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

----- X

In the Matter of

CHESTNUT PETROLEUM

Project No. 15-8001  
1417 Route 9W  
Section 109.1; Block 4; Lot 14

----- X

CONTINUED PUBLIC HEARING  
SITE PLAN

Date: February 6, 2017  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.  
VIRGINIA FLYNN

----- X

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

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CHESTNUT PETROLEUM

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CHAIRMAN BRAND: Please stand for the Pledge of Allegiance to the flag of our country.

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, February 6, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for 12/5, 12/19 and 1/3. Chestnut Petroleum, open public hearing, site plan; Mazzstock, discussion, site plan, without attorney, engineer and stenographer. Next deadline: Friday, February 10th. Next scheduled meeting: Monday, February 20th.

CHAIRMAN BRAND: I'd like to have a motion -- we should have had plenty of time to review the stenographic minutes for 12/5, 12/19 and 1/3/17. I'd like to have a motion to approve those all together.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: Second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor, say aye.

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CHESTNUT PETROLEUM

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: So carried.

MR. TRUNCALI: This is a continuation for the Chestnut Petroleum public hearing. The public hearing will address issuance of a special permit and site plan approval for a gasoline filling station/convenience store at the subject parcel consistent with the plans on file with the clerk of the Planning Board. The location of the project is 1417 Route 9W, Marlborough, New York, section 109.1, block 4, lot 14. Any parties interest either for or against this proposal will have an opportunity to be heard at this time.

CHAIRMAN BRAND: This is a public hearing. If you're here to speak either for or against this project, I ask you be recognized, stand, state your name for the Stenographer. I'm

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going to initially keep it to three minutes per person. If we need additional time after that, we'll see how it goes. We'll start with three minutes.

Mr. Garofalo, start us off, please.

MR. GAROFALO: Thank you very much, Mr. Chairman. I've sent several e-mails. If you haven't gotten them I will make sure that in two days I bring in hand copies in the morning so you have a hard copy. I have another letter that I'm going to submit with an additional forty some odd comments, some of that dealing with the new renderings and new material that just came out. It was just published on the website on Friday.

I'm going to ask the Board to hold off -- hold over the public hearing to your next meeting. I'll give you some reasons why.

CHAIRMAN BRAND: Just to save you some time, Mr. Garofalo. That's our intent. We'll adjourn it until the March meeting.

MR. GAROFALO: Okay. Let me go over some of these things. I think some of them you may want to consider doing in the interim.

Those would be -- one of the things the

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Town Board has been talking about is picking a lighting look for the Town. I think it might be appropriate to refer the lighting fixtures here to the Town Board to see whether or not that's something that they want or if they want a different type of lighting fixture as far as the look for the Town.

The signs, I think it would be appropriate to give those sheets to the building inspector because I have a feeling that some of those signs do not meet the current sign law. You know, the one on the awning, the multiple signs which are on this site. I think it needs to be reviewed. I think there's some information missing from the drawings, such as the size of the letters on some of the signs. They have some very good stuff on their main sign, but I think that should be reviewed by the building inspector, as well as a comment concerning whether or not the frontage is long enough, according to code, to have two access points. I think that should be looked at.

There's some information that I think is missing from the original traffic report, and

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I hope it was put into the new one, that the Town traffic consultant should have gotten in order to do a proper review, including the actual traffic counts. There's information that you need to look at as far as the traffic counts in order to know if the information that they did in their analysis was correct. There's certain things that I have requested. A revised cueing analysis. I think I gave you a type of analysis that I thought should be used. I requested additional turning movement drawings, some plan changes. Also to have the materials, such as the new traffic study, put on the website. There's no sidewalk detail even though there's a reference to it. These things hopefully will come forward and we'll have a chance to review them prior to the next meeting.

CHAIRMAN BRAND: Mr. Garofalo, that was three minutes. I will come back to you. I just want to make sure everybody has an opportunity.

MR. GAROFALO: Can I just wrap up?

CHAIRMAN BRAND: Final thought, Mr. Garofalo.

MR. GAROFALO: Okay. I just wanted to

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compliment the applicant for at least trying to make some changes, such as putting the detail on the overhead bar.

I will give a copy of this to you, of my comments, and then I am done.

CHAIRMAN BRAND: Thank you. You can just pass it right to the secretary.

Just for your information, the Town is considering a new sign law. We're in the process of working through that.

Also, the project has New York State phase 1 DOT approval. They're currently in the process of a phase 2 approval which would include the sidewalks, crosswalks and those things.

Anyone else? Mr. Adamshick.

MR. ADAMSHICK: Good evening. My name is Steve Adamshick from Milton, New York.

Mr. Chairman, did I hear correctly that you're going to hold the public hearing open through March?

CHAIRMAN BRAND: I believe we will be adjourning it this evening and reopening it again in March.

Is that the correct procedure?

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MR. ADAMSHICK: I notice Mr. Hines is not here tonight which he may be able to answer some of these questions. I have some questions relating to the project.

I noticed from Ulster County Planning Department that there was a meeting held on the 4th relating to this project, received on 12/21. The recommendation of the Planning Board of Ulster County was that required modifications be incorporated in the overall site plan. Do you have an answer for that, of what the modifications were and are they incorporated in the overall site plan? I just want to get that on the record.

CHAIRMAN BRAND: We do have the recommendations from the Ulster County Planning Board. I don't have them readily in front of me.

MR. ADAMSHICK: They are incorporated with the overall site plan dated 1/30/17?

CHAIRMAN BRAND: I'm not sure what you're asking, if they are incorporated in the site plan.

MR. ADAMSHICK: Well I noticed from the Ulster County Planning Department they have --



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and Ms. Lanzetta, you were there -- they asked for required modifications to the overall site plan. Do you know what they were?

MS. LANZETTA: As Chris said, we all got the information that -- the response from Ulster County Planning Board. That was also given to the applicant. The applicant is in the process of giving them more information in response to those questions that they had.

MR. ADAMSHICK: So that information is not here tonight? It's not finalized?

CHAIRMAN BRAND: No. Go ahead.

MS. LANZETTA: No. We haven't received that updated information.

MR. ADAMSHICK: Okay. You didn't get the updates from the Ulster County Planning Department? They're saying required modifications.

MR. BLASS: The Ulster County Planning Department made recommendations by statute on January 4, 2017. A full and complete copy of the Ulster County Planning Board's recommendations is in the Planning Board file. It consists of three pages.

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MR. ADAMSHICK: Okay.

MR. BLASS: There are several so-called required modifications to the project. The import of a required modification is that it must either be adhered to by the applicant and the Board or overridden by the Planning Board by a five/two supermajority vote.

The applicant is not here tonight. The applicant has not committed one hundred percent to accepting each and every required modification in the three-page letter of the Ulster County Planning Board. I think you might want to start by getting a copy of that letter. The second thing you might want to do is attend the March meeting at which the applicant will be here to address that letter.

MR. ADAMSHICK: Okay. Is there a way that we can get that put on the website?

MR. TRAPANI: Here.

MR. ADAMSHICK: You're going to give that to me?

MR. RUSK: Can that be posted on the website?

CHAIRMAN BRAND: I believe so, yeah.

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MR. ADAMSHICK: I'll give it to you,  
John.

Some of those issues have not been  
incorporated. The applicant will be here at the  
March meeting to -- okay.

CHAIRMAN BRAND: Correct. We did get a  
letter from them stating that they wouldn't be  
here, that they wanted to appear for a  
continuation of the public hearing at the  
March 6th meeting.

MR. ADAMSHICK: Okay. Now also  
Mr. Chair, with respect to your report of  
December 12th to the Town Board, you state that  
Engineer Patrick Hines' comments stated the  
applicant's plans should be revised to address  
previous review comments made by both the  
Marlborough Planning Board, Ulster County  
Planning Board, final approval from the New  
York State DOT, Ulster County Health  
Department, are required for access to the  
site septic systems respectively. The engineer  
also requested the applicant update the  
Planning Board on recent meetings held with  
Central Hudson regarding the gas main.

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Documentation from all related agencies,  
including the necessitated second Ulster County  
Planning Board review approvals, final  
approvals from the New York State DOT and  
Ulster County.

Is the New York State DOT final  
approval accomplished?

MR. BLASS: There is a conceptual  
approval reflected in one or two e-mails.

MR. ADAMSHICK: But not an outright  
signoff by a representative from New York State  
DOT that says final approval?

MR. BLASS: The final approval, I'm  
told, would take the form of an access permit to  
the site based on a particular design. That  
access permit has not yet been issued, however  
conceptual approval of the 9W traffic management  
plan is found within various e-mails of the NYS  
DOT.

MR. ADAMSHICK: As far as final  
approval with DOT, you don't have it yet?

CHAIRMAN BRAND: No. Your three  
minutes are up.

MR. ADAMSHICK: One more. You've got

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to let me have one more.

CHAIRMAN BRAND: One more.

MR. ADAMSHICK: Thank you. On December 12th at the Town Board meeting, Supervisor Mr. Lanzetta had a DOT -- had a meeting with DOT representative Lee Zimmer to discuss issues with the Chestnut Petroleum project. I would like to have that on the record that -- can you tell us what that meeting was about and what issues were discussed?

SUPERVISOR LANZETTA: First of all, I think there were two meetings that we had with the DOT. One was at Poughkeepsie, and that was for permitting and to go over what Chestnut Petroleum actually had in mind for that section there for egress and ingress. So that's what the discussion was about.

MR. ADAMSHICK: Were those issues resolved in any which way or manner? Any resolution?

SUPERVISOR LANZETTA: No. It was like a gateway meeting so this way the applicant and DOT -- we just brought them together so they

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could discuss the project and how to move forward.

MR. ADAMSHICK: Okay. Just for the record, there are finalizations to various aspects in relation to Ulster County Planning Board, Health Department and New York DOT that have not been finalized; correct? Okay. Thank you. Thanks for giving me the leeway.

CHAIRMAN BRAND: You're very welcome. Anyone else for or against?

(No response.)

CHAIRMAN BRAND: Last call or Mr. Garofalo gets bonus time. Yes.

MR. REYNOLDS: Mark Reynolds, Southern Ulster Times. I had a question about the sign. Maybe you've covered this already. Is it my understanding that the code now says a 4 by 8 sign is allowed, only one of them every 500 feet of frontage? Is that correct?

CHAIRMAN BRAND: I don't have that. I don't know that.

MR. BLASS: 250 feet.

MR. REYNOLDS: 250 feet. The question I have is is this applicant only being allowed

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one sign? Is he seeking a variance for other signs?

MR. BLASS: The applicant requested the adjournment of these proceedings tonight in order to create a window to go to the Zoning Board of Appeals earlier in February -- later in this month to obtain whatever variances are necessary for the sign plan.

MR. REYNOLDS: A second sign?

MR. BLASS: Well, it does have a proposed freestanding sign initially on a pole which I think has been modified in -- a new sign proposal to a monument sign. So the signage is a work in progress. The applicant is trying to respond to the existing sign law and the Ulster County Planning Board's comments with respect to signage, of which there are many. Even though it was modifying it's sign proposal, it believes, and it has been told by ruling of the code enforcement officer, that it will need some degree of sign variances for its package. Its package includes now a monument sign and I believe approximately four -- exactly three wall signs on the facade of the convenience store

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structure. It will also have an accessory menu board and it will also have the standard type of illuminated directory signs that you see in sites of this nature for traffic control. So there is a modified sign package, it is dated February 1, 2017. It's on file in the Planning Board file. It will be the subject, at the applicant's request, of variances from the ZBA.

MR. REYNOLDS: So they'll be going to them; is that correct?

MR. BLASS: Yes. The very purpose of the adjournment of this hearing tonight is at the request of the applicant, not at the direction of the Board, so that they may go to the Zoning Board of Appeals later this month to pursue sign variances.

MR. REYNOLDS: Okay. Mr. Chairman, I have one other question.

My understanding is there are two other projects right now in front of you, Rivera and Twin Ponds. Do they have to go to the Zoning Board of Appeals for any variance of signs?

CHAIRMAN BRAND: I don't believe the Rivera project had to go to the ZBA. They did



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also require -- because it's on 9W, they also require New York State DOT and Ulster County Planning Board approval.

MR. REYNOLDS: So they do have to get a variance? I misunderstood.

MR. BLASS: No, he didn't say that. I don't think we're prepared to say yes or no on that. Whether variances are needed will be a function of the review of the proposed signage by the code enforcement officer, in the first instance, for compliance with the sign law.

MR. REYNOLDS: Of this applicant or of the others?

MR. BLASS: This applicant I thought we already handled. With respect to the other two that you mentioned; if they have a sign package, that would be reviewed in the ordinary course of business by code enforcement.

MR. REYNOLDS: So that's to be determined?

MR. BLASS: To be determined.

MR. REYNOLDS: Okay. Thank you.

CHAIRMAN BRAND: Yes. Just state your name.

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MS. NICOLA: Sheri Nicola, citizen who lived here for all of her life, moved away and came back two years ago and is truly astonished at the amount of taxes we pay here for the very few services that we get.

My question is the March hearing, what exactly is going to take place in this hearing and are we going to be prepared to make a decision at that point?

CHAIRMAN BRAND: I think that's going to be dependent on what the applicant brings before us. I think probably the attorney could speak better to that. If everything is -- I do understand the frustration on both sides of this. I did hear the grumblings in Town and I've seen the Facebook post that brought many of you out today.

I think we do need to make it clear that in no way has this Board held up this project whatsoever. I feel like that's kind of the perception that's out there. These things take time, unfortunately, and they're not our rules, they're rules from the State and the County. I do apologize to both sides of the coin

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how long this is taking. It's really out of our hands.

To answer your question, I don't know. It will be depending on what's there on March 6th.

MS. NICOLA: I understand that. I think we all understand that and we all want to play by the rules. I mean we're not crazy people that are advocating for anything too outlandish at this point. There have been Las Vegas casinos that have been built that I think have happened quicker than this approval process here. We're talking about the style of the light fixture and the size of the D on the Dunkin Donuts sign and all of these issues which --

UNIDENTIFIED SPEAKER: Which I guarantee it will look better than it currently looks.

MS. NICOLA: I'm just wondering at what point life prevails in this argument. The fact is that there are many dilapidated, rundown buildings lining 9W at this point, including the site in question here. We have the opportunity to bring in a new business that could expand our

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tax base and alleviate some of the hardship that a lot of the residents of this Town are feeling. It seems like we're being more opposing to this opportunity than we are welcoming to it.

MS. LANZETTA: When you say we, can you identify who the we is?

MS. NICOLA: I honestly don't really know who the we is. I just -- I don't even exactly know how long this proposition has been on the table. I think I've been hearing about it before I moved here, which is over two years.

CHAIRMAN BRAND: I think it was long in the rumor stage before anything actually came before any board.

MS. NICOLA: Maybe. Maybe. Maybe it's a lot of hype. I don't really know, and I fully admit that. I'm just wondering at what point are we going to look at this logically versus looking at some of these nuances that hopefully if we all corroborated and came together on we could overcome easily.

Would we be prepared to make a decision in March if the applicant complies with the outstanding issues?

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CHAIRMAN BRAND: I think if everything is completed by then, the New York State DOT approval is completed by then, if the sign variance is completed by then, the other outstanding issues that need to be completed by then, certainly the Board can act. We can't act before there's a final completed application before us.

SUPERVISOR LANZETTA: Can I say something?

MS. NICOLA: Absolutely. Yes.

SUPERVISOR LANZETTA: I'm the Supervisor of the Town of Marlborough. I appreciate where you're coming from. You have to understand, you have to do your research.

MS. NICOLA: Sure.

SUPERVISOR LANZETTA: We waited almost a year for DOT and the applicant to get together with the ingress and egress. To us it would seem like why is this taking so long. It's on 9W and it's the DOT, and that's a process. There's a lot of process that the Planning Board and the Town Board have gone through. We want to see this project go forward. We understand about our

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tax base. Believe me, we understand. And so we're a little frustrated, you're frustrated. I think they're doing a great job. I think the Town Board is doing a great job. You just have to educate yourself sometimes on what the process is and how it's going forward.

UNIDENTIFIED SPEAKER: That's a little insulting.

CHAIRMAN BRAND: This is out of control. Sir.

SUPERVISOR LANZETTA: That's why I have to say, Mr. Troncillito, the whole thing is --

MR. TRONCILLITO: I thought years ago you guys had a committee here you wanted business to come in to Marlborough.

SUPERVISOR LANZETTA: We want to do it right, sir. That's why we want to start changing the 9W corridor with the signs. That makes beautification that people want to come into Marlborough. So we're starting.

MR. TRONCILLITO: It takes forever to do it.

SUPERVISOR LANZETTA: You've been in front of the Planning Board, Mr. Troncillito.

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You know how it is. It's a process. Everybody goes through the same process.

MR. TRONCILLITO: It's depressing how long it takes to get something approved. You know, I don't know what to tell you.

SUPERVISOR LANZETTA: That's all I have to say. I'm just trying to say that the Town Board, this Board, you know, we know the frustration. We know the frustration of the applicant and the people who are opposed to this project. That's the process.

UNIDENTIFIED SPEAKER: Competition is healthy.

UNIDENTIFIED SPEAKER: Business is good.

CHAIRMAN BRAND: Just stand up and state your name.

MS. COPART: My name is Linda Copart. My question is you mentioned a two-page letter from Ulster County and you said that the applicant is not prepared to address all of those issues. That's a little scary from our viewpoint because we'd love to see this business here. If he's not willing to, you know, comply with all

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those issues -- and from what I understand, Ulster County had a list a mile long and that he's been coming back and coming back. I can understand from his viewpoint also, but --

MR. BLASS: The current list of the Ulster County Planning Board consists of three pages. By the way, this is illustrative of the fact that it's not just the Planning Board and the applicant who are parties to this dance. It's also the Ulster County Planning Board, it's New York State Department of Transportation, it's the Ulster County Department of Health. So there are numerous agencies involved. It's difficult to point a finger at any one of them as a culprit. But these Ulster County Planning Board comments are recommendations for project modifications.

What I said is that the applicant wasn't prepared to come this evening to state it's position with respect to each and every one of those required modifications or recommendations. I fully expect that the applicant will be prepared to address each and every one of those at the March meeting.



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MS. COPART: Okay. Thank you.

CHAIRMAN BRAND: Ms. Copart, we will get those posted on the website as well.

Just as a reminder, they're just -- they're simply recommendations. If this Board sees fit, we can override them by supermajority of five to two. There has to be good reason as to why we're doing that.

MS. COPART: Thank you.

CHAIRMAN BRAND: Anyone else for or against? Just please state your name for the stenographer.

MR. NICOLA: My name is Anthony Nicola. I didn't grow up in Marlborough but I married into a great family here. There's a lot of concerns. I have two young children, a third one on the way. I want to make sure that the future of this Town has a clear vision. I think there's been a lack of transparency with whoever side you're on. You're right, we've all heard the rumblings and grumblings. I know there's a lot of people opposed. We need to move forward. Change is good. Change is inevitable, okay. I can't keep looking in the past. When I moved

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over here it was the same people involved in the Town. Maybe that's partially my fault that I didn't get involved. I'm making that the priority now. Between December's meeting I heard the applicant, along with one of my friends, and they answered every single concern that the gentlemen here that are opposed, that you can clearly tell, talked about.

I guess I have a concern where the civil engineer answered it in regards to who is worried about the storm drainage and everything like that for the applicant. Meanwhile, is that stipulation being adhered to for every current business or is it being just on the new applicant because he's new? That's a concern I have. It seems like it's unfair. Okay. So that's a question that I would have. You've got to level the playing field. If it's just for new applicants or the current applicants or the people currently in business in Town.

I understand people have concerns that, you know, they get a ten-year tax break at fifty-percent taxes. Well to me, fifty percent is better than nothing. So that's a concern of

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mine.

I think it's a shame that our Marlborough Fire Department, if there's an emergency you have to go to Highland to get coffee and doughnuts from that Dunkin Donuts. I think that's an issue.

I'd also like to commend our highway department. They can't leave to go to Highland to get coffee when they're taking care of our roads in the middle of the night. I would really appreciate, because I know they do a good job, that they can be able to get a cup coffee right on 9W.

As you go forward with this process, please keep everybody in mind, not just the people who are here always against it, because -- I mean it's tough with three -- two young kids, I can't always get here. I had to get a babysitter tonight so my wife and I would be able to attend. Even though we may not be here in person, if you can keep that in the back of your mind. I'm not going to spam your e-mail box all day long. If you can keep that in the back of your mind. I know I and a lot of friends would greatly

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appreciate it.

CHAIRMAN BRAND: Thank you.

Just to clarify, this Board doesn't approve or disapprove any type of tax breaks for any project. We simply look at the project and see if it meets the criteria, and the regulations, and the safety and --

MR. NICOLA: I understand. That was brought up at the last meeting, that there will be a fifty-percent tax break for them for ten years.

SUPERVISOR LANZETTA: Excuse me. There's no tax pilot on this project.

MR. NICOLA: That was brought up at the last meeting.

SUPERVISOR LANZETTA: I just want to make that clear.

MR. NICOLA: That's fine. So even if it's a hundred percent taxes, it's even better. I mean I know someone brought up the fifty percent. I mean I'm sure it's in the minutes.

UNIDENTIFIED SPEAKER: They're entitled to it.

MR. NICOLA: You know, if there was a

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pilot, that's what was spoken about at the last meeting. If that's not the case and the Supervisor says that, it's even better for all of us taxpayers.

MS. LANZETTA: Speaking of minutes, I do want to call everybody's attention to the fact that the townofmarlborough.org has all of the Planning Board minutes and the agendas and supporting documentation that is associated with these projects. If you do want to go back and look through the records and see what was discussed, it's in the public domain.

CHAIRMAN BRAND: Anyone else for or against?

Lee.

MR. MAZZOLA: I'm in the middle on this one. Being a local business guy, my big mouth has got me in trouble because I approve of this and not of that.

The one thing I do have to say is I look at surrounding towns and I know for a fact in Modena, that property was only sold a year ago, they needed a turning lane, and they needed proper drainage, and they needed this, and in one

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year that project is complete. I don't understand why this has been bouncing around for three or four years down here when other towns can -- like I said, I know for a fact it was Babba Louie's a year ago and now there's a Dunkin Donuts there.

SUPERVISOR LANZETTA: There's one Dunkin Donuts. We're talking about a gas station, a convenience store and a Dunkin Donuts. Totally different project. I'm just saying.

MR. MAZZOLA: The same thing on the four corners of 300. It was a florist shop and a year later it's a Dunkin Donuts.

MR. SCATTURO: What Lee is getting at is there was a turning lane involved and within a year this was all done. We're trying to do the same thing. We're holding people up.

SUPERVISOR LANZETTA: I'm not nieve. I know what he said.

MR. SCATTURO: It's the same thing. Like I was saying, Lee had a perfect point there about the Dunkin Donuts. They had a turn lane. The State gave them approvals. Within a year the place is up and running. We're hearing

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everybody's concerns. I'm for building. I want the place to go and increase our tax revenue because we have to pay our taxes.

Where I'm getting at is the public meeting is open. Are we going to close this tonight and put an end to it so you guys can sit there as a Board the next month or two months or three months and make a decision or are we going to keep dragging this public meeting around?

CHAIRMAN BRAND: Again, a lot of that is up to the applicant and what they completed and the timeliness in which they completed it. When they submit things to the DOT, there's a timeframe that's there that has -- they have to complete those things in a certain timeframe. It's not --

MR. SCATTURO: That's fine. My question is -- that's fine. He's got to get his process, that's fine. Are we going to close this public meeting down? I don't know how much more you want to beat this thing to death here. You guys can just make a decision when the approval is coming. That's all I'm asking.

CHAIRMAN BRAND: Again, once all the

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things have been completed and we have a complete application, then obviously this Board will be ready to make a decision.

MR. SCATTURO: You still didn't understand what I'm saying.

CHAIRMAN BRAND: I guess not.

MR. BLASS: It may help to state that the adjournment of the public hearing from tonight to March 5th is at the request of the applicant, not at the direction of the Planning Board. Does that help?

MR. SCATTURO: So what the hell are we doing here beating a dead horse?

MR. BLASS: Well we're listening to public comments.

MR. NICOLA: I think everybody's question is why are you opening it? If you're adjourning it tonight to March 5th, it's going to reopen is what I thought I heard.

MR. BLASS: There's a reason for that. If we didn't open the public hearing tonight and adjourn it to a date certain in the future, then the applicant would have had to go to the burden of re-mailing notices to all of the neighbors at



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significant expense. We're trying to save that expense.

MR. NICOLA: I understand. Thank you.

CHAIRMAN BRAND: Yes.

MS. COPART: Linda Copart again. I just want to say that I feel really sorry for this guy who wants to open up a little Dunkin Donuts in our Town. I want to say that I know many people from out of the area and they come and visit me and they are very accomplished professional people, they come from beautiful areas. I mean I love the Hudson Valley. I love our Town. I grew up here. I love the farmers. I participate in everything I can. My kids, my grand kids, I love it. I'm embarrassed when my friends come from outside and I can't -- I tell them it's been how long we can't get a Dunkin Donuts. Dong, dong, dong. It's like come on, people. Help us. Help us as taxpayers.

When I bought my property I bought a .22 of an acre that's zoned commercial in the Town of Marlborough. I was told my acreage to put up a little house was going to be less than if I had, you know, the regular residential. I'm

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paying over -- almost \$9,000 and I have no land, literally. If you went and looked, I've got the VFW, I've got a gas station. I'm looking out at a tractor trailer every morning. That's my yard. The other side is a drop down into a cliff. I mean, yeah, I get to see the water. Thank God I look that way, okay. But \$9,000? Come on. We need businesses. Where else is a better place to have it but on the 9W corridor. We're not asking to put it up and make some trashy thing. We're looking to have some good businesses. It's a franchise. You know what, the more publicity this gets, the more times it's in the newspaper, the more stumbling blocks get put in because local businesses don't get competition. It's the same old, same old, same old. It's a monopoly. So what happens is other people see that from the outside, they don't buy our land. We have real estate that can't be sold. There's no progress that gets done. We have beautiful farms and people are not touching them. The beautiful foliage, the countryside, it's gorgeous. Look at Weeds. This is the 9W corridor. We really, really have to address this. Before when my

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ex-husband was the town supervisor we were addressing this how many years ago. You've got to move forward. I'm not a -- oh, well.

CHAIRMAN BRAND: Anyone that hasn't had a chance to speak yet? Yes. Please state your name for the stenographer.

MR. CESSA: Luke Cessa, L-U-K-E. It's embarrassing. We spent the first fifteen minutes of this discussion tonight talking about the sign variances. We're talking about Marlborough, New York, 9W. We're not talking Beverly Hills Rodeo Drive Here. This is ridiculous. You drive up and down 9W, you can look at New Hope, you can look at Highland. They're building businesses. We're saying we're going to beautify 9W in Marlborough because of the signs. The size of the D on the sign. It's ridiculous. What we're going to end up with is a beautiful ghost town.

CHAIRMAN BRAND: Thank you. Any other person who has not been recognized?

(No response.)

CHAIRMAN BRAND: Mr. Garofalo, I'll give you an extra three.

MR. GAROFALO: Thank you very much.

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The first thing I'd like to say is that the Town Board is looking at a new sign law. They have been for quite awhile. There's a draft copy on the website that you can look at. This is something that has been discussed for, I don't know, maybe even a decade. It's come back and it's probably closer to being passed.

Part of the problem with the application has been that the applicant has come in with a project that does not meet the standards of the Town. It does not meet the laws. What you either have to do is go in for a variance, which takes time, which they have gotten some variances for but which they may need more variances based on what they're proposing, or you change the law like is currently being done with the sign law. So part of this -- part of the delays have been the applicant's application itself has delayed them.

I've been doing this type of work for twenty-five years in the Hudson Valley. This is no different from most of the other towns. Some of them are a whole lot worse than this Town and they are a whole lot more restrictive in what you

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can and can't do and how long the process takes. This is not that bad for a facility of this size in this type of town. This Board can only work with the laws that are on the books. They can't change them. Only the Zoning Board can give variances. Only the Town Board can actually change the laws. They have to work within the laws and the applicant has to deal with all of these different laws, boards and government agencies to get everything just the way it's supposed to be. Thank you.

CHAIRMAN BRAND: Thank you, Mr.

Garofalo.

Anyone else?

(No response.)

CHAIRMAN BRAND: Going once?

(No response.)

CHAIRMAN BRAND: No. All right then.

I'd like to make a motion to adjourn the public meeting until the March 6th meeting of the Planning Board. Do I have that motion?

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: Do I have a second?

MR. CAUCHI: I'll second that motion.

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CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor,  
say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: That's carried. Thank  
you.

(Time noted: 8:10 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 21st day of February 2017.

*Michelle Conero*

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MICHELLE CONERO