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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

FINAL - SUBDIVISION

Date: January 19, 2021
Time: 7:30 p.m.

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

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

APPLICANT'S REPRESENTATIVE: SPENCER HALL

----- X

MICHELLE L. CONERO
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ALDEN & CAROL LINK

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CHAIRMAN BRAND: It is 7:30, so I'd like to call the meeting to order.

I'll start by reading the agenda. Agenda, Town of Marlborough Planning Board, January 19, 2021. Regular meeting 7:30 p.m. The approval of stenographic minutes for 12/20/20 and 1/4/21. On the agenda this evening we have Alden, Carol Link for a final of their subdivision at 36 Green Tree Lane in Milton. We have Guarino Subdivision, final for their subdivision on Lattintown Road in Marlboro. And then we have the HSC Milton, LLC/Dollar General for a sketch of their site plan/lot line on Route 9W in Milton. The next deadline is Friday, January 22, 2021. The next scheduled meeting would be Monday, February 1, 2021.

Do I have an approval -- a motion for the approval of the stenographic minutes for 12/20/20 and 1/4/21?

MR. CAUCHI: I'll make the motion.

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

MR. TRONCILLITO: I'll second it.

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CHAIRMAN BRAND: Second by Mr.
Troncillito. Any discussion on that?

(No response.)

CHAIRMAN BRAND: Any opposed to the
passing or approval of those minutes?

(No response.)

CHAIRMAN BRAND: So carried.

First up we have the Alden and Carol
Link subdivision for the final.

Pat, you have nothing for this;
correct?

MR. HINES: No. This was just before us
last time. It's here for Jeff's final resolution
for the Board.

CHAIRMAN BRAND: All right. Before I
go to Jeff, anything from the Board on this one?

(No response.)

CHAIRMAN BRAND: No. Jeff, did you
just want to maybe give us a brief overview? Or
not. Or we could just go right to it.

MR. BATTISTONI: This is Jeff
Battistoni. I'll say a few things. I did
prepare the Parts 2 and 3 for the Short EAF. I
did prepare a neg dec resolution. This was

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formerly a subdivision that had two lots. They were then consolidated again, and now they are being subdivided back to what they were before.

There are two rectangular pieces that extend out to Green Tree Lane, so I did add a condition to the resolution that consolidation deeds be submitted for review, because those pieces have to be consolidated with each of the two new lots. That's it.

CHAIRMAN BRAND: Okay. Fair enough. So we have before us the application of Alden Link and Carol Link for a two-lot subdivision for the Town of Marlborough Planning Board. There's a SEQRA negative declaration and notice of determination of non-significance.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: He is not here. I

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ALDEN & CAROL LINK

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would say absent for him.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Excellent. You also have prepared by Jeff Battistoni the application of Alden Link and Carol Link for a two-lot subdivision, a resolution of approval by the Town of Marlborough Planning Board dated January 19, 2021.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

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MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: All right. The only other outstanding issue would be the recreation fees. I'll read the recreation fee findings for the Town of Marlborough Planning Board.

Whereas the Planning Board has reviewed a subdivision application known as Alden and Carol Link with respect to real property located at 36 Green Tree Lane in the Town of Marlborough, Member Brand offered the following resolution which was seconded by Member Cauchi: It is hereby resolved that the Planning Board makes the following findings pursuant to Section 277-4 of the Town Law. Based on the present anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of the subdivision will contribute, parkland should be created as a condition of approval of the subdivision. However, a suitable park of adequate size to meet the above requirements can not be properly

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located within the proposed site. Accordingly, it is appropriate that in lieu of providing parkland, the project sponsors render to the Town payment of a recreation fee to be determined in accordance with the prevailing schedules established for that purpose by the Town of Marlborough. This approved subdivision known as Alden and Carol Link resulted in one new lot for a total of \$2,000 in recreation fees.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Garolfalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

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CHAIRMAN BRAND: Excellent. So I believe, Mr. and Mrs. Link, you guys are all set. I believe that's Spencer Hall, too. Right?

MR. HALL: Yes.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January 2021.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

GUARINO SUBDIVISION

Project No. 20-4011
632 Lattintown Road, Marlboro
Section 102.4; Block 3; Lot 13

----- X

FINAL - SUBDIVISION

Date: January 19, 2021
Time: 7:35 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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CHAIRMAN BRAND: Next on the agenda this evening we have the Guarino Subdivision for a final approval of their subdivision located on Lattintown Road.

Before I defer to Jeff, does anyone from the Board have anything to comment on?

(No response.)

CHAIRMAN BRAND: No. Jeff, how about a quick overview of your SEQRA negative dec and the resolution?

MR. BATTISTONI: This is Jeff Battistoni again. I did prepare the Parts 2 and 3 to the Short EAF. I did prepare a neg dec resolution, and I did prepare an approval resolution.

I will say that the -- we keep referring to this as the Guarino Subdivision. In fact, the property is owned by KBAR Orchards, LLC, so I made that clear in the approval resolution.

There is a condition for County Health Department approval. We added a condition today about prior to the issuance of a building permit for either of the new houses, the applicant at

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that time has to stake the house locations and submit a plot plan to the Town to ensure that the actual locations match what's on the subdivision plat.

CHAIRMAN BRAND: Thank you, Jeff.

Any other questions or comments regarding that?

MS. LANZETTA: I have a question for Pat. I was looking at the residential permitting application. In the application it says that you need to have two copies of construction plans which are engineer stamped. I'm just trying to figure out where in this process, so that this doesn't get lost, does Tom become aware that this particular subdivision might need to have a specific envelope for the house? My question is does the engineer that submits the plan look at the subdivision map when he submits the construction plans?

MR. HINES: Yeah. The reason behind that is that the -- can you guys hear me?

CHAIRMAN BRAND: Yes.

MR. HINES: The reason behind that is that the building envelopes need to be shown on

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the map, and that's why we want it staked out, because of the lot geometry and the limited area left to build the house once the geometry and the setbacks are put together. We wanted that note on the map. But when they come for a building permit those setbacks are on the plans. Because of the potential for a ZBA issue if it's moved a foot or two either way, that's why we wanted the note about staking the house and giving the plot plan for it.

MS. LANZETTA: Okay. Because I wasn't sure if the engineer -- if that's strictly for construction purposes or if they take into account -- if they are looking at all the particulars on the subdivision plan.

MR. HINES: Yeah. Typically they would when you're doing -- actually, it probably most likely would be a -- most likely be an architect that does the plan for the house.

CHAIRMAN BRAND: Can I just ask if you're not actively speaking to mute yourself. We are getting some feedback there from Pat.

MR. HINES: It may be the things that I have going here.

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CHAIRMAN BRAND: Okay.

MR. HINES: I have one muted, though.

CHAIRMAN BRAND: Your computer is muted. Okay.

MS. FLYNN: Switch the mute. Maybe that will help.

CHAIRMAN BRAND: Did that answer your question, Cindy?

MS. LANZETTA: Yes. Thank you.

CHAIRMAN BRAND: Okay, good. Any other questions or comments from the Board?

(No response.)

CHAIRMAN BRAND: Okay. Then regarding the application of KBAR Orchards, LLC and Kathleen Guarino for a three-lot subdivision; the Town of Marlborough Planning Board, you have before you a SEQRA notice of determination of non-significance.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

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GUARINO SUBDIVISION

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Excellent. You also have before you the application of KBAR Orchards, LLC and Kathleen Guarino for a three-lot subdivision, a resolution of approval by the Town of Marlborough Planning Board dated January 19, 2021.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

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MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: That motion does
carry.

Finally, for the Guarino Subdivision we have the recreation fee findings for the Town of Marlborough Planning Board. Whereas the Planning Board has reviewed a subdivision application known as Guarino Lattintown with respect to the real property located at 632 Lattintown Road in the Town of Marlborough, Member Brand offered the following resolution which was seconded by Member Lanzetta: It is hereby resolved that the Planning Board makes the following findings pursuant to Section 277-4 of the Town Law. Based on the present anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of this subdivision will contribute, parkland should be created as a condition of approval of this

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subdivision. However, a suitable park of adequate size to meet the above requirement can not be properly located within the proposed project site. Accordingly, it is appropriate that in lieu of providing parkland, the project sponsors render to the Town of payment of a recreation fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. This approved subdivision known as Guarino Lattintown resulted in two new lots for a total of \$4,000 in recreation fees.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

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GUARINO SUBDIVISION

MR. LOFARO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Excellent. So I believe that is -- Mr. Messina, I believe you're all set with that.

MR. MESSINA: Thank you very much.

CHAIRMAN BRAND: You're very welcome.
Thank you.

(Time noted: 7:42 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of January 2021.

Michelle Conero

MICHELLE CONERO

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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: January 19, 2021
Time: 7:43 p.m.

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

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

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI,
JOHN CAPPELLO, KENNETH FIORETTI

----- X

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CHAIRMAN BRAND: Next on the agenda we have HSC Milton, LLC/Dollar General for sketch site plan/lot line on Route 9W in Milton.

Pat, why don't you start us off with this one.

MR. HINES: Sure. So they have provided the additional information we requested.

We have a revised stormwater pollution prevention plan.

We did get a traffic report that will be forwarded up to DOT. The traffic report identifies the intersection operating at a level of service A past it and a level of service D for some turning movements. It's about 15 cars per hour in and out in the peak hours in both directions, both in and out. The p.m. hour was the peak hour they analyzed. That will go to DOT as well for their review during the permitting.

We had requested some changes to the stormwater pollution prevention plan that we couldn't find. The downstream analysis of the pipe, it said it was in the report but we didn't locate that.

There's a need for additional

1 infiltration testing in the stormwater management
2 area. The DEC requirements require one test for
3 200 square foot of infiltration area. There's
4 only two tests in the entire area right now for
5 conceptual design.
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7 We have a comment on the de-watering of
8 the sediment forebay for the engineer to take a
9 look at.

10 We did just talk about the DOT traffic
11 study and the stormwater plan. DOT will have to
12 weigh in on those.

13 The septic system. We previously
14 commented on the percolation tests. They have
15 redone those perc tests and they are now
16 acceptable percs. That will need to be reviewed
17 and approved by Ulster County Health Department.

18 We had discussed the status of the
19 irrigation system for the landscaping. We have
20 not heard from the applicants regarding their
21 conversation with the Water Department, whether
22 that would be permitted or if any additional
23 cross connection protection would be required on
24 the plans.

25 We got a report from a New York State

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licensed architect. We had some conversations previously about sprinklering of the building. The building does not require to be sprinklered per code. The architect has given us an analysis based on sections of the code that it doesn't need to be sprinklered. I think we'll hear from the applicant tonight that they do not want to do that. Per our last discussion, I think the applicant just needs to acknowledge that.

Two items of housekeeping. It needs to go to County Planning and it needs a public hearing if the Board feels that it's at that point. That's what we have.

CHAIRMAN BRAND: Thank you, Pat.

I guess I'll bounce it back to the applicants.

MS. MLODZIANOWSKI: Thank you. Good evening. This is Caryn Mlodzianowski from Bohler Engineering. I'm here with Ken Fioretti from HSC Milton and John Cappello from Jacobowitz & Gubits this evening.

Thank you, Pat, for the review and for the updates tonight.

I'll point out a few other things that

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were provided and that changed since the last meeting in order to address the comments that were received. We did add the construction of the sidewalks across the entire property frontage. Those are there on the plans and designed at this point. The intent is to build those at the time of the project, along with the land dedication to DOT that we discussed at the last meeting.

Along the lines of DOT; as mentioned, we submitted the traffic study as requested to help deem our application complete this evening.

We also provided an amended lot line adjustment map as requested. That now depicts both of the lots involved in the lot line adjustment in their entirety.

There was also a comment on the bike racks. We did remove one of them. We have three now that are spaced out more adequately for bicycle access in front of the store as well.

Lastly, as noted we did submit the project architect's review letter regarding sprinklering the building. It is the intent of the applicant to not go forward with a sprinkler

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2 system as they don't meet the thresholds. In
3 that evaluation by the architect it's -- you
4 know, from a life safety standpoint there's not a
5 concern that's there because it doesn't meet
6 those thresholds. We understand that the
7 applicant and the tenant would be taking that
8 risk of any product loss should there be a fire.
9 But that was analyzed in detail. We did want to
10 address that comment that was at the last
11 meeting.

12 So we're hopeful to move forward with a
13 County referral and hopefully set a public
14 hearing here this evening. Thank you.

15 CHAIRMAN BRAND: Thank you.

16 MR. TRONCILLITO: Caryn, can I ask you
17 a question, please?

18 MS. MLODZIANOWSKI: Certainly.

19 MR. TRONCILLITO: If we had a fire
20 sprinkler code in the Town would you still be
21 building that building on that site hopefully?

22 MS. MLODZIANOWSKI: That's up to Mr.
23 Ken here with HSC Milton. I'm not sure --

24 MR. TRONCILLITO: The Cincinatti
25 shuffle.

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MS. MLODZIANOWSKI: They're willing to follow any codes that are there.

MR. TRONCILLITO: You answered it. If we had the code it would be put in. Most likely that's what would have happened. Thank you. I appreciate it. I appreciate you even considering it. Thank you.

MS. MLODZIANOWSKI: Certainly.

MR. GAROFALO: I'd like to speak about the sprinkler systems. Clearly the letter shows that it is not mandatory to put it in by State code. We, however, as a Board are required to not only look at public comments that come through the public hearing but we're also required to listen to the Fire Board of Commissioners. The law does not say that if you are under a certain threshold, that you may not -- that you don't have to absolutely put it in. There's no law that says they can't put it in when it's below that mandated level. What I would like to see to make myself feel comfortable, given the fact that it seems to be a good -- potentially a good idea to have it, would be to get an estimate of the cost of what it

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2 would be, an estimate of what they would be
3 saving in insurance, what it might cost to
4 maintain this kind of system in order to get an
5 idea of if it is cost effective to do it. And
6 also to get some indication, because this is a
7 large corporation that has many of these types of
8 buildings and I would think that there would be
9 some kind of records about cost to install as
10 well what it would be to maintain and what kind
11 of insurance savings they would get, but also if
12 there are records of any fire -- fires or code --
13 fire code violations to understand how much of a
14 threat this really is to this type of a building.

15 Now, I don't think they necessarily
16 have to go out and get an estimate for this
17 particular building. I would think that they
18 would have some information because I can't
19 believe that when you have over 1,000 stores this
20 hasn't come up before. But to make me feel
21 comfortable, and I think some of the other Board
22 Members, I think providing some facts to say hey
23 look, this is or isn't needed even though it's
24 not mandated.

25 MR. CAPPELLO: This is John Cappello.

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I think hopefully as we go to the public hearing for next month we can try to provide, you know, some of that information. But I can tell you just, you know, based upon my experience with Dollar Generals, you know, it isn't their policy to put in sprinklers in buildings this size. There is a reason that the laws are written as they are. You know, if you want more information, you know, we're certainly willing to provide, you know, hopefully as long as the process can be, you know, moving forward. But I think given the inventory, given the size of the store, given that it's a one-story building so for evacuation and safety purposes there really is no safety difference between having the building sprinklered for, you know, any potential injury, it really is a risk to Dollar General in losing its inventory to the site rather than, you know, a health factor, which I think is part of what the fire code took into account, that a building this size could easily, with the access points that we have and the ingress and egress to the site, could easily be evacuated in the event that there is, you know, a fire.

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Frankly, today I did a Google search and there are fires, you know, as in any place. There's been, you know, no indication of damage. Frankly, with the sprinkler system, when you're talking about damage to product and inventory, the sprinkler system is going to, you know, potentially damage as much -- that's why the insurance rates -- I don't know for sure and I don't want to talk out of turn for commercial, but I know a lot of times in residential and big residential components I've found that people have told me, insurance brokers, that there's actually more of a risk for property damage from faults, somebody is making popcorn in the microwave and it sets off a sprinkler system, and you have more damage and more property insurance claims from the sprinkler system than you do from potential, you know, fires.

Having said that, hopefully we can move forward here. We will try to provide you, you know, the answers to your question. But I know it has come up in Dollar Generals, and I'm sure they did a cost benefit analysis if there was a better cost savings based upon insurance rates

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that all Dollar Generals -- not just Dollar
Generals, stores of this, you know, similar
magnitude and size would have sprinkler systems.

But we can provide you a little backup,
Ken, I believe.

MR. FIORETT: You know, ladies and
gentlemen of the Board, we're not here looking
for any special favors. We will comply with the
ordinances and codes. But, you know, to ask us
to do an in-depth analysis to basically design a
system, not to build it, just to come up with a
cost for it, I think is excessive. We're here to
work with you. We're here to provide things that
are required and are economically feasible, but
to go through an in-depth analysis for something
that the code doesn't even require, I think
you're asking over and above what we are able and
willing to provide. So, you know, it's not that
I'm just saying outright no, but we really intend
to work within the code, the standards and
requirements. Just to say that you should do
this even though the code doesn't require it, I
mean we can make a laundry list of all the things
the code doesn't require and why shouldn't we do

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those as well. So I really would appreciate if we can stick within what the code requires, what the ordinance requires, and try to stay on point.

MR. GAROFALO: I'm not asking for a design of a sprinkler system for this particular building.

MR. FIORETTI: Yeah, but -- with all due respect, I don't mean to interrupt. The only way to get an accurate cost is to design it. Any fire installation company, you're going to say how much does it cost to build it, they'll say let me see the plans. You know, to come up with a real accurate estimate you do need to have a semi-designed system.

MR. GAROFALO: I would think that in the many Dollar General stores --

MR. FIORETTI: We're not Dollar General. Dollar General has tens of thousands -- we're Hix, Snedeker. We build for them but we are not their company.

CHAIRMAN BRAND: I would tend to agree with Mr. Fioretti. It's not required by code and that seems like a significant cost to them that I don't know that they should have to bear that

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burden.

MR. HINES: One of the points is that this is the International Building Code, although New York has some supplements. Most likely they don't have a sprinkler system in any of theirs unless there's a local ordinance somewhere that requires it. The New York Building Code is based on the International Building Code. There are sections that say X number of square feet need a sprinkler and below that don't are similar across the country unless there are specific state or local requirements above the International Building Code.

MR. FIORETTI: Agreed.

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

MR. GAROFALO: Yes. I have some -- a number of different comments. One is there's a tree by your sign. You may want to take a look at that to make sure that it's not going to block your sign. You might be better off with something lower to the ground there.

The other thing that I want to talk

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about is the traffic study. This is something that -- this type of work is the type of work I've been doing since 1989 in this region. I've been doing this type of work even longer than that. There were a number of things that I was concerned about in the study and some additional information that I would like to see provided to the Town.

The traffic counts -- the traffic count has been taken. I think a copy of that count should be provided to the Town. This helps in case anyone else comes along and wants to do -- wants information on traffic in the area.

The historic -- it mentions historic data but it doesn't provide any information on what that is or where it came from. I think that should be provided.

The report also mentions using background traffic from other developments. It does not specify what those developments are. It looks like the increase in the traffic is strictly 1 percent per year. I would like to know what other projects were considered in the traffic study.

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The left-hand turn coming out is a level of service D, which is fine. It's at 34.5 seconds. At 35 -- over 35 seconds it turns into a level of service E, which still is something which occurs in many places. I think that if you look at the distribution of traffic north and southbound, they divided it equally between northbound and southbound, and that probably is not correct. There may actually be more left-hand turns than right-hand turns coming out of the site which might very well make it a level of service E.

Also they discuss bypass traffic. They don't use the calculation for bypass traffic. It should say that in the study, that they're going to use it or not use it. But it wasn't used. If it were used in the study, again there would be more left turns coming out of the site than right turns leaving the site, and there would also have been a reduction in the through traffic reflecting that movement. The fact that it is so close to the change in the level of service, these might have an affect. Would it change the decision as far as the access goes? Probably not

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from DOT's point of view. The key factor here that DOT is probably going to be looking at is the left-hand turn going into the site analysis, which is something that is incredibly expensive to do. That's probably \$100,000 or more to do. So that's probably the main thing that they're going to look at.

I don't know as if the Saturday traffic is higher both on Route 9W and for this type of establishment. I certainly would have liked to have seen that mentioned in the study.

Let me see if I have any other comments here.

Basically, though, I think the main issue that DOT is probably going to decide is whether or not they have to put a left-turn lane in. There's not a lot of left-turn traffic, but both of those analyses that I talked about, that you would have more left-hand traffic coming in as well as more left-hand traffic going out, might affect their decision. I don't think it will but I would like to see them get the right numbers and make the right decision on the correct -- what I would think would be better,

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more correct numbers. Thank you.

CHAIRMAN BRAND: Thank you, Mr.
Garofalo.

Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Pat, I just had a
quick question for you. The amended lot line
adjustment map that was submitted, does that meet
what you feel is the necessary requirements for
that?

MR. HINES: Yes. That's what we've
been looking for. It shows both of the lots and
the change. It will be able to be filed with the
County upon approval.

CHAIRMAN BRAND: Perfect. Anything
else from the Board? Ms. Lanzetta.

MS. LANZETTA: I was just wondering if
it has already gone up to County, because I was
under the impression County might be reviewing
it?

MR. HINES: I thought we were holding
off until the stormwater was complete and we have
the traffic study.

MS. FLYNN: I didn't send anything up.

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CHAIRMAN BRAND: We have both of those components now; correct?

MR. HINES: Yes.

MR. CAPPELLO: We were hoping that this evening you would authorize the package to be sent to the County and schedule a public hearing so we can begin getting the public comments and then address all the comments in one.

CHAIRMAN BRAND: Is there anyone opposed to sending it to the County at this point now that we have the completed traffic study and the stormwater prevention plans?

MR. GAROFALO: I would only ask that my comments go along with it to see if they think there's any relevance to what the decision would be concerning the traffic.

CHAIRMAN BRAND: Okay. We can do that.

MR. GAROFALO: I think it's fine. If they don't think there's any concern -- if DOT doesn't think there's any concern, then as far as I'm concerned let it stand, because it is going to be DOT's decision and I don't want to have to have them do any more work than they have to do.

CHAIRMAN BRAND: Mr. Garofalo, do you

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have those comments written up that you could send to Jen that she could send as part of the package?

MS. FLYNN: Either e-mail it to me --

MR. GAROFALO: No, I don't. I could do that.

CHAIRMAN BRAND: If you could do that, that would be great. Then we can include that as part of the submission.

MR. GAROFALO: I don't think I could do that before Friday.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: If that's okay.

CHAIRMAN BRAND: I guess if that's what we have, that's what we have.

MS. LANZETTA: He could always e-mail it up to Rob at County Planning and ask him to include that in.

MS. FLYNN: Yeah.

CHAIRMAN BRAND: So we will send it as is. And then, Mr. Garofalo, when you send that, Jen will send that as an addition to Rob. Sound fair?

MR. TRONCILLITO: Chris, I have a

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question. How many more meetings and what more entails before we can give them final approval for this?

CHAIRMAN BRAND: Well we have the public hearing. That needs to be scheduled at a bear minimum. Any outstanding issues from Pat. So I would say at least two more I would think. One more possibly.

MR. TRONCILLITO: Okay. I was just curious because I'd like to see it get going. Yes. Thank you.

CHAIRMAN BRAND: Is the Board comfortable with setting a public hearing for this project at this time?

MR. LOFARO: Yes.

MR. TRONCILLITO: Definitely. I think it should be, this way we can get it going.

CHAIRMAN BRAND: When can we put that on the agenda, Jen?

MS. FLYNN: Tuesday, February 26th.

CHAIRMAN BRAND: Tuesday, February 26th. Does that work for the applicants?

MR. CAPPELLO: Yes. We'll make it work.

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2 The only comment I would ask is that
3 when Mr. Garofalo provides his traffic comments,
4 if we could also be copied so we can get them to
5 our consultant and he can provide some answers.
6 And if it's okay with the Board or Mr. Garofalo,
7 if we could have him contact you directly to
8 discuss your comments, we'd be happy to do that
9 too so we can move it forward.

10 CHAIRMAN BRAND: That's fine.

11 MR. GAROFALO: I've worked with Dr.
12 Grealy before, so I don't have any problems
13 talking to him. And again, this may not matter
14 at all but they're the ones who are making the
15 decision so I think it's important for them to
16 know. If this is a borderline case, than it may
17 be important. I think it's only important in
18 terms of the left-hand turn because that's really
19 the critical issue that you're dealing with here.

20 CHAIRMAN BRAND: Okay. I think that's
21 it, unless anyone has anything else on this one.

22 MR. HINES: Jen, you said the public
23 hearing is a Tuesday. Is there a holiday or
24 something I'm missing?

25 MS. FLYNN: Yes.

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MS. MLODZIANOWSKI: Was that the 16th of February?

MR. HINES: I don't think it's the 26th. That's what I'm saying.

MS. FLYNN: What?

MR. HINES: You said the 26th.

MS. FLYNN: I thought I said the 16th.

MR. HINES: I thought you said the 26th.

MS. FLYNN: I'm sorry. It's the 16th. Tuesday the 16th. Sorry.

CHAIRMAN BRAND: Thanks for catching that, Pat.

Anything else on this?

(No response.)

CHAIRMAN BRAND: All right. I think you guys are all set. We'll see you back for a public hearing on the 16th of February.

MR. CAPPELLO: Last question. Should we just contact your office, it's been a while since I've done a Town of Marlborough one, just to make sure we get the notices out correctly and all the requirements?

MS. FLYNN: I write up the legal

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notice, send it to Jeff to approve it, and then I send it to Caryn. I put it in the newspaper. You have to do the notice -- the addresses that are 500 feet from corner to corner.

MR. CAPPELLO: Do we do that or we contact the assessor's office?

MS. FLYNN: You can do that. You can do it on the Ulster County website. They have a thing there where you can do it.

MR. CAPPELLO: Great. Okay. Thank you very much.

MS. FLYNN: You're welcome.

CHAIRMAN BRAND: Thank you.

MR. CAPPELLO: Thanks, everyone. Have a good evening.

MS. FLYNN: Good night.

CHAIRMAN BRAND: I think that completes the agenda.

(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of January 2021.

Michelle Conero

MICHELLE CONERO