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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

SKETCH - SITE PLAN

Date: February 21, 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
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: MR. LUVERA

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

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

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, February 21, 2017. Regular meeting 7:30 p.m. Approval of stenographic minutes -- none this week. Luvera Properties, sketch, site plan; Brian Bottini, sketch, lot line revision; Chestnut Petroleum, SEQRA discussion/site plan, possible amended neg dec; Robert Pollack, discussion on Milton project without attorney, engineer and stenographer. Next deadline: Friday, February 24th. Next scheduled meeting: Monday, March 6th.

CHAIRMAN BRAND: First up, Luvera Properties.

Pat, do you want to go through your comments quickly?

MR. HINES: Sure. The project has been before the Board, I think this is the third time.

The significant change at this point was that the applicant's representative, the applicant, myself and some other representatives

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of the Town met with DOT at the site with two of their representatives and in the field located the proposed driveway accesses. The plans before you show the three locations that were approved in the field by DOT for access to the site.

There currently is five access points to the property. Under the proposal now there will be three points of access. They're kind of separated to serve each of the uses, the car repair, the ice cream stand/restaurant and the new retail component to the south. There's not really a cut through because of the locations of the signs. They kind of serve each of their entities separately. DOT was okay with that.

We're suggesting that some additional detail be provided, engineering details for the ramps, the pavement replacement, the sidewalks. Just construction details. DOT will require them for their final approval.

My second comment is looking for the County Planning comments. We do note that those have been received on February 13th, which we can take a look at.

We will need final approval for the

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driveway locations, which would be a condition of this Board's approval. DOT won't do that until the Board issues it's conditional final approval, and the applicants will have to post the required bonding, insurance, et cetera.

There is a new proposed sign on the northerly most entrance drive -- the south end of the northerly most entrance driveway. A detail of that sign should be provided.

The plans were updated to show the two subsurface sanitary sewer disposal systems that serve the site. There's a small one servicing the garage service area and then a larger one on the rear upper right section that serves the three uses in the existing structure on the south side of the site. There's a pump station and multiple tanks there.

There's a new proposed dumpster enclosure that will service the southern portion of the site, and we're requesting details of that on the plans.

The County Planning comments, the first one had to do with coordinating with DOT, which has been done.

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The second comment had to do with landscaping. There's really no proposal right now to increase landscaping on the site. That will be up to the Board to discuss whether there's a need for additional landscaping.

The project frontage is going to have the sidewalk constructed on it one hundred percent in the DOT right-of-way as was requested by the DOT. There is a small island proposed. We don't have the details of that but that's going to be more of a grassed island. It's not going to be big enough for plantings based on the location of the sidewalk and the property lines.

Site lighting. They provided some details of some wall pack type lighting, LED lighting, that's proposed on the existing structure and on the proposed structure. So if the Board -- County Planning is requesting the isolines be added to the plans. If the Board wishes to see that, those will have to be added as well.

That's the extent of our comments right now.

CHAIRMAN BRAND: Did you have any

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LUVERA PROPERTIES

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comments on this, Ron?

MR. BLASS: No. Thanks.

CHAIRMAN BRAND: Did you receive a copy of the Ulster County Planning Board's recommendations?

MR. LUVERA: No.

CHAIRMAN BRAND: We will forward that to you so you can take a look at the recommendations.

Just as a reminder, we need a supermajority to override their suggestions. They are talking about the landscaping plan. Were you thinking about including a landscaping design in your plans?

MR. LUVERA: Not at the moment, no.

CHAIRMAN BRAND: Not at the moment.

And then signage details are lacking. Will there be additional signage other than what's there?

MR. LUVERA: I just wanted to put one out by the road in front of my place.

CHAIRMAN BRAND: I think we probably need some kind of design for that to see what that is to make sure it falls underneath our new

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guidelines.

And then the lighting details. Could you be more specific about the lighting details that he would have to have for that?

MR. HINES: He's provided on the plan sheet the make and model of two of the proposed -- there's a lighting package A and a lighting package B. They've given you the catalog cut sheets for the manufacturer of each of the lights. County Planning has an extensive comment regarding calculating the lighting levels on the plans. They want to see the foot candle footprints on the plans. That's normally for larger pole-mounted type lighting fixtures. These are wall mounted, just on the buildings themselves, for security lighting.

They also discussed the metal halide or LEDs. They are LED lights that are proposed on the cut sheets that were provided. So they have provided some additional detail in response to the County. The existing lights are unshielded fixtures. The ones they're proposing now are shielded directional fixtures. So they have addressed somewhat of the County's comments.

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They haven't presented the isolines for the foot candles to kind of show you where the light spreads based on those. They are shielded fixtures, LED type lighting.

CHAIRMAN BRAND: Comments from the Board?

MS. LANZETTA: Where do they show the shield of the fixtures?

MR. HINES: In the corner here. The details up there.

MS. LANZETTA: They don't look very shielded.

MR. HINES: They're side mounted.

MS. LANZETTA: Pardon me?

MR. HINES: The way they are directional, the sides are covered. You'll see that the -- they have the equivalent bulbs that -- the LED traditional style, how it replaces a 100 watt light bulb. Then down the lower one, number B replaces a 250 metal halide lighting. They're utilizing much less energy using those LEDs. The LEDs themselves are very directional just by design. They don't have that light shed that the metal halide or the normal sodium bulbs

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would have. But if the Board wants, then you can have the applicant put the isolines. It's just probably another page out of the catalog cut sheet to put on the plan sheets.

I think this requires a public hearing, which we haven't had yet anyway. It may be appropriate to schedule that now.

MS. LANZETTA: I just want to point out that in the County guidelines they say that any light sources where the lumens are greater than 1,500, that they should have a cutoff angle of 90 degrees, and that wall packs are required to be opaque shielded or have optics that provide a cut-off angle of 70 degrees.

MR. HINES: I don't think we have that -- the data there on those. At least not that I can read.

They can provide that additional detail if the Board so desires.

MS. LANZETTA: Does that look to you like 70 degrees?

MR. HINES: I don't know from there. They'd have to get that extra detail there.

CHAIRMAN BRAND: Any other comments?

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MR. LUVERA: They don't blind you going down the road. I mean they're not lighting everything up.

MS. LANZETTA: It's hard for me to tell from that. I'm just saying the County requires that they be 70 percent shielded. I can't tell by looking at that.

MR. HINES: You don't have the information there.

MR. TRUNCALI: Are they already installed?

MR. LUVERA: Yup.

MS. LANZETTA: You can always buy additional shields.

MR. HINES: These new lights -- the proposed lights have been added already?

MR. LUVERA: On my building, yeah.

MS. LANZETTA: If you could just check with your engineer to see if they meet the specifications.

CHAIRMAN BRAND: Maybe the topographic -- what was the correct term for that, that showed --

MR. HINES: The foot candles. The

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isolines.

CHAIRMAN BRAND: If you can show it's not going to be a problem for oncoming traffic, that might be better as well.

Any other comments from the Board?

MR. HINES: The landscaping. If the Board thinks the landscaping is appropriate on the site now or if there could be some improvements. It's kind of a redevelopment. The paving is where it is right now. The sidewalk is a great addition that the applicant has committed to.

MR. LUVERA: Do I have to put sidewalks in right away? I mean I'll get the curbing done but I kind of want to wait on the sidewalks.

MR. HINES: That's something you have to check with the Board on. The issue there is what are those islands going to look like when they're not sidewalks?

MR. LUVERA: I mean there's no sidewalks up and down 9W in that area right now.

MR. HINES: I know, but now you're creating islands there. What's going to be inside the islands?

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MR. LUVERA: I don't know. I'll put grass.

MR. HINES: That's something you have to work with the Board on. And then what triggers the sidewalks? At what point does the sidewalk get installed versus the grass?

CHAIRMAN BRAND: We've been relatively consistent with the applicants coming in to try and get as much sidewalk -- new sidewalks installed as we can to make it pedestrian safe. Personally I'd rather see that sooner rather than later.

MR. LUVERA: It's a lot of money to put sidewalks in all the way up and down 9W on the whole frontage right there. If you guys want to help me out I'll do it, you know what I'm saying.

CHAIRMAN BRAND: Absolutely. I understand.

MR. LUVERA: I mean, you know, I'm trying to make the Town look a little better and fix that place up and it seems like I'm going and going and going.

CHAIRMAN BRAND: We did actually make an allotment with them to be dedicated at a later

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time for our previous applicant. Maybe that's something we can discuss.

MR. LUVERA: That would be nice. I'd appreciate that.

MR. HINES: Here they're actually doing construction work in the DOT right-of-way as opposed to the last one where they provided an easement on their property. So DOT may -- even if the Board wanted to allow the grass at this time, DOT may say no because there's a maintenance issue there. It may be something that your engineer wants to discuss further with them. The issue is there needs to be some trigger, when do they become -- if the Board wants to defer it. I don't know what that trigger is. Sidewalks on either end or -- you can't just be hanging out there in perpetuity. The other issue is whether DOT will allow the construction of just curbs and I guess a grass island or something.

CHAIRMAN BRAND: You were there with the discussions with DOT?

MR. HINES: Yeah.

CHAIRMAN BRAND: That discussion

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entailed them installing sidewalks?

MR. HINES: It was sidewalks, yeah.

MR. LUVERA: Well he said that we didn't have to do them right away, though.

MR. HINES: As long as the Planning Board deferred it. I just don't know what the trigger is. It may be that when you talk to your contractor, they're going to be mobilized out there already. You're going to be landscaping or putting in the concrete sidewalks. There's that re-mobilization cost that you're going to have in the future, whether you want to do it now or later.

MS. LANZETTA: The curbing has to be done anyway; right?

MR. HINES: The curbing has to be done to define the access drive.

MS. LANZETTA: So I mean you'll pay for the curbing and everything else and then you'll have to go back and break that down in order to do the sidewalks. So it's kind of like you're going to pay for that, too. It might be better just to do it right up front and get it done correctly.

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MR. CAUCHI: The expense can be enormous. Can we just give him a window of time that he can do this with?

MR. HINES: You can as long as DOT is okay with it.

MR. CAUCHI: So it won't be so much burden on him at one time. We can give him a window and say hey look, you've got to do these sidewalks within this window.

MR. HINES: Two years, three years. That would be a note on the plan which would become enforceable. I'll defer to Ron on that. I wouldn't want to leave it open ended.

MS. LANZETTA: How is it enforceable?

MR. HINES: It would be through the building inspector.

MS. LANZETTA: I don't think -- is he -- does he have the authority to go --

MR. HINES: If it's on the site plan, yeah.

CHAIRMAN BRAND: After I sign them.

MR. HINES: Again, we're having this conversation and DOT may say the curbs and sidewalks. I don't know.

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MR. BLASS: Is there room on the site to put the sidewalks?

MR. HINES: DOT wants them in the right-of-way. They're shown in the right-of-way.

MR. BLASS: I've seen that before.

MR. CAUCHI: The site looks like it's allocated already.

MR. BLASS: It's already being used.

MR. HINES: DOT clearly wants the sidewalks in their right-of-way, which is 180 degrees from where they were four or five years ago.

MR. BLASS: I would really be surprised if the DOT didn't require sidewalks to be built currently, present tense. But, you know, they might.

MR. CAUCHI: If he had a conversation and they said hey look, it doesn't have to be something that is -- that has to be simultaneously with the curbing, that gives him a window where he has to get it done by, give him a little bit --

MR. BLASS: If the DOT went along with it and the Planning Board went along with it, we

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could condition the approval, construction of the sidewalks within that defined period of time. In the event of a failure to do that the condition would be -- the approval would evaporate. That would be the enforcement device. Of course the impact of the approval evaporating is an interesting concept. Like what's going to happen, it's already there, it's already in business. Is the Town going to invest money to get an injunction to shutdown the business to enforce the condition? So maybe you want a bond. You could also bond the sidewalks. Get a bond for the value of the sidewalks and the Town would have a right to put them in and use the bond proceeds to do that.

CHAIRMAN BRAND: And then the applicant would be reimbursed for the bond? How would that work?

MR. BLASS: Well, you know, depending on the ability of the applicant to swing this, he'd go to the bank and get a letter of credit equal to the amount of the sidewalks. A letter of credit would be delivered to the Town and when the due date for sidewalks arose, and if the

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sidewalks were not done, then the Town could walk to the bank with the letter of credit, take the money and use the money to build the sidewalks.

Now, letters of credit are nice in theory but you have to put up collateral and you have to pay a fee of -- the collateral may be equivalent to the face of the amount of credit. There's also a fee, probably one percent at least, of the face amount. The other way to do it is a surety bond. It's a less ask expensive way to do it. A surety bond is issued by an insurance company. Insurance companies are harder to control than walking into the bank with a letter saying give me the money. But a surety bond might be more of an economical way to go here.

MR. HINES: The applicant at that point would be paying three to six percent of the cost per year based on their creditworthiness.

MR. CAUCHI: The objective here is not to burden the applicant because he just bought this property. He has so many expenses. He's trying to bring it up to code. We don't want to put him under water right now. We want to show

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some compassion a little bit. If we could give him a window and put -- I don't know about the full value but put a partial value. Again, we're trying to get him on his feet and make him -- you know, let his investment work here, not to suffocate him. If we could, you know, get either option, either, you know, partial payment or some kind of security that you're going to do this within the window that we tell you you have to do it, and then this way it gives us security that you're going to move with this, and then we can move forward with this.

CHAIRMAN BRAND: Typically if that were the case what would a window of something like that look like?

MR. BLASS: It could be as long as you want it to be or as short as you want it to be. It could in theory be as long as the installation of a sidewalk by a property to the north or south. That would be the furthest out I could imagine. It could be a shorter period of time such as three years, five years. Whatever you pick.

CHAIRMAN BRAND: This may just be a

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hypothetical because DOT may say we're not approving without the sidewalks.

MR. BLASS: This could be a hypothetical conversation. DOT is fairly rigid in my experience. So we need to find that out.

MR. LOFARO: Why don't we just confirm with them. It seems like we're in agreement we want to help him. Let's find out what they have to say and then we'll do what we can do to make it work.

MR. BLASS: I think that a surety bond -- I think if DOT signs off and you pick a period of time by which performance is to be required, completion of the sidewalks, I think a surety bond will be within the range of affordability to provide you with security. What I'm trying to protect against is the Town has an unsecured obligation for sidewalks to be constructed by the sector and it's not done for whatever reason, now what's the Town going to do? The Town is going to have to start spending money having no collateral or security.

MR. CAUCHI: I understand. Also, we should think about, you know, the full

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assessment. I think a partial one should be --
again, we need to see what we're talking about
here. Are we talking about 10,000, 20,000?

MR. LUVERA: It's going to be a lot.
Concrete is expensive. You've got to form it up,
sidewalks.

MR. CAUCHI: Do you have an idea of
what --

MR. LUVERA: I didn't do it yet. I
didn't get an estimate.

MR. CAUCHI: The next time you come in,
once you have the figures, we can have a really
clear picture of what you've got going on over
there.

MR. LUVERA: All right.

CHAIRMAN BRAND: I think, like Cindy
was referencing, if your guys are there pouring
cement for the curbing, it may not be that much
more of an additional expense. I realize it
might be a lot, but once everything is there
maybe it may not.

MR. LUVERA: Does the Town want to
donate any money to help me get it done?

CHAIRMAN BRAND: It's not really my

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decision.

MR. LUVERA: Maybe you could find out.

CHAIRMAN BRAND: What we can do in the meantime is schedule a public hearing for the next -- your attorney I think said you requested to not have it on the first, March 6th.

MS. FLYNN: There's not enough days in the week.

MR. HINES: It's a short month, 28 days.

CHAIRMAN BRAND: So March 20 -- they're asking to have it on March 20th. Is there anyone on the Board that has a problem with them having the public hearing on March 20th?

MR. CAUCHI: No.

MR. LOFARO: No.

CHAIRMAN BRAND: Okay. So we can go ahead and schedule that public hearing for March 20th.

I would definitely -- in the meantime we'll send you a copy of the Ulster County Planning Board review. Take a look at those comments and just keep in mind it will take a supermajority for us to override them. We can

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override them but it will take five of the seven
to override them. Okay?

MR. LUVERA: Mm'hm'.

CHAIRMAN BRAND: Did you have anything
else for us?

MR. LUVERA: I think that's it.

MR. HINES: Is the Board okay with the
existing landscaping? I think that's one of the
bigger hurdles in the County comments. I think
the lighting can be addressed fairly easily. The
DOT aspect has been addressed. It's the
landscaping one that I think he could use some
indication moving forward.

CHAIRMAN BRAND: I mean I don't really
have a problem with the landscaping.

MR. TRUNCALI: Out by the road there's
really no place to --

MR. HINES: Nothing is going to live
out there.

MR. LOFARO: It's not like it's an
eyesore as you drive by.

MR. LUVERA: We're trying to clean it
up there anyway.

MR. HINES: I just wanted him to have

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an indication you were okay with that. I didn't want him coming back and saying you want ten street trees.

MS. LANZETTA: The billboards have to be removed, too.

MR. LUVERA: Both?

MS. LANZETTA: Yes.

MR. BLASS: I think the Board might want to consider going to DOT between now and the 20th and getting an answer to the question about whether they will allow a deferring of the performance of the site. You probably want to know that as soon as possible.

CHAIRMAN BRAND: Absolutely.

MR. BLASS: Pat, will you do that?

MR. HINES: Yes. I can reach out to DOT, Dave Corrigan.

MR. LUVERA: Do you have that guy's number so I can give him a call?

MR. HINES: I can get it to you. I don't have it with me tonight.

MR. CORCORAN: Mr. Chairman, can I ask a question?

CHAIRMAN BRAND: Absolutely.

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MR. CORCORAN: Just so you know, I don't know where you are in the SEQRA process but the applicant -- I believe in the Ulster County comments there was comments about signs. The applicant currently has an application in front of the Zoning Board of Appeals. I don't know what that might or might not affect.

MR. HINES: What is that for?

MS. LANZETTA: This is Luvera?

MR. CORCORAN: That's correct.

CHAIRMAN BRAND: You're going before the ZBA right now?

MR. CORCORAN: I think in the Ulster County comments there was mention about conforming to the Town of Marlborough Sign Ordinance. Luvera does have 500 plus road frontage which affords him 64 square feet of signage. The property exceeds that there and what's additionally being added. The applicant has put an application in front of the Zoning Board of Appeals and will be in front of them for discussion on March 9th I believe.

MR. HINES: It's commercial, less than --

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CHAIRMAN BRAND: With his 500 feet of frontage what does that allow him?

MR. CORCORAN: 64 square feet. 32 square feet for every 250 feet of road frontage.

MR. CAUCHI: 34 or 32?

MR. CORCORAN: 32. 32. That makes it 64. The excess of what's on the property and the additional sign, the applicant is ahead of the game. He's made provisions to apply to the Zoning Board of Appeals. The applicant is there with the signage, so that might affect it somehow.

MS. LANZETTA: I'm confused because there's an existing sign located here.

MR. CORCORAN: Three existing signs.

MS. LANZETTA: The two are not in compliance. They need to come down.

MR. CORCORAN: It's on the site plan application for approval. One is coming down. One is on there. It doesn't say to be removed, does it?

MS. LANZETTA: Both of them are on here. That's what I'm saying. None show any removal.

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MR. CORCORAN: That's correct. The property right now is in excess of the sign law which we've decided we're not going to proceed with. With the additional sign being added, he would be in violation so it had to move forward to the Zoning Board of Appeals based on Ulster County's comments.

MS. LANZETTA: Where is the additional sign being added?

MR. HINES: Just south of the northerly most entrance.

MS. LANZETTA: A pole sign. Okay. So my point was that if they keep the existing sign and they add that other sign, then the two billboards should come down.

MR. HINES: Is that what you're at the ZBA for, to keep the billboards?

MR. LUVERA: No. To get my sign in front of the garage and to keep one of the billboards.

MR. HINES: Keep one of the billboards?

MR. LUVERA: Yes.

MS. LANZETTA: That's too many signs. You're only allowed two signs.

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MR. HINES: If the ZBA grants that relief, then it's --

MR. CORCORAN: That's correct.

MS. LANZETTA: But then -- okay. Those billboards are not in compliance now. He's not going to the ZBA to get those in compliance, is he?

MR. HINES: I think he is. What I'm hearing is that he's in for the additional -- whatever signage is on the site, the additional pole sign and to maintain the grandfathering of one of the two billboards.

CHAIRMAN BRAND: Your plan is to keep one of the two billboards?

MR. LUVERA: Right. There's one that's falling down, I'm going to take that down, and the other one I'm going to keep up.

CHAIRMAN BRAND: Which one?

MR. LUVERA: The bigger one.

CHAIRMAN BRAND: The bigger one is staying?

MR. LUVERA: Yes.

CHAIRMAN BRAND: My Ulster County Planning Board thing says signage details are

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lacking from the materials. That will need to be approved. All signs will need to conform to the standards of the Town Code.

MR. CORCORAN: He submitted a sign detail to the Zoning Board of Appeals on every sign that's on the property. What he's doing, he's cleaning the property up and going to the Zoning Board of Appeals to get a variance, area variance for anything in excess of 64 square feet.

MR. HINES: Everything existing.

CHAIRMAN BRAND: So essentially if the Zoning Board of Appeals doesn't rule in your favor for what you have proposed, you would have to redo the plans to adhere to the sign code. Would that require a re-submittal? Their comment was as long as it conforms to the standards?

MR. BLASS: A modification of the site plan. The modification would be working in the direction of fewer signs rather than more signs. So I'm not -- I don't think you would necessarily have to schedule another public hearing if you were to have an initial public hearing --

CHAIRMAN BRAND: He'll know by then.

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MR. BLASS: -- on March 20th and close the public hearing.

CHAIRMAN BRAND: I meant for the County. We wouldn't have to resubmit this to the County?

MR. BLASS: The County doesn't invite resubmissions, actually. I wouldn't worry about that. You either -- you take their recommendations and you accept them or you override them. They're not looking for repeat business.

CHAIRMAN BRAND: Can I ask also as far as the signage numbers that Tommy just gave, that's the current sign law or that's with consideration of the proposed new --

MR. BLASS: Current.

CHAIRMAN BRAND: Current.

MR. HINES: Also, the Zoning Board submission will go to the County as well. They'll be looking at that application.

MR. BLASS: That's true. That's true.

So Tom raised the issue of SEQRA when he began his comments. I don't think we've coordinated for a lead agency on this project yet

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because this is the first discussion with respect to the function of the ZBA and the involvement of the ZBA. So there's two ways to go. This is probably, at best, an unlisted action under SEQRA, meaning that there's absolutely no need to have a lead agency designated. It's optional. So that means that the ZBA could do it's own SEQRA review with respect to the sign variances and you could do your own SEQRA review, if necessary, with respect to the site plan. Or alternatively, you could go the lead agency route and designate probably the Planning Board to do the SEQRA review for both. That's the model that was -- that is being used for Chestnut Petroleum, for instance.

So one of the orders of business for you guys to consider is whether or not to establish a coordinated SEQRA review and designate yourself as lead agency. That would be the SEQRA issue.

CHAIRMAN BRAND: Comments from the Board?

MR. BLASS: The result of that is that no determination is going to be able to be made

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by the ZBA or the Planning Board until the SEQRA process is complete.

CHAIRMAN BRAND: Comments?

MR. TRUNCALI: I think it would be easier just if the Planning Board was lead agency.

CHAIRMAN BRAND: I tend to agree with that.

MR. LOFARO: I would agree.

MS. LANZETTA: I agree.

MR. BLASS: You would be adopting a resolution stating your intent to be lead agency and circulating to the other involved agencies to address that desire on your part.

CHAIRMAN BRAND: Can we do that tonight or do that --

MR. BLASS: I would do that tonight.

MR. HINES: There's a thirty-day timeframe which is attached to that. The sooner the better for the applicant.

CHAIRMAN BRAND: Do I have that motion?

MR. TRUNCALI: I'll make the motion to circulate the intent of the Planning Board to become lead agency.

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MR. CAUCHI: I'll second that motion.

CHAIRMAN BRAND: All those in favor?

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

MR. HINES: So those involved agencies would be the Town ZBA, DOT. County Planning is an interested agency, not involved. Those are the agencies involved.

CHAIRMAN BRAND: So DOT and ZBA?

MR. BLASS: No DEC for stormwater?

MR. HINES: No. It's less than an acre disturbance.

CHAIRMAN BRAND: Pat, you'll be contacting DOT regarding the sidewalks?

MR. HINES: I'll discuss if they are willing to do an interim grass island as opposed to sidewalks.

CHAIRMAN BRAND: I think that should do it hopefully.

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MR. LUVERA: Thank you.

MR. HINES: With the provision there would be some form of security acceptable to the Town to accomplish that.

(Time noted: 8:01 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 4th day of March 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: February 21, 2017
Time: 8:02 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: BRIAN BOTTINI

----- X

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

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BRIAN BOTTINI

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CHAIRMAN BRAND: Next up, Brian Bottini.

How about review what you have planned and bring everybody up to speed, please.

MR. BOTTINI: I actually own three lots down there. What I want to do is combine 6 and 7. 6 is the one my house is on and 7 is the lot to the right. I don't know if everybody has that. Essentially I just want to get rid of the one lot, the lot line between -- that separates the two lots that cuts it right in half.

CHAIRMAN BRAND: 285-73 lot line?

MR. BOTTINI: Yes.

MR. HINES: That will go. Basically there's a tax lot -- lot 6 right now is 1.4 acres. Tax lot 7 is just over 2 acres. There will be a resultant 3.5 plus or minus acre parcel where there's currently two separate parcels. It's just a lot consolidation. Your ordinance treats this as a subdivision, so there is a need for a public hearing. There are no changes other than the elimination of a lot line on this piece of paper here.

MR. BLASS: Interestingly, the Town

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BRIAN BOTTINI

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Board has before it a proposed piece of legislation to eliminate the public hearing requirements and to allow a combined preliminary and final approval for consolidation of lots in a residential district. That I think is in the process of being adopted, if I recall correctly.

Supervisor?

SUPERVISOR LANZETTA: It will be on the March agenda, the first week. The first meeting of the Town Board in March.

MR. BLASS: It should be adoptable by roughly the first week in April. So if that law were in place today, this application would be academic. So, you know, if this application is parked for a month-and-a-half or two months, if that's not an inconvenience, it could become academic.

MR. BOTTINI: Any way you guys want to play it. I'm good either way.

MR. HINES: Saves you from a whole bunch of mailings.

MR. BOTTINI: It doesn't matter. I'm mainly doing it because that lot is not really buildable. I've talked to Tom. He's helped me

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BRIAN BOTTINI

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through. We were talking about putting another garage on there but I've abandoned those plans. The way this lot is set up and the topography of the land, I don't think that you ever could put a house and get a well in there anyway. It's just -- it makes no sense. My taxes are about 28,000 on school and property. It just makes sense to combine them. I'm not in a rush. I'll leave it to whatever you think I should do.

MR. BLASS: It doesn't make the application process go away and the County is still going to require something signed by the Planning Board. You might just want to adjourn this thing until maybe the second meeting in April.

MR. BOTTINI: I'm fine. Tom will tell you, I've been bothering him for probably three years.

MR. CORCORAN: It would make sense.

MR. BOTTINI: So another couple of months is not a problem.

CHAIRMAN BRAND: So the second meeting in April.

MR. HINES: If it's not done by March

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BRIAN BOTTINI

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1st then you still have the taxes.

MR. BOTTINI: Yeah. That's my only issue.

MR. HINES: You're not going to make that.

MR. BOTTINI: I'm not going to make it either way, am I?

MR. HINES: No.

MR. BOTTINI: So that is a question. So I would be paying the full taxes on it this year?

MR. HINES: March 1st deadline I think is the tax year.

MR. BLASS: March 1.

MR. HINES: Even if you had the public hearing.

MS. LANZETTA: This way it will go faster anyway.

MR. BOTTINI: Yeah.

MR. HINES: There will be no need for a public hearing if the Town Board takes action on that other ordinance. If they don't, then there is. All indications are they are going to approve that.

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BRIAN BOTTINI

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CHAIRMAN BRAND: Once the Town Board approves that we will schedule you for the second meeting in April. If they do not, then we can put him on for the public hearing for the first of April. Should we just put him on for the first of April either way?

MR. BLASS: You could schedule it for public hearing the first of April.

MS. LANZETTA: Then he has to send out all the mailings.

MR. BOTTINI: Right. I'm missing the taxes anyway, so --

CHAIRMAN BRAND: Let's do the second meeting.

MR. HINES: He has eleven months.

MR. BOTTINI: I have all the time I need.

CHAIRMAN BRAND: I think that's all.

MR. BOTTINI: Okay. Thanks. So I should -- what would be my next step?

CHAIRMAN BRAND: We will put you on the agenda. We'll keep you posted of what happens with the new legislation in front of the Town Board and then that will be -- if that new local

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BRIAN BOTTINI

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law passes we will put you on the agenda for the second meeting in April.

MR. BOTTINI: Will you be sending out a mailer?

MR. BLASS: I would mark the second Monday in April on your calendar. The Town Board should probably be adopting that law.

MR. BOTTINI: Okay.

MR. HINES: We're probably not going to notify you. You need to keep track of that yourself.

MR. BLASS: The second Wednesday in April -- sorry. The second Monday in April.

MR. BOTTINI: Thank you. I appreciate it.

(Time noted: 8:06 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 4th day of March 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

CHESTNUT PETROLEUM

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

----- X

SEQRA DISCUSSION/SITE PLAN

Date: February 21, 2017
Time: 8:07 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: FRANK ALLEGRETTI

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Next up, Chestnut
Petroleum.

MR. ALLEGRETTI: Good evening, Members
of the Board. My name is Frank Allegretti, I'm
of counsel to Harfenist, Kraut, the attorney for
the applicant. I'm here tonight on behalf of Leo
Napier who is the attorney handling the file. He
had a conflict tonight so I'm stepping in his
shoes tonight.

My understanding is this is on for a
very limited purpose tonight, which is to
consider an amended negative declaration because
the applicant is now before the zoning Board on a
sign package variance. There's a variety of
variances that the applicant has to pursue and
proceed with. I believe that's on for the March
9th Zoning Board. In order for them to act, the
lead agency designation was made here, so
twofold. The Board should amend the negative dec
to consider the sign issue and the highway plan
that was also revised since the last time the
applicant was here.

MR. BLASS: As the Board will recall,
an initial negative declaration for this project

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was issued on January 4th of 2016 and an amended negative declaration was issued on February 1st of 2016 for various reasons which are stated in that lengthy document. The applicant then got variances from the Zoning Board of Appeals on March 10th of 2016. Afterwards the applicant engaged in extensive discussions with the NYS DOT regarding that agency's view of appropriate traffic management on the points of access from Route 9W. The discussions with the DOT resulted in a modification of the traffic management system to be installed at Route 9W. The DOT, if I recall correctly, has issued a phase 1 conceptual approval for that modification of the traffic management improvements on Route 9W. So there was a significant change to the use of the northern driveway and the use of the southern driveway under the modified plan as compared to the initial plan that existed at the time of your earlier negative declaration. So there has been a project modification to the extent of those modified traffic management plans.

One of the reasons for entertaining an amended negative declaration is to address

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project modifications. So that's one of two modifications that is in front of you tonight for consideration in the context of an amended or a second amended negative declaration.

The other modification to the plan has occurred with respect to signage. As you will recall, the Ulster County Planning Board came back with required modifications with respect to signage. The applicant has made significant modifications to the signage proposal, has substituted a monument style sign in place of a pole sign to attempt to comply with the County's recommendations. In order to achieve it's signage desires, the applicant requires various sign variances from the Zoning Board of Appeals. So a second reason for entertaining a second amended negative declaration is to consider the modified signs and to close the SEQRA process for the third time in advance of the ZBA's meeting on March 9th so that it may proceed and go ahead and entertain the various applications post SEQRA.

So you have a second amended negative declaration in front of you I believe. I think it was distributed last Thursday to the Board

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Members. I received no request for comment or modification since then. I walked in with the assumption it might be halfway decent.

CHAIRMAN BRAND: And just to clarify, the sole purpose of this second amended negative declaration is basically just for the Planning Board to acknowledge that we're now looking at this set of plans versus the old set of plans?

MR. BLASS: Yeah. In particular there's two material project modifications. One is the traffic management, which is fairly significantly modified since your last negative declaration, and to address the signage as well.

CHAIRMAN BRAND: Just to clarify again for the people in the audience, we're not approving -- this doesn't mean that we're approving the new highway thing, it doesn't mean we're approving the new signs, it's just that we're considering this as the new application.

MR. BLASS: You are basically reopening and closing the SEQRA process and reserving all of your rights to review and make decisions on the site plan. The same with respect to the ZBA, they have all of their rights to review and make

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decisions on the sign variances.

MR. HINES: You are identifying that there are no significant -- the important word significant -- environmental impacts flowing from the plan before you now.

MR. BLASS: Yeah. The effect of this determination is to reaffirm for the third time that there's no need to do an environmental impact statement with respect to this project.

CHAIRMAN BRAND: Right. Comments from the Board?

MR. TRUNCALI: I'm good.

CHAIRMAN BRAND: So then we would have Jen just poll the Board I guess to approve the new second amended negative declaration?

MR. BLASS: Correct.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Truncali?

MR. TRUNCALI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

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MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MR. TRUNCALI: Do we need to put that in the form of a motion?

MR. BLASS: I thought it was in the form of a motion.

The minutes should reflect a motion was made.

By the way, the resolution is in writing. What you're voting on is a written resolution which is one step higher than a motion.

CHAIRMAN BRAND: Any other comments or questions?

(No response.)

CHAIRMAN BRAND: Anything from the applicant?

MR. ALLEGRETTI: No. My understanding is the matter is presently calendared I think for March 6th for continuation of the original site plan application.

MR. HINES: It's an open public hearing.

MR. ALLEGRETTI: Whether the applicant

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CHESTNUT PETROLEUM

will ask for that to be continued, I'll leave
that up to Mr. Napier.

Thank you.

(Time noted: 8:13 p.m.)

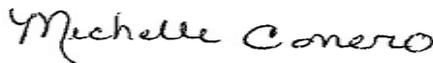
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
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true record of the proceedings.

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MICHELLE CONERO