

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

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In the Matter of

KATELYN & WADE DAVIS
Project No. 14-7007
29 Reservoir Road
Section 108.2; Block 9; Lots 12.200/12.300

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PUBLIC HEARING
LOT LINE REVISION

Town of Marlborough
Town Hall
1650 Route 9W
Milton, New York
May 5, 2014
7:30 p.m.

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND

BEN TRAPANI
MICHAEL LOGUE
JOEL TRUNCALI
FRANK RICCIARDONE, (Absent)
WALT FALKENBERG, (Absent)

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: KEVIN CASEY

Lisa M. Rosso,
Shorthand Reporter

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MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

1 KATELYN & WADE DAVIS

2 CHAIRMAN PORCO: If we could
3 all rise for the Pledge to the flag, please.

4 (Pledge of Allegiance)

5 MR. TRUNCALI: "Agenda, Town
6 of Marlborough Planning Board, May 5th,
7 2014. Regular meeting, 7:30 p.m. Approval
8 of stenographic minutes for 3/17 and 4/7.
9 Katelyn & Wade Davis, public hearing, lot
10 line revision; Copart Yard 24, public
11 hearing amended site plan; New Cingular
12 Wireless, public hearing, site plan;
13 Cerone/Truncali, extension two lot
14 subdivision."

15 CHAIRMAN PORCO: No deadline
16 or anything?

17 MR. TRUNCALI: Next deadline,
18 Friday, May 9th. Next scheduled meeting
19 Monday, May 19th.

20 CHAIRMAN PORCO: The minutes
21 from March 17th, we should have all had a
22 chance to review those. Any changes,
23 corrections, admissions deletions?

24 MR. TRAPANI: I have to
25 abstain. I was not there.

1 KATELYN & WADE DAVIS

2 CHAIRMAN PORCO: A motion to
3 approve?

4 MR. BRAND: I will make that
5 motion.

6 CHAIRMAN PORCO: Chris. And
7 the second?

8 MR. TRAPANI: I will second.

9 CHAIRMAN PORCO: Joel. And
10 we have one abstention, Ben. All of those
11 in favor, say aye?

12 MR. BRAND: Aye.

13 MR. LOGUE: Aye.

14 MR. TRUNCALI: Aye.

15 CHAIRMAN PORCO: Aye. Any
16 opposed?

17 (No response)

18 CHAIRMAN PORCO: Motion
19 carried.

20 The minutes from April 7th,
21 though some of you may not have had yet a
22 chance to review them, so we'll table that to
23 the next meeting.

24 Okay. First up is Katelyn &
25 Wade Davis, public hearing on a lot line

1 KATELYN & WADE DAVIS

2 revision.

3 MR. TRUNCALI: "Legal notice
4 lot line revision application. Please take
5 notice a public hearing will be held by the
6 Marlborough Planning Board pursuant to the
7 State Environmental Quality Review Act and
8 the Town of Marlborough Code, 134-33 on
9 Monday, May 5th, 2014 for the following
10 application: Davis, lot line revision, at
11 the Town Hall, 1650 Route 9W, Milton, New
12 York at 7:30 p.m., or as soon thereafter as
13 may be heard. The applicant is seeking
14 approval of a lot line revision for lands
15 located at 39 Reservoir Road, Marlborough
16 New York, Section 102; Block 9; Lot
17 12.2/12.3. Any interested parties either
18 for or against this proposal will have an
19 opportunity to be heard at this time.

20 Joseph Porco, Chairman, Town of Marlborough
21 Planning Board."

22 CHAIRMAN PORCO: If you would
23 just give your name to the stenographer.

24 MR. CASEY: Yes, Kevin Casey.

25 CHAIRMAN PORCO: And how many

1 KATELYN & WADE DAVIS

2 were sent out?

3 MR. CASEY: Sent six out, I
4 received six back.

5 CHAIRMAN PORCO: Okay. I
6 know this is just a lot line revision. I
7 don't know if there is anyone here that has
8 any questions on this particular
9 application.

10 MR. CASEY: The only thing
11 that the Planning Board required was to have
12 the section added. They just had the block
13 number and the lot the last time. I don't
14 know if it's a problem. They just got these
15 to me today. The stamped ones are on the
16 way. If you need stamped ones, they can be
17 here tomorrow, we can send them overnight.

18 MR. HINES: Yeah, we'll need
19 stamped ones for filing, but for tonight's
20 purposes, we're fine.

21 MR. CASEY: Okay.

22 MR. HINES: I mean, you could
23 almost send those back and have them stamp
24 those if you didn't want to reproduce --

25 MR. CASEY: No, we faxed

1 KATELYN & WADE DAVIS

2 these up to somebody this morning to hand
3 deliver them so. Do you need these or you
4 don't want them?

5 MR. HINES: I don't think so,
6 at this point.

7 CHAIRMAN PORCO: Pat, did you
8 have anything else?

9 MR. HINES: No. The only
10 comments we had were adding the section for
11 the section, block and lot. Otherwise, it's
12 just eliminating the lot line, creating one
13 larger lot for the two adjoining parcels.

14 It becomes a 4.3 acre lot out of 2.15 or so
15 acre lot. So we didn't have any existing
16 driveway or existing road access.

17 CHAIRMAN PORCO: All right.

21 (No response)

22 CHAIRMAN PORCO: If there is
23 none, we can have a motion to close the
24 public hearing.

25 MR. LOGUE: I will make a

1 KATELYN & WADE DAVIS

2 motion to close the public hearing.

3 CHAIRMAN PORCO: Mike.

4 MR. BRAND: Second.

5 CHAIRMAN PORCO: And Chris

6 seconds it. All in favor, say aye.

7 MR. TRUNCALI: Aye.

8 MR. TRAPANI: Aye.

9 MR. BRAND: Aye.

10 MR. LOGUE: Aye.

11 CHAIRMAN PORCO: Aye. It's

12 closed.

13 MR. HINES: The applicant has

14 submitted the new Short Environmental

15 Assessment Form based on the information

16 submitted and the review of the project. We
17 recommend a negative declaration.

18 CHAIRMAN PORCO: Can we have

19 a motion for a negative declaration on this
20 application?

21 MR. TRAPANI: I will make

22 that motion.

23 CHAIRMAN PORCO: Ben. And a

24 second?

25 MR. LOGUE: I will second

1 KATELYN & WADE DAVIS

2 that.

3 CHAIRMAN PORCO: Mike. All

4 of those in favor, say aye.

5 MR. TRUNCALI: Aye.

6 MR. TRAPANI: Aye.

7 MR. BRAND: Aye.

8 MR. LOGUE: Aye.

9 CHAIRMAN PORCO: Aye. Motion
10 carries. Unless there is any other comments
11 for the board, we can have a motion for a
12 lot line revision approval.

13 MR. LOGUE: I will make that
14 motion for a lot line revision approval.

15 CHAIRMAN PORCO: Mike.

16 MR. TRUNCALI: I will second.

17 CHAIRMAN PORCO: Joel. All
18 of those in favor, say aye.

19 MR. TRUNCALI: Aye.

20 MR. TRAPANI: Aye.

21 MR. BRAND: Aye.

22 MR. LOGUE: Aye.

23 CHAIRMAN PORCO: Aye. Are
24 there any opposed?

25 (No response)

1 KATELYN & WADE DAVIS

2 CHAIRMAN PORCO: Motion is
3 carried.

4 MR. CASEY: Thank you.

5 Ladies and gentlemen, what do you need from
6 me at this point? You need a mylar copy, I
7 believe.

8 MS. NATLAND: Two mylar, I
9 believe.

10 MR. CASEY: Two mylars and
11 how many stamped papers?

12 MS. NATLAND: Probably seven
13 or eight.

14 MR. HINES: Because you will
15 want some of those back once they're
16 stamped.

17 MS. NATLAND: That way you
18 will get some back.

19 MR. CASEY: Okay. I will
20 have them to you this week, I hope.

21 MS. NATLAND: Okay.

22 MR. CASEY: Thank you so
23 much.

24 CHAIRMAN PORCO: Thank you.

(Time noted: 7:35 p.m.)

STATE OF NEW YORK)

) SS

COUNTY OF ULMSTER)

I, Lisa M. Rosso, Notary Public within and
for the State of New York, do hereby certify:

That I reported the proceedings in the within
entitled matter, and that the within transcript is a
true record of said proceedings.

I further certify that I am not related to
any of the parties to the action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 12th day of May, 2013.

LISA M. ROSSO,
NOTARY PUBLIC

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

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In the Matter of

COPART YARD 24
Project No. 14-7006
Riverview Drive
Section 109.1; Block 2; Lot 5.113

-----x

PUBLIC HEARING

Town of Marlborough
Town Hall
1650 Route 9W
Milton, New York
May 5, 2014
7:35 p.m.

BOARD MEMBERS: JOSEPH PORCO, Chairman
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MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

1 COPART YARD 24

2 CHAIRMAN PORCO: Next is

3 Copart Yard 24, public hearing, amended site
4 plan.

5 MR. TRUNCALI: "Legal Notice,
6 amended site permit. Please take notice a
7 public hearing will be held by the
8 Marlborough Planning Board pursuant to the
9 Town of Marlborough Town Code, 155-32 on
10 Monday, May 5th, 2014 for the following
11 application: Copart Yard 24, Marlborough,
12 New York at the Town Hall, 1650 Route 9W,
13 Milton, New York at 7:30 p.m., or as soon
14 thereafter as may be heard. The applicant
15 is asking for an amendment to a commercial
16 site plan on lands located at Riverview
17 Drive, Marlborough, New York, Section 109.1;
18 Block 2; Lot 5.113. Any interested parties,
19 either for or against this proposal will
20 have an opportunity to be heard at this
21 time. Joseph Porco, Chairman, Town of
22 Marlborough Planning Board."

23 MR. BROWN: Seven mailed,
24 four delivered, two returned.

25 CHAIRMAN PORCO: Please give

1 COPART YARD 24

2 your name to the stenographer.

3 MR. BROWN: Charlie Brown.

4 The last meeting we -- actually, there
5 should be another sheet 1, that shows the
6 lighting for the plan. Unfortunately, I
7 submitted these drawings way early.

8 CHAIRMAN PORCO: Is that a
9 separate sheet?

10 MR. BROWN: They replace
11 sheet one. We widened up the one entrance
12 of 40 feet to accommodate -- I couldn't find
13 the turning radius for the car carriers.
14 They do turn tighter than a tractor trailer.
15 However, just to make sure that everything
16 worked, I took a 62-foot tractor trailer and
17 laid that on there, and that will fit
18 through the site now. The turning radius
19 for the carrier is better than that, so this
20 will definitely accommodate them. That is
21 shown up her (indicating).

22 Other than that, we also
23 paved the area that we had left as gravel for
24 the temporary parking of the car carriers
25 when they get their orders to compensate for

1 COPART YARD 24

2 that perviousness -- or imperviousness. We
3 added a infiltration trench to the drain line
4 that runs down the aisle between the parking,
5 that's shown on sheet two, the grading plan.

6 That is it for the major changes, and
7 hopefully, we're here for some approvals.

8 MR. HINES: And you updated
9 the landscaping too?

10 MR. BROWN: Landscaping,
11 right, thank you, Pat.

12 CHAIRMAN PORCO: Were there
13 some lighting also?

14 MR. BROWN: This shows the
15 building lighting, okay. It shows the
16 isolux lines coming around and we do make
17 the .1 at the back of the parking. This is
18 actually -- I'm amazed that the building
19 light will cover that area, but they do.

20 Again, it's not a shopping center, it's a
21 private facility, and it is acceptable with
22 my client. So none of it spills over the
23 property line, which again, is what the
24 board usually looks for.

25 CHAIRMAN PORCO: Is there any

1 COPART YARD 24

2 potential drawings?

3 MR. BROWN: Yes. There is a
4 half size there. I can show you the full
5 size on the board.

6 CHAIRMAN PORCO: Let me just
7 get the public hearing open. This is a
8 public hearing. If anyone has any questions
9 on this application, now would be the time
10 to address the board. Just give your name
11 to the stenographer.

12 MR. WOODWARD: William
13 Woodward. I'm the neighbor at 50 Riverview
14 Drive. I'm looking -- I didn't hear
15 everything that was presented and I'm just
16 looking at the site plan.

17 CHAIRMAN PORCO: Sure.

18 MR. WOODWARD: Is this area
19 going to be paved where the parking is?

20 MR. BROWN: Yes.

21 MR. WOODWARD: And then this
22 is going to be left gravel?

23 MR. BROWN: No, it's going to
24 be turned to lawn.

25 MR. WOODWARD: Oh, okay.

1 COPART YARD 24

2 Your transport carriers, okay, I take it,
3 correct me if I'm wrong, they're going to
4 come in this area here (indicating)?

5 MR. BROWN: Right.

6 MR. WOODWARD: Go out that
7 area here (indicating)?

8 MR. BROWN: Actually, they
9 could come either way. They could come in
10 the bottom and leave at the top, or come in
11 the top and leave at the bottom. They won't
12 be driving through the area where the
13 parking is shown. They're going to go
14 closer to the landscaping.

15 MR. HINES: There is a chart
16 up top showing the circulation.

17 MR. WOODWARD: Oh, I see.

18 MR. HINES: We had questioned
19 last time about that going through there,
20 which is why we asked -- so they widened the
21 driveway a little bit. And previously, they
22 were proposing to leave the area gravel, and
23 we thought for a dust-free surface and for
24 easier maintenance the entire area should be
25 paved so they've shown that now too.

1 COPART YARD 24

2 MR. WOODWARD: Very good.

3 Because that is what happened last time, two
4 years ago, we had a problem and the road got
5 chewed up, it was dirty and everything else.

6 Basically, this looks like a pretty decent
7 plan. I'm concerned with the parking of the
8 car carriers overnight.

9 MR. BROWN: They are not
10 going to be parked there overnight. They
11 are there to get their orders. In other
12 words, they deliver the cars at their
13 present facility down the hill, and they
14 will stop here at this office facility.

15 This building is just for an office to get
16 their orders, where they're going.

17 MR. WOODWARD: Right. So
18 actually, they will pull in, go in the
19 office, get their orders, drive out, go down
20 below, unload.

21 MR. HINES: Or load.

22 MR. WOODWARD: Or load,
23 right. Is there going to be any, what I
24 call, junk cars?

25 MR. HINES: We had them add a

1 COPART YARD 24

2 note to the plan restricting that. It was a
3 concern of the board's also. And there is a
4 note in the upper corner there that --

5 MR. BROWN: No
6 unregistered --

7 MR. HINES: Note: The office
8 shall personally -- no storage of
9 unregistered vehicles is permitted.

10 MR. WOODWARD: Okay. And I
11 see they've got nice landscaping.

12 MR. HINES: The landscaping
13 plans are consistent with the previous
14 approval. Although, the site plan is
15 smaller and reduced in size a little bit,
16 the landscaping is the same with a little
17 more -- some additional trees actually added
18 to the site, but the berm is there, that was
19 previously part of the plan, along the
20 turning radius there.

21 MR. WOODWARD: It's the first
22 time I've seen this so...

23 MR. BROWN: We had this
24 parcel approved for another applicant back
25 in '09, I think it was.

1 COPART YARD 24

2 MR. WOODWARD: Yeah, Brown, I
3 guess.

4 MR. BROWN: Douglas Brown,
5 right. And that was for 8,000 square-foot
6 office building, plus another 6,000 square-
7 foot of warehouse. So this -- we've
8 actually reduced the building coverage on
9 the site.

10 MR. WOODWARD: All right.

11 Any requirements for the landscaping, type
12 and size and height?

13 MR. HINES: Yup. There is a
14 chart on the -- next to the location map.

15 MR. WOODWARD: Does that show
16 height? I'm sorry.

17 MR. HINES: It's got the
18 caliber size of the trees, the two-inch
19 caliber.

20 MR. BROWN: Depending on the
21 space they specify the diameter of a
22 specific height, or the size of the roof,
23 which usually they do in gallons, but that
24 is on that table, I believe.

25 MR. HINES: The trees are

1 COPART YARD 24

2 two-inch caliber?

3 MR. WOODWARD: I may be
4 redundant in asking some of the questions --

5 MR. BROWN: It's quite all
6 right.

7 MR. WOODWARD: -- I don't
8 know the answers to. Hours of operations,
9 days of operation?

10 MR. BROWN: You want to take
11 that, Tom?

12 MR. HINES: We need your name
13 for the stenographer.

14 MR. SMITH: Tom Smith,
15 property manager for Copart. Hours of
16 operation are consistent with what we had
17 there.

18 MR. HAGEN: 7:00 to 6:00
19 Monday to Friday.

20 MR. WOODWARD: 7:00 in the
21 morning to 6:00 at night?

22 MR. HINES: Sir, we need your
23 name if you're going to speak.

24 MR. HAGEN: David Hagen,
25 Copart General Manager.

1 COPART YARD 24

2 MR. WOODWARD: The lighting,
3 I would be concerned with the lighting how
4 it would affect my house. I'm up here, I'm
5 this way here (indicating) and I have full
6 view of this site.

7 MR. BROWN: Unlike the
8 previous approval where we had pole mounted
9 lights here, there is only going to be two
10 floodlights on the building. There is only
11 two floodlights mounted on the building.
12 There will be some other building lighting
13 over the doorways and whatnot, but as far as
14 to light the parking lot, there is two
15 floodlights on the building, one here and
16 one over here (indicating).

17 MR. WOODWARD: What's the
18 height?

19 MR. BROWN: They're at 12
20 foot.

21 MR. WOODWARD: And what's the
22 type of lighting?

23 MR. BROWN: What did they
24 say? They don't do -- are they LED? I
25 would have to check that out.

1 COPART YARD 24

2 MR. WOODWARD: At 12 feet,

3 how far do you think they're going to carry?

4 MR. BROWN: That is what I

5 was getting to. See this .1 here, that is

6 as far as the light goes, and it doesn't go

7 beyond the entrance right here.

8 MR. WOODWARD: Okay. I'm

9 happy with the low level of lighting, but I

10 don't know if the low level of lighting is

11 going to be adequate for the needs of

12 driving a tractor trailer through the

13 outside, say, in the wintertime.

14 MR. BROWN: This is not

15 necessarily open to the public. So the

16 lighting is actually based upon the

17 direction that I took from my client's

18 representative. They don't feel that they

19 need a lot of lighting, especially where the

20 trucks are parked. So, again, the guys got

21 to park here, run and get his orders and

22 come back out, he better know where he

23 parked. I mean, he's only been out of the

24 truck for ten to 15 minutes. So that --

25 what was shown on the lighting is adequate

1 COPART YARD 24

2 based on my client's needs.

3 MR. WOODWARD: Jean, do you
4 have any questions, my wife?

5 MS. WOODWARD: No. So far it
6 sounds pretty good.

7 MR. WOODWARD: It's a lot
8 better than what we had a couple of years
9 ago.

10 Basically, gentlemen, I'm in
11 favor of this situation here. I think the
12 lands are tax based a little bit. I think
13 the lighting should go back to pole lights
14 with down lighting. It would cover the areas
15 of practicality, not just my concern. I
16 would like to see one way in, one way out, if
17 at all possible. I don't know how that works
18 with a day's operation. Coming up -- maybe
19 it's not a good idea because coming up with
20 loaded cars they would have to --

21 MR. HAGEN: They would jack
22 knife around to get in.

23 MR. WOODWARD: Yeah, I don't
24 think that would work. I think it would be
25 a good tax base for the community, other

1 COPART YARD 24

2 than the lighting. I think you should go
3 back to the pole lighting with down
4 lighting, something in the neighborhood of
5 25-30-foot poles. You would have to -- not
6 the cost. You would have to do your
7 lighting design. Septic system is adequate
8 in the area?

9 MR. BROWN: Yes. Actually,
10 the septic system has already been approved
11 by the County Health Department. We used
12 the same design that we had in the original
13 building, even though the flows are reduced
14 because of the reduction in size of the
15 building. In addition to that, since then,
16 the Health Department actually reduced the
17 design flow, so it's a conservative design
18 as it is reapproved.

19 MR. WOODWARD: He did base it
20 on a number of employees, I'm assuming.

21 MR. BROWN: It's generally
22 based upon an office building. It's based
23 upon square footage, it's 108 gallons per
24 square foot, and that is the form that's
25 been used for office buildings. That is a

1 COPART YARD 24

2 form that has been used for office buildings
3 as long as I have been in business, which is
4 over 20 years.

5 MR. WOODWARD: I used to
6 remember so many gallons per person.

7 MR. HINES: The square
8 footage calculation would be higher in this
9 case, so it is more conservative.

10 MR. WOODWARD: And the other
11 concern that I think, which I'm trying to
12 see here, is the drainage into the retainage
13 pond. I see you have some contours?

14 MR. BROWN: Actually, this
15 has no contours at all. Page two is the
16 grading plan, what we did is we graded a low
17 spot in the parking area where the aisles
18 for the cars meet. There is a catch basin
19 there, a catch basin there, this spot here
20 is perforated, and there will be
21 infiltration trench. And from there, it's
22 spliced into the same retention basin that
23 we had with the original approval. We're
24 also bringing roof drains into that
25 retention basin.

1 COPART YARD 24

2 MR. WOODWARD: Bottom of my
3 driveway looking at an elevation of 170.6.

4 MR. BROWN: Uh-huh.

5 MR. WOODWARD: And your rim
6 is 171.5 here?

7 MR. BROWN: Right. What
8 we're doing is, because we're bringing this
9 up to a high point of 172.2, and the
10 driveway here, and the same over here
11 (Indicating), so these are going to come up
12 and then roll back down so all of the
13 parking area will drain through those catch
14 basins.

15 MR. WOODWARD: Okay. No
16 consideration for the water for Riverview
17 Drive?

18 MR. BROWN: The water for
19 Riverview Drive is going to do what it's
20 been doing.

21 MR. WOODWARD: It's ponding
22 right through at this area now.

23 MR. BROWN: In front of where
24 the driveway is?

25 MR. WOODWARD: Yeah,

1 COPART YARD 24

2 basically right in front of your driveway
3 it's ponding.

4 MR. BROWN: Did you know
5 that, Pat?

6 MR. HINES: No. Which
7 driveway?

8 MR. BROWN: The original
9 driveway.

10 MR. HINES: The one closest
11 to 9W?

12 MR. BROWN: Yes.

13 MR. HINES: I'm not aware of
14 that.

15 MR. WOODWARD: The water kind
16 of lays there. It's ponding there two to
17 three inches at times, maybe that should be
18 addressed. I think it's just good
19 engineering to address that, rather than
20 have your trucks running in and out of
21 water.

22 MR. BROWN: It will show that
23 grading toward that swale. That swale is
24 very, very defined.

25 MR. HINES: Yeah, it is.

1 COPART YARD 24

2 When the town rebuilt the road, that swale
3 was --

4 MR. BROWN: So we'll make
5 sure we get that water into that swale that
6 comes around the corner there.

7 MR. WOODWARD: That would be
8 a good thing for all of the neighbors.

9 MR. BROWN: Not a problem.

10 MR. WOODWARD: Any fencing
11 involved or gates?

12 MR. BROWN: No. No, we did
13 add some guardrail -- guide rail down there
14 where the swale gets real deep to the corner
15 of our property. It's not gated.

16 MR. WOODWARD: I'd recommend
17 a gate on both entrances for weekend gating
18 for your own protection and security. I
19 mean, I've seen the trucks come up and park
20 anywhere they want now, and I know if
21 they're waiting for Monday, they're going to
22 pull in there and park. And I think it
23 would be wise for you to consider gates.

24 MR. SMITH: We can add gates
25 if we have to have gates. I don't have a

1 COPART YARD 24

2 problem with gates.

3 MR. BROWN: If they want to
4 add gates, does that have to go on the site
5 plan?

6 MR. HINES: It's not a
7 requirement of the town. It's more of an
8 operations and management thing for you.

9 MR. WOODWARD: Just to ensure
10 that the trucks that we have now parking on
11 the side of the road, because they can't go
12 down below for security reasons. And a lot
13 of drivers come on a Sunday and some come on
14 a Saturday, and they will park their cars
15 out front of his locked gates.

16 MR. HINES: Yeah, I knew that
17 was an issue in the past. I thought a lot
18 of that had been resolved with the
19 operations on the site.

20 MR. HAGEN: We don't get a
21 lot of guys, but we get some trailers come
22 in overnight, we have no control over that.

23 MR. WOODWARD: Over the
24 weekend there was three, fours cars --

25 MR. HAGEN: Like somebody

1 COPART YARD 24

2 needs to pick up a car on a Monday morning,
3 they park on the side of the driveway.

4 MR. WOODWARD: Over the
5 weekend there were three, four cars parked
6 outside your gate, just Saturday and Sunday.

7 MR. HAGEN: There was a
8 random guy that dropped them off.

9 CHAIRMAN PORCO: I would
10 think it would be better to get them in and
11 off the road and have them in the parking
12 lot rather than have them gate it off and
13 park in the road.

14 MR. HAGEN: Yeah, I would
15 rather have them in the parking lot as well.

16 CHAIRMAN PORCO: Just I think
17 having them in the road creates a hazard.

18 MR. WOODWARD: I think it
19 should be controlled, Joe, rather than
20 having them come weekdays, Saturdays and
21 Sundays, they should have some sort of basis
22 of control so they don't have to come in on
23 Saturdays or Sundays. Because they are
24 looking for a place to park, they do, and
25 you know, if you make something available,

1 COPART YARD 24

2 they're certainly going to use it, you know.

3 Use it, I hate to say to access. Because

4 it's easy for them to come up and bring a

5 load up on Sunday and go back and get

6 another load and do what they do. But I

7 think gating should be required from the

8 planning board just to prevent that --

9 prevent strangers from driving in and out.

10 Certainly a catch basin at a curve would

11 handle that ponding water.

12 MR. BROWN: Bill, isn't the

13 pond on the opposite side of the road

14 though? Not in front of the Copart --

15 MS. WOODWARD: I paid for

16 those curbs so we could control the water,

17 and what it does -- it is deeper on my side

18 of the road.

19 MR. BROWN: Side of the road.

20 MR. WOODWARD: But it does

21 take that whole area there, you will see

22 that when you drive. Especially in the

23 wintertime when the snow and ice back up

24 against the curbs, because I put the curbs

25 in for storm drainage control, and they

1 COPART YARD 24

2 don't save as much as I wanted them to do.

3 The trees, White Pines, aren't the very best

4 trees to put in, but they're adequate. I've

5 used them myself, but as long as they grow.

6 Is there a bond on the landscaping to make

7 sure the trees last two years?

8 MR. HINES: There is not, but

9 they're shown on the site plan, so it

10 becomes an enforcement issue. So there is

11 no bonding. Sometimes they require bonding

12 on the landscaping. We don't have those

13 provisions.

14 MR. WOODWARD: The town

15 should consider something like that, a

16 refundable two-year bond on landscaping. I

17 think it's a pretty acceptable plan, all

18 things considered. I think adding my

19 thoughts for whatever you think of them,

20 Joe, but I would like to see something done

21 with that ponding water. And you're right,

22 it is deeper on the south side of Riverview

23 Drive than it is on the north side of

24 Riverview Drive before you get into that

25 turn. And there was an error during the

1 COPART YARD 24

2 actual construction of Riverview Drive when

3 the pond was created, and then what do you

4 do with the water at that point, other than

5 put in another catch basin, some more pipe.

6 Because other than that, you're just chasing

7 the water somewhere else and moving that

8 pond, unless there is some way to control

9 it. Lighting, parking, drainage, storm

10 sewage, those are the big items, gentlemen.

11 Thank you for the opportunity to talk.

12 CHAIRMAN PORCO: Thank you.

13 Any other questions, comments from the

14 public concerning this application?

15 (No response)

16 CHAIRMAN PORCO: If there is

17 none, we can entertain a motion to close the

18 public hearing.

19 MR. LOGUE: I make a motion

20 to close the public hearing.

21 CHAIRMAN PORCO: Mike. And

22 the second?

23 MR. BRAND: I'll second that.

24 CHAIRMAN PORCO: Chris. All

25 of those in favor say aye.

1 COPART YARD 24

2 MR. BRAND: Aye.

3 MR. LOGUE: Aye.

4 MR. TRUNCALI: Aye.

5 CHAIRMAN PORCO: Aye. Any

6 opposed?

7 (No response)

8 CHAIRMAN PORCO: As far as

9 the --

10 MR. HINES: Yeah, the

11 applicant addressed --

12 CHAIRMAN PORCO: -- if the

13 applicant wants to add those to the plan.

14 MR. HINES: Yeah, I think we

15 can leave that to their -- they can evaluate

16 that. We don't have -- haven't heard back

17 from the County Planning yet, so you can't

18 make a determination at tonight's meeting.

19 I believe their meeting is actually

20 Wednesday. So after -- at the next meeting,

21 you will have heard from them, so they have

22 some time to consider those drainage

23 improvements, and whether or not they want

24 to gate this site as was discussed. Again,

25 I will leave that up to their operations.

1 COPART YARD 24

2 MR. BROWN: Okay. But I
3 mean, at this time we're not going to gate
4 the site. As far as lighting, I mean,
5 you're happy with the lighting the way it
6 is?

7 MR. SMITH: Yeah. I don't
8 like pole lighting because if they get run
9 into --

10 MR. WOODWARD: Right.

11 MR. SMITH: -- and they can
12 cause damage to the vehicles. We try to
13 stay away from pole lighting as a general
14 practice.

15 MR. BROWN: As far as the
16 ponding of the water, we are actually
17 intercepting water gets run that way rather
18 through our ponds, so the amount of runoff
19 to that spot, what he is referring to, is
20 going to be reduced. I, again, can add some
21 spot grade to the driveway to show that that
22 area is drained possibly towards that swale
23 that was installed when they redid Riverview
24 Drive, so I don't see that being a big deal.

25 MR. HINES: I'll take a look

1 COPART YARD 24

2 at it too between now and the next meeting.

3 MR. BROWN: If you want to
4 meet up, we can take care of --

5 MR. HINES: Maybe I'll do
6 that.

7 MR. BROWN: -- the County --
8 whatchamacallit -- also, and see where that
9 water goes, two birds with one stone.

10 MR. WOODWARD: One other
11 issue I forgot to bring up. The issue of
12 the garbage, the debris and garbage that has
13 been collected. It's thrown out on
14 Riverview Drive, it's collecting in a ditch.
15 I've taken it upon myself a few times to
16 clean up the garbage on Riverview Drive, and
17 Dave will testify that I left four to six
18 large garbage bags full of debris at his
19 gate on a Sunday, I think. And the truck
20 drivers, they're what they are. They will
21 throw their lunch bags and their garbage and
22 their cups out the window wherever they may,
23 and being that they're customers of Copart,
24 I think Copart should be responsible for
25 maintaining that area instead of myself.

1 COPART YARD 24

2 CHAIRMAN PORCO: Thank you.

3 MR. WOODWARD: Would somebody
4 like to address that?

5 MR. HINES: I think they
6 heard you.

7 MR. WOODWARD: No comment?

8 CHAIRMAN PORCO: I would
9 think that Copart would have an office
10 building up there, that they will probably
11 be more in tune to making sure that it's
12 kept neat.

13 MR. WOODWARD: You would
14 think so. Dave, is that something that you
15 can volunteer?

16 CHAIRMAN PORCO: Anything
17 else, Pat?

18 MR. HAGEN: That is something
19 that we can address on our level.

20 MR. WOODWARD: I would
21 appreciate that. Because it could be a
22 beautiful area, the building, I think it's
23 going to be masonry and steel?

24 MR. BROWN: It's a
25 prefabricated steel building.

1 COPART YARD 24

2 CHAIRMAN PORCO: Anything

3 else, Pat?

4 MR. HINES: No. Our comments
5 just address the fact that they answered our
6 previous comments, they added the truck
7 circulation there, the previously proposed
8 gravel parking area has been identified as
9 being paved. Guide rails have been added to
10 the easterly portion of the site, and that
11 the landscaping is consistent with the
12 previous approved plan, including the berm
13 and plantings along the town road right of
14 way at the radius of the turn there.

15 So all of our previous
16 comments have been addressed. I will take a
17 look at that drainage issue with the
18 applicant's representative in the field
19 between now and the next meeting and report
20 back to you.

21 CHAIRMAN PORCO: The only
22 other thing we have to consider is from the
23 Ulster County Planning?

24 MR. HINES: Yeah, because of
25 the timing of the Ulster County Planning

1 COPART YARD 24

2 meetings, you can't take any action without
3 their --

4 MR. BROWN: So we can't even
5 neg dec? We can't have preliminary?

6 MR. HINES: Yeah. I think in
7 two weeks you will have your finals.

8 MR. BROWN: Okay. Sounds
9 good. Thank you very much.

10 CHAIRMAN PORCO: Thank you.

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14 (Time noted: 8:01 p.m.)

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STATE OF NEW YORK)

) SS

COUNTY OF ULMSTER)

I, Lisa M. Rosso, Notary Public within and
for the State of New York, do hereby certify:

That I reported the proceedings in the within
entitled matter, and that the within transcript is a
true record of said proceedings.

I further certify that I am not related to
any of the parties to the action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 12th day of May, 2014.

LISA M. ROSSO,
NOTARY PUBLIC

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----x

In the Matter of

NEW CINGULAR WIRELESS
Project No. 14-7005
10 Ann Kaley Ln.

-----x

PUBLIC HEARING

Town of Marlborough
Town Hall
1650 Route 9W
Milton, New York
May 5, 2014
8:01 p.m.

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND

BEN TRAPANI
MICHAEL LOGUE
JOEL TRUNCALI
FRANK RICCIARDONE, (Absent)
WALT FALKENBERG, (Absent)

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: DON ROSS

Lisa M. Rosso,
Shorthand Reporter

-----x

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

1 NEW CINGULAR WIRELESS

2 CHAIRMAN PORCO: Next is, New
3 Cingular Wireless, and I believe the
4 applicant is going to be asking to extend
5 the public hearing to next month?

6 MR. ROSS: Yes, please.

7 CHAIRMAN PORCO: So we would
8 be postponing it to Monday, June 2nd. If
9 the board -- somebody wants to make a motion
10 for that -- adjourning it.

11 MR. BRAND: I will make that
12 motion.

13 CHAIRMAN PORCO: Chris. And
14 the second?

15 MR. TRAPANI: I will second.

16 CHAIRMAN PORCO: Ben. All of
17 those in favor say aye.

18 MR. BRAND: Aye.

19 MR. LOGUE: Aye.

20 MR. TRUNCALI: Aye.

21 CHAIRMAN PORCO: Aye. Any
22 opposed?

23 (No response)

24 CHAIRMAN PORCO: Good.

25 Motion is carried.

1 NEW CINGULAR WIRELESS

2 MR. ROSS: Thank you.

3 MR. BAKER: Is it possible to
4 ask a question.

5 CHAIRMAN PORCO: This is a
6 public hearing so you can ask your question.

7 MR. BAKER: I'm Howard Baker
8 from the town board. I sent you the
9 listings of all of the town properties.

10 MR. ROSS: That is right.

11 MR. BAKER: Are there any
12 questions while you are here?

13 MR. ROSS: I don't have any
14 questions yet.

15 MR. BAKER: Okay.

16 MR. ROSS: Mr. Baker did send
17 us a list on the 23rd of April, and you
18 know, the main reason we're asking for a
19 continuation of the hearing is that we're
20 continuing to evaluate the site. I just
21 don't have an answer yet.

22 CHAIRMAN PORCO: That is
23 fine.

24 MR. BRAND: How many
25 properties were on that list?

1 NEW CINGULAR WIRELESS

2 MR. ROSS: 25-ish.

3 MR. TRUNCALI: What about the
4 water tank that is right over the hill?

5 MR. BAKER: Water tank is one
6 of those properties. I think you looked at
7 that initially, if I'm not mistaken, but I
8 don't know for sure.

9 MR. BRAND: Can we get a copy
10 of that list as well?

11 MR. BAKER: Yes. I think --
12 I will forward it to you, Joe.

13 CHAIRMAN PORCO: Actually,
14 send it to Kathi, this way it's included in
15 the file.

16 MR. BAKER: Kathi, it came
17 from your office.

18 MS. NATLAND: Yeah, I have
19 the list.

20 CHAIRMAN PORCO: Just so it's
21 in the record.

22 MR. BAKER: Okay.

23 CHAIRMAN PORCO: Probably
24 shouldn't discuss it too much since this is
25 supposed to be a continuation of a public

1 NEW CINGULAR WIRELESS

2 hearing.

3 MR. BAKER: I understand. If
4 you need anymore information, whatever,
5 please let us know.

6 MR. ROSS: Absolutely, we'll
7 do. Thank you.

8 CHAIRMAN PORCO: All right.

9 Meeting is adjourned, thank you.

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11 (Time noted: 8:02 p.m.)

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STATE OF NEW YORK)

) SS

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LISA M. ROSSO,
NOTARY PUBLIC

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

-----x

In the Matter of

CERONE/TRUNCALI
Project No. 11-5005
Two Lot Subdivision

-----x

PUBLIC HEARING

Town of Marlborough
Town Hall
1650 Route 9W
Milton, New York
May 5, 2014
8:02 p.m.

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND

BEN TRAPANI
MICHAEL LOGUE
JOEL TRUNCALI
FRANK RICCIARDONE, (Absent)
WALT FALKENBERG, (Absent)

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

Lisa M. Rosso,
Shorthand Reporter

-----x

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018
CERONE/TRUNCALI

1 CHAIRMAN PORCO: And the last
2 one is Cerone/Truncali, extension on a two-
3 lot subdivision.

4 MR. TRUNCALI: I will be
5 recusing myself from this being I'm one of
6 the owners.

7 CHAIRMAN PORCO: Joe is
8 recusing himself. But they're requesting
9 for a three-month extension to the final
10 approval of the two-lot subdivision. Any
11 questions on that motion from the board to
12 grant the three-month extension?

13 MR. TRAPANI: I will make
14 that motion.

15 CHAIRMAN PORCO: Ben. And
16 the second?

17 MR. LOGUE: I will second it.
18 CHAIRMAN PORCO: Mike. All
19 of those in favor say aye.

20 MR. BRAND: Aye.

21 MR. LOGUE: Aye.

22 MR. TRUNCALI: Aye.

23 CHAIRMAN PORCO: Aye. Any
24 opposed?

25 CERONE/TRUNCALI

1 (No response)

2 CHAIRMAN PORCO: Motion is
3 carried.

4 MR. HINES: Do we want to put
5 the date in that motion?

6 CHAIRMAN PORCO: Yeah, what
7 would that be? You have the dates, Ron;
8 don't you?

9 MR. BLASS: Not with me. The
10 application has a date in it, the request?

11 MR. TRUNCALI: May 7th was
12 the expiration of the last extension.

13 MR. HINES: That would fall
14 on your July 7th meeting night. I don't
15 know if there is 31 days.

16 MR. BLASS: May to August.

17 MS. NATLAND: This is the
18 extension (handing).

19 MR. BLASS: So it would be
20 until August 7th.

21 CHAIRMAN PORCO: Okay.

22 Anything else to bring before the board?

23 (No response)

24 CHAIRMAN PORCO: Motion to
25 CERONE/TRUNCALI

1 adjourn then?

2 MR. BRAND: I will make that
3 motion, gladly.

4 CHAIRMAN PORCO: Chris.

5 MR. TRAPANI: I will second
6 it.

7 CHAIRMAN PORCO: Ben.

8 Everyone say aye.

9 MR. BRAND: Aye.

10 MR. LOGUE: Aye.

11 MR. TRUNCALI: Aye.

12 CHAIRMAN PORCO: Aye.

13 Meeting is closed. Thank you.

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17 (Time noted: 8:06 p.m.)

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) SS

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