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MEETING HELD REMOTELY VIA ZOOM

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

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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: December 21, 2020
Time: 7:30 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI,
JOHN CAPPELLO & KEN FIORETTI

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MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: It is 7:30. I would like to call the meeting to order. Agenda, Town of Marlborough Planning Board, December 21, 2020. Regular meeting 7:30 p.m. On the agenda this evening we have HSC Milton, LLC for a sketch of their site plan/lot line on Route 9W, Milton. Later we do have a discussion without the lawyer, engineer or stenographer for the Town discussion with the Town Board and a review of the site plan checklist. The next deadline is Friday, December 24th.

Is that the right date, Jen?

MS. FLYNN: Yes. Yes, because we can't have it Friday, it's Christmas. It's Thursday. Thursday, the 24th.

CHAIRMAN BRAND: Okay. Thursday, December 24th. The next scheduled meeting would be Monday, January 4, 2021. We have some time.

First up on the agenda is HSC -- before we begin, I'm sorry, I do have some training I'd like to enter into the public record. Member Lanzetta and I both attended the New York State Division of State Division of Local Government Services subdivision review. Mrs. Lanzetta

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accrued one hour of time and I accrued two hours of time.

MS. LANZETTA: I should have two hours.

CHAIRMAN BRAND: Your certificate said one for some reason.

MS. LANZETTA: I know why. I'll have to take it up with them because I had a hard time connecting and it probably looks like -- I'll take it up with them.

CHAIRMAN BRAND: Okay. It was two hours. I'm sure you were there two hours. I don't think it's going to matter. I think you're over the four, anyway.

MS. FLYNN: I put you down for two, Cindy.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: I also attended the New York State Division of State Division of Local Government Services floodplain regulations on December 15th, and that was also two hours. So the training is out of the way.

First up --

MR. CAUCHI: I attended a training as well. I sent you the e-mail, Jen. Did you get

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that?

MS. FLYNN: I don't remember. I'm sorry. I've been out of the office for awhile.

MR. CAUCHI: That's okay. I'll resend it to you.

MS. FLYNN: Can you put it into the minutes so that it's read?

CHAIRMAN BRAND: Do you know which it was, Manny?

MR. CAUCHI: It was -- no, not off -- hold on a second.

CHAIRMAN BRAND: Why don't you look for it.

First up on the agenda is HSC Milton, LLC for the Dollar General on Route 9W, Milton.

As a reminder, Board Member Cauchi has recused himself for all of these discussions.

So Pat, I'd like to start with you, please. Would you review your comments.

MR. HINES: Sure. We received a resubmission including the stormwater pollution prevention plan. We were able to review it.

Our first comment has to do with the status of DOT's approval for the access drive and

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2 utilities. We did circulate lead agency out to
3 DOT and they did comment back that they were
4 looking for a traffic study as well as copies of
5 the drainage report. They also requested the
6 applicant fill out their Perm 33 and some other
7 information. So we're looking for the status of
8 that.

9 The review of the septic system by the
10 Health Department is required.

11 I did note in the stormwater pollution
12 prevention plan there was a geo-technical report
13 because they're using infiltration practices for
14 their stormwater pollution prevention. The perc
15 tests were 300 minutes per inch. That's not an
16 acceptable perc rate for a septic system, so I'm
17 waiting for the applicant's representative to
18 weigh in on that.

19 I would call to the Board's attention
20 there's only curbing proposed around the building
21 itself and along the 9W portion of the parking
22 lot. That has to do with the stormwater being
23 allowed to sheet flow off the site into that
24 northerly part of the site that contains the
25 stormwater. Normally the Board requires curbing

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throughout the site, but they designed their stormwater to sheet flow off the parking lot into there. It's kind of the preferred DEC method rather than putting it into pipes to allow it to flow across. It hits the vegetation before it hits the sediment forebay there.

CHAIRMAN BRAND: We saw that with one of our previous submissions; right?

MR. HINES: Yes. Yup. Yup. It goes a little against our commercial site plan design guidelines but it fits in with the DEC's stormwater design guidelines.

The stormwater management plan identifies that infiltration will be utilized as a treatment method in the infiltration basin they designed. The design manual requires additional infiltration testing. They only did two infiltration tests to identify the rate the water will come out of the pond through the soil. The stormwater design guidelines require one every 200 square feet of area of the basin. So more information on that.

The discharge from the stormwater plan is to a DOT culvert system. We're looking for

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2 the capacity of that culvert system and the
3 discharge location to be analyzed, along with the
4 report, to make sure that the water that does
5 discharge from the stormwater management facility
6 can be conveyed safely to a natural water course.

7 We have a comment on the size of the
8 septic system. The building is 9,100 square feet
9 and that would equate to approximately 110
10 gallons per day of flow. So the system appears
11 to be undersized, but there's no sizing
12 information on that. That will be reviewed by
13 the Health Department. We're looking for that
14 detail on the plan.

15 Another comment on the stormwater
16 infiltration basin regarding the depth of the
17 water that was modeled in it. The landscaping
18 plan that's been provided now depicts a proposed
19 irrigation system. We're requesting that they
20 contact the Water Department to determine any
21 details of that, cross connections and such that
22 will need to be in place in order to protect the
23 Town's water system when it's used for irrigation
24 as well.

25 The Planning Board had previously

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discussed the need for fire suppression in the building. It doesn't need it by building code, but I know the Board had requested the applicant possibly putting in a fire sprinkler system in the building. We haven't heard back on that.

Again, the sidewalks along the frontage. I believe at the last meeting we discussed that the Board was going to request the sidewalks be constructed at this time, saying that there's provisions for it in the future. I think the Board was looking for that to be added to the plans and constructed now.

I just want to check on the status of the Ulster County Planning review. I don't know if we sent it yet because we were waiting for those lighting, landscaping and stormwater pollution prevention plans. So that will have to be sent up to the County.

CHAIRMAN BRAND: Thanks, Pat.

Jeff, do you have anything on this one?

MR. BATTISTONI: The only thing I'll say is I think we do need to make that County referral. Once we have the complete plans, we'll do that.

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MR. HINES: Also, the time has lapsed for lead agency. We did hear back from both the DEC and the DOT as involved agencies in this. The other agencies did not respond. You can declare you are going to make yourself lead agency this evening as well.

CHAIRMAN BRAND: Anything from the Board?

MR. CLARKE: I've got a couple of comments. I'm not sure if this is a real problem or not, but getting irrigation water from a Town, that water is going to have a certain chlorine level. I don't know how that's going to impact the plants that you're irrigating. I don't know that it's a problem, but it's a potential problem.

You know, looking on the maps, I still think the entrance -- they would be better off with an entrance on the north side of the building, because that's where most of the parking is going to be, rather than on the west side next to 9W. It's not a provision that we can enforce, it's just a suggestion.

CHAIRMAN BRAND: Thanks, Steve.

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Anything else from the Board?

MR. GAROFALO: I have a few things.

One, I'd like to thank them for taking a look at the bicycle racks. I would appreciate if you would take a look at the distance between those. It looks like it's a little tight. I'd rather see one less rack and there be enough room than to have four and not really be enough room in between them. The distance of six feet is a little short, but they can certainly protrude into that ten-foot walkway that's in front of the building.

I'd like to thank them for the general note number 23 regarding the MUTCD, because there have been some problems with signage not being appropriate, and their attention to the ADA regulations.

On the demo plan, the limit of the work overlaps with the trailers that are parked at the north end. I was wondering if those trailers were going to be moved off of the property.

On the parking lot where the truck is parking, you've moved that so it doesn't interfere with the parking. I was wondering if

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you want to have a situation where you have a truck parked and have access to the dumpster, whether you want to move the dumpster so that the trucks can pull directly into it even when there is a trailer parked in the trailer area. So you may want to take a look at that. I don't think that's a big issue if you're going to have those -- not going to have those trailers parked there overnight when they're going to be picking up the dumpster, but that's something you should think about, if that's really what you want to do.

I'd like to also make note on Plan C-301, that they're correcting the lot width and side yard setback for lot 2. That's a very good thing in changing the lot lines.

CHAIRMAN BRAND: Pat, can I just jump in on that one, also? I know that we previously asked them for the depiction of both lots. Is what they provided sufficient at this point, in your opinion?

MR. HINES: I've asked that numerous times. It appears that what we're going to get is that plan. I did request on several occasions

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the depiction of both lots. I'm not sure that the County is going to file that map depicting a partial lot.

CHAIRMAN BRAND: Okay. Sorry, Mr. Garofalo. Continue.

MR. GAROFALO: That's okay. It looks like the setbacks of the tree and the sign are far enough away from the road, but in general I'd like to see those distances. I don't think we need them here. Just so the Board, the applicant and their professionals know that that's something that they have to pay attention to, because we don't want trees or signs blocking the sight distances.

The irrigation system, which kind of wraps around to the front of the building, I'm concerned with that in the sense that one of the things that we're supposed to look at in the Route 9W corridor is potential connections between adjacent lots. I think that this is an area where in the future there might be a potential connection to the adjoining lot through the parking lot. I'm wondering if the design of the irrigation system should take that into

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account. You may run into a situation where you're going to have to rip up your entire irrigation system if that were to occur in the future. So I'm not sure about the details of the irrigation system, but that's something that you should take a look at because it's something that we're certainly supposed to consider. This looks like it's well aligned to extend that parking lot sometime in the future. I would hate to have to see them rip up the irrigation system in order for that to be done if they want to do that.

On the lighting, the iso graph, it would be nice if there was a property line as well as showing the building and the parking lot, because I think one of the things we're concerned about is what is the lighting level at the property line. So it would be nice if, when they submit that, you could see at least where the property line is on that plan. To me, that's more important than looking at those nice photos because I can't really see from those photographic illustrations how the lighting is. I mean it's a nice extra thing, but I'd rather look at what the actual numbers are and see them

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on the plan. I think that would be helpful, not only to us, but for the County to be able to say okay, you're 0.3 at the property line in this area and you're whatever at the other parts of the property line.

I certainly would like to see the DOT correspondence, and I'm not sure if this is going to need a full-blown traffic study because it may not be generating enough traffic. They certainly should take a look at the amount of traffic they're actually going to be generating from this site. They may be able to talk to DOT as far as what exactly they want in their traffic study.
Thank you.

CHAIRMAN BRAND: Thank you,
Mr. Garofalo.

Anything else from the Board?

MR. TRONCILLITO: I'd just like to make my -- get on my horse for what my main theme is here. I sure would like them to seriously consider putting in a sprinkler system. I mean after going and being involved with the one in Marlboro, the automatic alarms that would go on there. If any of you have ever been in their

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storage room in the back, a sprinkler system would be most warranted. That protects the building plus it protects the firefighters going through the darn building. That's my biggest concern out of the whole project. I'd love to see it built. I'd love to see a sprinkler system in that building.

CHAIRMAN BRAND: Thank you, Mr. Troncillito.

Ms. Lanzetta?

MS. LANZETTA: I just would recommend that the applicant take a look again at the Route 9W corridor traffic studies that the Town just completed, because the County -- when it goes up to County, the County is going to be referring to those. There's a lot of good information on the rates of traffic and safety issues. I think you'll get a good sense of what, at least, the County and probably the State, what their concerns are going to be.

I'll put a plug in, too. I was hoping there would be more Town Board Members in attendance so that they could see how we're conducting our business. I do see Al there. I

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know I put this bug in his ear already. It's something that we can't work on, but if the Town Board could be communicating with DOT, because one of the recommendations in our Route 9W study is to reduce the rate of speed through that corridor in Milton. Especially if we're going to start adding additional businesses in this corridor, we really need to do it through a two-pronged approach, you know, making the improvements on the corridor itself but also reducing the speed. Thank you.

CHAIRMAN BRAND: Joe, do you have anything for this?

MR. LOFARO: Well, I agree with Jim on the possible egress on the north end in the future. It just seems if we're considering 9W and more access or less access points, maybe that is a really strong consideration that they should look at.

As well as what Bob said about the fire suppression system. I understand we're under the square footage that is required. It just seems like it's really important for the safety of everybody. I don't know what we can do about

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that, but that's just my opinion.

CHAIRMAN BRAND: My own point of view -- Caryn, we'll get to you, obviously, to address some of these issues. I'm curious as to why, despite asking several times, we haven't seen a depiction of both maps as requested.

I would also echo Pat's comments of 9 and 10. I think we've been -- most of the Board has been pretty clear that we would like to see some type of fire suppression system provided.

I thought we made it inherently clear at the last meeting that we were looking for sidewalks, not a dedication. That's what I've got.

So Caryn, John, to you.

MR. CAPPELLO: I'll just start off on a couple questions and then turn it over to Caryn who has more of the information.

On the sidewalks, we would really just like to continue that discussion. We've shown the sidewalks, so it's a note on the map, you know, to change it. We will have them designed.

On a lot of these issues it's a drip, drip, drip as to cost considerations. So we

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could put it all on the table.

We've heard everything you've said. You know, Caryn will go through the revisions we've made so far. We'll certainly take your comments and make more revisions, and then, you know, at our next submission hopefully get to a position where we could, you know, get the public comments. Once we have everybody's comments and we know the whole list of what you want, as we move to an approval, you know, we can discuss all these issues and the applicant can make a determination as to, you know, what it can do or what it would like to discuss more.

As far as the DOT studies, we do have a traffic engineer preparing the study. We'll make sure, you know, he has all those plans to take into consideration. DOT will be reviewing that traffic study as well. You know, we'll make sure we incorporate, to the extent we can, any recommendations. Once the traffic study is prepared, that could potentially be used as the impetus for the Town Board to then maybe request a reduction in the speed limit from the DOT because we'd have support in the traffic study

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possibly.

So with that, those are my couple of initial comments, and I'll give it to Caryn for more of the details.

MS. MLODZIANOWSKI: Thank you, John. Thank you, Members of the Board, for your comments here this evening.

A couple more updates since we met with you at the last meeting. We've made a lot of good progress with review agencies and with the plans since that time. As you've seen, we've submitted a full set of plans down to construction details and a SWPPP as well that will be going to the DOT.

We did meet with DOT. There were about three or four different DOT representatives on our call, which was, of course, virtual, but it was a good meeting. Our traffic consultant on our project was there as well so that we could hear all of their feedback and narrow in on the scope of the traffic study that they requested. So that is in process and is near completion with gathering all the data that DOT outlined in our meeting with them for that traffic study as we

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continue the review process with them for both traffic impacts, plans, drainage, and design review as well.

The other major change since the last meeting was definitely the sidewalks. We took that to heart. We determined what area would be suitable for construction of sidewalks. The right-of-way itself is very narrow. There's only about nine, maybe ten feet between the road and our front property line. Pretty much that entire area is taken up by a drainage ditch for DOT drainage as it goes in front of the site. So unfortunately that's a bit more of a process for us but one we're willing to go through along with our client, HSC Milton. We have Ken Fioretti on the call with us this evening and determined that an additional eight feet or so of frontage would be an appropriate place and a feasible place for those sidewalks. So we then took our plans, which is reflected in what we submitted to you for this meeting here this evening, and adjusted our site plan layout for that eight feet or so of dedication to DOT for sidewalks. We've adjusted it back so that it's still zoning compliant and

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meets all the setbacks and the bulk requirements of the zoning for both of the lots involved with the lot line adjustment, so that it meets all of that zoning that is there.

As far as some of the comments we heard this evening. The lot line adjustment itself, we did include the tax map in that plan. If there's further detail that's needed, we're certainly happy to do that to satisfy the Board and the County for what will be needed for the lot line adjustment map itself.

I wrote down all of your comments here this evening and we're happy to work through all of those technical items as we continue to move forward. As John mentioned, we are excited to continue the process with the public hearing to gather their input and, hopefully, send this to the County for their review as well.

CHAIRMAN BRAND: Great. Thank you.

Jen, can you unshare your screen?

MS. FLYNN: Yes. Just a second. My computer is dying.

CHAIRMAN BRAND: Anything else from the Board on this?

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MR. GAROFALO: Yes. I have a question. Did DOT request that land for the sidewalk be dedicated to them?

MR. CAPPELLO: Go ahead, Caryn.

MS. MLODZIANOWSKI: That was part of our discussion with them. Sorry, John.

MR. CAPPELLO: That is a bit of a long involved process to get them to acknowledge and take the land. We will commence that process, you know, fairly soon. The quicker we get some comments from the Board on the location, whether you're okay with that sidewalk, that will facilitate the beginning of the takings process with the DOT.

CHAIRMAN BRAND: Thank you.

MR. GAROFALO: As previously mentioned, certainly have your traffic consultant take a look at all of the material that has already been done in the corridor, because that may help them and they may be able to use some of that information in their study, depending on exactly what DOT wanted them to do.

MS. MLODZIANOWSKI: Okay. Thank you.

MR. TRONCILLITO: Has there been any

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type of reply on the sprinkler system yet?

MS. MLODZIANOWSKI: We will have to talk to the architect on that. The code trigger for that is 12,000 square feet, which we are --

MR. TRONCILLITO: 10,000.

MS. MLODZIANOWSKI: -- which we are under.

CHAIRMAN BRAND: 10,000.

MR. TRONCILLITO: 10,000 is the cue.

MS. MLODZIANOWSKI: Okay. All right. There might be another code then we're not aware of. They had indicated 12,000 square feet for the mercantile use, but, you know, we understand your concerns and we've heard the comment, a bunch here this evening. So we're happy to look into it to see what could be done.

MR. TRONCILLITO: Have you been aware of the fires that Dollar General has had in the past two years? I count four and, you know, between \$500,000 and \$600,000 worth of damage. A sprinkler system to me is worth every penny it costs to put in. That's why I'm so adamant about it.

MS. MLODZIANOWSKI: Understood.

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CHAIRMAN BRAND: Pat, you indicated that the timeframe has lapsed and we are now able to declare ourselves lead agency.

I would like to have a motion to declare the Town of Marlborough Planning Board as lead agency for this project.

MR. TRONCILLITO: I'll make that motion, Chris.

CHAIRMAN BRAND: Steve?

MR. CLARKE: I'll second it.

CHAIRMAN BRAND: Any discussion on that?

(No response.)

CHAIRMAN BRAND: Anyone opposed?

(No response.)

CHAIRMAN BRAND: No. So moved.

All right. I think unless there's anything else, that takes care of HSC Milton, LLC. Thank you.

MR. CAPPELLO: Thank you very much. Happy holidays, everyone.

MS. MLODZIANOWSKI: Can I ask a question? Did we need a formal motion to send to the County or is that just something that

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happens?

CHAIRMAN BRAND: I think once we have a complete application and we're --

MR. HINES: The County is going to want to see that traffic report, and then we need the technical comments on the SWPPP revised. Then we'll be in a position to send it.

MS. MLODZIANOWSKI: Is it a complete application otherwise besides the traffic study at this point?

MR. HINES: I want you to take one more shot at the SWPPP with my technical comments, and then the traffic study the County will be looking for as well.

CHAIRMAN BRAND: And the depiction of both maps; right?

MR. HINES: We've gone around that a couple times. I don't know if it's for John or Caryn. What we're looking for is a lot line change map that shows the complete outbounds of both parcels that are involved. Right now we have a Dollar General lot and just a piece of the adjoining lot that's gaining the property.

MS. MLODZIANOWSKI: Okay. And then

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your public hearing timing, would that be set at next month's meeting?

CHAIRMAN BRAND: I think it would depend on the traffic study and if we have all those things in order, then we would possibly do that, yes.

MS. MLODZIANOWSKI: Okay.

CHAIRMAN BRAND: Thank you.

That's it for the agenda this evening for the lawyer, engineer and Stenographer, but I know that -- I believe, Michelle, you can go. Have a great holiday. Enjoy.

(Time noted: 8:00 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of December 2020.



MICHELLE CONERO