

1

1

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 YOUNG'S 9W PLYMOUTH
8

9 Project No. 18-2002
10 1871 Route 9W, Milton
11 Section 103.1; Block 1; Lot 28
12 ----- X
13

14 SKETCH - SITE PLAN

15 Date: February 4, 2019
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: CHRIS BRAND, Chairman
23 JOEL TRUNCALI
24 CINDY LANZETTA
25 JOSEPH LOFARO
26 MANNY CAUCHI
27

28 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
29 PATRICK HINES
30 VIRGINIA FLYNN
31

32 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS
33

34 ----- X
35 MICHELLE L. CONERO
36 PMB #276
37 56 North Plank Road, Suite 1
38 Newburgh, New York 12550
39 (845)541-4163
40

1 YOUNG'S 9W PLYMOUTH

2

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, February 4, 2019.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 1/7. Young's 9W
10 Plymouth, sketch, site plan. Next deadline:
11 Friday, February 8th. Next scheduled
12 meeting: Tuesday, February 19th upstairs.

13 CHAIRMAN BRAND: I'd like to have a
14 motion to approve the stenographic minutes
15 for January 7th.

16 MR. CAUCHI: I'll make that motion
17 to approve the stenographic minutes for
18 January --

19 MR. TRUNCALI: 7.

20 CHAIRMAN BRAND: 7. Do I have a
21 second?

22 MR. TRUNCALI: I'll second.

23 CHAIRMAN BRAND: Any discussion?
24 (No response.)

25 CHAIRMAN BRAND: All those in favor?

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 MS. LANZETTA: Aye.

5 MR. TRUNCALI: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: So carried.

10 First up, Young's 9W Plymouth.

11 Just in time. We were concerned.

12 MS. BROOKS: Sorry about that.

13 CHAIRMAN BRAND: Pat, do you want to
14 just run through your comments for us?

15 MR. HINES: It's been a while since
16 this has been here. There are a couple
17 issues here are. DOT and the County Public
18 Works' comments on the intersection are
19 outstanding. I know we did circulate lead
20 agency to them back in March of 2018, almost
21 a year ago. We did hear back from County
22 Planning. We have some comments from them
23 regarding landscaping and stormwater. I
24 don't think we responded back to those yet
25 either. I think the property transfer may

2 have slowed this --

3 MS. BROOKS: Right. I was waiting
4 for DOT and Ulster County Planning Board so
5 that we could address all the comments at one
6 time. I don't know what to do at this point,
7 when they haven't responded to -- they
8 haven't responded to the Planning Board, they
9 haven't responded to me. So what is the next
10 step? That's kind of where I don't know what
11 to do now.

12 MR. HINES: We could resubmit it
13 saying this project has been reactivated and
14 back before the Board.

15 CHAIRMAN BRAND: Yeah.

16 MS. LANZETTA: I think, in going
17 over the old minutes, there seemed to be kind
18 of like we were using interchangeably Ulster
19 County Planning and Ulster County DPW. They
20 are two very different things. Ulster County
21 Planning has given us their recommendations.

22 There were a few things that I
23 think, looking at the old minutes, you were
24 talking about, that you had full cut-off
25 lights and you had LED. That's the kind of

2 thing that you could provide. If you answer
3 some of their concerns now, it might
4 eliminate those concerns, but --

5 MS. BROOKS: So you want to
6 recirculate it to the Ulster County Planning
7 Board?

8 MS. LANZETTA: Well I'm just saying
9 that those were some of the things that had
10 come up that were mandatory requirements that
11 we would have to address.

12 MS. BROOKS: Right. My last minutes
13 from April were that it was a continued
14 public hearing. We reviewed the comments
15 from the Ulster County Planning Board.

16 Brooks & Brooks to provide a point-by-point
17 Ulster County Planning Board comment
18 response. Mr. Garofalo talks about DOT, the
19 better defined aspects. Signage to restrict
20 customers from accessing the new parts
21 inventory area, which we did add to the map.

22 Mr. Clarke talked about trying to landscape
23 between the pole area in the front.

24 Waiting to hear back from DOT and Ulster
25 County Planning Board.

2 So again, before I make a
3 resubmission, I generally --

4 MS. LANZETTA: But that's --

5 MS. BROOKS: -- try to be more
6 complete

7 MS. LANZETTA: Right. And I don't
8 think it's really the Planning Board that
9 we're so concerned about. It's DPW, isn't
10 it?

11 MS. BROOKS: No. We have not gotten
12 any comments whatsoever --

13 MS. LANZETTA: But I mean that's
14 what we're waiting on.

15 MR. HINES: Right.

16 MS. BROOKS: We are waiting for DPW
17 and DOT.

18 MS. LANZETTA: Yeah. So it's not as
19 important to respond -- to resubmit to County
20 Planning because nothing really has changed
21 other than a couple of those minor things.

22 MS. BROOKS: Right. And I think the
23 reason for me responding to Ulster County
24 Planning Board was so that when this Board
25 made a decision, they would be able to

2 incorporate that into the reply to the Ulster
3 County Planning Board to say yes, we did look
4 at each of these items --

5 MS. LANZETTA: Yes.

6 MS. BROOKS: -- and this is why we
7 felt comfortable approving the project.

8 MS. LANZETTA: Yes.

9 MS. BROOKS: But I, before -- one of
10 the things was sidewalks. I wanted to hear
11 back from DOT --

12 MS. LANZETTA: Yes.

13 MS. BROOKS: -- because all of that
14 hinges on one another. So I didn't --

15 MS. LANZETTA: Right.

16 MS. BROOKS: -- feel that I was in a
17 position yet to respond totally to the Ulster
18 County Planning Board's comments until we
19 hear from DOT.

20 MS. LANZETTA: That's the main
21 thing. But I do -- it seems to me that at
22 our last meeting on the 16th of April we did
23 close the public hearing because there was a
24 discussion about waiving the 62-day, you
25 know, timeframe.

2 MS. BROOKS: I actually did not note
3 that we closed it, and I did not check the
4 minutes. If we did close it and you need me
5 to reaffirm again tonight that the 62 days is
6 waived -- I mean one of the other things that
7 happened in the interim, as I'm sure all the
8 Board Members know, is that the dealership
9 has been sold. So it took a while for me to
10 engage the current owner -- I'm not sure I
11 still have him fully engaged -- in proceeding
12 with the site plan. I did get him to sign a
13 letter of agent so that I could be here this
14 evening. We'll see where he goes from there.
15 But that again was another issue that we had
16 to deal with.

17 MS. LANZETTA: Do you have the file?
18 Could you just look quickly in Michelle's --

19 MS. FLYNN: I did see that it was
20 closed.

21 MS. LANZETTA: Okay.

22 MS. FLYNN: And they did waive the
23 62 days.

24 MS. LANZETTA: Okay. We just wanted
25 to be sure.

2 CHAIRMAN BRAND: Do we know the
3 status of that overseas -- I remember Jeff
4 saying it was going to be removed within 30
5 days or something, the storage containers.
6 That was one of the things on Pat's report.

7 MS. BROOKS: I though Jeff told me
8 he had removed the storage containers.

9 MR. HINES: I can see where it says
10 storage area. It look suspiciously like
11 containers.

12 MS. BROOKS: I'll have to go out to
13 the site and check. I thought he told me --
14 I think that the storage area was where not
15 the storage containers needed to be removed,
16 that the storage area, they've got a roof
17 structure over it and that that was
18 considered to be acceptable. I can check
19 with Tommy. Maybe we need him to do
20 another --

21 MR. HINES: Two of them are like a
22 canopy. There's three there that look like
23 they might be overseas containers.

24 MS. BROOKS: I see exactly where
25 you're talking about.

2 MR. HINES: I haven't been out there
3 to look at it.

4 MS. BROOKS: I haven't been out
5 there in quite some time either.

6 MR. HINES: So I guess I'll write a
7 letter to DOT and the County saying I
8 represent the Planning Board and here are
9 these plans and please respond. We'll see
10 what we get.

11 CHAIRMAN BRAND: Okay.

12 MR. HINES: They may come back and
13 say file a perm 33 streamlined application,
14 and that's going to fall back to you then.

15 MS. BROOKS: Correct. Absolutely.
16 But I feel like I can't move forward until I
17 get some direction from those agencies.

18 MS. LANZETTA: Would you contact
19 also Ulster County DPW?

20 MR. HINES: Yeah.

21 CHAIRMAN BRAND: And then I guess
22 the -- my one outstanding question is with
23 regards to the cars being stored on the upper
24 lot. Without this going through, technically
25 they're not supposed to have those cars up on

2 the upper lot. Correct?

3 MR. HINES: I think that's why
4 they're back. I think Tommy wrote a letter.

5 MS. BROOKS: My understanding is he
6 was going to. I don't know that he did. I
7 have not heard that from the owner.

8 CHAIRMAN BRAND: Going to what?

9 MS. BROOKS: Send a letter. That
10 Tommy was going to send a letter to the new
11 owner saying you're not allowed to have those
12 cars up there.

13 CHAIRMAN BRAND: Yeah. Did --

14 MS. FLYNN: I think he spoke with
15 the owner. I don't know if he sent a letter.
16 I sent Patti a letter stating to send it to
17 him.

18 I don't know if you sent the letter
19 I sent you to him or not.

20 MS. BROOKS: I don't remember a
21 letter. I just remember the e-mail saying if
22 you are not back on the agenda this month,
23 and I called him and said listen --

24 MS. FLYNN: I called you but I sent
25 you an e-mail stating can you please forward

1 YOUNG'S 9W PLYMOUTH

12

2 this to the new owner.

3 MS. BROOKS: Oh, yes. Yes. I did.

4 Yeah.

5 MS. FLYNN: Okay.

6 MR. HINES: That's why we're back
7 here. I mean it's just getting this back on
8 track --

9 CHAIRMAN BRAND: Right.

10 MR. HINES: -- otherwise the code
11 enforcement office is going to send a
12 violation.

13 CHAIRMAN BRAND: And you received
14 the comments from the Ulster County Planning
15 Board, I'm assuming, as well?

16 MS. BROOKS: Yes. And we did review
17 them at great length, in fact, last April.

18 CHAIRMAN BRAND: Right.

19 MS. BROOKS: Hard to believe it was
20 almost a year ago.

21 CHAIRMAN BRAND: Did you have some
22 other questions, Cindy?

23 MS. LANZETTA: No.

24 CHAIRMAN BRAND: Anything else?

25 MS. LANZETTA: That's it.

2 CHAIRMAN BRAND: Anything else from
3 anyone here on the Board?

4 (No response.)

5 CHAIRMAN BRAND: So basically we're
6 just in a holding pattern until we hear from
7 DOT or UC DPW; right?

8 MR. HINES: Yeah. The code
9 enforcement office will know that the
10 applicant's representative was here tonight
11 and it's back before the Board.

12 CHAIRMAN BRAND: Okay. Great. I
13 think that's it.

14 MS. BROOKS: And in the meantime
15 I've also told him at the very least there
16 needs to be signage that that's for employees
17 only, and that in the interim that can be
18 done while you're going through this process.
19 Right now it's open and they look like cars
20 for sale. That was one of the conditions of
21 this approval, if and when we are granted
22 this approval. I'm assuming that that's okay
23 that I told him to get the signs up sooner
24 rather than later.

25 CHAIRMAN BRAND: Sure.

2 MS. BROOKS: Okay.

3 CHAIRMAN BRAND: Anything else?

4 (No response.)

5 CHAIRMAN BRAND: All right. So
6 we'll wait to hear on that. Pat's going to
7 notify and hopefully --

8 MR. HINES: I will recirculate.

9 CHAIRMAN BRAND: -- get this ball
10 rolling again.

11 All right. Good luck heading back
12 to Plattekill.

13 Anything else from the Board?

14 (No response.)

15 CHAIRMAN BRAND: No. All right.
16 A motion to adjourn.

17 MR. LOFARO: I'll make a motion to
18 adjourn.

19 CHAIRMAN BRAND: All those in favor?

20 MR. CAUCHI: Aye.

21 MR. LOFARO: Aye.

22 MS. LANZETTA: Aye.

23 MR. TRUNCALI: Aye.

24 CHAIRMAN BRAND: Aye.

25

2

3

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

5

6

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

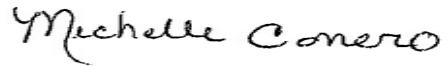
10 That hereinbefore set forth is a
11 true transcription of the proceedings.

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 13th day of February 2019.

18

19



20

MICHELLE CONERO

21

22

23

24

25