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

In the Matter of

5 CHESTNUT PETROLEUM

PUBLIC HEARING  
SITE PLAN

11 Date: December 5, 2016  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

22 APPLICANT'S REPRESENTATIVE: LEO NAPTOR

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

2 CHAIRMAN BRAND: I would like to  
3 call the meeting to order with a Pledge of  
4 Allegiance to the flag of our country.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, December 5, 2016.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 11/7/16. Chestnut  
10 Petroleum, public hearing, site plan; Luvera  
11 Properties, sketch, site plan; Kenneth Borschel,  
12 sketch, lot line revision. Next scheduled  
13 meeting -- next deadline: Friday, December 9th.  
14 Next scheduled meeting: Monday, December 19th.

15 CHAIRMAN BRAND: I believe you all  
16 received the stenographic minutes for the  
17 November 7th meeting. I'd like to have a motion  
18 to approve those minutes.

19 MS. LANZETTA: I'll make the motion.

20 CHAIRMAN BRAND: Cindy. Is there a  
21 second?

22 MR. LOFARO: I'll second.

23 CHAIRMAN BRAND: All those in favor,  
24 say aye.

25 MR. CLARKE: Aye.

2 MR. TRAPANI: Aye.

3 MS. LANZETTA: Aye.

4 MR. TRUNCALI: Aye.

5 MR. CAUCHI: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye. Approved.

8 First up on the agenda, Chestnut

9 Petroleum.

10 MR. TRUNCALI: Legal notice site plan.

11 Please take notice a public hearing will be held

12 by the Marlborough Planning Board pursuant to the

13 Town of Marlborough Code 155-32 on Monday,

14 December 5, 2016 for the following application:

15 Chestnut Petroleum, at the Town Hall, 21 Milton

16 Turnpike, Milton, New York at 7:30 p.m. or as

17 soon thereafter as may be heard. The public

18 hearing will address issuance of a special permit

19 and a site plan approval for a gasoline filling

20 station/convenience store at the subject parcel

21 consistent with the plans on file with the clerk

22 of the Planning Board. The location of the

23 project is 1417 Route 9W, Marlborough, New York,

24 Section 109.1, Block 4, Lot 14. Any interested

25 parties either for or against this proposal will

2 have an opportunity to be heard at this time.

3 Chris Brand, Chairman, Town of Marlborough

4 Planning Board.

5 CHAIRMAN BRAND: Before we start with  
6 the public input, if you can give us a synopsis  
7 of what we're looking at.

8 MR. NAPIOR: Certainly. For the  
9 record, Leo Napior with the law firm of  
10 Harfenist, Kraut & Perlstein. I have the public  
11 notice slip.

12 CHAIRMAN BRAND: You can give them  
13 right to Jen.

14 MR. NAPIOR: I was just trying to count  
15 them quickly. I didn't get through them all  
16 before the hearing got called. I can further  
17 speak to that. Maybe when the public is  
18 commenting I can count them up.

19 Briefly, the subject site is old  
20 Dickie's Diner, 1417 Route 9W. The subject  
21 property is a little under two acres.

22 The proposed action is to redevelop the  
23 site with a new gas station, convenience store  
24 and Dunkin Donuts with a drive-through feature.

25 There are five fueling pumps proposed

2 as well as two diesel pumps. There are  
3 twenty-eight parking spaces also proposed, some  
4 of those being in front of the structure, some of  
5 those being off to the side. There is a model of  
6 the proposed development in the front here for  
7 the members of the public that are curious.

8                   In addition, there is a highway  
9 improvement project that's proposed as part of  
10 this application, mainly for safe turning into  
11 and out of the site. That consists of a widening  
12 -- creation of a median lane in Route 9W both for  
13 receiving traffic coming northbound as well as  
14 the left-turn traffic leaving northbound. The  
15 taper for that highway improvement plan extends  
16 about five hundred feet in either direction from  
17 the northerly and southerly bounds of the subject  
18 property.

19                   That's kind of a broad brush of the  
20 project summary. If I can address any of the  
21 questions of the Board or turn it over to the  
22 public.

23                   CHAIRMAN BRAND: I'll turn it over to  
24 the public first. Due to the large number of  
25 people in attendance tonight, I'm going to try to

2 limit you to about three minutes for comments.

3 Anyone who is interested in speaking out for or  
4 against the project or who has questions, please  
5 stand up, state your name for the record and  
6 you'll be heard.

7 Mr. Garofalo.

8 MR. GAROFALO: James Garofalo, 3 Young  
9 Avenue. I hope at the end, after you listen to  
10 other people, I'll have more than three minutes.  
11 I have a lot of material that I'd like to go  
12 over. I know I'm not going to be able, no matter  
13 how fast I talk, to cover it in three minutes.

14 I'm hoping that the Board will consider  
15 carrying this public hearing over for several  
16 reasons, one of which is the traffic study that's  
17 on the website is the old one that still shows  
18 level of service F at the accesses and not the  
19 new one that was referred to in the executive  
20 summary letter that was sent to the Board.

21 I am not for or against this project  
22 but I do think that there's a lot of material  
23 that needs to be provided to the public for  
24 additional information and changes that need to  
25 be made. I will go over some of those changes,

2 as many as I can.

3 SP-3, there are references to handicap  
4 spaces. These should be changed to accessible  
5 spaces. There's no place in the ADA regulations  
6 that you will see the word handicap.

7 There are no sidewalks in front of this  
8 project on the plans. I understand the Board has  
9 asked for new plans for them to look at  
10 sidewalks. This is certainly in the area that  
11 was identified in the safe routes to school  
12 project. I think this is different from the  
13 hardware store, both in the location, and  
14 therefore you need to look at having them provide  
15 part, if not all, of the sidewalks, particularly  
16 if they are on private land. Route 9W is a  
17 bikeway corridor. It is recognized by DOT as  
18 being a future corridor. It is certainly the  
19 only place there are decent shoulders to travel  
20 from north to south through the Town. This site  
21 should have bicycle parking. Clearly it has  
22 everything a bicyclist could need in terms of  
23 drink, food, restrooms, et cetera. I am going to  
24 provide the Board with a document, and I've  
25 included an extra cover page. If I may give this

2 to you. It's for bicycle parking. The extra  
3 page --

4 CHAIRMAN BRAND: Give it to the  
5 secretary.

6 MR. GAROFALO: On SP-2 there's seven  
7 spaces along the southern part. The diagram says  
8 that there are twelve spaces. That needs to be  
9 fixed.

10 There's no provision for future  
11 connection between this site and the site to the  
12 north or to the south. Right now there is  
13 certainly a connection to the south. I don't  
14 know about the north. They should look at  
15 providing a connection to the south. This is  
16 good arterial management strategy, to have  
17 connections between different parcels, regardless  
18 of what the parcel is being used for now, because  
19 in the future it may be something totally  
20 different. Certainly they can gain one parking  
21 space by shifting their accessible spaces  
22 together and sharing the same corridor where --  
23 particularly on the south side where they have an  
24 accessible ramp from the parking spaces to the  
25 facility itself, which they don't -- haven't

2 shown on the north side, and I don't know if  
3 that's because there's no grade difference or  
4 what. They could gain one space by doing that.

5 CHAIRMAN BRAND: Mr. Garofalo, I'm  
6 going to stop you right there because you are  
7 well over your three-minute time. If time allows  
8 I may come back to you.

9 MR. GAROFALO: I have no problem with  
10 that.

11 CHAIRMAN BRAND: Thank you for your  
12 patience. I appreciate it.

13 Anyone else?

14 MR. ADAMSHICK: Good evening. My name  
15 is Steve Adamshick, I live in Milton, New York.

16 I agree wholeheartedly with Mr.  
17 Garofalo. Three minutes is nearly not enough  
18 time to spend tonight because there are a huge  
19 amount of issues that need to be addressed. We  
20 don't want this project to just be nice and  
21 marketable and easy. We want it to be accurate  
22 in every way.

23 It's two days before Pearl Harbor so  
24 I'd like -- the anniversary of Pearl Harbor, so  
25 I'd like to remember our men and women who

2 sacrificed their lives for us.

7 I'd just like to begin by saying that  
8 the audio system in this place, it needs to be  
9 improved. It's hard to hear each Member of the  
10 Board. It's hard to understand the lawyer and  
11 hear the lawyer. It's hard to hear from Mr.  
12 Hines at times. I just feel an improvement in  
13 the audio system at this facility needs to be  
14 improved. I see our supervisor here tonight. I  
15 hope he can address that.

11 And since the public has had no  
12 opportunity to -- I bet you all the meetings  
13 through the Zoning Board and all the variances  
14 that have occurred here, we have yet to address,  
15 the public anyway, the environmental assessment  
16 form. There's some inaccuracies in that form  
17 that I would like to address. I'm only getting  
18 five minutes here so I don't think I can -- I  
19 would truly like to address those. There's  
20 questions, there's items that are outright wrong.  
21 I'd love to address them but I'm going to try to  
22 limit my time here and hope that -- hopefully  
23 I'll be able to speak again.

24 One presentation I think should be  
25 very important here would be the economic impact

2 presentation because this project is eligible for  
3 a ten-year incentive, ten years of reduction of  
4 fifty percent off of taxes, school and property.  
5 So here this entity is coming in and they're  
6 going to get fifty percent off of taxes. For the  
7 next ten years it will only go up five percent  
8 whereas the existing businesses in Town, for  
9 many, many years we've been carrying everybody in  
10 this Town. I just can't understand why that's  
11 happening here. So how about a tax reduction for  
12 the existing businesses.

13 There's issues relating to the septic  
14 system. I just can't understand why there's a  
15 tank and a pump and you're going to pump it up  
16 the hill to a septic system. How's that going to  
17 facilitate and work efficiently? Because prior  
18 years, before when the Dickie's Diner was in  
19 place, that's what shut this place down was the  
20 terrible, terrible septic system. I'd like to  
21 hear an explanation of what's especially involved  
22 on facilitating so that adjacent properties are  
23 not detrimented.

24 Also with respect to the drainage, all  
25 that water is going to the northwest corner which

2 would go across the highway to the east, onto the  
3 Rusk property. I think it's behooving of  
4 Chestnut Petroleum to assure that the properties  
5 adjacent to this don't get harmed by the  
6 tremendous outflow of water that's going to  
7 result of the stormwater.

8 I'll stop there. I think my time is  
9 over. I appreciate your time and I hope I can  
10 talk again.

11 CHAIRMAN BRAND: I thank you.

12 Does anyone else wish to speak either  
13 for or against?

14 MR. RUSK: I will. My name is John  
15 Rusk, I live across the street from the proposed  
16 project.

17 I have great concerns, especially with  
18 regard to what I would call pollution. The water  
19 that flows from that site comes across the road,  
20 goes to our side of the property. It's a farm.  
21 Any petroleum spilled, whether it be from a tank  
22 leak, or an overfill, or a spill on that  
23 property, that's going to end up on our side.  
24 There's a pond that is fed from the stream that  
25 crosses there. That pond is used to supply water

2 on the farm that Mr. Caradonna is currently  
3 farming. It's a great concern that we have.

4 The other is light pollution. Any  
5 lighting on that project is going to be seen by  
6 anybody going by. Those people who live across  
7 the street, it's going to be a constant problem  
8 that we're going to have.

9 The same with noise.

10 With regard to the specific design  
11 that's on there, and there was discussion I  
12 believe at the last meeting, I would like to have  
13 the proponents of the project show us how any  
14 tractor trailer tanker that's coming into that  
15 site to unload it's tanker truck is going to turn  
16 around and go back in the direction that it came.  
17 I don't think that with the way the site is  
18 designed, that that can be done in a viable  
19 manner. They talk about coming in one and going  
20 out the other. Many times the trucks, especially  
21 if they're filling up down in the Newburgh  
22 terminals, coming up and unloading, they're going  
23 to go back. I don't know how they're going to  
24 turn around on that site with any type of tanker  
25 truck or other large trucks coming in there to

2 fill up at their diesel tanks. I'd like to see  
3 what they are proposing about how a vehicle is  
4 going to be able to do that.

5                   With regard to the traffic study, at  
6 least the one that's online, and I'm assuming  
7 that's the one that they are proposing because  
8 that's the one that's posted on the Town site,  
9 they make assumptions of certain increases in  
10 traffic volume based upon what they call no-build  
11 volumes. That is that nothing else is going to  
12 happen in Town except this project. They do a  
13 calculation of a one-percent increase per year.  
14 In June of this year there was a joint meeting  
15 between the Town Board, the Planning Board and  
16 others with regard to the Bayside project. I'm  
17 assuming that project is still going forward.  
18 They're talking about twenty three-bedroom  
19 apartments, eighty-four two-bedroom apartments  
20 which is just south of where this location is.  
21 For the proponent to put in a project without  
22 including anything for sidewalks, to think that  
23 the people that are living very close by aren't  
24 going to walk up to this location if there's a  
25 coffee shop or a convenient mart, it's ignoring

2 the realities of the situation. I think that it  
3 should require a further traffic study or a  
4 further explanation as to why that's not being  
5 included as part of the future assumption of what  
6 traffic's going to be, whether it's foot traffic  
7 or vehicles, because that's a large number of  
8 units very close by. Even assuming that what  
9 they are calculating in the future to be true,  
10 over the course of 2016 to 2022, with the  
11 calculations they have done at both the morning  
12 peak hours and the afternoon peak hours, over  
13 that period of time there are increases over one  
14 hundred cars an hour in the peak hour in both the  
15 morning and the afternoon. According to their  
16 figures, it's showing approximately eighty cars  
17 entering or exiting that site in the morning and  
18 sixty cars entering or exiting in the afternoon.  
19 You know what the traffic situation is coming  
20 through that section now. I suggest that a car  
21 trying to make a left turn out of that site at  
22 the peak hours is something that is extremely,  
23 extremely dangerous to the people in this Town  
24 and anybody driving through the Town. I think  
25 that that should really be re-evaluated by the

2 Planning Board as to whether or not a project of  
3 this size and magnitude that they are proposing  
4 is safe for the people who live here.

5 CHAIRMAN BRAND: Thank you, Mr. Rusk.

6 MR. SHALEY: Mark Shaley, I'm the  
7 chairman of the board of the Marlborough Fire  
8 District.

9 MR. GAROFALO: Pete Garofalo, vice  
10 chairman.

11 MR. SHALEY: We are neither for or  
12 against this project. We only ask that the  
13 Planning Board, if this project was to go  
14 through, and any other commercial projects that  
15 have access to Town water, it be stipulated to  
16 have a fire -- a sprinkler system.

17 MR. GAROFALO: That's our only concern.  
18 That's what we're bringing up tonight.

19 Like Mark said, any new business coming  
20 in, this one coming in, it's in the water  
21 district, it should have sprinklers included in  
22 the plans. Thank you.

23 CHAIRMAN BRAND: Thank you.

24 Anyone else?

25 MS. MARCUS: Michelle Marcus, Milton.

2 I just want a little clarification  
3 because Jim had mentioned that there was an  
4 additional study that was not on the website. If  
5 you could just clarify that for us, I'd  
6 appreciate it.

7 I would yield the rest of my time to  
8 Mr. Garofalo.

9 CHAIRMAN BRAND: We will go back to Mr.  
10 Garofalo.

11 MS. MARCUS: Okay. But is there a  
12 different study that's different than what's on  
13 the website?

14 MS. LANZETTA: What we have on the  
15 website was last revised in August. Since then  
16 there's been another revision that was done in  
17 September. We did not put that revised traffic  
18 plan on the site. We'll have to do that. We'll  
19 make sure that we get the revised plan up.

20 CHAIRMAN BRAND: In the back.

21 MS. WESTON: Elizabeth Weston. I live  
22 on Mount Rose Road.

23 I wanted to comment about our local  
24 businesses and as a resident. I want to support  
25 our local businesses that would be affected by

2 this project. There are generational businesses.  
3 They're not just businesses that have sprouted  
4 up. To think that this will create competition  
5 to our local businesses and small businesses is  
6 like thinking that Wal-Mart coming into a  
7 neighborhood would give healthy competition to a  
8 general store. I think it would smash the local  
9 businesses. I think it will close the local  
10 generational businesses.

11 As a homeowner I have rights, as we all  
12 do, to enjoy the peaceful enjoyment of our  
13 property. Chestnut Petroleum has their right to  
14 develop their property, but at our expense. So  
15 that by them developing their property, we lose  
16 our rights as homeowners to the peaceful  
17 enjoyment of that property which we have enjoyed  
18 and paid into the system in this community for  
19 several generations.

20 The noise pollution, the light  
21 pollution, the garbage it is going to generate  
22 will all affect our quality of life.

23 Our property value, I was told, will  
24 suffer because of the presence of this business.

25 My homeowners insurance, when it's

2 re-evaluated, having a source of emission this  
3 close to our home, will affect our homeowners  
4 insurance.

5 I would ask the Board to consider that  
6 probably not one person that wants this project  
7 lives near this project or will have a business  
8 that is directly impacted by the project.

9 Chestnut Petroleum has options. This  
10 is not their only business. They have options to  
11 construct in commercial sites at either end of  
12 the Town. They can give a nice run for their  
13 money to Stewart's by going right across the  
14 street. By placing it where it is, we lose our  
15 rights as homeowners. We cede them to Chestnut  
16 Petroleum. I would ask the Town officials to  
17 advocate first on behalf of the taxpaying public.

18 Thank you.

19 CHAIRMAN BRAND: Anyone else?

20 (No response.)

21 CHAIRMAN BRAND: Mr. Garofalo, I will  
22 grant you another three minutes.

23 MR. GAROFALO: That's a start I guess.  
24 Sheet 1-A on the front view shows two cars --  
25 shows one car next to the drive-through window.

2 There's actually two. I don't know if there are.  
3 Either way they are showing it on the same sheet.

4 The rear view showing a nine-foot  
5 overhang. It's not clear exactly where that  
6 overhang is. Clearly on the west side of the  
7 building it looks like vehicles can drive right  
8 against the corner of the building. Put bollards  
9 in there.

10 There is a height bar that is shown on  
11 the northern side. It probably is not large  
12 enough to cover the entire entrance like it  
13 should be. I'm not sure where that bar is being  
14 anchored or at what height that bar is, but I  
15 think those things all need to be clarified  
16 because you may not want to have trucks of a  
17 certain height going back there. I know the  
18 overhang of the building is twelve feet, but that  
19 may be far enough away except at the corners.  
20 They need to take a look at that.

21 They have a lighting plan which shows  
22 where they're putting their lighting posts but it  
23 really doesn't tell you what you really need to  
24 know, which is to see the lighting contours  
25 exactly -- which is like a contour -- a contour

2 map showing heights of elevation. You need to see  
3 a lighting contour map so that you can see  
4 exactly what the lighting is all through the  
5 site, because the way that plan is there's  
6 nothing in the back, there's other areas that  
7 don't seem to be covered when actually they are  
8 partially covered. But you should see the  
9 lighting that's on the building as well as those  
10 lampposts and the entire lighting contour over  
11 the entire property.

12 The other thing about the lighting is  
13 there's been a lot of talk about the hamlets and  
14 designing a standard light pole which would be  
15 more classic or a colonial type of look to it.  
16 These are certainly very modern. If and when the  
17 lighting gets up this far, it's not -- those  
18 poles are going to be out of whack with whatever  
19 the Town picks. I think it would be very good  
20 for the Town right now to consider what kind of  
21 poles they want to start putting in in terms of  
22 the look and see if those can be adapted to this  
23 particular site.

24 I do not see any no left-turn signs on  
25 the plans. Clearly there is an area where

2 there's no left turns out of the site. The site  
3 -- the signing plan should be complete, including  
4 any signs that go beyond the building and a  
5 detail showing what those signs are going to look  
6 like.

7 There's a planter where they have a  
8 digital sign. I don't know how high that planter  
9 is. I certainly would like to make sure that  
10 that planter is low enough that it's not going to  
11 cause a traffic hazard.

12 Certainly it would be nice to move the  
13 sign a little bit further back off the road. I  
14 don't know if they can do that or not. That's  
15 something that you can take a look at.

16 CHAIRMAN BRAND: I'm going to stop you  
17 right there for the second time. I'm sorry. I  
18 will give Mr. Adamshick the same bonus three  
19 minutes if he so requires.

20 Did you want another --

21 MR. ADAMSHICK: Thank you. Does the  
22 Board have a copy of their environmental  
23 assessment review?

24 MR. CAUCHI: A copy of what?

25 UNIDENTIFIED SPEAKER: Environmental

2 assessment review.

3 MR. ADAMSHICK: Environmental  
4 assessment form part 1, project and setting. If  
5 you turn to -- on page 6 of 13 there's a  
6 question, will stormwater runoff flow to adjacent  
7 properties. How much clearer can that question  
8 be? The box is checked no. It's obvious. The  
9 water is all running north to Mount Rose Road and  
10 then east across the highway onto the Rusk  
11 property. I just don't understand how they can  
12 say no to that question.

13 Asbestos testing. Was asbestos testing  
14 done to the existing properties and is there  
15 evidence of it? There's no answer for that.  
16 They claim no.

17 With respect to potential contamination  
18 history, the reason that Dickie's Diner was  
19 closed down was because the sewage overflowed and  
20 Ulster County Health Department came in and shut  
21 it down because the sewage was running onto Mr.  
22 Rusk's property. On page 10 of 13 pages,  
23 potential contamin -- has there been a reported  
24 spill on the proposed project site. It's wrong.  
25 Yes, there has. Sewage shut that diner down.

2

John, you affirm that; correct?

3

MR. RUSK: Yes.

4

MR. ADAMSHICK: And the question about  
5 endangered species or plants, does the project  
6 site contain any species of plants listed in the  
7 Federal blah, blah, blah. They checked no on one  
8 box. There needs to be further investigation  
9 into that.

10

With respect to the project must be  
11 submitted to the Ulster County Planning Board for  
12 review, I'm just curious as to whether they did  
13 review it. Did they okay it? I don't know the  
14 answer to that question.

15

Information pertaining to the

16

competency of the proposed bedrock.

17

Geo-technical report and testing should have been  
18 provided for review. I don't know the answers to  
19 that. According to the 2002 adopted Marlborough  
20 Comprehensive Master Plan, depth to bedrock is an  
21 important factor in the location of roads and  
22 utility lines, however it's critical in the  
23 proper operation of septic systems. Shallow  
24 bedrock does not have sufficient soil above it to  
25 filter contaminants out of the septic effluent.

2 Contaminated water can then run along the soil  
3 rock interface and either enter the surface water  
4 or underground fracture, thus contaminating the  
5 groundwater. This is your 2002 Comprehensive  
6 Master Plan. I do not know, and Mr. Hines can  
7 perhaps explain, if test borings were done to see  
8 if there's solid bedrock, if the water can become  
9 contaminated, and the sewage flow if it's not  
10 properly addressed.

11 Also, approval of subsurface sanitary  
12 sewer disposal system from the Ulster County  
13 Health Department is required. I don't know what  
14 the answer to that is.

15 I'm going to stop right there and let  
16 somebody else have an opportunity. Thank you.

17 CHAIRMAN BRAND: Anyone else for or  
18 against the project?

19 (No response.)

20 CHAIRMAN BRAND: I think I would like  
21 to hear from Pat I guess next, --

22 MR. HINES: Sure.

23 CHAIRMAN BRAND: -- if that's possible.  
24 Mr. Hines, I'm sorry.

25 MR. HINES: We prepared the revised set

2 of comments with today's date based on the most  
3 recent submission.

4 The Planning Board and the County  
5 Planning Department -- at the previous meeting  
6 County Planning Department's comments were  
7 received with some mandatory required changes,  
8 the most substantive of which was a  
9 recommendation for a sidewalk and pedestrian  
10 facilities on the site. The applicants, in the  
11 interim, have met with Central Hudson regarding  
12 widening of 9W. Central Hudson is standing  
13 pretty firm that they do not want widening to the  
14 east because of the presence of a large diameter,  
15 high pressured gas main. So the applicants are  
16 working towards revising the plans to address the  
17 Planning Board and County's concerns regarding  
18 pedestrian access along that corridor. We have  
19 not seen those plans yet.

20 DOT has conceptually approved via  
21 e-mail the concept layout for the access  
22 currently proposed which was subject to an  
23 addendum to the August traffic study that was  
24 dated September. We have submitted that traffic  
25 study to the Town's traffic consultant,

2 Creighton, Manning. I will address those  
3 comments which we received.

4 The Ulster County Health Department is  
5 the agency that is jurisdictional to the sanitary  
6 sewer disposal system. We do have an e-mail  
7 approval of that septic system, however we don't  
8 have final approval. To address the comments we  
9 just heard, Ulster County has witnessed the soil  
10 testing of the new septic system. In addition,  
11 the Planning Board previously required a  
12 geotechnical report be prepared addressing issues  
13 associated with bedrock and blasting on the site,  
14 which was part of the Planning Board's record  
15 which was reviewed.

16 We have a comment for the Board that  
17 the applicant should address the status of the  
18 sidewalks. There are some comments from DOT  
19 regarding possible dedication of property along  
20 the roadway corridor regarding those sidewalks.  
21 I'm really not understanding that comment. If  
22 they can get the applicant to accommodate the  
23 sidewalks one hundred percent on their property,  
24 I don't understand why DOT is requiring an  
25 easement. The applicants may be able to speak

2 better to that, they've had more input with the  
3 DOT.

4 Then our comment, as well as County  
5 Planning and the traffic consultant, has to do  
6 with internal traffic flow and cueing the  
7 vehicles on the site. That information is  
8 lacking on the revised plans for the layout.

9 If you want, I'll continue with  
10 Creighton, Manning's comments which we received.

11 CHAIRMAN BRAND: Yeah.

12 MR. HINES: We received comments back.  
13 My office submitted the updated traffic studies  
14 to Creighton, Manning who are very familiar with  
15 the Town. They've worked with the Town on other  
16 traffic-related issues on the 9W corridor, and  
17 the Planning Board brought them on board to  
18 review this project early on. The traffic study  
19 was updated to reflect the proposed changes in  
20 the site driveway and restricted turning  
21 movements. The existing movements under the  
22 proposed (approved) access configuration will  
23 operate at a level of service D at the north  
24 entrance, and these are exiting out onto 9W, not  
25 the 9W traffic; and a level of service C at the

2 south driveway, which was an improvement over the  
3 previously proposed full access configuration.  
4 So the current access scheme before the Board,  
5 and the DOT did approve those turning movements  
6 leaving the site based on the provisions for left  
7 and right turn restricted access.

8 In addition, the Mount Rose/9W  
9 intersection shows that the eastbound approach  
10 operates at a level of service B/C during the  
11 a.m. and p.m. hours, which is also an improvement  
12 under the previous traffic study which identified  
13 a level of service E.

14 Level of service, for the Board, has to  
15 do with the amount of time it takes to make a  
16 turning movement rated from A to level of service  
17 F and E.

18 They know the applicant has been  
19 working with the DOT to develop an acceptable  
20 configuration for the Route 9W access and they  
21 will review plans as they are further clarified  
22 for the access and the pedestrian crossings.

23 The plan sheets do need to show the  
24 level of detail for traffic signs at proposed  
25 entrances and take into consideration truck

2 turning movements with regard to those signs as  
3 truck turning movements will be restricted on the  
4 site and can impact the DOT required signage.  
5 They're looking for that signage plan to be  
6 developed along with that truck internal  
7 circulation flow.

8 They have a suggestion, number 5, which  
9 is to incorporate ADA ramps. I think we're going  
10 to hear from the applicant that the entire  
11 frontage will be provided with pedestrian access  
12 under the latest scheme.

13 So with that, there's some additional  
14 traffic information that Creighton, Manning is  
15 requiring. I think it would be a good point to  
16 bring the applicant up to identify to the Board  
17 how they have been working with the other outside  
18 agencies regarding addressing the County  
19 comments, DOT comments and my office and  
20 Creighton, Manning's comments.

21 CHAIRMAN BRAND: Great. Thank you.

22 I'll check in with Ron. Anything to  
23 add before we go to questions or comments from  
24 the Board?

25 MR. BLASS: Pardon me?

2 CHAIRMAN BRAND: Anything to add?

3 MR. BLASS: No, I don't.

4 CHAIRMAN BRAND: Great. Anything from  
5 the Board? Questions, comments, concerns?

6 MR. CLARKE: We're kind of waiting for  
7 the results of the DOT for final approval. We  
8 really can't do much.

9 CHAIRMAN BRAND: Absolutely.

10 MS. LANZETTA: Could we encourage  
11 people like Mr. Garofalo to turn in their  
12 comments in writing so that they can be given to  
13 the applicant to address, as well as the comments  
14 from Creighton, Manning and Ulster County  
15 Planning Board?

16 I would assume that we would keep the  
17 public hearing open because there's still so much  
18 outstanding information to be had. Next, the  
19 applicants could come back and address some of  
20 the things that have been brought up tonight.

21 CHAIRMAN BRAND: I'm in agreement with  
22 that. I know one of the things that we talked  
23 about last time was the Ulster County Planning  
24 Board also recommended the idea of sidewalks.  
25 Maybe you could just speak to that a little bit.

2 I know there was some movement in the decision,  
3 as far as that goes, as recently as today.

4 MR. NAPIOR: Certainly. So the plan  
5 that we had up on the board here, which has not  
6 been submitted formally to your Board yet, does  
7 contemplate a sidewalk area on the site. If  
8 Scott can get it up on the screen, we'll do so as  
9 well.

10 One of the potential issues with the  
11 sidewalk is that the sidewalk would be located  
12 partially within the right-of-way, the DOT  
13 right-of-way, and partially within our property  
14 boundary. The DOT had expressed an early  
15 interest that any pedestrian improvements  
16 adjacent to their right-of-way be on DOT owned  
17 land. After some further back and forth with the  
18 DOT culminating finally with an informal  
19 approval, they did say they would take a  
20 permanent easement for maintenance and sidewalk  
21 area. Certainly we could accommodate a sidewalk  
22 in front of the site if that was the direction  
23 the Board wanted to head.

24 One thing to note is that because we  
25 can not widen -- or Central Hudson has objected

2 to the street widening taking place on the  
3 easterly side of 9W, all the widening would have  
4 to occur on the westerly side of 9W. There just  
5 isn't enough real estate to provide both a  
6 sidewalk and a landscaping area. That's  
7 something for the Board to consider as to if the  
8 preference is sidewalks or landscaping, or  
9 landscaping for the time being until such time as  
10 the Town wanted to do a sidewalk project. But  
11 there's only so much room we have. If we  
12 continue to extend the curbing, it would affect  
13 the travel aisles and the internal vehicle  
14 circulation.

15 CHAIRMAN BRAND: Just to clarify, that  
16 recommendation was from the Ulster County  
17 Planning Board and would require a supermajority  
18 from us.

19 MR. NAPIOR: Correct. Does that  
20 address the sidewalk question?

21 MS. LANZETTA: And also I want to point  
22 out that Creighton, Manning explained how it  
23 would be difficult to have any kind of  
24 landscaping there anyway with the amount of hard  
25 concrete, impervious surfaces and what not. They

2 also recommended that we utilize that for  
3 pedestrian traffic as opposed to putting  
4 something else in that spot.

5 MR. NAPIOR: Understood. And the plans  
6 which will make their way into the package have  
7 crosswalks and ADA ramps all detailed. So  
8 they'll be compliant with all those  
9 recommendations.

10 MR. HINES: Just the nature of that  
11 corridor, it would be very difficult to have any  
12 landscaping survive with snowplowing and the salt  
13 and the traffic. Certainly the pedestrian safety  
14 probably should trump the need for the  
15 landscaping corridor there.

16 CHAIRMAN BRAND: I think most of the  
17 Members of the Board, correct me if I'm wrong,  
18 felt strongly about the sidewalk, not necessarily  
19 so the landscaping.

20 MR. NAPIOR: Understood.

21 CHAIRMAN BRAND: Anything else from the  
22 Board?

23 MR. NAPIOR: Would you like me to roll  
24 through responses to the public?

25 CHAIRMAN BRAND: If you have those and

2 you're willing to do so, please do.

3 MR. NAPIOR: I can start with the  
4 County letter, or would you prefer I get all that  
5 in writing?

6 CHAIRMAN BRAND: Start at the top.

7 MR. NAPIOR: Okay. So with respect to  
8 the County letter, we did just briefly walk  
9 through the sidewalk. We'll have that on the  
10 next round of our plans.

11 In addition, I know there was a note as  
12 well as Mr. Garofalo requested or suggested  
13 lighting be included somewhere. We'll make  
14 provision for that somewhere on our plans.

15 The County had a comment with respect  
16 to internal traffic controls. I'm not really  
17 sure where they would be appropriate. There is a  
18 stop sign as well as well as a stop bar painted  
19 on the ground at the end of the drive-through  
20 lane. Then in addition, on this latest go around  
21 we've also added a pedestrian crosswalk area  
22 between the sidewalk and the front face of the  
23 building. More than that, I don't know where any  
24 other internal traffic controls would really be  
25 appropriate on the site.

2 As far as leaving the site, there's  
3 been a repeated comment that there's no signage.  
4 I think there was just an issue on the site  
5 engineer and traffic engineer planning  
6 coordination. The site plan actually does  
7 incorporate signs, they're just -- the key wasn't  
8 dropped onto the plan. So there is both at the  
9 southbound entrance and the northbound entrance  
10 appropriate signage with respect to left turns,  
11 as well as across the street. I know it's hard  
12 to see on this plan but there are little labels  
13 there, they just haven't been appropriately noted  
14 on the key. We'll make sure we pick that up so  
15 there's no left-turn signage where it would be  
16 appropriate.

17 CHAIRMAN BRAND: Could you maybe, while  
18 you have the large map up, just go over for the  
19 members of the public that are here the internal  
20 traffic flow and the 9W access points as well?

21 MR. NAPIOR: Sure. So this is the  
22 southbound curb cut which would -- there's a  
23 receiving lane here as you come down 9W which  
24 would allow vehicles looking to make a left into  
25 the site to basically taper down their speed as

2 they approach the site and make a left-hand turn  
3 into this curb cut. This driveway out would be a  
4 right turn out only. The middle median, as you  
5 cross the front of the property, would be a  
6 hatched area. There's no vehicles that are  
7 supposed to go into that area. Then as you hit  
8 the northbound entrance, this entrance would  
9 receive traffic coming southbound on 9W. Then  
10 for those vehicles looking to make a left and  
11 head northbound at the site, they would make a  
12 left here. There's another receiving lane that's  
13 proposed in the median that basically allows you  
14 to accelerate as you merge into traffic with 9W,  
15 that tapers down as you near away from the site.  
16 And then if you can make it out, this was one of  
17 the signs for no lefts or -- I apologize, no  
18 rights out, as well as over there. The same  
19 thing on this side here. You can kind of see  
20 there's a circle. We'll get that update on the  
21 plans.

22 CHAIRMAN BRAND: Thank you.

23 MR. CAUCHI: How long is that  
24 accelerating lane you have?

25 MR. NAPIOR: It's approximately 500

2 feet northbound away from the site. And then the  
3 same thing on the incoming lane.

4 I know there were some questions with  
5 respect to truck turning maneuvers on the truck  
6 turning plan. We have that. I have Mark  
7 Petrillo from JMC Site Consultants if you'd like  
8 to go through that tonight. They haven't been  
9 formally submitted to you, otherwise we can get  
10 them in your package and we can speak about it at  
11 the next go around. How ever you want to do it.

12 MS. LANZETTA: They need to be  
13 submitted to Creighton, Manning and the County as  
14 well.

15 MR. NAPIOR: Understood. We can table  
16 that one for now. We'll get that in shortly. All  
17 the plans are virtually prepared. We couldn't  
18 get them in in time for this meeting.

19 CHAIRMAN BRAND: Okay.

20 MR. NAPIOR: With respect to the drive-  
21 through cueing, the County had a comment on that.  
22 The most recent plan, and it's hard to make out  
23 because they're in faint detail, but there are  
24 vehicles that are proposed or depicted in the  
25 drive-through lane. The drive-through cue can

2 accommodate -- if Scott can zoom in, they're  
3 faintly shown here. The drive-through cue can  
4 accommodate thirteen cars, all the way up and  
5 down the north side of the building, wrapping  
6 around without impacting any of the traffic flow  
7 to and from the pumps.

8                   There was a presentation before the ITE  
9 back in 2009 that did some analysis on both  
10 drive-through banks as well as drive-through  
11 coffee shops. The focus of that study with  
12 respect to coffee shop was in the Kansas City  
13 metropolitan area. They took a look at thirteen  
14 different -- they were all Starbucks sites in  
15 that case. The net results of that were their  
16 recommendations was that you have a cue length  
17 for full service operations, which is what this  
18 would be, of up to eleven cars. We have  
19 thirteen, so we meet those recommendations, as  
20 well as having four cars stacked between the menu  
21 board and the service window, which again we have  
22 a four-car stack there. We're in compliance at  
23 least with the recommendations for the ITE.

24                   Finally, the County also had a comment  
25 on -- not finally -- wastewater and the septic

2 system would need to be approved by County  
3 Health. As Mr. Hines mentioned, County Health  
4 has reviewed the septic system and granted the  
5 approval. I think we've spoken about that  
6 before. I'm happy to provide you with any  
7 information you need. I also have Tom Harvey,  
8 here who is our civil engineer, that maybe can  
9 speak to that if the Board had any questions.  
10 Aside from providing you with the County  
11 approval, I don't know what other details you  
12 need there.

13 With respect to the site lighting, all  
14 the lights that are proposed are LED lights and  
15 the fixtures are dark sky certified, which is  
16 what we are proposing here. That was one of the  
17 questions the County Planning Board had. The  
18 County had some comments that some of the foot  
19 candle measurements exceeded their guidelines or  
20 suggestions. The County guidelines seem to be  
21 based off of a parking lot where you can have  
22 gridded features, you have poles spaced  
23 intermittently at appropriate intervals to have  
24 the appropriate amount of spillage around your  
25 parking areas, sufficient lighting. As we don't

2 have a gridded parking lot where we can layout a  
3 lighting plan, the areas where we exceed the foot  
4 candle measurements are really just directly  
5 below the pole, and that's to throw light  
6 throughout the rest of the site to light up kind  
7 of the middle of the travel aisles and  
8 everything. There is no spillage off site.  
9 Really the impact to anybody should be minimal.  
10 I believe the lighting plan was in -- I know Mr.  
11 Garofalo said he did not see a lighting plan.  
12 We'll make sure we have the lighting plan and all  
13 the appropriate details in our next submission.  
14 I believe that was already in there as the County  
15 also picked up on that. The alternative to  
16 having the intense spotlight on the ground would  
17 be adding more poles throughout the site, but  
18 trying to have that work and maintain a minimal  
19 level of safety lighting and not have poles in  
20 the middle of our travel aisles may be difficult.  
21 Certainly we can guarantee that there will be no  
22 spillage off site onto the neighboring  
23 properties.

24 With respect to the site signage, on  
25 the next submission we will have all the details

2 from Dunkin Donuts with respect to their required  
3 signage. So we'll have hopefully a detailed  
4 signage plan that will be part of our next  
5 submission.

6 With respect to comments of the public  
7 as far as updating your website with the traffic  
8 study, that's out of my control. I'm certainly  
9 happy to provide anything in electronic form so  
10 it can be posted to your website.

11 We have no issue with relabeling  
12 handicap spaces accessible spaces. That's a no  
13 brainer.

14 We already spoke on the sidewalks.  
15 I'm not sure where Mr. Garofalo was heading with  
16 the connection to adjacent sites and how he would  
17 like to accommodate that. The sidewalk, we do  
18 contemplate, runs out to the boundary to our  
19 property. What the Town decides to do with it  
20 from there is really up to you all.

21 I think that covered the gist of Mr.  
22 Garofalo's comments.

23 With respect to Mr. Adamshick's  
24 comments, and I believe one of the other members  
25 of the public spoke to the impact on existing

2 businesses. The subject site is in the HD,  
3 highway development, district. The proposed use  
4 is a special permit use. Court of Appeals, which  
5 is the highest court in the State of New York,  
6 has held that categorization of a proposed use as  
7 a special permit use is deemed, the legislative  
8 finding, that it's in keeping with the  
9 neighborhood and not a detriment to the  
10 neighborhood. If there's questions or issues  
11 with the use, really those would be more  
12 appropriate to the legislative body and not the  
13 Planning Board.

14 In addition, other special permit uses  
15 here would be a shopping center. If we're  
16 looking at the traffic impact of this project  
17 versus other special permit uses that would be  
18 allowed in this zone, actually a shopping center  
19 isn't even a special permit use, it's just a  
20 permitted use, they would still have to go  
21 through site plan approval.

22 The inaccuracies in the EAF. I already  
23 spoke to the economic impact.

24 The septic system, again, has already  
25 been approved by County Health.

16 MR. CLARKE: I think you should explain  
17 about the filtration system that's going to be  
18 used.

19 MR. NAPIOR: Certainly. I'll yield the  
20 floor to Tom.

21 MR. HARVEY: I'm Tom Harvey from Morris  
22 Associates.

23 Our office did the stormwater design on  
24 this project. Stormwater regulations for the  
25 State require that we design the site such that

2 there's no increase from pre-construction to  
3 post-construction and the stormwater runoff  
4 quantity, and also provide water quality  
5 treatment for all runoff from all impervious  
6 areas on the site. What the site does is capture  
7 all the runoff from all the impervious areas, and  
8 it either puts it along the front of the site  
9 into the catch basins and through some water  
10 quality which are developed to treat hot spots,  
11 which are gas stations, for water quality. They  
12 would include treating that for water quality  
13 through various filters before it then will  
14 discharge into the municipal system. For the  
15 rear portion of the site, the building, the  
16 bottom of the rock cut around the perimeter of  
17 the building and the back of the site is a  
18 flatter area which is designed by the geotech to  
19 be a rock ash. As the rock cut may spall, no  
20 rocks are going to fall into travelways or  
21 pedestrian areas. That area has also been  
22 utilized as a bioretention filter with stormwater  
23 pipes throughout it. So that will have plantings  
24 and stormwater treatment filters throughout it to  
25 treat the stormwater in that whole area and

2 further have essentially long pipes that will  
3 also store the stormwater and hold it back so it  
4 doesn't increase the flows coming off the site.  
5 By collecting all the runoff from all the  
6 impervious areas, treating it for quality and  
7 holding it back, we're able to discharge through  
8 the municipal system, with some improvements to  
9 the DOT conveyance system. The pipes and the  
10 catch basins for the stormwater are proposed to  
11 be replaced as part of this project, so there  
12 should be no impact to surrounding properties, no  
13 increase in stormwater runoff and no water  
14 quality issues.

15 MR. RUSK: How is that monitored? Who  
16 checks that to see whether or not that filtration  
17 system is working besides the animals that are  
18 dying at the pond or the trees that are -- or  
19 plants that are dying on the farm? Who is going  
20 to monitor that?

21 MR. HARVEY: The DEC. There's a permit  
22 requirement associated with it. There's  
23 monitoring.

24 MR. RUSK: So that requires me, the  
25 neighbor, to ask the DEC to come in and to

2 monitor it? It's not done by the DEC on your  
3 side of the street?

4 MR. HARVEY: The permit has monitoring  
5 built into it. The permit process has monitoring  
6 built into it. It has replacement and it has  
7 periodic maintenance.

8 MR. HINES: I can address that. This  
9 project, being a stormwater hot spot, would be a  
10 candidate, under the Town's stormwater  
11 regulations, to have a stormwater facility  
12 control agreement between the applicant and the  
13 Town which would require the operation and  
14 maintenance of those stormwater facilities. Part  
15 of that agreement would be an annual  
16 certification report submitted to the Town as a  
17 regulated MS-4 stating -- by a New York State  
18 design professional stating that the project is  
19 operating as designed. Because of the  
20 proprietary nature of the -- some of the  
21 stormwater best management practices they've put  
22 in there, that's one of the best ways -- there's  
23 filter cartridges that need to be changed out and  
24 that periodic maintenance would then be assured.

25 MS. LANZETTA: We've never done that

2 with any other business that you're aware of in  
3 Marlborough?

4 MR. HINES: We haven't, but I don't  
5 think we've had any of these stormwater hotspots.  
6 As a regulated MS-4 you certainly have the  
7 ability to do that.

8 MR. RUSK: Who monitors that? You say  
9 there's an annual check. How is that monitored?  
10 Who is on site to say okay, here's X number of  
11 parts per billion in this water that's being  
12 discharged across the street? Me, the neighbor,  
13 or you, the operator of the site who is  
14 discharging this? Who monitors that?

15 MR. HARVEY: It's ultimately the  
16 operator's responsibility. I would think if you  
17 had a concern you'd have someone to call.

18 MR. RUSK: So I'm monitoring it?  
19 That's really what you're telling me?

20 MR. HARVEY: No.

21 MR. CLARKE: Who is creating the annual  
22 report? Is Mr. Rusk creating the annual report?

23 MR. HINES: No. The annual report  
24 would be created by a licensed design  
25 professional retained by the property owner under

2 the typical stormwater facilities maintenance  
3 agreement. The site does not qualify as a  
4 multi-sector -- in New York State there are  
5 certain users that require multi-sector permits.  
6 That requires actual stormwater monitoring. This  
7 facility does not fall under those regulations  
8 where there would be quarterly or annual  
9 monitoring of the discharge.

10 MR. ADAMSHICK: Even though it will  
11 ultimately reach the Hudson River?

12 MR. HINES: Correct. It's not  
13 addressed in the DEC regulations requiring that.

14 MS. LANZETTA: So in order to annually  
15 renew their permit they would provide the  
16 testing, you know, information?

17 MR. HINES: It's not a testing. It's a  
18 review and evaluation that the manufacturer's  
19 guidelines for the proprietary system would be  
20 followed. It would be a review of the site to  
21 make sure that the bio-retention beds are  
22 functioning as designed, and then that would be  
23 submitted to the Town as a regulated MS-4.

24 MS. LANZETTA: In order to renew a  
25 permit each year?

2 MR. HINES: It's a contractual  
3 agreement filed between the Town and the users  
4 under the stormwater regulations. There's not an  
5 annual permit but it would be a filed contractual  
6 obligation. I may be speaking -- Ron may be able  
7 to speak to that.

20 MR. HINES: I can provide the Board --  
21 I can provide you a sample my office uses in  
22 other municipalities.

23 CHAIRMAN BRAND: I'm going to ask you  
24 to let him finish and then we can field them. Is  
25 that okay?

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MR. HARVEY: I don't have anything

more. If you have any other questions.

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CHAIRMAN BRAND: A question?

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MR. RUSK: I guess how do you determine

whether there's stormwater compliance to know

whether or not any of this enforcement stuff

takes place? That requires monitoring. It sounds

to me that there is no monitoring being done. All

there is is somebody comes in who has installed

this system, they come in, they change a filter

and they go on their way. Who is measuring the

water that's leaving, that's entering adjoining

properties to determine whether or not they're

contaminating our water?

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MR. HINES: There is no requirement for

that. The New York State DEC design guidelines,

which control the design of these facilities and

the selection of those best management practices,

have that. It's kind of a given that if you meet

those design standards with these design

practices, that you meet the requirements for the

water quality control. That's why there's a

document. I'm pointing to the Zoning Ordinance,

but there's a design standard for New York State

2 for implementation of best management practices,  
3 probably that thick, that the applicants have  
4 gone through in their stormwater report, selected  
5 those practices and designed them to be compliant  
6 with the DEC regulations.

7 As far as monitoring stormwater,  
8 there's not a gasoline station in New York State  
9 that I know of. There's some large fuel  
10 refineries and fuel storage areas, like down on  
11 the river, that do do monitoring. Individual gas  
12 stations are not required to do that in New York  
13 State.

14 They do have that additional level of  
15 treatment in the design guidelines that they are  
16 treating as the "hot spots", as the applicant's  
17 engineer stated. They have an additional level  
18 in the design guidelines, which is why they  
19 started implementing proprietary practices and  
20 techniques to protect the surface water.

21 CHAIRMAN BRAND: Thank you.

22 I'm going to let you finish going  
23 through.

24 MR. NAPIOR: Certainly. Playing off of  
25 that, there was a concern with respect to fuel

2 spills as well. The subject property being  
3 developed as a gas station will be subject to a  
4 rigorous review by the DEC and the DEP. There  
5 will be all brand new monitoring equipment going  
6 in here. I hadn't spoken to my client about the  
7 make and model of the tanks. Certainly there  
8 will be a monitoring requirement. A lot of  
9 things are computerized right now, the lines are  
10 monitored, there's alarms that trigger,  
11 et cetera, all of which make these sites  
12 safer than an aged fuel site, so to speak.

13 With respect to asbestos testing on  
14 the property, just going back to Mr.  
15 Adamshick's comments, certainly as part of  
16 any demolition of the existing structure  
17 there would be asbestos testing performed.  
18 To the extent there's asbestos in the  
19 building, there will be an abatement plan in  
20 place. The Town requires that before the  
21 structure actually comes down.

22 With respect to the potential  
23 contamination, the septic system having  
24 failed, the EAFs nowadays are generated  
25 through the DEC on an EAF mapper. I believe

2 the spills that the DEC is concerned with is  
3 fuel and oil products, not necessarily local  
4 County Health Department issues. That  
5 may be why the supposed septic system failure  
6 did not trigger on the EAF in the preparation  
7 of the long form EAF.

8 I think with that I've touched on  
9 everything.

10 MS. LANZETTA: Can you also make note,  
11 if you haven't already, about the request for the  
12 sprinklers by the fire department?

13 MR. NAPIOR: It's certainly not  
14 required by law or by New York State Building  
15 Code on this site. I could speak to my client,  
16 though, and give you a formal response in our  
17 next submission.

18 MS. LANZETTA: Okay.

19 CHAIRMAN BRAND: Anything else from the  
20 Members of the Board?

21 MR. NAPIOR: The fuel islands and  
22 everything will have fire suppression systems in  
23 them. I believe the comments relate to the  
24 building.

25 CHAIRMAN BRAND: Anything else from the

2 Members of the Board?

3 (No response.)

4 CHAIRMAN BRAND: Obviously we're going  
5 to need to be seeing you again. We don't have  
6 all of the pieces of the puzzle in place yet. We  
7 will keep the public hearing open. If you have  
8 other questions or things, you can submit them to  
9 the secretary and we'll take them and we will try  
10 to address them as best we can -- or you will try  
11 to address them the best you can. We'll await  
12 your next submission.13 MR. BLASS: Mr. Chairman, I think that  
14 the Board should be adjourning the public hearing  
15 to a date certain. Probably in that connection  
16 it would be wise to have the applicant commit, if  
17 possible, to a date by which the revised plans  
18 will be submitted.19 MR. NAPIOR: The plans for the most  
20 part are ready to be filed at any time. I don't  
21 know when the Board's next meeting is but  
22 certainly there's no need to put it over for  
23 several months.24 MR. BLASS: The next public hearing  
25 meeting of the Board is the first Monday in

2 January.

3 MR. HINES: Which is a holiday. It  
4 would be January 2nd.

5 CHAIRMAN BRAND: Tuesday, January 2nd.

6 MS. LANZETTA: If you're going to --

7 MS. FLYNN: Tuesday, January 3rd.

8 CHAIRMAN BRAND: That would require  
9 having it at a different location because of  
10 court. I don't know if we have the facilities  
11 for that.

12 MS. LANZETTA: I also want to let you  
13 know that if you're going to be resubmitting  
14 additional information that the County asked for,  
15 they meet the first Wednesday of each month. I  
16 don't think --

17 MR. NAPIOR: Would it make sense to  
18 schedule something for the second week of  
19 January? I don't know how often your Board  
20 meets.

21 MS. FLYNN: That's the 19th.

22 MR. TRAPANI: The first and third  
23 Mondays.

24 MR. HINES: So it would be January  
25 16th. I don't know if that --

2 MR. NAPIOR: That's Martin Luther King  
3 Day.

4 MS. LANZETTA: That's also a holiday.  
5 Did we do that last year?

6 CHAIRMAN BRAND: I believe we did meet  
7 on that day last year. We should be able to have  
8 possibly the things back from Ulster County for  
9 then.

10 MS. LANZETTA: I don't know. You're  
11 saying --

12 MR. HINES: We have not had meetings on  
13 Martin Luther King Day.

14 CHAIRMAN BRAND: That brings us to the  
15 first Monday in February.

16 MR. HINES: February 6th.

17 CHAIRMAN BRAND: February --

18 MR. HINES: 6th.

19 CHAIRMAN BRAND: February 6th. Is that  
20 right?

21 MR. HINES: That's the first Monday in  
22 February.

23 CHAIRMAN BRAND: Is that acceptable to  
24 the Board?

25 MS. LANZETTA: We would have to find a

2 different public space if we were to entertain  
3 another public hearing somewhere else.

4 MR. HINES: Certainly not that room  
5 upstairs.

6 CHAIRMAN BRAND: Definitely not that  
7 room upstairs.

8 Our hands are kind of tied. We're good  
9 February 6th.

10 MR. NAPIOR: Understood.

11 CHAIRMAN BRAND: I apologize for the  
12 delay.

13 MS. LANZETTA: I would encourage  
14 anybody in the audience that has any public  
15 input, to please, you know, get it to the  
16 Planning Board in written form at any time during  
17 that time so we can review it and be prepared for  
18 the next public hearing.

19 CHAIRMAN BRAND: We can accept public  
20 comments until some date.

21 MR. BLASS: If you take it one step at  
22 a time, I think we all start from the date by  
23 which the applicant would be filing the revised  
24 plans because those are going to go to the County  
25 for additional feedback from County Planning.

2 Also, public comment on those plans would also be  
3 expected in the ordinary course of the business.  
4 So if we had a date by which the plans will be  
5 filed, then we could devise a date by which  
6 public comment might come in on those plans in  
7 written form. There will also be a public  
8 hearing as well on February 6th. So I think for  
9 the benefit of the public and for the benefit of  
10 the Board and the Ulster County Planning Board,  
11 if you could commit to some date for management  
12 purposes.

13 MR. NAPIOR: We anticipate being able  
14 to file by the end of this week. So December  
15 9th.

16 MR. BLASS: Let's just say -- nine plus  
17 seven is sixteen -- by December 16th to give you  
18 an extra week?

19 MR. NAPIOR: Sure.

20 MR. BLASS: There's plenty of time.

21 MR. NAPIOR: For everyone else to  
22 review and comment. Absolutely. 12/16 works for  
23 us.

24 CHAIRMAN BRAND: So 12/16 your plans  
25 are in to us.

2 MR. NAPIOR: We'll get them in earlier  
3 if possible.

4 MR. BLASS: And then there will be an  
5 opportunity for review of those plans by the  
6 public, and another public hearing on February  
7 6th, and written comment would always be invited  
8 by the Board along the spectrum.

9 CHAIRMAN BRAND: Okay.

10 MR. NAPIOR: Just one matter of  
11 housekeeping. The general sense I got is that  
12 the sidewalk is preferable -- the sidewalk being  
13 preferable, the sidewalk installation itself or  
14 just reservation of the area for a future  
15 sidewalk? Sidewalk installation?

16 MS. LANZETTA: Yes.

17 MR. NAPIOR: Understood.

18 CHAIRMAN BRAND: Mr. Corcoran?

19 MR. CORCORAN: What is the date you  
20 said for the next meeting?

21 CHAIRMAN BRAND: February 6th. Monday,  
22 February 6th.

23 MR. CORCORAN: And the reason for that?

24 CHAIRMAN BRAND: We have no meeting  
25 space available.

2 MR. CORCORAN: For two months?

3 CHAIRMAN BRAND: We could meet at your  
4 house.

5 MR. CORCORAN: There's definitely space  
6 in Town. We can find a meeting room I'm sure.  
7 And why can't we change the day? I just don't  
8 think the applicant should have to wait two  
9 months to get an answer on these things. Two  
10 months seems to be long. They've been waiting  
11 ten years.

12 CHAIRMAN BRAND: I agree. I agree and  
13 I apologize. I don't have the space. If you  
14 have some solution to that problem, I'd love to  
15 hear it.

16 MR. CORCORAN: Why don't we have space  
17 for two months? Why don't we have space for two  
18 months?

19 CHAIRMAN BRAND: Court and holidays.

20 MR. CORCORAN: How many people fit in  
21 the Milton Train Station?

22 CHAIRMAN BRAND: I don't know.

23 MS. LANZETTA: No more than a hundred.

24 MR. CORCORAN: There's no more than a  
25 hundred in this room. I'm pretty sure if we ask

2 we can get the Marlborough Elementary School. You  
3 can do it at my house if you need to. We can use  
4 TOMVAC. We can use a bunch of locations.

5 MS. LANZETTA: That would be up to --  
6 if the Town Board wants to make a --

7 MR. CORCORAN: There's three people  
8 from the Town Board sitting right here. We could  
9 make space available if you want a different  
10 date. That's all I'm suggesting.

11 UNIDENTIFIED SPEAKER: We can't make a  
12 decision.

13 MR. CORCORAN: You can't make a  
14 decision. I'm saying if you asked us we could  
15 probably make space available on a different  
16 date.

17 CHAIRMAN BRAND: That's going to be up  
18 to the Board. Is that something that --

19 MS. LANZETTA: Here?

20 CHAIRMAN BRAND: Is there anything else  
21 here on a Wednesday?

22 MR. CAUCHI: January 3rd?

23 CHAIRMAN BRAND: I don't have the  
24 schedule. Do we have a schedule for the meetings  
25 and happenings of this room? What date are you

2 looking for?

3 MR. TRUNCALI: January 4th.

4 MR. HINES: That's a Wednesday.

5 MR. LANZETTA: Court is usually  
6 Wednesday. Maybe at 7:30 it's finished.7 MR. CORCORAN: Court is normally done  
8 by 7:30.9 CHAIRMAN BRAND: We've had -- I don't  
10 want to have it on a court date at all. I've had  
11 that problem where they've run over.12 MR. LANZETTA: It's about logistics.  
13 Let us see if there's an opening. If that's all  
14 right with the applicant, we'll get back to the  
15 applicant and get back to you by the end of this  
16 week, or even tomorrow.17 CHAIRMAN BRAND: I have no problem with  
18 that as long as it works for all parties.

19 MR. BLASS: Well --

20 MR. LANZETTA: We have a lot of  
21 issues --22 MR. ADAMSHICK: There's legal notices  
23 involved.24 MR. BLASS: In order to obviate the  
25 need for an additional legal notice or

2 publication and posting and mailing, you would  
3 need to pick an adjourned date certain and a  
4 place certain so that the people here this  
5 evening would be informed of both the date and  
6 the place, otherwise there will be a need to  
7 publish and post the public hearing notice. I  
8 think you're targetting January 4th, which is a  
9 Wednesday, for the use of this room?

10 MR. NAPIOR: The only issue with that  
11 date I believe is Ms. Lanzetta mentioned that's  
12 the date the County Planning Board meets.

13 MS. LANZETTA: I was thinking I'm doing  
14 something that night.

15 MR. HINES: So we won't hear back from  
16 County Planning by then.

17 MR. LANZETTA: I'll be there.

18 MR. NAPIOR: Any other date in January  
19 we would certainly be amenable to.

20 MR. BLASS: We could turn to the second  
21 -- the second Monday in January is also a  
22 holiday. The second meeting is a holiday. So  
23 what about the Tuesday following Martin Luther  
24 King Day?

25 CHAIRMAN BRAND: Tuesday is court.

2 MR. BLASS: We can't use this room.

3 Maybe the Wednesday following that day.

4 CHAIRMAN BRAND: The 18th?

5 MR. BLASS: 18th.

6 MR. LANZETTA: January 18th you're  
7 looking for?

8 CHAIRMAN BRAND: Possibly. I mean I'll  
9 ask the applicant, is the 6th a major setback for  
10 you? Are you rushing to break ground?

11 MR. NAPIOR: There are third-party  
12 considerations in play. Certainly getting a  
13 meeting in January would be better on our end if  
14 possible. I understand if there's no  
15 availability, then there's no availability.

16 CHAIRMAN BRAND: I'll leave the  
17 decision up to the Board. We could look for the  
18 possibility of the 18th and meet or we could wait  
19 until the 6th when we know we have the time and  
20 space.

21 MS. LANZETTA: I don't know. Ron looks  
22 upset.

23 MR. BLASS: No, I'm not upset. It's  
24 just the end result has to be a date and a place.

25 MS. LANZETTA: Tonight?

2 MR. BLASS: Yeah. Hypothetically if  
3 you picked Wednesday, the 18th of January at 7:30  
4 p.m. in this room, then you're good to go with  
5 respect to the adjournment of the hearing. If  
6 for some reason this room was not available on  
7 that particular Wednesday evening, you would then  
8 have to re-notice a different date and a  
9 different -- probably not a different place. You  
10 probably would be over to February 6th by  
11 default.

12 MR. NAPIOR: If it's amenable to the  
13 Board. I know you need feedback from the Town as  
14 to the availability of the room. If Wednesday  
15 the 18th works for you all from a personal level.  
16 We would agree to accept that understanding if  
17 that date gets shifted we have to re-notice the  
18 hearing for the 6th. Hopefully we'll find out in  
19 the near future whether or not we'd have to go  
20 through those additional measures. As far as  
21 re-posting, re-sending out notices, we're willing  
22 to take that chance.

23 MS. LANZETTA: I don't have any problem  
24 with doing January.

25 MR. LOFARO: I'm not available on

2 Wednesdays. I wouldn't be able to.

3 MR. CAUCHI: I'm available.

4 MR. TRUNCALI: Yes.

5 MR. TRAPANI: I'm available.

6 CHAIRMAN BRAND: I'm not. Personally  
7 my opinion is, I know it's a hardship, I say we  
8 wait until the 6th. I know we have it. I know  
9 that's not a popular opinion. We plan on those  
10 nights, we know we'll be here, we know we have  
11 the space.

12 MR. NAPIOR: Understood. I don't want  
13 to have a quorum issue.

14 CHAIRMAN BRAND: Steve?

15 MR. CLARKE: I'm in Florida.

16 CHAIRMAN BRAND: On the 6th.

17 MS. LANZETTA: If we don't do it on the  
18 6th we may have --

19 CHAIRMAN BRAND: So the 6th?

20 MR. TRAPANI: Yes.

21 MR. TRUNCALI: Yes.

22 MR. CAUCHI: Yes.

23 MR. LOFARO: Yes.

24 CHAIRMAN BRAND: The 6th.

25 MR. CAUCHI: I'm flexible.

2 CHAIRMAN BRAND: It's a regular  
3 meeting.

4 MR. LOFARO: I'll be here.

5 CHAIRMAN BRAND: Monday, February 6th.

6 MR. NAPIOR: Thank you.

7 CHAIRMAN BRAND: Ron, when are we going  
8 to do the -- Ron, the hearing, we would accept  
9 public input until --

10 MR. BLASS: You're going to adjourn the  
11 public hearing until February 6th. That exercise  
12 will involve full opportunity for public comment.  
13 The applicant has promised to get the plans in by  
14 December 15th, if I recall correctly.

15 MS. LANZETTA: The 16th.

16 MR. BLASS: 16th. I don't think you  
17 need to set a definite timeframe for written  
18 comment. I think we should just be inviting  
19 written comment. In advance of the public  
20 comment would be more effective.

21 CHAIRMAN BRAND: Okay.

22 MR. CORCORAN: Just to clarify, there's  
23 no meeting in January at all for the Planning  
24 Board of the Town of Marlborough?

25 CHAIRMAN BRAND: No. There will be

2 meetings but we can meet upstairs. We can't  
3 handle this crowd to go upstairs. We don't know  
4 if there's a place. So there will be meetings,  
5 it just won't be Chestnut Petroleum.

6 UNIDENTIFIED SPEAKER: When is the next  
7 meeting actually scheduled in January?

8 CHAIRMAN BRAND: Tuesday, January 3rd.

9 MR. CORCORAN: You don't think we can  
10 do it at the train station? That's a Town-owned  
11 building.

12 CHAIRMAN BRAND: I didn't say we can't  
13 do it there. I just don't know if it's  
14 available.

15 MR. CORCORAN: It's always available.  
16 TOMVAC is always available.

17 MR. ADAMSHICK: You already set the  
18 6th. Leave it alone.

19 CHAIRMAN BRAND: I think what the Board  
20 decided and what we decided was the 6th.

21 We'll see you then. Thank you.

22

23 (Time noted: 8:48 p.m.)

24

25

2

# 3 CERTIFICATION

4

5

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

9

10 true record of the proceedings.

11

12 related to any of the parties to this proceeding by  
13 blood or by marriage and that I am in no way  
14 interested in the outcome of this matter.

15

16 set my hand this 22nd day of December 2016.

17

18

19

19

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

2 STATE OF NEW YORK : COUNTY OF ULSTER

## 3 TOWN OF MARLBOROUGH PLANNING BOARD

5            In the Matter of

6

7

8

9 LUVERA PROPERTIES

10

11

12 Project No. 16-9011

13 1987-1989 Route 9W

14 Section 103.1; Block 1; Lot 5

15

17

18 SKETCH

19 SITE PLAN

20

21 Date: December 5, 2016

22 Time: 8:50 p.m.

23 Place: Town of Marlborough

24 Town Hall

25 21 Milton Turnpike

1

73

2

Milton, NY 12547

3

4

5        BOARD MEMBERS:        CHRIS BRAND, Chairman

6 JOEL TRUNCALI

7 BEN TRAPANI

8 CINDY LANZETTA

9 JOSEPH LOFARO

10 MANNY CAUCHI

11 STEVE CLARKE

12

13 ALSO PRESENT: RONALD BLASS, ESQ.

14 PATRICK HINES

15 VIRGINIA FLYNN

16

17

18 APPLICANT'S REPRESENTATIVE: RYAN DiSTEFANO

19

21 MICHELLE L. CONERO

22 10 Westview Drive

23 Wallkill, New York 12589

24 (845) 895-3018

25

2 CHAIRMAN BRAND: Next up, Luvera  
3 Properties. Why don't you go ahead and tell  
4 us what it is you're proposing.

5 MR. DiSTEFANO: Sure. The property  
6 site plan amendment was for three retail  
7 locations, one of which is a Hispanic restaurant  
8 which currently exists, a split building --  
9 framed building for a firearm store followed by  
10 an existing auto repair business which is being  
11 operated currently by Dean.

12 My name is Ryan DiStefano.

13 CHAIRMAN BRAND: Pat, do you want to go  
14 through your comments for this one as well?

15 MR. HINES: Sure. It looks like  
16 there's actually four businesses on the site that  
17 we're talking about.

18 CHAIRMAN BRAND: I have that as well.

19 MR. HINES: We talked about the  
20 Hispanic restaurant and the firearms. Now  
21 there's the -- there's the proposed firearm use,  
22 there's the Hispanic restaurant and then  
23 apparently a separate ice cream parlor.

24 MR. DiSTEFANO: Yes.

25 MR. HINES: And then on the opposite --

2 on the northern end of the site it looks like  
3 there's an existing -- I don't know the building  
4 but on Google Earth it was an auto repair shop.  
5 Now there's a proposal to add 500 square feet of  
6 what is entitled frame building addition for  
7 retail office onto the auto repair shop on the  
8 site as well. So we're looking at the change of  
9 use for the retail use of the southernmost  
10 portion of the site, I think we're cleaning up  
11 what became the Hispanic restaurant at some point  
12 in the past as part of this approval, and then  
13 there's the 500 square foot addition to what is  
14 an existing auto repair shop, just to bring the  
15 Board up to where I think we are on this  
16 application that we received.

17 I know previously we talked about the  
18 restaurant and the retail firearm sales. That's  
19 the gist of my first comment is that there is  
20 another piece of this puzzle on the north end of  
21 the site. It's a mixed use site in the HD Zone.

22 The septic system on the site, because  
23 of the addition of the office space, needs to get  
24 looked at. There will be a need to submit to the  
25 Ulster County Health Department. The septic

2 system looks quite complex on the site. There  
3 are manholes throughout the site. It has to do  
4 with the restaurant use of the site I believe.

5 MR. DiSTEFANO: The repair shop has  
6 its own septic system.

7 MR. HINES: That's not shown. What is  
8 showing is one septic area.

9 MR. DiSTEFANO: Right. That's just for  
10 the ice cream stand and Mexican restaurant and  
11 the other place.

12 MR. HINES: Then the repair shop has  
13 its own. That's not depicted on the maps, so if  
14 you can show that.

15 MR. DiSTEFANO: Okay.

16 MR. HINES: Ulster County Health  
17 Department should weigh in saying they have no  
18 issues with the site. It's not having to do with  
19 the firearms, it has to do with the restaurant  
20 site and the addition of the square footage. The  
21 retail use on the south end is going in an  
22 existing structure.

23 Just a clean-up item. The proposed  
24 parking spaces are labeled as 9 by 18, which is  
25 pretty much the standard parking space. The Town

2 Code requires them to be 10 by 20. The  
3 applicant's representative should clean those up  
4 and add one foot to each along with the detail  
5 for that.

6 Also, the parking calculations that the  
7 applicant's engineer -- I can provide these  
8 comments to your engineer -- doesn't have the  
9 repair shop use on the site. It only takes into  
10 consideration the parking for the 500 foot  
11 addition and not the square footage of the repair  
12 shop. I don't know why. It's just a clean-up  
13 item in the chart here.

14 What worries me most about this site,  
15 following the previous site, is that it's located  
16 on 9W and has one, two, three, four -- five  
17 access points into the site. It wouldn't worry  
18 me as much without the 500 square foot addition.  
19 Because you're filling in existing buildings  
20 under this, I think the 500 foot addition may  
21 raise some DOT red flags when you're adding  
22 square footage to this site.

23 You, as the Planning Board, need to  
24 send this to DOT anyway. I'm just worried that  
25 DOT comes back and has comments wanting one or

2 more of those access points to be closed off.  
3 DOT typically wants more than one access. In  
4 working with the previous applicant, allowing  
5 them two, which control right and left turns.  
6 For your sake I hope they realize the intensity  
7 of the uses aren't such that they're looking at  
8 the last site. It's something the Board needs to  
9 do, as well as this needs to go to County  
10 Planning.

11 MR. TRUNCALI: When you say addition  
12 Pat, they're not putting an addition on the  
13 building.

14 MR. HINES: They are.

15 MR. TRUNCALI: They are?

16 MR. HINES: On the auto part.

17 MR. TRUNCALI: The gun shop location?

18 MR. HINES: The gun shop location, that  
19 building is the same. When we first talked last  
20 month about that, that was filling in an existing  
21 building. Now for some reason -- it's up to the  
22 applicant -- they're looking to put on an  
23 addition. On that northern building, the repair  
24 shop, there's a proposed, I think it's 20 by 40.

25 MR. DiSTEFANO: I think I can help with

2 that. I think the intention of the plans was to  
3 kind of get everything done in one shot, both for  
4 Dean's location as well as my proposed locations.

5 MR. HINES: I'm okay with it. I just  
6 wanted to bring the Board along.

7 DEAN: It was 20 by 24.

8 MR. HINES: Okay. There's some  
9 additional lighting proposed on this site.

10 The long form EAF which was submitted,  
11 whoever filled it out left Xs in the square  
12 footage. That document needs to be updated. It  
13 will get kicked back from the County and the DOT.

14 Similarly, item 15, identify threatened  
15 or endangered species. I just wanted to address  
16 that comment. Every time you click on a site in  
17 Marlborough it comes up with threatened or  
18 endangered species. It has to do with a  
19 Federally endangered bat species, and also  
20 because of the proximity to the Hudson River, the  
21 two -- one endangered, one threatened species  
22 shows up. This site, while you click on the EAF  
23 off of the environmental mapper, it says there's  
24 threatened or endangered species. Those are the  
25 ones coming up. Nothing on this site will be

2 impacted.

3                   The EAF also identifies that pedestrian  
4 and bike routes are proposed for the project and  
5 I don't think that's the case. Just those couple  
6 of clean-up items.

7                   The other issue is in checking out the  
8 site on Google Earth, there appear to be two  
9 either tractor trailers or overseas containers,  
10 one right up next to the building.

11                  DEAN: We'll move that.

12                  MR. HINES: Those would need to be  
13 eliminated. They're not permitted for use in the  
14 Town. Those need to go.

15                  CHAIRMAN BRAND: Where are they?

16                  MR. HINES: One is on the north end of  
17 the northerly most building and then to the rear  
18 of that building. It looks like they were  
19 associated with the repair shop use.

20                  DEAN: So they're not allowed to be on  
21 that property at all?

22                  MR. HINES: You're not allowed to use  
23 those for storage in the Town. Just to be shown  
24 to be removed is fine.

25                  There's several dumpsters on the site.

2 Now may be the opportunity to get a dumpster  
3 enclosure for those dumpsters. If you drive down  
4 9W, there's one that looks like it serves the ice  
5 cream stand and then there's one further down --  
6 this is from a Google Earth review -- further  
7 down on the southern end of the site. Maybe some  
8 chain link dumpster enclosure to organize those  
9 on the site and screen them.

10 That's what we have.

11 CHAIRMAN BRAND: Can I ask what is  
12 going on on that other building? It's listed as  
13 CSE. Right now it's an auto glass place.

14 DEAN: It was an auto glass place.

15 CHAIRMAN BRAND: What is it going to  
16 be?

17 DEAN: My repair shop.

18 CHAIRMAN BRAND: Just vehicle repairs?

19 DEAN: Vehicle repairs and sales, yeah.

20 CHAIRMAN BRAND: Does the sales part  
21 come into play, Pat, as well?

22 MR. HINES: Vehicle repairs and sales  
23 are an allowable use there. If it's going to be  
24 a change there, we're going to want to show on  
25 the map where the vehicles for sale are, where

2 the vehicles for repair are. Just delineate  
3 what's going to happen there. It'll clean up the  
4 whole site and get it approved.

5 CHAIRMAN BRAND: Any other questions or  
6 comments from the Board?

7 (No response.)

8 CHAIRMAN BRAND: No?

9 MS. LANZETTA: If you could just clean  
10 those couple of things up and then submit it to  
11 County as soon as possible so that doesn't hold  
12 you up.

13 MR. DiSTEFANO: Do I assume the next  
14 step at that point is this getting submitted to  
15 County?

16 MS. LANZETTA: Clean up the EAF and  
17 give it to Jen and Jen will submit it to County.

18 MR. DiSTEFANO: Okay. That also  
19 includes the acceptable use of that building for  
20 a firearm store as well? That's sort of  
21 encompassing of the whole project or --

22 MS. LANZETTA: You're also going to  
23 want the Board of Health stuff. Right?

24 MR. HINES: It's got to go to County  
25 Planning, too.

2 MS. LANZETTA: That's what I said. I'm  
3 saying we want to make sure that we give --

4 MR. HINES: There's not an interim  
5 approval --

6 MR. DiSTEFANO: That's fine.

7 MR. HINES: -- for one of the uses.

8 It's going to be -- it complicated your use I  
9 think by adding the other uses, but it cleans up  
10 the whole site.

11 MS. LANZETTA: I just want to make sure  
12 -- we haven't been real good about making sure  
13 that all of our applications -- all of our  
14 application material going up to County is  
15 complete before we send it up.

16 MR. HINES: Which is why you need the  
17 comments on the EAF as well.

18 MR. DiSTEFANO: How soon would I need  
19 to get this information back to you to send it up  
20 to them? If I called them tomorrow and was able  
21 to fix everything and they get it back to you by  
22 --

23 MS. LANZETTA: The County meets the  
24 first Wednesday of each month.

25 MR. HINES: They wouldn't accept it

2 this month for review.

3 MS. LANZETTA: No, no. It wouldn't  
4 happen this Wednesday. It would be the next  
5 Wednesday.

6 MR. CLARKE: For that meeting when do  
7 the materials have to be there?

8 MS. LANZETTA: They're usually pretty  
9 good. We'll try to take stuff up to a day or two  
10 before.

11 MR. DiSTEFANO: A week, two weeks to be  
12 safe.

13 MS. LANZETTA: The sooner, the better.

14 MR. HINES: We get it up there, you  
15 don't. You get it to Jen and Jen sends it.

16 MR. DiSTEFANO: At that point does the  
17 Board make contact with the applicant to get us  
18 on the agenda for a follow-up meeting at that  
19 point?

20 MS. LANZETTA: What you want to do is  
21 make sure you get a hold of Ulster County Board  
22 of Health and get the proper information  
23 concerning all of that in place, do your  
24 environmental impact statement and give that --  
25 give all that information to Jen and then Jen

2 will send it up to Ulster County Planning, then  
3 they review it. You're allowed to be at those  
4 meetings but you won't have an opportunity for  
5 any input. If you want to be at that meeting you  
6 can, or you can just wait until they -- they  
7 release their statements usually within the week  
8 afterwards.

9 MR. DiSTEFANO: Okay. And then they'll  
10 be in contact with this Board to schedule a  
11 meeting for us?

12 MS. LANZETTA: They send us the  
13 information.

14 MR. DiSTEFANO: In other words, we're  
15 just going to wait to hear from this Board in  
16 terms of our new meeting?

17 MR. HINES: When you get us new plans  
18 they'll schedule you as well. They'll go  
19 parallel to each other. In other words, the  
20 County will review it and this Board. You have  
21 to have your plans in ten days before the  
22 meeting, which is the first and third Mondays. In  
23 the case of January we just found out it's going  
24 to be a different date.

25 MR. DiSTEFANO: We don't need that

2 large of a meeting space so we should be fine.

3 MS. LANZETTA: I'm a little confused  
4 myself now. Do we approve this as a sketch and  
5 wait for the preliminary map to come in? Is that  
6 what we do next? Or no, this is site plan.

7 MR. HINES: I think we just continue  
8 on.

9 CHAIRMAN BRAND: Go to County, we'll  
10 wait to hear from them.

11 MR. HINES: They have my comments. I  
12 think if they get them to Bernier & Larios, their  
13 representative, they'll be able to do the clean-  
14 up work. As soon as they have those available,  
15 if the Board is authorizing Jen to submit the  
16 revised plans to the County and to the Town, the  
17 Town will schedule you at the next available  
18 meeting based on your submission ten days prior  
19 to, when ever that is. I don't know if that  
20 clarified it at all.

21 CHAIRMAN BRAND: Okay.

22 MR. DiSTEFANO: Thank you much.

23

24 (Time noted: 9:03 p.m.)

25

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

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

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

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 22nd day of December 2016.

17

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24

Michelle Conero

MICHELLE CONERO

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

In the Matter of

KENNETH BORSCHEL

Project No. 16-9012  
555 Lattintown Road  
Section 108.2; Block 2; Lots 3 & 4

SKETCH  
LOT LINE REVISION

Date: December 5, 2016  
Time: 9:03 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: KENNETH BORSCHET

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

2 CHAIRMAN BRAND: Next up, Kenneth  
3 Borschel.

4 MR. BORSCHEL: I'm just here for a lot  
5 line revision. I want to consolidate my  
6 property. That's it.

7 MR. CAUCHI: They're both owned by you;  
8 right?

9 MR. BORSCHEL: That's correct.

10 CHAIRMAN BRAND: So you're just  
11 combining these two pieces?

12 MR. BORSCHEL: Right. The parcel next  
13 door.

14 CHAIRMAN BRAND: Pat has no exceptions  
15 to the lot consolidation; right, Pat?

16 MR. HINES: Yeah. This is clean.  
17 Ulster County is going to require a Planning  
18 Board stamp. You typically require a public  
19 hearing.

20 It's two lots that are just under 2  
21 acres to be combined with each one. One of them  
22 has a serious length to width ratio which would  
23 have been difficult to construct anything on  
24 anyway. By combining them it's taking that issue  
25 away and making one lot just under 3.7 acres.

2

3

CHAIRMAN BRAND: Any questions or

comments from the Board?

4

(No response.)

5

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CHAIRMAN BRAND: It's pretty straight

forward I think. So we will schedule this for a

public hearing for -- I'm sorry.

8

9

10

MS. LANZETTA: Is this a case where we

would say then that we accept the sketch as the

preliminary and we schedule the public hearing?

11

12

13

14

MR. HINES: This is not a -- it's a lot

consolidation, which your ordinance treats it as

a subdivision. This is both sketch and

preliminary at this point.

15

16

MS. LANZETTA: Do we have to do that by

motion?

17

18

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20

I would make a motion to accept this as

-- this sketch as our preliminary map and

schedule a public hearing at the next possible

meeting.

21

22

CHAIRMAN BRAND: Which would be June --

January -- Tuesday, January 3rd.

23

MR. BLASS: January 3rd upstairs.

24

25

CHAIRMAN BRAND: Yes. Do I have a

second for that motion?

2 MR. TRAPANI: I'll second.

3 CHAIRMAN BRAND: All those in favor,  
4 say aye.

5 MR. CLARKE: Aye.

6 MR. TRAPANI: Aye.

7 MS. LANZETTA: Aye.

8 MR. TRUNCALI: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN BRAND: That motion carries.

15 We'll have to do the mailings. You  
16 just call the office tomorrow, Jen, and she'll  
17 let you know.

18 MR. BORSCHEL: Talk to Jen you said?

19 CHAIRMAN BRAND: Yes. Is that good?

20 MR. BORSCHEL: Yes. I just have to  
21 send out these mailings to my immediate  
22 neighbors?

23 CHAIRMAN BRAND: It's 500 feet.

24 MR. HINES: A 500 foot radius.

25 MR. BORSCHEL: Do I get those names

2 from --

3 MR. TRAPANI: She'll let you know.

4 MS. FLYNN: Come in the office. You  
5 have to write down the addresses.

6 MR. BORSCHEL: Just send them out?

7 MR. HINES: You send them out certified  
8 mail.

9 MR. BORSCHEL: Okay.

10 MR. HINES: I think that is also ten  
11 days before the 3rd they have to go out.

12 MR. BORSCHEL: All right.

13 MR. BLASS: Certified mail, return  
14 receipt.15 MR. BORSCHEL: Certified mail, return  
16 receipt. Okay.

17 CHAIRMAN BRAND: Thank you.

18

19 (Time noted: 9:07 p.m.)

20

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

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

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Michelle Conero

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