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

In the Matter of

5 MILTON TURNPIKE SOLAR FARM

10 OPEN PUBLIC HEARING - SITE PLAN

11 Date: February 19, 2019  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:        CHRIS BRAND, Chairman  
16                                    BEN TRAPANI  
16                                    JOSEPH LOFARO  
16                                    MANNY CAUCHI

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
VIRGINIA EL YNN

20 APPLICANT'S REPRESENTATIVES: MICHAEL CUCCHIARA  
21 NICHOLAS HUMMING

23 MICHELLE L. CONERO

PMB #276  
56 North Plaza Road, Suite 1

24 56 North Plank Road, Suite  
Newburgh, New York 12550

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 CHAIRMAN BRAND: Agenda, Town of  
7 Marlborough Planning Board, February 19,  
8 2019. Regular meeting 7:30 p.m. Milton  
9 Turnpike Solar Farm, public hearing, site  
10 plan; Smith Subdivision, preliminary,  
11 subdivision; Royal Energy Properties, sketch,  
12 site plan; Wade and Katelyn Davis, sketch,  
13 site plan. Meeting to be held upstairs. The  
14 next deadline is Friday, February 22nd. The  
15 next scheduled meeting is Monday, March 4th.

16 MS. FLYNN: Wade Davis is a lot line.

17 CHAIRMAN BRAND: Did I not say that?

18 MS. FLYNN: You said site plan.

19 CHAIRMAN BRAND: Thank you.

20 Before we get started; for the minutes,  
21 Member Manny Cauchi did attend a SEQRA  
22 professional development on February 14th I  
23 believe it was.

24 MR. CAUCHI: Yes.

25 CHAIRMAN BRAND: He has two hours of

2 professional development.

3 Milton Turnpike Solar Farm, first up,  
4 public hearing, site plan.

5 I'd like to have a motion to reopen the  
6 public hearing.

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

8 CHAIRMAN BRAND: Is there a second?

9 MR. TRAPANI: Second.

10 CHAIRMAN BRAND: All those in favor?

11 MR. TRAPANI: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN BRAND: Aye.

15 Where are we today, gentlemen?

16 MR. VAMVAS: At the request of the  
17 Board, the applicant did revise the site to limit  
18 visibility from Locust Grove. So we prepared  
19 this graphic for you. The green hatch is  
20 visibility as defined by Scenic Hudson. The blue  
21 hatch there is the old layout. You can see where  
22 the blue extends. The blue extends well past the  
23 peak. We were able to get that down kind of  
24 below the line here. You'll see where the blue  
25 did extend further west, past what Scenic Hudson

2 was saying was visible. We've been able to get a  
3 substantial portion of the site kind of below the  
4 ridge line to reduce the visibility from Locust  
5 Grove. Actually, we can't take credit for that.

6 Scenic Hudson did issue a letter on the  
7 15th of February. They seem to agree with the  
8 approach that we took. They're pretty happy with  
9 everything there.

10 Unless the Board has any further  
11 comment, I think we can say that we addressed the  
12 visual aspect of the site.

13 MR. CAUCHI: A hundred percent? I mean  
14 they don't have any other visual -- it's not ten  
15 percent, fifty percent?

16 MR. HINES: There are still some that  
17 are visual. Generally the context of Scenic  
18 Hudson's letter they just sent, it was dated  
19 Friday, was that they found the changes  
20 acceptable and that it would significantly  
21 mitigate any visual impacts from the Locust Grove  
22 property on the east side of the Hudson River.  
23 They've taken it down off the ridge and it's  
24 going to generally blend into the landscape.

25 MR. LOFARO: You have no loss of

2 panels? Everything is the same size as before?

3 MR. CUCCHIARA: I think we lost a small  
4 amount, if I'm correct. The way we did achieve  
5 this is by decreasing the tilt of the panels  
6 which allows us to put row spacing a little bit  
7 closer together, and we also expanded out,  
8 through the help of the landowner in an  
9 agreement, that we extend it slightly south by  
10 about three rows on both the east and west array.  
11 So combined with those two kind of techniques we  
12 were able to squeeze it in a little tighter in  
13 that same footprint and avoid that hill and  
14 mitigate those visual impacts.

15 CHAIRMAN BRAND: Great.

16 Pat, did you want to run through your  
17 comments?

18 MR. HINES: Sure. The first comment  
19 discusses what we were just talking about, the  
20 modifications to the site to reduce potential  
21 visual impacts.

22 The second comment, and it comes out of  
23 Scenic Hudson's comments, back on November 16th  
24 this Board declared it's intent for lead agency.  
25 You were going to circulate to interested and

2 involved agencies. The project is, by definition,  
3 a Type 1 action under SEQRA in that it disturbs  
4 greater than 10 acres of land area, and actually  
5 is up to maybe 13 acres now with the change in  
6 the layout, the expansion towards the front. It  
7 looks like procedurally the circulation was not  
8 completed based on the Type 1 action. DEC would  
9 be an involved agency by statute in the Type 1  
10 action. I think we need to, prior to making a  
11 SEQRA decision, circulate this to DEC and attempt  
12 to get as quick as possible a sign off from them  
13 that they're not interested in being lead agency.

14 The other thing that came out of Scenic  
15 Hudson is that they noted that the Office of  
16 Parks, Recreation & Historic Preservation asked  
17 to be involved in the project. The applicants  
18 have, as part of their stormwater pollution  
19 prevention plan and as part of their E.A.F.,  
20 provided information from the Office of Parks,  
21 Recreation & Historic Preservation that there is  
22 no archeologically or culturally sensitive or  
23 cultural resources on the project site. I think  
24 that's been addressed by the applicant, although  
25 Scenic Hudson pointed it out in their letter.

2 There are two different spots in the  
3 Town's files with that coordinated review through  
4 their database, the CRIS, which is the way you  
5 have to submit things to State Parks. They don't  
6 take hard copies of anything at all.

7 CHAIRMAN BRAND: That's a great  
8 acronym.

9 MR. HINES: I think that's been  
10 documented as well. Basically if the Board is  
11 satisfied with the current layout, I think the  
12 only procedural matter that we need to take care  
13 of is circulation to the DEC as another involved  
14 agency.

15 Ulster County DPW was also an agency.  
16 I believe they may have issued their permit  
17 already.

18 MR. CUCCHIARA: Yeah, the permit is  
19 underway. They have one question about a  
20 signature on an application. I need to get in  
21 touch with Dave Wittick up there at DPW and get  
22 that signature from him. I think there was some  
23 confusion as to where it was on the application.

24 I believe, Nick, you've had  
25 conversations with him. It's just pending, that

2 final signature on the application.

3 MR. VAMVAS: Right. They completed  
4 their technical review and there's no further  
5 comments or anything. We just have to get the  
6 paperwork.

7 As far as circulating to other involved  
8 agencies, the applicant does intend to enter into  
9 a PILOT agreement with the Town Board and School  
10 Board --

11 MR. CUCCHIARA: And County.

12 MR. VAMVAS: -- and County.

13 MR. CUCCHIARA: I don't know how much  
14 -- whether the PILOT factors in to site plan  
15 approval. I think we demonstrated, the Town  
16 Attorney can attest, that I have been in touch  
17 with the Commissioner of Finance of Ulster  
18 County. They're aware of the PILOT. We're  
19 trying to get a meeting going. The Town Attorney  
20 and I are going to be speaking shortly with the  
21 school district and hopefully doing the PILOT all  
22 together under one agreement if that fits the  
23 Town and the Town Board.

24 CHAIRMAN BRAND: Can I just ask, as far  
25 as this CRIS database of the Office of Parks, is

2 that similar to or in lieu of the SHPO or is  
3 that --

4 MR. HINES: The same agency.

5 CHAIRMAN BRAND: The same agency.

6 MR. HINES: That's one of the benefits  
7 of filling out the E.A.F. online, it starts that  
8 process because it checks that database  
9 initially. When they submit the long form E.A.F.,  
10 it comes up whether or not there are any of  
11 those. SHPO has circles in areas of concern. If  
12 they fall outside those gray circles it's okay.  
13 If any part of your project falls in those, then  
14 it triggers that on the E.A.F. and on the  
15 stormwater. The stormwater regulations require  
16 that you consult with that agency as well, and  
17 that database is similar.

18 CHAIRMAN BRAND: Because of the Type 1  
19 action?

20 MR. HINES: Any action.

21 CHAIRMAN BRAND: Any action. Okay.

22 Jeffrey, did you have anything on this?

23 MR. BATTISTONI: I'll just mention that  
24 I have received a proposed PILOT agreement from  
25 the applicants. It was provided to the Town

2 Board and to me. It actually combines into one  
3 agreement the School District, the County and the  
4 Town. The applicant said that was based upon a  
5 template prepared by NYSERTA, that they used that  
6 arrangement with the Town of Wappingers already.  
7 I'm just reviewing the agreement in that regard  
8 to make sure it's okay to have all three taxing  
9 jurisdictions involved in one agreement.

10 CHAIRMAN BRAND: Okay. Anything else  
11 from the Board on this?

12 (No response.)

13 CHAIRMAN BRAND: This is a public  
14 hearing. If anyone from the public has a comment  
15 for or against this, you may be heard at this  
16 time.

17 (No response.)

18 CHAIRMAN BRAND: No.

19 All right. So procedurally then we're  
20 just kind of waiting until we hear back from  
21 these other agencies?

22 MR. HINES: Yes. Otherwise it would be  
23 a default.

24 CHAIRMAN BRAND: And we would probably  
25 want to keep the public hearing open?

2 MR. HINES: I don't think there are any  
3 new issues.

4 CHAIRMAN BRAND: Doesn't that start the  
5 shot clock so to speak?

6 MR. BATTISTONI: I would be inclined to  
7 keep it open until the next meeting just because  
8 we are notifying DEC.

9 CHAIRMAN BRAND: Can I have a motion to  
10 keep it open until the Monday, March 4th meeting?

11 MR. CAUCHI: I'll make that motion, to  
12 keep the public hearing open until March 4th.

13 MR. TRAPANI: I'll second that.

14 CHAIRMAN BRAND: Okay.

15 MR. HINES: I can provide a notice of  
16 intent for lead agency to you folks. It might be  
17 easier for you to get it to the agencies with a  
18 copy of the plans and such.

19 MR. VAMVAS: Sure. Yeah, yeah. That's  
20 going to get it done quicker. Yeah.

21 MR. HINES: Waiting for you to send me  
22 five copies --

23 MR. CUCCHIARA: Should we include the  
24 Chairman?

25 MR. HINES: I think at this point you

2 send it to the School Board, the Town Board, and  
3 chase down those agencies before the next  
4 meeting.

5 MR. VAMVAS: That's what we wanted to  
6 ask, if we were able to get everything in time  
7 for the March 4th meeting would the Board  
8 entertain sticking us on the agenda then?

9 MR. HINES: I think you're on that  
10 agenda.

11 MR. VAMVAS: On the 4th? Excellent.

12 MR. HINES: They have, although it  
13 doesn't come up on their E.A.F., an Indiana Bat  
14 issue. They have a tree clearing issue.

15 MR. VAMVAS: I would like to get it  
16 done. We'd like to have a permit to construct so  
17 we can cut down trees on the site before the end  
18 of March.

19 MR. HINES: You have to get them down,  
20 you don't have to clean them up.

21 MR. VAMVAS: Exactly.

22 CHAIRMAN BRAND: Right, right.

23 MR. CUCCHIARA: As far as the next  
24 meeting, I don't know how long typically it takes  
25 for a resolution to be drawn. Assuming we have

2 favorable comment back from the involved  
3 agencies, would it be possible to close the  
4 public hearing, issue a neg dec and a conditional  
5 approval that would allow us to clear -- and any  
6 conditions possibly tied to a building permit for  
7 construction to allow for that tree clearing, if  
8 that makes sense, at the next meeting? I don't  
9 know if all those can be wrapped up in one  
10 meeting, if everything is okayed by the Board.

11 MR. HINES: We can try. I don't know  
12 what your conditions are going to be.

13 MR. CUCCHIARA: Right.

14 MR. HINES: As many of those you can  
15 get out of the way beforehand --

16 MR. CUCCHIARA: Yes.

17 CHAIRMAN BRAND: In theory, yes. It  
18 would depend on the agencies.

19 MR. BATTISTONI: I think the PILOT  
20 could be a condition of the approval.

21 CHAIRMAN BRAND: Yeah. Depending on  
22 what we receive back from those agencies. We'll  
23 keep the ball rolling.

24 MR. CUCCHIARA: Okay. I appreciate it.

25 CHAIRMAN BRAND: Anything else?

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(No response.)

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CHAIRMAN BRAND: See you on March 4th.

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(Time noted: 7:43 p.m.)

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

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10 I, MICHELLE CONERO, a Notary Public  
11 for and within the State of New York, do hereby  
12 certify:

13 That hereinbefore set forth is a  
14 true record of the proceedings.

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 25th day of February 2019.

21

22

*Michele Conero*

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MICHELLE CONERO

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

In the Matter of

## SMITH SUBDIVISION

Project No. 17-1017  
First Street, Marlboro  
Section 103.1; Block 4; Lot 47.130

## PRELIMINARY – SUBDIVISION

11 Date: February 19, 2019  
12 Time: 7:44 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:     CHRIS BRAND, Chairman  
16                             BEN TRAPANI  
16                             JOSEPH LOFARO  
16                             MANNY CAUCCI

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

20 APPLICANT'S REPRESENTATIVE: ZACHARY SZABO

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

2 CHAIRMAN BRAND: Next up, Smith  
3 Subdivision.

4 If you could just state your name for  
5 the stenographer.

6 MR. SZABO: Zachary Szabo, Engineering  
7 & Surveying Properties.

8 MR. SMITH: Applicant, Doug Smith.

9 CHAIRMAN BRAND: Do you just want to  
10 give us a rundown of where we are?

11 MR. SZABO: At this point we responded  
12 to all of Pat's comments from the last meeting,  
13 the comments we received.

14 Basically we revised the turnaround  
15 area, and we provided details for that turnaround  
16 area. We actually shrank the size of the  
17 dedication for that and we also extended the  
18 right-of-way.

19 Other than that, there weren't many  
20 changes.

21 Responding to some of the comments we  
22 received today, we're still awaiting comments  
23 from the highway super.

24 MR. SMITH: He kind of gave his  
25 comments but he just wanted to see the drawings

2 and stuff of what we were going to do for the  
3 turnaround.

4 MR. HINES: Now that you have the plan,  
5 we're just looking for something for him to sign  
6 off on. Similar to the water superintendent with  
7 the well.

8 MR. SMITH: He doesn't care either way.  
9 He says there's no law that says you have to have  
10 wells or water lines. He said he would send a  
11 letter tomorrow.

12 MR. HINES: The dedication for the  
13 turnaround has been revised.

14 The other thing I asked for, and they  
15 did show, is the adjoining house just so that at  
16 the public hearing the house down gradient is  
17 shown. It shows it outside the drainage that  
18 comes through there. The site drains in that  
19 vicinity right now.

20 There's a Central Hudson easement off  
21 the houses in the back.

22 Basically this is here tonight for  
23 scheduling a public hearing.

24 CHAIRMAN BRAND: The last time you were  
25 here there was an issue with the length to width

2 ratio.

3 MR. SZABO: We provided, on the realty  
4 subdivision plan, a note that states that there's  
5 no further subdivision under current zoning.6 CHAIRMAN BRAND: Okay. So are we good  
7 to schedule a public hearing for Monday, March  
8 4th?9 MR. HINES: It would have to be the  
10 next one. There's only twenty-eight days in  
11 February.

12 MS. FLYNN: The 18th.

13 CHAIRMAN BRAND: March 18th.

14 Are you good with that?

15 MR. SMITH: Yes, that's good.

16 CHAIRMAN BRAND: Monday, March 18th,  
17 public hearing.

18 MR. SZABO: Sounds good.

19 MR. SMITH: Thank you very much.

20 CHAIRMAN BRAND: Thank you.

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22 (Time noted: 7:47 p.m.)

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## 4 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:

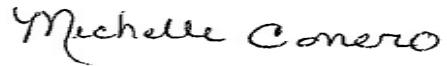
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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 25th day of February 2019.

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MICHELLE CONERO

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2 CHAIRMAN BRAND: Next up, Royal Energy  
3 Properties, sketch, site plan.

4 MR. BROWN: For the new members, I'm  
5 Charles Brown, engineer for the applicant.

6 We did go before the Town Board with  
7 this on January 14th. They had no issue with it.  
8 They voted to have Mr. Lanzetta do a letter to  
9 this Board. Apparently he hasn't done that yet.

10 CHAIRMAN BRAND: Can you just give us a  
11 lowdown on exactly what's going on there? It  
12 says Royal Energy but from what I can tell  
13 there's really no energy, that's just the name of  
14 the company.

15 MR. BROWN: Correct.

16 CHAIRMAN BRAND: It's just for cold  
17 storage?

18 MR. BROWN: Right. They're going to do  
19 more cold storage.

20 There's a house over here, another  
21 house here. This is the one with the sagging  
22 roof. That's all north on the site. They're  
23 going to knock all that down and put up a 50,000  
24 square foot storage warehouse.

25 MR. HINES: The existing one is going

2 to stay?

3 MR. BROWN: This one will stay.

4 Eventually they want to take this off of it.

5 They have to get this part to demo this part.

6 This building here is in good shape.

7 CHAIRMAN BRAND: Which one is going to  
8 go also?

9 MR. BROWN: The one in between.

10 CHAIRMAN BRAND: Is that part of this  
11 plan?

12 MR. BROWN: No.

13 CHAIRMAN BRAND: Pat?

14 MR. HINES: I have a copy of a letter  
15 dated January 15th from the Town Board to this  
16 Board stating the Town Board has received an  
17 application to establish a business corridor  
18 overlay at 1666 Route 9W. The Town Board is  
19 satisfied with the conceptual development. The  
20 matter is being referred to the Planning Board,  
21 and it references the section of the code. I  
22 wasn't aware of that letter. My comments have to  
23 do with the process of the business corridor  
24 overlay zone.

25 One of the problems with that is, Tom

2 Corcoran sent a memo stating that the project  
3 needs zoning variances. The Town Board can,  
4 under the business corridor overlay zone, create  
5 it's own bulk table setbacks.

6 The question is does the applicant want  
7 to return to the Town Board regarding the  
8 setbacks. The setbacks are too close to the  
9 front, there's a side yard setback and a rear  
10 yard setback too. Because of the size of the  
11 building and the size of the lot, the building  
12 inspector suggested they go to the Zoning Board.  
13 I did not know that it went to the Town Board  
14 already. I suggested while you're at the Town  
15 Board, talk about your bulk setbacks and the Town  
16 Board could grant the overlay district with the  
17 setbacks as proposed.

18 MR. BROWN: Which they did do for  
19 Empire. I did mention that to them but I didn't  
20 get an answer one way or the other.

21 CHAIRMAN BRAND: Are the proposed  
22 buildings --

23 MR. HINES: They're closer.

24 CHAIRMAN BRAND: It's a little bit  
25 bigger than the existing?

2 MR. BROWN: You have a house on the  
3 north side that's very close to the property  
4 line, and this other warehouse over here is  
5 closer to the rear property line than we are.  
6 The site doesn't meet setbacks for any of the  
7 buildings that exist now.

8 CHAIRMAN BRAND: Okay. So that's  
9 something the Town Board could approve?

10 MR. HINES: The Town Board can. In  
11 lieu of that, I guess the Zoning Board can grant  
12 it. It's a little harder for the Zoning Board to  
13 grant it. It's an area variance so they can. I  
14 think it's cleaner if the Town Board says here's  
15 the setbacks under the business corridor overlay  
16 zone, and then you'll know what you're working  
17 with rather than referring them to the ZBA and  
18 coming back with or without the variances they  
19 need. I'll leave it to the applicant.

20 MR. BROWN: I can go to the Town Board  
21 and just ask them to revise that letter and say  
22 the plan is good as it is setback wise.

23 MR. HINES: Yeah. Maybe you can just  
24 get a letter saying you're requesting the front  
25 yard setback, the side yard setback and the rear

2 yard setback, then we can develop the bulk table.  
3 Right now the bulk table you show shows the HD  
4 zone. The business corridor overlay allows any  
5 use in the HD zone because it's in the RAG now.  
6 One would think the HD zone bulk tables follow  
7 with it, which are 75 foot front yard, 75 foot  
8 rear yard, and I'm not sure of the side yard  
9 offhand. The business corridor overlay allows  
10 the Town Board to modify those as they see fit.  
11 They just didn't do that. It even says at the  
12 Town Board some of the Board discussed setbacks  
13 with Mr. Brown and Mr. Corcoran. I do note that  
14 Tommy Corcoran sent us a letter saying that it  
15 needs to go to the ZBA for the setbacks. It's  
16 cleaner if it goes back to the Town Board and  
17 comes back with those setbacks.

18 CHAIRMAN BRAND: We haven't done a lot  
19 of these, obviously.

20 MR. HINES: This is the second one.

21 CHAIRMAN BRAND: You were lucky enough  
22 to do both.

23 MR. HINES: Hopefully this will go  
24 smoother than the first.

25 CHAIRMAN BRAND: Can you run through

2 that process again just so that we're kind of  
3 clear?

4 MR. HINES: The process says go to the  
5 Town Board, the Town Board grants what they call  
6 concept approval, then it comes to your Board for  
7 a full site plan review. The ordinance says that  
8 you will be lead agency, not the Town Board, and  
9 then you grant your approvals conditioned on the  
10 Town Board finalizing their business corridor  
11 overlay zone which puts that floating zone -- it  
12 kind of anchors the floating zone, for lack of a  
13 better term, on this parcel moving forward. It's  
14 strictly for the lots that are R and RAG along  
15 the 9W corridor. It states that the uses in the  
16 HD zone are allowed on those lots in the business  
17 overlay corridor and also speaks to the fact the  
18 Town Board can waive those substantial setbacks  
19 that are required in the HD zone. I can't tell  
20 from this letter if that occurred and I don't  
21 know that it did. I would prefer the Town Board  
22 say the front yard setback is, the side yard is,  
23 and it will keep them out of the Zoning Board  
24 realm.

25 MR. BROWN: I did mention they had the

2 authority. They didn't believe me.

3 MR. HINES: It's clearly in the  
4 regulation. I think I quoted it in my comment.

5 CHAIRMAN BRAND: So essentially --

6 MR. HINES: The other option is to go  
7 to the ZBA.

8 MR. BROWN: I'd rather go to the Town  
9 Board.

10 CHAIRMAN BRAND: I think that's the  
11 easier way.

12 MR. HINES: I didn't know they went to  
13 the Town Board. I was like well they're here as  
14 part of the process and I'm referring them back  
15 to the Town Board.

16 CHAIRMAN BRAND: They still have to go  
17 back anyway.

18 MR. HINES: They have to go back  
19 anyway. I think that's the applicant's preferred  
20 method as well.

21 MR. BATTISTONI: I agree it would be  
22 better to go back to the Town Board.

23 MR. CAUCHI: You agree he has to go  
24 back to the Town Board? Is that what you said?

25 MR. BATTISTONI: Yes. Instead of

2 getting variances from the Zoning Board of  
3 Appeals, I think it's better for him to go back  
4 to the Town Board. He was there once already.

5 MR. CAUCHI: I thought I heard him say  
6 the Town Planning Board is the lead agency.

7 MR. HINES: The initial concept comes  
8 from the Town Board and then it comes to you as  
9 the lead agency under SEQRA to do a full blown  
10 site plan review. You'll coordinate with DOT in  
11 this case. County Planning will be another  
12 involved agency. I think the jurisdictional fire  
13 departments may have some concern about access  
14 around this building. There's a retaining wall  
15 around three sides of it.

16 MR. CAUCHI: So the Town Board is going  
17 to give him an approval if he can keep those  
18 setbacks?

19 MR. HINES: Yes. Rather than go to the  
20 ZBA.

21 Ultimately, once you're done with the  
22 process -- Empire Landscaping across the street  
23 was the only other project we did. Sooner or  
24 later that needed to go to the ZBA, but I think  
25 they modified the setbacks on that too.

2 CHAIRMAN BRAND: Can I just go back to  
3 what you stated earlier about the demolition of  
4 that building? Is there any new proposed  
5 construction there or that's just going to be  
6 demolished?

7 MR. BROWN: Maybe I can put it on this  
8 plan to be demolished after completion of this  
9 building just to give it some continuity. They  
10 need the space until this building is built.

11 CHAIRMAN BRAND: Right. Should we put  
12 all that on one plan?

13 MR. BROWN: Probably.

14 MR. HINES: It may eliminate some of  
15 the emergency services' concerns for access there  
16 because you're really filling that lot up. I'm  
17 not saying it's going to eliminate them. The  
18 retaining wall and grading around --

19 MR. BROWN: The retaining wall starts  
20 here and comes around the back.

21 CHAIRMAN BRAND: What's the distance  
22 between the edge of the building and the  
23 retaining wall?

24 MR. BROWN: Twenty feet.

25 CHAIRMAN BRAND: How many feet?

2

MR. BROWN: I'd say twenty feet. Yeah.

3

This is the retaining wall up here. This is just -- it's a drive, a gravel drive to get access to all the compressors that will be along here and along here.

4

5

CHAIRMAN BRAND: Is that enough for a fire truck?

6

7

8

MR. BROWN: They probably couldn't make the turns.

9

10

MR. HINES: It's in the collapse zone so it doesn't count.

11

12

CHAIRMAN BRAND: What's that?

13

14

MR. HINES: It's in the collapse zone of the building.

15

16

17

18

19

CHAIRMAN BRAND: I think I would

20

definitely put all of the intended uses, demos, everything on it at once so you don't have to come back again.

21

22

For now we'll just go back to the Town Board for you to seek the setback variances from them.

23

24

MR. HINES: They're going to give you the setbacks.

25

CHAIRMAN BRAND: And then come back to

2 us.

3 MR. HINES: It will come back with a  
4 bulk table saying the Town Board approved the  
5 following setbacks on such a date, front yard  
6 whatever, 30, side yard 10, rear yard whatever it  
7 is.8 CHAIRMAN BRAND: We would have to wait  
9 for that before we could submit it to any of the  
10 jurisdictional --

11 MR. HINES: Yes.

12 CHAIRMAN BRAND: So go to the Town  
13 Board, do what they have to do and come back to  
14 us.

15 MR. BROWN: Okay.

16 CHAIRMAN BRAND: Thanks.

17 MR. BROWN: Thank you.

18 CHAIRMAN BRAND: What is the storage  
19 going to be? Just more cold storage?20 MR. BROWN: Yeah. What they're doing is  
21 -- I learned a little bit about the process.  
22 They're taking the grapes from Kedem and they're  
23 squeezing the grape seed out of them. Apparently  
24 that process is a lot easier if you do it in a  
25 cold building. Something about separating the

2 water from the grape. This is what they tell me.

3 MR. HINES: Is there going to be  
4 production there? That might be a different  
5 animal.

6 MR. BROWN: I'll have to ask him more  
7 about the operation. Right now they're doing all  
8 the production in this building.

9 MR. HINES: It's not cold storage like  
10 it used to be?

11 MR. BROWN: Well what he told me is  
12 they squeeze the grapes cold. They squeeze the  
13 seeds cold. In other words, you have to get the  
14 seeds cold first and then they squeeze them.

15 MR. HINES: We have to clarify whether  
16 it's processing, because that's going to change  
17 the amount of sewer.

18 CHAIRMAN BRAND: We want to know what's  
19 happening inside the buildings, --

20 MR. BROWN: Okay.

21 CHAIRMAN BRAND: -- the new and the  
22 old.

23 I know there was a question that came  
24 up. Was this preexisting nonconforming or this  
25 just predates all of that? The original site

2 plan for this.

3 MR. HINES: There is no site plan for  
4 this I don't believe. It's back before we had  
5 zoning probably, which is why you have buildings  
6 up against property lines.

7 CHAIRMAN BRAND: I think this goes  
8 along the lines of some of the other ones we went  
9 through.

10 If you'd give us the uses of all the  
11 buildings and everything. You can just clean up  
12 everything that's already there.

13 MR. HINES: You're going to approve the  
14 existing building. If there's processing in  
15 there then there may be wastewater generated and  
16 that building is not on sewer.

17 We've had issues with that same name  
18 you just said with discharge of processed  
19 material into the ground.

20 MR. BROWN: Okay. Thank you.

21

22 (Time noted: 8:00 p.m.)

23

24

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## 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:

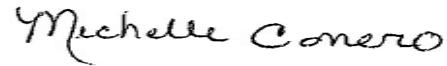
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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 25th day of February 2019.

18

19



20

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MICHELLE CONERO

21

22

23

24

25

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

In the Matter of

WADE & KATELYN DAVIS

Project No. 19-3003  
39 Reservoir Road, Marlboro  
Section 108.2; Block 9; Lots 12.200 & 22.116

**SKETCH - LOT LINE**

11 Date: February 19, 2019  
12 Time: 8:00 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:        CHRIS BRAND, Chairman  
16                                    BEN TRAPANI  
16                                    JOSEPH LOFARO  
16                                    MANNY CAUGHT

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVE DAHL

MICHELLE L. CONERO  
PMB #276

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

2 CHAIRMAN BRAND: Next up, Wade and  
3 Katelyn Davis, sketch, lot line.

4 MR. PAULI: Good evening.

5 CHAIRMAN BRAND: How are you?

6 MR. PAULI: Steve Pauli, Brooks &  
7 Brooks, land surveyors.

8 Three tax map parcels are  
9 involved in this lot line revision and  
10 consolidation. The tax map plot in the upper  
11 right-hand corner sort of lays out what's  
12 going on.

13 Two tax map parcels, they came  
14 out of the subdivision. Lot numbers 12.2 and  
15 12.3 are going to be combined. The resulting  
16 acreage is 4.99 for those two lots.

17 In addition to that, tax map lot  
18 22.16 is going to convey a .67 acre parcel to  
19 be combined to that consolidation.

20 CHAIRMAN BRAND: Pat?

21 MR. HINES: I think there's some  
22 history here. There was a deed plot in the past  
23 that the applicants had thought was filed and it  
24 wasn't, which is why the house was constructed  
25 where it was. So now they're here to clean that

2 up. To actually have it stamped and filed and  
3 clean that up. In the meantime, the playground  
4 and such was constructed to the rear, so they  
5 want to clean that up as well.

6 The lots are generally in the same  
7 ownership, although they're in trusts and other  
8 -- the same family, the people that are involved  
9 in those.

10 It's three lots, though. Initially I  
11 thought it was going to be your streamlined  
12 process but that's only allowed for two lots. I  
13 think it's going to require a public hearing.  
14 I don't see any technical issues with it. It's  
15 because it's three, not two lots. You're allowed  
16 two lots in that streamline lot line change.  
17 This has three involved so we'll need a public  
18 hearing.

19 I think Jeff has legal items that need  
20 to be taken care of. I think it can be scheduled  
21 for the public hearing.

22 MR. PAULI: Okay. In your comments also  
23 I read it may not be subject. Is there a  
24 possibility it may be, a three-lot, or that's --  
25 that's over the threshold?

2 CHAIRMAN BRAND: That's over it.

3 MR. PAULI: Okay.

4 MR. BATTISTONI: I looked in the Town  
5 Code today and under the definition of  
6 subdivision the waiver for the public hearing  
7 process is stated. It says only for applications  
8 involving no more than two lots.

9 MR. CAUCHI: No more than what?

10 MR. BATTISTONI: Two lots. You can  
11 only waive the public hearing if no more than two  
12 lots are involved. Here there are three lots.

13 CHAIRMAN BRAND: Can you do it twice,  
14 two lots and two lots, or is that longer in the  
15 long run?

16 MR. HINES: I think it's longer in the  
17 long run. It may be segmentation under SEQRA.

18 CHAIRMAN BRAND: So we need to schedule  
19 a public hearing for this?

20 MR. HINES: It's going to be March  
21 18th.

22 CHAIRMAN BRAND: Right. So Monday.  
23 You'll be able to get that ready?

24 MR. PAULI: Yes.

25 CHAIRMAN BRAND: Monday, March 18,

2 public hearing.

3 MR. BATTISTONI: I will mention that I  
4 had some concerns about the deeds that were  
5 provided. I received new deeds today that  
6 matched what was shown on the plan, so that issue  
7 was clarified.

8 Is the ultimate owner of the  
9 consolidated lot going to be the trust, if you  
10 know?

11 MR. PAULI: I can't answer that.

12 MR. BATTISTONI: It would be good to  
13 know that I guess.

14 MR. PAULI: Okay.

15 MR. CASEY: The trust.

16 CHAIRMAN BRAND: With that information,  
17 after the public hearing we would be able to have  
18 a resolution ready for that?

19 MR. HINES: If Jeff could have the  
20 resolution ready, I would see no reason why it  
21 can't be done all in one night.

22 CHAIRMAN BRAND: We'll shoot for that.

23 MR. PAULI: Jennifer, did you receive  
24 those last two pages?

25 MS. FLYNN: Yes.

2 MR. PAULI: We're good with that.

3 Okay. So no other outstanding issues.

4 We'll try and make some minor clean-up changes  
5 but it will be this map presented again March  
6 18th.

7 MR. BATTISTONI: I wanted to ask also  
8 for a copy of the trust agreement. I'm assuming  
9 you'll try to get that to me?

10 MR. CASEY: It's going to be a few  
11 days.

12 MR. BATTISTONI: There's plenty of  
13 time. The public hearing is March 18th.

14 MR. CASEY: Why would you need the  
15 trust agreement?

16 MR. BATTISTONI: I want to see what the  
17 powers of the trustee are and the trust  
18 agreement. I think the application involves  
19 somebody using a power of attorney for two  
20 individuals. I don't know if they use a power of  
21 attorney for a trustee.

22 MR. CASEY: I'm the power of attorney.

23 MR. BATTISTONI: I understand that. I  
24 don't know who the trustee is of the trust, and I  
25 don't think the trustee can use a power of

2 attorney. The trustee actually has to sign it.

3 I just want to look at -- there's plenty of time.

4 MR. CASEY: I could probably have them  
5 signed within the month. Instead of worrying  
6 about the powers of attorney, I can get that.

7 MR. PAULI: Are you going to be out  
8 there?

9 MR. CASEY: I'm going to be out in a  
10 couple weeks and I'll be able to have them sign  
11 it. Would that be cleaner and easier, just to  
12 have them sign?

13 MR. BATTISTONI: I think the problem  
14 here is that the trust is an owner of property  
15 here and individuals are also owners of the  
16 property here. Individuals can sign a power of  
17 attorney to authorize an application. That's  
18 happened. I don't think the trustee can sign a  
19 power of attorney to delegate authority. The  
20 trustee has to act in the trustee's capacity. Am  
21 I making that clear?

22 MR. CASEY: So you want to know who the  
23 trustee is?

24 MR. BATTISTONI: Who the trustee is,  
25 and the trustee will have to sign some documents

2 as opposed to --

3 MR. CASEY: The trustee is either Wade  
4 or Katelyn or both.5 MR. BATTISTONI: Or both. I'd have to  
6 see that. As trustees they can't get a power of  
7 attorney to you. As individuals they can, as  
8 trustees they can't. I'm just trying to do this  
9 right so you don't have a problem.

10 MR. CASEY: I understand.

11 MR. BATTISTONI: It's easy enough to  
12 clear up and we have plenty of time to do it.13 CHAIRMAN BRAND: All right. Are you  
14 all set?

15 MR. PAULI: Yes. Thank you.

16 CHAIRMAN BRAND: Anything else from the  
17 Board?

18 (No response.)

19 CHAIRMAN BRAND: Motion to adjourn?

20 MR. CAUCHI: I'll make that motion.

21 MR. LOFARO: Second.

22 CHAIRMAN BRAND: All those in favor?

23 MR. TRAPANI: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2 CHAIRMAN BRAND: Aye.

3

4 (Time noted: 8:07 p.m.)

5

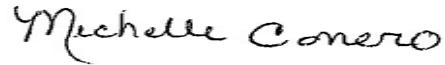
6 C E R T I F I C A T I O N

7

8 I, MICHELLE CONERO, a Notary Public  
9 for and within the State of New York, do hereby  
10 certify:11 That hereinbefore set forth is a  
12 true record of the proceedings.13 I further certify that I am not  
14 related to any of the parties to this proceeding by  
15 blood or by marriage and that I am in no way  
16 interested in the outcome of this matter.17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 25th day of February 2019.

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MICHELLE CONERO

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