

COPY

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

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In the Matter of

ROYAL ENERGY PROPERTIES, LLC

#1666 Route 9W, Milton, New York 12547

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WORKSHOP MEETING TO DISCUSS A FRONT AND REAR
YARD SETBACK VARIANCE REQUEST

Date: March 14, 2019
Time: 7:00 p.m.
Place: Town of Marlborough
Town Hall
#21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: WILLIAM GIAMETTA, Chairman
JEFF MEKEEL
DAVE ZAMBITO
LENNY CONN, absent/recused
GEORGE SALINOVICH

ALSO PRESENT:

THOMAS CORCORAN, JR. BUILDING INSPECTOR/CODE
ENFORCEMENT

CHARLES T. BROWN, P.E., TALCOTT ENGINEERING DESIGN

PENNY E. CASHMAN, ZONING BOARD SECRETARY

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2 CHAIRMAN GIAMETTA: I'd ask
3 you all to stand for the pledge to the flag.

4 (Pledge of Allegiance)

5 CHAIRMAN GIAMETTA: Thank you
6 very much. Just want to go over a couple of
7 housekeeping matters. First of all, we have
8 some minutes from the last meeting.

9 Gentlemen, fellow board members, have you
10 had a chance to take a look at those, and if
11 so, do we need any additions, deletions, or
12 corrections?

13 MR. MEKEEL: I didn't see
14 anything.

15 MR. ZAMBITO: I didn't see
16 anything.

17 CHAIRMAN GIAMETTA: Okay.
18 Mr. Salinovich?

19 MR. SALINOVICH: I will make
20 a motion.

21 MR. ZAMBITO: I'll second.

22 CHAIRMAN GIAMETTA: Okay.
23 And a vote for those minutes.

24 MR. ZAMBITO: Aye.

25 MR. MEKEEL: Aye.

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2 MR. SALINOVICH: Aye.

3 CHAIRMAN GIAMETTA: And aye.

4 Minutes are approved from the last month's
5 meeting. Okay. We're getting our folders
6 in order here, and it seems we are close to
7 order. The agenda tonight presents an
8 applicant of Royal Energy Properties. For
9 the record, one of our board members, Lenny
10 Conn, is employed by Royal Energy
11 Properties, LLC, and he is recused from this
12 meeting tonight, and is not in attendance.
13 Having said those matters, Mr. Brown, the
14 engineer, would you present your case,
15 please?

16 MR. BROWN: Okay. Our
17 proposal is to demolish two houses, three
18 industrial buildings in the north end of the
19 site, building with the saggy roof. One of
20 the houses being demolished is 19 feet off
21 the side property line. The front of the
22 industrial building we're demolishing is a
23 little over ten feet off of the front
24 property line, but what we're proposing to
25 do is demolish those buildings, and build

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2 roughly a 50,000 square foot cold storage
3 warehouse, maintaining 25 foot required side
4 yard setback, but we're asking for variances
5 on the rear, 35 feet, and on the front 69
6 feet. So we're actually improving the
7 setbacks.

8 CHAIRMAN GIAMETTA: I see.

9 Now, I notice on the table of information,
10 the zone is noted as BC. Has that been
11 approved, BC, so far?

12 MR. BROWN: We've been to the
13 town board twice, and then they referred us
14 to the planning board, and the planning
15 board referred us to you guys, so they --
16 the process is we have to get planning board
17 approval before the town board can fully
18 approve the overlay district. The planning
19 board is in charge of all of the
20 environmental criteria.

21 CHAIRMAN GIAMETTA: And BC
22 would be a new zone for the Town of
23 Marlboro, Mr. Corcoran?

24 MR. CORCORAN: It's an
25 existing zone in the book. It just brings

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2 it to HD standards. So what happens is --
3 Charlie is right, that the town board has
4 preliminarily approved BC district, but the
5 BC district can't officially be dropped
6 until the site plan is officially issued and
7 planning board has been given. But the BC
8 district does exist in the book, and the
9 town board has already given it's stamp of
10 approval to it.

11 MR. BROWN: Apparently, this
12 is the second project that's been through.
13 The first one was Empire Landscaping, and I
14 did that one too.

15 CHAIRMAN GIAMETTA: Empire
16 Landscaping, did they come through us?

17 MR. CORCORAN: No, they
18 didn't have to, and this one was
19 housekeeping work for the planning board,
20 because, in theory, a property has a
21 principal building and accessory structures.
22 Now, what we call principal and what we call
23 accessory is up to debate. So if I was to
24 call the original building principal and
25 this was accessory, in theory, as long as he

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10 MR. BROWN: I think it's 40.

11 MR. CORCORAN: Couldn't be,
12 maximum height of the district is 35.

13 MR. SALINOVICH: Half of the
14 roof.

15 MR. CORCORAN: Yes.

16 MR. BROWN: Forty to the
17 ridge, 35 half of the roof, yes.

18 MR. CORCORAN: Right. So
19 they meet the setback requirement required
20 by what the book would call accessory
21 structures, or at least minimally what the
22 planning board would like to see and allow
23 the fire access road to be accessible around
24 the property. So that meets the standards
25 for me under my fire hat, is that the fire

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2 access road is accessible. The police
3 chief -- the fire chief has looked at it,
4 and I don't think he has a problem, but,
5 again, he will be back in front of the
6 planning board to address anything that he
7 has. But for me, it meets the setback
8 requirements as any accessory building would
9 if I was to look at it as accessory, but the
10 planning board wanted it cleaned up, so
11 that's why they're here to get the principal
12 setbacks as required from the district.

13 CHAIRMAN GIAMETTA: Now, as
14 far as physical location, I notice this is
15 on Route 9W. What general area? I see
16 the --

17 MR. CORCORAN: Conn Freezers.

18 MR. SALINOVICH: The old town
19 hall.

20 CHAIRMAN GIAMETTA: It's on
21 the freezer's site; is it?

22 MR. ZAMBITO: It's Lenny's
23 old property.

24 CHAIRMAN GIAMETTA: Okay. I
25 didn't realize.

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2 MR. BROWN: We're right next
3 to the greenhouses.

4 CHAIRMAN GIAMETTA: Hepworth.

5 MR. BROWN: Yeah, Hepworth.

6 CHAIRMAN GIAMETTA: Hepworth,
7 okay.

8 MR. CORCORAN: Right. So
9 Conn Freezers is the main building. Over
10 here was the older building that the
11 freezers, the real dilapidated building that
12 looks like it's ready to come down.

13 CHAIRMAN GIAMETTA: Right.

14 MR. CORCORAN: So doing us
15 the favor, they are taking it down and
16 proposing this new building. So, again, if
17 you looked at this, this is the complete
18 freezer site. This is somewhat larger, but,
19 again, more compliant with the setbacks and
20 taking down some old houses and other stuff
21 that's there.

22 MR. ZAMBITO: So, let's just
23 cut to the chase, the bottom line is -- take
24 everything else out of the picture, they're
25 taking a piece of property that is an

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2 eyesore. I have been there with Lenny,
3 those houses should be condemned. They're
4 doing us a favor.

5 MR. CORCORAN: In my eyes,
6 they are. And the only thing I had looked
7 at prior to sending it to planning board was
8 fire safety, and the fire access roads are
9 in. The other thing again would be if the
10 building fell down, would it fall on its own
11 property? It will, because its got the
12 setback distance as far as the height is
13 concerned. And if I was to consider an
14 accessory, in theory, I could, but the
15 planning board is back and forth on it. It
16 meets the accessory setbacks of the book
17 anyway, because it meets the minimum setback
18 of the height requirement. So, but they
19 weren't sure what they wanted to call
20 principal so they send it to you to clean it
21 up. Under fire safety, I have no problem.
22 Under aesthetics, I have no problem. It's
23 not up to me, but I don't have a problem
24 with the setbacks so, you know, that's up
25 for you guys just to put it in writing if so

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2 be and send it to the planning board to
3 complete it up.

4 CHAIRMAN GIAMETTA: I'm
5 reading the letter from Inspector Corcoran,
6 and I notice the wording front yard, six
7 feet in parenthesis, is the front yard in
8 compliance already?

9 MR. CORCORAN: No. I think
10 it's 69, and you need 75, if I am correct.

11 MR. BROWN: That's our
12 proposal.

13 MR. ZAMBITO: You need six-
14 foot variance.

15 CHAIRMAN GIAMETTA: On the
16 front?

17 MR. CORCORAN: Yes. That's
18 why I got six foot in the front because --
19 75 is required by the HD zone, which the BC
20 is in compliance with. We have 69 on the
21 map, so it's six feet short, so we need six
22 foot in the front yard.

23 CHAIRMAN GIAMETTA: Okay.
24 And the 40 feet in parenthesis.

25 MR. SALINOVICH: That's your

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2 rear yard.

3 MR. CORCORAN: Right. Rear
4 yard by BC standard, which, again, meets 75
5 feet proposing 35, so the rear yard
6 variance --7 CHAIRMAN GIAMETTA: Is short
8 40.

9 MR. CORCORAN: Correct.

10 MR. ZAMBITO: It's short 40.
11 But in your opinion, I would imagine, it's
12 enough to get a fire truck around it if need
13 be.14 MR. CORCORAN: It's already
15 there. The fire access road is there. I
16 don't have fire safety problems with it at
17 all. That's the only time it would ever
18 come into play, or I would have a problem is
19 if a setback, if you guys were issuing a
20 setback, it would be fire access, and there
21 is plenty of room for fire access.22 CHAIRMAN GIAMETTA: Now, the
23 operation is going to contain cold storage;
24 right?

25 MR. BROWN: Correct.

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2 CHAIRMAN GIAMETTA: What
3 products go in there?

4 MR. BROWN: Well, they're
5 going to store stuff for frozen goods for
6 other people. That's why they got it broken
7 into six different compartments. They also
8 are in the existing building. They're
9 squeezing the grape oil out of the grape
10 seeds that they get from Kedem, and that
11 process has to be done in the cold.

12 CHAIRMAN GIAMETTA: I see.
13 Is there any controlled atmosphere of space
14 in there, CA, that you know of?

15 MR. BROWN: No, not that I
16 know of.

17 CHAIRMAN GIAMETTA: It's just
18 temperature wise?

19 MR. BROWN: Freezers, yes.
20 They actually had to put concrete pads in
21 the front in the back of the building for
22 the compressors.

23 CHAIRMAN GIAMETTA: I see.
24 Just let me take another look here. Now,
25 looking at Route 9W on my map, and looking

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2 at the proposed building, it would be more
3 on the New York side of the lot?

4 MR. BROWN: Correct.

5 CHAIRMAN GIAMETTA: Is that
6 correct?

7 MR. BROWN: The one with the
8 sagging roof.

9 CHAIRMAN GIAMETTA: Right.

10 MR. CORCORAN: Basically,
11 it's a replacement with no change of use.

12 CHAIRMAN GIAMETTA: So the
13 bulk of the work will be on the north side
14 of the lot?

15 MR. BROWN: Correct.

16 CHAIRMAN GIAMETTA: Any
17 improvements to the south side; nothing
18 major?

19 MR. CORCORAN: It had been
20 done in the past. The south building is --

21 MR. BROWN: In pretty good
22 shape.

23 MR. CORCORAN: Yeah, it's in
24 pretty good shape. They did some work
25 there, retaining walls in the back there a

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2 couple of years ago. The building is in
3 good shape.

4 CHAIRMAN GIAMETTA: No
5 additions on there or anything like that?

6 MR. CORCORAN: No.

7 MR. BROWN: No.

8 CHAIRMAN GIAMETTA: Okay. I
9 am trying to read the signature of the
10 notarized applicant. Who owns the property?
11 Is that a local -- is that Lenny Conn's
12 signature, or is that --

13 MR. BROWN: No, they're
14 Hasidic.

15 MR. SALINOVICH: They're new
16 owners.

17 CHAIRMAN GIAMETTA: New
18 owner?

19 MR. BROWN: New owner.

20 CHAIRMAN GIAMETTA: They
21 bought the whole property from Conn?

22 MR. SALINOVICH: Yes, Lenny
23 just works for him now.

24 CHAIRMAN GIAMETTA: I see.
25 It that going to require a SEQRA review?

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2 MR. CORCORAN: Everything
3 else goes to planning board, so I don't know
4 what they're going to do over there.

5 CHAIRMAN GIAMETTA: I see the
6 SEQRA application in the package there.

7 MR. ZAMBITO: That's
8 planning.

9 CHAIRMAN GIAMETTA: And once
10 again, the BC district mirrors the HD
11 district pretty much?

12 MR. CORCORAN: Correct.

13 CHAIRMAN GIAMETTA: Okay.

14 MR. BROWN: As far as
15 allowable uses and setbacks?

16 CHAIRMAN GIAMETTA: Yes. All
17 right. Any questions or concerns?

18 MR. MEKEEL: No questions.

19 MR. ZAMBITO: I'm good.

20 CHAIRMAN GIAMETTA: Okay.

21 MR. SALINOVICH: I'm good.

22 CHAIRMAN GIAMETTA: All
23 right. I don't have any either. So, having
24 said that, the next logical step would be
25 advertising for a public hearing. And our

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2 next meeting is when, Ms. Cashman?

3 MS. CASHMAN: April 11th.

4 CHAIRMAN GIAMETTA: Everybody
5 going to make that meeting, expect to?6 MR. BROWN: Do we send out
7 notices also?8 MS. CASHMAN: Yes, I will get
9 the public notice, legal notice, and then
10 when I get it ready, I will let you know so
11 they can send it out.

12 MR. BROWN: Okay.

13 CHAIRMAN GIAMETTA: We need a
14 motion for that public hearing normally?15 MR. ZAMBITO: I don't believe
16 so.17 MR. SALINOVICH: I don't
18 think so.

19 MR. MEKEEL: No.

20 CHAIRMAN GIAMETTA: No
21 motion.22 MR. ZAMBITO: Unless you want
23 one?24 CHAIRMAN GIAMETTA: No, I
25 mean, in the past, we haven't had a workshop

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2 in quite some time. Does that normally
3 require a motion, Mr. Brown?

4 MR. BROWN: With planning
5 board it does.

6 CHAIRMAN GIAMETTA: Would it
7 hurt if we did a motion?

8 MR. ZAMBITO: No.

9 CHAIRMAN GIAMETTA: Why don't
10 we ask for a motion?

11 MR. ZAMBITO: All right. So
12 I make a motion to move to public hearing on
13 April 11th, 2019.

14 MR. MEKEEL: I will second.

15 CHAIRMAN GIAMETTA: And a
16 vote?

17 MR. ZAMBITO: Aye.

18 MR. SALINOVICH: Aye.

19 MR. MEKEEL: Aye.

20 CHAIRMAN GIAMETTA: And aye.

21 Anything else?

22 MR. BROWN: No.

23 CHAIRMAN GIAMETTA: Thank
24 you.

25 MR. BROWN: Thank you for

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2 your time.

3 CHAIRMAN GIAMETTA: Thank
4 you.

5 OOO

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7 (Time noted: 7:15 p.m.)

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