

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

(Pledge of Allegiance)

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

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

MR. MEKEEL: I didn't see
anything.

MR. ZAMBITO: I didn't see
anything.

CHAIRMAN GIAMETTA: Okay.
Mr. Salinovich?

MR. SALINOVICH: I will make
a motion.

MR. ZAMBITO: I'll second.

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

MR. ZAMBITO: Aye.

MR. MEKEEL: Aye.

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MR. SALINOVICH: Aye.

CHAIRMAN GIAMETTA: And aye.

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

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

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

CHAIRMAN GIAMETTA: I see. Now, I notice on the table of information, the zone is noted as BC. Has that been approved, BC, so far?

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

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

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

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

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

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

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

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1
2 kept the setback equal to or greater than
3 the height of the building, he would be in
4 compliance, but the planning board wanted to
5 clean it up, because it wasn't a clear
6 principal or accessory. So what they've
7 done is they've created the minimum setback
8 of the height of the building, which I
9 believe is 35 feet.

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

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

MR. CORCORAN: Conn Freezers.

MR. SALINOVICH: The old town hall.

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

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

CHAIRMAN GIAMETTA: Okay. I didn't realize.

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

CHAIRMAN GIAMETTA: Hepworth.

MR. BROWN: Yeah, Hepworth.

CHAIRMAN GIAMETTA: Hepworth, okay.

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

CHAIRMAN GIAMETTA: Right.

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

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

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

MR. CORCORAN: In my eyes, they are. And the only thing I had looked at prior to sending it to planning board was fire safety, and the fire access roads are in. The other thing again would be if the building fell down, would it fall on its own property? It will, because its got the setback distance as far as the height is concerned. And if I was to consider an accessory, in theory, I could, but the planning board is back and forth on it. It meets the accessory setbacks of the book anyway, because it meets the minimum setback of the height requirement. So, but they weren't sure what they wanted to call principal so they send it to you to clean it up. Under fire safety, I have no problem. Under aesthetics, I have no problem. It's not up to me, but I don't have a problem with the setbacks so, you know, that's up 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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CHAIRMAN GIAMETTA: What products go in there?

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

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

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

CHAIRMAN GIAMETTA: It's just temperature wise?

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

CHAIRMAN GIAMETTA: I see. Just let me take another look here. Now, 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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couple of years ago. The building is in good shape.

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

MR. CORCORAN: No.

MR. BROWN: No.

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

MR. BROWN: No, they're Hasidic.

MR. SALINOVICH: They're new owners.

CHAIRMAN GIAMETTA: New owner?

MR. BROWN: New owner.

CHAIRMAN GIAMETTA: They bought the whole property from Conn?

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

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

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

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

MR. ZAMBITO: That's planning.

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

MR. CORCORAN: Correct.

CHAIRMAN GIAMETTA: Okay.

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

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

MR. MEKEEL: No questions.

MR. ZAMBITO: I'm good.

CHAIRMAN GIAMETTA: Okay.

MR. SALINOVICH: I'm good.

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

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next meeting is when, Ms. Cashman?

MS. CASHMAN: April 11th.

CHAIRMAN GIAMETTA: Everybody going to make that meeting, expect to?

MR. BROWN: Do we send out notices also?

MS. CASHMAN: Yes, I will get the public notice, legal notice, and then when I get it ready, I will let you know so they can send it out.

MR. BROWN: Okay.

CHAIRMAN GIAMETTA: We need a motion for that public hearing normally?

MR. ZAMBITO: I don't believe so.

MR. SALINOVICH: I don't think so.

MR. MEKEEL: No.

CHAIRMAN GIAMETTA: No motion.

MR. ZAMBITO: Unless you want one?

CHAIRMAN GIAMETTA: No, I mean, in the past, we haven't had a workshop

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

MR. BROWN: With planning
board it does.

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

MR. ZAMBITO: No.

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

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

MR. MEKEEL: I will second.

CHAIRMAN GIAMETTA: And a
vote?

MR. ZAMBITO: Aye.

MR. SALINOVICH: Aye.

MR. MEKEEL: Aye.

CHAIRMAN GIAMETTA: And aye.
Anything else?

MR. BROWN: No.

CHAIRMAN GIAMETTA: Thank
you.

MR. BROWN: Thank you for

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your time.

CHAIRMAN GIAMETTA: Thank

you.

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