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

----- X

In the Matter of

SANTELLA

Project No. 18-2000
Christina Way/Ridge Road
Section 102.4; Block 2; Lots 28, 28.200 & 28.310

----- X

SKETCH - SITE PLAN/SUBDIVISION

Date: February 5, 2018
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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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SANTELLA

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

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, February 5, 2018. Regular meeting 7:30 p.m. Bayside Mixed Use, sketch, site plan/subdivision; Santella, sketch, lot line; Susan Bagatta, sketch, lot line; Marlboro Distribution Route 9 LLC, sketch, site plan. Next deadline: Friday, February 9th. Next scheduled meeting: Tuesday, February 20th.

CHAIRMAN BRAND: I'm going to revise the agenda. We're going to move Bayside to the end of the agenda. Everything else we're going with.

Before I begin actually, just for the record I'd like to submit that I completed a winter webinar for the New York State Department of State. I received two hours of credit for that.

First up, Santella. If you would, just give us a brief overview.

MR. MESSINA: This project is located

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SANTELLA

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on Christina Way and Ridge Road. We're combining three lots. One lot is 10.7 acres, the other is 2.0 and the third is 3.2 to be combined for a total of 15.9 acres. The dashed lines show the lines to be removed.

CHAIRMAN BRAND: Pat, would you run through your comments?

MR. HINES: Sure. Our first comment just notes that it is a consolidation of three lots into one. No new construction is proposed.

The next comment has to do with the new lot line streamlined lot line position. This does involve three lots so a public hearing is required. The streamlined lot line or lot consolidation is when there's two lots involved.

The building inspector, in his initial review, identified that there's an existing building on the remaining lands that has an open building permit from 2006. At the time the application showed one lot. The last extension period will expire in November of 2018.

A request for final approval of the lot line revision should be held until the barn is completed with a certificate of occupancy.

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SANTELLA

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Two issues. It has the building department issue and the need for a public hearing.

CHAIRMAN BRAND: Ron, do you have anything?

MR. BLASS: No.

CHAIRMAN BRAND: Board Members?

MR. TRAPANI: That building that's up there, was that put up legally?

MR. HINES: It looks like in 2006 it was put up legally. It was never closed out with the building department, though.

MR. TRAPANI: Can it be four feet from the fence there on the north side?

MR. HINES: I don't know if the fence is representative of the property line.

MR. TRAPANI: Yes.

MR. HINES: That would be the building department. One of the things I looked at is that letter from the building department. I don't know if they had any inspections because the building permit wasn't closed out.

MR. TRAPANI: I know that.

CHAIRMAN BRAND: Anything else from the

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SANTELLA

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Board?

MS. LANZETTA: I don't have the letter in front of me. Did it have to be removed?

MR. HINES: No. He needs to -- it has an open building permit on it. It was never closed out.

The other issue is apparently there's an issue with the deed. What you're seeing, the map that Mr. Messina has prepared has a deed line and then it has an actual field survey line which are two different locations. You'll see on the map there it appears to be a deed. Maybe Mr. Messina can explain that to you.

MR. MESSINA: The deed varies in distance. We found that to be not in the right place. There was a stonewall there which is now --

MR. TRAPANI: Isn't that the boundary line?

MR. MESSINA: The stonewall is the boundary line.

MR. TRAPANI: That's really close to the back.

MR. MESSINA: About fifteen feet.

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SANTELLA

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MR. TRAPANI: It's not very much.

MR. MESSINA: No.

MR. TRAPANI: There was something done there that I know of.

CHAIRMAN BRAND: You're talking about where NFK Orchards is, that side of the building?

MR. TRAPANI: Right behind where the little building is. Right on the corner there on the north side of the old -- what's the name -- Jimmy Martin's farm. Right on the corner.

MR. MESSINA: You're talking about the north line?

MR. TRAPANI: The north side.

MR. HINES: As you said Ben, the deed line -- if you plot the deed it goes right to the corner of that building. It's actually zero feet, not four feet. The survey that Mr. Messina has prepared based on, I guess, field representations shows it at about fifteen feet. Either way it's going to have to be resolved with the building department before you can take action to closeout the permit.

MR. TRUNCALI: Is that building supposed to be a barn or is it going to be a

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SANTELLA

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residence?

MR. MESSINA: You know, it's under construction now. Every time I go there there's stone work being done. I don't know what the purpose of it is.

MS. LANZETTA: The building permit says a barn. It's a permit for a garage, 31 by 31 foot barn.

CHAIRMAN BRAND: Anything else?

MR. TRUNCALI: Did Tommy say in his letter he wanted them to finish that before we move forward?

MR. HINES: He's alerting you to the fact the current building permit will expire in November 2018. Apparently he's not going to issue an extension of that.

CHAIRMAN BRAND: Request upon approval of the lot line revision to be held until barn is complete with certificate of occupancy. The building permit has been open for eleven years. It was originally opened in 2006.

MR. LOFARO: Should we wait for Tommy to clean that up?

CHAIRMAN BRAND: I would think we

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SANTELLA

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definitely have to get that issue resolved before we can do anything else.

MR. MESSINA: Okay. We'll touch base with the building inspector and the applicant.

CHAIRMAN BRAND: Perhaps we can clarify the two different -- the deed line versus the --

MR. MESSINA: I mean that's clarified. We determined the property line is as we showed it, the stonewall that's there.

CHAIRMAN BRAND: Are we satisfied with that, the stonewall being -- okay. So I would just check with Tommy and get the building permit taken care of.

MR. MESSINA: Okay. Thank you.

(Time noted: 7:38 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of February 2018.

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

SUSAN BAGATTA

Project No. 17-1027
1 Top Hill Road, Marlboro
Section 109.1; Block 4; Lot 70.220

----- X

SKETCH - LOT LINE

Date: February 5, 2018
Time: 7:38 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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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SUSAN BAGATTA

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CHAIRMAN BRAND: Next up, Susan Bagatta, 1 Top Hill Road.

MS. BROOKS: So the Bagatta application is a lot line revision between two parcels of land totaling 10.01 acres. It's located on Top Hill Road.

The lot line revision is the result of a settlement of the estate of Susan Bagatta. We're proposing to take the pre-existing 1.01 acre lot which is currently landlocked and convey 4.94 acres to it for a total of 5.95, and we will take a 9 acre lot and reduce it by 4.94 acres for a resulting 4.06.

Lot number 2 is improved with a single-family mobile home. The lot line revision will afford a better front yard setback. Right now the front yard is very close to the mobile home.

The two residences that are on resultant lot number 2, the dwelling is over a hundred years old I've been told and the mobile home, not that particular mobile home but a mobile home, has been there for about forty-five years. That was put there when one of the sons got married.

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At issue of course is the road frontage. I had consulted with this Board and with the building department back in August. I don't know whether Tommy has written a letter of determination. At that point in time -- Top Hill Road was actually laid out many years ago and after all the structures were built. So with regard to 280-A, that really relates to the issuance of building permits. We do have road frontage on a 50 foot wide right-of-way. The house to the south of lot number 2 was actually -- the right-of-way was created back in, I believe it was '86 as access to that lot. So although I understand that if we were going to be subdividing today, that the rules and regulations have changed. In '95 that was created and approved by the Planning Board. Basically what we have right now is pre-existing nonconformity. The building inspector said that since one of them already had a 50 foot right-of-way and the other one had the road frontage, we're not really making any material change by just swapping who owns the road frontage on Laurie and who owns it on the 50 foot private right-of-way. That's the

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SUSAN BAGATTA

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application before the Board.

We're actually again taking the situation and making it a little bit better because we are removing the front lot line. Right now that is only about 20 feet off that mobile home and increasing the front yard setback.

CHAIRMAN BRAND: Ron or Pat?

MR. HINES: I wasn't part of any of those discussions that took place.

CHAIRMAN BRAND: Which discussion? With the building inspector?

MR. HINES: With the building inspector and/or the Planning Board that was referenced. I can't speak to those.

We brought up last time the fact that Top Hill Road that was just referred to, I don't know when it was created, if it was created by a subdivision or just an easement or what it is.

CHAIRMAN BRAND: Patti, Top Hill Road, you're saying that was established in 1995?

MS. BROOKS: Correct.

CHAIRMAN BRAND: Do we have some type of record on that?

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SUSAN BAGATTA

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MS. BROOKS: I mean I have a copy of the filed subdivision map.

CHAIRMAN BRAND: What's there now where it says Top Hill Road?

MS. BROOKS: The roadway has not been constructed in that area. They've continued to use the 20 foot wide right-of-way that's also shown on the plat, which is the driveway access to all of the properties.

CHAIRMAN BRAND: And that's a gravel driveway or dirt?

MS. BROOKS: Correct. It starts off blacktop and then when it crosses over into lot number 2 it turns into gravel, black -- you know, blacktop remains. Again, we are not proposing -- this lot line revision does not propose any change whatsoever to any of the accesses to any of the lots. There's already a driveway maintenance agreement in place. Back in '95 when the subdivision was originally done we did the driveway maintenance agreements on the survey maps themselves. Subsequent to that they have filed the actual driveway maintenance agreement. I understand that this would not be conforming to

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SUSAN BAGATTA

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today's zoning, but we're not making any material change. There's no construction. We put a note on the map saying there would be no further subdivision of any lot without access to a public or a private road constructed in accordance with Town of Marlborough specifications. So we're trying to put all the safeguards in there so that the situation does not perpetuate itself. At this point we're really just trying to settle an estate.

MR. TRUNCALI: The mobile home on lot 2, is that being used?

MS. BROOKS: I don't know. I don't think anybody is living right now in any of the dwellings on lot number 2 because I think that they're waiting for the estate to be settled so that they can be conveyed to the brother. Anthony owns -- will be getting the mobile home on lot number 1, and I believe that Andrew will be getting lot number 2.

MR. TRUNCALI: You have down lot number 2 is the first one coming in off Laura?

MS. BROOKS: Lot number 1 is coming in off of Laurie.

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SUSAN BAGATTA

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MR. TRUNCALI: This other lot over here that says Susan Bagatta, do they have access to Pascale Place or are they just --

MS. BROOKS: Again, that was another subdivision that was done in 2003, 2004 when originally there was a 22 acre parcel that was conveyed -- that was subdivided off of lands of Bagatta which subsequently was conveyed to Pascale. At that point in time there was just a 50-foot flag going back to it. I know that it recently, in November, was actually conveyed to the Town of Marlborough and became a Town road. When it was originally created back in 2003 it was just a 50-foot roadway accessing a 22 acre lot.

MR. TRUNCALI: So that is a Town road now where it says Pascale Place?

MS. BROOKS: Correct.

CHAIRMAN BRAND: The storage trailers on the site, those would have to go as well.

MS. BROOKS: Yes. That was noted in the memo that I sent to the Town. I did meet with the building inspector again as a result of receiving the memo in January. Basically we said

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SUSAN BAGATTA

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currently lot 1 has frontage specifically on a 50 foot wide right-of-way known as Top Hill Road and lot 2 has frontage on Top Hill and Gloria. The lot line revision which is proposed to conform with the stipulation, Susan Bagatta will provide the Laurie frontage to lot number 1 and lot 2 will have frontage on the aforementioned 50 foot wide right-of-way. This will provide a more conforming front yard setback for lot 1. There will be no material change to the pre-existing access of any lot. The two existing residential uses on lot 2 were permitted as pre-existing nonconforming and have been established for over forty years. I noted the restriction we placed on the map about further subdivision, and the applicant has been advised that the storage trailers must be removed. As this is an estate settlement, the applicants have requested a time period of six months to complete the removal so that the property may be transferred to the distributee who will be responsible for the removal with the administration to be performed by the Town of Marlborough code enforcement officer.

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SUSAN BAGATTA

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CHAIRMAN BRAND: The mobile home would also have to go; correct?

MS. BROOKS: No.

CHAIRMAN BRAND: You're not willing to take out the home?

MS. BROOKS: No. No. Again, Tommy said that they were pre-existing nonconforming. He was fine with them staying there. The storage trailers, however, are not permitted.

CHAIRMAN BRAND: The last time we discussed the possibility of trying to get this -- the bottom lot, what I guess you're calling lot 2, there's no way to reconfigure that to have access to Pascale Place down at the bottom so they would have frontage?

MS. BROOKS: Well I mean topographically it would be impossible to access it. You know, if you look at the contours, how steep it is -- again, I understand the Board's concern not to extend a nonconformity, but in this particular instance we're basically taking a nonconformity and making it better, which is when you have a nonconformity you can't make it more nonconforming. In this case and in consultation

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SUSAN BAGATTA

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with the building department, he agreed we are at least taking a nonconformity and making it more conforming.

MR. LOFARO: All of those lots would be able to be transferable in the future? Last time we were concerned if somebody bought one of the properties they wouldn't be able to build on it because of the driveway situation. Everything is now solved based on what you said?

MS. BROOKS: Yes. They're already improved lots. There are no building permits that would be able to be issued anyway. They're built out. We're not creating any new buildable lots. Again, no material change.

MR. HINES: I don't know if that's the case because you can get a building permit to put a garage on an approved lot or you can get a building permit to put an additional bedroom on the house.

MS. BROOKS: I'm saying for -- no additional residential structures can go on any of these lots.

MR. HINES: And that begs the other question. Is the nonconformity of two

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SUSAN BAGATTA

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residential structures on the existing 9 acre parcel -- the parcel goes from 9 acres to 4 acres plus or minus. Is that a reduction and does it lose it's protection because of the significant reduction in the lot size and having two residential structures on 10 plus or minus acres and changing that to have two residential structures on 4 acres?

MS. BROOKS: Again, they're in the R-1 district so you still have more than double the density of what would be required for two individual structures. I do understand that this is a unique situation, but we're not creating these -- we're taking imaginary lines on the ground and basically relocating them. There is no material change, which is why the building inspector felt that this was acceptable and --

CHAIRMAN BRAND: We have nothing from the building inspector stating that.

MS. BROOKS: I thought it was the Planning Board who generally requested code compliance letters.

MR. BLASS: This sounds like a job for Tom Corcoran.

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SUSAN BAGATTA

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CHAIRMAN BRAND: I'm sorry?

MR. BLASS: This sounds like a job for
Tom Corcoran --

CHAIRMAN BRAND: Yes.

MR. BLASS: -- to just issue a ruling.

CHAIRMAN BRAND: Yes.

MS. BROOKS: Do we not have a letter
from him?

CHAIRMAN BRAND: I have a letter --

MR. HINES: We just have a referral to
the Planning Board but nothing since that initial
referral.

CHAIRMAN BRAND: It just says address
storage trailers. That's the one thing. The
original letter from January 8, 2018 is the only
correspondence I have.

MS. BROOKS: I shouldn't say, but if he
felt that it was not in compliance it would have
been addressed in that letter.

MR. HINES: I don't know that he knew
my comments, Ron's comments, the Board's comments
when he issued that.

MS. FLYNN: That's usually issued in
the beginning when he checks out the application.

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SUSAN BAGATTA

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CHAIRMAN BRAND: I think I would definitely, at a bare minimum, like to kick it back to Tom. He can update to see what he says about this.

MS. LANZETTA: Ron, you were going to say something?

MR. BLASS: I did. I think it should go to Tom.

CHAIRMAN BRAND: I don't know if necessarily reducing the lot size is making it better. Are we in agreement that we'd like to have the building inspector re-examine this and maybe come back with something more official?

MR. LOFARO: Give him the opportunity to investigate all the information and get his comments.

MS. BROOKS: Again, I just do want to point out we had sent a letter to Tom Corcoran back on August 1st of 2017 saying enclosed please find a sketch map of lands of Bagatta lot line revision to convey 4.63 acres from existing tax lot blah, blah, blah. Lot so and so will have frontage on the existing 20 foot wide and 50 foot right-of-way and lot 70.22 will have 50 foot of

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SUSAN BAGATTA

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frontage on Laurie Road, a Town road, as well as a 50 foot right-of-way. This proposal is made to satisfy the stipulations of the will of Susan Bagatta. We respectfully request a letter of determination to ensure the 50 foot right-of-way, which already has a maintenance agreement, has sufficient access for the purpose of this proposed subdivision. Thank you in advance for your consideration. This is a letter I had written to Tommy back in August.

CHAIRMAN BRAND: We have that as well?

MS. BROOKS: Pardon?

CHAIRMAN BRAND: Do we have copies of the driveway maintenance agreement as well?

MS. BROOKS: We submitted it. Tommy called me on August 3rd saying go ahead and apply to the Planning Board. His letter of determination will state that as long as the new lot continues to have frontage on the 50 foot wide right-of-way, the lot line revision is in conformance. I have not -- again, I thought that -- I didn't think that -- you know, he said he wouldn't write a letter of determination, it would come from him at that point in time I made

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SUSAN BAGATTA

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the subdivision application.

CHAIRMAN BRAND: I'd like to just --

MS. BROOKS: You're going to request
it?

CHAIRMAN BRAND: Absolutely.
We'll have you reappear once we have some type of
determination. Does that work?

MS. BROOKS: Yes. Yes. The sooner
the better because it's holding up the settlement
of the estate.

CHAIRMAN BRAND: Understood. Anything
else?

(No response.)

(Time noted: 7:55 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 19th day of February 2018.

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

MARLBORO DISTRIBUTION ROUTE 9 LCC

Project No. 17-1021
1100 Route 9W, Marlboro
Section 108.4; Block 5; Lot 27

----- X

SKETCH - SITE PLAN

Date: February 5, 2018
Time: 7:56 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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS
ANDREW WILLINGHAM

----- X

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CHAIRMAN BRAND: Next up, Marlboro
Distribution Route 9 LLC.

If you could just bring us up to speed
from where we were to where we are today, that
would be fantastic.

MS. BROOKS: We supplied a memorandum
of response to all of the questions that had been
discussed from Pat's memo at the last meeting.
There were signature blocks that needed to be
added, lighting cut sheets were submitted, we
revised the title block so that they were all
consistent, added the fence detail. Andy met
with the consultant's representative in the field
regarding the stormwater pollution prevention
plan. I believe that the majority of the issues
that were raised in Pat's last memo have been
addressed. We do have a new memo that we can
review.

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

MR. HINES: Sure. The septic system --
revised septic system needs Ulster County Health
Department approval. I think that's still
outstanding.

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They did provide a narrative response to our previous comments, including those regarding the stormwater pollution prevention plan. The stormwater pollution prevention plan as well the site grading and drainage plans have been revised based on our comments. A representative of my office met with Mr. Willingham in the field to review what was impervious, pervious, and we concur with the site map on that.

We do need to submit this to Ulster County Planning. I haven't seen their comments on this yet.

A public hearing will be required.

The Planning Board may wish to review the architectural details of the building, including colors, rendering, signage.

Just a note. There's some landscaping proposed that says something to the effect of Red Cedar or light trees. We're going to want to see the exact planting chart on there so everything is consistent with what those trees are going to look like.

Then the previous concern regarding the

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stormwater management discharging down that 47 percent slope has been addressed with coordination of my office and Mr. Willingham with energy dissipating manholes that had been placed in there to reduce the velocity of the stormwater on it's way down that slope to the discharge point.

That's where we're at. A lot of the details we asked for have been addressed. Procedurally there are some outside agency reviews and some more information for the Board.

CHAIRMAN BRAND: Ron, did you have anything?

MR. BLASS: No. We should get this to Ulster County Planning, and all the updated new plans should go with the submission.

Do you have those, Jen?

MS. FLYNN: Yes.

MR. BLASS: I'll do that tomorrow. I'll send it to you tomorrow.

CHAIRMAN BRAND: Have you submitted any architectural details of the building?

MS. BROOKS: We submitted them several months ago. They should be part of the file. I

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submitted another set just this last time.

CHAIRMAN BRAND: Can you get those
digitally sent as well?

MS. BROOKS: I don't have digital. I
can probably get them from the applicant. I
submitted hard copies. I'd rather get them from
him.

MR. WILLINGHAM: I saw them on the
website.

MR. HINES: I don't have those.

MS. LANZETTA: I haven't seen them
either.

MS. BROOKS: They're on the website.
Do you post what I give you to the website?

MS. FLYNN: What you gave me in PDF is
what's on the website.

MS. BROOKS: Andy was just saying he
has seen these on the website.

CHAIRMAN BRAND: We're checking now.

Jen, has this been sent to County?

MS. FLYNN: No. At the last meeting
you said we needed more information before we
send it to County.

CHAIRMAN BRAND: Right.

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Pat, do you feel as though we have enough information now with the architectural details?

MR. HINES: I'm okay. Jen did find the submission in the file. I don't know if it's telling me the materials.

CHAIRMAN BRAND: I think that was in the original packet.

MR. HINES: This was in the original. It's not giving us materials and --

MS. BROOKS: This one calls for split faced masonry veneer, accent color charcoal gray and a metal wall panel systems. I'll make sure -- if Jen does not already have the most updated one, which I thought I had submitted another set just this last submission, but I'll make sure that I get with Jen to make sure that what goes up to County is a complete package. I can give you one complete set of everything that you can then just put it in an envelop for the County and then you don't have to guess what to put in there.

MS. FLYNN: Thank you.

MS. BROOKS: If that's all right with

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the Board.

CHAIRMAN BRAND: That's fine.

MR. HINES: You might want to pass those up to the Board now. That might help.

CHAIRMAN BRAND: Any questions or comments?

MR. HINES: Patti, does that address signage?

MS. BROOKS: I believe he was planning on putting the sign in place where the existing sign is now. I have not received a detail from him. I will try and get that before this goes to County. I'm sure they'll want to see that.

CHAIRMAN BRAND: I'm sorry, I didn't hear the answer. It does have the signage on here or it does not?

MS. BROOKS: No. No. He's going to replace the existing sign. The same location. We show the location on here but --

CHAIRMAN BRAND: I think I'd like to see the sign as well, whatever signage they have. When we get that we'll send it to County.

MS. BROOKS: And then I didn't know whether any of the Board Members were interested

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in doing a site visit because there had been some question about visibility and so forth and looking at the existing landscaping and fencing and so forth that was there. It's at the pleasure of the Board.

CHAIRMAN BRAND: Would anybody like to take a field trip?

MR. TRUNCALI: I'm pretty familiar with it.

MS. BROOKS: I'm sure everybody passes it on a regular basis.

CHAIRMAN BRAND: Twice a day. So we will wait to receive your packet, send it to County and wait to hear back from them and see if we generate any other questions or comments after that.

MS. BROOKS: All right. SEQRA was circulated previously. Do we have any --

MR. HINES: You're going to be lead agency by default. My office did the SEQRA circulation and we didn't receive anything back from anybody.

MS. BROOKS: I thought DOT was going to give their comments as part of the SEQRA. They

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didn't send anything to you?

MR. HINES: We did not receive any acknowledgement of the SEQRA.

MS. BROOKS: Maybe I'll reach out to them as well. It would be good to have something in the file from them.

MR. HINES: We circulated the -- actually, the thirty days would have been up on February 3rd. We circulated it on January 3rd. My office did the notice of intent for lead agency. The Ulster County Planning Board responded back and said this is just a SEQRA, not a 239.

MS. BROOKS: Yes, I saw that.

MR. HINES: DOT was an involved agency. We also sent it to New York State Parks, Recreation & Historic Preservation because of the proximity to the Gomez Mill House. We didn't hear from any of those agencies.

MS. BROOKS: Okay. I'll reach out.

MR. HINES: Ulster County Planning did respond back and said we're okay with you being SEQRA lead agency and we look forward to the 239 submission.

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CHAIRMAN BRAND: We do that on the website here; right?

MS. LANZETTA: I had to search pods. I'm not sure how you can find it otherwise.

CHAIRMAN BRAND: So we will wait to hear back.

MR. HINES: Does the Board want to schedule a public hearing or no?

CHAIRMAN BRAND: Should we wait to hear back?

MR. HINES: If you send it to them you'll hear --

MS. LANZETTA: The application is complete; right? We can set the public hearing?

MR. HINES: I think there's sufficient detail. If you wait too long and then you get a comment from a neighbor, it could change something.

CHAIRMAN BRAND: Then we'll --

MS. LANZETTA: If we don't have a snowstorm --

CHAIRMAN BRAND: -- schedule it for the first or second of March. The second meeting in March? First or second, do you have a

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preference?

MS. FLYNN: We won't have the information in time for the first.

MS. BROOKS: They won't review it until March. If we have the public hearing the second meeting in March we will potentially -- we'll at least have Cindy's feedback if not a written report.

CHAIRMAN BRAND: So let's go ahead and do that for the second meeting in March, the public hearing.

MR. TRAPANI: The 19th.

MS. BROOKS: The 19th, is that the date?

MR. TRAPANI: That's what it says up on the board.

MR. HINES: Yes, March 19th.

CHAIRMAN BRAND: Okay.

MS. BROOKS: Thank you very much.

(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 19th day of February 2018.

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

BAYSIDE MIXED USE

Project No. 17-1024
18 Birdsall Avenue
Section 109.1; Block 4; Lot 29

----- X

SKETCH - SITE PLAN/SUBDIVISION

Date: February 5, 2018
Time: 8:07 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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: Next up, Bayside Mixed Use, sketch.

MR. DATES: Justin Dates with Maser Consulting.

What I'll do is since our last meeting there was a series of items. The Board asked to us reach out to some departments, some agencies, get some feedback on the plans. We did do that. Some happened before our last submission, others happened just in the last few weeks. I can update the Board on those as well. Within the submission that you have we responded to comments. Letters were received from the water and sewer department. There were some minor technical items in each of those that we addressed and are in the current set of plans that you have.

We also received a letter from the highway superintendent regarding the turnaround at the top of our proposed Town road. The concern was coming up from 9W into the site. This is the shared property line with the middle school. We met back on December 7th with Mr. Appler and Supervisor Lanzetta to review how we

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would address his concern about turning around at the top of the proposed Town road here. What we did is we expanded --

MR. HINES: Turning around maintenance trucks?

MR. DATES: I'm sorry?

MR. HINES: Snowplows?

MR. DATES: Snowplows, yeah. The trucks.

So what we did is we expanded the pavement in this area and adjusted the right-of-way so that was fully within our proposed Town right-of-way area. The overall length is about 42 feet. That's what Mr. Appler described to us would be enough room to get his plow truck -- the sander, the plow and what not out of the travel way and be able to do kind of like a K turn up at the top of the hill there. We will also provide, just beyond the right-of-way, an easement for snowplowing. That would be in favor of the Town so they could push that snow. It's a dropped curb through that area. He can push the snow onto the grass and take care of -- maintain that whole area free of

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snow.

CHAIRMAN BRAND: The Town road would end right at that dotted line pretty much?

MR. DATES: The Town road would end there.

MR. HINES: Do we have an indication from the Town Board that they're going to accept this access drive as a Town road? I still have concerns of how that benefits the Town.

MR. DATES: We don't have the formal response. Through the EIS process we never got any indication it would not be taken.

MR. HINES: Other than my comments.

MR. DATES: Well to be clear, the right-of-way comes up and it's got the coordinated access drive through the school. That's a direct benefit to the school and not -- the applicant isn't looking to take out complete liability of the general public traveling to school functions, the buses, things of that nature. That's the impetus of the dedication, which I have updates from the school as well.

MR. HINES: But there is an easement also associated with that. The exit, I guess for

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lack of a better term, the buses isn't covered by that.

MR. DATES: This two-way access is within the right-of-way. There's a small easement across this finger of the 1.2 acre lot that the applicant is looking to retain.

MR. HINES: He's exposed to that very same liability they're talking about there.

MR. DATES: The school will benefit with the easement across that lot to gain access.

MR. HINES: Right. The same liability question that you just raised that he doesn't want to be exposed to, he is exposed to in that section of the roadway because that will not be a Town road, that will be an easement to the school.

MR. DATES: Correct.

MR. HINES: I think the whole thing functions just the same as if you leave it to the school the project can maintain it. I don't understand why the Town will maintain the access road.

MR. DATES: Because we left it to the school.

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MR. HINES: The school district benefits too, not the Town.

MR. DATES: The Town is a component of the community; right?

MR. HINES: I guess. I think you should get an indication from the Town Board moving forward saying this is -- I don't have anything from the Town Board saying this is going to be a Town road.

MR. DATES: You've got it.

MS. LANZETTA: Let me be clear. Road A is going to become a Town road and you would offer it for dedication to become a Town road?

MR. DATES: That's correct.

MS. LANZETTA: It meets all Town road specifications?

MR. DATES: That's correct.

MS. LANZETTA: So if the Town chooses to do so, that's fine. What I'm trying to understand is this access easement. Who will be in ownership of that? Will it be a shared easement?

MR. DATES: This easement would be in place to benefit the school so that they can gain

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-- this is a one way out from the school district to gain access over the applicant's property to the Town road.

MS. LANZETTA: And that would only be used in an emergency situation or it would be regularly used?

MR. DATES: Our dealings with the school, these will be gated and the school will be in control of those gates.

MS. LANZETTA: So will it be used regularly?

MR. HINES: It's how the buses are going to exit.

MS. LANZETTA: Really?

MR. DATES: Yes. And the idea of them being gated is so that it's not used as a cut through from Birdsall to get down to the light on 9W or the school's driveway, which happens now. People cut through the school site. So the school was seeking to eliminate that potential cut through.

MS. LANZETTA: So the easement would be -- the easement would only allow the school to use that for whatever the purposes are? None of

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the public will be able to use that?

MR. DATES: It would be to benefit the tax lot of the middle school property.

MR. HINES: The "Town road" is going to be gated, unless the school has security personnel opening the gate.

MS. LANZETTA: It will be gated at the Town road?

MR. HINES: At the school.

MR. DATES: The gates will be on school property, off our site on school property, both of these driveways.

MR. TRAPANI: Right at the edge of that road that goes down the hill now? That will be opened up just for the busses to go in one direction?

MR. DATES: That will be opened up for the school's control --

MR. HINES: Both.

MR. DATES: -- parents dropping kids off and the buses.

MR. TRAPANI: When the buses have to go, that will be the only way they can go so they can go down to where the light is?

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MR. DATES: No. The school has the existing driveway.

MR. TRAPANI: They will still be able to use that?

MR. DATES: This driveway goes down to 9W as it exists today. We're not looking to change that.

MR. HINES: DOT's comment was that they are looking to change that.

MR. DATES: We're not proposing to change anything on the school property.

MR. HINES: DOT wants to make that a one way.

MR. DATES: It is one way. It's one way out.

MR. HINES: I think they want to change it to the other way. I'm not sure what their comment was.

MR. DATES: We're looking to maintain the existing driveway as it stands on the school property going out of the site.

MR. TRAPANI: Are they going to use that for the buses to go down that, too, if they were going to turn right to go south on 9W? If

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they were going to go north they would go through
and go down to the light and turn left?

CHAIRMAN BRAND: Presumably.

MR. DATES: Presumably the benefit is
right now the buses are coming down to here, you
have your crossing guard there. For them to go
north he's stopping traffic. The southbound
functions much more easily. So this --

MR. TRAPANI: Making a right-hand turn.

MR. DATES: This allows direct access
through our driveway down to the traffic light so
they can go out.

CHAIRMAN BRAND: You just mentioned it
quickly. I thought in the original proposal that
that strip of land between the middle school and
your proposed road A was going to be donated to
the Town. Is that not --

MR. DATES: No. The Town -- that was
one of the original proposals. The Town is not
seeking acceptance of that property.

CHAIRMAN BRAND: Okay. It's going to
be now --

MR. DATES: It's retained by the
applicant.

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MR. TRUNCALI: The school doesn't want the piece of property either?

MR. DATES: It's been brought up in discussions but we haven't gotten any indication that they would want it either at this point.

MR. HINES: It's not the most functional piece of property.

MR. TRUNCALI: I know in your submittal there you said you were creating twenty-four new parking spots for the school.

MR. DATES: There's twenty-eight actually.

MR. TRUNCALI: Okay. Where are they?

MR. DATES: If you'd go to sheet 3 you'll get the overall picture. This is the existing driveway that goes along the northern boundary of the school down to 9W. We'd be looking to expand some of the pavement in that area so we could get parallel parking on each side of that road and still maintain a drive aisle down the center. We'd also be looking to put some diagonal spaces up at the top of the hill here for the school. So we have spaces right next to the school building here and then

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down here. So twenty-eight total was what the proposal was.

MR. TRUNCALI: Isn't that school property to begin with there?

MR. DATES: That's correct. Part of our proposal to the school to benefit the school district as part of the application here is to construct additional parking and also look to provide access to our site driveway.

Right now we have -- I'll jump ahead since you're talking about it. We met with the school last Friday, the 26th. We're in the process of working up a memorandum of understanding. I'm assuming the Board had seen the letter back from the school district on, December 8th I believe it was.

CHAIRMAN BRAND: We got it.

MR. DATES: December 8th. We just had the meeting to kind of talk out that letter with them on January 26th. It's a memorandum of understanding to see if in fact the school wants, you know, some of these proposed items that we've got in the plans at this point. So that will be kind of a confirmation of the scope of what we're

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going to be providing or not providing basically.

CHAIRMAN BRAND: What other updates do you have?

MR. DATES: Mr. Hines did mention, we got a letter back on December 8th from the DOT and that was from -- we submitted a preliminary permit set of plans to them to review. That's the comment letter we got back from them. There was some coordination regarding the functionality of the light and how they wanted it to function. We are incorporating that into our permit set to the DOT. So that's in the process, in production right now to get back to them.

MR. HINES: Wasn't there a comment about the existing school driveway? Correct?

MR. DATES: Yes. It actually -- again, we're not going to change the school's functionality with that driveway. So from the letter, the other comment pertains to the adjacent access to the school with the proposed internal connection to the middle school. The existing driveway should be a one-way entrance or it should have a left-turn restriction.

MR. HINES: Right. So there were some

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changes proposed to that.

MR. DATES: Actually, the one-way entrance would completely --

MR. HINES: Right now it's an exit. It is changing --

MR. DATES: It completely contradicts the flow of traffic that was presented to us by the school on how they're looking to --

MR. HINES: You'll have to work through that with them. There was some issue with that. They definitely --

MR. DATES: Our updated permit set will respond to all of these comments.

MS. LANZETTA: Did the DOT say anything about the proposed entranceway to the commercial property, the one that's directly off of 9W?

MR. DATES: No. No. That is part of our permit application, is confirming that location as best for access to the commercial parcel. That's part of our permit. Obviously the extent or the -- we don't have tenants identified right now for that commercial building but we are looking to secure the access to 9W for it.

MS. LANZETTA: They haven't responded

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to that?

MR. DATES: The 12/8 letter that I provided is their response to our complete preliminary application to them. So incorporated is our driveway access adjacent to Young Avenue, the commercial site entrance and also the sidewalk. We didn't receive any comments suggesting that we should modify that.

MS. LANZETTA: I do know that, and many of the comments we've gotten on other site plans along Route 9W, they do comment they don't want to have additional entranceways if possible. I'm just wondering under our current requirements is there enough parking above that commercial space to meet the requirements? Would they have to have that additional parking lot for Route 9W?

MR. HINES: The building has two grades.

MS. LANZETTA: I know the parking lot is up higher behind it. I'm saying are there enough parking -- is there enough parking there for the building without having the additional lower parking there?

MR. HINES: I don't think so.

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MR. DATES: Right now it's 12,600 square foot. It's just over 6,000 square foot footprint, two stories. It is a split elevation so we have some where the lower parking area cuts into the site, and then obviously our driveway here comes up so that the back parking lot accesses the second floor. We need forty-two spaces, we have forty-two spaces.

MS. LANZETTA: I'm concerned about that.

MR. HINES: I can envision that becoming a right in/right out only.

MR. DATES: Right now it is proposed as a right in/right out.

MR. HINES: They're not making lefts out of there or left turns into it. It would only be for coming south you could turn in and you would have to leave south.

MR. DATES: Because otherwise with the traffic light here they can make a left into our driveway and then access the --

MS. LANZETTA: Right. And that's kind of what our comprehensive plan is encouraging and that's what the State is encouraging, to get off

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the road as much as possible and not have additional, you know, exits and entrances onto 9W. That's why I'm just trying to figure out if there was some way to avoid that. You're saying no?

MR. DATES: As of right now we haven't gotten any feedback from them that would negate us having that right in/right out.

CHAIRMAN BRAND: There's six entrances in a span of 400 yards.

MR. HINES: The State is pretty flexible with right ins and right outs. They don't conflict with traffic.

CHAIRMAN BRAND: On the plans I don't really see any -- we talked about the buffering between the residents there. I see some squiggly lines I'm presuming are bushes. It doesn't give too much detail as to what's happening there.

MR. DATES: What plan are you looking at?

MS. LANZETTA: There is a landscaping plan.

MR. DATES: We have a full landscape plan.

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CHAIRMAN BRAND: I'm looking at page 3 right now, for example. I see that the latest designs have significant parking in between the property owned by Defini and -- maybe just go over some of that.

MS. LANZETTA: It's 14.

MR. DATES: So we have -- directly behind the commercial space there's 25 feet or so of buffer that's maintained of existing vegetation on the upper side of the hill there, and then there is some existing vegetation maintained along the property line here, maybe 10 feet or so. This is a stormwater management area, a bio-retention area. You can imagine that's more of your naturalistic looking stormwater feature. We have a series of native grasses, perennials, shrubs, ornament trees that are all planted within that area to create kind of a natural looking stormwater facility. It's not your grass basin we'll say. So we do have that.

There's also -- along the perimeter here, the squiggly lines, these are where we're maintaining the existing vegetation from back

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here. There's about 50 feet of existing
vegetation.

I'll flash to the landscape plan
because we did do a substantial buffer all along
the perimeter there.

MR. HINES: 14 and 15, Justin.

MR. DATES: Again you can see a little
bit better on your plans. You can see the pretty
extensive plant out of that bio-retention area.
There is an opening that kind of comes through
here existing. We did propose some evergreen
trees there. Then as we go -- as we go west,
again we have a mixture of evergreen trees and
some shade trees, wherever we can try to get a
double row or just a single row of evergreen
trees in there to create that buffer. You're
talking about your White Pines, Norway Spruce,
some White Spruce. We have a pretty good mixture
of trees from an evergreen standpoint. Also, the
plant plan we have for the whole site is pretty
substantial. It's not your generic Maple here
and, you know, White Pine here. We have a pretty
good pallet of plants, aesthetic and to serve as
buffers, screening, those types of plantings.

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Then as we move to the west of the site we'll call it, again this is all existing mature vegetation that's going to be preserved. This is our other stormwater management or bio-retention area in the back. As you're coming west on Purdy, this is kind of where the peak, the high point comes and then you're coming down. This bio-retention area really sits down low. Again, if you were standing on the roadway, we're probably about twelve feet down from Purdy. So it's sitting down pretty low. Again, it's designed to look like more of a natural feature than your traditional stormwater basin. So again, that will also be planted out.

CHAIRMAN BRAND: I don't see that in your planting schedule, that's there's no buffer in front of that.

MR. DATES: In front of --

CHAIRMAN BRAND: The stormwater management area.

MR. DATES: Which one?

CHAIRMAN BRAND: The one you're referring to in the back of the property -- towards the back.

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MR. HINES: It is showing existing trees to remain.

MR. DATES: There's no structures or -- I mean it's a depression in the ground that's going to be planted out. Continue?

CHAIRMAN BRAND: Yes.

MR. DATES: All right. So we also got a letter back from Ulster County Planning. It had three really, in my mind, minor items. They talked about potential signage. We would have a monument sign for the development. Commercial signage for the retail space or commercial space, you know, would be in compliance with the Town code. As I mentioned, we don't have any tenants for that right now. Even our phasing -- our main objective right now, once we go to construction, would be to get our driveway in and get this first building up. So our phasing is this is phase 5 or the last phase of the project at this point.

CHAIRMAN BRAND: Which page is the phasing?

MR. DATES: It's page 3. Page 12 does describe out the construction sequence and how we

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are looking to build out the project.

CHAIRMAN BRAND: Okay.

MR. HINES: One of the features here is that a lot of the grading is required initially.

MR. DATES: Yes.

MR. HINES: You're going to have to grade out the commercial property because the bio-retention area has to go in at that point.

MR. DATES: That's correct. As Pat said, the treatment of the stormwater from the residential component of the project is split between these two, I'll call them the east and west stormwater areas. This would be fully constructed as part of -- we'd have a temporary basin in phase 1. We want to have both of these, this guy and this guy, open as temporary basin areas for phase 1.

MR. HINES: That's what I wanted the Board to know. The mass grading of the site is going to have to occur in phase 1, phase 2. The commercial area, whether they have a tenant or not, is going to need to be graded, retaining walls constructed. There's no interim grading plan.

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MR. DATES: We would provide that because I don't think that at this point it's necessary to do the walls.

MR. HINES: So that's the intent of one of my comments. How do we get to where we're going? What if the commercial doesn't come?

MR. DATES: I think we have an interim grading plan.

MR. HINES: What does it look like in the interim in the potential ten years? It may be no years but it could be an extended timeframe. When we talk about a phasing plan we're looking for that kind of stand alone. What if the commercial doesn't come, what's that going to look like in front of 9W as you come out of the hamlet?

MR. DATES: Okay.

CHAIRMAN BRAND: Has there been any discussion at the Town Board level as far as phasing goes as to what actually has to be built? Are you going through with all five phases or is there the opportunity to build phase 1 and then call it a day?

MR. DATES: I mean so the project -- we

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need to get some buildings in the ground so that we can sell some or rent some units and pay for, you know, the mass amount of earthwork and water, sewer improvements just to get our first building up and occupied. So, you know, the applicant's intent is to control the phasing from a standpoint of we have to talk about erosion control, we need to get all these factors addressed but build the buildings out and as they're complete and occupied moving on to the second phase. Even, you know, if he's showing a good rate of occupancy then he would be moving on to the next phase.

MR. TRAPANI: You're going to do phase 1. While you're working on phase 1 hopefully the whole site is going to look nice because it may take you five years before you go into building the next building.

MR. HINES: It's really not that kind of construction. It's not like -- it's going to be a mass grading operation unless you come up with some plan. Right now I see it as a mass grading operation. The whole site is going to be disturbed.

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MS. LANZETTA: Phase 1.

MR. DATES: I mean that's pretty accurate because we do have to do both of our stormwater areas. We need to do some grading on that hillside to get our stormwater from our roadway over to that area. I think Pat's pretty accurate in saying that.

MR. HINES: Typically they're going to do the water and sewer infrastructure one time rather than coming back. They're going to put a water loop in there.

MR. DATES: Correct.

MS. LANZETTA: All the major infrastructure is going to be done with the first phase?

MR. HINES: You're building this thing on top of the hill. You're going to be cutting your way up, cutting the top of the hill off. That's the question I beg. What does the commercial area look like? Is there an interim grading plan? We want to know what that's going to look like in between. Is there an interim grading solution for that? You always look at what if only two of the buildings are built, what

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is the site going to look like.

CHAIRMAN BRAND: That was kind of my question.

MR. HINES: That's why we're taking a look at the phasing plan. There's phasing plans that we're going to build one building as a phase. What I see here is a construction sequencing plan. This is a single phased project. It's all going to be built. There may be a construction sequence to build those whereas a true phasing plan would say we're going to build phase 1, maybe build 2, 3 and 4. As we move towards approval there's a common area there that should be constructed. After a certain number of units should trigger when that central common area building is constructed rather than -- you don't want the developer waiting until he has full occupancy and having the building department force him to build a building. One third of the buildings or something should trigger the need for all the improvements on the site. It may be a two-phased plan, the residential and commercial. The rest I think is a construction sequencing plan, what's it going

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to look like over time, how long it's going to take. I think Justin is familiar with that. He works on large projects like this.

MR. DATES: I understand. The interim grading is something we'll look at.

CHAIRMAN BRAND: Just out of curiosity, where do the plantings come in in the phasing so everybody that lives there -- is it going to be barren wasteland for awhile?

MR. DATES: No. I think what we would have -- we have plans for the buildings, the foundation plantings, street trees. That type of stuff would go in as we complete -- for example, for the roadway we have street trees coming up the road, lighting coming up the road. In my mind that would be in place to help sell the units. I don't think we can leave kind of a barren open land to help us move with the sale of the units without, you know, putting in those improvements. Again, before we move on to the other phases as we're calling them, we're saying we're going to be at final stabilization. We're going to have all our sidewalks, all our paving, we're going to have all the permanent vegetation

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-- that's the landscaping, that's the lawn,
that's all those components -- before we're going
to go open up more land from an erosion control
standpoint.

CHAIRMAN BRAND: Okay. As far as the
construction traffic, that will all be on your
road; correct? All the construction vehicles and
equipment, that will all be coming from the 9W
access site; correct?

MR. DATES: Yes. Right now that is how
we have access into the property. That's what
we'll be looking at.

MR. HINES: The good thing is the Town
of Newburgh has several projects much larger than
this and they're renting them before they're
building them. There's a definite market for
rental units of this type in this area. So
they're proceeding along but they're masquerading
not even a third of the site while they work on
one.

You've got the Indiana bat issue.
They're cutting every tree down between November
1st to March 31st of the first year. No one
wants to get in to August wishing you hadn't cut

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all the trees down and have to wait until November before you can put your foundation in. I envision this being a masqueraded site, which is a good thing if they can proceed through and build the four buildings, that way you have a one or two year construction phase rather than constant building there.

This will be a tough site to occupy because of the layout, too. Having one entrance, that means all the construction traffic comes past where your residents are if you build building number 1 and then rent it out.

That's our comments. I see more construction phasing.

MS. LANZETTA: That's the way it's put on -- I don't know what page it is -- for the soil erosion. It says general construction sequencing. That's what you're saying?

MR. HINES: Right. It's a sequence. All four buildings as part of the site plan. That's something the building department has to work with. It's a fairly large project for the building department. This is one site plan, so at what point does he give a CO? Is he giving a

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2 CO per building, one CO for all four buildings?
3 The applicant will have to work that out with the
4 building department, what improvements need to be
5 in, what sidewalks need to be in. That should be
6 clearly identified on the plan if in fact they're
7 going to occupy building 1 before 2, 3 and 4, how
8 construction traffic is going to get by. There's
9 a lot of detail there that needs to get done on
10 that.

11 MS. LANZETTA: Do you think we should
12 send the construction sequence to him and see if
13 he can work with --

14 MR. HINES: See if he can manage it.
15 Yeah.

16 MR. DATES: Is that something the Board
17 would do or are you looking for us to make that
18 submission?

19 CHAIRMAN BRAND: I would suggest you
20 make the submission.

21 MR. HINES: I think it would be better
22 if you present your construction sequencing and
23 work through how you're going to work that out.

24 MR. DATES: Okay.

25 MR. HINES: I would recommend in your

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resolution you have that worked out showing how it's going to be so it's not a surprise moving forward. The applicant is going to want that too. If they have thirty units built and can't get a CO for them, they're not going to be real happy either.

CHAIRMAN BRAND: Anything else?

MR. DATES: Speaking about Ulster County Planning, we got that letter back. They were seeking a potential sidewalk. They were talking about the north/south connection through our site. So they're looking at a sidewalk out to Purdy. Our discussions throughout the EIS process was limit direct access to Purdy. So if that's something that the Board would want added to the plan, I think we could simply do it but we would need that feedback.

CHAIRMAN BRAND: Where would you need it?

MR. DATES: Up at the top of the site here we have an emergency access. We would look to just propose a sidewalk to that location, if the Board is looking for that.

MS. LANZETTA: It would be nice for the

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kids to be able to walk.

CHAIRMAN BRAND: I think most of the discussions that we had previously, particularly the traffic. I don't know that they would be pedestrian traffic.

MS. LANZETTA: I think we go along with the County in trying to make accessibility to pedestrians. If the kids want to go and run the track or something, rather than walking all the way down to 9W and then back up again, it would be nice.

MR. DATES: The other comment from the County was the coordination of the business corridor overlay. We did provide a submission to the Town Board on that. They referred it to the Planning Board at their November 13th meeting. We'd be looking for any feedback or recommendations to go back to the Town Board so we can continue that process.

MR. BLASS: Well the business corridor overlay zone has the Planning Board go first all the way through site plan approval, then the Town Board then goes second by amending the zoning map.

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MR. DATES: Okay.

MR. BLASS: So there's really not much of a function for a recommendation from the Planning Board to the Town Board.

MR. DATES: I thought it was it got referred to the Planning Board so they could make any recommendation or comments or -- that's not how I understood the procedure.

MR. BLASS: The Planning Board has to do the entire site plan review first, then it goes back to the Town Board for zoning map amendment. It's reversed from the way it is in most towns.

MR. DATES: Okay.

MR. BLASS: That's just the way it is. The site plan will be the ultimate recommendation.

MR. DATES: Okay. Even though the business corridor overlay is only a small component of this project?

MR. BLASS: Well the Town Board can't do anything until the Planning Board does a site plan.

MR. DATES: Understood. So is it an

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approval or --

MR. BLASS: Site plan approval.

MR. DATES: We have to wait until full site plan approval?

MR. BLASS: Yes.

MR. DATES: Okay.

MR. BLASS: If you get a full site plan approval, then it would go back to the Town Board for a zoning map amendment.

CHAIRMAN BRAND: Could they do them separately, two separate site plans, the commercial aspect being one parcel?

MR. BLASS: I think there's a subdivision.

MR. DATES: We are creating an individual lot for the commercial piece.

CHAIRMAN BRAND: What would that do?

MR. BLASS: I mean you could segment or bifurcate the site plan review process but I don't know how you're going to approve the commercial area which shares stormwater management, and access, and sidewalks, and everything else.

CHAIRMAN BRAND: Okay.

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MR. BLASS: It's probably better to do it as one unified site plan. If they got a site plan approval from this Board it would take maybe less than thirty days to get a zoning map amendment through the Town Board, past experience.

MR. DATES: This isn't the first one?

MR. BLASS: No, it's not the first.

MR. BLASS: Then you have the subdivision as well, you have the SEQRA process. The Town Board has done a findings statement after an EIS but this Board has to do it's own findings statement, which could be exactly the same as the Town Board's or different from the Town Board's as you choose. So I don't think we should be dividing the project up into segmented approvals.

MR. DATES: Okay. So lastly, we did get the letter from the school district on December 8th. We just had our meeting on the 26th and we're doing that memorandum of understanding to confirm the scope of the school improvements that we're looking to provide.

We're nearing the end of our

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coordination with SHPPPO. We have a letter of resolution in to them on January 9th regarding the structures and the moving -- taking down the existing structures that are there. So I'm hopeful that, you know, very soon we'll have a final response from them on that.

The applicant would like to keep the Planning Board process moving. I'd like the Board to schedule a public hearing, if we could do so, to keep the process moving along.

CHAIRMAN BRAND: Do we feel as we're ready to do that yet?

MS. LANZETTA: I haven't seen the exterior details.

MR. DATES: Those were provided in our submission. We had elevations of the buildings in that original submission.

MS. LANZETTA: The exterior details, what it looks like?

MR. DATES: Yup.

MS. LANZETTA: Okay. I'm going to have to go back.

CHAIRMAN BRAND: Can you re-send them?

MR. DATES: Absolutely.

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CHAIRMAN BRAND: Is there a way -- I know we had a previous applicant do a mockup of what it actually looks like so we could see physically what the site looks like. Is that a possibility for you to do for us as well?

MR. DATES: A physical model or like a rendering?

CHAIRMAN BRAND: A rendering is fine.

MR. DATES: You don't want a diagram?

CHAIRMAN BRAND: No. I would like that, though.

MR. DATES: I could talk to the applicant about that. Is there one particular view that you'd be looking at or --

CHAIRMAN BRAND: I think the overhead, maybe a couple of ground level, bird's eye. Ground level, bird's eye for the whole thing.

MR. DATES: Bird's eye we have our site plan. We could render that so you could see green space compared to roof, what not.

CHAIRMAN BRAND: Yes.

MR. DATES: Something of a front view of the site or the face?

MR. HINES: Show sections looking

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through from the school, maybe Purdy Road. It sits up on a hill. From 9W you're going to look up and not see this.

MR. DATES: We did do the cross sections through the site in the EIS. That showed the grade change.

CHAIRMAN BRAND: The four independent housing sections, --

MR. DATES: Yes.

CHAIRMAN BRAND: -- maybe one of those front and back.

MR. DATES: Okay. You have the elevation of the front. You're looking for the elevation of the rear with some --

CHAIRMAN BRAND: Just what it's actually going to look like, the colors, the siding, the material.

MR. DATES: We can spruce up -- add some coloring to the elevation. We have provided that to the Board.

CHAIRMAN BRAND: And also the commercial space as well.

MR. DATES: Okay. We can provide a general -- we had a general elevation of that in

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the EIS. It would be similar to that.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Did you have anything else?

MR. DATES: No. Just like I said, we'd like to get the public hearing scheduled.

MS. LANZETTA: I do have another -- I saw the detail that you put on the maps. You did something else that I didn't see yet. For the lights, the road lights, --

MR. DATES: Yes.

MS. LANZETTA: -- I couldn't tell by the diagram if they were full cut off.

MR. DATES: I actually brought -- they are a cut-off style fixture, a LED fixture. It's got -- actually, this is a pretty good diagram. So all the LEDs are in the top of the fixture. It's not your -- it's not like the light posts around the Town Hall here. You know how you can see the light source itself? This is in the top here, and through refractors and what not it puts it out.

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MS. LANZETTA: That's what I wanted to see. Thank you.

CHAIRMAN BRAND: Are you guys okay? Do you feel as though we're ready for a public hearing?

MR. LOFARO: Yes.

CHAIRMAN BRAND: Ron or Pat?

MR. HINES: We have by default the majority of my comments.

Justin, there were a lot of outside agencies you've been working with. We're just going to look for input back. The fire district, you sent them something and we don't have something back.

MR. DATES: Can I? Actually, that's the one. It was addressed to the Chairman, January 26th, the Board of Fire Commissioners submitted a letter. Basically they took no issue to circulation, fire hydrants, emergency access that we proposed to date. They acknowledged that we do need fire sprinklers for these buildings. They are looking for lock boxes at our emergency access to Purdy. We have a gate there, so they want a lock box, and then also a lock box in all

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the sprinkler rooms on the buildings, and then just indicating where our fire connection is for the buildings.

MR. HINES: At the gate, I know Bob is here, you use a KNOX system?

MR. TRONCILLITO: Yes. They've already been given the form.

MR. HINES: They can buy a padlock for the gate that runs on your KNOX key rather than have to -- in other words, you can keypad it.

MR. TRONCILLITO: We need the box there with the key in it.

MR. HINES: The key that you use to open the box can open the padlock instead. They make KNOX padlocks now.

MR. TRONCILLITO: I'll look at the form right now.

MR. HINES: Rather than putting a box on a post it may be just as easy, instead of opening the box you can open the padlock, and nobody else can take it off too. It's your KNOX key.

MR. TRONCILLITO: We'll look at that.

MR. HINES: When you said put one at

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the gate --

MR. TRONCILLITO: Ours comes out of the west. It's not KNOX, it's a different name.

MR. HINES: Central Lock or one of those. They may be able to do that for you too rather than have a box.

MR. TRONCILLITO: They don't show that on the form.

MR. DATES: We'll coordinate that with the fire department.

CHAIRMAN BRAND: Did we want to do the public hearing on the second to go along with the other -- the second meeting in March?

MR. DATES: Would the Board entertain the first?

CHAIRMAN BRAND: The second meeting in March.

MR. DATES: Would you entertain the first meeting?

MR. HINES: He's saying March --

MS. LANZETTA: March 5th.

MR. HINES: It would be the 5th.

MS. LANZETTA: Sure. That sounds good.

CHAIRMAN BRAND: I'd like it to be the

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second. I may be unable to attend that first meeting in March.

MR. DATES: It is my birthday so I'm looking to spend it with the Board if I could.

CHAIRMAN BRAND: Unless you guys are dead set against not having it then. We'll do the second meeting in March. I apologize.

MR. DATES: So the 19th?

CHAIRMAN BRAND: I believe so. The 19th. Right, Jen?

MS. FLYNN: Yes.

MR. BLASS: I would like to do a new referral to County Planning tomorrow. Could you get a full set of all the newly submitted plans to Jen? The County wants another referral on the rezoning, the commercial business corridor overlay rezoning. It's their last comment.

MR. DATES: That was on what they received.

MR. BLASS: If we have an updated submission.

MS. FLYNN: Is that what he just gave me tonight?

MR. HINES: If you can get a complete

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BAYSIDE MIXED USE

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submission to Jen, we can send that to the County. The County asked for it.

MR. DATES: That's specifically for the business corridor?

MR. HINES: The business corridor overlay.

MR. DATES: Okay.

MR. HINES: Rather than wait until the end, procedurally it would be better to get that out sooner rather than later.

CHAIRMAN BRAND: Anything else?

MR. DATES: This will be our last submission which is the plan set and our response letter.

MR. HINES: Whatever is new since you last sent it.

CHAIRMAN BRAND: Anything else, Justin?

MR. DATES: Just for the public hearing, we'll coordinate mailings with --

CHAIRMAN BRAND: Jen. Jen does all that.

MR. DATES: Okay.

CHAIRMAN BRAND: Anything else?

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(No response.)

CHAIRMAN BRAND: Anything from the
Board?

(No response.)

CHAIRMAN BRAND: Motion to adjourn?

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

(Time noted: 8:57 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 19th day of February 2018.

Michelle Conero

MICHELLE CONERO