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

----- X

In the Matter of

MILTON TURNPIKE SOLAR FARM

Project No. 18-2010
132 Milton Turnpike, Milton
Section 103.1; Block 1; Lot 33.1

----- X

OPEN PUBLIC HEARING - SITE PLAN

Date: February 19, 2019
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVES: MICHAEL CUCCHIARA
NICHOLAS VAMVAS

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

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, Town of Marlborough Planning Board, February 19, 2019. Regular meeting 7:30 p.m. Milton Turnpike Solar Farm, public hearing, site plan; Smith Subdivision, preliminary, subdivision; Royal Energy Properties, sketch, site plan; Wade and Katelyn Davis, sketch, site plan. Meeting to be held upstairs. The next deadline is Friday, February 22nd. The next scheduled meeting is Monday, March 4th.

MS. FLYNN: Wade Davis is a lot line.

CHAIRMAN BRAND: Did I not say that?

MS. FLYNN: You said site plan.

CHAIRMAN BRAND: Thank you.

Before we get started; for the minutes, Member Manny Cauchi did attend a SEQRA professional development on February 14th I believe it was.

MR. CAUCHI: Yes.

CHAIRMAN BRAND: He has two hours of

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professional development.

Milton Turnpike Solar Farm, first up,
public hearing, site plan.

I'd like to have a motion to reopen the
public hearing.

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: Second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Where are we today, gentlemen?

MR. VAMVAS: At the request of the
Board, the applicant did revise the site to limit
visibility from Locust Grove. So we prepared
this graphic for you. The green hatch is
visibility as defined by Scenic Hudson. The blue
hatch there is the old layout. You can see where
the blue extends. The blue extends well past the
peak. We were able to get that down kind of
below the line here. You'll see where the blue
did extend further west, past what Scenic Hudson

1 was saying was visible. We've been able to get a
2 substantial portion of the site kind of below the
3 ridge line to reduce the visibility from Locust
4 Grove. Actually, we can't take credit for that.

5
6 Scenic Hudson did issue a letter on the
7 15th of February. They seem to agree with the
8 approach that we took. They're pretty happy with
9 everything there.

10 Unless the Board has any further
11 comment, I think we can say that we addressed the
12 visual aspect of the site.

13 MR. CAUCHI: A hundred percent? I mean
14 they don't have any other visual -- it's not ten
15 percent, fifty percent?

16 MR. HINES: There are still some that
17 are visual. Generally the context of Scenic
18 Hudson's letter they just sent, it was dated
19 Friday, was that they found the changes
20 acceptable and that it would significantly
21 mitigate any visual impacts from the Locust Grove
22 property on the east side of the Hudson River.
23 They've taken it down off the ridge and it's
24 going to generally blend into the landscape.

25 MR. LOFARO: You have no loss of

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panels? Everything is the same size as before?

MR. CUCCHIARA: I think we lost a small amount, if I'm correct. The way we did achieve this is by decreasing the tilt of the panels which allows us to put row spacing a little bit closer together, and we also expanded out, through the help of the landowner in an agreement, that we extend it slightly south by about three rows on both the east and west array. So combined with those two kind of techniques we were able to squeeze it in a little tighter in that same footprint and avoid that hill and mitigate those visual impacts.

CHAIRMAN BRAND: Great.

Pat, did you want to run through your comments?

MR. HINES: Sure. The first comment discusses what we were just talking about, the modifications to the site to reduce potential visual impacts.

The second comment, and it comes out of Scenic Hudson's comments, back on November 16th this Board declared it's intent for lead agency. You were going to circulate to interested and

1 involved agencies. The project is, by definition,
2 a Type 1 action under SEQRA in that it disturbs
3 greater than 10 acres of land area, and actually
4 is up to maybe 13 acres now with the change in
5 the layout, the expansion towards the front. It
6 looks like procedurally the circulation was not
7 completed based on the Type 1 action. DEC would
8 be an involved agency by statute in the Type 1
9 action. I think we need to, prior to making a
10 SEQRA decision, circulate this to DEC and attempt
11 to get as quick as possible a sign off from them
12 that they're not interested in being lead agency.

14 The other thing that came out of Scenic
15 Hudson is that they noted that the Office of
16 Parks, Recreation & Historic Preservation asked
17 to be involved in the project. The applicants
18 have, as part of their stormwater pollution
19 prevention plan and as part of their E.A.F.,
20 provided information from the Office of Parks,
21 Recreation & Historic Preservation that there is
22 no archeologically or culturally sensitive or
23 cultural resources on the project site. I think
24 that's been addressed by the applicant, although
25 Scenic Hudson pointed it out in their letter.

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There are two different spots in the Town's files with that coordinated review through their database, the CRIS, which is the way you have to submit things to State Parks. They don't take hard copies of anything at all.

CHAIRMAN BRAND: That's a great acronym.

MR. HINES: I think that's been documented as well. Basically if the Board is satisfied with the current layout, I think the only procedural matter that we need to take care of is circulation to the DEC as another involved agency.

Ulster County DPW was also an agency. I believe they may have issued their permit already.

MR. CUCCHIARA: Yeah, the permit is underway. They have one question about a signature on an application. I need to get in touch with Dave Wittick up there at DPW and get that signature from him. I think there was some confusion as to where it was on the application.

I believe, Nick, you've had conversations with him. It's just pending, that

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final signature on the application.

MR. VAMVAS: Right. They completed their technical review and there's no further comments or anything. We just have to get the paperwork.

As far as circulating to other involved agencies, the applicant does intend to enter into a PILOT agreement with the Town Board and School Board --

MR. CUCCHIARA: And County.

MR. VAMVAS: -- and County.

MR. CUCCHIARA: I don't know how much -- whether the PILOT factors in to site plan approval. I think we demonstrated, the Town Attorney can attest, that I have been in touch with the Commissioner of Finance of Ulster County. They're aware of the PILOT. We're trying to get a meeting going. The Town Attorney and I are going to be speaking shortly with the school district and hopefully doing the PILOT all together under one agreement if that fits the Town and the Town Board.

CHAIRMAN BRAND: Can I just ask, as far as this CRIS database of the Office of Parks, is

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that similar to or in lieu of the SHPO or is
that --

MR. HINES: The same agency.

CHAIRMAN BRAND: The same agency.

MR. HINES: That's one of the benefits
of filling out the E.A.F. online, it starts that
process because it checks that database
initially. When they submit the long form E.A.F.,
it comes up whether or not there are any of
those. SHPO has circles in areas of concern. If
they fall outside those gray circles it's okay.
If any part of your project falls in those, then
it triggers that on the E.A.F. and on the
stormwater. The stormwater regulations require
that you consult with that agency as well, and
that database is similar.

CHAIRMAN BRAND: Because of the Type 1
action?

MR. HINES: Any action.

CHAIRMAN BRAND: Any action. Okay.

Jeffrey, did you have anything on this?

MR. BATTISTONI: I'll just mention that
I have received a proposed PILOT agreement from
the applicants. It was provided to the Town

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Board and to me. It actually combines into one agreement the School District, the County and the Town. The applicant said that was based upon a template prepared by NYSERTA, that they used that arrangement with the Town of Wappingers already. I'm just reviewing the agreement in that regard to make sure it's okay to have all three taxing jurisdictions involved in one agreement.

CHAIRMAN BRAND: Okay. Anything else from the Board on this?

(No response.)

CHAIRMAN BRAND: This is a public hearing. If anyone from the public has a comment for or against this, you may be heard at this time.

(No response.)

CHAIRMAN BRAND: No.

All right. So procedurally then we're just kind of waiting until we hear back from these other agencies?

MR. HINES: Yes. Otherwise it would be a default.

CHAIRMAN BRAND: And we would probably want to keep the public hearing open?

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MR. HINES: I don't think there are any new issues.

CHAIRMAN BRAND: Doesn't that start the shot clock so to speak?

MR. BATTISTONI: I would be inclined to keep it open until the next meeting just because we are notifying DEC.

CHAIRMAN BRAND: Can I have a motion to keep it open until the Monday, March 4th meeting?

MR. CAUCHI: I'll make that motion, to keep the public hearing open until March 4th.

MR. TRAPANI: I'll second that.

CHAIRMAN BRAND: Okay.

MR. HINES: I can provide a notice of intent for lead agency to you folks. It might be easier for you to get it to the agencies with a copy of the plans and such.

MR. VAMVAS: Sure. Yeah, yeah. That's going to get it done quicker. Yeah.

MR. HINES: Waiting for you to send me five copies --

MR. CUCCHIARA: Should we include the Chairman?

MR. HINES: I think at this point you

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send it to the School Board, the Town Board, and chase down those agencies before the next meeting.

MR. VAMVAS: That's what we wanted to ask, if we were able to get everything in time for the March 4th meeting would the Board entertain sticking us on the agenda then?

MR. HINES: I think you're on that agenda.

MR. VAMVAS: On the 4th? Excellent.

MR. HINES: They have, although it doesn't come up on their E.A.F., an Indiana Bat issue. They have a tree clearing issue.

MR. VAMVAS: I would like to get it done. We'd like to have a permit to construct so we can cut down trees on the site before the end of March.

MR. HINES: You have to get them down, you don't have to clean them up.

MR. VAMVAS: Exactly.

CHAIRMAN BRAND: Right, right.

MR. CUCCHIARA: As far as the next meeting, I don't know how long typically it takes for a resolution to be drawn. Assuming we have

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2 favorable comment back from the involved
3 agencies, would it be possible to close the
4 public hearing, issue a neg dec and a conditional
5 approval that would allow us to clear -- and any
6 conditions possibly tied to a building permit for
7 construction to allow for that tree clearing, if
8 that makes sense, at the next meeting? I don't
9 know if all those can be wrapped up in one
10 meeting, if everything is okayed by the Board.

11 MR. HINES: We can try. I don't know
12 what your conditions are going to be.

13 MR. CUCCHIARA: Right.

14 MR. HINES: As many of those you can
15 get out of the way beforehand --

16 MR. CUCCHIARA: Yes.

17 CHAIRMAN BRAND: In theory, yes. It
18 would depend on the agencies.

19 MR. BATTISTONI: I think the PILOT
20 could be a condition of the approval.

21 CHAIRMAN BRAND: Yeah. Depending on
22 what we receive back from those agencies. We'll
23 keep the ball rolling.

24 MR. CUCCHIARA: Okay. I appreciate it.

25 CHAIRMAN BRAND: Anything else?

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(No response.)

CHAIRMAN BRAND: See you on March 4th.

(Time noted: 7:43 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 25th day of February 2019.

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

SMITH SUBDIVISION

Project No. 17-1017
First Street, Marlboro
Section 103.1; Block 4; Lot 47.130

----- X

PRELIMINARY - SUBDIVISION

Date: February 19, 2019
Time: 7:44 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: ZACHARY SZABO

----- X

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

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CHAIRMAN BRAND: Next up, Smith
Subdivision.

If you could just state your name for
the stenographer.

MR. SZABO: Zachary Szabo, Engineering
& Surveying Properties.

MR. SMITH: Applicant, Doug Smith.

CHAIRMAN BRAND: Do you just want to
give us a rundown of where we are?

MR. SZABO: At this point we responded
to all of Pat's comments from the last meeting,
the comments we received.

Basically we revised the turnaround
area, and we provided details for that turnaround
area. We actually shrank the size of the
dedication for that and we also extended the
right-of-way.

Other than that, there weren't many
changes.

Responding to some of the comments we
received today, we're still awaiting comments
from the highway super.

MR. SMITH: He kind of gave his
comments but he just wanted to see the drawings

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and stuff of what we were going to do for the
turnaround.

MR. HINES: Now that you have the plan,
we're just looking for something for him to sign
off on. Similar to the water superintendent with
the well.

MR. SMITH: He doesn't care either way.
He says there's no law that says you have to have
wells or water lines. He said he would send a
letter tomorrow.

MR. HINES: The dedication for the
turnaround has been revised.

The other thing I asked for, and they
did show, is the adjoining house just so that at
the public hearing the house down gradient is
shown. It shows it outside the drainage that
comes through there. The site drains in that
vicinity right now.

There's a Central Hudson easement off
the houses in the back.

Basically this is here tonight for
scheduling a public hearing.

CHAIRMAN BRAND: The last time you were
here there was an issue with the length to width

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ratio.

MR. SZABO: We provided, on the realty subdivision plan, a note that states that there's no further subdivision under current zoning.

CHAIRMAN BRAND: Okay. So are we good to schedule a public hearing for Monday, March 4th?

MR. HINES: It would have to be the next one. There's only twenty-eight days in February.

MS. FLYNN: The 18th.

CHAIRMAN BRAND: March 18th.

Are you good with that?

MR. SMITH: Yes, that's good.

CHAIRMAN BRAND: Monday, March 18th, public hearing.

MR. SZABO: Sounds good.

MR. SMITH: Thank you very much.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:47 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 25th day of February 2019.

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

ROYAL ENERGY PROPERTIES

Project No. 19-3002
1666 Route 9W, Milton
Section 103.3; Block 3; Lot 68

----- X

SKETCH - SITE PLAN

Date: February 19, 2019
Time: 7:48 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN BRAND: Next up, Royal Energy Properties, sketch, site plan.

MR. BROWN: For the new members, I'm Charles Brown, engineer for the applicant.

We did go before the Town Board with this on January 14th. They had no issue with it. They voted to have Mr. Lanzetta do a letter to this Board. Apparently he hasn't done that yet.

CHAIRMAN BRAND: Can you just give us a lowdown on exactly what's going on there? It says Royal Energy but from what I can tell there's really no energy, that's just the name of the company.

MR. BROWN: Correct.

CHAIRMAN BRAND: It's just for cold storage?

MR. BROWN: Right. They're going to do more cold storage.

There's a house over here, another house here. This is the one with the sagging roof. That's all north on the site. They're going to knock all that down and put up a 50,000 square foot storage warehouse.

MR. HINES: The existing one is going

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to stay?

MR. BROWN: This one will stay.

Eventually they want to take this off of it.
They have to get this part to demo this part.
This building here is in good shape.

CHAIRMAN BRAND: Which one is going to
go also?

MR. BROWN: The one in between.

CHAIRMAN BRAND: Is that part of this
plan?

MR. BROWN: No.

CHAIRMAN BRAND: Pat?

MR. HINES: I have a copy of a letter
dated January 15th from the Town Board to this
Board stating the Town Board has received an
application to establish a business corridor
overlay at 1666 Route 9W. The Town Board is
satisfied with the conceptual development. The
matter is being referred to the Planning Board,
and it references the section of the code. I
wasn't aware of that letter. My comments have to
do with the process of the business corridor
overlay zone.

One of the problems with that is, Tom

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Corcoran sent a memo stating that the project needs zoning variances. The Town Board can, under the business corridor overlay zone, create it's own bulk table setbacks.

The question is does the applicant want to return to the Town Board regarding the setbacks. The setbacks are too close to the front, there's a side yard setback and a rear yard setback too. Because of the size of the building and the size of the lot, the building inspector suggested they go to the Zoning Board. I did not know that it went to the Town Board already. I suggested while you're at the Town Board, talk about your bulk setbacks and the Town Board could grant the overlay district with the setbacks as proposed.

MR. BROWN: Which they did do for Empire. I did mention that to them but I didn't get an answer one way or the other.

CHAIRMAN BRAND: Are the proposed buildings --

MR. HINES: They're closer.

CHAIRMAN BRAND: It's a little bit bigger than the existing?

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MR. BROWN: You have a house on the north side that's very close to the property line, and this other warehouse over here is closer to the rear property line than we are. The site doesn't meet setbacks for any of the buildings that exist now.

CHAIRMAN BRAND: Okay. So that's something the Town Board could approve?

MR. HINES: The Town Board can. In lieu of that, I guess the Zoning Board can grant it. It's a little harder for the Zoning Board to grant it. It's an area variance so they can. I think it's cleaner if the Town Board says here's the setbacks under the business corridor overlay zone, and then you'll know what you're working with rather than referring them to the ZBA and coming back with or without the variances they need. I'll leave it to the applicant.

MR. BROWN: I can go to the Town Board and just ask them to revise that letter and say the plan is good as it is setback wise.

MR. HINES: Yeah. Maybe you can just get a letter saying you're requesting the front yard setback, the side yard setback and the rear

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yard setback, then we can develop the bulk table. Right now the bulk table you show shows the HD zone. The business corridor overlay allows any use in the HD zone because it's in the RAG now. One would think the HD zone bulk tables follow with it, which are 75 foot front yard, 75 foot rear yard, and I'm not sure of the side yard offhand. The business corridor overlay allows the Town Board to modify those as they see fit. They just didn't do that. It even says at the Town Board some of the Board discussed setbacks with Mr. Brown and Mr. Corcoran. I do note that Tommy Corcoran sent us a letter saying that it needs to go to the ZBA for the setbacks. It's cleaner if it goes back to the Town Board and comes back with those setbacks.

CHAIRMAN BRAND: We haven't done a lot of these, obviously.

MR. HINES: This is the second one.

CHAIRMAN BRAND: You were lucky enough to do both.

MR. HINES: Hopefully this will go smoother than the first.

CHAIRMAN BRAND: Can you run through

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that process again just so that we're kind of clear?

MR. HINES: The process says go to the Town Board, the Town Board grants what they call concept approval, then it comes to your Board for a full site plan review. The ordinance says that you will be lead agency, not the Town Board, and then you grant your approvals conditioned on the Town Board finalizing their business corridor overlay zone which puts that floating zone -- it kind of anchors the floating zone, for lack of a better term, on this parcel moving forward. It's strictly for the lots that are R and RAG along the 9W corridor. It states that the uses in the HD zone are allowed on those lots in the business overlay corridor and also speaks to the fact the Town Board can waive those substantial setbacks that are required in the HD zone. I can't tell from this letter if that occurred and I don't know that it did. I would prefer the Town Board say the front yard setback is, the side yard is, and it will keep them out of the Zoning Board realm.

MR. BROWN: I did mention they had the

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authority. They didn't believe me.

MR. HINES: It's clearly in the regulation. I think I quoted it in my comment.

CHAIRMAN BRAND: So essentially --

MR. HINES: The other option is to go to the ZBA.

MR. BROWN: I'd rather go to the Town Board.

CHAIRMAN BRAND: I think that's the easier way.

MR. HINES: I didn't know they went to the Town Board. I was like well they're here as part of the process and I'm referring them back to the Town Board.

CHAIRMAN BRAND: They still have to go back anyway.

MR. HINES: They have to go back anyway. I think that's the applicant's preferred method as well.

MR. BATTISTONI: I agree it would be better to go back to the Town Board.

MR. CAUCHI: You agree he has to go back to the Town Board? Is that what you said?

MR. BATTISTONI: Yes. Instead of

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getting variances from the Zoning Board of Appeals, I think it's better for him to go back to the Town Board. He was there once already.

MR. CAUCHI: I thought I heard him say the Town Planning Board is the lead agency.

MR. HINES: The initial concept comes from the Town Board and then it comes to you as the lead agency under SEQRA to do a full blown site plan review. You'll coordinate with DOT in this case. County Planning will be another involved agency. I think the jurisdictional fire departments may have some concern about access around this building. There's a retaining wall around three sides of it.

MR. CAUCHI: So the Town Board is going to give him an approval if he can keep those setbacks?

MR. HINES: Yes. Rather than go to the ZBA.

Ultimately, once you're done with the process -- Empire Landscaping across the street was the only other project we did. Sooner or later that needed to go to the ZBA, but I think they modified the setbacks on that too.

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CHAIRMAN BRAND: Can I just go back to what you stated earlier about the demolition of that building? Is there any new proposed construction there or that's just going to be demolished?

MR. BROWN: Maybe I can put it on this plan to be demolished after completion of this building just to give it some continuity. They need the space until this building is built.

CHAIRMAN BRAND: Right. Should we put all that on one plan?

MR. BROWN: Probably.

MR. HINES: It may eliminate some of the emergency services' concerns for access there because you're really filling that lot up. I'm not saying it's going to eliminate them. The retaining wall and grading around --

MR. BROWN: The retaining wall starts here and comes around the back.

CHAIRMAN BRAND: What's the distance between the edge of the building and the retaining wall?

MR. BROWN: Twenty feet.

CHAIRMAN BRAND: How many feet?

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MR. BROWN: I'd say twenty feet. Yeah. This is the retaining wall up here. This is just -- it's a drive, a gravel drive to get access to all the compressors that will be along here and along here.

CHAIRMAN BRAND: Is that enough for a fire truck?

MR. BROWN: They probably couldn't make the turns.

MR. HINES: It's in the collapse zone so it doesn't count.

CHAIRMAN BRAND: What's that?

MR. HINES: It's in the collapse zone of the building.

CHAIRMAN BRAND: I think I would definitely put all of the intended uses, demos, everything on it at once so you don't have to come back again.

For now we'll just go back to the Town Board for you to seek the setback variances from them.

MR. HINES: They're going to give you the setbacks.

CHAIRMAN BRAND: And then come back to

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us.

MR. HINES: It will come back with a bulk table saying the Town Board approved the following setbacks on such a date, front yard whatever, 30, side yard 10, rear yard whatever it is.

CHAIRMAN BRAND: We would have to wait for that before we could submit it to any of the jurisdictional --

MR. HINES: Yes.

CHAIRMAN BRAND: So go to the Town Board, do what they have to do and come back to us.

MR. BROWN: Okay.

CHAIRMAN BRAND: Thanks.

MR. BROWN: Thank you.

CHAIRMAN BRAND: What is the storage going to be? Just more cold storage?

MR. BROWN: Yeah. What they're doing is -- I learned a little bit about the process. They're taking the grapes from Kedem and they're squeezing the grape seed out of them. Apparently that process is a lot easier if you do it in a cold building. Something about separating the

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water from the grape. This is what they tell me.

MR. HINES: Is there going to be production there? That might be a different animal.

MR. BROWN: I'll have to ask him more about the operation. Right now they're doing all the production in this building.

MR. HINES: It's not cold storage like it used to be?

MR. BROWN: Well what he told me is they squeeze the grapes cold. They squeeze the seeds cold. In other words, you have to get the seeds cold first and then they squeeze them.

MR. HINES: We have to clarify whether it's processing, because that's going to change the amount of sewer.

CHAIRMAN BRAND: We want to know what's happening inside the buildings, --

MR. BROWN: Okay.

CHAIRMAN BRAND: -- the new and the old.

I know there was a question that came up. Was this preexisting nonconforming or this just predates all of that? The original site

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plan for this.

MR. HINES: There is no site plan for this I don't believe. It's back before we had zoning probably, which is why you have buildings up against property lines.

CHAIRMAN BRAND: I think this goes along the lines of some of the other ones we went through.

If you'd give us the uses of all the buildings and everything. You can just clean up everything that's already there.

MR. HINES: You're going to approve the existing building. If there's processing in there then there may be wastewater generated and that building is not on sewer.

We've had issues with that same name you just said with discharge of processed material into the ground.

MR. BROWN: Okay. Thank you.

(Time noted: 8:00 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 25th day of February 2019.



MICHELLE CONERO

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

----- X
In the Matter of

WADE & KATELYN DAVIS

Project No. 19-3003
39 Reservoir Road, Marlboro
Section 108.2; Block 9; Lots 12.200 & 22.116

----- X

SKETCH - LOT LINE

Date: February 19, 2019
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVE PAULI

----- 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, Wade and
Katelyn Davis, sketch, lot line.

MR. PAULI: Good evening.

CHAIRMAN BRAND: How are you?

MR. PAULI: Steve Pauli, Brooks &
Brooks, land surveyors.

Three tax map parcels are
involved in this lot line revision and
consolidation. The tax map plot in the upper
right-hand corner sort of lays out what's
going on.

Two tax map parcels, they came
out of the subdivision. Lot numbers 12.2 and
12.3 are going to be combined. The resulting
acreage is 4.99 for those two lots.

In addition to that, tax map lot
22.16 is going to convey a .67 acre parcel to
be combined to that consolidation.

CHAIRMAN BRAND: Pat?

MR. HINES: I think there's some
history here. There was a deed plot in the past
that the applicants had thought was filed and it
wasn't, which is why the house was constructed
where it was. So now they're here to clean that

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up. To actually have it stamped and filed and clean that up. In the meantime, the playground and such was constructed to the rear, so they want to clean that up as well.

The lots are generally in the same ownership, although they're in trusts and other -- the same family, the people that are involved in those.

It's three lots, though. Initially I thought it was going to be your streamlined process but that's only allowed for two lots. I think it's going to require a public hearing. I don't see any technical issues with it. It's because it's three, not two lots. You're allowed two lots in that streamline lot line change. This has three involved so we'll need a public hearing.

I think Jeff has legal items that need to be taken care of. I think it can be scheduled for the public hearing.

MR. PAULI: Okay. In your comments also I read it may not be subject. Is there a possibility it may be, a three-lot, or that's -- that's over the threshold?

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CHAIRMAN BRAND: That's over it.

MR. PAULI: Okay.

MR. BATTISTONI: I looked in the Town Code today and under the definition of subdivision the waiver for the public hearing process is stated. It says only for applications involving no more than two lots.

MR. CAUCHI: No more than what?

MR. BATTISTONI: Two lots. You can only waive the public hearing if no more than two lots are involved. Here there are three lots.

CHAIRMAN BRAND: Can you do it twice, two lots and two lots, or is that longer in the long run?

MR. HINES: I think it's longer in the long run. It may be segmentation under SEQRA.

CHAIRMAN BRAND: So we need to schedule a public hearing for this?

MR. HINES: It's going to be March 18th.

CHAIRMAN BRAND: Right. So Monday. You'll be able to get that ready?

MR. PAULI: Yes.

CHAIRMAN BRAND: Monday, March 18,

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public hearing.

MR. BATTISTONI: I will mention that I had some concerns about the deeds that were provided. I received new deeds today that matched what was shown on the plan, so that issue was clarified.

Is the ultimate owner of the consolidated lot going to be the trust, if you know?

MR. PAULI: I can't answer that.

MR. BATTISTONI: It would be good to know that I guess.

MR. PAULI: Okay.

MR. CASEY: The trust.

CHAIRMAN BRAND: With that information, after the public hearing we would be able to have a resolution ready for that?

MR. HINES: If Jeff could have the resolution ready, I would see no reason why it can't be done all in one night.

CHAIRMAN BRAND: We'll shoot for that.

MR. PAULI: Jennifer, did you receive those last two pages?

MS. FLYNN: Yes.

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MR. PAULI: We're good with that.

Okay. So no other outstanding issues. We'll try and make some minor clean-up changes but it will be this map presented again March 18th.

MR. BATTISTONI: I wanted to ask also for a copy of the trust agreement. I'm assuming you'll try to get that to me?

MR. CASEY: It's going to be a few days.

MR. BATTISTONI: There's plenty of time. The public hearing is March 18th.

MR. CASEY: Why would you need the trust agreement?

MR. BATTISTONI: I want to see what the powers of the trustee are and the trust agreement. I think the application involves somebody using a power of attorney for two individuals. I don't know if they use a power of attorney for a trustee.

MR. CASEY: I'm the power of attorney.

MR. BATTISTONI: I understand that. I don't know who the trustee is of the trust, and I don't think the trustee can use a power of

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attorney. The trustee actually has to sign it.
I just want to look at -- there's plenty of time.

MR. CASEY: I could probably have them signed within the month. Instead of worrying about the powers of attorney, I can get that.

MR. PAULI: Are you going to be out there?

MR. CASEY: I'm going to be out in a couple weeks and I'll be able to have them sign it. Would that be cleaner and easier, just to have them sign?

MR. BATTISTONI: I think the problem here is that the trust is an owner of property here and individuals are also owners of the property here. Individuals can sign a power of attorney to authorize an application. That's happened. I don't think the trustee can sign a power of attorney to delegate authority. The trustee has to act in the trustee's capacity. Am I making that clear?

MR. CASEY: So you want to know who the trustee is?

MR. BATTISTONI: Who the trustee is, and the trustee will have to sign some documents

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as opposed to --

MR. CASEY: The trustee is either Wade or Katelyn or both.

MR. BATTISTONI: Or both. I'd have to see that. As trustees they can't get a power of attorney to you. As individuals they can, as trustees they can't. I'm just trying to do this right so you don't have a problem.

MR. CASEY: I understand.

MR. BATTISTONI: It's easy enough to clear up and we have plenty of time to do it.

CHAIRMAN BRAND: All right. Are you all set?

MR. PAULI: Yes. Thank you.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Motion to adjourn?

MR. CAUCHI: I'll make that motion.

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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CHAIRMAN BRAND: Aye.

(Time noted: 8:07 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 25th day of February 2019.

Michelle Conero

MICHELLE CONERO