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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

PUBLIC HEARING - SITE PLAN/LOT LINE

Date: February 16, 2021
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,
KENNETH FIORETTI, PHILIP GREALY & MARISSA WEISS

----- X

MICHELLE L. CONERO
3 Francis Street
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CHAIRMAN BRAND: I'd like to call the meeting to order of the Marlborough Planning Board, February 16, 2021. Regular meeting at 7:30 p.m. We have the approval of the stenographic minutes for 1/19.

On the agenda this evening, HSC Milton, LLC/Dollar General, Route 9W Milton for a public hearing on their site plan/lot line. We also have a public hearing for the Nason Subdivision at 89 Peach Lane. We have LaMela Estate -- I'm sorry. LaMela Real Estate at 1118 Route 9W, Marlboro for a sketch of a lot line. And we have Frank and Tina Cricchio on South Street/Cricchio Lane for a sketch of a lot line. We also have a discussion without the lawyer, engineer, stenographer for Vinny from Encore Restaurant. The next deadline is February 19, 2021. The next scheduled meeting would be Monday, March 1, 2021.

Do I have a motion for the approval of the stenographic minutes for 1/19?

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny. Is there a second?

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MR. CLARKE: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: All right. So
carried.

Bobby, you had some credits that you
wanted to put into the record.

MR. TRONCILLITO: Yes. I did a class a
week or so ago for an hour. It was on Planning
of New Challenges.

CHAIRMAN BRAND: Excellent.

MR. CAUCHI: Mr. Chairman, also I did a
class on February 12th, a webinar, one hour. It
was the Solar Impacts on Farmland.

CHAIRMAN BRAND: All right. Both of
you just make sure you get those to the
secretary, too, if they gave you a certificate.

MR. TRONCILLITO: I already gave them
to Jen. Yes.

CHAIRMAN BRAND: Excellent.

Let's get rolling. First on the agenda
is HSC Milton, LLC/Dollar General, public

1 hearing, site plan/lot line. I have a notice to
2 read. Make sure I have that. "Legal notice,
3 site plan application. Please take notice a
4 public hearing will be held by the Marlborough
5 Planning Board pursuant to the State
6 Environmental Quality Review Act or SEQRA and
7 Town of Marlborough Town Code Section 155.31 on
8 Tuesday, February 16, 2021 for the following
9 application: HSC Milton, LLC/ Dollar General.
10 Due to public health and safety concerns related
11 to COVID-19 and pursuant to Executive Orders from
12 the Governor, this meeting and public hearing
13 will be held remotely via Zoom. The meeting ID
14 and password as well as call-in information will
15 be available on the Town website or from the
16 Planning Secretary, at the Town Hall, 21 Milton
17 Turnpike, Milton, New York at 7:30 p.m. or as
18 soon thereafter as may be heard. The applicant
19 is asking for a commercial site plan approval and
20 lot line adjustment with an adjoining parcel on
21 lands located at 1978 9W, Milton, New York,
22 Section 103.1; Block 2; Lots 73 and 74. Any
23 interested parties either for or against this
24 proposal will have an opportunity to be heard at
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1
2 this time. Chris Brand, Chairman, Town of
3 Marlborough Planning Board."

4 Would the representatives for HSC
5 Milton, LLC -- so many Cs. If you could, just
6 identify yourself and talk to me about the
7 mailings that you sent out. How many did you
8 send out, how many did you get back?

9 MS. MLODZIANOWSKI: Yes. Good evening,
10 everyone. This is Caryn Mlodzianowski from
11 Bohler Engineering. I'm here with Ken Fioretti
12 from HSC Milton this evening, developer for the
13 project; Marissa Weiss, the developer's land use
14 counsel; and Phillip Grealy from Maser, the
15 traffic and access consultant for the project.

16 We mailed out thirty public hearing
17 notices for the hearing this evening. We
18 received fourteen return receipt cards to us
19 acknowledging that they received those. One we
20 received as return to sender. The other fifteen
21 we did not receive a response back.

22 CHAIRMAN BRAND: Thank you.

23 Pat, did you just want to go over your
24 comments quickly first?

25 MS. FLYNN: You're muted.

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CHAIRMAN BRAND: I don't see Pat. I don't hear you. There you are.

MR. HINES: All right. I am now unmuted. There you are. So we received Ulster County Planning comments. Each of those should be addressed by the applicant in the future.

The applicant did provide supplemental traffic information in response to Planning Board comments that were received. The status of DOT's approval should be addressed with the applicant. I did hear that Philip Grealy is on, so he may be able to update the Board on where DOT is at.

I did note that the Ulster County Planning comments identified the potential need for a left turn -- a center left-turn lane into the site.

Ulster County Health Department approval for the septic system is outstanding.

Just noting that the project is before this Board tonight for a public hearing and that any substantive comments should be addressed by the applicant.

CHAIRMAN BRAND: Thank you.

Jeff, did you have anything on this

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one?

MR. BATTISTONI: This is Jeff Battistoni. No, I do not.

CHAIRMAN BRAND: Okay, great. Comments, questions from the Board first and then we'll open it up to the public.

MR. GAROFALO: I have two comments. One is I've noticed that there have been some problems at some other locations with materials that are put outside the building. I was wondering if the areas in which they have marked on the plan to have material outside, if those areas could be somehow marked, whether they use a different color cement or they paint it. And if they want to put extra areas where maybe they want a trash receptacle, to mark those off so that the areas are clear and those areas don't wander off to completely block the sidewalk. That was number one.

CHAIRMAN BRAND: James, what kind of problems are you referring to?

MR. GAROFALO: Areas where they put so much material out on the sidewalk that people couldn't get through, where I noticed somebody

1 who was in a wheelchair was unable to pass by.
2 This is not at this site. It's not at the
3 existing site. It has nothing to do with Dollar
4 General. But unfortunately when it happens in
5 one place, it affects everybody. People have to,
6 I think, respond to that and make sure that there
7 is adequate access, particularly for those who
8 are mobility challenged.
9

10 The second thing is I had raised some
11 concerns about the traffic information. Most of
12 that was provided. The one area that I have not
13 seen additional information on was that the no-
14 build condition include one percent traffic per
15 year as part of the future traffic. They did not
16 include in the material that we were provided an
17 analysis showing the no-build projects actually
18 being added into the future traffic. Since that
19 one particular project that was noted in the
20 material that was sent us on January 22nd did
21 have a substantial size project in it that put a
22 substantial amount of traffic onto Route 9W, my
23 concern was whether or not that had been analyzed
24 and that material had been provided to the
25 New York State Department of Transportation.

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I would also note that the County does not have jurisdiction here. It's the State that has jurisdiction here with regard to any improvements that would be on Route 9W.

Thank you.

CHAIRMAN BRAND: Thank you, Mr. Garofalo.

Anything else from the Board?

(No response.)

CHAIRMAN BRAND: All right. This is a public hearing. Any interested parties who would like to ask questions or be heard either for or against this project will have an opportunity to do so at this time. I would ask that you just unmute yourself and state your name clearly and then let it rip.

Anyone for the public hearing?

MS. SUPERNOVA: Hi. This is Bridgette Supernova. May I speak?

CHAIRMAN BRAND: Absolutely.

MS. SUPERNOVA: Okay. Thank you for your time. I have a written statement just to get the thoughts out clearly, and I'm happy to submit this later if you need it for your

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records.

CHAIRMAN BRAND: Please do. Yeah.

MS. SUPERNOVA: I could ask Cindy where to e-mail it, if that's okay. So I'm just going to read this statement and go from there. It's only about two minutes long.

I applaud the residents of the Town, the residents and the Town wanting to establish new businesses, but we're a community of about 8,000 residents with an already established Dollar General store on Route 9W. Everything this second store has to offer can be found at other competing stores nearby. And just a few miles down the road, Highland has a vast discount store, a Walgreens, a Hannaford grocery store, all of which sell everything and more than a Dollar General offers and at competitive rates. There are also more Dollar General stores within a few miles in Modena, in Plattekill and in Highland, and at least five more within a five-mile radius just across the river.

Dollar General's processed food offerings, they have no nutritional value. They do not sell fresh produce and meats for the most

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2 part, and their other goods are almost all made
3 overseas and end up in landfills a short time
4 after purchase and use. This is not good for our
5 health, for the environment or a struggling U.S.
6 economy.

7 A 2019 article from CNN Business notes
8 Dollar General and Dollar Tree stores, which are
9 the same company, number more than 30,000 stores
10 throughout the United States. By comparison,
11 Wal-Mart has 4,700 stores throughout the United
12 States. The Dollar General/Dollar Tree company
13 intentionally cluster multiple stores in low-
14 income areas. That strategy discourages
15 supermarkets from opening and it threatens
16 existing mom and pop businesses.

17 A senior policy associate from the
18 non-profit Center for Science in the public
19 interest noted the business model for these
20 stores is built on saturation. Again, I point to
21 the fact we're only a town of 8,000 people. We
22 already have one. We don't need another one.

23 There's another study that I won't
24 quote from, Pro Publica, in June of 2020 that
25 lays out how these discount dollar stores also

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invite increased criminal activity.

A Town investing in riverfront public spaces and agritourism to attract more tourists and weekend visitors, a quaint Town with only chintzy chain stores along the main thruway has the opposite effect of attracting or charming visitors, or even new residents for that matter.

UNIDENTIFIED SPEAKER: No, it doesn't.

MS. SUPERNOVA: Please let me finish.

I understand the need to bring more taxable income to businesses and jobs to Marlborough, and I encourage that. But our Town leaders should be proactively encouraging small business owners and even corporations offering something more diverse or different than what we already have for the residents and for tourists who actually want or need something in order to establish sustainable, quality and reputable businesses. We can and should do better than this for our community. A second Dollar General is not progress for Marlborough.

Thank you for your time.

CHAIRMAN BRAND: Thank you.

Anyone else, questions, comments,

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either for or against the public hearing?

MR. MILLER: Hi. May I speak?

CHAIRMAN BRAND: Sure. Ted Miller?

MR. MILLER: Yes. It is Ted Miller and thank you for (inaudible) I had written down here. My statement is very short.

I'm just concerned about the financial impact on a community when every night, at the end of the business day, Dollar General's profits will be electronically transferred to the Tennessee headquarters and that money doesn't remain in the community.

I understand that there might be some jobs created. I understand that it will be paying property taxes. But for the most part the profits that this store generates for sales don't remain in the community, and that has been shown to hurt local mom and pop businesses.

That's it. Thank you.

CHAIRMAN BRAND: Thank you, Mr. Miller.

Anyone else?

Steve, your mic is on. Did you want to comment?

MR. CLARKE: No. I'm just talking to

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myself.

CHAIRMAN BRAND: Okay. Anyone else for or against the Dollar General, questions or comments?

(No response.)

CHAIRMAN BRAND: No. Then Jeff, just technically speaking, would it be wise to close the public hearing at this time or adjourn it? I know that we have the timeframe, the shock clock so to speak.

MR. BATTISTONI: This is Jeff Battistoni. I would actually recommend that you adjourn it. The reason being is that the Ulster County Planning Board had some significant comments in their recommendation letter. I think the Board might want to discuss them and have the applicant address them. It may be helpful to have the public hearing adjourned for that purpose.

CHAIRMAN BRAND: Until a later date? Until our next meeting?

MR. BATTISTONI: Yeah.

CHAIRMAN BRAND: Yeah. Okay. Carolyn -- Caryn, sorry. Did you get a copy of

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the Ulster County Planning Board comments?

MS. MLODZIANOWSKI: We did. We're happy to run through our thoughts on those comments at this time if it's appropriate.

CHAIRMAN BRAND: Yes. Yeah, that's great.

MS. MLODZIANOWSKI: Okay. May I screen share as well?

CHAIRMAN BRAND: Yeah. Can she, Jen?

MS. FLYNN: Let me see if I can -- do I make her a co-host to do that?

CHAIRMAN BRAND: That's an excellent question. Yeah, I think you could do that. I think that's one way to do it.

MR. HINES: Yes, that is one way to do it.

MS. FLYNN: How is the other way? Would I go to share screen or --

CHAIRMAN BRAND: I think it was like in the settings that you're allowed to do that. Let me see if I can do that.

MS. FLYNN: You can share all participants.

CHAIRMAN BRAND: Try it right now,

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Caryn, and see if it works.

MS. MLODZIANOWSKI: There we go.

CHAIRMAN BRAND: Perfect. Okay.

MS. MLODZIANOWSKI: I'm pulling up our site plan here. Can everyone see that okay?

CHAIRMAN BRAND: Yes.

MS. MLODZIANOWSKI: So as mentioned, we're here on New York State Route 9W, just north of Mahoney Road, proposing to adjust a lot line to give about eight-tenths of an acre to the parcel to the south and retain about two acres for the proposed Dollar General.

In laying out the site plan, we meet all setbacks and zoning code requirements that are there and are proposing 31 parking spaces to accompany the store.

We've come a long way with the Planning Board to date and as part of that process have maintained a street scape with green space, with trees and shrub plantings to break up that area, and have added a sidewalk along the frontage of the site as well.

As it was brought up tonight as far as concerns with the use, this is in the highway

1 development district. It is an allowed use with
2 site plan review here. This is really a -- it's
3 a small store. It's not a big box store. It's
4 9,100 square feet in size and it's their model to
5 serve the local community which is why you may
6 see others in the area. It is truly a small
7 store with about 7,200 square feet of that for
8 retail sales floor area that's there.

10 It will be served by municipal water.
11 We'll have a private septic system that we're
12 working with the County Health Department on,
13 which was also one of County Planning's comments.
14 We, of course, have to wait until the spring to
15 have them witness our perc test. Other than
16 that, we did initial perks before the snow flew
17 and found there were adequate soils for that area
18 we have for the septic system there, which again
19 was one of the comments that the County brought
20 up.

21 The site will be lit by full cutoff LED
22 fixtures. There will be only two light poles and
23 the rest will be handled by lights that are on
24 the building. The majority of those lights shut
25 off at night and turn back on in the morning with

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the exception of a couple of lights for security so that the site is not completely dark.

As far as access and traffic goes, I will turn it over to Phil Grealy to discuss that a little bit more as those were a topic that County Planning brought up as well.

MS. LANZETTA: Can I just ask you to -- you had just spoken about the lighting, and the County had commented on the amount of illumination being perhaps a little too much. Is there some way that you can reduce that?

MS. MLODZIANOWSKI: Yeah. We can take a look at that. The average foot candles on the actual pavement area were a little bit above the standard that they should be there for retail use. So we can take a look at that. Again, there's no spillage over the property lines themselves. The lighting is truly there to light the sidewalks and the parking lot for the store.

CHAIRMAN BRAND: Thank you. Is Phil going?

MR. GREALY: Yes. Mr. Chairman, Members of the Board, Philip Grealy, Maser Consulting. We are the traffic consultant for

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the project.

I'll give you a status of where we are with New York State DOT, but I'll kind of work backwards. Member Garofalo had some comments.

Just a clarification, I think there are about eight items that we had responded to back on January 22nd, including a description of the different levels of service and also information on background growth. In my letter, item 4, I think there was some misinformation. New York State DOT, as part of their review, had asked us to include traffic for a project in the Town of Lloyd that's in front of them for a permit. It's referred to as the Hudson Wine Village -- Hudson Valley Wine Village project. It's in the approval process. That project is -- right now only one phase of that development is moving forward with DOT. So the information that we submitted to DOT we will provide to the Board. Basically there was some additional traffic that would pass by this Dollar General site which would be generated by that project when it was built. There is a longer term, like a ten-year plan for that project that was analyzed, but that

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is not proceeding with DOT, so they asked us to include the traffic for Phase 1 of that development, and I neglected to attach that analysis to our January 22nd letter. So we will forward that to you.

In terms of New York State DOT, and then I'll get back to the County's comments because they're interrelated, we have had several discussions with the New York State DOT. The first discussions were relative to the scope of the traffic study which was back in -- that discussion was in December. We had subsequent discussions in January with DOT discussing the site access, the position of the site in terms of the driveway sight distance, and other related features related to the design of that access. Those are incorporated into Caryn's plan.

As part of our traffic study we had identified that based on New York State DOT standards, that the provision of a left-turn lane would be satisfied based on the criteria as specified in their design manual and AASHTO. AASHTO is the design manual. So that's based on the volumes on the roadway and the speeds. Also,

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let me point out that in the discussions with DOT, they haven't made a determination on that for two reasons. Number one is the size of this store and the amount of traffic that we're generating.

Based on these guidelines, okay, they're actually guidelines that the DOT has based on AASHTO, that when you have a heavy trafficked corridor such as 9W, during the peak hours, and passing this site -- under current conditions adjusted for, I'll call it pre-COVID conditions, you have about 1,500 vehicles in a one-hour period passing this site. Based on that, essentially every driveway up and down Route 9W would satisfy this guideline for a left-turn lane.

Under the current review with DOT we actually made our stage 2, which is -- stage 1 is the initial application that identifies the location of the access which we discussed with DOT. Stage 2 is where more details are provided, such as some drainage details, other features such as the sidewalk that has been added here, and the purpose of that is to identify whether or

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not there is sufficient right-of-way available along the corridor to accommodate features such as a sidewalk. New York State DOT requires that a sidewalk is located within their right-of-way.

As part of our process we have to dedicate a strip of frontage of our land to the State of New York to accommodate either widening that would take place now or in the future, widening of 9W, to provide a turn lane and/or also the placement of the sidewalk.

On February 1st we actually had with DOT what's called a take line meeting which basically goes through the procedures for that dedication. It involves preparation of the phase 1 environmental, preparation of a surveyed map that describes the area that's being dedicated to the State, and also a title -- an abstract title in their format as part of that process. So we've already proceeded with that stage of the process. DOT has not made a determination on whether they will require a left-turn lane here. As I said, it's because of -- you know, if this was a 50,000 square foot proposal here, it would be a given. But considering the size and the

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traffic generation and, as I said, really any driveway along this would satisfy their guidelines. So they are making a final determination on that. Our plan is laid out to accommodate the land that would be necessary to accommodate that and, of course, the sidewalk which we are building with the project. Also as part of our discussion we looked at the access location.

For us to proceed to the stage 2, DOT had given us an indication of the acceptability of the access because it provides good sight distance. We discussed accessing through the property to the south. Their concern is adding more turning movements in the proximity of Mahoney Road.

So where we are is we have a full application in to DOT for a highway work permit. They will give us the direction on the left-turn lane as part of that. Right now it's still under review, but we've made the accommodations to be able to address that. We're proceeding, you know, forthright with that process.

So I think those questions were also

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part of the County's review about the left-turn lane, which we've made the provisions for that.

Relative to connectivity to other properties, DOT has given us the direction to work with this access location and to develop our plans based on this.

That's kind of a quick synopsis. We will provide that other analysis that we gave to the DOT in response to their comments. It should have been attached to the January 22nd letter. But we will provide that so you and your Board Members can look at that. There's really no surprises there. It's additional traffic along the 9W through movements that would be added as a result of that project. The delays coming out of this driveway would be as, you know, expected in that level of service D, E range because we are right on that border. What that means in terms of the level of service, a level of service D is up to a 35 second average vehicle delay. A level of service E is a 35 up to 50-second delay. So even with that additional traffic we would be in that 35 to 40 second range. We will provide that to the Board.

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And that's a quick synopsis of where we are. We're under review from DOT. Any permits from them will make the determination on the improvements on 9W. Right now the plan as shown by Caryn reflects the location and what they have required thus far, including drainage and of course the sidewalk provision. On this plan there's actually a line that shows the area, I think it's about an eight-foot strip along the entire frontage, that we will be dedicating to the State of New York to accommodate the sidewalk so that it all falls within the State right-of-way.

CHAIRMAN BRAND: Excellent.

MR. GREALY: That's it.

CHAIRMAN BRAND: Thank you.

MS. MLODZIANOWSKI: Thank you, Phil.

And lastly, I will hop over here to building, architecture and elevation.

So the two remaining comments we received from the County were regarding signage. This has been depicted on the elevation. However, a Dollar General sign vendor comes in closer to construction and obtains any review and

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approvals necessary for the signage, whether it be a Planning Board, Zoning Board, Building Department, all of the above. They will seek those approvals for signage.

The building architecture that has been submitted here since the beginning of the process, actually we went with a gable roof in following with the design guidelines rather than the typical flat roof that you see on most Dollar Generals. That was one of the points in the design guidelines, to have that gable roof. That's what we've proposed here for this location.

We've also faced the smaller facade towards the road so that it's less noticeable rather than turning it so that the long side faces the street. The entrance will face Route 9W as the guidelines suggest.

As far as materials go, it will be an asphalt shingle roof with fibrous cement siding. It will be vertical siding on the front, which is another one of the items that we've incorporated here, and then horizontal siding on the three remainder sides.

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And lastly, we've incorporated brick by having a brick veneer base along the store, which was also one of the elements in the design guidelines as well. As you can see here, we're keeping with, you know, natural, subdued colors for the building itself. You can also see the LED lighting and the shutters proposed to help break up that facade.

So with that, I will turn it back over to the Board. Thank you.

CHAIRMAN BRAND: Thank you. You can stop sharing your screen, too. Excellent. Great.

Anything else from the Board? Any other comments after --

MR. GAROFALO: I have one comment. I had previously commented about the tree in the northwest corner, as to whether or not that might block your sign. I don't know if you had a chance to look at that. I certainly would hate to see a tree go up there, block your sign and then have to have you take it down. So if you could take a look at that and see if that tree can be appropriately sized or some other

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vegetation put there so it wouldn't block your sign. Or maybe you feel that it isn't going to block your sign. Anyway, I just want to throw that out because I would hate to see that be a problem to your signage.

MS. MLODZIANOWSKI: Certainly. We can make that adjustment.

MR. GAROFALO: Thank you.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN BRAND: Anything else from the Board and/or the public?

MS. LANZETTA: It's Cindy Lanzetta. I'm just wondering. We've discussed this before and I know -- I'm concerned about limiting the access on 9W. I know it's the DOT's call. We had talked about possibly doing an easement to the property to the south from the existing parking area in the front of the building. If by any chance the DOT requires you to put in a left-hand turn and in case there is some interest in developing the southern property more to where they want additional access off of 9W, which they will not be able to get, if somebody is coming from the north and wants to utilize that

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left-hand turn lane, that they would be able to enter in there and eventually go through to that property, if necessary.

It's just, you know, thinking of the future. Would there be a possibility of putting an easement that some day somebody, if the need ever arose, could utilize that to access that southern property?

CHAIRMAN BRAND: Caryn, Phil?

MS. MLODZIANOWSKI: So from a site plan layout standpoint, I mean that's certainly feasible. As far as an access, I mean if changes were to be proposed for that southern parcel that would trigger the need for that, I think that that's something that could be considered at that time.

Ken, I don't know if you have anything else to add from an easement perspective. I think it could be something that would be considered at that time.

MR. FIORETTI: Well, certainly if DOT requires that as part of the approval process, the permitting process, that's something that we would consider. The parcel to the south is one

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single property. There's not a separate -- there is no property boundary other than the one between our property and the property to the south. So any future development on that could accommodate the access through the existing curb access on that property. I don't know if I'm saying that properly, but I'm just --

MR. GREALY: Ken, this is Phil Grealy. Just to kind of add to that. So I think Caryn is correct in terms of, you know, an easement could be provided, to answer Cindy's question. The DOT is typically not opposed to having a cross easement, and we could work that into the final plan here.

I think the easement would have certain conditions in terms of, you know, what kind of traffic from a development next door would there be. DOT would also be concerned with that. I think an easement could be provided. DOT is typically not opposed to that. They like to have cross access more so for if there were people that did not have to go out onto 9W to get between the uses. That's really the main purpose. They don't like really cross access to

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serve another parcel that's putting, you know, more development than even is proposed on this parcel.

So I think we could work in an easement. DOT would not be opposed to it. If and when that parcel came in for a more extensive development, DOT would surely get involved with a more detailed plan.

To answer your question, Cindy. I think an access easement could be worked into this plan.

MS. LANZETTA: Thank you. I think that would be something that would be helpful as we think of possible future planning.

MR. GAROFALO: Cindy, if you recall, at the last meeting that they were here I suggested that they look at their irrigation system. They were not opposed to looking at that in order to avoid any extra expense that might be incurred for doing that kind of access. It only makes sense to take a look at that now to see if they can avoid the expense of that irrigation system. Thank you.

CHAIRMAN BRAND: Thank you.

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MR. CAUCHI: Mr. Chairman, is this still a public meeting?

CHAIRMAN BRAND: It is still the public hearing. Just as a reminder, you are recused from speaking as a Board Member, but you do have the opportunity, as an adjacent landowner, to bring your thoughts up at this point as a private citizen.

MR. CAUCHI: Yes. I'd like to -- for the record, my name is Manny Cauchi. I'm a landowner next to -- adjacent to this proposed Dollar General site.

If I'm understanding correctly, this easement to go in and out of the side road, Mahoney, I don't know if we're really looking -- if that's a good, suitable plan. I'll tell you why. Because if you're having traffic that is exiting Mahoney Road onto 9W, and you have one -- even one or multiple cars, you cannot get out of that driveway because the driveway exit is so close to the mouth of the road of Mahoney and 9W. So if there is traffic -- if there's a car coming in, traveling northbound, and wants to make a right into my office, if there are automobiles

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there waiting to exit, we can't get into our facility, meaning that we're going to be standing out in the middle of 9W because there's going to be a traffic jam right there, blocking our access to get into our facility.

So that being an exit of any sort with traffic, that is -- coming out of Mahoney Road is a very poor exit because most of the time when we exit at the present time, it's through that 9W exit, not the Mahoney exit, because of traffic -- of automobiles waiting there at the mouth of Mahoney Road to exit either north to southbound or northbound. There's always a congestion of cars there. So that is a poor exit. Also it can be a safety issue if that's implemented in any other way or looked at in any other way.

MR. GREALY: Mr. Chairman, Phillip Grealy again. Those comments are actually consistent with DOT's initial comments to us, that they did not want us to build our access that way because they didn't want additional turning movements in the proximity of the Mahoney Road intersection. So the gentleman's comments are consistent with DOT.

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I think what we were saying was in response to Cindy's comment about providing an easement, that would be more an easement that would be there. There would be no road initially. There would be an easement in case that property to the south was redeveloped, that a cross connection could be provided, but clearly DOT would be involved with a review of whatever plan came before the Board. So I think all we're saying is that we could provide an easement if the Board so desired.

We don't believe -- and the comments from the gentleman are correct and consistent with DOT's initial concerns. They did not want to add additional turning movements in proximity to Mahoney Road. That's why our standalone access was at a location with good sight distance and away from where those turning movements occur.

So I think all we were saying is that we could provide the easement for future considerations. We don't see that road being built right now or connecting anywhere, but an easement could be provided so that it wouldn't

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preclude something in the future.

CHAIRMAN BRAND: Is there any reason to not include it?

MR. GREALY: The easement? I don't see any reason not to include it. I would not put a road in there right now, but if that property to the south was redeveloped somehow or came in, you know, sometime in the future, the easement would be there to work with that.

CHAIRMAN BRAND: And Jeff, it's obviously easier to get it done now than to have to go back later, correct, from a legal standpoint?

MR. BATTISTONI: This is Jeff Battistoni. Yes, you're correct.

MR. CAUCHI: What's the purpose of that easement, though? If I have my own exit to 9W, a standalone exit to 9W and I had my own exit to Mahoney Road, I'm just --

CHAIRMAN BRAND: If something goes up in between the two of them, they could go through to the Dollar General line to get to that. Not necessarily even all the way out to Mahoney Road.

MR. GREALY: Correct.

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CHAIRMAN BRAND: I mean that's the thought behind the easement.

MR. GAROFALO: Or if in fifty years something else were developed on that property, the easement would be there which would give a separate option in dealing with traffic.

CHAIRMAN BRAND: Okay. Any other comments or questions?

(No response.)

CHAIRMAN BRAND: No. All right. Then as per Jeff's recommendation, I would like to adjourn this public hearing.

Do you think March 1st is enough time? Do we expect to hear back from DOT, Phil, by then?

MR. GREALY: Right now I couldn't tell you for sure. I would hope that they would be in a position by then because they've been digesting this. That's probably a reasonable timeframe. We will push them to get back to the Town, so --

CHAIRMAN BRAND: Okay. So then I'd like a motion to adjourn the public hearing until the Monday, March 1st meeting of the Planning Board.

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MR. GAROFALO: I will so move.

MR. LOFARO: I'll second.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: Okay. Thank you.

MR. GREALY: Thank you very much.

MS. MLODZIANOWSKI: Thank you.

MR. FIORETTI: Thank you.

(Time noted: 8:15 p.m.)

(Time resumed: 8:22 p.m.)

MS. COTTINI: Oh, I want to talk to --

I want -- my name is Genoveffa Cottini. I own the lot next door. I wanted to see if there's anything that we could do about the water and the ditch that's in the back. We have a problem with the water to go down to the Mahoney Road drainage that is stopping. The property is full of water. It does not move.

MR. MILLEN: I'm not sure. Which property are you relative to this?

MS. COTTINI: I am at 1951, right next door, the garage. The garage is right next door

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to your lot.

MR. TRONCILLITO: I think she's talking about Dollar General.

CHAIRMAN BRAND: I think so, too.

MR. MILLEN: I don't believe -- I don't believe you're speaking of this project, ma'am.

CHAIRMAN BRAND: I think you're referring to the Dollar General one. This is the Nason Subdivision.

MS. COTTINI: Okay. I'm supposed to be talking about the General store.

CHAIRMAN BRAND: Okay. We already closed that. If you want to just say what you wanted to say, I'd be more than happy to hear you.

MS. COTTINI: Okay. I have a problem with the water because there's a ditch there. Every time it rains it stops to go to the drainage on Mahoney Road. It stays right there behind the garage and all the property. It is a swamp.

CHAIRMAN BRAND: Okay. We will make a note of that and we'll take a peek at that when they come back.

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MS. COTTINI: Thank you. Who is going to get -- could I come in to the other meeting?

CHAIRMAN BRAND: They already went. HSC/Dollar General already went.

MS. COTTINI: They already left?

CHAIRMAN BRAND: They will be back on March 1st.

MS. COTTINI: When?

CHAIRMAN BRAND: March 1st.

MS. COTTINI: Yeah.

CHAIRMAN BRAND: They'll be back at 7:30 if you'd like to join that meeting.

MS. COTTINI: The same way or at the Milton house?

CHAIRMAN BRAND: The same way.

MS. COTTINI: Same way. Okay. The same number or --

CHAIRMAN BRAND: Jen, is it the same -- do you reuse the same number or is there a new number for that?

MS. FLYNN: There is always a new number.

CHAIRMAN BRAND: There will be a new phone number posted on the Planning Board

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website.

MS. FLYNN: Yes.

MS. COTTINI: Okay. All right. All right. That will be fine. I'll come in because, you know, we have a problem and we need to get -- to get the water out of my property because it comes from the back and it stays there. It does not go out and we need -- I need to know if they are going to fix that while they're doing whatever they are going to do.

CHAIRMAN BRAND: Okay. We will take a look at that on March 1st then.

MR. HINES: I will take the liberty of advising Caryn as well to take a look at that.

CHAIRMAN BRAND: Thank you, Pat.

MS. COTTINI: Yeah, because there's a ditch that is clogged up there somewhere on this property.

CHAIRMAN BRAND: Okay. Thank you. Our engineer will talk to their engineer about it and see what we can do.

MS. COTTINI: Yes.

MR. CAUCHI: What number? 1961?

MS. COTTINI: 51. Right next door to

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the -- it's a garage and a house.

MR. CAUCHI: Right next door to what?
To Top Seed?

MS. COTTINI: No, not Top Seed. On the
other side. Right next door to the lot where
you're going to build the General store, or
whatever you're going to build. The Dollar
store.

MR. CAUCHI: Across the street?

MS. COTTINI: No, it's not across the
street. It's right there. My property joins the
lot there where you're going to -- where you're
going to build the street -- I mean the General
store.

MR. TRONCILLITO: Right where that
antique car is for sale?

MS. COTTINI: Yes.

MR. TRONCILLITO: Right where that
antique car is for sale is where you're talking?

MS. COTTINI: Right. The garage is
right -- the garage is right there.

MR. HINES: Is this Ms. Vittolo
speaking?

MS. COTTINI: No. This is Jenny

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Cottini.

MR. CAUCHI: We don't know where you're talking about, Jenny Cottini.

MS. COTTINI: I know you don't know because I sold the house and I hold the mortgage on that house. The young man that bought the house, he doesn't know what he's doing so I am -- I'm telling for him and I'm -- and for me because I still own a part of my -- a part of that house, that property.

CHAIRMAN BRAND: All right. The engineers are going to make a note of that and then you can jump in on March 1st.

MR. CAUCHI: What was the number of that again? 19 what? 51 or 61?

CHAIRMAN BRAND: 51.

MS. COTTINI: 1951. 1951. There's a private house there and there's a garage. Right there before --

MR. CAUCHI: You're talking the wrong way, ma'am. You're talking right across the street from the warehouses, not -- that's not --

MR. ZAMBITO: Chris, I'll tell you where the house is if you guys want to know.

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CHAIRMAN BRAND: Go ahead, Dave.

MR. ZAMBITO: The house she's referring to is the little garage across the street from Manny's property that Borgenson used to rent for his welding shop. I don't know if you're familiar with that. This is Mrs. Cottini.

MS. COTTINI: Right. Right.

MR. CAUCHI: You got it, Dave. But that's not where the --

MR. ZAMBITO: It's on the opposite side of the road.

MS. COTTINI: It's where the General Dollar is going to be built.

MR. ZAMBITO: It's not going to be there.

CHAIRMAN BRAND: It's not going to be there. It's like across from the ice cream place.

MS. COTTINI: Oh.

CHAIRMAN BRAND: Yes. Across from the ice cream place.

MS. COTTINI: Oh, okay. Down the other side of -- his office.

CHAIRMAN BRAND: Right.

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MS. COTTINI: Okay. We got the letter, okay. We got the letter and -- I didn't get it because I hold the mortgage on that house.

CHAIRMAN BRAND: Okay.

MS. COTTINI: He did not want to come and I said okay, I'll find out about it.

CHAIRMAN BRAND: Okay. Thank you. We're going to keep going with Nason. Okay, ma'am?

MS. COTTINI: Yes. I would like to get -- maybe if we had a meeting or a regular meeting, he will come with me and we can both get together, you know.

CHAIRMAN BRAND: You can both join on March 1st if you'd like.

MS. COTTINI: Yes, I will.

CHAIRMAN BRAND: All right. Thank you.

MS. COTTINI: Thank you very much.

(Time noted: 8:27 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 February 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

NASON SUBDIVISION

Project No. 20-4005
89 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13.200

----- X

PUBLIC HEARING - SUBDIVISION

Date: February 16, 2021
Time: 8:15 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: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
3 Francis Street
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(845)541-4163

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CHAIRMAN BRAND: Next on the agenda we have the Nason Subdivision public hearing.

"Legal notice, subdivision application. Please take notice that a public hearing will be held remotely by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act or SEQRA and Town of Marlborough Town Code Section 134-9 on Tuesday, February 16, 2021 for the following application: The Nason Subdivision, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval for a four-lot subdivision for property located at 89 Peach Lane, Section 95.4; Block 3; Lot 13.200. Due to public health and safety concerns related to COVID-19 and pursuant to Executive Orders from the Governor, this meeting and public hearing will be held remotely via Zoom. The meeting ID and password as well as call-in information will be available on the Town website or from the Planning secretary. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Town of

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Marlborough, Chairman, Planning Board."

The representative for Nason
Subdivision, are you here?

MR. MILLEN: Yes, I am. Jonathan
Millen, land surveyor.

CHAIRMAN BRAND: Good to see you again,
Jonathan. How many mailings went out? How many
did you send out, how many did you get back?

MR. MILLEN: I believe thirteen
mailings went out total. I don't recall -- if
they came back, they were addressed to the Town.
The return address was to the Town. It wasn't to
our location.

CHAIRMAN BRAND: Jen?

MS. FLYNN: No.

CHAIRMAN BRAND: Normally you would put
them to return them to you and then you'd collect
all of the mailings and their receipts.

MR. MILLEN: Okay. Excuse me just a
minute. I may be wrong with respect to that.
Hold on.

MS. LANZETTA: Will we be able to put
up the map of the project for the public hearing?

MR. MILLEN: Yes. Can you give me

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permission to share my screen?

CHAIRMAN BRAND: Yes.

MR. MILLEN: Okay. This is the second sheet which illustrates the setback lines. Now, we did send the --

CHAIRMAN BRAND: Jonathan, could you just give a brief overview for the people that are here for the public hearing of what's going on?

MR. MILLEN: Okay. What we have is a parcel, lot 2, upon which there is an existing house, drive, et cetera that will remain. It's 10 acres exactly, so it meets the agricultural requirements. We have lot 1, which is the remaining essential parcel, which is going to have a designed proposed house on a long driveway toward the northwesterly portion of the site. And then we have two lots, 3 and 4, which are right along Peach Lane and have access to Peach Lane, will have proposed houses and driveways. All of the houses have septic and well.

CHAIRMAN BRAND: All right. Pat, did you just want to run through your comments?

MR. HINES: Sure. Since the last

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meeting the sight distance has been added to the driveways as last requested.

My second comment has to do with the highway superintendent signing off, and we received that sign-off today by e-mail from John Alonge stating he had no issues with the driveway locations.

There was a discussion at the last meeting -- this is a continuation of the public hearing I believe because we had a public hearing the last time. The adjoining farmer had noted that there was a robust vegetative area along the property line that was to be preserved. I think we need a note on the map just stating that that area will be preserved in compliance with the Town's agricultural buffer requirements.

And then I just don't know, Jonathan, if you can fill us in on the status of the Health Department approval for the septic systems.

MR. MILLEN: Yes. I believe the Health Department approvals were provided to the Town --

MR. HINES: Okay.

MR. MILLEN: -- by the engineer.

MR. HINES: I believe they were. Just

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as you were talking about that -- I don't have that in my comments right now. As you were talking about that, I just wanted that confirmed.

MR. MILLEN: Okay. I'm certain that he did provide those designs to the Town.

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

MS. LANZETTA: He's muted.

MR. BATTISTONI: Yes. Can you hear me?

CHAIRMAN BRAND: Yes.

MR. BATTISTONI: This is Jeff Battistoni. I'm looking back at my notes from the meeting of February 1st. I made a note that the public hearing was closed at that meeting. Does that sound right to other people?

MR. HINES: I believe that's the case.

MR. BATTISTONI: Okay.

CHAIRMAN BRAND: Okay.

MR. BATTISTONI: In other words, it's not on tonight for a public hearing. At the last meeting you closed it.

CHAIRMAN BRAND: All right. We have the agenda wrong I guess. Okay.

So comments from the Board then?

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Jonathan, you could stop sharing your screen as well.

MR. MILLEN: Okay.

CHAIRMAN BRAND: Thank you.

Any comments from the Board on this? Comments, questions?

MS. LANZETTA: I just want to make sure that an updated map, that the comments that we had suggested regarding the vegetation be provided for final.

MR. HINES: Yeah. I think that can be a condition of approval. Yup.

MR. MILLEN: We'll certainly do that. I just want to confirm what we're talking about. There is an existing 75-foot buffer along the northerly side of this property. Is that the part that we're discussing?

MR. HINES: Yes. During the public hearing that farmer -- that adjoining farmer there noted that vegetative -- that some portion of that contains a significantly dense kind of brush area and that that should be preserved to the extent practical. The Ag Code does require that 75-foot buffer and also suggests that

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screening, berms and plantings be included there. Rather than cutting down the existing vegetation to plant some, it was felt that that existing vegetation could be preserved to meet the intent of that.

MR. MILLEN: Okay. So we will add a note to that portion of the plan to that setback illustrating that this portion will be dedicated as a non-removal of --

MR. HINES: The no-cut buffer area. That's fine.

MR. MILLEN: Right. Okay. Yes, we will do that for the --

MR. HINES: I just don't want to -- if there's trees in there that need maintenance or dead and dying trees, they can be removed. So I think just a note maintaining that would be appropriate.

MR. MILLEN: Very good.

MS. LANZETTA: A natural vegetative buffer.

MR. HINES: Yup.

CHAIRMAN BRAND: Any other comments from the Board?

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(No response.)

CHAIRMAN BRAND: No.

MS. COTTINI: Hello?

CHAIRMAN BRAND: Yes. Go ahead. Go ahead. 795-5252, if you're there.

MS. COTTINI: Yes.

CHAIRMAN BRAND: Go right ahead.

(Ms. Cottini's comments pertain to HSC Milton, LLC/Dollar General. Her comments have been included in that transcript. Time noted: 8:22 p.m.)

(Time resumed: 8:27 p.m.)

CHAIRMAN BRAND: All right. Pat or -- back to Nason, sorry. Do we have any outstanding issues with this one or --

MR. HINES: The only -- I would recommend a negative dec be issued. I think Jeff has to be authorized to prepare the negative dec and the resolution. The only condition I have is that buffer note be added to the plans.

CHAIRMAN BRAND: Are we comfortable with authorizing the attorney to draft a resolution and -- a negative declaration and resolution of approval for this?

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MR. CLARKE: Yes.

MR. TRAPANI: Yes.

MS. LANZETTA: Yes.

MR. GAROFALO: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

CHAIRMAN BRAND: All right.

MS. LANZETTA: I think Ms. Nason wants
to speak.

CHAIRMAN BRAND: Go right ahead.

MS. NASON: I have a question.

CHAIRMAN BRAND: Can you show the dog
again, though? He was adorable.

MS. NASON: There are so many.

CHAIRMAN BRAND: Go ahead.

MS. NASON: This one or this one?

CHAIRMAN BRAND: The second one.

MS. NASON: Oh, that's Piper.

I just had a quick question. I know we
have the 75-foot setback from the north side with
Dan's farm. My question is just is there going
to be a certain number of feet of vegetation we
have to leave? Is there like -- do I have to
plant new trees? I just want to make sure it's

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clear. I never intended on clear cutting, anyway. This is for me and I want to keep privacy anyway. I just didn't know if I have to give up that entire side of my property or if it's like 25 feet that I have to keep, or 30 feet. Whatever it is. I didn't know if there was a certain distance.

CHAIRMAN BRAND: Pat, correct me if I'm wrong, but I believe that in the agricultural zone you need a 75-foot buffer.

MR. HINES: It's a 75-foot buffer where you can't put up a residence. I think last time we talked like about a 30-foot strip of that to be maintained of natural vegetation. 75 foot in its entirety. It doesn't have to be vegetated. The idea is that there are no houses or children's play toys when someone is coming along with the apple sprayer. That's what the farmer had said, that he's looking for that.

I'm not sure how far back that vegetative strip goes. I'll leave it to the surveyor, who is more familiar, to propose the width of that strip. We do want to keep a good portion of that.

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CHAIRMAN BRAND: Okay. Does that answer your question, Ms. Nason?

MS. NASON: Yes. Thank you.

MR. MILLEN: How wide will the vegetative buffer restriction be?

MR. HINES: I was going to leave that -- Jonathan, if you're familiar with that, I don't think it was the whole 75 feet that they were referencing. I'm suggesting, you know, 30 feet of that be maintained.

MR. MILLEN: Yes. Thank you.

CHAIRMAN BRAND: Go ahead, Ms. Supernova.

MS. SUPERNOVA: Hi, Nasons. I live across the street from you. I'm at 132 Peach Lane. I just -- I don't know if I'm allowed to ask a question. Maybe I can just ask it at another time or come knock on your door.

I'm just curious about what kind of housing will be built and what kind of impact that will have on our tax and values of nearby housing, if that's even known yet.

Also, I do want to keep as much of a tree buffer as possible, because I live right

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next to the orchard and you have to close the windows.

MS. NASON: Are you in the blue house?

MS. SUPERNOVA: Yes.

MS. NASON: Okay. Nice to meet you.

CHAIRMAN BRAND: We are bringing people together here. That's what we do.

MS. SUPERNOVA: I wave to you when you go by on your four-wheeler.

MS. NASON: Yeah. No, I plan on putting up -- actually, I don't know if like you've seen our house now with the window wall and everything. I'm moving out of this one and I'm building one slightly smaller but the same type of window wall. Certainly nothing that would bring down property taxes. If anything, it would make things nicer. I have no intention of making anything worse because I'm keeping these properties for me.

MS. SUPERNOVA: Okay. I'm actually concerned about property values going up. My taxes are already high.

MS. NASON: It's not going to be like this. It's not going to be like this house.

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MS. SUPERNOVA: Just curious. Okay.

CHAIRMAN BRAND: All right, great. So Jeff will do the resolution and negative dec for the next meeting. We should be all set.

We did advertise and say this was a public hearing, so I suppose I should have a motion to close the public hearing.

MR. CAUCHI: I'll make that motion.

MR. GAROFALO: I'll second it.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: No. All right. So we will see you with the negative declaration and resolution of approval at the March 1st meeting.

MR. MILLEN: Excuse me. In other words, you're saying you can't approve this now?

CHAIRMAN BRAND: Correct. We do everything via resolution which will be at the March 1st meeting.

MR. MILLEN: Okay.

CHAIRMAN BRAND: Okay. Thank you.

(Time noted: 8:34 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 February 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

LAMELA REAL ESTATE

Project No. 21-5002
1118 Route 9W, Marlboro
Section 108.4; Block 5; Lots 30.1 & 30.2

----- X

SKETCH - LOT LINE

Date: February 16, 2021
Time: 8:27 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: SPENCER HALL

----- X

MICHELLE L. CONERO
3 Francis Street
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CHAIRMAN BRAND: Next on the agenda, LaMela Real Estate, sketch of a lot line at 1118 Route 9W, Marlboro.

Is their representative here for LaMela?

MR. HINES: I think it's Spencer Hall.

CHAIRMAN BRAND: Spence, just turn on your mic.

MR. HALL: Can you hear me now?

CHAIRMAN BRAND: Yes. Go right ahead. Just give us a brief overview of what's going on here, Spence.

MR. HALL: Yeah. Do you have the map that you can put up or --

CHAIRMAN BRAND: Jen, do you have that?

MS. FLYNN: Let me see if I can get it there.

CHAIRMAN BRAND: Maybe you could just use words while she's doing that.

MR. HALL: Okay. Basically, John LaMela owns both properties, the old car wash and the recycle depot area down behind the car wash. He owns both of them. What he wants to do is resolve any encroachments that are between the

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car wash and the recycle building. Two of the encroachments, one is the scale, he put a new scale in, the other is a concrete retaining wall. He just wants to straighten those two things out. Both parcels are going to remain the same exact area. We have to move the line.

CHAIRMAN BRAND: All right. And we have that going. Pat, while Jen has the map up, I think -- can we zoom in a little bit?

MR. HALL: If you can zoom in right between the two buildings, you'll see -- it's going to be hard to see it I guess. In the southeast corner of the sanitation area is the big building where they do the recycling. To the northwest of that you'll see a long, rectangular object. That's the scale that they want to --

CHAIRMAN BRAND: So you're basically just pushing the lot line to the west slightly there?

MR. HALL: Yes. Up to the northwest.

CHAIRMAN BRAND: Okay.

MR. HALL: And then it's the dotted line. It goes alongside the scale, then it jogs to the north along where the retaining wall is,

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and then it goes to the east to the boundary line. It looks a little strange, but that whole area there is a steep bank. Nobody uses it. By doing that it will allow to keep both parcels the exact same area which is kind of critical because it's a two-acre zone. One lot is 2 acres and the other lot is 2.5.

CHAIRMAN BRAND: Okay. Pat, do you want to run through your comments?

MR. HINES: Sure. As Spencer said, it's going to be an even swap. So the lot sizes remain the same.

The short environmental assessment form that was submitted doesn't identify Lot 30.2. It only shows the recycle lot. So that's just a clean-up item.

The use of the parcel identified as the car wash parcel, I don't believe that's -- I think it's currently for used car sales or something.

MR. HALL: Currently it's vacant.

CHAIRMAN BRAND: They're gone. They just have dumpsters I think.

MR. HINES: Okay. I just wanted to

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make sure there wasn't a change of use involved here. If it's vacant, that's fine.

I don't know if there's any cross grading easements. I'll defer to you, Spencer, on that. Some portions of the driveways are shared and in common. I don't know if that's intended to stay the same or if there's a need for cross easements for maintenance of those areas.

MR. HALL: What areas -- I didn't realize there was a common driveway. Where is that?

MR. HINES: It's not a common driveway. I think there's a connection between the recycling area and the car wash parcel. You can drive between the two I believe.

MR. HALL: No, you can't, because --

MR. HINES: Or is there a grade change there?

MR. HALL: Yeah. The car wash is quite a bit higher in elevation.

MR. HINES: Okay. That grade change stops it. Okay.

Then I just wanted to make sure that

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the rear yard setback for the car wash parcel,
the 75 feet is there. It's not labeled. I want
to make sure that you're not causing an
encroachment between the car wash building and
the new lot line as it moves west.

MR. HALL: Let me check it real quick.

MR. HINES: It's close.

CHAIRMAN BRAND: What does it need to
be there, Pat? 75?

MR. HINES: 75 rear yard, yes.

MR. HALL: It looks like it's okay.

MR. HINES: If we could just get those
labeled, those setbacks there.

MR. HALL: I will.

MR. HINES: You have the bulk table
required, but just so there's no question on
that.

Jeff had brought up previously that
it's in the HD Zone and not subject to the
streamlined lot line change process, so it does
require a public hearing.

I'm suggesting that the plan go to DOT
as they are an adjoining landowner for access.
We could just submit a copy of the plan to DOT to

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make sure they don't have any issues with the existing site.

I think the Board could schedule the public hearing a month out if it so desired.

CHAIRMAN BRAND: Thanks, Pat.

Jeff, did you have anything on this one?

MR. BATTISTONI: This is Jeff Battistoni. Can you hear me?

CHAIRMAN BRAND: Yes.

MR. BATTISTONI: I don't. I agree with what Pat said. You can't waive the public hearing here so you do have to hold one.

CHAIRMAN BRAND: Right. Okay. Jen, I think you -- comments, questions from the Board?

MR. GAROFALO: I have two comments. One is if you're going to be making changes to the EAF, please fill out item number 14.

The second is on the table of bulk requirements, I think it would be best to not only show what the requirements are but what is the existing and what is the proposed for each of the two lots to make sure that everything is where it should be and this doesn't have to be

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referred.

I think that the bulk table provides that kind of information. It is very important to be able to see where those numbers come from on the plan to make sure that we don't have a situation like before where there's a question of where the numbers came from for the rear yard or the side yard, that that's very crystal clear. Thank you.

MR. HALL: Okay.

CHAIRMAN BRAND: Other comments or questions from the Board? Anything else from the Board?

(No response.)

CHAIRMAN BRAND: No. All right. So we can go ahead and schedule the public hearing for the second meeting in March. Do you think that is enough time?

MR. HINES: Yeah.

CHAIRMAN BRAND: Okay. Jen, can we do that?

MS. FLYNN: So March 15th.

CHAIRMAN BRAND: March 15th. Okay.

Spencer, that's enough time for you to

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get all your mailings out and all that
stuff?

MR. HALL: I believe so. Now,
there's -- I forgot. Does Jen send me a list
of who to mail it to or do I just figure that
out?

MS. FLYNN: No, you have to do that. I
can send you the link to the Ulster County thing,
but --

MR. HALL: I know how to do that. I
think I did it last time with the link.

MR. HINES: It is 500 feet.

MR. HALL: 500 feet.

CHAIRMAN BRAND: All right. I think
that does it for LaMela.

MS. LANZETTA: Do we have to make a
motion to do that, to schedule it for a public
hearing?

CHAIRMAN BRAND: Yeah. Let's do that.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Excellent. Is there a
second?

MR. TRONCILLITO: I'll second.

CHAIRMAN BRAND: Bob. He beat you,

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Joe.

MR. LOFARO: That's fine.

CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: Any opposed?

(No response.)

CHAIRMAN BRAND: No. All right. So
moved. The public hearing will be March 15th.

MR. HALL: Thank you.

CHAIRMAN BRAND: Thank you, Spencer.
We'll see you later.

(Time noted: 8:41 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 February 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

FRANK & TINA CRICCHIO

Project No. 21-5001
South Street/Cricchio Lane Milton
Section 108.4; Block 9; Lots 19.11 & 19.12

----- X

SKETCH - LOT LINE

Date: February 16, 2021
Time: 8:42 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: CARMEN MESSINA

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Finally, with the lawyer and engineer we have Frank and Tina Cricchio, South Street for their lot line.

Jeff, I believe you have a resolution of approval for us for this evening.

MR. BATTISTONI: Yes. This is Jeff Battistoni. I did submit a resolution of approval.

I will note that there is a private road maintenance agreement which is already on file with the Ulster County Clerk's office. I did review it and I do approve it. That's referenced in the resolution that I prepared.

CHAIRMAN BRAND: It's rather extensive. It was many, many pages long.

MR. BATTISTONI: Yes, I agree.

CHAIRMAN BRAND: Any comments or questions from the Board before we go to the resolution?

(No response.)

CHAIRMAN BRAND: No. All right then. For this evening we have the application of Cricchio and Alesci for a lot line change. You have before you a resolution of approval by the

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Town of Marlborough Planning Board.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Clarke?

MR. CLARKE: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: Excellent. All right.

They should be all set.

MR. MESSINA: Carmen Messina, surveyor for the applicant. I'd like to ask Pat a question about his comment number 4 which states the current --

MR. HINES: Don't ask any questions. You got approval.

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MR. MESSINA: I want to -- I just want to clarify something.

MR. HINES: All right.

MR. MESSINA: Okay. The current -- comment number 4 says the current layout restricting the common driveway to 15 feet will prohibit future subdivision of the parcels. That wouldn't pertain to these parcels if a Town road was built and dedicated to the Town?

MR. HINES: Yeah. Even if a private road was constructed. But you would have to change -- the current layout of 15 foot becomes a Town Law 280-A issue. You can change up all the lot lines. You could do almost anything you want. Because that one lot only had 15 feet, it would be very difficult to provide any other access. If you put another road in, a private road or a Town road, then certainly, yes.

MR. MESSINA: Okay. Thanks, Pat.

MR. HINES: Yup.

MR. MESSINA: Thank you.

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

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(No response.)

CHAIRMAN BRAND: No. All right then.
Jeff and Pat, thank you. Have a great evening.
We'll see you later.

(Time noted: 8:46 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 February 2021.

Michelle Conero

MICHELLE CONERO