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

In the Matter of

5 LITTLE BRICK HOUSE

9 _____ X
10 _____

11 PUBLIC HEARING
LOT LINE CHANGE

12 Date: January 16, 2018
13 Time: 7:30 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
17 CINDY LANZETTA
17 JOSEPH LOFARO

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

21 APPLICANT'S REPRESENTATIVE: WILLIAM EGGERS

22

23 MICHELLE L. CONERO
PMB #276

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, January 16, 2018.
8 Regular meeting for 7:30 p.m. First on the
9 agenda is the approval of the stenographic
10 minutes for 12/18/17. The agenda tonight
11 includes Little Brick House, public hearing, lot
12 line located at 1435 Route 9W, Marlboro; Grand
13 Slam Auto, final, site plan; Susan Bagatta,
14 sketch, lot line, 1 Top Hill Road, Marlboro;
15 Marlboro Distribution Route 9, LLC, sketch, site
16 plan, 1100 Route 9W, Marlboro. The meeting will
17 not be held upstairs. We are downstairs this
18 evening. The next deadline will be Friday,
19 January 19th. The next scheduled meeting is
20 Monday, February 5, 2018.

21 First up, I would like to have a motion
22 to approve the stenographic minutes for 12/18.

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

24 CHAIRMAN BRAND: Is there a second?

25 MR. LOFARO: I'll second it.

2 CHAIRMAN BRAND: All those in favor?

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: So carried.

10 First on the agenda is the Little Brick
11 House, public hearing, lot line.

12 Legal notice, lot line revision
13 application. Please take notice a public hearing
14 will be held by the Marlborough Planning Board
15 pursuant to the State Environmental Quality
16 Review Act, or SEQRA, and the Town of Marlborough
17 Town Code 134-33 on Tuesday, January 16, 2018 for
18 the following application: Little Brick House,
19 at the Town Hall, 20 Milton Turnpike, New York at
20 7:30 p.m. or as soon thereafter as may be heard.
21 The applicant is seeking approval of a lot line
22 revision for lands located at 1435 Route 9W,
23 Marlboro, Section 109.1, Block 4, Lots 8 and 9.
24 Any interested parties either for or against this
25 proposal will have an opportunity to be heard at

2 this time. Chris Brand, Chairman, Town of
3 Marlborough Planning Board.

4 How many mailings did you send out and
5 how many did you receive back?

6 MR. EGGERS: We sent out twenty and two
7 were returned.

8 CHAIRMAN BRAND: Okay. If you could
9 just give those to the secretary, that would be
10 very helpful.

11 Would you like to give a brief overview
12 of what it is you're doing to those in the
13 audience, please?

14 MR. EGGERS: Sure. So the property is,
15 as I said, on Route 9W right at the corner of
16 Warren Street. There are two existing dwellings
17 on two separate tax lots. On two separate deed
18 lots, two separate ownerships actually.

19 One of them is a very small parcel, an
20 almost triangular shaped parcel. That's existing
21 tax map lot 9. Currently it does not have road
22 frontage on either Route 9W or Warren Street.
23 The proposed lot line adjustment would be to
24 convey lands to increase that parcel to a total
25 acreage of 2.29 acres for the parcel in front.

2 That would then provide it with road frontage.

3 It would also thereby allow the septic field
4 which serves that house to be on the property
5 with the house.

6 There is a retained piece with frontage
7 on Warren Street of 3 acres.

8 CHAIRMAN BRAND: Excellent. Thank you.

9 Pat, did you want to run through your
10 comments first?

11 MR. HINES: We have a couple of
12 comments that are repeat comments. We're looking
13 for bulk tables for each of the lots, the
14 existing and proposed.

15 The highway superintendent's comments
16 for the driveway on Warren Street. These are
17 comments I repeat from last month.

18 Water supply for existing lot 9, the
19 small triangular lot. We don't have any
20 indication of where that water comes from.

21 MR. POMARICO: It comes off 9W.

22 MR. HINES: There's a well on lot 8 as
23 well as a water valve. I want to clarify the
24 water supply for lot 8.

25 MR. EGGERS: That comes off Warren.

2 So the house on lot 8, the water valve
3 and the water supply does come from Warren
4 Street. We did not find a water valve. Is there
5 another valve to this house out here?

6 MR. POMARICO: That comes off 9W.

7 MR. EGGERS: The water supply does come
8 off of 9W to the house on tax map lot 9. There's
9 a water valve out at the intersection of Warren
10 Street. There's a hydrant on the property,
11 another hydrant just south of it.

12 MR. HINES: Both structures are
13 currently served by municipal water?

14 MR. EGGERS: Yes.

15 MR. HINES: If we can have a note on
16 the map that says that, that will address that
17 comment. I don't know what the well is doing
18 there.

19 MR. EGGERS: It pre-exists the water
20 supply.

21 MR. HINES: The highway
22 superintendent's comments on the driveway as a
23 condition of approval.

24 We talked about the water on both the
25 lots.

2 With that, I don't have any other
3 significant comments. I think that note should
4 be added to the plans to address the water
5 supply.

6 CHAIRMAN BRAND: Ron, did you have
7 anything?

8 MR. BLASS: No.

9 CHAIRMAN BRAND: This is a public
10 hearing. Any member of the public that would
11 like to either speak for or against the project
12 has an opportunity to do so at this time. Please
13 stand and state your name for the record.

14 (No response.)

15 CHAIRMAN BRAND: Any comments? Going
16 once.

17 (No response.)

18 CHAIRMAN BRAND: Closed. Thank you.
19 I'd like a motion to close the public
20 hearing.

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

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

24 MR. TRAPANI: Aye.

25 MR. LOFARO: Aye.

2 CHAIRMAN BRAND: Aye.

3 Any opposed?

4 (No response.)

5 CHAIRMAN BRAND: The public hearing is
6 closed.

7 MS. LANZETTA: Was there a second?

8 CHAIRMAN BRAND: Is there a second?

9 MS. LANZETTA: I'll second it.

10 CHAIRMAN BRAND: Excellent. No further
11 discussion; right?

12 (No response.)

13 CHAIRMAN BRAND: All those in favor?

14 MR. TRAPANI: Aye.

15 MS. LANZETTA: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN BRAND: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN BRAND: Excellent.

21 Do we have any further discussion on
22 this?23 MS. LANZETTA: I have a question just
24 how things -- to clarify for me. When we have a
25 subdivision like this does the Planning Board

2 request the highway superintendent to weigh in on
3 these automatically or do we have to make a
4 special request? How is that usually handled?

5 MR. HINES: Typically the applicants
6 contact the highway superintendent.

7 MS. LANZETTA: So they wait for your
8 comments and if you say the highway
9 superintendent should be contacted it's their
10 responsibility to contact the highway
11 superintendent?

12 MR. HINES: I believe that's the
13 process. I don't think he gets a copy direct.

14 MS. LANZETTA: Okay. I mean it's up to
15 the applicant then to seek out that information.
16 Okay.

17 MR. HINES: Typically he schedules a
18 meeting with them in the field.

19 MS. LANZETTA: Okay. I'm just trying
20 to figure out --

21 MR. POMARICO: Should I apply for a
22 permit off of Warren or just leave it there and
23 get a letter from him saying he would okay it?

24 MR. HINES: To expedite stamping of the
25 plans, meeting with him and getting a letter

1 LITTLE BRICK HOUSE

10

2 would address that comment.

3 MR. POMARICO: Okay. That's Mr.
4 Appler?

5 MR. HINES: Yes.

6 MR. POMARICO: I'll contact him. Thank
7 you.

8 CHAIRMAN BRAND: Do I have a motion for
9 a negative declaration for this project?

10 MR. LOFARO: I'll make a motion for a
11 negative declaration on this project.

12 CHAIRMAN BRAND: Is there a second?

13 MS. LANZETTA: I'll second it.

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

16 MR. TRAPANI: Aye.

17 MS. LANZETTA: Aye.

18 MR. LOFARO: Aye.

19 CHAIRMAN BRAND: Aye.

20 Any opposed?

21 (No response.)

22 CHAIRMAN BRAND: We could at this time
23 give conditional approval based on the conditions
24 that --

25 MR. HINES: Subject to my technical

2 comments dated 15 January.

3 MR. BLASS: There's a resolution of
4 approval in front of you. Tomorrow morning I'll
5 add the three conditions from Pat's memo and send
6 it over. That would be highway superintendent
7 approval of the driveway from Warren Street, both
8 lots to be served by public water supply and the
9 bulk table to be added to the plans.

10 CHAIRMAN BRAND: And the resolution of
11 approval to also indicate those changes?

12 MR. BLASS: Yes.

13 CHAIRMAN BRAND: Do I have -- I guess
14 that would be Jen. Would you poll the Board?

15 MS. FLYNN: Chair Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Truncali is not here.

18 Member Trapani?

19 MR. TRAPANI: Yes.

20 MS. FLYNN: Member Lanzetta?

21 MS. LANZETTA: Yes.

22 MS. FLYNN: Member Lofaro?

23 MR. LOFARO: Yes.

24 MS. FLYNN: Cauchi is not here.

25 CHAIRMAN BRAND: That's it. We also

2 have the SEQRA negative declaration, notice of
3 determination of nonsignificance. Can I have a
4 motion to --

5 MS. LANZETTA: Didn't we do that?

6 CHAIRMAN BRAND: I did it out of order.
7 I did the approval first. You're right. I'm
8 sorry.

9 MS. LANZETTA: That's okay.

10 CHAIRMAN BRAND: We did the negative
11 declaration. We do need to approve the short
12 E.A.F. for the impact assessment.

13 Is that part of that, Ron?

14 MR. BLASS: E.A.F. part 2.

15 CHAIRMAN BRAND: Can I have a motion to
16 approve the E.A.F.?

17 MS. LANZETTA: I'll make a motion to
18 approve the short E.A.F. negative declaration.

19 CHAIRMAN BRAND: Is there a second?

20 MR. LOFARO: I'll second.

21 CHAIRMAN BRAND: All those in favor?

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. LOFARO: Aye.

25 CHAIRMAN BRAND: Aye.

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2 All those opposed?

3 (No response.)

4 CHAIRMAN BRAND: Excellent. I think
5 that does it for you.

6 MR. EGGERS: Thank you very much.

7 MR. POMARICO: Thank you all.

8

9 (Time noted: 7:46 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of February 2018.

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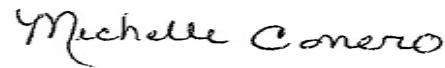
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MICHELLE CONERO

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

In the Matter of

GRAND SLAM AUTO

Project No. 17-1018
1924 Route 9W, Milton
Section 103.1; Block 2; Lot 61

FINAL SITE PLAN

12 Date: January 16, 2018
13 Time: 7:46 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
17 CINDY LANZETTA
17 JOSEPH LOFARO

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

21 APPLICANT'S REPRESENTATIVE: TOM CORCORAN

MICHELLE L. CONERO
PMB #276

56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next up, Grand Slam
3 Auto, final, site plan.

4 Pat, how about we start with you and
5 your comments.

6 MR. HINES: Basically our previous
7 comments had been addressed on the plans. At the
8 public hearing there were some comments regarding
9 additional landscaping for the rear, which had
10 been addressed.

11 The only outstanding comments we have
12 are the items on the Ulster County Planning
13 second round of comments which had to do with
14 vehicular -- pedestrian access, landscaping and
15 lighting. I believe those comments have each
16 been addressed on the plans.

17 Pedestrian access has been addressed by
18 a ten-foot wide easement proposed in favor of DOT
19 should they ever desire to install sidewalks
20 along the property frontage. This is the first
21 project on the east side of 9W that we've looked
22 at providing for the sidewalks. The previous
23 projects were all on the west side of 9W.

24 The landscaping has been addressed on
25 the newest plans adding additional trees.

6 CHAIRMAN BRAND: Did you have the
7 County comments as well?

11 I addressed the concerns at the public
12 hearing with the trees to border the neighbor.

13 You can see where the proposed sign
14 actually is.

15 Then the ten-foot easement.

16 CHAIRMAN BRAND: As far as the height
17 of those --

18 MR. CORCORAN: We'll put in the
19 lighting they requested. We've got it on the
20 plans.

21 CHAIRMAN BRAND: Ron, did you have
22 anything?

23 MR. BLASS: Well the Board has already
24 done a negative declaration on this project.

25 You have a resolution of conditional

2 approval in front of you which hits all of the
3 Ulster County Planning Board comments, as does
4 the modified plan you're looking at.

5 I would go with the resolution that was
6 sent out today.

7 MR. HINES: Ron and I discussed the
8 resolution. Now the plans address the sidewalk
9 easement, the original resolution.

10 MR. BLASS: I'd go with the version
11 that was sent out at 12:38 p.m., to which we
12 could add the provision for the easement as a
13 modified condition which I'll get to you tomorrow
14 morning. That's on the plan.

15 CHAIRMAN BRAND: The only question I
16 think that we have outstanding was I believe we
17 were remiss in asking you about the structure
18 itself that's going up. Do you have any plans
19 for what it is that's actually going to be going
20 up there?

21 MR. CORCORAN: Not exactly. At this
22 point it's proposed. It should be a roughly 20
23 by 25 garage with a 16 by 16 office on the side.

24 CHAIRMAN BRAND: What's the
25 construction?

2 MR. HINES: A pre-engineered building?

3 MR. CORCORAN: No. It will be a
4 concrete structure for the garage. A complete
5 concrete structure with trusses on the roof, wood
6 construction for the office, asphalt shingles.
7 The whole building will be -- it will look like
8 Young's. It will be all --

9 CHAIRMAN BRAND: Stucco?

10 MR. CORCORAN: -- stucco. Correct.

11 Basically we're going to take the Young's example
12 and do the stucco like that.

13 CHAIRMAN BRAND: Does the Board have
14 any exception to any of those?

15 MS. LANZETTA: Are you going to do --
16 color wise are you going to go with the more
17 neutral color like Young's?

18 MR. CORCORAN: Yes. Grays. Probably
19 just a two-tone gray. We'll take a gray on the
20 building and a little darker gray from the trim
21 work around the windows and the corners, around
22 the garage bays.

23 MR. LOFARO: Sounds good.

24 CHAIRMAN BRAND: Okay. So we have
25 before us a resolution of approval for the

1 GRAND SLAM AUTO 20

2 application of Grand Slam Auto.

3 Jen, would you poll the Board?

4 MS. FLYNN: Truncali is not here.

5 Trapani?

6 MR. TRAPANI: Yes.

7 MS. FLYNN: Lanzetta?

8 MS. LANZETTA: Yes.

9 MS. FLYNN: Lofaro?

10 MR. LOFARO: Yes.

11 MS. FLYNN: Chair Brand?

12 CHAIRMAN BRAND: Yes.

13 Okay. You're all set. Thank you.

14 MR. CORCORAN: Thank you.

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16 (Time noted: 7:52 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of February 2018.

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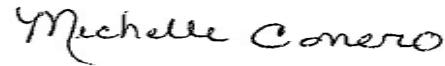
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MICHELLE CONERO

2 CHAIRMAN BRAND: Next up is Susan
3 Bagatta, 1 Top Hill Road, sketch, lot line.

4 Just give us an overview.

5 MR. PAULI: Sure. It's a lot line
6 revision of the lands of Susan Bagatta, the
7 estate of.

8 In the upper right-hand corner of the
9 tax map you'll see the existing lot
10 configuration. It involves two tax map parcels.

11 We're proposing to add to tax map lot
12 70.22, a 4.94 acre parcel, that comes out of tax
13 map lot 70.232.

14 CHAIRMAN BRAND: So you're taking 2
15 from 70.232 and giving it to 70.220?

16 MR. PAULI: Correct.

17 CHAIRMAN BRAND: Pat, do you want to
18 run through your comments?

19 MR. HINES: We have a couple comments
20 on it. Under the existing condition both parcels
21 have access to, is it Laura Lane, Laurie Lane.
22 Under the proposed condition, tax lot 70.232, the
23 9 acre parcel which is becoming smaller, loses
24 access to the Town road. It has New York State
25 Town Law 280-A associated with it then which will

2 only provide access by easement.

3 MR. PAULI: Correct. There's no change
4 there. That's existing. That's the way it is
5 now.

6 MR. HINES: It's not, because it has
7 access on Laurie Lane. If you look at the tax
8 map, the one you referenced in the beginning --

9 MR. PAULI: Okay. Right now it is
10 proposed to have frontage on the existing 50 foot
11 wide right-of-way and they are going to be using
12 an existing right-of-way off of Loretta Lane.

13 MR. HINES: It doesn't have access fee
14 ownership to a Town road. It has access only by
15 easement, which is New York State -- I'll let Ron
16 describe the legalities.

17 MR. BLASS: It's 280 of the Town Law.
18 It won't be a problem if this lot never needed a
19 building permit because the rule is no building
20 permit will issue unless the lot has frontage on
21 a Town road or on a road approved by the Planning
22 Board in a subdivision. So if there was ever a
23 need for a building permit in the future for this
24 lot, without frontage and accessing only by
25 easement they couldn't get a building permit,

2 which may be a burden for the owner in the
3 future.

4 MR. PAULI: I see that. Yes.

5 MR. BLASS: It's not like there's no
6 house there now and a new house is proposed where
7 there definitely would be a need for a building
8 permit. You know, upgrades, modifications,
9 changes requiring the building permit, you
10 couldn't get one.

11 MR. PAULI: I'll have to pass that on
12 to the client.

13 MR. BLASS: It could be a problem.

14 MR. PAULI: Yes.

15 MR. HINES: It had frontage on this
16 Town road right here.

17 MR. PAULI: Actually, I apologize, I
18 misspoke. You are correct. The new lot line, it
19 is taking access off of the Town road.

20 MR. HINES: It's losing it's access.

21 CHAIRMAN BRAND: Where was the access
22 before?

23 MR. HINES: I can point. At this time
24 -- is it Laurie Lane or Lori Lane? The parcels
25 front on that now.

2 CHAIRMAN BRAND: Right.

3 MR. HINES: By changing the lot line --
4 right now both lots access here the Town road.
5 By striking the lot line across it it losses that
6 access to this road.

7 CHAIRMAN BRAND: Got you.

8 MR. HINES: Now it's only via an
9 existing right-of-way and this. That creates
10 that potential problem for the lot.

11 In addition, there are two residential
12 structures on lot 70.232. There's a mobile home,
13 which I assume is a residential structure. I
14 don't know. It doesn't look like it has a
15 driveway going to it. And a house. Your client
16 only has one residential structure per lot and
17 this lot is now losing -- I assume it losses it's
18 protection for pre-existing because it's reducing
19 the size of the lot significantly.

20 CHAIRMAN BRAND: Is that currently
21 being used as a residential dwelling?

22 MR. PAULI: The mobile home, yes.

23 Excuse me, Pat. Can you repeat that?
24 Right now there's a mobile home on the proposed
25 lot number 1.

2 MR. HINES: Correct. There's a house
3 and a mobile home on what's identified as lot 3,
4 proposed lot 2 I guess.

5 MR. PAULI: Yes. I see the house.

6 MR. HINES: And then --

7 MR. PAULI: A storage trailer.

8 MR. HINES: -- down further towards the
9 bottom portion of the lot --

10 MR. PAULI: Yes, yes.

11 MR. HINES: -- there is a mobile home.

12 MR. PAULI: I can't say the status of
13 that, whether it's a dwelling or not.

14 MR. HINES: And then along with that
15 there are two storage trailers identified on the
16 site. Trailers are not permitted to be used for
17 storage in the Town. So those have to be removed
18 as well.

19 CHAIRMAN BRAND: If the mobile home
20 were not a residence it would have to be removed.

21 MR. PAULI: So we'll have to clarify
22 what type of trailer -- what type of storage
23 trailer that is.

24 MR. HINES: From the looks of them I
25 assume they're overseas containers or tractor

2 trailers, neither of which are permitted.

3 MR. PAULI: Neither?

4 MR. HINES: Right.

5 MR. PAULI: Okay. I'll have to pass
6 that on.

7 CHAIRMAN BRAND: I think you have some
8 homework to do before you can come before us
9 again to address the engineer's concerns as well
10 as ascertain whether or not that mobile home is a
11 residence, and, if not, how they plan to remove
12 it.

13 MR. PAULI: Okay. Those are the two
14 main issues. You don't see --

15 CHAIRMAN BRAND: And the storage
16 trailers.

17 MR. PAULI: This land -- this proposed
18 configuration was a stipulation. We're trying to
19 satisfy the wishes of the will, so that's where
20 we came up with this configuration. You pointed
21 a few things out. I hadn't gotten a comment
22 letter yet.

23 MR. HINES: I can give you copies.

24 CHAIRMAN BRAND: You need access to
25 Laurie Lane.

2 MR. PAULI: Yes. Yes. And pass on
3 that it would -- the Board finds it acceptable
4 with the reservation that we wouldn't be able to
5 get a building permit you pointed out.

6 MR. HINES: Yes. That puts a pretty
7 onerous burden on the lot.

8 MR. PAULI: It does. It does.

9 MR. TRAPANI: Is there anything they
10 could do to have both of those lots go on to
11 Laurie Lane?

12 MR. HINES: I don't know the answer to
13 that. That's something for the surveyor to work
14 out the geometry. It doesn't look like they can
15 accomplish what they want to do.

16 MR. TRAPANI: That's going to be the
17 first thing they should look at before they even
18 spend money on anything else.

19 MR. HINES: Pascale Place, isn't that a
20 Town road? I don't know if Susan Bagatta living
21 on the other lot could run a spur out to that
22 Town road and that may accomplish what they want
23 to do. I don't know who has interest in that.

24 MR. PAULI: That's an option you're
25 putting out there. Yeah.

2 MR. HINES: I believe Pascale Lane was
3 recently dedicated as a Town road.

4 CHAIRMAN BRAND: Lot 2 would be able to
5 be accessed from Pascale Road?

6 MR. HINES: It can access by the
7 easement but it will have at least a 15 foot
8 ownership to the Town road. That solves the
9 280-A issue.

10 MR. PAULI: Would you accept -- would
11 you accept -- right now there's road frontage on
12 Laurie Road. Would you accept splitting that 25
13 foot frontage on proposed lot 1 and 2?

14 MR. BLASS: If you had 15 feet of
15 frontage on Pascale Place by reconfiguration of
16 the lot geometry.

17 MR. HINES: This other lot --

18 MR. PAULI: Mm'hm'.

19 MR. HINES: I'll draw it. This is now
20 a Town road.

21 MR. PAULI: Okay. We'll have to --

22 MR. HINES: Something like this. It may
23 work.

24 MR. PAULI: That's the shortest
25 distance.

2 MR. BLASS: I'm not sure 15 feet is in
3 the Marlborough Town Code. You have to check
4 that out. There's a section for the minimum.

5 MR. PAULI: We'll have to research.

6 MR. BLASS: Between 15 and 50.

7 MR. PAULI: Yes. Okay. I'll keep
8 those numbers in mind when I'm looking. Yes.

9 CHAIRMAN BRAND: Could you repeat the
10 previous question for the engineer? If the
11 access to Laurie Lane --

12 MR. PAULI: Right. If we were to
13 reconfigure -- I see this option right here. You
14 pointed that out. That's a good one. If we were
15 to split --

16 MR. HINES: But then I think the idea
17 is to put this here. You're bisecting --

18 MR. PAULI: It would.

19 MR. HINES: I don't know if you're
20 accomplishing the goal you want. I think you're
21 bisecting this.

22 MR. PAULI: It's currently being
23 accessed off of Laurie Lane with an existing --
24 with an existing right-of-way and driveway
25 maintenance agreement, which is the copy of the

2 deed I gave you Ron. That question was brought
3 up, was there a maintenance agreement, during the
4 discussion in September. I wanted to supply that
5 deed for your records --

6 MR. BLASS: Okay.

7 MR. PAULI: -- to satisfy that there is
8 a driveway maintenance agreement.

9 MR. HINES: Ron and I weren't at that
10 meeting in September. That was one of those
11 after meetings.

12 CHAIRMAN BRAND: It was informational.
13 That's an interesting question, though.

14 Cindy pointed out that the topography
15 was pretty steep there at the bottom of that. Is
16 that something to take into consideration or it's
17 just to be touching?

18 MR. BLASS: It has to be accessible
19 frontage. Sometimes you'll see somebody
20 proposing to run through a pond.

21 MR. HINES: We've had that.

22 MR. BLASS: That doesn't work. The
23 really steep slope might not work. It should be
24 accessible.

25 MS. LANZETTA: That might not be a good

2 option.

3 CHAIRMAN BRAND: For Pascale.

4 MR. PAULI: Do you require it to have a
5 certain percent of grade --

6 MR. BLASS: No.

7 MR. PAULI: -- for being a paper road?

8 MR. BLASS: Conceptually it has to be
9 accessible. So a pond won't do it.

10 MR. HINES: We have a 14 percent
11 driveway grade in the code, which would give you
12 a basis to start with.

13 MR. PAULI: Yes. And if it was found
14 that with major regrading we'd be able to
15 accomplish that, I don't --

16 MR. HINES: Some form of regrading. We
17 don't know the answer to that. Let's figure out
18 what it is, if it works. We don't have a
19 topography here to look at.

20 MR. PAULI: Yes.

21 MR. HINES: It may be something wider
22 than 15 feet is required. There may be some
23 flexibility there.

24 MR. PAULI: It looks like we have the
25 area to show it in that location. But no, it

2 doesn't look feasible at any time it would be
3 constructed as a driveway.

4 MR. HINES: Right.

5 CHAIRMAN BRAND: So I would consult the
6 applicant and then come back with some type of
7 remedy to those situations.

8 MR. PAULI: Okay.

9 CHAIRMAN BRAND: All right?

10 MR. PAULI: And if they conceded that
11 they would never ask for a building permit, you
12 would find this plan acceptable by not having any
13 road frontage?

14 MR. BLASS: There would be a note on
15 the map that says no building permits forever.

16 MR. PAULI: I don't consider that
17 practical.

18 MR. BLASS: Not a good note.

19 MR. PAULI: No, no. We'll have to
20 revisit this layout and come up with a new
21 proposal.

22 CHAIRMAN BRAND: Ron, the no building
23 permit, would that include like he wouldn't be
24 able to build a deck or anything like that;
25 right?

2 MR. BLASS: Right.

3 CHAIRMAN BRAND: Nothing at all?

4 MR. BLASS: Right.

5 MR. PAULI: Yes. Understood.

6 CHAIRMAN BRAND: Okay. Thank you.

7 MR. PAULI: Okay. Thank you.

8

9 (Time noted: 8:05 p.m.)

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

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6

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of February 2018.

18

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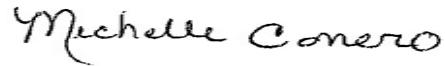
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MICHELLE CONERO

2 CHAIRMAN BRAND: Next up, Marlborough
3 Distribution Route 9, LLC.

4 MR. WILLINGHAM: Andy Willingham.

5 CHAIRMAN BRAND: Do you want to give us
6 an update?

7 MR. WILLINGHAM: Sure. Since the last
8 submittal to the Board we put quite a bit of
9 detail on there. We did a full stormwater
10 design, grading. Basically close to a hundred
11 percent design.

12 There's a couple questions still on the
13 septic area due to the weather we can't determine
14 right now.

15 CHAIRMAN BRAND: Pat, do you want to go
16 through your comments, please.

17 MR. HINES: Andrew, do you have my
18 comments?

19 MR. WILLINGHAM: I don't.

20 MR. HINES: You can follow along.

21 Our first comment is to coordinate --
22 on the title block there's a couple different
23 design professionals that are working on this.
24 We're just looking for the title blocks to be
25 consistent with the name of the project. A

2 lighting plan submitted by a lighting designer
3 that says some other name on it. If you can keep
4 those consistent. Also that plan should bear the
5 stamp of a licensed professional.

6 Just a note that building permits --
7 the revised or new grading plans show a retaining
8 wall along the north property line that we didn't
9 see before. So there's a retaining wall and the
10 fence. The retaining wall is from the north
11 property down to this property. It's in excess
12 of four feet so there should be a note stating
13 that a building permit and submission to the
14 building inspector is required for that.

15 We're looking for details of the
16 proposed fencing. Because of the outdoor
17 storage, eight-foot high opaque fencing is
18 required. That is in the zoning. We need a
19 detail of that fencing. The new fence is
20 proposed only along the north property line and
21 they're taking advantage of existing vegetation
22 in locations where it is to not put the fence
23 along the entire north property line. I believe
24 we discussed that at the previous meeting.

25 Landscaping plans need to be submitted

2 for the Board's review.

3 The most recent plan set identifies a
4 relocation of the subsurface sanitary sewer
5 disposal system. They're going to build out the
6 expansion area and abandon the existing one.
7 Ulster County Health Department approval for that
8 is required. There's going to be a new septic
9 tank and pumping station proposed for that.

10 We have quite a few technical comments
11 on the stormwater pollution prevention plan that
12 was submitted that are technical in nature. I
13 don't think we need to hit each one of those.
14 Certainly Mr. Willingham's office can work with
15 my office on those.

16 Just the other note we have is that the
17 curbing proposed on the site is only in the
18 interior along where the building is. The
19 exterior parking lots are designed to sheet flow
20 the runoff from the site without curbing.
21 Typically in the past we required commercial
22 areas to be curbed in that area. It kind of
23 contradicts the stormwater regulations that
24 encourage that sheet flow of runoff to the
25 outside rather than curbing it and piping it all.

2 I just bring it up to the Board whether they want
3 the entire site curbed. Right now they are
4 proposing the area right against the building,
5 those pedestrian facilities and parking lots to
6 be curbed but the outside areas there will be no
7 curb.

8 CHAIRMAN BRAND: That would be
9 beneficial --

10 MR. HINES: It helps with the
11 stormwater to allow the runoff rather than have
12 to go with catch basins and pipes. They've
13 included that into their stormwater pollution
14 prevention plan. It's a more environmentally
15 friendly design, for lack of a better term.

16 CHAIRMAN BRAND: There are no
17 significant drop offs?

18 MR. HINES: No. It's just with other
19 projects we have required it to be curbed. This
20 kind of grades flat off, allows that sheet flow
21 into the stormwater practices that they proposed.

22 MS. LANZETTA: The traffic in here will
23 be primarily just the trucks? There won't be
24 any --

25 MR. HINES: It's their employees.

2 The way it was explained to us, no one goes to the
3 facility to get their pod. It's their employees at
4 the site and trucks coming and going. There is an
5 office area, maybe to negotiate a contract with them
6 or something.

7 CHAIRMAN BRAND: This is not open to
8 the public?

9 MR. WILLINGHAM: No. There's no public
10 access.

11 MS. LANZETTA: It seems to me with the
12 big trucks going in, curbing is going to get
13 messed up anyway.

14 MR. HINES: The trucks should circulate
15 through. They showed the radius for that. It's
16 more of a stormwater management grading issue
17 than anything else.

18 CHAIRMAN BRAND: I don't really have an
19 issue with no curbing.

20 MR. HINES: The layout has been changed
21 to provide for parking for five tractor trailers.
22 Previously they were parking along the access
23 roads.

24 Just we had a discussion with the
25 applicant's representative, the code enforcement

2 officer, representatives of the fire district and
3 the town supervisor to discuss the water. They
4 were trying originally at the site to connect to
5 municipal water down towards the hamlet. That
6 proved financially and technically not feasible.
7 Number one, the cost. Number 2 was the location
8 of a high pressure Central Hudson gas main along
9 their side of the road which they don't want the
10 water line anywhere near. So with that, they're
11 proposing the fire protection system to be
12 supplied with a buried tank, 50,000 to 60,000
13 gallon tank on the site. You won't know it's
14 there but that's how they're going to provide
15 fire protection, with a tank on the site.

16 CHAIRMAN BRAND: Is that adequate for
17 that size facility?

18 MR. HINES: That's going to be a
19 building department issue. It looks like it
20 works for it.

21 CHAIRMAN BRAND: I know the last time
22 we were here there was some discussion regarding
23 the height of the facility. Was there a change
24 to that since the last time you were here?

25 MR. WILLINGHAM: Not that I'm aware of.

2 I don't think the building has changed since the
3 last submittal.

4 MR. HINES: What is the height of the
5 building?

6 CHAIRMAN BRAND: It says 35 feet on
7 this one.

8 MR. HINES: 35 is permitted in the
9 zone.

10 CHAIRMAN BRAND: Any questions from the
11 Board?

12 MS. LANZETTA: There was the discussion
13 about Ron's note here about Section 155 E(2),
14 that open storage needs to be totally enclosed.
15 We talked about whether the fence needs to go
16 around the entire perimeter.

17 MR. HINES: That was one of my
18 comments. I thought we discussed the last
19 time --

20 MS. LANZETTA: I don't remember exactly
21 if we came to any kind of resolution. That's why
22 I was just wondering where we left it, if we were
23 going to deal with that through landscaping on
24 the south side or --

25 MR. HINES: On the south site? I think

2 their contention is the outdoor storage is on the
3 north side. Right now it's shown on the north
4 side of the building. They're screening the
5 north side with a combination of the fence and
6 the existing vegetation.

7 CHAIRMAN BRAND: The building itself?

8 MR. HINES: The building itself will
9 shield it from the south side.

10 MR. WILLINGHAM: There also will be a
11 drop off coming south to the site. That will
12 help the elevation. There will be a slope and
13 then a fence.

14 MR. BLASS: You're not showing a fence
15 on the south side.

16 MR. WILLINGHAM: I'm talking about the
17 north side.

18 MR. HINES: The north side is going to
19 be an eight-foot fence and then a five or
20 six-foot drop off. The south side is not
21 currently screened.

22 MS. LANZETTA: Can we address that with
23 the landscaping plan?

24 MR. HINES: We don't currently have a
25 landscaping plan. Certainly landscaping along

2 there would make that slope look a lot better
3 than it does now.

4 MS. LANZETTA: I know that was a lot of
5 construction fill. Still, make it look not quite
6 so rad tad. Regular plantings, at least within
7 view from Route 9W.

8 MR. WILLINGHAM: Is the view from 9W
9 more important than from the south property?

10 CHAIRMAN BRAND: It's just an orchard.

11 MS. LANZETTA: No. I'm saying as
12 you're coming from the south heading north, when
13 you look at that side there it's --

14 MR. TRAPANI: I don't think they can do
15 much there.

16 MS. LANZETTA: I'm not talking about
17 doing anything along the side itself, just to
18 shield the facility on the flat, to put some kind
19 of perhaps evergreen plantings or something.

20 MR. WILLINGHAM: Okay. We'll look at
21 that.

22 CHAIRMAN BRAND: I think on the north
23 side you show a Spruce row, on the northwest
24 corner, and then some other plantings on the
25 northeast corner. Is that Spruce row going to

2 continue across the whole northern -- along that
3 25 yard setback?

4 MR. WILLINGHAM: I think it can. Not
5 where the fence -- well, we could plant along
6 that slope. It would be on the other side from
7 the fence. The fence is right up against the
8 property line on the north side. As you get near
9 9W, yes.

10 MR. HINES: I think the screening on
11 the north side -- the fence on the north side
12 provides the required screening.

13 CHAIRMAN BRAND: So the Spruce row of
14 trees is there. Assuming there are plantings on
15 the northeast corner.

16 MR. WILLINGHAM: Okay.

17 CHAIRMAN BRAND: The top of the fence
18 there are little star things and then you show a
19 Spruce row. That's just -- that's where the
20 fence is not; correct?

21 MR. WILLINGHAM: Right.

22 MR. HINES: Those may be existing.
23 That's why they're stopping the fence there,
24 because there's existing trees there.

25 CHAIRMAN BRAND: Okay.

2 MR. HINES: The Board needs to
3 determine if that's adequate and meets the intent
4 of that part of the code. The code says opaque
5 fence. It doesn't give you that option of
6 vegetation.

7 CHAIRMAN BRAND: Do we have some type
8 of imaging of what that fence is going to be
9 or --

10 MR. HINES: No. That's just my
11 comments.

12 MR. WILLINGHAM: We'll provide that.

13 MR. HINES: I think we need a landscape
14 plan to show what's going to happen along the
15 site.

16 MR. WILLINGHAM: Right. That still
17 hasn't been prepared yet, the landscape plan.
18 We'll address all that.

19 CHAIRMAN BRAND: Joe, do you have
20 anything?

21 MR. LOFARO: No.

22 MS. LANZETTA: Are you going to have
23 any lighting on here?

24 MR. HINES: They submitted a lighting
25 plan. Separate from Willingham and Brooks

2 there's a separate plan.

3 MS. LANZETTA: I'm not seeing anything.

4 MR. HINES: It's labeled SP-1. It
5 doesn't have detailed lighting fixtures, which is
6 one of our comments, but it shows the lines for
7 the iso for the foot candles.

8 CHAIRMAN BRAND: What page are you on?

9 MR. HINES: It's this colored one,
10 SP-1.

11 MS. LANZETTA: Can you provide a level
12 of detail on the fixtures themselves? I'll tell
13 you right now Ulster County is very particular
14 about the shielding.

15 MR. WILLINGHAM: Cut off.

16 MS. LANZETTA: If you would put that
17 kind of detail in. They'll be asking for it.

18 CHAIRMAN BRAND: You were here earlier.
19 The building itself, what it is going to look
20 like, some type of mockup so we could see what
21 the material is.

22 MR. WILLINGHAM: Okay.

23 MR. HINES: Did the Board get this?

24 CHAIRMAN BRAND: I have it. We just
25 weren't sure what the -- we weren't sure --

2 MS. LANZETTA: We didn't get any
3 details.

4 MR. HINES: No details.

5 MR. WILLINGHAM: Lighting fixtures,
6 building elevations?

7 CHAIRMAN BRAND: Just a drawing, a
8 mockup of what the building is going to actually
9 look like.

10 MR. HINES: Just to confirm, during the
11 meeting we had with the applicant's
12 representative, because of the nature of the
13 building and the S-1 warehouse, they reduced the
14 height of the building to 30 feet to meet
15 building issues. Your zoning code allows 35
16 feet.

17 CHAIRMAN BRAND: The map says 35.

18 MR. HINES: This one here is back to
19 30. That's the coordination we had.

20 CHAIRMAN BRAND: Okay. Just so we get
21 an idea what the building will look like.

22 MR. WILLINGHAM: Yeah.

23 CHAIRMAN BRAND: Anything else?

24 MR. HINES: It needs, at some point, to
25 go to County Planning. It was circulated for

2 lead agency only, the original map, not the
3 detailed plans. That circulation was sent out
4 January 3rd. February 3rd this Board will be
5 lead agency by default unless they hear
6 otherwise. It still needs a 239 referral to the
7 County.

8 CHAIRMAN BRAND: What did we just get
9 back, Jen? We just got back notification?

10 MR. HINES: We got an e-mail from them
11 saying it's not the 239, it's just the E.A.F.,
12 and we said yes.

13 CHAIRMAN BRAND: Okay. So we do nothing
14 and we're just automatic --

15 MR. HINES: We sent it out. If no one
16 objects in writing to you that they would like to
17 serve as that, you'll be by default after
18 February 3rd. We heard from DOT already. They
19 seem okay with the commercial access drive there.

20 CHAIRMAN BRAND: I think we should wait
21 -- personally I think we should wait until we get
22 the updated stuff to send it to County.

23 MR. HINES: Correct. I just want to
24 make sure everyone knows it still needs to go
25 there.

2

MR. WILLINGHAM: Not necessarily all the stormwater details. Certainly the lighting and the fence and landscaping. Right?

5

MR. HINES: Yes.

6

MS. LANZETTA: They want the complete information. If they ask -- they'll ask the same stormwater questions as Pat has. I would suggest that you wait until you have all of Pat's answers, what you heard here tonight, put it all together and then that should go up to County, that way you're assured of having a complete application.

14

CHAIRMAN BRAND: As well the mockup of

the building itself.

15

MR. WILLINGHAM: Right. They're certainly going to ask for that, the lighting and landscaping.

19

That submittal is due Friday to be on for the February 6th meeting here?

21

MS. FLYNN: By this Friday for February, yes.

23

MR. HINES: The first meeting in February. We have two meetings a month.

25

CHAIRMAN BRAND: That would be the

2 following Friday. February 9th I guess it would
3 be for the second meeting.

4 MS. FLYNN: February 9th is the next
5 deadline.

6 MR. WILLINGHAM: Okay.

7 MS. LANZETTA: County meets the first
8 Wednesday of each month. We wouldn't be able to
9 do much without their input. You want to get
10 that in as quickly as possible as well.

11 MR. WILLINGHAM: All right.

12 CHAIRMAN BRAND: If you could make it
13 back to us for the second meeting in February we
14 could get it probably up to them for the first
15 meeting in March --

16 MR. WILLINGHAM: Okay.

17 CHAIRMAN BRAND: -- for County.

18 MR. HINES: At some point you'll have a
19 public hearing, which would be tracked along with
20 that.

21 CHAIRMAN BRAND: Okay.

22 MR. WILLINGHAM: All right.

23 CHAIRMAN BRAND: Anything else?

24 Anything from the Board before I proceed to
25 close?

2 MR. LOFARO: No.

3 CHAIRMAN BRAND: Motion to adjourn.

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

5 MR. LOFARO: Second.

6 CHAIRMAN BRAND: All those in favor?

7 MR. TRAPANI: Aye.

8 MS. LANZETTA: Aye.

9 MR. LOFARO: Aye.

10 CHAIRMAN BRAND: Aye.

11 The meeting is closed.

12

13 (Time noted: 8:24 p.m.)

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

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

10 That hereinbefore set forth is a
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12 I further certify that I am not
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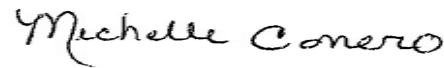
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