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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

PUBLIC HEARING - LOT LINE

Date: March 15, 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
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN BRAND: It is 7:30 so I'm going to call the meeting to order. Agenda, Town of Marlborough Planning Board, March 15, 2021. Regular meeting 7:30 p.m. Tonight on the agenda we have the approval for the stenographic minutes for 2/16. Also on the agenda this evening is LaMela Real Estate located at 1118 Route 9W, Marlboro for a public hearing of their lot line. We have HSC Milton, LLC/Dollar General on Route 9W, Milton for a final of their site plan/lot line. And we have Crimivaroli at 282 Orchard Street for a sketch of their subdivision. We'll also be continuing our discussion without the lawyer, engineer and stenographer of the Planning Board site plan review.

The next deadline is Friday, March 19, 2021. The next scheduled meeting is Monday, April 5, 2021.

Can I have a motion to approve the stenographic minutes for February 16th, please?

MS. LANZETTA: I'll make that motion.

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Manny with the second. Any discussion?

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(No response.)

CHAIRMAN BRAND: Any opposition?

(No response.)

CHAIRMAN BRAND: No. So moved.

First on the agenda we have LaMela Real Estate, a public hearing for their lot line.

I just have a legal notice to read. Legal notice, subdivision, lot line adjustment application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act or SEQRA, pursuant to the Town of Marlborough Town Code Section 134 on Monday, March 15, 2021 for the following application, LaMela Real Estate --

MS. LANZETTA: Spencer Hall, I think you're having -- can you mute?

MR. HALL: Can you hear me?

MS. LANZETTA: No. Will you mute your --

MS. FLYNN: I will mute him.

MS. LANZETTA: Thank you.

CHAIRMAN BRAND: -- at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m.

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or as soon thereafter as may be heard. The applicant is seeking a subdivision/lot line adjustment approval for lands located at 1118 and 1122 Route 9W in the Town of Marlborough, Section 108.4; Block 5; Lots 30.1 and 30.2. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Due to public health and safety concerns related to COVID-19 and pursuant to the Executive Order from the Governor, this meeting and the public hearing will be held remotely via Zoom. The meeting ID and password as well as all information will be available on the Town website or at the Town from the planning secretary. Chris Brand, Town of Marlborough Planning Board.

Mr. Hall, I'm assuming you're the representative for this. Correct?

MR. HALL: Yes, I am.

CHAIRMAN BRAND: How many mailings went out and how many came back?

MR. HALL: I sent out 13 and I got 9 back.

CHAIRMAN BRAND: Okay. This is a public hearing, so if you could just give me a

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brief overview of what you're proposing,
Mr. Hall.

MR. HALL: Okay. My client, he owns both properties. One was the old car wash, one was a recycle depot. He put a new scale in and expanded his parking lot for a recycle depot. He realized that he went over the line a little between the two parcels, so to clean that up, he wanted to do a lot line arrangement to make the scale stay with the recycle depot, the parking lot to stay with the recycle. What we did was we rearranged the property line between the two parcels, keeping both parcels the exact same area as before the alteration.

MS. LANZETTA: You're muted, Chris.

CHAIRMAN BRAND: Is there anything from the Board on this?

MS. LANZETTA: I have a very -- my understanding -- I think Mr. Hall has got to be muted.

CHAIRMAN BRAND: Mr. Hall, could you please turn your mic off while you're not speaking? You seem to be the cause of the audio problems here.

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MS. LANZETTA: I'm not sure if Michelle was able to get that, what Mr. Hall was saying.

MS. CONERO: I got probably 90 percent of it.

CHAIRMAN BRAND: Yeah. I think anyone that's not speaking, if you could mute yourself.

MS. FLYNN: Mr. Hall, --

MR. HALL: Yes.

MS. FLYNN: -- do you have more than one device?

MR. HINES: It sounds like there's two devices running.

MR. HALL: So you could not hear me?

CHAIRMAN BRAND: No. We can hear you super well, unfortunately. Turn your mic off. There we go. Much better. Thank you.

Is there anything from the Board on this one?

(No response.)

CHAIRMAN BRAND: Pat, did you have anything?

MR. HINES: We have nothing outstanding. We had some comments from last time.

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This is a simple lot line change transferring equal amounts of property between the two lots. It's in the HD Zone which doesn't qualify for your streamlined lot line approval, so it had to have the public hearing. But it's just really balancing out the two parcels.

I had previously commented about whether there was a need for an access easement between the two parcels, but the surveyor and the applicants have confirmed that they are completely separate operations. So with that, we didn't have anything further.

CHAIRMAN BRAND: Great. Thank you, Pat.

This is a public hearing. Any interested parties who have questions or want to speak either for or against this would have an opportunity to do so at this time. Please just state your name, turn your mic on so we know who is speaking, and then you'll have an opportunity to be heard.

Is there anyone here who is here to speak for the LaMela lot lines?

Judy, I feel like you're trying to

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unmute yourself perhaps.

MS. SCHOONMAKER-RIVERA: I'm here.

Yes. My touch screen has left me so I had to find the concert. I sent a letter.

Several problems with this hearing is that the map that was drawn up --

MS. FLYNN: Can you turn off, please, whatever you have in the background?

MS. SCHOONMAKER-RIVERA: I've got another Zoom that has been muted, but I can't turn it off unfortunately. Let me see what else I can do with it. Unfortunately I have a work Zoom. Okay. All right. They'll just have to do without me shortly. Sorry.

Is that the -- the map that was drawn up has Eric Holveg owning my property. So the map is wrong. I have an issue with that. And there's certainly nothing you can sign that would be valid.

I also have a problem with granting a waiver when a map like that is drawn up and leaving the properties that are closely affected by LaMela off of them. Some of you know where I live. Others of you don't. My bedroom is about

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30 feet from LaMela's scale. So anything he does up there has an impact on me.

I'm really just curious on what this change of the lot line -- what is it going to allow him to do that he's not already doing?

Also, I mentioned in the letter there are two other properties very close to here, one is in the process of being sold, the other already was sold, and I don't think they were even notified because of the recent sale.

I really would like to know what LaMelas are anticipating doing that they're not already doing if they get this lot line changed or removed.

MR. HINES: Pat Hines speaking here. It's not allowing them to do anything or prohibiting them from doing anything they're not doing today. It is putting the part of the scale that was constructed across the other lot line -- it's cleaning up the boundary line to incorporate the scale on the recycled parcel and not on the portion of it that's on the car wash parcel.

MS. SCHOONMAKER-RIVERA: They can't move the whole scale up to the car wash?

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MR. HINES: It's on a different lot.

MS. SCHOONMAKER-RIVERA: The scale is the noisiest part of his operation. It really is. But is he supposed to be able to use the car wash parcel for his operation?

CHAIRMAN BRAND: He's not requesting any change in use for either of the sites. He's basically just moving the one property line, I believe it's to the west slightly, so that the scale is on the entire parcel where the sanitation thing is.

MS. SCHOONMAKER-RIVERA: Because he's using the car wash property to store his trucks and his roll-offs, which I was under the impression he was not supposed to be able to do. I was wondering whether he is thinking, once he gets his lot line removed, he can put more stuff up there that is part of his garbage operation.

CHAIRMAN BRAND: Just to clarify, this lot line change, --

MS. SCHOONMAKER-RIVERA: He has to justify --

CHAIRMAN BRAND: -- it's just simply shifting the one lot line slightly. I think it's

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less than 15 feet, Pat, if I'm wrong. 15 feet to the west, or something like that. One little portion of it.

MR. HINES: It's something like that. And then there's an equal swap of property on the north end so that the lots both stay the same size.

CHAIRMAN BRAND: Pat, maybe you could address the matter of (inaudible) stay at the property line.

MR. HINES: It's not conveying or taking away any rights that they have, but it's also not extending the recycled facility use onto the car wash parcel by any means. That would be an enforcement issue outside this Board. It would be up to the Town code enforcement officer to enforce the activities that go on there.

MS. FLYNN: Michelle, are you okay with the background that she has going on?

MS. CONERO: It is tough to hear.

MS. FLYNN: Judy, you need to turn down your other Zoom, please, so that our stenographer can understand.

MS. CONERO: And if I could have your

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last name, also, Judy?

MS. SCHOONMAKER-RIVERA: It's
Schoonmaker-Rivera.

MS. CONERO: Thank you.

CHAIRMAN BRAND: Just turn it off.

MS. SCHOONMAKER-RIVERA: I can't. It's
business.

CHAIRMAN BRAND: Okay.

MS. SCHOONMAKER-RIVERA: I can't get
back in if I turn it off.

CHAIRMAN BRAND: Anything else, Judy?

MS. SCHOONMAKER-RIVERA: Is there any
issue that the map is wrong in terms of how they
labeled his neighboring properties?

MR. HINES: So that occurs. I'm
assuming the surveyor gathers (inaudible). And
it's not unusual. It says now or formerly. It's
just to identify it. It doesn't -- it doesn't
convey --

MS. SCHOONMAKER-RIVERA: It's neither
now or formerly. It was never -- it certainly is
not now and it was never formerly. It was
Schoonmaker and it was McCort. It's never been
Holveg.

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MR. HINES: Okay. So we'll make note of that.

MS. SCHOONMAKER-RIVERA: (Inaudible.)

MR. HINES: We can't hear you from your background noise.

MS. SCHOONMAKER-RIVERA: And is there a reason that you leave the properties off? I mean I sent a letter. You could have answered the questions then.

CHAIRMAN BRAND: We have the letter. The purpose of the public hearing is to have people be heard in the public.

MS. SCHOONMAKER-RIVERA: The letter also could have been acknowledged and answered to save some of this.

CHAIRMAN BRAND: Point well taken, Judy.

MS. SCHOONMAKER-RIVERA: Okay. And is there any intention of notifying the other neighbors that were not notified?

CHAIRMAN BRAND: All of the neighbors within a 500 foot proximity I believe were to be notified. That was the indication of the 13 mailings that were sent out.

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MS. SCHOONMAKER-RIVERA: Correct. But when a property had sold after the mailing goes out, how do you notify the new buyers?

CHAIRMAN BRAND: They're sent by certified mail. If the ex-owner didn't forward their mail, they probably wouldn't receive it I guess.

MS. SCHOONMAKER-RIVERA: Okay. And when you were notified at that point in time, you don't see that that happens; correct?

CHAIRMAN BRAND: I'm not sure I understand your question.

MS. SCHOONMAKER-RIVERA: Well, I notified you on the 3rd of March that that property had already changed hands with plenty of notice for tonight's meeting.

CHAIRMAN BRAND: The public hearing is listed on the Town website as well.

MS. SCHOONMAKER-RIVERA: (Inaudible.)

CHAIRMAN BRAND: I'm assuming that you could have talked to them as well.

MS. SCHOONMAKER-RIVERA: I understand. I'm just kind of hoping that Marlborough might be a little friendly or more gracious to welcoming

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new people to town, that our government would do that and not be so rigid about all this. It's our past history. I'm just hoping that maybe it isn't our going forward history.

CHAIRMAN BRAND: We try our best, Judy. We try our best.

MR. LaMELA, JR.: Ms. Rivera, if I may. This scale that we are using is going -- it's on the opposite end of the property from your home, from your residence. So we're trying to effectively break that noise down in almost half. So this is what we're trying to do, is expedite the process for our clients here to efficiently leave our site while also limiting the noise that's created. We're trying to make this a benefit for all of our customers, and hopefully our neighbors as well.

MS. SCHOONMAKER-RIVERA: You have two scales?

MR. LaMELA, SR.: That's what we did for the lot line change. We needed a couple more feet on the opposite side of the property, further away from your home. So it will make half of the traffic go -- exit on the new scale

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which will be less noisy to you.

MR. LaMELA, JR.: It's the same amount of clients, the same amount of customers we're servicing. We're not doubling the traffic. It's the same traffic, just half of it is going to be on the opposite end of our site, which is the opposite end of your residence.

MS. SCHOONMAKER-RIVERA: So you have two scales?

MR. LaMELA, JR.: Yes. That's correct.

MR. LaMELA, SR.: Now we have two, yes.

MS. SCHOONMAKER-RIVERA: Okay. Now you have two. You had one most of the time at the top of the hill.

MR. LaMELA, SR.: Now the older scale, the one that you are saying is noisy, is going to be used half as much.

MS. SCHOONMAKER-RIVERA: Okay.

CHAIRMAN BRAND: Thank you.

MR. LaMELA, SR.: That's all we're trying to do. We're not changing anything. And that's between our building and the car wash. It's on the opposite side from where you live. So it should help -- it should help the noise.

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MS. SCHOONMAKER-RIVERA: Okay.

CHAIRMAN BRAND: Thank you. Anything else, Judy?

MS. SCHOONMAKER-RIVERA: While I have them here, can you come and pick up all your debris that keeps blowing down? I'm still getting littered.

MR. LaMELA, SR.: Yes. That's not a problem. Yes, of course. All you have to do is tell us and we'll send guys.

MR. LaMELA, JR.: We try to manage it as best we can on site here. And, of course, with the high wind situation. We'll have people trying to pick up on the other side of our property or our fenced area.

MR. LaMELA, SR.: That's not a problem. We can get it tomorrow.

MS. SCHOONMAKER-RIVERA: And not throw your snow over the fence.

MR. LaMELA, SR.: Okay.

MR. LaMELA, JR.: That's fine.

MS. SCHOONMAKER-RIVERA: Thank you.

CHAIRMAN BRAND: Good neighbors in action, Judy, right there.

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MS. SCHOONMAKER-RIVERA: It would go a long way for me to use that adjective.

CHAIRMAN BRAND: Anything else for the public hearing?

MS. SCHOONMAKER-RIVERA: No.

CHAIRMAN BRAND: Anything from anyone else for the public hearing?

(No response.)

CHAIRMAN BRAND: Going once. Going twice.

(No response.)

CHAIRMAN BRAND: And no.

All right. If there's nothing else for the public hearing, I would like a motion to close the public hearing.

MR. CAUCHI: I'll make that motion.

CHAIRMAN BRAND: Manny. Is there a second?

MR. TRONCILLITO: I'll second it.

CHAIRMAN BRAND: Bob with the second. Any discussion?

(No response.)

CHAIRMAN BRAND: Any objection?

(No response.)

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CHAIRMAN BRAND: No. All right.

Then Jeff, you prepared for us a resolution of approval by the Town of Marlborough Planning Board for the application of the LaMela Real Estate Holdings, LLC for their lot line revision. Did you have anything you wanted to go over, Jeff?

MR. BATTISTONI: This is Jeff Battistoni, Attorney for the Planning Board. The resolution is straightforward. This is a Type 2 action, so no further environmental review is needed.

I don't know whether the Planning Board wants to consider a condition to update the map to show the correct adjoining owner. The reference to Holveg is an incorrect reference.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: I think we probably should include that as well.

MR. BATTISTONI: When you adopt the resolution, I would simply write a second condition in. The condition -- there's number one, payment of fees. I would add a number two that the plat be updated to remove the reference

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to Holveg, H-O-L-V-E-G, and indicate the name of the correct owner.

CHAIRMAN BRAND: That was seconded. Is there any objection to that?

(No response.)

CHAIRMAN BRAND: No. So carried.

So with that being said, that condition being added; Jen, would you please 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: Where is he?

MS. LANZETTA: I don't see him.

MS. FLYNN: I don't see him.

CHAIRMAN BRAND: I don't see him anymore, either. We'll say he's absent for now.

MS. FLYNN: Okay. Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

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MR. GAROFALO: Yes.

MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

CHAIRMAN BRAND: So moved. All right.

I believe that's it for the LaMelas.

Thank you, guys. Have a good night.

(Time noted: 7:52 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 28th day of March 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

FINAL - SITE PLAN/LOT LINE

Date: March 15, 2021
Time: 7:52 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,
KENNETH FIORETTI & JOHN CAPPELLO

----- X

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

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CHAIRMAN BRAND: Next on the agenda tonight we have HSC Milton, LLC/Dollar General for final of their site plan and lot line.

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

MR. HINES: Sure. We had some comments from the March 1st meeting. Some of them are repeated here. I just have -- the review of the access drive requires DOT approval. I just noted that there was no curbing shown. I think DOT's typical details require curbing. But this project requires DOT approval globally for the access, the left turn and utilities within the DOT easement. So that will be a comment moving forward.

Also, the septic system design has not been approved by Ulster County Health yet, so that's an outstanding comment that could be considered by the Board as a condition of approval.

And then inspection fees and performance securities and compliance with Town code would be required.

So those are some continuing comments,

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but a lot of them are weather related and outside agency related.

I believe the plans have been revised substantially to address all the previous public hearing and Planning Board comments.

CHAIRMAN BRAND: Thank you. Ms. -- Caryn. I'm just going to go with Caryn. Sorry.

MS. MLODZIANOWSKI: That works. Good evening. This is Caryn Mlodzianowski from Bohler Engineering, for the record. I'm here with Ken Fioretti and John Cappello this evening for the proposed lot line adjustment and Dollar General retail store on Route 9W. I think everyone is familiar with the project as we've gone through and opened and closed public hearings, so I'll just give a brief update.

Since the last meeting we had indicated and presented that the lighting levels had been reduced. After that meeting we formally submitted that lighting plan for the Board.

We also had shown and proposed the cross access to the other parcel of the lot line adjustment that we're agreeing to for a future easement.

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Since the last meeting we added striping within the sidewalk in front of the store to the plans. That will be a proposed painted stripe on the sidewalk that will indicate the allowable outdoor display and sales area for store employees.

As mentioned by Mr. Hines, we are waiting for decent weather to have the Health Department witness the perc test for the septic systems. We understand that that might be an outstanding condition on any approval.

And we're waiting on final DOT comments as well in regards to any other improvements or curbing for the site.

We did receive a draft SEQRA negative declaration and had a chance to look through that, so we're hopeful that that's something the Board can consider this evening. Thank you.

CHAIRMAN BRAND: Thank you. Anything from the Board on this?

MR. GAROFALO: I have some comments, Mr. Chairman. One is in the draft findings I take exception -- the DOT hasn't approved this according to their own consultant. They okayed

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the location of the driveway. So I think it's important that there be a stipulation that this -- that the permits will be approved by the New York State DOT. That's number one.

The second thing deals with the Ulster County comments. They made a comment about the signing. We don't have any plans on the signing. We are required to review that. So I'm not sure when that's going to happen, but I think ultimately we're going to need a plan on the signing, or at least the stipulation that we will approve -- that we have to approve that signing. Now, I guess two different ways it can be done. One is to do it as part of the site plan, in which case it travels with the site plan, and the approval will last as long as the site plan approval is. A second way, which is not usually done with site plan applications, is if you have just a store and you want to put up a sign, then there is a separate permit process, but that permit process only gives you six months to put it up. So there's certainly an advantage to the applicant to tie it into the site plan application.

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So I don't know if we can make that a condition that they get approval from the Planning Board for the sign which is under Section 155-28. There's a whole list of requirements that we should be reviewing. I'm not sure how we should be handling this, whether it can be a condition that it comes back and we give that approval or whether we have to give that approval before we finalize this.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Pat, did you just want to address that signage, or do you have any input on that signage?

MR. HINES: Yeah. I just want to clarify that the document before the Board tonight is a draft of a negative declaration. Findings are something that follows an environmental impact statement. So a little shorter in the process.

This is a draft negative declaration and it's just stating that there are no significant environmental impacts. Obviously,

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the other outside agencies need this document in order for them to issue their permits. No approvals can flow from the outside agencies until this Board, as lead agency, makes this SEQRA finding. In this case you're suggesting a negative declaration, that there's no significant environmental impacts.

The signage can be a condition of approval. If the Board so desires to issue a conditional approval tonight, it can be, as Mr. Garofalo said, something that they submit in the future for review. Typically, in the past the signage has been displayed to the Board and then the actual sign permits come from the Building Department. It is a procedure that should be followed.

So two ways, either a condition of approval that the Board subsequently approved that or they show you that now or -- actually, three ways -- or you can defer to the building inspector to make sure that the signage meets the code.

Those are just my opinions on that. Certainly, it's up to the Board.

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CHAIRMAN BRAND: Thank you.

MS. LANZETTA: I know when we -- Cindy Lanzetta. I know when we had looked at the Mobil site plan, they had put together some graphics for us that were nicely done that showed the aesthetics of the outside of the building and what the signage would look like in relationship to the site. If we could have something like that, that would be very helpful.

MS. MLODZIANOWSKI: Certainly. And we've submitted the elevations. Those have the building sign. Then as far as the sign by the road, we have the location on the plan. We can get an image if that would be helpful. I think our plan would be, you know, to share that with the Planning Board, one of the two signs. We can show the other sign. And then the tenant, which is Dollar General in this case, they always come in and file for the actual permit itself.

CHAIRMAN BRAND: Great. Thank you.

Anything else from the Board?

MR. GAROFALO: This is James Garofalo again. I think it would behoove us to be the ones to look at this, since it is part of a site

1
2 plan, so I think it should come to us. If you
3 look at the code, it will tell you some of the
4 things that are required for this, including
5 dimensions and a whole mess of other things.
6 It's 155, I think, 28. But I think this really
7 needs to come to us under the conditions that the
8 code has specified, whether it's now or a little
9 later. Either way is fine with me, but I think
10 ultimately it has to come to the Planning Board.

11 CHAIRMAN BRAND: I would agree.

12 MR. CAPPELLO: We're fine with that.
13 This is John Cappello. If you want to have that
14 as a condition, no problem whatsoever.

15 CHAIRMAN BRAND: Jeff, you did prepare
16 the SEQRA negative declaration and notice of
17 determination of non-significance. Anything that
18 you'd like to point out?

19 MR. BATTISTONI: This is Jeff
20 Battistoni, Attorney for the Planning Board. On
21 page 2 under item number 1, my wording was as
22 follows: Approval is needed from the New York
23 State Department of Transportation for the access
24 drive, but the applicant's representatives have
25 reported that such approval has been granted.

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There is a possibility that New York State DOT will require a left-turn lane southbound into the site, and the applicant has set aside the land needed for such a lane. I thought at the last meeting that the applicant's representative said that the State had approved the location of the access drive. That's all I was trying to say there, that they had reported that. You don't have any written confirmation of that, or at least I hadn't seen that yet. I don't know if you want to clarify it -- clean up that language at all. Mr. Garofalo seemed to have a concern about it. It's also okay with me if it stays as is.

MR. CAPPELLO: I'm sorry. Yes. I think Mr. Grealy, who was at the last meeting, just said they sent it to the location I think is what -- and Mr. Garofalo I think agrees. So if the word approval, you know, is -- the actual approval or permit won't be coming until everything is done. That is traditionally the contractor who actually goes and applies for the permit. As Mr. Hines said, that's not -- they won't even consider issuing that until the SEQRA

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neg dec is there.

So how ever the Board wants to, you know, include that, or if you believe it's necessary to modify the neg dec. But yes, I believe the intent, as I read the neg dec, I agree with Mr. Battistoni that it was they assented or approved the location so we can move forward with the details. That's what we conveyed. I think that's what, you know, I understood the neg dec to state. But if you feel we need to modify it slightly to make it more clear, we have no problem with it.

CHAIRMAN BRAND: Is there any objection to moving forward as is or --

MR. GAROFALO: James Garofalo. I think I'd like to remove the word "approved" and have that replaced by the location okayed by DOT, or something to that effect.

CHAIRMAN BRAND: Could we just scratch that whole line there, Jeff, from the -- just leave it approval is needed from the New York State Department of Transportation for the access drive period? Scratch the applicant's representative has reported that such approval

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has been granted.

MR. BATTISTONI: That's fine with me.

CHAIRMAN BRAND: I'd like to have that motion, to just scratch that line and end it at "drive."

MS. LANZETTA: I'll make that motion.

MR. GAROFALO: Second.

CHAIRMAN BRAND: Cindy. Second by James. Any discussion?

(No response.)

CHAIRMAN BRAND: Any objections to doing that?

(No response.)

CHAIRMAN BRAND: Okay. With that being said, we would have the application of the Geller Group, LLC and Emanuel A. Cauchi as owners and HSC Milton, LLC as applicant for the site plan approval and lot line revision. The Town of Marlborough Planning Board, the SEQRA negative declaration and notice of determination of non-significance.

Jen, would you poll the Board?

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

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MS. FLYNN: Member Troncillito?

MR. TRONCILLITO: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

As a reminder, Member Cauchi is
recused.

So I think you are all set with your
negative declaration for this evening.

MR. CAPPELLO: Thank you very much. We
hope to have more information and be able to move
forward, get you something from the DOT and do
those perc tests in the very near future.

Thank you all very much.

CHAIRMAN BRAND: Good luck. We're
hoping for a quick spring.

MS. MLODZIANOWSKI: Thank you.

(Time noted: 8:08 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 28th day of March 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

GEORGE & CAROLE CRIMIVAROLI

Project No. 21-5004
282 Orchard Street
Section 95.4; Block 1; Lot 27.210

----- X

SKETCH - SUBDIVISION

Date: March 15, 2021
Time: 8:08 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: CAROLE & GEORGE
CRIMIVAROLI

----- X

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

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CHAIRMAN BRAND: Finally on the agenda this evening we have the Crimivaroli sketch of their subdivision at 282 Orchard Street.

Pat, did you just want to run through your comments quickly?

MR. HINES: Sure. This is a situation commonly called a natural subdivision. Some ordinances actually waive the requirement to get approval for these. Yours does not do that. It requires an approval I know the County clerk's office also wants these stamped, approved and filed, the separate lots.

This is a split by a Town road, Orchard Road. The applicants have provided -- delineated a 50-foot strip between the parcels on either side of the road. And then they're, by default, creating two lots by dedicating the 50-foot strip to the Town.

The building inspector noted a trailer located in the front yard of one of the lots which must be removed. It's not permitted.

The bulk table --

CHAIRMAN BRAND: What kind of a trailer are we talking about?

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MR. HINES: I think it's a mobile home kind of trailer.

CHAIRMAN BRAND: Okay.

MS. CRIMIVAROLI: It's a storage trailer.

CHAIRMAN BRAND: Like a Sea-Land type of thing?

MR. CRIMIVAROLI: No, no. It's like an office. It's got, you know, one room and a little storage area.

MR. HINES: So a contractor's office?

MR. CRIMIVAROLI: A little contractor's office, yeah.

MR. HINES: So the building inspector has noted that that's not a permitted use in the zone. That would have to be removed.

The bulk requirements, what is required is identified but what is provided as a result of the subdivision is not. So we'll need that bulk table filled out for each of the lots showing the various setbacks that are required. It may require -- I don't know because I don't have those setbacks. I didn't personally measure them all. It may require a zoning variance for some

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or all of those requirements. I don't know. I don't know the lot sizes. I don't know the setbacks and such. If the surveyor can detail those out, we'll be in a better position.

Water and sewer for both of the lots should be depicted to make sure both of the lots have independent water and sewer services.

The requirement for dedication of that Town roadway should be provided to Jeff Battistoni's office, the Planning Board Attorney, so that that area can be officially dedicated to the Town. There will be a dedication and concession offer that the Town will accept or will not accept, but it will be filed in perpetuity.

The applicants' representative requested numerous waivers on the checklist. They are noted on there as N/A for information they're providing. So the Board should take a look at that.

And then our application packet did not contain an environmental assessment form, so a short environmental assessment form would be required.

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There's not a lot the applicants can do here. Their parcel is split by a Town roadway. It does provide the 50-foot dedicated strip that normally would be required. It's cleaning that up. It just results in the two lots.

I do need to see the zoning setbacks, lot sizes and such, as by default there may be variances required.

MR. CRIMIVAROLI: There was an update to the plan that I believe has the setbacks shown.

MS. CRIMIVAROLI: We e-mailed it to you on Friday. We got it on Friday morning and we e-mailed it.

MR. HINES: Okay. If that happened, I didn't see it.

MS. CRIMIVAROLI: It's on your screen, isn't it?

MR. HINES: That's not my screen.

MS. CRIMIVAROLI: I don't know whose screen that is.

MR. HINES: I believe that's Jen's screen.

MS. CRIMIVAROLI: Okay.

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MR. CRIMIVAROLI: That's the older one
I think.

MR. HINES: I don't see the setbacks
I'm looking for there.

CHAIRMAN BRAND: So Jen, did you
receive an updated one?

MS. FLYNN: I'm looking. Let me see.

MR. HINES: Jen, we can see your whole
screen now.

MS. CRIMIVAROLI: Jen, I sent it to you
on Friday, probably around 11 or 12.

CHAIRMAN BRAND: How about if it's
possible, can you just send it again and we'll
send it to Pat?

MS. CRIMIVAROLI: I can send it to you
right now.

CHAIRMAN BRAND: Perfect. There it is.

MS. CRIMIVAROLI: Oh, she got it.
Okay.

CHAIRMAN BRAND: I think so.

MS. CONERO: I was going to ask for the
applicants' names.

MS. CRIMIVAROLI: Crimivaroli. It's
crimivaroli@optonline, my e-mail.

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MS. CONERO: And the gentleman's name?

MR. CRIMIVAROLI: George.

MS. CONERO: Crimivaroli, also?

MR. CRIMIVAROLI: Yes. There's the plan. Yup.

MR. HINES: Unfortunately I haven't seen that one. I did note that the bulk table didn't look filled in, though.

MR. CRIMIVAROLI: I don't know if the table is filled in, but the setbacks should be there, and the sizes.

MR. HINES: So that table there is showing in the center under the location map. Above the title block and signature block there there's a table that says bulk requirements. That has what's required.

Each of the lots should show what is resulting from the subdivision. That will be the analysis of what needs a zoning variance. It cleans it up. You may have to go to the Zoning Board. It's all not self-created, it's all existing conditions, so more than likely --

MS. FLYNN: Do you want me to bring it back up?

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CHAIRMAN BRAND: You can stop sharing that. Just forward that to Pat and to the rest of us as well.

MS. FLYNN: Okay.

CHAIRMAN BRAND: You can stop sharing your screen now.

MR. CRIMIVAROLI: One thing I wanted to mention was the surveyor was -- in the updated plan he did locate the well and septic for the parcel on the east side of Orchard Road. The well is located right on the property line. He mentioned to us I think --

MS. CRIMIVAROLI: I spoke with our attorney about different options for this and whether we would need an easement or a lot line. I want your -- I was wondering what you guys thought.

MR. HINES: It's on whose lot line?

MS. CRIMIVAROLI: It's on the line between the parcel that has the greenhouses and the neighbor. If you bring up yours --

MR. HINES: So the Public Health Law requires a 15-foot setback from the wells, but this is an existing condition. I don't think

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there's a lot you can do about it. I've seen wells -- you know, I think it's between you and your neighbors and not this Board if it currently serves your lot.

MS. CRIMIVAROLI: That's fine. The neighbor is fine with it. He actually wrote a letter which I also supplied to the Board.

MR. HINES: I haven't seen what it is. If it is completely on your property, I think it's an existing condition. A new well would have to be 15 feet off.

MR. CRIMIVAROLI: Basically the property line cuts the well cap in half. It's right on the line.

CHAIRMAN BRAND: Pat, are you there still?

MR. HINES: Yes. We'll take a look at it. I'm shooting from the hip here without reviewing it. It's something Jeff and I can speak to and give them some guidance.

CHAIRMAN BRAND: Okay, great.

Any questions from the Board on this?

MR. GAROFALO: Yes. I have some. James Garofalo. Looking at this site plan

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application, it brings to mind something that Mr. Hines had talked to us about or had put in his memo about the checklist and separating the conceptual site plan -- conceptual plans from the site plan.

When I went through this, I looked at it and said gee, they almost filled this out like it is the conceptual -- the draft conceptual checklist that I was putting together. And that raises a question here of -- this is almost an example of why we need to have that conceptual checklist.

It may not necessarily be that they are specifically asking for a waiver on these items, but that they will be determined later in the process as they go -- as they go through the process.

So I just wanted to bring that out because they would have to specifically request the waiver and we would have to go over them. So I'm not sure if that was the real intention here because I don't see anything saying we're requesting a waiver, although technically, as Mr. Hines pointed out, that's almost essentially what

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they're doing.

I think this is a perfect example of why we need to split the checklist and have two done. Even though it looks like more work, I think this is a perfect example of why we need to do this.

Thank you.

CHAIRMAN BRAND: Yes. So Mr. and Mrs. Crimivaroli, anything that you're putting N/A for, you should specify why that's there. You're just saying it's not applicable or you're requesting a waiver for it.

Anything else from the Board?

MS. LANZETTA: They can also make the point that a lot of this situation is a pre-existing condition -- situation.

CHAIRMAN BRAND: Right.

MS. CRIMIVAROLI: It was like this before we purchased it. We're making it more compliant.

MR. CRIMIVAROLI: In terms of the setbacks, when we filled out the checklist, the surveyor had done a preliminary survey but he hadn't actually located the edge of the building.

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So, you know, he went back and he did that. We have that updated survey with those setbacks. When we were filling out the checklist, we didn't have the setbacks put in there.

CHAIRMAN BRAND: Great.

Anything else from the Board on this one?

(No response.)

CHAIRMAN BRAND: So you guys will -- we'll have Pat take a look at that updated map.

Any other questions or anything else they need to do in the meantime, Pat?

MR. HINES: I just noted that -- and I do have the map on my phone as we're talking here -- a couple of setbacks aren't shown. The front yard from the greenhouse, the front yard from the house with the greenhouse.

I don't see a septic on proposed lot -- the lot that's on the, I guess it's the west side of the road. I see a well for that one but I don't -- again, I'm looking at this on an iPhone.

I will get your surveyor the comments that we need and he can probably address them between now and the next submission.

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CHAIRMAN BRAND: Great. Anything else on this one?

MR. CRIMIVAROLI: Is that the greenhouse in the front yard? I mean that's not a residence technically. Right?

CHAIRMAN BRAND: Pat, did you hear that?

MR. HINES: Yeah. But even the residence doesn't have the setbacks shown.

MR. CRIMIVAROLI: We'll put that there.

MR. HINES: I haven't seen the site. The greenhouse, is that a structure?

MR. CRIMIVAROLI: It's a concrete foundation. The structure itself is poles and, you know -- it's not, you know, permanent.

MR. HINES: We'll take a look. It doesn't look like the building inspector had an issue with it, and it might pre-exist the zoning. It certainly projects -- if it's an accessory use, it projects ahead of the principal use of the residence.

I will take a look at it and I will give you some comprehensive comments to address.

MR. CRIMIVAROLI: Okay. I have one

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comment about the requirement for the dedication.
Is that something the surveyor performs for the
Town?

MR. HINES: The surveyor and possibly
it might be an attorney. I'll defer to Jeff on
what we need for that.

CHAIRMAN BRAND: Jeff?

MR. BATTISTONI: This is Jeff
Battistoni. Typically your attorney would be in
touch with me. There's a legal document that
gets drafted. It wouldn't be a surveyor.

MR. CRIMIVAROLI: All right.

CHAIRMAN BRAND: All right. Any other
questions?

(No response.)

CHAIRMAN BRAND: No. All right. So we
will see you at the next meeting, I think with a
cleaned-up map and probably a better
understanding of what it is that --

MR. HINES: Their submission will drive
the meeting. It's not necessarily the next
meeting. It's whenever they get us the info.

CHAIRMAN BRAND: Right, right. For
sure.

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MR. CRIMIVAROLI: Do we need to redo the checklist?

CHAIRMAN BRAND: No.

MR. CRIMIVAROLI: Okay.

CHAIRMAN BRAND: You don't need to redo it. I would think that if there are things that you marked as N/A, you might want to include why they are N/As.

MR. CRIMIVAROLI: Okay.

MS. CRIMIVAROLI: Chris, I had e-mailed you about the recreation fees.

CHAIRMAN BRAND: Yes. Actually, we talked about that. It seems as though since there's no new proposed buildings, that the recreation fees would not apply. Okay? I apologize.

MS. CRIMIVAROLI: That's okay. No problem at all.

Thank you very much, everyone.

CHAIRMAN BRAND: All right. Thank you. Have a good night.

I think that's it for the formalized part of our agenda.

(Time noted: 8:22 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
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That hereinbefore set forth is a
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set my hand this 28th day of March 2021.

Michelle Conero

MICHELLE CONERO