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2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

X

5 In the Matter of
6

7 EMPIRE LANDSCAPING
8

9 Project No. 15-8006
10 1609-1611 Route 9W
11 Section 103.3; Block 4; Lot 20
12

X

13 SKETCH - SITE PLAN
14

15 Date: June 15, 2015
16 Time: 7:33 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
23 BEN TRAPANI
24 CINDY LANZETTA
25

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 KATHI NATLAND
29

30 APPLICANT'S REPRESENTATIVE: CHARLES BROWN
31

32 MICHELLE L. CONERO
33 10 Westview Drive
34 Wallkill, New York 12589
35 (845) 895-3018
36

X

1 EMPIRE LANDSCAPING 2

2 MR. TRUNCALI: All rise for the
3 Pledge.

4 (Pledge of Allegiance.)

5 MR. TRUNCALI: Agenda, Town of
6 Marlborough Planning Board, June 15, 2015.
7 Regular meeting 7:30 p.m. Approval of
8 stenographic minutes for 5/4. Empire
9 Landscaping, sketch, site plan; Brody Ridge,
10 extension, six-lot subdivision; Kedem Winery,
11 sketch, amended site plan; Dockside, sketch,
12 site plan. Next deadline: Friday,
13 June 19th. Next scheduled meeting: Monday,
14 July 6th.

15 I'd like to table the approval of
16 the minutes until Mike is here.

17 Empire Landscaping, do you want to
18 come up?

19 MR. BROWN: This is my first time in
20 this new facility. I didn't bring an easel.

2 This is our first appearance before the Board, so
3 we're here to get comments and hopefully proceed
4 forward.

5 My client is here. If you have any
6 questions for him about the nature of the
7 business, he can answer those, too.

8 MR. TRUNCALI: Can you just explain the
9 operation a little bit?

10 MR. BROWN: He's got a yard there where
11 he keeps trucks and stores materials for
12 landscaping, gravel storage, sand storage, mulch,
13 a garage where he services the trucks. He does
14 not have any clients coming out to the site.

15 It's all for his workers and his equipment. He
16 also has a tool storage shed, a water storage
17 tank and two field storage tanks, one gas and one
18 diesel.

19 He's right on the two acres. I did see
20 Pat's comments, he wants us to do a boundary
21 survey to confirm that. This property has been
22 in the family for some time. Apparently there
23 was a lot line done years ago, but they couldn't
24 seem to find a record of that, to bump the
25 acreage up to come right to the two acres.

4 MR. DILEONARDO: Yes.

5 MR. TRUNCALI: So this is an existing
6 operation that's here for approval of the site
7 plan?

8 MR. BROWN: Correct.

21 MR. BROWN: Yes.

22 MR. TRUNCALI: Before this Board can do
23 anything there's a process. This is the first
24 one this Board has received in that new floating
25 Overlay Zone. I believe it goes to the Town

2 Board for them to approve.

3 MR. BROWN: The code does say that.

4 MS. LANZETTA: Let me just clarify.

5 What is the underlying zoning right now?

6 MR. HINES: Probably an R.

7 MS. LANZETTA: All right.

8 MR. HINES: R-1. It would be RAG-1 I'm
9 guessing.

10 MS. LANZETTA: Which is it?

11 MR. BROWN: I think it's RAG-1. I'm
12 not sure. This is the first, as far as I know,
13 time going through this process with the Town
14 Board and Planning Board.

15 MR. HINES: As you're moving forward
16 with that, there's an issue here with the
17 pre-existing single-family residence, for lack of
18 a better term to call it, employee housing.

19 Assuming it's a single-family residence, with the
20 commercial use there's a need to address that
21 issue, too. In the HD Zone -- once they enter
22 the HD Zone as a floating zone, the HD Zone does
23 not permit single-family houses. It kind of
24 creates -- the business is okay in the HD Zone
25 but the single-family residence isn't. Before it

2 was the other way around.

3 MR. BROWN: I thought because the
4 residence was existing and the zone was a
5 residential zone, that it was pre-existing
6 conforming.

7 MR. HINES: It is. That makes the
8 business nonconforming. By not allowing a
9 conforming business here it creates the single-
10 family residence being nonconforming.

11 MR. BROWN: I follow that logic.

12 MR. HINES: I think you're going to
13 need ZBA approval. I haven't been through this
14 process before. The Town Board can address that
15 mixed use, for lack of a better term, on the
16 site.

17 MR. BLASS: There's no intention to
18 convert the residential use to commercial use?

19 MR. BROWN: No.

20 MR. BLASS: Okay. I'll take a look at
21 that.

22 MR. HINES: This is the first one we're
23 seeing.

24 MS. LANZETTA: It does say in the code,
25 it says the use of existing structures for

2 commercial or light industrial activities are the
3 type that are currently allowed within the HD
4 Zoning District.

5 MR. HINES: I'm good with that.

6 Single-family residences are not allowed in the
7 HD Zone.

8 MS. LANZETTA: That's what I'm saying.

9 MR. HINES: Beyond that, the stormwater
10 from the site needs to be addressed. I'm not
11 aware of how much of the improvements are here.
12 It looks like there's some fairly large vehicles
13 that I thought were larger than what landscape
14 vehicles would look like.

15 Water, sewer, septic systems should be
16 shown for all of the locations.

17 An easement from the adjoining
18 property. It looks like access is gained through
19 the lands of Eckerson next door. There needs to
20 be some sort of an easement to allow that access.
21 I don't know if that exists and you can provide
22 that to the attorney to review.

23 Details on the proposed signage.

24 The building labeled as existing garage
25 does not meet the rear yard setback. I believe a

2 variance for that would also be required.

3 The height of the proposed retaining
4 wall should be identified and a building permit
5 for when that was constructed. It's more than
6 four feet in height.

7 The actual lot size should be depicted.
8 It says two plus or minus acres. It needs to be
9 two or more.

10 Hours of operation, equipment, material
11 storage, lighting and other things on the
12 checklist need to be provided on future
13 submissions.

14 MR. BROWN: Pat, everything on this
15 plan except the sign is existing at this time.
16 We will get a survey, we will get the information
17 on the wall.

18 Again, we're the first project, to my
19 knowledge, going through this HD Zone, and so
20 what I would really like to get -- of course your
21 comments, Pat -- but how do we proceed?
22 Obviously we have to go to the ZBA and the Town
23 Board and the Planning Board. That's a little
24 fuzzy to me. Is that something Ron can answer?

25 MR. BLASS: The Town Board first.

2 MR. BROWN: When we submitted they said
3 to come to you guys first and then go to the Town
4 Board. Is the Town Board the lead agency?

5 MR. BLASS: Who said that?

6 MR. BROWN: The building department.

7 MR. BLASS: Okay.

8 MR. BROWN: Tom didn't know either, you
9 know. He said I presume you go to the Planning
10 Board first. Probably to get Pat's comments,
11 maybe.

12 MR. BLASS: Maybe. But the floating
13 zone needs to be dropped down on any particular
14 piece of property before it has affect, and only
15 the Town Board can drop it down. Then it will be
16 dropped down subject to Planning Board site plan
17 approval. That's the batting order. If you need
18 variances, probably the Town Board. Dropping it
19 down would also be conditioned on the obtaining
20 of whatever area variances.

21 MR. BROWN: The variance referral comes
22 from the Planning Board then. So Town Board
23 next, back to you guys.

24 MR. BLASS: Town Board first, then the
25 approval of the Town Board should be conditioned

2 on Planning Board site plan approval and whatever
3 variances are needed from the ZBA.

4 MR. BROWN: Okay.

5 MR. BLASS: On your question of who is
6 going to be the SEQRA lead agency, I hadn't
7 thought about that.

8 MR. HINES: I think they defer it to
9 the Planning Board.

10 MR. BLASS: I don't think so. I don't
11 think so. It gets a little cumbersome if the
12 first agency to act is the Town Board and then
13 the SEQRA review is being done by the second
14 agency to act. It's a little bit out of whack.

15 MS. LANZETTA: It seems to me, reading
16 the code, that the Town Board expects you to come
17 with a full application, with everything that you
18 would bring to us, --

19 MR. BROWN: Mm'hm'.

20 MS. LANZETTA: -- your sketches, all of
21 the information, and they want to see what it is
22 that you're proposing and see if they feel it's
23 something that should, first of all, even be
24 considered in that zone. Then if they -- by
25 looking at a complete application with all the

2 different items that they have enumerated here in
3 the code, if they feel it's complete, then they
4 will send it on to us with a referral saying --

5 MR. BLASS: With a recommendation.

6 MS. LANZETTA: -- with a recommendation
7 we should do the site plan, you know, for that.

8 MR. BROWN: Okay.

9 MS. LANZETTA: And then I would assume
10 that they would prefer that we would be doing the
11 SEQRA review as well.

12 MR. BLASS: The Town Board would
13 probably prefer that.

14 MR. BROWN: Because you're equipped to
15 do the technical reviews here. Okay.

16 MS. LANZETTA: I do have a question,
17 though.

18 MR. BROWN: Sure.

19 MS. LANZETTA: It's my understanding
20 that -- well, from the comments, that the
21 adjacent property where you're seeking to have
22 your ingress and egress is also nonconforming
23 property, the businesses. Should they come to us
24 for site plan review as well, I'm wondering if it
25 wouldn't -- first of all, I don't know that we

2 can really legally be looking at this because we
3 know that the other site is nonconforming, and
4 so --

5 MR. BROWN: We have -- I'm sorry.

6 MS. LANZETTA: -- for us to entertain
7 you using their property in a sense might be an
8 issue for us. If they want to come to us and
9 talk about what they want to do on the property,
10 if they were done in conjunction, then we might
11 be able to look at both pieces of property and
12 say well where is going to be the best place to
13 put this for both businesses. My fear is that
14 even if we were allowed to consider all this and
15 say okay, you can have that ingress and egress,
16 if the other nonconforming people come to us and
17 say this is what we want to do and now we say
18 boy, that would be the best place for you to
19 store your trucks. I don't know. You know, I'm
20 just saying --

21 MR. BROWN: Cindy, in response to that;
22 number one, the entrance is not dictated by the
23 Town but the DOT because it is on a State
24 highway. If push comes to shove where my client
25 is either going to have to divert his entrance

2 from the common entrance with his neighbor or
3 team up with him, correct me if I'm wrong, but he
4 would prefer to put his own entrance in. We have
5 no control over the neighbor. To kind of require
6 that, it would be -- how could you do such a
7 thing? We have no control over him. I don't
8 know if the building department has cited him and
9 required him to make the same application or not.
10 I don't know anything about that. We're here for
11 this property and this property only. If it
12 requires going to DOT and moving our entrance
13 over, then that's something that we will do.

14 MR. TRAPANI: Is this property right
15 next to Eckerson's Well Drilling?

16 MR. HINES: Yes.

17 MR. TRAPANI: In the back of it?

18 MR. HINES: Yes.

19 MR. TRAPANI: There's a lane that comes
20 from back there, right on the south side of
21 Eckerson's right to 9W.

22 MR. BROWN: Mm'hm'.

23 MR. TRUNCALI: That's the concern,
24 sharing that driveway.

25 MR. TRAPANI: They're sharing that

2 driveway. Is that the main entrance in and out
3 of the parcel in back that you have, Vinnie, or
4 not?

5 MR. DILEONARDO: Yes.

6 MR. TRAPANI: That residential property
7 you have, is that going to be owned by you or
8 somebody else or --

9 MR. DILEONARDO: My employees. I'm
10 part of the HTV program, similar to the apple
11 orchards. The workforce, you're allowed to --
12 they come here on a program for nine months out
13 of the year. So they occupy the house from April
14 until December and then it's empty. Correction,
15 it's a two-family house, it's not a single. I
16 don't know if that means anything or not.

17 MR. TRUNCALI: Are rentals or
18 apartments allowed in that zone?

19 MR. HINES: No. There's residential
20 uses in the HD Zone.

21 MR. TRUNCALI: Does the Board have any
22 other questions, comments?

23 MR. BLASS: If I could just throw
24 something in. I'm not sure why this is here,
25 having listened tonight. It's possible that it's

2

here because the floating zone legislation says
that upon submission of a complete application,
the Town Board shall refer the application to the
Planning Board for a recommendation on whether or
not to create the floating zone. That may be why
you are here. That would make some sense to me.
But if that's not why you're here, I would -- my
gut tells me it's premature to be here.

10

MR. BROWN: Well I do appreciate the
technical review. I mean I don't have a problem
with that. I'd rather get that out of the way
before we go to the Town Board.

14

MR. BLASS: So the only reason I can
see it being here in front of the Planning Board
is for the Planning Board to ultimately consider
the submission and to have a recommendation
thumbs up or thumbs down with conditions for the
creation of a floating zone, after which you come
back to the Planning Board for full --

21

MR. BROWN: Site plan approval.

22

MR. BLASS: -- site plan approval.

23

MR. HINES: He hasn't been to the Town
Board yet.

25

MR. BLASS: You haven't been to the

2 Town Board yet?

3 MR. BROWN: No. We submitted one copy
4 to the building department and they contacted my
5 office and said submit additional submission
6 copies and an application to the Planning Board.
7 Again, Tom wasn't sure either, the building
8 inspector. We're the first one; right?

9 MR. BLASS: I guess you've gotten a
10 technical review.

11 MR. BROWN: I did. I'm ready. I got
12 it.

13 MR. BLASS: Now you need to go to the
14 Town Board and the Town Board will refer you back
15 to the Planning Board for a recommendation, and
16 the Town Board will schedule a public hearing and
17 make a decision.

18 MR. BROWN: Very good. I thank the
19 Planning Board.

20 MR. HINES: When you come back you'll
21 know what we'll be looking for.

22 MR. BROWN: Thank you.

23

24 (Time noted: 7:45 p.m.)

25

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

6 I, Michelle Conero, a Shorthand
7 Reporter and Notary Public within and for
8 the Er of New York, do hereby certify
9 that I recorded stenographically the
10 proceedings herein at the time and place
11 noted in the heading hereof, and that the
12 foregoing is an accurate and complete
13 transcript of same to the best of my
14 knowledge and belief.

DATED: July 6, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

----- X
5 In the Matter of
6

7 BRODY RIDGE
8

9 Project No. 8-2015
10 ----- X
11

12 First Street
13 Section 103.1; Block 4; Lot 47.130
14

15 EXTENSION- SIX-LOT SUBDIVISION
16

17 Date: June 15, 2015
18 Time: 7:45 p.m.
19 Place: Town of Marlborough
20 Town Hall
21 21 Milton Turnpike
22 Milton, NY 12547
23

24 BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
25 BEN TRAPANI
CINDY LANZETTA

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 KATHI NATLAND
29

30 APPLICANT'S REPRESENTATIVE: JAY SAMUELSON
31

32 ----- X
33 MICHELLE L. CONERO
34 10 Westview Drive
35 Wallkill, New York 12589
36 (845) 895-3018
37

2 MR. TRUNCALI: Next up is Brody
3 Ridge.

4 MR. SAMUELSON: Good evening. Jay
5 Samuelson, Engineering Properties.

6 We're here to request an extension for
7 the Brody Ridge project.

8 MR. BLASS: This is running on a cycle
9 of the 5th of February through the 5th of May to
10 the 5th of August. I think the applicant missed
11 the request for the ninety-day extension upon
12 expiration of the earlier extension on
13 February 5th and is asking for the Board to
14 retroactively give a ninety-day extension
15 covering the period February 5th through May 5th
16 and then, in addition to that, to give an
17 extension from May 5th through August 5th.

18 MR. SAMUELSON: I couldn't have said it
19 better myself.

20 MR. SMITH: That's correct.

21 MR. TRAPANI: How many extensions have
22 we done so far?

23 MR. HINES: Since 2012.

24 MR. SAMUELSON: Since 2012.

25 MR. TRAPANI: We can just keep giving

2 them three-month extensions each time or is it
3 six months or --

4 MR. SMITH: There's no limit.

5 MS. LANZETTA: Three months at a time.

6 MR. BLASS: There used to be a limit in
7 the State statute of one six-month extension or
8 two ninety-day extensions, but that was amended a
9 few years ago to make the availability of
10 ninety-day extensions unlimited within the
11 discretion of the Board.

12 Typically what happens, in my
13 experience, is we're in a real estate recession
14 and most applicants ask for these extensions to
15 defer out into the future the conditions of
16 approval, such as bonding and rec fees and things
17 of that nature. That's the reason for the
18 requests typically.

19 MS. LANZETTA: So it also would affect
20 the assessment and the taxes you're paying on the
21 property?

22 MR. BLASS: I would say the assessed
23 valuation of land with a filed plat would be
24 higher than the assessed valuation of land
25 without a filed plat. So it does have that

2 affect.

3 MR. TRAPANI: Due to the economic
4 conditions, though, we have been granting these
5 extensions to this project and others.

6 MR. BLASS: That's true.

7 MR. HINES: You have three or four that
8 are running parallel.9 MR. TRUNCALI: Do I have a motion to
10 grant the extension -- two extensions -- two
11 ninety-day extensions?

12 MR. TRAPANI: I'll make that motion.

13 MR. TRUNCALI: Do I have a second?

14 MS. LANZETTA: I'll second it.

15 MR. TRUNCALI: All in favor?

16 MS. LANZETTA: Aye.

17 MR. TRAPANI: Aye.

18 MR. TRUNCALI: Aye.

19 MR. SAMUELSON: Thank you.

20

21 (Time noted: 7:49 p.m.)

22

23

24

25

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: July 6, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

----- X
3 In the Matter of
4

5

KEDEM WINERY

6

7 Project No. 14-7008
8 1519 Route 9W
Section 109.1; Block 1; Lot 2.100

9

----- X
10

SKETCH - AMENDED SITE PLAN

11

12 Date: June 15, 2015
13 Time: 7:50 p.m.
14 Place: Town of Marlborough
15 Town Hall
21 Milton Turnpike
Milton, NY 12547

16

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA

17

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

18

20

APPLICANT'S REPRESENTATIVE: DENNIS LYNCH

21

22

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

24

2 MR. TRUNCALI: Next up is Kedem Winery.

3 MR. LYNCH: Good evening. Dennis Lynch
4 with Day Engineering.

5 As you mentioned, we're here to discuss
6 the amended site plan for the Kedem Winery. It's
7 an existing 28.3 acre parcel with some -- the
8 existing warehouse and other out structures.
9 There's also -- the site also consists of a
10 smaller one-acre parcel. We're going to be
11 combining the two parcels as part of this for a
12 total buildout condition of approximately 29.3
13 acres.

14 What we're proposing to do is an
15 approximately 6,250 square foot proposed storage
16 building. This is the existing one-story
17 building here and an existing one-story building
18 here that's going to remain. This is the larger
19 office and warehouse that's existing.

20 We're also going to be proposing access
21 from the existing asphalt drive and small parking
22 area here. That's really the extent of the
23 improvements to the site.

24 I know the project, I believe, was in
25 front of the Board in October of last year.

2 Since then we've taken over the project and
3 they're anxious to get going on it.

4 MR. TRUNCALI: There were some existing
5 comments. There was existing drainage concerns.

6 MR. HINES: This site is very sensitive
7 to drainage. There's been some reputed impacts
8 to the residential properties to the south of
9 this project. Although the project only is
10 disturbing .8 acres, we are suggesting that the
11 applicants take a look at the stormwater
12 discharge locations, where that's going to go.
13 There's impervious surfaces associated with the
14 roofs and parking lots and we need to know where
15 that water is going. At the public hearing
16 you're going to have every family from McLaughlin
17 Drive at this site and those questions need to be
18 answered. It needs a more definitive plan for
19 the drainage. DEC regulations would not require
20 a stormwater management plan, but knowing the
21 existing drainage issues on the site, other
22 portions of this site have been developed with
23 lack of any consideration for drainage.

24 The Town retroactively worked with the
25 applicant probably a year-and-a-half ago to

2 institute some stormwater management facilities
3 on the site, including a pipe network, providing
4 the easement in favor of the Town and McLaughlin
5 Drive, and putting a stormwater management pond
6 in the rear of the existing facility. So there
7 is some history with drainage here that they need
8 to take a hard look at.

9 DOT is going to be an involved agency.
10 The project accesses the State highway, so the
11 Board should declare it's intent for lead agency.

12 I'm not clear if there's going to be
13 any bathroom facilities or runoff discharge to
14 the sewage treatment plant from this building.
15 There is an existing sewage treatment plant
16 facility on the site. Any flows from this would
17 require a modification to that permit. I'm not
18 sure what they're going to do here. If it's just
19 dry storage and there is none, that may be the
20 answer.

21 MR. LYNCH: I can get clarification.
22 Right now I believe it's going to be dry storage.
23 I can get clarification on the modifications we
24 would need to make for the existing.

25 MR. HINES: Based on the existing and

2 proposed grades, the northwest side of that
3 building is going to be about eight to ten feet
4 in the ground and the drainage comes right down
5 there, so we need to take a look at what's going
6 to happen to that drainage that comes down the
7 hill and runs into that building. We're going to
8 need to install some drainage systems there as
9 well.

10 The drainage to the parking lot was
11 discussed.

12 Then a narrative report as we just
13 discussed, what is this building going to be
14 utilized for, the number of trucks. You're going
15 to need that for DOT submission anyway. Just a
16 better description of the intensity of use on the
17 site.

18 The Board may want to address
19 landscaping in the future. You're going to put
20 that parking lot in front of the site. I don't
21 know if there's a spot around the back where that
22 parking may be tucked in around the back a little
23 better and not out in the front along 9W. Take
24 into consideration the visual impacts along 9W
25 there.

2 MS. LANZETTA: Is this going to -- will
3 this reach a threshold where the County will be
4 reviewing it?

5 MR. HINES: Yes.

6 MS. LANZETTA: I'll tell you right now
7 they don't like parking lots up front, so you
8 might want to take a look at that.

9 MR. LYNCH: There is an existing
10 driveway along the site back here and there's
11 gravel parking here. The way that the site is,
12 the natural topography is a little steeper back
13 here. We're trying to agitate that building and
14 work around the existing grade, leaving this area
15 here. Like we mentioned, the building in the
16 back is going to be basically buried underground.
17 The entrance would be along this side. So that's
18 where, you know, that parking came from, the
19 location of that. We'll definitely be open to
20 that.

21 MS. LANZETTA: They'll probably ask you
22 to at least examine it. If you can do it right
23 upfront, you can show you're taking it into
24 consideration.

25 Is there going to be any geothermal

2 benefit to putting it into the ground like that?

3 MR. HINES: I think it's just a grading
4 issue.

5 MR. LYNCH: There's an existing
6 building here. There's a lot of existing
7 structures on here that we need to kind of work
8 around and work the new proposed building into
9 the existing site. Obviously it's a little less
10 disturbance to the surrounding property.

11 MR. TRUNCALI: Is there going to be a
12 loading dock here for tractor trailers that will
13 be backing in there?

14 MR. LYNCH: I don't believe there's --
15 it will be smaller trucks.

16 MR. HINES: There's one loading dock
17 proposed on that building because of the grading.

18 MR. LYNCH: This area.

19 MR. TRUNCALI: Why do they need such a
20 big parking lot area there in the front?

21 MR. LYNCH: I think it would be for
22 whoever was working in this building. There is
23 an existing building located here and located
24 here that they're going to utilize that parking
25 for.

2 MR. HINES: More for the customers for
3 wine tasting?

4 MR. LYNCH: I believe so.

5 MR. TRUNCALI: I believe the existing
6 house is condemned and not being used at this
7 time.

8 MR. LYNCH: I'm not aware. I can look
9 into that.

10 MR. HINES: There's one house going
11 away in the parking area.

12 MR. LYNCH: There is. There's a small
13 barn here that's going to be removed.

14 MR. TRUNCALI: The one in the front I
15 believe is -- hasn't been used in years.

16 So Pat, does the Planning Board need to
17 declare --

18 MR. HINES: I would recommend you
19 declare lead agency and we can circulate to the
20 DOT. We'll include County Planning as an
21 interested agency as well.

22 MS. LANZETTA: I'll make that motion,
23 to declare lead agency on this project.

24 MR. TRUNCALI: Intent for lead agency.

25 MR. TRAPANI: I'll second.

2 MR. TRUNCALI: Ben seconds. All in
3 favor?

4 MS. LANZETTA: Aye.

5 MR. TRAPANI: Aye.

6 MR. TRUNCALI: Aye.

7 MR. LYNCH: Thank you.

8

9 (Time noted: 7:57 p.m.)

10

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

12

13 I, Michelle Conero, a Shorthand
14 Reporter and Notary Public within and for
15 the State of New York, do hereby certify
16 that I recorded stenographically the
17 proceedings herein at the time and place
18 noted in the heading hereof, and that the
19 foregoing is an accurate and complete
20 transcript of same to the best of my
21 knowledge and belief.

22

23

24

25 DATED: July 6, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4

----- X
5 In the Matter of
6

7 DOCKSIDE
8

9 Project No. 15-8004
10 Route 9W and Dock Road
11 Section 109.1; Block 3; Lots 13& 14.200
12

----- X
13

14 SKETCH - SITE PLAN
15

16 Date: June 15, 2015
17 Time: 7:58 p.m.
18 Place: Town of Marlborough
19 Town Hall
20 21 Milton Turnpike
21 Milton, NY 12547
22

23 BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
24 BEN TRAPANI
25 CINDY LANZETTA
26

27 ALSO PRESENT: RONALD BLASS, ESQ.
28 PATRICK HINES
29 KATHI NATLAND
30

31 APPLICANT'S REPRESENTATIVE: JAY SAMUELSON
32

33 ----- X
34 MICHELLE L. CONERO
35 10 Westview Drive
36 Wallkill, New York 12589
37 (845) 895-3018
38

2 MR. TRUNCALI: Next up is Dockside.

3 MR. SAMUELSON: Good evening. Jay
4 Samuelson with Engineering Properties again.

5 We were here last month to discuss the
6 proposed grading and filling of the DMK site
7 located on Route 9W and Dock Road. We had
8 several discussions last month about what was
9 going on. We submitted a narrative and a sample
10 of the actual material that we would be proposing
11 to use as fill. It's my understanding that we
12 also submitted a letter withdrawing all previous
13 applications the next day.

14 So we're here tonight to look for you
15 to declare your intent to be lead agency and
16 circulate.

17 MR. HINES: I don't believe that letter
18 was received by the Town.

19 MR. SAMUELSON: The letter for?

20 MR. HINES: Withdrawing the previous
21 application.

22 MS. NATLAND: Did you send it to the
23 Planning Board?

24 MR. SAMUELSON: I was pretty sure it
25 went out the next day. I will confirm it. I was

2 pretty sure that went out the next day.

3 MS. NATLAND: I never got it.

4 MR. SAMUELSON: All right.

5 MR. TRUNCALI: Pat has some comments.

6 Would you like to go over those for us?

7 MR. HINES: We received a long form
8 EAF. I do concur that it is appropriate to
9 circulate lead agency. Other involved agencies
10 are going to be the DOT and the DEC. County
11 Planning will be an interested agency.

12 I have a concern regarding -- we
13 received a copy of a report from American
14 Analytical Laboratories with a single soil sample
15 and the analysis associated with that that comes
16 from a company called Evergreen Recycling up in
17 Corona with a New York City address. There's
18 some -- there looks to be some issues with the
19 sample. There's some heavy metals and volatiles
20 in the sample. I don't know what or how this
21 material was generated. Maybe somebody can fill
22 us in on --

23 MR. SMITH: What did you just say, Pat?

24 MR. SAMUELSON: There's heavy metals
25 and volatiles in the sample itself. Do you know

2 exactly what this material consists of?

3 MR. ROBERTS: It's just they dug up the
4 blacktop underneath the dirt. It's foundations.
5 They dig up the foundation, dig for new
6 foundations. It's the dirt.

7 MR. SAMUELSON: It's material that's --
8 it doesn't include the actual blacktop or the
9 foundation, it's just material underneath it?

10 MR. ROBERTS: Right. It's under.

11 MR. SMITH: Were those levels under the
12 acceptable level?

13 MR. HINES: It doesn't appear to be.
14 There's high levels of led.

15 MR. SAMUELSON: I saw a couple that
16 were above that forty percent level but I didn't
17 think they were out of the range.

18 MR. ROBERTS: The DEC clarified it and
19 certified it as clean fill, that's why they sent
20 the --

21 MR. HINES: We'll forward this
22 information on with the DEC circulation, but
23 there's semi-volatile and volatile compounds.

24 The other issue I have is how will that
25 be monitored at the site? This was originally

2 presented that it was going to be "clean fill."
3 The material trucked up from New York City gets
4 me a little concerned. So I think -- and that
5 goes back to my original comment of how the site
6 was going to operate and who was -- if this is
7 truly exempt C&D material. There's a DEC
8 permitting registration process that will need to
9 be done as we work through this.

10 MR. SAMUELSON: We'll have more further
11 discussions with the DEC about the material.

12 MR. HINES: Then again, this was just
13 one sample.

14 The stormwater pollution prevention
15 plan. Our comments from the 18th, as Mr.
16 Samuelson acknowledged, are still outstanding on
17 the stormwater pollution prevention plan.

18 We're going to request some information
19 from the DEC regarding the mined land reclamation
20 permit.

21 MR. SAMUELSON: I believe we'll get
22 that information. It's my understanding it was
23 reclaimed way back when. It may be eroded in
24 areas now. It gets very sandy at the bottom.
25 It's my understanding it was signed off on. That

2 we'll clear up when we go through the DEC.

10 The reclamation details are lacking,
11 what the site is going to look like in the
12 interim, how it's going to be reclaimed as it
13 progresses forward. Right now it looks like it's
14 one-single phased project. We're going to need
15 details on how much topsoil, what it's going to
16 look like when the project is done.

17 I note that in your cover letter you're
18 requesting that the permit be issued for one
19 year. Again, we discussed that last time.

20 MR. SAMUELSON: It's six months with
21 two three-month extensions, if I remember
22 correctly. Right?

23 MR. HINES: I think it was only one
24 three-month extension.

25 MR. SAMUELSON: That was my fault. I

2 remember it being two three-months. We'll revise
3 that to nine.

4 MR. HINES: The problem with that is it
5 improvises your traffic counts. I think your
6 traffic counts are based on twenty-one loads a
7 day for a year. So you have to add one third
8 again.

9 MR. SAMUELSON: I don't think we're --
10 I don't think we have any intention of getting
11 the full 100,000 yards in nine months. I'll be
12 happy to say right now we will be back seeking
13 additional approval at that point in time. We'll
14 probably have to apply all over again but I don't
15 think -- we're not intending to bring in a
16 hundred trucks a day to get that amount of fill
17 to get us up to that level that quick. This is
18 not a --

19 MR. HINES: I understand what you're
20 saying. I don't know how the Board can approve
21 half a plan. You may need to come up with a
22 plan --

23 MR. SAMUELSON: A revised grading plan.

24 MR. SAMUELSON: -- of 50,000 yards or
25 fifty percent of the site. Something that fits.

2 Once the Board approves the 100,000, then the
3 trucks start coming --

4 MR. SAMUELSON: Got you.

5 MR. HINES: -- at that rate to
6 accomplish that. It's in the ordinance.

7 MS. LANZETTA: Do we have to be
8 concerned with our own SPDES permit with the
9 outflow from the wastewater treatment plant, that
10 there could be an affect?

11 MR. HINES: If there's an affect on
12 that there's a big problem. This should not
13 affect that. The sewage treatment plant sits
14 above the elevation.

15 MS. LANZETTA: Where they measure our
16 outflow, is that -- that's above this?

17 MR. SAMUELSON: It's above this.

18 MR. HINES: Yeah. Discharge wouldn't
19 commingle with that. But they do need to get --
20 based on how it's described, they may need both a
21 construction and stormwater SPDES permit and a
22 multi-sector permit. I don't have a good grip on
23 what this material is going to be and how it's
24 going to -- I'm concerned what it looks like
25 after six months and then winter comes.

2 MR. SAMUELSON: Do you know where else
3 the material is being taken?

4 MR. ROBERTS: I do not know but I can
5 find out.

6 MR. SAMUELSON: Find out what it looks
7 like.

8 MR. ROBERTS: Bring samples.

9 MR. SAMUELSON: Additional samples.

10 MR. ROBERTS: See how they want to
11 monitor and we can do that also.

12 MR. SAMUELSON: We can find out where
13 it goes now and the procedures they have in place
14 and see if we can possibly propose the same and
15 let you guys review those procedures.

16 MR. HINES: The narrative, it doesn't
17 -- it says that it meets Department of Health and
18 the lab standards but it's not telling you
19 anywhere it's "clean fill." It's coming through
20 their laboratory analysis telling how they did
21 it. To read this, it looks like they're saying
22 -- they're saying the test results meet the
23 requirements of New York State Health and the
24 NELAC standards, but that's just the laboratory
25 testing standards, not a standard for someone to

2 say okay, this is exempt C&D.

3 MR. SAMUELSON: We will contact DEC and
4 get a response from them on the material.

5 MR. HINES: There's several of the
6 semi-volatiles and volatiles, there's some PCB.
7 I don't know which -- one of the components of
8 PCB is in there, there's DET and DEE. Again,
9 we're talking parts per billion, but added up --
10 Those components make me believe that it's not
11 "clean." There's led in the 76 parts per
12 million, not billion. Times ten on there.
13 There's quite a bit of semi-volatiles in there.
14 It probably has to do -- a piece of asphalt will
15 cause it. I just don't -- until you said
16 asphalt, I didn't know where that was coming
17 from. Some of these components would show up
18 having asphalt there.

19 MR. TRUNCALI: Do you have anything
20 else, Pat?

21 MR. HINES: That's all I have. If the
22 Board wishes to declare it's intent for lead
23 agency, I will circulate to the other involved
24 agencies.

25 MR. SAMUELSON: Subject to me getting

2 you that letter tomorrow morning.

3 MR. HINES: Yeah.

4 MS. LANZETTA: Lead agency. We're
5 working off of an EAF. You're talking about
6 reducing the project to basically half of what is
7 being projected here. Shouldn't we have all of
8 the updated figures and everything before --

9 MR. HINES: As lead agency I guess
10 we'll start out with the worst case.

11 MS. LANZETTA: We're going to start out
12 with the full project?

13 MR. SAMUELSON: I think it's -- I think
14 it's in our best benefit as well as yours to
15 analyze if we were going to do 100,000 yards in a
16 six-month period.

17 MR. HINES: Nine months.

18 MR. SAMUELSON: Six to nine months. If
19 we feel through the process that we can't achieve
20 that, we have the right to amend the application
21 and provide lesser plans prior to approval. I'd
22 like to start at that 100,000 level, I understand
23 it's a nine-month time limit, and let us back off
24 if we feel we can't do that. Then we're
25 analyzing the worst case scenario and we know

2 anything less is -- should be less.

3 MS. LANZETTA: Okay.

4 MR. TRUNCALI: Ron, do you have any
5 comments?

6 MR. BLASS: We decided last time to
7 hold off the circulation until receipt of the
8 letter. So that's really --

9 MR. SMITH: I can have it delivered
10 tomorrow morning.

11 MR. SAMUELSON: I know he prepared the
12 letter. I was ninety-nine percent sure it went
13 out. If it didn't go out, I apologize. That's
14 my fault.

15 MR. SMITH: It went to the Town Board.
16 Maybe it never made it's way to the Planning
17 Board. That's possible.

18 MR. SAMUELSON: Because the official
19 application was to the Town Board. I will go --
20 I honestly admit that it's my mistake if it
21 didn't go out, it's not the applicant's. I would
22 request on my behalf that -- I don't know if you
23 can do it subject to receipt. There was no
24 motion made last month.

25 MR. BLASS: I think we made a motion to

2 declare intent to be lead agency and to withhold
3 circulation pending receipt of the letter. So I
4 think -- we have the minutes right here and
5 that's exactly what we did. We're sort of doing
6 it again.

7 MR. SMITH: The same exact thing.

8 MR. BLASS: I had one thought. Is
9 there any value to having a meeting among Pat,
10 the Part 360 DEC regulator Region 3 New Paltz and
11 a representative of the Mined Land Reclamation
12 agency/division of the DEC Region 3 New Paltz to
13 deal with all of these issues?

14 MS. LANZETTA: I would also want to
15 include DOT if they want to attend.

16 MR. BLASS: If they want to attend. I
17 see significant Part 360 solid waste management
18 issues which is regulated by DEC. There may be a
19 reclamation, post mining reclamation issue or
20 not. That's also another division of --

21 MR. HINES: I believe even the
22 transport of this much material needs a waiver
23 from the DEC mined land. Just a fill of this
24 size. So they are involved.

25 MR. SAMUELSON: I have no problem.

2 MR. BLASS: It's possible this could be
3 a modification of the reclamation plan that was
4 put in place with respect to the mining. Maybe
5 so, maybe not.

6 MR. SAMUELSON: We're going to find
7 out. Absolutely. I have no objection to getting
8 all those parties together. It's only going to
9 help everything move along.

10 MS. LANZETTA: I agree.

11 MR. SAMUELSON: I guess -- if that
12 motion was actually made last month, I guess
13 there is nothing we need to do actually then for
14 me to do my job.

15 MR. SMITH: All right.

16 MR. SAMUELSON: Pat, do you want to set
17 that meeting up or do you want me to?

18 MR. HINES: Yes, I will.

19 MR. SAMUELSON: Thank you.

20 MR. TRUNCALI: Is there any other
21 business from the Board?

22 (No response.)

23 MR. TRUNCALI: Pat, Ron, anything else?

24 MR. HINES: Nothing.

25 MR. TRUNCALI: If not, I'll entertain a

2 motion to close the meeting.

3 MS. LANZETTA: I'll make that motion.

4 MR. TRUNCALI: Ben?

5 MR. TRAPANI: I'll second.

6 MR. TRUNCALI: All in favor?

7 MS. LANZETTA: Aye.

8 MR. TRAPANI: Aye.

9 MR. TRUNCALI: Aye.

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11 (Time noted: 8:13 p.m.)

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: July 6, 2015