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

----- X

In the Matter of

SOUTHEAST ATLANTIC HOLDINGS
(Milton Hardware)

Project No. 16-9007
1837 Route 9W, Milton
Section 103.1; Block 4; Lot 3

----- X

FINAL - SITE PLAN

Date: September 19, 2016
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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CHAIRMAN BRAND: I'd like to call the meeting to order with a pledge to the flag of our country.

(Pledge of Allegiance.)

MR. CAUCHI: Agenda, revised, Town of Marlborough Planning Board, September 19, 2016. Regular meeting 7:30 p.m. Approval of the stenographer's minutes for 7/18 and 8/1. Southeast Atlantic Holdings, 16-9007, final, 103.1-4-3, site plan; Kedem Winery, 14-7008, amended site plan, 109.1-1-2.100, follow up. Next deadline: Friday, September 23, 2016. Next scheduled meeting: Monday, October 3, 2016.

CHAIRMAN BRAND: We have the minutes for 7/18 and 8/1. Has everyone had a chance to review them? If so, I'd like to have a motion to approve the stenographic minutes for 7/18 and 8/1.

MS. LANZETTA: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

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MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

First up, Southeast Atlantic Holdings,
final, site plan.

MS. BROOKS: I believe that the items
that we had outstanding from the last meeting
were with regard to the New York State Department
of Transportation and the Ulster County Planning
Board comments.

We did submit an e-mail from the New
York State Department of Transportation saying
that they would issue the highway work permit
upon a SEQRA determination by the Planning Board.
They're not allowed to issue the permit until
SEQRA has been completed.

I did receive a draft copy of the
Ulster County Planning Board comments tonight. I
don't actually have the comments but I believe

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that the two issues that they had were with regard to site lighting and pedestrian access along Route 9W. I was able to do the photometric plan for the lighting, which I can submit for the file this evening so that we can comply with that requirement. The lights, with the exception of one of them, they are all motion detector lights. The lights, with the exception of one of them, are facing the rear and the southerly portion of the project, so they actually will have no impact at all. The one light that is going to be on the southeast corner of the storage building does face towards 9W but it's approximately 300 feet away from the highway. The photometric plan shows at 80 feet the candlelight will be down to zero, so it will not have an impact on any traffic on Route 9W.

I believe those are the changes that were made to the plans since the last meeting.

CHAIRMAN BRAND: Thank you.

Comments from the Board.

MS. LANZETTA: Well I'm just curious. Pat, did you get a chance to read the County comments?

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MR. HINES: I did receive the County comments.

MS. LANZETTA: Did you have a chance to read them? I mean does that satisfy the lighting?

MR. HINES: I think it satisfies the lighting, as long as the Board is okay with that. I know we previously spoke that they were motion detectors. They're only going to be on if something triggers them. It's not a long-term lighting issue. They turn off every five minutes or ten minutes. I think I'm okay with the lighting. It's behind the fence and 300 feet back. I think it addresses that issue. If they were on all the time we would want to have more detail.

MS. BROOKS: On which one? I'm sorry.

MR. HINES: If they were on all the time.

MS. BROOKS: Oh.

MR. HINES: The other one, the pedestrian access, is something the Board should discuss on how it wants to handle that. I've got a couple e-mails circulated around from Board

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Members that everyone was generally in favor of providing future potential pedestrian access along the frontage. How that's crafted or how that's provided --

MS. BROOKS: One of the points that I want to make is that from the edge of pavement to the edge of shoulder right now ranges anywhere from ten to thirteen feet, and then the boundary line itself is another fifteen feet behind that. So if the Town ever did want to put a sidewalk in, it would be within that corridor because you're not going to be putting -- generally speaking, a sidewalk would be over thirty feet behind the edge of the pavement. Certainly we could leave a potential for a future sidewalk easement if the Board felt that that were necessary. I think that if the State ever put sidewalks in, it would be within their current right-of-way.

MR. HINES: About three years ago -- I was talking to Chris about this. About three years ago the State did a 180 on their policy regarding sidewalks. It used to be a definitive no because they didn't want to maintain them,

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they didn't want to encourage people to walk along the State highway right-of-ways. They definitely changed the policy. They are now allowing sidewalks, even in their right-of-way. Typically they're not the ones that maintain them. The property owner of the frontage would be the one that maintains -- both seasonal maintenance and long-term maintenance of the sidewalk. The reconstruction would fall on them. I don't see the State going out cleaning sidewalks, but they are allowing applicants and/or other municipalities to do that.

I use the example in the Town of Newburgh, the 17K/300 corridor, that planning board has been struggling for years to get sidewalks in and it was always no, no, no, even though there was beaten paths, people were walking there. The Crystal Run Healthcare facility across from Wal-Mart, the planning board kind of forced the issue and they went in and the State said sure, put them in. They're in the right-of-way of DOT. Crystal Run just has the maintenance responsibility. So there is that policy change. It could happen. Three years ago

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I would tell you this is all just talk, but it's able to be done.

MS. BROOKS: Probably about fifteen years ago in the Town of Plattekill they did a study with DOT along the entire corridor because it's difficult to try to layout where you want sidewalks to go without looking at the overall picture, and where are we coming from and where do we want to go to, and then where is the best place to put the sidewalks.

In front of this property you have a great slope, and it's consistent, and there really are no issues putting a sidewalk in. When you head north or south -- so it's difficult to look at just one site and say yes we need a sidewalk easement, no we don't need a sidewalk easement, or this is where we should put it.

I think if it's the direction the Town wants to go in, I would highly recommend that it gets looked at more globally rather than site by site, which makes it extremely difficult to --

MR. HINES: This abuts the town park.

MS. LANZETTA: I can tell you we met with the DOT today and we're discussing the Route

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9W corridor study.

MR. CLARKE: Who is the we, Cindy?

MS. LANZETTA: There was Supervisor Al Lanzetta, Town Councilman Howard Baker --

MR. CLARKE: This was a Town function?

MS. LANZETTA: -- yeah -- our Town planners, two representatives from DOT and one representative from Ulster County Transportation Council, a staff member. Ulster County is putting together in our cue to hire consultants to do a study of the Route 9W corridor. Along with that we're in the process of doing a local waterfront revitalization plan and an update on our comprehensive plan, as well as running sewer to the corner of -- the southwest corner there of Route 9W across. So we know that there's a good potential for the development of that area. We also know that at this point the only place that people from the Hamlet of Milton can cross Route 9W safely is at the light there. So they would have to cross at the light and continue on the western side to get over to the park. So it's highly, highly likely that at some point there will be sidewalks on that western side. I think

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it does behoove the Planning Board to follow the Ulster County recommendations and to ask for, you know, a potential right-of-way so that we can do that.

In talking with DOT, they were saying that nowadays with the Federal requirements, because we're also looking at getting a TAP grant which involves Federal monies, everything has to be ADA compliant. You're talking about five-foot sidewalks. You know, it might be at some point that we could access monies and help get those installed. I'm not saying that the private individual would have to install those sidewalks. That's definitely something that we should be thinking of as we're moving forward.

CHAIRMAN BRAND: I definitely like the idea of the right-of-way. I think that would be a good opportunity considering it does go right up against the park. I don't think it should be on the business owner to pay for it but certainly to give us the space for the future. I think it's a good idea.

MR. CAUCHI: I agree.

MR. BLASS: The vehicle for that would

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be an offer of dedication, which would be a piece of paper which represents a continuing offer of a defined corridor to the Town.

MR. CLARKE: How do you do that when it's not defined where the location is?

MR. BLASS: Well it has to be defined.

MS. BROOKS: An offer of dedication would be if they were going to be dedicating the entire parcel. I think at issue here is if the sidewalk were to be constructed on this property, the landowner would still own it, they would still be responsible for maintaining it. So what we historically have done -- the Town of New Paltz requires sidewalk easements, the Town of Plattekill requires sidewalk easements, and we do it by easement, not by offer of dedication.

MR. BLASS: We could have an offer of dedication of an easement as opposed to --

MS. BROOKS: Why would we just make an offer of the easement instead of placing it at this point?

MR. BLASS: Well, to follow up on your comments, it may be that the sidewalk ends up in the right-of-way.

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MS. BROOKS: Correct. I guess I have other communities that are already doing it. I hesitate to reinvent the wheel and try and do it another way here, unless you already have a --

MR. BLASS: So if you're willing to encumber the property now as opposed to in the future, we can do that.

MS. BROOKS: I just know that if we do it now we can show it on the map and it would be done. If we have to do it through an offer of dedication, then he's going to have to contact his attorney, we're going to have to consult with you, you're going to have to come up with language on how you want the offer to be done, and it's just going to be a more lengthy process.

MR. BLASS: We're going to need a sidewalk easement. That's not that big of a deal. We're going to need something.

MS. BROOKS: Right. We generally do it by putting the sidewalk easement on the map and a note reflecting the easement. I could use the language that we already use in other communities, unless you already have specific language you would like us to use.

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MR. BLASS: I had more in mind a recordable easement. You want to do it by note on the map?

CHAIRMAN BRAND: What would the note entail, Patti?

MS. BROOKS: Typically what we do is we show a width. It depends on how wide the right-of-way is, what the towns generally require. It could be anywhere from a five-foot wide easement to a fifteen-foot wide easement. Certainly a fifteen-foot wide would not be appropriate in this particular situation because we'd be going through the structures that are on the lot. We listed out as a sidewalk easement, and I don't remember exactly what the terminology is but the Town of New Paltz has one that they developed that's a rather lengthy note regarding the reservation of that land for the purposes of construction of a sidewalk within that easement area.

CHAIRMAN BRAND: Would a five-foot easement present problems there?

MR. HINES: The sidewalk itself has to be five and you need room to construct it. It

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sometimes meanders in order to make it ADA compliant.

MS. LANZETTA: DOT said minimally you want five feet, perfectly fifteen.

MS. BROOKS: The building is twelve feet off the property line. So the ten I would say would be the maximum that we would be able to do.

CHAIRMAN BRAND: Which building is ten feet off?

MR. HINES: By the park there.

MS. BROOKS: The retail store.

CHAIRMAN BRAND: Are we comfortable with ten feet?

MS. BROOKS: That's why I'm saying just visualize where that building is and how far off the road it is. That's only twelve feet off the highway bounds. That's why I'm explaining there's quite a wide highway bounds there already.

MS. LANZETTA: I think ten feet in this circumstance would be sufficient.

MR. HINES: I think it would work.

MR. PALADINO: If necessary, obviously

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within the right-of-way. So we're extending it beyond our property line. Ten feet would be the easement if necessary.

MS. BROOKS: And somebody else would construct the sidewalk, not you.

MR. CLARKE: At some point in the future.

MS. BROOKS: At some point in the future maybe.

MR. TRAPANI: That sidewalk would come ten feet --

MR. CLARKE: The easement would be ten feet.

MR. TRAPANI: How close would that sidewalk be to the building?

MS. BROOKS: Two feet the easement would be. The easement would be.

MR. CLARKE: It would have to be all the way to the west side of the easement.

MR. TRAPANI: I wouldn't want a building that's two feet off the sidewalk.

MR. CLARKE: Why not? In New York City --

MR. TRAPANI: New York City.

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MR. CLARKE: Those sidewalks go right up to the building.

MR. PALADINO: I'd imagine it wouldn't be necessary. There's other constraints that's going to hinder some of those things. I mean there's the median, I'll call it the median, that's existing now where the grass is along the southern side. That's got to be a minimum of eight feet wide.

MR. CLARKE: A five-foot wide sidewalk in a ten-foot wide easement.

MR. PALADINO: It can still be within the current DOT --

MS. BROOKS: Correct. Right now when you look at the map you'll see that on the southern end where the building is only two feet off the highway bounds, that's because there's a twenty-foot wide grassed, curbed median between his building and the road line. That probably is where the sidewalk would go. The purpose of putting the ten-foot easement is it gives latitude and to have consistency, because if you have ten feet on the north side, you want to continue that same ten-foot width throughout the

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property. It doesn't mean the sidewalk will even be constructed in it ever. It may be determined that it's better to place it within the highway bounds. This just gives opportunity for the future.

CHAIRMAN BRAND: Ron, would that be a problem, to note it on the map as she's saying in your opinion?

MR. BLASS: We can do the encumbrance by a note on the map, but it will be an encumbrance as of that point in time. I'd have to see the language of the note to see how many conditions or contingencies it has within it. We can in fact set it up by note on the map. That would be adequate notice to everybody.

CHAIRMAN BRAND: In your opinion would that delay the process for them substantially?

MR. BLASS: No. I think the process would be you could get a conditional site plan approval this evening, correct me if I'm wrong, --

MR. HINES: Yes.

MR. BLASS: -- subject to submitting a revised map which shows a ten-foot wide minimum

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easement area with a suitable note establishing the sidewalk easement.

MS. LANZETTA: It was brought up at the DOT meeting that this is also a good mitigation measure for our SEQRA review as well, to make sure that we're addressing pedestrian access along that State highway.

CHAIRMAN BRAND: Any other questions or comments?

(No response.)

CHAIRMAN BRAND: So I guess the next step would be to ask for a negative declaration on the project?

MR. HINES: We would recommend a negative declaration for the lumber storage area.

CHAIRMAN BRAND: Do I have a motion for that?

MR. LOFARO: I'll make a motion for a negative declaration for the additional storage area.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Any other discussion?

(No response.)

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CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

Our next step would be the preliminary
approval or -- yes?

MR. BLASS: It's a site plan.

MR. HINES: You can go right to final.

CHAIRMAN BRAND: Conditional approval
based on the easement to be noted on the map?

MR. BLASS: Yes. Minimum width of ten
feet for sidewalk purposes, note to be found
acceptable by the town engineer, town attorney.

MR. HINES: Also your minutes should
reflect the Board is okay with the site lighting
as proposed. It's kind of to override the
County's lighting comment.

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MS. BROOKS: We didn't override it.

MS. LANZETTA: I think we can say that they've met the recommendation for luminous -- that we reviewed it and they made the recommendation -- they met the recommendations from the County for the luminous. So we don't have to override it.

MR. BLASS: Right. I also note that the lighting level issue is under the "recommendations" portion of the County report. That means -- I'm sorry. It is required. Sorry. The headings were kind of askew.

MS. LANZETTA: I thought we just said that. She gave the luminous table and she meets that criteria. So we're following the recommendations of the Ulster County Planning Board.

CHAIRMAN BRAND: So do I have a motion for a conditional approval?

MR. CLARKE: I so move.

CHAIRMAN BRAND: A second?

MR. CAUCHI: Second.

CHAIRMAN BRAND: All those in favor, say aye.

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SOUTHEAST ATLANTIC HOLDINGS

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So carried.

MS. BROOKS: Thank you very much.

(Time noted: 7:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of September 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

KEDEM WINERY

Project No. 14-7008
1519 Route 9W
Section 109.1; Block 1; Lot 2.100

----- X

AMENDED SITE PLAN

Date: September 19, 2016
Time: 7:53 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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CHAIRMAN BRAND: Kedem has been
postponed.

Does anybody have anything else to
bring before the Board?

MS. LANZETTA: I do. I don't know that
we need it recorded.

(Discussion held off the record.)

CHAIRMAN BRAND: I'd like a motion to
adjourn.

MR. CAUCHI: I'll make the motion to
adjourn.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second it.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

So carried.

(Time noted: 8:03 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of September 2016.

Michelle Conero

MICHELLE CONERO