

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 HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

POND VIEW

Project No. 20-4009
19 Sunrise Drive, Milton
Section 102.4; Block 2; Lots 32.813 & 30.4

----- X

PUBLIC HEARING - LOT LINE

Date: October 19, 2020
Time: 7:30 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

----- X

MICHELLE L. CONERO
3 Francis Street
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

POND VIEW

2

CHAIRMAN BRAND: It is 7:30, so I would like to call the meeting to order. I'll read the agenda for this evening. Agenda, Town of Marlborough Planning Board, October 19, 2020. Regular meeting 7:30 p.m. Approval of stenographic minutes for 9/21.

On the agenda tonight we have Pond View at 19 Sunrise Drive in Milton, a public hearing for their lot line. We have Twin Ponds at 2007 Route 9W, Milton for a preliminary site plan. HSC Milton, LLC/Dollar General on Route 9W, Milton, a sketch of a site plan/lot line. And Alden and Carol Link at 36 Green Tree Lane, Milton for a sketch of a subdivision.

We also have a discussion without the lawyer, engineer, stenographer for Sean Stewart and Sandra Russo.

Our next deadline is Friday, October 23rd. The next scheduled meeting is Monday, November 2nd.

Can I have a motion for the approval of the stenographic minutes for September 21st, please?

MS. LANZETTA: I'll make that motion.

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

POND VIEW

3

CHAIRMAN BRAND: Cindy. Is there a second?

MR. CAUCHI: I'll second that.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Are any opposed to the approval of the 9/21 stenographic minutes?

(No response.)

CHAIRMAN BRAND: So carried.

All right. Up first we have --

MR. GAROFALO: Mr. Chairman, can I ask for a slight change on the agenda?

CHAIRMAN BRAND: Sure, Mr. Garofalo.

MR. GAROFALO: I'd like to have a minute or two at the end to add some additional changes to the application and checklist, and I would hope that we could keep that in the agenda at the end of the meeting so that if we have time, we can continually go over that.

CHAIRMAN BRAND: It will be there.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: You're welcome.

First up we have Pond View, 19 Sunrise Drive, Milton, the public hearing for the lot

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

POND VIEW

4

line.

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

MR. CLARKE: I'll make that motion.

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All right. This is a public hearing.

Maybe Pat, did you want to go first?

MR. HINES: Our only outstanding issue is the access road. I know that Jeff has been working with the applicant's attorney on that. Otherwise, I think our other previous comments have been addressed during the process.

CHAIRMAN BRAND: Okay. Jeff, did you want to brief us on the agreement?

MR. BATTISTONI: Yes. This is Jeff Battistoni. I've been working with Todd Kelson who is the attorney for Nick Gallela. He submitted a draft agreement to me and I got him some information. We worked together to revise the agreement. It's in acceptable form to me. That just happened today. I do think it was

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

POND VIEW

5

e-mailed to the Planning Board Members so they can see it.

I will say that the application -- the current application really involves two prior subdivisions. One was a four-lot subdivision on Sunrise Drive, and then the other was a three-lot subdivision on Ridge Road. That's where that lot 8-A came from that accesses Sunset Drive. So I laid all of that out in the introductory paragraphs of or this agreement, just to make that clear.

CHAIRMAN BRAND: Perfect. Thank you.

This is a public hearing. If anyone from the public would like to interject, either for or against, or have a question about the lot line change being proposed at 19 Sunrise Drive in Milton, you now can have an opportunity to do so. Just turn on your mic and be heard.

(No response.)

CHAIRMAN BRAND: Going once. Going twice. Three times.

(No response.)

CHAIRMAN BRAND: Anything from the Board on this one?

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

POND VIEW

6

MS. LANZETTA: I just have a question about the process. I did get the e-mail, Jeff, and it does look like a good document. I'm just wondering, do they need to have the neighbors sign onto that before we okay that lot line change or is that a condition that we put on?

MR. BATTISTONI: This is Jeff Battistoni. I could see it being a condition. I think the condition would be very specific, that the agreement would have to be signed in full before the Chairman would sign the plat.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: Anything else from the Board?

MR. GAROFALO: Did they get notified of the public hearing? Was there a notice given out to all the owners there?

MR. HINES: Yes. At the original public hearing those notices were all sent out. This is a continuation of.

CHAIRMAN BRAND: Right. Which is why we left it open.

MR. CLARKE: My concern is that there might be some people that don't sign that. I

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

POND VIEW

7

would kind of like -- I would like to wait until I see the signatures rather than make it conditional.

MR. BATTISTONI: This is Jeff Battistoni. If that's what the Board would like to do, that's also fine.

CHAIRMAN BRAND: Is there a difference in those two or is it kind of six dozen of one -- six of one, half dozen of another? Those euphemisms are hard for me.

MR. BATTISTONI: I think you got that euphemism right. It could go either way. If you did make it a condition of approval, you are not going to sign that subdivision plat until you see the fully signed agreement. If the agreement never gets signed, then you're not signing the plat.

MR. GAROFALO: I think the difference, though, is if you leave the public hearing open until they actually sign it, they will have an opportunity to come in and say, hey, I'm never going to sign this, or I may sign this later or whatever, but they would have an opportunity to come and speak to us regarding what they don't

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

POND VIEW

8

like about the agreement. I'm of the mind of leaving it open until they come back with a signed agreement. If the Board wants to make it a condition, that's fine with me, too.

MR. LOFARO: It sounds like a condition would make it messy, though, because if you make it a condition and only half of them come back with an okay, then what do we do? It just doesn't pass.

MR. GAROFALO: And we won't know why.

MR. LOFARO: It sounds like you should just leave it open until that point.

MS. LANZETTA: I would agree, too, because I'm just thinking if you are the only person on that road that has some issues with signing onto that and all of your neighbors, you know, are going along with it, there might be undue pressure on you to sign, and you wouldn't have anybody to go to to raise your concerns.

CHAIRMAN BRAND: I have no problem. All valid points for sure.

MR. HINES: So the problem with that, and I'll defer to Jeff, is that to leave a public hearing open you have to leave it to a defined

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

POND VIEW

9

date or you have to re-notify.

MS. LANZETTA: Well, we would have a -- we wouldn't have any action on this until the next meeting, anyway. We don't have our resolution prepared. If we could leave it open until the next meeting and then say that he should have -- try to get the signatures in the meantime, would that be sufficient?

MR. HINES: Yeah. If he can get them that quick.

MS. FLYNN: I know he's trying to join right now and it's not coming through.

CHAIRMAN BRAND: What's not coming through? He's not coming through or --

MS. FLYNN: Yeah. It just keeps going like joining, joining, and it won't let him in.

CHAIRMAN BRAND: Okay. So are we in relative agreement that we want to adjourn the public meeting until Monday, November the 2nd, with the hope that Mr. Gallela will have those signatures completed by that date?

MR. HINES: And you'd also have your resolution prepared potentially.

CHAIRMAN BRAND: Correct.

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

POND VIEW

10

MR. CAUCHI: That sounds like a good idea.

MR. LOFARO: Sounds good.

CHAIRMAN BRAND: So I'd like to have that motion made, that we adjourn the public hearing until Monday, November the 2nd, with the hope that Mr. Gallela has those signatures completed, and Jeff will have a resolution prepared for us.

MR. CAUCHI: I'll make that motion.

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

We will keep the public hearing open until the 2nd.

Is Mr. Gallela on yet, Jen?

MS. FLYNN: No. It's still just sitting there.

CHAIRMAN BRAND: Let's let him know what just happened. I can try and call him again. I will let him know about 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

POND VIEW

11

Okay. Good enough.

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

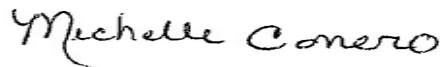
C E R T I F I C A T I O N

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 1st day of November 2020.



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

MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

TWIN POND

Project No. 16-9013
2007 Route 9W, Milton
Section 103.1; Block 1; Lot 3

----- X

PRELIMINARY - SITE PLAN

Date: October 19, 2020
Time: 7:40 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
3 Francis Street
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

TWIN POND

13

CHAIRMAN BRAND: Moving on. Twin Pond, preliminary site plan, 2007 Route 9W.

Is the applicant's representative here? That's Patti Brooks I'm assuming. Right?

MS. BROOKS: Yes.

CHAIRMAN BRAND: Excellent. Do you have anything you want to say before we get started with Pat?

MS. BROOKS: Sure. It's been quite some time since we were before the Board. It was actually July of last year. We were having difficulty getting commitment from Central Hudson. They've had a lot of changes in their real estate department, so we had -- I had planned on making a submission in June of this year, and then Dane wanted to hold off and try one more time with Central Hudson. We were unsuccessful.

We're going to move forward at this point in time with the final approval because, again, the Board has been very patient with the applicant and he doesn't want to drag it on any longer. We've removed the Central Hudson purchase from this for the time being. If he'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

able to work something out with him, we can come back for the lot line revision at another time.

I had received Pat's comments and, of course, I had drafted a response that never got submitted to the Planning Board. I did submit that today. I apologize. When I received Pat's comments, I realized that the previous comments had not been submitted. I don't know whether Pat even had the opportunity to look at them today. If you want to go through his comments, we can discuss them.

CHAIRMAN BRAND: Thanks.

Pat.

MR. HINES: I did get the opportunity and I have them here. The first comment was that our previous comments should be addressed. I did receive Patti's response dated back in June.

The DOT question had been hanging out there, but Patti did provide us with an e-mail from John Riley from DOT stating that the work that had been done on the site -- they did some work with the drainage without the DOT approval. We've had some meetings out there and there's an indication now that DOT has found those

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

improvements acceptable and does not want the curbing and such that's depicted on the plans.

There is an easement or an area shown for sidewalks in the DOT right-of-way which the Board has been requiring. That area has been preserved within the right-of-way.

The fire department did weigh in. We have a letter from the fire department, or an e-mail from the fire department stating they have no issues with the site.

We just talked about Central Hudson. There were easements and such in favor of crossing the -- there was even a potential lot line change at one point transferring. Central Hudson uniquely owns that parcel behind the existing building in fee ownership. It's not an easement area, but Central Hudson owns it. I think that's been some of the delay.

The Planning Board had previously requested screening. We talked a lot about the screening on the site. There's been a height limit imposed on the height of the pallets that can be placed behind the fencing that has been proposed.

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 lot of that was the status of our comments. This project has been around so long. I don't know what the public hearing status of this was and whether or not that was open. I don't recall having a public hearing on it.

MS. BROOKS: We did have a public hearing on July 1, 2019. There was no public comment at that point. I do not have a note that we closed the public hearing.

MR. HINES: I didn't recall that and I couldn't find anything in my file.

MS. BROOKS: We opened it, but I don't see that it was ever closed.

CHAIRMAN BRAND: We have to go back to the minutes of that particular meeting. I don't recall keeping it open for any reason.

MR. HINES: If no one commented, we typically wouldn't keep it open.

MS. BROOKS: I apologize. I generally write down that it was closed. It was absolutely July 1st of '19.

MS. FLYNN: July 3rd.

CHAIRMAN BRAND: 2019, Jen?

MS. FLYNN: Yeah. July 3, 2019.

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

TWIN POND

17

CHAIRMAN BRAND: Do you have the minutes there?

MS. FLYNN: Yeah. It's a public hearing.

CHAIRMAN BRAND: While Jen is looking for that, comments, questions from the Board?

MR. GAROFALO: I have some comments. The row of trucks on the northern end, it looks like, with those trailers there, you would not be able to access the rear part of the parcel where the dumpster is. I think you need to have a pathway cleared to that gate that leads to the dumpster, otherwise these guys are going to come in and they won't be able to pick up the garbage.

MS. BROOKS: The box trailer is shown there because that is the maximum number of box trailers that can fit in the dock. It's not always there. When he needs to have through traffic through there, that box trailer is not put there.

MS. LANZETTA: I don't want to second guess the fire chief, but if there was an emergency and they had to get back there for any fire or anything, if that box trailer is 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

TWIN POND

18

that would be a problem.

MS. BROOKS: Well, although Central Hudson owns that property, there is a blacktop driveway that does extend around the entire building. There is fire department access back there.

MS. FLYNN: So the public hearing was closed, and it is July 1, 2019.

CHAIRMAN BRAND: Thank you, Jen.

MS. FLYNN: You're welcome.

MR. GAROFALO: The other thing that I would like to have clarified is the front gate. A tractor trailer coming up to that front gate, if that's closed because they're coming early, it is going to be sticking out -- it might be sticking out into Route 9W. The same with a fire truck. If it's after hours and they come, is that fire truck going to be sticking out into Route 9W? I'm a little concerned about where that gate is.

MS. BROOKS: I've never seen that gate closed, and I don't know that he's actually utilizing it anymore. I can check that with the applicant and see if he just wants to totally remove it.

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. GAROFALO: I can understand for security why you might want to have that, but I see that as a potential problem for trucks.

The other thing is on the new plan, parking spaces 16 through 19 look like they're a little bit narrow.

MS. BROOKS: They are striped and in place in the field if you want to go take a look at them.

MR. GAROFALO: Are they large enough? That's my question.

MS. BROOKS: I believe that they're 10 by 20. I'm looking at the sketch right now. I think he made them longer than 20 feet, which is why it's making them look narrower. I think they are 10 wide, but I think he made them longer than the 20 feet. I'll check on that and make sure that they are the standard size as per Town code.

MR. GAROFALO: Okay. One of the other questions is the fence line seems to go on and off the property. I'm not sure who owns that fence and what kind of agreement there is. Is that fence where it should be or is it not where it should 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

MS. BROOKS: That is an old fence. I don't know who actually originally constructed it. That is a -- it's missing on the plan. I noticed it after the prints were run. Where it says, "Existing fence to be replaced with slatted chain-link fence," right now it's ending at the gate at the northeast corner of the dock. That fence actually needs to continue along the entire frontage down to meet up with the privacy fence that's there now. So that chain-link fence has to be put on the applicant's property, and it's got to be the slatted chain link going all the way down.

MR. GAROFALO: Okay. So you're going to make that change?

MS. BROOKS: Yes.

MR. GAROFALO: With regard to on the far back -- on the far west side of the property, there's a notation that there's some debris on the property along the property line. I don't know if somebody has been dumping there or whatever. I think you want to have that cleaned up, because that may cause a problem down the line if the property is ever transferred, 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

TWIN POND

21

you want to get a clean -- some kind of record showing that that property is clean.

MS. BROOKS: Yeah. I don't really think that that's a site plan issue. I definitely will raise the concern with the applicant. I don't even know if that is still there. That was located back in 2016 when we did the original survey. We really haven't been back to that part of the property since then. It could be that it's already been cleaned up. I'll mention it to the landowner, that he might want to follow up on it.

MR. GAROFALO: And with respect to the accessible parking, is there a ramp or is that going to all be at grade?

MS. BROOKS: That's all at grade.

MR. GAROFALO: Okay. Thank you.

CHAIRMAN BRAND: Thank you.

Anything else from the Board?

MS. LANZETTA: I'd just like to say that the front work that's been done on Route 9W looks very nice.

CHAIRMAN BRAND: Agreed.

MS. BROOKS: The other thing I do want to add that is new to the site plan, or a site

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

plan change is you had mentioned earlier about the pallet height on the open dock. The applicant is actually planning on putting a roof structure over that. That will also minimize the visual impact. He's now going to cover that. We added on this plan a proposed roofed pallet storage. The interior height of that will not exceed the 15 feet, which was the maximum pallet storage height.

CHAIRMAN BRAND: Jeff, in your opinion do the changes from the original public hearing require or necessitate an additional public hearing?

MR. BATTISTONI: No.

CHAIRMAN BRAND: Okay. Anything else from the Board?

MR. GAROFALO: I have another question. With regard to the height of the pallets, the roof is going to be low enough so that they won't be able to stack them higher?

MS. BROOKS: Correct. The interior of the roof structure will not be higher than 15 feet. If it's going to be a peaked roof, the peak will be taller than the 15 feet, but 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

TWIN POND

23

interior will be at the 15 feet, not --

MR. GAROFALO: Which is the height that you'd be stacking the pallets?

MS. BROOKS: I don't even know that he -- I don't think he'd be able to stack them right up to the top of the roof.

MR. GAROFALO: I'm just thinking whether or not there should be some labeling there to specify so that five years down the road the workers don't stack higher because they're not going to look at the plan. If there's a sign there saying, you know, you can't stack more than 15 feet, I think that would be a safer thing.

MS. BROOKS: Well, they won't be able to because that's how tall the roof structure is. They won't be able to stack them any taller than the interior clearance is.

MR. GAROFALO: Okay.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: No. So Pat, I guess I'll defer to you on this one. Where are 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

TWIN POND

24

with this one now? They're just going to resubmit?

MR. HINES: It sounds like there's a couple of changes on the plans and they can resubmit. I think it's probably at a point now where we can ask Jeff to maybe make an approval resolution moving forward so that when the plan changes are acceptable, you'll have a resolution also ready to review.

The project has been here a long time. It was referred from the code enforcement office, so it's been cleaned up. As it's been going through the process, some of the improvements were done without approval. I think generally the site is much cleaner, and DOT certainly thinks it drains much better than it did.

CHAIRMAN BRAND: Excellent. Is the Board comfortable with that?

MR. CLARKE: Yes.

MR. TRAPANI: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

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. TRONCILLITO: Yes.

CHAIRMAN BRAND: So let's go ahead
and do that. We will plan to see you again
November 2nd, Patti. Jeff will work on the
resolution.

MS. BROOKS: Very good. I will be
there. Thank you very much.

CHAIRMAN BRAND: All right. Thank you.

(Time noted: 7:53 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 1st day of November 2020.



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

MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

HSC MILTON, LLC/DOLLAR GENERAL

Project No. 20-4013
Route 9W, Milton
Section 103.1; Block 2; Lot 74

----- X

SKETCH - SITE PLAN/LOT LINE

Date: October 19, 2020
Time: 7:53 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI
MARISSA WEISS

----- X

MICHELLE L. CONERO
3 Francis Street
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, HSC Milton, LLC/Dollar General on Route 9W.

MS. MLODZIANOWSKI: Good evening. I'm Caryn Mlodzianowski from Bohler Engineering representing HSC Milton, LLC. On the line as well this evening is Marissa Weiss from Jacobowitz & Gubits, the project attorney representing HSC Milton as well.

We were here two weeks ago to introduce this project to the Board for a proposed Dollar General site plan review on Route 9W, along with a lot line adjustment between us and the adjacent parcel to the south. We had a quick turnaround to be here tonight. We submitted revised paperwork to clean things up and make sure that the proposed lot line adjustment was documented on all of our applications, forms, and the EAF as well.

We also updated the zoning statistics table on our plan to include both of the lots involved in the lot line adjustment in existing and proposed conditions. Actually, our proposed lot line adjustment would remove two existing non-conformances on the adjacent parcel to 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

south, the parcel that the Dollar General is not proposed on.

We also went ahead and modified the parking on the site plan so that none of the parking would be impacted by the truck parking while it's there for deliveries. We've adjusted that.

We've added a bike rack to the plan in front of the store, as requested, as well.

We're hopeful to keep the forward momentum going this evening and, hopefully, circulate for SEQRA to continue to gather comments from all the involved agencies as we continue to progress the plans.

CHAIRMAN BRAND: Great. Thank you.

Pat, did you want to run through your comments for this one?

MR. HINES: Yes. I concur with what the applicant's representative just said. But as far as the lot line change goes, I need a separate plan that can be filed with the County. Currently the lot to the south, the entire lot isn't depicted anywhere on the survey. We need a survey sheet that shows the parcel that'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

proposed for the Dollar General as well as the adjoining lot in its entirety. We keep having just that portion of the lot that's changing, so we need that plan done.

The deficiencies in the application form have been addressed, including the updated EAF which was submitted.

We do concur that we're at a point where we can declare our intent for lead agency. Again, the lot line portion of the project, if it was here alone, would be a Type 2 action and would not need that. Because we have a site plan here, we'll need to become lead agency as DOT is an involved agency in the project.

The applicant's representative mentioned the dumpster location. It has been moved back on the site so that the loading dock now has enough area to park the tractor trailer truck. I did note that they're using a very large WB-67 tractor trailer truck, which is about the largest one that you would see. So they left room for that.

We will be looking for future submissions of the stormwater pollution

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

prevention plan, additional site development details, paving, drainage. All the engineering details on the plan need to be added.

As a sketch plan, I believe it has the sufficient information for lead agency.

We were discussing previously, and I don't know if we got a definitive answer of curbing on the site. Typically this Board requires curbing. It would require some additional drainage structures to control the drainage on the site. I note that they did provide some curbing along the Route 9W frontage, but the rest of the site continues not to be curbed. Along the building is curbed, but the rest of the site is not.

There's a notation of a lighting plan by others, so we'll need to see that lighting plan. It will need to go to County planning, and they will look for that.

We'll need additional site development details as the project moves forward.

CHAIRMAN BRAND: I think the Board has typically been in agreement that we prefer to have the curbing and the sidewalks on 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

these types of businesses in this stretch.
That's definitely something that I'd like to see,
unless DOT says otherwise.

MR. HINES: That's another thing
lacking here is the sidewalk. I didn't know if
this was in a portion of Milton -- you know, you
have been requiring sidewalks along this area.

CHAIRMAN BRAND: Yeah. Jeff, did you
have anything on this one?

MR. BATTISTONI: My only question is
for Pat. I don't recall whether -- you had said
this would be an Unlisted action in your last
comment letter. Is that correct?

MR. HINES: It would be an Unlisted
action.

MR. BATTISTONI: Okay. Good. So if
the Board is going to make a motion tonight, it
would declare this to be an Unlisted action, or
it would classify it as an Unlisted action and
declare its intent to serve as lead agency, and
it would authorize circulation.

CHAIRMAN BRAND: Anything from the
Board?

MR. TRONCILLITO: Chris, Bobby. I've

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

got a question on the Board's request for sidewalks when all the other projects up and down 9W didn't do anything. I mean you've got one that never did any landscaping. Why are we asking these people to put sidewalks in when nobody else has done that? I just -- I'd like some information, being new on the Board, to understand everything.

CHAIRMAN BRAND: I think the intent is for all of them to do it either now, if possible, or in the future if the conditions don't warrant it at the time.

MR. CLARKE: Bobby, I think what we've asked for is them to reserve, on their site plans, a place for a sidewalk. There's no sense putting unconnected sidewalks in, but every one of these site plans has a reserve spot for a sidewalk to go in. That's what we're asking for now, not necessarily the sidewalk itself.

CHAIRMAN BRAND: Well, we did ask for the sidewalk itself, for example, at the Dunkin Donuts in Milton. If we don't have anyone put them in, we're never going to have any. I think if you have an applicant and you're putting 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

the curbing and you're doing all that work, it's really not that cost prohibitive to throw the sidewalk in as well.

MS. LANZETTA: You have to remember, too, that since some of those other projects have come before the Board, the Town Board has accepted and adopted the plan -- the Route 9W transportation plan which includes asking for sidewalks, you know, along this corridor. The Board has made it clear that this is something that they would like to see. It behooves the Planning Board to follow through with the intentions of that study.

MR. GAROFALO: As did the Safe Routes to School plan wanted to have sidewalks leading up to the school, especially in that area.

CHAIRMAN BRAND: I think that the two that we allowed to just -- what's the word I'm looking for -- reserve the space, it was just because of the considerable road frontage that they had there.

MR. HINES: The hardware store was an example of that. They had 1,500 or 1,600 feet of road frontage.

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: And Young's Motors as well with that whole giant parcel to Young Avenue.

Did that answer your question, Bobby?

MR. TRONCILLITO: Yeah, sort of.

I have one question for Caryn. Have you gotten back with your people on the theory of possibly putting a sprinkler system in that building?

MS. MLODZIANOWSKI: Those discussions are still underway. I know the request was made, you know, could the building be larger. Based on the size of this tenant, and their program, and all the stores they have across the country, the size of the building would not change. But that's a question we've asked.

MR. TRONCILLITO: Okay. Thank you.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: Other questions from the Board?

MR. GAROFALO: Yes. First I'd like to thank you for some of the improvements that you have put in. You made it clear about the accessible access and you got the right symbols.

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

All those things are good.

I still would like to see the sight distances on the plan.

With regard to the bicycle rack, what I had asked for was to have a rack with two points of contact for the bicycle. What you would get, as it's laid out, is you would have a bicycle rack for one bicycle, because they're not going to put the bicycles in perpendicularly because then there's only one point of contact. It's better than what was put in at Chestnut Petroleum, but I'd still like to see two points of contact. Like an upside down U, in that kind of configuration, where the bicycle has two places to lean against and not one. If you think about it, you hold your palm down and you put out your index finger and you try to balance a pencil on it. It's not so easy. If you put two fingers out and you put that pencil on it, it's not going anywhere. It's the same type of thing with a bicycle, that if it has one point of contact, it's not going to be that stable for the bicycle. Some of these people spend a lot of money on their bicycles.

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. MLODZIANOWSKI: Okay. We'll look at that.

CHAIRMAN BRAND: Anything else from the Board on this?

MS. LANZETTA: I just was wondering if the ethics code disclosure has been filed with this application?

MS. MLODZIANOWSKI: We did.

MS. LANZETTA: You did?

CHAIRMAN BRAND: She said yes. I don't know that I have it, though.

MS. LANZETTA: I haven't seen it. I know in your response you said you had a letter of agent, but I didn't see any response to the ethics disclosure.

MS. MLODZIANOWSKI: Okay. We'll double check.

MS. WEISS: Marissa Weiss of Jacobowitz & Gubits, attorney for the applicant. I believe I've seen one. We'll make sure that's corrected. We'll make sure the Board gets one as well.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: Thank you. Anything else from the Board?

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 response.)

CHAIRMAN BRAND: So I guess at this point I would like a motion for the Town of Marlborough Planning Board to declare its intent to act as the lead agency and circulate to the involved agencies for this unlisted action.

MR. TRONCILLITO: I'll make the motion.

CHAIRMAN BRAND: Bobby makes the motion. Is there a second?

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: Cindy. Any discussion on that?

(No response.)

CHAIRMAN BRAND: Any opposed to that motion?

(No response.)

CHAIRMAN BRAND: So carried.

MS. LANZETTA: Can there be a recusal?

CHAIRMAN BRAND: Yes. I believe Manny is supposed to recuse himself from this.

Correct, Manny.

MR. CAUCHI: Yes. I'm not speaking. Yes, I did that at the first meeting and I'll do it for this one.

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: Manny recused himself for that vote.

Thank you, Cindy, for reminding me.

CHAIRMAN BRAND: I would defer to Jeff, or maybe Manny can state right now that he will recuse himself from all actions on this so we are clear on that.

MR. CAUCHI: I can say it every time. That doesn't matter to me. I could do that.

CHAIRMAN BRAND: Jeff, can he make a blanket recusal like that? Is Jeff here still?

MR. LOFARO: I don't see Jeff.

CHAIRMAN BRAND: Okay. We'll continue to do that until we get a ruling.

MS. FLYNN: He's right there now. He's coming on. He's on mute.

CHAIRMAN BRAND: I think that's all set then for this. Right?

MR. HINES: Yes. That's the only action we can take tonight.

I will work on a notice of intent for lead agency and get the appropriate number of copies from the applicant's representative.

CHAIRMAN BRAND: Excellent. Thank 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

HSC MILTON, LLC/DOLLAR GENERAL

Pat.

Thank you, Marissa and Caryn.

MS. MLODZIANOWSKI: Thank you.

MS. WEISS: Thank you.

(Time noted: 8:05 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 1st day of November 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

MEETING HELD REMOTELY VIA ZOOM

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

- - - - - X

In the Matter of

ALDEN & CAROL LINK

Project No. 20-4014
36 Green Tree Lane, Milton
Section 102.4; Block 2; Lot 15.113

- - - - - X

SKETCH - SUBDIVISION

Date: October 19, 2020
Time: 8:05 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: ALDEN LINK, CAROL LINK,
SPENCER HALL

- - - - - X

MICHELLE L. CONERO
3 Francis Street
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 on the agenda we have Alden and Carol Link for a sketch of a subdivision at 36 Green Tree Lane in Milton.

Mr. Link, good evening, and Ms. Link perhaps. Can you turn your mic on there?

Jen, can you turn his mic on, actually? There you go. Perfect. Mr.

Link, good evening.

MR. LINK: Yes, sir. Good evening.

CHAIRMAN BRAND: How about a brief description of what it is you have proposed or what you're trying to do here?

MR. LINK: I built this subdivision over the last twenty years or so. One of the requirements was to have a 50-foot right-of-way to the back of the property, which was not mine. Eventually, in order to get the road dedicated, I had to buy 2 acres from the Cannosas so the 50-foot right-of-way would not be lost. Therefore, I have this 2-acre property connected to the road by the 50-foot right-of-way.

One of the neighbor's brothers wants to buy the 2 acres. That's where we stand. I would like to subdivide the 2 acres that I bought. 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

plans show that it's parcel A.

CHAIRMAN BRAND: Okay. Thank you.

Pat, do you want to run through your comments? I think he may have answered your first one.

MR. HINES: He did. How are you, Mr. Link?

MR. LINK: Good.

MR. HINES: I remember him being here before us twenty years ago or so for the subdivision.

MS. LINK: It was twenty-five.

MR. HINES: I was here then as well. Good to see you.

So that was our first comment, is why this is happening now. I didn't have a complete recollection of why, but that certainly makes a lot of sense, that the provisions for adjoining the adjoining lots, and now you are the owner of that.

Right now the topography is only shown on a portion of the 2-acre lot. The Planning Board would have to waive the requirement for topography on the balance of the parcel. Right

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

now they've shown it on the portion that is subject to the subdivision and the new lot, but not the entire parcel. The Board may want to consider that waiver. Or if they want to require -- the subdivision checklist identifies Federal wetlands on the site.

CHAIRMAN BRAND: I'm sorry, Pat. What would be the benefit to waiving it or not waiving it for us?

MR. HINES: Well, it would require the Links to go and survey, I believe it's their house where they're not proposing any development. So they'd be surveying the balance of the parcel. I think it's 4 acres or so that contains their residence and their gardens and such. The planimetrics are there but the topo is not. It shows the house, it shows, I believe, the pool, the garden areas. The rest of the lot is fairly heavily wooded that they don't utilize. It's a requirement in your checklist unless you waive it.

CHAIRMAN BRAND: Is there any objection to waiving the 2-foot contour?

MS. LANZETTA: I have no objection.

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. CLARKE: What is the topography on the site? Is it fairly steep or is it fairly flat?

MR. LINK: It's fairly flat. There is a slope so that the drainage is good, but there -- it definitely is not steep.

MR. CLARKE: Then I have no objection.

MR. GAROFALO: I have no objection.

MR. LOFARO: I have no objection.

CHAIRMAN BRAND: All right. Manny?

MR. HINES: That will address that concern. The checklist did have some Federal wetlands identified, but none are depicted on the map.

We should have the applicant's representative take a look at the soils mapping and the vegetation out there to make sure there aren't any.

The main concern I have with the sketch plan is that there are two water courses. I seem to remember this. There may be a pipe running across the 2-acre parcel. There's drainage on the rear of the parcel and then drainage down the spur which would contain the driveway of the 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

lot. I think that there might be a pipe linking those two.

MR. LINK: The pipe runs under the road.

MR. HINES: Right.

MR. LINK: That's the extent of the pipe. The pipe originally was planned to be an 18-inch pipe and then -- I can't remember his -- Rocky, whoever was the road supervisor at the time, wanted a 42-inch pipe. So there's a 42-inch pipe that runs under the road. There is a curtain drain behind the lot adjacent to the driveway -- between the two lots adjacent to the driveway to the west of the lot, I believe. Or maybe it's to the south. I'm getting confused on the direction.

MR. HINES: If the Board will look at the map there, the rear parcel shows a stream, a water course in blue, and it kind of disappears. During this process I will go out and take a look just to see where that goes. I vaguely recall an issue with a pipe there. I do know that there's a large pipe in the roadway there. I just want to make sure that that wasn't piped through.

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 grading for the proposed driveway. We're going to need to show that proposed driveway taking into account the topography where that ditch is along the access. I want to see that driveway depicted, and the grading for it, to show that that will work in there. That's something for your design professional to show us.

There's grading for a swale. They have approval for the septic system through the County already. The survey plan does not show it, but the approved septic system plan shows a relocation of the swale across the lot. Just in a graphical form. We want to show that grading on the plan that has the topography on it. That's something also your designer can do.

The other issue is the checklist identifies to show existing structures within 200 feet. Actually, my comment says 2.200, but it's supposed to say 200. I must have did that when I dictated. It helps with the public hearing if the locations of the adjoining houses can all be shown. It is a requirement. I wouldn't recommend you waive that. I think they can do that off 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

aerials and plot those on the survey so that we know where the houses and driveways are for the adjoining parcels when we have the public hearing.

Those are our comments on the sketch plan that was submitted.

MR. LINK: Well, his brother has got one of the adjacent properties, so he's probably not going to object.

MR. HINES: Yes, but there are some in the rear and there are a couple in between the two poles. There's quite a few houses.

MR. LINK: There are. There are. There are. Okay.

MR. HINES: Mr. Link, your consultants and -- I believe, actually, my office sent it to you as well, the comments.

MR. LINK: Yes.

MR. HINES: We did have an e-mail for you as well, so we sent you our comments. Did you get them?

MR. LINK: I don't believe so.

MS. LINK: I shut my phone off.

MR. LINK: Just 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

MR. HINES: No. My office would have done it earlier. If not, I'll follow up with that. They did say they had your e-mail, so I said go ahead and send them.

CHAIRMAN BRAND: Any other questions or comments from the Board?

MR. GAROFALO: I have some comments. I wanted to make sure that there is 25 feet from the center line of the road. It's supposed to be a 50-foot right-of-way for the -- what's the name of that road -- Green Tree Lane. I think our regulations call for 25 feet from the center line to make sure that it's -- we have 25 feet at those two points.

The other thing is to check on the sight distance. As long as they are looking at the driveway, I'm talking about the new driveway, I don't care about the old one because that's in a cul-de-sac. That's not going to have a real problem as far as sight distance. I would hate to approve a lot that doesn't have adequate sight distance.

MR. LINK: Well, it's between two driveways. Obviously it has sight distance. 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

a straight road there. But okay. Okay. We can show them.

MR. HINES: Back to the 25 feet. It's 25 feet to the center line of the road on roads by use. That road was a modern -- I'll call it a modern subdivision. It is a 50-foot right-of-way. We typically don't require any dedications based on where the road landed because the Town has ownership of that 50-foot strip.

MR. LINK: Yes.

MR. GAROFALO: Okay. My last comment is on the location map you have the Town Hall. That's the former Town Hall. Maybe you can change that to DPW just so anybody looking at that doesn't get confused. Just say former Town Hall on the location map.

MR. LINK: Oh. Oh, okay.

MS. LINK: What does he mean?

MR. LINK: Okay.

MR. GAROFALO: It's a simple thing.

MR. HINES: I think your consultant used like a Google Earth map and it had a remnant label.

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. LINK: I don't know if he's listening. Spencer Hall is supposed to be on this call.

MR. HALL: I'm on it.

MR. LINK: Are you taking notes, Spencer?

MR. HALL: Yes, I am.

MR. LINK: Very good. Okay.

CHAIRMAN BRAND: Anything else from the Board?

MR. HINES: Spencer, while I have you, did you get my comments as well? I know my office was looking for an e-mail contact for you.

MR. HALL: No, I didn't. Do you want my e-mail?

MR. HINES: Sure. I don't know if you want to put it on Zoom or you want to call my office in the morning.

MR. HALL: I'll call you.

MR. HINES: Okay, great.

MS. FLYNN: I don't have it, either, Spencer.

MR. HALL: I'll give it to you 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

Maybe it will draw up some business.

MR. HINES: All right. There you go.

MR. HALL: Hall, H-A-L-L, Surveying,
S-U-R-V-E-Y-I-N-G, all one word, @opt, like
Oscar, Peter, Thomas, online.net.

MR. HINES: Got it. Thank you, Spencer.

MR. HALL: You're welcome.

CHAIRMAN BRAND: Anything else on this?

MR. HALL: Do I have to formally
request a waiver of the topo on the remainder of
the lot?

MR. HINES: I think you got it.

CHAIRMAN BRAND: We're giving it to
you.

MR. HALL: Okay, good. We'll clean
these things up and we'll see you on November 2nd
then.

MR. HINES: Well, if you have that
submission done, yes.

CHAIRMAN BRAND: Yes, if he's got
everything in.

MR. HINES: The ball is in their court
right now.

CHAIRMAN BRAND: Right. For sure.

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

ALDEN & CAROL LINK

Great. Thank you, Mr. Link. Thank you, Mr.
Hall.

MR. HALL: Thank you very much.

MR. LINK: Thank you to the Board.

CHAIRMAN BRAND: You're welcome. Have
a good night.

The remaining items are discussions
without the lawyer, engineer and stenographer.

(Time noted: 8:18 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 1st day of November 2020.

Michelle Conero

MICHELLE CONERO