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

----- X

In the Matter of

ROYAL ENERGY

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

----- X

PRELIMINARY - SITE PLAN

Date: November 18, 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  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
STEVE CLARKE

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

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ROYAL ENERGY

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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, November 18, 2019. Regular meeting, 7:30 p.m. Approval of stenographic minutes for 10/21/19. Royal Energy, preliminary, site plan; Brooklyn Bottling, revised plans, site plan. Next deadline: Friday, November 22nd. Next scheduled meeting: Monday, December 7th.

I'd like to have a motion for the approval of the stenographic minutes for 10/11, please.

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

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MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First up, Royal Energy, preliminary,  
site plan.

Pat, did you want to run through your  
comments perhaps first?

MR. HINES: Sure. Our first comment is  
they've addressed our previous comments regarding  
the stormwater pollution prevention plan. We had  
made a comment regarding the potential for the  
retaining wall underdrain to possibly impact the  
level of water in the permanent pool or pond.  
They've addressed that by specifying a clay liner  
at the bottom of the pond in order to prevent  
that from leaking out through that drain.

Health Department approval for the  
septic system was received.

The parking space detail has been  
provided on the plans and complies with the  
Town's requirements.

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The site plan has been modified. We brought up the propane tanks in previous comments. They are going to reduce the number of propane tanks and place one at a size that they've addressed with the code enforcement officer.

We requested a fence, split rail with black vinyl coated chain link on the split rail, to be added to the detention pond. That has been shown.

They've provided an architectural rendering and photographs for the Planning Board's review. The Board should determine if that is adequate for their use.

We noted that security will be required for the private inspections and the Town's review of the stormwater pollution prevention plan during construction.

I'll work with Jeff's office on the resolution.

CHAIRMAN BRAND: Thank you.

Patti, do you have anything?

MS. BROOKS: Yeah. I just wanted to -- in addition to the photographs that we had, and

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this was a little bit too big to try to e-mail but I just wanted to highlight where we did take the photographs from. One photograph was taken from Woodcrest Lane. Of course we have the Town of Marlborough highway garage complex here. The second photo was taken from the highway garage parking lot, and basically the viewshed is the greenhouses. The third photo point was here. It was good that we were able to take them leaf off because then it was able to show the actual conditions.

One of the situations that we have here is the highway, as you can see by the topography, is significantly higher than the roadway which has the building kind of recessed down and does not make it as visible to the road as it could otherwise be depending on the topography.

Heading in the southerly direction from this driveway was the one photograph that we took in a southerly direction. So those are where the photo points were.

This photo kind of shows where everything is in relationship to the other structures. You've got the old Hepworth coolers.

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ROYAL ENERGY

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On this side of the road, up on top of the hill  
of course is Stepping Stones.

CHAIRMAN BRAND: Are those buildings  
significantly taller than the buildings that are  
there now height wise?

MS. BROOKS: Height wise, the existing  
building and this building will be the same  
height.

MR. CLARKE: Are they going to look  
essentially the same?

MS. BROOKS: Similar. The two  
buildings?

MR. CLARKE: Yes.

MS. BROOKS: They're going to re-side  
that one.

MR. CLARKE: The same materials on the  
outside?

MS. BROOKS: Yes. They're going to  
re-side this building at the same time.

CHAIRMAN BRAND: Comments or questions  
from the Board?

MS. LANZETTA: I appreciate you doing  
the photographs. They are important to the  
review of the project. I had asked for photo

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simulations.

MS. BROOKS: Right. I guess I just want to say that it's difficult to represent applicants and have there not be consistency in what is requested and timeliness. So we've been before this Board for several months. I've been representing him and I know he was here for a good time before then. It wasn't until the October meeting that the photo simulations were actually requested. It's difficult to put something like that together that quickly. Again, consistency is very helpful because then I know what to expect for an applicant. If that's something the Board is going to start requesting from here on forward, I totally understand and respect that. I think it's very difficult to ask an applicant at the eleventh hour to submit something that previously had not been requested. I do appreciate that you sent the ones yesterday from 2017 for Kevin. To the best of my knowledge, that's the only photo simulation that's ever been requested by the Board before or since. So again, it's not something that this Board consistently requests. If you're going to

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require it in the future, I totally understand and respect that. To put something together that quickly was extremely difficult. The applicant -- after you sent me that e-mail yesterday I e-mailed the applicant right away and said you can please reach out to the person at the bottom of the e-mail and see if you can find somebody with a photo simulation. Within the last twenty-four hours they have come up with a photo simulation. I don't know --

CHAIRMAN BRAND: Just to clarify, we've asked for that of other applicants. The cell phone tower did a photo simulation. I believe there were photo simulations for -- I'm forgetting the applicant, but the view across the river.

MS. BROOKS: Maybe the solar.

MS. LANZETTA: Yes.

MS. BROOKS: But again, just giving us a little bit of time to get something done. We tried very hard to give the Board as much information and we could not having the photo simulation, and then today the applicant was able to provide these.



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MS. LANZETTA: This to me doesn't look like an adequate photo simulation. The point that I would like to make is, first of all, Ulster County Planning is encouraging planning boards to ask for this. They explained that it's not onerous for the applicants to put something like this together. In fact, it's to the point nowadays where a high school student could almost put something like this together. It gives us a more accurate representation of what it's going to look like as opposed to the architectural drawing which was very, in a sense, abstract. I mean it shows the building and it doesn't show it within the setting.

The reason we had asked for this particular building, as we did for Kedem, is that this is along a very highly traveled corridor, the Route 9W corridor, and it's a large project.

There was some kind of fall through with the architectural drawings. We never got those until late.

MS. BROOKS: They were sent in August. I have proof that I sent them because I resent the same e-mail.

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MS. LANZETTA: I'm not saying you didn't. I'm just saying there was some kind of fall through and the Planning Board never saw those. By the time we looked at the architectural drawings and realized that we really -- at least I can say that I didn't get a sense of what it was going to look like from the road. That's why I requested that. I thought that having a couple weeks to put it together would be sufficient.

I think the fact that we're going to be leaving the vegetation and the fact that it's sitting low -- I know we didn't ask for that from Brooklyn Bottling because it was clear this was not going to be visible from 9W.

Myself, I'm thinking at this point I wouldn't want to hold up the project for that photo simulation, but I do believe that as a Board, with those kinds of understandings that the public is going to be -- that these projects are going to be very visible to the public, that this is something that we're going to want to request on a regular basis.

MS. BROOKS: I appreciate that.

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CHAIRMAN BRAND: Anything else from the Board?

MR. LOFARO: I have a question about the signage. Right now the sign is kind of leaning up against the post, or whatever, for a long time. What's the long-term plan for signage?

MS. BROOKS: That sign is coming down. They're not putting that sign back up. The signage at this point in time is only on the building. If they propose any additional signing, my understanding is we need to come back to this Board for a revised site plan. The documents we've presented to date, the signage will only be on the building.

CHAIRMAN BRAND: Jeff, maybe now is a good time for you to jump in. I know that was one of the conditions for the resolution included some language on signage. All signs associated with the improvements. It's a letter from you on page 7.

MR. BATTISTONI: Bear with me for one second. That's correct. That's in the resolution. Any signage that would be proposed

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would have to comply with 155-28.

CHAIRMAN BRAND: Would that require them to come back? If it's within the code they can just put it up?

MR. BATTISTONI: I frankly don't know. I know that in some towns a sign permit is required. It can be issued by a zoning administrator without review by a planning board. I don't know what Marlborough's code says about that. I could check.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: I would think that they would be able to put up a sign as long as they complied with the Town code.

MR. BATTISTONI: That was generally my understanding in most towns.

MR. LOFARO: They still have to apply for a permit?

MS. LANZETTA: Sure. The building inspector would have to inspect it.

CHAIRMAN BRAND: You have before you the SEQRA negative declaration and notice of non-significance for the application of Royal Energy Properties, LLC for the site plan approval

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ROYAL ENERGY

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from the Town of Marlborough Planning Board.

Kathi, would you poll the Board,  
please?

MS. NATLAND: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. NATLAND: Member Truncali, he's not  
here.

Member Trapani?

MR. TRAPANI: Yes.

MS. NATLAND: Member Lanzetta?

MS. LANZETTA: Yes.

MS. NATLAND: Member Lofaro?

MR. LOFARO: Yes.

MS. NATLAND: Member Cauchi?

MR. CAUCHI: Yes.

MS. NATLAND: Member Clarke?

MR. CLARKE: Yes.

CHAIRMAN BRAND: You also have,  
prepared by the town attorney, the resolution on  
the application for Royal Energy Properties, LLC  
for site plan approval.

Are there any other conditions that you  
want to highlight before we go to the vote, Jeff?

MR. BATTISTONI: The only thing I would

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say is that the first condition is for the business corridor overlay district. So this obviously goes back to the Town Board for that process.

CHAIRMAN BRAND: Right. It states that if they say no, that the whole thing is done.

MR. BATTISTONI: Is void. Correct.

CHAIRMAN BRAND: I think that was all I had.

Kathi, would you poll the Board?

MS. NATLAND: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. NATLAND: Member Trapani?

MR. TRAPANI: Yes.

MS. NATLAND: Member Lanzetta?

MS. LANZETTA: Yes.

MS. NATLAND: Member Lofaro?

MR. LOFARO: Yes.

MS. NATLAND: Member Clarke?

MR. CLARKE: Yes.

MS. NATLAND: Member Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: So moved.

MS. BROOKS: Thank you very much.

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(Time noted: 7:42 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 22nd day of November 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

BROOKLYN BOTTLING

Project No. 19-3006  
9 Riverview Drive, Marlboro  
Section 108.3; Block 2; Lots 38.1 & 39

----- X

REVISED PLANS - SITE PLAN

Date: November 18, 2019  
Time: 7:42 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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



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CHAIRMAN BRAND: Next up we have before you Brooklyn Bottling Company.

Just to be clear, Pat did e-mail me and asked me if we thought this was something that needed the Board's review. I thought that the changes should be reviewed by the Board, so that's why we're here tonight. We got you on the agenda for this evening.

Pat, did you want to run through your comments?

MR. HINES: As the Chairman just said, I got an e-mail from the engineer for the project identifying some changes. They worked on the architecturals, finished some elevations and realized there were some doors that were going to be placed on the exterior.

They took a look at the drainage and also wanted to do a more positive drainage away from the building. That resulted in changes to the plan as well as some changes to the paving around the building to allow for some more access on the northeast side. It was a little tight there. They're going to pave some additional area there, and they're compensating by removing

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some paving on the west side so it doesn't affect the drainage.

They are going to put an additional series of drainage pipes all along the building to positively convey the drainage that was sheet flowing away from the building previously into a closed pipe system, and then it goes over to the large detention pond that was built during the original construction.

The first comment I have, they want to change the planters. They had stormwater planters for water quality that the roof leaders are going to discharge to. They act as a filter. There was a planting bed with plants that are suitable to growing in kind of wet areas. They have them made out of concrete utilizing the building foundation as the one wall and then a new wall about three feet out. They want to separate that now and build them out of railroad ties, pull them away from the building wall. I commented that I didn't think it was a good idea to put that against the building foundation in the first place. They're going to pull those out. They want to change those from poured concrete to a

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pressure treated landscape tie planter. So that's a change, allowing them to pull it away from the wall of the building by one foot. It will be the same -- their sizes changed a little bit and the geometry of them with the building, but they do have the same area of those. That's going to be -- that was a major change to the stormwater.

We talked about adding around the perimeter of the building a pipe system to drain the building.

CHAIRMAN BRAND: Could I ask about that? My own home, the gutters have a lot of water. This is a giant building. With a significant rainfall is that going to be able to hold the water?

MR. HINES: They're set up to allow that to overflow. It allows six inches or one foot of ponding in the planter and anything excess flows out. It's the smaller, more frequent storm events that get treated. The larger storm events will bypass the planter through a catch basin. They are designed to allow those bigger storms to flow. You do these

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designs based on a 90 percentile storm. 90 percent of our storms here are 1.2 inches or less, and the storms that exceed that are allowed to pass through.

CHAIRMAN BRAND: Thank you.

MR. HINES: Continuing on. Identify the parking lot pavement that we talked about. They are putting a compensating area, switching that pavement from east to west, and it does give wider room around that northeast corner on what would be the river side of the building.

They have added the fire service lines to the building located within the existing structure. The jurisdictional fire department and the applicant have discussed that. We do have a letter from the fire district accepting that arrangement.

I asked that they add a hydrant detail. They're moving the hydrant based on that pavement they added. We're looking for a hydrant detail to be added along with that water service line.

I think the changes are relatively minor. They're more that they have done some detailed design of the building, figured out the

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loading dock.

There's an area of pavement that is in relatively poor condition right along their loading dock. They've identified that as being taken out. They're going to take it out, put new subbase and paving in there as well. That wasn't proposed previously. I think when they did the detailed design for the loading dock somebody looked at it and said we're building a new loading dock, we might as well clean up the pavement area.

The plans do show all the changes I addressed. Unless the Board has any questions --

CHAIRMAN BRAND: Any questions from the Board?

MS. BROOKS: We did bring the final plans tonight with the addition of the hydrant installation detail and the water main fire service line on the plans. They have been signed by the owner.

CHAIRMAN BRAND: Jeff, did you have anything to add?

MR. BATTISTONI: I don't know what the Board has done in the past with something like

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this. Do you want a written resolution to approve the modified plans? Are you willing to make a verbal motion tonight and have that stand to be supplemented later on by that written resolution?

CHAIRMAN BRAND: I think, due to the minor changes involved, a verbal vote would be okay.

Is everybody good with that.

MS. BROOKS: Also in the previous resolution that was written, you did write in there to the extent that the site plan must be updated to show any system components, no building permit shall be issued for work identified in the site plan until the engineer for the Planning Board has approved such updated site plan. We actually went that one step further and had it not only approved by the engineer but also hopefully reaffirmed the conditional approval by the Planning Board this evening.

MR. BATTISTONI: Good.

MS. BROOKS: I think we're still within that purview.

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CHAIRMAN BRAND: I will entertain a motion to approve the modifications as indicated on the plans.

MS. LANZETTA: And approved by our town engineer.

CHAIRMAN BRAND: And approved by the town engineer. Is there a second?

MR. CAUCHI: I'll second.

CHAIRMAN BRAND: Manny. Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

MS. BROOKS: Thank you very much.

MR. BONFORTE: Thank you.

Pat, do I bring these over to you? Mr.

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Hines?

MR. HINES: I need to take a look at them.

MS. BROOKS: He needs to look at the hydrant detail.

CHAIRMAN BRAND: Anything else before we adjourn?

(No response.)

CHAIRMAN BRAND: I'd like a motion to adjourn.

MS. LANZETTA: I'll make that motion.

MR. LOFARO: Second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 7:48 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 22nd day of November 2019.

*Michelle Conero*

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MICHELLE CONERO