

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

JOHN WEED/WEED ORCHARDS

Project No. 20-4001
Penny Lane
Section 102.4; Block 4; Lots 33.100 & 1.311

----- X

SKETCH - LOT LINE

Date: January 21, 2020
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JAMES GAROFALO
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: SUSAN DEMSKI

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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, January 21, 2020. Regular meeting 7:30 p.m. Approval of stenographic minutes for 12/16. On the agenda tonight is John Weed/Weed Orchards, sketch, lot line, on Penny Lane; Chestnut Petroleum, SWPPP, site plan, 1417 9W; Greiner BSD Realty, sketch, subdivision/lot line, 96 Idlewild Road, Marlboro; discussion without the lawyer, engineer and stenographer, Frank Dwyer, 203 Ridge Road, discussion on Airbnb. The next deadline is Friday, January 24th. The next scheduled meeting is Monday, February 3rd of 2020.

Can I have a motion to approve the stenographic minutes for 12/16, please?

MR. CAUCHI: I'll make that motion.

MS. LANZETTA: I didn't see them. Were they sent out?

MS. FLYNN: Yes.

MS. LANZETTA: I'm sorry. I looked for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

them tonight and I missed them.

CHAIRMAN BRAND: Is there a second?
Any other discussion?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

MR. GAROFALO: I'll abstain. I wasn't
there.

CHAIRMAN BRAND: Okay. First up, John
Weed/Weed Orchard, sketch, lot line.

MS. DEMSKI: The applicant, John Weed,
proposes to convey 3.53 acres from the mobile
home lot to the farm. His daughter is purchasing
that mobile home lot and he wants to put more
acreage with the farm.

CHAIRMAN BRAND: Pat, did you want to
zip through your comments?

MR. HINES: Sure. This does qualify
for the streamlined lot line provisions in your
Ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

My first comment just identifies what Sue said, it's 3.53 acres transferring between two lots.

It cleans up an existing access issue. The current lot is landlocked. This will give it access to the Penny Lane extension which is a paper street from a prior subdivision filed back in 2003. It will now have fee access to a public road or a street shown on a subdivision map which it doesn't currently have.

We're just looking for the location of the septic system. The well is shown but we want to make sure the septic system remains with the residential use on the lot.

There's a well shown serving the lot but then there's what also looks like a water valve depicted near there. We're just wondering what that was or if there's some kind of a cross section between them.

MS. DEMSKI: That's servicing the mobile home lot but may in the future service the farm.

MR. HINES: It's just a termination of the well line there?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. DEMSKI: Yeah.

MR. HINES: So there's no encroachment.

We did suggest, when we took a look at the resolution, a note on the map stating that this will not cause any encroachments or violations of the Public Health Law. So that will be a note we need on the map.

That's all we had. It does meet your streamlined. It doesn't need a public hearing.

I know Jeff has prepared a resolution.

CHAIRMAN BRAND: Comments, questions from the Board?

MR. GAROFALO: I have some.

CHAIRMAN BRAND: Please.

MR. GAROFALO: On the smaller map, the extension that goes out to Penny Lane, it looks like that was part of lot 1. I'm not sure, based on how this is striped, which that actually belonged to.

MR. HINES: That is the case. The striping just didn't follow through on that little piece there.

MR. GAROFALO: Which lot is it part of?

MR. HINES: It's part of the large farm

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

lot, tax lot 1.311. The cross hatching didn't extend through it.

MR. GAROFALO: Okay. The second question is with regard to the cul-de-sac, does that become a lot line change also? Does that become public property or does that stay as private property?

MR. HINES: The cul-de-sac is existing. Whoever owns it now continues to own it. I believe it's part of the parent lot, the large lot, which is lands of John R. Weed. It just stays that way. It was part of the -- it was an old subdivision and it's just remnant land from it.

MR. GAROFALO: Do they need a right-of-way to go through that?

MR. HINES: No. It's existing there. No.

MR. GAROFALO: The proposed one I'm talking about.

MR. HINES: No, because it's shown on that subdivision map. It's a road shown on the subdivision map. They would have access. It depends on, I guess, how the deeds were written

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in the past. In other words, future subdivision of the Weed Orchard would normally have rights to access that road.

MR. GAROFALO: Okay. And the existing cul-de-sac, is that owned by the two properties? Again, is that a paper road that the Town owns?

MR. HINES: It's owned by the properties.

MR. GAROFALO: It's owned by the properties?

MR. HINES: It's not a Town road at this point. It wouldn't be a Town road until it was constructed and dedicated.

MR. GAROFALO: Okay. The only other comment that I have is I think for the Board to look at the bulk items, it would be good if in the future, not for this project but in the future, if the bulk table requirements show the requirements and then next to them show what's actually there so that the Board can see those numbers, what's being proposed, not just the requirements. We can look in the book and find the requirements, but to find what exactly is the frontage, what is the setbacks. That I think

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

should be part of the bulk table. I'm not going to ask for that here. Certainly there's a note saying it meets all of those requirements. I think in the future we should be asking that the existing and certainly the proposed be shown in that table.

MS. LANZETTA: I know we get that from some of our surveyors and engineers. I don't know if -- does that have anything to do with the fact that this is a small subdivision? It just happened that way?

MR. HINES: We do get that from -- the majority of the people that do submit to us show the building envelop as well as the existing and proposed setbacks.

MR. GAROFALO: I think it's very helpful to you and to the Board to be able to see that.

MS. LANZETTA: When we get to Greiner you'll see that.

MR. GAROFALO: I did see that.

CHAIRMAN BRAND: Anything else?

MR. GAROFALO: That's it for me.

CHAIRMAN BRAND: Jeff, did you have

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

anything?

MR. BATTISTONI: I guess just a question for Pat. Number 3 on your letter, should that be added as a condition to the resolution?

MR. HINES: Yes. That be depicted on the final map.

MR. BATTISTONI: I had prepared a proposed resolution. Number 3 from his letter should just be added as an additional condition.

MR. HINES: That was to show the septic system.

MS. LANZETTA: That meets the necessary sanitary --

MR. HINES: Yes. That note is in the resolution. There's a note requiring a note be added to the map.

MR. GAROFALO: That would mean it has to be on that lot?

MR. HINES: Yes. What we had suggested in the resolution was, and I don't have it in front of me to read but I did provide some verbiage that there be a note added to the lot line maps that the lot doesn't create any zoning

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

issues or doesn't transfer anything unknown to the survey. It doesn't create a septic system separation issue or such. I know Jeff corrected some of the verbiage that I had.

CHAIRMAN BRAND: We'll just add number 4 to reflect Pat's number 3, if that makes sense.

MR. BATTISTONI: Yes, that makes sense.

CHAIRMAN BRAND: All right. That being said; Jen, would you poll the Board for the resolution on the application of John R. Weed and Weed Orchards, LLC.

MS. FLYNN: Before I do that, the last revision date of the map would be?

MS. DEMSKI: Well, there will be a revision date once we add the septic and the note.

MS. FLYNN: Do you know what date that would be so we can put it in the resolution or --

MS. DEMSKI: Our office is up at a conference, so it will be next week. I don't know exactly what day.

MS. FLYNN: I'll write it in.

MS. DEMSKI: Probably Monday I would say.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: So moved. Thank you.

MS. DEMSKI: Thank you very much.

(Time noted: 7:40 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 3rd day of February 2020.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

CHESTNUT PETROLEUM

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

----- X

SWPPP - SITE PLAN

Date: January 21, 2020
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JAMES GAROFALO
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: PETER SETARO, SCOTT PARKER

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: Next up, Chestnut
Petroleum, SWPPP, site plan.

MR. SETARO: Good evening. I'm Pete
Setaro, I'm with CPL. We're the engineers for
the project. Scott Parker is here with CPD, the
applicant for the site.

MR. PARKER: Hi. Long time no see.

MR. SETARO: Would you like me to go
through some of the amendments that we're
proposing?

CHAIRMAN BRAND: Yes.

MR. SETARO: Okay. So as you know from
driving by the site, there's a lot of activity
there. As we've gotten into the project there
are a couple things that have come up that we'd
like to propose to the Board to make some changes
to.

The biggest one is that the applicant
has decided to not propose any improvements --
widening improvements on 9W. It previously
included a turn lane and then an acceleration
lane. They've agreed to go with a right turn in
and a right turn out of the site.

MR. PARKER: If you're interested in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

any of the details of why or how that happened,
I'd be happy to explain.

CHAIRMAN BRAND: I think we know the
answer. It's cost.

Just to stop you there, New York State
DOT, have they reviewed these new changes?

MR. SETARO: Yes.

CHAIRMAN BRAND: We've gotten approval
from DOT for these changes?

MR. PARKER: We actually had a pre-con
meeting this morning.

MR. SETARO: We'll provide that. I
know that was one of Pat's -- I think Tom Harvey,
in his letter -- I think he provided an e-mail.
I'll have to see if we have something better.

MR. PARKER: We have a copy of the
permit.

MR. SETARO: We actually have a copy of
the highway permit. We'll submit that as part of
our next documentation. DOT is okay with that.

The next one. If you recall, as far as
our sewage, we used to have a subsurface sewage
disposal system up on the hill behind the site.
Since the Town has now installed a low-pressure

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

sewer system in front of our site, we're proposing to tie into that. We have submitted those plans to Brinnier & Larios and the Water and Sewer Department. We've had several meetings with them and we will be getting -- I did get an e-mail from Dennis Larios that basically said that, you know, the sewer plans were okay. He had one minor comment on the water. We'll have to go and get something from either Dennis or the water and sewer superintendent for the Board's files.

Number 3, as part of the DOT work we had some minor changes to the proposed stormwater system that were going north. The existing 12-inch Town water main is very close to the existing storm line that's out there today. When we met with the Water Department we did some test pits to verify where the location of the water main is. They had asked if we could just move our storm drain line horizontally so we could provide between two and three feet of horizontal separation between the water main and our storm pipe. Currently there are spots where the existing storm pipe is right next to the existing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

water main. So we said yeah, that's something that we can do. That was part of the updated plans that were submitted to the Department of Transportation.

We have proposed a couple of changes to the stormwater pollution prevention plan. Due to some fairly significant rock cuts on the southern part of the site, we had -- we had a bio-retention filter that went all the way around the back of the site. We had a little bit extra. We had proposed taking off about 50 feet of that to the area to the south. That's something that I'm sure Pat is going to comment on.

We also proposed a substitution on the water quality treatment device that we had previously had on the plans. We're now proposing a hydrodynamic separator with also some catch basin filters that would be installed on the three catch basins that are on the site. Pat had some comments on that. Again, I'll let him review those.

We previously had, in the back of the site, a soil and nail retaining wall on the top of the rock cut. Once the contractor got into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the work it didn't seem like that was going to be the best option for us, so we went with a precast block retaining wall. That was designed by -- I believe we got that through Redi-Rock, I believe.

MR. PARKER: Yes.

MR. SETARO: So that was a change.

I'm going to let Scott talk about some of the building-mounted signs that have been updated to reflect the current Chestnut and also Dunkin Donuts. I believe that also includes the pylon sign. Right?

MR. PARKER: That's right.

MR. SETARO: Do you want to just chat a little bit about the sign?

MR. PARKER: The signage. Since we went through the first plan, Dunkin's brand has changed a little bit and so has ours. The square footage I believe is all the same, it's just a change in the look of it. Dunkin Donuts is no longer Dunkin Donuts, it's just Dunkin now. Again, the signs are all in the same place, they're just different names. Our brand, our Chestnut market brand is going to be used now. Previously we had a Mobil mart brand.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SETARO: That's about it.

CHAIRMAN BRAND: Pat, why don't you run through your comments first.

MR. HINES: We're looking for the DOT permit. I did see the e-mail with the concept approval. We're looking for the status of that review. That's been one of the ongoing issues with the project for awhile.

Sheet 1 that you gave us, sheet 1 of 12, the new plans, has a DOT sign table. It refers to by JMC, John Meyers Consulting. That is not transposed on any of the plan sheets. The signage isn't depicted. Previously we had a plan from JMC that depicted all of those improvements within the roadway and showed where the signage is going to go.

MR. PARKER: I don't think we included their plans.

MR. HINES: It must exist because DOT would've requested it. If the Board can get that as well.

MR. SETARO: We can include the JMC plans.

MR. HINES: We did note that the plans

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

removed the previously proposed subsurface sanitary sewer disposal system. The Board is looking for a sign off from the Town's Sewer Department consultant, Brinnier & Larios, on those improvements. We're not going to re-review them. If they're doing that, let them do that and we'll look for the sign off.

There is an existing three-quarter inch water main or service lateral to the rear parcel that was proposed to be relocated.

MR. PARKER: That's been relocated. It's coming off of Mount Rose now.

MR. HINES: That's shown on the plans. Let's show that as an item that's done.

MR. SETARO: Relocation.

MR. HINES: On the plans it still says it's going to be relocated. That can either be removed and just put a note has been relocated.

MR. SETARO: Okay.

MR. HINES: The Town is a regulated MS-4. Previously the approvals requested a maintenance agreement be filed with the Town for the stormwater improvements. Again, during the public hearings the stormwater was an issue for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the adjoining landowners and downstream landowners. I don't know if that's been accomplished yet.

MR. PARKER: It's not a problem. Do you have a template that you can --

MR. HINES: I can provide that.

MR. SETARO: If you could e-mail that to me, Pat.

MR. PARKER: We have no issue with that.

MR. HINES: The previous plans that were approved by the Board had a sidewalk along 9W. It doesn't appear that these plans have a sidewalk. There's a note regarding an easement now.

MR. PARKER: So without widening the road -- previously we were going to have to give up property or have some kind of easement with the DOT to allow that sidewalk. Now we no longer need that easement. Because we're not widening the road, the sidewalk would actually end up in the DOT right-of-way. What we're asking, and I understand this has been done on other projects, is a condition of our approval that if on either

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-- if this comes along that we need the sidewalk
-- currently it's a sidewalk to nowhere. It's
going to deteriorate and by the time it's needed
it would need to be redone. I understand that
maybe it was the hardware store or something
previously had gotten a condition of approval
that the sidewalk would go in. We have no
problem with that being a condition of our
approval.

MR. HINES: I don't know if the Board
is going to concur with that. This is kind of
closer to the hamlet.

MR. PARKER: As soon as somebody brings
the sidewalk close we'll build it.

MR. HINES: I guess someone has to be
first. It's the excuse we hear all the time,
there's no sidewalk there, but --

CHAIRMAN BRAND: You're literally 100
feet away from the next sidewalk that's going to
be installed.

MR. PARKER: When is that happening?

CHAIRMAN BRAND: Whenever the Bayside
project goes through. They have all their
approvals with sidewalks to the end of Purdy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PARKER: I just -- I don't see the point of building something that's just going to deteriorate and need to be replaced by the time it's being used. If you're telling me that there's something that's going to happen in the near future, that this will be --

CHAIRMAN BRAND: It's been approved. I think as far as foot traffic goes, obviously Dunkin Donuts would be a bigger draw for foot traffic than the hardware store would be. You're not carrying lumber out but you could go get some doughnuts.

MR. HINES: It almost might encourage the kids at the school to walk there.

MS. LANZETTA: You're a lot closer there.

MR. PARKER: I mean our sidewalks -- pedestrian access to the site from the south we have no problem with. It's just the sidewalk across the entire front of the property. I don't know where people are going but --

CHAIRMAN BRAND: I think just the fact that they're walking there from the hamlet to get to it, or from wherever. That was something that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we were pretty particular about.

MR. GAROFALO: It was included in the Safe Routes To Schools, that that was part of the section that they wanted to have a sidewalk.

MR. PARKER: It's just extra concrete to us. I didn't -- to put a sidewalk to nowhere that's going to deteriorate is not something we thought was a good idea. If you're saying it's not going to be to nowhere for very long --

CHAIRMAN BRAND: That's the plan.

MR. PARKER: No problem.

MR. GAROFALO: I certainly have some concern, having seen a number of sidewalks where telephone poles are in the middle of the sidewalk, where they reroute it. If you go down Route 9W you see where the sidewalk near the Mansion in Newburgh is. There's the gas station. Basically they put the sidewalks in and they didn't even meet. I think we want to see a plan for the sidewalk so that other people, when they come by, you know, will know how to connect into it.

MR. PARKER: Is there a specification that the Town has for sidewalks?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SETARO: That would be a DOT spec.

MR. PARKER: You guys don't have anything special, like stamped concrete and that kind of stuff?

MR. HINES: Just regular concrete.

MR. SETARO: Whatever the DOT requires.

MR. PARKER: No special light poles or anything?

MS. LANZETTA: No.

CHAIRMAN BRAND: Not yet.

MR. HINES: Are you proposing light poles?

MR. PARKER: No.

MR. HINES: You said it.

MR. PARKER: I'm just counting in my mind.

MR. GAROFALO: At the Mansion they wanted the sidewalk to be going around the telephone pole. When you get somebody walking at night, they're going to walk right into the telephone pole. It's something you can't see.

MR. HINES: The retaining wall, as you said, has been revised. I don't know -- Tom is in the room now, but I don't know if there was a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

certification as to the as built. That was a rather large significant change to the retaining wall. We're looking for the -- I don't know if Tom has a stamped plan that that was built per the design specifications.

MR. SETARO: We have plans. We have stamped plans. I don't think it's been certified.

MR. HINES: That's required. Typically anything over four feet high is required. I'm going to defer to Tom on that. That's something before your CO that should be provided to make sure --

MR. PARKER: We'll do something.

MR. HINES: -- that that's constructed properly.

There are a couple locations where there's some headers that say Route 9W curb cut that are kind of random on the plan. Just clean those up.

During the SWPPP design the petroleum products and the fact that this is a DEC stormwater hotspot by definition under the regulations, that proprietary product that you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

had there was actually a filter for the petroleum products, not so much -- now you're proposing a hydrodynamic separator that's more to remove the sediment and does minimal removal of the hotspot issues on the site. I know you're proposing some inserts in the catch basins but I don't believe those are DEC approved for that use.

MR. SETARO: We're going to have our -- we'll have one of our engineers who is like versed in that, he had been checking into that. Let me follow up on that. He thought that they would be --

MR. HINES: It needs an NJCAT approval for DEC. It's actually a New Jersey approval that DEC adopted, that form.

MR. PARKER: Obviously if we can't get there we'll have --

MR. HINES: The former product was approved for use.

MR. SETARO: I understand.

MR. HINES: It was actually designed to do what you were proposing it to do.

MR. SETARO: Right.

MR. PARKER: It's more about the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

installation of that thing. It's pretty enormous and this rock has put a big damper on it.

MR. HINES: You moved a lot of rock.

MR. PARKER: You have no idea.

MR. HINES: We did review the rest of the SWPPP and we take no exception to the modification to the bio-filter that you had in the back. It was oversized originally. It still meets the water quality requirements for that portion of the site.

And then we're suggesting the Planning Board review the new signage on the site that was proposed, which you had just mentioned. There are changes to that.

That's the extent of our comments on the revised plans.

CHAIRMAN BRAND: Comments from the Board?

MR. GAROFALO: I have a bunch of comments. With regard to the back where there was going to be a septic area, you had on the previous plan, I guess it was a path so if you had a lawn mower you could get up there and mow it or something. What exactly are you going to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be doing with that back part?

MR. PARKER: It's seeded right now.

It's grass.

MR. GAROFALO: You're going to maintain that path to go back there?

MR. PARKER: The path will be up there. I think that the neighbors would rather us let it grow back up if that's -- unless somebody has a problem with it.

MR. GAROFALO: Is there going to be a fence on the top?

MR. PARKER: There is already. We had it in the original plan. I can't remember the height of it. 4.6. Whatever it is. It's already been installed.

CHAIRMAN BRAND: Just so you know, if somebody does have a problem with it, and it would be the neighbor behind you, she's reached out several times to you and to Mr. Germal. She was requesting, which we didn't think of at the time, that some type of buffer be planted there. Some type of tree to shield her from the lights and the sound and everything. Unfortunately at the time we weren't -- we had already made the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

approvals. Since we're doing a re-approval, I think that's something I'd like to see up at the top there.

MR. PARKER: Do we have what exactly you're looking for?

CHAIRMAN BRAND: Just some type of tree buffer.

MR. HINES: Evergreens. Previously the septic system being back there --

MR. PARKER: What property are we talking about?

CHAIRMAN BRAND: Directly behind you.

MR. HINES: Above the wall.

MR. PARKER: Is that the one that was mad because she didn't know the project was happening?

CHAIRMAN BRAND: Apparently her well was damaged and --

MR. PARKER: That's it.

CHAIRMAN BRAND: That's the information I received.

MR. PARKER: Yeah.

CHAIRMAN BRAND: I think that being neighborly with planting some trees and some

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

buffer, vegetation would go a long way as opposed to just grass. As Pat said, previously you weren't able to do that because of the subsurface sanitary system. Since that's no longer in play, I don't see any reason not to go ahead and do that.

MS. LANZETTA: Don't you think large shrubs would be better than trees because trees --

MR. HINES: They put them too close to that wall. It's a pretty high wall.

CHAIRMAN BRAND: Arborvitae type of things that grow up. Something like that.

MR. SETARO: The deer like them.

MS. LANZETTA: That's rock there.

MR. LOFARO: She's looking to shield the light. Something has to be adequate to shield --

MR. HINES: Maybe rather than put them back by the wall, put them back where your limits of grading were.

CHAIRMAN BRAND: Somewhere between your property line and there. I personally would like to see that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: You could take advantage of the elevation. The further you put them back, the better.

CHAIRMAN BRAND: Further back would be better. The closer to her property the better I think.

MS. LANZETTA: You can get some pretty tall shrubs.

MR. LOFARO: And full.

MR. GAROFALO: If you can find native species, so much the better.

MR. PARKER: There's a bunch of native species out there. Can't we just let them grow?

MR. GAROFALO: I have a couple of other comments. There are some details on the plans, an accessible ramp detail, a crosswalk detail. I don't see where on the plans those appear. If you could take a look and identify -- I don't even know if you're going to have a crosswalk now. Take a look and see, A, if you need them; B, locate them wherever they're supposed to be on the plan.

MR. SETARO: Sometimes they are just like our standard like details and they just get

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

put on every job. Okay, that's fine.

MR. GAROFALO: I'd like to give you this. New York State has a dynamic sign for the accessible locations, both for the signs and the pavement markings. If you could change those on the plan to reflect that, both in the signs and the pavement markings.

MR. SETARO: All right. Is this for us or do you need that back?

MR. GAROFALO: You can keep that.

There's no indication on the plan what size the parking spaces are going to be. You should have that. That was a problem before. I did not see that on the plan. If you could put that on the plan, that would be appreciated.

This site is probably going to be the poster child for bicycle parking. You have bicycle racks identified on the plan. I think most people who ride bicycles prefer to have their bicycles locked, the frame locked as opposed to the wheels. I think it would be nice to see some kind of a detail. If you want to make them orange for Dunkin Donuts or whatever.

MR. PARKER: What do you like? What

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

kind?

MR. GAROFALO: Just something to show
-- I don't want to say a certain brand or
whatever, but --

MR. PARKER: Or equivalent. You can
say the brand.

MR. GAROFALO: There's a whole series
of different ones. I think you can look. I can
give you an item showing some of the things that
are good and some of the things that are bad.
Basically something you're locking the frame to
as opposed to the old standard ones where you
just kind of put it in and lock the wheel to it.

MR. PARKER: No problem.

MR. CAUCHI: There's no designation
here for a bicycle rack.

MR. PARKER: There is.

MR. GAROFALO: Over there.

MR. HINES: Right there.

MR. SETARO: We have one on the side.

MR. GAROFALO: Which I think is great.
I mean that's what I said, you're going to be the
poster child. It would be nice if we could point
everybody and say they did it right. Consider

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the fact that there are going to be times when there's going to be nobody there at all, so you want to be able to -- the people to move through there also probably. Think about what is it going to look like and how do you want it to look to match what you're doing with your building. You'll be the poster child, this is the way to do it or this is the way not to do it. I certainly would like that.

MR. PARKER: That's a lot of pressure.

MR. SETARO: It is a lot of pressure.

MR. GAROFALO: These guys did it right, the right way.

The signs. Just like the bulk table, with the signs I think it would be nice if you had this is what they're going to be and this is what the regulations say so we can quickly see that you match what is required. You basically kept the height and everything the same. I don't know if you changed the size of the lettering or anything. I think that kind of table for this kind of sophistication I think would be nice to see so that the Board can clearly see okay, these guys are exactly meeting the new -- you're

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

meeting the new code.

MR. PARKER: That code wasn't around when we first started. I guess we'll have to do a comparison. I think on our last approval there wasn't a code. Maybe I'm wrong.

CHAIRMAN BRAND: It had just been passed prior to your approval. Adopted.

MR. PARKER: Nothing has changed in size. If we met this then, we meet it now.

MR. GAROFALO: In terms of the size, the height and the letter size.

MR. PARKER: But our application was in before that code also. I don't know. I don't know if we've ever done that analysis.

MR. GAROFALO: Okay. It might be good to just take a look at that and make sure you're okay.

MR. PARKER: With all these trees and sidewalks I might just put in the turning lane again.

MR. TRAPANI: I wish you would do that. If this came up before that you only had a right-hand turn, I wouldn't have voted on it. I wouldn't have voted on it. Do you know how many

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

accidents are going to be down there now? People are going to go up to the drug store, turn around, they're going to go -- what's that little road passed them?

CHAIRMAN BRAND: Mount Zion.

MR. TRAPANI: At that point they're going to turn around. The traffic is going to be just crazy now. I'm sorry. I was in favor of it but right turn in, right turn out.

MR. LOFARO: I agree with you. I like the extra lane that was going to be there. I think that's going to cause problems.

CHAIRMAN BRAND: Pat, we talked about this previously. Just to refresh everybody's memory, the approval that was granted for them was contingent upon DOT approval of their access?

MR. HINES: Yes. It specifically stated that any modification would require them to return. This was a significant difference in what was approved.

CHAIRMAN BRAND: Can you repeat that?

MR. HINES: Your original resolution of approval, they did not have DOT approval for -- what they were proposing was a non-standard

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

design. I guess they were pretty confident they were going to get it through DOT, as well as JMC Engineers. That didn't happen. The DOT would not allow that to happen. They were going with a conventional turning lane which I think wasn't cost effective.

MR. PARKER: When we went for approvals we had gone to that conventional.

MR. HINES: That had been in between when you approved it. Your approvals had, I think you called it a seagull turning lane or something is how you referenced it. They would have needed to come back anyway, even if they changed it to the conventional left-turn lane, deceleration/acceleration lane that the DOT was proposing. I think there was 500 feet beyond improvements required.

MR. PARKER: It was past Mount Rose.

MR. HINES: They would have had to come back anyway.

MR. CAUCHI: You only can get into this place by traveling south?

MR. HINES: It's only a southbound in and out.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CAUCHI: If you're traveling north you can't get in there.

MR. HINES: They're going to build one up north of here. I don't know how many Dunkin Donuts --

MR. PARKER: There's already one on the other side.

MR. HINES: In Highland. Some of it is a convenience type. If people can't get in and out of these places they'll go to the next one.

MR. LOFARO: That's why there's one on each side of the road.

MR. GAROFALO: I can't see it here now but I think in your bulk table there was -- it asked you somewhere about a variance.

MR. HINES: They did get a variance.

MR. PARKER: Lot size.

MR. LOFARO: Lot size.

MR. HINES: The lot is under 2 acres.

CHAIRMAN BRAND: I'm not sure if you answered my question. Our old approval was based on a DOT approval, not specific to the seagull. Our new approval would be based -- to approve

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

these proposed changes we'd have to re-approve based on these right-turn lane type things?

MR. HINES: Yes. Hopefully they'll be providing us with a DOT permit that DOT has issued for the right in/right out only. There has to be another set of plans we don't have I'm sure.

MR. SETARO: We'll supply them.

MR. PARKER: The JMC plans you don't have.

MR. GAROFALO: Should the plans say the variance was required and approved?

MR. SETARO: Yes, it should. Yes. It does say here variance required. That should be changed.

MR. GAROFALO: Thank you.

MR. CAUCHI: DOT said no to turning in --

MR. HINES: No. I think the DOT ultimately they said no to the original proposal of this "seagull" turn that didn't meet their manual of uniformed traffic control devices. The applicant, after they received this Board's approval, and you can correct me if I'm wrong,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

worked with the DOT and came back with a conventional road widening left-turn lane, acceleration/deceleration lanes that --

MR. PARKER: I think that was in the approved plan. That's been a long time since we got to that point.

MR. HINES: I'm not sure of the timing there. Your approval did say any change to the approval would require a resubmission back to this Board. So when DOT approved it, either they determined there was a roadway widening and possibly some land dedications that were required.

MR. PARKER: There's a Central Hudson forced gas main on the other side of the road, so we can't go that way.

MR. HINES: The Tuxedo/Poughkeepsie line runs on the other side of the road.

MR. SETARO: That pole line too was on the other side of the road.

MR. HINES: It became a financial issue for the applicant.

MR. PARKER: Not even. I mean we would have to -- the way they pushed us down the road,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we'd have to regrade all of Mount Rose, maybe
move the water services. It's not --

MR. CAUCHI: It's ridiculous.

MR. PARKER: Yeah.

MR. GAROFALO: It's not like there
aren't gas stations on the other side of the road
which allow both right turn in and right turn
out. There's two gas stations on the east side
of the road already. Actually, this will be the
first -- this is the first one on the west side.

MR. PARKER: Until you get to Newburgh.
There's one in Highland and one in Newburgh.

MR. GAROFALO: Certainly people will
break the law and make left turns but ideally
most of the people will commute and will
understand in the morning when I'm going south I
go in and get my gas, not when I'm coming home
kind of a thing. Maybe some people --

MR. LOFARO: I think it's more of the
people who want to go there and have to pass it
will turn around in CVS and come back. I think
that's going to create more of a problem with
traffic going back because they missed it or
because they can only get in one way. It's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

already a problem at the bottom of the hill where my driveway is where all that stuff connects together. It's only going to add way more traffic.

CHAIRMAN BRAND: Jeff, just out of curiosity, do these proposed changes require another public hearing or is that just something the Board can approve?

MR. BATTISTONI: I don't know the answer to that. I have your Code Section 155-31 which is site plan review. There's a subdivision B(4) that says, "Approval of revised plan. Revisions of such plans shall be subject to the same approval requirements as a new application except to the extent those requirements are waived or reduced by the Planning Board." So it seems you have discretion on that.

CHAIRMAN BRAND: Do we think that these changes require another public hearing? Are they substantial enough?

MR. TRAPANI: What's it going to do if you have another public hearing? Just to let the public know. I mean they've gone this far now with this here and we can't shut it down. We

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have to do what we have to do.

MR. SETARO: We're going to go ahead and add some plantings up behind the site and --

MR. LOFARO: That doesn't help the traffic.

MR. SETARO: No, no, no. I understand that.

Other than that, the changes on the site -- on the site per se are fairly minor except for the highway widening.

CHAIRMAN BRAND: Personally I don't really see the need. If the majority of us think it should be, I wouldn't have a problem holding another public hearing.

MS. LANZETTA: I suspect we'll get the same people in that we had the first time around and we'll hear the same concerns. There were traffic concerns. I don't know if it's significant enough to be able to say that after they've invested this much money into the site, that they're so significant that we could decline the approval.

MR. LOFARO: I don't think we would be looking at declining the approval. The

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

modification has to be made to where everybody is happy. If you have a public hearing and everybody comes back in and the same people are complaining about the same reasons as before -- everybody was okay with the change and now the change is going back -- those people are going to have the same problem. I don't think anybody wants to cancel the project but I think they want to be able to get in and out safely and they don't want to create other problems a half a mile or a quarter mile down the road.

MS. LANZETTA: How can they do that?

MR. LOFARO: I don't have the answer.

MR. CAUCHI: What kind of signage are we going to have to tell the people they can't make this left-hand turn?

MR. PARKER: A little arrow with a line through it.

MR. HINES: That's one of my comments, to show us that signage plan.

MR. GAROFALO: Maybe before we make the decision we should see what the plans are. What they are actually --

MR. PARKER: It's a no turn sign. It's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

your standard --

MR. SETARO: No turn sign. The circle with --

MR. HINES: They're not placed on the plan.

CHAIRMAN BRAND: It will be on the other side of the street or on the opposite side?

MR. PARKER: Opposite side. That's usually where they put them.

MR. HINES: They're going to be on both sides.

MR. LOFARO: I don't think it's those people. I think it's the people who know the area, who know I want to go to Dunkin, if I travel here and I turn around and come back up I can go to Dunkin. I don't think it's the average person that just comes through every now and then. It's the people who live here who want to go there.

CHAIRMAN BRAND: That will be the new U-turn.

MR. TRAPANI: 5:00 in the morning when nobody is going the other way.

MR. LOFARO: We have enough problems

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

with the school busses there. The school bus can't pick the kids up on the highway anymore, they have to come into the driveway. There's too much traffic and there's been a few accidents with the bus right in that same spot. I think it creates a bigger issue.

CHAIRMAN BRAND: Maybe we'll wait to see the revised plans that they come back with and we'll make the decision when they come back as to whether or not we'll require a public hearing.

MS. LANZETTA: I don't think there's any revised plans.

MR. PARKER: We'll have to shut down construction if that's the case. If we have to wait another month, we can't keep going the way we're going. If there's a chance that somebody is going to want to modify something at this point --

CHAIRMAN BRAND: We want to see the sidewalks, the plantings. I mean that stuff has to be --

MR. SETARO: That stuff --

MR. PARKER: We're going to give you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

what you want.

MR. SETARO: Yeah. Those are simple.

MR. CAUCHI: You can't ask for more than that.

CHAIRMAN BRAND: I can ask to see it on the plans for sure.

MR. PARKER: Sure you can. If we come back in two weeks or a month --

CHAIRMAN BRAND: I don't want to stop construction in the meantime. We're not saying stop construction.

MR. PARKER: If we come back in a couple weeks and you say okay, we're going to have a public hearing now, I can't keep going. I mean we're looking to open this thing in a month. I can't wait a month to find out.

MR. HINES: I think you proceeded along at your own course as well. This has been under construction for a long time without coming back to the Board with the changes.

MR. PARKER: We've been dealing with DOT on the drainage design. Now we finally have it. That's why we're here.

CHAIRMAN BRAND: Here's what I'll say.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Please tell me if you disagree. I think I'd like to see these plans. I'm not saying you have to stop construction. I'd like to see the plan, and then the Board will make a determination at that time. It will be up to you whether or not you want to proceed. We're not saying to stop construction at this point. We just want to see the plans and make sure what we're approving is actually on the plans. I don't think that's an unreasonable request.

MR. PARKER: No, it's not. Again, if I spend more money and then come in here in two weeks and find out that we're now going to have a public hearing and we have to stop construction anyway, I'm just trying to weigh it. Okay.

MR. SETARO: We have a deadline, though, of next -- the 24th, which is this Friday. I mean is that like a strict -- the next meeting is what?

CHAIRMAN BRAND: The 18th. The following meeting is the 18th after the 3rd.

MR. HINES: I think realistically we're shooting for the 18th.

MS. LANZETTA: I think what I'm hearing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

is that those incidentals are all -- have all been worked out as far as if there's agreement on all those incidentals. The thing that's bothering people right now is the new DOT approval and --

MR. HINES: The traffic pattern.

MS. LANZETTA: Yeah. So I think there has to be some consensus from this Board if they can live with that and let it play out and see what happens, knowing that perhaps there won't be a heck of lot that we can do until additional either DOT work is done or additional site plans come up in the future or not. It's like I think we have to have -- they don't have a choice at this point. Financially they don't -- they don't believe that they have a choice financially.

MR. HINES: The right in/right out is the safest traffic movement, save for illegal movements that people try to do.

CHAIRMAN BRAND: That's an enforcement issue.

MR. HINES: It's an enforcement issue. If the State Police or the Marlborough Police sit out there and do some enforcement at 5 in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

morning, word will get out don't make that turn.

MR. GAROFALO: This is a major commuter route. People will know that they have to do it in the morning or in the afternoon depending on which way they're going. Gas is not something that you easily can plan ahead for. Again, as I said, there's gas stations on both sides of the road. I certainly have seen enough locations where they have right turn in/right turn out. No matter how you do it, there will always be some people --

MR. HINES: Like you said, at 4:00 in the morning when no one is around.

MR. GAROFALO: -- who will make an illegal turn. I think we have to design -- look at the design and decide is this okay for this site.

MS. LANZETTA: I think DOT has looked at that design and determined that it's okay. If we go against what DOT is saying, we better have a real good idea as to why we have to do that, because then we open up the Town to possible legal ramifications.

MR. HINES: It is DOT's road and it is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

their jurisdiction.

CHAIRMAN BRAND: I have no issue with the turn. I would like to see the plans to make sure everything we said is on the plans before we go ahead and vote for it. That's all I'm saying.

MR. SETARO: We might be able to get this together by Friday because a lot of these things are little. I'm going to shoot to get it done on Friday and then submit it.

Do you need a full twelve sets again? That's fine, we can provide the twelve sets, I just --

CHAIRMAN BRAND: Jen, what do we normally ask for?

MS. FLYNN: We usually ask for twelve but we can work with ten.

MR. SETARO: Ten, twelve. We'll do the twelve.

MS. FLYNN: There's ten here.

MR. SETARO: That's fine. That's fine. We'll stick with that. We're going to try for -- is it Friday at noontime or is there --

MS. FLYNN: Friday before 4. 4 in the afternoon is when the office closes. The next

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

deadline is February 7th.

MR. SETARO: Okay.

MR. PARKER: I'm not going to have to
bring a suit again next time, do I?

CHAIRMAN BRAND: It's all good.

MR. PARKER: A lawyer.

CHAIRMAN BRAND: Bring who you'd like.
We've got ours.

Thank you very much, guys.

MR. PARKER: Thank you.

(Time noted: 8:20 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 3rd day of February 2020.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

GREINER BSD REALTY NY, LLC

Project No. 19-3013
96 Idlewild Road, Marlboro
Section 108.3; Block 1; Lots 21.113 & 18.12

----- X

SKETCH - SUBDIVISION/LOT LINE

Date: January 21, 2020
Time: 8:20 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JAMES GAROFALO
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI

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

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: Next up, Greiner BSD Realty, sketch, subdivision/lot line, 96 Idlewild Road, Marlboro.

MR. SCALZO: Darrin Scalzo representing the Greiner BSD Realty New York, LLC subdivision/lot line change.

If I could just roll through what I rolled through in the initial meeting. I know you have a new Board Member here. He probably wouldn't mind hearing the whole story.

CHAIRMAN BRAND: He heard it the first time.

MR. SCALZO: Perhaps I just like to talk.

MR. GAROFALO: I want to hear it again.

MR. SCALZO: I'll be brief, or quicker. It's a proposed lot line change and now a three-lot subdivision of approximately 88 acres of land.

I'm going to put it in order. We currently have two parcels, 30 plus acres on tax parcel 21.113 and approximately 58 acres on tax parcel 18.12. Both parcels are located on the southerly side of Idlewild Road. The 30-acre

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

parcel has road frontage at multiple locations on Idlewild and contains a cold storage building at the corner of Idlewild and Berma. The 58-acre parcel has road frontage on Berma Road, and it also includes the Pioneer Water warehouse.

The applicant is seeking to create a standalone lot for the warehouse. To accomplish this we need to combine the lot line change and a subdivision of tax lot 21.113.

The lot line change portion will allow for sliding around the warehouse into tax lot 18.12, and then the three-lot subdivision of tax lot 21.113 is as follows: We're going to create a 22 plus acre lot on the west side of the warehouse which includes the Ridge Preservation area and the wells; a 4.57 acre lot which is the old water bottling warehouse which also has its own independent well and septic system currently; then an 8.5 acre lot which includes the cold storage building at the corner of Idlewild and Berma.

The parent parcel is in the RAG-1 Zone District with westerly portions of the lot being in, as I mentioned, the Ridge Line Protection

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

area.

This is where it gets really interesting. Back in 2001 a site plan was approved for Pioneer Springs which included the 10,000 square foot water bottling plant and access out to Idlewild Road. At the time both lots were owned by the same parties. The intent was to combine the two for a total of nearly 92 acres. I don't know the details of that. The intention to combine those just never happened. Since then a minor subdivision has taken some of the acreage out of the bigger lot.

On March 20th -- and this is where it gets real interesting. On March 20th of 2019 the Greiners entered into an agreement to convey tax lot 18.12 to BSD Realty NY, LLC. They also entered into an access right-of-way easement agreement for ingress and egress over a portion of tax lot 21.113 to get to the warehouse from Idlewild Road. They also entered into a memorandum of contract to subdivide out that portion of lot 18.12 including the warehouse, approximately 4.5 acres, and access to the warehouse. The memorandum also included language

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to convey the remaining 56 acres of tax lot 18.12 back to the Greiners. All of these references are filed in the Ulster County Clerks Office as legal documents.

I'm going to summarize to say they came to an agreement before they brought me on board, so I'm walking in backwards to this, trying to accommodate all of the agreements that are now filed with the County.

MR. HINES: Private agreements, not anything to do with the Town.

MR. SCALZO: You're correct. You're absolutely correct. I wanted to give you the backstory of how we arrived at where we arrived.

There are no proposed improvements included in this application.

The warehouse has been cleared of all of the bottling equipment and is currently being utilized for agricultural storage. If you'd like to see a few photos of what's in there, I can pass those around for you. I'm not sure if you know what it is. The Hepworths are utilizing that area now. It's amazing what's in there. I was in there the week between Christmas and New

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Years.

MR. HINES: That explains things.

MR. SCALZO: It's really -- it's
amazing to see.

There's a small office attached to the
warehouse which is currently being used by BSD.
It's just for office stuff.

The warehouse is served by an
individual well and septic.

To date this is our third appearance
due to mostly lot geometry. If you recall, the
first submission we had a jug handle which went
around the warehouse to connect the east and west
portions and the 30-acre parcel. Wisely the
Board asked us to consider other alternatives.
Tonight I have such an usually shaped lot.

Our second submission included a
simpler layout and increased the new lot count
from two to three. It was actually discovered
during the meeting that we may not meet the
criteria required for New York State Subdivision
Law 280-A, which would have meant utilizing the
access which is on the further north portion of
the lot. With this presentation we've now

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

shifted the lot lines through the center of the existing driveway coming off Idlewild Road. We meet the criteria for 280-A, more than 25 feet on both of the accesses.

We can prepare an agreement for the lot access and maintenance of the driveway and utilities which are reflected in general subdivision notes 4 and 7 on the plans.

Any use of the warehouse for other than storage of agricultural items will be subject to a site plan review, which will be required to appear before the Board before on its own, which is also reflected in note number 9 under the general subdivision notes.

Note number 8 clearly indicates that the previous use granted under the 2001 site plan no longer meets the criteria for drawing water and that approval is no longer valid.

Gael Appler had no comments on this. I saw in Pat Hines' comments -- I should have given this to Jen Before, which I can, that it was just Gael's comments that he had no comments.

Thank you for listening. That's where I am here. I think I've covered just about

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

everything that we've discussed in previous meetings.

CHAIRMAN BRAND: Take it away, Pat.

MR. HINES: I think Darrin did a fine job.

CHAIRMAN BRAND: Me, too.

MR. HINES: I concur that the subdivision has been revised to eliminate the 280-A issue which we discussed last time.

Common driveway access and maintenance agreements, while they may exist privately between the two owners, must be reviewed by Ron and in the file.

The highway superintendent's comments, apparently this has been going on so long the previous superintendent commented on it.

Roadway dedication parcels are now depicted along the property frontages that front on Town roads and will need Jeff's approval as well.

Note 8 does state that the water use taking permit that was granted in 2001 is eliminated upon filing of this map.

Note 9 also states, as Mr. Scalzo said

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

previously, that the existing structure, any other use than the agricultural use currently utilized will require a review and approval by the Planning Board.

Cross utilities access and maintenance agreements also appear to be required as there are power lines, catch basins and such which cross the property line. I think those can be addressed in agreements.

This does require a public hearing.

I think the lot geometry issues have been worked out to, at least, my office's satisfaction. The Planning Board certainly can schedule that public hearing.

CHAIRMAN BRAND: Can I ask quickly, there's a note number 8 -- your number 5 about note number 8 regarding the elimination. I remember last time there was discussion about the elevated water tanks and where they're getting the water from. They're just going to use a hose?

MR. HINES: There is no more water line. When they file this map that use is eliminated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: I just wanted to double check.

Any other questions or comments from the Board?

MS. LANZETTA: Yes. I had asked this before and I didn't see anything reflected for the Kalfa and Schlagler lots here. I don't see any access to the road, how -- I don't know if they're utilizing this portion here somehow, these two lots.

MR. SCALZO: I didn't show the actual way the driveway swings up into each residence.

MS. LANZETTA: So they're using this gravel road right now?

MR. SCALZO: Absolutely. It's a driveway.

MS. LANZETTA: That should all be reflected so we understand how many lots are going to be on -- this would be three lots on a driveway?

MR. SCALZO: No.

MR. HINES: Lot 2 is not utilizing that.

MR. SCALZO: Thank you. Because of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

new lot geometry, we're no longer contemplating using that area, which is why I didn't show -- I understand you had asked specifically for me to show the driveway. I did show -- there is more driveway shown than there was in previous submissions. Because we abandoned the idea completely of utilizing that 50-foot strip, I only showed those because it's not going to be affected by the subdivision now.

MS. LANZETTA: So you're saying this will never be used to access going out here?

MR. SCALZO: No. Only by the residents that are there now.

MR. HINES: Do they have existing easements?

MR. SCALZO: Actually, I'd have to look at that. I'm not sure. I'll clarify.

MS. LANZETTA: This whole thing is very --

MR. HINES: What rights now of formerly Kalfa and Schlagler --

MR. SCALZO: Verify the rights of Schlagler and Kalfa.

MR. HINES: If you can provide us with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a copy of those easements.

MR. SCALZO: I do have the deeds probably with me. I can submit them at a later time.

MS. LANZETTA: I'm just concerned about them saying that they have access to the road that you've got the utility easements and what not in here. That could possibly impact their ability to access right here. Right?

MR. SCALZO: I apologize. Can you repeat that?

MR. HINES: Because of the utility pole?

MS. LANZETTA: Because of the utilities.

MR. HINES: The intent here is they're going to access off the existing road. If they do construct something different, they would have to --

MR. SCALZO: Utilize the existing -- the intent now is for --

MR. HINES: A shared driveway.

MR. SCALZO: -- a shared driveway for lots 1, 2 and access into lot 3. There would be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

no need to widen the driveway.

MS. LANZETTA: You're saying that the access would be -- all three of them would be using this right here?

MR. SCALZO: Correct.

MS. LANZETTA: Okay. So that will be noted.

MR. SCALZO: Yes. What's important to note, thank you for pointing that out, lot 3, which is the big lot that actually has primary access on Berma Road, the access that they are asking for into -- off Idlewild is a convenience thing. They have access off Berma. So it's really just -- it's already a road.

MS. LANZETTA: This lot already has access elsewhere?

CHAIRMAN BRAND: The other one.

MR. SCALZO: You have to flip your page over. Back behind the warehouse.

MS. LANZETTA: Lot 3?

MR. SCALZO: Yes.

MS. LANZETTA: I'm concerned about lot 2, though. There is still a lot of property there. If they ever wanted to subdivide all of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that, everybody is going to be utilizing this road to access this lot.

MR. HINES: They're going to have to do something very different if they subdivide that.

MR. SCALZO: Absolutely. You can almost do anything anywhere, however that would be a particularly challenging engineering endeavor to try to get in there. Plus the Ridge Line Protection area is in there as well.

MR. HINES: You wouldn't have 50-foot to build a Town road. They could get one house in there right now.

MR. SCALZO: Perhaps.

MS. LANZETTA: I don't see the topography so I didn't understand that it was that challenged. Okay.

MR. GAROFALO: The first thing I'd like to say is the bulk requirements, that table I think is very nice because you see what's required, you see what's being provided. You can actually go to the map and see that's where you're measuring your rear line. I like that very much.

The one question that I do have is on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the bottom where it says maximum development coverage 20 percent and you're saying that you have greater than 20 percent, I'm not sure if that's something that is under the Planning Board or the ZBA.

MR. SCALZO: It is not greater than 20 percent. The caret is facing the wrong direction. Thank you.

MR. GAROFALO: Okay. The other two things I have, I don't know -- this kind of a lot line revision -- if we need to look at questions like does it meet the parking requirements and is the driveway too wide where it meets the public road and should be narrowed. Are those questions that are pertinent that we need to look at or are we restricted?

MR. HINES: It's an existing condition. That's why I deferred to the highway superintendent. It's an agricultural use now. They're eliminating the former trucking use that was there. It's a much less intense use than what was there previously. Previously there were tractor trailers full of water coming in and out of there fairly regularly. That use is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

eliminated by filing that map.

MR. GAROFALO: It's not the greatest configuration right at the road where you have not only a huge curb cut but you actually have two driveways kind of coming together. That's not necessarily the best situation.

MR. SCALZO: I'm not going to disagree with you. As it lays out now, for proposed lot 2 there's 34.65 feet on the road, and for proposed lot 1 there is 53.2. So I mean typically you look for 25. I do exceed those.

MR. GAROFALO: Ideally put it with the best sight distances. Obviously that's what you want to do in a case like this where you have that kind of a curb, to have them both come out at the best place.

I don't know if we need to look at parking and accessible parking, whether they have to meet those kind of criteria.

MS. LANZETTA: We haven't really -- we're not doing a site plan.

MR. SCALZO: A site plan would be subject to a different presentation here.

MR. GAROFALO: Okay. I'm just trying

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to clarify.

MS. LANZETTA: Because it's still being used for the thing that it basically was approved to be used for before.

MR. GAROFALO: Okay. Thank you.

MR. SCALZO: Thank you.

CHAIRMAN BRAND: So I think making those quick additions to your map, we can schedule a public hearing for the 18th.

MR. SCALZO: Why was I under the impression that you only did the public hearings on the first meeting of the month?

MS. LANZETTA: We typically used to.

CHAIRMAN BRAND: We did but my secretary informed me that all public hearings are going to be on the 18th.

MS. FLYNN: We don't have enough time to do the legal notices for the 3rd. That's why it's the 18th. And that's a Tuesday.

MR. SCALZO: That is absolutely perfect. I think that's much better. I was going to have to really scramble to try to make that.

CHAIRMAN BRAND: Does that mean we'll

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be up here on the 18th as well?

MS. FLYNN: Probably.

CHAIRMAN BRAND: I don't foresee this bringing out a ton of people. I think we'll be all right.

MR. SCALZO: If I may, I did do some research. With the NJNL property's public hearing, I think you only had comments from two members of the public. That's contiguous.

CHAIRMAN BRAND: We'll go ahead and do it.

MR. SCALZO: So we're going to schedule it for the 18th of February?

CHAIRMAN BRAND: Yes.

MR. SCALZO: Very good. Thank you very much.

CHAIRMAN BRAND: Anything else from the Board before we head to our discussion without the lawyer, engineer and stenographer?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: I would like to suggest that maybe we should have, at future meetings, maybe a five-minute workshop before the end of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the meeting just so we can discuss various aspects on the record, such as do we want to have some kind of visual simulation along properties that are proposed on Route 9W. Basically any topic like that, have a very short five-minute workshop to discuss those on the record as part of our meeting and put it on the agenda. There may be cases where we don't have anything to talk about. Just something short. If we have to move it to the next meeting, then we move it to the next meeting.

MR. CAUCHI: The Route 9 corridor?

MR. GAROFALO: That's an example that I gave to -- we would have say the next meeting, a five-minute discussion on whether or not for site plan we would want to have some kind of visual representation of a proposed building.

MR. CAUCHI: Like a rendering?

MR. GAROFALO: Like a rendering or a photo analysis.

MR. CAUCHI: Is that what --

MS. LANZETTA: I think the Board actually passed that. The Town Board.

Al, the Town Board passed that?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LANZETTA: We're going to codify it with a bunch of other codes soon. We're probably going to meet with Jeff in the coming weeks.

CHAIRMAN BRAND: All the new proposals on the 9W corridor will require a visual simulation?

MR. LANZETTA: Yes. That's what was suggested.

MR. HINES: One of the reasons it probably should be during the applicant portion of the meeting is because the applicants may be gone and then you're discussing their project. The other thing is when the stenographer is doing the stenographer thing, that gets billed to a project.

MR. CAUCHI: I agree. As we go we should streamline that out.

CHAIRMAN BRAND: You can feel free to bring up anything at any time, obviously. I kind of agree with -- I hadn't thought of that, that the stenographer was included and the applicant won't be there to hear what we discuss. We can talk about it next time if there's something that comes up. I like the idea of having it in front

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of the applicant as well, having the discussion.

MR. CAUCHI: Absolutely.

MR. GAROFALO: Okay.

MS. LANZETTA: That's the purpose of our discussion.

CHAIRMAN BRAND: Right.

MS. LANZETTA: We bring up our questions and we ask for what we want from the applicant when they're before us. I don't see why we can't maybe put together a list and have workshop meetings where we don't have the stenographer and discuss issues maybe from time to time. Not on a real regular basis but kind of put something together and say I think it's time for us to sit down, we've been running into these issues again and again, let's sit down and talk about this, and maybe we can give something to the Town Board at the end of those discussions.

CHAIRMAN BRAND: Particularly if the meeting is cancelled for no new activity, we can meet anyway as well.

MS. LANZETTA: That's a real good time.

MR. GAROFALO: I would have thought that would be the time you wouldn't want to meet.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN BRAND: All right. Let's move
along then.

(Time noted: 8:40 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 3rd day of February 2020.

Michelle Conero

MICHELLE CONERO