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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
----- X
In the Matter of

DOCKSIDE

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

----- X

SITE PLAN

Date: May 18, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: MICHAEL LOGUE, Chairman
BEN TRAPANI
CINDY LANZETTA

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

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN LOGUE: Let's rise for the
Pledge of Allegiance.

(Pledge of Allegiance.)

CHAIRMAN LOGUE: Agenda, Town of
Marlborough Planning Board, May 18, 2015.
Regular meeting, 7:30. Approval of stenographic
minutes for 4/6/15 and 4/20/15. Dockside,
sketch, site plan. Next deadline: Friday,
May 22nd. Next scheduled meeting: Monday,
June 1st.

The minutes for 4/6 and 4/20 we just
received, so we'll give time to review them
before we vote on them.

MS. LANZETTA: I picked them up on
Friday and the necessary changes have been made,
so I will move to approve them.

CHAIRMAN LOGUE: Both of them? I
didn't get a chance to read them.

MR. TRAPANI: I didn't.

CHAIRMAN LOGUE: We'll table them for
now.

MS. LANZETTA: Okay.

CHAIRMAN LOGUE: First up is Dockside.

MR. SAMUELSON: Good evening. Jay

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Samuelson, Engineering Properties, here to represent the applicant.

I believe we've been here on this site before on a few things. At this point in time the applicant has some material from another site that they're looking to utilize, to bring here and fill.

I see there's an error on the plan. One of the contours got shifted somehow. I'm not quite sure how.

What we're proposing is to bring in the material, the fill, it's probably about 100,000 yards of material, maintaining a depression for stormwater just to make the site a little bit more level and more usable for future development.

CHAIRMAN LOGUE: Okay. Pat, you had some comments?

MR. HINES: We have some comments. Our first is just a request for additional information.

A stormwater pollution prevention plan would be required. It's going to be disturbing 8 acres of property.

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We're recommending a traffic study be done for the site. I did a quick calculation. It looks like about 5,550 plus or minus truckloads of material which would come into the site based on an 18-yard standard dump truck, and then leave the site as well. So you're talking over 10,000 truck trips in some period of time. I don't know what period of time it is. Once we get that traffic study we would be able to get it to DOT. DOT is going to ask that very same question.

Some reclamation details, what the site is going to look like when it's done. Topsoil and seeded and brought up to some kind of -- it used to be farm, meadow, or if there's a site plan use coming down the road.

A noise study. There is an elementary school right next door, so we're looking at what issue that is. There's a significant grade difference which may be taken into account. Some of the narrative that we're looking for may explain that. If it's done over the next three months in the summer it probably won't impact the school, whereas if it's done starting in September sometime, there could be issues with

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mixing in the bus count with that truck traffic.

A phasing plan should be undertaken.
The SPDES permit will have to shake that out. You
can't disturb more than 5 acres at one time
without an exemption. A narrative report we're
looking for.

Site operations. Typically a site like
this would have some form of inspection of the
material to make sure that it meets whatever
requirements it is. It sounds like they may have
a site, although the applicant previously was
looking to do this on spec. If they know where
the material is coming from, that would help. I
will tell you that we have several sites in
Orange County that the DEC is chasing around
chronically right now. It's material that's
coming -- it's exempt fill material. In other
words, it's bricks, concrete and it's not -- it's
originating very far south of here on the other
side of the Hudson River, being trucked up here.
It has created some issues throughout Orange
County on those sites based on the type of
material, where it's coming from and whether it
was construction debris or exempt material,

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construction debris or pieces of pipe. If they know what that material is and they can include that, where it's coming from, include it in the narrative.

Dust control, hours of operation, the source and recordkeeping. I think the Board is going to need to know that to make a decision.

It's 8 acres. You're not talking about a little project here. 5,500 trucks over three years may not be a lot but over a month-and-a-half it may be a lot.

The other thing is your permits for clearing and grading have a six-month timeframe on them, so that kind of narrows down the application. It only allows for one three-month extension. Your regulation requires it to be a maximum nine-month period. If you do the math, that's quite a few trucks.

The overflow parking area. This is a pretty busy overflow parking area in front of the site which could cause some conflicts if the Falcon facility has an event during the clearing and grading operation. It's going to take some coordination on how that's going to work. They're

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not regrading that area but trucks coming and going during those events, I think the people walk -- sometimes they do valet I understand, but sometimes the people walk along the roadway getting in there. It's quite close to some of the buildings there.

Ron and I discussed before the meeting this is an existing application before the Board. It's just been languishing for a period of time. This adds a new SEQRA review element to it. We feel the application should be withdrawn if we're going to review this as a separate, distinct application. We can't have multiple prongs of review going on on the same site.

We're just looking to confirm the fuel calculations in that narrative report. Mr. Samuelson's office can give us the cut and fill calculation.

The E.A.F., which was filled out electronically, has similar flags that we discussed during the Dickie's Diner. There is a cultural resource flag on that as well as a threatened or endangered species, which, as I discussed a few weeks ago, could be sturgeon in

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the Hudson River. We don't know. We have to follow that up with a letter to the DEC.

 This Board should declare itself lead agency once we get over that other SEQRA hurdle. DOT will be an interested or involved agency with the access drive, DEC for a stormwater permit. I'm not sure of what the status of the old mining permit is. I don't know that it's been reclaimed. There are substantial portions of this site that are currently not vegetated and pretty significantly eroded. I alerted earlier and doing the review you can see some substantial erosion occurring on the site in it's current state.

 MR. SAMUELSON: I don't know the answer.

 MR. HINES: I would be surprised if it wasn't. There's a good probably 5 acres that has no vegetation. If it did, it washed away. So during the lead agency coordination that will shake out as well. That's the kind of information we're looking for.

 I don't know if the applicant was aware of the timeframes in the clearing and grading permit section, but --

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MR. SMITH: What happens after the nine months? Can we -- there's no more extensions or --

MR. HINES: It says a one-time period not to exceed three months.

MR. SMITH: We have to come back before the Planning Board again and start over or basically it's a continuation of the process?

MR. BLASS: Well, I mean the best possible outcome would be the need for a reapproval. Reapply, reapprove for another period of time. You know, there's some thought to be expressed but the contemplation of the code is that it's a quick in/quick out fill operation as opposed to one of a prolonged duration.

MR. SMITH: Okay.

MR. BLASS: This is a very large fill operation. It's limited to a nine-month window.

MR. SMITH: It's going to take more time than that. You don't want to bomb a hundred trucks a day.

MR. HINES: That's the concern. You're over 5,500 trucks in and then they have to leave.

MR. BLASS: So how long would it take,

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roughly? What's the anticipated timeframe? How much longer than nine months?

MR. SAMUELSON: Forty weeks.

For the record, the applicant is here, Doug Smith, and Damon Roberts.

So we do have to push to get it in nine months or come back and look for some sort of reapproval. We can discuss this. We'll discuss in a narrative our timeframe, what we expect it to be, and that way we know whether we're going to be pushing that nine months or if we can get it done. We'll have that discussion. I was unaware of the time.

MR. BLASS: There has to be some risk to the applicant, some risk to the owner of the need for a reapproval which is not necessarily in the bag, if you think about that.

MR. ROBERTS: What would be not approval? We got approval the first time --

MR. SMITH: It's not a definite that you're going to get reapproval. Nobody knows. You have to come back before the Board.

MR. ROBERTS: I understand.

MR. SMITH: There's some risk to that.

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You may not get reapproved.

MR. ROBERTS: What would be the risk --
what would be the reason not getting reapproved?

MR. SMITH: I don't know. That's nine
months in the future.

MR. ROBERTS: I mean you can look at
those things. You fill and everything is going
correct.

MR. SMITH: There really shouldn't be a
problem.

MR. ROBERTS: Okay.

CHAIRMAN LOGUE: All right. Do you have
anything else?

MR. SAMUELSON: I believe the
application -- we will submit a formal withdrawal
of the previous application that's there. I don't
know if we can do that on the record tonight or
we need to submit something.

MR. BLASS: Submit something.

MR. SAMUELSON: A letter in writing.
Could you start lead agency tonight on this
project, or at least get the ball rolling on
that, and that way we can at least get some of
the circulation done? I can coordinate the rest

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of the things with the DEC. Obviously I would like to fix those two contours first.

MR. HINES: The zone line.

MR. SAMUELSON: The zone line got moved, too.

MR. BLASS: If the Board declares intent to be lead agency but withholds circulation pending receipt of the letter withdrawal withdrawing the rezoning and site plan application for multi-family I think it is. Multi-family residential.

MR. SMITH: I don't even know if that's the one. It might be something from Copart.

MR. BLASS: Different sites.

MR. SAMUELSON: That was here as well. We had the application.

MR. BLASS: I don't think he had any approval for that one.

MR. SMITH: We didn't have an approval. We might have had something before the Board or something. I forget.

MR. BLASS: Withdraw both.

MR. SMITH: We will.

CHAIRMAN LOGUE: Does the Board have

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any comments?

MS. LANZETTA: I have some questions.
Can you clarify for me, are we doing a
combination site plan review and permitting under
the clearing and grading?

MR. BLASS: I don't see an expressed
statement in the clearing and grading section
that says you also need Planning Board site plan
review. It looks like it's just a Planning Board
review all encompassed within the clearing and
grading section.

MS. LANZETTA: Okay. So the
requirements would be under Section 75?

MR. HINES: 75.

MS. LANZETTA: Okay. And also I noticed
that the E.A.F., that they had said that it was
not -- under part B, that it was not a designated
State Heritage area. It's my understanding that
this is within the National Heritage area. The
Hudson River corridor is part of the National
Heritage area. That is a designated Heritage
area.

MR. HINES: Normally by filling out
the --

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MR. SAMUELSON: That gets filled out
online automatically.

MR. HINES: It would kick that in.

MR. SAMUELSON: Once I put in the tax
lot in the DEC's website it automatically answers
that question for you. We will look into that.

MS. LANZETTA: And then lastly, and
it's -- I know Doug and I know he's a
representative of Mr. Grassio's but I just wanted
to point out that under the letter of agent, it
should be notarized I think, the letter of agent.

MS. NATLAND: It is. I have it.

MS. LANZETTA: I'm sorry. The one I
have was not. I just wanted to make sure we were
doing everything kosher. Okay.

CHAIRMAN LOGUE: Okay. Anything else
from the applicant?

MR. BLASS: Is the Board okay with
declaring an intention to be lead agency?

CHAIRMAN LOGUE: The intent?

MR. BLASS: Yes.

CHAIRMAN LOGUE: I'm okay with it.

MS. LANZETTA: Yes.

MR. BLASS: We'll hold off on the

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circulation pending receipt of the withdrawal of applications for inconsistent uses.

CHAIRMAN LOGUE: Can I have a motion from the Planning Board with the intent to be lead agency and hold off on circulation?

MR. TRAPANI: I'll make that motion.

MS. LANZETTA: I'll second it.

CHAIRMAN LOGUE: Okay. All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

CHAIRMAN LOGUE: Aye.

MR. SAMUELSON: That's it. I will get you the required copies for circulation.

MR. HINES: Send them to me.

MR. SAMUELSON: Along with the same withdrawal letter? Send that to you?

MR. HINES: Yes.

MR. SAMUELSON: Thank you.

MR. HINES: Jay, I'll circulate the letter to Ron and the Board and I'll do the circulations.

MR. SAMUELSON: Okay.

CHAIRMAN LOGUE: If there's nothing else, can I have a motion to close the meeting?

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

3 CHAIRMAN LOGUE: A second?

4 MS. LANZETTA: I'll second.

5 CHAIRMAN LOGUE: All in favor?

6 MR. TRAPANI: Aye.

7 MS. LANZETTA: Aye.

8 CHAIRMAN LOGUE: Aye.

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10 (Time noted: 7:47 p.m.)

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

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

DATED: June 5, 2015