

2 TOWN OF MARLBOROUGH PLANNING BOARD

3 Milton, New York

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5 In the Matter of

6 TIMBER HARVESTING

7 Mt. Zion Road

8 -----

9 March 6, 2017  
10 7:30 p.m.

11 21 Milton Turnpike  
Milton, New York

12 PLANNING BOARD:

13 CHRIS BRAND, Chairman  
MANNY CAUCHI  
14 CINDY LANZETTA  
JOE LOFARO  
15 BEN TRAPANI  
JOEL TRUNCALI

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17

18 ALSO PRESENT:

19 VIRGINIA FLYNN, Secretary  
PATRICK J. HINES, Town Engineer  
20 RONALD C. BLASS, JR., Town Attorney

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2 CHAIRMAN BRAND: I'd like to call  
3 the meeting to order, and Pledge of Allegiance  
4 to the flag right now.

5 MR. TRUNCALI: Agenda, Town of  
6 Marlborough Planning Board, March 6th, 2017,  
7 regular meeting, 7:30 p.m. Approval of  
8 stenographic minutes for 2/6. Chestnut  
9 Petroleum, open public hearing, site plan;  
10 timber Harvesting, Mt. Zion Road, sketch, site  
11 plan; Kevin Casey, discussion, subdivision;  
12 (indiscernible), discussion, site plan, both

13 without attorney, engineer, and stenographer.  
14 Next deadline: Friday, March 10th, 2017.  
15 Next scheduled meeting: Monday March 20th.  
16 CHAIRMAN BRAND: You should have had  
17 time to review the stenographic minutes for  
18 February 6th. Can I have a motion to approve  
19 those minutes?  
20 MS. LANZETTA: I make a motion.  
21 MR. LEFARO: I'll second.  
22 CHAIRMAN BRAND: Any discussion?  
23 (No response.)  
24 CHAIRMAN BRAND: All of those in  
25 favor of approving those minutes, say aye.

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2 (Board voted unanimously aye.)  
3 CHAIRMAN BRAND: All opposed?  
4 (No response.)  
5 CHAIRMAN BRAND: So carried.  
6 Before we begin, I would like to let you  
7 guys know that we received an email from our  
8 Town Supervisor regarding the new solar law. I  
9 did forward it to you, so if you could review  
10 that or if you care to comment on it, please do  
11 so.

12 First up, Chestnut Petroleum. We did  
13 receive a letter from Chestnut Petroleum. They  
14 will not be here this evening. They are  
15 looking for a sign variance from the ZBA on  
16 March 9th, and they have asked to meet again at  
17 the March 20th Board Meeting for a continuation  
18 of the public hearing.

19 MR. BLASS: So in order to avoid  
20 needing to republish and repost all of the  
21 notices to neighbors, you're sort of obligated  
22 to open the public hearing for comment, if  
23 any, and then adjourn the public hearing to  
24 March 20th.

25 CHAIRMAN BRAND: Okay. This is a



13 the Board be provided with all of the  
14 information they are supposed to be given.  
15 One of the things -- FOIL -- copy of the  
16 briefing document, which is supposed to contain  
17 information on variances that the applicant is  
18 planning on requesting. I did not see that in  
19 the file. It's possible that they may not have  
20 filed it or filed it under a different name,  
21 but that is something that I think is important  
22 for the Board to get to know what the intents  
23 are of the applicant. And in this case,  
24 clearly they went from one zoning variance --  
25 and it is in the EAF. But they were going to

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2 go for variances, but it wasn't really clear  
3 what variances. And that, ideally, would have  
4 been made clear to the Board earlier in the  
5 process maybe instead of coming here one or two  
6 years later to do this. That could have been  
7 handled a long time ago, saving them some time  
8 and aggravation.

9 CHAIRMAN BRAND: Just to pause you  
10 for one second. The last letter that we  
11 received just includes signage variances. Are  
12 you aware of any other variances?

13 MR. BLASS: No. The only variances  
14 in front of the ZBA on Thursday are variances  
15 from the sign law Section 155-28. The  
16 applicant for the variances has submitted  
17 supplemental material since the initial  
18 application, which is probably what you're  
19 looking for. So that should have been  
20 available at Penny Cashman's office tomorrow,  
21 if you wanted to get it.

22 UNIDENTIFIED SPEAKER: That's a ZBA,  
23 not a Planning Board.

24 MR. BLASS: Yeah, I'm talking now  
25 about the ZBA because you were.

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2 MR. GAROFALO: The briefing document  
3 is something that is supposed to be part of  
4 the site plan review. They're supposed to  
5 provide the Planning Board so they'll know  
6 what variances that are going to be asked for  
7 at that time.

8 MR. BLASS: The Planning Board  
9 doesn't issue variances.

10 MR. GAROFALO: I know, but it's part  
11 of the site plan. So I guess it's so they  
12 know what to send over to them -- the ZBA.

13 MR. BLASS: Well, the ZBA has  
14 whatever it needs now, and if you're  
15 interested in seeing it, it's on file.

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2 material that was submitted to the Planning  
3 Board. I'm not going to go into that right  
4 now. But I think that the applicant needs to  
5 hear it too. I certainly am willing to meet  
6 with one or more members of the Board or its  
7 lawyer, the applicant, the Town Board members,  
8 whomever to help try to straighten and improve  
9 on the site plan.

10 I've already provided a whole list of  
11 things which I hope will help, and some of that  
12 is material that is missing that you should

13 have, such as information on a detail of the  
14 sidewalks, which even DOT in their letter had  
15 said they wanted to see a detail on the  
16 sidewalk. And I think that's important.

17 Your code also calls for information on  
18 bicycle racks. This is under 155-31E-4N. They  
19 need to be designed -- construction materials  
20 need to be provided, and there is no detail at  
21 all on the bicycle rack. There are good ones.  
22 There are bad ones. But I hope when they  
23 submit that and make those kinds of changes,  
24 that, again, we will have an opportunity to  
25 comment on them because they have a track

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2 record of not completely correcting things.

3 The bar that is going for the height to  
4 protect vehicles from going through the  
5 drive-through that are too high, if you look at  
6 their own plan, their own plan shows the bar  
7 where it's anchored, where it goes over, and  
8 then they show you a car next to it in line to  
9 go to the drive-through that clearly is not  
10 going under the bar. And what they really need  
11 is either a longer bar or a second bar that  
12 swings clockwise instead of counterclockwise so  
13 that you can't go through to the drive-through  
14 without going under the bar. And I think that  
15 is something that clearly needs to be changed.

16 One of the other things that I pointed  
17 out in the materials that I provided to you  
18 was, they should identify the native plantings.

19 Under 155-31E17B, it suggests that native  
20 plants be provided, so not only maybe should  
21 you have them identify on their planting list  
22 what those are, but have them remove some of  
23 the ones that aren't native, if at all  
24 possible. It could be that they are all  
25 non-native. It could be that they are all

2 native. I don't know. And there is no way for  
3 you to know because I'm sure none of you are  
4 experts on native plants.

5 CHAIRMAN BRAND: Ben is pretty good.  
6 He knows a lot about plants.

7 MR. GAROFALO: I know some, but not  
8 anywhere near enough.

9 There were -- even though the traffic  
10 study was put up, there were certain things  
11 that were still, again, were not in the traffic  
12 study -- the original accounts, which is  
13 something that would be useful to the people  
14 that are doing the Route 9W corridor study, to  
15 have those accounts available so they don't  
16 have to recount the stuff.

17 Speed data, certainly I would encourage  
18 you to require existing and future site  
19 distances, or at least the future site  
20 distances on the plan. And you need to know  
21 the vehicle speeds because that deals with what  
22 the site distance should be.

23 CHAIRMAN BRAND: Were all these  
24 things, Jimmy, were they in one of the several  
25 emails that you forwarded to us?

2 MR. GAROFALO: They were, but I  
3 didn't explain why you need them.

4 CHAIRMAN BRAND: Okay.

5 MR. GAROFALO: Okay.

6 CHAIRMAN BRAND: If they are there,  
7 then certainly our engineer will looking at  
8 them. And DOT obviously looks at all these  
9 things that you bring up as well as far as the  
10 (indiscernible) and speed, that's all part of  
11 their study. So is there anything --

12 MR. GAROFALO: Well, the fact that

13 they have already commented on it, I don't if  
14 they have commented on their new study. But  
15 these are things that should have been done,  
16 and certainly the traffic counts should have  
17 been provided to the Town because not only the  
18 Route 9W corridor people potentially use it,  
19 but another applicant coming in, say, across  
20 the street or down the road might find those  
21 to be useful.

22 CHAIRMAN BRAND: Sure.

23 MR. GAROFALO: And it's a lot easier  
24 if they are on file with the Town. And this  
25 is something that DOT normally wants you to

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2 put in these studies is, they want the actual  
3 count data, and you can't verify certain  
4 pieces of data when it's the peak-hour factor,  
5 which is the 15-minute flow, without having  
6 that data. That data will provide you --  
7 you'll be able to see that's what it is, fine.

8 So I think they are very good reasons to  
9 request that kind of information. The same  
10 with high-accident data. This is something,  
11 again, that is going to be looked at the safety  
12 study. It would have been good if they had  
13 done it, and it's normally required by DOT. So  
14 why they didn't -- maybe they just haven't  
15 asked yet for it. But that's something that  
16 is -- I think is important.

17 So, those are the major things. Again,  
18 you have five or six or seven pages of other  
19 items that I have given you. Again, I'm more  
20 than happy to sit down and talk through these  
21 things and figure out how to make the project  
22 better.

23 CHAIRMAN BRAND: Thank you.

24 MR. GAROFALO: Thank you.

25 CHAIRMAN BRAND: Anyone else for or

2 against the project that wishes to speak this  
3 evening?

4 (No response.)

5 CHAIRMAN BRAND: I would like to  
6 have a motion to adjourn the Public Hearing  
7 until March 20th?

8 UNIDENTIFIED SPEAKER: I make a  
9 motion.

10 CHAIRMAN BRAND: Is there a second?

11 UNIDENTIFIED SPEAKER: Second.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: All in favor, say  
15 aye.

16 (Board voted unanimously aye.)

17 CHAIRMAN BRAND: Any opposed?

18 (No response.)

19 CHAIRMAN BRAND: Thank you. Next  
20 up, Timber Harvesting, Mt. Zion Road.

21 Come right up to the table if you want.

22 There's comfortable seating over there.

23 MR. WLASIUK: That's all right. I  
24 can stand too.

25 CHAIRMAN BRAND: Can you just state

2 and spell your name for the stenographer.

3 MR. WLASIUK: Cain, C-A-I-N; Wlasiuk  
4 W-L-A-S-I-U-K.

5 CHAIRMAN BRAND: Just tell us a  
6 little bit about what you have in mind.

7 MR. WLASIUK: What did you say?

8 CHAIRMAN BRAND: Could you just give  
9 us a brief overview of what it is that you're  
10 intending to do.

11 MR. WLASIUK: Well, I'm going to be  
12 doing the logging and a couple of different

13 jobs for Domonick. He's actually away on  
14 vacation in Florida right now. I have been  
15 working with his son and trying to do the  
16 application. This is my first time doing it,  
17 so.

18 CHAIRMAN BRAND: Okay. Our Town  
19 Engineer did go through the application that  
20 you had.

21 MR. WLASIUK: Yeah.

22 CHAIRMAN BRAND: Honestly, it's  
23 lacking --

24 MR. WLASIUK: Yeah, I was --

25 CHAIRMAN BRAND: -- significant

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2 details.

3 MR. WLASIUK: -- reading something  
4 on here of what you guys were asking. I mean,  
5 I can draw up more maps and anything like  
6 that. I see you guys need for the haul roads  
7 and the locations for the staging areas.

8 I guess Domonick has permission to go  
9 through. That way I can stage onto -- I think  
10 their last thing was Catalina. I haven't  
11 talked to them yet. I haven't gotten that far  
12 because I live up north. I live up by Oneonta.

13 CHAIRMAN BRAND: Maybe, Pat --

14 MR. HINES: Yeah. The code requires  
15 that all haul roads, staging areas, and  
16 loading areas be on the property that is  
17 being --

18 MR. WLASIUK: Yeah. I just read  
19 that, so I'm going to have to talk them and  
20 see if I'm able. Because there is an old road  
21 that goes through there. There is actually  
22 one through -- it actually goes through all  
23 the properties through there including his. I  
24 just have to get permission to be able to  
25 bring a truck or anything through. I'm going

1 to have to do all that.

3 MR. HINES: Yeah. That's going to  
4 be required and that's going to be reviewed by  
5 Mr. Blass' office.

6 MR. WLASIUK: Yeah.

7 MR. HINES: Now these parcels, there  
8 are two parcels. They are not identified in  
9 the application, but they are on the agenda.

10 MR. WLASIUK: Yeah.

11 MR. HINES: They are not contiguous,  
12 correct?

13 MR. WLASIUK: There's like four  
14 small little parcels. It's about 30 acres up  
15 off of Mt. Zion, and then there's two parcels  
16 right next to each other that equals 45, and  
17 that's right on Milton Turnpike.

18 MR. HINES: Okay. So each of those  
19 parcels needs to be an independent  
20 application.

21 MR. WLASIUK: Okay. For each one?

22 MR. HINES: Yes. For the ones that  
23 are contiguous -- and I'll defer to Ron on  
24 this. It may be able to be looked at  
25 comprehensively, but they are going to need to

1 be identified on the plans --

3 MR. WLASIUK: Okay.

4 MR. HINES: -- including who owns  
5 it. Right now, I only have two sections --

6 MR. WLASIUK: Yeah.

7 MR. HINES: -- so all of those, and  
8 anyone who owns those parcels, the access is  
9 going to have to be on there. So if there's  
10 other parcels involved, they'll need to be  
11 identified.

12 MR. WLASIUK: Yeah.

13           MR. HINES: I had a very hard time  
14        finding where those parcels were in the  
15        information submitted.

16           MR. WLASIUK: Yeah.

17           MR. HINES: For the ones on Milton  
18        Turnpike, a county access permit will be  
19        required --

20           MR. WLASIUK: Yeah.

21           MR. HINES: -- because it's a county  
22        road.

23           MR. WLASIUK: Yeah.

24           MR. HINES: So I think basically  
25        you have -- my comments were -- identifies the

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2        information that's needed.

3           MR. WLASIUK: Okay.

4           MR. HINES: One of the important  
5        things that you don't have, there's an  
6        environmental assessment form --

7           MR. WLASIUK: Okay.

8           MR. HINES: -- and once you do that  
9        environmental assessment form online, I'll  
10       need to see what's populated in any of these  
11       fields in the form. And one of the concerns  
12       that I have is that the DEC has a restriction  
13       for tree clearing --

14           MR. WLASIUK: Okay.

15           MR. HINES: -- in some areas because  
16        of the Indiana bat and the long-eared bats,  
17        which I'm sure you're familiar with if you're  
18        in the industry. So there may be a time frame  
19        where you may be prohibited for environmental  
20        reasons such as that, so that's why we'll be  
21        looking for that information. But you're  
22        certainly going to need some more detailed  
23        mapping of the locations and the roadways  
24        identified, the parcels identified, who owns  
25        each parcel. So I think you have a lot of

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2                   work to do to develop this plan.

3                   MR. WLASIUK: Yup.

4                   MR. HINES: So the Board can review  
5                   it.

6                   CHAIRMAN BRAND: And our code is  
7                   available online, Town of Marlborough --

8                   MR. WLASIUK: Yeah.

9                   CHAIRMAN BRAND: -- and 141 is the  
10                   code. It's pretty detailed all of the things  
11                   that you're going to need, so I would just go  
12                   through that carefully. Just make sure that  
13                   you have a complete application for each  
14                   parcel.

15                   MR. HINES: Now the other thing --  
16                   you're a logger?

17                   MR. WLASIUK: Yeah.

18                   MR. HINES: Is there a forester  
19                   involved to harvest the timber or --

20                   MR. WLASIUK: I mean, I can get a  
21                   forester to come in. It's not a big deal.  
22                   Actually, my log buyer is a forester --  
23                   through the company I sell to. I can have him  
24                   come in and do everything.

25                   MR. HINES: Yeah. That's typically

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2                   what this Board sees when it has timber  
3                   harvesting applications -- is that a timber --  
4                   is evaluated by the forester --

5                   MR. WLASIUK: Hm-mm.

6                   MR. HINES: -- it kind of provides a  
7                   checks and balances between the landowner and  
8                   the logger.

9                   MR. WLASIUK: Yup.

10                   MR. HINES: Also, I just noticed  
11                   that it's 11 trees per acre on there, and 11  
12                   trees per acre is on the high end of

13 harvesting trees selectively. That's a lot of  
14 trees per acre. It's usually around 3, 4, 5  
15 when we have applications. That's the only  
16 reason why I brought that up. I mean, but if  
17 the trees are mature and you want to do  
18 logging, that's --

19 MR. WLASIUK: Yeah. Normally --

20 MR. HINES: The smallest diameter  
21 was a few inches on the application.

22 MR. WLASIUK: Yeah. I -- when I do  
23 a selective cut, I don't take anything under  
24 16 inches at rest height. Because technically  
25 it's better for the environment, because any

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2 smaller than that, you're kind of -- you're  
3 going to get more erosion. It's going to --  
4 it keeps the woods a lot cleaner. When you  
5 take 16 inches off, it -- it's a lot better  
6 for the environment.

7 CHAIRMAN BRAND: Ron, do you have  
8 anything for this?

9 MR. BLASS: Am I hearing that the  
10 access roads are going to be winding through  
11 property that's not going to be forested?

12 MR. WLASIUK: Well, there's -- on  
13 the 30 acres, there's an old road from what I  
14 was told by Domonick when it was previously  
15 logged over the years that goes right  
16 through -- there's off of Mt. Zion, there's a  
17 road that goes back in through -- through -- I  
18 think there's five houses on that road, and  
19 then it ends at the last house.

20 MR. BLASS: So is Domonick the owner  
21 of all 30 acres?

22 MR. WLASIUK: Thirty acres on one  
23 piece, and then the 45 over on Milton.

24 MR. BLASS: So is the access road  
25 all on property owned by Domonick?

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2 MR. WLASIUK: No.

3 MR. BLASS: So part of it is a

4 public road?

5 MR. HINES: No.

6 MR. BLASS: Private roa

7 MR. WLASIUK. Private.  
8 MR. BLASS: Who owns the private  
9 road?

10 MR. WLASIUK: I'm not sure. It runs  
11 into --

12 MR. BLASS: You may have to address  
13 the issue of what gives you the right to use  
14 it --

15 MR. WLASIUK: Yeah.

16 MR. BLASS: -- for this purpose.

17 MR. WLASIUK: Yeah.

18 MR. BLASS: It's probably owned by  
19 private parties.

20 MR. WLASIUK: Yeah. There's two  
21 different landowners that it will run through  
22 there.

23 MR. BLASS: So you're going to be  
24 crossing the land of somebody else in order to  
25 do the tree clearing?

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2 MR. WLASIUK: No. I would get  
3 permission first. We would write up cont  
4 with everyone like before I would even --

5 MR. BLASS: Okay.

6 CHAIRMAN BRAND: What would he need?

7 MR. BLASS: He'd need an easement  
8 form.

9 CHAIRMAN BRAND: From each

10 individual property owner?  
11 MR. BLASS: Yes, anyone with a  
12 interest. See, I don't have a man, so I'm

13 sort of.  
14 CHAIRMAN BRAND: We're looking at  
15 the map and it looks relatively landlocked.  
16 MR. WLASIUK: Yeah, it is.  
17 MS. LANZETTA: I think he might be  
18 talking about from coming in from either one.  
19 MR. WLASIUK: Yeah. There's a road  
20 that runs all the way out through -- on Iowa  
21 that runs out through -- I forgot what the  
22 other road it connects to.  
23 CHAIRMAN BRAND: Lewis Lane in the  
24 back?  
25 MR. WLASIUK: Yup, yup. There's --

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1 I guess he's got permission supposedly by  
2 Catalinas, but I haven't talked to them yet,  
3 which they have an old logging road that runs  
4 through there all the way out towards his  
5 property.

7 CHAIRMAN BRAND: So you obviously  
8 have a lot of homework before --

9 MR. WLASIUK: Yeah, yeah. I see  
10 this now.

11 CHAIRMAN BRAND: A lot of the things  
12 that we need is, definite clear legal  
13 permission for --

14 MR. WLASIUK: Yeah.

15 CHAIRMAN BRAND: -- you to access  
16 all these properties.

17 MR. WLASIUK: Yeah.

18 CHAIRMAN BRAND: So once you get all  
19 that, I think you can come back --

20 MR. WLASIUK: Okay.

21 CHAIRMAN BRAND: -- and then we can  
22 make a determination.

23 MR. WLASIUK: Yeah.

24 CHAIRMAN BRAND: But obviously no  
25 logging can start before all that's done.



13 the time and place noted in the heading  
14 hereof, and that the foregoing transcript is  
15 true and accurate to the best of my ability,  
16 knowledge and skill.

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21 BARBARA ULRICH

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