not on private property.

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MS. LANZETTA: Right. The curbing would be, in essence, enclosing an area that could possibly become a sidewalk at some future point, but in the meantime could be planted with grass. That's what we asked of Luvera. That's what we probably expect here as well.

CHAIRMAN BRAND: That would be maintained.

MS. BROOKS: I guess my question on this particular one is on Luvera they already have an entirely paved access way. We were trying to make it green space from where the entrance is northerly. So the curbing I have shown on here right now is in accordance with the DOT spec for the 10 foot and 6 return. We are proposing for lawn planting, moving the green space back and putting plantings and fencing. There would be a green corridor on the Mannese property in between the boundary line and behind the hydrant, behind there and the landscaping. That's where we would be proposing pedestrian access way to be at this point in time until sidewalks were constructed. We were not planning on bringing curbing the entire 265 feet of

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frontage.

CHAIRMAN BRAND: Right.

MS. BROOKS: I want to make sure that's acceptable.

CHAIRMAN BRAND: That proposed green space you have --

MS. BROOKS: Would be satisfactory for --

CHAIRMAN BRAND: I'm not sure. How wide is that?

MS. BROOKS: 20 feet.

CHAIRMAN BRAND: 20 feet across. And that would be walkable? I mean we're talking about grass there, not having to hurdle shrubs and stuff?

MS. BROOKS: Correct. As shown on the plan, you have the boundary line and then we have about ten feet to where we're proposing a stockade fence and landscaping because we're trying to -- we have Boxwood Hedge proposed there to try to soften the frontage of the property and direct the eye towards the landscaping and fencing as opposed to the use behind it. There would be about 10 feet in there.

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CHAIRMAN BRAND: On the more northerly property where Russo is, what do they have?

MS. BROOKS: Orchard, a ditch. Yeah.

MR. MANNESE: It drops about three feet right to the blacktop.

CHAIRMAN BRAND: She's saying keep this part 20 feet green space with plantings.

Could you clarify the vehicle sales display?

MS. BROOKS: Oh, yup. As we had stated back in December, Mr. Mannese was hoping to be able to have vehicle sales continue on the site from the current -- the previous owner still has some cars he would like to sell. So the concern of the Planning Board in December was that if we had people parking there, it would potentially be hazardous with the box trailers coming in and out. So we moved -- relocated parking spaces 15 through 18 up by the showroom so anybody who wanted to come in and look at the vehicle sales would park up by the showroom, then they would be able to be escorted out to the vehicle sales area. We did that in an effort to alleviate the concern that the Board had in that regard.

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MS. LANZETTA: I'll express my feelings. I don't know about the rest of the Board. I don't like to see two uses of this property. I think the pallet/trailer use is very intensive and taking up the majority of that frontal space. I think trying to keep this area open to show off cars aesthetically would be -- would not make much sense, and I still think having additional people going in and out to the back of the property is a safety issue. I just -- I don't like the thought of the two uses on this site.

MR. CLARKE: Can you tell us how many trailers are in and out every day?

MR. MANNESE: I'm pretty much the guy that moves them. During the day three or four. I move them myself generally. My drivers come in --

MR. CLARKE: It's not high volume.

MS. LANZETTA: There's a lot of activity out there. There's a lot of stuff going on there.

CHAIRMAN BRAND: I remember at the last conversation we talked about the height of the

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opaque fencing where the ramp and the box trailers are. Did we come to -- I don't see that indicated on the map.

MS. BROOKS: It says under proposed use, open storage proposed to be fully enclosed by opening fence 6 feet in height. That's under the requirements.

CHAIRMAN BRAND: So 6 feet in height. Didn't we have discussion that the pallets are stacked 30 feet high so the 6 foot fence really didn't do too much for screening?

MR. MANNESE: The reason I bought the place was for that dock. Specifically for that dock, that open concrete area. For pallets, obviously you need a flat optimal area so they don't fall over. I could put up a 20 foot wooden fence. There's no difference between a 20 foot wooden fence and 20 feet of wooden pallets. Recently, if anybody has noticed, I keep the nice clean ones out to the edge of the road and neatly stacked and the other stuff is behind it in an effort to give it a better look. If you go higher with a fence and lower with the pallets --

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CHAIRMAN BRAND: Can you spread them out more there so they're not that high?

MR. MANNESE: No. I have to put a fence in the front to stock on one side and another fence. I'm limited with where I can go now.

MS. LANZETTA: Going back to my concerns, I want to -- I don't want to get too far into this . Maybe the rest of the Board doesn't agree, but this has always been a single use site for quite -- at least the past two property owners have used it for single use. You know, if we start letting people have a primary business but sell a few cars on the side, what's to stop everybody up and down on Route 9W here in Milton from doing that? You know, it's not a business that compliments the business he's already in. It's a secondary business. It's more cars. I just don't think it's a good idea to have this dual use on this property.

CHAIRMAN BRAND: Ron, is there anything in the code specifically?

MR. BLASS: On mixed use?

CHAIRMAN BRAND: Yes.

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MR. BLASS: I would say it's fundamentally an issue for the code enforcement officer with respect to the number of uses on one site. I'm not sure, is this in the HD zone?

MS. LANZETTA: Yes.

MR. BLASS: So the trucking terminal-- truck business so to speak. Or trailer business if you will. Is permitted subject to special permit and site plan. But, you know, the addition -- I mean there is an obscure code provision regarding mixed uses. I'm not quite sure I remember what it says. I think it's a code enforcement officer issue as to what uses are allowed on this site.

CHAIRMAN BRAND: We obviously couldn't impose that as part of the approval as well; right?

MR. BLASS: Well I think the -- there came a point in time when vehicles began to be sold here. It's an ongoing activity.

MS. LANZETTA: That was the primary use of the property before this new use.

MR. BLASS: Sale of cars?

MS. LANZETTA: Yes.

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MR. BLASS: And then it became a storage of trailer operation? I would say it's a code enforcement issue.

MS. LANZETTA: I mean we just had a guy that was selling used cars on the southern end of Route 9W and then he decided he was going to start selling wood sheds as well. That was not permissible. So I mean I do know in the code it does allow for mixed use, but do we have the latitude?

MR. BLASS: I think mixed use requires an approval.

MR. HINES: It does.

CHAIRMAN BRAND: It requires what?

MR. BLASS: Planning Board approval.

MS. LANZETTA: I think we have the latitude to determine whether we want several uses on this site or not.

MR. HINES: Whether the uses are harmonious to each other.

CHAIRMAN BRAND: Was the intention to continue this used car business or were you just trying to get rid of what stock you had left?

MR. MANNESE: No. I bought it as a car

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lot. It's been working as a car lot. I don't need the front. I have to pay for fencing somehow. It's just the truth.

CHAIRMAN BRAND: Thoughts, comments?

MR. LOFARO: Really it's a tough call. We would like to be able to see him have two businesses there. I kind of agree with some of the things Cindy said. I'd like to be able to find a way for him to be able to do that.

CHAIRMAN BRAND: Anything from down that end?

MR. TRAPANI: I'd like to see the two businesses if it's legal, because maybe otherwise Mr. Mannese here can't afford to have that business there and then we lose another business on 9W for income tax money.

MR. CLARKE: I see the deed references Ulster Savings Bank. Being a businessman myself, you know, it's not inherently profitable, all businesses. Sometimes you have to do some extra things to kind of make ends meet.

MS. LANZETTA: Again, I caution you that everybody and their brother up and down 9W can start selling cars out front because they

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want to supplement their business that they've got going on on the other side.

MR. CLARKE: And it won't be inherently profitable and they'll stop doing it. That's free enterprise. Everybody is not going to sell cars.

MS. BROOKS: I will definitely review the Town Code with regard to multiple uses on one lot and make sure that we are in compliance with whatever regulations there are applicable.

MR. BLASS: It's 155-12.1. It allows for mixed uses subject to special permit of the Planning Board. It has to be a Planning Board approval. One of the standards is that the mixed uses are compatible in nature and both are allowed in the designated zone, which is the HD Zone.

CHAIRMAN BRAND: Compatible in nature.

MR. BLASS: Compatible in nature.

CHAIRMAN BRAND: How is that determined, compatibility?

MR. BLASS: By you, the Planning Board.

MR. CLARKE: Compatible is the opposite of incompatible? If they're not incompatible

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does that make them compatible?

MR. BLASS: Not incompatible would be compatible.

CHAIRMAN BRAND: So I would guess you have some homework, obviously. If it was a mixed use, that's a special use, does that require a separate application? Right now it's just a regular site plan.

MR. BLASS: It's a special use. I think everybody in the HD zone requires a special permit and site plan as well. This would be one additional special permit requirement. There's also a rule that says the uses shall not exceed restrictions placed on uses within the zone. So the combination of uses may be allowed only if those uses are allowed as separate entities within the zone.

MS. LANZETTA: They're both allowed.

MS. BROOKS: We listed both of them, 115-12 A2A and 115-12-B4B.

MR. BLASS: The bottom line is it's up to the Planning Board subject to a special permit review.

MR. HINES: Which means not as of

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right. It means special permit.

CHAIRMAN BRAND: My question was does that require a different application or it's just all in the site plan review process?

MR. BLASS: I think there should be a special permit for the HD uses, which is required anyway. That will trigger a site plan requirement as well. And there should be an additional request in the special permit application for mixed use.

MS. BROOKS: There is not a special separate application for a special use permit. There's only the site plan application. If the application -- if the use is subject to a special use permit, that's a part of the approval that's granted. The application that we already submitted does ask for both uses. I can certainly provide a narrative to clarify and at least show both uses and what the sections are in the code. I mean I certainly can provide an addendum to clarify the section of the code that has mixed uses in it.

MR. BLASS: Right. Especially the public hearing notice will break it down for the

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public. Any approval would also break it down because there's different standards for a special permit as opposed to site plan.

MS. BROOKS: Absolutely.

MS. LANZETTA: I would also like to point out the incompatibility of having the vehicle sales area up front when you have your pallets and your trailers up front, and we've already identified that one of the concerns is trying to do as much in the front to shield the people going back and forth from what's happening up front, yet the idea is we want to make this area up front very visible because we're going to be showcasing cars out front. So to me the two contradict each other. I mean we could allow for more landscaping and more trees and what not up front but not if we're trying to showcase these cars sitting out by the road. That's another factor that I find does not make these very compatible uses.

MR. CLARKE: I'm a little confused as to where the activity is up front. I see activity in the back and I see the storage and trailers stored on the side. I don't see

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anything in front of these trailers.

MS. LANZETTA: Take a ride by there.

CHAIRMAN BRAND: The cars are in the front she's saying.

MR. CLARKE: The activity is bringing in pallets, repairing them, stacking them and shipping them back out again. I think that all takes place back here.

MS. LANZETTA: Take a ride by a take a look at what's going on out front.

MR. TRAPANI: How many vehicles are out front, do you know offhand?

MS. LANZETTA: Vehicles. There's pallets.

MR. TRAPANI: I'm talking about cars.

MS. LANZETTA: I haven't looked at the cars.

MR. TRAPANI: I think that's only, as far as I know, auction cars. There was not very many out there ever at one time.

MS. LANZETTA: But they're proposing to put cars there.

MR. TRAPANI: I'm just wondering how many would be out there at a time.

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MS. LANZETTA: It shows that they could put in one, two, three, four -- ten cars out front if they want to.

CHAIRMAN BRAND: It will be up to us to make that determination.

Sidewalks as well. I'd like to give them some kind of direction for that. I'm comfortable I think giving them the same as what we said to Luvera with the curbing on that side. As long as you're telling me that that other part is walkable. I think personally I would like to maybe see something like we did for the hardware store.

MS. BROOKS: The easement?

CHAIRMAN BRAND: An easement for future build of sidewalks.

MR. LOFARO: It may be subject to the DOT, though, just like Luvera would be.

MR. HINES: You're going to get that County Planning comment and the DOT comment when you send it to them. I think you're going to get the comment from DOT saying to extend Luvera.

CHAIRMAN BRAND: Extend the curb?

MR. HINES: In their right-of-way.

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MS. BROOKS: I'll find out from the DOT
how best to --

CHAIRMAN BRAND: Anything else?

(No response.)

CHAIRMAN BRAND: No. So we will.
just schedule you for the next meeting I
think.

MS. BROOKS: Yup.

CHAIRMAN BRAND: Thank you.

(Time noted: 9:24 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 27th day of April 2017.

Michelle Conero

MICHELLE CONERO