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

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4 In the Matter of

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6 DOCKSIDE

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

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SITE PLAN

11

Date: May 18, 2015

12

Time: 7:30 p.m.

13

Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

14

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BOARD MEMBERS: MICHAEL LOGUE, Chairman
 BEN TRAPANI
16 CINDY LANZETTA

17

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

19

20

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

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24

Wallkill, New York 12589

(845) 895-3018

25

1 DOCKSIDE

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2 CHAIRMAN LOGUE: Let's rise for the
3 Pledge of Allegiance.

4 (Pledge of Allegiance.)

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

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

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

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

20 MR. TRAPANI: I didn't.

21 CHAIRMAN LOGUE: We'll table them for
22 now.

23 MS. LANZETTA: Okay.

24 CHAIRMAN LOGUE: First up is Dockside.

25 MR. SAMUELSON: Good evening. Jay

2 Samuelson, Engineering Properties, here to
3 represent the applicant.

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

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

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

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

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

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

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

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

2 mixing in the bus count with that truck traffic.

3 A phasing plan should be undertaken.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 MR. SMITH: Okay.

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

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

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

25 MR. BLASS: So how long would it take,

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

4 MR. SAMUELSON: Forty weeks.

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

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

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

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

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

24 MR. ROBERTS: I understand.

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

2 You may not get reapproved.

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

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

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

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

12 MR. ROBERTS: Okay.

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

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

20 MR. BLASS: Submit something.

21 MR. SAMUELSON: A letter in writing.

22 Could you start lead agency tonight on this
23 project, or at least get the ball rolling on
24 that, and that way we can at least get some of
25 the circulation done? I can coordinate the rest

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

4 MR. HINES: The zone line.

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

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

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

15 MR. BLASS: Different sites.

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

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

20 MR. SMITH: We didn't have an approval.
21 We might have had something before the Board or
22 something. I forgot.

23 MR. BLASS: Withdraw both.

24 MR. SMITH: We will.

25 CHAIRMAN LOGUE: Does the Board have

2 any comments?

3 MS. LANZETTA: I have some questions.

4 Can you clarify for me, are we doing a
5 combination site plan review and permitting under
6 the clearing and grading?

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

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

15 MR. HINES: 75.

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

24 MR. HINES: Normally by filling out
25 the --

2 MR. SAMUELSON: That gets filled out
3 online automatically.

4 MR. HINES: It would kick that in.

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

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

13 MS. NATLAND: It is. I have it.

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

17 CHAIRMAN LOGUE: Okay. Anything else
18 from the applicant?

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

21 CHAIRMAN LOGUE: The intent?

22 MR. BLASS: Yes.

23 CHAIRMAN LOGUE: I'm okay with it.

24 MS. LANZETTA: Yes.

25 MR. BLASS: We'll hold off on the

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

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

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

8 MS. LANZETTA: I'll second it.

9 CHAIRMAN LOGUE: Okay. All in favor?

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 CHAIRMAN LOGUE: Aye.

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

15 MR. HINES: Send them to me.

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

18 MR. HINES: Yes.

19 MR. SAMUELSON: Thank you.

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

23 MR. SAMUELSON: Okay.

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

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DOCKSIDE

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MR. TRAPANI: I'll make that motion.

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CHAIRMAN LOGUE: A second?

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MS. LANZETTA: I'll second.

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CHAIRMAN LOGUE: All in favor?

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MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

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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

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: June 5, 2015